

NO. 07-049

## **FUEL EQUIPMENT & STORAGE BYLAW**

### **A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to establish safety and building regulations for fuel equipment and storage.

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Under its statutory powers, including sections 8(3)(g), 8(3)(l), and 63 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

#### **PART 1 – INTRODUCTION**

##### **Title**

- 1 This Bylaw may be cited as the “FUEL EQUIPMENT & STORAGE BYLAW”.

This bylaw may or may not contain the latest amendment(s). It is provided for convenience only and should not be used in place of the actual bylaw. The latest version can be obtained from Legislative Services, City Hall, (250) 361-0571.

## Definitions

2 In this Bylaw,

“Building Code”

means the British Columbia Building Code, as amended from time to time, and its successors;

“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, and its successors;

“combustible liquid”

means a liquid that has a flash point at or above 37.8°C and below 93.4°C;

“Fire Chief”

means the Chief of the City’s Fire Department, including a member of the Fire Department who is authorized to act as the Chief’s delegate;

“Fire Code”

means the British Columbia Fire Code Regulation, as amended from time to time, and its successors;

“flammable liquid”

means a liquid that has

- (a) a flash point below 37.8°C, and
- (b) a vapour pressure not exceeding 275.6 kPa (40 psi) (absolute) at 37.8°C;

“fuel tank”

includes flammable liquid storage tanks and combustible liquid storage tanks;

“oil burning equipment”

- (a) means an appliance, fixture, or equipment that uses oil for the purposes of generating heat, and
- (b) includes burners, electrical apparatus, and other equipment used in connection with, but excluding, a fuel tank;

“registered professional”

means a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Act*.

## Purposes of Bylaw

### 3 This Bylaw

- (a) is intended to be interpreted in accordance with this section;
- (b) has the following purposes:
  - (i) the general public interest;
  - (ii) regulating the installation, use, and storage of fuel equipment;
  - (iii) providing a limited and interim spot checking function for the health, safety, and protection of people and property;
- (c) does not have the following purposes:
  - (i) to protect property owners and builders from economic loss;
  - (ii) the City's accepting of responsibility for ensuring compliance, by property owners, or their representatives, employees, builders, or designers, with this or any other law respecting health and safety;
  - (iii) to guarantee the design or construction for any fuel or storage equipment, or other works, to which this Bylaw applies;
  - (iv) to guarantee or assure that work that is permitted under, or is subject to this Bylaw is free of latent or other defects;

## Authority of Fire Chief

- 4 The Fire Chief is appointed as the authority having jurisdiction to enforce that part of the Building Code applicable to the matters dealt with under this Bylaw.

## PART 2 – REGULATIONS

### Permit for oil burning equipment & fuel tanks

- 5 (1) A person must first obtain a permit from the Fire Chief before undertaking any of the following activities:
  - (a) installing a fuel tank;
  - (b) installing oil burning equipment;
  - (c) removing or withdrawing an underground fuel tank from service.
- (2) The applicant for a permit must pay to the City the fee set out in Schedule A.

### **Inspection of oil burning equipment & fuel tanks**

- 6** (1) Oil burning equipment or a fuel tank must not be used or concealed until it has been inspected and approved by the Fire Chief;
- (2) 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 3 days of completing that work must, on at least 24 hours notice to the Fire Chief, obtain an inspection and receive the Fire Chief's approval of that work.

### **Installing & working on oil burning equipment**

- 7** A person may install or carry out other work on oil burning equipment only in accordance with the applicable provisions of the following:
- (a) Fire Code;
- (b) Building Code;
- (c) CAN/CSA B139-Installation Code for Oil Burning Equipment.

### **Installing & removing fuel tanks**

- 8** Installation of a fuel tank, or its removal or withdrawal from service, may be carried out only:
- (a) in accordance with the applicable provisions of the Fire Code and CAN/CSA B139-Installation Code for Oil Burning Equipment, and
- (b) by a contractor who has provided evidence to the Fire Chief that the contractor is competent to satisfactorily complete that work in compliance with the Fire Code.

### **Certification by Registered Professional**

- 9** 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) Fire Code;
- (b) Building Code;
- (c) CAN/CSA B139-Installation Code for Oil Burning Equipment.

### **Correction of Work**

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

## PART 3 – GENERAL

### Entry and Inspection

- 11** 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.

### Maintenance of Fuel Tanks

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

### Offences and Penalties

- 13** A person who contravenes a provision of this Bylaw is guilty of an offence and is liable on conviction to the penalties imposed by this Bylaw and the *Offence Act*.

### Repeal

- 14** The following provisions of the Fire Prevention and Regulation Bylaw are repealed:
- (a) the definitions of “combustible liquid”, “flammable liquid”, and “flash point” in section 2;
  - (b) section 1 of Schedule A [*Petroleum Storage Tanks*].

|                        |                        |        |             |       |
|------------------------|------------------------|--------|-------------|-------|
| READ A FIRST TIME the  | <b>28<sup>th</sup></b> | day of | <b>June</b> | 2007. |
| READ A SECOND TIME the | <b>28<sup>th</sup></b> | day of | <b>June</b> | 2007. |
| READ A THIRD TIME the  | <b>28<sup>th</sup></b> | day of | <b>June</b> | 2007. |
| ADOPTED on the         | <b>12<sup>th</sup></b> | day of | <b>July</b> | 2007. |

**“ROBERT G. WOODLAND”**  
CORPORATE ADMINISTRATOR

**“ALAN LOWE”**  
MAYOR

**Schedule A  
Permit Fees**

| <i>Type of Permit</i>  | <i>Fee</i> |
|--|------------|
| Oil burning equipment installation<br>- permit & inspection                                      | \$100.00   |
| Oil burning equipment replacement, renewal,<br>or alteration<br>- permit & inspection            | \$100.00   |
| Installation of any fuel tank or removal of an<br>underground fuel tank<br>- permit & inspection | \$100.00   |
| Other permit or inspection, including re-<br>inspection  | \$100.00   |
| All permit applied for after work is done<br>without a permit                                    | \$200.00   |