

## BYLAW NO. 50-2003

WHEREAS it is deemed expedient and advisable and in the best interests of soil conservation that Strathcona County establish a system of permits controlling the burning of stubble on land within Strathcona County; and

WHEREAS the Soil Conservation Act, RSA 2000, c. S-15 gives authority to a Council to pass a bylaw establishing a system of permits controlling the burning of stubble on land;

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

### 1. SHORT TITLE

1.1 This bylaw may be referred to as "The Stubble Burning Bylaw".

### 2. DEFINITIONS

2.1 "Act" means the Soil Conservation Act, RSA 2000, c. S-15;

2.2 "County Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the County pursuant to the Municipal Government Act, RSA 2000, c. M-26, as amended, to enforce the County Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable.

2.3 "Fire Permit" means a Fire Permit issued under the authority of Bylaw 68-2000: The Emergency Services Bylaw, as amended or replaced from time to time.

2.4 "Manager" means the Manager, Environmental Operations;

2.5 "Officer" means a Soil Conservation Officer appointed by the Chief Commissioner under the authority of the Act;

2.6 "Occupant" means a person occupying or exercising control or have the right to occupy or exercise control over land;

2.7 "Owner" in the case of land, means a person who is registered under the Land Titles Act RSA 2000, c. L-4 as an owner;

2.8 "Stubble" means the crop residue of annual forages, cereal, oilseed or pulse crops resulting from a harvesting operation;

2.9 "Stubble Burning Permit Application and Stubble Burning Permit" shall mean an application and permit form prescribed by Environmental Operations for the purposes of this Bylaw and attached as Schedule "A" to this Bylaw.

### 3. STUBBLE BURNING PERMIT

3.1 No person shall burn Stubble on any land within Strathcona County without first obtaining:

3.1.1 a Stubble Burning Permit issued pursuant to this Bylaw, and

3.1.2 a Fire Permit.

3.2 An Owner may apply for a Stubble Burning Permit by making application to the Officer in the form attached as Schedule "A" to this Bylaw.

3.3 An Occupant may apply for a Stubble Burning Permit by making application to the Officer in the form attached as Schedule "A" to this Bylaw and providing to the Officer a letter from the Owner granting permission to the Occupant to apply for a Stubble Burning Permit.

- 3.4 Each Stubble Burning Permit Application and Stubble Burning Permit must contain the following information:
    - 3.4.1 the name, address and telephone number of the applicant;
    - 3.4.2 the reason Stubble Burning Permit is required;
    - 3.4.3 the legal description of the land on which the applicant proposes to burn Stubble;
    - 3.4.4 location of fire;
    - 3.4.5 the type and description of material which the applicant proposes to burn;
    - 3.4.6 an acknowledgement by the applicant that the applicant has read and agrees to comply with the Terms and Conditions as set out on the Stubble Burning Permit and Fire Permit;
    - 3.4.7 any other information that the County may from time to time reasonably require.
  - 3.5 Within two (2) business days of receipt of an application for a Stubble Burning Permit, an Officer will inspect the proposed stubble-burning site.
  - 3.6 If, in the sole and absolute discretion of the Officer it is determined that it will cause or is likely to cause undue hardship to the Owner or Occupant to incorporate the Stubble into the soil, a Stubble Burning Permit may be issued.
  - 3.7 Upon receipt of a completed Stubble Burning Application and completion of the inspection, the Officer may, in his sole and absolute discretion:
    - 3.7.1 refuse to grant a Stubble Burning Permit;
    - 3.7.2 grant a Stubble Burning Permit;
    - 3.7.3 grant a Stubble Burning Permit upon such additional terms and conditions as the Officer deems necessary to ensure proper conservation of soil and to prevent undue interference with persons and property which may be affected by the burning of Stubble, including, but not limited to restricting the burning of Stubble to windrows.
  - 3.8 A Stubble Burning Permit shall not be transferable.
  - 3.9 Stubble Burning Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Officer and the Stubble Burning Permit shall have endorsed therein the period of time for which the said Permit is valid.
  - 3.10 An Officer may extend the period of time that a Stubble Burning Permit is valid, provided the Stubble Burning Permit has not expired.
  - 3.11 An Officer may, in his sole and absolute discretion, terminate, suspend or cancel a Stubble Burning Permit at any time.
- 4. PENALTIES**
- 4.1 A person who contravenes or fails to comply with any condition in a permit or with any order or request directed to him pursuant to this Bylaw is guilty of an offence and liable to a fine of not less than \$500.00 and not exceeding \$2,500.00.

**5. VIOLATION TAGS**

5.1 A County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the County Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

5.2 A Violation Tag may be issued to such person:

5.2.1 either personally, or

5.2.2 by mailing a copy to such person at his last known post office address.

5.3 The Violation Tag shall be in a form approved by the Associate Commissioner, Operators and shall state:

5.3.1 the name of the person;

5.3.2 the offence;

5.3.3 the appropriate penalty for the offence as set out in this Bylaw;

5.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;

5.3.5 any other information as may be required by the Chief Commissioner.

5.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the County Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.

5.5 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 County Treasurer the penalty specified on the Violation Tag.

5.6 Nothing in this Bylaw shall prevent a County Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

**6. VIOLATION TICKET**

6.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34.

6.2 Notwithstanding Section 6.1 of this Bylaw, a County Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34, as amended, to any person who the County Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

**7. SEVERABILITY**

7.1 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.

**8. REPEAL**

**8.1 This Bylaw shall repeal Bylaw 55-90.**

**READ a first time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003;**

**READ a second time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003;**

**READ a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2003.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Manager, Legislative & Legal Services

Date signed: \_\_\_\_\_

**Strathcona**  
County

**Stubble Burning - Application**

Environmental Operations, 2001 Sherwood Drive, Sherwood Park, AB T8A 3W7 Phone 780-449-5514 Fax 780-484-0557

Applicant name \_\_\_\_\_ Phone number \_\_\_\_\_

Applicant address \_\_\_\_\_  
Street address Subdivision

Burn information  
Legal description Lot \_\_\_\_\_ or Condo unit n/a Block \_\_\_\_\_ Plan \_\_\_\_\_  
(if applicable) Quarter \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Meridian 4

Number of acres to burn \_\_\_\_\_ acres

Reason for burning \_\_\_\_\_

Stubble type  barley  canola  oats  peas  wheat  other \_\_\_\_\_

Yield of previous crop \_\_\_\_\_ bushels/acre

Has stubble been burned on this field in the past five years?  yes  no

Date burning is expected to be completed \_\_\_\_\_

Sketch an outline of the property, mark with an X the area to be burned →

Sketch

Applicant's signature \_\_\_\_\_ date \_\_\_\_\_

Collection and use of personal information  
This personal information is being collected in accordance with the Soil Conservation Act, RSA 2000, C. 9-16 and is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP). This information will be used to process and issue the permit. If you have any questions about the collection and use of your information, contact Soil Conservation Officer at 449-5514.

**Strathcona**  
County

**Stubble Burning - Permit**

Date of site inspection \_\_\_\_\_ Decision  granted  denied ▶ If denied no further information is required on this form.

Name \_\_\_\_\_ being the owner  or occupant   
of the property is hereby granted a permit for the burning of stubble on the land described below.

Legal description Lot \_\_\_\_\_ or Condo unit n/a Block \_\_\_\_\_ Plan \_\_\_\_\_  
(if applicable) Quarter \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Meridian 4

Conditions

- a Fire Permit is also required and conditions set out by the Fire Permit must be fulfilled
- telephone 484-8484 before commencing burn
- wind is less than 25 km per hour
- sufficient adults (min 2) in attendance to monitor and control burn
- 3 metre fire guard is in place

Expiry date \_\_\_\_\_ Fire Permit number \_\_\_\_\_

Soil Conservation Officer's signature \_\_\_\_\_ date \_\_\_\_\_

white - applicant

yellow - Soil Conservation Officer

ENVOPS 6012/A (P)