



CONSOLIDATION

FIRE PROTECTION BYLAW

Bylaw 3841

Current to November 18, 2021

Last amended on November 17, 2021

Consolidated and printed by authority of the Corporate Officer under The Corporation of the District of North Cowichan Consolidation and Revision Authority Bylaw 3514.

Amendments

Number	Amendment Bylaw Number	Effective Date dd mmm yyyy
1	Fire Protection Amendment Bylaw No. 3853, 2021	17 Nov 2021
2		
3		
4		
5		



The Corporation of the District of North Cowichan

Fire Protection Bylaw

Bylaw 3841

Contents

- 1 Citation
- 2 Definitions and Interpretation
- 4 Administration
- 16 General Rules and Prohibitions
- 22 Fire Incident Response and Operations
- 35 Prevention of Hazards
- 41 Fire Inspections
- 47 Life Safety and Equipment Standards
- 61 Open Burning
- 67 Private Fire Hydrants
- 74 Inspection and Permit Fees
- 76 Failure to Comply
- 78 Offence and Penalty
- 80 Repeal
- 81 Forms and Schedules

The Council of The Corporation of the District of North Cowichan, in open meeting assembled, enacts as follows:

PART 1 – CITATION

1. This Bylaw may be cited as "Fire Protection Bylaw No. 3841, 2021".

PART 2 – DEFINITIONS

2. The terms that have been defined under Section 3 have been capitalized and italicized when used throughout this Bylaw.
3. In this Bylaw, the following words and terms have the following meanings:

AIR CURTAIN INCINERATOR means a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber, but does not include a trench burner;

APPARATUS means any vehicle provided with machinery, devices, *Equipment* or materials for firefighting as well as vehicles used to transport *Firefighters* or supplies;

ASSISTANT FIRE CHIEF means the rank immediately below the Fire Chief as identified under section 12;

BUILDING shall have the same meaning as defined in the Zoning Bylaw;

BUILDING CODE means the British Columbia Building Code adopted under the *Building Act, S.B.C. 2015, c.2*;

BYLAW COMPLIANCE OFFICER means a person appointed by the Chief Administrative Officer under the *Delegation of Authority Bylaw*;

CAPTAIN means a member of the *Fire Department* who supervises the activities of *Firefighters* and other duties as assigned by the *Fire Chief*;

CATEGORY 3 OPEN FIRE shall have the same meaning as defined in the *Wildfire Regulation B.C. Reg. 38/2005* under *Wildfire Act S.B.C. 2004, c.31*;

CEREMONIAL FIRES means a fire for First Nations' ceremonial or special purposes;

CONTACT PERSON means a person designated by the occupier or owner of a *Building* or *Structure* at which a *Fire Alarm System* is installed who is able to attend at the *Building* or *Structure* when the *Fire Alarm System* has been activated;

COUNCIL means the municipal council of The Corporation of the District of North Cowichan;

DELEGATION OF AUTHORITY BYLAW means Delegation of Authority Bylaw No. 3814, 2021;

EQUIPMENT means any tools, devices or materials used by the *Fire Department* at any *Incident* or other emergency;

EVACUATION ORDER means the Order issued by the *Fire Chief* or a *Fire Inspection Officer* under Section 57 in the form attached as Schedule D;

FEES AND CHARGES BYLAW means Fees and Charges Bylaw No. 3784, 2020;

FIRE ALARM SYSTEM means all equipment, including without limitation, batteries, alarm gongs, horns, buzzers, switches, wiring, relay equipment, sensors, and other accessories designed to issue a warning of a fire by activating an audible alarm signal or alerting a monitoring service but does not include a fire alarm or smoke detector that is intended to alert only the occupants of a single dwelling unit;

FIRE AND LIFE SAFETY EQUIPMENT includes, but is not limited to, *Fire Alarm Systems*, automatic *Sprinkler Systems*, special extinguishing systems, portable extinguishers, emergency lighting, water supply systems for fire protection, standpipe and hose systems, smoke control measures, emergency power installations, voice communication systems and fire fighter elevators;

FIRE AND LIFE SAFETY EQUIPMENT ORDER means the Order issued by a *Fire Officer* under Section 54 in the form attached as Schedule C;

FIRE CHIEF means a person appointed by the Chief Administrative Officer under the *Delegation of Authority Bylaw* to be in charge of the *Fire Department* and includes any other person authorized by the *Fire Chief* to exercise the powers of a *Local Assistant*;

FIRE CODE means the *British Columbia Fire Code Regulation 263/2012* under *Fire Services Act, R.S.B.C. 1996, c.144*;

FIRE COMMISSIONER means the person appointed by the Lieutenant Governor in Council to the Office of the Fire Commissioner of British Columbia pursuant to the *Fire Services Act*;

FIRE DEPARTMENT means the District of North Cowichan Fire Department;

FIRE HYDRANT SERVICE REPORT means a report in the form attached as Schedule F that is required to be submitted to the *Fire Department* under Section 70;

FIRE INSPECTION OFFICER means the *Fire Department* member appointed by the *Fire Chief* to perform inspections under Section 42;

FIRE OFFICER means any member of the *Fire Department* holding the rank of:

- (a) *Fire Chief*;
- (b) *Assistant Fire Chief*;
- (c) *Station Chief*;
- (d) Station Deputy Chief; or
- (e) *Captain*;

FIRE PROTECTION TECHNICIAN means a person who has provided the *Fire Department* with acceptable documentation from a manufacturer of *Fire and Life Safety Equipment* certifying that they have been trained to install and service their equipment or from the agency known as the Applied Science Technologist and Technicians of British Columbia certifying that they are able to perform inspections and testing on *Fire and Life Safety Equipment* or a person approved by the *Fire Chief*;

FIRE SAFETY PLAN is a set of emergency procedures and guidelines to be followed by the occupants of a *Building* in the event of a fire or an emergency in a *Building* or *Structure*; and may include the locations of utilities and emergency shutoffs for gas and water, and operational information of *Fire and Life Safety Equipment*;

FIRE SERVICES ACT means the *Fire Services Act*, R.S.B.C. 1996, c.144;

FIREFIGHTER means every active member of the *Fire Department* other than a *Fire Officer*, whose duties include fire prevention, fire suppression, or rescue and emergency response, as authorized under this Bylaw;

FOREST AND RANGE PRACTICES ACT means the *Forest and Range Practices Act* S.B.C. 2002, c.69;

INCIDENT means any situation, wherein the attendance of the *Fire Department* is requested, required, dispatched, or warranted to prevent injury, loss of life, damage or loss to property, or damage to the natural environment;

INTERIOR OPERATIONS LEVEL shall have the same meaning as defined under the *Playbook*;

LOCAL ASSISTANT shall have the same meaning as defined in the *Fire Services Act*;

MOTOR VEHICLE ACT means the *Motor Vehicle Act*, R.S.B.C. 1996, c.318;

MUNICIPALITY means the Corporation of the District of North Cowichan;

OCCUPANCY shall have the same meaning as defined in the *Zoning Bylaw*;

OFFICER IN COMMAND means the highest-ranking *Fire Officer* in attendance at an *Incident*;

OFFICIAL COMMUNITY PLAN means Official Community Plan Bylaw, 2011, No. 3450;

OPEN BURNING means a fire in the open air but does not include a recreational fire or a fire where the products of combustion from the fire are conveyed to and disposed of by means of a chimney in a *Building or Structure* constructed and maintained in accordance with the *Building Code*;

OPEN BURNING PERMIT means the Permit issued under Section 62 in the form attached as Schedule E;

OTHER EMERGENCY SERVICE PROVIDERS includes the Royal Canadian Mounted Police, the BC Ambulance Service, Search and Rescue and the Canadian Coast Guard;

PLAYBOOK means the Structure Firefighters Competency and Training Playbook which identifies the minimum training competencies required of all firefighters at each service level, as established by the Office of the *Fire Commissioner* pursuant to the *Fire Services Act*;

PREMISES means a *Building or Structure* together with its grounds and appurtenances;

PRE-INCIDENT PLAN means a series of documents containing plans, drawings and written descriptions identifying the type and location of *Buildings*, firefighting hazards, *Fire and Life Safety Equipment* and utilities;

PRIVATE HYDRANT means a fire hydrant on private property or common property within a strata property;

PRIVATE MANAGED FOREST LAND ACT means the *Private Managed Forest Land Act, S.B.C. 2003, c.80*;

REMEDIATION ORDER means the Order issued under Section 36 in the form attached as Schedule B;

SINGLE FAMILY DWELLING shall have the same meaning as defined in the *Zoning Bylaw*;

SPRINKLER SYSTEM includes all equipment forming part of or used in connection with a fire sprinkler system, including without limitation, all heads, valves, piping, switches, sensors, relay equipment, and other accessories;

STATION CHIEF means the member of the *Fire Department* appointed by the *Fire Chief* to manage and control the activities of *Firefighters* assigned to each individual fire station located within North Cowichan;

STRUCTURE shall have the same meaning as defined in the *Zoning Bylaw*;

URBAN CONTAINMENT BOUNDARY means the urban containment boundary established in the *Official Community Plan*;

VEHICLE shall have the same meaning as defined in the *Motor Vehicle Act*;

VENTILATION INDEX means the Ventilation Index released by Meteorological Service of Environment Canada which contains daily smoke control forecast predictions;

WORKERS COMPENSATION ACT means the *Workers Compensation Act, R.S.B.C. 2019, c.1*; and

ZONING BYLAW means Zoning Bylaw, 1997, No. 2950.

PART 3 – ADMINISTRATION

Continuation of Fire Department

4. The *Fire Department* is hereby continued for the purposes of providing fire suppression, fire inspections, fire investigations, public education, fire training, emergency management, rescue and public services under this Bylaw.

Authorization to Enter Property

5. The *Fire Chief* and their designates are authorized to enter onto property and inspect *Premises*, in accordance with section 21 of the *Fire Services Act*, with or without *Apparatus* and *Equipment*, for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire.
6. The *Fire Chief* and their designates are authorized to enter onto property and into *Buildings* or *Structures*, in accordance with section 21 of the *Fire Services Act*, to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter contained in this Bylaw, the *Fire Services Act* and its regulations and the *Fire Code*.
7. The *Fire Chief* and their designates are authorized to enter onto property and into *Buildings* or *Structures*, in accordance with section 21 of the *Fire Services Act*, including those adjacent to an *Incident*, with or without *Apparatus* and *Equipment*, to take measures to prevent and suppress fires or deal with another form of *Incident*.

Responsibilities and Duties of Fire Chief

8. The *Fire Chief* is responsible for:
 - (a) the overall management, control and supervision of the *Fire Department* and personnel assigned to each fire station, and the discipline thereof;
 - (b) the appointment of a *Fire Officer* or *Firefighter* to exercise one or more of the powers of a *Local Assistant* within the *Municipality*;
 - (c) developing all necessary training programs, establishing any necessary proficiency requirements for the *Fire Department* which meets all statutory and regulatory requirements, including those required by the *Playbook* and the *Workers Compensation Act* and regulations made thereunder;
 - (d) developing fire safety education programs and campaigns to help citizens learn how to prevent fires, what to do if a fire starts, how to avoid injuries and how to stay safe;
 - (e) the efficient management of all members, *Apparatus*, equipment, responses to incidents and the provision of fire prevention and protection services to the *Municipality*.
9. The *Fire Chief* shall establish rules, regulations, operational guidelines and policies necessary for the proper organization, administration and operation of the *Fire Department* including but not limited to:
 - (a) the use, care and protection of *Fire Department* property;
 - (b) the conduct and discipline of members of the *Fire Department*;
 - (c) the safe and efficient operation of the *Fire Department*; and
 - (d) the duties and responsibilities of members of the *Fire Department*.
10. The *Fire Chief* shall take responsibility for all fire protection matters and other *Incidents* including

the enforcement of applicable sections of the *Fire Services Act* and its regulations, and the *Fire Code* and shall assume the responsibilities of a *Local Assistant* to the *Fire Commissioner*.

11. The *Assistant Fire Chief* shall be responsible for performing the duties of the *Fire Chief* listed under Section 8 when the *Fire Chief* is unable to perform those duties.

Rank Structure

12. The rank structure of the *Fire Department*, in descending order of authority shall be as follows:
 - (a) *Fire Chief*
 - (b) *Assistant Fire Chief*
 - (c) *Station Chief*
 - (d) *Station Deputy Chief*
 - (e) *Captain*
 - (f) *Firefighter*

Fire Department Jurisdiction

13. The jurisdiction of *Fire Officers* and *Firefighters* will extend to the area and boundaries of the *Municipality*.
14. The *Fire Department* may respond to an *Incident* and provide firefighting services outside of the *Municipality's* boundaries in the following circumstances:
 - (a) in accordance with the terms of a signed mutual aid agreement(s) between the *Council* and the other surrounding local governments or First Nations;
 - (b) if authorized to respond by Emergency Management BC or in accordance with an agreement with or standard operating procedures established by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development or the BC Wildfire Service; or
15. The *Fire Department* may assist another fire department at an *Incident* response outside the *Municipality's* boundaries, if authorized by the Mayor or Acting Mayor, or if the Mayor or Acting Mayor is absent or unavailable, by the Chief Administrative Officer.

PART 4 – GENERAL RULES AND PROHIBITIONS

False Representation

16. No person shall make false representation 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.

No Interference

17. No person shall drive, push or pull a vehicle of any kind over a fire hose or other equipment of the *Fire Department* unless directed by a *Fire Officer*.
18. No person shall obstruct, impede or hinder a *Fire Officer* or a *Firefighter* in the execution of their duties under this Bylaw.
19. No person shall remove, alter, or deface any order posted pursuant to this Bylaw.

Prohibition against Entry

20. No person shall enter within any area designated by ropes, guards or tapes, which are erected by or under the direction of the *Fire Department*, without the permission of the *Fire Chief*.
21. No person shall refuse to move from an area designated by ropes, guards or tapes, which are erected by or under the direction of a *Fire Officer*, without the permission of the *Fire Chief*.

PART 5 – FIRE INCIDENT RESPONSE AND OPERATIONS

Authorized Services

22. The *Fire Department* is authorized to provide the following services:
 - (a) firefighting and fire suppression;
 - (b) fire prevention and inspection;
 - (c) assistance to *Other Emergency Service Providers*, such as the British Columbia Ambulance Service;
 - (d) rope rescues;
 - (e) evacuation from areas within the *Municipality*;
 - (f) vehicle extrications and road rescue services;
 - (g) lake and river water rescue services; and
 - (h) responding to incidents involving dangerous goods as defined under the *Transport of Dangerous Goods Act*, R.S.B.C. 1996, c. 458.

Service Level

23. The Fire Department shall operate as an Interior Operations Level as defined in both the Playbook and within the Fire Department Jurisdiction, as defined under Section 13. The Department shall operate in accordance with the requirements of the Playbook, including with respect to the training of the Fire Department and keeping of records related to such training.
24. Notwithstanding the list of authorized services described under Section 22 or any service level authorized in accordance with the *Playbook*, in relation to any particular *Incident* response, the *Fire Department* shall undertake only those emergency response activities for which it is properly trained and equipped. The *Fire Chief* and/or the *Officer in Command* may, in their sole discretion, restrict or terminate emergency response activities in any circumstance where the *Incident* is considered to exceed the training or capabilities of the responding *Firefighters* or *Apparatus* available to them or because of competing demand for authorized services at other locations.

Control Direction and Management

25. The *Fire Chief* or *Officer in Command* at an *Incident*, shall have control, direction and management of all *Fire Department Apparatus, Equipment*, and *Firefighters* assigned to an *Incident* and, where an *Officer in Command* is in charge, he shall continue to act in that capacity until relieved by a more senior qualified *Fire Officer*.
26. In the event that the *Fire Chief* is not in attendance at an *Incident*, the most senior qualified *Fire Officer* or *Firefighter* in attendance at that *Incident*, as per Section 13, will assume command.

Regulations and Prohibitions at an Incident

27. The *Fire Chief* or *Officer in Command* at any *Incident* is hereby empowered to commandeer privately owned equipment, which they consider necessary to deal with such *Incident*.
28. The *Officer in Command* is authorized to require a person to assist in the fighting of any fire or in the preserving of any property threatened by fire, or to assist in the salvaging and safeguarding of property threatened by fire.
29. The *Fire Chief* or *Officer In Command* is authorized to order the tactical evacuation of any *Building* or area where there is an emergency arising from a fire hazard, risk of explosion or a panic. In such a case no person, other than the *Fire Chief*, the *Officer in Command*, a *Firefighter*, or other person authorized by the *Fire Chief* or *Officer in Command* shall remain in or shall enter those *Buildings* or areas.
30. The *Fire Chief* or *Officer in Command* at any *Incident* is authorized to prevent and suppress a fire by causing to be pulled down or demolished a *Building* or *Structure* when they consider it necessary to prevent or suppress any fire.
31. No person shall drive over, or be within nine (9) metres of a *Fire Department* hose that is in use or filled with water, without the permission of the *Officer in Command* at an *Incident*.
32. No person shall fail to comply with a direction of the *Officer in Command*, or any *Firefighter* made in accordance with this Bylaw at an *Incident*.
33. No person shall interfere with or impede the use of *Equipment* by the *Fire Chief* or a *Firefighter* at an *Incident*.
34. A person at or near an *Incident* shall obey all traffic control directions given by a *Fire Officer*.

PART 6 – PREVENTION OF HAZARDS

Prevention of Fire Hazards

35. No person, being an owner or occupier of any *Premises* shall:
 - (a) maintain the *Premises* in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
 - (b) use or occupy the *Premises* in such a manner that fire would endanger life or property or increase the danger of fire;
 - (c) keep combustible or explosive material on the *Premises*, except as permitted by this Bylaw or other enactment, or allow other flammable conditions to exist in the *Premises* so as to endanger life or property; or
 - (d) Allow a fire hazard to exist on the *Premises*.

Remediation Order

36. Where a *Fire Inspection Officer* determines that one or more conditions described in Section 35(a), (b), (c), or (d) exists or as otherwise authorized by this Bylaw, the *Fire Inspection Officer* may issue to an owner or occupier of a *Premises* a *Remediation Order* requiring the owner or occupier of the *Premises* to do one or more of the following:
 - (a) repair the *Building* or *Structure* on the *Premises*;

- (b) remove or destroy the *Building* or *Structure* on the *Premises*;
- (c) alter the use or occupancy of the *Premises*;
- (d) remove combustible or explosive material from the *Premises* or remedy a flammable condition at the *Premises*; or
- (e) take any other actions or precautions that the *Fire Inspection Officer* considers appropriate to mitigate the fire hazard present at the *Premises*.

37. A *Remediation Order* may be in the form attached as Schedule B and must:

- (a) be in writing;
- (b) identify the person who must fulfill the requirement;
- (c) be posted in a conspicuous location on the *Premises*;
- (d) be sent by regular mail to the owner's address;
- (e) provide the owner or occupier of the *Premises* with no less than seven days to fulfill the requirement after the *Remediation Order* was posted on the *Premises* and sent by mail;
- (f) advise that a person may request the *Fire Chief* reconsider the *Remediation Order* in accordance with this Bylaw; and
- (g) advise that upon default, the *Municipality* may fulfill the requirement set out in the *Remediation Order* and seek recovery of the cost under Section 17 of the *Community Charter*.

38. If a *Remediation Order* is issued under Section 36, the owner or occupier of a *Premises* may appeal to the *Fire Chief* in writing, within seven (7) days after receipt of the *Remediation Order*, and the *Fire Chief* will promptly investigate the appeal and, in writing, either affirm, modify or revoke the *Remediation Order* issued under Section 36.

Vacant and Fire Damaged Buildings, Structures and Premises

39. If the *Fire Chief* or a *Fire Officer* determines that a vacant *Building*, *Structure* or *Premises* is unsecure and consequently a fire hazard or that a *Building*, *Structure* or *Premises* damaged by fire is unsafe, the *Fire Chief* or *Fire Officer* may issue a *Remediation Order* under Section 36 requiring the owner or operator of the *Premises* to do one or more of the following, that includes, but is not limited to:

- (a) boarding up the *Building* or *Structure*;
- (b) fencing; or
- (c) supplying twenty-four (24) hour security services by a licensed security company. [BL3853]

Forest Remediation

40. If the safety of forest, woodland, timber, or other *Premises* is endangered by debris caused by logging, land clearing, or industrial activity, the Local Assistant may require a *Remediation Order* to be issued to a person carrying on or who has carried on the activity, or the owner or occupier of the land on which the debris exists, the person or the owner or operator of the *Premises* shall:

- (a) dispose of the debris by burning or in another way, cut down all dead standing trees and stubs in the endangered area; or
- (b) provide the labour and take the precautions, to prevent fire from escaping or damage to *Premises* from occurring. [BL3853]

PART 7 – FIRE INSPECTIONS

Frequency of Inspections

41. The *Fire Chief* shall establish a system of regular inspections of buildings, as defined under Section 36 (1) of the *Fire Services Act*, which system will provide different frequencies of inspection depending on a *Building's Building Code* building classification, its use, age and fire risk assessment.
42. The *Fire Inspection Officer*, or their designate, shall carry out the inspections established under Section 41.
43. The *Fire Chief* or *Fire Inspection Officer* must report to *Council* as and when requested by *Council* on the inspection system created and implemented under Section 41 of this Bylaw.

Provision of Information to Fire Inspection Officer

44. No person shall fail to provide information or render assistance required by a *Fire Inspection Officer* in connection with an inspection.
45. No person shall willfully withhold or falsify any information required by a *Fire Inspection Officer*, nor refuse to assist in the carrying out of an inspection.

No Interference during Inspection

46. No person shall obstruct or interfere with a *Fire Inspection Officer* while any inspection is being carried out.

PART 8 - LIFE SAFETY EQUIPMENT AND STANDARDS

Fire Drills

47. The owner or operator of a hotel, hospital, community care facility or other *Building* with sleeping accommodation and used for the care of persons, shall provide the *Fire Inspection Officer* a record of fire drills when requested.
48. The owner or operator of a school, child care facility, children's home or other institution for children's education or care, shall provide the *Fire Inspection Officer* a record of fire drills when requested.

Fire Safety Plans

49. The owner or occupier of a *Building* or *Structure* that has a *Fire Alarm System* shall submit and initial the *Fire Safety Plan* in a form acceptable to the *Fire Chief*.
50. The owner or occupier of a *Building* or *Structure* who has submitted a *Fire Safety Plan* to the *Fire Chief* shall, when changes occur to the *Fire Safety Plan*, without delay revise it and resubmit it to the *Fire Chief* if any changes are necessary as a consequence of changes to the *Building*, utilities or *Fire and Life Safety Equipment*.
51. The owner or operator of a *Building* or *Structure* who has submitted a *Fire Safety Plan* to the *Fire Chief* must post a notice visible to all occupants of the *Building* or *Structure* of the location where a copy of the current *Fire Safety Plan* may be reviewed by the occupants.

Pre Incident Plan

52. An owner or operator of a *Building* without a *Fire Alarm System*, other than a *Single Family Dwelling*, duplex or triplex, shall submit an initial *Pre-Incident Plan* in a form acceptable to the *Fire Chief* a current *Pre-Incident Plan*.
53. The owner or operator of a *Building* or *Structure* who has submitted a *Pre-Incident Plan* to the *Fire Chief* shall, when changes occur, without delay revise it and resubmit it to the *Fire Chief* if any changes are necessary as a consequence of changes to the *Building*, utilities or *Fire And Life Safety Equipment*.

Fire and Life Safety Equipment Order

54. If the owner or operator of a hotel or public *Building* fails to provide, keep in good repair, alter or improve a means of exit, or fire and life safety equipment required by this Bylaw, a *Fire Inspection Officer* may issue to the owner or operator of the hotel or public *Building* a written *Fire and Life Safety Equipment Order* requiring that the owner or occupier of the hotel or public *Building* take action to meet the requirements of this Bylaw within a specified period of time.
55. A *Fire and Life Safety Equipment Order* must:
- (a) be in writing;
 - (b) identify the person who must fulfill the requirement;
 - (c) be posted in a conspicuous location on the *Building*;
 - (d) be sent by regular mail to the owner's address;
 - (e) provide the owner or operator of the *Building* with no less than seven days to fulfill the requirement after the *Fire and Life Safety Equipment Order* was posted on the *Building* and sent by mail;
 - (f) advise that a person may request the *Fire Chief* reconsider the *Fire and Life Safety Equipment Order* in accordance with this Bylaw; and
 - (g) advise that upon default, the *Municipality* may fulfill the requirement set out in the *Fire and Life Safety Equipment Order* and seek recovery of the cost under Section 17 of the *Community Charter*.
56. If a *Fire and Life Safety Equipment Order* is issued under Section 54, the owner or operator of a *Building* may appeal to the *Fire Chief* in writing, within seven (7) days after receipt of the *Fire and Life Safety Equipment Order*, and the *Fire Chief* will promptly investigate the appeal and, in writing, either affirm, modify or revoke the *Fire and Life Safety Equipment Order* issued under Section 54.

Evacuation or No Occupancy Order

57. The *Fire Chief* or *Fire Officer* may issue an *Evacuation Order* to an owner or occupier of a *Building*, *Structure* or area to evacuate the *Building*, *Structure* or area immediately, if the *Fire Chief* or *Fire Officer* believes there is an imminent and serious danger to life or property of the occupants or of a panic arising from a fire hazard or risk of explosion.
58. The *Fire Chief* or *Fire Inspection Officer* may post an *Evacuation Order* on any *Building* or *Structure* or area warning that *Occupancy* of the *Building*, *Structure* or area may be hazardous or that there is "**No Occupancy**" of the *Building*, *Structure* or area due to a fire hazard.

59. An *Evacuation Order* issued under Section 57 must:
- (a) be in writing;
 - (b) identify the civic address and legal description of the *Building*;
 - (c) be posted in a conspicuous location on the *Building*;
 - (d) be sent by regular mail to the owner's address;
 - (e) provide the owner or operator of the *Building* with no less than 24 hours to fulfill the requirement after the *Evacuation Order* was posted on the *Building* and sent by mail.
60. No person shall remain in a *Building* or *Structure* that has been ordered evacuated or not to be occupied in accordance with the *Evacuation Order* without prior approval and permission by the *Fire Chief* or *Fire Inspection Officer*.

PART 9 - OPEN BURNING

Open Burning

61. No Person shall cause or allowing *Open Burning* except as permitted under this Bylaw.
62. The *Fire Chief*, or their delegate, may issue an *Open Burning Permit* subject to the conditions of this Bylaw.
63. *Open Burning* is permitted only when the *Ventilation Index* is rated as 'good':
- (a) on property located
 - (i) outside of the *Urban Containment Boundary*, as defined in the *Official Community Plan*, or
 - (ii) inside the *Urban Containment Boundary*, where the property is larger than 2 acres in size, and an *Open Burning Permit* has been obtained under Section 62. [BL3853]
64. A person is permitted to ignite an *Open Burning* fire, if they have first obtained an *Open Burning Permit* issued in accordance with Section 62 and subject to the following conditions:
- (a) the person must agree to pay the Municipality's costs of extinguishing a fire that arises from the *Open Burning*, but is in contravention of the conditions of the permit or this Bylaw, or is otherwise uncontrolled, with the costs being calculated using the rates and amounts set out in the Fees and Charges Bylaw, Schedule H [Nuisance Abatement Fees];
 - (b) fires must be located at least
 - (i) 4 metres from all *Buildings*, *Structures*, and combustible and flammable materials, and
 - (ii) 10 metres from all property lines;
 - (c) fires must be during daylight hours only;
 - (d) fires are restricted to only one hand-piled fire per property at a time;
 - (e) fires must be smaller than 2 metres high by 2 metres wide;
 - (f) 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;
 - (g) all material burned must
 - (i) originate from the property where it is being burned, and
 - (ii) consist only of untreated natural wood and brush.
 - (h) open burning takes place between March 15 through April 15, and September 15 through November 30. [BL3853]

65. Despite Sections 63 and 64, a *Category 3 Open Fire* is permitted on a property outside of the Urban Containment Boundary provided:
- (a) an *Air Curtain Incinerator* is used,
 - (b) the operator of the *Air Curtain Incinerator* is trained in the safe and efficient maintenance and operation of *Air Curtain Incinerators*, and
 - (c) all applicable provincial and federal regulations are followed.
66. This Bylaw does not apply to persons carrying out
- (a) *Ceremonial Fires*;
 - (b) "normal farm practices" as defined in the *Farm Practices Protection Act*;
 - (c) "forest practices" as defined in the *Forest and Range Practices Act*; or
 - (d) forest practices on land managed under the *Private Managed Forest Land Act*, Crown Forest Lands, Municipal Forest Reserve, and other public land used for forestry purposes.

Wood Burning Appliances

67. During an air quality advisory issued by Vancouver Island Health Authority, no person shall use wood burning appliances unless the wood burning appliance is the primary source of heat for the dwelling. [BL3853]

Recreational Fire Pits

68. No person shall use a recreational fire pit unless it:
- (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 centimetre squared in area,
 - (c) not exceed 0.5 cubic metres in volume,
 - (d) be located not less than 2 metres from a property line and not less than 5 metres from a building or flammable or combustible material, and
 - (e) rest on a noncombustible foundation. [BL3853]

68.1 No permit is required for a recreational fire pit. [BL3853]

PART 10 – PRIVATE FIRE HYDRANTS

Private Hydrants

69. All *Private Hydrants* in the *Municipality* must be painted yellow with red top and caps.
70. The owner or occupier of a property on which a *Private Hydrant* is located must:
- (a) maintain, clear and keep unobstructed an area having a radius of one (1) metre around every hydrant;
 - (b) keep hydrants clear of ice, snow, shrubs, trees, *Structures* and other obstructions; and,
 - (c) clearly identify their locations.
71. No person shall obstruct or otherwise interfere with a fire hydrant or *Private Hydrant*.

Private Hydrant Maintenance and Inspections

72. The owner of every *Private Hydrant* shall have all components of the hydrant inspected, serviced and tested by a qualified *Fire Protection Technician* not less than once a year and the *Fire Hydrant Service Report* must be submitted to the *Fire Department* upon request.

Private Hydrant Service after Use

73. The owner of a *Private Hydrant* must conduct or have conducted an inspection after each use of the *Private Hydrant*, which inspections shall include the following minimum requirements:

- (a) an examination of the exterior for broken, cracked or missing parts;
- (b) a check to ensure that the hydrant hose ports are at the proper elevation and facing a direction for the most efficient use;
- (c) a check to ensure that the hydrant is not obstructed by tall grass, shrubbery or other obstacles;
- (d) a check for worn, rusted or obstructed threads, which may hamper efficient use of the hydrant; and,
- (e) an examination of hydrant barrels to determine if water has accumulated as a result of a leaking main valve, or plugged or damaged drain valve.

Annual Servicing of Private Hydrants

74. The owner of a *Private Hydrant* is responsible for conducting or having conducted annual inspections, which includes the following minimum requirements:

- (a) hydrants shall be flushed with main valve and outlet valves fully open until the water runs clear of any visible debris; and,
- (b) prevent the discharged water from carrying sediment in to the storm system or eroding a natural drainage course; and,
- (c) check the operation of the main line valve by closing the isolating valve.

Three Year Servicing of Private Hydrants

75. The owner of a *Private Hydrant* must ensure the following servicing of the *Private Hydrant* is conducted every three (3) years:

- (a) disassemble the hydrant and check for worn or broken parts and leaks;
- (b) lubricate all external and internal working parts during reassembly;
- (c) check water pressure; and,
- (d) re-open main line valve and check to see if hydrant operates and close hydrant valve.

PART 11 – INSPECTION AND PERMIT FEES

76. A person must pay the fees prescribed under the *Fees and Charges Bylaw*, Schedule A, Section 2 [Miscellaneous Fees] and Schedule G, Section 1 [Fire Equipment Fees] for each of the following:

- (a) an Open Burning Permit;
- (b) review of a new, existing or amended Fire Safety Plan;
- (c) a review of a Fire Hydrant Service Report;
- (d) special request services approved in writing by the Fire Chief;

- (e) an inspection of a Building, Structure or site conducted at the request of the owner, owner's representative or occupier (and where not otherwise provided for under this Bylaw) to determine compliance with this Bylaw or the Fire Code; and
- (f) re-inspection of *Premises* after a fire inspection report has been issued under this Bylaw where deficiencies remain.

77. The costs that may be imposed under Section 76 are to be calculated in accordance with the rates and amounts set out in the *Fees and Charges Bylaw*, Schedule H [Nuisance Abatement Fees].

PART 12 – FAILURE TO COMPLY

78. If an owner, occupier or operator of a *Premises* fails to comply with a *Remediation Order* or a *Fire and Life Safety Equipment Order* the *Municipality* may enter on the *Premises* and take such action as may be required to correct the default, including to remediate the *Premises* or to have the *Premises* attain a standard specified in the order or any safety enactment, at the expense of the owner, occupier or operator who has failed to comply, and may recover the costs incurred as a debt.

79. If the owner has failed to pay the cost to the *Municipality* incurred under Section 76 before the 31st day in December in the year that the corrective action was invoiced, the service costs must be added to and form part of the property taxes payable on the property as taxes in arrears.

PART 13 – OFFENCE AND PENALTY

80. Any person who:

- (a) contravenes or violates any provision of this Bylaw;
- (b) allows any act or thing to be done in contravention or violation of this Bylaw; or
- (c) fails or neglects to do anything required to be done by this Bylaw;
- (d) commits an offence, and where the offence is a continuing one, each day the offence is continued constitutes a separate offence.

81. Upon being convicted of an offence under this Bylaw, a person shall be liable to pay a fine not exceeding \$50,000.00.

PART 14 – REPEAL

82. Fire Protection Bylaw, 2008, No. 3340 and all amendments thereto are hereby repealed.

PART 15 – FORMS AND SCHEDULES

83. The *Fire Chief* may prescribe the form of permits, orders and reports issued or required under this bylaw and may use the forms attached as Schedules to this Bylaw.

84. The following Schedules are attached to and form part of this Bylaw:

- (a) Schedule "A" Emergency Contact Person Form
- (b) Schedule "B" Remediation Order
- (c) Schedule "C" Fire and Life Safety Equipment Order
- (d) Schedule "D" Evacuation Order
- (e) Schedule "E" Open Burning Permit
- (f) Schedule "F" Private Fire Hydrant Service Report

Read a first, second and third time on September 21, 2021
Adopted on October 7, 2021



EMERGENCY CONTACT PERSON FORM

Fire Protection Bylaw No. 3841, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

Owner / Occupier Information

Owner Name: _____

Occupier Name (if any): _____

Address of Premises with Fire Alarm System: _____

Owner Telephone Number: _____

Occupier Telephone Number (if any): _____

Emergency Contact Information

First Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Second Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Third Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Please print clearly the above information.

Signature

Date



Fire Protection Bylaw No. 3841, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

REMEDIATION ORDER

This Order is issued pursuant to Fire Protection Bylaw No. 3841, 2021, Section 39, which authorizes the Fire Officer to issue a Remediation Order as the Fire Officer has determined that one or more of the following conditions:

- The Premises in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
- The use or occupy the Premises in such a manner that fire would endanger life or property or increase the danger of fire;
- Keep combustible or explosive material on the Premises, except as permitted by this Bylaw or other enactment, or allow other flammable conditions to exist in the Premises so as to endanger life or property; or
- Allow a fire hazard to exist on the Premises.

exists at _____ [civic address] and requires the property owner/lessee to take the following immediate action:

Four horizontal lines for listing immediate actions.

The deadline for compliance with this Order is _____ [date]

It is an offence to remove or deface this Order.

This Order must be posted in a conspicuous on the property.

Failure to comply with this Order may result in a fine or the District taking the necessary steps to bring your property into compliance. Each day that this offence continues to exist past the deadline for compliance constitutes a separate and distinct offence.

The costs for any works completed by the Municipality, can be recovered, if unpaid, with the same remedies as property taxes under Section 258(2), as authorized by Section 17(2) and 258(1)(c) of the Community Charter. The fees to determine this cost are set out in Schedule H "Nuisance Abatement Fees" of Fees and Charges Bylaw No. 3784.

You may request that Fire Chief reconsider this Order by delivering your request in writing to the Fire Chief, at least seven days prior to the expiration of the time for compliance set out in this Order:

- In-person: Municipal Office located at 7030 Trans-Canada Highway between regular business hours
- By email to: fire@northcowichan.ca

Inquiries should be directed to the Assistant Fire Chief (Fire Inspection Officer), Jason deJong, at 250.746.3276 or jason.dejong@northcowichan.ca.

Date

Fire Inspection Officer



Fire Protection Bylaw No. 3841, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

FIRE AND LIFE SAFETY EQUIPMENT ORDER

This Order is issued pursuant to Fire Protection Bylaw No. 3841, 2021, Section 57, which authorizes the Fire Officer to issue a Fire and Life Safety Equipment Order as the Fire Officer has determined that the property owner has failed to keep in good repair a means of exit or fire and life safety equipment at

_____ [civic address]
and require the property owner to take immediate action.

The deadline for compliance with this Order is _____ [date]

The property owner is ordered to complete the following works on or before the expiration of the above date:

It is an offence to remove or deface this Order.

This Order must be posted in a conspicuous on the property.

Failure to comply with this Order may result in a fine or the District taking the necessary steps to bring your property into compliance. Each day that this offence continues to exist past the deadline for compliance constitutes a separate and distinct offence.

The costs for any works completed by the Municipality, can be recovered, if unpaid, with the same remedies as property taxes under Section 258(2), as authorized by Section 17(2) and 258(1)(c) of the *Community Charter*. The fees to determine this cost are set out in Schedule H "Nuisance Abatement Fees" of Fees and Charges Bylaw No. 3784.

You may request that Fire Chief reconsider this Order by delivering your request in writing to the Fire Chief, at least seven days prior to the expiration of the time for compliance set out in this Order:

- **In-person:** Municipal Office located at 7030 Trans-Canada Highway between regular business hours
- **By email to:** fire@northcowichan.ca

Inquiries should be directed to the Assistant Fire Chief (Fire Inspection Officer), Jason deJong, at 250.746.3276 or jason.dejong@northcowichan.ca.

Date

Fire Inspection Officer or Fire Chief



Fire Protection Bylaw No. 3841, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

EVACUATION ORDER

This Order is issued pursuant to Fire Protection Bylaw No. 3841, 2021, Section 61, which authorizes the Fire Chief or Fire Inspection Officer to issue and Evacuation Order if the Fire Chief or Fire Inspection Officer believes there is an imminent and serious danger to life or property of the occupants or of a panic arising from a fire hazard or risk of explosion.

By Order of the District of North Cowichan Fire Department, the building located at _____
_____ [civic address]

and legally described as _____, (the "Premises")
is order to be evacuated in accordance with Section 61 of Fire Protection Bylaw No. 3841, 2021 for the following reasons:

NO PERSON shall enter this building without the authorization of the *Fire Chief*.

Date Order was posted on the Premises: _____

It is an offence to remove or deface this Order.

This Order must be posted in a conspicuous on the property.

Inquiries should be directed to the Assistant Fire Chief (Fire Inspection Officer), Jason deJong, at 250.746.3276 or jason.dejong@northcowichan.ca.

Date

Fire Inspection Officer or Fire Chief

SCHEDULE E



OPEN BURNING PERMIT

Fire Protection Bylaw No. 3841, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

Applicant

Name: _____

Civic Address: _____

Home: _____ Cell: _____

Email: _____

- I am the property owner
- I am not the property owner (written permission of owner required)

Personal information you provide on this form is collected pursuant to Section 26 of the *Freedom of Information and Protection of Privacy Act* and will only be used for the purpose of processing this Open Burning Permit application. Your personal information will not be released except in accordance with the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of your personal information may be referred to the Information Management Officer (foi@northcowichan.ca or 250.746.3116).

General Terms and Conditions

This Open Air Burning Permits are valid for the following dates:

- March 15 through April 15, 20__
- September 15 through November 30, 20__

and is subject to the following requirements:

- (1) fires must be located at least
 - (i) 4 metres from all *Buildings, Structures*, and combustible and flammable materials, and
 - (ii) 10 metres from all property lines;
- (2) fires must be during daylight hours only;
- (3) fires are restricted to only one hand-piled fire per property at a time;
- (4) fires must be smaller than 2 metres high by 2 metres wide;
- (5) 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;
- (6) all material burned must
 - (i) originate from the property where it is being burned, and
 - (ii) consist only of untreated natural wood and brush.

Permit Holder Acknowledgement

I CERTIFY that I understand and will be guided by the provisions under Part 9 of the Fire Protection Bylaw No. 3841, 2021 and all applicable Provincial regulations and any conditions or restrictions imposed in the permit by the Fire Chief.

I AGREE that I am responsible for the fires authorized by this permit and any damage or damages to a person or property caused by an uncontrolled fire and I AGREE to pay all costs of the North Cowichan Fire Department to extinguish a fire if the permit conditions or the Fire Protection Bylaw No. 3841, 2021 are violated or the fire is uncontrolled.

Signature

Date

Permit Authorization

Signature

Date

SCHEDULE F

PRIVATE FIRE HYDRANT SERVICE REPORT



Fire Protection Bylaw No. 3841, 2021

District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1 Canada
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

Fire Protection Technician's Name: _____

Owner's Name: _____

Hydrant No.: _____ Test Date: _____

Location: _____

Main Size: _____ Flow Rate: _____ Ports: _____

Out of Service: Yes No

Comments: _____

Pressure: _____ Make: _____ Distance to isolation valve: _____

Branch valve operated: Yes No

Service top end: Yes No

Service bottom end: Yes No

Service threads: Yes No

Flushed out: Yes No

Pressure tested: Yes No

Greased: Yes No

Drains properly: Yes No

Painted: Yes No

Weed eaten: Yes No

Comments: _____

Further work recommendation: _____

Signature _____

Date _____