

Bylaw No. 838- Amended

BEING a Bylaw of the Town of Carstairs in the Province of Alberta, the purpose of this Bylaw is to reduce the risk of fire due to various recreational and open burning practices.

BEING a Bylaw of the Town of Carstairs in the Province of Alberta, to Amend Bylaw No. 838.

WHEREAS Section 7. (a) of the Municipal Government Act, Chapter M-26 RSA 2001 as amended: A Council may pass bylaws for municipal purposes respecting the following matter of the safety, health and welfare of people and the protection of people and property;

NOW THEREFORE, the Council of the Town of Carstairs, in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw may be referred to as the **"Fire Pit Bylaw."**
2. In this Bylaw:
 - a. **"Authority having jurisdiction or Authority"** means:
 - i. The Fire Chief of the Carstairs Fire Department, Bylaw Officer, Peace Officer, or Policing Authority;
 - ii. Such other members of the Carstairs Department as the Fire Chief may appoint to enforce this bylaw.
 - b. **"Building waste"** means any scrap wood or other waste building materials produced in the process of constructing, altering or repairing a building;
 - c. **"Fire Chief"** shall mean the Chief Officer of the Fire Department who is appointed by the CAO to manage and administer the Fire Department or his/her designate.
 - d. **"Garden waste"** means shrubbery and tree prunings, weeds, grass trimmings, roots, tree stumps, turf and similar vegetation;
 - e. **"Hazard"** means a risk of fire or damage to property and/or person(s) which may be caused by the burning of any waste and includes any nuisance;
 - f. **"Municipal Tag"** A Peace Officer may issue and serve a municipal tag on any person the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:
 - i. Personally, serving the municipal tag on the person; or
 - ii. Mailing a copy of the municipal tag by pre-paid post to the address provided by a person on a permit application, or a person's last known postal address

A municipal tag shall be in a form approved by the Chief Administration Officer and shall state:

- The name of the person to whom the municipal tag is issued
 - The particulars of the contravention of the bylaw;
 - The specified penalty for the offence as set out in the Rates and Fees Bylaw;
 - That the specified penalty shall be paid in (30) days of the issuance of the municipal tag order to avoid prosecution; and
 - Any other information as may be required by the CAO.
- g. **"Nuisance"** means the causing of opaque or dense smoke by or from any fire permitted or allowed under this bylaw and permitting such smoke to be emitted into the atmosphere for a period in excess of six minutes in any one hour.
 - h. **"Peace Officer"** shall mean a Bylaw Officer who is appointed by the Town of Carstairs, a Peace Officer appointed by the Province of Alberta, a member of the Royal Canadian Mounted Police, a Safety Codes Officer in the Fire Discipline with authority within the Town of Carstairs. Or any other local policing authority.
 - i. **"Violation Ticket"** If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a Peace Officer may issue a violation ticket to the person to whom the municipal tag was issued.
 - i. A Peace Officer may, in the sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.

- ii. A Peace Officer is authorized to issue a violation ticket, to any person the peace officer believes, on reasonable and probable grounds, has committed an offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences and Procedure Act.
- iii. If a violation ticket is issued it must be in the prescribed form and must:
 - State the specified penalty for the offence as set out in the Rates and Fees Bylaw; or;
 - Require the person to appear in Provincial Court with or without the alternative of making a voluntary payment.
- j. **“Waste”** includes:
 - i. Any rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, rags, clothing, petroleum products, manure, human or animal excrement, sewage or the whole part of an animal carcass; or
 - ii. The whole or a part of any article, raw or processed material, vehicle or other machinery that is disposed of;
 - iii. Animal or vegetable matter, including materials resulting from the handling, preparation, cooking, consumption and storage of food;
 - iv. Building waste;
 - v. Garden waste;
 - vi. Anything that is designated as waste in the regulations under the *Environmental Protection & Enhancement Act (1992) S.A.*, Chapter E13.3.
- 3. Except when permitted under section 5.a, no person shall:
 - a. Burn, or suffer, allow or permit the burning of waste on any lands owned or occupied by such person; or
 - b. Burn any waste on any other land in the town.
- 4. A person who starts a fire, or who is in charge of a fire shall, upon demand, pay to the Town any and all costs incurred by the Town to extinguish such fire when, in the opinion of the Authority, the fire is a hazard to persons or to other properties.
- 5. Fire pits, Outdoor Fireplaces and Barbeques:
 - a. Any person may burn clean, dry, untreated wood or charcoal in a fire pit, outdoor fireplace and barbeque complying with section 6 for the purpose of cooking or obtaining warmth;
 - i. on property owned or occupied by such person; or
 - ii. at a location approved by the Authority upon lands to which members of the public have access.
 - b. Any person who burns any material in a fire pit, outdoor fire place, or barbeques shall:
 - i. remain in charge of or keep a competent person in charge of the fire;
 - ii. ensure that the fire does not:
 - create a risk of fire or damage to persons or property;
 - create a nuisance, which is offensive to any other person;
 - ensure that the fire is extinguished before supervision of the fire ends.
 - c. Fire pits and barbeque pits must meet the following requirements:
 - i. A minimum of three (3) meters (10 feet) clearance shall be maintained from buildings, property lines or any combustible material;
 - ii. Installations must have enclosed sides made from bricks, concrete blocks, heavy gauge metal or other suitable non-combustible components;
 - iii. A spark arrester mesh screen of ½ inch expanded metal (or equivalent) to contain sparks shall be provided over the fire.

- iv. The fire pit or barbeque pit height does not exceed 0.6 metres when measured from the surrounding grade to the top of the pit opening;
 - v. The fire pit or barbeque pit opening does not exceed one (1) metre in width or in diameter when measured between the widest points or interior edges.
- d. Outdoor fireplaces must meet the following requirements:
- i. A minimum of one (1) metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;
 - ii. The fireplace is constructed of materials, such as bricks or rocks, that are heat and flame resistant;
 - iii. The fireplace is equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the fire burning area;
 - iv. The fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
 - v. The base of the fire burning area is not less than .3 metres above the surrounding grade; and
 - vi. The fire chamber does not exceed 1.25 metres in width and is at least .4 metres but not more than .6 metres in depth.

6. Fines and Penalties

A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:

- a. not less than the specified penalty established in the Rates and Fees Bylaw;
- b. and not exceeding \$10,000.00.
- c. any Person who commits a second or subsequent offence under this Bylaw, within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out in the Rates and Fees Bylaw.

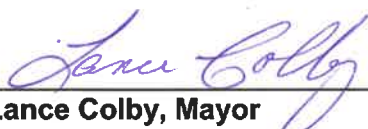
This Bylaw shall come into effect on the date of the final passing thereof.

READ A FIRST TIME THIS 23RD DAY OF SEPTEMBER A.D., 2024


READ A SECOND TIME THIS 23RD DAY OF SEPTEMBER A.D., 2024

UNANIMOUS CONSENT GIVEN TO PRESENT FOR THIRD READING ON THIS 23RD DAY OF SEPTEMBER A.D., 2024

READ A THIRD AND FINAL TIME THIS 23RD DAY OF SEPTEMBER A.D., 2024



Lance Colby, Mayor



Rick Blair, CAO