

MUNICIPALITY OF KAZABAZUA

Burning By-Law By-Law number 05-2012

Notice of motion : July 3, 2012

Publication : August 10, 2012

Adoption : August 7, 2012

Effective: August 10, 2012

Resolution: 2012-08-198

WHEREAS it is lawful for a municipal corporation to adopt by-laws to prevent fires;

WHEREAS a notice of motion of this by-law has been previously given at the regular meeting of Council held on July 3, 2012;

WHEREAS certain property owners whose lands lie within the municipality are sometimes obliged to use fire to destroy dry hay, straw, dry grass, wood piles, brush, branches, some trees or shrubs, slash, plants, tree trunks or other fuels;

WHEREAS these fires represent a serious risk of fire spread and can affect the quality of life and it is necessary to enact security measures;

WHEREAS, these fires shall be subject to uniform by-law and well defined;

WHEREAS 25% of forest fires that are reported in the spring are caused by domestic fires;

WHEREAS it is mentioned in action 44 plan of implementation that SCRSI municipalities must complete and implement a by-law for grass fires;

FOR THESE REASONS: It is therefore proposed by Councillor Kevin Molyneaux, seconded by Councillor Denis Bélair and unanimously resolved that the by-law number **05-2012** be adopted and be it enacted and declared by this by-law:

ARTICLE 1. PREAMBLE

The preamble hereto forms an integral part.

ARTICLE 2. DEFINITION

Burning device: A device used to convert fuel into useful heat.

Outdoor fireplace: Fireplace made of metal, brick or stone used to contain a fire in a space delimited by a fire screen having openings less than 1cm². area and a maximum height of 1 meter square

Campfire: Outdoor fire with an area and a maximum height of 1 square meter with riprap to its periphery also included all kinds of stone, masonry or metal fireplace without fire screen.

Burning Fire: Fire used to clean a property to destroy materials such as dry hay, straw, dry grass, wood piles, brush, branches or shrubs, slash or other fuels, and that is not contained in an enclosed space.

Cooking fire: Fire contained or circumscribed by a device, equipment, structure or building, made of non combustible materials, designed, installed or arranged to prevent the spread of fire and whose utility is provided for cooking purposes.

ARTICLE 3. APPLICATION

Inside municipal limits, it is unlawful for any person to light or maintain a fire without first obtaining a permit from the municipality, except in the case of a fire as defined in Article 5 of this By-law and that there is no

prohibition notice issued for security purposes, either by the Quebec government or its agents, or by the municipality itself.

ARTICLE 4. LIMITATION

4.1 A fire can be made to destroy the dry hay, straw, grass, brush, branches, trees, shrubs or plants, leaves, slash or other natural woods.

4.2 It is forbidden to burn construction debris, with the exception of non-timber processed and containing no additives or other product. No accelerator can be used to activate a fire.

4.3 The burning of grass and leaves is prohibited at all times.

4.4 All fires are prohibited when the wind exceeds 20 km / hour.

4.5 It is forbidden to make fires if not conformed to article 5 or 6.

ARTICLE 5. FIRES NOT REQUIRING A PERMIT

5.1 The following fires are allowed and do not require the issuance of a permit. The Article 4 of this By-law should however be observed:

- a) The fires made in a facility provided for that purpose, such as an outdoor fireplace or burning device;
- b) the fires in metal containers such as barrels or other, with lids and a fire screen, as defined in Article 7 of this By-law;
- c) Camp fires to ward off mosquitoes or brighten a picnic or a party.
- d) The cooking fires conducted in an apparatus designed for this purpose

ARTICLE 6. FIRES REQUIRING A PERMIT

6.1 The following fires are allowed provided they have a permit issued by the municipality:

- a) For farmers, the burning of straw, hay or brush when cleaning a field;
- b) major fires over 1.5 meters by 1.5 meters as part of festivities and special events;
- c) fires to destroy wood material resulting from clearing for construction of a building;
- d) Fires a farmer during a clearing in order to exploit a new field, fires to destroy any timber shot at a clearing forests for the passage of a road, a transmission line of energy, the construction of a building for commercial or any type of work referred to industrial or commercial law demanding for these types of burning a permit is issued by the agency responsible for forest protection, namely Company of forest protection against fire.

ARTICLE 7. SPECIFICATION OF FIRES IN METAL CONTAINERS

7.1 The fires made in burn barrels or metal containers of the same type are allowed, provided you follow these guidelines:

- a) The metal container or burn barrel must be in good condition and must be equipped with a cover fire screen with openings no greater than 1 cm²;
- b) the container or metal burn barrel must be on mineral soil exceeding 1 meter around the container;
- c) container or metal burn barrel must be located at least 3 meters from any vegetation and 15 meters of surrounding buildings;
- d) The metal container or barrel should not be of a size greater than 45 per barrel gallons.

ARTICLE 8. RESPONSIBILITIES

8.1 The act of obtaining a fire permit does not relieve the person who has obtained its obligations and common responsibilities in the event of damage or disbursements resulting from fire well lit.

8.2 The fire must be supervised at all times until completely extinguished.

8.3 The fires must be extinguished by using water, sand, or a fire extinguisher.

8.4 It must be ensured to have a way of extinction near the fire (water hose, boiler water, fire extinguisher, snow, etc...).

ARTICLE 9. REFUSAL TO ISSUE A PERMIT

9.1 The authorized officer may limit, withhold or withdraw a permit in cases of the following:

- a) When the wind exceeds 20 km / hour;
- b) when a fire ban on open pit has been issued by authorities competent (eg, SOPFEU, fire protection service of the municipality or general management);
- c) when the conditions specified in the permit are not met;
- d) if it is established of a proof of harm or injury.

ARTICLE 10. RESPONSIBLE FOR THE APPLICATION OF THE BY-LAW

10.1 The people working for the fire protection service and urbanism department and the environment, and any other person duly appointed by resolution from council are those responsible for the implementation of this By-law and Council authorizes them to undertake criminal proceedings against any infringer, issuing statements of offense for contravention of any provision of this By-law and so to proceed to its application.

10.2 In case of contravention of these By-laws, the authorized officer may order:

- a) extinguishing a fire at all times;

b) the remedial work deemed necessary and even the removal of any outside devices non-conforming.

ARTICLE 11. PENALTY

11.1 Every person who contravenes any provisions of this By-law commits an offense and is liable to a minimum fine of \$ 200 for a first offense if the offender is an individual and \$ 500 if the offender is a corporation.

11.2 For a subsequent offense, whoever violates any provision of this by-law commits an offense and is liable to a minimum fine \$ 2 000 if the offender is an individual and \$ 4 000 if the offender is a corporation.

ARTICLE 12. LAW REPEALED

This By-law abrogates and replaces any provision of another by-law incompatible with this By-Law.

ARTICLE 13. ENTRY INTO FORCE

This By-law shall enter into force according to the Law

Mayor

Director General/Secretary-Treasurer