

**DISTRICT OF METCHOSIN
BYLAW NO. 269**

A B Y L A W

To help reduce the risks of fire and fireworks for the safety and protection of persons and property.

WHEREAS Part 19 of the Municipal Act empowers Council to establish a Fire Department and to regulate various matters related to the Fire Department.

NOW THEREFORE the Council of the District of Metchosin in open meeting assembled hereby enacts as follows:

1. Definitions

“animal organic waste” means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, and feathers;

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“construction waste” means woodcuttings, sawdust, packaging, building materials, and other waste items or discarded materials produced in the construction, repair, renovation or demolition of building or structure.

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“Council” shall mean the elected officials of the District of Metchosin.

“District” shall mean the District of Metchosin.

“fire chief” means the person appointed as fire chief of the fire department, and, in that persons absence, an assistant fire chief designated in writing by the fire chief, and a person acting under the authority of the fire chief;

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“fire department” means the fire department of the District of Metchosin including all officers, employees and volunteers engaged by the department;

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“firecracker” means a small firework with entwined fuses used solely as noise makers and not for pyrotechnic effect;

“fireworks” any manufactured good intended to be used for pyrotechnic effect and included under the Canadian Explosives Act & Explosives Regulation 2013, Part 16-18. To include effects such as cannon crackers, fireballs, firecrackers, mines, roman candles, skyrockets, squibs, torpedoes and any other explosive designated as firework by regulation.

“member” means a member of the fire department.

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“vegetative matter” means wood, leaves, tree and shrub prunings, branches, cuttings and other like material;

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1.2 Where applicable, all other words and phrases shall be construed in accordance with the meaning assigned to them by the

- (a) *Fire Services Act* (British Columbia) and its regulations,
 - (b) *Environmental Management Act* (British Columbia) and its regulations,
 - (c) British Columbia Building Code,
 - (d) British Columbia Fire Code,
 - (e) Canada *Explosives Act* and its regulations,
- as amended or re-enacted from time to time.

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Adoption of Fire Code and Other Standards

1.3 The substantive regulations (not including the procedural or remedial provisions) of the British Columbia Fire Code as amended or re-enacted from time to time are adopted and made part of this bylaw such that every provision of the Fire Code shall be considered a provision of this bylaw.

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2. Fire Department

(1) The Fire Department is hereby established and will be known as the Metchosin Volunteer Fire Department.

(2) The Fire Chief:

(a) shall be appointed by resolution of the Council.

(b) *repealed by Bylaw 553*

(c) *repealed by Bylaw 553*

(d) shall maintain a roster of all current members, which clearly identifies the members' seniority and rank.

(e) may make rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including, but not limited to:

(i) use, care and protection of Fire Department property;

- (ii) the qualifications, training, conduct and discipline of the members of the Fire Department; and
- (iii) efficient operation of the Fire Department.
- (f) shall report to the Chief Administrative Officer on changes to the rules, regulations, and policies of (e) above and, at set intervals on the operations of his department with particular regard to:
 - Bylaw No. 553*
 - (i) call-outs whether they be in response to fires, medical emergencies, or false alarms;
 - (ii) member responses;
 - (iii) property damage estimates;
 - (iv) inspections performed;
 - (v) tickets issued.
- (3) *Repealed by Bylaw 533*
- (4) The Fire Chief may carry out, or direct the members to carry out, all fire protection activities including but not limited to:
 - Bylaw 553*
 - (a) first response medical services;
 - (b) rescue operations;
 - (c) mutual aid of fire services;
 - (d) response to hazardous material and dangerous goods incidents;
 - (e) pre-fire and disaster planning;
 - (f) preventative controls and inspections; and
 - (g) public services.
- (5) The fire chief is authorized to exercise the following powers:
 - (a) take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fire;
 - (b) require an owner or occupier of real property to undertake any actions directed by the fire chief or other authorized person for the purpose of removing or reducing anything or condition that person considers is a fire hazard or increases the danger of fire.

- (c) exercise some or all of the powers of the fire commissioner under section 25 of the *Fire Services Act*, and for these purposes that section applies.

Bylaw 553

3. Right To Inspect

- 3 (1) The regular system of inspection of hotels and public buildings set out in Schedule A to this bylaw is established.

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- (2) The Fire Chief, or a Local Assistant to Fire Commissioner, is hereby empowered to enter upon any land or premises:

- (a) for the purpose of making an inspection or investigation, to ascertain whether the requirements or directions under this bylaw, the Fire Services Act or its regulations are being obeyed;

- (b) to inspect for conditions which may cause a fire, increase the danger of a fire or increase the danger to persons, and to deal with any matter within the scope of the Fire Services Act a manner not repugnant to any provision of the Act; and

- (c) to see that any flammable product is rendered harmless or suitably safeguarded against fire by requiring:

- (i) the erecting of barricades;

- (ii) the posting of “no admittance” signs; or

- (iii) any other measures deemed necessary by the Fire Chief or a Local Assistant to Fire Commissioner

- (3) Every owner and occupant of real property shall remove anything and everything from a building or yard which, in the opinion of the Fire Chief, is a fire hazard or increases the danger of fire.

- (4) No occupant shall use, maintain, suffer, permit or allow the use of any defective stove or heating device in any building and if, in the opinion of the Fire Chief, any defective stove or heating device is used or maintained in any building, the occupant of such building on the order of the Fire Chief shall forthwith remove or cause to be removed, or repair or cause to be repaired to the satisfaction of the Fire Chief any such defective stove or heating device.

4. No Hindrance

- (1) No person shall obstruct the Fire Chief, or any member of the Fire Department, in making any entry authorized by this bylaw.

- (2) No person shall in any way impede, hinder or obstruct any member of the Fire Department, or any apparatus or equipment, or any other person under the direction of the Fire Chief at any fire, incident or other emergency.
- (3) Any person who fails to comply with the order **or** directive of any member of, or acting on behalf of, the Fire Department at any fire incident or other emergency, shall be liable to the penalties provided herein and such persons may be forcibly removed from the scene by a member of the Police or Fire Department.

5. *Repealed by Bylaw 632*

6. *Repealed by Bylaw 632*

7. Fire Hydrants and Standpipes

- (1) No person shall place or maintain any vehicle, object or matter on a sidewalk, street or road allowance which interferes with free access or approach to any fire hydrant or standpipe.
- (2) Excepting only employees of the District acting within the scope of their duties, no person shall make use of the hydrants or standpipes without permission from the Fire Department or Greater Victoria Water District.
- (3) All unauthorized attachments found on hydrants and standpipes may be confiscated by a member of the Fire Department or Greater Victoria Water District.

Private Hydrants

8. The owner of a hydrant must

- (a) cause the hydrant to be flushed and drained and all treads and outlets and caps greased with waterproof grease once in each calendar year,
- (b) cause all components of the hydrant to be inspected, serviced and tested, and submit an inspection, service and testing report to the fire chief once in each calendar year, and
- (c) keep the ground surface within 5 metres of the hydrant clear of shrubs, trees, structures and other obstructions of any kinds in order to facilitate use of the hydrant by the fire department.

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9. *Repealed by Bylaw 632*

10. *Repealed by Bylaw 632*

11. *Repealed by Bylaw 632*

12. Duty to Comply

No person shall neglect or refuse to comply with any notice issued pursuant to this bylaw.

13. Repealed by Bylaw 632

14. Repealed by Bylaw 632

15. Repealed by Bylaw 632

16. Remove Fire Hazards and Secure Buildings

(1) Repealed by Bylaw 632

(2) Every owner of any unoccupied building shall, at all times, ensure that the premises are free from debris and flammable substances and shall keep all openings in such a building securely fastened so as to prevent the entry of unauthorized persons.

(3) The owner of any fire damaged building shall ensure 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.

(4) Where, in the opinion of the Fire Chief, any hazardous fire condition exists or any unoccupied building is not properly secured, the Fire Chief may give written notice to the owner or occupant at the last known address, or by posting a notice in a conspicuous place on the building or premises.

(5) In any notice under this section, the Fire Chief shall indicate the nature of the condition to be remedied, the manner in which the condition may be remedied, and the time within which the owner or occupant must comply.

17-29 Repealed by Bylaw 632

OPEN BURNING

Authority of the Fire Chief

17.(1) The fire chief is authorized to cancel and suspend any right to burn under this bylaw, and refuse to issue a permit, if

(a) the fire chief determines that open burning may create a hazard to persons or property, or

(b) a person responsible for open burning has failed to comply with the provisions of this bylaw, a permit, or the authority of the fire chief, as applicable.

(2) The fire chief is authorized to issue a written permit in the form prescribed by the fire chief to a person or organization for

(a) land clearing burning, and

- (b) open burning for a special public event.
18. The fire chief is authorized to impose terms and conditions for open burning relating to fire safety that are more restrictive than the restrictions and conditions set out in this bylaw, including, but not limited to
- (a) the location of a fire
 - (b) the dates and times a fire may be lit or maintained,
 - (c) the maximum area occupied by a fire,
 - (d) the materials to be burned in a fire,
 - (e) precautions to be taken in connection with a fire,
 - (f) the construction and supervision of a fire, and
 - (g) the expiry of a permit.

Application of Regulations

19. The regulation open burning in this bylaw does not apply to
- (a) a fire 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 fuelled by propane, natural gas or charcoal briquettes,
 - (b) burning of natural gas or propane in an appliance or device that is regulated by a gas regulatory authority,
 - (c) fires lit for municipal purposes, including public works operations, fire department training, and fire prevention purposes authorized by the fire chief.

General Open Burning Regulation

20. No person shall carry out opening burning
- (a) except under the authorization and subject to the conditions of this bylaw,
 - (b) when a burning ban established by the fire chief is in effect,
 - (c) unless the fire is continually supervised by a competent person,
 - (d) unless a garden hose or other immediate source of water, a shovel, hand tool, or other sufficient equipment to extinguish the fire is readily available at all times, and
 - (e) unless reasonable precautions are taken to prevent smoke being generation or becoming a nuisance.
21. No person shall
- (a) carry out open burning if the fire chief considers that igniting or allowing a fire in any area may create a fire hazard to persons or property.
 - (b) burn any material other than material comprised of vegetative matter that is dry and in a condition that provides for safe and rapid combustion,
 - (c) carry out opening burning in an incinerator or metal or masonry container, and
 - (d) carry out opening burning on the foreshore.

Prohibited Material

22. No person shall burn any of the following material in an open air fire:
- (a) the prohibited material set out in the *Open Burning Smoke Control Regulation* under the British Columbia *Environmental Management Act* as amended or re-enacted from time to time;
 - (b) petroleum products;
 - (c) materials generally referred to as garbage or refuse, including household material and food waste;
 - (d) construction waste;
 - (e) animal organic waste;
 - (f) any other material, that is not vegetative matter, which produces heavy black smoke that is liable to foul or contaminate the atmosphere or an odour that is liable to disturb the enjoyment, comfort or convenience of individuals or the public.

Residential Open Burning

23. A person may carry out residential open burning
- (a) for the purpose of burning vegetative matter on the parcel of land from which the material originated,
 - (b) on a day between October 1 and May 31, inclusive, in any year,
 - (c) during the time period of 6 a.m. and 6 p.m. of the same day,
 - (d) on no more than 3 consecutive days,
 - (e) no larger than 2 metres in diameter,
 - (f) at least 20 metres from any structure,
 - (g) at least 10 metres from any standing timber, vegetative matter, other flammable material, and any property line, and
 - (h) in a manner that the vegetative matter is fed to the fire in such a way that rapid ignition and combustion occurs.

Campfires

24. A person may only ignite and maintain a campfire
- (a) for recreational purposes, cooking purposes, or ceremonial purposes by a First Nation,
 - (b) in a fire ring, fire pit, or approved commercial appliance,
 - (c) no larger than 0.6 metre in diameter
 - (d) during the time period between 6 a.m. and 11:59 p.m. on the same day, and
 - (e) at least 6 metres from any structure, standing timber, vegetative matter, other flammable material, and any property line
 - (f) if it is not on the foreshore

Land Clearing Fires

25. A person may only carry out a land clearing fire

- (a) in compliance with the British Columbia *Wildfire Act* and regulations and the British Columbia *Environmental Management Act* and regulations, as amended or re-enacted from time to time, and
- (b) under the authorization and subject to the conditions of a valid and subsisting permit issued by the fire chief.

Cost Recovery

26. (1) Any person who carries out opening burning is responsible for that fire.
- (2) If open burning
- (a) presents a fire hazard to person or property in the opinion of the fire chief,
 - (b) has escaped or threatens to escape from a person's control, or
 - (c) is prohibited under this bylaw,
- and the fire department is summoned to control or extinguish the fire, the fees set out in Schedule A to this bylaw are imposed upon and are payable by the owner of property on which the fire was ignited for the cost of fire protection services.

FIREWORKS

Authority of the Fire Chief

27. The fire chief is authorized to
- (a) issue a written permit in the form prescribed by the fire chief to a person or organization for the discharge of fireworks.
 - (b) cancel and suspend any right to discharge fireworks and refuse to issue a permit to discharge fireworks under the provisions of this bylaw, the Canada *Explosives Act* and its regulations, and if the health and safety of persons and property is deemed to be at risk in the opinion of the fire chief.

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Consumer Fireworks

28. Permit Exemptions

The discharge of consumer fireworks is permitted without a permit issued under this bylaw

- (a) on October 31st, and
- (b) on December 31st and from 12:01 a.m. to 1 a.m. on January 1st.

29. No person may discharge consumer fireworks on municipal property, including road right-of-ways and parks, without the written permission of the District of Metchosin.
30. Every person applying for a permit to discharge consumer fireworks must
- (a) be 18 years of age or older,

- (b) provide written permission of the owner of the property upon which the fireworks display will be located, if the person applying for the permit is not the owner.

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Display Fireworks and Special Effects Pyrotechnics

- 31.** Every person applying for a permit to discharge display fireworks or special effects pyrotechnics
 - (a) must submit an application to the fire chief at least 7 days before the date of the event,
 - (b) provide proof that the applicant holds a valid fireworks operators certificate issued by Natural Resources Canada,
 - (c) provide written permission of the owner of the property upon which the fireworks display will be located, if the person applying for the permit is not the owner,
 - (d) provide a site plan and event plan to the satisfaction of the fire chief,
 - (e) provide evidence of liability insurance in an amount of not less than \$2 million per occurrence in the name of the applicant with the District of Metchosin named an additional insured, and
 - (f) pay an application fee of \$100, except for an application submitted by the District of Metchosin, School Board No.62, the Metchosin Volunteer Firefighters Society, a not-for-profit society, or a charitable organization registered and in good standing with the Canada Revenue Agency.

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General Prohibitions

- 32.** No person may offer for sale, sell, give or cause to be sold fireworks in the District of Metchosin
- 33.** No person may fire or discharge fireworks in the District of Metchosin unless authorized by a permit issued under this bylaw.

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ENFORCEMENT

- (1) The Fire Chief and officers of the Fire Department may enter upon any premises at all reasonable times in order to ascertain that the provisions of this bylaw are being obeyed.
- (2) No person shall obstruct the Fire Chief or officers of the Fire Department in the discharge of duties under this bylaw.

OFFENCE AND PENALTY

34. (1) Any person who contravenes any provision of this bylaw is liable, upon summary conviction, to a minimum fines of \$1,000 and a maximum fine of \$10,000 and the cost of prosecution.
- (2) Every day during which an infraction of this bylaw continues constitutes a separate offence.
- (3) The penalties in this section shall be in addition to and not in substitution for any other penalty or remedy available under this bylaw, Provincial legislation or at law.

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35. General

- (1) In the event of any inconsistency between the provisions of this bylaw and provisions contained in a statute and/or regulations enacted by the Government of Canada or the Province of British Columbia, the provisions of those statutes and/or regulations shall prevail.
- (2) As provided by Section 739 of the Municipal Act R.S.B.C. 1979, Chapter 290, and subject to the Fire Services Act R.S.B.C., 1979, Chapter 133, as revised, the National Fire Code of Canada, 1985, is adopted as regulations for the District, supplementary to regulations made pursuant to this bylaw. In the event of conflict between this bylaw and the National Fire Code, the provisions of the National Fire Code shall prevail over the provisions of this bylaw.
- (3) *Repealed by Bylaw 553*
- (4) *Repealed by Bylaw 553*
- (5) If any provision of this bylaw is found to be invalid by a court of competent jurisdiction it may be severed from the bylaw.
- (6) The headings in this bylaw are inserted for convenience of reference only.
- (7) This bylaw may be cited for all purposes as “**Fire Regulation and Prevention Bylaw No. 269, 1996**”.
- (8) This bylaw repeals “District of Metchosin Fire Services Bylaw No. 73, 1988”.

Read a first time this 15th day of July 1996.

Read a second time this 15th day of July 1996.

Read a third time this 21st day of October 1996.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the District of
Metchosin on this 4th day of November 1996.

Mayor

Clerk

Schedule A

Schedule A

Bylaw No. 632

1. Regular Inspection of Public Buildings

- (a) public assembly, institutional, industrial: minimum inspection frequency of 2 years
- (b) Commercial, not including home-based business: minimum inspection frequency of 3 years

2. Fire Service Fees

The fee for any portion of fire service provided that is under one hour in duration may be calculated in increments of not less than one-quarter hours.

(a)	Engine with crew:	\$578 per hour
(b)	Water tender with crew:	\$358 per hour
(c)	Mini pump/brush truck with crew:	\$214 per hour
(d)	Rescue vehicle:	\$330 per hour
(e)	Duty vehicle and officer	\$180 per hour
(f)	Additional Firefighter	\$37 per hour
(g)	Fire retardant foam	\$200 per 10 litres
(h)	Public Works backhoe	\$65 per hour
(i)	Public Works dump truck:	\$65 per hour
(j)	Public works service truck:	\$40 per hour
(k)	Public Works employee /operator:	\$45 per hour
(l)	Standby rate:	50% of the equipment rate
(m)	Fuel	At current per litre fuel cost

SCHEDULE “B”

Repealed by Bylaw 553