

DATE: August 1, 2017

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Ann MacDonald
Acting Chief Administrative Officer

RE: Fireworks Bylaw and Procedure Review

FILE: 4520-03

Purpose

The purpose of this report is to provide the Electoral Areas Services Committee (EASC) with information on improvements to the “Regional District Fireworks Regulation Bylaw No. 1971, 1998”.

Policy Analysis

The Comox Valley Regional District (CVRD) operates the fireworks regulations service in Electoral Areas A, B and C under Bylaw No. 2002 being “Fireworks Regulation Extended Service Conversion Bylaw No. 2002, 1997”.

The CVRD has the authority to regulate or prohibit the sale or disposal of fireworks within its boundaries and jurisdiction pursuant to the service establishment bylaw noted above, section 326 of the *Local Government Act* (RSBC 2015 c. 1) and the CVRD fireworks regulations under Bylaw No. 1971.

Executive Summary

At the April 11, 2017 Committee of the Whole (COW) meeting, there was a discussion regarding the number of complaints received each year on the sale and discharging of fireworks in both the rural areas and inside municipalities of the Comox Valley. The committee approved the following:

THAT a report be prepared for a subsequent committee of the whole meeting that explores the fireworks regulations in Comox Valley jurisdictions and presents similarities and differences amongst jurisdictions’ regulations and also finds opportunities for improvement in the Electoral Areas A, B and C fireworks regulations service.

Staff presented an overview at the June 13, 2017 COW meeting, which summarized fireworks regulations in Comox Valley local governments and advised that a staff report and recommendations for improvements to the fireworks regulations service would be presented at a future EASC meeting.

The primary updates proposed for the CVRD fireworks regulations, to apply in Electoral Areas A, B and C only, are:

- Eliminating the fees for a fireworks discharge permit.
- Increasing fines for exploding fireworks without a permit and selling permits outside of approved times.

- Requiring vendors to a) notify the CVRD about upcoming fireworks sales to ensure applicable zoning exists and b) provide educational and permit information to clients.

Recommendation from the Chief Administrative Officer:

THAT the proposed changes to Bylaw No. 1971 being the “Regional District Fireworks Regulation Bylaw No. 1971, 1998” be approved to eliminate fees for permits, increase fines for ticketable offences and oblige vendors to undertake certain activities.

Respectfully:

A. MacDonald

Ann MacDonald
Acting Chief Administrative Officer

Background/Current Situation

The CVRD has regulated fireworks since 1972 and the current Fireworks Regulation Extended Service applies to Electoral Areas A, B and C of the Comox Valley Regional District, however, the CVRD is the only jurisdiction that allows the sale of fireworks within the Comox Valley. The intent of the review was to identify portions of the regulations bylaw that can be improved to increase public safety and enjoyment of residents and visitors to the CVRD and surrounding municipalities.

The review addressed the costs and benefits associated with implementing any changes and outlines an information campaign to increase public awareness on the restrictions of discharging and selling fireworks in the CVRD.

Staff reviewed the following options as potential changes:

1. Limit the time of year that fireworks can be discharged.
2. Further limit the time of year that fireworks can be sold.
3. Increase or decrease the cost of the permit to discharge fireworks.
4. Streamline permit approval process.
5. Increase the dollar amount for fines for discharging or selling fireworks without a permit.

After reviewing the fireworks regulations bylaws from other Comox Valley local governments as well as other regional districts, staff has identified potential changes to the “Regional District Fireworks Regulation Bylaw No. 1971, 1998”. These changes would align the CVRD’s fireworks bylaw to the surrounding municipalities’ bylaws as well as put more accountability on the fireworks vendors to ensure that they are selling in accordance with the fireworks bylaw. The recommendations do not include banning the sale or explosion of fireworks, due in part to the public interest for maintaining these activities.

The following areas have been identified as potential changes and improvements to the “Regional District Fireworks Regulation Bylaw No. 1971, 1998” and permitting process:

1. Reduce the fee for a fireworks discharge permit to ‘no charge’ – eliminating the fee from \$10 to \$0 encourages compliance and increases the number of permits that are submitted.
2. Streamline the permit process to allow for online applications.

3. Adding definitions to clarify minimum age requirements, certification and sales restrictions.
4. A requirement for all vendors to formally advise the CVRD by October 1st in each calendar year of their intent to sell fireworks, which would prompt a site inspection of the property and a zoning review to ensure that fireworks sales are permitted.
5. A requirement for all vendors to provide at the point of sale, educational information and permits for fireworks in the CVRD.
6. Increase the fine amount to \$500 from \$100 for discharging fireworks without a permit and/or for selling fireworks during a prohibited time.

Note: Should Bylaw No. 1971 be amended to incorporate these changes, an accompanying amendment to the municipal ticket information (MTI) bylaw will be presented.

Proposed amendments to Bylaw No. 1971 are contained in Appendix A of this report.

Options

1. To implement the changes as outlined;
2. To not change the existing fireworks bylaw;
3. Refer the matter to staff for additional research and further changes to the bylaw.

Financial Factors

The cost to administer the Fireworks Regulation Extended Service, is \$11,500 and is contained in the 2017 budget. The requisition for this service is based on a rate of 0.0020 per \$1,000 of assessed value.

The 2017 budget includes advertising costs of \$3,000 to promote awareness for the fireworks permits and education related to fireworks use. Should the recommendations in this staff report be supported, the 2017 education campaign will align with the changes presented in the updated regulations bylaw.

Legal Factors

The CVRD is authorized to regulate fireworks sales and use. Bylaw No. 1971 describes those regulations. The current CVRD MTI bylaw identifies ticketable offenses for illegally selling fireworks and exploding fireworks without a permit. Should the recommendations in this report be approved, an amendment to the MTI bylaw will be presented to board that clarifies ticketable offences and increases minimum fine amounts from \$100 to \$500.

Regional Growth Strategy Implications

The Fireworks Regulation Bylaw review helps ensure that the bylaw, procedures and objectives are in line with the Regional Growth Strategy (RGS). Specifically the policy in the RGS that identifies public health and safety is supported by this review.

Goal 7: Public Health and Safety – Support a high quality of life through the protection and enhancement of community health, safety and well-being.

Intergovernmental Factors

The CVRD is the only jurisdiction in the Comox Valley that allows the sale of fireworks. All jurisdictions have bylaws that offer permits to individuals to explode fireworks. Appendix B illustrates each jurisdiction's regulatory framework. Appendix C shows the regulatory bylaws in the City of Courtenay, Town of Comox and Village of Cumberland.

Interdepartmental Involvement

Bylaw staff will be working with communications staff to implement a communication plan as well as working with administration staff to streamline the permit process and staff coverage during peak times for permits.

Citizen/Public Relations

Annually, the CVRD advertises the regulations associated with fireworks including that fireworks can only be exploded with a CVRD permit. Moving forward with any changes, staff will implement a communication plan for advertising these changes by using social media, radio and print advertisements. Information packages for fireworks vendors within the CVRD will be offered to increase awareness about the regulations and requirements at the point of sale. There will also be updates to the CVRD website to allow for online applications.

Prepared by:

Concurrence:

J. Warren

Amanda Yasinski
Manager of Bylaw
Compliance

James Warren
General Manager of
Corporate Services

Attachments: Appendix A – Proposed changes to Bylaw No. 1971 being “Regional District Fireworks Regulation Bylaw No. 1971, 1997”
Appendix B – Fireworks regulations comparison chart
Appendix C – Fireworks bylaws in the City of Courtenay, Town of Comox and Village of Cumberland.

Appendix A



Consolidated
Fireworks Regulation
Bylaw

The following is a consolidated copy of the Regional District’s Fireworks Regulation Bylaw and includes the following bylaws:

BYLAW No.	BYLAW NAME	ADOPTED	PURPOSE
1971	Regional District Fireworks Regulation Bylaw No. 1971, 1998	June 29, 1998	To regulate the use and sale of fireworks
2233	Amendment No. 1	Dec 16, 1999	To permit the sale and use of fireworks in connection with the celebrations of the Millennium
2326	Amendment No. 2	Nov 27, 2000	To permit the sale and use of Fireworks in connection with New Years 2001
2477	Amendment No. 3	August 26, 2002	To permit the use of fireworks at any time, but continue to limit the sale
2939	Amendment No. 4	July 31, 2006	To include Electoral Area H and to permit the sale of fireworks in Area H three times each year for Canada Day, Halloween and New Years Eve.
81	Amendment No. 5	November 24, 2009	To reflect current job titles, electoral area coverage and name CVRD
<u>TBD</u>	<u>Amendment No. 6</u>	<u>TBD</u>	<u>To eliminate fees for permits, increase fines for ticketable offences and oblige vendors to undertake certain activities</u>

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. Titles and whereas clauses may be different than in original bylaws to make this consolidated version more clear and identify historical changes and conditions. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 1971

**A bylaw to regulate the sale and explosion of fireworks
within Comox Valley Regional District’s Electoral Areas A, B and C**

WHEREAS the Comox Valley Regional District operates the Fireworks Regulation Extended Service under Bylaw No. 2002 being “Fireworks Regulation Extended Service Conversion Bylaw No. 2002, 1997”, which converted the authority granted under Supplemental Letters Patent issued on December 1, 1971;

AND WHEREAS the CVRD Board is authorized, by bylaw, to regulate or prohibit the exploding of fireworks and to authorize the issuance of a permit to any person or organization for the use of fireworks of any kind and may specify the terms and conditions thereof;

NOW THEREFORE, the Board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Title

1. This bylaw may be cited for all purposes as the “Regional District Fireworks Regulation Bylaw No. 1971, 1998”.

Application

2. This bylaw applies in each of Electoral Areas ‘A’ (Baynes Sound – Denman/Hornby Islands), ‘B’ (Lazo North) and ‘C’ (Puntledge – Black Creek).

Definitions

- 3.

Manager means the manager of bylaw compliance ~~and special investigations~~ or any one of the officers of the Comox Valley Regional District as identified in the officers bylaw.

Board means the board of the Comox Valley Regional District.

Explode means to detonate, discharge, eject, fire, ignite, light, project, set off or throw

Family Pack means six or more fireworks which are packed and intended to be sold as a unit, except that Roman Candles shall constitute of not more than 25% of the total number of fireworks in the packed unit.

~~*Fireworks* means fireworks as defined in Class 7.2.1 and 7.2.2 of the Canada Explosives Act.~~

Fireworks means a substance or goods that is made, manufactured or used to produce an explosion or pyrotechnic device, including but not limited to:

- a) fireworks as defined under the Canada Explosives Act;
- b) fireworks as defined under the Fireworks Act.

Minor Means a person under the age of 18.

Permit means a permit approved by the Board and issued under this Bylaw.

Appendix A

<i>Public Display</i>	means a special event, festival or religious or other ceremony sponsored or conducted by a society, religious organization or individual.
<i>Regional District</i>	means the Comox Valley Regional District
<i>Sell</i>	<u>means, but is not limited to sell, offer to sell, advertise for sale, display for sale, barter, dispose, distribute, furnish, give or trade</u>
<i>Vendor</i>	<u>means a person or business engaged in the act of advertising for sale or selling fireworks</u>

Sales Prohibition

4. 1) The sale of fireworks in Electoral Areas ‘A’ (Baynes Sound), ‘B’ (Lazo North) and ‘C’ (Puntledge – Black Creek) shall only occur between October 24th and November 1st (inclusive) in any year.
- 2) No Vendor shall Sell Fireworks in the electoral areas without notifying the Regional District in writing prior to October 1st of each year.
- 3) No Vendor shall Sell Fireworks in the electoral areas without supplying copies of the required Permit at the point of sale.
- 4) A Vendor may only Sell Fireworks, pursuant to all other requirements of this bylaw, on lands in the electoral areas that are zoned for the purpose of retail sales. Fireworks cannot be sold as part of a home occupation, domestic business or domestic industrial use.
- ~~2) The sale of fireworks in Electoral Area ‘H’ (Sayward – Bloedel) shall only occur between June 25 and July 2 (inclusive), October 24 and November 1 (inclusive) or December 24 and December 31 (inclusive) in any year.~~

Prohibition and Permit Requirement

5. 1) A person may not possess or Explode Fireworks in the Regional District unless the person has a valid Permit. ~~No person shall, at any time, explode or set off fireworks, excluding sparklers, Christmas crackers and caps for toy guns, unless that person has first obtained a permit authorized by the Board in accordance with Section 728(3) of the Municipal Act.~~
- 2) ~~No person shall explode or set off fireworks~~ A person shall not Explode Fireworks on private property without the prior written consent of the owner, nor on Regional District property without the prior written permission of the Board.
- 3) A Minor shall not possess or Explode Fireworks in the Regional District.
- 4) No person shall Explode or set off fireworks of Class 7.2.2 of the Canada Explosives Act without holding a valid Fireworks Operator Certificate ~~Supervisor Card~~ issued by the Explosives Branch of Energy, Mines and Resources Canada.
- 5) Roman candles shall only be sold or purchased as part of a “family pack”.
- 6) Applications for a permit required under this section shall be made in writing to the manager designate in a form provided by him and shall contain all the information required by the form and any required by the manager as per schedule A attached to this bylaw.
- 7) A permit approved by the manager shall be as per schedule B attached to this bylaw.

Regulations and Requirements

6. The holder of a permit shall take all steps necessary to ensure the safety and security of ~~members~~ of the public attending the fireworks display, as well as persons taking part in the display.

Penalties

- ~~7. A person who contravenes this Bylaw commits an offence and is liable upon conviction to the penalties prescribed by the Offence Act.~~

- ~~8. If any provision of this Bylaw is found invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.~~

- ~~7. (a) Any person who contravenes a provision of this bylaw, or who allows any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out or perform any duty or obligation imposed in this bylaw is guilty of an offence and:~~

- ~~(i) On summary conviction is liable to a fine of not less than \$500 and not more than \$10,000; or~~

- ~~(ii) On conviction of a ticket offence under the Comox Valley Regional District municipal ticket information bylaw.~~

- ~~(b) If any provision of this Bylaw is found invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.~~

Repeal

- ~~8. Bylaw No. 79 cited as “Firecracker Sale and Exploding Prohibition Bylaw 1972” is hereby repealed.~~

Appendix A

COMOX VALLEY REGIONAL DISTRICT FIREWORKS REGULATION BYLAW NO. 1971, 1998
Schedule A
APPLICATION FOR A PERMIT TO EXPLODE ~~OR SET OFF~~ FIREWORKS

Permit Fee: \$10.00

Is application for the ~~setting off or~~ exploding of High Hazard Fireworks as defined in Class 7.2.2. of the Canadian Explosives Act: Yes: _____

OR

Is application for the ~~setting off or~~ exploding of Low Hazard Fireworks as defined in Class 7.2.1. of the Canadian Explosives Act: Yes: _____

Name of applicant: _____
(applicant must be the person supervising the ~~setting off or~~ exploding of the fireworks)

Residential Address: _____

Postal Code: _____ Telephone No.: _____

Fireworks Operators Certificate ~~Supervisor Card~~ No. _____ Expiry Date: _____

NOTE: (Only required if ~~Setting Off or~~ Exploding High Hazard Fireworks, Class 7.2.2.)

I hereby Make Application for a Permit to Explode ~~or Set off~~ Fireworks on Behalf of:

Myself: _____ Or Name of Organization: _____

Address: _____

Postal Code _____ Telephone No.: _____

Address Where Fireworks Are to Be Exploded ~~or Set Off~~:

Same as Applicant: _____ Indicate if different from applicant address: _____

Name and Signature of Property Owner, Indicating Consent for the ~~Setting Off or~~ Exploding of Fireworks:

(Name)

(Signature)

Date of Display: _____ From _____ am/pm to _____ am/pm

I hereby acknowledge receipt of the "Safety Guidelines for Fireworks" _____

Applicant's Signature: _____

Approved by the Comox Valley Regional District:

(Date)

(Signature)

Appendix A

COMOX VALLEY REGIONAL DISTRICT FIREWORKS BYLAW NO. 1971

Schedule B

PERMIT TO EXPLODE ~~OR SET-OFF~~ FIREWORKS

Authority to ~~set off~~ or explode (check one)

High Hazard Fireworks as defined in Class 7.2.2. of the Canadian Explosives Act: _____

Or

Low Hazard Fireworks as defined in Class 7.2.1. of the Canadian Explosives Act: ____

Is hereby granted to:

Name: _____

Address: _____

Postal Code: _____ Telephone: _____

On the _____ day of _____ 20____ at (address of display) _____

between the hours of _____ am/pm and _____ am/pm

THE HOLDER OF THIS PERMIT ACKNOWLEDGES THAT THE REGIONAL DISTRICT IS NOT RESPONSIBLE FOR THE SUPERVISING OR INSPECTING THE EXPLODING ~~SETTING-OFF~~ OF FIREWORKS AUTHORIZED BY THIS PERMIT.

Signature of Permittee

Date:

Permit Issued By:

Appendix B

Fireworks Restrictions	Comox	Courtenay	Cumberland	CVRD
Individual can possess/explode on private property	With permit Extensive requirements	With owner consent and permit	With owner consent	Permit required
Individual/organization can possess/explode on other lands (Public display)	With permit Extensive requirements	With City consent and special permit	Permit required	Permit required & possible permission from CVRD Board
Sale of fireworks	Prohibited	Prohibited	Prohibited	Oct 24-Nov 1 inclusive
Prosecution by municipal ticket	Yes	Yes	No	Yes
Penalty to discharge without permit	\$500	\$100	None	\$100
Penalty amount to sell/possess	\$500	\$100	None	\$100
Age requirement (possession)	Yes 18 years	Yes 18 years	No	No

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2556

A Bylaw to establish fire protection regulations within the City

The Municipal Council of the Corporation of the City of Courtenay in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw may be cited for all purposes as the "**Fire Protective Services Bylaw No. 2556, 2008.**"

DEFINITIONS

2. In this Bylaw:

"Access Route" means a private road, driveway, lane or portion of a yard, which has been provided for access by Fire Department equipment in accordance with the British Columbia Building Code;

"Alarm" means the giving, signaling 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, of information to the effect that a fire or emergency situation exists at or near the place indicated by the person giving, signaling or transmitting such information;

"Approved" means approved by an Officer as being in compliance with this Bylaw;

"Building" means any structure used or intended for supporting or sheltering any use or occupancy;

"Building Manager" includes the owner, occupier, their agents, and any resident manager of a building;

"Burning Permit" means a City Burning Permit issued by an Officer substantially in the form set out in Schedule 'E' attached to and forming part of this Bylaw;

"City" means The Corporation of the City of Courtenay;

"Combustible Liquid" means any liquid having a flash point at or above 37.8 degrees Celsius and below 93.3 degrees Celsius;

"Construction Waste" means any waste or refuse created by the clearing of land, or the construction, repair or demolition of a building or structure, including without limitation, trees, branches, stumps, and roots;

"Cost Recovery" means the method the City may use to recover any costs and expenses of and

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incidental to the taking of certain measures pursuant to this Bylaw, as set out in section 85 and Schedule 'C' attached to and forming part of this Bylaw;

“Council” means the Municipal Council of the Corporation of the City of Courtenay;

“Dangerous Goods” means any element or combination of elements, including an organism, which, because of toxic or other inherent characteristics, may constitute a hazard to life, safety, health or the natural environment including a fire hazard, and, without limitation, include:

- (a) liquid chlorine, liquefied petroleum gas, liquefied natural gas, or other flammable or combustible liquids;
- (b) explosives;
- (c) gases, including compressed gases or dissolved gases under pressure;
- (d) flammable solids, including substances liable to spontaneous combustion or substances that on contact with water emit flammable gases;
- (d) oxidizing substances, including organic peroxides, chlorides, chlorates or nitrates;
- (e) poisonous or infectious substances;
- (f) radioactive materials;
- (g) corrosives; and
- (h) other dangerous goods;

“Designate” means a person authorized under Section 264 of the *Community Charter*;

“Explosive Regulatory Division” means the Explosive Regulatory Division of the Mineral Technology Branch of Natural Resources Canada;

“False Alarm” in respect of a fire alarm means the activation of an alarm system resulting in the direct or indirect notification of the Fire Department of the City to attend the address of the alarm system, where there is in fact no emergency situation at that address.

“Fire Alarm System” means all equipment forming part of or used in connection with a fire alarm system or fire detection system, including without limitation, batteries, alarm gongs, horns, buzzers, switches, wiring, relay apparatus, sensors, and other accessories;

“Fire Chief” means a person appointed by the Council to be in charge of the Fire Department, and includes the Deputy Fire Chief and any other person authorized to act on behalf of the Fire Chief;

“Fire Code” means the British Columbia Fire Code 2006, enacted by B.C. Regulation 175/2006 under the *Fire Services Act*, as amended or replaced from time to time;

“Fire Department” means the Fire Department of the Corporation of the City of Courtenay, as established, and continued as a fire department service pursuant to section 8(2) of the *Community Charter*, S.B.C. 2003, c. 26;

“Fire Department Connection” means a connection through which the Fire Department can pump water into the standpipe system and/or sprinkler system;

“Firefighter” means every member of the Fire Department other than an Officer, whose duties include Fire Prevention, fire suppression, or emergency response;

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“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 Inspector” means a City Fire Inspector designated by Council by name of office or otherwise;

“Fire Protection” means all aspects of fire safety, including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development, and advising;

“Fire Protection Equipment” means fire alarm systems, automatic sprinkler systems, special extinguishing systems, portable extinguishers, water supplies for fire protection, standpipe and hose systems, fixed pipe fire suppression systems in commercial kitchen exhaust systems, the cleaning of commercial kitchen exhaust systems, smoke control measures, and emergency power installations.

“Fire Protection Technician” means a person who has provided the Fire Department with acceptable documentation from the agency known as the Applied Science Technologist and Technicians of British Columbia that qualifies him/her to perform inspections and testing on fire extinguishers, Fire Alarm Systems, Sprinkler Systems, and other Fire Protection equipment;

“Fire Safety Plan” is a set of emergency procedures and guidelines to be followed in the event of a fire in a building;

“Firecrackers” means small fireworks with entwined fuses used solely as noisemakers, and not for pyrotechnic effect;

“Fireworks” includes cannon crackers, fireballs, firecrackers, mines, roman candles, sky rockets, squibs, torpedoes, other explosive products or devices manufactured to intentionally produce an explosion, detonation or pyrotechnic effect, and other materials included in the *Explosives Act* (Canada) Class 7 subdivision (5) but does not include caps for toy products, Christmas crackers, sparklers or model rocket engines;

“Flammable Liquid” means any liquid having a flash point below 37.8 degrees Celsius and having a vapour pressure not exceeding 275.8 kPa (absolute) at 37.8 degrees Celsius;

“High Hazard Fireworks” means those fireworks defined as such under the Explosives Regulations made under the current *Explosives Act* (Canada) Class 7 subdivision (6), and, without limiting the generality of the forgoing, 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, explosion, situation where a fire or explosion is likely, a Dangerous Goods leak or spill or any other situation that presents a danger or possible danger to life, safety, health, the natural environment or property and to which the Fire Department has responded;

“Low Hazard Fireworks” means those fireworks defined as such under the current Explosives Regulations made under the *Explosives Act* (Canada) and, without limiting the generality of the

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foregoing, includes firework showers, fountains, golden rain, lawn lights, pin wheels, roman candles and volcanoes;

“**Movie/TV Pyrotechnics**” means any Low Hazard Fireworks or High Hazard Fireworks utilized at a movie or television production;

“**Occupant**” includes any ‘owner’ and ‘occupier’ of any parcel of real property or part thereof, as those terms are defined in the *Community Charter*;

“**Officer**” means the Fire Chief, Deputy Fire Chief, Fire Inspectors, and every member of the Fire Department designated by the Fire Chief as an Officer;

“**Open Fire**” means any outdoor fire which, without limiting the generality of the foregoing, may include grass fires, incinerator fires, pit fires, outdoor fireplaces, “chimínias”, burning barrel fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires;

“**Premises**” means a Building with grounds and appurtenances;

“**Sprinkler System**” includes all equipment forming part of or used in connection with a fire sprinkler system, including without limitation, all heads, valves, piping, switches, sensors, relay apparatus, and other accessories;

“**Trade Waste**” means waste and abandoned materials resulting from the operation of an industry or business including paper, boxes, packing cases, wrapping material, sweepings, and all flammable materials of a like nature other than garbage and ashes;

“**Underground Tank**” means a tank installed wholly or partly under the surface of the ground and used or intended for the storage of flammable or combustible liquids or gases;

“**Underground Tank Permit**” means a permit issued by the City for the installation and operation of an Underground Tank, substantially in the form set out in Schedule “F”.

“**Vehicle**” includes all types of motor vehicles, farm tractors, and mobile machinery, or any other self-propelled machinery;

and all other words and phrases shall be construed in accordance with the meaning assigned to them by the current B.C. Building Code, the *Fire Services Act* or the B.C. Fire Code, as the context and circumstances may require.

COURTENAY FIRE DEPARTMENT

ESTABLISHMENT

3. Subject to the *Fire Services Act* and the Fire Code, this bylaw establishes fire protection regulations for the City of Courtenay.

ADMINISTRATION

Appendix C

4. Council hereby authorizes the Fire Chief, the Deputy Fire Chief, the Fire Inspectors, and Officers of the Fire Department as officers responsible for the administration of this bylaw.

FIRE SERVICES ACT

5. In the event of a conflict between this Bylaw and the *Fire Services Act* or any regulations thereunder, the provisions of that Act and its regulations shall prevail.

LIMITS OF JURISDICTION

6. If there is in effect an agreement between the City and any other municipality, regional district, improvement district or government agency at a particular time, the Fire Chief may deploy equipment and Firefighters of the Fire Department outside the geographical boundaries of the City at the request of that other municipality, regional district, improvement district or government agency, subject to any terms and conditions of that agreement.

PREVENTION, CONTROL AND ENFORCEMENT

7. The Fire Department may prevent, suppress, control and extinguish fires, mitigate the effects of incidents involving Dangerous Goods, and generally protect persons and property, including performing rescue operations and administering first aid. The Fire Chief and Officers may enforce the Fire Code and any City bylaws and regulations for the prevention and suppression of fires. The Fire Chief and Fire Inspectors may exercise the powers provided by the *Fire Services Act*.
8. Where the Fire Department has responded to a fire call or an incident for the purpose of preserving life or property from injury or destruction, including any such action taken by responding to a False Alarm, the City may, in respect of any costs incurred by the Fire Department in taking such action, charge those costs so incurred by the Fire Department to the owner of the Premises or the person in possession of the Premises where the Incident occurred.

That charge may be collected as a Cost Recovery charge pursuant to section 85.

RIGHT TO ENTER

9. The Fire Chief or any other Officer in charge at an Incident may enter upon any lands, structure, and buildings, for the purpose of attending to any fire, medical or other emergency and no person shall impede in any way any Officer, Firefighter, or other person under the direction of an Officer in command at any fire, medical, or other emergency.

COMMANDEERING OF EQUIPMENT

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

DEMOLITION OF BUILDINGS

11. The Fire Chief or any other Officer 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 or other structure which, in that Officer's judgment, should be demolished in order to prevent the spread of fire.

FIRE PREVENTION REGULATIONS

INTERFERENCE WITH EGRESS OR ACCESS TO BUILDINGS

12. No person shall sit, stand, place or leave any article, thing or matter in such a manner as to interfere with the means of egress or access within or outside any Building or Premises. If not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

INTERFERENCE WITH FIRE PROTECTION EQUIPMENT

13. No person shall tamper with, remove, destroy, render inoperative or interfere with any fire protection equipment or part thereof, which is provided for the protection of property or persons, whether public or private. If not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".
14. No person shall activate a fire alarm except when there is a fire, or for testing purposes. If not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

ACCUMULATION OF COMBUSTIBLES

15. No person shall permit any accumulation of combustible growth, materials, waste or rubbish of any kind to be or to remain upon any Premises which, in the opinion of the Fire Chief, or a Fire Inspector, is liable to catch fire and endanger property. If not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".
16. All vegetation or combustible materials that are liable to catch fire and endanger property must be cut down and removed by the Occupant of the premises on which the vegetation or combustible materials are located. All waste or rubbish of any kind that is liable to catch fire and endanger property must be removed by the Occupant. If the Occupant does not comply with an order of the Fire Chief or his designate under this section, the Fire Chief or his designate may cause the required work to be completed and invoice the property owner for Cost Recovery in accordance with section 85.

ACCUMULATION OF DAILY COMBUSTIBLES

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17. Every Occupant of any Building or Premises who makes, stores, uses, or has charge or control of any shavings, excelsior, rubbish, sacks, bags, litter, straw, waste-paper, paper boxes or any other flammable material, must at the close of business on each day cause all such material to be compactly baled or stacked in a safe manner, or stored in noncombustible receptacles having tight fitting, non-combustible lids. Metal covers required on containers provided for the storage of combustible materials must be kept closed at all times except when refuse is being placed in the containers. If not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

STORAGE OF COMBUSTIBLE MATERIALS

18. Every business owner must provide a non-combustible container with a tight fitting, self-closing metal lid, to store cleanup rags or shop towels for products subject to spontaneous combustion, until they are safely removed from the building. Lids on containers provided for the storage of combustible materials must be kept closed at all times except when refuse is being placed in the containers. If not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

FIRE DOORS OR FIRE SEPARATION DEVICES

19. Where fire doors or fire separation devices are installed in any Building to prevent the spread of fire within that Building, those doors or devices must at all times be kept and maintained in good repair and efficient working order. If not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS

20. Flammable Liquids and Combustible Liquids shall be stored in accordance with the Fire Code. If not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

REFUSE CONTAINERS

21. Owners of Buildings with apartment, commercial, industrial or assembly occupancies must provide refuse containers for each building that are non-combustible with noncombustible tops, lids, or ceilings.

SIGNAGE FOR COMBUSTIBLE LIQUIDS

22. Every Occupant of an area where Combustible Liquids are stored, received, or dispensed must post adequate "NO SMOKING" signs in conspicuous places on the Premises.

CLEANING WITH COMBUSTIBLE LIQUIDS

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23. No person shall use Flammable Liquids or Combustible Liquids that could endanger life or property for the purposes of cleaning within any Building. If not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

FUEL TANKS

24. All fuel within a fuel tank must be removed prior to any adjustments or relocation of the fuel tank from its original position on the Vehicle within a Building.

FIRE EXTINGUISHERS

25. The owner of every business must provide and maintain in good working order at least one approved portable fire extinguisher, available and accessible for emergency use. The fire extinguisher must comply with the Fire Code. All fire extinguishers must be tested and serviced at least yearly by a Fire Protection Technician. If not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

INSPECTION OF PREMISES

AUTHORIZATION TO ENTER

26. (1) Every Officer may enter, at all reasonable times, on every property that is subject to this bylaw, to ascertain whether this bylaw is being observed.
- (2) Every Officer may enter, at all reasonable times, on every property that is subject to this bylaw, to inspect premises for conditions that may cause a fire or increase the danger of a fire or increase the danger to persons.

OBSTRUCTION

27. No person shall obstruct or interfere with an Officer while he or she is carrying out any inspection pursuant to this Bylaw, the Fire Code or the *Fire Services Act*. If not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

FAILURE TO PROVIDE ACCESS FOR FIRE INSPECTION

28. Where an Occupant who has been notified of an inspection to be conducted by an Officer pursuant to this bylaw or any other enactment relating to fire safety, fails to attend at the premises at the date and time specified in the notice, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

PROVISION OF INFORMATION

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29. (1) Every Occupant of a Premises must provide all information and must render all assistance required by an Officer in connection with the inspection of such premises pursuant to this Bylaw, the Fire Code and the *Fire Services Act*.
- (2) No person shall purposely withhold or falsify any information required by an Officer 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*.

REMEDIAL ORDERS

30. (1) An Officer is hereby authorized and empowered to issue remedial orders in writing requiring the correction or removal of any condition or thing in or about any Building or Premises or property which is in contravention of this Bylaw, and every Occupant of that Building or Premises or property shall carry out of every requirement of that order.
- (2) Every order issued by an Officer pursuant hereto must state a date by which the order shall be carried out, which date must, in the discretion of the issuing Officer, 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.

INSPECTION FEE COST RECOVERY

31. If there are any violations under the Fire Code, *Fire Services Act* or this bylaw while performing a fire inspection, an Officer will write an order (an "Order for Deficiencies") requesting that the violations be corrected within a defined time period and will advise of a return date for a re-inspection to ensure that the corrections are made. If the Occupant has not complied with the Order for Deficiencies, upon the re-inspection a subsequent Order for Deficiencies will be written requesting any continuing violations be corrected within a defined time period and will advise of a return date for a re-inspection to ensure that the violations are corrected. If the Order for Deficiencies from the re-inspection has not been complied with after the second re-inspection, a fee will be charged for that re-inspection and each additional re-inspection if required. The charge is subject to Cost Recovery in accordance with section 85.

SECURING VACANT PREMISES

SECURE VACANT PREMISES

32. (1) The owner of any vacant or unoccupied Premises must ensure that the Premises are secure against unauthorized entry by any person.
- (2) If an Officer finds premises which are accessible, contrary to Section 32 (1), the Officer may contact the owner of the Premises and require that the Premises be secured against unauthorized entry.
- (3) If an owner of that Premises fails to bring the Premises into compliance with

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Section 32 (1) within 24 hours of receiving notice to do so, or if the Officer is unable to contact the owner of that Premises within 24 hours of finding the Premises unsecured, the Officer may have the Premises secured by a City contractor who may board up or otherwise secure doors, windows and other points of entry into the Premises in order to prevent fires, and charge the Occupant for Cost Recovery pursuant to section 85.

SECURE FIRE-DAMAGED PREMISES

33. The owner of a fire-damaged Building must ensure that the Premises are guarded or that all openings of any fire-damaged Buildings are kept securely closed and fastened so as to prevent the entry of unauthorized persons. If an Officer finds a Premises that is accessible contrary to this section, the Officer may contact the owner of the Premises and require that the Premises be secured against unauthorized entry. If the owner fails bring the fire-damaged Building into compliance within 24 hours after receiving an order to do so from an Officer, then the Fire Chief or his designate may have the work performed and charge the owner for Cost Recovery pursuant to section 85. Those costs will include the cost of boarding-up by City crews or City contractors.

CONTACT PERSONS REQUIREMENTS

CONTACT PERSONS

34. (1) The Occupant of a Building or Premises having either a Fire Alarm System or an automatic Sprinkler System, whether monitored or not monitored, must provide the Fire Department, on a form approved by the Fire Chief, yearly and on a change in contact information, the names and phone, cellular phone, pager and beeper numbers, as available, for three persons (“Contact Persons”) who will be available to attend, enter and secure the Premises in case of Alarm or Incident. Contact Persons must have full access to the Building or Premises of which they have responsibility and be able to take control of the Building or Premises on completion of the Incident from the fire company. Any changes to designated Contact Persons or their contact numbers during the current year must be submitted to the Fire Department. The form of notice for Contact Persons must contain the written consent of the persons to act as Contact Persons.
- (2) Failure to comply with the requirements in section 34 (1) will result in a charge being levied against the owner or occupant for any standby time at a Building or Premises where an alarm has sounded, the Fire Department has attended, and a Contact Person has not attended within the time specified in Section 34(1). This charge is subject to Cost Recovery in accordance with section 85.

RESPONSIBILITY OF CONTACT PERSONS

35. (1) Contact Persons must attend all alarms within 45 minutes when requested by the Fire Department.
- (2) During a fire Incident on a Premises for which the Fire Department has received

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notice of Contact Persons, a Contact Person for that Premises must attend the scene, and contact the Officer in charge of the Incident. At the conclusion of the Incident, the Contact Person shall secure the Premises and when appropriate, release fire companies from the Incident.

FIRE & EMERGENCY SERVICE ACCESS REQUIREMENTS

FIRE SAFETY PLAN REQUIREMENTS

36. All Buildings, sites, storage areas or other areas as required by the Fire Code Division B Part 2 section 2.8 *Emergency Planning* shall have a Fire Safety Plan. Measures within a Fire Safety Plan must conform to the Fire Code Division B Part 2 section 2.8.2 *Fire Safety Plan* and shall be produced and submitted to the Fire Department for approval. All Fire Safety Plans must be submitted on the form and diagram template acceptable to the Fire Chief. All Occupants of Premises where a Fire Safety Plan is required must review their Fire Safety Plans annually and submit updated plans to the Fire Department for review. Should Occupants not need to update their current Fire Safety Plan, notification non-update must still be forwarded to the Fire Department. Changes to a Fire Safety Plan must be submitted to the Fire Department for review.

ADDRESSING OF OCCUPANCIES

37. (1) Each Premises must be individually addressed. The Occupant shall place the appropriate address 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.
- (2) The letters or numbers must be of a colour that contrasts with any background colour of the Building or structure.

FIRE ALARM AND SPRINKLER SYSTEM ACTIVATION

MAINTENANCE OF FIRE ALARM AND SPRINKLER SYSTEMS

38. (1) Each Occupant of a Building or Premises must ensure the Fire Alarm System and Sprinkler System are maintained and tested as required by the Fire Code by a Fire Protection Technician.
- (2) Records of service testing and maintenance of a Fire Alarm System or Sprinkler System must be retained at the Building or Premises to which they pertain by the owner of that Building or Premises.
- (3) If the requirements in this section are not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

CORRECTION OF DEFICIENCIES

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39. When an Officer or a Firefighter attends a premise where a Fire Alarm System or a Sprinkler System has been activated without proper cause, resulting in a False Alarm, the Occupant and Building Manager of the Premises must immediately correct the deficiencies to the Fire Alarm System and Sprinkler System. This may include arrangements being made with a security company to provide a fire watch where deficiencies are unable to be corrected. If the Occupant fails to correct those deficiencies, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

NOTIFICATION OF TESTING

40. Any Occupant of Premises where there is an automatic Sprinkler System or a Fire Alarm System must notify the Fire Department prior to any service, test, repair, maintenance, adjustment, alteration or installation of that system which might activate a False Alarm.

COST RECOVERY FOR FAILURE TO NOTIFY

41. The owner or occupant of any building containing an Automatic Sprinkler System or a Fire Alarm System shall be assessed a charge as a Cost Recovery charge pursuant to section 85 for any False Alarm that occurs when the owner or Occupant fails to notify the Fire Department prior to service, testing, repair, maintenance, adjustment or alterations, or installation of that system.

SPRINKLER SYSTEM OPERATIONS

42. When a Building equipped with a Sprinkler System is being demolished, the Sprinkler System must be maintained in operation subject to sequential elimination, until demolition work is completed.

HYDRANTS AND STANDPIPES

HYDRANTS AND STANDPIPES

43. (1) Fire hydrants must be free of all obstructions to at least 1 metre in all directions.
- (2) Unauthorized attachments found on standpipe systems may be removed by the Fire Department.
- (3) Fire Department Connections will be subject to Division B Part 6 of the Fire Code, and must be equipped with external metal caps.

PRIVATE FIRE HYDRANTS

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44. An Occupant must, with respect to fire hydrants on their Premises:
- (a) cause all hydrants to be inspected and maintained in accordance with Schedule “D” to this bylaw by persons authorized in writing by the Fire Chief;
 - (b) retain records of inspections and maintenance required for at least 3 years;
 - (c) notify the Fire Department of all repairs to hydrants;
 - (d) wrap all hydrants which are out of service for repair, or not yet in service, with burlap or black polyethylene plastic sheeting;
 - (e) keep hydrants clear of ice, snow, shrubs, trees, structures and other obstructions and clearly identify their locations;
 - (f) paint hydrants the same colour scheme as City hydrants;
 - (g) ensure that no person places or leaves any vehicle, article, thing or matter in such a manner as to interfere with free access or approach to any hydrant or other Fire Department connections.

If the requirements in this section are not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule “C”.

FIRE HOSE

45. No person shall drive over, or be within 9 metres of a Fire Department hose that is in use or filled with water, without the permission of the Fire Chief or the Officer in charge of the Incident. If the requirements in this section are not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule “C”.

EMERGENCY ACCESS

EMERGENCY ACCESS TO BUILDINGS

46. To allow for the access of emergency vehicles, no person may block or obstruct building Access Routes at any time. If the requirements in this section are not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule “C”.

DURING CONSTRUCTION PHASES

47. All Fire Department Access Routes, while during their construction phases, are to be unobstructed and have a surface condition suitable for the access of emergency vehicles. If the requirements in this section are not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule “C”.

SECURITY GATES

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48. Fire lane gates or other equipment used to secure primary or secondary access routes must be approved by the Fire Department PRIOR to installation. If the requirements in this section are not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

SIGNAGE

49. All Fire Department Access Routes to a Building must have at least one sign that is at least 30 centimetres by 40 centimetres in size that reads: "NO PARKING - FIRE LANE", and those signs must be permanently posted at each entrance to the Access Route and at intervals not less than 10 metres apart. If the requirements in this section are not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

OPEN AIR BURNING

OPEN AIR BURNING REGULATIONS

50. (1) Within the geographical boundaries of the City, no person shall ignite any Open Fire or cause or permit any Open Fire to be ignited, or to burn in the open air:
- (a) except under special circumstances granted in writing by the Fire Chief; and
 - (b) except if the owner of the property where the Open Fire is intended to occur first obtains a Burning Permit in the form as set out in Schedule "E" attached hereto, which shall not become valid until approved by the Fire Chief. The owner must comply with all applicable bylaws and permit conditions set out in that Burning Permit.
- (2) Burning of land clearing slash within the City is prohibited.
- (3) Open Fires are prohibited in any area of the City zoned as Commercial, Industrial, or Comprehensive Development pursuant to City of Courtenay Zoning Bylaw as it is amended from time to time.

If this section is not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

BURNING PERMITS

51. (1) All Burning Permits issued pursuant to this Part are subject to such conditions, restrictions, and provisions, as the Officer may consider necessary to include therein. Without limitation, the Burning Permit may regulate:
- (a) the location of a fire;
 - (b) the dates and times a fire may be maintained;
 - (c) the maximum area occupied by a fire;

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- (d) the materials to be burned in a fire; and
 - (e) precautions to be taken in connection with the fire.
- (2) No person to whom a Burning Permit has been issued shall burn or combust Trade Waste, tires, animal carcasses, oil, tar, asphalt, shingles, battery boxes, plastic materials, or any similar material which may produce heavy black smoke, on or in any fire. If not complied with, the Fire Chief may charge the owner of the Premises on which the fire occurs for the cost incurred by the City to extinguish the fire, as a Cost Recovery charge pursuant to section 85.
 - (3) Every person who burns outdoors shall place a competent person in charge of that fire at all times and must provide that person with sufficient equipment to prevent that fire from getting beyond control, causing damage, or becoming dangerous.
 - (4) At any time an Officer may, on account of hazardous fire conditions, cancel or suspend until such time as is specified in the order, all or any permits issued pursuant to this bylaw, or may impose further conditions and restrictions on those permits.
 - (5) A fire may be deemed out of control under this Part when it spreads beyond the boundaries of the parcel of land on which it was started, or threatens to do so, or endangers any building or property.
 - (6) If a fire is deemed to be out of control, or in contradiction of this bylaw, and the Fire Department makes efforts to extinguish that fire, the City may charge the owner of the property on which the fire starts for the cost incurred by the City to extinguish the fire, as a Cost Recovery charge pursuant to section 85.

EXEMPTION TO OPEN AIR BURNING REGULATIONS

FIRE DEPARTMENT

52. Notwithstanding any other provision of this bylaw, the Fire Department may burn buildings, structures, or other materials for the purpose of training its personnel or members of the public in structural fire fighting methods, fire investigation procedures or for the purpose of elimination of hazards.

OUTDOOR COOKING AND HEATING APPLIANCES

53. Notwithstanding Section 50, gas fired (propane or natural gas) appliances or charcoal briquettes heating or cooking appliances are allowed all year round without a Burning Permit, so long as manufacturer's specifications are adhered to.

AGRICULTURAL

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54. Notwithstanding Section 50, outdoor burning by lighting, igniting, starting or maintaining any outdoor fire of any kind within the City, during daylight hours, in order to burn orchard, berry, and vineyard pruning generated on site on properties zoned A1 Agricultural is permitted, provided that a Burning Permit is obtained. No permit under this section shall be issued for a period of time exceeding fifteen (15) days.

CAMPFIRES

55. Notwithstanding Section 50, if the Fire Chief or an Officer designated by the Fire Chief considers it expedient to do so, the Fire Chief or his designated Officer may issue a Burning Permit for burning wood for campfires in the open air, provided that such burning shall only be carried out in areas designated and approved by the Fire Chief.

SUSPENSION OF BURNING

56. When the Fire Chief or an Officer designated by the Fire Chief deems it expedient to do so or where of the Fire Chief or that Officer considers hazardous fire conditions exist, the Fire Chief or that Officer may order a total ban on burning within the geographical boundaries the City and may suspend, cancel or restrict for such time as they may deem necessary any or all burning permits issued by the Fire Chief or that Officer pursuant to this bylaw or the *Forest Act*.

FUEL DISPENSING STATIONS / UNDERGROUND TANKS

REGULATION

57. No person shall operate a fuel dispensing station or install any storage tank or pump, or measuring device, used or intended to be used, for the purpose of dispensing Flammable Liquids or Combustible Liquids unless that person has a been granted an Underground Tank Permit by the Fire Department in the form attached to and forming part of this bylaw as Schedule "F".

APPLICATION FOR PERMIT

58. (1) Every application for an Underground Tank Permit must:
- (a) state the name, address and telephone number of the applicant and contractor;
 - (b) state the location of the proposed installation; and
 - (c) comply with all applicable bylaws and permit conditions.
- (2) Every application for an Underground Tank Permit must be accompanied by two copies of specifications and scaled plans showing:
- (a) the location of storage tanks in relation to adjacent tanks, Buildings, fuel dispensing devices, property lines and fencing;
 - (b) the location of all the major piping, valves, pumps and associated

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appurtenances;

- (c) the location of the fuel dispensing system;
- (d) the location of existing and proposed Buildings;
- (e) the size, capacity and use of the storage tanks to be installed;
- (f) the standard to which the storage tanks have been constructed; and
- (g) the type and trade names of the pumps and measuring devices to be installed.

AUTHORIZATION OF COVERAGE

59. A person shall not cover any Underground Tank, storage tank, associated piping or appurtenances without first obtaining the written authorization of the Fire Chief. If this section is not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

DANGEROUS GOODS

INSPECTIONS

60. (1) The Fire Department may conduct inspections of places where Dangerous Goods are used, manufactured, or stored.
- (2) Sections 26 to 31 apply to Dangerous Goods inspections. The Fire Department may conduct these inspections for the purposes of determining:
- (a) that safety, containment and cleanup equipment is available on site;
 - (b) that the location and identity of Dangerous Goods is clearly written on labels or signs located at the site of the Dangerous Goods, recorded by the Fire Department in the event of an Incident, and updated by the Owner or Occupier of the facility where the Dangerous Goods are located.
- (3) The Fire Department may accumulate and maintain information as to the location of Dangerous Goods in the City, as received from users, manufacturers, and individuals who store those Dangerous Goods.

DANGEROUS GOODS RESPONSE

61. (1) In the event of a Dangerous Goods Incident at the scene of an emergency to which the Fire Department responds, the Fire Department may
- (a) attempt to identify the presence of Dangerous Goods;
 - (b) take such measures as necessary to protect Fire Department personnel from the Dangerous Goods;

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- (c) enlist equipment and personnel from agencies trained and equipped to handle and dispose of Dangerous Goods; and
 - (d) secure the area.
- (2) The Fire Chief may take such measures as may be necessary to prevent and suppress fires arising from Dangerous Goods incidents by:
- (a) educating the public with respect to Dangerous Goods and Dangerous Goods Incidents;
 - (b) carrying out or causing to be carried out inspections of real property;
 - (c) training Fire Department personnel;
 - (d) making arrangements with agencies that have trained personnel to respond to Dangerous Goods Incidents.

DANGEROUS GOODS REGULATIONS

62. (1) If Dangerous Goods are located on a commercial or industrial Premises, the Occupant must institute an employee training and education program designed to inform employees about the Dangerous Goods. The information must include the nature of the hazards, appropriate work practices, protective measures and emergency procedures.
- (2) If Dangerous Goods are located on a Premise, the Occupant of the Premises must ensure that the Dangerous Goods are labeled in a manner that clearly identifies the nature and location of the Dangerous Goods. The Occupant must ensure this labeling is kept up to date.
- (3) No person shall place or allow to be placed Dangerous Goods in garbage cans, recycling baskets, or other curbside solid waste materials.
- (4) Despite subsection 62(3), Flammable Liquids and other hazardous materials such as paints, flammable thinners, gasoline, asphalt or tar must be stored in small detached structures or out in the open and not inside principal Buildings. Flammable liquids used within Buildings must be handled and stored only in Approved safety cans. Every Occupant of real property must provide fire resistant receptacles for oil rags, waste rags, excelsior and Dangerous Goods.
- (5) Asphalt and tar kettles must be located in a safe place outside of a Building or on a non-combustible roof in a position where they are not in danger of igniting any combustible material. Metal covers must be provided for all tar kettles to smother flames in case of fire.
- (6) In relation to Building demolitions, the following precautions must be taken:

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- (a) Flammable Liquids and combustible oils from tanks and machinery reservoirs must be drained in a safe manner, with particular attention to removal of residue and sludge accumulations, and shall be removed immediately from the Building;
- (b) Tanks and piping that formerly contained Flammable Liquids must be removed prior to demolition of the building.
- (c) No person shall act or omit to act in any manner that may result in a nuisance being created by the existence of Dangerous Goods.
- (d) Occupants of Premises where Dangerous Goods are stored in a manner that, in the opinion of the Fire Chief constitute a fire hazard or increase the danger of fire, must remove those Dangerous Goods from the Premises, and store or dispose of them in a safe manner.

If this section is not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

RECOVERY OF COSTS

- 63. (1) Every Occupant of Premises in respect of which the Fire Department responds to a Dangerous Goods Incident must pay the City a charge based on the actual costs of the Fire Department response to the Dangerous Goods Incident, as a Cost Recovery charge pursuant to section 85.
- (2) The Fire Chief may charge an Occupant of a Premises for the replacement or repair of Fire Department equipment where as a result of an Incident at that Premises, such equipment has been damaged or contaminated by a hazardous substance or Dangerous Good and consequently requires decontamination, repair or replacement. That charge may be collected as a Cost Recovery charge pursuant to section 85.

PERMIT AND INSPECTION FEES

TIMELINE OF PERMITS

- 64. (1) Any permit issued pursuant to this Bylaw authorizing work to be done is deemed to be void and of no effect if the work is not commenced within the timeline stated at the time of the issuance of the permit.
- (2) A permit is only valid for the location for which the permit has been issued.

UNDERGROUND PARKING AREAS

STORAGE OF FLAMMABLE AND COMBUSTIBLE PRODUCTS

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65. Flammable and combustible products must not be stored in underground parkades unless contained in a room specifically designed for such storage and Approved by an Officer.

EXIT DOORS

66. (1) No person shall alter exit doors unless the alterations are reviewed and approved by the Fire Department.
- (2) Locking devices shall be installed on any required exit doors in accordance to the B.C. Building Code.

FIREWORKS

REGULATIONS - LOW HAZARD FIREWORKS

67. No person shall, at any time, sell, give, possess or explode Low Hazard Fireworks, excluding sparklers, Christmas crackers and caps for toy guns, except under the following conditions:
- (1) Low Hazard Fireworks may be possessed and exploded at a specified time by a sponsoring organization or person conducting a public event if such event is authorized by written permission of Council and the Fire Chief has issued a permit for that event as per Schedule 'A' attached hereto and forming part of this bylaw; and
- (2) Low Hazard Fireworks may be exploded on private property only with the written consent of the property owner or on City property with written consent of the City.

If this section is not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

REGULATIONS - HIGH HAZARD FIREWORKS

68. No person shall at any time sell, give, possess or explode High Hazard Fireworks, except under the following conditions:
- (1) High Hazard Fireworks may be used for religious or ceremonial purposes by a sponsoring organization or person conducting a public event if that event is authorized by written permission of Council, the Fire Chief has issued a permit for that event as per Schedule 'B' attached hereto and forming part of this bylaw;
- (2) Each individual applying for a High Hazard Fireworks permit, in accordance with this section and section 79 must be the individual supervising the exploding of the High Hazard Fireworks and must possess a valid Fireworks Supervisor Card issued by the Explosives Regulatory Division; and
- (3) Transportation and storage of High Hazard Fireworks must be in accordance with the *Explosives Act* (Canada) and its associated Regulations.

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If this section is not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

SALES PROHIBITION

69. No person shall offer to sell, or cause Fireworks to be sold. If this section is not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

POSSESSION AND DISCHARGE OF FIREWORKS

70. No person may possess, use, detonate or explode any Fireworks, except as specifically permitted in this bylaw.

SEIZURE

71. An Officer may seize any Fireworks being held in violation of this Bylaw, and may dispose of them without compensation.

PUBLIC EVENTS

72. The holder of a permit for Fireworks under this Bylaw is be responsible for and must take all steps necessary to ensure the safety and security of members of the public attending the Fireworks event, as well as persons taking part in the event.
73. The holder of a permit for Fireworks under this Bylaw must deposit with the City a public liability insurance policy covering public liability and property damage with a thirty day cancellation clause, in an amount not less than two million dollars. The City is to be named additional insured on the policy and a copy of the said insurance must be delivered to the City at least five days prior to the event.
74. All or any costs of emergency response caused by the public event must be borne by the sponsoring organization or person conducting the event.

AGE REQUIREMENTS

75. No person under the age of 18 may light, hold or explode any Fireworks at any time.
76. No person under the age of 18 may possess any fireworks in the City.
77. No person may sell, give or dispose of any fireworks of any class or description to a person who is under the age of 18 years.

FIRECRACKERS

78. No person shall offer for sale, sell, use, detonate or explode Firecrackers. If this section is

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not complied with, the Fire Chief or Designate may issue a Municipal Ticket (MTI). The MTI fine is specified in Schedule "C".

LIGHTING OF HIGH HAZARD FIREWORKS

79. No person shall explode light or activate High Hazard Fireworks or Movie/TV Pyrotechnics unless that person is the holder of a permit issued pursuant to Section 68. The permit may be withheld until the applicant has complied with all applicable bylaws and the permit conditions.

HIGH HAZARD FIREWORKS AND MOVIE/TV PYROTECHNICS PERMITS

80. The Fire Chief or an Officer designated by the Fire Chief may issue a permit to light or explode High Hazard Fireworks or Movie/TV Pyrotechnics to a person who is over the age of eighteen (18) years and has valid certification as required by the Explosives Regulatory Division PROVIDED THAT the applicant meets all the requirements of this Bylaw and:
- (a) Submits a copy of the Explosive Regulatory 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 crew members; and
 - (e) Submits proof acceptable to the Fire Chief or Officer 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.

PERMIT REQUIREMENTS

81. Every permit issued pursuant to Section 79 must:
- (a) Specify the Fireworks that the permit holder is authorized to light or explode;
 - (b) Specify the day and the hours on which, and the description of the property or place where the Fireworks may be discharged and used; and
 - (c) Include a Fire Safety Plan specific to that permit. Information on requirements can be obtained through the Fire Department.

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HIGH HAZARD FIREWORKS PERMIT CHARGE

82. On application for a permit for High Hazard Fireworks or Movie/TV Pyrotechnics as set out in section 79, a Cost Recovery charge will be charged pursuant to section 85 for administration and review of Fire Safety Plans.

APPLICANT REQUIREMENTS

83. Every holder of a permit under Section 79 must:
- (1) Present the permit to the seller of the Fireworks;
 - (2) Light or explode only those Fireworks specified in the permit;
 - (3) Light or explode the Fireworks only in accordance with the terms of the permit;
 - (4) Light or explode the Fireworks only in accordance with the Fire Safety Plan;
 - (5) Ensure that the Fireworks are only lit or exploded under the permit holder's direct supervision and responsibility;
 - (6) Ensure that the use, handling, discharge, possession and storage of the Fireworks conforms in every respect to the regulations made under the *Explosives Act* (Canada), the display fireworks manual as published by the Explosives Regulatory Division, and this Bylaw.

FIRE PROTECTION AT MOVIE/TV PYROTECHNICS

84. The amount of fire protection required at a Movie/TV Pyrotechnics event must be approved by the Fire Chief or his designate with consideration to the minimum staffing requirements as reviewed at the site for the appropriate life safety and emergency resource needs. The cost of fire protection provided by the Fire Department at such an event may be recovered as a Cost Recovery fee pursuant to section 85.

PENALTIES AND ENFORCEMENT

COST RECOVERY

85. The City may recover all costs and expenses it incurred incidentally to the taking of any measures pursuant to sections 8, 16, 31, 32, 33, 34, 41, 51, 63, 82, and 84 jointly and severally from any person who at the time had the charge, management or control of the Building, Premises or property that is the subject of the charge, which costs and expenses are set out in Schedule "C" attached to and forming part of this Bylaw. If that person fails to pay those costs and expenses within 6 months after they were incurred, the City may recover those costs and expenses from the owner of the Building or Premises by direct invoice, together with costs and interest at the rate set out in the *Taxation (Rural Area) Act*. Default on those costs, expenses and interest will result in their being added to the property taxes of the owner of the Building or Premises.

DESIGNATION OF BYLAW

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

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DESIGNATION OF ENFORCEMENT OFFICERS

87. Officers and Bylaw Enforcement Officers are designated to enforce this bylaw by means of a Municipal Ticket Information under Section 264 of the *Community Charter*.

TICKETING

88. The words or expressions listed in Schedule “C” in the ‘description’ column are authorized to be used on a ticket issued under Section 264 of the *Community Charter* to designate an offence against the respective section of this bylaw appearing opposite in the section column. The amounts appearing in the MTI fine column are the fines set pursuant to Section 264 of the *Community Charter* for contravention of the respective section of the Bylaw appearing opposite in the section column.

VIOLATION OF BYLAW

89. Every person who suffers or permits any act or thing to be done or who neglects to do or refrains from doing anything required to be done by this Bylaw, and thereby violates any provision of this Bylaw, is guilty of an offence punishable on summary conviction and shall be liable to the maximum penalties that may be imposed pursuant to the *Offence Act* for each and every offence, and each day that an offence continues shall constitute a separate offence against this bylaw.

POSTED NOTICE

90. No person shall remove, alter, or deface any notice posted pursuant to this Bylaw.

SEVERANCE

91. 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 portion.

EFFECTIVE DATE

92. This Bylaw will come into force on the date of its adoption.

REPEAL

93. “Fire Protective Services Bylaw No. 2290, 2004” is hereby repealed.

Read a first time this 6th day of October, 2008

Read a second time this 6th day of October, 2008

Appendix C

Read a third time this 6th day of October, 2008

Finally passed and adopted this day of ,

Mayor

Manager of Corporate Administration

Appendix C

CITY OF COURTENAY

BYLAW NO. 2556, 2008

SCHEDULE "A"

APPLICATION FOR FIREWORKS DISPLAY - LOW HAZARD FIREWORKS EVENT

- NOTES:
1. Applicant must be the person supervising the firing of the Fireworks.
 2. Non-Refundable Application Fee of \$25.00

NAME OF APPLICANT _____ AGE _____

MAILING ADDRESS: _____

TELEPHONE: _____

I hereby make application for a Low Hazard Fireworks Event on behalf of:

MYSELF _____ OR ORGANIZATION _____

ADDRESS: _____

LOCATION OF DISPLAY _____

DATE: _____ TIME: _____

DESCRIBE SPONSORING ORGANIZATION / PUBLIC EVENT:

Appendix C

CITY OF COURTENAY

BYLAW NO. 2556, 2008

SCHEDULE "B"

APPLICATION FOR FIREWORKS DISPLAY - HIGH HAZARD FIREWORKS EVENT

- NOTES:
1. Applicant must be the person supervising the firing of the Fireworks.
 2. Non-Refundable Application Fee is \$50.00.

NAME OF APPLICANT _____ AGE _____

MAILING ADDRESS: _____

TELEPHONE: _____

I hereby make application for High Hazard Fireworks event on behalf of:

MYSELF _____ OR ORGANIZATION _____

ADDRESS: _____

FIREWORKS SUPERVISORS CARD # _____ EXPIRY DATE _____

LOCATION OF DISPLAY: _____

DATE: _____ TIME: _____

DESCRIBE SPONSORING ORGANIZATION / PUBLIC EVENT:

Appendix C

BYLAW NO. 2556, 2008

SCHEDULE “C” – MTI FINES AND COST RECOVERY

SECTION		DESCRIPTION	MTI FINE	COST RECOVERY
8	Prevention, Control and Enforcement	Response to Fire Call or Incident		Fire crew and fire truck costs \$400.00 each truck and crew per hour (minimum 1 hour).
12	Interference with Egress or Access to Buildings	Interfering with Egress or Access to a Building or Premises	\$100.00	
13	Interference with Fire Protection Equipment	Interfering with Fire Protection Equipment	\$100.00	
14	Interference with Fire Protection Equipment	Activating Fire Alarm when no Fire	\$100.00	
15	Accumulation of combustibles	Permit combustible material to remain on Premises	\$100.00	
16	Accumulation of combustibles	Failure to maintain property		Cost of removal by City crews or City contractor and invoiced to the property owner.
17	Accumulation of Daily Combustibles	Fail to remove combustible items or store same in safe manner	\$100.00	
18	Storage of Combustible Materials	Failure to provide non-combustible container	\$100.00	
19	Fire Doors or Fire Separation Devices	Failure to keep fire doors in good repair	\$100.00	
20	Quantity and Storage of Flammable or Combustible Liquids	Improper storage of Flammable or Combustible Liquids	\$100.00	

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23	Cleaning with Combustible Liquids	Cleaning with Combustible Liquids	\$100.00	
25	Fire Extinguishers	Failure to Provide and Maintain Fire Extinguisher	\$100.00	
27	Obstruction	Obstruction of Officer	\$100.00	
28	Access for Fire Inspection	Failure to provide access for Fire Inspection	\$100.00	
31	Inspection fee cost recovery	Failure to correct violation after re-inspection		\$100.00 per re-inspection
32 33	Secure Vacant Premises; Secure Fire-damaged Premises	Failure to board-up		Cost of board up by City crews or City contractor and invoiced to the property owner.
34 35	Contact Persons	Failure for contact person to attend at a Premises		Fire crew and fire truck costs \$400.00 each truck and crew per hour (minimum 1 hour).
38	Maintenance of Fire Alarm and Sprinkler Systems	Failure to Maintain Fire Alarm and Sprinkler Systems	\$100.00	
39	Correction of Deficiencies	Failure to correct fire alarm deficiencies	\$100.00	
41	Cost Recovery for failure to notify	Activation of alarm system, and failure to notify of testing.		Fire crew and fire truck costs \$400.00 each truck and crew per hour (minimum 1 hour).
44	Private Fire Hydrants	Failure to maintain hydrant	\$100.00	
45	Fire Hose	Tamper with Fire Hose	\$100.00	
46	Emergency Access to Building	Obstructing Emergency Access	\$100.00	

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47	During Construction Phases	Obstructing Emergency Access during Construction	\$100.00	
48	Security Gates	Fail to receive approval for security gates	\$100.00	
49	Signage	Failure to post signs	\$100.00	
50	Open Air Burning Regulations	Open Air Burn without Burning Permit	\$100.00	
51 (2)	Burning permits	Burning prohibited materials. Fire extinguished by Fire Department		Fire crew and fire truck costs \$400.00 each truck and crew per hour (minimum 1 hour).
51 (6)	Burning Permits	Fire under permit deemed out of control, and extinguished by Fire Department		Fire crew and fire truck costs \$400.00 each truck and crew per hour (minimum 1 hour).
59	Authorization of Coverage	Covering tank without authorization	\$100.00	
62	Dangerous Goods Regulation	Failure to handle or store Dangerous Goods safely	\$100.00	
63 (1)	Dangerous good response	Cost recovery for response to dangerous goods incident		Fire crew and fire truck costs \$400.00 each truck and crew per hour (minimum 1 hour), plus the cost of any extra measures required on account of Dangerous Goods on the Premises.
63 (2)	Contamination and replacement of equipment	Contamination and replacement of damaged equipment from hazardous material or dangerous goods		Equipment replacement cost or decontamination costs including taxes.
67	Regulations – Low Hazard Fireworks	Possession of Low Hazard Fireworks	\$100.00	
68	Regulations – High Hazard Fireworks	Possession of High Hazard Fireworks	\$100.00	
69	Sales Prohibition	Sale of Fireworks	\$100.00	

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78	Firecrackers	Sale or Detonation of Firecrackers	\$100.00	
82	High Hazard Fireworks Permit Charge	Review and administration of Fire Safety Plans		\$150.00
84	Fire Protection at Movie/TV pyrotechnics	Fee charged for providing fire protection at movie or TV productions as required		Current fire equipment and staffing cost recovery as approved by the Fire Chief

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BYLAW NO. 2290, 2004

SCHEDULE "D"

PRIVATE FIRE HYDRANTS

1. All private hydrants must conform to all standards set out in the BC Building Code.
2. The owner of every private hydrant shall not less than once a year have all components of the hydrant inspected, serviced and tested by a Fire Protection Technician and submitted to the Fire Department.
3. Owners/agents of hydrants located on private property and designated for fire fighting purposes shall service and maintain all hydrants annually so as to be capable of providing the flow and pressure of water for which they were designed. A copy of the service record must be submitted to the Fire Department.
4. During construction, servicing or repairs the owner shall ensure that all fire hydrant conditions affecting fire safety such as fire hydrants temporarily out of service, low water volumes, pressures etc., are made known to the Fire Department immediately.

REQUIRED INSPECTIONS

AFTER EACH USE

5. The following minimum inspection must be conducted after each use:
 - a) Examine the exterior for broken, cracked or missing parts.
 - b) Check to ensure that the hydrant hose ports are the proper elevation and facing a direction for the most efficient use.
 - c) Check to ensure that the hydrant is not obstructed by tall grass, shrubbery or other items.
 - d) Check for worn, rusted or obstructed threads, which may hamper efficient use.
 - e) Inspect hydrant barrels to determine if water has been accumulated as a result of leaking main valve, plugged or damaged drain valve.

SEMI-ANNUALLY

6. The following minimum inspection must be conducted semi-annually:
 - a) Examine the exterior for broken, cracked or missing parts.
 - b) Check to ensure that the hydrant hose ports are the proper elevation and facing a direction for the most efficient use.

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- c) Check to ensure that the hydrant is not obstructed by tall grass, shrubbery or other items.
- d) Check for worn, rusted or obstructed threads which may hamper efficient use.
- f) Inspect hydrant barrels to determine if water has been accumulated as a result of leaking main valve, plugged or damaged drain valve.
- g) Check for non-drainage of hydrant, leakage past valve seat, plugged drains.
- h) After winter, the hydrant should be checked for damage caused by frost, ground heave, snow, road salt or sand.

ANNUALLY

7. The following must be conducted annually:

- a) Hydrants shall be flushed with main valve and outlet valves fully open until the water runs clear of any visible debris.
- b) Check the operation of the main line valve by closing the isolating valve.

EVERY THREE YEARS

8. The following must be conducted every three years:

- a) Disassemble the hydrant and check for worn or broken parts and leaks.
- b) Lubricate all external and internal working parts during reassembly.
- c) Check water pressure.
- d) Reopen main line valve and check to see if hydrant operates and close hydrant valve.

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INSERT

SCHEDULE 'E' BURNING PERMIT

HERE



**COURTENAY FIRE DEPARTMENT
FUEL DISPENSING STATIONS / UNDERGROUND TANKS**

**PERMIT APPLICATION FORM
(Pursuant to the Fire Services Act & Regulations)**

Name of Applicant:	
Address:	Telephone:
Name of Contractor:	
Address:	Telephone:
Location of Installation:	
Two copies of specifications and scaled plans submitted showing:	
<ul style="list-style-type: none"> a) Location of storage tanks in relation to adjacent tanks, buildings, fuel dispensing devices, property lines and fencing; b) location of major piping, valves, pumps and associated appurtenances; c) the location of fuel dispensing system; d) the location of existing and proposed buildings; e) the size, capacity and use of the storage tanks to be installed; f) the standard to which the storage tanks have been constructed; g) the type and trade names of the pumps and measuring devices to be installed; h) the location and type of vents and safety valves; i) the location and layout of any key/card lock fuel dispensing station; and j) comply with all applicable bylaws and permit conditions set out and be accompanied by the fees prescribed in Schedule 1 of this Bylaw for Fuel Dispensing Stations/Underground Tank Permit. 	
PERMIT	
<p>Permission is hereby granted this _____ day of _____, _____, pursuant to</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Section or clause number</p> <p>of the _____</p> <p style="text-align: center;">(Provide the name of the regulation being employed)</p> <p>and does not preclude permits and approvals required by other authorities having jurisdiction.</p>	
<p>Name of Jurisdiction: _____</p>	
<p>_____</p> <p>Print Name</p>	<p>_____</p> <p>Signature of Fire Department Representative</p>

TOWN OF COMOX

BYLAW NO. 1721

A BYLAW TO REGULATE THE DISCHARGE OF FIREWORKS IN THE TOWN OF COMOX

In open meeting assembled the Council of the Town of Comox enacts as follows:

1. Title

This Bylaw may be cited as the Comox Fireworks Regulation Bylaw, 2012.

2. Interpretation

The following definitions apply to this Bylaw:

- (a) "Bylaw Enforcement Officer" means the Bylaw Enforcement Officer, Corporate Officer, Deputy Corporate Administrator and Fire Chief for the Town of Comox;
- (b) "Fire Chief" means the person appointed from time to time as the Fire Chief of the Fire Department and that person's representative;
- (c) "Fireworks" means Subdivisions 1, 2 and 5 of Division 2, Class 7 fireworks in the Explosives Regulation (Canada) or its successor regulation but does not include sparklers, Christmas crackers, caps for toy guns or model rocket engines.
- (d) "Fire Department" means the Town of Comox Fire Department;
- (e) "Fireworks Safety Plan" means a site plan including details of the location, duration and safety measures in place for the event for which a Fireworks Permit is required.
- (f) "Fireworks Supervisor" means a person possessing either a valid Level 1 or Level 2 Fireworks Supervisor Certificate, issued by the Explosives Regulatory Division of Natural Resources Canada, and does not include a person possessing only an Apprentice Certificate;
- (g) "Fireworks Permit" means a current and valid permit issued by the Fire Chief pursuant to Section 5 of this Bylaw for the purpose of possessing, detonating, discharging or otherwise using fireworks permitted by this Bylaw;

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- (h) “Fire Prevention Officer” means any person appointed by the Fire Chief to act as Fire Prevention Officer;
- (i) “Incident” means any of the following occurrences to which the Fire Department has responded:
 - (i) fire,
 - (ii) explosion,
 - (iii) a situation where a fire or explosion has occurred or is imminent, or
 - (iv) any other situation presenting a danger or possible danger to life or property; and

3. Severability

Each provision of this Bylaw is intended to be independent of the other provisions of this Bylaw. The setting aside of any provision of this Bylaw by a court does not affect the validity of the remaining provisions of this Bylaw.

4. Sale, Possession and Discharge

- (1) No person shall offer to sell, give away or trade Fireworks.
- (2) No person shall buy, hold or store Fireworks.
- (3) No person under the age of 18 years shall possess, detonate, discharge or otherwise use Fireworks.
- (4) No person being the parent or guardian of any person under the age of 18 years shall allow that person to possess, detonate, discharge or otherwise use Fireworks.
- (5) No person the age of 18 years or older shall possess, detonate, discharge or otherwise use Fireworks unless that person holds a valid Fireworks Permit.

5. Fireworks Permit

- (1) A Fireworks Permit will only be issued for the following types of events:
 - (a) community events that are open to the general public, and
 - (b) film and television events requiring the use of pyrotechnics and special effects.

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- (2) Each applicant for a Fireworks Permit must
 - (a) hold a valid and appropriate Fireworks Supervisor Certificate, as required by the Explosives Regulation (Canada) or its successor regulation;
 - (b) obtain and maintain public liability insurance that
 - (i) is in the name of the applicant and the Town,
 - (ii) is obtained from an insurance company registered to do business in British Columbia, and
 - (iii) provides coverage on an “occurrence basis” in an amount of at least \$2 million;
 - (c) fill out a Fireworks Permit Application Form, as prescribed from time to time by the Fire Chief;
- (3) Each Application for a Fireworks Permit must
 - (a) be made by the person proposing to possess, detonate, discharge or otherwise use the Fireworks;
 - (b) be submitted to the Fire Chief at least 14 days before the date of the event for which the Permit is required;
 - (c) include proof of a valid Fireworks Supervisor Certificate,
 - (d) include proof of the insurance described in section (2)(b); and
 - (e) include a Fireworks Safety Plan.
- (4) The Fire Chief may refuse to issue a Fireworks Permit if the applicant has previously failed to comply with any condition as set out in a Permit or this Bylaw, or has any outstanding fines levied in accordance with this Bylaw.
- (5) A Fireworks Permit is not transferable.
- (6) Subject to this Bylaw and the *Explosives Act* (Canada), the Fire Chief may grant or refuse a permit.

6. Conditions of Fireworks Permit

- (1) A Fireworks Permit is subject to the following conditions, which are attached to and form part of the Fireworks Permit.

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- (a) The permittee of a Fireworks Permit shall
 - (i) possess, detonate, discharge or otherwise use only those Fireworks specified in the Fireworks Permit;
 - (ii) possess, detonate, discharge or otherwise use Fireworks in accordance with the Fireworks Safety Plan; and
 - (iii) ensure that the Fireworks are possessed, detonated, discharged or otherwise used by the permittee or under the direct supervision and responsibility of the permittee.
- (b) Pursuant to Section 15(1)(d) of the *Community Charter*, authority is hereby delegated to the Fire Chief to establish conditions related to the following:
 - (i) time of activity, or
 - (ii) place of activity.
- (c) The permittee of a Fireworks Permit is only permitted to undertake the activities as outlined in the Permit in compliance with the conditions that form part of the Permit.

7. Site Inspection

Before issuing any Fireworks Permit, a Fire Prevention Officer may, at the expense of the applicant, conduct one or more site inspections. The fee for such inspection or inspections is specified in Schedule “A” of this Bylaw.

8. Suspension and Revocation

The Fire Chief may suspend or revoke a permit under the following circumstances:

- (a) the permittee has contravened, or authorized, permitted, or suffered the contravention of
 - (i) a provision of this Bylaw;
 - (ii) the *Fire Services Act* or its regulations, or any other applicable statute or regulations; or
 - (iii) a term or condition specified in the Fireworks Permit; or
- (b) in the opinion of the Fire Chief, weather or other site conditions present an undue risk of an Incident;

9. Cost Recovery

Every person who directly causes an Incident because of that person’s misuse of fireworks, including but not limited to the failure to comply with this Bylaw, a Permit, or an applicable statute or regulation is liable for all expenses incurred by the Town or Fire Department. The cost shall be the current direct cost to the Town or Fire Department for supplying personnel and equipment including administration and tax, as set out in Schedule "B", attached to and forming part of the Comox Fire Prevention and Regulation Bylaw, 2007.

10. Offences

- (1) Any person who contravenes any provision of this Bylaw is guilty of an offence and shall, upon summary conviction thereof, be liable to a minimum penalty of \$500.00 and a maximum fine of \$10,000.00.
- (2) Each day that an offence continues shall constitute a separate offence against this Bylaw.

11. Municipal Ticketing

- (1) This Bylaw is designated under the provisions of section 264 of the *Community Charter* as a Bylaw that may be enforced by means of a ticket in the form prescribed, and in accordance with this Bylaw.
- (2) Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police are persons designated to enforce this Bylaw pursuant to section 264(1)(b) of the *Community Charter*.
- (3) Pursuant to section 264(1)(c) of the *Community Charter*, the words or expressions set forth below in Column 1 designate the offence committed under the Bylaw section numbers appearing in Column 2 opposite the respective words or expressions.
- (4) Pursuant to section 265(1) of the *Community Charter*, but subject to section 9.3(c) of this Bylaw, the fine amount set forth below in Column 3 is the fine amount for the offence that corresponds to the section number and words or expressions set out in Columns 1 and 2 opposite the fine amount.

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Sell, give away or trade fireworks	4(1)	\$500
Buy, hold or store fireworks	4(2)	\$500
Underage possession or use of fireworks	4(3)	\$500
Allow minor to possess or use fireworks	4(4)	\$500

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Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Possess or use fireworks without permit	4(5)	\$500
Use fireworks not specified	6(1)(a)(i)	\$500
Not following Fireworks Safety Plan	6(1)(a)(ii)	\$500
Not supervised by permittee	6(1)(a)(iii)	\$500

12. Repeal

Comox Fireworks Regulation Bylaw, 1988 is hereby repealed.

13. Adoption

- (1) READ A FIRST, SECOND AND THIRD time this 19th day of September , 2012.
- (2) ADOPTED this 3rd day of October , 2012.

“Paul Ives”
MAYOR

“Richard Kanigan”
CORPORATE OFFICER

SCHEDULE “A”

Site Inspection Fee \$50 per hour per Fire Prevention Officer
(minimum 2 hours)

VILLAGE OF CUMBERLAND

BYLAW NO: 712

A Bylaw to Regulate the sale, explosion and storage of Fireworks within the Municipal boundaries of the Village of Cumberland.

WHEREAS under the provision of the Municipal Act, Council may by bylaw regulate the storage sale and explosion of Fireworks within the Municipality;

AND WHEREAS it is provided by section 728 of the said 'Municipal Act' that Council may, by bylaw regulate or prohibit, inter alia, the exploding of Firecrackers or other Fireworks;

AND WHEREAS as provided by Section 728 of the said 'Municipal Act' that the Council may, by bylaw, subject to the Firework Act, regulate or prohibit the sale or disposal to any person of firecrackers and fireworks of every nature or kind;

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

1. **TITLE**

This bylaw may be cited as 'Cumberland Fireworks Regulations Bylaw No. 712 ,1997'.

2. **DEFINITIONS**

- 'COUNCIL' means the elected Officials of the Village of Cumberland.
- 'FIRE CHIEF' means the Fire Chief or Deputy Fire Chief of the Village of Cumberland.
- 'FIREWORKS' means fireworks as defined in Class 7.2.1. and 7.2.2 of the Canada Explosives Act.
- 'PERMIT' means a permit issued under this Bylaw.
- 'PUBLIC DISPLAY' means a special event, festival or religious or other ceremony sponsored or conducted by a Society, Religious organization or individual.

3. **REGULATIONS LOW HAZARD** - no person shall, at any time, sell, give, possess, or set off low hazard fireworks as defined in Class 7.2.1. of the Canada Explosives Act, excluding sparklers, christmas crackers and caps for toy guns, except under the following conditions;

- a) Fireworks Class 7.2.1. may be possessed or set off at any time by a sponsoring organization or person conducting a Public Display if such display is authorized by written permission of Council and issued a permit by the Village Fire Chief (Schedule A).

Fireworks Regulation Bylaw

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- b) Fireworks shall be set off on private property with the consent of the owner being first obtained or on public property with written permission of Council (Schedule A).
- c) Safety and Security is the responsibility of the sponsoring organization or person conducting a public display.
- d) Any and all costs for Emergency Response created and caused by the public display shall, if found negligent, be borne by the sponsoring organization or person conducting the display.

4. **REGULATIONS HIGH HAZARD** - No person shall at any time sell, give, possess or set off High Hazard Fireworks as defined in Class 7.2.2. of the Canada Explosives Act, except under the following conditions:

- a) Fireworks Class 7.2.2. may be used for Religious or Ceremonial purposes by a sponsoring organization or person conducting a public display if such display is authorized by written permission of Council and issued a Special Permit by the Village Fire Chief (Schedule B).
- b) Each individual applying for a Special Permit, in accordance with the provisions of Section 4 (a) must be the individual supervising the setting off of the Fireworks and shall possess a valid Fireworks Supervisor Card issued by the Explosives Branch of Energy, Mines and Resources, Canada.
- c) Transportation and Storage of Class 7.2.2. Fireworks shall be in accordance with the Federal Explosives Regulations.
- d) Conditions in Paragraph 3 (a) (b)(c)(d) apply.

5. **POSSESSION**; Any person found to be in possession of any Fireworks as classified in Section 3 and 4 of this bylaw, and in violation of this Bylaw, shall forthwith surrender the Fireworks to local Police and said Officials shall be authorized to seize and confiscate said Fireworks without any compensation to the person found to be in possession.

6. **PENALTIES**; Any person who contravenes any provision of this bylaw is guilty of and offence and liable upon conviction to the penalties prescribed by the OFFENCE ACT

7. **REPEALMENT**

Bylaw No. 226 'The Village of Cumberland Fireworks Control Bylaw, 1952' is hereby repealed.

READ A FIRST, SECOND TIME this 5th day of August, 1997

READ A THIRD TIME this 18th day of August, 1997

Fireworks Regulation Bylaw
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ADOPTED by Council of the Village of Cumberland this 2nd day of September, 1997


MAYOR

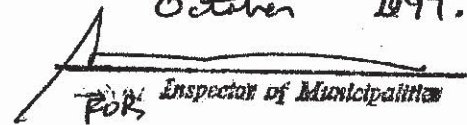

CLERK

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 712 cited as "Village of Cumberland Fireworks Issuing and Control Bylaw No. 712, 1997 adopted by Council this 2nd day of September, 1997.


CLERK

Registered with the Inspector of Municipalities this _____ day of _____, 1997.

*A true copy of By-law No. 712
registered in the office of the Inspector
of Municipalities this 3rd day of
October 1997.*


Inspector of Municipalities

VILLAGE CUMBERLAND
BYLAW NO. 712
SCHEDULE "A"

APPLICATION FOR FIREWORKS DISPLAY LOW HAZARD CLASS 7.2.1.

- NOTES:
1. Applicant must be the person who will supervising the Firing of the Fireworks.
 2. Application Fee of \$25.00 Applies/not apply.
 3. Please Print.

APPLICANT'S NAME _____ AGE _____

MAILING ADDRESS _____ POSTAL CODE _____

TELEPHONE _____ HOME _____ BUSINESS _____

I hereby make application for a permit to purchase and to explode Low Hazard Fireworks on behalf of:

MYSELF _____ ORGANIZATION _____

ADDRESS _____ LOCATION OF DISPLAY _____

DATE OF EVENT: _____ TIME OF EVENT: _____

OFFICE USE ONLY

DATE APPLICATION REVIEWED: _____

APPLICATION APPROVED/DENIED: _____

AUTHORIZED SIGNATURE: _____ DATE: _____

TITLE: _____ APPLICATION FEE REC'D _____

FIRE DEPARTMENT REVIEW

DATE APPLICATION REVIEWED: _____

PERMIT NUMBER ISSUED: _____

FIRE CHIEF/DEPUTY SIGNATURE: _____

VILLAGE CUMBERLAND
BYLAW NO. 712
SCHEDULE "B"

APPLICATION FOR FIREWORKS DISPLAY HIGH HAZARD CLASS 7.2.2.

- NOTES:
1. Applicant must be the person supervising the Firing of the Fireworks.
 2. Non-Refundable Application Fee of \$50.00.
 3. Security deposit of \$200.00
 4. Please print.

APPLICANT'S NAME _____ AGE _____

MAILING ADDRESS _____ POSTAL CODE _____

TELEPHONE _____ HOME _____ BUSINESS _____

I /we hereby make application for a permit to purchase and to explode High Hazard Class 7.2.2. Fireworks on behalf of:

MYSELF _____ ORGANIZATION _____

ADDRESS _____ LOCATION OF DISPLAY _____

DATE OF EVENT: _____ TIME OF EVENT: _____

I certify that I _____ have read, understand and *will follow* the principles and Safety Rules of the Fireworks Manual and the instructions of the manufacturer governing this particular class of fireworks. The storage of Class 7.2.2. Fireworks shall be in accordance with the Federal Explosive Regulations. Fireworks Supervisors Card No. _____ Expiration Date _____
Date _____

Applicants Signature _____

OFFICE USE ONLY

DATE APPLICATION REVIEWED: _____

APPLICATION APPROVED/DENIED: _____ By Village Council.

AUTHORIZED SIGNATURE: _____ DATE: _____

TITLE: _____ APPLICATION FEE REC'D _____

FIRE DEPARTMENT REVIEW

DATE APPLICATION REVIEWED: _____ SAFETY STANDARDS WITH APPLICANT COMPLETED/NOT COMPLETED.

PERMIT NUMBER ISSUED: _____ SECURITY DEPOSIT REFUND APPROVED OR FORFIETED. REASON(S) FOR FORIETURE _____

FIRE CHIEF/DEPUTY SIGNATURE: _____



October 3, 1997

V11-39

Terry E. Kelly
Clerk/Administrator
Village of Cumberland
P. O. Box 340
Cumberland, B. C.
V0R 1S0

Dear Terry E. Kelly:

Returned herewith is one copy of Bylaw No. 712, cited as "Cumberland Fireworks Regulations Bylaw No. 712, 1997", with evidence of registration in the office of the Inspector of Municipalities thereon.

Sincerely,



Norman A. McCrimmon, ACIS, P.Adm
Senior Advisor
Local Government Department

Enclosure