

CONSOLIDATION OF A BYLAW OF THE CITY OF LETHBRIDGE
TO REGULATE OPEN AND COMMERCIAL BURNING
IN THE CITY OF LETHBRIDGE

WHEREAS the Municipal Government Act enables a Council to pass bylaws for the prevention of extinguishing of fires, the preservation of life and property and the protection of persons from injury or destruction by fire;

AND WHEREAS the Municipal Government Act enables a Council to pass bylaws which regulate, provide for a system of permits, charging fees for permits and set terms and conditions on permits granted;

AND WHEREAS it is desirable to create regulations providing for control and safety around open burning sites and events to which the public have access, or burning is allowed for recreational purposes on private land;

AND WHEREAS it is desirable to create regulations providing for control and safety around ground thawing sites, that balance the health, safety and convenience concerns of the public with the requirements of a necessary activity in the construction trade;

NOW THEREFORE THE COUNCIL OF THE CITY OF LETHBRIDGE ENACTS AS FOLLOWS:

INTERPRETATION & DEFINITIONS

- 1) This Bylaw may be cited as the Regulation of *Open Burning Bylaw* of the City of Lethbridge.
 - a) “City Manager” means the person appointed by Council to be the City Manager
 - a) “Council” means the Council of the City of Lethbridge
 - b) “Equipment” means any tools, contrivances, devices or materials used by the Fire Department in the normal course of their duties.
 - c) “Fire Chief” means the member appointed as head of the Fire Department.
 - d) “Fire Department” means the City of Lethbridge Fire & Emergency Services Department.

- e) “Safety Codes Officer” means an individual designated as a Safety Codes Officer pursuant to the *Safety Codes Act*.
- f) All definitions contained in the *Safety Codes Act* shall have a similar meaning when used in this Bylaw.
- g) “Fire Pit” includes a permanently affixed outdoor fire receptacle and a Portable Fire Receptacle.
- h) “Fire Place” means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue, and is constructed of brick, rock or other masonry.
- i) “Portable Fire Receptacle” means an outdoor fire receptacle which is not permanently affixed.
- j) “Fire for Commercial Purposes” includes a Ground Thawing Fire, a fire for training purposes, and a fire associated with a special event or production.
- k) “Ground Thawing Fire” means a coal fire in contact with the ground.
- l) “Ground Thawing Season” means from the 1st day of October of one calendar year to the 30th day of April the following calendar year.

COMMERCIAL BURNING SECTION

POWERS OF THE FIRE DEPARTMENT

- 2)
 - 1. The Fire Department may:
 - a) issue commercial burning permits;
 - b) issue a permit on an annual or one-time basis;
 - c) issue a permit for a Ground Thawing Season;
 - d) charge a fee for the issuance of a permit;
 - e) amend or revoke a permit at any time;
 - f) require a site inspection before issuing a commercial burning permit;

- g) charge a fee for any inspections relating to a permit.
2. The Fire Department may attach terms and conditions to the use of a commercial burning permit including terms and conditions:
 - a) requiring any or all fires to be barricaded;
 - b) requiring signs to be posted at a fire site, and establishing the content of such signs;
 - c) requiring a Permit Holder to notify members of the public likely to be affected by a fire up to 72 hours prior to igniting a fire;
 - d) requiring written notice to the Fire Department, up to 72 hours prior to igniting a fire;
 - e) restricting the times of day when a fire may be started or burned;
 - f) requiring the use of certain methods to ignite fires;
 - g) requiring the presence at a fire site of a means to extinguish the fire and first aid equipment;
 - h) requiring a minimum level of surveillance of the fire by the Permit Holder;
 - i) specifying the size, number and material of any receptacles required to contain the fire;
 - j) requiring the use of protective equipment and clothing; and
 - k) specifying the steps that the Permit Holder must take to clean up or remediate the site after the fire.
 3. In the case of an annual or seasonal permit containing terms and conditions meant to apply to all fires burned pursuant to the permit, the Fire Department may waive terms and conditions in relation to a specific fire or fires, upon application in writing by the Permit holder.
 4. The Fire Department is not required to issue a commercial building permit unless the required fees for the permit has been paid by the applicant for the permit.
 5. Fees paid for commercial burning permits are not refundable.

6. Commercial burning permits are not transferable.
7. If, in the sole opinion of the Fire Department, a fire poses a danger or does not comply with the requirements of this Bylaw or the terms and conditions set out in a commercial burning permit, the Fire Department may:
 - a) extinguish the fire;
 - b) modify the fire in any way; or
 - c) take any other step it deems necessary to ensure public safety.

PROHIBITION AND EXCEPTIONS

- 3)
 1. Except for a fire which is allowed by the Open Burning Bylaw, or another bylaw, no person shall burn, or allow to be burned, a fire on a premises that does not comply with the requirements of the Bylaw.
 2. No person shall build, ignite or allow open burning of any Fire for Commercial Purposes unless that person possesses a valid and subsisting commercial burning permit issued by the Fire Department.
 3. A Property Owner shall ensure that there is a valid and subsisting permit in place for any open fire on that Property Owner's property.
 4. No person shall build, ignite or allow open burning of any Fire for Commercial Purposes in a manner contrary to the terms and conditions set out in the commercial burning permit relating to that Fire.
 5. No person shall ignite or allow open burning of any Fire for Commercial Purposes if wind conditions exceed 30 km per hour.

FIRE PIT/FIRE PLACE AND PORTABLE FIRE RECEPTACLE SECTION

INTERPRETATION AND DEFINITIONS

- 4) For the purpose of this part:

1. “Fire Pit” includes a permanently affixed outdoor fire receptacle and a Portable Fire Receptacle;
2. “Fire Place” means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue, and is constructed of brick, rock or other masonry;
3. “Portable Fire Receptacle” means an outdoor fire receptacle which is not permanently affixed.

PROHIBITION AND EXCEPTIONS

- 5) Except for a fire which is allowed by the Commercial Burning Section, or another bylaw, no person shall burn, or allow to be burned, a fire on a premises that does not comply with the requirements of this Bylaw.

ALL FIRES MUST BE SUPERVISED

- 6) Every person who builds, ignites or allows a fire on a premises must ensure that the fire is not left unsupervised at any time.

RESTRICTIONS APPLYING TO ALL FIRES ALLOWED PURSUANT TO THIS BYLAW

- 7)
 1. No person shall burn, at any time, on any premises, the following materials:
 - a) treated or painted lumber;
 - b) lumber products containing glue or resin;
 - c) wet or unseasoned wood;
 - d) leaves, brush or yard waste;
 - e) garbage;
 - f) rubber, tires or plastic; or
 - g) any animal carcass or part thereof.
 2. No person shall ignite or allow a fire to burn on a premises between 12 o’clock midnight and eight o’clock the following morning.

FIRES IN FIREPLACES

8)

1. A person may build, ignite or allow a fire on a premise in a fire place, as long as that person complies with Sections 6 and 7 of this Bylaw.

FIRES IN FIREPITS

9)

1. A person may build, ignite, or allow a fire on a premises in a Fire Pit as long as that person ensures that the fire is contained in a Fire Pit that:
 - a) is constructed of non-combustible material;
 - b) has an open flame area that does not exceed 1 meter at its widest point;
 - c) does not have walls which exceed 0.75 meters in height measured from the floor of the Fire Pit to the top of the wall of the Fire Pit excluding any chimney;
 - d) is set upon or built into the bare ground or a non-combustible material such as brick or stone;
 - e) is situated at least 2 meters from any house, garage or similar structure including wooden decks, porches and similar amenity space attached to a structure measured from the part of the Fire Pit which is closest to the structure or amenity space;
 - f) is situated at least 2 meters from any other combustible material measured from the part of the Fire Pit which is closest to the combustible material; and
 - g) is not located directly under any tree or overhanging branches.
2. Notwithstanding Subsection 9.1(d), a person may build, ignite or allow a fire in a Portable Fire Receptacle on a wooden deck as long as that person ensures that:
 - a) a non-combustible material such as brick or stone is placed between the Portable Fire Receptacle and the wooden deck allowing for an overlap of eighteen (18) inches around the receptacle; and

- b) the Portable Fire Receptacle is situated at least 2 meters from any house, garage, similar structure or other combustible material, measured from the part of the receptacle which is closest to the structure or combustible material.
3. Every person who builds, ignites or allows a fire in a Fire Pit must ensure that:
- a) a means of extinguishing the fire is kept on hand at all times while the fire is burning;
 - b) the flames from the fire do not exceed 1 meter in height at any time;
 - c) the fire is not left unsupervised at any time; and
 - d) the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire.

POWERS OF THE FIRE DEPARTMENT

- 10) If, in the opinion of an Officer, or in the sole opinion of a member of the Fire Department, a fire poses a danger or does not comply with the requirements of this Bylaw, a member of the Fire Department may extinguish the fire and take any other steps that member of the Fire Department deems necessary to ensure that the fire and site of the fire no longer pose a danger.

FIRE BANS

- 11)
- 1. Notwithstanding any provision in this or any other bylaw, the Fire Chief may declare a complete ban of any burning of any kind in the City.
 - 2. When determining whether to declare a complete ban on burning, the Fire Chief may take into consideration any or all of the following factors:
 - a) the air quality index;
 - b) levels of recent precipitation;
 - c) water shortages or restrictions;
 - d) availability of fire fighters and fire fighting equipment; and
 - e) the overall fire danger.

3. No person shall build, ignite or allow any kind of fire when a complete ban on burning has been declared by the Fire Chief and is in effect.
4. A member of the Fire Department or an Officer may direct a person to extinguish any fire when a fire ban is in place.
5. A person who fails to comply with the direction of a member of the Fire Department or an Officer to extinguish a fire during a fire ban commits an offence and the member of the Fire Department or the Officer, as the case may be, may extinguish the fire.

GENERAL PENALTY PROVISION

12)

1. Any person who contravenes any provision of this Bylaw by:
 - a) doing any act or thing which the person is prohibited from doing;
or
 - b) failing to do any act or thing the person is required to do, is guilty of an offence.
2. any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding TEN THOUSAND (\$10,000.00) DOLLARS and in default of payment of any fine imposed, to a period of imprisonment not exceeding SIX (6) MONTHS.

13)

Bylaw No. 4489 is hereby repealed.

14)

This Bylaw will come into full force and effect on the date of final passing thereof.