

BY-LAW NO. 03-93
OF THE VILLAGE OF HAY LAKES
IN THE PROVINCE OF ALBERTA

BEING A BY-LAW TO REDUCE THE RISK OF FIRE DUE TO VARIOUS RECREATION AND OPEN BURNING PRACTICES.

WHEREAS THE VILLAGE OF HAY LAKES PURSUANT TO SECTION 158 OF THE MUNICIPAL GOVERNMENT ACT, R.S.A. 1980 BEING CHAPTER M-26 OF THE STATUTES OF ALBERTA, MAY PASS BY-LAWS FOR THE PRESERVATION OF LIFE AND PROPERTY AND THE PROTECTION OF PERSONS FROM INJURY OR DESTRUCTION BY FIRE.

NOW, THEREFORE, COUNCIL OF THE VILLAGE OF HAY LAKES, IN THE PROVINCE OF ALBERTA DULY ASSEMBLED ENACTS AS FOLLOWS:

TITLE

1. This By-Law shall be known as the Fire By-Law.

DEFINITIONS

2. In this By-Law

(a) Authority having jurisdiction shall mean:

i) Royal Canadian Mounted Police,

(b) "Village" means the municipal corporation of the Village of Hay Lakes, in the province of Alberta, and where the context requires means all lands situated within the boundaries of the Village.

(c) "Refuse or Waste":

i) All animals or vegetable matter including materials resulting from handling, preparation, cooking, consumption and storage of food,

ii) Broken dishes, tins, glass, rags, cast-off clothing, waste paper, excelsior, cardboard, sawdust, food containers, plastic, grass cuttings, shrubbery, weeds, garden waste, manure, discarded auto parts or such waste matter as may accumulate,

iii) Any waste referred to in the Hazardous Chemicals Act, Chapter H-3 R.S.A. 190, the regulations thereunder and all amendments thereto.

3. No person shall burn, allow or permit the burning of refuse or waste outside of a building within the Village limits.

4. FIRE PITS, OUTDOOR FIREPLACES AND BARBECUES

Fire Pits, Outdoor Fireplaces and Barbecues for the purpose of cooking or obtaining warmth, provided the appliances for cooking or obtaining warmth are used on the property of the resident or in a public area at a location approved by the authority having jurisdiction, shall be permitted.

5. FIREPITS, AND OUTDOOR FIREPLACES SHALL MEET THE FOLLOWING REQUIREMENTS.

(a) a minimum of 3 meters (10 feet) clearance shall be maintained from buildings, property lines, or any combustible material.

- (b) Installations should have enclosed sides made from bricks, blocks, heavy gauge metal, or other suitable non-combustible components.
- (c) A spark arrester mesh screen or 1/2 inch expanded metal (or equivalent) to contain sparks shall be provided over the fire.
- (d) Only clean fuel shall be used (clean, dry wood or charcoal). Refuse or waste material shall not be burned.
- (e) The use of such installations shall ensure that smoke or sparks do not create a nuisance or hazards to neighbors or other properties, and comply with the Clean Air Act, Chapter C-2 R.S.A. 1980.

6. OFFENCE AND PENALTY

The authority having jurisdiction, any member of the Royal Canadian Mounted Police are hereby authorized to enforce the provisions of this By-law and to issue offence tickets to any person whom they reasonably believed has contravened the provisions of this By-law.

- 7. (a) Any person who contravenes any of the provisions of the By-law is guilty of an offence and is liable to a penalty of \$100.00
- (b) Any person who being guilty of a first breach of this By-law contravenes any of the provisions of the By-law a second time with the same breach, is guilty of an offence and is liable to a penalty of \$300.00.
- 8. Where any person described in section 6 of this By-law has reason to believe that a person has contravened a provision of this By-law, he may issue such person an offence ticket.
- 9. (a) If payment in full of the penalty specified in this By-law is made at any time after the expiry of 15 days from the date of service of the offence ticket and up to but including the 7 days prior to the return date specified in the offence ticket the Village Office will accept such payment in lieu of prosecution.
- (b) If the person upon whom such offence ticket is serviced fails to pay the penalty specified in Section 7 (a) or (b) within the times hereinbefore limited, the provisions of this section for acceptance of payment in lieu of prosecution shall not apply.
- (c) Where any person has made payment pursuant to the provisions of this part is prosecuted or the offence in respect of which such payment has been made, such payment shall be refunded.
- (d) A person who contravenes any provision of this By-law is guilty of an offence and liable on summary conviction to a fine as prescribed in Section 7 (a) or (b), failing to pay such fine will result with imprisonment for a period not

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exceeding thirty (30) days or until such fines and costs of committal, are sooner paid.

(e) Should a person not pay the penalty provided for contravention of any section of this By-Law and a prosecution has been entered against him, he shall be liable on summary conviction to pay the minimum fine equal to the penalty stated in the said offence ticket, plus Court costs and in default of payment of the penalty and costs imposed by the Court to imprisonment for a period not exceeding sixty (60) days.

10. Nothing in this By-Law shall:

(a) Prevent any person from exercising his right to defend any charges laid for contravention of any section of this By-Law, or

(b) Prevent any person from laying an information against any other person, whether such person had made payment under the provision of this By-Law or not, for contravention of any of the sections of this By-Law.


11. That By-Law No. 281, Prohibiting burning of garbage and By-Law No. 328, For the prevention and extinguishing fires are hereby repealed.


12. This By-Law shall come into force upon the date of the passing of the third and final reading thereof.

READ a first time this 20th day of July, A.D. 1993.

READ a second time this 20th day of July, A.D. 1993

READ a third time and by unanimous consent of the councillors present passed this 20th day of July, A.D., 1993. in the Village of Hay Lakes in the Province of Alberta.


MAYOR


MUNICIPAL ADMINISTRATOR

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