



# **FUEL EQUIPMENT & STORAGE BYLAW**

## **BYLAW NO. 07-049**

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*. (Consolidated on January 1, 2015 up to Bylaw No. 08-044)

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NO. 07-049

**FUEL EQUIPMENT & STORAGE BYLAW**

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaw No. 08-044)

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”.

## 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 (1) 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.
- (2) After being withdrawn from service permanently or for a period of longer than 2 years, a fuel tank must be removed from its location, whether underground or above ground.
- (3) At the discretion of the Fire Chief, an underground tank may be left in place, but must be cut open, thoroughly wiped out, and filled with a clean, inert material acceptable to the Fire Chief.
- (4) Any contamination found at the location where an underground tank is removed must be properly disposed of and replaced with clean fill.

### **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.
- (5) The Fire Chief may order that a fuel tank be tested for leakage whenever a leak is suspected.
- (6) 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   |