

**VILLAGE OF CONSORT
BYLAW NUMBER A-726**

A BYLAW OF THE VILLAGE OF CONSORT prohibiting or regulating open burning within the corporate limits of the Village of Consort.

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26.1, and amendments thereto give power to Municipal Councils to pass bylaws respecting the prohibiting of any matter which is in the opinion of the Municipal Council to be detrimental to the Village of Consort,

AND WHEREAS the Council of the Village of Consort deems it necessary to regulate the use and setting of fires,

NOW THEREFORE the Municipal Council of the Village of Consort enacts as follows:

1. Definitions
 - a. "Council" means the Council of the Village of Consort
 - b. "Open Burning" means a fire of any kind whatsoever in the open air, with the exception of
 - i. natural gas, propane and/or briquette barbeques
 - ii. campstoves affixed above ground level
 - iii. coleman type campstoves, kerosene or propane fired
 - iv. fires contained within a non-combustible container or structure (firepit) for recreational camp fires but not for burning garbage or waste
 - c. "Outdoor Fire" means any fire not contained within a building or structure and includes but is not restricted to
 - i. straw, stubble, grass and/or weeds
 - ii. leaves and/or tree prunings
 - iii. solid waste from land clearing
 - iv. wood and/or waste material from the construction and/or demolition of building and/or construction sites
 - d. "Recreational Fire" means a Fire confined to a non-combustible container, which is set for the purpose of cooking, obtaining warmth or viewing for pleasure. Such Fire may only be fuelled with seasoned wood, charcoal, coal, natural gas or propane.
 - e. "Running Fire" means a Fire burning without being under proper or any control of any person.
2. NOTICE
 - a. Any notice provided for in this Bylaw shall be in writing.
 - b. Service of any notice provided for in this Bylaw may be made as follows:
 - i. personally upon the person to be served; or
 - ii. by mailing the copy to the person to be served to the last known post office address of the person to be served,
 - iii. where the Property is not occupied, by mailing the notice to the mailing address noted on the Municipality's tax roll for that Property; or



iv. as directed by the Court.

3. APPEAL

- a. A person who considers himself aggrieved by a written order given pursuant to this Bylaw may appeal the direction to the Council, under the terms prescribed by the Municipal Government Act.

4. INTERFERENCE WITH DUTIES

- a. No person shall obstruct the Administrator, a Peace Officer, the Fire Chief, or any person otherwise authorized to inspect Property or to perform any work necessary to remedy a condition, from performing his or her duties under this Bylaw.

5. OFFENCES

- a. No person shall light any Fire including an Outdoor Fire or Structure Fire unless
- i. the Fire has been set by a Member of the Fire Department for the purpose of training Members;
 - ii. the Fire is a Recreational Fire; or
 - iii. the Fire is a Contained Fire;
- b. No person shall permit an Outdoor Fire or Structure Fire to be lit upon land that is owned or occupied by that person, or under that person's control except when such a Fire is allowed under this Bylaw.
- c. No person shall
- i. either directly, or indirectly, personally or through an agent, servant or employee kindle a Fire or let it become a Running Fire on any land not his or her own Property or allow a Running Fire to pass from his or her own Property to the Property of another.
 - ii. light a Fire without first taking sufficient precautions to ensure that the Fire can be kept under control at all times.
 - iii. light a Fire when the weather conditions are conducive to creating a Running Fire.
 - iv. fail to take reasonable steps to control a Fire for the purpose of preventing it from becoming a Running Fire or from spreading onto Property other than his or her own.
 - v. deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a Fire.
 - vi. conduct any activity that involves the use of Fire that might reasonably be expected to cause a Fire unless that person exercises reasonable care to prevent the Fire from occurring.
 - vii. use a Fire to burn
 1. manure;
 2. livestock or other animal carcasses;
 3. material that will result in the production of dense black smoke, including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, or other materials or creosoted wood; or

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4. herbicides, pesticides or other toxic materials or substances.
- viii. conduct any activity that involves the use of a Fire, where smoke from the Fire will impede visibility of the vehicular traffic and pedestrian traffic on any Highway or Road
- ix. light a Fire or burn any material contrary to federal, provincial or municipal legislation or regulations;
- x. use a Fire to burn any normal waste which results from the operation of a household or commercial business or occupation and shall include without restricting the foregoing, paper, rags, lawn and hedge clippings, packaging materials, and waste from the preparation of food.
- xi. allow a fire to burn between the hours of 11:00 p.m. and 7:00 a.m.
- xii. upon the order of a Peace Officer, the Fire Chief, the Administrator, or any person otherwise authorized, a fire which contravenes any section of this Bylaw shall be properly and fully doused with water until fully extinguished.

6. PENALTIES

- a. Any person who owns, occupies, leases, rents or controls property within the Village of Consort who:
 - i. violates any provision of this Bylaw;
 - ii. suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw;
 - iii. neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw; or
 - iv. does any act or thing or omits any act or thing, thus violating any provision of this Bylaw;

is guilty of an offence under this Bylaw, and upon a conviction, is liable to a fine of not less than \$200.00 and not more than \$2,500.00.

- b. All costs associated with the Fire Department having to extinguish a Fire that has been found to be in contravention of any provision of this Bylaw shall be charged in addition to any fines imposed.
- c. No person found guilty of an offence pursuant to this Bylaw shall be liable to imprisonment.

7. MISCELLANEOUS

- a. This Bylaw shall come into effect upon the final passing thereof.
- b. Should any section or part of this Bylaw be found to be improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

8. VIOLATION TAGS

- a. A Peace Officer or Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw



Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

- b. A Violation Tag may be issued to such person:
 - i. Either personally; or
 - ii. by mailing a copy to such person at his or her last known Post Office address.

- c. The Violation Tag shall be in a form approved by the Municipality or the responsible Officer of the Municipality and shall state:
 - i. the name of the person;
 - ii. the offence;
 - iii. the date, time and location of the offence
 - iv. the appropriate penalty for the offence as specified in Section 6 of this Bylaw;
 - v. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - vi. any other information as may be required by the Municipality.

- d. Where an offence of this Bylaw continues for more than one day, a Bylaw Enforcement Officer may issue one Violation Tag for each day that the offence continues.

- e. Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality's Treasurer the penalty specified in the Violation Tag.

- f. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

9. EFFECTIVE DATE

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

Read a first time this 26 day of June, 2006

Read a second time this 26 day of June, 2006

Read a third time and passed this 26 day of June, 2006

Mayor



Chief Administrative Officer

