

BYLAW 02/17

BEING A BYLAW OF FLAGSTAFF COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AUTHORIZING A PERMIT SYSTEM TO CONTROL THE BURNING OF CROP RESIDUE.

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

AND 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 Flagstaff County;

NOW THEREFORE The Council of Flagstaff County hereby enacts as follows:

I. PROVISION OF BYLAW

No person shall burn stubble on any land within Flagstaff County without first obtaining a Stubble Burning Permit.

II. POWERS OF SOIL CONSERVATION OFFICER

2.1 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 Flagstaff County.
- c) Decide whether a field inspection is warranted prior to his/her 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; or
 - 2) Violate any regulations as set out by Council in Schedule A.

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

III. FIRE PERMIT

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

IV. OFFENCES

4.1 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.

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

4.3 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.

4.4 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.

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

V. PENALTIES

- 5.1 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);
- 5.2 All penalties under this Bylaw shall be enforced by the Municipal Bylaw Officer/Peace Officer;
- 5.3 Where a Municipal Bylaw Officer/Peace Officer 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;
- 5.4 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 places of abode or with a person who is apparently at least 16 years old.

AND THAT this Bylaw repeals Bylaw 01/06 dated the 8th day of March, 2006.

READ a first time this 12 day of April, A.D. 2017.

READ a second time this 12 day of April, A.D. 2017.

READ a third time and finally passed this 12 day of April, A.D. 2017.


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Reeve


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Chief Administrative Officer

Schedule "A"
(Bylaw 02/17)

Regulations for Stubble Burning within Flagstaff County:

1. Proof of liability insurance for burning will be required from the insurance agent of insurance company when a request for a stubble burning permit is received from a landowner.
2. Burning of unharvested crops/stubble will be restricted to cultivated land only and a 100 foot fire guard must be established around the perimeter of the field, all native brush stands and riparian areas.
3. A minimum of two adults must be in attendance at all times during the burn period.
4. Burn small areas at a time, fields must be divided into manageable sizes (no more than 40 acres burning at one time), and fire must be lit leeward to burn against the wind;
5. A water truck, a tractor and field implements capable of guarding the fire are to be in place at all times.
6. Have a cell phone available for use on site.
7. Call your local fire chief prior to burning.
8. Burn under favorable conditions with winds less than sixteen (16) km per hour.
9. No burning of prohibited materials under the Alberta Environmental Protection Act.
10. Priority consideration must be given to neighbors to avoid any physical discomfort as a result of burning which could require the burning to be stopped (this includes offensive odours and nuisance smoke).
11. If burning is authorized within 400 m of a provincial highway, the permittee must post smoke hazard signs, available from Flagstaff County.
12. Smoke is not allowed to drift across any highway; if at any time smoke begins to obscure visibility on highways, the fire must be extinguished immediately.
13. Ensure the fire is extinguished by the approved expiry date of the permit.
14. The permit may be cancelled at any time and always if there is a Fire Ban.
15. Any additional conditions, as assigned by the Fire Guardian and/or Soil Conservation Officer.