

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 10106

TO AMEND:

BYLAW NO. 9712 being the "FIRE PREVENTION AND LIFE SAFETY BYLAW, 2021 No. 9712"

And

BYLAW NO. 9713 being the "FIRE SERVICES OPERATIONAL BYLAW, 2021, No. 9713"

And

BYLAW NO. 9029 being the "TICKET BYLAW, 2010, No. 9029"

The Municipal Council of The Corporation of the District of Saanich enacts as follows:

1. Bylaw No. 9712, being the Fire Prevention and Life Safety Bylaw, 2021, is hereby amended as follows:
 - a. In section 2, by deleting the words "Fire Services Act" and replacing with "Fire Safety Act" in the following definitions: 2(p) [definition of Fire Code], and 2(q) [definition of Fire Commissioner].
2. Bylaw No. 9713, being the Fire Services Operational Bylaw, 2021, is hereby amended as follows:
 - a. In section 2, by deleting the first line and replacing with the following:

"In this bylaw, the following capitalized terms shall have the following respective meanings, unless otherwise defined by the *Fire Safety Act*:"
 - b. In section 2, by deleting the words "Fire Services Act" and replacing with "Fire Safety Act" in the following definitions: 2(l) [definition of Fire Code], 2(m) [definition of Fire Commissioner], 2(z) [Provincial Training Standards].
 - c. In section 2, by deleting the definition of Building and replacing with the following definition:

“**Building**” means any Public Building or Private Dwelling, as defined herein;”
 - d. In section 2, by deleting the definition of EMBC and replacing with the following definition:

“**EMCR**” means Emergency Management and Climate Readiness, which is responsible for matters relating to or arising under the *Emergency and Disaster Management Act*, or any successor thereto;”

- e. In section 2, by deleting the definition of “Fire Inspection”.
- f. In section 2, by deleting the definition of “Fire Inspector” and replacing with the following:

“**Fire Inspector**” means those personnel designated as fire safety inspectors within the meaning of and in accordance with the *Fire Safety Act*, as provided in section 23 of this bylaw;”
- g. In section 2, by deleting the definition of “Fire Investigator” and replacing with the following:

“**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;”
- h. In section 2, by adding the following definitions immediately after “Fire Prevention Bylaw”, and renumbering all subsections thereafter:

“**Fire Safety Assessment**” means a fire safety assessment as defined in the *Fire Safety Act*, and as provided in section 37 of this bylaw;”

“**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;”
- i. In section 2, by adding the following definition immediately after “Fire Safety Inspection”, and renumbering all subsections thereafter:

“**Fire Safety Inspection Order**” means an order issued by a Fire Inspector as contemplated by section 51 of this bylaw;”
- j. In section 2, by deleting the definition of “Minister” and replacing with the following:

“**Minister**” means the minister under the *Emergency and Disaster Management Act*;”
- k. In section 2, by adding the following definitions immediately after “Operational Guidelines”, and renumbering all subsections thereafter:

“**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;

“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;
- (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;”

- l. In section 2, by deleting the definition of “Public Building” and replacing with the following:

“Public Building” means any of the following:

- (i) A Building other than a Building that is a Private Dwelling;
- (ii) A structure to which the public is ordinarily invited or permitted access, or that is used for commercial, industrial or institutional purposes;
- (iii) A facility including a storage yard or tank farm;”

- m. By deleting section 9(f) and replacing with the following:

“Fire Safety Inspections, through its Fire Inspectors, as contemplated by the *Fire Safety Act* and this bylaw;”

- n. By deleting section 9(h) and replacing with the following:

“Fire Investigations, through its Fire Investigators, and fire cause determinations, including arson investigations, as required by the *Fire Safety Act*, or as otherwise considered appropriate or necessary by the Fire Investigator;”

- o. By deleting section 9(n) and replacing with the following:

“emergency preparedness training and the operation of an emergency program as contemplated by the *Emergency and Disaster Management Act*;”

- p. By deleting section 10 and replacing with the following:

“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 9 and 11 of this bylaw.”

- q. In section 14(b) by deleting the word “EMBC” and replacing with “EMCR”

- r. In section 14(e), by deleting the words “Emergency Program Act” and replacing with “*Emergency and Disaster Management Act*;”

- s. In section 16(a), by deleting the words “shall be” and replacing with the word “is”;
- t. In section 17, by deleting the words “Fire Services Act” and replacing with “*Fire Safety Act*”;
- u. By deleting section 18(f) and replacing with the following:

“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;”
- v. By adding the following section immediately after section 18(i), and renumbering all subsections thereafter:

“(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”
- w. By deleting section 19 in its entirety and replacing with the following:

“Without limiting section 18, the Fire Chief, or any person acting under the authority of the Fire Chief, may 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 or property from a fire. In relation to the 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 *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.”

- x. By deleting sections 23-25 with the heading “Department Powers” in its entirety and replacing with the following, under the heading “Fire Safety Inspections”:

“23. Each of the following Members or 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 the training of Fire Inspectors as set by the Fire Commissioner.”

- 24. A Fire Inspector may conduct a Fire Safety Inspection for the purposes of determining compliance with the *Fire Safety Act* and regulations:

- (a) On receiving a complaint;
- (b) If believed advisable, without receiving a complaint;
- (c) On request of an owner or occupier of the Premises; or
- (d) As part of the compliance monitoring program established under section 31 of this bylaw.”

- 25. A Fire Inspector may make entry onto and into a Building or Premises at any reasonable time for the purposes of conducting a Fire Safety Inspection, provided, however, that entry into a Private Dwelling may only be made:

- (a) with the consent of the occupier; or
- (b) under the authority of a warrant obtained as provided in section 32 of the *Fire Safety Act*.”

- y. By adding the following heading immediately after section 25:

“Operational Powers and Authority”

- z. By deleting sections 31-32 in their entirety.

- aa. By deleting the heading “Regular System of Inspections” and replacing with the heading “Risk-Based Compliance Monitoring”;

- bb. By deleting sections 33-37 in their entirety, and replacing with the following, directly under the new heading “Risk-Based Compliance Monitoring”:

- “ 31. The Corporation, through its Fire Chief, shall establish, and the Department shall operate, risk-based compliance monitoring of Public Buildings in the Fire Service Area in compliance with the requirements of the *Fire Safety 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 as a result of a deficiency arising from an initial or any subsequent 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 inspection or any necessary re-inspection, in accordance with Appendix A.
36. Every owner and occupier of every Public Building, Premises or structure which is subject to inspection under this bylaw shall provide all information and shall render all assistance required by the Fire Inspector in relation to such inspection or re-inspection and no person shall purposely withhold or falsify any information required by the Fire Inspector 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”

- cc. By deleting section 40 and replacing with the following:

“40. Notwithstanding any review of a Fire Safety Plan or the undertaking of any Fire Safety Inspection by the Department, the owner of the Building, Premises, or property in respect of which such Fire Safety Plan is submitted or Fire 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 Fire Safety Inspection, or for any loss, damage, costs or injuries arising in connection therewith.”

- dd. By adding the following heading between sections 41 and 42:

“Fire Investigations”

- ee. By deleting sections 42-43, replacing with the following, and renumbering all sections thereafter:

“42. Each of the following Members or class of Members is hereby designated as a 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.

- 43. All Fire Investigations required by the *Fire Services Act*, or 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, 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 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 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.”

- ff. By deleting section 47 and replacing with the following:

“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.”

- gg. By adding the following section immediately after section 47:

“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*.”

- hh. In section 48, by deleting the words “An Order” and replacing with the words “Any Order, other than a Fire Safety Inspection Order,”
 - ii. In section 49, by deleting the reference to “48(c)(iii)” and replacing with reference to “52(c)(iii).”
 - jj. By adding the following to section 51 [Prohibitions, Requirements and Penalties] immediately after section 51(a), and renumbering all subsections thereafter:
 - “(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;”
 - kk. By deleting the words “or a fire scene” and “and origin of a fire or the cause” from section 51(g).
 - ll. In section 52, by deleting the reference to “section 51” and replacing with reference to “section 55”
 - mm. In section 53, by deleting the reference to “section 51(c)” and replacing with reference to “section 55(c).”
 - nn. In Appendix “A”: Fees and Charges, by deleting the references to “section 43” in the heading and section 2, and replacing with reference to “section 46”.
3. Bylaw No. 9029, being the “Ticket Bylaw, 2010” is hereby amended as follows:
- a. By deleting Schedule 28 [Fire Services Operational Bylaw, 2021 No. 9713] in its entirety and replacing with the Schedule 28 attached hereto as Schedule “A”.

4. This Bylaw may be cited for all purposes as the "**FIRE SERVICES HOUSEKEEPING BYLAW, 2024, NO. 10106**".

Read a first time this day of , 2024.

Read a second time this day of , 2024.

Read a third time this day of , 2024.

Adopted by Council, signed by the Mayor and Corporate Officer and sealed with the Seal of the Corporation on the day of , 2024.

Corporate Officer

Mayor

SCHEDULE: A**“SCHEDULE 28”****FIRE SERVICES OPERATIONAL BYLAW, 2021, No. 9713**

<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>	<u>COLUMN 4</u>
<u>Offence</u>	<u>Section</u>	<u>Fine if Paid Within 30 Days</u>	<u>Fine if Paid After 30 Days</u>
Failure to provide information or render assistance during Fire Safety Inspection	36	\$200.00	\$250.00
Failure to provide Information or render assistance during Fire Investigation	44	\$200.00	\$250.00
Failure to review or update Fire Safety Plan	38	\$100.00	\$150.00
Failure to comply with Order	50	\$100.00	\$150.00
Impede, hinder or obstruct member at an Incident, Fire Safety Inspection, or Fire Investigation	52(a), 52(b), 52(c)	\$200.00	\$250.00
Obstruct or interfere with access roads, fire hydrants, reservoirs or bodies of water	52(d)	\$200.00	\$250.00
Damage operation of Apparatus	52(e)	\$200.00	\$250.00
Refuse Entry	52(f), 52(g)	\$200.00	\$250.00
Refuse to comply with exclusion zones or evacuation orders	52(h)	\$100.00	\$150.00
Falsely represent as a member of the Fire Department	57	\$100.00	\$150.00
Failure to inform of actual or potential explosion, discharge, emission, escape or spill of Dangerous Goods	59	\$100.00	\$150.00