



CORPORATION OF THE  
DISTRICT OF TOFINO

**District of Tofino Fire and Life Safety Bylaw  
No. 1311, 2021**

Effective Date – January 25, 2022

**DISTRICT OF TOFINO**

**BYLAW NO. 1311, 2021**

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A bylaw to establish the position of a Bylaw Enforcement Officer and provide for the appointment of employees to the position

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**WHEREAS** pursuant to the *Community Charter*, a municipality may provide any service that the council considers necessary or desirable;

**AND WHEREAS** pursuant to section 8(3)(g) of the *Community Charter*, a municipality may, by bylaw, regulate, prohibit and impose requirements in relation to the health, safety and protection of persons or property;

**NOW THEREFORE** the Council of the District of Tofino, in open meeting, enacts as follows:

**1. Name**

The name of this Bylaw for citation purposes is "District of Tofino Fire and Life Safety Bylaw No. 1311, 2021."

**2. Compliance with the Fire Code**

(1) Any person who contravenes, violates, or fails to comply with a provision of the Fire Code commits an offence under this Bylaw.

**3. Definitions**

In this Bylaw:

**Act** means an Act of the British Columbia Legislature, whether referred to as a statute or by any other name, and includes the *Community Charter* and *Local Government Act*;

**Council** means the District of Tofino Council;

**District** means the Corporation of the District of Tofino;

**Enforcement Officer** means the Fire Chief, or any person employed by the District as a Bylaw Enforcement Officer, or any member of the Royal Canadian Mounted Police;

**Actual Costs** means for goods and services provided using contractors and suppliers, all amounts invoiced to the District plus a 15% administration fee; a for services provided using the District's own forces and equipment, a fee calculated using the hourly rates prescribed in Schedule "C" of this Bylaw;

**Building** means any structure used or intended for supporting or sheltering any use or occupancy;

**Consumer Fireworks** means all fireworks other than High Hazard Fireworks and Movie Pyrotechnics;

**Dangerous Goods** means those products or substances that are regulated under the Canada *Transportation of Dangerous Goods Act* and its regulations, as amended or replaced from time to time;

**Danger Class Website** means the website maintained by the Wildfire Management Branch of the Province of British Columbia for the purpose of providing the current Fire Danger Rating;

**Fire Chief** means the person appointed as the fire chief for the District, acting as the head of the Tofino Volunteer Fire Department;

**Fire Code** means the British Columbia Fire Code Regulation made under the *Fire Services Act*, as amended or replaced from time to time;

**Fire Danger Rating** means the current fire danger rating for the District, as issued by the British Columbia Wildfire Management Branch or its successor in function;

**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 Tofino Volunteer Fire Department or the egress of occupants in the event of a fire;

**Fire Inspector** means the Fire Chief and every Member authorized to carry out fire inspections in the District;

**Fire Protection** means all aspects of fire safety, including but not limited to, fire prevention, firefighting or suppression, pre-fire planning, fire investigation, and fire and life safety education;

**Tofino Volunteer Fire Department** means the fire rescue service established for the District and continued under this Bylaw;

**Fire Safety Plan** means a fire safety plan for a building required under the Fire Code or this Bylaw that includes, without limitation:

- a) emergency procedures to be used in case of fire;
- b) training and appointment of designated supervisory staff to carry out fire safety duties;
- c) documents showing the type, location and operation of fire emergency systems;
- d) the holding of fire drills;
- e) the control of Fire Hazards; and
- f) inspection and maintenance of facilities for the safety of the Building's occupants;

**High Risk Construction Activity** means:

- a) mechanical brushing;
- b) disk trenching;
- c) preparation or use of explosives;
- d) using fire- or spark-producing tools, including cutting tools
- e) using or preparing fireworks or pyrotechnics;
- f) grinding, including rail grinding;
- g) mechanical land clearing;
- h) clearing and maintaining rights of way, including grass mowing
- i) using battery powered or electric cutting tools

**Incident** means a fire, explosion, situation where a fire or explosion is imminent, or any other situation presenting a danger or possible danger to life, to property or to the environment to which the Tofino Volunteer Fire Department has responded;

**Incident Commander** means the Member assuming command at the scene of an Incident;

**Member** means a person employed by or volunteering for the District or and holding a position within the Tofino Volunteer Fire Department;

**Apparatus** means any vehicle used to transport firefighters or supplies to an incident or other emergency

**Equipment** means any tools, materials or equipment used by the Fire Department to combat an incident or other emergency

**Engineer** means a member of the Tofino Volunteer Fire Department trained in the operation

of fire fighting  
apparatus

**Occupier** includes any lessee, tenant and licensee of any Building or Premises;

**Officer** means a trained member of the Tofino Volunteer Fire Department holding the rank of Chief, Deputy Chief, Captain or Lieutenant

**Owner** means a person who has ownership or control of real or personal property, and includes, without limitation:

- a) the registered owner of an estate in fee simple;
- b) the registered holder of the last registered agreement for sale; and
- c) the tenant for life under a registered life estate; and
- d) in relation to common property and common facilities in a strata plan, the strata corporation

**Premises** includes the whole or any part of a parcel of real property and any Buildings located on the property

**Vacant Premises** includes a Premises, Building or other structure in respect of which water or electricity 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.

#### 4. **Conflict**

In the event of a conflict, discrepancy, variation or inconsistency between this Bylaw and the *Fire Services Act*, the Fire Code, or the British Columbia Building Code, the provisions of the *Fire Services Act*, the Fire Code or the Building Code, as the case may be, shall prevail over the provisions of this Bylaw to the extent of any conflict, discrepancy, variation, or inconsistency.

#### 5. **Application**

##### **Continuation**

- (1) The Tofino Volunteer Fire Department is hereby continued for the purpose of providing the interior level firefighting services contemplated under this Bylaw.
- (2) The Fire Department shall consist of the following:
  - a) Fire Chief;
  - b) Deputy Fire Chief;
  - c) Captains;
  - d) Lieutenants;
  - e) Fire Inspections & Training Officer; and
  - f) Members
- (3) The Fire Chief has complete responsibility and authority over the Fire Department subject to the direction and control of the Council to whom he/she shall be responsible, and the Fire Chief shall be required to carry out all fire protection activities and such other activities as Council directs, including but not limited to the duties required for providing interior level of service:
  - a) fire suppression;
  - b) rescue and extrication;
  - c) other incidents;
  - d) pre-fire planning;
  - e) disaster planning;
  - f) preventive patrols; and

- g) inspections

#### **Limits on Jurisdiction**

- (4) The limits of the jurisdiction of the Tofino Volunteer Fire Department extend to the boundaries of the District, and no apparatus or equipment of the Tofino Volunteer Fire Department shall be used beyond the limits of the District without:
  - a) an express written agreement with the local authority providing for the supply of firefighting and rescue services outside the boundaries of the District; or
  - b) the approval of Council and, if required by the Community Charter, the consent of the local authority.

#### **Prevention, Control and Enforcement**

- (5) The Tofino Volunteer Fire Department may take all necessary measures for the prevention, suppression, control and extinguishment of fires, for mitigating the effects of incidents involving Dangerous Goods, and for the protection of life and property, including conducting and administering emergency medical services.

#### **Responsibilities of Fire Chief**

- (6) The Fire Chief shall be responsible for the management, control and supervision of the Fire Rescue Service, including the Members, all Buildings, apparatus and equipment associated with the Fire Rescue Service.

#### **Powers of Fire Chief**

- (7) The Fire Chief may exercise one or more of the following powers in addition to those powers granted under the Fire Services Act:
  - a) make and enforce rules for the proper and efficient administration and operation of the Tofino Volunteer Fire Department and change, replace or withdraw those rules;
  - b) enter on and inspect Premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from fire;
  - c) enter Premises for the purpose of responding to an Incident;
  - d) take measures considered necessary to prevent and suppress fires, including the demolition of Buildings and other structures to prevent the spreading of fires;
  - e) require an Owner or Occupier to undertake any actions the Fire Chief considers necessary for the purpose of removing or reducing any thing or condition the Fire Chief considers is a Fire Hazard or increases the danger of fire; and
  - f) enforce the Fire Code, this Bylaw and any other bylaws, rules, orders and regulations of the Municipality for the prevention and suppression of fire and the protection of life and property.

#### **Powers of the Incident Commander**

- (8) The Incident Commander may:
  - a) enter those Premises at which the Incident occurred, and any neighbouring Premises, and may cause to enter the Premises any Member, apparatus or equipment deemed necessary in order to combat, control or deal with that Incident; and
  - b) cause the demolition of any Building or part of a Building which, in the opinion of the Incident Commander, must be demolished in order to prevent the spread of

fire or further damage to property, injury to persons, or possible loss of life.

### **Inspection of Buildings**

- (9) The Tofino Volunteer Fire Department shall implement annual inspections of all hotels and public buildings as defined by the Fire Services Act.
- (10) If a Premises inspected under section 4.9 of this Bylaw requires more than one re-inspection to determine that an unsatisfactory condition has been addressed, then the Owner of the Premises shall pay the re-inspection fee for the second re-inspection and for each subsequent re-inspection in the amount set out Schedule 'A' District of Tofino Fees and Charges Bylaw No. 1271, 2019.

## **6. Inspection of Premises**

### **Authority for Inspection**

- (1) Every Member is hereby authorized to enter at all reasonable times upon any Premises to inspect and determine whether:
- a) the Premises are so used or occupied that fire would endanger life or property;
  - b) combustible or explosive materials are being kept on the Premises or other flammable conditions exist in or about the Premises so as to endanger life or property;
  - c) in the opinion of the Member, a Fire Hazard exists in or about the Premises; or
  - d) the requirements of this Bylaw and the Fire Code are being complied with.

### **Entry for Inspection**

- (2) No person shall obstruct, hinder or prevent the Fire Chief or any Member from entering into or upon any Premises for the purpose of inspecting the Premises in the course of their duties.

### **Provision of Information**

- (3) Every Owner and Occupier of a Premises shall provide all information and shall render all assistance required by the Fire Chief or any Member in connection with the inspection of the Premises pursuant to this Bylaw.

### **False Information**

- (4) No person shall purposely withhold or falsify any information required by the Fire Chief or any Member, nor refuse to assist in the carrying out of any inspection of a Premises pursuant to this Bylaw, the Fire Code or the Fire Services Act.

## **7. Enforcement**

### **Fire Orders**

- (1) If a person contravenes or fails to comply fully with any provision of this Bylaw, or if conditions exist in or upon any Premises which, in the opinion of the Fire Chief or a Fire Inspector, constitute a Fire Hazard or other danger to life or property, the Fire Chief or a Fire Inspector may issue a written order requiring that person to take such action as is necessary to ensure compliance with this Bylaw or to remove or otherwise deal with the Fire Hazard or other danger, and every person who receives an order under this section shall carry out that order by the date or time required.

### **Serving of Fire Orders**

- (2) An order made by the Fire Chief or a Fire Inspector under this Bylaw may be served:
- (3) by delivering it or causing it to be delivered to the person to whom it is directed;

- (4) by sending the order by mail to the last known property Owner of the Premises that are the subject of the order; or
- (5) if the person to whom it is directed cannot be found, is not known or refuses to accept service of the order, by posting a copy of the order in a conspicuous place on the Premises that are the subject of the order.
- (6) If an order has been posted in accordance with section 7.2.3 of this Bylaw, a person must not remove, deface or destroy the order.

#### **Dating of Fire Orders**

- (7) Every order issued by the Fire Chief or a Fire Inspector shall state a date or time by which the order shall be carried out, which date or time shall be determined in the discretion of the issuer, having regard to the degree of urgency involved in correcting or removing conditions which may tend to increase the hazard of fire or danger to life and property.

#### **Inspection Upon Completed Remediation**

- (8) Upon completion of all work required in an order made pursuant to this Bylaw, the person to whom the order was directed shall notify the Fire Chief of such completion and the Fire Chief or a Fire Inspector shall attend at the Premises to inspect the work.
- (9) If the Fire Chief or a Fire Inspector attends at the Premises in accordance with section 6.5 and discovers that the work is incomplete or not compliant with this Bylaw or the Fire Code, the person to whom the initial order was directed shall complete or correct the work in the time specified by the Fire Chief or the Fire Inspector, and the Fire Chief or a Fire Inspector shall attend at the Premises to inspect the work. If the work is still incomplete or not compliant with this Bylaw or the Fire Code, and the Fire Chief or Fire Inspector must attend at the Premises to re-inspect the work, the person to whom the initial order was directed shall pay the re-inspection fee prescribed in Schedule 'A' District of Tofino Fees and Charges Bylaw No. 1271, 2019

#### **Representations to the Fire Chief**

- (10) A person who receives an order may request the Fire Chief consider cancelling or revising the order by delivering written submissions to the Municipality's corporate officer no later than 3 days before the day by which the order must be carried out.
- (11) After considering written submissions provided under section 7.7, the Fire Chief may affirm, modify or cancel an order issued under this Bylaw.

#### **Municipal Action at Defaulter's Expense**

- (12) Where a person has received an order made pursuant to the provisions of this Bylaw, has been given an opportunity to make written submissions to the Fire Chief in respect of the matter and has failed to comply with an order by the date specified in the order, the Municipality may, by its employees, servants or agents, enter the Premises and effect such work as is required in the order at the cost and expense of the recipient of the order, payable upon the date stated on an invoice issued by the Municipality.

#### **Penalties**

- (13) A person who:
  - a) contravenes, violates or fails to comply with any provision of this Bylaw or any order issued under this Bylaw;
  - b) suffers or allows any act or thing to be done in contravention or violation of this Bylaw, or any order issued under this Bylaw; or
  - c) fails or neglects to do anything required to be done under this Bylaw, or any order issued under this Bylaw;

commits an offence and, upon conviction, shall be liable to a fine of not more than Ten Thousand Dollars (\$10,000.00), and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

**Enforcement by Bylaw Notices or Municipal Ticket Information**

(14) This bylaw may be enforced by means of a ticket issued under the Bylaw Notice Enforcement and Dispute Adjudication System Bylaw No. 1107, 2010. or e "District of Tofino Bylaw Notice Enforcement and Dispute Adjudication System Bylaw No. 1107, 2010" as amended from time to time.

**8. Severability**

If any provision of this Bylaw is held to be invalid by any court of competent jurisdiction, that provision shall be severed and its severance shall not affect the validity of the remainder of the Bylaw.

**9. Repeal**

“District of Tofino Volunteer Fire Department Bylaw No. 964, 2004” is hereby repealed.

**10. Effective Date**

This Bylaw shall come into force and effect on January 25, 2022

**READ A FIRST TIME** on October 12, 2021

**READ A SECOND TIME** on October 12, 2021

**READ A THIRD TIME** on October 12, 2021

**ADOPTED** on January 25, 2022

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Daniel Law, Mayor

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Robert MacPherson, Corporate Officer

Schedule 'A'

District of Tofino Fire and Life Safety Bylaw No. 1311, 2021

**MEMBER HONORARIUM AND EXPENSE REIMBURSEMENT SCHEDULE**

**1. Officer Honorarium**

- a) An annual honorarium in the amount of \$2000 shall be paid to each Captain or Lieutenant.
- b) The sum of \$450 shall be paid to (1) one fire officer of any rank per scheduled on call duty weekends which shall begin at 6:00 PM Friday evening and conclude at 8:00 AM Monday for all weekends between June 1 and September 15 and all holiday weekends in a calendar year.

**2. Member Honorarium and Expense Reimbursement**

- a) The sum of \$20.00 per member will be paid to the Tofino Volunteer Fire Department for each incident attended.
- b) The sum of \$20.00 per member will be paid to the Tofino Volunteer Fire Department for each practice attended.
- c) The sum of \$150.00 per day will be paid to the member in the event a member assists a Fire and patrol Commissioner when called in to investigate an incident, or if the Fire Chief appoints a member to secure the scene of an incident.
- d) The sum of \$450 shall be paid to (1) one Engineer per scheduled on call duty weekends which shall begin at 6pm Friday evening and conclude at 8am Monday for all weekends between June 1 and September 15 and all holiday weekends in a calendar year
- e) When traveling outside the District, the member shall be reimbursed for the following expenses at rates established from time to time by resolution of Council:
  - a) Mileage
  - b) Meals
- f) All expense statements shall be authorized by the Fire Chief prior to being submitted to the District for payment, and shall be accompanied by all receipts.