

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3452

A BYLAW TO MAKE RULES FOR THE PROVISION, OPERATION AND ADMINISTRATION OF THE SERVICES FOR FIRE PREVENTION AND SUPPRESSION AND THE PROVISION OF ASSISTANCE IN RESPONSE TO OTHER CLASSES OF CIRCUMSTANCES THAT MAY CAUSE HARM

WHEREAS:

- A. By Supplementary Letters Patent issued the 7th day of July, 1983, the Capital Regional District was given the authority to undertake a program of fire regulation for all or part of what is now the Juan de Fuca Electoral area and the Southern Gulf Islands Electoral area for that purpose was given the power under then sections 699 and 700 of the *Municipal Act*;
- B. The regulatory authority formerly set out in section 700 of the *Municipal Act* has been replaced with Section 522 of the *Local Government Act*;
- C. The Board of the Capital Regional District has deemed it necessary to make rules for the provision, operation and administration of all services established by it for fire prevention and suppression and the provision of assistance in response to other classes of circumstances that may cause harm;

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

PART I – DEFINITIONS:

- 1. In this bylaw unless the context otherwise requires:
 - (a) "Beach fires and camp fires" are outdoor fires used for cooking, warmth or recreational purposes.
 - (b) "Biomedical Waste" means any waste, which may present a threat of infection to humans, including, but not limited to, non-liquid human tissue and body parts, discarded sharps, human blood, human blood products, laboratory waste that contains human disease-causing agents and body fluids and absorbent materials that include items such as bandages, gauze and sponges.
 - (c) "Class 'A' Burning" means burning debris in piles larger than two metres in diameter and one metre in height and any land clearing debris.
 - (d) "Class 'B' Burning" means burning debris in piles equal to or less than two metres in diameter and one metre in height.
 - (e) "Class 'C' Burning" includes domestic incinerators, beach fires and campfires.
 - (f) "Commercial incinerator" means any device constructed or erected, designed and used for the destruction by fire of industrial, commercial or institutional waste materials, but does not include any crematorium operated in accordance with the *Cremation, Interment and Funeral Services Act*, SBC 2004, c.35.

- (g) "Demolition waste" means any material resulting from or produced by the complete or partial destruction or tearing down of any structures.
- (h) "Domestic incinerator" means any metal or masonry container fitted with a metal screen or grill of not more than 9.5 millimetres (3/8") mesh to restrict any sparks or flying debris and used to serve any dwelling unit occupied by a single family or any two-family dwelling.
- (i) "Engine" means an internal combustion engine but does not include an engine in or on a vehicle primarily used for the transportation of people.
- (j) "Fire Chief" means the Fire Chief of the applicable fire protection service or specified area or his authorized agent.
- (k) "Fire Danger Class" means the fire danger hazard for the fire service area as determined by the Protection Branch of the Ministry of Forests and Range or the local Fire Chief.
- (l) "Fire Department" means the volunteer fire department established for a Service Area by bylaw of the Regional District or by agreement between the Regional District and a duly incorporated society that by contract provides fire service within a Service Area.
- (m) "Fire Season" means the period from April 1st to October 31st inclusive, or as extended by the Fire Chief under 3(g).
- (n) "Foreshore" means that part between high water mark and low water mark.
- (o) "Fuel Break" means a barrier or a change in fuel type or condition, or a strip of land that has been modified or cleared to prevent fire spread.
- (p) "Garbage" means any household material, animal, vegetable and food waste or scraps but does not include newspaper and cardboard.
- (q) "Green debris" means debris that has been on the ground for less than 30 days.
- (r) "High risk activity" means each of the following: mechanical brushing, disk trenching, preparation or use of explosives, using fire- or spark- producing tools including cutting tools, using or preparing fireworks or pyrotechnics, grinding, mechanical land clearing, log forwarding other than by logging truck on a road, skidding logs, yarding logs using cable systems, using a vehicle with metal tracks, chains or studs, operating a power saw, clearing or maintaining right of ways, including grass mowing, rock drilling, tree processing including de-limbing, welding, portable wood chipping, milling, processing or manufacturing.
- (s) "Industrial activity" means activities that include debris piling, mechanical modification of forest debris, railway operations, utility transmission operations, mining operations, silviculture treatments as defined under section 1(1) of the Forest Planning and Practices Regulation of B.C. Reg. 14/2004, wood milling, processing and manufacturing, timber harvesting, road construction, road maintenance or road deactivation, yarding logs using helicopters or lighter than air vehicles, operating power saw, loading log or use of machinery on a road or a landing or in a log sort area.

- (t) "Industrial waste" means combustible by-product waste material of any density resulting from industrial process, and any noxious waste material of industrial or institutional origin.
- (u) "Mill waste" includes bark, chips, sawdust and any other discarded wood products piled for uses other than residential gardens, parks, trails and playgrounds.
- (v) "Open Burning" means the combustion of material without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere but does not include a domestic, industrial or commercial incinerator, or any liquid fuel, propane, briquette or similarly fuelled stoves and barbecues.
- (w) "Person" includes any firm or corporation.
- (x) "Regional District" means the Capital Regional District.
- (y) "Service Area" means a service area within the regional district established for fire protection and suppression under the *Local Government Act*.
- (z) "Utility" means the works or facilities for the provision of a service provided by a public authority, a public utility or a similar person, such as water, electricity, natural gas, septic, transportation or communication.

PART II - APPLICATION

- 2. This bylaw applies within Service Areas of the Regional District.

PART III - REGULATIONS

- 3. A Fire Chief:
 - (a) may enter any land or premises at all reasonable times to inspect conditions which may cause a fire, increase the danger of a fire or increase the danger to persons;
 - (b) is authorized to take or order the following measures be taken in relation to flammable material:
 - (i) the erection of barricades to prevent or impede access to the area where the flammable material is being stored;
 - (ii) the posting of signs or tape to prohibit access;
 - (iii) the application of water or some other agent to the flammable material to reduce the risk of fire;
 - (iv) the covering or burial of the flammable material to reduce the risk of fire;
 - (v) the removal or disposal, which may include a controlled burn, of the flammable material;

- (vi) the cessation of the use of machinery or equipment in the vicinity of the flammable material.
 - (c) may enter onto or travel across any property or enter into any premises for a purpose related to fire suppression and damage, break, break-up, remove or destroy any part or parts of any premises including any buildings, structures, improvements or vegetation on any premises when the Fire Chief is of the opinion that there is imminent and serious danger to life or property arising from a fire, fire hazard, toxic chemical spill or risk of explosion;
 - (d) may serve notice in writing to the owner or occupier of any real property requiring the removal of all goods, material, refuse, debris, flammable substance or other matter or thing from a building or yard, which in their opinion is a fire hazard or increases the danger of fire;
 - (e) is authorized to exercise the powers of a local assistant appointed by the Fire Commissioner under the *Fire Services Act*, 1996, RSBC, c.144 and amendments thereto;
 - (f) require or cause the demolition of any building or structure or part of a building or structure to prevent the spreading of fire;
 - (g) where dry weather conditions have created conditions where the Fire Chief considers that outdoor burning could be hazardous after October 31st in any year, the Fire Chief may direct that the Fire Season be extended.
 - (h) shall exercise powers of entry under this bylaw in accordance with section 314.1 of the *Local Government Act* and section 16 of the *Community Charter*, SBC 2003 c.26.
4. No person shall:
- (a) in any way hinder any member of the Fire Department or any other person under the direction of the Fire Chief at any fire;
 - (b) except with the permission of the Fire Chief, be permitted to enter any burning building or within the lines established by the Fire Chief marked by ropes, guards, tape or other means at a fire;
 - (c) drive, run over or into any fire hose or any other equipment with any vehicle unless bridging adequate to protect the hose or other equipment is provided for that purpose;
 - (d) place or maintain any object or matter on a street, or road which interferes with free access or approach to any fire hydrant, stand-pipe or reservoir which is available for fire protection;
 - (e) damage, render unusable or interfere with any equipment, utility or property which is owned, leased or used by the Fire Department.
5. An owner or occupier of real property in a Service Area 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.
6. An owner of any unoccupied building shall ensure that it is properly secured against entry by unauthorized persons.

7. Burning Class Regulations:

(a) **Class 'A'**

- (i) Class 'A' Burning shall only be allowed on a property when there are no provisions at a land clearing receiving centre, within the Service Area, which are approved under the CRD Solid Waste Management Plan and the Environmental Management Act and Regulations.
- (ii) No person shall burn land clearing waste:
 - (1) within 50 metres of the works or facilities of any utility,
 - (2) within 50 metres of buildings on same property,
 - (3) between a building and a highway,
 - (4) within 100 metres from a neighbouring residence or business, or
 - (5) within 500 metres from a school in session, a hospital or a facility used for continuing care as defined under the *Continuing Care Act*, RSBC 1996, c.70.
- (iii) Class 'A' fires are not permitted to burn for more than three consecutive days.
- (iv) No person shall add additional materials to a fire within two (2) hours of sunset of each day of the fire.
- (v) A permit for Class 'A' Burning is required all year.

(b) **Class 'B'**

- (i) No person shall carry out Class 'B' Burning within 10 metres of any building, structure, fence, tree or hedge.
- (ii) No person shall burn green debris or leaves.
- (iii) No person shall permit a Class 'B' fire to burn for more than four consecutive days.
- (iv) No person shall add additional materials to a fire within two (2) hours of sunset of each day of the fire.
- (v) No person shall carry out Class 'B' Burning during the Fire Season except under the authority of a permit.
- (vi) If in the opinion of the Fire Chief, conditions are such that burning could become hazardous or create a nuisance because of change in weather, wind, or other circumstance, the Fire Chief may direct that a permit is required for Class 'B' Burning outside of the Fire Season.

(c) **Class 'C'**

- (i) If in the opinion of the Fire Chief, conditions are such that burning could become hazardous or create a nuisance because of adverse weather, wind, or other circumstance, the Fire Chief may direct that a permit for Class 'C' Burning is required.
- (ii) No person shall ignite or maintain a beach fire on the foreshore or a campfire, within:
 - (1) 7.5 metres of any building, structure, fence, tree or hedge;
 - (2) 3 metres of any driftwood, dry vegetation, grass or any other combustible materials.

8. Open Burning:

- (a) Except as provided in this bylaw, a person shall not carry out open burning without a valid burning permit issued by the Fire Chief.
- (b) A person shall not carry out open burning during the months of July, August and September except beach fires and camp fires unless the Fire Chief has prohibited such fires under subsection(c).
- (c) If in the opinion of the Fire Chief, local conditions have become hazardous or adverse weather conditions exist, the Fire Chief may direct that beach fires and camp fires are prohibited.
- (d) If in the opinion of the Fire Chief, local conditions have become hazardous or adverse weather conditions exist, the Fire Chief may direct the person having control of the fire to extinguish the fire and the person directed to extinguish the fire shall cause the fire to be completely extinguished.
- (e) All fires must be continuously controlled and supervised by a competent person until such fire is completely extinguished and shall ensure that sufficient material, equipment and labour are present on site to effectively maintain control over the fire and prevent the same from spreading, causing damage or becoming dangerous to life or to other property.

9. Permits:

- (a) The person to whom the permit has been issued must make the permit available for inspection by the Fire Chief, upon request, at the site that the burning is carried out.
- (b) No person shall ignite or maintain a fire under authority of a fire permit except on the parcel for which the permit was issued.
- (c) The Fire Chief has the authority to restrict, suspend, withhold or cancel any permit issued where, in his opinion, igniting of a fire in any area may create a fire hazard or increase the danger of fire to persons or property.

- (d) Any permit issued by the Fire Chief shall be in writing and is valid only for the purpose stated and for the period set out in the permit.

10. Prohibited Materials:

No person shall burn the following material: tires, plastic, drywall, paint and paint products, treated lumber, asphalt, asphalt products, rubber, fuel, solvents, metals and lubricant containers, tar paper, railway ties, demolition waste, garbage, biomedical waste or manure.

11. Incinerators:

- (a) The owner of an incinerator shall ensure that:
 - (i) the incinerator is maintained in a condition that provides for the proper combustion of any material burned;
 - (ii) while it is in use a competent person shall continuously supervise any burning and ensure sufficient fire extinguishing equipment necessary for fire control is available;
 - (iii) a domestic incinerator is located at least:
 - (1) 1.5 metres from any combustibles such as grass, shrubbery or wooden fencing; and
 - (2) 7.6 metres from any building or fuel storage area;
 - (iv) a commercial or industrial incinerator is located at least:
 - (1) 3 metres from any combustibles such as grass, shrubbery or wooden fencing; and
 - (2) 10 metres from any building or fuel storage area.
 - (v) Where, in the opinion of the Fire Chief, an incinerator is likely to create or become a fire hazard due to damage, deterioration, lack of maintenance, construction or location, the Fire Chief may order the owner of the incinerator to:
 - (1) alter, renovate, repair or relocate the incinerator, or
 - (2) discontinue its use.
 - (vi) The owner of any incinerator shall, under provision of this bylaw, comply with the order of the Fire Chief.

12. Beach fires:

- (a) No beach fire or campfire shall exceed 1 metre in diameter and 1 metre in height.
- (b) All beach fires on the foreshore or campfires must be contained by a suitable receptacle made of fireproof materials that completely surrounds the fire which may include, but is not limited to, a fire ring made of rocks or metal.

- (c) All beach fires or campfires must be continuously controlled and supervised by a competent person until such fire is completely extinguished.
13. Industrial and high risk activities:
- (a) When the Fire Danger Class is at 'Extreme' all industrial and high risk activities must cease operation except with written permission of the Fire Chief.
 - (b) At all times while there is a risk of a fire starting and spreading on an area that is forest land or grass land or is within 300 m of forest land or grass land, a person who carries out an industrial activity at a site in that area must ensure that sufficient fire fighting tools are available at that site.
 - (c) A person carrying out a high risk activity on or within 300 m of forest land or grass land must do so in accordance with the applicable restrictions and duration set out in Schedule 3 of the *Wildfire Regulation* for the Fire Danger Class.
 - (d) A person who, in accordance with subsection 13 (c) of this bylaw and Schedule 3 of the *Wildfire Regulation*, is required to maintain a fire watcher, must ensure that the fire watcher:
 - (i) can reasonably see the site of the high risk activity during the time the fire watcher is required,
 - (ii) has sufficient fire fighting tools to carry out fire control,
 - (iii) actively watches and patrols for sparks and fires on the site of the high risk activity,
 - (iv) immediately carries out fire control and extinguishes the fire, if practicable, and
 - (v) has the means on site to report the fire.
 - (e) A person carrying out an industrial activity that is refuse disposal, wood sorting, wood milling, wood processing or wood manufacturing on a site that is on or within 300 m of forest land or grass land must maintain a sufficient fuel break at or near the site to ensure that a fire originating at the site does not escape the site.
 - (f) A person who has permission from the Fire Chief to carry out an industrial or high risk activity when the Fire Danger Class is in the 'Extreme' range or a person carrying on an industrial or high risk activity when the Fire Danger Class is in the 'High' range must not operate an engine unless:
 - (i) the necessary precautions are taken to ensure that the operation of the engine does not cause a fire,
 - (ii) the engine is equipped with a safe and effective device for arresting sparks that is an integral part of the exhaust system and in good repair,
 - (iii) the engine is equipped with an exhaust system and muffler that is within the manufacturer's specifications, and

- (iv) if the engine is over 7.5 kw (10 hp) and is stationary or semi-permanent, the engine is surrounded by a fuel break.
 - (g) A person carrying out an industrial activity that is a utility transmission operation, on or within 300 m of forest land or grass land, must:
 - (i) maintain utility transmission equipment, apparatus and materials in a manner that reduces the likelihood of producing an ignition source capable of starting a fire on or adjacent to the site of the utility transmission operation, and
 - (ii) maintain the site in a manner that prevents any fire from spreading from the site.
14. Where any person will lawfully deposit any mill waste, he or she shall ensure that:
- (a) the Fire Chief is notified at least forty-eight (48) hours before the deposit;
 - (b) no deposit has a depth greater than 3 metres; and
 - (c) within one week, that cover material at least 305 millimeters in thickness is applied to any deposit unless otherwise approved by the Fire Chief.
15. The Fire Chief, a bylaw enforcement officer or a police officer as an agent of the Regional District are authorized to enter onto and into property for the purposes established by sections 268 and 314.1(2) of the *Local Government Act* in accordance with the provisions of the subsections 16(1) to (5) of the *Community Charter* or other conditions of entry, if any, set out in the *Local Government Act*, *Community Charter* or another enactment.
16. The Fire Chief, a bylaw enforcement officer or a member of the Royal Canadian Mounted Police are authorized to issue tickets in respect of an offence created by this Bylaw under the Capital Regional District Ticket Information Authorization Bylaw 1990, No. 1857.
17. If a Fire Chief finds that any provision of this bylaw has been contravened or has not been complied with, or has been complied with improperly or only in part, or that conditions exist in or upon a building or property to which the bylaw applies and which, in his opinion, constitutes a fire hazard or otherwise constitutes a hazard to life and/or property he may:
- (a) make to the owner or occupier of the building or property such recommendations as deemed as necessary to correct the contravention or to ensure compliance with this bylaw or to remove the hazards referred to in the bylaw or,
 - (b) make orders with respect to any of the matters referred to in this bylaw in accordance with the *Local Government Act* or, where applicable, the Fire Services Act.
18. An order made under this bylaw shall be in writing and shall be directed to the owner, occupier or lessee of the building or property in respect of which the order is made or to both.

- 19. An order made under this bylaw shall be served by:
 - (a) delivering it or causing it to be delivered to the person to whom it is directed, or
 - (b) sending the order by return registered mail to the last known property owner.
- 20. Where an owner or occupier is in default of an order made pursuant to this bylaw, the Regional District, by its workers or others, may enter the property and effect such work as required in the order at the expense of the owner or occupier so defaulting in accordance with section 269 of the *Local Government Act*, and any charges so incurred and remaining unpaid on December 31 of that year shall be added to and form part of the taxes payable on the real property as taxes in arrears.
- 21. (a) Any person who violates any provision of this bylaw shall be liable, upon summary conviction, to a fine of not less than \$50.00 and not greater than \$2,000.00.
 - (b) Where any violation continues, each day in which it continues shall be deemed to be a separate violation for the purposes of prosecution under this bylaw.
- 22. Bylaw No. 1958, "Fire Regulation Bylaw No. 1, 1991" and subsequent amendments are hereby repealed.
- 23. This bylaw may be cited for all purposes as "Fire Regulation Bylaw No. 1, 2007."

READ A FIRST TIME THIS	8 th	day of	August	2007
READ A SECOND TIME THIS	8 th	day of	August	2007
READ A THIRD TIME THIS	8 th	day of	August	2007
ADOPTED THIS	12 th	day of	September	2007

Original signed by Denise Blackwell
CHAIR

Original signed by Carmen Thiel
SECRETARY