

# FIRE PREVENTION BYLAW

## VILLAGE OF PEMBERTON BYLAW NO. 744, 2013

Fourth & Final Readings  
December 17, 2013



**OFFICE CONSOLIDATION: August 26, 2021**

This document is an office consolidation of the Village of Pemberton Fire Prevention Bylaw No. 744, 2013 (adopted December 17, 2013) and subsequent amendments adopted by Village Council.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application that original bylaw should be consulted.

The Village of Pemberton will, in no event, be liable or responsible for damages of any kind arising out the use of this consolidation.

This is not the official version of the Village of Pemberton Fire Prevention Bylaw No. 744, 2013, nor is it admissible in a court of law. For such purposes, official certified copies can be obtained from the Village Office or by contacting us at: [admin@pemberton.ca](mailto:admin@pemberton.ca).

**Village of Pemberton  
FIRE PREVENTION BYLAW No. 744, 2013**

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Being a bylaw to provide for the prevention of fire and the protection of persons and property.

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**WHEREAS** the *Community Charter* authorizes the Village of Pemberton, for the health, safety or protection of persons and property to regulate municipal services, firecrackers and fireworks by bylaw;

**AND WHEREAS** the Province of British Columbia has adopted a Fire Code to govern standards in respect of the protection of persons and property in municipalities and regional districts in the Province;

**NOW THEREFORE**, the Council of the Village of Pemberton, in open meeting assembled, enacts as follows:

**1. CITATION**

1.1 This bylaw may be cited as "Village of Pemberton Fire Prevention Bylaw No. 744, 2013".

1.2 This bylaw is divided into the following parts:

- Part One - Citation
- Part Two - Interpretation
- Part Three - Severability
- Part Four - Definitions
- Part Five - Pemberton Fire Rescue
- Part Six Fire - Protection and Safety
- Part Seven - Open Air Fires
- Part Eight - Fireworks
- Part Nine - Inspections and Fire Control
- Part Ten - Enforcement
- Part Eleven - File Searches
- Part Twelve - Offences and Penalties
- Part Thirteen – Schedules
- Part Fourteen - Fees and Cost Recovery
- Part Fifteen - Repeal

**2. INTERPRETATION**

2.1 Metric units and imperial measurements are given for all measurements in this bylaw.

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

2.3 The *Fireworks Act*, as amended from time to time, is hereby adopted and made applicable within the Village.

2.4 Words or phrases defined in the British Columbia *Interpretation Act*, *Community Charter*, or *Local Government Act* or any successor legislation shall have the same meaning when used in this bylaw unless otherwise defined in this bylaw. Unless otherwise stated, and notwithstanding the case used (upper case or lower case), when words or phrases that are defined in Part Four of this bylaw are used in the body or schedules of this bylaw, they have the meaning ascribed to them as set out in Part Four.

- 2.5 The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.
- 2.6 Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia or a Federal enactment of Canada, as the case may be, and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw or Council policy referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Council of the Village of Pemberton, as amended, revised, consolidated, or replaced from time to time.

### 3. **SEVERABILITY**

- 3.1 If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.

### 4. **DEFINITIONS**

- 4.1 In this bylaw:

**"BUILDING"** means any and all structures whatsoever used or intended for supporting or sheltering any use or occupancy.

**"BULK PLANTS"** means a portion of a property where flammable or combustible liquids are received in bulk quantities and are stored or handled for the purpose of distributing such liquids by pipeline, tank vessel, tank vehicle, or other container.

**"CONSUMER FIREWORKS"** means outdoor, low-hazard recreational Fireworks (Canadian Class 7.2.1) such as showers, fountains, golden rain, Roman Candles, volcanoes, sparklers, as may be designated under the provisions of the Fireworks Manual. For the purpose of this bylaw:

- (a) Consumer Fireworks Roman Candle means a consumer firework that is capable of projecting or discharging a charge or series of charges or pyrotechnical effects more than 3 meters and which has a tube size internal diameter of three-eighths of an inch or less; and
- (b) Consumer Fireworks Noisemakers means a consumer firework that is a "sound shell", "air bomb", "thunder flash", or any similar firework designed to produce (or may be altered to produce) a loud detonation, screech, whistle or noise.

**"DANGEROUS GOODS"** means any product, substance or organism which is of a highly combustible, flammable or explosive nature, as set out in the *Transportation of Dangerous Goods Act* and includes any other material which, because of the toxic or other inherent characteristics, constitutes a fire hazard or a hazard to life, safety, or health.

**"DISPLAY FIREWORKS"** means high-hazard recreational fireworks (Canadian Class 7.2.2) such as aerial shells, mines and larger roman candles designed for use at public gatherings as may be designated under the provisions of the Fireworks Manual.

**"DISCHARGE"** includes the discharge, firing, setting off, and other use of Fireworks.

**"DWELLING UNIT"** means one or more rooms forming a single unit that used or intended to be used for residential accommodations and containing cooking, sleeping, and sanitary facilities.

**"ENACTMENT"** includes statutes, bylaws, codes, regulations, policies, ordinances, proclamations, or any portion thereof.

**"FAMILY PACK"** means a pre-packaged, sealed assortment of consumer fireworks, classed under the Federal *Explosives Act*, as Class 7.2.1 or low hazard fireworks of which Roman Candles shall not comprise more than thirty (30%) percent of the total number of fireworks in the package.

**"FALSE FIRE ALARM"** means the activation of a fire alarm system resulting in the direct or indirect notification of Pemberton Fire Rescue where its resources have been initiated to the address of the fire alarm system and where there is no evidence of smoke, damage, or any other visible sign of fire or emergency situation.

**"FEES AND CHARGES BYLAW"** means Village of Pemberton Fees and Charges Bylaw No. 905, 2021. *(Amendment Bylaw No. 905, 2021)*

**"FIRE ALARM SYSTEM"** means an audible alarm device designed to sound an alert upon detection of a fire.

**"FIRE CHIEF"** means the person appointed from time to time by the Village of Pemberton as the Chief of Pemberton Fire Rescue and includes any person appointed by the Fire Chief to act on behalf of the Fire Chief in relation to any of the functions, duties and powers of the Fire Chief under this bylaw.

**"FIRE RESCUE SERVICE REGULATION"** means the Village of Pemberton Interface Construction and Maintenance Regulations attached as Schedule "A". *(Amendment Bylaw No. 794, 2015)*

**"FIRE WATCH"** means a fire warning and inspection process within a building that includes the following:

- posting of written notices at all entrances and exits on each floor stating that a Fire Watch is in effect and its expected duration;
- an hourly physical inspection of all public areas and building service rooms equipped with a fire alarm detection device;
- notation in an entry book at least every hour of the conditions in the building by the person(s) performing the Fire Watch;
- some provision on site for the person(s) performing the Fire Watch for the making of 911 emergency call(s); and
- posting of instructions in the building as to the alerting of all occupants of the building of alternate actions to be taken in case of an emergency.

**"FIRE SAFETY PLAN"** means a documented plan outlining fire safety measures, procedures and equipment as required in accordance with the *British Columbia Fire Code* and the *British Columbia Building Code*.

**"FIRE SAFETY PLAN BOX"** means a Pemberton Fire Rescue approved cabinet for the storage of a Fire Safety Plan and other building related documents as per the requirements of Pemberton Fire Rescue.

**"FIRECRACKER"** means a small firework or explosive device which has no or minimal pyrotechnic effect and which is primarily designed to produce an auditory blast, screech, whistle or other loud noise, and includes, but is not limited to, noise makers, bottle rockets, Screechers, Screecharoos, Humaroos, Supersonic Bang, Butterfly Thunder, air bombs, and items similarly named or in the same noise-producing category.

**"FIREWORKS"** means any substance that is made, manufactured, or used to produce an explosion or detonation or a pyrotechnic device, and includes fireworks, composition, and manufactured fireworks as defined in the Federal *Explosives Act*, and also includes any substance defined as fireworks under the British Columbia *Fireworks Act*.

**"FIREWORKS MANUAL"** means the "Display Fireworks Manual published by Natural Resources Canada.

**"FIREWORKS PERMIT"** means a current and valid permit in the form prescribed by the Village of Pemberton authorizing a person or organization to sell, possess or discharge fireworks..

**"HAZARDOUS MATERIAL"** means any product, substance or material that, because of its quantity, concentration or physical or chemical characteristics, may pose a real hazard to human health or safety or the environment and, without limiting the foregoing, includes flammable, combustible, toxic and corrosive liquids and other materials, oxidizers, compressed gases, mercury, asbestos, propellants, bulk fuels, ammunition, medical waste, chemical, biological and radiological materials and includes those products or substances regulated by the *Transportation of Dangerous Goods Act* and its Regulations as amended.

**"HIGH HAZARD FIREWORKS"** means those fireworks defined as such under the Explosives Regulations made under the Federal *Explosives Act*, including, but not limited to: rockets, serpents, shells, bombshells, tourbillions, maroons, large 4 wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons, and firecrackers.

**"INCIDENT"** means any fire, explosion or situation where a fire or explosion has occurred or is imminent or any other situation presenting a danger or possible danger to life or property.

**"INSPECTOR"** means any Pemberton Fire Rescue member authorized by the Fire Chief to act in such capacity.

**"INSTITUTIONAL OCCUPANCY"** means the occupancy or use of a building or part thereof by persons who require special care or treatment because of age, mental or physical limitations or who are involuntarily detained or detained for penal or correctional purposes or whose liberty is restricted.

**"LOCK BOX"** means a Pemberton Fire Rescue approved box for the storage of keys or devices, for emergency access only to the principal entrance of a building or any other door or hatch required for firefighting purposes, or to firefighting safety/control features or service rooms within a building.

**"LOW HAZARD FIREWORKS"** means those fireworks defined as such under the current Explosives Regulations made under the Federal *Explosives Act* and, without limiting the generality of the foregoing, includes firework showers, fountains, golden rain, lawn lights, pin wheels, roman candles and volcanoes.

**"MOVIE PYROTECHNICS"** means any low or high hazard fireworks utilized at a movie or television production.

**"OCCUPANCY"** means the use or intended use of a building or part thereof for the shelter or support of persons, animals, or property.

**"OFFICER IN COMMAND"** means the senior Pemberton Fire Rescue member present that has taken command at an incident.

**"OPEN AIR FIRE"** means a fire in a space where combustion air that could interface with the fire is:

- unconfined or uncontrolled;
- outside or outdoors; or
- not within a structure.

**"PEMBERTON FIRE RESCUE"** means the Pemberton Fire Rescue Division of the Village of Pemberton, as established and continued under this bylaw.

**"PRIVATE FIRE HYDRANT"** means any fire hydrant that is not a public fire hydrant.

**"PUBLIC FIRE HYDRANT"** means any fire hydrant owned by the Village and located on:

- a) a public roadway or right-of-way;
- b) property owned by the Village ; or
- c) an easement or statutory right-of-way held in favour of the Village for the purpose of installing and maintaining a water distribution system.

**"ROMAN CANDLE"** means a ground level firework which has a tube size of 2.54 cm (1 in.) or less in diameter that is capable of projecting or discharging a charge or series of charges or pyrotechnical effects to a distance of more than three (3) m (10 ft.).

**"SERVICE ROOM"** means any room in a building used to contain equipment associated with the building services.

**"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 area.

**"SUITE"** means a single room or series of rooms of complementary use operated under a single tenancy and includes individual guest rooms in motels, hotels, boarding houses, rooming houses, and dormitories.

**"VILLAGE"** means the Village of Pemberton.

**"VILLAGE OF PEMBERTON OFFICIAL"** means the person appointed as such from time to time by the Village of Pemberton and any person delegated to assist in carrying out his/her duties under this bylaw.

## **5. PEMBERTON FIRE RESCUE**

- 5.1 Pemberton Fire Rescue is contained and maintained as a division of the Village of Pemberton and the Fire Chief is appointed as the head of Pemberton Fire Rescue.
- 5.2 The Fire Chief is responsible for administering this bylaw and for the management, control and supervision of the Pemberton Fire Rescue and its officers and members, and for the care, custody and control of all Pemberton Fire Rescue buildings, apparatus and equipment and, without limiting the foregoing, the Fire Chief, shall be in charge of overseeing the provision of services for:
- a) the protection of life and property of the citizens of Pemberton from fire hazards;
  - b) the operation of the firefighting, rescue, fire prevention, training, dispatch, and mechanical sections of Pemberton Fire Rescue; and
  - c) the direction and control of the assigned workforce by direct intervention or through supervision by appointed subordinate supervisory staff, including, but not limited to, the appointment and dismissal of subordinate staff.
- 5.3 For the purposes of Sections 26 and 36 of the *Fire Services Act*, the Fire Chief is responsible for the preparation and enforcement of a policy for a regular system of inspection of hotels and public buildings within the Village.
- 5.4 Pemberton Fire Rescue is authorized to:
- a) take all reasonable measures for the prevention, control, and extinguishment of fire and for the protection of life and property and to enforce all enactments pertaining to fire prevention, life safety, and all investigations related thereto; and
  - b) provide assistance in response to:
    - medical emergencies;
    - land and water rescues;
    - dangerous goods and hazardous materials incidents;
    - transportation accidents; and
    - aid agreements with other local governments.
- 5.5 Without limiting Section 5.4, the Fire Chief may:
- a) make and enforce rules for the proper and efficient administration and operation of the Pemberton Fire Rescue and change, replace or withdraw the rules;
  - b) 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 to prevent and suppress 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 anything or condition the Fire Chief considers is a fire hazard or increases the danger of fire;
- e) 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 the Fire Chief may evacuate a building or area, and may call on police and other fire prevention authorities who have jurisdiction to provide assistance;
- f) provide for assistance response;
- g) request that any person at or near an incident render reasonable aid to mitigate the incident;
- h) issue a permit under this bylaw, except that where a provision states that a permit may be issued by the Fire Chief, it may only be issued by the Fire Chief;
- i) enforce this bylaw and any other Village bylaws, rules, orders and regulations for the prevention and suppression of fire and the protection of life and property;
- j) inquire into, investigate and record the causes of fires in the Village;
- k) collect and disseminate information in regard to fires in the Village;
- l) research best practices in methods of fire prevention; and
- m) provide, advise and make recommendations 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 fire prevention generally.

5.6 Neither the Village nor any officer or employee of the Village is liable for any damages or loss, including economic loss sustained by any person, or to the property of any person, resulting from:



- a) any inspection carried out under this bylaw;
- b) any failure to carry out an inspection under this bylaw;
- c) any permit or notice issued under this bylaw; or
- d) the approval or disapproval of any equipment under this bylaw.

## **6. FIRE PROTECTION AND SAFETY**

### **Evacuation**

- 6.1 If any emergency arising from a fire, fire hazard, toxic chemical spill, or a risk of explosion causes the Officer in Command to be apprehensive of imminent and serious danger to life or property, or of a panic, he may immediately take the steps he thinks advisable to remove the hazard or risk, and without limiting the foregoing, he may evacuate a building or area and may call upon the police to assist him and provide security to the evacuated building or area.

### **Fire-damaged Buildings**

- 6.2 The owner of any fire-damaged building shall ensure that the premises are guarded or that all openings in the building are kept securely closed and fastened so as to prevent the entry of unauthorized persons.
- 6.3 If the owner of any fire-damaged building fails to comply with Section 6.2 of this bylaw within a reasonable time, then the Fire Chief may have the work on the building or lands performed by the Village or any other third party and the Village may recover from the owner the full amount of all costs incurred by the Village in providing for such work.

### **Hydrant and Water Supply Systems**

- 6.4 All private fire hydrants and water supply systems shall be maintained in accordance with this bylaw.
- 6.5 Failure to maintain any private fire hydrant and water supply system in accordance with this bylaw will constitute an infraction of this bylaw, and the owner of the private fire hydrant and water supply system will be subject to the fines and fees provided in this bylaw.
- 6.6 All public fire hydrants and private fire hydrants shall be maintained and inspected in accordance with the requirements of the British Columbia Fire Code, as amended from time to time.
- 6.7 For firefighting purposes, every water supply system on private property shall conform to the Village's specifications and shall be installed to be capable of providing fire flows as determined by the most current version of National Fire Protection Association (NFPA) and the Insurance Bureau of Canada, or as otherwise approved by the Fire Chief.
- 6.8 Owners of land containing private fire hydrants shall, at their own cost:
- a) annually, between March 15 and May 15, conduct a flow test on and inspect each private fire hydrant and provide the test results to the Fire Chief, all in accordance with National Fire Protection Association (NFPA) standards as amended from time to time;
  - b) maintain, repair, and replace each private fire hydrant in full compliance with the *British Columbia Fire Code*, as amended from time to time;

- c) keep each private fire hydrant free of snow, ice, and other materials, and ensure that each such private fire hydrant is protected against mechanical damage;
  - d) ensure that the Village has unencumbered access to each such private fire hydrant; and
  - e) immediately report to the Fire Chief:
    - i. any deficiencies which affect a private fire hydrant's ability to perform in accordance with the *British Columbia Fire Code*, as amended from time to time; and
    - ii. the failure of a private fire hydrant to conform in any way to the *British Columbia Fire Code*, as amended from time to time.
  - f) bag or cover any hydrant that is out of service for any reason, in such a way that:
    - i. completely covers the hydrant and all ports;
    - ii. the bag will not be affected by weather of any kind; and
    - iii. the bag can be secured to not allow unauthorized access.
- 6.9 Without limiting Section 12.2 of this bylaw, if the owner of land containing a private fire hydrant fails to test, maintain, or repair the private fire hydrant or provide test results to the Fire Chief in accordance with this bylaw, then:
- a) such owner commits an offence under this bylaw and is liable to a fine as set out in Schedule "A" attached hereto for each day that the offence continues;
  - b) in addition to payment of a fine, the Fire Chief may have the required work performed by the Village or any other third party and the Village may recover from the owner the full amount of all costs incurred by the Village in providing for such work.
- 6.10 All fire hydrants including for certainty, private fire hydrants, are for the use of the Pemberton Fire Rescue only. No person other than a Pemberton Fire Rescue member shall operate any fire hydrant except for the purpose of inspection, testing, or servicing by qualified individuals, or as otherwise approved by the Fire Chief or the Village's Manager of Public Works.
- 6.11 All fire hydrants shall be painted in accordance with the Village's specifications.
- 6.12 Bulk plants shall have fire hydrants and a water supply with pressure and quantity adequate to meet the probable fire demands, as determined by the Fire Chief and Village engineers.
- 6.13 The minimum clearance in all directions (360 degrees) around a public or private fire hydrant is 1.5 m (5 ft.) from any obstructions, including, but not limited to, fences, shrubs, trees, large rocks, or signs.
- 6.14 The minimum clearance around a fire hydrant, as referred to in Section 6.13, is to be measured from the base of a hydrant.
- 6.15 The finished ground or landscaping within the minimum clearance around a fire hydrant, as referred to in Section 6.14, is to be flat, stable surface material that can be maintained in all weather conditions and any landscaping rock shall be no greater than five (5) cm (2 in.) in diameter.

- 6.16 A clear path, at least one (1) m (3.28 ft.) in width, of flat, stable surface material that can be maintained in all weather conditions shall be provided from the front face of public or private hydrant to the road or walkway serving the fire hydrant.
- 6.17 The owner of a private hydrant must maintain ground cover and clearance around the hydrant so as to provide a clear view of the hydrant from the street when being approached from either direction.
- 6.18 No person shall remove or relocate a fire hydrant unless authorized to do so by the Fire Chief and then, only in accordance with any direction, conditions, measures, or requirements of the Fire Chief.

### **Building Life Safety Systems**

- 6.19 The owner or occupier of every building containing a fire alarm system shall ensure that each fire alarm system is installed, maintained, and tested in conformance with the *British Columbia Fire Code*, *British Columbia Building Code* and this bylaw.

### **Fire Watch**

- 6.20 The owner or occupier of any building in which any of the fire alarm system, automatic sprinkler system, or emergency power system, or any portion thereof, is not operating, shall institute and maintain a Fire Watch in that building until all required systems are in operation.

### **General Fire Protection and Safety**

- 6.21 Where required by the *British Columbia Fire Code*, the owner or occupier of any land or building situate within the Village shall at all times keep the land or building in a safe condition by:
  - a) maintaining emergency lighting, exit lighting, and exit signs in conformance with the *British Columbia Fire Code*;
  - b) selecting, inspecting, testing, and maintaining portable extinguishers in conformance with the *British Columbia Fire Code*;
  - c) providing and maintaining means of egress in conformance with the *British Columbia Fire Code*;
  - d) maintaining exit doors in good repair and ensuring they are free to open in conformance with the *British Columbia Fire Code*;
  - e) maintaining private roadways, yards, and fire lanes provided for Pemberton Fire Rescue access in conformance with the *British Columbia Fire Code*;
  - f) providing, maintaining, and keeping clear private roadways, access roads, and fire lanes leading to commercial, industrial, and residential properties and fire hydrants, in conformance with *British Columbia Fire Code and British Columbia Building Code* for Fire Department vehicle access;
  - g) ensuring that where access to property is controlled by the use of a gate, the design and installation be approved by Pemberton Fire Rescue;
  - h) maintaining standpipe and hose systems and automatic sprinkler systems in conformance with the *British Columbia Fire Code*;

- i) installing and maintaining commercial cooking equipment exhausts and fire protection systems in conformance with the *British Columbia Fire Code*;
- j) not causing or permitting the number of persons permitted to enter a room to exceed the maximum occupant load contrary to the *British Columbia Fire Code*;
- k) not causing or permitting combustible materials to accumulate in quantities or locations contrary to the *British Columbia Fire Code*;
- l) storing, handling, using, and processing all flammable and combustible liquids in conformance with the *British Columbia Fire Code*; and
- m) maintaining fire separations in conformance with the *British Columbia Fire Code*.
- n) maintaining property in conformance with British Columbia Wildlife Management Branch FireSmart Manual as amended from time to time.

6.22 Without limiting Section 12.2 of this bylaw, every owner or occupier who contravenes Section 6.21 of this bylaw commits an offence and:

- a) shall be liable to a fine as set out in Schedule “A” attached hereto for each day that the offence continues;
- b) in addition to the payment of a fine, the Fire Chief may have all work necessary to bring the land or building into compliance with this bylaw performed by the Village or any other third party, and the Village may recover from the owner the full amount of all costs incurred by the Village in providing for such work.

### **Incidents Involving Controlled Substances**

6.23 Every owner or occupier of lands or buildings situated within the Village at which there is a fire related to the illegal use, cultivation or production of a controlled substance, as defined in Village of Pemberton Grow Operation, Nuisance, Noxious or Offensive Trades, Health & Safety Bylaw No. 546, 2005, as amended, shall be liable to pay all costs and expenses incurred by the Village in controlling and extinguishing such fire, and the Village may recover from the owner the full amount of all such costs.

### **Hazardous Material Incidents**

6.24 Where Pemberton Fire Rescue equipment has been damaged or contaminated while attending an incident at or in a vehicle, land, or a building that resulted from the presence of a hazardous material on or in such vehicle, land, or building,, and where the Fire Chief concludes that the incident resulted from an act, failure to act, or other condition in contravention of this bylaw or other applicable enactment, the owner or occupier of the vehicle, land, or building shall pay the Village all costs it incurs, including taxes, for the repair, replacement, or decontamination of such equipment.

### **Accumulation of Combustible Materials**

6.25 Neither the owner nor occupier of any land or building shall permit the accumulation of combustible growth or material of any kind which, in the opinion of the Fire Chief or Inspector, is liable to catch fire or increase the danger to persons or property from a fire or wildfire. The owner or occupier of the land or building shall dispose of said growth or material and take such precautions to prevent fire or damage to life or property, as ordered by the Fire Chief or Inspector.

- 6.26 If the owner or occupier of the land or building fails to take such precautions to prevent the accumulation of combustible growth or material of any kind as ordered by the Fire Chief, then the Fire Chief may have the work performed by the Village or any other third party and the Village may recover from the owner the full amount of all costs it incurs in providing for such work.

### **Fire Safety Plan**

- 6.27 Fire Safety Plans, Lock Boxes, and Fire Safety Plan Boxes shall be maintained in accordance with this bylaw.
- 6.28 Failure to maintain Fire Safety Plans, Lock Boxes, or Fire Safety Plan Boxes in accordance with this bylaw will constitute an infraction of this bylaw, and the owner of the building will be subject to the fines and fees as provided in this bylaw.
- 6.29 The owner or occupier of any building required by the *British Columbia Fire Code* to have a Fire Safety Plan must:
- a) prepare the Fire Safety Plan in a form and format acceptable to the Fire Chief and in conformance with all applicable sections of the *British Columbia Fire Code*;
  - b) submit the Fire Safety Plan to the Fire Chief for review within ninety (90) days of such order by the Fire Chief; and
  - c) place the Fire Safety Plan on the property in a Fire Safety Plan Box or otherwise in a location and manner acceptable to the Fire Chief, such that the Fire Safety Plan is made available to Pemberton Fire Rescue at all times.

### **Fire Safety Plan Box**

- 6.30 Every owner or occupier of a building or dwelling designed for occupancy, who is required under the *British Columbia Fire Code* to prepare and implement a Fire Safety Plan, shall install and maintain a Fire Safety Plan Box at the building or dwelling.
- 6.31 Every Fire Safety Plan Box required under this bylaw must be:
- a) approved by the Fire Chief;
  - b) mounted within 4 m (13 ft.) of the principal entrance of the premises at a height between 1.5 m (5 ft.) and 1.8 m (6 ft.) above the finished floor;
  - c) securely mounted to an interior wall of the premises; and
  - d) sufficient in size to hold the Fire Safety Plan for the premises and any other keys or devices that are required by Pemberton Fire Rescue.

### **Lock Box**

- 6.32 A Lock Box must be installed and maintained by an owner or occupier of any building equipped with:
- a) a fire alarm system;
  - b) an automatic sprinkler system;
  - c) firefighting standpipe and water supply connections in a locked room or area such as on a roof;

- d) a key operated elevator control feature that will permit exclusive use of elevators to firefighting personnel only; or
- e) locked access doors to a roof provided for firefighting purposes.

6.33 Where a Lock Box is required, it must:

- a) be installed on the exterior wall of the building in proximity to the principal entrance, as per Pemberton Fire Rescue requirements, or in a location approved by the Fire Chief or Fire Inspector; and
- b) contain a key or set of keys or devices required to be used in an emergency to open doors or hatches to the principal entrance, firefighting safety/control features, or service rooms for firefighting purposes.

#### **Fire Department Access to Fire Safety Plan Box and Lock Box**

6.34 Pemberton Fire Rescue shall at all times be permitted to have unobstructed access to all Fire Safety Plan Boxes and Lock Boxes required by this bylaw, including the contents of the Fire Safety Plan Boxes or Lock Boxes.

6.35 No owner or occupier of any premises shall refuse to allow, or shall prevent or interfere with, the installation and maintenance of a Fire Safety Plan Box or Lock Box as required by this bylaw.

#### **7. OPEN AIR FIRES**

7.1 Subject to Section 7.3 of this bylaw, no person shall ignite or start an open air fire or allow or cause an open air fire to be ignited or started without having obtained an Open Air Fire Permit issued in accordance with this bylaw.

7.2 Where, in the opinion of the Fire Chief, an open air fire would be safe, the Fire Chief may issue an Open Air Fire Permit with such conditions or requirements as he deems necessary for the protection of life and property.

7.3 An Open Air Fire Permit is not required for:

- a) fires ignited and maintained by members of Pemberton Fire Rescue for fire training exercises;
- b) fires located at the Pemberton Fire Rescue training centre which are approved by the Fire Chief;
- c) open cooking fires in non-combustible containers using only briquettes or CSA-approved propane or natural gas cooking appliances.

7.4 All applicable dates for the validity of an Open Air Fire Permit will be determined by the Fire Chief.

7.5 There shall be no fee payable for any Open Air Fire Permit unless otherwise specified in this bylaw.

#### **Open Air Fire Permit for Yard Waste**

7.6 The Fire Chief may issue an open air fire permit for burning yard waste on the following terms and conditions and on such additional or modified terms and conditions as the Fire Chief considers necessary and appropriate in the circumstances:

- a) only burning of grass, weeds, garden waste, tree clippings, dead leaves, and dead grass resulting from the cleaning of gardens and yards, in small fires, shall be permitted and must not be larger than 1 cubic meter;
- b) open air fires for burning yard waste may only occur during daylight hours, at times and dates as designated by the Fire Chief;
- c) every person to whom an open air fire permit for burning yard waste has been issued shall, at all times, place and keep a competent person in charge of the fire(s) while the fire(s) are burning or smouldering and until such fires are completely extinguished, and shall provide that person with sufficient appliances and equipment in order to prevent the fire(s) from getting beyond control or causing damage, or becoming hazardous to life or property, or becoming a nuisance;
- d) open air fires for burning yard waste may only occur on days when the smoke ventilation index, as reported by the Meteorological Service of Canada, is at a value of 55 or greater;
- e) open air fires for burning yard waste shall not be started when wind and weather are such that to do so is likely to be hazardous to life or property or create a nuisance; and
- f) the Fire Chief may refuse to issue or may cancel an open air fire permit for burning yard waste and/or order a fire extinguished whenever, in the opinion of the Fire Chief having regard to all the circumstances, burning may be hazardous to life or property or may create a nuisance.

#### **Open Air Fire Permit for Land Clearing**

- 7.7 The Fire Chief may issue an open air fire permit for burning waste created by land clearing on the following terms and conditions and on such additional or modified terms and conditions as the Fire Chief considers necessary and appropriate in the circumstances:
- a) wastes to be burned must originate from the property on which the burning is to be carried out;
  - b) every person proposing to carry out the open air burning of waste created by land clearing must comply with all applicable provisions of the *Open Burning Smoke Control Regulation* under the *Environmental Management Act* and all other applicable Provincial enactments and must refer the proposed open air burning to the MOE for approval and provide the Fire Chief with satisfactory evidence of such approval;
  - c) such burning may only occur between dates defined by the Fire Chief, and only when specifically deemed by the Fire Chief to be safe to do so;
  - d) every person to whom an open air fire permit for burning waste created by land clearing has been issued shall, at all times, place and keep a competent person in charge of the fire(s) while the fire(s) are burning or smouldering and until such fire(s) are completely extinguished, and shall provide that person with sufficient appliances and equipment in order to prevent the fire(s) from getting beyond control or causing damage, or becoming hazardous to life or property, or becoming a nuisance;
  - e) open air fires for burning waste created by land clearing may only occur on days when the smoke ventilation index, as reported by the Meteorological Service of Canada, is at a value of 55 or greater;

- f) open air fires for burning waste created by land clearing shall not be started when wind and weather are such that to do so is likely to be hazardous to life or property or create a nuisance;
- g) ignition of materials for such open air burning shall only occur during daylight hours;
- h) no burning materials shall be added to a fire after 1700 hours (5:00 pm); and
- i) the Fire Chief may refuse to issue or may cancel an Open Air Fire Permit for burning waste created by land and/or order a fire extinguished whenever, in the opinion of the Fire Chief having regard to all the circumstances, such burning may be hazardous to life or property or may create a nuisance.

### **Open Air Fire Permit for Hazard Abatement/Fuel Modification**

7.8 The Fire Chief may issue an open air fire permit for hazard abatement or fuel modification on the following terms and conditions and on such additional or modified terms and conditions as the Fire Chief considers necessary and appropriate in the circumstances:

- a) such open air fires shall only occur on properties as and where approved by the Fire Chief.

### **Open Air Fire Permit for Agricultural Burning Purposes**

7.9 The Fire Chief may issue an Open Air Fire Permit for agricultural burning purposes on the following terms and conditions and on such additional or modified terms and conditions as the Fire Chief considers necessary and appropriate in the circumstances:

- a) the Open Air Fire Permit shall only be issued to the owner or occupant in respect of a property that is classified as "farm" under the *Assessment Act*;
- b) only materials that are indigenous to the property for agricultural purposes may be burned;
- c) open air fires shall only occur on properties as and where approved by the Fire Chief;
- d) every person proposing to carry out the open air burning of waste created by land must comply with all applicable provisions of the *Open Burning Smoke Control Regulation* under the *Environmental Management Act* and all other applicable Provincial enactments and must refer the proposed open air burning to the MOE for approval and provide the Fire Chief with satisfactory evidence of such approval;
- e) wastes to be burned must originate from the property on which the burning is to be carried out and only following referral to and approval from the Ministry of Environment, where applicable;
- f) such burning may only occur between dates defined by the Fire Chief, and only when specifically deemed by the Fire Chief to be safe to do so;
- g) every person to whom an open air fire permit for burning waste created by land clearing has been issued shall, at all times, place and keep a competent person in charge of the fire(s) while the fire(s) are burning or smouldering and until such fire(s) are completely extinguished, and shall provide that person with sufficient appliances and equipment in order to prevent the fire(s) from getting beyond control or causing damage, or becoming hazardous to life or property, or becoming a nuisance;



- h) open air fires for burning waste created by land clearing may only occur on days when the smoke ventilation index, as reported by the Meteorological Service of Canada, is at a value of 55 or greater;
- i) open air fires for burning waste created by land clearing shall not be started when wind and weather are such that to do so is likely to be hazardous to life or property or create a nuisance;
- j) ignition of materials for such open air burning shall only occur during daylight hours;
- k) no burning materials shall be added to a fire after 1700 hours (5:00 pm); and
- l) the Fire Chief may refuse to issue or may cancel an Open Air Fire Permit for burning waste created by land and/or order a fire extinguished whenever, in the opinion of the Fire Chief having regard to all the circumstances, such burning may be hazardous to life or property or may create a nuisance.

#### **Open Air Fire Permit for Municipal, Provincial or Federal Purposes**

7.10 The Fire Chief may issue an Open Air Fire Permit for municipal, provincial, or federal purposes on such terms and conditions as the Fire Chief considers necessary and appropriate in the circumstances.

#### **Open Air Fire Permit for Residential Burning Purposes**

7.11 The Fire Chief may issue an Open Air Fire Permit for the recreational purposes on a residential property on the following terms and conditions and on such additional or modified terms and conditions as the Fire Chief considers necessary and appropriate in the circumstances:

- a) One (1) permit shall be issued for each residential property and be valid for one (1) calendar year. ;
- b) open air fires may only occur when specifically deemed by the Fire Chief to be safe;
- c) every person to whom an open air fire permit has been issued shall be a minimum of 18 years of age and shall be the person in charge of the fire while it is burning or smouldering and until such fire is completely extinguished, and such person shall have sufficient appliances and equipment in order to prevent the fire from getting beyond control or causing damage, or becoming hazardous to life or property, or becoming a nuisance;
- d) fires shall not be started when wind and weather are such that to do so is likely to be hazardous to life or property or create a nuisance;
- e) only clean, dry wood shall be used as the fuel source for an open air fire;
- f) Unattended open air fires shall be extinguished responsibly and completely;
- g) the open air fire pit shall be no larger than one (1) meter and the fire shall be no higher than one (1) meter; and
- h) the Fire Chief may refuse to issue or may cancel an Open Air Fire Permit for the purposes of cooking on a residential property and/or order such an open air fire extinguished whenever, in the opinion of the Fire Chief having regard to all the circumstances, burning may be hazardous to life or property or may create a nuisance.

#### **Other**

- 7.12 No person shall erect or use a portable incinerator or other portable device or appliance for burning garbage, rubbish, or other waste material.
- 7.13 Without limiting Section 12.2 of this bylaw, every person who:
- a) without an Open Air Fire Permit where such a permit is required under this bylaw, ignites or starts, or allows or causes to be ignited or started, an open air fire; or
  - b) fails to comply with the requirements or conditions of an Open Air Fire Permit; or
  - c) ignites a fire during a provincial fire ban;
  - d) commits an offence under this bylaw and shall be liable to a fine as set out in Schedule "A" attached hereto.

### **Controlled Burning**

- 7.14 Every person who starts any open air fire, or fails to extinguish any open air fire whether such fire was started with or without an open air fire permit, shall be responsible for such fire, and if the person allows such fire to get out of control, they shall be liable for all costs incurred by the Village in controlling and extinguishing such fire and such amount shall be a debt owing to the Village.
- 7.15 A fire is deemed to be out of control when it spreads beyond the boundaries of the parcel of land on which it was started, or threatens to do so, or when the fire endangers any person, building, lands, or other property.
- 7.16 Burning material in accordance with this bylaw or under authority of any permit issued under this bylaw does not absolve a person from liability for any damage which may result from any fire started or maintained.

### **Construction Ban**

- 7.17 If at any time the Fire Danger rating for the Village reached "high" or "extreme" no person shall carry on any construction activities in the Village except in strict accordance with the Fire Rescue Service Regulations. *(Amendment Bylaw No. 794, 2015)*

## **8. FIREWORKS**

- 8.1 No person shall possess or discharge fireworks within the Village, unless that person has caused a valid notice of discharge to be filed with Pemberton Fire Rescue in accordance with this bylaw, in which case, that person may possess and discharge fireworks in accordance with the terms and conditions set forth on the notice of discharge.
- 8.2 Except as otherwise authorized under Section 8.17 of this bylaw:
- a) the sale of consumer fireworks is only permitted in the Village between October 24 and November 1 with a valid Fireworks Permit;
  - b) the discharge of consumer fireworks without a valid Fireworks Permit is only permitted between October 24 and November 1

### Notices of Discharge

- 8.3 A person or organization wishing to discharge fireworks must cause a Fireworks Permit to be filed with Pemberton Fire Rescue. Applications for such Permit shall be made in writing by the person who will discharge the fireworks, and shall be in the form prescribed by the Fire Chief from time to time, and shall include confirmation of the following::
- a) the fireworks are intended to be discharged as part of a celebration or observance of a special event or festival;
  - b) the applicant is the person who will discharge the fireworks;
  - c) the applicant must at minimum hold a Fireworks Operator Certificate as certified by Explosive Regulatory Division of Natural Resources Canada;
  - d) the applicant must have obtained written permission from the owner of the private or public property on which the fireworks are to be discharged;
  - e) the fireworks are to be discharged in a manner and at a location that will not create a danger or constitute a hazard or nuisance to any person or property; and
  - f) unless special permission has been granted by the Fire Chief under Section 8.17 of this Bylaw, the fireworks may only be discharged only between October 24 and November 1.

### Fireworks Sales Permits

- 8.4 No person shall possess, sell, or offer for sale (including by mail or internet) any fireworks within the Village unless the person possesses a valid Fireworks Permit issued under this bylaw and such sale or offer for sale is in accordance with the terms and conditions of such permit.
- 8.5 A person may apply in writing to the Fire Chief for a Fireworks Permit authorizing him or her to possess and sell fireworks. Applications for a such permit shall be made in writing, and shall be in the form prescribed by the Fire Chief from time to time.
- 8.6 The Fire Chief is authorized to issue a Fireworks Permit to any person for the purpose of possessing and selling fireworks, provided that the Fire Chief is satisfied that:
- a) the person holds a valid business licence to carry on the business of retail sales of goods under the Village's Business Licence and Regulations Bylaw;
  - b) the fireworks will be stored and sold in a manner and at a location which complies with the *Explosives Act* and Regulations of Natural Resources Canada and that will not be hazardous to life or property or create a nuisance to any person or property;
  - c) the premises on which the fireworks are to be stored and sold have been inspected and a fee paid by the applicant for such inspection to ensure fire safety and that the storage and manner in which the fireworks are to be sold meet the *Explosives Act* and Regulations of Natural Resources Canada; and
  - d) the fireworks will be sold only between October 24 and November 1.
- 8.7 A Fireworks Permit issued under this bylaw may not be transferred to any person.
- 8.8 The Fire Chief is hereby authorized to, at any time, revoke or suspend a Fireworks Permit issued under this Bylaw, if he is satisfied that:

- a) the provisions of this bylaw, the terms, conditions, or restrictions of the permit or the provisions of any other applicable enactment have been or may be contravened;
- b) any information supplied by the permit holder at the time they applied for the permit is found to be false, misleading, or inaccurate; or
- c) the storage or discharge of the fireworks has or may create or cause a hazard or nuisance to any person or property.

- 8.9 Roman candles may only be sold as part of a family pack and must constitute no more than thirty (30%) percent of the total number of fireworks in a family pack.
- 8.10 No person under the age of eighteen (18) years may sell, offer for sale, possess, or discharge any fireworks within the Village at any time.
- 8.11 No person may offer for sale, sell, give, or furnish fireworks to a person under the age of eighteen (18) years. All persons authorized to sell fireworks under this Bylaw must satisfy himself or herself that all purchasers of fireworks are eighteen (18) years of age or older by reviewing each purchaser's photo identification at the time of sale.

#### **General Fireworks Requirements**

- 8.12 No person shall store, handle, or discharge, or allow to be stored, handled, or discharged, any fireworks in such a place or in such a manner as might be hazardous to life or property or create a nuisance to any person or property, or do or cause or allow any unsafe act or omission at the time and place the fireworks are discharged.
- 8.13 The manufacture, possession, storage, transportation, sale, and discharge of fireworks shall in every respect conform to the provisions of this Bylaw, the terms, conditions and restrictions of any permit or notice issued hereunder, and the provisions of any other applicable enactment, including, without limitation, the Federal *Explosives Act* and the British Columbia *Fireworks Act*.
- 8.14 The handling and discharge of fireworks shall conform to the requirements of the Explosives Regulatory Division of Natural Resources Canada and in strict conformance with any manufacturer's approved instructions, as amended from time to time.
- 8.15 No person shall discharge fireworks on a public roadway or any public property.
- 8.16 All fireworks and all debris from the discharge of fireworks shall be removed and safely disposed of by the person discharging the fireworks as soon as practical, and in all cases, prior to the expiry of the notice of discharge.
- 8.17 Notwithstanding any other provision of this bylaw, where the Fire Chief considers it safe to do so, the Fire Chief may permit fireworks to be sold or discharged at any time during the year, under such conditions and restrictions as he deems necessary and safe.
- 8.18 For the purposes of this Bylaw, during an emergency, the setting off of pyrotechnical signalling devices for marine, military, or railway purposes or truck flares shall not be deemed to be the sale or setting off of fireworks.

#### **Firecrackers and Noisemakers Prohibited**

- 8.19 No person shall possess, fire, set off, or discharge firecrackers or noisemakers in the Village.

### **High Hazard and Movie Pyrotechnics Fireworks**

- 8.20 The Fire Chief or any member of the Pemberton Fire Rescue designated by him or her may issue a permit to light or explode High Hazard fireworks or Movie Pyrotechnics to a person who is over the age of eighteen (18) years and has a valid Certification as required by the Explosives Safety and Security Branch of Natural Resources Canada PROVIDED THAT the applicant meets all the requirements of this bylaw and first obtains and submits the following:
- a) a copy of Display Fireworks Event Approval Form as prescribed by the Village;
  - b) a Fireworks Permit as prescribed by the Village;
  - c) a Fire Safety Plan in a form acceptable to the Fire Chief;
  - d) a site plan, drawn to scale with the direction of firing, separation distance, position of ramps and mortars, any significant ground features, rights of way, buildings or structures, overhead obstructions, parking areas or spectator viewing areas, fallout zone, North arrow, traffic control plans and location of emergency vehicles;
  - e) an event description, which should include a time schedule of the event, attendance estimates, lists of fireworks to be used, firing procedures, emergency response procedures and a list of crew members;
  - f) proof acceptable to the Fire Chief or Officer or member that the applicant holds either a valid Supervisors Level 1 card or for unconventional sites as defined by the Explosive Regulatory Division, a valid Supervisors Level 2 card, issued by the Explosive Regulatory Division, Department of Natural Resources Canada.

### **Fireworks Inspections and Offences**

- 8.21 The Fire Chief or any Inspector, Bylaw Officer, Peace Officer or member of the RCMP may inspect any vehicle, land, or building within the Village's boundaries in order to determine whether the provisions of this bylaw are being complied with and to ensure that the possession, storage, or discharge of fireworks will not cause a danger or nuisance to any person or property.
- 8.22 Without limiting Section 12.2 of this bylaw, every person that possesses, sells, or discharges fireworks in contravention of this bylaw commits an offence and shall:
- a) when directed to do so, surrender all fireworks in his possession to the Fire Chief or any Inspector, Bylaw Officer, Peace Officer or member of the RCMP, each of whom is authorized to seize and hold all such fireworks in the interest of public safety and as evidence of the commission of the offence; and
  - b) be liable to a fine as set out in Schedule "A" attached hereto.
- 8.23 Fireworks seized under this Bylaw will not be returned, nor shall the person, business, or organization from whom the fireworks are seized be compensated.
- 8.24 Without limiting Section 12.2 of this Bylaw, a person who contravenes Section 8.22 of this Bylaw by failing to surrender fireworks upon demand commits an offence under this bylaw and shall be liable to a fine as set out in Schedule "A" attached hereto.
- 8.25 Every person who causes an incident directly attributable to the person's misuse of fireworks, including, but not limited to, the person's failure to comply with the provisions of this Bylaw, a notice or permit issued under this Bylaw, or any other applicable enactment shall, in addition to any other fine or penalty imposed, be responsible for the costs incurred by the Village in responding to the incident.

## **9. INSPECTIONS AND FIRE CONTROL**

### **Inspection and Testing**

- 9.1 The Fire Chief, any Inspector, or any member of Pemberton Fire Rescue may at all reasonable hours enter into and upon any vehicle, land, or building for the purpose of testing and inspecting:
- a) a vehicle, land, or building, as required or permitted by the *Fire Services Act*;
  - b) a water supply, so as to determine if Pemberton Fire Rescue has satisfactory access to an adequate water supply for fire suppression purposes; and
  - c) to determine if the requirements of this Bylaw are being carried out.
- 9.2 If more than one re-inspection of a vehicle, land, or building is required to be performed by the Fire Chief to ensure that fire safety violations discovered during a previous regular inspection have been rectified, the owner or occupant of the vehicle, land, or building shall pay a fee as set out in Schedule "B" attached hereto. If the re-inspection relates to land or a building, on that land, and the owner of the land, or building fails to pay to the Village the aforesaid fee, then the Village may recover the amount of the fee in the same manner and with the same remedies as municipal property taxes.

### **Entry for Inspection**

- 9.3 No person may obstruct, hinder, or prevent any authorized Pemberton Fire Rescue member from entering into or upon any vehicle, land or building for the purposes of inspection or testing.

### **Assistance in Inspection**

- 9.4 The owner, occupier, or lessee of a vehicle, land, or building or any other person having knowledge of the vehicle, land, or building shall, upon request, give to the Fire Chief or an Inspector such assistance as he may require in carrying out an inspection or test.

### **Public Assistance and Fire Control**

- 9.5 The Fire Chief or Officer in Command at any incident shall have the power to cause demolition of any building or any part thereof which in his judgment should be demolished in order to prevent spread of fire or to prevent damage to persons or property or loss of life.
- 9.6 No person shall impede, hinder, or obstruct the extinguishment of any fire or the control of any incident. Any person who fails to comply with the orders or instructions of a member of Pemberton Fire Rescue engaged or about to be engaged in the extinguishment of a fire or the control of an incident shall be liable to the penalties provided in this bylaw and such person may be forcibly removed from the scene of such incident or fire by a peace officer or member of Pemberton Fire Rescue.
- 9.7 No person shall refuse to permit any member of Pemberton Fire Rescue to enter into or upon any land or building for which an alarm of fire has been received or in or upon which such member has reasonable grounds to suspect that a fire or other incident exists.

## **Extinguishment of Fires**

- 9.8 Notwithstanding any other provision of this Bylaw, the Fire Chief or an Inspector may order a fire extinguished if, having regard to all the circumstances, he determines that the fire may be hazardous to life or property or that it may create a nuisance.

## **Entry during Incident**

- 9.9 Despite any other provisions of this bylaw, the Fire Chief or other member of the Pemberton Fire Rescue may, during an incident, enter, pass through or over real property, buildings or other structures on or adjacent to the site of the incident, and to cause or allow other members to do likewise, and to bring equipment and apparatus on, into or through such property, buildings or structures as the Office in Command deems necessary or advisable to gain access to the incident or to protect any person or property.

## **10. ENFORCEMENT**

### **Issuance of Order**

- 10.1 If the Fire Chief or an Inspector finds that:
- a) any provision of this bylaw has been contravened or has not been complied with;
  - b) any provision of this bylaw has been complied with improperly or only in part; or
  - c) conditions exist in or upon a vehicle, land, or a building to which this bylaw applies and such conditions, in his opinion, constitute a fire hazard or a hazard to life or property;
  - d) then the Fire Chief or the Inspector may make such orders to ensure full and proper compliance with this bylaw, and in particular, but without limiting the generality of the foregoing, he may:
  - e) issue to the owner or occupier of the vehicle, land, or building such recommendations as he deems necessary to correct the contravention of this bylaw, ensure compliance with this bylaw, or remove the hazard to life or property; and
  - f) make such orders with respect to any of the matters referred to in this bylaw as he deems necessary to protect life or property.
- 10.2 An order made under this bylaw shall be in writing and shall be directed to the owner or occupier of the vehicle, land, or building in respect of which the order is made.

### **Service of Order**

- 10.3 An order made under this bylaw shall be served by:
- a) personally delivering it or causing it to be personally delivered to the person to whom it is directed; or
  - b) sending the order by registered mail to the last known owner of the vehicle, land, or building to which the order applies.

## **11. FILE SEARCHES**

### **File Searches**

- 11.1 A fee as set out in Schedule "B" attached hereto shall be payable by any person seeking a file search of a property for outstanding *Fire Code* violations or infractions or other related information.
- 11.2 A fee as set out in Schedule "B" attached hereto shall be payable by any agency or person requesting an inspection to complete a comfort letter or file search for outstanding *Fire Code* violations.

## **12. OFFENCES AND PENALTIES**

- 12.1 No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 12.2 Every person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this Bylaw, shall be deemed to have committed an offence against this bylaw and:
- a) shall be liable to a fine set out in the Village of Pemberton Municipal Ticket Utilization Bylaw as amended from time to time; or
  - b) shall be liable to a fine of not less than the amount identified in Schedule "A" attached hereto, in addition to any other penalty imposed under this bylaw;
  - c) where a specific penalty has not otherwise been designated, shall be liable to a fine and/or penalty of not less than One Hundred Fifty Dollars (\$150) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed; or
  - d) any combination of the above.
- 12.3 Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.
- 12.4 Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

## **13. SCHEDULES**

- 13.1 Schedule A is attached to and forms part of this bylaw and is enforceable in the same manner as this bylaw. (*Amendment Bylaw No. 905, 2021*)

## **14. FEES AND COST RECOVERY**

- 14.1 Where a person fails to pay the Village's costs as required by this bylaw or where a person subject to an order under this bylaw fails to take action required by the order and the Village carries out the work or otherwise fulfills the requirement, the Village may recover its costs from the owner, occupier or person responsible for the work or for payment of the costs, as a debt to the Village. Money owed to the Village under this bylaw is payable upon receipt of an invoice from the Village.



- 14.2 If an amount owing under this bylaw for work done or services provided to land or improvements remains unpaid on December 31<sup>st</sup> of the year in which the debt was incurred, the amount is deemed to be taxes in arrear and may be collected from the owner of the land or improvements in the same manner and with the same remedies as for property taxes.
  
- 14.3 Fees and charges for services that may be or are provided under this Bylaw shall be payable as set out in the *Fees and Charges Bylaw*. **(Amendment Bylaw No. 905, 2021)**

**15. REPEAL**

- 15.1 The Village of Pemberton Fire Prevention Bylaw No. 168, 1983 is hereby repealed.
- 15.2 The Village of Pemberton Fireworks and Firecracker Bylaw No. 534, 2004 is hereby repealed.

**READ A FIRST TIME** this 15<sup>th</sup> day of October, 2013.

**READ A SECOND TIME** this 15<sup>th</sup> day of October, 2013.

**READ A THIRD TIME** this 3<sup>rd</sup> day of December, 2013.

**ADOPTED** this 17<sup>th</sup> day of December, 2013.

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Jordan Sturdy  
Mayor

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Sheena Fraser  
Corporate Officer

**Schedule "A" - Fines**

<b>Offence</b>	<b>Section</b>	<b>Amount</b>
Failure to provide private hydrant flow test results	6.8(a)(ii)	\$150
Failure to maintain, repair, or replace private fire hydrant	6.8(b)	\$150
Failure to keep private hydrant free of snow, ice, or other materials or free from mechanical damage	6.8(c)	\$150
Failure to ensure access to private fire hydrant	6.8(d)	\$150
Failure to report deficiencies that affect private hydrant	6.8(e)(i)	\$150
Failure to bag or cover out of service private hydrant	6.8(f)	\$150
Unauthorized use of fire hydrant	6.10	\$1,000
Failure to paint private hydrant to City's specifications	6.11	\$150
Failure to maintain minimum clearance around private hydrant	6.13	\$150
Failure to maintain ground cover around private hydrant	6.15	\$150
Failure to maintain clear path in front of private hydrant	6.16	\$150
Failure to maintain clear view of private hydrant	6.17	\$150
Removing a fire hydrant without permission	6.18	\$1,000
Failure to provide, install and maintain Smoke Alarm	6.19	\$200
Failure to maintain emergency/exit lighting and exit signs	6.21(a)	\$200
Failure to test or maintain portable extinguisher(s)	6.21(b)	\$200
Failure to provide and maintain means of egress	6.21(c)	\$200
Failure to maintain exit doors	6.21(d)	\$200
Failure to maintain private roadways for Pemberton Fire Rescue access in conformance with the British Columbia Fire Code	6.21(e)	\$200
Failure to provide, maintain private roadways, access roads and fire lanes in conformance with Pemberton Fire Rescue criteria	6.21(f)	\$200
Design and installation of gate controlling access not in conformance to Pemberton Fire Rescue criteria	6.21(g)	\$200
Failure to maintain standpipe, hose systems, and automatic sprinkler systems in conformance with the British Columbia Fire Code	6.21(h)	\$200
Failure to install and maintain commercial cooking equipment exhausts and fire protection systems in conformance with the British Columbia Fire Code	6.21(i)	\$200
Exceeding the maximum occupant load contrary to the British Columbia Fire Code	6.21(j)	\$1,000
Allowing combustible material(s) to accumulate in quantities or in locations contrary to the British Columbia Fire Code	6.21(k)	\$200
Failure to store, handle, use or process all flammable and combustible liquids in conformance with the British Columbia Fire Code	6.21(l)	\$200
Failure to maintain fire separations in conformance with the British Columbia Fire Code	6.21(m)	\$200
Failure to dispose of Combustible Material or take precautions to prevent fire	6.25	\$500

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Failure to submit Fire Safety Plan in an acceptable format and in conformance with British Columbia Fire Code	6.29(a)	\$150
Failure to submit Fire Safety Plan within 90 days	6.29(b)	\$150
Failure to provide Fire Safety Plan in a location or manner acceptable to Fire Chief	6.29(c)	\$150
Failure to install and maintain approved Fire Safety Plan Lock Box	6.30	\$150
Failure to install and maintain approved Lock Box	6.32	\$150
Failure to correctly install Lock Box	6.33(a)	\$150
Failure to provide keys or devices in Lock Box	6.33(b)	\$150
Failure to provide access to Fire Safety Plan Box or Lock Box	6.34	\$150
Failure to allow installation or maintenance of Fire Safety Plan Box or Lock Box	6.35	\$150
Starting or allowing open air fire without a permit	7.1	\$250
Failure to follow terms and conditions for burning of yard waste	7.5	\$250
Failure to follow terms and conditions for burning of waste created by land clearing	7.6	\$250
Failure to follow terms and conditions for a hazard abatement/fuel modification burning permit	7.7	\$250
Failure to follow terms and conditions for an agricultural burning permit	7.8	\$250
Failure to follow terms and conditions for a residential cooking permit	7.10	\$250
Using portable incinerator or other portable device for burning garbage, rubbish or waste material	7.11	\$250
Discharging fireworks without a valid notice of discharge permit	8.1	\$250
Selling or offering for sale fireworks without a valid fireworks sales permit	8.4	\$250
Storing, handling or discharging fireworks in an unsafe manner or as to create a nuisance	8.12	\$250
Discharging fireworks on a public roadway	8.15	\$250
Failure to remove or dispose of firework debris	8.16	\$250
Possessing, selling or discharging of firecrackers or noisemakers	8.19	\$250
Failure to surrender fireworks	8.22(a)	\$250