

**DISTRICT OF LANTZVILLE
BYLAW NO. 86, 2010**

**A BYLAW TO PROVIDE FOR FIRE PROTECTION SERVICES IN THE
DISTRICT OF LANTZVILLE**

WHEREAS the Council may, by bylaw, pursuant to the *Community Charter*, establish and regulate the activities of a Fire Department;

AND WHEREAS the Council may, by bylaw pursuant to the *Community Charter*, and subject to the *Fire Services Act* and the Fire Code Regulations made under it, establish regulations for the protection of persons and properties from fire;

NOW THEREFORE BE IT RESOLVED, that the Council of the District of Lantzville in open meeting assembled, hereby enacts as follows:

Title

1. This Bylaw may be cited as the "*District of Lantzville Fire Protection Services Bylaw No. 86, 2010*".

Interpretation

2. In this Bylaw:

- (a) **Agricultural Clearing Waste Fire** means an outdoor fire in which only waste originating and resulting from agricultural activities to facilitate agricultural use of the land zoned for such use, is burned;
- (b) **Assistance Response** means:
 - (i) first response to medical emergencies;
 - (ii) first response to accidents, natural or man-made disasters, escapes of hazardous materials or other circumstances that have caused or may cause harm to persons or property;
 - (iii) rescue operations.
- (c) **Beach Fire** means a fire lit in a fire pit for the purpose of warmth, cooking, or ceremonial purposes in a non-combustible environment below the high tide line;
- (d) **Ceremonial Fire** means a fire lit for the purpose of carrying out a ritual;
- (e) **Clearing Waste** means any waste material resulting from or produced by the complete or partial destruction or tearing down of any structure, brush clearing, tree clearing or stump removal;

- (f) **Demolition Waste** means any waste resulting from or produced by the complete or partial destruction or tearing down of any structure excepting material prohibited in the Open Burning Smoke Regulation (*Environmental Management Act*), and any amendments thereto;
- (g) **Equipment** means any vehicles, tools, devices or materials used by the Fire Department;
- (h) **False Alarm** means the activation of a Fire Alarm System resulting in the direct or indirect notification of the Fire Department to attend at a real property where the Fire Department finds no evidence or indication of any fire condition, unlawful activity, or unauthorized entry;
- (i) **Fire Alarm System** means a device or devices installed on real property and intended to warn of a fire condition by activating an audible alarm signal or alerting a monitoring facility but does not include a fire alarm system on real property that is intended to alert only the occupants of the dwelling unit in which it is installed;
- (j) **Fire Chief** means the person appointed by Council as head of the Fire Department or any other person authorized to act on behalf of the Fire Chief;
- (k) **Fire Department** means the fire department of the District of Lantzville, including all officers, employees and volunteers engaged thereby;
- (l) **Fire Protection** means all aspects of fire safety, including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, training, staff development and advising on fire safety matters;
- (m) **Hazardous Materials Response** means members of the Fire Department will provide level of response as per the National Fire Protection Association (NFPA) 472 - "Hazardous Materials Awareness" only;
- (n) **Incident** means a situation which requires the services of the Fire Department;
- (o) **Incinerator** means any metal or masonry container in good condition that provides for proper combustion of any material burned, mounted on a non-combustible base and fitted with a metal screen or grill of not more than 25 millimetres mesh to restrict any sparks or flying debris;
- (p) **Member** means any person appointed by the Fire Chief as a member of the Fire Department;
- (q) **Mutual Aid** means the provision of the Fire Department's services to another local government or person pursuant to a mutual aid agreement between the District and that local government or person;
- (r) **Officer** means a Member given specific authority to assist the Fire Chief in his or her duties;
- (s) **Open Air Fire** means a fire out of doors, not contained in an Incinerator;
- (t) **Outdoor Cooking Fire** means a fire lit for the purpose of cooking food for consumption;

- (u) **Public Services** means public information, education and prevention programs related to fire safety, public safety, and emergency preparedness; and
 - (v) **Resource Forestry Lands** means managed forestry lands within the District of Lantzville that are either Crown, or privately held blocks. Privately held blocks are under the jurisdiction of the *Private Managed Forest Land Act*, and are designated as resource in the "District of Lantzville Official Community Plan Bylaw No. 50, 2005".
3. All other words and phrases shall be construed in accordance with the meaning assigned to them by the *Building Code* (British Columbia), the *Fire Code* (British Columbia) or the *Fire Services Act* (British Columbia). In the event of a conflict between this Bylaw and the *Fire Services Act* (British Columbia) and any regulations there under, the provisions of the *Fire Services Act* (British Columbia) and its regulations shall prevail.

Adoption of Fire Code and Other Standards

4. The substantive regulations (but not the procedural or remedial provisions) of the *Fire Code* (British Columbia), as amended from time to time, are hereby adopted and made part of this Bylaw such that every provision of the *Fire Code* (British Columbia), as amended from time to time, shall be considered a provision of this Bylaw.

Establishment

- 5. To the extent already established, the Fire Department is hereby confirmed.
- 6. The Fire Chief is authorized to administer this Bylaw.
- 7. The Fire Chief may appoint and dismiss Members.
- 8. The Fire Chief may appoint Officers to act as Fire Chief on his or her behalf.

Scope of Fire Department

9. The Fire Department is empowered to provide the following services:
- (a) Fire Protection;
 - (b) Assistance Response;
 - (c) Mutual Aid; and
 - (d) Public Services.

Powers of Fire Chief

10. The Fire Chief is authorized to exercise the following powers:

- (a) 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 a fire;
- (b) Take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fire;
- (c) Require an owner or occupier of real property to undertake any actions for the purpose of removing or reducing any thing or condition that the Fire Chief considers is a fire hazard or increases the danger of fire;
- (d) Exercise all of the powers of the fire commissioner under section 25 of the *Fire Services Act*, and for these purposes that section applies.

11. The Fire Chief or the Member in charge at an Incident may establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Fire Chief or the Member in charge.

Territorial Jurisdiction

12. The jurisdiction of the Fire Department extends to the boundaries of the District of Lantzville, but does not include Resource Forestry Lands, and no part of the Fire Department's Equipment and Members shall be used outside the District or in Resource Forestry Lands without:

- (a) the express authorization of a written agreement providing for the supply of Fire Department Equipment or Members outside the District's boundaries or in Resource Forestry Lands;
- (b) the approval of Council; or
- (c) a request for assistance in accordance with the *Emergency Program Act* (British Columbia).

Inspections

13. The Fire Chief and Members of the Fire Department may enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed.

14. The Fire Department shall conduct, or cause to be conducted, inspections of the classes of premises listed in Schedule "A" to this Bylaw at least as frequently as set out in Schedule "A" to this Bylaw.

General Fire Regulations

15. No person shall obstruct or interfere with the Fire Chief or a Member of the Fire Department in the performance of his or her duties under this Bylaw.
16. No person shall damage or destroy, or obstruct, impede or hinder the operation of, any Equipment of the Fire Department.
17. No person shall drive a vehicle over any Equipment of the Fire Department without the permission of the Fire Chief or a Member of the Fire Department.
18. No person shall falsely represent themselves as a Member of the Fire Department.
19. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any Incident, fire hydrant, cistern or body of water designated for fire fighting purposes.
20. No person shall tamper, obstruct or interfere with an emergency exit, fire extinguisher, fire alarm, sprinkler, standpipe or other fire safeguard installed in a building.
21. No person shall wilfully make or cause to be made a false request for the Fire Department to respond to an Incident.
22. No person shall enter the boundaries or limits of an area prescribed in accordance with section 11 unless that person has been authorized to enter by the Fire Chief or the Member in charge at the Incident.
23. Every owner or occupant of a building shall provide all information and shall render all assistance required by the Fire Chief or a Member of the Fire Department in connection with the inspection of the building.
24. No person shall ignite, start or maintain any fire on any highway or District boulevard allowance.

Removal of Fire Hazard

25. Every owner and occupier of property shall remove or reduce or cause to be removed or reduced any thing or condition directed by the Fire Chief to be removed or reduced under section 10(c) of this Bylaw, during the time stipulated in that order.
26. In the event the owner or occupier of property fails to comply with section 25 of this Bylaw, and the owner or occupier of that property has been given an opportunity to make representations to the Fire Chief in respect of that order, the District may by its own officers and employees or other persons, carry out the work necessary to comply with section 25 of this Bylaw at the expense of the owner or occupier, and the District may recover the costs of undertaking such work either as a debt against the person in default or, if the work is in relation to land or improvements on the owner or occupier's property, in the same manner and with the same remedies as property taxes.

Open Air Fires – General Prohibitions

27. No person shall ignite, start or maintain, or allow or cause to be lighted, ignited, started or maintained an Open Air Fire or Incinerator fire except in accordance with a burning permit issued by the Fire Department.

Open Air Fires - Exceptions

28. Despite section 27, a person may, without a burning permit, ignite, start or maintain, or allow or cause to be lighted, ignited, started or maintained:

- (a) an Open Air Fire composed of a pile of combustible material less than 1.2 metres high and less than 1.8 metres in diameter during the period beginning October 16th of a calendar year and ending May 14th of the following calendar year;
- (b) a fire for Fire Department training exercises;
- (c) an outdoor cooking or ceremonial fire, provided the fire is contained in a device or fixture for the purpose of cooking or ceremony and the fire is only burning propane, natural gas, clean wood or charcoal and does not exceed 0.61m in size;
- (d) an outdoor fire in a pit approved by the Fire Chief for use in designated campgrounds or tourist parks;
- (e) a Beach fire below the high tide line between the hours of 6:00 a.m. to 11:00 p.m.; unless prohibited by other regulatory agencies.
- (f) Agricultural Clearing Waste Fire subject to conditions in section 29.1 and 29.2 of this Bylaw; and
- (g) an Incinerator fire between sunrise and sunset on any Friday or Saturday;
- (h) every reasonable alternative for reducing, receiving or recycling debris has been pursued to minimize the amount of debris to be open burned;
- (i) the open burning is conducted in accordance with the conditions set out in the *Wildfire Act* and the Wildfire Regulations of British Columbia; and
- (j) all Provincial fire bans effective within the Coast Forest Region, shall apply within the District boundaries.

29. A person seeking a burning permit to ignite, start or maintain an Open Air Fire or Incinerator fire shall provide to the Fire Chief a completed application in the form attached as Schedule "B" to this Bylaw and the application fee set out in Schedule "C" to this Bylaw.

29.1 No person shall start, maintain or permit an Agricultural Clearing Waste Fire other than:

- i. During the period October 15 to November 15 in each year; and
- ii. having a burn registration number issued by the Province; and
- iii. with the prior written approval of the Fire Chief.

29.2 An Agricultural Clearing Waste Fire shall only be conducted in conformance with the *Open Burning Smoke Control Regulation*, as amended or replaced from time to time, enacted by the Province of British Columbia under the provisions of the *Environmental Management Act* including but not limited to:

- i. the smoke release period being not greater than 72 hours; and
- ii. burning prohibited during times of an inversion, when local winds are inadequate to disperse the smoke or the ventilation index is poor.

30. The Fire Chief in issuing a burning permit may impose terms and conditions relating to fire safety concerning the following:

- (a) the location of a fire;
- (b) the dates and times a fire may be lit or 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.

31. The Fire Chief may refuse to issue a burning permit where the issuance of a burning permit will result in a safety hazard to the public.

32. No person shall burn the following materials:

- (a) prohibited materials set out in the *Open Burning Smoke Control Regulation* under the *Environmental Management Act* (British Columbia);
- (b) household garbage;
- (c) animal carcasses; or
- (d) any other material which may produce heavy smoke that may foul or contaminate the atmosphere or an offensive odour that may disturb the enjoyment, comfort or convenience of individuals or the public.

33. At any time the Fire Chief may cancel or suspend a burning permit issued pursuant to this Bylaw:

- (a) if the Fire Chief considers that igniting or allowing a fire in any area may create a hazard to persons or property; or
- (b) if the permit holder fails to comply with the provisions of this Bylaw.

34. No person shall ignite, start or maintain:

- (a) an Open Air Fire or Incinerator fire in wind conditions exceeding 15 kilometres per hour;
- (b) an Open Air Fire or Incinerator fire unless a person over the age of 18 is in charge of the fire at all times and that person has sufficient equipment readily available to control the fire and prevent the fire from causing damage or becoming dangerous to life and property;
- (c) an Open Air Fire less than
 - (i) three (3) metres from any dry grass, shrubbery or wooden fence, and
 - (ii) five (5) metres from any building; or
- (d) an Incinerator fire less than
 - (i) three (3) metres from any dry grass, shrubbery or wooden fence,
 - (ii) five (5) metres beneath tree branches or from any building or fuel tank or from any other combustible material; or
- (e) a Ceremonial and/or Outdoor Cooking fire less than
 - (i) three (3) metres from any dry grass, shrubbery or wooden fence,
 - (ii) five (5) metres beneath tree branches or from any building or fuel tank or from any other combustible material.

35. Every person who ignites, or permits to be ignited, any Open Air Fire or Incinerator fire, is responsible for that fire and is liable for all expenses incurred by the District to respond to that fire. The cost of the District's response shall be the cost to the District for supplying Equipment and Members of the Fire Department as set out in Schedule "D".

False Alarm Fees

36. If the Fire Department responds to more than two False Alarms in a building in any calendar year, the owner or occupier of that building shall pay the fee set out in Schedule "C" for each subsequent response by the Fire Department to a false alarm in that building.

File Search Fees

37. Every person seeking documentation or file searches on occupancies for outstanding *Fire Code* (British Columbia) violations or infractions, copies of permits, or other related information shall, prior to receiving the documents or information, pay the fee specified in Schedule "C".

Offence and Penalties

38. Any person who contravenes this Bylaw is liable upon summary conviction to a minimum fine of \$500 and a maximum fine of \$10,000 and the cost of prosecution. Every day during which there is an infraction of this bylaw shall constitute a separate offence.

Severability

39. If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

Repeal of Existing Bylaws

40. The *Fire Regulations Bylaw, 1993* and all amendments thereto, and the *Lantzville Improvement District Fire Department Establishment and Operations Bylaw No. 228* and all amendments thereto are hereby repealed and replaced with this Bylaw.

READ A FIRST TIME this 14th day of June, 2010.

READ A SECOND TIME this 14th day of June, 2010.

READ A THIRD TIME this 26th day of July, 2010.

RECONSIDERED AND FINALLY ADOPTED this 28th day of July, 2010.

Mayor

Director of Corporate Administration

I hereby certify that the above is a true and correct copy of "District of Lantzville Fire Protection Services Bylaw No. 86, 2010", as adopted by Council of the District of Lantzville on the 28th day of July, 2010.

Director of Corporate Administration

SCHEDULE A

FREQUENCY OF INSPECTIONS

The Lantzville Fire Department conducts all fire and life safety inspections:

a) at least every 12 months for the following occupancy:

- Bed and breakfast occupancies
- High industrial hazard
- Public assembly
- Institutional
- Multi-unit residential
- Medium industrial hazard

b) at least every 24 months for the following occupancies:

- Service industry
- Mercantile
- Low industrial hazard

SCHEDULE B

BURNING PERMIT

An incinerator must be made of a non combustible material with the opening for emitting products of combustion to the atmosphere covered with a screen or equivalent device with openings no larger than 2 1/2 cm x 2 1/2 cm (1" x 1").

1. In accordance with the conditions of Burning Permits, failure to comply with the conditions of the permit will result in fines being imposed by the District in accordance with the following.

Bylaw No. 86 states in part ...

38. Any person who contravenes this Bylaw is liable upon summary conviction to a minimum fine of \$500 and a maximum fine of \$10,000 and the cost of prosecution. Every day during which there is an infraction of this bylaw shall constitute a separate offence.

MATERIALS PROHIBITED BY THE WASTE MANAGEMENT ACT

The following material **will not** be burned in the "open air":

Asphalt; asphalt products; biomedical waste; demolition waste; domestic waste; drywall; fuel and lubricant containers; manure; paint; plastics; railway ties; rubber; tar paper; tires; treated lumber; special waste

Authority is Hereby Granted to:	
To Set Fire in an Authorized Incinerator on the following described lands:	
Telephone Number	
Signature of Permittee	
Purpose of the Burn	HOUSEHOLD REFUSE BEING PAPER, CARDBOARD, OR DRY UNTREATED WOOD**

EFFECTIVE PERIOD OF PERMIT: **MAY 15th - OCTOBER 15th -- FRIDAY & SATURDAYS ONLY.**

SIGNATURE OF ISSUING OFFICER

POSITION/TITLE

DATE ISSUED

**** AS INSTRUCTED BY THE MINISTRY OF ENVIRONMENT -- WASTE MANAGEMENT ACT.**

SCHEDULE C

FEES

- | | |
|--|-----------|
| 1. Application Fee for Burning Permit: | No charge |
| 2. False Alarm | No charge |
| 3. Clearing Waste Permit: | \$100.00 |

SCHEDULE D

EQUIPMENT AND PERSONNEL

1. Fire Trucks (including personnel and equipment on the truck)

- \$400.00 per hour, per truck

Schedule 'E'
"DISTRICT OF LANTZVILLE FIRE PROTECTION
SERVICES BYLAW NO. 86, 2010."

Legend

-  DISTRICT OF LANTZVILLE FIRE SERVICES AREA
-  RESOURCE FORESTRY LANDS

FIRE SERVICES AREA

RESOURCE FORESTRY

RESOURCE FORESTRY

CITY OF NANAIMO

REGIONAL DISTRICT OF NANAIMO

