



City of Vernon

FIRE SERVICES BYLAW

#5635

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5635

AMENDMENTS

BYLAW NO.	ADOPTION	AMENDMENT
5747	April 23, 2019	<ul style="list-style-type: none">▪ Amend Section 5 – FIRE PREVENTION REGULATIONS, 5.6 Burning Permits▪ Amend Schedule ‘B’ – Outdoor Burning/Display Fireworks Permit.
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THE CORPORATION OF THE CITY OF VERNON

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A bylaw to regulate and impose requirements in relation to the Municipal Fire and Emergency Services, fireworks, outdoor burning, and the safety and protection of persons and property

WHEREAS pursuant to the Community Charter, the *Fire Services Act* and other legislation, Council may provide Fire Protection for the City;

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

PART ONE - CITATION

- 1.1 This Bylaw shall be cited for all purposes as “**City of Vernon Fire Services Bylaw Number 5635, 2017**”.

PART TWO - DEFINITIONS AND INTERPRETATION

2.1 Definitions

Schedule “A” hereto and forming part of this Bylaw contains definitions of terms used in this Bylaw.

2.2 Interpretation

Unless otherwise defined, all words and phrases in this Bylaw shall be construed in accordance with the meaning assigned to them by the current *Building Code*, *Fire Services Act* or *Fire Code*, and the singular shall include the plural and masculine includes the feminine gender.

2.3 Headings

The headings given to parts, sections and paragraphs in this Bylaw are for convenience or reference only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.

2.4 Severability

If any portion of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

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2.5 Adoption of Fire Code

The *Fire Code* is adopted and made part of this Bylaw and shall be applicable within the City.

PART THREE - FIRE AND EMERGENCY SERVICES OPERATIONS

3.1 Management

- (a) Vernon Fire Rescue Services are hereby continued and the head of the Fire and Emergency Services shall be known as the Director of Fire Rescue Services.
- (b) The Director of Fire Rescue Services shall report to the Chief Administrative Officer and be responsible for the efficient operation of the Fire Rescue Services.
- (c) In addition to the Director of Fire Rescue Services, Fire Rescue Services staff shall consist of such number of Officers and Members as from time to time may be deemed necessary by Council.
- (d) Rescue Services levels shall be specified in a policy of Council.
- (e) The Director of Fire Rescue Services shall be responsible for the management, control and supervision of the Fire Rescue Services, all Fire Rescue Services personnel and the discipline thereof, and the care, custody and control of all buildings, apparatus and equipment of the Fire Rescue Services.
- (f) The Director of Fire Rescue Services may recommend policies and operational guidelines for the proper and efficient administration and operation of the Fire Rescue Services, and may vary, alter, or repeal such policies and operational guidelines as deemed necessary.

3.2 Limits of Jurisdiction

The geographical limits of the jurisdiction of the Fire Rescue Services shall be the area within the boundaries of the City of Vernon and no apparatus or personnel of Fire Rescue Services shall be used beyond the limits without:

- (a) An express written mutual aid or other agreement providing for the supply of firefighting and emergency services outside the municipal boundaries;

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- (b) The prior approval of Council with the consent of the other Local Government; or
- (c) The prior approval of the Mayor on behalf of Council if the Mayor advises Council at the next meeting of Council.

EXCEPT THAT where the Director of Fire Rescue Services considers that an emergency exists, which poses an imminent risk to City property or property protected through express written mutual aid or other agreement, the Director may authorize personnel and apparatus to respond. The Director shall advise Mayor and Council at the first available opportunity.

3.3 Prevention, Control and Enforcement

- (a) The Director of Fire Rescue Services or other Member is authorized to:
 - (i) 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;
 - (ii) take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fires including commandeering privately owned, specialized equipment which the Director of Fire Rescue Services considers necessary to combat, control or otherwise deal with an Incident;
 - (iii) enter on property and into premises with or without the apparatus equipment of the Fire Rescue Services to combat, control or deal with an Incident;
 - (iv) require an Owner or Occupier of real property to undertake any actions directed by the Director of Fire Rescue Services or other authorized persons for the purpose of removing or reducing anything or condition that the Director of Fire Rescue Services considers a Fire Hazard or increases the danger of fire.
- (b) If an emergency arising from a Fire Hazard or from a risk of explosion causes the Director of Fire Rescue Services to be apprehensive of imminent or serious danger to life or property, or of a panic, the Director of Fire Rescue Services may immediately take the steps he or she thinks advisable to remove the hazard or risk.

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- (c) If the Director of Fire Rescue Services believes that conditions exist in or near a hotel or Public Building, that, in the event of a fire, might seriously endanger life or property, the Director of Fire Rescue Services may immediately take the action he or she believes advisable to remedy the conditions to eliminate the danger and may evacuate and close the hotel or Public Building.
- (d) For the purposes of subsection 3.3(b) and (c), the Director of Fire Rescue Services may evacuate a building or area, and may call on the police and fire prevention authorities who have jurisdiction to provide assistance.

3.4 Services

Fire Rescue Services is authorized to provide assistance in response to:

- (a) medical emergencies;
- (b) hazardous environment, land, and shore-based water rescue;
- (c) dangerous good and hazardous material incidents;
- (d) transportation accidents; and
- (e) aid agreements with other local governments or agencies.

PART FOUR - CONDUCT OF PERSONS

4.1 Hindrance

No person shall obstruct, impede or hinder a Member or any other person in the execution of their duties under this Bylaw.

4.2 Prohibition of Entry

Except as authorized by the Director of Fire Rescue Services or other Member, no person shall:

- (a) enter any building threatened by an Incident;
- (b) enter within an area designated by ropes, guards or tapes, which are erected by or under the direction of a Police Officer or the Fire Rescue Services, across or around any or all streets, lanes, alleys or buildings;
or

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- (c) refuse to move from a designated area referred to in subsection 4.2(b) when directed by a Police Officer or a Member.

4.3 Traffic Control

A person at or near an Incident shall obey all traffic control directions given by a Police Officer or a Member.

4.4 False Representation

No person shall falsely represent themselves as a Member, nor wear or display any Fire Rescue Services badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

4.5 Driving Over Equipment

No person shall drive a vehicle over any fire hose or other equipment of the Fire Rescue Services unless directed by a Police Officer or a Member.

4.6 Vacant Buildings

- (a) Every owner of an abandoned or unoccupied premises must ensure the premises is made and kept secure against an unauthorized entry or occupation, to the satisfaction of the Director of Fire Rescue Services, by one or more of the following methods:
 - (i) affixing structural barriers to windows and other points of ingress using materials and installation effective to preclude entry;
 - (ii) installing security fencing or other perimeter barriers; and/or
 - (iii) employing security or guard patrols on a frequent and periodic basis.
- (b) If a Member finds unoccupied premises, which are accessible, contrary to subsection 4.6(a) the Member may contact the owner of the premises and inform the owner that the premises must be secured against unauthorized entry.
- (c) If the owner fails to bring the premises in compliance with subsection 4.6(a) within 24 hours of receiving notice to do so, the Member may have the premises secured by a contractor who may board up or otherwise secure doors, windows and other points of entry into the premises in order to prevent fires.

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- (d) If action is taken in default under subsection 4.6(c) of the Bylaw the City may recover the expenses incurred from the owner, together with costs and interests as if the amount were municipal taxes.

PART FIVE - FIRE PREVENTION REGULATIONS

5.1 Fires In Public Places

- (a) No person, except a Member or an employee of the City acting in the course of their employment or under the authority of an approved burning Permit, shall make or light a fire on any highway allowance, street, lane, square, park or other public place within the City.
- (b) Barbeques and Hibachis are permitted to be used in parks within the City as long as used in a safe manner and in accordance with manufacturer's recommendations.

5.2 Discarding Burning Substances

No person shall discard, throw or drop any lighted match, cigar, cigarette or other burning substance into or near any combustible material.

5.3 Accumulation of Combustibles

No Owner or Occupier shall cause or permit wastepaper, hay, grass, straw, weeds, litter or other combustible material, waste or rubbish to accumulate in any building, yard, vacant lot, carport, garage or open space which constitutes a Fire Hazard. The Owner or Occupier of the land or building shall dispose of said growth or material and take such precautions to prevent fire or damage to life or property, as required by the Director of Fire Rescue Services.

5.4 Open Air Burning Prohibited

Unless exempted under Section 5.5 or authorized by a burning Permit issued by the Director of Fire Rescue Services under Section 5.6 of this Bylaw, no person shall burn any substance for any purpose in the open air or in any portable incinerator in the open air. Burning of residential waste, including both household and yard materials, is strictly prohibited in the open air.

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5.5 Exceptions

Despite the prohibition in Section 5.4, burning in the open air for the following limited purposes is permitted:

- (a) **Campfires and Outdoor Fireplaces** - are permitted provided burning is conducted in conformance with the current "City of Vernon Good Neighbour Bylaw".
- (b) **Barbeques and Hibachis** – may be used for food cooking purposes in the open air provided that the fuel used is either charcoal, natural gas, propane, or butane; as long as used in a safe manner and in accordance with manufacturer's recommendations.
- (c) **Outdoor Burning Appliance and Portable Campfire Apparatus** – CSA or ULC rated devices that use briquettes, liquid or gaseous fuel are permitted as long as used in a safe manner and in accordance with manufacturer's recommendations.
- (d) **Fire Rescue Services Approved Open Air Burning** - the Director of Fire Rescue Services may authorize open air burning to eliminate Fire Hazards or for fire training exercises. This may include authorizing utility companies or service providers to conduct Flaring and/or Hot Works, which is deemed necessary by the Director of Fire Rescue Services.

5.6 Burning Permits

- (a) The Director of Fire Rescue Services or the Officer in Charge may issue a Permit as identified in Schedule "B", here to and forming part of this Bylaw to allow burning during Special Public Events.
- (b) The Director of Fire Rescue Services or the Officer in Charge may issue a Permit as identified in Schedule "B", here to and forming part of this Bylaw to allow burning of *Land Clearing Debris* and *Agricultural Material* in open air.
 - (i) Permits will only be issued for open burning of *Land Clearing Debris* and *Agricultural Material* originating from the site on which the burning is to be carried out and following referral to and *Approval* from federal or provincial regulatory agencies, where applicable.
 - (ii) Burning of *Land Clearing Debris* and *Agricultural Material* may only occur between November 1 and April 30, when authorized by the Director of Fire Rescue Services. (*Bylaw 5747*)

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- (iii) Open burning of *Land Clearing Debris* and *Agricultural Material* must be carried out at least 100 metres from neighboring residences and businesses, and 500 metres from schools in session, hospitals and facilities used for continuing care as defined under the *Continuing Care Act*.
- (iv) Every *person* to whom a Permit has been issued shall be responsible for and in charge of a fire while the fire is burning or smoldering, and until such fire is completely extinguished, and shall provide sufficient equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous to life or property.
- (v) Ignition of materials for such burning shall only occur on days when the smoke Ventilation Index as reported by the Meteorological Service of Canada is 55 (good) or greater and 34 (fair) or greater for the second day of smoke release and the Air Quality Health Index is 3 or less.
- (vi) The Director of Fire Rescue Services may refuse to issue or may cancel a Permit and/or order a fire extinguished whenever burning, is hazardous or creating a nuisance
- (vii) Ignition of materials for such burning shall only occur during daylight hours.
- (viii) No burning materials shall be added to a fire after 1700 hours (5:00 p.m.).
- (ix) For each Permit, no burning shall be allowed for more than 72 consecutive hours and no smoke caused by a fire shall be released for more than 72 consecutive hours.
- (x) The authority of the Director of Fire Rescue Services under subsection 5.6(a) can be exercised by any other person designated by the Director of Fire Rescue Services to act in place of the Director of Fire Rescue Services in his absence or availability.

5.7 Construction/Commercial/Industrial Burning

All commercial and industrial burning of waste and the burning of wood waste or any other combustible material from construction projects is prohibited.

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5.8 Responsibility

Every person who starts any outdoor fire, or fails to extinguish any outdoor fire, whether such fire was started with or without a Permit, shall be responsible for the care and control of such fire. A fire shall be deemed to be out of control when it spreads beyond the boundaries of its enclosure or the parcel of land on which it was started, or threatens to do so, or when it endangers any building or property.

5.9 Suspension of Burning

The Director of Fire Rescue Services may suspend all outdoor burning when conditions exist that such burning creates a Fire Hazard, including when satisfactory and safe weather conditions are not present and during periods of prolonged "High" and "Extreme" fire indexes.

In the case of campfire prohibitions, the use of CSA or ULC rated cooking stoves that use natural gas, propane or briquettes, or of portable campfire apparatus that use briquettes, liquid or gaseous fuel may still be permitted as long as the height of the flame is less than 15cm tall. However, in extreme fire condition these may also be prohibited.

5.10 Prohibits Smoking

Where conditions, including without limitation proximity and ventilation, make Smoking a hazard in any warehouse, store, industrial plant, institution, place of assembly, open space where combustible materials are stored or handled, or any other place, the Director of Fire Rescue Services may prohibit Smoking in such areas, and may order the Owner or Occupier, in writing, to post "NO SMOKING" signs in the buildings, structures, rooms or places where Smoking is prohibited.

5.11 Mobile Caterers

Every mobile caterer conducting business within the City and utilizing commercial cooking equipment, that creates grease laden vapours in a confined compartment, must maintain and operate exhaust and hood systems that comply with Article 2.6.1.9 of the B.C. Fire Code.

PART SIX - INSPECTION OF PREMISES

6.1 Authorization to Enter

A Member of Fire Rescue Services is authorized to enter at all reasonable times on any property in order to ascertain whether the requirements of this Bylaw are being complied with, and in addition to the powers vested by the *Fire Services Act*, a Member is authorized and empowered to inspect premises for conditions that may cause fire or increase the danger of fire or the danger to persons, and to deal with any matter in a manner not repugnant to any provision of the *Fire Services Act* or its regulations.

6.2 Provision of Information

Every Occupier shall provide all information and render all assistance required by a Member of Fire Rescue Services in connection with the inspection of a premise under this Bylaw.

6.3 False Information

No person shall withhold or falsify any information required by a Member of Fire Rescue Services nor refuse to assist in an inspection under this Bylaw.

6.4 Obstruction

No person shall obstruct or interfere with a Member of Fire Rescue Services during an inspection under this Bylaw.

PART SEVEN - BUILDING AND OCCUPANT SAFETY

7.1 Smoke Alarms

- (a) Smoke alarms conforming to CAN/ULC-S531 – “Smoke Alarms” shall be installed in each Dwelling Unit and in each room used for sleeping not within a Dwelling Unit.
- (b) Smoke alarms within dwelling units shall be installed between each sleeping area and the remainder of the dwelling unit, and where sleeping areas are served by hallways, the smoke alarm shall be installed in the hallways.
- (c) Within dwelling units, sufficient smoke alarms shall be installed so that:
 - (i) There is at least one (1) smoke alarm on each storey including basements, and

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(ii) On any storey of a dwelling unit containing sleeping rooms, a smoke alarm is to be installed in each sleeping room.

(d) Smoke alarms are permitted to be battery operated in a dwelling unit constructed before March 31, 1979 and in areas of a dwelling where smoke alarms were not required by the building code of the day.

7.2 Fire Protection Equipment

(a) Fire Protection installations shall be maintained in operable conditions at all times.

(b) Fire alarm systems shall be inspected and tested in conformance with CAN/ULC-S536, "Inspection and Testing of Fire Alarm Systems."

(c) The owner of a building having a fire alarm or sprinkler system must maintain and provide a current list of accessible contact person(s) to Vernon Fire Rescue Services. Contact person(s) must be available to attend all fire alarms within one hour from the time they are notified.

7.3 Electrical Installations

Electrical installations shall be used and maintained as not to constitute an undue Fire Hazard.

7.4 Portable Extinguishers

(a) Portable extinguishers shall be installed in all buildings, except dwelling units.

(b) Portable fire extinguishers shall be inspected, tested and maintained in conformance with NFPA 10 – "Portable Fire Extinguishers."

7.5 Damage to Fire Separations

Where fire separations are damaged so as to affect their integrity, they shall be repaired so that the integrity of the fire separation is maintained.

7.6 Damage to Closures

Where closures are damaged so as to affect the integrity of their fire protection rating, they shall be repaired so that their integrity is maintained in conformance with the *British Columbia Fire Code*.

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7.7 Blocked or Wedged Closures

Closures in fire separations shall not be obstructed, blocked, wedged open or altered in any way that would prevent the intended operation of the closure.

7.8 Signing Pull Stations

Every building equipped with a fire alarm system, which is not continuously monitored by an approved monitoring agency, shall display a permanently mounted sign at each manual fire alarm pull station reading:

"LOCAL ALARM ONLY - IN CASE OF FIRE TELEPHONE 9-1-1"

The dimensions of each sign shall be not less than 50 mm by 100 mm (2 inches x 4 inches) on permanent red and white or white on red plastic lamacoid or equivalent material.

7.9 Fire Lane Signs and Obstruction

(a) Open fire lanes shall be clearly identified by permanent signs or by a highway painting of lines and markings. The size and colour of all markings and signs shall be approved by the Director of Fire Rescue Services before installation or display. Signs and markings shall read:

"FIRE LANE - NO PARKING"

(b) No person shall park a Motor Vehicle in contravention of a fire lane sign or marking.

7.10 Refuse/Garbage Containers

All commercial or communal Garbage containers larger than a 90 litre (20 gallon) capacity shall be stored in a location which is no less than 5 metres (16 feet) from any combustible construction or materials or unprotected building openings. Where the foregoing clearances cannot be met, a non-combustible container with non-combustible self-closing lids and no hold-open devices may be used, provided that the container is placed in a location that is approved by the Director of Fire Rescue Services and which is no less than 1 meter (3 feet) from any combustible construction or materials or unprotected building openings.

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7.11 Interruption of Fire Protection Systems

Interruption of normal operation of a Fire Protection system for any purpose constitutes a temporary shutdown. Types of interruptions include, but are not limited to, periodic inspection or testing, maintenance, and repairs. During a shutdown, the system Owner or authorized agent shall provide alternate measures to ensure that the level of safety which the system provided is maintained. In the event of a shutdown of a fire alarm system, the Owner or Owner's authorized agent shall provide alternate measures, which are satisfactory to the Director of Fire Rescue Services, to ensure that all persons in the building can be promptly informed, and the fire department notified, should a fire occur while the alarm system is out of service.

7.12 Exit Paths in Open Floor Storage Areas

Every required exit door located in an open floor storage area shall be served by an aisle that is kept clear at all times of any materials or products and shall:

- (a) have a clear width of not less than 1,100 mm (44 inches);
- (b) have a painted yellow border 100 mm (4 inches) in width with diagonal lines spaced 300 mm (12 inches) apart between the aisles borders; and
- (c) be provided with adequate emergency lighting coverage; and
- (d) be cumulative when design conditions exist where aisles or exit corridors merge.

7.13 Outdoor Storage

Materials stored outdoors shall not be stored in a manner that:

- (a) contributes to the spread of fire to a building or other property;
- (b) creates an obstacle or obstruction for firefighting.

7.14 Indoor Storage

Materials stored indoors shall not be stored in a manner that:

- (a) creates a Fire Hazard;
- (b) creates an obstacle or obstruction for firefighting.

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7.15 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 of the structure. The address must be legible from a distance of 15 metres (49.2 feet).

7.16 High Building Anchoring Systems

Every Owner of a building exceeding five stories in height shall:

- (a) ensure that one or more engineered rope rescue anchoring systems that are rated for a two-person load are installed and maintained in safe and proper operating condition on the building;
- (b) ensure that when any apparatus is installed on the building and used to provide access to the side of the building for window washers or other workers, one or more engineered rope rescue anchoring systems that are rated at a two-person load are provided to rescue such workers;
- (a) test all engineered rope rescue anchoring systems annually in conjunction with the manufacturer's recommendations to ensure that they are functioning correctly, and maintain a copy of the annual test results in the Fire and Emergency Services operations box located at the fire control panel in the building; and
- (d) promptly repair or replace any rope rescue anchoring system that is not in a safe and proper operating condition.

7.17 Communications Antennae in Buildings

Where the design or construction methods for a building may cause poor communications for firefighting and rescue operations, or where the Owner is directed to do so by the Director of Fire Rescue Services, the Owner shall, at the Owner's cost, ensure that an engineered communications antenna, which is satisfactory to the Director of Fire Rescue Services, is installed and maintained on the building.

7.18 Flammable and Combustible Liquids in Dwellings

Not more than 30 litres (7.9 gallons) of flammable liquids and combustible liquids, of which not more than 10 litres (2.6 gallons) shall be Class 1 liquids, are permitted to be stored in each dwelling unit.

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7.19 Flammable and Combustible Liquids in Garages and Sheds

Not more than 50 litres (13.2 gallons) of flammable liquids and combustible liquids, of which not more than 30 litres (7.9 gallons) shall be Class 1 liquids, are permitted to be stored in a garage or shed attached to a dwelling.

7.20 False Alarms

No person may cause, or contribute to the cause, of a False Alarm which requires Vernon Fire Rescue Services to be summoned.

PART EIGHT - FIRE HYDRANTS

8.1 Clearance Around Hydrants

Every Owner shall ensure that an area with a radius of 1,500 mm (60 inches) is maintained clear and unobstructed around each fire hydrant, and in clear view from the roadway when approached from either direction.

8.2 Type of Hydrants

The connection type, colour coding (in accordance with NFPA - 291), and location of all fire hydrants or other Fire Rescue Services connections shall be approved by the Director of Fire Rescue Services before installation.

8.3 Hydrant Usage

No person, except a Member, shall use or take water from any fire hydrant or standpipe, nor attach anything to a fire hydrant or standpipe, without first obtaining written permission from the Director of Operation Services or designate.

8.4 On-Site Hydrants

Every on-site fire hydrant must be located in accordance with the *Building Code* and shall be:

- (a) a minimum of 7.5 metres (25 feet) from the building face;
- (b) accessible to Fire Rescue Services vehicles by means of a clear 6 metres (20 feet) wide access road approved by the Director of Fire Rescue Services;
- (c) located on a registered right-of-way or public highway; and

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- (d) located at least 1,500 mm (60 inches) away from any ornamental light standard, utility pole, electrical kiosk or driveway.

Any proposed equivalency or variation to the requirements of this section shall be submitted to the Director of Fire Rescue Services for prior approval.

8.5 Private Hydrants

- (a) The Owner of a private hydrant shall provide clear access to the hydrant for the purposes of firefighting, testing equipment or training.
- (b) The Owner of a private hydrant shall be solely responsible for all necessary inspection and maintenance of the hydrant.
- (c) The Owner of a private hydrant shall follow the inspection and maintenance requirement for each hydrant in conformance to NFPA 25.
- (d) Upon request, the Owner of a private hydrant shall provide the Director of Fire Rescue Services with written verification of required testing, maintenance, condition of hydrants, and approximate water pressures available at each hydrant.
- (e) Should any private fire hydrant or associated water supply piping be destroyed or damaged, the Owner will notify the Fire Rescue Services immediately. The same shall be replaced or repaired by the Owner as soon as possible.
- (f) The Owner shall be responsible for all costs associated with replacement, maintenance and repair of private hydrants and associated piping.

PART NINE – FIREWORKS

9.1 Prohibition of Fireworks

No person shall, at any time, store, sell, possess or discharge Fireworks anywhere within the City, unless authorized by a Permit under this Bylaw.

9.2 Permit Requirement

- (a) No person shall at any time, possess or set off Display Fireworks unless that person has first obtained a valid Permit from the Director of Fire Rescue Services in the prescribed form.
- (b) The Director of Fire Rescue Services may rescind a display Permit in the event:

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- (i) circumstances arising or ascertained after the display Permit was issued demonstrate to the Director of Fire Rescue Services that a public safety risk or risk to the public or private property exists in connection with the Fireworks event; or
- (ii) the Director of Fire Rescue Services determines that the display Permit holder submitted false or inaccurate information in his or her display application.

9.3 Persons Responsible

Every person applying for a Permit to possess or set off Display Fireworks must be the same person who will supervise the setting off of the Display Fireworks and that person must also possess a valid Fireworks Supervisor Certificate issued by Natural Resources Canada.

9.4 Acquisition Requirement

No person shall offer for sale, sell, give or trade any Display Fireworks to any person other than a person presenting a valid Permit issued by the Director of Fire Rescue Services.

9.5 Fireworks Storage and Display

No person shall store or display any type of Fireworks regulated by this Bylaw except in accordance with a valid Permit and with the *Canada Explosives Act*.

PART TEN - ENFORCEMENT

10.1 Order to Comply

- (a) If a Member of the Fire Rescue Services finds that:
 - (i) any provision of this Bylaw has been contravened or has not been complied with;
 - (ii) any provision of this Bylaw has been complied with improperly or only in part; or
 - (iii) conditions exist in or upon vehicles, lands, or buildings to which this Bylaw applies and such conditions, in his or her opinion, constitute a Fire Hazard or a hazard to life or property; then the Member may make such orders to ensure full and proper compliance with this Bylaw, and in particular, but without limiting the generality of the foregoing, may:

BYLAW NUMBER 5635

- a. issue to the Owner or Occupier of the vehicles, lands or buildings such recommendations as he deems necessary to correct the contravention of this Bylaw, ensure compliance with this Bylaw, or remove the hazard to life or property; and
- b. make such orders with respect to any of the matters referred to in this Bylaw as he deems necessary to protect life or property.

10.2 Issuance of an Order

An order made under this Bylaw shall be in writing and shall be directed to the Owner or Occupier of the vehicles, lands, or buildings in respect of which the order is made.

10.3 Dating of Orders

An order issued by a Member of the Fire Rescue Services under section 10.1 shall state a date by which the order must be carried out, which shall be determined by, and at the discretion of the Member of the Fire Rescue Services in accordance with the degree of urgency involved to correct or remove the conditions that may tend to increase the hazard of fire or danger to life and property.

10.4 Service of an Order

An order made under this Bylaw shall be served by:

- (a) delivering it or causing it to be delivered to the person to whom it is directed; or
- (b) sending the order by return registered mail to the last known Owner of the vehicles, lands, or buildings to which the order applies.

PART ELEVEN – OFFENCES AND PENALTIES

11.1 Penalties

Every person who contravenes or violates any provision of this Bylaw or any Permit or order issued pursuant hereto, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw or any Permit or order issued pursuant hereto, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or any Permit or order issued pursuant hereto:

BYLAW NUMBER 5635

- (a) commits an offence and shall be liable, on summary conviction thereof, to a fine of not less than one hundred (\$100.00) dollars and not more than ten thousand (\$10,000.00) dollars;
- (b) where the offence is a continuing one, each day that the offence continues shall be a separate offence.

11.2 Municipal Ticket Information

Failure to comply with any of the provisions of this Bylaw may result in the issuance of a Municipal Ticket Information under the current "City of Vernon Municipal Ticketing Information System Bylaw" for a fine in accordance with the amounts prescribed in that Bylaw.

11.3 Bylaw Notice Enforcement Bylaw

Failure to comply with any of the provisions of this Bylaw may result in the issuance of a Bylaw Notice under the "City of Vernon Bylaw Notice Enforcement Bylaw" for a fine in accordance with the amounts prescribed in that Bylaw.

11.4 Cost Recovery

- (a) wherever this Bylaw imposes a requirement on a person that something be done, Council may, by resolution, direct that the person take the action and then provide written notice of the resolution to the person. If, after receiving written notice the person does not take the action within the time permitted in the resolution, the City staff may;
 - (i) fulfill the requirement at the expense of the person, and
 - (ii) recover the cost incurred from that person as a debt.
- (b) any debt resulting from subsection 11.3(a) may be recovered pursuant to Section 258 of the *Community Charter*.

PART TWELVE – REPEAL

- 12.1 “**City of Vernon Fire Prevention Bylaw No. 5263, 2010**” and all amendments are hereby **repealed** and replaced for all purposes;
- 12.2 “**Fireworks Regulation Bylaw No. 5264, 2010**” is hereby **repealed** and replaced for all purposes;

READ A FIRST TIME this 18th day of September, 2017

READ A SECOND TIME this 18th day of September, 2017

READ A THIRD TIME this 18th day of September, 2017

ADOPTED this 10th day of October, 2017

Mayor

Corporate Officer

SCHEDULE "A"
Attached to and forming part of Bylaw 5635
"City of Vernon Fire Services Bylaw No. 5635"

SCHEDULE "A" - DEFINITIONS

In this Bylaw:

"Agriculture Material" means material that is specified in the Farm Practices Protection (Right to Farm) Act.

"Building Code" means the current edition of the British Columbia *Building Code* and all amendments.

"Bylaw" means the City of Vernon Fire Services Bylaw No. 5635.

"Campfire" means a contained outdoor fire used for cooking or recreation, not exceeding one meter in diameter (3 ft.) and one meter (3 ft.) in height in Interface Zone 1, or not exceeding 0.60 meters (2 ft.) and 0.60 meters (2 ft.) in height in Interface Zone 2 or Interface Zone 3.

"City" means the City of Vernon or the area within the municipal boundaries as the context may require.

"Chief Administrative Officer" means the person appointed to that position for the City under the "City of Vernon Officers and Employee Bylaw No. 3485, 2004" as amended.

"Council" means the municipal council of the Corporation of the City of Vernon.
"Director of Engineering Services" means the person appointed by the Chief Administrative Officer to that position and shall include any other person authorized by the Director of Engineering Services to exercise some or all of the Director of Engineering's powers under this Bylaw.

"Display Fireworks" means high-hazard firework articles designed for use by professionals. These articles include items such as aerial shells, cakes, roman candles, waterfalls, lances and wheels.

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

"False Alarm" means an alarm activated for purpose other than where an emergency exists and necessitating a response by the Vernon Fire Rescue Services.

"Fire Code" means the current edition of the *British Columbia Fire Code* and all amendments.

SCHEDULE "A"
Attached to and forming part of Bylaw 5635
"City of Vernon Fire Services Bylaw No. 5635"

"Fire Hazard" means a material, substance or action that increases the likelihood of an accidental fire occurring or may impede escape if a fire occurs.

"Fire Protection" means all aspects of fire safety including, but not limited to, fire prevention, firefighting or suppression, pre-Incident planning, fire investigation, public education, information and training and other staff development and includes, without limitation:

- (i) the suppression and mitigation of all types of fires;
- (ii) fire prevention inspections;
- (iii) fire cause investigations and determinations;
- (iv) public fire and life safety education;
- (v) general fire prevention activities; and
- (vi) pre-Incident planning.

"Fire and Emergency Services" means the regularly constituted Fire and Emergency Services of the City.

"Fireworks" includes cannon crackers, fireballs, firecrackers, mines, roman candles, skyrockets, squibs, torpedoes, and other explosive products or devices manufactured to intentionally produce an explosion.

"Flaring" is the controlled burning of combustible gas to eliminate the risk of vapor cloud explosion.

"Garbage" means any household or commercial waste or refuse.

"Hazardous" means any condition or thing that the Director of Fire Rescue Services considers is a fire hazard or that may increase the risk of the start, spread or danger of fire.

"Hot Works" includes works involving open flames or producing heat or sparks, including, without being limited to, cutting, welding, soldering, brazing, grinding, adhesive bonding, thermal spraying and thawing pipes.

"Incident" means a fire, an explosion, a situation where a fire or explosion occurred or is imminent or any other situation presenting a danger or possible danger to life or property and to which the Fire and Emergency Services responded.

"Land Clearing Debris" means any organic material cleared from land in the process of preparing the land for development, agriculture, silviculture, highway construction or utility installation or any other use.

"Member" means any person that is a duly appointed Member of the Fire and Emergency Services.

SCHEDULE "A"
Attached to and forming part of Bylaw 5635
"City of Vernon Fire Services Bylaw No. 5635"

"*Motor Vehicle*" has the same meaning as in the *Motor Vehicle Act*.

"*NFPA 25*" means the Standard for the Inspection, Testing and Maintenance of Water- Based Fire Protection Systems.

"*NFPA 291*" means the National Fire Protection Association Standard for Fire Flow Testing and Marking of Hydrants.

"*NFPA 71*" means The National Fire Protection Association Standard for the Installation, Maintenance, and Use of Protective Signaling Systems.

"*Occupier*" includes:

- (i) a registered Owner or agent of the Owner;
- (ii) a tenant, lessee, licensee, user, agent and any other person who has the right of access to and control of a building or premises to which this Bylaw applies; and
- (iii) in relation to common property and common facilities in a strata plan, the strata corporation.

"*Officer in Charge*" means the Captain or Acting Captain responsible for the shift working at the time of absence of the Director and Deputy Director.

"*Outdoor Fireplace*" means a secured container, which is commercially manufactured, certified by the Canadian Standards Association (CSA) or a similar entity, and designed with a chamber to hold an outdoor fire, used for heat, light, or cooking purposes.

"*Owner*" includes the authorized agent of the Owner.

"*Police Officer*" means a Member of the Vernon RCMP Detachment.

"*Public Building*" includes a factory, warehouse, store, mill, school, hospital, theatre, public hall, office building and any building other than a private dwelling house.

"*Smoking*" means the carrying or use of a lighted pipe, cigar, cigarette or any other smoke inhalation device.

"*Ventilation Index*" means the forecast Ventilation Index prepared using Environment Canada data. Ventilation guidelines: poor 0-33, fair 34-54, good 55-100.

SCHEDULE "B"
Attached to and forming part of Bylaw 5635
"City of Vernon Fire Services Bylaw Number 5635"



Outdoor Burning/Display Fireworks Permit

Pursuant to Section 5 and Section 9 of the City of Vernon Fire Services Bylaw No. 5635

Property Owner/Agent: _____
Contact Phone Number: _____
Property Address: _____

- Agricultural Material (\$75.00)
- Special Public Events (\$75.00)
- Land Clearing (\$75.00)
- Display Fireworks (\$100.00)

1. The application for a permit must be made by the owner or the owner's authorized agent.
2. The applicant agrees to the conditions identified in this permit.
3. The designated open burning period shall be carried out only during daylight hours and no materials shall be added after 1700 hours (5:00 pm).
4. The smoke release for this permit shall not be greater than 72 consecutive hours.
5. The applicant shall be responsible for, and in charge of, the fire until it is completely extinguished.
6. The applicant shall provide sufficient appliances and equipment in order to prevent the fire from getting beyond control or causing damage to life or property.
7. Burning is only to occur when the smoke ventilation index as reported by the Meteorological Service of Canada is 55 or greater, and 34 or greater for the second day and the air quality index is 3 or less.
Environment Canada automated voice message system for ventilation indexes are available by calling 1-888-281-2992.
8. Burning must be at least 100 meters from residences and businesses, and 500 meters from schools in session, hospitals and continuing care facilities.
9. Pile sizes shall not be more than two (2) meters in height and three (3) meters in width. Not more than two (2) piles shall be burned concurrently.
10. Monitor wind conditions. If the wind is strong enough to carry sparks or embers do not burn.
11. If the applicant allows such fire to get out of control he or she may be liable for a fine of \$500.00.
12. This permit may be cancelled or a fire ordered extinguished whenever burning, having regard to all the prevailing circumstances, is hazardous or creating a nuisance.

This permit does not preclude permits or approvals required by other authorities having jurisdiction.

Permit valid for thirty (30) consecutive days commencing _____

Signature of applicant

Fire Chief or designate

Date Issued