

District of West Vancouver



## **Fire Protection and Emergency Response Bylaw No. 4366, 2004**

Effective Date – July 29, 2004

### **Consolidated for Convenience Only**

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

<b>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw No. 4446, 2005	July 28, 2005
Bylaw No. 4401, 2004	July 29, 2004

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Fire Protection and Emergency Response Bylaw No. 4366, 2004). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

# Fire Protection and Emergency Response Bylaw No. 4366, 2004

## Table of Contents

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	Page #
Part 1	Citation ..... 1
Part 2	Severability ..... 1
Part 3	Previous Bylaw Repeal..... 1
Part 4	Definitions.....2
Part 5	Adoption of <i>British Columbia Fire Code 285/98</i> .....8
Part 6	Powers of the Fire Chief .....8
6.1	<b>Scope</b> .....8
6.2	<b>Forests</b> .....9
6.3	<b>Assistance of Public</b> .....10
6.4	<b>Review of Plans</b> .....10
Part 7	West Vancouver Fire & Rescue Services .....10
7.1	<b>Establishment</b> .....10
7.2	<b>Director of Fire &amp; Rescue Services</b> .....10
7.3	<b>Deputy Fire Chief</b> .....11
7.4	<b>Management and Control</b> .....11
7.5	<b>Limits of Jurisdiction</b> .....11
7.6	<b>Rules and Regulations</b> .....11
7.7	<b>Prevention, Control and Enforcement</b> .....11
7.8	<b>Demolition of Buildings</b> .....12
7.9	<b>Right to Enter</b> .....12
7.10	<b>Commandeering of Equipment</b> .....12
7.11	<b>Contamination and Replacement of Equipment</b> .....12
7.12	<b>Fire Protection Searches</b> .....12
7.13	<b>Fire Investigation Fee Cost Recovery</b> .....13
Part 8	Conduct of Persons .....13
8.1	<b>Hindrance</b> .....13
8.2	<b>Prohibition of Entry</b> .....13
8.3	<b>False Representation</b> .....13
8.4	<b>Accumulation of Combustibles</b> .....14
8.5	<b>Exterior Waste Receptacles and Waste Material</b> .....14
8.6	<b>Service Station Safety</b> .....14
8.7	<b>Prohibition of Open Air Burning</b> .....15
8.8	<b>Barbeques</b> .....15
8.9	<b>Exemptions to Burning Regulations</b> .....15

Part 9	Inspection of Premises .....	16
9.1	<b>Authorization to Enter</b> .....	16
9.2	<b>Provision of Information</b> .....	16
9.3	<b>False Information</b> .....	16
9.4	<b>Obstruction</b> .....	16
9.5	<b>Remedial Orders</b> .....	16
9.6	<b>Dating of Orders</b> .....	17
Part 10	Frequency of Inspections.....	17
10.1	<b>Self-Inspections</b> .....	18
10.2	<b>Frequency of Self-Inspections</b> .....	18
10.3	<b>Inspection Fee Cost Recovery</b> .....	18
Part 11	Reference Requirements .....	19
11.1	<b>Requirement to Designate Contact Persons</b> .....	19
11.2	<b>Reference Forms</b> .....	19
11.3	<b>Failure to Provide Contact Person Information</b> .....	19
11.4	<b>Responsibility of Contact Persons</b> .....	19
11.5	<b>Failure of Contact Persons to Arrive</b> .....	19
11.6	<b>Contact Person at a Fire Incident</b> .....	20
11.7	<b>Changes to Designated Contact Persons</b> .....	20
11.8	<b>Full Access for Contact Persons</b> .....	20
Part 12	Fire & Emergency Service Access.....	20
12.1	<b>Fire Safety Plan Requirements</b> .....	20
12.2	<b>Diagram Format</b> .....	21
12.3	<b>Fire Pre-Plan Information</b> .....	21
12.4	<b>Digital Drawing Format &amp; Fire Safety Symbols</b> .....	21
12.5	<b>Updating Fire Pre-Plans</b> .....	21
12.6	<b>Failure to Submit Pre-Plans</b> .....	22
12.7	<b>Design and Review of Emergency Plans</b> .....	22
12.8	<b>Lock Boxes</b> .....	22
12.9	<b>Fire Department Connections</b> .....	23
12.10	<b>Operations Box</b> .....	23
12.11	<b>High Buildings</b> .....	23
12.12	<b>Signage</b> .....	24
12.13	<b>Storage</b> .....	24
12.14	<b>Addressing of Occupancies</b> .....	24
12.15	<b>Sizing of Addresses</b> .....	24
12.16	<b>Colour of Address Lettering</b> .....	24
12.17	<b>Naming of Private Streets</b> .....	25
Part 13	Fire Limit Areas and Sprinkler Regulations.....	25
13.1	<b>Designation of Fire Limit Areas</b> .....	25
13.2	<b>Single Family Residential</b> .....	25
13.3	<b>Multiple Family Residential</b> .....	25
13.4	<b>Commercial</b> .....	26
13.5	<b>Installation of Standpipe Systems</b> .....	26
13.6	<b>Notification of Fire &amp; Sprinkler Alarm Testing</b> .....	26
13.7	<b>Excessive False Alarm Incidents</b> .....	26

13.8	<b>Cost Recovery for Failure to Notify</b> .....	27
Part 14	Fire Hydrants .....	27
14.1	<b>Clearance around Fire Hydrants</b> .....	27
14.2	<b>Notice of Hydrant Obstruction</b> .....	27
14.3	<b>Failure to Provide Clearance within Time on Notice</b> .....	27
14.4	<b>Colour of Fire Hydrants</b> .....	27
14.5	<b>Fire Flow Testing and Marking of Hydrants</b> .....	28
14.6	<b>Classification of Fire Flow Markings</b> .....	28
14.7	<b>Hydrant Usage</b> .....	28
14.8	<b>Tampering with a Hydrant</b> .....	28
Part 15	Fire Extinguishers .....	28
15.1	<b>Requirements-New Dwelling Units</b> .....	28
15.2	<b>Requirements-Renovation/Addition</b> .....	29
Part 16	Smoke Alarms.....	29
16.1	<b>Location of Smoke Alarms</b> .....	29
16.2	<b>Power Supply and Interconnection</b> .....	29
16.3	<b>Replacement</b> .....	30
Part 17	Fireworks .....	30
17.1	<b>Age Requirement</b> .....	30
17.2	<b>High Hazard Fireworks Requirements</b> .....	30
17.3	<b>Sale of Fireworks</b> .....	30
17.4	<b>Firecrackers Prohibited</b> .....	31
17.5	<b>Fireworks Sale Inspection Fee</b> .....	31
17.6	<b>Requirements during Authorized Dates</b> .....	31
17.7	<b>Dangerous Use of Fireworks</b> .....	32
17.8	<b>Restricted Areas for Fireworks</b> .....	32
17.9	<b>Lighting of Fireworks</b> .....	32
17.10	<b>Permit to Purchase, Possess, or Discharge Fireworks</b> .....	32
17.11	<b>Application Process</b> .....	32
17.12	<b>High Hazard Fireworks</b> .....	33
17.13	<b>High Hazard and Movie Pyrotechnics Fireworks</b> .....	33
17.14	<b>Permit Requirements</b> .....	33
17.15	<b>High Hazard Fireworks Permit Fee</b> .....	33
17.16	<b>Applicant Requirements</b> .....	34
17.17	<b>Sale of any High Hazard Fireworks</b> .....	34
17.18	<b>Fire Protection at Movie/TV Pyrotechnics</b> .....	34
17.19	<b>Rescission of Permits</b> .....	34
17.20	<b>Seizure of Fireworks</b> .....	34
17.21	<b>Applications of Provisions</b> .....	34
Part 18	Dangerous Goods.....	35
Part 19	Community Forester.....	36
19.1	<b>Authorization</b> .....	36
19.2	<b>Compliance with Orders</b> .....	36
19.3	<b>Right to Enter</b> .....	37
Part 20	Outdoor Burning.....	37
20.1	<b>Special Residential Outdoor Burning Permits</b> .....	37

20.2	<b>Open Air Burning</b> .....	39
20.3	<b>Barbeques</b> .....	39
Part 21	Municipal Ticket Information .....	39
21.1	<b>Designation of Bylaw</b> .....	39
21.2	<b>Designation of Bylaw Enforcement Officer</b> .....	40
Part 22	Offence and Penalty.....	40
	Schedules .....	40
	Schedule A – Permit to Sell, Purchase, Possess or Discharge Fireworks...	41

# **Fire Protection and Emergency Response Bylaw No. 4366, 2004**

A bylaw to provide for the prevention and suppression of fires, for regulating the conduct of persons at fires and to regulate the sale and disposal of explosives, firecrackers and fireworks and to authorize the issuance of permits in order to protect life and property.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for fire suppression and prevention services, assistance response in hazardous circumstances, and to authorize the Fire Chief and other persons to take measures for the prevention and suppression of fires, within the municipal boundaries of the District;

NOW THEREFORE, the Council of the District of West Vancouver enacts as follows:

## **Part 1 Citation**

- 1.1 This Bylaw may be cited as the “Fire Protection and Emergency Response Bylaw No. 4366, 2004”.

## **Part 2 Severability**

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

## **Part 3 Previous Bylaw Repeal**

- 3.1 The following bylaws are repealed:

Fire Protection Bylaw No. 4181, 1999  
Fire Extinguisher Bylaw No. 4062, 1997  
Fire Limit Area “C” Bylaw No. 3683, 1991  
Fire Limit Area “A” Bylaw No. 3716, 1992

Fire Limit Area “B” Bylaw No. 3717, 1992  
Fire Limit Area “D” Bylaw No. 3711, 1992  
Fire Limit Area “E” Bylaw No. 3712, 1992  
Fire Limit Area “F” Bylaw No. 3713, 1992

## Part 4 Definitions

4.1 In this bylaw, unless the context otherwise requires:

“**Aid Agreement**” means an agreement under which the District contracts to provide fire protection and assistance response;

“**Addition**” means an alteration to any building that will increase the total aggregate floor area or the building height (in storey’s), and includes the provision of two or more separate buildings with openings between each other for intercommunication;

“**Alarm**” means the giving, signalling or transmission to any public fire hall or fire dispatch or company or to any officer or employee thereof, whether by telephone, spoken word or otherwise, information to the effect that a fire or emergency situation exists at or near the place indicated by the person giving, signalling or transmitting such information;

“**Alteration**” means a change, repair or modification of the construction or arrangement of any building or structure or to an occupancy referred to in this bylaw;

“**Apparatus**” means any vehicle, machinery, device, equipment or material used for fire protection or assistance response and any vehicle used to transport members or supplies;

“**Approved**” means acceptable to the “authority having jurisdiction”;

“**Assistance Response**” means aid provided in respect of fires, explosions, medical assistance, floods, earthquakes or other natural disasters, escape of Dangerous Goods, rail or marine incidents, motor vehicle or other accidents, and circumstances necessitating rescue efforts;

“**Automatic Fire Sprinkler System**” means an integrated system of underground and overhead piping designed in accordance with fire protection standards, and which is normally activated by heat from a fire, and discharges water over the fire area;

**“Authority Having Jurisdiction”** means any person or agency authorized by this or any other bylaw, regulation or statute to inspect and/or approve any thing or place;

**“Basement”** means storey or storeys of a building located below the first storey.

**“Building”** means any structure used or intended for supporting or sheltering any use or occupancy;

**“Building Code”** means the *British Columbia Building Code* 1998 enacted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time;

**“Chief Officers”** means the persons designated as the Fire Chief, Deputy Fire Chief or Assistant Fire Chief;

**“Community Forester”** means the person or persons employed in that position by the District;

**“Construct”** includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate or reconstruct;

Bylaw 4446

**“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 Natural Resources Canada, “Display Fireworks Manual.” For the purpose of the bylaw, 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. Consumer Fireworks Noisemakers means a legal 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 included by its nature or by the regulations in any of the classes listed in the Schedule to the *Transport of Dangerous Goods Act* (British Columbia), as amended to from time to time;

Bylaw 4446

**“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 Natural Resources Canada, “Display Fireworks Manual;

**“District”** means The Corporation of the District of West Vancouver;

**“Dwelling Unit”** means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

**“Emergency Response Agency”** means any agency or organization that provides assistance response within West Vancouver, including but not limited to Police, British Columbia Ambulance Service or the Fire Department;

**“Existing Building”** means that portion of a building constructed prior to the submission of an application for a building permit under Building Bylaw 2473, 1973, as amended or replaced by a new building regulation bylaw;

**“Explosion”** means a rapid release of energy, that may or may not be preceded or followed by a fire, which produces a pressure wave or shock wave in air and is usually accompanied by a loud noise;

**“False Alarm”** means any alarm, regardless of how caused, necessitating a response by West Vancouver Fire & Rescue where a fire or emergency does not exist;

Bylaw 4446

**“Family Pack”** means a pre-packaged assortment of Consumer Fireworks, in which Roman Candles and Noisemakers shall not comprise more than 30% of the wholesale value of the entire assortment;

**“Fire Alarm System”** means a system consisting of a control unit and a combination of electrical interconnected devices, which is:

- a. Designed and intended to detect a fire condition and to actuate an alarm or warning of fire in a building or structure;
- or
- b. Manually activated and includes the systems installed throughout any building or portion thereof;

**“Fire Chief”** means the person designated by Council by name of office or otherwise;

**“Fire Department”** means West Vancouver Fire & Rescue which department is continued under this bylaw;

**“Fire Limit Area”** means the area designated as a fire limit area in Part 13.1 of this bylaw;

**“Fire Prevention”** means that part of fire protection activities exercised in advance of the outbreak of fire to help prevent loss of life and property due to fire;

**“Fire Protection Officer”** means any person authorized in writing by the Fire Chief under Section 6 of the *Fire Services Act* to exercise the powers of a local assistant;

**“Fire Protection Services”** means the section within West Vancouver Fire & Rescue responsible for fire inspections, fire cause determination, fire arson investigations and fire and life safety public education programs;

**“Fireworks”** includes cannon crackers, fireballs, firecrackers, mines, Roman candles, sky rockets, squibs, torpedoes, and other explosive products or devices as may be designated as such by the Lieutenant-Governor in Council under the provisions of the *Fireworks Act* of the Province of B.C. or the Governor-General in Council under the provisions of *the Canada Explosives Act* and Regulations;

Bylaw 4446

**“Fireworks Permit”** means a current and valid permit in the form attached as Schedule “A” to this bylaw authorizing a person or organization to fire or set off Consumer Fireworks or a valid Display Fireworks Approval Form as described in the Natural Resources Canada, “Display Fireworks Manual” authorizing discharge of Display Fireworks;

**“Grade”** means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as for vehicle or pedestrian entrances are not considered in the determination of average levels of finished ground.

**“High Hazard Fireworks”** means those fireworks defined as such under the Explosives Regulations made under the current *Explosives Act* of Canada, and, without limiting the generality of the foregoing, includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons, and firecrackers;

**“Incident”** means a fire, an explosion, a situation where a fire or explosion is imminent or any other situation presenting a danger or possible danger to life or property or the environment and to which West Vancouver Fire & Rescue has responded;

**“Low Hazard Fireworks”** means those fireworks defined as such under the current Explosives Regulations made under the *Explosives Act* of Canada and, without limiting the generality of the foregoing, includes firework showers, fountains, golden rain, lawn lights, pin wheels, roman candle and volcanoes;

**“Member”** means a person appointed as a Fire Department officer by Council or a Fire Department employee by the Fire Chief;

**“Member In Charge”** means the senior Member at the scene of an incident or the Member that is appointed as such by the Fire Chief;

**“Municipality”** means The Corporation of the District of West Vancouver and the geographic area governed thereby;

**“Movie/TV Pyrotechnics”** means any low or high hazard fireworks utilized at a movie or television production;

**“New Building”** means a new building constructed as a separate entity, or an addition to an existing building where the addition has no internal pedestrian connection with the existing building;

**“Occupancy”** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

**“Occupant”** includes every owner, tenant, lessee, agent or other person who has the right of access of and control of any building or premises;

**“Occupancy Group”** means a classification as defined in the current *British Columbia Fire Code*, or in this bylaw;

**“Officer”** means those Members of West Vancouver Fire & Rescue who are the Fire Chief, Deputy Fire Chief, Assistant Fire Chief, Captains and Lieutenants or those Members who are acting in the capacity as a supervisor or designated by the Fire Chief as an Officer;

**“Owner”** means any person, firm, or corporation controlling the property under consideration;

**“Permit”** means a document issued by the Fire Chief or Member of the Fire Department to authorize a person to carry out a procedure or undertaking described in the permit, or to use, store or transport materials under conditions stipulated in the permit;

**“Private Street”** means any access way normally intended for vehicular use not a public highway owned by the Province or the Municipality;

“**Service Station**” means any premise used for the storing, dispensing or sale of petroleum products;

“**Smoke Alarm**” means a combined smoke detector and audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within the room or suite.

“**Solid Waste**” means garbage, yard trimmings, or recyclables;

“**Storey**” means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

“**Structure**” means a construction or portion thereof, of any kind, whether fixed to, supported or sunk into land or water, except landscaping, fences, paving and retaining structures less than 1.22 metres in height;

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

All other words and phrases must be construed in accordance with the meaning assigned to them by the *Community Charter, Local Government Act*, and *Interpretation Act*, the current “*British Columbia Building Code*”, the *Fire Services Act* or the “*British Columbia Fire Code*”, as the context and circumstances may require.

In this bylaw the following words and terms have the meanings set out in section 1.1.3.2 of the *Building Code*:

Constructor, Industrial Occupancy, Occupancy, Owner, Registered Professional or Residential Occupancy, Assembly, Business and Personal Services Occupancy, Field Review, Building Height, Dwelling Unit.

A reference in this Bylaw to a defined position, by name of office or otherwise, also applies to:

- (a) the Deputy
- (b) any person designated by Council to act in the place of the person who occupies the position, or
- (c) any person designated by the Fire Chief to act in the place of the person who occupies the position, to the extent Council has delegated this authority to the Fire Chief.

## **Part 5 Adoption of *British Columbia Fire Code* 285/98**

- 5.1 The “*British Columbia Fire Code*” 1995 as it existed on December 1, 1998 adopted by British Columbia Regulation 285/98, as amended (the “*Fire Code*”), is hereby adopted and made prior to this Bylaw and is applicable within the Municipality.

## **Part 6 Powers of the Fire Chief**

### **6.1 Scope**

- (a) make rules for the proper and efficient administration and operation of the Fire Department and change, replace or withdraw the rules as he or she considers necessary;
- (b) make rules or take measures respecting the discipline of Members of the Fire Department;
- (c) 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 a fire;
- (d) take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fires;
- (e) order an owner or occupier of real property to undertake any actions directed by the Fire Chief or other authorized person authorized by Council by name of office or otherwise for the purpose of removing or reducing any thing or condition that person considers is a fire hazard or increases the danger of fire;
- (f) provide Assistance Response;
- (g) exercise some or all of the powers of a Fire Commissioner under Section 25 of the *Fire Services Act*, and for these purposes that section applies;
- (h) enforce municipal bylaws, rules, orders and regulations respecting fire prevention and suppression and the protection of life and property;

- (i) inquire into, investigate and record the causes of fires in the District;
- (j) collect and disseminate information in regard to fires in the District;
- (k) investigate and hold inquiries into such fires;
- (l) study methods of fire prevention; and
- (m) provide advice and make recommendation to Council, other officers and employees of the District and the public in relation to;
- (n) the establishment and administration of fire brigades and departments;
- (o) the provision of adequate water supply and pressure;
- (p) the installation or maintenance of automatic or other fire alarm systems and fire extinguishment equipment;
- (q) the enforcement of measures for the prevention or suppression of fire and the protection of life and property;
- (r) fire prevention generally.

## 6.2 Forests

If, in the opinion of the Fire Chief, the safety of life and property in any area within the Municipality is endangered through the hazardous condition of the forest cover or the occurrence or spread of fire burning in any forest or woodland, the Fire Chief may, by order, declare that area a closed area for such period or periods of time as the Fire Chief may determine and that no person may enter or be in the closed area for any purpose in the absence of express authorization of the Fire Chief, and no operations of any class specified in the order may be carried on within the area. The Fire Chief in his or her sole discretion may erect fences, gates or barriers, or post signs, to prevent access to forested areas and take such other measures as he or she believes are necessary to prevent persons from entering forested areas.

No person may disobey an order of the Fire Chief, or who consents, allows or permits an act or thing to be done in violation of an order of the Fire Chief, or who neglects to or refrains from doing anything required to be done by an order of the Fire Chief, is guilty of an offence and is liable to the penalties imposed under this Bylaw, and is guilty of a separate offence each day that a violation continues to exist.

If the safety of forest, woodland, timber or other property is endangered by debris caused by lumbering, land clearing or industrial operation, the Fire Chief may order a person carrying on, or who has carried on, that debris causing activity, or the owner or occupier of the land in which the debris exists to:

- (a) Cut down all dead standing trees and stumps within the area affected,
- (b) Dispose of the debris, and
- (c) Provide the labour and take precautions to prevent the escape of fire or damage to property as the Fire Chief directs.

### **6.3 Assistance of Public**

The Fire Chief or any other Member designated by the Fire Chief to be in charge at an incident may order any person at or near an Assistance Response to render reasonable assistance to mitigate the incident.

### **6.4 Review of Plans**

The Fire Chief or any other Member designated by the Fire Chief may review the plans, and inspect the construction of, all new buildings and structures in the Municipality other than single-family dwellings, to review fire protection facilities and equipment in compliance with applicable regulations, codes, and standards.

## **Part 7 West Vancouver Fire & Rescue Services**

### **7.1 Establishment**

West Vancouver Fire & Rescue is continued to provide the fire and rescue services contemplated under this Bylaw. The head of West Vancouver Fire and Rescue is designated the Director of Fire and Rescue Services and is referred to in this Bylaw as the Fire Chief.

### **7.2 Director of Fire & Rescue Services**

In addition to the Director of Fire & Rescue Services, West Vancouver Fire & Rescue shall consist of Officers and other Members as from time to time may be employed by the Municipality and assigned to West Vancouver Fire & Rescue.

### 7.3 Deputy Fire Chief

The Deputy Chief shall report to the Fire Chief and, in the absence of the Fire Chief, shall have the powers and shall perform the duties of the Fire Chief as directed or assigned.

### 7.4 Management and Control

The Fire Chief or the Deputy Fire Chief shall be responsible for the management, control and supervision of West Vancouver Fire & Rescue, for all West Vancouver Fire & Rescue Officers and Members and the discipline thereof and for the care, custody and control of all buildings, apparatus and equipment of West Vancouver Fire & Rescue.

### 7.5 Limits of Jurisdiction

The geographical limits of the jurisdiction of West Vancouver Fire & Rescue shall be the area within the boundaries of the Municipality, and no apparatus of West Vancouver Fire & Rescue shall be used beyond the limits of the Municipality without an express written agreement providing for the supply of fire fighting services outside the municipal boundaries or the prior approval of the Mayor.

### 7.6 Rules and Regulations

The Fire Chief may from time to time make rules and regulations for the proper and efficient administration and operation of the West Vancouver Fire & Rescue Services and for the discipline of its members, and may vary, alter, or repeal such rules or regulations, as he or she shall from time to time deem fit or necessary.

### 7.7 Prevention, Control and Enforcement

West Vancouver Fire & Rescue may take all necessary measures for the prevention, suppression, control and extinguishment of fires, for mitigating the effects of dangerous goods incidents and for the protection of life and property, including rescue operations and the administration of emergency medical services. The Fire Chief or any Officers or Members may enforce the *Fire Code* and any applicable municipal bylaws and regulations for the prevention and suppression of fires. The Municipality may charge for the use of fire services and auxiliary equipment and personnel. Fire Protection Officer(s) may exercise the powers provided by the *Fire Services Act*.

### **7.8 Demolition of Buildings**

The Fire Chief or any other Member designated by the Fire Chief to be in charge at an incident shall have authority to cause the demolition of any building or part of a building which, in that Member's judgement, should be demolished in order to prevent the spread of fire or to prevent damage to property, injury to persons or loss of life.

### **7.9 Right to Enter**

The Fire Chief or any other Member in charge at an incident is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment to enter, as deemed necessary, in order to combat, control or deal with the incident.

### **7.10 Commandeering of Equipment**

The Fire Chief or any other Member in charge of an incident is empowered to commandeer personnel and privately owned equipment, which are considered necessary to deal with an incident.

### **7.11 Contamination and Replacement of Equipment**

The Fire Chief may charge an owner or occupant of a premise for the replacement or repair of Fire & Rescue equipment where as a result of an incident at or near their premises, such equipment has been damaged or contaminated by a hazardous substance or dangerous good and will require decontamination, repair or replacement. This fee is payable as specified in Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003. Failure for the owner or occupant to pay a fee charged within thirty days will result in those costs being added to the property taxes of the owner of the property.

### **7.12 Fire Protection Searches**

There will be a fee charged to any person seeking a file search on occupancies for outstanding *Fire Code* violations or infractions or other related information. This fee is payable as specified in Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003.

### **7.13 Fire Investigation Fee Cost Recovery**

For every incident where damage is in excess of \$5,000 and for which the Fire Chief must complete a Fire Investigation and Fire Investigation Report or an Officer or Member designated by him in accordance with the *Fire Services Act*, a fee will be charged to the owner of the structure where the damage occurred. This fee is payable as specified in Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003. Any fees not paid after three (3) months from the date of investigation shall be levied as a tax against the property assessment for the following year and may be collected in the same manner as municipal property value taxes.

## **Part 8 Conduct of Persons**

### **8.1 Hindrance**

No person shall impede or hinder in any way an Officer or Member in the execution of their duties or any other person under the direction of an Officer or Member in charge at an incident and, without limiting the generality of the foregoing, no person shall refuse to permit any Member to enter into or upon any premises from which a fire alarm has been received or in or upon which the Member has reasonable grounds to believe that an incident has occurred or may occur.

### **8.2 Prohibition of Entry**

No person except those duly authorized by the Fire Chief, Officer or any other Member in charge at an incident shall enter any building threatened by an incident or enter within an area designated by ropes, guards or tape erected by or under the direction of a police officer or a Member across or around any streets, lanes, alleys or buildings, or shall refuse to move from such designated area when directed to do so by a police officer or a Member.

### **8.3 False Representation**

No person shall falsely represent himself or herself as a member or wear or display any West Vancouver Fire & Rescue badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

#### **8.4 Accumulation of Combustibles**

No person shall permit any accumulation of combustible growth, waste or rubbish of any kind which, in the opinion of the Fire Chief, Fire Protection Officer or Officer, if catching fire would endanger life and property, to be or to remain upon any premises. All growth, which is liable to catch fire and endanger property, shall be cut down and removed by the owner or occupant, of the premises on which the growth is located. If not complied with, the Fire Chief may cause the work to be completed and bill the owner for costs as specified in Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003.

#### **8.5 Exterior Waste Receptacles and Waste Material**

Every owner of a building with combustible cladding (other than a single or two family dwelling as defined in Zoning Bylaw No. 2200, 1968, as amended) must ensure that solid waste containers that are used for combustible solid waste are not placed closer than three (3) metres from the building. No person shall place combustible solid waste closer than three (3) metres from the building.

#### **8.6 Service Station Safety**

A person operating a service station shall only employ as attendants persons who:

- (a) are familiar with the emergency procedures and with the operation of all emergency equipment and devices of a service station and have successfully completed a training program in fire safety and prevention designed for service station attendants, approved by the Fire Chief; and
- (b) have received under that program, a certificate of competency and a wallet card evidencing successful completion of the training program.

A person operating a service station must post in plain sight the certificate of competency of any attendant working at a service station, and the attendant must produce the wallet card issued under the program, when so requested by a Member.

For the purpose of this bylaw, an attendant is a person who serves in any capacity, including an operator or cashier, dispensing fuel at a service station.

### 8.7 Prohibition of Open Air Burning

Except as hereinafter specifically provided, no person shall light, ignite, start or burn any fire in the open air or in any portable incinerator, chiminea, outdoor fireplace or other portable appliance or device in the open air for any purpose.

Exceptions: Natural gas or propane fired outdoor heaters, fireplaces or fire pits, acceptable to the authority having jurisdiction, are permitted.

### 8.8 Barbeques

Despite subsection 8.7, charcoal, natural gas or propane gas fires contained within barbecues or other approved appliances for the sole purpose of cooking food shall be permitted. Charcoal fired barbecues and hibachis are forbidden in Lighthouse Park, and any other West Vancouver Park expressly marked such by signage.

### 8.9 Exemptions to Burning Regulations

Despite any other provision of this bylaw, the Fire Chief or any other Member designated by the Fire Chief may:

- (a) burn buildings, structures, or other materials for the purpose of training its personnel in structural firefighting methods, fire investigation procedures or for the purpose of elimination of hazards;
- (b) allow open air burning for Municipal purposes and for trail and forest maintenance in undeveloped lands, upon inspection and in consultation with the Community Forester;
- (c) allow fires on beaches for special community occasions such as the Coho Festival; Canada Day, or the Carol Ships.

## **Part 9 Inspection of Premises**

### **9.1 Authorization to Enter**

The Fire Chief or an Officer or Member designated by him or her are hereby authorized to enter at all reasonable times upon any property in order to ascertain whether the requirements of this Bylaw are being complied with and, in addition to the powers vested in them by the *Fire Services Act*, are hereby authorized and empowered to inspect premises for conditions which may cause fire or increase the danger of fire or increase the danger to persons and to deal with any matter in a manner not repugnant to any provision of the *Fire Services Act* or regulations there under.

### **9.2 Provision of Information**

Every occupant of premises must provide all information and must render all assistance required by the Fire Chief or an Officer or Member designated by him or her in connection with the inspection of such premises pursuant to this Bylaw, the *Fire Code* and the *Fire Services Act*.

### **9.3 False Information**

No person shall purposely withhold or falsify any information required by the Fire Chief or an Officer or Member designated by him or her or in connection with a permit issued under this Bylaw or refuse to assist in the carrying out of any inspection pursuant to this Bylaw, the *Fire Code* or the *Fire Services Act*.

### **9.4 Obstruction**

No person shall obstruct or interfere with the Fire Chief or a Member designated by him or her while they are carrying out any inspection pursuant to this Bylaw, the *Fire Code* or the *Fire Services Act*.

### **9.5 Remedial Orders**

The Fire Chief or an Officer or Member designated by him or her are hereby authorized and empowered to issue orders in writing requiring the correction or removal of any condition or thing in or about any building or structure which is in contravention of this Bylaw, and every owner or occupant of same must carry out every requirement of the order.

**9.6 Dating of Orders**

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

**Part 10 Frequency of Inspections**

West Vancouver Fire & Rescue shall conduct, or cause to be conducted, inspections of the following classes of premises (or occupancies) at least as frequently as is set out in the following table:

Occupancy Class	Description	Frequency
A-1	Assembly Occupancies Performing Arts	Yearly
A2	Assembly Occupancies, Art Galleries, Libraries, Courtrooms	Yearly
A-2	Assembly Occupancies Churches	Yearly
A-2	Assembly Occupancies Schools	Yearly
A-2	Assembly Occupancies Restaurants, Community Halls	Yearly
A-3	Assembly Occupancies Arena, Swimming Pools	Yearly
B-1	Institutional Occupancies, with detention or restricted facilities, jails etc.	Yearly
B-2	Institutional Occupancies, Requiring special treatment - Hospitals	Yearly
B-2	Institutional Occupancies, Requiring special treatment - Rest Homes, Group Homes	Yearly
C	Apartments, Hotels, Motels, Rooming Houses, Licensed Guest Houses	Yearly
D	Business occupancies and Professional Services, Banks, Offices	Yearly
E	Mercantile Occupancies, Retailers	Yearly

Note: the Fire Chief may adjust the frequency of inspections.

### 10.1 Self-Inspections

The Fire Chief or designate may establish and supervise a self-inspection program for an occupancy class or portion thereof.

If a self-inspection program is established:

- (a) The owner of premises in the specified occupancy class or portion thereof must perform a self-inspection of the premises or cause same to be performed and must return a form approved by the Fire Chief for the purpose of self-inspection within the time limit set forth on such form.
- (b) All self-inspection forms must be completed and submitted to West Vancouver Fire & Rescue by the required due date.
- (c) If an owner or agent for the owner requests West Vancouver Fire & Rescue to perform the self-inspection a fee will be charged for the inspection as specified in the Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003.
- (d) If the owner fails to perform a self-inspection and return a completed approved self-inspection form within the prescribed time, a Fire Prevention Officer may inspect the premises and a fee will be charged for an inspection in accordance with the Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003.
- (e) Failure of the owner or occupant to pay a fee charged within thirty days will result in those costs being added to the property taxes of the owner of the property.

### 10.2 Frequency of Self-Inspections

The frequency of self-inspections will be determined and approved by the Fire Chief.

### 10.3 Inspection Fee Cost Recovery

If any additional inspection is requested or required during an inspection period, a fee shall be charged for each additional inspection. The charge is subject to a cost recovery in accordance with The Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003. Failure for the owner or occupant to pay a fee charged within thirty (30) days will result in those costs being added to the property taxes of the owner of the property.

## **Part 11 Reference Requirements**

### **11.1 Requirement to Designate Contact Persons**

Any owner or occupant of a premise having either a fire alarm system or an automatic fire sprinkler system, monitored or non-monitored, is required to submit, on a form approved by the Fire Chief, yearly or on a change in reference contacts, the names and phone numbers for three (3) persons (“contact persons”) who will be available to attend, enter and secure the premise.

### **11.2 Reference Forms**

Each owner or occupant that matches the specifications in sub-section 11.1 of this bylaw can obtain the form by contacting West Vancouver Fire & Rescue.

### **11.3 Failure to Provide Contact Person Information**

Failure to comply with the requirements in sub-section 11.1 will result in a fee charged to the owner or occupant for any standby time at a premise where an alarm has resulted and West Vancouver Fire & Rescue have attended and where a contact person has not attended within the required time as specified in sub-section 11.4. This fee will be payable as specified in the Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003. Failure of the owner or occupant to pay a fee charged within thirty days will result in those costs being added to the property taxes of the owner of the property.

### **11.4 Responsibility of Contact Persons**

Contact persons must attend all alarms within forty-five (45) minutes when requested by West Vancouver Fire & Rescue and must attend to secure the premises and when appropriate, release fire companies from the incident.

### **11.5 Failure of Contact Persons to Arrive**

Failure of a notified contact person to respond within the specified time will result in cost recovery for standby time as specified in the Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003. Failure for the owner or occupant to pay a fee charged within thirty days will result in those costs being added to the property taxes of the owner of the property.

### **11.6 Contact Person at a Fire Incident**

During a fire incident, a contact person must attend the scene, and contact the incident commander on scene.

### **11.7 Changes to Designated Contact Persons**

Any changes to designated contact persons or their phone numbers during the current year must be submitted to West Vancouver Fire & Rescue on the specified form as approved by the Fire Chief.

### **11.8 Full Access for Contact Persons**

Contact persons must have full access to the building and or occupancy of which they have responsibility and be able to take control of their building or occupancy on completion of the incident from fire officials.

## **Part 12 Fire & Emergency Service Access**

### **12.1 Fire Safety Plan Requirements**

All buildings, sites, storage areas or other areas as required by the *Fire Code* section 2.8 Emergency Planning must have a Fire Safety Plan. Measures within a Fire Safety Plan must conform to the *Fire Code* section 2.8.2 Fire Safety Plan and must be produced and submitted to West Vancouver Fire & Rescue for approval. All Fire Safety Plans must be submitted on a form and diagram template, acceptable to the Fire Chief. All owners or occupants of occupancies where a Fire Safety Plan is required must review their Fire Safety Plans annually and submit updated plans to West Vancouver Fire & Rescue for review. Should occupancies not have the need to update their current plan, notification of this will still be required to be forwarded to West Vancouver Fire & Rescue.

- (a) Changes to a Fire Safety plan will require submission to West Vancouver Fire & Rescue for review.
- (b) A fee will be charged for review of new Fire Safety plans as specified in the Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003.

## 12.2 Diagram Format

All drawings contained within a Fire Safety Plan or a Fire Pre-Plan must conform to a specified form as approved by the Fire Chief. Each drawing diagram must be included in a digital form as approved by the Fire Chief.

## 12.3 Fire Pre-Plan Information

The Fire Chief may establish a Fire Pre-Plan program that will apply to those classes of occupancy specified by the Fire Chief. If such a program is established the owner or occupier of an occupancy within the class specified by the Fire Chief must submit Fire Pre-Plan data and a Fire Pre-Plan drawing diagram of their occupancy with each level of occupancy drawn as specified in sub-section 12.1 of this bylaw. All Pre-Plan submissions must be on forms approved by the Fire Chief.

- (a) Advanced notice of the establishment of this program and the class or classes of occupancy to which it applies must be published in a newspaper once per week for two (2) consecutive weeks not less than thirty (30) days prior to the program coming into effect.
- (b) A fee will be charged for review of new Fire Safety plans as specified in the Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003.

## 12.4 Digital Drawing Format & Fire Safety Symbols

The Fire Pre-plan drawing diagram containing details as specified by the *Fire Code* must be submitted in an electronic drawing format and be printable in portrait format sized to fit on a form approved by the Fire Chief. All elements within the diagram must meet NFPA 170 Fire Safety Symbols.

## 12.5 Updating Fire Pre-Plans

Fire Pre-Plans must be reviewed at intervals not greater than twelve (12) months and updated as necessary on any change to the occupancy or the storage or change in hazardous materials or dangerous goods. A Fire Prevention Officer or designated member on a scheduled fire inspection will assess the current Pre-Plan and will note, to the owner or occupant any required changes or the updating of a Pre-Plan.

- (a) Changes to a Fire Pre-Plan will require submission to West Vancouver Fire & Rescue for review.

- (b) A fee will be charged for review of new Fire Safety Plans as specified in Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003.

#### **12.6 Failure to Submit Pre-Plans**

Should current information on the occupancy and Fire Pre-Plan diagram (both formats) not be submitted as specified by the Fire Chief, the current owner or occupant may be subject to a fee payable as specified in the Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003 for hourly costs for the collection of data and the production of the Pre-Plan or for updating or completing a Fire Pre-Plan of the occupancy by West Vancouver Fire & Rescue.

#### **12.7 Design and Review of Emergency Plans**

On request West Vancouver Fire & Rescue will provide for the design or review of a Fire Safety Plan or a Fire Pre-Plan. The charges for this service are as specified in the fee schedule covered by The Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003.

#### **12.8 Lock Boxes**

Apartment buildings, whether rental or strata owned, and commercial buildings with shared common properties are required to have installed an approved flush mount lock box by January 1, 2006. The Fire Chief must approve a lock box format. For confirmation and installation instructions of an approved type of lock box, an owner or occupant should contact West Vancouver Fire & Rescue. The Fire Chief may waive this requirement if the building design does not enable the installation due to physical limitations.

Only Members of the Fire Department shall open lock boxes.

Keys placed inside the Fire Department lock box will be individually identified in a method acceptable to the Fire Chief.

Building owners will supply keys to provide access to the following areas:

- (a) Keys for all common floor areas and roof areas
- (b) Keys for all doors that are locked from the exit stairs to floor areas
- (c) Keys required to recall elevators and to permit independent operation of each elevator.

### 12.9 Fire Department Connections

Access to fire department connections for sprinklers or standpipe systems must be clearly identified and maintained free of obstruction at all times.

Signs will be provided to identify which fire department connection serves a particular sprinkler or standpipe system.

All Fire Department connections must have protective caps, which shall be kept in place at all times. Where the protective caps are missing, the Fire Department connections must be examined for accumulated refuse, back flushed when conditions warrant, and the caps replaced.

### 12.10 Operations Box

The Fire Chief may require the installation of an approved Fire Department operations box in an acceptable location by January 1, 2007 in all high buildings, or in other buildings as determined by the Fire Chief where specific circumstances determine the need to provide reference material for fire fighters in the event of an emergency.

Pre-fire plans and building safety plans must be kept in the Fire Department operations box for reference by the Fire Department.

### 12.11 High Buildings

In buildings within the scope of the *British Columbia Building Code* 1998 (that is more than 36 metres high measured between the grade and the floor level of the top storey), the fire safety plans must provide a fire fighting operation manual prepared by the building owner in cooperation with the Fire Department that includes, but is not limited to the following:

- (a) the training of supervisory staff on the use of the voice communication system;
- (b) the procedures for the use of elevators;
- (c) the action to be taken by supervisory staff in initiating any smoke control or other fire emergency systems installed in a building in the event of fire until the Fire Department arrives;
- (d) instructions to the supervisory staff and Fire Department for the operations of the systems referred to in Clause (c); and
- (e) the procedures established to facilitate Fire Department access to the building and fire location within the building.

### 12.12 Signage

Every owner of a building (other than a single or two family dwelling as defined in the Zoning Bylaw No. 2200, 1968, as amended) must comply with the following signage requirements:

- (a) Fire Door Signage: all fire doors, that are required to be kept in the closed position, must have a sign with the words "FIRE DOOR KEEP CLOSED" posted on the side of the door, which is visible when the door is in the open position. The letters of the sign must be at least twenty-five (25) mm high.
- (b) Room Identification: all storage and service room doors must be labelled as to their use, e.g. laundry room; electrical room; boiler room; elevator room. The letters of the sign must be at least twenty-five (25) mm high.
- (c) Vehicle Access Over An Open Space: the owner of a building or premise that provides vehicle access to open areas located over an underground parking garage or other open space must post a sign at the entrance to the open area, with the weight limits clearly identified.

### 12.13 Storage

Every owner of a building must ensure that no material or item is stored in locker room aisles, elevator rooms, or any service room.

### 12.14 Addressing of Occupancies

Each premise must be individually addressed. An individual address must be placed on new or existing buildings or structures in such a position as to be plainly visible and legible from the street, road, fire lane, or other right of way or easement and at the front and rear of the structure. The address must be legible from a distance of fifteen (15) metres.

### 12.15 Sizing of Addresses

Bylaw 4401

The letters or numbers of any addresses must be a minimum of 75 mm in height and no less than 50 mm in width.

### 12.16 Colour of Address Lettering

The letters or numbers must be of a colour in contrast with any background colour of the building.

### 12.17 Naming of Private Streets

Any strata subdivision development where there is a road system contained within the strata development must name and display each road clearly for emergency providers to the current Municipal standard.

## Part 13 Fire Limit Areas and Sprinkler Regulations

### 13.1 Designation of Fire Limit Areas

Bylaw 4401 Within the fire limit areas, fire sprinklers must be installed in all industrial, commercial, institutional and residential buildings or structures constructed as specified in sub-sections 13.2, 13.3 and 13.4.

Within the fire limit areas, fire sprinklers must be installed in all one family and two family dwellings constructed as specified in sub-sections 13.2 and 13.3.

### 13.2 Single Family Residential

Without limiting Section 13.1, where the owner of land within the District of West Vancouver constructs or causes to be constructed a new building classed as single family and used for habitable accommodation, the owner must install a fire sprinkler system throughout the entire building.

The sprinkler system must be installed and maintained to standards set out in the latest edition of the *British Columbia Building Code*.

### 13.3 Multiple Family Residential

Without limiting Section 13.1, where the owner of land within the District of West Vancouver constructs or causes to be constructed a new building containing two or more units used for habitable accommodation, the owner must install a fire sprinkler system throughout the entire building.

The sprinkler system must be installed and maintained to standards set out in the latest edition of the *British Columbia Building Code*.

### 13.4 Commercial

Without limiting Section 13.1, where the owner of land within the District of West Vancouver constructs or causes to be constructed a new building classed as commercial, institutional, or accommodation, the owner must install a fire sprinkler system throughout the entire building.

The sprinkler system must be installed and maintained to standards set out in the latest edition of the *British Columbia Building Code*.

Nothing in this bylaw must be construed so as to in any way alleviate the necessity for compliance with the *British Columbia Building Code* or other District of West Vancouver bylaws.

### 13.5 Installation of Standpipe Systems

Bylaw 4401 Where the height or floor area of a new building of any class would require the use of more than 30.5 metres.

In locker storage rooms, where sprinklers are located in the aisles, each locker must be constructed in such a manner that the clearance between the deflector and the top of the storage must be beyond a radius of at least 450 mm.

In locker storage rooms where the sprinklers are located within the locker, each locker must be constructed in such a manner that the clearance between the deflector and the top of the storage must be beyond a radius of at least 450 mm.

### 13.6 Notification of Fire & Sprinkler Alarm Testing

Any owner or occupant of premises where there is an automatic fire sprinkler system or a fire alarm system must notify West Vancouver Fire & Rescue prior to any service, test, repair, maintenance, adjustment, alteration or installation of the system which might activate a false alarm, which would normally result in an emergency response.

### 13.7 Excessive False Alarm Incidents

Any owner or occupant of premises where there is an automatic fire sprinkler system or a fire alarm system and there have been more than two (2) false alarms within a twelve-month period shall be assessed a fee payable as provided for in the Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003. Failure of the owner or occupant to pay a fee charged within thirty days will result in those costs being added to the property taxes of the owner of the property.

### 13.8 Cost Recovery for Failure to Notify

The owner or lessee of any occupancy containing an automatic fire sprinkler system or a fire alarm system shall be assessed a fee payable as provided for in the Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003 for any false alarm activated following a failure to notify West Vancouver Fire & Rescue prior to service, testing, repair, maintenance, adjustment or alterations, or installation of system. Failure of the owner or occupant to pay a fee charged within thirty days will result in those costs being added to the property taxes of the owner of the property.

## Part 14 Fire Hydrants

### 14.1 Clearance around Fire Hydrants

An area having a radius of one (1) metre around every fire hydrant or standpipe must be maintained clear and unobstructed and every hydrant or standpipe must be located in clear view from the roadway while being approached from either direction. Where an owner of a property has a fire hydrant located adjacent to their property, the maintenance of clearance around the hydrant is the responsibility of the registered owner of the property. The *Fire Code* regulates the standard for clearance around a hydrant. An approved diagram is available through West Vancouver Fire & Rescue.

### 14.2 Notice of Hydrant Obstruction

Bylaw 4401 Any owner or occupant who fails to provide clearance around a fire hydrant as per sub-section 14.1.

### 14.3 Failure to Provide Clearance within Time on Notice

Bylaw 4401 Any owner or occupant who has been issued a notice as specified in sub-section 14.2.

### 14.4 Colour of Fire Hydrants

The colour coding and location of all fire hydrants or other West Vancouver Fire & Rescue connections shall be subject to the approval of the Fire Chief and the Municipality's Director of Engineering.

#### **14.5 Fire Flow Testing and Marking of Hydrants**

Fire flow testing and the classification marking of fire hydrants shall be the responsibility of the District of West Vancouver.

#### **14.6 Classification of Fire Flow Markings**

Bylaw 4401 The hydrant bonnet colour markings for municipal hydrants shall be:

Class AA – Light Blue – Rated capacity of 5,680 L/min

Class A – Green – Rated capacity of 3,785-5,675 L/min

Class B – Orange – Rated capacity of 1,900-3,780 L/min

Class C – Red – Rated capacity of less than 1,900 L/min

#### **14.7 Hydrant Usage**

No person shall use or take water from any standpipe or hydrant or shall make attachment thereto without first obtaining the written permission from the Fire Chief or the Director of Engineering of the District of West Vancouver.

#### **14.8 Tampering with a Hydrant**

No person shall mechanically open a Municipal or Private fire hydrant who is not authorized to do so by the District of West Vancouver. No person shall tamper with any mechanical operation of a Municipal or Private Fire Hydrant.

## **Part 15 Fire Extinguishers**

#### **15.1 Requirements-New Dwelling Units**

Within the District of West Vancouver all construction of new dwelling units require the installation of a fire extinguisher (minimum 5 lb. A.B.C. Dry Chemical). The fire extinguisher installed must be ULC, UL or CSA approved and be located within a reasonable distance from the kitchen and on the same floor level as the kitchen, at all times.

## 15.2 Requirements-Renovation/Addition

Within the District of West Vancouver, the construction of an addition to an existing dwelling requires the installation of a fire extinguisher (minimum 5 lb. A.B.C. Dry Chemical). The fire extinguisher installed must be ULC, UL or CSA approved and be located within a reasonable distance from the kitchen and on the same floor level as the kitchen, at all times.

# Part 16 Smoke Alarms

## 16.1 Location of Smoke Alarms

Every owner of a dwelling unit as defined in the District Zoning Bylaw must install smoke alarms conforming to CAN/ULC-S531 in accordance with the current *British Columbia Building Code*, as amended from time to time, and, without limitation:

- (a) at least one smoke alarm is required on each floor level, including a basement,
- (b) each bedroom is to be protected by a smoke alarm either inside the bedroom or, if outside, within 5 m of the bedroom door,
- (c) the distance between smoke alarms on the same level must not exceed 15 m, and
- (d) each smoke alarm must be installed on, or near the ceiling.

## 16.2 Power Supply and Interconnection

Without limiting section 16.1, every owner of a new dwelling unit must as a condition of obtaining a building permit install smoke alarms in accordance with section 16.1 and each smoke alarm must be installed by permanent connections to an electrical device and the smoke alarm. If more than one smoke alarm is required in a newly constructed dwelling unit under section 16.1 the smoke alarm must be wired so that the activation of one alarm will cause all alarms within the dwelling unit to sound

A smoke alarm in an existing dwelling unit installed under Section 16.1 may be battery powered if new batteries are installed at least annually and the operation of the alarm is inspected once every 3 months by the owner or occupier. Smoke alarms in existing dwelling units are not required to be interconnected.

### 16.3 Replacement

Every owner of a dwelling unit must replace each smoke alarm installed under section 16.1 and 16.2 in accordance with the manufacturer's rated service life for the alarm.

## Part 17 Fireworks

### 17.1 Age Requirement

- (a) No person under the age of eighteen (18) shall light, hold or explode any firework at anytime.
- (b) No person under the age of eighteen (18) shall possess any fireworks in the District of West Vancouver.
- (c) No person shall sell, give or dispose of any fireworks of any class or description to a person who is under the age of eighteen (18) years.

### 17.2 High Hazard Fireworks Requirements

Bylaw 4401

No person shall sell, give, or dispose of High Hazard Fireworks to any other person unless that other person is a holder of a permit issued pursuant to sub-section 17.12 of this bylaw.

### 17.3 Sale of Fireworks

Bylaw 4446

No person shall sell, offer for sale (including by mail or internet), give or otherwise distribute:

- (a) Fireworks, without a valid Business License, issued by the District of West Vancouver for each sales location and concurrently posting a refundable bond of \$1,000 in cash or certified cheque payable to the District of West Vancouver for each sales location which shall be returned to the Fireworks vendor after October 31<sup>st</sup> in the year that it was received or forfeited in whole or in part to settle part or all of a payment of a Penalty as found in part or all of Municipal Ticketing Information as found in Part 21 of this bylaw or Part 22 Offence and Penalty of this Bylaw;
- (b) Consumer Fireworks, to any person or organization, except between October 25 and October 31 inclusive, in any year;

- (c) Consumer Fireworks, to any person or organization, except that person or organization in possession of a Permit issued by the Fire Chief;
- (d) Consumer Fireworks, except that person shall keep an accurate record of the number and type of Fireworks obtained for distribution and a similar record itemizing the sale of Consumer Fireworks. Any person who sells Fireworks shall include the Permit number on the record of sale or invoice. That person shall provide such records to Fire & Rescue or Police upon request;
- (e) Consumer Fireworks Roman Candles or Noisemakers, except that such Roman Candles or Noisemakers are included in a Family Pack;
- (f) Display Fireworks retail sales except to a Fireworks Supervisor as Certified by the Explosive Regulatory Division of Natural Resources Canada; or
- (g) Any Fireworks device imported or manufactured illegally, or not authorized by the Explosives Regulatory Division of Natural Resources Canada including firecrackers.

#### **17.4 Firecrackers Prohibited**

Bylaw 4446 No person shall sell, possess, fire, set off or discharge firecrackers.

#### **17.5 Fireworks Sale Inspection Fee**

A fee will be required on application for a Fireworks Sales permit pursuant to The Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003. The fee is for inspection of a premise to ensure fire safety prior to the issuing of a firework sales permit.

#### **17.6 Requirements during Authorized Dates**

No person shall sell or dispose of fireworks of any class or description except between the twenty-fourth (24<sup>th</sup>) day of October and the thirty-first (31<sup>st</sup>) day of October in each year.

### 17.7 Dangerous Use of Fireworks

No person shall discharge, propel, point or throw any fireworks at any person, animal, vehicle, building, structure, hedge or vegetation.

Bylaw 4446 No Fireworks may be discharged within 30 metres of a location where flammable materials are stored (i.e. gas stations, propane tanks, lumber yards or any other location the Fire Chief or his designate deems hazardous).

### 17.8 Restricted Areas for Fireworks

Bylaw 4401 Except as provided in a permit under sub-section 17.9.

### 17.9 Lighting of Fireworks

Bylaw 4401 Except as provided in a permit under sub-section 17.9.

### Bylaw 4446 17.10 Permit to Purchase, Possess, or Discharge Fireworks

The Fire Chief or an Officer or Member designated by him or her may issue a permit to light or explode firecrackers or other low hazard fire works to a person who is:

- (a) Of the age of eighteen (18) years or older, or
- (b) An organization (represented by a person over the age of 18 years), for the purpose of the observance or celebration of a special event or festival.

Bylaw 4446 (c) No person shall purchase, possess or discharge Fireworks, except that person over 18 years old and in possession of a Permit signed by the Fire Chief or his designate authorizing such purchase, possession, or discharge of the Fireworks.

Bylaw 4446 (d) Any discharge of the Fireworks shall comply with stipulations included in or appended to the Permit.

### 17.11 Application Process

Bylaw 4401 Every application for a permit pursuant to sub-section 17.9.

### 17.12 High Hazard Fireworks

Bylaw 4401 No person shall explode, light or activate High Hazard fireworks or Movie Pyrotechnics unless that person is the holder of a permit issued pursuant to sub-section 17.12.

### 17.13 High Hazard and Movie Pyrotechnics Fireworks

The Fire Chief or an Officer or Member 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 Branch PROVIDED THAT the applicant meets all the requirements of this Bylaw and first:

- (a) Submits a copy of the Explosive Resource Division Event approval;
- (b) Submits a Fire Safety Plan in a form acceptable to the Fire Chief;
- (c) Submits a site plan, drawn to scale with the direction of firing, separation distances, 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;
- (d) Submits 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 crewmembers;
- (e) Submits 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 Energy, Mines & Resources, Canada.

### 17.14 Permit Requirements

Bylaw 4401 Every permit issued pursuant to sub-section 17.12.

### 17.15 High Hazard Fireworks Permit Fee

Bylaw 4401 On application for a permit under sub-section 17.12.

#### 17.16 Applicant Requirements

Bylaw 4401 Every holder of a permit under sub-section 17.12.

#### 17.17 Sale of any High Hazard Fireworks

Bylaw 4401 The sale of any High Hazard fireworks must only be to a person holding a valid permit under sub-section 17.12.

#### 17.18 Fire Protection at Movie/TV Pyrotechnics

Fire Protection required at a Movie Pyrotechnics display must be an amount as approved by the Fire Chief or a Deputy Fire Chief with consideration to the minimum staffing requirements as reviewed at the site for the appropriate life safety and emergency resource needs.

#### 17.19 Rescission of Permits

Bylaw 4446 The Fire Chief or an employee or officer of the District of West Vancouver Fire and Rescue may rescind a Permit in the event:

- (a) circumstances arising or ascertained after the Permit was issued demonstrate that the public safety risk or risk to public or private property exists in connection with the Fireworks event;
- (b) the Fire Chief determines that the Permit holder submitted false or inaccurate information in his or her application; or
- (c) the Permit holder violates or breaches any of the provisions of this bylaw.

#### 17.20 Seizure of Fireworks

Bylaw 4401 The Fire Chief or a Member or Officer of West Vancouver Fire & Rescue or person duly authorized by the Fire Chief are designated.

#### 17.21 Applications of Provisions

Bylaw 4446 The provisions of the *Fireworks Act of British Columbia* and the *Explosives Act of Canada* and its associated regulations and the Natural Resources Canada, "Display Fireworks Manual" shall apply within the District of West Vancouver.

## **Part 18 Dangerous Goods**

18.1 A permit issued by the Fire Chief is required to:

18.1.1 Store, handle or use flammable or combustible liquids

- (a) in excess of 5 litres in a dwelling or other human habitation,
- (b) in excess of 25 litres in any other building or occupancy, or
- (c) in excess of 25 litres outside a building;

18.1.2 Process, blend or refine flammable or combustible liquids;

18.1.3 Store flammable or combustible liquids in stationary or underground tanks;

18.1.4 Establish:

- (a) a refinery,
- (b) a plant for storing or handling crude petroleum,
- (c) premises handling or storing Dangerous Goods, or
- (d) a distillery.

18.1.5 Dispose of any explosive, flammable liquid, flammable substance, Dangerous Goods or any liquid of a petrochemical nature;

18.1.6 Light, ignite or start or allow to be caused or lighted, ignited or started a fire of any kind whatsoever in the open air;

18.1.7 Install a fuel oil or oil burning apparatus, including controls, piping, vents and storage containers required by the apparatus.

## **Part 19 Community Forester**

### **19.1 Authorization**

Where the Community Forester determines that there is a fire or a risk of fire in a forest or woodland, the Community Forester is authorized to take the following measures to prevent or suppress the fire:

- (a) Order the owner, occupier, or any other person who has contributed or may contribute to the risk of fire to cease any activity that may contribute to the risk of fire;
- (b) (Order the owner, occupier, or any other person who has contributed or may contribute to a risk of fire to take specified reasonable actions to prevent or suppress a fire, including, but not limited to, cutting, removing, and demolishing trees, vegetation, buildings and other things;
- (c) With the consent of the Fire Chief, order that no person enter or be in all or a portion of the forest or woodland without the Community Forrester's authorization;
- (d) Enter on private or public forest or woodland and take any reasonable action to prevent or suppress a fire including, but not limited to, cutting, removing, and demolishing trees, vegetation, buildings and other things.

### **19.2 Compliance with Orders**

If the Community Forrester makes an order under sub-section 19.1, the owner, occupier, or other person shall:

- (a) cease the activity specified in the order; and
- (b) take the actions specified in the order.

If the Community Forrester makes an order under sub-section 19.1, no person shall enter or be in the forest or woodland specified in the order without the Community Forrester's authorization.

### 19.3 **Right to Enter**

The Community Forester, or any Member, may:

- (a) On reasonable notice, enter on property for the purpose of fire protection;
- (b) In the case of an emergency, as determined by the Community Forester or any person authorized to act in the place of the Community Forester, enter on property for the purpose of fire protection;
- (c) On reasonable notice, enter on property that is subject to a direction in or requirement of a bylaw, to ascertain whether the direction or requirement is being met or the regulations under the bylaw are being observed.

## **Part 20 Outdoor Burning**

Burning for land clearing purposes is prohibited.

Except as hereinafter provided, no person shall light, ignite or start or allow or cause to be lighted, ignited or started a fire of any kind whatsoever in the open air, or allow such fire to remain unextinguished.

### 20.1 **Special Residential Outdoor Burning Permits**

The Fire Chief, or Member In Charge, may, subject to the terms and conditions specified, issue a permit for Special Residential Outdoor Burning.

20.1.1 Outdoor burning, on single or two family zoned properties, of dry branches and other dry garden refuse ("burnable waste") may be carried out during the months of January, February and March (Burning Period 1), or the months of November and December (Burning Period 2) in each year pursuant to a permit issued by the Fire Chief.

20.1.2 The occupier of a single or two family residence which, in the sole opinion of the Fire Chief, presents extreme difficulty in the disposing of burnable waste by means other than burning, is eligible to apply for a burning permit for either Burning Period 1 or Burning Period 2.

20.1.3 The applicant must apply in writing to the Fire Chief for an eligibility inspection of the property and a burning permit not less than thirty (30) days before the desired Burning Period. A non-refundable fee as specified in the Fire Protection and Emergency Response Charges Bylaw No. 4291, 2003, must accompany the application, whereupon:

The Fire Chief or a designate will inspect the property in the company of the applicant;

The inspection will consider the following factors:

- (a) the quantity of material to be burned;
- (b) the difficulty of vehicular access to the property;
- (c) the space available for the storage of burnable
- (d) waste awaiting removal or disposal;
- (e) the potential fire hazard created by the stored burnable waste;
- (f) the accessibility of the property for fire fighting personnel and equipment;
- (g) the use, accessibility and proximity of adjacent properties;
- (h) the fire safety factors of the proposed burning site;
- (i) the on-site fire extinguishing equipment;
- (j) the feasibility of composting the material on the property;
- (k) the insurance coverage maintained by the applicant.

20.1.4 On completion of the inspection, the Fire Chief or designate may, if satisfied of the need to burn and the safety and security of the proposed burning site, may issue the permit subject to:

- (a) such conditions as the Fire Chief or designate may feel necessary in the interest of fire safety;
- (b) the permit being valid only between the hours of 9 a.m. and 7 p.m. on the date specified in the permit, which date shall not be a Sunday or statutory holiday;

- (c) the permit being limited to one fire on the property not to exceed one (1) cubic metre in size;
- (d) the permit holder obtaining from the Fire Chief or a designate, on the date specified in the permit, confirmation of authority to burn before starting the fire;
- (e) compliance with the GVRD Air Quality Index reading for the North Shore of 0 to 16 inclusive.

20.1.5 The Fire Chief or a designate may suspend a burning permit if, on the date specified for the burn, the wind and weather conditions, or other conditions, are not conducive to fire safety and may validate the permit for another date.

## 20.2 Open Air Burning

The Fire Chief may, at his sole discretion, allow open air burning for:

- (a) fire training exercise;
- (b) municipal purposes and for trail and forest maintenance in the undeveloped lands, upon inspection and approval by the Community Forester;
- (c) fires on beaches for special occasions.

## 20.3 Barbeques

A permit shall not be required for barbecuing of food by the use of barbeque briquettes, approved propane or natural gas barbecues, and provided the fire is contained in a fire resistant container.

A barbeque or permitted fire, which is deemed hazardous, may be extinguished or removed by order of the Fire Chief or any Member.

# Part 21 Municipal Ticket Information

## 21.1 Designation of Bylaw

This Bylaw is designated under Section 264 of the *Community Charter* as a bylaw that may be enforced by means of a ticket in the form prescribed.

## 21.2 Designation of Bylaw Enforcement Officer

Members and Bylaw Enforcement Officers are designated to enforce this Bylaw by means of a ticket under Section 264 of the *Community Charter*.

## Part 22 Offence and Penalty

Amended by  
Regulatory  
Bylaw  
Enforcement  
and Penalty  
Bylaw No.  
4521, 2007

Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and is guilty of a separate offence each day that a violation continues or exists.

## Schedules

Schedule A – Permit to Sell, Purchase, Possess or Discharge Fireworks

\_\_\_\_\_(R.K. Wood)\_  
Mayor

\_\_\_\_\_(S. SCHOLLES\_  
Municipal Clerk

## **Schedule A – Permit to Sell, Purchase, Possess or Discharge Fireworks**

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cellular: \_\_\_\_\_

is permitted to sell, purchase, possess or discharge fireworks, in compliance with Bylaw 4366, 2004, Amendment Bylaw No. 4446, 2005 for the purpose of a private/public (circle one) display on the following date(s):

Sale/display location/address: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Description of Event: \_\_\_\_\_

Estimated Number of Spectators: \_\_\_\_\_

Type and Quantity of Fireworks: \_\_\_\_\_

Description of Safety Precautions: \_\_\_\_\_

Contact Name and Phone for Vendor, Organizer or Sponsor of Fireworks Event:

Contact Name and Phone for Property Owner:

**Schedule A – Permit to Sell, Purchase, Possess or Discharge Fireworks Cont'd**

**READ CAREFULLY!**

I CERTIFY that I understand and will be guided by the provisions of the District of West Vancouver's Fire Protection and Emergency Response Bylaw and all applicable Provincial and Federal laws and regulations in force from time to time and any conditions or restrictions imposed in this permit by the Fire Chief.

IN CONSIDERATION of \$1.00 and other good and valuable consideration (the receipt and sufficiency of which I acknowledge), I covenant that I will indemnify and save harmless the District of West Vancouver and its elected officials, employees, officers, agents and contractors from and against any and all manner of actions or causes of action, damages, costs, loss, or expenses of whatever kind (including, without limitation, legal fees) which the District or its elected officials, employees, officers, agents or contractors may sustain, incur, or be put to by reason of or arising out of:

- (a) the issuance of this permit;
- (b) the fireworks event, including, without limitation, the handling, storage, firing, setting off, exploding or other use of fireworks in connection therewith;
- (c) my use or occupation of the location upon which the sale or fireworks event is to occur; or
- (d) any act or omission of myself or any person for whom I am, at law, responsible, including, without limitation, the non-observance or non-performance of any obligation imposed by federal or provincial law.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\* \* \* \* \*

PERMISSION IS GRANTED to the above Applicant to sell, fire, set off or explode *Fireworks*, in the location and at the date and time set out in this permit, subject to the District of West Vancouver's Fire Protection and Emergency Response Bylaw, as amended from time to time, and to the following conditions and restrictions:

- In accordance with requirements of the Fire Protection and Emergency Response Bylaw, the Applicant shall obtain a Comprehensive General Liability insurance policy with an inclusive limit of not less than \$1,000,000 (\$5,000,000 for a public lands permit) per occurrence for bodily injury and property damage and provide evidence of the same to the Fire Chief or his designate no later than 3 days prior to the fireworks event.
- This permit is not transferable. Only the Applicant is authorized under this permit to sell, fire or set off *Fireworks*.
- The Applicant may only sell, fire or set off the type and quantity of *Fireworks* described in this permit.
- The Applicant must ensure that all debris and litter related to the fireworks event, including any litter left by the spectators, is removed from the location at the conclusion of the *Fireworks* display.

\_\_\_\_\_  
Signature of the Fire Chief or his authorized designate

**(Note: The information collected will only be used for the intended purpose of this Permit.)**

**Special Instructions:**