

## BY-LAW NO. 754/02

A BY-LAW OF CLEARWATER COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE CONTROL OF OPEN FIRES WITHIN CLEARWATER COUNTY, HEREAFTER REFERRED TO AS THE FIRE CONTROL BY-LAW.

WHEREAS Section 7(a) of the Municipal Government Act Chapter M-26.1 with amendments in force as of July 15, 1996, provides that the Council of a Municipality may pass a by-law for purposes respecting the health and welfare of people and the protection of people and property;

NOW THEREFORE, the Council of Clearwater County, in the Province of Alberta, duly assembled does hereby authorize:

### SECTION 1: DEFINITIONS:

1. "Forest Protection Area" means a forest protection area designated under the Forest and Prairie Protection Act;
2. "Open Fire" means any fire which is not enclosed in a noncombustible container with a grill covering the opening and which cover has holes no larger than six (6) millimeters by six (6) millimeters ( ¼ inch by ¼ inch). This definition does not apply to:
  - a. fires located within a first or second residential structure but shall apply to fires located within accessory residential buildings and any associated residential ancillary use(s).
  - b. fires associated with commercial or industrial tools or equipment such as acetylene torches, butane soldering guns, etc.
  - c. fires which are contained in cooking and heating appliances which are fuelled by fluids or gases
  - d. subject to the conditions outlined under Section 2, Point 8, fires that are regulated by the AB Energy Utility Board
3. "Wildfire" means any open fire that is not under the control of the person, or his designate, who ignited the fire

### SECTION 2: FIRE CONTROL

1. No person shall light an open fire without taking sufficient precautions to ensure that the fire can be kept under control at all times.
2. For the purpose of control of open fires, the Municipal Manager may issue a ban on open fires throughout the municipality, or a portion of the municipality, other than within a Forest Protection area, when any of the following conditions occur:
  - a. The Province of Alberta issues a fire ban within the Forest Protection area within Clearwater County;
  - b. The Municipal Manager becomes aware of any situation or circumstance which in his opinion warrants the issuance of a fire ban.
3. The Municipal Manager shall insure that following the issuance of a fire ban that the fire ban is advertised through:
  - a. The erection of fire ban signs along major municipal roads within the area covered by a fire ban;
  - b. Announcement of the ban and describing the area of the fire ban on a local radio station for not less than twice a day for two consecutive days;
  - c. The County's website;
  - d. Any other media source deemed appropriate by the Municipal Manager.

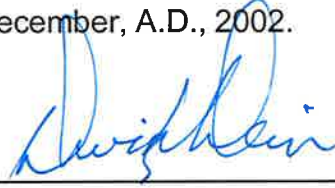
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4. The Municipal Manager shall insure that once the fire ban is cancelled that an announcement of the cancellation of the ban is announced on a local radio station for not less than twice a day for two consecutive days and on the County's website and that the fire ban signs are removed in a timely manner.
5. All open fires within a ban area shall be extinguished once a fire ban has been issued..
6. No person within a ban area shall light an open fire during a fire ban.
7. A person who has ignited an open fire, or shown carelessness in handling an open fire, which ignition or carelessness creates a threat to public safety - as determined by the Clearwater County Regional Fire Chief or his designate – that person may be charged for the cost of extinguishing the open fire or fighting the wild fire and any other costs associated with any action or any measure necessary to remedy a contravention of this by-law.
8. Unless prior written agreement has been developed between the Clearwater County Regional Fire Chief, the individual or company wishing to ignite an open fire essential to a industrial operations (e.g. emergency flaring) may ignite an open fire during a fire ban subject to the following conditions:
  - a. One loaded water truck (minimum 1300 gallons) equipped with a portable pump, 500 feet of fire hose and fire fighting hand tools (e.g. fire brooms) must be on-site when an open fire exists or is ignited.
  - b. Two (2) men must be on site, trained and dedicated to the operations of the water tank during the duration that the open fire exists or is ignited.
  - c. The ground around the area where an open fire shall located shall be wet down prior to the ignition of an open fire to a sufficient degree to prevent the ignition of another open fire
  - d. Fires lit pursuant to the above conditions can only be lit early in the morning or late at night and when wind conditions are calm, and the operator shall insure that the fire can be readily extinguished if the need arises.
  - e. The person intending to ignite the fire shall contact the County office at least 24 hours prior to igniting the fire and advise of his intention to light a fire and the duration that the fire will be lit for.
  - f. In the event an open fire becomes a wild fire, the Regional Fire Chief shall be advised of this situation.
9. Any person who:
  - a. violates any of the provisions of Sections 1 to 8 of this by-law or,
  - b. suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law or,
  - c. neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law or,
  - d. does any act or thing or omits any act or thing thus violating any of the provisions of this by-law,shall be deemed to be guilty of an infraction of this by-law, and upon summary conviction, is liable to imprisonment for a term of not more than six (6) months or to a fine of not more than Ten Thousand dollars (\$10,000) or both fine and imprisonment.

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THIS BY-LAW SHALL COME INTO FORCE AND EFFECT ON THE FINAL DATE OF PASSING THEREOF.

READ a first time this 10th day of December, A.D., 2002.



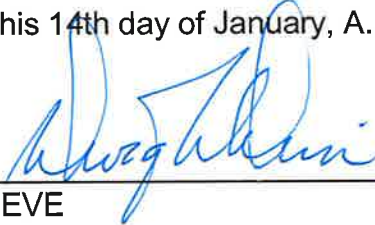
REEVE



MUNICIPAL MANAGER

READ A SECOND TIME this 14th day of January, A.D., 2003.

READ A THIRD AND FINAL TIME this 14th day of January, A.D., 2003.



REEVE



MUNICIPAL MANAGER