

CANADA
PROVINCE OF QUEBEC
REGIONAL COUNTY MUNICIPALITY OF JARDINS-DE-NAPIERVILLE
THE MUNICIPALITY OF THE TOWNSHIP OF HEMMINGFORD
NO.325

BYLAW NO. 325 REGULATING OUTDOOR FIRES

- WHEREAS it is permissible for any municipal corporation to adopt by-laws to prevent fires;
- WHEREAS the purpose of this bylaw is to promote public safety and to protect the citizens of the municipality from risks and hazards associated with open burning;
- WHEREAS these fires must be subject to uniform and well-defined regulations;
- WHEREAS a notice of motion for the adoption of a bylaw governing open fires was given by _____ at the council meeting held June 1, 2020.

FOR THESE REASONS, it is proposed _____
SUPPORTED by _____
RESOLVED unanimously, the Mayor not having voted.

THAT proposed by-law no. 325 be adopted, revoking by-law no.244 and its amendments, and that it be and is hereby decreed as follows:

CHAPTER 1 PREAMBLE

ARTICLE 1.1

The above preamble constitutes an integral part of the following bylaw.

CHAPTER 2 DEFINITIONS

- AGRICULTURAL ZONE** Portion of the territory designated by declaration by the *Commission de protection du territoire agricole (CPTAQ)* and corresponds to the requirements of the Act respecting the protection of agricultural land and agricultural activities (R.S.Q., c. P-41.1).
The agricultural zone is described in appendix A.
- BONFIRE** A fire intended to burn wood or wood residue that meets the following condition:
- the fire is no more than 1.5 meters in height and diameter.
- BURNING BAN** See "Prohibited Burning Period"
- CONSUMER PYROTECHNICS** A pyrotechnic device for fireworks or firecrackers designed for outdoor use for entertainment purposes on a non-public lot.
- CALENDAR YEAR** 12 month period from January 1st to December 31st.
- CONTAMINATED WOOD RESIDUES** See « treated wood residues »
- CONTROLLED BURNING** The deliberate, planned and competent use of fire by authorized personnel over a defined area to achieve predetermined forest management or land and resource management objectives.
- DROUGHT PERIOD** Period without rain or precipitation during which there is a high risk of out-of-control fire.

EVENT FIRE	Public fire held on recognized holidays (St. Jean Baptist, Canada Day, etc.). Event fires are only permitted on lots with a public nature (campgrounds, golf courses, cideries, wineries, etc.).
EVENT PYROTECHNICS	Fireworks or firecrackers designed for outdoor use and entertainment purposes for a public event held during recognized celebrations (Saint John the Baptist, Canada Day, etc.). Event pyrotechnics are only permitted on lots with a public nature (campgrounds, golf courses, cideries, wineries, etc.).
FIRE WARDEN	Municipal official responsible for the present bylaw as designated by municipal resolution.
FRONT YARD	Space on a lot between the front wall of a main building and the front property line extending the full width of the lot
INDUSTRIAL ZONE	The area of the Municipality of the Township of Hemmingford described in appendix A.
LOCAL AUTHORITY	Local Municipality bylaw enforcement officer, provincial/territorial authority, law enforcement officer or a person designated by the local authority to issue permits and authorizations under the open air burning regulation.
NUISANCE	Disturbances to neighbours, traffic or public safety through smoke, sparks, etc.
OPEN AIR BURNING	See « open air fire »
OPEN AIR FIRE	Is considered to be open air burning: any fire or burning done outside a building. Are excluded: <ul style="list-style-type: none"> - “controlled or prescribed burning” carried out as part of a forestry operation or other land or resource management procedure; - appliances fuelled by natural gas, propane, coal, briquettes, including barbecues; - the burning of materials for firefighting training, testing of firefighting equipment or law enforcement purposes; - outdoor fireplaces conform to chapter 3, section 2 of the current bylaw.
OUTDOOR FIREPLACE	Manufactured wood-burning appliance, onsite built masonry fireplace, chimneys, clay or metal fireplace, portable outdoor recreational wood-burning appliances or any other container used outdoors that can accommodate a small fire not exceeding 1.5 meters in diameter and height; The following are excluded: <ul style="list-style-type: none"> - Appliances fuelled by natural gas, propane, coal, briquettes, including barbecues regardless of their type of supply; - industrial wood residue burners.
OWNER	A person who owns the land on which an outdoor fireplace is installed or on which open air burning is carried out.
PROPERTY	Immovable entity containing all contiguous lots of the same property owner
PUBLIC SPACE	Without limiting the scope of the following, public space includes parks, roads, public paths, etc.
SECONDARY FRONT YARD	On a corner or transverse lot. A front yard that does not overlook the main facade of the building.
SPARK ARRESTORS	Perforated metal screen which prevents the projection of sparks.

TREATED WOOD RESIDUES	<p>Tree trunks, tree branches, brush or other wood products.</p> <p>Wood containing:</p> <ul style="list-style-type: none"> - chromated copper arsenate, ammoniacal copper arsenate, pentachlorophenol, creosote, pesticide, paint; - readily removable fittings, couplings or accessories, except where they are made primarily of wood or cellulose; - plywood or wood composite product containing varnish or glue; - upholstered objects; - articles to which a rigid surface covering is affixed or glued, except those with a covering consisting mainly of wood or cellulose.
WASTE	See "waste materials"
WASTE MATERIALS	Garbage or scrap from residential, commercial, agricultural, industrial or institutional establishments.
WATER BANK	<p>The water bank is a protected area of land bordering lakes and rivers extending inland from the high water line. The width of the water bank is measured horizontally.</p> <p>The water bank has a minimum of 10 m:</p> <ul style="list-style-type: none"> - when the slope is less than 30%, or; - when the slope is greater than 30% and has a slope of less than 5 m in height. <p>The water bank has a minimum of 15 m:</p> <ul style="list-style-type: none"> - when the slope is continuous and greater than 30%, or; - when the slope is greater than 30% and has a slope of more than 5 m in height.
WIND VELOCITY	Wind speed measured in km/h.
WINTER PERIOD	Period between November 15 and March 15 inclusively.
WOOD RESIDUES	<p>Tree trunks, tree branches, bushes or wood products not containing or excluding the following:</p> <ul style="list-style-type: none"> - chromated copper arsenate, ammoniacal copper arsenate, pentachlorophenol, creosote, pesticide, paint; - readily removable fittings, couplings or accessories, except where they are made primarily of wood or cellulose; - plywood or wood composite product containing varnish or glue; - upholstered objects; - articles to which a rigid surface covering is affixed or glued, except those with a covering consisting mainly of wood or cellulose.

CHAPTER 3 OUTDOOR FIRES

SECTION 1 GENERAL

ARTICLE 3.1 NUISANCE

Individuals carrying out outdoor burning must not under any circumstances cause a nuisance to the neighbourhood or to public safety.

ARTICLE 3.2 CONTROL

Notwithstanding any other stipulation of this bylaw, if at any time the fire warden, the municipal inspector, or another local authority deems it necessary to extinguish a fire in order to prevent the spread of said fire or any nuisance resulting therefrom, the person responsible for the fire or the owner of the property where the burning takes place must

extinguish the fire, otherwise the municipality may take such measures as it deems necessary to ensure that the fire is immediately extinguished.

ARTICLE 3.3 RESIDUAL WASTE

Open air burning of residential, commercial, agricultural or industrial waste residues is forbidden.

This proscription applies to the following residues:

- a) construction and demolition residues or materials such as shingles or roof tiles;
- b) hazardous substances such as batteries, household chemicals, pesticides, asbestos, used oil, gasoline, paint, varnish and solvents;
- c) furniture and household appliances;
- d) tires and rubber articles;
- e) all plastics (nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic film and plastic containers, etc.);
- f) newspapers, cardboard, paper used in offices;
- g) treated or painted wood, including plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives;
- h) agricultural residual waste (corn stalks, hay, crops, etc.);
- i) all materials identified in annex B

Open air burning of leaves and grass clippings, except for leaves attached to branches, is strictly forbidden.

ARTICLE 3.4 BURNING BAN

The fire warden, municipal inspector, or other local authority may place a restriction on open burning activities (e.g., a fire ban or no burning day) when weather conditions or local circumstances make such fires, including fireworks, unsafe.

ARTICLE 3.5 WIND

All open fires must be extinguished in accordance with article 3.10 of this bylaw as soon as the wind velocity exceeds 25 km/hour.

ARTICLE 3.6 LOCATION

Burning on a street, curb, gutter, sidewalk or public property is prohibited.

It is forbidden to burn on the ice of a lake, pond, stream or water body.

Burning on banks is prohibited.

Burning in a wetland is prohibited.

ARTICLE 3.7 NUMBER

No one may burn more than 1 open air fire per property at a time.

ARTICLE 3.8 DROUGHT PERIOD

Open air burning is prohibited during periods of drought.

If a burning ban has been issued by the fire warden, municipal inspector, or other local authority, the day on which a previously authorized open burning activity was to take place must be postponed until the ban is lifted.

ARTICLE 3.9 RESPONSIBILITY

Any open air fire must be supervised at all times by a competent person at least 18 years of age, who will ensure that the fire is under control and will have all the extinguishing equipment necessary for total control of the fire at hand, such as hoses, fire extinguishers, water bucket, etc.

ARTICLE 3.10 EXTINGUISHING

The fire must be extinguished completely by soaking the entirety of its contents with water. It is also necessary to wait until the ashes are cold.

SECTION 2 OUTDOOR FIREPLACES

ARTICLE 3.11 GENERAL

An individual may proceed to burn in an outdoor fireplace without obtaining a permit from the municipality provided that section 2 of this chapter is respected.

Failure to do so may result in the sanctions identified in Chapter 7 being applied.

ARTICLE 3.12 APPLICATION

This section applies to any manufactured wood-burning appliance, site-built masonry fireplace, chimney, clay or metal fireplace, patio heater, portable outdoor wood-burning appliance for recreational purposes or any other container used outdoors that can accommodate a small fire with a radius and height not exceeding 1.5 metres;

The following are excluded:

- a) appliances fuelled by natural gas, propane, coal or briquettes, including barbecues, regardless of the type of fuel used;

As soon as an outdoor fireplace does not comply with one of these conditions, a permit from the municipality is required.

ARTICLE 3.13 USAGE

The installation and use of an outdoor fireplace must be done in accordance with the following provisions:

- a) The outdoor fireplace shall not be used to burn waste;
- b) The outdoor fireplace must only be used to burn dry, untreated or contaminated wood;
- c) The outdoor fireplace shall be installed at least 3 meters from any structure or property line;
- d) The outdoor fireplace is installed on a base of gravel, rock, or other masonry product;
- e) The fire must not extend beyond the fireplace.

ARTICLE 3.14 ACCELERATORS

No one may use an accelerant or any material derived or manufactured from petroleum or its derivatives in an outdoor fireplace.

ARTICLE 3.15 CAMPGROUNDS

Outdoor fires in a campground, made by someone other than the campground owner, must be made in the campsite's designated outdoor fireplace.

No person shall alter or make a fire outside the outdoor fireplace as dedicated by the campground.

SECTION 3 OPEN AIR BURNING

ARTICLE 3.16 GENERAL

Open air burning is prohibited on the territory of the Municipality of the Township of Hemmingford unless explicitly exempted by the present bylaw, or unless it is the subject of a permit delivered in accordance with the present bylaw.

ARTICLE 3.17 APPLICATION

This bylaw applies to all open burning practices in the Municipality of the Township of Hemmingford with the exception of the following:

- a) cooking or grilling food using a barbecue or any other appliance that is fuelled by coal, wood, wood pellets, propane or natural gas;
- b) the use of propane, acetylene, natural gas, gasoline or kerosene in an appliance designed for heating or for construction or maintenance activities;

- c) the use of emergency/signal flares or the flaring of flammable gases in the industrial sector;
- d) the burning of structures exclusively for the purpose of providing firefighting training or testing firefighting equipment, provided that all asbestos has been removed from those structures, inspected for that purpose by a licensed asbestos specialist;
- e) forestry or resource management activities carried out on public, federal or protected lands that are subject to provincial legislation, regulations or other instruments, including land management agreements or prescribed burning guides;
- f) the burning of explosives or hazardous materials by police or other public safety agencies where there is no other safe means of disposal;
- g) fires in an outdoor fireplace as described in section 2 of the present chapter.

ARTICLE 3.18 DIMENSIONS

The fire must not be more than 2 metres in diameter and 1 metre in height.

No burning must take place within 7.5 metres of combustible building materials, a building, lot line, wetland, or a wooded area or forest.

No burning must take place under power or telephone lines.

ARTICLE 3.19 DIMENSIONS IN THE AGRICULTURAL ZONE

Open air fires in the agricultural zone must not take place outside the agricultural zone as identified in appendix A.

Open air fires in the agricultural zone must not exceed 5 metres in diameter and 3 metres in height.

No burning shall occur within 15 metres of combustible building materials, a building, lot line, wetland, or a wooded area or forest.

No burning must take place below power or telephone lines.

No burning must take place in the front yard or secondary front yard.

An owner can enlarge these dimensions up to 10 meters in diameter and 3 meters in height if the following conditions are respected:

- a) The fire is located more than 50 metres from combustible building materials, a building, a property line, a wetland, wooded area or forest;
- b) The fire is supervised by at least 2 persons as defined in Article 3.9;
- c) The fire warden must give prior authorization that all conditions are met before starting to burn.

ARTICLE 3.20 BONFIRES

It is possible to burn a bonfire for recreational purposes in a wooded area or forest provided the following conditions are met:

- a) Fires in a wooded area or forest are only permitted during the winter period as defined by the present bylaw;
- b) The fire must not measure more than 1 meter in diameter or height
- c) The fire shall be extinguished in accordance with article 3.10 of the present bylaw before leaving the premises.

ARTICLE 3.21 EVENT FIRES

Open air fires intended for events are only permitted on lots with a public nature (campgrounds, golf courses, cideries, wineries, etc.).

Open air event fires must not exceed 3 metres in diameter and 3 metres in height.

No burning shall occur within 15 metres of combustible building materials, buildings, lot lines, wetlands, or a wooded area or forests.

No burning shall occur below power lines or telephone lines.

SECTION 4 CONTROLLED BURNING

ARTICLE 3.22 GENERAL

Any controlled open air burning for the purpose of regeneration of agricultural, forest or habitat lands shall be carried out in accordance with the present section.

Burning of material for fire training, fire equipment testing or law enforcement purposes is not subject to this bylaw.

ARTICLE 3.23 USE

The person responsible for the open burning of agricultural, forest or habitat lands must ensure that a burning plan including a prescription prepared by a person who is a member of a professional order competent in the matter and submitted to the municipality.

The burn plan must be approved by firefighters before the burn begins.

The burn plan must contain the following information:

- a) the exact location and a precise description of the burning area,
- b) the types of vegetation concerned,
- c) the telephone number of an emergency contact person,
- d) contact information for the owner of the land,
- e) the contact details of the persons/company responsible for the burning,
- f) the burning prescription,
- g) the area to be burned, the type of fuel, an estimate of the fuel load and the ignition technique to be used,
- h) a list of the private bodies and entities concerned,
- i) a pattern of prevailing winds and the potential impact of smoke on occupied areas and buildings within 500 metres of the burning area.

Any person responsible for an open air burn must ensure that a distance of at least 100 metres separates the fire from any dwelling, group of dwellings, commercial, institutional or industrial establishment or any other occupied structure located off the property where the open air burn is carried out, unless permission is obtained from all occupants.

A firebreak zone must be established within 10 metres of the proposed prescribed burn area. It must be free of branches, ground cover and steep slopes.

No individual shall conduct a controlled burn within 15 metres of a wetland.

ARTICLE 3.24 RESPONSIBILITY

Anyone responsible for a controlled open air fire must ensure that the burning is carried out when prevailing winds are not likely to reduce visibility on nearby roads or terrain.

CHAPTER 4 PYROTECHNICS

SECTION 1 GENERAL

ARTICLE 4.1 RESTRICTIONS

The use of pyrotechnic devices or fireworks is forbidden on the territory of the Municipality of the Township of Hemmingford without obtaining a permit delivered in accordance to the present by-law.

No one may use fireworks inside a building.

SECTION 2 CONSUMER PYROTECHNICS

ARTICLE 4.2 USE

Consumer pyrotechnics may be used provided that the following provisions are complied with:

- a) they are used in an unobstructed area with a minimum size of 30 metres by 30 metres;
- b) no may use consumer pyrotechnics on a public space;
- c) the owners of neighbouring lots are notified at least 24 hours before the time at which fireworks will be used;
- d) the activity must not take place between 11:00 p.m. and 7:00 a.m.

SECTION 3 EVENT PYROTECHNICS

ARTICLE 4.3 USE

Event pyrotechnics may be used provided that the following provisions are complied with:

- a) fireworks for an event are only permitted on lots with a public nature (campgrounds, golf courses, cideries, wineries, etc.);
- b) fireworks must be used and handled by a qualified pyrotechnician licensed by the Explosives Regulatory Branch of the Department of Natural Resources Canada.

CHAPTER 5 PERMITS

ARTICLE 5.1 GENERAL

No person shall light or maintain an open air fire, other than those listed above, unless he or she has a permit issued by the fire warden, the municipal inspector, or another local authority and complies with the conditions thereof.

No permit is required for the following:

- a) a fire in an outdoor fireplace if it complies with chapter 3, section 2 of the current bylaw;
- b) a fire in a burn barrel if it is equipped with a spark arrestor (screen);
- c) a fire in any appliance closed at least by a spark arrestor (screen) on all sides that does not exceed 1.5 meters in diameter and height;
- d) appliances fuelled by natural gas, propane, coal or briquettes, including barbecues, regardless of the type of fuel used.

A record of issued open air burning permits is given to the fire department on a weekly basis.

Any violation of the conditions of a burning permit constitutes a violation of this bylaw. Any violation of this bylaw or a burning permit will result in the cancellation of said permit.

The delivered permits are shown in appendix C.

ARTICLE 5.2 OPEN AIR FIRE

A signed permit is only valid for one calendar year. Once signed, the owner must call to activate the permit for a maximum period of 10 days at a time.

Burning while a permit is not active for a 10 day period, even if signed for the current calendar year, is considered a violation of the current bylaw.

ARTICLE 5.3 EVENT FIRE

A permit for an event fire must be issued separately from a permit for an open air fire.

An event fire permit is valid only for the date identified on the permit authorized by the municipality.

ARTICLE 5.4 EVENT PYROTECHNICS

A permit for the use of event pyrotechnics must be issued separately from a permit for an open air fire.

A permit for the use of event pyrotechnics is valid only for the date identified on the permit authorized by the municipality.

ARTICLE 5.5 FEES

Burning permits are free of charge.

CHAPTER 6 INSPECTION

ARTICLE 6.1 RIGHT

The fire warden, the municipal inspector, or any other competent local authority may enter the premises at any time to conduct an inspection and determine if the present bylaw or an order to cease burning is being respected.

The fire warden, the municipal inspector, or any other competent local authority may at any time order the owner to extinguish an outdoor fire in accordance with article 3.10 of the present bylaw; the owner is then required to extinguish the fire, failing which, the fire warden, the municipal inspector, or any other competent local authority may take the required measures to do so.

CHAPTER 7 SANCTIONS

ARTICLE 7.1 GENERAL

Anyone who contravenes any provision of this bylaw is guilty of an offence and is liable to a fine.

The owner is presumed responsible if an out of control fire breaks out.

A fine of \$300.00 per infraction will be imposed on any owner who contravenes any of the provisions of the present bylaw.

In the event of a repeat offence, a fine of \$600.00 per infraction will be imposed on any owner who contravenes any of the provisions of the present bylaw.

In the event of any other repeat offence following the second one, a fine of \$1,000.00 per infraction will be imposed to any owner who contravenes any of the requirements of the present bylaw.

CHAPTER 8 ENTRY INTO EFFECT

ARTICLE 8.1

The following Regulation shall come into force in accordance with the Law.

Paul Viau
Mayor




Sylvie Dubuc
Town Manager and Secretary-Treasurer


NOTICE OF MOTION: JUNE 1, 2020
BYLAW PROPOSAL: JUNE 1, 2020
BYLAW ADOPTION: _____
ENTRY IN EFFECT: _____

ANNEX A
MAP OF ZONES

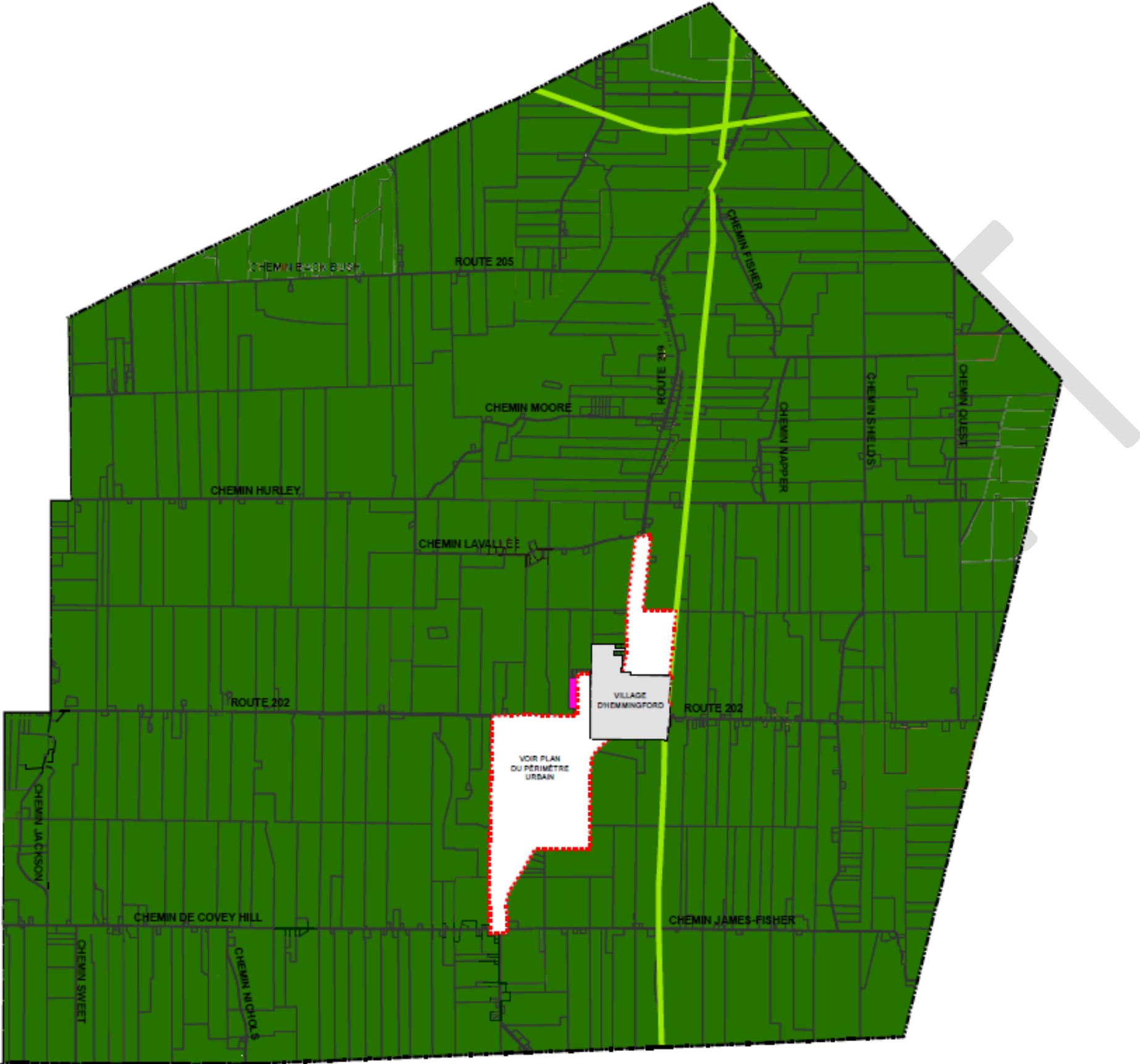
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ANNEX A ZONES

-  AGRICULTURAL ZONE
-  NON-AGRICULTURAL ZONE
-  INDUSTRIAL ZONE

-  BICYCLE PATH/RAILWAY

BYLAW NO.: 325
ENTRY INTO EFFECT: _____



ANNEX B
PROHIBITED MATERIALS

- A**
 - Animals (remains or feces)
 - Agricultural residual waste (corn stalks, hay, crops, etc.)
- B**
 - Batteries
 - Biological residues and pathogens
 - Building, mobile home, other structure
- C**
 - Carpet
 - Chemical containers
 - Coated or laminated paper
 - Copper wire or coated wire
 - Cyanide and halogen compounds
- D**
 - Diapers or clothing
- E**
 - Electronics (computers, etc.)
 - Explosives
- F**
 - Fertilizers
 - Furniture and insulation fabrics
 - Furniture, upholstered or otherwise
- G**
 - Gaseous waste
 - Green plants
- H**
 - Hay or straw
 - Household and agricultural chemicals
 - Household Appliances
 - Household garbage
- I**
 - Insulation materials, foam, fibreglass or otherwise
- L**
 - Lawn mowing residues
 - Leaves
 - Litter for animals, domestic or otherwise
- M**
 - Motor vehicle or aircraft bodies and interiors
- P**
 - Packaging waste
 - Paint products and solvents
 - Paper products and cardboard boxes
 - Pesticides and their containers
 - Petroleum-based products: used oil, tar, tar paper, waste oil, contaminated oil spill clean-up equipment, asphalt, used oil filters
 - Pharmaceuticals or other drugs
 - Plastic products, agricultural or otherwise (nylon, PVC or ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and containers, etc.)
- R**
 - Railway sleepers
 - Recyclable materials (cans, plastic and glass)
 - Residues of commercial, institutional and industrial origin
- T**
 - Tires and other rubber items
- W**
 - Wood and wood by-products that have been coated, painted, stained, treated or contaminated with another substance
 - Wood in the form of mulch, dust, shavings, or pallets

ANNEX C
PERMIT

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