

District of Lantzville

Bylaw No. 185, 2019

A BYLAW TO PROVIDE FOR FIRE PROTECTION SERVICES IN THE DISTRICT OF LANTZVILLE

WHEREAS the Council may, by bylaw, pursuant to the *Community Charter*, establish and regulate the activities of a Fire Department;

AND WHEREAS the Council may, by bylaw pursuant to the *Community Charter*, and subject to the *Fire Services Act* and the Fire Code Regulations establish regulations for the protection of persons and properties;

NOW THEREFORE BE IT RESOLVED, that the Council of the District of Lantzville in open meeting assembled, hereby enacts as follows:

Title

1. This Bylaw may be cited as the "District of Lantzville Fire Protection Services Bylaw No. 185, 2019".

Definitions

2. In this Bylaw:

"Agricultural Clearing Waste Fire" means an outdoor fire in which only waste originating and resulting from agricultural activities to facilitate agricultural use of the land zoned for such use, is burned;

"Assistance Response" means:

- (a) medical and fire emergencies;
- (b) response to accidents, natural or man-made disasters, escapes of hazardous materials or other circumstances that have caused or may cause harm to persons or property;
- (c) rescue operations.

"Beach Fire" means any open fire on a beach within the District of Lantzville boundaries;

"Camp Fire" means a fire for the purpose of enjoyment and warmth;

"Ceremonial Fire" means a fire for carrying out a ceremony for cultural purposes;

"Clearing Waste" means any waste material resulting from clearing of trees brush or stumps.

"Demolition Waste" means any waste resulting from or produced by the complete or partial destruction or tearing down of any structure excepting material prohibited in the Open Burning Smoke Regulation (*Environmental Management Act*), and any amendments thereto;

"Equipment" means any vehicles, tools, devices or materials used by the Fire Department;

"False Alarm" means the activation of a Fire Alarm System resulting in the direct or indirect notification of the Fire Department to attend at a real property where the Fire Department finds no evidence or indication of any fire condition, unlawful activity, or unauthorized entry;

"Fire Alarm System" means a device or devices installed on real property and intended to warn of a fire condition by activating an audible alarm signal or alerting a monitoring facility but does not include a fire alarm system on real property that is intended to alert only the occupants of the dwelling unit in which it is installed;

"Fire Chief" means the person appointed by Council as head of the Fire Department or any other authorized member of the fire department to act on behalf of the Fire Chief in his or her absence;

"Fire Department" means the fire department of the District of Lantzville, including all officers, employees and volunteers engaged thereby;

"Fire Protection" means all aspects of fire safety, including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, training, staff development and advising on fire safety matters;

"Hazardous Materials Response" means qualified members of the District of Lantzville Fire Department who provide a level of response as per the National Fire Protection Association (NFPA) 472 - "Hazardous Materials Awareness" only;

"Incident" means a situation which requires the services of the Fire Department;

"Incinerator" means any metal or masonry container in good condition that proper combustion of any material burned, less than .9 meters high and less than .6 meters in diameter, mounted on a non-combustible base and fitted with a metal screen or grill of not more than 25 millimetres mesh to restrict any sparks or flying debris;

"Member" means any person appointed by the Fire Chief as a member of the Fire Department;

"Mutual Aid" means the provision of the Fire Department's services to another local government pursuant to a mutual aid agreement between the District and that local government;

"Officer" means a Member given specific authority to assist the Fire Chief in his or her duties;

"Open Air Fire" means a fire out of doors, not contained in an Incinerator;

"Outdoor Cooking Fire" means a fire for the purpose of cooking food for consumption;

"Public Services" means public information, education and prevention programs related to fire safety, public safety, and emergency preparedness; and

“Resource Forestry Lands” means managed forestry lands within the District of Lantzville that are privately held blocks. Privately held blocks that are under the jurisdiction of the *Private Managed Forest Land Act*, and are designated as resource in the “District of Lantzville Official Community Plan Bylaw No. 50, 2005”.

“Venting Index” means Ventilation Index, a term used in air pollution meteorology. (It is also known as the Venting Index.) The index is a numerical value related to the potential of the atmosphere to disperse airborne pollutants, such as smoke from a prescribed fire. It is based on both the current wind speed in the mixed layer and the mixing height. The mixed layer is the surface layer of air that is turbulent and well mixed. The mixing height is the thickness (sometimes zero) of this mixed layer. Forecast venting indices (usually from a computer model) are available for 26 different areas of the province. Stronger wind speeds and thicker mixed layers will produce higher venting indices. For convenience, the Ventilation Index is converted to a scale of 0 to 100. On this scale, the capacity of the atmosphere to disperse pollutants is related to the following Ventilation Index values:

Venting Index	Ventilation Category
0 - 33	POOR ventilation
34 - 54	FAIR ventilation
55 - 100	GOOD ventilation

3. All other words and phrases shall be construed in accordance with the meaning assigned to them by the *Building Code* (British Columbia), the *Fire Code* (British Columbia) or the *Fire Services Act* (British Columbia). In the event of a conflict between this Bylaw and the *Fire Services Act* (British Columbia) and any regulations there under, the provisions of the *Fire Services Act* (British Columbia) and its regulations shall prevail.

Establishment

4. The Fire Chief is authorized to administer this Bylaw.
5. The Fire Chief may appoint and dismiss Members in consultation with the Chief Administrative Officer (CAO).
6. The Fire Chief may appoint Officers to act as Fire Chief on his or her behalf in consultation with the CAO.

Scope of Fire Department

7. The Fire Department is empowered to provide the following services:
 - (a) Fire Protection;
 - (b) Assistance Response;
 - (c) Mutual Aid;

- (d) Public Services;
- (e) Responder Medical calls First; and
- (f) Vehicle Incidents Motor

Powers of Fire Chief

8. The Fire Chief is authorized to exercise the following powers:
 - (1) Enter on property and inspect premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire;
 - (2) Take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fire;
 - (3) Require an owner or occupier of real property to undertake any actions for the purpose of removing or reducing any thing or condition that the Fire Chief considers is a fire hazard or increases the danger of fire;
 - (4) Exercise all of the powers of the fire commissioner under section 25 of the *Fire Services Act*, and for these purposes that section applies.
9. The Fire Chief or the Member in charge at an Incident may establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Fire Chief or the Member in charge.

Territorial Jurisdiction

10. The jurisdiction of the Fire Department extends to the boundaries of the District of Lantzville, but does not include Resource Forestry Lands, and no part of the Fire Department's Equipment and Members shall be used outside the District or in Resource Forestry Lands without:
 - (a) the express authorization of a written agreement providing for the supply of Fire Department Equipment or Members outside the District's boundaries or in Resource Forestry Lands;
 - (b) the approval of Council; or
 - (c) a request for assistance in accordance with the *Emergency Program Act* (British Columbia).

Inspections

11. The Fire Chief and any authorized Members of the Fire Department may enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed.
12. The Fire Department shall conduct, or cause to be conducted, inspections of the classes of premises listed in Schedule "A" to this Bylaw at least as frequently as set out in Schedule "A" to this Bylaw.

General Fire Regulations

13. No person shall obstruct or interfere with the Fire Chief or a Member of the Fire Department in the performance of his or her duties under this Bylaw.
14. No person shall damage or destroy, or obstruct, impede or hinder the operation of, any Equipment of the Fire Department.
15. No person shall drive a vehicle over any Equipment of the Fire Department without the permission of the Fire Chief or a Member of the Fire Department.
16. No person shall falsely represent themselves as a Member of the Fire Department.
17. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any Incident, fire hydrant, cistern or body of water designated for firefighting purposes.
18. No person shall tamper, obstruct or interfere with an emergency exit, fire extinguisher, fire alarm, sprinkler, standpipe or other fire safeguard installed in a building.
19. No person shall wilfully make or cause to be made a false request for the Fire Department to respond to an Incident.
20. No person shall enter the boundaries or limits of an area prescribed in accordance with section 9 unless that person has been authorized to enter by the Fire Chief or the Member in charge at the Incident.
21. Every owner or occupant of a building shall provide all information and shall render all assistance required by the Fire Chief or a Member of the Fire Department in connection with the inspection of the building.
22. No person shall ignite, start or maintain any fire on any highway or District boulevard allowance.

Removal of Fire Hazard

23. Every owner and occupier of property shall remove or reduce or cause to be removed or reduced any thing or condition directed by the Fire Chief to be removed or reduced under section 8(3) of this Bylaw, during the time stipulated in that order.
24. In the event the owner or occupier of property fails to comply with section 23 of this Bylaw, and the owner or occupier of that property has been given an opportunity to make representations to the Fire Chief in respect of that order, the District may by its own officers and employees or other persons, with approval of the CAO carry out the work necessary to comply with section 23 of this Bylaw at the expense of the owner or occupier, and the District may recover the costs of undertaking such work either as a debt against the person in default or, if the work is in relation to land or improvements on the owner or occupier's property, in the same manner and with the same remedies as property taxes.

Open Air and Incinerator Fires

25. A person may ignite, start or maintain:
 - a. an Open Air Fire or Incinerator Fire composed of a pile of combustible material less than 1.2 metres high and less than 1.8 metres in diameter only during the period beginning October 15th of a calendar year and ending April 15th of the following calendar year;
 - b. a fire for Fire Department training exercises which is not subject to conditions in section 25(a);
 - c. an outdoor cooking, ceremonial or camp fire, provided the fire is contained in a device or

fixture for the purpose of cooking or ceremony and the fire is only burning propane, natural gas, clean wood or charcoal and does not exceed 0.61 meters in size at any time of the year providing there are no fire bans in place;

- d. an outdoor fire in a pit approved by the Fire Chief for use in designated campgrounds or tourist parks at any time of the year providing there are no fire bans in place;
 - e. a Beach Fire only between the hours of 11:00 a.m. to 8:00 p.m. and only if using a CSA-rated or ULC-rated portable campfire apparatus that uses propane fuel, as long as the height of the flame is less than 15 cm tall, unless it is prohibited by other regulatory agencies. No Open Air Fires are permitted on any beach within the boundaries of the District of Lantzville at any time;
 - f. an Open Air or Incinerator Fire providing every reasonable alternative for reducing, receiving or recycling debris has been pursued to minimize the amount of debris to be open burned;
 - g. the open burning provided it is conducted in accordance with the conditions set out in the *Wildfire Act* and the Wildfire Regulations of British Columbia; and meets all the requirements of this Bylaw;
 - h. a fire as provided in this Bylaw, however, all Provincial fire bans effective within the Coast Forest Region, shall apply within the District boundaries.
26. At any time, a representative of the Fire Department may demand a fire be extinguished.
27. No fire may be started or maintained if the Central Vancouver Island venting index does not indicate a good venting index for the period in which the fire is to burn.
28. No person shall start, maintain or permit an Agricultural Clearing Waste Fire other than:
- (a) during the period October 15 to November 15 in each year;
 - (b) having a burn registration number issued by the Province;
 - (c) ensuring size of pile of combustible material less than 3.6 meters high and less than 6.1 meters in diameter; and
 - (d) with the prior written approval of the Fire Chief.
29. An Agricultural Clearing Waste Fire shall only be conducted in conformance with the *Open Burning Smoke Control Regulation*, as amended or replaced from time to time, enacted by the Province of British Columbia under the provisions of the *Environmental Management Act* including, but not limited to:
- (a) the smoke release period being not greater than 72 hours; and
 - (b) burning prohibited during times of an inversion, when local winds are inadequate to disperse the smoke or the ventilation index is poor.

30. No person shall burn the following materials:

asphalt and asphalt products	insulation	special waste
biomedical waste	manure	tar paper

demolition waste	paint and paint products	tires
domestic waste (household material and food waste not including newspaper and cardboard)	plastics	treated lumber
drywall	railway ties	pallets
fuel and lubricant containers	rubber	

31. No person shall ignite, start or maintain:

- (1) an Open Air Fire or Incinerator fire in wind conditions exceeding 15 kilometres per hour;
- (2) an Open Air Fire or Incinerator fire unless a person over the age of 18 is present and in charge of the fire at all times and that person has the minimum equipment consisting of a communication device to contact 911, a sufficient amount of water, water hose and shovel readily available to control the fire and prevent the fire from causing damage or becoming dangerous to life and property;
- (3) an Open Air Fire less than:
 - (a) five (5) metres from any dry grass, shrubbery or wooden fence, and
 - (b) five (5) metres from any building; or
- (4) an Incinerator fire less than
 - (a) five (5) metres from any dry grass, shrubbery or wooden fence,
 - (b) five (5) metres beneath tree branches or from any building or fuel tank or from any other combustible material; or
- (5) a Ceremonial and/or Outdoor Cooking fire less than
 - (a) five (5) metres from any dry grass, shrubbery or wooden fence,
 - (b) five (5) metres beneath tree branches or from any building or fuel tank or from any other combustible material.

32. Every person who ignites, or permits to be ignited, any Open Air Fire or camp fire or Incinerator fire, is responsible for that fire and is liable for all expenses incurred by the District to respond to that fire. The cost of the District's response shall be the cost to the District for supplying Equipment and Members of the Fire Department as set out in Schedule "B".

False Alarm Fees

33. If the Fire Department responds to more than two False Alarms in a building in any calendar year, the owner or occupier of that building shall pay the fee set out in Schedule "B" for each subsequent response by the Fire Department to a false alarm in that building.

Offence and Penalties

34. Any person who contravenes this Bylaw is liable upon summary conviction to a minimum

fine of \$500 and a maximum fine of \$10,000 and the cost of prosecution. Every day during which there is an infraction of this bylaw shall constitute a separate offence.

Severability

35. If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

Repeal of Existing Bylaws

36. The "District of Lantzville Fire Protection Services Bylaw No. 86, 2010", and all amendments thereto, are hereby repealed.

READ A FIRST TIME this 15th day of April, 2019.

READ A SECOND TIME this 15th day of April, 2019.

READ A THIRD TIME this 6th day of May, 2019.

ADOPTED this 27th day of May, 2019.

ORIGINAL SIGNED

Mark Swain, Mayor

ORIGINAL SIGNED

Trudy Coates, Director of Corporate Administration

SCHEDULE "A"

FREQUENCY OF INSPECTIONS

The Lantzville Fire Department conducts all fire and life safety inspections at least every 12 months for the following occupancy:

- Bed and breakfast occupancies
- High industrial hazard
- Public assembly
- Institutional
- Multi-unit residential
- Medium industrial hazard
- Service industry
- Mercantile
- Low industrial hazard

SCHEDULE "B"

FEES

Nuisance Fees

- False Alarm \$200.00

Equipment and Personnel Fees

- Fire Trucks (including personnel and equipment on the truck) \$400.00 per truck per hour

SCHEDULE "C"
FIRE SERVICES AREA MAP

