



DISTRICT OF NORTH SAANICH

BYLAW N O. 1554

A BYLAW TO REGULATE OIL BURNING EQUIPMENT AND FUEL TANKS

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

1. In this Bylaw:

- (a) "**BC Building Code**" means *The British Columbia Building Code*, enacted pursuant to the *Local Government Act*, as amended from time to time, or its successors.
- (b) "**BC Fire Code**" means the *British Columbia Fire Code Regulations* enacted pursuant to the *Fire Services Act*, as amended from time to time, or its successors.
- (c) "**CAN/CSA B139 – Installation Code for Oil Burning Equipment**" means the installation code for oil burning equipment of the Canadian Standards Association, as amended from time to time, or its successors.
- (d) "**Combustible Liquid**" means any liquid having a flash point at or above 37.8°C and below 93.4°C.
- (e) "**Fire Chief**" means the person appointed by the Council of North Saanich as head of the North Saanich Fire Department and includes a member of the Fire Department authorized to act on behalf of the Fire Chief.
- (f) "**Flammable Liquid**" means any liquid having a flash point below 37.8 °C and having a vapor pressure not exceeding 275.6 kPa (40 psi) (absolute) at 37.8°C, as per the current *Fire Services Act*, and its regulations.
- (g) "**Fuel Tank**" includes flammable liquid storage tanks and combustible liquid storage tanks.
- (h) "**Oil Burning Equipment**" means any appliance, fixture or equipment using oil for the purpose of generating heat, including burners, electrical apparatus and other equipment used in connection therewith but not the fuel tank.

- (i) **“Withdraw From Service”** means to remove the tank from above ground, below ground, or abandonment of the tank in place causing it to be inerted.

2. References:

- (a) In this Bylaw the reference to another code or enactment will be the edition which is current at the time of permit issue.
- (b) In the case of a conflict between an enactment or code referenced, the more restrictive will apply.

3. Installation and Removal of Oil Burning Equipment and Fuel Tanks:

- (a) Installation/removal of oil burning equipment, or a fuel tank may only be carried out by personnel trained in such functions and who can satisfactorily complete that work in compliance with the BC Fire Code and CAN/CSA B139 – Installation Code for Oil Burning Equipment.
- (b) No person shall install oil burning equipment or a fuel tank unless the installation is carried out strictly in accordance with the applicable provisions of the following:
 - (i) BC Fire Code
 - (ii) CAN/CSA B139 – Installation Code for Oil Burning Equipment
 - (iii) North Saanich Zoning Bylaw
 - (iv) BC Building Code
- (c) No person shall withdraw from service a fuel tank unless the withdrawal is carried out strictly in accordance with the applicable provisions of the following:
 - (i) BC Fire Code
 - (ii) North Saanich Zoning Bylaw
 - (iii) BC Building Code
- (d) No person shall install or withdraw from service any fuel tank at a farm fuel storage installation in excess of 100 litres (22 gallons) unless the installation is carried out strictly in accordance with the applicable provisions of the following:
 - (i) BC Fire Code
 - (ii) CAN/CSA B139 – Installation Code for Oil Burning Equipment
 - (iii) North Saanich Zoning Bylaw
 - (iv) BC Building Code
 - (v) National Farm Building Code

4. Removal of Underground Fuel Tanks:

When an underground fuel tank is withdrawn from service, or has been out of service for 2 years, whichever comes first, the owner must:

- (a) Notify the Fire Chief or designate in writing;
 - (b) Remove flammable liquid and combustible liquid from the fuel tank, connecting piping and dispensing equipment;
 - (c) Purge fuel tank of flammable or explosive vapours and, when not being inerted, remove the fuel tank from the ground;
 - (d) Remove the piping from the ground or purge it of flammable or combustible liquid and vapours and permanently seal the ends of the piping by capping or plugging.
 - (e) Cause soil testing to be conducted by a certified environmental engineer, to determine if the area surrounding the fuel tank is contaminated by petroleum products;
 - (f) Where soil contamination by petroleum products is present, remediate the area surrounding the fuel tank by replacing the soil around and under the fuel tank with clean fill in a manner acceptable to the Fire Chief or designate; and
 - (g) Cause a certified environmental engineer to prepare a report on the soil testing required under subclause 4(e) and, if applicable, any remediation required under subclause 4(f), a copy of such report to be delivered to the Fire Chief or designate.
5. Where a fuel tank is to be permanently disposed of, sufficient openings shall be cut in the tank to render it unfit for further use.
6. Where removal of an underground fuel tank may compromise a foundation or structure, the Fire Chief or designate is to be notified in writing prior to removal and an application to inert the fuel tank in place will be considered. The Fire Chief or designate may require that a person provide a report prepared and sealed by a registered professional.
7. No person shall install any oil burning equipment without a permit. No person shall install or withdraw from service a fuel tank at fuel dispensing stations, marine dispensing stations, farms, or any other location, without a permit. A permit is required prior to the commencement of any work. Permit fees and charges shall be as provided for in the Fees and Charges Bylaw. Permits to perform work regulated by this Bylaw are issued by the Fire Chief or designate.
8. The Fire Chief or designate may only issue a permit pursuant to this Bylaw when the Fire Chief or designate is satisfied that the work addressed by the permit will be done in accordance with the requirements set out in this Bylaw.

9. No permit required by the regulations referred to in Section 3 hereof shall be issued to any applicant for the installation of any oil burning equipment or fuel tanks until the permit fees and inspection charges levied by this Bylaw have been paid. All such fees and charges shall be paid to and collected by the Fire Chief at the time of issuing the permit.
10. No person shall install or cause to be installed a fuel tank within any zone district established under the Zoning Bylaw, having in total a capacity of litres (gallons) exceeding the number of litres (gallons) permitted in Appendix "A" for each parcel of land or dwelling or other unit.
11. Inspection of Oil Burning Equipment and Fuel Tanks:
 - (a) Oil burning equipment or a fuel tank must not be used or concealed until it has been inspected and approved by the Fire Chief or designate.
 - (b) A person who has installed oil burning equipment or a fuel tank, or who has carried out any other work authorized by permit, must within 14 days of completing that work, on at least 24 hours' notice to the Fire Chief, obtain an inspection and receive the Fire Chief's approval of that work.
12. Maintenance of Fuel Tanks:
 - (a) Fuel tanks must be maintained and tested for leakage in accordance with the BC Fire Code.
 - (b) The Fire Chief or designate may order that a fuel tank be tested for leakage whenever a leak is suspected.
 - (c) When a leak in a fuel tank is detected, the Fire Chief or designate may order that the fuel tank:
 - (i) be replaced, in the case of an underground fuel tank;
 - (ii) be repaired or replaced, in the case of an above ground fuel tank.
13. Certification by Registered Professional:

The Fire Chief or designate may require that a person provide a report prepared and sealed by a registered professional certifying that work undertaken pursuant to this Bylaw has been carried out in compliance with the applicable provisions of the following:

 - (a) BC Fire Code
 - (b) CAN/CSA B139 – Installation Code for Oil Burning Equipment
 - (c) BC Building Code

14. Correction of Work:

The Fire Chief or designate, by written order, may require the correction of

any work undertaken pursuant to this Bylaw which contravenes this Bylaw.

15. Entry and Inspection:

The Fire Chief or designate may enter any land, building or structure in accordance with the requirements of the *Community Charter* to inspect and determine whether the regulations, prohibitions and requirements of this Bylaw are being met.

16. Severability

If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this Bylaw is held invalid by a court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed, and the remainder of this Bylaw is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

17. This Bylaw may be cited for all purposes as the "***OIL BURNING EQUIPMENT AND FUEL TANK BYLAW NO. 1554, 2023.***"

Read a first time this 24th day of April, 2023.

Read a second time this 24th day of April, 2023.

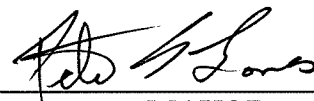
Read a first time this 24th day of April, 2023.

Adopted this 1st day of May, 2023.

CERTIFIED CORRECT:



CORPORATE OFFICER



MAYOR

APPENDIX "A"

FUEL TANK CAPACITIES

<u>ZONE DISTRICT</u>		<u>NOT TO EXCEED</u>
	Rural Agricultural 2 acres or less	2,300 litres (500 gallons) per parcel
	Over 2 acres to 5 acres	4,550 litres (1,000 gallons) per parcel
	Over 5 acres	14,000 litres (3,000 gallons) per parcel
Provided that if the fuel tank is used in conjunction with heating of greenhouses the volume allocated to the above parcels of land may be increased at the rate of 9,000 litres (2,000 gallons) per oil burner.		

	Single Family Dwelling Zones	2,300 litres (500 gallons) per parcel
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The following zone classifications are not to exceed 14,000 litres (3,000 gallons) per parcel:

RM	Multi Family
C	Commercial
CS	Industrial
CD	Comprehensive Development Institutional Marine Zones

Notwithstanding the above, the following zones are permitted unlimited fuel tank capacity:

C-1	Local Commercial
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