

SHIPS POINT IMPROVEMENT
DISTRICT BYLAW No. 83

A bylaw setting out the fire protection and regulations of the Ships Point Improvement District.

The Trustees of the Ships Point Improvement District ENACT AS FOLLOWS:

1. In this bylaw, unless the context otherwise requires, the following terms and expressions shall have the meanings hereinafter assigned to them, that is to say:

- a) "Animal organic waste" shall mean solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, hair and feathers;
- b) "Approved plastic container" shall mean approved by a recognized testing authority;
- c) "Authorized" shall mean authorized by the chief of the fire department;
- d) "Authorized incinerator" shall mean any metal or masonry container in good condition mounted on a non-combustible base, fitted with a metal screen or grill of less than 12.5mm (1/2") mesh to restrict any sparks or flying debris;
- e) "Board" shall mean the Board of Trustees of the Ships Point Improvement District;
- f) "Building" shall mean any structure or building used or intended to be used for the support, shelter or enclosure of persons, animals or chattels;
- g) "Dwelling" shall mean any building or part of a building occupied or intended to be occupied as the residence of not more than one family;
- h) "Extinguished" shall mean no visible flame, sparks, glowing embers or smoke;
- i) "Fire Chief" shall mean the fire chief of the Ships Point Improvement District or any person designated by him to act on his behalf;
- j) "Fire Danger Rating" is an index of Low, Moderate, High and Extreme, as established by the Ministry of Forest's Fire Danger Rating System, and shall be based on the indices set for the Bowser weather station;
- k) "Fire Department" shall include the fire department of the improvement district and the fire department of any other fire protection district or municipal corporation attending fires within the improvement district;
- l) "Fire hazard" shall mean any condition that is conducive to the destruction of life or property by fire, or will, or is likely to increase the extent or severity of the fire;
- m) "Fire Season" includes all days between April 15th and October 15th of each year, unless extended due to dangerous fire weather;
- n) "Flash point" shall mean the flash point of a flammable liquid as determined by the Tagliabue Closed Cup Tester or the Abel-Pensky Flash Point Tester methods;
- o) "Garbage" shall mean any animal, vegetable and food wastes or scraps;
- p) "Gasoline" shall mean any product of petroleum or any liquid that will flash or emit a flammable vapor below the temperature of one hundred ten degrees Fahrenheit (110°F), or forty-four degrees Celsius (44° C);
- q) "Improvement District" shall mean Ships Point Improvement District;
- r) "Occupant" shall mean owner, agent, lessee, licensee or tenant of any building or premises to which any of the provisions of this bylaw shall apply;
- s) "Person" where used in this bylaw shall mean natural persons of either sex, associations,

corporations, or co-partnerships, whether acting by themselves or by a servant, agent, or employee, and the heirs, executors, administrators, or assigns or other legal representatives of such persons to whom the context shall apply according to law;

- t) "Private Residence" shall mean any dwelling or two-family dwelling;
 - u) "Refuse" shall mean any approximately evenly proportioned mixture of rubbish and animal or vegetable waste material of low moisture content;
 - v) "Rubber" shall mean rubber goods, tires, plastics, and tar and asphalt roofing materials;
 - w) "Rubbish" shall mean any readily combustible inorganic dry waste material but does not include animal or vegetable wastes;
 - x) "Smoking" shall include the carrying of a lighted pipe, cigar or cigarette
 - y) "Two-family dwelling" shall mean any building occupied or intended to be occupied as the residence of not more than two families; and
 - z) "Vehicle" shall mean every device upon or in which any person or property is, or may be, transported or drawn on or upon a public highway.
2. Unless the context otherwise requires, wording importing the singular number shall include the plural and words importing the masculine gender shall include the feminine, and the converse shall apply.
3. a) Even where this bylaw and any regulations under the Fire Services Act deal with the same subject matters, any further or more stringent restrictions in this bylaw on the use of the property or fire shall have full force and effect; and
- b) In the event of any conflict, inconsistency or repugnancy between these bylaws and the Waste Management Act, the Waste Management Act shall, in all cases, prevail.

Fire Danger Rating Signage

4. The Fire Danger Rating will be identified on the Ships Point Volunteer Fire Department sign immediately before the intersection of Ships Pt Rd and Tozer Rd, and at the SPID Office.

Right of Entry

5. With the exception of a privately owned and occupied single-family dwelling, the fire chief is hereby empowered to enter upon any land or premises for the purpose of making an inspection or investigation:
- a) To inspect for conditions which may cause a fire, increase the danger of a fire or increase the danger to persons; and
 - b) To see that any flammable matter is rendered harmless or suitably safeguarded against fire by requiring:
 - i) The erecting of barricades;
 - ii) The posting of "no admittance signs"; or
 - iii) Any other measures deemed necessary by the fire chief.

No Obstruction

6. No person shall obstruct the fire chief in making any entry authorized by this bylaw.

No Hindrance

7. No person shall, in any way, hinder any member of the fire department, or any other person under the direction of the fire chief, at any fire or other emergency.

Breaking Blockade

8. Except with the permission of the fire chief, no person shall be permitted to enter any burning building, or within the lines across any lane, street or area marked by ropes or guards.

Driving Over Hose

9. No person shall drive or run over any fire hose with any vehicle, except as directed by a fire fighter or duly authorized person.

Access to Fire Hydrant

10. No person shall place or maintain any object or matter on a roadside or street that interferes with free access or approach to any fire hydrant.

Smoking Prohibited

11. a) Where, in his opinion, smoking may create a fire or explosion hazard, the fire chief may prohibit smoking in any building, structure or open space in which combustible materials are handled, stored, manufactured or sold;
- b) Where, in the opinion of the fire chief, smoking should be prohibited, he may give notice in writing to the occupant to post suitable signs that smoking is prohibited in or on such premises or buildings and the occupant thereof shall prohibit smoking in such premises or buildings;
- c) Any person violating any such order or notice shall be deemed to be guilty of an infraction of this bylaw and shall be liable to the penalties herein imposed; and
- d) In the event of any conflict, inconsistency or repugnancy between these bylaws and the BC Ministry of Health Tobacco Control Act, the Tobacco Control Act shall, in all cases, prevail.

Chimneys

12. a) No owner or occupant of any building shall permit any chimney, stovepipe or flue to remain in any condition which may cause or create a fire hazard; and
- b) Every owner or occupant of any building shall keep all openings in any chimney in such buildings, while such openings are not in use, closed by a proper stopper of metal or other non-combustible material (e.g. multiple flue access holes in older chimneys).

Inspection of Chimneys, Flues, Furnaces

13. Where he deems it necessary, the fire chief may examine any chimney, flue, fireplace, hearth, oven, furnace, heater, boiler, stove, steam pipe, funnel or any other equipment he may deem to be a fire hazard.

Notice to Remedy Fire Hazard

14. Where any chimney, flue, fireplace, hearth, oven, furnace, heater, boiler, stove, steam pipe, funnel or any other equipment is found to be a fire hazard, the fire chief shall notify the owner or occupant of the building of the condition and indicate the remedy and the time within which the condition shall be remedied.

Duty to Comply

15. Where any owner or occupant has received notice under Section 14, he shall comply with the notice within the time indicated.

Depositing Ashes or Flammable Material Among Ashes

16. No person shall deposit any ashes or allow any ashes to be deposited or remain:

- a) In any combustible container;
- b) On the floor of any building belonging or occupied by him; or
- c) In any metallic container which is within 300 mm (12 inches) of any woodwork or any other combustible material.

17. It shall be unlawful for any person to deposit, or allow or cause to be deposited any paper, straw, hay, shavings, or other combustible or flammable material or thing in or among any ashes or other materials or things taken from any stove, furnace, or fireplace.

No Open Flame or Smoking Near Flammable Material

18. No person, within the improvement district, in that part of any building where there is an accumulation of hay, straw, shavings or other readily flammable material, or liquids, shall smoke, or have in his possession any lighted pipe, cigar or cigarette, or light or carry any naked light, flame, or light not enclosed in a shade or other non-combustible guard.

Metal Receptacles for Flammable Material

19. No person shall, within the improvement district, keep any waste, rags, papers or other substance liable by spontaneous combustion to cause fire, except in a container made of metal or other non-combustible material and with an airtight top or lid of the same type of material.

Control of Combustible Material

20. No person shall deposit, or allow to collect, or be deposited, within the improvement district, any paper, rubbish, or other combustible material likely to cause or promote fire dangerous to buildings or other property.

Clearing of Roof

21. No owner or occupant of any building shall allow any paper, wood, debris or other combustible rubbish or material to accumulate upon the roof of the building.

Duty to Safely Store

22. Any person who makes, uses, or has charge of shavings, paper bags, litter or other combustible material shall, at the close of each day, ensure that they are safely stored or disposed so as to be safe from fire.

Remove Fire Hazard and Secure Unoccupied Buildings

23. a) Any owner or occupant of real property in the improvement district shall remove any matter or thing situated in or on any building or premises which, in the opinion of the fire chief, is a fire hazard or increases the danger of fire;
- b) Any owner of any unoccupied building shall ensure that it is properly secured against entry by unauthorized persons;
- c) Where, in the opinion of the fire chief, any fire hazardous condition exists or any unoccupied building is not properly secured, the fire chief shall give written notice to the owner or occupant at his last known address or by posting a notice in a conspicuous place on the building or premises; and
- d) In any notice under this section, the fire chief shall indicate the nature of the condition to be remedied, the manner in which the condition may be remedied, and the time within which the owner or occupant must comply.

Burning

24. No person shall light, ignite, or maintain any fire, or permit or cause any fire to be lit, ignited, or maintained, except as provided in this bylaw.

Unauthorized Fires

25. No person shall light or maintain any fire either in the "open air" or in any form of container except in accordance with this regulation, and will be deemed an unauthorized fire. The Ships Point Volunteer Fire Department at the discretion of the Fire Chief or any officer in-charge may extinguish any and all unauthorized fire. The person lighting or maintaining an unauthorized fire will be subject to penalties set out in this Bylaw.

Form of Written Permit

26. A written permit shall be in the form as approved by the Board and shall be limited to the terms stated on the approved permit.

Issuance

27. The fire chief may withhold or cancel any permit issued where, in his opinion, the igniting of a fire in any area may create a hazard to persons or property.

No Noxious Odors

28. No person shall burn any rubber, garbage, animal organic waste, or any materials, which create a noxious odor.

"Open Air" Fires

29. A fire in the "open air" shall mean a fire out-of-doors, not contained in a fire pit, or authorized outdoor fireplace.

- a) The person igniting, permitting, or maintaining an Open Air Fire shall take the following precautions to prevent escape of the fire:
 - i) No burning to be done during windy periods;
 - ii) Light material such as paper, dry leaves, etc., that could fly away while on fire, must be covered by heavier material or held down by a wire mesh or other suitable means, while being burned;
 - iii) No burning to be done within 5 meters (16 ft) of slash, brush, dry grass, wooden buildings, trees, or any other flammable material;
 - iv) Fire must be attended and safeguarded at all times while burning by at least one adult person;
 - v) A charged hose and shovel are to be on the fire site and available for immediate use;
 - vi) Maximum size of a fire shall not be greater than 1.5 meters by 1.5 meters by 1 meter high (4.5 ft. by 4.5 ft. by 3 ft. high)
 - vii) Extinguish the fire forthwith upon suspension of burning conditions, or when instructed to do so by the Fire Chief or his representative; and
 - viii) Is responsible to immediately contact the Fire Department should the fire threaten to, or does escape, by calling 911.
- b) A person may ignite, permit, and maintain a fire outside of Fire Season without a Burning Permit, but must do so in accordance with this Bylaw;
- c) No person shall permit any Open Air Fire to be ignited between the dates of April 15 and October 15 unless they have first obtained Ships Point Improvement District, Burning Permit;
- d) No person shall permit any Open Air Fire to be ignited when the Fire Danger Rating is High or when there is a total burning ban;
- e) The person igniting, permitting, or maintaining an Open Air Fire shall ensure that the fire is fully extinguish should the Fire Danger Index reach High or Extreme;
- f) It is the responsibility of any person igniting, permitting, or maintaining an Open Air Fire to check the Ships Point Fire Danger Rating, before igniting the fire and regularly there after;
- g) No Burning Permits shall be issued by fire department members once the Fire Danger Rating has reached High, and no permit shall be issued until the Ships Point Fire Danger Rating has been less than High for a period of one week or more;
- h) Fires in excess of the maximum size stated above may be authorized on a case-by-case basis. While it is recognized that the size of the Open Fire restriction conflicts with the size of fires where the Ministry issues permits, all requests for burning in excess of the size stated above must follow the following procedures prior to carrying out the burn:
 - i) Individual requesting must obtain a Forestry Burning Permit / Number;
 - ii) All burning must be done in accordance with ministry of Forests regulations (ventilation index, etc); and

- iii) A letter / permit authorizing the burning must be approved by the Fire Chief;
- iv) The person must have a tanker truck, fire pump and hose on site at all times when the fire is not fully extinguished.

Fire Pit Fires

30. Campfires shall be permitted in a commercially available fire pit, where:
- a) The non-combustible spark arresting construction material shall have an opening size of not greater than ¼ inch by 3/8 inch;
 - b) In the case of ‘bowl type’ commercially available fire pits, the hemispheric spark arrestor shall be placed over the fire at all times, except when burnable material is being added to the fire;
 - c) Fires in Fire Pits may not be ignited, permitted, or maintained in a Fire Pit where the Fire Danger Rating is Extreme or where there is a total burning ban;
 - d) Fires in Fire Pits may not be ignited, permitted, or maintained in a Fire Pit, during Fire Season should the Fire Danger Rating sign be missing or removed from the Ships Point Volunteer Fire Department sign; and
 - e) The person igniting, permitting, or maintaining a Fire Pit Fire shall take the following precautions to prevent escape of the fire:
 - i) No burning to be done during windy periods;
 - ii) No burning to be done within 3 meters, 10 ft) of slash, brush, dry grass, wooden buildings, trees, or any other flammable material;
 - iii) The fires must be attended and safeguarded at all times while burning by at least one adult person; and
 - iv) A charged hose and shovel are to be immediately available.
31. In the case of non-commercially available or home made fire pit:
- a) Restrictions and cautions noted in paragraph 30 above remain in force;
 - b) Prior to use, the unit be inspected and authorized by the fire chief; and
 - c) An “Open Burning” permit must be obtained before its use;
 - i) Depending on type of construction and safety features, a “Open Burning’ permit for the fire pit may be issued for the entire fire season.

Authorized Outdoor Fireplaces

- 32 The owner of an Outdoor Fireplace shall ensure that:
- a) Prior to use, the unit be inspected and authorized by the fire chief;
 - b) The authorized unit is maintained in a condition that provides proper combustion of any material burned;
 - c) While it is in use, some competent person appointed by him shall supervise any burning and ensure that any equipment necessary for fire control is available;
 - d) The authorized outdoor fireplace is situated at the location and in the condition in which it was inspected; and
 - e) A new inspection is completed and new permit issued if the unit is moved or modified.

Fire Escapes

33. Each storey above the ground floor of any building in the improvement district used for commercial purposes or as a multiple dwelling, as defined in the local zoning bylaw, shall be provided by the owner with an adequate fire escape or adequate fire escapes, and the owner, and the tenant, if any, shall maintain the same in good repair and condition.

Exit Doors to Open Readily

34. No door to any exit leading to a fire escape in any building shall be closed or fastened except with a standard panic or exit bolt, which may be readily opened without the aid of a key or other device.

Gasoline Storage

35. Except as authorized by a valid written permit issued by the fire chief, no person shall store or keep gasoline within the improvement district other than:

- a) Gasoline not exceeding 45 litres (10 gallons) in closed metal containers or in approved plastic containers; and
- b) Gasoline in the gasoline tank of an automobile, gasoline engine, or motorboat, whose tank is permanently connected to and supplies its engine.

Storage of Explosive or Flammable Compound, Liquid or Material in Public Building

36. Except in a place especially provided for the purpose and approved by the fire chief, it shall be unlawful for any person to keep, store or use any combustible explosive or flammable compound, liquid or material in any part of a building used or maintained as a hotel, apartment house, school or place of public assembly.

Disposal of Gasoline, Fuel Oil, and Propane Storage Tanks

37. All unused gasoline, fuel oil, and propane storage tanks shall be removed and disposed of in an environmental friendly manner.

Enforcement

38. The fire chief may enter upon any premises in order to ascertain that the provisions of this bylaw are being obeyed. No person shall obstruct the fire chief in the discharge of his duty under this bylaw.

Penalty

39. Any person who violates any provision of this bylaw shall be liable, under conviction, to a maximum penalty as authorized under the Offence Act. Where any violation continues, each day in which it continues shall be a separate violation for the purpose of prosecution under this bylaw.

Succession

40. This bylaw may be cited as the "Fire Protection and Regulation Bylaw" and repeals Bylaw No. 68 passed by the Trustees on November 9, 2005 and registered by the Deputy Inspector of Municipalities on November 22, 2005.

INTRODUCED and given first reading by the Trustees this **9th** May 2012

RECONSIDERED and passed by the Trustees this **9th** May 2012

Chair of the Trustees

Administrator-Officer

I hereby certify under the seal of the Ships Point Improvement District that this is a true copy of Bylaw No. **83** of the Ships Point Improvement District, passed by the Trustees on

Deputy Inspector of Municipalities