

**Regional Municipality of Wood Buffalo**  
**Bylaw No. 01/084**  
**Open Air Fire Bylaw**

**A BYLAW FOR THE REGIONAL MUNICIPALITY OF WOOD BUFFALO, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION OF OPEN AIR FIRES.**

**WHEREAS** the *Municipal Government Act*, S. A. 1994, c. M-26. 1 as amended, provides that the Council of a municipality may pass bylaws for the safety, health and welfare of people, the protection of people and property, the prevention of nuisances, and, for services provided by or on behalf of a municipality;

**AND WHEREAS** the Council of the Regional Municipality of Wood Buffalo wishes to regulate open air fires for the purpose of fire safety and to control the nuisance effect of such fires;

**NOW THEREFORE**, the Council of the Regional Municipality of Wood Buffalo, duly assembled, enacts as follows:

**SECTION 1 NAME OF BYLAW**

1.1 This Bylaw may be cited as the “Open Air Fire Bylaw”.

**SECTION 2 DEFINITIONS**

2.1 In this Bylaw:

- a. “Burnable Debris”, as defined by the Substance Release Regulation - AR 124/93, pursuant to the *Alberta Environmental Protection and Enhancement Act*, means all combustible waste other than Prohibited Debris and includes, but is not limited to:
- i) straw and stubble;
  - ii) grass and weeds;
  - iii) leaves and tree prunings;
  - iv) brush and fallen trees on newly cleared land or associated with logging operations;
  - v) used power, telegraph and telephone poles that do not contain wood preservatives;
  - vi) wooden material from the construction or demolition of buildings which does not contain wood preservatives;
  - vii) solid waste from sawmills or planing mills with an annual production of less than 9500 cubic metres of lumber;
  - viii) solid waste from post and pole operations that does not contain wood preservatives, and,

- ix) solid waste from tree harvesting operations.
- b. “Burning Season” means the period from November 1 of one year to March 31 of the following year, as defined by the Forest and Prairies Protection Act.,
- c. “By-Law Enforcement Officer” means a by-law enforcement officer appointed by the Municipality pursuant to the Municipal Government Act, S.A. 1994, c. M-26.1, as amended, to enforce the Municipality’s bylaws.
- d. “Council” means the Council of the Regional Municipality of Wood Buffalo.
- e. “Fire” means any combustible material in a state of combustion.
- f. “Fire Chief” means the individual appointed by Council as the regional head of the Municipal Fire Service and may include, at the discretion of the Fire Chief, other members of the Fire Department as designated.
- g. “Fire Department” means the Fire Departments of:
  - i) Fort McMurray;
  - ii) Fort Chipewyan;
  - iii) Fort McKay;
  - iv) Sapræ Creek;
  - v) Anzac;
  - vi) Chard;
  - vii) Conklin; and,
  - viii) Accredited industrial fire services, as determined by the Fire Chief.
- h. “Fire Hazard” means any condition, circumstance or event wherein the possibility of Fire is increased.
- i. “Fire Permit” means a document issued by the Fire Chief pursuant to this Bylaw, in the form adopted by Council from time to time (See Schedule Attached A).
- j. “Fire Pit” means a noncombustible structure or container located on public or private property, used for recreation purposes, and constructed in accordance with this By-Law.
- k. “Fire Protection” means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.
- l. “Fire Protection Charge” means any or all costs incurred by the Fire Department in providing Fire Protection.
- m. “Forest and Prairie Protection Act” means *Chapter F-14 of the Revised Statues of Alberta 1980 with amendments* and includes Regulations thereunder.

- n. “Inspector” means a By-Law Enforcement Officer, a Safety Codes Officer in the Fire Discipline, an Environmental Health Officer, or any member of the Fire Department authorized by the Council of the Municipality to conduct an inspection pursuant to this Bylaw.
- o. “Municipality” means the Regional Municipality of Wood Buffalo.
- p. “Nuisance” means any condition on or around a property that is dangerous to the safety or health of individuals, or which interferes with the use or enjoyment of other property.
- q. “Occupier” means a person using a property and includes an owner, tenant, agent and any other person who has the right of access to the property.
- r. “Open Air Fire” means any Fire not contained within a building or structure, but does not include industrial flare stacks, natural gas flare stacks, or similarly controlled open flames.
- s. “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.
- t. “Outdoor Incinerator” means an incinerator installed in compliance with the Alberta Fire Code, as amended.
- u. “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.
- v. “Person” means an individual, partnership, corporation, trustee, executor or administrator.
- w. “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.
- x. “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:

- i) animal cadavers;
  - ii) animal manure;
  - iii) pathological waste;
  - iv) non-wooden material;
  - v) waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives;
  - vi) combustible materials 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) solid waste from sawmills or planning mills with an annual production in excess of 9500 cubic metres of lumber; or,
  - x) used oil, wood or wood products containing substances for the purpose of preserving wood.
- y. “Property” means any real or personal property which, without limiting the generality of the foregoing, includes land, buildings or structures.
- z. “Recreational Fire” means an Open Air Fire of relatively short duration used for recreational, cultural or theatrical purposes.
- aa. “Rural Service Area” means that area of the Regional Municipality of Wood Buffalo as defined under the Order-in-Council which establishes the Regional Municipality.
- bb. “Safety Codes Officer in the Fire Discipline” means an individual designated as a safety codes officer under section 27 of the Safety Codes Act, being Chapter S-0.5 of the Statutes of Alberta 1991 with amendments.
- cc. “Urban Service Area” means that area of the Regional Municipality of Wood Buffalo as defined under the Order-in-Council which establishes the Regional Municipality.
- dd. “Violation Ticket” means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21.5, as amended, and Regulations thereunder.

### **SECTION 3 FIRE PERMITS AND NON-APPLICATION OF BYLAW**

- 3.1 An application for a Fire Permit for an Open Air Fire or Fire Pit shall be made to the Fire Chief or, in his or her absence, to a Safety Codes Officer in the Fire Discipline, in writing, on the form adopted by Council from time to time (Schedule “B”), and shall be accompanied by the permit fee (Schedule “C”).

- 3.2 Upon receipt of an application, the Fire Chief, or in his or her absence, a Safety Codes Officer in the Fire Discipline, shall consider the Fire Permit application and may in his or her discretion:
- a. Refuse to grant a Fire Permit;
  - b. Grant a permit with or without terms and conditions as deemed appropriate; or
  - c. Determine that a Fire Permit is not required.
- 3.3 Each applicant for a Fire Permit must contain the following information:
- a. The name, address and phone number of the applicant;
  - b. The business license number where the applicant is a business;
  - c. The name and address of the owner of the Property upon which the applicant proposes to set a fire;
  - d. The legal description and, if possible, the municipal address of the Property on which the applicant proposes to set the fire;
  - e. The Type and description of materials which the applicant proposes to burn;
  - f. The period of time for which the Fire Permit is required;
  - g. The precautions, if any, that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
  - h. The signature of the applicant;
  - i. Written proof that a Fire Permit has been obtained from Alberta Environment where the Property is in a Forest Protection Area and a permit is required by that provincial department; and,
  - j. The written consent of the Property owner, where different from the applicant.
- 3.4 The Fire Chief may require that an Inspector inspect the Property prior to the issuance of a Fire Permit.
- 3.5 A Fire Permit is not transferable.
- 3.6 Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined by the Fire Chief, or in his or her absence, a Safety Codes Officer in the Fire Discipline, and as noted on the Fire Permit. (See Schedule "A")

- 3.7 The Fire Chief, or, in his or her absence, a Safety Codes Officer in the Fire Discipline may extend the period of time for which the Fire Permit is valid, provided the Fire Permit has not expired.
- 3.8 The Fire Chief, or, in his or her absence, a Safety Codes Officer in the Fire Discipline may for cause, in his or her discretion, suspend or cancel a Fire Permit or impose additional conditions to a Fire Permit at any time.
- 3.9 Notification of suspension or cancellation of a Fire Permit shall be made by telephone to the Fire Permit holder and shall be confirmed by providing written notice of such suspension or cancellation to the holder of the Fire Permit.
- 3.10 A Fire Permit shall not be required under this Bylaw to conduct:
- a. Cooking of food using a Portable Barbecue Device;
  - b. Campfires for cooking or warming in those areas governed by the Forest and Prairies Protection Act;
  - c. Burning in municipal, provincial or private campgrounds and parks where Outdoor Fireplaces, Fire Pits and stoves have been provided and approved by the Fire Chief.
  - d. Burning of a smudge fire confined within a non-combustible receptacle that is set on property of 0.5 hectares or larger, for the purpose of repelling insects or preventing frost in an orchard or garden;
  - e. Burning by the Fire Department for the purpose of training;
  - f. Burning by the Fire Department or by Alberta Environmental Protection for the purpose of Fire Hazard abatement;
  - g. The installation and operation of an Outdoor Fireplace or Outdoor Incinerator;  
and
  - h. Process flare systems for natural gas and other related oil sands facilities governed by regulations and operating under approved guidelines issued by the Alberta Energy and Utilities Board or by Alberta Environment.
  - i. 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 Municipality, but for which a co-ordinated burn or smoke control plan to minimize smoke conditions to residential areas has been submitted to the Fire Chief.

- 3.11 The Fire Chief, or in his or her absence, a Safety Codes Officer in the Fire Discipline may, by Fire Permit, allow an Open Air Fire of Burnable Debris subject to the following:
- a. All materials to be burned originate from the Property for which the Fire Permit is issued, except as otherwise expressly provided for by the Fire Chief;
  - b. Except as otherwise provided for in (e), non-salvageable timber, which has been allowed to dry for at least one year;
  - c. Weather conditions immediately prior to and during the burning are such as to ensure smoke obscuration levels are maintained below 75 percent of the specified 24 hours average pursuant to the Canada-Wide Standards for Particulate Matter accepted by the Canadian Council of Ministers of the Environment;
  - d. Except as otherwise provided for in this By-law, a competent person of 18 years of age or older, provided with adequate means of extinguishing the Fire, is on site to ensure Fire control and extinguishing of the fire within one hour of any weather change that may threaten levels of smoke obscuration and airborne particulate levels in excess of those referenced in (c); and,
  - e. Where burning is limited to bush disposal, not closer than five kilometres to a residential community, and a coordinated plan outlining all details of the proposed burning (including Fire Protection, particulate matter dispersal control and burn dates) has been submitted to the Fire Chief and reviewed relative to other permitted burning in the local area.

#### **SECTION 4 FIRE PITS**

- 4.1 A Fire Pit shall be constructed of non-combustible materials.
- 4.2 Except in the Rural Service Area when acceptable to the Fire Chief, the maximum external dimension of the Fire Pit shall not be greater than one metre.
- 4.3 Except where otherwise accepted by the Fire Chief, a Fire Pit shall be covered by a substantial screen or grate with openings not to exceed 12.5 millimetres in any dimension.
- 4.4 A Fire Pit shall not be located closer than three metres from a Property line and two metres from any combustible material, including, but not limited to, buildings, structures, fences, patio decks and foliage as measured from the nearest Fire Pit edge.
- 4.5 A Fire Pit shall not be located less than 0.6 metres laterally from an underground utility line.
- 4.6 Except as permitted in 4.7, the Owner or Occupier of the Property shall possess a Fire Pit Permit.

- 4.7 An existing fire pit which has been accepted by the Fire Chief prior to the date of this Bylaw, but for which a fire pit permit has not been issued, shall be allowed to continue in use without a permit until ownership of the property changes or modifications are made to the fire pit.

## **SECTION 5 FIRE PROTECTION CHARGES**

- 5.1 Upon providing Fire Protection on Property within the Municipality's boundaries, to any of the types of fire governed by this By-law, in its absolute discretion, the Municipality may charge:
- a. The person causing or contributing to the Fire;
  - b. The Owner or Occupant of the Property;
  - c. Or both (a) and (b);
- a Fire Protection Charge, and all persons charged are jointly and severally responsible for the Fire Protection Charge.
- 5.2 The Municipality shall be able to recover from such person the Fire Protection Charges as a debt owing to the Municipality. Collection may be undertaken by civil action in a Court of competent jurisdiction, and any civil action does not invalidate any lien which the Municipality is entitled to on the Property in respect to which the indebtedness is incurred.
- 5.3 The Owner of Property to which Fire Protection is provided is liable for Fire Protection Charges incurred, and the Municipality may add to the tax roll of the Property all unpaid Fire Protection Charges.

## **SECTION 6 CONTROL OF FIRE HAZARD**

- 6.1 If Council finds within the Municipality's boundaries, on privately owned land or occupied public land, conditions governed by this By-law, that, in its opinion, constitute a Fire Hazard, it may order the Owner or the person in control of the land on which the Fire Hazard exists to reduce or remove the Fire Hazard within a fixed time in a manner prescribed by the Municipality.
- 6.2 If Council finds that the order it made pursuant to Section 6.1 has not been carried out, a designated officer may enter onto the land with any equipment and any person he or she considers necessary and may perform the work required to eliminate or reduce the Fire Hazard.



- 6.3 The Owner or Occupant of the land on which work was performed pursuant to Section 6.2 shall, upon demand, pay to the Municipality a Fire Protection Charge and in default of payment of the Fire Protection Charge, the Municipality may add the Fire Protection Charge to the tax roll of the said land, which forms a special lien against the land in favor of the Municipality, from the date it was added to the tax roll.

## **SECTION 7 OFFENSES**

- 7.1 No person shall:
- a. Contravene any provision(s) of this Bylaw;
  - b. Ignite or permit to be ignited an Open Air Fire without a valid Fire Permit, except as permitted by Section 3.10 of this Bylaw;
  - c. Burn or permit to be burned any material identified as Prohibited Debris;
  - d. Burn or permit to be burned any materials resulting from the demolition or construction of buildings or structures, unless the materials meet the requirements of Burnable Debris.
  - e. Ignite or permit to be ignited a Fire on the Property of another without the written consent of the Owner of the Property;
  - f. Deposit, discard or leave any burning matter or substance where it might ignite other material and cause a Fire;
  - g. Provide false, incomplete or misleading information to the Municipality or the Fire Department on, or with respect to, a Fire Permit or Fire Permit application;
  - h. Light a Fire or permit a Fire to be lit without first taking sufficient precautions to ensure that the Fire can be kept under control at all times, not create smoke obscuration levels in excess of those noted in 3.11.c, or otherwise create a nuisance to occupied properties;
  - i. Light a Fire or permit a Fire to be lit when the weather conditions are conducive to create a Fire that burns out of control, causes smoke obscuration in inhabited areas in excess of those noted in 3.11.c., or otherwise creates a nuisance to occupied properties;
  - j. Fail to take reasonable steps to control a Fire for the purpose of preventing it from becoming a Fire burning out of control or from spreading onto Property other than his or her own;
  - k. Conduct an activity that involves the use of a flame that might reasonably be

expected to cause a Fire, unless that person exercises reasonable care to prevent the Fire from occurring;

- l. Conduct any activity that involves the use of a Fire, where smoke from the Fire impedes visibility of vehicular traffic and pedestrian traffic on any highway, as defined in the *Highway Traffic Act*, R.S.A. 1980, c.H-7, as amended;
- m. Light a Fire on lands owned or controlled by the Municipality, except with the Municipality's express written consent, or as permitted by Section 3.10 or this Bylaw.

## **SECTION 8 PENALTIES**

8.1 Any person who:

- a. Violates any provision of this Bylaw;
- b. Suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw;
- c. Neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw; or
- d. Does any thing or omits any act or thing, thus violating any provision of this By-law

is guilty of an offense under this Bylaw, and is liable to a penalty as specified in 8.2.

8.2 Any person in contravention of this By-law is guilty of an offense and is upon summary conviction for a first offense liable to a penalty as set out in Schedule "D" of this By-law or to the penalties imposed pursuant to the General Penalty By-Law..

8.3 Any person in contravention of this By-law a second or subsequent time shall be guilty of an offense and is upon summary conviction liable to the penalties imposed pursuant to the General Penalty By-law.

8.4 Where there has been a breach of this By-law, a By-law Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offenses Procedure Act.

## **SECTION 9 VIOLATION TICKETS**

9.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offenses Procedure Act to any Person who the

Bylaw Enforcement Officer believes has contravened any provision of this Bylaw.

9.2 Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued by a Bylaw Enforcement Officer in respect of each day or part of each day on which it continues.

**SECTION 10 GENERAL**

10.1 If a section or part of this Bylaw is found to be improperly enacted or *ultra vires*, for any reason, then such section or part shall be regarded as being severable from the Bylaw, and the Bylaw remaining after such severance shall be effective and enforceable.

10.2 This Bylaw shall come into force and effect on the final date of passing thereof.

READ a first time in Council this \_\_\_\_ day of \_\_\_\_\_, 2001.

READ a second time in Council this \_\_\_ day of \_\_\_\_\_, 2001.

READ a third time in Council and passed this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE

\_\_\_\_\_  
REGIONAL CLERK

\_\_\_\_\_  
DATE



**Schedule "B"**  
**REGIONAL MUNICIPALITY OF WOOD BUFFALO**  
**FIRE PREVENTION BRANCH**  
**APPLICATION FOR PERMIT/SERVICE**

**Application for: Permit:**\_\_\_\_\_ **Service:**\_\_\_\_\_ **Date:**\_\_\_\_\_

**Permit For:**\_\_\_\_\_

**Location Applicable to Permit:**\_\_\_\_\_

**Legal description of Property:**\_\_\_\_\_

**Applicant: Name:**\_\_\_\_\_ **Address:**\_\_\_\_\_

**Ph.:**\_\_\_\_\_ **Fx.:**\_\_\_\_\_ **Postcode:**\_\_\_\_\_

**Emergency Contact Number:**\_\_\_\_\_

**Business Name:**\_\_\_\_\_ **Business License No.:**\_\_\_\_\_

**Single event** \_\_\_ **Month Permit** \_\_\_ **Annual Permit** \_\_\_ **Beginning Date:**\_\_\_\_\_

**The undersigned hereby applies for the above permit in accordance with the Alberta Fire Code and the Bylaws and requirements of the Regional Municipality of Wood Buffalo.**

\_\_\_\_\_  
**Signature of Applicant**

**Application/permit fee attached:**\_\_\_\_\_

**Invoice requested:**\_\_\_\_\_

**Applications shall be submitted, along with all the necessary information required to process the permit/service request, to the Fire Prevention Branch @ 317 Gregoire Drive, Fort McMurray, T9H5A7. Applications may also be submitted to the front office at Hawkins Fire Hall, 2 Tolen Drive. Where invoicing is requested (businesses only), applications can be received by facsimile at (780) 790-9376.**

**Fire permit applications in rural communities (where applicable) shall be submitted to the Contact Office or to the Volunteer Fire Chief of the Community.**

**Failure to provide complete information in support of the application may result in delay to processing of the permit/service application.**

**For Office Use Only**

Date/Time received: \_\_\_\_\_ By: \_\_\_\_\_

Total Fee (incl. GST) \_\_\_\_\_ Receipt Number: \_\_\_\_\_

Invoiced: (date) \_\_\_\_\_

**OPEN AIR FIRES  
PERMIT FEES  
Schedule "C"\***

**Open Air Fire Permit (General)**

|  |                                |
|--|--------------------------------|
| Single event (not longer than 24-hours)        | \$30                           |
| Multiple-day permit                            | \$5/day (Minimum \$50)         |
| Recreational fire, bonfire, campfire           | \$10                           |
| Recreational Fire Pit (Installation/operation) | \$30 (One-time/owner/location) |

\* The Volunteer Fire Chief, in a community within the Rural Service Area and under the authority of the Community Association for that community, may waive the requirement for a permit fee for single- event, recreational and fire pit permits within that community.

**Schedule "D"  
Open Air Fire Bylaw  
Specified Penalties for First Offense**

| <u>Offense Description</u>  | <u>Specified Penalty</u> |
|---|--------------------------|
| 4.6 Fire pit operation without permit                               | \$50                     |
| 7.1(b) Ignite open air fire without a permit                        | \$50                     |
| 7.1(c) Burn or permit to be burned prohibited debris                | \$100                    |
| 7.1(i) Cause smoke in inhabited areas in excess of permitted levels | \$100                    |

|  |       |
|--|-------|
| 7.1(j) Failure to control an open fire                 | \$100 |
| 7.1(m) Light a fire on Municipal lands without consent | \$50  |