

TOWN OF VIEW ROYAL

BYLAW NO. 114

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A BYLAW TO ESTABLISH A MUNICIPAL FIRE DEPARTMENT AND TO REGULATE  
FIRE PREVENTION, PROTECTION AND CONTROL SERVICES

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The Municipal Council of the Town of View Royal, in open meeting assembled, enacts as follows:

**PART I - INTERPRETATION**

1. This Bylaw may be cited as the "Town of View Royal Fire Services Bylaw, 1992, No. 114".
2. View Royal Fire Protection District Bylaw No. 67, 1989 and all amendments thereto are hereby repealed.
3. The British Columbia Fire Code Regulation is hereby adopted and in force within the Municipality.
4. Definitions:

In this Bylaw:

"Authorized Incinerator" means any metal or masonry container in good condition mounted on a noncombustible base, fitted with a metal screen or grill of less than 12.5 mm (1/2") mesh to restrict any sparks or flying debris;

"Council" means the duly elected Council of the Municipality;

"Fire Chief" means the person appointed from time to time as the Chief of the Fire Department of the Municipality and an officer, member or inspector authorized in writing by the Fire Chief to act on his behalf;

"Fire Code" means the British Columbia Fire Code Regulation made pursuant to the Fire Services Act;

"Fire Department" means the Fire Department of the Municipality established by this Bylaw;

"Garbage" means any animal, vegetable and food wastes or scraps;

"Highway" has the same meaning as in the Municipal Act and includes a gazetted road which is not opened or improved;

"Inspector" means a Fire Department member authorized in writing by the Fire Chief to act on his behalf;

"Member" means a member of the Fire Department;

"Municipality" means the Town of View Royal;

"Officer in Command" means the senior Fire Department member present;

"Owner or Occupier" means an owner or a tenant, lessee, agent, and any other occupant of premises to which this Bylaw applies;

"Smoking" includes the carrying of a lighted pipe, cigar or cigarette;

"Town Administrator" means the person appointed from time to time as the Chief Administrator Officer of the Municipality.

**PART II - FIRE DEPARTMENT**

5.
  - 1) The Town of View Royal Fire Department and the position of Fire Chief as the head of the department are established.
  - 2) The Fire Department:
    - a) is responsible for fire prevention, suppression and inspection in the Municipality;
    - b) may provide assistance response to vehicle accidents or other incidents in the Municipality where:

- i) harm has been or may be caused to persons or property; and
    - ii) the Fire Department has the required and sufficient equipment and trained personnel to provide assistance;
  - c) shall respond when required to do so under any agreement between the Municipality and other jurisdictions.
6. The Fire Chief may:
- a) appoint persons as members of the Fire Department within the complement established by Council from time to time;
  - b) make rules and regulations for the proper and efficient administration and operation of the Fire Department, and for the discipline of its members, and alter or repeal them from time to time as he thinks necessary.
7. The Fire Chief is hereby authorized to administer this Bylaw, and to report violations of the Bylaw to the Council, through the office of the Town Administrator.

### **PART III- INSPECTION OF PREMISES**

8. Entry for Inspection:
- a) In addition to the powers conferred upon the Fire Chief in his capacity as a Local Assistant under the Fire Services Act, the Fire Chief or his Designate may enter, at all reasonable times, on any property subject to this Bylaw, to ascertain whether the requirements of this Bylaw and any orders issued pursuant to it are being observed and to carry out testing required by this Bylaw.
  - b) The Fire Chief is authorized to inspect premises in the Municipality for conditions which may cause a fire or increase the danger of a fire, or increase the danger to persons from fire.
  - c) The Fire Chief is hereby authorized to exercise the powers conferred upon the Fire Commissioner by Section 21, 22 and 23 of the Fire Services Act with respect to matters contained in this Bylaw.

### **PART IV - FIRE DEPARTMENT AUTHORITY**

9. Control and Assistance at Fires:
- a) The Fire Chief or the officer in command at a fire is authorized to order the demolition of a building or part of it in order to prevent damage to persons or property or the spreading of the fire.
  - b) The Fire Chief or officer in command may require persons at or near fires to leave the area, and in the event of refusal to leave, may order the person removed by a police officer or member of the Fire Department.
  - c) No person shall interfere with the prevention or suppression of a fire.
  - d) No person shall prevent the entry of a member of the Fire Department into or upon any premises for which a fire alarm has been received or where that member has reasonable grounds to believe that there is a fire.

### **PART V - FLAMMABLE MATERIALS**

10. Depositing Ashes:
- No person shall deposit any ashes or allow any ashes to be deposited or remain:
- a) in any combustible container;
  - b) on the floor of any building belonging to or occupied by him; or
  - c) in any metallic container which is within 300 mm (12 inches) of any woodwork or any other combustible material.

## 11. Depositing Flammable Material Among Ashes:

No person shall deposit, or allow or cause to be deposited, any paper, straw, hay, shaving, or other combustible or flammable material or thing in or among any ashes or other material or things taken from any stove, furnace, or fireplace.

## 12. No Open Flame or Smoking Near Flammable Material:

No person in that part of any building where there is an accumulation of hay, straw, shavings, or other readily flammable material or liquids, shall 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 noncombustible guard.

## 13. Metal Receptacles for Flammable Material:

No person shall keep any waste, rags, papers or cause other substances liable by spontaneous combustion to cause fire, except in a container made of metal or other noncombustible material and with an airtight top or lid of the same type of material.

## 14. Control of Combustible Material:

- 1) No person shall deposit or allow to collect or be deposited anywhere in the Municipality any paper, rubbish, or other combustible material likely to cause or promote fire dangerous to buildings or other property.
- 2) No owner or occupier shall allow or permit accumulations of waste paper, hay, grass, straw, weeds, litter or any other combustible waste or rubbish of any kind to remain upon any roof, court, yard, vacant lot, or other open space in, or about his premises.

**PART VI - BURNING REGULATIONS**

## 15. Open Burning:

- 1) No person shall carry on open burning of any type of combustible material greater than two cubic metres in size at any time without obtaining a burning permit from the Fire Department.
- 2) From the 15<sup>th</sup> day of October to the 15<sup>th</sup> day of May of the following year, open burning of combustible material of less than two cubic metres does not require a burning permit.
- 3) From the 16<sup>th</sup> day of May to the 14<sup>th</sup> day of October, no person shall carry on open burning of any quantity of combustible material without a burning permit.
- 4) The Fire Chief or his designated representative may on their determination of the current fire hazard suspend, cancel or refuse to issue any or all burning permits.

## 16. No Noxious Odours:

No person shall burn any rubber, garbage, animal organic waste or any material which creates a noxious odour.

## 17. "Open Air" Fires:

- 1) A fire in the "open air" means a fire out of doors, not contained in an authorized incinerator.
- 2) The occupant or some competent person appointed by him shall supervise and keep under control any burning in the "open air" and ensure that any equipment necessary for fire control is available.
- 3) The occupant or some competent person appointed by him shall ensure that a fire in the "open air" is located at least:
  - a) 2 metres (6 feet) from any grass, shrubbery or wooden fence; and
  - b) 6 metres (20 feet) from any building.

## 18. Authorized Incinerators:

The owner of an authorized incinerator shall ensure:

- 1) that the incinerator is properly constructed and maintained, such as a concrete block container or 45 gallon metal drum, together with adequate screen cover, acceptable to the Fire Department;
  - 2) that while it is in use, the occupant or some competent person appointed by him shall supervise any burning and ensure that any equipment necessary for fire control is available;
  - 3) that the authorized incinerator is located at least:
    - a) 2 metres (6 feet) from any dry grass, shrubbery or wooden fence; and
    - b) 4.5 metres (15 feet) from any building.
19. The Fire Chief or his designated representative will at their sole discretion, determine the acceptability of any and all incinerators.
20. Restriction - Fire in An Authorized Incinerator:
- Except a fire lawfully maintained by special written permit from the Fire Chief, no person shall ignite or have burning any fire in an authorized incinerator;
- a) between sunset of one day and sunrise of the following day; or
  - b) between the hours of 12 noon Saturday and sunrise of the following Monday during the months of June, July, August in any year; or
  - c) on Canada Day, BC Day or Labour Day holidays.
21. Unauthorized Fires:
- No person shall light or maintain any fire either in the "open air" or in any form of container on any highway or boulevard without written permission from the Fire Chief.
22. Excessive Smoke:
- If, in the opinion of the Fire Chief or his designated representative, any of the burning mentioned in this Part results in excessive smoke that he considers to be either a nuisance to neighbours or a hazard to traffic, he may, in his sole discretion:
- a) direct the owner or occupier to extinguish the burning material or take other action to alleviate the excess smoke situation; or
  - b) take the necessary action to alleviate the excess smoke situation and charge all costs involved to the owner or occupier.

#### **PART VII - ENFORCEMENT**

23. Issuance of Order:
- a) When the Fire Chief or an inspector determines that:
    - i) a provision of this Bylaw or the Fire Code has been either wholly or in part contravened; or
    - ii) there exists a condition in a building or on property which constitutes a fire hazard or a hazard to life or property,he may order the owner or occupier to take steps to comply with the Bylaw or remove or remedy the condition which constitutes a hazard.
  - b) The provisions of sections 22 and 23 of the Fire Services Act apply to an order made under this section.
  - c) Service of an order under this Bylaw shall be effected by delivering it or by sending it by return registered mail to the last known address of the person to whom it is directed.

#### **PART VIII - PENALTIES**

24. 1) A person who violates a provision of this Bylaw commits an offence and is punishable in accordance with the Offence Act, subject to a minimum fine of \$100.00.
- 2) Each day that a violation continues shall be considered to constitute a separate violation for the purposes of this section.

READ A FIRST TIME THIS 17<sup>TH</sup> DAY OF MARCH , 1992  
READ A SECOND TIME THIS 17<sup>TH</sup> DAY OF MARCH , 1992  
READ A THIRD TIME THIS 17<sup>TH</sup> DAY OF MARCH , 1992

RECONSIDERED, FINALLY PASSED AND ADOPTED BY COUNCIL, SIGNED BY THE MAYOR AND THE CLERK AND SEALED WITH THE SEAL OF THE TOWN OF VIEW ROYAL THIS 7<sup>TH</sup> DAY OF APRIL, 1992.

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MAYOR

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CLERK