

ATTACHMENT 2

"FIRE PROTECTION AND LIFE SAFETY REGULATION BYLAW 2011 NO. 7108"

Consolidated Version

2021-SEP-21

Includes Amendments: 7108.01, 7108.02, 7108.03

CITY OF NANAIMO

BYLAW NO. 7108

A BYLAW TO REGULATE FIRE PROTECTION AND LIFE SAFETY
AND PROVIDE EMERGENCY SERVICES

WHEREAS the Council of the City of Nanaimo may, by bylaw pursuant to sections 8(3)(g), 63 and 66 of the *Community Charter*, S.B.C. 2003, c. 26, ("Community Charter") prohibit, impose requirements and establish regulations for the protection of persons and property and authorize the Fire Chief and members of the Fire Rescue Department to exercise certain powers;

AND WHEREAS the Council of the City of Nanaimo may, by bylaw, impose fees pursuant to sections 194 and 196 of the *Community Charter*;

AND WHEREAS the Council of the City of Nanaimo, may by bylaw, pursuant to section 154 of the *Community Charter* delegate its powers, duties and functions to an officer or employee of the City;

AND WHEREAS the Council of the City of Nanaimo may, by bylaw regulate, prohibit and impose requirements in relation to burning pursuant to sections 8(3)(i) and (h), 15 and 64(a) and (c) of the *Community Charter* and in relation to municipal services pursuant to section 8(3)(a) of the *Community Charter*;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be known and cited as "FIRE PROTECTION AND LIFE SAFETY REGULATION BYLAW 2011 NO. 7108".

2. Interpretation

Unless otherwise defined as follows, or the context otherwise requires, all words and phrases in this Bylaw shall be construed in accordance with the meaning assigned to them in the *Building Code*, *Fire Services Act* and *Fire Code*.

"APPARATUS" means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.

"BUILDING CODE" means the British Columbia *Building Code* as amended from time to time

"BUILDING" means a structure that is used or intended to be used for the support enclosure and/ or the shelter of persons, animals or property, except those prescribed by regulation as exempted from the *Building Code*.

"CITY PARK" means any community park operated and maintained by the City.

"CITY"	means the City of Nanaimo.
"COMBUSTIBLE LIQUID"	means any liquid having a flash point at or above 37.8 degrees Celsius and below 93.3 degrees Celsius.
"COMBUSTIBLE REFUSE"	means any combustible materials that are to be landfilled or recycled.
"CONSTRUCTION MATERIAL"	means any waste or refuse created by the clearing of land, or the construction, repair or demolition of a Building or Structure, including without limitation, trees, branches, stumps, and roots.
"CONTACT PERSON"	means a person designated by the occupier or owner of a Building or Structure at which a Fire Alarm System is installed who is able to attend at the Building or Structure when the Fire Alarm System has been activated.
"COUNCIL"	means the Municipal Council of the City of Nanaimo
"EQUIPMENT"	means any tools, contrivances, devices or materials used by the Fire Rescue Department at any Incident or other emergency.
"FALSE ALARM"	means the activation of a fire alarm system resulting in the direct or indirect notification of the Fire Rescue Department to attend the address of the Fire Alarm System, where there is in fact no Incident at that address.
"FIRE ALARM SYSTEM"	means all equipment, including without limitation, batteries, alarm gongs, horns, buzzers, switches, wiring, relay equipment, sensors, and other accessories designed to issue a warning of a fire by activating an audible alarm signal or alerting a monitoring service but does not include a fire alarm or smoke detector that is intended to alert only the occupants of a single dwelling unit.
"FIRE AND LIFE SAFETY EQUIPMENT"	includes, but is not limited to, Fire Alarm Systems, automatic Sprinkler Systems, special extinguishing systems, portable extinguishers, emergency lighting, water supply systems for fire protection, standpipe and hose systems, smoke control measures, emergency power installations, voice communication systems and fire fighter elevators.
"FIRE CHIEF"	means a person appointed by the City Manager to be in charge of the Fire Rescue Department and includes the Deputy Fire Chief and any other person authorized to act on behalf of the Fire Chief. (Bylaw 7108.02)
"FIRE CODE"	means the British Columbia <i>Fire Code</i> as amended from time to time.
"FIRE PREVENTION OFFICER"	means a member the Fire Rescue Department authorized in writing by the Fire Chief to be a Fire Prevention Officer and

a Local Assistant Fire Commissioner.

"FIRE PROTECTION TECHNICIAN"	means a person who has provided the Fire Rescue Department with acceptable documentation from a manufacturer of Fire And Life Safety Equipment certifying that he or she has been trained to install and service their equipment or from the agency known as the Applied Science Technologist and Technicians of British Columbia certifying that he or she is able to perform inspections and testing on fire extinguishers, Fire Alarm Systems, Sprinkler systems, and other Fire And Life Safety Equipment or a person approved by the Fire Chief.
"FIRE RESCUE DEPARTMENT"	means the City of Nanaimo Fire Rescue Department.
"FIRE SAFETY PLAN"	is a set of emergency procedures and guidelines to be followed by the occupants of a Building in the event of a fire or an emergency in a Building or Structure; and may include the locations of utilities and emergency shutoffs for gas and water, and operational information of Fire and Life Safety Equipment.
"FIRE SERVICES ACT"	means the <i>Fire Services Act</i> , R.S.B.C. 1996, c.144.
"FIREFIGHTER"	means every Member of the Fire Rescue Department other than an Officer, whose duties include fire prevention, fire suppression, or emergency response.
"FUEL TANK"	includes storage tanks for flammable liquid (a liquid that has a flash point below 37.8 °C and a vapour pressure not exceeding 275.6 kPa, 40 psi, absolute, at 37.8°C) or combustible liquid (a liquid that has a flash point at or above 37.8°C and below 93.4°C).
"FUEL TANK PERMIT"	means a permit authorizing the installation, removal, or withdrawal from service of an underground or aboveground Fuel Tank issued by the Fire Chief.
"INCIDENT"	means a fire or any other class of circumstance that may cause harm to persons or property, and includes rescue, medical aid, hazardous material incidents or other similar situations that are a threat to life.
"MEMBER"	means any person that is duly appointed by the Fire Chief as a member of the Fire Rescue Department and is an employee of the City.
"OCCUPANCY"	means the use or intended use of a Building or part thereof for the shelter or support of persons, animals or property.
"OFFICER"	means any member of the Fire Rescue Department holding the rank of: (a) Fire Chief

- (b) Deputy Fire Chief
- (c) Assistant Fire Chief
- (d) Captain
- (e) Lieutenant
- (f) Fire Prevention Officer

"OFFICER IN COMMAND"	means the highest-ranking Officer in attendance at an Incident. In the event that an Officer is not in attendance at an Incident, the most senior Member in attendance at that Incident will assume command in accordance with Section 11(1).
"OPEN BURNING"	means a fire in the open air but does not include a Cooking Fire or a fire where the products of combustion from the fire are conveyed to and disposed of by means of a chimney in a Building or Structure constructed and maintained in accordance with the <i>Building Code</i> .
"PEACE OFFICER"	means any RCMP member or a Bylaw Enforcement Officer.
"PREMISES"	means a Building or Structure together with its grounds and appurtenances.
"PRE-INCIDENT PLAN"	means a series of documents containing plans, drawings and written descriptions identifying the type and location of Buildings, fire fighting hazards, Fire and Life Safety Equipment and utilities".
"PRIVATE HYDRANT"	means a fire hydrant on private property or common property within a strata property.
"SINGLE DWELLING UNIT"	is a suite operated as a housekeeping unit under a single tenancy.
"SMOKE ALARM"	means a combined smoke detector and audible alarm device designed to sound an alarm, within the room in which it is located upon the detection of smoke within the room.
"SPRINKLER SYSTEM"	includes all equipment forming part of or used in connection with a fire sprinkler system, including without limitation, all heads, valves, piping, switches, sensors, relay equipment, and other accessories.
"STRUCTURE"	means any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite matter; that which is built or constructed, an edifice or building of any kind whether fixed to, supported by or sunk into land or water including, combinations of materials to form a construction for Occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land, but specifically excludes landscaping, fences, paving and retaining structures less than 1.5 meters in height.

"VEHICLE" means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks.

PART 1 – ADMINISTRATION

3. Provincial Fire Code Adopted

Pursuant to Section 15 of the *Community Charter*, the Council adopts and establishes for the City the *Fire Code*. The provisions of the *Fire Code* adopted and established are made part of this Bylaw and shall be considered as provisions of this Bylaw.

4. Confirmation of Fire Rescue Department

The Fire Rescue Department as established is hereby confirmed.

5. Confirmation and Appointment of Fire Chief

- (1) The position of Fire Chief as established is hereby confirmed.
(Bylaw 7108.02)

6. Responsibilities and Duties of Fire Chief

- (1) The Fire Chief is the Department Head of the Fire Rescue Department and is responsible for the efficient management of all members, apparatus, equipment, responses to incidents and the provision of fire prevention and protection services to the City.
(Bylaw 7108.02)
- (2) The Fire Chief shall establish rules, regulations and policies necessary for the proper organization, administration and operation of the Fire Rescue Department including but not limited to:
 - (a) the use, care and protection of Fire Rescue Department property;
 - (b) the conduct and discipline of Members of the Fire Rescue Department;
 - (c) the safe and efficient operation of the Fire Rescue Department; and
 - (d) the duties and responsibilities of Members.
- (3) The Fire Chief shall take responsibility for all fire protection matters and other Incidents including the enforcement of applicable sections of the *Fire Services Act* and its regulations, and the *Fire Code* and shall assume the responsibilities of a local assistant to the Fire Commissioner.
- (4) The Fire Chief may appoint or designate other Officers of the Fire Rescue Department to act as Fire Chief on his behalf and may, in writing, authorize Officers to exercise the powers of a local assistant to the Fire Commissioner.
- (5) Council authorizes the Fire Chief to exercise all the powers of the Fire Commissioner under section 25 of the *Fire Services Act* and for these purposes that section applies.
- (6) Council delegates to the Fire Chief the power to enter into First Responder Training

Agreements with other local governments for the purposes of having employees trained and licensed as First Responders in compliance with the requirements of the Vancouver Island Emergency Response Academy (VIERA) and Emergency Medical Assistants Licensing Board (EMALB).” (7108.03)

7. Appointment and Accountability of Officers and Members

- (1) All Members of the Fire Rescue Department shall be appointed by the Fire Chief.
- (2) Officers shall be appointed by the Fire Chief, as vacancies occur or as needs dictate, from firefighters meeting the qualifying standards.
- (3) Members are accountable to the Fire Chief for the actions and affairs of the members under their command.
- (4) All Officers are responsible for ensuring that Members adhere to any and all applicable City and Fire Rescue Department policies, procedures, rules and regulations.

8. Rank Structure of Fire Rescue Department

The rank structure of the Fire Rescue Department, in descending order shall be as follows:

- (a) Fire Chief;
- (b) Deputy Fire Chief;
- (c) Assistant Fire Chief;
- (d) Captain;
- (e) Lieutenant;
- (f) Fire Prevention Officer;
- (g) Firefighter;
- (h) On Call Firefighter.

9. Jurisdiction of Fire Rescue Department

The limits of the jurisdiction of the Fire Chief and the Members of the Fire Rescue Department will extend to the area and boundaries of the City of Nanaimo, and neither the Fire Chief or Members shall supply fire fighting services or respond to an Incident nor shall any part of the fire Apparatus or Equipment be used outside the boundaries of the City without the consent of the other local government or express authority of a written agreement between the City and the other local government providing for the supply of fire fighting services, or other Incident response outside the City boundaries.

10. Fees

A person must pay a fee as prescribed in the Fees and Charge Bylaw for the following:
(7108.03)

- (a) a search of City files for any Fire Code violations, inspection infractions or information about environmental contamination existing on the Premises;
- (b) a Fire Rescue Department inspection of a Building, Premises or property that is not a regular scheduled inspection, and the fee is payable by the person who requested the inspection;

- (c) Fire Extinguisher Training Course, however, the fee may be discounted one hundred (100) percent if the Fire Extinguishing Training course is given to a non-profit Society;
- (d) a re-inspection of a Building, Premises or property where the Fire Prevention Officer finds that an owner or occupier has not complied with a Fire Rescue Department Order;
- (e) a third inspection of a Building, Premises or property by a Fire Prevention Officer that is required because the owner or occupier has failed to comply with the requirements in an inspection report;
- (f) the Fire Rescue Department response to a False Alarm where it is the third or greater number of False Alarms originating from one Fire Alarm system in any twelve (12) month period and the fee is payable by the owner or occupier of the property in which a Fire Alarm system is installed;
- (g) a Burning Permit; and,
- (h) a Fuel Tank Permit.

PART 2 – FIRE INCIDENT RESPONSES AND OPERATIONS

11. Control, Direction and Management

The Fire Chief or Officer In Command at an Incident, shall have control, direction and management of all Fire Rescue Department Apparatus, Equipment, and Members assigned to an Incident and, where an Officer In Command is in charge, he shall continue to act in that capacity until relieved by a more senior Officer.

12. Authorization to Enter Property

- (1) The Fire Chief and Members are authorized to enter onto property and inspect Premises, with or without Apparatus and Equipment, for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire.
- (2) The Fire Chief and Members are authorized to enter onto property and into Buildings or Structures to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter contained in this Bylaw, the *Fire Services Act* and its regulations and the *Fire Code*.
- (3) The Fire Chief and Members are authorized to enter onto property and into Buildings or Structures, including those adjacent to an Incident, with or without Apparatus and Equipment, to take measures to prevent and suppress fires or deal with another form of Incident.

13. Regulations at Incident

Fire Hose

- (1) No person shall drive over, or be within nine (9) metres of a Fire Rescue Department hose that is in use or filled with water, without the permission of the Officer In Command at an Incident.

Assistance in the Fighting of Fires

- (2) The Officer In Command is authorized to require a person to assist in the fighting of any fire or in the preserving of any property threatened by fire, or to assist in the salvaging and safeguarding of property threatened by fire.

Evacuation of Buildings and Hazard Areas

- (3) The Fire Chief is authorized to order the evacuation of any Building or area where there is an emergency arising from a fire hazard, risk of explosion or a panic. In such a case no person, other than the Fire Chief, the Officer In Command, a Member of the Fire Rescue Department, or other person authorized by the Fire Chief or Officer In Command shall remain in or shall enter those Buildings or areas.

Demolition of Adjacent Buildings or Structures

- (4) The Fire Chief or Officer In Command at any Incident is authorized to prevent and suppress a fire by causing to be pulled down or demolished a Building or Structure when he considers it necessary to prevent or suppress any fire.

Securing Vacant Buildings and Structures Where Fire Has Occurred

- (5) If requested by an Officer, a property owner or occupier shall secure a Premises that has been damaged by fire, in a manner approved by the Officer which will include but not be limited to one or more of the following:
 - (a) boarding up the Building or Structure;
 - (b) fencing; or
 - (c) supplying twenty-four (24) hour security services by a licensed security company.
- (6) If the property owner or occupier cannot be located or fails to undertake the securing of any Premises damaged by fire, the City will carry out the work of securing the Premises and the costs will be billed to the property owner and, if unpaid by December 31st in the year that the property owner or occupier failed to take the required action, will be added to and form part of the property taxes in relation to the Premises.

Commandeering of Privately Owned Equipment

- (7) The Fire Chief or Officer In Command at any Incident is hereby empowered to commandeer privately owned equipment, which he considers necessary to deal with such Incident.

Compliance with Direction

- (8) No person shall fail to comply with a direction of the Officer In Command, or any Member of the Fire Rescue Department made in accordance with this Bylaw at an Incident.
- (9) No person shall interfere with or impede the use of Equipment by the Fire Chief or a Member at an Incident.

PART 3 – FIRE PREVENTION

14. Prevention of Fire Hazards

Fire Hazards

- (1) No person, being an owner or occupier of any Premises shall:
 - (a) maintain the Premises in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
 - (b) use or occupy the Premises in such a manner that fire would endanger life or property or increase the danger of fire;
 - (c) keep combustible or explosive material on the Premises, except as permitted by this Bylaw or other enactment, or allow other flammable conditions to exist in the Premises so as to endanger life or property;
 - (d) allow a fire hazard to exist on the Premises.

Remediation of Fire Hazards

- (2) Where an Officer determines that one or more conditions as indicated in Section 14(1)(a), (b), (c), or (d) exists, the Officer may issue to an owner or occupier of a Premises a Fire Rescue Department Order in the form attached as Schedule “C” to and forming part of this Bylaw, requiring the owner or occupier of the Premises to do one or more of the following:
 - (e) Repair the Building or Structure on the Premises;
 - (f) Remove or destroy the Building or Structure on the Premises;
 - (g) Alter the use or Occupancy of the Premises;
 - (h) Remove combustible or explosive material from the Premises or remedy a flammable condition at the Premises;
 - (i) Remove or take any precautions required against the fire hazard present at the Premises.
- (3) An Officer may specify a date by which the owner or occupier of the Premises must comply with the Fire Rescue Department Order.
- (4) Should the owner or occupier of the Premises having received a Fire Rescue Department order in accordance with section 14(2) fail to comply with the terms of the Order, the City may carry out the work associated with the terms of the Order and the costs of doing so will be billed to the owner or occupier of the Premises, and if unpaid by December 31 in the year in which the owner or occupier failed to take the required action under the Order, will be added to and form part of the property taxes on the property owner’s Premises.
- (5) If a Fire Rescue Department Order is issued under section 14(2), the owner or occupier of a Premises may appeal to the Fire Chief in writing within seven (7) days after receipt of the Order and the Fire Chief will promptly investigate the appeal and, in writing, either affirm, modify or revoke the Fire Rescue Department Order issued under section 14(2).

Securing of Vacant Buildings, Structures and Properties where Fire Hazard

- (6) If directed by the Fire Chief or Officer, a property owner shall secure a vacant Building, Structure or property which contains a fire hazard or has been used or occupied so as to create a fire hazard, in a manner approved by the Fire Chief or

Officer, which shall include, but not be limited to one or more of the following:

- (j) boarding up the Building or Structure;
 - (k) fencing; or
 - (l) supplying twenty-four (24) hour security services by a licensed security company.
- (7) Should the property owner fail to undertake the securing of any Building, Structure or property as required in accordance with section 14(4), the City will carry out the work and the costs of doing so will be billed to the property owner and, if unpaid by December 31st in the year in which the property owner failed to take the required action, will be added to and form part of the property taxes on the property owner's property.

PART 4 – INSPECTIONS UNDER FIRE SERVICES ACT

15. Frequency of Inspections Delegated

- (1) The authority and duty of the Council under the *Fire Services Act* to establish, revise and implement a regular system of inspections of hotels, public buildings, churches theatres, halls, or other Buildings used as a place of public resort in the City is delegated to the Fire Chief and for this purpose the Fire Chief is delegated the authority to establish a system of regular inspections which will provide different frequencies of inspection depending on a building's British Columbia Building Code building classification, its use, age and fire risk assessment.
- (2) The Fire Chief must report to Council as and when requested by Council on the inspection system created and implemented under section 15(1) of this Bylaw.

PART 5 – FIRE AND LIFE SAFETY EQUIPMENT AND STANDARDS

16. Fire Drills

- (1) The owner or occupier of a hotel, hospital, community care facility or other Building with sleeping accommodation and used for the care of persons, must adopt, and have employees in the Building practice a fire drill system in accordance with the *Fire Code*.
- (2) The owner or occupier of a school, child care facility, children's home or other institution for children's education or care, shall adopt and have all persons in these Premises practice a fire drill system in accordance with the *Fire Code*.

17. Fire Safety Plans

- (1) The owner or occupier of a Building or Structure that has a Fire Alarm System shall submit annually in a form acceptable to the Fire Chief a Fire Safety Plan.
- (2) The owner or occupier of a Building or Structure who has submitted a Fire Safety Plan to the Fire Chief shall each year, before the expiry of one (1) year from the last approval of Fire Safety Plan, revise it and resubmit it to the Fire Chief if any changes are necessary as a consequence of changes to the Building, utilities or Fire and Life Safety Equipment.

- (3) The owner or occupier of a Building or Structure who has submitted a Fire Safety Plan to the Fire Chief must post a notice visible to all occupants of the Building or Structure of the location where a copy of the current Fire Safety Plan may be reviewed by the occupants.

18. Pre-Incident Plan

- (1) An owner of a Building without a Fire Alarm System, other than a Single Dwelling Unit, duplex or triplex, shall submit annually in a form acceptable to the Fire Chief a current Pre-Incident Plan.
- (2) The owner of a Building or Structure who has submitted a Pre-Incident Plan to the Fire Chief shall each year, before the expiry of one (1) year from the last approval of this Pre-Incident Plan, revise it and resubmit it to the Fire Chief if any changes are necessary as a consequence of changes to the Building, utilities or Fire And Life Safety Equipment.

19. Smoke and Fire Alarms and Sprinklers

- (1) Where required by the *Building Code*, an owner or occupier of a Building shall install, or cause to be installed, Sprinkler Systems, fire alarms and Smoke Alarms in accordance with the *Building Code* Standards.

20. Containers for Collection of Combustible Refuse

- (1) All containers used for the collection of Combustible Refuse in quantities exceeding five cubic feet shall be constructed of solid sheet non-combustible material.
- (2) Each container referred to in section 20(1) shall have easy closing lids that must be operational at all times. Lids may be constructed of heavy plastic.
- (3) Containers referred to in section 20(1) shall be located at least ten feet from any Building or fuel supply tank unless otherwise approved by the Fire Chief.
- (4) Containers that are intended for temporary collection of combustible Construction Material are exempt from section 20(2) and 20(3) of this Bylaw.

21. Storage of Flammable or Combustible Materials

- (1) No person shall store clean up rags or shop towels for products subject to spontaneous combustion except in a non-combustible container referred to in section 20(1) with tight fitting self-closing metal lid.
- (2) No person shall allow lids to remain open on any container referred to in 20(1) that contains clean-up rags or shop towels that are subject to spontaneous combustion.
- (3) An owner or occupier of a Premises shall store flammable or Combustible Liquids or products in accordance with this Bylaw and the *Fire Code*.

22. Fuel Tanks for Flammable or Combustible Liquids

~~An owner or occupier of the Premises may not undertake installation, removal, repair or upgrade to an underground or aboveground fuel oil tank of any size over 2500 litres (550 gal) or install, remove, replace or repair fuel distribution piping or dispensing equipment unless the owner or occupier of the Premises first obtains a permit from the Fire Rescue Department in the form attached to and forming part of this Bylaw as Schedule "G".~~

Permits

- (1) A person must obtain a Fuel Tank Permit from the Fire Chief before undertaking any of the following activities:
 - (a) installing a Fuel Tank;
 - (b) removing a Fuel Tank; or
 - (c) withdrawing a Fuel Tank from service.

- (2) To apply for a Fuel Tank Permit, the owner of the Premises on which the Fuel Tank is located must submit to the Fire Rescue Department:
 - (a) a report prepared and sealed by a qualified professional certifying that the proposed works comply with all applicable provisions of the following:
 - i. Fire Code;
 - ii. Building Code; and
 - iii. CAN/CSA B139 – Installation Code for Oil Burning Equipment;
 - (b) an application form in the form shown as Schedule "G" to this Bylaw; and
 - (c) any fees prescribed by the City of Nanaimo Fees and Charges Bylaw.

- (3) Upon completion of work authorized by a Fuel Tank Permit, the owner of the Premises on which the Fuel Tank is located must promptly submit to the Fire Rescue Department a report prepared and sealed by a qualified professional certifying that the work was completed in accordance with the relevant Fuel Tank Permit and applicable provisions of the following:
 - (a) Fire Code;
 - (b) Building Code; and
 - (c) CAN/CSA B139 – Installation Code for Oil Burning Equipment.

Maintenance

- (4) Fuel Tanks must be maintained and inspected for leakage in accordance with the Fire Code.

- (5) The Fire Chief may order that a Fuel Tank be tested for leakage whenever a leak is suspected.

- (6) When a leak in a Fuel Tank is detected, the Fire Chief may order that the Fuel Tank:
 - (a) be replaced, in the case of an underground Fuel Tank;
 - (b) be repaired or replaced, in the case of an above ground Fuel Tank,

and the Fire Chief may require that the person provide a report prepared and sealed by a qualified professional certifying that such work has been carried out in compliance with the applicable provisions of the following:

- (c) Fire Code;
- (d) Building Code; and
- (e) CAN/CSA B139 – Installation Code for Oil Burning Equipment.

23. Exit and Fire Doors

- (1) The owner or occupier of a hotel, public Building, church or Building to which the public is invited shall ensure that the smoke and fire doors are kept closed when not in use for access unless they are automatically controlled to close by a system approved by the Fire Chief.
- (2) No person shall alter or install exit doors in a church, hotel, public Building or Building to which the public is invited unless they open freely outward and the alterations or installations are approved by the Fire Chief.
- (3) No person shall install locking devices on any required exit doors in a hotel, public Building, church or Building to which the public is invited unless the locking devices are approved by the Fire Chief.

24. Exit and Access Requirements

- (1) No person shall install a fire lane gate without review and approval by the Fire Rescue Department prior to installation.
- (2) No owner or occupier of a Premises shall block any primary or secondary vehicular access with a gate without review and approval by the Fire Rescue Department prior to installation.
- (3) The owner or occupier of a hotel or public Building shall install or cause to be installed in all main halls and at the intersection of all cross halls of the hotel or public Building conspicuous signs indicating the means of exit where required by the *Building Code* and in accordance with the *Building Code*.
- (4) The owner or occupier of a hotel or public Building shall post or cause to be posted in each room a conspicuous notice describing the means of exit, with instructions to be followed in the event of fire where required by the *Building Code* and in accordance with the *Building Code*.
- (5) An owner or occupier of a hotel or public Building shall ensure that the means of exit are illuminated where required by the *Building Code* and in accordance with the *Building Code*.
- (6) No person shall sit, stand, place, or leave any article or thing or matter in such a manner as to interfere with the means of ingress and egress inside or outside any Building.

25. Fire and Life Safety Equipment Orders

If the owner or occupier of a hotel or public Building fails to provide, keep in good repair, alter or improve a means of exit, or fire and life safety equipment required by Part 5 of this Bylaw, an Officer may issue to the owner or occupier of the hotel or public Building a written Fire Rescue Department Order requiring that the owner or occupier of the hotel or public Building take action to meet the requirements of Part 5 of this Bylaw within a specified period of time.

26. Evacuation or No Occupancy Order

- (1) The Fire Chief or Fire Prevention Officer may issue a Fire Rescue Department Evacuation Order in the form shown in Schedule "D" attached to and forming part of that Bylaw to an owner or occupier of a Building, Structure or area to evacuate the Building, Structure or area immediately, if the Fire Chief or Fire Prevention Officer believes there is an imminent and serious danger to life or property of the occupants or of a panic arising from a fire hazard or risk of explosion.
- (2) The Fire Chief or Fire Prevention Officer may post a notice on any Building or Structure or area warning that Occupancy of the Building, Structure or area may be hazardous or that there is "no occupancy" of the Building, Structure or area due to a fire hazard, and the notice shall be in the form shown in Schedule "C" attached to and forming part of this Bylaw.
- (3) No person shall remove, alter, or deface any notice posted pursuant to this Bylaw.
- (4) No person shall remain in a Building or Structure that has been ordered evacuated or not to be occupied in accordance with an Order under sections 26(1) or 26(2) Fire Rescue Department without prior approval and permission by the Fire Chief or Fire Prevention Officer.

27. Fire Protection Technician's Obligations

Fire Protection Technicians when servicing Fire and Life Safety Equipment will:

- (a) notify the Fire Rescue Department prior to any service, test, repair, maintenance, adjustment, alteration or installation of a sprinkler standpipe or Fire Alarm System, and prior to any sprinkler standpipe or Fire Alarm Systems or part of those systems being taken out of service; and,
- (b) after any required servicing of Life and Fire Safety Equipment attach to the Life and Safety Equipment a service tag approved by Fire Chief.

28. Fire Alarm Systems

Contact Persons for Fire Alarm Systems

- (1) An owner or occupier of a Building or Structure at which a Fire Alarm System is installed shall, on the same day on which the Fire Alarm System becomes operational, submit to the Fire Rescue Department a list of emergency Contact Persons in the form shown on Schedule "B" attached to and forming part of this Bylaw.

- (2) The owner or occupier of a Building or Structure at which a Fire Alarm System is installed shall inform the Fire Rescue Department of any changes to the information about the Monitoring Service or Contact Persons by notice in writing immediately when changes to this information arise.
- (3) The owner or occupier of a Building or Structure at which a Fire Alarm System has been installed shall ensure that the Contact Persons whose names are provided pursuant to section 28(2) are persons who are:
 - (a) available to receive telephone calls from the Fire Rescue Department or Monitoring Service in the event that the alarm system at the owner's or occupier's Building or Structure is activated;
 - (b) able to attend at the address of the owner's or occupier's property within thirty minutes of being requested to do so by the Fire Rescue Department or Monitoring Service;
 - (c) capable of gaining access to the owner's or occupier's Building or Structure where the Fire Alarm System has been activated; and,
 - (d) capable of operating the Fire Alarm System and able to secure the owner's or occupier's Building or Structure where the Fire Alarm System has been activated.
- (4) An owner or occupier of any Building or Structure at which a Fire Alarm System has been installed shall notify the Fire Rescue Department immediately of any False Alarm incident.
- (5) When a Fire Alarm System has been activated and the owner or occupier of the Premises at which the Fire Alarm System has been activated or that person's Contact Person cannot be reached or is unable to attend the Premises, the Fire Rescue Department will forcibly enter the Building at which the Fire Alarm System is activated to suppress a fire, or determine the cause of the alarm. The Fire Rescue Department will secure the Building or provide 24-hour security until the Building can be secured. The owner or occupier will be charged the fee for the cost of security or securing the Premises as prescribed in the Fees and Charges Bylaw (7108.03)
- (6) No owner or occupier of a Building or Structure at which a Fire Alarm System has been installed shall service, test, repair, adjust, alter or install any parts or items to the Fire Alarm System that might activate a False Alarm without first notifying the Fire Rescue Department.
- (7) No owner or occupier of a Building or Structure where a False Alarm has been activated or that person's Contact Person shall leave the Premises unless the problem that gave rise to the False Alarm is identified and corrected or security by a security company is posted until such time as the problem giving rise to the False Alarm is identified and corrected.

PART 6 – BURNING PERMITS

29. Open Burning

- (1) Fires and Open Burning set for the purpose of training Members and all fires located at the Nanaimo Fire Training Centre are exempt from this section of the Bylaw.

- (2) No person shall ignite any Open Burning fire or cause or permit any Open Burning fire to be ignited at any time unless the person first obtains a Burning Permit.
- (3) Where, in the opinion of the Fire Chief, adverse atmospheric conditions do not permit, or are not conducive to, the ready dissipation of smoke, the Fire Chief may impose a general ban on all Open Burning for the duration of the said adverse condition.
- (4) No person shall cause, allow or permit Cooking Fires in any City Park contrary to a general burning ban.
- (5) No person shall cause, allow or permit any Open Burning in any City Park contrary to signage banning such Open Burning and without a Burning Permit and written permission from Nanaimo Parks, Recreation and Culture.

30. Burning Permits

- (1) Burning Permits may be issued, cancelled or suspended solely at the discretion of the Fire Chief or an Officer.
- (2) Burning Permits may be issued for an Open Burning fire:
 - (a) by telephone for burning organic yard waste such as garden refuse, pruning, and wood branches on lots that are one (1) acre in size or greater or lots located on Protection Island;
 - (b) for special events in a form prescribed in Schedule “E” attached to and forming part of this Bylaw.
- (3) No person who has been issued a Burning Permit, for an Open Burning fire on a lot that is one (1) acre in size or greater or a lot on Protection Island, shall ignite or maintain a fire except on Fridays and Saturdays from sunrise to sunset during the period from April 01 to April 30th and November 1st to November 30th of each year.
- (4) No person who has been issued a Burning Permit for a special event shall ignite or maintain a fire:
 - (a) except on the dates and times permitted on the Permit;
 - (b) contrary to the permit conditions.
- (5) No persons shall:
 - (a) maintain an Open Burning fire greater than one and half (1.5) metres across in size;
 - (b) locate an Open Burning fire less than three (3) metres from any combustibles; and
 - (c) fuel the Open Burning fire except by hand feeding it.
- (6) No person shall cause, allow or permit open burning of construction materials, stumps, land clearing materials and debris or household garbage.
- (7) Permit requirements shall not apply to outdoor cooking fires, provided the fire is contained to a device or fixture designed for containing the fire and not exceeding

24 inches in diameter. The fire may only utilize clean, dry wood or briquettes and may not exceed two hours in duration.

- (8) No person possessing a Burning Permit shall maintain an Open Burning fire without keeping a competent person at all times in charge of such fire until such times as the fire is completely extinguished and without providing the competent person with sufficient equipment in order to prevent the fire from getting out of control of causing damage or becoming dangerous to life or property.

PART 7 – FIRE HYDRANTS AND FIRE CONNECTIONS

31. General Requirements

- (1) The owner of a Private Hydrant must request a City of Nanaimo Hydrant Identification Number from the Fire Rescue Department and must clearly label the Private Hydrant with the Identification Number.
- (2) All service work will be identified by the use of the hydrant identification number.
- (3) During construction, servicing or repairs, the owner of a Private Hydrant and contractors for such owners shall ensure that all fire hydrant conditions affecting fire safety such as fire hydrants temporarily out of service, low water volumes or pressures are made known to the Fire Rescue Department immediately.
- (4) All Private Hydrants which are out of service for repair, or not yet in service, must be wrapped with burlap or black polyethylene plastic sheeting.
- (5) The owner or contractor for the owner of a Private Hydrant must notify the Fire Rescue Department immediately when a Private Hydrant has either been taken out of operation or put back into operation.
- (6) No person shall place, leave or allow any vehicle, article, thing or other matter to interfere with access to or to be located within one (1) metre of a fire hydrant or fire connection.
- (7) Should any matter or thing be located within one (1) metre of a fire hydrant or fire connection and is or could cause interference with access to the fire hydrant or connection, the Fire Rescue Department may cause the matter or thing to be removed by any Member or Peace Officer or any contractor immediately during an Incident, or if not during an Incident, within a time specified in an Order in the form attached as Schedule "C" to this Bylaw and served on the owner or occupier of the property where the matter or thing is located.

32. Maintenance & Inspections

- (1) The owner of every Private Hydrant shall have all components of the hydrant inspected, serviced and tested by a qualified Fire Protection Technician not less than once a year and the Fire Hydrant Service Report form attached to and forming part of this Bylaw as Schedule "F" must be submitted to the Fire Rescue Department within thirty (30) days of the Private Hydrant servicing.
- (2) Records of Private Hydrant inspections and servicing must be kept by the owner or contractor for three (3) years.

- (3) All fire hydrants in the City of Nanaimo will be painted, red with yellow top and caps.
- (4) The owner of a property adjacent to a fire hydrant or on which a Private Hydrant is located must:
 - (a) maintain, clear and keep unobstructed an area having a radius of one (1) metre around every hydrant;
 - (b) keep hydrants clear of ice, snow, shrubs, trees, Structures and other obstructions; and,
 - (c) clearly identify their locations.

33. Service After Each Use

The owner of a Private Hydrant is responsible to conduct or have conducted the following minimum inspection requirements after each use:

- (a) examine the exterior for broken, cracked or missing parts;
- (b) check to ensure that the hydrant hose ports are the proper elevation and facing a direction for the most efficient use;
- (c) check to ensure that the hydrant is not obstructed by tall grass, shrubbery or other items;
- (d) check for worn, rusted or obstructed threads, which may hamper efficient use; and,
- (e) inspect hydrant barrels to determine if water has been accumulated as a result of leaking main valve, plugged or damaged drain valve.

34. Semi-Annually Inspection

The owner of a Private Hydrant is responsible to conduct or have conducted the following minimum inspection requirements semi-annually:

- (a) examine the exterior for broken, cracked or missing parts;
- (b) check to ensure that the hydrant hose ports are the proper elevation and facing a direction for the most efficient use;
- (c) check to ensure that the hydrant is not obstructed by tall grass, shrubbery or other items;
- (d) check for worn, rusted or obstructed threads which may hamper efficient use;
- (e) inspect hydrant barrels to determine if water has been accumulated as a result of leaking main valve, plugged or damaged drain valve;
- (f) check for non-drainage of hydrant, leakage past valve seat, plugged drains; and,
- (g) after winter, the hydrant should be checked for damage caused by frost, ground heave, snow, road salt or sand.

35. Annually Servicing

The owner of a Private Hydrant is responsible to conduct or have conducted the following minimum inspection requirements annually:

- (a) hydrants shall be flushed with main valve and outlet valves fully open until the water runs clear of any visible debris; and,
- (b) check the operation of the main line valve by closing the isolating valve.

36. Three Year Servicing

The owner of a Private Hydrant is responsible to conduct or have conducted the following inspection every three (3) years:

- (a) disassemble the hydrant and check for worn or broken parts and leaks;
- (b) lubricate all external and internal working parts during reassembly;
- (c) check water pressure; and,
- (d) reopen main line valve and check to see if hydrant operates and close hydrant valve.

PART 8 – STREET ADDRESSES

37. Civic Street Numbers

- (1) An owner or occupier of a Building or Structure must ensure that the civic address for the property at which the Building or Structure is located is posted so as to be clearly visible from the road using numbers that shall be a minimum of 7.63 millimeters (3 inches) in height and of a colour that contrasts with a surface on which they are mounted.
- (2) The owner or occupier of a commercial or multi-residential use property shall ensure that the unit number for each individual unit within a commercial or multi-residential use property are posted in a visible location at the entry to each unit, are a minimum of 7.63 millimetres (3 inches) in height and of a colour that contrasts with the surface on which they are mounted.
- (3) The owner or occupier of a multi-residential complex shall post a site plan at the main driveway entry to the complex which shall be clearly visible upon entry to the complex and indicate the number of each unit and the location of access to each unit within the complex.

PART 9 – INTERPRETATION AND PENALTIES

38. Schedules

- (1) The schedules in this Bylaw form part of this Bylaw and are enforceable in the same manner as this Bylaw.
- (2) Deleted (7108.03)

39. Severability

In the event that any portion of this Bylaw is declared ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the Bylaw with the intent that the remainder of the Bylaw shall continue in full force and effect.

40. Penalties and Enforcement (7108.03)

- (1) Every person who:
 - (a) contravenes or violates any of the provisions of this Bylaw,

- (b) causes, suffers or allows any act of thing to be done in contravention or in violation of any of the provisions of this Bylaw,
- (c) neglects or refrains from doing anything required to be done under this Bylaw, or a licence issued under this Bylaw,

commits an offence, and each day that the offence continues amounts to a separate offence.

- (2) On being found guilty of an offence, a person is liable to pay:
 - (a) if a proceeding is brought under the *Offence Act*, a fine not exceeding \$50,000, the costs incurred by the City in investigating and prosecuting, and compensation for any damage or loss sustained by the City or other person because of the commission of the offence, as may be ordered by the Provincial Court; or
 - (b) if issued a bylaw notice under the Bylaw Notice Enforcement Bylaw 2012 No. 7159, the person is liable to pay the maximum penalty set out in that bylaw and an applicable administration fee as authorized under the *Local Government Bylaw Notice Enforcement Act*.

41. Repeal

The “FIRE PROTECTION AND CONTROL BYLAW 1991 NO. 3879” and amendments thereto are hereby repealed.

SCHEDULE “A”

Deleted in its entirety (7108.03)

SCHEDULE "B"

EMERGENCY CONTACT PERSON FORM

Owner Name: _____

Occupier Name (if any): _____

Address of *Premises* with Fire Alarm System: _____

Owner Telephone Number: _____

Occupier Telephone Number (if any): _____

First Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Second Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Third Emergency Contact Person Name: _____

Relation to Owner or Occupier: _____

Emergency Telephone Number: _____

Please print clearly the above information.

SCHEDULE "C"

ORDER FORM

NANAIMO FIRE RESCUE DEPARTMENT ORDER

TO _____

Having inspected the *Premises* _____ by you to
(owned or occupied)

wit: _____ located at _____, British Columbia
(type of occupancy) (civic address)

and legally described as _____ (the "*Premises*"),
(legal description)

on the _____ day of _____, _____
(Day) (Month) (Year)

I, _____, being the Fire Chief or a Fire Prevention Officer with the Nanaimo
(Name of Officer)

Fire Rescue Department FIND THAT:

THEREFORE, pursuant to the authority vested in me and under the "Fire Protection and Life Safety Regulation Bylaw 2011 NO. 7108" you are HEREBY ORDERED TO:

The action or work specified in this Order must be completed within _____ days after receipt of this Order. Should any requirement of this Order not be carried out or completed within the time prescribed, as outlined in the Fees and Charges Bylaw shall be billed to the Owner or Occupier for any subsequent inspection required. (7108.03)

Owner or Occupier Name: _____

Fire Chief or Fire Prevention Officer: _____

I, Served a copy of this Order on _____ at _____,
(Owner or Occupier) (Location)

BRITISH COLUMBIA on _____.
(Date)

Signed: _____
Fire Prevention Officer

Signed: _____
Owner or Occupier acknowledging receipt of Order

SCHEDULE "D"

EVACUATION ORDER

Evacuation Order

By Order of the Nanaimo *Fire Rescue Department*

The building located at _____, Nanaimo,
British Columbia (Civic Address)

and legally described as _____, (the "*Premises*") is
ordered to be evacuated under the City of Nanaimo Fire Protection and Life Safety Regulation
Bylaw 2011, No. 7108 Section 26.1.

(Reason for Evacuation)

NO PERSON shall enter this building without the authorization of the *Fire Chief*.

Date of Posting _____

No person shall remove, alter or deface or cause to be removed altered or defaced, this notice
as per Section 26.3 of the City of Nanaimo Fire Protection and Life Safety Regulation Bylaw
2011, No. 7108.

Order posted at the *Premises* on:

Fire Chief or Fire Prevention Officer

(Date)

SCHEDULE "E"

BURNING PERMIT

(7108.03)

- Special Event Burning Permit Cooking Fire
 Ceremonial Fire Permit Campground Other

Date: _____, Authority granted to: _____ Phone: _____
(“Hereinafter the Permittee”)

Fire Location and Event: _____

Ceremonial Training by: _____ Tribal Name: _____
(“Elder’s Name”)

Number of Fires: _____ Permit valid From: _____ to: _____
Inclusive (“Date & Time”)

Subject to the following conditions:

The Permit Holder shall be responsible for the fire/s authorized by this permit and shall during light-up and for the duration of the fire, undertake the following:

- Provide one adult person equipped with a garden hose connected to a water source and shovel suitable to effectively safeguard the fire.
- Shall insure the safeguarding forces to extinguish the fire/s authorized by this permit until the fire/s have been completely extinguished.
- Shall not start or rekindle fire/s during windy weather and shall take such extra precautions as are necessary to prevent fire from escaping during windy periods.
- Shall totally extinguish all fires authorized by this permit on or prior to the expiry date of this permit: or shall extinguish them forthwith upon suspension or cancellation of the permit; or when instructed to do so by the *Fire Chief* or designate.
- Shall not allow burning to continue, where that burning, in the opinion of the *Fire Chief*, is a nuisance because of the emission of smoke and ash.
- Shall be responsible for all costs incurred to suppress any fire that escapes or threatens to escape from burning or that causes a nuisance because of smoke or ash.
- In the event of the Permit Holder failing to suppress any fire to the satisfaction of the *Fire Chief*, the *Fire Chief* may cause such fire/s to be immediately suppressed.
- It is prohibited to burn rubber tires, tar, asphalt shingles, or any other like substances, which produce heavy black smoke on or in any fire authorized by this permit.
- This permit is subject to cancellation or suspension at any time at the discursion of the *Fire Chief* or an *Officer* of Nanaimo *Fire Rescue Department* where there is a violation of any condition under which the permit was issued.

I have read and understand the conditions of this burning Permit.

Permit Holder _____ (Signature)

Issued By _____ Title _____ Nanaimo *Fire Rescue Department*

SCHEDULE "F"

PRIVATE FIRE HYDRANT SERVICE REPORT

Hydrant Service Report

Fire Protection Technician: _____

Owner: _____

Hydrant No.: _____ Test Date: _____

Location: _____

Main Size: _____ Flow Rate: _____ Ports: _____

Out of Service: Yes No

Comments: _____

Pressure: _____ Make: _____ Distance to isolation valve: _____

Branch valve operated: Yes No Service top end: Yes No

Serviced bottom end: Yes No Service threads: Yes No

Flushed out: Yes No Pressure tested: Yes No

Greased: Yes No Drains properly: Yes No

Painted: Yes No Weed eaten: Yes No

Comments: _____

Further work recommendation: _____

SCHEDULE "G"

FUEL TANK PERMIT APPLICATION

Application to Remove, Withdraw From Service, or Install a Fuel Tank

The applicant hereby applies for permission to (check all that apply):

- Install Fuel Tank
- Remove Fuel Tank
- Withdraw Fuel Tank from Service

Type of Fuel Tank:

- Above Ground
- Underground

If there is more than one Fuel Tank on the property, or proposed to be installed on the property, please describe all such Fuel Tanks and specify which one(s) this application concerns:

Attached Report by Qualified Professional:

Name of Qualified Professional: _____

Date of Report: _____

It is understood that completion of this form constitutes an application only and that the work applied for will not be commenced unless and until a Fuel Tank Permit has been issued.

Civic Address: _____

Full Name of Registered Owner: _____

Mailing Address of Registered Owner: _____

Name of Contractor/Installer: _____

Address of Contractor: _____

Phone Number of Contractor: _____

Name of Applicant (if different): _____

Signature of Applicant: _____

Date: _____

City of Nanaimo - Fire Rescue Department

Date Application Received: _____

Approved: YES or NO

Comments: _____

Signature: _____

SCHEDULE “G”

Fuel Tank Permit Application Instructions

1. Fill out application form, attach report from qualified professional, and deliver both the form and report to the Fire & Loss Prevention Division of Nanaimo Fire Rescue.
2. The Fire & Loss Prevention Division will process the application and will contact the applicant to arrange for pick-up of the permit(s), notify the applicant that the application has been denied, or request additional information to process the application.
3. Applicant will pay for permit(s) at the time of issue.

Permit Costs,

See the Fees and Charges Bylaw for Permit Costs.