

**Union Bay Improvement District**  
**Bylaw # 199**  
**Fire Regulations Bylaw**

A bylaw for preventing and suppressing fires and for regulating the conduct of people at fires.

The Trustees of the Union Bay Improvement District ENACT AS FOLLOWS:

1) In this bylaw, unless the context otherwise requires:

The following terms and expressions will have the meanings hereinafter assigned to them, that is to say:

- a. "Animal organic waste" means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, hair and feathers;
- b. "Approved plastic container" means approved by a recognized testing authority;
- c. "Authorized" means authorized by the chief of the fire department;
- d. "Authorized incinerator" means any metal or masonry container in good condition mounted on a non combustible base, fitted with a metal screen or grill of less than 12.5 mm (1/2") mesh to restrict any sparks or flying debris;
- e. "Board" means the Board of Trustees of the Improvement District;
- f. "Building" means any structure or building used or intended to be used for the support, shelter or enclosure of persons, animals or chattels;
- g. "Dwelling" means any building or part of a building occupied or intended to be occupied as the residence of not more than one family;
- h. "Extinguished" means no visible flame, sparks, glowing embers or smoke;
- i. "Fire Chief" means the Fire Chief of the Improvement District or any person designated by him to act on his behalf.
- j. "Fire department" will include the fire department of the Improvement District and the fire department of any other fire protection district or municipal corporation attending fires within the Improvement District;
- 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 the fire;
- l. "Flash point" means the flash point of a flammable liquid as determined by the Tagliabue Closed Cup Tester or the Abel-Pensky Flash Point Tester methods;
- m. "Garbage" means any animal, vegetable and food wastes or scraps;
- n. "Gasoline" means any product of petroleum or any liquid that will flash or emit a flammable vapour below the temperature of one hundred ten degrees Fahrenheit (110° F), or forty-four degrees Celsius (44° C);
- o. "Occupant" means owner, agent, lessee, licensee or tenant of any building or premises to which any of the provisions of this bylaw will apply;
- p. "Person" where used in this bylaw means natural persons of either sex, associations, corporations, or co-partnerships, whether acting by themselves or by a servant, agent, or employee, and the heirs, executors, administrators, or assigns or other legal representatives of such persons to whom the context will apply according to law;
- q. "Private residence" means any dwelling or two-family dwelling;
- r. "Refuse" means any approximately evenly proportioned mixture of rubbish and animal or vegetable waste material of low moisture content;
- s. "Rubber" means rubber goods, tires, plastics, and tar and asphalt roofing materials;

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- t. "Rubbish" means any readily combustible inorganic dry waste material, but does not include animal or vegetable wastes;
- u. "Two-family dwelling" means any building occupied or intended to be occupied as the residence of not more than two families;
- v. "Vehicle" means every device upon or in which any person or property is, or may be, transported or drawn on or upon a public highway.

2) Unless the context otherwise requires, wording importing the singular number will include the plural and words importing the masculine gender will include the feminine, and the converse will apply.

- 3) a) Even 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 will have full force and effect.
- b) In the event of any conflict, inconsistency or repugnancy between these bylaws and the Waste Management Act, the Waste Management Act will, in all cases, prevail.

#### **Right of Entry**

- 4) With the exception of a privately owned and occupied single-family dwelling, 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 which may cause a fire, increase the danger of a fire or increase the danger to persons;
  - b) to see that any flammable matter 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.

#### **No Obstruction**

- 5) No person will obstruct the Fire Chief in making any entry authorized by this bylaw.

#### **No Hindrance**

- 6) No person will, in any way, hinder any member of the fire department or any other person under the direction of the Fire Chief at any fire or other emergency.

#### **Breaking Blockade**

- 7) Except with the permission of the Fire Chief, no person will be permitted to enter any burning building or within the lines across any alley, lane, street or area marked by ropes or guards.

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Driving Over Hose

- 8) No person will drive or run over any fire hose with any vehicle.

Access to Fire Hydrant

- 9) No person will place or maintain any object or matter on a sidewalk or street which interferes with free access or approach to any fire hydrant.

Smoking Prohibited

10.

- a) Where, in their opinion, smoking may create a fire or explosion hazard, the Fire Chief may prohibit smoking in any building, theatre, public hall, assembly hall, dance hall, school auditorium, skating rink, arena, or place used for public amusement, sport or public assembly or any structure or open space in which combustible materials are handled, stored, manufactured or sold;
- b) Where, in the opinion of the Fire Chief, smoking should be prohibited, he may give notice in writing to the occupant to post suitable signs that smoking is prohibited in or on such premises or buildings and the occupant thereof will prohibit smoking in such premises or buildings. The term "smoking" will include the carrying of a lighted pipe, cigar or cigarette;
- c) Any person violating any such order or notice will be deemed to be guilty of an infraction of this bylaw and will be liable to the penalties herein imposed.

Chimneys

11.

- a) No owner or occupant of any building will permit any chimney, stovepipe or flue to remain in any condition which may cause or create a fire hazard.
- b) Every owner or occupant of any building will keep all openings in any chimney in such buildings, while such openings are not in use, closed by a proper stopper of metal or other non-combustible material.

Inspection of Chimneys, Flues, Furnaces

12. Where he deems it necessary, the Fire Chief may examine carefully any chimney, flue, fireplace, hearth, oven, furnace, heater, boiler, stove, steam pipe, funnel or any other equipment he may deem to be a fire hazard.

Notice to Remedy Fire Hazard

13. Where any chimney, flue, fireplace, hearth, oven, furnace, heater, boiler, stove, steam pipe, funnel or any other equipment is found to be a fire hazard, the Fire Chief will notify the owner or occupant of the building of the condition and indicate the remedy and the time within which the condition will be remedied.

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**Duty to Comply**

14. Where any owner or occupant has received notice under Section 11, he will comply with the notice within the time indicated.

**Depositing Ashes or Flammable Material Among Ashes**

15. No person will deposit any ashes or allow any ashes to be deposited or remain:
- a) in any combustible container;
  - b) on the floor of any building belonging or occupied by that person; or,
  - c) in any metallic container which is within 300 mm (12 inches) of any woodwork or any other combustible material.

It will be unlawful for any person to deposit, or allow or cause to be deposited, any paper, straw, hay, shavings, or other combustible or flammable material or thing in or among any ashes or other materials or things taken from any stove, furnace, or fireplace.

**No Open Flame or Smoking Near Flammable Material**

16. No person, within the Improvement District, in that part of any building where there is an accumulation of hay, straw, shavings or other readily flammable material, or liquids, will smoke, or have in his possession any lighted pipe, cigar or cigarette, or light or carry any naked light, flame, or light not enclosed in a shade or other non combustible guard.

**Metal Receptacles for Flammable Material**

17. No person will, within the Improvement District, keep any waste, rags, papers, or other substance liable by spontaneous combustion to cause fire, except in a container made of metal or other non-combustible material and with an airtight top or lid of the same type of material.

**Control of Combustible Material**

18. No person will deposit or allow to collect or be deposited, within the Improvement District, any paper, rubbish, or other combustible material likely to cause or promote fire dangerous to buildings or other property.

**Clearing of Roof**

19. No owner or occupant of any building will allow any paper, wood, debris or other combustible rubbish or material to accumulate upon the roof of the building.

**Duty to Safely Store**

20. Any person who makes, uses or has charge of shavings, paper bags, litter or other combustible material will, at the close of each day, ensure that they are safely stored or disposed so as to be safe from fire.

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##### **Remove Fire Hazard and Secure Unoccupied Buildings**

21.

- a. Any owner or occupant of real property in the Improvement District will remove any matter or thing situated in or on any building or premises which, in the opinion of the Fire Chief, is a fire hazard or increases the danger of fire.
- b. Any owner of any unoccupied building will ensure that it is properly secured against entry by unauthorized persons.
- c. Where, in the opinion of the Fire Chief, any fire hazardous condition exists or any unoccupied building is not properly secured, the Fire Chief will give written notice to the owner or occupant at his last known address or by posting a notice in a conspicuous place on the building or premises.
- d. In any notice under this section, the Fire Chief will indicate the nature of the condition to be remedied, the manner in which the condition may be remedied, and the time within which the owner or occupant must comply.

##### **No Noxious Odours**

22. No persons will burn any rubber, garbage, animal organic waste or any materials which create a noxious odour.

##### **“Open Air” Fires**

23.

A fire in the “open air” means a fire out-of-doors, not contained in an authorized incinerator.

- a. A competent person will supervise and keep under control any burning in the “open air” and ensure that any equipment necessary for fire control is available.
- b. A competent person will ensure that a fire in the “open air” is located at least:
  - i) 3 m (10 feet) from any grass, shrubbery or wooden fence; and
  - ii) 6 m (20 feet) from any building.

##### **Fire Escapes**

24. Each storey above the ground floor of any building in the Improvement District used as a school, hotel, apartment building, duplex or boarding-house, as those defined in the local zoning bylaw, will be provided by the owner with an adequate fire escape or adequate fire escapes, and the owner, and the tenant, if any, will maintain the same in good repair and condition.

##### **Exit Doors to Open Readily**

25. No door to any exit leading to a fire escape in any building will be closed or fastened except with a standard panic or exit bolt, which may be readily opened without the aid of a key or other device.

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Storage of Explosive or Flammable Compound, Liquid or Material in Public Building

26. Except in a place especially provided for the purpose and approved by the Fire Chief, it will be unlawful for any person to keep, store or use any combustible explosive or flammable compound, liquid or material in any part of a building used or maintained as a hotel, apartment house, school or place of public assembly.

Disposal of Gasoline Storage Tanks

27. All unused gasoline storage tanks on service station sites will be either filled or be removed.

Enforcement

28. The Fire Chief may enter upon any premises in order to ascertain that the provisions of this bylaw are being obeyed. No person will obstruct the Fire Chief in the discharge of his duty under this bylaw.

Penalty

29. Any person who violates any provisions of this bylaw will be liable, upon conviction, to a maximum penalty as authorized under the Offence Act. Where any violation continues, each day in which it continues will be a separate violation for the purpose of prosecution under this bylaw.

This bylaw may be cited as the "Fire Regulations Bylaw."

INTRODUCED and given first reading by the Trustees on the 12th day of July, 2006.

RECONSIDERED and finally passed by the Trustees on the 12th day of July, 2006.

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David Godfrey, Chair of the Trustees

I hereby certify that this is a true copy of Bylaw No. 199 Fire Regulations Bylaw.

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Brenda Fisher, Administrator