

**RÈGLEMENT / BY-LAW 005-2012
BRÛLAGE / BURNING**

WHEREAS all municipal corporations are at liberty to adopt fire prevention by-laws;

WHEREAS notice of this motion was given by councillor Carole Boucher-Robert during the regular meeting of the Council of the Municipality of Low this past September 10th;

WHEREAS some landowners must use scorching techniques for eliminating straw, hay, grass clippings, dry weeds or plants, lumber remnants, brush, dead bushes, tree stumps or other combustible waste;

WHEREAS these burning activities increase the risk of fires spreading and can thereby hinder the quality of life of all residents, and so related security measures are appropriate;

WHEREAS such measures should be standardized and clear;

WHEREAS a quarter (25 %) of forest fires reported during the spring season are caused by domestic burning activities;

WHEREAS item 44 listed in the SCRSI Implementation Strategy obliges municipalities to complete and implement a by-law regarding lawn-scorching;

WHEREAS Sylvain Pépin, Fire Safety Technician and Coordinator for the RCM Vallée-de-la-Gatineau, has provided guidelines according to which this proposed by-law has been drafted;

#204-12-2012 **THEREFORE, BE IT RESOLVED** that the Municipality of Low adopt the proposed By-Law on Burning as described hereafter.

MOVED BY Councillor Amanda St-Jean
ADOPTED UNANIMOUSLY BY COUNCILLORS

Article 1. PREAMBLE

The preamble to the motion suggested above is an integral part of the present by-law.

Article 2. DEFINITIONS

- *solid-fuel-fired equipment* : Apparatus used for transforming combustibles into usable heat.
- *outdoor fireplace*: Fireplace made of metal, brick or stone used for containing a fire within a firescreened area (openings smaller than 1 cm²). Outdoor fireplaces cannot be located within six (6) metres of combustible materials.
- *campfire*: Outdoor fire smaller than 1 m² surrounded by a rock ballast; includes stone, brick or metal fireplaces without a firescreen.
- *burning activity*: Controlled fire used for clearing combustible waste from property that is not contained within a closed area.
- *cooking fire*: Fire contained by equipment, constructions or other works that are made of non-combustible materials and that are designed or arranged in a way that prevents the spread of fire; and that were originally intended for cooking use.
- *fireworks*: A device consisting of a combination of explosives and combustibles, set off to generate coloured lights, smoke, and noise for amusement.
- *barbecue*: Mobile or fixed devices used for exterior cooking, using combustible wood, charcoal or propane gas.
- *bonfire*: A fire ignited for a celebration and/or festivities. Bonfires cannot be located within twenty (20) metres of combustible materials.

Article 3. APPLICATION

Lighting or maintaining a lit fire inside the Municipality's limits without its prior consent is strictly prohibited; exceptions are described below in Article 4 and apply only outside periods when a Fire Ban is in effect, as decreed by the Government of Québec, its mandated agency or by the Municipality.

The adoption of this by-law repeals By-laws 004-2010 and 006-2011 concerning burning activities on the territory of Low.

Article 4. LIMITATIONS

- 4.1 Burning activities are allowed for eliminating straw, hay, grass clippings, dry weeds or plants, lumber remnants, brush, dead bushes, tree stumps or other combustible wood-based waste.
- 4.2 Burning of construction materials is prohibited, except for untreated framing lumber that does not contain additives. Accelerators must not be used to start or boost combustion.
- 4.3 Lawn scorching and burning of dead leaves are prohibited at all times.
- 4.4 All fires are prohibited when wind speed reaches 20 km/h.
- 4.5 All burning activities are strictly prohibited within the limits of the urbanisation zone.

Article 5. ACTIVITIES PERMITTED WITHOUT A BURNING PERMIT

The following burning activities are authorized and do not require prior permission from the Burning Permit issuer (ie the Municipality), on condition that care is taken to ensure the dispositions stated in Article 3 are observed:

- 5.1 Fires contained within an outdoor fireplace, solid-fuel-fired installation or other such construction;
- 5.2 Fires contained within a metal barrel or other receptacle with a firescreen cover, as described in Article 6;
- 5.3 Campfires made for the purpose of deterring mosquitoes or to enhance picnics or outdoor meetings;
- 5.4 Cooking fires contained by equipment designed for such purposes;
- 5.5 Barbecue operation does not require a permit; these devices must be kept in good working order and be used according to the manufacturer's safety guidelines.

Article 6. ACTIVITIES REQUIRING A BURNING PERMIT

The following burning activities are prohibited without a previously-issued permit from the Municipality:

- 6.1 Agricultural scorching for eliminating straw, hay or brush from land;

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- 6.2 Bonfires during special events that are larger than 1½ m²;
 - 6.3 Fires intended to eliminate wood by-products created by clearing a forested area prior to building;
 - 6.4 Fireworks; prohibited during special events if the danger for fires is at a high level in the municipality of Low;
 - 6.5 Agricultural fires intended to eliminate wood by-products created by clearing a forested area prior to tilling a field, establishing a road, installing a power line, commercial building or other works undertaken for commercial or industrial purposes.
In these cases, the SOPFEU (*Société de protection des forêts contre le feu*) is the Burning Permit issuer.

Article 7. ADDITIONAL CONSIDERATIONS REGARDING METAL BURNING CONTAINERS

Fires contained within a metal barrel or other receptacle is authorized under the following conditions:

- 7.1 Barrel/receptacle must be in good condition and must be covered by a firescreen with openings smaller than 1 cm²;
- 7.2 Barrel/receptacle must rest on mineral-based ground with a radius of at least 1 m (from edge);
- 7.3 Barrel/receptacle must allow at least 3 m clearance from vegetated areas and at least 15 m clearance from neighbouring buildings;
- 7.4 Barrel/receptacle size must not exceed 45 gallon capacity.

Article 8. PERMITHOLDER RESPONSIBILITIES

- 8.1 Obtaining a Burning Permit does not exonerate its holder from their regular liability if fire causes damages or harm;
- 8.2 Fires must never be left unattended until entirely extinguished;
- 8.3 Fire extinguishing materials are limited to water, sand or a fire extinguisher;
- 8.4 Fire extinguishing equipment must be kept near all fires; ex: watering hose, filled pail, extinguisher, snow pile, etc.
- 8.5 If the Permitholder has lost control of their fire, it is their duty to summon the intervention of the Low Fire Department by calling 9-1-1.

Article 9. RIGHT OF REFUSAL TO ISSUE A BURNING PERMIT

Burning Permit issuers can restrict, refuse or withdraw permits in the following cases:

- 9.1 The permit applicant is aged 17 or under.
- 9.2 Wind speed reaches 20 km/h ;
- 9.3 A Fire Ban is decreed by a competent authority, such as the SOPFEU, local fire department or general municipal management; with the exception of bonfires and fireworks organised by official municipal bodies as part of Canada Day celebrations;
- 9.4 A disposition stated in the present by-law is contravened;
- 9.5 Reasonable proof of malicious or disruptive intent has been produced;

Article 10. BY-LAW ENFORCEMENT DUTIES

- 10.1 This by-law is enforceable by personnel of the Fire Department, personnel of the Planning Department or personnel of the Environment Department, in addition to all other persons or bodies named by the council of the Municipality. Council authorizes these persons to enact penal sanctions or issue fines against contraveners.
- 10.2 These same persons are authorised to visit and inspect properties where burning activities are taking place in order to ascertain if this by-law's dispositions are being observed.
- 10.3 In cases where the present by-law dispositions have not been respected, persons charged with their enforcement can:
 - 10.3.1 Order the immediate extinction of the unauthorized fire;
 - 10.3.2 Order corrective works, which can include the destruction of non-conforming outdoor installations.

Article 11. SANCTIONS

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- 11.1 A fine of a minimum of \$ 200 can be issued for a first offence for individuals; a minimum of \$ 500 for incorporated bodies.
- 11.2 Repeat offenders face a minimum fine of \$ 2,000 for individuals; \$ 4,000 for incorporated bodies.

Article 12. ENTRY INTO FORCE

This by-law will take effect according to Law and will be applicable on the territory of the Municipality of Low between the 1st of May and the 30th of September of every year, with the exception of Articles 5 and 7 which are in effect year-round.

The Municipality reserves the right to extend or shorten this period, according to circumstances.

Mayor, Morris O'Connor

Director General, Franceska Gnarowski

Notice of Motion: September 10th 2012
Adoption By-Law: December 3rd 2012
Resolution: 200-12-2012



Burning Permit

I recognize having received and read municipal Burning By-law 005-2012.

I, _____, residing at :

have received authorization from the Municipality of Low or from its duly-mandated Fire Department Chief to conduct the following burning activities :

Lawn Scorching

Fireworks

Brush Burning

Other : _____

between the period beginning : ____ / ____ / 20__ and ending : ____ / ____ / 20__

If burning activities are to be conducted elsewhere than at the permit holder's address as stated above, indicate location: _____

I recognize and accept all duties and responsibilities related to the present burning permit, and will respect the duration for which the permit is valid. I pledge to conserve this permit until it expires and to produce it at the request of an authorized body.

Permitholder Signature: _____

Fire Chief or Director General: _____

permit issued on this ____ day of the month of _____ 20__