

BOWEN ISLAND MUNICIPALITY

BYLAW No. 270, 2009

A Bylaw to Provide Regulations for the Control and Prevention of Fires

WHEREAS pursuant to Section 63 of the *Community Charter*, Bowen Island Municipal Council may make fire protection regulations for the protection of persons and property;

WHEREAS Bowen Island Municipal Council deems it desirable and necessary to provide for the establishment and operation of a volunteer fire department;

WHEREAS it is deemed desirable to provide regulations for the prevention and spread of fire;

NOW THEREFORE, the Council of Bowen Island Municipality in open meeting assembled enacts as follows:

SECTION 1 – CITATION

This Bylaw may be cited for all purposes as “***Bowen Island Fire Protection Bylaw No. 270, 2009***”.

SECTION 2 – DEFINITIONS

“Apparatus” means any vehicle provided with machinery, devices, equipment or materials for fire fighting and assistance response as well as vehicles used to transport fire fighters or supplies.

“Approved” means approved by the Fire Chief.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“British Columbia Fire Code” is a regulation enacted pursuant to the *Fire Services Act*, and is based on the *Model 2005 National Fire Code of Canada*.

“Campfire” means a fire not exceeding one meter in diameter and one meter in height used for the purpose of cooking, or to provide heat and light associated with camping, backyard fire pits and recreation.

“Environmental Management Act” means the *Province of British Columbia Environmental Management Act*, its regulations and revisions.

“Fire Chief” means a person appointed by Council to be in charge of the Fire Department, and the firefighting personnel, and includes a Deputy Chief and any other personnel authorized to act on the behalf of the Fire Chief.

“Fire Department” means the Bowen Island Volunteer Fire Department.

“Fire Prevention Officer” means the person or persons authorized by the fire Chief to exercise the powers of a Local Assistant to the fire Commissioner pursuant to the *Fire Services Act*, and to carry out fire prevention duties, including inspections.

“Fire Services Act” means the *Fire Services Act* of the Province of British Columbia and its regulations as amended.

“False Alarm” means the activation of a fire alarm system, regardless of how caused, as a result of which the Fire Department resources and services are provided and a member does not find any evidence of fire, fire damage or smoke.

“Incident” means a fire, an explosion, a situation where a fire or explosion is imminent or any other situation presenting a danger or possible danger to life or property or the environment to which the Fire Department has responded.

“Incident Commander” means any member of the Fire Department who may be in charge of an incident.

“Member” means any person that is a paid employee or a volunteer of the Fire Department.

“Municipality” means Bowen Island Municipality.

“Occupant” means and shall include the registered owner and any lessee, tenant, and licensee of any building or premises.

“Outdoor Fire” means every fire that burns in the open air and is not completely enclosed in an incinerator, furnace or other device.

“Public Building” means a warehouse, store, school, theatre, public hall, office building and any other building other than a private dwelling house.

“Vacant Building” means a building that is unoccupied, unattended and is not used as a place of residence or business.

SECTION 3 – ADOPTION OF THE *BRITISH COLUMBIA FIRE CODE*

The *British Columbia Fire Code*, as amended, is hereby adopted and forms part of this bylaw and shall be applicable within the municipality.

SECTION 4 – FIRE DEPARTMENT

4.1 **“Establishment”** The Fire Department is established to provide those services set out herein. The head of the Fire department shall be known as the Fire Chief.

4.2 **“Responsibilities”** The Fire Department shall be responsible for all aspects of fire protection including, suppression of all types of fires, general fire prevention, inspections, fire cause determination, fire and life safety education, the delivery of medical assistance as first responders, the rescue of persons from potentially life threatening situations.

- 4.3 **“Management and Control”** The Fire Chief or the Deputy Fire Chief shall be responsible for the management, control and supervision of the Fire Department, for all Fire Department personnel and for the care, custody and control of all buildings, apparatus and equipment of the fire Department.
- 4.4 **“Prevention, Control and Enforcement”** The Fire Department may take all necessary measures for the prevention, control and extinguishing of fires and for the protection of life and property. The Fire Chief and any member may enforce the *British Columbia Fire Code* and any applicable municipal bylaws and regulations for the prevention and suppression of fires. The Fire Chief and Deputy Fire Chief may exercise the powers provided in the *Fire Services Act*.
- 4.5 **“Policies and Operational Guidelines”** The Fire Chief may make policies and operational guidelines for the proper and efficient administration and operation of the Fire Department, and may vary, alter, or repeal such policies and operational guidelines as deemed fit or necessary.
- 4.6 **“Right to Enter”** The incident Commander is empowered to enter premises or property where the incident occurred or any neighbouring premises or property and to cause any member, apparatus or equipment to enter as deemed necessary in order to combat, control or deal with the incident.

SECTION 5 – FIRE SCENE

- 5.1 No person shall refuse to permit any Fire Department member to enter into or upon any premises from which an alarm of fire has been received, or in or upon which such fire personnel has reasonable grounds to suspect that a fire exists.
- 5.2 No person shall impede or in any way hinder any Fire Department member in the execution of their duties.
- 5.3 No person shall enter the area established unless authorized to enter by the Fire Chief or any other member in charge of the incident.
- 5.4 No person at or near an incident shall drive a vehicle over any equipment without the permission of the Fire Chief or member in charge.
- 5.5 No person shall obstruct or interfere with access roads or streets or other approaches to any incident, fire hydrant, cistern or body of water designated for firefighting purposes.

SECTION 6– GENERAL REGULATIONS

- 6.1 All streets, gates, arches, yards and roadways provided for Fire Department access shall be maintained so as to be ready for use at all times by Fire Department personnel and apparatus.
- 6.2 No person shall place or maintain any object, matter or vegetation that interferes with free access or approach to any fire hydrant or stand pipe.
- 6.3 No person shall use, or allow to be used a standpipe or hydrant, or affix a hose to the standpipe or hydrant without permission from the Fire Chief or Public Works Superintendent.

- 6.4 The owner or occupier of a building or persons who lease or otherwise provide a fire alarm system where there have been more than two false alarms, within a twelve month period, shall be assessed a fee payable to the Municipality for each subsequent false alarm within the twelve month period.

SECTION 7 – VACANT BUILDINGS

- 7.1 The property owner of any vacant building shall ensure that the premises are free from debris and combustible and flammable substances and shall keep all openings in such a building securely closed and fasted so as to prevent entry of unauthorized persons.
- 7.2 If the property owner fails to provide the necessary security to the vacant building within a reasonable time, the Fire Chief may have the work performed by the municipality or other agencies at the expense of the owner.

SECTION 8 – INSPECTIONS

- 8.1 **“Authorization to Enter”** The Fire Chief or any Fire Fighter/Inspector is hereby authorized to enter at all reasonable times upon any property in order to ascertain whether the requirements of this bylaw are being complied with, in addition to the powers vested by the *Fire Services Act*, is hereby authorized and empowered to inspect premises for conditions which may cause fire or increase the danger of fire or the danger to persons,, and to deal with any matter in a manner not repugnant to any provisions of the *Fire Service Act* or regulations.
- 8.2 **“Provision of Information”** Every occupant of premises shall provide all information and shall render all assistance required by the Fire Chief or a Fire Fighter/Inspector in the connection with the inspection of such premises pursuant to this bylaw.
- 8.3 **“False Information”** No person shall purposely withhold or falsify any information required by the Fire Chief or Fire Fighter/Inspector, nor refuse to assist in the carrying out of any fire inspection pursuant to this bylaw, the *British Columbia Fire Code* or the *Fire Services Act*.
- 8.4 **“Obstruction”** No person shall obstruct or interfere with the Fire Chief or a Fire Fighter/Inspector while any inspection is being carried out pursuant to this bylaw, the *British Columbia Fire Code* or the *Fire Services Act*.
- 8.5 **“Remedial Orders”** The Fire Chief or any Fire Fighter/Inspector is hereby authorized and empowered to issue orders in writing requiring the correction or removal of any condition or thing in or about any building or structure, which is in contravention of this bylaw, the *British Columbia Fire Code*, or the *Fire Services Act*, and every occupant shall be responsible for the carrying out of every requirement of every such order.
- 8.6 **“ASTT” Inspection** and certification of fire protection equipment in all public buildings must be carried out by an individual that is certified by the Applied Science Technologists and Technicians of British Columbia. (ASTT)

SECTION 9 – OUTDOOR BURNING

- 9.1 **“General”** All open burning shall comply with the *Environmental Management Act* and the *Open Burning Smoke Control Regulation*. Open burning for land clearing and yard clean up is allowed between October 15th of a given year and April 15th of the following year. Every reasonable alternative for reducing, reusing or recycling material to be burned shall be pursued to minimize the amount of material to be burned.
- 9.2 **“Land Clearing Fires”** No person shall start or maintain a land Clearing Fire unless a permit as outlined in Schedule “C” has been issued by the Fire Chief.
- 9.3 **“Backyard Clean up Fires”** No person shall start or maintain a Backyard Clean up Fire unless a permit as outlined in Schedule “D” has been issued by the Fire chief.
- 9.4 **“Campfires”** Except during an outdoor burning ban campfires can be started and maintained at anytime without a permit on private property.
- 9.5 **“Controlled Fires”** started and maintained by the Fire Department for training purposes or to prevent the commencement or spreading of fire does not require a permit.

SECTION 10 – COMMANDERING OF EQUIPMENT

- 10.1 The Incident Commander is empowered to commandeer privately or publicly owned equipment, which is considered necessary to deal with an incident.
- 10.2 The originating incident property owner shall be responsible to pay the charges associated with the commandeering of the equipment considered necessary to deal with the incident.

SECTION 11 – TRAFFIC CONTROL

- 11.1 Any member of the Fire Department, while in the course of duty, or at the scene of an incident, in order to expedite traffic or safeguard firefighters or pedestrians may direct traffic on any street within the municipality.
- 11.2 The Fire Chief may erect or place a temporary traffic sign at any time or place in the interest of public safety.

SECTION 12 – SOLID FUEL BURNING APPLIANCES

- 12.1 The Installation of Solid-Fuel Burning Appliance shall conform to CAN/CSA-B365 “Installation Code for Solid-Fuel Burning Appliances and Equipment”.

- 12.2 No person shall install a Solid-Fuel Burning Appliance that does not bear evidence of CSA, UL, ULC, Warnock Hersey or E.T.L certification, or has not been otherwise inspected and approved pursuant to this bylaw.

SECTION 13 – FIRE SAFETY PLANS AND PRE-FIRE PLANNING

- 13.1 **“FIRE SAFETY PLAN REQUIREMENTS”** All buildings, sites, storage areas or other areas as required by the *British Columbia Fire Code* section 2.8 Emergency Planning shall have a Fire Safety Plan. Measures within a Fire Safety Plan shall conform to the *British Columbia Fire Code* Section 2.8.2 Fire Safety Plan and shall be produced and submitted to the Fire Department for approval.
- 13.2 **“PRE-FIRE PLANNING INFORMATION”** The Fire Chief may establish a Pre-Fire Planning program, which will apply to those classes of occupancy specified by the Fire Chief. The owner or occupant of an occupancy within the class specified by the Fire Chief shall submit Pre-Fire Planning data and a Pre-Fire Planning drawing diagram of their occupancy with each level of occupancy drawn. All Pre-Fire Planning shall be on the forms approved by the Fire Chief.
- 13.3 **DIGITAL DRAWING FORMAT AND FIRE SAFETY SYMBOLS** The Pre-fire Planning diagram containing the details as specified by the *British Columbia Fire Code* shall be submitted in an electronic drawing format and be printable in a portrait format size to fit on a form approved by the Fire Chief. All elements within the diagram shall meet NFPA 170 Fire Safety Symbols.

SECTION 14 – GENERAL PROVISIONS

- 14.1 **VIOLATIONS** Every person who offends against any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, shall be deemed to be guilty of an infraction of this bylaw, and shall be liable to the penalties hereby imposed.
- 14.2 Any person who violates any provision of this bylaw commits an offence.
- 14.3 Each separate circumstance where a provision of this bylaw is violated constitutes a separate offence.
- 14.4 Each day’s continuance of an offence constitutes a new and distinct offence.
- 14.5 The following persons are hereby designated to enforce the provisions of this bylaw:
- i) The Fire Chief;
 - ii) The Deputy Fire Chief;
 - iii) Or any person or corporation designated by the Fire Chief.

- 14.6 The persons designated or authorized to enforce the provisions of this bylaw will be directed by the Fire Chief.
- 14.7 Where a person is in violation of any provision of this bylaw, those persons authorized under this section may issue a violation notice to be served personally or by registered mail upon the person in violation; and such person shall be liable to pay the Bowen Island Municipality the respective sum or sums, indicated in the violation notice.
- 14.8 The Fire Chief or any person directed by the Fire Chief may enter upon property, at all reasonable times to ascertain whether the provisions of this bylaw are being observed.

SECTION 15 – SCHEDULES

- 15.1 “Schedule A – Penalties” attached hereto shall form part of this bylaw.
- 15.2 “Schedule B – Fees: Outdoor Fires and Solid Fuel Burning Devices” attached hereto shall form part of this bylaw.
- 15.3 “Schedule C – Sample Land Clearing Fire Permit” attached hereto shall form part of this bylaw.
- 15.4 “Schedule D – Sample Backyard Clean Up Fire Permit” attached hereto shall form part of this bylaw.

SECTION 16 – REPEAL

- 16.1 *Bowen Island Fire Protection District Regulations Bylaw No. 41, 1993* is hereby repealed.

READ A FIRST TIME this day of 2010.

READ A SECOND TIME this day of 2010.

READ A THIRD TIME this day of 2010.

RECONSIDERED AND FINALLY ADOPTED this day of 2010.

Mayor Bob Turner

Kathy Lalonde, Corporate Officer

Certified to be a true and correct copy of
Bylaw No. 270, 2009, cited as “Bowen Island
Fire Protection Bylaw No. 270, 2009” as
adopted by the Council of Bowen Island
Municipality this day of 2010

Kathy Lalonde, Corporate Officer

SCHEDULE "A" – PENALTIES

SECTION	DESIGNATED EXPRESSION	FEE
5.1	Refuse Entry	\$200.00
5.2	Impede Fire Fighter	\$500.00
5.3	Unauthorized entry to Incident	\$200.00
5.4	Driving over Equipment	\$500.00
5.5	Obstruct access	\$200.00
6.1	Fire Department Access	\$200.00
6.2	Fire Hydrant Access	\$200.00
6.3	Misuse of Fire Hydrant	\$200.00
6.4	False Alarm	\$200.00
7	Vacant Building	\$500.00
8.5	Not carrying out an order	\$100.00
9.2	Land Clearing Fire without Permit, Illegal Burning	\$500.00
9.3	Yard Cleaning Fire without Permit, Illegal Burning	\$100.00
13	Failure to submit Fire Safety Plans or Pre-Fire Plans	\$250.00

SCHEDULE "B"

FEEES: OUTDOOR FIRES AND SOLID FUEL BURNING DEVICES

PERMIT	FEE
Land Clearing (Burning)	\$100.00
Back Yard Clean-up (Burning)	\$25.00
Solid Fuel Appliance Inspection	\$50.00
Solid Fuel Appliance Re-Inspection	\$25.00

SCHEDULE "C"

SAMPLE LAND CLEARING FIRE PERMIT

BOWEN ISLAND MUNICIPALITY

CLASS A BURNING PERMIT

(Industrial - Land Clearing or Other Major Burning)

Date _____ 20__

No _____ **A**

Authority is hereby granted to _____
(Hereinafter the Permittee)

Represented by _____ Phone No. _____
(Job Capacity)

Address _____

To set fire on the following described lands _____
(Hereinafter the "Site")

For the purpose of _____ Extent of burning authorized _____
(Hectares)

During the period _____, 20____, to _____, 20____, subject to the following conditions:

- (1) The permittee shall be responsible for fires authorized by this permit.
- (2) The permittee shall provide at the site during light up and for actively patrolling and preventing escape of the fires authorized by this permit:
 - (a) _____ adult persons equipped with suitable hand tools to effectively safeguard the fires.
 - (b) The following equipment _____
- (3) The permittee shall be responsible for supplying fire-fighting direction and the following resources, equipped for fire-fighting action to suppress any fire that escapes or threatens to escape from burning authorized by permit:
 - (a) A total of _____ adult persons (these include safeguarding, forces already on the area)
 - (b) Equipment _____
- (4) The permittee shall not start or rekindle fires during windy weather and shall take such extra precautions as are necessary to prevent fire from escaping during windy periods.
- (5) The permittee shall ensure that the material to be burned is a minimum of _____ metres from standing timber, brush, or other flammable material.
- (6) The permittee shall also abide by the following special conditions while acting under this permit:
 - (a) _____
 - (b) _____
 - (c) _____
 - (d) _____

I have read and understand the conditions of this burning permit.

Permittee _____
(Signature)

} Issued by _____
Title _____

WHITE COPY - VENDOR

CANARY COPY - FINANCE

PINK COPY - CONTROL

500 01/2004

SCHEDULE "D"

SAMPLE BACKYARD CLEAN UP FIRE

Fee _____

CLASS B BURNING PERMIT

BOWEN ISLAND MUNICIPALITY

B

(Minor Clean-up)

No

Date _____, 20____
_____, B.C.

Authority is hereby granted to _____
(Hereinafter the Permittee)

Address _____ Phone No. _____

To set fire on the following described lands _____

For the purpose of _____ Extent of burn _____

(State intended purpose of fire)

(Hectares)

During the period _____, 20____, to _____, 20____, subject to the following conditions:

- (1) The permittee shall be responsible for fires authorized by this permit.
- (2) The permittee shall take the following precautions to prevent escape of fires authorized by this permit:
 - (a) No burning to be done during windy periods.
 - (b) Light material such as dry leaves, etc., that could fly away while on fire, must be covered by heavier material or held down by wire mesh or other suitable means, while being burned.
 - (c) No burning to be done within 15m of slash, brush, dry grass, wooden buildings, trees, or any other flammable material.
 - (d) The fires must be attended and safeguarded at all times while burning by _____ adult persons.
 - (e) Additional special conditions _____

- (3) The permittee shall extinguish all fires completely on or before the expiry date of this permit; or shall extinguish them forthwith upon suspension or cancelation of this permit; or when instructed to do so by the Bowen Island Fire Dept.
- (4) The permittee shall be responsible for providing _____ adult persons and any equipment required in the special conditions above to suppress any escape or threatened escape from burning authorized by this permit.

I have read and understand
the conditions of this burning permit.

By _____

Title _____

Permittcc _____
(Signature)

WHITE COPY - VENDOR

CANARY COPY - FINANCE

PINK COPY - CONTROL