



BY-LAW NUMBER 271-2021

BY-LAW 271-2021 REPLACING AND REPEALING BY-LAW 202-2014 AND PROVIDING FOR THE PREVENTION OF FIRES ON THE TERRITORY OF THE MRC PONTIAC

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CANADA
PROVINCE OF QUEBEC
REGIONAL COUNTY MUNICIPALITY OF PONTIAC
LITCHFIELD

**BY-LAW 271-2021 PROVIDING FOR THE PREVENTION OF FIRES
ON THE TERRITORY OF THE MRC PONTIAC**

- WHEREAS** by virtue of Article 62 of the Municipal Powers Act, any local municipality may adopt safety regulations;
- WHEREAS** according to section 16 of the Fire Safety Act (RLRQ, c. S-3.4), municipalities are required to adopt regulatory measures in the area of fire safety;
- WHEREAS** the entry into force on May 1, 2017 of the revised fire safety cover plan for the MRC Pontiac under the Fire Safety Act;
- WHEREAS** the MRC Pontiac has the obligation to ensure compliance with the obligations provided for in the fire safety cover plan certified by the Minister;
- WHEREAS** with the adoption of the by-law which provides for a systematic incorporation of the Quebec Safety Code, Chapter VIII - Building and National Fire Prevention Code Canada 2010 (amended) (CBCS), the MRC Pontiac, its municipalities and its employees, within the framework of the application of any standard identical to a standard contained in the CBCS of the new regulation, cannot be sued for an official act performed in good faith in the exercise of his functions (immunity);
- WHEREAS** the MRC Pontiac declared its competence in fire prevention by its resolution number C.M. 2020-12-22;
- WHEREAS** a notice of motion for this by-law was given beforehand at the regular meeting of May 19th 2021 and that a draft by-law was tabled at the same regular meeting;
- CONSEQUENTLY,** it is moved by Sandra Murray and it is unanimously resolved:

That the by-law bearing the number 271- 2021 be adopted and that the following be decreed and enacted as follows:

PREAMBLE

The preamble is an integral part of this by-law.

GENERAL

Application

This by-law applies throughout the territory of the MRC Pontiac.

PRELIMINARY PART

SYSTEMATIC INCORPORATION

This by-law provides for a systematic incorporation of the Quebec Safety Code, Chapter VIII - Building, and National Fire Prevention Code - Canada 2010 (amended), into the regulatory text as if it were part of it, each part and section of the equivalent *code*, in each part and section of the by-law, except division I Chapter VIII Building section II, VI, VII, IX and subject to certain modifications.

SECTION IV

MORE BINDING PROVISIONS APPLICABLE TO CERTAIN BUILDINGS

IV. Fire Separation

1. Articles 361 to 365 of section IV of the Safety Code do not apply to a single-family building.

DIVISION A

PART 1 CONFORMITY

SECTION 1.4. TERMS AND ABBREVIATIONS

1.4.1. Definitions

2. Article 1.4.1.2. of the National Fire Code - Canada 2010 (amended) is amended by adding the following terms:

1.4.1.2. Defined terms

- 1) The terms defined, in italics in the Quebec Safety Code, Chapter VIII - Building, and National Fire Prevention Code - Canada 2010 (amended) or in this by-law, have the following meaning:

Competent authority: The Régie du bâtiment du Québec, the MRC Pontiac or the local municipality represented by a director general, a director of fire safety (fire chief), a fire prevention technician, a municipal inspector or an authorized representative.

Authorization: written authorization issued by the *competent authority*.

Smoke alarm: *smoke detector* with incorporated alarm, designed to give a signal as soon as smoke is detected in the room or suite in which it is installed.

Carbon monoxide alarm: device equipped with a visual or audible warning signal designed to trigger an alarm as soon as carbon monoxide is detected.

Low risk building (1): very small, widely spaced buildings, residential buildings with 1 or 2 dwellings, 1 or 2 floors, detached. The building types are identified by sheds, garages, detached single-family residences with 1 or 2 units, chalets, mobile homes and rooming houses with less than 5 people.

Medium risk building (2): a building with no more than 3 storeys and a floor area of not more than 600 m². The building types are identified by attached single-family residences of 2 or 3 floors, buildings of 8 units or less, rooming houses (5 to 9 bedrooms), industrial establishments of Group F, division 3 (workshops, warehouses, sales room, etc.).

High risk building (3): buildings with a floor area of more than 600 m², buildings of 4 to 6 floors, places where occupants are normally able to evacuate, places without a significant quantity of hazardous materials. The building types are identified as commercial establishments, business establishments, buildings with 9 or more units, rooming houses (10 or more bedrooms), motels, industrial establishments of Group F, division 2 (workshops, repair garages, printshops, gas stations, etc.), and farm buildings.

Very high risk building (4): buildings with more than 6 floors or with a high risk of conflagration, places where occupants cannot evacuate on their own, places involving difficult evacuation due to the high

number of occupants, places where hazardous materials are likely to be found and places where the impact of a fire is likely to affect the functioning of the community. The building types are identified as business establishments, adjoining buildings in old neighbourhoods, hospitals, reception centres, supervised residences, detention facilities, malls with more than 45 stores, hotels, schools, daycares, and churches, industrial establishments of Group F, division 1 (hazardous materials warehouses, paint factories, chemical factories,

Code: Quebec Safety Code, Chapter VIII - Building, and National Fire Prevention Code - Canada 2010 (amended). NRC 55378F. As published by the National Research Council Canada.

Smoke detector: fire detector as an integral part of a *fire alarm system* designed to be triggered when the concentration of combustion products in the air exceeds a predetermined level.

Open fire: Any fire that burns freely or can spread freely, consisting of permitted materials.

Outdoor fire: Any fire or burning practice carried out outside a building and includes, but is not limited to, small contained fires and large contained fires, fires in *outdoor fireplaces*, prescribed burning and *open fires*.

Fireworks: a pyrotechnic device using high explosives intended to produce sound, light and smoke using a pyrotechnic composition. They are often used in fireworks shows (national holidays, New Year's Day, events, etc.). They are regulated by the Explosives Regulatory Division of Natural Resources Canada and are divided into 3 main categories:

- a) **Fireworks for consumer use (class 7.2.1 / F.1):** Low risk recreational *Pyrotechnics* for outdoor use, like fountains, golden showers, Roman candles, volcanoes, sparklers, primers for toy guns. They can be acquired by any adult;
- b) **Large-scale pyrotechnics (class 7.2.2 / F.2):** High risk recreational *Pyrotechnics* for outdoor use, such as bombs, Ferris wheels, dams, bombardos, waterfalls and mines. Certification from Natural Resources Canada is required to purchase these parts;
- c) **Special effect pyrotechnics (in general, class 7.2.5 / F.3):** These effects are created during the firing of pyrotechnic, propellant or explosive devices or materials and are used by the entertainment industry for outdoor or indoor performances. Examples: bullet effects, lightning powders, smoke compositions, sprays, spears and sound effects. Certification from Natural Resources Canada is required to purchase these parts.

Outdoor fireplace: Non-combustible container equipped with a *spark arrester*, designed to contain a fire, including, but not limited to, metal containers, appliances, arrangement of bricks or stones with a metallic *spark arrester*. Fires that burn in such an appliance are not considered to be *open fires*.

Nuisance: Excessive smoke, odour or sparks carried by wind or embers that may disturb others or reduce visibility on nearby roads.

Spark arrester: Mesh that prevents the emission of flammable debris from combustion sources.

Urban perimeter: Sectors identified in the fire safety cover plan and the MRC Pontiac land use plan by an urban assignment, a local centre or an intermediate centre. A table of these sectors is identified in appendix 1.

Pyrotechnics: see *Fireworks*

Owner: any natural or legal person, who holds the right of ownership or any person entered on the evaluation role as owner or agent of the owner.

Fire department: Local municipality fire safety service.

Fire alarm system: any equipment, required and installed in accordance with the requirements in force during construction or conversion or, where applicable, the more restrictive provisions applicable to certain buildings provided for in section IV of chapter VIII of the Safety Code, which sounds an alarm signal by means of audible warning devices in the system, under the action of a manual call point, a water flow detector or a fire detector.

SECTION 1.5. - DOCUMENTS INCORPORATED BY REFERENCE AND BODIES CITED

1.5.1. Documents incorporated by reference

3. Subsection 1.5.1. of the National Fire Code - Canada 2010 (amended) is amended by adding section 1.5.1.4. following article 1.5.1.3.:

1.5.1.4. Interpretation

- 1) Any provision or part of a provision of the Quebec Safety Code, Chapter VIII - Building, and National Fire Prevention Code - Canada 2010 (amended) incorporated by reference into the by-law that is irreconcilable with another provision of the by-law is inoperative.
- 2) Any document or part of a document incorporated by reference irreconcilable with a provision of part of the Quebec Safety Code, Chapter VIII - Building, and National Fire Prevention Code - Canada 2010 (amended) incorporated into the by-law is inoperative.
- 3) The present by-law does not have the effect of limiting the obligations imposed or the powers granted by other laws or regulations in the field of fire safety.
- 4) Unless otherwise indicated, the articles which lay down requirements in terms of design and installation standards, tests or inspections, are only applicable for the fire safety equipment required in this by-law, in the construction by-laws of the local municipality or the requirements in effect at the time of construction or transformation.

DIVISION B

**PART 1
GENERAL**

SECTION 1.1. - GENERAL

4. Table 1.3.1.2. of the National Fire Code - Canada 2010 (amended) is amended by adding the following editions of documents:

1.3.1.2. Relevant editions

- 1) The editions of the documents which are incorporated by reference in the Quebec Safety Code, Chapter VIII - Building, and National Fire Prevention Code - Canada 2010 (amended) are those designated in Table 1.3.1.2. (see appendix A).

**Table 1.3.1.2.
Documents incorporated by reference**

Organization	Designation	Title	Referral
MRC Pontiac	65-99	Land-Use Development Plan	DIVISION A - 1.4.1.2. 1) 2.4.5.1. 2) a) ii)
ULC	CAN / ULC-S553-14	Standard for installation of smoke alarms	2.1.3.3. 3)
THAT'S IT	CAN / CSA-6.19-17	Residential carbon monoxide alarming devices	2.1.6.1. 3)
	CSA C22.10-18	Quebec Construction Code, Chapter V - Electricity, Canadian Electrical Code, Part I (twenty-third edition) with Quebec amendments	2.1.3.3. 6) 2.4.7.1. 2) 2.4.7.1. 9) 2.4.7.1. 10)
NFPA	NFPA 291-2010	Recommended Practice for Fire Flow Testing and Marking of Hydrants	6.4.1.2. 8) b)
NRCan	2010	Fireworks manual Special effect pyrotechnics manual	5.1.1.5. 6) 5.1.1.5. 7)

DIVISION B

PART 2

PROTECTION OF BUILDINGS AND OCCUPANTS AGAINST FIRE

SECTION 2.1. - GENERAL

5. Article 2.1.3.3. of the National Fire Code - Canada 2010 (amended) is amended by adding paragraphs 3) to 7) after paragraph 2):

2.1.3.3. *Smoke alarms*

- 3) A *smoke alarm* in a building must:
 - a) be installed in accordance with CAN/ULC-553 "Installation of *smoke alarms*";
- 4) It is forbidden to paint a *smoke alarm*;
- 5) The *owner* and occupant of a residential building, or dwelling, must ensure that installed *smoke alarms* are kept in good working order. In particular, they are required to:
 - a) in the case of the occupant: perform a monthly check of the correct operation of the *smoke alarms* installed in their residence, maintain them and replace the batteries when they are no longer able to operate properly;
 - b) in the case of the *owner*: install a missing *smoke alarm* and replace a broken or defective *smoke alarm*.
- 6) Any *owner* of a building in which substantial modifications to the domestic electrical circuit or to the main building, when these modifications are the subject of interior renovations where the estimated cost of these modifications exceeds thirty percent (30%) of the property assessment of the building, were carried out under a building permit issued after October 10, 2011, must connect to this circuit all *smoke alarms* whose installation is prescribed by this by-law regardless of the year of the start of construction. They must then be installed in accordance with the Quebec Construction Code, Chapter V, Electricity (CSA C22.10-18 standard) in effect for the current year, before work to modify the electrical circuit is completed;
- 7) Any multi-unit residential building, for which a *fire alarm system* is not required, must be equipped with *smoke alarms* on the ceiling of each stairwell serving as a common means of escape and in the middle of each corridor. If a corridor is more than 20 m in length, a *smoke alarm* must be installed for each unit of 20 m in length, or for a part of a unit of additional 20 m, or according to the manufacturer's specifications.

2.1.5. Portable fire extinguishers

6. Article 2.1.5.1. paragraph 1) of the National Fire Code - Canada 2010 (amended) should read as follows:

2.1.5.1. Selection and installation

- 1) Portable fire extinguishers that meet the requirements of paragraphs 2) to 4) must be installed in all buildings, except inside dwellings and in common areas serving fewer than 5 dwellings, provided that they are not from a daycare centre or accommodation located more than 8 km from a fire station identified in appendix 2 of this by-law.

2.1.6. Carbon monoxide alarms

7. Article 2.1.6.1. of the National Fire Code - Canada 2010 (amended) is amended by adding paragraphs 2) to 3) after paragraph 1):

2.1.6.1. Carbon monoxide alarms

- 2) The *owner* or occupant of a building that houses a dwelling, a dwelling or a supervised residence must install a *carbon monoxide alarm* when the building contains:
 - a) a combustion appliance or;
 - b) direct access to an indoor parking garage.
- 3) *Carbon monoxide alarms* required under this section must:
 - a) comply with CAN/CSA-6.19, "Residential Carbon Monoxide Alarming Devices";
 - b) be equipped with an integrated alarm that meets the audibility requirements of standard CAN/CSA-6.19, "Residential Carbon Monoxide Alarming Devices";
 - c) be installed and replaced according to the manufacturer's recommendations.

SECTION 2.4. - FIRE HAZARDS

2.4.1. Combustible materials

8. Article 2.4.1.1. of the National Fire Code - Canada 2010 (amended) is amended by adding paragraphs 8) and 9) after paragraph 7):

2.4.1.1. Accumulation of combustible materials

- 8) Combustible materials intended for the supply of a heating appliance are permitted to be stored outside, provided that:
 - a) that they be placed at least 1 m from any building;
 - b) that they be placed at least 3 m from any opening in a building;
 - c) that these combustible materials are those for which the heater is designed.
- 9) Combustible materials intended for the supply of a heating appliance are permitted to be stored inside, provided that:

- a) that they are placed at least 1 m from the heating appliance;
- b) that they be placed at least 3 m from any opening in a building;
- c) that they do not obstruct any means of escape;
- d) that these combustible materials are those for which the heater is designed;

2.4.12. Portable cooking appliances

9. Article 2.4.12.2. of the National Fire Code - Canada 2010 (amended) should read as follows:

2.4.12.2. Outside a building

- 1) No portable cooking appliance powered by charcoal or gas may be used outside a building within 1 m of a door, window, property line, under a structure comprised of combustible materials or any combustible siding.
- 2) No portable cooking appliance may be used in a manner contrary to the manufacturer's instructions.

2.4.5. Outdoor fires

10. Article 2.4.5.1. of the National Fire Code - Canada 2010 (amended) should read as follows:

2.4.5.1. Outdoor fires

- 1) It is forbidden to make an *outdoor fire*.
- 2) Despite paragraph 1), it is permitted to make:
 - a) an *open fire*, provided that:
 - i) the *owner* has obtained prior *authorization* from the *competent authority* in the subject municipalities (see appendix 1 of this by-law);
 - ii) the fire site is located outside an *urban perimeter* of the MRC Pontiac;
 - iii) the fire takes place between November 15 and April 1, subject to extension of this period by the local municipality;
 - iv) the maximum height of the pile of materials intended for burning is 2 metres;
 - v) the products of fire do not cause any *nuisance* to people, property or the visibility of users of a road network;
 - vi) the equipment necessary to prevent the spread of the fire is or will be available on the premises where the fire is or will be lit, for the duration of the fire;
 - vii) the wind speed does not exceed 20 km/h;
 - viii) the *competent authority* does not issue any ban on burning;
 - ix) The Société de protection des forêts contre le feu (SOPFEU) does not issue any prohibition on burning or its fire danger is not at the "Extreme" level;

b) a fire in an *outdoor fireplace*, provided that:

- i) the *owner* has obtained prior *authorization* from the *competent authority* in the subject municipalities (see appendix 1 of this by-law);
- ii) this fireplace is constructed of non-combustible materials;
- iii) this fireplace is fitted with a *spark arrester* cover or screen, the openings of which do not exceed 1 cm in diameter;
- iv) this fireplace burns a volume of materials of at most 0.25 m³, i.e., 76.2 cm by 72.6 cm by 45.72 cm in height, entirely included under its *spark arrester* cover or screen;
- v) this fireplace rests on a non-combustible base extending 1.5 times the height of the appliance;
- vi) this fireplace is located 4.57 m from any building, structure, property line and combustible material.
- vii) the *competent authority* does not issue any prohibition on burning;

- 3)** A fire in a mobile *outdoor fireplace* is permitted when it is fuelled by natural gas, propane gas, electricity or any other liquid designed and recognized specifically for the use of the appliance. This must be at least 1 m from any combustible material and must be subject to the conditions of use and location of the manufacturer.
- 4)** It is forbidden to feed or maintain a fire with an accelerant.
- 5)** It is forbidden to burn any waste, tires, treated wood, construction materials, plastics or recyclable materials. Only organic and natural materials, including untreated wood, branches and brush are allowed;
- 6)** It is forbidden to burn in a container not intended for this purpose, including reused or used containers.
- 7)** No one may use an outdoor heater or an appliance serving as an *outdoor fireplace* in a manner contrary to the manufacturer's instructions. When required by a standard, these devices must be approved by a recognized organization.
- 8)** The *competent authority* may at any time require the extinction of any exterior fire when the conditions listed above are not met, and for any other condition imposed by the *competent authority*, when the smoke bothers neighbours or for any other reason in order to ensure the safety of the public.

2.4.7. Electrical installation

- 11. Article 2.4.7.1. of the National Fire Code - Canada 2010 (amended) is amended by adding paragraphs 2) to 14) after paragraph 1):

2.4.7.1. Use and maintenance

- 2)** Electrical installations must comply with the Quebec Construction Code, Chapter V, Electricity (CSA C22.10-18 standard);
- 3)** No one may use a removable cord or a power cord that is not approved under a standard recognized by the Standards Council of Canada;
- 4)** No one may conceal a removable cord or a power cord under a carpet or any other combustible material;
- 5)** No one may cover a removable cord or a power cord with a material which may cause it to heat up;
- 6)** No one may attach a detachable cord or a power cord:
 - a)** to a permanent structure;
 - b)** so as to damage the sheath.
- 7)** No one may pass a removable cord or a power cord through a wall, ceiling, door or window opening, or pinch it under furniture;
- 8)** No one may place a removable cord or power cord in such a way that it can be damaged by the passage of people or vehicles;
- 9)** Distribution panels, outlet or junction boxes must have a cover approved under the Quebec Construction Code, Chapter V, Electricity (CSA C22.10-18 standard) or a light fixture base as appropriate;
- 10)** Boxes, enclosures, fittings, fixtures and bulb sockets must be securely fixed in accordance with the Quebec Construction Code, Chapter V, Electricity (CSA C22.10-18 standard);
- 11)** Bare parts must be protected against any accidental contact or must not be hidden in an inaccessible place or compartment;
- 12)** The parts and appliances supplied by each circuit breaker or fuse must be indicated inside any distribution panel;
- 13)** Passages and free spaces must be provided and free from any storage of at least 1 m around the distribution and control panel as well as all electrical equipment. Access to the panel must also be cleared so as to allow authorized persons easy and rapid access;
- 14)** No one may store or use electrical devices in an emergency exit.

SECTION 2.5. - FIRE DEPARTMENT'S ACCESS TO BUILDINGS

2.5.1. General

12. Article 2.5.1.1. of the National Fire Code - Canada 2010 (amended) is amended by adding paragraphs 2) to 11) after paragraph 1):

2.5.1.1. Access to the building

- 10) Access roads must be constructed in accordance with the requirements in force during construction or alteration;
- 11) The *competent authority* may require that additional accesses be provided by the *owner* of a building in order to ensure access to any part of the building by *fire department* vehicles;
- 12) The access roads must be maintained and clear of any obstacle and allow free movement of fire safety service vehicles in all seasons;
- 13) If the *competent authority* determines that a driveway, yard or access to property is too narrow or obstructed to respond effectively to an emergency, the *competent authority* may order the immediate removal of the obstacle;
- 14) When a key is necessary to access the building entrances, the *competent authority* may require that this key be placed in a unique key lockbox, placed in the place determined by the *competent authority* to allow rapid access at all times;
- 15) The keys used to recall elevators and to allow the independent operation of each elevator must be placed at the central alarm or control station or, failing that, in the unique key lockbox.
- 16) The contents of the unique key lockbox must be locked and accessible by means of a unique key determined by the *competent authority*. At that time, the *competent authority* will be the sole holder of the unique key.
- 17) The unique key lockbox must be installed at a height of 1.5 m from the ground and must comply with the requirements of the *fire department*.

DIVISION B

PART 5 HAZARDOUS PROCESSES AND OPERATIONS

SECTION 5.1. - GENERAL

5.1.1. Object

13. Subsection 5.1.1. of the National Fire Code - Canada 2010 (amended) is amended by adding sections 5.1.1.4. and 5.1.1.5. following article 5.1.1.3.:

5.1.1.4. *Fireworks for consumer use*

- 1) No person may use consumer *fireworks*, as defined in applicable provincial or federal legislation, without obtaining prior *authorization* from the *competent authority*;
- 2) For the purposes of this by-law, Chinese lanterns are not considered *fireworks* and their use is prohibited on the territory of the MRC Pontiac.
- 3) All users must comply with Division 2 of Part 16 of the Federal Explosives Act (RS ch. E-15) regarding the use and storage of *fireworks*.

5.1.1.5. *Large-scale pyrotechnics and special effect pyrotechnics*

- 3) No person may use *large-scale pyrotechnics* and *special effect pyrotechnics*, as defined in applicable provincial or federal legislation, without obtaining prior *authorization* from the *competent authority*.
- 4) To obtain the *authorization* provided for in paragraph 1) the applicant must, at least 30 days before use, provide or demonstrate to the *competent authority*:
 - a) a written request containing all the information required by the *competent authority* to ensure safety;
 - b) a written description and the quantity of the *fireworks* to be used;
 - c) the planned storage method when it is necessary to temporarily store the *fireworks*;
 - d) that he holds a *fireworks* supervisor permit issued in accordance with the provincial or federal legislation in force and provide a copy thereof;
 - e) a scale plan in 2 copies of the installations on the site;
 - f) a copy of the order sheet for the *pyrotechnics* as well as their origin (name and address);
 - g) that he has civil liability insurance of at least \$ 2,000,000 for the holding of the event and submit a copy thereof;
 - h) a letter of consent from the *owner* of the premises where the activity is taking place. The *competent authority* must refuse the issuance of the *authorization* if one or more conditions for issuing the permit is not met.
- 5) No firing is permitted when the wind speed is greater than 30 km / h.

- 6) Anyone who uses, handles or transports *pyrotechnics* intended for *fireworks* must do so in accordance with the instructions in the “Fireworks Manual” published by NRCan.
- 7) Anyone who uses, handles or transports *pyrotechnics* intended for special effects must do so in accordance with the “Special Effect *Pyrotechnics* Manual” published by NRCan.
- 8) The *authorization* holder must ensure that the *fireworks* supervisor, mentioned in the *authorization* request, is present on the pyrotechnic deployment site during the assembly, firing, dismantling and cleaning operations of the site. He must also ensure that the *fireworks* supervisor supervises the direction of these operations.
- 9) No one may use *pyrotechnics* intended for *fireworks* inside a building.
- 10) The *authorization* holder must comply with the conditions and requirements provided for in the *authorization*.
- 11) Anyone using *pyrotechnics* on an outdoor site must comply with this section and the following requirements:
 - a) have near the site, a source of water in sufficient quantity to extinguish the beginning of a fire, such as a garden hose;
 - b) no spectator should be within 20 m of the *pyrotechnics*;
 - c) the firing of *pyrotechnics* must be interrupted when pyrotechnic materials fall on adjacent land or buildings;
 - d) it is forbidden to throw or put *pyrotechnics* in their pockets;
 - e) it is forbidden to hold *pyrotechnics* in their hands when they are fired;
 - f) it is forbidden to relight a pyrotechnic piece whose ignition was unsuccessful;
 - g) *pyrotechnics* that have already been used and those that have failed to ignite must be immersed in a bucket of water.
 - h) The *fireworks* engineer must, at all times, put in place fire protection measures, ensuring the presence of surveillance personnel.

DIVISION B

PART 6 FIRE PROTECTION EQUIPMENT

SECTION 6.4. - WATER-BASED FIRE PROTECTION SYSTEMS

14. Subsection 6.4.1. of the National Fire Code - Canada 2010 (amended) is amended by adding articles 6.4.1.2. to 6.4.1.6. following article 6.4.1.1.:

6.4.1.2. Fire hydrant

- 3) No one may install or maintain a decorative fire hydrant on his property.
- 4) The *owner* of land on which a fire hydrant is located must ensure the proper functioning of the latter, visibility and accessibility from the access road (obstacle-free route) and a clearance of any obstacle (plants, tree, shrub, stone wall, fence, structure or other obstacle) over a radius of at least 2 m for firefighters and their equipment.
- 5) Only the *competent authority* or a person previously authorized by the latter is authorized to use a fire hydrant;
- 6) No one may paint or alter a fire hydrant;
- 7) When a private fire hydrant is found to be defective or out of service, the landowner must immediately notify the *fire department* in writing, identify the hydrant in accordance with the *fire department's* requirements and proceed with the repair within 10 days of knowledge of the defect;
- 8) The *owner* of land on which there is a private fire hydrant must:
 - a) install a valve on the network to isolate it in order to be able to carry out repairs and maintenance;
 - b) paint the tops and caps of all water outlets in accordance with the colours of standard NFPA 291 "Preventive maintenance and inspection of fire hydrants" as indicated in table 6.4.1.2. and according to the estimated flow rate at a residual pressure of 140 kPa;
 - c) keep it accessible at all times and indicate its presence by means of a sign to facilitate localization in the event of a fire in accordance with the requirements of the *fire department*;
 - d) ensure that the 65 mm water outlets are fitted with threads in accordance with the system of the *competent authority* and that the 100 mm water outlet is fitted with a "Storz" type quick connection.

Table 6.4.1.2.
Hydrant colour according to NFPA 291
Forming an integral part of paragraph 6.4.1.2. 8) b)

Class	Top and caps	Debit
AA	Blue	6825 L/min or more (1,500 gpm)
A	Green	4550 to 6820 L/min (1000 to 1499 gpm)
B	Orange	2275 to 4545 L/min (500 to 999 gpm)
C	Red	Less than 2275 L/min (499 gpm)

DIVISION C

PART 2 ADMINISTRATIVE PROVISIONS

SECTION 2.2. - ADMINISTRATION

15. Section 2.2. of the National Fire Code - Canada 2010 (amended) is amended by adding subsections 2.2.2. to 2.2.4. following subsection 2.2.1.:

2.2.2. Enforcement power

2.2.2.1. Enforcement power

- 1) It is the responsibility of the *competent authority* of the *fire department* to ensure that the provisions of the by-law are observed and to take all necessary measures to ensure compliance.

2.2.3. Powers of the *competent authority*

2.2.3.1. Inspection

- 1) The *competent authority* is authorized to:
 - a) visit and examine at any reasonable time, given the circumstances, any place, as well as any container therein, to ensure compliance with the by-law;
 - b) take the necessary measures to ensure the safety of occupants and workers, when there is reasonable cause to believe that there is a dangerous activity or a risk of danger;
 - c) require the inspection of an establishment's energy supply to ensure that the supply does not constitute a fire hazard; if necessary, in order to guarantee the safety of occupants and workers, to shut off the supply of energy to an establishment; interrupt the power supply itself if this action does not endanger the safety of others and if it can be done by a simple procedure;
 - d) take photographs of the premises;
 - e) demand any explanation and any information relating to the situations which present the non-compliance with the by-law;
 - f) carry out control tests on detection, warning, extinguishing or emergency devices to verify their effectiveness or order the *owner*, the person in charge or the occupant to carry them out;
 - g) carry out a fire drill with the occupants of the building;
 - h) seize and demand the confiscation, if necessary, of any combustible, explosive or detonating material or product or similar part in any place. The Court can order the confiscation of the seized objects;
 - i) require any certificate of conformity attesting to the quality of equipment or structure by a professional within the meaning of the Professional Code (RSQ, c. C-26).

2.2.3.2. Special and emergency powers

- 1) The *competent authority* may under article 32 of the Fire Safety Act, S-3.4:
 - a) enter at any reasonable time in a place where he has reasonable grounds to believe that an activity or property that presents a risk is present, subject to a declaration under the Fire Safety Act, S-3.4, and proceed with an inspection;
 - b) take photographs of the premises;
 - c) compel anyone on the premises to provide reasonable assistance;
 - d) require any explanation and any information relating to situations that present a potential risk, subject to a declaration under the Fire Safety Act, S-3.4;
 - e) carry out control tests on declared detection, warning, extinguishing or emergency devices to verify their effectiveness or order the *owner*, the person in charge or the occupant to carry them out;
 - f) seize and demand the confiscation, if necessary, of any combustible, explosive or detonating material or product or similar part in any place. The Court can order the confiscation of the seized objects.

- 2) To perform their duties in the event of a fire, disaster or other emergency, the *competent authority* may enter any place affected or threatened as well as any adjacent place for the purpose of fighting the fire, the disaster or in order to provide assistance.

- 3) Under the same conditions and under the authority of the person in charge of operations, the *competent authority* may also:
 - a) enter, using the necessary means, a place where there is an imminent risk, a danger to people or property or an adjacent place in order to eliminate or mitigate the danger or to bring assistance;
 - b) prohibit access to a protected zone, interrupt or divert traffic or subject it to special rules;
 - c) order, as a safety measure in a perilous situation and when there are no other means of protection, the evacuation of the premises;
 - d) order, to guarantee the safety of operations and after ensuring that this action does not endanger the safety of others, the shut down of supply of energy to an establishment or, if it can do so by a simple procedure, interrupt it itself;
 - e) authorize the demolition of a building to prevent the spread of a fire or disaster;
 - f) order any other measure necessary to make a place safe;
 - g) accept or request the assistance of any person able to assist them when the firefighters are not sufficient for the task;
 - h) accept or requisition the necessary private rescue resources when the *fire department's* resources are insufficient or difficult to access to respond to the urgency of the situation;
 - i) Recommend the revocation or suspension of a permit when the work carried out does not meet the standards of this by-law.

- 4) However, the *competent authority* must, when the powers provided for in paragraph 3) g) and h) have been exercised, within 3 months of the request addressed to it by this person within 12 months of the end of the event, grant it compensation determined on the basis of the current rental price of this type of service or equipment as established immediately before the event.
- 5) The *competent authority* may, when a fire protection system is defective, call a qualified person to make the necessary repairs, at the *owner's* expense, to provide the protection for which that system is designed if the *owner* or responsible person fails to take immediate steps to correct the situation.
- 6) Subject to a by-law governing the issuance of permits and the operation of the security alarm systems of a local municipality of the MRC Pontiac, the *competent authority* may use any reasonable measure, given the circumstances, to gain access to a place protected by a *fire alarm system* and call in a qualified person to:
 - a) enter this protected place;
 - b) neutralize the *fire alarm system* in order to interrupt the audible signal;
 - c) rectify the situation causing the unnecessary triggering of the *fire alarm system*. These procedures must cease as soon as a responsible person is contacted or arrives on the scene to take responsibility for the situation in order to rectify the problem with the *fire alarm system*, unless this respondent expresses the desire that the *fire department* continues with the procedures, at the *owner's* expense.

2.2.3.3. Power to issue a statement of offence

- 1) The *competent authority* may issue a statement of offence if it has reasonable and probable grounds to believe that an offence against a provision of the by-law has been committed, for each day of offence.

2.2.4. Hindrance

2.2.4.1. Hindrance

- 1) It is forbidden to hinder the action of any person acting legally under article 2.2.2.1. of Division C. The *competent authority* must, on request, identify itself and produce the document certifying its capacity.

16. Part 2 of Division C of the National Fire Code - Canada 2010 (amended) is amended by adding sections 2.4. to 2.6. following section 2.3.:

SECTION 2.4. - PENAL PROVISIONS

2.4.1. Criminal provisions

2.4.1.1. General offence

- 1) Constitutes an offence when the *owner*, the person in charge or the occupant (natural or legal person) of a building, of the vicinity of any building or of any equipment, of any equipment intended for public use, of any installation as well as any new and existing building, any site where construction, demolition and renovation of buildings are carried out, located on the territory of the MRC Pontiac violates one of the provisions of the by-law.
- 2) Anyone who calls the *fire department* for an unfounded request, that is, a call made when the persons applying this by-law do not perform any fire intervention action once on the scene constitutes an infringement of the by-law.
- 3) It is an offence to operate a portable fire extinguisher without reasonable cause.

2.4.1.2. Responsibilities

- 1) Any *owner* of a building, part of a building, land, equipment or any other thing provided for in the regulation must comply with the obligations provided for in this by-law.
- 2) The *owner* referred to in paragraph 1) may be found guilty of any breach of this by-law unless he proves that the offence took place without his knowledge and that he took all reasonable precautions to avoid the commission of the offence.
- 3) The person responsible or the occupant of a building, part of a building, as well as the user of equipment or any other thing provided for in the regulations must comply with the obligations provided for in this by-law concerning its use.
- 4) The responsible person or the occupant is responsible for the fire safety equipment that concerns the building or the part of the building it occupies.

2.4.1.3. Punishments

- 1) Anyone who violates any of the provisions of the by-law commits an offence and is liable for any violation to a minimum fine of \$ 100 and a maximum of \$ 1,000 in the case of a natural person and a minimum fine of \$ 200 and a maximum of \$ 2,000 in the case of a legal person.
- 2) In the event of a first recurrence, the minimum fine is doubled and for all other recurrences, it will be quadrupled.
- 3) If an infringement continues, it constitutes day by day, a separate infringement and the offender is liable to a fine on each day during which the infringement continues.

SECTION 2.5. - REPEALS

The provisions of by-law 202-2014 providing for the prevention of fires on the territory of the MRC Pontiac are repealed.

SECTION 2.6. - COMING INTO FORCE

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

ADOPTED

Notice of motion:	May 19 th , 2021
Adoption of the by-law:	June 16 th , 2021

Bernard Roy
Director General and Secretary-Treasurer

Jane Toller
Warden

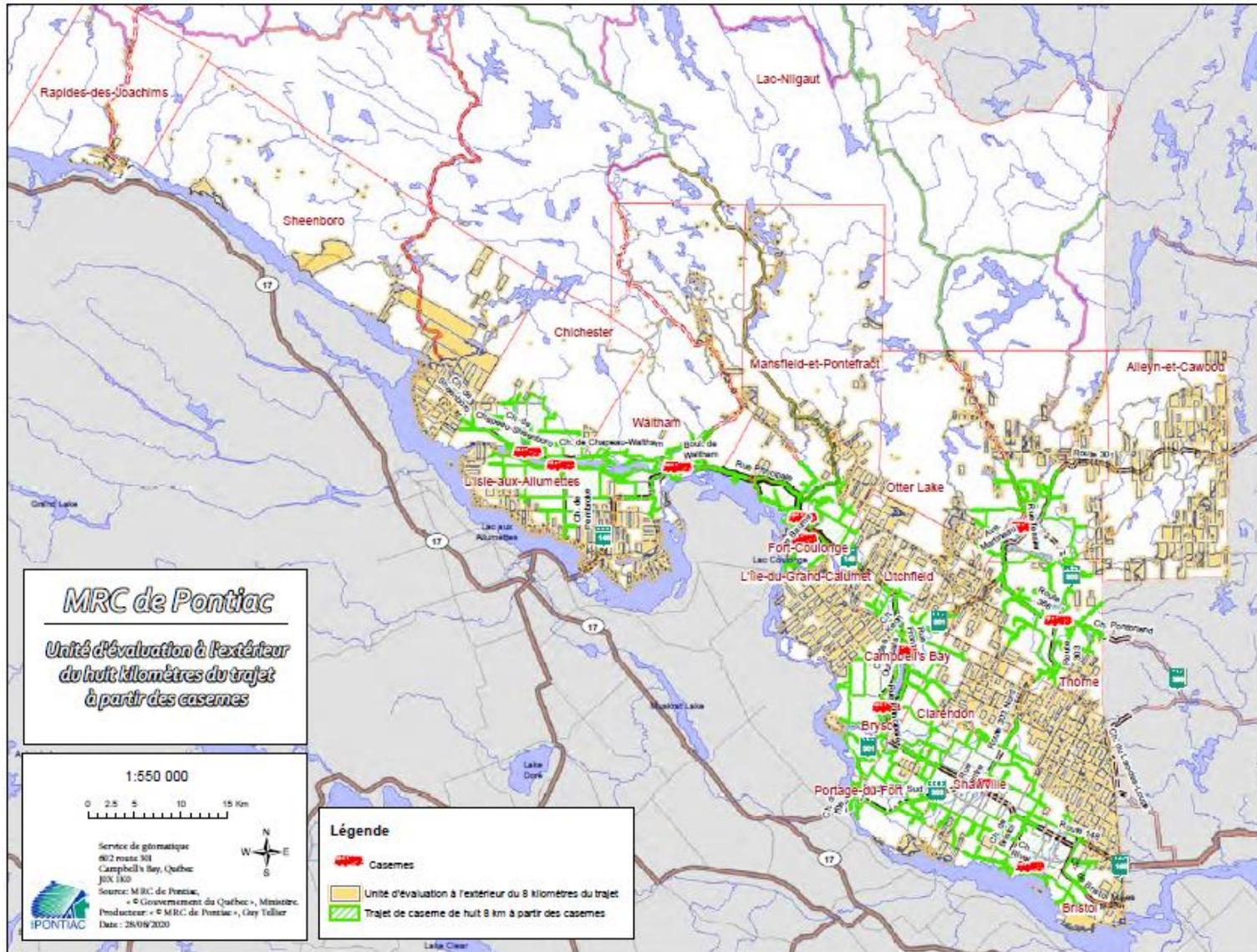
Appendix 1 - Table of *urban perimeters* of the MRC Pontiac

Municipalities	Population	Number Urbanization perimeter	Description of assignment	PU area (KM2)	Percentage of areas in relation to the municipality (%)
Alleyn-et-Cawood	201	1	Danford Lake	0.08	0.02
Bristol	1134	2	Bristol	0.11	1.73
			Norway Bay	1.62	
Bryson	604	1	Bryson	0.96	25.81
Campbell's Bay **	767	1	Campbell's Bay	1.46	0.67
Litchfield **	452	2	Vinton	0.65	0.3
			Chichester	0.11	0.18
Chichester	357	2	Rapides-du-Chapeau	0.3	
			Shawville	3.29	0.62
Clarendon **	1159	1			
Shawville **	1624	1			
Fort-Coulonge	1348	1			
L'Île-du-Grand-Calumet	691	1	Grand-Calumet	0.27	0.18
L'Isle-aux-Allumettes	1306	3	Saint Joseph	0.09	0.87
			Desjardinsville	1.02	
			Hat	0.73	
Fort-Coulonge **	1348	1	Fort-Coulonge / Mansfield	3.74	0.71
Mansfield-et-Pontefract **	2248	2	Davidson	0.49	0.09
			Otter lake	1.3	0.26
Portage-du-Fort	256	1	Portage-du-Fort	0.63	22.64
Rapides-des-Joachims	155	1	Rapides-des-Joachims	0.52	0.2
Sheenboro	110	1	Sheenboro	0.05	0.01
Thorne	285	1	Ladysmith	0.25	0.14
TNO Lac-Nilgaut	0	0	-	-	-
Waltham	357	1	Waltham	0.29	0.07
Total MRC	14130	24	-	17.96	54.5

Source: The data come from the population decree for the year 2016. The count is based on estimates made by the Institut de la statistique du Québec on July 1, 2015.

Note **: Municipalities whose particularities are in gray colour share a PU.

Appendix 2 - Map identifying the territory where portable fire extinguishers are required in residences



Annex 3 - Obtaining permits

Municipalities requiring a burning permit for *outdoor fireplaces*:

Municipality	Place of issue of permit	Cost of the permit
Bryson	Municipal office, 833 rue Principale, Bryson	\$ 25
Clarendon	Shawville Fire Station, 200 Centre Street, Shawville	Free of charge
Portage-du-Fort	Municipal office, 24 rue Church, Portage-du-Fort	\$ 25

Municipalities requiring a permit for *open fires*:

Municipality	Place of issue of permit	Cost
Bristol	Municipal office, 32 ch Aylmer, Bristol	Free
Bryson	Municipal office, 833 rue Principale, Bryson	\$ 25
Clarendon	Shawville Fire Station, 200 Centre Street, Shawville	Free
Fort-Coulonge	Municipal office, 134 rue Principale, Fort-Coulonge	Free
Litchfield	Municipal office, 1362 Route 148, Campbell's Bay	Free
Île-du-Grand-Calumet	Bureau municipal, 8 rue Brizard, Île-du-Grand-Calumet	Free
Otter lake	Municipal Office, 15 Palmer Avenue, Otter Lake	Free
Portage-du-Fort	Municipal office, 24 rue Church, Portage-du-Fort	\$ 25
Shawville	Shawville Fire Station, 200 Centre Street, Shawville	Free
Waltham	Municipal office, 69 Rue de l'Hotel-de-Ville, Waltham	Free

Municipalities issuing a permit for the use of *fireworks for consumer use*:

Municipality	Place of issue of permit	Cost of the permit
All municipalities of the MRC	Municipal office	To be determined

Obtaining the permit for large-scale *fireworks*:

Municipality	Place of issue of permit	Cost of the permit
All municipalities of the MRC	MRC de Pontiac, 602 route 301 N, Campbell's Bay By appointment at 819-648-5689 p. 242 or on the MRC Pontiac website: www.mrcpontiac.qc.ca	Free of charge