

## BYLAW NO. 285-24

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 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:

### SECTION 1: DEFINITIONS

1.1 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. FIRE CHIEF(S) shall mean the Fire Chief(s) of Clear Hills County.
- d. COUNTY shall mean Clear Hills County.
- e. FIRE means a process or state of combustion where a flame may or may not be produced.
- f. FIRE BAN shall mean a provincial ministerial order, or a Fire Ban motion made by Council, to extinguish open fires or other fires deemed to be hazardous in the County.
- g. BURN shall mean any fires ignited in Clear Hills County.
- h. 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.
- i. FOREST PROTECTION AREA means an area, or the area designated under section 41 (c) of the Forest and Prairie Protection Act.
- j. 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.

- k. OHV means off-highway vehicle, and has the same meaning assigned to it in the Traffic Safety Act.
- l. Safe wood Campfires parameters are defined as:
  - Any fire no larger than 0.5 metres high by 0.5 metres wide
  - Must be within a metal, brick, or rock fire ring
  - Be on rock, gravel, sand, or other non-combustible surface that extends at least one metre around the fire
  - Safe Wood campfires must be always supervised and completely extinguished (soaked with water, stirred, and soaked again until cold) before leaving.
  - Safe wood campfires on privately owned land include private land campgrounds and private land recreation areas. Municipalities, campgrounds, and parks (federal and provincial) may have additional fire safety requirements.
  - Extreme caution shall be exercised in windy or gusty conditions.

## **SECTION 2: STATEMENT**

- 2.1 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. Clear Hills County Council will authorize the Chief Administrative Officer or designate to issue a Fire Ban in the County when the County environmental conditions are at a high risk of fires running out of control.

## **SECTION 3: FIRE BANS**

- 3.1 The Clear Hills County Council, the Chief Administrative Officer, or the designate may from time to time, prohibit all fires in the County from the East border of County to the West border of the County and from the South border of the County to North Township 890 of the County when, in the opinion of the Council, the Chief Administrative Officer, or the Fire Chief(s), the environmental conditions create an increased risk of a fire running out of control. See map in Schedule A.1.
- 3.2 A Fire Ban imposed pursuant to Section 1 of this bylaw shall remain in force until either the date provided in the notice of the Fire Ban, or until such time as the Council, the Chief Administrative Officer, or the Fire Chief, provides notice to the public that the Fire Ban is no longer in effect.
- 3.3 A Clear Hills County Fire Ban will:
  - a. REQUIRE all outdoor fires presently burning in the County to be extinguished; and
  - b. PROHIBIT the lighting of outdoor fires in the County; and
  - c. REQUIRE all landowners of the County to have extinguished all burning.

## SECTION 4: FIRE BAN ORDERS

- 4.1 By motion of Council when a Fire Ban is in effect Council MAY direct the Chief Administration Officer to apply any or all of the following when deemed necessary:
- a. By Motion of Council- Council MAY Prohibit the operation of Off Highway Vehicles (OHV).
  - b. By Motion of Council- Council MAY Permit small, supervised Safe Wood campfires in designated camping grounds and designated day use area following Safe Wood Campfire parameters.
  - c. By Motion of Council- Council MAY Permit small, supervised Safe Wood campfires on privately owned land following Safe wood Campfire parameters. (See Definitions)
- 4.2 A Fire Ban Order made pursuant to this section shall be broadcast by Alberta Emergency Alert or other electronic media outlets which, in the opinion of the Chief Administration Officer or the Fire Chief(s), are likely to bring the matter to the attention of the public.
- Fire Ban Signage will be posted on all Provincial Highways entering Clear Hills County.
1. HWY 64 Bordering MD of Fairview
  2. HWY 729 Bordering MD Fairview
  3. HWY732 Bordering MD Fairview
  4. HWY 735 Bordering MD of Fairview
  5. Hwy 685 Bordering MD of Peace
  6. HWY 64 Bordering B.C
  7. HWY 717 Bordering B.C
  8. TWP 880 (Silver Creek Road) Bordering County of Northern Lights
- 4.3 Without limiting Section 3, a County Fire Ban expressly prohibits the use of each of the following:
- a. Burn Barrels
  - b. Wood fires in the backcountry;
  - c. Wood fires in random camping areas;
  - d. Wood fires in engineered facilities in campgrounds;
  - e. Wood fires on residential properties;
  - f. Fires using charcoal briquettes;
  - g. Turkey fryers; and
  - h. Tiki torches
  - i. Fireworks
  - j. Exploding targets
- 4.4 The County Fire Bans do not apply to:
- a. Portable propane fire pits, which 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, 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;

**SECTION 5: OFFENCES**

- 5.1 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.
- 5.2 Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable to a penalty as set out in attached Schedule B as well as additional charges as described in Bylaw No.286-24 Fees for Extinguishing Fires.
- 5.3 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.
- 5.4 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 6: VIOLATION LETTER**

- 6.1 The Chief Administrative Officer or a County authorized enforcement officer is authorized and empowered to issue a Violation Letter pursuant of the Provincial Offences Procedure Act.
- 6.2 A Violation Letter shall be issued for each single offence of this Bylaw as per Section 4 of this Bylaw.
- 6.3 Landowners who have Burning that has not been extinguished within 1-day of the Fire Ban will be given a 1-day notice by the Chief Administrative Officer or designate to have all Burns extinguished. After that 1-day notice if Burns are still active, the Chief Administrative Officer or designate will have the existing fires extinguished. Landowners will be liable for all direct and indirect costs incurred by the County in extinguishing that Burn on that parcel of land.

**SECTION 7: SEVERABILITY**

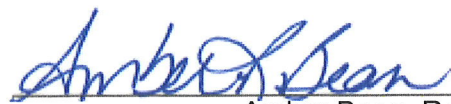
- 7.1 Should any section or part of this bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as severable from the rest of this bylaw and this bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this bylaw.

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

READ a first time this 14 day of May 2024.



READ a second time this 14 day of May 2024

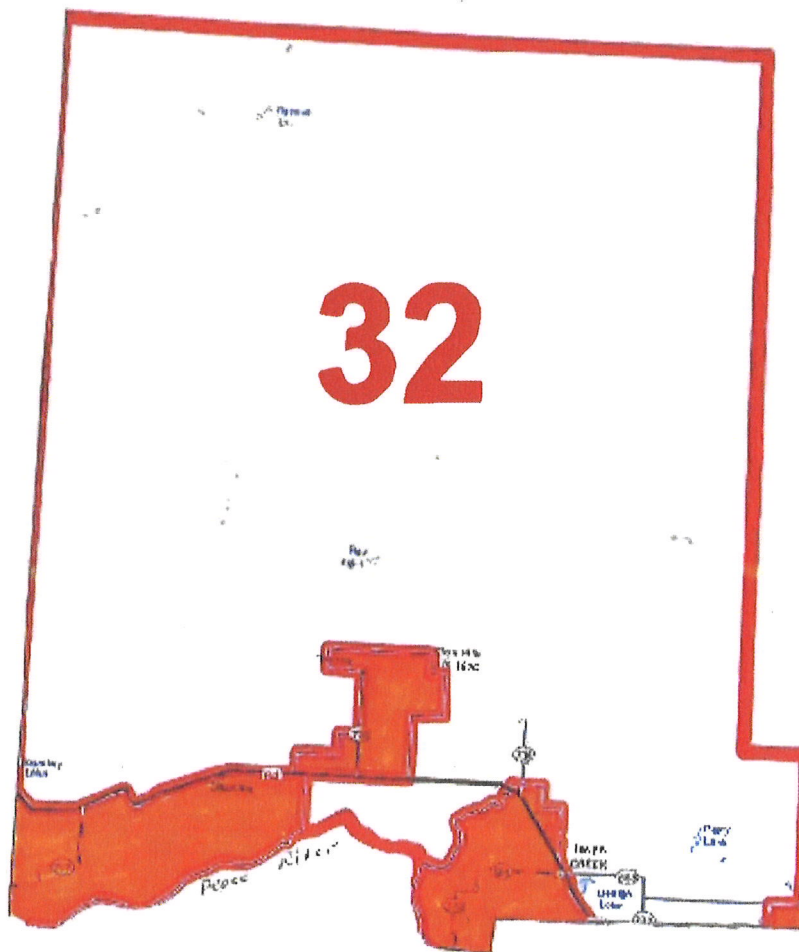
READ a third time this 14 day of May 2024

  
Amber Bean, Reeve

  
Allan Rowe, Chief Administrative Officer

Bylaw 285-24 Schedule A Fire  
Control Zone Map Clear Hills  
County

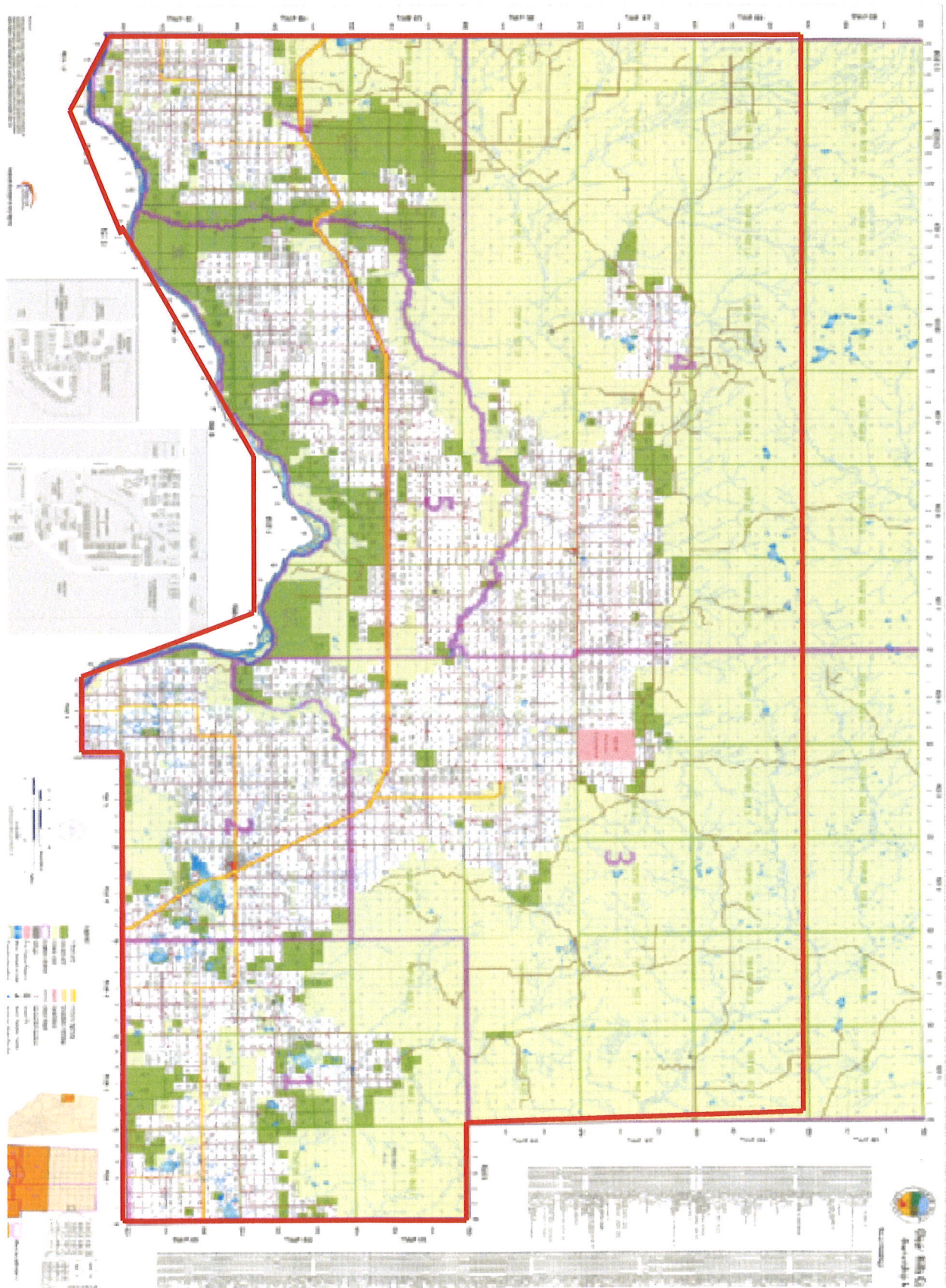
-  Forest Protection Area
-  Non Permit Area



Excerpt from Government of Alberta April 25, 2017 Fire Control Zones Map



# Schedule A.1



Schedule B

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

All costs of managing, controlling, or extinguishing the fire incurred by the County shall be charged back to the landowner. All unpaid costs shall be added to the landowner's tax roll.