

NO. 96-10

FIRE PREVENTION AND REGULATION BYLAW

A BYLAW OF THE CITY OF VICTORIA

to consolidate the Fire Prevention and Regulation Bylaw.

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Schedule A Fees

Under its statutory powers, including Part 19 and sections 932(e), 932(i), 932(k), 933(1)(a) of the Municipal Act, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

Part 1

Introductory Provisions

Title

- 1. This Bylaw may be cited as the "FIRE PREVENTION AND REGULATION BYLAW".

Definitions

- 2. In this Bylaw,

"apparatus" means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies;

"building" means any structure used or intended for supporting or sheltering any use or occupancy;

- "combustible liquid" means any liquid having a flash point at or above 34.8° C and below 93.3° C;
- "equipment" means any tools, contrivances, devices or materials used by the members of the Fire Department to combat any incident or other emergency;
- "Fire Chief" means the Chief of the Fire Department and any officer, member or inspector of the Fire Department who is authorized by the Chief to act for the Chief;
- "Fire Department" means the City of Victoria Fire Department;
- "fire protection" means any aspect of fire safety, including but not limited to fire prevention, fire fighting or suppression, prefire planning, fire investigation, public education and information, training or other staff development and advising;
- "fireworks" means fireworks of every nature or kind except firecrackers and model rockets and model rocket engines designed for the purpose of propelling recoverable aero models;
- "flammable liquid" means any liquid having a flash point below 34.8° C and having a vapour pressure not exceeding 275.8 kpa (absolute) at 34.8° C;
- "flash point" means the minimum temperature at which a liquid within a container gives off vapour in sufficient concentration to form an ignitable mixture with air near the surface of the liquid;
- "garbage" excludes untreated wood, processed wood fuels, uncoloured paper, coal, oil or petroleum fuels;
- "incident" (a) means any fire or any situation where a fire, explosion or life threatening condition is imminent;
- (b) includes the following circumstances where harm to persons or property may arise:
- (i) initial response to medical emergencies;
 - (ii) land or water rescue operations;

- (iii) initial response to danger in relation to hazardous situations or materials;

"Licence Inspector"	includes a Business Licence Inspector of the City of Victoria;
"Member"	means any person or officer that is employed by Council as a member of the Fire Department;
"open fire"	<ul style="list-style-type: none"> (a) means any combustion, the products of which are emitted directly into the atmosphere; (b) excludes products emitted by means of a chimney; and (c) includes products emitted by means of a garden or domestic incinerator operated out of doors;
"smoking"	includes the carrying of any lighted pipe, cigar or cigarette;
"tent"	includes any shelter or structure the covering of which is made of pliable material and any structure consisting of a pliable membrane which achieves and maintains its shape and support by internal air pressure;

Part 2 Mischief Prohibitions

False Representation

3. A person must not falsely represent themselves as a Fire Department member.

Destruction of Fire Department's Equipment

4. A person must not damage or destroy any Fire Department apparatus or equipment.

Part 3 Inspection and Fire Suppression

Inspection

5. (1) The Fire Chief at all reasonable times may enter any real property for the purpose of
 - (a) carrying out the provisions of this Bylaw;
 - (b) inspecting it for and causing the correction of conditions that may cause a fire or increase the danger of a fire or increase the danger to persons.
- (2) A person must pay the fees set out in Schedule A for an inspection or permit.

Obstruction of Streets, Hydrants

6. A person must not obstruct or otherwise interfere with access roads or streets or any other approach to any fire, incident, fire hydrant, cistern or body of water designated for fire fighting purposes.

Fire Scene Boundaries

7. (1) At any incident the Fire Chief may prescribe boundaries or limits and keep persons from entering the area within those boundaries or limits unless authorized to enter by the Fire Chief.
- (2) At any incident the Fire Chief may request police officers to enforce restrictions on persons entering within prescribed boundaries or limits.
- (3) A person who is within prescribed boundaries or limits must move when directed to do so by a Police Officer or a Member.

Control of Resources at Fire Scene

8. (1) The Fire Chief has the control, direction and management of all Fire Department apparatus, equipment or personnel assigned to any incident.
- (2) At any incident the Fire Chief may request any volunteer to assist
 - (a) in removing furniture, goods and merchandise from any building on fire or in danger of fire;
 - (b) in guarding and securing the furniture, goods or merchandise; and
 - (c) in demolishing a building or structure at or near the fire or other incident.
- (3) The Fire Chief may employ privately owned equipment which the Fire Chief considers necessary to deal with any incident.

Impeding Personnel at Fire Scene

9. A person must not in any way impede or hinder any Member or other person under the direction of the Fire Chief or any officer in command at any fire or incident.

Driving On Fire Scene Equipment

10. A person must not drive a vehicle over the Fire Department's equipment located at the scene of an incident unless directed by a Member or a member of the City's Police Department.

Entry into Buildings at Fire Scene

11. (1) At any incident the Fire Chief may enter any real property where the incident occurred and cause any Member or apparatus or equipment to enter that property in order to combat, control or deal with the incident.

- (2) At any incident the Fire Chief may enter, pass through or over buildings or property adjacent to any incident and may cause Members and apparatus and equipment to enter or pass through or over buildings or property to gain access to the incident or to protect any person or property.

Demolition of Buildings at Fire Scene

12. At any fire the Fire Chief may cause a building, structure or thing to be pulled down, demolished or otherwise removed to prevent the spread of fire to other buildings, structures or things or to complete the extinguishment of a fire.

Part 4 Fire Prevention for Buildings

Warehouse

13. To aid in the suppression of fire the Fire Chief may require that any person who stores or keeps any merchandise or furniture in any warehouse must ensure that
 - (a) the merchandise or furniture is arranged so as to leave aisles 1.219 m wide which lead from designated windows and run the full depth of the warehouse; and
 - (b) the windows from which the aisles lead are painted on the window pane with a red disk 15.2 cm in diameter.

Vacant Buildings

14. The owner or manager of any vacant building at all times must
 - (a) keep the building free from debris and combustible waste material; and
 - (b) ensure that all openings in the building are securely fastened and closed so as to prevent the entry of any unauthorized person.

Burning

- 15 (1) Where in the opinion of the Fire Chief an open fire would be safe, the Fire Chief may issue a permit for the open fire for the purpose of
- (a) training for the suppression of fire; or
 - (b) for the observance or celebration of an ethnic or cultural event or other special event.
- (2) Despite any other provision of this Bylaw, an owner or occupier of real property may not burn garbage in a fireplace, a stove or an incinerator.

Part 5

Fire Prevention for Activities and Materials

Fireworks

16. (1) This section does not apply to the storage or possession of fireworks exclusively for wholesale purposes or to the sale of fireworks at wholesale.
- (2) A person may sell, offer for sale, give, fire or set off any fireworks only if:
- (a) that person has the prior approval of Council, or
 - (b) that is done between October 24 and November 1, inclusive, in any year.
- (3) A person must not store or sell any fireworks without the prior written permission of the Fire Chief.
- (4) An applicant for a permit under this section must
- (a) pay the fee prescribed in Schedule B; and
 - (b) inform the Fire Chief of the place where the fireworks are to be kept or stored.
- (5) A person may store, cause to be stored, personally possess, or possess on the property owned or occupied by that person, fireworks only if

- (a) the aggregate weight of the fireworks at any time is 100 kg or less; and
 - (b) they are stored in an approved container.
- (6) A person must not store or cause to be stored any fireworks
- (a) adjacent to any heat, flame or other source of ignition; or
 - (b) in a position or area that is readily accessible to any customer or prospective customer of that person.
- (7) An owner or occupier of property in which fireworks are stored or kept for sale or disposal to any person must ensure that at least a 4.5 kg class A.B.C. portable fire extinguisher is readily available on the property at all times and is in working order.
- (8) A person may be employed to exercise control or may exercise control over the storage, sale or disposal of fireworks only if that person has first undergone instruction in the use of portable extinguishers.
- (9) An owner or occupier of property in which fireworks are stored, sold or disposed of to any person must display or cause to be displayed a "NO SMOKING" sign with letters of a minimum height of 7.5 cms.
- (a) on the entrance door to the property; and
 - (b) in a prominent position adjacent to the place where the fireworks are stored or sold.

Part 6 Fire Prevention Outdoors

Weeds, Grass

17. If, in the opinion of the Fire Chief, any weeds, grass, vines or other growth endanger property or may be set on fire, the owner or occupant of the property containing that growth must cause it to be cut down and removed.

Tents

18. (1) A person may erect, maintain, operate or use a tent for the purpose of public assembly only in accordance with this section.
- (2) A person may erect a tent if
- (a) Council has approved the erection and use of the tent; and
 - (b) the tent meets the standards, if any, established by the Fire Code Regulation of British Columbia.

Kites

19. A person may raise or fly a kite only in public parks and on beaches.

**Part 7
Administration**

Fire Department

20. (1) The Fire Department is continued.
- (2) The Council may from time to time by resolution make alterations to the structure, organization, composition, functions and personnel of the Fire Department.
- (3) The Fire Chief and any Member may act within the boundaries of the City of Victoria and any apparatus and personnel may be used beyond the limits of the City of Victoria only if:
- (a) the express authorization of a written agreement by Council provides for the supply of the fighting services outside the City boundary; or
 - (b) the prior approval of the Council has been obtained.

Fire Chief

21. (1) The Council may from time to time by resolution appoint a Fire Chief as head of the Fire Department.
- (2) The Fire Chief
- (a) must administer and may enforce the provisions of this Bylaw subject to the direction and control of the Council; and
 - (b) may carry out all fire protection activities and such other activities as Council directs.
- (3) The Fire Chief may administer and enforce any applicable provisions of the Fire Services Act and its regulations and act as a Local Assistant to the Fire Commissioner.

Special Events

22. (1) For reasons of fire safety, the Fire Chief may assign Members to attend at a theatre, performance, circus, carnival, exhibition, assembly of vessels in Victoria Harbour or any other event for the public.
- (2) The cost of Members' attendance at an event described under subsection (1) must be paid by the
- (a) owner or occupier of real property where the event occurs, or
 - (b) the manager of the event.
- (3) Members are under the direction of the Fire Chief when they attend an event described in subsection (1).

Part 8 General Provisions

Offences and Penalties

23. (1) A person who violates a provision of this Bylaw commits an offence and is subject to the penalties imposed by this Bylaw and the Offence Act (B.C.).
- (2) The minimum penalty for a violation of a provision of this Bylaw is a fine of \$100.00.
24. (1) If a person authorized by the Council has reason to believe that another person has committed an offence under this Bylaw, the authorized person may deliver an offence notice to that other person.
- (2) An offence notice may be delivered by giving it to or by sending it by prepaid registered mail to the person believed to have committed an offence.
25. (1) An offence notice may indicate the alleged offence and the amount of the voluntary penalty that may be paid to the City in respect of the alleged offence.
- (2) A prosecution must not be started for an offence described in an offence notice if a voluntary penalty is paid in accordance with this Bylaw before an information is sworn and a summons is issued.
26. The voluntary penalty for a violation of a provision of this Bylaw is
- (a) \$50.00 if paid within 14 days from the date of the offence notice;
- (b) \$75.00 if paid after 14 days but within 45 days from the date of the offence notice;
- (c) \$100.00 if paid after 45 days from the date of the offence notice.

Repeal

27. Bylaw No. 81-106, the Fire Prevention and Regulation Bylaw, is repealed.

Passed and received third reading by the Municipal Council the 22nd day of February, 1996.

Adopted by the Municipal Council the 14th day of March, 1996.

CITY CLERK

MAYOR

Schedule A

Schedule of Fees

(Note: See s. 5 of the Fire Prevention and Regulation Bylaw)

OIL BURNERS

1. For the installation of any oil burner and equipment, under the Fire Services Act:

<u>Tank Capacity</u>	<u>Permit and Inspection Fee</u>	<u>Re-inspection Fee</u>
up to 1,364 litres	\$25.00	\$35.00
over 1,364 litres	\$25.00 plus 1.54 for every litre of the capacity of the tank	

FLAMMABLE AND COMBUSTIBLE LIQUID STORAGE TANK

2. For the installation of bulk flammable or combustible liquid storage tanks:

<u>Tank Capacity</u>	<u>Permit and Inspection Fee</u>	<u>Re-inspection Fee</u>
up to 1,364 litres	\$25.00	\$35.00
over 1,364 litres	\$25.00 plus 1.54 for every litre of the capacity of the tank	

GENERAL

3. For any other inspection required under the provisions of this Bylaw:

<u>Permit and Inspection Fee</u>
\$25.00