

THE CORPORATION OF THE VILLAGE OF SALMO

BYLAW #719

A Bylaw for the Prevention of Fires and the Protection of Persons and Property

WHEREAS in accordance with the *Community Charter*, the Council may, subject to the Fire Services Act and regulations made thereunder, by bylaw establish fire regulations for the protection of persons and property;

NOW THEREFORE, the Council of the Corporation of the Village of Salmo, in open meeting assembled, enacts as follows:

1. ADOPTION OF FIRE CODE

- 1.1. The British Columbia Fire Code Regulations, as amended from time to time, are hereby adopted and made applicable within the Village.

2. INTERPRETATION

2.1. Definitions:

B.C. Building Code – means the British Columbia Building Code 2018, adopted by BC Reg. 216/2006, as amended or re-enacted from time to time.

B.C. Fire Code – means the British Columbia Fire Code 2018, as amended or re-enacted from time to time.

Campfire – means a contained outdoor fire, not exceeding ½ meter in diameter and ½ meter in height.

Council - means the Council of The Corporation of the Village of Salmo.

Declaration of a State of Emergency, per BC's *Emergency Program Act*, means a declaration of the minister or the Lieutenant Governor in Council under section 9 (1) of the *Act*;

Declaration of a State of Local Emergency, per BC's *Emergency Program Act*, means a declaration of a local authority or the head of a local authority under section 12 (1) of the *Act*;

Dwelling Unit – means a **Suite** operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons usually containing cooking, eating, living, sleeping and sanitary facilities.

False Alarm – means an alarm activated for a purpose other than where an emergency exists and necessitating a response by the Salmo Volunteer Fire Department.

Fire Department – means the Salmo Volunteer Fire Department.

Fire Chief – means the person appointed by Council, in consultation with the Fire Department, as head of the Salmo Volunteer Fire Department and a person:

- a) Designated by Council, in consultation with the Fire Department members, to act in the place of the Fire Chief;
- b) For the purposes of a local assistant under the Fire Services Act, who is authorized in writing by the Fire Chief to exercise the powers of a local assistant;
- c) Appointed by Council, in consultation with the Fire Department members, as the Deputy Fire Chief, and
- d) For the purposes of exercising the powers of the Fire Chief under section 66 of the *Community Charter*, who is acting under the authority of the Fire Chief.

Hazardous - means any condition or thing that the Fire Chief considers is a fire hazard or that may increase the risk of the start, spread or danger of fire.

Inspector - means a bylaw enforcement officer, peace officer, Chief Administrative Officer, or designated Member of the Salmo Volunteer Fire Department, the **Fire Chief**, and a person acting under the authority of the Fire Chief.

Member – means a paid or volunteer **Member** of the Salmo Volunteer Fire Department; and includes the **Fire Chief** and an **Inspector**.

Nuisance – means:

- a) The act of creating or maintaining a fire that does not comply with the requirements of this bylaw or of an **Open Burning** permit, which causes a response by Salmo Volunteer Fire Department; or
- b) Any act or operation which interrupts the ability of the Salmo Volunteer Fire Department to carry out its duties without encumbrance.

Occupant or Occupier – means the resident **Owner**, lessee, licensee or tenant of any building to which any of the provision of this bylaw apply.

Occupancy – means the use or intended use of a building or part of it for the shelter or support of persons, animals, or property.

Officer – means a **Member** of Salmo Volunteer Fire Department, appointed by Council on the recommendation of the Fire Chief and Fire Department members, and given specific authority to assist the Fire Chief in his or her duties.

Open Burning – means the combustion or burning of any substance or material in the open air by any means, but shall not include:

- a) The operation, using charcoal briquettes, propane, or natural gas of an outdoor barbecue intended for and used solely for the preparation of food;
- b) Fires used by Salmo Volunteer Fire Department for the purpose of education, training and other Salmo Volunteer Fire Department purposes;
- c) Fires used or recommended by the Ministry of Forests to manage ecosystems for purposes of silviculture management, forest fuel management, fire hazard

reduction, wildlife enhancement, domestic range improvement and the use of fire as a means of fire control;

d) Campfires and;

e) Outdoor Fireplaces.

Owner – means the registered owner of an estate in fee simple or his/her agent authorized in writing, **Ownership** in a corporation or company and includes the tenant for life under a registered life estate, the registered holder of the last registered agreement for sale, corporate and public agency **Ownership**, and the holder or occupier of land held in the manner described in the *Community Charter* or an authorized agent of the **Owner** acting on their behalf.

Outdoor Fireplace – means a secured container, which is commercially manufactured, certified by the Canadian Standards or a similar entity, and designed with a chamber to hold an outdoor fire, used for heat, light, or cooking purposes.

Permitted Burning Material – means seasoned and dry parts of trees or other vegetation.

Prohibited Burning Materials – means material as defined in Section 3.1.5 of this bylaw.

Public Welfare Emergency – means, as defined in the Federal *Emergencies Act*, R.S.C., an Act to authorize the taking of special temporary measures to ensure safety and security during national emergencies and to amend other Acts in consequence thereof, Part 1, Public Welfare Emergency as follows:

5 In this Part (*of the Act*),

Declaration of a Public Welfare Emergency means a proclamation issued pursuant to subsection 6(1); (*déclaration de sinistre*)

Public Welfare Emergency means an emergency that is caused by a real or imminent

- (a) fire, flood, drought, storm, earthquake or other natural phenomenon,
- (b) disease in human beings, animals or plants, or
- (c) accident or pollution

and that results or may result in a danger to life or property, social disruption or a breakdown in the flow of essential goods, services or resources, so serious as to be a national emergency. (*sinistre*)

Residential Premises – means a building occupied as a home or sleeping place by one or more persons, including a hotel, motel, auto court, motor hotel, apartment building, dormitory, rooming house or institution.

Smoke alarm – means the combined smoke detector and audible alarm device designed to sound an alarm within the **Dwelling Unit, Suite** or room which it is located upon the detection of smoke within that room.

Smoke – means the gases, particulate matter and all other products of combustion emitted into the atmosphere when a substance or material is burned.

Suite – means a single room or series of rooms of complementary use, operated under a single tenancy, and includes individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories.

Village means The Corporation of the Village of Salmo.

Wood Burning Appliance – means a solid fuel burning device including, without limitation, a stove and fireplace insert.

Woody Debris means refuse that comprises clean, unstained and untreated wood resulting from land clearing that has been allowed to dry for at least one (1) year and that is not readily composted including prunings of over 1 metre in length or 5 centimetres in circumference, branches, tree trunks and stumps; “

Yard Waste means refuse that comprises vegetative matter resulting from gardening, landscaping or land clearing that is capable of being composted including grass and hedge clippings, leaves, grass, flowers, vegetable stalks, herbaceous waste, fruit and vegetable waste and prunings up to 1 metre in length and 5 centimetres in circumference;

3. FIRE PREVENTION AND LIFE SAFETY

- 3.1. The Owner or occupant of any lands, premises, yards or buildings situated within the Village of Salmo shall at all times keep the same in safe condition so as to guard against starting and the spread of fire.
- 3.2. No person or persons may allow accumulations of empty boxes, barrels, rubbish, trash, waste paper or any light combustible materials, on any property, or sidewalk or in any alley; except that such materials may be stored in a receptacle of fire resistant material fitted with fire doors, or in metal containers equipped with tight fitting lids.
- 3.3. The Owner or occupier or agent of any vacant building must at all times keep the building free of debris and flammable material, and keep all openings in such buildings securely fastened and closed so as to prevent the entry of unauthorized persons. After a notice of a requirement to secure or repair has been delivered by the Village to the Owner or occupier of a building unsecured for more than a seven day period, or in a state of repair contrary to this bylaw, a building will be considered a threat to public safety, and Village Staff or others may enter the property to secure or repair as required in the notice. Any charges incurred by the Village in securing or repairing the building are the responsibility of the Owner in accordance with Section 17 of the Community Charter and may be collected in accordance with Section 258 of the Community Charter as property taxes.
- 3.4. The Owner of a fire damaged building will ensure that the building is either guarded or all openings secured to prevent unauthorized entry.
- 3.5. The occupier of any lands, premises, facilities of buildings must at all times keep same in safe condition so as to guard against starting or spreading of fire by complying with

Division B of the B.C. Fire Code. In particular, and without limiting the generality of the foregoing, an occupier must, where applicable:

1. Maintain the required vehicle access for Salmo Volunteer Fire Department;
 2. Maintain a means of a way in and out;
 3. Provide and maintain an approved fire safety plan;
 4. Maintain hydrants in an approved manner;
 5. Maintain the fire alarm;
 6. Maintain emergency lighting and exit lighting;
 7. Maintain commercial cooking equipment;
 8. Maintain portable fire extinguishers; and
 9. Maintain an automatic sprinkler and/or standpipe and hose system.
- 3.6. No person may Smoke in areas where conditions may cause a fire or explosion, and “No Smoking” signs shall be posted by the building Owner or an authorized agent of the agent acting on their behalf.
- 3.7. The Owner of a building having a fire alarm system or sprinkler system must maintain and provide a current list of accessible contact person (s) to Salmo Volunteer Fire Department. Contact person(s) must be available to attend all alarms within 1 hour from the time they are notified.

4. OPEN BURNING

- 4.1. Except as otherwise provided, no person may light, ignite or allow or cause to be lit or started a fire of any kind in the open air.
- 4.2. No person shall burn any of the following materials:
- tires
 - plastics
 - domestic waste
 - paint
 - treated lumber
 - railway ties
 - manure
 - rubber
 - asphalt products
 - fuel and lubricant containers
 - biomedical waste
- 4.3. No person may start a fire if wind and weather are such that to do so is likely to be Hazardous or when banned under Provincial regulation.

- 4.4. During a public welfare emergency to reduce the risk emissions that may contribute to respiratory distress in residents, provided a provincial or regional ban is not in place, no person may:
 - (a) Conduct more than one open fire per week; and
 - (b) Said fire may burn for no longer than six (6) hours, at which time it must be extinguished.
- 4.5. Every person must comply with the requirements set out in the Open Burning Smoke Control Regulation, BC Reg. 145/93 enacted under the Environmental Management Act (SBC 2003) c. 53, both as amended from time to time. Such requirements include, but are not limited to, the required distance open burning must be from buildings, duration of smoke release, smoke-free periods per year, weather conditions and Smoke reduction measures.
- 4.6. The Fire Chief, or other Fire Officer acting in his/her place, may take any action to ban, extinguish or require extinguishment of any burning that the Fire Chief considers Hazardous.

5. INSPECTION OF PREMISES

- 5.1. The Fire Chief and any career Member of the Salmo Volunteer Fire Department may at all reasonable hours and subject to the terms in the Community Charter enter into and upon any property or private Dwelling Units:
 - a) for the purpose of testing or inspecting;
 - b) for the purpose of testing or inspecting buildings, as required by the Fire Services Act;
 - c) to determine if Salmo Volunteer Fire Department access and an adequate water supply are available for fire suppression purposes; or
 - d) to determine if the requirements of this bylaw are being carried out.
- 5.2. No person may obstruct, hinder, or prevent any authorized Salmo Volunteer Fire Department Member from entering into or upon any property or private dwelling units.
- 5.3. The Owner or occupier of the building or property or any other person having knowledge of a building or property must, upon request, give to a Member of the Salmo Volunteer Fire Department who is carrying out an inspection on a building or property such assistance he may require in carrying out the inspection.

6. RIGHT TO CARRY OUT FIRE SERVICES

- 6.1. The Fire Chief at any fire may cause demolition of any building or part of a building which, in his/her judgment, should be demolished in order to prevent spread of fire or to prevent damage to persons or property or loss of life.
- 6.2. No person may impede, hinder, or obstruct the extinguishment by Salmo Volunteer Fire Department of any fire. Every person who fails to comply with the orders or instructions

of a Member of the Salmo Volunteer Fire Department may be forcibly removed from the scene of such emergency or fire by an Officer, Peace Officer or Fire Chief.

- 6.3. No person may refuse to permit any Member of the Salmo Volunteer Fire Department to enter into or on any premises, for which an alarm of fire has been received, or in or upon any premises while the Member has reasonable grounds to suspect that a fire exists.
- 6.4. No person shall drive a vehicle over any Fire Department equipment without the permission of the Fire Chief or persons he/she designates to give permission.
- 6.5. No person may cause or contribute to the causation of a False Alarm which requires Salmo Volunteer Fire Department to be summoned. Any person found so intentionally or negligently causing a False Alarm is liable to a fine as per section 8.3 of this bylaw.

7. ENFORCEMENT AND PENALTIES

7.1. Issuance of Inspection Notice

- (a) If the Fire Chief finds that any provision of this bylaw has been contravened or has not been complied with, or has been complied with improperly or only in part, or that conditions exist in or upon a building or property to which the bylaw applies and which, in his/her opinion, constitutes a fire hazard or otherwise constitutes a hazard to life and/or property, he/she may make such notice to ensure full and proper compliance with this bylaw, and in particular, but without limiting the generality of the foregoing, he may:
 - i. make to the Owner, occupier or lessee of the building or property such recommendations as he/she deems necessary to correct the contravention or to ensure compliance with this bylaw, or to remove the hazards referred to in the bylaw, or
 - ii. make such notice as he/she deems necessary with respect to any of the matters referred to in this bylaw.
- (b) A notice made under this bylaw shall be in writing and must be directed to the occupier, or where the occupier is not the owner, to the owner and occupier of the building or property in respect of which the notice is made.

7.2. Service of Notice

An Inspection Notice made under this bylaw shall be served:

- a) by delivering it or causing it to be delivered to the person to whom it is directed; or by
- b) sending the notice by return registered or certified mail to the last known property Owner at the Owner's last known address; or
- c) after 14 days of sending a notice by return registered or certified mail to the last known property Owner at the Owner's last known address, post a copy in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known or refuses to accept service of notice.

7.3. Every person who violates any provision of this Bylaw is guilty of an offence and shall be liable on summary conviction to a fine (see Schedule A) of not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) plus the cost of prosecution for each offence. Should this fine be unpaid, the fees shall be added to taxes in accordance with Section 260 of the *Community Charter*.

7.4. Every day or portion of day for which an offence continues shall constitute a new offence.

Designation of Bylaw and Bylaw Enforcement Officers

7.5. This Bylaw is designated under section 264 of the *Community Charter* as a bylaw that may be enforced by means of a Bylaw Notice.

7.6. Without limiting the enforcement options under section

7.7. A person who commits an offence under this Bylaw will be liable to a penalty established under the Bylaw Notice Enforcement Bylaw.

7.8. Bylaw Enforcement Officers are designated to enforce this Bylaw by means of a Bylaw Notice under section 264 of the *Community Charter*.

7.9. No person may obstruct a Bylaw Enforcement Officer in the fulfillment of his or her duties under this Bylaw.

7.10. Designated Bylaw Enforcement Officers:

- Salmo Fire Chief or designated Fire Department Member acting in his place
- Bylaw Enforcement Officer
- Commissionaires BC
- Chief Administrative Officer (CAO)
- Royal Canadian Mounted Police

8. SEVERABILITY

8.1. If any section, subsection or clause of this Bylaw is held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and shall not affect the validity of the remainder of this Bylaw.

The following were moved up:

9. REPEAL

Bylaw #637 is hereby repealed and replaced.

10. CITATION

This Bylaw may be cited for all purposes as “**Fire Prevention Bylaw #719, 2020.**”

Read a first time	this 14 th day of April, 2020.
Read a second time on	this 14 th day of April, 2020.
Read a third time on	this 14 th day of April, 2020.
Adopted on	this 14 th day of April, 2020.

Originally Signed By:

Diana Lockwood

Anne Williams

Mayor

Chief Administrative Officer

I CERTIFY THAT THIS IS A TRUE COPY OF THE FIRE PREVENTION BYLAW #719, 2020 AS ADOPTED.

Anne Williams

Chief Administrative Officer

SCHEDULE "A"*FIRE PREVENTION BYLAW No. 719, 2020*

FINES

Offence	Bylaw Section	Fine
Accumulation of combustible materials	3.2	\$150.00
Vacant building with debris or flammable material, unsecured	3.3	\$150.00
Fire damaged building left unguarded or unsecured by Owner	3.4	\$150.00
Occupier not keeping property in safe condition to guard against start or spread of fire	3.5	\$150.00
Smoking in area where conditions may cause fire or explosion	3.6	\$100.00
Failure to provide contact person or attend fire alarm within one hour	3.7	\$100.00
Burning of prohibited materials	4.2	\$500.00
Starting fire in Hazardous conditions or during Provincial fire ban	4.3	\$1,150.00
Open burning more than once per week during a public welfare emergency, per day.	4.4 (a) & (b)	\$500.00
Non-compliance with Open Burning Smoke Control Regulation	4.4	\$250.00
Obstruction of Salmo Volunteer Fire Department Inspection	5.2	\$500.00
Obstructing Salmo Volunteer Fire Department in the extinguishment of a fire	6.2	\$500.00
Refusing entry into premise in which alarm has been received or fire is suspected	6.3	\$250.00
Driving vehicle over Fire Department equipment without permission	6.4	\$250.00
Intentionally or negligently causing a false alarm	6.5	\$250.00