

VILLAGE OF SAYWARD

FIRE PROTECTIVE SERVICES BYLAW NO. 383, 2010

A BYLAW TO ESTABLISH FIRE PROTECTIVE SERVICES AND ESTABLISH REGULATIONS WITHIN THE VILLAGE OF SAYWARD

WHEREAS the Council has the authority to regulate and control fire protective services;

NOW THEREFORE the Council of the Village of Sayward (the “Village”) in open meeting assembled ENACTS as follows:

CITATION

1. This Bylaw may be cited for all purposes as the "**Fire Protective Services Bylaw No. 383, 2010.**"

DEFINITIONS

2. In this Bylaw:

“**Access Route**” means a private road, driveway, lane or portion of a yard, which has been provided for access by Fire Department equipment in accordance with the British Columbia Building Code;

“**Alarm**” means the giving, signaling or transmission to any public fire hall or fire dispatch or company or to any officer or employee thereof, whether by telephone, spoken word or otherwise, of information to the effect that a fire or emergency situation exists at or near the place indicated by the person giving, signaling or transmitting such information;

“**Approved**” means approved by an Officer as being in compliance with this Bylaw;

“**Building**” means any structure used or intended for supporting or sheltering any use or occupancy;

“**Building Manager**” includes the owner, occupier, their agents, and any resident manager of a building;

“**Burning Permit**” means a Village Burning Permit issued by an Officer substantially in the form set out in Schedule ‘D’ attached to and forming part of this Bylaw;

“**Village**” means The Corporation of the Village of Sayward;

“**Chief Administrative Officer**” (CAO) means a person in charge of the municipal operations as appointed from time to time by the Council of the Village of Sayward pursuant to Section 147 of the *Community Charter*;

“**Combustible Liquid**” means any liquid having a flash point at or above 37.8 degrees Celsius

and below 93.3 degrees Celsius;

“Construction Waste” means any waste or refuse created by the clearing of land, or the construction, repair or demolition of a building or structure, including without limitation, trees, branches, stumps, and roots;

“Cost Recovery” means the method the Village may use to recover any costs and expenses of and incidental to the taking of certain measures pursuant to this Bylaw, as set out in Section 85 forming part of this Bylaw;

“Council” means the Municipal Council of the Corporation of the Village of Sayward;

“Dangerous Goods” means any element or combination of elements, including an organism, which, because of toxic or other inherent characteristics, may constitute a hazard to life, safety, health or the natural environment including a fire hazard, and, without limitation, include:

- a) liquid chlorine, liquefied petroleum gas, liquefied natural gas, or other flammable or combustible liquids;
- b) explosives;
- c) gases, including compressed gases or dissolved gases under pressure;
- d) flammable solids, including substances liable to spontaneous combustion or substances that on contact with water emit flammable gases;
- e) oxidizing substances, including organic peroxides, chlorides, chlorates or nitrates;
- f) poisonous or infectious substances;
- g) radioactive materials;
- h) corrosives; and
- i) other dangerous goods.

“Explosive Regulatory Division” means the Explosive Regulatory Division of the Mineral Technology Branch of Natural Resources Canada;

"False Alarm" in respect of a fire alarm means the activation of an alarm system resulting in the direct or indirect notification of the Fire Department of the Village to attend the address of the alarm system, where there is in fact no emergency situation at that address;

“Fire Alarm System” means all equipment forming part of or used in connection with a fire alarm system or fire detection system, including without limitation, batteries, alarm gongs, horns, buzzers, switches, wiring, relay apparatus, sensors, and other accessories;

“Fire Chief” means a person appointed by the Chief Administrative Officer to be in charge of the Fire Department, and includes the Deputy Fire Chief and any other person authorized to act on behalf of the Fire Chief, by the Fire Chief;

“Fire Code” means the British Columbia Fire Code 2006, enacted by B.C. Regulation 175/2006 under the *Fire Services Act*, as amended or replaced from time to time;

“Fire Department” means the Sayward Volunteer Fire Department of the Corporation of the Village of Sayward, as established, and continued as a fire department service pursuant to Section 8(2) of the *Community Charter*, S.B.C. 2003, c. 26;

“Fire Department Connection” means a connection through which the Fire Department can pump water into the standpipe system and/or sprinkler system;

“Firefighter” means every member of the Fire Department other than an Officer, whose duties include Fire Prevention, fire suppression, or emergency response;

“Fire Prevention” means that part of fire protection activities exercised in advance of the outbreak of fire to help prevent loss of life and property due to fire;

“Fire Inspector” means a Village Fire Inspector designated by the Fire Chief by name of office or otherwise;

“Fire Protection” means all aspects of fire safety, including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development, and advising;

“Fire Protection Equipment” means fire alarm systems, automatic sprinkler systems, special extinguishing systems, portable extinguishers, water supplies for fire protection, standpipe and hose systems, fixed pipe fire suppression systems in commercial kitchen exhaust systems, the cleaning of commercial kitchen exhaust systems, smoke control measures, and emergency power installations;

“Fire Protection Technician” means a person who has provided the Fire Department with acceptable documentation from the agency known as the Applied Science Technologist and Technicians of British Columbia that qualifies him/her to perform inspections and testing on fire extinguishers, Fire Alarm Systems, Sprinkler Systems, and other Fire Protection equipment;

“Fire Safety Plan” is a set of emergency procedures and guidelines to be followed in the event of a fire in a building;

“Firecrackers” means small fireworks with entwined fuses used solely as noisemakers, and not for pyrotechnic effect;

“Fireworks” includes cannon crackers, fireballs, firecrackers, mines, roman candles, sky rockets, squibs, torpedoes, other explosive products or devices manufactured to intentionally produce an explosion, detonation or pyrotechnic effect, and other materials included in the *Explosives Act* (Canada) Class 7 subdivision (5) but does not include caps for toy products, Christmas crackers, sparklers or model rocket engines;

“First Responder” means a person licenced as an Emergency Medical Attendant First Responder (EMA FR III) and has the same meaning as in the *Emergency Medical Assistants Regulation*, BC Reg. 562/2004 as amended from time to time;

“First Responder Services” means all aspects of providing emergency medical health services by a person licenced as a First Responder;

“Flammable Liquid” means any liquid having a flash point below 37.8 degrees Celsius and having a vapour pressure not exceeding 275.8 kPa (absolute) at 37.8 degrees Celsius;

"High Hazard Fireworks" means those fireworks defined as such under the Explosives Regulations made under the current *Explosives Act* (Canada) Class 7 subdivision (6), and, without limiting the generality of the foregoing, includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons, and firecrackers;

"Incident" means a fire, explosion, situation where a fire or explosion is likely, a Dangerous Goods leak, vehicular accident or spill or any other situation that presents a danger or possible danger to life, safety, health, the natural environment or property and to which the Fire Department has responded;

"Low Hazard Fireworks" means those fireworks defined as such under the current Explosives Regulations made under the *Explosives Act* (Canada) and, without limiting the generality of the foregoing, includes firework showers, fountains, golden rain, lawn lights, pin wheels, roman candles and volcanoes;

"Movie/TV Pyrotechnics" means any Low Hazard Fireworks or High Hazard Fireworks utilized at a movie or television production;

"Occupant" includes any 'owner' and 'occupier' of any parcel of real property or part thereof, as those terms are defined in the *Community Charter*;

"Officer" means the Fire Chief, Deputy Fire Chief, Fire Inspectors, and every member of the Fire Department designated by the Fire Chief as an Officer;

"Open Fire" means any outdoor fire which, without limiting the generality of the foregoing, may include grass fires, land clearing slash fires, incinerator fires, pit fires, outdoor fireplaces, "chimínias", burning barrel fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires;

"Premises" means a Building with grounds and appurtenances;

"Rescue Services" means all aspects of assisting a person or persons involved in a vehicular or equipment incident and/or assisting other agencies in the process;

"Sprinkler System" includes all equipment forming part of or used in connection with a fire sprinkler system, including without limitation, all heads, valves, piping, switches, sensors, relay apparatus, and other accessories;

"Trade Waste" means waste and abandoned materials resulting from the operation of an industry or business including paper, boxes, packing cases, wrapping material, sweepings, and all flammable materials of a like nature other than garbage and ashes;

"Underground Tank" means a tank installed wholly or partly under the surface of the ground and used or intended for the storage of inflammable or flammable liquids or gases;

"Underground Tank Permit" means a permit issued by the Village for the installation and operation of an Underground Tank, substantially in the form set out in Schedule "E";

“**Vehicle**” includes all types of motor vehicles, farm tractors, and mobile machinery, or any other self-propelled machinery;

and all other words and phrases shall be construed in accordance with the meaning assigned to them by the current B.C. Building Code, the *Fire Services Act* or the B.C. Fire Code, as the context and circumstances may require.

VILLAGE OF SAYWARD FIRE DEPARTMENT

ESTABLISHMENT

3. Subject to the *Fire Services Act* and the Fire Code, this bylaw establishes fire protection regulations for the Village of Sayward.

ADMINISTRATION

4. Council hereby authorizes the Chief Administrative Officer, the Fire Chief, the Deputy Fire Chief, the Fire Inspectors, and Officers of the Fire Department as officers responsible for the administration of this bylaw.

FIRE SERVICES ACT

5. In the event of a conflict between this Bylaw and the *Fire Services Act* or any regulations thereunder, the provisions of that Act and its regulations shall prevail.

LIMITS OF JURISDICTION

6. If there is in effect an agreement between the Village and any other municipality, regional district, improvement district or government agency at a particular time, the Fire Chief may deploy equipment and Firefighters of the Fire Department outside the geographical boundaries of the Village at the request of that other municipality, regional district, improvement district or government agency, subject to any terms and conditions of that agreement.

PREVENTION, CONTROL AND ENFORCEMENT

7. The Fire Department may prevent, suppress, control and extinguish fires, mitigate the effects of incidents involving Dangerous Goods, and generally protect persons and property, including performing Rescue Services and First Responder Services. The Fire Chief and Officers may enforce the Fire Code and any Village bylaws and regulations for the prevention and suppression of fires. The Fire Chief and Fire Inspectors may exercise the powers provided by the *Fire Services Act*.
8. Where the Fire Department has responded to a fire call or an incident for the purpose of preserving life or property from injury or destruction, including any such action taken by responding to a False Alarm, the Village may, in respect of any costs incurred by the Fire Department in taking such action, charge those costs so incurred by the Fire Department

to the owner of the Premises or the person in possession of the Premises where the Incident occurred.

That charge may be collected as a Cost Recovery charge pursuant to Section 85.

RIGHT TO ENTER

9. The Fire Chief or any other Officer in charge at an Incident may enter upon any lands, structure, and buildings, for the purpose of attending to any fire, medical or other emergency and no person shall impede in any way any Officer, Firefighter, or other person under the direction of an Officer in command at any fire, medical, or other emergency.

COMMANDEERING OF EQUIPMENT

10. The Fire Chief or any other Officer in charge of an incident is empowered to commandeer any personnel and privately owned equipment, which is considered necessary to deal with an incident.

DEMOLITION OF BUILDINGS

11. The Fire Chief or any other Officer designated by the Fire Chief to be in charge at an Incident shall have authority to cause the demolition of any Building or part of a Building or other structure which, in that Officer's judgment, should be demolished in order to prevent the spread of fire.

FIRE PREVENTION REGULATIONS

INTERFERENCE WITH EGRESS OR ACCESS TO BUILDINGS

12. No person shall sit, stand, place or leave any article, thing or matter in such a manner as to interfere with the means of egress or access within or outside any Building or Premises.

INTERFERENCE WITH FIRE PROTECTION EQUIPMENT

13. No person shall tamper with, remove, destroy, render inoperative or interfere with any fire protection equipment or part thereof, which is provided for the protection of property or persons, whether public or private.
14. No person shall activate a fire alarm except when there is a fire, or for testing purposes.

ACCUMULATION OF COMBUSTIBLES

15. No person shall permit any accumulation of combustible growth, materials, waste or rubbish of any kind to be or to remain upon any Premises which, in the opinion of the Fire Chief, or a Fire Inspector, is liable to catch fire and endanger property.
16. All vegetation or combustible materials that are liable to catch fire and endanger property must be cut down and removed by the Occupant of the premises on which the vegetation

or combustible materials are located. All waste or rubbish of any kind that is liable to catch fire and endanger property must be removed by the Occupant. If the Occupant does not comply with an order of the Fire Chief or his designate under this Section, the Fire Chief or his designate may cause the required work to be completed and invoice the property owner for Cost Recovery in accordance with Section 85.

ACCUMULATION OF DAILY COMBUSTIBLES

17. Every Occupant of any Building or Premises who makes, stores, uses, or has charge or control of any shavings, excelsior, rubbish, sacks, bags, litter, straw, waste-paper, paper boxes or any other flammable material, must at the close of business on each day cause all such material to be compactly baled or stacked in a safe manner, or stored in noncombustible receptacles having tight fitting, non-combustible lids. Metal covers required on containers provided for the storage of combustible materials must be kept closed at all times except when refuse is being placed in the containers.

STORAGE OF COMBUSTIBLE MATERIALS

18. Every business owner must provide a non-combustible container with a tight fitting, self-closing metal lid, to store cleanup rags or shop towels for products subject to spontaneous combustion, until they are safely removed from the building. Lids on containers provided for the storage of combustible materials must be kept closed at all times except when refuse is being placed in the containers.

FIRE DOORS OR FIRE SEPARATION DEVICES

19. Where fire doors or fire separation devices are installed in any Building to prevent the spread of fire within that Building, those doors or devices must at all times be kept and maintained in good repair and efficient working order.

STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS

20. Flammable Liquids and Combustible Liquids shall be stored in accordance with the Fire Code.

REFUSE CONTAINERS

21. Owners of Buildings with apartment, commercial, industrial or assembly occupancies must provide refuse containers for each building that are non-combustible with noncombustible tops, lids, or ceilings.

SIGNAGE FOR COMBUSTIBLE LIQUIDS

22. Every Occupant of an area where Combustible Liquids are stored, received, or dispensed must post adequate "NO SMOKING" signs in conspicuous places on the Premises.

CLEANING WITH COMBUSTIBLE LIQUIDS

23. No person shall use Flammable Liquids or Combustible Liquids that could endanger life or property for the purposes of cleaning within any Building.

FUEL TANKS

24. All fuel within a fuel tank must be removed prior to any adjustments or relocation of the fuel tank from its original position on the Vehicle within a Building.

FIRE EXTINGUISHERS

25. The owner of every business must provide and maintain in good working order at least one approved portable fire extinguisher, available and accessible for emergency use. The fire extinguisher must comply with the Fire Code. All fire extinguishers must be tested and serviced at least yearly by a Fire Protection Technician.

SECURING VACANT PREMISES

SECURE VACANT PREMISES

26. (1) The owner of any vacant or unoccupied Premises must ensure that the Premises are secure against unauthorized entry by any person.
- (2) If an Officer finds premises which are accessible, contrary to Section 32 (1), the Officer may contact the owner of the Premises and require that the Premises be secured against unauthorized entry.
- (3) If an owner of that Premises fails to bring the Premises into compliance with Section 32 (1) within 24 hours of receiving notice to do so, or if the Officer is unable to contact the owner of that Premises within 24 hours of finding the Premises unsecured, the Officer may have the Premises secured by the Village staff or contractors authorized by the Village who may board up or otherwise secure doors, windows and other points of entry into the Premises in order to prevent fires, and charge the Occupant for Cost Recovery pursuant to Section 85.

SECURE FIRE-DAMAGED PREMISES

27. The owner of a fire-damaged Building must ensure that the Premises are guarded or that all openings of any fire-damaged Buildings are kept securely closed and fastened so as to prevent the entry of unauthorized persons. If an Officer finds a Premise that is accessible contrary to this Section, the Officer may contact the owner of the Premises and require that the Premises be secured against unauthorized entry. If the owner fails bring the fire-damaged Building into compliance within 24 hours after receiving an order to do so from an Officer, then the Fire Chief or his designate may have the work performed and charge the owner for Cost Recovery pursuant to Section 85. Those costs will include the cost of boarding-up by Village staff or Village contractors.

CONTACT PERSONS REQUIREMENTS

CONTACT PERSONS

28. (1) The Occupant of a Building or Premises having either a Fire Alarm System or an automatic Sprinkler System, whether monitored or not monitored, must provide the Fire Department, on a form approved by the Fire Chief, yearly and on a change in contact information, the names and phone, cellular phone, pager and beeper numbers, as available, for three persons (“Contact Persons”) who will be available to attend, enter and secure the Premises in case of Alarm or Incident. Contact Persons must have full access to the Building or Premises of which they have responsibility and be able to take control of the Building or Premises on completion of the Incident from the fire company. Any changes to designated Contact Persons or their contact numbers during the current year must be submitted to the Fire Department. The form of notice for Contact Persons must contain the written consent of the persons to act as Contact Persons.
- (2) Failure to comply with the requirements in Section 34 (1) will result in a charge being levied against the owner or occupant for any standby time at a Building or Premises where an alarm has sounded, the Fire Department has attended, and a Contact Person has not attended within the time specified in Section 34(1). This charge is subject to Cost Recovery in accordance with Section 85.

RESPONSIBILITY OF CONTACT PERSONS

29. (1) Contact Persons must attend all alarms within 45 minutes when requested by the Fire Department.
- (2) During a fire Incident on a Premises for which the Fire Department has received notice of Contact Persons, a Contact Person for that Premises must attend the scene, and contact the Officer in charge of the Incident. At the conclusion of the Incident, the Contact Person shall secure the Premises and when appropriate, release fire companies from the Incident.

FIRE & EMERGENCY SERVICE ACCESS REQUIREMENTS

FIRE SAFETY PLAN REQUIREMENTS

30. All Buildings, sites, storage areas or other areas as required by the Fire Code Division B Part 2 Section 2.8 *Emergency Planning* shall have a Fire Safety Plan. Measures within a Fire Safety Plan must conform to the Fire Code Division B Part 2 Section 2.8.2 *Fire Safety Plan* and shall be produced and submitted to the Fire Department for approval. All Fire Safety Plans must be submitted on the form and diagram template acceptable to the Fire Chief. All Occupants of Premises where a Fire Safety Plan is required must review their Fire Safety Plans annually and submit updated plans to the Fire Department for review. Should Occupants not need to update their current Fire Safety Plan, notification non-update must still be forwarded to the Fire Department. Changes to a Fire Safety Plan must be submitted to the Fire Department for review.

ADDRESSING OF OCCUPANCIES

31. (1) Each Premises must be individually addressed. The Occupant shall place the appropriate address on new or existing Buildings or structures in such a position as to be plainly visible and legible from the street, road, fire lane, or other right of way or easement and at the front of the structure. The address must be legible from a distance of 15 metres.
- (2) The letters or numbers must be of a colour that contrasts with any background colour of the Building or structure.

FIRE ALARM AND SPRINKLER SYSTEM ACTIVATION

MAINTENANCE OF FIRE ALARM AND SPRINKLER SYSTEMS

32. (1) Each Occupant of a Building or Premises must ensure the Fire Alarm System and Sprinkler System are maintained and tested as required by the Fire Code by a Fire Protection Technician.
- (2) Records of service testing and maintenance of a Fire Alarm System or Sprinkler System must be retained at the Building or Premises to which they pertain by the owner of that Building or Premises.

CORRECTION OF DEFICIENCIES

33. When an Officer or a Firefighter attends a premise where a Fire Alarm System or a Sprinkler System has been activated without proper cause, resulting in a False Alarm, the Occupant and Building Manager of the Premises must immediately correct the deficiencies to the Fire Alarm System and Sprinkler System. This may include arrangements being made with a security company to provide a fire watch where deficiencies are unable to be corrected.

NOTIFICATION OF TESTING

34. Any Occupant of Premises where there is an automatic Sprinkler System or a Fire Alarm System must notify the Fire Department prior to any service, test, repair, maintenance, adjustment, alteration or installation of that system which might activate a False Alarm.

COST RECOVERY FOR FAILURE TO NOTIFY

35. The owner or occupant of any building containing an Automatic Sprinkler System or a Fire Alarm System shall be assessed a charge as a Cost Recovery charge pursuant to Section 85 for any False Alarm that occurs when the owner or Occupant fails to notify the Fire Department prior to service, testing, repair, maintenance, adjustment or alterations, or installation of that system.

SPRINKLER SYSTEM OPERATIONS

36. When a Building equipped with a Sprinkler System is being demolished, the Sprinkler System must be maintained in operation subject to sequential elimination, until demolition work is completed.

HYDRANTS AND STANDPIPES

HYDRANTS AND STANDPIPES

37. (1) Fire hydrants must be free of all obstructions to at least 1 metre in all directions.
- (2) Unauthorized attachments found on standpipe systems may be removed by the Fire Department.
- (3) Fire Department Connections will be subject to Division B Part 6 of the Fire Code, and must be equipped with external metal caps.

PRIVATE FIRE HYDRANTS

38. An Occupant must, with respect to fire hydrants on their Premises:
- (1) cause all hydrants to be inspected and maintained in accordance with Schedule "C" to this bylaw by persons authorized in writing by the Fire Chief;
- (2) retain records of inspections and maintenance required for at least 3 years;
- (3) notify the Fire Department of all repairs to hydrants;
- (4) wrap all hydrants which are out of service for repair, or not yet in service, with burlap or black polyethylene plastic sheeting;
- (5) keep hydrants clear of ice, snow, shrubs, trees, structures and other obstructions and clearly identify their locations;

- (6) paint hydrants the same colour scheme as Village hydrants;
- (7) ensure that no person places or leaves any vehicle, article, thing or matter in such a manner as to interfere with free access or approach to any hydrant or other Fire Department connections.

FIRE HOSE

- 39. No person shall drive over, or be within 9 metres of a Fire Department hose that is in use or filled with water, without the permission of the Fire Chief or the Officer in charge of the Incident.

EMERGENCY ACCESS

EMERGENCY ACCESS TO BUILDINGS

- 40. To allow for the access of emergency vehicles, no person may block or obstruct building Access Routes at any time.

DURING CONSTRUCTION PHASES

- 41. All Fire Department Access Routes, while during their construction phases, are to be unobstructed and have a surface condition suitable for the access of emergency vehicles.

SECURITY GATES

- 42. Fire lane gates or other equipment used to secure primary or secondary access routes must be approved by the Fire Department prior to installation.

SIGNAGE

- 43. All Fire Department Access Routes to a Building must have at least one sign that is at least 30 centimetres by 40 centimetres in size that reads: "NO PARKING - FIRE LANE", and those signs must be permanently posted at each entrance to the Access Route and at intervals not less than 10 metres apart.

OPEN AIR BURNING

OPEN AIR BURNING REGULATIONS

- 44. (1) Within the geographical boundaries of the Village, no person shall ignite any Open Fire or cause or permit any Open Fire to be ignited, or to burn in the open air except:
 - (a) under special circumstances granted in writing by the Fire Chief; and
 - (b) if the owner of the property where the Open Fire is intended to occur first obtains a Burning Permit in the form as set out in Schedule "D" attached

hereto, which shall not become valid until approved by the Fire Chief or designate. The owner must comply with all applicable bylaws and permit conditions set out in that Burning Permit.

- (2) This section does not apply to small confined fires used solely for cooking food in grills and barbecues and for fires for warmth contained within a defined fire ring not larger than 50 centimetres across.

BURNING PERMITS

45. (1) All Burning Permits issued pursuant to this Part are subject to such conditions, restrictions, and provisions, as the Officer may consider necessary to include therein. Without limitation, the Burning Permit may regulate:
 - (a) the location of a fire;
 - (b) the dates and times a fire may be maintained;
 - (c) the maximum area occupied by a fire;
 - (d) the materials to be burned in a fire; and
 - (e) precautions to be taken in connection with the fire.
- (2) No person to whom a Burning Permit has been issued shall burn or combust Trade Waste, tires, animal carcasses, oil, tar, asphalt, shingles, battery boxes, plastic materials, or any similar material which may produce heavy black smoke, on or in any fire. If not complied with, the Fire Chief may charge the owner of the Premises on which the fire occurs for the cost incurred by the Village to extinguish the fire as a Cost Recovery charge pursuant to Section 85.
- (3) Every person who burns outdoors shall place a competent person in charge of that fire at all times and must provide that person with sufficient equipment to prevent that fire from getting beyond control, causing damage, or becoming dangerous.
- (4) At any time an Officer may, on account of hazardous fire conditions, cancel or suspend until such time as is specified in the order, all or any permits issued pursuant to this bylaw, or may impose further conditions and restrictions on those permits.
- (5) A fire may be deemed out of control under this Part when it spreads beyond the boundaries of the parcel of land on which it was started, or threatens to do so, or endangers any building or property.
- (6) If a fire is deemed to be out of control, or in contradiction of this bylaw, and the Fire Department makes efforts to extinguish that fire, the Village may charge the owner of the property on which the fire starts for the cost incurred by the Village to extinguish the fire, as a Cost Recovery charge pursuant to Section 85.

EXEMPTIONS TO OPEN AIR BURNING REGULATIONS

FIRE DEPARTMENT

46. Notwithstanding any other provision of this bylaw, the Fire Department may burn buildings, structures, or other materials for the purpose of training its personnel or members of the public in structural fire fighting methods, fire investigation procedures or for the purpose of elimination of hazards.

OUTDOOR COOKING AND HEATING APPLIANCES

47. Notwithstanding Section 50, gas fired (propane or natural gas) appliances or charcoal briquettes heating or cooking appliances are allowed all year round without a Burning Permit, so long as manufacturer's specifications are adhered to.

AGRICULTURAL

48. Notwithstanding Section 50, outdoor burning by lighting, igniting, starting or maintaining any outdoor fire of any kind within the Village, during daylight hours, in order to burn orchard and berry pruning generated on site on properties zoned Rural-ALR is permitted, provided that a Burning Permit is obtained. No permit under this Section shall be issued for a period of time exceeding fifteen (15) days.

CAMPFIRES

49. Notwithstanding Section 50, if the Fire Chief or an Officer designated by the Fire Chief considers it expedient to do so, the Fire Chief or his designated Officer may issue a Burning Permit for burning wood for campfires in the open air, provided that such burning shall only be carried out in areas designated and approved by the Fire Chief.

SUSPENSION OF BURNING

50. When the Fire Chief or an Officer designated by the Fire Chief deems it expedient to do so or where of the Fire Chief or that Officer considers hazardous fire conditions exist, the Fire Chief or that Officer may order a total ban on burning within the geographical boundaries the Village and may suspend, cancel or restrict for such time as they may deem necessary any or all burning permits issued by the Fire Chief or that Officer pursuant to this bylaw or the *Forest Act*.

FUEL DISPENSING STATIONS / UNDERGROUND TANKS

REGULATION

51. No person shall operate a fuel dispensing station or install any storage tank or pump, or measuring device, used or intended to be used, for the purpose of dispensing Flammable Liquids or Combustible Liquids unless that person has a been granted an Underground Tank Permit by the Fire Department in the form attached to and forming part of this bylaw as Schedule "E".

APPLICATION FOR PERMIT

52. (1) Every application for an Underground Tank Permit must:
- (a) state the name, address and telephone number of the applicant and contractor;
 - (b) state the location of the proposed installation; and
 - (c) comply with all applicable bylaws and permit conditions.
- (2) Every application for an Underground Tank Permit must be accompanied by two copies of specifications and scaled plans showing:
- (a) the location of storage tanks in relation to adjacent tanks, Buildings, fuel dispensing devices, property lines and fencing;
 - (b) the location of all the major piping, valves, pumps and associated appurtenances;
 - (c) the location of the fuel dispensing system;
 - (d) the location of existing and proposed Buildings;
 - (e) the size, capacity and use of the storage tanks to be installed;
 - (f) the standard to which the storage tanks have been constructed; and
 - (g) the type and trade names of the pumps and measuring devices to be installed.

AUTHORIZATION OF COVERAGE

53. A person shall not cover any Underground Tank, storage tank, associated piping or appurtenances without first obtaining the written authorization of the Fire Chief.

DANGEROUS GOODS

INSPECTIONS

54. (1) The Fire Department may conduct inspections of places where Dangerous Goods are used, manufactured, or stored.
- (2) Sections 26 to 31 apply to Dangerous Goods inspections. The Fire Department may conduct these inspections for the purposes of determining:
- (a) that safety, containment and cleanup equipment is available on site;
 - (b) that the location and identity of Dangerous Goods is clearly written on

labels or signs located at the site of the Dangerous Goods, recorded by the Fire Department in the event of an Incident, and updated by the Owner or Occupier of the facility where the Dangerous Goods are located.

- (3) The Fire Department may accumulate and maintain information as to the location of Dangerous Goods in the Village, as received from users, manufacturers, and individuals who store those Dangerous Goods.

DANGEROUS GOODS RESPONSE

55. (1) In the event of a Dangerous Goods Incident at the scene of an emergency to which the Fire Department responds, the Fire Department may
 - (a) attempt to identify the presence of Dangerous Goods;
 - (b) take such measures as necessary to protect Fire Department personnel from the Dangerous Goods;
 - (c) enlist equipment and personnel from agencies trained and equipped to handle and dispose of Dangerous Goods; and
 - (d) secure the area.
- (2) The Fire Chief may take such measures as may be necessary to prevent and suppress fires arising from Dangerous Goods incidents by:
 - (a) educating the public with respect to Dangerous Goods and Dangerous Goods Incidents;
 - (b) carrying out or causing to be carried out inspections of real property;
 - (c) training Fire Department personnel;
 - (d) making arrangements with agencies that have trained personnel to respond to Dangerous Goods Incidents.

DANGEROUS GOODS REGULATIONS

56. (1) If Dangerous Goods are located on a commercial or industrial Premises, the Occupant must institute an employee training and education program designed to inform employees about the Dangerous Goods. The information must include the nature of the hazards, appropriate work practices, protective measures and emergency procedures.
- (2) If Dangerous Goods are located on a Premise, the Occupant of the Premises must ensure that the Dangerous Goods are labeled in a manner that clearly identifies the nature and location of the Dangerous Goods. The Occupant must ensure this labeling is kept up to date.
- (3) No person shall place or allow to be placed Dangerous Goods in garbage cans,

recycling baskets, or other curbside solid waste materials.

- (4) Despite subsection 62(3), Flammable Liquids and other hazardous materials such as paints, flammable thinners, gasoline, asphalt or tar must be stored in small detached structures or out in the open and not inside principal Buildings. Flammable liquids used within Buildings must be handled and stored only in Approved safety cans. Every Occupant of real property must provide fire resistant receptacles for oil rags, waste rags, excelsior and Dangerous Goods.
- (5) Asphalt and tar kettles must be located in a safe place outside of a Building or on a non-combustible roof in a position where they are not in danger of igniting any combustible material. Metal covers must be provided for all tar kettles to smother flames in case of fire.
- (6) In relation to Building demolitions, the following precautions must be taken:
 - (a) Flammable Liquids and combustible oils from tanks and machinery reservoirs must be drained in a safe manner, with particular attention to removal of residue and sludge accumulations, and shall be removed immediately from the Building;
 - (b) Tanks and piping that formerly contained Flammable Liquids must be removed prior to demolition of the building.
 - (c) No person shall act or omit to act in any manner that may result in a nuisance being created by the existence of Dangerous Goods.
 - (d) Occupants of Premises where Dangerous Goods are stored in a manner that, in the opinion of the Fire Chief constitutes a fire hazard or increase the danger of fire must remove those Dangerous Goods from the Premises, and store or dispose of them in a safe manner.

RECOVERY OF COSTS

57. (1) Every Occupant of Premises in respect of which the Fire Department responds to a Dangerous Goods Incident must pay the Village a charge based on the actual costs of the Fire Department response to the Dangerous Goods Incident, as a Cost Recovery charge pursuant to Section 85.
- (2) The Fire Chief may charge an Occupant of a Premises for the replacement or repair of Fire Department equipment where as a result of an Incident at that Premises, such equipment has been damaged or contaminated by a hazardous substance or Dangerous Good and consequently requires decontamination, repair or replacement. That charge may be collected as a Cost Recovery charge pursuant to Section 85.

PERMIT AND INSPECTION FEES

TIMELINE OF PERMITS

58. (1) Any permit issued pursuant to this Bylaw authorizing work to be done is deemed to be void and of no effect if the work is not commenced within the timeline stated at the time of the issuance of the permit.
- (2) A permit is only valid for the location for which the permit has been issued.

FIREWORKS

REGULATIONS - LOW HAZARD FIREWORKS

59. No person shall, at any time, sell, give, possess or explode Low Hazard Fireworks, excluding sparklers, Christmas crackers and caps for toy guns, except under the following conditions:
- (1) Low Hazard Fireworks may be possessed and exploded at a specified time by a sponsoring organization or person conducting a public event if such event is authorized by written permission of the Fire Chief who has issued a permit for that event as per Schedule 'A' attached hereto and forming part of this bylaw; and
- (2) Low Hazard Fireworks may be exploded on private property only with the written consent of the property owner or on Village property with written consent of the Village Chief Administrative Officer or Fire Chief.

REGULATIONS - HIGH HAZARD FIREWORKS

60. No person shall at any time sell, give, possess or explode High Hazard Fireworks, except under the following conditions:
- (1) High Hazard Fireworks may be used for religious or ceremonial purposes by a sponsoring organization or person conducting a public event if that event is authorized by written permission of the the Fire Chief and a permit has been issued for that event as per Schedule 'B' attached hereto and forming part of this bylaw;
- (2) Each individual applying for a High Hazard Fireworks permit, in accordance with this Section and Section 79 must be the individual supervising the exploding of the High Hazard Fireworks and must possess a valid Fireworks Supervisor Card issued by the Explosives Regulatory Division; and
- (3) Transportation and storage of High Hazard Fireworks must be in accordance with the *Explosives Act* (Canada) and its associated Regulations.

POSSESSION AND DISCHARGE OF FIREWORKS

61. No person may possess, use, detonate or explode any Fireworks, except as specifically permitted in this bylaw.

SEIZURE

62. An Officer may seize any Fireworks being held in violation of this Bylaw, and may dispose of them without compensation.

PUBLIC EVENTS

63. The holder of a permit for Fireworks under this Bylaw is be responsible for and must take all steps necessary to ensure the safety and security of members of the public attending the Fireworks event, as well as persons taking part in the event.
64. The holder of a permit for Fireworks under this Bylaw must deposit with the Village a public liability insurance policy covering public liability and property damage with a thirty day cancellation clause, in an amount not less than two million dollars. The Village is to be named additional insured on the policy and a copy of the said insurance must be delivered to the Village at least five days prior to the event.
65. All or any costs of emergency response caused by the public event must be borne by the sponsoring organization or person conducting the event.

AGE REQUIREMENTS

66. No person under the age of 18 may light, hold or explode any Fireworks at any time.
67. No person under the age of 18 may possess any fireworks in the Village.
68. No person may sell, give or dispose of any fireworks of any class or description to a person who is under the age of 18 years.

FIRECRACKERS

70. No person shall offer for sale, sell, use, detonate or explode Firecrackers.

LIGHTING OF HIGH HAZARD FIREWORKS

71. No person shall explode light or activate High Hazard Fireworks or Movie/TV Pyrotechnics unless that person is the holder of a permit issued pursuant to Section 68. The permit may be withheld until the applicant has complied with all applicable bylaws and the permit conditions.

HIGH HAZARD FIREWORKS AND MOVIE/TV PYROTECHNICS PERMITS

72. The Fire Chief or an Officer designated by the Fire Chief may issue a permit to light or

explode High Hazard Fireworks or Movie/TV Pyrotechnics to a person who is over the age of eighteen (18) years and has valid certification as required by the Explosives Regulatory Division provided that the applicant meets all the requirements of this Bylaw and:

- (a) Submits a copy of the Explosive Regulatory Division event approval;
- (b) Submits a Fire Safety Plan in a form acceptable to the Fire Chief;
- (c) Submits a site plan, drawn to scale with the direction of firing, separation distances, position of ramps and mortars, any significant ground features, rights of way, buildings or structures, overhead obstructions, parking areas or spectator viewing areas, fallout zone, north arrow, traffic control plans and location of emergency vehicles;
- (d) Submits an event description, which should include a time schedule of the event, attendance estimates, lists of Fireworks to be used, firing procedures, emergency response procedures and a list of crew members; and
- (e) Submits proof acceptable to the Fire Chief or Officer that the applicant holds either a valid Supervisors Level 1 card or, for unconventional sites as defined by the Explosive Regulatory Division, a valid Supervisors Level 2 card, issued by the Explosive Regulatory Division.

PERMIT REQUIREMENTS

73. Every permit issued pursuant to Section 79 must:

- (a) Specify the Fireworks that the permit holder is authorized to light or explode;
- (b) Specify the day and the hours on which, and the description of the property or place where the Fireworks may be discharged and used; and
- (c) Include a Fire Safety Plan specific to that permit. Information on requirements can be obtained through the Fire Department.

HIGH HAZARD FIREWORKS PERMIT CHARGE

74. On application for a permit for High Hazard Fireworks or Movie/TV Pyrotechnics as set out in Section 79, a Cost Recovery charge will be charged pursuant to Section 85 for administration and review of Fire Safety Plans.

APPLICANT REQUIREMENTS

75. Every holder of a permit under Section 79 must:

- (1) Present the permit to the seller of the Fireworks;
- (2) Light or explode only those Fireworks specified in the permit;
- (3) Light or explode the Fireworks only in accordance with the terms of the permit;

- (4) Light or explode the Fireworks only in accordance with the Fire Safety Plan;
- (5) Ensure that the Fireworks are only lit or exploded under the permit holder's direct supervision and responsibility;
- (6) Ensure that the use, handling, discharge, possession and storage of the Fireworks conforms in every respect to the regulations made under the *Explosives Act* (Canada), the display fireworks manual as published by the Explosives Regulatory Division, and this Bylaw.

FIRE PROTECTION AT MOVIE/TV PYROTECHNICS

76. The amount of fire protection required at a Movie/TV Pyrotechnics event must be approved by the Fire Chief or his designate with consideration to the minimum staffing requirements as reviewed at the site for the appropriate life safety and emergency resource needs. The cost of fire protection provided by the Fire Department at such an event may be recovered as a Cost Recovery fee pursuant to Section 85.

PENALTIES AND ENFORCEMENT

COST RECOVERY

77. The Village may recover all costs and expenses it incurred incidentally to the taking of any measures pursuant to Sections 8, 16, 31, 32, 33, 34, 41, 51, 63, 82, and 84 jointly and severally from any person who at the time had the charge, management or control of the Building, Premises or property that is the subject of the charge. If that person fails to pay those costs and expenses within 6 months after they were incurred, the Village may recover those costs and expenses from the owner of the Building or Premises by direct invoice, together with costs and interest at the rate set out in the *Taxation (Rural Area) Act*. Default on those costs, expenses and interest will result in their being added to the property taxes of the owner of the Building or Premises.

OFFENCE AND PENALTIES

78.
 - (1) Any person who violates or who causes to be violated any of the provisions of this Bylaw, shall be guilty of an offence against the Bylaw, and each day that such violation is caused or allowed to continue shall constitute a separate offence.
 - (2) Any person who contravenes any of the provisions of this Bylaw shall be liable on conviction to a fine of not more than Two Thousand (\$2,000) Dollars.
 - (3) Nothing in this part interferes with the right of the Village to commence proceedings and charge by way of the procedures as set out in the *Offence Act*.

POSTED NOTICE

79. No person shall remove, alter, or deface any notice posted pursuant to this Bylaw.

SEVERABILITY

- 80. (1) If any division, section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.
- (2) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.

REPEAL

81. "Fire Protective Services Bylaw No. 271, 1995" is hereby repealed.

Read a first time this 18th day of August, 2010.

Read a second time this 18th day of August, 2010.

Read a third time this 18th day of August, 2010.

FINALLY ADOPTED, this ____ day of _____, 2010.

Certified a true copy of Bylaw No. 384 this
____ day of _____, 2010.

Chief Administrative Officer
Village of Sayward

Mayor

Chief Administrative Officer

VILLAGE OF SAYWARD

BYLAW NO. 383, 2010

SCHEDULE "A"

APPLICATION FOR FIREWORKS DISPLAY - LOW HAZARD FIREWORKS EVENT

- NOTES:
1. Applicant must be the person supervising the firing of the Fireworks.
 2. Non-Refundable Application Fee of \$25.00

NAME OF APPLICANT _____ AGE _____

MAILING ADDRESS: _____

TELEPHONE: _____

I hereby make application for a Low Hazard Fireworks Event on behalf of:

MYSELF _____ OR ORGANIZATION _____

ADDRESS: _____

LOCATION OF DISPLAY _____

DATE: _____ TIME: _____

PAYMENT OF NON-REFUNDABLE FEE: _____; (check if paid)

DESCRIBE SPONSORING ORGANIZATION / PUBLIC EVENT:

VILLAGE OF SAYWARD

BYLAW NO. 383, 2010

SCHEDULE "B"

APPLICATION FOR FIREWORKS DISPLAY - HIGH HAZARD FIREWORKS EVENT

- NOTES:
1. Applicant must be the person supervising the firing of the Fireworks.
 2. Non-Refundable Application Fee is \$50.00.

NAME OF APPLICANT _____ AGE _____

MAILING ADDRESS: _____

TELEPHONE: _____

I hereby make application for High Hazard Fireworks event on behalf of:

MYSELF _____ OR ORGANIZATION _____

ADDRESS: _____

FIREWORKS SUPERVISORS CARD # _____ EXPIRY DATE _____

LOCATION OF DISPLAY: _____

DATE: _____ TIME: _____

PAYMENT OF NON-REFUNDABLE FEE: _____; (check if paid)

DESCRIBE SPONSORING ORGANIZATION / PUBLIC EVENT:

VILLAGE OF SAYWARD

BYLAW NO. 383, 2010

SCHEDULE “C”

PRIVATE FIRE HYDRANTS

1. All private hydrants must conform to all standards set out in the BC Building Code.
2. The owner of every private hydrant shall not less than once a year have all components of the hydrant inspected, serviced and tested by a Fire Protection Technician and submitted to the Fire Department.
3. Owners/agents of hydrants located on private property and designated for fire fighting purposes shall service and maintain all hydrants annually so as to be capable of providing the flow and pressure of water for which they were designed. A copy of the service record must be submitted to the Fire Department.
4. During construction, servicing or repairs the owner shall ensure that all fire hydrant conditions affecting fire safety such as fire hydrants temporarily out of service, low water volumes, pressures etc., are made known to the Fire Department immediately.

REQUIRED INSPECTIONS

AFTER EACH USE

5. The following minimum inspection must be conducted after each use:
 - a) Examine the exterior for broken, cracked or missing parts.
 - b) Check to ensure that the hydrant hose ports are the proper elevation and facing a direction for the most efficient use.
 - c) Check to ensure that the hydrant is not obstructed by tall grass, shrubbery or other items.
 - d) Check for worn, rusted or obstructed threads, which may hamper efficient use.
 - e) Inspect hydrant barrels to determine if water has been accumulated as a result of leaking main valve, plugged or damaged drain valve.

SEMI-ANNUALLY

6. The following minimum inspection must be conducted semi-annually:
 - a) Examine the exterior for broken, cracked or missing parts.

- b) Check to ensure that the hydrant hose ports are the proper elevation and facing a direction for the most efficient use.
- c) Check to ensure that the hydrant is not obstructed by tall grass, shrubbery or other items.
- d) Check for worn, rusted or obstructed threads which may hamper efficient use.
- f) Inspect hydrant barrels to determine if water has been accumulated as a result of leaking main valve, plugged or damaged drain valve.
- g) Check for non-drainage of hydrant, leakage past valve seat, plugged drains.
- h) After winter, the hydrant should be checked for damage caused by frost, ground heave, snow, road salt or sand.

ANNUALLY

7. The following must be conducted annually:

- a) Hydrants shall be flushed with main valve and outlet valves fully open until the water runs clear of any visible debris.
- b) Check the operation of the main line valve by closing the isolating valve.

EVERY THREE YEARS

8. The following must be conducted every three years:

- a) Disassemble the hydrant and check for worn or broken parts and leaks.
- b) Lubricate all external and internal working parts during reassembly.
- c) Check water pressure.
- d) Reopen main line valve and check to see if hydrant operates and close hydrant valve.

VILLAGE OF SAYWARD

BYLAW NO. 383, 2010

SCHEDULE 'D'

BURNING PERMIT

Issued Under Village of Sayward Fire Protective Services By-Law No. 383, 2010

Non-Refundable Application Fee of \$25.00

1) Authority is hereby granted to _____

Permittee's Representative (Name, Position, Address, Phone No.)

2) Effective Period for this Permit: From Year _____ Month _____ Day _____

To: Year _____ Month _____ Day _____

3) Area of Authorized Burn:

To Set Fire on the above described lands: (hereinafter referred to as the "site")

4) Purpose of the Burn:

5) Conditions:

1. The permittee shall be responsible for fires authorized by this permit.
2. The permittee shall provide at the site during light-up and until the fire is extinguished, the following persons and equipment for actively patrolling and preventing escape of the fires authorized by this permit:

The following equipment: _____

The following persons: _____

3. The permittee shall ensure that the material to be burned is a minimum of _____ metres from standing timber, brush or other flammable material.

4. The permittee shall not start or rekindle fires when there is a wind strong enough to cause sparks or other burning material to land in any other combustible material.
5. In addition to the requirement of condition 2, the permittee shall be responsible for suppressing any escape or threatened escape of the fire.
6. The permittee shall totally extinguish all fires authorized by this permit on or prior to expiry date of the permit, or shall extinguish them forthwith upon suspension or cancellation of the permit; or when instructed to do so by an officer of the Fire Department.
7. The permittee shall also abide by the Ministry of Environment Guidelines while acting under this permit.
8. The permittee shall also abide by the following special conditions while acting under this permit:

PAYMENT OF NON-REFUNDABLE FEE: _____; (check if paid)

The requirement of this permit shall not be construed as to exempt the permittee from requirements of the Village of Sayward Fire Prevention and Regulation By-Law No. 383, 2010.

Signature of permittee's representative indicating
He/she had read and understands the conditions of this
burning permit.

Signature of Officer issuing this permit

Position/Title

Date Signed

VILLAGE OF SAYWARD

BYLAW No. 383, 2010

SCHEDULE "E"

FUEL DISPENSING STATIONS / UNDERGROUND TANKS

PERMIT APPLICATION FORM

(Pursuant to the Fire Services Act & Regulations)

Name of Applicant:	
Address:	Telephone:
Name of Contractor:	
Address:	Telephone:
Location of Installation:	
Two copies of specifications and scaled plans submitted showing:	
a) Location of storage tanks in relation to adjacent tanks, buildings, fuel dispensing devices, property lines and fencing;	
b) location of major piping, valves, pumps and associated appurtenances;	
c) the location of fuel dispensing system;	
d) the location of existing and proposed buildings;	
e) the size, capacity and use of the storage tanks to be installed;	
f) the standard to which the storage tanks have been constructed;	
g) the type and trade names of the pumps and measuring devices to be installed;	
h) the location and type of vents and safety valves;	
i) the location and layout of any key/card lock fuel dispensing station; and	
j) comply with all applicable bylaws and permit conditions set out and be accompanied by the fees prescribed in Schedule 1 of this Bylaw for Fuel Dispensing Stations/Underground Tank Permit.	
PERMIT	
Permission is hereby granted this _____ day of _____, _____, pursuant to	

Section or clause number	
of the _____	
(Provide the name of the regulation being employed)	
and does not preclude permits and approvals required by other authorities having jurisdiction.	
Name of Jurisdiction: _____	
_____	_____
Print Name	Signature of Fire Department Representative