

**BY-LAW NO. 10-12
TOWN OF FALHER**

A BY-LAW OF THE TOWN OF FALHER, IN THE PROVINCE OF ALBERTA, PROVIDING FOR THE REGULATION OF OPEN BURNING WITHIN THE CORPORATE LIMITS OF THE TOWN OF FALHER

WHEREAS Section 7 of the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides for the passing of a Bylaw respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS the Municipal Council of the Town of Falher deems that certain regulations are required for the control of open fires; and

NOW THEREFORE the Municipal Council of the Town of Falher in the Province of Alberta, in Council duly assembled, hereby enact as follows:

1. Short Title

This Bylaw shall be cited as “The Open Burning Bylaw”

2. Definitions

- a) “Council” shall mean the Council of the Town Of Falher duly assembled.
- b) “Fire Chief” and “Deputy Fire Chief” shall mean the duly appointed Fire Chief and Deputy Fire Chief of the Municipal District of Smoky River No. 130.
- c) “Open Burning” means a fire of any kind whatsoever in the open air without the use of non-combustible container.

3. Regulations

3.1 No person shall engage in open burning within the Town of Falher corporate boundary.

3.2 Notwithstanding Section 3.1, it shall not be an offense under this section to conduct:

- a) Barbecuing;
- b) burning in fireplaces, and stoves in or attached to dwelling;
- c) burning in a contained fire pit or stove at the Municipal campground;
- d) burning in a metal or non-combustible container designed and used with a metal mesh or grate with a grid spacing of 1.25 centimetres (0.5 inches) or less at the opening so as to prevent burning debris from escaping. Except for portable outdoor fireplaces, fire pit bases shall have a 15 centimetre (6 inch) non-combustible base (i.e. bricks, concrete blocks, heavy gauge metal) and a 20 centimetre (8 inch) non-combustible perimeter area. The said container shall not exceed one (1) metre in diameter and shall be located at a distance not less than four (4) metres from the eave of a building, property line or combustible material (i.e. decks, trees, Fences, etc.);
- e) burning in a natural gas or propane fire pit approved by the Underwriters Laboratories of Canada and/or the Canadian Standards Association.

3.3 Burning of only clean seasoned wood that is not contaminated with glue, paint, stain or other preservatives may be used for burning.

3.4 Burning of household waste, leaves, organic materials or any material or thing which emits toxic fumes in the atmosphere is strictly prohibited.

3.5 The user shall not allow smoke or sparks to create a nuisance or hazard to neighbors or to other properties.

3.6 Large fires or bon fires are not permitted; fires shall not have a flame height of more than 50 centimetres (20 inches) above the fire pit screen surface.

3.7 No fires shall be left unattended at any time.

3.8 Fire pits can not be used if a fire ban prohibiting their use is in effect.

4. Penalties

4.1 A fire protection charge can be levied against any person responsible for a fire and/or the owner of the property involved if the Fire Department responds to a callout about a fire.

4.2 Fires that are non-conforming to the regulations can be extinguished by the Fire Department or a Town employee with costs incurred being charged to the person responsible for the fire and/or the owner of the property involved.

4.3 Any person who commits a breach of this Bylaw is guilty of an offense and is liable to a voluntary penalty of \$50.00

4.4 Any person who contravenes any provision of this Bylaw may be subject to an offense and liable on summary conviction to a fine not exceeding \$500.00 or to the Provincial Offences Procedural Act and amendments thereto.

5. Enactment

5.1 Bylaws No. 03-05 is hereby repealed.

5.2 This Bylaw shall come into effect on the date of the final passing thereof.

READ a first time this _____ day of _____, 2010.

MAYOR

MUNICIPAL ADMINISTRATOR

READ a second time this _____ day of _____, 2010.

MAYOR

MUNICIPAL ADMINISTRATOR

READ a third time and finally passed this _____ day of _____, 2010.

MAYOR

MUNICIPAL ADMINISTRATOR