

BYLAW # 411

A BYLAW OF THE VILLAGE OF MYRNAM, IN THE PROVINCE OF ALBERTA, CANADA, TO REGULATE BURNING WITHIN THE CORPORATE LIMITS OF THE VILLAGE.

WHEREAS, the Council of the Village of Myrnam deems it necessary to control burning for the safety and protection of people and property.

NOW THEREFORE, by the virtue of the power conferred upon it by the Municipal Government Act, the Council for the Village of Myrnam enacts as follows:

1. INTERPRETATION

1.1 In this Bylaw

- a. Animal Organic Waste means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, feces and feathers;
- b. Construction Waste means waste materials resulting from the construction, alteration, renovation, or demolition of any building, structure or improvement to land and without limiting the generality of the foregoing includes paper, plastic, drywall and wood materials such as dimensional lumber, plywood and particle board;
- c. Council means the Municipal Council of the Village of Myrnam;
- d. Domestic Waste Materials means household material and food waste but does not include newspaper and cardboard;
- e. Garden Refuse means leaves, foliage, pruning, weeds, or crops for domestic purposes;
- f. Garbage means all household and commercial waste or refuse, whether it contains the remains of edible food or not;
- g. Inspector means the bylaw enforcement officer, a person under his/her authority, the Fire Chief or any designated member of the Myrnam Fire Department;
- h. Noxious Materials includes tires, plastic materials, rubber products, domestic waste materials, garbage, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, waste petroleum products;
- i. Nuisance means the emission into the atmosphere of smoke by any means which disturbs the comfort or convenience of persons in the vicinity;
- j. Open Burning means the combustion of material without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere but shall not include:
 - a) The operation of a permanent outdoor barbeque or outdoor portable barbeque intended for and used solely for the preparation of food;
 - b) Fires used by the fire department authorities for the purposes of education, training and other fire department purposes;
- k. Order means any order, decision, requirement or direction given by the Inspector, the Fire Chief or his/her designate;

- l. Permitted burning materials means dry, untreated wood that do not constitute compostible materials;
- m. Smoke means the gases, particulate matter and products of combustion emitted into the atmosphere from burning; and
- n. Ventilation Index means the Environment Canada forecast Ventilation Index which provides regional information on airflow venting.

2. OPEN BURNING

- 2.1 All open burning must not be initiated unless the Ventilation Index is forecast as “good” for the period during which the burning is to take place.
- 2.2 Open burning is permitted only on the condition that:
 - a) The fire on a person’s property must not be more than 1 meter across and not exceed 1 meter in height and must be at least 7.5 meters from all buildings and combustible materials and 1.5 meters from any grass or shrubs;
 - b) For the purpose of preventing danger, damage and injury to property and/or a person because of the fire, the fire must be continually supervised and controlled by a person who is at least 16 years old;
 - c) The person supervising the fire has emergency equipment and adequate supply of water that is readily available and is sufficient to completely extinguish the fire in five minutes at any stage for the purposes in paragraph (b);
 - d) The person supervising the fire is taking every reasonable precaution to prevent smoke being generated or becoming a nuisance;
 - e) The location of the fire is within forty (40) meters of a point accessible to Fire Department vehicles;
 - f) Every person who starts or maintains or permits or supervises a fire shall ensure that the fire is completely extinguished and that any residue from the fire is broken up and disposed of in a manner that eliminates any fire hazard.
- 2.3 Burning by use of an incinerator, burning barrel or similar device is prohibited.
- 2.4 Any burning must be contained as follows:
 - a) Except for a parcel of land containing a lawful campground use, only one fire is permitted on a parcel of land unless otherwise approved;
 - b) A fire is to be confined to within a fire pit or suitable burning container;
 - c) Only dry, untreated wood shall be burned.
- 2.5 Burning of prohibited waste is not allowed at any time.

3. PROHIBITED WASTE

- 3.1 No person shall dispose of animal organic waste, construction waste, domestic waste materials, garbage or noxious material by open burning.

4. INSPECTION AND ORDERS

- 4.1 The Inspector or any person under his/her authority may:
- a) Enter at all reasonable times on any property that is subject to the requirements or regulations of this Bylaw, to ascertain whether the regulations in this Bylaw or directions made under this Bylaw are being observed;
 - b) Make orders directing the owners or occupiers of property to bring a fire into compliance with this Bylaw;
 - c) Call on the Ministry of Water, Land and Air Protection's Conservation Officers if a person is burning waste in contravention of the *Environmental Protection and Enhancement Act*; and,
 - d) Order any person to extinguish a fire that person has ignited or is maintaining.
- 4.2 No person shall obstruct or prevent the Inspector or person acting under this Inspector's authority from conducting an inspection under this Bylaw.

5. COST RECOVERY

- 5.1 Every person of a dwelling who starts or allows to be started any outdoor fire is responsible for such fire. If, in the opinion of the Inspector, the fire presents a hazard, has escaped or threatens to escape from the owner's control or is prohibited under the terms of this Bylaw, the Fire Department may be summoned to control or extinguish the fire. The owner shall be liable for all costs and expenses incurred by the Fire Department or the Village to control or extinguish the fire *in addition to* a \$100 fine.
- 5.2 The costs and expenses incurred by the Fire Department to extinguish or control a fire, including any fines, may be recovered from the owner together with any administration costs in like manner as municipal taxes.

6. LIABILITIES FOR DAMAGES

- 6.1 This Bylaw shall not be constructed to hold the Village of Myrnam nor its authorized agent or agents responsible for any damage to persons or property by reason of:
- a) Inspections authorized by this Bylaw, or
 - b) Failure to carry out an inspection.

7. SCOPE AND PENALTIES

- 7.1 In the event of there being any conflict between the terms and provisions of this Bylaw and the terms and provisions of the *Safety Codes Act* or the *Environmental Protection and Enhancement Act* and regulations hereunder or other provincial acts or regulations, the terms and provisions of the said acts and regulations shall prevail.
- 7.2 Any person guilty of an offence under this Bylaw shall be punishable in accordance with the *Provincial Offences Procedure Act*.
- 7.3 Each day a violation is caused or allowed to continue constitutes a separate offence.

8. EXEMPTIONS

The following are exempted to burn under the provisions of this Bylaw:

- a) Employees of the Village of Myrnam who, during the course of his/her employment, burns garden refuse or debris on Village property; and,
- b) Firefighters who light fires for the purpose of training.

9. DATE OF COMMENCEMENT

This Bylaw is in force from the day following the date of its adoption.

10. TITLE

This Bylaw shall be cited as the Burning Bylaw No. 411.

Moved that By-Law #411 be given first, second, and by unanimous consent of Council, third and final reading and that it be declared finally passed and the Mayor and the Administrator be instructed to sign and affix the Corporate Seal of the Village of Myrnam this 20th day of April, A.D., 2005.

Mayor

Administrator