

**LANTZVILLE IMPROVEMENT DISTRICT  
BYLAW NO. 227**

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A bylaw for incorporating regulations governing the Fire Department and for preventing and suppressing fires and to safeguard the public against the hazards of fires.

The Trustees of the Lantzville Improvement District ENACT AS FOLLOWS:

1. In this bylaw unless the context otherwise requires the following terms and expressions shall have the meanings hereinafter assigned to them, that is to say:
  - (1) "Animal control waste" shall mean solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, hair and feathers;
  - (2) "Approved plastic container" shall mean approved by a recognized testing authority;
  - (3) "Authorized" shall mean authorized by the Lantzville Improvement District which shall normally devolve this responsibility to the Chief of the Fire Department.
  - (4) "Authorized incinerator" shall mean any metal or masonry container in good condition mounted on a noncombustible base, fitted with a metal screen or grill not more than 25 mm (1") mesh to restrict any sparks or flying debris.
  - (5) "Board" shall mean the Board of Trustees of the Lantzville Improvement District;
  - (6) "Building" shall mean any structure or building used or intended to be used for the support, shelter or enclosure of persons, animals or chattels;
  - (7) "District" shall mean the Lantzville Improvement District;
  - (8) "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;
  - (9) "Extinguished" shall mean no visible flame, sparks, glowing embers or smoke;
  - (10) "Fire Chief" shall mean the Fire Chief of the Lantzville Improvement District as appointed by the District or any person designated by the District to act on the District's behalf;

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- (11) "Fire Department" shall include the fire department of the District and the fire department of any other fire protection district or municipal corporation attending fires within the District;
  - (12) "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;
  - (13) "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;
  - (14) "Garbage" shall mean any animal, vegetable and food wastes or scraps;
  - (15) "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<sup>o</sup> F) or forty four degrees Celsius (44<sup>o</sup> C).
  - (16) "Occupant" shall mean owner, agent, lessee, licensee or tenant of any building or premises to which any of the provisions of this bylaw shall apply;
  - (17) "Person" shall mean natural persons of either sex, associations, corporations, or co-partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, or assigns or other legal representatives of such persons to whom the context shall apply according to law;
  - (18) "Private residence" shall mean any dwelling or two-family dwelling;
  - (19) "Refuse" shall mean any approximately evenly proportioned mixture of rubbish and animal or vegetable waste material of low moisture content;
  - (20) "Rubber" shall mean rubber goods, tires, plastics, tar and asphalt roofing materials;
  - (21) "Rubbish" shall mean any readily combustible inorganic dry waste material, but does not include animal or vegetable wastes;
  - (22) "Two-family dwelling" shall mean any building occupied or intended to be occupied as the residence of not more than two families;

- (23) "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.
3. (1) Even where this bylaw and any regulations under the Fire Services Act deal with the same subject matters, any further or more stringent restrictions in this bylaw on the use of property or fire shall have full force and effect.
- (2) In the event of any conflict, inconsistency or redundancy between these bylaws and the Waste Management Act, the Waste Management Act shall, in all cases, prevail.

#### Right of Entry

4. (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 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; and
- (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

5. The Fire Chief shall be in full charge and control of the Fire Department and shall be responsible to the Trustees of Lantzville Improvement District for the Fire Department's proper management, subject to the rules and regulations, and is charged with the duty of preventing and extinguishing fires; of

protecting human life against the hazards of fires; and of the enforcement of regulations incorporated into this bylaw and of the regulations adopted pursuant to the Fire Marshall Act.

6. No person shall impede, obstruct, abuse or in any way hinder the Fire Chief or any officer or member of the Fire Department or any other person in attendance at any fire under the direction of the Fire Chief or any other officer or person lawfully in command at such fire.
7. At any time after the arrival of an officer or member of the Fire Department at the scene of a fire, the Fire Chief or any other officer or person lawfully in command at such fire is empowered to order the evacuation of the burning building or structure or of any building or structure which in his opinion is endangered by such fire and thereafter no person other than the Fire Chief or any officer or member of the Fire Department, police officer, or any other person in attendance at such fire with the knowledge and consent of the Fire Chief or any other officer or person lawfully in command of fire fighting operations at such fire, shall remain in or shall enter any such building or structure or the space or area around or in the vicinity of such building or structure which has been ordered cleared of persons by said person in command.

#### Breaking Blockade

8. 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

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

#### Access to Fire Hydrant

10.
  - (1) No person shall place or maintain any object matter on a sidewalk or street which interferes with free access or approach to any fire hydrant and/or standpipe at any time.
  - (2) No person shall park a vehicle on the road right-of-way within eighteen (18) feet of a fire hydrant and/or standpipe at any time.
  - (3) No person shall obstruct or cause to be obstructed the vertical clearance of fifteen (15) inches from ground level to any fire hydrant and/or standpipe outlet at any time.

- (4) No person shall obstruct or cause to be obstructed the area around any fire hydrant and/or standpipe to a radius of six (6) feet at any time.

#### Smoking Prohibited

11. (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, 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

12. (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 noncombustible material.

#### Inspection of Chimneys, Flues, Furnaces

13. (1) Where he deems it necessary, the Fire Chief may examine carefully any chimney, fuel, fireplace, hearth, oven, furnace, heater, boiler stove steam pipe funnel or any other equipment he may deem to be a fire hazard.

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Notice to Remedy Fire Hazard

- (2) Where any chimney, flue, fireplace, hearth, oven, furnace, heater, boiler, stove, steam pipe, 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

14. Where any owner or occupant has received notice under Section 13 of this bylaw, he shall comply with the notice within the time indicated.

Depositing Ashes

15. (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 or occupied by him; or
  - (c) in any metallic container which is within 300mm (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

16. No person in that part of any building where there is an accumulation of hay, shavings, or other readily flammable material, or liquids, shall smoke, or have in his possession any lighted pipe, cigar or cigarette, or light or carry any naked light, flame, or light not enclosed in a shade or other noncombustible guard.

Metal Receptacles for Flammable Material

17. 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 noncombustible material and with an airtight top or lid of the same type of material.

#### Control of Combustible Material

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

#### Clearing of Roof

19. 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

20. 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

21. (1) Any owner or occupant of real property in the District shall remove any matter or thing situated in or on any building or premises which in the opinion of the Fire Chief, is a fire hazard or increases the danger of fire.

#### 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 his 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, the manner in which the condition may be remedied, and the time within which the owner or occupant must comply.

Burning

22. Except as provided in this bylaw, no person shall light, ignite, or maintain any fire or permit or cause any fire to be lit, ignited, or maintained in the "open air" without first obtaining a permit, oral or written, from the Lantzville Improvement District, who may require a written application thereof.

Form of Written Permit

23. (1) A written permit shall be in the form set out in Appendix "A" and Appendix "B" attached hereto, or to like effect, and shall not be valid after expiration thereof.
- (2) Fees for inspection of areas and premises involved with issuing of permits shall be set by the Trustees of Lantzville Improvement District.

Issuance

24. 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.

No Noxious Odours

25. No persons shall burn any rubber, garbage, animal organic waste or any materials which create a noxious odour.

"Open Air" Fires

26. (1) A fire in the "open air" shall mean a fire out of doors, not contained in an authorized incinerator.
- (2) Any material to be burned must originate on the property where it is to be burned.
- (3) Classes of "open air" fires are defined as follows:-
- (a) Class "A" burning shall be defined as any fire out of doors not contained in an authorized incinerator, the pile of combustible material being larger than 1.2 metres (four feet) high and 1.8 metres (six feet) in diameter.
- (b) Class "B" burning shall be defined as any fire out of doors not contained in an authorized incinerator, the pile of combustible material being

less than 1.2 metres (four feet) high and 1.8 metres (six feet) in diameter, the contents of which originates on the property where it is burned.

- (4) The registered owner of the property or some competent person appointed by him shall supervise and keep under control any burning in the "open air" and ensure that any equipment necessary for fire control is available.
- (5) The registered owner of the property or some competent person appointed by him shall ensure that a fire in the "open air" is located at least:-
  - (a) four and a half (4.5) metres or fifteen (15) feet from any dry grass, shrubbery or wooden fence; and
  - (b) six (6) metres or twenty (20) feet from any building.

#### Authorized Incinerators

27. 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 owner of the authorized incinerator or some competent person appointed by him shall supervise any burning and ensure that any equipment necessary for fire control is available; and
- (3) that the authorized incinerator is located at least:-
  - (a) three (3) metres or ten (10) feet from any dry grass, shrubbery or wooden fence; and
  - (b) four and a half (4 1/2) metres or fifteen (15) feet from any building, fuel tank or be located beneath tree branches; and
  - (c) two (2) metres or six (6) feet from any other combustible material.

#### Restriction, Fires in the "Open Air" or in an Authorized Incinerator

28. (1) Except a fire lawfully maintained by special written permit authorized by the Lantzville Improvement District, persons may only ignite or have burning:-

- (a) any fire in the "open air" between September 30th and May 15th; or
  - (b) any fire in an authorized incinerator between sunrise and sunset on Friday and between sunrise and sunset on Saturday year round.
- (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

- (3) No person is required to possess a permit for Class B (open air) or authorized incinerator for the occasional burning of authorized waste material from September 30th in any year to May 15th of the following year unless proclaimed otherwise by the Lantzville Improvement District.

#### Unauthorized Fires

29. 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.

#### Fire Escapes

30. Each storey above the ground floor of any building in the District used as a school, hotel, apartment building, duplex or boardinghouse, as those defined in the local zoning bylaw, shall be provided by the owner with an adequate fire escape or adequate fire escapes in accordance with the Province of British Columbia Building Code at a height of no greater than 10.5 metres or 35 feet from the ground, and the owner, and the tenant, if any, shall maintain the same in good repair and condition.

#### Exit Doors to Open Readily

31. 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

32. Except as authorized by a valid written permit issued by the Fire Chief, no person shall store or keep gasoline within the District other than:-

- (1) gasoline not exceeding forty five (45) litres or ten (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 Explosive or Flammable Compound,  
Liquid or Material in Public Building

33. 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

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

Enforcement

35. (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) Costs for equipment, manpower and all damages incurred at any and all Class A, Class B and incinerator fires ignited without a permit shall be borne by person or persons responsible for igniting such fire or fires.

Removal of Fire Hazards

36. The Fire Chief shall have the authority to have any building or properties which are, or will create a fire hazard removed, at the expense of the registered owner after written notice of the hazard and failure on the part of the registered owner to eliminate the fire hazard.

Penalty

37. (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 Offence 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.


38. This bylaw repeals Bylaw No. 183.

39. This bylaw may be cited as the "Fire Regulations Bylaw, 1993".

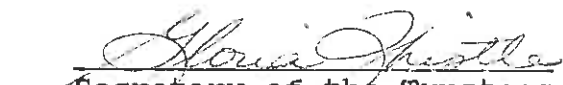
INTRODUCED and given first reading by the Trustees on the 30th day of August, 1993.

RECONSIDERED and finally passed by the Trustees on the 30th day of August, 1993.

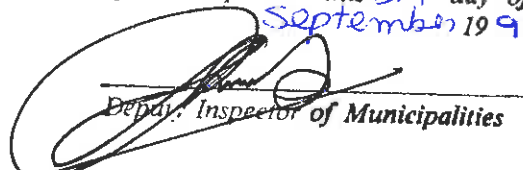
  
Chairperson of the Trustees

  
Secretary of the Trustees

I hereby certify under the seal of Lantzville Improvement District that this is a true copy of Bylaw No. 227 of Lantzville Improvement District passed by the Trustees on the 30th day of August, 1993.

  
Secretary of the Trustees

A true copy of By-Law No. 227  
registered in the office of the Inspector  
of Municipalities this 22 day of  
September 1993

  
Deputy Inspector of Municipalities

CLASS B "INCINERATOR" REGULATIONS

1. The property owner shall be responsible for all incinerator fires authorized by this permit.
2. The permit holder is authorized to burn household refuse only, other than materials prohibited by the Waste Management Act which are detailed on the reverse of this permit.
3. An incinerator must be made of a noncombustible material with the opening for emitting products of combustion to the atmosphere covered with a screen or equivalent device with openings no larger than 2 1/2 cm x 2 1/2 cm (1" x 1").
4. No burning is to be done within 15 feet (4.5 metres) of slash, brush, dry grass, trees or any other flammable material.
5. No incinerator shall be located within 15 feet (5 metres) of any building or fuel tank or be located beneath tree branches. The incinerator must be six (6) feet (2 metres) from any combustible material.
6. The property owner must ensure that the use of the incinerator is not hazardous nor creates a nuisance from the emission of smoke or offensive odours. The Lantzville Improvement District has the right to order that any burning reported as nuisance be extinguished.
7. The registered owner of the property must ensure that a responsible adult person supervises and keeps under control the use of the incinerator whenever material is being burned and ensures that any equipment necessary for fire control is available.
8. No fire will be permitted in an incinerator during a closure imposed by the Lantzville Improvement District or initiated by the B.C. Forest Service. The property owner is responsible for ensuring that a closure is not in effect prior to lighting a fire.
9. This permit authorizes incinerator burning in the Lantzville Improvement District between May 15th and September 30th between sunrise and sunset on Friday and between sunrise and sunset on Saturday only.
10. Violation of this permit will result in fines being imposed by the Improvement District in accordance with Schedule "A" on the reverse of this permit.
11. This permit is subject to cancellation or suspension when necessary for the control of smoke.



CLASS B "OPEN AIR FIRE" REGULATIONS

1. The property owner shall be responsible for Class B ("open air" fires) authorized by this permit.
2. Class B "open air" fires are defined as any fire out of doors not contained in an authorized incinerator, the pile of combustible material being less than 1.2 metres (four feet) high and 1.8 metres (six feet) in diameter, the contents of which originates on the property where it is burned.
3. The property owner shall take the following precautions to prevent escape of fires.
  - 3.1 No burning is to be done when there is a wind exceeding 15 mph (24 kph).
  - 3.2 Light material, such as paper, dry leaves, etc., that could be airborne while on fire must be covered by heavier material or held down by wire mesh or by other suitable means, while being burned.
  - 3.3 Any material to be burned must originate on the property where it is to be burned.
  - 3.4 The registered owner of the property or some competent person appointed by him shall attend and safeguard at all times any burning in the "open air" and ensure that any equipment necessary for fire control is available.
  - 3.5 The registered owner of the property or some competent person appointed by him shall ensure that a fire in the "open air" is located at least:-
    - (a) four and a half (4.5) metres or fifteen (15) feet from any dry grass, shrubbery or wooden fence; and
    - (b) six (6) metres or twenty (20) feet from any building.
  - 3.6 Additional special conditions:
    - (a) The property owner must have a hose and shovel on site and the burn pile must be not larger than four feet (1.2 metres) high and six feet (1.8 metres) in diameter.
    - (b) The garden hose must be laid out while burning is in progress, equipped with a nozzle, long enough to reach the burning and have enough water pressure to discharge water for 5 metres.
4. This permit shall allow the burning of yard and garden refuse only.
5. The property owner shall ensure that all fires are completely extinguished on or before May 15th or when instructed to extinguish the fire by the Lantzville Improvement District or their agent.
6. No "open fires" are permitted from May 15th to September 30th.
7. No "open fires" will be permitted during a fire closure imposed by the Lantzville Improvement District or the B. C. Forest Service. The property owner is responsible for ensuring that a closure is not in effect prior to lighting a fire.
8. Violation of this permit will result in fines being imposed by the Improvement District in accordance with Schedule "A" on the reverse of this permit.
9. This permit is subject to cancellation or suspension when necessary for the control of smoke.
10. To minimize the amount of smoke created by fires authorized under this permit, the burning piles must be tended regularly so that all the fuel is rapidly consumed. An auxiliary air supply may be used to promote good combustion to meet these requirements.
11. No material other than dry wood, paper, cardboard, or diesel fuel oil is used as a fuel to start, assist, or enhance the burning. Burning of tires or plastics is prohibited.
12. The permit holder is authorized to burn yard and garden refuse only, other than materials prohibited by the Waste Management Act which are detailed on the reverse of this permit.

SCHEDULE "A"

District Bylaw No. 227, Section 37 states:

- (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 Offence 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.
1. In accordance with the conditions of Class B "Open Air" or Incinerator Burning Permits, failure to comply with the conditions of the permit will result in fines being imposed by the District in accordance with the following schedule.
  2. If the permittee fails to comply with the conditions of the permit once it has been issued, it will result in a fine of not less than \$100.00 and not more than \$900.00.
  3. Failure to obtain a permit before lighting a fire, where it is deemed that a permit is required, will result in a fine of not less than \$200.00 and not more than \$1,000.00 being levied against the property owner.
  4. Where any violation continues, each day in which it continues shall be a separate violation for the purpose of prosecution under these regulations.
  5. The amount of the fines levied under Item 2 and Item 3 will be decided by the Board of Trustees and will be based upon the nature of the fire.

MATERIALS PROHIBITED BY THE WASTE MANAGEMENT ACT

The following material must not be included with debris that is burned in the "open air":

- |                    |                    |                    |
|--------------------|--------------------|--------------------|
| - tires            | - treated lumber   | - manure           |
| - plastics         | - railway ties     | - drywall          |
| - rubber           | - demolition waste | - asphalt          |
| - paint            | - domestic waste   | - asphalt products |
| - special waste    | - fuel & lubricant | - tar paper        |
| - biomedical waste | containers         |                    |

AUTHORITY IS HEREBY GRANTED TO:	CLASS B PERMIT "OPEN AIR"
MAILING ADDRESS:	BURN VOLUME 1.8 M. WIDE AUTHORIZED: x 1.2 M. HIGH
	TELEPHONE NUMBER:
TO SET FIRE ON THE FOLLOWING DESCRIBED LANDS:	
PURPOSE OF THE BURN: <p style="text-align: center;">YARD AND GARDEN REFUSE ONLY.</p>	
EFFECTIVE PERIOD OF PERMIT	FROM: MO / DAY / YR TO: MO / DAY / YR

SIGNATURE OF ISSUING OFFICER	POSITION/TITLE	DATE ISSUED
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