

## APPENDIX B: Blackline Fire Services Operational Bylaw

### THE CORPORATION OF THE DISTRICT OF SAANICH

#### BYLAW NO. 9713

#### A BYLAW TO DEAL WITH THE CONTINUATION AND OPERATION OF THE FIRE DEPARTMENT AND TO PROVIDE FOR EMERGENCY RESPONSE ACTIVITIES

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The Municipal Council of The Corporation of the District of Saanich, in open meeting duly assembled, enacts as follows:

##### Title

1. This bylaw may be cited as the “**FIRE SERVICES OPERATIONAL BYLAW, 2021, NO. 9713.**”

##### Interpretation and Application

2. In this bylaw, the following capitalized terms shall have the following respective meanings, unless otherwise defined by the *Fire Safety Act*:
  - (a) “**Apparatus**” means any vehicle, equipment (including communications equipment), machinery, devices or materials used by the Department in connection with fire suppression or responding to or managing an Incident, and any vehicle used to transport Members or supplies;
  - (b) “**Authorized Services**” means those services which the Department is authorized to provide, as set out in section 9 of this bylaw;
  - (c) “**Building**” means any ~~structure used or intended for supporting or sheltering any use or occupancy~~ Public Building or Private Dwelling, as defined herein;
  - (d) “**Chief Administrative Officer**” means the person appointed by Council as the chief administrative officer of the Corporation;
  - (e) “**Council**” means the municipal council of the Corporation;
  - (f) “**Corporation**” means The Corporation of the District of Saanich;

- (g) "**Dangerous Goods**" has the meaning ascribed thereto in the *Transport of Dangerous Goods Act* and regulations made thereunder;
- (h) "**Department**" means the Saanich Fire Department;
- (i) "**Director of Engineering**" means the Corporation's Director of Engineering and his or her designates;
- (j) "**EMBCEMCR**" means ~~the Provincial Emergency Program established~~Emergency Management and Climate Readiness, which is responsible for matters relating to or arising under or pursuant to the *Emergency Program and Disaster Management Act*, operated by Emergency Management B.C., or any successor thereto;
- (k) "**Fire Chief**" means the person appointed by Council as head of the Fire Department, and includes, where applicable, a Member authorized by the Fire Chief to act on his or her behalf;
- (l) "**Fire Code**" means the British Columbia Fire Code, as adopted from time to time pursuant to the *Fire Services Safety Act*;
- (m) "**Fire Commissioner**" means the fire commissioner appointed pursuant to the *Fire Services Safety Act*;
- ~~(n)~~ "**Fire Inspection Inspector**" means ~~a those personnel designated as fire inspection conducted safety inspectors within the meaning of and in accordance with and as required under the *Fire Services Safety Act* or, as provided in section 23 of this bylaw;~~
- ~~(n)~~(o) "**Fire Investigator**" means those personnel designated as fire investigators within the meaning of and in accordance with the *Fire Safety Act*, as provided in section 42 of this bylaw;
- ~~(o)~~(p) "**Fire Investigation**" means a fire investigation conducted in accordance with and as required under the *Fire Services Act* or this bylaw;
- ~~(p)~~(q) "**Fire Prevention Bylaw**" means the *Fire Prevention and Life Safety Bylaw, 2021*, No. 9712 of the Corporation;
- ~~(r)~~ "**Fire Safety Assessment**" means ~~a fire safety assessment as defined in the *Fire Safety Act*, and as provided in section 37 of this bylaw;~~
- ~~(s)~~ "**Fire Safety Inspection**" means ~~a fire safety inspection conducted by a Fire Inspector in accordance with and as required under the *Fire Safety Act* and this bylaw;~~
- ~~(t)~~ "**Fire Safety Inspection Order**" means ~~an order issued by a Fire Inspector as contemplated by section 51 of this bylaw;~~

~~(q)~~(u) “**Fire Safety Plan**” means a fire safety plan as required by the Fire Code, and includes a fire safety plan in relation to any construction project or undertaking;

~~(r)~~(v) “**Fire Service Area**” means the area contained within the geographical limits of the Corporation;

~~(s)~~(w) “**Incident**” means an event or situation to which the Department has responded or would normally respond, whether alone, or in conjunction with other emergency services, and includes any post-event clean-up, over-haul and Fire Investigation;

~~(t)~~(x) “**Incident Commander**” means the Member in charge of an Incident under the incident command system, as set out in the Department’s Operational Guidelines;

~~(u)~~(y) “**Member**” means a person employed by the Corporation in the classification of Firefighter, Alarm Dispatcher, Lieutenant, Captain, Platoon Captain, Assistant Fire Chief, Assistant Deputy Fire Chief, Deputy Fire Chief or Fire Chief, or such other positions as may be designated by the Corporation from time to time;

~~(v)~~(z) “**Ministry of Forests**” means the Ministry of Forests, Lands, Natural Resource Operations and Rural Development of the Province of British Columbia, or any successor to that ministry;

~~(w)~~(aa) “**Minister**” means the minister under the *Emergency Program and Disaster Management Act*;

~~(x)~~(bb) “**Officer**” means the Deputy Fire Chief and a Member who is appointed as an officer within the Department in accordance with section 20 of this bylaw;

~~(y)~~(cc) “**Operational Guidelines**” means operational guidelines for the Department developed by the Fire Chief in accordance with this bylaw;

~~(d)~~ “Premises” means any of the following:

- (i) A Building
- (ii) The parcel of land on which a Building is located;
- (iii) A motor vehicle with the meaning of the Motor Vehicle Act, railway, vehicle, aircraft, vessel, or other means of transportation;

~~(e)~~ “Private Dwelling” means any of the following:

- (i) A structure that is occupied as a private residence;
- (ii) If only part of a structure is occupied as a private residence, that part of the structure;
- ~~(t)~~(iii) Any other structure located on the parcel of land on which a private residence is located, except for a structure to which the public is ordinarily invited or permitted access, or that is used for commercial, industrial or institutional purposes;

(z)(ff) “**Provincial Training Standards**” means the mandatory minimum training standards set under the *Fire Services Safety Act* by the Fire Commissioner and approved by the Minister of Justice, as same may be amended, revised or replaced from time to time;

(gg) “**Public Building**” means any of the following:

- (i) A Building other than a “hotel,” “Building that is a Private Dwelling;
- (ii) A structure to which the public building” is ordinarily invited or “building,” in each case as defined in the *Fire Services Act*; permitted access, or that is used for commercial, industrial or institutional purposes;
- (iii) A facility including a storage yard or tank farm;”

and

(aa)(hh) “**Regional District**” means the Capital Regional District.

3. All references in this bylaw to statutes and regulations are to statutes and regulations of the Province of British Columbia, unless otherwise expressly noted. References in this bylaw to statutes, regulations, bylaws or policies, and to positions, titles or ministries, includes the same as they may be amended, supplemented or replaced from time to time. References to an enactment includes any regulations made thereunder.
4. This bylaw does not contemplate or extend in its purpose, to any of the following:
  - (a) the protection of any person from economic loss;
  - (b) a guarantee or warranty by the Corporation or any of its agents, as to the service level expectations of the Department under this bylaw, or any other applicable bylaws, codes, enactments, agreements or standards; or
  - (c) providing to any person a warranty with respect to the Authorized Services of the Department or with respect to the certainty of timely response levels. The list of Authorized Services does not, of itself, mean that the Department provides such services at any given time or will, in relation to any particular Incident, be able to deliver such services.
5. Each Member, and each non-uniformed employee of the Department, is a “local public officer” of the Corporation as defined in section 738 of the *Local Government Act*.
6. In relation to the exercise of operational authorities or powers by the Department, any reference in this bylaw to the Fire Chief or Incident Commander includes any Member designated or directed by the Fire Chief or Incident Commander to exercise such operational authorities or powers, as the case may be.
7. The fees and charges that may be levied by the Corporation in relation to various services provided or activities undertaken by the Department under this bylaw are set out in Appendix A, which appendix is incorporated into and forms a part of this bylaw.

## Fire Department Continued

8. The Department, as established, is continued as a fire department under section 8 of the *Community Charter*. The Department shall operate under the name “Saanich Fire Department”.

## Fire Department Authorized Services

9. The Department is authorized to provide the following services (the “Authorized Services”):
- (a) firefighting and fire suppression, including interface fires and wildfires;
  - (b) emergency health services, as defined in the *Emergency Health Services Act*, but subject to any agreement that may be required with British Columbia Emergency Health Services;
  - (c) ancillary health services, as defined in the *Emergency Health Services Act*;
  - (d) firefighter and fire officer training;
  - (e) fire prevention and pre-fire planning activities, including long driveway inspection and approval, furnace and oil tank inspection, new Building inspections, building plan reviews, fireworks display authorizations and site visits, and such other activities as may be prescribed in this or any other bylaw of the Corporation;
  - (f) Fire Safety Inspections, through its Fire Inspectors, as contemplated by the *Fire Services Safety Act* and this bylaw;
  - (g) Fire Code enforcement, including Fire Safety Plan reviews;
  - (h) Fire Investigations, through its Fire Investigators, and fire cause determinations, including arson investigations, as required by the *Fire Services Safety Act*, or as otherwise considered appropriate or necessary by the Fire Chief Investigator;
  - (i) vehicle extrication and road rescue services;
  - (j) fire and life safety public education programs;
  - (k) mutual or automatic aid with other fire services, subject to written agreements with the relevant local government or other authority having jurisdiction;
  - (l) services as contemplated by a fire services or other agreement with another local government or other person;
  - (m) assistance to the Ministry of Forests in relation to wildfires, in accordance with the *Wildfire Act* and any operational guidelines issued by the Ministry of Forest's Wildfire Service;

- (n) ~~assistance to other emergency services, including the Saanich Police Department preparedness training and the British Columbia Ambulance Service operation of an emergency program as contemplated by the *Emergency and Disaster Management Act*;~~
  - (o) emergency preparedness training;
  - (p) specialized rescue services, including low bank, high angle and water rescue, subject to training and availability of appropriate Apparatus and personnel;
  - (q) hazardous materials Incident response;
  - (r) the enforcement of this bylaw and other bylaws of the Corporation related to fire prevention or fire or life safety;
  - (s) other life safety responses required in connection with an Incident (including in relation to any natural or human-caused disaster);
  - (t) responses for public service; and
  - (u) such other services as may be authorized by Council.
10. The Fire Chief, in consultation with the Chief Administrative Officer, shall determine which of the Authorized Services the Department shall provide, and the level to which such services shall be provided, at any given time, subject to any necessary budget approvals and specific direction of Council; provided, however, that the Department shall always provide fire suppression, fire prevention, Fire Code enforcement, enforcement of this bylaw, and of the Fire Prevention Bylaw and other bylaws of the Corporation as may be specified therein, Fire Investigation services and Fire Safety Inspection services, and services ancillary thereto, as contemplated by sections 99 and 111 of this bylaw.
11. The Department shall operate as a “full service” department as defined in the Provincial Training Standards, both within the Fire Service Area and when responding extra-jurisdictionally as contemplated by section 14 of this bylaw. The Department shall operate in accordance with the requirements of the Provincial Training Standards, including with respect to the training of its Members and keeping of records related to such training.
12. Notwithstanding the list of Authorized Services or any service level authorized in accordance with the Provincial Training Standards, in relation to any particular Incident response, the Department shall undertake only those emergency response activities for which its responding Members are properly trained and equipped. The Fire Chief and/or Incident Commander may, in his or her sole discretion, restrict or terminate emergency response activities in any circumstances where the Incident is considered to exceed the training or capabilities of the responding Members, or Apparatus available to them.

## Department's Fire Service Area and Responses Out of its Ordinary Jurisdiction

13. The Department is hereby authorized to provide the Authorized Services within the Fire Service Area.
14. The Department may respond to an Incident and provide the Authorized Services outside of the Fire Service Area in the following circumstances:
  - (a) in accordance with the terms of a mutual or automatic aid agreement with another local government, the Regional District, or other person;
  - (b) if authorized to respond by EMBCEMCR or in accordance with an agreement with, or the standard operating procedures established by, the Ministry of Forests or any other provincial or federal emergency or regulatory agency;
  - (c) to provide an Incident response in circumstances where, in the view of the Fire Chief or Incident Commander, such Incident imminently threatens any part of the Fire Service Area;
  - (d) in accordance with the terms of a fire service agreement with another local government, a First Nations band or other person;
  - (e) if ordered so to do by the Minister, by a local authority exercising the Minister's powers, or by the Lieutenant Governor in Council or the Fire Commissioner, under and in accordance with the *Emergency Program and Disaster Management Act* and the regulations made thereunder; and
  - (f) if authorized by the Chief Administrative Officer or designate.
15. The Fire Chief or his or her designate may, in his or her sole discretion, refuse to respond to calls to Incidents described in subsections 14(a) and (b); provided that any refusal of a mutual aid request or automatic aid response shall be in accordance with the terms of the relevant mutual aid agreement or automatic aid agreement, as the case may be.
16. Where another fire department (a "Responding Department") provides emergency response services within the Fire Service Area under a mutual aid or automatic aid agreement, the Responding Department, in relation to any particular Incident:
  - (a) ~~shall be~~ authorized to exercise the powers and authorities specified in the relevant mutual aid agreement or automatic aid agreement, as the case may be; or
  - (b) where the relevant mutual aid agreement or automatic aid agreement does not expressly address the issue of powers and authority, shall be entitled to exercise the same powers and authority as the Department under this bylaw.

## Fire Chief

17. The Fire Chief shall be appointed by Council. Subject to direction of Council, the Fire Chief shall have complete responsibility for and control over the operation and regulation of the Department and delivery of the Authorized Services, including dealing with any matter within the scope of the *Fire Services Safety Act* and related regulations. The Fire Chief shall report to Council through the Chief Administrative Officer.

18. Without limiting section 17, the Fire Chief shall be responsible for:

- (a) the care, custody and control of all assets, Apparatus, Buildings, and other equipment in the care and control of the Department;
- (b) developing and maintaining a set of Operational Guidelines which meets the operational requirements of the Department and fulfils all statutory and regulatory requirements, including those mandated by the *Workers Compensation Act* and regulations made thereunder. The Operational Guidelines will include, among other things, an appropriate Incident command and accountability system;
- (c) developing all necessary training programs, establishing any necessary proficiency requirements for Members, and implementing an occupational health and safety program for the Department which, in each case, meets all statutory and regulatory requirements, including those required by the Provincial Training Standards and the *Workers Compensation Act* and regulations made thereunder;
- (d) ensuring that the Department maintains all required records, including those relating to training, Apparatus maintenance and repair, and occupational health and safety matters;
- (e) developing the annual budget and five-year financial plan for the Department in accordance with, and subject to the guidelines established by Council and subject to approval by Council;
- ~~(f) enquiring into, investigating and recording the cause of all fires in the Fire Service Area in accordance with the *Fire Services Act* or as otherwise deemed appropriate by the Fire Chief;~~
- (f) designating Members or classes of Members as Fire Inspectors under section 23 of this bylaw, or as Fire Investigators under section 42 of this bylaw, and Council's powers to effect such designations under the *Fire Safety Act* are hereby delegated to the Fire Chief;
- (g) collecting and disseminating information regarding fires in the Fire Service Area;
- (h) investigating and holding enquiries into such fires as he or she may deem advisable;
- (i) investigating conditions under which fires are likely to occur and studying methods of fire prevention; and

(j) developing a risk-based compliance monitoring system for Public Buildings, in accordance with section 20 of the *Fire Safety Act* and associated regulations; and

(k) rendering advice and making recommendations to Council or to other staff within the Corporation, as he or she may deem advisable, in relation to matters relevant to this bylaw or any other bylaw enforced by the Department.

~~19. The Without limiting section 18 the Fire Chief shall be deemed to be the fire chief of, or any person acting under the Corporation as contemplated by section 6(1)(a) authority of the Fire *Services Act* and for all other purposes, and entitled within the Fire Service Area to exercise all of the powers of a local assistant to the Fire Commissioner. The Fire Chief, may designate other Members and other exercise the following powers:~~

~~(a) enter on property and inspect Premises for conditions that may cause a fire, increase the danger of a fire, or increase the danger to persons to exercise or property from a fire. In relation to the powers of a local assistant to the Fire Commissioner entry of Buildings or Premises under this section 19, such entry will be made in accordance with and subject to the provision of section 16 of the *Fire Services Act* Community Charter;~~

~~(b) take measures to prevent and suppress fires, including the demolition of Buildings and other structures to prevent the spreading of fire; and~~

~~(c) require an owner or occupier of real property to undertake any actions directed by the Fire Chief or other authorized person for the purpose of removing or reducing a thing or condition that person considers is a fire hazard or increases the danger of fire. Any order issued under subsection 19(c) will be made in accordance with section 50 of this bylaw.~~

## **Officers and Members**

~~19.20.~~ Each Deputy Fire Chief of the Department shall be appointed by Council as contemplated by the *Officers and Administrative Structure Bylaw, 2017, No. 9424*.

~~20.21.~~ The Fire Chief may appoint Members of the Department to be Officers, excepting the Deputy Fire Chief and subject to any necessary budgetary approvals of Council.

~~21.22.~~ The Members of the Department shall carry out the duties and responsibilities assigned to the Department under this bylaw, and other applicable bylaws of the Corporation, subject to the direction of the Fire Chief.

## **Department Powers**

### **The Fire Chief Safety Inspections**

~~23. Each of the following Members or any Member class of Members is hereby designated as a Fire Safety Inspector:~~

~~(a) the Fire Chief;~~

- ~~(b) the Deputy Fire Chiefs;~~
- ~~(c) Members holding the rank of Assistant Deputy Fire Chief or acting in that position;~~
- ~~(d) the Assistant Chief Fire Prevention;~~
- ~~(e) the Captain Inspector, the Lieutenant Inspector and other Members assigned to the Department's Fire Prevention Division;~~
- ~~(f) Members holding the rank of Captain or acting in that position;~~
- ~~(g) Members holding the rank of Fire Training Officer; and~~
- ~~(h) such other Members or classes of Members as may be designated in writing by the Fire Chief;~~

~~in each case, provided that, from and after August 1, 2025, the relevant Member meets at least the minimum standards for such purpose, may enter any Buildings, premises, structures or property; the training of Fire Inspectors as set by the Fire Commissioner to undertake an inspection for conditions that~~

~~24. A Fire Inspector may causeconduct a fire, increase Fire Safety Inspection for the dangerpurposes of a fire or increasedetermining compliance with the danger to personsFire Safety Act and regulations:~~

- ~~(a) On receiving a complaint;~~
- ~~(b) If believed advisable, without receiving a complaint;~~
- ~~(a)(c) On request of an owner or occupier of the Premises; or property from a fire;~~
- ~~(d) As part of the compliance monitoring program established under section 31 of this bylaw;~~
- ~~(a) A Fire Inspector may make entry onto and into a Building or Premises at any reasonable time for the purposepurposes of conducting pre-fire planning; or~~
- ~~(b) to ascertain whether the requirements of this bylaw, or any other bylaw of the Corporation, are being complied with.~~

~~25. In relation to any entry onto property or into any Buildings, premises, or structures, other than in relation to an Incident, the a Fire Safety Inspection, provided, however, that entry shallinto a Private Dwelling may only be made subject to and in accordance with::~~

- ~~(a) with the provisions of section 16consent of the Community Charteroccupier; or~~
- ~~(b) under the provisionsauthority of a warrant obtained as provided in section 32 of the Fire ServicesSafety Act.~~

**Operational Powers and the regulations made thereunder. Authority**

~~22. No person shall obstruct, hinder or impede the Fire Chief or any Member in making any entry authorized by this bylaw.~~

26. The Fire Chief or Incident Commander, together with Members and Apparatus, may enter at any time, Buildings, premises, structures or property in connection with an Incident.

27. The Fire Chief or Incident Commander, together with Members and Apparatus, may at any time enter, remain on, or pass through or over Buildings, premises, structures or property to gain access to, or to protect any person or property in connection with, an Incident.

28. The Fire Chief or Incident Commander, or any Member designated or directed by either of them, is authorized to take measures to prevent and suppress fires, including the demolition of Buildings and other structures to prevent the spreading of fire or otherwise as is considered necessary to mitigate an Incident.
29. In connection with an Incident, the Fire Chief or Incident Commander may, in his or her discretion, establish boundaries or limits of an area and keep persons from entering such area, unless authorized to enter by the Fire Chief or Incident Commander. The Fire Chief or Incident Commander is authorized to order an evacuation of any Building, premises, structure, or property, including any area proximate to or threatened by an Incident, as considered necessary for the preservation or protection of life and safety of the public in relation to such Incident.
30. Where the Fire Chief or Incident Commander is satisfied, on reasonable and probable grounds, that a discharge, emission or escape of Dangerous Goods has occurred and that immediate action is necessary in order to mitigate the risks arising therefrom, the Fire Chief or Incident Commander may take any such measures as may be considered necessary to deal with the incident, or arrange for such measures to be taken by any person he or she considers qualified to do so.

### **Risk-Based Compliance Monitoring**

- ~~23. The Fire Chief or Incident Commander may obtain assistance from other agencies in order to discharge his or her duties and responsibilities under this bylaw or any other applicable bylaw of the Corporation.~~
- ~~24. The following persons may exercise the powers of the Fire Commissioner under section 25 of the Fire Services Act, and for these purposes, that section applies:
  - ~~(a) the, through its Fire Chief; and~~
  - ~~(b) other Members of the Department, subject to any Operational Guidelines developed by the Fire Chief.~~~~

### **Regular System of Inspections**

- ~~31. The Fire Chief, shall establish, and the Department shall operate, a regular system of inspections~~risk-based compliance monitoring of Public Buildings in the Fire Service Area in compliance with the requirements of the *Fire Services Act*. ~~The Fire Chief shall establish an inspection frequency that he or she considers appropriate for each Public Building or type of Public Building, based on such factors as he or she considers appropriate.~~ Safety Act.
- ~~25. The Fire Chief, or any member directed by the Fire Chief, may undertake an inspection of premises or structures in the Fire Service Area, upon complaint or as the Fire Chief deems necessary or advisable, in accordance with section 21 of the Fire Services Act.~~
32. The compliance monitoring program will comprise both Fire Safety Inspections and Fire Safety Assessments, and will be established based on the risk analysis conducted in accordance

with the Fire Safety (Risk Analysis for Compliance Monitoring) Regulation 249/2024, as may be amended or replaced from time to time.

33. The Fire Chief will be responsible for determining the frequency of Fire Safety Inspections for each Public Building based on the risk assessments that are undertaken, and which Public Buildings are to be subject to Fire Safety Assessments:

34. All Fire Safety Inspections conducted in accordance with the Fire Safety Act will be undertaken by a Member who has been designated as a Fire Inspector under section 23 of this bylaw.

35. Where the Department is:-

(a) required to undertake a re-inspection of any Public Building, ~~premises or structures~~ as a result of a deficiency arising from an initial or any subsequent ~~inspection, Fire Safety Inspection~~; or

(b) requested to perform a Fire Safety Inspection of any Premises by the owner or occupier of such Premises, or undertakes a Fire Safety Inspection on complaint or if deemed advisable by a Fire Inspector

a charge may be levied for such ~~re~~-inspection or further any necessary re-inspection, in accordance with Appendix A.

36. Every owner and occupier of every Public Building, ~~premises~~Premises or structure which is subject to inspection under this bylaw shall provide all information and shall render all assistance required by the Fire ~~Chief or any Member~~Inspector in relation to such inspection or ~~any~~ re-inspection and no person shall purposely withhold or falsify any information required by the Fire ~~Chief or any Member~~Inspector in connection therewith.

~~Every owner or occupier of any Building, premises, structure or property which is the subject of a fire shall provide all information and shall render all assistance required by the Fire Chief or any Member in relation to any Fire Investigation conducted pursuant to this bylaw and/or the Fire Services Act, and no person shall purposely withhold or falsify any information required by the Fire Chief or any Member in connection therewith.~~

### **Fire Safety Assessments**

37. As part of the compliance monitoring program established under section 31 of this bylaw, the Fire Chief may require the owner of a Public Building to submit a Fire Safety Assessment in relation to that Public Building. Failure to prepare and submit a Fire Safety Assessment may result in the Department carrying out a Fire Safety Inspection at the cost of the owner, with a fee charged as set out in Appendix A.

### **Fire Safety Plans**

38. Where an owner of any Building or property is required by the Fire Code to develop and maintain a Fire Safety Plan, a copy of such Fire Safety Plan, and any updates thereto, shall be submitted to the Department for review in accordance with the Fire Code. The Fire Department may prescribe the form in which any Fire Safety Plan is to be submitted, including that the Fire Safety Plan must be submitted in a specified electronic format.

39. The Fire Safety Plan shall be reviewed not less than annually by the owner of the Building or property and updated if required. The Fire Safety Plan shall be updated and a new Fire Safety Plan submitted to the Department for review at any time that there has been any change to a Building, property or premises, or any change to the use thereof, that makes the existing Fire Safety Plan inaccurate or obsolete.
40. Notwithstanding any review of a Fire Safety Plan or the undertaking of any inspectionFire Safety Inspection by the Department, the owner of the Building, premisesPremises, or property in respect of which such Fire Safety Plan is submitted, or inspectionFire Safety Inspection is conducted, remains solely responsible therefor and ~~the Corporation shall not be~~ liable for any defect in any Fire Safety Plan, or any inspectionFire Safety Inspection, or for any loss, damage, costs or injuries arising in connection therewith.
41. The Department will conduct such pre-fire planning, including the development of pre-incident plans, as may be required by the Provincial Training Standards, or as the Fire Chief may otherwise deem necessary or advisable. In connection with such pre-fire planning, the Department may require any person submitting a Fire Safety Plan for review, to submit such additional information or data as may be required by the Department, all in a format determined by the Department.

~~The Department shall conduct such~~ **Fire Investigations**

42. Each of the following Members or class of Members is hereby designated as area Fire Investigator:

(a) the Assistant Chief Fire Prevention;

(b) the Captain Inspector, the Lieutenant Inspector and other Department Members assigned to the Department's Fire Prevention Division; and

(c) such other Members or classes of Members as may be designated in writing by the Fire Chief;

In each case, provided that, from and after August 1, 2025, the relevant Member meets at least the minimum standards for the training of Fire Investigators as set by the Fire Commissioner.

42.43. All Fire Investigations required by the *Fire Services Act*, or ~~as that are~~ otherwise deemed necessary or advisable by the Fire Chief, will be conducted by a Fire Investigator.

44. Every owner or occupier of any Building, Premises, structure or property which is the subject of a fire shall provide all information and shall render all assistance required by the Fire Investigator in relation to any Fire Investigation conducted pursuant to the *Fire Safety Act* or this bylaw, and no person shall purposely withhold or falsify any information required by a Fire Investigator in connection therewith.

45. A Fire Investigator may, for the purposes of conducting a Fire Investigation, at any time and without a warrant, enter and inspect land or Premises where a fire has occurred and, if necessary, land or Premises adjoining or near where the fire has occurred.

### **Fees**

46. The Department may charge for the cost of conducting a Fire Investigation, reviewing a Fire Safety Plan ~~or, carrying out a Fire Safety Inspection, or for any~~ other use of Department services and resources, in each case in accordance with Appendix A. The Department may recover from the owner of the ~~property~~Premises where an Incident has occurred, and/or from the person responsible for the Incident, the costs incurred of any third-party assistance received in relation to responding to or mitigating ~~such an~~ Incident. - Where an Incident involves a spill or release of hazardous materials, the Department may recover from the person responsible for such hazardous materials, the cost of the response plus the cost of repairing or replacing of Apparatus or other equipment of the Department damaged or contaminated during the response.

### **Occupational Health and Safety**

43.47. The Department shall operate an occupational health and safety program, including a joint committee, as contemplated by and in accordance with the requirements of the *Workers Compensation Act* and the regulations made thereunder.

### **Bylaw Enforcement and Orders**

44.48. The Fire Chief or designate, and such other persons as Council may designate, is hereby authorized to enforce the requirements of this bylaw, the *Fire Code*, and any of the Corporation's other bylaws relating to fire prevention, fire or life safety, open burning, hazardous materials, dangerous goods or fireworks.

45.49. Enforcement of this bylaw may be effected by means of a ticket issued in accordance with the Corporation's *Ticket Bylaw, 2010, No. 9029*, as amended or re-enacted from time to time.

46.50. ~~Where~~Other than in relation to Fire Safety Inspections, where 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, other structure or property which, in the Fire Chief's opinion, constitutes a fire hazard or otherwise constitute a hazard to life and/or property, he or she may make such Order as is necessary to ensure full and proper compliance with this bylaw or to eliminate the fire or other hazard. In particular, but without limiting the generality of the foregoing, the Fire Chief may:

- (a) give such directions to the owner, occupier or lessee of the Building, other structure or property as the Fire Chief deems necessary to correct the

contravention or to ensure compliance with this bylaw or to remove the hazards;  
or

- (b) make such Orders as the Fire Chief deems necessary with respect to any of the matters referred to in this bylaw.

~~An~~

51. A Fire Inspector may make a Fire Safety Inspection Order where the Fire Inspector is satisfied that the Premises inspected have contravened the *Fire Safety Act* or its regulations. A Fire Safety Inspection Order must be in the form approved by the Fire Commissioner, and otherwise meet the requirements of section 11 of this *Fire Safety Act*.

47-52. Any Order, other than a Fire Safety Inspection Order made under this bylaw:

- (a) shall be in writing;
- (b) shall be directed to any one or more of the owner, occupier or lessee of the Building, other structure or property in respect of which the Order is made;
- (c) shall be served by:
  - i. delivering it or causing it to be delivered to the person to whom it is directed;
  - ii. sending the Order by registered mail to the last known property owner; or
  - iii. posting a copy of it in a conspicuous place on the Building, other structure or property if the person to whom the Order is directed cannot be found, is not known or refuses to accept service of the Order.
- (d) Where more than one person is shown on the assessment roll of the Corporation as the owner of real property, service of an Order on any one of such persons shall be deemed to be good and sufficient notice for the purposes of this bylaw.

48-53. No person may remove, deface or destroy an order posted in accordance with paragraph 52(c)(iii) except to remove the Order in connection with complying with it.

49-54. Where any owner, occupier or lessee fails to comply with an Order under this bylaw, the Corporation's Director of Engineering, or other person designated by the Corporation's Chief Administrative Officer, may, at the expense of the owner of the Building, other structure or property, cause the condition to be remedied as required by the Order. Without limiting the right of the Corporation to take such other enforcement actions as it deems appropriate or necessary, any costs incurred by the Corporation under this section 54 may be recovered in the manner provided by section 258 of the *Community Charter*.

## Prohibitions, Requirements and Penalties

~~50-55.~~ No person shall:

(a) impede, hinder or obstruct any Member at an Incident or when carrying out his or her duties under this bylaw, and every person in the proximity of an Incident shall comply with orders or directions of a Member responding to the Incident;

~~(b) obstruct, hinder or impede a Fire Inspector in connection with performing a Fire Safety Inspection, including, without limitation, from making any entry into any Premises in accordance with the Fire Safety Act;~~

~~(c) obstruct, hinder, impede or fail to provide information to a Fire Investigator in connection with the conduct of a Fire Investigation;~~

~~(b)(d)~~ obstruct or otherwise interfere with access roads or other approaches to an Incident, or with fire hydrants, reservoirs or bodies of water required for fire suppression purposes;

~~(e)(e)~~ damage, destroy, obstruct, impede or hinder the operation of any Apparatus, or, unless authorized by the Fire Chief, Incident Commander or other Officer, travel across a fire hose or other Department equipment;

~~(d)(f)~~ refuse to permit any Member to enter into or upon premises in relation to which an alarm or other request for assistance has been received, or in or upon which a Member has reasonable grounds to believe that an Incident has occurred or may occur;

~~(e)(g)~~ interfere with any Member or refuse to permit any Member to enter into or upon premises ~~or a fire scene~~ to determine ~~the cause and origin of a fire or~~ the cause of activation of an Alarm System; and

~~(f)(h)~~ except as authorized by the Fire Chief, an Officer or an Incident Commander:

(i) enter any Building, structure, vehicle or area involved in or threatened by an Incident or any exclusion zone designated by the Fire Chief or Incident Commander under section 29; or

(ii) refuse to move from such a Building, structure, vehicle or area when directed to do so by a peace officer or Member; or

(iii) enter or fail to leave any area subject to a tactical evacuation order issued in accordance with section 29.

~~51-56.~~ Any person who violates any provision of section 55 hereof may, in addition to any other penalty, be removed from the scene of an Incident by a peace officer or the Fire Chief, an Officer or Incident Commander (or their designate).

~~52-57.~~ Any person who damages Apparatus in contravention of subsection 55(e) hereof, in addition to any other penalty, shall be liable for the cost of repairing or replacing the Apparatus.

~~53-58.~~ No person shall falsely represent himself or herself as a Member of the Department, or wear or display any Department uniform, badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

~~54-59.~~ It is the duty of the occupier or, if none, of the owner of the property, Building, motor vehicle, vessel or railway rolling stock, to report immediately to the Fire Chief when an explosion, discharge, emission, escape or spill of Dangerous Goods occurs and to similarly report to the Fire Chief where the potential for an explosion or a discharge, emission, escape or spill of Dangerous Goods exists by reason of abnormal or unusual circumstances.

~~55-60.~~ Any person who violates any provision of this bylaw shall be guilty of an offence and shall be liable upon summary conviction therefor to a penalty not exceeding \$50,000 for every such violation, which penalty and cost shall be recoverable and enforceable upon summary conviction in the manner provided by the *Offence Act*.

### **Force and Effect; Repeal of Bylaw No. 8807 and Amendments**

~~56-61.~~ This bylaw will come into force and effect on the date of its adoption.

~~57-62.~~ Upon the coming into force of this bylaw, *Fire Prevention Bylaw, 2006, No. 8807*, and all amendments thereto are hereby repealed; provided, however, that any offence committed under such bylaw prior to its repeal may be charged, and any penalty or punishment levied under such bylaw may be imposed, as though such bylaw had not been repealed.

Read a first time this 14<sup>th</sup> day of June, 2021.

Read a second time this 14<sup>th</sup> day of June, 2021.

Read a third time this 14<sup>th</sup> day of June, 2021.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the 21<sup>st</sup> day of June, 2021.

“Angila Bains”

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Municipal Clerk

“Fred Haynes”

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Mayor

## **APPENDIX A: FEES AND CHARGES**

In relation to the Department's operations, activities and services provided under or authorized by this bylaw, the Corporation may charge the following fees:

### **Section 34- Re-inspection of a Public Building**

1. Where the Department is required to conduct a re-inspection of a Public Building as a result of one or more deficiencies arising in the initial Fire Inspection as contemplated by section 3534, the following fees will be charged:
  - (a) for the first re-inspection, to confirm the correction of the deficiency or deficiencies arising from the first Fire Inspection, no charge;
  - (b) for the second and every subsequent re-inspection, the amount of \$50.

### **Section 4346- Charges**

2. In relation to Fire Investigations conducted by the Department, the following amounts will be charged pursuant to section 43:46:
  - (a) Up to two hours: no charge;
  - (b) Where the investigation takes longer than two hours: \$100 per hour for each fire investigator for the period after two hours.
3. In relation to the review of a Fire Safety Plan, the following amounts will be charged:
  - (a) Where the review takes up to two hours: \$100;
  - (b) Where the review takes more than two hours, but less six hours: \$225; and
  - (c) Where the review takes more than six hours: \$225 plus \$100 per hour for every hour over six hours (minimum of one hour).
4. In relation to hazardous materials responses, the Department may charge the person responsible for the hazardous materials the hourly rate set out in section 5 of this Appendix A.
5. Where the Department provides, or agrees to provide, other services, including a non-scheduled Fire Inspection, a building plan review, event site inspection, or other service, unless otherwise expressly provided in this bylaw, or in a mutual or automatic aid agreement or other agreement:
  - (a) where services alone are provided, without Apparatus, the Department will charge the hourly rate for the Members providing the services, determined based on the Department's costs, plus a 10% administration charge; or

(b) where Apparatus are required to provide the services, the Department will charge the all-found rate for the Apparatus and crews involved, as set from time to time by the Office of the Fire Commissioner, the BC Wildfire Service and the Fire Chiefs' Association of British Columbia, in the "Inter-Agency Operational Procedures and Rates" document (the "Provincial Rates Document"), in relation to responses by structural firefighting departments to provincial emergencies. If the Provincial Rates Document is discontinued, or has not been updated in the preceding 36 months, or does not cover the type of Apparatus provided, the Fire Chief, acting reasonably, will establish a rate based on the costs of operation the Apparatus involved, plus the cost of the Members calculated in accordance with subsection 5(a) of this Appendix A.