

# DISTRICT OF NORTH SAANICH



## BY-LAW NO. 962

### CONSOLIDATED FOR CONVENIENCE ONLY

APRIL 2005

#### A BY-LAW TO PROVIDE FOR FIRE PREVENTION AND REGULATION IN THE DISTRICT OF NORTH SAANICH

The amending by-law which has been consolidated into "District of North Saanich Fire Prevention and Regulation By-law No. 962 (2000)".

1085

As of April 4, 2005

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#### DISTRICT OF NORTH SAANICH FIRE PREVENTION AND REGULATION BY-LAW NO. 962 CONSOLIDATION

This consolidation of the District of North Saanich Fire Prevention and Regulation By-law (2000) and amendment has been prepared exclusively for the use of the District of North Saanich for convenience only.

**The District of North Saanich does not represent that this consolidation is accurate or complete and anyone using this material should confirm its content by reference to the original By-laws.**



# DISTRICT OF NORTH SAANICH

## BY-LAW NO. 962

### A BY-LAW TO PROVIDE FOR FIRE PREVENTION AND REGULATION IN THE DISTRICT OF NORTH SAANICH

The Municipal Council of the District of North Saanich, in open meeting assembled, enacts as follows:

1. **CITATION**

This By-law may be cited for all purposes as the "District of North Saanich Fire Prevention and Regulation By-law (2000)".

2. **DEFINITIONS**

In this By-law:

"ANIMAL ORGANIC WASTE" means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides and feathers;

**BL 1085** "BONA FIDE AGRICULTURAL PURPOSE" means agricultural burning of crops, or stubble, or burning ordered for the purpose of fire safety, but excluding land clearing burning;

"COMMERCIAL INCINERATOR" means any device constructed or erected, designed and used for the destruction by fire of industrial commercial or institutional waste materials, but does not include any crematorium operated in accordance with the Cemetery and Funeral Services Act, R.S.B.C., 1996, Chapter 45.

"COUNCIL" means the Municipal Council of the Municipality;

"COVER MATERIAL" means sand, silt, clay or other like non-organic material;

"DOMESTIC INCINERATOR" means any metal or masonry container fitted with a metal screen or grill of less than 9.5 mm (3/8") mesh to restrict any sparks or flying debris and used to serve any dwelling unit occupied by a single family;

"ENGINEER" means the Municipal Engineer of the Municipality;

"FIRE CHIEF" means the individual appointed Fire Chief pursuant to By-law No. 877 of the Municipality or any other individual designated in writing by him to exercise the powers granted to the Fire Chief under this By-law;

"FIRE DEPARTMENT" means the North Saanich Volunteer Fire Department;

"FORESHORE" means the area of land lying between the low water mark and the high water mark of the ocean;

"GARBAGE" means any animal, vegetable and food wastes or scraps;

**BL1085** "INCINERATOR" means both commercial and domestic incinerators;

"INDUSTRIAL WASTE" means combustible waste material of any density resulting from industrial, commercial or institutional processes or activities, and any noxious waste material of industrial, commercial or institutional origin and includes waste resulting from demolition or construction;

"MEMBER" means a member of the Fire Department including officers and the Fire Chief;

"MILL WASTE" means bark, chips, sawdust and any other discarded wood products;

"MUNICIPALITY" means the District of North Saanich and the area within its corporate boundaries;

"OFFICER" means the senior Fire Department member present;

"OPACITY" is the degree to which the visibility of the background, viewed through a plume of smoke is viewed;

"PERMIT" means a document issued pursuant to this bylaw authorizing a person to carry on a procedure or undertaking under certain and specific conditions;

"PERSON" includes any firm or corporation;

"PREMISES" means and includes land, building and other interests in real property;

"SMOKE" means the gas, particulate matter and products of combustion emitted into the atmosphere when products are burned;

"SOLID FUEL BURNING DEVICE" includes furnaces, boilers, stoves, ranges, space heaters, factory built fireplaces.

"STATUTORY HOLIDAY" includes New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, and Boxing Day.

3. The Fire Department as established, is continued as a fire department pursuant to the Fire Department Act, R.S.B.C. 1996, Chapter 146. The Fire Chief is a fire chief within the meaning of Section 1 of the Fire Services Act, R.S.B.C. 1996, Chapter 144.
4. The Fire Chief:
  - a. may enter any premises to inspect them for conditions which may cause a fire, increase the danger of fire or increase the danger to persons;
  - b. after entry, shall see that any flammable matter 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 including measures set out in Section 22 of the Fire Services Act.
  - c. The Fire Chief or any police officer may enter upon any premises in order to ascertain that the provisions of this by-law are being obeyed.
  - d. No person shall obstruct a Fire Chief or any police officer in making any entry pursuant to this Section.
5. No person shall in any way hinder any Member or any other person under the direction of the Fire Chief or other Officer at any fire.
6. a. The Fire Chief or other Officer in charge at any fire:
  - i. may, where in the opinion of such Officer life or property are endangered, draw water for purposes of fire suppression from a private source,
  - ii. shall have the power to cause the demolition of any building or part of a building which, in his opinion, should be demolished in order to prevent the spread of fire or to prevent damage to persons or property or loss of life,

- iii. may require any adult person to assist with the fighting of any fire where, in his opinion, such assistance is necessary for the preservation of life or property;
  - b. Any person who fails, without lawful excuse, to comply with a demand for water or to assist in the suppression of any fire pursuant to a request under this section is guilty of an offence;
  - c. The Municipality shall compensate property owners and others for any loss or damage directly resulting from the exercise of powers permitted in this section.
7. The Fire Chief, in his discretion, may assign Members to any circus, carnival, meeting, event or other show, exhibition or assembly where large crowds of people assemble, including, but not limited to, shows and exhibitions or assemblies at the Panorama Leisure Centre or Sandown Racetrack. In the event of such assignment, the expense shall be borne by the owner or manager.

Any Member assigned pursuant to this Section may:

- a. familiarize himself any fire protection facilities available and the condition and location of any exits,
  - b. patrol the entire area during the assembly, show or exhibition,
  - c. call to the attention of management of the assembly, show or exhibition any overcrowding or blocking of exits and access to exits,
  - d. ensure that aisles and exitways are kept clear, and
  - e. ensure the NO SMOKING rules are observed.
8. No person shall willfully or carelessly permit any vehicle to obstruct the movement of any equipment of the Fire Department proceeding to or from any fire, fire alarm or any other emergency.
9. Except with the permission of the Fire Chief or other Officer in charge at any fire, no person shall be permitted to enter any burning building or within the lines across any alley, lane, street or other area marked by ropes or guards.
10. No person shall drive or run over any fire hose with any vehicle, unless directed by a Member or a police officer in uniform.
11. Any movable equipment of the Fire Department shall have the right-of-way at all times through any alley, lane or street.
12. No person shall without reasonable cause make or circulate or cause to be made or circulated any alarm of fire by outcry, ringing of bells, or otherwise.
13. No person shall place or maintain any object or matter on a sidewalk or street which interferes with free access or approach to any fire hydrant.
14. a. Where necessary in his opinion, the Fire Chief shall examine carefully any chimney, flue, fireplace, hearth, oven, furnace, boiler, stove, steampipe, funnel, or any other equipment he, in his opinion, feels to be dangerous in causing fire;
- BL1085** b. Where in the opinion of the Fire Chief, any incinerator is likely to create or become a fire hazard due to damage, deterioration, lack of maintenance, construction or location, the Fire Chief may:
- BL1085** i. direct the owner of the incinerator to alter, renovate, repair, or relocate the incinerator, or
  - BL1085** ii. order the owner of the incinerator to discontinue its use;

- BL1085**
- c. Where any incinerator, chimney, flue, fireplace, hearth, oven, furnace, boiler, stove, steampipe, funnel or any other equipment is declared to be dangerous by the Fire Chief, the Fire Chief shall notify the owner or occupier of the premises of the condition and indicate the remedy and the time within which the condition shall be remedied;
  - d. 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;
  - e. Any owner or occupier of real property in the Municipality shall remove any matter or thing situated in or on any building or premises which, in the opinion of the Fire Chief, is a fire hazard or increases the danger of fire and shall clean chimneys and flues or other apparatus or things which may, in the opinion of the Fire Chief, if not clean, cause a fire or increase the danger of fire;
  - f. Where the safety of forest, woodland, timber or other property is endangered by debris caused by lumbering, landclearing or other industrial operations, the person carrying on, or who has carried on, the operation, or the owner or occupier of the land on which the debris exists, shall dispose of the debris by burning or removal and shall cut down all dead standing trees and stumps within the affected area and shall provide the labour and take the precautions to prevent the escape of fire or damage to property as the Fire Chief directs;
  - g. Any owner of any unoccupied building shall ensure that the premises are free from debris and flammable substances and shall keep all openings properly secured against entry by unauthorized persons;
  - h. Where, in the opinion of the Fire Chief any fire hazardous condition exists or any unoccupied building is not properly secured, the Fire Chief shall give written notice to the owner or occupier at his last known address or by posting a notice in a conspicuous place on the building or premises;
  - i. 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 occupier must comply;
  - j. Where any owner or occupier has received notice under this Section, he shall comply with the notice within the time indicated;
  - k. Where any owner or occupier fails to comply with a notice under this Section, the Municipal Engineer may, in consultation with the Fire Chief, and as required by the Fire Chief, cause the condition to be remedied at the expense of the owner or occupier;
  - l. Any expenses incurred by the Municipality under sub-section i. are recoverable from the owner or occupier, with costs in the manner provided for the recovery of municipal taxes;
  - m. Except for the police and members of the Fire Department, no person shall enter any building, fire scene or other restricted area without permission of the Fire Chief.
15. Except as provided in this By-law, no person shall light, ignite, or maintain any fire or permit or cause any fire to be lit, ignited or maintained in the open air without first obtaining a permit from the Fire Chief.
- a. The Fire Chief may, when in his opinion it is safe to do so, issue permits for outdoor fires and may attach to a permit whatever conditions in his opinion are advisable;
  - b. Where the Fire Chief deems it expedient to do so and where, in his consideration, hazardous conditions exist, including the presence of noxious smoke, he may suspend any issued burning permits and/or cancel or restrict for such time as he may deem necessary, any and all outdoor burning;

- c. Any permit issued by the Fire Chief shall be in writing and is valid only for the purpose stated and for the time set out in the permit;
- BL1085** d. No person shall light, ignite or maintain an open fire, or a fire in an incinerator or allow a fire to burn or smoulder:
- i) On any Sunday, Monday, Tuesday or Wednesday;
  - ii) Before sunrise or after sunset on Thursday or Friday;
  - iii) Before sunrise or after 4:00 p.m. on Saturday;
  - iv) On any statutory holiday.
- BL1085** e. A permit is not required for the burning of domestic waste in an approved incinerator during the times permitted in Section 15(d), or for the use of a barbecue, fireplace or camp stove designed for the purpose of cooking food in the open air unless the Fire Chief publishes a notice that permits will be required for all or any such fires during the periods specified in the notice or states that all such burning is suspended until further notice.
- BL1085** f. A permit is not required for the occasional burning of domestic waste material during the times permitted in Section 15(d), from October 30<sup>th</sup> in any year to May 15<sup>th</sup> of the following year provided the fire is smaller than 3' x 3' x 3' .
- BL1085** g. Permits shall be required at all times for the burning of debris which resulted from the felling or destruction of trees or any fire larger than 3'x3'x3'.
- BL1085** h. A fee in the amount of \$25.00 per pile will be charged for each permit issued.
- BL1085** i. Any subdivision development will be charged a fee of \$200.00 for a burning permit..
- BL1085** 16. The permit holder of an authorized open air fire including incinerators shall ensure that:
- a. Where a permit for open burning has been issued, all conditions set out on the permit are met.
  - b. No person shall kindle, light, ignite, start, allow or cause to be lighted or maintain a fire on land of another person without the permission of the owner thereof or the owner's agent.
  - c. No person shall kindle, light, start, allow or cause to be lighted or maintain a fire on any lane, street, road, highway, boulevard, easement, right-of-way, or any other property controlled by the District without the written authority of the District.
  - d. No person shall kindle, light, ignite, start, allow, or cause to be lighted or maintain a fire of materials that did not originate on the property it is being burnt on without the written permission of the Fire Chief.
  - e. The person who ignites a fire shall, at all times, keep a competent person or persons in charge of such fire while it is burning or smouldering and until it is completely extinguished and shall provide that person or those persons with efficient appliances and equipment in order to prevent the fire from progressing beyond or causing damage or becoming dangerous to life or property.
  - f. The permit holder shall be responsible for all costs incurred to suppress any fire that escapes or is caused from the authorized open burning;
  - g. In the event of an unauthorized fire the person(s) responsible for igniting the fire shall be responsible for all costs incurred to suppress the fire.
- BL1085** 17. No person shall light, ignite, allow, or cause to be lighted or maintain an outdoor fire, including incinerators, in the area generally known as Dean Park. This area is defined as shown on the map in Appendix "A".

**BL1085**

18. Except for the occasional lawful open burning of waste materials resulting from land clearing, agriculture, logging, gardening, demolition or construction, no person shall burn any waste material other than in an incinerator.

**BL1085**

19. The owner of any incinerator shall ensure:
- a. that the incinerator is maintained in a condition that provides for the proper combustion of any material burned;
  - b. that while it is in use, some competent adult shall supervise any burning and ensure that any equipment necessary for fire control is available;
  - c. that the incinerator is located at least:
    - i. 3 m (10 feet) from any dry grass, shrubbery or wooden fence, and,
    - ii. 7.6 m (25 feet) from any building;
  - d. the Fire Chief may in writing, allow reduction of the distance required in Section 17(c)(i) if he believes conditions are such that no fire hazard would be created, but in no case shall the incinerator be located less than 1.5 metres (5 feet) from dry grass, shrubbery or wooden fence.
20. No person shall ignite or maintain any fire on the foreshore without holding a valid permit issued by the Fire Chief. It shall be a condition of every permit for a fire on the foreshore that:
- a. the fire not be located within 46 m (150 ft) of any building; or
  - b. the fire not be located within 3 m (10 ft) of any driftwood, dry vegetation, grass or any other combustible material unless the fire is contained within a receptacle approved in design and location by the Fire chief; and
  - c. the fire shall be completely extinguished by 11 p.m. ;
  - d. the permit holder personally attends the fire until completely extinguished by water; and,
  - e. a permit for any fire on the foreshore shall be valid only on the date specified on the permit.

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21. No person shall burn any of the following materials in a solid fuel burning device, incinerator, or in an open outdoor fire:

tires	treated lumber
plastics	railway ties
drywall	manure
demolition waste	rubber
domestic waste	asphalt and asphalt products
paint	flammable liquids
special waste	fuel and lubricant containers
tar paper	biomedical waste
wet grass or leaves	

22. The Fire Chief may, at his discretion, permit a quantity of solid or liquid fuel to accelerate the burning of debris which resulted from the felling or destruction of trees, but the quantity of solid fuel or liquid fuel shall not exceed the amount specified in the permit.

**BL1085**

23. No person shall cause or allow the emission of smoke from any solid fuel burning device, incinerator or any open fire for a period or periods aggregating more than 3 minutes in any one hour of such opacity as to obscure an observer's view of the background through the smoke to a degree of greater than 20%. This shall not apply to smoke emitted during the 20 minute period following the ignition of the fire or smoke emitted during a 6 minute period after a fire is restoked with fuel.

**BL1085**

24. No person shall deposit or cause to be deposited, any burnable materials within the Municipality without first having obtained the approval of the Fire Chief.

25.
  - a. There shall be provided on all piers, wharves, floats, docks and structures within a marina an approved tri-class A, B and C fire extinguisher of not less than 3A.60 B.C., ULC rating. The location of such fire extinguisher shall be subject to the approval of the Fire Chief and will be placed so that a person is not required to travel a distance greater than 22.68 m (75 feet). The total weight of the extinguisher shall not exceed 18.14 kg. (40 lbs).
  - b. There shall be available throughout a marina a suitable and adequate water supply for use by the Fire Department in the event of an emergency and the suitability and adequacy of such water supply shall be subject to the approval of the Fire Chief.
26. The Fire Department shall be equipped and trained to provide structural fire-fighting services and fire protection activities as determined in bylaw 877 the residents of North Saanich including institutional, recreational and commercial facilities. The Department is neither equipped nor trained to handle aircraft or shipboard fires. Until the Department has been equipped and trained for aircraft and shipboard fires, they will not accept any responsibility for fighting such fires but will support those having the responsibility.

**BL1085**

27. Section 15(d) does not apply to burning for a bona fide agricultural purpose or to a small confined authorized fire in the open air situated upon private property for the purpose of cooking food.
28. Nothing in this bylaw shall apply to burning by the District of North Saanich Fire Department for Firefighter training.
29. The Fire Chief may, by issuing a permit, authorize a person to ignite and maintain a fire at a time or place which is prohibited by a regulation contained in this bylaw.
30.
  - a. Any person who violates any provision of this By-law shall be liable, upon summary conviction, to a fine not greater than \$2,000.00;
  - b. Where any violation continues, each day in which it continues shall be deemed to be a separate violation for the purpose of prosecution under this By-law.

**BL1085**

- c. The penalties hereunder shall be in addition to and not in substitution of any other penalty or remedy available under District bylaws, including the North Saanich Municipal Ticket Information By-law, the Local Government Act, the Fire Services Act or at law.

**BL1085**

31. For a one year trial period commencing April 16, 2005, the Fire Department will operate a yard burnable drop off site at the North Saanich Municipal Pit. The entrance will be at the corner of Littlewood and Glamorgan Roads. The site will be open to North Saanich residents only for materials originating from North Saanich properties. Drivers' Licences will be checked to confirm residency. No large stumps or commercial vehicle or dump truck loads will be permitted. Contracted landscapers are permitted to drop off burnable materials at the pit provided that the materials have originated from a North Saanich address and that they provide the name and address to the attendant. The drop off site will be open the third Saturday of each month or more frequently if determined appropriate by the Fire Chief. The fee for depositing burnable materials will be \$5.00 for pickup or trailer load and \$3.00 for a car load.

32. **REPEAL**

District of North Saanich By-law Nos. 513, 563, 576, 630, 695, 746, and 814 are hereby repealed.

READ A FIRST TIME the **20<sup>th</sup>** day of **November**, 2000.

READ A SECOND TIME the **20<sup>th</sup>** day of **November**, 2000.

READ A THIRD TIME the **20<sup>th</sup>** day of **November**, 2000.

FINALLY ADOPTED the **4<sup>th</sup>** day of **December**, 2000.

Signed "Linda Michaluk"

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MAYOR

Signed "Sandy Joyce"

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MUNICIPAL CLERK