

VILLAGE OF MARYFIELD

BYLAW NO. 2105

A BYLAW TO PROHIBIT THE BURNING OF REFUSE

The council for the Village of Maryfield in the Province of Saskatchewan enacts as follows:

Short Title

1. This Bylaw may be cited as The Refuse Burning Bylaw.

Purpose

2. The purpose of this Bylaw is to prohibit the burning of refuse in burning barrels, fire pits or fireplaces.

Definitions

3. In this Bylaw:
 - a) “Designated Officer” means an employee or agent of the Municipality appointed by Council to act as a municipal inspector for the purposes of this Bylaw;
 - b) “Municipality” means the Village of Maryfield;
 - c) “Council” means the Council of the Village of Maryfield;
 - d) “Refuse” means any solid waste generated by the use of any residential property or by the use or consumption of any commercial property but does not include clean wood intended for burning.
 - e) “Clean Wood” means any untreated, unpainted or unfished wood in its natural state.
 - f) “Occupant” means an occupant as defined in *The Municipalities Act*;
 - g) “Owner” means an owner as defined in *The Municipalities Act*;
 - h) “Property” means land or buildings or both;
 - i) “Structure” means anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil; but not including pavements, curbs, walks or open air surfaced areas.

Responsibility

4. Unless otherwise specified, the owner of a property, including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.

Nuisances Prohibited Generally

5. No person shall cause or permit burning of any refuse within or upon any property owned by that person.

Enforcement of Bylaw

14. The administration and enforcement of this bylaw is hereby delegated to the Administrator / Clerk for the Village of Maryfield.
15. The Administrator / Clerk of the Village of Maryfield is hereby authorized to further delegate the administration and enforcement of this bylaw to the village foreman.

Inspections

16. The inspection of property by the Municipality to determine if this bylaw is being complied with is hereby authorized.
17. Inspections under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act*.
18. No person shall obstruct a Designated Officer who is authorized to conduct an inspection under this section, or a person who is assisting a Designated Officer.

Order to Remedy Contraventions

19. If a Designated Officer finds that a person is contravening this bylaw, the Designated Officer may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
20. Orders given under this bylaw shall comply with section 364 of *The Municipalities Act*.
21. Orders given under this bylaw shall be served in accordance with section 390 of *The Municipalities Act*.

Registration of Notice of Order

22. If an order is issued pursuant to section 19, the Municipality may, in accordance with section 364 of *The Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

Appeal of Order to Remedy

23. A person may appeal an order made pursuant to section 19 in accordance with section 365 of *The Municipalities Act*.

24. If any person makes an appeal as provided for in section 23, such person/business shall cease the burning immediately upon receiving the order and shall not resume burning until such time as the successful appeal notice has been received.

Municipality Remediating Contraventions

25. The Municipality may, in accordance with section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this bylaw.
26. In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of section 367 of *The Municipalities Act*.

Recovery of Unpaid Expenses and Costs

27. Any unpaid expenses and costs incurred by the Municipality in remediating a contravention of this bylaw may be recovered either:
- a) by civil action for debt in a court of competent jurisdiction in accordance with section 368 of *The Municipalities Act*; or
 - b) by adding the amount to the taxes on the property on which the work is done in accordance with section 369 of *The Municipalities Act*.

Offences and Penalties

28. No person shall:
- a) fail to comply with an order made pursuant to this bylaw;
 - b) obstruct or interfere with any Designated Officer or any other person acting under the authority of this bylaw; or
 - c) fail to comply with any other provision of this bylaw.
29. A Designated Officer who has reason to believe that a person has contravened any provision of this bylaw may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of Two-Hundred and Fifty (\$250.00) dollars to be paid to the Municipality within Thirty (30) days.
30. Where the Municipality receives voluntary payment of the amount prescribed under section 29 within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
31. Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to section 25 of this bylaw.
32. Every person who contravenes any provision of section 28 is guilty of an offence and liable on summary conviction:

- a) in the case of an individual, to a fine of not more than \$10,000;
- b) in the case of a corporation, to a fine of not more than \$25,000; and
- c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

Repeal Previous Burning Bylaw

33. Bylaw 1211 is hereby repealed.

Coming Into Force

34. This bylaw shall come into force on the day of its final passing.




Mayor


Administrator

Clauses 8(1)(b) & 8(1)(d) *The Municipalities Act*

Read a third time and adopted
this 18 day of March 2021


Administrator