



FIRE PROTECTION AND SAFETY BYLAW

NO. 2784

A Bylaw to provide for the establishment and operation of a Fires Rescue Service and to provide for the prevention of fire and the protection of persons and property.

WHEREAS the *Local Government Act* authorizes Council, by bylaw, to make regulations with respect to fire suppression and prevention and other classes of circumstances that may cause harm to persons or property;

NOW THEREFORE the Council of the City of Langley in an open meeting assembled enacts as follows:

1. Title

This bylaw shall be cited as the “Fire Protection and Safety Bylaw, 2009, No. 2784”.

2. Definitions

In this bylaw:

- (1) “Apparatus” means any vehicle provided with machinery, devices, equipment or material for fire fighting, as well as vehicles used to transport members or supplies;
- (2) “Building” means any structure used or intended for supporting or sheltering any use or occupancy;
- (3) “Building Code” means the British Columbia Building Code which is in force and effect at that time, as amended from time to time.
- (4) “Bylaw Enforcement Officer:” means an officer or employee of the City who has responsibility for inspection and enforcement related to bylaw compliance;
- (5) “City” means the City of Langley;
- (6) “Council” means the Council of the City of Langley;

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- (7) “Dangerous Goods” means any product, produce, substance or organism regulated by the *Transport of Dangerous Goods Act*, as amended from time to time.
 - (8) “Deputy Fire Chief” means a person who is the designate for the Fire Chief.
 - (9) “Dwelling Unit” means a self-contained unity with living, sleeping, cooking and sanitary facilities which is used or intended to be used for residential accommodations.
 - (10) “Equipment” means any tools, contrivances, devices or materials used by the Fire Rescue Service to combat an incident.
 - (11) “Equivalency Determination” means the process of review and determination by members designated by the Fire Chief, as to whether an alternate solution proposed by a registered professional under Division A of the Building Code will achieve at least the minimum level of performance as an acceptable solution in the areas pertaining to fire protection, occupant safety and accessibility defined by the objectives and functional statements contained in Division B of the Building Code.
 - (12) “Fire Chief” means the person appointed as the Fire Chief of the Fire Rescue Service or a person designated to act in place the Fire Chief.
 - (13) “Fire Code” means the British Columbia Fire Code Regulation under the *Fire Services Act* which is in force and effect at that time, as amended from time to time.
 - (14) “Fire Protection” means all aspects of fire safety including but not limited to fire prevention, fire suppression, pre-fire planning, fire inspection, rescue, public education and information, training and other related activities.
 - (15) “Fire Protection System” includes but is not limited to fire alarms, smoke alarms, smoke detecting devices, sprinklers, safety signage and emergency lighting.
 - (16) “Fire Rescue Service” means the department designated to provide Fire Protection in the City.
 - (17) “Fire Services Act” means the *Fire Services Act, R.S.B.C. 1996, c. 144*, as amended from time to time.
 - (18) “Fire Watch” means the action of a person at the site of an incident, whose
 - (19) sole duty is to watch for the occurrence of fire and to perform activities as prescribed by the Incident Commander.
 - (20) “Incident” means an event to which the Fire Rescue Service has responded or would normally respond.
 - (21) “Incident Commander” means the member designated to be in charge of an incident.

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- (22) “Local Assistant” means a Local Assistant to the Fire Commissioner as set out in the *Fire Services Act*.
- (23) “Member” means a person holding a position within the Fire Rescue Service as an Officer or a firefighter.
- (24) “Occupier” includes:
- (a) owner or agent of the owner, a tenant, lessee, agent and any other person who has the right of access to, possession and control of a building or premises to which this bylaw applies, and
 - (b) in relation to common property and common facilities in a strata plan, the strata corporation.
- (25) “Owner” means any person, firm, or corporation controlling the property under consideration;
- (26) “Premises” includes the whole or any part of a lot of real property and any building or structure on the property.
- (27) “Prohibited Materials” means any material listed in Schedule “A” of the Open Burning Smoke Control Regulation under the *Environmental Management Act* which is in force and effect at that time, as amended from time to time.
- (28) “Storage Area” means any area defined or set aside for the storage of explosive ammunition or material used or intended to be used for fireworks or small arms ammunition.
- (29) “Structure” means a construction or portion thereof, of any kind, whether fixed to or sunk into land or water, except landscaping, fencing, paving and retaining structures.
- (30) “Vacant Premises” means a vacant or unoccupied building or structure that is located on real property.

3. Adoption and Application of the Fire Code and *Fire Services Act*

- (1) The Fire Code and the *Fire Services Act*, as amended from time to time, are adopted and made part of this bylaw.
- (2) Any person who contravenes, violates or fails to comply with a provision of the Fire Code or the *Fire Services Act* commits an offence under this bylaw.

4. Conflict

- (1) In the event of a conflict, discrepancy, variation or inconsistency between this bylaw and the *Fire Services Act*, the Fire Code or the Building Code, the provisions of the *Fire Services Act*, the Fire Code or the Building Code, as the case may be, shall prevail over the provisions of this bylaw to the extent of any conflict, discrepancy, variation or inconsistency.

5. Application

- (1) The provisions of this bylaw apply to all buildings, structures, and premises within the City and, for certainty, apply to both existing buildings and buildings under construction.

6. Fire Rescue Service

- (1) The Fire Rescue Service is established and will be known as the Langley City Fire Rescue Service.
- (2) The Fire Chief may, as required, appoint members to act temporarily as Fire Chief on his behalf.
- (3) The limits of the jurisdiction of the Fire Chief and the Fire Rescue Service will extend to the boundaries of the City and no apparatus will be used beyond the limits of the City without:
 - (a) Express authorization of a written contract or agreement, providing for the supply of fire fighting services outside of the boundaries of the City;
 - (b) Approval by Council by resolution; or
 - (c) Approval by the Fire Chief for the purpose of meeting operational requirements.
- (4) The Fire Chief is responsible for:
 - (a) management, control and supervision of the Fire Rescue Service and all members;
 - (b) care, custody and control of all buildings, apparatus and equipment of the Fire Rescue Service;
 - (c) all fire protection matters including but not limited to the enforcement of the *Fire Services Act*;
 - (d) enforcing all bylaws respecting fire protection;
 - (e) inquiring into, investigating and recording the cause of all fires in the City; and

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- (f) carrying out all fire protection activities and other activities as directed by Council, including but not limited to:
 - (i) rescue;
 - (ii) incidents;
 - (iii) emergencies;
 - (iv) pre-fire planning;
 - (v) disaster planning;
 - (vi) preventive patrols; and
 - (vii) fire prevention and public education activities.
 - (5) The Fire Chief may establish, vary, alter or repeal rules, regulations and committees as necessary for the proper organization and administration of the Fire Rescue Service, including but limited to:
 - (a) use, care and protection of Fire Rescue Service property;
 - (b) conduct and discipline of members.
 - (c) operations of the Fire Rescue Service; and
 - (d) establish remuneration rates for the commandeering of privately owned equipment for the purposes of dealing with an incident.
 - (6) The Deputy Fire Chief will report to the Fire Chief and, in the absence of the Fire Chief, will have the powers, responsibilities and duties of the Fire Chief.
 - (7) The Fire Chief may obtain assistance from other officials or employees of the City as deemed necessary in order to carry out his responsibilities under this bylaw.

7. Incident Management

- (1) At his discretion, the Incident Commander may do any of the following at an incident:
 - (a) have control, direction and management of all apparatus, equipment and members assigned to any incident;
 - (b) cause a building, structure or thing to be pulled down, demolished or otherwise removed at the occupier's expense, if deemed necessary to prevent the spread of the

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- fire to other buildings, structures or things. This fee is subject to a cost recovery in accordance with the City's Fees and Charges bylaw;
- (c) enter premises where the incident occurred and cause any member, apparatus or equipment to enter, as deemed necessary, in order to combat, control or deal with the incident;
 - (d) enter, pass through or over premises adjacent to an incident and cause members to enter or pass through or over premises, as deemed necessary, in order to gain access to the incident or to protect any person or premise;
 - (e) establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Incident Commander;
 - (f) request police officers to enforce restrictions on persons entering within the boundaries or limits set by the Incident Commander and to remove any person from those boundaries or limits;
 - (g) request persons who are not members to assist in removing furniture, goods, and merchandise from any building on fire or in danger thereof, in guarding and securing the same and in demolishing a building or structure at or near the incident;
 - (h) order or commandeered publicly owned or privately owned equipment which he considers necessary to deal with an incident;
 - (i) take any steps he thinks advisable to remove any hazard or risk or cause people to be removed from the area;
 - (j) order an evacuation of a building or area and call upon the police to assist him and provide security to the evacuated area;
 - (k) require that a property representative attend the incident;
 - (l) require that a fire watch be established; and
 - (m) take any other necessary steps to deal with the incident.
- (2) At an incident, no person will:
- (a) enter the boundaries or limits of an area prescribed by the Incident Commander, unless authorized to do so by the Incident Commander;
 - (b) impede, obstruct or hinder members or other persons assisting or acting under the direction of the Incident Commander;

- (c) damage or destroy apparatus or equipment;
- (d) drive a vehicle over any equipment unless authorized to do so the by Incident Commander; and
- (e) obstruct or otherwise interfere with access roads, streets or other approaches to any incident, fire hydrant, cistern or body of water designated for fire fighting purposes.

8. Fire Protection and Life Safety

- (1) A property representative will attend a scheduled meeting with Fire Inspectors for the purpose of fire protection and life safety systems management.
- (2) A property representative will report all incidents of an activation of a fire alarm.
- (3) The Fire Chief may require the occupier of an existing multi-residential, assembly commercial, industrial or institutional occupancy, to provide or make alterations to fire protection systems including, heat and smoke detection, fire alarms, fire extinguishers, exit signs, emergency lighting, fire separations and means of exit, in order to provide adequate life safety to its occupants. These requirements will not exceed those established by building regulations in accordance with the current building code and fire code and may include equivalencies as determined by the Fire Chief.
- (4) The occupier will maintain and keep all streets, yards and private roadways provided for Fire Rescue Service access ready for use at all times and free from any obstructions which may impede or restrict access by members, including but not limited to fences, chains, posts, barriers, and landscaping.
- (5) During any construction on premises, the occupier will do the following:
 - (a) maintain fire access to the property and any fire protection system on the property;
 - (b) prepare a safety plan;
 - (c) remove fire hazards from the property on a daily basis.

9. Fire Protection System

- (1) The occupier of every premise with residential occupancy must ensure the fire protection systems are maintained, tested, repaired and replaced in accordance with the Fire Code.
- (2) The occupier of a building will install and maintain one or more smoke alarms in every dwelling unit within the building or a fire alarm system in each sleeping room not within a dwelling unit in a building with institutional occupancies.

- (3) Any smoke alarm or smoke alarm device required under this bylaw will conform to the national standards for smoke alarms and the installation of smoke alarms currently in force and effect.

10. Damaged or Vacant Buildings

- (1) The occupier of a building or other structure that has been damaged due to fire or is vacant must immediately act to ensure that the building is guarded or that all openings and points of entry into the building are kept securely closed and fastened in a manner acceptable to the Fire Chief so as to prevent the entry of unauthorized persons. If the occupier fails to provide the necessary security to the damaged building within two (2) hours of being notified by the Fire Chief or following an incident, the Fire Chief may cause the work to be carried out at the cost and expense of the occupier. This fee is subject to a cost recovery in accordance with the City's Fees and Charges bylaw.

11. Regulated Materials

- (1) No person will:
 - (a) store or keep in a storage area explosive ammunition or material used or intended to be used for fireworks or small arms ammunition, unless that a person has a storage of explosive material permit;
 - (b) store other flammable materials except as permitted by the Fire Code; or
 - (c) smoke or allow another person to smoke in a storage area.
- (2) Further to section 11(1)(c), any person who is storing or keeping in a storage area explosive ammunition or material used or intended to be used for fireworks or small arms ammunition will post "No Smoking" signage in the storage area.
- (3) No person transporting dangerous goods will stop within the boundaries of the City other than at a place designated by a traffic control device, except as follows:
 - (a) to load or unload dangerous goods; or
 - (b) in compliance with the direction of a police officer.
- (4) All dispensing, fuelling, filling, re-fuelling or refilling of propane bottles and containers or the installation of such containers of any type will be carried out in accordance with the national standards for propane installation currently in force and effect.
- (5) No person will dispense propane from any residential area.
- (6) No person will construct, erect, install, repair, alter or remove any gasoline fittings, oil pipe fittings, tanks, pumps, oil burning equipment or appliances using flammable liquids

as a fuel, unless the person has obtained a Flammable Liquids and Combustible Goods permit from the Fire Chief.

- (7) No person will cover over, enclose or use any above ground or underground storage tank, fitting or connection, unless that tank, fitting or connection has been approved by the Fire Chief.

12. Contamination and Replacement of Equipment

- (1) The Fire Chief may charge an occupier of a premise for the replacement or repair of fire equipment and apparatus where as a result of an incident at or near the premises, such equipment has been damaged or contaminated by a hazardous substance or dangerous good and will require decontamination, repair or replacement. This fee is subject to a cost recovery in accordance with the City's Fees and Charges bylaw.

13. Water Supply Systems on Private Property

- (1) All water supply systems located on private property for fire fighting purposes will:
- (a) conform to the City's engineering specifications;
 - (b) be designed by a professional engineer; and
 - (c) be installed under the supervision of a professional engineer.
- (2) During the construction, servicing or repairs of a water supply system located on private property, the occupier of the property will notify immediately the Fire Rescue Service of all conditions affecting fire safety, including but not limited to fire hydrants temporarily out of service, low water volumes, low water pressures and other similar conditions.

14. Fire Hydrants on Private Property

- (1) The occupier of property on which a fire hydrant is installed will:
- (a) identify clearly the location of the fire hydrant;
 - (b) maintain the fire hydrant in proper working condition at all times;
 - (c) have the inspection and maintenance of the fire hydrant done in accordance with the American Water Works Association manual M17 – Manual of Water Supply Practices as amended from time to time;
 - (d) have the inspections, servicing and testing of the fire hydrant conducted by a person who is qualified and certified to carry out these types of services;

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- (e) at least once a year, provide to the Fire Chief a written report of inspection, servicing and testing of all fire hydrants installed on the property;
 - (f) keep the fire hydrant clear of ice, snow, shrubbery, trees, structures, vehicles and other obstructions;
 - (g) notify the Fire Rescue Service whenever the fire hydrant is out of service for repair and mark such fire hydrant as “out of service” in a visible manner.
- (2) A fire hydrant on private property is for the use of the Fire Rescue Service only and may be operated by members for the purpose of use, inspection, testing or as otherwise approved by the Fire Chief.

15. Permits

- (1) Every person must obtain a permit issued by the Fire Rescue Service to do any of the following:
- (a) to construct, erect, install, repair, alter or remove any gasoline fittings, oil pipe fittings, tanks, pumps, oil burning equipment or appliances using flammable liquids as a fuel;
 - (b) to store dangerous goods.
- (2) Every application for a permit shall be made in the form prescribed by the Fire Chief from time to time.
- (3) Any permit issued by the Fire Chief:
- (a) is not transferable;
 - (b) is valid only for the time period and location listed in the permit;
 - (c) is no longer valid if there is any change in use of occupancy;
 - (d) must be posted in the premises in a conspicuous place; and
 - (e) will expire if the person does not commence the work authorized by the permit within six months of the date of issuance of the permit.
- (4) A person to whom a permit has been issued is responsible for ensuring compliance with the provisions of that permit and of this bylaw and is responsible for any damages that may arise by reason of issuance of the permit.
- (5) Because of the existence of hazardous conditions, the Fire Chief may do any of the following to any permit issued pursuant to this bylaw:

- (a) impose additional conditions and restrictions on the permit;
- (b) cancel the permit; or
- (c) suspend the permit.

16. Prohibitions

- (1) No person will do any of the following:
 - (a) permit a chimney, stovepipe or flue to become unclean or take fire;
 - (b) except in an approved metallic or other non-combustible or non-flammable receptacles, deposit or permit to be deposited
 - (i) ashes or other material or thing from any stove, furnace or fireplace;
 - (ii) greasy or oily rags or other material, thing or substance which is liable to spontaneously combust;
 - (c) use cotton batting, straw, dry vines, leaves, trees or other highly flammable materials for decorative purposes in show windows or other parts of stores unless the person can provide a certificate of flame proofing and flame spread;
 - (d) cause or permit to be caused open air burning within the City;
 - (e) throw or drop any lighted match, cigar, cigarette or other burning substance in combustible material or in close proximity to the combustible material.
 - (f) allow dry grass, any combustible growth, waste or rubbish of any kind to remain on any premises or property, which in the opinion of the Fire Chief is dangerous or likely to cause or promote fires;
 - (g) falsely represent himself as a member of the Fire Rescue Service;
 - (h) dispose of any explosive, flammable liquid, flammable substances or any liquid of a petroleum-chemical nature; or
 - (i) burn prohibited materials including but not limited to:
 - (i) asphalt;
 - (ii) asphalt products;
 - (iii) biomedical waste;
 - (iv) demolition waste;
 - (v) domestic waste;

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- (vi) drywall;
 - (vii) fuel, lube containers;
 - (viii) hazardous waste;
 - (ix) manure;
 - (x) paint;
 - (xi) plastics;
 - (xii) railway ties;
 - (xiii) rubber;
 - (xiv) tar paper;
 - (xv) tires; and
 - (xvi) treated lumber.
- (2) Section 16(1)(c) does not apply to the display and sale of cotton batting, straw, dry vines, leaves, trees or other highly flammable materials.
- (3) Section 16(1)(d) does not apply to:
- (a) grills and barbeques used for the purpose of cooking food that utilize natural gas, propane or briquettes as a fuel source;
 - (b) necessary burning by members for the purposes of training; or
 - (c) open air burning for the purpose of providing special effects for filming or other special events with the prior written authorization of the Fire Chief.
- (4) A person who has a commercial refuse container will not:
- (a) place a commercial refuse closer than three (3) meters from any combustible building or structure;
 - (b) keep the lid on the commercial refuse container open when not in use;
 - (c) keep the lid on the commercial refuse container unlocked after business hours.
- (5) An occupier will not:
- (a) block, wedge or keep open closures in fire separations or permit such action;

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- (b) permit combustible materials to accumulate in a quantity or a location which constitutes a fire hazard; or
 - (c) permit combustible materials to accumulate in any part of an elevator shaft, ventilation shaft, stairway or fire escape.
- (6) An occupier will not:
- (a) permit or allow to be permitted an obstruction in corridors and exits used by the public;
 - (b) design, install, keep, maintain and use any devices on any required door in an occupied building such that the door may not be readily opened from the inside without the use of keys or similar devices and may not be opened without the use of unusual devices or requiring specialized knowledge of the door opening device.
- (7) No person will display Christmas trees in public buildings unless:
- (a) an artificial Christmas tree is certified as “flame-resistant” by its manufacturer or “flame retardant” by a nationally recognized certification agency including but not limited to CSA or ULC;
 - (b) a natural Christmas tree:
 - (1) still has its roots attached in an earth ball and is maintained in a fresh condition and in not allowed to become dry;
 - (2) the natural tree does not exceed 2.4 metres (8 feet) in height; and
 - (3) the occupancy use of the public building is for an office building, a retail store or retail mall only.
 - (c) Further to section 16(7)(b), a natural tree that has been cut is not permitted in a public building.

17. Enforcement

- (1) The following persons are authorized to enforce the provisions of this bylaw:
 - (a) The Fire Chief;
 - (b) The Deputy Fire Chief;
 - (c) A Local Assistant
 - (d) Members;

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- (e) A Police Officer; and
 - (f) A Bylaw Enforcement Officer.
- (2) The persons named in section 17(1) are authorized to enter at all reasonable times upon any premises in order to ascertain if there is compliance with the provisions of this bylaw.
- (3) An order made by the Fire Chief under this bylaw may be served:
- (a) by delivering it or causing it to be delivered to the person to whom it is directed;
 - (b) by sending the order by mail to the property owners as shown on the assessment roll on date the order was issued; or
 - (c) if the person to whom it is directed cannot be found, is not known or refuses to accept service of the order, by posting a copy of the order in a conspicuous place on the premises that is subject to the order.
- (4) Whether a fire has been permitted under the terms of this bylaw or not, where in the opinion of the Fire Chief, there is negligence on the part of a person for an incident that results in the fire rescue service rendering assistance, the cost of the services of the fire rescue service is subject to a cost recovery in accordance with the City's Fees and Charges bylaw.
- (5) A person against whom an order has been made under this bylaw may, before the expiration of ten days from the date of the order, appeal in writing to the Fire Chief, who may uphold the order, vary or set aside the order, or issue an alternative order.
- (6) Where a person is in default of an order made pursuant to this bylaw, the City, by effect of its employees, servants or agents may enter the premises and effect such work as is required in the notice at the cost and expense of the occupier of the premises, payable upon receive of invoice from the City.,

18. Permit and Service Fees

- (1) Every person who applies for any of the following services of the Fire Rescue Service must pay the applicable fee set out in the City's Fees and Charges bylaw:
- (a) a permit required under Part 15 of this bylaw;
 - (b) review of a new fire safety plan;
 - (c) review of an existing or amended fire safety plan; and
 - (d) equivalency determination.

19. Additional Inspection Fee

- (1) If any additional inspection is required to ensure compliance with this bylaw, a fee shall be charged as set out in the City's Fees and Charges bylaw.

20. General Fee Regulations

- (1) Where more than one person is liable to pay for the actual costs and expenses incurred by the Fire Rescue Service, the costs and expenses may be imposed among the persons involved on a pro rata basis.
- (2) Where under this bylaw the City is authorized or required to provide work or services to premises, and the costs incurred by the City in carrying out such work or services are not paid when due and payable, the City may recover these costs from the owner of the premises in the same manner and with the same remedies as ordinary taxes and, if the costs remain unpaid on December 31, they shall be deemed to be taxes in arrears.
- (3) Where under this bylaw the City is authorized to impose a fee for decontamination, repair or replacement of equipment and apparatus, the City may recover these costs from the owner of the premises in the same manner and with the same remedies as ordinary taxes and, if the costs remain unpaid on December 31, they shall be deemed to be taxes in arrears.

20. Enforcement by Municipal Ticket

- (1) This bylaw may be enforced by means of a ticket issued under the City's Municipal Ticket Information Bylaw.

21. Penalties

- (1) Any person who contravenes any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or neglects to do or refrains from doing any act or thing required to be done under this bylaw commits an offence and is liable of a penalty of not more than \$10,000 for each violation of this bylaw.
- (2) Each day that a violation is permitted to exist shall constitute a separate offence.

22. Severability

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

23. Repeal

- (1) The City's Fire Prevention and Safety Bylaw, No. 2523 and all amendments thereto are repealed.

READ A FIRST, SECOND AND THIRD time this second day of November, 2009.

ADOPTED this sixteenth day of November, 2009.

MAYOR

CORPORATE OFFICER



EXPLANATORY NOTE

BYLAW NO. 2784

The purpose of Bylaw No. 2784 is to replace the Fire Prevention and Safety Bylaw No. 2523. The current provisions of the Fire Prevention and Safety Bylaw do not permit the City to use a system of fines for bylaw violations as a deterrent and does not provide for any cost recovery system for services performed or for damaged equipment. It is common practice to permit a municipality to collect fees and fines for this purpose.

The amendment will provide the authority to collect fees and fines as well as update references and remove redundancy.