



CITY OF PORT ALBERNI

**Name of Bylaw No. 4876
(with amendment to May 9, 2016)
Consolidated for convenience only**

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject.

This Bylaw has been consolidated for convenience only and includes amendment from:

Bylaw No. 4906 - adopted May 9, 2016

CITY OF PORT ALBERNI

BYLAW NO. 4876

Consolidated to Include Bylaw No. 4860
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FIRE CONTROL BYLAW

WHEREAS the *Community Charter* S.B.C. 2003, c. 26, as amended from time to time, authorizes Council, by bylaw, to regulate, prohibit and impose requirements in relation to municipal services, emergency exits, smoke alarms, and any matter within the scope of the *Fire Services Act*, and to authorize the municipal fire chief to exercise certain powers in relation to the prevention and suppression of fires;

AND WHEREAS the *Community Charter* S.B.C. 2003, c. 26, as amended from time to time, provides that a Municipality may by bylaw authorize the municipal fire chief and designate to exercise powers for fire related inspections and prevention;

AND WHEREAS the *Community Charter* S.B.C. 2003, c. 26 and *Fire Services Act* and its Regulations, as amended from time to time, a municipality may by bylaw regulate the prevention and control of fires and for regulating the conduct of persons at or near fires;

NOW THEREFORE, Council for the City of Port Alberni, in open meeting assembled, enacts as follows;

1. TITLE

- (a) This Bylaw may be cited as “Fire Control Bylaw, 2015, Bylaw No. 4876”.

2. DEFINITIONS

- (a) 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.

- (b) In this Bylaw:

“*Apparatus*” means any vehicle machinery, device, *Equipment* or material used for firefighting and *Assistance Response* and any vehicle used to transport *Members* or supplies;

“*Assistance Response*” means aid provided in respect of fires, alarms, explosions, medical assistance, floods, earthquakes or other natural disasters, escape of dangerous goods, rail or aeronautical incidents, motor vehicle or other accidents, or circumstances necessitating rescue efforts;

“*Building Bylaw*” means City of Port Alberni Building Bylaw No. 4577, 2005, as amended or replaced from time to time;

“Building Code” means the British Columbia Building Code, as amended or replaced from time to time;

“Building Standards Bylaw” means City of Port Alberni Building Standards, Bylaw No. 4826, as amended or replaced from time to time;

“Bylaw Enforcement Officer” means any person duly appointed by *Council* for enforcement of *City* bylaws;

“Campfire” means a small contained outdoor fire, not exceeding 0.5 meters in height and 0.5 metres in width, and used for cooking, ceremonial purposes, or social enjoyment;

“Captain” means a *Member* designated by the *Fire Chief* to assume specific supervisory powers and responsibilities, or a person designated to act in the place of the *Captain*;

“Chief Fire Prevention Officer” means a *Member* designated by the *Fire Chief* to perform fire prevention duties and to whom authorities may be assigned;

“City” means the City of Port Alberni;

“City Engineer” means the person designated by *Council* as the head of the *City’s* Engineering and Public Works Department;

“Combustible Material” means any material capable of being ignited;

“Council” means the Council for the *City*;

“Deputy Fire Chief” means a *Member* appointed to act on behalf of the *Fire Chief*;

“Equipment” means any tools, contrivances, devices, hoses or materials used by the *Fire Department* to combat an *Incident* or other emergency;

“False Alarm” means the activation of a *Fire Alarm System* that results in a response by the *Fire Department*, and for which the *Fire Alarm System* activation was not the result of a fire or other similar emergency;

“Fees and Charges Bylaw” means City of Port Alberni Fees and Charges Bylaw, 2007, No. 4665, as amended or replaced from time to time;

“Fire Alarm System” means a device or devices installed on or in real property and designed to issue a warning of a fire by activating an audible alarm signal or alerting a monitoring facility but does not include a fire alarm system that is intended to alert only the occupants of the dwelling unit in which it is installed;

“Fire Chief” means the *Member* appointed as head of the *Fire Department* and includes the *Deputy Fire Chief*;

“Fire Code” means the British Columbia Fire Code Regulation made under the *Fire Services Act*, as amended or replaced from time to time;

“Fire Department” means the Port Alberni Fire Department established in 1969 and continued under this Bylaw;

"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 Department* or the egress of occupants in the event of fire;

"Fire Protection" means all aspects of fire safety including but not limited to fire prevention, firefighting or *Fire Suppression*, pre-fire planning, fire investigation, public education and information, training or other staff development;

"Fire Protection Equipment" includes but is not limited to, *Fire Alarm Systems*, automatic *Sprinkler Systems*, special extinguisher systems, portable fire extinguishers, fire hydrants, water supplies for *Fire Protection*, standpipe and hose systems, fixed pipe *Fire Suppression* systems in commercial cooking exhaust systems, smoke control measures, and emergency power installations;

"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;

"Fire Services Act" means the *Fire Services Act*, RSBC 1996, c.144, as amended or replaced from time to time;

"Fire Suppression" means the controlling and extinguishing of fires;

"Fireworks Bylaw" means City of Port Alberni Fireworks Regulation Bylaw, 2013, No. 4819, as amended or replaced from time to time;

"Incident" means an event or situation to which the *Fire Department* has responded or would normally respond;

"Member" means a person employed by the *City* and holding a position within the *Fire Department*;

"Member in Charge" means the senior *Member* at the scene of an *Incident* or the *Member* that is appointed as such by the *Fire Chief*;

"Officer" means the *Fire Chief*, *Deputy Fire Chief*, *Captain*, *Chief Fire Prevention Officer*, and any *Member* designated by the *Fire Chief* to act in the capacity of an *Officer*;

“Resources” means any *Equipment*, *Apparatus* and agency assisting the *Fire Department*;

“Sprinkler System” means an integrated system or underground and overhead piping designed in accordance with *Fire Protection* standards which is normally activated by heat from a fire and discharges water over the fire area.

“Tsunami Warning System” means a communication system owned and operated by the *City* for the purpose of broadcasting warning messages regarding tsunamis and other emergencies to facilitate evacuations from hazard areas.

3. ADOPTION AND APPLICATION OF THE FIRE CODE

- (a) The *Fire Code*, as amended or replaced from time to time, is adopted and made part of this Bylaw, such that every provision of the *Fire Code* shall be considered a provision of this Bylaw.
- (b) Any person who contravenes, violates, or fails to comply with a provision of the *Fire Code* or this Bylaw commits an offence under this Bylaw.

4. CONTINUATION

- (a) The *Fire Department* is hereby continued for the purposes of providing the *Fire Protection* services contemplated under this Bylaw.

5. FIRE CHIEF

- (a) The *Fire Chief* shall report directly to the City Manager and shall be responsible for administering this Bylaw, for the management, control, and supervision of the *Fire Department* and its *Members*, and for the care, custody and control of all buildings, *Apparatus* and *Equipment* of the *Fire Department*.
- (b) The *Fire Chief* and any *Member* or other person authorized by the *Fire Chief* to act on behalf of the *Fire Chief* may exercise one or more of the following powers:
 - (i) make and enforce rules, regulations and operational guidelines for the proper and efficient administration and operation of the *Fire Department*, and vary, alter, or repeal such rules, regulations and operational guidelines;
 - (ii) enter on property 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;
 - (iii) take measures considered necessary for the prevention, control and extinguishment of fires, including the demolition of buildings and other structures to prevent the spreading of fires;
 - (iv) require an owner or occupier to undertake any actions the *Fire Chief* considers necessary for the purpose of removing or reducing anything or condition the *Fire Chief* considers is a *Fire Hazard* or increases the danger of fire;
 - (v) exercise the following powers under Section 25 of the *Fire Services Act*:

- (A) if an emergency arising from a *Fire Hazard* or from a risk of explosion causes the *Fire Chief* to apprehend imminent and serious danger to life or property, or of a panic, the *Fire Chief* may immediately take steps to remove the hazard or risk;
- (B) if the *Fire Chief* believes that conditions exist in or near a hotel or public building that, in the event of a fire, might seriously endanger life or property, the *Fire Chief* may immediately take action to remedy the conditions to eliminate the danger and may evacuate and close the hotel or public building; and

without limiting the foregoing, for these purposes may evacuate a building or area, and may call on police and other fire prevention authorities who have jurisdiction to provide assistance;

- (vi) provide for *Assistance Response*;
- (vii) enforce this Bylaw and any other *City* bylaws, rules, orders, and regulations respecting *Fire Protection*, and exercise the powers and duties imposed upon him/her by the *Fire Services Act*;
- (viii) inquire into, investigate, and record the causes of fires in the *City*;
- (ix) collect and disseminate information in regard to fires in the *City*;
- (x) investigate and make inquiries into fires;
- (xi) research best practices in methods of fire prevention;
- (xii) provide, advise, and make recommendations to other officers and employees of the *City*, to *Council*, and to the public, in accordance with any applicable *City* policies and procedures, the *Building Code*, the *Fire Code*, and the *Fire Services Act*, in relation to:
 - (A) the provision of adequate water supply and pressure;
 - (B) the installation and maintenance of *Fire Protection Equipment*;
 - (C) the enforcement of measures for the prevention or suppression of fire and the protection of life and property;
 - (D) life safety or rescue equipment; and
 - (E) fire prevention generally.
- (xiii) activate the *Tsunami Warning System* in the following situations:
 - (A) a tsunami warning affecting the Port Alberni area has been issued by Emergency Management British Columbia;
 - (B) a tsunami warning affecting the Port Alberni area has been issued by the National Oceanic and Atmospheric Administration (NOAA) Pacific Warning Center;

- (C) An earthquake affecting the Alberni Valley occurs, the magnitude of which makes standing difficult.

6. INDEMNIFICATION

- (a) The *City* will indemnify every *Member*, *Officer*, *Fire Chief* and *Deputy Fire Chief* against any claim for damages brought against that person arising out of the performance of that person's duties and, in addition, will pay for any legal costs reasonably required or incurred by that person in relation to a court proceeding arising out of such a claim.

7. SERVICES

- (a) The *Fire Department* shall provide services as set out in Schedule A of this Bylaw.

8. JURISDICTION

- (a) The limits of the jurisdiction of the *Fire Chief* and the *Officers* and *Members* of the *Fire Department* are set out in Schedule B of this Bylaw.
- (b) In the event of an out-of-jurisdiction *Incident* that poses potential danger to the *City* or in the best interest of the *City*, subject to the approval of the *Fire Chief* and where consent in accordance with Section 13 of the *Community Charter* has been provided, *Equipment*, *Apparatus* and personnel of the *Fire Department* may be used outside the geographic boundaries of the *City* and/or outside of the jurisdictional boundaries set out in Schedule B.

9. PREVENTION, CONTROL AND ENFORCEMENT

- (a) The *Fire Department* may, to the extent authorized by Sections 8(3)(g) and 66 of the *Community Charter*, 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 *Assistance Response* and administering emergency medical services.

10. RIGHT TO ENTER

- (a) The *Fire Chief*, designate, and *Bylaw Enforcement Officers* are authorized to enter on property at any time in order to ascertain whether the requirements of this Bylaw are being met.
- (b) The *Fire Chief* and any other *Officer* or *Member in Charge* at an *Incident* is authorized to enter premises where an *Incident* has occurred and to cause any *Members*, *Resources*, and the *Apparatus* and *Equipment* of the *Fire Department* to enter the premises, as deemed necessary, in relation to an *Incident*.

11. NO INTERFERENCE

- (a) No person shall interfere with or obstruct the entry of any *Member* or *Officer* onto any land to which entry is made or attempted pursuant to the provisions of this Bylaw.

- (b) No person shall interfere with or refuse to permit any *Member* or *Officer* 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* or *Officer* has reasonable grounds to believe that an *Incident* has occurred or may occur.
- (c) A person must not interfere with any *Member* or *Officer* or refuse to permit any *Member* or *Officer* to enter into or upon premises or a fire scene to determine:
 - (i) the cause and origin of the fire;
 - (ii) the activation of a *Fire Alarm System*; or
 - (iii) the presence and functioning of a *Sprinkler System* or other life safety protection system.

12. PROHIBITION AGAINST ENTRY

- (a) A person must not, except as authorized by the *Fire Chief*, an *Officer* or a *Member in Charge* at an *Incident*:
 - (i) enter any building or premises threatened by an *Incident*;
 - (ii) enter within an 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
 - (iii) refuse to move from such designated area when directed to do so by a peace officer or *Member*.

13. NO OBSTRUCTION AT ASSISTANCE RESPONSE

- (a) A person must not impede, hinder or obstruct any *Member* at an *Assistance Response* and every person must comply with orders or directions of a *Member* engaged in an *Assistance Response*.
- (b) Any person who interferes with a *Member* in the performance of their duties, or fails to comply with an order or direction of a *Member* under subsection (a) above, may be removed from the scene of such *Assistance Response* by a peace officer or any *Member*.
- (c) No person shall damage or destroy *Fire Department Apparatus* or *Equipment*.
- (d) No person at an *Incident* shall drive a vehicle over any hoses or *Equipment* without permission of the *Fire Chief*, an *Officer* or a *Member in Charge*. Persons who drive over *Fire Department Equipment*, without instruction to do so by a *Member*, may, in addition to any other penalty, be required to pay the actual costs of repairing or replacing damaged *Equipment*.

14. FALSE REPRESENTATION

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

Section 15 replaced by Bylaw No. 4906

15. OUTDOOR BURNING

- (a) Open air burning is permitted only in strict accordance with the following requirements and conditions:
- (i) no person shall light, or start, or knowingly allow or cause to start or ignite any fire of any kind in open air;
 - (ii) notwithstanding subsections (i), above, and subject to subsections (iii), (iv), (v), (vi), (vii), (viii) and (ix) below, *Campfires* are allowed throughout the year but shall not begin prior to dawn and must be extinguished before 22:00 hours local time;
 - (iii) open air burning must not take place within 3 meters of any grass, shrubbery, or wooden fence or any other *Combustible Material* or within meters of any building;
 - (iv) a competent adult person shall remain in charge at the site of such fire at all times until such fire is extinguished; have a minimum of 8 liters of water or a functioning garden hose capable of reaching and extinguishing the fire;
 - (v) no person shall allow a fire ignited by them to escape from the point of origin, and such person(s) shall be liable for any and all damages caused by said fire and/or all costs of the *Fire Department* extinguishing same;
 - (vi) no person shall burn in the open air any manufactured material, including dimensional lumber, or any compostable organic material such as but not limited to grass cuttings, leaves or vegetable matter. Permissible *Campfire* fuels include dry firewood, branches and stems;
 - (vii) no incinerator or other device or appliance, including burn barrels, shall be erected or used outside of the walls of any building;
 - (viii) open air burning is prohibited for land clearing debris, wastes from construction, and building demolition materials;
 - (ix) no visible smoke may leave the property of origin.
- (b) Notwithstanding any of the above, open air burning is allowed where authorized by the *Fire Chief*, for the purposes of reducing hazardous conditions, for *Fire Department* training, or for the good of the *City*.

- (c) Notwithstanding any of the above, the *Fire Chief* may, at his discretion, suspend any or all outdoor burning for reasons of public nuisance or public safety, including but not limited to, air quality and risk of fire spread, and in such event no person shall carry on open burning within the *City*.

16. FIRE PROTECTION EQUIPMENT

- (a) Every owner of premises must ensure that all *Fire Protection Equipment* required under the *Building Code* or *Fire Code* is inspected, tested and maintained in accordance with good engineering practices and the applicable standards, requirements and guidelines of the *Building Code*, the *Building Bylaw*, the *Fire Code*, this Bylaw and all other applicable enactments, all as amended or replaced from time to time, and any equivalents or alternative solutions required or accepted under those enactments.
- (b) *Fire Department* pumper connections shall be located and positioned in accordance with the *Building Code* and approved by the *Fire Chief* or designate.
- (c) All *Fire Department* pumper connections and protective caps shall be kept in place at all times and, where such connections or protective caps are missing, the building owner or occupier shall promptly cause the connections to be examined for accumulated material, back-flushed if such material is present or suspected, or upon the direction of the *Fire Chief* or the *Fire Chief's* designate, and shall ensure the connections and caps are replaced.
- (d) Every owner or occupier of a building must ensure that accesses to *Fire Department* connections for *Sprinkler Systems* or standpipe systems are clearly identified, functional, kept in good repair and maintained free of obstructions at all times.
- (e) Every owner or occupier of a building shall ensure that signs are displayed identifying:
 - (i) which *Fire Department* connection serves a particular *Sprinkler System* or standpipe system; and
 - (ii) the maximum pumping inlet pressure at a *Fire Department* connection.
- (f) Every owner of premises for which a *Sprinkler System* is required under the *Building Code* or the *Building Bylaw* must, in accordance with the requirements of the *Fire Code*, maintain, repair and upgrade the *Sprinkler System* to accommodate any material change in use or occupancy that results in a greater *Fire Hazard* than that which the *Sprinkler System* was intended to accommodate.
- (g) When a building equipped with a *Sprinkler System* or a standpipe is being demolished, the system or standpipe shall be maintained in operation, subject to sequential deactivation, until the demolition work is completed.
- (h) The owner and occupier of every premise with residential occupancy must ensure that all installed smoke alarms are maintained, tested, repaired and replaced in accordance with the requirements of the manufacturer.

17. FIRE HYDRANTS

- (a) The fire hose connection type, hydrant color coding and location of all fire hydrants and other *Fire Department* connections shall be subject to the approval of the *Fire Chief* and *City Engineer*.
- (b) No person, except a *Member*, shall use or take water from any fire hydrant or standpipe, nor make any attachment to a fire hydrant or standpipe, without first obtaining written permission from the *City Engineer* or *Fire Chief* to do so.
- (c) No person shall tamper with the mechanical operation of a fire hydrant.
- (d) No person shall remove a fire hydrant from its authorized or required location unless authorized to do so by the *Fire Chief* and in accordance with any direction, conditions, measures, or requirements of the *Fire Chief*.
- (e) Where a fire hydrant is located on private property, the owner or occupier of the premises must:
 - (i) ensure that all requirements of the *Building Code* are complied with during installation of the fire hydrant;
 - (ii) maintain space around the fire hydrant with stable ground cover and a clear and unobstructed area as shown in Schedule C.
- (f) If an owner or occupier fails to properly maintain the hydrant area in accordance with the access route specifications set out in the *Building Code* and Schedule C, the *Fire Chief* may issue an order to the owner or occupier to comply with such specifications within a time period specified in the order.
- (g) If an owner or occupier fails to comply with an order issued under the subsection (f) above within the time specified in the order, the *City* may enter onto the property and carry out such work at the cost of the owner.
- (h) The owner or occupier of premises on which a private fire hydrant is installed must ensure that the hydrant is maintained in good working condition at all times and that the hydrant is inspected, serviced and tested at least yearly by a qualified person in accordance with the requirements of the *Fire Code*.
- (i) Without limiting subsection (h) above, the owner of property on which a private fire hydrant is installed must maintain the hydrant in accordance with the *Fire Code* and must upon request provide the *Fire Chief* with a written report of the inspection, servicing and testing performed on the private fire hydrant.

18. FIRE ALARM SYSTEMS

- (a) Every owner or occupier of any premises with a *Fire Alarm System* must maintain and provide to the *Fire Department*, in writing, the names and telephone numbers of three (3) contact persons, at least one of whom is available 24 hours a day by telephone to attend within 30 minutes of notification by the *Fire Department* to enter and secure the premises at an *Incident*.

- (b) The owner or occupier must notify the *Fire Department* in writing within 7 days of any changes in the names or addresses of contact persons.
- (c) The owner or occupier must provide to every contact person designated under the above subsection (a) full access to the premises for which they have responsibility and full authority to take control of and operate the *Fire Alarm System* and secure the premises on completion of *Assistance Response* or other *Incident*.
- (d) Where a contact person fails to respond to a fire alarm and attend the premises within 30 minutes:
 - (i) the *Fire Department* may use whatever means are necessary to gain entry to the premises to investigate the fire alarm without payment to the owner or occupier of any compensation whatsoever for damage caused to the premises by such forced entry; and
 - (ii) the owner or occupier of the premises shall be liable to reimburse the *City*, at the rates specified from time to time in the *Fees and Charges Bylaw* for the cost to the *City* of all time during which *Fire Department Apparatus* and *Members* were required to remain on standby at the premises, commencing after the 30 minute time period specified in this subsection, until such time as a contact person, owner or occupier arrives to attend at, provide access to, or secure the premises.

19. ACTIVATION OF A FIRE ALARM SYSTEM

- (a) A person must not activate a *Fire Alarm System* unless:
 - (i) there is a fire;
 - (ii) the person reasonably believes that a fire or other *Incident* is occurring or is imminent; or
 - (iii) the activation is carried out for testing purposes by persons authorized by the *Fire Chief*.

20. FIRE SAFETY PLANNING

- (a) The owner or occupier of any building required by the *Fire Code* to have a *Fire Safety Plan* prepared in cooperation with the *Fire Department* must:
 - (i) ensure that the *Fire Safety Plan* is compliant and consistent with the requirements of the *Fire Code*;
 - (ii) 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* for review;
 - (iii) pay the fee prescribed in the *Fees and Charges Bylaw* for review of the *Fire Safety Plan*;
 - (iv) 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 plan to the *Fire Chief* for review; and

- (v) locate the *Fire Safety Plan* on the premises in a location and manner acceptable to the *Fire Chief* to allow for reference by the *Fire Department*.

21. NO OBSTRUCTIONS

- (a) A person must not cause to be placed, stored, or maintained upon any roof or balcony any material or object which may interfere with access or egress or *Fire Department* operations in case of fire or other emergency, and shall remove all such objects or materials upon the order of the *Fire Chief* or any *Member*.
- (b) A person must not obstruct access passageways on a roof surface required by the *Fire Code* or *Building Code*.
- (c) Every owner or occupier of premises must at all times ensure that all exits and means of egress required under the *Building Code*, *Fire Services Act*, *Fire Code* or the *Building Bylaw* or the *Building Standards Bylaw* are properly maintained and remain unobstructed at all times.

22. REGULATION OF FIRE HAZARDS

- (a) A person must not cause or permit *Combustible Materials*, growth, waste, or rubbish of any kind to accumulate in or around premises in such a manner as to endanger property or constitute a *Fire Hazard*.
- (b) The *Fire Chief* may order any person to remove or otherwise deal with accumulation or materials or growth referred to in subsection (a) above and upon receipt of such order, that person shall take whatever action is specified in the *Fire Chief's* order within the time period specified therein, failing which the *Fire Department* may take whatever action is necessary to remove the *Fire Hazard* at the expense of the person to whom the order is directed or the owner or occupier of the premises.
- (c) No person shall deposit, or allow to be deposited, ashes or other materials or things taken from any stove, furnace, fireplace, or heating appliance, in anything other than a metal or other non-combustible container.
- (d) No person shall deposit or allow or cause to be deposited any greasy or oily rags or other material or things or substances likely to ignite spontaneously or aid in the spread of fire, in anything other than a suitable metal or non-combustible container or receptacle equipped with a close fitting lid.
- (e) No person shall keep or store or cause to be kept or stored any accumulation of material that might cause a fire, contribute to the spread or severity of a fire, pose a risk to neighbouring improvements, pose a risk to *Members* or limit the ability of *Members* to evacuate victims of a fire.
- (f) No person shall allow or permit to be allowed any flammable or toxic liquid to enter into any drainage system, toilet, septic tank or other fixture attached thereto, or connected to any sewer or drainage system.
- (g) The *Fire Chief* or designate may order the owner of an existing multiple-family residential, assembly, mercantile, business or personal services, industrial, care or detention occupancy to provide or make alterations to *Fire Protection Equipment* and systems

including heat and smoke detection, fire alarms, fire extinguishers, *Sprinkler Systems*, exit signs, emergency lighting, fire separations and means of egress in order to provide adequate life safety to its occupants, provided that the requirements of any such order may not exceed those establishing by the *Building Code* or *Fire Code* or building regulations established in accordance with the *Building Code* or *Fire Code*. Any owner may satisfy the requirements of an order through equivalents or alternative solutions accepted by the *Fire Chief* or designate.

VACANT PREMISES

- (h) For the purpose of this Section 23, vacant premises includes a lot, building or other structure in respect of which a 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.
- (i) The owner of vacant premises must promptly act to ensure that, at all times:
 - (i) the premises are free from litter and debris or accumulations of combustible or flammable materials except where storage of combustible or flammable materials is in strict accordance with the *Fire Code* and this Bylaw;
 - (ii) all openings in the premises are securely closed and fastened in a manner acceptable to the *Fire Chief* or designate so as to prevent fires and the entry of unauthorized persons; and
 - (iii) *Sprinkler Systems* and *Fire Alarm Systems* remain operational as per requirements of the *Fire Code*.
- (j) Where an owner fails to securely close a vacant building as required by subsection (b) above, the *Fire Chief* or designate may, by notice in writing, order the owner to secure the building or other part of the vacant premises against unauthorized entry in a manner set out in the notice.
- (k) If an owner of vacant premises fails to bring the premises into compliance with this Bylaw within twenty-four (24) hours of receiving a notice under subsection (c) above, or if the *Fire Chief* or designate is unable to contact the owner within twenty-four (24) hours of finding vacant premises in an unsecured state, the *Fire Chief* or designate may cause the premises to be secured by *City* employees or agents, who may board up or otherwise secure doors, windows, and other points of entry into the premises in order to prevent fires and unauthorized entry, at the cost and expense of the owner.

23. DAMAGED BUILDINGS

- (a) The owner of a building or other structure that has been damaged due to fire, explosion, or similar event must immediately ensure 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, or that one or more security guards are stationed to prevent such entry. If the owner fails to provide the necessary security to the damaged building within 2 hours of reasonable attempts by the *Fire Chief* to notify the building owner or the owner's appointed representative, the *Fire Chief* may cause the work to be carried out at the cost and expense of the owner.

24. INSPECTION OF PREMISES

- (a) The *Fire Chief* and any *Member* designated by the *Fire Chief* is hereby authorized to enter at all reasonable times upon any premises to inspect and determine whether or not:
 - (i) 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;
 - (ii) the premises are so used or occupied that fire would endanger life or property;
 - (iii) 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;
 - (iv) in the opinion of the *Fire Chief* or a *Member*, a *Fire Hazard* exists in or about the premises; or
 - (v) the requirements of this Bylaw and the *Fire Code* are being complied with.
- (b) 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.
- (c) Every occupier 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 such premises pursuant to this Bylaw, the *Fire Code*, and the *Fire Services Act*.
- (d) No person shall purposely withhold or falsify any information required by the *Fire Chief* or any *Member* under this Bylaw, the *Fire Code*, or the *Fire Services Act*.

25. FREQUENCY OF INSPECTIONS DELEGATED

- (a) The authority and duty of *Council* under the *Fire Services Act* to establish, revise and implement a regular system of inspections of hotels, public buildings, churches, theatres, halls or other buildings used as a place of public resort in the *City* is delegated to the *Fire Chief* and for this purpose the *Fire Chief* is delegated the authority to establish a system of regular inspections which will provide different frequencies of inspection depending on a building's *Building Code* building classification, its use, age, past inspection history and fire risk assessment.
- (b) The *Fire Chief* must report to *Council* as and when requested by *Council* on the inspection system created and implemented under subsection (a) above.

26. NUISANCE AND DANGEROUS GOODS INCIDENTS

- (a) Every person who, willfully or recklessly and without reasonable cause:
 - (i) sets or causes a fire or explosion to which the *Fire Department* must respond; or
 - (ii) causes a fire or any other loss that can be directly attributed to the use of fireworks contrary to the requirements and restrictions of the *Fireworks Bylaw*,

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 Department* in abating that nuisance by responding to and investigating the fire or loss, calculated in accordance with the rates set out in the *Fees and Charges Bylaw*.

- (b) 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 the actual costs and expenses incurred by the *Fire Department* in performing such work including:
 - (i) the costs and expenses incurred by the *City* or its contractors or agents for the clean-up and safe transport and disposal of the dangerous goods; and
 - (ii) the costs incurred by the *Fire Department* in mitigating the dangerous goods *Incident*, including without limitation, *Equipment* and *Apparatus* replacement and decontamination costs.
- (c) If a fire cause or other investigation is required, and cannot be conducted immediately, the owner is required to provide for *Incident* security through a recognized security agency that is acceptable to the *Fire Chief*.
- (d) All costs associated with providing required security at an *Incident*, as described in subsection (c) above, are the sole responsibility of the owner or occupier.

27. FALSE ALARM INCIDENT FEES

- (a) The owner or occupier of premises containing a *Fire Alarm System* shall, on the occurrence of a fourth *False Alarm* and for each subsequent *False Alarm* occurring in any 12 month period, pay the *City* a fee for each such *False Alarm* in accordance with the *Fees and Charges Bylaw*.
- (b) Where an owner or occupier makes documented improvements to a *Fire Alarm System* through a fire protection technician, or takes other steps acceptable to the *Fire Chief*, to reduce or eliminate future *False Alarms*, then, upon receipt of an application in writing within thirty days of the most recent *False Alarm*, the *Fire Chief* may deem for the purposes of the above subsection (a) that, until another *False Alarm* occurs, no *False Alarm* of the *Fire Alarm System* has occurred.
- (c) Where a person fails to notify the monitoring company or the *Fire Department* when carrying out testing, repair, maintenance, adjustments or alterations to a *Fire Alarm System*, as required by this Bylaw, and such failure results in the activation of the *Fire Alarm System* resulting in a response by the *Fire Department*, that occurrence will be deemed to be a *False Alarm* for the purposes of this Bylaw.

28. FIRE ORDERS

- (a) In addition to authority provided for orders by the *Fire Chief* or designate 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 designate, constitute a *Fire Hazard* or other danger to life or property, the *Fire Chief* or designate may, in writing, issue such 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.

- (b) An order made by the *Fire Chief* or designate under this Bylaw may be served:
 - (i) by delivering it or causing it to be delivered to the person to whom it is directed;
 - (ii) by sending the order by mail to the last known address of the property owner; or
 - (iii) 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 is subject to the order.
- (c) If an order has been posted in accordance with subsection (b) above, a person must not remove, deface or destroy the order.
- (d) A person against whom an order has been made by a designate of the *Fire Chief* under this Bylaw may, before the expiration of ten (10) days from the date of the order, appeal in writing to the *Fire Chief*, who may uphold the order, vary or set aside the order, or issue an alternative order.
- (e) Every order issued by the *Fire Chief* shall state a date by which the order shall be carried out, which date shall, in the discretion of the issuer, have 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.
- (f) Where a person is in default of an order made pursuant to this Bylaw, the *City* by its employees, servants or agents may enter the premises and effect such work as is required in the notice at the cost and expense of the owner or occupier of the premises, payable upon receipt of invoice from the *City*.

29. PENALTIES

- (a) The provisions of this Bylaw may be enforced by any *Bylaw Enforcement Officer*, *Fire Chief* and *Chief Fire Prevention Officer*.
- (b) Any person who:
 - (i) contravenes, violates or fails to comply with any provision of this Bylaw or of any order issued under this Bylaw;
 - (ii) suffers or permits any act or thing to be done in contravention or violation of any provision of this Bylaw or any order issued under this Bylaw; or
 - (iii) fails or neglects to do anything required to be done under this Bylaw or any order issued under this Bylaw,

commits an offence and, upon conviction, shall be liable to a fine or penalty not exceeding \$10,000.00, and where the offence is a continuing one, each day the offence continues shall constitute a separate offence.

- (c) This Bylaw is designated pursuant to Section 264 of the *Community Charter*, as a bylaw that may be enforced by means of a ticket in the form prescribed.

- (d) Pursuant to Section 264(1)(c) of the *Community Charter*, the words or expression set forth in Column 1 of Schedule D of this Bylaw, under the heading "Description of Offence", designate the offence committed under that section of this Bylaw appearing in Column 2 of Schedule D, under the heading "Section", opposite the respective words or expressions.
- (e) Pursuant to Section 265(1)(a) of the *Community Charter*, the fine amount set forth in Column 3 of Schedule D of this Bylaw, under the heading "Amount of Fine", is the fine amount that corresponds to the section number and words or expressions set out in Columns 1 and 2 of Schedule D opposite the fine amount.

30. COST RECOVERY FOR RE-INSPECTION

- (a) Where an owner or operator of a building is notified by the *Fire Department* of a deficiency under this Bylaw or the *Building Code* or *Fire Code*, and that deficiency was reported as a result of an inspection by the *Fire Department*, the *Fire Department* may re-inspect that premises. If, upon re-inspection after a period of time deemed reasonable by the *Fire Chief*, the deficiency has not been remediated, the owner of said building will be charged the re-inspection fee set out in the *Fees and Charges Bylaw* for the re-inspection and each subsequent re-inspection thereafter until the deficiency has been remediated.

31. GENERAL FEE REGULATIONS

- (a) Where under this Bylaw the *City* is authorized or required to provide work or services to lands or improvements, and the costs incurred by the *City* in carrying out such work or services are not paid when due and payable, the *City* may recover those costs from the owner of the lands or improvements in the same manner and with the same remedies as ordinary taxes and, if the costs remain unpaid on December 31, they shall be deemed to be taxes in arrears.

32. SEVERABILITY

- (a) 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 have been enacted without the invalid portion.

33. APPLICATION

- (a) The provisions of this Bylaw apply to all buildings, structures, premises and conditions within the *City* and, for certainty, apply to both existing buildings and buildings under construction.

34. GENDER AND NUMBER

- (a) Wherever the singular or masculine is used in this Bylaw, the same shall be construed as meaning the plural, feminine or the body corporate or politic where the context so requires.

35. ADOPTION

- (a) This Bylaw comes into force and takes effect on the date of its adoption by *Council*.

36. REPEAL

- (a) Fire Regulation Bylaw No. 3599 and its associated amendments are hereby repealed.

READ A FIRST TIME THIS 13TH DAY OF JULY, 2015.

READ A SECOND TIME THIS 13TH DAY OF JULY, 2015.

READ A THIRD TIME THIS 13TH DAY OF JULY, 2015.

FINALLY ADOPTED THIS 27TH DAY OF JULY, 2015.

Mayor

Clerk

SCHEDULE A

The services provided by the *Fire Department* are set out below and include other services that, from time to time, *Council* directs to be provided.

Services	
Service	Description of Service
Fire Prevention	Regular system of inspections (utilizing a <i>Chief Fire Prevention Officer</i> , fire company inspections, third party inspectors), support the <i>City's</i> Planning Department in plan review, public fire safety education
Structural <i>Fire Suppression</i>	The Department is authorized to provide fire suppression activities with and subject to the limitations set out in the Full Service Level as defined in the <i>British Columbia Fire Service Minimum Training Standards: Structure Firefighters – Competency and Training Playbook</i> (September 2014), set under paragraph 3(3)(b) of the <i>Fire Services Act</i> (B.C.).
Marine <i>Fire Suppression</i>	Land-based and/or fire boat-based marine firefighting.
Marine Rescue	Land-based and/or fire boat-based marine rescue provided in support of Royal Canadian Marine Search and Rescue, and/or Port Alberni Port Authority.
Shipboard Firefighting	Land-based, shipboard above deck and/or fire boat-based shipboard firefighting under direction of Port Alberni Port Authority Harbour Master.
Confined Space Rescue	Confined space rescue services within City of Port Alberni and contract service areas.
Technical Rope Rescue	Technical rope rescue services within City of Port Alberni and contract service areas.
Slope Rescue	Slope rescue services within City of Port Alberni and contract service areas, in support of Alberni Valley Rescue Squad.
Automobile Extrication Rescue	Rescue extrication services where victims may be trapped in or under an automobile or other vehicle, or entrapped by machinery, or other similar situation.
Hazardous Materials Mitigation	Response to and mitigation of incidents, in support of responsible party.
Wildland Fire Suppression	Control and response of fire involving organic material, grass, brush, or forest
Swift Water Rescue	Rescue services conducted from near, over, but not in moving water.
Open Water Rescue	Rescue services conducted from near, over, but not in standing water
Medical First Responder	Emergency medical services in partnership with BC Emergency Health Services (BCEHS) and in support of BC Ambulance Service
Public Assistance	Providing aid to members of the public where that aid is not inconsistent with the purpose of the fire department, and where that aid does not fall within another category of service
Other	Other emergency or non-emergency public service(s) as authorized by the <i>Fire Chief</i>

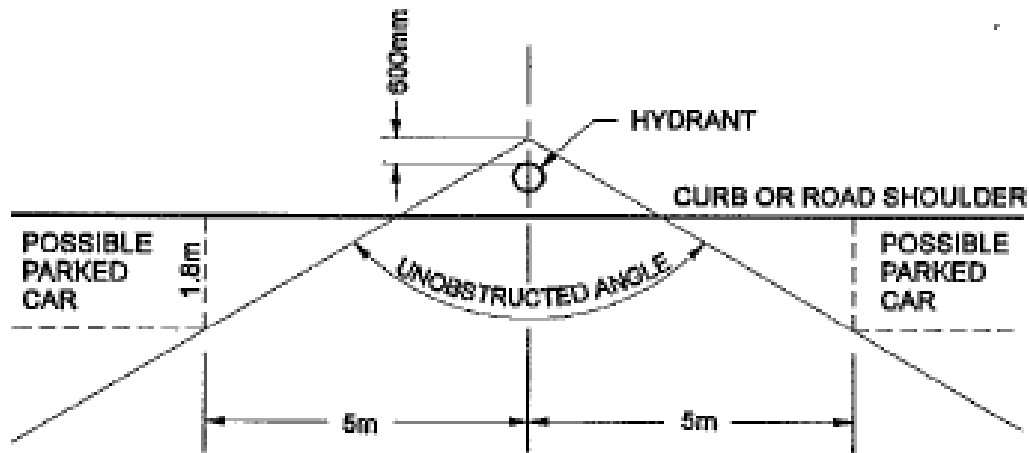
SCHEDULE B

The limits of the jurisdiction of the *Fire Chief* and the *Officers and Members* of the *Fire Department* will extend to the area and boundary of the City of Port Alberni, including any areas for which the *City* has service delivery agreements, and also includes areas that, from time to time, *Council* directs services to be provided within and where consent in accordance with section 13 of the *Community Charter* has been provided, specifically;

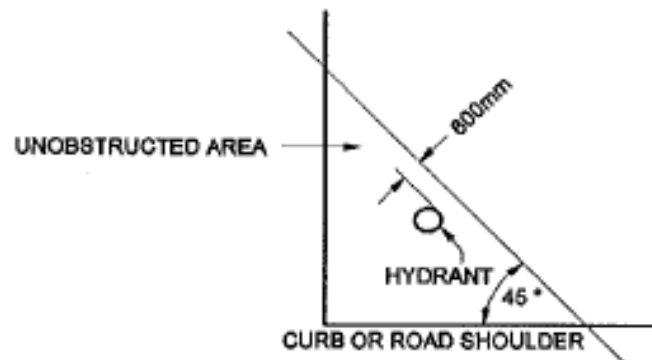
- Coulson Forest Products Seizai Road property (as set out in CPA Bylaw # 4125)
- China Creek Marina and Campground
- Marine response area between China Creek Marina and Somass River bridge, extending from shoreline to shoreline
- Marine response downstream of China Creek to the Port Alberni Port Authority Harbour boundary in support of Port Alberni Port Authority
- Tseshah First Nation Teepis Reserve 2 (Polly's Point)
- Tseshah First Nation Tsahaheh Reserve 1
- Hupacasath First Nation Ahahswinis Reserve 1
- Cherry Creek Fire Department, Sproat Lake Fire Department and Beaver Creek Fire Department response areas (Mutual Aid)
- Sproat Lake Fire Department and Beaver Creek Fire Department response areas (Automatic Mutual Aid)
- Alberni Clayoquot Regional District and Nanaimo Regional District (road rescue services)
- Alberni Clayoquot Regional District and Nanaimo Regional District (hazardous material incident response, rescue, basic first aid, structural firefighting, wildland firefighting)

SCHEDULE C

Fire Hydrants other than at an intersection:



Fire Hydrants at an intersection:



Section D replaced by Bylaw No. 4906

SCHEDULE D

Column 1 Description of Offence	Column 2 Section #	Column 3 Amount of Fine
Obstruction of entry	11(a)	\$200.00
Interference with member entry	11(b)	\$200.00
Obstruction of access	11(c)	\$200.00
Unauthorized entry	12(a)	\$200.00
Obstruction at assistance response	13(a)	\$200.00
False representation	14(a)	\$200.00
Outdoor fire without authorization	15(a)(i)	\$200.00
Campfire larger than 0.5 metre in diameter	15(a)(ii)	\$200.00
Outdoor fire location	15(a)(iii)	\$200.00
Outdoor fire failure to provide a competent adult	15(a)(iv)	\$200.00
Outdoor fire contrary to time of day	15(a)(v)	\$200.00
Outdoor fire escape from point of origin	15(a)(vi)	\$200.00
Outdoor fire burning of unauthorized material	15(a)(vii)	\$200.00
Campfires contrary to time of day	15(a)(viii)	\$200.00
Outdoor fire of unauthorized appliance	15(a)(ix)	\$200.00
Prohibited burning	15(a)(x)	\$200.00
Outdoor fire producing visible smoke	15(a)(xi)	\$200.00
Outdoor burning during suspension	15(c)	\$200.00

Column 1 Description of Offence	Column 2 Section #	Column 3 Section #
Failure to maintain fire protection equipment	16(a)	\$200.00
Improper location of pumper connections	16(b)	\$200.00
Pumper connections and protective caps	16(c)	\$200.00
Obstruction to access	16(d)	\$200.00
Identifying signs	16(e)	\$200.00
Sprinkler system	16(f)	\$200.00
Sprinkler system during building demolition	16(g)	\$200.00
Smoke alarms	16(h)	\$200.00
Improper hydrant	17(a)	\$200.00
Unauthorized use of hydrant	17(b)	\$200.00
Tampering with hydrant	17(c)	\$200.00
Unauthorized removal of hydrant	17(d)	\$200.00
Hydrant on private property	17(e)	\$200.00
Hydrant maintenance	17(h)	\$200.00
Activation of fire alarm system	19(a)	\$200.00
Material on roof or balcony	21(a)	\$200.00
Obstruction on roof	21(b)	\$200.00
Obstruction of exits	21(c)	\$200.00
Accumulation of combustible materials	22(a)	\$200.00
Depositing of ashes	22(c)	\$200.00
Depositing of substances likely to ignite	22(d)	\$200.00

Column 1 Description of Offence	Column 2 Section #	Column 3 Amount of Fine
Storage of material that might cause a fire	22(e)	\$200.00
Allowing flammable or toxic liquid into drainage system	22(f)	\$200.00
Parked vehicle where fuel leaking	22(g)	\$200.00
Keeping vacant premises in safe condition	23(b)	\$200.00
Keeping damaged buildings in safe condition	24(a)	\$200.00
Obstruction of Inspection	25(b)	\$200.00
Information required for inspections	25(c)	\$200.00
Withholding or falsifying information	25(d)	\$200.00
Removing or destroying order	29(c)	\$200.00