

Dear residents:

This draft updated Fire Bylaw received its second reading by Council on November 1, 2010. The intent is to present it for adoption early in the New Year. Residents are welcome to comment on it and make suggestions before then. My own explanatory comments are included.

Councillor Peach Akerhielm,
councillor.akerhielm@lionsbay.ca

hereby repealed.

DEFINITIONS

4. In this bylaw,

Apparatus – means any vehicle provided with machinery, or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.

Approved – means acceptable to the authority having jurisdiction.

Authority having jurisdiction – means any person or agency authorized by this or any other bylaw, regulation or statute to inspect and/or approve any thing or place.

Consumer Fireworks – means outdoor, low-hazard recreational fireworks (Canadian Class 7.2.1) such as showers, fountains, golden rain, Roman Candles, volcanoes, sparklers, as may be designated under the provisions of the Natural Resources Canada “Display Fireworks Manual.”

Council – means the Council of the Village of Lions Bay.

“Enforcement officer” means:

- (a) every person designated by Council by name of office or otherwise as an enforcement officer for the purposes of administering and enforcing this Bylaw; and
- (b) a peace officer, including every officer of the Royal Canadian Mounted Police;

VILLAGE OF LIONS BAY

Bylaw No. _____

A bylaw to provide for the establishment and operation of a Lions Bay Fire Rescue service.

NOW THEREFORE, the Council of the Village of Lions Bay in open meeting assembled, enacts as follows:

CITATION

1. This bylaw may be cited as “Fire Bylaw Number ____.”

2. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

REPEAL

3. Bylaws number 175, 196, 228, 316, 321 and 325 are

Comment [Peach1]: The newer name for this service.

Comment [Peach2]: There are several new definitions in the bylaw around “fireworks”. Consumer Fireworks would be allowed, with permits from the Fire Chief.

Equipment – means any tools, contrivances, devices, or materials used by Lions Bay Fire Rescue to combat an incident or other emergency.

Fire Chief – means the member appointed by Council, as head of Lions Bay Fire Rescue, or in his absence, his designate.

Fire Pit – means a pit dug into the ground or made from stones, concrete, masonry or the like, for open burning.

Fire Protection – means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.

Fire Ring – means a device of metal, stones, concrete, masonry or the like, without a bottom, placed upon the ground or partially dug into it, for open burning.

Fireworks – means cannon crackers, fireballs, firecrackers, Roman candles, sky rockets, squibs, torpedoes, fire-operated noisemakers and other explosive products or devices manufactured to produce an explosion, detonation or pyrotechnic effect, but does not include caps for toy products, Christmas crackers or model rocket engines.

“He”, “him” and “his” – also equally means “she”, “her” and “hers,” if the individual referred to is female.

High Hazard fireworks – means those fireworks defined as such under the Explosives Regulations made under the current Explosives Act of Canada.

Incident – means a fire, an explosion, a situation where a fire or explosion is imminent or any other situation presenting a danger or possible danger to life or property or the environment and to which Lions Bay Fire Rescue has responded.

Member – means any person or officer that is duly appointed by the Fire Chief in concurrence of the Council as a member of Lions Bay Fire Rescue

Member in charge – means the senior member at the scene of an incident or the member who is appointed as such by the Fire Chief.

Proposed: Open burning means burning anything outside of a building, with the exclusion of the following: charcoal that is non-self-lighting and commercially-available, natural gas, butane or propane gas burned for the sole purpose of cooking food or heating, wood chips and the like used to flavor food in barbecuing, and clean, dry firewood (excluding driftwood) burned in permanently constructed outdoor fire pits or the like that were permitted and inspected by the Building Inspector prior to the effective date of this bylaw.

Village – means the Corporation of the Village of Lions Bay and the area within the boundaries of the Village of Lions Bay.

Village Manager – means the Village Manager or Administrator of the Village of Lions Bay, and also means the person appointed by Council to the Village Manager or Administrator position

Comment [Peach3]: A former amendment to the bylaw spoke of a Fire Administrator being appointed in the Fire Chief's absence – this just seemed confusing, so I took it out.

Comment [Peach4]: Building one of these, or a fire ring, would no longer be allowed, as it encourages open burning.

Comment [Peach5]: This sets up the bylaw to restrict open burning.

Comment [Peach6]: Wording is a suggestion from a knowledgeable, concerned resident. Self-lighting charcoal contains a large amount of lighter fluid. We would also wish to avoid people making their own charcoal.

Comment [Peach7]: Can produce dioxins and furans

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from time to time, or other persons authorized to carry out the duties ascribed to the said **Village Manager** or Administrator.

Adoption of BC Fire Code

5. The "British Columbia Fire Code" as it may be amended is hereby adopted and forms part of this bylaw and shall be applicable within the Village of Lions Bay.

Establishment

6. The Village of Lions Bay's Lions Bay Fire Rescue service is hereby established and will be known as Lions Bay Fire Rescue.

Appointments

7. The Fire Chief shall be appointed by a resolution of Council.
8. Other officers and members may be appointed by the Fire Chief.
9. The Fire Chief may designate other officers of Lions Bay Fire Rescue to act as Fire Chief on his behalf.
10. The Council shall determine the remuneration of all members of Lions Bay Fire Rescue.

Jurisdiction and Management

11. The limits of the jurisdiction of the Fire Chief, and the officers and members of Lions Bay Fire Rescue, will extend to the area and boundaries of the village of Lions Bay to fight structural fires unless expressly authorized by a written contract or agreement providing for the supply of fire fighting services outside the municipal boundaries, or the prior approval of Council. Rescue and medical aid may be provided within an overall response area from the West Vancouver boundary to the South, to Furry Creek at the North.
12. The Fire Chief has complete responsibility and authority over Lions Bay Fire Rescue subject to the policy direction of Council and reporting to the **Village Manager**, to whom he shall be responsible, and in particular he is responsible for carrying out all fire protection activities and such other activities as the Village Manager directs, including but not limited to:
 - a. rescue, which includes without limitation auto extrication, bus extrication and technical rope rescue;
 - b. medical aid as first responders;
 - c. structural firefighting;
 - d. wild land fire fighting;

Comment [Peach8]: Used to be that the Chief reported to "Council". In fact he takes policy direction from Council but reports to the Village Manager

- e. response, planning and education around the above and other types of incidents,
 - f. testing of fire hydrants for water flows;
 - g. issuance of permits for fireworks; and
 - h. preventive patrols, including parking patrols, to ensure proper emergency access.
13. The Fire Chief, in consultation with Council and the Village Manager, shall establish policies and operating guidelines for the proper and efficient organization and administration and operation of Lions Bay Fire Rescue, including but not limited to:
- (a) use, care and protection of Lions Bay Fire Rescue property,
 - (b) the conduct and discipline of officers and members of Lions Bay Fire Rescue, and
 - (c) efficient operations of Lions Bay Fire Rescue.
14. The Fire Chief, or in his absence, the senior ranking member present, shall have control, direction and management of all Lions Bay Fire Rescue apparatus, equipment or manpower assigned to an incident, and, where a members is in charge, he shall continue to act until relieved by a senior officer.
15. The Fire Chief shall report to the Council on the operations of Lions Bay Fire Rescue and related matters in the manner designated by Council.

Powers of the Fire Chief

16. The Fire Chief, or any other member in charge, may take all necessary measures for the prevention, control and extinguishing of fires and for the protection of life and property during an incident. The Fire Chief and any member may enforce the *Fire Code* and any related municipal bylaws and regulations for the prevention and suppression of fires. The Fire Chief and the Assistant Fire Chief may exercise the powers provided in the *Fire Services Act*.
17. The Fire Chief, or any member of Lions Bay Fire Rescue he authorizes, may enter any premises at any reasonable time for the purpose of fire prevention inspections.
18. The Fire Chief or his designate may order an owner or an occupier of real property to undertake any actions for the purpose of removing or reducing any thing or condition that the Fire Chief or his designate considers is a fire hazard or increases the danger of fire, including but not limited to stored flammable materials, accumulations of litter or waste materials or vegetation of a nature especially liable to fire, and things impeding safe exits from a building or likely to impede the safe operations of Lions Bay Fire Rescue or its vehicular access to a building or premises for firefighting.
19. The Fire Chief, or any other member in charge at a fire, is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.

Comment [Peach9]: This would be a new clause clarifying that the Fire Chief can issue orders to reduce fire hazards.

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20. The Fire Chief, or any other member in charge at an incident, is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment or Lions Bay Fire Rescue to enter, as he deems necessary, in order to combat, control or deal with the incident.
21. The Fire Chief, or any other member in charge, at an incident is empowered to enter, pass through or over buildings, or property adjacent to an incident, and to cause members of Lions Bay Fire Rescue and the apparatus and equipment of Lions Bay Fire Rescue to enter or pass through or over buildings or property, where he deems it necessary to gain access to the incident or to protect any person or property.
22. The Fire Chief, or the member in charge, at an incident may at his discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him.
23. The Fire Chief, or the member in charge at an incident, may request an enforcement officer empowered under this Bylaw, or the Village of Lions Bay Traffic and Parking bylaw, to enforce restrictions on persons entering within the boundaries or limits outlined at an incident.
24. The Fire Chief may obtain assistance from other officials of the municipality as he deems necessary in order to discharge his duties and responsibilities under this bylaw.
25. The Fire Chief, or the member in charge, may close or restrict access, within the Village of Lions Bay, to any park or hiking trail, for the purposes of mitigating the risks of wildland fires or other risks to life and property.
26. The Fire Chief, or the member in charge of an incident may request persons who are not members to assist in removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same and in demolishing a building or structure at or near the fire or other incident.

Behavior of the Public

27. No person shall enter the boundaries or limits of an area prescribed in accordance with section 16 unless he has been authorized to enter by the Fire Chief or the member in charge.
28. No person at an incident shall impede, obstruct or hinder a member of Lions Bay Fire Rescue or other person assisting or acting under the direction of the Fire Chief or the member in charge.
29. No person shall damage or destroy Lions Bay Fire Rescue apparatus or equipment.
30. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.
31. No person shall falsely represent themselves as a Lions Bay Fire Rescue member.

32. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any incident.
33. No person shall obstruct or interfere with a fire hydrant, cistern or body of water designated for fire fighting purposes.
34. Where an owner of a property has a fire hydrant located adjacent to their property, the registered owner of the property must ensure the maintenance of appropriate clearance around the hydrant. The *Fire Code* regulates the standard for clearance around a hydrant.
35. No person shall fail to comply with an order from the Fire Chief or his designate to remove or reduce any thing or condition that the Fire Chief or his designate considers is a fire hazard or increases the danger of fire.
36. With the exception of members of Lions Bay Fire Rescue for reasons of their work, no person shall construct a fire pit or fire ring within the Village of Lions Bay.

37. Fires and Burning

38. Except for Lions Bay Fire Rescue upon Village-sanctioned public occasions, for training exercises or for purposes of fire prevention, no person shall carry out open burning within the boundaries of the Village of Lions Bay.
39. No person shall discard, throw down or drop any lighted match, cigar, cigarette, barbecue briquettes or other burning substance into combustible material or in close proximity thereto.
40. A total ban on burning may be imposed within the Village of Lions Bay, including on the use of any outdoor combustion device including barbecues, if and when, in the opinion of the Fire Chief, hazardous fire conditions merit such a ban.
41. No person shall burn material included in Schedule "A" (Section 2 (b) of the Waste Management Act, Open Burning Smoke Control Regulation, B.C. Reg 145/93, as it may be amended, including but not limited to domestic waste, demolition waste, plastics or rubber, within the boundaries of the Village of Lions Bay, whether inside or outside a dwelling, in any apparatus designed for combustion, including but not limited to stoves, fireplaces, barbecues, hibachis, incinerators, fire pits and fire rings.

Water for Firefighting

42. When in the opinion of the Fire Chief the supply, pressure and flow of water is considered inadequate or in danger of becoming inadequate for purposes of fire fighting protection, the Village Council may by resolution introduce and enforce such regulations as may be considered necessary to conserve the supply, pressure and flow of water for such purposes. Such regulations may control and designated the purpose and hours for and during which water may

Comment [Peach10]: Council is united in wanting this ban. Open burning produces greenhouse gases and results in deterioration in air quality. The burning of green waste or wood waste is not in harmony with where the Village is going in terms of greenhouse gas reduction. Regular green waste pickup services are offered by the Village, and recycling depots in North Van and Squamish will take larger wood waste.

Comment [Peach11]: This reference is still current. It takes in garbage, building materials, plastics, rubber, etc.

be used for other than fire fighting purposes and the methods and appliances permitted for such use, including houses, sprays, nozzles and sprinklers, the Village Council may also appoint an Inspector or Inspectors to enforce such regulations and such Inspector or Inspectors shall during the term of his or their office appointment, be granted the same authority to enter premises within the Village for purposes of inspection under the regulations as are possessed by the Fire Chief.

Fire Zones

43. The Village Council may designate certain areas within the Village of Lions Bay as fire zones, in which parking is restricted or prohibited and any abandoned vehicle or boat or other such obstruction may be removed.

Requirements in Dwellings

44. A new residence constructed within the Village of Lions Bay must have a fire suppression sprinkler system.
45. If a person makes an alteration to a one-family dwelling without a sprinkler system, other than to add a Secondary Suite, and the value of the alteration is more than 50% of the replacement value of the building, then the entire building including any Secondary Suite must have a fire suppression sprinkler system.
46. All construction of new dwelling units, and construction of additions to existing dwelling units, within the Village of Lions Bay requires the installation of a fire extinguisher (minimum 5 lb A.B.C. Dry Chemical). The fire extinguisher installed must be ULC, UL or CSA approved and located within a reasonable distance of the kitchen and on the same floor level as the kitchen.
47. Every owner of a dwelling unit as defined in the Village of Lions Bay Zoning bylaw must install smoke alarms in accordance with the current BC Building Code, as amended from time to time, and must replace each smoke alarm in accordance with the manufacturer's rated service life for the alarm.

Fireworks

48. No person shall sell, offer for sale, possess, light, hold, distribute to another person or persons, set off or explode any firework or firecracker at any time within the Village of Lions Bay, unless that person is a holder of a valid Permit for Fireworks permit from the Fire Chief, under the attached Village of Lions Bay Fireworks Policy (Appendix A).

Cost Recovery

49. The Village of Lions Bay may recover the costs and expenses of and incidental to the taking of any measures pursuant to removal of a fire hazard at a building or premises, from any person who at the time had the charge, management, or control of the building or premises. Failure of

Comment [Peach12]: Requested by the Fire Chief/Building Inspector, confirmed by Council. When building a new residence, the cost of sprinklering is not extraordinary.

Comment [Peach13]: Clause resembles that in Vancouver. Installing a Secondary Suite by itself will not trigger a need for sprinklering, but a really major renovation to a dwelling would.

Comment [Peach14]: This clause has always been in our fire bylaw. The Building Inspector has noted that Code requirements are getting tougher all the time. It now calls for both smoke and carbon dioxide detectors, and apparently for interconnection of these.

Comment [Peach15]: A new clause that basically allows Fire Rescue to be aware that the fireworks are to be used.

that person to pay may result in the Village of Lions Bay recovering the expenses incurred from the owner by direct invoice, together with costs and interest at the rate of the Taxation (Rural Area) Act. Default on those costs will result in those costs being added to the property taxes of the owner of the property.

50. The Village of Lions Bay may charge a fee as shown in Appendix B per request to any person seeking fire investigation information.
51. For every incident for which a fire investigation and fire investigation report must be completed by the Fire Chief or a Member designated by the Fire Chief in accordance with the Fire Services Act, a charge will be levied against the owner of the property where the damage occurred. The charge is shown in Appendix B, and it will be invoiced to the owner of the property or his or her insurance company. Any charges not paid will be levied as a tax against the property assessment for the following year. This section does not apply unless the official who prepares the fire investigation report concludes that the fire resulted from an action or condition of the premises that violates any statute, bylaw or similar enactment.
52. If the Fire Chief or a Member finds any violations of the B.C. Fire Code, Fire Services Act, or this Bylaw while performing an inspection as set out in this Bylaw, that Member will write an order directing the violation(s) be corrected within a defined time period and will advise of a return date for a re-inspection to ensure the appropriate correction(s) is made. If the order has not been complied with upon re-inspection, a fine will be charged for that re-inspection and each additional re-inspection if required. The Fire Inspector may issue a Municipal Ticket or Bylaw Notice to any person whose property requires re-inspection.

Penalties

53. Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act or thing or omits any act or thing thus violating any of the provisions of this bylaw, shall be deemed to have committed an offence, and upon a summary conviction is liable to imprisonment for a term of not more than 6 months or to a minimum fine of \$2,500 and a maximum of \$10,000, or to both fine and imprisonment. This bylaw is designated under section 264(1)(a) of the Community Charter as a bylaw that may be enforced by means of a municipal ticket information under the Community Charter, and is also designated under section 4 of the Local Government Bylaw Notice Enforcement Act as a bylaw that may be enforced by means of a bylaw notice.

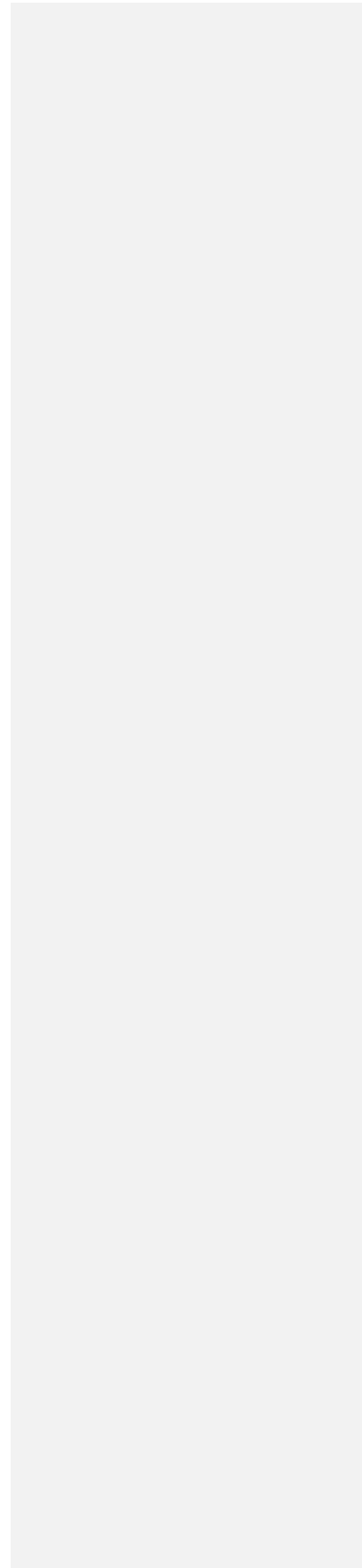
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FINALLY PASSED AND ADOPTED



Appendix A

Village of Lions Bay Fireworks Policy

Summary: No person shall sell, offer for sale, possess, light, hold, distribute to another person or persons, set off or explode any firework or firecracker at any time within the Village of Lions Bay, , unless that person is a holder of a valid Permit for Fireworks from the Fire Chief.

Background: The Village of Lions Bay is surrounded by forest that typically becomes tinder-dry during summer conditions, and this situation is becoming over time more risky because of global warming. Firecrackers and fireworks pose a risk to the Village, particularly so if let off in places that are inaccessible to firefighters.

Policy: The Fire Chief or member in charge may, subject to the conditions specified below, issue a Permit for Fireworks.

Conditions:

- (a) No person under the age of eighteen (18) shall be allowed to sell, offer for sale, possess, light, hold, distribute to another person or persons, set off or explode any fireworks or firecrackers;
- (b) Setting off Consumer Fireworks shall only be permitted on October 31 in any year;
- (c) The Fire Chief is satisfied that the Fireworks:
 - a. May be discharged without creating a risk of fire;
 - b. May be discharged without being propelled at any building, structure, hedge or vegetation;
 - c. Will not be discharged within 30 metres of any location where flammable materials are stored;
 - d. Are not High Hazard fireworks;
 - e. Are not Movie Pyrotechnics, which are addressed under the Village of Lions Bay Filming Policy.

Appendix B

Fees and Charges

Permit for Fireworks	\$35
Cost recovery for work performed by the Village in removal or remediation of a fire hazard at or around a building or premises.	<p>Fees of \$100 per hour of work, per staff member or firefighter, will be charged to cover time plus use of Village equipment.</p> <p>Actual extra costs to the Village for items such as equipment rentals required for clean-up or remediation work will also be charged, based on invoices or receipts for materials or equipment.</p> <p>If work is performed by a commercial contractor under contract to the Village, the actual cost of the contract will be charged, in addition to a \$150 flat fee for Village administration time.</p>
Provision of fire investigation information	\$100
Completion of fire investigation and fire investigation report, if the official who prepares the fire investigation report concludes that the fire resulted from an action or condition of the premises that violates any statute, bylaw or similar enactment	\$500

Comment [Peach16]: These need to be checked against what we may be charging now? Not sure if we are charging for this.