

**BY-LAW #899**  
**THE TOWN OF MAYERTHORPE BURNING BY-LAW**

**A BY-LAW OF THE TOWN OF MAYERTHORPE, IN THE PROVINCE OF ALBERTA, ESTABLISHING THE POWERS AND DUTIES OF THE MAYERTHORPE FIRE DEPARTMENT TO CONTROL BURNING IN THE TOWN OF MAYERTHORPE.**

**WHEREAS**, pursuant to the Municipal Government Act, being Chapter M-26.I of the Statutes of Alberta, 1994, and amendments thereto, a Council may by bylaw establish regulations for burning; and,

**WHEREAS**, Council has deemed it appropriate, expedient, and in the best interest of the Town of Mayerthorpe to control and regulate the burning of materials within the Town, and,

**NOW THEREFORE**, the Council of the Town of Mayerthorpe, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. There shall be no open burning of any materials within the Town of Mayerthorpe without a permit, which shall be attached to this Bylaw and marked as Appendix “A”, being issued by the Fire Chief or his/her designate, with the exception of the following:
  - a) Cooking/ open pit fires that are combusting clean, dry wood or charcoal only; no garbage, leaves, branches or chemically treated wood is to be burnt. The allowable regulations for burning pits include but are not limited to the following:
    - i) must have a minimum clearance of 3.05 meters (10.0 feet) from any combustible object, such as a fence, garage, shed, trees, etc.
    - ii) constructed of non-combustible material such as a firebrick, concrete or metal.
    - iii) opening not to exceed 1.0 meter (3.28 ft).
    - iv) maximum height to be 0.6 meters (2.0 ft)
    - v) a screen or spark arrester to cover the pit; maximum 1.25 cm (1/2 inch) holes.
    - vi) the bottom of the pit to have 15 cm (6 inches) of sand.
    - vii) the pit not to be built over a natural gas line or under overhead utility lines. It must be located on a non-combustible base.
    - viii) if the fire pit is on a rental property, permission must be received from the owner for its construction.
    - ix) Freestanding fireplaces will be evaluated on an individual basis with regard to these regulations.
  - b) Fires set by the Fire Department to clear vegetation;
  - c) Fires set to thaw the ground to allow for excavation, providing that the materials burned do not produce, in the opinion of the Fire Chief or his/her designate, a smoke hazard;
  - d) Fires set by the Fire Department for training purposes;
2. All fires must be attended at all times.
3. Should the Fire Department receive a complaint of a non-conforming fire pit or a fire that appears to be out of control, they can extinguish the fire and all cost related to the extinguishment will be the responsibility of the tenant or owner.
4. Clause 5 of Bylaw #794 is hereby rescinded.
5. Fire permits may be refused by the appropriate representative of the fire department for any reason they may deem appropriate. Such reasons may include (but shall not be limited to): improper materials; insufficient clearances; lack of notification of

adjoining landowners; fire bans in effect; hot dry weather; lack of a physical inspection by a fire department representative; or lack of preventative equipment (e.g. garden hoses) on site. Residents who may be unable to supervise a fire shall have the option of employing the fire department to oversee the fire.

6. Anyone who violates a section of this bylaw shall be liable;
  - a) To a voluntary penalty of \$100.00, or upon summary conviction, a fine of not less than \$500.00 or a term of imprisonment not exceeding 60 days.
  - b) Where a person is found guilty on a summary conviction a Provincial Judge, in addition to the penalties provided, may direct or order the person to comply with the section of the bylaw that was contravened.
7. This Bylaw shall take effect the day of its final passing, and signature by the Mayor and CAO.

Read a first time this **14th** day of **August** 2006

Read a second time **10<sup>th</sup>** day of **October** 2006

Read a third time this **10<sup>th</sup>** day of **October** 2006

Signed by the Mayor and Chief Administrative Officer this \_\_\_\_ day of \_\_\_\_\_, 2006.

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Mayor, Albert Schalm

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Chief Administrative Officer, Greg Gayton