

District of Saanich

FIRE PREVENTION AND LIFE SAFETY BYLAW, 2021, NO. 9712

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THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9712

A BYLAW TO DEAL WITH FIRE PREVENTION AND LIFE SAFETY MATTERS WITHIN THE CORPORATION OF THE DISTRICT OF SAANICH

The Council of The Corporation of the District of Saanich, in an open meeting duly assembled, enacts as follows:

Title and Citation

1. This bylaw may be cited as the **"FIRE PREVENTION AND LIFE SAFETY BYLAW, 2021, NO. 9712"**.

Interpretation and Application

2. In this bylaw, the following capitalized terms shall have the following respective meanings:
 - (a) **"Alarm System"** means a system of one or more device or devices installed on or in real property and designed to issue a warning of a fire or other emergency by activating an audible alarm signal or alerting an alarm monitoring service, but does not include a system that operates only to alert only the occupants of the dwelling unit in which it is installed;
 - (b) **"Animal Organic Waste"** means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, hair and feathers;
 - (c) **"Apparatus"** means any vehicle, equipment (including communications equipment), machinery, devices or materials used by the Department in connection with fire suppression or responding to or managing an Incident, and any vehicle used to transport Members or supplies;
 - (d) **"Beach Fires"** means any Open-Air burning below the Natural Boundary;
 - (e) **"Building"** means any structure used or intended for supporting or sheltering any use or occupancy;
 - (f) **"Building Bylaw"** means the *Building Bylaw, 2019, No. 9529*;
 - (g) **"Building Code"** means the *British Columbia Building Code*, as adopted pursuant to the *Building Act*, SBC 2015, c. 2;
 - (h) **"Chief Administrative Officer"** means the person appointed by Council as the chief administrative officer of the Corporation;
 - (i) **"Council"** means the municipal council of the Corporation;

- (j) "**Corporation**" means The Corporation of the District of Saanich;
- (k) "**Cover Material**" means sand, silt, clay or other like non-organic material;
- (l) "**Dangerous Goods**" has the meaning ascribed thereto in the *Transport of Dangerous Goods Act* and regulations made thereunder;
- (m) "**Department**" means the Saanich Fire Department;
- (n) "**Director of Engineering**" means the Corporation's Director of Engineering and his or her designates;
- (o) "**Fire Chief**" means the person appointed by Council as head of the Department in accordance with the Fire Services Bylaw, or any designate thereof;
- (p) "**Fire Code**" means the British Columbia Fire Code, as adopted from time to time pursuant to the *Fire Services Act*;
- (q) "**Fire Commissioner**" means the fire commissioner appointed pursuant to the *Fire Services Act*;
- (r) "**Fire Department Connections**" means a connection to a Building through which the Department can pump supplemental water into a sprinkler system, standpipe, or other system, or which furnishes water for fire extinguishment to supplement existing water supplies;
- (s) "**Fire Protection Equipment**" includes but is not limited to, fire alarm systems, automatic sprinkler systems, special extinguisher systems, portable fire extinguishers, fire hydrants, water supplies for fire protection, standpipe and hose systems, fixed pipe fire suppression systems in commercial cooking exhaust systems, smoke control measures and emergency power installations;
- (t) "**Fire Service Area**" means the area contained within the geographical limits of the Corporation;
- (u) "**Fire Services Bylaw**" means the *Fire Services Operational Bylaw, 2021, No. 9713* of the Corporation;
- (v) "**Garbage**" means animal, vegetable and other food wastes resulting from the handling, preparation, storage, cooking or serving of food, and includes material used in the packaging of food, but does not include paper uncontaminated by food;
- (w) "**Garden Refuse**" means refuse in the nature of grass and other clippings, leaves, tree and shrub prunings, cuttings and other similar material;
- (x) "**Incident**" means an event or situation to which the Department has responded or would normally respond, whether alone, or in conjunction with other emergency services, and includes any post-event clean-up, over-haul and Fire Investigation;

- (y) "**Member**" means a person employed by the Corporation in the classification of Fire Fighter, Alarm Dispatcher, Lieutenant, Captain, Platoon Captain, Assistant Fire Chief, Assistant Deputy Fire Chief, Deputy Fire Chief or Fire Chief, or such other positions as may be designated by the Corporation from time to time;
- (z) "**Mill Waste**" includes bark, chips, sawdust, hogged fuel and any other discarded wood products;
- (aa) "**Mobile Food Vendor**" means a vehicle, trailer, cart, bicycle or other conveyance used to prepare and sell food and beverages;
- (bb) "**Natural Boundary**," has the meaning ascribed thereto in the *Land Act*;
- (cc) "**Opacity**" is the degree to which the visibility of the background, viewed through a plume of smoke, is reduced;
- (dd) "**Open-Air**" burning or fires, or burning or fires "**in the Open-Air**" means any burning of any kind, of any material, for any purpose, that takes place outside of a Building, whether in a fire pit, chimenea, outdoor woodstove, outdoor fireplace, portable or fixed outdoor wood burning appliance or otherwise;
- (ee) "**Order**" means an order in writing issued by the Fire Chief in relation to the enforcement of any provision of this bylaw or Fire Services Bylaw, which order shall specify the particulars of the matter at issue which require correction, the property or premises affected and the date by which compliance is to be achieved;
- (ff) "**Permit**" means a permit required under this bylaw or another applicable enactment;
- (gg) "**Private Hydrant**" means a fire hydrant that is installed on private property as part of a system of fire protection for that property;
- (hh) "**Prohibited Materials**" includes Animal Organic Waste, Dangerous Goods, Garbage, Mill Waste, tires, plastics, drywall, demolition waste, construction waste, paint and paint products, Treated Wood, asphalt, asphalt products, rubber, fuel and lubricant containers, biomedical waste, hazardous waste, tar paper, railway ties, manure, aromatic hydrocarbons, or similar materials;
- (ii) "**Solid Fuel Burning Device**" means a device that burns wood, coal or any other non-gaseous or non-liquid fuel, and includes any device burning any solid fuel used for aesthetic or space heating purposes within a Building, and includes a fireplace, wood stove, fireplace insert or wood heater;
- (jj) "**Treated Wood**" means wood of any species that has been painted, chemically impregnated, or similarly modified, whether or not milled or processed into lumber; and

(kk) "**Urban Containment Boundary**" means the Urban Containment Boundary shown on the land use maps of the Local Area Plans attached to the Saanich Official Community Plan, as amended from time to time; the phrase "lands lying inside the Urban Containment Boundary" means the urbanized part of Saanich lying generally south and east of the Urban Containment Boundary, but excluding the Blenkinsop Valley.

3. All references in this bylaw to statutes and regulations are to statutes and regulations of the Province of British Columbia, unless others expressly noted. References in this bylaw to statutes, regulations, bylaws or policies, and to positions, titles or ministries, includes the same as they may be amended, supplemented or replaced from time to time. References to an enactment includes any regulations made thereunder.
4. The Members of the Department are hereby authorized to enforce the provisions of this bylaw within the Fire Service Area, and in connection therewith, to exercise the powers provided for herein and in the Fire Services Bylaw. The Fire Chief will develop appropriate operational guidelines directing the Members in relation to the enforcement of this bylaw, and the exercise of any powers or authorities in connection therewith. This bylaw may also be enforced by officers of the Saanich Police Department and by individuals appointed by the Corporation as bylaw enforcement officers or otherwise designated by the Corporation as having the authority to enforce the provisions hereof.
5. If any part, section, subsection or phrase of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed, and the remainder of the bylaw will be deemed to have been enacted without the invalid portion.
6. The fees and charges that may be levied by the Corporation in relation to various services provided or activities undertaken by the Department under this bylaw are set out in Appendix A, which appendix is incorporated into and forms a part of this bylaw.

Fire Prevention

7. Any owner or occupier of real property in the Fire Service Area shall remove any matter or thing situate in or on any Building or on the property which, in the opinion of the Fire Chief, is a fire hazard or increases the danger of fire, and shall clean chimneys and flues or other apparatus or things which may, in the opinion of the Fire Chief, if not clean, cause a fire or increase the danger of fire.
8. The Fire Chief may:
 - (a) inspect any chimney, flue, fireplace, hearth, oven, furnace, boiler, stove, steam pipe, funnel or other like structure or thing, and enter onto property and into any Building or structure for the purpose of such inspection; and
 - (b) issue an Order where, after conducting an inspection pursuant to subsection 8(a), the Fire Chief finds any chimney, flue, fireplace, hearth, oven, furnace, boiler, stove, steam pipe, funnel or other like structure or thing to be a fire hazard, to the owner of the

Building in which it is situate, and indicate the remedy required and the time within which the condition shall be remedied.

(c) Where any person has received an Order under subsection 8(b), he or she shall carry out the work required by such Order within the time indicated.

9. No person shall deposit any ashes or allow any ashes to be deposited or remain:

(a) in any combustible container;

(b) on the floor of any Building owned or occupied by that person; or

(c) in any metallic container, that is within 30 centimetres (12 inches) of any woodwork or other combustible material.

10. No person shall keep any waste, rags, paper or other substance liable by spontaneous combustion to cause fire, except in a container made of metal or other non-combustible material, having an airtight non-combustible top or lid.

11. Flammable and combustible products shall not be stored in underground parking areas except when contained in a room specifically designed for such storage.

12. In relation to refuse containers:

(a) All commercial or communal garbage containers larger than a 90 litre (20 gallon) capacity shall be stored at a location that is approved by the Fire Chief and which is no less than 5 metres (16 feet) from any combustible construction or materials or unprotected Building openings.

(b) If the clearances required by subsection 12(a) of this bylaw cannot be met, a non-combustible container with a non-combustible self-closing lid and no hold-open devices may be used, provided that the container is placed in a location that is approved by the Fire Chief and which is no less than 1 metre (3 feet) from any combustible construction or materials or unprotected Building openings.

(c) No owner of property shall store or permit to be stored any commercial or communal garbage containers larger than a 90 litre (20 gallon) capacity in any manner other than in accordance with the specifications detailed in this section 12.

Burning Restrictions

13. Open-Air burning is prohibited unless expressly permitted by this bylaw. For certainty, all Beach Fires are prohibited.

14. The burning of Prohibited Materials is prohibited, whether in a Solid Fuel Burning Device, in a fire in the Open-Air or otherwise.

15. Notwithstanding the definition of Open-Air burning, such burning does not include:

- (a) a fire in a Solid Fuel Burning Device within a Building on private land;
 - (b) a fire fuelled solely by natural gas or propane, lit, ignited and maintained on private land, subject to compliance with the *Gas Safety Regulation* under the *Safety Standards Act*, SBC 2003, c. 39;
 - (c) a fire fuelled solely by propane, natural gas, charcoal briquettes or lump charcoal, lit, ignited and maintained solely for the cooking of food, on private land and contained within an appliance or device that has been specifically designed for that purpose;
 - (d) a fire fuelled solely by propane or natural gas within an appliance or device that has been specifically designed for that purpose, used in a park owned by the Corporation, where such use is authorized or permitted by the Corporation, or in another park within boundaries of the municipality subject to rules and regulations of the Capital Regional District or the Province of British Columbia, as applicable;
 - (e) the combustion of a petroleum fuel within an internal combustion engine, or the operation of welding equipment or a hand-held torch or tiger torch for the purpose of construction, maintenance or repair work; or
 - (f) any burning conducted by the Corporation for municipal purposes, including firefighter training.
16. Notwithstanding section 15(e) of this bylaw, the use of a tiger torch for the purposes of clearing shrubbery, brush or weeds constitutes Open-Air burning.
17. The Fire Chief, in his or her discretion, may issue a Permit that entitles the holder to conduct Open-Air burning otherwise prohibited by this bylaw. The Permit may be made subject to such requirements as the Fire Chief deems appropriate, including a site review by the Department and the requirement that the Department provide a standby crew for the Open-Air burning. The Department shall charge a fee in relation to the issuance of such Permit calculated as follows:
- (a) the amount set from time to time in Appendix A; plus
 - (b) the cost of the time of any Members required to conduct a site review, or review of any safety plan related to the Open-Air burning, or for acting as a standby crew or for time otherwise spent reviewing the Permit application, such costs to be calculated as provided for in Appendix A.
18. Open-Air burning is not permitted within the Urban Containment Boundary or on non-privately owned property.
19. Open-Air burning of Garden Refuse is permitted on privately owned property, outside of the Urban Containment Boundary, subject to the following provisions:
- (a) Open-Air burning may only take place from and including 16 October of one calendar year to and including 30 April of the next following calendar year.

- (b) Open-Air burning may only take place on Fridays from sunrise to sunset, and Saturdays from sunrise to 12:00 p.m. No Permit is required for such Open-Air burning unless the fire exceeds 1 metre (3 feet) in diameter.
- (c) Only one Open-Air fire may be started and maintained on any single property at any given time.
- (d) Open-Air fires must:
 - (i) be located 7.6 metres (25 feet) from any Building or structure, wooden fence or property line and otherwise be located so as not to pose a risk of spread through the grass, shrubbery, trees or other combustible materials;
 - (ii) be less than 1 metre (3 feet) in diameter, unless a Permit is obtained in accordance with section 21, below;
 - (iii) be restricted to Garden Refuse that originated from the property in question, that is clean, dry and in a condition that provides for proper and full combustion;
 - (iv) not involve the use of any material as fuel to start, assist or enhance the burning, other than dry wood, paper or cardboard; and
 - (v) be supervised at all times by a responsible person 19 years of age or older.

20. Every person who ignites or maintains a fire in the Open-Air, including any to whom a Permit is issued under section 16 or section 21 of this bylaw, shall ensure that he or she has immediately available sufficient appliances, equipment and labour to maintain effective control over the Open-Air fire and to prevent the same from spreading, causing damage or becoming dangerous to life or to other property.

21. Persons wishing to conduct Open-Air burning contemplated by section 19 of this bylaw, in fires greater than 1 metre (3 feet) in diameter, or on days other than Friday and Saturday morning, may apply to the Department for a Permit. The Permit shall specify the maximum size of the Open-Air fire, which shall not exceed 2 metres (6.5 feet), and the days of the week when the Open-Air burning is permitted. A Permit issued by the Department under this section shall be valid for a maximum of seven days from the date of issue. The cost of the Permit shall be the amount set in Appendix A. The Department may, in its discretion, refuse to issue a Permit under this section 21.

22. Where the Fire Chief, in his or her discretion, believes that there is an elevated level of fire hazard within the Corporation or a portion thereof, the Fire Chief may order that any or all burning in the Open-Air, including burning in accordance with any Permit granted hereunder, is prohibited. The Fire Chief may identify a specific geographical area within the Corporation where such ban applies, and the dates during which the ban shall be imposed. Notice of any such ban shall be posted on the Corporation's website, distributed in an announcement to the local media, and posted publicly at the Corporation's main offices. The Department may also

post copies of the order in conspicuous places in or around the geographic area affected by the order.

23. The Fire Chief is hereby authorized and empowered, in his or her discretion, to suspend or revoke any Permit granted for Open-Air burning under this bylaw.

24. In relation to Solid Fuel Burning Devices:

(a) No person shall cause or allow the emission of smoke from any Solid Fuel Burning device for a period or periods aggregating more than three minutes in any one hour of such Opacity as to obscure an observer's view of the background through the smoke to a degree of greater than 20%.

(b) Subsection 24(a) shall not apply to:

(i) smoke emitted during the 20-minute period following the ignition of the fire; or

(ii) smoke emitted during a 6-minute period after a fire is re-stoked with fuel.

25. In addition to any other enforcement actions it may take under or in relation to this bylaw, the Department may enforce the Open-Air burning provisions and other restrictions on burning by issuing a municipal ticket, as contemplated by section 64 of this bylaw.

26. Whether or not a Permit has been issued:

(a) where the Department has responded to three or more Open-Air burning infractions at the same property in any 12-month period; or

(b) where Open-Air burning has been conducted in a manner considered by the Fire Chief to be in serious violation of the bylaw, or in a fashion that posed a significant risk to life or property;

the Fire Chief may, by Order to the owner or occupier of the property, prohibit any future Open-Air burning at such property, and deny the issuance of a Permit for Open-Air burning, for a period of up to 12 months from the effective date of the Order.

Smoke Alarms in Existing Buildings

27. Smoke alarms shall be installed in all Buildings within the Fire Service Area in accordance with the requirements of the Fire Code. Such smoke alarms must meet the requirements of CAN/ULC-S531, *Standard for Smoke Alarms*, and be installed in accordance with CAN/ULC S-553, *Standard for Installation of Smoke Alarms*.

28. All Building owners will operate, maintain and test smoke alarms in accordance with the requirements specified in CAN/ULC S-552, *Standard for Inspection, Testing and Maintenance of Smoke Alarms*.

Fire Department Access

29. In addition to any requirements under any other statute or regulation, fire lanes shall meet the requirements specified in the Building Bylaw.
30. All driveways in excess of 45 metres in length shall meet the requirements specified in the Building Bylaw. Where such a driveway does not meet these specifications:
- (a) the Corporation shall not be liable to the owner or occupier of any Building, for any delayed or inadequate response caused by access issues from such non-conforming driveway; and
 - (b) the owner of any such Building shall be liable to the Corporation for any damage caused to Department Apparatus, as a result of the Department attempting to use the non-conforming driveway in response to an incident at that Building or property.

Fire Hydrants

31. No person shall place or maintain any object or matter on a sidewalk or street which interferes with free access or approach to any fire hydrant. No person shall park or stop a vehicle proximate to a fire hydrant in violation of the *Motor Vehicle Act*, and the regulations made thereunder.
32. The owner of the property where any Private Hydrant is installed:
- (a) shall provide the Department with the GPS location of each such Private Hydrant;
 - (b) shall ensure that each Private Hydrant is fitted with a 100-millimetre Storz adapter;
 - (c) shall ensure that an area with a radius of 1 metre (3 feet) is maintained clear and unobstructed around the Private Hydrant;
 - (d) shall ensure that the Private Hydrant is maintained in good working condition at all times and that appropriate inspection, servicing and testing of the Private Hydrant is carried out by a person qualified to perform these services, including the following:
 - (i) not less than twice each calendar year, have the Private Hydrant flushed, drained and all threads, outlets and caps greased with waterproof grease;
 - (ii) not less than once each calendar year, have all components of the Private Hydrant inspected, serviced and tested to the standards prescribed in the current edition of *NFPA 25: Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*; and
 - (e) shall maintain records of all inspections, servicing and testing of each Private Hydrant and make those records available, on request, to the Fire Chief or designate.

General Fire Prevention Matters

33. Subject to and in accordance with the provisions of the Fire Services Bylaw, the Fire Chief may enter, at all reasonable times, on any property which is subject to this bylaw to ascertain whether or not this bylaw is being observed and no person shall obstruct or prevent such entry by the Fire Chief.
34. A person must not:
- (a) discard, throw down, drop or otherwise leave any lighted match, cigar, or cigarette or other burning substance in or near any combustible material;
 - (b) sit, stand or place or leave any article or thing in such a manner as to interfere with the means of exit or access within or outside any Building;
 - (c) allow a Building which the person owns or occupies to be or remain in such a state of disrepair that a fire starting in or on the property might, in the opinion of the Fire Chief, spread rapidly to endanger life or other property;
 - (d) keep combustible or explosive material in a Building which the person owns or occupies or allow other flammable conditions to exist so as to, in the opinion of Fire Chief, endanger life or property; or
 - (e) obstruct any fire escape, passage, passage door, hall or window, or obstruct any exit leading to any fire escape in any Building.
35. The owner of any vacant Building or property in the Fire Service Area must, at all times:
- (a) ensure the Building and property are kept free from debris and flammable or combustible material; and
 - (b) ensure all openings in any Building on the property are kept securely fastened and closed so as to prevent the entry of unauthorized persons.
36. The owner or occupier of a Building in which any of the Alarm System, sprinkler system, or emergency power system is not operating as required by the Building Code, the Fire Code or any other applicable law:
- (a) shall appoint and maintain a fire watch in that Building; or
 - (b) provide equivalent fire safety measures as directed by or that are acceptable to the Fire Chief.
 - (c) If the owner or occupier fails to employ a fire watch as contemplated by this section 36, the Department may appoint or have appointed a fire watch as considered necessary by the Fire Chief, and all costs incurred by the Corporation shall be the responsibility of the property owner.

37. The owner or occupier of a Building which has been damaged by fire:
- (a) shall take all reasonable measures to secure the Building or damaged portions thereof; and
 - (b) if directed by a Member of the Department, appoint and maintain a fire watch in that Building.
 - (c) The Department may, at the request of the owner or occupier, provide a fire watch subject to the payment the fees set out in Appendix A and the execution of an agreement satisfactory to the Corporation.
 - (d) Where the Department must secure a Building or a part of a Building for the purposes of conducting an investigation, or to preserve evidence related thereto, the Department may retain the services of one or more commissionaires from Commissionaires BC for that purpose, and charge the owner of the Building with the costs arising therefrom. For the period of time that a commissionaire is so appointed by the Department, the owner and/or occupant's obligations under subsections 37(a) and (b) shall be deemed to have been met.
38. Every owner or occupier of any Building who makes, stores, uses, or has charge or control of any flammable material, must at the close of business on each day cause all such material to be compactly baled or stacked in a safe manner, or stored in non-combustible receptacles having tight fitting, non-combustible lids.
39. Flammable and combustible products must not be stored in underground parking areas unless contained in a room specifically designed for such storage.
40. Where the safety of forest, woodland, timber or other property is endangered by debris caused by lumbering, land clearing or industrial operations, the person carrying on, or who has carried on, the operation, or the owner or occupier of the land on which the debris exists, shall dispose of the debris by removal or other approved methods and shall cut down all dead standing trees and stumps within the area affected and shall provide the labour and take the precautions to prevent the occurrence or escape of fire or damage to property as the Fire Chief directs.

In-Building Communications Systems

41. Where emergency communications equipment as contemplated by Part 16 of the Building Bylaw has been installed in a Building, the owner shall ensure that such equipment is maintained properly by a qualified person and tested not less than annually. The owner of

the Building shall be responsible for maintaining records of such maintenance and testing, and providing same to the Fire Chief, upon request.

Fire Protection Equipment

42. All Fire Protection Equipment must be maintained and tested at least annually by a person qualified to undertake such work. Persons owning, controlling or otherwise having charge of any fixed Fire Protection Equipment (including sprinkler systems and Alarm Systems) must notify the Department at any time such Fire Protection Equipment, or any portion thereof, is inoperable or taken out of service, and must notify the Department when service is restored.
43. No person shall block or impede access to Fire Protection Equipment in any Building, or tamper with, damage or render inoperable any Fire Protection Equipment in any Building. This section does not apply to circumstances where the Fire Protection Equipment is being decommissioned, serviced or replaced.

Commercial Kitchens and Mobile Food Vendors

44. The use, inspection and maintenance of commercial cooking equipment exhaust and Fire Protection Equipment shall conform to the current edition of National Fire Protection Association, *NFPA 96: Ventilation Control and Fire Protection of Commercial Cooking Operations*.
45. Hoods, grease removal devices, fans, ducts and other appurtenances of commercial kitchens must be cleaned not less than monthly, or more frequently, if required, to remove grease and other combustible residues. The owner or occupier of the premises using such equipment must not allow deposits of grease or other combustible residues to accumulate in any part of the commercial kitchen's exhaust system.
46. Mobile Food Vendors shall be subject to fire safety inspections by the Department. Without limiting the requirements under any other bylaws of the Corporation, the operations of Mobile Food Vendors are subject to this bylaw and the Fire Services Bylaw. Each Mobile Food Vendor:
 - (a) must hold a current authorization to operate from the Corporation in its selected location, including a current business licence;
 - (b) must obtain an annual inspection of its operation from the Department and display prominently any inspection certificate issued by the Department in connection therewith;
 - (c) shall have installed or available Fire Protection Equipment appropriate to the type of cooking being undertaken;
 - (d) shall have all commercial cooking units installed, certified and maintained in accordance with the requirements of the *Safety Standards Act* and regulations;

- (e) shall store any propane cylinders in a safe fashion, away from cooking and heat devices;
- (f) shall ensure that any tents or awnings in use are kept clean and free from grease build-up or other flammable residues, and conform to the flame resistance requirements CAN/ULC S-109: *Standard Method for Flame Tests of Flame-Resistant Fabrics and Films*, which conformance shall be identified by a manufacturer's label on such tent or awning; and
- (g) shall be subject to the direction of the Department in relation to siting, clearances, creation of a fire safety plan and other matters related to fire safety.

Fire Department Connections

47. Every owner or occupier of a Building in respect of which the Building Code requires Fire Department Connections must ensure that:

- (a) the Fire Department Connections, standpipes systems and sprinklers are located and installed in accordance with the Building Code and applicable building permit;
- (b) all Fire Department Connections, protective caps, standpipe systems and sprinklers are kept clean, functional, and in place at all times, and to promptly clean, repair and replace Fire Department Connections, protective caps, standpipe systems and sprinklers as necessary;
- (c) access to Fire Department Connections for sprinklers and standpipe systems is clearly identified, functional and in good repair;
- (d) signs are displayed which identify which Fire Department Connection serves a particular sprinkler or standpipe system and the maximum pumping pressure at a Fire Department Connection;
- (e) each fire sprinkler, standpipe and other Fire Department Connection is kept free and clear, by at least 1 metre (3 feet), from all shrubbery, trees, other vegetation, structures, buildings or other obstructions; and
- (f) each Fire Department Connection is clearly visible at all times from the Department access route, unless otherwise approved by the Fire Chief.

Buildings Under Construction

48. Where a new Building is being constructed, or in relation to alterations to, or the demolition of, an existing Building, the owner of the Building shall ensure that a fire safety plan is created covering the site of the new Building being constructed or Building which is under alteration or being demolished, and that the requirements set forth in section 5.6 of Division B of the Fire Code are met.

Unsubstantiated Complaints

49. Where an individual:

- (a) reports a burning or fire safety complaint relating to property or a Building owned by another person, which complaint results in a response by the Department; and
- (b) where such complaint proves, in the view of the Fire Chief, to be unsubstantiated (an "Unsubstantiated Complaint");

the Fire Chief may issue a written warning to such individual, in relation to the third such Unsubstantiated Complaint in any 12-month period. The written warning shall identify the complaints made and the reasons they were considered Unsubstantiated Complaints. It shall further state that a fourth and any succeeding Unsubstantiated Complaint will constitute a violation of this bylaw and may result in a ticket being issued as contemplated by sections 50 and 64 hereof, the cost of any response being charged to the individual in question based on the rates set out in Appendix A, and/or other enforcement proceedings being commenced hereunder.

50. In relation to a fourth and any succeeding Unsubstantiated Complaint as contemplated by section 49, the individual making such complaint may be ticketed, may be charged for the cost of any response by the Department and/or otherwise subject to enforcement proceedings for breach of this bylaw.

Lock Boxes

51. Where the Fire Chief considers it is necessary or desirable for operational or life and health safety reasons, he or she may require an Owner of:

- (a) a multi-family Building complex;
- (b) a Building three stories tall or over;
- (c) a Building where Dangerous Goods are stored;
- (d) a Building where hazardous operations or processes, as defined in the Fire Code, are conducted; or
- (e) a Building equipped with an Alarm System or automatic sprinkler;

to install a weatherproof lock box, of a type and in a location approved by the Fire Chief, accessible by any Member using a Department lock box key.

52. The lock box required under section 51 shall contain:

- (a) any fire safety plan for the Building, as required by the *Fire Code* and contemplated by the Fire Services Bylaw; and

- (b) keys, marked for Department use, needed for: access to all common floor areas and roof areas; all doors that are locked from the exit stairs to floor areas; and the recall and independent operation of any elevators in the Building.

Record Searches

53. Upon written request, the Department will conduct file searches on Buildings or properties for outstanding Fire Code violations or infractions or other related information. A fee is payable for this service as specified in Appendix A.

Issuance and Service of Orders

54. Where the Fire Chief finds that any provision of this bylaw or the Fire Code has been contravened or has not been complied with or has been complied with improperly or only in part, or that conditions exist in or upon a Building or property which, in the Fire Chief's opinion, constitutes a fire hazard or otherwise constitutes a hazard to life and/or property, he or she may make such Order to ensure full and proper compliance with this bylaw or Fire Code, or to eliminate the fire hazard and, in particular, but without limiting the generality of the foregoing, the Fire Chief may:

- (a) issue to the owner, occupier or lessee of the Building or property such directions as the Fire Chief deems necessary to correct the contravention or to ensure compliance with this bylaw or the Fire Code, or to remove the hazards, or
- (b) make such Orders as the Fire Chief deems necessary with respect to any of the matters referred to in this bylaw or the Fire Services Bylaw.

55. Any Order given by the Fire Chief under this bylaw may be served as follows:

- (a) personally, upon the person to whom it is addressed;
- (b) by leaving it with a person apparently over the age of 16 years at the dwelling or place of business of the person to whom it is addressed;
- (c) by sending it by registered mail to the most recent address of the person to whom it is addressed as shown on the most recent assessment roll of the Corporation; or
- (d) where the subject of the notice is an unoccupied Building or structure, by posting it in a conspicuous place on the outside of the Building or structure.

56. Where the Order is served by registered mail, service shall be deemed to have been effected five days after the date of mailing.

57. Where more than one person is shown on the assessment roll of the Corporation as the owner of real property, service of an Order on any one of such persons shall be deemed to be good and sufficient notice for the purposes of this bylaw.

Fees and Charges

58. Where, after the time stated in any order served pursuant to this bylaw, the Fire Chief finds that the requirements of the Order have not been carried out, the Fire Chief may enter upon the real property, or any Building or structure situate thereon, described in the Order and carry out the work required by the Order at the expense of the owner of such real property.
59. The Fire Chief shall keep an accurate account of the costs incurred by the Corporation pursuant to section 58 and, when the work is completed, shall mail a statement of such costs to the person upon whom the Order was served, with a demand for payment of same.
60. The Department may charge for use of its services in connection with any services provided, or responses made, under or in connection with this bylaw or matters governed hereby, including the issuing of Permits, conducting inspections, acting as a standby crew, providing fire watch services, addressing Open-Air burning issues, undertaking fire safety plan reviews and undertaking consultations on fire safety, development requirements or similar matters, in each case as provided in Appendix A to this bylaw.
61. Any fee or charge that may be levied under this bylaw in relation to services provided or responses made to or in respect of any real property, including any costs incurred under section 58, which has not been paid by the 31st day of December in the year in which such fee or charge became due and payable, may be added to and form part of the taxes payable in respect of such real property as taxes in arrears.

Permits and Exemptions

62. No Permit, permission, approval or exemption created or granted by, under or pursuant to this bylaw shall in any way derogate from the authority of the Fire Chief to order the remedy of a condition giving rise to a fire hazard or risk of explosion.

Offences

63. A person who:

- (a) contravenes, violates or fails to comply with any provision of this bylaw or of a Permit or Order issued under this bylaw;
- (b) suffers or allows any act or thing to be done in contravention or violation of this bylaw or any Permit or Order issued under this bylaw; or
- (c) fails or neglects to do anything required to be done under this bylaw or any Permit or Order issued under this bylaw;

commits an offence, and upon conviction shall be liable to a fine of not more than \$50,000, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

64. This bylaw may be enforced by means of a ticket issued under the Corporation's *Ticket Bylaw, 2010, No.9029*.

Force and Effect; Repeal of Other Bylaws

65. This bylaw will come into force and effect on the date of its adoption.

66. Upon the coming into force of this bylaw, the following bylaws are hereby repealed:

(a) *Fire Hydrant Servicing By-Law, 1979, No. 4291*; and

(b) *Smoke Alarm Bylaw, 1993, No. 7126*.

Notwithstanding the repeal of each of the bylaws listed above, any offence committed under each such bylaw prior to its repeal may be charged, and any penalty or punishment levied under such bylaw may be imposed, as though such bylaw had not been repealed.

Read a first time this 14th day of June, 2021.

Read a second time this 14th day of June, 2021.

Read a third time this 14th day of June, 2021.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the 21st day of June, 2021.

"Angila Bains"

Municipal Clerk

"Fred Haynes"

Mayor

APPENDIX A: FEES AND CHARGES

In relation to the Department's operations, activities and services provided under or authorized by this bylaw, the Corporation may charge the following fees:

Special Burn Permit – section 17

1. The cost of any Permit issued pursuant to section 17 shall be the aggregate of the following:
 - (a) The amount of \$10; plus
 - (b) The cost of the time of any work conducted by any Member or Members of the Department in relation to reviewing the application for such Permit, including any site visit, safety plan review or other assessment, and provision of a standby crew calculated in accordance with the hourly rates set out in section 5 of this Appendix A.

Rural Burn Permits: Larger Open-Air Fires – section 21

2. The cost of any Permit issued pursuant to section 21 shall be \$10.

Fire Watch – subsection 36(c); subsection 37(c)

3. The cost of a fire watch provided by the Department under either subsection 36(c) or subsection 37(c) shall be either: the cost to the Corporation of providing a Commissionaire or other person for the period of the fire watch; or cost of the time spent by one or more Members providing such a watch calculated in accordance with the hourly rates set out in section 5 of this Appendix A.

Record Searches – section 53

4. The cost of a record search under section 53 (including a fire inspection file search, copy of a fire investigation report, or other search) shall be **\$25**.

Section 60 Charges and Hourly Rates

5. Where the Department provides, or agrees to provide, services under this bylaw for which a fee may be charged, but in respect of which a fee has not specifically been set:
 - (a) where services alone are provided, without Apparatus, the Department will charge the hourly rate for the Members providing the services, determined based on the Department's costs for such Members, plus a 10% administration charge; or
 - (b) where any Apparatus is required to provide the services, the Department will charge the rate for the Apparatus and crews involved as set from time to time by the Office of the Fire Commissioner, the BC Wildfire Service and the Fire Chiefs' Association of British Columbia, in the "Inter-Agency Operational Procedures and Rates" document (the "Provincial Rates Document"), in relation to responses by structural firefighting departments to provincial emergencies. If the Provincial Rates Document is discontinued, or has not been updated in the preceding 36 months, or does not cover the type of Apparatus provided, the Fire Chief, acting reasonably, will establish a rate

based on the costs of operation of the Apparatus involved, plus the cost of the Members calculated in accordance with subsection 5(a) of this Appendix A.