

**Village of Warburg
Bylaw #197/24**

**A BYLAW OF THE VILLAGE OF WARBURG, IN THE PROVINCE
OF ALBERTA, TO REGULATE AND CONTROL OPEN FIRES
AND BURNING WITHIN THE BOUNDARIES OF THE VILLAGE OF
WARBURG.**

WHEREAS, pursuant to the provisions of Section 7(a) of the Municipal Government Act being Chapter M-26.1 of the revised Statutes of Alberta, as amended, Council may pass Bylaws for the safety, health and welfare of people and the protection of people and property.

AND WHEREAS, The Council of the Village of Warburg deem it appropriate, expedient and in the public interest that the said Bylaw be enacted.

NOW THEREFORE, the Council of the Village of Warburg, duly assembled

HEREBY ENACTS AS FOLLOWS:

SECTION 1 – NAME OF BYLAW

1.1 This Bylaw may be cited as the "Burning Bylaw".

SECTION 2 – DEFINITIONS

2.1 In this Bylaw:

(a) "Acceptable Fire Pit" means an outdoor receptacle that meets the following specification:

- (i) A minimum of 3 meters clearance, measured from the nearest fire pit edge is maintained from buildings, property lines or other combustible material.
- (ii) The fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Services and;
- (iii) A spark arrestor mesh screen with openings no larger than 1.25 cm and constructed of expanded metal (or equivalent non-combustible material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.
- (iv) A special permit may be issued by the Leduc County Fire Chief for those fire pits which do not meet the specifications as outlined above, subject to the applicant consenting to an on-site inspection by the Leduc County Fire Chief on any conditions which the Leduc County Fire Chief may deem necessary being recorded on the permit, then such person shall be liable to pay all costs and the Village shall be able to recover from such person all such costs as a debt owing to the municipality.

(b) "Burnable Debris" means those materials permitted to be burned in accordance with statutes and bylaws written to protect and enhance the environment, and shall include but are not limited to materials described as:

- (i) seasoned tree pruning or other seasoned wood
- (ii) new wood material from building construction
- (iii) used power poles and/or posts which do not contain preservatives

(c) "Council" means the Council of the Village of Warburg.

(d) "Fire Chief" means an employee of Leduc County who is appointed Fire Chief for Leduc County or his/her designate.

- (e) "Open Fire" means any fire which is not an incinerator fire, pit fire, public park site fire and which, without limiting the generality of the foregoing, shall include grass fires, forest and bush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires.
- (f) "Open Air Fire Permit" means an approved application in writing in the prescribed form set out by the Village of Warburg Fire Services and such other information as may be required by Fire Services.
- (g) "Prohibited Debris" means any material that when burned, will result in the release to the atmosphere of dense smoke or toxic air contaminants in accordance with statutes and bylaws written to protect and enhance the environment.
- (h) "Public Park Site Fire" means a fire on land owned or leased by the Village of Warburg or its agents for recreational purposes and is confined to either a non-combustible container supplied by the Village, as approved by The Fire Chief, or a Portable Appliance, which is set for the purpose of cooking food, obtaining warmth or viewing for pleasure. Such fire may only be fuelled with seasoned wood, charcoal, natural gas or propane.
- (i) "Running Fire" means a fire burning without being under the proper control of any person.

SECTION 3 – OPEN AIR FIRES

- 3.1 No person shall permit an open fire or any other fire upon land owned, occupied, or under his or her control within the Village, unless a permit has been obtained, the provisions outlined on the permit are complied with, and burnable debris is burned.
- 3.2 Notwithstanding Section 3.1, a permit shall not be required under this Bylaw to conduct:
 - (a) the cooking of food using a portable barbecuing appliance;
 - (b) recreational burning or the cooking of food in acceptable fire pits or acceptable fireplaces, provided:
 - (j) only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the fire pit or fireplace below the mesh screen;
 - (ii) the fire pit is not used to burn prohibited debris;
 - (iii) a means, acceptable to the Fire Chief, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs; and
 - (iv) a responsible adult is present on the property when the fire is burning;
 - (c) burning in fireplace in or attached to a dwelling as provided by the legislation;
 - (d) burning in Village owned campgrounds and parks where fireplaces, stoves and fire pits are provided by or approved by the Village.
 - (e) burning in an incinerator for which a permit to construct and license to operate has been issued pursuant to the applicable legislation; or
 - (f) burning by the Fire Service Department for the purpose of training its member.

SECTION 4 – PROCEDURE TO OBTAIN OPEN AIR FIRE PERMIT

- 4.1 Any persons wishing to obtain an Open Air Fire Permit must apply at least 48 hours in advance to the Development

Officer during the normal business hours of the Village of Warburg.

- 4.2 Each application for an Open Air Fire Permit must contain the following information:
- (a) the name and address of the applicant, and the name and address of the owner of the land on which the applicant proposes to set a fire;
 - (b) the legal and/or municipal description of the land on which the applicant proposes to set a fire;
 - (c) the period of time for which the fire permit is required;
 - (d) the precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
 - (e) the signature of the applicant; and
 - (f) the written consent to the proposed fire by the owner of the land (if different than the applicant).
- 4.3 Upon receipt of an application for a permit, the Development Officer and the Leduc County Fire Chief shall consider the permit application, and may, pursuant to the provisions of this Bylaw and the Alberta Fire Code:
- (a) refuse to grant the permit;
 - (b) grant a permit with or without terms and conditions as is deemed appropriate or;
 - (c) determine that a permit is not required.
- 4.4 The permit fee shall be as met out in Schedule "A" and shall be paid upon application for permit.
- 4.5 A permit shall not be transferable.

SECTION 5 – VIOLATIONS AND PENALTIES

- 5.1 The Leduc County Fire Chief may terminate, suspend or cancel an Open Air Fire Permit upon contravention of any provision of this Bylaw or the Alberta Fire Code or any terms and conditions found on the permit.
- 5.2 A person who contravenes any provision of this Bylaw, shall be deemed to be guilty of an infraction of the Bylaw and upon a conviction, is liable to a fine for the first offense of not less than \$100.00 and for the second offence and subsequent of not less than \$500.00. No person found guilty of an offence under this Bylaw shall be liable to imprisonment.
- 5.3 Where a person:
- (a) fails to obtain a permit as required under this Bylaw or
 - (b) obtains a permit as provided for in this Bylaw but fails to follow the provisions of the Bylaw and those conditions outlined on the permit; or
 - (c) originally did not require a permit, but whose actions brought an open air fire under the requirement for a permit as defined herein: and
 - (d) a fire beyond the control of the person or other emergency results, then such person shall be liable to pay all costs or all emergency response service incurred by the Fire Services department, and the Village shall be able to recover from such person all such costs as a debt owing to the municipality of Leduc County.

- (e) failing to abide by a Fire Ban or Fire Advisory or Fire Restriction, then such person shall be liable to pay all costs or all emergency response service incurred by the Fire Services department, and the Village shall be able to recover from such person all such costs as a debt owing to the municipality of Leduc County.

DONE AND PASSED in open council assembled at Warburg, in the Province of Alberta, this 13th day of May, A.D. 2024.

Read a first time this 13th day of May, A.D. 2024.

Read a second time this 13th day of May, A.D. 2024.

Read a third time with the unanimous consent of the Council Members present and finally passed this 13th day of May, A.D. 2024.

Mayor Dwayne Mayr

Christine Pankewitz
Municipal Administrator

SEAL

AMENDED in open council, **DONE AND PASSED** in open council assembled at Warburg, in the Province of Alberta, this 6th day of August, A.D. 2024.

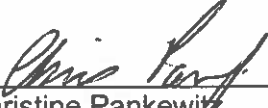
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Mayor Dwayne Mayr



Christine Pankewitz
Municipal Administrator

SEAL

SCHEDULE "A" TO BYLAW #50/01

Application Number _____

Fee \$25.00 _____

The Village of Warburg
Burning Bylaw

APPLICATION FOR BURNING PERMIT

I/We hereby make application under the provisions of the Burning Bylaw for a Permit in accordance with the plans and supporting information submitted herewith and which form part of this application.

Applicant _____

Address _____ Telephone Number _____

Address of Property _____

Lot _____ Block _____ Registered Plan No. _____

Precautions Taken _____

Date of Burning _____

Time Period _____

Registered Owner of Land _____

(If different that the applicant – written consent from the owner is required.)

Address _____ Telephone Number _____

Interest of Applicant, if not owner _____

Signature of Applicant _____ Date _____

BURNING PERMIT (for office use only)

The above application was considered by the Development Officer/ Fire Chief

On _____ and was:

APPROVED

REFUSED

The reasons for the conditions or refusal are: (see attached)

You are hereby authorized to proceed with the burning specified above, PROVIDED that any conditions appearing hereon are complied with. This permit becomes effective immediately after the date of issue of the notice of decision unless an appeal is lodged during that period, in which case the permit is null and void.

Date of Decision _____

Date of Issue of Notice of Decision _____

Date of Issue of Permit _____

DEVELOPMENT OFFICER / LEDUC COUNTY FIRE CHIEF

DATED _____

Permit No. _____

VILLAGE OF WARBURG
FIRE PERMIT/BURNING APPROVAL
(To be completed by Development Officer)

Application Permit No. _____ was considered by the Development Officer and Leduc County Fire Chief and was approved under the following conditions:

1. Must notify Leduc County Fire Chief before burning.
2. The burn site must be attended at all times until the fire is completely out and all hot coals and/or ashes have been cooled. Minimum of 2 persons (18 years of age or older) must be in attendance while burn is in progress.
3. Do not commence burn in wind exceeding 10 KPH.
4. Notification to be given to Fortis (if there are lines in the area).
5. Before any burning is performed, all necessary permits and notices must be applied for and received.
6. Other

You are hereby authorized to proceed with the burning specified provided that any stated conditions are complied with and the burning is in accordance with any approved plans and application. Should an appeal be made against this decision to the Development Officer and/or Leduc County Fire Chief the burning permit shall be null and void.

Date of Decision _____

Date of Issue of Burning Permit _____

Signature of Development Officer _____

Signature of Leduc County Fire Chief _____

Permit No. _____

VILLAGE OF WARBURG
BURNING REFUSAL
(To be completed by Development Officer)

Application Permit No. _____ was considered by the Development Officer and Leduc County Fire Chief and was refused under the following conditions:

1. _____
2. _____
3. _____
4. _____

You are hereby NOT authorized to proceed with the burning.

Date of Decision _____

Date of Issue of Burning Permit _____

Signature of Development Officer _____

Signature of Leduc County Fire Chief _____