

SUMMER VILLAGE OF POPLAR BAY

BYLAW NO. 248

A BYLAW OF THE SUMMER VILLAGE OF POPLAR BAY, IN THE PROVINCE OF ALBERTA, AUTHORIZING THE PREVENTION AND CONTROL OF FIRES AND TO BE KNOWN AS THE FIRE CONTROL & FIREWORKS 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 Poplar Bay 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 Poplar Bay, 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 and use of fireworks within the Summer Village of Poplar Bay.

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

SECTION 1: NAME OF BYLAW

1.1 This Bylaw may be cited as "the Fire Control & Fireworks Bylaw."

SECTION 2: DEFINITIONS

2.1 In this Bylaw:

Alberta Fire Code means The Alberta Fire Code 1997 (2014), as amended.

Council means the Council for the Summer Village of Poplar Bay.

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

Fire means any flammable or combustible material in a state of combustion.

Fireworks means the fireworks listed in the Alberta Fire Code and the Explosives Act (R.S.C. 1985, cE-17), and includes firecrackers.

Fireworks Permit means a permit issued by the Summer Village to have in possession and discharge Fireworks with the Summer Village.

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, including the ignition of Fireworks.

Fire Department means the Fire Department authorized by Council and/or any other Fire or emergency service organization providing Fire Protection Services to the Summer Village, whether pursuant to the terms of an aid agreement or on an ad hoc basis.

Fire Hazard means any condition, circumstance or event wherein the possibility of Fire is increased

Illegal Fire means any Fire which is in contravention of this bylaw.

Indoor Fire means any Fire contained in an indoor wood-burning stove or fireplace.

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

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

Permissible Outdoor Fire means a Fire confined within a non-combustible structure or container which is lit for the purpose of cooking, obtaining warmth or viewing pleasure and is fueled solely by dry wood, charcoal, natural gas or propane.

Responsible Person is one who is 18 years of age or older and is able to act without guidance or supervision because he or she is accountable and answerable for his or her behavior.

Summer Village means the Summer Village of Poplar Bay.

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

- 3.1.1 Where an emergency or a potential emergency exists, the Designate of the Summer Village shall be empowered to declare a Fire Ban, which prohibits all Fires 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. When a Fire Ban is in place, no person shall set off any Fireworks.
- 3.1.2 During a fire ban, portable propane fire pits, gas or propane stoves, barbeques designed for cooking or heating and Indoor Fires are allowed.
- 3.2 Fire Department personnel have the authority to investigate fires and order compliance to this Bylaw.
- 3.3 Where a Fire Hazard is discovered, the Designate of the Summer Village may order the Person in control of the land on which the Fire Hazard exists to reduce

or remove the Fire Hazard within a fixed time and in a manner prescribed by the Summer Village.

- 3.4 If an order made pursuant to Section 3.3 has not been carried out with the time prescribed, the Designate of the Summer Village may enter onto the land with any equipment and any person considered necessary and may perform the work required to eliminate or reduce the Fire Hazard.
- 3.5 The owner or occupant of the land on which work was performed pursuant to Section 3.4 shall, be responsible for the cost of the work required to eliminate or reduce the Fire Hazard. Default of payment of such cost will be charged against the land as taxes due and owing in respect of that land.

SECTION 4: OFFENCES

- 4.1 No person shall, either directly or indirectly, personally or through an agent, servant, or employee light any outdoor Fire other than a Permissible Outdoor Fire within the Summer Village. All other outdoor Fires are Illegal Fires.
- 4.2 During a Fire Ban, no person shall light any outdoor Fire or engage in any activity prohibited under Section 3.1.1.
- 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 or charcoal 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. White smoke only is allowed.
- 4.6 No person shall obstruct a Peace Officer, Bylaw Officer or member of the Fire Department'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 a 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) A Permissible Outdoor Fire shall be located a minimum of four meters away from any buildings and from any combustible material and three meters from any property line other than the lakeside property line.

- b) A Permissible Outdoor Fire shall be kept under one meter in height and one meter 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 Responsible 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.
- 4.8 No person shall discharge, fire or set off Fireworks or any other pyrotechnic device within the boundaries of the Summer Village unless in possession of a Fireworks Permit for that purpose issued by the Designate of the Summer Village. A Person who has been issued a Fireworks Permit shall:
- i. Comply with all conditions outlined in the Fireworks Permit.
 - ii. Keep the Fireworks Permit at the site of the discharge for presentation to a Peace Officer, Bylaw Officer or member of the Fire Department upon request.
 - iii. Ensure a Responsible Person is in attendance at the Fireworks at all times.
- a. Fireworks Permits are automatically cancelled when a Fire Ban is in force.
 - b. Fireworks Permits issued under this Bylaw are not transferable.
 - c. Fireworks shall be handled, stored and discharged in compliance with the Alberta Fire Code.
- 4.9 The Person who owns of any Summer Village property damaged by Fire shall, either personally or by agent, immediately report the particulars of the Fire to the Fire Department.

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). The fine is two hundred dollars (\$200) if the offence occurs during a Fire Ban.
 - b) Second offence: a fine of not more than two hundred and fifty dollars (\$250). The fine is five hundred dollars (\$500) if the offence occurs during a Fire Ban.
 - c) Third offence: a fine of not more than five hundred dollars (\$500). The fine is one thousand dollars (\$1000) if the offence occurs during a Fire Ban.

- 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 #172 is hereby repealed.

SECTION 8: EFFECTIVE DATE

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

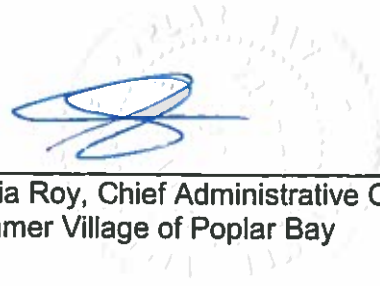
Read a first time this 24th day of March, 2017

Read a second time this 28th day of April, 2017

Read a third time this 28th day of April, 2017



Deb McDaniel, Mayor
Summer Village of Poplar Bay



Sylvia Roy, Chief Administrative Officer
Summer Village of Poplar Bay