

**BYLAW No 2010-01
VILLAGE OF ANDREW**

A BYLAW OF THE VILLAGE OF ANDREW IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING BURNING WITHIN THE VILLAGE OF ANDREW.

WHEREAS, the Village of Andrew has deemed it necessary to regulate the burning of fires within the Village of Andrew corporate limits,

WHEREAS, it is deemed that for the protection and safety of its residents regulation of fire burning is necessary,

THEREFORE by virtue of the power conferred upon the Municipal Government Act, R.S.A. 1980, c.M-26-1, Part 2, Division 1 and 2 as amended or repealed and replaced from time to time, (herein after the "Municipal Government Act") the Council of the Village of Andrew, in the Province of Alberta, duly assembled, enacts as follows:

1. SECTION 1 – SHORT TITLE

1.1 This Bylaw shall be cited as "Burning and Fire Pit Bylaw"

2. SECTION 2 – DEFINITIONS

- 2.1 "Barbeque" means a vessel that is fueled by propane, natural gas, charcoal briquettes, or wood products.
- 2.2 "Burning Barrel" means a vessel utilized to burn refuse or debris
- 2.3 "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Village of Andrew pursuant to the Municipal Government Act to enforce the Village of Andrew Bylaws and includes a member of the Royal Canadian Mounted Police, and when authorized, a Special Constable.
- 2.4 "Council" means the Council of the Village of Andrew.
- 2.5 "Fire Ban" means absolute and total ban on burning

- 2.6 “ Fire Chief” means the person appointed by the Village of Andrew to head the Fire Department.
- 2.7 “Fire Pit” means any pit/hole utilized for the purpose of burning.
- 2.8 “Fireworks” means a combustible, pyrotechnic or explosive display producing a striking display of light or loud noise used for signaling or as part of a celebration.
- 2.9 “ Incinerator” means a vessel utilized to burn refuse or debris.
- 2.10 “Open Air Fire” means an open fire.
- 2.11 “Municipal Administrator means the Municipal Administrator of the Village of Andrew.
- 2.12 “Person” includes an individual, corporation, firm, partnership, association, or body corporate.
- 2.13 “Tree Dump” means a Village owned property designated by the Village of Andrew as a drop off place for tree limbs, branches, trimmings, garden refuse, and other natural organic compounds.
- 2.14 “Village of Andrew “ means the Village of Andrew.
- 2.15 “Violation Tag” means a tag or similar document issued by the Village of Andrew pursuant to Section 560 of the Municipal Government Act.
- 2.16 “Violation Ticket” means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, S.A. c. P- 21.5 as amended or repealed and replaced from time to time.(hereinafter the “Provincial Offenses Procedure Act”) and regulations thereunder.

SECTION 3 – APPLICATION

3.1 This Bylaw shall apply to all properties located and/or owned by the Village of Andrew in the Village of Andrew subject to any exceptions or inclusions provided in any statute of the Province of Alberta.

SECTION 4- FIRE PITS

4.1 Persons constructing, building, erecting or utilizing Fire pits shall be responsible for meeting the following requirements, The Fire Pit shall:

- a) Be located in the rear yard with a minimum of 3 meters clearance from buildings, property lines and combustible materials measured from the nearest fire pit edge or as recommended by the Village of Andrew and their designates:
- b) Be constructed of bricks, concrete blocks, heavy gauge metal or other non-combustible components and is enclosed on all sides.
- c) Have a spark arrestor mesh screen of 1.30 cm expanded metal (or equivalent) to contain sparks over the fire at all times.
- d) Be the sole responsibility of the owner or occupier of the property.
- e) Burn only charcoal briquettes, propane, natural gas or wood products that are not contaminated with glue, paint, stain or other preservatives.
- f) Have flames no higher than 90 cm (approx 3.5ft) above the top of the surrounding grade of the fire pit.

4.2.1 Where the rear yard is not possible for a fire pit, and the front and side areas are the only possible locations for a fire pit, the person shall make application to the Village of Andrew for a written variance of the requirements.

SECTION 5 - FIRES

5.1 Any person who starts a propane, natural gas or charcoal barbecue, or starts a fire in a fire pit that complies with Section 3 herein shall:

- a) remain in charge, or keep a competent person in charge of the barbecue or fire.
- b) ensure that the fire is completely extinguished when burning is complete.
- c) does not create a risk or hazard to persons or to other properties.
- d) does not create a nuisance, which is offensive to any other person.

SECTION 6 - OPEN AIR FIRES

6.1 With the exception of propane, natural gas or charcoal barbecues, fire pits that comply with Section 3 herein, burning in provincial or municipal owned campgrounds, parks, or Village designated areas where fireplaces, stoves and fire pits are provided by or approved by the Village of Andrew and fires controlled by the Public Works, and by the Fire Department (for training purposes), no person shall have an open fire within the corporate limits of the Village of Andrew.

SECTION 7 - BURNING BARRELS, INCINERATORS

7.1 No person shall start, use or maintain a vessel as such in order to burn refuse, or any other prohibited debris not limited to:

- a) animal cadavers
- b) animal manure
- c) chemicals and chemical containers
- d) household refuse
- e) non – wooden material
- f) paints and painting materials
- g) wood preservatives and or stained/painted woods

SECTION 8 – FIREWORKS

8.1 No person shall discharge, handle, fire, light or set off fireworks within the Village of Andrew, unless all Permits as required by law, and an application has been made to the Village of Andrew, and approved in writing for:

- a) a celebration, event, or to mark a special occasion.

SECTION 9 - FIRE BANS

9.1 The Village of Andrew or their appointed delegates may enact a Fire Ban within the Village at their discretion.

9.2 No person shall start a fire at any place within the corporate limits of the Village at any time while a Fire Ban is in place.

SECTION 10 - VILLAGE TREE DUMP

10.1 The Village of Andrew may from time to time conduct a controlled burn at the tree dump in accordance with all permits, regulations and requirements of the governing body.

SECTION 11 - COST RECOVERY

11.1 Where the Fire Department has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call, false alarm or incident for the purpose of preserving life or property from injury or destruction by fire or other incident on land, the Village of Andrew may in respect of any costs incurred in taking such action charge any cost so incurred to the person who caused the fire, or to the owner or occupier of the land in respect of which the action was taken, pursuant to this Bylaw.

11.2 The costs to be charged by the Fire Department for services rendered pursuant to this Bylaw are attached to and form part of the Bylaw as Schedule "A".

11.3 In respect of any costs or fees levied or charged under this Bylaw, the Village :

- a) may recover such costs or fees as a debt due and owing the Village and
- b) In default of payment, where permitted by the Municipal Government Act, add the amounts to the tax roll of a parcel of land.

SECTION 12 – PENALTIES – VOLUNTARY PAYMENT OF TICKETS

12.1 Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he/she may serve upon such a person a violation ticket as provided by this Section either personally or by mailing or by leaving the same at his/her last known address and such services shall be adequate for the purpose of this Bylaw.

12.2 A violation ticket shall be in such form as determined by the Village and shall state the Section of the Bylaw which was contravened and the amount which is provided in Schedule "B" that will be accepted by the Village in lieu of prosecution.

12.3 Upon production of a violation ticket issued pursuant to this Section within ten (10) days from the issue thereof together with payment to the Village of Andrew, the fee as provided in Schedule "B", the person to whom the violation ticket was issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any provisions in this Bylaw.

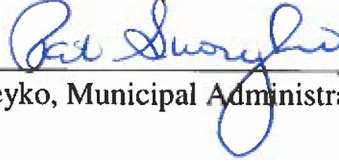
Read for a first time this 24th day of March, 2010

Read for a second time this 24th day of March, 2010

Read for a third time this 24th day of March, 2010



Tina Warawa, Mayor



Pat Skoreyko, Municipal Administrator