

**SUNSHINE COAST REGIONAL DISTRICT
BYLAW NO. 631**

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**SUNSHINE COAST REGIONAL DISTRICT
BYLAW NO. 631**

**A bylaw to provide for the prevention and suppression of fires
and to regulate the conduct of persons at or near or in relation to fires.**

WHEREAS a regional district may operate any service the Board considers necessary or desirable for all or part of the Regional District under section 796 of the *Local Government Act*,

AND WHEREAS the Board of the Sunshine Coast Regional District wishes to establish a service to provide for the prevention and suppression of fires and to regulate the conduct of persons at or near fires;

NOW THEREFORE the Board of Directors of the Sunshine Coast Regional District, in open meeting assembled, enacts as follows:

1. CITATION

- 1.1 This Bylaw may be cited for all purposes as “*Sunshine Coast Regional District Fire Protection Bylaw No. 631, 2010*”.

2. SCOPE AND INTERPRETATION

- 2.1 This Bylaw applies to all areas within the Fire Protection Districts of Gibsons / West Howe Sound, Roberts Creek and Halfmoon Bay. The Open Burning Smoke Control Regulation under the *Environmental Management Act* applies to all such areas.

- 2.2 In this Bylaw:

“**AHJ**” means Authority Having Jurisdiction within the **Regional District**, and includes the **Regional District** Building Division, the **Fire Chief** of a **Fire Protection District** or the **Fire Prevention Officer** for the **Regional District**.

“**apparatus**” means any **vehicle** provided with machinery, devices, **equipment** or materials for **fire protection** and assistance response as well as vehicles used to transport fire fighters or supplies.

“**Board**” means the elected board of the **Regional District**.

“**Bylaw Enforcement Officer**” means a person employed by the **Regional District** to enforce the bylaws of the **Regional District**, or a person appointed to act in his or her absence.

“**campfire**” means a contained fire no greater than 0.5 metres in diameter and no greater than 0.5 metres in height, set for the purposes of cooking, warmth or enjoyment, and without limitation includes beach fires.

“**Class A Burn Pile**” means a burn pile composed of vegetative material produced while clearing land and which originated on the property on which the fire is to be located unless a permit pursuant to the *Environmental Management Act* is in place.

“**Class B Burn Pile**” means a burn pile composed of garden waste material which originated on the property on which the fire is to be located.

“**competent person**” means a person who is at least 19 years of age and capable of effectively supervising, managing, controlling and extinguishing a fire.

“**construction waste**” means waste materials resulting from the construction, alteration, renovation or demolition of any building, structure or improvement to land and without limitation includes paper, plastic, drywall and wood materials such as dimensional or pressure-treated lumber, plywood and particle board.

“**equipment**” means any tools, contrivances, devices or materials used by a **Fire Department** to combat a fire or other emergency or otherwise deal with an **incident**.

“**Fire Chief**” means

- a) the individual hired by the **Board** to be the Fire Chief of a **Fire Protection District**; or
- b) where the members of a **Fire Department** elect a person to be the Fire Chief of that **Fire Protection District**, the individual who is elected and subsequently ratified by the **Board** and appointed by the **Fire Commissioner** as the local assistant to the **Fire Commissioner**.

“**Fire Code**” means the *British Columbia Fire Code*, as incorporating the *National Fire Code* of Canada, and any regulations made under it, and any amendments or successor codes.

“**Fire Commissioner**” means the Fire Commissioner for British Columbia appointed pursuant to the *Fire Services Act*.

“**Fire Department**” means the organization that provides fire prevention and protection services under this Bylaw to the **Fire Protection District** in which it is located and when referred to collectively, includes all of the Fire Protection Districts within the **Regional District**.

“**Fire Prevention Officer**” means a person or persons appointed by the **Fire Chief** to inspect premises and issue burning permits.

“**Fire Protection District**” means the Gibsons / West Howe Sound, Roberts Creek, or the Halfmoon Bay fire protection district, as applicable.

“**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 Services Personnel**” means, collectively, the Members and Officers of the **Fire Department**.

“**garden refuse**” means grass or other clippings, leaves, weeds, brush, tree and shrub prunings, cuttings, and similar materials being waste from garden growth.

“**high tide mark**” means the high point reached by tides where debris is deposited (e.g. logs).

“**hotel**” means

- a) an apartment house
- b) a residential condominium building that has
 - i. two (2) or more levels of strata lots as defined in the *Strata Property Act*, or
 - ii. one or more corridors that are common property as defined in the *Strata Property Act*; or
- c) a boarding house, lodging house, club or any other building other than a **private dwelling**, where lodging is provided for less than six (6) people.

“**incident**” means a situation where a fire or explosion is occurring or imminent or a situation or event to which the **Fire Department** has responded.

“**incinerator**” means a metal or masonry container or furnace or other similar device designed to burn material with a screen preventing the escape of sparks.

“**Member**” means a paid or volunteer fire fighter of a **Fire Department**.

“**Member in Charge**” means the senior **Member** at the scene of an **incident** or a **Member** appointed as such by the **Fire Chief**.

“**occupier**” means a tenant, lessee, licensee, agent of the **owner**, and any other person who has the right of access to and control of a building or premises.

“**Officer**” means

- a) the **Fire Chief** or
- b) a **member** of a **Fire Department** who has been appointed in writing by the **Fire Chief** to act in place of the **Fire Chief**, to issue permits, enforce this Bylaw or any provisions of this Bylaw.

“**owner**” means a person who has ownership or control of real or personal property and includes

- a) the registered owner of an estate in fee simple,
- b) the tenant for life under a registered life estate
- c) the registered holder of the last registered agreement for sale, and
- d) in relation to common property and facilities in a strata plan, the strata corporation.

“**outdoor fire**” means any fire that burns in the open air, or outside a building, whether or not it is completely enclosed in an **incinerator**, furnace or other device, but does not include a **campfire**, a barbecue, or a fire for the purpose of an aboriginal ceremony, where all regulations of the applicable **Fire Department** and any other **AHJ** are observed.

“**permit**” means a current and valid document, issued by an **Officer** under this Bylaw, authorizing a person to carry out an activity or undertaking described therein, and includes any terms, conditions, restrictions or requirements that may be attached for a fire safety or prevention purpose.

“**private dwelling**” means a dwelling unit used for residential purposes as defined in the *Sunshine Coast Regional District Zoning Bylaw No. 310*.

“**private hydrant**” means any fire hydrant installed on private property as part of a system for **fire protection** for that property.

“**Regional District**” means the Sunshine Coast Regional District.

“**rubbish**” means trash, garbage, or other unwanted things.

“**service station**” means any facility used wholly or partly to dispense gasoline, propane, natural gas or other combustible liquid for use as a **vehicle** fuel, whether as a direct or indirect supplier of such fuel.

“**tank**” means any and all tanks identified and regulated pursuant to Part Four of the *Fire Code*.

“**toxic material**” includes without limitation rubber tires, tar, asphalt shingles, batteries, electrical wire insulation, plastics, painted or treated wood materials, and all other substances which may produce heavy black smoke when burned.

“**vehicle**” means any motorized transportation device that uses gasoline, methanol, natural gas or other combustible substance, electricity or battery power in order to operate and includes, without limitation, any passenger vehicle, truck, tractor, farm equipment, motor cycle, snowmobile, and motor boat.

- 2.3 Except as otherwise defined in this Bylaw, words and phrases in this Bylaw are to be construed in accordance with their meanings under the *British Columbia Building Code*, the *Fire Code*, and the *Fire Services Act*. Words in the singular include the plural and gender specific terms include both genders and include corporations. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, code or bylaw refers to that enactment as it may be amended or replaced from time to time. The headings in this Bylaw are for convenience only and must not be construed as defining or in any way limiting the scope or intent of this Bylaw.

3. FIRE CODE APPLICATION

- 3.1 The **Fire Code** is hereby adopted as part of this Bylaw and may be enforced by an **Officer**.

4. FIRE DEPARTMENT

- 4.1 The Gibsons, Roberts Creek and Halfmoon Bay Fire Departments are hereby continued and the head of each **Fire Department** shall be known as the **Fire Chief**.
- 4.2 In addition to the **Fire Chief**, a **Fire Department** shall consist of such number of Deputy Chiefs, Assistant Chiefs, Captains and other Officers and Members as from time to time may be deemed necessary by the **Fire Chief**.

Fire Chief and Officers

- 4.3 The **Fire Chief** has responsibility and authority over the **Fire Department**, subject to the direction and control of the **Board**, and in particular is responsible for all **fire protection** and assistance response activities involving the **Fire Department**, including:
- (a) first response medical emergencies;
 - (b) rescue operations;
 - (c) response to fire, hazardous spills and materials, explosives and similar incidents;
 - (d) and mutual aid to other fire services and to the Province or Canada as necessary; and
 - (e) other public services that the **Board** may direct from time to time.
- 4.4 The **Fire Chief** is responsible for administering this Bylaw and for the management, control and supervision of the **Fire Department** and its Members, and for the care, custody and control of all **Fire Department** buildings, **apparatus** and **equipment**.
- 4.5 The **Fire Chief** reports to the **Board** on matters relating to the **Fire Protection District** for which he or she is responsible. Any **Fire Chief** may speak to the **Board** on matters of general concern to the **Regional District** in collaboration with the other Fire Chiefs or with their endorsement.
- 4.6 For the purposes of sections 26 and 36 of the *Fire Services Act*, the **Fire Chief** is responsible for the preparation and enforcement of a policy for a regular system of inspection of hotels and public buildings within the **Fire Protection District**.

- 4.7 The Deputy or Assistant Chief(s) shall report to the **Fire Chief** and, in the absence of the **Fire Chief**, have all of the powers and shall perform all of the duties of the **Fire Chief**.

Authority of the Fire Chief and Appointed Officers

- 4.8 The **Fire Chief**, and any other **Officer** appointed by the **Fire Chief** to act on behalf of the **Fire Chief** in relation to any of the following functions and powers, may:
- (a) make and enforce rules for the proper and efficient administration and operation of the **Fire Department** and change, replace or withdraw the rules;
 - (b) enter on property and inspect premises for conditions that may cause a fire, increase the danger of a fire, or increase the danger to persons or property from fire;
 - (c) take measures considered necessary to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fires;
 - (d) require an **owner** or **occupier** to undertake any actions the **Officer** considers necessary for the purpose of removing or reducing any thing or condition the **Officer** considers is a fire hazard or increases the danger of fire;
 - (e) exercise the following powers under Section 25 of the *Fire Services Act*.
 - i. if an emergency arising from a fire hazard or from a risk of explosion causes the **Officer** to apprehend imminent and serious danger to life or property, or of a panic, the **Officer** may immediately take steps to remove the hazard or risk;
 - ii. if the **Officer** believes that conditions exist in or near a **hotel** or public building that, in the event of a fire, might seriously endanger life or property, the **Officer** may immediately take action to remedy the conditions to eliminate the danger and may evacuate and close the **hotel** or public building; andwithout limiting the foregoing, for these purposes the **Officer** may evacuate a building or area, and may call on police and other fire prevention authorities who have jurisdiction to provide assistance;
 - (f) provide for assistance response;
 - (g) request that any person at or near an **incident** render reasonable aid to mitigate the **incident**;
 - (h) issue a **permit** under this Bylaw, except that where a provision states that a **permit** may be issued by the **Fire Chief**, it may only be issued by the **Fire Chief**;

- (i) enforce this Bylaw and any other **Regional District** bylaws, rules, orders and regulations applicable to the **Fire Protection District** for the prevention and suppression of fire and the protection of life and property;
- (j) inquire into, investigate and record the causes of fires in the **Fire Protection District**;
- (k) collect and disseminate information in regard to fires in the **Fire Protection District**;
- (l) investigate and make inquiries into fires;
- (m) research best practices in methods of fire prevention; and
- (n) for the **Fire Protection District** or, at the request of the **Board** or in collaboration with Officers of other Fire Protection Districts appointed under this Section, for the **Regional District** and in accordance with any applicable **Regional District** policies and procedures, provide, advise and make recommendations for other Officers, Members, employees or the public in relation to:
 - i. the provision of adequate water supply and pressure;
 - ii. the installation and maintenance of **fire protection equipment**;
 - iii. the enforcement of measures for the prevention or suppression of fire and the protection of life and property;
 - iv. life safety or rescue **equipment**; and
 - v. fire prevention generally.

Temporary Restriction and Closure of Areas

4.9 The **Fire Chief** may, by order in writing, establish temporary restrictions in certain areas of the **Fire Protection District** against burning or entry by persons in accordance with Part 9 of this Bylaw.

5. GENERAL RESTRICTIONS AND REQUIREMENTS

Fire Prevention

- 5.1 A person must not make or light a fire on any property owned or held by the **Regional District** or within any park or public place except:
- (a) an employee of the **Regional District** acting in the course of their employment;
 - (b) a **Member** of a **Fire Department** in carrying out a **Fire Department** purpose or activity;

- (c) as authorized under a valid and subsisting **permit** issued by the **Fire Chief** or other **Officer**; and
 - (d) strictly in compliance with any provisions of this Bylaw that specifically authorize the activity.
- 5.2 A person must not discard, drop or throw any lighted match, cigar, cigarette or other burning material or substance on or into combustible material or in such close proximity as to alight the combustible material.
- 5.3 A person must not make or light an **outdoor fire** or cause, suffer or allow a fire to burn in the open air or in any portable appliance or device whatsoever except:
- (a) in a barbecue or other food preparation device, an outdoor heater, or any similar appliance or device, that meets the CSA (or other recognized testing agency) standard for certification;
 - (b) as specifically authorized under this Bylaw or approved by the **Fire Chief** or other local assistant:
 - i. for fire training exercise,
 - ii. as necessary for public safety;
 - iii. for special circumstances or celebrations, with the approval of the **Fire Chief** obtained in advance and in writing; or
 - (c) as authorized under a valid and subsisting **permit** from the **Fire Chief** or other **Officer**.

Solid Fuel Burning

- 5.4 A person must not burn wood or other solid fuel in a chiminea or similar clay or refractory style appliance, and must ensure that any stove or other such containment devices or appliances used for burning wood or other solid fuel meets or exceeds the CSA standard for certification.

Construction and Toxic Waste

- 5.5 Whether or not a person holds a **permit**, a person must not in any circumstance cause, permit, suffer or allow the burning of **construction waste** or **toxic material** unless expressly authorized by written **permit** or approval of the Provincial or Federal government and in strict compliance with any restrictions, requirements or conditions of such **permit** or approval.

Fire Watch and Duty to Extinguish

- 5.6 Anyone who starts a fire or is responsible for burning any materials must ensure that a **competent person** is present and supervising the fire at all times and who is equipped with appropriate tools to extinguish the fire. Before leaving the fire area,

the **competent person** and any other person responsible for the burning must ensure that the fire is completely extinguished.

Burning with Permit

- 5.7 A person holding a **permit** for an open air fire must comply with this Bylaw, any and all restrictions, requirements and conditions of the **permit** or approval, and any applicable Provincial or Federal regulations, rules, and conditions of **permit** or approval.

Restricted Areas

- 5.8 A person must not enter an area that has been closed or light a fire in an area that has been restricted by the **Fire Chief** due to hazardous conditions pursuant to this Bylaw during the period of closure or restriction, except as expressly authorized by the **Fire Chief** or under the direction and control of the Province.

Protection of Personnel, Equipment and Devices

- 5.9 A person must not:
- (a) obstruct or impede any **Fire Services Personnel** in the execution of their duties and in particular, without limiting the generality of the foregoing, must not obstruct, impede or in any way hinder a **Member, Officer** or any person acting under the direction of an **Officer** or **Member** in Charge at the scene of a fire or other **incident**;
 - (b) fail to yield the right of way on any highway, street, road, lane or statutory right of way within any of the Fire Protection Districts to any Fire/Rescue **vehicle, equipment** or personnel, whether or not a street, road, lane or right of way is private or public;
 - (c) obstruct the progress of any Fire/Rescue **vehicle, equipment** or personnel;
 - (d) enter a burning building or structure or any building or structure that an **Officer** or **Member** in Charge at an **incident** considers to be threatened;
 - (e) enter within fire lines designated by ropes, guards, barricades or other barriers placed by police or **Fire Services Personnel** to deal with an **incident**, or progress beyond any such barriers except at the direction or with the express permission of an **Officer** or a **Member in Charge**;
 - (f) run over with a **vehicle** any line or lines of fire hoses, whether in use or otherwise;
 - (g) stand within nine (9) metres of any charged fire hose unless authorized to do so by an **Officer**;

- (h) remove, deface or replace any signs required pursuant to this Bylaw or the *Fire Services Act*; or
- (i) contravene or fail to comply with a direction by a peace officer or **Fire Services Personnel** during or at the scene of an **incident**.

Liability

5.10 Burning material in accordance with this Bylaw does not absolve any person from liability for any damage which may result from any fire started or maintained.

Campfires

5.11 A person must not light, fuel or maintain a **campfire** except:

- (a) on a beach, subject to any order by the **Fire Chief** that campfires are prohibited;
- (b) in an area that is designated by a sign or posting indicating that campfires are permitted; and
- (c) in accordance with regulations under the *Wildfire Act*, this Bylaw and any restrictions or conditions imposed by the **Fire Chief**.

5.12 A person must not light a **campfire** on a beach at any place above the **high tide mark**, and must not light a **campfire** closer than:

- (a) 10 metres from any building or other concentration of combustible materials; or
- (b) 5 metres from any private property line.

5.13 A person must not fuel a **campfire** with any fuel other than dry, seasoned wood. A **competent person** responsible for the fire must be present and before the **campfire** is lit must clear the area of twigs, chips, branches, leaves, needles, and other potentially flammable debris or material, leaving a clear area of dirt or sand surrounding the **campfire**.

5.14 When a **campfire** is burning, a **competent person** responsible for the **campfire** must be present at all times, and must have appropriate tools and water supply nearby to extinguish the **campfire** completely.

5.15 The **competent person** and any other person responsible for the **campfire** must ensure that before leaving the **campfire** area, the **campfire** is completely extinguished.

Fire Hydrants – Public Place

5.16 In relation to a fire hydrant, standpipe or other **Fire Protection District** connection installed by the **Regional District** or a **Fire Department** in, on or within a public place, a person must not:

- (a) tamper with the mechanical operation of a fire hydrant;
- (b) except as authorized under a **permit** issued by the General Manager of Infrastructure for the **Regional District** and additionally approved by the **Fire Chief**, and subject to any conditions, requirements, directions or restrictions imposed by either or both officials:
 - i. take water from or otherwise use any standpipe, hydrant or other **Fire Department** connection or **equipment**; or
 - ii. remove a fire hydrant from its authorized or required location.

5.17 The fire hose connection type, hydrant colour coding, and location of all fire hydrants and other **Fire Department** connections shall be subject to the approval of the **Fire Chief**. A clear and unobstructed radius of at least one (1) metre must be maintained around the fire hydrant.

Fire Alarm Activation

5.18 A person must not activate a fire alarm system unless:

- (a) there is a fire;
- (b) the person reasonably believes that a fire or other **incident** is occurring or is imminent; or
- (c) the activation is carried out for testing purposes by persons authorized by the **Fire Chief**.

6. PROPERTY OWNERS AND OCCUPIERS

Protection of Property – General

6.1 An **owner** or **occupier** of real property must not cause, permit, suffer or allow:

- (a) the accumulation on the property of any brush, debris, trees or tree parts from any land clearing operation;
- (b) the accumulation of any paper, hay, straw, bags, litter, flammable or combustible materials, explosives or any other matter or thing in or around land, premises or buildings or on a roof in such a manner as to constitute a fire hazard or cause a fire to start or to spread rapidly and endanger persons or property;
- (c) the deposit of ashes or other material from any stove, furnace, barbecue or fireplace or any greasy or oily rags or other materials in any receptacle other than a metallic or non-combustible or non-flammable receptacle with a tight-fitting and non-combustible lid;

- (d) the use of any defective cooking or heating device on the property where the defect could cause or result in a fire;
- (e) the stopping up of any pipe hole in any chimney on the property, except with a stopper of metal or other non-combustible material specifically designed and approved as a stopper for chimney pipes; or
- (f) the obstruction of any fire escape, fire exits, door or window, or any hall or passageway leading to any fire escape, fire exits, door or window on that property.

Building, Storage and Equipment Safety

6.2 Every **owner** and **occupier** of real property or a building or structure must:

- (a) ensure that the occupancy and use is in compliance with the **Fire Code**;
- (b) keep and maintain the property in a safe manner so as to minimize the risk of fire;
- (c) ensure that the storage of all dangerous goods meets the requirements of the **Fire Code**;
- (d) keep in good and efficient working order and repair any and all closure, specialized sprinkler systems and fire separations installed to prevent the spread of fire within the building or structure, including without limitation those fire and life safety systems designed by a fire protection engineer that have been approved for installation as alternative installations by the **AHJ**;
- (e) where the **owner** or **occupier** makes, stores, uses or has charge of or control over any shavings, whether wood, metal, paper or other fibre or product generated from any production process, sacks, bags, hay, straw, waste paper, paper boxes or other flammable or combustible materials, ensure that at the close of each business day or, for ongoing operations, at least once each day, all such materials are compactly baled or stacked in a safe manner and stored in non-combustible receptacles with tight-fitting, non-combustible covers and in accordance with the **Fire Code**;
- (f) provide for the regular and proper maintenance of every commercial cooking exhaust system and chimney stove pipe or flue that is in regular use, so as to ensure that the exhaust system, pipe or flue does not catch fire through otherwise normal usage;
- (g) provide all fire detection and suppression **equipment** and emergency systems required by the **Fire Code** or any alternative solutions that have been approved by the **AHJ**;

- (h) ensure that all fire detection and suppression **equipment** and emergency systems, including all smoke alarms, fire alarms and sprinkler systems within any building or structure, are kept and maintained in good working order and where applicable, repaired and replaced in accordance with the **Fire Code**; and
- (i) comply with any order issued by the **Fire Chief** and, subject to any provisions for appeal, with any order issued by another **Officer** under this Bylaw.

Back Yard / Garden Refuse Fires

- 6.3 A person must not light or burn a **Class B Burn Pile** except to burn **garden refuse** gathered from the property on which the burn is to occur and must ensure that the burn occurs only:
- (a) from October 15th to April 15th inclusive;
 - (b) at a distance of at least:
 - i. fifteen (15) metres from any building, and
 - ii. five (5) metres from any part of the property line;
 - (c) in a size not exceeding 1.0 metre in height and 2.0 metres in diameter;
 - (d) under the supervision of a **competent person** who is present at all times;
 - (e) with appropriate tools, materials and resources to control the burn and extinguish the fire;
 - (f) in compliance with any additional restrictions, conditions or requirements imposed under a Provincial enactment or **Regional District** bylaw; and
 - (g) if the person conducting the burn is not the **owner**, with the consent of the **owner** of the land.

Clearing or Grading Land

- 6.4 A person must not light or burn debris or a **Class A Burn Pile** for any purpose, including for the purpose of clearing or grading land, except:
- (a) under and in accordance with a **permit** issued by the **Fire Chief, Fire Prevention Officer, or Officer**;
 - (b) at a minimum distance of
 - i. thirty (30) metres from any building or structure
 - ii. one hundred (100) metres from any neighbouring building or structure;
 - iii. fifteen (15) metres from any property line or standing timber;
 - iv. five hundred (500) metres from schools in session, hospitals and facilities used for continuing care; and

(c) in strict compliance with paragraphs (d) through (g) of Section 6.3.

- 6.5 A person must comply with any additional restrictions, requirements or conditions imposed by the **Fire Chief** or Fire Inspector under this Bylaw in relation to **Class A** or **Class B Burn Piles**.

Construction and Installations

- 6.6 Where the **Fire Code**, *Fire Services Act* or another Provincial enactment imposes restrictions or requirements for fire safety in relation to a proposed construction or installation, the **owner** of the property on which the construction or installation is to be located, or the agent of such **owner** must provide to the **Regional District**, in addition to **permit** applications required by another bylaw of the **Regional District**, any information, plans, or drawings as the **Fire Chief** or **Fire Prevention Officer** deems necessary for a full review of the proposed construction or installation.

Fire Alarm Systems

- 6.7 An **owner** or **occupier** of any premises using a fire alarm system must:
- (a) if using a system that is monitored by an outside monitoring agency, ensure that at least one contact person is available twenty-four (24) hours a day to attend, when notified by the monitoring agency, to enter and secure the premises at an **incident**;
 - (b) if using a system that is not monitored by an outside monitoring agency:
 - i. maintain and provide to the **Fire Department** a current list containing the names and telephone numbers of at least three (3) contact persons, at least one of whom is available twenty-four (24) hours a day to attend, to enter and secure the premises at an **incident**;
 - ii. notify the **Fire Department** promptly of any changes in the names or telephone numbers of the contact persons; and
 - (c) where an agency, or a contact person fails to respond within twenty (20) minutes, allow and assist the **Fire Department** in whatever way possible to gain entry to the premises to investigate the fire alarm.

Fire Hydrants on Private Property

- 6.8 Where a fire hydrant is located on privately owned property, the **owner** or **occupier** of the property must ensure that:
- (a) the fire hose connection type, hydrant colour coding, and location of all fire hydrants and other **Fire Department** connections are approved by the **Fire Chief**;

- (b) the space around the fire hydrant is maintained with stable ground cover and is clear and unobstructed for a radius of at least one (1) metre;
- (c) the ground cover and clearance around the hydrant is maintained so as to provide a clear view of the fire hydrant by a person approaching in a **vehicle** from either direction on the nearest road or lane;
- (d) the fire hydrant is maintained in good working condition at all times;
- (e) the fire hydrant is inspected, serviced and tested at least once a year by a fire protection technician in accordance with the **Fire Code**;
- (f) the fire hydrant is flushed and drained, and all the threads of outlets and caps greased with waterproof grease, at least once a year;
- (g) provide the **Fire Chief** with an annual written report describing the inspection, servicing and testing performed on the fire hydrant during the previous twelve (12) months; and
- (h) any order by the **Fire Chief** for meeting any requirement or requirements of this section is promptly complied with, and in any case ensure that any directions are carried out within a time period specified in the order.

Multi Storey Buildings and Elevators

- 6.9 The **owner** or owners of every building having three (3) or more storeys must display at each floor level, in each stairwell thereof, in a conspicuous location, a number or sign to identify each floor level.
- 6.10 The **owner** or owners of every building that is equipped with a passenger elevator must have a sign displayed directly above the call button on each floor thereof containing the words:

“In case of fire, use exit stairway – Do not use elevator.”

The dimension of each such sign must be at least 75 mm by 130 mm in size.

Refuse Containers

- 6.11 Every **owner** of real property who uses commercial refuse containers must locate the containers in areas that are designated or approved in advance in writing by the **Fire Chief** or by the **Regional District Fire Prevention Officer**. Commercial refuse containers located adjacent to any building or structure shall be stored in non-combustible enclosures and in any place where any combustible material exists above such containers or enclosures must be provided with a non-combustible top lid or ceiling material.

Service Stations

- 6.12 Every **owner** and operator of a **service station** must maintain the station in a safe manner and in strict accordance with this Bylaw.
- 6.13 Every **owner** and operator of a **service station** must ensure that every employee of the station receives timely fire safety training on matters contained within Section 4.6 of the **Fire Code** to a standard that meets or exceeds any applicable law or standard established by the Province of British Columbia.

Tanks

- 6.14 Every **owner** or **occupier** of real property on which a **tank** has been installed or is to be installed must ensure that at all times the **tank** meets all of the requirements of the **Fire Code** with respect to its installation, use, maintenance, repair, removal or abandonment.
- 6.15 A person must not deliver any petroleum or flammable or combustible product to any **tank** located on property anywhere in the **Fire Protection District** unless that person, having made reasonable inquiry, is satisfied that the **tank** meets all of the applicable provisions of the **Fire Code**.
- 6.16 Where an **Officer** has reasonable grounds to believe that an event has occurred that may have resulted or could result in the shifting of the earth around any **tank**, the **Officer** may require the **owner** or **occupier** of the property on which it is located to immediately arrange for and conduct testing for leakage in accordance with the standards set out in the **Fire Code**.

Vacant Premises

- 6.17 For the purposes of this section, “vacant premises” includes a lot, building or other structure in respect of which a water or electricity service has been intentionally discontinued, other than for temporary maintenance, repair or upgrading, so that the condition of the premises is not suitable for human habitation or other occupancy that is normally permitted.
- 6.18 The **owner** of vacant premises must promptly act to ensure that, at all times:
- (a) the premises are free from litter and debris or accumulations of combustible or flammable materials, except where storage of combustible or flammable materials strictly complies with the **Fire Code** and this Bylaw; and
 - (b) all openings in the premises are securely closed and fastened in a manner acceptable to the **Fire Chief** so as to prevent fires and the entry of unauthorized persons.

- 6.19 Where an **owner** has failed to securely close a vacant building as required under this section, the **Fire Chief** may, by notice in writing, order the **owner** to secure the building or other part of the vacant premises against unauthorized entry in a manner and within a time period set out in the notice.
- 6.20 Where an **owner** of vacant premises fails to bring the premises into compliance with this Bylaw within the time period set out in the notice, or if the **Fire Chief** or a **Member** is unable to contact the **owner** for the purposes of delivering the notice or bringing the property into compliance, the **Fire Chief**, upon determining that the conditions on the property create a significant fire hazard or risk to human safety, may cause the premises to be cleared or made safe and secure as necessary by **Regional District** employees or agents at the cost and expense of the **owner**.

Fire Damaged Buildings

- 6.21 The **owner** of a building or other structure that has been damaged due to fire, explosion or similar catastrophic or damaging event must immediately act to ensure that the building is guarded or that all openings and points of entry into the building are kept securely closed and fastened in a manner acceptable to the **Fire Chief** so as to prevent the entry of unauthorized persons. If the **owner** fails to provide reasonable and timely security for this purpose following an **incident**, or otherwise as directed by the **Fire Chief**, the **Fire Chief** may cause security measures to be taken as necessary at the cost and expense of the **owner**.

7. PERMITS

- 7.1 Where a **permit** is required under this Bylaw, unless otherwise stated, a person must apply for a **permit** from the **Fire Chief, Fire Prevention Officer, or Member** on a form approved by the **Fire Chief**, and pay any applicable fee established in Schedule A.
- 7.2 When applying for a **permit** pursuant to this or any other bylaw of the **Regional District** for a construction or installation that is subject to the **Fire Code**, the *Fire Services Act* or other enactments for fire safety and protection, the applicant must provide any information, plans or drawings as the **Fire Chief** may deem necessary or advisable for that construction or installation. In every case where a **permit** or approval from the Province or Canada is normally required under an enactment, the applicant must provide a copy of the **permit** from the Province or Canada, or alternatively provide confirmation that the proposed activity is exempt from the requirement of a **permit** or approval from the Province or Canada.
- 7.3 The **Fire Chief, Fire Prevention Officer** or, where permitted in this Bylaw, another **Officer**, may issue a **permit**, or approve that part of a **Regional District permit** pertaining to fire safety, and impose any restrictions, requirements and conditions as to location, time, size, duration, type of burning and other matters as the **Fire Chief** or other **Officer** deems necessary and advisable to ensure compliance with this Bylaw, the *Fire Services Act* and other applicable enactments.

- 7.4 Without limiting section 7.3, but subject to the minimum distances established in this Bylaw for a type of fire, the **Officer** may specify a minimum distance from buildings, structures or other combustible materials at which burning under a **permit** may be carried out.
- 7.5 The **Fire Chief**, **Fire Prevention Officer** or other **Officer** may refuse to issue a **permit** or may suspend, revoke or cancel a **permit** if:
- (a) the **Officer** is not satisfied that the proposed activity or thing complies or is capable of complying with applicable provisions of this Bylaw and any other enactment that the **Fire Chief** or other **Officer** considers applicable, and any restrictions, conditions or requirements imposed in the **permit**; or
 - (b) in the opinion of the **Officer**, any significant fire or safety hazards cannot be minimized or sufficiently controlled in the circumstances.
- 7.6 The **Fire Chief** may cause any permits to be suspended temporarily:
- (a) in conjunction with restricting an area under section 9.6 or closing an area under section 9.7;
 - (b) by order in writing if weather, wildfire hazard levels, water resources or similar conditions in the area of the **permit** are such that, in the opinion of the **Fire Chief** there would be a significant risk to life or safety if the activity under the **permit** were to continue.

8. ENTRY AND INSPECTIONS

Entry during Incident

- 8.1 Despite any other provisions of this Bylaw, the **Fire Chief** or other **Officer** or a **Member in Charge** may, during an **incident**, enter, pass through or over real property, buildings or other structures on or adjacent to the site of the **incident**, and cause or allow other **Members** to do likewise, and to bring **apparatus** and **equipment** on, into or through such property, buildings or structures as the **Officer** or **Member in Charge** deems necessary or advisable to gain access to the **incident** or to protect any person or property.

Entry For Inspection

- 8.2 The **Fire Chief**, **Fire Prevention Officer** or any **Member** designated by the **Fire Chief** may enter on a property or premises at all reasonable times to inspect and determine whether all restrictions, requirements and prohibitions of this Bylaw are being met and without limiting the foregoing, whether or not any of the following conditions exist:

- (a) the premises are in a state of disrepair that a fire starting in them might spread so rapidly as to endanger life or other premises or property;
 - (b) the premises are so used or occupied that fire would endanger life or property;
 - (c) combustible or explosive material is kept or other flammable conditions exist on the premises so as to endanger life or property;
 - (d) a fire hazard exists on the premises.
- 8.3 Every **occupier** of a building or premises that is being inspected by an **Officer** or **Member** under this Bylaw must render any assistance and provide any information required by the **Fire Chief, Fire Prevention Officer, or Regional District Fire Prevention Officer** in relation to the inspection.
- 8.4 A person must not prevent, obstruct or impede an **Officer** or **Member** from conducting an inspection under this Bylaw, and must not withhold or falsify information required by the **Fire Chief** or the **Regional District Fire Prevention Officer** in relation to the inspection.

Entry for Remedial Work

- 8.5 Where an order made under this Bylaw has been delivered to an **owner** or **occupier** of land or premises or of a building or other structure, and the **owner** or **occupier** fails to take the required action or actions within the time period stated in the order, subject to the *Fire Services Act* the **Regional District** staff or **Members** of the **Fire Department** may, after providing notice to the **owner** or **occupier** and at reasonable times, enter onto the property and carry out the work required, or cause the work to be done or the requirement, at the cost and expense of the **owner** or **occupier**.

9. ORDERS

Disposal of Combustible Materials

- 9.1 Where the **Fire Chief** determines that an unusual condition exists that presents an undue risk of danger to life safety or damage to property resulting from a fire, the **Fire Chief** may, by order in writing, restrict or prohibit the deposit of combustible materials in any landfill operation with the **Fire Protection District** until the unusual conditions are removed or addressed.

Remedial Orders

- 9.2 Where an **Officer** determines that a building or structure is in such a state of disrepair or is being used in a manner that, in the opinion of the **Officer**, the condition or use
- (a) may cause or result in fire, explosion;

- (b) may contribute to the spread of a fire; or
- (c) presents a hazard to persons or property in surrounding buildings, structures or land,

the **Officer** may, in writing, order the **owner** or **occupier** to remedy the state of disrepair or alter the use in such a way as to remove the conditions that led to the order, within a time period specified in the order.

9.3 Where an **Officer** determines that there exists on, in or within any land, premises, building or other structure any

- (a) flammable or combustible materials or substance;
- (b) explosive material or substance; or
- (c) accumulation of waste materials, litter, rubbish or debris,

that, in the opinion of the **Officer**, is likely to cause or result in a fire or fire hazard, thereby endangering persons or property, the **Officer** may, in writing, order the **owner** or **occupier** to remove and lawfully dispose of such material, substance, or accumulation, as the case may be, within a time period specified in the order.

9.4 Where an **Officer** believes that any provision of this Bylaw is being or has been contravened or that any real property, buildings or other structures are in a state that does not comply with this Bylaw, the **Officer** may, in writing, order the person who is apparently responsible for the contravention or for the property to remedy the contravention or non-compliance, or both, within a time period specified in the order.

9.5 In setting a date by which requirements in the order must be carried out, the **Officer** must have regard for any factors that may tend to increase the hazard or danger and the degree of urgency involved in correcting or removing the conditions of hazard or danger.

Fire Restricted Areas

9.6 If the **Fire Chief** is of the opinion that conditions of unusual danger or exposure to fire exists, the **Fire Chief** may, by an order in writing, establish any area within the **Fire Protection District** as a restricted area, within which any **campfire, outdoor fire** or other type of burning in the open air shall not be permitted for such period or periods of time as the **Fire Chief** deems appropriate.

Closed Areas

9.7 Where the **Fire Chief** is of the opinion that the safety of life or property or both is endangered through a hazardous condition of weather or forest cover, or by a fire in any forest or woodland area, the **Fire Chief** may, by an order in writing, declare

that area of the **Fire Protection District**, or any portion thereof, as a closed area for such period or periods of time as the **Fire Chief** deems appropriate. If the **Fire Chief** imposes a closure order under this section, no person may enter into that area during the period of closure other than as an authorized firefighter acting under the direction and control of a recognized fire fighting unit or otherwise as authorized in writing by the **Fire Chief** or under the direction and control of the Province.

Effective Date of Posted Order

- 9.8 An order made under section 9.1, 9.6 or 9.7 is effective from the date that a copy of the order is posted in or near the area to which it applies. A copy of the order must be delivered to the **Regional District** to the attention of the Chief Administrative Officer as soon as possible after being posted.

Reconsideration

- 9.9 Where an order has been made under this Bylaw by an **Officer** other than the **Fire Chief** to remedy a violation or non-compliance in relation to land, premises or buildings or other structures, the person to whom it is directed or the **owner** or occupant, as applicable, may seek reconsideration by the **Fire Chief** within the time period stated in the order or ten (10) days, whichever is longer, of the date of the order, and the **Fire Chief** may confirm, modify, amend, suspend or reverse the order. Subject to the *Fire Services Act* and *Local Government Act*, an order by the **Fire Chief** is final.
- 9.10 An order made by the **Fire Chief**, another **Officer**, or the Fire Inspector under this Bylaw is served:
- (a) by mailing the order to or leaving it with the person to whom it is directed, or by deposit in the person's mailbox or receptacle at the person's residence or place of business;
 - (b) by mailing or otherwise delivering the order to the last known property **owner**;
or
 - (c) if the person to whom it is directed cannot be found, is not known, or refuses delivery, by posting a copy of the order in a conspicuous place on any premises that is subject to the order.
- 9.11 A person must not deface, remove or destroy an order that has been posted pursuant to this Bylaw.
- 9.12 An order made under this Part does not limit the requirements that may be imposed under section 4.8 (d) [**owner** or **occupier** to undertake actions necessary to removing or reduce hazard].

10. FEES AND COST RECOVERY

Inspections

10.1 Where an **Officer** or **Member**:

- (a) conducts an inspection or re-inspection of a property site, building or other structure pursuant to a request by the **owner**, **occupier** or agent of either, to determine compliance with this Bylaw or the **Fire Code**; or
- (b) conducts a re-inspection of a premises after an order has been issued following a previous inspection,

the **owner** or **occupier** must pay the applicable fees established in Schedule A.

Attendance at Class A or B Burn Pile, Rubbish Fire or Campfire

10.2 If a fire within a **Fire Protection District** is fuelled by a **Class A Burn Pile**, a **Class B Burn Pile**, **rubbish**, or a **campfire** and

- (a) was started, maintained, suffered or allowed in contravention of this Bylaw;
- (b) has not been extinguished as required under a **permit** or this Bylaw; or
- (c) in the opinion of the **Fire Chief** or his designate, is out of control,

and the **Fire Department** attends to control or extinguish the fire, the **owner** or **occupier** of the property for which the service is provided must pay a fee of \$600 per **apparatus** per hour, with the minimum charge for each **apparatus** being for one hour.

Standby at Premises with Fire Alarm System

10.3 If the **Fire Department** attends a premises in response to a fire alarm system and remain on standby there until such time as the **owner**, **occupier** or a contact person arrives to provide access to or secure the premises, commencing after the initial 60 minutes (one hour), the **owner** or **occupier** of the property must pay a fee of \$600 per **apparatus** per hour, with the minimum charge for each **apparatus** being for one hour.

Collection as for Property Taxes

10.4 Where a person subject to an order under this Bylaw fails to take action required by the order, and the **Regional District** carries out the work or otherwise fulfills the requirement, the **Regional District** may recover the costs incurred from the **owner**, **occupier** or person responsible for the work as a debt to the **Regional District**.

- 10.5 Money owed to the **Regional District** under this Part is payable upon receipt of an invoice from the **Regional District**. Any disputes over the amount owing must be brought to the attention of the **Fire Chief** within thirty (30) days of the date of the invoice and may be heard and resolved by the **Fire Chief** or financial officer for the **Regional District**, or by both of them.
- 10.6 If an amount owing under this Part for work done or services provided to land or improvements remains unpaid on December 31st of the year in which the debt was incurred, the amount is deemed to be taxes in arrear and may be treated in the same manner as for property taxes.

11. CONTRAVENTION AND PENALTIES

11.1 A person who:

- (a) contravenes, violates or fails to comply with any provision of this Bylaw;
- (b) suffers or allows any act or thing to be done in contravention of this Bylaw; or
- (c) fails or neglects to do anything required to be done under this Bylaw,

or of any **permit** or order issued under this Bylaw, commits an offence and upon conviction, shall be liable to paying a fine of up to Two Thousand Dollars (\$2,000) and to pay any further amounts that may be ordered under the *Offence Act*, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

11.2 This Bylaw may be enforced by means of a ticket issued under the "Sunshine Coast Regional District Municipal Ticket Information System Bylaw No. 558, 2006", as amended or replaced from time to time.

12. SCHEDULES AND REPEAL

12.1 Schedule A is attached to and forms part of this Bylaw.

12.2 The Sunshine Coast Regional District Fire Protection Bylaw No. 354, 1991, and all amendments thereto, are hereby repealed.

Sunshine Coast Fire Protection Bylaw No. 631, 2010**SCHEDULE A****FIRE SERVICES FEES**

Permit for a Class A Burn	\$ 25.00
Inspection or re-inspection pursuant to a request to determine compliance with Bylaw or the <i>Fire Code</i>	\$ 100.00/hour
Re-inspection after order has been issued	\$ 100.00
Apparatus – where applicable	\$ 600.00/hour

PLEASE NOTE OTHER BYLAWS MAY ALSO BE APPLICABLE:

Despite the provisions of this bylaw, properties within the Town of Gibsons are also subject to any additional regulations enacted by the municipality, including but not limited to Residential Backyard Burning Bylaw No. 971, 2003.