

# THE CITY OF ARMSTRONG BYLAW No. 1858, 2020

## FIRE PREVENTION BYLAW

### A bylaw to address fire prevention and regulation

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<p>CONSOLIDATED FOR CONVEINENCE TO INCLUDE: BYLAW NO. 1930, 2024</p>
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**WHEREAS** the City of Armstrong, jointly with the Township of Spallumcheen, has established and operates the Fire Department pursuant to the Intermunicipal Fire Services Bylaw;

**AND WHEREAS** the operation of the Fire Department is subject to the terms of the Intermunicipal Agreement with the Township of Spallumcheen;

**AND WHEREAS** the City of Armstrong is permitted under the Intermunicipal Agreement to establish bylaws relating to fire prevention and regulation, and similar matters, which the Fire Department is responsible for enforcing;

**AND WHEREAS** the City of Armstrong wishes to enact this bylaw to address matters related to fire prevention and regulation;

**NOW THEREFORE** the Council of the City of Armstrong in open meeting assembled enacts as follows:

#### PART 1 – TITLE

1. This Bylaw may be known and cited for all purposes as the City of Armstrong Fire Prevention Bylaw No. 1858, 2020.

#### PART 2 – DEFINITIONS

- 1.1 In this bylaw all words and phrases not otherwise defined shall be construed as having their ordinary meaning except those words and phrases defined in accordance with the current BC Building Code, the *Fire Safety Act*, the *BC Fire Code* or those set forth by the *Ministry of Environment Open Burning Smoke Control Regulation*.
- 1.2 In this bylaw, including in the recitals hereto, unless the context requires otherwise:
  - (a) “**Building Code**” means the *British Columbia Building Code 2018* and regulations made under it and includes any and all amendments and successor codes;
  - (b) “**Campfire**” means a confined open-air fire used for cooking, recreational or ceremonial purposes;
  - (c) “**Chief Administrative Officer**” means the person duly appointed to serve as Chief Administrative Officer of the City;

- (d) **“City”** means the City of Armstrong or the geographic area contained thereof as the context requires;
- (e) **“Community Charter”** means the Community Charter, SBC 2003, c. 26 as amended or re-enacted from time to time;
- (f) **“Competent Person”** means a person of eighteen years or older who is trained and found capable of carrying out a specific task safely, who is not under the influence of any substance that would effect a persons cognitive ability.
- (g) **“Compostable Materials”** means waste products from plants, trees, or other Vegetation that are naturally biodegradable, including grass clippings, leaves, tree needles, garden waste and weeds;
- (h) **“Construction Waste”** means any material resulting from, or produced by, the complete or partial construction of a structure
- (i) **“Confined Fire”** means a fire pit, outdoor fireplace, outdoor appliance, grill or barbecue that is CSA/ULC, CGA or equivalent approved and are within a noncombustible or similar container that is screened by a spark arrestor constructed of non-combustible, expandable, metal, mesh material no larger than 1.25cm (1/2”) and that the fire be no larger than 0.5 m in height and 0.5 m in width;
- (j) **“Council”** means the Council of the City of Armstrong;
- (k) **“Demolition Waste”** means any material resulting from or produced by the complete or partial demolition or tearing down of a structure and does not include any Prohibited Materials;
- (l) **“Domestic Waste”** means household material and food waste, and does not include any Prohibited Materials;
- (m) **“Filling Station”** means a commercial establishment that sells gasoline and oil for motor vehicles;
- (n) **“Fire”** means the combustion or burning of a substance;
- (o) **“Fire Chief”** means the person duly appointed to serve as the head of the Fire Department under the Intermunicipal Agreement, or the Fire Chief’s lawful deputy or any person duly appointed to act in the Fire Chief’s absence or as his or her designate;
- (p) **“Fire Code”** means the *British Columbia Fire Code 2018* and regulations made under it and includes any and all amendments and successor codes;
- (q) **“Fire Department”** means the Armstrong-Spallumcheen Fire Department;
- (r) **“Fire Hall”** means the fire hall of the Fire Department located at 3540 Mill Street, Armstrong, B.C., and includes any fire hall built in replacement thereof or any additional fire hall or fire halls owned or used by the Fire Department;

- (s) **“Fire Inspector”** as defined in the “Fire Safety Act”; **(1930)**
- (t) **“Fire Investigator”** as defined in the “Fire Safety Act”; **(1930)**
- (u) **“Fire Protection”** means all aspects of protection including but not limited to fire safety activities, fire prevention, firefighting or fire suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising;
- (v) **“Fire Safety Act”** means the Fire Safety Act SBC2016, c. 19 as amended or re-enacted from time to time; **(1930)**
- (w) **“Fire Service Area”** means the area within the boundaries of the City and as otherwise authorized by the Intermunicipal Fire Services Bylaw;
- (x) **“Fire Services Commission”** means the Commission authorized under the Intermunicipal Fire Services Bylaw and the corresponding bylaw of the Township of Spallumcheen, and established under the Intermunicipal Agreement to administer and oversee the operation of the Fire Department;
- (y) **“Fireworks”** has the same meaning as defined in the Fireworks Act;
- (z) **“Fireworks Act”** means the *Fireworks Act*, RSBC 1996, c. 146, as amended or re-enacted from time to time;
- (aa) **“Incident”** means an event or situation to which the Department has responded or would normally respond, whether alone, or in conjunction with other emergency services, post-event clean-up, over-haul and investigations;
- (bb) **“Intermunicipal Fire Services Bylaw”** means the City of Armstrong *Intermunicipal Fire Services Bylaw No. 1778, 2016*;
- (cc) **“Justice”** means a judge or magistrate of the Provincial Court of British Columbia;
- (dd) **“Local Assistant Fire Commissioner”** means the Fire Chief and persons authorized in writing by the Fire Chief to exercise the powers of a local assistant under the Fire Safety Act;
- (ee) **“Member”** means any person or Officer who is a duly enrolled member of the Fire Department;
- (ff) **“Officer”** means a Member who is appointed by the Fire Chief as an Officer within the Fire Department in accordance with the Intermunicipal Fire Services Bylaw and Intermunicipal Agreement;
- (gg) **“Open Burning”** means burning not conducted in a closed space or building;
- (hh) **“Order”** means a written directive issued by the Fire Chief (or designate) in relation to the enforcement of any provision of this Bylaw or Intermunicipal Fire Services Bylaw, which order shall specify the particulars of the matter at issue

which require correction, the property or premises affected and the date by which compliance is to be achieved;

- (ii) **“Outdoor Appliance”** includes, but is not limited to fire pit, grill, chimnea and barbecue;
- (jj) **“Permit”** means consent required under this bylaw or another applicable enactment;
- (kk) **“Private Hydrant”** means a water discharging device for the purpose of firefighting installed on private property by its owners as part of a system of fire protection for that property;
- (ll) **“Prohibited Materials”** includes materials the following but not limited to: compostable materials, garden waste, food waste, animal carcasses and manure, newspaper and cardboard, treated construction materials, wire, insulation, rubber and plastics, herbicides and pesticides, painted, stained or pressure treated wood, railway ties, asphalt, paint, asphalt products, toxic and hazardous products, fuel and lubricant and any other material which may produce dense black Smoke;
- (mm) **“Smoke”** Includes the gases, particulate matter (dust, sparks, ash, soot, cinders, fumes, or other effluvia), and all other products of combustion emitted into the atmosphere when a substance or material is burned;
- (nn) **“Special Permits”** means an authorization that may be issued for occasions that are extraordinary as determined by the authority having jurisdiction;
- (oo) **“Vegetation”** means trees, shrubs, plants, and herbs or any prunings therefrom, grass and garden refuse;
- (pp) **“Vehicle”** means a vehicle as defined in the *Motor Vehicle Act*, RSBC 1996, c. 318, as amended or re-enacted from time to time;
- (qq) **“Ventilation Index”** means the ventilation index administered and published by Environment Canada or other equivalent agency of the government of Canada which constitutes a measure of the atmosphere’s ability to disperse pollution; and
- (rr) **“Zoning Bylaw”** means the City’s Zoning Bylaw No. 1921, 2024 as amended or re-enacted from time to time. **(1930)**

### **PART 3 – ADOPTION OF CODES AND FIRE DEPARTMENT AUTHORITY**

- 3.1 The *Fire Code* and the *Building Code* are laws of provincial application which are in effect within the City, and the Fire Department is hereby authorized to enforce the provisions of the same in connection with its Fire Protection activities hereunder and under the Intermunicipal Fire Services Bylaw.
- 3.2 The Fire Department is hereby authorized to enforce the provisions of this bylaw within the City, and in connection therewith, to exercise the powers provided for herein and in the Intermunicipal Fire Services Bylaw. The Fire Department, subject to the direction of the Fire Services Commission, will develop appropriate operational guidelines directing the

Fire Department Members in relation to the enforcement of this bylaw, and the exercise of any powers or authorities in connection therewith.

- 3.3 The Fire Chief, and any Officer designated by the Fire Chief shall have the following duties and powers: **(BL: 1930)**
- (a) the authority to order the removal from any property or premises any paper, rubbish or other combustible material which in his or her opinion is dangerous and may support a Fire; and;
  - (b) the authority and obligation to provide for the administration and enforcement of the *BC Fire Code, Fire Safety Act, Open Burning Smoke Control Regulation* and this bylaw.
- 3.4 The Fire Chief and any Officer designated by the Fire Chief shall be designated as Fire Inspector to conduct fire safety inspections and the Fire Chief and any Officer designated by the Fire Chief shall be designated as Fire Investigator to conduct fire investigations as required by the Fire Safety Act. **(BL:1930)**
- 3.5 No person shall impede, or in any way hinder, the Fire Chief or any Member of the Fire Department while conducting Fire Protection activities for the City under or in relation to this bylaw.

#### **PART 4 – PERMITS AND LICENCES**

- 4.1 A permit shall be obtained from the Fire Chief before erecting, storing or installing any of the following:
- (a) a commercial or industrial oil burning equipment and storage tanks connected to same,
  - (b) a commercial tank for the storage of flammable or combustible liquid at a refining or wholesale storage plant or at a gasoline station, including marine, and pumps connected to same,
  - (c) a tank or tanks for storage of gasoline or other flammable or combustible liquids located on private property together with associated pumping devices,
  - (d) a fire alarm, exit sign or emergency lighting, or
  - (e) a sprinkler system.
- 4.2 An application for a permit may be made in the form prescribed by the Fire Chief and shall include the following:
- (a) a statement of the intended use of the occupancy or operations to be conducted on the premises;
  - (b) two copies of the specifications and scale drawings of the building with respect to the use and occupancy showing:

- (i) the dimensions of the building and its location;
    - (ii) the proposed use of each room or floor area;
    - (iii) fire protection and fire prevention installations including portable extinguishers, fire alarms and smoke detectors, as required by the *Fire Safety Act*; and,
    - (iv) means of egress; and
  - (c) the signature of the applicant.
- 4.3 Fees, as determined from time to time by bylaw, shall be paid by all applicants for any permit required by this bylaw or the regulations passed under the provisions of the *Fire Safety Act*, and for the inspection of any work or thing for which a permit is required.
- 4.4 The Fire Chief may issue a permit if,
- (a) an application has been received;
  - (b) the Fire Chief is of the opinion that the proposed operation or occupancy complies with the provisions of the *Fire Safety Act*, regulations thereunder, this bylaw and any other applicable bylaw; and
  - (c) the permit fee has been paid.
- 4.5 The Fire Chief may refuse to issue a permit or revoke a permit where, in the Fire Chief's opinion:
- (a) there is a violation of any condition under which the permit was issued;
  - (b) there is a violation of any requirement of the *Fire Safety Act* or regulations thereunder, this bylaw or any other applicable bylaw; or
  - (c) any Fire permitted through the issuance of the permit would be likely to be hazardous or create a nuisance; or
  - (d) any conditions or circumstances relevant to the issuance of the permit, or the activities pursuant thereto, have changed such that the Fire Chief is of the opinion that the activities authorized under the permit should not be undertaken.
- 4.6 Permits and licenses shall be posted on the subject premises in a conspicuous place to the satisfaction of the Fire Chief.
- 4.7 Where an owner or his agent has commenced work or allowed work to commence on an installation or other work requiring a permit before a permit is issued, the amount of the fee required to be paid, as referenced in Section 3.3, is double the amount.
- 4.8 The issuance of any permit under this bylaw shall not be construed in any way to make or hold the City or its employees (including the Fire Department) liable or responsible for any

damages arising out of any action carried out by any person whether or not such action was carried out in accordance with the terms of the permit.

4.9 A permit issued under this bylaw:

- (a) shall not take the place of any other license or permit required by another enactment; and
- (b) shall not be transferable.

## **PART 5 – GENERAL FIRE REGULATIONS**

5.1 Open Air Burning Prohibitions

Except as hereinafter provided, no person shall light, ignite or start, or allow, or cause to be lighted, ignited or started a fire of any kind whatsoever in the open air, unless exempt under section 5.2.

5.2 Open Air Burning Exceptions

Burning in the open air for the following limited purposes is permitted:

- (a) small confined fires used for cooking in grills and barbeques, recreational or ceremonial purposes;
- (b) burning allowable by open air burning permit;
- (c) necessary municipal burning; and
- (d) open air burning for fire training purposes.

5.3 General Regulations for all Open-Air Burning

- (a) No person under this bylaw shall, on or in any fire, burn any prohibited materials;
- (b) No person shall place and/or keep a fire without sufficient appliances and equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous to life and property;
- (c) A competent person must be responsible for the care and control of such fire until it is extinguished;
- (d) Any person who starts a fire must ensure that the site of the fire, standing timber, brush or structures is more than five meters from the property line;
- (e) No person shall kindle, light, ignite, start, allow or cause to be lighted or maintain a fire on land of another without the permission of the owner thereof or his agent.
- (f) No person shall kindle, light, ignite, start, allow or cause to be lighted or maintain a fire in any lane, street, road, highway, boulevard, easement, or right-of-way, or any other property owned by the City of Armstrong.

#### 5.4 Open Air Burning Permit Specific Exceptions

- a) A open air burning permit may be issued between Nov 1<sup>st</sup> and April 30<sup>th</sup>, to farmers, orchardists or golf courses on parcels designated under the *BC Assessment Authority*;
- b) A open air burning permit may be issued twice per year, to a maximum of two weeks annually, subject to the issuance of the appropriate permit approved by the Fire Chief or Designate; and
- c) Under a open air burning permit, burning shall only be permitted Monday to Friday starting 1 hour after sunrise ending by 4 pm or 2 hours before sunset, whichever is later. The burning time may not exceed 2 days.

5.5 No person shall park any vehicle within 3 meters of a fire exit.

5.6 Except when a fire hydrant is opened or operated by a Member of the Fire Department or an employee, subcontractor or agent of the City or relevant water improvement district, it is a violation of this bylaw to open or operate any City or private fire hydrant.

5.7 It is a violation of this bylaw to tamper with any fire hydrant.

5.8 No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any incident, fire hydrant, body of water or other source of water supply designated for firefighting purposes.

5.9 No person shall throw down or drop any lighted match, cigar, or cigarette or other burning substance in or near any combustible material.

5.10 All chimneys and heating appliances must be maintained in a safe condition and in accordance with the following:

- (a) all chimneys, smokestacks or similar devices for conveying smoke or gasses to the outer air and the stoves, furnaces, fireboxes or boilers to which they are connected shall be constructed in accordance with the *Building Code* and the *Fire Safety Act* and any specific requirements of the Building Bylaw; and
- (b) it is the responsibility of the owner or occupier of any building to keep and maintain any chimney, stovepipe, or flue in safe operating condition.

5.11 Owners and occupiers of all property within the City must maintain their property in a safe and prudent manner in order to prevent fires and in accordance with the following:

- (a) owners or occupiers of any building shall not permit cotton batting, straw, dry vines, leaves, trees, or other highly flammable materials to be used for decorative purposes, windows displays or any other type of display including for the purpose of promotion.
- (b) Electric light bulbs in stores shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproof;

- (c) commercial refuse containers shall be placed more than 3 meters away from any combustible building or structure unless they are equipped with lids which shall be kept closed in which event the Fire Chief may approve a lesser distance;
- (d) where, in the opinion of the Fire Chief, the safety of property is endangered by debris caused by lumbering, land clearing or industrial operations, or property is endangered by dry grass or brush, the owner or occupier of the land on which such debris, dry grass or brush exists shall, subject to the provisions of section 4.2. 4.3, 4.4 hereof, dispose of the said debris, dry grass or brush by burning as permitted under this bylaw or in any other manner, and shall cut down and similarly dispose of all dead standing trees, brush or grass within the area affected, and shall provide such labour and shall take such precautions to prevent the escape of fire or damage to property as the Fire Chief or other person duly appointed may direct;
- (e) upon receiving a notice in writing from the Fire Chief, the owner or occupant of real property shall ensure that the building described in the notice shall be made to comply with the *BC Building Code*, *Fire Safety Act* and the *BC Fire Code* in respect of interior stairways, exterior stairways, fire escapes, hallways, exit doors, fire doors and windows, enclosure of stairways, sprinkler systems, standpipes, fire alarms, emergency lighting, fire safety plans and any other requirements which, in the opinion of the Fire Chief, would be necessary for the safety of the occupants of the building;
- (f) where any person refuses or neglects to obey or comply with any direction or order given by the Fire Chief, the Fire Chief may, by an ORDER in writing direct that such matter or thing be done by the City of Armstrong at the expense of the owner of the land to which the ORDER applies and the City of Armstrong may recover the expenses thereof plus interest under the provisions of the *Community Charter*; and
- (g) Any person who neglects or refuses to comply with the requirements of subsections (c), (d) or (e) of this section shall be guilty of an offence.

5.12 In addition to the Fireworks regulations outlined in the *Fire Code*, and in accordance with the *Fireworks Act*, the following regulations shall apply within the boundaries of the City:

- (a) no persons shall sell, give, fire or set off Fireworks except between October 24 and November 1 in any year;
- (b) notwithstanding the provisions of this regulation, Fireworks may be sold to and discharged by any person or organization conducting a public Fireworks display provided such public display is held with the written permission of the Fire Chief; and
- (c) special permits shall be obtained from the Fire Chief for the buying and setting off of Fireworks for special occasions outside of the dates set out in subsection (a) above.

5.13 The occupier or, if none, the owner of a property, building, premises, motor vehicle, vessel or railway rolling stock, shall immediately report to the Fire Chief when an explosion, discharge, emission, escape or spill of a hazardous substance occurs, and shall

immediately report to the Fire Chief where the potential for an explosion or a discharge, emission, escape or spill of a hazardous substance exists.

5.14 The dispensing, fueling, filling, refueling, or refilling of propane or liquefied natural gas bottles, cylinders or containers of any type shall only be carried out at inspected and approved facilities, a filling stations, recreational vehicle centers and industrial locations where a person qualified to dispense propane or liquefies gas is in attendance.

5.15 The following regulations shall apply in respect of flammable or combustible liquids:

- (a) the storage, dispensing, fueling, filling, refueling, or refilling of containers of any type larger than 22.5 liters (5 gallons) with gasoline, diesel, naphtha, or any other flammable or combustible liquid shall not be carried out in residential areas or on properties of less than 0.4047 ha (1 acre);
- (b) no person shall store any flammable or combustible liquids in an non vented area and or structure. All storage containers must be CSA approved.
- (c) no person shall dispense flammable or combustible liquids into a storage tank under the *Fire Safety Act* unless storage and installation approved by the Fire Chief; and
- (d) all plants, stores, equipment, buildings, structures and installations for the storage, handling or use of flammable or combustible liquids, which are in existence at the time of the passing of this bylaw, may be continued in use provided that they do not, in the opinion of the Fire Chief, constitute a hazard to life, or to adjoining property. Any additions to or installations on or upon any plants, stores, equipment, buildings, structures or installations after the passing of this bylaw shall conform to the provisions of this bylaw.

5.16 The following regulations shall apply to Private Hydrants:

- (a) the owner of property on which a private hydrant is installed shall maintain the hydrant at all times in good working condition;
- (b) inspections, servicing and testing of private hydrants shall be performed only by persons qualified to carry out such services;
- (c) the owner of a property with one or more private hydrant(s) shall:
  - (i) not less than semi-annually have all private hydrants installed on the property flushed, drained, and all threads of outlets and caps greased with waterproof grease;
  - (ii) have all private hydrants painted as and when required;
  - (iii) not less than once annually provide to the Fire Chief a written report of the inspection, servicing and testing conducted in relation to all private hydrants installed on the property;

- (d) all Private Hydrants shall be installed to Public Works Department standards and shall conform to style and type approved by the Public Works Department and the Fire Department.
- 5.17 The following regulations shall apply with respect to emergency access for Fire Protection purposes:
- (a) all emergency access routes shall be maintained to City standards;
  - (b) fences, hedges, trees, vegetation, structures, vehicles or obstacles of any kind shall not be allowed to impinge upon any portion of any emergency access; and
  - (c) approved removable bollards or approved bicycle baffles may be installed to prevent common use of emergency accesses. The design and installation of the bollards and baffles shall be in accordance with public works department specifications for emergency access and be accepted by both the public works department and the Fire Department.
- 5.18 Filling Stations shall subject to the following requirements:
- (a) in addition to the dispensing procedures outlined in the *Fire Code*, filling stations shall make use of manually operated pumps only or other dispensing devices which discharge flammable liquids under pressure or by gravity flow so adjusted that when the operator's hand is removed the flow of liquid will be immediately cut off; and
  - (b) no vehicle shall be refueled while the motor of such vehicle is running and a notice indicating such shall be conspicuously posted as to be readily visible at each pump.

## **PART 6 – PENALTIES**

- 6.1 Where a person fails or refuses to carry out provisions made under this bylaw or acts contrary to such provisions or fails or refuses to comply with any condition attached to a permit or to which a permit is subject, the Fire Chief may apply to a Justice and on hearing the application the justice may grant an injunction to restrain that person from proceeding with the work in respect of which the provision was made or the permit was issued and the Justice may make such further order as he deems fit.
- 6.2 Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who does any act or thing which violates any of the provision of this bylaw commits an offence and shall be liable on summary conviction to a penalty of not less than \$50.00 and not more than \$2,000.00 for every such violation of this bylaw, and for each day of an offence of a continuing nature.
- 6.3 Alternatively, any person found in contravention of this bylaw may be subject to fines under the *City's Municipal Ticket Information Bylaw*, as amended or re-enacted from time to time.

**PART 7 – MISCELLANEOUS AND TITLE**

- 7.1 The invalidity of any portion of this bylaw shall not invalidate any other portion of this bylaw.
- 7.2 The *Fire Code* shall not be construed to hold the City responsible for any damage to persons or property by reason of:
  - (a) inspections authorized by the *Fire Code*;
  - (b) any failure to carry out an inspection under this bylaw or the Intermunicipal Fire Services Bylaw;
  - (c) any permit issued as herein provided, or
  - (d) any approval or disapproval under this bylaw.
- 7.3 City of Armstrong Fire Prevention By-law Number 1782, 2016 and all amendments thereto are hereby repealed.

READ a first time this 25<sup>th</sup> day of May 2020

READ a second time this 25<sup>th</sup> day of May 2020

READ a third time as amended this 13<sup>th</sup> day of July 2020

ADOPTED this 10<sup>th</sup> day of August 2020

*Signature on file*  
\_\_\_\_\_  
CORPORATE OFFICER

*Signature on file*  
\_\_\_\_\_  
MAYOR