

DATE OF MEETING SEPTEMBER 9, 2024

AUTHORED BY TIM DOYLE, FIRE CHIEF

**SUBJECT FIRE PROTECTION AND LIFE SAFETY BYLAW AMENDMENT**

## **OVERVIEW**

### **Purpose of Report**

To present an amendment to the “Fire Protection and Life Safety Bylaw 2011 No. 7108” to address how fuel tanks for flammable or combustible liquids are administered.

### **Recommendation**

That “Fire Protection and Life Safety Regulation Amendment Bylaw 2024 No. 7108.04” (a bylaw to amend the provision associated with fuel tank installation, removal, or withdrawing a fuel tank from service) pass first reading.

That “Fire Protection and Life Safety Regulation Amendment Bylaw 2024 No. 7108.04” pass second reading.

That “Fire Protection and Life Safety Regulation Amendment Bylaw 2024 No. 7108.04” pass third reading.

## **BACKGROUND**

In 2023, the City received a Fuel Tank Permit Application from an applicant seeking a permit for the removal and installation of a fuel tank at their commercial property. According to Section 22 of the Fire Protection and Life Safety Bylaw, the Fire Chief is responsible for inspecting any installation, removal, or repair of underground or above-ground fuel tanks. Additionally, Section 4.3 of the British Columbia Fire Code states that “the removal, abandonment in place, disposal, or temporary taking out of service of an underground storage tank shall be in conformance with good engineering practice.”

Since the Fire Department does not employ professional engineers trained to ensure that “the removal, abandonment in place, disposal, or temporary taking out of service of an underground storage tank shall be in conformance with good engineering practice,” the Fire Chief lacks the resources to administer these provisions. Consequently, the City must hire a professional to ensure adherence to these practices, and the costs associated with this process far exceed the \$100 permit application fee. Guidance was sought from the City’s Solicitor regarding the proposed bylaw amendment to address this issue.

With this in mind, staff are recommending an amendment to Section 22 of the bylaw to allocate responsibility to the person(s) undertaking the work, requiring them to hire the appropriate

professionals with the expertise needed to meet the Fire Code's regulatory requirements (see Attachment 1).

## **DISCUSSION**

The bylaw amendments before Council are twofold and aim to establish a relatively simple scheme which involves a two-touchpoint framework by requiring a certified professional to 1) submit a plan which would result in the issuance of a permit; and 2) sign-off by the professional at the end of the process. This approach ensures that the responsibility of ensuring "the removal, abandonment in place, disposal, or temporary taking out of service of an underground storage tank is in conformance with good engineering practice" would rest with the party undertaking the work. It would also justify retaining the permit application fee at \$100.00 as this fee would cover the administrative processing costs until such time as a more fulsome review can be conducted on the Fire Department's fees and charges. This process will be undertaken in the near future in conjunction with the fulsome review of the Fire Protection and Life Safety Bylaw as the bylaw will need to be updated to reflect the new BC Fire Code Regulations.

Should Council be supportive of the amendments to Section 22, Schedule G would also need to be amended to reflect the new provisions. For Council's convenience, amendments are shown in red and strikethrough in the consolidated version of "Fire Protection and Life Safety Regulation Bylaw 2011 No. 7108" (see Attachment 2). |

## **OPTIONS**

### Option 1:

That "Fire Protection and Life Safety Regulation Amendment Bylaw 2024 No. 7108.04 (a bylaw to amend the provision associated with fuel tank installation, removal, or withdrawing a fuel tank from service.)

That "Fire Protection and Life Safety Regulation Amendment Bylaw 2024 No. 7108.04" pass second reading.

That "Fire Protection and Life Safety Regulation Amendment Bylaw 2024 No. 7108.04" pass third reading.

- Advantages: The primary advantage of this option is that responsibility for ensuring the work associated with inspecting, removing, or installing an underground fuel tank would be assumed by professionals who have the expertise to carry out the work.
- Disadvantages: None.
- Financial Implications: Currently, the City is responsible for hiring the professional to undertake any inspections on any installation, removal, or repair to an underground or above ground fuel tank. The bylaw amendment would shift these costs to the applicant.

### Option 2

That Council retain the existing language for Section 22 to "Fire Protection and Life Safety Bylaw 2011 No. 7108".

- Advantages: None
- Disadvantages: Retaining the existing language in Section 22 would require the City to hire professionals to facilitate this process, as City staff do not have the expertise to administer these provisions.
- Financial Implications: The City would continue to bear the costs of hiring professionals with the expertise necessary to ensure that "the removal, abandonment in place, disposal, or temporary taking out of service of an underground storage tank shall be in conformance with good engineering practice."

**SUMMARY POINTS**

- Under the "Fire Protection and Life Safety Bylaw 2011 No. 7108," the Fire Chief is responsible for all applicable sections of the Fire Services Act, including the expertise to inspect the installation, removal, or repair of underground or above-ground fuel tanks.
- The bylaw provisions should be amended to ensure that the applicant hires the appropriate professional to conduct fuel tank inspections.
- These amendments will ensure that "the removal, abandonment in place, disposal, or temporary taking out of service of an underground storage tank shall be in conformance with good engineering practice."

**ATTACHMENTS:**

Attachment 1–B7108.04 – Fire Protection and Life Safety Regulation Bylaw Amendment  
Attachment 2- B7108 – Consolidated Bylaw – red lined version

**Submitted by:**

Tim Doyle,  
Fire Chief

**Concurrence by:**

Karen Robertson,  
Deputy Corporate Officer

Wendy Fulla,  
Director of Finance

Richard Harding,  
Gen. Mgr. Community Serv. & Deputy CAO

Dale Lindsay,  
Chief Administrative Officer