



PROVINCE OF QUÉBEC
MRC LE HAUT SAINT-FRANÇOIS
MUNICIPALITY OF BURY

« Bylaw number 413-2012 regarding
fire prevention »

WHEREAS the Municipality of Bury must, with respect to its plan to implement the Fire Safety Cover Plan, collaborate in the upgrading of standardized municipal regulations on fire safety based in particular on the fire prevention code;

WHEREAS by virtue of the Municipal Powers Act (L.R.Q., c. C-47.1), a local municipality can adopt bylaws on matters of security;

WHEREAS a notice of motion of the present bylaw was given on March 5th 2012, in accordance with the law and that the present bylaw was brought by Councillor Marilyn Matheson;

WHEREAS all members of Council declare having received copy of the present bylaw and declare having read it and renounced to its reading;

THEREFORE,

IT IS PROPOSED BY Councillor Terry Williams,
SECONDED BY Councillor Marilyn Matheson,
AND CARRIED that the present bylaw be adopted:

CHAPTER I

GENERAL AND INTERPRETIVE DISPOSITIONS

ARTICLE 1 OBJECTIVE

The present bylaw has as objective to establish the requirements for fire protection and the safety of the persons in the buildings found on the Municipality of Bury's territory and this, in order to ensure a safe living environment for the entire population.

ARTICLE 2 APPLICATION

The application of the present bylaw is entrusted to the Municipality of Bury Fire Department.

The use of the words « Fire Department Director » signifies, according to the context, the Director, the fire prevention inspector or any other person mandated by the Director of the service.

ARTICLE 3 PRECEDENCE

The present bylaw is applied, subject to a standard enacted in virtue of any provincial law, including the Building Act (L.R.Q., c. B-1.1), or of a bylaw adopted in virtue of these. In the case of incompatibility with one of these standards, the provincial standard applies.

ARTICLE 4 VISIT AND INSPECTION

Members of the Department, designated by the Director of the Department, have the right, upon presentation of official identification, to visit and examine between 7:00 am and 7:00 pm, all movable and immovable property in order to see that the construction or occupation of the premises the installations and the operations are in accordance with the present bylaw.

No person shall interfere with or oppose or attempt to oppose any inspection or the carrying out of the functions defined by the present bylaw.

ARTICLE 5 POWERS OF THE DIRECTOR

For the purpose of the present bylaw, the Fire Department Director;

- a) May request to examine any plans or specifications of a building and make recommendations on its fire safety;
- b) May refuse the plans and specifications of all construction project with respect to fire prevention;
- c) May require expertise in order to ensure conformity of the plans with respect to the building's fire safety.

ARTICLE 6 MEASURES TO ELIMINATE A SERIOUS DANGER

When the Director of the Department has reason to believe that there exists in a building a serious hazard relating to fire prevention, he may order appropriate measures to eliminate or restrict such danger or order the immediate evacuation of the persons who are inside the building and prevent access thereto as long as such hazard shall subsist if, in his opinion, the hazard presents a risk that could affect, in the short term, the people's safety.

ARTICLE 7 TERMINOLOGY

Unless the context has a different interpretation, the following words signify:

ALARM

A device used to warn the occupants of a fire, such as a smoke detector.

APPAREIL PRODUCTEUR DE CHALEUR

Includes, with the exception of household incinerators, ovens, furnaces, steam boilers, hot water boilers, hot air furnace with or without heating ducts, liquid or solid fueled stoves and fireplaces as well as all electrical appliances.

APARTMENT

(See dwelling)

SMOKE DETECTOR

(See fire detector)

FIRE DETECTOR

An audible device (alarm, bell, horn, siren etc.) powerful enough to signal a fire or the presence of smoke to all occupants of a building or establishment.

BUILDING

Any construction used or destined to be used to shelter or receive people, animals, or things.

AGRICULTURAL BUILDING

A building used to shelter animals and things related to a farming enterprise.

CHIMNEY

Vertical wells made of brick, concrete or prefabricated cylinders containing at least one chimney flue to evacuate exhaust gases.

NATIONAL BUILDING CODE

National Building Code, 1995 edition, as well as all subsequent modification integrated by resolution from Council in accordance with article 5 of the Quebec Municipal Powers Act (L.R.Q. chapter C-47.1)

CARBON MONOXIDE DETECTOR

Audible device (alarm, bell, horn, siren etc.) powerful enough to detect and to signal carbon monoxide fumes.

DIRECTOR

Fire Department Director.

DWELLING

The words "dwelling" or "apartment", signify a room or several rooms with running water, toilet and cooking appliances, occupied or to be occupied as a domicile or residence by one or more people.

OCCUPANT

Owner, lessee, or any physical person or entity having the right to occupy or to reside in a continual or intermittent manner in a building or dwelling.

OCCUPANCY

The usage one makes of an establishment or a part of an establishment.

OCCUPATION À RISQUES ÉLEVÉS

Occupation on a property which involves the treatment or storing of materials subject to spontaneously combust and burn extremely fast or to give off harmful and toxic gases or to explode during a fire.

FIRST FLOOR

(See Ground Level)

PROPERTY OWNER

Any person, society, corporation, representative who manages, owns or administers a property.

CHIMNEY SWEEPING

Cleaning of the interior pipes of chimneys.

GROUND LEVEL OR FIRST FLOOR

The floor level of a building where the floor is found at the same level as the sidewalk or ground, or immediately above.

BASEMENT

Level partially above the ground level but where at least half the height from floor to ceiling is found below the level of the sidewalk or, if the case may be, the average level of the adjacent ground.

PUBLIC ROADWAY

Any access, road, route or surface reserved or decreed by the Municipality for usage by the public and having to serve as means of access leading to properties.

CHAPTER II

FIRE PREVENTION

ARTICLE 8 APPLICATION OF THE CODE AND NORMS

The National Fire Prevention Code - Canada 1995, as published by the Canadian National Research Council is an integral part of the present bylaw as recited with the exception of articles 2.4.5 (open-sky fires), 2.8.2.4 (tall buildings), 2.8.2.5, 2) (Fire Safety Plan),

2.8.3.2.1 1) c) (frequency of fire practices in certain buildings), 2.13 (helicopter landing sites), 5.1.1.3 (setting off of fireworks), section 7, as well as the following references : CNRC 40383F et CSA B44-00 of Table 1.1.3.2.

Standards governing the installation of CAN/ULC-S553-M86 smoke detectors are an integral part of the present Bylaw as if reproduced in its entirety as well as the standards governing residential CAN/CGA-6.19-M carbon monoxide detectors.

ARTICLE 9 REFERENCE

Where a provision of the present Bylaw refers to a provision of the National Building Code or another standard issued by a specialized organization, the reference includes, if applicable, the interpretive provisions applicable to that provision.

ARTICLE 10 GENERAL REQUIREMENTS

Any building or establishment representing a risk of fire, explosion or of the spread of fire, must be equipped with automatic or fixed fire extinguishing systems as defined in the following articles.

However, where the use of water to fight a fire is contraindicated in a part of the building, the Director may authorise other means of extinguishing the fire.

For high-risk buildings or establishments, if a sprinkler system is required by the National Building Code, this system must be designed and installed in accordance with the National Building Code.

ARTICLE 11 HIGH RISK OCCUPANCY:

High-risk occupancies are classified according to the guidelines of the Minister of Public Security in matters of fire safety in Quebec. However, the Director of the service may classify a building as higher risk than that prescribed by the ministerial guidelines if he deems it necessary.

CHAPTER III

PREVENTION MEASURES

ARTICLE 12 SMOKE DETECTORS

Electric or battery-operated smoke detectors must be installed in every dwelling and in every bedroom that is not part of a dwelling.

Smoke detectors inside dwellings must be installed between each area that one sleeps in and the rest of the dwelling. However, where the area one sleeps in is accessible by a hallway, the smoke detectors must be installed in the hallway.

In dwellings having more than one storey, at least one smoke detector must be installed on each level with the exception of unheated attics and crawl spaces.

Where an area of a level exceeds one hundred and thirty square metres (130 m²), an additional smoke detector must be installed for each one hundred and thirty square metre (130 m² unit or part of a unit).

Smoke detectors must be fastened to the ceiling or close to it, in accordance with the installation instructions supplied by the manufacturer of the device.

The present article does not apply in the case where a dwelling is served by an electric smoke detector, on the condition that disconnection device between the over current protection device and the smoke detector. If several smoke detectors connected to the same electric circuit are required, they must be electrically connected together so that if one should go off they would all be triggered simultaneously.

ARTICLE 13 OWNER'S RESPONSABILITY

The owner of the building must install and take measures to ensure the proper functioning of the smoke detectors required by the present bylaw, including the repairs and the replacement when necessary, subject to the specifications provided for in Article 12 of the present bylaw.

However, the owner must place a new battery in each smoke detector, so supplied, upon rental of the dwelling or room to all new tenant. The owner must provide maintenance instructions for the smoke detectors; these must be posted in an area easily accessible for consultation by the tenants. Such instructions are also available at the Fire Department.

ARTICLE 14 TENANT'S RESPONSABILITY

The tenant or occupant of a dwelling or room that he occupies for a period of six months or more, must take measures to ensure the proper functioning of the smoke detectors located inside the dwelling or the room he occupies and that are required by the present bylaw, including the replacement of the battery as needed. If the smoke detector is defective he must inform the owner immediately.

It is an offence for a tenant or an occupant to remove or damage a smoke detector serving his dwelling.

ARTICLE 15 INSTALLATION

Detectors must be installed on the ceiling at least one hundred millimetres (100 mm) from a wall, or on a wall in such a way that the height of the detector is one hundred and thirty centimetres (130 cm) from the ceiling.

At the bedroom level, the detectors are installed on the ceiling or on the walls of the hallway leading to the rooms.

On other levels, the detectors must be placed near stairways so as to intercept the smoke rising from the lower levels.

A minimum distance of one metre (1 m) must remain between the smoke detector and an air vent in order to avoid that the smoke be deviated thus preventing it from reaching the smoke detector. For the purposes of the present bylaw, an air vent also includes a device used as an air exchanger.

ARTICLE 16 MAINTENANCE

Any device or fire protection system must be constantly maintained in good working condition.

An annual inspection of the fire alarm system and the automatic extinguishing systems is required in order to obtain a certificate of compliance. The inspection reports may be consulted at all times by the Department Director.

Furthermore, all fire protection equipment, even installed voluntarily, must be maintained in good working condition at all times.

CARBON MONOXIDE DETECTORS

ARTICLE 17 GENERAL REQUIREMENTS

A carbon monoxide detector compliant to the CAN/CGA-6.19-M "Residential carbon monoxide detectors" standard must be installed according to the recommendations of the manufacturer:

- a) In each room of a dwelling served by a combustion appliance;
- b) In each room of a dwelling accessible by a door leading directly to a garage attached to the dwelling;
- c) In each dwelling where a workshop used to repair tools is used.

ARTICLE 18 INSTALLATION

The carbon monoxide detector required in the preceding article must:

- a) Be permanently connected to the electric circuit and must not have any isolating switch between the over current protection device and a detector;

- b) be equipped with an integral alarm that satisfies the audibility requirements of CAN/CGA-6.19-M, "Residential Carbon Monoxide detectors"
- c) be wired so as to set off all the smoke detectors in the dwelling upon its triggering.

ARTICLE 19 OWNER'S RESPONSABILITY

It is the owner's and/or the occupant's responsibility to ensure that the required detectors be installed and maintained following the recommendations of the manufacturer.

For a battery operated detector, the batteries must be changed according to the recommendations of the manufacturer.

HEAT GENERATING DEVICE

ARTICLE 20 GENERAL REQUIREMENTS

All solid or liquid fuel heat generating devices must be an approved model.

No boiler room will serve any purpose other than to contain the heat generating device, its accessories and the fuel.

ARTICLE 21 CHIMNEY SWEEPING

Any chimney, to which a solid or liquid fuel heat generating device is connected, must be swept as often as justified by its usage, but at least once (1) a year.

All relative chimney accessories, including the grill, the damper, the fire screen, the door, the ash pan, etc. must be cleaned as often as necessary so that they are in an acceptable condition.

The owner of a building must maintain the chimney, the connector pipe and the chimney collector in good working order.

All chimney cleanout openings must be easily accessible at all times and free of all obstacles to allow inspection.

ARTICLE 22 PROTECTION – DRAFT

For new installations, keys and dampers are prohibited in the smoke chimney pipes and in all parts of the smoke pipes of heat generating devices equipped with mechanical blowers.

ARTICLE 23 PROTECTION OF FLOORS AND WALLS

Any heat generating device, not approved by a recognized laboratory as being able to sit on a combustible floor with the exception of cooking appliances in a private residence, must be at least four (4") inches from the floor, which is to be protected by a fireproof flooring and this protection must extend forty-eight (48) inches from each side of the stove.

Furthermore, a minimum clearance of sixty (60) inches between the top of the stove and all combustible matter is required.

The owner must respect the manufacturer's installation requirements for all certified device.

These clearances may be reduced with the help of radiant heat shields approved by the Director.

ARTICLE 24 VENTED HOT AIR HEATING SYSTEM

Any vent and heat register must be made of fireproof materials.

Any heating vent, where it passes through or inside of a wall, partition, or combustible floor must be covered with a quarter inch (1/4 ") thickness of asbestos or another insulation of equivalent effectiveness.

Where a heating vent is exposed and is not covered with asbestos insulation or its equivalent, it must maintain a distance of at least one inch (1") from all combustible material.

Any heat register must be surrounded with one quarter inch (1/4 ") thickness of asbestos.

All air duct, crossing a floor or a fireproof wall (plaster, brick, etc., that is to say fire resistant for a period of at least two and a half (2½) hours must be equipped with a Underwriters Laboratories of Canada (ULC) approved fireproof damper.

Any air vent extending through one of the walls of an air flue must be equipped with a fireproof damper.

ARTICLE 25 SMOKE FLUE

No flue pipe may cross a wall, partition, ceiling or combustible floor unless it is insulated by at least four inches (4") of masonry or by a metal double collar of the same thickness as the wall, partition, ceiling or floor. In this last case, the collar must have a vented air space of at least two inches (2") between the two (2) metal sheaths.

ARTICLE 26 CHIMNEYS AND FIREPLACES

A metal cleanout door must be installed at the base of each chimney, to be easily accessible and maintained in good condition.

All chimney must be freed of its combustible framework.

Where a fireplace is decommissioned, its firebox must be closed permanently with non-combustible materials.

ARTICLE 27 SALAMANDERS AND MOBILE AIR HEATERS

All combustible material upon which is installed a salamander heater or other similar mobile device used temporarily as a means of heating must be protected by a shield made of non-combustible material and exceeding the contours of the heater by at least two feet (2'). Furthermore, a clearance of at least six inches (6") must be kept between said device and all other combustible material.

ARTICLE 28 ASHES

It is prohibited to place ashes on a wooden floor or close to a wooden partition or any woodwork whatsoever.

The ashes must be placed in an enclosure made of fireproof material or in a fireproof receptacle with a fireproof cover. This receptacle must be stored outside at a minimum of three feet from all combustible matter.

ARTICLE 29 EXHAUST FLUE

All range hood exhaust flue, situated above a cooking appliance or a fryer must be equipped with a grease trap and must also be equipped with cleanout doors every twenty-five feet (25') maximum and at every angle.

It is prohibited to connect such an exhaust flue to a chimney servicing a heat generating device.

The motor that powers the blower in such an exhaust vent must be of a closed type (Enclosed Motor).

All exhaust vent, range hood, and their accessories must always be in maintained in good condition. A registry of inspections made must be kept and must be accessible at all times to the members of the Department.

LIGHTING OF FIRES

ARTICLE 30 OPEN-SKY FIRES

The Department Director or his replacement, as well as officers of the Sureté du Québec may, at all times, have any fire extinguished on the Municipal territory where the situation warrants it.

ARTICLE 31 OPEN AIR FIRES

It is prohibited to everyone to light, or to allow any type of fire to be lit without first having asked and obtained a permit to that effect at the municipal office, issued in accordance with the present bylaw.

However, a permit is not required for the use of a briquette or coal burning stove or gas barbecue or for a fire in all exterior fireplace where it is equipped with a fire screen at the extremity of the exhaust pipe and if the fire is lit with respect to the conditions set in paragraphs a), d), e), i) and k) and Article 33 of the present Bylaw.

Furthermore, the exterior fireplace must be installed respecting a clearance of three (3) metres, and this on all sides, and must not be installed within less than this same distance from the property line. This clearance is maintained at three (3) metres with regards to all containers (bottles or reservoirs) of flammable gas.

The present Bylaw does not apply to open air fires situated on a campground.

ARTICLE 32 SMOKE OR ODORS

It is prohibited for anyone to cause a nuisance with smoke or odors emanating from their open air fire or their exterior fireplace so as to disturb the wellbeing and the normal use of property by one or several neighbors or to hinder the circulation of vehicles on the public roadways.

ARTICLE 33 TERMS OF EXERCISE

The permit holder must respect the following conditions:

- a) a reasonable person must remain near the prescribed burn site until complete extinction of the fire and maintain full control of the fire;

- b) have in his possession on the site where the fire will be lit, the equipment required to fight a blaze sparked by the fire such as a hose, extinguishers, excavator, farm tractor or other appropriate equipment;
- c) have piled in one or several piles the matter destined to be burned to the maximum height of two and a half (2.5) metres and on a maximum surface of twenty-five square metres (25 m²), while respecting a clearance of sixty (60) metres between the pile and the woods;
- d) To not use the following materials as combustibles : tires or other rubber based materials, construction waste or other garbage, dangerous or polluting products or all other products of which burning is prohibited by laws and regulations in force;
- e) To not use any flammable or combustible product as an accelerant;
- f) The fire must be situated at least sixty (60) metres of all buildings. In the case of a fireplace fire situated outside of the urban perimeter as established in the Town Planning program, the distance is reduced to ten (10) metres;
- g) Inform the fire department before lighting the fire and after complete extinction of the blaze;
- h) To not burn grass, brush or any other plant matter before sunrise or after sundown;
- i) To not burn on very windy days (maximum velocity allowed : 20 km/h) and when winds are blowing towards wooded areas;
- j) To not burn on days where the drying index is high according to the *Société de protection des forêts contre le feu (SOPFEU)*;
- k) To ensure that the fire is completely extinguished before leaving the premises.

Notwithstanding the foregoing, the Fire Department Director may authorise the lighting of an open air fire after verifying the bylaws he has the responsibility of applying and if the following condition is respected :

- The lighting of the open air fire is requested for one of the following activities :
 1. Deforestation for the purpose of construction and road openings ;
 2. Popular municipal festival authorised by the Municipality of Bury Council;
 3. Popular festival organised by a public institution for its users on a property situated in an institutional zone according to the zoning bylaw in force;
 4. Open air fires on properties situated outside the urban perimeter according to the zoning bylaw in force.

The person authorised to light an open air fire must, while the fire is lit, respect the following conditions foreseen in Article 33 a), b), d), e), f), g), h), i), j) and k) based on the assumption that the maximum height of the materials destined to be burned is identified upon authorisation.

ARTICLE 34 SUSPENSION

The fire permit holder foreseen in the present bylaw must at all times, prior to burning, check with the *Société de protection des forêts contre le feu (SOPFEU)*,

by calling 1-800-563-6400 or on the website at www.sopfeu.qc.ca, to ensure there are no bans on burning.

In the event of a ban, the permit is automatically suspended.

OPEN AIR FIRES ON CAMPGROUNDS

ARTICLE 35 BANS

It is prohibited to any property owner or administrator of a campground to make a fire or to allow guests of the campground to make an open air fire unless the owner or administrator of the premises has requested and obtained an annual fire permit issued in accordance with the present chapter.

The permit is issued by the Director of the Fire Department to the applicant who respects the following conditions:

- a) The open air fire sites are delimited by a structure surrounding the fire on at least three (3) sides of it. This structure made of stone, brick, concrete, metal or other similar materials capable of containing fire and flames is at least thirty (30) centimetres high;
- b) The property owner or person responsible for the premises possesses equipment required to extinguish the fire in circumstances beyond control, such as hoses, extinguishers, shovel and other appropriate equipment;
- c) There must not, at any time, be any risk of proximity to flammable materials and a clearance of three (3) metres must be maintained where flammable gas containers (bottles or reservoirs) are concerned.

ARTICLE 36 CONDITIONS CONCERNING A FIRE ON A CAMPGROUND

The permit holder must comply with and enforce the following conditions :

- a) A reasonable person must remain near the fire until it's complete extinction and keep control of it;
- b) To not use the following materials as combustibles : tires or other rubber based materials, construction waste or other garbage, dangerous or polluting products or all other products of which burning is prohibited by laws and regulations in force;
- c) To not use any accelerants;
- d) To not have a fire on very windy days (maximum wind velocity permitted: 20 km/h);
- e) To not burn on days where the drying index is high according to the *Société de protection des forêts contre le feu (SOPFEU)*, for camp sites situated within twenty (20) metres from the woods;
- f) The flames from the fire must be less than 1 metre high;

Anyone who makes an open air fire on a campsite is obliged to respect the conditions outlined in the present chapter.

The holder of the fire permit, issued in accordance with the present chapter, must at all times ensure that there is no fire bans decreed by the acting ministerial authority.

In the case of a ban, the permit is automatically suspended.

FIRE HYDRANTS

ARTICLE 37 CLEARANCE

It is prohibited for anyone to not allow a clearance of at least one (1) meter around fire hydrants so as to not hinder the use of these hydrants.

ARTICLE 38 CONSTRUCTION

It is prohibited for anyone to erect any structure in a way that hinders the installation or the visibility of the fire hydrants.

ARTICLE 39 VISIBILITY

It is prohibited for anyone to elevate the level of the land or to plant shrubs that hinders the use or the visibility of the fire hydrants.

ARTICLE 40 SNOW

It is prohibited for anyone to throw snow or other material on the fire hydrants.

ARTICLE 41 USAGE

It is prohibited for anyone to, other than the Municipal employees within the scope of their functions, to use a fire hydrant to obtain water or to conduct an inspection.

FIRE PREVENTION MEASURES ON PRIVATE PROPERTY

ARTICLE 42 VACANT LOTS

It is prohibited for anyone to dump or to leave on a property or a vacant lot flammable, combustible or explosive materials or substances and waste which may constitute a fire hazard.

ARTICLE 43 COMBUSTIBLE WASTE

It is prohibited for anyone to dump or to leave anywhere on a property, other than in a fireproof receptacle, any combustible waste originating from a building or part of a building, a building under construction or repairs.

ARTICLE 44 SHEDS OR WASTE CONTAINERS

Any shed or waste container must be placed at least one (1) meter from all buildings.

ARTICLE 45 CONNECTIONS

Connections located on private property for the use of the fire department must be maintained in good visible working condition and accessible at all times.

ARTICLE 46 ELECTRICAL EQUIPMENT

The minimum requirements for all electrical equipment or electrical systems of all buildings or premises must comply with the provincial bylaws on electricity.

ARTICLE 47 GAS EQUIPMENT

The minimum requirements for all propane gas equipment, propane gas installations and networks in all buildings or on all premises must comply with the gas and propane installation code of the Act respecting the Régie de l'électricité et du gaz.

ARTICLE 48 MOYENS D'ÉVACUATION

The means of evacuation for every area of a building, including the stairs, rescue ladders, exit doors and their panic accessories, hallways, alleys, and all other similar passageways must be maintained and ready to be used safely at all times.

The means of evacuation must be available for immediate use and be free of all obstructions.

FIREWORKS – SALE AND USAGE

ARTICLE 49 DEFINITIONS

Unless a declaration is made to the contrary, expressed or resulting from the context of the provision, the following expressions, terms and words, in the present section, have the meaning attributed to them by the present article:

- 1) The term « domestic fireworks » refers to the fireworks described in class 7.2.1 de la *Loi sur les explosifs* (S.R., chapitre E-15) and the federal bylaw concerning explosives such as fireworks involving a limited risk, generally used for leisure, such as the following types: rain of fire, fountains, golden rain, lawn fire, wheels, Roman candles, volcanoes, sparklers, Christmas crackers with the exception of cap-gun cartridges;
- 2) The term « grand fireworks » refers to fireworks described in classe 7.2.2 of the *Loi sur les explosifs* (S.R., chapter E-15) and the federal bylaw concerning explosives such as fireworks involving a high risk, generally used for entertainment purposes, such as the following types:., aerial shells, cakes, roman candles, waterfalls, lances and wheels, rockets (fusées), serpentines (serpenteaux), (obus), (obus sonores), (tourbillions), (marrons), (grands soleils), (bouquets), (barrages), (bombardos), (chutes d'eau), (fontaines), (salves), (illuminations), (pièces montées), (pigeons) et (petards)
- 3) The term « theatrical fireworks » refers to fireworks described in class 7.2.5 de la *Loi sur les explosifs* (S.R., chapter E-15) and the federal bylaw concerning explosives such as fireworks involving a high risk and generally used for practical purposes as theatrical props.

ARTICLE 50 SALE OF DOMESTIC FIREWORKS

It is prohibited, on the territory of the Municipality, for anyone to sell or to offer to sell by retail or to the public, domestic fireworks without having obtained prior authorization from the competent authority in accordance with the present section, following a written request on the form provided to this effect.

ARTICLE 51 AUTHORIZATION TO SELL DOMESTIC FIREWORKS

The competent authority authorises the sale of domestic firearms after verification of the bylaws he is responsible to enforce and if the following condition is respected: storage of the fireworks in the applicant's premises can be done in accordance with the *Loi sur les explosifs* (S.R., chapter E-15).

ARTICLE 52 PRECAUTIONS TO TAKE FOR THE SALE OF DOMESTIC FIREWORKS

The person to whom authorisation to sell domestic fireworks is given must take the following precautions for the sale of said items:

- 1) To only sell these fireworks to persons aged 18 years and older;

- 2) To store these fireworks according to the provisions in the Loi sur les explosifs (S.R., chapter E-15);
- 3) Display the domestic fireworks for sale in a locked display unit if it is accessible to the clientele or in display unit inaccessible to the clientele;
- 4) Ensure that the domestic fireworks are at all times away from direct sunlight and any other source of direct heat;
- 5) To not expose more than 25 kg of domestic fireworks at a time;
- 6) To inform the buyer of the domestic fireworks of the obligation to obtain authorisation from the competent authority in order to use these fireworks on the territory of the Municipality and to provide him with a copy of the conditions of use.

ARTICLE 53 VALIDITY OF THE AUTHORISATION FOR THE SALE OF DOMESTIC FIREWORKS

The authorisation issued by the competent authority is valid only for the person in whose name it is issued, for the duration and place mentioned.

ARTICLE 54 USE OF DOMESTIC FIREWORKS

It is prohibited for anyone to possess domestic fireworks, grand fireworks or fireworks for theatrical purposes for use without first having obtained authorization to this effect from the competent authority in virtue of the present section, following a written request on the form provided for this purpose.

ARTICLE 55 AUTHORISATION TO USE FIREWORKS

The competent authority authorizes the use of fireworks after verification of bylaws under his responsibility to enforce.

ARTICLE 56 VALIDITY OF THE AUTHORIZATION TO USE FIREWORKS

The authorisation issued by the competent authority is valid only for the person, the fireworks, the place and date mentioned.

ARTICLE 57 CONDITIONS FOR USE OF DOMESTIC FIREWORKS

The person to whom the authorisation to use domestic fireworks is given must, during the use of said fireworks, respect the following conditions:

- 1) The area where the fireworks will be used must have a minimum clearance area of 30 metres by 30 metres;
- 2) The area must be free of all material, debris or object that may constitute a fire hazard during the use of the fireworks;
- 3) A launching pad for the fireworks, where these could be buried in buckets, boxes or other containers filled with sand must be outlined. This launching pad must be situated at a minimum distance of 15 metres from all buildings, construction or fields;
- 4) Wind speed must not be greater than 30 km/h;

- 5) A water source sufficient to extinguish a spark must be available near the launching area;
- 6) The person who handles or lights the fireworks must be 18 years or older;
- 7) The fireworks must not be thrown or held when lighting them, except for sparklers;
- 8) Fireworks must not at any time be placed in one's clothing;
- 9) Fireworks which do not light at first try must not be relit;
- 10) Used fireworks and those that did not light must be submersed in a bucket of water before disposal;

ARTICLE 58 CONDITIONS FOR USE OF GRAND FIREWORKS AND FIREWORKS FOR THEATRICAL PURPOSES

The person to whom authorisation has been given for the use of grand fireworks or theatrical fireworks must, during the use of such fireworks respect the following conditions:

- 1) The lighting of the fireworks must be carried out by a certified fireworks handler who must ensure at all times the safety of the fireworks;
- 2) A test launch must be carried out , upon the competent authority's request, before the time foreseen for the fireworks show;
- 3) The handling and the launching of the fireworks must be done in compliance with the instructions in the fireworks handler Manual, published by Natural Resource Canada;
- 4) The fireworks handler must be present on the premises during the assembly, the lighting, the dismantling and cleaning of the premises. He must also bear the responsibility of operations;
- 5) The following conditions must also be met during the use of the grand fireworks :
- 6) The falling fireworks debris zone must be inaccessible to the public until the end of the cleaning operations;
- 7) The fireworks that did not light must not be destroyed on the premises. The fireworks handler must inform the director of the place where they will be sent for disposal.

ARTICLE 59 NUISANCE

Using fireworks without respecting the conditions of use stipulated in the present sub-section constitutes a nuisance. The Director may, when he notices such a nuisance, immediately retract the authorisation granted and take all measures necessary to stop the nuisance.

ADMINISTRATIVE PROVISIONS, PENAL AND FINAL

ARTICLE 60 AUTHORISATION

Council generally authorizes the Fire Director, including any person designated to replace him and the preventionist, as well as all members of the Sûreté du Québec to issue infringement notices for all infractions to the provisions of the present bylaw and to undertake penal proceedings in the name of the Municipality.

ARTICLE 61 FINES

Whomever contravenes the provisions of the present bylaw commits an infraction and is liable to pay a fine and fees.

In the case of a physical person, the minimum fine is 500 \$ and the maximum fine is 1000 \$ for a first infraction, and in the case of an entity, the minimum fine is 1000 \$ and the maximum 2000 \$ for a first infraction. These fines are doubled in the case of a relapse.

In the case of a continual infraction, the fine is payable for each day of infraction.


ARTICLE 62 REPEAL OF PREVIOUS BYLAWS

All previous provisions contained in any municipal bylaw that is incompatible or contrary to the present bylaw is repealed..

ARTICLE 63 COMING INTO FORCE

The present bylaw comes into force in accordance with the law.

Dated and signed in Bury, this 12th day of September 2012.



Walter Dougherty
Mayor



Yvan Fortin
Director General / Secretary-Treasurer

Notice of motion: March 5th, 2012

Adopted: September 10th, 2012

Effective starting: September 12th, 2012