

**TOWN OF SEXSMITH
BYLAW NO. 865**

**A BYLAW OF THE TOWN OF SEXSMITH FOR THE PURPOSE OF
REGULATING AND CONTROLLING OPEN BURNING WITHIN THE
CORPORATE LIMITS OF THE TOWN OF SEXSMITH.**

WHEREAS the Department of Environment has provided for regulations to control or prohibit open burning within the boundaries of a municipality and;

WHEREAS the Municipal Council of the Town of Sexsmith deems it desirable and expedient to control and prohibit open burning within the Town of Sexsmith;

NOW THEREFORE the Municipal Council of the Town of Sexsmith hereby enacts as follows:

1. In this bylaw the following words and phrases shall have the meanings as assigned.
 - a) "Municipal Tag" means a tag or ticket wherein the person alleged to have committed a breach of a provision of this bylaw is given an opportunity to pay a voluntary penalty to the Town of Sexsmith in lieu of prosecution for the offense;
 - b) "Open Burning" means a fire or smoldering pile of combustible material which is not contained completely within an incinerator approved by the Department of the Environment for the Province of Alberta;
 - c) "Voluntary Penalty" means a penalty specified in this bylaw for a contravention of provision of this bylaw which amount may be paid by a person to whom a municipal tag was issued.
 - d) "Bylaw Officer" means person appointed by the Council of the Town of Sexsmith to enforce the bylaws of the Town.
 - e) "Peace Officer" means a RCMP member, a Peace Officer of the County of Grande Prairie, or person authorized by the Town of Sexsmith to enforce the bylaws of the Town as pertaining to their position.
 - f) "Fire chief" means person appointed as Fire chief by the Council of the Town of Sexsmith and with authority to enforce bylaws pertaining to fire and the fire department.
2. No person shall engage in open burning in the Town.
3. Notwithstanding Section 2 hereof any person who wishes to engage in open burning for the purpose of thawing ground, or for farming operations (burning stubble, garden trash or clearing land) may do so upon complying with the following conditions;
 - a) Filing the written consent of the owner or occupant of the lands upon which the activity is to take place with the Fire Chief/Bylaw Officer appointed by the Town,
 - b) Obtaining a fire permit in the manner and form prescribed by the Town's Fire Chief/Bylaw Officer;
 - c) Complying with such conditions as imposed by the Fire Chief/Bylaw Officer to ensure the safety of the activity.
4. Notwithstanding Section 2, hereof, any person who wishes to engage in open

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burning for recreational purposes may do so upon complying with the following conditions:

- a) Filing the written consent of the owner or occupant of the lands upon which the activity is to take place with the Fire Chief/Bylaw Officer, appointed by the Town, and
 - b) Obtaining a fire permit in the manner and form prescribed by the Town's Fire Chief/Bylaw Officer; and
 - c) Complying with such conditions as the Fire Chief/Bylaw Officer may impose on such permit to ensure the safety of the activity.
5. Notwithstanding Section 2, hereof, any person who wishes to engage in open burning in a Town park may do so if the burning is:
- a) Commenced and contained in the receptacles constructed for the purpose; and,
 - b) Attended by an adult person at all times; and
 - c) Permitted by the existing rules of the park on the day of the activity.
6. Permit issued by the Fire Chief/Bylaw Officer shall not be construed as placing any liability on the Town of Sexsmith for any claims or damage of as a result of fires authorized by the permit.
7. A Peace Officer may revoke a fire pit permit at any time with cause of complaint. Any person violating any provision of the bylaw may be issued a municipal tag by a Peace Officer and upon issuance of a municipal tag, be liable to pay a voluntary penalty of one hundred (\$100.00) dollars and failing such payment within 7 days of the issuance of such tag, shall be liable on summary conviction to pay a fine of not less than one hundred (\$100) dollars and not more than twenty-five hundred (\$2500.00) and in default of payment, judgment.
8. The validity of any section, clause, sentence or provision of this bylaw shall not affect the validity of any other part of this bylaw, which can be given effect without such invalid part or parts.
9. This Bylaw shall come into effect upon final passage thereof.
10. Bylaw No. 666 is hereby repealed.

READ a first time this 5th day of May, 2008

READ a second time this 23rd day of June, 2008

READ a third time and finally passed this 23rd day of June, 2008

C. Lagace, Mayor

Carolyn Gaunt, Town Administrator

**Town of Sexsmith
 Burn Permit
 Bylaw 865**

<p>As the person applying for this permit, I acknowledge the following:</p> <ol style="list-style-type: none"> 1. I am over eighteen years of age. 2. I understand the regulations for the construction of my fire pit. 3. I will comply with direction given by any Peace Officer and understand that this permit may be revoked with reason. 4. I have read and agree to abide by the disclaimer on the reverse side of this permit. 5. I understand that I must renew this permit on an annual basis for the fee as set out by Council. <p>Purchaser</p> <hr/> <p>Address of Fire pit:</p> <hr/> <p>Date of purchase of permit:</p> <hr/> <p>Amount of receipt:</p> <hr/>	<p>Home Phone:</p> <hr/> <p>Cell Phone:</p> <hr/> <p>Mailing Address:</p> <hr/>
<p>Type Burning:</p> <p>Residential Fire Pit</p> <p>Farming</p> <p>Commercial</p> <p>Other</p>	
<p>Location of Burning:</p>	
<p>Conditions:</p>	
<p>Permit in Effect:</p>	

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<p>From: To:</p> <p><i>Unless changes are made or property changes owners.</i></p>
<p>Diagram for Fire Pit Measurement:</p> <p>Photo Entered:</p>
<p>Conditions for fire pits:</p> <ol style="list-style-type: none">1. Fire pit apron must be of non-combustible material (stone, bricks, concrete, asphalt) and sized as follows:<ol style="list-style-type: none">a) Minimum 2-foot apron for fire pit up to 1-foot height.b) Fire pit more than one foot in height – apron must be double height of pit.2. Pit must be screened.3. Pit must be a minimum of 10 (ten) feet from building, trees, and property lines.4. Burn clean wood products only (No domestic or other waste.).
<p>Freestanding or portable fire pit (chimnea)</p> <ol style="list-style-type: none">1. Must be placed on minimum 2-foot apron of non-combustible material.2. Must be a minimum of 10 feet from building, trees, and property lines and overhead lines.3. Must not be located on deck.
<p>Special Permit Conditions:</p> <ol style="list-style-type: none">1. Permits one time use on specified date.2. Continuous water source must be available.3. Must follow County Fire bans.4. Must be under constant adult supervision.5. Must advise Town Office a minimum of 12 (twelve) hours prior to burning. <p>Conditions:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

Original – applicant **Second Copy** – Fire Dept. **Third Copy** – Bylaw Officer

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Disclaimer to be printed on the back of the permit:

In executing this permit application, the Applicant or permit holder agrees to comply with all Federal, Provincial and Municipal legislation, regulations and other requirements and to comply with all recognized safety standards and practices.

In executing this permit, the Applicant agrees not to make or bring any claim, action, suit, proceeding or demand against the Municipality of the Town of Sexsmith, its elected officials, officers, employees, servants, agents and contractors with respect to any occurrence, incident, accident or happening relating in any manner whatsoever to this agreement and the rights and obligations arising therefore, which without limiting the generality of the foregoing shall include any claim, action, suit, proceeding or demand arising in tort or contract.

In executing this permit application, the Applicant agrees to indemnify and save harmless the Town of Sexsmith, its elected officials, officers, employees, servants, agents and contractors with respect to any claim, action, suit, proceeding or demand made or brought against the Town of Sexsmith, its elected officials, officers, employees, servants, agents and contractors by any third part with respect to any occurrence, incident, accident or happening relating in any manner whatsoever to this agreement and the rights and obligations arising there from, and which indemnity shall, without restricting the generality of the foregoing, including all legal costs incurred by the Municipality of the Town of Sexsmith in defending such a claim, action, suit, proceeding or demand.