

TOWN OF COMOX

CONSOLIDATED BYLAW NO. 1556

(Consolidated to September 16, 2009)

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Convenience only and is not a certified copy.

**A BYLAW TO PROVIDE FOR THE PREVENTION AND
REGULATION OF FIRES**

WHEREAS the Council of the Town of Comox may, pursuant to the provisions of the *Community Charter*, provide regulations respecting the prevention and regulation of fires;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

1. Title:

This bylaw may be cited for all purposes as the "Comox Fire Prevention and Regulation Bylaw, 2007".

2. Definitions:

- (1) In this Bylaw, unless the context otherwise requires
 - (a) "Approval" means acceptance as satisfactory to the Fire Chief or an officer of the Fire Department of the Town of Comox;
 - (b) "Authorized" means authorized by the Fire Chief of the Comox Fire Department;
 - (c) "Beach Fire" means an outdoor fire located on land below the natural boundary of Georgia Strait;
 - (d) "Bylaw Enforcement Officer" means the Fire Chief or any other member of the Comox Fire Department, the Bylaw Enforcement Officer for the Town of Comox, or any other person designated by Council; (***Updated October 2007***)
 - (e) "Combustible" means any substance that ignites and burns readily;
 - (f) "Council" means the Municipal Council of the Town of Comox;

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- (g) “Environmental Management Act” means the Environmental Management Act of [SBC 2003] Chapter 53 and amendments thereto;
- (h) “Extinguished” means no visible flames, sparks, glowing embers or smoke;
- (i) “Fire Chief” means the person appointed by Council to be in charge of the Comox Fire Department and the firefighting personnel;
- (j) “Fire Department” means the Comox Fire Department;
- (k) “Fire Hazard” means any condition that is conducive to the destruction of life or property by fire, or will, or is likely to, increase the extent or severity of fire;
- (l) “Fire Pit” means an enclosure or surround of non-combustible material, such as iron rings or stone masonry surrounds, no larger than 1 (one) metre in diameter;
- (m) “Fire Services Act” means the Fire Services Act [RSBC 1996] Chapter 144 and amendments thereto;
- (n) “Natural Boundary” means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself;
- (o) “Open Fire” or “Open Burning” means the combustion of material outdoors. Open burning includes backyard fires, beach fires, campfires, fires used for the purpose of land clearing, and the use of outdoor wood-burning fireplaces, firepits, chiminias, and other similar wood-burning appliances. It does not include charcoal, propane or natural gas fires contained within barbecues, hibachis or stoves for the purpose of cooking food, nor wood-burning appliances used for the purpose of smoking food; *[updated July 16, 2008]*
- (p) “Order” means any order, decision, requirement or direction given by the Fire Chief or his/her designate;
- (q) “Smoke” means the gases, particulate matter and products of combustion emitted into the atmosphere from burning; and
- (r) “Town” means the Town of Comox.

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- (2) Unless the context otherwise requires, wording importing the singular number shall include the plural and words importing the masculine gender shall include the feminine, and the converse shall also apply.
- (3) Where this Bylaw and any regulations under the Fire Services Act deal with the same subject matters, any further or more stringent restrictions in this Bylaw on the use of property or fire shall have full force and effect.

3. Fire Department:

- (1) The Fire Department of the Town of Comox, as established, is continued as a fire department pursuant to the provisions of the *Community Charter*.
 - (a) The Council may, in consultation with the Comox Fire Protection District, from time to time by resolution, appoint a Fire Chief as head of the Fire Department.
 - (b) The Council may, in consultation with the Comox Fire Protection District, from time to time by resolution, make such alterations to the structure, organization, composition, functions and personnel of the Fire Department, as it deems expedient.
- (2) The Fire Chief is hereby empowered to enter upon any land or premises for the purpose of making an inspection or investigation
 - (a) to inspect for conditions that may cause a fire, increase the danger of a fire, or increase the danger to persons; or
 - (b) to see that any flammable or combustible material is rendered harmless or suitably safeguarded against fire by requiring
 - (i) the erecting of barricades,
 - (ii) the posting of "NO ADMITTANCE" signs, or
 - (iii) any other measures deemed necessary by the Fire Chief.
- (3) No person shall obstruct the Fire Chief in making any entry authorized by this Bylaw.
- (4) The Fire Chief is hereby empowered to enter upon any land or premises for the purpose of carrying out rescue, applying first aid and dealing with incidents involving hazardous materials and public safety.

4. Fire Scene:

- (1) No person shall impede, obstruct, abuse or in any way hinder the Fire Chief, or any officer or member of the Fire Department, or any other person in attendance at any fire or emergency under the direction of the Fire Chief, or any other officer or person lawfully in command at the fire or other emergency.
- (2) At any time after the arrival of an officer or member of the Fire Department at the scene of a fire or emergency, the Fire Chief or any other officer or person lawfully in command at such fire or emergency is empowered to order the evacuation of a burning building, structure or area that in his opinion is endangered by such fire or emergency.
- (3) Except with the permission of the Fire Chief or any other officer or person lawfully in command at such fire or emergency, no person shall be permitted to enter any burning building or cross any fire lines barricading any alley, lane, street or area marked.
- (4) Any movable equipment of the Fire Department shall have the right of way at all times through an alley, lane or street.
- (5) No person shall place or leave, or suffer to be placed or left, any vehicle, article, thing or matter in such a manner as to interfere with the free access or approach to any fire hydrant or Fire Department hose connection(s).
- (6) No person shall place or leave, or suffer to be placed or left, any vehicle, article, thing or matter in such a manner as to interfere with the means of egress or access within or outside any buildings or premises.

5. Fire Prevention:

- (1) Chimneys, Stovepipes or Flues
 - (a) No owner or occupant of any building shall knowingly permit any chimney, stovepipe or flue to remain in any condition that may cause or create a fire hazard.
 - (b) No owner or occupant or person in charge or responsible for the care of any building shall allow any chimney, stovepipe or flue therein to become dirty or unclean to such an extent that it will take fire.
 - (c) Every owner or occupant of any building shall keep all openings in any chimney in such building, while such openings are not in use, closed by an authorized stopper of metal or other non-combustible material.

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- (2) The owner of any vacant building in the Town shall at all times keep the building free from debris and flammable material and shall keep all openings in the buildings securely fastened and closed so as to prevent the entry of unauthorized persons.
- (3) Combustible Waste
 - (a) No person shall place or keep, or allow to be placed or kept, in or upon any roof, yard, court, vacant lot, open space or any portion of any premises within the Town, any accumulation of combustible waste of any kind except in buildings or premises especially provided for the purpose and approved by the Fire Chief.
 - (b) Where, in the opinion of the Fire Chief, any weeds, grass, vines or other growth in or upon any roof, yard, court, vacant lot, open space or any portion of any premises within the Town, endangers property or may be set on fire, the owner or occupant of the premises shall cause the weeds, grass, vines or growth to be cut down and removed.
- (4) Automatic Elevator
 - (a) Any owner or occupant of any building that is equipped with an automatic elevator shall display a sign affixed directly above each call button that reads:

IN CASE OF FIRE
USE EXIT STAIRWAYS
DO NOT USE ELEVATOR
 - (b) The Fire Chief shall designate the size, material and method of affixing the sign required by this section.
- (5) Closed Area
 - (a) Where, in the opinion of the Fire Chief, the safety of life and property in any area within the Town is endangered through the hazardous condition of the forest cover or the occurrence or spread of fire burning in any forest or woodland, the Fire Chief may, by an order in writing, declare that area "a closed area" for such period or periods of time as the Fire Chief may determine.
 - (b) No unauthorized person may enter a closed area, or be therein, for the purpose of living, traveling, camping, fishing, hunting, recreating, prospecting for minerals, manufacturing, logging, sawmill operations, or any other like purpose, and no operations of any class specified in the order may be carried on within the area.

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6. Open Fires:

- (1) No person shall start or maintain an open fire, or cause or allow an open fire to be started or maintained within the Town unless the open fire is allowed under subsections 6(2) or 6(3) of this Bylaw. **(amended September 16, 2009)**
- (2) Beach fires
 - (a) Beach fires are permitted within the area as shown on the Map in Schedule “A”, attached to and forming part of this Bylaw, which is legally described as District Lot 459, Nanaimo Land District (the Point Holmes boat launch area).
- (3) Campfires **(Subsection added September 16, 2009)**

Campfires are permitted on Lot 1, DL 191, Plan VIP83187 (685 Lazo Road) between the dates of June 15 to September 15 each year.
- (4) Conditions of Permitted Beach Fires and Campfires **(Subsection amended September 16, 2009)**
 - (a) Notice of Unfavourable Conditions
 - (i) Where the Fire Chief is of the opinion that conditions are not safe for a fire, owing to drought, lack of precipitation, accumulation of combustible materials, wind conditions or any other reason, the Fire Chief may post a notice advising that fires are not allowed.
 - (ii) From the posting of the notice under subsection 6(4)(a)(i), no person shall start or maintain a fire until the notice is removed by the Fire Chief.
 - (iii) The Fire Chief must post copies of the notice in at least three (3) locations where it is reasonable to expect that they will be visible to members of the public.
 - (b) Fires shall only be ignited and maintained with wood, excluding driftwood, and used only for warmth or cooking.
 - (c) Fires shall be ignited and maintained at all times in a designated fire pit, which must be a minimum of 3 metres from driftwood, slash, grass or other combustible material.
 - (d) Fires must be completely extinguished with water, not by covering the fire with sand or other material, by 11:00 p.m.
 - (e) For the purpose of preventing danger, damage and injury to persons or property, fires must be continuously supervised and controlled by a competent person who is at least 16 years old.

7. Fire Department Training

Firefighter training is required and necessary to ensure the safety of our firefighters and community. The Fire Chief may authorize open burning for Fire Department training. Much of this open burning will be done using natural gas and propane. Artificial smoke will also be used reduce the amount of real smoke generated. Some of this training will be done using clean Class A materials. All of this training will be done at the Fire Department training site located behind the fire station.

8. Inspection and Orders

- (1) The Fire Chief or any person under his/her authority may
 - (a) enter at all reasonable times on any property that is subject to the requirements or regulations of this Bylaw, to ascertain whether the regulations in this Bylaw or directions made under this Bylaw are in compliance;
 - (b) make orders directing the owners or occupiers of property to bring a fire into compliance with this Bylaw;
 - (c) prevent material not properly prepared (i.e. dried) from being added to a fire;
 - (d) call on the Ministry of Environment's Conservation Officers if a person is burning waste in contravention of the Waste Management Act; and
 - (e) order a person to immediately put a fire out.
- (2) No person shall obstruct or prevent the Fire Chief or person acting under the Fire Chief's authority from conducting an inspection under this Bylaw.

9. Cost Recovery

Every person who starts or allows to be started any open burning or open fires is responsible for such fire. Any person who is responsible for a fire is liable for all expenses incurred by the Town or Fire Department to control or extinguish the fire. The cost to control or extinguish a fire 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 this Bylaw.

10. Liabilities For Damages

This Bylaw shall not be construed to hold the Town nor its authorized agent or agents responsible for any damage to persons or property by reason of

- (a) inspections authorized by this Bylaw, or
- (b) failure to carry out an inspection.

11. Terms and Provisions

In the event that there is any conflict between the terms and provisions of this Bylaw and the terms and provisions of the Fire Services Act or the Waste Management Act and regulations thereunder or other provincial acts or regulations, the terms and provisions of the said acts and regulations shall prevail.

12. Offences (*Updated October 2007*)

- (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.

13. Enforcement

- (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 designated to enforce this Bylaw pursuant to Section 264(1)(b) of the *Community Charter*.
- (3) Pursuant to Section 269(1) of the *Community Charter*, authorization is hereby delegated to the Bylaw Enforcement Officer, Corporate Officer or Deputy Corporate Administrator to refer tickets issued with respect to this bylaw to the Provincial Court for a hearing. (*Added October 2007*)

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14. Penalties

- (1) 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.
- (2) Pursuant to Section 265(1)(a) of the *Community Charter*, the fine amount set forth below in Column 3 is the fine amount that corresponds to the section number and words or expressions set out in Columns 1 and 2 opposite the fine amount. *(Updated October 2007)*

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Obstruction of Fire Chief while inspecting or investigating	3(3)	\$100.00
Obstruction of Fire Chief while attending any fire or emergency	4(1)	\$100.00
Interference with free access to fire hydrant	4(5)	\$100.00
Interference with means of egress or access on premises	4(6)	\$100.00
Debris or flammable material in vacant building	5(2)	\$100.00
Accumulation of combustible material	5(3)	\$100.00
Entering upon a closed area	5(5)(b)	\$100.00
Start or maintain an open fire	6(1)	\$100.00
Beach fire outside of permitted area	6(2)(a)	\$100.00
Beach fire during unfavourable conditions	6(2)(b)(ii)	\$100.00
Beach fire not within designated fire pit	6(2)(d)	\$100.00
Beach fire not extinguished by 11:00 p.m.	6(2)(e)	\$100.00

15. Voluntary Penalties *(Deleted October 2007)*

16. Severability

The provisions of this Bylaw are severable and the invalidity of any part of this Bylaw shall not affect the validity of the remainder of this bylaw.

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17. Repeal:

- (1) Bylaw No. 865 "Fire Prevention and Regulation By-law, 1988" is hereby repealed.
- (2) Bylaw No. 1485 "Comox Residential Backyard Burning Bylaw, 2005" is hereby repealed.

18. Adoption

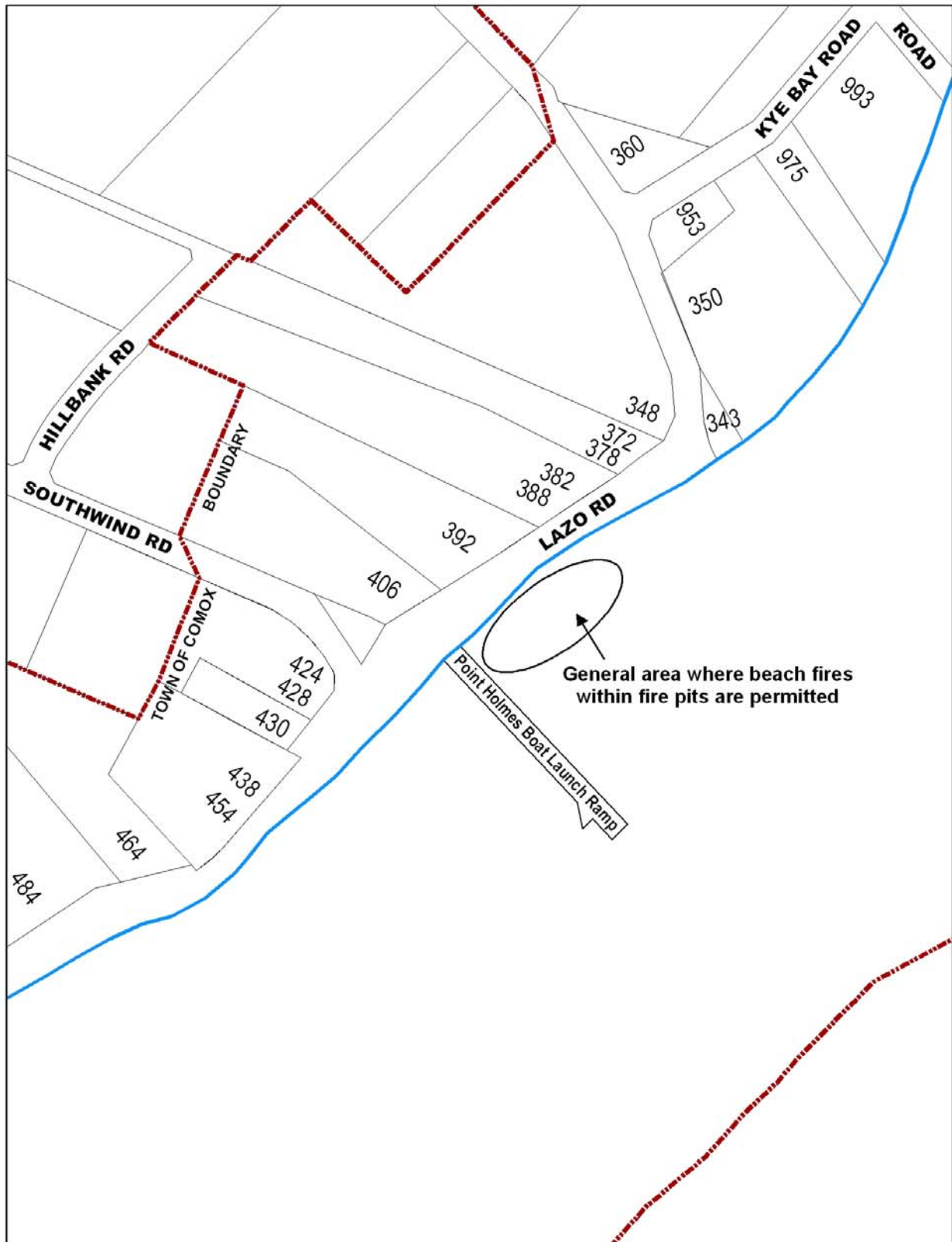
- (1) READ A FIRST AND SECOND time this 21st day of February , 2007
- (2) READ A THIRD time this 7th day of March , 2007
- (3) ADOPTED this 21st day of March , 2007

MAYOR

CORPORATE OFFICER

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SCHEDULE "A"



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SCHEDULE “B”

VEHICLE AND PERSONNEL CHARGES

Personnel and vehicles costs, to respond to Incidents governed by this Bylaw.

VEHICLE COST

Aerial	\$ 250.00 per hour (minimum 2 hours)
Engine	\$ 150.00 per hour (minimum 2 hours)
Rescue	\$ 100.00 per hour (minimum 2 hours)
Small Vehicles	\$ 60.00 per hour

PERSONNEL COST

Charges for firefighter rates will be \$25.00 per hour (minimum 2 hours)

Cost per incident will be assessed on each hour or portion thereof, for units dispatched and the number of Fire Department personnel responding to the incident, including those placed on standby. In addition to the preceding Vehicle and Personnel Costs, the following charges will be assessed:

Consumable Goods	Replacement value plus all applicable taxes
Administration Fee	15%