

BOWEN ISLAND FIRE PROTECTION
DISTRICT
BYLAW NO.
41

A bylaw to provide for the Establishment and operation of a fire department, for preventing and suppressing fires, and for regulating people at fires within the Bowen Island Fire Protection District.

WHEREAS the Board of Trustees of the Bowen Island Fire Protection District has deemed it advisable to amend the Bowen Island Fire Protection District Bylaw No. 38, by repealing it in its entirety;

NOW THEREFORE, the Trustees of the Bowen Island Fire Protection District in open meeting assembled enacts as follows:

Definitions

1. In this bylaw, unless the context otherwise requires:

"Apparatus" shall mean any vehicle provided with machinery, devices, equipment or materials for fire fighting and assistance response as well as vehicles used to transport fire fighters or supplies;

"Authorized" shall mean authorized by the Fire Chief.

"Authorized Incinerator" shall mean any metal or masonry container - in good condition mounted on a non-combustible base, fitted with a metal screen or grill of less than 12.5 mm (1/2") mesh to restrict any sparks or flying debris;

"Board" shall mean the Board of Trustees of the Bowen Island Fire Protection District;

"Building" shall mean any structure or building used or intended to be used for the support, shelter or enclosure of persons, animals or chattels'

o

"District" shall mean the Bowen Island Fire Protection District;

"Equipment" shall mean any tools, contrivances, devices, or materials used by the Fire Department to combat an incident or other emergency;

"Fire Chief" shall mean the Fire Chief of the Bowen Island Fire Protection District or any person designated by him to act on his behalf;

"Fire Department" shall include the Fire Department of the District and the Fire Department of any other fire protection district or municipality attending fires within the District;

"Fire Hazard" shall mean any condition that is conducive to the destruction of life or property by fire, or will, or is likely to increase the extent or severity of the fire;

"Fire Protection" shall mean 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;

"Gasoline" shall mean any product of petroleum or any liquid that will flash or emit a flammable vapour below the temperature of one hundred ten degrees Fahrenheit (110° F), or forty-four degrees Celsius (44° C);

"Incident" shall mean a fire or a situation where a fire or explosion is imminent and includes assistance response circumstances described in section 8 or any other situation presenting a danger or possible danger to life or property and to which the Fire Department has responded;

"Member" shall mean any person who is a duly appointed member of the Fire Department;

"Occupant" shall mean owner, agent, lessee, licensee or tenant of any Building or premises to which any of the provisions of this bylaw applies.

"Person" shall mean natural persons of either sex, associations, corporations, or co-partnerships, whether acting by themselves or by a servant, agent, or employee, and the heirs, executors, administrators, or assigns or other legal representatives of such persons to whom the context shall apply according to laws;

"Public Building" shall include but not be limited to a building, hotel, apartment house, theatre, public hall, assembly hall, dance hall, skating rink, arena, place used for public amusement, school or place of public assembly;

"Rubber" shall mean rubber goods, tires, plastics, and tar, asphalt roofing materials, and building paper;

"Rubbish" shall mean any readily combustible inorganic dry waste material, but does not include animal or vegetable wastes;

"Vehicle" shall mean every device upon or in which any Person or property is, or may be, transported or drawn on or upon a public highway.

Application of Bylaw

2. Even where this bylaw and any regulations under the Fire Services Act deal with the same subject matters, any further or more stringent restrictions in this bylaw on the use of property or fire shall have full force and effect.
3. In the event of any conflict, inconsistency or repugnancy between this bylaw and the Waste Management Act, the Waste Management Act shall, in all cases, prevail.

Establishment and Duties of the Fire Department

4. There is hereby established a Fire Department to be known as the Bowen Island Fire Department.
5. The Fire Chief shall be appointed by the Board. Other officers and Members as the Fire Chief deems necessary may be appointed to the Fire Department with the approval of the Board.
6. The Fire Chief may appoint other officers of the Fire Department to act as Fire Chief on his behalf.
7. The limits of the jurisdiction of the Fire Chief, and the officers and Members of the Fire Department will extend to the area and boundary of the Bowen Island Fire District, and no part of the fire Apparatus shall be used beyond the limits of the District without the express authorization of a written contract or agreement providing for the supply of fire fighting services or assistance response outside the District boundary.
8. The Fire Chief has complete 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 required to carry out all fire protection activities, assistance response and other such activities as the Board directs, including, but not limited to:
 - i) first response to medical emergencies;
 - ii) rescue operations;
 - iii) mutual aid to other fire services;
 - iv) response to hazardous material incidents;
 - v) public service.
9. The Fire Chief or, in his absence, the senior ranking Member present, shall have control, direction and management of all Fire Department Apparatus, Equipment or manpower assigned to an Incident, and where a Member is in charge, he shall continue to act until relieved by an officer Authorized to do so.

10. The Fire Chief shall take responsibility for all Fire Protection matters including the enforcement of the Fire Services Act and regulations thereunder, and shall assume the responsibilities of the Local Assistant to the Fire Commissioner.
11. Officers and Members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department by the Board, and the Fire Chief shall report to the Board on the operations of the Fire Department or on any other matter in the manner designated by the Board.
12. The Board shall determine the remuneration of all Members of the Fire Department.
13. Any Member of the Fire Department may be suspended or discharged by the Fire Chief at any time he may deem such action necessary for the good of the Fire Department provided, however, that the Member so discharged or suspended by the Fire Chief may, within seven days, appeal in writing to the Board who shall, within two weeks, hold a hearing and either order that the Member so suspended or discharged be reinstated, or that the action of the Fire Chief be confirmed.

Powers of the Fire Chief and Members

14. The Fire Chief, or any other Member in charge at an Incident, is hereby empowered to cause a Building, structure or thing to be pulled down, demolished, or otherwise removed if he deems it necessary to prevent the spread of fire to other Buildings, structures, or things.
15. The Fire Chief, or any other Member in charge at an Incident, is hereby empowered to enter premises or property where the Incident occurred and to cause any Member, Apparatus, or Equipment of the Fire Department to enter, as he deems necessary, in order to combat, control, or deal with the Incident.
16. The Fire Chief, or any other Member in charge at an Incident, is hereby empowered 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.
17. The Fire Chief, or any other Member in charge at an Incident may, at his discretion, establish boundaries or limits and keep Persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him.
18. The Fire Chief, or any other Member in charge at an Incident, is hereby empowered to commandeer privately owned Equipment which

he considers necessary to deal with an Incident. Remuneration rates shall be those prevailing immediately prior to the Incident.

19. The Fire Chief, or any other Member in charge at an Incident, may require Persons who are not Members to assist in extinguishing a fire, removing furniture, goods and merchandise from any Building on fire or in danger thereof, and in guarding or securing same, and in demolishing a Building or structure at or near the fire or other Incident.
20. With the exception of a privately owned and occupied single-family dwelling, the Fire Chief is hereby empowered to enter upon any land or premises for the purpose of making an inspection or investigation and no Person shall obstruct the Fire Chief in making any entry authorized by this bylaw. The Fire Chief's inspection of premises may include:
 - i) determining the existence of conditions which may cause a fire, increase the danger of a fire or increase the danger to Persons;
 - ii) ensuring that any flammable matter is rendered harmless or suitably safeguarded against fire by requiring the erecting of barricades, the posting of "no admittance signs", or any other measures deemed necessary by the Fire Chief;
 - iii) investigating the cause or origin of a fire and removing or scizing any evidence pertaining to a fire.

Obstruction of Fire Department Members

21. No Person shall, in any way, impede, obstruct, or hinder any Member of the Fire Department or any other Person assisting or acting under the direction of the Fire Chief or other Member in charge at any fire or other emergency.
22. No Person shall damage or destroy Fire Department Apparatus or Equipment.
23. No Person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire, Incident, fire hydrant, cistern, or body of water designated for firefighting purposes.

Breaking Blockade

24. Except with the permission of the Fire Chief, no Person shall be permitted to enter any burning Building or to cross the lines across any alley, lane, street or area marked by ropes or guards.

Driving Over Hose

25. No Person shall drive or run over any fire hose with any Vehicle without the permission of the Fire Chief or Person designed by him to act on his behalf.

Access to Fire Hydrant

26. No Person shall place or maintain any object or matter or vegetation on a sidewalk or street which interferes with free access or approach to any fire hydrant.

Prohibition of Smoking

27. Where, in his opinion, smoking may create a fire or explosion hazard, the Fire Chief may prohibit smoking in any Public Building or any structure or open space in which combustible materials are handled, stored, manufactured or sold.
28. Where, in the opinion of the Fire Chief, smoking should be prohibited, written notice shall be given to the Occupant to post suitable signs that smoking is prohibited in or on such premises or Buildings and the Occupant thereof shall prohibit smoking in such premises or Buildings. The term "smoking" shall include the carrying of a lighted pipe, cigar or cigarette.

Fire Escapes

29. Each storey above the ground floor of any building in the District used as a school, hotel, apartment building, duplex or boarding house, as defined in the local zoning bylaw, shall be provided by the owner with an adequate fire escape or adequate fire escapes, and the owner, and the tenant, if any, shall maintain the same in good repair and condition.

Exit Doors to Open Readily

30. No door to any exit leading to a fire escape in any building shall be closed or fastened except with a standard panic or exit bolt, which may be readily opened without the aid of a key or other devices.

Chimneys, Stovepipes, Flues, Furnaces, and Fireplace Installations

31. No owner or Occupant of a Building shall permit any chimney, stovepipe or flue to remain in a condition which may cause or create a Fire Hazard.

32. Every owner or occupant of a Building shall keep all openings in the chimney in the Building closed by a proper stopper of metal or other non-combustible material when the openings are not in use.
33. Where he deems it necessary, the Fire Chief may examine carefully any chimney, flue, fireplace hearth, oven, furnace, heater, boiler, stove, Steam pipe, funnel or any other Equipment which may be a Fire Hazard.
34. Should any chimney, stovepipe, flue, fireplace, hearth, oven, furnace, heater, boiler, stove, steam pipe, funnel or any other Equipment be found to be a Fire Hazard, the Fire Chief shall notify the owner or Occupant of the Building of the condition and the remedy required, and the date by which the condition shall be corrected.
35. No owner or Occupant of any Building shall install a fireplace or woodstove without a written permit from the Fire Chief.

Ashes

36. No Person shall deposit any ashes or allow any ashes to be deposited or remain in any combustible container and/or on the floor of any Building which is within 300 mm (12 inches) of any woodwork or any other combustible material.
37. It shall be unlawful for any Person to deposit, or allow or cause to be deposited, any paper, straw, hay, shavings, or other combustible or flammable material or thing in or among any ashes or other materials or things taken from any stove, furnace, or fireplace.

No Open Flame or Smoking Near Flammable Material

38. No Person within the District, in that part of any Building where there is an accumulation of hay, straw, shavings or other readily flammable material . or liquids, shall smoke, or have in his possession any lighted pipe, cigar or cigarette, or light or carry any naked light, flame, or light not enclosed in a shade or other non-combustible guard.

Control of Combustible and Flammable Materials

39. No Person shall, within the District, keep any waste, rags, papers, or other substance liable by spontaneous combustion to cause fire, except in a container made of metal or other non-combustible material and with an airtight top or lid of the same type of material.
40. No Person shall, within the District, deposit or allow to collect or be deposited any paper, Rubbish, or other combustible material likely to cause or promote fire which would be dangerous to Buildings or other property.

41. Any Person who makes, uses or has charge of shavings, paper bags, litter or other combustible material shall, at the close of each day, ensure that they are safely stored or disposed so as to be safe from fire.

Removal of Fire Hazards and Security of Unoccupied Buildings

42. Any owner or Occupant of real property in the District shall remove any matter or thing situated in or on any Building or premises which, in the opinion of the Fire Chief, is a Fire Hazard or increases the danger of fire.
43. Any owner of an unoccupied Building shall ensure that it is properly secured against entry by unauthorized Persons.
44. Where, in the opinion of the Fire Chief, a Fire Hazard exists or any unoccupied Building is not properly secured, written notice of the condition to be remedied and the date by which the corrections must be made shall be sent to the owner or Occupant at their last known address and a warning notice shall be placed in a conspicuous place on the Building or premises.

Burning and Permits for Burning

45. Except as provided in this bylaw, no Person shall light, ignite, or maintain any fire or permit or cause any fire to be lit, ignited, or maintained in the "open air" without first obtaining a written permit from the Fire Chief. The written permit shall be in the form set out in the schedule attached hereto, or to like effect, and shall not be valid after expiration thereof. The conditions and duration of a permit are at the sole discretion of the Fire Chief, who may also withhold or cancel any permit issued where, in his opinion, the igniting of a fire may create a hazard to Persons or property.

"Open Air Fires -

46. A fire in the "open air" shall mean a fire out-of-doors, not contained in an Authorized Incinerator and the permit holder or some competent Person appointed by him shall supervise and keep under control any burning in the "open air" and ensure that any Equipment necessary for fire control is available.
47. The permit holder or some competent Person appointed by him shall ensure that a fire in the "open air" is located at least:
 - i) 3m (10 feet) from any grass, shrubbery or wooden fence; and
 - ii) 6 m (20 feet) from any Building.

Authorized Incinerators

48. The owner of an Authorized Incinerator shall ensure:
- i) that the Authorized Incinerator is maintained in a condition that provides for proper combustion of any material burned;
 - ii) that while in use, the permit holder or some competent Person appointed by him shall supervise any burning and ensure that any Equipment necessary for fire control is available;
 - iii) that the Authorized Incinerator is located at least:
 - a) 2m (6 feet) from any dry grass, shrubbery or wooden fence; and
 - b) 4.5m (15 feet) from any Building.

Restrictions Regarding Fires in the "Open Air" or in an Authorized Incinerator

49. Except a fire lawfully maintained by special written permit from the Fire Chief, no Persons shall ignite or have burning any fire in the "open air" or in an Authorized Incinerator:
- i) between sunset of one day and sunrise of the following day; or
 - ii) between the hours of sunset Saturday and sunrise of the following Monday during the months of May, June, July, August, and September in any year; or
 - iii) on any statutory holiday during the months of May, June, July, August, and September.
50. Except for the occasional "open air" burning of waste materials resulting from agriculture or gardening, no Person shall burn any waste material other than in an Authorized Incinerator.

Burning for Land Clearing and Logging

51. No Person shall start or maintain any open burning or authorize any such fire to be started or maintained for the purpose of land clearing or logging unless the site has been inspected and a permit obtained from the Fire Chief, or other Person duly appointed for such purpose in pursuance of the provisions of this bylaw.
52. A fee of FIFTY DOLLARS (\$50.00) shall be charged for each site inspection.
53. No material other than dry wood, paper, cardboard or diesel fuel oil shall be used as fuel to start, assist or enhance the burning,

without the specific permission of the Fire Chief, and all burning shall be assisted by a forced combustion air supply capable of delivering 500 cubic meters (18,000 cubic feet) through a pile no greater than 12 meters (40 feet) long, 3.7 meters (12 feet) wide and 2.5 meters (8 feet) high.

54. Burning material shall be contained so that maximum heat is retained and production of particulate matter is minimized. (Containment can be provided by a pit, a berm, or a portable concrete block structure with the top higher than the material to be burned.)
55. Burning shall be consistent with good combustion practices and operating procedures and the Fire Chief or his designate may impose additional conditions, if necessary, to reduce emissions.
56. Land clearing fires shall be attended continuously by a responsible adult until the ashes are cold or any excavation is filled and firm.
57. If, in the opinion of the Fire Chief, or other Person duly appointed for such purposes in pursuance of the provisions of this bylaw, land clearing material is considered unsafe to be burned on the site or such may cause a nuisance by reason of smoke or flyash, it may be transported to another area designated by the Fire Chief and disposed of in a reasonable and safe manner.
58. No Person shall be required to obtain a permit for the occasional burning of indigenous waste material in an Authorized Incinerator from October 1st in any year to April 15th of the following year unless proclaimed otherwise by the Fire Chief.

Unauthorized Fires

59.
 - i) No Person shall light or maintain any fire either in the "open air" or in any form contained on any street, lane or boulevard allowance, without proper Authorization.
 - ii) No Person shall burn any animal, vegetable or food wastes or scraps, Rubber, or any other materials which create a noxious odour.
 - iii) No Person shall burn any materials resulting from the construction or demolition of any Building.
60. Fires set by a Person acting under an order of a district manager, as defined under the Forest Act, or a local assistant, as defined under the Fire Services Act, or Fire Chief are Authorized where the district manager or local assistant or Fire Chief orders the fire for training purposes, or determines that a Fire Hazard exists and orders its removal by burning.

Gasoline Storage

61. Except as Authorized by a valid written permit issued by the Fire Chief, no Person shall store or keep Gasoline within the District other than:
 - i) Gasoline not exceeding 45 litres (10 gallons) in a closed metal container or in approved plastic container for outdoor storage only;
 - ii) Gasoline in the Gasoline tank of an automobile, Gasoline engine, motor boat, or aeroplane, whose tank is permanently connected to and supplies its engine.

Storage of Explosive or Flammable Compounds, Liquids or Materials in Public Buildings and Disposal of Gasoline Storage Tanks

62. Except in a place especially provided for the purpose and approved by the Fire Chief, it shall be unlawful for any Person to keep, store or use any combustible, explosive or flammable compounds, liquids or materials in any part of a Building used or maintained as a Public Building.
63. All unused Gasoline storage tanks on service station sites shall be either filled or removed.

Enforcement, Requirement to Comply and Penalties for Non-Compliance

64. In the event that the Fire Chief has reasonable grounds to believe that a Fire Hazard exists, the Fire Chief may enter upon any premises in order to ascertain that the provisions of this bylaw are being obeyed and no Person shall obstruct the Fire Chief in the discharge of his duty under this bylaw.
65. Any Person violating any orders, notices, or time deadlines given for compliance by the Fire Chief shall be deemed to be guilty of an infraction of this bylaw and shall be liable to the penalties herein imposed.
66. Any Person who violates any provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act or thing or omits any act or thing thus violating any of the provisions of this bylaw, shall be deemed to have committed an offence, and upon summary conviction is liable to imprisonment for a term of not more than 6 months or to a fine of not and imprisonment, and where any violation continues, each day in which it continues shall be a separate violation for the purpose of prosecution under this bylaw more than \$2,500, or to both fine

- 67. If any section, subsection, sentence, clause or phrase in this bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw.
- 68. Wherever the singular or masculine is used in this bylaw, the same is deemed to include the plural or the feminine or the body corporate or politic as the context so requires.
- 69. Upon adoption of this bylaw, Bylaw 38, 1990 is hereby repealed.
- 70. This bylaw may be cited as the "Bowen Island Fire Protection District Fire Regulations Bylaw No. 41, 1993".

Read a First time this _____ day of _____, 1993.

Reconsidered, finally passed and adopted by the Board of Trustees this day of _____, 1993.

Chairperson of the Trustees

Secretary of the Trustees

I, _____, hereby certify the foregoing to be a true and correct copy of Bylaw No. 41 cited as the Bowen Island Fire Protection District Fire Regulations Bylaw No. 41, 1993 passed by the Trustees on the _____ day of _____, 1993, Dated at Bowen Island, B.C. this _____ day of _____, 1993.

Secretary of the Trustees

