

DEEP BAY IMPROVEMENT DISTRICT

BYLAW NO.223

A bylaw for preventing and suppressing fires and for regulating the conduct of people at fires.

The Trustees of the Deep Bay Improvement District enact as follows:

1. In this bylaw, unless the context otherwise requires, the following terms and expressions will have the meanings hereinafter assigned to them, that is to say:
 - a. “Building” means any structure or building used or intended to be used for the support, shelter or enclosure of persons, animals or chattels;
 - b. “Campfire” means an open fire that burns piled material no larger than 0.5 m in height and 0.5 m in width and is used by any person for recreational purpose, or by a first nation for a ceremonial purpose;
 - c. “Category 2 Open Fire” means an open fire, excluding a campfire, that burns piled material no larger than two metres high and three metres wide, or grass over an area less than 0.2 hectares (2000 square metres) in size;
 - d. “Category 3 Open Fire” means an open fire that burns material in piles larger than two metres high and three metres wide, windrows, or grass over an larger than 0.2 hectares (2000 square metres) in size;
 - e. “Fire chief” means the fire chief of the Deep Bay Volunteer Fire Department or any person designated by him to act on his behalf;
 - f. “Fire department” will include the Deep Bay Volunteer Fire Department and the fire department of any other fire protection district or municipal corporation attending fires within the Improvement District;
 - g. “Fire hazard” means any condition that is conducive to the destruction of life or property by fire, or will, or is likely to increase the extent or severity of the fire;
 - h. “Gasoline” means any product of petroleum or any liquid that will flash or emit a flammable vapour below the temperature of one hundred ten degrees Fahrenheit (110° F), or forty-four degrees Celsius (44° C);
 - i. “Improvement District” means the Deep Bay Improvement District;
 - j. “Occupant” means owner, agent, lessee, licensee or tenant of any building or premises to which any of the provisions of this bylaw will apply;
 - k. “Person” where used in this bylaw means natural persons of either sex, associations, corporations, or co-partnerships, whether acting by themselves or by a servant, agent, or employee, and the heirs, executors, administrators, or assigns or other legal representatives of such persons to whom the context will apply according to law;

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- I. "Rubber" means rubber goods, tires, plastics, and tar and asphalt roofing materials;
 - m. "Rubbish" means any readily combustible inorganic dry waste material, but does not include animal or vegetable wastes; and
 - n. "Vehicle" means every device upon or in which any person or property is, or may be, transported or drawn on or upon a public highway.
 2. Unless the context otherwise requires, wording importing the singular number will include the plural and words importing the masculine gender will include the feminine, and the converse will apply.
 3.
 - a. Even where this bylaw and any regulations under the *Fire Services Act* deal with the same subject matters, any further or more stringent restrictions in this bylaw on the use of property or fire will have full force and effect.
 - b. In the event of any conflict, inconsistency or repugnancy between this bylaw and the *Waste Management Act*, the *Waste Management Act* will, in all cases, prevail.

Right of Entry

4. With the exception of a privately owned and occupied dwelling (meaning any building or part of a building occupied or intended to be occupied as the residence of not more than one family), the fire chief is hereby empowered to enter upon any land or premises for the purpose of making an inspection or investigation,
 - a. to inspect for conditions which may cause a fire, increase the danger of a fire or increase the danger to persons;
 - b. to 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.

No Obstruction

5. No person will obstruct the fire chief in making any entry authorized by this bylaw.

No Hindrance

6. No person will, in any way, hinder any member of the fire department or any other

person under the direction of the fire chief at any fire or other emergency.

Breaking Blockade

7. Except with the permission of the fire chief, no person will be permitted to enter any burning building or within the lines across any alley, lane, street or area marked by ropes or guards.

Driving Over Hose

8. No person will drive or run over any fire hose with any vehicle.

Access to Fire Hydrant

9. No person will place or maintain any object or matter on a sidewalk or street which interferes with free access or approach to any fire hydrant.

Smoking Prohibited

10.
 - a. Where, in their opinion, smoking may create a fire or explosion hazard, the fire chief may prohibit smoking in any building, theatre, public hall, assembly hall, dance hall, school auditorium, skating rink, arena, or place used for public amusement, sport or public assembly or any structure or open space in which combustible materials are handled, stored, manufactured or sold;
 - b. Where, in the opinion of the fire chief, smoking should be prohibited, he may give notice in writing to the occupant to post suitable signs that smoking is prohibited in or on such premises or buildings and the occupant thereof will prohibit smoking in such premises or buildings. The term "smoking" will include the carrying of a lighted pipe, cigar or cigarette; and
 - c. Any person violating any such order or notice will be deemed to be guilty of an infraction of this bylaw and will be liable to the penalties herein imposed.

Chimneys

11.
 - a. No owner or occupant of any building will permit any chimney, stovepipe or flue to remain in any condition which may cause or create a fire hazard.
 - b. Every owner or occupant of any building will keep all openings in any chimney in such buildings, while such openings are not in use, closed by a proper stopper of metal or other non-combustible material.

Inspection of Chimneys, Flues, Furnaces

12. Where he deems it necessary, the fire chief may examine carefully any chimney, flue, fireplace, hearth, oven, furnace, heater, boiler, stove, steam pipe, funnel or any other equipment he may deem to be a fire hazard.

Notice to Remedy Fire Hazard

13. Where any chimney, flue, fireplace, hearth, oven, furnace, heater, boiler, stove, steam pipe, funnel or any other equipment is found to be a fire hazard, the fire chief will notify the owner or occupant of the building of the condition and indicate the remedy and the time within which the condition must be remedied.

Duty to Comply

14. Where any owner or occupant has received notice under Section 13, he will comply with the notice within the time indicated.

Depositing Ashes or Flammable Material Among Ashes

15. a. No person will deposit any ashes or allow any ashes to be deposited or remain:
- (i) in any combustible container;
 - (ii) on the floor of any building belonging or occupied by that person; or,
 - (iii) in any metallic container which is within 300 mm (12 inches) of any woodwork or any other combustible material.
- b. It will be unlawful for any person to deposit, or allow or cause to be deposited, any paper, straw, hay, shavings, or other combustible or flammable material or thing in or among any ashes or other materials or things taken from any stove, furnace, or fireplace.

Use of Propane Torches for Weed Control

16. The use of propane torches for weed control is not permitted during periods when the igniting of a fire in any area may create a hazard to persons or property.

No Open Flame or Smoking Near Flammable Material

17. No person, within the improvement district, in that part of any building where there is an accumulation of hay, straw, shavings or other readily flammable material, or liquids, will smoke, or have in his possession any lighted pipe, cigar or cigarette, or light or carry any naked light, flame, or light not enclosed in a shade or other non combustible guard.

Metal Receptacles for Flammable Material

18. No person will, within the improvement district, keep any waste, rags, papers, or other substance liable by spontaneous combustion to cause fire, except in a container made of metal or other non-combustible material and with an airtight top or lid of the same type of material.

Control of Combustible Material

19. No person will deposit or allow to collect or be deposited, within the improvement district, any paper, rubbish, or other combustible material likely to cause or promote fire dangerous to buildings or other property.

Clearing of Roof

20. No owner or occupant of any building will allow any paper, wood, debris or other combustible rubbish or material to accumulate upon the roof of the building.

Duty to Safely Store

21. Any person who makes, uses or has charge of shavings, paper bags, litter or other combustible material will, at the close of each day, ensure that they are safely stored or disposed so as to be safe from fire.

Remove Fire Hazard and Secure Unoccupied Buildings

22. a. Any owner or occupant of real property in the improvement district will 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.
- b. Any owner of any unoccupied building will ensure that it is properly secured against entry by unauthorized persons.
- c. Where, in the opinion of the fire chief, any fire hazardous condition exists or any unoccupied building is not properly secured, the fire chief will give written notice to the owner or occupant at his last known address or by posting a notice in a conspicuous place on the building or premises.
- d. In any notice under this section, the fire chief will 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.

Burning

23. a. Except as provided in this bylaw, no person will 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 written permit from the fire chief.

- b. Every person who starts, maintains or permits or supervises fire as permitted in this bylaw shall ensure that the fire is completely extinguished and that any residue from the fire is broken up and disposed of in a manner that eliminates any fire hazard.

Campfire

24. Campfires are permitted providing that there are no restrictions to open burning.

Category 2 Open Fire

25. No material other than low moisture content garden refuse (meaning leaves, foliage, prunings, weed, crops or stubble for domestic purposes or in compliance with the *Weed Control Act*), originating from the property, shall be burned.

Category 3 Open Fire

26. a. No person shall start, maintain or permit a "Category 3 Open Fire" other than with the prior written approval of the fire chief.
 - b. No person shall burn anything other than debris originating from the property and resulting from land cleared or partially cleared of vegetation.

Written Permit

27. a. A written permit will be in the form set out in "Schedule A" attached hereto, or to like effect, and will not be valid after expiration thereof.
 - b. Fees for issuing of a written permit shall be set by the Board of Trustees of the improvement district.

Issuance

28. a. The fire chief may withhold or cancel any permit issued where, in his/her opinion, the igniting of a fire in any area may create a hazard or nuisance to persons or property.
 - b. All permits issued pursuant to this bylaw shall be subject to such conditions, restrictions and provisions as the fire chief may consider necessary and expedient to incorporate therein.

No Noxious Odours

29. No persons will burn any noxious material (including but not limited to tires, plastics, rubber products, drywall, demolition waste, construction waste, paint,

special waste, animal organic waste (solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, hair and feathers), vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, plastic materials, waste petroleum products), all of which may produce heavy black smoke or noxious odours.

"Open Air" Fires

30. a. A fire in the "open air" means a fire out-of-doors whether it is contained within a non-combustible device or not;
- b. The permit holder or some competent person appointed by him will supervise and keep under control any burning in the "open air" and ensure that any equipment necessary for fire control is available;
- c. The permit holder or some competent person appointed by him will ensure that a "Category 2 Open Fire" in the "open air" is located at least:
- (i) 3 m (10 feet) from any grass, shrubbery or wooden fence; and
 - (ii) 6 m (20 feet) from any building;
- d. The permit holder or some competent person appointed by him will ensure that a "Category 3 Open Fire" in the "open air" is located at least:
- (i) 100 metres from neighbouring residences and businesses, and
 - (ii) 500 metres from schools in session, hospitals and facilities used for continuing care as defined under the *Continuing Care Act*.

Favourable Weather for Smoke Dispersion

31. Unless otherwise directed by the fire chief, burning must not be initiated unless the Environment Canada Ventilation Index (which provides regional information on airflow venting) is forecast as "good" for the period during which the burning is to take place.

Restriction, Fires in the "Open Air"

32. a. No person is required to obtain a permit for the occasional "Category 2 Open Fire" burning of low moisture content garden refuse from October 15th in any year to April 15th of the following year unless proclaimed otherwise by the fire chief.
- b. "Category 3 Open Fire" burns require a permit at all times.

Fireworks

33. Fireworks are permitted from October 15th in any year to April 15th of the following

year unless otherwise proclaimed by the fire chief.

Unauthorized Fires

34. No person will light or maintain any fire either in the "open air" or in any form of container on any street, lane or boulevard allowance, without proper authorization.

Fire Escapes

35. Each storey above the ground floor of any building in the improvement district used as a school, hotel, apartment building, duplex or boarding-house, as those defined in the local zoning bylaw, will be provided by the owner with an adequate fire escape or adequate fire escapes, and the owner, and the tenant, if any, will maintain the same in good repair and condition.

Exit Doors to Open Readily

36. No door to any exit leading to a fire escape in any building will be closed or fastened except with a standard panic or exit bolt, which may be readily opened without the aid of a key or other device.

Gasoline Storage

37. Except as authorized by a valid written permit issued by the fire chief, no person will store or keep gasoline within the improvement district other than:
- a. gasoline not exceeding 45 litres (10 gallons) in closed metal containers or in plastic containers, approved by a recognized testing authority for outdoor storage only;
 - b. gasoline in the gasoline tank of an automobile, gasoline engine, motorboat, or airplane, whose tank is permanently connected to and supplies its engine.

Storage of Explosive or Flammable Compound, Liquid or Material in Public Building

38. Except in a place especially provided for the purpose and approved by the fire chief, it will be unlawful for any person to keep, store or use any combustible explosive or flammable compound, liquid or material in any part of a building used or maintained as a hotel, apartment house, school or place of public assembly.

Disposal of Gasoline Storage Tanks

39. All unused gasoline storage tanks on service station sites will be either filled or be removed.

Enforcement

40. The fire chief may enter upon any premises in order to ascertain that the provisions of this bylaw are being obeyed. No person will obstruct the fire chief in the discharge of his duty under this bylaw.

Penalty

41. Any person who violates any provisions of this bylaw will be liable, upon conviction, to a maximum penalty as authorized under the *Offence Act*. Where any violation continues, each day in which it continues will be a separate violation for the purpose of prosecution under this bylaw.

Repeal

42. This bylaw repeals Bylaw No. 152 and its amendments.

Citation

43. This bylaw may be cited as the "Fire Regulations Bylaw No. 223".

Introduced and given first reading by the Trustees on the 16th day of September, 2015.

Reconsidered and finally passed by the Trustees on the 16th day of September, 2015

Chair of the Trustees

I hereby certify that this is a true copy of Bylaw No. 223

Officer

Registered in the office of the Inspector of Municipalities on November 2, 2015

Schedule A

Category 2 Burn Permit as attached

Category 3 Burn Permit as attached

Deep Bay Volunteer Fire Department

5031 Mountainview Road
Bowser, BC V0R 1G0

250-757-2030

deepbayfire@dbid.ca

CATEGORY 2 BURNING PERMIT

"Category 2 Burning" - burning debris in piles equal to or less than three metres in diameter and two metres in height.

Pursuant to the Deep Bay Improvement District "Fire Regulations Bylaw", I hereby apply for a Category 2 Fire Permit:

Name of Applicant: (Last name) _____ (First name) _____

Address: _____ Phone No. _____

To initiate an open air fire in accordance with this Permit at the following location:

Address / Location _____

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. A person shall not carry out Category 2 open burning during times of complete fire closure as determined by the Fire Chief.
2. Permit holder to retain and produce this permit for inspection upon request at the site that the burning is carried out.
3. No person shall ignite or maintain a fire under authority of a fire permit except on the parcel for which the permit was issued.
4. The Fire Chief has the authority to restrict, suspend, withhold or cancel any permit issued where, in the Fire Chief's opinion, igniting of a fire in any area may create a fire hazard or increase the danger of fire to persons or property, or where burning is carried out in contravention of this permit, the Fire Regulation Bylaw, or any other applicable law.
5. All burning must be carried out only in strict accordance with the terms and conditions of this permit, the current Fire Regulation Bylaw, and all other applicable laws whether regional, provincial or federal.
6. All fires must be continuously controlled and supervised by a competent person until such fire is completely extinguished and shall ensure that sufficient material, equipment and labour are present on site to effectively maintain control over the fire and prevent the same from spreading, causing damage or becoming dangerous to life or to other property.
7. No person shall burn noxious material including: tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, plastic materials, waste petroleum products.
8. **No person shall carry out Category 2 burning within 3 m (10 feet) from any grass, shrubbery or wooden fence; and 6 m (20 feet) from any building.**
9. **No person shall burn anything other than low moisture content garden refuse (leaves, foliage, prunings, weed, crops or stubble for domestic purposes or in compliance with the *Weed Control Act*) originating from the property.**
10. Unless otherwise directed by the Fire Chief, **burning must not be initiated unless the Ventilation Index is forecast as "good" for the period during which the burning is to take place. Prior to burning obtain Venting Index information at:**
 - a. Provincial toll-free line: 1-888-281-2992 (press 2 for Vancouver Island Region)
 - b. On-line: <http://www.env.gov.bc.ca/epd/epdpa/venting/venting.html>
11. Special Conditions: _____

The undersigned, hereby known as the permit holder, acknowledges by signing this application that he or she:

- (a) has carefully and completely read and understands this application and agrees to carry out burning only in strict accordance with the terms and conditions set out in this permit;
- (b) has carefully and completely read and understands the current Deep Bay Improvement District "Fire Regulation Bylaw";
- (c) has completed this application accurately and truthfully;
- (d) is the registered owner of the property to which this application relates, or has obtained written permission from the registered owner of the property to carry out burning on the property (which written permission is attached to this application);
- (e) agrees to release, indemnify and forever save harmless the Improvement District, its elected and appointed officials, employees, agents, contractors, successors, administrators and assigns, including without limiting the foregoing any Fire Chief or authorized agent of a Fire Chief, from and against any and all claims, actions, causes of action, debts, demands, liability, damages, expenses or fees (including the full amount of legal fees on a solicitor and client basis) howsoever arising which the permit holder or any other person has or may at any time have arising out of or in connection with this permit or the granting of it or the breach of any term or condition of it or any burning carried out pursuant to it.

Signature of applicant _____ Date _____ Fee Paid \$ _____

Issued Per Fire Chief _____ Date _____ Permit # _____

Permit valid from: _____ To: _____

Call 911 to report any uncontrolled fire

Deep Bay Volunteer Fire Department

5031 Mountainview Road
Bowser, BC V0R 1G0

250-757-2030

deepbayfire@dbid.ca

CATEGORY 3 BURNING PERMIT

"Category 3 Burning" - means an open fire that burns material in piles larger than two metres high and three metres wide.

Pursuant to the Deep Bay Improvement District "Fire Regulations Bylaw", I hereby apply for a Category 3 Fire Permit:

Name of Applicant: (Last name) _____ (First name) _____

Address: _____ Phone No. _____

To initiate an open air fire in accordance with this Permit at the following location:

Address / Location _____

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. A person shall not carry out Category 3 open burning during times of complete fire closure as determined by the Fire Chief.
2. Permit holder to retain and produce this permit for inspection upon request at the site that the burning is carried out.
3. No person shall ignite or maintain a fire under authority of a fire permit except on the parcel for which the permit was issued.
4. The Fire Chief has the authority to restrict, suspend, withhold or cancel any permit issued where, in the Fire Chief's opinion, igniting of a fire in any area may create a fire hazard or increase the danger of fire to persons or property, or where burning is carried out in contravention of this permit, the Fire Regulation Bylaw, or any other applicable law.
5. All burning must be carried out only in strict accordance with the terms and conditions of this permit, the current Fire Regulation Bylaw, and all other applicable laws whether regional, provincial or federal.
6. All fires must be continuously controlled and supervised by a competent person until such fire is completely extinguished and shall ensure that sufficient material, equipment and labour are present on site to effectively maintain control over the fire and prevent the same from spreading, causing damage or becoming dangerous to life or to other property.
7. No person shall burn noxious material including: tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, plastic materials, waste petroleum products.
8. **No person shall carry out Category 3 burning within 100 metres from neighbouring residences and businesses, and 500 metres from schools in session, hospitals and facilities used for continuing care as defined under the [Continuing Care Act](#).**
9. **No person shall burn anything other than debris originating from the property and resulting from land cleared or partially cleared of vegetation.**
10. Unless otherwise directed by the Fire Chief, **burning must not be initiated unless the Ventilation Index is forecast as "good" for the period during which the burning is to take place. Prior to burning obtain Venting Index information at:**
 - a. Provincial toll-free line: 1-888-281-2992 (press 2 for Vancouver Island Region)
 - b. On-line: <http://www.env.gov.bc.ca/epd/epdpa/venting/venting.html>
11. Special Conditions: _____

The undersigned, hereby known as the permit holder, acknowledges by signing this application that he or she:

- (a) has carefully and completely read and understands this application and agrees to carry out burning only in strict accordance with the terms and conditions set out in this permit;
- (b) has carefully and completely read and understands the current Deep Bay Improvement District "Fire Regulation Bylaw";
- (c) has completed this application accurately and truthfully;
- (d) is the registered owner of the property to which this application relates, or has obtained written permission from the registered owner of the property to carry out burning on the property (which written permission is attached to this application);
- (e) agrees to release, indemnify and forever save harmless the Improvement District, its elected and appointed officials, employees, agents, contractors, successors, administrators and assigns, including without limiting the foregoing any Fire Chief or authorized agent of a Fire Chief, from and against any and all claims, actions, causes of action, debts, demands, liability, damages, expenses or fees (including the full amount of legal fees on a solicitor and client basis) howsoever arising which the permit holder or any other person has or may at any time have arising out of or in connection with this permit or the granting of it or the breach of any term or condition of it or any burning carried out pursuant to it.

Signature of applicant _____ Date _____ Fee Paid \$ _____

Issued Per Fire Chief _____ Date _____

Permit valid from: _____ To: _____

Call 911 to report any uncontrolled fire