

Canada
Province of Québec
MRC Pontiac
Municipality of Waltham

BURNING BY-LAW 01-2015

Whereas the municipality of Waltham is empowered to adopt by-laws to regulate burning on its territory.

Whereas by-law S.Q. 2011-03 concerning nuisances, is enforceable by the Quebec Provincial Police, set out the conditions and limitations of open burning in the municipality of Waltham

Whereas it is necessary to harmonize the provisions of by-law S.Q. 2011-03 with this by-law 01-2015 to insure the practical enforcement of this by-law.

Whereas certain land owners in the municipality occasionally use fire to burn debris of grass, wood, straw , branches or other

Whereas some people light up camp fires to smoke away mosquitoes or to embellish the atmosphere of a party

Whereas some time these fires have the potential to do damage to properties.

Whereas for this reason all fires should be subjected to the same well defined regulations

Whereas with the recommendation of the Fire chief we need a burning by-law

Whereas the by-law will regulate conditions on how and when to burn.

Whereas a notice of motion has been given during the January 6th 2015 meeting

Consequently it is moved by councilor David Rochon seconded by councilor: Elwood Allard that this municipality adopts by-law 01-2015 Burning by-law to modify burning by-law 01-2009-01 concerning burning in the municipality of Waltham.

Article 1: The preamble is an integral part of this by-law.

Article 2: Inside the limits of this municipality, it is forbidden for anyone to start or maintain an open fire on private or public land, without first obtaining a burning permit from the municipality, unless it is a wood fire inside a special designed fireplace and that there is no restriction issued by the forest protection or any government or municipality at the time of the fire. The Waltham Fire department is responsible for issuing the burning permits. The conditions, limitations, regulations and responsible persons are listed in the burning permit.

Notwithstanding the prior paragraph the following schedule applies to the Municipality of Waltham:

From January 1st to May 15th, open burning is permitted after obtaining a burning permit from the Waltham fire department.

From May 16th to December 31st open burning is forbidden. Burning permits will not be issued. Burning permits may be refused if climate conditions or site of fire may not be suitable for burning. If a burning permit is required for special purposes beyond this designated period, the applicant must first apply to Waltham Municipal Council for exceptional approval.

Article 3: The following fires are allowed without a permit at all time.

- 3.1 Fires in outdoor cooking stoves, fire places, barbecues, and other installations destined to cook food. An open pit is not acceptable under article 3
- 3.2 Fires in metal container such as barrels having a screen to prevent sparks from flying out.
- 3.3 Fires on mineral ground with no surrounding vegetation or combustible materials within a 30 meter radius.
- 3.4 For farming use; to burn straw, wood, discarded crop or hay but must get the authorization of the Fire department
- 3.5 For industrial fires duly authorized such as burning wood debris that has been cut to allow for a road, a hydro or telephone line , for the construction of a building or any work considered industrial or commercial. For these kind of fires a permit is issued by the Society de protection des forêts contre le feu. (SOPFEU)

Article 4. No demonstration using fires or pyrotechniques can be allowed in the limit of the municipality until the person in charge of the demonstration has obtained permission from the Fire chief or his designate .

Article 5. Fines

Whoever contravenes a provision of this by-law commits an offense and is liable to a fine of one hundred dollars (\$100.00) in the case of a natural person, and two hundred dollars (\$200.00) in the case of an artificial person, for a first infraction; the fine is two hundred dollars (\$200.00) in the case of a natural person and four hundred dollars (\$400.00) in the case of an artificial person, for any repeat offence during the following year; in each case legal expenses shall be additional.

Article 6

The present by-law will come into force according to law,

Mayor Mr. Garry Marchand: _____

Director General Mr. Fernand Roy: _____

Coming into force February 10th 2015