

**TOWN OF PROVOST
BYLAW NO 12/2016**

BEING A BYLAW OF THE COUNCIL OF THE TOWN OF PROVOST TO REGULATE BURNING IN THE TOWN OF PROVOST.

WHEREAS the **Council** of the **Town** of Provost deems it expedient to regulate open burning in the **Town** of Provost.

AND WHEREAS by virtue of the powers conferred upon it by the Municipal Government Act, Revised Statutes of Alberta 2000, c. M26 and amendments thereto, the **Council** of the **Town** of Provost, in the Province of Alberta enacts as follows:

SECTION 1 – SHORT TITLE

1.0 This Bylaw may be cited as “The Burning Bylaw”

SECTION 2 – INTERPRETATION

2.0 In this Bylaw the following terms shall have the following meaning:

- a) **“Approved Container”** means a metal or non combustible container, of
- i) not more than 150 litres (+/- 33 gallons) in volume;
 - ii) being of a size in which there will be a distance of no more than 1500mm (60”) across at the longest point;
 - iii) being of good repair and design; and
 - iv) used with a metal grate or mesh size having an area size no larger than 18 mm square (1/4” square) at the open end so as to prevent burning material from escaping;

or an **Incinerator**.

- b) **“Council”** means the Municipal **Council** of the **Town** of Provost, in the Province of Alberta.
- c) **“Fire Extinguishing Equipment”** means any equipment capable, when used properly, or extinguishing burning materials.
- d) **“Fire Department”** means the **Town** of Provost **Fire Department**.
- e) **“Fireworks”** means devices that are ignited and used for display purposes and may only be ignited by a qualified pyrotechnician.
- f) **Incinerator”** means a non-combustible structure or container located out of doors that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size no larger than 13 mm square (1/4” square).

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- g) "**Officer**" means a Bylaw Enforcement **Officer** or a Special Constable appointed by the **Town** pursuant to the Municipal Government Act to enforce **Town** bylaws and includes a member of the Royal Canadian Mounted Police.
- h) "**Park**" means:
- (i) every public **Park**, sports field, playground or recreation area title to which is vested in the **Town**.
 - (ii) any Municipal Reserve or area used as a **Park**, whether on a permanent or temporary basis.
 - (iii) any area designated by resolution of the **Town Council** as a **Park** for the purposes of this bylaw.
 - (iv) any land acquired by the **Town** through subdivision as a Municipal Reserve.
- i) "**Person**" includes an individual, corporation, firm, partnership, association or body corporate.
- j) "**Portable Appliance**" means any appliance sold or constructed for the purpose of cooking food out of doors.
- k) "**Recreational Fire**" means a fire confined to an **Approved Container** used for the purpose of cooking, obtaining warmth or viewing for pleasure. A **Recreational Fire** may only be fuelled with seasoned wood, charcoal or propane.
- l) "**Town**" means the Municipal Corporation of the **Town** of Provost in the Province of Alberta.
- m) "**Violation Tag**" means a tag or similar document issued by the **Town** pursuant which is payable at the **Town Administration Office**.
- n) "**Violation Ticket**" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act or a **Town Bylaw ticket**.

2.1 When not inconsistent with the context word used in the present tense include the future, words in the plural shall include the singular and vice versa and all words and terms are considered to be gender neutral.

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SECTION 3 - PROHIBITIONS

- 3.0 Except as provided in this Bylaw no **Person** shall conduct any outdoor burning unless:
- a) such burning is done using an **Approved Container** ;
 - b) such burning is performed under the direct supervision of an adult;
 - c) the burning is conducted in a safe manner; and
 - d) **Fire Extinguishing Equipment** is readily available at the site.
- 3.1 No **Person** shall burn anything within 4.5 metres from any structure or combustible material.
- 3.2 No **Person** shall conduct or cause to be conducted any burning in a **Park** or on any other property owned or operated by the **Town**, unless such burning occurs in a container provided by the **Town** for that purpose or in a **Portable Appliance**.
- 3.3 No **Person** shall conduct any burning or light an outdoor fire when weather conditions are conducive to a fire readily escaping out of control.
- 3.4 No **Person** shall conduct any burning or light an outdoor fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times.
- 3.5 Every **Person** lighting, igniting or causing a fire to be lit or ignited shall take reasonable steps to prevent it from spreading onto land other than his own.
- 3.6 No **Person** shall deposit, discard or leave any burning matter or substance in a place where it might ignite other matter and result in a fire.
- 3.7 No **Person** shall fire or set off Fireworks within the Town of Provost. Permits will only be issued for the discharge of professional fireworks and discharged by professional pyro technicians as accredited by Natural Resources Canada in accordance and pursuant to the Alberta Fire Code.
- 3.8 No **Person** shall light, ignite or cause a fire to be lit or ignited whenever there is a Province of Alberta Fire Ban order issued for an area that includes the **Town**; This clause shall also affect any fire permit issued for a **Recreational Fire** as any permits issued shall be temporary revoked during any fire ban period.

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SECTION 4 – COOKING

- 4.0 Except as provided in subsection 4.1 it shall not be an offence under this bylaw to cook, prepare or smoke food.
- 4.1 No **Person** shall cook, prepare or smoke food in a **Park** unless it is done in a **Portable Appliance** or such device or structure constructed for those purposes in the **Park**.

SECTION 5 - RECREATIONAL FIRES

- 5.0 Except as provided in subsection 5.1 it shall not be an offence to ignite, construct or otherwise create a **Recreational Fire** providing a permit has first been obtained as indicated in Section 10.1 of this bylaw.
- 5.1 No **Person** shall ignite, construct or create a **Recreational Fire** in a **Park** unless the **Recreational Fire** occurs at a location so designated within the **Park** or in a device or structure constructed for that purpose in a **Park**.
- 5.2 **Recreational Fires** may only be ignited, constructed or created in the rear yard of a residential site or if in a **Park** at a location so designated within the **Park** or in a device or structure constructed for that purpose in a **Park**.

SECTION 6 – FIRE DEPARTMENT

- 6.0 It shall not be an offence under this Bylaw for the **Fire Department** to conduct any burning for the purpose of fire prevention or training.

SECTION 7 – PENALTIES

- 7.0 Offences:
- a) Any **Person** who contravenes a provision of this bylaw is guilty of an offence and is liable to penalty as set out in Schedule 'A' herein.
 - b) Under no circumstance shall any **Person** contravening any provision of this bylaw be subject to the penalty of imprisonment.
 - c) Nothing in this Bylaw shall be construed as curtailing or abridging the right of the **Town** to obtain compensation or to maintain an action for loss of or damages to property from or against the **Person(s)** responsible.

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SECTION 8 – VIOLATION TAG

- 8.0 An **Officer** is hereby authorized and empowered to issue a **Violation Tag** to any **Person** who the **Officer** has reasonable and probable ground to believe has contravened any provision of this Bylaw.
- 8.1 A **Violation Tag** may be issued to such **Person**
- a) either personally, or
 - b) by mailing a copy to such **Person** at his or her last known post office address.
- 8.2 The **Violation Tag** shall be in a form approved by the **Town** or the responsible **Town** Official and shall state:
- a) the name of the **Person**;
 - b) the offence;
 - c) the appropriate penalty for the offence as specified in Schedule 'A' of this Bylaw;
 - d) that the penalty shall be paid within thirty (30) days of the issuance of the **Violation Tag**;
 - e) any other information that may be required by the **Town**.
- 8.3 Where a contravention of this Bylaw is of a continuing nature, further **Violation Tags** may be issued by an **Officer** providing that no more than one **Violation Tag** shall be issued for each day that the contravention continues.
- 8.4 Where a **Violation Tag** is issued pursuant to the Bylaw, the **Person** to whom the **Violation Tag** is issued, may, in lieu of being prosecuted for the offence, pay to the **Town** the penalty specified in the **Violation Tag**.
- 8.5 Nothing in this Bylaw shall prevent an **Officer** from immediately issuing a **Violation Ticket** for the mandatory court appearance of any **Person** who contravenes a provision of this Bylaw.

SECTION 9 – VIOLATION TICKET

- 9.0 If the penalty specified in a **Violation Tag** is not paid within the prescribed time period, then an **Officer** is hereby authorized and empowered to issue a **Violation Ticket** pursuant to Part II of the Provincial Offences Procedure Act.
- 9.1 When a **Violation Ticket** is issued, a **Person** who wishes to plead guilty may make a voluntary payment by paying an amount equal to the specified penalty for the offence as provided for in Schedule 'A' of this Bylaw.

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SECTION 10 – PERMITS

- 10.0 A **Fireworks** Permit may be issued by the Fire Chief at a fee as per the Rates & Fees Bylaw.
- 10.1 An annual **Recreation Fire** Permit may be issued by the Fire Chief upon:
- a) payment of a fee as per the Rates & Fees Bylaw; and
 - b) provision of a letter of no objection from adjacent neighbors
 - i) for a corner lot adjacent neighbors are considered to be the residential properties immediately adjacent and the residential property across the alley but does not include any residential property where a street or avenue separates the properties.
 - ii) for an interior lot adjacent neighbors are considered to be the residential properties to both sides of the subject property and the residential property across the alley.

SECTION 11 – SEVERABILITY

- 11.0 Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

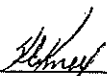
SECTION 12 – EFFECTIVE DATE AND REPEAL

- 12.0 This Bylaw shall become effective upon third reading and signing.
- 12.1 Bylaws 05/2001,02/2009 & 12/2011 are hereby repealed.


READ a FIRST time this 20th day of December 2016.

READ a SECOND time this 20th day of December 2016.

READ a THIRD time this the 20th day of December 2016.



MAYOR (Ken Knox)



CAO (David Connauton)

SCHEDULE 'A'

Section	Particulars	Penalty	Second or Subsequent Offence
3.0.a	No Approved Container	\$150.00	\$500.00
3.0.b	No Adult Supervision	\$150.00	\$500.00
3.0.c	Unsafe Burning	\$150.00	\$500.00
3.0.d	No Fire Extinguishing Equipment	\$150.00	\$500.00
3.1	Too Close to Structure	\$150.00	\$500.00
3.2	Burning in a Park	\$150.00	\$500.00
3.3	Unsafe Weather Conditions	\$150.00	\$500.00
3.4	Insufficient Precautions	\$150.00	\$500.00
3.5	Danger of Spreading Fire	\$150.00	\$500.00
3.6	Burning Unsafe Matter	\$150.00	\$500.00
3.7	Igniting Fireworks without Permit	\$150.00	\$500.00
3.8	Igniting a Fire during a Fire Ban	\$150.00	\$500.00
4.1	Cooking in Park	\$150.00	\$500.00
5.0	Recreational Fire without Permit	\$150.00	\$500.00
5.1	Recreational Fire in a Park	\$150.00	\$500.00
5.2	Recreational Fire not in back yard	\$150.00	\$500.00

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