

VILLAGE OF TAHSIS

FIRE PROTECTIVE SERVICES AND REGULATION BYLAW No. 621, 2019

BEING A BYLAW TO ESTABLISH A FIRE DEPARTMENT AND PROVIDE FIRE PROTECTION, FIRE PREVENTION,
SUPPRESSION AND RESCUE

WHEREAS Council wishes to establish a fire department and establish the regulations for fire protection, fire prevention and fire suppression; and

WHEREAS under s. 8(2) of the *Community Charter*, a municipality may provide any service that the Council considers necessary or desirable;

NOW THEREFORE, The Council of the Village of Tahsis, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. Citation

This bylaw may be cited as the “**Fire Protective Services and Regulation Bylaw No. 621, 2019**”.

2. Definitions

“**Apparatus**” means any vehicle provided with machinery, devices, equipment or materials for fire protection and assistance to respond, as well as, vehicles used to transport fire fighters or supplies;

“**Chief Administrative Officer**” means a person appointed to that position by the Council of the Village of Tahsis pursuant to s. 147 of the *Community Charter* and with the authority as per Municipal Officers and Delegation of Authority Bylaw No. 611, 2019;

“**Council**” means the Council of the Village of Tahsis;

“**False alarm**” mean the activation of a fire alarm system resulting in the direct or indirect notification of the Fire Department to attend at a property where the Fire Department find no evidence or indication of any fire condition, unlawful activity, or unauthorized entry;

“Fire alarm system” means a device or devices installed on 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 property that is intended to alert only the occupants of the dwelling unit in which it is installed;

“Fire Chief” means a person appointed by the Chief Administrative Officer to be in charge of the department and authorized by Council pursuant to section 66 of the *Community Charter*, and includes the Deputy Fire Chief and any other person authorized to act on behalf of the Fire Chief, by the Fire Chief;

“Fire Department” means the “Tahsis Fire Rescue Department”, including all officers, employees and volunteers engaged by the Fire Department;

“Incident” means a fire or situation which requires the service of the Fire Department;

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

“Officer” means a member who is appointed by the Fire Chief as an officer to assist the Fire Chief in his or her duties;

“Vacant Building” means a building that is not lawfully occupied or that is not lawfully used for its approved purpose for a continuous period of 60 consecutive days.

3. Application

- a) The Bylaw applies to all land and buildings within the Village.
- b) Every Owner of land or a building is responsible for complying with this Bylaw, and for carrying out or causing to be carried out any work required under this Bylaw to bring the land or building into compliance with this Bylaw.
- c) Every Occupier of land or a building must ensure the land or building, as applicable, is maintained in compliance with this Bylaw, and the Occupier may, in addition to the Owner of the land or building, be held responsible to bring such land or building into compliance with this Bylaw.

4. Severability

- a) If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion may be severed and such invalidity will not affect the validity of the remaining portions of this bylaw.

5. Interpretation

- a) Where there is a reference in this Bylaw to an enactment of the Province of British Columbia that reference will include a reference to any prior or subsequent enactment of the Province of British Columbia of like effect and, unless the context otherwise requires, all statutes referred to in this Bylaw are enactments of the Province of British Columbia.

6. Repeal

- a) The following bylaw is hereby repealed: Village of Tahsis Bylaw No. 439, 1998
“Being a bylaw to provide for the establishment and operation of a Fire Department. “

7. Adoption of the British Columbia Fire Code

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

**PART 1 – Fire Department and
Authority of the Fire Chief**

- 8.** The Fire Department of the Village of Tahsis, as established and also known as Tahsis Volunteer Fire Department, is hereby continued as the “Tahsis Fire Rescue Department”.
- 9.** The Fire Chief is authorized to administer this bylaw.
- 10.** The Fire Chief may appoint a Deputy Fire Chief to act on his or her behalf.

- 11.** The Fire Chief is authorized as the Local Assistant to the Fire Commissioner and a Commissioner's Inspector to exercise the authorities under sections 10, 21, 22, 24, 30 and 33 of the *Fire Services Act* (RSBC 1996, Ch. 144).
- 12. Immediate Removal of Hazard or Risk**
- a) Pursuant to section 25 of the *Fire Services Act*, if an emergency arising from a fire hazard or from a risk of explosion causes the Fire Chief to be apprehensive of imminent and serious danger to life or property, or of a panic, the Fire Chief may immediately take the steps he or she determines is advisable to remove the hazard or risk.
 - b) Pursuant to section 25 of the *Fire Services Act*, for the purpose of subsection (a), the Fire Chief may evacuate a building or area, and may call on the police of local jurisdiction and fire prevention authorities who have authority to provide assistance.
- 13. Hotel and Public Building**
- a) Pursuant to section 25 of the *Fire Services Act*, if the Fire Chief believes that condition(s) exists in or near a hotel or public building, that in the event of a fire, might seriously endanger life or property, the Fire Chief may immediately take the action he or she believes is advisable to remedy the conditions, to eliminate the danger, and may evacuate and close the hotel or public building.
 - b) Pursuant to section 25 of the *Fire Services Act*, the Fire Chief may call on the assistance of peace officers and fire prevention authorities for the purposes of subsection a).

14. Wildfire Hazard

- a) Where, in the opinion of the Fire Chief, the safety of forest, woodland, timber or other property, is endangered by debris caused by logging, land clearing or industrial operations, the Fire Chief may require a person carrying on logging, land clearing or industrial operations, or person who has carried on the operation, or the owner or occupier of the land on which the debris exists:
- i. to dispose of the debris by removal or other methods acceptable to the Fire Chief;
 - ii. to cut down all dead standing trees and stumps within the area affected; and
 - iii. to take precautions to prevent the occurrence or escape of fire or damage to property.

15. The Fire Chief may, for the purpose of preventing wildfires, order the temporary closure of public use of outdoor trails, camping areas, and other facilities located in or near forested areas, on public and private land.

PART 2 - Fire Protection Services and Regulations

16. Fire Inspections

- a) The Fire Chief is authorized to inspect premises in accordance with section 21 of the *Fire Services Act*.
- b) After conducting an inspection, the Fire Chief may issue an order pursuant to section 22 of the *Fire Services Act*.

17. General Fire Regulations

- a) No person shall damage or destroy, or obstruct, impede or hinder the operation of any equipment of the Fire Department.
- b) No person shall falsely represent themselves as a member of the Fire Department.
- c) 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.

- d) No person shall tamper, obstruct, disengage, fail to maintain or interfere with an emergency exit, fire extinguisher, fire alarm, sprinkler, standpipe or other safeguard installed in a building.
- e) No person shall willfully make or cause to be made a false request for the Fire Department to respond to an incident.
- f) Every owner or occupant of a building shall provide all information and shall render all assistance required by the Fire Chief in connection with the inspection of the building.
- g) No person may remove, deface or destroy a notice or sign, where a notice or sign has been posted under this bylaw.

18. Fire Safety Plans

- a) Where the *British Columbia Fire Code* requires the owner of land and/or building to establish fire emergency procedures and prepare and maintain a building fire safety plan, the property owner must submit to the Fire Department a detailed fire safety plan and record of emergency systems installed within the building for review and approval prior to implementation of such plan.

19. Vacant Buildings

- a) The owner of a vacant building must at all time ensure that the building and surrounding land are free from debris and flammable substances and must keep all openings in such a building securely closed and fastened so as to prevent the entry of unauthorized persons as per section 21 (1) of the Property Maintenance Regulation Bylaw No. 614, 2019.

20. Fire Damaged Buildings

- a) The owner of a fire damaged building must ensure that the building is guarded or that all openings in the building are kept securely closed and fastened so as to prevent the entry of unauthorized persons.

21. Access Routes

Every owner of land and/or building must ensure access routes are constructed in accordance with applicable Village bylaws, policies and standards; and

- a) if an access route is provided by means of a private roadway or yard, the design and location of the roadway or yard for Fire Department use must be constructed in accordance with National Fire Protection Association specifications for access roads and Part 5 of the BC Fire Code 2018:
 - i. have a clear width of 6 meters, unless it can be shown that lesser widths are satisfactory;
 - ii. have a centerline radius of not less than 12 metres;
 - ii. have an overhead clearance of at least 5 metres;
 - iii. have a change of gradient of not more than 1 in 12.5 over a minimum distance of 15 metres;
 - iv. be designed to support the expected loads imposed by firefighting equipment and be surface with material designed to permit accessibility under all weather conditions and have bridge load limit conspicuously;
 - v. be sufficiently cleared of snow and other debris to permit accessibility;
 - vi. have turnaround facilities for any dead-end portion of the access route exceeding 90 metres;
 - vii. be connected with a public thoroughfare; and
 - viii. have key or code access provided to the Fire Department if; a gate, bollard, or other similar means of security is utilized, so that the department can respond to a fire emergency.

22. Private Fire Hydrants and Standpipes

Every owner of land and/or building, with respect to fire hydrants and standpipe located on their land and/or building, must:

- a) Service and maintain all hydrants and standpipe so as to be capable of providing the flow and pressure of water for which they were designed;
- b) Cause all hydrants and standpipes to be inspected and maintained in accordance with NFPA 25 and by a qualified fire protection technician certified by the Applied Science Technologies and Technicians of BC;
- c) Retain and make available to the Fire Chief upon request, records on inspection and maintenance requirements for at least 3 years;

- d) Notify the Fire Department immediately of any condition of any fire hydrants and standpipes that affects fire safety, and of any repairs to hydrants and standpipe;
- e) Wrap all hydrants and standpipe which are out of service for repair, or not yet in service, sufficiently to indicate that is not in service;
- f) Keep hydrants clear of ice, snow, shrubs, trees, structures and other obstructions and clearly identify their locations;
- g) Paint hydrants the same colour scheme as Village hydrants; and
- h) Ensure that no person places or leaves any vehicle, article, thing or matter in such manner as to interfere with free access or approach to any hydrants or other Fire Department connections.

23. Fire Suppression Cost Due to Fire Hazard

- a) If firefighting and suppression services are provided to a property, the applicable fees under Schedule A to this Bylaw are imposed upon and payable by the owner of the property, if any of the following occurs on the property:
 - i. The storage or use of dangerous goods in a building in quantities greater than permitted, or in a manner prohibited under the *British Columbia Fire Code* as amended from time to time;
 - ii. The cultivation or production of controlled substances as regulated under the *Controlled Drugs and Substances Act* and the unauthorized alterations or repairs to structural, electrical, water or gas systems, equipment, appliances or other accessories of any kind for any of those purposes; and
 - iii. Chemical or biological materials used in or produced by the trade or manufacture of a controlled substance as defined by the *Controlled Drug and Substance Act*, as amended or re-enacted from time to time.

Part 3 – Miscellaneous Fees

24. False Alarm Fees

- a) If the Fire Department responds to more than two false alarms in a building in any calendar year but less than 6 months apart the applicable fee set out in Schedule A is imposed upon and payable by the property owners in that calendar year.

25. File Search Fees

- a) Every person seeking documentation or file search for *British Columbia Fire Code* violations or infractions, must pay the fee in Schedule A.

Part 5 – Enforcement

26. Offence and Penalties

- a) Any person who contravenes any provision of 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.
- b) Every day during which an infraction of this bylaw continues shall constitute a separate offence.
- c) The penalties hereunder shall be in addition to and not in substitution for any other penalty or remedy available under the bylaw, Provincial legislation or at law.

27. Effective Date

This Bylaw comes into effect upon adoption.

Reconsidered, Finally Passed and Adopted this 7th day of January, 2020



MAYOR



CORPORATE OFFICER

I hereby certify that the foregoing is a true and correct copy of the original Bylaw No.621, 2019 duly passed by the Council of the Village of Tahsis on this 7th day of January, 2020.



CORPORATE OFFICER

Schedule A

1. Fire Protection Service Fees

a)	Apparatus with a minimum of 4 firefighters	\$ 537 per hour or portion thereof
b)	Rescue Apparatus with a minimum of 3 firefighters	\$ 537 per hours or portion thereof
c)	Duty Officer and Vehicle	\$180 per hour
d)	Firefighter	\$40/hour
e)	Fire Retardant foam	\$200 per 10 liters
f)	Village of Tahsis Public Works Equipment and Personnel	As per Fees and Charges Bylaw No. 594

2. Inspection Fees

a) Non –routine inspection fee: \$75

b) Fee for subsequent inspection to regular inspection of hotel and public building: \$ 75

3. False Alarms Response Fee: \$75 per incident

4. File search Fee: \$25 per civic address