

Consultation version

In case of discrepancy, the French version shall prevail

**PROVINCE OF QUEBEC
BROME-MISSISQUOI MRC
TOWN OF BROME LAKE**

BY-LAW 2021-09

FIRE SAFETY BY-LAW

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BY-LAW NUMBER 2021-09
"FIRE SAFETY BY-LAW

WHEREAS section 62 of the *Municipal Powers Act* (R.S.Q., chapter C-47.1) allows a municipality to adopt safety by-laws;

WHEREAS the *National Fire Code* has been modified since the adoption of the current Fire Safety By-law;

WHEREAS Council wishes to update its Fire Safety By-law by replacing the existing By-law 2016-05 with By-law 2021-09;

WHEREAS a notice of motion was duly given at the regular meeting of February 1st, 2021;

FOR THESE REASONS AND CONSEQUENTLY THE COUNCIL DECREES AS FOLLOWS:

TITLE 1 GENERAL PROVISIONS

ARTICLE 1 PURPOSE

The purpose of this by-law is to govern the installation of certain appliances and equipment, the maintenance of buildings and certain uses for fire safety purposes on Town territory.

ARTICLE 2 INTERPRETATION

In these regulations, unless otherwise specified, the following rules apply:

- a) In the event of contradiction between the text and any other form of expression, the text prevails;
- b) The provisions of the present by-law take precedence over any incompatible or irreconcilable provisions of the *National Fire Code*, 2010 edition, as well as its appendices and amendments;
- c) In the event of any contradiction between the provisions of this by-law and applicable municipal by-laws or provincial or federal laws and regulations, the most restrictive provisions shall apply;
- d) Nothing contained in this by-law shall be interpreted as relieving the owner from the obligation to comply with all federal, provincial and municipal laws and regulations, as well as with good engineering practice and good fire safety practice.

In these rules, the singular includes the plural and the masculine includes the feminine, and vice versa, and a word used in the singular has the same meaning as the word used in the plural and vice versa.

ARTICLE 3 DEFINITIONS

Whenever used in this by-law, unless the context indicates otherwise, words and expressions have the meaning given to them under the *National Fire Code (NFC)*. In all other cases, words and expressions retain the usual dictionary meaning. The following words and expressions are defined as follows:

Competent authority: The designated Town department or anyone designated by a resolution of the Town Council for the application of the present by-law.

<i>Smoke alarm:</i>	Smoke detector with built-in buzzer, designed to sound the alarm as soon as smoke is detected inside the room or suite in which it is installed.
<i>Air terminal:</i>	Wall or ceiling air intake connected to an air exchanger.
<i>CNPI:</i>	<i>National Fire Code Canada 2010</i> (French version), its appendices and amendments as of the date of coming into force of the present by-law.
<i>Commercial stove:</i>	Cooking appliance with a heating surface consisting of at least 6 circles.
<i>Director:</i>	The Town's Fire Safety Director.
<i>Fire safety system:</i>	A device or equipment designed to prevent or eliminate risks to the safety of property or anyone, including but not limited to: <ul style="list-style-type: none"> • A fire alarm; • A carbon monoxide detector; • A network of sprinklers; • A fire hose; • An emergency generator; • An emergency lighting system; • A special protection system.
<i>Open fire:</i>	Any fire in which the products of combustion are emitted into the open air and do not enter through a chimney or other duct.
<i>Class 2 gases:</i>	A material is considered a Class 2 gas if it is: <ul style="list-style-type: none"> • A gas; • A mixture of gases; • A mixture of one or more gases with one or more vapors of substances included in other classes; • An object charged with a gas; • Tellurium hexafluoride; • An aerosol can.
<i>Approved:</i>	Term applied to a device (and its accessories) that has been certified as conforming to the national standards governing its manufacture and operation or recognized as having passed the tests that take the place of these standards; a device can only be considered certified if it bears the specific mark of a laboratory accredited by the Standards Council of Canada.
<i>Housing:</i>	A <i>suite</i> used or intended to be used as a home for one or more people, usually with sanitary facilities and facilities for preparing and eating meals and sleeping.
<i>Collapse perimeter:</i>	The collapse perimeter is the projection on the ground corresponding to one and a half (1.5) times the height of the building.
<i>Restricted risk pyrotechnic for consumers:</i>	A limited-risk pyrotechnic display designed for outdoor entertainment, such as a waterfall, fountain, golden rain, Roman candle, waterfall, mine and all over-the-counter consumer fireworks.
<i>Low-risk pyrotechnics for special effects:</i>	A pyrotechnic item used in the entertainment industry, both indoors and outdoors, such as a bullet effect, flash powder, smoke composition, spray, lance or saxon.

<i>High-risk pyrotechnics:</i>	A high-risk firework designed for outdoor entertainment, such as a bomb, sound bomb, Ferris wheel, barrage, bombardio, volcano, water sparkler and toy gun capsule.
<i>Owner:</i>	The owner in title of a movable or immovable property or anyone having custody and control of a movable or immovable property.
<i>Suite:</i>	Premises consisting of a single room or a group of complementary rooms and occupied by a single tenant or owner; includes single-family homes, <i>dwellings</i> , single rooms in motels, hotels, rooming houses, dormitories and boarding houses, as well as stores and business establishments consisting of a single room or a group of rooms.
<i>Fire alarm system:</i>	A protection system or mechanism comprising an audible warning device designed to sound an alarm automatically inside or outside a protected area in order to signal a fire or the presence of a gas, such as propane or carbon dioxide, whether or not it is connected directly to a central alarm panel or includes an automatic call connected to a telephone line.
<i>Technician:</i>	The Town's fire prevention technician.

ARTICLE 4 SKILLS

The Competent Authority has the authority to give any advice to another Town department, to a municipality it serves or to another third party, concerning fire safety, civil security and other matters within its expertise, in particular:

- a) access routes for emergency vehicles and rescue services;
- b) access to fire-fighting equipment, facilities and buildings;
- c) the maximum number of people allowed on a site;
- d) fire safety plans, emergency plans and other documents needed to coordinate the response;
- e) water supply for fire-fighting;
- f) fire protection and rescue systems;
- g) protection against special fire hazards;
- h) storage and handling of hazardous materials;
- i) measures to be taken to ensure fire and public safety, as well as the protection of the built heritage, prior film shoots or other productions, special events or public gatherings involving such risks;
- j) prior to the establishment of an equivalent measure, a different measure or an alternative solution concerning requirements relating to objects with an impact on fire safety or prevention;
- k) civil protection elements relating to regional planning;
- l) civil protection risk analysis and communication;
- m) any other prevention measures, preparedness, response and recovery measures.

ARTICLE 5 POWERS

The Competent Authority may access, enter, visit and examine any building, equipment, structure, facility or other premises for the purpose of enforcing any regulatory provision concerning matters within its expertise.

The Competent Authority may, for the purposes of the application of any provision of a law or regulation concerning matters within its expertise, require any information, as well as the production of any related documents.

The Competent Authority may carry out tests and take photographs or recordings in any building, equipment, construction, installation or other location.

The Competent Authority may, following an intervention made for the purposes of the application of any regulatory provision concerning objects under its expertise, require that a test, analysis or verification of a material, building, equipment, construction, installation or site be carried out in order to ensure its compliance with the by-law.

In order to verify a fire safety plan or any emergency measure falling within the scope of its expertise, the Competent Authority may carry out drills or simulations.

Anyone must allow the Competent Authority to exercise the powers provided for in the present by-law, in any by-law it is responsible for enforcing or in any provision of the *Fire Safety Act* (R.L.R.Q., c. S-3.4) and the *Civil Protection Act* (R.L.R.Q., c. S-2.3).

It is an offence to prevent or hinder in any way the exercise of the powers provided for in the first paragraph, in particular by refusing the Competent Authority entry to a place, by refusing to pass on information or by passing on false information.

In the event of serious or imminent danger, the competent authority may issue a notice ordering the evacuation and closure of all or part of a site, building or structure that does not comply with a provision of a law or regulation relating to safety or fire prevention.

When a building, structure, activity or situation presents a dangerous condition due to work, fire, lack of solidity or any other cause, all necessary measures must be taken to eliminate this dangerous condition.

In the event of an emergency or failure to comply within the prescribed timeframe, or when the owner is unknown or cannot be found, the competent authority may, in addition to any other recourse provided by law or regulation, make or cause to be made, at the owner's expense, any correction made necessary in order to comply with the provisions of a law or regulation pertaining to fire safety or prevention.

The costs incurred by the Town pursuant to the preceding paragraph constitute a prior claim on the immovable on which the work was performed, in the same capacity and with the same rank as the claims referred to in paragraph 5 of article 2651 of the *Civil Code of Quebec* (R.L.R.Q., c. C-1991), and are also secured by a legal mortgage on said immovable.

The competent authority may require an attestation of conformity, or an inspection certificate signed, to the extent required by law, by a professional within the meaning of the *Professional Code* (R.L.R.Q., c. C-26) authorized to do so, attesting to the conformity of a construction element, building, installation, equipment or development when they deem it appropriate.

The Competent Authority may require an attestation or a technical expert report to assess the safety or risk level of a material, construction component, an appliance, a system or process.

ARTICLE 6 APPENDICES

The appendices form an integral part of the present by-law.

TITLE 2 SAFETY MEASURES FOR VARIOUS DEVICES

CHAPTER 1 SOLID-FUEL HEATING APPLIANCES AND CHIMNEYS

ARTICLE 7 FUEL

It is forbidden to burn in a solid-fuel heating appliance any materials other than those specified by the manufacturer, or which may produce noxious or unpleasant fumes likely to cause discomfort to anyone in the vicinity.

ARTICLE 8 COMBUSTIBLE MATERIAL

No combustible material may be placed within 1.50 m of a solid-fuel heating appliance.

ARTICLE 9 CARE AND MAINTENANCE

All solid-fuel heating appliances and accessories must be maintained in good working order, so as not to constitute a fire hazard.

ARTICLE 10 CHIMNEY MAINTENANCE

All chimney accessories, including the grate, damper, spark arrestor, sweep door, ash pan, etc., must be maintained in good working order so as not to constitute a fire hazard, in accordance with the requirements of the Régie du bâtiment du Québec.

ARTICLE 11 CHIMNEY SWEEPING

Any chimney connected to a solid-fuel heating appliance must be swept at least once a year, and as often as its use warrants, in accordance with the requirements of the Régie du bâtiment du Québec.

The Competent Authority may require the owner to provide a copy of the documents used for any chimney sweeping.

ARTICLE 12 CHIMNEY FIRE

Following a chimney fire, the chimney cannot be reused unless the chimney and each of its components have been cleaned and checked for proper working order by anyone specializing in the maintenance and repair of chimneys and solid-fuel heating appliances. This person must be licensed by the Régie du bâtiment du Québec.

The Competent Authority may require the owner to provide a copy of documents showing that such verification has been carried out.

ARTICLE 13 CHIMNEY NOT IN USE

A chimney that is not in use but is still in place must be closed. can be done inside the chimney's permanent or decorative installations.

The chimney must have been swept in accordance with the provisions of this by-law before it is closed.

The competent authority may require the owner to provide a copy of the documents showing that the chimney sweep was carried out before the chimney was closed.

ARTICLE 14 TEMPORARY HEATING

Any combustible material on which a salamander or similar mobile appliance used temporarily for heating purposes is installed must be protected by a sheet of non-combustible material extending at least sixty centimetres (60 cm) beyond the contour of the appliance.

A clearance of at least fifteen centimetres (15 cm) must be left between the appliance and said plate, and a clearance of at least sixty centimetres (60 cm) must be left between said appliance and any combustible material.

ARTICLE 15 LOCATION

No boiler room may be used for any purpose other than to contain the heat-generating appliance, its accessories and fuel.

A solid-fuel heating appliance cannot be used in a mobile home or in a certified airtight house, unless it meets the specific standards applicable to this type of building.

A solid-fuel heater must not be used:

- a) in a room whose smallest horizontal dimension is less than 3 m and whose height is less than two meters (2 m);
- b) in a room used for sleeping;
- c) in a space used for the storage of flammable or combustible materials.

No solid-fuel heating appliance, including its accessories, may be installed under a staircase or within 1 m of an exit.

Any solid-fuel heating appliance installed in an existing building, including its accessories, must be located at least one metre (1 m) from:

- a) a fire warning panel
- b) an electrical distribution panel
- c) a fire hose.

A maximum of one (1) heating appliance is permitted per chimney.

ARTICLE 16 COMPLIANCE

It is forbidden to install or use a non-compliant solid-fuel heating appliance. Any appliance that do not meet the installation, design or operating requirements, or that is not maintained in accordance with the provisions of this by-law, is considered non-compliant.

ARTICLE 17 ASH DISPOSAL

All ashes must be deposited in a non-combustible container outside the building.

It is forbidden to deposit ashes from a fireplace or the ashtray of a solid-fuel heating appliance within one metre (1 m):

- a) of a combustible wall, partition, parapet, railing or fence;
- b) piles of wood pieces, logs, shavings, waste and other combustible materials;
- c) a deposit of flammable or combustible materials;
- d) under, above or beside a combustible floor, walkway or sidewalk.

All combustion residue must be stored for a minimum of seventy-two (72) hours in a covered metal container on a non-combustible floor, away from combustible materials, before being disposed of in any garbage container.

It is forbidden to place paper, shavings, sawdust, straw, dried grass and other combustible materials in a container containing ashes and combustion residues from a fireplace or the ashtray of a solid-fuel heating appliance.

Soot, ashes and any other residues that have accumulated at the bottom of a chimney that has just been swept must be removed immediately and placed in a non-combustible container.

ARTICLE 18 STORAGE

No solid fuel may be stored inside a building at a distance of less than one and a half meters (1.50 m) from a heating appliance, unless it is insulated from the appliance by an acceptable non-combustible screen.

There must be no vegetation within 3 m of the top of a chimney.

ARTICLE 19 FIRE EXTINGUISHER

A functional Class 2AIOBC portable fire extinguisher, with a minimum capacity of 5 lbs, suitable for flammable solid fuel, liquid and gas fires, as well as live electrical equipment fires, must be located and accessible at all times in each dwelling and suite.

CHAPTER 2 INSPECTION, MAINTENANCE AND TESTING OF A HEATING APPLIANCE

ARTICLE 20 INSPECTION, MAINTENANCE AND TESTING OF HEAT-GENERATING EQUIPMENT

All heat-generating appliances must be maintained in accordance with the inspection, maintenance and testing standards set out in the *NFC*. Where the *NFC* does not contain specific requirements, the unit must be maintained to ensure that it operates in accordance with the manufacturer's design requirements.

The Competent Authority may require the owner or user of such a device to provide a copy of documents showing any inspection, maintenance or testing carried out on it.

CHAPTER 3 SPECIFIC PROVISIONS

ARTICLE 21 RISK GENERATORS

The Competent Authority must approve, prior to their implementation, the measures planned to warn members of the public, as required by the *Environmental Emergency Regulation (SOR/2003-307)*.

ARTICLE 22 DECORATIVE MATERIALS

Decorative materials made of straw, hay, dried plants, resinous trees such as fir, pine and spruce or branches thereof, nitrocellulose or crepe paper may not be used in a public assembly area, hotel, hospital or care facility, or in a public building unless they meet the requirements of CAN/ULC S.109-M "*Fire Tests of Flame-Retardant Fabrics and Films*".

ARTICLE 23 COMMERCIAL STOVES

A commercial stove must comply with NFPA 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*.

Commercial stove hoods must be connected to an exhaust duct and comply with the following standards:

- a) be installed more than 2.10 m from the floor;
- b) be fitted with a filter; and
- c) be equipped with an appropriate fixed extinguisher system.

The exhaust duct on a deep fryer, if it passes through occupied rooms, must be insulated or fitted with an appropriate sprinkler system.

The Competent Authority may require the owner of a commercial stove to provide a copy of the documents attesting to its conformity.

CHAPTER 4 GENERAL OBLIGATIONS

ARTICLE 24 SPACE REQUIRED FOR BALCONIES OR VERANDAS

It is forbidden to store or leave goods of any kind in such a way as to clutter or obstruct a balcony or veranda used as an exit. This area must be accessible, usable at all times and cleared of snow during the winter season.

ARTICLE 25 CIVIC NUMBER

The civic number of a building must be visible from the public thoroughfare at all times.

ARTICLE 26 VACANT BUILDING

The owner a vacant building must, at all times, ensure that the premises are free of debris or flammable substances and free of any hazard that could cause harm to others. All openings must be properly closed and locked or barricaded to prevent unauthorized entry.

ARTICLE 27 FIRE HOSES

It is forbidden to pass over a deployed fire hose unless authorized by the Competent Authority.

ARTICLE 28 DISPLAY

Any sign, notice, placard or other document posted by the Competent Authority, or required to be posted pursuant to this by-law, must be maintained in good condition and be easy to read.

Any person who smears, alters, tears, removes or in any way renders illegible a notice referred to in the first paragraph is guilty of an offence.

CHAPTER 5 OUTDOOR STORAGE OF COMPRESSED GASES

ARTICLE 29 PROPANE TANK STORAGE

The storage of one or more propane tanks with a total capacity greater than or equal to 15 lbs or 6.8 kg is prohibited inside a residential building.

A single propane tank of 20 lbs or 9 kg or less may be left on a balcony or veranda.

ARTICLE 30 PROPANE TANK INSTALLATION

A propane tank must have mechanical protection to prevent impacts against the tank and piping when a vehicle can travel at a distance of less than fifteen meters (15 m), or when the characteristics of the site require it.

A propane tank with a total water capacity greater than 125 USKG must be protected against thermal radiation from adjacent buildings. It must be located at a distance equal to or greater than seven and a half meters (7.5 m), but never less than three meters (3 m).

When the distance between tanks and a building is between three meters (3 m) and 7.5 meters (7.5 m), a non-combustible screen must be installed between the building and the tank. A maximum distance of one metre (1 m) must separate the tank from the screen.

The heat shield must be made of brick, concrete block, concrete or other non-combustible material.

A reservoir located within the collapse perimeter must be equipped with a retaining wall to withstand the impact of a collapse.

ARTICLE 31 GAS CLASS 2

With the exception of portable fire extinguishers, it is forbidden to place class 2 gas bottles and cylinders:

- a) in exits or exit access corridors;
- b) outside, under fire escapes, stairs, passageways or exit ramps;
- c) less than one and a half metres (1.50 m) from an exit or any opening in the building, despite article 3.1.2.4 4) of the *NFC*.

The building in which a Class 2 gas cylinder is located must be equipped with a sign identifying its presence, placed outside the building in a position visible to emergency personnel as soon as they arrive.

ARTICLE 32 DECLARATION

The owner of a propane tank, other than for a domestic barbecue, or a Class 2 gas cylinder, must file a declaration on the 0. The form is available online on the Town's website.

The owner must inform the Competent Authority immediately of any changes in the information on this form (quantity, location, use).

CHAPTER 6 MEANS OF EVACUATION

ARTICLE 33 OWNER'S OBLIGATIONS

Means of evacuation must be maintained in good condition and not be obstructed.

It is forbidden for anyone to add an element to a means of escape whose presence has the effect of reducing the safety of anyone.

CHAPTER 7 ACCESS ROADS AND PRIORITY LANES

ARTICLE 34 VEHICLE PARKING

It is forbidden to park or stop a road vehicle in an access lane or in a priority lane reserved for emergency vehicles.

However, vehicles used for loading or unloading goods, or for loading or unloading passengers, may be immobilized in these lanes for the duration of these operations, provided that the driver remains close to the vehicle at all times and that the operations are carried out quickly.

Any driver parked or immobilized contrary to this article may be towed away at the vehicle owners expense.

CHAPTER 8 ACCESS - EMERGENCY VEHICLES

ARTICLE 35 STREET OR ACCESS ROAD CLOSURE

When a street or access road is closed to vehicular traffic, a corridor at least six metres (6 m) wide and five metres (5 m) high in the center of the street or access road must be accessible to emergency vehicles at all times.

TITLE 3 HYDRANT

ARTICLE 36 ACCESSIBILITY

A fire hydrant must be accessible at all times for fire safety purposes.

ARTICLE 37 CLEARANCE SPACE

It is forbidden to install or leave anything that could hinder the visibility, access or use of a fire hydrant. A clearance corresponding to a radius of one and a half metres (1.50 m) must be maintained around the hydrant at all times. Ground level must be maintained at the same level as the hydrant base within a radius of one-and-a-half-meter (1.50 m) from the hydrant.

Tree branches in the vicinity of a hydrant must be cut back to ensure a minimum clearance of two metres (2 m) from ground level.

ARTICLE 38 SNOW OR ICE

It is forbidden to place snow or ice on a hydrant or in its clearance.

ARTICLE 39 ANCHORING

It is forbidden to attach or anchor anything to a hydrant.

ARTICLE 40 DECORATION AND PAINTING

It is forbidden to decorate or paint a in any way a fire hydrant.

ARTICLE 41 PROTECTION IN A PARKING LOT

A hydrant located in a parking area must be protected against damage caused by automobiles.

ARTICLE 42 AUTHORIZED PERSONNEL

Only individuals authorized by the Town may use the hydrants.

ARTICLE 43 PRIVATE HYDRANTS

A private hydrant, hydrant valve or connection for fire department use must comply with NFPA 291 *"Recommended Practice Fire Flow Testing and Marking of Hydrant"* and be visible and accessible at all times.

A signpost with pictogram must be installed to indicate each hydrant and be visible from both directions on the public highway.

ARTICLE 44 INDICATOR POST

It is forbidden to remove or change the location of a hydrant signpost.

ARTICLE 45 LIABILITY

Anyone damaging, breaking, sabotaging or tampering with fire hydrants and signposts must pay the cost of repairs and replacement.

TITLE 4 FIRE SAFETY SYSTEMS

CHAPTER 9 FIRE PROTECTION SYSTEMS

ARTICLE 46 PROTECTIVE EQUIPMENT AND SYSTEMS

Fire protection and rescue equipment and systems must be maintained in good working order.

ARTICLE 47 SMOKE ALARM

At least one functional smoke detector complying with CAN/ULC-S531-02 must be installed:

- a) in every sleeping room that is not part of a dwelling, except in care or detention facilities equipped with a fire alarm system;
- b) in each home;
- c) on each floor of a dwelling with more than one storey; and
- d) when a floor of a dwelling contains bedrooms, between the bedrooms and the rest of the floor. If the rooms are served by a corridor, the smoke alarm must be installed in this corridor.

ARTICLE 48 SMOKE ALARM MAINTENANCE

Occupants are responsible for maintaining smoke alarms in good working order, including replacing batteries as needed.

ARTICLE 49 REPLACING SMOKE ALARMS

Required smoke alarms must be replaced ten (10) years after the date of manufacture indicated on the alarm by the manufacturer. They must be replaced if the date of manufacture does not appear on the smoke alarm casing, if they have been painted or if they are defective.

ARTICLE 50 ALARM SYSTEM CONNECTED TO A CONTROL PANEL

For fire alarm systems connected to a central alarm station, each owner must provide the fire department with a duly completed "alarm system" form.

The form is available online on the Town's website.

Each smoke detector must have its own zone.

When installing a fire alarm system, the installation company must obtain a permit at the Town of Brome Lake fire station and obtain authorization from the appropriate authority.

The Competent Authority may require any property owner to change his or her property's current or future fire alarm system.

ARTICLE 51 CHECKING SMOKE ALARMS

In a residential building equipped with a fire alarm system, smoke alarms must be checked for proper operation, and the results recorded in a register at least once a year.

A copy of the records of tests, inspections or operations related to the maintenance or operation of protection and emergency equipment and systems must be kept on the premises of the equipment and systems to which they relate, in accordance with the following requirements:

- a) the results of the initial verification or commissioning reports for each system must be kept for the entire useful life of the systems in question;
- b) records of tests, inspections or operations related to maintenance or operation carried out after the initial tests referred to in paragraph a) of this section must be kept so that at least the current and previous records are available; and
- c) notwithstanding paragraphs a) and b) of this article, no register shall be destroyed before the expiry of two (2) years following its creation.

The registers referred to in the first paragraph must be accessible to the Competent Authority upon request.

ARTICLE 52 ANYONE RESPONSIBLE IN AN EMERGENCY

In any building equipped with a fire alarm system, contact information for anyone responsible in the event of an emergency must be posted on or near the system's control panel. In addition, these contact details must be communicated to the Town using the mandatory form available online on the Town's website.

ARTICLE 53 ALARMS

When firefighters are dispatched to respond to an alarm call, if no owner can be contacted by dispatch after the firefighters arrive, and no representative is on site, firefighters may enter the building to verify the condition of the premises.

ARTICLE 54 UNFOUNDED ALARMS

An alarm is unfounded when it is triggered unnecessarily due to improper installation of a fire alarm system, a defect in its operation, negligence in its maintenance, improper handling or any other negligence likely to interfere with its operation.

The person responsible for a fire alarm system is required to pay the fees set out in the Town's current rates by-law for the Town's Fire Safety Department to respond to an unfounded alarm. To this end, an invoice will be issued for the second unfounded alarm that occurs within a period of five (5) years for the same building belonging to the same owner. However, in the case of an unfounded alarm due to negligence, an invoice will automatically be issued without notice.

ARTICLE 55 REFUND

No refunds are possible.

ARTICLE 56 PEDDLING

All fire equipment peddlers must present themselves at Town Hall with two (2) pieces of identification and a negative criminal record certificate in order to obtain a permit authorizing them to sell their products on Town territory, in compliance with *By-law number 558 (RM-220) on peddling*.

At all times during his activities, the peddler must wear his permit visibly and must not wear clothing that could lead to the belief that he represents the Fire Department.

The Fire Safety Department reserves the right to limit or prohibit home visits in the event of misrepresentation by the peddler.

CHAPTER 10 CARBON MONOXIDE DETECTOR

ARTICLE 57 INSTALLATION

A carbon monoxide detector conforming to CAN/CGA-6.19-M "*Residential Carbon Monoxide Detectors*" must be installed:

- a) in every residence where a wood stove, fireplace or any type of fuel-burning heating appliance is used;
- b) in any residence where there are workshops used for the repair of tools or domestic appliances powered by combustion, and where these appliances may be started for the repair and/or adjustment of these appliances;
- c) in any residence where a garage is directly connected to the residence and where a motor vehicle can be started or operated, either to warm it up or to take it out of the garage.

ARTICLE 58 OWNER'S RESPONSIBILITIES

The building owner must install and take measures to ensure the proper operation of a carbon monoxide detector required by the present by-law, including repairs and replacement when necessary and at least once a year.

Landlords must install a new battery in each carbon monoxide detector when renting out the dwelling or room to a new tenant.

The landlord must provide all tenants of the building with carbon monoxide detector maintenance guidelines. These must be posted in an easily accessible place for the tenant to consult. The carbon monoxide detector must be cleaned at least once a month.

ARTICLE 59 TENANT'S RESPONSIBILITIES

The tenant of a residence or dwelling occupied for six (6) months or more must take the necessary measures to ensure the proper operation of the carbon monoxide detector located inside the residence or dwelling, including changing the battery as required, and at least once a year. If the carbon monoxide detector is defective, the owner must be notified immediately. The carbon monoxide detector must be cleaned at least once a month.

CHAPTER 11 NETWORK OF AUTOMATIC FIRE EXTINGUISHERS

ARTICLE 60 MAINTENANCE

All sprinklers must be maintained in good condition, in accordance with NFPA 13A "*Recommended Methods for the Inspection, Testing and Maintenance of Sprinkler Systems*".

ARTICLE 61 DISABLING A SPRINKLER SYSTEM

The owner or tenant of a building who is about to undertake repair work on a fire protection system, or to take the system out of service, must inform the Fire Safety Department at least twenty-four (24) hours before the work is to begin or the system is to be taken out of service. He must also inform the department of the end of the work or the return to service of the system no later than twenty-four (24) hours following this event.

ARTICLE 62 ACCESSIBILITY

The control valves for each area protected by a sprinkler system must be clearly identified, as must the route to them. The path to the control valves must be free of obstruction and accessible at all times.

ARTICLE 63 ACCESS TO FIREFIGHTER CONNECTIONS

Access to fire connections installed for sprinkler systems or fire mains must always be kept clear for the fire department and their equipment.

The fire connection must be equipped with a sign identifying this presence. This sign must be placed outside the building in a position visible to emergency personnel as soon as they arrive.

It is forbidden to park a vehicle in front of the fire fittings.

However, vehicles used for loading or unloading goods, or for loading or unloading passengers, may be parked in this area for the duration of these operations, provided that the driver remains close to the vehicle at all times and that the operations are carried out promptly.

CHAPTER 12 MAINTENANCE OF FIRE SAFETY SYSTEMS

ARTICLE 64 INSPECTION, MAINTENANCE AND TESTING OF FIRE SAFETY SYSTEMS

A fire safety system must be maintained in accordance with the provisions of this by-law and the inspection, maintenance and testing standards set out in the *NFC*. Where no special provisions are made, such a device must be maintained to ensure that it operates in accordance with its design requirements.

The Competent Authority may require from the owner of the device a copy of the documents showing any inspection, maintenance or testing carried out on it.

CHAPTER 13 INTERVENTION BY THE PROTECTION SERVICE AGAINST FIRE

ARTICLE 65 EMERGENCY CALL

No one shall make or cause to be made an emergency call to the Fire Department unless there is a fire or other emergency situation requiring the prompt and immediate intervention of the Fire Department.

ARTICLE 66 PROTECTIVE MEASURES FOLLOWING AN INTERVENTION

The owner or lessee of a building or vehicle in respect of which the Fire Department must intervene, is required to go to the scene to ensure the protection of the premises or vehicle once the intervention has been completed.

If the landlord or tenant fails to take such measures, the Fire Department or a peace officer called to the premises may:

- a) in the case of a residential building, lock the doors or, if this is not possible, use any other means necessary to protect the building;
- b) in the case of a non-residential building, have a security guard watch the premises until an authorized person restores the alarm system and ensures the building's security;
- c) in the case of a road vehicle, lock the doors or, if this is not possible, have the vehicle towed and stored in a suitable location.

Expenses incurred to ensure the protection of a building or vehicle following such an intervention are the responsibility of the owner or lessee of the premises or vehicle.

TITLE 5 PYROTECHNICS

CHAPTER 14 GENERAL PROVISIONS

ARTICLE 67 USAGE

It is forbidden to use pyrotechnics when wind speed exceeds 30km/hour, or in conditions that present a particular fire hazard.

ARTICLE 68 FIRECRACKERS

It is forbidden for anyone to possess or use a firecracker.

CHAPTER 15 LOW-RISK PYROTECHNICS

ARTICLE 69 CONDITIONS

The use of low-risk pyrotechnics is authorized under the following conditions:

- a) the user must be eighteen (18) years of age or older;
- b) the area on which the pyrotechnics are used must be kept free of any material or debris, to avoid the risk of fire;
- c) the lot must measure a minimum area of thirty meters by thirty meters (30 m by 30 m) and be 100% unobstructed;
- d) the launch and clearance area must be at least fifteen meters (15 m) from any house, building, structure or cultivated field; and
- e) the user must comply with Town regulations concerning peace, order and nuisance.

ARTICLE 70 SPECIAL EVENTS AND HAZARDOUS ACTIVITIES

The following activities (use of low-risk pyrotechnics for special effects or high-risk pyrotechnics) and those of a similar nature are prohibited without prior authorization from the Competent Authority:

- a) fireworks using
- b) processions using fire, flames or pyrotechnics;
- c) artistic performances using fire, flames or pyrotechnics;
- d) visual effects using fire, flames or pyrotechnics, particularly during performances, shows, film shoots or other productions.

The competent authority grants authorization when it is demonstrated, in the case of special events, that the necessary safety measures are in place to protect the public and the built heritage. The authorization may be subject to any condition necessary for the safe operation of the activity or event. Authorization is subject to compliance with these conditions.

Authorization obtained under this section does not exempt the activity from compliance with any other applicable law or regulation.

Authorization is obtained only under the following conditions:

- a) the user is a qualified fireworks technician holding a valid permit issued under the present by-law;
- b) keep anyone with a fireworks certificate on site at all times;
- c) make sure appropriate equipment is on site to prevent the spread of flames;

- d) follow all safety measures stipulated in "*Le manuel de l'artificier*" from the Explosives Division of the Department of Energy, Mines and Resources (Canada);
- e) use items and accessories only where and when intended and authorized under the terms of the permit.

ARTICLE 71 PERMIT APPLICATION

- a) An application for a permit to use practical pyrotechnics must be submitted on the form provided at 0 and provide the following information and documents:
- b) The name, first name and address of the fireworks technician and a copy of any document attesting to his or her qualifications and authorizations for this purpose;
- c) The event for which the parts will be used;
- d) The name and address of the organizer;
- e) The date and exact location of the event;
- f) The type of parts to be used;
- g) Written authorization from the owner or lessee of the site(s) where the launch will take place, and the impact of the parts, must be attached to the declaration;
- h) A diagram (sketch) of the site where the fireworks display will take place, showing the launch, clearance and landing areas, the safety perimeter and the areas occupied by the public;
- i) The safety plan for the activities;
- j) Proof of liability insurance of at least one million dollars (\$1,000,000) per event.

The form is available online on the Town's website.

ARTICLE 72 COST AND DURATION OF PERMIT

The cost of the permit is one hundred dollars (\$100) per day of use and is valid only for the date indicated on the permit.

ARTICLE 73 PERMIT CONDITIONS

Permits can only be issued if the application is in order and the user is a qualified fireworks technician.

ARTICLE 74 CHANGE OF INFORMATION

The person filing the declaration is responsible for informing the Competent Authority of any change in the information provided in support of the permit application, within thirty (30) days of the change.

ARTICLE 75 LICENCE NOT TRANSFERABLE

A permit is valid only for the person in whose name it is issued and is non-transferable.

CHAPTER 16 SALE OF HIGH-RISK PYROTECHNICS

ARTICLE 76 CONDITIONS

It is forbidden to sell high-risk pyrotechnics unless you have filed a declaration to that effect.

ARTICLE 77 DECLARATION OF SALE

A declaration for the sale of such pyrotechnic items must be submitted on the form provided at 0 and provide the following information and documents:

- a) the seller's surname, first name, address and date of birth if the seller is an individual;
- b) the address of the place of sale and of the place of storage, if different from that of the seller;
- c) the type of pieces offered for sale;
- d) the quantity of parts to be stored;
- e) the exact location where the parts stored for sale will be kept;
- f) where and how the pieces will be displayed in the store.

The form is available online on the Town's website.

ARTICLE 78 DURATION OF THE DECLARATION OF SALE

The declaration is valid for a maximum period of one (1) year. It expires on December 31st following the date of its production.

ARTICLE 79 CHANGE OF INFORMATION

The person filing the declaration is responsible for informing the Competent Authority of any change in the information provided in support of the permit application, within thirty (30) days of the change.

ARTICLE 80 PROHIBITION

The Competent Authority may prohibit the storage of such parts if it deems the storage to be unsafe.

CHAPTER 17 FIRE-EATER, JUGGLER WITH FLAMING STICKS

ARTICLE 81 CONDITIONS

A performance by a fire-eater or juggler with flaming sticks is permitted only under the following conditions:

- a) the fire-eater or juggler is qualified and holds a valid permit issued for the performance in accordance with the present by-law;
- b) appropriate equipment must be on site to prevent the spread of flames.

ARTICLE 82 DECLARATION

- a) A declaration for a performance including a fire-eater or juggler with flaming sticks must be submitted on the form provided at 0 and provide the following information and documents:
- b) Applicant's full name and address;
- c) the event in which the fire-eater or juggler will take part;

- d) full name and address of the organizer;
- e) the date and exact location of the event ;
- f) the surname, first name and address of the fire-eater or juggler and a copy of any document attesting to his or her qualifications and authorizations for this purpose;
- g) a description of its performance;
- h) a sketch of the site where the presentation will take place, indicating the security perimeter and areas occupied by the public;
- i) written authorization from the owner of the land where the performance will take place; and
- j) proof of liability insurance of at least one million dollars (\$1,000,000) per event.

All declarations must be made to the competent authority at least ten (10) days prior to the performance.

The declaration form is available online on the Town's website.

TITLE 6 EXTERIOR FIRES

ARTICLE 83 PROHIBITION

It is forbidden to make or maintain a fire of debris from construction materials.

ARTICLE 84 SMOKE

It is forbidden to maintain a fire when the smoke it emits is harmful to the occupants of neighbouring properties or to traffic.

CHAPTER 18 FIRE IN AN OUTDOOR FIREPLACE

ARTICLE 85 OUTDOOR FIREPLACE

An outdoor fireplace is considered:

- a) a masonry fireplace with a chimney at least one metre (1 m) long and fitted with a screened hood;
- b) a fireplace of commercial design, equipped with a chimney of at least one metre (1 m) in length, fitted with a screened hood and specially designed for fire-making; or
- c) a grill or smoker designed for cooking food.

ARTICLE 86 USE OF OUTDOOR FIREPLACES

An outdoor fireplace must not be located within three metres (3 m) of any combustible material.

ARTICLE 87 TERMS OF USE

An outdoor fireplace can only be used under the following conditions:

- a) only wood can be used as fuel;
- b) combustible materials must not exceed the height of the hearth;
- c) all fires must be supervised at all times by an adult; and

- d) anyone lighting or allowing a fire to be lit must ensure that a means of extinguishing the fire quickly is available on site, including a bucket of water, hose, fire extinguisher or similar device;
- e) anyone who lights, allows to be lit or is on the ground where a fire is lit, must act in such a way as to prevent or eliminate any spread of flames.

In addition, all Société de protection des forêts contre le feu (SOPFEU) requirements must be met. SOPFEU's recommendations should also be followed, particularly those concerning fire risk assessment according to its scale and interactive map. These requirements and recommendations can be consulted on the SOPFEU website.

CHAPTER 19 OPEN FIRE

ARTICLE 88 AUTHORIZATION

It is forbidden to make or maintain an open fire unless a valid declaration has been produced.

ARTICLE 89 DECLARATION

A call must be made to the Fire Safety Department at least forty-eight (48) hours before the planned date of an open fire and the following information must be provided:

- a) the name and address of the applicant, as well as the name of the person in charge in the case of an organization, and the telephone number;
- b) the proposed location, date, time and duration of the fire; and
- c) type of fire and combustible materials used.

ARTICLE 90 CONDITIONS

An open fire can only be made under the following conditions:

- a) the fire must be under the constant supervision of at least one adult until completely extinguished to ensure the safety of the premises;
- b) the fire must be located at a minimum distance of sixty meters (60 m) from any building or woodland, and be protected by a safety zone with a fifteen-meter (15 m) radius;
- c) the height of the fire must not exceed one metre eighty centimeters (1.80 m) and its surface area must not exceed a diameter of three meters (3 m);
- d) in agricultural zones, the height of the fire must not exceed two and a half meters (2.50 m) and its area must not exceed a diameter of five metres (5 m);
- e) no tire or liquid fuel may be used to start or activate a fire;
- f) there must be a means of extinguishing the fire quickly, such as a bucket of water, hose, fire extinguisher or similar device;
- g) the fire must be set in a designated area. The perimeter of the fire must be clearly defined;
- h) the fire must be extinguished before sunset; and
- i) all necessary measures must be taken to avoid disturbing neighbors.

Anyone on land where an open fire is burning must act to prevent or eliminate the spread of flames.

In addition, all Société de protection des forêts contre le feu (SOPFEU) requirements must be met. SOPFEU's recommendations should also be followed, particularly those concerning fire risk assessment according to its scale and interactive map. These requirements and recommendations can be consulted on the SOPFEU website.

ARTICLE 91 ATMOSPHERIC CONDITIONS

No fire can take place if, on the date in question, the wind velocity or flammability index presents a particular risk of fire spreading.

**TITLE 7 EMERGENCY MEASURES PLAN (PMU)
 AND FIRE SAFETY PLAN (PSI)**

An Emergency Measures Plan (PMU) and/or Fire Safety Plan (PSI) is required in the event of a fire in:

- a) any building required by the *National Building Code*;
- b) demolition and construction sites;
- c) any area where flammable liquids and combustible liquids are stored or handled
- d) any area where hazardous operations or processes are carried out.

The PSI must be updated as soon as there are any changes, and at least once (1) a year.

Employees need to be trained.

A copy of the Fire Safety Plan must be kept at the main entrance of the building to allow access to the Fire Department at all times.

TITLE 8 OTHER

ARTICLE 92 BUILDING FIRE

Any building damaged, dilapidated or partially destroyed by fire must be demolished or closed and barricaded immediately upon receipt of the notice of surrender from the competent authority.

Any owner who fails to comply with the obligation set out in the first paragraph becomes indebted to the Town for the cost of any work carried out by the Town.

Any expenses incurred under this article will be billed to the defaulting owner as soon as the cost is established.

**ARTICLE 93 MOBILE KITCHEN (CANTEEN-TYPE VEHICLE,
 MOBILE MECHOUI, MOBILE SMOKEHOUSE)**

Mobile kitchen appliances with burners and hot-meal systems, canteen-type vehicles, mobile mechoui appliances and mobile smokers must be maintained and kept in good working order.

At least one 10-lb. BC portable fire extinguisher must be visible and easily accessible at all times.

The device must be operated under the following conditions:

- a) the device and its operation must be supervised by a responsible person of at least eighteen (18) years of age;
- b) monitoring must be carried out from the start of installation and device commissioning, through to the end of the event, complete device shutdown and dismantling;
- c) the person in charge must be familiar with the operation of the equipment and the safety precautions to be observed; and
- d) the person in charge must have the required knowledge of the operation and use of a portable extinguisher.

ARTICLE 94 BUILDING ACCESS ROADS

Building access roads must be maintained at all times and be easy to drive on. Access roads must be kept free of branches, brush, stones, earth, pavement cavities, unmaintained culverts and any other object that may impede visibility and access to buildings.

Building access roads must comply with the following specifications:

- a) have a clear width of at least six metres (6 m) unless it is demonstrated that a lesser width is satisfactory and approved by the competent authority of the fire safety department;
- b) have a radius of curvature of at least twelve meters (12 m);
- c) have a clear height of at least five metres (5 m);
- d) have a maximum slope in accordance with Town planning standards;
- e) be designed to withstand the loads of fire-fighting equipment, and be surfaced with concrete, asphalt or another material that allows access in all weather conditions;
- f) include a turnaround area for each dead-end section over ninety metres (90 m) in length; and
- g) be directly connected to a traffic lane.

TITLE 9 PENAL AND PROCEDURAL PROVISIONS

ARTICLE 95 COMPETENT AUTHORITY

The Competent Authority is responsible for the application of these regulations. To this end, it may:

- a) issue a statement of offence in accordance with the provisions of the *Code of Criminal Procedure*;
- b) revoke or suspend a permit issued pursuant to this by-law when anyone fails to comply with the conditions set out herein.

ARTICLE 96 PROPERTY TOURS

The competent authority is authorized to visit and examine, at any reasonable time, any immovable or movable property as well as the interior or exterior of a building or construction to ensure compliance with the present by-law.

The owner or lessee of such property must receive the Competent Authority and allow it to examine the property or premises in question and answer any questions for the purposes of applying this by-law.

ARTICLE 97 INFRINGEMENT

Unless otherwise specified, the owner of an immovable or his authorized agent must comply with all standards relating to the immovable set out in the present by-law.

Any person who refuses or neglects to comply within the prescribed time with any order given to him or her or with any condition imposed under the present by-law commits an offence.

ARTICLE 98 FINES AND INTERVENTION COSTS

Subject to the following paragraph, any person who contravenes this by-law commits an offence and is liable:

1. If an individual:

- a) for a first offence, a fine of \$500\$ to \$1,000;
- b) for a repeat offence, a fine of \$1,000 to \$2,000;

2. If a legal entity :

- c) for a first offence, a fine of \$1,000 to \$2,000;
- d) for a repeat offence, a fine of \$2,000\$ to \$4,000.

Any person who contravenes to articles **48, 49** or **50** commits an offence and is liable to a fine of \$250 for each dwelling unit or room affected by the offence. In the case of a repeat offence, the fine is \$500 for each dwelling or room affected by the offence.

Furthermore, when applicable, the competent authority may, in addition to any other recourse provided for by law or regulation, bill an offender for the costs of any intervention (such as the wages of responders, use of equipment, etc.) made necessary in order to comply with the present by-law or any provision of a law or regulation pertaining to fire safety or prevention.

ARTICLE 99 CONTINUOUS INFRINGEMENT

If the offence is continuous, the offender is liable to a fine and costs for each day during which the offence continues, the offence constituting a separate offence day after day.

ARTICLE 100 CUMULATIVE REMEDIES

The Town may, in order to ensure compliance with the provisions of the present by-law, exercise cumulatively or alternatively the remedies provided therein as well as any other appropriate remedy of a civil or penal nature.

ARTICLE 101 REPEALS

This by-law replaces and repeals Fire Safety By-law number 2016-05 as well as all previous provisions relating to the interventions of a fire safety department, its role and responsibilities, in particular those concerning inspections, visits and methods of serving documents.

These regulations do not limit the normative requirements imposed by other regulations.

In the event of any inconsistency between a provision of this by-law and any other applicable regulatory provision, the provision of this by-law shall prevail.

ARTICLE 102 COMING INTO FORCE

This by-law comes into force in accordance with the law.

Richard Burcombe
Mayor

M^c Owen Falquero, B.A, LL.B., J.D.
Clerk

Notice of motion: February 1·2021

Adoption: March 1·2021

COMING INTO FORCE: March 10, 2021

**APPENDIX A
DECLARATION - GAS CLASS 2
(ARTICLE 32)**

Owner: **Owner** **Tenant**

Full name: _____

Address: _____

Home phone: _____ Work: _____

Email: _____

Date of birth: _____

Site description

Building size: _____ Year of construction _____

Building use: _____ Number of floors: _____

Access location: _____

Description of propane tanks, cylinders or class 2 gas cylinders

Number of tanks _____

Tank dimensions: _____

Tank capacity: _____

Location in relation to buildings: _____

Sketch: Enclose a sheet with your sketch illustrating the site where the presentation will take place, indicating the security perimeter and the areas occupied by the public.

**APPENDIX B
DECLARATION - SALE OF PYROTECHNIC ITEM(S)
(ARTICLE 77)**

Sales

Last name, first name:	
Address:	
Phone: _____	Cell: _____
E-mail address: _____	Date of birth: _____

Sales and storage address

Where to buy:
Storage location:

List of items for sale and quantities

Name	Number	Name	Number
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Description of location

Description of where and how to display in-store

Applicant's declaration

I, _____, declare that all the information provided in this permit application is true.

Date: _____ Signature: _____

Competent authority

Declaration received on: _____ By: _____

**APPENDIX C
DECLARATION - FIRE-EATER
/ JUGGLER WITH FLAMING STICKS
(ARTICLE 82)**

Authorization issued to:

Name of the person in charge: _____

Address: _____

Home phone: _____ Work: _____

Cell: _____

E-mail: _____

Type of activity

Fire location: _____

Date: _____ Time: _____ Approximate duration: _____

Description of type of fire: _____

Combustible materials used: _____

Comments:

APPENDIX D
APPLICATION FOR A PERMIT TO USE
OF PYROTECHNIC ITEM(S)
 (ERREUR ! SOURCE DU RENVOI INTROUVABLE.)

Declarant (fireworks technician)

Last name, first name:	
Address:	
Qualification(s): <i>(attach copies of documents certifying qualifications and authorizations)</i>	
Phone:	Cell:
E-mail:	

Organizer

Last name, first name:
Address:

Event

Reason:
Location:
Date:

List of pyrotechnics used

<i>(use attached sheet if necessary)</i>	
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DOCUMENTS TO BE ATTACHED TO THIS APPLICATION:

- Site owner:** written authorization from the owner and lessee, if applicable, of the land(s) used for the launch and.
- Diagram (sketch)** showing launch, clearance and landing areas, safety perimeter and public areas
- Safety plan** for activities
- Proof of liability insurance** of at least one million dollars (\$1,000,000)

Declaration by applicant

I, _____, declare that all the information provided in this permit application is true.

Date: _____ Signature: _____

Competent authority	
Application received on: _____	By: _____
Permit issued on: _____	Permit number: _____