

FIRE PREVENTION AND REGULATION BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to establish regulations pertaining to fire protection, fire prevention, fire suppression and the operation of the Fire Department within the City of Victoria.

Under its statutory powers, including sections 8.3(a), 8.3(g), 8.3(l), 66, 194 and 258 of the *Community Charter*, and sections 6, 10, 11, 21, 22, 25, 26 and 36 of the *Fire Services Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

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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.

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PART 1 – INTRODUCTION

Title

- 1 This bylaw may be cited as the “Fire Prevention and Regulation Bylaw”.

Definitions

- 2 In this 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.

“Apparatus” means

any vehicle of the Fire Department

- (a) equipped with machinery, devices, Equipment or materials for firefighting;
or
- (b) used to transport Members or supplies;

“Building Code” means

the British Columbia Building Code, as amended from time to time;

“City” means

the Corporation of the City of Victoria or the area within the municipal boundaries of the City of Victoria as the context may require;

“Controlled Substance” means

a controlled substance as defined and described in Schedules I, II and III of the *Controlled Drugs and Substances Act* (Canada), as amended from time to time, but does not include the trade or manufacture of a Controlled Substance that is permitted under that Act;

“Dangerous Goods” means

dangerous goods as defined in the *Transport of Dangerous Goods Act* (British Columbia), as amended from time to time, asbestos and any other material which, because of toxic or other inherent characteristics, constitutes a fire hazard or a hazard to life, safety or health;

“Deputy Fire Chief” means

any Member designated by the Fire Chief as a deputy Fire Chief;

“Equipment” means

any tools, contrivances, devices or materials used by the Fire Department to respond to any Incident, conduct any investigation or provide other functions of the Fire Department;

“Fire Alarm System” means

“Fire Alarm System” as defined in the City’s False Alarm Bylaw, as amended from time to time;

“Fire Chief” means

the Member appointed from time to time by the City Council as the head of the Fire Department;

“Fire Commissioner” means

“fire commissioner” as defined in the *Fire Services Act*;

“Fire Department” means

the City of Victoria Fire Department;

“Fire Department Connection” means

a connection to a building through which the Fire Department can pump supplemental water into a sprinkler system, standpipe, or other system, which furnishes water for fire extinguishment to supplement existing water supplies;

“Fire Services Act” means

the *Fire Services Act* (British Columbia), as amended from time to time;

“Fire Safety Plan” means

the measures set out in Article 2.8.2 of Division B – Part 2 of the *Fire Code*;

“Fire Code” means

the British Columbia Fire Code, as amended from time to time;

“Fire Protection” means

all aspects of fire safety including, but not limited to,

- (a) fire prevention;
- (b) fire suppression;
- (c) pre-incident planning;
- (d) investigations;
- (e) inspections;
- (f) public education and information; and
- (g) Member training and development;

“Hotel” means

“hotel” as defined in the *Fire Services Act*, as amended from time to time;

“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, property or the environment and to which the Fire Department responds or attends;

“Member” means

any employee of the City who works within the Fire Department;

“Motor Vehicle” means

“motor vehicle” as defined by the *Motor Vehicle Act* (British Columbia), as amended from time to time;

“Occupier” means

“occupier” as defined in the *Fire Services Act*, as amended from time to time;

“Open Air Burning” means

any burning of any kind, of any material, for any purpose that takes place outside of a building, structure, accessory building or commercial establishment, or anywhere else outdoors;

“Owner” means

“owner” as defined under the *Community Charter* (British Columbia), as amended from time to time;

“Park” means

“park” as defined in the Parks Bylaw, as amended from time to time;

“Permit” means

a permit issued under this bylaw which authorizes Open Air Burning;

“Public Building” means

“public building” as defined by the *Fire Services Act*, as amended from time to time.

Adoption of Fire Code

3 The Fire Code is adopted by this bylaw and shall be applicable within the City.

PART 2 – VICTORIA FIRE DEPARTMENT

Continuation of the Fire Department

- 4 The Fire Department is continued under the Fire Chief who is the head of the Fire Department.

Fire Chief

- 5 The Fire Chief shall be appointed by City Council.

General Authority

- 6 (1) The Fire Chief is authorized to
- (a) manage, control and supervise the Fire Department activities and Members;
 - (b) appoint or authorize Members to exercise any of the Fire Chiefs' powers on such terms and conditions as the Fire Chief considers appropriate, and revoke any such appointment or designation; and
 - (c) carry out all other actions the Fire Chief is authorized to perform pursuant to this bylaw, the Fire Code and any Act.
- (2) The Fire Chief, and every Member authorized by the Fire Chief, is authorized to
- (a) take all measures the he or she considers necessary to
 - (i) prevent, suppress, control and extinguish fires;
 - (ii) mitigate the effects of Incidents;
 - (iii) mitigate the effects of Dangerous Goods; and
 - (iv) protect life and property;
 - (b) provide first response medical care;
 - (c) conduct rescue operations;
 - (d) have the care, custody and control of all Apparatuses, Equipment and Fire Department buildings;

Deputy Fire Chief(s)

- 7 (1) The Fire Chief may appoint one or more Deputy Fire Chiefs to exercise all the powers and perform all the duties of the Fire Chief in Fire Chief's absence.
- (2) The Deputy Fire Chiefs shall report to the Fire Chief.

Limits of Jurisdiction

- 8 No Apparatus or Equipment shall be used or operated beyond the municipal boundaries of the City unless the use or operation is authorized
- (a) by an agreement between the City and another jurisdiction to supply Fire Protection;
 - (b) by the Fire Chief, or any Member authorized by the Fire Chief, to assist another jurisdiction in circumstances the Fire Chief or authorized Member deems necessary or appropriate due to an exceptional situation or emergency; or

- (c) by the Fire Chief for involvement in a special event.

Rules, Regulations and Policies

- 9 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 he or she deems necessary.

PART 3 – FIRE AND EMERGENCY OPERATIONS

Right to Enter

- 10 The Fire Chief, and any Member authorized by the Fire Chief, is authorized to enter on property and into premises, with or without Apparatus or Equipment, to combat, control, investigate or otherwise deal with an Incident.

Establish Boundary

- 11 (1) The Fire Chief, and any Member authorized by the Fire Chief, may establish limited entry areas in the vicinity of an Incident.
- (2) No person shall enter a limited area established pursuant to section 11(1) without the authorization of a Member.
- (3) The Fire Chief, and any Member authorized by the Fire Chief, at an Incident may request peace officers enforce restrictions on persons entering within the limited area established pursuant to section 11(1).

Demolition

- 12 (1) The Fire Chief, and any Member authorized by the Fire Chief, may order the damage, destruction or demolition of any building, part of a building, structure, equipment or other private property, as may be necessary to extinguish, suppress or prevent the spread of fire or prevent the potential collapse of a building resulting from an Incident.
- (2) None of the City, the Fire Department or any of their elected or appointed officials, officers, employees or Members shall be obligated to restore or pay compensation for property damaged, destroyed or demolished pursuant to section 12(1).
- (3) Within 30 days of destructing or demolishing a building pursuant to section 12(1), the Fire Chief, or Member authorized by the Fire Chief, shall provide notice of the destruction or demolition to the City's Chief Building Official.
- (4) If the Fire Chief or other Member arranges for damage, destruction or demolition pursuant to section 12(1), the Owner of the property subject to such services shall pay to the City the fee specified in Schedule "A" of this bylaw.

Section 25 of the *Fire Services Act*

- 13 Without limiting the generality of any other provision of this bylaw, the Fire Chief, and any Member authorized by the Fire Chief, is authorized to exercise all of the powers of the Fire Commissioner under section 25 of the *Fire Services Act*.

Conduct of Persons at Incidents

- 14 (1) No person shall
- (a) impede, hinder, obstruct or otherwise interfere with any Member in the extinguishment of a fire or in the control of any other Incident;
 - (b) damage, destroy, obstruct, impede or hinder the operation of any Apparatus or Equipment;
 - (c) refuse to allow a Member to
 - (ii) enter into or upon any premises from which a fire alarm or other report of an emergency has been received or where the Member believes that an Incident or other circumstance which poses or may pose a risk to life safety or property exists;
 - (iii) enter or pass through or over buildings or property adjacent to an incident or allow Apparatus and Equipment to enter or pass through or over buildings or property where deemed necessary to gain access to the Incident or to protect any person or property;
- (2) Every person at or near a fire, emergency, or other Incident shall
- (a) comply with the orders or directions of all Members; and
 - (b) provide any information that person may have relating to the fire, emergency or other Incident to any Member who requests that information.
- (3) Except as authorized by the Fire Chief or other Member, no person shall
- (a) enter any building threatened by an Incident;
 - (b) enter within an area designated by ropes, guards or tapes, which are erected by or under the direction of a police officer or the Fire Department, across or around any or all streets, lanes, alleys or buildings;
 - (c) refuse to move from a designated area referred to in section 14(3)(b) when directed by a police officer or a Member; or
 - (d) or remove any ropes, guards or tapes referred to in section 14(3)(b).

Post-Incident Watch

- 15 (1) After an Incident has occurred, the Fire Chief, and any Member authorized by the Fire Chief, may require that one or more Members, with or without Apparatus, remain at the Incident site to provide a post-Incident watch for a period of time the

Fire Chief or authorized Member deems necessary to secure the property against further Incident.

- (2) The Owner of a property subject to a post-Incident watch pursuant to section 15(1) shall pay to the City the fee specified in Schedule "A" of this bylaw.

Fire Damaged Buildings

- 16 (1) The Owner of a fire-damaged building shall promptly take all steps necessary to secure the building against the entry of unauthorized persons, including, but not limited to, guarding the building and securing all openings to the building.
- (2) If an Owner fails to provide the necessary security to a fire-damaged building within a reasonable time, or within the time directed by the Fire Chief, or any Member authorized by the Fire Chief, the Fire Chief or authorized Member may cause the work required pursuant to section 16(1) to be conducted by employees, agents or contractors of the City.
- (3) If the Fire Chief, or any Member authorized by the Fire Chief, arranges for services pursuant to section 16(1), the Owner of the property subject to such services shall pay to the City the fee specified in Schedule "A" of this bylaw.

PART 4 – FIRE PREVENTION

Regular System of Inspection

- 17 (1) Hotels, Public Buildings, theatres, halls and other buildings used as a place of public resort shall be inspected in accordance with the regular system of inspection detailed in Schedule "C".
- (2) The Fire Chief, and any Member authorized by the Fire Chief, is authorized to enter on property and inspect premises in order to perform inspections pursuant to section 17(1).

Condition and Compliance Inspection

- 18 (1) In addition to carrying out the regular system of inspections pursuant to section 17, the Fire Chief, and any Member authorized by the Fire Chief, is authorized to enter onto any property within the City at any time and inspect premises for the purposes of ascertaining whether
- (a) conditions exist which may cause a fire, increase the danger of fire or increase the danger to persons or property from a fire;
 - (b) requirements of this bylaw are being complied with; and
 - (c) requirements of the Fire Code are being complied with.
- (2) If, after performing an inspection pursuant to sections 17 or 18(1), the Fire Chief, or any Member authorized by the Fire Chief, determines that a property is not in compliance with this bylaw or the Fire Code, or that one or more conditions exist which may be a fire hazard, increase the danger of fire or the danger to persons or property from a fire, the Fire Chief, and any Member authorized by the Fire Chief, may issue an order to the Owner or any Occupier of the property to do what is necessary to remove the condition or to bring the property into compliance within a specified time period and advise of a return date for a re-inspection.

- (3) The Fire Chief, and any Member authorized by the Fire Chief, is authorized to enter onto a property and premises to re-inspect a site following an order made pursuant to section 18(2).
- (4) If upon the first re-inspection of a site pursuant to section 18(3), the Fire Chief, or any Member authorized by the Fire Chief, determines that an order issued pursuant section 18(2) has not been complied with, he or she may either
- (a) schedule a second re-inspection and further subsequent re-inspections, if required, to ascertain whether the order has been complied with, and the person to whom the order was made shall pay to the City the re-inspection fee specified in Schedule "A" for the second, and each subsequent, re-inspection; or
 - (b) at any time, arrange to have all work necessary to bring the property into compliance with the order, and the person to whom the original order was issued shall pay the City the fee specified in Schedule "A" of this bylaw,
- whichever the Fire Chief or authorized Member deems most appropriate for efficient correction and safety.
- (5) An Owner or Occupier who is issued an order pursuant to
- (a) section 18(2); or
 - (b) section 18(4)(a)
- must comply with the order in the time specified within the order.

Inspection of Fire Hazards

- 19 In addition to the inspections authorized pursuant to sections 17 and 18 of this bylaw, the Fire Chief, and any Member authorized by the Fire Chief, is authorized to exercise within the City all the powers under sections 21 and 22 of the *Fire Services Act* and, with the written approval of the Fire Commissioner, the powers conferred in section 23 of the *Fire Services Act*.

Inspection Attendance

- 20 An Owner or Occupier of property who has been notified of an inspection to be conducted pursuant to this bylaw, or any other enactment relating to fire safety, must attend, or have an agent attend on his or her behalf, at the property on the date and at the time specified in the notice to provide access for the inspection.

Information at Inspection

- 21 Every Owner and Occupier of a property shall provide all information and shall render all assistance required by any Member, or other inspector in connection with any inspection of that property being conducted pursuant to this bylaw, the Fire Code, or the *Fire Services Act*.

False Information at Inspection

- 22 No person shall withhold or falsify any information required by any Member, nor refuse to assist in an inspection under this bylaw.

Obstruct Inspection

- 23 No person shall obstruct or interfere with any Member during an inspection under this bylaw.

False Alarm

- 24 No person shall cause an alarm to be transmitted to the Fire Department by telephone, Fire Alarm System, in person or by other means, knowing that an emergency or Incident does not exist.

No Occupancy

- 25 (1) If the Fire Chief, or Member authorized by the Fire Chief, deems a site, or any portion of a site, to be hazardous for occupation, the Fire Chief or authorized Member may post a notice on any building, structure or area at that site specifying that occupancy may be hazardous and is not permitted.
- (2) No person shall enter or occupy a building, structure or area affected by a noticed posted pursuant to section 25(1).
- (3) No person, other than a Member, shall remove a notice posted pursuant to section 25(1).

Lock Boxes for Building Access

- 26 (1) Every Owner of a premises which
- (a) is an apartment building, whether rental or strata owned;
 - (b) is a commercial building with shared common properties;
 - (c) requires a Fire Safety Plan; or
 - (d) is equipped with
 - (i) a Fire Alarm System;
 - (ii) an automatic fire sprinkler system;
 - (iii) a firefighting standpipe and water supply connection in a locked room or area, including on a roof;
 - (iv) key operated elevator control feature which permits exclusive use of elevators to firefighting personnel;
 - (v) locked security gates; or

- (vi) locked access doors for security gates

must ensure a lock box approved by a Member is, at the Owner's expense, installed, maintained and kept in good repair at a location approved by a Member on the exterior of such building or premises and which is clearly identified as being for the sole use of the Fire Department.

- (2) An Owner must ensure that any lock box required pursuant to section 26(1) contains all current keys and devices required in an emergency to open any of the following which exist in the building
 - (a) doors or hatches to the principal entrance;
 - (c) firefighting safety/control features;
 - (d) elevator;
 - (e) service rooms for firefighting purposes; and
 - (f) any door that permits entry into a common area.
- (3) If a lock box installed pursuant to section 26(1) is not of a size sufficient to hold all contents required under this bylaw, the Owner shall, at the Owner's expense and to the approval of a Member, either replace the lock box with one of a suitable size or install a second lock box.
- (4) No person, other than a Member, may open a lock box.
- (5) Members shall, at all times, be permitted to have access to any lock box required pursuant to this bylaw.

Fire Safety Plan

- 27 (1) An Owner of a building, site or other area which requires a Fire Safety Plan pursuant to the Fire Code must
 - (a) submit the Fire Safety Plan to the Fire Chief, in a form specified by the Fire Chief, for review and approval;
 - (b) ensure the Fire Safety Plan is stored on the property in a Fire Safety Plan box of a type and in a location approved by the Fire Chief, or Member authorized by the Fire Chief, and further ensure that the Fire Safety Plan box
 - (i) remains locked;
 - (ii) remains accessible to any Member using a Fire Department lock box key;
 - (iii) is red in colour and contains letters in white stating "Fire Safety Plan"; and

- (c) provide the Fire Chief with an updated Fire Safety Plan within 30 days of any changes being made to the Fire Safety Plan.
- (2) An Owner who submits a Fire Safety Plan pursuant to section 27(1)(a) or provides an update pursuant to section 27(1)(c) which includes sufficient changes that the Fire Chief, or Member authorized by the Fire Chief, determines that a full review is required, shall pay the fee specified in Schedule "B" of this bylaw.

Fire Watch for Prevention

- 28 (1) If a Hotel or Public Building contains a Fire Alarm System, sprinkler system or emergency power system which is not is properly functioning, the Owner of that property must institute and maintain a fire watch of the property until such time as the system is fully operational.
- (2) A fire watch pursuant to section 28(1) requires that the Owner, or an agent of the Owner, attend at the property and perform all the following activities:
- (a) maintain continued attendance throughout the fire watch;
 - (b) post written notices at all entrances and exits on each floor of the subject building stating that a fire watch is in effect and its expected duration;
 - (c) provide a physical inspection of all public areas of the subject building;
 - (d) note in an entry book at least every hour the safety conditions in the subject building;
 - (e) ensure on-site provision of a communications device capable of making a 911 call; and
 - (f) post instructions in the subject building as to the alternate actions to be taken in the case of an emergency, and if a Fire Safety Plan exists for the building, the instructions shall be in accordance with the Fire Safety Plan.
- (3) If a Hotel or Public Building contains a Fire Alarm System, sprinkler system or emergency power system which is not is properly functioning, and the Owner, or Owner's agent, is not in attendance at the property performing a fire watch in accordance with section 28(2), the Fire Chief, and any Member authorized by the Fire Chief, may arrange for one or more Members to attend at the property and remain at the site until the Owner or the Owner's agent arrives to commence or continue the fire watch.
- (4) If one or more Members attend at a property pursuant to section 28(3) in excess of 1 hour, the Fire Chief, and any Member authorized by the Fire Chief, may either:
- (a) continue to maintain as many Members at the property as the Fire Chief or authorized Member deems necessary for the fire watch and the Owner shall pay the City the fee specified in Schedule "A"; or

- (b) retain the services of a private security company to maintain the fire watch until the Owner or Owner's agent attends to assume the fire watch or until the fire watch is no longer required, and Owner shall pay the City the fee specified in Schedule "A" of this bylaw.

Fire Department Connections

- 29 Every Owner or Occupier of a new or existing property for 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 are 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 and standpipe Fire Department Connections is kept free and clear, by at least one metre, from all shrubbery, trees, other vegetation, structures, buildings or other obstructions; and
 - (f) each Fire Department Connections is clearly visible at all times from the Fire Department access route, unless approved otherwise by the Fire Chief or other Member authorized by the Fire Chief.

Communications Antennas on Buildings

- 30 Where the design or construction methods of a new or existing Public Building or Hotel may cause poor communications for firefighting and rescue operations, or where an Owner is directed to do so by the Fire Chief, or any Member authorized by the Fire Chief, the Owner of a building shall, at the Owner's expense, ensure that an engineered communications antenna, which is satisfactory to the Fire Chief or authorized Member, is installed and maintained on the building.

Fire Protection Upgrades

- 31 (1) The Fire Chief, and any Member authorized by the Fire Chief, may require any Owner or Occupier of a Hotel or Public Building, to provide or make alterations to the building's fire protection equipment, including, but not limited to heat and smoke detection systems, Fire Alarm Systems, emergency power sources, exit signs, fire separations, standpipe systems, sprinklers and means of egress.
- (2) Any required provisions or alterations required by the Fire Chief, or authorized Member, pursuant to section 31(1) shall not exceed the requirements set out in the Building Code.

Storage

- 32 An Owner of a Public Building or Hotel must ensure no material or item is stored in

- (a) locker room aisles;
- (b) elevator rooms;
- (c) service rooms; or
- (d) parking areas;

unless first approved in writing by the Fire Chief, or Member authorized by the Fire Chief.

Combustibles and Hazardous Materials

- 33 (1) An Owner or Occupier of a property shall not permit combustible materials of any kind, including growth, waste, rubbish or hazardous substances, to accumulate
- (a) in quantities or at locations that will constitute an undue fire hazard; or
 - (b) in any part of an elevator shaft, ventilation shaft, stairway, or other means of egress or fire escape.
- (2) Section 33(1) does not apply to combustible materials which are accumulated at locations specifically designated for that purpose, provided that the quantity and means of storage conform the limits, standards and requirements established for that location and function.

Garbage

- 34 (1) 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, or any Member authorized by the Fire Chief, and which is no less than 5 metres (16 feet) from any combustible construction or materials or unprotected building openings.
- (2) If the clearances required by section 34(1) of this bylaw cannot be met, a non-combustible container with non-combustible self-closing lids and no hold-open devices may be used, provided that the container is placed in a location that is approved by the Fire Chief, or any Member authorized by the Fire Chief, and which is no less than 1 metre (3 feet) from any combustible construction or materials or unprotected building openings.
- (3) No Owner 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 sections 34(1) or 34(2).

Fire Hydrants

- 35 (1) Every Owner of land on which a fire hydrant is located shall ensure that an area with a radius of one metre (three feet) is maintained clear and unobstructed around the fire hydrant, and in clear view from the roadway when approached from either direction.

- (2) No person, except a Member, shall use or take water from any fire hydrant or standpipe, nor attach anything to a fire hydrant or standpipe, without first obtaining written permission from the Fire Chief, or any Member authorized by the Fire Chief.

Prohibited Burning

- 36 No person shall burn in a fireplace, stove or incinerator any materials other than seasoned firewood or similar material designed for that use and which do not contain painted, treated or adhesive materials.

Prohibition of Open Air Burning

- 37 (1) No person shall light, ignite, start or burn any fire in the open air or in any portable incinerator, chiminea, outdoor fireplace or other portable outdoor burner without first obtaining a Permit.
- (2) Section 37(1) shall not apply to
- (a) fires permitted in a Park pursuant to the Parks Regulation Bylaw;
 - (b) charcoal, natural gas or propane gas fires contained within barbecues, grills or other outdoor appliances for the sole purpose of cooking food; or
 - (c) liquid or gas fuelled appliances listed for outdoor use, provided such appliance
 - (i) is Canadian Standards Association or Underwriters Laboratory of Canada approved; and
 - (ii) at all times used in accordance with the manufacturer's instructions.

Permit

- 38 (1) (a) An application for a Permit shall be made to the Fire Chief in a form specified by the Fire Chief.
- (b) The Fire Chief, and any Member authorized by the Fire Chief, may issue a Permit, subject to the provisions of this bylaw and the *Fire Services Act*, for the purposes of
- (i) the observance or celebration of a religious, cultural or special event;
 - (ii) Member training; or
 - (iii) ecological or conservation purposes.
- (c) The Fire Chief, and any Member authorized by the Fire Chief, may refuse to grant a Permit if the Fire Chief or authorized Member determines that burning under the prevailing circumstances would likely be hazardous, create a nuisance or that the burning would not meet a purpose specified in section 38(1)(b).
- (3) (a) The Fire Chief, and any Member authorized by the Fire Chief, may make

any Permit issued subject to such conditions and restrictions he or she deems necessary for safety and the prevention of the spread of fire.

- (b) The person to whom a Permit has been issued shall be responsible for the management of the fire.
 - (c) The person to whom a Permit for open burning has been issued shall have a competent person at all times in charge of the fire.
- (4) The Fire Chief, and any Member authorized by the Fire Chief, may suspend or change the condition of any Permit
- (a) as the Fire Chief or authorized Member deems necessary due to the development of hazardous conditions, adverse weather or other such circumstances which arise from time to time; or
 - (b) if the Permit holder contravenes, or permits the contravention of, any provision of this bylaw, the *Fire Services Act* and its regulations, or any conditions or restrictions attached to the Permit.

Event Approval

- 39 (1) If the Fire Chief's approval is required by any Act, bylaw or procedure for an event to be permitted within the City, the Fire Chief, or any Member authorized by the Fire Chief, shall review the details of the event application and may
- (a) refuse approval if the Fire Chief or authorized Member determines that the event may be hazardous or create a nuisance;
 - (b) provide approval without condition; or
 - (c) provide approval subject to such conditions and restrictions he or she deems appropriate for safety and the prevention or the spread of fire.
- (2) If, as a condition of event approval pursuant to section 39(1)(c), the Fire Chief, or Member authorized by the Fire Chief, requires any number of Members to inspect or attend at an event site for any time before, during or after the event, for any reason, the person applying to the City for the event shall pay to the City the fees set out in Schedule "A".

Occupant Load

- 40 (1) Every person who requires an occupant load calculation for the purpose of assembly in an existing building or area within the City must apply to the Fire Chief in the form specified by the Fire Chief, and shall include with the application
- (a) drawings certified by an architect or other registered professional; and
 - (b) any other documentation required by the Fire Chief.

- (2) Every person who receives an occupancy load calculation pursuant section 40(1) shall pay to the City the fee set out in Schedule “B”.

General Conduct of Persons

41 No person shall

- (1) obstruct or otherwise interfere with access roads, streets or other approaches to any Incident, fire hydrant, cistern or body of water designated for firefighting purposes;
- (2) refuse to allow the Fire Chief or other Member to enter premises, at any reasonable time, for the purposes specified under this bylaw;
- (3) impede, hinder, obstruct or otherwise interfere with any Member or other person assisting or acting under the direction of the Fire Chief in the execution of their duties under this bylaw; or
- (4) drive a Motor Vehicle upon or over any Equipment unless directed by a Member.

PART 5 – FEES

Requested Inspection

- 42 Every person who, for the purposes of seeking a licence or compliance with business or facility operational requirements, requests and receives an inspection from the Fire Chief, or any Member authorized by the Fire Chief, relating to
- (a) a property shall pay to the City the fee set out in Schedule “A”; and
 - (b) a Motor Vehicle shall pay to the City the fee set out in Schedule “B”.

File Searches

- 43 Every person who submits a request for information from a file held by the Fire Department shall pay to the City the fee specified in Schedule “B”.

Attendance Cost Recovery

- 44 (1) Every Owner of any building, site or other area
- (a) at which there is an Incident related to the illegal use of a Controlled Substance;
 - (b) at which there is an Incident related to the illegal cultivation of a Controlled Substance; or
 - (c) at which there are Dangerous Goods
- which have the effect of contaminating or damaging Equipment when the Fire Department attends an Incident, or as the result of an Incident, shall pay to the City the fee set out in Schedule “A”.

- (2) Every Owner of any building, site or other area at which there is an Incident which requires the Fire Department utilize extraordinary personnel or Equipment, including, but not limited to,
- (a) Equipment and operator rentals;
 - (b) hazardous materials equipment;
 - (c) rescue vessels; and
 - (d) additional, non-Member, personnel provided under a mutual aid agreement with another local government,

shall pay to the City the fee set out in Schedule "A".

Fire Investigation Fee

- 45 (1) Every Owner of property which requires an investigation and investigation report by the Fire Chief, or Member authorized by the Fire Chief, pursuant to the *Fire Services Act* shall pay the fee specified in Schedule "A" of this bylaw.
- (2) If, while completing an investigation pursuant to the *Fire Services Act*, the Fire Chief, or a Member authorized by the Fire Chief, deems it necessary to obtain the services of a private security company for investigation continuity, the Owner of the property shall pay the fee specified in Schedule "A" of this bylaw.

PART 6 – GENERAL PROVISIONS

Penalties

- 46 (1) A person commits an offence and is subject to the penalties imposed by this bylaw, the Ticket Bylaw and the *Offence Act* if that person
- (a) contravenes a provision of this bylaw;
 - (b) consents to, allows, or permits an act or thing to be done contrary to this bylaw; or
 - (c) neglects or refrains from doing anything required by a provision of this bylaw.
- (2) Each day that a contravention of a provision of this bylaw occurs or continues shall constitute a separate offence.
- (3) The maximum fine that may be imposed for a contravention of this Bylaw is \$10,000.

Severability

47 If any section, subsection, clause or phrase of this bylaw is held invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this bylaw shall be deemed to have been adopted without the severed section, subsection, clause, or phrase.

Conflict

48 If there is a conflict between this bylaw and the Building Code, the Fire Code or the *Fire Services Act*, the Building Code, Fire Code or *Fire Services Act*, as the case may be, shall prevail.

PART 7 – TRANSITION

Repeal of Bylaw No. 96-010, the Fire Prevention and Regulation Bylaw

49 Bylaw No. 96-010, the Fire Prevention and Regulation Bylaw, is repealed.

Repeal of Bylaw No. 04-114, the Fire Inspection Delegation Bylaw

50 Bylaw No. 04-114, the Fire Inspection Delegation Bylaw, is repealed.

Ticket Bylaw Amendment

51 Bylaw No. 10-071, the Ticket Bylaw, is amended by repealing schedule O and replacing it with schedule 1 of this Bylaw.

PART 8 – COMMENCEMENT

Commencement

52 This Bylaw comes in to force upon adoption.

READ A FIRST TIME the	27th	day of	November,	2014
READ A SECOND TIME the	27th	day of	November,	2014
READ A THIRD TIME the	27th	day of	November,	2014
ADOPTED on the	18th	day of	December,	2014

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“LISA HELPS”
MAYOR

SCHEDULE A

The fees specified in this schedule may be collected in the same manner and with the same remedies as property taxes, and if due and payable by December 31st and are unpaid on that date, are deemed to be taxes in arrears.

SERVICE	SECTION	FEE
Damage, destruction or demolition of building	12(4)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the City to complete the work
Post-Incident Fire Watch	15(2)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site
Securing Fire Damaged Building	16(3)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the City to complete the work
Second and subsequent Condition and Compliance Re-inspections	18(4)(a)	\$100 for second re-inspection and for each subsequent re-inspection
Work to establish compliance	18(4)(b)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the City to complete the work
Member performing Prevention Fire Watch	28(4)(a)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site after the first hour
Private Company performing Prevention Fire Watch	28(4)(b)	All expenses incurred by the City for obtaining private company services
Member inspecting or attending event	39(2)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at a site
Requested Inspection of property	42(a)	\$100
Damaged Equipment	44(1)	All expenses incurred by the City to clean, repair or replace Equipment used at an Incident
Use of Extraordinary personnel or Equipment	44(2)	All expenses incurred by the City for special equipment and additional non-Member personnel
Fire Investigation	45(1)	If one or more Members investigate at a site in excess of 90 minutes, staffing costs of each Member for actual time Member(s) attend at site and for actual time Member(s) work on all matters related to the investigation offsite, including report preparation. No fee for a site investigation which concludes in under 90 minutes
Private Company Services at investigation	45(2)	All expenses incurred by the City for obtaining private company services

SCHEDULE B

Fee Schedule

SERVICE	SECTION	FEE
Fire Safety Plan Review	27(2)	\$150.00
Occupancy Load Calculation	40(2)	\$100.00 for occupancy load calculations of 100 occupants or less \$150.00 for occupancy load calculations of 101 occupants or more
Requested Inspection of Motor Vehicle	42(b)	\$100.00
File Search	43	\$40.00

SCHEDULE C

Hotels, Public Buildings, Churches, Theatres, Halls and other Buildings used as a place of public resort shall be regularly inspected at the following frequency.

GROUP	DIVISION	INSTALLED SPRINKLER SYSTEM	INSPECTION FREQUENCY
A	1	No	Every Year
A	2	Not Applicable	Every Two Years
A	3	Not Applicable	Every Year
B	1	Not Applicable	Every Year
B	2	Not Applicable	Every Two Years*
B	3	Not Applicable	Every Two Years *
C	--	Yes	Every Two Years
C	--	No	Every Year
D	--	Not Applicable	Every Two Years
E	--	Not Applicable	Every Two Years
F	1	Not Applicable	Every Year
F	2	Not Applicable	Every Two Years
F	3	Not Applicable	Every Two Years

*with the exception of senior care homes without sprinkler systems, which shall be inspected each year.

The Group and Divisions specified in this schedule are classified in accordance with Division B Part 3, section 3.1.2 of the British Columbia Building Code.

SCHEDULE 1**Schedule O****Fire Prevention and Regulation Bylaw
Offences and Fines**

Column 1 – Offence	Column 2 – Section	Column 3 – Set Fine	Column 4 – Fine if paid within 30 days
Enter limited area w/o permission	11(2)	\$200.00	\$175.00
Interfere with Member at Incident	14(1)(a)	\$350.00	\$300.00
Damage, destroy, obstruct, or otherwise interfere with Equipment	14(1)(b)	\$350.00	\$300.00
Refuse access to Member	14(1)(c)	\$350.00	\$300.00
Failure to comply with orders or provide information	14(2)	\$300.00	\$250.00
Enter building threatened by Incident	14(3)(a)	\$200.00	\$175.00
Enter designated area	14(3)(b)	\$200.00	\$175.00
Fail to leave designated area when directed	14(3)(c)	\$250.00	\$200.00
Remove ropes, guards or tapes	14(3)(d)	\$200.00	\$175.00
Failure to secure fire-damaged building	16(1)	\$250.00	\$200.00
Failure to comply with order	18(5)(a)	\$250.00	\$200.00
Failure to comply with order	18(5)(b)	\$300.00	\$250.00
Failure to provide information	21	\$250.00	\$200.00
Withholding or providing false information	22	\$350.00	\$300.00
Obstruct Member during inspection	23	\$500.00	\$500.00
Make false alarm	24	\$350.00	\$300.00
Violate no occupancy notice	25(2)	\$250.00	\$200.00
Remove no occupancy notice	25(3)	\$300.00	\$250.00
No approved lock box	26(1)	\$150.00	\$125.00
Insufficient lock box contents	26(2)	\$150.00	\$125.00
Insufficient lock box	26(3)	\$150.00	\$125.00
Unauthorized access to	26(4)	\$150.00	\$125.00

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.

lock box			
Failure to submit Fire Safety Plan	27(1)(a)	\$200.00	\$175.00
Improper storage of Fire Safety Plan	27(1)(b)	\$200.00	\$175.00
Failure to provide updated Fire Safety Plan	27(1)(c)	\$200.00	\$175.00
Failure to maintain fire watch	28(1)	\$250.00	\$200.00
Failure to maintain Fire Department Connections, standpipe systems and sprinklers	29	\$350.00	\$300.00
Failure to provide communications antenna	30	\$250.00	\$200.00
Failure to provide fire protection equipment	31(1)	\$300.00	\$250.00
Improper storage of materials	32	\$200.00	\$175.00
Accumulate combustible materials	33(1)	\$200.00	\$175.00
Improper garbage storage	34(3)	\$200.00	\$175.00
Unauthorized use of fire hydrant	35(1)	\$200.00	\$175.00
Prohibited burning	36	\$250.00	\$200.00
Prohibited Open Air burning	37(1)	\$250.00	\$200.00
Fail to supervise permitted fire	38(3)(c)	\$300.00	\$250.00
Obstruct access to Incident	41(1)	\$350.00	\$300.00
Refuse access to premises	41(2)	\$350.00	\$300.00
Impede, hinder, obstruct or otherwise interfere with Member executing bylaw	41(3)	\$350.00	\$300.00
Drive vehicle over Equipment	41(4)	\$150.00	\$125.00