

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 354 consolidated to include 354.1, 354.3 & 354.4

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

The Board of the Sunshine Coast Regional District in open meeting assembled hereby enacts as follows:

1. This bylaw may be cited for all purposes as "Sunshine Coast Regional District Fire Protection Bylaw No. 354, 1991".
2. In this bylaw:

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 Sunshine Coast Regional District.

Class A Burn Pile:

Means a fire used for burning land clearing debris on private property.

Class B Burn Pile:

Means a small backyard fire for burning waste material. The accumulations are normally hand piled, garden refuse materials and may be contained within an incinerator.

Construction Waste:

Means waste materials resulting from the construction, alteration, renovation or demolition of any building, structure or improvement to land and without limiting the generality of the foregoing, 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 the Fire Departments to combat an incident or other emergency.

Fire Chief:

Means the individual hired by the Regional District to be the Chief of a fire district or the volunteer fire fighter elected from time to time by the members of their respective volunteer fire departments, to be their respective Chief, whose name is then put forward by the Regional District Board for appointment by the Fire Commissioner as the Local Assistant to the Fire Commissioner.

Fire Inspection Officer:

Means the person or persons appointed by the Fire Chief to issue and inspect burning permits.

Fire Department:

Means the Gibsons, Roberts Creek, and Halfmoon Bay Volunteer Fire Departments.

Fire District / Fire Protection District:

Means the West Howe Sound, Roberts Creek, and Halfmoon Bay Fire Protection Districts.

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.

Garden Refuse:

Means grass or other clippings, leaves, weeds, brush, tree and shrub prunings, cuttings, and similar materials being waste from garden growth.

Incident:

Means a fire or a situation where a fire or explosion is imminent and includes assistance response circumstances described in Section 10(d) of this bylaw.

Incinerator:

Means a metal or masonry container or furnace or other similar device with a screen which prevents the escape of sparks.

Member:

Means a paid or volunteer fire fighter for the respective Fire Departments.

Occupant:

Means and shall include the registered owner and any lessee, tenant, and licensee of any building or premises; and

Outdoor Fire:

Means every fire that burns in the open air whether or not it is completely enclosed in an incinerator, furnace or other device, but does not include a campfire for cooking or warmth, a barbecue, or a fire for the purpose of aboriginal ceremony, where all regulations of the applicable fire department and any other authority having jurisdiction are observed.

Regional District:

Means the Sunshine Coast Regional District.

Sunshine Coast Regional District Fire Prevention Officer:

Means the person or persons authorized in writing by the Fire Chief to exercise the powers of a Local Assistant Fire Commissioner pursuant to the Fire Services Act, and put forward by the Regional District Board for appointment by the Fire Commissioner.

Toxic Materials:

Includes rubber tires, tar, asphalt shingles, batteries, electrical wire insulation, various plastic compositions, and all other similar substances which may produce heavy black smoke.

All other words and phrases shall be construed in accordance with the meaning assigned to them by the current British Columbia Building Code and the Fire Services Act, as the context and circumstances may require.

3. The conditions of this Bylaw are hereby in effect for areas within the fire protection districts under the jurisdiction of the Sunshine Coast Regional District, namely the West Howe Sound Fire Protection District, the Roberts Creek Fire Protection District and the Halfmoon Bay Fire Protection District. The areas that are subject to the conditions of this Bylaw as noted above are also subject to the provisions of Open Burning Smoke Control Regulation 145/93, enacted under the *Waste Management Act*.

Inspection of Premises

- 4.(a) The Fire Chief in his/her respective fire district, and the Sunshine Coast Regional District Fire Prevention Officer are hereby authorized to enter, at all reasonable times, upon any property within the jurisdiction of the fire districts in order to ascertain whether the requirements of this Bylaw are being complied with.

- (b) In addition to the powers vested in the Fire Chief and the Sunshine Coast

Regional District Fire Prevention Officer by the "Fire Services Act", they are hereby authorized and empowered to inspect premises for conditions which may cause fire, or increase the danger of a fire, or increase the danger to persons, and to deal with any matter within the scope of the "Fire Services Act" in a manner not repugnant to any provision of that Act or regulations thereunder.

- (c) Every occupant of every building and premises shall provide all information and shall render all assistance required by the Fire Chief or Sunshine Coast Regional District Fire Prevention Officer in connection with the inspection of premises pursuant to this Bylaw.
- (d) No person shall purposely withhold or falsify any information required by the Fire Chief or Sunshine Coast Regional District Fire Prevention Officer, or refuse to assist in the carrying out of any inspection pursuant to this Bylaw.
- (e) No person shall obstruct or interfere with the Fire Chief or Sunshine Coast Regional District Fire Prevention Officer while carrying out any inspection pursuant to this Bylaw.

Permits

- 5.(a) Every application for a permit pursuant to this Bylaw shall be made to the Fire Chief in the form prescribed by him/her for such purpose.
- (b) The Fire Chief is hereby authorized and empowered to grant or refuse any such permit, subject to the provisions of this Bylaw, the "Fire Services Act", and the "Forest Act".
- (c) Every application for a permit pursuant to any other bylaw of the Regional District to authorize any construction or installation which is subject to the regulations made pursuant to the "Fire Services Act", shall be accompanied by such information, plans, or drawings as the Fire Chief shall deem necessary.
- (d) The Fire Chief is hereby authorized and empowered to refuse, suspend or revoke any permit which contravenes any provision of this Bylaw, the "Fire Services Act" and regulations pursuant thereto, or any condition attached to any permit pursuant thereto.
- (e) Every application for a permit pursuant to this Bylaw shall include a copy of the burning permit issued by the Ministry of the Environment in compliance with the Waste Management Act or alternatively, information that confirms that the proposed burning is exempt from the requirement of a permit under the said Act.

Remedial Orders

- 6.(a) The Fire Chief and the Sunshine Coast Regional District Fire Prevention Officer are hereby authorized and empowered to issue orders in writing requiring the correction or removal of any condition or thing in or about any building or structure which is in contravention of this Bylaw, and every occupant shall be responsible for the carrying out of every requirement of every such order.
- (b) Every order issued by the Fire Chief or the Sunshine Coast Regional District Fire Prevention Officer pursuant hereto, shall state a date by which the said order shall be carried out. This date shall be fixed at the discretion of the Fire Chief, having regard to the degree of urgency involved in correcting or removing conditions which may tend to increase the hazard of fire or danger to life and property.

Regulations

- 7.(a) Every building which is equipped with a passenger elevator shall 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 dimensions of each such sign shall not be less than 75 mm by 130 mm.

- (b) The occupant of every building having three (3) or more storeys shall display at each floor level, in each stairwell thereof, and conspicuously located therein, a number or sign to identify each floor level.
- (c) No person, except any employee of the Regional District in the course of their employment, shall make or light any fire on any Regional District property, or any park or public place within the Regional District's jurisdiction, except with the written consent of the Regional Board.
- (d) No person shall discard, throw down or drop any lighted match, cigar, cigarette or other burning substance into combustible material or in close proximity thereto.
- (e) All commercial refuse containers shall be located in areas designated and/or approved in advance in writing by the Fire Chief or the Sunshine Coast Regional District Fire Prevention Officer. Commercial refuse containers located adjacent to any building or structure shall be stored in noncombustible enclosures. A noncombustible top or ceiling shall be provided where any combustible material exists above such enclosure.
- (f) No person shall permit any accumulation of waste materials, such as or namely,

paper, hay, grass, straw, weeds, litter, or combustible waste, or rubbish of any kind to be or to remain upon any roof or in any court, yard, vacant lot or open space. All weeds, grass, vines or other growth, when the same is liable to catch fire and endanger property, shall be cut down and removed by the occupant of the property on which the same is located.

- (g) Except as hereinafter provided, no person shall at any time, start, light, ignite, or burn, or knowingly permit or cause to be started, lighted, ignited, or burned, any fire of any kind whatsoever in the open air, or in any portable appliance or device whatsoever in the open air, except where such fire is a camp fire or contained within a portable appliance or device and is used solely for the cooking and/or preparation of food.

- (h) Notwithstanding the provisions of Section (g) hereof, the burning of Class B burn piles shall not be permitted except between October 15 and April 15, inclusive.

Any burning of any materials permitted under this section shall be carried out at a distance of not less than fifteen (15) metres from any building, five (5) metres from any property line and at a safe distance from all combustible materials. Class B burn piles shall not exceed 2 metres in height and 3 metres in diameter. Such materials shall be gathered from the property on which the burn is to take place and shall not be hauled from another location.

- (i) Notwithstanding the provisions of Subsection (h) hereof, the Fire Chief or Fire Inspection Officer may, when he considers it safe to do so, issue permits to authorize the burning in the open air of materials resulting from the clearing or grading of land (Class A Burn Piles), and for the destruction of waste agricultural materials, weeds, crops or stubble.

In each such permit the Fire Chief or Fire Inspection Officer shall specify the minimum distance from buildings, structures, and other combustible materials at which such burning may be carried out. In no case shall such burning be permitted within thirty (30) metres from any building or structure or such greater distances required by the Open Burning Smoke Control Regulation, nor within 15 meters from any property line.

- (j) No person shall start, permit or maintain an outdoor fire whether within an incinerator or otherwise for the burning of:

- (a) toxic material;
- (b) construction waste

- (k) Every person undertaking any burning of any materials permitted under this

bylaw shall place a competent person in charge of such fire and shall ensure that such person shall remain in attendance at such fire at all times while the same is burning and until it is completely extinguished and shall provide such person with sufficient appliances, equipment and labour to effectively maintain control over such fire and prevent the same from spreading, causing damage, or becoming dangerous to life or to other property.

- (l) Burning of any material in accordance with this bylaw shall not absolve any person from liability for any damage which may result from any fire started pursuant to this bylaw.
- (m) Where, in the opinion of the Fire Chief, conditions of unusual danger or exposure to fire exists, the Fire Chief may, by written Order, suspend any burning permit or establish any area within the fire district as a "restricted district" within which campfires or other burning in the open air shall not be permitted, and may establish the date after which such area shall remain closed to such burning. Every such Order shall be effective as of the date of issue and shall remain in effect until rescinded by the Fire Chief in writing.
- (n) Nothing in this bylaw prohibits fires set or controlled by a person acting under an order of a local assistant, as defined in the *Fire Services Act*, if the local assistant orders the fire for training purposes.

Disposal of Combustible Materials

- 8.(a) The Fire Chief may restrict or prohibit the deposit of combustible materials in any landfill operations within the fire district where the deposit of such material may, in his/her opinion, tend to create an undue fire hazard within the area of deposit or be considered hazardous to the real properties adjacent thereto.
- (b) In deciding upon the action to be taken relative to each such landfill, the Fire Chief may consider the conditions relative thereto and, without limiting the generality of the foregoing, may have regard to the chemical composition of the fill materials, the physical consistency of the materials, the frequency of covering same with suitable inert materials, the volume of the deposit and the placement of effective perimeter fire guards or breaks around the filled area.

Fire Hydrants

- 9.(a) An area having a radius of one (1) metre around each fire hydrant or standpipe shall be maintained clear and unobstructed, and each such hydrant or standpipe shall be located in clear view from the roadway while approaching same from either direction.
- (b) The type, capacity, colour, and location of each fire hydrant on privately owned

lands shall be subject to the approval of the Fire Chief.

- (c) No person shall make any attachment or connection to any hydrant or standpipe without the authorization of the Fire Chief and the Sunshine Coast Regional District Superintendent of Public Works.
- (d) No person shall use or take water from any standpipe or hydrant of the Regional District without first obtaining a permit to do so from the Superintendent of Public Works of the Regional District, and every such permit shall be subject to the approval of the Fire Chief.

Fire Department Operations

- 10. (a) The Gibsons, Roberts Creek and Halfmoon Bay Volunteer Fire Departments are hereby established and the head of each Fire Department shall be known as the Fire Chief.
- (b) In addition to the Fire Chief, Fire Services personnel shall consist of such number of Deputy or Assistant Chiefs, Captains and other officers and members as from time to time may be deemed necessary by the Fire Chief.
- (c) The Fire Chief shall be responsible for the management, control and supervision of the Fire Department, all Fire Services Personnel and the discipline thereof, and the care, custody and control of all buildings, apparatus and equipment of the Fire Department.
- (d) The Fire Chief has responsibility and authority over the Fire Department subject to the direction and control of the Board to which he shall be responsible, and in particular he shall be responsible for all fire protection and assistance response activities and such other activities as the Board directs including but not limited to:
 - (i) first response medical emergencies,
 - (ii) rescue operations,
 - (iii) mutual aid to fire service including Ministry of Forests,
 - (iv) response to hazardous materials incidents, and
 - (v) public services.
- (e) The Fire Chief may from time to time make rules and regulations for the proper and efficient administration and operation of the Fire Department and for the discipline of its members, and may vary, alter, or repeal such rules or regulations as s/he shall from time to time deem fit or necessary.
- (f) The Fire Chief shall, by October 31 of each year, submit the annual

requirements of the Fire Department to the Regional District for approval and submission to the Regional Board for inclusion in the annual budget.

- (g) The Deputy or Assistant Chiefs shall report to the Fire Chief and, in the absence of the Fire Chief, shall have all the powers and shall perform the duties of the Fire Chief.
- (h) The Fire Chief or the Member in charge, at any fire shall have authority in case of fire to cause the demolition of any building or part of a building which, in the judgement of the Fire Chief or the Member in charge, should be demolished in order to prevent the spread of fire or to prevent damage to persons or property or loss of life.
- (i) No person shall refuse to permit any Fire Services Personnel to enter into or upon any premises from which an alarm of fire has been received or in or upon which such Fire Services Personnel has reasonable grounds to suspect that a fire exists.
- (j) No person shall impede in any way or hinder any Fire Services Personnel in the execution of their duties or any other person acting under the direction of any Officer of the Fire Department in command at any fire.
- (k) The Fire Chief, or the Member in charge, at an incident is empowered during the incident to enter, pass through or over buildings or property adjacent to an incident and to cause members of the Fire Department and the apparatus and equipment of the fire Department to enter or pass through or over buildings or property, where he deems it necessary to gain access to the incident or to protect any person or property.
- (l) No person shall be permitted to enter any building threatened by fire or to enter within the fire lines designated by ropes, guards or barriers across any streets and lanes erected or placed by the police or Fire Departments without the express consent of the Fire Chief or the Member in charge.
- (m) Every person in the vicinity of any fire where the Fire Department is called or is in attendance shall obey all traffic control directions given by any Peace Officer or by any member of the Fire Department.

Offenses and Penalties

11. When a garden refuse fire or a clearing waste fire within a Fire Protection Area under the jurisdiction of the Sunshine Coast Regional District is:
- (a) started, maintained or permitted in contravention of this bylaw; or
 - (b) not extinguished as required by this bylaw; or
 - (c) when the fire becomes out of control;

and the Fire Department for such a fire protection area is required to attend to control or extinguish the fire, the amount of \$400 per truck per hour may be charged to the owner of the property to which the service is provided, and shall be payable by the property owner to the Sunshine Coast Regional District within thirty (30) days of receipt of notice of such charges. The minimum charge per truck shall be one hour.

12. Every person who contravenes or violates any provision of this Bylaw or any permit or order issued pursuant hereto, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw or any permit or order used pursuant hereto, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or any permit or order issued pursuant hereto, commits an offence and shall be liable, on summary conviction thereof, to a fine of not less than Two Hundred and Fifty (\$250.00) dollars and not more than the maximum penalties provided under the Offence Act and, where the offence is a continuing one, each day that the offence continues shall be a separate offence.