

BYLAW NO 3387/2007

Being a bylaw of The City of Red Deer, in the Province of Alberta, to reduce the risk of fire due to various recreational and open burning practices.

COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA ENACTS AS FOLLOWS:

TITLE

1 This bylaw may be called the "**Fire Permit Bylaw**".

DEFINITIONS

2 In this bylaw:

- (a) "Authority having jurisdiction or Authority" means:
 - (i) The Fire Chief/Manager of the Emergency Services Department of The City, hereinafter referred to as the Fire Chief;
 - (ii) Any persons designated by the Fire Chief as a Fire Marshall or Fire Prevention Officer;
 - (iii) Such other employees of the Emergency Services Department of The City as the Fire Chief may appoint to enforce this bylaw.
- (b) "Building Waste" means any clean scrap wood produced in the process of constructing, altering or repairing a building;
- (c) "Garden Waste" means shrubbery and tree prunings, weeds, grass trimmings, roots, tree stumps, turf and similar vegetation;
- (d) "Hazard" means a risk of fire or damage to property and/or person(s) which may be caused by the burning of any waste and includes any nuisance;
- (e) "Nuisance" means causing smoke which unreasonably affects the comfort or convenience of an individual and includes interference with use and enjoyment of property;
- (f) "Fire Pit" includes a permanently affixed outdoor fire receptacle;
- (g) "Officer" includes bylaw enforcement officer or peace officer;
- (h) "Outdoor Fire Place" means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue and is constructed of brick, rock, other masonry material or metal and has not been constructed as part of a building;

- (i) "Portable Fire Receptacle" means an outdoor fire receptacle which is not permanently affixed;
- (j) "Permit" means a fire permit as referred to in this bylaw and in the form attached as Schedule "A";
- (k) "Waste" includes:
 - (i) any rubbish, refuse, garbage, paper, packaging, pallets, containers, bottles, cans, rags, clothing, petroleum products, manure, human or animal excrement, sewage or the whole or part of an animal carcass; or
 - (ii) the whole or a part of any article, raw or processed material, vehicle or other machinery that is disposed of;
 - (iii) animal or vegetable matter, including materials resulting from the handling, preparation, cooking, consumption and storage of food;
 - (iv) building waste;
 - (iv) garden waste;
 - (vi) any thing that is designated as waste in the regulations under the *Environmental Protection & Enhancement Act*, (1992) S.A., Chapter E 13.3.

3 Except when permitted under section 4(1), no person shall:

- (a) burn or permit the burning of waste on any land owned or occupied by such person or on any other lands in the city.

FIRE PERMIT

4 (1) The Authority may issue a permit allowing the burning of:

- (a) coal and straw for the purposes of thawing ground;
- (b) building waste;
- (c) weeds, grass, and brush in road rights-of-way;
- (d) open fires for the purpose of fire training; and
- (e) other materials where, in the Authority's opinion there is no hazard or nuisance to persons or to other properties.

(2) The person to whom a fire permit has been issued shall:

- (a) remain in charge, or keep a competent person in charge, of the fire; and
 - (b) barricade or otherwise secure the area to limit the entry of unauthorized persons;
 - (c) and have a suitable method of extinguishment available on site.
- (3) Any person in charge of the fire shall ensure that:
- (a) the fire or smoke does not create a hazard or nuisance to persons or to other properties; and
 - (b) the fire is completely extinguished before such supervision ends.
- (4) The Authority may revoke any permit if the permit holder breaches this bylaw or when, in its opinion, the continuation of burning would constitute a hazard or nuisance to persons or other properties.
- (5) It is a condition of any fire permit that the holder of such permit will fully indemnify and save harmless The City from all claims for loss or damage that may arise from said burning.
- (6) A person who starts a fire, or who is in charge of a fire shall, upon demand, pay to The City any and all costs incurred by The City to extinguish such fire when, in the opinion of the Authority, the fire is a hazard to persons or to other properties.

FIRE PITS, OUTDOOR FIREPLACES, PORTABLE FIRE RECEPTACLE AND BARBECUES

- 5 Any person may burn clean, dry, untreated wood or charcoal in a fire pit, outdoor fireplace portable fire receptacle and barbecue complying with section 6 or 7 for the purpose of cooking or obtaining warmth:
- (a) on property owned or occupied by such person; or
 - (b) at a location approved by the Authority upon lands to which members of the public have access.
- 6 Any person who burns any material in a fire pit, outdoor fire place, portable fire receptacle or barbecue shall:
- (a) remain in charge of or keep a competent person in charge of the fire;
 - (b) not permit the flames to exceed 1 meter in height;
 - (c) ensure that the fire does not:
 - (i) create a risk of fire or damage to persons or property;
 - (ii) create a nuisance, which is offensive to any other person.

- (d) have a means of extinguishing the fire on hand at all times while the fire is burning;
 - (e) ensure that the fire is extinguished leaving only cold ashes before supervision of the fire ends.
- 7 Fire pits, outdoor fireplaces, barbecue pits, portable fire receptacles or structures must meet the following requirements:
- (a) A minimum of 3 meters (10 Feet) clearance shall be maintained from buildings, property lines, trees, overhead power lines, combustible fences or any combustible material;
 - (b) Installations must have enclosed sides made from bricks, concrete blocks, or heavy gauge metal, or other suitable non-combustible components;
 - (c) has an open flame area not exceeding 1 meter at its widest point;
 - (d) does not have walls which exceed .75 meters in height measured from the floor of the fire pit to the top of the wall excluding any chimney;
 - (e) is set into bare ground or other noncombustible surface;
 - (f) A spark arrestor mesh screen of 1/2 inch expanded metal (or equivalent) to contain sparks shall be provided over the fire.
- 8 All fire pits, outdoor fireplaces, portable fire receptacles and barbecues in existence prior to the coming into effect of this bylaw must conform to Sections 5,6, and 7 hereof.

EXTINGUISHMENT OF FIRES

- 9 (1) A member of the Emergency Services Department or an Officer may direct a Person to extinguish any fire when in their opinion the fire creates a hazard or nuisance.
- (2) A Person who fails to comply with the direction of a member of the Emergency Services Department or an Officer to extinguish a fire on request is guilty of an offence under this bylaw and the member of the Emergency Services Department or the Officer, as the case may be, may extinguish the fire.

FIRE BANS

- 10 (1) Notwithstanding any provision in this or any other bylaw, the Fire Chief or his designate may declare a complete ban on any burning of any kind in the City.
- (2) When determining whether to declare a complete ban on burning, the Fire Chief or his designate may take into consideration any or all of the following factors:

- (a) the air quality index;
 - (b) levels of recent precipitation;
 - (c) water shortages or restrictions;
 - (d) availability of fire fighters and fire fighting equipment; and
 - (e) the overall fire danger.
- (3) No Person shall build, ignite or allow any kind of fire when a complete ban on burning has been declared by the Fire Chief or his designate and is in effect.
- (4) A member of the Emergency Services Department or an Officer may direct a Person to extinguish any fire when a fire ban is in place.
- (5) A Person who fails to comply with the direction of a member of the Emergency Services Department or an Officer to extinguish a fire during a fire ban is guilty of an offence under this bylaw and the member of the Emergency Services Department or the Officer, as the case may be, may extinguish the fire.

FIRE HAZARDS

- 11 If in the opinion of a member of the Authority or Officer, the storage of combustible material or vegetation on a Premises poses a fire hazard, the City may issue a Remedial Order to modify the combustible storage or vegetation on the Premises to abate the hazard, and the Remedial Order shall include the manner in which the fire hazard may be abated.

OFFENCE AND PENALTY

- 12 The Authority or Officer having reasonable grounds to believe that a person has breached any requirement of this bylaw, may serve upon such person an offence ticket allowing payment of the specified penalty to The City which shall be accepted by The City in lieu of prosecution for the offence.
- 13 (1) Any person who contravenes any provisions of this bylaw is guilty of an offence and is liable to a specified penalty of \$210.00.
- (2) Any person who is found guilty of the same offence a second time within a 24 month period, is guilty of a second offence and is liable to a specified penalty of \$510.00.

14 Bylaw No. 3222/99, the "Fire Permit Bylaw" is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 10th day of April 2007.

READ A SECOND TIME IN OPEN COUNCIL this 10th day of April 2007.

READ A THIRD TIME IN OPEN COUNCIL this 23rd day of April 2007.

AND SIGNED BY THE MAYOR AND CITY CLERK this 23rd day of April 2007.

"Morris Flewwelling"

"Kelly Kloss"

MAYOR

CITY CLERK



EMERGENCY SERVICES
FIRE & INJURY PREVENTION

PERMIT
B 2007 01 Day Hour
FIRE PERMIT
BYLAW 3387/2007

Date: Insert Date

Permission is Hereby Granted To:

Attn: Name
Company: Company Name
Address
Phone

Date of permit:

From: From
To: To

Having considered the conditions or inspected the property upon which the thing, process or activity which is the subject of this permit located at:

Legal Address/ Municipal Address
Municipal Address

Activity Permitted:

A. Description of permitted activity

Open Fire Permit Conditions

1. The applicant shall at all times remain in charge, or keep a competent person in charge, of the fire and shall barricade or otherwise secure the area to limit the entry of unauthorized persons.
2. The applicant shall, upon demand, pay to The City any and all costs incurred by The City to extinguish a fire when, in the opinion of the Authority, the fire is a hazard to persons or to other property.
3. The applicant shall indemnify and save harmless The City from, of and against all loss or damage to persons (including death) or property that may arise directly or indirectly from the fire.
4. This permit does not release the holder from any liability for damages. *Additional conditions /over*

Additional Terms and Conditions of this Permit:

A. Any additional terms

Signature of Applicant

Date of Issue

Date Issued

Inspector Name

Your Designation Number

Designation No. D

Additional Conditions

5. Burning of waste material is strictly prohibited.
6. Open burning shall be conducted in a manner such that the fire does not create a hazard or nuisance, which is offensive to other persons, or pose a risk to other property.
7. The fire shall be fully extinguished before supervision ends.
8. The applicant shall have sufficient manpower and fire controlling equipment available at all times during the fire.
9. Smoke minimizing fire starters shall be employed.
10. Open burning shall be extinguished or ignition shall be suspended when wind conditions exceed 25 km/h.
11. This permit shall be shown to anyone who may request to see it.
12. Authorized persons may revoke this permit any time, or upon a complaint of nuisance by another person.
13. All fires shall be open and free burning to minimize the development of smoke or fumes that may constitute a hazard or a nuisance or obscure visibility on adjacent roadways.