

**SUMMER VILLAGE OF GHOST LAKE  
BYLAW NO.235**

WHEREAS Section 7 of the Municipal Government Act. R.S.A. 2000 c.M-26 and amendments thereto provide that Council may pass bylaws for the safety, health and welfare of people and protection of people and property generally within the Summer Village; and

AND WHEREAS the Council of the Summer Village of Ghost Lake in the Province of Alberta pursuant to the powers granted to it under the Municipal Government Act wishes to provide for the prevention, regulation and control of the lighting of fires within the Summer Village;

NOW THEREFORE the Council of the Summer Village of Ghost Lake, in the Province of Alberta in Council duly assembled hereby enacts as follows:

**SECTION 1            NAME OF BYLAW**

1.1    This Bylaw may be cited as "The Fire Safety Bylaw".

**SECTION 2            DEFINITIONS**

2.1    In this Bylaw

- a)    "Burnable Debris" for recreation fires includes seasoned wood, charcoal, natural gas, propane or any other materials or substances sold for the purpose of being burned for Recreational Fires,
- b)    "Chief Administrative Officer" shall have the same meaning as in the Municipal Government Act RSA 200 c M-26, as amended,
- c)    "Council" means the Council of the Summer Village of Ghost Lake.
- d)    "Court" means the Provincial Court of Alberta;
- e)    "Enforcement Officer" means a member of the Royal Canadian Mounted Police and a Bylaw Enforcement Officer appointed by Council to enforce Bylaws of the Summer Village;
- f)    "False Alarm" means any fire alarm that is set off needlessly, through wilful or accidental, human or mechanical error and to which the Fire Department responds.
- g)    "Fire" means any flammable or combustible material in a state of combustion;
- h)    "Fire Ban" means an order, prohibition or restriction of Fires, issued by the Province of Alberta or by the Fire Guardian in accordance with this bylaw.

- i) "Fire Department" means any fire or emergency service organization providing Fire Protection Services to the Summer Village whether pursuant to the terms of an aid agreement or on an ad hoc basis.
- j) "Fire Guardian" means a person or persons appointed by the Council as the Fire Guardian for the Summer Village and is authorized to enforce this bylaw.
- k) "Fire Permit" means a permit issued by a Fire Guardian for the setting of an Open Fire or a Recreational Fire that does not conform with Section 7 of this bylaw, within the Summer Village.
- l) "Fire Protection Charge" means any or all costs incurred by the Summer Village as a result of the provision of fire protection and rescue services within the Summer Village under this bylaw.
- m) "Occupant" 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.
- n) "Open Fire" means any Fire which is not contained within a fire pit, an outdoor fireplace or a portable fire receptacle and includes but is not limited to:
  - i. Fire for the burning of weeds, grass, leaves, brush or any other plant material; and
  - ii. any Fire set for the purpose of thawing frozen ground.
- o) "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.
- p) "Portable Fire Receptacle" means a Canadian Standards Association (CSA) certified or equivalent outdoor portable fire receptacle.
- q) "Provincial Offences Procedure Act" means the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, and the regulations thereof, as amended or replaced from time to time;

- r) "Recreational Fire" means a Fire in a Fire Pit, Outdoor Fireplace or Portable Fire Receptacle which is set for the purpose of cooking, obtaining warmth or viewing pleasure, and which is fuel by Burnable debris only.
- s) "Running Fire" means a Fire burning without being under the control of any person,
- t) "Structure" means anything manmade, including but not limited to buildings, vehicles or vessels.
- u) "Summer Village" means:
  - i. the Municipal Corporation of the Summer Village of Ghost Lake, as duly established pursuant to the laws of the Province of Alberta; or
  - ii. the area within the legal boundaries of the Summer Village of Ghost Lake, as the context of this Bylaw requires;

### SECTION 3. FIRE GUARDIANS

- 3.1. The Council shall appoint one or more Fire Guardians, with or without a specified term, to administer the provisions of this bylaw, where the bylaw provides a duty to the Fire Guardian, within the boundaries of the Summer Village.

### SECTION 4. POWER OF FIRE GUARDIANS

- 4.1. The Fire Guardian shall have the authority and power to:
  - a) issue a Fire Permit in respect of land within the Summer Village,
  - b) order that a Property Owner dispose of materials and correct dangerous conditions deemed to be a fire hazard,
  - c) enforce the provisions of this bylaw within the boundaries of the Summer Village,
  - d) order that a person extinguish a fire during a fire ban,
  - e) declare a fire ban within the provisions of this Bylaw.

### SECTION 5. POWER OF ENFORCEMENT OFFICER

- 5.1. Each Enforcement Officer shall have the authority and power to:
  - a) order that a Property Owner dispose of materials and correct dangerous conditions deemed to be a fire hazard,

- b) enforce the provisions of this bylaw within the boundaries of the Summer Village,
- c) order that a person extinguish a fire during a fire ban.

**SECTION 6**            **FIRE BAN**

- 6.1. Where an emergency or a potential emergency exists, the Fire Guardian shall be at liberty to declare a Summer Village Fire Ban and suspend Open Fires and any Recreational Fires within the Summer Village for such a period of time and on such conditions as outlined in Clauses 6.2 and 6.3 of this bylaw, as may be determined by the Fire Guardian.
- 6.2. The following Fire Ban restrictions may be declared by the Fire Guardian: When there is a high or an extreme Fire danger, the following Fire Ban restrictions may be in place:
  - i. Fire Permits are not valid;
  - ii. Recreational Fires using wood products or charcoal briquettes are not permitted;
  - iii. Wood burning fires in screened indoor fireplaces and Forno ovens are not permitted; and
  - iv. Liquefied petroleum gas and natural gas fuelled
    - A. bar-b-ques,
    - B. portable fire receptacles and
    - C. fire pitsare permitted.
- 6.3. A Fire Ban declared by a Fire Guardian shall be in force until such time as it has been lifted by a Fire Guardian
- 6.4. When a Fire Restriction or a Fire Ban is declared on the lands adjacent the Summer Village, by the Municipal District of Bighorn or the Province of Alberta, then a fire ban shall automatically be placed on all lands within the boundaries of the Summer Village effective the time and date the adjacent land Fire Restriction or Fire Ban is declared and shall remain in effect until the Fire Restriction or Fire Ban is lifted on the adjacent lands by the Municipal District of Bighorn or the Province of Alberta.
- 6.5. The Fire Guardian, upon declaring or lifting a Fire Ban pursuant to Section 6.2 or the Municipal District of Bighorn or the Province of Alberta declaring or lifting a Fire Restriction or Fire Ban pursuant to Section 6.4, shall give notice through the Alberta Fireban website or such other websites as he or she may deem appropriate, by posting notices on the Village Notice Board, at the Fire Level Indicator Sign and through any other media announcements or other methods he or she deems appropriate.

- 6.6. All persons are responsible for determining whether there is a Fire Ban in effect and failure to receive notice of a Fire Ban shall not constitute a valid defence for a breach of such Fire Ban.

**SECTION 7**            **FIRE PITS, OUTDOOR FIREPLACES AND PORTABLE FIRE RECEPTACLES**

- 7.1. Fire Permits are not required for Recreational Fires that are entirely contained in a:
- a) wood burning fire pit,
  - b) wood burning outdoor fireplace,
  - c) wood burning portable fire receptacle or
  - d) a portable barbeque, fire pit or portable fire receptacle that burn liquefied petroleum gas, natural gas, compressed briquettes or charcoal.
- 7.2. A firepit, fireplace or portable receptacle connected to a deck or patio must also comply with the regulations for materials and clearances as required by Alberta Building Code for fireplaces.

**SECTION 8**            **FIRE PERMITS**

- 8.1. Fire Permits shall be required under this Bylaw for all Open fires with the exception of those outlined in Section 7 of this Bylaw.
- 8.2. The Fire Guardian shall receive and consider the request as outlined in this Section and in absolute discretion of the Fire Guardian, shall either issue a Fire Permit with or without conditions or refuse to issue the permit.
- 8.3. No burning is permitted unless a Fire Permit is issued on the prescribed form. The permit must be retained and produced if require by a Fire Guardian, Enforcement Officer or member of a responding Fire Department.
- 8.4. Fire Permits issued pursuant to this bylaw are valid for such period of time as shall be determined and set by the Fire Guardian issuing the Fire Permit but, in any case, shall not exceed seven (7) days for an Open Fire and twelve (12) months for a Recreational Fire. The Fire Permit shall have endorsed thereon the period of time for which the said Fire Permit is valid.

**SECTION 9**            **OFFENSES**

- 9.1. No person shall light an Open Fire or a Recreational Fire without a valid Fire Permit, except as outlined in Section 7 of this Bylaw.

- 9.2. No person shall permit a Recreational Fire to be lit upon land that is owned or occupied by him or under his control during a fire ban.
- 9.3. No person shall permit any Recreational Fire to burn unattended at any time and shall assure that all coals and embers have been extinguished to the point of cool to the touch. Persons disposing of ashes from a fireplace clean-out and bar-b-que briquettes shall also assure these materials are cool to the touch before disposing of them.
- 9.4. When a Fire is lit without receiving a Fire Permit or circumstances described in Section 7 of this 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 or she are unable to extinguish the fire immediately, report the fire by dialling 911.
- 9.5. No person shall light a Recreational Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times. This shall include but not be limited to having:
  - a) a means acceptable to the Fire Guardian of controlling or extinguishing the fire, readily available on the property and within reasonable distance from where the Fire occurs, and
  - b) a responsible adult present on the property at all times when the fire is burning, and the fire directly supervised at all times by at least one person at least eighteen (18) years of age or older.
- 9.6. Except as outlined in Section 7, no one shall light an Open Fire or a Recreational Fire without a valid Fire Permit.
- 9.7. No person shall, either directly or indirectly, personally or through an agent, servant or employee kindle a fire and let it become a Running Fire.
- 9.8. No person shall burn at any time, any debris not defined in this bylaw as Burnable Debris.

## SECTION 10      ENFORCEMENT

- 10.1. The Fire Guardian or Enforcement Officer, upon providing reasonable notice to the Owner or Occupier of land may enter the property to carry out an inspection, remedy, enforcement or action as required. The Fire Guardian or Enforcement Officer must display or produce on request identification showing that the person is authorized to make the entry
- 10.2. In an emergency, the Fire Guardian or Enforcement Officer need not give reasonable notice or enter at a reasonable hour to do the inspection, remedy, enforcement or action as required without the consent of the Owner of Occupant.

- 10.3. If a person refuses entry, inspection, enforcement or action, the Summer Village may apply to the Court of Queen's Bench by way of originating motion for a Court Order.
- 10.4. Where a Fire Guardian or Enforcement Officer has reasonable grounds to believe that a Person has violated any provision of this Bylaw, he may by written order, require the person responsible for the contravention to remedy it if the circumstances so require. The order may
- a) direct a person to stop doing something or to change the way in which the person is doing it,
  - b) direct a person to take any action or measures necessary to remedy the contravention of this bylaw,
  - c) state the reasonable time within which the person must comply with the directions,
  - d) state that if the person does not comply with the directions within a specified and reasonable time, the Summer Village will take the action or measure at the expense of the person.
- 10.5. The Fire Guardian or Enforcement Officer may commence Court proceedings against such Person by requiring a Court appearance of the Person where the Fire Guardian or Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

#### SECTION 11      SEVERABILITY

- 11.1. Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.
- 11.2. It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

#### SECTION 12      COSTS FOR FIRE PROTECTION

- 12.1. Where the Fire Department has responded to or taken action in respect to an incident for the purpose of providing rescue services, extinguishing a fire or responding to a call including a False Alarm and the Fire Department issues an invoice to the Summer Village, the Council, in its sole discretion, may levy the Fire Protection Charge to the person who caused or contributed to the fire or incident, or the Owner or Occupant of the property involved and all individuals levied are jointly and severally responsible for the Fire Protection Charge.

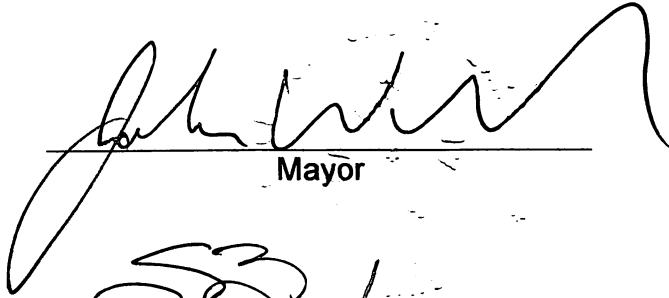
- 12.2. A Fire Protection Charge shall be paid within thirty (30) days of being levied.
- 12.3. Collection of unpaid Fire Protection Charges may be undertaken by civil action in court of competent jurisdiction, and any civil action does not invalidate any lien to which the Summer Village is entitled on the property in respect of which the indebtedness is incurred.
- 12.4. The owner of a parcel to which Fire Protection service is provided is liable for Fire Protection Charges incurred and the Summer Village may, as permitted by the Municipal Government Act, add to the tax roll of the parcel of land all unpaid fire protection charges.

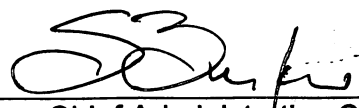
SECTION 13      GENERAL PROVISIONS

- 13.1. Upon third reading of Bylaw 187, Bylaw 196 and all amendments thereto are hereby repealed.

This bylaw will come into effect upon final reading thereof.

READ a first time this 11 day of September A.D. 2018  
READ a second time this 11 day of September A.D. 2018  
READ a third time this 11 day of September A.D. 2018

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer



- 1.1.1. The Protection Charge shall be paid within thirty (30) days of being levied.
- 1.1.2. Collection of charges from Protection Officers may be a condition of entry in lieu of a complaint, judgment, and any civil action does not include any fee in which the Bureau will be written on the property in respect of which the charge is levied.
- 1.1.3. The order of a warrant which the Protection Officer is provided in this order for the Protection Charge should be the same as that which may be provided by the Municipal Government, and in the text of the permit in that all words the protection charge

GENERAL REMARKS

1.1.4. Upon this reading of this law, 187, 188 and all amendments thereto are hereby repealed.

This law will come into effect upon its reading in the

1870 & 1880 and this law shall be read in the  
 day of \_\_\_\_\_ A.D. 2018

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