

**DISTRICT OF METCHOSIN
BYLAW NO. 632**

A B Y L A W

To Amend the “Fire Regulation and Prevention Bylaw, No. 269, 1996”.

The Council of the District of Metchosin, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as *Fire Regulation and Prevention Amendment Bylaw No 632, 2017*.
2. The *Fire Regulation and Prevention Bylaw, No. 269, 1996* is amended by striking the words “For Preventing and Suppressing Fires and For Regulating People at Fires” and substituting “To help reduce the risks of fire and fireworks for the safety and protection of persons and property”.
3. The *Fire Regulation and Prevention Bylaw, No. 269, 1996* is amended in section 1 by
 - (a) repealing the definitions of “approved plastic container”, “authorized incinerator”, “building”, “combustible”, “explosive”, “extinguish”, “fire hazard”, “flammable”, “foreshore”, “garbage”, “holiday”, “occupant”, “rubbish”, and “vehicle”.
 - (b) repealing and substituting the following definitions:

“fire chief” means the person appointed as fire chief of the fire department, and, in that persons absence, an assistant chief designated in writing by the fire chief, and a person acting under the authority of the fire chief;

“fire department” means the fire department of the District of Metchosin including all officers, employees and volunteers engaged by the department;
 - (c) adding the following definitions:

“animal organic waste” means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, and feathers;

“construction waste” means woodcuttings, sawdust, packaging, building materials, and other waste items or discarded materials produced in the construction, repair, renovation or demolition of a building or structure;

“fireworks” any manufactured good intended to be used for pyrotechnic effect and included under the Canadian Explosives Act & Explosives Regulation 2013, Part 16-18. To include effects such as cannon crackers, fireballs, firecrackers, mines,

roman candles, skyrocketes, squibs, torpedoes and any other explosive designated as firework by regulation”

“vegetative matter” includes wood, leaves, tree and shrub prunings, branches, cuttings, windthrow and other like material.

4. The *Fire Regulation and Prevention Bylaw, No. 269, 1996* is amended by adding the following sections:

- 1.2 Where applicable, all other words and phrases shall be construed in accordance with the meaning assigned to them by the
- (a) *Fire Services Act* (British Columbia) and its regulations,
 - (b) *Environmental Management Act* (British Columbia) and its regulations,
 - (c) British Columbia Building Code,
 - (d) British Columbia Fire Code,
 - (e) Canada *Explosives Act* and its regulations,
- as amended or re-enacted from time to time.

Adoption of Fire Code and Other Standards

- 1.3 The substantive regulations (not including the procedural or remedial provisions) of the British Columbia Fire Code as amended or re-enacted from time to time are adopted and made part of this bylaw such that every provision of the Fire Code shall be considered a provision of this bylaw.

5. The *Fire Regulation and Prevention Bylaw, No. 269, 1996* is amended by repealing subsection 3(1) and substituting the following:

- 3(1) The regular system of inspection of hotels and public buildings set out in Schedule A to this bylaw is established.

6. The *Fire Regulation and Prevention Bylaw, No. 269, 1996* is amended by repealing sections 5, 6, 9, 10, 11, 13, 14, 15, 16 (1) 17, 18, 19, 20, 21, and 22 to 29 inclusive.

7. The *Fire Regulation and Prevention Bylaw, No. 269, 1996* is amended by repealing section 8 and substituting the following:

Private Hydrants

8. The owner of a hydrant must
- (a) cause the hydrant to be flushed and drained and all treads and outlets and caps greased with waterproof grease once in each calendar year,

- (b) cause all components of the hydrant to be inspected, serviced and tested, and submit an inspection, service and testing report to the fire chief once in each calendar year, and
- (c) keep the ground surface within 5 metres of the hydrant clear of shrubs, trees, structures and other obstructions of any kind in order to facilitate use of the hydrant by the fire department.

8. The *Fire Regulation and Prevention Bylaw, No. 269, 1996* is amended by adding the following:

OPEN BURNING

Authority of the Fire Chief

17. (1) The fire chief is authorized to cancel and suspend any right to burn under this bylaw, and refuse to issue a permit, if
- (a) the fire chief determines that open burning may create a hazard to persons or property, or
 - (b) a person responsible for open burning has failed to comply with the provisions of this bylaw, a permit, or the authority of the fire chief, as applicable.
- (2) The fire chief is authorized to issue a written permit in the form prescribed by the fire chief to a person or organization for
- (a) land clearing burning, and
 - (b) open burning for a special public event.
18. The fire chief is authorized to impose terms and conditions for open burning relating to fire safety that are more restrictive than the restrictions and conditions set out in this bylaw, including, but not limited to
- (a) the location of a fire
 - (b) the dates and times a fire may be lit or maintained,
 - (c) the maximum area occupied by a fire,
 - (d) the materials to be burned in a fire,
 - (e) precautions to be taken in connection with a fire,
 - (f) the construction and supervision of a fire, and
 - (g) the expiry of a permit.

Application of Regulations

19. The regulation of open burning in this bylaw does not apply to

- (a) a fire contained within a portable appliance or device that has been specifically designed and is used solely for the cooking and preparation of food and that is fuelled by propane, natural gas or charcoal briquettes,
- (b) burning of natural gas or propane in an appliance or device that is regulated by a gas regulatory authority,
- (c) fires lit for municipal purposes, including public works operations, fire department training, and fire prevention purposes authorized by the fire chief.

General Open Burning Regulation

- 20. No person shall carry out opening burning
 - (a) except under the authorization and subject to the conditions of this bylaw,
 - (b) when a burning ban established by the fire chief is in effect,
 - (c) unless the fire is continually supervised by a competent person,
 - (d) unless a garden hose or other immediate source of water, a shovel, hand tool, or other sufficient equipment to extinguish the fire is readily available at all times, and
 - (e) unless reasonable precautions are taken to prevent smoke being generation or becoming a nuisance.

- 21. No person shall
 - (a) carry out open burning if the fire chief considers that igniting or allowing a fire in any area may create a fire hazard to persons or property.
 - (b) burn any material other than material comprised of vegetative matter that is dry and in a condition that provides for safe and rapid combustion,
 - (c) carry out open burning in an incinerator or metal or masonry container, and
 - (d) carry out open burning on the foreshore.

Prohibited Material

- 22. No person shall burn any of the following material in an open air fire:
 - (a) the prohibited material set out in the *Open Burning Smoke Control Regulation* under the British Columbia *Environmental Management Act* as amended or re-enacted from time to time;
 - (b) petroleum products;

- (c) materials generally referred to as garbage or refuse, including household material and food waste;
- (d) construction waste;
- (e) animal organic waste;
- (f) any other material, that is not vegetative matter, which produces heavy black smoke that is liable to foul or contaminate the atmosphere or an odour that is liable to disturb the enjoyment, comfort or convenience of individuals or the public.

Residential Open Burning

23. A person may carry out residential open burning
- (a) for the purpose of burning vegetative matter on the parcel of land from which the material originated,
 - (b) on a day between October 1 and May 31, inclusive, in any year,
 - (c) during the time period of 6 a.m. and 6 p.m. of the same day,
 - (d) on no more than 3 consecutive days,
 - (e) no larger than 2 metres in diameter,
 - (f) at least 20 metres from any structure,
 - (g) at least 10 metres from any standing timber, vegetative matter, other flammable material, and any property line, and
 - (h) in a manner that the vegetative matter is fed to the fire in such a way that rapid ignition and combustion occurs.

Campfires

24. A person may only ignite and maintain a campfire
- (a) for recreational purposes, cooking purposes, or ceremonial purposes by a First Nation,
 - (b) in a fire ring, fire pit, or approved commercial appliance,
 - (c) no larger than 0.6 metre in diameter
 - (d) during the time period between 6 a.m. and 11:59 p.m. on the same day, and
 - (e) at least 6 metres from any structure, standing timber, vegetative matter, other flammable material, and any property line.
 - (f) if it is not on the foreshore

Land Clearing Fires

25. A person may only carry out a land clearing fire

- (a) in compliance with the British Columbia *Wildfire Act* and regulations and the British Columbia *Environmental Management Act* and regulations, as amended or re-enacted from time to time, and
- (b) under the authorization and subject to the conditions of a valid and subsisting permit issued by the fire chief.

Cost Recovery

- 26. (1) Any person who carries out opening burning is responsible for that fire.
 - (2) If open burning
 - (a) presents a fire hazard to person or property in the opinion of the fire chief,
 - (b) has escaped or threatens to escape from a person's control, or
 - (c) is prohibited under this bylaw,and the fire department is summoned to control or extinguish the fire, the fees set out in Schedule A to this bylaw are imposed upon and are payable by the owner of property on which the fire was ignited for the cost of fire protection services.
9. The *Fire Regulation and Prevention Bylaw, No. 269, 1996* is amended by
- (a) renumbering section 30 as section 35 and striking the word ``**Enforcement**`` and replacing it with the subtitle ``**ENFORCEMENT**`` for that section.
 - (b) renumber section 31 as section 36.
10. The *Fire Regulation and Prevention Bylaw, No. 269, 1996* is amended by adding the following:

FIREWORKS

Authority of the Fire Chief

27. The fire chief is authorized to
- (a) issue a written permit in the form prescribed by the fire chief to a person or organization for the discharge of fireworks.
 - (b) cancel and suspend any right to discharge fireworks and refuse to issue a permit to discharge fireworks under the provisions of this bylaw, the Canada *Explosives Act* and its regulations, or if the health and safety of persons and property is deemed to be at risk in the opinion of the fire chief.

Consumer Fireworks

28. Permit Exemptions

The discharge of consumer fireworks is permitted without a permit issued under this bylaw

- (a) on October 31st, and
- (b) on December 31st and from 12:01 a.m. to 1 a.m. on January 1st.

29. No person may discharge consumer fireworks on municipal property, including road right-of-ways and parks, without the written permission of the District of Metchosin.

33. Every person applying for a permit to discharge consumer fireworks must

- (a) be 18 years of age or older,
- (b) provide written permission of the owner of the property upon which the fireworks display will be located, if the person applying for the permit is not the owner.

Display Fireworks and Special Effects Pyrotechnics

31. Every person applying for a permit to discharge display fireworks or special effects pyrotechnics

- (a) must submit an application to the fire chief at least 7 days before the date of the event,
- (b) provide proof that the applicant holds a valid fireworks operators certificate issued by Natural Resources Canada,
- (c) provide written permission of the owner of the property upon which the fireworks display will be located, if the person applying for the permit is not the owner,
- (d) provide a site plan and event plan to the satisfaction of the fire chief,
- (e) provide evidence of liability insurance in an amount of not less than \$2 million per occurrence in the name of the applicant with the District of Metchosin named an additional insured, and
- (b) pay an application fee of \$100, except for an application submitted by the District of Metchosin, School Board No.62, the Metchosin Volunteer Firefighters Society, a not-for-profit society, or a charitable organization registered and in good standing with the Canada Revenue Agency.

General Prohibitions

- 32. No person may offer for sale, sell, or cause to be sold fireworks in the District of Metchosin.
 - 33. No person may fire or discharge fireworks in the District of Metchosin unless authorized by a permit issued under this bylaw.
11. The *Fire Regulation and Prevention Bylaw, No. 269, 1996* is amended by repealing section 31 and substituting the following:

OFFENCE AND PENALTY

- 34. (1) Any person who contravenes any provision of this bylaw is liable, upon summary conviction, to a minimum fine of \$1,000 and a maximum fine of \$10,000 and the cost of prosecution.
 - (2) Every day during which an infraction of this bylaw continues constitutes a separate offence.
 - (3) The penalties in this section shall be in addition to and not in substitution for any other penalty or remedy available under this bylaw, Provincial legislation or at law.
12. The *Fire Regulation and Prevention Bylaw, No. 269, 1996* is amended by repealing Schedule ‘A’ Burning Permit.
13. The *Fire Regulation and Prevention Bylaw, No. 269, 1996* is amended by adding Schedule A as set out in Schedule A to this bylaw.

Read a first time this	19 th	day of	February	2018.
Read a second time this	19 th	day of	February	2018.
Read a third time this	19 th	day of	February	2018.
Adopted this	5 th	day of	March	2018.

Mayor

Corporate Officer

Schedule A

Schedule A

1. Regular Inspection of Public Buildings

- (a) public assembly, institutional, industrial: minimum inspection frequency of 2 years
- (b) Commercial, not including home-based business: minimum inspection frequency of 3 years

2. Fire Service Fees

The fee for any portion of fire service provided that is under one hour in duration may be calculated in increments of not less than one-quarter hours.

(a)	Engine with crew:	\$578 per hour
(b)	Water tender with crew:	\$358 per hour
(c)	Mini pump/brush truck with crew:	\$214 per hour
(d)	Rescue vehicle:	\$330 per hour
(e)	Duty vehicle and officer	\$180 per hour
(f)	Additional Firefighter	\$37 per hour
(g)	Fire retardant foam	\$200 per 10 litres
(h)	Public Works backhoe	\$65 per hour
(i)	Public Works dump truck:	\$65 per hour
(j)	Public works service truck:	\$40 per hour
(k)	Public Works employee /operator:	\$45 per hour
(l)	Standby rate:	50% of the equipment rate
(m)	Fuel	At current per litre fuel cost