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THE CORPORATION OF THE CITY OF PENTICTON

FIRE AND LIFE SAFETY BYLAW

NO. 2004-57

Consolidated for convenience only.

Amended by: Bylaw 2005-29
Amended by: Bylaw 2008-38
Amended by: Bylaw 2009-22
Amended by: Bylaw 2012-5035 -Sept. 17, 2012
Amended by: Bylaw 2013-5043-Feb 4/2013
Amended by: Bylaw 2015-10 – March 2, 2015
Amended by: Bylaw No. 2018-20 – May 8, 2018
Amended by: Bylaw No. 2019-43 – November 19, 2019

THE CORPORATION OF THE CITY OF PENTICTON
BYLAW NO. 2004-57

**A BYLAW OF THE CORPORATION OF
THE CITY OF PENTICTON
FIRE AND LIFE SAFETY BYLAW**

That the Municipal Council of The Corporation of the City of Penticton in open meeting assembled ENACTS as follows:

That Bylaw No. 91-44 and amendments thereto be and are hereby repealed except insofar as they may repeal any other bylaw.

This Bylaw is divided into the following parts:

I	Title
II	Adoption of B.C. Fire Code Regulations
III	Definitions
IV	Fire Department
V	Permits
VI	Fire Protection and Life Safety
VII	Inspection of Premises
VIII	Fire Control
IX	Open Air Burning
X	Fireworks
XI	Wood Burning Appliances
XII	Dangerous Goods
XIII	Smoke Alarm Installation & Maintenance
XIV	Internal Fire Protection
XV	Reimbursement
XVI	Enforcement
XVII	Penalty

PART I TITLE

- 1.0 This Bylaw may be cited as the Fire and Life Safety Bylaw No. 2004-57.

PART II ADOPTION OF B.C. FIRE CODE REGULATIONS

- 2.0 That the B. C. Fire Code Regulations pursuant to the *Fire Services Act*, as amended from time to time, are hereby adopted and made applicable within the City.

PART III DEFINITIONS

3.0 In this Bylaw, unless the context otherwise requires

"AGRICULTURAL PRUNINGS" (Bylaw 2019-43)

"APPARATUS" means any vehicle provided with machinery, devices, equipment or materials of the Fire Department for fire fighting as well as equipment used to transport fire fighters or supplies.

"APPROVAL" means approved and acceptable to the Fire Chief.

"B.C. BUILDING CODE" means the regulations made pursuant to Division 1 of Part 21 of the *Local Government Act* RSBC 1996 c. 323 and any amendments thereto.

"B.C. FIRE CODE REGULATIONS" means the regulations made pursuant to the *Fire Services Act* RSBC 1996 c. 144 and amendments thereto.

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

"CITY" means the Corporation of the City of Penticton or other areas in which the Council has authorized the provision of services. (Bylaw 2015-10)

"CITY MANAGER" means the position of Chief Administrative Officer of the Municipality as defined pursuant to the provisions of Section 147 of the *Community Charter* and includes any person authorized in writing by the City Manager to carry out a function under this bylaw.

"COMBUSTIBLE WOOD DUST" means the fine, dry wood particles that are by-products of milling wood. (Bylaw No. 2018-20)

"COMMUNITY CHARTER" means Community Charter S.B.C. c. 26 and any amendments thereto.

"DANGEROUS GOODS" means any product, substance or organism which is of a highly combustible, flammable, or explosive nature, all as set out in the B.C. Fire Code Regulations and the National Fire Protection Association ("N.F.P.A.") Codes and the *Transportation of Dangerous Goods Act* R.S.B.C. 1996 c. 458 and any amendments thereto and any other material which, because of the toxic or inherent characteristics, constitutes a fire hazard or hazard to life, safety or health and without restricting the generality of the foregoing the following classes:

Class 1 Explosives, including explosives as defined in the *Explosives Act* R.S., c. E-15, S.1. and any amendments thereto

- Class 2 Gases, including compressed gases, liquified petroleum, liquefied natural gas, liquefied or dissolved gases under pressure.
- Class 3 Flammable liquids and combustible liquids.
- Class 4 Flammable solids, including substances liable to spontaneous combustion; substances that on contact with water emit flammable gases.
- Class 5 Oxidizing substances including organic peroxides, chlorates, nitrates.
- Class 6 Poisonous (toxic) and infectious substances.
- Class 7 Radioactive materials including prescribed substances within the meaning of the *Nuclear Energy Act* R.S., 1985, c. A-16s.1, 1997 c. 9, s89 and amendments thereto.
- Class 8 Corrosives.
- Class 9 Miscellaneous Dangerous Goods or organisms not included in any of the above classes.

"DIRECTOR OF OPERATIONS" means the Director of Operations of the City and includes any person authorized in writing by the Director of Operations to carry out a function under this bylaw.

"EQUIPMENT" means any tools, contrivances, devices or materials used by the Fire Department to combat a fire or other emergency.

"EXPLOSION" means a rapid release of energy that may or may not be preceded or followed by a fire, which produces a pressure wave or shock wave in air and is usually accompanied by a loud noise.

"FIREWORKS" means a composition that burns energetically and, if confined, explodes, and materials regulated in the Fireworks Manual, Explosives Division of Minister of Natural Resources Canada as regulated under the *Explosives Act* R.S., c. E-15, S.1. and amendments thereto.

"FIREWORKS MANUAL" means the publication of that name issued pursuant to the *Explosives Act*.

"FIRE CHIEF" means the person appointed from time to time as the Chief of the Fire Department by the Council of the City.

"FIRE DEPARTMENT" means the City Fire Department.

“FIRE DEPARTMENT CONNECTION” means any building or premises which has a sprinkler or standpipe system installed therein for internal fire suppression purposes.

"FIRE SERVICES ACT" means RSBC 1996 c. 144 and amendments thereto and Regulations made thereunder.

"FIRE SERVICES PERSONNEL" means person(s) employed by the Fire Department.

"INSPECTOR" means any Fire Services Personnel authorized in writing by the Fire Chief to act in such capacity.

“LOCAL GOVERNMENT ACT” means the Local Government Act R.S.B.C. 1996 c. 323 and amendments thereto.

"OCCUPIER" includes tenant, lessee, agent and any other person who has the right or access to and control of a building or premises to which this bylaw applies.

"OFFICER IN COMMAND" means the senior Fire Department member present.

“OPACITY” (Bylaw 2019-43)

"ORDER" includes an Approval, a decision, a determination, a Permit, and the exercise of a discretion made under the *Fire Services Act*, the B.C. Fire Code Regulations, or this Bylaw.

"PERMIT" means a document issued by the Fire Chief pursuant to this bylaw authorizing a person to carry on a procedure or undertaking, or to use, store, or transport materials, under certain and specific conditions.

“PERMITTED WOOD BURNING APPLIANCE FUELS” means seasoned untreated wood or manufactured products such as wood pellets and or fuel logs retailed for use as a fuel in a solid fuel burning appliance.

"PRIVATE FIRE HYDRANT" means any fire hydrant located on private property.

“PROHIBITED BURNING MATERIALS” as listed in the Waste Discharge Regulation, means the burning, partial burning or incineration of one or more of the following:

- (a) animal carcasses and waste from animal slaughtering;
- (b) asphalt or asphalt products;

- (c) batteries;
- (d) biomedical waste;
- (e) carpets;
- (f) construction waste other than lumber that has not been treated with wood preservatives or other chemicals and is not coated with paint, varnish, oil or other finishing material;
- (g) demolition waste;
- (h) drywall;
- (i) domestic waste;
- (j) electrical wire;
- (k) fibreglass and other fibre-reinforced polymers;
- (l) fuel and lubricant containers;
- (m) furniture and appliances;
- (n) hazardous waste;
- (o) manure;
- (p) paint and varnish;
- (q) plastics;
- (r) polystyrene foam;
- (s) railway ties;
- (t) rubber;
- (u) tar paper;
- (v) tires;
- (w) treated or painted wood products;
- (x) used oil.

(Bylaw 2019-43)

“RESTRICTED DISTRICTS” means an area referred to in paragraph 8.09 herein.

“SPECIAL PERMIT” means a Permit issued pursuant to paragraph 9.06.

“VACANT BUILDING” means a building or structure, which is without lawful resident or occupant or which is not being put to lawful commercial, residential, or industrial use for a continuous use period of over forty-five (45) days within a consecutive sixty (60) day period or which, may be unoccupied and unsecured; occupied and secured by boarding or other similar means; unoccupied and deemed a nuisance or hazardous building or structure or no longer hold a valid burning permit”.

“**VEGETATIVE DEBRIS**” means disturbed or undisturbed vegetative matter targeted for disposal.

(Bylaw 2019-43)

“**VENTING INDEX**” means the forecast ventilation index prepared using Environment Canada data and approved by the British Columbia Ministry of Forests.

“**WOOD BURNING APPLIANCE**” means a solid fuel burning device including, without limitations, a stove, fireplace or fireplace insert.

PART IV FIRE DEPARTMENT

4.01 Establishment of Fire Department

A department for the City known as the Penticton Fire Department is established and is continued as a Fire Department pursuant to Section 8 of the *Community Charter*.

4.02 Authorization

The Fire Department is authorized to:

- (a) take all reasonable measures to prevent, control and extinguish fires.
- (b) provide assistance in response to:
 - i) medical emergencies,
 - ii) land and water rescue operations,
 - iii) requests from other fire services,
 - iv) Dangerous Goods incidents, and
 - v) requests for public service.

4.03 Fire Chief

The head of the Fire Department is the Fire Chief who is responsible to the City Manager for the efficient management of the Fire Department and the condition of all buildings, Apparatus and Equipment under the Fire Chief's control.

4.04 Power and Duties of the Fire Chief

The Fire Chief shall manage, control and supervise the Fire Department and have care, custody and control of all buildings Apparatus and Equipment, and be responsible for

- (a) making such rules and regulations for the proper and efficient administration and operation of the Fire Department and for the discipline of Fire Services Personnel and may, from time to time, but subject always to the provisions of the *Fire Services Act*, vary, alter or repeal the rules or regulations. All rules and regulations shall be complied with by all Fire Services Personnel and any failure to comply with the rules and regulations as determined by the Fire Chief;
- (b) taking all necessary and proper measures to prevent, control and extinguish fire for the protection of life and property;
- (c) enforcing all City bylaws respecting fire prevention;
- (d) enquiring into, investigating and recording the cause of, all fires in the City;
- (e) collecting and disseminating information in regard to fires in the City including investigating conditions under which fires are likely to occur, studying methods of fire prevention, rendering advice, and making recommendations in regard to:
 - (i) the establishment and administration of the Fire Department,
 - (ii) the provisions of adequate water supplies for fire protection,
 - (iii) the installation and maintenance of automatic or other fire alarm systems and fire extinguishment Equipment,
 - (iv) the enforcement of measures for the prevention of fire or the protection of life and property against fire,
 - (v) the prevention of fires generally,
 - (vi) the establishment and implementation of an emergency operations plan,
- (f) With the consent of the City Manager, appointing such Fire Inspectors as may be authorized;
- (g) Taking all reasonable, necessary and proper measures to provide for rescue and medical emergency responses as required;
- (h) Providing fire alarm monitoring service as required;
- (i) Managing contracts with other jurisdictions and private industry as required, including the provision of any of the services contemplated in this Bylaw outside the municipality. **(Bylaw 2015-10)**

- (j) Pursuant to the provisions of the *Community Charter* exercise some or all of the powers of the Fire Commissioner under Section 25 of the *Fire Services Act*.

PART V PERMITS

5.01 Issuance of Permits

- (a) A Permit, when issued, shall constitute permission to maintain, store, or handle materials, or to conduct processes, which may produce conditions hazardous to life or property, or to install Equipment used in connection with such activities.
- (b) A Permit does not take the place of any licence required by law.
- (c) A Permit shall not be transferable and any change in occupancy or use of a building or premises shall require a new Permit.
- (d) Before a Permit may be issued, the Fire Chief may inspect and approve the receptacles, vehicles, buildings, property or storage places to be used.
- (e) In cases where laws or regulations, including bylaws enforceable by departments other than the Fire Department, are applicable, Approval shall be obtained from all departments concerned.

5.02 Permit Requirements;

A Permit shall be required:

- (a) In compliance with the B. C. Fire Code Regulations and more particularly the "Flammable and Combustible Liquids" section thereof;
- (b) In compliance with the "Open Air Fire" restrictions as set out in Part IX of this bylaw;
- (c) In compliance with the "Fire Works" restrictions as set out in Part X of this bylaw.

5.03 Permit Application

The application for a Permit shall be made in the form prescribed by the Fire Chief and satisfy at least the following requirements:

- (a) the signature of the applicant;
- (b) a statement of the intended use and occupancy showing:
 - (i) the dimensions of the building and its location,

- (ii) the proposed use of each room or floor area,
- (iii) fire protection installations, including portable extinguishers' fire alarms and detectors,
- (iv) means of egress,
- (v) a plot plan showing the location of all flammable liquid tanks and pumps in relation to buildings and property lines,
- (vi) a plot plan showing the location of public fire works display including adjacent properties that may be affected.

5.04 Permit Fees

The fees payable for a Permit shall be payable as determined by the City's Fees and Charges Bylaw and shall be paid to the City by all applicants for any Permit required by this bylaw, or the B.C. Fire Code Regulations and for inspection of any work or thing for which the said Permit is required including the following:

- (a) For any installation of compressed gas systems, gasoline tanks, oil tanks, diesel tanks, dispensing pump or refuelling station:

2,300 L	(500 I.G.) *
2,301 - 4,600 L	(501 - 1,000 I.G.) *
4,601 - 23,000 L	(1,001 - 5,000 I.G.) *
23,001 - 46,000 L	(5,001 - 10,000 I.G.) *
46,001 - 115,000 L	(10,001 - 25,000 I.G.) *
115,001 - 230,000 L	(25,001 - 50,000 I.G.) *
230,001 - 460,000 L	(50,001 - 100,000 I.G.) *
460,001 - 920,000 L	(100,001 - 200,000 I.G.) *
920,001 - 2,300,000 L	(200,001 - 500,000 I.G.) *
- (b) For each dispensing pump;
- (c) For inspections and installation of domestic and commercial oil burners;
- (d) For each domestic installation;
- (e) For each commercial installation;
- (f) For each "Public Fire Works display" Permit;
- (g) For each "open air burning" Permit
where a site inspection is required;
- (h) For each site inspection;

- (i) For each Special Permit;
- (j) For each Burning Permit.

5.05 Issuing and Posting of Permits

- (a) The Fire Chief may issue a Permit where:
 - (i) an application is made in the form prescribed,
 - (ii) the proposed use or occupancy conforms with applicable bylaws, codes and regulations, and
 - (iii) the Permit fee has been paid.
- (b) The Fire Chief may revoke a Permit where there is a violation of:
 - (i) any condition under which the Permit was issued, or
 - (ii) any requirement of this bylaw, codes or regulations.
- (c) This bylaw shall not be construed to hold the City responsible for any damage to persons or property by reason of:
 - (i) inspections authorized by this bylaw,
 - (ii) the failure to carry out an inspection,
 - (iii) a Permit issued as herein provided, or
 - (iv) the Approval or disapproval of any Equipment authorized by this bylaw.
- (d) Permits and licences shall be posted upon the building or premises described therein and made available for inspection by the Fire Chief.

PART VI FIRE PROTECTION AND LIFE SAFETY

6.01 Evacuation

If an emergency arising from a fire, fire hazard, toxic chemical spill or from a risk of Explosion or any other emergency with respect to life or safety, causes the Officer in Command to be apprehensive of imminent and serious danger to life or property, the Officer in Charge may immediately take the steps the Officer in Charge deems necessary or advisable to remove the hazard or risk. The Officer in Charge may Order the evacuation of a building or area and may call upon the police or such other personnel as may be required to assist and provide security to the evacuated area.

6.02 Removal of Fire Hazards

Whenever, in or upon any building or premises, there exists any material of a flammable, combustible or explosive nature, or any dangerous or unnecessary accumulation of waste materials or litter or vegetation of a nature which constitutes a fire hazard and any such material is so situated in the opinion of the Fire Chief as to endanger life or property or to obstruct ingress or egress from the building or premises in the case of fire, or which may interfere with the operations of the Fire Department, or where any other conditions exist which are considered by the Fire Chief to be a fire hazard, the owner or Occupier of the building or premises shall forthwith, upon the Order of the Fire Chief, have the said material removed, disposed of or otherwise dealt with in accordance with the Order.

6.03 Forests

Where, in the opinion of the Fire Chief, the safety of life or property in any area within the City is endangered through the hazardous condition of the forest cover or the occurrence or spread of fire in any forest or woodland, the Fire Chief may, by Order in writing signed by him, declare that area a closed area for such period or periods of time as the Fire Chief may determine and may further declare that no unauthorized person(s) may enter or be therein and no operations of any class specified in the Order may be carried out within the closed area.

6.04 Safety of Forests

Where the safety of forests, woodland, timber or other property is endangered by debris caused by lumbering, land clearing or industrial operations, the person carrying on, or who has carried on, the operation or the owner/Occupier of the land on which the debris exists, shall dispose of the debris by burning or removal and shall cut down all dead standing trees and stumps within the areas affected and shall provide the labour and take the precautions to prevent the escape of fire or damage to property as directed by the Fire Chief.

6.05 False Alarms

No person shall, without reasonable cause, make or circulate or cause to be made or circulated, any alarm of fire by outcry, ringing of bells or otherwise.

6.06 Access to Fire Hydrants and Fire Department Connection

No person shall place or maintain any object or matter adjacent to a building on a sidewalk or street which interferes with free access or approach to any fire hydrant or Fire Department Connection.

6.07 Vacant Buildings

The owner of any vacant building shall register the building and or conform to the regulations prescribed within Section 7.8 of the City's Good Neighbour Bylaw 2012-5030 and any amendments thereto.

6.08 Fire Damaged Buildings

- (a) The owner of any fire damaged building shall register the building and or conform to the regulation prescribed within Section 7.8 of the City's Good Neighbour Bylaw 2012-5030 and any amendments thereto.
- (b) In the event the owner fails to comply as aforementioned, then the Fire Chief or Bylaw Enforcement Officer may cause the same to be done at the expense of the owner and the costs thereof shall be recoverable by the City as prescribed in Sections 7.29 and 7.30 of the Good Neighbour Bylaw 2012-5030 and any amendments thereto.

6.09 Fire Doors and Shutters

Where doors or shutters are installed in a building to prevent the spread of fire, those doors or shutters, inclusive of hardware, shall at all times be kept and maintained in good repair and working order and shall not be blocked or wedged open.

6.10 Elevator Shafts

No person shall store, place, keep, maintain or Permit to be stored, placed, kept or maintained in any part of an elevator shaft in a building, any Dangerous Goods and provided further the well of an elevator shaft shall, at all times, be kept clean and free from rubbish, litter, and flammable substances.

6.11 Ventilating Shafts

No person shall use a ventilating shaft for a purpose other than ventilation.

6.12 Chimneys, Flues and Vents

- (a) The owner or Occupier of a building or premises shall cause every chimney flue and chimney connector to be cleaned of all accumulation of debris as often as may be necessary to keep the chimney and chimney connector free from danger of fire.
- (b) A chimney, flue, or stack, and any metal extension thereof shall be maintained in a safe condition.

6.13 Disposition of Combustible Material

- (a) No person shall deposit, or Permit to be deposited, any greasy or oily rags or other things liable to spontaneous heating, within one metre

of a combustible wall, partition, fence, floor or sidewalk or within one metre of lumber, hay, shavings, rubbish, fuel or other combustible or flammable materials, unless those rags or other things are deposited in a non-combustible receptacle.

- (b) An occupant of a building or premises who makes, stores or uses shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, wastepaper or other combustible or flammable material shall, at the close of each day, compactly bale or stack such material in a fire-safe manner or store it in non-combustible receptacles.

6.14 Disposal of Ashes

- (a) No person shall deposit, or allow or cause to be deposited, ashes from a fire box or ash pit within one metre of a combustible wall, partition, fence, floor or sidewalk or within one metre of lumber, hay, shavings, rubbish, fuel or combustible material.
- (b) All ashes shall be deposited in a non-combustible receptacle.
- (c) No person shall deposit or allow or cause to be deposited paper, straw, hay, shavings or other combustible or flammable matter in or among ashes or other matter taken from a stove, furnace or fireplace or other similar device.

6.15 Private Hydrant and Water Supply Systems on Private Property

- (a) All water supply systems on private property (excluding Bareland Strata Developments, who shall comply with standards generally accepted as good engineering practice) shall conform to the City specifications in the Subdivision and Development Bylaw and be installed to be capable of providing adequate water for fire fighting purposes as determined *through reference to Best Engineering Practice Standards as recognized by the BC Building Code. With respect to the quantity and flow for fire fighting, Table 3.2 of Section 00100 – Water Systems – Design Criteria of the Subdivision and Development Bylaw 2004-81 shall apply.*
- (b) Prior to the construction of any new private water supply system or the extension to an existing private water supply system, the applicant must submit a plan to the Fire Chief and the Director of Operations for Approval.
- (c) The owner or Occupier of a building under construction shall:
 - (i) provide roads finished to a minimum of good compacted gravel for adequate access for Apparatus, and

- (ii) provide a water supply system for fire protection as soon as practical as may be determined by the Fire Chief and the Director of Operations, and
 - (iii) notify the Fire Department of all newly installed Private Fire Hydrants.
- (d) Private Fire Hydrants shall be maintained in good operating condition.
 - (e) Private Fire Hydrants shall be inspected and maintained in accordance with the B.C. Fire Code Regulations.
 - (f) Records of maintenance of all Private Fire Hydrants shall be forwarded annually to the office of the Fire Chief.
 - (g) Private Fire Hydrants shall be painted in compliance with the National Fire Protection Association publication "Marking of Hydrants".
 - (h) All installations of Private Fire Hydrants or private water systems shall be designed and supervised by a civil engineer who is a member in good standing of the Association of Professional Engineers and Geologists of British Columbia.
 - (i) During construction, servicing, or repairs to a Private Fire Hydrant or water supply systems on private property within a subdivision, the owner or Occupier shall immediately notify the Fire Department of all Private Fire Hydrant conditions or water supply systems on private property which may affect fire safety, including fire hydrants which are temporarily out of service or experiencing low water volumes or low water pressures.
 - (j) Bulk Plants shall be provided with fire hydrants and a water supply with pressure and quantity adequate to meet the probable fire demands as determined by the Fire Chief from time to time.

6.16 Buildings

- (a) Fire protection Equipment:
 - i) is required for the protection of any building or occupancy,
 - ii) shall meet the standards of the B.C. Building Code, B.C. Fire Code Regulations and any other code or bylaw adopted by the City,
 - iii) shall be installed in accordance with good engineering practices, and be placed in a location satisfactory to the Fire Chief.

- (b) Notwithstanding the absence of specific regulations, codes or bylaws, good engineering practices shall be observed in the development and maintenance of buildings, water supply systems, fire protection systems and means of access for Fire Department Apparatus and Equipment to the satisfaction of the Fire Chief.

6.17 Standards of Work

The Fire Chief may require that any construction, installation, repair or replacement to any fire or suppression Equipment or system shall be done in conformity with higher standards than prescribed in the B.C. Building Code, the B.C. Fire Code Regulations or this bylaw if, the Fire Chief deems that such higher standards are reasonable and necessary in the interest of safety.

6.18 Rejection of Work

The Fire Chief may, after the examination of the fire or suppression Equipment referred to in paragraph 6.17 herein issue a written rejection, which shall have the same force and effect as an Order issued under Part XVI.

6.19 Dangerous Goods

- (a) All Dangerous Goods shall be moved in compliance with the *Transportation of Dangerous Goods Act*, R.S. 1992 c. 34 and any amendments thereto.
- (b) The storage and handling of all hazardous materials shall be done in compliance with the British Columbia Fire Code Regulations.
- (c) Where, in the opinion of the Fire Chief, a discharge, emission or escape of Dangerous Goods has occurred and immediate action is necessary for the protection of the public, the Fire Chief may require that any action be taken by any person the Fire Chief considers qualified to do so, or take action himself to eliminate or contain the danger.

6.20 Fire Alarm Maintenance

Every owner or Occupier of buildings or premises shall ensure the fire alarms therein are maintained and tested in accordance with the B.C. Fire Code Regulations.

6.21 Emergency Lighting Maintenance

Every owner or Occupier of buildings or premises shall ensure that the emergency lighting, exit lighting and exit signs therein shall be maintained in operating condition.

6.22 Yards and Roadways Maintenance

Every owner or Occupier of buildings or premises shall ensure streets, yards and private roadways provide for Fire Department access and such access shall be maintained so as to be ready for use at all times by Apparatus.

6.23 Commercial Cooking Equipment

Every owner or Occupier of buildings or premises shall ensure commercial cooking equipment, exhaust and fire protection systems shall be installed and maintained in conformance with N.F.P.A. 96 - Standard for Ventilation Control and Fire Protection of Commercial Cooking.

6.24 Maintenance of Portable Extinguishers

Every owner or Occupier of buildings or premises shall ensure selection, inspection, testing and maintenance of portable extinguishers shall be in conformance with N.F.P.A. 10 – Standard for Portable Fire Extinguishers.

6.25 Means of Egress

Every owner or Occupier of buildings or premises shall maintain and ensure means of egress therefrom shall be maintained in good repair and free from obstructions.

6.26 Exit Door Hardware

Every owner or Occupier of buildings or premises shall ensure that exit door hardware shall be maintained in good repair and free to open.

6.27 Fire Safety Plans

Every owner or Occupier of buildings or premises shall ensure fire safety plans shall be provided and maintained as required by the B.C. Fire Code Regulations.

6.28 Flammable and Combustible Liquids

Every owner or Occupier of buildings or premises shall ensure flammable and combustible liquids shall be stored, handled and transported in accordance with the B.C. Fire Code Regulations.

6.29 Wood Dust Producing Operations

Wood dust producing operations must meet the fire safety planning requirements of the BC Fire Code.

Prior to a new business license being issued and/or upon inspection and request of the Fire Department or Business Licence Inspector, wood dust

producing operations must provide a Fire Safety Plan that is acceptable to the Fire Department.

The fire safety plan will reflect the unique characteristics of the building and the wood dust producing operation it contains and will also consider the available firefighting services such as hydrant, sprinkler and access route. **(Bylaw No. 2018-20)**

PART VII INSPECTION OF PREMISES

7.01 Review of Plans

The Fire Chief shall review and approve the plans and inspect the construction of all new buildings and structures in the City other than single-family dwellings, in order to establish that the fire protection facilities and Equipment are in compliance with all applicable regulations, this bylaw, codes and standards.

7.02 Right to Inspect

The Fire Chief and each member of the Fire Department is hereby authorized to enter upon any property at all reasonable times in order to ascertain whether the requirements or directions under this bylaw, the *Fire Services Act* or its regulations are being obeyed in addition to the powers vested in them by the *Fire Services Act* and are hereby authorized and empowered to inspect property and premises for conditions which may cause fire or increase the danger of a fire or increase the danger to persons and to deal with any matter within the scope of the *Fire Services Act* in a manner not repugnant to any provision of the *Fire Services Act* or regulations there under.

7.03 Assistance in Inspection

The owner or Occupier of a building or property or any other person having knowledge of the building or property shall, upon request, give to an Inspector who is carrying out an inspection of the building or property, such assistance as may required in carrying out the inspection.

7.04 Entry for Inspection

Every owner or Occupier of a building or property shall provide all information and render all assistance required by the Fire Chief or any member of the Fire Department pursuant to this bylaw. No person shall purposely withhold or falsify any information required by the Fire Chief or any member of the Fire Department.

7.05 Special Authorization

Each member appointed by the Fire Chief is authorized to carry out the inspection and functions of the Local Assistant under Part 2 of the *Fire Services Act*.

7.06 Obstructions

No person shall obstruct or interfere with the Fire Chief or any member of the Fire Department while carrying out any inspection pursuant to this bylaw.

PART VIII FIRE CONTROL

8.01 Assistance of Public

The Fire Chief or Officer in Command may require any person at or near any fire to assist in fighting the fire, and in preserving property threatened by any such fire.

8.02 No Obstruction at Fire

No person shall impede, hinder or obstruct the extinguishment of a fire and any person who fails to comply with the Order or direction of any Fire Services Personnel engaged or about to be engaged in the extinguishment of a fire, shall be liable to the penalties provided herein and any such person may be forcibly removed from the scene of such fire by a police officer or Fire Services Personnel.

8.03 Entry Upon Premises

No person shall refuse to Permit any Fire Services Personnel, Apparatus or Equipment to enter into or upon any building or premises from which an alarm of fire has been received, or in or upon which such Fire Services Personnel has reasonable grounds to suspect that a fire exists.

8.04 Prevention of Fire Spread

The Fire Chief or Officer in Command may take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fire.

8.05 Investigation of Fire Scene

No person shall impede, hinder or obstruct any Fire Services Personnel from entering at any time to examine a building, premises, motor vehicle or vessel where a fire has occurred or any building or premises adjoining or near the fire for the purpose of investigating the fire.

8.06 Duty to Furnish Information

Every owner or Occupier, and every person residing or employed at, a building or premises, motor vehicle or vessel where a fire occurs, shall furnish, at the request of the Officer in Command, such information he might have relating to a fire or to the property destroyed or damaged by fire.

8.07 Breaking Blockade

Except the police and members of the Fire Services Personnel no person shall enter any burning building, or any part thereof, fire scene or other restricted area without permission of the Fire Chief.

8.08 Entry on Adjacent Premises

The Fire Chief or any Officer in Command at a fire or emergency, is empowered to enter, pass through or over buildings or property adjacent to a fire or emergency and to cause members of the Fire Service Personnel, Apparatus and Equipment to enter or pass through or over buildings or property, where he deems it necessary to gain access to the fire or emergency to protect any person or property.

8.09 Restricted Districts

Where the Fire Chief, in consultation with the British Columbia Ministry of Forests - Forest Service, considers that life or property is endangered by hazardous fire conditions, by occurrence or spread of a fire in a forest area, or by activities within a forest area, the Fire Chief may, in a notice published or broadcasted, or both, in or near the area, Order that:

- (a) after a date specified in a notice, until an Order is made under this bylaw, the area is deemed to be a Restricted District;
- (b) after a date specified in the aforesaid notice, the area is no longer deemed to be a Restricted District

No person shall, other than with the written consent of the Fire Chief,

- (a) enter or be within the Restricted District for a purpose prohibited in an Order; or
- (b) carry on, in, or within one (1) km of a forest in the Restricted District, industrial or other operations of a kind prohibited in an Order.

PART IX OPEN AIR BURNING AND MISCELLANEOUS

9.01 Burning Without a Permit

No person shall light, ignite, start or allow or cause to be lighted, ignited, or started, an outdoor fire of any kind, or for any purpose except as follows:

- (a) the operation of a permanent or portable outdoor barbecue intended for, and used solely for, the preparation of food using briquettes, propane or natural gas, is permitted;
- (b) the operation of a permanent outdoor fireplace, equipped with a spark arrestor and approved by the Fire Chief, is permitted; and
- (c) burning of fires for the Fire Department training exercises is permitted.
- (d) The operation of City fire pits on Okanagan Lake and Skaha Lake beaches, using seasoned wood, is permitted for personal warmth and the preparation of food.

9.02 Validity of Permit

The validity of any Permit shall be in writing and is valid only for the purpose stated and for the period of time set out in the Permit.

9.03 Issuing

Where the Fire Chief deems it expedient to do so and where, in his consideration, hazardous conditions exist, The Fire Chief may refuse, cancel or suspend any Permit and/or restrict for such time as the Fire Chief may deem necessary, any and all outdoor burning.

9.04 Burning Permits

The Fire Chief may issue a Permit to the owner or Occupier of land for the authorized outdoor burning of Vegetative Debris in conjunction with Open Burning Smoke Control Regulation and if the following conditions are met:

(Bylaw 2019-43)

- (a) Every reasonable alternative for reducing, reusing or recycling has been pursued to minimize the amount of Vegetative Debris to be burned;
(Bylaw 2019-43)
- (b) Permit holders must contact the Fire Department for permission before lighting the fire. Burning permission is granted at the discretion of the Fire Chief and is only permitted on days when the Venting Index is 55 or greater;
(Bylaw 2019-43)
- (c) The open burning is on land of 1 hectare (2.2 acres) or greater;

- (d) The material to be open burned is on the parcel of land from which it originated;
- (e) Prohibited Burning Materials cannot be burned;
- (f) All burning shall be conducted and concluded between dawn and dusk of the same day;
- (g) A competent adult person will be in charge of the fire at all times while it is burning or smouldering and shall have sufficient appliances and Equipment in order to prevent the fire from burning out of control or causing damage or becoming dangerous;
- (h) To owners of property less than 1 hectare (2.2 acres) zoned Agriculture as defined in the City of Penticton Zoning Bylaw #87-65 after a site inspection has been completed by Fire Services Personnel.

9.05 Special Permit Required

The Fire Chief may issue a Special Permit for open burning when the conditions are met as per:

- a) Open Burning Smoke Control Regulation – PART 3 – SPECIFIC REQUIREMENTS FOR OPEN BURNING - Division 2 - Plans For Community Wildfire Risk Reduction
- b) Open Burning Smoke Control Regulation – PART 3 – SPECIFIC REQUIREMENTS FOR OPEN BURNING - Division 3 - Diseased Vegetative Debris
- c) Open Burning Smoke Control Regulation – PART 3 – SPECIFIC REQUIREMENTS FOR OPEN BURNING - Division 4 - Dry Land Sort Areas
- d) Open Burning Smoke Control Regulation – PART 3 – SPECIFIC REQUIREMENTS FOR OPEN BURNING - Division 5 - Air Curtain Incinerators

(Bylaw 2019-43)

9.06 Special Permit Conditions:

Special Permit Conditions are restricted as follows:

- (a) Prohibited Burning Materials cannot be burned;
- (b) All burning shall be conducted and concluded between dawn and dusk the same day unless noted on the Special Permit by the Fire Chief;

- (c) A competent adult person shall be in charge of the fire at all times while it is burning or smouldering and shall have sufficient appliances and Equipment in order to prevent the fire from burning out of control or causing damage or becoming dangerous.

9.07 Land Clearing Debris

(Bylaw 2019-43)

9.08 Commercial Incinerator

- (a) Where, in the opinion of the Fire Chief, any commercial incinerator is likely to create or become a fire hazard due to damage, deterioration, lack of maintenance, construction or location, the Fire Chief may:
 - (i) direct the owner of the commercial incinerator to alter, renovate, repair, replace or relocate the incinerator, or
 - (ii) Order the owner of the commercial incinerator to discontinue its use.
- (b) The owner of any commercial incinerator shall comply with the direction of the Order of the Fire Chief.

9.09 Smoke Standards

A person who carries on open burning must ensure that all reasonable efforts are taken to minimize the amount of smoke emitted by the open burning, as outlined in the Open Burning Smoke Control Regulation and the City of Penticton Good Neighbour Bylaw. **(Bylaw 2019-43)**

9.10 Fire Chief May Authorize Fire

The Fire Chief may, by issuing a Permit, authorize a person to ignite or maintain a fire at a time or place which is prohibited by a regulation contained in this bylaw.

PART X FIRE WORKS

10.01 Restrictions

No person shall manufacture, discharge, sell or dispose of any Fireworks within the City, except pursuant to Permit issued by the Fire Chief.

10.02 Permit

- (a) The Fire Chief may issue a Permit to discharge "Low Hazard" Fireworks as defined in the "Fireworks Display Manual" to an individual or organization for a specific event or occasion.

- (b) The Fire Chief may issue a Permit to discharge "High Hazard" Fireworks as defined and regulated in the "Fireworks Display Manual", for public display and for a specific event or occasion.

10.03 Conditions

- (a) An organization, in order to discharge Fireworks and to obtain a Permit, must appoint a Fireworks supervisor who would have complete authority over and be responsible for all safety features at the Fireworks display.
- (b) Written permission must be obtained from the owner or Occupier of the land on which the Fireworks will be prepared or set off, as well as all neighbouring lands upon which debris may reasonably be expected to fall, and such written permission shall be filed with the Fire Chief.
- (c) No person shall discharge any Fireworks on any street in the City.

PART XI WOOD BURNING APPLIANCES

- 11.01 Only Permitted Wood Burning Appliance Fuels may be burned in a Wood Burning Appliance.

PART XII DANGEROUS GOODS

12.01 Safe Handling of Dangerous Goods

Where the Fire Chief or Officer in Command is satisfied on reasonable and probable grounds that a discharge, emission or escape of Dangerous Goods has occurred and that immediate action is necessary in order to carry out reasonable and emergency measures, the Fire Chief or Officer in Command may request such measures be taken by any person considered qualified to do so.

12.02 Explosion Or Potential Explosion

It is the duty of any Occupier or if none, the owner of the property, building, premises, motor vehicle, or vessel to report immediately to Fire Services Personnel when an Explosion, discharge, emission, escape, or spill of Dangerous Goods occurs and to similarly report to Fire Services Personnel where the potential for an Explosion or discharge, emission, escape or spill of Dangerous Goods by reason of unusual or abnormal circumstances.

PART XIII SMOKE ALARM INSTALLATION AND MAINTENANCE

13.01 In this part

- (a) "Building" means any structure used or intended for supporting or sheltering any use of occupancy;
- (b) "Dwelling Unit" means a suite used or intended to be used as a housekeeping unit and usually containing cooking, eating, living, sleeping and sanitary facilities;
- (c) "Suite" means a single room or series of rooms of complementary use occupied under a single tenancy and includes individual guestrooms in motels, hotels, boarding houses, rooming houses, dormitories and bed and breakfasts;
- (d) "Institutional Occupancy" means the occupancy or use of a building or part thereof by persons who require special care or treatment because of age, mental or physical limitations or who are involuntarily detained or who are detained for penal or correctional purposes or whose liberty is restricted;
- (e) "Occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;
- (f) "Occupant" means the resident owner, lessee, licensee or tenant of any building to which any of the provisions of this Part apply;
- (g) "Smoke Alarm" means a combined smoke detector and audible alarm device designed to sound an alarm within the dwelling unit, suite or room in which it is located upon the detection of smoke within that room.

13.02 The owner of every Building shall ensure that Smoke Alarms are installed and maintained in every Dwelling Unit or Suite and in each sleeping room not within a Dwelling Unit, pursuant to 13.04 below, except for Institutional Occupancy which is required to have a fire alarm system.

13.03 The Occupant shall test the Smoke Alarm in compliance with the manufacturer's recommendation, within the Dwelling Unit, Suite or sleeping room not less than every six months to ensure that the Smoke Alarm is functioning correctly. If the Occupant finds the Smoke Alarm is not functioning correctly, the Occupant, if he is not the Owner, shall inform the Owner immediately of becoming aware of the failure and the Owner shall forthwith, or as soon as is reasonably practical, repair or replace the Smoke Alarm.

13.04 Each Smoke Alarm required under this Part shall conform to the Canada Fire Code and specifically CAN/ULC-S531-M87, Standard for Smoke

Alarms and shall be installed and maintained in conformance with Canada Fire Code CAN/ULC-S553-M86, Standard for the Installation of Smoke Alarms. Smoke Alarms required for motels, hotels, boarding houses, rooming houses, dormitories and bed and breakfasts shall in addition be installed in accordance with Section 9.10.18 of the B. C. Building Code and amendments thereto.

PART XIV INTERNAL FIRE PROTECTION

14.01 Renovations or Alterations

Where an owner of a multi-residential building over two stories in height which requires a fire alarm system pursuant to the B. C. Building Code, carries out or causes to carry out renovations or alterations to a building where the total cost of the renovation or alteration, together with any other renovation or alteration within a 24 month period, exceeds 25% of the actual value of the building as determined by the B.C. Assessment Authority, the owner shall install an automatic sprinkler system throughout the entire building.

14.02 Deficient Fire Separation and/or Smoke Control

Any existing multi-residential building over two stories in height which requires a fire alarm system pursuant to the B. C. Building Code that is deficient in fire separations and/or smoke control, shall install an automatic sprinkler system throughout the entire building.

14.03 All automatic sprinkler systems shall comply and be installed in accordance with the requirements of the NFPA 13 – Standard for Installation of Sprinkler Systems and NFPA 13(R) - Standard for Installation of Sprinkler Systems and Residential Occupancies Up To and Including Four Stories in Height and amendments thereto.

PART XV REIMBURSEMENT

15.01 In addition to the penalties which may be imposed under Part XVII of this bylaw, any person who breaches the provisos of this bylaw and thereby causes the City any direct or indirect expense shall, on demand by the City, reimburse the City for such expense. The Fire Chief may certify the expense actually and necessarily incurred to City Manager of the City who shall pay the expense out of general revenue, and when so paid, such expense forms a special lien pursuant to Section 259(1) of the *Community Charter* on the lands and improvements in favour of the City and shall, for all purposes, be delinquent taxes on the land and improvements under the *Local Government Act* from the date of payment thereof and shall be recoverable pursuant to the provisions of the *Community Charter/Local Government Act*.

PART XVI ENFORCEMENT

16.01 Issuance of Order

- (a) If an Inspector finds that any provision of this bylaw has been contravened or has not been complied with, or has been complied with improperly or only in part, or that conditions exist in or upon a building or property to which the bylaw applies and which, in the Inspector's opinion, constitutes a fire hazard or otherwise constitutes a hazard to life or property, the Inspector may make such Order to ensure full and proper compliance with this bylaw and in particular, but without limiting the generality of the foregoing, the Inspector may:
 - (i) require the owner or Occupier of such building or property to take such action as may be deemed necessary to remedy the contravention of this bylaw or to ensure compliance with this bylaw or to remove the hazard, or
 - (ii) make such Orders as may be deemed necessary with respect to any matter referred to in this bylaw.
- (b) An Order made under this bylaw shall be in writing and shall be directed to either the owner or Occupier of the building or property in respect of which the Order is made or to both.

16.02 Failure to Comply

Where an owner or Occupier fails to comply with any Order under this section, the Director of Operations may, at the expense of the owner or Occupier, remedy the non-compliance as required by the Fire Chief.

16.03 Service of Order

An Order made under the bylaw shall be served by:

- (a) delivering it or causing it to be delivered to the person to whom it is directed; or
- (b) mailing the Order by express mail to the address of the registered owner as shown on the records of the Kamloops Land Title Office; or
- (c) by posting a copy of it in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known or refuses to accept service of the Order.

16.04 Removal of Order

If an Order has been posted in accordance with the previous section no person may remove, deface or destroy the Order.

PART XVII PENALTY

- 17.01 A person commits an offence who violates any provision of this bylaw and shall be liable, on conviction, to a penalty not exceeding Two Thousand Dollars (\$2,000.00) for each offence.
- 17.02 In the case of a continuing offence, to a further penalty for each day during which the offence continues as provided by the *Offence Act*.
- 17.03 The penalties hereunder shall be in addition to and in substitution for any other penalty or remedy available under this bylaw, *Community Charter*, the *Local Government Act*, the *Fire Services Act* or law.

READ A FIRST time this 5th day of July, 2004
READ A SECOND time this 5th day of July, 2004
READ A THIRD time this 5th day of July, 2004
RECONSIDERED AND FINALLY PASSED AND ADOPTED
this 19th day of July, 2004

Original signed by

C. David Perry, Mayor

Original signed by

Leo den Boer, Administrator/City Clerk