

**WOODLANDS COUNTY
BYLAW NO. 139/02**

PROVINCE OF ALBERTA

**A BYLAW BEING ENACTED FOR THE PURPOSE OF REGULATING BURNING TO
MANAGE SMOKE REDUCING VISIBILITY ON MUNICIPAL ROADS WITHIN
WOODLANDS COUNTY**

The Municipal Council of Woodlands County, duly assembled, enacts as follows:

Definitions

101. "Director" shall mean the Director, Infrastructure Services, and any person designated to carry out any duties or functions to enforce this bylaw;
102. "Smoke" shall mean the gaseous product of burning carbonaceous materials made visible by the presence of small particles of carbon;
103. "Landowner" shall mean a person entitled to any freehold or other estate or interest in land, at law or in equity, in possession, in futurity or expectancy;
104. "Municipality" shall mean Woodlands County as established by Order in Council 780/93;
105. "Road" shall mean land shown as a road on a plan of survey that has been filed or registered in a land titles office, or used as a public road, and includes a bridge forming part of a public road and any structure incidental to a public road that is under the direction, control, and authority of the Municipality.
106. "Smoke Management" shall mean conducting a burn while utilizing techniques that minimize the smoke's impact on municipal roads.

Effect

201. This Bylaw shall be in full force and effect within the entire geographical area of Woodlands County excluding the Hamlets of Fort Assiniboine, Goose Lake and Blue Ridge.

Regulatory

301. Open burning of untreated wood, tree trimmings, brush or plant growth generated by clearing or maintenance of land, or from demolition or other practices must meet the following conditions:
 - a) Burning must be managed so as to avoid creating a traffic hazard on any public road as a result of the smoke emitted.

- b) The Landowner must contact the Municipality prior to the commencement of burning to arrange for signage to be placed on public roads that may be affected from smoke emitted.
- c) The Landowner must have adequate resources to manage the fire during the entire burning period.

Notice/Inspection

- 401. The Director may, after giving reasonable notice to the Landowner, enter upon the said premises and carry out an inspection.
- 402. Upon completion of the inspection, the Director may direct the Landowner to:
 - a) Cease the activity;
 - b) Change the way in which the activity is being performed;
 - c) Direct the Landowner take any action or measure necessary to adhere to Clause 301;
 - d) Notify the Landowner that, if compliance with the notice is not effected within a specified time, the Municipality will take the actions or measures specified in the notice to abate the smoke, at the expense of the Landowner.

Legislative Requirements

- 501. Nothing in this Bylaw affects the duty or obligation of a Landowner to obtain any permit, license or other authorization required by any Ministerial Order, Act or any regulations pursuant to those Acts.

Offences and Penalties

- 601. Any costs incurred under Clause 402 are an amount owing to the Municipality by the Landowner and may be added to the tax roll of the parcel of land where the offence occurred.

Severability

- 701. If at any time, any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or ultra vires provision.

Effective

801. This bylaw shall have force and come into effect on February 1, 2003.


READ a first time this 7th day of January, A.D. 2003.

READ a second time this 7th day of January, A.D. 2003.

READ a third time this 7th day of January, A.D. 2003.



Reeve



Chief Administrative Officer



Date of Signing