

**MOUNTAIN VIEW COUNTY
BYLAW NO. 28/02**

A Bylaw of Mountain View County, in the Province of Alberta, to provide for the establishment of fire bans within the corporate limits of Mountain View County.

WHEREAS, pursuant to Sections 7 and 8 of the *Municipal Government Act*, S.A., 2000, M-26, as amended, the Council has the authority to pass a bylaw for the implementing of fire bans in Mountain View County (the "County");

WHEREAS Chapter F-14, as amended, of the *Forest and Prairie Protection Act* (Alberta), provides the County the authority to enforce the provisions of the *Forest and Prairie Protection Act* within the boundaries of the County; and,

WHEREAS the Council of Mountain View County wishes to establish fire bans from time to time;

NOW THEREFORE the Council of Mountain View County, in the Province of Alberta, duly assembled, enacts as follows:

This Bylaw may be referred to as the "County Fire Ban Bylaw".

In this Bylaw:

- (a) "Enforcement Officer" shall mean any member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer/Special Constable of the municipality.
- (b) "County Fire Ban" and "Fire Ban" shall mean the prohibition by the County on the lighting of Open Fires in the County.
- (c) "Fire Chief" shall mean the Fire Chief appointed in each of the fire departments situated within the boundaries of Mountain View County.
- (d) "Incinerator Fire" shall mean a fire that is confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size not larger than 13 millimeters and which is ventilated in such a manner as to preclude the escape of combustible materials including ash.
- (e) "Open Fire" shall mean any fire which is not an incinerator fire, pit fire, public park site fire or smudge fire, and which, without limiting the generality of the foregoing, shall include grass fires, stubble fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, and ground thawing fires.
- (f) "Owner" shall mean the owner or occupier of the land on which a fire is lit.
- (g) "Pit Fire" shall mean a fire which is totally confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size no larger than 13 millimeters and which is ventilated in such a manner as to preclude the escape of combustible materials including ash, and which fire is set for the purpose of cooking or obtaining warmth, and such fire may only be fuelled with dry wood, charcoal, natural gas or propane.

- (h) “Public Park Site Fire” shall mean a fire on land owned and operated by the County or its agents, or privately owned and operated campgrounds, for recreational purposes and is confined to a non-combustible container, which is set for the purpose of cooking food, obtaining warmth or viewing for pleasure. Such fire may only be fuelled with dry wood, charcoal, natural gas or propane.
- (i) “Running Fire” shall mean a fire burning without being under the proper care and control of any person.
- (j) “Smudge Fire” shall mean a fire confined within a non-combustible structure or container that is set on land for the purpose of protecting livestock from insects or for protecting garden plants from frost.
- (k) “Violation Ticket” shall mean a ticket issued pursuant to Part 3 of the *Provincial Offences Procedure Act*, S.A. 1988, c. P-21.5, as amended, and regulations thereunder.
- (l) Words indicating the masculine or feminine gender mean persons of either gender.
- (m) Words importing the singular only also include the plural and vice versa where the context requires.

Control of Fires

1. No person shall start, or permit to be started, an Open Fire during a Fire Ban established by the County, within the area subject to the Fire Ban.
2. Fire Bans established by the County may be imposed with or without conditions.
3. County Council delegates the power to establish and declare Fire Bans and to terminate a Fire Ban to the County Commissioner or such other individual to whom the County Commissioner delegates this duty. A Fire Ban may be imposed when, in the County Commissioner's or his delegate's opinion, conditions are not suitable for Open Fires.
4. County Fire Bans may be declared by the County Commissioner or his designate, upon the recommendation of Council, County Councillor, or Fire Chief(s).
5. Once the County Commissioner declares a Fire Ban, notice of the Fire Ban and the area subject to the Fire Ban will be provided by the County to the following:
 - All County Councillors
 - County Fire Guardians
 - Fire Departments
 - Alberta Forestry
 - Local Newspapers
 - Those radio stations as listed in the Mountain View Regional Emergency Response Plan.
 - County Constable
6. When the County Commissioner declares a County Fire Ban to be at an end, notice will be provided to the entities listed in s.6 of this Bylaw.

7. Fire Bans may be established and declared for the entire County or portions of the County.
8. When a County Fire Ban has been established, Fire Permits issued in accordance with County Policy in the area affected by the ban are deemed to be cancelled.
9. Fire Bans declared by the Province and the conditions imposed thereunder take precedence over this Bylaw.
10. County Fire Bans shall remain in effect until terminated by the County Commissioner.
11. Fire fighting costs including consumables which are incurred to fight fires which are in contravention of this Bylaw shall be the responsibility of the person or persons responsible for starting the fire.
12. For the duration of any County Fire Ban, fire departments within the County are authorized to extinguish all Open Fires, whether controlled or not, within the area subject to the County Fire Ban.

Offences

13. No person shall hinder, delay or obstruct any person or persons engaged in enforcing any provision of this Bylaw and shall for each and every hindrance, delay or obstruction, be guilty of an offence and liable upon conviction to a fine as provided in Schedule "A" attached hereto.
14. Any person who contravenes this Bylaw is guilty of an offence.

Penalties

15. Persons contravening sections of this Bylaw shall be liable for the penalties set out in Schedule "A" hereto.
16. A notice or form, commonly called a Violation Ticket having printed wording approved by the Chief Administrative Officer of the County, may be issued by a Bylaw Enforcement Officer or Peace Officer to any person alleged to have breached any provision of this Bylaw, and the said notice shall require the payment to the County in the amount specified in this Bylaw or the regulations pursuant to the *Provincial Offences Procedures Act* (Alberta), as amended.
17. A Violation Ticket shall be deemed to be sufficiently served:
 - (a) if served personally on the accused; or
 - (b) if mailed to such persons at his last known post office address.
18. Except as otherwise provided in this Bylaw, a person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided, is liable to a fine of not less than One Thousand (\$1,000.00) Dollars.
19. Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Furthermore, should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

20. Schedule "A" to this Bylaw may be amended from time to time by resolution of Council and any such amendment shall form part of this Bylaw.

Bylaw No. 31/01 is repealed upon this bylaw coming into effect.

Bylaw 28/02, passed by Council June 22, 2002

SCHEDULE "A"

Mountain View County's Specified Penalties

Offence Under	Offence	Amount of Fine
5	Permitting the burning of an Open Fire during a County Fire Ban	\$500
17	Hindering, delaying, or obstructing enforcement of the Bylaw	\$250