

FIRE PERMIT BYLAW 1424

A BY-LAW OF LETHBRIDGE COUNTY IN THE PROVINCE OF ALBERTA AUTHORIZING THE PREVENTION AND CONTROL OF FIRES

WHEREAS Sections 7 and 8 of the Municipal Government Act R.S.A. 2000, chapter M-26 provide that Council may pass bylaws for the prevention or the extinguishing of fires, the preservation of life and property, the protection of persons from injury or destruction by fire and provides the Municipality authority to establish a system of licenses, permits or approvals within Lethbridge County; and

WHEREAS the Forest and Prairie Protection Act R.S.A. 2000 F-19 grants certain additional powers to Lethbridge County and pursuant to Sec.75(1) of the Municipal Government Act (supra) Council can pass bylaws for the prevention of prairie or running fires and for the enforcement of the provisions of the Forest and Prairie Protection Act (supra); and

WHEREAS the Soil Conservation Act R.S.A. 2000, chapter S-15 provides that the Council of Lethbridge County is responsible for enforcing the provisions of that legislation regarding soil loss or degradation within Lethbridge County, and

WHEREAS the Council of Lethbridge County pursuant to the powers granted to it under the Municipal Government Act (supra) and the Forest and Prairie Protection Act (supra) wishes to provide for the prevention, regulation and control of the lighting of fires within Lethbridge County;

NOW THEREFORE the Council of Lethbridge County in Council duly assembled hereby enacts as follows:

SECTION 1 - DEFINITIONS

1.1 In this Bylaw:

- (a) "Acceptable Fire Pit" means an outdoor receptacle that meets the following specifications:
- i) the Fire Pit shall be constructed of bricks or concrete blocks, or heavy gauge metal, or other suitable non-combustible components;
 - ii) the maximum external dimension of the Fire Pit shall not be greater than 1 meter (3.28 feet);
 - iii) the Fire Pit height does not exceed .6 meters (2 feet) when measured from the surrounding grade to the top of the pit opening;
 - iv) a Fire Pit shall not be located closer than 5 meters (16.5 feet) from a Property line and from any combustible material, including, but not limited to, buildings, structures, fences, patio decks and foliage as measured from the nearest Fire Pit edge;
 - v) a Fire Pit shall be surrounded by a fire guard constructed of non combustible material extending not less than 2 meters (6.5 feet) in all directions from the fire pit;
 - vi) a Fire Pit shall not be located less than 0.6 meters (2 feet) laterally from an underground utility line;
 - vii) only wood, charcoal briquettes, propane or natural gas fuels are used;
 - viii) flame height does not exceed 1 meter (3.28 feet) above the Fire Pit;
 - ix) in all cases, the fires in Fire Pits shall be supervised at all times by a responsible adult person with adequate means to extinguish the fire until such time that fire has been extinguished. A fire shall be

deemed to include hot ashes and smoldering embers resulting from the fire;

- (b) "Acceptable Fireplace" means an outdoor receptacle that meets the following specifications:
- i) a minimum of 1 meter (3.28 feet) 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 meters (8.25 feet) 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 meters (1 foot) above the surrounding grade; and,
 - vi) the fire chamber does not exceed 1.25 meters (4 feet) in width, and is at least .4 metres (1.3 feet) but not more than .6 metres (2 feet) in depth.
- (c) "Acceptable Incinerator" means a receptacle that is a non-combustible structure, container or barrel with openings provided that:
- i) a minimum of 5 meters (16.5 feet) clearance from buildings, property lines and combustible materials, or as approved by the County Emergency Services Coordinator's office is maintained;
 - ii) it is constructed of bricks or concrete blocks, or heavy gauge metal (18 gauge minimum), or other suitable non-combustible components;
 - iii) Structures, containers or barrels shall be integrally sound with no sections noticeably thinned due to the oxidizing actions of the fire nor shall there be holes in the structure, container or barrel caused by oxidation of the material;
 - iv) it has a spark arrestor mesh screen of 0.7 centimetres (.25 inches) expanded metal (or equivalent) to contain sparks over the fire at all times;
 - v) fires contained therein be supervised at all times by a responsible adult person with adequate means to extinguish the fire until such time that fire has been extinguished. A fire shall be deemed to include hot ashes and smoldering embers resulting from the fire;
 - vi) only wood, charcoal briquettes, propane or natural gas fuels are used;
 - vii) flame height does not exceed 1 meter (3.28 feet) above the incinerator.
- (d) "Burning Barrel" – see definition of "Acceptable Incinerator".
- (e) "Burnable Debris" as defined by the Substance Release Regulation -AR 124/93, pursuant to the Alberta Environmental Protection and Enhancement Act (supra), means all combustible waste other than Prohibited Debris and includes, but is not limited to:
- (i) straw and stubble;
 - (ii) grass and weeds;
 - (ii) leaves and tree pruning's;
 - (iii) brush and fallen trees on newly cleared land or associated with logging operations;
 - (iv) used power, telegraph and telephone poles that do not contain wood preservatives;

- (v) wooden material from the construction or demolition of buildings which does not contain wood preservatives;
 - (vi) solid waste from sawmills or planing mills with an annual production of less than 9500 cubic metres of lumber;
 - (vii) solid waste from post and pole operations that does not contain wood preservatives, and;
 - (viii) solid waste from tree harvesting operations.
- (f) "Class A Materials" – See "Burnable Debris".
 - (g) "Council" means the Council of Lethbridge County.
 - (h) "County" means Lethbridge County.
 - (i) "Designate" means any person employed by Lethbridge County authorized by the Fire Guardian to issue burning permits.
 - (j) "Fire" means any combustible material in a state of combustion.
 - (k) "Fire Ban" means a provincial ministerial order or the enactment of Lethbridge County Fire Ban Bylaw which cancels all fire permits, prohibiting the lighting or requiring the extinguishment of a fire.
 - (l) "Emergency Services Coordinator" means the person appointed as the head of the Emergency Services Department or an individual designated to act on behalf of the Emergency Services Coordinator.
 - (m) "Fire Guard" means an area around the proposed burn area where appropriate action has been taken to stop the spread of the fire to areas not meant to be burned.
 - (n) "Fire Permit" means a permit issued by an individual authorized by Lethbridge County to do so pursuant to this Bylaw allowing for the setting of outdoor fires or structure fires or incinerator fires within the County.
 - (o) "Fireworks" shall be defined as per the definition of Fireworks in the Alberta Fire Code.
 - (p) "Incinerator Fire" means a fire that is confined within a non-combustible structure; container or barrel with openings covered with a heavy gauge metal screen having a mesh size not larger than 0.7 centimeters and is used for the purpose of burning clean Class A materials such as garden debris, wood and paper.
 - (q) "Landholder" means, in respect of land,
 - (i) the occupant, or
 - (ii) if there is no occupant, the owner, of the land;
 - (r) "Municipal Fire Guardian" means a person named or appointed as Fire Guardian Pursuant to the Sec. 4 Forest and Prairie Protection Act (supra).
 - (s) "Neighbour(s)" means a person who is an owner, renter or person otherwise authorized by an owner of privately owned land adjacent to property to where it is alleged an offence has occurred.
 - (t) "Outdoor Fire" means any fire other than that defined as an Incinerator Fire or Structure Fire and shall include fires involving humus, soil, farm produce, bush, grass, feed, straw, coal or any fire that has escaped or spread from a building, structure, machine, vehicle or incinerator. A fire contained in an outdoor fireplace, fire pit or incinerator without the required metal spark arrestor screen shall be deemed to be an Outdoor Fire.
 - (u) "Outdoor Fireplace" means a fireplace installed to the standards of the Alberta Building Code, as amended, and that is located on the exterior of a building.
 - (v) "Owner" means a person who:

- (i) holds himself out to be a person having the powers and authority of ownership or who currently exercises the powers and authority of ownership over the property;
 - (ii) is registered as the owner of the property pursuant to the *Land Titles Act*;
 - (iii) has purchased or otherwise acquired the property, either directly from a previous owner or from another purchaser and has not yet registered ownership, or;
 - (iv) is listed as the owner of the property on the current assessment roll.
- (w) "Permit Issuer" means a person in the employ of Lethbridge County who has been authorized to issue Burning Permits within the boundaries of Lethbridge County.
- (x) "Person" means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- (y) "Portable Barbecue Device" means any appliance sold or constructed for the sole purpose of cooking food outdoors, normally fueled by liquefied petroleum gas (LPG), natural gas, compressed briquettes or charcoal.
- (z) "Prohibited Debris", as defined by the Substance Release Regulation - AR-124/93, pursuant to the *Alberta Environmental Protection and Enhancement Act*, means any combustible waste that, when burned, may result in the release to the atmosphere of dense smoke, offensive odors or toxic substances and includes but is not limited to:
- (v) animal cadavers;
 - (vi) animal manure;
 - (vii) pathological waste;
 - (viii) non-wooden material;
 - (ix) waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives;
 - (x) combustible materials in automobile bodies;
 - (xi) tires;
 - (xii) rubber or plastic or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
 - (xiii) solid waste from sawmills or planing mills with an annual production in excess of 9500 cubic meters of lumber; or,
 - (xiv) used oil, wood or wood products containing substances for the purpose of preserving wood.
- (aa) "Property" means any real or personal property which, without limiting the generality of the foregoing, includes land, buildings or structures.
- (bb) "Recreational Fire" means an Outdoor Fire of relatively short duration confined to a noncombustible container, in municipal, provincial, federal or private campgrounds and parks where Outdoor Fireplaces, Fire Pits and Stoves have approved by the Emergency Services Coordinator. These fires will be set for recreational, cultural or theatrical purposes including the purpose of cooking, obtaining warmth or viewing for pleasure. Such Fire may only be fueled with seasoned wood, charcoal, natural gas or propane.
- (cc) "Restricted Burn Area" means an area within Lethbridge County as designated by the Emergency Services Coordinator's office and Council.
- (dd) "Running Fire" means a fire burning without being under the proper control of any person.

- (ee) "Smudge Fire" means a fire contained within a non combustible structure or container that is set on land of .8 hectares (two acres) or more in area for the purpose of protecting livestock from insects or for protecting garden plants from frost. Requirements for "Smudge Fires" are as per those designated for "Acceptable Incinerators".
- (ff) "Soil Conservation Officer" means the person or persons appointed by Lethbridge County from time to time as such under the Soil Conservation Act, RSA 2000, Chapter S-15.
- (gg) "Special Constable" means a person as appointed under Section 42 of the Police Act R.S.A. 2000 Chapter P-17.
- (hh) "Specified Penalty" means a penalty specified in the Schedule 'A' which may be paid in response to a violation ticket, for an alleged offence of any section of this bylaw.
- (ii) "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.
- (jj) "Stubble" means any harvested or unharvested herbaceous plants or plant parts, standing, spread or in swathed windrows grown on land.
- (kk) "Stubble Burning Permit" means a permit issued by a Soil Conservation Officer under County of Lethbridge Stubble Burning Bylaw # 933 pursuant to which the applicant therefore is permitted to burn stubble pursuant to the provisions therein set out.
- (ll) "Violation Ticket" means a ticket issued for an offence committed against any of the provisions of this Bylaw and shall be a Part 2 ticket as prescribed in the Provincial Offences Procedure Act R.S.A. 2000, Chapter P-34.

SECTION 2 - FIRE GUARDIANS

2.1 The Council shall appoint a Fire Guardian(s) from a list of nominees provided by the Emergency Services Coordinator to enforce the provisions of the Forest and Prairie Protection Act (supra) and this Bylaw within the boundaries of the County.

SECTION 3 - POWERS OF FIRE GUARDIANS AND PERMIT ISSUERS

3.1 Each Fire Guardian shall have the authority and power to:

- a) issue a Fire Permit in respect of any land within the County;
- b) issue a Fire Permit unconditionally or impose conditions upon the applicant which the Fire Guardian or designate considers appropriate;
- c) decide whether an inspection of the burn site is warranted prior to the decision to issue or not issue a burning permit;
- d) may suspend or cancel at any time a Fire Permit and on receiving notice of the suspension or cancellation the person concerned shall immediately extinguish any fire set pursuant to his or her permit;
- e) refuse issuance of permit on reasonable and probable grounds that a public interest risk exists for the proposed fire.
- f) inspect property where a permit application for an outdoor fire has been received and impose conditions upon the applicant which the Fire Guardian considers appropriate;
- g) enforce the provisions of the Forest and Prairie Protection Act (supra) and this Bylaw within the boundaries of the Municipality.

3.2 Each Permit Issuer shall have the authority and power to:

- a) issue a Fire Permit in respect of any land within the County;

- b) issue a Fire Permit unconditionally or impose conditions upon the applicant which the Fire Guardian or designate considers appropriate;
- c) decide whether an inspection of the burn site is warranted prior to the decision to issue or not issue a burning permit;
- d) may suspend or cancel at any time a Fire Permit and on receiving notice of the suspension or cancellation the person concerned shall immediately extinguish any fire set pursuant to his or her permit;
- e) refuse issuance of permit on reasonable and probable grounds that a public interest risk exists for the proposed fire.

SECTION 4 - FIRE PERMITS

- 4.1 In addition to any Fire Permit required under the Forest and Prairie Protection Act (supra), or under the Soil Conservation Act R.S.A. 2000 chapter S-15 (supra) Fire Permits shall be required under this Bylaw for the period from January 1 to December 31 each calendar year at a nil fee.
- 4.2 Notwithstanding clause 5.1 of this Section, any fire permit issued pursuant to the Forest and Prairie Protection Act (supra) or the Soil Conservation Act R.S.A. 2000, chapter S-15 (supra) shall be deemed for all purposes to be a fire permit issued pursuant to this Bylaw.
- 4.3 An application for a Fire Permit for an Outdoor Fire or a Structure Fire shall be made to a Fire Guardian or Designate in writing and the Fire Guardian or Designate shall receive and consider the application and after having done so he or she may, in his or her absolute discretion, issue or refuse issuance to the applicant.
- 4.4 When issuing a Fire Permit a Fire Guardian or Designate may issue the Fire Permit unconditionally or he or she may impose conditions considered appropriate.
- 4.5 The Emergency Services Coordinator, Fire Guardian or Designate may require that an inspection of the Property occur prior to the issuance of a Fire Permit.
- 4.6 Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Guardian or Designate issuing the permit, but in any case shall not exceed fourteen (14) days, the Fire Permit shall have endorsed thereon the period of time for which the said permit is valid.
- 4.7 The permit holder shall have a copy of the Burning Permit at the fire location and shall be able to produce it upon request by a Fire official acting in the performance of his or her duties.
- 4.8 Each application for a Fire Permit must contain the following information:
 - a) the name and address of the applicant;
 - b) the name and address of the owner of the Property upon which the applicant proposes to set a fire;
 - c) the legal description of the land on which the applicant proposes to set a fire;
 - d) the type and description of material which the applicant proposes to burn;
 - e) the period of time the Fire Permit is valid;
 - f) the precautions that will be taken by the applicant to ensure that the proposed fire remains under his/her control;
 - g) the signature of the applicant;
 - h) a Fire Incident Number as issued at the time the named applicant reports their Controlled Burn to the Fire Dispatch Centre;
 - i) the signature of the Fire Guardian or Designate issuing the Fire Permit.

- 4.9 Where an emergency or a potential emergency exists, the Emergency Services Coordinator, Fire Guardian or their Designate shall be empowered to suspend all Structural Fires, Incinerator Fires, Outdoor Fires, or any outdoor camping fire lit for cooking or warming purposes within all or a portion or portions of the County for such a period of time and on such conditions as may be determined by the Emergency Services Coordinator, Fire Guardian or their Designate.
- 4.10 A fire permit shall not be transferable.

SECTION 5 - EXEMPTIONS

A Fire Permit is not required under this Bylaw for the following:

- 5.1 An "Acceptable Fire Pit" and the fires contained therein provided that the Fire Pit meets the definition in this bylaw,
- 5.2 An "Acceptable Incinerator" and the fires contained therein provided that the Incinerator meets the definition in this bylaw,
- 5.3 An "Acceptable Fireplace" and the fires contained therein provided that the Fireplace meets the definition in this bylaw,
- 5.4 Cooking of food using a "Portable Barbecue Device",
- 5.5 "Recreational Fires" or Campfires for cooking or warming in municipal, provincial or private campgrounds and parks where Outdoor Fireplaces, Fire Pits and stoves have been approved by the Emergency Services Coordinator,
- 5.6 Burning of a smudge fire confined within a non-combustible receptacle that is set on property of 0.8 hectares (two acres) or larger, for the purpose of repelling insects or preventing frost in an orchard or garden;
- 5.7 Burning by the resident Fire Departments for the purpose of training;
- 5.8 Burning by the Fire Department or by Alberta Environmental Protection for the purpose of Fire Hazard abatement;
- 5.9 The installation and operation of an Outdoor Fireplace or Outdoor Incinerator;
- 5.10 Process flare systems for natural gas and other petroleum related facilities governed by regulations and operating under approved guidelines issued by the Alberta Energy and Utilities Board or by Alberta Environment.
- 5.11 Burning for brush disposal in an area under the sole jurisdiction of the Forest and Prairie Protection Act, which may be reasonably anticipated to create nuisance smoke conditions for a residential community within the County, but for which a co-coordinated burn or smoke control plan to minimize smoke conditions to residential areas has been submitted to the Emergency Services Coordinator.
- 5.12 This Bylaw does not apply to any Industrial or Commercial type incinerator that is required to be licensed under the Alberta Environmental Protection and Enhancement Act regulations.
- 5.13 No burning is allowed in areas designated as Municipal or Environmental Reserves or in designated Restricted Burn Areas.

SECTION 6 - OFFENCES

- 6.1 No person shall contravene any provision(s) of this Bylaw.

- 6.2 No person shall light an Outdoor Fire or a Structure Fire unless they are the holder of a subsisting Fire Permit if required under the Bylaw or the Forest and Prairie Protection Act or both.
- 6.3 No person shall allow an Outdoor Fire or a Structure Fire to be lit upon land that is owned or occupied by him or under his control except when such fire is permitted pursuant to the Bylaw.
- 6.4 No person shall ignite or permit to be ignited a Fire on the Property of another without the written consent of the Owner of the Property.
- 6.5 No person shall deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a Fire.
- 6.6 When a fire is lit that does not meet the conditions imposed by the bylaw, the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
 - a. extinguish the fire immediately, or
 - b. where he is unable to extinguish the fire immediately, report the fire to 9-1-1.
 - c. be liable to prosecution under summary conviction and/or costs incurred by the County to respond, suppress and extinguish the fire.
- 6.7 No person shall, either directly or indirectly, personally or through an agent, servant or employee ignite a fire and let it become a Running Fire on any land not his own property or allow a Running Fire to pass from his own property to the property of another.
- 6.8 No person shall light an Outdoor Fire, a Structure Fire or an Incinerator Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
- 6.9 No person shall place "Prohibited Debris" within a fire.
- 6.10 No person shall light an Outdoor Fire, Structure Fire, Incinerator Fire, barbecue or fire pit fire during a municipal or provincial fire ban pursuant to the Forest Prairie Protection Act (supra).
- 6.11 No person shall light an Outdoor Fire, a Structure Fire, Incinerator Fire, or a barbecue/fire pit fire during a municipal or provincial fire ban pursuant to the *Forest and Prairie Protection Act* (supra) and let it become a Running Fire on any land not his own property, or allow a Running Fire to pass from his own property to the property of another.
- 6.12 No person shall obstruct a municipal constable, fire guardian or member of the Emergency Services Coordinator's office in the performance of their duties pursuant to this bylaw or the Forest Prairie Protection Act (supra). Obstruction will include failure to provide access to property and failure to provide information as to identity of individuals.
- 6.13 No person shall provide false, incomplete or misleading information to the County, the Fire Guardian or Designate with respect to, a Burning Permit or Burning Permit application.
- 6.14 No person shall allow any fire to give off a dense smoke or offensive odor in a manner which creates a risk to public safety or creates a nuisance to neighbouring person(s) or property.
- 6.15 No person shall conduct any activity that involves the use of a Fire, where smoke from the Fire may impede visibility of the vehicular traffic on any public highway or roadway.
- 6.16 Any person whether in possession of a valid permit or otherwise lights a fire for the purposes described in this bylaw is responsible to ensure that the burn is conducted in a safe manner.
- 6.17 No person shall allow property which he owns or occupies to become a fire hazard through either:
 - a) permitting the accumulation of rubbish or noxious, offensive or unwholesome matter of a combustible nature to collect or accumulate around their premises;

- b) lack of maintenance to the property or the structures upon it;
- c) any other contravention of municipal, provincial or federal regulations.

6.18 No person shall discharge, fire or set off fireworks unless authorized in writing by the Emergency Services Coordinator.

SECTION 7 - FIRE BANS

- 7.1 From time to time as conditions dictate the County may impose a full or restricted ban upon open fires including fireworks within Lethbridge County.
- 7.2 These bans or restrictions may be imposed by County administration upon the recommendation of the Emergency Services Coordinator.
- 7.3 When a fire ban is imposed the County shall post the fire ban information in local newspapers, air the information on local radio and post the information on the County internet website.
- 7.4 Fire bans may be lifted or modified upon recommendation from the Emergency Services Coordinator.

SECTION 8- PENALTIES

- 8.1 Any person who fails to hold a subsisting Fire Permit when one is required under this Bylaw is guilty of an offence and is liable to a summary conviction fine as prescribed in Schedule 'A'.
- 8.2 A person who fails to comply with any provision contained in the Bylaw, except for the failure to hold a subsisting Fire Permit which is otherwise provided for under Section 9.1 of the Bylaw, is guilty of an offence and is liable on summary conviction to penalties as prescribed in Schedule 'A'.
- 8.3 Where a person contravenes the same provision of this bylaw twice within one twenty four month period, the specified penalty payable in respect of the second contravention shall double in the amount as prescribed in Schedule 'A' in respect to that provision.
- 8.4 Where a person contravenes the same provision of this bylaw three or more times within one twenty four month period, the specified penalty payable in respect of the third or subsequent contravention shall be four times the amount as prescribed in Schedule 'A', in respect of that provision.
- 8.5 Any Council appointed policing agent is authorized to enforce this bylaw under Sec. 7 of the M.G.A. R.S.A. 2000, M-26 has reasonable and probable grounds to believe that a person has contravened any section of this bylaw; may under the authority of the Provincial Offences Procedure Act issue a Part 2 violation ticket to that person.
- 8.6 Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued by an R.C.M.P., Bylaw Enforcement Officer or other designate authorized by the County in respect of each day or part of each day on which it continues.
- 8.7 Where the County has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident in or outside the County or for the purpose of preserving life or property from injury or destruction by fire or other incident on land within or outside the County, including any action taken by the County on a false alarm, the County may in respect of any costs incurred by the County in taking such action, if the County feels that proper grounds for doing so exist, charge any costs so incurred to the owner or occupant of the land in respect of which the action was taken.
- 8.8 The costs and fees to be charged by the County for services rendered pursuant to this By-law shall be determined by Council by resolution annually as per Schedule 'A' updates.

- 8.9 In the event that the owner or occupant of any land within the County shall feel aggrieved by any action taken by the County pursuant to Sections 9.6, such owner or occupant shall have a period of thirty (30) days from the date of mailing of notice of the action taken by the County to appeal to Council the action taken. The decision of Council on any such appeal shall be final and binding upon the owner or occupant of the land and shall not be subject to any further appeal.
- 8.10 In respect of land within the County, in the event that the amount levied by County shall not be paid within sixty (60) days after the mailing of a notice by the County pursuant to Sections 9.6 or in the event of an appeal, within sixty (60) days of the date of mailing of the decision of Council on the appeal, the amount levied and unpaid shall be charged against the land upon which the fire was started as taxes due and owing in respect of that land.
- 8.11 In respect of any costs or fees levied or charged under this bylaw:
- a) the County may recover such costs of fees as a department due and owing to the County 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 the Municipal Government Act, R.S.A. 2000 Chapter M-26 Section 533(1)(c), add the amounts due to the tax roll of the land parcel.

SECTION 9 - NOTICE

- 9.1 Any notice provided for in this Bylaw shall be in writing.
- 9.2 Service of any notice provided for in this Bylaw may be made as follows:
- a) personally upon the person to be served; or to any person receiving it on his or her behalf; or
 - b) by mailing the copy to the person to be served to the last known post office address of the person to be served, and service shall be deemed effected seven (7) days from the date of mailing;
 - c) where the Property is not occupied, by mailing the notice by regular mail to the mailing address noted on the County tax roll for the Property, and service shall be deemed effected seven (7) days from the date of mailing;
 - d) as directed by the Court.

SECTION 10 - LIABILITY

- 10.1 Lethbridge County together with their respective officials, officers, employees, representatives, contractors and agents are not liable for loss or damage caused by anything said, done, omitted or to be done in the performance or intended performance of their functions, duties or powers unless said individual was dishonest, grossly negligent or guilty of willful misconduct.

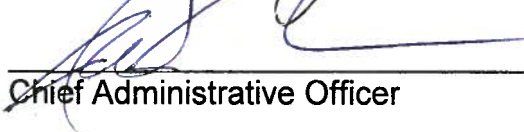
SECTION 11 - SEVERABILITY

- 11.1 Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the 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.

GIVEN first reading this 23rd of June, 2014.

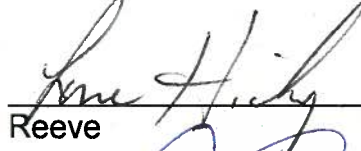


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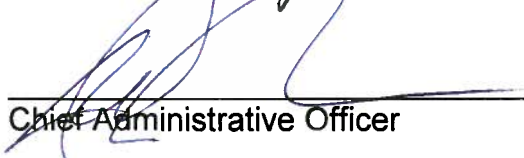


Chief Administrative Officer

GIVEN second reading this 23rd day of June 2014.

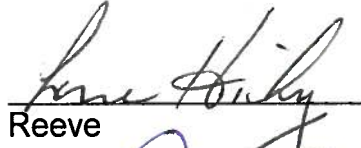


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Chief Administrative Officer

GIVEN third reading this 23rd day of June 2014.



Reeve



Chief Administrative Officer

SCHEDULE 'A'**Fines Specific to the Fire Permit Bylaw**

WHEREAS, under the provisions of Section 44 of the Provincial Offences Procedure Act, being Chapter P-34 of the Revised Statutes of Alberta, 2000, and amendments thereto and under the provisions of Section 7 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, the Council of a municipality may by Bylaw provide for the payment of violation tickets or summons out of court. A notice of form (commonly called a violation ticket) may be issued by any Council appointed policing agent to any person charged with a breach of any of the provisions of this Bylaw and the hereto-mentioned Acts shall apply in regards to the payment. Amounts are expressed in dollars.

		First Offence	Second Offence	Subsequent Offence
Section 1	Light an Outdoor Fire or a Structure Fire, including Fireworks, without a subsisting Fire Permit if required under this Bylaw or the <i>Forest and Prairie Protection Act</i> (supra) or both.	100	500	1,000
Section 2	Allow an Outdoor Fire or a Structure Fire to be lit upon land that is owned or occupied by him or under his control except when such fire is permitted pursuant to this Bylaw.	100	500	1,000
Section 3	Ignite or permit to be ignited a Fire on the Property of another without the written consent of the Owner of the Property	100	500	1,000
Section 4	Deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a Fire	100	500	1,000
Section 5.a	Failure to extinguish an illegal fire immediately,	500	5,000	10,000
Section 5.b	Unable to extinguish the illegal fire, failure to immediately report the fire to 9-1-1.	500	5,000	10,000
Section 6	Ignite any fire, either directly or indirectly, personally or through an agent, servant or employee, and let it become a Running Fire on any land not his own property, or allow a Running Fire to pass from his own property to the property of another.	500	5,000	10,000
Section 7	Light an Outdoor Fire, a Structure Fire, an Incinerator Fire or Smudge Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.	250	2,000	10,000
Section 8	Place "Prohibited Debris" within a fire.	250	5,000	10,000
Section 9	Light an Outdoor Fire, a Structure Fire, Incinerator Fire, or barbecue/fire pit fire during a municipal or provincial fire ban pursuant to the <i>Forest and Prairie Protection Act</i> (supra).	1,000	5,000	10,000

Section 10	Light an Outdoor Fire, a Structure Fire, Incinerator Fire, or a barbecue/fire pit fire during a municipal or provincial fire ban pursuant to the <i>Forest and Prairie Protection Act</i> (supra) and let it become a Running Fire on any land not his own property, or allow a Running Fire to pass from his own property to the property of another.	5,000	7,500	10,000
Section 11	Obstruct a municipal official, fire guardian or member of the Emergency Services Coordinator's office in the performance of their duties pursuant to this bylaw or the <i>Forest Prairie Protection Act</i> (supra).	1,000	5,000	10,000
Section 12	Disclose false information with respect to a Fire Permit	250	1,000	2,000
Section 13	Allow any fire to give off a dense smoke or offensive odor in a manner which creates a risk to public safety	250	2,000	10,000
Section 14	Conduct any activity that involves the use of a Fire, where smoke from the Fire may impede visibility of the vehicular traffic on any Highway as defined in the Highway Traffic Act R.S.A. 2000 c. H-8	500	2,000	10,000
Section 15	Allow property which he/she owns or occupies to become a fire hazard	500	2,000	10,000