

I, W. d'Easum, Director of Corporate Services for the Regional District of Central Okanagan, do hereby certify that the following 9 pages comprises a true and correct copy of Bylaw No. 1066, which was adopted by the Regional Board on the 9th day of August, 2004 and has been consolidated to include amending Bylaw Nos. 1157-2006, 1184-2006 and 1240-2008

Dated at Kelowna, B.C. this
3rd day of June 2008



W. d'Easum, Director of Corporate Services

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1066

CONSOLIDATED

(Includes Amending Bylaw Nos.: 1157, 1184 and 1240)

A Bylaw to provide for Prevention of Fires and to Provide for Regulation of Persons at or Near Fires.

WHEREAS the Regional District of Central Okanagan has adopted the Regional District of Central Okanagan Fire Prevention Services Establishment Bylaw No. 1065, 2004.

AND WHEREAS the Regional District of Central Okanagan may establish regulations necessary for the Regional District of Central Okanagan to help protect the public from the effects of fire.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan in open meeting assembled, enacts as follows:

1) Purpose

The purpose of this bylaw is to enact the regulations necessary for the Regional District of Central Okanagan to utilize the B.C. Fire Code and additional local policies to help to protect the public from the effects of fire.

2) Definitions

“Air curtain burning” means burning in a trench or in a manufactured above grade enclosed burner using a mechanical air system to force air into the fire to accelerate burning while producing minimal visible smoke.

“Compostible materials” means small waste products from plants, trees or other vegetation that biodegrade easily, including grass clippings, leaves, tree needles, garden waste and weeds.

“Defensible Space” means the area within 10 meters of a building in which ground cover is kept to a minimum. The *defensible space* also includes the area 30 meters from a

building in which branches of coniferous trees are recommended to be removed to a minimum of 2.5 meters from the ground and coniferous trees thinned so that their crowns/branches are separated by at least 3 meters.

“Driveway” means the vehicle access located on and serving private property and includes the connection to the public roadway.

“Fire Chief” means the person appointed as *Fire Chief* by the local government and any persons he appoints to do work on his behalf.

“Forestland” means land in which the coniferous trees have a spacing of less than 3 meters between the crowns/branches, the branches extend to closer than 2.5 meters of the ground or where low bush type ground cover is general over the area.

“Incident” means a fire or a situation where a fire or explosion is imminent and includes assistance response to specific circumstances.

“Opening burning” means burning piled *permitted burning materials* at ground level with natural airflow.

“Permitted burning materials” means untreated wood prunings, branches, tree trunks, stumps or other vegetation that have been allowed to dry for at least two years or to equivalent dryness and that do not constitute:

1. *prohibited burning materials*,
2. *compostible materials* or
3. the wood, trees, stumps, shrubbery and wood debris that results from land being cleared or partially cleared of vegetation to help prepare the land for a different use.

“Prohibited burning materials” means waste material including demolition, renovation or construction waste material and those materials listed in the “Open Burning Smoke Control Regulation” enacted pursuant to the “Waste Management Act” as amended from time to time, including the following: tires, plastics, drywall, demolition waste, domestic waste, paint, special waste, tar paper, treated lumber, railway ties, manure, rubber, asphalt, asphalt products, fuel and lubricant containers, biomedical waste.

“Service area fire department” means Wilson’s Landing Fire Protection Local Service Area, Ellison Fire Protection Local Service Area, North Westside Road Fire Protection Local Service Area, June Springs Fire Protection Service Area, Brent Road Fire Protection Service Area, Lakeshore Road Fire Protection Service Area, Joe Rich Fire Protection Local Service Area and Westside Fire Protection Service Area.

3) **Regulations**

The standards of the B.C. Fire Code applies.

4) **Prevention**

In addition to the requirements of the B.C. Fire Code, the B.C. Building Code and the Fire Services Act:

- a) The owner or occupant of any lands, premises, yards or buildings situated within the Regional District of Central Okanagan shall at all times keep the same in a safe condition so as to guard against starting and spread of a fire.
- b) The owner or occupant of a building located within 30 meters of *forestland* shall be encouraged to provide and maintain a *defensible space* to increase the probability of protecting the building or structures survivability from approaching wildfire as well as to reduce the potential for a structure fire spreading to the *forestland*.
- c) The owner or occupant of real property shall keep their buildings and yards clear of anything that may unduly increase the probability or danger of fire.
- d) The owner or occupant of real property shall keep and maintain in good working order any equipment or facility which has been installed pursuant to the B.C. Building Code or required to be maintained by the B.C. Fire Code or other provincial regulation.
- e) No person or persons shall allow accumulations of empty boxes, barrels, rubbish, trash, waste paper excelsior, or any light combustible materials, in any alley or on any sidewalk or premises; except that such materials may be stored in a room or receptacle of fire resistive construction fitted with fire doors, or in metal containers equipped with tight fitting lids.
- f) The owner or agent of any vacant building shall at all times keep such building free of debris and flammable material, and shall keep all openings in such buildings securely fastened and closed so as to prevent the entry of unauthorized persons.
- g) Where required by the British Columbia Fire Code as amended from time to time, the owner or occupant of any lands, premises, yards, or buildings shall at all times keep the same in a safe condition by:
 - i) maintaining the fire alarm system in an approved manner in accordance with Section 6.3 of the British Columbia Fire Code;
 - ii) maintaining emergency lighting and exit lighting in accordance with Sections 2.7.3 and 6.7 of the British Columbia Fire Code;
 - iii) maintaining fire department vehicle access in accordance with Section 2.5 of the British Columbia Fire Code;
 - iv) maintaining commercial cooking equipment in an approved manner in accordance with Section 2.6.1.9 and 6.8 of the British Columbia Fire Code;
 - v) supplying and maintaining portable fire extinguishers in an approved manner in accordance with Section 6.2 of the British Columbia Fire Code;
 - vi) maintaining a means of egress in accordance with Sections 2.7.1.6, 2.7.1.7 and 2.7.2 of the British Columbia Fire Code;
 - vii) providing and maintaining an approved fire safety plan in accordance with Section 2.8 of the British Columbia Fire Code;
 - viii) maintaining an automatic sprinkler and/or standpipe and hose system in an approved manner in accordance with Section 6.4 and 6.5 of the British Columbia Fire Code;

- ix) maintaining fire hydrants in an approved manner as Section 6.6.4 of the British Columbia Fire Code;
- x) adhering to the posted occupant loads as per Section 2.7.1.3 of the British Columbia Fire Code;
- xi) maintaining special fire suppression systems in an approved manner as per Section 6.8 of the British Columbia Fire Code.

5) Fire Hydrants

In addition to the requirements of the B.C. Fire Code:

- a) No person shall make any attachment or connection to any hydrant or standpipe except as approved by the *Fire Chief* or the local water supplier.
- b) Private hydrants shall conform to the requirements for hydrants as specified in the subdivision bylaws for the area in which the hydrant is to be installed.
- c) The owner of a parcel on which a hydrant is installed shall maintain a clear and unobstructed area having a radius of one meter around each fire hydrant or standpipe.
- d) Each hydrant shall be in clear view of the adjacent access roadway or its location shall be made clearly obvious by other means.
- e) The color of a private hydrant shall be as specified by the *Fire Chief* in accordance with the N.F.P.A. standards that reference hydrant colors.

6) Smoke Alarms

In addition to the requirements of the B.C. Building Code and Fire Code:

- a) The owner of every building shall ensure that one or more smoke alarms are installed and maintained in every dwelling unit or suite and, except for institutional occupancies required to have a fire alarm system, in each sleeping room not within a dwelling.
- b) Smoke alarms shall be tested by the owner or occupant according to the manufacturer's specifications to ensure that they are functioning correctly. If the smoke alarm is not functioning correctly, the owner or occupant shall immediately repair the smoke alarm.
- c) Smoke alarms required by this bylaw shall conform to CAN/ULC-S531, Standard for Smoke Alarms and shall be installed and maintained in conformance with CAN/ULC-S553 Standard for the Installation of Smoke Alarms.
- d) Smoke alarms required for motels, hotels, boarding houses, rooming houses and dormitories shall be installed in accordance with the B.C. Building Code.

7) **Burning**

- a) All burning authorized by this bylaw is subject also to the requirements of the Regional District of Central Okanagan Smoke Control Regulatory Bylaw No. 773.
- b) This bylaw does not regulate *open burning* or campfires outside of the boundaries of the Regional District of Central Okanagan Service Area Fire Departments and is not designated or intended to replace the jurisdiction of the Wildfire Act outside of the boundaries of the Regional District of Central Okanagan Service Area Fire Departments.
- c) Within the boundaries of the Regional District of Central Okanagan Service Area Fire Departments no person shall start or burn a fire of any kind in the outdoors, other than a campfire, without first having obtained a permit to do so from the *Fire Chief*.
- d) The *Fire Chief* may issue a permit for *open burning* on lots having an area greater than one hectare except the *Fire Chief* may issue a permit for *open burning* on lots less than one hectare where safety of the public from the hazard of combustible vegetative material will be better served by *open burning* on those parcels.
- e) The person to whom a permit for *open burning* has been issued shall be responsible for the management of the fire.
- f) The person to whom a permit for *open burning* has been issued shall maintain a minimum separation of thirty meters between the location of the open burn fire and any building or forested area.
- g) The person to whom a permit for *open burning* has been issued shall ensure that all material to be burned originates from the parcel of land on which it is to be burned.
- h) The person to whom a permit for *open burning* has been issued shall ensure that only *permitted burning materials* are burned.
- i) The person to whom a permit for *open burning* has been issued shall ensure that all burning is conducted and concluded between 7:00 a.m. and sunset of the same day except as authorized in Section 7) j).
- j) The person to whom a permit for *open burning* has been issued may continue a fire beyond one day to a maximum of three days for large dried material such as stumps and wood in excess of eight inches in diameter, however, no further *permitted burning materials* shall be added to the fire after 5:00 p.m. of each day of the fire. The fire shall be maintained at all times as a substantially smokeless fire.
- k) The person to whom a permit for *open burning* has been issued shall ensure that the *permitted burning materials* are not from land being prepared for a different non-farming use. (e.g. farmland to residential, forest land to residential, forest land to open area or rural lands to subdivisions, etc.)

- l) Regardless of the issuance of a permit, the person to whom a permit for *open burning* has been issued shall not burn unless the venting index as provided daily by Environment Canada is **sixty five (65)** or greater when the fire is started.
- m) Regardless of the issuance of permit, the person to whom a permit for *open burning* has been issued shall not burn during fair or poor air quality conditions, when the air quality index is above twenty-five (25), as defined by the Ministry of Environment, based on information provided by Environment Canada and Ministry of Environment.
- n) The person to whom a permit for *open burning* has been issued shall have a competent person at all times in charge of the fire.
- o) The person to whom a permit for *open burning* has been issued shall control the fire so that it does not:
 - i. spread beyond the extent of a pile being burned,
 - ii. damage adjacent property or
 - iii. cause a nuisance.
- p) The person to whom a permit for *open burning* has been issued shall ensure that *prohibited burning materials* are not burned in the fire.
- q) No person shall burn in or allow a fire to continue to burn in a domestic outdoor or backyard incinerator or any structure functioning as a domestic incinerator or burning barrel or similar device.
- r) The use of a campfire shall be in accordance with the Regional District of Central Okanagan Smoke Control Regulatory Bylaw No. 773. This authorization for the use of campfires may be suspended by the *Fire Chief* at any time that conditions indicate that it is too hazardous to allow campfires to be burned.
- s) The *Fire Chief* may issue a permit for *air curtain burning* for the purposes of disposing of the fuels created from fuel modification and hazard reduction in wildfire interface areas and for disposal of land clearing waste subject to the conditions that:
 - i. the burn produces no visible smoke once fully operative.
 - ii. the conditions of 7) o) apply to the air curtain burn.
 - iii. only wood waste is burned.
- t) The *Fire Chief* may suspend, cancel, restrict or change the conditions of any burning permits as necessary due to development of hazardous conditions, adverse weather or other such circumstances as arise from time to time.
- u) The *Fire Chief* may issue permits for burning with the time periods from October 1st in one year to April 30th of the following year.
- v) Notwithstanding Section 7) u) the *Fire Chief* may issue a special burning permit to handle a specific hazard at any time during the year subject to any conditions the *Fire Chief* considers necessary to achieve a safe burn or may extend or decrease the general allowable *open burning* period where local climate and weather situations warrant such a change.

- w) In addition to any other remedy or offence imposed by this, a person who starts a fire without a valid permit or fails to manage a fire for which a permit has been issued shall be responsible for the costs of providing the personnel and equipment used to extinguish the fire or to suppress any escape or threatened escape of the fire.”

8) Inspections

- a) An annual fire prevention inspection of occupancies and buildings as required by the Fire Services Act, shall be carried out by or on behalf of the Regional District of Central Okanagan except such annual inspection may be averaged out over any three year period taking into account the issues noted in Section 8) b).
- b) The system of fire prevention inspections may be revised as necessary throughout the year to take into account the following issues:
 - i. Available resources.
 - ii. Outstanding scheduled inspections.
 - iii. Community growth.
 - iv. Economic viability.
 - v. Fire investigations.
 - vi. Illness and/or injury.
 - vii. Education leave.
 - viii. Training requirements.
 - ix. Scheduled vacation.
 - x. Required expertise.
 - xi. Other duties.
 - xii. Unforeseen emergencies.
- c) A fire prevention inspection made by or on behalf of the Regional District of Central Okanagan shall in no way relieve the owner of the building or premises from full responsibility for the safety of the building or premises.”

9) Authority of Fire Chief

- a) The *Fire Chief* and persons he designates to work on his behalf are authorized to exercise the powers and enforce the provisions of this bylaw, the Fire Services Act and the regulations made hereunder including the B.C. Fire Code.
- b) The *Fire Chief* and persons he designates to work on his behalf are authorized to perform the duties of a Local Assistant to the Fire Commissioner.
- c) The *Fire Chief* and persons he designates to work on his behalf are authorized to commandeer privately owned equipment that is considered necessary to deal with an *incident*.
- d) The *Fire Chief* and persons he designates to work on his behalf are authorized to at any reasonable time enter any premises for any purpose under this bylaw.
- e) The *Fire Chief and* persons he designates to work on his behalf are authorized to cause a building or structure to be pulled down, demolished or otherwise

removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.

- f) The *Fire Chief* and persons he designates to work on his behalf at an *incident*, may establish boundaries or limits and prevent persons from entering the area within the prescribed boundaries or limits.
- g) The *Fire Chief* and persons he designates to work on his behalf are, at an *incident*, authorized to enter, pass through or over buildings or real property adjacent to the *incident* to gain access to an *incident* or to protect any person or property.
- h) The *Fire Chief* may with the agreement of the property owner authorize burning buildings, structures or other materials for the purpose of training personnel or for the purpose of eliminating hazards.

10) Severability

If a court of competent jurisdiction holds any portion of this bylaw invalid, then that invalid portion shall be severed and the remainder of this bylaw shall be deemed to have been adopted without the severed portion.

11) Prohibitions

- a) No person shall fail to conform to the requirements of the B.C. Fire Code.
- b) No person shall enter the boundaries or limits of an area established under Section 9) f) unless that person has been authorized to enter by the *Fire Chief* or persons he designates to work on his behalf.
- c) No person shall impede, obstruct or hinder the *Fire Chief* or persons he designates to work on his behalf.
- d) No person shall drive a vehicle over any fire department equipment without permission of the *Fire Chief* or persons he designates to work on his behalf.
- e) No person shall cause an alarm to be transmitted to the Fire Department by telephone, fire alarm system, in person or by other means, knowing that an emergency or *incident* does not exist.
- f) No person shall refuse to allow the *Fire Chief* or persons he designates to work on his behalf to:
 - i) enter premises, at any reasonable time, for the purpose under this bylaw.
 - ii) enter at any time, premises or property where an *incident* has occurred or is occurring, or to allow the entry of any fire fighter, apparatus or equipment deemed necessary to deal with the *incident*.
 - iii) enter or pass through or over buildings or property adjacent to an *incident* or allow apparatus and equipment to enter or pass through or over buildings or property where deemed necessary to gain access to the *incident* or to protect any person or property.

12) Penalty

- a) Any person who violates any bylaw provision may, on summary conviction, be liable to the maximum penalty under the Offense Act, plus the cost of prosecution, for each offense. The penalties imposed under this section are a supplement and not a substitute for any other remedy to an infraction of this bylaw.
- b) Ticketable offences under this bylaw and the fines therefore shall be those set out in the Municipal Ticket Information Bylaw.

This bylaw may be cited as the "Regional District of Central Okanagan Fire Prevention and Regulations Bylaw No. 1066, 2004".