

## TOWN OF LEGAL

### BYLAW #02-2009

**WHEREAS** the Municipal Government Act, R.S.A. 2000, c. M-26, Part 2, Sections 7 - 13 provides that a Council of a municipality may pass bylaws for the prevention or extinguishing of fires, the preservation of life and property and the protection of persons from injury or destruction by fire;

**NOW THEREFORE**, the Council of the Town of Legal of the Province of Alberta, duly assembled enacts as follows;

#### **1. In this By-law;**

*a) “Acceptable Fire”* means that every Person who builds; ignites or allows a fire in an Acceptable Fire Pit must ensure that:

- i. a means of extinguishing the fire is kept on hand at all times while the fire is burning;
- ii. the flames from the fire do not exceed 1 metre in height at any time;
- iii. the fire is not left unsupervised at any time; and
- iv. the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire

*b) “Acceptable Fire Pit”* means an outdoor receptacle that meets the following specifications:

- i. Measured from the nearest edge, must be a minimum of 4 meters (13.1 feet) from any part of a residence including any overhang.
- ii. Measured from the nearest edge, must be a minimum of three meters (9.84 feet) from any property line, out buildings, overhead power lines, or combustible materials such as fences, trees, etc.
- iii. The Fire Pit must not be located directly under any tree or overhanging branches
- iv. The opening shall be no greater than 0.8 meters (32 inches) in width as measured across its widest part.
- v. Shall have a depth of no less than 0.3 meters (12 inches).

- vi. Shall be constructed of non-combustible sides and base and made in such a way as to limit the spread of heat and flames to the sides.
  - vii. In operation, shall have a spark arrester screen on it with maximum openings of 1.27 cm (1/2 inch).
  - viii. If there is no place on a property where a fire pit may be located using the above distances, a variance of the above clearances may be applied for. If, in the opinion of the Fire Chief or his designate, such safe guards and precautions are in place, and that the fire pit will be used safely, a variance may be granted with the person or persons obtaining the variance assuming all liability regarding the use of the pit.
- c) **“Director of Disaster Services”** means the person appointed by the Town to that position and includes any person appointed by the Director of Disaster Services to act as such Director’s delegate for the purposes of this Bylaw.
- d) **“Fire Chief”** means the person who performs the duties and responsibilities of the Fire Chief, or his delegate, for the Town of Legal. If, in the opinion of a Peace Officer, or in the sole opinion of a member of the Fire Department, a fire poses a danger or does not comply with the requirements of this Bylaw, a member of the Fire Department may extinguish the fire and take any other steps that member of the Fire Department deems necessary to ensure that the fire and site of the fire no longer pose a danger.
- e) **“Fire Department”** means the Legal Fire Department
- f) **“Open Air Fire”** means any fire that is not contained within a fire pit or stationary barbeque.
- g) **“Peace Officer”** means:
- i. A member of the Royal Canadian Mounted Police;
  - ii. A Bylaw Officer as appointed by the Town to enforce bylaws of the Town; or
  - iii. A Special Constable as appointed by the Solicitor General of Alberta to enforce the bylaws of the Town of Legal
- h) **“Prohibited Debris”** means any inflammable waste that, when burned, may result in the release to the atmosphere, dense smoke, offensive odours or toxic substances as defined in any applicable statutes and bylaws including but not limited to:
- i. animal cadavers;
  - ii. animal manure;

- iii. pathological waste;
- iv. non-wooden material;
- v. combustible material in automobiles;
- vi. combustible material in automobile bodies;
- vii. tires;
- viii. rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
- ix. used oil;
- x. wood or wood products containing substances for the purpose of preserving wood; and,
- xi. Household refuse.

i) **“Town”** means the Town of Legal

j) **“Violation Ticket”** means a violation ticket as defined in Alberta Regulation 233/89, as amended, being the Violation Ticket Regulation under the Provincial Offences Procedure Act R.S.A. 2000.

## **2. Open Air Fires**

2.1 No person is permitted an open air fire, or any other fire, upon land owned, occupied or under his or her control within the town, unless the provisions outlined in this bylaw are complied with, and burnable debris is burned.

## **3. Fire Bans**

3.1 The Fire Chief, Director of Disaster Services or their delegates may enact a Fire Ban within the Town at their discretion.

3.2 No person shall start a fire at any place within the corporate limits of Town at any time while a Fire Ban is in place.

## **4. Fireworks**

4.1 No person shall purchase, possess, handle, discharge, fire or set off fireworks within the Town of Legal unless he/she holds a letter of permission signed by the Fire Chief of the

Legal Fire Department. Letters of permission will only be issued for the discharge of professional fireworks and discharged by professional pyrotechnicians as accredited by Natural Resources Canada in accordance and pursuant to the Alberta Fire Code.

### **3. Cost Recovery**

3.1 Where the Legal Fire Department has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call, false alarm or incident for the purpose of preserving life or property from injury or destruction by fire or other incident on land, the Fire Chief or his designate may, in respect of any costs incurred in taking such action, charge any cost so incurred to the person who caused the fire, or to the owner or occupier of the land in respect of which the action was taken, pursuant to this Bylaw.

3.2 The costs to be charged by the Legal Fire Department for services rendered pursuant to this Bylaw are attached to and form part of this Bylaw as Schedule “A”

### **5. Penalties & Enforcement**

5.1 A person who contravenes any provision of this bylaw is guilty of an offense and, upon issuance of a violation ticket, shall pay a fine as described on “Schedule B”.

5.2 Where a person fails to follow the provisions of the bylaw and a fire beyond the control of the person or other emergency results, then such person shall be liable to pay all costs of all emergency response service incurred the Emergency Response Departments, and the Town shall be able to recover from such person all such costs as a debt owing to the municipality.

5.3 In respect of any penalties or fees levied or charged under this Bylaw:

- i. The Town may recover such costs or fees as a debt due and owing to the Town; and
- ii. In default of payment, where permitted by the Municipal Government Act, add the amounts to the tax roll of a parcel of land.

Read a first time this 19<sup>th</sup> day of May 2009

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Mayor

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Chief Administrative Officer

Read a second time this 19<sup>th</sup> day of May 2009

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Mayor

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Chief Administrative Officer

Read a final time this 1<sup>st</sup> day of June 2009

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Mayor

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Chief Administrative Officer

**SCHEDULE A**  
**COST RECOVERY**

The Fire Department may charge:

1. \$400.00 per hour per unit dispatched; and
2. The cost of replacement of equipment and/or materials used, lost or damaged as a result of the response.

## SCHEDULE B

### PENALTIES

SECTION	OFFENSE DESCRIPTION	PENALTIES
<b>1</b>	<b>Unacceptable Fire Pit</b>	
	1 <sup>st</sup> offense	\$75.00
	2 <sup>nd</sup> and subsequent offense	\$150.00
<b>1</b>	<b>Non-supervision of fire</b>	
	1st offense	\$100.00
	2 <sup>nd</sup> and subsequent offense	\$250.00 + recovery costs as per schedule A
<b>1</b>	<b>Creating a risk, nuisance or not extinguishing fire</b>	
	1 <sup>st</sup> offense	\$100.00
	2 <sup>nd</sup> and subsequent offense	\$250.00 +recovery costs as per Schedule A
<b>2</b>	<b>Open air fire</b>	
	1 <sup>st</sup> offense	\$100.00
	2 <sup>nd</sup> and subsequent offense	\$250.00 + recovery costs as per schedule A
<b>3</b>	<b>Fire during a Fire Ban</b>	
	1 <sup>st</sup> offense	\$200.00
	2 <sup>nd</sup> and subsequent offense	\$350.00 + recovery costs as per schedule A
<b>4</b>	<b>Purchase, possess , handle, discharge, fire or set off fireworks</b>	
	1 <sup>st</sup> offense	\$100.00
	2 <sup>nd</sup> and subsequent offenses	\$250.00