

THE RURAL MUNICIPALITY OF NORTH NORFOLK

BY-LAW NO: 749/2007

BEING A BY-LAW OF THE RURAL MUNICIPALITY
to regulate burning within the Local Urban District of Austin

WHEREAS Sections 232(1) 250(2) and 252(1 & 2) of The Municipal Act, L.M. 1996, c. 58 - Chap. M225, provides in part as follows:

Spheres of jurisdiction

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

- a) the safety, health, protection and well being of people, and the safety and protection of property;
- b) preventing and fighting fires;
- c) the enforcement of by-laws.

General powers

250(2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

- a) use municipal equipment, materials and labour to carry out private works on private property.

Powers respecting works, services, utilities

252(1) A municipality exercising powers in the nature of those referred to in clauses 250(2)(b), (c) and (e) may set terms and conditions in respect of users, including:

- a) setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;

WHEREAS the Council of the Rural Municipality of North Norfolk deems it desirable to regulate the setting of fires and burning within the limits of the Local Urban District of Austin including an area in close proximity of the community as shown outlined by a heavy broken line on the attached Schedule "A";

NOW THEREFORE the Council of the Rural Municipality of North Norfolk in open Council assembled enacts as follows:

1. **THAT** no person shall set or start an outdoor fire within the Local Urban District of Austin unless it is done so in a fire-pit, constructed and used in accordance with this By-Law or in a CSA approved fire-pit or appliance;
2. **THAT** outdoor fire pits may be constructed and used, for recreational purposes only, providing that:
 - a) the fire pit must be fully contained within heavy gauge steel, concrete or cinder blocks;
 - b) the fire pit must be located a minimum of fifteen (15) feet from any property line; and
 - c) when in use, the fire pit must be attended by a responsible adult person until the fire has been fully extinguished.
3. **THAT** no person shall burn anything in a fire pit other than solid fuel products. Without limiting the generality of that prohibition, no person may burn garbage, recyclables, household waste, lawn clippings, or any other compostable material in a fire pit.
4. **THAT** the lighting of a fire to burn leaves in early spring or late fall is permitted when conditions warrant and provided that the fire is adequately supervised at all times and does not create a nuisance to any other person.
5. **THAT** the lighting of a fire for a bonfire or roast in a barbeque or fire-pit is permitted provided a solid, liquid or gas fuel product is used and provided the fire is contained in a suitable container and adequately supervised at all times.
6. **THAT** Nothing in this By-Law permits or authorizes a person to use a fire pit or burn leaves in a manner that creates a nuisance to any other person.

- 7. **THAT** Nothing in this By-Law is intended to interfere with or prohibit the burning of agricultural residue regulated by the Burning of Crop Residue Regulation under The Environment Act.
- 8. **THAT** A person may apply to the Municipality for a permit, which will entitle the permittee to conduct a control burn, and subject to the approval of Council, the Municipality shall issue a permit to an applicant to conduct a control burn with or without conditions.
- 9. **THAT** The municipality may claim costs where the Fire Department is called to extinguish a fire, which has been set in contravention of this By-Law.
- 10. **THAT** The cost of fighting and extinguishing a fire that was set in contravention of this By-Law may be charged to the property owner at a rate of \$500 per hour or part thereof.
- 11. **THAT** All cost imposed to extinguish a fire that was set in contravention of the By-Law, are a debt owed by the owner of the property on which the fire was located, to the Municipality and may be recovered by the Municipality in the same manner as a tax may be collected or enforced under The Municipal Act.
- 12. **THAT** Any person who contravenes a provision of this by-law is committing an offence and liable on conviction to payment of a fine of not less than
 - a) one hundred dollars (\$100.00) for the first offence;
 - b) two hundred dollars (\$200.00) for the second offence;
 - c) three hundred dollars (\$300.00) for the third offence; and
 - d) five hundred dollars (\$500.00) for each subsequent offence.
- 13. **THAT** All fines and cost imposed on a prosecution under this By-Law, are a debt owed by the person who set a fire and the owner of the property on which the fire was located, to the Municipality and may be recovered by the Municipality in a court of competent jurisdiction or may be collected by the municipality in the same manner as a tax may be collected or enforced under The Municipal Act.

DONE AND PASSED by the Council of the Rural Municipality of North Norfolk, in Council duly assembled this 8th day of January, A.D., 2008.

Rural Municipality of North Norfolk

"Originally signed by Reeve Neil Christoffersen"

Reeve

"Originally signed by CAO Y Ivan Bruneau"

Chief Administrative Officer

Read a first time this	<u>10th</u>	day of	<u>December</u>	A.D.	<u>2007.</u>
Read a second time this	<u>8th</u>	day of	<u>January</u>	A.D.	<u>2008.</u>
Read a third time this	<u>8th</u>	day of	<u>January</u>	A.D.	<u>2008.</u>

Schedule "A" to By-Law No. 749/2007

