



DUNCAN FIRE DEPARTMENT AND FIRE SERVICES BYLAW NO. 3218, 2023

(With Amendments to April 28, 2025)

Consolidated for Convenience Only

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject

This Bylaw has been consolidated for convenience only and includes amendments from:

Bylaw No. 3218.01, 2025 – Adopted April 28, 2025

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CITY OF DUNCAN

DUNCAN FIRE DEPARTMENT AND FIRE SERVICES BYLAW NO. 3218, 2023

A BYLAW TO CONTINUE THE FIRE DEPARTMENT, REGULATE FIRE PREVENTION, AND PROVIDE FOR THE PROTECTION OF LIFE AND PROPERTY

PART 1 – ADMINISTRATION

Title

- 1.1 This bylaw may be cited as “Duncan Fire Department and Fire Services Bylaw No. 3218, 2023”.

Definitions and Interpretation

3218.01

- 1.2 In this bylaw,

“*apparatus*” means any vehicle provided with machinery, devices, equipment, or materials designed or intended for use in *fire protection* or *assistance response*, including vehicles used to transport firefighters and supplies;

“*assistance response*” means the initial response and emergency aid, other than *fire protection*, provided by the *fire department* at an *incident*;

“*BC Fire Code*” means the current *British Columbia Fire Code*;;

“*building*” means any structure used or intended to be used for supporting or sheltering any use or *occupancy*;

“*Bylaw Enforcement Officer*” means a person appointed by the *Council* for the enforcement of *City* bylaws;

“*Chief Administrative Officer*” means the person appointed by the *Council* as the Chief Administrative Officer of the *City*;

“*City*” means the City of Duncan;

“*Council*” means the municipal council of the *City*;

“*false alarm*” means the activation, whether caused by human error, equipment testing, intentional act, or a malfunction, of a *fire alarm system* resulting in a response by *protective services* or otherwise on behalf of the *City* during which the responders find no evidence of fire, fire damage, smoke, criminal activity, unauthorized entry, or other emergency requiring a response by *protective services*;

“*fire alarm system*” means one or more devices and other interconnecting parts of a system installed on or in real property and designed to warn *protective services* of a fire by activating an audible alarm signal or alerting a monitoring facility, but does not include a fire alarm system that is intended to alert only the occupants of the dwelling unit or other *premises* in which it is installed;

“*Fire Chief*” means a person appointed by the *Chief Administrative Officer* to serve as Chief of the *fire department*;

“*fire department*” means the Duncan Fire Department, a service of the *City*;

“fire department equipment” means any tools, contrivances, *apparatus*, devices, hoses, or materials used by the *fire department*;

“fire hazard” has the same meaning as in the *Fire Safety Act*;

“Fire Inspector” means a class of persons designated by *Council* as those who meet the standards of the fire commissioner to carry out fire safety inspections under the *Fire Safety Act* and who have been appointed by the *Chief Administrative Officer* as a *Fire Inspector* for the *City*;

“Fire Investigator” means a class of persons designated by *Council* as those who meet the standards of the fire commissioner to carry out fire investigations under the *Fire Safety Act* and who have been appointed by the *Chief Administrative Officer* as a *Fire Inspector* for the *City*;

“fire protection” means all aspects of fire safety and includes:

- (a) fire prevention,
- (b) firefighting,
- (c) fire suppression,
- (d) *BC Fire Code*, *fire hazard*, and fire safety inspections, including inspections required by the *Fire Safety Act* and this bylaw,
- (e) pre-fire planning,
- (f) fire investigation,
- (g) inspecting, monitoring, and advising on *hazardous materials* storage and handling,
- (h) public education and information in relation to fire safety and prevention, and
- (i) training, advising, and other development of *Members* in relation to the *fire protection* and *fire department* operations and administration;

“fire protection equipment” means but is not limited to a *fire alarm system*, automatic sprinkler system, special fire extinguishing system, portable fire extinguisher, standpipe and hose system, fixed pipe fire suppression system in a commercial kitchen exhaust system, or emergency lighting and power installations;

“fire protection service area” means the area of the jurisdiction of the *fire department* as defined in section 3.1 of this bylaw;

“fire protection technician” means a person certified to inspect and test fire protection and life safety systems throughout BC in private and commercial *buildings* including multi-storey residential *buildings*, *hotels*, hospitals, and industrial facilities;

“hazardous materials” has the same meaning as “dangerous goods”, as defined in the *Transportation of Dangerous Goods Act*;

“incident”

- (a) means a fire or explosion or a situation in which a fire, explosion, or life-threatening condition is imminent, and
- (b) includes, without limitation, any one or more of the following situations in which harm to persons or property may arise:

- i. an accident involving a motor vehicle, train, aircraft, or other circumstance;
- ii. a medical or other emergency;
- iii. a circumstance on land or water requiring a rescue operation;
- iv. a danger arising from hazardous situations or escape of *hazardous materials*;
- v. an event arising from notification under a mutual or automatic aid agreement, or first responder agreement, with another local government, First Nation, or with the Province, or other event arising under sections 3(a) through (c);
- vi. an earthquake, a wildfire, a flood, a severe weather event, or other natural disaster; or
- vii. an act of terrorism;

“*Member*” means any person appointed by the *Fire Chief* as an employee of the *fire department*, whether paid or volunteer, and includes the *Fire Chief* and is a local public officer in accordance with the *Local Government Act*;

“*Member in Charge*” means, in the absence of the *Fire Chief*, the *Officer* or *Member* of the *fire department* present at an *incident* having control, direction, and management of all *apparatus*, equipment, or *Members* assigned to the *incident*;

“*occupancy*” means the use or intended use of a *building* or part thereof for the shelter or support of persons, animals, or property as defined in the *British Columbia Building Code*;

“*Occupier*” has the same meaning as in the *Fire Safety Act*;

“*Officer*” means a *Member* of the *fire department* given a specific rank and authority to assist the *Fire Chief* in duties for and on behalf of the *fire department*;

“*Owner*” has the same meaning as in the *Community Charter*;

“*premises*” includes a private dwelling, which has the same meaning as in the *Fire Safety Act*; a *public building*; the parcel of land on which a private dwelling or public building is located; and a motor vehicle within the meaning of the *Motor Vehicle Act*;

“*protective services*” means the *fire department* or the *RCMP* detachment or *RCMP* Officers providing police services to or within the *City*;

“*public building*” has the same meaning as in the *Fire Safety Act*;

“*RCMP*” means the Royal Canadian Mounted Police.

- 1.3 All references in this bylaw to statutes and regulations are to statutes and regulations of the Province of British Columbia, unless otherwise expressly noted. References in this bylaw to statutes, regulations, bylaws, or policies, and to positions, titles, or ministries, includes the same as they may be amended, supplemented, or replaced from time to time. References to an enactment includes any regulations made thereunder.
- 1.4 In relation to the exercise of operational authorities or powers by the *fire department*, any reference in this bylaw to the *Fire Chief* or *Member in Charge*, includes any *Member* designated or directed by the *Fire Chief* or *Member in Charge* to exercise such operational authorities or powers.

- 1.5 This bylaw does not contemplate or extend in its purpose, to any of the following:
- (a) the protection of any person from economic loss;
 - (b) a guarantee or warranty by the *City* or any of its agents, as to the service level expectations of the *fire department* under this bylaw, or any other applicable bylaws, codes, enactments, agreements, or standards; or
 - (c) providing to any person a warranty with respect to the *fire protection or assistance response* services of the *fire department* or with respect to the certainty of timely response levels. The list of services the *fire department* is authorized to provide does not, of itself, mean that the *fire department* provides such services at any given time.
- 1.6 A provision of this bylaw is not inconsistent with an enactment of Canada or the Province if a person who complies with this bylaw does not, by this, contravene the other enactment.

PART 2 – BC FIRE CODE

BC Fire Code

- 2.1 The *BC Fire Code* has the same force and effect as this bylaw and is applicable within the boundaries of the *City*.

PART 3 – FIRE PROTECTION SERVICE AREA

Geographical Limits of the Jurisdiction

- 3.1 The geographical limits of the jurisdiction of the *fire department*, also referenced as the *fire protection service area*, are the areas within the boundaries of the *City*, and *apparatus* must not be taken, except for purposes of repair or maintenance, training, or used, beyond the boundaries of the *City* unless:
- (a) a written contract or agreement, including a mutual or automatic aid agreement, approved by *Council*, and signed on behalf of the *City*, expressly authorizing the supply and service of *fire suppression* and *assistance response* outside the *City's* boundaries;
 - (b) the *Council*, *Chief Administrative Officer*, or designate gives approval in accordance with the policies or guidelines of the *Council*; or
 - (c) under the authority of an agreement by the *City* to provide assistance in a declared provincial or local emergency.
- 3.2 Where another fire department provides *fire suppression* or *assistance response* within the *fire protection service area* under a mutual or automatic aid agreement, the other fire department, in relation to any particular *incident*:
- (a) is authorized to exercise the powers and authorities specified in the relevant agreement; or
 - (b) where the relevant agreement does not expressly address the issue of powers and authority, is entitled to exercise the same powers and authority as the *fire department* under this bylaw.

PART 4 – CONTINUATION OF FIRE PROTECTION SERVICE AND FIRE DEPARTMENT

Continuation of Fire Protection Service

- 4.1 *Fire protection and assistance response*, as provided by the *fire department* in accordance with this bylaw and the policies and directions of *Council* are hereby continued.
- 4.2 The *fire department's* service level is established by *Council* policy, in accordance with the British Columbia Fire Services Minimum Training Standards, both within the *fire protection service area* and when responding outside of the *City's* boundaries in accordance with section 3.1.
- 4.3 Notwithstanding section 4.2, the *fire department* will undertake only those emergency response activities for which its responding *Members* are properly trained and equipped in relation to an *incident*. The *Fire Chief* or *Member in Charge* may, in their sole discretion, restrict or terminate emergency response activities in any circumstances where the *incident* is considered to exceed the training or capabilities of the responding *Members*, or *apparatus* and *fire department equipment* available to them.

Continuation of Fire Department

- 4.4 The *fire department*, known as the Duncan Fire Department, is continued for the purpose of providing the *fire protection and assistance response* services within the *fire protection service area*.
- 3218.01 4.5 Nothing in this bylaw will be construed to mean that the *fire department*, or its *Officers* or *Members*, has a duty to perform any of the functions or tasks assigned to them under this bylaw.

PART 5 – FIRE CHIEF'S AUTHORITY AND RESPONSIBILITIES

Fire Chief's Authority

- 5.1 The *Fire Chief* is the head of the *fire department* and reports to the *Chief Administrative Officer* in respect to the management of the *fire department* and the condition of *buildings*, *apparatus*, and *fire department equipment* under the control of the *fire department*.
- 3218.01 5.2 The *Fire Chief* may appoint *Officers*, excluding Deputy Fire Chief(s) and Assistant Fire Chief(s), and admit *Members* to the *fire department*, as deemed necessary, subject to restrictions, if any, in the *fire department* budget adopted by the *Council*.
- 3218.01 5.3 The *Chief Administrative Officer* may appoint Deputy Fire Chief(s) and Assistant Fire Chief(s) in support of, or to act on behalf of, the *Fire Chief*.
- 5.4 The *Officers* and *Members* of the *fire department* shall carry out the duties and responsibilities of the *fire department* assigned to them by the *Fire Chief*.
- 5.5 The *Fire Chief* may require:
- (a) any prospective *Member* to undergo a medical examination and supply a medical report, at no cost to the *City*, to determine that person's suitability to perform the duties of a firefighter; and
 - (b) any *Member*, at any time, to undergo a medical examination and supply a medical report, at the *City's* cost, to determine that person's suitability to continue to carry out the duties of a *firefighter*.

5.6 The *Fire Chief* is authorized to:

- (a) make rules for the efficient administration and operation of the *fire department* and change, replace, or withdraw the rules as considered necessary;
- (b) take measures respecting the discipline of *Members* of the *fire department*;
- (c) 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;
- (d) make provisions for *assistance response* by the *fire department* as permitted under this bylaw;
- (e) enforce *City* bylaws, policies, rules, orders, and regulations respecting fire prevention and suppression and the protection of life and property, and take measures to prevent and suppress fires;
- (f) fulfill the requirements and exercise the authority of a *Fire Chief* under the *Fire Safety Act*;
- (g) inquire into, investigate, and record the causes of fires within the geographical limits of jurisdiction outlined in this bylaw;
- (h) collect and disseminate information regarding fires within the *geographical limits of the jurisdiction outlined in this bylaw*;
- (i) manage the *Members*, fire hall, *apparatus*, and *fire department equipment*;
- (j) organize or authorize programs and policies designed to inform the public on matters regarding fire safety, use of flammable/combustible materials, prevention, containment or suppression of fires or other emergencies, and escape from fires or other emergencies;
- (k) require an *Owner* or *Occupier* of a *premises* to undertake any actions directed by the *Fire Chief*, *Fire Inspector*, *Member in Charge* or other authorized person for the purpose of removing or reducing any thing or condition that person has determined is a *fire hazard* or increases the danger of fire;
- (l) study methods of fire prevention; and
- (m) provide advice and make recommendations to the *Chief Administrative Officer*, other *Members* of the *fire department* and the public, as appropriate, in relation to:
 - i. the administration of the *fire department*;
 - ii. the provision of adequate water supply and pressure in relation to firefighting;
 - iii. the installation or maintenance of automatic or other *fire alarm system* and *fire protection equipment* and smoke control measures;
 - iv. the enforcement of measures for the prevention or suppression of fire and the protection of life and property; and
 - v. fire prevention.

Fire Chief's Responsibilities

5.7 The *Fire Chief* will:

- (a) report to the *Chief Administrative Officer* at least quarterly on the:
 - i. condition of the fire hall, *apparatus*, and *fire department equipment*;
 - ii. training and experience of the *Members*; and
 - iii. complement strength of the *fire department*.
- (b) develop and submit a draft budget for the operation of the *fire department* each year as directed by the *Chief Administrative Officer*.

5.8 The *Fire Chief* must develop, implement, and maintain up to date operational guidelines for the *fire department*. The operational guidelines will provide the necessary written instructions and guidance for *Members* in connection with conducting the *fire department's fire protection and assistance response* activities and meet the requirements of the *Workers Compensation Act* and regulations made thereunder.

5.9 The *Fire Chief* must establish rules, regulations, policies, and committees necessary for the proper organization and administration of the *fire department*, including but not limited to the:

- (a) use, care, and protection of *fire department* property;
- (b) conduct and discipline of *Officers* and *Members* of the *fire department*, as approved by the *Chief Administrative Officer*;
- (c) the operation of a joint health and safety committee as contemplated by the *Workers Compensation Act* and regulations made thereunder; and
- (d) efficient operations of the *fire department*.

5.10 In accordance with the operational guidelines, rules, and policies referred to in section 5.9, the *Fire Chief* may demote, suspend, or discharge any *Member* of the *fire department*, in consultation with the *Chief Administrative Officer*, should the *Fire Chief* deem there is just cause or otherwise, acting reasonably, or that the action is for the good of the *fire department*.

5.11 Any *Member* demoted, suspended, or discharged in accordance with section 5.10 may appeal the *Fire Chief's* decision in writing to the *Chief Administrative Officer*.

PART 6 – PROHIBITED CONDUCT

Prohibited Conduct

- 6.1 No person shall impede, obstruct, or hinder in any manner the *Fire Chief*, a *Member* of the *fire department*, or other persons assisting or acting under the direction of the *Fire Chief* or the *Member in Charge* in the execution of their duties at or in connection with:
- (a) an *incident* or otherwise in connection with conducting *fire protection* or *assistance response* activities;
 - (b) an investigation of a fire scene to determine the origin and cause of a fire;
 - (c) an investigation or inquiry to determine the cause of activation of a *fire alarm system*, sprinkler system, or other fire or life safety system in a *building*;

- (d) an investigation of a complaint of a *fire hazard*; or
 - (e) a fire safety inspection being undertaken in a *building* as required or permitted by the *Fire Safety Act* or this bylaw.
- 6.2 No person shall damage or destroy, or obstruct, impede, or hinder the operation of any *apparatus* or *fire department equipment*.
 - 6.3 No person shall permit shrubs, hedges, plants, or trees to obstruct the visibility or use of a fire hydrant, standpipe, or sprinkler connection.
 - 6.4 No person shall place any object in such a manner that will obstruct the use of a fire hydrant, standpipe, or sprinkler connection.
 - 6.5 No person shall obstruct an exit of any *public building*.
 - 6.6 No person shall obstruct in any way the egress of *apparatus* or other emergency vehicles from the fire hall.
 - 6.7 No person at an *incident* shall drive a vehicle over any *fire department equipment* without permission of the *Fire Chief* or the *Member in Charge*.
 - 6.8 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.
 - 6.9 No person shall impersonate the *Fire Chief, Officer, or Member* of the *fire department*.
 - 6.10 No person who has left the employ of the *fire department* shall fail or refuse to return firefighting personal protective equipment, uniforms, textbooks, and any other *fire department equipment* issued to such person. All such materials and equipment must be returned within 14 days of the person leaving employment with the *fire department*.
 - 6.11 No person shall obstruct or otherwise interfere with a *Fire Inspector* or *Member* in the execution of their duties to conduct required inspections or investigations.
 - 6.12 No person shall withhold or falsify any information required by the *Fire Inspector* in the carrying out of an inspection.

PART 7 – STREET ADDRESSES

Street Addresses

- 7.1 The *Owner* of a *building* must place an individual street address number on the front of the *building* in such a position as to be plainly visible and legible, day or night, from the street, road, fire lane, emergency access route, or other right-of-way or easement. The street address number must meet the following minimum criteria:
 - (a) be legible from a distance of 15 metres (49 feet) from the street access adjacent to the property;
 - (b) the letters or numbers must be a minimum of 102 mm (4 inches) in height with a minimum stroke width of 12.7 mm (0.5 inch); and
 - (c) the letters or numbers must be a contrasting colour to the background colour(s) of the *building*. While the color of the numbers and the background should contrast with each other, the alignment of the two should be the same.

PART 8 – BURNING REGULATIONS

General Restrictions

- 8.1 No person shall conduct outdoor burning, including open or contained fires.

Exemptions – Manufactured Barbeque or Fire Pit

- 8.2 Despite section 8.1, a cooking fire contained within a manufactured natural gas, propane, charcoal, or electric barbeque or Cob Oven (in *City Park*) is permitted.
- 8.3 Despite section 8.1, a decorative or recreational fire pit no greater than 0.5 metre (half metre) in diameter using natural gas, propane, or electricity is permitted.

Extinguishing Fires

3218.01

- 8.4 Without limiting by implication any other authority in this bylaw, any *Bylaw Enforcement Officer*, *RCMP Officer*, or *Member* may:
- (a) enter on property to determine if there is a contravention of section 8.1;
 - (b) enter on property to enforce section 8.1; or
 - (c) extinguish any fire which is burning contrary to section 8.1.

PART 9 – FIRE SAFETY INSPECTION AND TESTING OF FIRE PROTECTION EQUIPMENT

Inspection of Fire Protection Equipment

- 9.1 The *Owner* and *Occupier* of each *public building* in the *City* must ensure that all *fire protection equipment* in their *buildings* is inspected and tested by a *fire protection technician* in accordance with the requirements of the *Fire Safety Act* and the *BC Fire Code* and the regulations made under it.
- 9.2 When a *fire protection technician* has inspected or tested *fire protection equipment* pursuant to section 9.1 of this bylaw, the *fire protection technician* must label the equipment and maintain records of the inspection in a manner acceptable to the Applied Science Technologists and Technicians of BC.
- 9.3 *Fire protection equipment* labeling pursuant to section 9.2 of this bylaw must be in a format provided by the Applied Science Technologists and Technicians of BC.
- 9.4 Only a *fire protection technician* may inspect *fire protection equipment* in *public buildings* within the *City* for the purposes of this bylaw.

Inoperable Fire Protection Equipment

- 9.5 In accordance with the *BC Fire Code* regulations, the *Owner* or *Occupier* of a *public building* must notify the *fire department* immediately if all or any part of the *fire alarm system*, automatic sprinkler system, or *fire protection equipment* in the *Owner's* or *Occupier's building* becomes inoperable.
- 9.6 The *Owner* or *Occupier* must notify the *fire department* when a system referred to in section 9.5 has been restored to its full operational capabilities.

Fire Safety Act Inspections

- 3218.01 9.7 The *Fire Inspector* appointed by the *Chief Administrative Officer* as responsible for *Fire Inspections* is authorized and responsible to implement a risk-based compliance monitoring system of fire safety inspections and assessments for *public buildings* under the *Fire Safety Act*, and without limiting the methods for assessing fire safety under that Act, may take into account the Fire Safety Inspection Policy and other policies adopted by *Council*, as may be amended or replaced from time to time.
- 3218.01 9.8 A *Fire Inspector* may, in accordance with the *Fire Safety Act*, enter onto or into *premises* to conduct a fire safety inspection to determine compliance with that Act and its regulations, and make compliance orders under that Act or regulations.
- 9.9 The *Fire Inspector* making orders under the *Fire Safety Act* is responsible for giving the fire commissioner a summary of such orders made.

PART 10 – FIRE PREVENTION

Compliance with Fire Safety Inspections and Codes

- 10.1 An *Owner* and *Occupier* of *premises*, in relation to the *premises*, must comply with all requirements of:
- (a) the *Fire Safety Act* and regulations, the *BC Fire Code*, and
 - (b) the provisions of this bylaw.

Lock Box

- 3218.01 10.2 At the request of the *Fire Chief* or *Fire Inspector*, the *Owner* of a *premises* that is required to have a *fire alarm system* or an automatic fire sprinkler system must ensure a lock box is installed, maintained, and contains keys for *Members* to access the *building*, its electrical and mechanical rooms, and storage areas. A person must not open a lock box except by or at the direction of the *Fire Inspector*, *Fire Chief* or a *Member in Charge*.

Protection During Shutdown

- 10.3 The interruption of the normal operation of *fire protection equipment* for any purpose constitutes a “temporary shutdown”. Types of interruptions include, but are not limited to, periodic inspection or testing, maintenance, and repairs. During a temporary shutdown, alternative measures are necessary to ensure that the level of safety intended by the *BC Fire Code* is maintained.
- 10.4 In relation to the temporary shutdown of a *fire alarm system*, the *Owner* or *Occupier* of the *building* must implement alternative measures in cooperation with the *fire department* to ensure that all persons in the *building* can be promptly informed of a fire, and the *fire department* notified, should a fire occur while the *fire alarm system* is out of service.
- 10.5 In relation to the temporary shutdown of a sprinkler system, alternative measures that can be taken include the provision of emergency hose lines and portable extinguishers, extra fire watch service and, where practicable, temporary water connections to the sprinkler system.

Fuel or Oil Storage Tanks

- 10.6 An *Owner*, *Occupier*, or person must not install, remove, or abandon an underground or above ground fuel, oil, or waste oil storage tank unless the installation, removal or abandonment meets the requirements of the *BC Fire Code*.

Disposal of Material

- 10.7 No person shall dispose of any explosive, flammable substance, *hazardous materials*, or any liquid of a petrol-chemical or hazardous nature in an unsafe manner in the *City*.

Garbage and Recycling Containers

- 10.8 An *Owner* or *Occupier* of a *premises* must ensure that all commercial or communal containers larger than 240 litres used for the disposal, removal or storage of:
- (a) garbage or recycling are constructed of non-combustible material and equipped with a tight-fitting lids, which are locked at all times; or
 - (b) construction debris or material are constructed of non-combustible material and located not less than three (3) metres from combustible materials, standing vegetation, or unprotected building openings.

Hazardous Materials

- 10.9 An *Owner* or *Occupier* of a *public building* must ensure that:
- (a) interior finishing, furnishings, and decorative materials conform to the *BC Fire Code*;
 - (b) flammable liquids, combustible liquids, and hazardous material are stored and handled in accordance with the *BC Fire Code* and all other applicable enactments; and
 - (c) compressed gas cylinders are stored in a safe manner, racked, or chained to a wall in accordance with applicable enactments.
- 3218.01 10.10 The *Occupier* or, if none, the *Owner* of a *premises*, must, by telephoning 9-1-1, report immediately to the *fire department* any of the following circumstances in relation to the property:
- (a) when an explosion, discharge, emission, escape, or spill of a *hazardous material* occurs; or
 - (b) where the potential for an explosion or a discharge, emission, escape or spill of a *hazardous material* exists by reason of abnormal or unusual circumstances.

Combustible Materials

- 10.11 The *Occupier* or, if none, the *Owner* of a *building* must not allow or cause combustible materials in and around the *building* or the elevator shaft, ventilation shaft, stairway, or fire escape, to accumulate in quantities or locations that will constitute a *fire hazard*.
- 10.12 If the *City*, by its own workforce or a third-party contractor, removes combustible materials from, in, and around a *building* that have accumulated contrary to section 10.11, the *City's cost* of the removal may be recovered from the *Owner* or *Occupier*.
- 10.13 No person or *Owner* or *Occupier* of *premises* shall allow combustible waste materials to remain longer than twenty-four (24) hours in any street, lane, alley, or sidewalk located within five (5) metres of a *building*.

Building Plans, Equipment, and Access

- 10.14 A *Fire Inspector* may review plans of all new *buildings* and structures in the City, other than single family dwellings, in relation to the fire suppression matters addressed in the *Building Act General Regulations* for exempt building professionals.

Fire Safety Plan

- 10.15 At the request of the *Fire Chief* or *Fire Inspector*, the *Owner* of a *building* that is required by the *BC Fire Code* to have an emergency plan must provide that official with fire safety plan information for the *building*, including, without limitation, floor plans; diagrams showing the type and location of any *building* services, *fire protection equipment*, *fire department* access and connections, fire hydrants, and storage or processes for hazardous materials.

Fire Department Access

- 10.16 16 Every *Owner* or *Occupier* of a *public building* must:
- (a) maintain and keep all streets, yards, and private roadways provided for *fire department* access, ready for use by *apparatus*;
 - (b) maintain *fire department* access in compliance with the applicable enactments, codes, and standards for such access, including *City* bylaws; and
 - (c) post signs prohibiting the parking of vehicles to obstruct access by *apparatus* on *fire department* access lanes.

Emergency Lighting and Power Systems

- 10.17 Every *Owner* or *Occupier* of a *public building* must ensure that emergency power systems, including uninterrupted power systems, are inspected, tested, and maintained as required by the *BC Fire Code*.
- 10.18 Every *Owner* or *Occupier* of a *public building* must ensure that *emergency power systems*, including uninterrupted power systems are identified as part of the fire safety plan.
- 10.19 Every *Owner* or *Occupier* of a *public building* must ensure that self-contained emergency lighting unit equipment is inspected, tested, and tagged annually by a *fire protection technician*.

Emergency Signage

- 10.20 Every *Owner*, *Occupier*, or person in charge of a *public building* equipped with a *fire alarm system* which is not continuously monitored must have a permanently mounted sign at each manual fire alarm pull station reading at minimum:

“LOCAL ALARM ONLY – IN CASE OF FIRE TELEPHONE 9-1-1”.

- 10.21 The dimension of each sign in section 10.20 must be not less than 50 mm (2”) by 100 mm (4”) with permanent red letters on white background, or white letters on red background, or equivalent as approved by the *Fire Chief*.
- 10.22 The *Owner* or *Occupier* of a *public building* having three (3) or more storeys must display an easily readable sign at each floor level, in each stairwell thereof, and conspicuously located therein, identifying each floor level and stairway.

Commercial Cooking Equipment

- 10.23 Every *Owner* or *Occupier* of a *public building*, upon the approval of an *occupancy* by the *City's* Building Inspector or business licence by the *City*, must use, inspect, and maintain commercial cooking equipment, exhaust, and *fire protection equipment* in conformance with the *BC Building Code* and *BC Fire Code*.

Special Suppression Systems

- 10.24 If a special fire suppression system, including commercial kitchen *fire protection equipment*, has been installed, the *Owner* and *Occupier* of the *premises* must ensure that inspection, testing, and maintenance of them is provided as required by the *BC Fire Code*.
- 10.25 The *Owner* or *Occupier* must post instructions for manually operating a special suppression system or commercial kitchen *fire protection equipment* conspicuously in proximity to the equipment or manual controls, as part of the fire safety plan.

Standpipe and Hose Systems

- 10.26 Standpipe and hose systems must be inspected, tested, maintained in operable condition, and tagged in conformance with the *BC Fire Code* by a *fire protection technician*.

Automatic Sprinkler Systems

- 10.27 Automatic sprinkler systems must be inspected, tested, and maintained in operable condition in accordance with the *BC Fire Code* and National Fire Protection Association (NFPA) 13 by a *fire protection technician*.

Portable Fire Extinguishers

- 10.28 The *Owner* or *Occupier* of a *public building* must provide and maintain in good working condition an approved number of portable fire extinguishers, available and accessible for emergency use.
- 10.29 Portable fire extinguishers referred to in section 10.28 must be selected and installed as required by the *BC Fire Code* and NFPA 10, including ULC listing:
- (a) located to be visible and readily accessible;
 - (b) designated by signage acceptable to the *Fire Inspector*, if required by the *Fire Inspector*, to assist in increasing visibility of the fire extinguisher location; and
 - (c) inspected, tested, and tagged annually by a *fire protection technician*.

Fire Doors, Closures, and Fire Separations

- 10.30 An *Owner* or *Occupier* of a *public building* must ensure the following is done in relation to the *premises*:
- (a) a door used as a closure for fire purposes must not be blocked, wedged open, obstructed, kept open or altered, or allowed to be so in any way that would prevent the intended operation of the closure; and
 - (b) in accordance with the *BC Fire Code*, every door used as a closure with a fire protection rating must have a permanent sign posted on the visible side of the door when the door is in the open position, with the words "FIRE DOOR – KEEP CLOSED".

Fire Watch

10.31 The *Owner* or *Occupier* of an occupied *public building* in which any *fire alarm system*, automatic sprinkler system, or emergency power system is not operating, must institute and maintain in that *public building* a fire watch, as described in section 10.32 of this bylaw, until that system is in operation.

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10.32 A fire-watch implemented in compliance with section 10.31 must include the following activities:

- (a) posting of written notices at all entrances and exits on each floor stating that a fire watch is in effect and its expected duration;
- (b) a physical inspection of all public areas equipped with a fire alarm detection device;
- (c) notation in an entry book, at least every hour, of the conditions in the *building* by the person or persons performing the fire watch;
- (d) provision on-site of a communications device capable of making a 9-1-1 call; and
- (e) posting of instructions in the *building* as to the alternate actions to be taken in the case of an emergency.

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10.33 Where a fire watch is ordered by the *Fire Chief* or *Member in Charge*, the *Owner* or *Occupier* of the *premises* shall follow the written directions provided by the *fire department*.

Records

10.34 The *Owner* and *Occupier* of a *building* must keep all records for fire and life safety features and *fire protection equipment* required by the *BC Fire Code* or by this bylaw for inspection by the *Fire Chief* or *Fire Inspector*.

PART 11 – FIRE ALARMS

Installation and Maintenance of Fire Alarm System

11.1 Every *Owner* or *Occupier* of *premises* where a *fire alarm system* is installed shall be responsible for the proper use, installation, maintenance, and operation of the system to prevent *false alarms*.

11.2 Every *Owner* or *Occupier* of a *public building* where a *fire alarm system* is installed, whether required or voluntarily, must install the *fire alarm system* in accordance with the requirements of the *BC Building Code*.

11.3 Every *Owner* or *Occupier* of *premises* must:

- (a) maintain fire alarm and voice communication systems in operable conditions at all times;
- (b) ensure that fire alarm and voice communication systems are inspected and tested in conformance with the *BC Fire Code* and CAN/ULC-S536-M, “Inspection and Testing of Fire Alarm Systems” as amended from time to time; and
- (c) keep records of all *fire alarm system* tests and have them available for examination by the *Fire Chief* or *Fire Inspector* if requested.

Contact Information

- 11.4 Every *Owner* or *Occupier* of *premises* where a *fire alarm system* is installed and alerts a monitoring agency must ensure that the monitoring agency has current contact information for *Owner's* representative who are required to attend the *premises*.
- 11.5 Every *Owner* or *Occupier* of a *public building* that has a *fire alarm system* or an automatic fire sprinkler system, non-monitored, must post a sign, with lettering a minimum of 25 mm (1") on a contrasting background, displaying current twenty-four (24) hour emergency contact phone numbers at the main entrance to the *building*. The intent is to provide emergency contact names and numbers for persons able to respond to a phone call in an immediate manner.
- 11.6 Every *Owner* or *Occupier* of *premises* must have an *Owner's* representative be available to attend the *premises*, when an alarm has caused *protective services* to respond, within 30 minutes of being requested by the monitoring agency or *protective services*.

False Alarms

- 11.7 The *Owner* or *Occupier* of *premises* where a *fire alarm system* is installed is allowed one (1) *false alarm* which generates a *protective services* response in a calendar year.
- 11.8 The *Owner* or *Occupier* of a *premises* will be charged a fee in accordance with the *City's* Fees and Charges Bylaw in the event of a second (2nd) *false alarm* which generates a *protective services* response in the same calendar year.
- 11.9 The *Owner* or *Occupier* of a *premises* will be charged a fee in accordance with the *City's* Fees and Charges Bylaw in the event of third (3rd) and subsequent *false alarms* which generates a *protective services* response in the same calendar year.
- 11.10 Every person who intentionally causes a *false alarm* including, but not limited to, by pulling a manual pull station at *premises* where a *fire alarm system* is installed and thereby causes a *protective services* response is in violation of this bylaw.

Exceptions

- 11.11 Sections 11.7 through 11.9 do not apply to a *fire alarm system* or device that is designed or intended to alert only the *Occupiers* of the dwelling unit in which they are installed.

PART 12 – FIRE AND EMERGENCY OPERATIONS

Right to Enter

- 12.1 The *Fire Chief* or *Member in Charge* may enter on property or into *premises*, with or without *fire department equipment*, to combat, control, investigate or otherwise deal with an *incident*.
- 12.2 The *Fire Chief* or *Member in Charge*, together with *Members*, *apparatus*, and *fire department equipment*, may at any time enter, remain on, or pass through or over *buildings*, *premises*, structures, or property to gain access to, or to protect any person or property in connection with, an *incident*.

Establish Boundary

- 12.3 The *Fire Chief* or *Member in Charge* may establish limited entry areas in the vicinity of an *incident*.

- 12.4 No person shall enter a limited area established pursuant to section 12.3 without the authorization of the *Fire Chief* or *Member in Charge*.

Evacuations

- 12.5 The *Fire Chief* or *Member in Charge* is authorized to order an evacuation of any area, *building* or *premises*, including any area proximate to or threatened by an *incident*, as considered necessary for the preservation or protection of life and safety of the public in relation to such *incident*.

- 3218.01 12.6 The *Fire Chief* may, in accordance with the *Fire Safety Act*, cause *premises* to be evacuated if

- (a) the *Fire Chief* believes that conditions exist on or in the *premises* that a fire on or in the *premises* would endanger life, and
- (b) the *Owner* of the *premises* has failed to comply with an order of a *Fire Inspector* under the *Fire Safety Act*.

- 3218.01 12.7 If the *Fire Chief* causes a premises to be evacuated, the *Fire Chief*:

- (a) may call on the assistance of the RCMP for the purpose of evacuation;
- (b) must notify the *Owner* of the *premises* when the evacuation order is cancelled;
- (c) may cause the evacuated *premises* to be secured if the *Owner* fails to do so, to prevent unauthorized entry.

- 12.8 If the *Fire Chief* has caused the evacuated *premises* to be secured under section 12.7(c), the costs to the *City* of securing the evacuated *premises* may be recovered from the *Owner* in accordance with the *Fire Safety Act*.

Vacant and Fire Damaged Buildings

- 12.9 Every *Owner* of vacant or fire damaged *premises* must ensure the *premises* are made and kept secure against any unauthorized entry or occupation, to the satisfaction of the *Fire Chief*, *Fire Inspector*, or *Bylaw Enforcement Officer* by one or more of the following methods:

- (a) affixing structural barriers to windows and other points of ingress using materials and installation effective to preclude entry;
- (b) installing security fencing or other perimeter barriers; and
- (c) employing security or guard patrols on a frequent and periodic basis.

- 12.10 If the *Fire Chief* or *Fire Inspector* finds vacant *premises*, which are accessible, contrary to section 12.6, the *Fire Chief* or *Fire Inspector* may contact the *Owner* of the *premises* and inform the *Owner* that the *premises* must be secured against unauthorized entry.

- 12.11 If the *Owner* fails to bring the *premises* into compliance with section 12.6 within 24 hours of receiving notice to do so, the *Fire Chief* or *Fire Inspector* may have the *premises* secured by a contractor who may board up or otherwise secure doors, windows, and other points of entry into the *premises* to prevent fires. Without limitation, nothing in this section restricts the *Council* from proceeding with a remedial action requirement, including charging the cost of the security actions against the real property in accordance with this bylaw and other enabling enactments.

Demolition

- 12.12 The *Fire Chief*, or *Member in Charge*, may order the damage, destruction, or demolition of any *building*, part of a *building*, structure, equipment, or other private property, as may be necessary to extinguish, suppress or prevent the spread of fire or prevent the potential collapse of a *building* resulting from an *incident*.
- 12.13 The *City*, the *fire department*, or any of their elected or appointed officials, *Officers*, employees, or *Members* are not obligated to restore or pay compensation for property damaged, destroyed, or demolished pursuant to section 12.9.
- 12.14 The *Fire Chief* or *Member in Charge* shall provide notice of the destruction or demolition to the *City's Fire Inspector*.
- 12.15 If the *Fire Chief* or the *Member in Charge* arranges for damage, destruction, or demolition pursuant to section 12.9, the *Owner* of the property subject to such services shall pay to the *City* the fee specified in the *City's Fees and Charges Bylaw*.

PART 13 – FEES FOR SERVICE

Fees for Service

- 13.1 Where the *fire department* provides services to an *Owner* or *Occupier* of a *building*, *premises*, or other property, a fee for such service may be charged in accordance with the *City's Fees and Charges Bylaw*, including, but not limited to:
- (a) fire suppression or *assistance response* activity as a result of a violation of any sections in this bylaw;
 - (b) fire suppression or *assistance response* where the fire is willfully set and must be brought under control by the *fire department*;
 - (c) the cost of specialized equipment obtained from another local government, senior level of government or other source that is utilized, called out or requested by the *fire department*, where the *City* is subsequently charged for the use of such specialized equipment;
 - (d) traffic control, fire watch, and security arising from a *fire suppression* or *assistance response* until such time the *building*, *premises*, or property is returned to the *Owner* or *Occupier's* control, including any additional costs incurred by the *fire department* or the *City* for materials for providing the service; and
 - (e) subject to sections 14.7 and 14.8, a fire safety inspection.

PART 14 – NOTICES AND ORDERS

Written Orders

- 14.1 If a *Fire Chief* or *Fire Inspector*, finds any of the following circumstances in relation to real property, they may make an order to ensure full compliance with this bylaw, or to require removal of the conditions creating the hazards referred to in the order, within a specified time:
- (a) a provision of this bylaw has been contravened or has not been complied with, or has been complied with improperly or only in part, or
 - (b) conditions exist in or about a *building* or property to which this bylaw applies, which constitutes a fire hazard or otherwise constitutes a hazard to life or property or both.

- 14.2 Without limiting the generality of section 14.1, if the *Fire Chief or Fire Inspector* finds any of the circumstances in section 14.1 in relation to the *premises*, the *Fire Chief or Fire Inspector* may:
- (a) issue an *Order* to the *Owners and Occupiers* of the real property or to any person responsible for the actions which created the contravention, requiring that such contravention cease, and any condition identified in the *Order* as violating this bylaw be corrected;
 - (b) make recommendations to the *Owner or Occupier* of the real property about how to correct the contravention, ensure compliance with this bylaw, or remove the conditions creating the hazards referred to in the *Order*; or
 - (c) issue a ticket pursuant to *City's Municipal Ticket Information Bylaw* or a notice pursuant to the *City's Bylaw Offence Notice Enforcement Bylaw*.

Verbal Orders

- 14.3 The *Fire Chief or Member in Charge* may issue such verbal orders as may be necessary if they are conducting *fire protection or assistance response* activity at an *incident*.

Scope of Orders

- 14.4 The *Fire Chief or Fire Inspector* may order an *Owner, Occupier*, or other person to:
- (a) remove or demolish any *building*;
 - (b) repair any *building*;
 - (c) alter the use or *occupancy* of a *building*;
 - (d) remove or securely store *hazardous materials*;
 - (e) remove a potential source of ignition;
 - (f) remove a *fire hazard*;
 - (g) provide, alter, improve, or maintain a means of egress, fire separation or other *fire protection equipment* required by this *Bylaw*;
 - (h) secure a *building* against unauthorized entry in accordance with section 12.7(c);
 - (i) provide written confirmation that a *fire alarm system* is fully operational and in compliance with section 11.3;
 - (j) take such precautions as may be necessary, to remove or reduce any *fire hazard*,
 - (k) undertake a fire watch in accordance with section 10.33; or
 - (l) comply with any other provision of this bylaw.

- 3218.01 14.5 A written order made or issued under section 14.1, 14.2 (a), or 14.4 is deemed to be received by the person subject to the order::
- (a) immediately upon it being personally served on that person;
 - (b) immediately upon acknowledgement via email from that person of receipt of the order via email;
 - (c) in relation to an *Owner*, 7 days after being mailed by regular mail to the address of the *Owner* as indicated in the land title search of the property subject to the order;
 - (d) in relation to an *Occupier*, 3 days after being posted in a visible location on the

property subject to the order; or

- (e) in relation to a company, and in addition to any method set out in sections 14.5 (a) to 14.5 (d), 3 days after completing service under section 9 of the *Business Corporations Act*.

Cost Recovery

- 3218.01
- 14.6 If a person who receives an order under section 14.5 does not comply with the order in the time specified in the order, the *City* or its agents may, at the expense of the *Owner* or the person subject to the order, enter onto the property and complete the requirements described in the order..
 - 14.7 Costs may be recovered for an inspection of a *building*, structure, or site if the inspection is conducted at the request of the *Owner*, *Owner's* representative, or *Occupier* (and where not otherwise provided for under this Bylaw) to determine compliance with this Bylaw and the *BC Fire Code*.
 - 14.8 Costs may be recovered for the reinspection of *premises* after a fire safety inspection report has been issued under this Bylaw where deficiencies were identified, and a subsequent inspection was required or deemed necessary by the *Fire Chief* or *Fire Inspector*.
- 3218.01
- 14.9 The person subject to an order issued under sections 14.1, 14.2(a), or 14.4 must pay to the *City* the *City's* costs of completing the requirements under section 14.6,, together with costs and interests as if the amount were taxes payable on the parcel.
 - 14.10 If the *Owner* fails to pay the costs referred to in sections 14.6, 14.7, or 14.8 before December 31st in the year the costs were incurred, the costs may be added to and form part of the taxes on the property as taxes in arrears.

PART 15 – OFFENCE AND PENALTY

Offence and Penalty

- 15.1 Every person who violates a provision of this bylaw, or who consents, allows, or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable upon summary conviction to a fine of not more than \$50,000, plus the cost of prosecution, and any other penalty or remedy available under the *Community Charter* and the *Offence Act*.
- 15.2 Section 15.1 shall not prevent the *City*, or an authorized person on behalf of the *City*, issuing and enforcing a ticket under the *City's* Municipal Ticket Information Bylaw or a bylaw notice under the *City's* Bylaw Offence Notice Enforcement Bylaw.
- 15.3 If an offence under this bylaw is of a continuing nature, each day that the offence continues, or is permitted to exist, will constitute a separate offence.
- 15.4 Without restricting the generality of section 15.1, failure to comply with an order made under this bylaw constitutes an offence under this bylaw.
- 15.5 Under the provisions set out in the *Community Charter*, any fees or penalties, and any charges for remedying an offence, including all incidental expenses, if unpaid on December 31 in any year, may be added to and form part of the taxes payable on the parcel, as taxes in arrears.

PART 16 – SEVERABILITY, REPEAL, AND ENACTMENT

Severability

- 16.1 If any provision of this bylaw is for any reason found invalid or unenforceable by a decision of any court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining provisions of this bylaw.

Repeal

- 16.2 “Fire Lanes Bylaw, 1981 No. 1316” and all amendments thereto are repealed.
- 16.3 “Fire Department Bylaw, 1989, No. 1561” and all amendments thereto are repealed.
- 16.4 “Mutual Aid Agreement Bylaw, 1990, No. 1584” is repealed.
- 16.5 “Smoke Alarm Bylaw” 1993, No. 1706 is repealed.

PASSED FIRST READING 06-MARCH-2023.

PASSED SECOND READING 06-MARCH-2023.

PASSED THIRD READING 06-MARCH-2023.

ADOPTED 20-MARCH-2023.

Michelle Staples
Mayor

Paige MacWilliam,
Director of Corporate Services