



FIRE REGULATION BYLAW
NO. 855, 2022

VILLAGE OF KEREMEOS

FIRE REGULATION BYLAW NO. 855

*Being a Bylaw to regulate fires and to prevent fires and interface wildfires
in the Village of Keremeos*

WHEREAS pursuant to Section 303 of the *Local Government Act* and the *Fire Services Act* Municipal Council may, by bylaw, make regulations to decrease or prevent fires;

AND WHEREAS pursuant to Section 323 of the *Local Government Act* Municipal Council may, by bylaw, require persons to eliminate or reduce the fouling or contaminating of the atmosphere;

AND WHEREAS the Community Charter S.B.C. 2003, c. 26, as amended from time to time, authorizes Council, by bylaw, to regulate, prohibit and impose requirements in relation to municipal services, emergency exits, smoke alarms, and any matter within the scope of the Fire Services Act, and to authorize the municipal fire chief to exercise certain powers in relation to the prevention and suppression of fires;

AND WHEREAS the Community Charter S.B.C. 2003, c. 26, as amended from time to time, provides that a Municipality may by bylaw authorize the municipal fire chief and designate to exercise powers for fire related inspections and prevention;

AND WHEREAS the Community Charter S.B.C. 2003, c. 26 and Fire Services Act and its Regulations, as amended from time to time, a municipality may by bylaw regulate the prevention and control of fires and for regulating the conduct of persons at or near fires;

AND WHEREAS the Village of Keremeos wishes to support the FireSmart practices of the community by regulating fires and preventing fires and interface wildfires;

NOW THEREFORE, Municipal Council of the Corporation of the Village of Keremeos, in open meeting assembled, enacts as follows:

1.0 TITLE AND APPLICATION

1.1 Title

- .1 This bylaw may be cited as “Village of Keremeos Fire Regulation Bylaw No. 855, 2022”.

1.2 Application

- .1 This Bylaw applies to all land located within the Village of Keremeos.

2.0 ADMINISTRATION

2.1 Transition

- .1 Keremeos Fire Regulation Bylaw No. 655, 2003, as amended is repealed.

2.2 Severability

- .1 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

3.0 DEFINITIONS

In this Bylaw:

Building Inspector means the person appointed by Municipal Council of the Corporation of the Village of Keremeos to act as the Building Inspector for the Municipality.
time to time.

Bylaw Enforcement Officer means any person duly appointed by Council for enforcement of Village of Keremeos bylaws.

Campfires has the same meaning as listed in the *Wildfire Regulation* (BC Reg 38/2005) as follows: a campfire is a contained open fire for the purposes of recreation, by any person, or for

ceremony, by a first nation, that burns seasoned firewood in one pile no larger than 0.5 m in height, and 0.5 m in width.

Explosion means a rapid release of energy, that may or may not be preceded or followed by a fire, which produces a pressure wave or shock wave in air and is usually accompanied by a loud noise.

Fire Chief means the person appointed by the Regional District of Okanagan-Similkameen, and the Village of Keremeos to be the Fire Chief for the Keremeos & District Volunteer Fire Department, and includes his designates.

Fire Hazard means any condition, arrangement or act which increases the likelihood of fire or which may provide a ready fuel supply to augment the spread or intensity of a fire or which may obstruct, delay, hinder, or interfere with the operations of the Fire Department or the egress of occupants in the event of fire.

Firewood means seasoned, untreated wood and lumber.

Fireworks has the same meaning as the *Fireworks Act*, namely includes cannon crackers, fireballs, fire crackers, mines, Roman candles, sky rockets, squibs, torpedoes, and any other explosive designated as a firework by regulation pursuant to the *Fireworks Act*.

Garden refuse means dried plant matter, such as leaves, stems, twigs and branches, that originate on a parcel of land within the Village.

Incident means an event or situation to which the Fire Department has responded or would normally respond;

Local Assistant to the Fire Commissioner means a local assistant to the fire commissioner as described in section 6 of the *Fire Services Act*.

Municipality means the Corporation of the Village of Keremeos.

Nuisance means the emission into the atmosphere of smoke by any means which disturbs the comfort or convenience of persons in the vicinity.

Open burning means burning of materials on the ground, and without any containment device.

Order includes an approval, a decision, a determination, a permit, and the exercise of discretion made under the *Fire Services Act*, the BC Fire Code Regulations, or this Bylaw.

Prohibited Materials means the burning of all waste material, mixed solid waste, domestic waste, recyclables, synthetic materials, refuse, garbage, garden waste, leaves, green branches, manure, waste caused by demolition, renovation or construction, tires, rubber, plastics, drywall, plywood, particle board, pressboard, MDF board, paint, treated lumber, railway ties, tar paper, asphalt products, coal, oil, used oil, fuel, and lubricant containers, compressed gas cylinders or vessels, biomedical waste or any other material that is not seasoned firewood.

Seasoned Firewood is a form of natural wood from a tree that is cured and dry for a minimum of six (6) months and is not altered significantly or processed; and is free of chemical treatment, glue, plastic, and paint.

4.0 EXISTING LEGISLATION

4.1 Provincial Acts and Regulations

- .1 The Fire Code, the *Fire Services Act*, the Open Burning Smoke Control Regulation 152/2019 (*Environmental Management Act*), and the Wildfire Regulation 38/2005 (*Wildfire Act*), as amended or replaced from time to time, are adopted and made part of this Bylaw, such that every provision of the Act, Code or Regulation shall be considered a provision of this Bylaw.
- .2 Any person who contravenes, violates, or fails to comply with a provision of the Acts, Code, and Regulations listed in provision a. or this Bylaw commits an offence under this Bylaw.

4.2 Regional Bylaw

- .1 The Regional District of Okanagan-Similkameen Fire Department Operational Bylaw No. 2857, 2019, as amended or replaced from time to time, is adopted and made part of this Bylaw, such that every provision shall be considered a provision of this bylaw.
- .2 Any person who contravenes, violates, or fails to comply with a provision of the Acts, Code, and Regulations listed in provision a. or this Bylaw commits an offence under this Bylaw.

5.0 ENFORCEMENT & RIGHT TO ENTER

5.1 Enforcement

- .1 The Bylaw Enforcement Officer, Building Inspector, or the Fire Chief or their designate in the Keremeos Fire Protection Service Area, may enforce the provisions of this bylaw.

5.2 Inspection and Entry

- .1 The Bylaw Enforcement Officer, or the Fire Chief or designate, are authorized to enter on and inspect any building or premises at any time to ascertain whether the requirements of this Bylaw are being met. This includes, but is not limited to the following:
 - a) the premises are in a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
 - b) the premises are so used or occupied that fire would endanger life or property
 - c) combustible or explosive material is kept or other flammable conditions exist on the premises so as to endanger life or property;
 - d) a fire hazard exists on the premises.

6.0 REGULATIONS

6.1 Open Air Burning

- .1 No person will light, ignite or start, or allow, or cause to be lighted, ignited, or started, a fire of any kind whatsoever in the open air except in accordance with the following regulations:
 - a) Only permitted burning materials will be burned;
 - b) All permitted burning materials to be burned will originate from the land on which it is to be burned;
 - c) All burning will be conducted and concluded between 7:00 a.m. and sunset of the same day;
 - d) All fires will be continuously controlled and supervised by a competent person properly equipped with sufficient fire extinguishing equipment and material;
 - e) All fires will be maintained so as to not constitute a nuisance;

- f) A minimum separation of
 - i. 30 metres will be maintained between the location of the fire and any buildings and between any public roadway;
 - ii. 100 metres will be maintained between the location of the fire and any buildings on neighbouring properties which may be a dwelling, business or public facility;
 - iii. 500 metres will be maintained between the location of the fire and schools in session, hospitals and facilities used for continuing care as defined under the *Continuing Care Act*.
 - iv. 10 metres will be maintained between the location of the fire and any power poles and power lines.
- g) No open fires will be initiated unless the local ventilation index as provided by Environment Canada is forecast as:
 - i. "good" for the day on the open burning is to be started, and
 - ii. "good" or "fair" on the second and third day the fire is anticipated to release smoke.
- h) Open burning must not be initiated if the local air flow will cause the smoke to negatively impact on a nearby population or cause pollution.
- i) No open burning between April 15th and October 15th unless deemed safe conditions by the Fire Chief.
- j) A person who lights, ignites, or starts, or allows a fire to be lighted, ignited, or started, will report and/or attempt to control any fire that escapes or threatens to escape from the intended burning area.

6.2 Campfires

- .1 No person will light, ignite or start, or allow, or cause to be lighted, ignited, or started, a campfire except in accordance with the following regulations:
 - a) Campfire size shall not exceed 0.5 meters in diameter and 0.5 meters in height.
 - b) Campfires must be located a minimum of 5 meters from adjoining property lines and buildings.
 - c) Campfires must be constructed 3 meters away from any combustibles.
 - d) Campfires will not be permitted between 12 a.m. and 6 a.m.
 - e) Only permitted burning materials, including seasoned untreated lumber, dry and seasoned firewood will be used in campfires.
 - f) Campfires will be continuously controlled and supervised by a competent person equipped with extinguishing equipment and material and must be completely extinguished before the person leaves the area and the fire is left unattended.
 - g) Campfires will be maintained so as not to cause a nuisance.
 - h) Campfires will be contained within a fire pit.

- i) Campfires must be intended for and used solely for recreation purposes including the preparation of food and to provide warmth, or for ceremonial purposes by a first nation.
- j) A fire in a stove that uses gas, propane or briquettes is not considered a campfire.
- k) Campfires will not be permitted on property owned or rented without written permission of the owner.

6.3 Other Fires

- .1 No person will light, ignite, start or allow, or cause to be lighted, ignited, or started, other fire types whatsoever in the open air except in accordance with the following regulations:
 - a) The operation of a permanent or portable outdoor barbecue intended for and used solely for the preparation of food using natural gas, propane or briquettes is permitted, subject to restrictions set by stratas or other property managers.
 - b) The operation of portable propane or natural gas outdoor fireplace is permitted.
 - c) Burning for fire-training exercises of the Fire Department is permitted.
 - d) Burning for fire safety purposes by the Village of Keremeos is permitted.

6.4 Restrictions

.1 Burning Barrels Banned

No person shall operate, install or construct any incinerator, or barrel, for the disposal of any material including prohibited material, industrial or commercial waste, refuse, rubbish, garbage, prunings, or any combination thereof within the municipality.

.2 Burning of Prohibited Materials

No person shall operate, install or construct any incinerator, or barrel, for the disposal of any material including prohibited material, industrial or commercial waste, refuse, rubbish, garbage, prunings, or any combination thereof within the municipality.

.3 Appliances for burning

No person will construct or erect an incinerator, outdoor barbecue or other appliance for burning prohibited materials, compostable materials or garbage, nor will any enclosed fire be built, set or maintained outside the walls of a building at any time.

.4 Burning during windy conditions

No person will light, ignite or start or allow, or cause to be lighted, ignited or started a fire, when a reasonable person would know that the wind is strong enough to cause sparks or other burning material to be carried to combustible material.

.5 Authorized burning subject to cancellation

All fires are subject to local fire hazard restrictions and Provincial fire hazard restrictions and are subject to cancellation at any time by an authority having jurisdiction.

6.5 Building Conditions

.1 Vacant premises

- a) For the purpose of this Section, vacant premises includes a lot, building or other structure in respect of which a water or electric service has been intentionally discontinued, other than for temporary maintenance, repair or upgrading, so that the condition of the premises is not suitable for human habitation or other occupancy that is normally permitted.
- b) The owner of vacant premises must promptly act to ensure that, at all times:
 - i. the premises are free from litter and debris or accumulations of combustible or flammable materials except where storage of combustible or flammable materials is in strict accordance with the Fire Code and this Bylaw;
 - ii. all openings in the premises are securely closed and fastened in a manner acceptable to the Bylaw Officer so as to prevent fires and the entry of unauthorized persons; and
 - iii. Sprinkler Systems and Fire Alarm Systems remain operational as per requirements of the Fire Code.
- c) Where an owner fails to securely close a vacant building as required by subsection (b) above, the Bylaw Officer may, by notice in writing, order the owner to secure the building or other part of the vacant premises against unauthorized entry in a manner set out in the notice.
- d) If an owner of vacant premises fails to bring the premises into compliance with this Bylaw within twenty-four (24) hours of receiving a notice under subsection(c) above, or if the Bylaw Officer is unable to contact the owner within twenty-four (24) hours of finding vacant premises in an unsecured state, the Bylaw Officer or designate may cause the premises to be secured by Village employees or agents, who may board up or otherwise secure doors, windows, and other points of entry into the premises in order to prevent fires and unauthorized entry, at the cost and expense of the owner.

.2 Damaged buildings

The owner of a building or other structure that has been damaged due to fire, explosion, or similar event must immediately ensure that all openings and points of entry into the building are kept securely closed and fastened in a manner acceptable to the Bylaw Officer to prevent the entry of unauthorized persons, or that one or more security guards are stationed to prevent such entry. If the owner fails to provide the necessary security to the damaged building within 2 hours of reasonable attempts by the Bylaw Officer to notify the building owner or the owner's appointed representative, the Bylaw Officer may cause the work to be carried out at the cost and expense of the owner.

6.6 Nuisance and dangerous goods incidents

.1 Nuisance incidents

Every person who, willfully or recklessly and without reasonable cause:

- a) sets or causes a fire or explosion to which the Fire Department must respond; or
 - b) causes a fire or any other loss that can be directly attributed to the use of fireworks contrary to the requirements and restrictions of the Good Neighbour Bylaw;
- shall be deemed to have caused a nuisance and, in addition to any penalty imposed under this Bylaw or otherwise by law, shall be liable to pay the actual costs and expenses incurred by the Fire Department in abating that nuisance by responding to and investigating the fire or loss, calculated in accordance with the rates set out in the Fees and Charges Bylaw.

.2 Dangerous goods incidents

Every owner, carrier, agency, organization or other person having responsibility for the transport, storage or use of dangerous goods, shall be responsible, at that person's own cost and expense, for the clean-up and safe disposal of all such dangerous goods arising from any Incident, and a person who fails to do so shall be liable to pay the actual costs and expenses incurred by the Fire Department in performing such work including:

- a) the costs and expenses incurred by the Village or its contractors or agents for the clean-up and safe transport and disposal of the dangerous goods; and
- b) the costs incurred by the Fire Department in mitigating the dangerous goods Incident, including without limitation, Equipment and Apparatus replacement and decontamination costs.

.3 Incident site security

If a fire cause or other investigation is required, and cannot be conducted immediately, the owner is required to provide for Incident security through a recognized security agency that is acceptable to the Fire Chief.

.4 Security costs

All costs associated with providing required security at an Incident, as described in subsection (3) above, are the sole responsibility of the owner or occupier.

7. ORDERS AND COMPLIANCE

7.1 Orders

After an inspection the Building Inspector, Bylaw Enforcement Officer, or Fire Chief or their designate in the Keremeos Fire Protection Service Area may, in writing, order that, within a reasonable time:

- a) where Section 5.2.1 (a) applies, the owner remove or destroy the premises, or the owner or occupier repair the premises
- b) where Section 5.2.1 (b) applies, the owner or occupier alter the use or occupancy of the premises;
- c) where Section 5.2.1 (c) applies, the occupier remove or keep secure the combustible or explosive material or remedy the flammable conditions;
- d) where Section 5.2.1 (d) applies, the owner or occupier remove or take proper precautions against the fire hazard.

7.2 Compliance

After the receipt of an order, the owner, occupier, or person in charge must comply with it.

7.3 Cost of complying

Subject to an agreement to the contrary, the cost of complying with an order must be borne by the owner, and if the occupier pays the cost, the occupier has a right of action or set off against the owner for the cost actually and necessarily paid in complying with the order.

8. VIOLATIONS

8.1 Violations

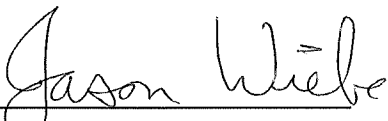
Every person who violates of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act or thing or omits any act or thing thus violating any of the provisions of this bylaw, commits an offence and is liable on conviction to a fine of not less than Two Hundred Dollars (\$200.00) nor more than the maximum penalty provided under the *Offence Act*, or as stated in the Municipal Ticketing Bylaw.

READ a first time by Municipal Council this 5th day of December, 2022.

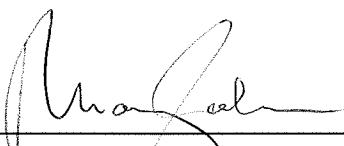
READ a second time by Municipal Council this 5th day of December, 2022.

READ a third time by Municipal Council this 5th day of December, 2022.

ADOPTED by Municipal Council this 19th day of December, 2022.



Mayor



Chief Administrative Officer