

BYLAW NUMBER 2421

THE CORPORATION OF THE DISTRICT OF SUMMERLAND
FIRE AND LIFE SAFETY BYLAW

**CONSOLIDATED FOR CONVENIENCE TO
INCLUDE BYLAWS 92-022, 93-053, 98-008 and
2000-177**

WHEREAS it is deemed desirable and expedient to provide for the establishment and regulations of the Summerland 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 Corporate limits of The Corporation of the District of Summerland,

NOW THEREFORE, the Municipal Council of The Corporation of the District of Summerland in open meeting assembled enacts as follows:

PART I – TITLE

1. This Bylaw may be cited for all purposes as the “District of Summerland Fire and Life Safety Bylaw”

PART II – ADMINISTRATION

1. The British Columbia Fire Code Regulations, as amended from time to time, are hereby adopted and made applicable within the Municipality.

PART III – DEFINITIONS

1. Apparatus means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.
2. Approval means acceptance as satisfactory to the Fire Chief.
3. Authority having Jurisdiction shall mean the Fire Chief, a local assistant to the Fire Commissioner.
4. BC Building Code means the regulations made pursuant to Division (of Part (21) of the Municipal Act and includes British Columbia Regulation #104/73.
5. BC Fire Code Regulations means the regulations made pursuant to the

Fire Services Act and amendments thereto and includes British Columbia Regulation 15/87.

Bylaw 98-008 added the following definition:

Building means a temporary or permanent structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, materials, chattels, and/or equipment.

6. 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.

Bylaw 98-008 added the following definition:

Business means any establishment for carrying on a commercial or industrial undertaking of any kind or nature, or providing of professional, personal, or other service for gain or profit. This includes a home based business.

Bylaw 98-008 added the following definition:

Campfire means a fire not exceeding 75 cm in diameter and 75 cm in height, intended for and used solely for the preparation of food.

Bylaw 98-008 added the following definition:

Compostable materials means waste products from plants, trees or other vegetation that is naturally biodegradable including grass clippings, leaves, tree needles, garden waste and weeds.

7. Council means the Municipal Council of the Corporation of the District of Summerland.

8. Dangerous Goods means any product, substance or organism which is of a highly combustible, flammable, or explosive nature, as defined in the Transportation of Dangerous Goods Act R.S.C. 1980-81-82-83, Chapter 36 and amendments thereto and includes the following clauses:

Class 1 – Explosives, including explosives as defined in the Explosives Act R.S.C. 1974-75-76, Chapter 60 and amendments thereto.

Class 2 – Gases, including compressed gases, liquified petroleum, liquified natural gas, liquified or dissolved gases, under pressure.

Class 3 – Flammable liquids and combustible liquids.

Class 4 – Flammable solids, substances liable to spontaneous combustion; substances that on contact with water emit flammable gases.

Class 5 – Oxidizing substances; organic peroxides, chlorates, nitrates.

Class 6 – Poisonous (toxic) and infectious substances.

Class 7 – Radioactive materials and prescribed substances as defined in the Atomic Energy Control Act as R.S.C. 1974-75-76, Chapter 33 and amendments thereto.

Class 8 – Corrosive.

Class 9 – Miscellaneous dangerous goods or organisms not included in any of the above classes.

Bylaw 98-008 added the following definition:

Dwelling means a residence providing sleeping, washrooms, and a kitchen intended for domestic use for a household.

9. Equipment means any tools, contrivances, devices, or materials used by the Fire Department to combat an incident or other emergency.
10. Explosion means a rapid release of energy, that may or may not be preceded or followed by a fire, which produces a pressure wave or shock wave in air and is usually accompanied by a loud noise.
11. Fire Department means the Fire Department of the municipality.
12. Fire Chief means the member appointed by Council, as head of the Fire Department, and shall be deemed to be a Municipal Public Officer as defined in the Municipal Act.

Bylaw 98-008 added the following definition:

Fire Pit means a non-combustible enclosure, being a minimum of 30 cm in height; having a minimum of three sides, if rectangular; and having a maximum outside width of 1 meter and length of 1 meter; or having a maximum diameter (if round) of 1 meter; and being a minimum of 30 cm in height.

13. 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.
14. Fire Services Act means Chapter 133, R.S.B.C., 1979, and amendments thereto and regulations made thereunder.
15. Fireworks has the same meaning as the Fireworks Act, namely includes cannon crackers, fireballs, fire crackers, mines, Roman candles, sky rockets, squibs, torpedoes, and any other explosive designated as a firework by regulation pursuant to the Fireworks Act.

Bylaw 98-008 added the following definition:

Garbage means all household and commercial waste or refuse, whether

it contains the remains of edible food or not.

Bylaw 98-008 added the following definition:

Highway includes a street, road, lane, bridge, viaduct and any other way open to the public use, but does not include a private right of way on private property.

16. Incident means a fire or situation where a fire or explosion is imminent.
17. Inspector means any Fire Services personnel authorized in writing by the Fire Chief to act in such capacity.
18. Member means any person or officer that is duly appointed by Council as a member of the Fire Department and shall be deemed to be a Municipal Public Officer as defined in the Municipal Act.
19. Municipal Act means Chapter 290 R.S.B.C., 1979, and amendments thereto.
20. Municipality shall mean the Corporation of the District of Summerland, or the area included therein as the context may require.

Bylaw 98-008 added the following definition:

Nuisance means the emission into the atmosphere of smoke by any means which disturbs the comfort or convenience of persons in the vicinity.

21. 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.
22. Officer in Command means the senior Fire Department member present.

Bylaw 98-008 added the following definition:

Open air burning means the combustion of material without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere.

23. Order includes an approval, a decision, a determination, a permit, and the exercise of discretion made under the Fire Services Act, the BC Fire Code Regulations, or this Bylaw.
24. 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.

Bylaw 98-008 added the following definition:

Permitted burning materials means parts of trees or other vegetation that does not constitute compostable materials and will include prunings, branches, trunks and tree stumps.

25. Private Fire Hydrant means any fire hydrant located on private property.

Bylaw 98-008 added the following definition, and Bylaw 2000-177 further amended it as follows:

Prohibited burning materials means waste material including demolition, renovation or construction waste material and those materials listed in the *Open Burning Smoke Control Regulation* enacted pursuant to the *Waste Management Act* as amended from time including the following:

- | | |
|-------------------------------------|-------------------------------|
| tires | treated lumber |
| plastics | railway ties |
| drywall | manure |
| demolition waste | rubber |
| domestic waste | asphalt |
| paint | asphalt products |
| special waste | fuel and lubricant containers |
| tar paper | biomedical waste |
| compressed gas cylinders or vessels | |

Bylaw 98-008 added the following definition:

Public facility means any building or portion of a building, which is primarily intended for use by the public and is accessible with or without charge to the *public*.

26. Public Works Superintendent means a person appointed from time to time to that position by the Council of the municipality.

Bylaw 98-008 added the following definition:

Smoke means the gases, particulate matter and all other products of combustion emitted into the atmosphere when a substance or material is burned including, without limitation, smoke, dust, gas, sparks, ash, soot, cinders, fumes, or other effluvia.

PART IV – FIRE DEPARTMENT

1. The Municipal Fire Department is hereby established and will be known as the Summerland Fire Department.
2. The Fire Chief shall be appointed by a resolution of Council.
3. Other officers and members, as the Fire Chief deems necessary, may be appointed by Council.
4. The Fire Chief may appoint other officers of the Fire Department to act as Fire Chief on his behalf.
5. All those persons whose names appear on Schedule “A” attached hereto are hereby appointed members of the Summerland Fire Department.

6. The limits of the jurisdiction of the Fire Chief, and the officers and members of the Fire Department, will extend to the area and boundaries of the Municipality of Summerland, and no part of the fire apparatus shall be used beyond the limits of the Municipality without:
 - (a) the express authorization of a written contract or agreement providing for the supply of fire fighting or rescue services outside the municipal boundaries, or
 - (b) the approval of Council.
7. The Fire Chief has complete responsibility and authority over the Fire Department subject to the direction and control of the Council to which he shall be responsible, and in particular he shall be required to carry out all fire protection activities and such other activities as Council directs including but not limited to:
 - (a) rescue,
 - (b) other incidents,
 - (c) pre-fire planning,
 - (d) disaster planning,
 - (e) preventive patrols
8. The Fire Chief, subject to ratification by the Council, shall establish rules, regulations, policies, and committees necessary for the proper organization and administration of the Fire Department including but not limited to:
 - (a) use, care and protection of Fire Department property,
 - (b) the conduct and discipline of officers and members of the Fire Department, and
 - (c) efficient operations of the Fire Department.
9. The Fire Chief, or in his absence, the senior ranking member present, shall have control, direction and management of all Fire Department apparatus, equipment or manpower assigned to an incident and, where a member is in charge, he shall continue to act until relieved by a senior officer.
10. The Fire Chief shall take responsibility for all fire protection matters including the enforcement of the Fire Services Act and regulations thereunder and shall assume the responsibilities of the Local Assistant to the Fire Commissioner.
11. Officers and members of the Fire Department shall carry out the duties and responsibilities assigned to the Fire Department by the Council, and the Fire Chief shall report to the Council on the operations of the Fire Department or on any other matter in the manner designated by Council.
12. The Fire Chief, or any member of the Fire Department authorized by Council, may at any reasonable time enter any premise for the purpose of fire prevention inspections.

13. The Fire Chief, or any other member in charge, at a fire 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.
14. The Fire Chief, or any other member in charge, at an incident is empowered to enter premises or property where the incident occurred 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.
15. The Fire Chief, or the member in charge, at an incident is empowered to enter, pass through or over buildings or property adjacent to an incident and to cause members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over buildings or property, where he deems it necessary to gain access to the incident or to protect any person or property.
16. The Fire Chief, or the member in charge, at an incident may at his discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him.
17. No person shall enter the boundaries or limits of an area prescribed in accordance with Section 16 unless he has been authorized to enter by the Fire Chief or the member in charge.
18. The Fire Chief, or the member in charge, at an incident may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 16.
19. The Fire Chief may obtain assistance from other officials of the municipality, as he deems necessary in order to discharge his duties and responsibilities under this bylaw.
20. 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 member in charge.
21. No person shall damage or destroy Fire Department apparatus or equipment.
22. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.
23. No person shall falsely represent themselves as a Fire Department member.
24. No person shall obstruct or otherwise interfere with access roads or

streets or other approaches to any fire incident, fire hydrant, cistern or body of water designated for fire fighting purposes.

25. The Fire Chief or the member in charge of an incident may request persons who are not members to assist in removing furniture, goods, and merchandise from any building on fire or in danger thereof and in guarding and securing same and in demolishing a building or structure at or near the fire or other incident.
26. The Fire Chief or the member in charge of an incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an incident. Remuneration rates shall be set out annually by the Council.
27. The Council shall determine the remuneration of all members of the Fire Department.
28. Summerland Fire Department Procedure Manual forms part of the Bylaw as Schedule "B" attached.

PART V – PERMITS

1. A permit, when issued, shall constitute a 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.
2. A permit does not take the place of any license required by law.
3. A permit shall not be transferable and any change in occupancy or use of a building or premises shall require a new permit.
4. Before a permit may be issued, the Fire Chief may inspect and approve the receptacles, vehicles, buildings, property or storage places to be used.
5. In cases where laws or regulations, including bylaws enforceable by departments other than the Fire Department, are applicable, approval shall be obtained from all departments concerned.
6. A permit shall be required:
 - (a) In conformance with the "Flammable and Combustible Liquid" Section of the British Columbia Fire Code Regulations.
 - (b) In conformance with the "Open Air Fire" restrictions as set out in Part VIII of this bylaw.
 - (c) In conformance with the "Fire Works" restrictions as set out in Part IX of this bylaw.

7. Permit Application

The application for a permit shall be made in the form prescribed by the Fire Chief and satisfy at least the following requirements:

- (a) the signature of the applicant;
- (b) a statement of the intended use and occupancy showing:
 - (i) the dimensions of the building and its location;
 - (ii) the proposed use of each room or floor area;
 - (iii) fire protection installations, including portable extinguishers, fire alarms and detectors;
 - (iv) means of egress;
 - (v) a plot plan showing the locations of all flammable liquid tanks and pumps in relation to buildings and property lines;
 - (vi) a plot plan showing the location of Public Fire Works display including adjacent properties that may be affected.

8. Permit Fees

The fees hereinafter specified shall be paid to the Municipality by all applicants for any permit required by this bylaw, or under the Code adopted by this bylaw, or by the regulations passed pursuant to the provisions of the Fire Services Act, as amended from time to time, and for inspection of any work or thing for which the said permit is required...

- (a) for any installation of gasoline tanks, oil tanks, diesel tanks and dispensing pumps:

2,300	-	L	(500 I.G.)	\$ 15.00
2,300	-	4,600 L	(501 – 1,000 I.G.)	\$ 20.00
4,601	-	23,000 L	(1,000 – 5,000 I.G.)	\$ 30.00
23,001	-	46,000 L	(5,001 – 10,000 I.G.)	\$ 40.00
46,002	-	115,000 L	(10,001 – 25,000 I.G.)	\$ 60.00
115,001	-	230,000 L	(25,001 – 50,000 I.G.)	\$100.00
230,001	-	460,000 L	(50,001 – 100,000 I.G.)	\$150.00
460,001	-	920,000 L	(100,001 – 200,000 I.G.)	\$200.00
920,001	-	2,300,000 L	(200,001 – 500,000 I.G.)	\$250.00

Each dispensing pump \$ 10.00

- (b) Inspections and installation of domestic and commercial oil burners:

Each domestic installation \$ 5.00

Each commercial installation

\$10.00

- (c) For each "Open Air Burning" permit which requires a site inspection: \$10.00

9. Issuing and Posting of Permits

- (a) The Fire Chief may issue a permit where:
 - (i) an application is made in the form prescribed;
 - (ii) the proposed use or occupancy conforms with applicable bylaws, codes and regulations; and
 - (iii) the permit fee has been paid.
- (b) The Fire Chief may revoke a permit where there is a violation of:
 - (i) any condition under which the permit was issued; or
 - (ii) any requirement of this bylaw, codes or regulations.
- (c) 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.
- (d) Permits and licenses shall be posted upon the building or premises described therein and made available for inspection by the Fire Chief.

PART VI – FIRE PROTECTION AND LIFE SAFETY

1. Evacuation

If an emergency arises from a fire, fire hazard, toxic chemical spill or from a risk of explosion, causes the Officer in Command to be apprehensive of imminent and serious danger to life or property, he may immediately take the steps he thinks 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.

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 are considered by the Fire Chief to be a fire hazard, the owner or occupant of the building or premises shall forthwith, upon the Order of the Fire Chief, have the material removed, disposed of or otherwise dealt with in accordance with the Order.

3. Disposal of Material

No person may, within the municipality, dispose of any dangerous goods without first having obtained from the Fire Chief written permission setting out the conditions and location, if any, for such disposal.

4. Explosion or Potential Explosion

It is the duty of the owner or occupier of any building, premises, motor vehicle, vessel, railway rolling stock, 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.

Bylaw 93-053 adopted September 27, 1993 rescinded subsection 5 of Part VI

6. Forests

Where, in the opinion of the Fire Chief, the safety of life or property in any area within the municipality is endangered through the hazardous condition of the forest cover or the occurrence or spread of fire in any forest or woodland, the Fire Chief may, by order in writing signed by him, declare that area a closed area for such period or periods of time as the Fire Chief may determine and may further declare that no unauthorized person may enter or be therein and no operations of any class specified in the order may be carried out within the closed area.

7. 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 at the expense of the owner and the costs thereof shall be recoverable by the municipality in the same manner as that contained in Part VI, Section (5) of this bylaw.

8. 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 at the expense of the owner and the costs thereof shall be recoverable by the municipality in the same manner as that contained in Part VI, Section (5) of this bylaw.

9. Fire Doors and Shutters

Where doors or shutters are installed in a building to prevent the spread of fire, those doors or shutters, inclusive of hardware, shall at all times be kept and maintained in good repair and working order, and shall not be blocked or wedged open.

10. Elevator Shafts

No person shall store, place, keep, maintain or permit to be stored, placed, kept or maintained in any part of an elevator shaft in a building, any dangerous goods.

The well of an elevator shaft shall, at all times, be kept clean and free from rubbish and litter and flammable substances.

11. Ventilating Shafts

No person shall use a ventilating shaft for a purpose other than ventilation.

12. Chimneys, Flues and Vents

The owner or occupier of a building or premises shall cause every chimney flue and chimney connector to be cleaned of all accumulation of debris as often as may be necessary to keep the chimney and chimney connector free from danger of fire.

A chimney, flue, or stack, and any metal extension thereof shall be maintained in a safe condition.

13. Disposition of Combustible Material

No person shall deposit, or permit to be deposited, any greasy or oily rags

or other things liable to spontaneous heating, within five feet of a combustible wall, partition, fence, floor or sidewalk or within five feet of lumber, shavings, rubbish, fuel, or other combustible or flammable materials, unless those rags or other things are deposited in a noncombustible receptacle.

An occupant of a building or premises who makes, stores or uses shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, wastepaper or other combustible or flammable material shall, at the close of each day, store such material in a fire-safe manner or store it in noncombustible receptacles.

14. Disposal of Ashes

No person shall deposit, or allow or cause to be deposited, ashes from a fire box or ash pit within five feet of a combustible wall, partition, fence, floor or sidewalk or within five feet of lumber, hay, shavings, rubbish fuel or combustible material.

All ashes shall be deposited in a noncombustible receptacle.

No person shall deposit or allow or cause to be deposited, paper, straw, hay, shavings or other combustible or flammable matter in or among ashes or other matter taken from a stove, furnace or fireplace.

15. Hydrant and Water Supply Systems on Private and Public Property

(a) All water supply systems on private property shall conform to municipal specifications and be installed to be capable of providing adequate water for fire fighting purposes as determined by the latest issue of "Water Supply for Public Fire Protection" published by the Public Fire Protection Survey Services and the Insurance Bureau of Canada or as otherwise approved in writing by the Fire Chief.

(b) All new water supply systems on private property shall conform to flow and pressure requirements for fire fighting purposes according to municipal specifications or as otherwise approved in writing by the Fire Chief.

(c) 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.

(d) The owner or occupier of a building under construction shall:

(i) provide roads finished to a minimum of good compacted gravel for adequate access for fire department apparatus,

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 and the Public Works Superintendent; and
 - (iii) notify the Fire Department of all newly installed fire hydrants.
- (e) All installations of fire hydrants on private property or private water systems shall be designed and supervised by a professional engineer and built to municipal specifications.
 - (f) During construction, servicing, or repairs within a subdivision, 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 low water volumes and low water pressures.
 - (g) Bulk plants shall be provided with fire hydrants and a water supply with pressure and quantity adequate to meet the probable fire demands as determined by the Fire Chief.

16. Hydrant and Water Supply Systems Maintenance – Private Properties

- (a) Hydrants shall be maintained in operating condition.
- (b) Hydrants shall be inspected and maintained in accordance with the BC Fire Code Regulations.
- (c) Records of maintenance shall be forwarded annually to the office of the Fire Chief.
- (d) Fire hydrants shall be painted in compliance with the National Fire Protection Association publication “Marking of Hydrants”.

17. Buildings

- (a) Fire protection equipment is required for the protection of any building or occupancy and shall meet the standards of the Fire Services Act, BC Building Code, BC Fire Code Regulations and any other code or bylaw adopted by the municipality, and shall be installed in accordance with good engineering practices, and be located to the satisfaction of the Fire Chief.
- (b) Any regulation not included in the Fire Services Act, BC Building Code Regulations and the National Fire Code of Canada shall be referenced from the National Fire Protection Association, International.

- (c) 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.

18. Standards of Work

The Fire Chief may require that work shall be done in conformity with higher standards than specified in these regulations if, at his discretion, he deems that such higher standards are reasonably necessary in the interest of safety.

19. Rejection of Work

The Fire Chief may, after the examination of any work, issue a written rejection which shall have the same force and effect as an order issued under Part X.

20. Dangerous Goods

- (a) All dangerous goods shall be moved in compliance with the Transportation of Dangerous Goods Act R.S.C. 1980-81-82-83, Chapter 36 and amendments thereto.
- (b) The storage and handling of all hazardous materials shall be done in compliance with the British Columbia Fire Code Regulations.
- (c) Where, in the opinion of the Fire Chief, a discharge, emission or escape of dangerous goods has occurred and immediate action is necessary for the protection of the public, he may require that any action be taken by any person he considers qualified to do so, or take action himself to eliminate or contain the danger.
- (d) The Municipality may recover any costs and expenses incurred by taking action pursuant to Subsection (c) of this Section from any person or persons who had charge, management or control of the dangerous goods at the time the action was taken and such costs and expenses shall be recoverable in the manner provided by Part VI, Section (5) of this bylaw.

PART VII – INSPECTION OF PREMISES

1. Review of Plans

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

2. Right to Inspect

The Fire Chief, or any member of the Fire Department authorized by Council, may at all reasonable hours enter into and upon any lands, premises, yards or buildings for inspection purposes to ascertain whether or not:

- (a) the state of disrepair, fire starting therein might spread so rapidly as to endanger life or other buildings or property;
- (b) the use or occupation is such that fire starting therein would endanger life or property;
- (c) combustible or explosive material is so kept or such other inflammable conditions exist therein to endanger life or property;
- (d) any fire hazard exists therein;
- (e) the requirements of this bylaw are being carried out.

3. Assistance in Inspection

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

4. Entry for Inspection

No person shall obstruct, hinder or prevent any Fire Services Personnel from entering into or upon any lands or premises at any reasonable time for inspection purposes.

Bylaw 92-022 adopted December 14, 1992 replaced the section on Open Air Burning.

Bylaw 93-053, adopted September 27, 1993 replaced the section on Open Air Burning.

Bylaw 98-008, adopted May 25, 1998 replaced the section on Open Air Burning.

Bylaw 2000-177, adopted June 14, 2004 replaced section 1.1 with the following:

PART VIII – OPEN AIR BURNING

1. FIRE PERMIT REQUIREMENT

- 1.1 Except as outlined in subsections 1.1 (a), (b), (c) and (d), 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, without first obtaining a written 'Fire Permit' from the Fire Chief or his appointee.

- (a) The operation of a permanent outdoor barbecue or portable outdoor barbecue intended for and used solely for the preparation of food is permitted without a Fire Permit.
 - (b) The operation of municipally installed fire pits located on municipal beaches and parks, or privately installed fire pits located in campgrounds and tourist parks approved by the municipality are permitted without a Fire Permit.
 - (c) Necessary burning by the District of Summerland, including fire department authorize for the purposes of education, training and for fire safety purposes are permitted without a Fire Permit.
 - (d) Campfires which have been approved by the property owner and which are intended for and used solely for the preparation of food are permitted without a Fire Permit.
- 1.2 Every person to whom a "Fire Permit" has been issued will place and keep a competent person at all times in charge while the fire is burning or smoldering and until the fire is completely extinguished and will provide such person with sufficient and adequate fire fighting appliances and equipment as is required in order to prevent the fire from getting beyond control or causing damage or becoming a danger to life and property. The term of each permit will be determined by the Fire Chief or his appointee, but will not exceed 72 consecutive hours.
- 1.3 The Fire Chief or his appointee may refuse to issue or may cancel a "Fire Permit" whenever, in his opinion, such burning is deemed hazardous or creates a nuisance.
- 1.4 The Fire Chief or his appointee may issue a "Fire Permit" to a property owner to ensure compliance with a Provincial Act or Legislation.
- 1.5 Every person who after registering their property with the fire department and meets the Open Air Burning Regulations and follows the procedure as outlined in the written "Fire Permit" may obtain a verbal "Fire Permit" via telephone from the Fire Chief or his appointee.
- 2. OPEN AIR BURNING REGULATIONS AND PROHIBITIONS**
- 2.1 No person will light, ignite or start, or allow, or cause to be lighted, ignited, or started, a fire of any kind whatsoever in the open air except in accordance with the following regulations
- A. Only permitted burning materials will be burned;
 - B. All permitted burning materials to be burned will originate from the land on which it is to be burned;

- C. All burning will be conducted and concluded between 7:00 a.m. and sunset of the same day except for burning permitted under section 2.1.D;
- D. All burning of stumps and other materials exceeding 20 cm (8") in diameter may be maintained for a maximum of 72 hours if the fire is substantially smokeless, provided that no further combustible materials will be added to the fire after sunset of each day of the fire;
- E. All fire will be continuously controlled and supervised by a competent person properly equipped with sufficient fire extinguishing equipment and material;
- F. All fires will be maintained so as to not constitute a nuisance;
- G. A minimum separation of:
 - a) 30 metres will be maintained between the location of the fire and any buildings and between any highway;
 - b) 100 metres will be maintained between the location of the fire and any buildings on neighbouring properties which may be a dwelling, business or public facility;
 - c) 500 metres will be maintained between the location of the fire and schools in session, hospitals and facilities used for continuing care as defined under the Continuing Care Act.
- H. No open fires will be initiated unless the ventilation index as provided by Environment Canada is forecast as:
 - a) "good" for the day on the open burning is to be started, and
 - b) "good" or "fair" on the second and third day the fire is anticipated to release smoke.
- I. Open fires on each property must be separated by a smoke free period of at least 15 days and open fires will only be permitted on the same piece of property a maximum of 4 times per year. Each 72 hour burning period or permit request if less than 72 hours shall be considered 1 time.

3. CAMPFIRE REGULATIONS AND PROHIBITIONS

- 3.1 No person will light, ignite or start, or allow, or cause to be lighted, ignited, or started, a campfire except in accordance with the following regulations:
 - A. Only permitted burning materials, including seasoned untreated lumber, dry and seasoned firewood will be used in campfires.
 - B. Campfires will be continuously controlled and supervised by a competent person equipped with extinguishing equipment and material, and must be completely extinguished before the person leaves the area.
 - C. Campfires will be maintained so as not to cause a nuisance.
 - D. Campfires will be contained within a fire pit.
 - E. Campfires must be located a minimum of 5 metres from adjoining property lines and buildings.
 - F. Campfires must be intended for and used solely for the preparation of food.
 - G. Campfires will not be permitted between 11 p.m. and 7 a.m.

4. RESTRICTIONS

- 4.1 No person will burn prohibited burning materials, compostable materials or garbage in the open air, campfire, fireplace or woodstove.
- 4.2 All fires are subject to local fire hazard restrictions and Ministry of Forests fire hazard restrictions and are subject to cancellation at any time by an authority having jurisdiction.
- 4.3 No person will construct or erect an incinerator, outdoor barbecue or other appliance for burning prohibited materials, compostable materials or garbage, nor will any enclosed fire be built, set or maintained outside the walls of a building at any time.
- 4.4 No person will light, ignite or start or allow, or cause to be lighted, ignited or started a fire, when a reasonable person would know that the wind is strong enough to cause sparks or other burning material to be carried to combustible material.
- 4.5 A person who lights, ignites, or starts, or allows a fire to be lighted, ignited, or started, will report and/or attempt to control any fire that escapes or threatens to escape from the intended burning area.

PART IX – FIREWORKS**1. Restrictions**

- (a) No person shall manufacture, discharge, explode, fire or set off fireworks in the Municipality.
- (b) Within the municipality, no person shall sell, dispose of, or give fireworks to any person.

2. Special Permit

- (a) Council, along with the Fire Chief, may issue a Special Permit to discharge “Low Hazard” fireworks as defined in the “Fireworks Manual” to an individual or organization for a specific event or occasion.
- (b) Council, along with the Fire Chief, may issue a Special Permit to discharge “High Hazard” fireworks as defined and regulated in the “Fireworks Manual” for public display and for a specific event or occasion.

3. Conditions

- (a) An organization, in order to discharge fireworks, must first appoint

a fireworks supervisor who would have complete authority over and be responsible for all safety features at the fireworks display.

- (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 neighbouring 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 X – ENFORCEMENT

1. Issuance of Order

- (a) If an Inspector finds that any provision of this bylaw has been contravened or has not been complied with, or has been complied with improperly or only in part, or that conditions exist in or upon a building or property to which the bylaw applies and which, in his opinion, constitute a fire hazard or otherwise constitutes a hazard to life or property, he may make such order to ensure full and proper compliance with this bylaw and in particular, but without limiting the generality of the foregoing, he may:
 - (i) require the owner or occupier of such building or property to take such action as might in the opinion of the Inspector be necessary to remedy the contravention of this bylaw or to ensure compliance with this bylaw or to remove the hazard, or
 - (2) make such orders as are, in his opinion, necessary with respect to any matter referred to in this bylaw.
- (b) An order made under this bylaw shall be in writing and shall be directed to either the owner or occupier of the building or property in respect of which the order is made or to both.

2. Service of Order

An order made under this bylaw shall be served by:

- (a) delivering it or causing it to be delivered to the person to whom it is directed, or
- (b) mailing the Order by return registered mail to the address of the owner as shown on the records of the Land Title Office at Kamloops, British Columbia.

PART XI – PENALTY

1. Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or an act or thing or omits any act or thing, thus violating any of the provisions of this bylaw, shall be liable, on conviction, to a penalty of not less than Fifty Dollars (\$50.00) or more than Two Thousand Dollars (\$2000.00) for each offence, and in the case of a continuing offence, to a further penalty for each day during which the offence continues as provided by the Offence Act.

Bylaw 93-053 adopted September 27, 1993 added the following section:

2. In addition to the penalties which may be imposed under this Part XI of this Bylaw, any person who breaches Part VI and Part VIII, of this Bylaw and thereby causes the Municipality any direct or indirect expenses to remedy the breach shall, on demand by the Municipality, reimburse the Municipality for such expenses. The Fire Chief shall certify the expense actually and necessarily incurred to the Municipal Treasurer of the Municipality who shall pay the expenses out of general revenue, and when so paid, such expense forms a special lien within Section 438 of the Municipal Act on the lands and improvements, in favour of the Municipality and shall, for all purposes, be delinquent taxes on the land and improvements under the Municipal Act from the date of payment thereof and shall be recoverable pursuant to the provisions of the Municipal Act.

PART XII – REPEAL AND READINGS

1. Bylaws Numbered 2126, 2127 and 2333 be and are hereby repealed.

READ A FIRST, SECOND AND THIRD times by the Municipal Council of the Corporation of the District of Summerland, this 26th day of June, 1989.

RECONSIDERED, FINALLY READ AND ADOPTED by the Municipal Council of the Corporation of the District of Summerland, signed by the Mayor and Clerk of the said Corporation, this 10th day of July, 1989.

'R.J. Shewfelt'
MAYOR

'G. Redlich'
CLERK