

THE DISTRICT OF HIGHLANDS

BYLAW NO. 9

A By-Law To Establish a Municipal Fire Department and to Regulate Fire  
Prevention, Protection and Control Services

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The Municipal Council of the District of Highlands in open meeting assembled,  
enacts as follows:

PART I INTERPRETATION

1. This By-Law may be cited as the "Fire Services By-Law No. 9, 1994".
2. The British Columbia Fire Code Regulation is hereby adopted and in force within the Municipality.
3. Schedules A and B to this By-Law form part of and are enforceable in the same manner as this By-Law.

4. DEFINITIONS:

In this By-Law:

"Approval" means acceptance as satisfactory to the Fire Chief or his designate;

"Building Code" means the Building regulations of British Columbia made pursuant to the Municipal Act and the building regulations enacted by By-Law of the Municipality pursuant to the Municipal Act;

"Council" means the duly elected Council of the District of Highlands;

"Clerk" means the person appointed from time to time by Council as the Clerk of the Municipality:

"Dangerous Goods" means any product, substance or organism which is of a highly combustible, flammable, or explosive nature, all as set out in the Transportation of Dangerous Goods Act (Canada, Chapter 36, July 17, 1980, as amended from time to time;) and any other material which, because of its toxic or other inherent characteristics, constitutes a fire hazard or a hazard to life, safety, or health, and, without restricting the generality of the foregoing, are classified as follows:

Class 1 - explosives, including explosives within the meaning of the Explosives Act R.S.C. c. E-15 as amended from time to time.

Class 2 - Gases, compressed gases, liquified petroleum; liquified natural gas; liquified or dissolved gases; liquid under pressure.

Class 3 - Flammable liquids and combustible liquids.

Class 4 - Flammable solids, substances liable to spontaneous combustion, substances that on contact with water emit flammable gases.

Class 5 - Oxidizing substances, organic peroxides, chlorates, nitrates.

Class 6 - Poisonous (toxic) and infectious substances.

Class 7 - Radioactive materials and prescribed substances within the meaning of the Atomic Energy Control Act of Canada.

Class 8 - Corrosive substances.

Class 9 - Miscellaneous dangerous goods or organisms not included in any of the above classes.

"Fire Chief" means the person appointed from time to time by Council as the Chief of the Fire Department of the Municipality and an Officer, Member or Inspector authorized in writing by the Fire Chief to act on his behalf.

"Fire Code" means the British Columbia Fire Code Regulation made pursuant to the Fire Services Act;

"Fire Department" means the Fire Department of the Municipality established by this By-Law;

"High Hazard Fireworks" has the same meaning as in the Federal Explosives Act;

"Inspector" means a Fire Department member authorized in writing by the Fire chief to act on his behalf;

"Low Hazard Fireworks" has the same meaning as in the Federal Explosives Act;

"Municipality" means the District of Highlands;

"Officer in Command" means the senior Fire Department member present;

"Owner or Occupier" means a tenant, lessee, agent or owner of any land or premises to which this By-Law applies;

"Private Fire Hydrant" means a fire hydrant located on private property;

"Public Fire Hydrant" means a fire hydrant located on:

- (a) a public roadway or right-of-way; or
- (b) municipal property.

## PART II - FIRE DEPARTMENT;

5. The Highlands Fire Department and the position of Fire Chief as the head of the department are established and continued.

### 6. FIRE CHIEF

The Fire Chief shall:

- a) report to the Clerk.
- b) oversee the provision of services for the protection of lives and property in the Municipality from fire hazards;
- c) administer the Fire Department;
- d) direct and control the members of the Fire Department by direct intervention or through appointed subordinate supervisory staff,

subject to The Fire Department Act;

- e) establish and maintain a programme of training in fire suppression for all members of the Department;
- f) establish a complement of volunteer fire fighters.

7. The Fire Chief may:

- a) appoint persons as members of the Fire Department within the complement established by Council from time to time;
- b) make rules and regulations for the proper and efficient administration and operation of the Fire Department, and for the discipline of its members, and alter or repeal them from time to time as he thinks necessary.

8. The Fire Chief is hereby authorized to administer this By-Law, and to report violations of this By-Law to the Council.

#### PART III - OPEN BURNING - PERMITS

9. PERMITS

- a) No person shall light or start, or knowingly permit, or cause to be started or ignited, a fire of any kind, whatsoever, in the open air at any time in the Municipality without first obtaining a burning permit from the Fire Chief.
- b) The Fire Chief may designate periods of time when burning permits are not required.
- c) The holder of a burning permit under this section shall ensure that a competent person is in charge of the fire while it is burning or smoldering, and until it is completely extinguished, and shall supply that person with sufficient tools and equipment to effectively prevent the fire from getting out of control or becoming dangerous.
- d) The Fire Chief is authorized to designate areas that are unsafe for the purpose of open burning, and burning permits shall not be issued under this section for those areas.
- e) The Fire Chief is authorized to designate areas where it is safe to burn outdoors only in an approved incinerator, and no person Holding a burning permit shall carry out burning in those areas except in an approved incinerator.
- f) No person holding a burning permit shall start or continue to allow a fire to burn when wind and weather conditions are such that to do so is likely to be hazardous or to create a nuisance.
- g) No person who holds a burning permit shall start or continue to allow a fire to burn except during the hours authorized by the permit.

- h) Sections 9. a) to 9. g) do not apply to:
  - i) small confined fires used for cooking food in grills and barbecues;
  - ii) necessary Municipal burning; or
  - iii) open-air burning for fire training exercises.
- I) Application for a burning permit shall be made at the Municipal office or Fire Hall.

#### PART IV - FIRE PROTECTION AND LIFE SAFETY

##### 10. BUILDINGS;

No person shall construct a building that does not conform to the Life Safety and Fire Safety regulations contained in the Building Code and the Fire Code.

##### 11. EVACUATION;

When the Officer in Command is of the opinion that there is imminent and serious danger to life or property, or that panic is imminent, in an emergency arising from a fire, fire hazard, toxic chemical spill or risk of explosion, he may:

- a) immediately take the steps he thinks advisable to remove the hazard or risk;
- b) cause people to be removed from the area;
- c) order the evacuation of a building or area;
- d) call upon the police to assist and to provide security to the evacuated area.

##### 12. FIRE DAMAGED BUILDINGS

The owner of a fire damaged building shall ensure that the premises are guarded, or that all openings in the building are kept securely closed and fastened so as to prevent the entry of unauthorized persons.

##### 13. RULES AND REGULATIONS

- a) No person shall drive, push or pull a vehicle of any kind over a fire hose or fire equipment without first obtaining permission to do so from a member of the Fire Department.
- b) No person, other than Members of the Fire Department, shall ring a fire alarm except when there is a fire or for testing purposes carried out by persons authorized by the Fire Chief.
- c) No person shall use or allow to be used a stand pipe or fire hydrant, or affix a hose to the stand pipe or fire hydrant without permission from the Fire Chief.
- d) No person shall park or leave a vehicle within 15 meters of a standpipe or fire hydrant.

- e) No unauthorized person shall park a vehicle in a prohibited area at a Fire Hall or in a fire lane.
- f)
  - i) No person, other than members of the Fire Department, shall carry on, within a building or premises, activities which create a hazard and which are not allowed for in the original design of the building or premises, unless provisions are made to alleviate the hazard and permission is obtained from the Fire Chief to carry out such activities;
  - ii) The Fire Chief shall require that hazardous activities which are permitted by him are carried out in a manner which complies with the Fire Code.
- g)
  - i) No person shall erect or use a portable incinerator, tar-kettle, or other portable device or appliance for burning rubbish, heating tar or burning waste materials, nor build, set or maintain an enclosed fire outside the walls of a building, without first obtaining a Burning permit from the Fire Chief;
  - ii) No person shall use appliances or devices described in this subsection for the purposes mentioned without equipping them with proper spark Arresting equipment and other safeguards prescribed by the Fire Chief;
  - iii) The activities mentioned in this section shall be carried out only in areas designated as safe for the purpose by the Fire Chief.

14. PRIVATE PROPERTIES

- a) An owner shall with respect to his land and premises:
  - i) maintain private fire hydrants in operating condition;
  - ii) cause all private fire hydrants on his property to be inspected and maintained in accordance with Schedule "A" to this By-Law;
  - iii) retain records in the form set out in Schedule "B" to this By-Law of all inspections and maintenance required by this section and make them available upon request to the Fire Chief;
  - iv) notify the Fire Department of all repaired fire hydrants so that those fire hydrants may be flow-tested and approved.
  - v) wrap all fire hydrants which are out of service for repair or not yet in service with burlap or black polyethylene plastic sheeting;
  - vi) keep fire hydrants clear of ice, snow, shrubs, trees, structures and other obstructions and clearly identify their locations; and
    - a) paint fire hydrants fire department red.

- b) The service inspections and maintenance of private fire hydrants required by this section shall be made according to the procedure set out in Schedule "A" to this By-Law and by persons authorized in writing by the Fire Chief.
- c) Private fire hydrants are for the use of the Fire Department and may only be operated by qualified persons authorized by the Fire Chief for the purposes of inspection, testing servicing or other purposes.

PART V - INSPECTION OF PREMISES

15. ENTRY FOR INSPECTION

- a) In addition to the powers conferred upon the Fire Chief in his capacity as a Local Assistant under the Fire Services Act, the Fire Chief may enter, at all reasonable times, on any property subject to this By-Law, to ascertain whether the requirements of this By-Law and any orders issued pursuant to it are being observed and to carry out testing required by this By-Law.
- b) The Fire Chief is authorized to inspect premises in the Municipality for conditions which may cause a fire or increase the danger of a fire, or increase the danger to persons from fire.
- c) The Fire Chief is hereby authorized to exercise the powers conferred upon the Fire Commissioner by Sections 21, 22 and 23 of the Fire Services Act with respect to matters contained in this By-Law.

16. CONTROL AND ASSISTANCE AT FIRES

- a) The Fire Chief or the Officer in Command at a fire is authorized to order the demolition of a building or part of it in order to prevent damage to persons or property or the spreading of the fire.
- b) The Fire Chief or Officer in Command may require persons at or near fires to leave the area, and in the event of refusal to leave, may order the person removed by a police officer or member of the Fire Department.
- c) No person shall interfere with the prevention or suppression of a fire.
- d) No person shall prevent the entry of a member of the Fire Department into or upon any premises for which a fire alarm has been received or where that member has reasonable grounds to believe that there is a fire.

PART VI - FIREWORKS

- 17. The Fireworks Act applies to the Municipality.

PART VII - ENFORCEMENT

18. ISSUANCE OF ORDER

- a) When the Fire Chief or an Inspector determines that:
  - i) a provision of this By-Law or the Fire Code has been either wholly or in part contravened; or
  - ii) there exists a condition in a building or on property which constitutes a fire hazard or a hazard to life or property, he may order the owner or occupier to take steps to comply with the By-Law or remove or remedy the condition which constitutes a hazard.
- b) The provisions of Section 22 and 23 of the Fire Services Act apply to an order made under this section.
- c) Service of an order under this By-Law shall be effected by delivering it or by sending it by return registered mail to the last known address of the person to whom it is directed.

PART VIII - PENALTIES

- 19. A person who violates a provision of this By-Law commits an offence and is liable upon conviction to the penalties provided in the Offence Act.

PART IX - SCHEDULES

20. SCHEDULES

The schedules to this By-Law constitute a part of and are enforceable in the same manner as this By-Law.

21. SEVERABILITY

If a portion of this By-Law is found invalid by a decision of a Court of competent jurisdiction the invalid portion shall be severed without effect on the remainder of the By-Law.

22. REPEAL

"Eastern Highlands Fire Protection By-Law No. 1, 1987" and amendments thereto are hereby repealed.

Read a first time this 31<sup>st</sup> day of January, 1994.

Read a second time this 31<sup>st</sup> day of January, 1994.

Read a third time this 31<sup>st</sup> day of January, 1994.

Reconsidered, finally passed and adopted this 7<sup>th</sup> day of February, 1994.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

SCHEDULE "A" - BY-LAW NO. 9;

Fire Hydrant Inspection and Maintenance Procedures;:

Owners of private fire hydrants that do not have an inspection and maintenance schedule, or if the schedule is less frequent than the following schedule, shall follow the procedures listed below.

A. Service Inspection; - To be done Semi-Annually.

1. Ensure that fire hydrant caps are in place and that caps with worn, rusted or obstructed threads, which might hamper easy removal, are repaired or replaced.
2. Check the fire hydrant's operation and test for barrel and drain leakage. Open fire hydrant fully with caps in place.
  - a) If there is leakage at the ports, cap gaskets, fire hydrant spindle, barrel gaskets or barrel casting, all leaking components are to be repaired.
  - b) If water is coming up through the ground around the fire hydrant body, then leakage is probably taking place at the drain mechanism. Sometimes this leakage can be stopped by opening and closing the fire hydrant to try and flush out the foreign material. If this does not stop the leakage, then inspect the drain mechanism, repair or replace any damaged parts.
3. Test main valve and drain valve. Close off fire hydrant and immediately remove fire hydrant cap and check for proper drainage.
  - a) If the fire hydrant continues to flow water then the main valve assembly will have to be removed for inspection and repair.
  - b) If the fire hydrant is draining properly, then a vacuum should be created. This vacuum can be felt by placing the hand over the open port. Drain valves which are plugged or damaged will have to be repaired.
  - c) Where it is not practical to repair faulty drain valves, approved measures shall be taken to prevent the freezing of accumulated water.
4. Flush fire hydrant with the main valve fully opened until the water runs clear.

B. Preventive Maintenance Inspection - To Be Done Every Second Year.

1. Flush fire hydrant with the main valve fully opened until the water runs clear.
2. Following the manufacturer's recommendation, remove all internal parts for inspection.
3. Inspect main seating surfaces for cuts, abrasions, out of shape and softness. Replace those parts damaged.

4. Inspect all other internal components and replace if damaged.
5. Thoroughly lubricate all revolving and sliding parts. Use a type of lubricant which does not dissolve in water.
6. After reassembling the fire hydrant inspect the working condition as detailed in the Annual Service Inspection.
7. Check the paint and condition of the fire hydrant and repaint if the condition of the paint is dirty, chipping, flaking, rusting or bare metal is showing.

SCHEDULE "B"; - BY-LAW NO. 9

Fire Hydrant Inspection and Maintenance Record;

Fire Hydrant No.: \_\_\_\_\_

Type of Hydrant: \_\_\_\_\_

Location of Hydrant: \_\_\_\_\_

Date Last Painted: \_\_\_\_\_

Every Twelve Months - Service Inspection:

Date of last servicing in accordance with Schedule "A" \_\_\_\_\_

Is hydrant valve operating properly: Yes/No (If NO state problem and action taken).  
\_\_\_\_\_

Is the fire hydrant clear of obstructions:  
\_\_\_\_\_

Any other defects and action taken:  
\_\_\_\_\_

Inspected by: \_\_\_\_\_ Date: \_\_\_\_\_

Every Twenty-Four Months - Preventive Maintenance Inspection:

Date of last servicing in accordance with Schedule "A": \_\_\_\_\_

Condition of internal parts: OK/Damaged (If DAMAGED list parts damaged and action taken): \_\_\_\_\_

Were all revolving and sliding parts lubricated? \_\_\_\_\_

Condition of ports and caps: \_\_\_\_\_

Condition of paint: \_\_\_\_\_

Is the fire hydrant draining property: Yes/No (If NO state problem and action taken).  
\_\_\_\_\_  
\_\_\_\_\_

Is hydrant clear of obstructions: Yes/No (If NO state problem and action taken). \_\_\_\_\_

Any other defects and action taken:  
\_\_\_\_\_

Serviced/Inspected By: \_\_\_\_\_ Date \_\_\_\_\_