

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44  
BYLAW NO. C-5753-2003**

A Bylaw of the Municipal District of Rocky View No. 44 in the Province of Alberta to amend Bylaw C-5692-2003.

**WHEREAS** The Soil Conservation Act, RSA 2000, c.S-15 gives authority for a Council, by Bylaw, to establish, inter alia, a system of permits controlling the burning of stubble on land;

**WHEREAS** It is deemed advisable in the best interests of soil conservation that the Council establishes a permit system to control the burning of stubble on land within the Municipal District of Rocky View No. 44;

**NOW THEREFORE**, the Council for the Municipal District of Rocky View No. 44 hereby enacts as follows:

**I. NAME OF BYLAW AND DEFINITIONS:**

- 1.1 This Bylaw may be cited as The Stubble Burning Bylaw.
- 1.2 In this Bylaw:
  - a) "Appeal Committee" means the duly appointed voting members of the Agricultural Service Board.
  - b) "Bylaw Control Officer/Constable" means a person appointed by the Council pursuant to the provisions of Section S.555(1) of the Municipal Government Act;
  - c) "Council" means the Council of the Municipal District of Rocky View No. 44;
  - d) "Fire Chief" means the person appointed by Council to coordinate and administer fire protection activities within the corporate boundaries of the Municipal District of Rocky View No. 44;
  - e) "Fire Guard" means an area around the proposed burn area where appropriate action has been taken to stop the spread of the fire to areas not meant to be burned;
  - f) "Fire Guardian" means a person appointed as such under the Forest and Prairie Protection Act R.S.A. 1980 Chapter F-14 and includes Municipal District Councillors, Municipal District Constables, Municipal District Bylaw Officer;
  - g) "Fire Permit" means a permit issued by the Fire Chief or Fire Guardians
  - h) "Municipality" means the Municipal District of Rocky View No. 44, a Municipal Corporation of the Province of Alberta;
  - i) "Soil Conservation Officer" means the person or persons appointed from time to time as such under the Soil Conservation Act, RSA 2000, c.S-15;
  - j) "Stubble" means any harvested or unharvested herbaceous plants or plant parts, standing, spread or in swathed windrows grown on land;
  - k) "Stubble Burning Permit" means a permit issued by a Soil Conservation Officer under this Bylaw pursuant to which the applicant therefore is permitted to burn stubble pursuant to the provisions therein set out;
  - l) "Violation Ticket" means a ticket issued for an offence committed against any provisions of this Bylaw.

*Val*

**II**      **PROVISION OF BYLAW:**

No person shall burn stubble on any land within the Municipal District of Rocky View No. 44 without first obtaining a Stubble Burning Permit.

**III**      **POWERS OF SOIL CONSERVATION OFFICER:**

3.1      Each Soil Conservation Officer shall have the authority and power to:

- a)    issue a Stubble Burning Permit with respect to the burning of stubble on lands within the boundaries of the Municipality;
- b)    issue a Stubble Burning Permit as per regulations set out by Council in Schedule A, Regulations for stubble burning in the M.D. of Rocky View (attached);
- c)    decide whether a field inspection is warranted prior to his decision to issue or not to issue a Stubble Burning Permit; and
- d)    refuse to issue a permit to burn stubble if he/she feels that it would
  - (1)    contribute to soil loss or deterioration; and
  - (2)    violate any regulations as set out by Council in Schedule A.

3.2      The Soil Conservation Officer shall not knowingly issue a Stubble Burning Permit on land that is to be fallowed.

3.3      Schedule A may be amended from time to time by Council.

**IV**      **APPEALS:**

4.1      A person who has been denied a Stubble Burning Permit may appeal to the Appeal Committee by filing a notice of appeal under this section with the Municipal Secretary.

4.2      A notice of appeal shall be in writing and shall:

- a)    set out:
  - i)    the name and address of the appellant;
  - ii)    an address for service on the appellant;
  - iii)    the legal description of the land affected, and
  - iv)    the grounds of the appeal, and
- b)    be accompanied by a deposit in the amount of \$100.00 (which may be refunded at the discretion of the Appeal Committee).

4.3      On being served with a notice of appeal, the Appeal Committee shall hear the appeal within seven (7) days.

4.4      For the purposes of hearing an appeal by the Appeal Committee, the procedures set out in Schedule 'BY' 'Procedures Governing Appeals under the Stubble Burning Bylaw' (attached) shall apply.

4.5      The decision of the Appeal Committee shall be final and binding.

*Val*

**V** **FIRE PERMIT:**

5.1 Any person receiving a Stubble Burning Permit shall also be required to have a Fire Permit prior to burning any stubble pursuant to a Stubble Burning Permit.

**VI** **OFFENSES:**

6.1 No person shall light a stubble fire or allow a stubble fire to be lit on land which he owns or which is otherwise under his control without having both a "Fire Permit" and a "Stubble Burning Permit" in his possession.

6.2 No person shall light a stubble fire until all conditions of both the relevant "Fire permit" and the relevant "Stubble Burning Permit" are met.

6.3 The granting of a permit under this Bylaw in no way relieves any recipient thereof of his responsibility to contain any fire to the area described in the permit, and if the fire spreads to areas for which a permit has not been issued, or if the fire otherwise causes any damage whatsoever, the person causing the fire and/or the landowner shall be held responsible for any loss, cost or expense arising as a result thereof.

6.4 Any Stubble Burning Permit may be suspended, revoked or altered by the Soil Conservation Officer, if found in error or if it is found that false information was given by the applicant.

6.5 Upon direction of a Municipal Bylaw Officer, Fire Chief, Municipal Constable or Soil Conservation Officer, that a permit under this Bylaw has been suspended or revoked, the permittee shall immediately extinguish any fire set pursuant to the permit issued.

**VII** **PENALTIES:**

7.1 Any person who contravenes a provision of this Bylaw or a condition of a permit is guilty of an offence and is liable to a fine of not more than Five Thousand Dollars (\$5,000.00);

7.2 All penalties under this Bylaw shall be enforced by the Municipal Bylaw Control Officer/Constable;

7.3 Where a Bylaw Officer/Constable appointed by the Municipality has reasonable grounds to believe that a person has committed a breach of any of the provisions of this Bylaw, he/she may issue and serve upon such person a violation ticket pursuant to the provisions of the Provincial Offences Procedures Act CP-21 S, as amended from time to time;

7.4 Service of such violation ticket shall be sufficient if it is:

- a) personally served, or
- b) left for him/her at his/her last or most usual place of abode or with a person who is apparently at least 16 years old.

**VIII** **SEVERABILITY:**

8.1 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.

**IX** **And Upon Third Reading Thereof Bylaw C-5692-2003 is Hereby Rescinded.**

*Val*

**READINGS BY COUNCIL:**

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 27<sup>th</sup> day of May, 2003 on a motion by Councillor Kent.

Carried

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 27<sup>th</sup> day of May, 2003 on a motion by Councillor Everett.

Carried

Permission for third reading was passed unanimously in open Council, assembled in the City of Calgary, in the Province of Alberta this 27<sup>th</sup> day of May, 2003 on a motion by Councillor Goode.

Carried Unanimously

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 27<sup>th</sup> of May, 2003 on a motion by Councillor McLean.

Carried

~~REEVE~~ OR DEPUTY REEVE

MUNICIPAL SECRETARY

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44  
BYLAW NO. C-5753-2003**

**SCHEDULE 'A'**

**'REGULATIONS FOR STUBBLE BURNING WITHIN THE M.D. OF ROCKY VIEW'**

1. Written confirmation of liability insurance for stubble burning will be required from the insurance agent or insurance company when a request for a Stubble Burning Permit is received from a landowner.
2. The permittee is totally responsible for the safe control of the burning herein authorized.
3. A 50 foot cultivated fireguard is to be prepared. (Fire Guard means an area around the proposed burn area where appropriate action has been taken to stop the spread of the fire to areas not meant to be burned).
4. A minimum of two adults must be in attendance at all times during the burn period.
5. A maximum of 40 acres is allowed to be burned in any one occurrence.
6. Burning cannot occur unless winds are under 12 km/hr in order not to endanger any adjacent property, and wind conditions must be such that any smoke emanating from the burn will not create a road or public hazard.
7. Tractors and field implements capable of guarding the fire are to be in place at all times during the burn.
8. If burning is authorized with 1/2 mile of a provincial highway, the permittee must post smoke hazard signs, available from Alberta Transportation.
9. Burning permits should not be issued in the fall if it would leave the soil vulnerable to erosion.
10. The permittee must notify the local Fire Department at least 1/2 hour prior to burning.
11. The permittee must abide by any conditions of permits issued under the Forest and Prairie Protection Act.

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**SCHEDULE 'B'**

**PROCEDURES GOVERNING APPEALS UNDER THE STUBBLE BURNING BYLAW**

1. The appellant shall be notified by the Soil Conservation Officer of the time and place the appeal is to be heard.
2. The Chairman shall:
  - a) Determine whether an inspection of the land in question by the Appeal Committee is necessary.
  - b) Call the meeting to order and declare the appeal hearing open.
  - c) Declare that the appeal hearing has been called pursuant to the Stubble Burning Bylaw under the authority of the Soil Conservation Act.
  - d) Call for the appellant or his agent to offer evidence relevant to his request for a Stubble Burning Permit,
  - e) Allow questions from the Appeal Committee.
  - f) Accept any written or visual evidence offered by the appellant or his agent.
  - g) Allow the appellant or his agent any closing remarks.
3. The appellant will be advised of the Appeal Committee's decision within forty-eight (48) hours with written confirmation to follow, by the Soil Conservation Officer.

*Handwritten signature*