



CANADA
PROVINCE OF QUÉBEC
MUNICIPALITY OF LAC-TREMBLANT-NORD

BY-LAW REGARDING OPEN AIR FIRES – 2010-006

WHEREAS article 62 of the *Municipal Powers Act (L.R.Q. c. C-47.1)* confers to the municipality the power to adopt a by-law with respect to security;

WHEREAS notice of motion of the present by-law was duly given during the session held on 21-08-2010

The council enacts as follows:

1. The following definitions apply to the present by-law:

Campfire : an open fire where the size of burning materials is not bigger than one meter in height and one meter in diameter, built for the purpose of cooking, providing warmth or for recreational activities and surrounded by incombustible material;

Outdoor fireplaces : manufactured incombustible housing, equipped with a chimney and a fire screen, used for decorative purpose to make open fires, using burning materials that are not bigger than one square meter in any direction;

Permit

2. Anyone who wishes to make an open air fire during the period between March 15th and November 30th, in any location in the municipality, must first obtain an open air burning permit. However, no permit is required for campfires and for using an outdoor fireplace which is in conformity with the definition in article 1.

The permit can be obtained at the Police Station by filling a request on the application form provided by the Police Department of the Ville de Mont-Tremblant.

3. The cost of the permit is determined according to the applicable fee structure by-law.
4. The permit issued under the present by-law is non-transferable and is only valid for the indicated time period. If the permit is issued for a period of more than 24 hours, the permit holder must phone the Police Department each time a fire is lit.
5. The permit can be revoked at any time if, following the notification of a person responsible for the application of the present by-law, a dangerous situation exists on or near the site of the open air fire or if the permit holder does not adhere to the dispositions of the present by-law.
6. If a fire ban advisory has been issued by the municipal or provincial competent authorities, any application for a permit is refused and any valid permit is automatically suspended.

Interdictions

7. Open fires are forbidden when climatic conditions such as drought, strong winds or wind blowing in the direction of flammable materials are unfavourable to burning and increase the risk or propagation of forest fires or when a fire ban advisory has been issued by the municipal or provincial competent authorities.
8. If the smoke and the smell from an open air fire are a nuisance to the neighbours, the fire must be put out without delay.
9. It is forbidden to use a flammable accelerant to ignite a fire (fuel, oil, etc.).
10. It is forbidden to burn garbage, toxic waste, plastic matters, rubber or any other material that produces harmful smoke emanations.
11. It is forbidden to proceed with the burning of a building or material from the demolition of a building, unless they have previously been sorted and are not toxic to the environment.
12. It is forbidden to light a fire within 5 meters from flammable elements (trees, buildings, etc.).
13. It is forbidden to light an open fire within 15 meters of a lake, stream or wetland with the exception of campfires and outdoor fireplaces which are in conformity with the definition in article 1. However, under no circumstances must the ashes reach the aquatic environment, either by surface water run-off or other means.

Responsibility and obligations

14. The person responsible for the fire must ensure that appropriate extinguishing facilities are available on the premises at all times, must supervise the fire constantly and must ensure, before leaving, that the fire is completely extinguished with water.
15. Holding a permit does not free the holder from his responsibility if damage results from the open fire. Under no circumstances, the issuance of a permit can engage the responsibility of the municipality for any prejudice resulting from the open air fire

Festivities and special events

16. It is forbidden to light or maintain a fire in a public place, unless it is a bonfire lit in conjunction with festivities and special events having received a signed authorization from the Director of the Fire Department or his Assistant and for which an open air fire permit has been issued in conformity with the present by-law. In such a case, fire extinguishing facilities must be available on the premises at all times.

Infractions and penalties

17. A person who lights a fire and does not take appropriate measures to prevent it from spreading to adjoining lots commits an infraction.
18. Any person who contravenes any disposition of the present by-law commits an infraction and is liable to a fine as follows:

	First offence		Subsequent offence	
	Minimum fine	Maximum fine	Minimum fine	Maximum fine
Physical person	100\$	1000\$	200\$	2000\$
Body corporate	200\$	2000\$	400\$	4000\$

In all cases, legal fees must be added. The time limit for the payment of fines and legal fees relating to the present by-law and the consequences for default of payment of the said fines and fees in the prescribed time are established in compliance with the *Code of Criminal Procedure (L.R.Q., C-25.)* of the province of Québec.

If an infraction lasts more than one day, the infraction committed on each day constitutes a distinct infraction and the penalties prescribed for each infraction can be imposed for each day of the duration of the infraction, in accordance with the present by-law.

Application and approval

19. Employees of the Fire and Police Department are responsible for the application of the present by-law.

20. The present by-law comes into effect in accordance with the law.

(original signed)

Jean Grégoire
Mayor

(original signed)

Martin Paul Gélinas
Secretary-Treasurer

Notice of motion : August 21, 2010
Adoption : September 25, 2010
Effective date : September 25, 2010
