

SUMMER VILLAGE OF SUNDANCE BEACH

BY-LAW NO. A45

**A BY-LAW OF THE SUMMER VILLAGE OF SUNDANCE BEACH  
AUTHORIZING THE PREVENTION AND CONTROL OF FIRES  
AND TO BE KNOWN AS THE FIRE BAN BYLAW**

**WHEREAS** Section 7 and 8 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 provide that a council may pass bylaws for the prevention or extinguishing of fires, the preservation of life and property, the protection of persons from injury or destruction by fire; and

**WHEREAS** council for the Summer Village of Sundance Beach, pursuant to the power granted under the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, wishes to provide for the prevention, regulation and control of the lighting of fires within the Summer Village of Sundance Beach.

**NOW THEREFORE** council for the Summer Village of Sundance Beach, duly assembled, enacts as follows:

**Section 1: Name of Bylaw**

1.1 This Bylaw may be cited as “the Fire Ban Bylaw”.

**Section 2: Definitions**

2.1 In this Bylaw:

- a) “*Summer Village*” means the Summer Village of Sundance Beach
- b) “*Council*” means the council for the Summer Village of Sundance Beach
- c) “*Class A Materials*” means clean wood, paper, twigs, and garden debris
- d) “*Designate*” means the Chief Administrative Officer, Mayor or Fire Chief as appointed by Summer Village bylaw
- e) “*Fire Ban*” means an order by the Designate of the summer village who may, at their discretion, prohibit the lighting or require the extinguishments of a fire, indoor or outdoor
- f) “*Incinerator Fire*” means a fire that is confined within a non-combustible structure, container, or barrel with openings covered by a heavy gauge metal screen and is used for the purpose of burning Class A Materials such as garden debris, wood and paper or for the purpose of preparing food
- g) “*Indoor Fire*” means a fire contained in a wood-burning stove or fireplace
- h) “*Outdoor Fire*” means any fire other than that defined as an Incinerator Fire or Structure Fire or any fire that has escaped or spread from a building, structure, machine, vehicle or incinerator. An Incinerator Fire without the required metal screen shall be deemed to be an Outdoor Fire
- i) “*Running Fire*” means a fire burning without being under proper control of any person

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- j) “*Structure Fire*” means a fire confined to and within any building, structure, machine, or vehicle, which will, or is likely to cause the destruction of or damage to such building, structure, machine or vehicle
- k) “*Person*” means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society, and any other legal entity
- l) “*Neighbor(s)*” means a person(s) who is an owner, renter or person otherwise authorized by an owner of privately owned land adjacent to property where it is alleged an offence has occurred
- m) “*Peace Officer*” means a member of the RCMP, Bylaw Enforcement Officer or Special Constable
- n) “*Violation Ticket*” means a form approved by the Summer Village, or a form prescribed by the *Provincial Offences Procedure Act*, R.S.A 2000, Chapter P-34

### **Section 3: Powers**

- 3.1 Where an emergency or a potential emergency exists, the Designate of the Summer Village shall be empowered to suspend all Incinerator Fire, Indoor Fires, Outdoor Fires, Structure Fires, or any outdoor camping fire lit for cooking or warming purposes within all or a portion or portions of the Summer Village for such a period of time and on such conditions as may be determined by the Designate.

### **Section 4: Offences**

- 4.1 No person shall light a Structure Fire.
- 4.2 No person shall light an Incinerator Fire, Indoor Fire, Outdoor Fire, or a barbeque using briquettes during a Fire Ban.
- 4.3 No person shall, either directly or indirectly, personally or through an agent, servant or employee ignite a fire and let it become a Running Fire on any land not his own property or allow a Running Fire to pass from his own property to the property of another.
- 4.4 No person shall light an Outdoor Fire or an Incinerator Fire without first taking sufficient precaution to ensure that the fire can be kept under “control at all times”.
- 4.5 No person shall place any material other than “Class A Materials” within a fire without prior written approval from the Summer Village.
- 4.6 No person shall obstruct a Peace Officer, or member of the Fire Chief’s office, in the performance of his or her duties pursuant to this Bylaw. Obstruction will include the failure to provide access to property and failure to provide information as to the identity of individuals.

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- 4.7 No person shall allow any fire to give off a dense smoke or offensive odor in a manner which creates a risk to public safety or creates a nuisance to neighboring person(s) or property.

### Section 5: Penalties

- 5.1 Any person, who fails to comply with any provision contained in this Bylaw, is guilty of an offence and is liable to fine(s) as follows:
- a) First offence: a fine of not more than one hundred dollars (\$100.00)
  - b) Second offence: a fine or not more than two hundred and fifty dollars (\$250.00)
  - c) Third offence: a fine of not more than five hundred dollars (500.00)
  - d) Fourth offence and offences in excess of four: the fine will be at the discretion of a Provincial Court Justice
- 5.2 A Special Constable authorized to enforce this Bylaw under Section 7 of the *Municipal Government Act*, R.S.A 2000, Chapter M-26, and who has reasonable and probable grounds to believe that a person has contravened any section of this Bylaw, may under the authority of this Bylaw issue a Municipal tag, and where this tag is not paid by the offender a Part 2 violation ticket may be issued under the *Provincial Offences Procedure Act*, R.S.A. Chapter P-34, to that person.
- 5.3 Where any action has been taken whatsoever by the Summer Village for the purpose of responding to a fire call, suppression activities and extinguishing a fire or for the purpose of preserving life or property from injury or destruction by fire, the Summer Village may, in respect of any costs incurred in such action, charge such costs so incurred to the person who caused the fire, or to the owner or occupant of the land in respect of which the action was taken.
- 5.4 In respect of any costs or fines levied or charged under this Bylaw:
- a) The Summer Village may recover such costs or fines due and owing to the Summer Village pursuant to Section 552 of the *Municipal Government Act*, R.S.A 2000, Chapter M-26; and
  - b) In default of payment, where permitted by Section 553 of the *Municipal Government Act*, R.S.A 2000, Chapter M-26, add the amounts to the tax roll of the parcel of land

### Section 6: Severability

- 6.1.1 Should any section of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and the 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.

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**Section 7: Effective Date**

7.1 This by-law shall take effect on the date of the third and final reading.

Bylaw A27 is hereby rescinded.

**READ** a first time this 18<sup>th</sup> day of June, A.D. 2009

**READ** a second time this 18<sup>th</sup> day of June, A.D. 2009

**MOVED** by mayor Pellatt that consideration be given to third reading at this meeting.

**CARRIED UNANIMOUSLY**

**READ** a third time **AND PASSED** this 18<sup>th</sup> day of June, A.D. 2009

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Mayor

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Chief Administrative Officer