

## **RESORT MUNICIPALITY OF WHISTLER**

### **FIRE PROTECTION AND FIREWORKS BYLAW NO. 2046, 2014**

#### **A BYLAW TO REGULATE FIRE PROTECTION SERVICES, FIREWORKS, AND THE SAFETY AND PROTECTION OF PERSONS AND PROPERTY**

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WHEREAS pursuant to Section 8 of the *Community Charter* a municipality may provide any service that the council considers necessary or desirable;

AND WHEREAS pursuant to Section 8 of the *Community Charter* a municipality may, by bylaw, regulate, prohibit and impose requirements in relation to firecrackers, fireworks and explosives;

AND WHEREAS pursuant to Section 8 of the *Community Charter* a municipality may, by bylaw, regulate, prohibit and impose requirements in relation to the health, safety and protection of persons or property;

NOW THEREFORE, the Council of the Resort Municipality of Whistler, in open meeting assembled, enacts as follows:

#### **PART 1 – CITATION**

1.1 This Bylaw may be cited for all purposes as “Fire Protection and Fireworks Bylaw No. 2046.

#### **PART 2 – ADOPTION AND APPLICATION OF FIRE CODE**

2.1 The Fire Code, as amended or replaced from time to time, is adopted and made part of this Bylaw as a regulation of the Municipality.

2.2 Any person who contravenes, violates or fails to comply with a provision of the Fire Code commits an offence under this Bylaw.

#### **PART 3 – INTERPRETATION**

##### **Words and Phrases**

3.1 Unless specifically defined herein, words and phrases used in this Bylaw shall be construed in accordance with the meanings assigned to them by the *Fire Services Act*, the Building Code, the Fire Code, or the *Community Charter*, as the context and circumstances require.

##### **References**

3.2 Any reference to the Fire Chief shall include a reference to any person duly authorized by

the Fire Chief to exercise any of the Fire Chief's powers or to carry out any of the Fire Chief's duties under this Bylaw.

### Definitions

#### 3.3 In this Bylaw:

- (a) "Deputy Fire Chief" means the person(s) appointed as the Deputy Fire Chief for the Municipality;
- (b) "Building" means any structure used or intended for supporting or sheltering any use or occupancy;
- (c) "Building Code" means the British Columbia Building Code, as amended or replaced from time to time;
- (d) "Campfire" means an open fire that burns material in one pile not exceeding 0.5 metres in width and 0.5 metres in height, used by any person for a recreational purpose or by a First Nation for a ceremonial purpose and is separated at least 30 cm in all directions from combustible materials.
- (e) "*Community Charter*" means the British Columbia *Community Charter*, as amended or replaced from time to time;
- (f) "Dangerous Goods" means those products or substances that are regulated under the Canada *Transportation of Dangerous Goods Act* and its Regulations, as amended or replaced from time to time;
- (g) "Danger Class Website" means the website maintained by the Wildlife Management Branch of the Province of British Columbia for the purpose of providing the current Fire Danger Rating;
- (h) "Fire Chief" means the person appointed as the Fire Chief for the Municipality, acting as the head of the Fire Rescue Service, and includes the Deputy Fire Chief;
- (i) "Fire Code" means the British Columbia Fire Code Regulation made under the *Fire Services Act*, as amended or replaced from time to time;
- (j) "Fire Hazard" means any condition, arrangement or act which increases the likelihood of fire or which may provide a ready fuel supply to augment the spread or intensity of a fire, or which may obstruct, delay, hinder, or interfere with the operations of the Fire Rescue Service or the egress of occupants in the event of a fire;
- (k) "Fire Danger Rating" means the current fire danger rating for the Municipality, as issued on a daily basis by the British Columbia Wildfire Management Branch or its successor in function;

- (l) “Fire Inspector” means the Fire Chief and every Member authorized to carry out fire inspections in the Municipality;
- (m) “Fire Permit” means a current and valid document issued by the Fire Rescue Service authorizing a person to carry out the fire-related activities described in the permit;
- (n) “Fire Protection” means all aspects of fire safety, including but not limited to, fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, and fire and life safety education;
- (o) “Fire Rescue Service” means the fire rescue service established for the Municipality and continued under this Bylaw;
- (p) “Fire Rescue Service Regulations” means the Whistler Fire Rescue Service Interface Construction and Maintenance Regulations attached as Schedule “A”;
- (q) “Fire Safety Plan” means a fire safety plan for a Building required under the Fire Code and this Bylaw that includes, without limitation:
  - (i) emergency procedures to be used in case of fire;
  - (ii) training and appointment of designated supervisory staff to carry out fire safety duties;
  - (iii) documents showing the type, location and operation of fire emergency systems;
  - (iv) the holding of fire drills;
  - (v) the control of Fire Hazards; and
  - (vi) inspection and maintenance of facilities for the safety of the Building’s occupants;
- (r) “*Fire Services Act*” means the British Columbia *Fire Services Act*, as amended or replaced from time to time;
- (s) “FireSmart Structure and Site Hazard Assessment” means an analysis of the Premises wildfire ignition potential and suppression capability based on the FireSmart Homeowners Manual as produced by the Office of the Fire Commissioner of British Columbia;
- (t) “Fireworks” includes, but is not limited to: cannon crackers, fireballs, firecrackers, mines, Roman candles, sky rockets, squibs, torpedoes, and other explosive products or devices manufactured to intentionally produce an explosion, detonation or pyrotechnic effect, but does not include caps for toy products, Christmas crackers, or model rocket engines;

- (u) “Fireworks Permit” means a current and valid document issued by the Fire Chief or a Member authorizing a person to carry out the fireworks-related activities described in the permit;
- (v) “Garden Debris Fire” means a fire, not exceeding 2m in diameter and 1m in height, for the purpose of burning garden debris such as branches, leaves, grass clippings;
- (w) “High Hazard Fireworks” means those Fireworks defined as such under the Explosives Regulations made under the Canada *Explosives Act*, including, but not limited to: rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons, and firecrackers;
- (x) “Home Use Fireworks” means any fireworks that are obtainable through retail outlets located outside municipal boundaries;
- (y) “Incident” means a fire, explosion, situation where a fire or explosion is imminent, or any other situation presenting a danger or possible danger to life, or property or the environment to which the Fire Rescue Service has responded;
- (z) “Incident Commander” means the Member assuming Command at the scene of an incident, in accordance the British Columbia Emergency Response Management System;
- (aa) “Member” means a person employed by the Municipality and holding a position within the Fire Rescue Service;
- (bb) “Movie Pyrotechnics” means any Fireworks used by a person or corporation for the purpose of commercial photography, video, film or television productions, whether or not the person or corporation holds a filming permit issued by the Municipality;
- (cc) “Municipality” means the Resort Municipality of Whistler;
- (dd) “Occupant” includes any lessee, tenant and licensee of any Building or Premises;
- (ee) “Owner” means a person who has ownership or control of real or personal property, and includes, without limitation:
  - (i) the registered owner of an estate in fee simple;
  - (ii) the tenant for life under a registered life estate;
  - (iii) the registered holder of the last registered agreement for sale; and
  - (iv) in relation to common property and common facilities in a strata plan, the strata corporation;

- (ff) “Premises” includes the whole or any part of a parcel of real property and any Buildings located on the property; and
- (gg) “Vacant Premises” includes a lot, Building or other structure in respect of which water or electricity service has been intentionally discontinued, other than for temporary maintenance, repair or upgrading, so that the condition of the Premises is not suitable for human habitation or other occupancy that is normally permitted.

### **Conflict**

- 3.4 In the event of a conflict, discrepancy, variation or inconsistency between this Bylaw and the *Fire Services Act*, the Fire Code, or the Building Code, the provisions of the *Fire Services Act*, the Fire Code or the Building Code, as the case may be, shall prevail over the provisions of this Bylaw to the extent of any conflict, discrepancy, variation or inconsistency.

### **Application**

- 3.5 The provisions of this Bylaw apply to all Buildings, structures, premises and conditions within the Municipality and, for certainty, apply to both existing Buildings and Buildings under construction.

## **PART 4 – FIRE RESCUE SERVICE**

### **Continuation**

- 4.1 The Fire Rescue Service is hereby continued for the purpose of providing the services contemplated under this Bylaw.

### **Limits on Jurisdiction**

- 4.2 The limits of the jurisdiction of the Fire Rescue Service extend to the boundaries of the Municipality, and no apparatus or equipment of the Fire Rescue Service shall be used beyond the limits of the Municipality without:
- (a) an express written agreement providing for the supply of fire fighting and rescue services outside the boundaries of the Municipality; or
  - (b) the approval of Council.

### **Prevention, Control and Enforcement**

- 4.3 The Fire Rescue Service may take all necessary measures for the prevention, suppression, control and extinguishment of fires, for mitigating the effects of incidents involving Dangerous Goods, and for the protection of life and property, including conducting assistant response and administering emergency medical services.

### **Responsibilities of Fire Chief**

- 4.4 The Fire Chief shall be responsible for the management, control and supervision of the Fire Rescue Service, including the Members, all Buildings, apparatus and equipment associated with the Fire Rescue Service.

### **Powers of Fire Chief**

- 4.5 The Fire Chief may exercise one or more of the following powers:
- (a) make and enforce rules for the proper and efficient administration and operation of the Fire Rescue Service and change, replace or withdraw those rules;
  - (b) enter on and inspect Premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from fire;
  - (c) enter those Premises at which an Incident has occurred;
  - (d) take measures considered necessary to prevent and suppress fires, including the demolition of Buildings and other structures to prevent the spreading of fires;
  - (e) require an Owner or Occupant to undertake any actions the Fire Chief considers necessary for the purpose of removing or reducing any thing or condition the Fire Chief considers is a Fire Hazard or increases the danger of fire;
  - (f) enforce the Fire Code, this Bylaw and any other bylaws, rules, orders and regulations of the Municipality for the prevention and suppression of fire and the protection of life and property; and
  - (g) without limiting paragraphs (a) to (f), exercise the powers of the Fire Commissioner under section 25(1) to (4) of the *Fire Services Act*, and for these purposes that section applies.

### **Incident Commander**

- 4.6 The Incident Commander may:
- (a) enter those Premises at which the Incident occurred, and any neighbouring Premises, and may cause to enter any Member, apparatus or equipment deemed necessary in order to combat, control or deal with that Incident.
  - (b) cause the demolition of any Building or part of a Building which, in the opinion of the Incident Commander, must be demolished in order to prevent the spread of fire or further damage to property, injury to persons, or possible loss of life.
  - (c) commandeer any privately or publicly owned equipment considered necessary to deal with that Incident, and the Owner of the Premises at which the Incident originated shall pay all costs associated with the commandeering of such equipment.

## **PART 5 – GENERAL PROHIBITIONS**

### **No Interference**

- 5.1 No person shall impede or hinder in any way the execution of the duties of any Member or any other person under the direction of the Incident Commander in charge at an Incident.
- 5.2 No person shall interfere with or refuse to permit any Member to enter into or upon Premises in relation to which an alarm or other request for assistance has been received or in or upon which a Member has reasonable grounds to believe that an Incident has occurred or may occur.

### **No Unauthorized Entry**

- 5.3 No person shall, except as authorized by the Fire Chief or the Incident Commander in charge at an Incident:
  - (a) enter any Building or Premises threatened by an Incident;
  - (b) enter within any area designated by ropes, guards or tape erected by or under the direction of a peace officer or a Member across or around any street, lane, alley or Building; or
  - (c) refuse to move from such designated area when directed to do so by a peace officer or Member.

### **Traffic Control**

- 5.4 All persons at or near an Incident shall obey all traffic control directions given by a peace officer or Member.

### **False Representations**

- 5.5 No person shall make false representations as to being a Member of the Fire Rescue Service, or wear or display any Fire Rescue Service badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

### **No Driving Over Equipment**

- 5.6 No person shall drive a vehicle over any hose or other equipment of the Fire Rescue Service unless so directed by a peace officer or Incident Commander. Any person found to be in breach of this section shall, in addition to any other penalty imposed by the Municipality, be liable to pay for the costs associated with fixing or replacing such damaged equipment.

## **PART 6 – FIRE REGULATIONS**

### **Open Air Burning**

- 6.1 No person shall light, ignite, start or burn, or cause, suffer or allow to be lighted, ignited, started or burned, any fire in the open air or in any portable incinerator, outdoor fireplace or other portable appliance or device in the open air for any purpose, except in strict accordance with this Bylaw.

### **Discarding Burning Substances**

- 6.2 No person shall discard, throw down or drop any lighted match, cigar, cigarette, barbecue briquette, or other burning substance into or in close proximity to any combustible material.

### **Barbecues**

- 6.3 Notwithstanding section 6.1 of this Bylaw, a person may cook food using a charcoal, natural gas or propane gas fire contained within a barbecue or municipal park cooking stand.
- 6.4 Notwithstanding section 6.3 of this Bylaw, if at any time the Fire Danger Rating for the Municipality reaches “high” or “extreme”, no person shall use any barbecue in a municipal park other than a propane barbecue.

### **Campfires**

- 6.5 No person shall light, ignite, start or burn, or cause, suffer or allow to be lighted, ignited, started or burned, any Campfire, or open air fire except in strict accordance with this Bylaw.

### **Restrictions**

- 6.6 No person shall light, ignite, start or burn a Campfire without a Fire Permit except:
- (a) in a designated fire pit within a Provincial, Federal or private campsite; and
  - (b) subject to any ban on Campfires imposed in accordance with this Bylaw or a ban on burning issued by BC Forestry Service for the Coastal Fire Centre Region.
- 6.7 No person shall light, ignite, start or burn a Campfire except when the Fire Hazard Rating is LOW or MODERATE, as indicated by the Danger Class website as of 3:00 PM on that day.

### **Campfire Bans**

- 6.8 Where the Fire Chief deems it expedient to do so, or where the Fire Chief considers hazardous fire conditions to exist, the Fire Chief may impose a total ban on Campfires in the Municipality, and no person shall light, ignite, start or burn a Campfire when such a ban is in place.
- 6.9 If at any time the Fire Danger Rating for the Municipality reaches “high” or “extreme”,



no person shall light, ignite, start or burn a Campfire until the Fire Danger Rating drops to “low”, or the Fire Danger Rating drops to “moderate” for two (2) consecutive days.

- 6.10 If at any time the Fire Danger Rating for the Municipality reaches “extreme”, the Fire Chief may close any or all parks and trail systems in the Municipality, and no person shall enter into any closed park or trail system.

### **Garden Debris Fires**

- 6.11 No person shall light, ignite, start or burn a Garden Debris Fire, except when:
- a) the person holds a valid Fire Permit and the person complies with all the conditions of the Fire Permit;
  - b) burning occurs between May 1<sup>st</sup> and May 15<sup>th</sup> and October 15<sup>th</sup> and October 31<sup>st</sup> in any given year;
  - c) the Fire Danger Rating is LOW or MODERATE, as indicated by the by the Danger Class Website as of 3:00 PM on that day;
  - d) the person attends the fire at all times while it is burning;
  - e) no fuels are added to the fire before 08:00 or after 18:00 in any given day; and
  - f) a charged hose, long enough to encircle the fire if needed, a metal shovel and rake and any other firefighting equipment specified on the Fire Permit are available while the fire is burning.

### **Construction Bans**

- 6.12 If at any time the Fire Danger Rating for the Municipality reaches “high” or “extreme”, no person shall carry on any construction activities in the Municipality except in strict accordance with the Fire Rescue Service Regulations.

### **Fire Rescue Service Open Air Burning**

- 6.13 Notwithstanding section 6.1 of this Bylaw, the Fire Chief may, from time to time, authorize open air burning for the carrying out of training exercises conducted by the Fire Rescue Service or burn debris as part of an authorized wildfire fuel management project. Burning will be conducted in accordance with the Provincial Open Burning Smoke Control Regulation.

### **Fire Permits**

- 6.14 Every person must obtain a Fire Permit, issued by the Fire Rescue Service, to do each or any of the following:
- (a) carry on a Campfire other than a Campfire in a designated fire pit within a Provincial, Federal or private campground;

- (b) carry on a Garden Debris Fire;
- (c) light, ignite, start or burn, or cause, suffer or allow to be lighted, ignited, started or burned, any fire in the open air for the purpose of:
  - (i) eliminating a Fire Hazard, such as the mountain pine beetle; or
  - (ii) carrying out any other activity deemed by the Fire Chief to be in the interest of public safety.

### **Fire Permit Application**

- 6.15 Every application for a Fire Permit shall be made in the form prescribed by the Fire Chief from time to time.

### **Fire Permit Assessment**

- 6.16 Prior to issuing a Fire Permit, a Member shall perform a site visit and do a FireSmart Structure and Site Hazard Assessment of the property. The results of the assessment shall be made available to the owner.

### **Fire Permit Issuance**

- 6.17 Where an application for a Fire Permit is made under 6.15 the Fire Rescue Service may issue the Fire Permit if:
- (a) the Premises have been inspected by a Member in accordance with 6.16; and
  - (b) the proposed activity complies with this Bylaw and all other applicable Provincial and Federal enactments and bylaws of the Municipality; and
  - (c) the applicant has paid the applicable fee prescribed in Schedule “B” of this Bylaw; and
  - (d) if a property requires a re-inspection, the applicant shall pay the applicable fee prescribed in Schedule “B” of this Bylaw.
- 6.18 A Member may re-inspect the Premises in respect of which the Fire Permit is issued every four (4) years to ensure permit compliance. The applicant shall pay the applicable inspection fee prescribed in Schedule “B” of this Bylaw.

### **Conditions of Fire Permit**

- 6.19 After a FireSmart Structure and Site Hazard Assessment of the Premises, the Fire Rescue Service may issue a Fire Permit subject to any conditions that, in the opinion of a Member, are advisable to reduce the likelihood of open air burning creating danger. These conditions, which must be implemented prior to lighting the fire for which the Fire Permit was issued, may include the provision of additional firefighting equipment, the removal of branches, trees, bushes, grasses, or other combustibles such as lumber or

firewood, and may limit the area of the Premises in which a fire is permitted.

### **Accumulation of Combustibles**

- 6.20 No person shall accumulate or permit the accumulation of combustible materials, growth, waste or rubbish of any kind in or around Premises in such a manner as to endanger property or to constitute a Fire Hazard.
- 6.21 A Fire Inspector may issue an order to any Owner or Occupant of Premises to remove or otherwise deal with an accumulation of materials or growth on those Premises and, upon receipt of such order, that Owner or Occupant shall take whatever action is specified in the Fire Inspector's order within the time period specified therein, failing which the Fire Rescue Service may take whatever action is deemed necessary to remove the Fire Hazard at the expense of the Owner or Occupant of the Premises.

### **Fire Damaged Buildings**

- 6.22 The Owner of any Building damaged by fire, explosion or similar event shall immediately act to ensure that the Building is guarded and that all openings and points of entry into the Building are kept securely closed and fastened in a manner acceptable to the Fire Chief so as to prevent the entry of unauthorized persons.
- 6.23 Where an Owner of any damaged Building fails to provide the necessary security, as required by section 6.22 of this Bylaw, the Fire Chief may, by notice in writing, order the Owner to secure the damaged Building in the manner set out in the notice.
- 6.24 If an Owner of any damaged Building fails to provide the necessary security within the time period specified in the notice issued under section 6.23, the Fire Rescue Service may take whatever action is deemed necessary to secure the damaged Building, at the cost and expense of the Owner.

### **Vacant Premises**

- 6.25 The Owner of any Vacant Premises shall act promptly to ensure that, at all times:
- (a) the Premises are free from litter, debris and accumulations of combustible or flammable materials that may constitute a fire hazard; and
  - (b) all openings in any vacant Building are securely closed and fastened in a manner acceptable to the Fire Chief to prevent the entry of unauthorized persons.
- 6.26 Where an Owner of Vacant Premises fails to clear the Premises of debris and securely close and fasten all openings in a vacant Building, as required by section 6.25, the Fire Chief may, by notice in writing, order the Owner to clear the Premises and secure any vacant Building or other part of the Premises against unauthorized entry in the manner set out in the notice.
- 6.27 If an Owner of Vacant Premises fails to bring the Premises into compliance with this

Bylaw within the time period specified in the notice issued under section 6.26, the Fire Rescue Service may take whatever action is deemed necessary to clear the Premises of debris and secure any vacant Building, at the cost and expense of the Owner.

## **PART 7 – FIREWORKS REGULATIONS**

### **Use of Fireworks**

7.1 No person shall sell, give, possess, light, explode, activate or dispose of any Fireworks in the Municipality except in strict accordance with this Bylaw.

### **Fireworks Permit**

7.2 Every person must obtain a Fireworks Permit issued by the Fire Rescue Service to do any of the following:

- (a) sell, give, possess, light, explode, activate or dispose of any High Hazard Fireworks; and
- (b) sell, give, possess, light, explode, activate or dispose of any Movie Pyrotechnics.

### **Fireworks Permit Application**

7.3 Every application for a Fireworks Permit shall be made in the form prescribed by the Fire Chief from time to time.

### **Fireworks Permit Issuance**

7.4 Where an application for a Fireworks Permit is made to the Fire Rescue Service in the prescribed form, the Fire Rescue Service may issue the Fireworks Permit if the applicant is over the age of 18 and:

- (a) submits proof acceptable to the Fire Chief that the applicant holds a valid display supervisor endorsement, senior pyrotechnician endorsement, or special effects pyrotechnician endorsement, obtained in accordance with Part III of the Explosives Regulations made under the *Explosives Act* (Canada);
- (b) submits a Fire Safety Plan in a form acceptable to the Fire Chief;
- (c) submits a site plan for the location at which the applicant intends to light, explode or activate the High Hazard Fireworks and Movie Pyrotechnics, which site plan must be drawn to scale, showing the direction of firing, separation distances, positions of ramps and motors, any significant ground features, rights of way, Buildings and structures, overhead obstructions, parking areas, spectator viewing areas, fallout zones, traffic control patterns and locations of emergency vehicles;
- (d) submits an event description, including a time schedule of the event, attendance estimates, lists of Fireworks to be used, firing procedures, emergency response

attendance, list of crew members, and clean up procedures;

- (e) submits proof of valid liability insurance by providing a copy of the applicant's insurance policy, which policy shall list the name of the insurance company, the name of the insured, the policy coverage dates, the type of coverage, the coverage amounts, and the policy number; and
- (f) has paid the applicable fee prescribed in Schedule "B" of this Bylaw.

### **Fireworks Permit Conditions**

7.5 The Fire Rescue Service may impose terms and conditions with respect to a Fireworks Permit in relation to:

- (a) the manner in which High Hazard Fireworks and Movie Pyrotechnics may be lit, exploded or activated;
- (b) the hours during which High Hazard Fireworks and Movie Pyrotechnics may be lit, exploded or activated; and
- (c) the level of required Fire Protection to be provided at the site when:  
  
High Hazard Fireworks and Movie Pyrotechnics are lit, exploded or activated.

### **Regulations**

7.6 Every holder of a Fireworks Permit required under section 7.2 shall:

- (a) only sell, give, possess, light, explode, activate or dispose of those High Hazard Fireworks and Movie Pyrotechnics specified in, the Fireworks Permit and in accordance with the terms and conditions of the Fireworks Permit;
- (b) present the Fireworks Permit to any seller from whom the Fireworks Permit holder is purchasing High Hazard Fireworks or Movie Pyrotechnics;
- (c) ensure that sufficient Fire Protection is provided, at the Fireworks Permit holder's cost or expense, at any site on which High Hazard Fireworks and Movie Pyrotechnics are to be ignited, light, explode or activate in accordance with:
  - i. the Fire Safety Plan submitted in accordance with section 7.4; and,
  - ii. any terms and conditions imposed under section 7.5;
- (d) ensure that High Hazard Fireworks and Movie Pyrotechnics are lit, exploded or activated only under the direct supervision of the Fireworks Permit holder;
- (e) ensure that the site on which the High Hazard Fireworks and Movie Pyrotechnics are lit, exploded or activated is cleared of all resulting debris.

## **PART 8 – FIRE ALARM SYSTEMS**

### **Activation of Fire Alarm System**

- 8.1 No person shall activate a fire alarm system unless:
- (a) there is a fire;
  - (b) the person reasonably believes that a fire or other Incident is occurring or is imminent; or
  - (c) the activation is carried out for testing purposes by certified technicians, as identified in *“Inspection and Testing of Fire Protection Equipment Bylaw No.1754, 2006,”* as amended from time to time.

### **Designation of Contact Persons**

- 8.2 The Owner or Occupant of any Premises with a fire alarm system or automatic sprinkler system whether or not required by the Building Code or monitored by an outside monitoring agency, shall, in the form prescribed by the Fire Chief from time to time, submit to the Fire Rescue Service on an annual basis the names and phone numbers of at least two (2) contact persons available twenty-four (24) hours per day to attend, enter and secure the Premises when notified to do so by the Fire Rescue Service.

### **Responsibilities of Contact Persons**

- 8.3 Every contact person designated under section 8.2 must have full access to the Premises for which they have responsibility and must attend at the Premises within thirty (30) minutes of being notified by the Fire Rescue Service to do so, in order to take control of and secure the Premises, and release the Fire Rescue Service from the Incident on completion of its assistance response.

### **Failure of Contact Persons to Attend**

- 8.4 Where a contact person designated under section 8.2 fails to attend at the Premises for which they have responsibility within thirty (30) minutes of being notified by the Fire Rescue Service to do so:
- (a) the Fire Rescue Service may use whatever means necessary to gain entry to the Premises to investigate the alarm without payment to the Owner or Occupant of any compensation whatsoever for damaged caused to the Premises by such forced entry; and
  - (b) the Owner or Occupant of the Premises shall be liable to reimburse the Municipality, at the rates specified in Schedule “B”, for the cost to the Municipality for all time during which the Fire Rescue Service equipment and Members were required to remain on standby at the Premises, commencing after the thirty (30) minute time period specified in this section, until such time as a

contact person, Owner or Occupant attends at, provides access to, or secures the Premises.

### **Changes to Designated Contact Person**

8.5 If at any time during the year:

- (a) there is a change to the name or phone number of a contact person designated under section 8.2; or
- (b) an Owner or Occupant wishes to change its designated contact person, the Owner or Occupant shall submit the new information to the Fire Chief, in the form prescribed by the Fire Chief from time to time.

## **PART 9 – EMERGENCY ACCESS AND EVACUATION**

### **Fire Safety Plans**

9.1 The Owner or Occupant of any Building required by the Fire Code to have a Fire Safety Plan prepared in cooperation with the Fire Rescue Service shall:

- (a) prepare the Fire Safety Plan in a form, format and diagram template acceptable to the Fire Chief and submit the Fire Safety Plan to the Fire Chief Fire Rescue Service for review no later than June 30 of the current year;
- (b) pay the fee prescribed in Schedule “B”;
- (b) review the Fire Safety Plan at least annually in accordance with the requirements of the Fire Code and, if material changes have occurred in relation to the Building, use, or occupancy, submit an updated Fire Safety Plan to the Fire Chief Fire Rescue Service for review; and
- (c) locate the Fire Safety Plan on the Premises in a location and manner acceptable to the Fire Chief to allow for reference and review by the Fire Rescue Service.

### **Pre-Fire Plans**

9.2 The Fire Chief may require, as part of a Fire Safety Plan, a Pre-Fire Plan.

9.3 The Owner or Occupant of any Building required by the Fire Chief to have a Pre-Fire Plan shall:

- (a) prepare the Pre-Fire Plan in a form, format and with a site diagram acceptable to the Fire Chief and submit the Pre-Fire Plan, as part of the required Fire Safety Plan, to the Fire Chief for review;
- (b) pay the fee prescribed in Schedule “B” of this Bylaw for review of the Pre-Fire Plan;

- (c) review the Pre-Fire Plan at least annually and, if material changes have occurred in relation to the Building, use, or occupancy, submit an updated Pre-Fire Plan to the Fire Chief for review; and
- (d) locate the Pre-Fire Plan on the Premises in a location and manner acceptable to the Fire Chief to allow for reference and review by the Fire Rescue Service.

### **Failure to Prepare Plans**

- 9.4 If the Owner or Occupant of any Building required by the Fire Chief to have a Fire Safety Plan or a Pre-Fire Plan fails to prepare, submit or update the required plan in accordance with this Bylaw, the Fire Rescue Service may prepare and update the required plan at the Owner or Occupant's cost and expense.

### **Street Addresses**

- 9.5 An Owner of real property in the Municipality shall ensure that street addresses and suite numbers are displayed in accordance with the following requirements:
- (a) the civic address that the Municipality has assigned to that property must be displayed and must be legible from the street or roadway fronting the property at all times of day and night, with each address number being not less than one hundred (100) millimetres in height;
  - (b) where a property includes multiple Buildings with separate addresses assigned to each of the buildings, the Building address shall be displayed on each Building in accordance with paragraph (a);
  - (c) where more than one property is accessed by a common driveway, the civic address for each property shall be displayed at the entry to the driveway in accordance with paragraph (a);
  - (d) where a Building is set back from the street or roadway fronting the property such that the assigned civic address is not clearly identifiable due to the distance from the street or roadway, or where landscaping or architectural appendages or other obstructions obstruct the visibility, the assigned civic address shall be displayed at the driveway entrance from the street or road serving the building as well as on the Building itself;
  - (e) where a Building includes multiple individual units with separate suite numbers assigned to each unit, the suite number for each unit shall be displayed in a visible location at the entry to the unit, with each suite number being not less than one hundred (100) millimetres in height; and
  - (f) all letters and numbers must be of a colour which contrasts with the background colour of the Building or other surface on which they are mounted.
- 9.6 The Owners or Occupants of property located in a multi-residential complex shall ensure



that a site plan for the complex is posted at the main driveway entrance to the complex, which site plan shall:

- (a) be visible at all times of day and night upon entry to the complex;
- (b) indicate the location, address or number of each unit in the complex, and the points of access to each unit; and
- (c) be of a size that enables first responders to easily read and determine the location and address of each unit without having to exit the emergency response vehicle.

## **PART 10 – FIRE PROTECTION EQUIPMENT**

### **Connections for Building Sprinkler and Standpipe Systems**

10.1 Every Owner or Occupant of a Building shall ensure that access to Fire Rescue Service connections for sprinkler and standpipe systems are clearly identified, functional, kept in good repair and maintained clear and free from obstructions at all times.

### **Fire Hydrants on Private Property**

10.2 Every Owner or Occupant of Premises on which a fire hydrant is located shall:

- (a) maintain the space around the hydrant with stable ground cover and a clear and unobstructed area for a radius of at least one (1) metre;
- (b) maintain ground cover and clearance around the hydrant so as to provide a clear view of the hydrant from the street when being approached from either direction;
- (c) ensure the hydrant is maintained in good working condition at all times and that the hydrant is inspected, serviced and tested at least yearly in accordance with the requirements of the Fire Code;
- (d) at least yearly, have the hydrant flushed and drained; and
- (e) provide the Fire Chief with a written report of the inspection, servicing and testing performed on the hydrant during the previous twelve (12) months.

10.3 If an Owner or Occupant fails to properly maintain the ground cover and clearance around a fire hydrant as required by Section 10.2, the Fire Chief may issue an order to the Owner or Occupant to provide stable ground cover and clearance around the hydrant within the time period specified in the order.

10.4 If an Owner or Occupant fails to comply with an order issued under Section 10.3 within the time specified in the order, the Fire Rescue Service may enter onto the Premises and carry out such work at the cost of the Owner.

### **Use of Fire Hydrants**

- 10.5 No person shall use or take water from any fire hydrant in the Municipality or make any attachment thereto without first obtaining written permission from the General Manager of Environmental Services.
- 10.6 No person shall tamper with any mechanical operation of a fire hydrant in the Municipality.
- 10.7 No person shall mechanically open any fire hydrant in the Municipality unless authorized to do so by the General Manager of Infrastructure Services.

## **PART 11 – INSPECTION OF PREMISES**

### **Authority for Inspection**

- 11.1 Any Member is hereby authorized to enter at all reasonable times upon any Premises to inspect and determine whether or not:
- (a) the Premises are in such a state of disrepair that a fire starting therein might spread so rapidly as to endanger life or other Premises or property;
  - (b) the Premises are so used or occupied that fire would endanger life or property;
  - (c) combustible or explosive materials are being kept on the Premises or other flammable conditions exist in or about the Premises so as to endanger life or property;
  - (d) in the opinion of the a Member, a Fire Hazard exists in or about the Premises; or
  - (e) the requirements of this Bylaw and the Fire Code are being complied with.

### **Entry for Inspection**

- 11.2 No person shall obstruct, hinder or prevent the Fire Chief or any Member from entering into or upon any Premises for the purpose of inspecting the Premises in the ordinary course of their duties.

### **Provision of Information**

- 11.3 Every Owner or Occupant of Premises shall provide all information and shall render all assistance required by the Fire Chief or any Member in connection with the inspection of Premises pursuant to this Bylaw.

### **False Information**

- 11.4 No person shall purposely withhold or falsify any information required by the Fire Chief or any Member, nor refuse to assist in the carrying out of any inspection of Premises pursuant to this Bylaw, the Fire Code or the *Fire Services Act*.

## **PART 12 – ENFORCEMENT**

### **Fire Orders**

12.1 In addition to authority provided for orders by the Fire Chief or a Fire Inspector elsewhere in this Bylaw, if a person contravenes or fails to comply fully with any provision of this Bylaw, or if conditions exist in or upon any Premises which, in the opinion of the Fire Chief or a Fire Inspector, constitute a Fire Hazard or other danger to life or property, the Fire Chief or a Fire Inspector may, in writing, issue an order to that person as necessary to ensure full and proper compliance with this Bylaw or to remove or otherwise deal with the Fire Hazard or other danger, and every person who receives an order under this section shall carry out that order by the date required.

### **Serving of Fire Orders**

- 12.2 An order made by the Fire Chief or a Fire Inspector under this Bylaw may be served:
- (a) by delivering it or causing it to be delivered to the person to whom it is directed;
  - (b) by sending the order by mail to the last known property Owner of the Premises that are the subject of the order; or
  - (c) if the person to whom it is directed cannot be found, is not known or refuses to accept service of the order, by posting a copy of the order in a conspicuous place on the Premises that are the subject of the order.
- 12.3 If an order has been posted in accordance with Section 12.2 of this Bylaw, a person must not remove, deface or destroy the order.

### **Dating of Fire Orders**

12.4 Every order issued by the Fire Chief or a Fire Inspector shall state a date by which the order shall be carried out, which date shall be determined in the discretion of the issuer, having regard to the degree of urgency involved in correcting or removing conditions which may tend to increase the hazard of fire or danger to life and property.

### **Inspection Upon Completed Remediation**

- 12.5 Upon completion of all work required in an order made pursuant to this Bylaw, the person to whom the order was directed shall notify the Fire Chief of such completion and the Fire Chief or a Fire Inspector shall attend at the Premises to inspect the work.
- 12.6 If the Fire Chief or a Fire Inspector attends at the Premises in accordance with section 12.5 and discovers that the work is incomplete or not compliant with this Bylaw or the Fire Code, the person to whom the initial order was directed shall complete or correct the work in the time specified by the Fire Chief or the Fire Inspector, and the Fire Chief or a Fire Inspector shall attend at the Premises to re-inspect the work. If the work is still incomplete or not compliant with this Bylaw or the Fire Code, and the Fire Chief or Fire

Inspector must attend at the Premises to re-inspect the work a second time, the person to whom the initial order was directed shall pay the re-inspection fee prescribed in Schedule “B”.

### **Municipal Action at Owner’s Expense**

12.7 Where a person has received an order made pursuant to the provisions of this Bylaw, has been given an opportunity to make representation to the Fire Chief in respect of the matter and has failed to comply with an order by the date specified in the order, the Municipality may, by its employees, servants or agents, enter the Premises and effect such work as is required in the notice at the cost and expense of the Owner or Occupant of the Premises, payable upon receipt of an invoice from the Municipality.

### **Penalties**

12.8 A person who:

- (a) contravenes, violates or fails to comply with any provision of this Bylaw, any Fire Permit or Fireworks Permit, or any order issued under this Bylaw;
- (b) suffers or allows any act or thing to be done in contravention or violation of this Bylaw, any Fire Permit or Fireworks Permit, or any order issued under this Bylaw; or
- (c) fails or neglects to do anything required to be done under this Bylaw, any Fire Permit or Fireworks Permit, or any order issued under this Bylaw;

commits an offence and, upon conviction, shall be liable to a fine of not more than Ten Thousand Dollars (\$10,000.00), and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

### **Enforcement by Municipal Ticket**

12.9 This bylaw may be enforced by means of a ticket issued under the “*Municipality’s Ticket Information Utilization Bylaw No. 822, 1990,*” as amended from time to time.

## **PART 13 – FEES AND COST RECOVERY**

### **Permit and Service Fees**

13.1 Every person who applies for any of the following services of the Fire Rescue Service must pay the applicable fee set out in Schedule “B” of this Bylaw:

- (a) a Fire Permit required under Section 6.14;
- (b) a Fireworks Permit required under Section 7.2;
- (c) review of a new Fire Safety Plan under Section 9.1;

- (d) review of an existing or amended Fire Safety Plan under Section 9.1;
- (e) review of a new Pre-Fire Plan under Section 9.2; and
- (f) review of an existing or amended Pre-Fire Plan under Section 9.2.

### **Inspection and Search Fees**

- 13.2 Every person who obtains any of the following inspections or searches by the Fire Rescue Service must pay the applicable fee prescribed in Schedule “B” of this Bylaw:
- (a) a special request inspection of a Building, structure or site to determine compliance with this Bylaw or the Fire Code;
  - (b) a file search on occupancies of a Premises for outstanding Fire Code violations, infractions or other related information.

### **No Relief from Other Fees**

- 13.3 Payment of any fees specified in Section 13.1 or 13.2 of this Bylaw does not relieve a person from the requirement to pay any other fee prescribed under the Fire Code, the Building Code, the *Fire Services Act*, another bylaw of the Municipality, or any other applicable legislation.

### **Nuisance and Dangerous Goods Incidents**

- 13.4 Every person who, wilfully or recklessly and without reasonable cause:
- (a) sets a fire to which the Fire Rescue Service must respond;
  - (b) causes a fire or loss that can be directly attributed to the use of Fireworks contrary to this Bylaw; or
  - (c) carries on open air burning without or contrary to a Fire Permit,
- shall be deemed to have caused a nuisance and, in addition to any penalty imposed under this Bylaw or otherwise by law, shall be liable to pay the actual costs and expenses incurred by the Fire Rescue Service in abating that nuisance by responding to and investigating the fire or loss.
- 13.5 Every Owner, carrier, agency, organization or other person having responsibility for the transport, storage or use of Dangerous Goods, shall be responsible, at that person’s own cost and expense, for the clean up and safe disposal of all such Dangerous Goods arising from any Incident, and a person who fails to do so shall be liable to pay:
- (a) the actual costs and expenses incurred by the Fire Rescue Service, the Municipality or its contractors and agents for the clean up, safe transport and disposal of the Dangerous Goods; and

- (b) the costs incurred by the Fire Rescue Service in mitigating the Dangerous Goods Incident, including without limitation equipment repair and replacement, and decontamination costs.

**General Fee Regulations**

- 13.6 Where more than one person is liable to pay a fee or pay for the actual costs and expenses incurred by the Fire Rescue Service, the fee or the costs and expenses may be imposed among the persons involved on a pro rata basis.
- 13.7 Where under this Bylaw the Municipality is authorized or required to provide work or services to lands or improvements, and the costs incurred by the Municipality in carrying out such work or services are not paid when due and payable, the Municipality may recover those costs from the Owner of the land or improvements in the same manner and with the same remedies as ordinary taxes and, if the costs remain unpaid on December 31 of the year in which they were incurred, they shall be deemed to be taxes in arrears.

**PART 14 – SEVERABILITY**

- 14.1 If any part, section, subsection or phrase of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the Bylaw will be deemed to be enacted without the invalid portion.

**PART 15 – REPEAL OF PREVIOUS BYLAWS**

- 15.1 The following bylaws of the Municipality are hereby repealed:
  - (a) Fire Protection and Fireworks Bylaw No. 1595, 2010.

READ A FIRST TIME this 1<sup>st</sup> day of April, 2014.

READ A SECOND TIME this 1<sup>st</sup> day of April, 2014.

READ A THIRD TIME this 1<sup>st</sup> day of April, 2014.

ADOPTED this 15<sup>th</sup> day of April, 2014.

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Nancy Wilhelm-Morden,  
Mayor

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Shannon Story,  
Corporate Officer

I HEREBY CERTIFY that this  
is a true copy of Fire Protection and Fireworks Bylaw  
No. 2046, 2014.

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Corporate Officer: S. Story

## SCHEDULE "A"

**WHISTLER FIRE RESCUE SERVICE****INTERFACE CONSTRUCTION AND MAINTENANCE REGULATIONS****FOR OPERATIONS DURING "HIGH" AND "EXTREME" FIRE DANGER CLASS RATINGS**

At times, the Resort Municipality of Whistler can experience "high" and "extreme" forest fire danger class ratings. This creates a situation where construction in a wildland/urban interface or intermix zone can be a source of ignition resulting in a wildfire. Past years have shown that the fire behaviour exhibited by wildfires can be both extreme and, at times, impossible to control. While the Resort Municipality recognizes that this regulation may create some hardship on various construction projects, the loss of property and forest land resulting from a wildfire would be disastrous for the community and the economy.

The interface and intermix areas under this regulation are those areas where developments and maintenance activities are taking place next to or among forested areas. This includes new developments in forested areas, infill developments where the lot is fully treed, or trail work. If you question whether a project is subject to these regulations, please call the Fire Rescue Service, (604) 935-8260.

The Whistler Fire Rescue Service used the Wildfire Regulations (and Wildfire Management Branch Interpretive Bulletin June/2011) as a guideline in developing these regulations. It should be noted that these regulations apply to forested areas and are not totally suitable to an interface construction environment where the risks may be greater and the result more devastating. Therefore, all construction activity within interface and intermix areas has been classified as a "High Risk Activity" as per the Wildfire Regulations.

**Goal of the regulations:**

The goal of these regulations is to ensure that any sources of ignition are eliminated or mitigated during times of "high" and "extreme" ratings.

**Regulations:**

Work associated with construction and land clearing, land preparation and utility servicing within shall be regulated as follows:

**When the Fire Danger Rating is "High":**

1. A fire watch shall be maintained for a minimum of **two** hours after construction ceases. The fire watch may be discontinued if the fire danger class falls below "moderate".
2. After **three consecutive days of the Fire Danger Rating being "high"**, high-risk

construction activity in the interface area (within 10 metres of the forest) shall cease at 1300 hours each day. Examples of high risk activity are blasting, excavating, drilling, grinding, and other hot works. **The two-hour fire watch is still required.** Construction within the interface and intermix area may resume to a regular schedule after the fire danger class falls to “moderate” for a period of two consecutive days or until the fire danger class falls below “moderate”.

3. The following activities may continue after 1300 hours during a “high” fire danger rating:
  - (d) Work inside a structure (excluding hot works)
  - (e) Use of electrically powered equipment
  - (f) Work with hand tools
  - (g) Heavy-duty equipment or small engines may continue to work in areas around a site where they are not within 10 metres of the forest.
  
4. Sufficient fire equipment is required to be on site and may consist of:
  - (a) 2 – Shovels
  - (b) 2 – Pulaski tools
  - (c) 2 – Hand backpack pumps with a minimum of 5 gallons of water per backpack.
  
5. A fire pump and hose capable of reaching any areas where heavy equipment is working, or hose connected to a hydrant or other water source capable of reaching any areas where heavy equipment is working is required. A permit to use Municipal hydrants must be obtained from the Utilities Department (604) 935-8300.
  
6. The amount of equipment and pumps shall be subject to the approval of the Fire Chief or designate.
  
7. Smoking is to be restricted to a designated fire safe area on the site.
  
8. All sites must have a means of **communicating** an emergency situation. This could be by means of a cell phone or radio to a central office where an emergency call could be placed.

**When the Fire Danger Rating is “Extreme”:**

In addition to those items stated in “high” fire danger rating, the following shall apply:

1. After **three** consecutive days of the fire danger rating being “extreme”, all high-risk construction activity in the interface and intermix areas (within 10 meters of the forest) shall cease. All other work, as described below, shall maintain a **minimum two-hour fire watch** at the end of the construction day. Regular construction may resume based on the regulations for fire danger rating “high” when the fire danger rating falls below “extreme” for three or more consecutive days.
  
2. The following activities may continue during an “extreme” fire danger rating:
  - a) Work inside a structure (excluding hot works)



- b) Use of electrically powered equipment
  - c) Work with hand tools
  - d) Heavy-duty equipment or small engines may continue to work in areas around a site where they are not within 10 meters of the forest.
3. Please remember that a **minimum of two hours fire watch** must be maintained when the specified work activities have ended for the day.

## SCHEDULE "B"

### FEES AND COST RECOVERY

FIRE RESCUE SERVICES WORK OR SERVICE	SECTION	FEE
Fixing, replacing damaged equipment	5.6	actual costs
Fire Permit Application/Inspection	6.15	\$20.00
Fire Permit Re-Inspection	6.15	\$10.00
Fire Permit 4-Year Renewal/Inspection	6.15	\$10.00
Annual Fire Permit renewal	6.15	\$10.00/year
Removal of Fire Hazard	6.17	actual costs
Securing damaged Buildings	6.20	actual costs
Securing vacant Premises	6.23	actual costs
Fireworks Permit application	7.3	\$100.00
Attendance – standby service	8.4	\$400.00/Hr
Review – Fire Safety Plan	9.1	\$150.00/Hr
Review – Fire Safety Plan revisions, each occurrence	9.1	\$150.00/Hr
Review – Pre-Fire Plan	9.3	\$150.00/Hr
Preparation of Fire Safety Plan	9.4	actual costs
Stabilizing and clearing area around hydrant	10.4	actual costs
Re-inspection or follow-up to an order	12.6	\$150.00/Insp.

Remediation of Fire Hazard	12.7	actual costs
Special request fire inspection	13.2(a)	\$150.00
File search	13.2(b)	\$100.00
Nuisance investigation, response and abatement	13.4	actual costs
Mitigation, clean-up, transport, disposal of Dangerous Goods	13.5	actual costs