

**Village of Barons
IN THE PROVINCE OF ALBERTA
BYLAW #736**

A BYLAW OF THE VILLAGE OF BARONS, IN THE PROVINCE OF ALBERTA, TO REPEAL BYLAWS #731, #695 AND #665 AND TO PROVIDE FOR THE REGULATIONS REGARDING FIRE PITS.

The Council of the Village of Barons, duly assembled, hereby enacts the following:

Part 1 – Title

This Bylaw may be cited as the Village of Barons “Fire Pit Bylaw”

Part 2 - Definitions

- a. “Acceptable Permanent Fire Pit” means an outdoor fire pit that meets the following specifications:
 - i. is made of bricks, rocks, formed rocks, concrete blocks, cured/fired ceramic/clay, heavy gauge metal or other materials acceptable to the Fire Chief or Peace Officer and has a packed gravel or concrete base that is a minimum of 0.5 feet greater in diameter than the entire outside edge of the fire pit;
 - ii. a wood burning fire pit with legs a minimum of 15 centimeters (6 inches) high does not require a gravel or concrete base but shall be considered an Acceptable Permanent Fire Pit and shall only be permitted to be kept in the rear yard of residential properties in accordance with the all of the guidelines under this definition of an Acceptable Permanent Fire Pit.
 - iii. the fire pit does not exceed 1m (3.28’) in width or diameter when measured between the widest point or outside edges;
 - iv. has a required minimum of 3m (9.84’) clearance, measured to the from the nearest fire pit edge to buildings, property lines, trees, shrubs or other combustible material. All measurements and distances apply both vertical and horizontal;
 - v. has a height no less than 45 centimeters (18 inches) and no greater than 61 centimeters (24 inches).
 - vi. has a spark arrestor screen with openings no larger than 1.25cm (0.5”), and constructed of non-combustible mesh, that is used to cover the fire pit opening at all times when a fire is present, in a manner which will contain and reduce the hazards of airborne sparks and embers.
 - vii. an Acceptable Permanent Fire Pit may only be located in the rear yard of a residential property.

- viii. only clean and dry firewood that does not contain any preservatives may be burned in an Acceptable Permanent Fire Pit.
- b. “Acceptable Portable Fire Pit” means an outdoor portable fire pit that meets the following specifications:
 - i. is fueled by either natural gas or propane and includes but is not limited to barbecues, fire pits, fire bowls and chimeneas that are ULC/CSA/Warnock-Hersey approved and are used in accordance with the instructions provided;
 - ii. the minimum distance for combustible materials to be within an Acceptable Portable Fire Pit is 6 feet (1.83 metres) measured horizontally from any outer edge of the fire pit to any combustible material and 6 feet (1.83 metres) measured vertically from the burner of the device to any combustible material.
 - iii. are fueled by nothing larger than a 20 pound bottle of propane.
 - iii. are permitted in either the front, side or rear yards of residential properties.
- c. “Fire Chief” means the Village of Barons appointed Fire Chief, his designate or a safety codes officer;
- d. “Fire Pit” means to include both Acceptable Permanent Fire Pits and Acceptable Portable Fire Pits.
- e. “Peace Officer” means
 - i. a member of the Royal Canadian Mounted Police
 - ii. a member of a Municipal Police Service
 - iii. a Community Peace Officer.
 - iv. a Bylaw Enforcement Officer.
- f. “Prohibited Material” shall include but is not limited to the following:
 - i. construction materials, wire, insulation;
 - ii. grass, weeds, branches and leaves;
 - iii. food waste, animal carcasses and manure;
 - iv. hazardous materials, explosive material, herbicides and pesticides;
 - v. rubber, metal, cardboard, paper and plastic;
 - vi. painted, stained or pressure treated wood
 - vii. other similar garbage, waste and refuse.

- g. “Unacceptable Fire Pit” means a fire pit which does not meet the conditions of an acceptable fire pit.

Part 3 – Fire Pits

- a. no unacceptable fire pits are to be located on any public or private property.
- b. fire pits may only be used for warmth and cooking of food.
- c. a fire in a fire pit must be under control and manageable at all times.
- d. at no time shall the flame in a fire pit reach a greater height and/or width than 0.76 meters (2.5 feet).
- e. a fire must be attended to at all times by a competent person over the age of eighteen (18) years.
- f. material capable of extinguishing the fire, such as a fire extinguisher, garden hose connected to a water supply, sand or other suitable means of extinguishment, must be readily available at the fire site.
- g. fire pits shall not be used when wind conditions exceed 25 kilometers per hour.
- h. any fire pit that is used to burn firewood must be located in the rear yard of a residential property and comply with the definition of an Acceptable Permanent Fire Pit.
- j. at no time shall a fire pit be used to burn any prohibited material.
- j. No fires shall be had in any fire pit except for those in Acceptable Permanent Fire Pits and Acceptable Portable Fire Pits, as defined in Part 2 – Definitions.
- k. Fires must be completely extinguished between the hours of 2:00am and 10:00am

Part 4 - Authority

- a. no person shall interfere with the lawful inspection of a fire pit or enforcement of the “Fire Pit Bylaw” by a Peace Officer or Fire Chief.
- b. the Fire Chief or a Peace Officer is authorized to enter onto any property to inspect any Fire Pit.
- c. the Fire Chief or a Peace Officer is authorized to determine that a fire is a danger and may order that the fire be extinguished.
- d. the Fire Chief or a Peace Officer is authorized to determine if a fire pit is unsafe and order that the fire pit no longer be used.

- e. the Fire Chief may grant an exemption for a fire pit that does not meet the requirements.
- f. the fire chief may impose conditions on the use/construction of a fire pit.
- g. the Fire Chief or a Peace Officer is authorized to order the removal of a fire pit that is deemed dangerous.
- h. the Village is authorized to remove a fire pit that is deemed dangerous, and the costs of removal shall become a debt owing to the Village and may be added to the tax roll.

Part 5 - Fire Ban

- a. The Council for the Village, the Fire Chief or Director of Disaster Services for the Village of Barons may enact a Fire Ban within the Village at any time.
- b. 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.

Part 6 - Offenses and Penalties

- a. Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to a penalty as set out in Schedule A.
- b. Despite section (a), any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence, is liable to a fine set out in Schedule A.
- c. Any person who is guilty of an offence for which a penalty is not provided is to a fine as set out in Schedule A.
- d. Peace Officers are authorized to issue a violation ticket to any person who contravenes any section of this Bylaw.

Part 7 - General

- a. Nothing in this Bylaw will operate to relieve any person from complying with any federal, provincial or other Village order, regulation or Bylaw.
- b. Nothing in this Bylaw will be construed as curtailing or abridging the right of the Village to obtain compensation for or to maintain an action for loss of or damage to property from or against the person or persons responsible.
- c. Should any provision of this Bylaw be deemed invalid, then such invalid provision may be severed and the remaining Bylaw shall be maintained.
- d. Upon third reading of Bylaw #736, Bylaws #731, #695 and #665 and all amendments thereto are hereby repealed.

Effective Date

This Bylaw shall come into effect after the third reading and upon being signed.

Read a first time this _____ day of _____, 2022

Read a second time this _____ day of _____, 2022

Unanimous consent to hold a third and final reading this _____ day of _____, 2022

Read a third and final time this _____ day of _____, 2022

Mayor

Administrator

SCHEDULE A

Part 3, Section (a) – Unacceptable fire pit.....	\$100.00
Part 3, Section (c) – Failing to keep fire manageable and under control.....	\$250.00
Part 3, Section (d) – Allowing flame to become greater in size than permitted.....	\$150.00
Part 3, Section (e) – Failing to have someone over 18 years old present.....	\$100.00
Part 3, Section (f) – Failing to have material capable of extinguishing fire on site.....	\$100.00
Part 3, Section (g) – Using fire pit when winds over 25 kilometers per hour are present....	\$100.00
Part 3, Section (h) – Burning in non-permitted location.....	\$100.00
Part 3, Section (i) – Burning of prohibited material.....	\$250.00
Part 3, Section (j) – Having a fire in an unacceptable fire pit.....	\$100.00
Part 3, Section (k) – Failing to extinguish fire between 2:00am and 10:00am.....	\$125.00
Part 4, Section (a) – Interfering with Fire Chief or Peace Officer.....	\$350.00
Part 4, Section (c) – Continuing to use a fire pit after ordered to stop using it.....	\$250.00
Part 5, Section (b) – Burning while a fire ban is in place.....	\$250.00
Part 6, Section (b) – Second and subsequent offence within one year of initial offence.....	Doubled
Part 6, Section (c) – No penalty provided.....	\$150.00