

The Rural Municipality of North Qu'Appelle No. 187

Bylaw No. 14-06

A Bylaw to regulate burning within any residential subdivision within the boundaries of the Rural Municipality of North Qu'Appelle No.187.

Pursuant to section 18 of *The Clean Air Act*, S.S. 1986-87-88, c. C-12.1, the Council of the Rural Municipality of North Qu'Appelle No. 187, incorporated in the Province of Saskatchewan, hereby enacts as follows:

1. In this Bylaw the expression:
 - (a) "**Act**" shall mean *The Clean Air Act*, S.S. 1986-87-88, c. C-12.1, as amended.
 - (b) "**Council**" shall mean the Council of the Rural Municipality of North Qu'Appelle No. 187.
 - (c) "**Municipality**" shall mean the Rural Municipality of North Qu'Appelle No. 187.
 - (d) "**Nuisance**" means a thing, or an activity, that adversely affects or may adversely affect:
 - i) the safety, health or welfare of people in the neighbourhood;
 - ii) people's use and enjoyment of their property
 - (e) "**Regulations**" shall mean *The Clean Air Regulations*, S. Reg. 1989, c. C-12.1, Reg 1, as amended.
 - (f) "**Residential Subdivision**" shall mean any hamlet within the boundaries of the RM of North Qu'Appelle No.187, as defined in *The Municipalities Act*, S. 2(1) (o) and any amendments thereto.
2. All other terms and expressions used in this bylaw shall have the same respective meanings as set out in sections 2 and 18 of the Act and section 11 of the Regulations.
3. No person shall, within a Residential Subdivision, or within 500 metres of a residential subdivision, cause or permit to be caused the burning of trash, refuse, garbage, industrial waste or any other waste or material in an open fire, incinerator or fuel-burning equipment where smoke, fumes or other matter causes a nuisance.
4. In all cases, if smoke or fumes causes a nuisance with the use and enjoyment of another person's property, the burning must be extinguished by the person causing or permitting the causing of the activity.
5. Without limiting the generality of section 3, no person shall cause or permit to be caused the burning of:
 - (a) waste or spent lubricating oil;
 - (b) hazardous substances as defined in *The Environmental*

Management and Protection Act;

- (c) hazardous wastes as defined in *The Environmental Management and Protection Act*;
 - (d) motor vehicle tires;
 - (e) animal cadavers;
 - (f) railway ties and other wood treated with wood preservatives;
 - (g) waste materials from building or construction sites;
 - (h) trash, garbage or other waste from commercial, industrial or municipal operations;
 - (i) materials containing rubber or plastic;
 - (j) spilled oil or oil production by-products;
 - (k) materials disposed of as part of reclamation operations; or
 - (l) animal manure.
6. Nothing contained in the Bylaw shall relieve any person from complying with the provisions of *The Clean Air Act* and the regulations passed pursuant thereto.
7. Subject to Section 8, sections 3 and 4 of this bylaw do not apply to:
- (a) A person who holds a valid subsisting permit pursuant to the Act which authorizes him/her to operate an industrial source or incinerator or any fuel-burning equipment;
 - (b) fuel-burning equipment used for the construction or maintenance of public roads, rail lines, pipelines or any other right of way;
 - (c) motor vehicles, rail locomotives, boats and aircraft;
 - (d) an outdoor fire using charcoal, processed coal or coke for cooking purposes;
 - (e) the burning of brush for the purpose of clearing land for cultivation or for a roadway, railway line, pipeline or any other right of way; and
 - (f) a fire for the purpose of burning weeds, the prevention or control of fires or the training of persons for fire fighting, if the fire is specifically authorized or required pursuant to any Act or Act of Parliament or bylaw of the municipality.
8. Approval from Council is required prior to causing a fire for the purposes outlined in sections 7(e) and (f). In an emergency situation approval may be obtained from the local fire or police authorities.

9. Any person who violates or fails to comply with any of the provisions of this bylaw is guilty of an offense and liable on summary conviction to the penalties set out in the municipality's General Penalty Bylaw.

10. This bylaw shall come into force upon final approval by the Minister of Environment and on the ninety first day following the later of the date of publication of this Bylaw in the Fort Qu'Appelle Times or the date of publication of this Bylaw in the Saskatchewan Gazette.

11. Bylaw No. 11-06 is hereby repealed.



Harry J. McDonald

Reeve

[Signature]

Administrator