

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9265

OIL BURNING EQUIPMENT AND FLAMMABLE LIQUID AND COMBUSTIBLE LIQUID FUEL TANK BYLAW

The Municipal Council of The Corporation of the District of Saanich in open meeting assembled enacts as follows:

1. In this Bylaw:
 - (a) "**BC Building Code**" means *The British Columbia Building Code*, enacted pursuant to the *Local Government Act*, as amended from time to time, or its successors.
 - (b) "**BC Fire Code**" means the *British Columbia Fire Code Regulations* enacted pursuant to the *Fire Services Act*, as amended from time to time, or its successors.
 - (c) "**CAN/CSA B139 – Installation Code for Oil Burning Equipment**" means the installation code for oil burning equipment of the Canadian Standards Association, as amended from time to time, or its successors.
 - (d) "**Combustible Liquid**" means any liquid having a flash point at or above 37.8°C and below 93.4°C.
 - (e) "**Fire Chief**" means the person appointed by Council as head of the Saanich Fire Department, and includes a member of the Fire Department authorized to act on behalf of the Fire Chief.
 - (f) "**Flammable Liquid**" means any liquid having a flash point below 37.8 °C and having a vapor pressure not exceeding 275.6 kPa (40 psi) (absolute) at 37.8°C, as per the current *Fire Services Act*, and its regulations.
 - (g) "**Fuel Tank**" includes flammable liquid storage tanks and combustible liquid storage tanks.
 - (h) "**Oil Burning Equipment**" means any appliance, fixture or equipment using oil for the purpose of generating heat, including burners, electrical apparatus and other equipment used in connection therewith but not the fuel tank.
 - (i) "**Withdraw From Service**" means to remove the tank from above ground, below ground or abandonment of the tank in place causing it to be inerted.

2. References:

- (a) In this Bylaw the reference to another code or enactment will be the edition which is current at the time of permit issue.
- (b) In the case of a conflict or conflicts between references, the more restrictive will apply.

3. Installation and Removal of Oil Burning Equipment and Fuel Tanks:

- (a) Installation or withdrawal from service of oil burning equipment or a fuel tank may only be carried out by personnel trained in such functions and who can satisfactorily complete that work in compliance with the BC Fire Code and CAN/CSA B139 – Installation Code for Oil Burning Equipment.
- (b) No person shall install or withdraw from service oil burning equipment or a fuel tank unless the installation or withdrawal is carried out strictly in accordance with the applicable provisions of the following:
 - (i) BC Fire Code
 - (ii) CAN/CSA B139 – Installation Code for Oil Burning Equipment
 - (iii) Saanich Zoning Bylaw
 - (iv) BC Building Code
- (c) No person shall install or withdraw from service any fuel tank at fuel dispensing stations and marine dispensing stations, including waste fuel tanks, unless the installation is carried out strictly in accordance with the applicable provisions of the following:
 - (i) BC Fire Code
 - (ii) CAN/CSA B139 – Installation Code for Oil Burning Equipment
 - (iii) Saanich Zoning Bylaw
 - (iv) BC Building Code
- (d) No person shall install or withdraw from service any fuel tank at a farm fuel storage installation in excess of 100 litres (22 gallons) unless the installation is carried out strictly in accordance with the applicable provisions of the following:
 - (i) BC Fire Code
 - (ii) CAN/CSA B139 – Installation Code for Oil Burning Equipment
 - (iii) Saanich Zoning Bylaw
 - (iv) BC Building Code
 - (v) National Farm Building Code

4. Removal of Underground Fuel Tanks:

When an underground storage fuel tank is permanently withdrawn from service, or has been out of service for 2 years, whichever comes first, the owner must:

- (a) notify the Fire Chief in writing;
 - (b) remove flammable liquid and combustible liquid from the fuel tank, connecting piping and dispensing equipment;
 - (c) purge fuel tank of flammable or explosive vapours and remove the fuel tank from the ground;
 - (d) where evidence of soil contamination is evident, provide in writing confirmation of soil testing by a certified environmental engineer as to the condition of the soil surrounding the in-ground fuel tank will be required;
 - (e) remove the piping from the ground or purge it of flammable or combustible liquid and vapours and permanently seal the ends of the piping by capping or plugging; and
 - (f) replace the soil around and under the fuel tank if it has been contaminated with flammable or combustible liquid with clean fill in a manner acceptable to the Fire Chief.
5. Where a fuel tank is to be permanently disposed of, sufficient openings shall be cut in the tank to render it unfit for further use.
6. Where removal of an underground fuel tank compromises a foundation or structure, the Fire Chief is to be notified in writing and an application to inert the fuel tank in place will be considered. The Fire Chief may require that a person provide a report prepared and sealed by a registered professional.
7. No person shall install or withdraw from service any oil burning equipment without a permit. No person shall install or withdraw from service a fuel tank at fuel dispensing stations, marine dispensing stations, farms, or any other location, without a permit. A permit is required prior to the commencement of any work. Permit fees and charges shall be as provided for in Appendix "A" of this Bylaw. Permits to perform work regulated by this Bylaw are issued by the Fire Chief.
8. No permit required by the regulations referred to in Section 4 hereof shall be issued to any applicant for the installation of any oil burning equipment or fuel tanks until the permit fees and inspection charges levied by this Bylaw have been paid. All such fees and charges shall be paid to and collected by the Fire Chief at the time of issuing the permit.
9. No person shall install or cause to be installed a fuel tank within any zone district established under the Zoning Bylaw, having in total a capacity of litres (gallons) exceeding the number of litres (gallons) permitted in Appendix "B" for each parcel of land or dwelling or other unit.

10. Inspection of Oil Burning Equipment and Fuel Tanks:

- (a) Oil burning equipment or a fuel tank must not be used or concealed until it has been inspected and approved by the Fire Chief.
- (b) A person who has installed oil burning equipment or a fuel tank, or who has carried out any other work authorized by permit, must within 14 days of completing that work, on at least 24 hours' notice to the Fire Chief, obtain an inspection and receive the Fire Chief's approval of that work.

11. Maintenance of Fuel Tanks:

- (a) Fuel tanks must be maintained and tested for leakage in accordance with the BC Fire Code.
- (b) The Fire Chief may order that a fuel tank be tested for leakage whenever a leak is suspected.
- (c) When a leak in a fuel tank is detected, the Fire Chief may order that the fuel tank:
 - (i) be replaced, in the case of an underground fuel tank;
 - (ii) be repaired or replaced, in the case of an above ground fuel tank.

12. Certification by Registered Professional:

The Fire Chief may require that a person provide a report prepared and sealed by a registered professional certifying that the work has been carried out in compliance with the applicable provisions of the following:

- (a) BC Fire Code
- (b) CAN/CSA B139 – Installation Code for Oil Burning Equipment
- (c) BC Building Code

13. Correction of Work:

The Fire Chief, by written order, may require the correction of any work which contravenes this Bylaw.

14. Entry and Inspection:

The Fire Chief may enter any land, building or structure in accordance with the requirements of the *Community Charter* to inspect and determine whether the regulations, prohibitions and requirements of this Bylaw are being met.

15. Bylaw No. 8204 being the "Oil Burning Equipment and Flammable Liquid and Combustible Liquid Fuel Tank Bylaw, 2001" and any amendments thereto are hereby repealed except insofar as they may repeal any other bylaw.

16. This Bylaw may be cited for all purposes as the "**OIL BURNING EQUIPMENT AND FLAMMABLE LIQUID AND COMBUSTIBLE LIQUID FUEL TANK BYLAW, 2014, NO. 9265**".

Read a first time this 28th day of April, 2014.

Read a second time this 28th day of April, 2014.

Read a third time this 12th day of May, 2014.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the 26th day of May, 2014.

"DONNA DUPAS"

Municipal Clerk

"FRANK LEONARD"

Mayor

APPENDIX "A"

SCHEDULE OF FEES

Oil Burning Equipment:

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| 1. For the installation of any oil burning equipment pursuant to the BC Building Code and CAN/CSA B139 – Installation Code for oil burning equipment.
Flammable Liquid and Combustible Liquid Fuel Tank capacity: up to 1,400 litres (300 gallons).
Over 1,400 litres (300 gallons) | Combined permit and inspection fee of \$100.00. Plus 1.5 cents for every 1 litre of capacity of the tank over 1,400 litres (300 gallons).
Reinspection fee of \$50.00. |
| 2. For the replacement, renewal or alteration of any oil burning equipment. | Combined permit and inspection fee of \$100.00.
Reinspection fee of \$50.00. |
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Flammable Liquid and Combustible Liquid Fuel Tanks:

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| 1. For the installation, replacement or withdrawal from service of liquid fuel tanks. Tank capacity: up to 1,400 litres (300 gallons).

Over 1,400 litres (300 gallons) | Combined permit and inspection fee of \$100.00.
Reinspection fee of \$50.00.

Combined permit and inspection fee of \$100.00 plus 1.5 cents for every 1 litre of capacity of the tank over 1,400 litres (300 gallons).
Reinspection fee of \$50.00. |
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Permits applied for after work has been carried out without a permit	\$200.00
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APPENDIX "B"

FUEL TANK CAPACITIES

<u>ZONE DISTRICT</u>	<u>NOT TO EXCEED</u>
A Rural 2 acre or less	2,300 litres (500 gallons) per parcel
Over 2 acres to 5 acres	4,550 litres (1,000 gallons) per parcel
Over 5 acres	14,000 litres (3,000 gallons) per parcel
Provided that if the fuel tank is used in conjunction with heating of greenhouses the volume allocated to the above parcels of land may be increased at the rate of 9,000 litres (2,000 gallons) per oil burner.	
RS Single Family Dwelling	2,300 litres (500 gallons) per parcel
RD Two Family Dwelling	2,300 litres (500 gallons) per unit

The following zone classifications are not to exceed 14,000 litres (3,000 gallons) per parcel:

RC	Residential Comprehensive
RT	Attached Housing
RA	Apartment
RP	Residential Personal Care
MFC/MFI	Multi Family Commercial
C	Commercial
M	Industrial
CD	Comprehensive Development

Notwithstanding the above, the following zone is not to exceed 14,000 litres (3,000 gallons) per burner:

P	Public
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Notwithstanding the above, the following zones are not to exceed 23,000 litres (5,000 gallons) per parcel:

C-3	Shopping Centre (Except Service Station Use Where Unlimited Storage is Permitted)
C-5	Civic Core (Except Service Station Use Where Unlimited Storage is Permitted)

Notwithstanding the above, the following zones are permitted unlimited fuel tank capacity:

- C-8 Service Station
- C-9 Local Service Station

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9344

TO AMEND BYLAW NO. 9265, BEING THE "OIL BURNING EQUIPMENT AND FLAMMABLE LIQUID AND COMBUSTIBLE LIQUID FUEL TANK, 2014"

The Municipal Council of The Corporation of the District of Saanich in open meeting assembled enacts as follows:

1. Bylaw No. 9265 being the "Oil Burning Equipment and Flammable Liquid and Combustible Liquid Fuel Tank Bylaw, 2014" is hereby amended as follows:
 - (a) By deleting APPENDIX "B" and substituting therefor the following:

"APPENDIX "B"

FUEL TANK CAPACITIES

	<u>ZONE DISTRICT</u>	<u>NOT TO EXCEED</u>
A	Rural 2 acre or less	2,300 litres (500 gallons) per parcel
	Over 2 acres to 5 acres	4,550 litres (1,000 gallons) per parcel
	Over 5 acres	14,000 litres (3,000 gallons) per parcel
	Provided that if the fuel tank is used in conjunction with heating of greenhouses the volume allocated to the above parcels of land may be increased at the rate of 9,000 litres (2,000 gallons) per oil burner.	
RS	Single Family Dwelling	2,300 litres (500 gallons) per parcel
RD	Two Family Dwelling	2,300 litres (500 gallons) per unit

The following zone classifications are not to exceed 14,000 litres (3,000 gallons) per parcel:

RC	Residential Comprehensive
RT	Attached Housing
RM	Residential Mixed
RA	Apartment
RP	Residential Personal Care
MFC/MFI	Multi Family Commercial
C	Commercial
M	Industrial
CD	Comprehensive Development

Notwithstanding the above, the following zone is not to exceed 14,000 litres (3,000 gallons) per burner:

P	Public
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Notwithstanding the above, the following zones are not to exceed 23,000 litres (5,000 gallons) per parcel:

- C-3 Shopping Centre (Except Service Station Use Where Unlimited Storage is Permitted)
- C-5 Civic Core (Except Service Station Use Where Unlimited Storage is Permitted)

Notwithstanding the above, the following zones are permitted unlimited fuel tank capacity:

- C-8 Service Station
- C-9 Local Service Station"

2. This Bylaw may be cited for all purposes as the "**OIL BURNING EQUIPMENT AND FLAMMABLE LIQUID AND COMBUSTIBLE LIQUID FUEL TANK BYLAW, 2014, AMENDMENT BYLAW, 2015, NO. 9344**".

Read a first time this 19th day of October, 2015.

Read a second time this 19th day of October, 2015.

Read a third time this 19th day of October, 2015.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the 2nd day of November, 2015.

"DONNA DUPAS"

Municipal Clerk

"RICHARD ATWELL"

Mayor