



The Corporation of the District of North Cowichan

Fire Protection Bylaw

Bylaw 3340

[Consolidated and printed by authority of the Corporate Officer under Section 139 of the Community Charter. Current to January 18, 2017. Last amended December 7, 2016. Amendments: 3416, 3438, 3470, 3548, 3624.]

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The Council of The Corporation of The District of North Cowichan enacts as follows:

Definitions

1 In this Bylaw:

"Fire Chief" means

- (a) the person appointed by Council as the Fire Chief for each fire protection area (*i.e.* area of North Cowichan served by a hall of the Fire Department), or
- (b) a person authorized in writing by the Fire Chief to carry out a function under this Bylaw;

"fire services personnel" means full-time, part-time, or paid on-call firefighters employed by North Cowichan, and includes a local assistant;

"incident" means a fire, building collapse, or situation where a fire or explosion is imminent or hazard to persons or property exists, and includes a rescue, threat to life, and call for assistance;

"local assistant" has the same meaning as in the *Fire Services Act*;

"officer in command" means the senior Fire Department member present;

“open burning” means the combustion of materials with or without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere.

Fire prevention

- 2**
- (1) No owner or occupier of real property in North Cowichan may keep, store, or allow to remain, on the real property, any matter or thing that in the opinion of the local assistant is a fire hazard or increases the danger of fire.
 - (2) The local assistant may require an owner or occupier of real property to clean chimneys, flues, or other apparatuses or things, that unless cleaned might, in the local assistant's opinion, cause a fire or increase the danger of fire.
 - (3) No person may allow combustible waste of any kind to accumulate.
 - (4) No person may stand, loiter, or sit, in an aisle, passage, or stairway, of a church, theatre, hall, skating rink, or other place of amusement or public resort.
 - (5) The owner of a vacant building must
 - (a) at all times ensure that the premises are free from debris and flammable substances, and
 - (b) keep all openings to the building securely closed and fastened to prevent unauthorized persons from entering.
 - (6) The owner of a building that has been damaged by fire must prevent unauthorized persons from entering the building by ensuring that
 - (a) the premises are guarded, or
 - (b) all openings to the building are kept securely closed and fastened.
 - (7) If the safety of forest, woodland, timber, or other property is endangered by debris caused by logging, land clearing, or industrial activity, the local assistant may require the person carrying on or who has carried on the activity, or the owner or occupier of the land on which the debris exists, to
 - (a) dispose of the debris by burning or in another way,
 - (b) cut down all dead standing trees and stubs in the endangered area, or
 - (c) provide the labour and take the precautions, to prevent fire from escaping or damage to property from occurring, as North Cowichan directs.
 - (8) The Fire Chief or local assistant may, at any reasonable time, inspect premises for a condition that might cause a fire, increase the danger of fire, or increase the danger to persons.
 - (9) If this Bylaw is violated or a condition exists in or on a building or real property that in the opinion of the Fire Chief or local assistant constitutes a fire hazard or increases the danger of fire, the Fire Chief or local assistant may make an order that a person comply with this Bylaw and eliminate the fire hazard or increased danger of fire.

- (10) If an owner or occupier of real property fails to comply with an order under subsection (9), North Cowichan may, following notice in writing, enter the real property and take whatever action as required to remedy the situation and may recover the costs incurred as debt against the owner or occupier.
- (11) If the owner of property fails to pay the costs referred to in subsection (10) before the 31st day of December in the year the costs were incurred, the costs may be added to and form part of the taxes on the property as taxes in arrears.

Firefighting

- 3** (1) The Fire Chief or officer in command at an incident must control, direct, and manage all Fire Department apparatus, equipment, and personnel present at the incident.
- (2) The Fire Chief or officer in command may require any person present at the scene of an incident to help fight a fire or preserve property threatened by the incident.
- (3) Fire services personnel may, with or without a property owner or occupier's permission,
 - (a) enter land or premises
 - (i) from which an alarm of an incident is received, or
 - (ii) in or on which they have reasonable grounds to believe an incident exists, and
 - (b) take whatever actions or measures they consider necessary to combat, control, or suppress the incident. [BL3624]
- (4) If they consider it necessary to access an incident or protect persons or property, fire services personnel may enter or pass through or over lands or premises next to the incident, with or without Fire Department apparatus and equipment.
- (5) Fire services personnel may commandeer any privately-owned equipment that they consider necessary to deal with an incident.
- (6) If there is, in the opinion of the Fire Chief or officer in command, an imminent and serious danger to life or property, the Fire Chief or officer in command may order the evacuation of any building, structure, or area.
- (7) After the Fire Chief or officer in command orders an evacuation under the previous subsection, no person other than the Fire Chief, officer in command, or other person authorized by the Fire Chief or officer in command, may stay in or enter any building, structure, or area ordered evacuated.
- (8) No person may enter a burning building, fire scene, or other restricted area, without the permission of the Fire Chief or officer in command.
- (9) If the Fire Chief or officer in command considers it necessary to
 - (a) prevent an incident from spreading, or
 - (b) protect a person,the Fire Chief or officer in command may cause a building, structure, or thing to be demolished, pulled down, or otherwise removed.

- (10) No person may obstruct, impede, or otherwise interfere with fire services personnel or other persons under the direction of the Fire Chief or officer in command.
- (11) Other than the following, no person may open or use any fire hydrant for any purpose:
 - (a) fire services personnel in the course of their duties;
 - (b) North Cowichan employees in the course of their duties;
 - (c) other persons authorized by the
 - (i) Fire Chief or officer in command, or
 - (ii) Director of Engineering and Operations. [BL3548]
- (12) No person may obstruct or otherwise impede access to a fire hydrant.
- (13) If a person obstructs access to a fire hydrant, the obstruction may be removed at the person's expense.
- (14) The Fire Chief or officer in command may exercise some or all the powers of the fire commissioner under section 25 [*Emergencies*] of the *Fire Services Act*.

Fire Department

- 4 (1) The Fire Department is responsible for fire suppression and prevention.
- (2) The Fire Department may also provide assistance in response to the following circumstances:
 - (a) first response medical emergencies;
 - (b) emergency medical service;
 - (c) high angle rescue;
 - (d) water rescue;
 - (e) vehicle extrication;
 - (f) confined space rescue;
 - (g) hazardous material incidents;
 - (h) heavy rescue;
 - (i) property inspection;
 - (j) emergency planning;
 - (k) public education;
 - (l) mutual aid to other agencies.

Fire Chief

- 5 Each Fire Chief is responsible to the Chief Administrative Officer for the following:
 - (a) providing fire protection and control services to the fire protection area served by the fire hall;
 - (B) managing and operating the fire hall in a safe and efficient manner;
 - (c) the care and custody of all buildings, apparatus, and equipment under the control of the Fire Chief.

Local Assistant to the Fire Commissioner

- 6** A local assistant is responsible for exercising the powers and duties imposed by the *Fire Services Act*, including investigating fires and enforcing all North Cowichan bylaws respecting fire prevention.

Incineration of structures on private property

- 7** (1) A person must apply to North Cowichan to have the Fire Department incinerate a structure on the person's property.
- (2) A fee as prescribed in the Fees Bylaw is payable if the person's application is approved before the Fire Department incinerates the structure. [BL3470]
- (3) If a person applying to have the Fire Department incinerate a structure on the person's property provides North Cowichan with enough notice to enable the Fire Department to use the structure for firefighting practice, no fee is required. [BL3416]

Equipment Charges

- 8** Fees to use Fire Department equipment and manpower for fire fighting and rescue are as prescribed in the Fees Bylaw. [BL3470]

Fire Supervision

- 9** Every person who starts or maintains a fire must ensure that
- (a) the fire is constantly supervised by a competent person until it is completely extinguished, and
 - (b) enough equipment and labour are available where the fire is located to effectively control it from spreading, causing damage, or becoming dangerous to life or real property.

Exceptions

- 10** (1) Nothing in this Bylaw restricts or prohibits the following:
- (a) burning done or a fire set in accordance with federal or provincial regulations;
 - (b) fire contained in a barbecue or hibachi to cook food;
 - (c) burning done or fires set by North Cowichan employees or fire services personnel in the course of their duties;
 - (d) open burning done under section (11)(1). [BL3438]
- (2) If, in the opinion of the local assistant, a fire hazard endangers the safety of life or property within the Municipality, the local assistant may, by an order in writing, declare an open burning ban in part or all of North Cowichan.

Restrictions on open burning

- 11** (1) Open burning is permitted from March 15 through April 15, and from October 15 through November 15 only, subject to the following:
- (a) fires must be located at least
 - (i) 4 m from all buildings, structures, and combustible and flammable materials, and
 - (ii) 10 m from all property lines;

- (b) fires must be during daylight hours only;
 - (c) no more than one hand-piled fire per property at a time is permitted;
 - (d) the fire must not exceed:
 - (i) 2 m in diameter, and
 - (ii) 2 m in height;
 - (e) proper fire-fighting equipment, including at least a shovel, rake and garden hose connected to a water source must be on hand and readily available in case of fire escape;
 - (f) all material burned must:
 - (i) originate from the property where it is being burned;
 - (ii) must consist of untreated natural wood and brush only;
 - (g) open burning may occur only when the ventilation index, as reported by the Meteorological Service of Environment Canada's Ventilation Index, is rated as 'good'. [BL3416; BL3438]
- (2) No person may start or maintain a fire for land clearing, land grading, or tilling, except in accordance with the Open Burning Smoke Control Regulation under federal or provincial regulations. [BL3438]
- (3) No person may burn any chemical or material, including oil, tar, rubber, plastic, or fertilizer, in an outdoor fire that
- (a) produces heavy smoke or fumes,
 - (b) interferes with the normal use or enjoyment of life or property,
 - (c) endangers the health, safety, or welfare of persons or animals,
 - (d) damages plants or property, or
 - (e) contains construction or demolition waste, treated wood, grass, leaves, garbage or refuse.

Recreational fire pits

12 A recreational fire pit must

- (a) be made of a noncombustible material,
- (b) be equipped with a tight-fitting lid of perforated metal or wire screen having openings not more than 1 cm² in area,
- (c) not exceed 0.5 m³ in volume,
- (d) be located not less than 2 m from a property line and not less than 5 m from a building or flammable or combustible material, and
- (e) rest on a noncombustible foundation.

Repeal

13 Repealed. [BL3416; BL3624]

Read a first, second and third time on May 21, 2008
Adopted on June 4, 2008