

# TOWN OF GIBSONS



## FIRE REGULATION BYLAW NO. 660

**Adopted:** July 20<sup>th</sup>, 1993

Consolidated for convenience January 26, 2006

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of the bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Director of Corporate Administration for the Town of Gibsons. Persons interested in the definitive wording of this bylaw and its amendments should view the original sealed bylaws at the Town of Gibsons.

## AMENDMENTS IN THIS CONSOLIDATION

<b>NO.</b>	<b>BYLAW NO.</b>	<b>DATE</b>	<b>AMENDMENT</b>
1.	774	September 5, 1995	<ul style="list-style-type: none"><li>• Clause 7 (a) amended.</li><li>• Clause 15 amended.</li><li>• Clause 19 amended.</li></ul>
2.	782	December 19, 1995	<ul style="list-style-type: none"><li>• Definition of Fire Chief replaced.</li><li>• Clause 4(b) replaced.</li></ul>
3.	972	September 16, 2003	<ul style="list-style-type: none"><li>• Definition of Garden Refuse deleted.</li><li>• Section 9 Garden Refuse deleted.</li><li>• Section 14 amended.</li></ul>
4.	1020	November 15, 2005	<ul style="list-style-type: none"><li>• Section 19 replaced.</li><li>• Schedule "A" added.</li></ul>
5.	1025	November 8, 2005	<ul style="list-style-type: none"><li>• Definition of Clearing Waste deleted and replaced.</li></ul>

# TOWN OF GIBSONS

## BYLAW NO. 660

*A Bylaw to provide for the regulation and prevention of fires  
And the conduct of persons at or near fires*

**WHEREAS** the Council of the Town of Gibsons may, pursuant to the *Municipal Act*, enact regulations for the protection of persons and property;

**NOW THEREFORE** the Council of the Town of Gibsons, in open meeting assembled, enacts as follows:

### CITATION

1. This bylaw may be cited as "Fire Regulation Bylaw No. 660".

### DEFINITIONS

2. In this bylaw:

Clearing Waste	Means waste resulting from agricultural operations on land zoned for agricultural use.
Construction Waste	Means waste materials resulting from the construction, alteration, renovation or demolition of any building, structure or improvement to land and without limiting the generality of the foregoing includes paper, plastic, drywall and wood materials such as dimensional lumber, plywood and particle board.
Incinerator	Means any metal or masonry container with a screen which prevents the escape of sparks used for the burning of yard waste and serving any single family or two family dwelling unit.
Fire Chief	Means the person appointed as such from time to time by the Sunshine Coast Regional District and shall include the duly appointed Deputy.
Fire Department	Means the Gibsons Volunteer Fire Department.

Fire Inspection Officer	Means the person or persons appointed by the Fire Chief to carry out fire prevention and safety duties including the issuance of burning permits.
Fire Prevention Officer	Means the person or persons authorized in writing by the Fire Chief to exercise the powers of a Local Assistant Fire Commissioner pursuant to the <i>Fire Services Act</i> and to carry out fire prevention duties.
Fire Services Act	Means the statute of the legislature of British Columbia RS1979, c.133 and amendments thereto.
Forest Act	Means the statute of the legislature of British Columbia RS1979, c.140 and amendment thereto.
Occupant	Means and shall include the registered owner and any lessee, tenant, and licensee of any building or premises.
Outdoor Fire	Means every fire that burns in the open air and is not completely enclosed in an incinerator, furnace or other device.
Waste Management Act	Means the statute of the legislature of British Columbia SBC 1982, c.41 and amendments thereto.

### NATIONAL FIRE CODE

3. The National Fire Code of Canada as adopted by the Province of B.C. is hereby adopted and made part of this Bylaw and shall be applicable within the Town to the extent hereinafter provided.

### FIRE DEPARTMENT

4. (a) The Gibsons Volunteer Fire Department, as established, is continued as a Fire Department pursuant to the *Municipal Act*
- (b) The Fire Chief appointed by the Sunshine Coast Regional District is the Fire Chief of the Fire Department.
- (c) In addition to the Fire Chief, fire services personnel shall consist of a Deputy Chief, and such number of Assistant Chiefs, Captains and other officers and members as from time to time may be deemed necessary by the Fire Chief or Council.

- (d) The Fire Chief shall be responsible for the management, control and supervision of the Fire Department, all fire services personnel and the discipline thereof, and the care, custody and control of all buildings, apparatus and equipment of the Fire Department.
- (e) The Fire Chief may from time to time make rules and regulations for the proper and efficient administration and operation of the Fire Department and for the discipline of its members, and may vary, alter, or repeal such rules or regulations as the Fire Chief shall from time to time deem fit or necessary.
- (f) The Fire Chief shall, by October 31 of each year, submit the annual requirements of the Fire Department to the West Howe Sound Fire Protection Committee for approval and submission to the Council for inclusion in the annual budget.
- (g) The Deputy Chief shall report to the Fire Chief and, in the absence of the Fire Chief, shall have all the powers and shall perform the duties of the Fire Chief.

#### FIRE SCENE

- 5. (a) The Fire Chief or any officer designated by the Fire Chief at any fire shall have authority in case of fire to cause the demolition of any building or part of a building which, in the officer's judgment, should be demolished in order to prevent the spread of fire or to prevent damage to persons or property or loss of life.
- (b) No person shall refuse to permit any fire services personnel to enter into or upon any premises from which an alarm of fire has been received or in or upon which such fire service personnel has reasonable grounds to suspect that a fire exists.
- (c) No person shall impede in any way or hinder any fire services personnel in the execution of their duties or any other person acting under the direction of any officer of the Fire Department in command at any fire.
- (d) Except with the permission of the Fire Chief or any other officer or person lawfully in command at a fire no person shall be permitted to enter any building threatened by fire or to enter within the fire lines designated by ropes, guards or barriers.
- (e) Every person in the vicinity of any fire where the Fire Department is called or is in attendance shall obey all traffic control directions given by any peace officer or by any member of the Fire Department.

## FIRE PREVENTION AND SAFETY

6. (a) Every building which is equipped with a passenger elevator shall have a sign displayed directly above the call button on each floor thereof containing the words:
- “in case of fire, use exit stairway – do not use elevator”
- (b) The occupant of every building having three (3) or more storeys shall display at each floor level, in each stairwell thereof, and conspicuously located therein, a number or sign to identify each floor level.
- (c) No person, except any employee of the Town in the course of his employment, shall make or light any fire in any highway allowance, street, lane, square, park or public place within the Town, except with the written consent of the Town Council.
- (d) No person shall discard, throw down or drop any lighted match, cigar, cigarette or other burning substance into combustible material or in close proximity thereto.
- (e) All commercial refuse containers shall be located in areas designated and approved by the Fire Chief. Commercial refuse containers located adjacent to any building or structure shall be stored in non-combustible enclosures unless such containers or enclosure are provided with an approved fire protection system. A non-combustible top or ceiling shall be provided where any combustible material exists above such enclosure.
- (f) No person shall permit any accumulation of waste materials, such as or namely, paper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind to be or to remain upon any roof or in any court yard, vacant lot or open space. All weeds, grass, vines or other growth when the same is liable to catch fire and endanger property shall be cut down and removed by the occupant of the property on which the same is located.
- (g) Where, in the opinion of the Fire Chief, conditions of unusual danger or exposure to fire exists, the Fire Chief may, by written order for fire prevention and public safety reasons, ban certain types of burning or all burning of any nature included burning in incinerators within the Town or any part of the Town and may establish the date after which such area shall remain closed to such burning. Every such order shall be effective as of the date of issue and shall remain in effect until rescinded by the Fire Chief in writing.

- (h) Every application for a permit pursuant to any bylaw of the Town to authorize any construction or installation which is subject to the regulations made pursuant to the *Fire Services Act*, shall be accompanied by such information, plans or drawings as the Fire Chief shall deem necessary.

## BURNING REGULATIONS

### General Regulations

- 7. No person shall:
  - (a) Start, light, ignite a fire without a permit except as expressly permitted by this bylaw on property owned or occupied by that person start, light, ignite or burn or knowingly permit or cause to be started, lighted, ignited or burned any fire of any kind whatsoever in the open air, or in any portable appliance or device whatsoever in the open air, except where such fire is contained within a portable appliance or device and is used solely for the cooking and preparation of food.
  - (b) Start or maintain or permit a fire for the burning of rubber tires, oils, tar, asphalt shingles, battery boxes, plastic compositions and other like substances which produce heavy black smoke.
  - (c) Start or maintain or permit a fire for the burning of construction waste.
  - (d) Maintain a fire for more than two (2) consecutive days;
  - (e) Start or maintain or permit a fire in any location unless:
    - (i) the location is within forty (40) metres of a point accessible to fire department vehicles;
    - (ii) an adequate supply of water is on hand to completely extinguish the fire;
  - (f) Burn material that is not produced on the parcel on which the outdoor fire is located
- 8. Every person who starts or maintains or permits or supervises a fire shall ensure that the fire is completely extinguished and that any residue from the fire is broken up and disposed of in a manner that eliminates any fire hazard.

### Garden Refuse

- 9. This section deleted by Bylaw 972, 2003

## Clearing Waste

10. No person shall start, maintain or permit an outdoor clearing waste fire:
  - (a) During the months of July and August;
  - (b) During the remainder of the year unless they hold a permit issued pursuant to this bylaw;
  - (c) Unless a person nineteen (19) years of age or older is at all times present at the burning site when the fire is burning for the purposes of supervising and extinguishing the fire;
  - (d) Within thirty (30) metres from any building, structure, overhead wire cabling or combustible materials.
11. No person shall start an outdoor clearing waste fire between 1:00 p.m. and sunrise on the following day.
12. An outdoor clearing waste fire shall be completely extinguished not later than the date stipulated in the permit and in any case not more than two (2) days after being started.

## BURNING PERMITS

13.
  - (a) Every application for a permit pursuant to this bylaw shall be made to the Fire Chief or Fire Inspection Officer in the form prescribed by him for such purpose and the Fire Chief or Fire Inspection Officer is hereby authorized and empowered to grant or refuse any such permit or stipulate conditions thereto, subject to the provisions of this bylaw, the *Fire Services Act* and the *Forest Act*.
  - (b) Each application for a clearing waste fire permit shall require the payment of a fee of twenty-five (\$25.00) dollars.
  - (c) Every application for a permit pursuant to this bylaw shall include a copy of the burning permit issued by the Ministry of the Environment in compliance with the *Waste Management Act* or alternatively, information that confirms that the proposed burning is exempt from the requirement of a permit under the *Waste Management Act*.
  - (d) The Fire Chief is hereby authorized and empowered to refuse, suspend or revoke any permit which contravenes any provision of this bylaw, the *Fire Services Act*, the *Forest Act*, or any condition attached to any permit pursuant thereto.



- (e) Every person to whom a permit is issued pursuant hereto shall place a competent person in charge of each such fire as required by this bylaw and shall ensure that such person shall remain in attendance at such fire at all times while the same is burning and until it is completely extinguished and shall provide such person with sufficient appliances, equipment and labour to effectively maintain control over such fire and prevent the same from spreading, causing damage or becoming dangerous to life or other property.
- (f) Every permit issued pursuant to this subsection shall be subject to and shall not absolve the holder thereof from liability for any damage which may result from any fire started pursuant to such permit.
- (g) Where the Fire Chief deems it expedient to do so and where, in his opinion, hazardous fire conditions exist, the Fire Chief may suspend, cancel or restrict for such time as he may deem necessary, any and all burning permits issued by him pursuant to this bylaw and to the *Forest Act* or, in the alternative, he may attach to any or all such permits such conditions and restrictions as he deems necessary for safety and to prevent the spread of fire.

#### COST RECOVERY

14. When a garden refuse fire or a clearing waste fire is:

- (a) started, maintained or permitted in contravention of this bylaw; or
- (b) not extinguished as required by this bylaw; or
- (c) when the fire becomes out of control;

and the Gibsons Volunteer Fire Department attends to control or extinguish the fire the actual costs of the services provided by the Fire Department shall be invoiced to the owner of the property for which services are provided and shall be payable by the property owner to the Town within thirty (30) days of receipt of the invoice. Any charges unpaid on December 31<sup>st</sup> in any year shall be entered on the tax roll as taxes in arrears for the following year.

#### DISPOSAL OF COMBUSTIBLE MATERIALS

15. The Fire Chief may by order restrict or prohibit the deposit of combustible materials in any landfill operations within the Town where the deposit of such material may, in his opinion, tend to create an undue fire hazard within the area of deposit or be considered hazardous to the real properties adjacent thereto. In deciding upon the action to be taken relative to each such landfill, the Fire Chief may consider the conditions relative thereto and without limiting the generality of

the foregoing, may have regard to the chemical composition of the fill materials, the physical consistency of the materials, the frequency of covering same with suitable inert materials, the volume of the deposit and the placement of effective perimeter fire guards or breaks around the filled area.

### FIRE HYDRANTS

16. (a) An area having a radius of one (1) metre around each fire hydrant or standpipe shall be maintained clear and unobstructed, and each such hydrant or standpipe shall be located in clear view from the roadway while approaching same from either direction.
- (b) The type, capacity, colour and location of each fire hydrant on privately owned lands shall be subject to the approval of the Fire Chief.
- (c) No person shall make any attachment or connection to any hydrant or standpipe without the authorization of the Fire Chief.
- (d) No person shall use or take water from any standpipe or hydrant of the Town without first obtaining a permit to do so from the Superintendent of Public Works of the Town, and every such permit shall be subject to the approval of the Fire Chief.

### REMEDIAL ORDERS

17. (a) The Fire Chief or Fire Prevention Officer are hereby authorized and empowered to issue orders in writing requiring the correction or removal of any condition or thing in or about any building or structure which is in contravention of this bylaw, and every occupant shall be responsible for the carrying out of every requirement of every such order.
- (b) Every order issued by the Fire Chief or Fire Prevention Officer pursuant hereto shall state a day by which the said order shall be carried out, which date shall, in the discretion of the Fire Chief, be fixed 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.

### ENFORCEMENT

18. (a) The Fire Chief or Fire Prevention Officer are hereby authorized to enter, at all reasonable times, upon any property in the Town in order to ascertain whether the requirements of this bylaw are being complied with and, in addition to the powers vested in them by the *Fire Services Act*, are hereby authorized and empowered to inspect premises for conditions which may cause fire or increase the danger of a fire or increase the danger to persons and to deal with any matter within the scope of the *Fire Services*

Act in a manner not repugnant to any provisions of that Act or regulations thereunder.

- (b) Every occupant of every building and premises shall provide all information and shall render all assistance required by the Fire Chief or Fire Prevention Officer in connection with the inspection of premises pursuant to this bylaw.
- (c) No person shall purposely withhold or falsify any information required by the Fire Chief or Fire Prevention Officer or refuse to assist in the carrying out of any inspection pursuant to this bylaw.
- (d) No person shall obstruct or interfere with the Fire Chief or Fire Prevention Officer while carrying out any inspection pursuant to this bylaw.

#### OFFENCE AND PENALTY

19. (a) Every person who contravenes any provision of this bylaw is guilty of an offence under the *Offence Act* and is liable on summary conviction to a fine of not less than \$250.00 and not more than \$10,000 or imprisonment of not more than six months.
- (b) This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of Section 264 of the *Community Charter*.
- (c) Pursuant to Section 264(1)(b) of the *Community Charter*, Fire Chief, Fire Inspection Officer, and Fire Prevention Officers are designated to enforce this bylaw.
- (d) Pursuant to Section 264(1)(c) of the *Community Charter*, the words or expression in Column 2 of Schedule "A" to this bylaw designate the offence committed under the bylaw section number appearing in Column 1 opposite the respective words or expression.
- (e) Pursuant to Section 265(1)(a) of the *Community Charter*, the fine amount in Column 3 of Schedule "A" to this bylaw is the fine amount that corresponds to the section number and words or expression set out in Columns 1 and 2 opposite the fine amount.
- (f) Each day that a contravention of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.

#### REPEAL

20. Town of Gibsons Fire Bylaw No. 585 and Fire Protection Amendment Bylaw No. 585-1 are hereby repealed.

READ a First time this the 16<sup>th</sup> day of March, 1993

READ a Second time this the 6<sup>th</sup> day of July, 1993

READ a Third time this the 6<sup>th</sup> day of July, 1993

RECONSIDERED and adopted this 20<sup>th</sup> day of July, 1993

“T. Eric Small”  
T. Eric Small – Mayor

“Dan Legg”  
Dan Legg – Clerk

Certified a true copy of  
“Fire Regulation Bylaw No. 660”

\_\_\_\_\_  
Clerk

**SCHEDULE "A"**  
**TO TOWN OF GIBSONS**  
**FIRE REGULATION BYLAW NO. 660, 1993**

**OFFENCES AND FINES**

<b>Section</b>	<b>Designated Expression</b>	<b>Fine</b>
5(b)	Prohibit Entry of Fire Services Personnel	\$300
5(c)	Impede Firefighter	\$300
5(d)	Entering Designated Fire Area	\$200
7(a)	Start Fire Without Permit	\$100
7(b)	Burn Prohibited Materials	\$200
7(c)	Burn Construction Waste	\$200
8	Failure to Extinguish Fire	\$200
13(e)	Failure to Have Competent Person in Charge of Fire	\$100
15	Deposit Prohibited Combustible Materials	\$300
16(c)	Tamper with Fire Hydrant/Standpipe	\$200