

THETIS ISLAND IMPROVEMENT DISTRICT FIRE REGULATION BY-LAW NO. 52

A Bylaw setting out the fire protection regulations of the Thetis Island Improvement District and prescribing penalties for non-compliance with the regulations.

This Bylaw replaces the District's Bylaw No. 41 cited as the "Thetis Island Fire Administration Bylaw" passed on the 6th day of April 2004.

The trustees of the Thetis Island Improvement District enact as follows:

1. The Fire Chief of the Thetis Island Volunteer Fire Department (TIVFD) is hereby empowered to enter upon any land or into any building (except a privately owned and occupied single family dwelling) for the purpose of making an inspection or investigations to:
 - (a) Inspect for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons.
 - (b) See that any flammable matter is rendered harmless or suitably safeguarded against fire.
 - (c) Make scheduled inspections as required by the British Columbia Fire Services Act.
 - (d) The Fire Chief or the person designated and authorized as a Peace Officer through the *Fire Services Act* has the authority at all times, day and night, to enter and to examine any building, premises, motor vehicle, vessel or trailer where a fire has occurred or that may have been affected by a fire occurrence.
 - (e) The Fire Chief or designate may exclude a person, including the owner or occupier, from a building, premises, motor vehicle, vessel or trailer where a fire has occurred.

2. All commercial and institutional land and premises on Thetis Island may be inspected by the Fire Chief, or any person designated by the Fire Chief and authorized as a Peace Officer, through the *Fire Services Act*, to act on behalf of the Fire Chief, to assure that said premises are being managed and operated in compliance with the provisions laid out in the *Fire Services Act* and National Fire Code of Canada 1977, its amendments and re-issues, and to issue any orders the Fire Chief may deem necessary to correct improper fire standards and insure compliance with the *Fire Services Act* and the National Fire Code.
 - (a) The owners and/or occupiers of commercial and institutional land and premises are solely or jointly responsible to ensure that said premises are managed and operated in compliance with all applicable codes and standards with regard to fire or explosion risks. Neither the Thetis Island Improvement District nor the Thetis

- Island Volunteer Fire Department (TIVFD) have any responsibility for identifying breaches of safety codes or other pertinent codes and standards.
- (b) The TIVFD does not undertake inspections on a routine or systematic basis, nor does it provide case-specific advice on appropriate equipment installation, operation or management. The role of the Fire Chief, or person designated and authorized as a Local Assistant to the Fire Commissioner, in an inspection is limited to identification of a safety concern or potentially hazardous condition and issuing an Order to remedy conditions as set out in the Fire Services Act (RSBC 1996), Chapter 144, Section 22.
 - (c) Serving of Orders to remedy specified conditions may be by delivering to, or leaving a copy with the owner or occupier, or by affixing a copy on the door or at the premises or by mailing a copy to the owner's last known Post Office address.
3. No person shall obstruct the Fire Chief or any other person under his/her direction, in making any entry authorized by this by-law.
 4. No owner or occupant of any building shall permit any chimney, stovepipe or flue to remain in any condition that may cause or create a fire hazard.
 5. The term "smoking" shall include the carrying of a lighted pipe, cigar or cigarette.
 - (a) Where, in the opinion of the Fire Chief, smoking may create a fire or explosive hazard, the Fire Chief may prohibit smoking in any building, or open space in which combustible materials are handled, stored, manufactured, sold or are present.
 - (b) Where, in the opinion of the Fire Chief, smoking should be prohibited, he/she may give notice in writing to the occupant to post suitable signs that smoking is prohibited in or on such land or premises and the occupant thereof shall prohibit smoking in such premises or buildings.
 - (c) Any person violating any such order or notice shall be deemed to be guilty of an infraction of this by-law and shall be liable to the penalties herein imposed.
 6. No person shall allow to accumulate or be deposited within the District, any quantity of paper, rubbish or other combustible material considered by the Fire Chief to present an unreasonable risk to life, buildings, or property as a fire source or fire accelerant.
 7. Except as provided in this by-law, no person shall light, ignite or maintain any fire out-of-doors or allow or cause any such fire to be lit, ignited, or maintained without first obtaining a permit from the Fire Chief or his/her delegate.
 8. Except as provided in this by-law, any person lighting, igniting or maintaining any fire out-of-doors within the boundaries of the Thetis Island Improvement District

without first obtaining a permit, or, having a permit, failing to comply with the express terms of that permit, shall be liable for all costs involved should the personnel and equipment of the Thetis Island Volunteer Fire Department (TIVFD), or of any other fire service agencies acting in mutual aid capacities within this Improvement District, be required to extinguish such fire or any conflagration caused by such a fire.

- (a) Costs that may be charged to the landowner or occupier deemed responsible for a non-permitted fire include, but may not be limited to, (1) hourly charge-out rate for equipment and personnel, (2) resources consumed or otherwise rendered unusable during the effort to attend, extinguish, and restore equipment to service, (3) replacement or repair of any damaged equipment where the damage is a result of response to the incident, and (4) loss of property, property value, livestock, vehicles or other assets not belonging to the landowner or occupier deemed responsible.
9. A permit for a fire obtained via voice or electronic transmission shall be deemed the same as a written permit and all terms of written permit shall apply fully, whether such terms are expressed or implied, to either a voice or an electronic permit.
 10. The Fire Chief may withhold or cancel any permit issued where, in consideration of local circumstances, available fire department personnel and equipment, history of landowner or occupier with regard to fire permits and/or safe maintenance of fires, or atmospheric conditions, or as directed by Provincial fire authorities, the igniting of fire in any area may create a hazard to persons or property.
 11. Fireworks and any explosive pyrotechnic device used primarily for aesthetic and entertainment purposes will not be permitted when fire permits are cancelled or unavailable due to hazardous fire conditions as determined by the Fire Chief.
 12. Hazardous materials—including, but not limited to, motor vehicle tires, chemicals, chemically-treated materials and plastic materials—shall not be burned in any “open-air” or incinerator fire.
 13. A fire in the “open air” shall mean any intentionally ignited fire out-of-doors including bonfires, beach fires, rubbish fires, brush fires and any burning of waste materials resulting from land clearing, agriculture, logging, gardening, demolition or construction. Any “open air” fires shall be ignited and maintained only in compliance with the following conditions:
 - (a) At all times of the year any burn pile larger than two (2) meters in diameter and two (2) meters in height and any burn pile consisting primarily of stumps or construction debris, or any burn pile created by machinery, requires a permit. For

burn piles larger than two meters in diameter and two meters in height, a pre-ignition site inspection by the Fire Chief or his/her designate is required, indicating specific terms of compliance, including but not limited to standby control apparatus and water, supervision, zone of clearance, and the issuance a “burn reference number” from the Coastal Fire Centre, as per section 24.1 of the *Forest Fire Prevention and Suppression Regulation* (BC Reg 169/95) pursuant to section 78 (1)(a)(i) of the *Forest Practices Code of British Columbia Act*.

- (b) During the period each year from April 1st to October 31st or during any period so designated and advertised by the Fire Chief, any “open air” fire shall require a permit, meeting the following conditions:
- (i) Anyone burning in the open air between April 1st and October 31st of the same year, or during any period so designated, must obtain a permit setting out the period of the day or days for which the permit is valid, the location and any special provision for control of the fire.
 - (ii) All permits issued are subject to conditions explicit in this by-law.
 - (iii) The Chief may, if he/she deems it necessary, inspect the site of the proposed fire before issuing a permit.
 - (iv) The permit holder or some competent person appointed by his shall supervise and keep under control any burning in the open air and ensure that any equipment necessary for fire control is available.
 - (v) The permit holder or some competent person appointed by the permit holder shall ensure that the fire in the “open air” is located at least
 - 3m (10 ft) from any dry grass, shrubbery, trees or wooden fences and
 - 6m (20 ft) from any building.
 - (vi) Provincial regulations may require that a permit be accompanied by a “fire reference number”, as per section 13 (a) above, and such number must be obtained by the party requesting the permit.
 - (vii) Any party seeking to burn at any time of the year, regardless of whether a permit is required from the TIVFD, shall be responsible for obtaining the Venting Index from the Ministry of the Environment for the date of the ignition of the fire and shall not ignite the fire if the Venting Index indicates a prohibition to do so.
 - (viii) The permit holder shall cause an open air burn such as a refuse pile, garden waste pile, land clearing debris pile, construction waste pile or incinerator burn but not including a campfire to be lit at all times during the morning hours and in periods prescribed by the Fire Chief to be extinguished before 13:00 hrs. on the date of the permit.

14. “Incinerator” shall mean any metal or masonry container for the contained combustion of waste materials, and all incinerators must either meet the standards for

Type 1 (single household) or be authorized as Type 2 (multi-household or commercial) incinerators.

- (a) Type 1 incinerators shall be solid non-combustible enclosures having an internal volume not greater than one (1) cubic meter, mounted on a non-combustible base and capped with a metal screen or grill with a mesh no larger than 6 mm (or 1/4 inch) to restrict any sparks and flying debris.
- (b) Type 2 incinerators shall include all incinerators exceeding the definition of Type 1 incinerators. Any Type 2 incinerator requires authorization by the Fire Chief with regard to specification of site conditions, design and management safeguards appropriate for the specific unit and situation. The location of a type 2 incinerator must satisfy the smoke control objectives as provided by the Ministry of Environment in the *Smoke Control Burning Regulation*.

15. Fires in incinerators shall be ignited and maintained under the following conditions:

- (a) Anyone burning in an approved incinerator between April 1st and October 31st of the same year must obtain a permit.
- (b) Such permit may be issued on an annual basis subject to conditions in section ten (10) of this by-law.
- (c) The Chief may inspect at any time any incinerator to determine its suitability.
- (d) The owner of any incinerator shall ensure that said incinerator is maintained in a condition that provides for proper combustion of any material burned.
- (e) The owner of any incinerator shall ensure that while it is in use, the permit holder or some competent person appointed by the permit holder shall supervise any burning and ensure that any equipment necessary for fire control is available.
- (f) The owner of a Type 1 (single household) incinerator shall ensure that the incinerator is located at least
 - (i) 2m (6 feet) from any dry grass, shrubbery, trees or wooden fence and
 - (ii) 4.5 m (15 feet) from any building.
- (g) Incinerator fires may be ignited and maintained during hours of daylight only notwithstanding Section 10 (ten) where the Fire Chief deems it necessary to restrict burning hours to the morning daylight hours only and incinerators must be extinguished by 13:00 hrs. (1 p.m.)

16. Campfires are defined as outdoor fires contained within a fire pit or ring of non-combustible material, for the purpose of outdoor cooking or facilitating a camping or outdoor experience. The following additional conditions must be met;

- (a) Campfires must be fueled only by clean firewood, not including painted or treated wood. They may not be used to incinerate construction debris.
- (b) Campfires require permits during the April 1 to October 1st period.
- (c) Campfires must be situated a minimum of 2 meters from any structure or vegetation or other combustible object.
- (d) Campfires must not exceed a circumference of 1 meter or a height of 1 meter.

17. Storage of Explosives: all materials deemed to be or sold as explosives, including ammunition for firearms, shall be stored in accordance to the federal *Firearms Act* and pursuant BC Regulations
 - (a) storage of explosives must be declared to the Fire Chief in writing including full identification of explosives type, quantity and the location.
18. Liquid and Gaseous Fuel Storage
No person or company shall store liquid or gaseous fuels in an unsafe manner or allow or cause stored fuel containers to become unsafe.
19. Every person who disobeys or fails to comply with any provision of this by-law shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five hundred dollars (\$2500.00) or to imprisonment not exceeding thirty (30) days or to both.

This by-law may be cited as the **Thetis Island Improvement District Fire Regulation By-Law No. 52.**

Introduced and given first reading by the trustees on the 16th day of November 2009.

Reconsidered and finally passed by the Trustees on the 16th day of November 2009.

Ken Youds
Chairman of the Trustees

Stephanie Cottell
Secretary to the Trustees

I hereby certify that this is a true copy of Bylaw No. 52.

Doug Darling
Officer