

THE CITY OF TRAIL

BYLAW NO. 2335

A BYLAW TO PROVIDE ACCEPTABLE STANDARDS OF FIRE SAFETY AND PREVENTION IN THE CITY OF TRAIL PURSUANT TO SECTIONS 700, 734, 932 AND 932.1 OF THE MUNICIPAL ACT

WHEREAS Council of the City of Trail deems it important to protect persons from injury or death and loss of property due to fire; and,

WHEREAS Council deems it desirable to regulate burning and the use or storage of flammable, hazardous or explosive products; and

WHEREAS Council deems it desirable to prevent and abate public nuisances caused by burning;

NOW THEREFORE, Council in open meeting assembled, **ENACTS AS FOLLOWS:**

SHORT TITLE

1. This bylaw may be cited as the "**Fire Safety and Prevention Bylaw No. 2335, 1996**".

DEFINITIONS

2. In this bylaw:

"**Act**" means the British Columbia Fire Services Act;

"**Air Contaminant**" means a substance that is emitted into the air and that:

- injures or is capable of injuring the health and safety of a person;
- interferes or is capable of interfering with visibility;
- interferes or is capable of interfering with the normal conduct of business;
- causes or is capable of causing material discomfort to a person.

"**Building**" means a structure that is used or intended to be used for supporting or sheltering persons or property;

"**Building Inspector**" means the Building Inspector of the City of Trail duly appointed from time to time by Council, or any person appointed by the Regional District of Kootenay Boundary as Building Inspector and appointed as agents of the City of Trail;

"**Business Licence**" means a current City of Trail business licence;

"**Bylaw Enforcement Officer**" means any person appointed by the Council as Bylaw Enforcement Officer;

"**City**" means the City of Trail;

"**Code**" means the British Columbia Fire Code;

"**Controlled Fire**" means fires which are permitted under the provisions of this bylaw;

"**Council**" means the Council of the City of Trail;

"**Domestic Fireplace or Stove**" means a fireplace, woodstove or other similar device which discharges to the air and is contained within, and used exclusively by a person occupying, a residential dwelling;

"**Fire Service**" means the Kootenay Boundary Regional Fire Services;

"**Fire Service Officer**" means any person designated by the Regional Fire Chief to apply, enforce or carry out duties as required by this bylaw;

- Firecracker"** means an explosive device that explodes instantaneously when ignited and does not produce a visible effect after the explosion;
- Fireworks"** means a manufactured explosive device regulated by the BC Fireworks Act;
- "Garden Waste"** means plant material cultivated in a domestic garden or grown in residential property and includes trees, grass, vegetable matter, but does not include manufactured wood products;
- "Hazardous Materials"** means any explosive, flammable, toxic, noxious or other harmful or hazardous materials regulated by the Hazardous Goods Act of Canada;
- "Land Clearing"** means the removal of trees and other plant material to prepare property for subdivision purposes;
- "Open Burning"** means the burning of material which results in the products of the combustion being emitted directly to the air and which is not contained within a domestic fireplace or stove or a solid fuel burning appliance and not carried out within a building;
- "Owner"** means an owner, tenant, lessee, occupier or agent who has the right of access and control of a building or premises to which this bylaw applies;
- "Permit"** means permission to carry out an act as regulated by this bylaw;
- "Residential Dwelling"** means a building containing one or more habitable rooms used for residential purposes;
- "Smoke Alarm"** means a combined smoke detector and audible alarm device designed to sound an alarm within the room or suite in which it is located upon detection of smoke within that room or suite;
- "Solid Fuel Burning Appliance"** means a device designed for combustion using a solid fuel so that useable heat is derived for the interior of a building and includes woodstoves, pellet stoves, fireplaces and combination fuel furnaces;
- "Uncontrolled Fire"** means accidental or maliciously set fires which will endanger life, property or burn out of control or develop into a conflagration if they are not extinguished or controlled.

ADOPTION OF REGULATIONS

3. (1) The Fire Code under the Fire Services Act is adopted as part of this bylaw.
- (2) No person shall construct, use or occupy a building in the City contrary to the Fire Code.

GENERAL FIRE SAFETY PROVISIONS

4. (1) Any person burning a fire permitted under this bylaw or handling flammable or combustible materials shall use caution and observe appropriate safety regulations and guidelines as may be applicable or required by permit.
- (2) Any owner of a building or premise where a fire occurs or any witness to such a fire shall furnish at the request of the Fire Service any known information relating to the fire or to the building or premise in or on which the fire occurred.

5. (1) When an uncontrolled fire occurs in any location, any person noticing such fire shall immediately notify the Fire Service.
- (2) No person shall issue or post any regulation or order, written or verbal, which would in any manner inhibit or delay notification to the Fire Service of an uncontrolled fire.
- (3) The installation or operation of an automatic dialing device to notify the Fire Service of a fire by means of a recorded message is prohibited.
6. (1) The owner of a fixed fire extinguishing or fire warning system shall notify the Fire Service at any time such system is inoperable or out of service, and again when the system is restored.
- (2) Where a fixed fire extinguishing or fire warning system is inoperable or out of service, the owner shall provide temporary, alternative protection acceptable to the Fire Service and the Fire Service shall be notified accordingly.
7. (1) The owner of an unoccupied building shall secure the building to prohibit unauthorized entry.
8. (1) An owner of a building where explosive agents, radio-active materials or hazardous materials may be encountered by the Fire Service shall:
 - (a) identify the materials or hazards by markings or placards in a manner prescribed by the Fire Service; and
 - (b) advise the Fire Service in writing of the nature of the hazardous materials and the methods used in their safe handling; and
 - (c) remove the materials or hazards from the building when ordered to do so by the Fire Service.

RIGHT OF ENTRY

9. (1) Officers, employees or agents of the City of Trail, may enter any building or premise at any reasonable time, in order to ascertain whether the provisions of this bylaw are being complied with, and no person shall obstruct the entrance of such persons into the building or premise.
10. (1) If a fire has just occurred or very recently occurred in a building or at a premise, immediate inspection by the Fire Service is deemed reasonable, no matter what time of day, in order to permit the Fire Service to determine that the fire has been extinguished and is not likely to rekindle.
- (2) In the circumstances in subsection (1), the Fire Service may enter and inspect any building or premises adjacent to a building or premise where a fire has recently occurred in order to determine whether a fire has spread or is in danger of spreading to that building or premise.
11. (1) The Fire Service may enter any building or premise at any reasonable time in order to inspect and ascertain whether or not:
 - (a) the building or premise is in a condition which may cause or contribute to a fire which may endanger life or property;
 - (b) the occupancy or use of the building or premise may endanger life or property;
 - (c) combustible or explosive materials are being kept or flammable conditions exist which may endanger life or property.

OPEN BURNING

12. (1) No person shall engage in open burning.
13. (1) The Fire Service is authorized to order an open fire be extinguished.
(2) If an order under subsection (1) is disobeyed, the Fire Service may extinguish the open fire at the expense of the person responsible for the open fire, and the City may recover the expense from that person in the same manner as municipal property taxes in accordance with section 299(3) of the Local Government Act.
14. (1) Notwithstanding section 12(1) and subject to the Waste Management Act, a person may conduct open burning for land clearing purposes under the authority of a permit issued by the Fire Service.

SMOKE EMISSIONS

15. (1) No person shall use or operate a domestic fireplace or stove or a solid fuel burning appliance in such a manner as to create an air contaminant.
(2) A Bylaw Enforcement Officer, Fire Service Officer or Building Inspector may order use of a domestic fireplace or stove or a solid fuel burning appliance be reduced, stopped or otherwise dealt with if such use is in violation of section 15 (1).
16. (1) All domestic fireplaces or stoves and solid fuel burning appliances must be installed to their manufacturer's specifications and the BC Building Code.
(2) All owners of a domestic fireplace or stove or a solid fuel burning appliance must follow the manufacturer's specifications when using or operating the unit.
(3) All owners of a domestic fireplace or stove or a solid fuel burning appliance shall clean the unit's chimney on a regular basis to reduce the possibility of fire.
17. (1) No material specifically defined as "waste" in the Waste Management Act shall be burned in a domestic fireplace or stove or a solid fuel burning appliance.
(2) Only seasoned wood shall be burned in a fireplace or stove or solid fuel burning appliance if wood is being used as a fuel.

SMOKE ALARMS

18. (1) Smoke alarms shall be installed in any existing building in accordance with the BC Building Code when a building permit is issued for any renovation to such building.
(2) All smoke alarms installed in new buildings shall be connected to and powered by the building's electrical system and be operational at all times.
(3) The owner of a building shall maintain smoke alarms in the building in good working order at all times and the owner shall inspect the smoke alarms on a regular basis to ensure they are operational.
(4) The owner shall keep a record of when the smoke alarm system was inspected and when maintenance of the system was carried out and provide such records to the persons responsible for enforcement of the provisions of this bylaw upon request.

FIREWORKS

19. (1) No person shall sell or offer for sale any firecrackers within the City.
(2) No person shall discharge, fire or set off, or cause to be discharged, fired or set off, any firecrackers within the City.

20. (1) No person shall sell or offer for sale any fireworks within the City.
- (2) No person shall discharge or conduct a display of fireworks within the City.
- (3) Notwithstanding section 20 (2), a person may conduct a display of fireworks on special occasions provided that:
- (a) a permit is obtained from the Fire Service; and
 - (b) the display is conducted by qualified persons who have the appropriate certification from the Ministry of Transport and permits from any regulatory jurisdiction, as required; and
 - (c) the persons conducting the display are responsible for cleanup of the discharge area after the event.

BUSINESS LICENCES

21. (1) Prior to the issuance of a Business Licence or the transfer of a Business Licence, the building to be occupied by the business for which the licence will be issued, shall be in compliance with the BC Fire Code.

PENALTIES

22. (1) A person who contravenes the provisions of this bylaw commits an offence and is liable to the maximum penalty prescribed by the Offence Act.

REPEAL

23. (1) The City of Trail Fireworks Bylaw, 1975 is hereby repealed.

READ the **FIRST**, **SECOND** and **THIRD** time the 24th day of June, 1996.

ADOPTED the 8th day of July, 1996.

MAYOR

CITY CLERK

Certified a true copy of
Bylaw No. 2335, 1996.

CITY CLERK