

NORTH CEDAR IMPROVEMENT DISTRICT

BYLAW NO. 492

FIRE REGULATION BYLAW

A bylaw for establishing and incorporating regulations governing the Fire Department and for preventing and suppressing fires and to safeguard the public against the hazards of fires. This bylaw will be known as the Fire Regulation Bylaw number 492.

The Trustees of the North Cedar Improvement District ENACT AS FOLLOWS:

1. DEFINITIONS

In this bylaw:

“Approved Plastic Container” shall mean approved by a recognized testing authority;

“Authorized” shall mean authorized by the Chief of the Fire Department or his designate;

“Board” shall mean the Board of Trustees of the North Cedar Improvement District;

“Building” shall mean any structure or building used or intended to be used for the support, shelter or enclosure of persons, animals or chattels;

“Campfire” shall mean an open air fire that burns piled material no larger than 0.5 m in height and 0.5 m in width and is used by any person for recreational purpose, or by a First Nation for a ceremonial purpose.

“Category 2 Open Air Fire” shall mean an open air fire, other than a campfire, that burns: material in one pile not exceeding 2 m in height and 3 m in width, material concurrently in 2 piles each not exceeding 2 m in height and 3 m in width, or stubble or grass over an area that does not exceed 0.2 ha.

“Category 3 Open Air Fire” shall mean an open air fire that burns material concurrently in 3 or more piles each not exceeding 2 m in height and 3 m in width, material in one or more piles each exceeding 2 m in height or 3 m in width, one or more windrows, or stubble or grass over an area exceeding 0.2 ha.

“District” shall mean the North Cedar Improvement District;

“Dwelling” shall mean any building or parts of a building occupied or intended to be occupied as the residence of one or more families.

“Environmental Management Act” shall mean the statute of the Legislature of British Columbia SBC 2003, c. 53 and amendments thereto.

“Extinguish” shall mean no visible flame, sparks glowing embers or smoke;

“Fire Chief” shall mean the Fire Chief of the North Cedar Improvement District or any person designate by him to act on his behalf.

“Fire Department” shall include the fire department of the District and the fire department of any other fire protection district or municipal corporation attending fires within the District;

“Fire Hazard” shall mean any condition that is conducive to the destruction of life or property by fire, or will, or is likely to increase the extent or severity of the fire;

“Fire Services Act” shall mean the statute of the legislature of British Columbia RSBC 1996, c. 144 and amendments thereto.

“Forest Officer” shall mean an employee of the Ministry of Forests designated to issue Category 3 burning permits;

“Garbage” shall mean any animal, vegetable or food wastes or scraps;

“Gasoline” shall mean any product or petroleum or any liquid that will flash or emit a flammable vapor below the temperature of one hundred ten degrees Fahrenheit (110F), or forty four degrees Celsius (44C);

“Imported Material” shall mean any material brought onto a property within the boundaries of the North Cedar Improvement District for the purposes of disposal by burning

“Occupant” shall mean owner, agent, lessee, licensee or tenant of any building or premises to which any of the provisions of this bylaw shall apply;

“Open Burning Smoke Control Regulation” shall mean the regulation under the Environmental Management Act.

“Permit” shall refer to Category 3 burning permit issued by the Ministry of Forests;

“Person” shall mean natural persons of either sex, associations, corporations, or co-partnerships, whether acting by themselves or by a servant, agent or employee and the heirs, executors, administrators, or assigns or other legal representatives of such persons to whom the context shall apply accordingly to law;

“Private Residence” shall mean any dwelling or building occupied or intended to be occupied as a residence.

“Refuse” shall mean an approximately evenly proportioned mixture of rubbish and animal or vegetable waste material of low moisture content;

“Rubber” shall mean rubber goods, tires, plastics and tar and asphalt roofing materials;

“Rubbish” shall mean any readily combustible inorganic dry waste material, but does not include animal or vegetable wastes;

“Vehicle” shall mean every device upon or in which any person or property is, or may be, transported or driven on or upon a public highway.

“Wildfire Act” shall mean the statute of the Legislature of British Columbia SBC 2004, c. 31 and amendments thereto.

2. INTERPRETATION

- (1) Unless the context otherwise requires, wording importing the singular number shall include the plural and words importing the masculine gender shall include the feminine and the converse shall apply.
- (2) Even where this bylaw and any regulations under the Fire Services Act or Wildfire Act deal with the same subject matters, any further or more stringent restrictions in this bylaw on the use of property or fire shall have full force and effect.
- (3) In the event of any conflict, inconsistency or repugnancy between this bylaw and the Environmental Management Act including the Open Burning Smoke Control Regulation, the Environmental Management Act shall, in all cases, prevail.

3. RIGHT OF ENTRY

- (1) With the exception of a privately owned and occupied single family dwelling, the Fire Chief is hereby empowered to enter upon any land or premises for the purpose of making inspection or investigation:
- (2) to inspect for conditions which may cause a fire, increase the danger of a fire or increase the danger to persons;
- (3) to see that any flammable matter is rendered harmless or suitably safeguarded against fire by requiring the erecting of barricades; the posting of "no admittance" signs, or any other measures deemed necessary by the Fire Chief.

4. NO OBSTRUCTION

No person shall obstruct the Fire Chief in making any entry authorized by this bylaw.

5. NO HINDRANCE

- (1) The Fire Chief shall be in full charge and control of the Fire Department and shall be responsible to the Trustees of North Cedar Improvement District for its proper management, subject to the rules and regulations, and is charged with the duty of preventing and extinguishing fires; of protecting human life against the hazards of fires; and of the enforcement of regulations incorporated into this bylaw and of the regulations adopted pursuant to the Fire Services Act, Wildfire Act, Environmental Management Act and the Open Burning Smoke Control regulation.
- (2) No person shall impede, obstruct, abuse or in any way hinder the Fire Chief or any officer or member of the Fire Department or any other person in attendance at any fire under the direction of the Fire Chief or any other officer or person lawfully in command at such fires.
- (3) At any time after the arrival of an officer or member of the Fire Department at the scene of a fire, the Fire Chief or any other officer or person lawfully in command at such fire is empowered to order the evacuation of the burning building or structure or of any building or structure which in his opinion is endangered by such fire and thereafter no person other than the Fire Chief or any officer or member of the Fire Department, police officer, or any other person in attendance at such fire with the knowledge and consent of the Fire Chief or any other officer or

person lawfully in command of the fire fighting operations at such fire, in accordance with the Fire Services Act of British Columbia, shall remain in or shall enter any such building or structure of the space or area around or in the vicinity of such building or structure which has been ordered cleared of persons by said person in command.

6. BREAKING BLOCKADE

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

7. DRIVING OVER HOSE

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

8. ACCESS TO FIRE HYDRANTS

(1) No person shall place or maintain any object or matter on a sidewalk or street which interferes with free access or approach to any fire hydrant and/or standpipe.

(2) No person shall obstruct or cause to be obstructed the vertical clearance of fifteen (15) inches from ground level to any fire hydrant. No person shall obstruct or cause to be obstructed the area around any fire hydrant to a radius of (6) feet.

9. PENALTY

Any person violating any such order or notice shall be deemed to be guilty of an infraction of this bylaw and shall be liable to the penalties herein imposed.

10. DIRTY CHIMNEYS

All Chimney's to be constructed and maintained according to Provincial building regulations and fire insurance regulations.

11. INSPECTION OF CHIMNEYS, FLUES, FURNACES

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

12. NOTICE TO REMEDY FIRE HAZARD

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

13. DUTY TO COMPLY

Where any owner or occupant has received notice under Section 12, he shall comply with the notice within the time indicated.

14. DEPOSITING ASHES

No person shall deposit any ashes or allow any ashes to be deposited or remain:

- (1) in any combustible container;
- (2) on the floor of any building belonging or occupied : or
- (3) in any metallic container which is within 30 cm (12 inches) of any
woodwork or any other combustible material.

15. DEPOSITING FLAMMABLE MATERIAL AMONG ASHES

It shall be unlawful for any person to deposit or allow or cause to be deposited, any paper, straw, hay, shavings, or other combustible or flammable material or things in or among any ashes or other materials or things taken from any stove, furnace or fireplace.

16. NO OPEN FLAME OR SMOKE NEAR FLAMMABLE MATERIAL

No person, within the District, in that part of any building where there is an accumulation of hay, 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 non-combustible guard.

17. METAL RECEPTACLES FOR FLAMMABLE MATERIAL

No person shall, within the District, keep any waste, rags, papers, or other substance liable by spontaneous combustion to cause fire, except in a

container made of metal or other non-combustible material and with an airtight top or lid of the same type of material.

18. CONTROL OF COMBUSTIBLE MATERIAL

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

19. CLEARING OF ROOF

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

20. BURNING

(1) Except as provided in this bylaw, no person shall light, ignite, or maintain any fire or permit or cause any fire to be lit, ignited, or maintained in the "open air" without first ensuring compliance with this Bylaw and adopted Provincial Acts and Regulations.

(2) No person shall import any material onto a property within the North Cedar Improvement District boundaries for the purpose of disposal by burning.

(3) No material other than dry wood, paper or cardboard is used as a fuel to start, assist, or enhance the burning.

21. NO NOXIOUS ODOURS OR HEAVY SMOKE EMISSIONS

No person shall burn any materials which create a noxious odour and heavy smoke.

22. CATEGORY 2 OPEN FIRE

(1) Anyone who intends to light, fuel or make use of a Category 2 open fire must first comply with the Ministry of Environment's "Environmental Management Act" and "Open Burning Smoke Control Regulation". Persons intending to have an open air fire are required to review "the Open Burning Smoke Control Regulation" to ensure compliance regarding prohibited materials, burn pile size, material size, minimum set-backs to neighbouring properties, smoke sensitivity zones and the venting index. Information on

the Open Burning Smoke Control Regulation, smoke sensitivity zones and venting can be found by visiting the following link:

<https://www2.gov.bc.ca/gov/content/environment/air-land-water/air/air-pollution/smoke-burning/regulations/openburningregulation>

(2) Information on open burning can also be found on the District Website by visiting:

www.ncid.bc.ca

23. CATEGORY 3 OPEN FIRE

(1) Category 3 burning must be done in compliance with the Open Burning Smoke Control Regulation including obtaining a burning permit reference number from the Ministry of Forests. Information on the Open Burning Smoke Control Regulation, smoke sensitivity zones and venting can be found by visiting the following link:

<https://www2.gov.bc.ca/gov/content/environment/air-land-water/air/air-pollution/smoke-burning/regulations/openburningregulation>

(2) Information on open burning can also be found on the District Website by visiting:

www.ncid.bc.ca

24. CAMPFIRES

A campfire is defined as an open fire that burns seasoned firewood in a fire pit. Fire size must be no larger than 0.5 m in height and 0.5 m in width and is used for recreational purposes, cooking or by a First Nation for a ceremonial purposes. Fire pits shall be located no closer than 10 meters from a neighboring property or combustible materials. Campfires are permitted all year around unless a campfire ban has been implemented by the District or the Ministry of Forests.

25. BURNING BANS

With the exception of campfires, all open burning including burn barrels, category 2 and category 3 fires are prohibited within the North Cedar Improvement District between May 15th and October 30th of each year.

26. UNAUTHORIZED FIRES

No person shall light or maintain any fire either in the "open air" or in any form of container on District property, public roads, public road allowance, unpaved roads, lanes or any alleyway.

27. DUTY TO SAFELY STORE

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

28. REMOVE FIRE HAZARD

Any owner or occupant of real property in the District shall remove any matter or thing situated in or on any building or premises which in the opinion of the Fire Chief, is a fire hazard or increase the danger of fire.

29. SECURE UNOCCUPIED BUILDINGS

The owner of any unoccupied building shall ensure that it is properly secured against entry by unauthorized persons.

30. NOTICE

Where in the opinion of the Fire Chief, any fire hazard condition exists or any unoccupied building is not properly secured, the Fire Chief shall give written notice to the owner or occupant at his last known address or by posting a notice in a conspicuous place on the building or premises. In any notice under this section, the Fire Chief shall indicate the nature of the condition to be remedied, the manner in which the condition may be remedied, and the time within which the owner or occupant must comply.

31. FIRE ESCAPES

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

32. EXIT DOORS TO OPEN READILY

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

33. GASOLINE STORAGE

Except as authorized by a valid written permit permission issued by the Fire Chief, no person shall store or keep gasoline within the District other than:

- (1) Gasoline not exceeding 45 liters (10 gallons) in closed metal containers or in approved plastic containers for outdoor storage only;
- (2) Gasoline in the gasoline tank of an automobile, gasoline engine, motor boat, or airplane, whose tank is permanently connected to and supplies its engine.
- (3) Gasoline stored and used by a commercial vendor or business for sale that is stored in approved tanks that meet all applicable local, Provincial and Federal safety standards.

34. DANGEROUS GOODS

No person will transport, store or use a dangerous good without compliance as outlined in the Canada "Transportation of Dangerous Goods Act"

35. STORAGE OF EXPLOSIVE OR FLAMMABLE COMPOUND, LIQUID OR MATERIAL IN PUBLIC BUILDINGS

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

36. DISPOSAL OF GASOLINE STORAGE TANKS

All unused gasoline storage tanks on service station sites shall be either filled or be removed as regulated in the Environmental Management Act.

37. ENFORCEMENT

(1) The Fire Chief may enter upon any premises in order to ascertain that the provisions of this bylaw are being obeyed.

(3) No person shall obstruct the Fire Chief or his designate in the discharge of his duty under this bylaw.

38. REMOVAL OF FIRE HAZARDS

The Fire Chief shall have the authority to have any building or properties which are, or will create a fire hazard removed, at the expense of the registered owner after written notice of the hazard and failure on the part of the registered owner to eliminate the fire hazard.

39. PENALTY

Any person who violates any provisions of this bylaw shall be liable, upon conviction, to a maximum penalty of \$2,000.00 as authorized under the Offence Act.

40. This bylaw hereby repeals Bylaw No. 359.

41. This bylaw may be cited as the "Fire Regulations Bylaw".

INTRODUCED and given first reading by the Trustees on the 8th day of October, 2020.

RECONSIDERED and finally adopted by the Trustees on the 8th day of October, 2020.

Chairperson of the Board of Trustees

I hereby certify that this is a true copy of Bylaw No. 492

Administrator to the Board of Trustees