

**HEDLEY IMPROVEMENT DISTRICT
BYLAW NO. 215**

A Bylaw setting out the fire protection regulations of the Hedley Improvement District and describing penalties for non-compliance with the regulations.

The Trustees of the Hedley Improvement District enact as follows:

1. In this Bylaw, unless the context otherwise requires, the following terms and expressions shall have the meanings hereinafter assigned to them:
 - (a) "authorized" shall mean approved by the Chief of the Hedley Fire Department;
 - (b) "building" shall mean any structure used or intended to be used for the support, shelter or enclosure of persons, animals or chattels;
 - (c) "campfires" shall mean outdoor backyard fires contained within a fire pit or ring of non-combustible material, for the purpose of outdoor cooking or facilitating a camping or outdoor experience.
 - (d) "district" shall mean the Hedley Improvement District;
 - (e) "dwelling" shall mean any building or part of a building occupied or intended to be occupied as the residence of not more than one family;
 - (f) "fire chief" shall mean the Fire Chief of the Hedley Fire Department or any person designated by him to act on his behalf;
 - (g) "fire department" shall include the fire department of the District and the fire department of any other fire protection district or municipal corporation attending fires within the District;
 - (h) "fire hazard" shall mean 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 a fire;
 - (i) "garbage" shall mean any animal, vegetable and food wastes or scraps;
 - (j) "gasoline" shall mean 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);
 - (k) "occupant" shall mean the owner, agent, lessee, licensee or tenant of any building or premises to which any of the provisions of this bylaw shall apply;
 - (l) "open air fire" shall mean any intentionally ignited fire out-of-doors for the burning of waste materials resulting from land clearing, agriculture, logging, gardening, demolition, renovation or construction.
 - (m) "person" where used in this bylaw shall mean natural persons of either sex, associations, 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 shall apply according to law;
 - (n) "refuse" shall mean any mixture of rubbish and animal or vegetable waste material of low moisture content;
 - (o) "rubber" shall mean rubber goods, tires, plastics, and tar and asphalt roofing materials;
 - (p) "rubbish" shall mean any readily combustible inorganic dry waste material, but does not include animal or vegetable wastes;
 - (q) "smoking" shall include the carrying of a lighted pipe, cigar or cigarette;
 - (r) "vehicle" shall mean 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 shall include the plural and words importing the masculine gender shall include the feminine, and the converse shall 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 shall have full force and effect.
(b) In the event of any conflict, inconsistency or disagreement between these bylaws and the *B.C. Environmental Management Act (2004)*, the *Environmental Management Act* shall, in all cases, prevail.
4. The Fire Chief of the Hedley Fire Department (HFD) is empowered to enter upon any land or into any building (except a privately owned and occupied dwelling) for the purpose of making an inspection or investigations to:
 - (a) Inspect for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons;
 - (b) See that any flammable matter is rendered harmless or suitably safeguarded against fire;
 - (c) Make scheduled inspections as required by the British Columbia *Fire Services Act*;
 - (d) The Fire Chief or the person designated and authorized as a Peace Officer through the *Fire Services Act* has the authority at all times, day and night, to enter and to examine any building, premises, motor vehicle, vessel, or trailer where a fire has occurred or that may have been affected by a fire.
 - (e) The Fire Chief or designate may exclude a person, including the owner or occupier, from a building, premises, motor vehicle, vessel or trailer where a fire has occurred.
5. All commercial and institutional land and premises in the Hedley Improvement District may be inspected by the Fire Chief, or any person designated by the Fire Chief and authorized as a Peace officer through the *Fire Services Act*, Chapter 144, Section 7, to act on behalf of the Fire Chief, to assure that these premises are being managed and operated in compliance with the provisions laid out in the *Fire Services Act* and *National Fire Code of Canada 1977*, its amendments or re-issues, and to issue any orders the Fire Chief may decide are necessary to comply with the *Fire Services Act* and the *National Fire Code*.
 - (a) The owners and/or occupiers of commercial and institutional land and premises are solely or jointly responsible to ensure that these premises are managed and operated in compliance with all applicable codes and standards with regard to fire or explosion risks. Neither the Hedley Improvement District nor the HFD has any responsibility for identifying breaches of safety codes or other pertinent codes and standards.
 - (b) The HFD does not undertake inspections on a routine or systemic basis, nor does it provide case-specific advice on appropriate equipment installation, operation or management. The role of the Fire Chief, or person designated and authorized as a Local Assistant to the Fire Commissioner in an inspection is limited to identifying a safety concern or potentially hazardous condition and issuing an Order to remedy conditions as set out in the *Fire Services Act* (RSBC 1966), Chapter 144, Sections 21 and 22.
 - (c) Orders to remedy specified conditions may be delivered to, or a copy may be left with the owner or occupier, or a copy may be left at the door or at the premises or a copy may be mailed to the owner's last known Post Office address.

6. No one shall try to prevent the Fire Chief, or any other person under his direction, to enter any building for reasons permitted by this Bylaw.
7. Building owners or occupants are responsible for ensuring that any wood stove, chimney, stovepipe or flue is safe and will not cause or create a fire hazard.
8.
 - (a) Where, in the opinion of the Fire Chief, smoking may create a fire or explosive hazard, the Fire Chief may prohibit smoking in any building or open space in which combustible materials are handled, stored, manufactured, sold, or are present;
 - (b) Where, in the opinion of the Fire Chief, smoking should be prohibited, he may give notice in writing to the occupants to post suitable signs that smoking is prohibited in or on such land or premises and the occupant must comply with that notice. Any person violating any such order or notice shall be deemed to be guilty of an infraction of this Bylaw and shall be liable to the penalties imposed.
9. No person shall allow to accumulate or be deposited within the District, any quantity of garbage, paper, refuse, rubbish, or other combustible material considered by the Fire Chief to present an unreasonable risk to life, buildings, or property as a fire source or fire accelerant.
10. No person shall deposit any ashes or allow any ashes to be deposited or remain
 - i. in any combustible container;
 - ii. on the floor of any building or next to combustible material;
 - iii. in any metallic container which is within 30 cm (12 inches) of any woodwork or any other combustible material.
 - iv. In any yard or laneway near combustible materials.
11. Except as provided in this Bylaw, no person shall light, ignite or maintain any outdoor campfire or fire-pit or allow or cause any such fire to be lit, ignited, or maintained without first obtaining a permit from the Fire Chief or his delegate. Outdoor campfires or fire pits are for recreational enjoyment only. Annual permits are required for permanent fire facilities such as approved fire pits and are issued at no cost. Exceptions are commercially manufactured barbeques or outdoor cooking devices. No annual permits are required for such devices.
 - (a) All permits issued are subject to conditions explicit in this Bylaw.
 - (b) The Chief may, if he/she deems it necessary, inspect the site of the proposed fire before issuing a permit.
 - (c) The permit holder or some competent person appointed by him/her shall supervise and keep under control any burning in the open air and ensure that any equipment necessary for fire control is nearby.
 - (d) The permit holder or some competent person appointed by the permit holder shall ensure that the campfire or fire-pit is located at least 2m (6 ft) from any dry grass, shrubbery, trees or wooden fences or building.
 - (e) The Fire Chief, when he deems it advisable, may ban all outdoor fires.
12. Except as provided in this Bylaw, any person lighting, igniting or maintaining any fire out-of-doors within the boundaries of the Hedley Improvement District without first obtaining a permit – or - having a permit, failing to comply with the express terms of that permit, shall be liable for all costs involved should the personnel and equipment of the HFD, or of any other fire service agencies acting in mutual aid

capacities within this Improvement District, be required to extinguish such fire or any conflagration caused by such a fire.

- (a) Costs that may be charged to the landowner or occupier responsible for a non-permitted fire include, but may not be limited to,
 - (i) hourly charge-out rate for equipment and personnel,
 - (ii) resources consumed or otherwise rendered unusable during the effort to attend, extinguish, and restore equipment to service,
 - (iii) replacement or repair of any damaged equipment where the damage is a result of response to the incident, and
 - (iv) loss of property, property value, livestock, vehicles or other assets not belonging to the landowner or occupier.
13. A permit for a campfire or fire-pit obtained via written electronic transmission shall be considered to be the same as a written permit and all terms of a written permit shall apply fully, whether such terms are expressed or implied, to a written electronic permit.
14. The Fire Chief may withhold or cancel any permit issued where, in consideration of local circumstances, available fire department personnel and equipment, history of landowner or occupier with regard to fire permits and/or safe maintenance of fire, or atmospheric conditions, or as directed by provincial fire authorities, the igniting of fire in any area may create a hazard to persons or property.
15. Hazardous materials – including but not limited to: motor vehicle tires, chemicals, chemically-treated materials, rubber and plastic materials – shall not be burned in the “open air” or in an incinerator, or in any indoor stove or heating unit.
- Open Air Fires
16. A fire in the “open air” shall mean any intentionally ignited fire out-of-doors for the burning of waste materials resulting from land clearing, agriculture, logging, gardening, demolition, renovation or construction. All such waste materials must be disposed of through regional garbage and yard waste collection or by removal to an approved land-fill dumpsite. No personal, household, backyard, agricultural or commercial “open air” fires will be allowed. Exception is an open-air fire established and monitored by the HFD for the purposes of a training exercise. Wood from backyard pruning, tree-thinning or removal may be cut into suitable lengths and used for personal heating, campfires or pit-fires.
17. The Fire Chief may, at his discretion, issue a permit to allow an open-air fire for the purposes of fuel management.
18. The following conditions for campfires or fire-pit fires must be met:
 - (a) Campfires must be fueled only by clean firewood, not including painted or treated wood. They may not be used to incinerate construction debris.
 - (b) Campfires must be situated a minimum of 2 metres (6 ft) from any structure, vegetation, or other combustible object.
 - (c) Campfires must not exceed a circumference of 1 metre (3 ft) or a height of 1 metre (3 ft).
 - (d) Campfires or fire-pit fires are not permitted during Forestry Service fire bans.
19. Storage of explosives: all materials deemed to be or sold as explosives, shall be stored in accordance to the Federal Firearms Act and pursuant to BC Regulations.

Storage of explosives must be declared to the Fire Chief in writing, including full identification of explosives type, quantity and location.

20. Gasoline, Liquid and Gaseous Fuel Storage: No person or company shall store liquid or gaseous fuels in an unsafe manner or allow or cause stored fuel containers to become unsafe.
21. Every person who disobeys or fails to comply with any provision of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00) or to imprisonment or both.

This Bylaw repeals the District's Bylaw No. 91 and amendments numbered 96, 102, 108, 118, 124, 129, 196 and Bylaw 213 passed on the 19th day of April, 2012.

This Bylaw may be cited as the Hedley Improvement District Fire Regulation Bylaw No. 215.

Introduced and given first reading by the Trustees on the 21st day of June, 2012.

Reconsidered and finally passed by the Trustees on the 21st day of June, 2012.

Chairman of the Trustees

I hereby certify that this is a true copy of Bylaw No 215

Signing Officer