

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1390**

**A BYLAW TO MAKE RULES FOR THE PROVISION, OPERATION
AND ADMINISTRATION OF FIRE PREVENTION SERVICE AND
BURNING OF WASTE MATERIAL IN THE DASHWOOD
FIRE PROTECTION SERVICE AREA**

WHEREAS by Section 798 of the *Local Government Act*, the Board has all necessary power to do anything incidental or conducive to the exercise or performance of any power, duty or function conferred on a board or regional district;

AND WHEREAS by Part 15, Division 3, Section 522 a Board may by bylaw, make rules respecting the authority of the fire chief and any matter within the scope of the *Fire Services Act* in a manner not contrary to that Act or the regulations under it;

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

1. That the “Regional District of Nanaimo (Dashwood) Fire Services Regulatory Bylaw No. 1057, 1996” be rescinded.

2. **Title**

This bylaw may be cited as the “Regional District of Nanaimo (Dashwood) Fire Services Regulatory Bylaw No. 1390, 2004”.

3. **Interpretation**

In this bylaw unless the context otherwise requires:

“**Apparatus**” means any vehicle provided with machinery, devices, equipment or materials for the purpose of fire protection and assistance response as well as vehicles used to transport fire fighters or supplies.

“**Building Code**” means the Building Regulations of British Columbia as amended from time to time.

“**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 residential dwelling unit utilizing a metal screen or grill of not more than 9.5 millimeters mesh to restrict any sparks or flying debris.

“**Equipment**” means any tools, contrivances, devices or materials used by the fire department to combat an incident or other emergency.

“Fire Chief” means the Fire Chief of the fire protection service area or his/her authorized agent, and may be deemed to be a Municipal Public Officer as defined in Section 287(1)(n) of the *Local Government Act* and empowered by the *Fire Services Act*.

“Fire Code” means the National Fire Code of Canada 1995.

“Fire Protection” means all aspects of fire safety including, but not limited to fire prevention, fire fighting or suppression, pre-planning, fire investigation, public education and information, training or other staff development and advising.

“Fire Department” means the volunteer fire department established for the 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 safety of a person;
- (e) risk of explosion or fire or a risk of a spill, release or leak of a substance referred to (d);
- (f) an emergency as declared under Section 798.1 of the *Local Government Act* or under the *Emergency Program Act*;
- (g) first response medical emergencies;
- (h) rescue operations;
- (i) mutual aid fire services including mutual aid to the Ministry of Forests.

“Member” means any person that is voted upon by the existing active Members, ratified by the Officers and the Society Board of Directors as a member of the Fire Department and shall be deemed to be a Municipal Officer as defined in the *Local Government Act*.

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

“Officer” means a Member elected by the active Members and ratified by the Society Board of Directors and given specific authority to assist the Fire Chief in his/her duties.

“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 or the Board of the Regional District of Nanaimo.

“Society Board” means the Board of Directors of the Dashwood Volunteer Fire Department Society.

“Service Area” means the Dashwood Fire Protection Service Area established under Regional District of Nanaimo Bylaw No. 964 and all subsequent amendments.

“Standpipe” means a water connection to the Little Qualicum Waterworks District providing a single 2 ½” connection with the water system.

4. **Fire Chief**

The Fire Chief has responsibility and authority over the Fire Department subject to the direction and control of the Society Board to which he/she shall be responsible and in particular he/she shall carry out all fire protection and assistance response activities and such other activities as the Society Board directs including but not limited to:

- (1) administering this bylaw;
- (2) appointing Officers of the Fire Department to act as Fire Chief on his/her behalf;
- (3) establishing rules and regulations, policies and committees necessary for the proper organization and administration of the Fire Department;
- (4) reporting to the Administrator of the Regional District, through the Dashwood Volunteer Fire Department Society that is under contract to the Regional District;
- (5) acting as the Local Assistant to the Fire Commissioner, and he/she shall be responsible for the applicable enforcement of the Fire Code and Building Code;
- (6) organizing or authorizing 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;

- (7) 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.
- (8) The Fire Chief or in his/her absence, the senior ranking Officer or Member present, may 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;
- (9) No person shall falsely represent themselves as a Fire Department Member.

5. Conduct at Incidents

- (1) The Fire Chief or in his/her absence, the senior ranking Officer or Member present, shall have control, direction and management of all Fire Department apparatus, equipment or manpower assigned to an Incident and where the Member in charge, he/she shall continue to act until relieved by a senior Officer.
- (2) No person shall in any way hinder any Member of the Fire Department or any other person assisting or acting under the direction of the Fire Chief or Member in charge at any Incident.
- (3) Where the Fire Chief or Member in charge at an Incident 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) establish lines marked by ropes, guards or barricades at an Incident;
 - (iii) cause people to be removed from an area or order the evacuation of a building or area;
 - (iv) call upon a peace officer to assist and to provide security to the evacuated area;
 - (v) request persons who are not members to assist in whatever manner he/she considers necessary to deal with the Incident, including removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same, in demolishing a building structure at or near the fire or other Incident;

- (vi) is empowered to commandeer privately owned equipment that he/she considers necessary to deal with an Incident;
 - (vii) enter and/or 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;
 - (viii) order the demolition of buildings, structures or improvements or the destruction and clearing of vegetation if he/she deems it necessary to prevent the spreading of fire.
- (4) The Fire Chief or Member in charge of an Incident may obtain assistance from other officials as he/she deems necessary in order to discharge his/her duties and responsibilities under this bylaw.
 - (5) The Fire Chief or the Member in charge at an Incident is empowered during the Incident to enter, pass through or over buildings or property adjacent to an Incident and to cause Members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over building or property, where he/she deems it necessary to gain access to the Incident or to protect any person or property.
 - (6) No person shall drive, push or pull a vehicle of any kind over a fire hose or Fire Equipment without the permission of the Fire Chief or Member in charge.
 - (7) 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 or cistern or body of water required for fire fighting purposes.
 - (8) No person shall park or leave a vehicle within 7.6 meters (25 feet) of a Private or Public Fire Hydrant or Stand Pipe.

6. Maintenance of Premises

- (1) An owner or occupier of real property in the 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.
- (3) An owner or occupier of real property shall, where installed, maintain any Fire Alarm System in good working order at all times and ensure that unnecessary false alarms are not transmitted to the monitoring station. Failure to do so may result in an "Order to Repair" being issued to the owner/occupier.

- (4) An owner or occupier of real property shall keep Private Hydrants in good working order, paint Private Hydrants Fire Department yellow, keep Private Fire Hydrants clear of ice, snow, shrubs, trees, structures and other obstruction and clearly identify the location of the fire hydrants. If said hydrants are out of service for repair or not yet in service they shall be wrapped in burlap or black plastic sheeting.

7. 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:
 - (i) within 10 meters (33 feet) of any building, structure, overhead wiring or highway;
 - (ii) 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.

8. 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:
 - (i) direct the owner of the Commercial Incinerator to alter, renovate, repair or relocate the incinerator: or
 - (ii) 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.

9. Deposit of Mill Waste

- (1) Where any person has lawfully deposited any Mill Waste, he or she shall ensure that:
 - (i) no deposit has a depth greater than 3 meters (10 feet);
 - (ii) within one week, nonflammable cover material of at least 305 millimeters (1 foot) in thickness is applied to the deposit.

10. 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.

11. Application

- (1) This bylaw applies within the Service Area or Areas set out in the “Dashwood Fire Protection Establishing Bylaw No. 964” as amended from time to time.
- (2) The Fire Department shall not respond beyond the boundaries of the Service Area:
 - (i) 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 Service Area;
 - (ii) the approval of the Soccity Board and the Regional District except in the case of mutual aid to the Ministry of Forests; or
 - (iii) unless an emergency is declared under Section 798.1 of the *Local Government Act* or under the *Emergency Program Act*.

Introduced and read three times this 13th day of July, 2004.

Adopted this 13th day of July, 2004.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES