

BYLAW NO. 242-19

A BYLAW OF CLEAR HILLS COUNTY IN THE PROVINCE OF ALBERTA, FOR THE PREVENTION OF FIRES AND THE PRESERVATION OF LIFE AND PROPERTY FROM INJURY OR DESTRUCTION BY FIRE.

WHEREAS, Sections 7 and 8 of the *Municipal Government Act of Alberta, 2000 being Chapter M-26.1* authorizes the County to pass bylaws that regulate or prohibit the burning of fires for the safety, health and welfare of people and the protection of people and property; and

WHEREAS, the *Forest and Prairie Protection Act, R.S.A. 2000 Chapter F-19* grants certain additional powers and responsibilities to Clear Hills County and pursuant to Sections 7 and 8 of the *Municipal Government Act*, Council may pass bylaws for the prevention of prairie or running fires and the enforcement of the provisions of the *Forest and Prairie Protection Act* in that behalf; and

WHEREAS, the Council of Clear Hills County considers it desirable to provide for the prevention, regulation and control of the lighting of fires within Clear Hills County and for the preservation of life and property from damage or destruction by fire on the terms hereinafter provided:

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

DEFINITIONS:

The following definitions will apply to this bylaw:

- a) COUNCIL shall mean the Council of Clear Hills County.
- b) CHIEF ADMINISTRATIVE OFFICER shall mean the Chief Administrative Officer of Clear Hills County, in the Province of Alberta.
- c) COUNTY shall mean Clear Hills County.
- d) FIRE means a process or state of combustion where a flame may or may not be produced.
- e) FIRE BAN shall mean a provincial ministerial order or the enactment of a ban on open fires or other fires deemed to be hazardous in the County in
- f) FIRE CONTROL ZONE refers to the corresponding numbered Fire Control Zone established in the Fire Control Regulation (Alberta Regulation 29/2005). Fire Control Zone 32 is the Forest Protection Area in Clear Hills County.
- g) FOREST PROTECTION AREA means an area, or the area designated under section 41 (c) of the *Forest and Prairie Protection Act*.
- h) NON-PERMIT AREA means an area of land that is not within the Forest Protection Area and that has been designated as a non-permit area by Ministerial Order.
- i) OHV means off-highway vehicle, and has the same meaning assigned to it in the *Traffic Safety Act*.

Section 1: FIRE BANS

1. Clear Hills County Chief Administrative Officer or designate will issue a Clear Hills County Fire Ban at such times as the Minister issues a Fire Control Order for Fire Control Zone 32, pursuant to the *Forest and Prairie Protection Act*, see map in Schedule A.
2. A Clear Hills County Fire Ban will:
 - a. REQUIRE all outdoor fires presently burning in the Non-Permit Area of Clear Hills County to be extinguished; and
 - b. PROHIBIT the lighting of outdoor fires in the Non-Permit Area of Clear Hills County.
3. Without limiting section 2, a Clear Hills County Fire Ban expressly prohibits the use of each of the following:
 - a. Wood fires in the backcountry
 - b. Wood fires in random camping areas;
 - c. Wood fires in engineered facilities in campgrounds;
 - d. Wood fires on residential properties;
 - e. Fires using charcoal briquettes;
 - f. Turkey fryers; and
 - g. Tiki torches.
4. Pursuant to section 8 of the *Forest and Prairie Protection Regulation* A Clear Hills County Fire Ban will expressly prohibit the use of:
 - a. Fireworks; and
 - b. Exploding targets.

The Fire Ban will also revoke any written permission permitting the use of fireworks that had been granted prior to the Ban coming into effect.
5. Clear Hills County Fire Bans do not apply to:
 - a. Portable propane fire pits, that are CSA approved or UL certified, within campgrounds, backcountry area, random camping areas and on private land;
 - b. Gas or propane stoves and barbeques, that are CSA approved or UL certified and are designed for cooking or heating, within campgrounds, backcountry areas, random camping areas and on private land;
 - c. Catalytic or infrared style heaters within campgrounds, backcountry areas, random camping areas and on private land; and

Section 2: OFFENCES

1. Any person who ignites or allows to burn a fire while a Fire Ban is in effect may be found in violation of this Bylaw.

2. Any person who contravenes a provision of the Bylaw is guilty of an offence and is liable to a penalty as set out in attached Schedule B.
3. Any single contravention of this Bylaw shall be considered as a single offence and shall not limit additional penalties of this Bylaw from being enforced for additional offences.
4. Nothing in this bylaw shall be construed as curtailing or abridging the right of the County to obtain compensation or to maintain an action for loss of or damage to property from or against the person or persons responsible.

Section 3: VIOLATION TICKETS

1. The Chief Administrative Officer or a County authorized enforcement officer is authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*.
2. A Violation Ticket shall be issued for each single offence of this Bylaw as per Section 3. 3 of this Bylaw.

Section 5: SEVERABILITY

1. 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 severable from the rest of this bylaw and this bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this bylaw.

This Bylaw shall come into force and effect on the date of final reading hereof.

READ a first time this 25th day of June, 2019.

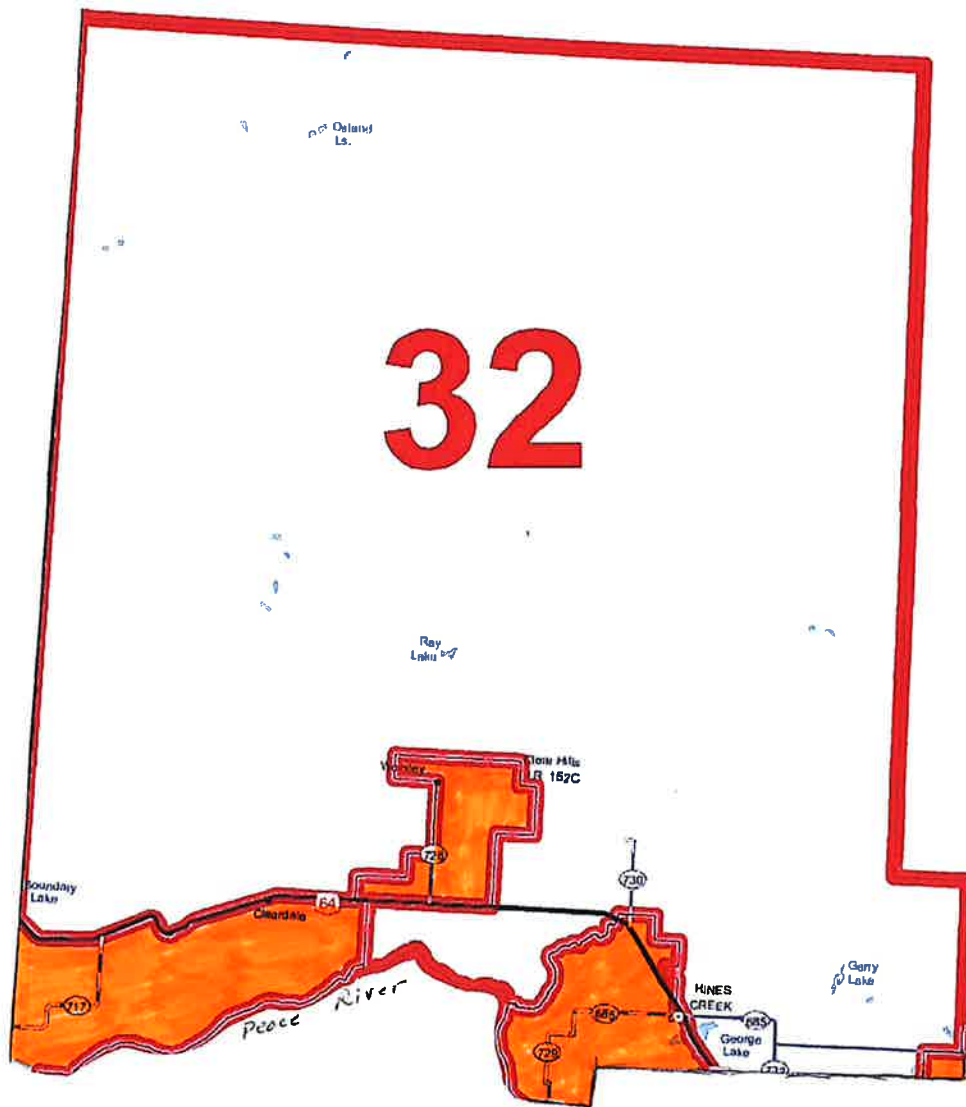
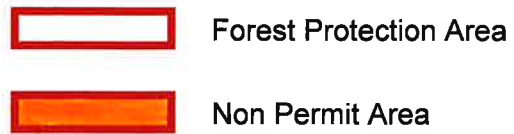
READ a second time this 25th day of June, 2019.

READ a third time this 16 day of July, 2019.


Miron Croy, Reeve


Allan Rowe, Chief Administrative Officer

Bylaw 242-19 Schedule A
Fire Control Zone Map
Clear Hills County



Excerpt from Government of Alberta April 26, 2017 Fire Control Zones Map

Schedule B

First Offence:	\$ 500.00
Second Offence:	\$2,500.00
Third Offence:	\$5,000.00