

BY-LAW 295-2022 CONCERNING BURNING

WHEREAS under sections 62 and following of the *Municipal Powers Act*, a municipality may adopt by-laws in matters of public security;

WHEREAS under Chapters I to V of the Fire Safety Act (L.R.Q. 2000 s-3.4), the municipality has obligations imposed or powers granted which have as their object the protection against fires of any kind, persons and property, with the exception of forest resources protected under the Forest Act (R.S.Q., chapter F-4.1);

WHEREAS the danger associated with outdoor fires;

WHEREAS a notice of motion for this by-law was given at the sitting of June 13th, 2022;

CONSEQUENTLY,

THE COUNCIL OF THE MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON ENACTS THE FOLLOWING:

ARTICLE 1 – TITLE

This by-law is identified by the # 295-2022 and is entitled “By-law # 295-2022 concerning burning”.

ARTICLE 2 – PREAMBLE

The preamble of this by-law is an integral part as if it were reproduced at length.

ARTICLE 3 – DEFINITIONS

In the context of this by-law, the following terms indicate the following:

Municipal office: Town Hall of the Municipality of the Township of Harrington located at 2940, Route 327

Burning: Activity of lighting or maintaining an outdoor fire,

Site of the place: Place determined for the burning

SECTION 1 – PERMITS

ARTICLE 4 – EXTERIOR FIRES

Throughout the territory of the Municipality, anyone wishing to make an outdoor fire must first obtain a burning permit.

Notwithstanding the foregoing, it is not required to obtain a burning permit for an ambient fire, but all other provisions of this by-law must be respected.

Any type of exterior fire other than those listed below is prohibited.

ARTICLE 5 – APPLICATION FOR A BURNING PERMIT

The burning permit can be obtained at the municipal office during business hours.

The burning permit is issued free of charge and is valid until December 31st of the current year.

Notwithstanding the foregoing, for all large fires, industrial fires and bonfires, the permit is only valid for the period during which the burning activity will take place.

The request for a burning permit must be made by completing the form reproduced in Appendix “A” of this by-law entitled “burning permit”.

SECTION II – STANDARDS TO RESPECT AND TYPE OF FIRE

ARTICLE 6 – VEGETATION FIRE

Fire to eliminate vegetation matter (for example for farmers) and natural woody matter on its land, such as dead leaves, dry hay, grass, brush, branches, trees, etc.

This type of fire can only be lit or kept lit in the following various spaces;

- An outdoor fireplace specially designed for this purpose with a chimney and a spark screen;
- A non-combustible container;
- A stone or brick fireplace with a spark screen;

- A hole dug in the ground having a minimum depth of fifteen (15) centimeters, moreover it must be surrounded by stones or bricks at least fifteen (15) centimeters high.

In addition, vegetation fires must comply with the following constraints:

- Have obtained a burning permit from a representative of the Municipality or any other officer designated by the Municipality;
- The size of the fire site cannot exceed two (2) meters by two (2) meters;
- The height of the fire cannot exceed 1 (1) meter;
- Respect all the other provisions of this by-law, in particular, articles 11 and 12;
- Have at least one responsible adult on the premises (18 years and over);
- Have facilities for extinguishing the fire at any time.

ARTICLE 7 – AMBIENT FIRE (CAMPFIRE)

Campfire to ward off mosquitoes, brighten up a picnic, a country party or camping for which no burning permit is required.

This type of fire can only be lit or kept lit in the following spaces:

- An outdoor fireplace specially designed for this purpose with a chimney and a spark screen;
- A non-combustible container;
- A stone or brick fireplace with a spark screen;
- A hole dug in the ground having a minimum depth of fifteen (15) centimeters, moreover it must be surrounded by stones or bricks of at least fifteen (15) centimeters in height;
- An outdoor cooking appliance or equipment designed for this purpose, such as a barbecue, appliance or camping equipment.

In addition, ambient lights must comply with the following constraints:

- The size of the fire cannot exceed one (1) meter by one (1) meter;
- The height of the fire cannot exceed one (1) meter;

- Respect all the other provisions of this by-law, in particular, articles 11 and 12;
- Have at least one responsible adult on the premises (18 years and over);
- Have facilities for extinguishing the fire at any time.

ARTICLE 8 – BONFIRES

Fire made on the occasion of social celebrations, such as the National Day or others.

This type of burning must meet the following conditions:

- Have obtained a burning permit from a representative of the Municipality or any other officer designated by the Municipality;
- The size of the fire site cannot exceed three (3) meters by three (3) meters;
- The height of the fire cannot exceed three (3) meters;
- Respect all the other provisions of this by-law, in particular, articles 11 and 12;
- Have at least one responsible adult on the premises (18 years and over);
- Have facilities for extinguishing said fires at any time.

ARTICLE 9 – MAJOR FIRE

Wood cutting fire (slash) exceeding the standards set out in article 6.

This type of burning must meet the following conditions:

- Have obtained a burning permit from a representative of the Municipality or any other officer designated by the Municipality;
- The size of the fire site cannot exceed two (2) meters by two (2) meters;
- The height of the fire cannot exceed one point five (1.5) meters;
- Have at least one responsible adult on the premises (18 years and over);

- Respect all the other provisions of this by-law, in particular, articles 11 and 12;
- Have sufficient water or extinguishing facilities at all times;
- Make sure you have completely extinguished the fire before sunset.

ARTICLE 10 – INDUSTRIAL FIRE

Fire carried out to destroy any ligneous material felled during deforestation carried out for the passage of a road, a power transmission line, the construction of a building or any other type of work of an industrial nature, commercial or profit.

Here are some examples:

- Burning carried out during activities of an industrial nature such as clearing for the passage of a road or a road clearance, the erection of a power transmission line, the construction of a building for commercial purposes or for the purpose of being sold, course improvement works etc...;
- Burning of slash for agricultural purposes and whose purposes are commercial or industrial;
- Silvicultural burning (piles of forest debris);
- Burning in blueberry fields

This type of burning must meet the following conditions:

- **Obtain your permit ONLY from the society for the protection of forests against fire (SOPFEU) and respect the stated conditions.**
- Respect all the other provisions of this by-law, in particular, articles 11 and 12;
- Have at least one responsible person on the premises (18 years and over);
- Have sufficient water or extinguishing facilities at all times;
- Make sure you have completely extinguished the fire before sunset.

SECTION III – PROHIBITIONS

ARTICLE 11 – WINDS

It is forbidden to make a fire outside on days when the wind speed and gusts exceed twenty (20) km/hour.

ARTICLE 12 – FIRE DANGER INDEX

The person responsible for the fire must at all times verify, before burning, that the fire danger is low (blue) or moderate (green) or high (yellow) or very high (orange) with the Société de protection des forêts contre le feu (SOPFEU) <http://sopfeu.qc.ca> or the free mobile application for iPhone or Android.

If the fire danger indicated by SOPFEU is extreme (red), all fire is prohibited on the territory of the Municipality.

In addition, the permit may be suspended or revoked at any time by the representative of the Municipality duly authorized to do so in one of the following cases:

- When a ban on lighting an open fire has been issued by the Quebec Ministry of Energy and Natural Resources;
- When a ban on lighting an open fire has been issued by SOPFEU (company for the protection of forests against fire);
- When one of the conditions set out in these rules is not met;
- During the dry period following snowmelt in the spring (March 1st to May 31st);
- When the Municipality decrees by public notice a ban on burning on its territory.

ARTICLE 13 – ACCELERANT

It is forbidden to light, feed or maintain a fire with an accelerant.

ARTICLE 14 – PROHIBITED FUELS

It is prohibited to use as fuel or burn:

- Garbage;
- Building materials;

- Movable property;
- Treated wood;
- Tires or other rubber-based materials;
- Dangerous or polluting products;
- Any other product whose combustion is prohibited by the laws and regulations in force.

SECTION IV – OBLIGATIONS AND RESPONSIBILITIES OF THE PERMIT HOLDER

ARTICLE 15 – EXTERNAL STORAGE OF MATERIALS

It is permitted to store materials intended for burning outside on one's property, subject to compliance with the following standards, and this, in compliance with all other municipal regulations:

- Materials must be stacked in piles;
- The size of each pile must not exceed three (3) meters by three (3) meters;
- The height of each pile must not exceed one point five (1.5) meters;

This article does not apply to cords of wood intended for use in winter heating.

Storage in semi-open or roofed timber sheds is considered outdoor storage.

ARTICLE 16 – DISTANCES TO RESPECT

In compliance with all other municipal regulations, the following distances must be respected:

- The fire must be at least ten (10) meters from any neighboring building located outside the property line and at least five (5) meters from any other building or any flammable material;

- If the fire is in a fireplace with a metal screen around the hearth having a chimney with a spark screen, the distances will be three (3) meters from any property limit and at a minimum of three (3) meters from any building or flammable material.

ARTICLE 17 – FIRE MONITORING

The fire must be under the constant supervision of the permit holder or a person assigned for this purpose by him. This person must be of legal age (18 years old or more). The supervisor is responsible for the fire and must take the necessary measures to keep it under control and extinguish it.

By necessary measures, it is expected that the responsible person must ensure to always have near the fire a sufficient quantity of water to extinguish the fire in case of emergency, or of propagation, or any other equipment required to fight a fire caused by this fire such as garden hoses, fire extinguishers, mechanical shovel, farm tractor or other appropriate equipment.

In addition to the other extinguishing requirements of this by-law, the person responsible for the fire must completely extinguish it before leaving the premises.

ARTICLE 18 – LIABILITY

The issuance of the burning permit by the Municipality does not have the effect of releasing the holder from his obligations and responsibilities in the event of damage resulting from the fire. The Municipality disclaims all liability for any direct and indirect damage that may occur following the issuance of a burning permit.

The issuance of the burning permit by the Municipality does not have the effect of releasing the holder from his obligations and responsibilities with respect to the respect of the rules of good neighbourliness, of any legislation and regulations applicable on his territory, in particular the *Quality Act of the environment* and the municipal regulation on nuisances.

The regulations in force concerning riparian strips apply.

SECTION V – RIGHT OF INSPECTION AND APPLICATION OF THE BY-LAW

ARTICLE 19 – RIGHT OF INSPECTION AND ADMINISTRATION

The council authorizes any peace officer, any officer designated by the Municipality or a firefighter in the exercise of his functions, to visit and examine any movable property and the exterior of any real estate property as well as the exterior of any house, any building or any edifice whatsoever, to ascertain whether the by-law is executed there and thus any owner, tenant, or occupant of these houses, buildings and edifices, must receive these people and answer all the questions put to them relating to the execution of this by-law.

These persons are responsible for the application of this by-law.

ARTICLE 20 – RISK FOR THE SAFETY OF PEOPLE AND PROPERTY

The council authorizes any firefighter to immediately extinguish any outdoor fire if it deems that there is a risk for the safety of persons, the integrity of property in the neighborhood or that of the owner.

ARTICLE 21 – NUISANCE

Constitutes a nuisance and is prohibited the act of lighting, having lit or allowing the lighting of an outdoor fire whose smoke inconveniences one or more people in the neighborhood, or whose ashes, embers, braise or sparks spread on the property of others.

ARTICLE 22 – FIREWORKS

For the provisions relating to fireworks, consult the by-law in force of the municipality.

SECTION VI – PENAL PROVISIONS

ARTICLE 23 – INFRINGEMENT

Any violation of this by-law constitutes an offense and is prohibited.

ARTICLE 24 – STATEMENTS OF INFRINGEMENT

The council generally authorizes any peace officer as well as the municipal inspector and the clerk-treasurer of the Municipality to undertake penal proceedings against any contravener of any provision of this by-law and generally authorizes these persons to issue a statement of offence useful for this purpose.

ARTICLE 25 – PENALTY CLAUSE

Anyone who contravenes any of the provisions of this by-law commits an offense and is liable to a fine as follows:

	FIRST OFFENCE		RECURRENT OFFENCE (within two years)	
	Amende minimale	Amende maximale	Amende minimale	Amende maximale
Individual	250 \$	1 000 \$	500 \$	2 000 \$
Legal	500 \$	2 000 \$	1 000 \$	4 000 \$

In all cases, prosecution costs are extra. The time limits for the payment of fines and costs imposed under this article and the consequences of failure to pay said fines and costs within the prescribed time limits are established in accordance with the *Code of penal procedure of Quebec*.

If an offence lasts more than one day, the offence committed on each of the days constitutes a separate offence and the penalties enacted for each of the offences may be imposed for each day that the offence lasts, in accordance with this article.

ARTICLE 26 – USE OF DRONES

When a drone outside of SOPFEU operations is seen within the perimeter of a fire, all drone operations are stopped until the aircraft is under control or leaves.

Canadian Aviation Regulations for Free Flight state that drones must be at least nine (9) km away from a hazard or disaster area, including a forest fire, or face a fine.

(Source: Transport Canada)

ARTICLE 27 – REPEAL

This by-law repeals section 8 Outdoor fire and ambient fire, more specifically articles 8.01 to 8.10 of the By-law concerning the prevention of fires no. 183-2010.

ARTICLE 28 – ENTRY INTO FORCE

This by-law will come into force in accordance with the law.

ANNEX A



GENERAL INFORMATION

Name of applicant(s): _____
Are you the owner? Yes No If not, attach written power of attorney from the owner
Address: _____
Telephone number (home): _____ (cell): _____
e-mail address: _____

PERSON RESPONSIBLE FOR THE FIRE Same as the applicant

Name of the person responsible for the fire: _____
Address: _____
Phone number: _____

LOCATION OF FIRE

Address: _____
Lot number (nearest street name): _____
Is it a riparian land or a wetland? Yes No

TYPE OF FIRE

- Vegetation fire
- Bonfire scheduled date(s): start time: _____ end time: _____
- Major fire scheduled date(s): start time: _____ end time: _____

DECLARATION OF APPLICANT

I certify that I have read and understood each of the conditions set out in the regulations concerning burning and I agree to respect them.

Applicant's signature

Date

SECTION RESERVED FOR MUNICIPAL AUTHORITY

Roll number: _____ Permit #: _____

This permit is issued in accordance with the provisions of by-law number 295-2022 concerning burning and according to the information provided by the applicant.

Permit given on: _____ Permit valid up to December 31st _____

Signature authorized representative

Date

SECTION II – STANDARDS TO RESPECT AND TYPE OF FIRE

ARTICLE 6 – VEGETABLE FIRE

Fire to eliminate vegetable matter (for example for farmers) and natural woody matter on its land, such as dead leaves, dry hay, grass, brush, branches, trees, etc.

This type of fire may only be lit or kept lit in the following spaces:

- An outdoor fireplace specially designed for this purpose having a chimney and a spark arrester;
- A non-combustible container;
- A stone or brick fireplace with a spark arrester;
- A hole dug in the ground having a minimum depth of fifteen (15) centimeters, moreover it must be surrounded by stones or bricks at least fifteen (15) centimeters high.

In addition, plant fires must comply with the following constraints:

- Have obtained a burning permit from a representative of the Municipality or any other officer designated by the Municipality;
- The size of the fire site cannot exceed 2 meters by 2 meters;
- The height of the fire cannot exceed 1 meter;
- Respect all the other provisions of this by-law, in particular, articles 11 and 12;
- Have at least one responsible adult on the premises (18 years and over);
- Have facilities for extinguishing the fire at any time.

ARTICLE 7 – AMBIENT FIRE (CAMPFIRE)

Campfire to ward off mosquitoes, brighten up a picnic, a country party or camping for which no burning permit is required.

This type of fire may only be lit or kept lit in the following spaces:

- An outdoor fireplace specially designed for this purpose having a chimney and a spark arrester;
- A non-combustible container;
- A stone or brick fireplace with a spark arrester;
- A hole dug in the ground having a minimum depth of fifteen (15) centimeters, moreover it must be surrounded by stones or bricks at least fifteen (15) centimeters high.
- An outdoor cooking appliance or equipment designed for this purpose, such as a barbecue, appliance or camping equipment.

In addition, ambient lights must comply with the following constraints:

- The size of the fire cannot exceed 1 meter by 1 meter;
- The height of the fire cannot exceed 1 meter;
- Respect all the other provisions of this by-law, in particular, articles 11 and 12;
- Have at least one responsible adult on the premises (18 years and over);
- Have facilities for extinguishing the fire at any time.

ARTICLE 8 – BONFIRES

Fire made on the occasion of social celebrations, such as the National Day or others. This type of burning must meet the following conditions:

- Have obtained a burning permit from a representative of the Municipality or any other officer designated by the Municipality;
- The dimension of the site of the fire cannot exceed 3 meters by 3 meters;
- The height of the fire cannot exceed 3 meters;
- Respect all the other provisions of this by-law, in particular, articles 11 and 12;
- Have at least one responsible adult on the premises (18 years and over);
- Have facilities for extinguishing said fires at any time.

ARTICLE 9 – MAJOR FIRE

Wood cutting fire (slash) exceeding the standards set out in article 6.

This type of burning must meet the following conditions:

- Have obtained a burning permit from a representative of the Municipality or any other officer designated by the Municipality;
- The dimension of the site of the fire cannot exceed 2 meters by 2 meters;
- The height of the fire cannot exceed 1.5 meters;
- Have at least one responsible person on site (18 years and over);
- Respect all the other provisions of this by-law, in particular, articles 11 and 12;
- Have sufficient water or extinguishing facilities at all times;
- Make sure you have completely extinguished the fire before sunset.

ARTICLE 10 – INDUSTRIAL FIRE (SOPFEU permit required)

- Fire carried out in order to destroy any ligneous matter felled during deforestation carried out for the passage of a road, a power transmission line, the construction of a building or any other type of work of a industrial, commercial or profit-making. This type of fire includes burning for silvicultural purposes and in blueberry fields;

This type of burning must meet the following conditions:

- **Have obtained a permit from the Society for the Protection of Forests against Fire (SOPFEU) and comply with the stated conditions.**
- Respect all the other provisions of this by-law, in particular, articles 11 and 12;
- Have sufficient water or extinguishing facilities at all times;
- Make sure you have completely extinguished the fire before sunset.

SECTION III – PROHIBITIONS

ARTICLE 11- WINDS

It is forbidden to make a fire outside on days when the wind speed and gusts exceed 20 km/hour.

ARTICLE 12 – FIRE DANGER INDEX

The person responsible for the fire must at all times verify, before burning, that the fire danger is low (blue) or moderate (green) or high (yellow) or very high (orange) with the Société de protection des forêts against fire (SOPFEU) <http://sopfeu.qc.ca/> or the free mobile application for iPhone or Android.

If the fire danger indicated by SOPFEU is extreme (red), all fire is prohibited on the territory of the Municipality.

In addition, the permit may be suspended or revoked at any time by the representative of the Municipality duly authorized to do so in one of the following cases:

- When a ban on lighting an open fire has been issued by the Quebec Ministry of Energy and Natural Resources;
- When a ban on lighting an open fire has been issued by SOPFEU (company for the protection of forests against fire)
- When one of the conditions set out in these rules is not met;
- During the dry period following the spring snowmelt (March 1 to May 31)
- When the Municipality decrees by public notice a ban on burning on its territory.

ARTICLE 13 – ACCELERATING

It is forbidden to light, feed or maintain a fire with an accelerant.

ARTICLE 14 – PROHIBITED FUELS

It is prohibited to use as fuel or burn:

- Waste ;
- Building materials;
- Movable property;
- Treated wood;
- Tires or other rubber-based materials;
- Dangerous or polluting products;
- Any other product whose combustion is prohibited by the laws and regulations in force.

SECTION IV – OBLIGATIONS AND RESPONSIBILITIES OF THE PERMIT HOLDER

ARTICLE 16 – DISTANCES TO RESPECT

In compliance with all other municipal regulations, the following distances must be respected:

- The fire must be at least 10 meters from any neighboring building located outside the property line and at least 5 meters from any other building or any flammable material;
- If the fire is in a hearth equipped with a metal mesh around the hearth having a chimney with a spark screen, the distances will be 3 meters from any property limit and at least 3 meters from any building or of any flammable material.

ARTICLE 17 – FIRE MONITORING

The fire must be under the constant supervision of the permit holder or a person assigned for this purpose by him. This person must be of legal age (18 years and over). The supervisor is responsible for the fire and must take the necessary measures to keep it under control and extinguish it.

By necessary measures, it is expected that the responsible person must make sure to always have near the fire a sufficient quantity of water to extinguish the fire in case of emergency or spread or any other equipment required to fight a fire caused by this fire, such as garden hoses, fire extinguishers, mechanical shovel, farm tractor or other appropriate equipment.

In addition to the other extinguishing requirements of this by-law, the person responsible for the fire must completely extinguish it before leaving the premises.

ARTICLE 18 – LIABILITY

The issuance of the burning permit by the Municipality does not have the effect of releasing the holder from his obligations and responsibilities in the event of damage resulting from the fire. The Municipality disclaims all responsibility for any direct and indirect damage that may occur following the Municipality does not have the effect of releasing the holder from its obligations and responsibilities with respect to compliance with the rules of good neighbourliness, any legislation and regulations applicable to its territory, in particular the Environment Quality Act and the municipal nuisance by-law.

The regulations in force concerning riparian strips apply.