

**TOWN OF MAGRATH
BYLAW # 1222**

A BYLAW OF THE TOWN OF MAGRATH IN THE PROVINCE OF ALBERTA PURSUANT TO SECTION 7 OF THE MUNICIPAL GOVERNMENT ACT TO REGULATE BURNING IN THE TOWN OF MAGRATH.

WHEREAS the Municipal Government Act, S. A. 1994, c. M-26. 1 as amended, provides that the Council of a municipality may pass bylaws for the safety, health and welfare of people, the protection of people and property, the prevention of nuisances, and, for services provided by or on behalf of a municipality;

AND WHEREAS Council has deemed it necessary to regulate burning in the Town of Magrath,

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

1. This bylaw may be cited as the Regulation of Burning Bylaw of the Town of Magrath.
2. No person in the Town of Magrath shall burn any material or thing in an open area with the exception of the approved burn pile at the Magrath Transfer Station.
3. Notwithstanding Clause 2 it shall not be an offence under this Clause to conduct:
 - a. The barbecuing of food in any appliance sold or constructed for the sole purpose of cooking food outdoors, normally fueled by natural gas, *propane*, compressed briquettes or charcoal; *WA.*
 - b. The cooking of food in enclosed *fire* pits, provided the fuel is limited to small amounts of dry wood, *propane* or natural gas and that the smoke is not offensive to the neighbourhood and that the fire pit is extinguished by 11 p.m. local time;
 - c. Burning in fire places in or attached to dwellings that have been installed to the standards of the Alberta Building Code;
 - d. Burning in contained campground and picnic fireplaces and stoves in parks in the Town of Magrath.
4. Fire Bans
 - a. On the occasion of a fire ban being imposed by the Regional or Local Fire Chief all fires, including those in enclosed fire containers of any sort, within all or part of the Town of Magrath are prohibited and must be immediately extinguished when the potential for fire hazard conditions exists. Such a

ban may be for a fixed period of time or on an "until further notice" basis and may contain conditions of exceptions.

- b. Fire bans will be broadcast in regional as well as in local social and other media.

5. Offenses

- a. A person who contravenes any provisions of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "A" herein. The Bylaw Enforcement Officer of the Town of Magrath and any RCMP Officer are hereby authorized and empowered to issue a violation ticket pursuant to Part III of the Provincial Offences Procedure Act of the Statutes of Alberta (1988).
- b. Nothing in this bylaw shall be construed as curtailing or abridging the right of the Town to obtain compensation or to maintain an action for loss of or damage to property from or against the person or persons responsible.

6. Violation Tag

- a. Town Bylaw Enforcement Officers are hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened a provision of this bylaw.
- b. A Violation Tag may be issued to such person:
 - i. Either personally, or
 - ii. By mailing a copy to such person at her/her last known post office address.
- c. The Violation Tag shall be in a form approved by the Town and shall state:
 - i. The name of the person;
 - ii. The offence;
 - iii. The appropriate penalty for the offence as specified in Schedule "A" of this bylaw;
 - iv. That the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
 - v. Any other information as may be required by the Town of Magrath.
- d. Where contravention of the bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- e. Nothing in this bylaw shall prevent a Town Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

7. Violation Ticket – A Town Bylaw Enforcement Officer, an RCMP Officer, and a Conservation Officer are hereby authorized and empowered to issue a violation ticket pursuant to Part II of the Provincial Offences Procedures Act, R.S.A. 2000.
8. Should any section or part of this bylaw be found to have been improperly enacted, or to be outside the Town's jurisdiction for any reason, then such Section or part shall be regarded as being severed and the remaining sections shall be effective and enforceable.
9. This bylaw shall take effect on the date of the third and final Reading.
10. Bylaw # 1188 is hereby repealed.

Read a first time this 12th day of September, 2017.

Read a second time this 12th day of September, 2017.

Read a third and final time this 12th day of September, 2017.



Mayor



Chief Administrative Officer

Schedule "A"

Bylaw 1222 – Regulation of Burning
Schedule of Fines

First Offence	\$450.00
Second Offence	\$800.00
Third and subsequent Offences	\$1,000.00