

District of



Coldstream

Fire Protection Bylaw No. 1712, 2018
adopted May 14, 2018

A bylaw to establish regulations for the protection of persons and
properties from fire

**CONSOLIDATED FOR
CONVENIENCE ONLY**

**Includes amendments adopted
up to May 25, 2021**

**DISTRICT OF COLDSTREAM
BYLAW NO. 1712, 2018**

A BYLAW TO ESTABLISH REGULATIONS FOR THE PROTECTION OF PERSONS AND PROPERTIES FROM FIRE

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

NOW THEREFORE the Council of the District of Coldstream ENACTS AS FOLLOWS:

TITLE

- 1 This Bylaw may be cited as "DISTRICT OF COLDSTREAM FIRE PROTECTION BYLAW NO. 1712, 2018".

INTERPRETATION

- 2 (1) In this Bylaw:

"apparatus"	means any vehicle provided to transport equipment, Members, or supplies used by the Fire Department to respond to an incident, with the exception of private vehicles.
"automatic dialing device"	means any device or combination of devices which will, when activated by mechanical, electronic or other means, automatically initiate a telephonic alarm signal designed to be transmitted over regular telephone lines to a monitoring firm.
"building"	means a structure that is used or intended to be used for supporting or sheltering any use or occupancy.
"Building Official"	means the person(s) appointed by the District or person designated to act in his or her place, to issue building permits in the District.
"Chief Administrative Officer"	means the Chief Administrative Officer of the District or a person appointed to act in his or her place.
"Council"	means the Council of the District.
"District"	means the The Corporation of the District of Coldstream.
"equipment"	means any tools, contrivances, devices or materials used by the Fire Department to respond to an incident.

“explosive”	means gunpowder, nitroglycerin, gun cotton, dynamite, blasting gelatin, gelignite, fulminate of mercury or other metals, coloured fire, and every other substance used or manufactured to produce a violent effect by explosion, or a pyrotechnic effect, and without limitation, includes fireworks, percussion caps, detonators, cartridges, and ammunition.
“false alarm”	means an alarm necessitating a response by the Fire Department which is activated unnecessarily, improperly or for a purpose other than to provide an alarm where an incident or other emergency exists.
"Fire Chief" or “Fire Chiefs”	means either or both of the two Members appointed by the Chief Administrative Officer as the head of the Fire Department, as the context requires, and any Member authorized by the Chief Administrative Officer to act in the absence of the Fire Chief.
“Fire Commissioner”	means the BC Fire Commissioner appointed by the Lieutenant Governor in Council
“Fire Department”	means the District of Coldstream Fire Department, including the Coldstream Fire Hall and Lavington Fire Hall.
“Fire Hall”	means the buildings, apparatus, equipment and Members operating out of the location designated.
“Fire Inspector”	means a person who meets the applicable standards established by the British Columbia Fire Commissioner and who has been designated by the District under the <i>Fire Safety Act</i> to conduct fire safety inspections.
“Fire Investigator”	means a person who meets the applicable standards established by the Fire Commissioner and who has been designated the District under the <i>Fire Safety Act</i> to conduct fire investigations.
“fire protection equipment”	means fire alarm systems, automatic sprinkler systems, special extinguishing systems, portable extinguishers, water supplies for fire protection, standpipe and hose systems, commercial kitchen exhaust systems, fixed pipe suppression systems in commercial kitchen exhaust systems, smoke control measures, emergency lighting, and emergency power installations.
“Fire Protection Technician”	means a person certified by the Applied Science Technologists and Technicians of BC (ASTTBC) to inspect and test fire protection equipment, and if applicable, to maintain such equipment.
“fireworks”	includes cannon crackers, fireballs, firecrackers, mines, Roman candles, skyrockets, squibs, torpedoes and any other explosive designated as a firework by regulation under the <i>Fireworks Act</i> .
“incident”	means a fire or any other situation or emergency to which the Fire Department is authorized to respond.

"Member"	means any person employed, whether as a probationary member, volunteer paid-on-call member, or employed by the Fire Department and shown as such on its roster, but does not include "honorary members".
"Officer"	means any Member duly elected as an officer of the Fire Department, by the Members, to the position of Deputy Chief, Assistant Chief, Captain or Lieutenant.
"Playbook"	means the current edition of British Columbia Structure Firefighter Competency and Training Playbook produced by the Office of the Fire Commissioner.
"Protective Services Coordinator"	means the person appointed by the District or person(s) designated to act in his or her place to enforce the provisions of this Bylaw.
"prunings"	means dead or overgrown branches that have been cut away from a tree.
"solid fuel"	means biomass fuels such as cordwood or other conventional firewood, chips, sawdust, peat logs, pelletized fuel, and kernel corn, but does not include coal.
"solid-fuel burning appliance"	means a device for burning solid fuel including, without limitation, a stove and fireplace insert, but excluding any appliance for the burning of coal.
"stump"	means the base of a tree trunk and its roots that have been removed for either agricultural purposes (e.g., clearing of land) or for wildfire management practices.
"vacant premises"	includes a lot, building or 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.
"vehicle"	means a vehicle as defined in the <i>Motor Vehicle Act</i> .

- (2) Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter*, *Local Government Act* and the *Interpretation Act* as the context and circumstances may require.
- (3) A reference to an Act in this Bylaw refers to a statute of British Columbia, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.
- (4) Words in the singular include the plural, and words in the plural include the singular.

- (5) Headings are for convenience only and must not be construed as defining or limiting the scope or intent of the provisions.
- (6) Provisions in this Bylaw that authorize the Fire Chief, Fire Inspector, Fire Investigator, Protective Services Coordinator, Fire Chief, Building Official or Chief Administrative Officer to take any action must not be interpreted to mean that the Fire Chief, Fire Inspector, Fire Investigator, Protective Services Coordinator, Fire Chief, Building Official or Chief Administrative Officer have any duty to take such action.

ESTABLISHMENT

- 3 (1) There is hereby constituted and continued a Fire Department for the District to be known as the District of Coldstream Fire Department.
- (2) The Fire Department consists of the Fire Chiefs, Officers, Members, apparatus, equipment, and structures of the Coldstream Fire Hall and the Lavington Fire Hall.
- (3) Each Fire Hall has a Fire Chief appointed by the Chief Administrative Officer. Each Fire Chief, subject to budget constraints and oversight by the Chief Administrative Officer, will appoint Officers in his or her Fire Hall who meet the requirements of the Playbook, the *Workers Compensation Act*, and the District.
- (4) The District indemnifies and holds harmless the Fire Chiefs, Officers and Members when acting in good faith on behalf of the District in their capacity as Members.

JURISDICTION

- 4 The limits of the jurisdiction of the Fire Department extend to the area and boundaries of the District, and its apparatus, equipment or Members will not be used beyond the limits of the District, except:
 - (a) when expressly authorized by a written contract or agreement that provides for the supply of firefighting services outside of the District boundaries;
 - (b) where an incident exists outside the boundaries of the District which, in the opinion of the Fire Chief, may pose an immediate threat to any life or property inside the boundaries of the District;
 - (c) when attending preapproved training;
 - (d) when attending events, such as a convention, with the prior approval of the authorizing person or body designated by Council;
 - (e) where specifically directed by a resolution of Council;
 - (f) where motor vehicle entrapment is confirmed or likely to occur in an incident in an Electoral Area adjacent to the District's boundaries, and an Emergency Management BC Task Number is obtained; or

- (g) with prior approval by the Chief Administrative Officer, to provide assistance to the BC Wildfire Service under and in accordance with the BC Wildfire Service's guidelines and policies.

FIRE CHIEFS

- 5 (1) The Chief Administrative Officer, on being satisfied that the qualifications of applicants for the position of Fire Chief meet the standards of the Playbook, the *Workers Compensation Act*, other applicable enactments, and any policy of the District, will provide the Members of the Fire Hall with the names of those applicants who are qualified for the position. After providing the Members with an opportunity to select one or more persons so qualified as their nominee(s), the Chief Administrative Officer will appoint the Fire Chief, taking into consideration the view of the Members.
- (2) The Fire Chiefs are individually and collectively responsible for the efficient operation and management of the Fire Department and the condition of all buildings, apparatus and equipment owned by, or in the possession of, the District for Fire Department purposes, and will report to the Chief Administrative Officer.
- (3) The Fire Chief may deal with all fire protection matters including, where and when required, providing direction and oversight of the Fire Department and Members and enforcement of the Fire Code, this Bylaw and other District bylaws dealing with fire safety and prevention.
- (4) Subject to this Bylaw and other bylaws of the District, provincial enactments, Council policy, and any agreements entered into by the District, the Fire Chiefs will keep current operating guidelines for the purposes of organizing, administering and meeting the objectives of the Fire Department. The guidelines will address, among other matters:
 - (a) the use, care and protection of District property, apparatus and equipment;
 - (b) the conduct and discipline of Officers and other Members while engaged in the activities of the Fire Department;
 - (c) the efficient operation of the Fire Department;
 - (d) the development of standardized proficiency criteria and training requirements for each position within the Fire Department;
 - (e) the development of a standardized incident command and accountability system which ensures that the training and proficiency requirements of each Member are readily apparent to an incident commander; and
 - (f) the operation of an occupational health and safety program and joint committee/worker representative system that complies with the requirements of the *Workers Compensation Act*.
- (5) The Fire Chief will assume charge at all incidents or designate an Officer to act in his or her place.

- (6) The Fire Chiefs may review and provide comments on subdivision and other permit applications when referred to them by other departments in the District administration.
- (7) If the Fire Chief believes that there is an immediate threat to life due to a fire hazard or explosion, the Fire Chief may evacuate a premises or area and for that purpose, may call on the assistance of a police officer.

SERVICES

- 6 (1) Council will establish, by policy, the service level of the Fire Department applicable from time to time, as required by and in accordance with the Playbook and applicable legislation.
- (2) Members of the Fire Department, subject to the direction of the Fire Chief and Officer in command, may take all reasonable measures to control, suppress and extinguish all types of fires within the District.
- (3) The Fire Chief or Officer in command may cause the Fire Department to assist other agencies within the District in dealing with incidents including:
 - (a) rescue operations, including auto extrication;
 - (b) hazardous material incidents, subject to material identification and appropriate training and equipment therefor;
 - (c) disaster planning; and
 - (d) public services directly related to either fire suppression or paragraphs (a), (b) or (c).
- (4) In determining the level of assistance to be provided by the Fire Department in response to incidents referred to in subsection (3), the Fire Chief or Officer in command will take into account the capabilities of other lead agencies, the safety of the Members and the Fire Department's capabilities and training.
- (5) If the Fire Chief or Officer in command considers that attending Members have sufficient training, capacity and equipment to provide effective assistance, the Fire Department may provide first medical response if:
 - (a) response by the ambulance service is likely to be delayed; or
 - (b) the nature of the incident is such that response by ambulance and police service is likely to be inadequate without the assistance of the Fire Department.
- (6) The Chief Administrative Officer or Fire Chief may arrange for the provision of fire investigation services.
- (7) The District may enter into a contract agreement with a qualified individual or firm to carry out investigations into the causes of fires within the District, in accordance with the requirements of the Fire Safety Act.

- (8) This Bylaw does not contemplate nor extend in its purpose, to any of the following:
- (a) the protection of any person from economic loss;
 - (b) a guarantee or warranty by the District or any of its employees, agents, representatives or volunteers as to the service level expectations of the Fire Department under this Bylaw or any other applicable codes, enactments, agreements or standards; or
 - (c) providing to any person a warranty with respect to the services of the Fire Department or with respect to the certainty of timely response levels.

GENERAL

- 7 (1) The issue of any permit under this Bylaw does not relieve a person from complying with all other applicable statutes, regulations and bylaws.
- (2) A person must not:
- (a) discard, throw down, drop or otherwise leave any lighted match, cigar, or cigarette or other burning substance in or near any combustible material;
 - (b) sit, stand or place or leave any article or thing in such a manner as to interfere with the means of exit or access within or outside any building or premises;
 - (c) allow a building or premises which the person owns or occupies to be or remain in such a state of disrepair that a fire starting in or on the property might, in the opinion of the Fire Inspector, spread rapidly to endanger life or other property;
 - (d) keep combustible or explosive material in a building or premises which the person owns or occupies or allow other flammable conditions to exist so as to, in the opinion of the Fire Inspector, endanger life or property;
 - (e) obstruct any passage within a building or means of egress from a building;
 - (f) if evacuated from an area or premises by direction of the Fire Chief under section 5(7), must not return to the area or premises until notified by the Fire Chief that it is safe to do so; or
 - (g) falsely represent themselves as a Member nor wear or display any Fire Department badge, cap, insignia or other paraphernalia unless they are a Member and entitled to wear or display those items.
- (3) The owner, or the owner's authorized agent, of every building within the District must:
- (a) keep and maintain, or cause to be kept and maintained in good and efficient working order, any and all fire protection equipment required by the *British Columbia Fire Code*;
 - (b) carry out all necessary measures to ensure that the building is in full compliance with the *British Columbia Fire Code*;

- (c) ensure that all emergency access routes required by the British Columbia Fire Code or the *British Columbia Building Code* are maintained and free of obstructions; and
 - (d) ensure that the inspection, maintenance and testing of all fire protection equipment is conducted by a Fire Protection Technician.
- (4) The Fire Inspector may issue an order to an owner or occupier of a building, premises or lands, requiring that the property be brought into compliance with the requirements of this Bylaw and other applicable enactments.
 - (5) Without limiting subsection (2), every owner or occupier of real property must, in accordance with an order of the Fire Inspector, remove from a building, premises or lands any and all flammable, combustible or explosive substances, materials or items, or any accumulation of debris, vegetation or other materials which by their nature are susceptible to fire or which, in the opinion of the Fire Inspector, constitute a fire hazard, increase the danger of fire, obstruct an exit from a building in case of fire, or may interfere with the operations of the Fire Department.
 - (6) The owner of any vacant premises in the District must at all times ensure all openings in any building on the premises are kept securely fastened and closed so as to prevent the entry of unauthorized persons.
 - (7) An owner or occupier must ensure that all fire escapes and exits in any building are at all times kept free and in good order and repair satisfactory to the Fire Inspector.
 - (8) If the Fire Inspector, Fire Chief or a designated Member considers that the safety of forest, woodland, timber or other property is endangered by debris caused by lumbering, land clearing or any industrial operation, he or she may issue an order to an owner or occupier to remedy the problem. Every owner or occupier of the land for which such an order is issued must dispose of the debris and must remove all dead standing trees and all stumps within the areas affected in accordance with the order.
 - (9) If an owner or occupier fails to comply within the time period established in an order issued under subsection (4), (5), (6), (7) or (8), the Fire Inspector, Fire Chief or designate may enter on the property and cause the necessary work to be carried out by employees, agents or contractors of the District, and the owner is liable for the costs of such work in accordance with the District's current Fees and Charges Bylaw.
 - (10) Commercial refuse containers must be placed at least 3 m away from any combustible building, structure, materials or standing vegetation except that, if the containers are equipped with self-closing, fire-resistant lids, the Fire Chief or Fire Inspector may approve a lesser distance, in which case the lids of the containers must be securely closed except when being filled or emptied.
 - (11) A person must not:
 - (a) park any vehicle within 3 m of a marked or designated fire exit;
 - (b) open or operate a District fire hydrant, unless the person is a Member or an employee of the District for a Fire Department or District purpose;

- (c) obstruct a fire hydrant by any means within a radius of 1 m of the fire hydrant; or
 - (d) tamper with any fire hydrant.
- (12) Removable bollards that have been approved by the Fire Inspector may be installed to prevent common use and obstruction of emergency accesses. Security gates at the entrance of properties which may impede access by the Fire Department are not permitted unless they have been approved by the Fire Inspector who may require a means of emergency access through the gate.

OPEN-AIR BURNING

- 8 (1) Except as permitted under subsection (2) or in accordance with a burning permit issued under subsection (3), a person must not light, ignite or start or allow or cause to be lighted, ignited or start a fire of any kind in the open air.
- (2) Open-air burning consisting of small confined fires within grills and barbecues for the purpose of cooking food may be carried out without a burning permit, provided that all open-air burning regulations prescribed in this bylaw are complied with.
- (3) Burning permits may be issued and cancelled in accordance with the following provisions:
- (a) The Protective Services Coordinator may issue one burning permit per property annually, for the burning of prunings and non-compostable garden refuse in either the 15-day period in the Spring or the 15-day period in the Fall, the commencement dates of which is set by resolution of Council, inclusive on sites of 2 hectares or more.
 - (b) Every application for a burning permit must be made on a form approved by the Fire Chief and submitted to the Protective Services Coordinator.
 - (c) The Protective Services Coordinator may refuse to issue a burning permit , or may as a condition of issuance, require the deposit of security as described in subsection (d) if:
 - i. the applicant has previously carried out open-air burning without first obtaining a valid burning permit; or
 - ii. the applicant has contravened any of the open-air burning regulations of this Bylaw or the terms and conditions of a previous burning permit.
 - (d) Where the Protective Services Coordinator requires the deposit of security under subsection (c), the applicant must deposit with the District a security, in the form of cash or an irrevocable letter of credit, in the amount of five hundred dollars (\$500) to secure compliance with this Bylaw and the conditions of a burning permit. If the applicant contravenes any of the open-air burning regulations of this Bylaw or the terms and conditions of the burning permit, the District may draw upon the security to cover any resulting costs to the District of attendance and administrative work by the Fire Department, and that amount is absolutely forfeited to the District and the burning permit is deemed cancelled.

- (e) As a condition of issuing a burning permit, the Protective Services Coordinator may impose any additional terms, conditions, restrictions and requirements, as he or she considers necessary or reasonable for fire and life safety in the circumstances, and the permit issued is subject to those terms, conditions, restrictions and requirements.
- (f) Every holder of a burning permit must ensure that any open-air burning carried out is conducted strictly in accordance with this Bylaw and the terms, conditions, restrictions and requirements of the permit.
- (g) Any holder of a burning permit who fails to comply with the open-air burning regulations of this Bylaw, or the terms, conditions, restrictions and requirements of a burning permit must, when directed to do so by a Member or the Protective Services Coordinator, immediately extinguish any and all fires and the burning permit is thereupon deemed to be cancelled. If the holder of the burning permit fails to extinguish the fire(s) when directed to do so, a Member or the Protective Services Coordinator may cause the fire(s) to be extinguished and the holder of the burning permit is liable for the costs of attendance and measures taken by the Fire Department, in accordance with the District's current Fees and Charges Bylaw.
- (h) Despite any other provision of this Bylaw, where the Chief Administrative Officer or Fire Chief considers that hazardous fire conditions exist, the Chief Administrative Officer, or Fire Chief may order a suspension or total ban on open-air burning, at any time and for any duration, and where such an order is issued, a holder of a burning permit must immediately extinguish any and all fires in accordance with the Chief Administrative Officer's or Fire Chief's order. Any such order by the Chief Administrative Officer or Fire Chief may be preceded by an order issued by the provincial ministry having jurisdiction to suspend or ban open-air burning. If the holder of a burning permit fails to extinguish the fire(s) in accordance with the Chief Administrative Officer's or Fire Chief's order, the Chief Administrative Officer or Fire Chief may cause the fire(s) to be extinguished and the holder of the burning permit is liable for the costs of attendance and measures taken by the Fire Department, in accordance with the District's current Fees and Charges Bylaw.
- (i) If an application for a burning permit is received requesting to burn in a period that is not in the Council approved burning periods listed in section 8(3)(a), a non-refundable permit application fee will be charged in accordance with the District's current Miscellaneous Fees and Charges Bylaw. (Amendment Bylaw No. 1778, 2021)
- (j) An application for a burning permit received under section 8(3)(i) will be brought forward to Council within 30 days of receipt with a report from the Protective Services Coordinator and will include a recommendation for Council consideration. (Amendment Bylaw No. 1778, 2021)
- (k) After having considered an application and recommendation received under section 8(3)(j), Council may either confirm the recommendation or may set aside the recommendation and substitute a decision of Council by resolution. (Amendment Bylaw No. 1778, 2021)
- (l) A burning permit issued under section 8(3)(k) will be issued subject to compliance with all other provisions of the open-air burning regulations in this Bylaw and with any further restrictions, conditions and requirements that Council deems reasonable and appropriate in the circumstances. (Amendment Bylaw No. 1778, 2021)
- (m)

- (4) A person engaged in or responsible for open-air burning must ensure the burning is conducted in compliance with the following open burning regulations:
- (a) Open-air burning may commence between the hours of 8:00 am and 2:00 pm only on days when the smoke ventilation index is greater than 55, as reported by the BC Air Quality website for the Okanagan region.
 - (b) On those days when the morning ventilation index is less than 55, but the afternoon ventilation index is over 55, open-air burning may be commenced at 12:00 noon.
 - (c) Only prunings and non-compostable garden refuse may be burned outdoors and, for certainty, a person must not burn any of the following prohibited material:
 - i. Tires
 - ii. Plastics
 - iii. Drywall
 - iv. Demolition waste
 - v. Domestic waste
 - vi. Paint and paint products
 - vii. Hazardous waste
 - viii. Tar paper
 - ix. Treated lumber
 - x. Railway ties
 - xi. Manure
 - xii. Rubber
 - xiii. Asphalt and asphalt products
 - xiv. Fuel and lubricant containers
 - xv. Biomedical waste
 - xvi. Grass and leaves
 - xvii. Unseasoned “green” wood
 - (d) Deleted – (Amendment Bylaw No. 1778, 2021)
 - (e) Every person who starts an outdoor fire must appoint a competent person or persons to be and remain in charge of such fire at all times while it is burning or smouldering until it is completely extinguished and must provide that person or those persons with efficient appliances and equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous to life or property.
 - (f) Every person who ignites, or permits, suffers or allows an outdoor fire to be ignited or to continue burning contrary to this Bylaw or a permit issued under this Bylaw, is responsible for that fire and is liable for all costs and expenses incurred by the District in attending and taking measures to extinguish the fire, in accordance with the District's current Fees and Charges Bylaw.
 - (g) Every person who starts an outdoor fire must ensure that the site of the fire is separated from property lines, standing timber, brush, structures, or other combustible material by a distance of at least twice that of the largest dimension (length, width, or height) of the pile of fuel to be burned, and the separation must not be less than 5 m. In addition, the fire must be at least 100 m from neighbouring residences and businesses, and 500 m from schools in session, hospitals, and facilities used for continuing care as defined under the *Continuing Care Act*.
 - (h) A person must not kindle, light, ignite, start, allow or cause to be lighted or maintain a fire in the open air when weather or wind conditions are such that to do so is likely to be hazardous.
 - (i) A person must not kindle, light, ignite, start, allow or cause to be lighted or maintain a fire on land of another without the written permission of the owner thereof or his agent.

- (j) A person must not kindle, light, ignite, start, allow or cause to be lighted or maintain a fire on any lane, street, road, highway, boulevard, easement, right-of-way, or any other property owned by the District.

CHIMNEYS AND HEATING APPLIANCES

- 9 (1) An owner or occupier of land or premises must not burn, or cause or permit smoke to be produced from the burning of, any prohibited material as follows in a solid-fuel burning appliance:
- | | |
|------------------------------|-----------------------------------|
| (a) Tires | (j) Railway ties |
| (b) Plastics | (k) Manure |
| (c) Drywall | (l) Rubber |
| (d) Demolition waste | (m) Asphalt and asphalt products |
| (e) Domestic waste | (n) Fuel and lubricant containers |
| (f) Paint and paint products | (o) Biomedical waste |
| (g) Hazardous waste | (p) Grass and leaves |
| (h) Tar paper | (q) Unseasoned "green" wood |
| (i) Treated lumber | |
- (2) The installation of solid-fuel burning appliances, including the provision of combustion air, must conform to CAN/CSA-B365, *Installation Code for Solid-Fuel-Burning Appliances and Equipment* as amended from time to time, as referenced in the *British Columbia Building Code*.
- (3) Every owner or occupier of any building must ensure that any solid-fuel burning appliance, heating device, furnace, chimney, stovepipe or flue is kept and maintained in a safe operating condition.

FIREWORKS

- 10 (1) A person must not:
- (a) sell or offer to sell, either by way of retail or wholesale, fireworks in the District;
 - (b) give or hand over fireworks to another person in the District unless expressly authorized by a fireworks permit issued by the Fire Chief, and then only strictly in accordance with the permit; or
 - (c) fire or discharge fireworks within the boundaries of the District unless authorized by a permit issued by the Fire Chief, and then only strictly in accordance with the permit.
- (2) The Fire Chief or a designated Member may grant, refuse, suspend or revoke any fireworks permit, and impose restrictions, conditions and requirements as part of a fireworks permit, taking into account fire and life safety conditions in the circumstances, in compliance with this Bylaw and the *Canada Explosives Act* and its regulations.
- (3) Every applicant for a permit to discharge fireworks must:
- (a) apply to the Fire Chief or a designated Member at least 14 days in advance of a proposed fireworks event;
 - (b) provide the Fire Chief or a designated Member with proof of a valid Federal Fireworks Display Supervisor's Certificate;

- (c) obtain and maintain public liability insurance for the proposed event in the name of the applicant and naming the District as an additional insured, and include proof of such insurance coverage along with the application. This insurance must provide coverage on an “occurrence basis”, in an amount not less than two million dollars (\$2,000,000) per occurrence; and
- (d) provide a site plan and details of the location, duration and safety measures in place for the proposed event.

HAZARDOUS MATERIALS

11 (1) A person must not:

- (a) dispense, fuel, fill, refuel, or refill propane or liquefied natural gas bottles, cylinders or containers of any type except at inspected and approved facilities at service stations, recreational vehicle centres and industrial locations where a person qualified to dispense propane or liquefied gas is in attendance; or
 - (b) carry out the storage, dispensing, fuelling, filling, refuelling, or refilling of containers of any type larger than 22.5 litres with gasoline, diesel, naphtha, or any other flammable or combustible liquid in residential areas or on properties of less than 0.4047 hectare.
- (2) Every person who proposes to erect or install a commercial tank or tanks for the storage of flammable or combustible liquids at a refining or wholesale storage plant or at a gasoline station, including a marine station, and pumps connected to same, must first make application and obtain a permit from the Protective Services Coordinator.
- (3) The Protective Services Coordinator may grant, refuse, suspend or revoke a permit referred to in subsection (2) and may impose terms, conditions, restrictions and requirements on such permit, subject to the provisions of this Bylaw and all other applicable federal and provincial statutes and regulations.
- (4) The Protective Services Coordinator may suspend or revoke a permit where there appears to be a violation of:
- (a) any term, condition, restriction or requirement of the permit; or
 - (b) this Bylaw, the British Columbia Fire Code, the *Fire Safety Act* or regulations thereunder, or any other applicable enactment.
- (5) A person responsible for or involved in the storage, handling or transportation of explosives must ensure compliance with the *British Columbia Fire Code* and all other applicable federal and provincial statutes and regulations.
- (6) The occupier or, if not present, the owner, of a property, building, premises, vehicle, vessel or railway rolling stock, must immediately report to 911 Dispatch when an explosion, discharge, emission, escape or spill of a hazardous substance which exceeds the amounts listed in the *Spill Reporting Regulation* of the *Environmental Management Act* occurs on the property, and must immediately report to 911 Dispatch where the potential for an explosion or a discharge, emission, escape or spill of a hazardous substance exists.

INTERMODAL SHIPPING CONTAINERS

- 12 (1) A person who uses or intends to place on a premises an intermodal shipping container (commonly known as a seacan or modular container) intended for permanent use must obtain a permit issued by the Building Official and must comply with this section.
- (2) The following requirements apply to the storage within any intermodal shipping container of any flammable liquids, combustible liquids, or other dangerous goods as defined in Transport Canada's TC SOR/2008-34 *Transportation of Dangerous Goods Regulations*:
- (a) compressed gases must not be stored in the shipping containers; and
 - (b) aerosols may be stored in the shipping containers only when stored in ULC approved flammable storage cabinet.
- (3) Intermodal shipping containers used for storage must meet the following criteria:
- (a) electrical service to the shipping container must meet or exceed all requirements of the BC Building, Fire and Electrical Codes for explosive, moist and wet environments, and all installations must be fully explosion proof;
 - (b) dangerous goods storage must be restricted to materials that are declared at the permit stages. Any changes to the types of dangerous goods must be approved by the Protective Services Coordinator.
 - (c) smoking must not be allowed in shipping containers;
 - (d) where flammable liquids and combustible liquids are stored in the shipping container, combustible construction must be removed, provisions for spill containment installed and the container must be grounded.
 - (e) the dispensing of flammable liquids and the storage of open containers is prohibited in the shipping container; and
 - (f) Shipping containers must not be installed under power lines.
- (4) Intermodal shipping containers must be positioned such that:
- (a) there must be a minimum separation of 3 m between any structure and the shipping container to allow for firefighting access to the exposed structures;
 - (b) the shipping container must be located at least 6 m from exits, windows or unprotected openings of any other building;
 - (c) the container doors must face away from any other structure; and
 - (d) the container doors must face away from any means of road access to be used by members.

- (5) Intermodal shipping containers must be identified such that:
- (a) UN placards for all stored dangerous goods must be visible on the two sides of the container most visible to emergency responders;
 - (b) the name of the company/person responsible for the storage and an emergency telephone contact number must be marked on the container in lettering at least 15 cm high; and
 - (c) the container and contents must be identified in the Fire Safety Plan as per the British Columbia Fire Code if applicable.
- (6) Standard existing environmental vents normally built into shipping containers are not acceptable as ventilation openings for land-based storage applications, as they were designed for air movement based upon atmospheric weather changes only and do not provide adequate airflow. Intermodal shipping containers must have the following ventilation safety features in place prior to any use for storage of flammable liquids, combustible liquids or other dangerous goods:
- (a) one ventilation opening must be added within 150 mm of the floor in the container door primarily used for opening;
 - (b) one ventilation opening must be added within 150 mm of the top of the container on the opposite end from the doors for cross ventilation. This opening must not directly vent toward a structure and must have a wind vent device designed to generate a venturi effect during low wind speeds;
 - (c) the additional ventilation openings must not be obstructed by stored materials at any time and must be kept clean of internal and external debris;
 - (d) the additional ventilation openings must be constructed based upon the following minimums:
 - i. for containers 6 m or less in length, the openings must be at least 0.3 m X 0.3 m; and
 - ii. for containers more than 6 m in length, the openings must be at least 0.5 m X 0.5 m; and
 - (e) if the ventilation openings are covered by a grate or wire mesh, there must be greater than 50% free area.

INSPECTION OF PREMISES

- 13 (1) A Fire Chief, designated Member, or the Fire Inspector may, in accordance with the *Community Charter*, enter into and upon lands, premises or buildings:
- (a) for the purpose of testing or inspecting buildings for fire safety;
 - (b) to determine if Fire Department access and an adequate water supply are available for fire suppression purposes; or
 - (c) to determine if the requirements of this Bylaw are being carried out.

- (2) A person must not obstruct, hinder or prevent the Fire Chief, designated Member, or the Fire Inspector from lawfully entering into or upon any lands, premises or buildings, and carrying out inspections or testing for fire safety or compliance with this Bylaw.
- (3) The owner, occupier or lessee of a building or property or any other person having knowledge of a building or property must, upon request, give to the Fire Chief, designated Member, or the Fire Inspector who is carrying out an inspection of the building or property, such assistance as he or she may require.
- (4) The Fire Inspector is authorized to establish a system for the regular inspection of all commercial, industrial, multi-family residential, and institutional buildings within the District that is in accordance with the *Fire Services Act*.
- (5) If additional inspections are requested by the building owner or are required due to non-compliance with this Bylaw, the owner must pay to the District a cost-recovery fee in accordance with the District's current Fees and Charges Bylaw.
- (6) The owner and operator of every bed-and-breakfast home, as defined in the District's current Zoning Bylaw, must comply with the following regulations:
 - (a) an emergency plan must be posted in each bed-and-breakfast guest bedroom, and the plan must include the following information:
 - i. instruct guests to dial 911 in the event of a fire;
 - ii. the address of the bed-and-breakfast home; and
 - iii. a map or diagram clearly showing the exit route from the bedroom to the location of a safe meeting (muster) point outside; and
 - (b) at least one fire extinguisher with a minimum rating of 3A-10BC must be provided at a location in the bed-and-breakfast home approved by the Fire Inspector;
 - (c) at least one hard-wired smoke alarm must be installed on each storey of the home. In addition, a smoke alarm must be installed in each bed-and-breakfast guest bedroom and in a location between the guest bedroom and remainder of the storey. These additional smoke alarms may be battery operated but must be interconnected;
 - (d) any bed-and-breakfast home which contains a fuel-burning appliance or that has an attached storage garage must have a carbon monoxide alarm installed inside each bed-and-breakfast guest bedroom or within 5 m of each guest bedroom door, measured following corridors and doorways;
 - (e) unless a bed-and-breakfast home is sprinklered, each bed-and-breakfast guest bedroom must have at least one outside window or exterior door openable from the inside without the use of keys, tools or special knowledge and without the removal of sashes or hardware;

- (f) each window in a bed-and-breakfast guest bedroom
 - i. must have an unobstructed area of not less than 0.35 m² with no dimension less than 380 mm; and
 - ii. must remain open during an emergency without the need for additional support; and
 - (g) where the window in a bed-and-breakfast guest bedroom opens into a window well, a clearance of not less than 760 mm must be provided in front of the window in the open position.
- (7) The owner of all buildings, sites, storage areas or other areas as required by the *British Columbia Fire Code* to have a Fire Safety Plan, must submit that plan to the Fire Inspector. All Fire Safety Plans must be submitted in a format acceptable to the Protective Services Coordinator. Fire Safety Plans must be reviewed annually and any changes made to the Plan must be submitted to the Fire Inspector for review.

FIRE ALARMS AND FALSE ALARMS

- 14 (1) A person must not connect an automatic dialing device, whether such connection is made mechanically, electronically or via a telephone, telegraph or computer, from any premises directly to any number assigned to the Fire Department.
- (2) Every person who, being the owner or occupier of any premises, causes or permits a false alarm to be received by a monitoring firm or any number assigned to the Fire Department as a result of the connection of an automatic dialing device, is deemed to have caused a nuisance.
- (3) The Fire Inspector, or Fire Chief, must be notified of any work on, or malfunction of, an automatic fire alarm system, to avoid false alarms being received.
- (4) Faulty alarm components must be replaced or repaired in an expeditious manner to prevent undue false alarms.
- (5) A person must not cause a false alarm to be transmitted to a monitoring firm or any number assigned to the Fire Department by any means, knowing that an emergency or incident does not exist.
- (6) Any owner or occupier of a building where there is a fire alarm system at which there have been more than two false alarms requiring attendance of the Fire Department within any 12-month period will be charged a recovery fee in accordance with the District's current Fees and Charges Bylaw unless the owner can show he or she took reasonable steps to prevent the recurrence.

INCIDENTS

- 15 (1) The Fire Chief or Officer in command at an incident has control, direction and management over all apparatus, equipment and Members assigned to the incident.
- (2) The Fire Chief or Officer in command at an incident is authorized:
- (a) to enter, at any time, the premises or property where the incident is occurring, and to cause any Member, apparatus or equipment to enter in order to combat, control or otherwise deal with the incident;
 - (b) during the incident, to enter, station on, or pass through or over buildings or property adjacent to the incident, and to cause Members, apparatus or equipment to enter, station on, or pass through or over the buildings or property, where deemed necessary, to gain access to, combat or control the incident, or to protect any person or property;
 - (c) to establish boundaries or limits at an incident, and to restrict persons from entering the area within the boundaries or limits;
 - (d) to commandeer privately owned equipment or vehicles considered necessary to deal with the incident;
 - (e) to cause a building or structure to be pulled down, demolished or removed if he or she deems it necessary in order to prevent the spread of fire; and
 - (f) to order the evacuation of any building, structure or area if he or she believes life or property is at risk, and to call upon the police or other law enforcement authorities to assist in enforcing the evacuation order, or securing the evacuated building, structure or area.

PROHIBITIONS

- 16 (1) A person must not, in relation to an incident:
- (a) enter the boundaries or limits of an area established under section 15(2)(c), or the building, structure or area evacuated under section 15(2)(f), unless expressly authorized by the Fire Chief or Officer in command;
 - (b) impede, obstruct, abuse or in any way hinder the Fire Chief, Officer in command or any Member or other person acting under the direction of the Fire Chief or Officer in command;
 - (c) damage, destroy, obstruct, impede or hinder the operation of any apparatus or equipment;
 - (d) obstruct or otherwise interfere with access roads or streets or other approaches to any incident, fire hydrant, cistern or body of water designated or at the time used or required for firefighting purposes;

- (e) refuse to permit any Member entry into, or upon, any premises for which an alarm of incident has been received;
 - (f) refuse to permit any Member entry into, or upon, any premises in or on which the Member has reasonable grounds to suspect that an incident exists; or
 - (g) run over or drive upon or over any hose in use at any fire, alarm or drill with a motor or other vehicle except as directed by a peace officer or a Member; or
- (2) Any person who fails to comply with an order or direction of the Fire Chief or Officer in command, or with an order or direction of any Officer or Member engaged at an incident, may be forcibly removed from the scene by a peace officer.

ENFORCEMENT, OFFENCE AND PENALTIES

- 17 (1) Except where a provision of this Bylaw specifically authorizes the Fire Chief, an Officer, Fire Inspector or the Protective Services Coordinator or other person to make an order, give a direction, or enforce the provision or a related enactment, this Bylaw may be enforced by the Fire Chief, an Officer or Member, a Fire Inspector or the Protective Services Coordinator.
- (2) Any person who violates any provision of this Bylaw; who neglects or fails to do anything required to be done under this Bylaw; or who causes, suffers or allows another person to violate this Bylaw or fail to comply with a requirement of this Bylaw, commits an offence and, in addition to being subject to other penalties and remedies available to the District at law, if a prosecution is brought under the *Offence Act*, on being convicted the person is liable to pay:
- (a) a minimum fine of \$500;
 - (b) a maximum fine of \$10,000;
 - (c) in the case of a continuing offence, for each day that the offence continues, either or both of:
 - i. a minimum fine under paragraph (a);
 - ii. a maximum fine under paragraph (b); and
 - (d) the costs of prosecution and any further penalties which the court may impose in relation to the offence.
- (3) This Bylaw may be enforced by issue of a ticket under the District's current Municipal Ticket Information Utilization Bylaw, in which case the fines set out in that Bylaw shall apply.
- (4) This Bylaw may be enforced by issue of a bylaw notice under the District's current Bylaw Notice Enforcement Bylaw, in which case the penalties set out in that Bylaw for contravention shall apply.

FEES AND COST RECOVERY

- 18 (1) Every person who, willfully and without reasonable cause, sets a fire or causes an incident to which the Fire Department responds, or causes a fire or loss that can be directly attributed to the use of fireworks contrary to this Bylaw, is deemed to have caused a nuisance and, in addition to any fine or penalty imposed by law, is liable to pay as an extraordinary service fee, the actual costs and expenses incurred by the Fire Department and Fire Investigator in abating that nuisance by responding to and investigating the fire or loss. The amount of the extraordinary service fee will be calculated in accordance with the District's current Fees and Charges Bylaw.
- (2) Every owner, carrier, agency, organization or other person having responsibility for the transport, storage or use of dangerous goods, as defined in the *Dangerous Goods Act*, are responsible, at their cost, for the cleanup and safe disposal of all such dangerous goods arising from any incident, and where they fail to do so, are liable to pay:
- (a) the costs and expenses incurred by the District or its contractors for the cleanup and safe disposal of the dangerous goods, such costs to be calculated in accordance with the District's current Fees and Charges Bylaw; and
 - (b) as an extraordinary service fee, the costs incurred by the Fire Department in mitigating the dangerous goods incident, such costs to be calculated in accordance with the District's current Fees and Charges Bylaw.

REPEAL

19 The District of Coldstream Fire Services Bylaw No. 1591, 2011, and District of Coldstream Fire Prevention Bylaw No. 1592, 2011, and amendments made thereto, are hereby repealed.

READ A FIRST TIME this	23 rd	day of	April	2018
READ A SECOND TIME this	23 rd	day of	April	2018
READ A THIRD TIME this	23 rd	day of	April	2018
ADOPTED this	14 th	day of	May	2018

Corporate Officer

Mayor