

VAN ANDA IMPROVEMENT DISTRICT BYLAW NO. 113

A bylaw for preventing and suppressing fires and for regulating the conduct of people at fires.

The Trustees of the Van Anda Improvement District ENACT AS FOLLOWS:

1. In this bylaw, unless the context otherwise requires:

The following terms and expressions will have the meanings hereinafter assigned to them, that is to say:

- a) "Animal organic waste" means solid organic waste material of animal origin and includes, flesh, carcasses, offal, hides, hair and feathers;
- b) "Approved plastic container" means approved by a recognized testing authority;
- c) "Authorized" means authorized by the chief of the fire department;
- d) "Authorized incinerator" means any metal or masonry container in good condition mounted on a non combustible base, fitted with a metal screen or grill of less than 12.5 mm (1/2") mesh to restrict any sparks or flying debris;
- e) "Board" means the Board of Trustees of the District;
- f) "Building" means any structure or building used or intended to be used for the support, shelter or enclosure of persons, animals or chattels;
- g) "Improvement District" means the District;
- h) "Dwelling" means any building or part of a building occupied or intended to be occupied as the resident of not more than one family;
- i) "Extinguished" means no visible flame, sparks, glowing embers or smoke;
- j) "Fire chief" means the fire chief of the District or any person designated by him to act on his behalf;
- k) "Fire department" will include the fire department of the improvement district and the fire department of any other fire protection district or municipal corporation attending fires within the improvement district;
- l) "Fire hazard" means any condition that is conducive to the destruction of life or property by fire, or will, or is likely to increase the extent or severity of the fire;
- m) "Flash point" means the flash point of a flammable liquid as determined by the Tagliabue Closed Cup Tester or the Abel-Pensky Flash Point Tester methods;
- n) "Garbage" means any animal, vegetable and food wastes or scraps;
- o) "Gasoline" means any product of petroleum or any liquid that will flash or emit a flammable vapour below the temperature of one hundred ten degrees Fahrenheit (110 F), or forty-four degrees Celsius (44 C);
- p) "Occupant" means owner, agent, lessee, licensee or tenant of any building or premises to which any of the provisions of this bylaw will apply;
- q) "Person" where used in the bylaw means natural persons of either sex, associations, corporations, or co-partnerships, whether acting by themselves or by a servant, agent, or employee, and the heirs, executors, administrators, or assigns or other legal representatives of such persons to whom the context will apply according to law;
- r) "Private residence" means any dwelling or two-family dwelling;
- s) "Refuse" means any approximately evenly proportioned mixture of rubbish and animal or vegetable waste material of low moisture content;
- t) "Rubber" means rubber goods, tires, plastics, and tar and asphalt roofing materials;
- u) "Rubbish" means any readily combustible inorganic dry waste material, but does not include animal or vegetable wastes;
- v) "Two-family dwelling" means any building occupied or intended to be occupied as the residence of not more than two families;

- w) "Vehicle" means every device upon or in which any person or property is, or may be, transported or drawn on or upon a public highway.
2. Unless the context otherwise requires, wording importing the singular number will include the plural and words importing the masculine gender will include the feminine, and the converse will apply.
3. a) Even where this bylaw and any regulations under the *Fire Services Act* deal with the same subject matters, any further or more stringent restrictions in this bylaw on the use of property or fire will have full force and effect.
- b) In the event of any conflict, inconsistency or repugnancy between these bylaws and the *Waste Management Act*, the *Waste Management Act* will, in all cases, prevail.

Right of Entry

4. With the exception of a privately owned and occupied single-family dwelling, the fire chief is hereby empowered to enter upon any land or premises for the purpose of making an inspection or investigation.
- a) to inspect for conditions which may cause a fire, increase the danger of a fire or increase the danger to persons;
- b) to see that any flammable matter is rendered harmless or suitably safeguarded against fire by requiring:
- i) the erecting of barricades;
- ii) the posting of "no admittance signs"; or
- iii) any other measures deemed necessary by the fire chief.

No Obstruction

5. No person will obstruct the fire chief in making any entry authorized by this bylaw.

No Hindrance

6. No person will, in any way, hinder any member of the fire department or any other person under the direction of the fire chief at any fire or other emergency.

Breaking Blockade

7. Except with the permission of the Fire Chief, no person will be permitted to enter any burning building or within the lines across any alley, lane, street or area marked by ropes or guards.

Driving Over Hose

8. No person will drive or run over any fire hose with any vehicle.

Access to Fire Hydrant

9. No person will place or maintain any object or matter on a sidewalk or street which interferes with free access or approach to any fire hydrant.

Burning

10. Except as provided in this bylaw, no person will light, ignite, or maintain any fire or permit or cause any fire to be lit, ignited, or maintained in the "open air" without first obtaining a permit, oral or written, from the fire chief, who may require a written application thereof.

Form of Written Permit

11. A written permit will be in the form set out in the schedule attached hereto, or to like effect, and will not be valid after expiration thereof.

Issuance

12. The Fire Chief may withhold or cancel any permit issued where, in their opinion, the igniting of a fire in any area may create a hazard to persons or property.

No Noxious Odours

13. No persons will burn any rubber, garbage, animal organic waste or any materials which create a noxious odour.

“Open Air” Fires

14. a) A fire in the “open air” means a fire out-of-doors, not contained in an authorized incinerator.
b) The permit holder or some competent person appointed by him will supervise and keep under control any burning in the “open air” and ensure that any equipment necessary for fire control is available.
c) The permit holder or some competent person appointed by him will ensure that a fire in the “open air” is located at least:
i) 3 m (10 feet) from any grass, shrubbery or wooden fence; and
ii) 6 m (20 feet) from any building.

Authorized Incinerators

15. The owner of an authorized incinerator will ensure:

- a) that the authorized incinerator is maintained in a condition that provides for proper combustion of any material burned;
b) that while it is in use, the permit holder or some competent person appointed by him will supervise any burning and ensure that any equipment necessary for fire control is available;
c) that the authorized incinerator is located at least:
i) 2 m (6 feet) from any dry grass, shrubbery or wooden fence; and
ii) 4.5 m (15 feet) from any building.

Restriction, Fires in the “open Air” or in an Authorized Incinerator

16. a) Except a fire lawfully maintained by special written permit from the fire chief, no persons will ignite or have burning any fire in the “open air” or in an authorized incinerator:
i) between sunset of one day and sunrise of the following day; or
ii) between the hours of 12 noon Saturday and sunrise of the following Monday during the months of June, July and August in any year; or
iii) on Canada Day, BC Day or Labour Day holidays.
b) Except for the occasional lawful “open air” burning of waste materials resulting from land clearing, agriculture, logging, gardening, demolition or construction, no person will burn any waste material other than in an authorized incinerator.
c) No person is required to obtain a permit for the occasional burning of waste material from October 15th in any year to April 15th of the following year unless proclaimed otherwise by the fire chief.

Unauthorized Fires

17. No person will light or maintain any fire either in the “open air” or in any form of container on any street, lane or boulevard allowance, without proper authorization.

Penalty

18. Any person who violates any provisions of this bylaw will be liable, upon conviction, to a maximum penalty as authorized under the *Offence Act*. Where any violation continues, each day in which it continues will be a separate violation for the purpose of prosecution under this bylaw.
19. This bylaw may be cited as the "Fire Regulations Bylaw".


INTRODUCED and given first reading by the Trustees on the 8th day of July, 2008.

RECONSIDERED and finally passed by the Trustees on the 8th day of July, 2008.

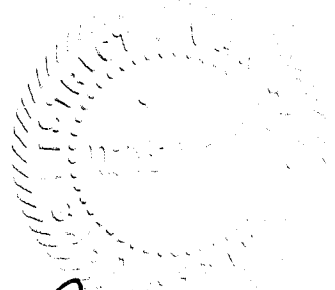
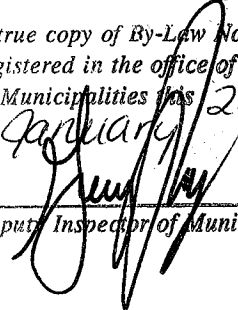


Chair of the Trustees

I hereby certify that this is a true copy of Bylaw No. 113.



Administrator


A true copy of By-Law No. 113
registered in the office of the Inspector
of Municipalities this 23rd day of
January 2009


Deputy Inspector of Municipalities