

**BYLAW NO. 85-2002  
SUMMER VILLAGE OF SUNRISE BEACH**

**Being a Bylaw of the Summer Village of Sunrise Beach enacted for the prevention or extinguishing of fires, for the preservation of life and property, the protection from injury or destruction of fire, firefighting costs, recovery and penalties.**

---

**WHEREAS** Section 7(e) and (f) of the Municipal Government Act, Chapter M 28 of the Statutes of Alberta 2000, provides that a council may pass bylaws for the safety, health and welfare of people and the protection of people and property, imposition of penalties for offenses, as well as services provided by or on behalf of the municipality as may be considered proper by Council;

**AND WHEREAS** Section 553(1)(G) OF THE Municipal Government Act, being Chapter M-26-1 of the Statutes of Alberta 2000, provides that a Council may pass a bylaw making the owner of a parcel liable for costs and expenses related to the municipality extinguishing fires on the parcel, and unpaid costs and expenses for extinguishing fires on the parcel maybe added to the tax roll of that parcel of land;

**AND WHEREAS** the Forest and Prairie Protection Act, R.S.A. 2000 with amendments thereto, grants certain additional powers and responsibilities to Summer Village of Sunrise Beach, Council may pass bylaws for the prevention of prairies or running fires and the enforcement of the provisions of the Forest and Prairie Protection Act in that behalf;

**AND WHEREAS** the Council of the Summer Village of Sunrise Beach pursuant to the powers and responsibilities granted to it pursuant to the Municipal Government Act and the Forest and Prairie Protection Act wishes to provide for the prevention, regulation and control of the lighting of fires within Sunrise Beach and for the preservation of life and property from damage or destruction by fire on the terms hereinafter provided;

**NOW THEREFORE**, the Council of the Summer Village of Sunrise Beach, duly assembled, enacts as follows:

**PART 1 – NAME OF BYLAW**

1.1 This bylaw may be cited as the "Fire Bylaw".

**Part 11 – DEFINITIONS**

2.1 In this Bylaw:

- (a) "Apparatus" means any vehicle, machinery, device, equipment or material for firefighting, as well as any vehicle used for transporting firefighters or supplies;
- (b) "Council" means the Council of Summer Village of Sunrise Beach;
- (c) "Department" means a Municipal fire department providing coverage to the Summer Village of Sunrise Beach through a formal agreement with the Lac Ste. Anne County or any fire hall operated by the County;

- (d) "Equipment" means any tools, contrivances, devices or materials used by the Department to combat an incident or other;
- (e) "Fire Control Order" means the banning of outdoor fires and may be implemented by either the Minister or a resolution of Council;
- (f) "Incident" means a fire or situation where an explosions imminent or any other situation where there is a danger or a possible danger to life or property or both and to which the department has responded;
- (g) "Incinerator Fire" means a fire that is confined within a non-combustible structure, container or barrel with openings covered with a heavy gauge metal screen having a mesh size not larger than 6 millimeters and which is used for the purpose of burning refuse;
- (h) "Manager" means the Chief Administrative Officer or his/her designate
- (i) "Member" means the Department Fire Chief, Deputy Fire Chief and members of the department
- (j) "Minister" means the Minister responsible for enforcing the Forest and Prairie Protection Act;
- (k) "Outdoor Fire" means any other fire other than that defined as a Structure Fire and shall include fires involving humus, soil, farm produce, bush, grass, feed, straw, coal or any fire that has escaped or spread from a building, structure, machine, vehicle or incinerator;
- (l) "Structure Fire" means a fire confined to and within any building, structure, machine or vehicle which will or is likely to cause destruction of or damage to such building, structure, machine or vehicle;

#### PART 111 FIRE CONTROL ORDERS

- (a) The Forest and Prairie Protection Act, Section 21(1), Fire Control Orders, sets out the conditions for the Minister to order suspension or cancellation within any part of Alberta all fire permits or prohibit the lighting or require the extinguishing of a fire set other than under the authority of a permit;
- (b) This bylaw authorizes the council of Summer Village of Sunrise Beach, by resolution. to impose a Fire Control Order in all or part of the Summer Village of Sunrise Beach.

#### PART 1V EXEMPTIONS

A Fire Permit is not required under this bylaw for an attended open fire providing that all of the following conditions are met:

- a) such burning is done in a metal or non combustible container of not less than 210 (two hundred and ten liters) or 2 (two) meters with openings covered with a heavy gauge metal screen having a mesh size not larger than 13 millimeters or a properly constructed fire pit on mineral soil with a sufficiently high containment to prevent dispersal of live ash by wind or an outdoor fire set for the purpose of cooking or obtaining warmth or such burning done by a village employee in the performance of Village maintenance
- b) winds are less than 20 km per hour
- c) a minimum of one (1) adult must be in attendance at all times

- d) sufficient tools, equipment and quantities of water must be readily available for the size of the burn to be conducted
- e) consideration must be given to neighbors as to avoid physical discomfort as a result of burning
- f) the igniter of the fire agrees to indemnify and save harmless the summer village of Sunrise Beach from all liability arising out of the operations of such fire
- g) the fire to be kept under control
- h) the fire is extinguished before it is abandoned.

#### PART V RECOVERY OF FIRE FIGHTING COSTS

- (a) Where the Department has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident in the Summer Village of Sunrise Beach for the purpose of preserving life or property from injury or destruction by fire or other incident on land, including roads within the Summer Village of Sunrise Beach, including any action taken by the department on a false alarm, the Chief Administrative Officer or his designate may in respect of any costs incurred by the Department in taking such action, if the Chief Administrative Officer or his designate feels that proper grounds for doing so exist, charge any costs so incurred to the owner or occupant of the land, structure or vehicle in respect of which the action was taken.
- (b) The costs and fees to be charged by the Department for services rendered pursuant to this bylaw shall be as shown on Schedule "A" attached and forming part of this bylaw as determined by Council by resolution from time to time.
- (c) In the event that the owner or occupant of any land within the Summer Village of Sunrise Beach shall feel aggrieved by any action taken by the Chief Administrative Officer or his designate pursuant to Part V(a), such owner or occupant shall have a period of thirty (30) days from the date of mailing of notice of the action taken by the Chief Administrative Officer or his designate to appeal to Council the action taken by the Chief Administrative Officer or his designate and the decision of Council on any such appeal shall be final and binding upon the owner or occupant of the land and shall not be subject to any further appeal.
- (d) In respect of land within the Summer Village of Sunrise Beach, in the event that the amount levied by the Chief Administrative Officer or his designate is not paid within sixty (60) days after the date of mailing of a notice pursuant to Part V(a), or in the event of an appeal, within sixty (60) days of the date of mailing of the decision of Council on appeal, the amount levied and unpaid shall be charged against the land upon which the fire was extinguished as taxes due and owing in respect of that land.

#### PART V1 OFFENCES

- (a) No person shall light an Outdoor Fire or a Structure Fire unless he is the holder of a subsisting Fire Permit if required under this bylaw.

- (b) No person shall permit an Outdoor Fire or Structure Fire to be lit upon land that is owned or occupied by him or under his control except when such fire is permitted pursuant to this bylaw
- (c) When a fire is lit under the circumstances described in Part V1(b), the owner or occupant of the land or the person having control of the land upon which such fire is lit shall:
  - (i) extinguish the fire immediately;
  - (ii) where he is unable to extinguish the fire immediately, report the fire to the Department.
- (d) No person shall light an Outdoor Fire, a Structure Fire or an Incinerator Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
- (e) No person shall conduct any activity that involves the use of fire that might reasonably be expected to cause a fire, unless he exercises reasonable care to prevent the fire from occurring.
- (f) No person shall light an Outdoor Fire when weather conditions are conducive to a fire readily escaping out of control.
- (g) No person shall fail to take reasonable steps to control a fire for the purpose of preventing it from spreading onto land other than his own.
- (h) No person shall deposit, discard or leave any burning matter or substance in a place where it might ignite other matter and result in a fire.

#### PART V11 PENALTIES

- (a) Any person who fails to hold a subsisting Fire Permit when one is required under this bylaw is guilty of an offense and is liable to a fine of \$100.00 on summary conviction for the first offense in any calendar year; to a fine of \$200.00 on summary conviction for the second offense in any calendar year and a fine of \$300.00 on summary conviction for the third and each subsequent offense in a calendar year.
- (b) A person who fails to comply with any provision contained in this bylaw, except for the failure to hold a subsisting Fire Permit which is otherwise provided for under Part V1(a) of this bylaw, is guilty of an offense and is liable on conviction to a fine of not less than \$250.00 and not more than \$1000.00.

#### PART V111 SEVERABILITY

- (a) Should any part of this Bylaw be found to have been improperly enacted for any reason, then such section or part shall be regarded as severable from the rest of this Bylaw and this Bylaw remaining after such severance shall be effective and enforceable as if the part found to be improperly enacted had not been enacted as part of this Bylaw.

Notwithstanding any of the preceding conditions, when the "No Open Fires" signs are posted at the entrances to the Summer Village of Sunrise Beach, no fires of any kind whether they require a permit or not may be ignited within the Summer Village of Sunrise Beach and any existing fires must be extinguished immediately.

This Bylaw upon taking effect, rescinds bylaw 33-1991.

THIS BYLAW SHALL COME INTO FORCE AND EFFECT ON THE FINAL DAY OF THE PASSING THEREOF.

Read a first time this 3rd day of September 2002

Read a second time this 01 day of October 2002

Read a third time and finally passed this 01 day of October 2002

---

Mayor

---

Administrator