



Bylaw #2024-10 Burning and Fireworks Bylaw

BEING A BYLAW OF THE TOWN OF THORSBY TO REGULATE FIRE SAFETY, PREVENT FIRE-RELATED NUISANCES, AND ENSURE THE PROTECTION OF PROPERTY AND RESIDENTS FROM FIRE HAZARDS.

WHEREAS, the Municipal Government Act; (RSA 2000, c. M-26) authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and protection of people and property;

AND WHEREAS, the Municipal Government Act authorizes a municipality to pass bylaws respecting nuisances, including unsightly property;

AND WHEREAS, the Municipal Government Act authorizes a municipality to pass bylaws regarding the remedying of contraventions of bylaws;

AND WHEREAS, it is desirable for regulations which affect neighborhood livability to be located, as much as possible, in one bylaw;

NOW THEREFORE, the Council of the Town of Thorsby, in the Province of Alberta, duly assembled, hereby enacts as follows:

PART I - TITLE

1. This Bylaw may be cited as the Town of Thorsby "Burning and Fireworks Bylaw".

PART II - DEFINITIONS

1. In this Bylaw:
 - a) "**Alberta Fire Code**" means National Fire Code 2023 - Alberta Edition;
 - b) "**Authorized Official**" means any individual appointed by the Town of Thorsby to enforce the provisions of this bylaw, including, but not limited to, Community Peace Officers and members of the Fire Department or Fire Services.
 - c) "**Biological Waste**" means any waste material that contains or is derived from living organisms, including but not limited to, any other organic material that poses a risk to human health or the environment. This includes materials generated from medical, veterinary, or laboratory processes, as well as waste from agricultural or industrial activities involving biological matter. Examples include, but are not limited to, band-aids, dressings, surgical gloves, soiled personal protective equipment (PPE), and any items contaminated with blood or bodily fluids.
 - d) "**Building**" means a structure with a roof and walls, such as a house, shed, storage shed, school, store, or factory;
 - e) "**Bylaw Enforcement Officer**" means the person appointed as Bylaw Enforcement Officer by the Chief Administrative Officer;
 - f) "**Carcass**" means the body or remains of a dead animal, including but not limited to livestock, wildlife, or domestic animals.
 - g) "**Chief Administrative Officer**" ("**CAO**") means the person appointed by the Council of the Town of Thorsby as the chief administrative officer, responsible for the overall administration of municipal operations and services, as outlined in the Municipal Government Act. The CAO may also be referred to as the Town Manager or designate, and holds the authority to make decisions, implement policies, and manage the day-to-day affairs of the municipality as directed by the Council.
 - h) "**Fire Ban**" means any fire ban, whether municipally or provincially declared, that prohibits the ignition of fires in all or part of the Town;
 - i) "**Fence**" includes a privately-built fence and a developer-built community screening fence;
 - j) "**Fire Pit**" means a pit dug into the ground or a freestanding metal vessel, in which a contained outdoor fire is made.
 - k) "**Fireplace**" means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue, and is constructed of brick, rock or other masonry;
 - l) "**Fire Restriction**" means the restriction of wood campfires on public land but does allow wood campfires inside provincial campgrounds and private property.

- m) **"Fireworks"** means any explosive device or material designed to produce visual or auditory effects through combustion, detonation, or explosion, including but not limited to firecrackers, roman candles, rockets, and fountains.
- n) **"Glue"** means any adhesive substance used to bond materials together, typically composed of synthetic or natural compounds. For the purposes of this bylaw, glue includes substances that release harmful fumes or residues when burned.
- o) **"Garbage"** means waste material, refuse, or discarded items of any kind, including but not limited to household waste, food scraps, packaging, and other non-combustible or non-organic materials.
- p) **"Household Refuse"** means waste materials generated from residential activities, including but not limited to food scraps, packaging, paper, textiles, and other discarded items.
- q) **"Leduc County"** means the municipal government jurisdiction in the Province of Alberta, responsible for administering local governance, bylaws, and regulations within its boundaries, including fire bans and restrictions applicable to the Town of Thorsby as specified in this bylaw.
- r) **"Lumber"** means wood that has been processed, sawn, or shaped into planks, boards, or beams for construction, manufacturing, or similar purposes, excluding unprocessed wood such as logs or branches.
- s) **"Long Weekend"** means an additional day added to Saturday and Sunday as a Canada or Alberta recognized holiday day.
- t) **"Municipal Government Act"** means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended and any regulations thereunder;
- u) **"Nuisance"** means any act or deed, or omission, or thing, which is, or could be reasonably be expected to be annoying, or troublesome, or destructive, or harmful, or inconvenient, or injurious to another person and/or his property;
- v) **"Occupant"** means any person or individual, present or occupying any property, whether he/she is the owner or lessee of such property or whether such person resides thereon or conducts a business thereon;
- w) **"Open Air Fire"** means any fire which is not an incinerator fire, pit fire, public park site fire and which, without limiting the generality of the foregoing shall include grass fires, forest fires, brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires;
- x) **"Owner"** means a person having title to, or legal possession of any property, or who possesses property under a purchase agreement;
- y) **"Pathological waste"** means any type of waste material derived from a human or animal body. This can include organs, human or animal tissues, surgical specimens, and bodily fluids, such as human blood, removed during surgical procedures or autopsy.
- z) **"Peace Officer"** means a member of the Royal Canadian Mounted Police, a Community Peace Officer, Conservation Officer, Fish and Wildlife Officer, or Sheriff.
- aa) **"Person"** includes a corporation, other legal entities and an individual having charge or control of a premises;
- bb) **"Plastic"** means any synthetic material made from polymers, including but not limited to packaging, containers, films, and other manufactured items. For the purposes of this bylaw, plastic includes all materials that release harmful fumes or residues when burned.
- cc) **"Portable Fire Receptacle"** means an outdoor fire receptacle that is not permanently affixed and can be easily moved. Examples include, but are not limited to, portable fire pits, gas-powered fire tables, gas powered barbeque, chimineas, and other similar devices designed for outdoor fire use.
- dd) **"Premises"** includes the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings;
- ee) **"Property"** means anything owned by any person, whether in whole or in part, and also includes real property;
- ff) **"Remedial Order"** means an order written pursuant to Section 545 and Section 546 of the Municipal Government Act;
- gg) **"Resin"** means a natural or synthetic substance, often sticky or solid, that is used in adhesives, coatings, or plastics. For the purposes of this bylaw, resin includes any material that releases toxic fumes or residues when burned.

- hh) **"Structure"** means a building, garage, shed, Fence or other thing erected or placed in, on, over or under land, whether or not it is affixed to the land;
- ii) **"Unseasoned Wood"** means any wood with a moisture content over 20% that has not been properly dried.
- jj) **"Used Oil"** means any petroleum-based or synthetic oil that has been used and contaminated by impurities such as dirt, metal particles, or chemicals.
- kk) **"Violation Ticket"** means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended;
- ll) **"Weekday"** means Monday through Saturday, inclusive unless it falls on a holiday, as defined in the Interpretation Act, R.S.A. 2000, c. I-8, as amended or replaced from time to time; (51M2016, 2016 December 14);
- mm) **"Weekend"** means Sunday and any other holiday, as defined in the Interpretation Act, R.S.A. 2000, c. I-8, as amended or replaced from time to time; (51M2016, 2016 December 14);
- nn) **"Yard Waste"** means organic waste material generated from the maintenance of outdoor spaces, including but not limited to grass clippings, leaves, branches, tree trimmings, and garden debris.

PART III – FIRE ON PREMISES

1. **No person shall:**

- (1) Except for a fire which is allowed by another Town Bylaw, no person shall burn, or allow to be burned, a fire on a premises that does not comply with the requirements of this Bylaw, or without the permission of Thorsby Chief Administration Officer.
- (2) Have an open-air fire within the Town of Thorsby cooperate limits without the written permission of Thorsby Chief Administration Officer.
- (3) Ignite or allow a fire in a fireplace, fire pit, or portable fire receptacle, (except powered by natural fuel e.g., propane/natural gas), unless they ensure that:
 - a) a means of extinguishing the fire is kept on hand at all times while the fire is burning;
 - b) the flames from the fire do not exceed 1 metre in height at any time; and
 - c) the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire.

2. **All fires must be supervised:**

- (1) Every person who builds, ignites or allows a fire on a premises must be 18 years of age, ensure they are in compliance with section 3 of this bylaw, and ensure that the fire is not left unsupervised at any time.

3. **Restrictions applying to all fires allowed pursuant to this bylaw:**

- (1) No person shall burn, at any time, on any premises, the following materials:
 - a) treated or painted lumber;
 - b) lumber products containing glue or resin;
 - c) wet or unseasoned wood;
 - d) leaves, brush or yard waste;
 - e) garbage;
 - f) rubber, tires or plastic;
 - g) any animal carcass or part thereof;
 - h) used oil;
 - i) animal manure;
 - j) pathological waste;
 - k) combustible material in automobiles;
 - l) combustible material in automobile bodies;
 - m) household refuse; or
 - n) biological waste.

4. Fires in Fireplaces:

- (1) A person may build, ignite or allow a fire on a premises in a fireplace, if that person complies with Sections 1 and 2 of this Bylaw and possess a valid fireplace inspection certificate issued by a WETT-certified inspector or other qualified professional approved by the local authority.

5. Fires in Fire Pits:

- (1) person may build, ignite, or allow a fire on a premises in a fire pit if that person ensures that the fire is contained in a fire pit that:
- is constructed of non-combustible material;
 - has an open flame area that does not exceed 1 metre at its widest point;
 - does not have walls which exceed 0.75 metres in height measured from the floor of the fire pit to the top of the wall of the fire pit excluding any chimney;
 - is set upon or built into the bare ground or a non-combustible material such as brick or stone;
 - is situated at least 3 metres from any house, garage or similar structure including wooden decks, porches and similar amenity space attached to a structure measured from the part of the fire pit which is closest to the structure or amenity space;
 - is situated at least 3 metres from any other combustible material measured from the part of the fire pit which is closest to the combustible material;
 - is not located directly under any tree or overhanging branches; and
 - is covered with a non-combustible mesh screen with openings no greater than 1.24 cm across, for fire pits in which wood is burned.

6. Portable Fire Receptacle:

- (1) Notwithstanding subsection 5(1)(e) a person may build, ignite or allow a fire in a portable fire receptacle on a wooden deck only if the receptacle is fueled by natural gas or propane and if that person ensures that:
- a non-combustible material such as brick or stone is placed between the portable fire receptacle and the wooden deck; and
 - the portable fire receptacle is situated at least 3 metres from any house, garage, similar structure or other combustible material, measured from the part of the receptacle which is closest to the structure or combustible material.

7. Fire Nuisance:

- (1) No person shall ignite or maintain a fire on any premises that causes a nuisance to neighbouring properties or individuals. Nuisances include, but are not limited to:
- Fires must not produce smoke that is likely to disturb or negatively affect neighboring properties or individuals. Reasonable precautions must be taken to prevent smoke from escaping the premises.
 - Fires must not produce excessive noise, such as crackling, popping, or other fire-related sounds, that may disturb neighboring properties or individuals. All reasonable measures must be taken to minimize fire-related noise.
 - Fires must not produce offensive odors, including the burning of materials that generate unpleasant or harmful smells, which may disturb neighboring properties or individuals. Reasonable precautions must be taken to prevent such odors from escaping beyond the premises.

8. Fires During a Fire Ban or Fire Restriction:

- (1) No person shall ignite or maintain any fire on any premises when a fire ban has been declared by the Town of Thorsby.
- (2) During a fire restriction declared by the Town of Thorsby, no person shall ignite or maintain any fire on any premises except in devices or situations explicitly permitted under the conditions of the restriction as outlined by the Town of Thorsby .

- (3) A fire ban or fire restriction shall be deemed in effect upon notification from the Town of Thorsby, with notice provided via public announcements, online platforms, or other appropriate communication channels.
- (4) If a fire is ignited or maintained during a fire ban or restriction, a Peace Officer or authorized official may order the immediate extinguishment of the fire. Failure to comply with the extinguishment order may result in further enforcement action as outlined in this bylaw.

PART IV – FIREWORKS

1. Fireworks:

- (1) No person shall ignite, discharge, or set off fireworks within the boundaries of the Town of Thorsby without prior written permission signed by the Chief Administrative Officer (CAO).
- (2) Written permission for the use of fireworks may only be granted under the following conditions:
 - a) The applicant complies with all applicable provincial and federal regulations regarding the handling and discharge of fireworks.
 - b) The fireworks display is conducted in a location deemed safe and appropriate by the CAO or their designate.
 - c) A fire ban or fire restriction is not in effect at the time of the planned fireworks display, as per Town of Thorsby guidelines.
- (3) During a fire ban or fire restriction, no fireworks shall be discharged, regardless of any prior permission.
- (4) Unauthorized use of fireworks may result in confiscation, fines, or further enforcement action as outlined in this bylaw.

PART V – OFFENSE

1. A person who contravenes this Bylaw is guilty of an offense.

PART VI – FINES AND PENALTIES

1. A who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than 6 months for non-payment of a fine.
2. Without restricting the generality of subsection (1) the fine amounts set out in Appendix "A" of this Bylaw are established for use on municipal tags and violation tickets if a voluntary payment option is offered.

PART VII – VOLUNTARY PAYMENT

1. A person who commits an offence may:
 - (1) If a violation ticket is issued in respect of the offense; and
 - (2) If the violation ticket specifies the fine amount established by this Bylaw for the offence; make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the violation ticket, the specified penalty set out on the violation ticket.



Bylaw #2024-10
Burning and Fireworks Bylaw

PART VIII – OBSTRUCTION

1. A person shall not obstruct or hinder any Peace Officer in the exercise or performance of the person's powers pursuant to this Bylaw.
2. No person shall obstruct or hinder any Authorized Official or member of the Fire Department in the extinguishment of unlawful fires or in the performance of their duties under this Bylaw.

PART IX – EFFECTIVE DATE

1. This Bylaw shall be in effect on the date of final reading.

READ A FIRST TIME this 26th day of November, 2024

READ A SECOND TIME this 26th day of November, 2024

READ A THIRD AND FINAL TIME this 17th day of December, 2024

Darryl Hostyn, Mayor

Donna Tona, CAO



Bylaw #2024-10
Burning and Fireworks Bylaw

APPENDIX A – PENALTIES

<u>SECTION</u>	<u>OFFENCE</u>	<u>PENALTY</u>		
		<u>FIRST OFFENCE</u>	<u>WITHIN THE SAME CALENDAR YEAR</u>	
			<u>SECOND OFFENCE</u>	<u>THIRD OFFENCE</u>
Part III 1(2)	Unauthorized open-air fire	\$1,000.00	\$2,000.00	\$4,000.00
Part III 1(3)(a-c)	Failure to comply with fire pit safety and extinguishing requirements	\$150.00	\$300.00	\$600.00
Part III 2(1)	Unsupervised fire	\$100.00	\$200.00	\$400.00
Part III 3(1)(a-n)	Burning of prohibited materials	\$150.00	\$300.00	\$600.00
Part III 5(1)(a-h)	Failure to comply with fire pit safety regulations	\$200.00	\$400.00	\$800.00
Part III 6(1)(a-b)	Failure to comply with portable fire receptacle regulations on wooden decks	\$100.00	\$150.00	\$300.00
Part III 7(1)(a-c)	Creating a fire-related nuisance (excessive smoke, noise, or odors)	\$150.00	\$300.00	\$600.00
Part III 8(1)	Igniting or maintaining a fire during a fire ban	\$5,000.00	\$7,500.00	\$10,000.00
Part III 8(2)	Igniting or maintaining a fire during a fire restriction	\$1,000.00	\$2,000.00	\$4,000.00
Part IV 1(1)	Unauthorized Discharge or Use of Fireworks	\$150.00	\$300.00	\$600.00
Part VI 12(1)	Obstructing a Peace Officer	\$10,000.00	\$10,000.00	\$10,000.00
Part VI 12(2)	Obstructing an Authorized Official	\$10,000.00	\$10,000.00	\$10,000.00