

**BYLAW NO. 1060
OF STARLAND COUNTY
IN THE PROVINCE OF ALBERTA, CANADA**

A Bylaw of Starland County, in the Province of Alberta, Canada, for the purpose of providing for restrictions on burning barrels within the Hamlet Boundaries.

WHEREAS, the Council of Starland County has passed a Fire Bylaw to regulate and control burning, and to establish a system of permits for controlled burns within the County;

AND WHEREAS, the Council feels that the issuance of permits within the Hamlet Boundaries should be restricted to alleviate nuisance and increase the safety of these communities;

NOW THEREFORE, the Council of Starland County, duly assembled, enacts as follows:

SECTION 1. SHORT TITLE

1.1 This Bylaw may be cited as the "Hamlet Burning Bylaw."

SECTION 2. DEFINITIONS

2.1 In this Bylaw:

(a) "Burning Barrels" are defined as a non-combustible single confined structure used to control burnable materials from the spread of fire and ashes.

(b) "Burnable Debris" means all flammable waste other than prohibited debris and includes the following:

- i) straw and stubble;
- ii) grass and weeds;
- iii) leaves and tree pruning;
- iv) brush and fallen trees on newly cleared land or associated with logging operations;
- v) used power, telegraph or telephone poles that do not contain wood preservatives;
- vi) wooden materials, which does not contain wood preservatives;
- vii) wood construction debris, which does not contain wood preservatives;
- viii) solid waste from sawmills, lumber yards or planing mills;
- ix) solid waste from post and pole operations that does not contain wood preservatives;
- x) solid wastes from tree harvesting operations.

(c) "Prohibited Debris" means any flammable waste that, when burned, may result in the release to the atmosphere of dense smoke, offensive odors or toxic substances and includes but is not limited to:

- i) animal cadavers;
- ii) animal manure;
- iii) pathological waste;
- iv) non-wooden waste materials;
- v) waste materials from building or construction sites, excluding wooden materials that do not contain wood preservatives;
- vi) combustible material in automobile bodies;
- vii) tires;

- viii) rubber or plastic, or anything containing or coated with rubber, plastic or similar substances;
- ix) used oil;
- x) wood or wood products containing substances for the purpose of preserving wood.

(d) All other definitions as outlined in the "Fire Bylaw" of Starland County apply to this Bylaw.

SECTION 3 GENERAL CONDITIONS

3.1 The use of burning barrels and or incinerators within the boundaries of the Hamlets of Craigmyle, Michichi, Rumsey and Rowley are strictly limited to those materials that are defined as burnable debris.

3.2 All fires excluding those used for cooking or for warming purposes shall require a Fire Permit in accordance with the Starland County "Fire Bylaw."

3.3 All burning barrels used for cooking, permitted burning or for warming purposes shall be properly designed and located where there is no means of spreading and affecting adjacent property. The burning barrels must:

- i) be made of a material that itself will not burn;
- ii) must have a suitable cover that will prevent burning embers from escaping;
- iii) must be located such that the barrel is a minimum of 4' (1.22m) from any grass or other combustible material;

3.4 All permitted fires of burnable debris must be supervised at all times.

3.5 All other conditions as identified in the Starland County "Fire Bylaw" also apply to permitted fires in burning barrels.

SECTION 4 PENALTIES

4.1 Any person who:

- i) violates any provision of this Bylaw
- ii) suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw;
- iii) neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw;
- iv) does any act or thing or omits any act or thing, thus violating any provision of this Bylaw:

is guilty of an offence under this Bylaw, and upon a conviction, is liable to a fine of not less than \$200.00 and not more than \$5,000.00.

4.2 No person found guilty of an offence pursuant to this Bylaw shall be liable to imprisonment.

SECTION 5 MISCELLANEOUS

5.1 This Bylaw shall come into effect on the final passing thereof.

5.2 Should any section or part of this Bylaw be found to be improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

SECTION 6 VIOLATION TAGS

6.1 A Bylaw Enforcement Officer is 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 any provision of this Bylaw.

- 6.2 A Violation Tag shall be in a form approved by the Municipality or the responsible Officer of the Municipality and shall state:
- i) the name of the person;
 - ii) the offence;
 - iii) the appropriate penalty for the offence as specified in this Bylaw;
 - iv) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - v) any other information as may be required by the Municipality.
- 6.3 Where an offence of this Bylaw continues for more than one day, a Bylaw Enforcement Officer may issue one Violation Tag for each day that the offence continues.
- 6.4 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality's Treasurer the penalty specified in the Violation Tag.
- 6.5 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

SECTION 7 VIOLATION TICKETS

- 7.1 If the penalty specified in a Violation Tag is not paid within the prescribed time period, then a Bylaw Enforcement Officer may issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act.

SECTION 8 EFFECTIVE DATE

- 8.1 This Bylaw shall come into force and effect on the final date of passing thereof.

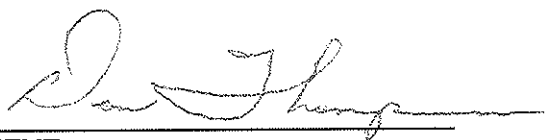
First reading on motion of Councillor Grenville done in Council this 23rd day of April, 2002.

Second reading on motion of Deputy Reeve McLeod, done in Council this 23rd day of April, 2002.

Third and final reading on motion of Reeve Thompson, done in Council this 23rd day of April, 2002.:

Done and Passed in Council this 23rd day of April 2002.

STARLAND COUNTY



REEVE



MUNICIPAL ADMINISTRATOR