



DISTRICT OF NORTH SAANICH

BYLAW NO. 1508

A BYLAW TO PROVIDE FOR FIRE PREVENTION AND REGULATION IN THE DISTRICT

WHEREAS, pursuant to section 8(2) of the *Community Charter*, a municipality may provide certain services that the council considers necessary or desirable, including the provision of fire protection and life safety service;

AND WHEREAS sections 8(3)(a), 8(3)(g) and 63(c) of the *Community Charter* permit a municipality to, by bylaw, regulate, prohibit, and impose requirements in relation to municipal services and the health, safety and protection of persons or property in relation to any matter within the scope of the *Fire Services Act*;

AND WHEREAS section 66 of the *Community Charter* permits a municipality to, by bylaw, authorize the municipal fire chief to exercise certain powers including the power to enter on property and inspect premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire; to take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fire; to require an owner or occupier of real property to undertake any actions for the purpose of removing or reducing a fire hazard; and exercise some or all of the powers of the fire commissioner under section 25 of the *Fire Services Act*;

NOW THEREFORE, the Council of the District of North Saanich, in open meeting assembled, enacts as follows:

PART ONE – CITATION

- 1.1 This Bylaw may be cited for all purposes as the “Fire Prevention and Regulation Bylaw No.1508”.

PART TWO – DEFINITIONS

2.1 Definitions

In this Bylaw:

- (a) “**Council**” means the Council for the District;
- (b) “**District**” means the District of North Saanich;

- (c) **“False Alarm”** means the activation of a fire alarm system, not including a system intended to alert only the occupants of the dwelling unit in which the system is installed, for a purpose other than when there is a fire, the person reasonably believes that a fire or other Incident is occurring or will imminently occur, or where an emergency exists necessitating a response by the Fire Department;
- (d) **“Fire Chief”** means the person duly appointed as such from time to time by the District Council and includes any person appointed or designated by the Fire Chief to act on his or her behalf;
- (e) **“Fire Department”** means the North Saanich Fire Department;
- (f) **“Fire Hazard”** means any condition, arrangement, or act which:
 - (i) increases the likelihood of accidental or uncontrolled fires or explosions;
 - (ii) may provide a ready fuel supply to augment the spread or intensity of an uncontrolled fire; or
 - (iii) may obstruct, delay, hinder, or interfere with the operations of the Fire Department or the egress of occupants in the event of a fire;
- (g) **“Fire Permit”** means a written permit issued pursuant to the District’s Open Burning Bylaw No.1502;
- (h) **“Fire Services Act”** means the *Fire Services Act*, RSBC 1996, c 144, as amended or replaced from time to time;
- (i) **“Incident”** means a fire, an explosion, a situation where a fire or explosion is likely or imminent, or any other situation which poses a present or imminent danger to life, property, or the environment, and to which the Fire Department responds;
- (j) **“Incident Commander”** means the most senior ranking Member at the scene of an Incident, or the Member appointed by the Fire Chief as being in charge of the Fire Department’s response to an Incident;
- (k) **“Member”** means a person regularly employed by the Fire Department, appointed as an auxiliary member of the Fire Department, or a volunteer fire fighter with the Fire Department;
- (l) **“Occupier”** includes a tenant, lessee, agent and any other person who has the right of access to and control of a premises, and in relation to common property and common facilities in a strata plan, the strata corporation within the meaning of the *Strata Property Act*; and
- (m) **“Owner”** means a person who has ownership or control of real or personal property, and includes, without limitation:
 - (i) the registered owner of an estate in fee simple;

- (ii) the tenant for life under a registered life estate;
- (iii) the registered holder of the last registered agreement for sale; and
- (iv) in relation to common property and common facilities in a strata plan, the strata corporation.

PART THREE – APPLICATION

3.1 Application of Bylaw

This Bylaw applies to all premises, lands, buildings, structures, and conditions within the District, including buildings and structures under construction.

PART FOUR – FIRE AND EMERGENCY SERVICES

4.1 Fire Department

The Fire Department is hereby continued for the purposes of providing fire protection, fire suppression, fire safety inspections, fire investigations, emergency response and public fire safety education.

4.2 Fire and Emergency Services

The Fire Department is authorized to:

- (a) take all reasonable measures for the prevention, control, and extinguishment of fire and for the protection of life and property;
- (b) enforce all District enactments pertaining to the prevention and suppression of fires, including this Bylaw; and
- (c) provide assistance in:
 - (i) medical emergencies;
 - (ii) hazardous environment, land, and shore-based water rescue;
 - (iii) dangerous good and hazardous material incidents;
 - (iv) transportation accidents; and
 - (v) aid agreements with other local governments or agencies.

4.3 Fire Chief

The Fire Chief is appointed as head of the Fire Department. The Fire Chief may authorize a Member to temporarily serve as acting Fire Chief during an absence of the Fire Chief.

4.4 Management and Control

The Fire Chief shall have authority to oversee and to make and enforce rules for the management, control and supervision of the Fire Department and the care, custody

and control of all apparatus and equipment of the Fire Department. The Fire Chief shall have authority to manage, supervise, and direct all Members and Fire Department personnel, including but not limited to hiring, dismissal and discipline.

4.5 Incident Command

The Fire Chief, or the Incident Commander in the Fire Chief's absence, shall have control, direction and management of all Fire Department apparatus, equipment and personnel assigned to an Incident.

4.6 Authority to Exclude

The Fire Chief may restrict access to or exclude persons from any park or public area owned or otherwise controlled by the District if the Fire Chief determines, on a reasonable basis, that there is a sufficient Fire Hazard to warrant restricting and excluding the public from such parks or public areas.

4.7 Prevention, Control and Enforcement

Any Member is authorized to:

- (a) enter on property and into any premises with or without the apparatus equipment of the Fire Department to combat, control, or deal with an Incident; and
- (b) cause the demolition of any building or structure if the Fire Chief or Incident Commander considers it necessary to in order to prevent the spread of fire, damage to property, or injury to persons.

PART FIVE – FIRE PREVENTION REGULATIONS

5.1 Fire Hazards

An Owner or Occupier of a premises shall, at all times, ensure that no Fire Hazard exists at, in, on, or around the premises.

5.2 Obstruction

No person shall obstruct, impede or hinder the Fire Chief, a Member or any other person in the execution of their duties.

5.3 Discarding Burning Substances

No person shall discard, throw or drop any lighted match, cigar, cigarette or other burning substance into or near any combustible material.

5.4 Fires in Public Places

No person shall make or light a fire on any highway allowance, street, lane, square, park, beach or other public place within the District unless expressly authorized under this Bylaw, excepting any Member or employee of the District acting in the course of their employment or under the authority of an approved Fire Permit.

5.5 Accumulation of Combustibles

No person shall accumulate or permit the accumulation of combustible or flammable materials, liquids, waste or rubbish, of any kind, in and around a premises in such a manner as to endanger the premises or any neighboring property, or to otherwise constitute a Fire Hazard.

5.6 Unauthorized Entry

Except as authorized by the Fire Chief or Incident Commander, no person shall:

- (a) enter any premises threatened by an Incident;
- (b) enter within an area designated by guards, ropes or tape erected, which are erected by or under the direction of a Member or Police Officer, across or around any or all highways, streets, lanes, alleys or buildings; or
- (c) refuse to move from a designated area referred to in subsection 5.6(b) when directed to do so by a Member or a Police Officer.

5.7 False Information

No person shall withhold or falsify any information requested by the Fire Chief or a Member in connection with this Bylaw.

5.8 False Representation

No person shall falsely represent themselves as a Member, nor wear or display any badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

5.9 Duty to Report

The Occupier or, if none, the Owner of land, premises, a motor vehicle or vessel where a fire has destroyed or damaged property or resulted in injury or death must, if the Fire Department did not attend such fire, immediately report the fire to the Fire Chief.

5.10 Traffic Control

A person at or near an Incident shall obey all traffic control directions given by a Member or Police Officer.

5.11 Driving Over Equipment

No person shall drive a vehicle or otherwise travel over any fire hose or other equipment of the Fire Department unless directed by a Member or Police Officer.

5.12 Fire Hydrant Obstruction

No person shall obstruct, impede, hinder or interfere with, in any way, a Member's access to or use of any fire hydrant in the District, whether public or private.

5.13 Fire Damaged or Vacant Premises

- (a) Every Owner of an abandoned, unoccupied or fire damaged premises shall ensure the premises is made and kept secure against an unauthorized entry or occupation, to the satisfaction of the Fire Chief, by one or more of the following methods:
 - (i) affixing structural barriers to windows and other points of ingress using materials and installation effective to preclude entry;
 - (ii) installing security fencing or other perimeter barriers; and
 - (iii) employing security or guard patrols on a frequent and periodic basis.
- (b) If a Member finds an abandoned, unoccupied or fire damaged premises, which is accessible contrary to subsection 5.13(a), the Member may order the Owner to secure the premises against unauthorized entry.
- (c) If the Owner fails to bring the premises in compliance with subsection 5.13(a) within 24 hours of receiving an order to do so, the District may, by its employees, agents and contractors, secure the premises by boarding up or otherwise securing doors, windows and other points of entry into the premises at the expense of the Owner.
- (d) If action is taken in default under subsection 5.5(c), the District may invoice the owner for the cost of doing so, which cost if unpaid by December 31 of the year in which it was invoiced may be added to the property taxes for the premises as taxes in arrears.

5.14 Displaying Addresses

Every Owner or Occupier shall affix and keep affixed upon the building in a conspicuous place as near and practicable to the front entrance of the building, in a design and size that is clearly legible and visible from the street, the street address assigned to the lot. This section does not apply to outbuildings and ancillary buildings upon the same lot as the main building.

5.15 Fire Safety Plans

- (a) Where the British Columbia Fire Code requires an Owner to establish fire emergency procedures and prepare and maintain a building fire safety plan, the Owner will submit to the Fire Department a detailed fire safety plan and record of emergency systems installed within a building for review and approval prior to implementation of such plan.

- (b) The fee for review of fire safety plans shall be \$150.

5.16 Debris from Lumbering, Land Clearing or Industrial Operations

Where the safety of forest, woodland, timber or other property is endangered by debris caused by lumbering, land clearing or industrial operations, the person carrying on, or who has carried on, the operation, or the Owner or Occupier of the land on which the debris exists, shall dispose of the debris by removal or other approved methods and shall cut down all dead standing trees and stumps within the area affected and shall provide the labour and take the precautions to prevent the occurrence or escape of fire or damage to property as the Fire Chief directs.

PART SIX – INSPECTIONS

6.1 Authorization to Enter

The Fire Chief, and any Member acting under the Fire Chief's direction, is authorized to enter at all reasonable times on any property in order to ascertain whether the requirements of this Bylaw are being complied with, and in addition to the powers granted under the *Fire Services Act*, the Fire Chief is authorized and empowered to inspect any premises for Fire Hazards or conditions that may increase the danger to persons or property.

6.2 Public Buildings

The Fire Chief is directed and authorized to establish a regular system for the inspection of all hotels and public buildings in the District.

PART SEVEN – FALSE ALARMS

7.1 False Alarms

No person shall cause, or contribute to the cause, of a False Alarm.

7.2 Fee for False Alarm

If the Fire Department responds to a False Alarm at a premises within the District, the Owner or Occupier of that premises must pay a fee of \$150, which fee if unpaid by December 31 of the year in which it was invoiced may be added to the property taxes for the premises as taxes in arrears.

PART EIGHT – ENFORCEMENT

8.1 Order to Comply

If a Member finds that any provision of this Bylaw has been contravened, not complied with, complied with improperly or only in part, or if conditions exist on a premises, or

in or upon vehicles, structures or buildings thereon, which the Member considers a Fire Hazard or a hazard to life or property, then the Member may order the Owner or Occupier of the vehicles, structures or buildings to take such action as the Member deems necessary to correct the contravention of this Bylaw, ensure compliance with this Bylaw, or remove the hazard to life or property.

8.2 Issuance of an Order

An order made under this Bylaw shall be in writing and shall be directed to the Owner or Occupier of the vehicles, lands or buildings in respect of which the order is made.

8.3 Drafting of Orders

An order issued by a Member under section 8.1 shall state a date by which the order must be carried out, which shall be determined by and at the discretion of the Member in accordance with the degree of urgency involved to correct or remove the conditions that may tend to increase the hazard of fire or danger to life and property.

8.4 Service of an Order

An order made under this Bylaw shall be served by delivering it or causing it to be delivered to the person to whom it is directed or by sending the order by return registered mail to the last known Owner of the vehicles, lands, or buildings to which the order applies.

8.5 Default

If a person fails to comply with an order issued under section 8.1, the District may, by its employees, agents and contractors, enter onto the premises and do those things required to fulfil the order at the expense of the person defaulting and any costs or expenses incurred by the District shall be payable forthwith by the person defaulting upon receipt of an invoice from the District. Any invoiced cost that remains unpaid after December 31 of the year in which it was invoiced may be added as taxes in arrears to the property taxes for the premises on which the work specified in the order was done.

8.6 Reconsideration of an Order

If a Member makes an order under section 8.1, the recipient of the order may apply for reconsideration to the Fire Chief by delivering a letter setting out the basis for the reconsideration to the District's corporate officer within 48 hours after receipt of the order and the Fire Chief may affirm, modify or revoke the order in response to the application.

PART NINE – OFFENCES AND PENALTIES

9.1 Penalties

A person who:

- (a) contravenes this Bylaw or a Fire Permit,
 - (b) causes, permits or allows any act or thing to be done in contravention of this Bylaw or a Fire Permit, or
 - (c) fails or neglects to do anything required under this Bylaw or a Fire Permit,
- commits an offence, and where the offence is a continuing one, each day that the offence continues amounts to a separate offence.

9.2 Fines

A person found guilty of committing an offence under this Bylaw is liable:

- (a) if proceedings are brought under the *Offence Act*, to pay a fine of up to \$50,000; or
- (b) if a ticket is issued under the *North Saanich Municipal Ticket Information Bylaw No. 1013 (2002)*, to pay a fine of up to \$1,000.

PART TEN – INTERPRETATION

10.1 Interpretation

Unless otherwise defined, all words and phrases in this Bylaw shall be construed in accordance with the meaning assigned to them by the *Community Charter* and the *Fire Services Act* as the context or circumstances require, and the singular shall include the plural and masculine include the feminine gender.

10.2 Severability

If any portion of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

PART ELEVEN – REPEAL

- 11.1 “**District of North Saanich Fire Prevention and Regulation Bylaw No. 962 (2000)**” and all amendments thereto are hereby repealed and replaced for all purposes.

READ A FIRST TIME this 2nd day of November, 2020

READ A SECOND TIME this 2nd day of November, 2020

AMENDED the 23rd day of November, 2020.

READ A THIRD TIME this 7th day of December, 2020

ADOPTED this 1st day of February, 2021

Mayor

Corporate Officer

