

**BYLAW NO. 1347/2003
TOWN OF REDCLIFF**

A BY-LAW OF THE TOWN OF REDCLIFF TO REGULATE OPEN AIR FIRES OR BURNING IN THE TOWN OF REDCLIFF.

WHEREAS, the Council of the Town of Redcliff, in the Province of Alberta, deems it proper and expedient to pass a Bylaw regulating open burning in the Town.

AND WHEREAS, by virtue of the power conferred upon it by the Municipal Government Act (R.S.A. 1994, c. M-26.1 and amendments thereto), the Council of the Town of Redcliff, in the Province of Alberta, enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as "**The Burning Bylaw**".

DEFINITIONS

2. In this Bylaw:

- (a) "**Acceptable Fire Pit**" means an outdoor receptacle that meets the following specifications:

- (i) a minimum of 3 metres clearance, measured from the nearest fire pit edge, is maintained from property lines, buildings, or other combustible material;
- (ii) the fire pit is not to be placed or constructed over a gas line or under a electrical line
- (iii) the fire pit height does not exceed .6 metres when measured from the surrounding grade to the top of the pit opening;
- (iv) the fire pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges;
- (v) the fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials; and,
- (vi) a spark arrestor mesh screen with openings no larger than 1.25 cm and constructed of expanded metal (or equivalent non-combustible material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.

- (b) "**Acceptable Fireplace**" means an outdoor receptacle that meets the following specifications:

- (i) a minimum of 1 metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;

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- (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.
- (c) **"Bylaw Enforcement Officer"** means any Police Officer, Special Constable or Bylaw Enforcement Officer of the Town of Redcliff.
 - (d) **"Fire Chief"** means the member appointed as head of the Fire Department.
 - (e) **"Fire Department"** means the Town of Redcliff Fire Department.
 - (f) **"Portable Barbecuing Appliance"** means any appliance sold or constructed for the purpose of cooking food outdoors, normally fueled by liquefied petroleum gas (LPG), natural gas, compressed briquettes or charcoal.
 - (g) **"Town"** means the Municipal Corporation of the Town of Redcliff in the Province of Alberta.

OPEN AIR FIRES PROHIBITED

- 3. No person shall cause, permit or allow an open air fire or any other type of fire to burn upon land owned, occupied, or under his or her control within the **Town**, unless such fire or burning is authorized or permitted pursuant to paragraph 4.
- 4. A person shall be authorized or permitted to burn or have an open air fire as follows:
 - (a) the cooking of food using a **Portable Barbecuing Appliance**;
 - (b) recreational burning or the cooking of food in **Acceptable Fire Pits** or **Acceptable Fireplaces** provided:
 - (i) only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the fire pit or fireplace below the mesh screen;
 - (ii) a means of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs;

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- (iii) a responsible adult is present on the property when the fire is burning; and
- (iv) the burning is conducted in a safe manner.
- (c) burning in Town owned campgrounds and parks where fireplaces, stoves and fire pits are provided by or approved by the Town;
- (d) burning by the Fire Department for the purpose of fire prevention or training its members.

OFFENCES AND PENALTIES

5. Any person who contravenes any provision of this Bylaw is guilty of an offense punishable on summary conviction.
6. A person who is guilty of an offense under this Bylaw is liable to pay a fine of not less than the amount of \$250.00 and not more than \$2,000.00 or, in default of payment, to imprisonment for a period of not more than six (6) months or the case of a corporation, distress.
7. Where a **Bylaw Enforcement Officer** believes on reasonable and probable grounds that an offense has taken place consisting of a breach or contravention of this Bylaw, he may commence proceedings by issuing either a summons/violation ticket (Part 2) or an offense notice/violation ticket (Part 3) in accordance with the provisions of the *Provincial Offences Procedure Act* of Alberta as amended.
8. If any provision of the Bylaw provides for an exception or an exemption, the onus or burden of establishing the exception or exemption in any Court proceedings shall be on the person charged with the offence under the Bylaw.
9. If a summons or offence notice under Part 2 or Part 3 of the *Provincial Offences Procedure Act*, is issued in respect of an alleged contravention of a provision of this Bylaw, the summons or offence notice may provide for a specified penalty. The specified penalties shall be the minimum amount prescribed in paragraph 6 of this Bylaw.

GENERAL

10. A **Bylaw Enforcement Officer** or any other person authorized by this Bylaw to do so, may enforce the provisions of this Bylaw without the **Bylaw Enforcement Officer**, the person authorized or the **Town** incurring any civil liability for doing so.
11. Each separate provision of this Bylaw shall be deemed to be independent of all other provisions and if any provision of this Bylaw is deemed or declared to be invalid all other provisions shall remain valid and enforceable.

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REPEAL

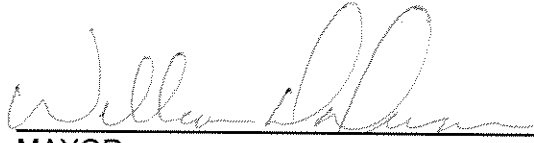
12. Bylaw No. 1105/97 is repealed with the coming into force of this Bylaw.

Read a first time this 21st day of July, 2003.

Read a second time this 18 day of August, 2003.

Read a third time this 18 day of August, 2003.

Signed and passed this 20 day of August, 2003.



MAYOR



MUNICIPAL SECRETARY