



City of Vernon

FIRE PREVENTION

#4476

Consolidated for Convenience

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THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 4476

A bylaw for the Prevention of Fires
and the Protection of Persons and Property

WHEREAS in accordance with the Municipal Act, being Chapter 323, R.S.B.C. 1996, the Council may, subject to the Fire Services Act and regulations made thereunder, by bylaw establish fire regulations for the protection of persons and property;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

SECTION 1 - REPEAL AND TITLE

- 1.1 Fire Prevention Bylaw Number 3065, being cited as “City of Vernon Fire Prevention Bylaw Number 3065, 1982” and “Automatic Dialing Device Regulation Bylaw Number 3245, 1984” and all amendments thereto are hereby repealed.
- 1.2 This bylaw may be cited as “City of Vernon Fire Prevention Bylaw Number 4476, 1998”.

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SECTION 2 - INTERPRETATION

2.1 Metric units are used for all measurements in this bylaw. The approximate equivalent of those units in currently-used units of Canada measure is shown in brackets following each metric measurement, and such bracketed figures are included for convenience only and do not form part of this bylaw.

2.2 The British Columbia Fire Code Regulations, as amended from time to time, are hereby adopted and made applicable within the Municipality.

2.3 Definitions

Automatic dialing devices - means any device or combination of devices which will, when activated by mechanical, electronic or other means, automatically initiate a telephonic signal designed to be transmitted over regular telephone lines.

Campfire - means a fire not exceeding one meter in diameter and one meter in height used for the purpose of cooking and/or to provide heat and light associated with camping and recreation.

City - means the City of Vernon.

Council - means the Council of The Corporation of the City of Vernon.

Dwelling unit - means a suite operated as housekeeping unit, used or intended to be used as a residence and usually containing cooking, eating, living, sleeping and sanitary facilities.

False alarm - means an alarm activated unnecessarily, improperly or for a purpose other than where an emergency exists, necessitating a response by the Vernon Fire Department.

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Fire Chief - means the person appointed by Council as head of the Fire Department or an Inspector.

Inspector - means a duly appointed bylaw enforcement officer, peace officer or designated member of the Fire Department, appointed in writing by the Fire Chief to act on his behalf.

Nuisance - means:

- a) smoke which disturbs the comfort or convenience of the neighborhood or person in the vicinity; or
- b) any act or operation which interrupts the ability of the Fire Department to carry out its legislated duties without encumbrance (e.g. telephone dialing systems).

Occupant - means the resident owner, lessee, licensee or tenant of any building to which any provisions of this bylaw apply.

Occupancy - means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

Open burning - means the combustion or burning of any substance or material in the open air by any means, but shall not include:

- a) the operation of a permanent outdoor barbecue or outdoor portable barbecue intended for and used solely for the preparation of food and using charcoal briquettes, propane or natural gas as fuel.
- b) fires used by Fire Department authorities for the purpose of education, training and other Fire Department purposes;

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- c) fires used or recommended by the Ministry of Forests to manage ecosystems for purposes of silviculture management, forest fuel management, fire hazard reduction, wildlife enhancement, domestic range improvement and the use of fire as a means of fire control.
- d) burning lawfully conducted under permit as part of a farm operation, pursuant to the provisions of the Farm Practices Protection (Right to Farm) Act.
- e) campfires.

Permitted burning material - means seasoned and dry parts of trees or other vegetation that do not constitute compostable material, and shall include pruning, branches, trunks and tree stumps.

Prohibited burning materials - means material as defined in Schedule "A", B.C. Reg. 145/93.

Residential premises - means a building occupied exclusively as a home or sleeping place by one or more persons, but shall not include hotels, motels, auto courts, motor hotels or institutions.

Smoke alarm - means a combined smoke detector and audible alarm device designed to sound an alarm within the dwelling unit, suite or room in which it is located upon the detection of smoke within that room.

Smoke - means the gases, particulate matter and all other products of combustion emitted into the atmosphere when a substance or material is burned.

Suite - means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms, in motels, hotels, boarding houses, rooming houses and dormitories.

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Wood Burning Appliance - means a solid fuel burning device including, without limitation, a stove and fireplace insert.

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SECTION 3 - FIRE PREVENTION AND LIFE SAFETY

3.1 Open Burning

- 3.1.1 Except as hereinafter provided, no person shall light, ignite or allow or cause to be lighted or started a fire of any kind whatsoever in the open air without first obtaining a Special Burning Permit in the form of Schedule "B" attached hereto and forming part of this bylaw.
- 3.1.2 The Fire Chief may issue a "Special Burning Permit " for open air burning of material accumulated from urban interface clearing, agricultural pruning and land clearing or to remove a fire hazard.
- 3.1.3 No person to whom a Special Burning Permit has been issued under this bylaw, or in any fire, shall burn any material as defined in the B.C. Reg. 145/93, as outlined on Schedule "A" - Prohibited Material attached to this bylaw.
- 3.1.4 Every person to whom a Special Burning Permit has been issued under this bylaw shall place and keep a competent person at all times in charge of such fire while the same is burning or smoldering and until such fire is completely extinguished, and shall provide that person with sufficient resources to prevent the fire from getting beyond control or causing damage or becoming dangerous to life or property. The Permit holder shall be responsible for the care and control of such fire until it is extinguished. The Permit holder shall be responsible for the extinguishing of a fire which creates a nuisance and is ordered extinguished by the Fire Chief.
- 3.1.5 The Fire Chief may cancel or refuse to issue a Special Burning Permit whenever burning, having regard to all the prevailing circumstances, would likely be hazardous or create a nuisance.

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- 3.1.6 Fires shall not be started when wind and weather are such that to do so is likely to be hazardous.
- 3.1.7 Burning under a Special Burning Permit is to occur on days when the smoke ventilation index is greater than 55, as reported by the Weather office for Vernon and area.
- 3.1.8 A Special Burning Permit is not required for:
- a) Necessary government burning.
 - b) Open air burning for training exercises.
 - c) Campfires using fuel of seasoned wood or charcoal briquettes.
- 3.1.9 Where burning, under Special Burning Permit or the conditions of 3.1.8 (above), creates a nuisance or hazardous conditions exist, such burning may be banned by the Fire Chief.
- 3.1.10 Any fire started under the above regulations shall be extinguished by the property owner upon request of the Fire Chief.
- 3.2 Wood Burning Appliances
- 3.2.1 No owner or occupier of land shall cause or permit smoke from the burning of prohibited material as outlined in Schedule "A" in a wood burning appliance.
- 3.2.2 No person shall install a wood burning appliance after the adoption of this bylaw that does not comply with the emission standards established by the Canadian Standards Association and the United States Environmental Protection Agency, as outlined in the Province of British Columbia's Solid Fuel Burning Domestic Appliance Regulation enacted pursuant to the Waste Management Act, as amended from time to time.

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3.3 Fireworks/Pyrotechnics

- 3.3.1 No person shall sell or offer to sell, either by way of retail or wholesale, fireworks in the City of Vernon.
- 3.3.2 No person shall give or hand over fireworks to another person in the City of Vernon.
- 3.3.3 Except as provided in this bylaw, no person shall explode or discharge fireworks in the City of Vernon, whether on public or private property.
- 3.3.4 The Fire Chief may issue a Permit to discharge fireworks to a person or organization for the purpose of the observance or celebration of a special event or festival .
- 3.3.5 No Permit shall be issued unless the fireworks are under the care and control of a Licensed Fireworks Supervisor for purposes of storage and explosion or discharge.
- 3.3.6 Any authorized person named in a Permit issued herein shall comply with the provisions of the safety rules of Class 7, Division 2, Subdivision 2 explosives, or Class 7, Division 2, Subdivision 5 explosives published from time to time by the Ministry of Energy, Mines and Resources Canada.
- 3.3.7 Notwithstanding the issuance of a Permit herein, such Permit does not authorize the sale by any person to a Permit holder of fireworks in the City of Vernon.

Indoors

- 3.3.8 Written permission must be obtained from the Venue of Display.
- 3.3.9 Persons responsible for the fireworks display must provide liability in the amount of not less than \$10,000,000. The City of Vernon and the Venue shall be named.
- 3.3.10 A site diagram showing the location of all pyrotechnics must be provided to the City of Vernon:
 - a) showing the location of all Fire Extinguishers; and
 - b) showing the distance from the display to the audience stage people.

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- 3.3.11 The description of all products to be used, including charge size, effects and manufacturer's name shall be provided before the Permit is issued.
- 3.3.12 A description of the firing system being used.
- 3.3.13 A description of the type of ignitors being used.
- 3.3.14 A description of the fire prevention precautions in place.
- 3.3.15 A copy of the Fire Safety Plan's section on "in the event of a fire".
- 3.3.16 A copy of the pyrotechnic licence must be provided to the City, along with:
- a) Blasting Certificate;
 - b) Special Effects Blasting Certificate; and/or
 - c) Fireworks Supervisors Card.
- 3.3.17 A demonstration may be required to show that the building's ventilation system will handle the needs following the display.
- 3.3.18 References of persons with knowledge of past displays are to be provided from the licensed Permit holder.
- 3.3.19 Prior to a Permit being issued for indoor fireworks/pyrotechnics, all sections from 3.3.8 to 3.3.15 must be approved by Energy, Mines and Resources Canada, Explosives Branch, and submitted to the Fire Chief along with documents listed in sections 3.3.16 to 3.3.18 for approval.

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3.4 Smoke Alarm Installation and Maintenance

3.4.1 The owner of every residential occupancy shall ensure that smoke alarms are installed and maintained in every dwelling unit or suite and in each sleeping room not within a dwelling unit, except for institutional occupancies which are required to have a fire alarm system.

3.4.2 The occupant shall test the smoke alarms in compliance with the manufacturer's recommendation within the dwelling unit, suite or sleeping room to ensure that the smoke alarms are functioning correctly. If a smoke alarm is not functioning correctly, the occupant, if he is not the owner, shall inform the owner immediately of becoming aware of the failure, and the owner shall forthwith, or as soon as is reasonably practicable, repair or replace the smoke alarm.

3.4.3 Smoke alarms required under 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.

3.4.4 Smoke alarms required for motels, hotels, apartments, rooming houses, boarding houses and dormitories shall, in addition, be installed in accordance with Subsection 9.10.18 of the British Columbia Building Code and amendments thereto.

3.5 Automatic Alarms

3.5.1 Automatic Dialing Devices

3.5.1.1 Automatic dialing devices directly connected mechanically, electronically or via a telephone, telegraph or computer from residential premises to any number assigned to the City of Vernon Fire Department are hereby deemed to be a nuisance.

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3.5.1.2 False alarms from automatic dialling devices directly connected mechanically, electronically or via a telephone, telegraph or computer from residential premises to any number assigned to the City of Vernon Fire Department are also hereby deemed to be a nuisance.

3.5.1.3 No person, being the owner, occupier or tenant of residential premises, shall cause or permit any nuisance within the Municipality.

3.5.2 Automatic Systems

3.5.2.1 Vernon Fire/Rescue must be notified of any work on or malfunction of fire alarm system, to avoid false fire alarms being received.

3.5.2.2 Faulty alarm components must be replaced or repaired in an expeditious manner to prevent undue false alarms being transmitted to Vernon Fire/Rescue.

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SECTION 4 - INSPECTION OF PREMISES

4.1 Right to Inspect and Test

4.1.1 The Fire Chief, Inspector and any member of the Fire Department may at all reasonable hours enter into and upon and lands, premises, yards or buildings, other than single family dwellings:

- a) for the purpose of testing or inspecting;
- b) for the purpose of testing or inspecting buildings, as required by the Fire Services Act;
- c) to determine if Fire Department access and an adequate water supply are available for fire suppression purposes; or
- d) to determine if the requirements of this bylaw are being carried out.

4.2 Entry for Inspection

4.2.1 No person may obstruct, hinder or prevent any authorized Fire Department member from entering into or upon any lands, premises, yards or buildings, other than single family dwellings, for the purpose of:

- a) inspecting or testing the same in the ordinary course of his duties; or
- b) assistance in inspection.

4.2.2 The owner, occupier or lessee of a building or property or any other person having knowledge of a building or property shall, upon request, give to a Fire Inspector who is carrying out such an inspection of the building or property such assistance as he may require in carrying out the inspection.

4.3 Public Assistance and Fire Control

4.3.1 The Fire Chief or Officer in Command at any fire shall have the power to cause demolition of any building or part of a building which, in his

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judgment, should be demolished in order to prevent spread of fire or to prevent damage to persons or property or loss of life.

- 4.3.2 No person shall impede, hinder or obstruct the extinguishment of any fire. Any person who fails to comply with the orders or instructions of an Officer of the Fire Department engaged or about to be engaged in the extinguishment of a fire shall be liable to the penalties provided herein, and such person shall be forcibly removed from the scene of such emergency or fire by a Police Officer or Firefighter.

- 4.3.3 No person shall refuse to permit any member of the Fire Department to enter into or upon any premises, for which an alarm of fire has been received, or in or upon any premises while such member has reasonable grounds to suspect that a fire exists.

SECTION 5 - ENFORCEMENT

5.1 Issuance of Inspection Notice

5.1.1 If the Fire Chief finds that any provision of this bylaw has been contravened or has not been complied with, or has been complied with improperly or only in part, or that conditions exist in or upon a building or property to which the by-law applies and which, in his opinion, constitutes a fire hazard or otherwise constitutes a hazard to life and/or property, he may make such notice to ensure full and proper compliance with this bylaw and in particular, but without limiting the generality of the foregoing, he may:

- a) make to the owner, occupier or lessee of the building or property such recommendations as he deems necessary to correct the contravention or to ensure compliance with this bylaw, or to remove the hazards referred to in the bylaw, or
- b) make such notice as he deems necessary with respect to any of the matters referred to in this bylaw.

5.1.2 A notice made under this bylaw shall be in writing and shall be directed to either the owner, occupier or lessee of the building or property in respect of which the notice is made or to both.

5.2 Service of Inspection Notice

An Inspection Notice made under this bylaw shall be served by:

- a) delivering it or causing it to be delivered to the person to whom it is directed;
or
- b) sending the notice by return registered or certified mail to the last known property owner.

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SECTION 6 - PENALTIES

6.1 Every person who violates any of the provisions of this bylaw shall be deemed to have committed an offence against this bylaw, and shall be liable to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Thousand Dollars (\$2,000.00) for each offence. A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.

READ A FIRST TIME this 23rd day of November , 1998.

READ A SECOND TIME this 23rd day of November , 1998.

READ A THIRD TIME this 23rd day of November , 1998.

ADOPTED this 7th day of December, 1998.

 "Wayne McGrath"
Mayor:

 "Margaret Bailey"
City Clerk:

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SCHEDULE "A"

Attached to and forming
part of Bylaw 4476

B.C. Reg. 145/93 SCHEDULE "A" (Section 2B)

Waste Management Act

Open Burning Smoke Control

Prohibited Material

The following material must not be included with debris that is open burned:

tires	treated lumber
plastics	railway ties
drywall	manure
demolition waste	rubber
paint	asphalt products
special waste	fuel and lubricant containers
tar paper	biomedical waste

PERMITS

- B-1 Special Burning Permit (attached are conditions under which burning may be done)

- B-2 Fireworks Permit - Class 7.2.2

- B-3 Fireworks Permit - Class 7.2.5
Indoor Fireworks - attached and forming part of the Permit is a checklist which must be completed prior to Permit issue

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Open Burning

1. Except as hereinafter provided, no person shall light, ignite or allow, or cause to be lighted or started a fire of any kind whatsoever in the open air without first obtaining a Special Burning Permit in the form of Schedule "B" attached hereto and forming part of this bylaw.
2. The Fire Chief may issue a "special burning permit " for open air burning of material accumulated from urban interface clearing, agricultural pruning and land clearing or to remove a fire hazard.
3. No person to whom a special burning permit has been issued under this by-law, or in any fire, shall burn any material as defined in the B.C. Reg. 145/93 Schedule "A' "Prohibited material".
4. Every person to whom a special burning permit has been issued under this by-law shall, place and keep a competent person at all times in charge of such fire while the same is burning or smoldering and until such fire is completely extinguished and shall provide that person with sufficient resources to prevent the fire from getting beyond control or causing damage or becoming dangerous to life or property. The permit holder shall be responsible for the care and control of such fire until it is extinguished. The permit holder shall be responsible for the extinguishing of a fire which creates a nuisance and is ordered extinguished by the Fire Chief.
5. The Fire Chief may cancel or refuse to issue a special burning permit whenever burning, having regard to all the prevailing circumstances, would likely be hazardous or create a nuisance.
6. Fires shall not be started when wind and weather are such that to do so is likely to be hazardous.
7. Burning under permit is to occur on days when the smoke ventilation index is greater than 55 as reported by the Weather office for Vernon and area.
8. A permit is not required for:
 - a) Necessary government burning.
 - b) Open air burning for training exercises.

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Open Burning

- c) Campfire, using fuel of seasoned wood or charcoal briquettes.
- 9. Where burning, under special burning permit or the conditions of 2.1.8 (above), creates a nuisance or hazardous conditions exist , such burning may be banned by the Fire Chief.
- 10. Any fire started under the above regulations will be extinguished by the property owner upon request of the Fire Chief.

Special Instructions and Conditions of Burning

1. The burn must take place on a bona fide farm operation or in an Interface area identified by the Ministry of Forests.
2. Only well dried and cured products are to be burned.
3. The venting index must be greater than 55.
4. Burning will only take place on Monday to Friday of any week.
5. Burning will preferably take place between 12:00 Noon and 4:00 P.M. to optimize the venting conditions.
6. Burning will be permitted between October 15th and April 15th.
7. Special Burning Permits issued under Bylaw #3168 will be valid only for that one occasion.
8. Permits will be cancelled if, in the opinion of the Fire Chief, the burning is creating a nuisance, and the fire will be order extinguished.
9. All other requests to burn will be referred to the City Operations Department for chipping consideration as burning will not be permitted under any circumstance.