
THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1448

“A bylaw to regulate fire prevention and protection within the District of Kent”

WHEREAS the *Local Government Act* authorizes Council, by bylaw, to make regulations with respect to fire suppression and prevention and other classes of circumstances that may cause harm to persons or property;

AND WHEREAS the *Community Charter* authorizes Council to regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community as related to the emission of smoke, spark, dust, ash, soot, cinders, fume or other effluvia that is liable to foul or contaminate the atmosphere;

AND WHEREAS the *Community Charter* authorizes Council to regulate, prohibit and impose requirements in relation to the protection of the natural environment;

NOW THEREFORE the Council of the District of Kent in open meeting assembled hereby enacts as follows:

CITATION

1. This bylaw may be cited for all purposes as “Fire Prevention and Protection Regulation Bylaw No. 1448, 2009”.

DEFINITIONS

2. In this bylaw, unless the context otherwise requires:

Apparatus means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.

Building means any structure used or intended to be used for supporting or sheltering any use or occupancy.

Bylaw Enforcement Officer means a Bylaw Enforcement Officer appointed for and by the municipality.

Campground means the provision of space for tents or recreational vehicles intended to be occupied primarily by the traveling public for overnight accommodation, may include an accessory dining, washroom and laundry facilities and an office for guest registration.

Dwelling Unit means a room or series of rooms operated as a housekeeping unit and used or intended to be used as a residence.

Fire Department Connection means the connection device to which a fire hose can be connected to support sprinkler or standpipe fire protection systems.

Fire Watch means the action of an on-site person whose sole duty is to watch for the occurrence of fire and is required by the occupant or occupant's agent of an occupied public building in which any of the fire alarm system, sprinkler system or emergency power system is not operating.

Incident means an emergency situation or where a fire or explosion is imminent.

Local Assistant Fire Commissioner (LAFC) means a Local Assistant Fire Commissioner appointed for and by the municipality, under the jurisdiction of the *Fire Services Act*.

Member means a member of the Agassiz Fire Department.

Municipality means the Corporation of the District of Kent.

Noxious Material includes tires, oil, tar, asphalt, shingles, batteries, plastic and other substances which produce heavy black smoke, noxious odours or toxic residue when burned.

Occupier includes an owner, tenant, lessee, agent and any other person who has the right of access to a building or premises.

Officer means the Fire Chief, Deputy Fire Chief, Captain or a Lieutenant with the Agassiz Fire Department duly appointed and from time to time to lawfully act in that capacity.

Outdoor Fire means a fire that burns outdoor in the open air that is not enclosed in a fire place, furnace or other such device, but does not include a controlled fire ignited for burning of tobacco products for personal consumption nor the mere striking of a match.

Permit means a burning permit required or issued under this Bylaw.

Private fire hydrant means a fire hydrant required by regulation, but owned and maintained by a private property owner for use by the Fire Department.

Refuse container means a container or combination of containers with a capacity of one cubic metre or greater, used for the storage of combustible recyclables.

Smoke alarm means a combined smoke detector and audible alarm device designed to sound an alarm within the dwelling unit or room in which it is located upon the detection of smoke within that dwelling unit or room.

Smoking includes the use of a lighted pipe, cigar, cigarette or any other smoke inhalation device.

OUTDOOR FIRES

3. (1) (a) This Bylaw shall be and remain in effect in the **Municipality** at all times.
 - (b) No person shall between the third week of May and the last day of September (such period to be known as the Close Season) in any year, set or cause to be set out or start any fire within the boundaries of the **Municipality** for the purpose of clearing land, or for any other purpose in the open air; unless such person has obtained a **permit** under this Bylaw, and permission from the Ministry of Forest, the **Municipality**, and the Fire Chief for the purpose of clearing land, or for the burning of diseased and contaminated trees.
 - (c) Where circumstances of unusual danger or dry weather conditions render it necessary in the public interest, the **L AFC** of the **Municipality** may extend the Close Season established by this Bylaw and shall in such case give public notice by radio or publication in a newspaper circulating within the **Municipality**.
 - (d) No person shall except as expressly permitted by this Bylaw, start or maintain any **outdoor fire** or permit any **outdoor fire** to burn on property owned or occupied by that person.
 - (e) No person shall burn any of the following materials: oil, rubber, plastics, fertilizers, tires, material containing creosote, wiring insulation, petroleum products, biomedical waste, herbicides, pesticides, drywall, asphalt, paint, railway tires, chemicals, insulation, treated lumber, fuel and lubricant containers, garbage, recyclables, demolition waste, land clearing waste, manure, or other manufactured material.
 - (f) No person shall burn material brought from another location.
- (2) Outdoor burning is not permitted in the Agassiz townsite. For information on the boundaries please contact the Municipal Hall or the Fire Hall.
- (3)(a) Burning for all industrial and land clearing purposes is only permitted outside the Agassiz townsite boundaries, with a **permit**. Burn piles should not be more than 6 metres by 6 metres; and proper hand tools, water supply, equipment must be in close proximity.

Permits for hand piled yard clean-up debris disposal are required outside the Agassiz townsite. Hand piles should not be more than 2.5 metres by 2.5 metres.

- (3)(b) No person shall deposit or allow to be deposited any large quantity of lumber, boxes, barrels or other combustible materials upon any lot unless such materials are to be used forthwith in the erection of a structure upon or adjacent to the lot in question.
- (3)(c) No person shall deposit or allow to be deposited any paper, rubbish or other combustible material in such quantity or in such a manner, in any structure or upon any lot, as to be dangerous in causing or promoting fire.
- (3)(d) No person being the occupant or owner of any structure or yard shall allow it to become or remain in a condition unsafe to guard against fire.
- (3)(e) A **permit** is required for camp fires outside the Agassiz townsite boundaries and areas zoned CS-3 (Commercial Outdoor Recreation).
- (3)(f) All **permits** are subject to the provisions of the OPEN BURNING SMOKE CONTROL REGULATION of the *Environmental Management Act* of British Columbia.
- (3)(g) Prior to burning you must call the British Columbia Ministry of Environment Ventilation Index at 1-888-281-2992. It is your responsibility to check the Index on a daily basis. You are not permitted to burn unless you meet the ventilation requirements.
- (4) An order made pursuant to this Bylaw shall be binding when it has been advertised once in a newspaper circulating in the **Municipality**, or when it has been advertised on two consecutive days by a radio station or television station which broadcasts regularly to residents of the **Municipality**.

A **permit** is not required under this Bylaw for a barbecue using natural gas/propane or charcoal used in the cooking of food. No **permit** is required under this Bylaw for open fires in approved **campgrounds** in the CS (Service Commercial) and P (Civic Assembly/Institutional/Park) zones, unless the Burning Ban is in effect.

- 4. Except as provided in Sections 3, 5 and 6 of this Bylaw, no person shall set out, start or kindle an **outdoor fire** in the **Municipality** unless they have obtained and hold a valid **permit** issued for that purpose by the **L AFC**.
- 5. (1) No **permit** is required under this Bylaw for starting or kindling a fire in any stove, furnace or similar device to confine the fire and suitable for that purpose within the dwelling.
- (2) An **outdoor fire** that may be started and maintained at any time without a **permit** and are excluded from the regulations of this Bylaw, is a fire started and maintained by the Agassiz Fire Department for training purposes or to prevent the commencement or spread of a fire.

- (3) Any person or organization wanting to set a religious or ceremonial fire must complete the Religious or Ceremonial Burn Registration **Permit** as set out as Schedule "B" attached to and forming part of this Bylaw. The Fire Chief or **L AFC** of the **Municipality** will review the request and if approved, the **permit** fee will be waived; however, all other regulations will remain in effect.
6. (1) Any person wishing to obtain a **permit** under this Bylaw shall make application therefore in the form provided in Schedule "A" attached hereto and forming part of this Bylaw.
- (2) The fee for a **permit** under this Bylaw shall be in accordance with the current Fees and Charges Bylaw.
7. (1) A **L AFC** may issue to any applicant therefore a **permit** to set out, start or kindle an **outdoor fire** in the **Municipality**, subject to such conditions, restrictions or provisions as they may specify the dates between which the **permit** shall be valid.
- (2) A **L AFC** may refuse to issue a **permit** under this Bylaw to any applicant unless, in their opinion, the said applicant is capable of complying with the provisions of this Bylaw.
8. Any person who obtains a **permit** under this Bylaw to start or kindle a fire in the **Municipality**:
- (a) shall not contravene any condition, restriction or provision incorporated in the **permit**;
 - (b) shall not start or kindle a fire within 10 metres of any building, or 100 metres from neighbouring business or 500 metres from a school in session;
 - (c) shall not start or kindle a fire within 30 metres of any public roadway;
 - (d) shall not start or kindle a fire within 10 metres of any stream;
 - (e) shall not start or kindle a fire during high winds exceeding 50 kilometres per hour (KPH);
 - (f) shall take all necessary precautions to prevent the fire from spreading to where it can cause damage to the property;

and, unless the **permit** includes specific exemption from the following requirements shall:

- (g) not leave the fire unattended;
- (h) completely extinguish the fire before leaving the site of the fire;
- (i) not burn when there is a municipal or Ministry of Forest burning ban in effect;
- (j) inspect the fire within 4 hours of the cessation of the fire and ensure that the fire is extinguished;

- (k) have the **permit** available on site for review by a **L AFC, Officer or Bylaw Enforcement Officer**;
 - (l) not, without reasonable excuse, make or circulate, or cause to be made or circulated, any false alarm of fire by message, outcry, ringing of bells, siren or other acts;
 - (m) not, at any time, cross a fire line designated by tape or guards across any or all streets, lanes or alleys, unless permitted by an **Officer** on scene.
9. (1) If at any time a **L AFC, Officer or Bylaw Enforcement Officer** deems it advisable for smoke management purposes or because of the existence of hazardous fire conditions which endangers the health, safety or welfare of persons or animals, cause smoke to obscure visibility and thereby create a hazard to traffic on a public roadway, may order, cancel or suspend the **permit**
- (a) for such time as is specified in the order;
 - (b) in respect of the whole **Municipality** or of such area in the **Municipality** as is described in the order, all or any **permits** issued under this Bylaw, or they may attached to all or any such **permits** such conditions or restrictions as they think proper; and
 - (c) a **L AFC, Officer or Bylaw Enforcement Officer** may order that the fire be immediately extinguished if found in contravention of this Bylaw and take necessary action to carry out extinguishment if the property owner or representative is unable or unwilling to do so.
- (2) An order made pursuant to Section 9(1) of this Bylaw shall become binding when it has been advertised in the manner described in Section 3(4) of this Bylaw.

BUILDING FIRE PREVENTION & PROTECTION

10. Every owner of a **building** shall ensure that **smoke alarms** are installed and maintained in every **dwelling unit** and in each sleeping room not within a **dwelling unit**, except for an institutional occupancy required to have a fire alarm system.
11. Each **smoke alarm** shall be tested by the **occupier** of a **dwelling unit** not less than once a month to ensure that it is functioning correctly and, if the **smoke alarm** is not functioning correctly, the **building** owner or authorized agent shall, without delay, repair the **smoke alarm** to working condition.
12. **Smoke alarms** required, pursuant to this Bylaw, shall conform to CAN/ULC-S531 Standard for **Smoke Alarms**, CAN/ULC-S552 Standard for Maintenance and Testing of **Smoke Alarms** and shall be installed and maintained in conformance with CAN/ULC-S553 Standard for the Installation of **Smoke Alarms**, and **smoke alarms** required for motels, hotels, boarding houses, rooming houses and dormitories shall, in addition, be installed in accordance with

the *BC Building Code* and *BC Fire Code*. A record of **smoke alarm** testing must be retained on site by the **building** owner or authorized agent.

13. **Smoking** shall not be permitted in areas where conditions exist that make **smoking** a fire or explosion hazard. In areas designated as "No **Smoking**", signs shall be posted by the **building** owner or authorized agent in conspicuous locations.
14. The **Fire Chief** or an **Officer** may serve notice in writing to the owner or **occupier** of any real property requiring the removal of anything and everything from a **building** or yard which, in the opinion of the **Fire Chief** or their designate, is a fire hazard or increased the danger of fire.
15. The **L AFC** or an **Officer** may serve notice in writing to the owner of any vacant **building** or structure requiring, within seven (7) days of receipt of such notice, the boarding up and securing of all openings in the **building** as to prevent the entry of unauthorized persons.
16. The **L AFC** may require the owner of an existing multi-residential, assembly, commercial, industrial or institutional occupancy, to provide or make alterations to fire protection systems including, heat and smoke detection, fire alarms, fire extinguishers, exit signs, emergency lighting, fire separations and means of exit, in order to provide adequate life safety to its occupants. These requirements will not exceed those established by building regulations in accordance with the current *BC Building Code* or *BC Fire Code* and may include equivalencies as determined by the **L AFC**.
17. Where fire doors or separation devices are installed in any **building** to prevent the spread of fire within such **building**, such doors or devices shall be kept and maintained in good repair and efficient working order.
18. No person shall place a **refuse container** or recycling container used for the storage of combustible materials, within three (3) metres of building or inside a parking garage under or attached to a **building**, unless the container is constructed of non-combustible materials, complete with a close-fitting metal cover that shall be kept closed at all times.
19. Containers constructed in whole or part of combustible materials kept inside parking garages are exempt from Section 18 of this Bylaw, provided the underground or under **building** parking garage has an approved sprinkler system.
20. Fire protection equipment shall be installed, inspected, tested and maintained in good operating condition in accordance with the *BC Building Code* and *BC Fire Code* and related standards.

21. If the fire protection system(s) in an occupied multi-residential, institutional or assembly occupancy becomes unserviceable, thereby compromising life safety, the **building** owner or authorized agent must institute a **fire watch**, as determined by the **Officer** until such time as the protection system is fully functional.
22. Flammable or combustible liquids shall be stored in underground or under **building** parking garages.
23. No person shall alter exit doors or locking devices on required exists from underground or under **building** parking garages without the review and authorization of the **Fire Chief** or their designate.
24. (1) Roadways and lanes provided for Fire Department access shall be maintained and ready for use at all times by Fire Department vehicles. Signs reading "No Parking – Fire Lane" shall be posted and clearly visible on all roadways designated as fire lanes at a minimum of every ten (10) metres along the fire lane.

(2) No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire **incident**, fire hydrant, cistern or body of water designated for fire fighting purposes.
25. Fire hydrants include both publicly owned and private hydrants and standpipes.
 - (1) All fire hydrants shall be approved by the **Fire Chief** and the Director of Engineering Services or their designate.
 - (2) All fire hydrants shall remain clear of obstruction within one (1) metre in all directions and be clearly visible and accessible for Fire Department use.
 - (3) All fire hydrants shall be maintained in accordance with the *BC Fire Code* regulations and colour coded in accordance with municipal specifications.
 - (4) No person shall make use of a fire hydrant or standpipe without first obtaining a permit from the **Municipality**.
 - (5) No person shall affix unauthorized attachments to any fire hydrant.
 - (6) During repairs or construction, owners of **private fire hydrants** shall mark the hydrant as "Out of Service" and immediately notify the Fire Department.
26. **Fire Department connections** for **building** fire sprinkler or standpipe fire protection systems must be accessible, clearly visible and identified with signage.
27. The address of each **building** must appear on the side facing the street so as to be clearly visible and legible from the street. Numbers shall be at least 25.5 centimetres in height, 1 centimetre in width and be of a colour that contrasts with the background on which they are mounted.

28. Where deemed necessary by the **L AFC**, multi-housing strata properties with complex or multiple roadways, will be required to provide a site map with street names and individual unit addresses clearly marked and legible. The map must be posted and visible at the street entrance to the complex.
29. In all new development areas, street signs indicating street names must be erected as soon as building construction begins.
30. The owner of a **building**, having either a fire alarm system or sprinkler system, must maintain and provide a current list of contact person(s) to the **L AFC**.
31. Contact person(s), as provided in Section 30 of this Bylaw, must be available to attend all alarms within 30 minutes from the time called, whenever fire alarms are sounded and/or the Fire Department attends.
32. The owner of a fire damaged **building** shall ensure that the **building** is either guarded or all openings are secured to prevent unauthorized entry.
33. (1) No person shall obstruct, refuse to provide any information to, or refuse to neglect to admit to any **building** or premises, the **L AFC** or an **Officer** in the execution of their duties or for the purpose relating to this Bylaw, the *BC Fire Code* or the *BC Fire Services Act*.
- (2) No person at an **incident** shall impede, obstruct or hinder a **Member** of the Fire Department or other person assisting or acting under the direction of the **Fire Chief** or the **Officer** in charge.
34. (1) No person shall damage or destroy Fire Department **apparatus** or equipment.
- (2) No person at an **incident** shall drive a vehicle over any equipment without permission of the **Fire Chief** or the **Officer** in charge.
- (3) No person shall falsely represent themselves as a Fire Department **Member**.

OFFENCE & PENALTY

35. Where an owner or **occupier** is in default of a notice made pursuant to this Bylaw, the **municipality**, by its workers or others, may enter the property and effect such work as required in the notice, at the expense of the owner or **occupier** so defaulting, and any charges so incurred and remaining unpaid on December 31 of that year shall be added to and form part of the taxes payable on the real property as taxes in arrears.

36. Every person who

- (a) offends against any provisions of this Bylaw;
- (b) suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
- (c) neglects to do or refrains from doing any thing required to be done under this Bylaw;
- (d) does any act or thing which violates any condition, restriction or provision incorporated in a **permit** issued under this Bylaw:
 - (i) shall be guilty of an offence against this Bylaw and each day that such violation is caused or allowed to continue shall constitute a separate offence;
 - (ii) may be in contravention of the *Forest Practices Code of BC Act*;
 - (iii) shall be deemed to have committed an offence under this Bylaw and shall be liable, on conviction, to a fine not exceeding the maximum allowable by the *Offence Act*, as amended.

37. Any person who contravenes any of the provisions of this Bylaw is

- (a) in addition to the fine provided in Section 36 of this Bylaw liable to the **Municipality** for the cost of fighting any fire which causes damage to property as a result of such contravention, and the same may be recovered by action in any Court of competent jurisdiction at suite of the **Municipality**; and
- (b) may be guilty of an offence as outlined in the Province of British Columbia *Forest Act* and may be liable for fire suppression costs and penalties.

ADMINISTRATIVE PROVISIONS

38. "District of Kent Fire Prevention By-law No. 616, 1974", "District of Kent Fire Regulation Bylaw 1322, 2005" and any amendments thereto are hereby all repealed.

39. If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held invalid by the decision of any court or competent jurisdiction, the invalid portion shall be severed and the decision that is invalid shall not affect the validity of the remainder of this bylaw.

READ A FIRST TIME this 23rd day of November 2009.

READ A SECOND TIME this 23rd day of November 2009.

READ A THIRD TIME this 23rd day of November 2009.

RESCINDED THIRD READING this 14th day of December 2009.

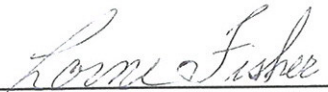
RESCINDED SECOND READING this 14th day of December 2009.

READ A SECOND TIME this 14th day of December 2009.

READ A THIRD TIME this 14th day of December 2009.

FINALLY PASSED AND ADOPTED this 11th day of January 2010.

CERTIFIED CORRECT:



Lorne Fisher, Mayor



Wallace Mah, Chief Administrative Officer

CERTIFIED A TRUE & CORRECT COPY

of "Fire Prevention and Protection Bylaw No. 1448, 2009" adopted on the 11th day of January 2010.



Wallace Mah, Chief Administrative Officer