



**EXTRACT of Minutes of the regular meeting of the Council of the Town of Hudson held at the Community Centre, on June 4<sup>th</sup>, 2007 during which the following by-law was adopted:**

**BY-LAW N<sup>o</sup> 510**

**CONCERNING FIRE PREVENTION**

WHEREAS the Town of Hudson has the power to legislate safety in accordance with the *Loi sur les compétences municipales* (L.Q. 2005, C.6);

WHEREAS the citizens' well-being and safety are the primary objectives;

WHEREAS the Town of Hudson wishes to minimize and eliminate fire risks in buildings situated on its territory;

WHEREAS, as established by the Town of Hudson, one of the Fire Department's responsibilities is fire prevention, in accordance with article 6 of the *Loi sur la sécurité incendie* (L.R.Q. c. S-3.4);

WHEREAS it is deemed necessary to adopt the National Fire Code of Canada, edition 1995, and its amendments;

WHEREAS the requirements of article 356 of the *Loi sur les cités et villes* have been adhered to and that council members declare having read By-Law n<sup>o</sup> 510 and relinquish its reading;

THEREFORE it is **moved** by Councillor Gordon Drewett, **seconded** by Councillor David Morton and unanimously resolved that By-Law bearing No 510 be hereby adopted and decreed as follows:

1. **Definition:**

1.1 Authority having jurisdiction: means the Fire Chief, the Assistant Fire Chief, the Prevention Officer or any other person elected by the municipal council.

2. **Application:**

2.1 The present by-Law is applicable to any building or part of building within the limits of the Town of Hudson.

3. **Responsibility:**

3.1 Unless otherwise stipulated, the owner or his designated agent must ensure the observance of the requirements established in the present by-law.

4. **Function and powers of the Authority Having Jurisdiction:**

4.1 The administration and application of this by-law is totally entrusted to the Authority Having Jurisdiction.

The Authority Having Jurisdiction may:

4.2 After presenting identification, visit and examine any movable or immovable property and the interior or exterior of any building or construction to ensure the enforcement of the requirements established in this by-law. (*Loi sur la sécurité incendie S-3.4 article 32*)

4.3 Issue a notice addressed to the owner, occupant or any other person ordering the correction of a situation that is deemed dangerous or which constitutes an infraction to the present by-law.

4.4 Undertake legal procedures with the municipal court and take any necessary measures to have this by-law respected.

4.5 Order the temporary evacuation of any building that could endanger occupants' lives.

4.6 Stop any work and suspend any permit or certificate that contravenes to the present by-law. (*Loi sur la sécurité incendie S-3.4 article 5*)



- 4.7 Order the owner, tenant, occupant or any other person to cease any dangerous work or use in contravention to the present by-law. (*Loi sur la sécurité incendie S-3.4 article 5*)

5. **National Fire Code:**

- 5.1 The National Fire Code of Canada, edition 1995, and its annexes, also referred to in this by-law as N.F.C. and its amendments to date, the first and second amendments published respectively in June 1999 and June 2002, form an integral part of this by-law as if they were enumerated in their entirety in this document, with the exception of those specifically repealed or replaced by this present by-law.

6. **Amendments to the National Fire Code:**

6.1 **Smoke alarms**

Article 2.1.3.3. of the N.F.C. is amended by replacing paragraph 4) by the following and by adding the following paragraphs 4 to 16 :

- 4) A smoke alarm must be installed in every dwelling unit and in every room used as a sleeping accommodation, if this room does not form a part of a dwelling.
- 5) In dwellings having more than one floor, at least one smoke alarm must be installed on each floor with the exception of non heated attics and crawl spaces.
- 6) When the floor area exceeds one hundred and thirty square meters (130 m<sup>2</sup>), an additional smoke alarm must be installed for each additional unit of one hundred and thirty square meters (130 m<sup>2</sup>) or part of a unit.
- 7) In a dwelling unit where rooms are rented, a smoke alarm must be installed in every room offered for rent.
- 8) Smoke alarms must be installed according to the CAN/ULC-S553-M86 norm or most recent edition and they must be maintained according to the directives supplied by the manufacturer.
- 9) Smoke alarms must be permanently connected to an electrical circuit without any disconnecting means between the over-current protective device and the smoke alarm as specified in the National Building Code (NBC) in effect at the time of construction or of the renovation exceeding 10% of the value of the building registered in the valuation role. Smoke alarms must also be equipped with a battery system which will allow its operation in case of a power outage.
- 10) When multiple smoke alarms are connected to an electrical circuit, they must all activate automatically when one smoke alarm is activated.
- 11) When a smoke alarm connected to an electrical circuit is defective or needs to be replaced, it must be replaced with a model equipped with a secondary battery power source.
- 12) Smoke alarms with a battery power source are authorized :
  - a) when the applicable Building Code at the time of construction did not require that smoke alarms be connected to an electrical circuit.
  - b) when the cost of installation of smoke alarms connected to an electrical circuit would be very expensive to the user.
- 13) The owner of a building must install and maintain smoke alarms inside the dwelling unit that he occupies and must supply one or several smoke alarms required by the present by-law to each of his tenants.
- 14) The owner must provide the maintenance directives of these smoke alarms and these directives must be posted in an easily accessible area for consultation by the tenants.



- 15) When advised by one of his tenants that a smoke alarm is defective, the owner must repair or replace this alarm without delay.
- 16) When a tenant occupies a dwelling unit for more than six (6) months, he must take the appropriate measures to ensure that the smoke alarms are operational including changing the battery. When a smoke alarm is defective, he must advise the owner without delay.

## 6.2 **Accumulation of Combustible Material**

Article 2.4.1.1. of the N.F.C. is amended by replacing paragraph 1) by the following :

- 1) Combustible materials in and around buildings shall not be permitted to accumulate in quantities or locations that will constitute an undue fire hazard.

## 6.3 **Open Air Fires**

Article 2.4.5.1. of the N.F.C. is repealed.

## 6.4 **Installation Heating, Ventilating and Air-Conditioning**

Article 2.6.1.1. of the N.F.C. is amended by replacing paragraph 1) by the following :

- 1) Heating, ventilating and air-conditioning appliances and equipment shall be installed in accordance with the NBC and the manufacturer's directives.

## 6.5 **Service Equipment**

Section 2.6. of the N.F.C. is amended by adding subsection 2.6.4. :

### 2.6.4 **Electrical Installation**

#### 2.6.4.1. **Detachable wires, power source wires and extension cords**

- 1) Only approved detachable wires, power source wires or extension cords may be used.
- 2) Detachable wires, power source wires or extension cords may only be used for a temporary period.
- 3) A detachable wire, power source wire or extension cord cannot be concealed under a carpet or covered by material which could create a temperature rise.
- 4) A detachable wire, power source wire or extension cord cannot be permanently attached to a structure or in a manner which could damage the sheath.
- 5) A detachable wire, power source wire or extension cord cannot run through a wall, ceiling, door or window opening or be placed under furniture. Also, flexible wires cannot be placed in a manner that they could be damaged by people passing by.

#### 2.6.4.2. **Electrical Distribution Panel**

- 1) Every electrical distribution panel must be equipped with a cover.
- 2) Alleyways and utility spaces of a minimum of one (1) meter must be provided around the electrical appliance such as the distribution panel, control panel, and commands so that these appliances may be free of any storage and cleared to provide easy access to authorized personnel.

#### 2.6.4.3. **Other Electrical Equipment**

- 1) Any light or light socket must be solidly attached.



- 2) All multiple plugs must be approved and equipped with a circuit-breaker.

#### 6.6 **Occupant Load**

Article 2.7.1.3. of the N.F.C. is amended and replaced by the following :

- 1) The maximum permissible occupant load for any floor area or part of a floor area of any existent building must be determined in accordance with article 3.1.16.1. of the National Building Code – Canada 1995 edition (NBC 95), if the means of egress allow it.

#### 6.7 **Firing of fireworks**

Subsection 5.1.1. is amended by adding the following articles after article 5.1.1.3. :

##### 5.1.1.4. **Domestic fireworks**

- 1) This section concerns fireworks mentioned in class 7.2.1 of the act concerning explosives.
- 2) A permit must be obtained prior to the use of these fireworks.
- 3) Authorization will be subject to a request submitted to the Authority Having Jurisdiction at least 15 days prior to its use.
- 4) The site chosen for the installation of fireworks must be free of all obstructions and have a dimension of a minimum of 30 m x 30m.
- 5) Notwithstanding the provisions stipulated in article 5.1.1.3., it is forbidden to use fireworks without conforming with the following requirements:
  - a) Keep under adult supervision any person under the age of 18 who uses fireworks.
  - b) Spectators must be kept at a distance of a minimum of 20 m from the fireworks display.
  - c) Do not light fireworks under windy conditions.
  - d) Read all instructions concerning fireworks. Plan the order in which they will be light.
  - e) Install the lighting ramp in the middle of the lot: pails, boxes or wheelbarrows filled with earth or sand.
  - f) Bury all fireworks that do not have a base half-way into the ground, unless otherwise specified on the packaging. Install these fireworks at a 10-degree angle, in the opposite direction of the spectators.
  - g) Never hold burning fireworks or fireworks that you intend to light in your hand.
  - h) Light with caution. Always light the wick at its extremity.
  - i) Keep water on hand, such as a hose: throw away used fireworks and debris in a pail of water or return them to the vendor.
  - j) Never attempt to light fireworks that have malfunctioned and do not attempt to repair defective fireworks. Wait 30 minutes before approaching the site.
  - k) Keep fireworks locked in a dry, cool, aerated space that is inaccessible to children.

##### 5.1.1.5. **Large fireworks**



- 1) This section concerns fireworks mentioned in class 7.2.2 of the act concerning explosives.
- 2) A permit must be obtained prior to the use of these fireworks.
- 3) Authorization will be subject to a request submitted to the Authority Having Jurisdiction at least 15 days prior to its use, by a person holding a valid powderman supervisor's certificate.
- 4) This request must be accompanied by:
  - a) A plan, to scale, of the installations on the site.
  - b) A copy of the purchase order for the fireworks.
  - c) Proof that the powderman supervisor holds liability insurance, for himself and his authorized agents, in the amount of at least \$1 000 000.00 for damages caused to others following the use of fireworks.
- 5) The applicant must, upon request from the authority having jurisdiction, proceed with the trial firing before the fireworks begin.
- 6) The handling and the firing of fireworks must comply with the instructions established in the powderman's manual published by the *Ministère des ressources naturelles du Canada*.
- 7) The powderman supervisor must be on site of the deployment during the installation operations, the lighting and the cleaning-up of the site and assume the managing of these operations.
- 8) It is forbidden to destroy, on site, the failed fireworks and the powderman supervisor must advise the Authority Having Jurisdiction of the area where the preceding will be sent to be destroyed.
- 9) The zone where the fireworks fall must remain closed to the public until the cleaning operations are completed.
- 10) During a large fireworks display, a fire engine and a firefighting crew must be on stand-by on the site of the event.

#### 6.8 Fire Alarm System

Subsection 6.3. of the N.F.C. is amended by adding article 6.3.1.6

- 1) A fire alarm system in function in a public establishment or an institution cannot be silenced or reset by anyone other than a member of the Fire Department once the fire is under control or after the routine verifications as been done. A person other than a Fire Department member silencing or resetting a fire alarm system is committing an infraction to the present by-law.

#### 6.9 Hydrants

Article 6.6.4.1. of the N.F.C. is amended by adding the following paragraphs :

- 3) It is forbidden for any person to conserve a free space having a dimension of less than a minimum of one (1) meter surrounding fire hydrants as this may impede the use of these hydrants.
- 4) It is forbidden for any person to erect a construction which may impede the use or visibility of the fire hydrants.
- 5) It is forbidden for any person to raise the level of a property or to plant shrubs that may impede the use or visibility of fire hydrants.
- 6) It is forbidden for any person to dump snow or other substances on fire hydrants.



**7. Chimney Sweep**

**7.1 General Requirements**

Any chimney attached to a stove or solid-fuel equipment must be cleaned at least once a year.

**7.2 Chimney Sweeper**

The chimney sweeping must be done by a professional and certified chimney sweeper.

**7.3 Working method**

The chimney sweeper, or his employees, must sweep the interior walls of the chimney. He must remove the soot and other waste from the base of the chimney. He must deposit the soot and other waste in a vacuum tight container in order to avoid any undue mess during transportation.

**7.4 Receipt and proof of chimney sweeping**

Every owner, tenant or occupant must provide a receipt issued by the chimney sweeper on demand by the Authority Having Jurisdiction.

**7.5 Neglecting having a chimney swept annually**

Any owner, tenant or occupant of a dwelling unit, who neglects to have his chimney swept, unless the heating system is out of service, is committing an infraction to the present by-law.

**7.6 Solid-fuel heating equipment, fireplaces and approved associated materials**

The installation of new appliances as well as existing installations of approved heating appliances, such as stoves, box stoves and solid-fuel stoves, fireplaces, furnaces, pipes and chimneys, must conform to the requirements established in the manufacturer's installation manual and the requirement of the NBC 95.

**7.7 Non approved solid-fuel heating equipment**

The installation of non approved solid-fuel heating equipment such as stoves, box stoves and solid-fuel stoves must conform to the norm established in the ACNOR B365-01, « Code d'installation des appareils à combustibles solides et du matériel connexe» when no plaque indicating their approval can be found on these appliances.

**8. Material testing**

8.1 When required by the Authority Having Jurisdiction, any material implemented for construction or repair and all material assembly must be submitted to tests and studies in order to determine their properties and qualities. Any appliance or device as well as any new material and construction procedure may also be submitted to tests which will determine their degree of effectiveness.

8.2 All material testing must be performed by an approved laboratory.

8.3 All material testing will be at the owner's expense. When material testing indicates that a construction material does not meet the requirements established in this by-law, the owner must render it compliant with the requirements of the municipal by-laws.

**9. Construction testing:**

9.1 When the Authority Having Jurisdiction has reason to believe that part of a construction is not of sufficient resistance, he may require that testing and verification be done on any part of construction he may choose.



9.2 Any testing or verification must be performed by an architect, an engineer or a technologist and a written report must be submitted to the Authority Having Jurisdiction. Any cost incurred by this test or verification will be at the owner's expense.

9.3 If any test or verification reveals a weakness in the construction, the owner must render this weakness compliant with the requirements of the municipal by-laws.

10. **Owner's Responsibility:**

10.1 **Generalities**

- 1) Every person must allow the authority having jurisdiction to visit the interior and exterior of any existing building or building in construction and must provide any help required to execute the works that need to be done. (*Loi sur la sécurité incendie S-3.4 article 32*)
- 2) The owner or occupant of any building that receives a written notice indicating the non conformity of the present by-law from the authority having jurisdiction must take the appropriate measures to rectify the situation. (*Loi sur la sécurité incendie S-3.4 article 6*)

11. **Penalties**

Anyone contravening a provision of this by-law, or tolerating or permitting such a contravention, commits an infraction and is liable, besides the costs, to the following fine:

11.1 **for a first infraction :**

a minimum of THREE HUNDRED DOLLARS (\$300) and a maximum of ONE THOUSAND DOLLARS (\$1000) if the offender is a physical person or a maximum of TWO THOUSAND DOLLARS (\$2000) if the offender is a moral person.

11.2 **For a repeat infraction:**

a minimum of SIX HUNDRED DOLLARS (\$600) and a maximum of TWO THOUSAND DOLLARS (\$2000) if the offender is a physical person or a maximum of FOUR THOUSAND DOLLARS (\$4000) if the offender is a moral person.

12. **Previous by-law**

By-Law no 198 concerning equipment intended to warn in case of fire is hereby repealed.

13. **Coming into force**

The present by-law shall come into force according to law.

BL510

**CARRIED**

*Original signed: Elizabeth A. Corker, Mayor*

*Louise L. Villandré, Director General*

**Certified Extract**

**Louise L. Villandré, o.m.a.**  
**Director General**