

# REGIONAL DISTRICT OF NANAIMO

## BYLAW NO. 1402

### A BYLAW TO MAKE RULES FOR THE PREVENTION, SUPPRESSION AND REGULATION OF FIRES IN THE BOW HORN BAY FIRE PROTECTION SERVICE AREA

WHEREAS by Section 798 of the *Local Government Act*, the Board has all necessary power to do anything incidental or conducive to the exercise or performance of any power, duty or function conferred on a board or regional district;

AND WHEREAS the Board of the Regional District of Nanaimo deems it desirable to regulate the prevention and suppression of fires;

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

1. This bylaw may be cited as the "Bow Horn Bay Fire Protection Service Fire Regulation Bylaw No. 1402, 2004".
2. Bow Horn Bay Fire Protection District Fire Regulation Bylaw No. 58, known as "Fire Regulations Bylaw, 1995" is hereby repealed.
3. In this bylaw, unless the context otherwise requires:
  - (1) The following terms and expressions shall have the means hereinafter assigned to them, that is to say:
    - (a) "**Animal organic waste**" shall mean solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, hair and feathers.
    - (b) "**Approved plastic container**" shall mean approved by a recognized testing authority.
    - (c) "**Authorized**" shall mean authorized by the Chief of the Fire Department.
    - (d) "**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.
    - (e) "**Board**" shall mean the Board of Directors of the Society incorporated as the Bow Horn Bay Volunteer Fire Department operating under contract to the Regional District of Nanaimo.
    - (f) "**Building**" shall mean any structure or building used or intended to be used for the support, shelter or enclosure of persons, animals or chattels.

- (g) **“District”** shall mean the Bow Horn Bay Fire Protection Service Area established under Bylaw No.1385, 2004 and subsequent amendments;
- (h) **“Dwelling”** shall mean any building or part of a building occupied or intended to be occupied as the residence of not more than one family.
- (i) **“Extinguished”** shall mean no visible flame, sparks, glowing embers or smoke.
- (j) **“Fire Chief”** shall mean the Fire Chief appointed by the Board of the Bow Horn Bay Volunteer Fire Department or any person designated by the Fire Chief to act on his behalf.
- (k) **“Fire Department”** shall include the Bow Horn Bay Volunteer Fire Department and the fire department of any other fire protection district or municipal corporation attending fires within the service area.
- (l) **“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.
- (m) **“Flash point”** shall mean the flash point of a flammable liquid as determined by the Tagliabue Closed Cup Tester or the Abel-Pensky Flash Point Tester methods.
- (n) **“Garbage”** shall mean any animal, vegetable and food wastes or scraps.
- (o) **“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).
- (p) **“Occupant”** shall mean owner, agent, lessee, licensee or tenant of any building premises or land to which any of the provisions of this bylaw shall apply.
- (q) **“Person”** where used in this bylaw 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 law.
- (r) **“Private residence”** shall mean any dwelling or two-family dwelling.
- (s) **“Refuse”** shall mean any approximately evenly proportioned mixture of rubbish and animal or vegetable waste material of low moisture content.
- (t) **“Rubber”** shall mean rubber goods, tires, plastics, and tar and asphalt roofing materials.
- (u) **“Rubbish”** shall mean any readily combustible inorganic dry waste material, but does not include animal or vegetable wastes.

- (v) **“Two-family dwelling”** shall mean any building occupied or intended to be occupied as the residence of not more than two families.
  - (w) **“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.
- (2) Unless the context otherwise requires, wording importing the singular number shall include the plural and words importing the masculine gender shall include the feminine, and the converse shall apply.
4. (1) 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.
- (2) 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.

#### **Right of Entry**

5. (1) 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:
- (a) to inspect for conditions which may cause a fire, increase the danger of a fire or increase the danger to persons;
  - (b) to see that any flammable matter is rendered harmless or suitably safeguarded against fire by requiring
    - (i) the erecting of barricades;
    - (ii) the posting of “no admittance” signs; or
    - (iii) any other measures deemed necessary by the Fire Chief.

#### **No Obstruction**

- (2) No person shall obstruct the Fire Chief in making any entry authorized by this bylaw.

#### **No Hindrance**

6. No person shall in any way hinder any member of the Fire Department or any other person under the direction of the Fire Chief at any fire or other emergency.

#### **Breaking Blockage**

7. Except with the permission of the Fire Chief, no person shall be permitted to enter any burning building or within the lines across any alley, lane, street or area marked by ropes or guards.

#### **Driving Over Hose**

8. No person shall drive or run over any fire hose with any vehicle.

**Access to Fire Hydrant**

9. No person shall place or maintain any object or matter on a sidewalk or street which interferes with free access or approach to any fire hydrant for a distance of 15 feet (4.5 metres) on either side of the hydrant.

**Smoking Prohibited**

10. (1) Where, in his opinion, smoking may create a fire or explosion hazard, the Fire Chief may prohibit smoking in any building, theatre, public hall, assembly hall, dance hall, school auditorium, skating rink, arena, or place used for public amusement, sport or public assembly or any structure or open space in which combustible materials are handled, stored, manufactured or sold.

**Post Suitable Signs to Prohibit Smoking**

- (2) Where, in the opinion of the Fire Chief, smoking should be prohibited to prevent a fire hazard, he may give notice in writing 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.

**Penalty**

- (3) Any person violating any such order or notice shall be deemed to be guilty of an infraction of this bylaw and shall be liable to the penalties herein imposed.

**Dirty Chimneys**

11. (1) No owner or occupant of any building shall permit any chimney, stovepipe or flue to remain in any condition which may cause or create a fire hazard.

**Stopping Unused Flues**

- (2) Every owner or occupant of any building shall keep all openings in any chimney in such buildings, while such openings are not in use, closed by a proper stopper of metal or other non-combustible material.

**Inspection of Chimneys, Flues, Furnaces**

12. (1) Where he deems it necessary, the Fire Chief or his designate may examine any chimney, flue, fireplace, hearth, oven, furnace, heater, boiler, stove, stem-pipe, funnel or any other equipment deemed to be a fire hazard.

**Notice to Remedy Fire Hazard**

- (2) Where any chimney, flue, fireplace, hearth, oven, furnace, heater boiler, stove, steampipe, funnel or any other equipment is found to be a fire hazard, the Fire Chief shall notify the owner or occupant of the building of the condition and indicate the remedy and the time within which the condition shall be remedied.

**Duty to Comply**

13. Where any owner or occupant has received notice under Section 11 he shall comply with the notice within the time indicated.

**Depositing Ashes**

14. (1) No person shall deposit any ashes or allow any ashes to be deposited or remain:
- (a) in any combustible container;
  - (b) on the floor of any building belonging to or occupied by him; or
  - (c) in any metallic container which is within 300 mm (12 inches) of any woodwork or any other combustible material.

**Depositing Flammable Material Among Ashes**

- (2) 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**

15. No person, 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 their 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.

**Metal Receptacles for Flammable Material**

16. No person shall 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 air-tight top or lid of the same type of material.

**Control of Combustible Material**

17. No person shall deposit or allow to collect or be deposited, any paper, rubbish, or other combustible material likely to cause or promote fire dangerous to buildings or other property.

**Clearing of Roof**

18. No owner or occupant of any building shall allow any paper, wood, debris or other combustible rubbish or material to accumulate upon the roof of the building.

**Duty to Safely Store**

19. 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.

**Remove Fire Hazard**

20. (1) Any owner or occupant of real property 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.

**Secure Unoccupied Buildings**

- (2) Any owner of any unoccupied building shall ensure that it is properly secured against entry by unauthorized persons.

**Notice**

- (3) Where, in the opinion of the Fire Chief, any fire hazardous condition exists or any unoccupied building is not properly secured, the Fire Chief shall give written notice to the owner or occupant at their last known address or by posting a notice in a conspicuous place on the building or premises.

**Duty to Comply**

- (4) In any notice under this section, the Fire Chief shall indicate the nature of the condition to be remedied, and the time within which the owner or occupant must comply.

**Burning**

21. Except as provided in this bylaw, no person shall light, ignite, or maintain any open flame fire, such as candles, in any public building.
22. The Fire Chief may withhold or cancel any permit issued where, in his opinion, the igniting of a fire in any area may create a hazard to persons or property.

**“Open Air” Fires**

23. (1) A fire in the “open air” shall mean a fire out-of-doors, not contained in any authorized incinerator.

- (2) Some competent person appointed by the owner shall supervise and keep under control any burning in the "open air" and ensure that any equipment necessary for fire control is available.

A pile of material to be burned must not exceed 1 x 1.3 m (3 ft. x 4 ft.) or larger at the discretion of the Fire Chief.

The fire must be located at least:

- (a) 3 m (10 ft.) from any grass, shrubbery or wooden fence; and
  - (b) 6 m (20 ft.) from any building.
- (3) During light up and until all fires are extinguished there must be at least one person at the site who:
- (a) actively patrols to prevent the fire from escaping; and
  - (b) is equipped with the following:
    - 1) a shovel;
    - 2) an axe, pulaski, or matlock;
    - 3) a pail containing at least 18 litres of water, or something that is at least equivalent to an 18 litre pail of water, or an operational garden hose of adequate length.
- (4) Before any fires are ignited, all combustible material must be removed for at least 1 metre in every direction from the perimeter of the pile of material to be burned.
- (5) The material to be burned must be a minimum of 5 metres (16 ft.) from any snag, slash, wooden structure, or standing timber.
- (6) The person lighting, fueling, or making use of the open fire must, immediately on the fire escaping or threatening to escape, provide, in addition to the person patrolling, 2 adult persons with suitable firefighting tools, and must ensure that they make reasonable attempts to extinguish the fire.
- (7) No more than 1 burn pile may be ignited at one time.
- (8) Ignited piles must have burned down to a smoldering condition before more piles are ignited.

#### **Authorized Incinerators**

24. The owner of an authorized incinerator shall ensure:

- (1) That the authorized incinerator is maintained in a condition that provides for proper combustion of any material burned;

- (2) That while it is 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;
- (3) That the authorized incinerator is located at least:
  - (a) 3 m (10 ft.) from any dry grass, shrubbery or wooden fence; and
  - (b) 6 m (20 ft.) from any building.

**Restriction, Fires in the “Open Air” or in an Authorized Incinerator**

25. (1) 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:
  - (a) between sunset of one day and sunrise of the following day; or
  - (b) between the hours of 12 noon Saturday and sunrise of the following Monday during the months of June, July and August in any year; or
  - (c) on Canada Day, BC Day or Labour Day holidays.
- (2) Except for the occasional lawful “open air” burning of waste materials resulting from land clearing, agriculture, logging, gardening, demolition or construction, no person shall burn any waste material other than in an authorized incinerator.

**No Permit Required**

- (4) No person is required to obtain a permit for the occasional burning of waste material from October 15<sup>th</sup> in any year to April 15<sup>th</sup> of the following year unless proclaimed otherwise by the Fire Chief.

**Unauthorized Fires**

26. No person shall light or maintain any fire either in the “open air” or in any form of container on any street, lane or boulevard allowance, without proper authorization.

**Fire Escapes**

27. Each storey above the ground floor of any building used as a school, hotel, apartment building, duplex or boarding house, as those which are 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.
28. 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.



**Gasoline Storage**

29. Except as authorized by a valid written permit issued by the Fire Chief, no person shall store or keep gasoline other than:
- (1) gasoline not exceeding 45 litres (10 gallons) in closed metal containers or in approved plastic containers for outdoor storage only;
  - (2) 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 Explosives or Flammable Compound, Liquid or Material in Public Building**

30. 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 compound, liquid or material in any part of a building used or maintained as a hotel, apartment house, school or place of public assembly.

**Disposal of Gasoline Storage Tanks**

31. All unused gasoline storage tanks on service station sites shall be either filled or be removed.

**Enforcement**

32. (1) The Fire Chief may enter upon any premises in order to ascertain that the provisions of this bylaw are being obeyed.
- (2) No person shall obstruct the Fire Chief in the discharge of his duty under this bylaw.
- (3) The Fire Chief may order the extinguishing of any fire deemed hazardous.


**Penalty**

33. (1) Any person who violates any provision of this bylaw shall be liable, upon conviction, to a maximum penalty of \$2,000.00 as authorized under the *Offenses Act*.
- (2) Where any violation continues, each day in which it continues shall be a separate violation for the purpose of prosecution under this bylaw.

Introduced and read three times this 23rd day of November, 2004.

Adopted this 23rd day of November, 2004.

  
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CHAIRPERSON

  
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GENERAL MANAGER, CORPORATE SERVICES