

**CANADA  
PROVINCE OF QUÉBEC  
REGIONAL COUNTY  
OF ARGENTEUIL  
MUNICIPALITY OF THE TOWNSHIP OF WENTWORTH**

**BY-LAW NUMBER 2013-005**

**CONCERNING FIRE PREVENTION**

**WHEREAS** section 62 of the Municipal Powers Act authorizes the Municipal Council to adopt a by-law to protect the lives and property of citizens and to prevent the risk of fire;

**WHEREAS** under the same section, Council may adopt regulations to require the owner of the house or building to install equipment to warn, extinguish or control in case of fire;

**WHEREAS** under section 59 and subsections of the Municipal Powers Act, Council may adopt regulations concerning nuisances;

**WHEREAS** section 455 of the Québec Municipal Code states that Council may prescribe that an offence under any regulatory provision coming under its jurisdiction shall be sanctioned by a fine and prescribe either a fine of a fixed amount, or the minimum and maximum fines;

**WHEREAS** the Fire Safety Act allows municipalities to adopt regulations that are designed to protect the lives and property of citizens from all kinds of fire, except for forestry resources protected under the Forest Act (L.R.Q., Chapter F-4.1);

**WHEREAS** it is in the best interest of the Township of Wentworth and its citizens that such a by-law be adopted;

**WHEREAS** it is appropriate to use these provisions;

**WHEREAS** a notice of motion was given by Councillor Bill Gauley at the regular meeting of September 3rd, 2013;

**WHEREAS** a copy of the present By-Law was given to the members of Council at least 2 days prior to the meeting and that all Council members present declared having read the draft by-law and waive its reading;

**THEREFORE**, the Municipality of the Township of Wentworth orders and statutes by the present By-law as follows:

**ARTICLE 1 - PREAMBLE**

The preamble of the present By-Law forms an integral part of the By-Law.

## **ARTICLE 2 – BY-LAWS BEING REPLACED**

The present By-Law replaces « By-Law Number 64, By-Law Concerning the Replacement of the Fire Permit by a Verbal Notice of Intent to Burn and the Replacement of By-Laws 86-25 and 25-A » and « By-Law Number 2007-003, By-Law Concerning the Installation of Equipment Intended to Warn in Case of Fire ».

## **ARTICLE 3 - DEFINITIONS**

### **3.1 HEATER**

A means for converting fuel into energy. It includes components, control devices, wiring and piping required by the applicable standards as part of the device.

### **3.2 OPEN FLAME COOK STOVE**

Device used outdoors to cook food and which uses gas or another either liquid or solid fuel source.

### **3.3 COMPETENT AUTHORITY**

The Fire Chief, the Assistant Fire Chief of the Wentworth Fire Department or any other person designated by resolution of Council.

### **3.4 BUILDING**

Any structure used or intended to be used to shelter or house people, animals or property.

### **3.5 ROAD SURFACE**

Paved or un-paved surface of a public or private roadway used by motor vehicles.

### **3.6 CONSTRUCTION**

The orderly assembly of materials erected for any purpose attached to the ground or any material on the ground.

### **3.7 SMOKE DETECTOR**

A device that detects the presence of visible or invisible particles produced by combustion and which automatically sends a signal to a device that triggers an alarm or signal to a call center.

### **3.8 CARBON MONOXIDE (CO) DETECTOR**

Oxide (monoxide) carbon warning device with an alarm, a visual warning or a combination of both types of alarms, designated to activate when detecting oxide (monoxide) carbon within a room or suite where it is installed.

### **3.9 FALSE ALARM**

An alarm triggered by a system when there is no presence of fire, smoke, visible or invisible particles produced by combustion.

### **3.10 FIREWORKS SOLD OVER THE COUNTER**

Fireworks that can be purchased freely in retail.

### **3.11 CONTROLLED SALE FIREWORKS**

Fireworks that cannot be purchased without written approval issued from the Act Regarding Explosives (L.R.Q. chapitre E-22)

### **3.12 FIREPROOFING**

Materials that comply with the flame proof standards consistent and recognized by a certification agency.

**3.13 IMMOVABLE**

Land, building or both.

**3.14 EXIT**

Means of evacuation, including doors and window specially designed leading to a floor area, a separate building, a road or an outside open area not exposed to a fire.

**3.15 SKY LANTERN**

Sky lanterns (also known as flying lanterns or Thai lanterns) are traditional hot air balloons. They are constructed from rice paper mounted on a bamboo circle and have a wax paper burner connected to the bamboo circle by two or four metal wires. Once lit, the flame heats the air in the lantern, thereby reducing the density and allowing the lantern to lift in the air.

**3.16 HOUSING UNIT**

One or several rooms used or intended to serve as a home to one or more people, where you can prepare meals and sleep.

**3.17 MUNICIPALITY**

The Municipality of the Township of Wentworth.

**3.18 PROTECTION BARRIER**

Equipment manufactured of metal or concrete parts used to protect a dry hydrant from physical damage.

**3.19 PERSON**

A natural or legal person.

**3.20 WENTWORTH FIRE DEPARTMENT (WFD)**

Designates the Fire Department of the Municipality of the Township of Wentowrth and the members it represents.

**ARTICLE 4 - GENERAL**

**4.1 LAW AND APPLICATION OF BY-LAW**

The competent authority shall apply this By-Law and all laws relating to fire safety.

**4.2 FIRE PREVENTION**

Whenever the competent authority discovers conditions or materials that constitute a danger or a fire risk in a building or on a property, the competent authority may order the removal of these materials or to rectify the situation.

**4.3 ACCESS AND SITE VISIT**

**4.3.1 PREVENTION VISIT - RESIDENTIAL AND OTHER**

The competent authority or the members of the WFD can inspect any property as well as buildings, including farm buildings in order to conduct a fire prevention visit from Monday to Sunday, between 8 a.m. and 8 p.m. with or without appointment as provided in the Fire Risk Coverage from the MRC of Argenteuil.

**4.3.2 TIME OF INSPECTION**

In an emergency, the visit and inspection of property or building can be done any day of the week including weekends at any time of the day or night.

#### **4.3.3 AUTHORITY'S RIGHTS**

The competent authority has the right to enter any building. The competent authority may order in writing that the necessary be done to remove a condition or state of the building that constitutes a fire risk.

#### **4.4 IMMOVABLE, HOUSING UNIT, VACANT OU ABANDONNED PREMISES**

The owner of any unoccupied building shall, ensure at all times that the premises are free of debris or flammable substances and must be free of hazards that could cause injury to others. In addition, all openings must be properly closed, locked or barricaded to prevent entry from unauthorized people.

#### **4.5 CIVIC NUMBER**

All civic numbers must be visible from the road in accordance to By-Law Number 2010-007, By-Law Regarding the Numbering of Immovable and its amendments or replacements.

#### **4.6 CONDUCT OF PERSONS**

A person cannot interfere with a member of the competent authority in the exercise of his functions nor refuse to obey orders.

#### **4.7 WATER USE**

During a disaster or a major fire, the competent authority may, for the sole purpose of protecting property and human lives, pump water from a nearby static source, a pool, a pond, a basin or reservoir of some kind. The competent authority will ensure the property is returned in good condition.

#### **4.8 DEMOLITION**

The competent authority may authorize the demolition of any building when deemed necessary to stop the spread of fire.

### **ARTICLE 5 – SMOKE DETECTORS**

#### **5.1 SMOKE DETECTORS**

Smoke detectors should be mounted on the ceiling or close to it, as per the installation instructions provided by the manufacturer of the device and should not be painted or obstructed. Each floor of a building including the basement must have at least one smoke detector. All detectors must bear the ULC seal.

##### **5.1.1 RESPONSIBILITY OF THE OWNER**

The property owner shall install and take all necessary measures to ensure the proper functioning of smoke detectors required by this By-Law, including their repair and replacement when necessary. The owner must place a new battery in each battery-fed smoke detector when renting a housing unit or room for any new tenant.

##### **5.1.2 RESPONSIBILITY OF THE OCCUPANT**

The occupant of a housing unit or room of more than six (6) months must take the necessary measures to ensure the proper functioning of smoke detectors located inside the housing unit or room including changing the battery or repair the connection to the electrical circuit. If the smoke detector is defective, the owner must promptly be notified and replace the unit within 24 hours of receiving the notice.

### **ARTICLE 6 - CARBON MONOXIDE DETECTORS**

### **6.1 CARBON MONOXIDE DETECTORS**

Carbon monoxide detectors listed by Underwriters Laboratories of Canada (ULC) must be installed in each single family residence or in each unit where a parking garage serving the residence or housing unit is incorporated or contiguous and where the garage is an integral part of the residence or housing unit. They must also be installed in homes with solid fuel heating. The carbon monoxide detectors must be installed between each area where people sleep and the rest of the residence or housing unit.

### **6.2 RESPONSIBILITY OF THE OCCUPANT**

A tenant of a residence or housing unit for a period of more than six (6) months must take steps to ensure proper functioning of the carbon monoxide detectors located inside the residence or housing unit it occupies as per this By-Law. If the carbon monoxide detector is faulty, the tenant must notify the owner immediately, who must replace said unit within 24 hours of receiving a notice.

## **ARTICLE 7 - FALSE ALARMS**

### **7.1 PROHIBITION**

No one can give a false alarm.

### **7.2 SYSTEM DEEMED DEFECTIVE**

A fire alarm that triggers a false alarm more than once in a 12 month period is deemed defective.

### **7.3 PROHIBITED POSSESSION**

No person shall possess a faulty alarm system or are deemed defective in operation.

### **7.4 INTERVENTION**

Any member of the Fire Department (WFD) may, in the exercise of his duties, enter any building to silence the alarm sound. If the owner, tenant, occupant or their representative are not available on the premises.

### **7.5 FORCED ENTRY**

Any member of the WFD who enters a building under article 7, following a false alarm may, for this purpose, use necessary force.

### **7.6 DUTY**

When a member of the WFD stops an alarm system, he is not required to restore function. They must :

#### **7.6.1 RESIDENTIAL BUILDING**

For a residential building, lock the doors or if this is not possible, use other means to ensure protection of the residence;

#### **7.6.2 COMMERCIAL AND INDUSTRIAL BUILDINGS**

For a commercial or industrial building, have a security guard monitor the area until a person authorized by the owner, tenant or occupant restores the alarm system or provides security for the building in question.

### **7.7 FEES**

The fees for any other measure used to protect the building in which the alarm system is interrupted in the manner provided in the preceding articles are the responsibility of the owner, lessee or occupant.

## **ARTICLE 8 – SOLID FUEL COMBUSTION HEATING, CHIMNEYS AND CHIMNEY SWEEPING**

### **8.1 INSTALLATION**

The following section pertains to solid fuel heaters installed outside and inside for heating buildings.

#### **8.1.1 COMPLIANCE**

It is prohibited to install and maintain and operate any new solid fuel heating installation not meeting the requirements of this By-Law.

#### **8.1.2 CERTIFICATION**

The device must have been tested in a certified laboratory and be identified by a plate for this purpose. If installed in a mobile home or a certified sealed house, the device must be certified for this purpose.

#### **8.1.3 INDEPENDANT CONDUIT**

Any new installation or a change to an existing solid fuel combustion heating device must be connected by an independent conduit from any other heating system.

#### **8.1.4 SPARK ARRESTOR**

There must always be a spark arrestor mesh in front of an open fire.

#### **8.1.5 CHIMNEY FIRE**

After a chimney fire, it must be inspected by a qualified technician.

### **8.2 OUTDOOR SOLID FUEL HEATING**

This section (8.2) covers only heaters located outside of a building.

#### **8.2.1 HEATING OF BUILDINGS**

##### **8.2.1.1 CHIMNEY CAP**

The device must be equipped with a chimney cap type spark arrestor.

##### **8.2.1.2 STORAGE**

The distance for storage of fuel used to power the unit is five (5) meters in the case of an open air storage and ten (10) meters when the fuel is stored in a combustible material shelter.

### **8.3 FUEL**

#### **8.3.1 NATURE**

The fuel used to power external and internal heating devices should be limited to those recommended by the manufacturer.

#### **8.3.2 USE**

The devices cannot be used as an incinerator to burn household waste, clothing, plastics, building materials or chemically treated wood.

### **8.4 CHIMNEY**

The provisions of this section shall apply to the installation of any chimney in a residential or commercial building.

#### **8.4.1 UNUSED CHIMNEY**

A chimney not being used but still in place must be closed at the base and at the extremity with a non-combustible material. The competent authority may carry out a verification of these chimneys in order to decide, if necessary, to proceed with the restoration or demolition within a reasonable time.

#### **8.4.2 SPARK ARRESTOR**

All chimneys must be equipped with a cap or a spark arrestor at its extremity to prevent weathering and animals from entering. This cap or spark arrestor must be cleaned regularly.

### **8.5 CHIMNEY SWEEPING**

#### **8.5.1 CHIMNEYS**

The provisions of this section apply to all types of building for all masonry or prefabricated metal chimney that are used by heating appliances that use solid combustible fuel.

#### **8.5.2 FREQUENCY**

Each smoke conduit leading to a solid fuel burning appliance and the chimney must be swept at least one (1) time per year or more frequently if needed.

### **8.6 USE OF OPEN FLAME OUTSIDE COOKING DEVICES**

The use of open flame outside cooking devices such as: propane, charcoal or other type BBQs must be used by the following safety criteria:

#### **8.6.1 MANUFACTURER'S INSTRUCTIONS**

All outside cooking appliance must be used according to the manufacturer's instructions.

#### **8.6.2 COMBUSTIBLE MATERIALS**

It is prohibited to use this device at less than 1 metre from all combustible materials.

#### **8.6.3 BUILDING OPENING**

It is prohibited to use an open flame outside cooking device at less than 1 meter from any building opening.

#### **8.6.4 STORAGE**

The gas cylinders used to power these cooking appliances should be kept and stored outside.

#### **8.6.5 USE AS A FIREPLACE**

Any outside cooking appliance being used as a fireplace must comply with section 10.2 of this By-Law.

## **ARTICLE 9 – PURPOSE AND MAINTENANCE OF DRY HYDRANTS**

### **9.1 ACCESS**

Dry hydrants must be accessible at all times to the members of the Fire Department.

### **9.2 VISIBILITY**

It is strictly forbidden to surround or conceal a dry hydrant by a fence, wall, shrubs or other items.

**9.3 OBSTRUCTION**

It is forbidden to obstruct access to a dry hydrant or space for equipment using a dry hydrant.

**9.4 ANCHORAGE**

It is forbidden to attach, affix or anchor anything to a dry hydrant.

**9.5 PROTECTION BARRIER**

All property owners or occupants where a dry hydrant is installed on their property for use by the Fire Department must protect the dry hydrant with a protection barrier.

**9.6 SNOW**

It is forbidden to deposit snow or ice on a dry hydrant or in its clearance space.

**9.7 PRIVATE SYSTEM**

Dry hydrants and their connections (supply collectors) situated on private property, for use by the Fire Department must be maintained in good working condition and be visible and accessible at all times. The Fire Department cannot be held liable for damages caused by use of a private system.

**9.8 PAINTING**

It is forbidden to paint dry hydrants, signs or poles in any way whatsoever.

**9.9 DAMAGE**

It is forbidden for anyone to damage, break or sabotage dry hydrants or indicator poles.

**9.10 REMOVAL OF OBSTRUCTIONS**

The competent authority may, at any time, remove plants or cut vegetation obstructing a signpost, a sign or a dry hydrant.

**ARTICLE 10 – FIRES AND FIREWORKS**

**10.1 BONFIRES**

It is prohibited to have bonfires. However, for the purposes of family celebrations, municipal events or events of public nature, a permit may be issued by the competent authority, after verification of the proposed site and that there is adequate supervision by the person responsible for the fire. The competent authority shall not be held responsible for damages even if a permit was issued.

**10.2 CAMPFIRES**

Notwithstanding article 10.1, a campfire in a private yard is permitted on the territory of the municipality. The maximum diameter of a campfire is one (1) meter. Campfires are authorized without a permit. However, verification must be done to enquire if there is a fire ban in effect either (municipal, provincial, or federal) prior to lighting the campfire.

**10.3 BURNING**

Any person wishing to make a fire to burn branches, shrubs or plants, anywhere on the territory must first obtain a permit from the competent authority.



#### **10.4 INDUSTRIAL BURNING**

Anyone wishing to do industrial burning must obtain an industrial burning permit from SOPFEU.

No industrial burning can be done in a residential zone.

#### **10.5 AUTHORIZATION FOR FIRES AND BURNING**

It is forbidden for anyone to make a bonfire, a campfire or to burn when a ban is issued by a government authority (Municipal, Provincial or Federal).

##### **10.5.1 DATE**

Permission to light a fire or to burn can only be obtained on the day of burning and is only valid for the duration stated on the permit.

##### **10.5.2 CONDITIONS**

The competent authority may restrict or deny, if the weather does not permit.

##### **10.5.3 SUSPENSION**

The permission is not granted or is automatically suspended when open fires are banned by the government (municipal, provincial or federal).

##### **10.5.4 RESPONSIBILITY**

Obtaining permission to make a fire does not relieve the person of his responsibilities, should damages result from the lit fire.

##### **10.5.5 NUISANCE**

Should the permission to make a fire be the subject of a complaint or a nuisance or if there is a ban, it must be extinguished and the permission is revoked at the request of the competent authority.

#### **10.6 FIREWORKS – SOLD OVER THE COUNTER**

##### **10.6.1 PERMIT**

Anyone wishing to use fireworks sold over the counter must first obtain a permit from the competent authority.

##### **10.6.2 PLACE OF USE**

The place to use fireworks sold over the counter must be at least twenty (20) meters from any building and located outside of a radius of two hundred (200) meters from where explosives, chemical products, gasoline or other flammable materials are stored.

##### **10.6.3 PUBLIC DOMAIN**

The use of fireworks sold over the counter is forbidden on all public domain, without authorization from the competent authority.

##### **10.6.4 STORAGE**

Storage of fireworks sold over the counter must be done under the supervision of an adult responsible of the location.

##### **10.6.5 SUPERVISION**

The use of fireworks sold over the counter must be done under the supervision of an adult responsible

for the location.

**10.6.6 DROUGHT**

The use of fireworks sold over the counter is forbidden when there is a ban.

**10.7 CONTROLLED SALE FIREWORKS**

For deployment of controlled sale fireworks, applicants must hire a pyrotechnician and obtain a permit from the competent authority.

**10.8 SAFETY PRECAUTIONS**

**10.8.1 AUTHORIZED MATERIALS**

Only fireworks permitted by the Act and Regulations on Explosives may be used. Any component used in a demonstration must be accompanied by a certificate from the manufacturer.

**10.8.2 CONTINUOUS SUPERVISION**

Continuous supervision must be provided once the fireworks are delivered to the location.

**10.8.3 SKY LANTERNS**

The use of sky lanterns is strictly prohibited on the entire territory of the Township of Wentworth.

**ARTICLE 11 – FIRE PREVENTION**

**11.1 STORAGE**

It is forbidden for anyone to store dangerous or illegal quantities of combustible, explosive or dangerous materials.

**11.2 COMBUSTIBLES – EXPLOSIVES**

It is forbidden for anyone to create dangerous conditions or illegal use of combustible, explosives or dangers.

**11.3 ACCUMULATION**

It is forbidden for anyone to have a dangerous accumulation of waste, waste paper, boxes, grass, dry or other flammable materials including wood chips, shredded branches used for landfill.

**11.4 OBSTRUCTIONS**

It is forbidden for anyone to obstruct exits, stairways, hallways, doors or windows that could impede the intervention of the Fire Department or the evacuation of the occupants in the case of fire.

**11.5 DECORATION IN BUILDINGS**

In public places such as reception halls, public assistance locations and businesses, it is forbidden to use the following items :

**11.5.1 SOFTWOOD TREES**

Coniferous trees and their branches as decorative items.

**11.5.2 HAY BALES**

Bales and loose hay, or straw as decorative material.

**11.5.3 BANNERS**

Banners that may ignite unless they have a sufficient degree of flame resistance.

**11.6 FIREPROOF MATERIAL**

Combustible decorative material may be used if there is a sufficient flameproof level as indicated by a fireproofing certification by a recognized certification agency.

**11.7 STORAGE FOR SOLID FUELS**

The storage of solid fuel, whether inside or outside, must not at any time obstruct an escape route, a passage, a door or a staircase.

**11.8 EXITS**

All exits must be clear over its entire width of a distance of two (2) meters of any vehicle or obstruction and must be accessible at all times for evacuation.

**ARTICLE 12 - INFRACTIONS**

**12.1 INFRACTION**

Any contravention to this By-Law constitutes an infraction.

**12.2 FINES**

Any person who contravenes one of the provisions of this bylaw is liable, without prejudice to the other sanctions that could be taken against that person, a fine of not less than \$ 300 and not exceeding \$ 1,000 for a natural person and \$ 2,000 for a corporate person. In the event of a repeat offence, is liable to a fine that can be increased to \$ 2,000 for a natural person and to \$ 4,000 for a corporate person.

If payment is not made within the 30 days after a judgement has been rendered, the offender is liable for the sanctions provided for in the Code of Penal Procedure.

If an infraction lasts more than one day, the infraction committed on each day constitutes a separate infraction and the penalties enacted for each of the infractions can be imposed for each day that the infraction takes place.

Generally, the Council authorizes all law enforcement officer and the designated officer to undertake criminal proceedings against any delinquent for all provisions of this bylaw and therefore, it generally authorizes these persons to deliver the necessary infraction reports to this effect.

**12.3 RECOURSE**

Notwithstanding recourse through penal actions, the Municipality may exercise, before tribunals of legal jurisdiction, all civil law recourse necessary to have the provisions of this bylaw respected, when the Council deems it necessary or it may exercise all consecutive recourse.

**12.4 ISSUANCE OF INFRACTIONS**

The competent authority may deliver infractions for and on behalf of the Municipality of the Township of Wentworth.

**ARTICLE 13 - LANGUAGE**

In case of differences between the French and English versions, the French version prevails.

**ARTICLE 13 – COMING INTO FORCE**

The present By-Law will become effective according to the Law.

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**Edmund Kasprzyk**  
**Mayor**

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**Paula Knudsen, g.m.a.**  
**General Manager**  
**Secretary-Treasurer**

Notice of motion: September 3<sup>rd</sup>, 2013  
Adoption of the By-Law: October 3<sup>rd</sup>, 2013  
Public Notice: October 28<sup>th</sup>, 2013