

THE CORPORATION OF THE DISTRICT OF PEACHLAND

BYLAW NUMBER 1718

A Bylaw to Establish the Regulations for Fire and Life Safety and Smoke Control
within the Corporation of the District of Peachland

This is a consolidated bylaw prepared by the Corporation of the District of Peachland for convenience only. The Corporation does not warrant that the information contained in this consolidation is current. It is the responsibility of the person using this consolidation to ensure that it accurately reflects current bylaw provisions.

Amended by: Bylaw No. 1858, Adopted on December 11, 2007
Bylaw No. 2215, Adopted on February 27, 2018

WHEREAS Council may, pursuant to Section 8 of the *Community Charter*, R.S.B.C. 2003, provide any service that the Council considers necessary or desirable, including the provision of fire protection and life safety service;

AND WHEREAS it is deemed desirable to establish and make regulations for the Peachland Fire and Rescue Service;

AND WHEREAS it is deemed desirable to provide regulations for the protection of people and property within the corporate limits of the District of Peachland;

NOW, THEREFORE, the Municipal Council of the Corporation of the District of Peachland, in Open Meeting assembled,

HEREBY ENACTS AS FOLLOWS:

1. REPEAL

The Corporation of the District of Peachland Fire and Life Safety Bylaw 1374, 1996 and Fire and Life Safety Bylaw No. 1374 Amendment Bylaw Number 1451, 1997 are hereby repealed.

2. TITLE

This Bylaw may be cited for all purposes as the "Fire and Life Safety and Smoke Control Regulatory Bylaw Number 1718, 2007."

3. DEFINITIONS

In this bylaw, unless the context otherwise requires:

"Agricultural Fire" means an outdoor fire where weeds, crops or prunings from agriculture are deliberately burned for disposal on property where farming is taking place.

"Animal Organic Waste" means organic waste material of animal origin and includes flesh, carcasses, offal, hides, faeces and feathers.

"Apparatus" means any vehicle provided with machinery, devices, equipment or materials for fire protection, first medical response, rescue, or other incidents as well as vehicles used to transport firefighters, equipment or supplies.

"BC Building Code" means the *British Columbia Building Code 1998* as adopted by the Minister pursuant to section 692(1) of the *Local Government Act*, as amended or re-enacted from time to

time.

"B.C. Fire Code" means the British Columbia Fire Code Regulations 2006 and any regulations pertaining thereto under the *Fire Services Act*.

"Building" means any structure used or intended for supporting or sheltering a use or occupancy.

"Building Inspector" means the person or persons appointed by Council to administer and enforce the provisions of the District of Peachland Building Bylaw as amended from time to time.

"Bylaw Enforcement Officer" means the officers or employees appointed by Council as such.

"Bulk Plants" means that portion of a property or building where flammable or combustible liquids are received in bulk quantities and are stored or handled for the purpose of distributing such liquid by pipeline, tank, vessel, tank vehicle or other container.

"Campfire" means a fire not exceeding one meter in diameter and one meter in height used for the purpose of cooking and / or to provide heat and light associated with camping and recreation.

"Combustible Liquid" means any liquid having a flash point at or above 37.8 degrees Celsius and below 93.3 Celsius.

"Compostible Materials" means waste products from plants, trees or other vegetation that are naturally biodegradable including grass clippings, leaves, tree needles, garden waste, and weeds.

"Council" means the Municipal Council of the Corporation of the District of Peachland.

"Dangerous Goods" means any product, substance or organism, which is of a combustible, flammable, or explosive nature, as defined in the Transportation of Dangerous Goods Act as amended from time to time.

"Designate" means any person authorized by the Fire Chief to perform a function or carry out a duty.

"District of Peachland" means the Corporation of the District of Peachland, as described in its Letters Patent, and all lands located within its boundaries. All references to the District of Peachland shall include its officers, employees, agents, elected representations, inspectors or persons acting on its behalf.

"Duty Officer" means the person authorized to take the place of and carry out duties of the Fire Chief or be on duty in the absence of the Fire Chief.

"Dwelling Unit" means, for the purposes of this Bylaw, a series of rooms operated as a housekeeping unit, used or intended to be used, as a domicile containing cooking and sanitary facilities.

"Equipment" means any tool, contrivance, devise, or material used by the Fire and Rescue Service to combat an incident, emergency or practice.

"Evacuation" means the temporary movement of people and their possessions from locations threatened by fire or other hazard.

"Executive Committee" means the Executive Committee of the Fire and Rescue Service, comprised of the Fire Chief, Assistant Fire Chiefs, Captains, and Lieutenants of the Fire and Rescue Service and one Municipal Councillor.

"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.

"Fire Chief" means the person appointed as the head of the Fire and Rescue Service by the Council.

"Fire Protection" means all aspects of fire safety including, but not limited to fire prevention, firefighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.

"Fire and Rescue Service" means the Fire and Rescue Service of the District of Peachland.

"Fireworks" means a composition regulated in the Fireworks Manual, Explosives Division of Energy, Mines and Resources Canada as regulated under the Canada Explosives Act as amended from time to time.

"Flammable Liquid" means any liquid having a flash point below 37.8 degrees Celsius and having a vapour pressure not more than 275.8 k (absolute) at 37.8 degrees Celsius.

"Fuel Modified Area" means an area between a building and a potential wildland fire where combustible materials and vegetation are removed, reduced or converted to reduce the potential for an advancing wildland fire to spread to the building or, conversely, for a building fire to spread to the adjacent wildland. Fuel modified areas will reduce fire intensity and rate of spread which can make firefighting difficult or impossible.

"Incident" means a fire or a situation where a fire or explosion is imminent or life or property is in jeopardy.

"Inspector" means a duly appointed bylaw enforcement officer, peace officer or designated member of the PFRS, as appointed by the Fire Chief.

"Local Assistant" means a Local Assistant to the Fire Commissioner and includes, in a municipality which maintains a fire department, the Fire Chief and persons authorized in writing by him to exercise the powers of a Local Assistant.

"Member" means any person that is a member of the Peachland Fire and Rescue Service.

"Municipality" means the Corporation of the District of Peachland or the area included therein as the context may require.

"New Building" means any building in which the construction was commenced after the date of adoption of this Bylaw.

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

"Occupancy" means the use, or intended use of a building or structure, or part thereof, for the shelter or support of persons, animals, or property.

"Occupant or Occupier" means a resident owner, tenant, lessee, agent or other person who has the right of access to and / or control of a building or premises.

"Officer in Command" means the senior Fire and Rescue Service Member present at an Incident, emergency or practice, or the Member authorized by the Fire Chief to act in his place in the absence of the Fire Chief.

"Open Burning" means the combustion or burning of any substance or material in the open air by any means but shall not include:

- a. The operation of an outdoor portable barbeque, using charcoal, natural gas, or

- propane gas, intended for and used solely for the preparation of food.
- b. Fires used by PFRS authorities for the purposes of education, training and other fire department purposes.
 - c. Fires used or recommended by authorities having jurisdiction to manage ecosystems for purposes of silvicultural management, fire hazard reduction, wildlife enhancement, domestic range improvement and the use of fire as a means of fire control.
 - d. Campfires

"Order" means an approval, a decision, a determination, a permit, or the exercise of a discretion made under the Fire Services Act, B.C. Fire Code, or this bylaw.

"Owner" means the registered owner of property, as shown in the records of the Land Title Office, or registered owner of a motor vehicle or other licensed equipment.

"Peace Officer" means a police officer, police constable, constable or other person employed for the preservation and maintenance of the public peace.

"Permit" means a permit issued pursuant to this bylaw in the form prescribed as Schedule "A" to this bylaw, authorizing a person to carry on a procedure or undertaking, or to use, store, or transport materials, under specified conditions.

"Permitted Burning Materials" means untreated wood, prunings, branches, tree trunks, stumps or other vegetation that have been allowed to dry for at least one (1) year and that do not constitute:

- a. Compostible materials or
- b. The wood, trees, stumps, shrubbery and woody debris that results from land being cleared or partially cleared of vegetation to help prepare the land for a different use.

"Permitted Wood Burning Appliance Fuels" means seasoned untreated wood or manufactured products such as wood pellets and or fuel logs retailed for use as fuel in a solid fuel burning appliance.

"Prohibited Burning Materials" means wood waste material including demolition, renovation or construction waste material and those materials listed below:

- a. tires
- b. drywall
- c. plastics
- d. rubber
- e. asphalt and asphalt products
- f. demolition waste
- g. domestic waste
- h. paint
- i. special waste
- j. tar paper
- k. asphalt products
- l. fuel and fuel containers
- m. lubricants and lubricants containers
- n. biomedical waste
- o. manure
- p. treated lumber
- q. railway ties
- r. oil and filters
- s. animal organic waste

"PFRS" means the Peachland Fire and Rescue Service of the District of Peachland.

“Rapid Entry Key Box” means an approved lockable box designed to contain keys for locks on doors and gates which secure areas within which are located multi-residential or commercial buildings.

“Shipping Container” means a purpose-designed metal cargo container for the holding of goods, which is intended to be placed on a ship, truck or railcar. Includes but is not limited to intermodal shipping containers, bodies of transport trucks or straight truck boxes, whether in their original form or modified to include doors, windows, vents or any other modifications.

“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.

“Solid Fuel Burning Appliance Fuel” means seasoned, untreated wood or manufactured products such as wood pellets and/or fuel logs retailed for use as fuel for a solid fuel-burning appliance.

“Volunteer” means a member of Peachland Fire and Rescue Service who voluntarily attends incidents at which PFRS attendance is required.

“Wood Burning Appliance” means a solid fuel burning device including, without limitation, a stove and a fireplace insert.

All other words and phrases shall be construed in accordance with the meaning assigned to them by the current *British Columbia Building Code*, *British Columbia Fire Code*, and *Fire Services Act*, as the context and circumstances may require.

4. FIRE AND RESCUE SERVICE ESTABLISHMENT

4.1 The Municipal Fire and Rescue Service is hereby established and will be known as the Peachland Fire and Rescue Service.

4.2 Jurisdiction of Peachland Fire and Rescue Service:

The area of jurisdiction and service of the Fire and Rescue Service will extend to the geographical boundaries of the Municipality. Assistance will not be provided beyond the geographical boundaries of the Municipality without:

- i) The express consent of the Central Okanagan Regional District and the Regional District of Okanagan Similkameen, providing for fire protection or rescue services, or any service listed in 4.3 (i), or
- ii) **The express consent of the Central Okanagan Regional District and/or the Regional District of Okanagan Similkameen or a request by the Royal Canadian Mounted Police or B.C. Ambulance Service, if life is in jeopardy, or**
- iii) The express consent of the Central Okanagan Regional District and/or the Regional District of Okanagan Similkameen for a request from the British Columbia Ministry of Forests.

4.3 Fire Department Authority:

- (i) Under direction of the Fire Chief, the Fire and Rescue Service provides fire protection services. In addition, the Fire and Rescue Service provides assistance in the following circumstances:

- a. First medical responder
- b. Rescue
- c. Pre-fire planning
- d. Disaster planning
- e. Preventative patrols
- f. Other emergency incidents

5. APPOINTMENT

5.1(1) Fire Chief, Members and Executive Committee:

- (i) The Fire Chief shall be appointed by resolution of Council and shall be deemed to be an Officer of the Municipality.

Officers: Assistant Fire Chiefs, Captains, Lieutenants, and Special Officers shall be appointed by the Fire Chief and will make up the Executive Committee.

- (ii) Council hereby delegates to the Fire Chief, pursuant to Section 154 of the Community Charter, the authority to appoint officers of the Fire and Rescue Service as follows:

- Assistant Fire Chief(s)
- Captain(s)
- Lieutenant(s)
- Special officer(s)

For certainty, the officers of the Fire and Rescue Service, with the exception of the Fire Chief, are not officers of the District under Section 146 of the Community Charter.

- (iii) The Fire and Rescue Service Executive Committee is hereby established.
- (iv) The Executive Committee shall give advice and assistance to the Fire Chief in the execution of the Fire Chief's duties.

5.1(2) Minimum Qualifications of Members:

1. Regular Active Members:

A person is qualified to be appointed an Active Member of the Fire and Rescue Service for firefighting, rescue, first medical response and other authorized duties who:

- (a) Is at least 19 year of age;
- (b) Completes a PFRS Active Firefighter Application form and provides a current Criminal Records check and a valid ICBC drivers abstract;
- (c) Passed such aptitude and other tests as may be required by the Fire Chief;
- (d) Is medically fit.

2. Junior Firefighters:

A person is qualified to be appointed a Junior Probationary Member of the Fire and Rescue Service for firefighting, rescue, first medical response and other authorized duties who:

- (a) Is at least 16 year of age;
- (b) Completes a PFRS Junior Firefighter application form and provides a current Criminal Records check and a valid ICBC drivers abstract;
- (c) Passed such aptitude and other tests as may be required by the Fire Chief;
- (d) Is medically fit.

5.2 Powers and Duties of the Fire Chief:

- (i) The Fire Chief has complete authority and responsibility over the Fire and Rescue Service, subject to the direction and control of Council in respect of the establishment of the direction, rules, policies, and operating guidelines of the fire and rescue service.
- (iii) The Fire Chief may, in consultation with the Executive Committee, establish rules, regulations, guidelines, and committees necessary for the proper organization and administration of the Fire and Rescue Service, including, but not limited to:
 - (a) Use, care, and protection of firefighting equipment;
 - (b) The conduct and discipline of Members; and
 - (c) The efficient operation of the Fire and Rescue Service and where such rules, regulations, and policies are established, the Fire Chief shall incorporate them into the Fire and Rescue Service Operating Guidelines and Policy Manual.

5.3 Authority at an Incident:

The Fire Chief, or in his absence, the Duty Officer, Officer, or most qualified and/or capable Member present shall assume “*Command*” and, shall have control, direction and management of all Fire and Rescue Service Apparatus, Equipment or personnel assigned to an Incident and, where a Member is the Officer in Command, he shall continue to act until relieved by an Officer.

6. REGULATIONS

6.1 Fire Services Act:

- (a) The Fire Chief, or an Officer or Member appointed as a Local Assistant to the Fire Commissioner is authorized to exercise the powers and enforce the provisions of this bylaw and the Fire Services Act, and the regulations made there under.
- (b) Local Assistants have the powers of a peace officer for the purposes of this act.

6.2 Evacuation:

If an emergency arises that may cause imminent and serious danger to life or property, the Fire Chief or Officer in Command may order evacuation of a building or real property, pursuant to Section 66(1)(d) of the *Community Charter* (exercising powers of the Fire Commissioner under Section 25(2) of the Fire Services Act.)

6.3 Obstruction of Fire and Rescue Service:

- (i) No person shall impede, obstruct or hinder a member of the Fire and Rescue Service or other person assisting or acting under the direction of the Fire Chief or the Officer in command.
- (ii) No person shall obstruct or otherwise interfere with access roads or streets or other approaches to an incident, fire hydrant, cistern or body of water designated for firefighting purposes.
- (iii) No person at an Incident shall drive a vehicle over any Equipment without permission of the Fire Chief or the Officer in Command.

6.4 Demolition of Buildings:

The Fire Chief, or Officer in Command, at a fire is empowered to cause a building, or structure to be demolished or otherwise removed to prevent spread of fire to other buildings, structures or real property.

6.5 Boundaries at an Incident:

- (i) The Fire Chief, or Officer in Command, at an Incident may establish boundaries or limits and prevent persons from entering the area within the prescribed boundaries or limits.
- (ii) No person shall enter the boundaries or limits of an area prescribed unless authorized to enter by the Fire Chief or Officer in Command.
- (iii) The Fire Chief, Officer or Member in Command, at an Incident may request peace officers to enforce restrictions on persons entering within the boundaries of limits established at an Incident.

7. FIRE PROTECTION AND LIFE SAFETY

7.1 Entering on Premises:

- (i) The Fire Chief or any Member of the Fire and Rescue Service authorized by Council may at any reasonable time enter any premises and / or onto any real property for the purpose of inspecting for conditions which may cause a fire or increase danger of a fire.
- (ii) The Fire Chief, or Officer in Command, at an Incident is empowered to enter premises or property where an Incident occurred and to cause any Member, Apparatus or Equipment of the Fire and Rescue Service to enter to combat, control, or deal with the Incident.

7.2 Emergency Entry:

The Fire Chief, Officer or Member in Command, at an incident is empowered to enter, pass through or over buildings or real property adjacent to an Incident and cause Members of the Fire and Rescue Service to enter or pass through or over buildings or property, to gain access to the Incident or to protect any person or property.

7.3 Removal of Fire Hazards:

- (i) Where an accumulation of flammable, combustible or explosive material or an accumulation of waste materials, litter or vegetation which, in the opinion of the Fire Chief, constitutes a fire hazard exists, such material shall be removed on an Order of the Fire Chief or Bylaw Enforcement Officer within the time specified in the Order.
- (ii) Any material that obstructs ingress or egress from a Building or premises in case of fire, or interferes with the operations of the Fire and Rescue Service, shall upon an Order of the Fire Chief or Bylaw Enforcement Officer, be removed, disposed of, or otherwise dealt with in accordance with the Order.
- (iii) New Combustible buildings constructed in the Interface Zone, which is within the forest or adjacent to a forest, shall have a fuel modified area which conforms with the requirements of Schedule C to this Bylaw .

- (iv) Property owners of existing Combustible buildings constructed in the Interface Zone, which is within the forest or adjacent to a forest, shall have a fuel modified area between the building and forest as per the recommendations of PFRS. These recommendations are those developed by the Fire Commissioner and British Columbia Forest Service, and as shown in Schedule C.

7.4 Explosion or Potential Explosion:

It is the duty of the owner or occupier of any real property to immediately report to PFRS any Explosion, discharge, emission, escape or spill of Dangerous Goods in respect thereof which occurs or where the potential for such an occurrence exists.

7.5 Dangerous Goods:

- (i) Where a discharge, emission or escape of Dangerous Goods has occurred and immediate action is necessary for the protection of the public, the Fire Chief or Officer in Command may require that action be taken by any qualified persons having ownership, control or responsibility for the Dangerous Goods, or direct the PFRS to eliminate or contain the danger.
- (ii) The Municipality may recover any costs and expenses incurred by taking action under section (iii) above from the Owner of the property on which the discharge, emission, or escape of Dangerous Goods occurred in the manner indicated under Section 17.
- (iii) Where the Fire Chief has directed that action be taken under subsection (i) above in connection with a Dangerous Good that constitutes a fire hazard or increases the danger of fire and the owner or occupier of real property has failed to take the required action, the Fire Chief may undertake the required action at the expense of the person and the cost of the action may be collected in the same manner and with the same remedies as property taxes pursuant to Section 258 of the *Community Charter*.

7.6 Forests:

Where the safety of life or property in an area within the Municipality is endangered through the hazardous condition of the forest cover or the occurrence of fire in any forest or woodland, the Fire Chief or Officer in Command may declare access to the area be closed.

7.7 Vacant Buildings:

The Owner of any vacant building shall ensure the premises are free from debris and flammable substances and shall keep the building securely closed so as to prevent entry by unauthorized persons.

7.8 Fire Damaged Buildings:

The Owner or Occupier of any fire-damaged building or structure shall ensure the premises are free from debris and flammable substances and that all openings in the building or structure are securely closed.

7.9 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 be maintained in good repair and working order, and shall not be blocked or wedged open.

7.10 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 or structure, 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.

7.11 Ventilating and Stairshafts:

No person shall use a ventilating shaft for a purpose other than ventilation. Stairshafts shall be kept clear to permit timely evacuation in the event of fire.

7.12 Chimneys, Flues and Vents:

Chimneys, flues, or stacks, and any metal extension thereof shall be maintained in a safe condition.

The owner or occupier of a building or premises shall cause every chimney flue and chimney connector to be clean and free from danger of fire.

7.13 Disposal of Ashes:

All ashes shall be deposited in a non-combustible receptacle as set forth in the B.C. Fire Code.

No person shall deposit, or allow or cause to be deposited, ashes from a firebox or ash pit within two (2) metres of a combustible wall, partition, fence, floor or walkway or within two (2) metres of combustible material.

7.14 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 two (2) metres of a combustible wall, partition, fence, floor or walkway or within two (2) metres of other combustible or flammable materials, unless those rags or other things are deposited in a non-combustible receptacle.

An occupant of a building or premises, who makes, stores or uses combustible or flammable material shall, at the close of each day, store such material in non-combustible receptacles.

7.15 Driveways and Roads:

- (i) No person shall construct a dead-end driveway access road in excess of ninety (90) meters in length without providing a turn around facility, suitable for emergency apparatus, near the building that the driveway serves.
- (ii) The unobstructed path of travel for a fire fighter from the vehicle to a building shall not be more than 45 meters.

7.16 Rapid Entry Key Box:

- (i) All residential buildings containing three or more dwelling units and which have a locked door at building entrance and or locked gate on driveway access shall install a secure Rapid Entry Key Box, approved by the Fire Chief, on door or gate.
- (ii) All commercial buildings with locked gate on driveway access shall install a secure Rapid Entry Key Box gate.
- (iii) Approved Rapid Key Entry Boxes are those registered with the Peachland Fire

and Rescue Service and approved by the Fire Chief, by advising of installation of same and providing a key.

7.17 Addressing of Occupancies:

Each Premises must be individually addressed. The Occupant shall place the appropriate address on new or existing Buildings or structures in such a position as to be plainly visible from the street, road, fire lane or other right of way or easement, and at the front of the structure. The address numbers must be a minimum of 3 inches in height and be legible from a distance of 15 meters.

8. SMOKE CONTROL REGULATIONS

8.1 No person shall cause or permit smoke from open burning except in accordance with this Bylaw.

8.2 No person shall cause or permit smoke from open burning on land of which the person is not the owner or occupier unless authorized to do so by the owner or occupier and in accordance with this Bylaw.

8.3 No person shall cause or permit smoke from open burning except on land having an area of one hectare or more and in accordance with this Bylaw.

8.4 No person shall cause or permit smoke from open burning of:

- (i) prohibited burning materials;
- (ii) compostible materials; or
- (iii) the wood, trees, stumps, shrubbery and woody debris that results from land being cleared or partially cleared of vegetation to help to prepare the land for a different use (e.g. farmland to residential, forestland to residential, forest land to open areas, rural lands to subdivisions, etc.)

8.5 No person shall cause or permit smoke from burning by use of an incinerator, burning barrel or similar device.

8.6 No person shall cause or permit smoke from open burning except in accordance with the following regulations:

- (i) only permitted burning materials shall be burned;
- (ii) all permitted burning materials to be burned shall originate from the land on which it is to be burned;
- (iii) all burning shall be conducted and concluded between 7:00 a.m. and sunset of the same day, except for burning permitted under section 8.6(iv);
- (iv) fires for large permitted burning materials such as stumps and other materials over 8 inches (200 mm) in diameter that have been dried in accordance with this Bylaw may be maintained for a maximum of 72 hours if the fire is substantially smokeless, however, no further permitted burning materials shall be added to a fire after 5:00 p.m. of each day of the fire;
- (v) a minimum separation of 30 meters shall be maintained between the location of a fire and all property lines, buildings and structures;

- (vi) all fires shall be continuously controlled and supervised by a competent person properly equipped with sufficient fire extinguishing equipment and material;
- (vii) all fires shall be maintained so as to not constitute a nuisance;
- (viii) all fires are subject to local fire restrictions and are subject to cancellation at any time by any authority having jurisdiction;
- (ix) fires are prohibited during Fair or Poor air quality conditions as defined by the Ministry of Environment (Water, Land and Air Protection) based on information provided by Environment Canada and the Ministry of Environment.

9. PERMITS

9.1 Nature of a Permit:

A Permit, when issued, shall constitute permission to maintain, store, or handle materials, or to conduct, process, or use materials, which may produce conditions hazardous to life or property, or to install equipment, used in connection with such activities. A Permit does not take the place of any permit or licence required by any statute, regulation, bylaw, or other enactment.

9.2 New Permits:

- (i) A Permit is not transferable; a change in occupancy or use of a building or premises shall require a new permit.
- (ii) Before a new Permit may be issued, the Fire Chief may inspect and approve the receptacles, vehicles, buildings, property or storage places to be used.

9.3 When Permit Required:

Council hereby delegates to the Fire Chief the authority under section 4.12 of the British Columbia Fire Code to grant or deny approval for a permit under the authority of this Bylaw:

- (i) In conformance with "Smoke Control" restrictions as set out in Part 8 of this bylaw;
- (ii) In conformance with "Fire Works" restrictions as set out in Part 14 of this bylaw.
- (iii) In conformance with "Open Burning" restrictions as set out in Part 13.

9.4 Permit Fees:

Every application shall be accompanied by an application fee, as per Schedule "A" attached to this bylaw.

9.5 Issuing of Permits:

The Fire Chief, or Officer in Command, may issue a Permit where:

- (i) The permit fee has been paid as set out in Schedule "A";
- (ii) The proposed use or occupancy will not create any hazardous conditions or cause a nuisance;

- (iii) The proposed use or occupancy confirms with applicable bylaws, statutes codes and regulations; and

9.6 Revocation of Permits:

The Fire Chief, or Officer in Command, may revoke a permit where there is a violation of:

- (i) any condition under which the Permit was issued; or
- (ii) any provision of this Bylaw.

If, at any time, hazardous fire conditions exist or develop, and the Fire Chief or Officer in Command believes it advisable, he may make an Order cancelling or suspending for such time as is specified in the Order all or any Permits issued under this bylaw and he may attach to all or any Permit such conditions or restrictions as he considers necessary.

9.7 Posting of Permits:

Permits shall be posted upon the building or premises described therein in a conspicuous place.

10. FLAMMABLE AND COMBUSTIBLE LIQUID STORAGE TANKS

10.1 Underground Storage Tanks:

- (i) Underground storage tanks for flammable and combustible liquids shall be installed, tested and maintained in conformance with the B.C. Fire Code.
- (ii) All tests and corrective measures are to be carried out in conformance with the B.C. Fire Code and regulations.

10.2 Removal of Underground Storage Tanks:

When underground storage tanks for flammable and combustible liquids are removed, abandoned or temporarily taken out of service, the work shall be done in conformance with the B.C. Fire Code.

10.3 Above Ground Storage Tanks:

Above ground storage tanks for flammable and combustible liquids shall be installed in conformance with the requirements of applicable sections of the B.C. Fire Code.

No above ground storage tanks for flammable and combustible liquids be installed closer than 30 metres to a Dwelling Unit or as required by the B.C. Fire Code, whichever is the greater distance.

10.4 No Smoking Signs and Fire Extinguishers:

- (i) Any Owner or Occupier of real property where flammable liquids are stored, received or disbursed shall post "No Smoking" signs in conspicuous locations.
- (ii) Owners or Occupiers of gasoline service stations within the Municipality shall keep and maintain in good working order one or more fire extinguishers which shall have not less than a 10-BC, B.C. Fire Code rating.
- (iii) Owners and Occupiers of every store which has paint or oil for sale or use, shall keep and maintain in good working order one or more fire extinguishers which

shall have not less than a 10-BC, B.C. Fire Code rating.

10.5 Bulk Plants:

Bulk storage plants for flammable materials shall be provided with accessible fire hydrants and a water supply with pressure and quantity adequate to meet firefighting standards.

11. SHIPPING CONTAINERS

In the District of Peachland shipping containers located within/on properties subject to fire inspections will be inspected for compliance. Shipping Containers used for storage of any flammable or combustible liquids, or combustible materials and other long term uses, will be considered as permanent buildings and therefore must meet the requirements of the BC Building and Fire Codes, as well as the District of Peachland's Bylaws.

11.1 Code Compliance

The container must meet, or exceed as indicated, all relevant requirements of BC Safety Codes such as, but not limited to:

- Division B – Part 3 & Division B – Part 4 of the BC Fire Code will apply in all cases.
- There will be no electrical service to the container unless it exceeds all requirements of the BC Building, Fire and Electrical Codes for explosive/moist/wet environments. It must be fully explosion proof and tested regularly to ensure compliance.
- Dangerous Goods storage shall be restricted to materials that are declared at the permit stage. Any changes to the types of dangerous goods stored must be approved by the Peachland Fire & Rescue Service.
- No smoking shall be allowed in shipping containers.
- Where flammable liquids and combustible liquids are stored in the container combustible construction shall be removed, provisions for spill containment installed and the container shall be grounded. The dispensing of flammable liquids and the storage of open containers shall be prohibited in the shipping container.
- Compressed gases shall not be stored in the shipping containers. Limited amounts of aerosols shall be stored in the shipping containers and only when stored in metal cabinets.
- Shipping containers shall not be installed under power lines.

11.2 Location

The container must be positioned such that:

- There is a minimum separation of 1.5 m (5 ft) between any non-combustible structure and the container to allow for firefighting access to the exposed structures.
- The shipping container must be located at least 6m from exits, windows or unprotected openings in the exposed building.
- Greater separation distances will be required based upon exposure to any combustible materials or structure.
- The container doors are positioned such that they face away from any other structure and any means of road access to the container for fire personnel.

- No combustible materials may be placed near the container.

11.3 Identification

The container must be identified such that:

- UN Placards for all stored Dangerous Goods must be visible on the two container sides most visible to emergency responders.
- The name of the company/person responsible for the storage and an emergency telephone contact number must be marked on the container in lettering visible from 10m.
- The container and contents must be identified in the Fire Safety Plan for the property.

11.4 Safety Features to be added

The container must have the following safety features in place prior to any use for storage:

- One ventilation opening within 150 mm of the floor in the container door primarily used for opening.
- One ventilation opening within 150 mm from the top of the container on the opposite end from the doors for cross ventilation.
- The high ventilation opening cannot be directly venting toward a structure.
- Neither ventilation opening can be obstructed by stored materials at any time and must be kept clean of internal and external debris.
- The additional ventilation openings must be constructed based upon the following minimums:
 - Two – 0.3 m X 0.3 m openings for containers 6m or less
 - Two – 0.5 m X 0.5 m openings for containers over 6m
 - Both openings will be covered by open grate wire mesh with greater than 50% free area
 - Higher opening will also have a wind vent device, designed to generate a venturi effect during low wind speeds
- Where heavier than air flammable and combustible liquids are stored in the container a ventilation opening at low level should also be installed at the opposite end from the doors.
- Where 1A flammable liquids in quantities greater than 4 litres are stored in the shipping container then provisions shall be made to comply with the requirements for withstanding an internal explosion as per the BC Fire Code, BC Building Code and NFPA 68.
- Alternate engineered solutions for ventilation and explosion protection will be considered.

NOTE: Standard existing environmental vents normally built into shipping containers ARE NOT ACCEPTABLE as ventilation openings for land-based storage applications. These were designed for air movement based upon atmospheric weather changes only and do not provide adequate air flow.

12. HYDRANTS

12.1 Hydrants and Water Supply on Private and Public Property:

All water supply systems on private and public property shall conform to specifications contained in the District of Peachland Subdivision and Development Services Bylaw, with conformity to the specifications verified by the Planning and Development Services Department through the permitting process.

12.2 Construction of Water Supply System:

Prior to proceeding with construction of any new water supply system or extension to an existing system, the applicant, for permission for construction, shall submit plans of proposed fire hydrant locations and all components of the water distribution system to the Municipality for approval by the Municipality.

12.3 No person shall use hydrants or standpipes without written permission of the Fire Chief, the Officer in Command or the Director of Operations.

12.4 Hydrants and Water Supply System Maintenance On Private Properties:

- (i) Hydrants shall be maintained in operating condition.
- (ii) Hydrants shall be inspected and maintained in accordance with the B.C. Fire Code.
- (iii) Records of maintenance shall be forwarded annually to the office of the Fire Chief.
- (iv) Pedestrian and vehicle access to hydrants shall be protected. Placement of hydrants shall be 150 mm above the grade elevation of the road.
- (v) Clear unobstructed access to the hydrant shall be maintained. All plants, soil or other material shall be below a horizontal plane of the hydrant flange.
- (vi) Fire hydrant Painting:
 - (i) Private Fire hydrants shall be painted in compliance with the Colour Code of the National Fire Protection Association.
 - (ii) District of Peachland Fire Hydrants shall be painted in compliance with the Colour Code of the National Fire Protection Association

12.5 Construction:

The Owner or Agent of a building or structure under construction shall:

- (i) Where practicable, provide access routes to the construction site for fire department vehicles.
- (ii) Notify the Peachland Fire and Rescue Service of all newly installed fire hydrants.
- (iii) During construction, servicing or repairs within a subdivision, the owner or occupier shall immediately notify the Fire and Rescue Service 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.

13. INSPECTION OF PREMISES

13.1 Private Fire Protection Equipment:

Private fire protection equipment is required for the protection of any building, structure or occupancy and shall meet the standards of the Fire Services Act, B.C. Building Code, B. C. Fire Code, and shall be installed in accordance with good engineering practices.

13.2 Review of Plans:

The Fire Chief and /or the Inspector may review the plans and inspect the construction of all new buildings and structures in the municipality other than single-family dwellings, to determine whether the fire protection facilities and equipment are in compliance with all applicable regulations, codes and standards.

13.3 Right to Inspect:

The Fire Chief, or Building Inspector, or Bylaw Enforcement Officer may at all reasonable hours enter into and upon any lands, premises, yards or buildings for inspection purposes to ascertain whether or not:

- (i) The use or occupation is such that fire starting therein would endanger life or property.
- (ii) Combustible or explosive material is so kept or such other inflammable conditions exist therein to endanger life or property;
- (iii) Any fire hazard exists therein;
- (iv) The requirements of this bylaw are being carried out.

13.4 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 the Fire Chief or Inspector who is carrying out an inspection of the building or property, such assistance as he may require in carrying out the inspection.

13.5 Entry for Inspection:

No person shall obstruct, hinder or prevent the Fire Chief or Inspector from entering into or upon any lands, Buildings, or premises at any reasonable time for inspection purposes.

13.6 Solid Fuel Burning Appliances:

The Fire Chief or Inspector may inspect existing solid fuel burning appliance installations. The inspection may be done for the following:

- (i) Clearances to combustibles; front, sides, rear and above;
- (ii) Floor protection;
- (iii) Flue connector (appliance to chimney flue);

This inspection will not be done on the chimney, chimney flue, or any part of the chimney.

13.7 Wood Burning Appliances:

- (i) Only permitted wood burning appliance fuels shall be used in a wood burning appliance or fireplace;
- (ii) Only untreated seasoned wood with a moisture content of 20% or less shall be burned in a wood burning appliance or fireplace;
- (iii) No person shall install, or allow to be installed, either indoors or outdoors, a solid-fuel burning appliance, furnace or boiler which is used for the space heating of a building, the heating of water or other such purpose unless it meets the emissions standards of CAN/CSA-B415.1 standard 'Performance Testing of

Solid Fuel Burning Heating Appliances' published by the Canadian Standards Association as amended from time to time, or the emissions standards of the 'New Source Performance Standards, Title 40, Part 60, Sub-part AAA of the Code of Federal Regulations (USA) (7-1-92 Edition) published by the United States Environmental Protection Agency' as amended from time to time;

- (iv) The Council is hereby authorized to establish a removal program for uncertified wood burning appliances that may incorporate incentives for energy conservation and air quality improvement including, but not limited to, household insulation, insulating products, uncertified wood stove replacement and substitution of heating methods and devices including certified wood stoves;
- (v) Wood burning appliance fires shall be maintained so as not to cause a nuisance for more than two minutes in succession except during a fifteen minute period following re-firing of the appliance. This fifteen minute exemption will only be permitted once during a two hour period.

13.8 Rejection of Work:

The Fire Chief may, after the examination of any remedial work carried out under an Order pursuant to this bylaw, issue a written rejection, which shall have the same force and effect as an order issued under this bylaw.

14. OPEN BURNING:

14.1 Burning Permit Required:

- (i) For outdoor burning between the hours of 7:00 a.m. and sunset, or a campfire between the hours of 7:00 a.m. and 11:30 p.m., a Permit is required.
- (ii) A Permit may be cancelled by the Fire Chief or Inspector should conditions become unsuitable.
- (iii) Where a person does not comply with an Inspector's order to extinguish a fire or abate a smoking nuisance which is in violation of this Bylaw, the Inspector may cause the fire to be extinguished.

15. FIREWORKS

15.1 Restrictions:

No person shall manufacture, discharge, explode, sell or give to any person, any Fireworks except as hereinafter provided.

15.2 Fireworks Permit:

- (i) The Fire Chief may issue a permit to discharge "Low Hazard" Fireworks as defined in the Canada Explosives Act to an individual or organization for a specific event or occasion.
- (ii) The Fire Chief may issue a permit to discharge "High Hazard" Fireworks as defined and regulated in the Canada Explosives Act for a specific event or occasion or public Fireworks display.

15.3 Conditions:

- (i) A permit to discharge Fireworks will be issued to adult persons only.
- (ii) An organization, in order to discharge Fireworks, must first appoint a Certified Fireworks Supervisor having authority and responsibility for the Fireworks display.
- (iii) Written permission must be included from the Owners or Occupiers of lands on which the Fireworks will be prepared or set off, and neighbouring lands upon which debris resulting from the discharge of the Fireworks may fall.

16. ENFORCEMENT

16.1 Issuance of Order:

If the Fire Chief, Officer in Command, Fire Inspector, or Bylaw Enforcement Officer finds that a provision of this Bylaw has been contravened, or has been improperly complied with, or a condition exists which constitutes a fire hazard or hazard to life or property, he may make such Order to require the Owner or Occupier of the lands, Building, or property on which the contravention of this Bylaw has occurred or the hazardous condition exists to take such action necessary to remedy the contravention of this bylaw and/or to remove the hazard.

16.2 Service of an Order:

An Order made under this bylaw shall be served by:

- (i) Delivering it or causing it to be delivered to the person to whom it is directed; or
- (ii) Mailing the Order by return registered mail to the address of the owner as shown on the records of the Land Title Office.

16.3 Default:

In the event that the person to whom the Order is directed or the Owner of the property to whom the Order is mailed, does not comply with the requirements of the Order within the time specified in the Order, the Municipality may, by its employees and others, enter onto the property and do those things required to be done by the Order at the expense of the person defaulting and any costs or expenses incurred by the Municipality shall be payable forthwith by the person defaulting upon receipt of an invoice from the Municipality. Any costs or expenses not paid shall constitute a debt due and owing to the Municipality.

17. LIABILITY

- 17.1 This Bylaw shall not create a duty of the District of Peachland, its officers, employees, inspectors or persons acting on its behalf pursuant to this Bylaw concerning enforcement or failure to enforce any matter contained in this Bylaw.
- 17.2 No act, error or omission or other neglect of the District of Peachland in relation to any matter contained in this Bylaw shall give rise to a cause or action or liability to any person.

18. COST RECOVERY

- 18.1 A person responsible for open burning or a campfire shall ensure that no nuisance is caused and shall be responsible for all costs and expenses resulting from extinguishments of the fire.
- 18.2 Where the person responsible for open burning or a campfire is the owner of the land or the agent, all costs referred to in this section may be recovered in the same manner as taxes in accordance with the *Local Government Act* and the *Community Charter*.

19. PENALTY

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, shall be liable, on conviction, to a penalty of not less than Fifty Dollars (\$50.00) or more than Two Thousand Dollars (\$2,000.00) 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. Penalties are listed in the Municipal Ticket Information Bylaw.

20. SEVERABILITY

If any Section, Subsection, or Clause of this bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this bylaw shall be deemed to have been adopted without the severed Section, Subsection or Clause.

21. SCHEDULES OF THE BYLAW

- 21.1 Attached to and forming part of this Bylaw is the attached Schedule A, entitled "Rates & Fees."
- 21.2 Attached to and forming part of this Bylaw is the attached Schedule B, entitled "Apparatus and Firefighter Charges."
- 21.3 Attached to and forming part of this Bylaw is the attached Schedule C, entitled "Interface Zone Regulations."
- 21.4 Attached to and forming part of this Bylaw is the attached Schedule D, entitled "Open Fire Permit."
- 21.5 Attached to and forming part of this Bylaw is the attached Schedule E, entitled "Campfire Permit."
22. This Bylaw shall take effect upon its adoption by the Council of the Corporation of the District of Peachland.

READ A FIRST TIME, this 27th day of March, 2007.

READ A SECOND TIME, as amended, this 10th day of April, 2007.

READ A THIRD TIME, this 10th day of April, 2007.

FINALLY RECONSIDERED AND ADOPTED, this 24th day of April, 2007.

(Original signed by Mayor & Corporate Officer)

Mayor

Corporate Officer

Dated at Peachland, B.C.
This 25th day of April, 2007.

Rates and Fees

SERVICE	DESCRIPTION	FEE
1. Fire Protection File Searches	Files searches for outstanding code violations or infractions on occupancies or inspections	\$5.00
2. Rendering Fire Service to a Non Resident	Service provided to a Non Resident at a Motor Vehicle Incident	Minimum \$400.00 per occurrence. After 1 hour, Fire Crew and Fire Truck Cost \$400.00 per hour. Invoice sent to Vehicle Owner or Insurance Company.
3. Burning Without a Fire Permit (Repeat Offence)	Burning any combustible Materials without a fire permit	Minimum \$300.00 per occurrence. After 1 hour, Fire crew & truck cost \$400.00 per hour.
4. Commercial Refuse Containers	Non Compliance to location requirements of containers	Cost of removal to a safe location.
5. Excessive False Alarm Incidents	More than 2 false alarms at an occupancy during a 1 year period where no fire or emergency existed, and was not a result of testing, repair, maintenance or adjustments	\$300.00 per occurrence after initial 2 false alarms.

6. Cost Recovery for Failure to Notify	Activation of alarm, system, failure to notify of testing, repair, maintenance, adjustments or alterations	\$300.00 per occurrence
7. Failure to Provide Clearance Within Time on Notice	Failure to remove an obstruction or provide 1 meter clearance around a fire hydrant within a specified time.	Cost of removal by municipal crews or private contractors and invoiced to the registered owner.
8. Fire Protection at Movie/ TV Productions	Providing fire protection at movie or TV productions, as required or requested.	Current fire equipment and staffing cost recoveries.
9. Excessive Chimney Fires	More than 2 chimney fires at a building within 1 year (same occupant)	\$300.00 per occurrence after the initial 2 chimney fires.
10. Site Security, Scene Integrity & Cause Determination	Scene safety, evidence preservation, security of property	\$200.00 per hour.

Permit Fees

1.	Fireworks permit – High Hazard Fireworks	\$ 20.00
2.	Site Inspection for Outdoor Burning Permit	\$ 20.00
3.	Residential Inspections	\$ 20.00

*Schedule B
Attached to and Forming
Part of Bylaw No. 1718, 2007*

Apparatus and Firefighter Charges

The following rates will apply for service outside the District of Peachland, Contracted Service Areas or Mutual Aid Agreements:

The Rates and Fees Schedule from the Office of The Fire Commissioner Inter-Agency Working Group and the Province of B.C. charge-out rates will be used and will be updated annually.

In the event the crew is smaller or larger than listed, the appropriate hourly rates shall be adjusted.

*Schedule C
Attached to and Forming
Part of Bylaw No. 1718, 2007*

Interface Zone Regulations

1. Prune tree branches to a height of 2 metres or more.
2. Store firewood 10 metres or more from house/building (avoid downslope location.)
3. Remove all trees, long grass, shrubs, logs, branches, twigs and needles within 10 metres of house.
4. Thin trees (with 3 – 6 metres between crowns) for at least 30 metres from house/building.
5. Contact utility company if trees or branches are not clear of power lines.
6. Grass within 10 metres of buildings should be mowed and watered.
7. Address and lot number clearly signed for quick identification by fire service (reflective green signs are recommended.)
8. Driveway wide enough to accommodate emergency vehicles.
9. Provide an alternate emergency access route to property, if possible.
10. Pond or tank with emergency water supply is recommended where no hydrants exist.
11. Driveway clear of trees to a distance of at least 3 or 4 metres.
12. Chimney installed to code, complete with spark arrester screens.
13. All eaves enclosed and screen all vents, including soffits.
14. Underside of balconies, decks and crawlspace sheathed in with flame resistant materials.
15. Propane tanks located at least 10 metres from buildings; clear all vegetation within 3 metres.
16. Use only fire retardant roofing rated Class A, B, or C and fire resistant exterior siding.

Schedule E
Attached to and Forming
Part of Bylaw 1718, 2007

CAMPFIRE PERMIT

Permit # + Date	Fire Permittee
Reason:	PFRS Permit Issued – direct to Permittee
Date in Effect:	PFRS (temp) Permit #
Expiry Date:	PFRS Permit Fee:
	PFRS Receipt No:

LOCATION:
Folio # _____ Phone: _____

ISSUED TO:
Applicant: _____
Postal Address _____ Phone: _____

Owner: _____ Business/Surname: _____
Postal Address _____ Phone: _____
Address: _____

PFRS Issuer: _____

PERMIT CONDITIONS: PLEASE READ CAREFULLY

Special Instructions: _____

Regulations: _____

1. No person shall cause or permit smoke from open burning except in accordance with the following regulations:
 - a) all campfire burning shall be conducted and concluded between 7:00 a.m. (0700 hrs) and 11:30 p.m. (2330 hrs) of the same day;
 - b) all fires shall be continuously controlled and supervised by a competent person properly equipped with sufficient fire extinguishing equipment and materials;
 - c) all fires are subject to local fire restrictions and are subject to cancellation at any time by any authority having jurisdiction;
 - d) only permitted burning materials, including seasoned untreated lumber, shall be used in campfires and firewood must be dry and seasoned;
 - e) A person responsible for open burning shall ensure that no nuisance is caused and shall be responsible for all costs and expenses resulting from extinguishments of the fire(s.)

Applicant's signature: _____ PFRS signature: _____