

SUMMER VILLAGE OF GRANDVIEW

BYLAW NO. 297

A BYLAW OF THE SUMMER VILLAGE OF GRANDVIEW, IN THE PROVINCE OF ALBERTA, AUTHORIZING THE PREVENTION AND CONTROL OF FIRES AND TO BE KNOWN AS THE FIRE CONTROL BYLAW.

WHEREAS, Sections 7 and 8 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, provide that Council for the Summer Village of Grandview may pass bylaws for the prevention or extinguishing of fires, the preservation of life and property, the protection of persons from injury or destruction by fire; and

WHEREAS, Council for the Summer Village of Grandview, pursuant to the powers granted under the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, wishes to provide for the prevention, regulation, and control of the lighting of fires within the Summer Village of Grandview.

NOW THEREFORE, Council for the Summer Village of Grandview, duly assembled, hereby enacts as follows:

SECTION 1: NAME OF BYLAW

1.1 This Bylaw may be cited as “the Fire Control Bylaw.”

SECTION 2: DEFINITIONS

2.1 In this Bylaw:

Council means the Council for the Summer Village of Grandview.

Designate means the Chief Administrative Officer, Mayor, or Fire Chief as appointed by Summer Village Bylaw.

Fire Ban means an order by the Designate of the Summer Village may, at his/her discretion, prohibit the lighting or require the extinguishment of a fire, indoor or outdoor.

Incinerator Fire means a fire that is confined within a non-combustible structure, container, or barrel with openings covered by a heavy gauge metal screen and is used for the purpose of burning unwanted materials.

Indoor Fire means a fire contained in a wood-burning stove or fireplace.

Outdoor Fire means any fire other than that defined as an Incinerator Fire or Structure Fire or any fire that has escaped or spread from a building, structure, machine, vehicle, or incinerator. An Incinerator Fire without the required metal screen shall be deemed to be an Outdoor Fire.

Peace Officer means a member of the RCMP, a Bylaw Enforcement Officer, or a Special Constable.

Person means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society, and any other legal entity.

Structure Fire means a fire confined to and within any building, structure, machine, or vehicle, which will or is likely to cause the destruction of or damage to such building, structure, machine, or vehicle.

Summer Village means the Summer Village of Grandview.

Violation Ticket means a form approved by the Summer Village or a form prescribed by the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34.

SECTION 3: POWERS

- 3.1 Where an emergency or a potential emergency exists, the Designate of the Summer Village, shall be empowered to declare a Fire Ban, which prohibits any or all of: Incinerator Fires, Indoor Fires, Outdoor Fires, Structure Fires, or any outdoor camping fire lit for cooking or warming purposes within all or a portion or portions of the Summer Village for such a period of time and on such conditions as may be determined by the Designate.

SECTION 4: OFFENCES

- 4.1 No person shall, either directly or indirectly, personally or through an agent, servant, or employee, light a Structure Fire within the Summer Village.
- 4.2 During a Fire Ban, no person shall light any fire prohibited under Section 3.1.
- 4.3 No person shall, either directly or indirectly, personally, or through an agent, servant, or employee, ignite a fire and let it pass from his/her own property to the property of another within the Summer Village.
- 4.4 No person shall burn or direct any other person to burn within the Summer Village waste materials including but not limited to household garbage, construction waste, leaves, branches, and garden waste. Clean, dry wood is allowed.
- 4.5 No person shall allow fire under his or her supervision to give off sparks, dense smoke, or offensive odour in a manner which creates a risk to property or public safety or which creates a nuisance to any person(s) within the Village.
- 4.6 No person shall obstruct a Peace Officer, Bylaw Officer or member of the Fire Chief's Office in the performance of his or her duties pursuant to this Bylaw. Obstruction includes failure to provide access to property and failure to provide information as to the identity of individuals.

- 4.7 No person shall light an Outdoor Fire or an Incinerator Fire within the Summer Village without first taking sufficient precautions to ensure that the fire can be kept under control at all times. Required precautions include but are not limited to the following:
- a) Any Outdoor Fire shall be located a minimum of four metres away from any buildings and from any combustible material and 3 metres from any property line other than the lakeside property line.
 - b) Any outdoor fire shall be kept under one metre in height and one metre in width.
 - c) A reliable means of extinguishing the fire shall be kept on hand at all times while the fire is burning.
 - d) A competent person shall remain in charge of the fire at all times while it is burning and until it is fully extinguished, leaving only cold ashes.

SECTION 5: PENALTIES

- 5.1 Any person, who fails to comply with any provision contained in this Bylaw is guilty of an offence and is liable to a fine or fines as follows:
- a) First offence: a fine of not more than one hundred dollars (\$100).
 - b) Second offence: a fine of not more than two hundred and fifty dollars (\$250).
 - c) Third offence: a fine of not more than five hundred dollars (\$500).
 - d) Fourth offence and offences in excess of four: the fine will be at the discretion of a Provincial Court Justice.
- 5.2 A Peace Officer authorized to enforce this Bylaw under Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 and who has reasonable and probable grounds to believe that a person has contravened any section of this Bylaw may under the authority of this Bylaw issue a Municipal tag, and where this tag is not paid by the offender, a Part 2 violation ticket may be issued under the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34, to that person.
- 5.3 Where any action has been taken whatsoever by the Summer Village for the purpose of responding to a fire call, suppression activities, and/or extinguishing a fire or for the purpose of preserving life or property from injury or destruction by fire, the Summer Village may, in respect of any costs incurred in such action, charge such costs so incurred to the person who caused the fire or to the owner or occupant of the land in respect of which the action was taken.

- 5.4 In respect of any costs or fines levied or charged under this Bylaw:
- a) The Summer Village may recover such costs or fines due and owing to the Summer Village pursuant to Section 552 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26; and
 - b) in default of payment, where permitted by Section 553 of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26, add the amounts due to the tax roll of the land parcel.

SECTION 6: SEVERABILITY

- 6.1 Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw, and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

SECTION 7: REPEAL OF BYLAW

As of the effective date of this Bylaw, Bylaw #209 is hereby repealed.

SECTION 8: EFFECTIVE DATE

- 8.1 This bylaw shall come into effect upon the date of third and final reading.

Read a first time this 4th day of July, 2014
Read a second time this 14th day of August, 2014
Read a third time this 19th day of September, 2014

Don Davidson, Mayor
Summer Village of Grandview

Sylvia Roy, Chief Administrative Officer
Summer Village of Grandview

