



**THE DISTRICT OF WELLS**  
**BYLAW NO. 142, 2015**  
**FIRE SERVICES BYLAW**

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**WHEREAS** the *Community Charter* S.B.C. 2003, c. 26, as amended from time to time, authorizes Council, by bylaw, to regulate, prohibit and impose requirements in relation to municipal services, emergency exits, smoke alarms, and any matter within the scope of the *Fire Services Act*, and to authorize the municipal fire chief to exercise certain powers in relation to the prevention and suppression of fires;

**AND WHEREAS** the *Community Charter* S.B.C. 2003, c. 26, as amended from time to time, provides that a Municipality may by bylaw authorize the municipal fire chief and designate to exercise powers for fire related inspections and prevention;

**AND WHEREAS** the *Community Charter* S.B.C. 2003, c. 26 and *Fire Services Act* and its Regulations, as amended from time to time, a municipality may by bylaw regulate the prevention and control of fires and for regulating the conduct of persons at or near fires;

**NOW THEREFORE** the Council of the District of Wells in an open meeting assembled enacts as follows:

**1. TITLE**

**1.1.** This Bylaw may be cited as “Fire Services Bylaw No. 142, 2015”.

**2. DEFINITIONS**

Unless specifically defined herein, words and phrases used in this Bylaw shall be construed in accordance with the meanings assigned to them by the *Fire Services Act*, the *Building Code*, the *Fire Code* or the *Community Charter* as the context and circumstances require.

In this Bylaw:

**2.1.** “*Apparatus*” means any vehicle machinery, device, *Equipment* or material used for firefighting and *Assistance Response* and any vehicle used to transport *Members* or supplies;

**2.2.** “*Assistance Response*” means aid provided in circumstances necessitating rescue efforts in accordance with the level of training and certification of present *Firefighters*, most often for Lift Assist;

**2.3.** “*Building Bylaw*” means the Cariboo Regional District Building Bylaw No. 3160, 1996, as amended or replaced from time to time;

- 2.4.** *“Building Code”* means the British Columbia Building Code, as amended or replaced from time to time;
- 2.5.** *“Campfire”* means a small contained outdoor fire, not exceeding 0.5 meters in height and 0.5 metres in width, and used for cooking, ceremonial purposes, or social enjoyment;
- 2.6.** *“Combustible Material”* means any material capable of being ignited;
- 2.7.** *“Council”* means the Council for the District of Wells;
- 2.8.** *“District”* means the District of Wells;
- 2.9.** *“Equipment”* means any tools, contrivances, devices, hoses or materials used by the *Fire Brigade* to combat an *Incident* or other emergency;
- 2.10.** *“Exterior Operations Service Level”* means the Exterior Operations Service Level as defined in the *Playbook*;
- 2.11.** *“False Alarm”* means the activation of a *Fire Alarm System* that results in a response by the *Fire Brigade*, and for which the *Fire Alarm System* activation was not the result of a fire or other similar emergency;
- 2.12.** *“Fees and Charges Bylaw”* means District of Wells Comprehensive Fees and Charges Bylaw No. 19, 2013 as amended or replaced from time to time;
- 2.13.** *“Fire Alarm System”* means a device or devices installed on or in real property and designed to issue a warning of a fire by activating an audible alarm signal or alerting a monitoring facility but does not include a fire alarm system that is intended to alert only the occupants of the dwelling unit in which it is installed;
- 2.14.** *“Fire Chief”* means the *Member* appointed by Council as head of the Volunteer *Fire Brigade* and shall be deemed to be a Municipal Public Officer as defined in the Local Government Act;
- 2.15.** *“Fire Code”* means the British Columbia Fire Code Regulation made under the *Fire Services Act*, as amended or replaced from time to time;
- 2.16.** *“Fire Hazard”* means any condition, arrangement or act which increases the likelihood of fire or which may provide a ready fuel supply to augment the spread or intensity of a fire or which may obstruct, delay, hinder, or interfere with the operations of the *Fire Brigade* or the egress of occupants in the event of fire;

- 2.17.** “*Fire Protection*” means all aspects of fire safety including but not limited to fire prevention, firefighting or *Fire Suppression*, pre-fire planning, fire investigation, public education and information, training or other staff development;
- 2.18.** “*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;
- 2.19.** “*Fire Safety Plan*” means a fire safety plan for a building required under the *Fire Code* and this Bylaw, that includes, without limitation:
- (a)** emergency procedures to be used in case of fire;
  - (b)** training and appointment of designated supervisory staff to carry out fire safety duties;
  - (c)** documents showing the type, location, and operation of fire emergency systems;
  - (d)** the holding of fire drills;
  - (e)** the control of *Fire Hazards*; and
  - (f)** inspection and maintenance of facilities for the safety of the building’s occupants;
- 2.20.** “*Fire Services Act*” means the *Fire Services Act*, RSBC 1996, c.144, as amended or replaced from time to time;
- 2.21.** “*Fire Suppression*” means the controlling and extinguishing of fires;
- 2.22.** “*Fireworks Bylaw*” means District of Wells Fireworks Bylaw, No. 127, 2013, as amended or replaced from time to time;
- 2.23.** “*Incident*” means a fire, a situation where a fire or explosion is imminent or a situation arising from a response to a request for assistance from another *emergency response agency including, but not limited to, the Royal Canadian Mounted Police or the British Columbia Ambulance*;
- 2.24.** “*Incident Commander*” means a *Member* designated by the *Fire Chief* to perform fire prevention duties and to whom authorities may be assigned;
- 2.25.** “*Member*” means a firefighter that is duly appointed by the *Fire Chief* to the Volunteer Fire Brigade and shall be deemed to be a Municipal Public Officer as defined in the *Local Government Act*;
- 2.26.** “*Officer*” means the *Fire Chief*, *Incident Commander* and any *Member* designated by the *Fire Chief* to act in the capacity of an *Officer*;

- 2.27.** “*Playbook*” means the mandatory minimum training standards set under paragraph 3(3)(b) of the *Fire Services Act* (B.C.) by the Office of the Fire Commissioner and approved by the Minister of Justice, entitled *British Columbia Fire Service Minimum Training Standards: Structure Firefighters – Competency and Training Playbook* (September 2014), as same may be amended, revised or replaced from time to time;
- 2.28.** “*Sprinkler System*” means an integrated system or underground and overhead piping designed in accordance with *Fire Protection* standards which is normally activated by heat from a fire and discharges water over the fire area;
- 2.29.** “*Volunteer Fire Brigade*” means the District of Wells Volunteer Fire Brigade established in 2000 and continued under this Bylaw.

### **3. ADOPTION AND APPLICATION OF THE FIRE CODE**

- 3.1.** The *Fire Code*, as amended or replaced from time to time, is adopted and made part of this Bylaw, such that every provision of the *Fire Code* shall be considered a provision of this Bylaw.
- 3.2.** Any person who contravenes, violates, or fails to comply with a provision of the *Fire Code* or this Bylaw commits an offence under this Bylaw.

### **4. CONTINUATION**

- 4.1.** The Wells *Volunteer Fire Brigade* is hereby continued for the purposes of providing the *Fire Protection* services contemplated under this Bylaw.

### **5. SERVICE LEVEL**

- 5.1.** Pursuant to the *Playbook’s* requirement that the “Authority Having Jurisdiction” (as that term is defined in the *Playbook*) over a Fire Brigade identify the service level to be provided by that department and whereas the *District* is the Authority Having Jurisdiction over the *Volunteer Fire Brigade* under the *Establishment Bylaw*, the *Volunteer Fire Brigade* is authorized to provide fire suppression activities in accordance with and subject to the limitations set out in the *Exterior Operations Service Level* of the *Playbook*.
- 5.2.** The *Exterior Operations Service Level* applies to and is binding on the *Volunteer Fire Brigade* and its *Members*. It shall form the basis of the *Volunteer Fire Brigade’s* training of its *Members* and related operational planning for fire suppression and emergency response activities.
- 5.3.** With respect to training *Members*, the *Volunteer Fire Brigade*:
- (a)** shall train its Principal Responding *Members* at least to the standard required by the *Playbook* for the *Exterior Operations Service Level*; and
  - (b)** in relation to *Members* who are not trained to the *Exterior Operations Service Level*, shall:

- (i) develop an incident scene accountability system which clearly identifies the different levels of each Member's training; and
  - (ii) develop and institute operational guidelines which specify and limit the incident scene of activities of Members depending on their current level of training.
- (c) In consultation with the *District*, the *Fire Chief* shall be responsible for ensuring that the *Volunteer Fire Brigade* develops an appropriate training program for all positions, tasks and roles including those which are not expressly covered by the *Playbook*. This training program shall meet the requirements of the *Playbook* and the *Workers Compensation Act* (B.C.) and regulations made thereunder, and shall be consistent with good practices and industry standards.

5.4. The *Volunteer Fire Brigade* shall:

- (a) implement this Bylaw and the contents of the *Playbook*;
- (b) maintain accurate and complete records of the training of its *Members*, including any refresher training, any certifications obtained and otherwise as required by the *Workers Compensation Act* (B.C.) and regulations thereunder, such that the training level of each Member can clearly be established; and
- (c) report annually to the *District* on the *Volunteer Fire Brigade's* training program, the training levels of its Members and compliance with this Bylaw and the requirements of the *Playbook*.

5.5. Notwithstanding anything in Section 5:

- (a) in relation to any particular incident response, the *Volunteer Fire Brigade* shall undertake only those emergency response activities for which its responding *Members* at the incident are properly trained and equipped; and
- (b) the *Fire Chief* may determine to limit the fire suppression activities of the *Volunteer Fire Brigade* to the *Exterior Operations Service Level* in circumstances where, because of turn-over in *Members* or for other reasons, in the *Fire Chief's* view the *Volunteer Fire Brigade* should suspend undertaking exterior fire attack or rescue operations.
- (c) Where the *Fire Chief* has made a determination under section 4.5(b), he or she shall immediately inform the *District*, including the reasons for the decision. The *Fire Chief* may elect to recommence providing *Exterior Service Level Operations* when he or she considers it warranted, and shall inform the *District* when making such decision.
- (d) The inability of the *Volunteer Brigade* to respond to an exterior fire attack and/or rescue operation due to a suspension of service by the *Fire Chief* shall not create any financial or legal liability for the parties unable to provide the *Fire Protection Services* requested.-

5.6. The current Service Level shall be reviewed **annually** by the *District* with the *Fire Chief*. It will be amended as determined appropriate by the *District*, or as required to

conform with any changes to the *Playbook* or other applicable legislation or regulations.

## **6. FIRE CHIEF**

- 6.1.** The *Fire Chief* shall report directly to *Council* through the Chief Administrative Officer and shall be responsible for administering this Bylaw, for the management, control, and supervision of the *Volunteer* and its *Members*, and for the care, custody and control of all buildings, *Apparatus* and *Equipment* of the *Volunteer Fire Brigade*.
- 6.2.** As he or she deems necessary, the *Fire Chief* may appoint *Members* to the *Volunteer Fire Brigade* and from the group of *Members* he or she may appoint *Officers*.
- 6.3.** The *Fire Chief* shall submit a list of all appointed *Members* semi-annually for the review and approval of the *Council*.
- 6.4.** The *Council* shall determine the remuneration of all *Members* of the *Volunteer Fire Brigade*.

## **7. MEMBER APPOINTMENT AND STANDING**

- 7.1.** A person is qualified to be appointed as a *Member* for firefighting duties who:
  - (a)** is not less than 19 years of age;
  - (b)** has successfully completed a probationary period of no less than 2 practices with the *Brigade*;
  - (c)** is a member in good standing of the *Wells Volunteer Fire Brigade*.

Upon appointment to the *Wells Volunteer Fire Brigade*, a *Member* shall be entitled to:

- (a)** a complementary membership to the Wells Community Fitness Centre; and
  - (b)** compensation in the form of \$10 per fire call and fire practice.
- 7.2.** If the *Fire Chief* determines that a *Member* is no longer a member in good standing of the *Volunteer Fire Brigade*, he or she may dismiss that *Member* from the *Brigade*. A *Member's* loss of good standing may result from:
    - (a)** missing four consecutive *Volunteer Fire Brigade* practices, without prior written approval from the *Fire Chief*;
    - (b)** failing to cooperate with the training program determined by the *Fire Chief*;
    - (c)** other misconduct as determined by the *Fire Chief*.
  - 7.3.** *Officers* and *Members* of the *Volunteer Fire Brigade* shall carry out the duties and responsibilities assigned to the *Volunteer Fire Brigade* by the *Council*, and the *Fire Chief* shall report to the *Council* on the operation of the *Volunteer Fire Brigade* or on any other matter in the manner designated by *Council*.

- 7.4.** The *Fire Chief* may obtain assistance from other officials of the municipality as he or she deems necessary in order to discharge his or her duties and responsibilities under this Bylaw.
- 7.5.** The *Fire Chief* and any *Member* or other person authorized by the *Fire Chief* to act on behalf of the *Fire Chief* as an *Incident Commander* may exercise one or more of the following powers:
- (a)** make and enforce rules, regulations and operational guidelines for the proper and efficient administration and operation of the *Volunteer Fire Brigade*, and vary, alter, or repeal such rules, regulations and operational guidelines, with the understanding that the *District* may also provide oversight to the *Volunteer Fire Brigade's* administration and operation from time to time as needed;
  - (b)** with reasonable concern, 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 fire;
  - (c)** take measures considered necessary for the prevention, control and extinguishment of fires, including the demolition of buildings and other structures to prevent the spreading of fires;
  - (d)** require an owner or occupier to undertake any actions the *Fire Chief* considers necessary for the purpose of removing or reducing any thing or condition the *Fire Chief* considers is a *Fire Hazard* or increases the danger of fire;
  - (e)** requisition privately owned equipment which he or she considers necessary to deal with an incident;
  - (f)** exercise the following powers under Section 25 of the *Fire Services Act*:
    - (i)** if an emergency arising from a *Fire Hazard* or from a risk of explosion causes the *Fire Chief* to apprehend imminent and serious danger to life or property, or of a panic, the *Fire Chief* may immediately take steps to remove the hazard or risk;
    - (ii)** if the *Fire Chief* believes that conditions exist in or near a hotel or public building that, in the event of a fire, might seriously endanger life or property, the *Fire Chief* may immediately take action to remedy the conditions to eliminate the danger and may evacuate and close the hotel or public building; and

without limiting the foregoing, for these purposes may evacuate a building or an area, and may call on police and other fire prevention authorities who have jurisdiction to provide assistance;

- (g)** provide for *Assistance Response* in accordance with the level of training and certification of the *Firefighters* who are present;
- (h)** enforce this *Bylaw* and any other *District* bylaws, rules, orders, and regulations respecting *Fire Protection*, and exercise the powers and duties imposed upon him/her by the *Fire Services Act*;
- (i)** cause fires in the *District* to be enquired into, investigated, and recorded in the *District*;

- (j) collect and disseminate information in regard to fires in the *District* to the public, provided that the information is first approved by the *District*;
- (k) research best practices in methods of fire prevention;
- (l) provide, advise, and make recommendations to other officers and employees of the *District*, to *Council*, and to the public, in accordance with any applicable *District* policies and procedures, the *Building Code*, the *Fire Code*, and the *Fire Services Act*, in relation to:
  - (i) the provision of adequate water supply and pressure;
  - (ii) the installation and maintenance of *Fire Protection Equipment*;
  - (iii) the enforcement of measures for the prevention or suppression of fire and the protection of life and property;
  - (iv) life safety or rescue equipment; and
  - (v) fire prevention generally.

## 8. INDEMNIFICATION

- 8.1. The *District* will indemnify every *Member*, *Officer*, *Fire Chief* and *Deputy Fire Chief* against any claim for damages brought against that person arising out of the performance of that person's duties and, in addition, will pay for any legal costs reasonably required or incurred by that person in relation to a court proceeding arising out of such a claim.

## 9. SERVICES

- 9.1. The *Volunteer Fire Brigade* shall provide services as set out in Schedule A of this Bylaw.

## 10. JURISDICTION

- 10.1. The limits of the jurisdiction of the *Fire Chief*, and the *Officers* and *Members* of the *Volunteer Fire Brigade* will extend to the areas and boundaries of the District of Wells as set out in Schedule B of this Bylaw and no part of the fire apparatus shall be used beyond the limits of the District of Wells without the express authorization of a written contract or agreement providing for the supply of firefighting services outside the municipal boundaries.

- 10.2. In the event of an out-of-jurisdiction *Incident* that poses potential danger to the *District* or in the best interest of the *District*, subject to the approval of the *Fire Chief* and where consent in accordance with Section 13 of the *Community Charter* has been provided, *Equipment*, *Apparatus* and personnel of the *Fire Brigade* may be used outside the geographic boundaries of the *District* and/or outside of the jurisdictional boundaries set out in Schedule B.

## 11. PREVENTION, CONTROL AND ENFORCEMENT

- 11.1. The *Volunteer Fire Brigade* may, to the extent authorized by Section 66 of the *Community Charter* and by the Exterior level of training, take all necessary measures for the prevention, suppression, control, and extinguishment of fires, for mitigating the



effects of *Incidents* involving dangerous goods, and for the protection of life and property, including conducting *Assistance Response* where *Firefighters* are certified.

## **12. RIGHT TO ENTER**

- 12.1.** The *Fire Chief* and his/her designates are authorized to enter on property at any time in order to ascertain whether the requirements of this Bylaw are being met.
- 12.2.** The *Fire Chief* and any other *Officer* at an *Incident* is authorized to enter premises where an *Incident* has occurred and to cause any *Members*, *Resources*, and the *Apparatus* and *Equipment* of the *Volunteer Fire Brigade* to enter the premises, as deemed necessary, in relation to an *Incident*.

## **13. NO INTERFERENCE**

- 13.1.** No person shall interfere with or obstruct the entry of any *Member* or *Officer* onto any land to which entry is made or attempted pursuant to the provisions of this Bylaw.
- 13.2.** No person shall interfere with or refuse to permit any *Member* or *Officer* 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* or *Officer* has reasonable grounds to believe that an *Incident* has occurred or may occur.
- 13.3.** A person must not interfere with any *Member* or *Officer* or refuse to permit any *Member* or *Officer* to enter into or upon premises or a fire scene to determine:
- (a)** the cause and origin of the fire;
  - (b)** the activation of a *Fire Alarm System*; or
  - (c)** the presence and functioning of a *Sprinkler System* or other life safety protection system.
- 13.4.** No person shall damage or destroy *Volunteer Fire Brigade Apparatus* or *Equipment*.
- 13.5.** No person at an *Incident* shall drive a vehicle over any hoses or *Equipment* without permission of the *Fire Chief*, an *Officer* or a *Member in Charge*. Persons who drive over *Volunteer Fire Brigade Equipment*, without instruction to do so by a *Member*, may, in addition to any other penalty, be required to pay the actual costs of repairing or replacing damaged *Equipment*.

## **14. PROHIBITION AGAINST ENTRY**

- 14.1.** A person must not, except as authorized by the *Fire Chief*, an *Officer* or a *Member in Charge* at an *Incident*:
- (a)** enter any building or premises threatened by an *Incident*;
  - (b)** enter within an area designated by ropes, guards, or tape erected by or under the direction of a peace officer or a *Member* across or around any street, lane, alley or building; or

- (c) refuse to move from such designated area when directed to do so by a peace officer or *Member*.

**14.2.** The *Fire Chief*, or the *Members* in charge, at the *Incident* may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in subsection 14.1.

## **15. NO OBSTRUCTION AT ASSISTANCE RESPONSE**

**15.1.** A person must not impede, hinder or obstruct any *Member* at an *Assistance Response* and every person must comply with orders or directions of a *Member* engaged in an *Assistance Response*.

**15.2.** Any person who interferes with a *Member* in the performance of their duties, or fails to comply with an order or direction of a *Member* may be removed from the scene of such *Assistance Response* by a peace officer or any *Member*.

## **16. FALSE REPRESENTATION**

**16.1.** No person shall make false representations as to being a *Member* of the *Volunteer Fire Brigade*, or wear or display any *Volunteer Fire Brigade* badge, cap, button, insignia, or other paraphernalia for the purpose of such false representation.

## **17. OUTDOOR BURNING**

**17.1.** The *Fire Chief* may, at his or her discretion, suspend any or all outdoor burning for reasons of public nuisance or public safety, including but not limited to, air quality and risk of fire spread, and in such event no person shall carry on open burning within the *District*.

## **18. FIRE PROTECTION EQUIPMENT**

**18.1.** Every owner of premises must ensure that all *Fire Protection Equipment* required under the *Building Code* or *Fire Code* is inspected, tested and maintained in accordance with good engineering practices and the applicable standards, requirements and guidelines of the *Building Code*, the *Building Bylaw*, the *Fire Code*, this Bylaw and all other applicable enactments, all as amended or replaced from time to time, and any equivalents or alternative solutions required or accepted under those enactments.

**18.2.** *Volunteer Fire Brigade* pumper connections shall be located and positioned in accordance with the *Building Code* and approved by the *Fire Chief* or designate.

**18.3.** All *Volunteer Fire Brigade* pumper connections and protective caps shall be kept in place at all times and, where such connections or protective caps are missing, the building owner or occupier shall promptly cause the connections to be examined for accumulated material, back-flushed if such material is present or suspected, or upon the direction of the *Fire Chief* or the *Fire Chief's* designate, and shall ensure the connections and caps are replaced.

- 18.4.** Every owner or occupier of a building must ensure that accesses to *Volunteer Fire Brigade* connections for *Sprinkler Systems* or standpipe systems are clearly identified, functional, kept in good repair and maintained free of obstructions at all times.
- 18.5.** Every owner of premises for which a *Sprinkler System* is required under the *Building Code* or the *Building Bylaw* must, in accordance with the requirements of the *Fire Code*, maintain, repair and upgrade the *Sprinkler System* to accommodate any material change in use or occupancy that results in a greater *Fire Hazard* than that which the *Sprinkler System* was intended to accommodate.
- 18.6.** When a building equipped with a *Sprinkler System* or a standpipe is being demolished, the system or standpipe shall be maintained in operation, subject to sequential deactivation, until the demolition work is completed.
- 18.7.** The owner and occupier of every premise with residential occupancy must ensure that all installed smoke alarms are maintained, tested, repaired and replaced in accordance with the requirements of the manufacturer.

## **19. FIRE HYDRANTS**

- 19.1.** The fire hose connection type, hydrant colour coding and location of all fire hydrants and other *Volunteer Fire Brigade* connections shall be subject to the approval of the *Fire Chief*.
- 19.2.** No person, except a *Member* or staff of the *District*, shall use or take water from any fire hydrant or standpipe, nor make any attachment to a fire hydrant or standpipe, without first obtaining written permission from the *Fire Chief* to do so.
- 19.3.** No person shall tamper with the mechanical operation of a fire hydrant.
- 19.4.** No person shall remove a fire hydrant from its authorized or required location unless authorized to do so by the *District* in accordance with any direction, conditions, measures, or requirements of the *Fire Chief*.
- 19.5.** Where a fire hydrant is located on private property, the owner or occupier of the premises must:
- (a)** ensure that all requirements of the *Building Code* are complied with during installation of the fire hydrant;
  - (b)** maintain space around the fire hydrant with stable ground cover and a clear and unobstructed area.
- 19.6.** If an owner or occupier fails to properly maintain the hydrant area in accordance with the access route specifications set out in the *Building Code*, the *Fire Chief* may issue an

order to the owner or occupier to comply with such specifications within a time period specified in the order.

- 19.7.** If an owner or occupier fails to comply with an order issued under the subsection (17.6) above within the time specified in the order, the *District* may enter onto the property and carry out such work at the cost of the owner.

## **20. FIRE ALARM SYSTEMS**

- 20.1.** Every owner or occupier of any premises with a *Fire Alarm System* must maintain and provide to the *Volunteer Fire Brigade*, in writing, the names and telephone numbers of three (3) contact persons, at least one of whom is available 24 hours a day by telephone to attend within 30 minutes of notification by the *Volunteer Fire Brigade* to enter and secure the premises at an *Incident*.
- 20.2.** The owner or occupier must notify the *Volunteer Fire Brigade* in writing within 7 days of any changes in the names or addresses of contact persons.
- 20.3.** The owner or occupier must provide to every contact person designated under the above subsection 20.1 full access to the premises for which they have responsibility and full authority to take control of and operate the *Fire Alarm System* and secure the premises on completion of *Assistance Response* or other *Incident*.
- 20.4.** Where a contact person fails to respond to a fire alarm and attend the premises within 30 minutes:
- (a)** the *Volunteer Fire Brigade* may use whatever means are necessary to gain entry to the premises to investigate the fire alarm without payment to the owner or occupier of any compensation whatsoever for damage caused to the premises by such forced entry; and
  - (b)** the owner or occupier of the premises shall be liable to reimburse the *District*, at the rates specified from time to time in the *Fees and Charges Bylaw* for the cost to the *District* of all time during which *Volunteer Fire Brigade Apparatus* and *Members* were required to remain on standby at the premises, commencing after the 30 minute time period specified in this subsection, until such time as a contact person, owner or occupier arrives to attend at, provide access to, or secure the premises.

## **21. ACTIVATION OF A FIRE ALARM SYSTEM**

- 21.1.** A person must not activate a *Fire Alarm System* unless:
- (a)** there is a fire;
  - (b)** the person reasonably believes that a fire or other *Incident* is occurring or is imminent; or
  - (c)** the activation is carried out for testing purposes by persons authorized by the *Fire Chief*.

## **22. NO OBSTRUCTIONS**

- 22.1.** No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire incident, fire hydrant, cistern or body of water designated by *Council* for firefighting purposes.
- 22.2.** A person must not cause to be placed, stored, or maintained upon any roof or balcony any material or object which may interfere with access or egress or *Volunteer Fire Brigade* operations in case of fire or other emergency, and shall remove all such objects or materials upon the order of the *Fire Chief* or any *Member*.
- 22.3.** A person must not obstruct access passageways on a roof surface required by the *Fire Code* or *Building Code*.
- 22.4.** Every owner or occupier of premises must at all times ensure that all exits and means of egress required under the *Building Code*, *Fire Services Act*, *Fire Code* or the *Building Bylaw* or the *Building Standards Bylaw* are properly maintained and remain unobstructed at all times.

## **23. REGULATION OF FIRE HAZARDS**

- 23.1.** A person must not cause or permit *Combustible Materials*, growth, waste, or rubbish of any kind to accumulate in or around premises in such a manner as to endanger property or constitute a *Fire Hazard*.
- 23.2.** The *Fire Chief* may order any person to remove or otherwise deal with accumulation or materials or growth referred to in subsection 21.1 above and upon receipt of such order, that person shall take whatever action is specified in the *Fire Chief's* order within the time period specified therein, failing which the *Volunteer Fire Brigade* may take whatever action is necessary to remove the *Fire Hazard* at the expense of the person to whom the order is directed or the owner or occupier of the premises.
- 23.3.** No person shall deposit, or allow to be deposited, ashes or other materials or things taken from any stove, furnace, fireplace, or heating appliance, in anything other than a metal or other non-combustible container.
- 23.4.** No person shall deposit or allow or cause to be deposited any greasy or oily rags or other material or things or substances likely to ignite spontaneously or aid in the spread of fire, in anything other than a suitable metal or non-combustible container or receptacle equipped with a close fitting lid.
- 23.5.** No person shall keep or store or cause to be kept or stored any accumulation of material that might cause a fire, contribute to the spread or severity of a fire, pose a risk to neighbouring improvements, pose a risk to *Members* or limit the ability of *Members* to evacuate victims of a fire.

- 23.6.** No person shall allow or permit to be allowed any flammable or toxic liquid to enter into any drainage system, toilet, septic tank or other fixture attached thereto, or connected to any sewer or drainage system.
- 23.7.** No person shall park or leave standing a motor vehicle or vessel where fuel is leaking. The *Fire Chief* shall have the authority to have towed any vehicle or vessel that he considers to pose a risk of fire or other risk. All costs associated with the towing and storage of vehicles or vessels shall be the responsibility of the vehicle or vessel owner.
- 23.8.** The *Fire Chief* or designate may order the owner of an existing multiple-family residential, assembly, mercantile, business or personal services, industrial, care or detention occupancy to provide or make alterations to *Fire Protection Equipment* and systems including heat and smoke detection, fire alarms, fire extinguishers, *Sprinkler Systems*, exit signs, emergency lighting, fire separations and means of egress in order to provide adequate life safety to its occupants, provided that the requirements of any such order may not exceed those establishing by the *Building Code* or *Fire Code* or building regulations established in accordance with the *Building Code* or *Fire Code*. Any owner may satisfy the requirements of an order through equivalents or alternative solutions accepted by the *Fire Chief* or designate.

#### **24. VACANT PREMISES**

- 24.1.** For the purpose of this Section 24, vacant premises includes a lot, building or other structure in respect of which a water or electricity service has been intentionally discontinued, other than for temporary maintenance, repair or upgrading, so that the condition of the premises is not suitable for human habitation or other occupancy that is normally permitted.
- 24.2.** The owner of vacant premises must promptly act to ensure that, at all times:
- (a)** the premises are free from litter and debris or accumulations of combustible or flammable materials except where storage of combustible or flammable materials is in strict accordance with the *Fire Code* and this Bylaw;
  - (b)** all openings in the premises are securely closed and fastened in a manner acceptable to the *Fire Chief* or designate so as to prevent fires and the entry of unauthorized persons; and
  - (c)** *Sprinkler Systems* and *Fire Alarm Systems* remain operational as per requirements of the *Fire Code*.
- 24.3.** Where an owner fails to securely close a vacant building as required by subsection 22.2 above, the *Fire Chief* or designate may, by notice in writing, order the owner to secure the building or other part of the vacant premises against unauthorized entry in a manner set out in the notice.
- 24.4.** If an owner of vacant premises fails to bring the premises into compliance with this Bylaw within twenty-four (24) hours of receiving a notice under subsection 22.3 above,

or if the *Fire Chief* or designate is unable to contact the owner within twenty-four (24) hours of finding vacant premises in an unsecured state, the *Fire Chief* or designate may cause the premises to be secured by *District* employees or agents, who may board up or otherwise secure doors, windows, and other points of entry into the premises in order to prevent fires and unauthorized entry, at the cost and expense of the owner.

## **25. DAMAGED BUILDINGS**

**25.1.** The owner of a building or other structure that has been damaged due to fire, explosion, or similar event must immediately ensure that all openings and points of entry into the building are kept securely closed and fastened in a manner acceptable to the *Fire Chief* so as to prevent the entry of unauthorized persons, or that one or more security guards are stationed to prevent such entry. If the owner fails to provide the necessary security to the damaged building within 2 hours of reasonable attempts by the *Fire Chief* to notify the building owner or the owner's appointed representative, the *Fire Chief* may cause the work to be carried out at the cost and expense of the owner.

## **26. INSPECTION OF PREMISES**

**26.1.** The *Fire Chief* and any *Member* designated by the *Fire Chief* is hereby authorized to enter at all reasonable times upon any premises to inspect and determine whether or not:

- (a) the premises are in such a state of disrepair that a fire starting therein might spread so rapidly as to endanger life or other premises or property;
- (b) the premises are so used or occupied that fire would endanger life or property;
- (c) combustible or explosive materials are being kept on the premises or other flammable conditions exist in or about the premises so as to endanger life or property;
- (d) in the opinion of the *Fire Chief* or a *Member*, a *Fire Hazard* exists in or about the premises; or
- (e) the requirements of this Bylaw and the *Fire Code* are being complied with.

**26.2.** No person shall obstruct, hinder or prevent the *Fire Chief* or any *Member* from entering into or upon any premises for the purpose of inspecting the premises in the ordinary course of their duties.

**26.3.** Every occupier of premises shall provide all information and shall render all assistance required by the *Fire Chief* or any *Member* in connection with the inspection of such premises pursuant to this Bylaw, the *Fire Code*, and the *Fire Services Act*.

**26.4.** No person shall purposely withhold or falsify any information required by the *Fire Chief* or any *Member* under this Bylaw, the *Fire Code*, or the *Fire Services Act*.

**26.5.** A fee shall be paid to the District of Wells for Fire Safety Inspections carried out at the request of the property owner or their agent, as specified in the *Fees and Charges Bylaw*.

**26.6.** The Fire Chief shall prepare and maintain records and reports on each fire inspection and these records and reports shall be made available to the building occupant or occupier.

## **27. FREQUENCY OF INSPECTIONS DELEGATED**

**27.1.** The authority and duty of *Council* under the *Fire Services Act* to establish, revise and implement a regular system of inspections of hotels, public buildings, churches, theatres, halls or other buildings used as a place of public resort in the *District* is delegated to the *Fire Chief* and for this purpose the *Fire Chief* is delegated the authority to establish a system of regular inspections which will provide different frequencies of inspection depending on a building's *Building Code* building classification, its use, age, past inspection history and fire risk assessment.

**27.2.** The *Fire Chief* must report to *Council* as and when requested by *Council* on the inspection system created and implemented under subsection (27.1) above.

## **28. NUISANCE AND DANGEROUS GOODS INCIDENTS**

**28.1.** Every person who, wilfully or recklessly and without reasonable cause:

- (a) sets or causes a fire or explosion to which the *Volunteer Fire Brigade* must respond; or
- (b) causes a fire or any other loss that can be directly attributed to the use of fireworks contrary to the requirements and restrictions of the *Fireworks Bylaw*,

shall be deemed to have caused a nuisance and, in addition to any penalty imposed under this Bylaw or otherwise by law, shall be liable to pay the actual costs and expenses incurred by the *Volunteer Fire Brigade* in abating that nuisance by responding to and investigating the fire or loss, calculated in accordance with the rates set out in the *Fees and Charges Bylaw*.

**28.2.** Every owner, carrier, agency, organization or other person having responsibility for the transport, storage or use of dangerous goods, shall be responsible, at that person's own cost and expense, for the clean-up and safe disposal of all such dangerous goods arising from any *Incident*, and a person who fails to do so shall be liable to pay the actual costs and expenses incurred by the *Volunteer Fire Brigade* in performing such work including:

- (a) the costs and expenses incurred by the *District* or its contractors or agents for the clean-up and safe transport and disposal of the dangerous goods; and
- (b) the costs incurred by the *Volunteer Fire Brigade* in mitigating the dangerous goods *Incident*, including without limitation, *Equipment* and *Apparatus* replacement and decontamination costs.



**28.3.** If a fire cause or other investigation is required, and cannot be conducted immediately, the owner is required to provide for *Incident* security through a recognized security agency that is acceptable to the *Fire Chief*.

**28.4.** All costs associated with providing required security at an *Incident*, as described in subsection (28.3) above, are the sole responsibility of the owner or occupier.

## **29. FALSE ALARM INCIDENT FEES**

**29.1.** The owner or occupier of premises containing a *Fire Alarm System* shall, on the occurrence of a fourth *False Alarm* and for each subsequent *False Alarm* occurring in any 12 month period, pay the *District* a fee for each such *False Alarm* in accordance with the *Fees and Charges Bylaw*.

**29.2.** Where an owner or occupier makes documented improvements to a *Fire Alarm System* through a fire protection technician, or takes other steps acceptable to the *Fire Chief*, to reduce or eliminate future *False Alarms*, then, upon receipt of an application in writing within thirty days of the most recent *False Alarm*, the *Fire Chief* may deem for the purposes of the above subsection 28.1 that, until another *False Alarm* occurs, no *False Alarm* of the *Fire Alarm System* has occurred.

**29.3.** Where a person fails to notify the monitoring company or the *Volunteer Fire Brigade* when carrying out testing, repair, maintenance, adjustments or alterations to a *Fire Alarm System*, as required by this Bylaw, and such failure results in the activation of the *Fire Alarm System* resulting in a response by the *Volunteer Fire Brigade*, that occurrence will be deemed to be a *False Alarm* for the purposes of this Bylaw.

## **30. FIRE ORDERS**

**30.1.** In addition to authority provided for orders by the *Fire Chief* or designate elsewhere in this Bylaw, if a person contravenes or fails to comply fully with any provision of this Bylaw, or if conditions exist in or upon any premises which in the opinion of the *Fire Chief* or designate, constitute a *Fire Hazard* or other danger to life or property, the *Fire Chief* or designate may, in writing, issue such order to that person as necessary to ensure full and proper compliance with this Bylaw or to remove or otherwise deal with the *Fire Hazard* or other danger.

**30.2.** An order made by the *Fire Chief* or designate under this Bylaw may be served:

- (a)** by delivering it or causing it to be delivered to the person to whom it is directed;
- (b)** by sending the order by mail to the last known address of the property owner; or
- (c)** if the person to whom it is directed cannot be found, is not known or refuses to accept service of the order, by posting a copy of the order in a conspicuous place on the premises that is subject to the order.

**30.3.** If an order has been posted in accordance with subsection (30.2) above, a person must not remove, deface or destroy the order.

**30.4.** A person against whom an order has been made by a designate of the *Fire Chief* under this Bylaw may, before the expiration of ten (10) days from the date of the order, appeal in writing to the *Fire Chief*, who may uphold the order, vary or set aside the order, or issue an alternative order.

**30.5.** Every order issued by the *Fire Chief* shall state a date by which the order shall be carried out, which date shall, in the discretion of the issuer, have regard to the degree of urgency involved in correcting or removing conditions which may tend to increase the hazard of fire or danger to life and property.

**30.6.** Where a person is in default of an order made pursuant to this Bylaw, the *District* by its employees, servants or agents may enter the premises and affect such work as is required in the notice at the cost and expense of the owner or occupier of the premises, payable upon receipt of invoice from the *District*.

### **31. PUBLIC INFORMATION**

**31.1.** Public information statements regarding an Incident shall be limited to the *Fire Chief*, his/her designate and/or the *Mayor* or his/her designate.

### **32. OFFENCES AND PENALTIES**

**32.1.** Any person who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated; or
- (b) fails to comply with any of the provisions of this or any other bylaw or applicable statute; or
- (c) neglects or refrains from doing anything required under the provisions of this bylaw; or
- (d) obstructs, or seeks or attempts to prevent or obstruct a person who is involved in the execution of duties under this bylaw

is deemed to have committed an infraction of, or an offence against this bylaw and is liable on summary conviction to the penalties provided for in the *Offence Act*, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

### **33. COST RECOVERY FOR RE-INSPECTION**

**33.1.** Where an owner or operator of a building is notified by the *Volunteer Fire Brigade* of a deficiency under this Bylaw or the *Building Code* or *Fire Code*, and that deficiency was reported as a result of an inspection by the *Volunteer Fire Brigade*, the *Volunteer Fire Brigade* may re-inspect that premises. If, upon re-inspection after a period of time deemed reasonable by the *Fire Chief*, the deficiency has not been remediated, the owner of said building will be charged the re-inspection fee set out in the *Fees and Charges Bylaw* for the re-inspection and each subsequent re-inspection thereafter until the deficiency has been remediated.

**34. GENERAL FEE REGULATIONS**

**34.1.** Where under this Bylaw the *District* is authorized or required to provide work or services to lands or improvements, and the costs incurred by the *District* in carrying out such work or services are not paid when due and payable, the *District* may recover those costs from the owner of the lands or improvements in the same manner and with the same remedies as ordinary taxes and, if the costs remain unpaid on December 31, they shall be deemed to be taxes in arrears.

**35. SEVERABILITY AND CITATION**

**35.1.** If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

**35.2.** This bylaw may be cited for all purposes as the “District of Wells Fire Services Bylaw No. 142, 2015”.

**36. APPLICATION**

**36.1.** The provisions of this Bylaw apply to all buildings, structures, premises and conditions within the *District* and, for certainty, apply to both existing buildings and buildings under construction.

**37. PREVIOUS BYLAW REPEAL**

**37.1.** District of Wells “Wells Volunteer Fire Brigade Establishing Bylaw” No. 28, District of Wells Bylaw No. 90, 1008 (A Bylaw to Amend the District of Wells Fire Brigade Establishing Bylaw), and District of Wells “Volunteer Fire Brigade Amending Bylaw” No. 141, 2015 are hereby repealed.

READ A FIRST TIME this 15 day of September, 2015

READ A SECOND TIME this 15 day of September, 2015

READ A THIRD TIME this 15 day of September, 2015

PASSED AND FINALLY ADOPTED by a majority of Council members this \_\_\_\_ day of \_\_\_\_ \_\_\_\_, 2015

\_\_\_\_\_  
Robin Sharpe, Mayor

\_\_\_\_\_  
Katrina Leckovic, Chief Administrative Officer

## SCHEDULE A

The services provided by the *Volunteer Fire Brigade* are set out below and include other services that, from time to time, *Council* directs to be provided.

<b>Services</b>	
<b>Service</b>	<b>Description of Service</b>
Fire Prevention	Regular system of inspections (utilizing a <i>Chief Fire Prevention Officer</i> , fire company inspections, third party inspectors), support the <i>District's</i> Planning Department in plan review, public fire safety education
<i>Structural Fire Suppression</i>	The <i>Wells Volunteer Fire Brigade</i> is authorized to provide fire suppression activities with and subject to the limitations set out in the Exterior Operations Level as defined in the <i>British Columbia Fire Service Minimum Training Standards: Structure Firefighters – Competency and Training Playbook</i> (May 2015), set under paragraph 3(3)(b) of the <i>Fire Services Act</i> (B.C.).
Wildland Fire Suppression (if within the Town Limits or requested by Ministry of Forests)	Control and response of fire involving organic material, grass, brush, or forest
Public Assistance	Providing aid to members of the public where that aid is not inconsistent with the purpose of the volunteer Fire Brigade, and where that aid does not fall within another category of service
Other	Other emergency or non-emergency public service(s) as authorized by the <i>Fire Chief</i>

## **SCHEDULE B**

The limits of the jurisdiction of the *Fire Chief* and the *Officers and Members of the Fire Brigade* will extend to the area and boundary of the District of Wells including any areas for which the *District* has service delivery agreements, specifically;

- The Mutual Aid and Firefighting Assistance Agreement between the District of Wells and the Barkerville Heritage Trust
- The Agreement between the District of Wells and the Cariboo Regional District pertaining to Fire Protection and Prevention (see attached Map B for included area)

Map A

CRD-District of Wells Mutual Aid Agreement Area

