

TOWN OF EDSON

BY-LAW 2154

BEING A BYLAW OF THE TOWN OF EDSON, IN THE PROVINCE OF ALBERTA, TO PROHIBIT THE INSTALLATION AND USE OF OUTDOOR WOOD OR SOLID FUEL BURNING APPLIANCES

WHEREAS Section 7 of the *Municipal Government Act*, Chapter M-26, RSA, 2000 and amendments thereto, provides that the Council of a municipality may pass a by-law for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

NOW, THEREFORE, the Council of the Town of Edson, duly assembled, does hereby enact as follows:

SECTION 1 Name of Bylaw

1. This Bylaw may be cited as "The Edson Bylaw Prohibiting the Installation and Use of Outdoor Wood or Solid Fuel Burning Appliances Bylaw".

SECTION 2 Definitions:

In this Bylaw words and phrases shall be construed as follows:

- 2.1 "Peace Officer" means a member of the Royal Canadian Mounted Police; a Peace Officer; a Community Peace Officer employed by the Town of Edson.
- 2.2 "Council" means the Council of the Town of Edson.
- 2.3 "Fire Chief" means the person appointed as head of the Edson and District Fire Department.
- 2.4 "Inspector" means anyone who is appointed as such from time to time by the Town of Edson and any person delegated in carrying out his/her duties under this bylaw, including, but not limited to, a Peace Officer, the Fire Chief, the Town of Edson Director of Operations, to enter and inspect property in accordance with this bylaw.
- 2.5 "Municipal Tag" means a notice issued by the Town pursuant to the Municipal Government Act for the purpose of providing a person with an opportunity to acknowledge a contravention of this Bylaw and to pay a penalty directly to the Town, in order to avoid prosecution for the contravention.

- 2.6 "Outdoor Wood or Solid Fuel Burning Appliance" means an outdoor wood burning appliance or a solid fuel burning appliance which is used for the space heating of buildings, the heating of water, or other such purpose and which is located in a separate building or on the exterior of the building which it serves. These appliances are also referred to as outdoor wood fired furnaces, outdoor solid fuel combustion appliances, or outdoor wood fire hydronic heaters.
- 2.7 "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended.

SECTION 3 Prohibitions:

- 3.1 The installation of an outdoor wood or solid fuel burning appliance within the Town of Edson is prohibited.
- 3.2 The operation of an outdoor wood or solid fuel burning appliance within the Town of Edson is prohibited.

SECTION 4 Inspection:

- 4.1 Inspectors are authorized to enter at all reasonable times and in a reasonable manner on property to determine whether the requirements of this bylaw are being observed.

SECTION 5 Offences and penalties:

- 5.1 Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence.
- 5.2 A Person who is guilty of an offence is liable to a fine not less than \$300.00.
- 5.3 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 5.4 A Municipal Tag may be issued to such person:
- (1) Either personally; or
 - (2) By mailing a copy to such Person at his or her last known post office address.
- 5.5 The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (1) The name of the person;
 - (2) The offence;

- (3) The specified penalty established by this Bylaw for the offence;
 - (4) That the penalty shall be paid within 14 days of the issuance of the Municipal Tag; and
 - (5) Any other information as may be required by the Chief Administrative Officer.
- 5.6 Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the Town the penalty specified within the time period indicated on the Municipal Tag.
- 5.7 If a Municipal tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act.
- 5.8 Notwithstanding section 5.7, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offences Procedure Act to a Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 5.9 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (1) specify the fine amount established by this Bylaw for the offence; or
 - (2) require a person to appear in court without the alternative of making a voluntary payment.
- 5.10 A person who commits an offence may:
- (1) if a Violation Ticket is issued in respect of the offence; 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.

SECTION 6 Severability:

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

SECTION 7 – EFFECTIVE DATE:

7.1. This bylaw becomes effective upon third reading.

READ A FIRST TIME THIS DAY OF A.D. 2015.

MAYOR

DIRECTOR OF FINANCE

READ A SECOND TIME THIS DAY OF A.D. 2015.

MAYOR

DIRECTOR OF FINANCE

READ A THIRD AND FINALLY PASSED THIS DAY OF A.D. 2015.

MAYOR

DIRECTOR OF FINANCE

Schedule "A"

**Specified Penalties for Offence Tickets
For Operation of an Outdoor Wood Burning Appliance**

First Offence:	\$300.00
Second Offence and Subsequent Offences	\$500.00

Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.