

BYLAW NO. 24/005

BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION OF OUTDOOR FIRES.

WHEREAS the *Municipal Government Act*, provides that the Council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people, the protection of people and property, the prevention of nuisances, for services provided by or on behalf of a municipality, and enforcement of bylaws;

AND WHEREAS the *Municipal Government Act* further provides that a council may pass bylaws to regulate, prohibit and impose a system of licenses, permits or approvals and to collect costs and expenses incurred by the municipality for extinguishing fires.

AND WHEREAS the Council of the Regional Municipality of Wood Buffalo wishes to regulate outdoor 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:

SHORT TITLE

1. This Bylaw may be cited as the "Outdoor Fire Bylaw".

DEFINITIONS

2. In this Bylaw:
 - (a) "Burnable Debris", means all combustible waste other than Prohibited Debris as 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 post and pole operations that does not contain wood preservatives; and,
- (viii) solid waste from tree harvesting operations.
- (b) "Chief Administrative Officer" means the individual appointed by Council to the position of Chief Administrative Officer and includes persons appointed to act on behalf thereof.
- (c) "Council" means the Council of the Regional Municipality of Wood Buffalo.
- (d) "Environmental Protection and Enhancement Act" means the Environmental Protection and Enhancement Act, RSA 2000, c E-12, as amended or replaced and any regulations thereunder.
- (e) "Fees Bylaw" means the Fees, Rates and Charges 2024 Bylaw No. 23/022 as amended or replaced.
- (f) "Fire Ban" means a prohibition on Outdoor Fires enacted by the Fire Chief in accordance with section 16 of this Bylaw.
- (g) "Fire Chief" means the individual appointed by the Chief Administrative Officer as the regional head of the Fire Department and includes persons appointed to act on behalf thereof.
- (h) "Fire Department" means the means the Regional Municipality of Wood Buffalo Fire Department.
- (i) "Fire Hazard" means any condition, circumstance or event which increases the likelihood of fire, or which may provide a ready fuel supply to augment the spread or intensity of a fire, or which may obstruct, delay, hinder, or interfere with the operations of the Fire Department, or the egress of occupants in the event of fire.
- (j) "Fire Marshal" means the individual appointed by the Fire Chief to the position of Fire Marshal and includes persons appointed to act on behalf thereof.
- (k) "Fire Permit" or "Permit" means a written approval issued by the Fire Chief or Fire Marshal, authorizing the setting of a specific type of Outdoor Fire.
- (l) "Fire Pit" means a permanent or portable structure or container located on private Property, used for Recreational Burning or cooking purposes.
- (m) "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.

- (n) "Fire Protection Charge" means any or all costs incurred by the Fire Department in providing Fire Protection.
- (o) "Inspector" means any member of the Fire Department authorized by the Fire Chief to conduct an inspection pursuant to this Bylaw.
- (p) "Municipal Government Act" means Municipal Government Act, RSA 2000, c M-26, as amended or replaced and any regulations thereunder;
- (q) "Municipality" means the Regional Municipality of Wood Buffalo.
- (r) "Municipal Tag" means a tag or similar document issued by the Municipality pursuant to the Municipal Government Act that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Municipality in lieu of prosecution for the offence.
- (s) "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 property.
- (t) "Occupier" means a person using a property and includes an owner, tenant, licensee, agent of an Owner, and any other person who has the right of access to the property.
- (u) "Outdoor 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.
- (v) "Outdoor Fireplace" means a fireplace installed to the standards in the Safety Codes Act, RSA 2000, c S-1, as amended or replaced and any regulations thereunder, and that is located on the exterior of a building.
- (w) "Outdoor Incinerator" means an incinerator installed in compliance with the Safety Codes Act, RSA 2000, c S-1, as amended or replaced and any regulations thereunder.
- (x) "Owner" means a person who:
 - (i) holds themselves out to have 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.
- (y) “Peace Officer” means a Bylaw Enforcement Officer or a Community Peace Officer appointed by the Municipality to enforce bylaws of the Municipality, and includes a member of the Royal Canadian Mounted Police.
- (z) “Person” means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.
- (aa) "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, pellet material, compressed briquettes or charcoal.
- (bb) "Prohibited Debris" 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 manure;
 - (ii) pathological waste;
 - (iii) non-wooden material;
 - (iv) waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives;
 - (v) combustible materials in automobile bodies;
 - (vi) tires;
 - (vii) rubber or plastic or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
 - (viii) wood or wood products containing substances for the purpose of preserving wood;
 - (ix) new or used oil of any type.

- (cc) "Property" means any real or personal property which, without limiting the generality of the foregoing, includes land, buildings or structures.
- (dd) "Recreational Burning" means an Outdoor Fire of relatively short duration used for recreational, cultural or theatrical purposes.
- (ee) "Rural Service Area" means that geographic area of the Municipality as defined under the Order-in-Council which establishes the Municipality, as amended.
- (ff) "Safety Codes Officer" means an individual designated as a safety codes officer in the fire discipline under section 31 of the Safety Codes Act, RSA 2000, c S-1, as amended or replaced and any regulations thereunder.
- (gg) "Urban Service Area" means that geographic area of the Municipality as defined under the Order-in-Council which establishes the Municipality.
- (hh) "Violation Ticket" means a ticket issued pursuant to Part 2 of the Provincial Offences *Procedure Act*, RSA 2000, c P-34, and including any regulations thereunder.

APPLICATION OF BYLAW

- 3. This Bylaw shall apply to Outdoor Fires in the Urban Service Area and nothing in this Bylaw shall be interpreted as applying to an Outdoor Fire in the Rural Service Area.
- 4. This Bylaw shall not apply to an Outdoor Fire that is:
 - (a) ignited by the Fire Department for fire fighter training, hazard reduction activities or any other purpose approved by the Fire Chief;
 - (b) 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 Regulator, Alberta Utilities Commission or the Government of Alberta; or
 - (c) confined within an Outdoor Incinerator regulated under the Environmental Protection and Enhancement Act.

FIRE PERMITS

- 5. An application for a Fire Permit for an Outdoor Fire shall be made to the Fire Marshal, in writing, in a form approved by the Fire Chief, and shall be accompanied by the permit fee as prescribed in the Fees Bylaw.

6. Upon receipt of an application for a Fire Permit, the Fire Marshal or a Safety Codes Officer shall consider the application and may, in his or her discretion:
 - (a) refuse to grant a Fire Permit;
 - (b) grant a Fire Permit with conditions;
 - (c) grant a Fire Permit without conditions; or
 - (d) request additional information from an applicant.
7. Each application 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) the written consent of the Owner of the Property on which the applicant proposes to set a Fire, where the applicant is not the Owner; and
 - (j) any other information required by the Fire Marshal or Safety Codes Officer.
8. An application for a Fire Permit for Burnable Debris for the purpose of brush disposal shall include a coordinated burn plan prepared by the applicant, including the following details:
 - (a) Fire Protection measures to be implemented before, during and after burning;
 - (b) particulate matter dispersal control; and
 - (c) burn dates.

9. The Fire Marshal or a Safety Codes Officer may require that an Inspector inspect the Property prior to the issuance of a Fire Permit.
10. A Fire Permit issued pursuant to this Bylaw shall be issued to an identified person for an identified Property and is not transferable.
11. A Fire Permit issued pursuant to this Bylaw is valid and subsisting for such period of time as identified on the Fire Permit.
12. The Fire Marshal or a Safety Codes Officer may extend the period of time for which the Fire Permit is valid, provided the Fire Permit has not expired.
13. The Fire Marshal or a Safety Codes Officer may, in his or her discretion, and at any time:
 - (a) suspend a Fire Permit;
 - (b) cancel a Fire Permit; or
 - (c) modify a Fire Permit, including the addition or removal of conditions.
14. A Fire Permit shall be required for an Outdoor Fire in the Urban Service Area, except for the following:
 - (a) cooking of food using a Portable Barbecue Device;
 - (b) Recreational Burning or cooking in a Fire Pit on private property;
 - (c) operation of an Outdoor Fireplace; or
 - (d) burning 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.
15. Where the Fire Marshal or a Safety Codes Officer has issued a Fire Permit for an Outdoor Fire of Burnable Debris, the following conditions shall apply to every Permit issued whether or not the conditions have been expressly included on the Permit document:
 - (a) the Fire Permit must be present on the Property at all times during which a fire is burning;
 - (b) all materials to be burned originates from the Property for which the Fire Permit is issued, unless otherwise specified by the Fire Permit;
 - (c) where burning non-salvageable timber, timber must have been allowed to dry for at least one year prior to burning;

- (d) 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;
- (e) a competent person of 18 years of age or older shall attend to the fire at all times while it is burning and shall be responsible for controlling the fire;
- (f) the fire shall be extinguished within one hour of any weather change that may threaten levels of smoke obscuration and airborne particulate levels in excess of those referenced in subsection 15 (d) or immediately at the direction of the Fire Chief, the Fire Marshal, a Peace Officer, a Safety Codes Officer or member of the Fire Department;
- (g) adequate means of extinguishing the fire must be present at the Property during burning; and
- (h) where burning is for brush disposal, burning shall not occur within five kilometers to a residential community and shall be conducted in accordance with the approved coordinated burn plan.

FIRE BAN

- 16. The Fire Chief may declare a Fire Ban where in the Fire Chief's opinion there is a Fire Hazard that justifies a temporary ban on Outdoor Fires.
- 17. Notwithstanding any of the provisions of this Bylaw or any other Bylaw of the Municipality, a Fire Ban:
 - (a) prohibits any Outdoor Fires that are exempt from a Fire Permit pursuant to section 14, unless otherwise specified by the Fire Chief as a condition of the Fire Ban;
 - (b) prohibits any Outdoor Fires that are exempt from a Fire Permit pursuant to section 14;
 - (c) prohibits the operation of any Off Highway Vehicle; and
 - (d) may include additional prohibitions or conditions determined necessary by the Fire Chief to manage the Fire Hazard, including but not limited to closing public access to Property owned or operated by the Municipality.

FIRE PITS

18. A Fire Pit shall be constructed of brick, concrete block, copper, steel, clay, cast iron, aluminum or other non-combustible material with sides that are fully enclosed.
19. A Fire Pit shall not have a diameter greater than 1 meter and shall not exceed 60 centimeters in height from the surface grade.
20. A Fire Pit shall be covered by a substantial, non-combustible mesh screen or grate with any openings not to exceed 1.25 centimeters.
21. A Fire Pit shall not be located within 3 meters of a Property line or any combustible material, including, but not limited to, buildings, structures, fences, patio decks, balconies, and foliage as measured from the nearest Fire Pit edge.
22. A Fire Pit shall not be located within 0.6 meters laterally from an underground utility line.
23. An existing Fire Pit that does not conform with the requirements contained in section 18 through section 22 shall be deemed compliant with this Bylaw where:
 - (a) a permit was issued for the Fire Pit under Open Air Burning Bylaw No. 01/084;
 - (b) the Fire Pit is constructed in accordance with the permit; and
 - (c) no modifications have been made to the Fire Pit since the approval of the permit.

FIRE PROTECTION CHARGE

24. Upon providing Fire Protection on a Property in response to an Outdoor Fire, the Municipality may require any or all of the following to pay a Fire Protection Charge:
 - (d) any person causing or contributing to the fire; and
 - (e) any Occupier of the Property.
25. Where the Municipality requires more than one person to pay in respect of the same Fire Protection Charge, all persons shall be jointly and severally responsible for the Fire Protection Charge.
26. A Fire Protection Charge shall be a debt owing to the Municipality and may be collected by civil action for debt in a court of competent jurisdiction.
27. The Owner of Property for which Fire Protection is provided is liable for Fire Protection Charges incurred and the Municipality may add any unpaid Fire Protection Charges to the tax roll for the Property.

CONTROL OF FIRE HAZARD

28. If in the opinion of the Fire Chief, Fire Marshal, Safety Codes Officer or Peace Officer, a Fire Hazard exists on privately owned Property or occupied public Property, he or she may order the Owner or Occupier of the Property to reduce or remove the Fire Hazard within a period of time and in a manner prescribed by the order.
29. Where an order made pursuant to section 27 has not been carried out by the Owner or the Occupier of the subject Property, the Municipality may enter onto the Property with any equipment and any person it considers necessary and may perform the work required to eliminate or reduce the Fire Hazard.
30. The Owner or Occupant of the Property on which work was performed pursuant to section 28 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 for the subject Property, which forms a special lien against the Property in favor of the Municipality, from the date it was added to the tax roll.
31. Any person who observes an unauthorized Outdoor Fire in the Urban Service Area or a fire burning out of control shall promptly report their observations to the Fire Department.

OFFENCES

32. No person shall:
 - (a) contravene any provision of this Bylaw;
 - (b) ignite or permit to be ignited an Outdoor Fire without a valid Fire Permit, a Fire Permit is not required under section 14 of this Bylaw;
 - (c) disregard any prohibitions or restriction imposed as part of a Fire Ban;
 - (d) fail to immediately extinguish any fire on suspension or cancellation of a Fire Permit, including any Fire Permit for an Outdoor Fire that has been automatically suspended pursuant to a Fire Ban;
 - (e) fail to immediately extinguish an Outdoor Fire after a Fire Ban has been enacted where the Outdoor Fire is exempt from the requirement for a Fire Permit under section 14 of this Bylaw;
 - (f) fail to have a Fire Permit present on a Property where a fire is burning and a Fire Permit is required under section 14 of this Bylaw;
 - (g) burn or permit to be burned any material that is Prohibited Debris;

- (h) burn or permit to be burned any materials resulting from the demolition or construction of buildings or structures, unless the materials are Burnable Debris;
- (i) ignite or permit to be ignited an Outdoor Fire on the Property of another without the written consent of the Owner of the Property;
- (j) ignite or permit to be ignited an Outdoor Fire on a Property during a Fire Ban;
- (k) use tracer ammunition, incendiary ammunition, fireworks or exploding targets in a forested area;
- (l) operate an off-highway vehicle during a Fire Ban;
- (m) deposit, discard or leave any burning matter or substance where it might ignite other material and cause a fire;
- (n) provide false, incomplete or misleading information to the Municipality in respect to a Fire Permit application or an investigation into compliance with this Bylaw;
- (o) ignite or permit to be ignited an Outdoor Fire without taking sufficient precautions to ensure that the fire can be kept under control at all times, will not create smoke obscuration levels in excess of those noted in subsection 15(d), or otherwise create a Nuisance to Occupants of any surrounding Property;
- (p) ignite or permit to be ignited an Outdoor Fire where the weather conditions are conducive to create an out of control burn, cause smoke obscuration in inhabited areas in excess of those noted in subsection 15(d), or otherwise creates a Nuisance to Occupants of any surrounding Property;
- (q) fail to take reasonable steps to control a fire;
- (r) fail to prevent a fire from burning out of control or from spreading onto other Property or to a forested area;
- (s) fail to have a person 18 years of age or older present at an Outdoor Fire at all times who shall be responsible for controlling the fire;
- (t) conduct an activity that involves the use of a flame that might reasonably be expected to cause a fire to burn out of control, unless that person exercises reasonable care to prevent the fire from occurring;
- (u) conduct any activity that involves fire, where smoke from the fire impedes visibility of vehicular traffic and pedestrian traffic on any highway, as defined

in the Traffic Safety Act, RSA 2000, c T-6, as amended or replaced and including any regulations thereunder;

- (v) ignite or permit to be ignited an Outdoor Fire on Property owned or controlled by the Municipality, except with the Municipality's express written consent;
- (w) fail to comply with an order issued under section 27;
- (x) fail to promptly report any unauthorized Outdoor Fire or any fire burning out of control in accordance with section 30; or
- (y) impede or in any way interfere with any Fire Protection or fire investigation activities of the Municipality.
- (z) fail to comply with the conditions of a Fire Permit.

PENALTIES

33. Any person who:

- (a) contravenes any section 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 anything or omits any act or thing, thus violating any provision of this Bylaw

is guilty of an offense under this Bylaw and is liable to a fine not exceeding \$10,000 or to imprisonment of not more than 6 months.

33. Without restricting the generality of section 32, the specified penalty amounts set out in Schedule "A" are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered and where there is no specified penalty for an offence contained in Schedule "A", the specified penalty is \$300.

34. Despite section 33, where a Person has been convicted of contravening the same provision of this Bylaw:

- (a) two times within a 3 year period, the specified penalty payable in respect to the second offence is double the amount specified in Schedule "A";

- (b) three or more times within a 3 year period, the specified penalty payable in respect of the third or subsequent conviction is triple the amount specified in Schedule “A”.
35. Despite section 33 and section 34, where a Violation Ticket is issued without a specified penalty amount, a court is not bound by the specified penalty amount in Schedule “A”, provided that the fine amount ordered by the court shall not be less than the specified penalty amount.

MUNICIPAL TAG

36. A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
37. A Municipal 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 address.
38. The specified penalty must be paid within 14 days from issuance of the Municipal Tag.

PAYMENT IN LIEU OF PROSECUTION

39. Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified within the time period indicated on the Municipal Tag.
40. Where the voluntary payment referred to in section 39 is received within 10 days of the day of issuance of the Municipal Tag, the specified penalty shall be reduced by 40% and such reduced payment shall be accepted in lieu of prosecution.

VIOLATION TICKETS

41. If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.
42. Notwithstanding section 41, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

43. If a Violation Ticket is issued in respect of an offense, the Violation Ticket may:
- (a) specify the fine amount established by this Bylaw for the offence; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.

VOLUNTARY PAYMENT

44. If a Violation Ticket is issued in respect of the Offence and if the Violation Ticket specifies the fine amount established by this Bylaw for the Offence, a Person who commits an offence may make voluntary payment by submitting to the Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

OBSTRUCTION

45. A Person shall not obstruct or hinder any Peace Officer in the exercise or performance of the Peace Officer's powers pursuant to this Bylaw.

SEVERABILITY

46. Should any section, subsection, clause or provision of the Bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Bylaw as a whole, or any part thereof, other than the part so declared to be invalid.

REPEAL AND COMING INTO FORCE

47. The Open Air Fire Bylaw No. 01/84 is hereby repealed.

48. This Bylaw comes into effect on the day it is passed.

Read a first time this 9th day of April, 2024.

Read a second time this 23rd day of April, 2024.

Read a third and final time this 23rd day of April, 2024.

Signed and Passed this 23 day of April, 2024

Mayor

Chief Legislative Officer

Schedule "A"

Specified Penalties

Section	Offense Description	Penalty Amount
31(b)	Ignite Outdoor Fire without a valid Fire Permit	\$1,000
31(c)	Disregard any prohibition or conditions of Fire Ban	\$600
31(d)	Fail to extinguish a fire on suspension or cancellation of a Fire Permit	\$600
31(e)	Fail to extinguish an Outdoor Fire exempt from Fire Permit	\$600
31(f)	Fail to have a Fire Permit present on the Property	\$1,000
31(g)	Burn Prohibited Debris	\$840
31(h)	Burn materials resulting from construction or demolition	\$840
31(i)	Ignite an Outdoor Fire without consent of Owner	\$360
31(j)	Ignite an Outdoor Fire during a Fire Ban	\$1,200
31(k)	Use tracer ammunition, incendiary ammunition, fireworks or exploding targets	\$600
31(l)	Operate an off-highway vehicle during a Fire Ban	\$1,200
31(m)	Deposit, discard or leave any burning matter or substance	\$840
31(n)	Provide false, incomplete or misleading information	\$360
31(o)	Fail to take sufficient precautions to control fire, smoke or nuisance	\$840

31(p)	Ignite an Outdoor Fire in poor weather conditions	\$840
31(q)	Fail to take reasonable steps to control a Fire	\$840
31(s)	Fail to have a person 18 years or older attend any burning fire	\$600
31(t)	Conduct an activity reasonably expected to cause an out of control Fire	\$840
31(t)	Conduct any activity that involves the use of a Fire that creates smoke that interferes with traffic	\$1,200
31(v)	Improperly ignite a Fire on lands owned or controlled by the Municipality	\$1,200
31(w)	Fail to comply with an order	\$1,200
31(x)	Fail to promptly report any unauthorized Outdoor Fire or out of control fire	\$600
31(y)	Impede or in any way interfere with any Fire Protection activities or investigation	\$1,200
31(z)	Fail to comply with a condition of a Fire Permit	\$1000