

4. **FIRE SERVICES HOUSEKEEPING BYLAW**

Report of the Fire Chief dated November 7, 2024.

To give three readings to “Fire Services Housekeeping Bylaw, 2024, No. 10106” to ensure the Fire Prevention and Life Safety Bylaw and Fire Services Operational Bylaw align with the *Fire Safety Act*; and to provide proper sectional reference of the previously mentioned bylaws in the Ticket Bylaw.

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 refence 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

APPENDIX A: BLACKLINE FIRE PREVENTION AND LIFE SAFETY BYLAW

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9712

A BYLAW TO DEAL WITH FIRE PREVENTION AND LIFE SAFETY MATTERS WITHIN THE CORPORATION OF THE DISTRICT OF SAANICH

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

Title and Citation

1. This bylaw may be cited as the **"FIRE PREVENTION AND LIFE SAFETY BYLAW, 2021, NO. 9712"**.

Interpretation and Application

2. In this bylaw, the following capitalized terms shall have the following respective meanings:

- (a) **"Alarm System"** means a system of one or more device or devices installed on or in real property and designed to issue a warning of a fire or other emergency by activating an audible alarm signal or alerting an alarm monitoring service, but does not include a system that operates only to alert only the occupants of the dwelling unit in which it is installed;
- (b) **"Animal Organic Waste"** means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, hair and feathers;
- (c) **"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;
- (d) **"Beach Fires"** means any Open-Air burning below the Natural Boundary;
- (e) **"Building"** means any structure used or intended for supporting or sheltering any use or occupancy;
- (f) **"Building Bylaw"** means the *Building Bylaw, 2019, No. 9529*;
- (g) **"Building Code"** means the *British Columbia Building Code*, as adopted pursuant to the *Building Act*, SBC 2015, c. 2;

- (h) **"Chief Administrative Officer"** means the person appointed by Council as the chief administrative officer of the Corporation;
- (i) **"Council"** means the municipal council of the Corporation;
- (j) **"Corporation"** means The Corporation of the District of Saanich;
- (k) **"Cover Material"** means sand, silt, clay or other like non-organic material;
- (l) **"Dangerous Goods"** has the meaning ascribed thereto in the *Transport of Dangerous Goods Act* and regulations made thereunder;
- (m) **"Department"** means the Saanich Fire Department;
- (n) **"Director of Engineering"** means the Corporation's Director of Engineering and his or her designates;
- (o) **"Fire Chief"** means the person appointed by Council as head of the Department in accordance with the Fire Services Bylaw, or any designate thereof;
- (p) **"Fire Code"** means the British Columbia Fire Code, as adopted from time to time pursuant to the ~~*Fire Services Act*~~*Fire Safety Act*;
- (q) **"Fire Commissioner"** means the fire commissioner appointed pursuant to the ~~*Fire Services Act*~~*Fire Safety Act*;
- (r) **"Fire Department Connections"** means a connection to a Building through which the Department can pump supplemental water into a sprinkler system, standpipe, or other system, or which furnishes water for fire extinguishment to supplement existing water supplies;
- (s) **"Fire Protection Equipment"** includes but is not limited to, fire alarm systems, automatic sprinkler systems, special extinguisher systems, portable fire extinguishers, fire hydrants, water supplies for fire protection, standpipe and hose systems, fixed pipe fire suppression systems in commercial cooking exhaust systems, smoke control measures and emergency power installations;
- (t) **"Fire Service Area"** means the area contained within the geographical limits of the Corporation;
- (u) **"Fire Services Bylaw"** means the *Fire Services Operational Bylaw, 2021, No. 9713* of the Corporation;
- (v) **"Garbage"** means animal, vegetable and other food wastes resulting from the handling, preparation, storage, cooking or serving of food, and includes material used in the packaging of food, but does not include paper uncontaminated by food;
- (w) **"Garden Refuse"** means refuse in the nature of grass and other clippings, leaves, tree and shrub prunings, cuttings and other similar material;

- (x) **"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;
- (y) **"Member"** means a person employed by the Corporation in the classification of Fire Fighter, 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;
- (z) **"Mill Waste"** includes bark, chips, sawdust, hogged fuel and any other discarded wood products;
- (aa) **"Mobile Food Vendor"** means a vehicle, trailer, cart, bicycle or other conveyance used to prepare and sell food and beverages;
- (bb) **"Natural Boundary, "** has the meaning ascribed thereto in the *Land Act*;
- (cc) **"Opacity"** is the degree to which the visibility of the background, viewed through a plume of smoke, is reduced;
- (dd) **"Open-Air"** burning or fires, or burning or fires **"in the Open-Air"** means any burning of any kind, of any material, for any purpose, that takes place outside of a Building, whether in a fire pit, chimenea, outdoor woodstove, outdoor fireplace, portable or fixed outdoor wood burning appliance or otherwise;
- (ee) **"Order"** means an order in writing issued by the Fire Chief in relation to the enforcement of any provision of this bylaw or Fire Services Bylaw, which order shall specify the particulars of the matter at issue which require correction, the property or premises affected and the date by which compliance is to be achieved;
- (ff) **"Permit"** means a permit required under this bylaw or another applicable enactment;
- (gg) **"Private Hydrant"** means a fire hydrant that is installed on private property as part of a system of fire protection for that property;
- (hh) **"Prohibited Materials"** includes Animal Organic Waste, Dangerous Goods, Garbage, Mill Waste, tires, plastics, drywall, demolition waste, construction waste, paint and paint products, Treated Wood, asphalt, asphalt products, rubber, fuel and lubricant containers, biomedical waste, hazardous waste, tar paper, railway ties, manure, aromatic hydrocarbons, or similar materials;
- (ii) **"Solid Fuel Burning Device"** means a device that burns wood, coal or any other non-gaseous or non-liquid fuel, and includes any device burning any solid fuel used for aesthetic or space heating purposes within a Building, and includes a fireplace, wood stove, fireplace insert or wood heater;

- (jj) **"Treated Wood"** means wood of any species that has been painted, chemically impregnated, or similarly modified, whether or not milled or processed into lumber; and
- (kk) **"Urban Containment Boundary"** means the Urban Containment Boundary shown on the land use maps of the Local Area Plans attached to the Saanich Official Community Plan, as amended from time to time; the phrase "lands lying inside the Urban Containment Boundary" means the urbanized part of Saanich lying generally south and east of the Urban Containment Boundary, but excluding the Blenkinsop Valley.
3. All references in this bylaw to statutes and regulations are to statutes and regulations of the Province of British Columbia, unless others 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. The Members of the Department are hereby authorized to enforce the provisions of this bylaw within the Fire Service Area, and in connection therewith, to exercise the powers provided for herein and in the Fire Services Bylaw. The Fire Chief will develop appropriate operational guidelines directing the Members in relation to the enforcement of this bylaw, and the exercise of any powers or authorities in connection therewith. This bylaw may also be enforced by officers of the Saanich Police Department and by individuals appointed by the Corporation as bylaw enforcement officers or otherwise designated by the Corporation as having the authority to enforce the provisions hereof.
 5. If any part, section, subsection or phrase of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed, and the remainder of the bylaw will be deemed to have been enacted without the invalid portion.
 6. 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 Prevention

7. Any owner or occupier of real property in the Fire Service Area shall remove any matter or thing situate in or on any Building or on the property which, in the opinion of the Fire Chief, is a fire hazard or increases the danger of fire, and shall clean chimneys and flues or other apparatus or things which may, in the opinion of the Fire Chief, if not clean, cause a fire or increase the danger of fire.
8. The Fire Chief may:

- (a) inspect any chimney, flue, fireplace, hearth, oven, furnace, boiler, stove, steam pipe, funnel or other like structure or thing, and enter onto property and into any Building or structure for the purpose of such inspection; and
 - (b) issue an Order where, after conducting an inspection pursuant to subsection 8(a), the Fire Chief finds any chimney, flue, fireplace, hearth, oven, furnace, boiler, stove, steam pipe, funnel or other like structure or thing to be a fire hazard, to the owner of the Building in which it is situate, and indicate the remedy required and the time within which the condition shall be remedied.
 - (c) Where any person has received an Order under subsection 8(b), he or she shall carry out the work required by such Order within the time indicated.
- 9. No person shall deposit any ashes or allow any ashes to be deposited or remain:
 - (a) in any combustible container;
 - (b) on the floor of any Building owned or occupied by that person; or
 - (c) in any metallic container, that is within 30 centimetres (12 inches) of any woodwork or other combustible material.
- 10. No person shall keep any waste, rags, paper or other substance liable by spontaneous combustion to cause fire, except in a container made of metal or other non-combustible material, having an airtight non-combustible top or lid.
- 11. Flammable and combustible products shall not be stored in underground parking areas except when contained in a room specifically designed for such storage.
- 12. In relation to refuse containers:
 - (a) All commercial or communal garbage containers larger than a 90 litre (20 gallon) capacity shall be stored at a location that is approved by the Fire Chief and which is no less than 5 metres (16 feet) from any combustible construction or materials or unprotected Building openings.
 - (b) If the clearances required by subsection 12(a) of this bylaw cannot be met, a non-combustible container with a non-combustible self-closing lid and no hold-open devices may be used, provided that the container is placed in a location that is approved by the Fire Chief and which is no less than 1 metre (3 feet) from any combustible construction or materials or unprotected Building openings.
 - (c) No owner of property shall store or permit to be stored any commercial or communal garbage containers larger than a 90 litre (20 gallon) capacity in any manner other than in accordance with the specifications detailed in this section 12.

Burning Restrictions

13. Open-Air burning is prohibited unless expressly permitted by this bylaw. For certainty, all Beach Fires are prohibited.
14. The burning of Prohibited Materials is prohibited, whether in a Solid Fuel Burning Device, in a fire in the Open-Air or otherwise.
15. Notwithstanding the definition of Open-Air burning, such burning does not include:
 - (a) a fire in a Solid Fuel Burning Device within a Building on private land;
 - (b) a fire fuelled solely by natural gas or propane, lit, ignited and maintained on private land, subject to compliance with the *Gas Safety Regulation* under the *Safety Standards Act*, SBC 2003, c. 39;
 - (c) a fire fuelled solely by propane, natural gas, charcoal briquettes or lump charcoal, lit, ignited and maintained solely for the cooking of food, on private land and contained within an appliance or device that has been specifically designed for that purpose;
 - (d) a fire fuelled solely by propane or natural gas within an appliance or device that has been specifically designed for that purpose, used in a park owned by the Corporation, where such use is authorized or permitted by the Corporation, or in another park within boundaries of the municipality subject to rules and regulations of the Capital Regional District or the Province of British Columbia, as applicable;
 - (e) the combustion of a petroleum fuel within an internal combustion engine, or the operation of welding equipment or a hand-held torch or tiger torch for the purpose of construction, maintenance or repair work; or
 - (f) any burning conducted by the Corporation for municipal purposes, including firefighter training.
16. Notwithstanding section 15(e) of this bylaw, the use of a tiger torch for the purposes of clearing shrubbery, brush or weeds constitutes Open-Air burning.
17. The Fire Chief, in his or her discretion, may issue a Permit that entitles the holder to conduct Open-Air burning otherwise prohibited by this bylaw. The Permit may be made subject to such requirements as the Fire Chief deems appropriate, including a site review by the Department and the requirement that the Department provide a standby crew for the Open-Air burning. The Department shall charge a fee in relation to the issuance of such Permit calculated as follows:
 - (a) the amount set from time to time in Appendix A; plus
 - (b) the cost of the time of any Members required to conduct a site review, or review of any safety plan related to the Open-Air burning, or for acting as a standby crew or for time

otherwise spent reviewing the Permit application, such costs to be calculated as provided for in Appendix A.

18. Open-Air burning is not permitted within the Urban Containment Boundary or on non-privately owned property.
19. Open-Air burning of Garden Refuse is permitted on privately owned property, outside of the Urban Containment Boundary, subject to the following provisions:
 - (a) Open-Air burning may only take place from and including 16 October of one calendar year to and including 30 April of the next following calendar year.
 - (b) Open-Air burning may only take place on Fridays from sunrise to sunset, and Saturdays from sunrise to 12:00 p.m. No Permit is required for such Open-Air burning unless the fire exceeds 1 metre (3 feet) in diameter.
 - (c) Only one Open-Air fire may be started and maintained on any single property at any given time.
 - (d) Open-Air fires must:
 - (i) be located 7.6 metres (25 feet) from any Building or structure, wooden fence or property line and otherwise be located so as not to pose a risk of spread through the grass, shrubbery, trees or other combustible materials;
 - (ii) be less than 1 metre (3 feet) in diameter, unless a Permit is obtained in accordance with section 21, below;
 - (iii) be restricted to Garden Refuse that originated from the property in question, that is clean, dry and in a condition that provides for proper and full combustion;
 - (iv) not involve the use of any material as fuel to start, assist or enhance the burning, other than dry wood, paper or cardboard; and
 - (v) be supervised at all times by a responsible person 19 years of age or older.
20. Every person who ignites or maintains a fire in the Open-Air, including any to whom a Permit is issued under section 16 or section 21 of this bylaw, shall ensure that he or she has immediately available sufficient appliances, equipment and labour to maintain effective control over the Open-Air fire and to prevent the same from spreading, causing damage or becoming dangerous to life or to other property.
21. Persons wishing to conduct Open-Air burning contemplated by section 19 of this bylaw, in fires greater than 1 metre (3 feet) in diameter, or on days other than Friday and Saturday morning, may apply to the Department for a Permit. The Permit shall specify the maximum size of the Open-Air fire, which shall not exceed 2 metres (6.5 feet), and the days of the week when the Open-Air burning is permitted. A Permit issued by the Department under this section

shall be valid for a maximum of seven days from the date of issue. The cost of the Permit shall be the amount set in Appendix A. The Department may, in its discretion, refuse to issue a Permit under this section 21.

22. Where the Fire Chief, in his or her discretion, believes that there is an elevated level of fire hazard within the Corporation or a portion thereof, the Fire Chief may order that any or all burning in the Open-Air, including burning in accordance with any Permit granted hereunder, is prohibited. The Fire Chief may identify a specific geographical area within the Corporation where such ban applies, and the dates during which the ban shall be imposed. Notice of any such ban shall be posted on the Corporation's website, distributed in an announcement to the local media, and posted publicly at the Corporation's main offices. The Department may also post copies of the order in conspicuous places in or around the geographic area affected by the order.

23. The Fire Chief is hereby authorized and empowered, in his or her discretion, to suspend or revoke any Permit granted for Open-Air burning under this bylaw.

24. In relation to Solid Fuel Burning Devices:

(a) No person shall cause or allow the emission of smoke from any Solid Fuel Burning device for a period or periods aggregating more than three minutes in any one hour of such Opacity as to obscure an observer's view of the background through the smoke to a degree of greater than 20%.

(b) Subsection 24(a) shall not apply to:

(i) smoke emitted during the 20-minute period following the ignition of the fire; or

(ii) smoke emitted during a 6-minute period after a fire is re-stoked with fuel.

25. In addition to any other enforcement actions it may take under or in relation to this bylaw, the Department may enforce the Open-Air burning provisions and other restrictions on burning by issuing a municipal ticket, as contemplated by section 64 of this bylaw.

26. Whether or not a Permit has been issued:

(a) where the Department has responded to three or more Open-Air burning infractions at the same property in any 12-month period; or

(b) where Open-Air burning has been conducted in a manner considered by the Fire Chief to be in serious violation of the bylaw, or in a fashion that posed a significant risk to life or property;

the Fire Chief may, by Order to the owner or occupier of the property, prohibit any future Open-Air burning at such property, and deny the issuance of a Permit for Open-Air burning, for a period of up to 12 months from the effective date of the Order.

Smoke Alarms in Existing Buildings

27. Smoke alarms shall be installed in all Buildings within the Fire Service Area in accordance with the requirements of the Fire Code. Such smoke alarms must meet the requirements of CAN/ULC-S531, *Standard for Smoke Alarms*, and be installed in accordance with CAN/ULC S-553, *Standard for Installation of Smoke Alarms*.
28. All Building owners will operate, maintain and test smoke alarms in accordance with the requirements specified in CAN/ULC S-552, *Standard for Inspection, Testing and Maintenance of Smoke Alarms*.

Fire Department Access

29. In addition to any requirements under any other statute or regulation, fire lanes shall meet the requirements specified in the Building Bylaw.
30. All driveways in excess of 45 metres in length shall meet the requirements specified in the Building Bylaw. Where such a driveway does not meet these specifications:
- (a) the Corporation shall not be liable to the owner or occupier of any Building, for any delayed or inadequate response caused by access issues from such non-conforming driveway; and
 - (b) the owner of any such Building shall be liable to the Corporation for any damage caused to Department Apparatus, as a result of the Department attempting to use the non-conforming driveway in response to an incident at that Building or property.

Fire Hydrants

31. No person shall place or maintain any object or matter on a sidewalk or street which interferes with free access or approach to any fire hydrant. No person shall park or stop a vehicle proximate to a fire hydrant in violation of the *Motor Vehicle Act*, and the regulations made thereunder.
32. The owner of the property where any Private Hydrant is installed:
- (a) shall provide the Department with the GPS location of each such Private Hydrant;
 - (b) shall ensure that each Private Hydrant is fitted with a 100-millimetre Storz adapter;
 - (c) shall ensure that an area with a radius of 1 metre (3 feet) is maintained clear and unobstructed around the Private Hydrant;
 - (d) shall ensure that the Private Hydrant is maintained in good working condition at all times and that appropriate inspection, servicing and testing of the Private Hydrant is carried out by a person qualified to perform these services, including the following:

- (i) not less than twice each calendar year, have the Private Hydrant flushed, drained and all threads, outlets and caps greased with waterproof grease;
 - (ii) not less than once each calendar year, have all components of the Private Hydrant inspected, serviced and tested to the standards prescribed in the current edition of *NFPA 25: Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*; and
- (e) shall maintain records of all inspections, servicing and testing of each Private Hydrant and make those records available, on request, to the Fire Chief or designate.

General Fire Prevention Matters

33. Subject to and in accordance with the provisions of the Fire Services Bylaw, the Fire Chief may enter, at all reasonable times, on any property which is subject to this bylaw to ascertain whether or not this bylaw is being observed and no person shall obstruct or prevent such entry by the Fire Chief.

34. A person must not:

- (a) discard, throw down, drop or otherwise leave any lighted match, cigar, or cigarette or other burning substance in or near any combustible material;
- (b) sit, stand or place or leave any article or thing in such a manner as to interfere with the means of exit or access within or outside any Building;
- (c) allow a Building which the person owns or occupies to be or remain in such a state of disrepair that a fire starting in or on the property might, in the opinion of the Fire Chief, spread rapidly to endanger life or other property;
- (d) keep combustible or explosive material in a Building which the person owns or occupies or allow other flammable conditions to exist so as to, in the opinion of Fire Chief, endanger life or property; or
- (e) obstruct any fire escape, passage, passage door, hall or window, or obstruct any exit leading to any fire escape in any Building.

35. The owner of any vacant Building or property in the Fire Service Area must, at all times:

- (a) ensure the Building and property are kept free from debris and flammable or combustible material; and
- (b) ensure all openings in any Building on the property are kept securely fastened and closed so as to prevent the entry of unauthorized persons.

36. The owner or occupier of a Building in which any of the Alarm System, sprinkler system, or emergency power system is not operating as required by the Building Code, the Fire Code or any other applicable law:
- (a) shall appoint and maintain a fire watch in that Building; or
 - (b) provide equivalent fire safety measures as directed by or that are acceptable to the Fire Chief.
 - (c) If the owner or occupier fails to employ a fire watch as contemplated by this section 36, the Department may appoint or have appointed a fire watch as considered necessary by the Fire Chief, and all costs incurred by the Corporation shall be the responsibility of the property owner.
37. The owner or occupier of a Building which has been damaged by fire:
- (a) shall take all reasonable measures to secure the Building or damaged portions thereof; and
 - (b) if directed by a Member of the Department, appoint and maintain a fire watch in that Building.
 - (c) The Department may, at the request of the owner or occupier, provide a fire watch subject to the payment the fees set out in Appendix A and the execution of an agreement satisfactory to the Corporation.
 - (d) Where the Department must secure a Building or a part of a Building for the purposes of conducting an investigation, or to preserve evidence related thereto, the Department may retain the services of one or more commissionaires from Commissionaires BC for that purpose, and charge the owner of the Building with the costs arising therefrom. For the period of time that a commissionaire is so appointed by the Department, the owner and/or occupant's obligations under subsections 37(a) and (b) shall be deemed to have been met.
38. Every owner or occupier of any Building who makes, stores, uses, or has charge or control of any flammable material, must at the close of business on each day cause all such material to be compactly baled or stacked in a safe manner, or stored in non-combustible receptacles having tight fitting, non-combustible lids.
39. Flammable and combustible products must not be stored in underground parking areas unless contained in a room specifically designed for such storage.
40. Where the safety of forest, woodland, timber or other property is endangered by debris caused by lumbering, land clearing or industrial operations, the person carrying on, or who has carried on, the operation, or the owner or occupier of the land on which the debris exists, shall dispose of the debris by removal or other approved methods and shall cut down all dead standing

trees and stumps within the area affected and shall provide the labour and take the precautions to prevent the occurrence or escape of fire or damage to property as the Fire Chief directs.

In-Building Communications Systems

41. Where emergency communications equipment as contemplated by Part 16 of the Building Bylaw has been installed in a Building, the owner shall ensure that such equipment is maintained properly by a qualified person and tested not less than annually. The owner of the Building shall be responsible for maintaining records of such maintenance and testing, and providing same to the Fire Chief, upon request.

Fire Protection Equipment

42. All Fire Protection Equipment must be maintained and tested at least annually by a person qualified to undertake such work. Persons owning, controlling or otherwise having charge of any fixed Fire Protection Equipment (including sprinkler systems and Alarm Systems) must notify the Department at any time such Fire Protection Equipment, or any portion thereof, is inoperable or taken out of service, and must notify the Department when service is restored.
43. No person shall block or impede access to Fire Protection Equipment in any Building, or tamper with, damage or render inoperable any Fire Protection Equipment in any Building. This section does not apply to circumstances where the Fire Protection Equipment is being decommissioned, serviced or replaced.

Commercial Kitchens and Mobile Food Vendors

44. The use, inspection and maintenance of commercial cooking equipment exhaust and Fire Protection Equipment shall conform to the current edition of National Fire Protection Association, *NFPA 96: Ventilation Control and Fire Protection of Commercial Cooking Operations*.
45. Hoods, grease removal devices, fans, ducts and other appurtenances of commercial kitchens must be cleaned not less than monthly, or more frequently, if required, to remove grease and other combustible residues. The owner or occupier of the premises using such equipment must not allow deposits of grease or other combustible residues to accumulate in any part of the commercial kitchen's exhaust system.
46. Mobile Food Vendors shall be subject to fire safety inspections by the Department. Without limiting the requirements under any other bylaws of the Corporation, the operations of Mobile Food Vendors are subject to this bylaw and the Fire Services Bylaw. Each Mobile Food Vendor:
- (a) must hold a current authorization to operate from the Corporation in its selected location, including a current business licence;

- (b) must obtain an annual inspection of its operation from the Department and display prominently any inspection certificate issued by the Department in connection therewith;
- (c) shall have installed or available Fire Protection Equipment appropriate to the type of cooking being undertaken;
- (d) shall have all commercial cooking units installed, certified and maintained in accordance with the requirements of the *Safety Standards Act* and regulations;
- (e) shall store any propane cylinders in a safe fashion, away from cooking and heat devices;
- (f) shall ensure that any tents or awnings in use are kept clean and free from grease build-up or other flammable residues, and conform to the flame resistance requirements CAN/ULC S-109: *Standard Method for Flame Tests of Flame-Resistant Fabrics and Films*, which conformance shall be identified by a manufacturer's label on such tent or awning; and
- (g) shall be subject to the direction of the Department in relation to siting, clearances, creation of a fire safety plan and other matters related to fire safety.

Fire Department Connections

47. Every owner or occupier of a Building in respect of which the Building Code requires Fire Department Connections must ensure that:

- (a) the Fire Department Connections, standpipes systems and sprinklers are located and installed in accordance with the Building Code and applicable building permit;
- (b) all Fire Department Connections, protective caps, standpipe systems and sprinklers are kept clean, functional, and in place at all times, and to promptly clean, repair and replace Fire Department Connections, protective caps, standpipe systems and sprinklers as necessary;
- (c) access to Fire Department Connections for sprinklers and standpipe systems is clearly identified, functional and in good repair;
- (d) signs are displayed which identify which Fire Department Connection serves a particular sprinkler or standpipe system and the maximum pumping pressure at a Fire Department Connection;
- (e) each fire sprinkler, standpipe and other Fire Department Connection is kept free and clear, by at least 1 metre (3 feet), from all shrubbery, trees, other vegetation, structures, buildings or other obstructions; and
- (f) each Fire Department Connection is clearly visible at all times from the Department access route, unless otherwise approved by the Fire Chief.

Buildings Under Construction

48. Where a new Building is being constructed, or in relation to alterations to, or the demolition of, an existing Building, the owner of the Building shall ensure that a fire safety plan is created covering the site of the new Building being constructed or Building which is under alteration or being demolished, and that the requirements set forth in section 5.6 of Division B of the Fire Code are met.

Unsubstantiated Complaints

49. Where an individual:

- (a) reports a burning or fire safety complaint relating to property or a Building owned by another person, which complaint results in a response by the Department; and
- (b) where such complaint proves, in the view of the Fire Chief, to be unsubstantiated (an "Unsubstantiated Complaint");

the Fire Chief may issue a written warning to such individual, in relation to the third such Unsubstantiated Complaint in any 12-month period. The written warning shall identify the complaints made and the reasons they were considered Unsubstantiated Complaints. It shall further state that a fourth and any succeeding Unsubstantiated Complaint will constitute a violation of this bylaw and may result in a ticket being issued as contemplated by sections 50 and 64 hereof, the cost of any response being charged to the individual in question based on the rates set out in Appendix A, and/or other enforcement proceedings being commenced hereunder.

50. In relation to a fourth and any succeeding Unsubstantiated Complaint as contemplated by section 49, the individual making such complaint may be ticketed, may be charged for the cost of any response by the Department and/or otherwise subject to enforcement proceedings for breach of this bylaw.

Lock Boxes

51. Where the Fire Chief considers it is necessary or desirable for operational or life and health safety reasons, he or she may require an Owner of:

- (a) a multi-family Building complex;
- (b) a Building three stories tall or over;
- (c) a Building where Dangerous Goods are stored;
- (d) a Building where hazardous operations or processes, as defined in the Fire Code, are conducted; or
- (e) a Building equipped with an Alarm System or automatic sprinkler;

to install a weatherproof lock box, of a type and in a location approved by the Fire Chief, accessible by any Member using a Department lock box key.

52. The lock box required under section 51 shall contain:

- (a) any fire safety plan for the Building, as required by the *Fire Code* and contemplated by the Fire Services Bylaw; and
- (b) keys, marked for Department use, needed for: access to all common floor areas and roof areas; all doors that are locked from the exit stairs to floor areas; and the recall and independent operation of any elevators in the Building.

Record Searches

53. Upon written request, the Department will conduct file searches on Buildings or properties for outstanding Fire Code violations or infractions or other related information. A fee is payable for this service as specified in Appendix A.

Issuance and Service of Orders

54. Where the Fire Chief finds that any provision of this bylaw or the Fire Code has been contravened or has not been complied with or has been complied with improperly or only in part, or that conditions exist in or upon a Building or property which, in the Fire Chief's opinion, constitutes a fire hazard or otherwise constitutes a hazard to life and/or property, he or she may make such Order to ensure full and proper compliance with this bylaw or Fire Code, or to eliminate the fire hazard and, in particular, but without limiting the generality of the foregoing, the Fire Chief may:

- (a) issue to the owner, occupier or lessee of the Building or property such directions as the Fire Chief deems necessary to correct the contravention or to ensure compliance with this bylaw or the Fire Code, 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 or the Fire Services Bylaw.

55. Any Order given by the Fire Chief under this bylaw may be served as follows:

- (a) personally, upon the person to whom it is addressed;
- (b) by leaving it with a person apparently over the age of 16 years at the dwelling or place of business of the person to whom it is addressed;
- (c) by sending it by registered mail to the most recent address of the person to whom it is addressed as shown on the most recent assessment roll of the Corporation; or
- (d) where the subject of the notice is an unoccupied Building or structure, by posting it in a conspicuous place on the outside of the Building or structure.

56. Where the Order is served by registered mail, service shall be deemed to have been effected five days after the date of mailing.
57. 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.

Fees and Charges

58. Where, after the time stated in any order served pursuant to this bylaw, the Fire Chief finds that the requirements of the Order have not been carried out, the Fire Chief may enter upon the real property, or any Building or structure situate thereon, described in the Order and carry out the work required by the Order at the expense of the owner of such real property.
59. The Fire Chief shall keep an accurate account of the costs incurred by the Corporation pursuant to section 58 and, when the work is completed, shall mail a statement of such costs to the person upon whom the Order was served, with a demand for payment of same.
60. The Department may charge for use of its services in connection with any services provided, or responses made, under or in connection with this bylaw or matters governed hereby, including the issuing of Permits, conducting inspections, acting as a standby crew, providing fire watch services, addressing Open-Air burning issues, undertaking fire safety plan reviews and undertaking consultations on fire safety, development requirements or similar matters, in each case as provided in Appendix A to this bylaw.
61. Any fee or charge that may be levied under this bylaw in relation to services provided or responses made to or in respect of any real property, including any costs incurred under section 58, which has not been paid by the 31st day of December in the year in which such fee or charge became due and payable, may be added to and form part of the taxes payable in respect of such real property as taxes in arrears.

Permits and Exemptions

62. No Permit, permission, approval or exemption created or granted by, under or pursuant to this bylaw shall in any way derogate from the authority of the Fire Chief to order the remedy of a condition giving rise to a fire hazard or risk of explosion.

Offences

63. A person who:
- (a) contravenes, violates or fails to comply with any provision of this bylaw or of a Permit or Order issued under this bylaw;
 - (b) suffers or allows any act or thing to be done in contravention or violation of this bylaw or any Permit or Order issued under this bylaw; or

(c) fails or neglects to do anything required to be done under this bylaw or any Permit or Order issued under this bylaw;

commits an offence, and upon conviction shall be liable to a fine of not more than \$50,000, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

64. This bylaw may be enforced by means of a ticket issued under the Corporation's *Ticket Bylaw, 2010, No.9029*.

Force and Effect; Repeal of Other Bylaws

65. This bylaw will come into force and effect on the date of its adoption.

66. Upon the coming into force of this bylaw, the following bylaws are hereby repealed:

(a) *Fire Hydrant Servicing By-Law, 1979, No. 4291*; and

(b) *Smoke Alarm Bylaw, 1993, No. 7126*.

Notwithstanding the repeal of each of the bylaws listed above, any offence committed under each 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 14th day of June, 2021.

Read a second time this 14th day of June, 2021.

Read a third time this 14th day of June, 2021.

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

"Angila Bains"

Municipal Clerk

"Fred Haynes"

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:

Special Burn Permit – section 17

1. The cost of any Permit issued pursuant to section 17 shall be the aggregate of the following:
 - (a) The amount of \$10; plus
 - (b) The cost of the time of any work conducted by any Member or Members of the Department in relation to reviewing the application for such Permit, including any site visit, safety plan review or other assessment, and provision of a standby crew calculated in accordance with the hourly rates set out in section 5 of this Appendix A.

Rural Burn Permits: Larger Open-Air Fires – section 21

2. The cost of any Permit issued pursuant to section 21 shall be \$10.

Fire Watch – subsection 36(c); subsection 37(c)

3. The cost of a fire watch provided by the Department under either subsection 36(c) or subsection 37(c) shall be either: the cost to the Corporation of providing a Commissionaire or other person for the period of the fire watch; or cost of the time spent by one or more Members providing such a watch calculated in accordance with the hourly rates set out in section 5 of this Appendix A.

Record Searches – section 53

4. The cost of a record search under section 53 (including a fire inspection file search, copy of a fire investigation report, or other search) shall be **\$25**.

Section 60 Charges and Hourly Rates

5. Where the Department provides, or agrees to provide, services under this bylaw for which a fee may be charged, but in respect of which a fee has not specifically been set:
 - (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 for such Members, plus a 10% administration charge; or
 - (b) where any Apparatus is required to provide the services, the Department will charge the 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 of the Apparatus involved, plus the cost of the Members calculated in accordance with subsection 5(a) of this Appendix A.

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

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;
- (~~e~~)(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;

~~(e)~~(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;

~~(f)~~(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;

~~(dd)~~ “**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;

~~(ee)~~ “**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 ChiefInvestigator;
- (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 4111 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.

~~56-60.~~ 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 14th day of June, 2021.

Read a second time this 14th day of June, 2021.

Read a third time this 14th day of June, 2021.

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

“Angila Bains”

Municipal Clerk

“Fred Haynes”

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.

APPENDIX C: TICKET BYLAW

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9029

TO PROVIDE FOR THE ISSUANCE OF TICKETS

WHEREAS UNDER Sections 264 and 265 of the *Community Charter* the Council may, by bylaw:

- i) designate those bylaws which may be enforced by means of a form of ticket prescribed by regulation;
- ii) designate bylaw enforcement officers for the purpose of enforcing bylaws by means of a prescribed form of ticket;
- iii) designate an offence against a bylaw by means of a word or expression on a ticket; and
- iv) establish different fine amounts that apply depending on whether the fine is paid on or before the 30th day from the date on which the ticket is served or is paid after that date.

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

- 1. The bylaws listed under Column 1 of Schedule 1 to this bylaw may be enforced by means of a ticket in the form prescribed by the Regulations under the *Community Charter*.
- 2. The persons appointed to the job positions or titles listed under Column 2 of Schedule 1 to this bylaw are designated as Bylaw Enforcement Officers pursuant to Section 264 of the *Community Charter* for the purpose of enforcing the bylaws listed in Column 1 of Schedule 1 opposite the respective job positions.
- 3. The words or expressions set forth under Column 1 of Schedules 2 through 26 to this bylaw designate the offence committed under the bylaw section number appearing under Column 2 of Schedules 2 through 26 opposite the respective words or expressions.
- 4. The amounts appearing under Column 3 of Schedules 2 through 26 to this bylaw are the fines that apply to the corresponding Offence designated under Column 1 if the fine is paid on or before the 30th day from the date on which the ticket is served.
- 5. The amounts appearing under Column 4 of Schedules 2 through 26 to this bylaw are the fines that apply to the corresponding offence designated under Column 1 if the fine is paid after the 30th day from the date on which the ticket is served.
- 6. Bylaw 8976, being the "Ticket Bylaw, 2009" is hereby repealed except insofar as it repeals all or part of any other bylaw.
- 7. This bylaw may be cited for all purposes as the "**TICKET BYLAW, 2010, NO. 9029**".

Includes Bylaw Amendment No's. 9113, 9130, 9145, 9234, 9282, 9296, 9375, 9491, 9510, 9564, 9569, 9664, 9714, 9778, 9779, 9843 and 9965.

THE CORPORATION OF THE DISTRICT OF SAANICH

TICKET BYLAW, 2010, NO. 9029

SCHEDULE 1

[...]

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	3744	\$200.00	\$250.00
Failure to review or update Fire Safety Plan	3839	\$100.00	\$150.00
Failure to comply with Order	5047	\$100.00	\$150.00
Impede, hinder or obstruct member at an Incident, <u>Fire Safety Inspection, or Fire Investigation</u> Fire Safety Inspection, or Fire Investigation	52(a), 52(b), 52 (c) 51(a)	\$200.00	\$250.00
Obstruct or interfere with access roads, fire hydrants, reservoirs or bodies of water	52(d) 51(b)	\$200.00	\$250.00
Damage operation of Apparatus	51(e) 52(e)	\$200.00	\$250.00
Refuse Entry	51(d), 51(e) 52(f), 52(g)	\$200.00	\$250.00
Refuse to comply with exclusion zones	51(f) 52(h)	\$100.00	\$150.00

	or evacuation orders			
	Falsely represent as a member of the Fire Department	54 <u>57</u>	\$100.00	\$150.00
	Failure to inform of actual or potential explosion, discharge, emission, escape or spill of Dangerous Goods	55 <u>59</u>	\$100.00	\$150.00