



**BYLAW NO. 2010-883
OF THE
TOWN OF TWO HILLS**

**A BYLAW OF THE TOWN OF TWO HILLS IN THE PROVINCE OF ALBERTA TO
REGULATE BURNING WITHIN THE CORPORATE LIMITS OF THE TOWN OF TWO HILLS**

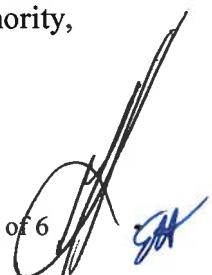
WHEREAS the Council for the Town of Two Hills deems it necessary to control burning for the safety and protection of people and property.

NOW THEREFORE by the virtue of the power conferred upon it by the Municipal Government Act, the Council for the Town of Two Hills enacts as follows:

1. INTERPRETATION

1.1 In this Bylaw

- a. *animal organic waste* means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, feces and feathers;
- b. *construction waste* means waste materials resulting from the construction, alteration, renovation, or demolition of any building, structure or improvement to land and without limiting the generality of the foregoing includes paper, plastic, drywall and wood materials such as dimensional lumber, plywood and particle board;
- c. *Council* means the Municipal Council of the Town of Two Hills;
- d. *domestic waste materials* means household material and food waste but does not include newspaper and cardboard;
- e. *garden refuse* means leaves, foliage, pruning, weeds, or crops for domestic purposes;
- f. *garbage* means all household and commercial waste or refuse, whether it contains the remains of edible food or not;
- g. *inspector* means the bylaw enforcement officer, a person under his/her authority, the Fire Chief or any designated member of the Two Hills Fire Department;

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- h. noxious materials includes tires, plastic materials, rubber products, domestic waste materials, garbage, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, waste petroleum products;
- i. nuisance means the emission into the atmosphere of smoke by any means which disturbs the comfort or convenience of persons in the vicinity;
- j. open burning means the combustion of any material without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere but shall not include:
 - a) The operation of a permanent outdoor barbecue or outdoor portable barbecue intended for and used solely for the preparation of food;
 - b) Fire contained within a fire pit or suitable burning container;
 - c) Fires used by the fire department authorities for the purposes of education, training and other fire department purposes;
- k. order means any order, decision, requirement or direction given by the Inspector, the Fire Chief or his/her designate;
- l. permitted burning materials means dry, untreated wood that do not constitute compostable materials;
- m. prohibited waste means animal organic waste, construction waste, domestic waste materials, garbage, garden refuse or noxious materials;
- n. smoke means the gases, particulate matter and products of combustion emitted into the atmosphere from burning; and
- o. Ventilation Index means the Environment Canada forecast Ventilation Index which provides regional information on airflow venting.

2. BURNING

- 2.1 All burning must not be initiated unless the Ventilation Index is forecast as "good" for the period during which the burning is to take place.
- 2.2 Burning is permitted only on the condition that:
 - a. The fire on a person's property must not be more than 1 meter across and not exceed 1 meter in height and must be at least 7.5 meters from all buildings and combustible materials, 1.5 meters from any grass or shrubs, and not within 2 meters of the property line;



- b. For the purpose of preventing danger, damage and injury to property and/or a person because of the fire, the fire must be continually supervised and controlled by a person who is at least 16 years old;
- c. The person supervising the fire has emergency equipment and adequate supply of water that is readily available and is sufficient to completely extinguish the fire in five minutes at any stage for the purposes in paragraph (b);
- d. The person supervising the fire is taking every reasonable precaution to prevent smoke being generated or becoming a nuisance;
- e. The location of the fire is within forty (40) meters of a point accessible to Fire Department vehicles;
- f. Every person who starts or maintains or permits or supervises a fire shall ensure that the fire is completely extinguished and that any residue from the fire is broken up and disposed of in a manner that eliminates any fire hazard.

2.3 Burning by use of an incinerator, burning barrel or similar device is prohibited.

2.4 Open burning is prohibited.

2.4 Any burning must be contained as follows:

- a. Except for a parcel of land containing a lawful campground use, only one fire is permitted on a parcel of land unless otherwise approved;
- b. A fire is to be confined to within a fire pit or suitable burning container constructed of non-combustible material;
- c. A fire pit or suitable container must be built into bare ground or set upon non-combustible material such as brick or stone if not in a receptacle.
- d. A fire pit or suitable container must have a screen made of non-combustible materials.
- e. Only permitted burning materials shall be burned.

2.5 Burning of Prohibited waste is not allowed at any time.

3. INSPECTION

3.1 The Inspector or any person under his/her authority may:

- a. Enter at all reasonable times on any property that is subject to the requirements or



regulations of this Bylaw, to ascertain whether the regulations in this Bylaw or directions made under this Bylaw are being observed;

- b. Make orders directing the owners or occupiers of property to bring a fire into compliance with this Bylaw;
- c. Call on the Ministry of Water, Land and Air Protection's Conservation Officers if a person is burning waste in contravention of the *Environmental Protection and Enhancement Act*; and,
- d. Order any person to extinguish a fire that person has ignited or is maintaining.

3.2 No person shall obstruct or prevent the Inspector or person acting under this Inspector's authority from conducting an inspection under this Bylaw.

ORDER

- 4.1 Any order provided for in this Bylaw shall in writing.
- 4.2 Service of any order provided for in this Bylaw may be made as follows:
 - a) Personally upon the person to be served, or
 - b) By mailing the copy to the person to be served by double registered mail or certified mail to the last known post office address of the person to be served, and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the person to be served or to any person receiving it on his or her behalf.
 - c) Where the Property is not occupied, by mailing the order by double registered mail or certified mail to the mailing address noted on the Municipality's tax roll for that Property, and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the person to be served or to any person receiving it on his or her behalf; or
 - d) As directed by the Court.

5. COST RECOVERY

- 5.1 Every person of a dwelling who starts or allows to be started any outdoor fire is responsible for such fire. If, in the opinion of the Inspector, the fire presents a hazard, has escaped or threatens to escape from the owner's control or is prohibited under the terms of this Bylaw, the Fire Department may be summoned to control or extinguish the fire. The owner shall be liable for all costs and expenses incurred by the Fire Department or the Town to control or extinguish the fire *in addition to* a \$100 fine.
- 5.2 The costs and expenses incurred by the Fire Department to extinguish or control a fire, including any fines, may be recovered from the owner together with any administration costs in like manner as municipal taxes.



6. **LIABILITIES FOR DAMAGES**

6.1 This Bylaw shall not be construed to hold the Town of Two Hills nor its authorized agent or agents responsible for any damage to persons or property by reason of:

- a. Inspections authorized by this Bylaw, or
- b. Failure to carry out an inspection.

7. **SCOPE AND PENALTIES**

7.1 In the event of there being any conflict between the terms and provisions of this Bylaw and the terms and provisions of the *Safety Codes Act* or the *Environmental Protection and Enhancement Act* and regulations hereunder or other provincial acts or regulations, the terms and provisions of the said acts and regulations shall prevail.

7.2 Any person guilty of an offence under this Bylaw shall be punishable in accordance with the *Provincial Offences Procedure Act*.

7.3 Each day a violation is caused or allowed to continue constitutes a separate offence.

8. **APPEAL**

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

7. **EXEMPTIONS**

The following are exempted to burn under the provisions of this Bylaw:

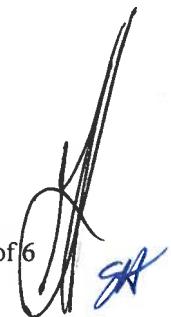
- a. Employees of the Town of Two Hills who, during the course of his/her employment, burns garden refuse or debris on Town property; and,
- b. Firefighters who light fires for the purpose of training.

8. **DATE OF COMMENCEMENT**

This Bylaw is in force from the day following the date of its adoption.

9. **TITLE**

This Bylaw shall be cited as the Burning Bylaw No. 2010-883.

A handwritten signature in blue ink, appearing to read "D. J. S. H.", is positioned in the bottom right corner of the page.

READ a first time this 20th day of July, 2010.

READ a second time this 20th day of July, 2010.

READ a third time and final reading, this 20th day of July, 2010 and finally passed.

TOWN OF TWO HILLS

~~MARK LUSSMANN~~
MAYOR

~~ELSIK HOWANYK~~
CHIEF ADMINISTRATIVE OFFICER

