

CITY OF SALMON ARM

**BYLAW NO. 3792**

A bylaw relating to Fire Prevention and the Fire Department

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WHEREAS Section 8(3)(g) of the Community Charter, SBC, 2003, Chapter 26 and amendments thereto, empowers the Council to enact a bylaw for Fire Prevention and the Fire Department;

AND WHEREAS the Council of the City of Salmon Arm deems it necessary to provide for fire prevention within the City of Salmon Arm;

NOW THEREFORE the Council of the City of Salmon Arm in open meeting assembled enacts as follows:

**PART 1        DEFINITIONS**

1.        In this bylaw, unless the context requires otherwise,

“Administrator” means the person duly appointed to serve as Chief Administrative Officer of the City;

“Agent” means the person duly appointed by the Fire Chief to act on behalf of the fire department as fire inspector or in such other capacity as may be deemed advisable;

“Agricultural open burning” means burning for the purposes of crop enhancement or destruction;

“Camp Fire” means a small clean burning solid fuel fire confined in a permanent fixture including portable outdoor fire places, designed primarily for cooking, and or to provide heat associated with camping and recreation, installed and maintained to keep fire from spreading;

“City” means the City of Salmon Arm or the geographic area contained within the boundaries thereof as the context requires;

“Code” means the Fire Services Act and regulations and bulletins thereunder;

“Council” means the Council of the City of Salmon Arm;

“Department” means the City of Salmon Arm Fire Department;

“Dry yard and garden refuse” means dry vegetation indigenous to the property and unprocessed milled wood;

“Emergencies” means any situation perceived by the public or the Fire Department as requiring Fire Department assistance, which may include, but not be limited to fires, alarms of fire, explosions, rescue, dangerous goods releases, motor vehicle accidents, electrical hazards, medical incidents, investigations, mutual aid responses, public service or other incidents which threaten public safety, whether real or perceived. The level of Fire Department assistance in “emergencies” will be predicated on budget allocations, trained personal, equipment and policy as recommend by the Fire Chief and determined from time to time by Council;

“Environmental Management Act” means the Province of British Columbia Environmental Management Act, its regulations and revisions;

“Fire Chief” means the person duly appointed to serve as the chief or the fire department or his lawful deputy or any person duly appointed to act in his absence;

“Incidental Open Burning” means the burning of dry yard and garden refuse for the purpose of yard clean up;

“Indigenous” means, from within the property where open burning takes place;

“Land Clearing” means the uprooting of indigenous vegetation to permit development of the land. Normally includes trees, stumps and roots;

“Member” means a person who is a duly enrolled member of the Fire Department, whether or not on probation;

“Milled Wood” means the cutting or applying other mechanical processes to wood but excludes gluing, painting, treating or any other process;

“Nuisance” means the emission into the atmosphere of smoke by any means which disturbs the comfort or convenience of persons in the vicinity;

“Open Burning” means any burning within the Municipality done outdoors in the open air;

“Open Burning Permit” means a permit issued by the Fire Chief setting out all specific conditions by which open burning shall be conducted;

“Property” means a legal parcel or parcels of land consolidated;

“Special Open Burning” means a permit issued by the Fire Chief to address special circumstances such as Western and Mountain Pine Beetle or other diseased, dead or infested trees, wood waste from a wild fire event, and properties with a wildfire covenant;

“Spark Arrestor” means a device intended to prevent combustible materials, usually sparks or other tiny flaming debris, from escaping into areas where they might start a fire. Openings shall not permit the passage of material greater than 12.5 mm (½ inch.);

“Vehicle” means and includes a vehicle as defined in the Motor Vehicle Act;

“Venting Index” means the Environment Canada forecast ventilation index relative to Salmon Arm;

“Working Farm” means a farm where the property has current “farm status”;

“Prohibited Materials” means material that shall not be burned including but not limited to: tires, plastics, drywall, demolition waste, domestic waste, paint, special waste, tar paper, treated lumber, railway ties, manure, rubber, asphalt, asphalt products, fuel and lubricant containers, and biomedical waste.

## **PART 2 FIRE DEPARTMENT**

1. 1. There shall be appointed from time to time a Fire Chief, who is an officer of the City and who shall, under the supervision of the Administrator, be responsible for the effective management, control and supervision of the City of Salmon Arm Fire Department, previously established by the Council under the provisions of the Community Charter.
2. The Fire Department is authorized to attend “emergencies” as defined in this bylaw and determined by policy.
2. The Fire Chief shall appoint qualified paid on call personnel to the Department as he deems necessary, subject to the approval of the Administrator.
  1. No person shall be appointed a member of the Department for fire fighting duties unless the person:
    - a) is 18 years of age or over;
    - b) is of good character;
    - c) passes such aptitude and other tests as may be required by the Fire Chief;
    - d) is certified, by a physician approved by the Fire Chief, to be medically fit to carry out the duties required to be performed by a member;
    - e) passes an RCMP security check, and
    - f) lives within the City of Salmon Arm unless special permission otherwise is obtained from the Fire Chief.

2. Section Deleted.
3. If a probationary member appointed for firefighting duties fails any such examinations, he shall be dismissed by the Fire Chief.
3. 1. The Fire Chief may evaluate all members of the Department and all applicants for enrollment in the Department who are participating in examination for enrollment or promotion.
  2. Every applicant for enrollment or promotion shall take such written, oral and practical examinations as may be required by the Fire Chief.
  3. No member or applicant for enrollment shall solicit the influence or support of anyone to secure transfer, promotion or other advantage.
4. The remuneration of all members of the Department shall be as determined by the Council.
5. The Fire Chief shall manage and control the Department and have the care, custody and control of, and shall be directly responsible to the Administrator for the condition of all department buildings, apparatus and equipment.
6. 1. The Fire Chief may from time to time, make, vary, alter or repeal rules and regulations for the proper and efficient administration and operation of the department and for the discipline of its members.
  2. The Fire Chief may take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and may enforce all municipal bylaws respecting fire prevention and exercise the powers and duties imposed upon him by the Fire Services Act.
  3. The Fire Chief shall report all fires to the Fire Commissioner required by the Fire Services Act and shall inquire into, investigate and record the cause of all fires in the City.
  4. The Fire Chief shall submit to the Council for its approval, the annual estimates of the Department.
  5. The Fire Chief shall report not less than annually to the Council on the efficiency of the members and the condition of the equipment of the department.
  6. The Fire Chief or other member in charge at any fire has power to cause the demolition of any building or part of a building which, in his/her judgment, should be demolished to prevent the spread of fire, or aid in suppression prevent damage to person or property or loss of life.

7. No person shall refuse to permit any member to enter into or upon any premises from which an alarm of fire has been received or in or upon which such member has reasonable grounds to suspect that a fire exists.
8. No unauthorized person shall ride on any fire apparatus.
7. No person shall impede, hinder or obstruct the extinguishment of any fire and any person who fails to comply with an order or direction of any member engaged or about to be engaged in the extinguishment of a fire shall be liable to the penalties provided herein and such person may be forcibly removed from the scene of such fire by a member or a police officer.
8. No person, save and except members or the police, shall enter a building or buildings endangered by fire, or enter within an area at or near such building or buildings as deemed by the member in charge or the police to be hazardous. Any person refusing to move from the designated area when directed to do so, by the police, is guilty of a violation of this bylaw.
9. Section 8 of Part 2 does not apply to the owners or occupiers of buildings endangered by fire, or their employees, provided that such persons have obtained the permission of the Fire Chief or the police to enter such buildings or come within the designated area.

### **PART 3 PERMITS AND LICENCES**

1. A permit shall be obtained from the Fire Chief before erecting, storing, or installing the following:
  1. Commercial or industrial oil burning equipment and storage tanks connected to same;
  2. Commercial tank or tanks for the storage of flammable or combustible liquid at a refining or wholesale storage plant or at a gasoline station, including marine and pumps connected to same;
  3. Domestic oil burning equipment and storage tanks connected to same;
  4. Tank or tanks for storage of gasoline or other flammable or combustible liquid located on private property, together with associated pumping devices;
  5. Fire alarms, exit signs and emergency lighting, and
  6. Sprinkler systems.

2. Application for a permit may be made in the form prescribed by the Fire Chief. The application may include:
  1. A statement of the intended use of the occupancy or operations to be conducted on the premises.
  2. Two copies of the specifications and scale drawings of the building with respect to use and occupancy showing:
    - a) the dimensions of the building and its location;
    - b) the proposed use of each room or floor area;
    - c) fire protection installations including portable extinguishers, fire alarms and smoke detectors, as required by the Fire Services Act;
    - d) means of egress, and
    - e) the signature of the applicant.
3. The fees as determined by bylaw of the City of Salmon Arm establishing and setting rates, fees and charges shall be paid to the City by all applicants for any permit required by this bylaw or the regulations passed under the provisions of the Fire Services Act, and for the inspection of any work or thing for which a permit is required.
4.
  1. The Fire Chief or his agent may issue a permit if:
    - a) an application has been received;
    - b) he is of the opinion that the proposed operation or occupancy complies with the provisions of the Fire Services Act, regulations thereunder, this bylaw and any other applicable bylaw, and
    - c) the permit fee has been paid.
  2. The Fire Chief or his agent may revoke a permit where, in his opinion, there is a violation of:
    - a) any condition under which the permit was issued, or
    - b) any requirement of the Fire Services Act or regulations thereunder, this bylaw or any other applicable bylaw.
  3. Permits and licences shall be posted on the subject premises in a conspicuous place to the satisfaction of the Fire Chief or his agent.

4. No person shall dispense flammable or combustible liquids into a storage tank requiring a permit under the Fire Services Act unless storage and installation is approved by the Fire Chief or his agent.
5. Where an owner or his agent has commenced work or allowed work to commence on an installation or other work requiring a permit before a permit is issued, the amount of the fee required to be paid is double the amount specified in the bylaw establishing and setting rates, fees and charges.

#### **PART 4 GENERAL**

1. No person shall run over or drive upon or over any line or lines of hose in use at any fire, alarm or drill with a motor or other vehicle except as directed by a police officer or a member of the Fire Department.
2. No person shall park any vehicle within 3 metres of a fire exit.
3. The Fire Chief may order the removal from any lot or premises, any paper, rubbish or other combustible material which, in his opinion, is dangerous and may support a fire.
4. Except when a hydrant is opened or operated by a member of the department or any employee of the City, or other authorized by City, it is a violation of this bylaw to open or operate any City fire hydrant.
5. No person shall obstruct a fire hydrant by any means within a distance of 1.5 metres [5 feet], except that parking of vehicles shall be in accordance with City of Salmon Arm Traffic Control Bylaw as amended.
6. It is a violation of this bylaw to tamper with any City fire hydrant.
7. Open Burning
  1. Every reasonable alternative for reducing, reusing or recycling material to be burned shall be pursued to minimize the amount of material to be burned.
  2. 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.
  3. The Fire Chief may issue open burning permits subject to terms and conditions of this Bylaw.
  4. Where a permit for open burning has been issued, all conditions set out on the permit shall be met.
  5. No open burning permits will be issued from June 15 to September 15 of any year except as specified in Section 7 (12) and 7(13).

6. Every person who starts a fire shall place and keep a responsible adult or adults at all time in charge of such fire while it is burning or smouldering and until it is completely extinguished and shall provide that person or those persons with sufficient appliances and equipment to prevent the fire from getting beyond control or causing damage or becoming dangerous to life or property.
7. Every owner who starts or allows to be started, with or without permit, any outdoor fire is responsible for such fire. If, in the opinion of the Fire Chief, the fire presents a hazard, has escaped or threatens to escape from the owner's control or is prohibited under the terms of this bylaw, the Fire Department may be summoned to control or extinguish the fire. The owner may be liable for all costs and expenses incurred by the Fire Department or the City of Salmon Arm to control or extinguish the fire.
8. No person shall kindle, light, ignite, start, allow or cause to be lighted or maintain a fire on land of another without the permission of the owner thereof or his agent.
9. No person shall kindle, light, ignite, start, allow or cause to be lighted or maintain a fire on any lane, street, road, highway, boulevard, easement, right-of-way, or any other property owned or under the jurisdiction or control of the City without the written authority of the Fire Chief.
10. No person shall burn or cause to be burned any material or fuel by open burning except as specified in this Bylaw.
11. Open burning permits may be revoked if the open burning is creating a nuisance, producing excessive smoke, fly ash, offensive odours or contrary to the terms of this Bylaw or conditions of permit.
12. Open burning permits may be issued at any time for campfires and may be valid for a maximum of one year.
13. Open burning permits may be issued at any time to service clubs or community groups for public or special events, to Federal, Provincial, Regional or Municipal government agencies for necessary burning subject to approval by the Ministry of Environment and to emergency services agencies, including but not limited to the City of Salmon Arm Fire Department for live training fires. Material or fuel burned pursuant to this subsection may be other than specified by this bylaw except that material or fuel being burned shall be subject to the approval of the Waste Management Branch where applicable. Permits issued for burning referenced in this subsection may be issued upon application and approval of the Fire Chief subject to requirements of this subsection.
14. Open burning permit fees shall be as determined by bylaw of the City of Salmon Arm establishing and setting rates, fees and charges.



15. The Fire Chief may ban any or all categories of the open burning bylaw under the following circumstances: if local conditions indicate a fire hazard, if B.C.Wildfire issues a fire ban within the Salmon Arm area of the Kamloops Fire Centre, when a public health risk exists or in the event of an emergency as determined by the Chief Administrative Officer.
  16. Open burning of debris categorized and permitted as Agricultural, Land Clearing or Special Burning must not be initiated unless the venting index is forecasted as "good" (venting index value is 55 or greater). For multi day fires, the second day of burning must be forecasted to be at least "fair" (venting index value is 34-54).
  17. All Open Burning conducted under an Agricultural, Special or Land Clearing Permits extending more than one day, must not start until after 12 o'clock noon. Single day permitted fires, must start between 7:00 a.m. and 10:00 a.m. and must be extinguished by 9:00 p.m.
  18. All materials permitted to be burned shall originate from the land on which the burning will take place with the exception of Section 13 - Industrial Burning.
  19. All fires must be completely extinguished and cold on or prior to the expiration date of the permit.
8. Incidental Open Burning
1. No incidental open burning shall be conducted without a permit being issued.
  2. Permits for incidental open burning of dry yard and garden refuse may only be obtained from March 15 to April 15 and from October 01 to October 31 in any year.
  3. Permits issued for incidental burning shall be for open burning of indigenous vegetation and unprocessed milled wood. Grass and leaves are not permitted.
  4. Permits issued under this section will not exceed three (3) calendar days.
  5. All fires permitted in this section shall be totally extinguished prior to 9:00 p.m. of any day.
  6. Opening burning permitted by this section shall be done prudently with one fire per permit at any given time.
  7. No incidental burning shall be allowed on property under .4 hectares [.99 acres] in size within Residential Development Areas A, B. and C as defined in the City of Salmon Arm Official Community Plan.

8. Every person who starts an incidental fire shall ensure the site of the fire from property lines, standing timber, brush or structures is not less than 5 meters.
  9. The pile size will not exceed one (1) meters cubed (1M<sup>3</sup>).
  10. Permits under this section must have a 4 day smoke free period between each permit.
9. Agricultural Open Burning
1. No agricultural open burning shall be conducted without a permit being issued.
  2. Agricultural open burning permits will only be issued if the open burning is taking place on property designated as Agricultural Land Reserve and has current "farm status".
  3. All open burning allowed by this section shall conform to the Ministry of Environment, Environmental Management Act as amended from time to time.
  4. Agricultural open burning permits shall be issued for open burning of indigenous vegetation only.
  5. Permits issued under this section will not exceed seventy-two (72) hours of open burning; will not exceed four (4) permits per year per property. Must have a 15 day smoke free period between each burn.
  6. The number of piles under this section will not exceed two (2) burning at any one time and pile size will not exceed five (5) meters in diameter and three (3) meters in height.
  7. Maximum distance between piles burning will not exceed 100 meters.
  8. Every person who starts an Agricultural fire shall ensure the site of the fire from property lines, standing timber, brush or structures is not less than 10 meters, 100 meters from a neighboring residence and 500 meters from a school in session.
  9. No agricultural fire permits will be issued between June 15 and September 15 of any year.
10. Land Clearing Open Burning
1. No land clearing open burning shall be conducted without a permit being issued.
  2. No land clearing open burning will be permitted on a property of less than 0.4 hectares (0.99 acres).

3. All open burning allowed by this section shall conform to the Ministry of Environment, Environmental Management Act as amended from time to time.
4. Permits issued for land clearing purposes shall be for open burning of indigenous vegetation only.
5. The number of piles under this section will not exceed three (3) burning at anyone time and pile size will not exceed ten (10) meters in diameter and four (4) meters in height.
6. Maximum distance between piles burning will not exceed 100 meters.
7. Every person who starts a Land Clearing fire shall ensure the site of the fire from property lines, standing timber, brush, brush piles or structures is not less than 30 meters, 100 meters from a neighboring residence and 500 meters from a school in session.
8. Permits issued under this section will not exceed ninety-six (96) hours of open burning; will not exceed four (4) permits per year per property. Must have a 15 day smoke free period between each burn.
9. No land clearing fire permits will be issued between June 15 and September 15 of any year.
10. Land clearing open burning on property other than that which is in the Agricultural Land Reserve or Forest Reserve or Acreage Reserve as defined in the City of Salmon Arm Official Community Plan shall conform to the additional requirements of Section 10 -12.
11. Equipment, machinery and fire suppression capabilities appropriate to the size and or hazard of fire must be on site during the fire.
12.
  - a) Fires for land clearing shall be started with a flame thrower or other approved means.
  - b) All burning shall be conducted with an air curtain incineration system using a pit to contain the burning materials so that maximum heat is retained and production of particulate matter is minimized.  
The pit shall have a minimum rise of 3.05 metres (10 feet) and the top of the pit shall be higher than the material being burned.
  - c) The air curtain incineration system shall deliver forced combustion air in a manner acceptable to the Fire Chief at not less than 18,000 cubic feet (500 cubic metres) per minute to a pit with a volume of 4,800 cubic feet (133 cubic metres).

- d) The air curtain incineration system shall be constructed and operated in a manner acceptable to the Fire Chief and shall meet all requirements of the Environmental Management Act.
- e) The Fire Chief or his designate may impose additional conditions, if necessary, to reduce emissions or to ensure precautions are taken to prevent fire from escaping.
- f) Land clearing fires shall be attended continuously by a responsible adult until the ashes are cold or any excavation is filled and firm.
- g) If, in the opinion of the Fire Chief, the land clearing material is considered to be unsafe to be burned on the site or such may cause a nuisance by reason of smoke or fly ash, a burning permit may be denied and the materials will have to be transported out of the area or chipped on site.

13. Burning For Community Wildfire Risk Reduction

- a) This classification is for the burning of residual forest biomass associated with wildfire fuel reduction, for the purpose of Community Wildfire Risk Reduction conducted by forest related industry.
- b) This is specifically for properties located outside residential areas, on Crown or City land within City Boundary, which may include parks.
- c) The venting index for Salmon Arm must be met, or alternatively, a Custom Ventilation Forecast issued by Ministry of Environment.
- d) Fires must be monitored continuously by a competent person.
- e) Equipment, machinery and fire suppression capabilities, appropriate to the size and or hazard of fire, must be on site during the fire.
- f) All burning must comply with the Ministry of Environment and Climate Change Strategy “Open Burning Smoke Control Regulation” .
- g) No burning will take place between June 15<sup>th</sup> and September 15<sup>th</sup>.
- h) There is no fee for this permit, however, the Fire Department must be notified prior to burning.

11. Special Open Burning

- 1. No special open burning shall be conducted without a permit being issued.

2. No special open burning will be permitted on a property of less than 0.4 hectares (0.99 acres).
  3. The number of piles under this section will not exceed three (3) burning at anyone time and pile size will not exceed ten (10) meters in diameter and four (4) meters in height.
  4. Maximum distance between piles burning will not exceed 100 meters.
  5. Every person who starts a fire under this category shall ensure the site of the fire from property lines, standing timber, brush, structures or other piles is not less than 10 meters.
  6. Permits issued under this section will not exceed seventy-two (72) hours of open burning and will not exceed four (4) permits per year per property. Must have a 15 day smoke free period between each burn.
  7. Materials to be burned will originate from the property on which the special burning permit is issued.
  8. If, in the opinion of the Fire Chief, the material is considered to be unsafe to be burned on the site or such may cause a nuisance by reason of smoke or fly ash, a special permit may be denied and the materials will have to be transported out of the area or chipped on site.
  9. Special permit material may be subject to a pre-inspection by Fire Chief or designate.
  10. No Special fire permits will be issued between June 15 and September 15.
  11. All open burning allowed by this section shall conform to the Environmental Management Act as amended from time to time.
  12. Special permits may be issued on properties with a wildfire covenant if deemed to be for the reason of fuel mitigation. Special permits will not be granted for properties under application for subdivisions.
12. Camp Fires
1. No campfires shall be conducted without a permit being issued.
  2. Camp fires must be contained in a permanent fixture designed, installed and maintained to prevent fire from spreading.

3. The base must consist of a non combustible material and be no less than 10 centimeters (4 inches) greater in size than the outside diameter of the fixture.
4. The fire must be enclosed in a rock, concrete block, curved or fired ceramic clay or metal container no greater than 77 centimeters (30 inches) in diameter and between 21 and 61 centimeters in height ( 8 inches and 24 inches ) from the base to the top of the enclosure.
5. Material which may be burned is limited to clean dry seasoned fire wood only. Prohibited materials as defined are strictly prohibited.
6. Fire must be completely extinguished by 11:00 p.m.
7. Camp fires must be located not less than five (5) meters from property line, standing timber, brush and structures.
8. Portable outdoor fire places, chiminea's and other similar wood burning appliances equipped with spark arrestors will meet the following clearances between hot surfaces and combustibles :
  - a) 1200 mm (4 Feet) between top of the appliance and nearest combustible such as awnings;
  - b) not to be placed under trees or overhanging portions of a building or deck roof;
  - c) appliance is set on a non combustible surface such as concrete which extends far enough in front of the fire box opening to catch any embers that may fall out when cleaning or refueling, and
  - d) 1800 mm (6 Feet) from the sides, front and rear of appliance to any combustible such as standing timber, brush and structures.
9. Commercial campgrounds within the City of Salmon Arm may be permitted to have campfires at designated sites within approved fixtures.
10. Should a property be governed by a strata council property manager or other such governing body, written authorization must be provided to the Fire Department prior to the issuing of a permit.
11. Permits under this section are issued on an annual basis for calendar year.

13. The District of Salmon Arm Fire Prevention and Fire Department Bylaw, 1538, 1984 and amendments thereto is hereby repealed.

#### SEVERABILITY

14. If any part, section, sub-section, clause, or sub-clause of this bylaw for any reason is held to be invalid by the decision of a Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of this bylaw.

#### ENACTMENT

15. Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto as amended, revised, consolidated or replaced from time to time.

#### EFFECTIVE DATE

16. This bylaw shall come into full force and effect upon adoption of same.

#### CITATION

17. This bylaw may be cited as "City of Salmon Arm Fire Prevention and Fire Department Bylaw No. 3792"

READ A FIRST TIME THIS	22nd	DAY OF	March	2010
READ A SECOND TIME THIS	22nd	DAY OF	March	2010
READ A THIRD TIME THIS	22nd	DAY OF	March	2010
ADOPTED BY THE COUNCIL	12th	DAY OF	April	2010

"I. IDZAN"

DEPUTY MAYOR

"C. BANNISTER"

CORPORATE OFFICER