

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1006

A BYLAW TO MAKE RULES FOR THE PROVISION, OPERATION AND ADMINISTRATION OF THE LOCAL SERVICES FOR FIRE PREVENTION AND SUPPRESSION AND THE PROVISION OF ASSISTANCE IN RESPONSE TO OTHER CLASSES OF CIRCUMSTANCES THAT MAY CAUSE HARM WITHIN THE ERRINGTON FIRE PROTECTION DISTRICT.

WHEREAS the Regional District of Nanaimo may by bylaw, under Section 786(1)(c) of the Municipal Act, make rules for the provision, operation and administration of a service and for the management and maintenance of property under its control and may set conditions respecting use of that property and access to it;

AND WHEREAS the Board may by bylaw exercise the powers under Section 700 of the Municipal Act in a local service area established under Section 788 of the Municipal Act;

AND WHEREAS the Regional District of Nanaimo may, under Section 791 of the Municipal Act where the Board has established a local service in a service area and has the power to regulate persons or property, exercise such power within each electoral area within the appropriate service area;

AND WHEREAS the Board of the Regional District of Nanaimo and the Society Board of the Errington Fire Protection District has deemed it necessary to make rules for the provision, operation and administration of all local services established by it for fire prevention and suppression and the provision of assistance in response to other classes of circumstances that may cause harm;

NOW, THEREFORE, the Regional Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **Title**

This bylaw may be cited as the “Regional District of Nanaimo (Errington) Fire Services Regulatory Bylaw No. 1006, 1995”.

2. **Interpretation**

In this bylaw unless the context otherwise requires:

“Building Code” means the Building Regulations of British Columbia made pursuant to the Municipal Act.

“Commercial Incinerator” means any device, constructed, placed, designed or used for the destruction by fire of industrial, commercial or institutional waste materials, but does not include a crematorium operated in accordance with the Cremation Act, R.S.B.C. 1979, c.81.

“Domestic Incinerator” means any metal, masonry or other container used to serve any dwelling unit occupied by a single family dwelling or any two family dwellings, utilizing a metal screen or grill of not more than 9.5 millimetres mesh to restrict any sparks or flying debris.

“Fire Chief” means the Fire Chief of the applicable fire protection local service area or his/her authorized agent, and may be deemed to be a municipal public officer as defined in the Municipal Act and empowered by the Fire Services Act.

“Fire Code” means the British Columbia Fire Code Regulation made pursuant to the Fire Services Act.

“Fire Department” means the volunteer fire department established for the local service area by bylaw of the Regional District or by agreement between the Regional District and a duly incorporated society that by contract provides fire service within the specified area.

“Incident” means fire prevention and suppression, elimination of fire hazards and attending fires for the purpose of containment and extinguishment of the fires and to provide assistance to persons and animals; and providing assistance in response to other classes of emergency as follows:

- (a) explosion;
- (b) flood, tempest, earthquake, landslide, tidal wave or other natural event;
- (c) building collapse or motor vehicle or other accident;
- (d) spill, release or leak of a substance capable of injuring property or the health or safety of a person;
- (e) risk of explosion or fire or a risk of a spill, release or leak of a substance referred to in (d);
- (f) any emergency as declared under Section 786(1)(h) of the Municipal Act or under the Emergency Program Act;
- (g) first response medical emergencies;
- (h) rescue operations.

“Local Service Area” means a local service area established under Section 788(1)(g) of the Municipal Act in the Regional District.

“Mill Waste” includes bark, chips, sawdust and any other discarded wood products.

“Private Fire Hydrant” means a fire hydrant that is not a public fire hydrant.

“Public Fire Hydrant” means a fire hydrant operated and maintained by the province, a regional district, a municipality, an improvement district or a society duly incorporated for the purpose of fire prevention and suppression or a fire hydrant located on:

- (a) a public roadway or right of way;
- (b) provincial, regional district, municipal, or improvement district property; or,
- (c) an easement or statutory right of way in favour of the Province, a regional district, municipality or improvement district for the purpose of installing and maintaining the water distribution system.

“Regional District” means the Regional District of Nanaimo.

3. **Fire Chief**

(1) The Fire Chief may:

- (a) administer this bylaw;
- (b) report to the Administrator of the Regional District, through the duly incorporated society that is under contract to the Regional District;
- (c) make rules for the efficient administration and operation of the Fire Department and alter or repeal them from time to time as he or she deems necessary;
- (d) request appointment as a Local Assistant to the Fire Commissioner, and then he or she shall be responsible for the applicable enforcement of the Fire Code and Building Code;
- (e) organize or authorize programs and policies designed to inform the public or specified classes of the public on matters regarding fire safety, use of flammable materials, prevention, containment or suppression of fires or other circumstances that may cause harm to persons or property and escape from fires or other classes of circumstances that may cause harm to persons or property;
- (f) enter any land or premises during normal business hours or at any other reasonable time to inspect conditions which may cause a fire, increase the danger of a fire or increase the danger to persons;
- (g) make orders or take measures to ensure that flammable material is:
 - (i) removed from land or premises;
 - (ii) removed to another part of land or premises;
 - (iii) rendered harmless or suitably safeguarded against fire by requiring the placement and maintenance of barricades or the posting of "No Admittance" signs or the placement of locks on doors or windows or any combination of these;
- (h) where he or she is of the opinion that there is imminent and serious danger to life or property, or that panic is imminent, in an emergency arising from a fire, fire hazard, toxic chemical spill or risk of explosion, he or she may:
 - (i) immediately make orders or take steps he or she thinks advisable to remove the hazard or risk;
 - (ii) cause people to be removed from an area;
 - (iii) order the evacuation of a building or area; and
 - (iv) call upon a peace officer to assist and to provide security to the evacuated area;

- (i) enter and order Fire Department members to enter onto any property or into any premises and damage, break, break up, remove or destroy any part or parts of any premises including any buildings, structures, improvements or vegetation on any premises when the Fire Chief is of the opinion that there is imminent and serious danger to life or property arising from a fire, fire hazard, toxic chemical spill or risk of explosion;
 - (j) order the demolition of buildings, structures or improvements or the destruction and clearing of vegetation to prevent the spreading of fire.
- (2) The Fire Chief or officer in command may require persons at or near incidents 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.

4. Conduct at Incidents

- (1) No person shall in any way hinder any member of the Fire Department or any other person under the direction of the Fire Chief at any incident.
- (2) No person shall, except with the permission of the Fire Chief, be permitted to enter any burning building or within the lines established by the Fire Chief marked by ropes, guards or barricades at an incident.
- (3) No person shall drive, push or pull a vehicle of any kind over a fire hose or fire equipment.
- (4) No person shall place or maintain any object or matter on a street or road which interferes with free access or approach to any Private or Public Fire Hydrant or stand pipe.
- (5) No person shall park or leave a vehicle within 7.6 metres of a Private or Public Fire Hydrant or stand pipe.

5. Maintenance of Premises

- (1) An owner or occupier of real property in a Local Service Area shall remove any matter or thing in or on any building or premises which, in the opinion of the Fire Chief is a fire hazard or increases the danger of fire.
- (2) An owner or occupier of real property on which is located an unoccupied or abandoned building shall secure the building against entry by unauthorized persons.

6. Open Burning and Domestic Incinerator

- (1) Except for the lawful open burning of waste materials resulting from land clearance, agriculture, logging or gardening as permitted under another enactment, no person shall burn waste material other than in a commercial or domestic incinerator.

- (2) No person shall use a Domestic Incinerator:
 - (a) within 10 metres of any building, structure, overhead wiring or highway;
 - (b) unless a person sixteen years of age or older is present at the site at all times while the fire is burning for the purpose of supervising and extinguishing the fire.
 - (3) All permitted fires shall be fully and completely extinguished before the person supervising the fire leaves the fire.
7. **Commercial Incinerators**
- (1) Where, in the opinion of the Fire Chief, any Commercial Incinerator is likely to create or become a fire hazard due to damage, deterioration, lack of maintenance, construction or location, the Fire Chief may:
 - (a) direct the owner of the Commercial Incinerator to alter, renovate, repair, or relocate the incinerator; or
 - (b) order the owner of the Commercial Incinerator to discontinue its use.
 - (2) The owner of any Commercial Incinerator shall comply with the direction or order of the Fire Chief.
8. **Deposit of Mill Waste**
- (1) Where any person has lawfully deposited any Mill Waste, he or she shall ensure that:
 - (a) no deposit has a depth greater than 3 metres;
 - (b) within one week, nonflammable cover material of at least 305 millimetres in thickness is applied to the deposit.
9. **Enforcement**
- (1) Any person who violates any provision of this bylaw commits an offence and is liable upon conviction to the penalties provided in the Offence Act.
 - (2) Where any violation continues, each day of which it continues shall be deemed to be a separate violation for the purposes of prosecution under this bylaw.
10. **Application**
- (1) This bylaw applies within the Local Service Area or Areas set out in Schedule 'A'.
 - (2) The Fire Department shall not respond beyond the boundaries of the Local Service Area:
 - (a) without the express authorization of a written contract or agreement providing for the supply of fire fighting and assistance response services outside the boundaries of the Local Service Area; or

- (b) unless an emergency is declared under Section 786(1)(h) of the Municipal Act or under the Emergency Program Act.

Introduced and read three times this 12th day of December, 1995.

Adopted this 12th day of December, 1995.

CHAIRPERSON

SECRETARY