

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 8807

TO PROVIDE FOR FIRE PROTECTION AND CONTROL IN THE MUNICIPALITY OF SAANICH

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

TITLE

1. This bylaw may be cited as the “**Fire Prevention Bylaw, 2006, No. 8807**”.

DEFINITIONS

2. In this bylaw:

- (a) “**ANIMAL ORGANIC WASTE**” means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides and feathers.
- (b) “**CONSTRUCTION OR DEMOLITION WASTE**” means woodcuttings; sawdust, packaging, building materials and other waste items or discarded materials produced in the construction, repair, renovation or demolition of a building or structure.
- (c) “**COUNCIL**” means the Municipal Council of The Corporation of the District of Saanich.
- (d) “**COVER MATERIAL**” means sand, silt, clay or other like non-organic material.
- (e) “**DANGEROUS GOODS**” means any product, substance or organism which is of a highly combustible and flammable, or explosive nature, all as set out in the British Columbia Fire Code regulations and the National Fire Protection Association (N.F.P.A.) codes and any other material which, because of the toxic or other inherent characteristics, constitutes a fire hazard or a hazard to life safety or health and without restricting the generality of the foregoing:
 - (1) includes liquid chlorine, compressed natural gas, liquified natural gas, liquified petroleum gas, and
 - (2) for the purposes of this bylaw and in conformity with the classification of dangerous goods in an Act to Promote Public Safety in the Transportation of Dangerous Goods, are classified as follows:

- Class 1 Explosives, including explosives within the meaning of the *Explosives Act*.
- Class 2 Gases, including compressed gases, liquified petroleum, liquified natural gas, liquified or dissolved gases under pressure.
- Class 3 Flammable liquids and combustible liquids.
- Class 4 Flammable solids, including substances liable to spontaneous combustion, substances that on contact with water emit flammable gases.
- Class 5 Oxidizing substances, including organic peroxides, chlorates, nitrates.
- Class 6 Poisonous (toxic) and infectious substances.
- Class 7 Radioactive materials, including prescribed substances within the meaning of the *Atomic Energy Control Act*.
- Class 8 Corrosives
- Class 9 Miscellaneous dangerous goods or organisms not included in any of the above classes.
- (f) "**DIRECTOR OF ENGINEERING**" means the Director of Engineering of The Corporation of the District of Saanich and includes his/her representatives who are authorized to act on his/her behalf.
- (g) "**DOMESTIC INCINERATOR**" means a container used for the burning of material in the open air and serving any dwelling unit occupied by a single-family or two-family dwelling unit.
- (h) "**DOMESTIC WASTE MATERIALS**" means any readily combustible inorganic dry waste material.
- (i) "**FIRE CHIEF**" means the Fire Chief appointed by the Council and includes any person authorized in writing by him to carry out a function under this bylaw.
- (j) "**FORESHORE**" means the area of land lying between the low water mark and the high water mark of the ocean.

- (k) "**GAS REGULATORY AUTHORITY**" means the ministry which provides for an inspection service and has the authority to require inspection of regulated work in respect of gas in an area of British Columbia.
- (l) "**INCIDENT**" means a fire or a situation where a fire or an explosion is imminent, or a situation where a hazard to persons or property exists.
- (m) "**MILL WASTE**" includes bark, chips, sawdust, hogged fuel and any other discarded wood products.
- (n) "**MUNICIPALITY**" means The Corporation of the District of Saanich and the area within its corporate boundaries.
- (o) "**OFFICER IN COMMAND**" means the Fire Department officer present.
- (p) "**OPACITY**" is the degree to which the visibility of the background, viewed through a plume of smoke, is reduced.
- (q) "**OPEN AIR BURNING**" and "**IN THE OPEN AIR**" means any burning of any kind, of any material, for any purpose that takes place outside of a dwelling, commercial establishment, structure or accessory building..
- (r) "**PERMIT**" means a document issued pursuant to this bylaw authorizing a person to carry on a procedure or undertaking under certain and specific conditions.
- (s) "**PERSON**" includes any firm or corporation.
- (t) "**SOLID FUEL BURNING DEVICE**" means a device that burns wood, coal or any other non-gaseous or non-liquid fuels, and includes any device burning any solid fuel used for aesthetic or space heating purposes within a private residence or commercial establishment or accessory building, and includes a fireplace, wood stove, fireplace insert or wood heater.
- (u) "**TREATED WOOD**" means wood of any species that has been chemically impregnated, painted or similarly modified or milled or processed into lumber.
- (v) "**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.

PART 1
FIRE DEPARTMENT

Establishment of a Fire Department

3. The Fire Department of The Corporation of the District of Saanich, as established, is continued as a Fire Department pursuant to Section 8 of the *Community Charter*.

Authorization

4. The Fire Department is authorized to,
- (1) Take all proper measures to prevent, control and extinguish fires;
 - (2) Provide assistance in response to
 - (a) Medical emergencies,
 - (b) Land and water rescue operations,
 - (c) Requests from other fire services,
 - (d) Hazardous materials incidents, and
 - (e) Requests for public service.

Fire Chief

5. The head of the Department is the Fire Chief, who is responsible to the Administrator for the efficient management of the Fire Department and the condition of all buildings, apparatus and equipment under his control.

Powers and Duties of the Fire Chief

6. The Fire Chief shall manage, control and supervise the Fire Department, take care, custody and control of all buildings, apparatus and equipment of the Fire Department and be responsible for:
- (1) making such rules and regulations for the proper and efficient administration and operation of the Fire Department, including training and education requirements and for the discipline of its members and may vary, alter or repeal the rules or regulations;
 - (2) taking all proper measures to prevent, control and extinguish fires and for the protection of life and property;
 - (3) enforcing all municipal bylaws respecting fire prevention and exercise the powers and duties imposed upon him by the *Fire Services Act*, 1996, R.S.B.C., c.144 and amendments thereto;

- (4) enquiring into, investigating and recording the cause of all fires in the Municipality;
- (5) collecting and disseminating information in regard to fires in the Municipality; investigating and holding enquiries into such fires as he may deem advisable; investigating conditions under which fires are likely to occur; studying methods of fire prevention; and rendering advice and making recommendations as he may deem advisable.

Delegation of Inspection Duty to Fire Chief

- 6.1 The Council delegates to the Fire Chief the duty to provide for a regular system of inspection of hotels and public buildings in the Municipality contained in s. 26(1) of the *Fire Services Act*, 1996 R.S.B.C. C144.

PART 2 FIRE PROTECTION AND LIFE SAFETY

Fire Safety Plans

7. (1) Where the British Columbia Fire Code requires the owner of a property to establish fire emergency procedures and prepare and maintain a building fire safety plan, the property owner will submit to the Fire Department a detailed fire safety plan and record of emergency systems installed within a building for review and approval prior to implementation of such plan.
- (2) The fee for review of fire safety plans shall be \$100.00

Evacuation

8. If an emergency arising from a fire, fire hazard, toxic chemical spill or from a risk of explosion causes the Fire Chief to be apprehensive of imminent and serious danger to life or property or of a panic, he may immediately take the steps he thinks advisable to remove the hazard or he may cause the people to be removed. He may order the evacuation of a building or area and may call upon the Police to assist him and provide security to the evacuated area.

Vacant Buildings

9. The owner of any vacant building shall at all times, ensure that the premises are free from debris and flammable substances and shall keep all openings in such a building securely closed and fastened so as to prevent the entry of unauthorized persons.

Fire Damaged Buildings

10. The owner of any fire damaged building shall ensure that the premises are guarded or that all openings in the building are kept securely closed and fastened so as to prevent the entry of unauthorized persons.

Access to Fire Hydrant

11. 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.

Duty of Owners or Occupiers

12. Any owner or occupier of real property in the Municipality shall remove any matter or thing situated in or on any building or premises 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.

Safety of Forests and Property

13. Where the safety of forest, woodland, timber or other property is endangered by debris caused by lumbering, landclearing 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.

False Alarms

14. No person shall, without reasonable cause, make or circulate or cause to be made or circulated, any alarm of fire by outcry, ringing of bells or otherwise.

PART 3 SCENE OF FIRE

Right of Entry

15. (1) The Fire Chief and each member of the Fire Department are authorized to enter into or upon any premises with or without any necessary equipment or apparatus from which an alarm of an incident has been received or in or upon which such member has reasonable grounds to suspect that an incident exists,

with or without permission from the owner or occupier of the premises and may take whatever action or measures they deem necessary to combat, control or suppress an incident.

- (2) No person shall refuse to permit the Fire Chief or anyone under the direction of the Fire Chief to enter upon any land or premises for the purpose of making an inspection or investigation:
 - (a) to inspect for conditions which may cause a fire, increase the danger of a fire or increase the danger to persons, or,
 - (b) to see that any flammable matter is rendered harmless or suitably safeguarded against fire by requiring:
 - (i) the erecting of barricades;
 - (ii) the posting of "no admittance" signs; or
 - (iii) any other measures deemed necessary by the Fire Chief.

Investigation of Fires

16. Pursuant to the British Columbia Fire Services Act, in every instance that a fire investigator conducts a fire investigation, a fee of \$100.00 per hour, per fire investigator, will be charged to the property owner for fire investigation services exceeding 2 man hours in duration.

Hindrance

17. No person shall in any way, hinder any member of the Fire Department or any apparatus or equipment or any other person under the direction of the Fire Chief at any incident or other emergency.

Breaking Blockade

18. Except the Police and members of the Fire Department, no person shall enter any burning building, fire scene or other restricted area without permission of the Fire Chief.

Demolition

19. In addition to any powers given under this bylaw, the Fire Chief or Officer in command at a fire may cause any building, structure or thing to be demolished or removed or otherwise deal with a building, structure or thing to suppress and or prevent the spread of fire. All costs associated are to be borne by the property owner. Any expenses incurred by the Municipality are recoverable in the manner provided by Section 258 of the *Community Charter*.

PART 4
INSPECTIONS

Right to Inspect

20. The Fire Chief and each member of the Fire Department is hereby authorized to enter, at all reasonable times, upon any property in order to ascertain whether the requirements or directions under this bylaw, the *Fire Services Act* or its regulations are being obeyed and in addition to the powers vested in them by the *Fire Services Act* are hereby authorized and empowered to inspect premises for conditions which may cause fire or increase the danger of a fire or increase the danger to persons and to deal with any matter within the scope of the *Fire Services Act* in a manner not repugnant to any provision of the Act or regulations thereunder.

Special Authorization

21. Each member of the Fire Department is authorized to carry out the inspection functions of the Local Assistant under Part 2 of the *Fire Services Act*.

Duty to Provide Assistance

22. Every owner and occupant of every building shall provide all information and shall render all assistance required by the Fire Chief or any member of the Fire Department pursuant to this bylaw. No person shall purposely withhold or falsify any information required by the Fire Chief or any member of the Fire Department.

Obstructions

23. No person shall obstruct or interfere with the Fire Chief or any member of the Fire Department while carrying out any inspection pursuant to this bylaw.

PART 5
CONTROL OF OPEN AIR BURNING

Open Air Fires

24. Except as provided in this bylaw, no person shall light, ignite, or maintain any fire or allow or cause any fire to be lit, ignited or maintained in the open air or in an appliance, container or device in the open air without first obtaining a fire permit from the Fire Chief. The person to whom the permit is issued must be a competent person not less than 19 years of age.

Validity and Permits

25. Any fire permit issued by the Fire Chief shall be in writing and is valid only for the purpose stated and for the time set out in the permit.

Issuing

26. Where the Fire Chief deems it expedient to do so and where, in his consideration, hazardous conditions exist, he may suspend any issued burning permits and/or cancel or restrict for such time as he may deem necessary, any and all outdoor burning.

Regulation of Burning

27. (1) Except as provided in this bylaw, no person shall burn any waste material outdoors other than in a domestic incinerator.

Garden Refuse:

- (2) (a) Notwithstanding Section 27 (1), open air burning of garden refuse in the nature of grass and other clippings, leaves, tree and shrub prunings, cuttings and other like material is permitted. Such open air fires shall be:
- (i) located only on properties outside of the Urban Containment Boundary;
 - (ii) located at least 7.6 m (25 feet) from any building, wooden fence or property line;
 - (iii) less than 1 m (3 feet) in diameter; and
 - (iv) restricted to material that is clean and dry and in a condition that provides for safe and proper combustion;
 - (v) restricted to material that was grown or produced on the property on which the burning takes place.

Construction Waste:

- (3) The burning of construction or demolition waste is prohibited.

Domestic Incinerator

28. No person shall burn any material in a domestic incinerator unless:
- (1) it is in a condition that provides for safe and proper combustion of any material burned;
 - (2) the domestic incinerator is located at least:

- (a) 1.5 m (5 feet) from any grass, shrub, trees, wooden fence, property line; and
 - (b) 7.6 m (25 feet) from any building.
- (3) while in use a competent person not less than 19 years of age supervises any burning and ensures that any equipment necessary for fire control is available.
- (4) it is fitted with a metal screen or grill of less than 9.5 mm (3/8 inch) mesh to restrict any sparks or flying debris.

Fires on the Foreshore

- 29.** (1) No person shall ignite or maintain any fire on the foreshore without holding a valid permit issued by the Fire Chief.
- (2) It shall be a condition of every permit for a fire on the foreshore that:
- (a) the fire not be located within 45 m (150 feet) of any building; or
 - (b) the fire not be located within 3 m (10 feet) of any driftwood, dry vegetation, grass or any other combustible material unless the fire is contained within a receptacle approved in design and location by the Fire Chief; and
 - (c) the fire shall be completely extinguished by 11 p.m.; and
 - (d) the permit holder personally attends the fire until completely extinguished by water.
- (3) A permit for any fire on the foreshore shall be valid only on the date specified on the permit.
- (4) The fee for a beach fire permit shall be \$10.00.

Garbage Burning

- 30.** No person shall burn any of the following materials in a solid fuel burning device, a domestic incinerator, or in an open air outdoor fire:
- (1) treated wood,
 - (2) plastic or rubber products,
 - (3) animal organic waste or vegetable or food waste,
 - (4) asphaltic products,
 - (5) waste petroleum products,

- (6) paints,
- (7) paper products, other than to start a fire,
- (8) materials generally referred to as garbage or refuse.

Smoke Opacity Standards

31. (1) No person shall cause or allow the emission of smoke from any solid fuel burning device for a period or periods aggregating more than 3 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%.
- (2) Subsection (1) shall not apply to:
- (a) Smoke emitted during the 20 minute period following the ignition of the fire; or
 - (b) Smoke emitted during a 6 minute period after a fire is re-stoked with fuel.

Burning Permitted

32. Nothing in this bylaw shall apply to:
- (1) a fire contained within a portable appliance or device that has been specifically designed and is used solely for the cooking and preparation of food and that is fuelled by propane, natural gas or charcoal briquettes;
 - (2) burning by the Corporation of the District of Saanich for municipal purposes and firefighter training;
 - (3) burning of natural gas or propane in an appliance or device that is regulated by the Gas Regulatory Authority.

Person in Charge of Fire

33. Every person who ignites or maintains a fire in the open air or in a domestic incinerator or to whom a fire permit is issued, shall ensure that the fire is continually supervised by a competent person who is not less than 19 years of age until such fire is completely extinguished and shall ensure that sufficient appliances, equipment and labour to effectively maintain control over said fire and prevent the same from spreading, causing damage or becoming dangerous to life or to other property are present on the property.

Restrictions

34. (1) Notwithstanding any other provisions of this bylaw, no person shall ignite or maintain any fire outside of a dwelling, commercial establishment, structure or accessory building other than a lawfully maintained fire on the foreshore:
- (a) within the Urban Containment Boundary at any time.
 - (b) outside the Urban Containment Boundary:
 - (i) at any time during the period from May 1st to October 15th inclusive; and
 - (ii) at any time between 12:00 noon on a Saturday and sunrise of the following Friday or between sunset on a Friday and sunrise of the following Saturday during the period from October 16th of one year to April 30th inclusive, of the following year.
- (2) No person is required to obtain a permit to ignite or maintain an open fire of which the diameter of combustible material is less than 1 m (3 feet) or in a domestic incinerator within the time periods stated above.

Special Burning Outside Urban Containment Boundary

35. (1) Open air burning of garden refuse in the nature of the grass and other clippings, leaves, tree and shrub prunings, cuttings and other like material is permitted on any parcel of land lying outside the Urban Containment Boundary provided a permit is obtained from the Fire Chief.
- (2) The fee for a special burning permit shall be \$10.00.
- (3) No person shall ignite or maintain any garden refuse fire on any parcel of land lying outside the Urban Containment Boundary:
- (a) at any time during the period from May 1st to October 15th inclusive;
 - (b) between sunset of one day and sunrise of the following day.
- (4) Open air burning of garden refuse on any parcel of land lying outside the Urban Containment Boundary shall be:
- (a) located at least 7.6 m (25 feet) from any building, wooden fence or property line;
 - (b) less than 2 m (6 feet) in diameter.

- (5) The material to be burned must originate on the property on which the burning takes place.
- (6) No material other than dry wood, paper or cardboard may be used as fuel to start, assist or enhance the burning, without the specific permission of the Fire Chief.

Fire Chief May Authorize Fire

- 36. The Fire Chief may, by issuing a permit, authorize a person to ignite and maintain a fire at a time or place which is prohibited by a regulation contained in this bylaw.

PART 6 **DANGEROUS GOODS**

Safe Handling of Dangerous Goods

- 37. Where the Fire Chief or Officer in Command is satisfied on reasonable and probable grounds that a discharge, emission or escape of dangerous goods has occurred and that immediate action is necessary in order to carry out any reasonable emergency measures, he may request that any such measures be taken by any person he considers qualified to do so or take them himself.

Explosion or Potential Explosion

- 38. It is the duty of the occupier or, if none, of the owner of the property, building, premises, motor vehicle, vessel or railway rolling stock, to report immediately to the Fire Chief when an explosion, discharge, emission, escape or spill of dangerous goods occurs and to similarly report to the Fire Chief where the potential for an explosion or a discharge, emission, escape or spill of dangerous goods exists by reason of abnormal or unusual circumstances.

PART 7 **GENERAL**

Storage of Mill Waste, Wood Chips or Hogged Material

- 39. No person shall deposit or cause to be deposited, any mill waste, wood chips or hogged material within the Municipality without first having obtained a permit from the Fire Chief. The holder of a permit must be a competent person not less than 19 years of age.

Depth of a Cover for Mill Waste, Wood Chips or Hogged Material

40. Where any person has lawfully deposited any mill waste, wood chips or hogged material, he shall ensure that:
- (1) no deposit has a depth greater than 3 m (10 feet);
 - (2) within one week, that cover material 300 mm (12 inches) in thickness is applied to any deposit unless otherwise approved by the Fire Chief.

PART 8
ENFORCEMENT

Issuance of Order

41. (1) Where the Fire Chief finds that any provision of this bylaw 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 and which, in his opinion, constitutes a fire hazard or otherwise constitutes a hazard to life and/or property, he may make such order to ensure full and proper compliance with this bylaw or to eliminate the fire hazard and in particular, but without limiting the generality of the foregoing, he may:
- (a) make to the owner, occupier or lessee of the building or property such directions as he deems necessary to correct the contravention or to ensure compliance with this bylaw or to remove the hazards, or
 - (b) make such orders as he deems necessary with respect to any of the matters referred to in this bylaw.
- (2) An order made under this bylaw shall be in writing and shall be directed to either the owner, occupier or lessee of the building or property in respect of which the order is made or to both.
- (3) Where any owner or occupier fails to comply with any order under this section, the Director of Engineering may, at the expense of the owner or occupant, cause the condition to be remedied as required by the Fire Chief.
- (4) Any expenses incurred by the Municipality under Subsection (3) are recoverable in the manner provided by Section 258 of the *Community Charter*.

Service of Order

42. An Order made under this bylaw shall be served by:

- (1) delivering it or causing it to be delivered to the person to whom it is directed, or
- (2) sending the order by registered mail to the last known property owner, or
- (3) posting a copy of it in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known or refuses to accept service of the order.

Removal of Order

43. Where an order has been posted in accordance with Section 41 (3), no person may remove, deface or destroy the order.

Penalty

44. (1) Any person who violates any provision of this bylaw shall be liable, upon summary conviction, to a fine of not less than \$50.00 and not greater than \$300.00.
- (2) Where any violation continues, each day in which it continues, shall be deemed to be a separate violation for the purposes of a prosecution under this bylaw.
- (3) The penalties hereunder shall be in addition to and not in substitution for any other penalty or remedy available under the bylaw, Provincial legislation or at law.

Repeal

45. The "Fire Prevention Bylaw, 1997, No. 7755" and any amendments thereto are hereby repealed except insofar as they may repeal any other bylaw.

Includes Bylaw Amendment No. 8929.