

Sun Peaks Mountain Resort Municipality

“Fire Life Safety Bylaw No. 0007”

CONSOLIDATED FOR CONVENIENCE ONLY

This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources.

Bylaw No.	Adoption Date	Purpose
0007	December 6, 2010	<ul style="list-style-type: none"> • Original Bylaw
0007-001	June 16, 2014	<p>(a) by inserting the following text as section 13.1:</p> <p style="text-align: center;">13.1 Enforcement</p> <p style="text-align: center;">This Bylaw may be enforced:</p> <ul style="list-style-type: none"> a.) by a peace officer, a Bylaw Enforcement Officer, the Chief Administrative Officer or the Fire Chief or his designate. b.) by proceedings brought under the <i>Offence Act</i>; c.) by means of a ticket issued under Division 3 of Part 8 the <i>Community Charter</i>; or d.) by means of a bylaw notice issued under the <i>Sun Peaks Bylaw Notice Enforcement Bylaw No. 0011, 2010</i>. <p>(b) by renumbering section 13.1 to 13.2 and replacing the word “Penalties” with “Contravention”; and</p> <p>(c) by renumbering section 13.2 to 13.3.</p>
0007-002	September 19, 2017	<ul style="list-style-type: none"> (a) by inserting the following text as section 10.3 ‘iii Campfires.’; (b) by inserting the following text as section 10.3 b) – h): <ul style="list-style-type: none"> b) person, eighteen years of age or older, must be in attendance at all times and in charge of a fire while the same is

		<p>burning or smoldering and until such fire is completely extinguished. This person shall have sufficient appliances and equipment in order to prevent the fire from getting beyond control or causing damage, or becoming hazardous to life or property, or becoming a nuisance.</p> <p>c) Permits are not issued when Fire Danger Rating is HIGH or EXTREME.</p> <p>d) The open air back yard burning of yard waste may only occur during daylight hours.</p> <p>e) Camp fires are only to be ignited and burned in a non-combustible fire pit that is inspected and approved by Sun Peaks Fire Rescue and that is situated a minimum of 5 m (16.5 ft.) from any structure and shall be extinguished no later than 2300 hours (11:00 pm).</p> <p>f) To ensure air quality is maintained, the venting index must be appropriate.</p> <p>g) The Fire Chief may limit the number of fires allowed at any one time and in any one area of Sun Peaks.</p> <p>h) Fires shall not be started when wind, weather or environmental conditions are such that to do so is likely to be hazardous or create a nuisance. The Fire Chief may refuse to issue or may cancel a permit and/or order a fire extinguished whenever, having regard to all the prevailing circumstances, burning is hazardous or creating a nuisance.</p> <p>(c) by inserting section 10.4 a) iv – Propane fueled decorative (CSA Approved) fire pits.</p>
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SUN PEAKS MOUNTAIN RESORT MUNICIPALITY

BYLAW NO. 0007

**A BYLAW TO PROVIDE FOR THE ESTABLISHMENT AND REGULATIONS
OF THE SUN PEAKS FIRE DEPARTMENT AND TO PROVIDE
REGULATIONS FOR THE PREVENTION AND SPREAD OF FIRE
AND THE PRESERVATION OF LIFE**

WHEREAS it is deemed desirable and expedient to provide for the establishment and regulations of the Sun Peaks Fire Department, and

WHEREAS it is deemed desirable and expedient to provide regulations for the prevention and spread of fire and for the preservation of life within the Sun Peaks Mountain Resort Municipality,

NOW THEREFORE the Council of the Sun Peaks Mountain Resort Municipality, in open meeting assembled, **ENACTS** as follows:

PART 1 – TITLE and INDEX

1.1 This Bylaw may be cited for all purposes as the “**Fire and Life Safety Bylaw No. 0007, 2010**”.

1.2 The index to this Bylaw is as follows:

	Page
Part 1 Title and Index	1
Part 2 Definitions and Interpretation	2
Part 3 Fire Department Operations	4
Part 4 Conduct of Persons	7
Part 5 Fire Protection and Life Safety	8
Part 6 Inspection of Premises	10
Part 7 Fire Department Access	11
Part 8 Hydrants	11
Part 9 Fire Protection Equipment Inspection And Fire Alarm Systems	12
Part 10 Outside Burning	14
Part 11 Fireworks	15
Part 12 Permits	15
Part 13 General Provisions	17

PART 2 – DEFINITIONS AND INTERPRETATION

2.1 Adoption of Fire Code

The *British Columbia Fire Code* is hereby adopted and made part of this bylaw and shall be applicable within the Municipality.

2.2 Application

The provisions of this bylaw apply to all buildings, structures, premises and conditions within the Municipality and, for certainty, apply equally to existing buildings and buildings under construction.

2.3 Severability

Should any section or provision of this bylaw be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the bylaw as a whole or any part thereof, other than the part so declared to be invalid.

2.4 Gender and Number

Wherever the singular or masculine is used in this bylaw, the same shall be construed as meaning the plural, feminine or the body corporate where the context or the parties so require.

2.5 Conflict

Even where this bylaw and any regulations under the *Fire Services Act of British Columbia* deal with the same subject matters, any further or more stringent restrictions in this bylaw shall have full force and effect.

2.6 Definitions

Apparatus means any vehicle provided with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport fire fighters or supplies.

Authority Having Jurisdiction means any person or agency authorized by this or any other bylaw, regulation or statute to inspect and/or approve any thing or place.

Building Code means the current edition of the *British Columbia Building Code* and all amendments.

Bulk Plants means that portion of a property where flammable or combustible liquids are received in bulk quantities and are stored or handled for the purpose of distributing such liquids by pipeline, tank, vessel, tank vehicle or other container.

Camp Fire means an open fire that burns piled material no larger than 0.5 m in height and 0.5 m in width and is used by any person for recreational purpose.

Council means the Municipal Council of the Sun Peaks Mountain Resort Municipality.

Community Charter means Chapter 26, SBC 2003 and amendments thereto and regulations made there under.

Dangerous Goods means any product, substance or organism which is of a highly combustible, flammable or explosive nature, all as set out in the *Transportation of Dangerous Goods Act of Canada* as amended from time to time; and any other material which, because of the toxic or other inherent characteristics, constitutes a fire hazard or a hazard to life safety, health or the environment.

Equipment means any tools, contrivances, devices or materials used by the Fire Department to address an Incident.

Fire Chief means the person appointed from time to time as the Chief of Sun Peaks Fire and Rescue and any officer, Member, or Inspector who in the normal course of his duties is authorized by the Fire Chief to act on his behalf.

Fire Code means the current edition of the *British Columbia Fire Code* and all amendments.

Fire Department means the Fire Department of the Sun Peaks Mountain Resort Municipality.

Fire Protection means all aspects of fire safety including, but not limited to: fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.

Fire Services Act means Chapter 133, R.S.B.C. 1979 and amendments thereto and regulations made thereunder.

Firework has the same meaning as in the *British Columbia Fireworks Act*.

Incident means a fire or a situation where a fire or explosion is imminent and includes assistance response circumstances described in Part 4 or any other situation presenting a danger or possible danger to life, health, property or the environment and to which the fire department has responded.

Incinerator means a furnace or other apparatus for burning garbage, trash, etc. to ashes.

Inspector means any fire department personnel authorized by the Fire Chief to act in such capacity.

Member means any person who is an employee or a volunteer of Sun Peaks Fire Rescue.

Municipality shall mean the Sun Peaks Mountain Resort Municipality or the area included therein as the context may require.

Occupier includes tenant, lessee, agent and any other person who has the right of access to and control of a building or premises to which this bylaw applies.

Officer in Command means the member in charge of an incident; generally the senior fire department member present.

Outside Resources means equipment, services or products not normally under the direct control of the Fire Department and requiring additional payment by the Sun Peaks Mountain Resort Municipality.

Permit means a document issued pursuant to this bylaw, authorizing a person to carry on a procedure or undertaking, or to use, store or transport materials, under certain and specific conditions.

Private Hydrant means any fire hydrant that is not owned by Sun Peaks Utilities Co. Ltd.

Road Rescue means a combination of rescue skills which may be called upon either individually or in combination in response to a motor vehicle accident.

Staff Officer means any officer who has been granted, by Council, a full time paid position with Sun Peaks Fire and Rescue.

PART 3 – FIRE DEPARTMENT OPERATIONS

3.1 Establishment

The Municipal Fire Department is hereby established and will be known as Sun Peaks Fire and Rescue.

3.2 Management Control

The Fire Chief shall be appointed by a resolution of Council. Under the direct supervision of the Chief Administrative Officer, the Fire Chief shall be

responsible for the management, control and supervision of Sun Peaks Fire and Rescue and for direction and control of the assigned work force by direct intervention or through supervision by appointed subordinate supervisory staff, including, but not limited to, the appointment and dismissal of subordinate staff. The Fire Chief shall be responsible for the care, custody and control of all buildings, apparatus and equipment of the Fire Department.

3.3 Staff Officers

Staff Officers shall report to the Fire Chief and, in the absence of the Fire Chief, shall have the powers and shall perform the duties of the Fire Chief as directed/assigned to them.

3.4 Services

The Fire Department is authorized to provide the following services:

1. Fire Protection
2. the delivery of medical assistance in support of the B.C. Ambulance Service
3. the rescue of people from potentially dangerous situations
4. the mitigation of hazards and the rescue and care of patients injured in motor vehicle accidents
5. disaster planning
6. aid to other fire services or the Office of the Fire Commissioner
7. response to hazardous material incidents
8. public service.

3.5 Limits of Jurisdiction

The limits of the jurisdiction of the Fire Chief will extend to the boundaries of the Municipality and no part of the fire apparatus shall be used beyond the limits of the Municipality unless:

1. The Fire Department has the express authorization of a written contract or agreement providing for the supply of fire fighting or assistance response outside the Municipal boundaries, or;
2. The Fire Department has the approval of Council, and in the case of an emergency situation, the approval of the Mayor or Acting Mayor should the Mayor not be present, or;
3. The Fire Chief feels that such actions will provide for the protection of life and/or property within the Municipality, or;
4. The Fire Chief feels that there is a threat to life to which fire department intervention might improve the chance of a favourable outcome. Situations where the Fire Chief may consider this course of action include, but are not limited to:

- a. search and rescue
- b. medical emergencies
- c. hazardous material incidents
- d. motor vehicle accidents
- e. wildland fire fighting or the risk of a wildland fire situation.

3.6 Policies and Operational Guidelines

The Fire Chief may make policies and operational guidelines for the proper and efficient administration and operation of the Fire Department; and may vary, alter, or repeal such policies and operational guidelines as deemed necessary.

3.7 Incident Authority

The Fire Chief, or in his absence, the Officer in Command, shall have control, direction and management of all Fire Department Apparatus, Equipment and manpower assigned to an incident and, where a member is in charge, he shall continue to act until relieved by a senior officer.

3.8 Prevention Control and Enforcement

The Fire Chief may take all necessary measures for the prevention, suppression, control and extinguishment of fires, for mitigating the effects of dangerous goods incidents and for the protection of life and property; including rescue operations and the administration of first aid. The Fire Chief may enforce the Fire Code and any applicable Municipal bylaws and regulations. The Fire Chief may charge for the use of fire services and auxiliary equipment and personnel. The Fire Chief may exercise the powers of the fire commissioner under section 25 of the *British Columbia Fire Services Act*.

3.9 Demolition of Buildings, Equipment or Property

The Fire Chief is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.

3.10 Right to Enter

The Fire Chief is empowered to enter premises or property where an incident occurred, or adjacent to an incident, and to cause any member, Apparatus or Equipment of the Fire Department to enter, as he deems necessary, in order to combat, control or deal with the incident.

3.11 Additional Resources

The owner of property or premises where an Incident originates must pay all costs, expenses and charges incurred by the Municipality when the Fire Department is required to call upon Outside Resources in order to address the Incident. The owner of property or premises where an incident originates

shall pay as an extraordinary fee, all costs, expenses and charges incurred by the Municipality when the Fire Department is required to utilize additional resources to address the Incident.

3.12 Assistance of Non-Members

The Fire Chief may request persons who are not Members to assist with an Incident.

PART 4 – CONDUCT OF PERSONS

4.1 Hindrance

No person at an Incident shall impede, obstruct or hinder a Member of the Fire Department or other person assisting or acting under the direction of the Fire Chief or the Officer in Command.

4.2 Fire Department Equipment

No person shall damage or destroy Fire Department Apparatus or Equipment. No person at an Incident shall drive a vehicle over any equipment without permission of the Fire Chief.

4.3 False Representation

No person shall falsely represent themselves as a Fire Department Member.

4.4 Prohibition of Entry

Except as authorized by the Fire Chief or other Member, no person shall:

- (a) enter any building threatened by an Incident;
- (b) enter within an area designated by ropes, guards or tapes, which are erected by or under the direction of a police officer or the Fire Department, across or around any or all streets, lanes, alleys or buildings; or
- (c) refuse to move from a designated area referred to in Section 4.4(b) when directed by a police officer or a Member.

4.5 Access to Incident

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.

4.6 Traffic Control

All persons at or near an Incident shall obey all traffic control directions given by a police officer or a Member.

PART 5 – FIRE PROTECTION AND LIFE SAFETY

5.1 Evacuation

If an emergency arising from a fire, fire hazard, toxic chemical spill or from a risk of explosion, causes the Fire Chief to be apprehensive of imminent and serious danger to life or property, he may immediately take the steps he deems necessary or advisable to remove the hazard or risk and he may order the evacuation of a building or area and may call upon the police to assist him and provide security to the evacuated area.

5.2 Removal of Fire Hazards

Whenever, in or upon any building or premises, there exists any material of a flammable, combustible or explosive nature, or any dangerous or unnecessary accumulation of waste materials or litter or vegetation of a nature which constitutes a fire hazard and any such material is so situated, in the opinion of the Fire Chief, as to endanger life or property or to obstruct ingress or egress from the building or premises in case of fire, or which may interfere with the operations of the Fire Department, or where any other conditions exist which, in the opinion of the Fire Chief, constitute a fire hazard or a threat to life safety, the owner or occupant of the building or premises shall forthwith have the material removed, disposed of or otherwise dealt with in accordance with the requirements of the Fire Chief.

If the owner fails to ensure that such material is removed from the building or premises, then the Fire Chief may cause the same to be done and the owner shall pay, as an extraordinary fee, all costs, expenses and charges incurred by the Municipality.

5.3 Prohibits Smoking

Where the Fire Chief considers conditions may make smoking a hazard in any warehouse, store, industrial plant, institution, place of assembly, open space where combustible materials are stored or handled or any other place, the Fire Chief may prohibit smoking in such areas, and may order the owner or occupier, in writing, to post "NO SMOKING" signs in or on the buildings, structures, rooms or places where smoking is prohibited.

5.4 Dangerous Goods

- a) It is the duty of the owner or occupier of any building, premises, motor vehicle, vessel, or other property, to report immediately to the Fire Chief, any explosion, discharge, emission, escape or spill of Dangerous Goods in respect thereof which occurs or where the potential for such an occurrence exists by reason of abnormal or unusual circumstances.
- b) Every owner, carrier, agency, organization or other person having responsibility for the transport, storage or use of Dangerous Goods shall be responsible, at their cost, for the cleanup and safe disposal of all such

dangerous goods arising from any Incident. Where they fail to do so, they shall pay, as an extraordinary fee, all costs, expenses and charges incurred by the Municipality when it mitigates the incident and cleans up and safely disposes of the dangerous goods.

5.5 Transportation of Dangerous Goods

All Dangerous Goods shall be moved in compliance with the *British Columbia Transportation of Dangerous Goods Act*, R.S.C. 1980-81-82-83, Chapter 36 and amendments thereto.

5.6 Vacant Buildings

The owner of any vacant building shall at all times ensure that the premises are free from debris and flammable substances and shall keep all openings in such building securely closed and fastened so as to prevent the entry of unauthorized persons.

If the owner fails to ensure that such premises are free from debris and flammable substances, or that the premises are guarded or that all openings are securely closed and fastened so as to prevent the entry of unauthorized persons, then the Fire Chief may cause the same to be done and the owner shall pay, as an extraordinary fee, all costs, expenses and charges incurred by the Municipality.

5.7 Fire Damaged Buildings

The owner or occupier of any fire damaged building shall ensure that the premises are free from debris and flammable substances and that the premises are guarded, or that all openings in the building are kept securely closed and fastened so as to prevent the entry of unauthorized persons.

If the owner fails to ensure that such premises are free from debris and flammable substances, or that the premises are guarded or that all openings are securely closed and fastened so as to prevent the entry of unauthorized persons, then the Fire Chief may cause the same to be done and the owner shall pay, as an extraordinary fee, all costs, expenses and charges incurred by the Municipality.

5.8 Buildings

Notwithstanding the absence of specific regulations, codes or bylaws, good engineering practices shall be observed in the development and maintenance of buildings, water supply systems, fire protection systems and means of access for Fire Department Apparatus to the satisfaction of the Fire Chief.

5.9 Standards of Work

Plans for all new buildings, with the exception of single family or duplex style buildings, shall be submitted to the fire chief for review prior to the initiation of construction.

PART 6 – INSPECTION OF PREMISES

6.1 Review of Plans

The Fire Chief shall review the plans of and inspect the construction of all new buildings and structures in the Municipality, other than single-family or duplex dwellings, in order to establish that the fire protection facilities and equipment are in compliance with all applicable regulations, codes and standards.

6.2 Right to Inspect and Test

The Fire Chief may at all reasonable hours enter into and upon any lands, premises, yards or buildings, other than single or duplex family dwellings, for the purpose of testing or inspecting:

- a) buildings, as required by the *Fire Services Act*;
- b) to determine if the Fire Department has adequate access to the property and if an adequate water supply is available for fire suppression purposes and to determine if the requirements of this by-law are being carried out.

6.3 Obstruction

No person may obstruct, hinder or prevent any Fire Department Member from entering into or upon any lands, premises, yards or buildings, other than single or duplex family dwellings, for the purpose of inspecting or testing the same in the ordinary course of duties.

6.4 Assistance in Inspection

The owner or occupier, of a building or property or any other person having knowledge of a building or property shall, upon request, give to an Inspector, who is carrying out an inspection of the building or property, such assistance as he may require in carrying out the inspection.

6.5 Fire Safety Plan

The owner of every new or existing building for which a fire safety plan is required under the *Fire Code*, shall have the fire safety plan approved by the Fire Chief and provide copies of it to the Fire Department in both paper and electronic format. In addition to the requirements for a fire safety plan specified in the *Fire Code*, the fire safety plan shall include emergency procedures and site/floor plans that show the location of all building and service controls, means of egress and storage of all applicable hazardous materials, anchoring systems, and any other specialized protection systems.

6.6 Re-inspect Fees

If more than one re-inspection of a property is performed by an Inspector to ensure fire safety violations discovered during a previous inspection have been rectified, a fee, as set out in Schedule A of „Sun Peaks Fees and Charges“ bylaw, as amended or replaced from time to time, will be charged to the owner or occupant.

PART 7 - FIRE DEPARTMENT ACCESS

7.1 Obstruct Access

Vehicles shall not be parked so as to obstruct access by Fire Department Apparatus or to obstruct recognized fire exits or be in contravention of the Municipal Parking bylaws, thereby impeding access by Fire Department Apparatus.

7.2 Access to Hydrants

Vehicles shall not be parked within six (6) meters (twenty (20) feet) of a fire hydrant, sprinkler or standpipe connection.

7.3 Vehicle Removal

Violations of 7.1 or 7.2 may cause the Fire Chief to remove and impound the offending vehicle and the owner shall pay, as an extraordinary fee, all costs, expenses and charges incurred by the Municipality.

PART 8 - HYDRANTS

8.1 Hydrant and Water Supply Systems on Private Land

- a) All new water supply systems on private land shall conform to flow and pressure requirements for firefighting purposes according to municipal specification or as otherwise approved in writing by the Fire Chief.
- b) Prior to proceeding with construction of any new water supply system or extension to an existing system, the applicant shall submit plans of proposed fire hydrant locations and all components of the water distribution system to the Fire Chief for approval.
- c) The owner or occupier of a building under construction shall:
 - i) provide roads finished to a minimum of good compacted gravel which provide adequate access for Fire Department apparatus as approved by the Fire Chief;
 - ii) provide a water supply system for fire protection as soon as practical as may be determined by the Fire Chief;
 - iii) notify the Fire Department of all newly installed fire hydrants.

- d) All installations of fire hydrants or water supply systems on private property shall be designed and supervised by a professional engineer and built to standard municipal specifications or higher if specified by the Municipality.
- e) During construction the owner or occupier shall immediately notify the Fire Department of all fire hydrant conditions, which may affect fire safety, including fire hydrants, which are temporarily out of service or experiencing low water volumes and low water pressures.

8.2 Private Hydrant and Water Supply System Maintenance

- a) Private Hydrants shall be maintained in good operating condition.
- b) During servicing or repairs the owner or occupier shall immediately notify the Fire Department of all fire hydrant conditions, which may affect fire safety, including fire hydrants, which are temporarily out of service or experiencing low water volumes and low water pressures.

PART 9 - FIRE PROTECTION EQUIPMENT INSPECTION AND FIRE ALARM SYSTEMS

9.1 Responsibility for Fire Alarm and Fire Protection Systems

Every owner or occupier of any property or premises where a fire alarm or fire protection system is installed must ensure that at all times the system is correctly installed, used, maintained, and operated.

9.2 Records of Inspection

The owner or occupier of a property that is required by the *Fire Code* or *Building Code* to receive periodic inspections of fire alarms and fire protection systems shall ensure that:

- a) The inspection or test is recorded and records of inspection are forwarded in a timely manner to the Fire Department.
- b) The fire protection and alarm equipment is tagged or labelled in a manner acceptable to the Fire Chief and in accordance with the requirements of the *Fire Code*.

9.3 Restriction

A person must not activate a fire alarm system unless:

- a) there is a fire, explosion, gas leak or other similarly dangerous situation;
- b) the person reasonably believes that a fire or other situation warranting response from the Fire Department is occurring or imminent; or
- c) the activation is carried out for testing purposes by persons authorized by the Fire Chief.
- d) Unwarranted activation of a fire alarm is an offence under this bylaw and subject to a fine.

9.4 Contact Person

- a) For the purposes of this part, a “contact person” means a person who is capable of operating the fire alarm system at a specified premises, and who is normally available 24 hours a day, upon notification under paragraph (b) to attend and as necessary, enter and secure the premises at an Incident, or otherwise, in conjunction with attendance by the Fire Department.
- b) The owner or occupier of any premises with a fire alarm system, whether monitored by a monitoring agency or unmonitored, must provide the monitoring agency and/or the Fire Department with a record of at least one contact person normally available to attend at the premises within 45 minutes of being notified.
- (c) An owner of premises and a contact person must endeavour to:
 - i provide a current telephone number, address or other contact information to the monitoring agency or Fire Department as applicable;
 - ii have full access to the premises for which the person has responsibility; and
 - iii respond to the premises to allow access by the Fire Department, and to secure the premises as necessary.

9.5 Entry without Owner or Contact Person

If neither an owner nor a contact person attends at the premises from which a fire alarm system has been active for 45 minutes, and no person is available otherwise to allow access, the Fire Department may use whatever reasonable means are necessary to gain entry to the premises to examine the cause of the fire alarm and to secure the premises, if required, after the investigation. Neither the owner nor the occupier shall be entitled to any compensation whatsoever for any damage or loss that may result from such activities.

PART 10 – OUTSIDE BURNING

10.1 Burning Bans

The Fire Chief may order a complete, or partial, ban of open burning at any time and for any duration.

10.2 Burning Restrictions

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

10.3 Open Air Burning With a Permit

a) The Fire Chief may issue a Permit for open air burning of materials, other than on lands owned or held by the Crown, for the following purposes:

i For open air back yard burning of grass and weeds, garden waste, tree clippings, dead leaves and dead grass resulting from the cleaning of gardens and yards in small fires.

ii For waste created by land clearing: or

iii Campfires.

BL007-002

b) Person, eighteen years of age or older, must be in attendance at all times and in charge of a fire while the same is burning or smoldering and until such fire is completely extinguished. This person shall have sufficient appliances and equipment in order to prevent the fire from getting beyond control or causing damage, or becoming hazardous to life or property, or becoming a nuisance.

c) Permits are not issue when Fire Danger Rating is HIGH or EXTREME.

d) The open air back yard burning of yard waste mey only occur during daylight hours.

e) Campfires are only to be ignited and burned in a non-combustible fire pit that is inspected and approved by Sun Peaks Fire Rescue and that is situated a minimum of 5 m (16.5 ft.) from any structure and shall be extinguished no later 2300 hours (11:00PM).

f) To ensure air quality is maintained, the venting index must be appropriate.

g) The Fire Chief may limit the number of fires allowed at any one time and in any one area of Sun Peaks.

h) Fires shall not be started when wind, weather or environmental conditions are such that to do so likely to be hazardous or create a nuisance. The Fire Chief may refuse to issue or may cancel a permit and/or order a fire

extinguished whenever, having regard to all the prevailing circumstances, burning is hazardous creating a nuisance.

- i) Fires shall not be started when wind, weather or environmental conditions are such that to do so is likely to be hazardous or create a nuisance. The Fire Chief may refuse to issue or may cancel a permit and/or order a fire extinguished whenever, having regard to all the prevailing circumstances, burning is hazardous or creating a nuisance.

10.4 Open Air Burning Without a Permit

a) A permit is not required for:

- i Necessary government burning.
- ii Open air burning for fire training exercises.
- iii The operation of a portable outdoor barbecue intended for, and used solely for, the preparation of food.
- iv ~~Campfires~~, Propane fueled decorative (CSA Approved) fire pits.

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- b) A person, eighteen years of age or older, must be in attendance at all times and in charge of a fire while the same is burning or smoldering and until such fire is completely extinguished.
- c) The Fire Chief may order a fire extinguished if, having regard to all the prevailing circumstances, it is hazardous or creating a nuisance.

10.5 Construction/Commercial/Industrial Burning

All commercial and industrial burning of waste and the destruction by burning of wood waste or any other combustible material from construction projects is prohibited.

10.6 Cost Recovery

The owner of property or premises shall pay as an extraordinary fee, all costs, expenses and charges incurred by the Municipality when the Fire Department responds to an Incident created by unsafe open air burning, whether permitted or not.

PART 11 – FIREWORKS

11.1 Restrictions

- a) No person shall manufacture, discharge, explode, fire or set off Fireworks in the Municipality without a Permit.
- b) Within the Municipality, no person shall sell, dispose of or give Fireworks to any person.

11.2 Permit

The Fire Chief may issue a Permit to discharge Fireworks to an individual or organization for a specific event or occasion.

11.3 Conditions

- a) In order to discharge fireworks, a fireworks supervisor, who is eighteen years of age or older, who would have complete authority over and be responsible for all safety features at the fireworks display, must be appointed by a group or organization.
- b) Written permission must be obtained from the owner or occupier of the land on which the Fireworks will be prepared or set off, as well as all neighboring lands upon which debris may reasonably be expected to fall and such written permission shall be filed with the Fire Chief.
- c) No person shall discharge any Fireworks on any street in the Municipality.

PART 12 – PERMITS and FEES

12.1 Permits Required

A Permit shall be required:

- a) For the operation and installation of fuel dispensing stations, in conformance with the *Fire Code*.

b) For outside burning, in conformance with Part 10 of this bylaw.

c) For Fireworks, in conformance with Part 11 of this bylaw.

12.2 Permits

A Permit, when issued, shall constitute permission to maintain, store or handle materials, or to conduct processes which may produce conditions hazardous to life or property, or to install equipment used in connection with such activities.

12.3 Permit Application

Every application for a Permit shall be made to the Fire Chief in the form prescribed for such purpose.

12.4 Issuing and Posting of Permits

a) The Fire Chief is authorized and empowered to grant or refuse any such Permit subject to the provisions of this bylaw, the *Fire Services Act* and the *Fire Code*.

b) The Fire Chief is authorized to refuse any Permit if prevailing circumstances would cause permitted activity to be a hazard or nuisance.

c) Permits and licenses shall be posted upon the building or premises described therein and made available for inspection by the Fire Chief.

12.5 Licenses

A Permit does not take the place of any license required by law.

12.6 Transferability

A Permit shall not be transferable and any change in occupancy or use of a building or premises shall require a new Permit.

12.7 Inspection

Before a Permit may be issued, the Fire Chief may inspect and approve the receptacles, vehicles, buildings, property or storage places to be used.

12.8 Conditions

The Fire Chief may attach to any Permit issued under this bylaw such conditions and restrictions as deemed necessary to prevent the spread of fire, protect the health and safety of persons and protect the integrity of the environment.

12.9 Municipal Responsibility

This bylaw shall not be construed to hold the Municipality responsible for any damage to persons or property by reason of:

- i. inspections authorized by this bylaw;
- ii. the failure to carry out an inspection;
- iii. a permit issued as herein provided; or
- iv. the approval or disapproval of any equipment authorized by this bylaw.

12.10 Fees

Every applicant for a Permit, fire inspection, special inspection, or any other, inspection or service required or permitted by this bylaw, the *Fire Code* or the *Fire Services Act* and its regulations, shall pay the applicable fee that is prescribed in the „Sun Peaks Fees and Charges“ Bylaw, as amended or replaced from time to time.

PART 13 – GENERAL PROVISIONS

13.1 Enforcement

BL007-001

This Bylaw, may be enforced:

- a) By a peace officer, a Bylaw Enforcement Officer, the Chief Administrative Officer or the Fire Chief or his designate.
- b) by proceedings brought under the *Offense Act*.
- c) by means of a ticket issued under Division 3 of Part 8 the *Community Charter*, or
- d) by means of a bylaw notice issued under the *Sun Peaks Bylaw Notice Enforcement Bylaw No. 0011, 2010*.

BL007-001

13.2 Penalties Contravention

Every person who:

- a) contravenes any provision of the bylaw;
- b) suffers or permits any act or thing to be done in contravention of any provision of the bylaw;
- c) neglects or refuses to do or refrains from doing anything required to be done by any provision of this bylaw;
- d) omits to do an act or thing required by this bylaw;
- e) commits an offence and shall be liable, on summary conviction, to a fine not exceeding \$10,000.00 and where the offence is a continuing one, each day that the offence continues shall be a separate offence.

13.3 Cost Recovery

BL007-001

Where under this bylaw the Municipality provides works or services to lands or improvements, and the costs incurred by the Municipality to conduct such works or services are not paid when due and payable, the Municipality may recover those costs from the owner in the same manner and with the same remedies as ordinary taxes and, if the costs remain unpaid on December 31, they shall be deemed to be taxes in arrears.

PASSED FIRST READING: September 7, 2010
PASSED SECOND READING: September 7, 2010
PASSED THIRD READING: September 7, 2010
REPEAL THIRD READING: November 15, 2010
PASSED THIRD READING: November 15, 2010
ADOPTED: December 6, 2010

Mayor

Director Corporate Services

I HEREBY CERTIFY that this is
a true copy of "Fire Life Safety No. 0007, 2010"

Byron Johnson
Director of Corporate Services