

## BYLAW NO. 3712, 2005

Consolidated with amendments in Bylaws: (1) 3929, 2008; (2) 4660, 2016; (3) 5509, 2026

A bylaw to provide fire regulations for  
the protection of persons and property

### WHEREAS:

- A. subject to the Fire Safety Act, S.B.C. 2016 c. 19, as amended or re-enacted from time to time, section 8 of the Community Charter, S.B.C. 2003, c. 26, as amended or re-enacted from time to time (the “Charter”), authorize municipal councils, by bylaw, to regulate certain matters relating to fire regulation in order to protect persons and property;
- B. Council for the City of Coquitlam has determined that it wishes to exercise its authority under the Charter;

NOW, THEREFORE, COUNCIL for the City in Open Meeting assembled, HEREBY ENACTS AS FOLLOWS:

### 1. Name of Bylaw

This Bylaw may be cited for all purposes as “Fire Prevention and Life Safety Bylaw No. 3712, 2005”.

### 2. Repeal of Existing Bylaws and Fire/Rescue Continued

- 2.1 Fire/Rescue, as established as the City’s Fire/Rescue Department by District of Coquitlam Bylaw No. 1832, 1988 is continued under this Bylaw, and encompasses all of its assets, including real property, and policies and procedures already established and which may be altered from time to time by Council, and those authorized to act under the authority of Council;
- 2.2 Fire/Rescue may establish and maintain an agreement, including reciprocal agreements, for assistance with other local governments, in the event of depletion of local resources, which includes, but is not limited to, requisitioning of supplies or materials for use at any emergency incident, or incidents, within the City’s jurisdiction; and

- 2.3 District of Coquitlam Fire Prevention By-law No. 1503, 1985, together with all amendments, and District of Coquitlam Bylaw No. 1832, 1988, together with all amendments, are hereby repealed in their entirety and replaced by this Bylaw.

**3. Definitions**

- 3.1 In this Bylaw the following words will have the meaning ascribed to them in this section unless the context requires otherwise:

“City” means the City of Coquitlam;

“controlled substance” means a controlled substance as defined and described in Schedules I, II, III, IV, and V of the Controlled Drugs and Substances Act, S.C. 1996, c. 19, as amended or re-enacted from time to time;

“Council” means Council for the City;

“dangerous good” means any good defined as a dangerous good in the Transport of Dangerous Goods Act, R.S.B.C. 1996, c. 458, as amended or re-enacted from time to time;

“excessive false alarm” means the third or subsequent false fire alarm activated by a fire alarm system at a particular premise in a calendar year;

“excessive false alarm fee” means the fee set out in the Fees & Charges Bylaw;

“explosive” means every substance, whether chemical compound or mechanical mixture, and every adaptation or preparation of an explosive, used or manufactured with a view to produce a violent effect by explosion, or a pyrotechnic effect and includes, without limitation, any one or more of the following

- (i) gunpowder,
- (ii) nitroglycerin,
- (iii) gun cotton,
- (iv) dynamite,
- (v) blasting gelatin,
- (vi) gelignite,
- (vii) fulminate of mercury or other metals,
- (viii) coloured fire,
- (ix) fireworks,

- (x) fuses,
- (xi) rockets,
- (xii) percussion caps,
- (xiii) detonator,
- (xiv) gun cartridges,
- (xv) ammunition of every type, kind and description;

“Explosives Act” means the Explosives Act, R.S.C. 1985, c. E-17, as amended or re-enacted from time to time;

“false fire alarm” means a fire alarm incident where there is no apparent or actual evidence of any fire or smoke at the location for which a fire alarm was raised with Fire/Rescue and includes, without limitation, the activation of a fire alarm system

- (i) during its installation, maintenance, testing or removal,,
- (ii) due to mechanical failure, malfunction or equipment fault,
- (iii) due to intentional, willful, reckless, or malicious act of the user, or
- (iv) due to user error;

“Fees & Charges Bylaw” means the Fees and Charges Bylaw in effect in the City, as amended or replaced from time to time;

“fire alarm incident” means the activation of a fire alarm system resulting in the direct or indirect notification of Fire/Rescue;

“fire alarm system” means any assembly of mechanical, electrical or electronic devices which is designed to warn the occupants of the building in which the system is located of an emergency condition and which emits sound or transmits a sound, signal or message when activated;

“Fire Chief” means the person appointed to hold that position from time to time within Fire/Rescue by Council and or his or her designate;

“Fire Code” means the British Columbia Fire Code, as amended or replaced from time to time;

“Fire/Rescue” means the City’s Fire/Rescue Department;

“Fire Safety Act” means the Fire Safety Act, S.B.C. 2016, c. 19, as amended or re-enacted from time to time;

“Firecrackers” means small Low Hazard Fireworks or High Hazard Fireworks with entwined fuses used solely as noise makers and not for pyrotechnic effect, including, without limitation, bottle rockets and screechers;

“fire protection equipment” includes, but is not limited to, fire alarm systems, automatic sprinkler systems, special extinguishing systems, portable extinguishers, water supply systems for fire protection, standpipe and hose systems, fixed pipe fire protection systems in commercial kitchen exhaust systems, smoke control measures, emergency power installations and emergency lighting systems.

“Fire Protection Technician” means

- (i) a person who is registered with the Applied Science and Technologists and Technicians of British Columbia pursuant to the Professional Governance Act;
- (ii) a person who is registered with a regulatory body that governs matters concerning fire safety similar to the Applied Science and Technologists and Technicians of British Columbia and is listed in Schedule 1 of the Professional Governance Act; or
- (iii) a person who is registered with another recognized certification agency approved in writing by the Fire Chief;

“hazardous material” means any substance or article that poses a significant risk to health, safety or property.

“High Hazard Fireworks” means manufactured goods intended to be used for pyrotechnic effect that are classified by the Canada Explosives Regulations made under the Explosives Act, as display fireworks (Category F.2, previously Class 7.2.2) such as display shells, bombshells, large wheels, barrages, bombardos, waterfalls and mines, but does not include Firecrackers;

“Low Hazard Fireworks” means manufactured goods intended to be used for pyrotechnic effect that are classified by the Canada Explosives Regulation made under the Explosives Act, as consumer fireworks for recreation (Category F.1, previously Class 7.2.1) such as showers, fountains, golden rain, Roman candles, volcanoes and sparklers, but does not include Firecrackers;

“occupier” means

- (i) a tenant, lessee, agent and any other person who has the right of access to and control of premises to which this Bylaw applies, and
- (ii) in relation to common property and common facilities in a strata plan, the strata corporation within the meaning of the Strata Property Act, S.B.C. 1998, c. 43, as amended or re-enacted from time to time;

“Officer” means the Fire Chief and any member of Fire/Rescue for the City appointed in writing by the Fire Chief to exercise the authority given by and to enforce this Bylaw;

“Peace Officer” includes, but is not limited to, the City’s bylaw officers;

“premises” means premises as defined in the Fire Safety Act;

“private hydrant” means any fire hydrant installed on private property solely as a part of a system of fire protection for that property;

“Professional Governance Act” means the Professional Governance Act, S.B.C. 2018, c. 47, as amended or re-enacted from time to time;

“re-inspection” means the second or subsequent inspection conducted by an Officer at a premises or property;

“re-inspection fee” means the fee associated with a re-inspection as set out in the Fees & Charges Bylaw;

“service station” means any facility used wholly or partly to dispense gasoline, propane, natural gas or other combustible liquid for use as a vehicle fuel, whether as a direct or indirect supplier of such fuel;

“tank” means any and all tanks identified and regulated pursuant to the Fire Code;

“vacant building” means a building or structure:

- (i) that has remained unoccupied by the owner or an occupier for a continuous period of 30 days;

- (ii) in respect of which a water, sewer, gas, or electrical service has been intentionally disconnected other than for temporary maintenance; or
- (iii) where a demolition permit has been applied for in respect of that building or structure, a building that has actually been left vacant, regardless of the amount of time it has been left vacant;

“vehicle” means a motor vehicle as defined in the Motor Vehicle Act, R.S.B.C. 1996, c. 318, as amended or re-enacted from time to time, railway vehicle, aircraft, or other means of transportation.

- 3.2 Except as otherwise defined in this Bylaw, all words have the meaning ascribed to them in the Fire Code.
- 3.3 Wherever the words “property”, “land”, “building”, or “structure”, including their plural forms, are used in this Bylaw, such words shall be deemed to have the same meaning as “premises”.
- 3.4 Wherever personal pronouns or words denoting gender are used in this Bylaw, whether used in the masculine or feminine gender, they shall include all other genders, and the singular shall include the plural and vice versa.

#### **4. British Columbia Fire Code**

To the extent that the same is not inconsistent with the provisions of this Bylaw and the Fire Safety Act, the Fire Code forms a part of this Bylaw and may be enforced by an Officer.

#### **5. Officers’ and Fire Chief’s Authority**

- 5.1 Every Officer is authorized to enforce this Bylaw and, for the purposes of doing so, has the power to:
  - (a) inspect premises for conditions that may cause a fire or increase the danger of a fire or increase the danger to persons, including but not limited to the inspections set out in sections 9 and 10 of the Fire Safety Act;
  - (b) take any measures contained in this Bylaw to prevent and suppress fires, including the demolition of buildings and structures to prevent the spread of fires; and

- (c) deal with any matter within the scope of the Fire Safety Act in a manner not contrary to that Act or regulations made under it.

5.2 Without limiting the general authority in section 5.1, an Officer may:

- (a) where any matter or thing under this Bylaw may be lawfully done by permit, upon receipt of an application and fees as required by this Bylaw, issue a permit in a form prescribed by the Fire Chief and subject to such terms and conditions as the Officer determines are necessary in respect of such permit;
- (b) where he or she determines that there exists within any building or structure or upon any real property any flammable or combustible materials or substances, any explosive or any accumulation of waste materials, litter, rubbish or debris that is liable to cause, contribute to or fuel a fire and thereby endanger persons or property, an Officer may, in writing, order the owner or occupier of the building, structure or real property, as the case may be, to remove and lawfully dispose of such flammable or combustible materials or substances, explosive or accumulation of waste materials, litter, rubbish or debris, as the case may be, within the time frame specified in the order and the owner or occupier must comply with the order;
- (c) where he or she determines that any provision of this Bylaw has been breached, in writing, order the person or persons in breach of this Bylaw to correct the breach within the time frame specified in the order;
- (d) where he or she determines that a building or structure is in such a state of disrepair or is being used in a manner such that it
  - (i) may cause fire or explosion,
  - (ii) assist in the spread of fire,
  - (iii) otherwise poses a hazard to persons or property in surrounding buildings, structures or real property,

in writing, order the owner or occupier of such building or structure to remedy the state of disrepair or alter the use in such a way as to remove the conditions that led to the order within the time frame specified in the order and the owner or occupier must comply with the order.

5.3 Where an Officer issues an order pursuant to any authority contained in this section or the Bylaw generally, if the recipient of that order fails to take the required action within the

time prescribed in the order, the City may, but is not obligated to, undertake the work required by the order at the expense of the person in default. Where the City elects to act under this section, Council for the City may recover the expense from the defaulting person, together with costs and interest at the rate prescribed under section 11(3) of the Taxation (Rural Area) Act, R.S.B.C. 1996, c. 448, as amended or re-enacted from time to time, in the same manner as municipal taxes pursuant to section 17 of the Charter.

- 5.4 The Fire Chief may charge a fee as prescribed in the Fees and Charges Bylaw for an inspection conducted pursuant to sections 20 and 21 of the Fire Safety Act.

## **6. Protection of Fire Personnel, Equipment & Devices**

No person will or will cause, suffer or permit any other person to:

- (a) impede any firefighter or any person under the direction of an Officer when carrying out their lawful duties;
- (b) fail to yield the right of way on any highway, street, road, lane or statutory right of way within the City, whether private or public, to any Fire/Rescue vehicle, equipment or personnel;
- (c) obstruct the progress of any Fire/Rescue vehicle, equipment or personnel while on public or private property;
- (d) enter a burning building or structure or progress beyond any barriers or barricades established by Fire/Rescue personnel or persons acting under the direction of an Officer other than with the permission of an Officer;
- (e) run over with a vehicle any line or lines of fire hoses, whether in use or otherwise;
- (f) stand within 9 metres of any charged fire hose unless authorized to do so by an Officer;
- (g) remove, deface or replace any sign required pursuant to this Bylaw or the Fire Safety Act;
- (h) save and except as authorized by a permit issued pursuant to this Bylaw,
  - (i) place any attachment on any standpipe, hydrant or other fire department connection, or
  - (ii) use any standpipe, hydrant or other fire department connection.

**7. Prevention of Fire**

7.1 No person, whether as occupier or owner of real or personal property, will or will cause or suffer or permit any other person to:

- (a) allow to accumulate on any property within the City, brush, debris or trees from any land clearing operation save and except as the same may be lawfully permitted under this Bylaw or any statute or regulation having precedence over this Bylaw;
- (b) allow to accumulate on any property, whether under, within, upon or on top of any building or structure or vehicle, sufficient quantities of paper, hay, straw, bags, litter, flammable or combustible materials, explosives or any other matter or thing which could, in the reasonable opinion of an Officer, cause a fire to start or cause a fire, if started otherwise, to spread rapidly so as to endanger persons or property;
- (c) deposit in any receptacle, other than a metallic or non-combustible or non-flammable receptacle with a tight fitting and non-combustible lid, or upon any property, any ashes or other material from any stove, furnace, barbecue or fireplace or any greasy or oily rags or other materials, things or substances liable to spontaneous combustion;
- (d) use or allow the use of any defective cooking or heating device in any building or structure;
- (e) stop up any pipe hole in any chimney save and except with a stopper or metal or non-combustible material specifically designed and approved as a stopper for chimney pipes;
- (f) partially or completely obstruct any fire escape, fire exit, door or window or any hall or passageway leading to any fire escape, fire exit, door or window;
- (g) use flammable or combustible liquids for any cleaning of any fixture or chattel within any building or structure.

7.2 Every occupier of real property, a building or a structure, will:

- (a) at all times, ensure that the occupancy and use is in compliance with the Fire Code and keep the real property, building or structure in a safe manner;

- (b) ensure that the storage of all dangerous goods meet the requirements of the Fire Code;
- (c) keep all closures and fire separations installed in any building or structure to prevent the spread of fire within such building or structure in good and efficient repair and working order;
- (d) where such occupier makes, stores, uses or has charge of or control over any shavings (whether wood, metal, paper or other fibre or product generated from any production process), sacks, bags, hay, straw, waste paper, paper boxes or other flammable or combustible materials, ensure that at the close of each business day or for ongoing operations, at least once each day, all such materials are compactly baled or stacked in a safe manner and stored in non-combustible receptacles with tight-fitting non-combustible covers in accordance with the Fire Code;
- (e) provide for the regular and proper maintenance of every commercial cooking exhaust system and chimney stove pipe or flue that is in regular use so as to ensure that the exhaust system, pipe or flue does not catch fire through otherwise normal usage;
- (f) provide all fire detection and suppression equipment and all emergency systems required by the Fire Code; and
- (g) ensure that all fire detection and suppression equipment and emergency systems within any building located on the property are kept in good working order and, where applicable, maintained, repaired and replaced in accordance with the Fire Code, at all times, including, without limitation, all smoke alarms, fire alarms and sprinkler systems.

7.3 Every occupier of a service station must maintain the same in a safe manner and adhere to each and every requirement of this Bylaw. Every employee of an occupier of a service station must receive adequate fire safety training from an approved and accredited training institute on matters contained within the Fire Code.

## **8. Open Air Burning**

8.1 No person will, at any time, start, light, ignite or burn, or knowingly permit or cause to be started, lit, ignited or burned, any fire of any kind whatsoever and for any purpose in the open air or in any portable incinerator or other portable appliance or device of any kind

located in the open air, except where the fire is contained within a portable appliance or device that has been specifically designed and is used solely for the cooking and preparation of food and that is fueled by propane, natural gas or charcoal.

8.2 Without limiting section 8.1, the burning in the open air or in any portable incinerator or other portable appliance or device of any kind located in the open air of:

- (a) garden refuse, including, without limitation, grass clippings, leaves, tree and plant pruning, cuttings and light materials;
- (b) land clearing materials, including, without limitation, stumps and branches; and
- (c) waste or remainder materials from construction sites; is prohibited.

8.3 For purposes of this section, an open air fire does not include:

- (a) fire training exercises approved by the Fire Chief;
- (b) fires necessary for public safety and approved by the Fire Chief;
- (c) fires for special circumstances and approved in advance in writing by the Fire Chief;
- (d) the operation of any appliance specifically designed as an outdoor heater provided that such appliance is certified by an accredited certification body recognized and in good standing with the Standards Council of Canada.

8.4 Section 8.1 does not apply if a person or organization has received a permit in the prescribed form from the Fire Chief to start, light, ignite or burn any fire in the open air or in any portable incinerator or other portable appliance or device located in the open air. The Fire Chief may, in issuing a permit pursuant to this section, impose any and all conditions which he or she deems necessary to provide for the protection of persons and property. The person or organization to whom or to which a permit is issued pursuant to this section is responsible for ensuring compliance with all provisions contained in the permit and this Bylaw.

8.5 The Fire Chief will not issue a permit pursuant to section 8.4 for private property unless a registered owner of such property is the person seeking the permit or the permit applicant provides the Fire Chief with written authorization from a registered owner of the property authorizing the applicant to seek such a permit.

- 8.6 The Fire Chief may only issue a permit under section 8.4 where the land on which the burning will be conducted is within the Agricultural Land Reserve. The Fire Chief may only issue permits under section 8.4 which are in effect between March 1 through May 31 and from September 1 through November 30 annually.
- 8.7 The Fire Chief may revoke a permit issued under section 8.4 at any time and for any reason.
- 8.8 Every person who is issued a permit under section 8.4 of this Bylaw shall pay the fees prescribed in the Fees and Charges Bylaw.

**9. Fireworks, Firecrackers and Pyrotechnics**

- 9.1 No person will possess for purposes of re-sale or distribution, offer for sale, store, distribute or sell:
  - (a) Low Hazard Fireworks;
  - (b) High Hazard Fireworks;
  - (c) Firecrackers.
- 9.2 Subject to sections 9.3 and 9.4, no person will possess for purposes of use, set off, use, explode or discharge:
  - (a) Low Hazard Fireworks;
  - (b) High Hazard Fireworks;
  - (c) Firecrackers; or
  - (d) pyrotechnics.
- 9.3 Section 9.2 does not apply if a person or organization has received a permit in the prescribed form from the Fire Chief to use, set off, explode or discharge any Low Hazard Fireworks, High Hazard Fireworks, Firecrackers or pyrotechnics for religious, ceremonial, celebratory or business related purposes. The Fire Chief may, in issuing a permit pursuant to this section, impose any and all conditions which he deems necessary to provide for the protection of persons and property. The person or organization to whom or to which a permit is issued pursuant to this section is responsible for ensuring compliance with all provisions contained in the permit and this Bylaw.

- 9.4 The Fire Chief will not issue a permit pursuant to section 9.3 for private property unless a registered owner of such property is the person seeking the permit or the permit applicant provides the Fire Chief with written authorization from a registered owner of the property authorizing the applicant to seek such a permit.
- 9.5 No person will point or direct a Low Hazard Firework, a High Hazard Firework or a Firecracker at any person, animal, structure, vehicle or other object where the Low Hazard Firework, High Hazard Firework or Firecracker is in the process of being used, set off, exploded or detonated.
- 9.6 Any member of the Royal Canadian Mounted Police, a municipal police department, the provincial police service, an Officer under this Bylaw, a City employee duly authorized by the Fire Chief or a Peace Officer, may seize Firecrackers, Low Hazard Fireworks and High Hazard Fireworks, or any of them, being held or used in violation of this Bylaw and may dispose of them in a manner approved by the Fire Chief, without compensation for the said seizure and without charges being laid or formal enforcement proceedings being commenced. This section does not in any way restrict or prevent charges from being laid or formal enforcement proceedings under this Bylaw from being commenced.
- 9.7 Every person who is issued a permit under section 9.3 of this Bylaw shall pay the fees prescribed in the Fees and Charges Bylaw.

**10. Private Fire Hydrants and Fire Department Connections**

- 10.1 Every registered owner and occupier of real property or either of them on which a private hydrant is located must ensure that the private hydrant is:
  - (a) maintained in good working condition at all times and inspected, serviced and tested in accordance with the standards set out in the Fire Code;
  - (b) free and clear by at least one metre of all shrubbery, trees, vegetation, structures, buildings or other obstructions in order to facilitate access to the private hydrant by the City or any fire response service.
- 10.2 Every private hydrant must meet the standards specified in the Master Municipal Construction Document, as amended by the City from time to time through supplementary specifications and must be painted in the following colours:
  - (a) the barrel must be Fire Red Tremclad or its equivalent; and

- (b) the bonnet and the outlets (Ports) must be Caterpillar Yellow Tremclad or its equivalent;
  - (c) if there is a Storz type pump nozzle, the cap must be painted Gloss Black or its equivalent.
- 10.3 Every registered owner and occupier of real property or either of them on which is located a fire sprinkler and/or standpipe connection must:
- (a) keep such connection free and clear by at least one metre from all shrubbery, trees, vegetation, structures, buildings or other obstructions in order to facilitate access to the same by the City;
  - (b) ensure that the connection is clearly visible at all times from the fire department access route or approved directional signage to such connection; and
  - (c) where the connection is installed on the exterior face of a building, provide a minimum clear space around the connection of .45 metres.
- 10.4 Every owner and occupier of real property or either of them must ensure that connections to private fire hydrants and other connections are compatible with the City's Fire/Rescue equipment.
- 11. Fees Relating to Attendance, Training, Investigation and Inspection by Fire/Rescue**
- 11.1 Where any permit issued by a City bylaw requires that one or more inspections be made by an Officer, the inspection fees as set out in the Fees & Charges Bylaw will apply.
- 11.2 Where any person requests a fire inspection and, at the time of request, it is the policy of Fire/Rescue to provide such inspections, the person requesting the fire inspection must pay the applicable inspection fee as set out in the Fees & Charges Bylaw.
- 11.3 Every owner and occupier or either of them of a structure that is involved in a fire incident for which a fire investigation report must be completed by Fire/Rescue in accordance with the Fire Safety Act, must pay the applicable fire investigation fees as set out in the Fees & Charges Bylaw.
- 11.4 Where a breach of the Fire Code, Fire Safety Act or this bylaw are observed during the course of an inspection by an Officer, and the Officer issues an order requiring an owner or occupier, or either of them, to correct the breach within a specified time period and to

call for a re-inspection by an Officer, if, upon re-inspection, the Officer determines that the order has not been complied with or the violations have not been corrected, every owner or occupier of the premises or structure that is the subject of the inspection, or either of them, must pay the applicable re-inspection fee and any subsequent re-inspection fee(s) as set out in the Fees & Charges Bylaw.

- 11.5 Where Fire/Rescue is required to attend to an incident relating to the illegal use, manufacture, storage or cultivation of a Controlled Substance, every owner or occupier of the premises or property where the attendance takes place must pay the applicable fee as set out in the Fees & Charges Bylaw.
- 11.6 Where Fire/Rescue is required to clean up or safely dispose of hazardous material or dangerous goods on or at premises or property, the owner or occupier of those premises or property, or the owner, occupier, carrier, agency, organization or person responsible for the transportation, storage or use of the hazardous material or dangerous goods, or any of them, must pay the fees for the clean up and safe disposal as set out in the Fees & Charges Bylaw.
- 11.7 Where Fire/Rescue is required to attend to a premises or property as a result of the use or discharge of Firecrackers, Low Hazard Fireworks, or High Hazard Fireworks, every owner or occupier of the premises or property where the attendance takes place, or the person responsible for the use or discharge of the Firecrackers, Low Hazard Fireworks or High Hazard Fireworks, or any of them, must pay the fee for attendance by Fire/Rescue as set out in the Fees & Charges Bylaw.
- 11.8 Where Fire/Rescue equipment has been damaged or contaminated in the course of attendance at a premises or property, or other place, as a result of the presence of a hazardous material or dangerous good on or in the premises or property, or otherwise, the owner or occupier of that premises or property, or the owner, occupier, carrier, agency, organization or other person responsible for the transportation, storage or use of the hazardous material or dangerous good, or any of them, must pay the fee for repair or replacement of the equipment as set out in the Fees & Charges Bylaw.
- 11.9 Where any person requests fire extinguisher training and, at the time of the demonstration it is the policy of Fire/Rescue to provide such training, that person will pay the fee for such demonstration and/or training as set out in the Fees & Charges Bylaw.
- 11.10 Where Fire/Rescue has caused a vacant or abandoned building or structure to be boarded up, every owner or occupier of the premises or property must pay the fee for Fire/Rescue personnel attendance and site securement as set out in the Fees and Charges Bylaw.

11.11 Where Fire/Rescue is required to attend to an incident which requires the use of equipment or services not readily available to Fire/Rescue, Fire/Rescue may contract with third parties for the provision of that equipment or services, and the owner or occupier of the premise or property where that attendance takes place must pay the applicable fee as set out in the Fees and Charges Bylaw.

11.12 In addition to those costs payable under section 11.11, where Fire/Rescue is required to attend an incident at a vacant building the owner of the premises or property where that attendance takes place must pay all costs incurred by the City including the costs of labour, equipment, materials and administration, as determined by the Fire Chief.

**12. False Fire Alarm Regulations**

12.1 Every owner and occupier or either of them of real property within the City on which a fire alarm system exists will ensure that:

- (a) the fire alarm system is regularly maintained and serviced so as to prevent false fire alarms;
- (b) no fire alarm system will be used where the owner or occupier knows or ought reasonably to know that the same is malfunctioning and may be reasonably expected to cause a false fire alarm;
- (c) any fire alarm system that has activated and caused two or more false fire alarms within a 48 hour period will be immediately serviced or repaired by a qualified fire alarm technician so as to prevent further false fire alarms from occurring.

12.2 Where a property has only a single fire alarm system, if that system generates one or more excessive false fire alarms the excessive false fire alarm fees will apply.

12.3 Where a property has multiple fire alarm systems and it can be readily determined at the time of attendance at the property by Fire/Rescue which fire alarm system has produced the false fire alarm, the provisions of section 12.2 will apply to each fire alarm system, otherwise the fire alarm systems will be treated as a single system for purposes of this Bylaw and if the system generates one or more excessive false fire alarms the excessive false fire alarm fees will apply.

12.4 The City will provide written notice of each false fire alarm by mailing a notice to the civic address of the property where the false fire alarm occurred and to the registered owner

where it appears from the City's tax roll records that the owner does not reside at the property where the false fire alarm occurred.

- 12.5 For each excessive false fire alarm the City will issue an invoice for the excessive false fire alarm fees and that invoice will be mailed to the civic address of the property where the excessive false fire alarm occurred and to the registered owner where it appears from the City's tax roll records that the registered owner does not reside at the property where the excessive false fire alarm occurred.
- 12.6 The registered owner of any property where an excessive false fire alarm occurred is responsible for the payment of any invoice issued pursuant to this Part for excessive false fire alarm fees regardless of whether the registered owner occupies the premises in which the fire alarm system that triggered the false fire alarm exists. Invoices issued pursuant to this Part are due and payable within 30 days of receipt. Invoices that remain unpaid on December 31<sup>st</sup> in the year in which they are issued will be added to the tax roll of the property on which the premises that generated the excessive false fire alarm fees are located and will form part of the taxes payable on the property as taxes in arrears.
- 12.7 Where an owner or occupier of a premises or property has paid a fee for services or activities performed by Fire/Rescue in response to a false fire alarm at the premises or property, and the owner or occupier has since taken measures to reduce the likelihood of the occurrence of a false alarm at the premises or property in the future, the owner may request reimbursement of the fee for services or activities paid in respect of the false alarm by submitting such a request to the Fire Chief, and this request must set out the specific measures that the owner or occupier has taken to reduce the likelihood of the occurrence of a false alarm.
- 12.8 Upon receipt of a request for reimbursement submitted in accordance with section 12.7 of this bylaw, the Fire Chief will review the request and may, if satisfied that the owner has taken appropriate measures to reduce the likelihood of the occurrence of a false alarm, reimburse the owner up to a maximum of 90% of the fee paid by the owner for the services or activities performed by Fire/Rescue in response to a false alarm within the previous twelve month period.

### **13. Contact Persons**

- 13.1 Every registered owner and occupier of real property or either of them that has a fire alarm system or a monitored or unmonitored automatic fire sprinkler system installed on premises on the property, or both, must submit to the Fire Chief, in a prescribed form, the name and telephone number of at least one person (the "Contact Person") who is available to attend, enter and secure the premises in the event that either system is activated and Fire/Rescue attends at the property. The Contact Person form must be

updated on the earlier of every twelve months and the date on which the Contact Person is changed. The Contact Person must:

- (a) normally reside and work in areas that will allow the Contact Person to reach the premises within 45 minutes under normal conditions;
- (b) be familiar with the premises and have possession of any keys, passcards, security codes and any other required entry devices or information to gain access to and re-secure the premises; and
- (c) have full authority to take possession and control of the premises and property from Fire/Rescue once an incident is concluded.

13.2 If a Contact Person is notified of an incident on the premises by Fire/Rescue, that person must attend at the premises from which the alarm originated within 45 minutes of notification.

13.3 Any owner or occupier, or both as the case may be, that fails or whose Contact Person fails to comply with sections 13.1 and 13.2 will pay the fees prescribed in the Fees & Charges Bylaw.

**14. Tanks**

14.1 Every owner or occupier of property on which a tank has been installed or is to be installed, must ensure that at all times the tank meets all requirements of the Fire Code with respect to its installation, maintenance, repair, removal or abandonment.

14.2 No person will deliver any petroleum or flammable or combustible product to any tank located on property anywhere in the City unless that person is satisfied, having made reasonable enquiry, that the tank meets all applicable provisions of the Fire Code.

14.3 Where an Officer has reasonable grounds to believe that an event has occurred that may have resulted in the shifting of the earth around any tank, the Officer may require the owner or occupier of the property on which the tank is located to conduct immediate testing for leakage in accordance with the standards set out in the Fire Code.

**15. Forest Closures**

Where, in the opinion of the Fire Chief, the safety of life or property or both in any area within the City is endangered through the hazardous condition of the forest cover or the occurrence of

spread of fire burning in any forest or woodland, the Fire Chief may, by an order in writing signed by him, declare that area or any portion thereof as a closed area for such period or periods of time as the Fire Chief may determine. Should the Fire Chief impose a closure order in respect of any area within the City, no person may enter into that area during the period of closure for any purpose whatsoever other than as an authorized firefighter under the direction and control of a recognized firefighting unit or under written direction of the Fire Chief.

## **16. Securing Fire Damaged or Abandoned Buildings**

- 16.1 Where a fire has occurred in a building or structure which, in the opinion of Fire/Rescue, has rendered entry to that building or structure unsafe, it is the registered owner's responsibility to immediately secure the building or structure in a manner sufficient to prevent entry to the same. The City may, after making reasonable efforts to contact the registered owner or occupant of the building or structure or the Contact Person where applicable, to advise them of the need to secure the building or structure under this section, instruct its employees or agents to board up the building or structure to the extent required by this section. The cost of such boarding will be invoiced to the registered owner of the property on which the building or structure is situated and will be payable within 30 days of receipt of the invoice.
- 16.2 Every registered owner of property on which a vacant building or structure is located must comply with the Fire Code which requires that the building or structure be secured against unauthorized entry.
- 16.3 Where, in the opinion of the Fire Chief the securement of a vacant building undertaken pursuant to section 16.2 of this Bylaw is insufficient to prevent unauthorized entry, the Fire Chief may require the registered owner to take specific measures to secure the vacant building or structure against unauthorized entry.
- 16.4 Where a registered owner fails to meet the requirements of sections 16.2 or 16.3, the City may, after making reasonable efforts to contact the registered owner or occupier of the vacant building or structure, or the Contact Person where applicable, to advise them of the need to secure the vacant building or structure under this section, instruct its employees or agents to board up the vacant building or structure to the extent required by this section. The cost of such boarding will be invoiced to the registered owner of the property on which the vacant building or structure is situated and will be payable within 30 days of receipt of the invoice.

## **17. Fire Safety Plan & Lock Box Requirements**

- 17.1 Every occupier of a building or area for which a fire safety plan is required by the Fire Code must, without limiting the Fire Code requirements:
- (a) prepare the fire safety plan in cooperation with Fire/Rescue;
  - (b) remit to the City the fee prescribed in the Fees & Charges Bylaw for the fire safety plan review process performed by Fire/Rescue under this section; and
  - (c) review the fire safety plan at intervals not greater than 12 months to ensure that it takes account of changes in use and other characteristics of the building or area to which the plan relates and, where changes have occurred, submit a new fire safety plan to Fire/Rescue in accordance with paragraph (a) of this section, together with payment of the fees prescribed in paragraph (b) of this section.
- 17.2 The owner of a building or part thereof that is newly constructed or renovated or that has had a change in occupancy, and that is required to have a fire alarm system in which any hazardous activities will occur, shall within 60 days of the completion of such construction, renovations or change in occupancy submit to the Fire Chief a written fire safety plan, in a form acceptable to the Fire Chief, for that building or part thereof and covering fire prevention activities, fire drills, fire safety training, maintenance of fire safety systems and equipment, and such other fire safety matters as the Fire Chief may require.
- 17.3 A copy of a fire safety plan must at all times be made available by the owner on the premises to which it applies.
- 17.4 Every fire safety plan submitted under subsections 17.1 and 17.2 shall be upgraded by the current owner of the building and submitted to the Fire Chief, in a form acceptable to the Fire Chief, every ten years.
- 17.5 The Fire Chief may establish a pre-incident plan program for any class of occupancy.
- 17.6 If a pre-incident plan program is established, every owner of premises in the specified occupancy class shall prepare and submit to the Fire Chief, in a form approved by the Fire Chief, a pre-incident plan for the premises with a diagram of each level of occupancy of the premises together with such other information as the Fire Chief may require.
- 17.7 A pre-incident plan shall be filed by the owner of the premises for which it is required not later than 60 days after:

- 17.7.1 the date the Fire Chief establishes a pre-incident plan program for that class of occupancy; and
- 17.7.2 any alterations to the premises that affect the pre-incident plan or change the occupancy of the premises or any part thereof.
- 17.8 The Fire Chief may require the installation of a lock box containing access keys to a building or premises for the use of Fire/Rescue in a location acceptable to the Fire Chief on the exterior of such building or premises. The lock box may only be opened by Fire/Rescue.
- 17.9 The owner or occupier of a building or premises who has installed a lock box shall pay the fee for installation of the lock box cover prescribed in the Fees & Charges Bylaw.

**18. Fire Protection Equipment Inspection, Testing and Maintenance**

- 18.1 Where an owner or occupier of a premises or property is required to have an inspection, testing or maintenance of the fire protection equipment on that premises or property, the owner or occupier, or both, will ensure that the inspection, testing or maintenance is performed by a Fire Protection Technician and that the Fire Protection Technician has a valid business license to conduct business in the City.
- 18.2 Every Fire Protection Technician that performs an inspection or test referred to in Section 18.1 will ensure that:
  - (a) the inspection, testing or maintenance is recorded; and
  - (b) the fire protection equipment is tagged or labeled in a manner acceptable to the Fire Chief and in accordance with the requirements of the Fire Code and the applicable fire safety regulatory bodies listed in Schedule 1 of the Professional Governance Act.

**19. Costs Added to Tax Roll**

Where any person fails to observe or perform any requirement of this Bylaw and the Bylaw authorizes the City to then observe or perform the requirement, where the requirement relates to real property, the City may invoice the person for the amounts which it expends to perform the requirement and if the invoice remains unpaid on December 31<sup>st</sup> of the year it was rendered, the amount will be deemed to be taxes in arrears and added to the taxes for the property pursuant to section 17 of the Charter.

**20. Severability**

The provisions of this Bylaw are intended to be severable and should any part of this Bylaw to found to be invalid by a court of competent jurisdiction, the finding of invalidity will not affect the validity of the remainder of this Bylaw.

**21. Offences**

Every person who contravenes or violates any of the provisions of this Bylaw, who suffers or permits any act or thing to be done in contravention or violation of any 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 commits an offence and will be liable to the penalties provided for in the Offence Act, R.S.B.C. 1996, c. 338, as amended or re-enacted from time to time. Where an offence is of a continuing nature, each day that the offence is continued will constitute a separate offence.

**22. Appeals**

A person who has been issued an invoice for a charge imposed pursuant to this Bylaw may, within ten days of the invoice being issued, appeal in writing to the Fire Chief who may uphold, vary, or set aside the invoice.

READ A FIRST TIME this \_\_\_\_ day of \_\_\_\_, \_\_\_\_.

READ A SECOND TIME this \_\_\_\_ day of \_\_\_\_, \_\_\_\_.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_, \_\_\_\_

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this \_\_\_\_ day of \_\_\_\_', \_\_\_\_.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CORPORATE OFFICER