



Open Air Burning By-law

By-law # 03-2012

Abrogation of previous by-law # 2009-03 or any by-law provisions adopted previously and pertaining to the same subject.

Enacted under the authority of article 62

June 2012

**This by-law is printed under and by authority
of the Council of the Municipality of Thorne, Quebec, Canada**

PART 1 DEFINITION

1. A by-law to provide for the Regulation of open air burning in the Municipality of Thorne
 - (a) "Amendment" the provisions of the by-law may only be amended or abrogated by a by-law approved in accordance with the provisions of the law;
 - (b) "Cooking Fire" means an Open Air Fire used for the purpose of cooking food;
 - (c) "Authorize Material" includes branches, leaves, trimmings, non process wood products, natural organic material
 - (d) "Nuisance" means excessive smoke, smell, airborne sparks or embers that is likely to disturb others, or that is likely to reduce visibility on roads in the vicinity of the Open Air Burning;
 - (e) "Open Fire or Open Air Burning" means an open fire not in a container designed for the purpose of burning outdoors.
 - (f) "Outdoor Fire Container" means a non-combustible container used to hold a small fire, and includes, but is not limited to, chimneys, metal tubs, fire pits with non combustible fire proof barrier, and outdoor brick fireplaces; with a screen cover.
 - (g) "Forestry practice/ Industrial Burning" means clearing of debris created by the cutting of trees. Burning in or near forests, with a view to destroying all woody material felled and cut during deforestation for industrial or lucrative purposes including silvicultural, and in blueberry fields.
 - (h) "Fireworks" A device consisting of a combination of explosives and combustibles, set off to generate colored lights, smoke, and noise for amusement.

PART 2 GENERAL

2.1 No person shall set, maintain, or allowed to be set or maintained, any type of fire except as authorized under this By-law. A person must verify the fire index to assure favorable conditions and must verify no danger to neighboring properties.

2.2 This By-law shall not apply to:

- (a) a person using a Barbeque to cook food;
- (b) a person using a fire in a device installed outside of a building that is used as a source of heat or power for the building;
- (c) a person using a device designed to heat pitch or asphalt;
- (d) a person using welding equipment;
- (e) a person setting or maintaining a fire in an outdoor fire container with a screen cover
- (f) the municipal waste management for Open Air Burning of brush throughout the year, providing that the open air burning restrictions are being met;
- (g) the Municipality or Fire Department for the purposes of education and training of individuals.

PART 3 – WHEN OPEN AIR BURNING IS ALLOWED - allowed all year round Open Air Burning Allowed with Outdoor screen Fire Container

3.1 A person may use a screened Outdoor Fire Container, subject to the conditions set out in this Part.

3.2 A person conducting an Open Air Burning shall comply with the following conditions for an Open Air Burning in a screened Outdoor Fire Container:

- (a) shall only use an Outdoor Fire Container that is constructed from noncombustible material;
- (b) shall not burn or attempt to burn a volume of combustible material greater than 60 centimeters wide by 60 centimeters long by 60 centimeters high (24 in x 24 in x 24 in);
- (c) shall contain the fire within the screened Outdoor Fire Container at all times;
- (d) shall locate the screened Outdoor Fire Container at least 4 meters (13 ft) from any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article;
- (e) shall locate the screened Outdoor Fire Container on a non-combustible surface extending beyond the unit to a dimension equal to the height of the screened Outdoor Fire Container.

Open Air Burning without a container when allowed

3.3 A person conducting an Open Air Burning shall comply with the following conditions for an Open Air Burning fires without a container.

- (a) shall only conduct the Open Air Burning between November 16th and March 31st
- (b) shall locate the Open Air Burning at least 10 meters away from any building, structure, property line, tree, hedge, fence, roadway, overhead wire or any other combustible material;

(c) shall comply with any additional requirements or exemptions the Fire Chief considers necessary in the interest of public safety, or to minimize inconvenience to the general public, or advisable in the circumstances, or to give effect to the objects of this by-law.

Conditions of All Open Air Burning Under this Part

3.4 Open Air Burning authorized under this Part shall comply with the following conditions:

- (a) shall only burn authorize material;
- (b) shall have an effective extinguishing agent of sufficient size with the capability of extinguishing the Open Air Burning;
- (c) shall attend, control and supervise the Open Air Burning at all times;
- (d) shall completely extinguish the Open Air Burning before the site is vacated;
- (e) shall consider the wind speed does not exceed 10 km per hour during the Open Air Burning;
- (f) shall protect adjacent properties from the potential spread of fire;
- (g) shall ensure the Open Air Burning does not create a nuisance;
- (h) shall permit fireworks during the low to moderate Fire danger subscription from SOPFEU. This information can be obtained by contacting **Base de Maniwaki** Phone: 819 449-4271 website: sopfeu.qc.ca tel. To report a forest fire: 1 800 463-FEUX (3389) E-mail: courrier@sopfeu.qc.ca.

PART 4 – OPEN AIR BURNING ALLOWED - NORMAL FORESTRY PRACTICE/INDUSTRIAL BURNING

4.1 A person may conduct an Open Air Burning if it is part of a forestry practice/Industrial burning by following the rules and regulations of *Société de protection des forêts contre le feu* SOPFEU.

PART 5 – ORDER TO EXTINGUISH

5.1 If a Fire Chief or his/her delegate, or the By-law Enforcement Officer is satisfied that this by-law has been contravened, the Fire Chief or his/her delegate or the By-Law Enforcement Officer may issue an Order to Extinguish requiring the person contravening the by-law to immediately extinguish the fire.

5.2 An Order to Extinguish shall set out:

- (a) the municipal address of the property on which the fire is located;
- (b) the date of the inspection;
- (c) the contravention of the by-law;
- (d) a notice that the fire is to be extinguished immediately;
- (e) in the event that the fire is not extinguished immediately, the municipality may extinguish the fire at the expense of the owner and the cost of the work may be recovered by adding the amount to the owner's tax roll.

5.3 The Order to Extinguish may be served personally on the person to whom it is directed or to refer to section 7.

PART 6 – NOTICE OF INFRACTION

6.1 If the Fire Chief or his/her delegate or the By-law Enforcement Officer is satisfied that this by-law has been contravened, the By-law Enforcement Officer will issue a notice of infraction to the person who contravened the by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred. Such a notice can require a person not to conduct an Open Air Burning for a certain period of time.

6.2 A notice of infraction shall contain:

- (a) the municipal address of the property on which the contravention occurred;
- (b) the date of the contravention;
- (c) the contravention of the by-law;

6.3 A notice of infraction shall be served to the person deemed responsible.

PART 7 - REMEDIAL ACTION – COSTS

7.1 Should a person default in complying with an Order to Extinguish, the fire will be extinguished at the expense of the person deemed responsible.

7.2 The Municipality of Thorne may enter on land at any time for the purpose of extinguishing a fire under subsection (7.1).

7.3 The power of entry under this Part shall be exercised by an employee, officer or agent of the Municipal Office, Fire Chief or his or her delegate, or a member of the SQ (*Sûreté du Québec*). The person exercising the power of entry must on request display or produce proper identification.

7.4 The Municipal Office may recover the costs of extinguishing the fire from the person directed to extinguish the fire by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes. The costs include interest calculated at the same rate as overdue taxes commencing 30 days after the invoice date. The amount of the costs, including

interest, constitutes a lien on the land upon the registration of a notice of lien in the Land Registry Office.

PART 8 – INSPECTIONS

8.1 An Officer, and/or anyone under the Municipality of Thorne direction, may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether this By-law, an order to extinguish is being complied with.

8.2 For the purposes of an inspection, the Officer may:

- (a) require the production for inspection of documents relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection;
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take photographs necessary for the purposes of the inspection.

8.3 A receipt shall be provided for any document or thing removed under clause 8.2(b) and the document or thing shall be promptly returned after the copies or extracts are made.

PART 9 – PENALTY

9.1 Any person who contravenes any provision of this by-law is guilty of an offence and:

(a) is subject to a minimum fine of \$250.00 for the 1st infraction, \$500.00 for the 2nd infraction, \$1000.00 for the 3rd infraction, plus the total extinguishing costs.

(b) upon a fire burning out of control, the total extinguishing costs will be charged to the ratepayer;

(c) The owner or occupant of any land on which a fire is lit or originated shall be deemed to be the person responsible for setting such fire, and shall incur the penalties provided for such offence.

(d) open Air Fire between April 2nd and November 14th, will be subject to a fine of \$500.00, plus the total extinguishing costs.

PART 10 - MISCELLANEOUS

SHORT TITLE

10.1 This By-law may be referred to as the Open Air Burning By-law.

REPEAL

10.2 The Municipality of Thorne by-law 2009-03 is repealed on the day this by-law comes into force and effect.

10.3 This by-law comes into force and effect on June 4, 2012.

PASSED in Open Council on June 4, 2012

Ross Vowles
Mayor

Annie Beauregard
Director General

Date: _____