DISTRICT OF MACKENZIE

BYLAW NO. 1249

A Bylaw to Provide for Fire Protection Services
in the District of Mackenzie.

The Council of the District of Mackenzie, in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited as the "Fire Protection Services Bylaw No. 1249, 2010".

Interpretation

2. In this Bylaw:

   (a) "Assistance Response" means:

      (i) first response to medical emergencies;

      (ii) first response to accidents, natural or man-made disasters, escapes of hazardous materials or other circumstances that have caused or may cause harm to persons or property;

      (iii) rescue operations.

   (b) "District" means District of Mackenzie;

   (c) "District Representative" means, for the purpose of the issuance of a burning permit, the Fire Chief, the Chief Administrative Officer, or another District officer or employee designated by the Fire Chief or the Chief Administrative Officer.

   (d) "Equipment" means any vehicles, tools, devices or materials used by the Fire Department;

   (e) "Fire Chief" means the person appointed by the Chief Administrative Officer as head of the Fire Department or any other person authorized by the Fire Chief to act on behalf of the Fire Chief;

   (f) "Fire Department" means the fire department of the District of Mackenzie, including all officers, employees and volunteers engaged in the fire department;

   (g) "Fire Protection" means all aspects of fire safety including, but not limited to, fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, training, staff development and advising on fire safety matters;

(h) "Incident" means a situation which requires the services of the Fire Department;

(i) "Member" means any person appointed by the Fire Chief as a member of the Fire Department;

(j) "Mutual Aid" means the provision of the Fire Department's services to another local government or person pursuant to a mutual aid agreement between the District and that local government or person;

(k) "Officer" means a Member appointed by the Fire Chief and given specific authority to assist the Fire Chief in his or her duties;

(l) "Open Air Fire" means the burning or combustion of any material or substance in the open air outdoors;

(m) "Public Services" means public information, education and prevention programs, as they relate to fire safety, public safety, and emergency preparedness;

3. All other words and phrases shall be construed in accordance with the meaning assigned to them by the *British Columbia Building Code*, the *Fire Services Act* or the *British Columbia Fire Code* as amended or replaced from time to time. In the event of a conflict between this Bylaw and the *Fire Services Act* and any regulations thereunder, the provisions of the Act and its regulations shall prevail.

Adoption of Fire Code

4. The substantive regulations (but not the procedural or remedial provisions) of the *British Columbia Fire Code* are hereby adopted and made part of this Bylaw such that every provision of the *British Columbia Fire Code* shall be considered a provision of this Bylaw.

Establishment

5. The Fire Department is hereby established and is to be known as the "Mackenzie Fire Rescue Department."

6. The Fire Chief is authorized to administer this Bylaw.

7. The Fire Chief may appoint and dismiss Members.

8. The Fire Chief may appoint Officers to act as Fire Chief on his or her behalf.

Scope of Fire Department

9. The Fire Department is empowered to provide the following services:

(a) Fire Protection;

(b) Assistance Response;

(c) Mutual Aid; and

(d) Public Services.

Powers of Fire Chief

10. The Fire Chief is authorized to exercise the following powers:

(a) Enter on property and inspect premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire;

(b) Take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fire;

(c) Require an owner or occupier of real property to undertake any actions directed by the Fire Chief for the purpose of removing or reducing any thing or condition that person considers is a fire hazard or increases the danger of fire;

(d) Exercise all of the powers of the fire commissioner under section 25 of the *Fire Services Act*, and for these purposes that section applies.

11. The Fire Chief or the Member in charge at an Incident may establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Fire Chief or the Member in charge.

Territorial Jurisdiction

12. The limits of the jurisdiction of the Fire Department extend to the boundaries of the District of Mackenzie and no part of the Fire Department Equipment and Members shall be used outside the District without:

(a) the express authorization of a written agreement providing for the supply of Fire Department Equipment and Members outside the District's boundaries;

(b) the approval of Council; or

(c) a request for assistance in accordance with the *Emergency Program Act.*

Inspections

13. The Fire Chief and Members of the Fire Department may enter on any property at any reasonable time for the purpose of:

(a) ascertaining whether the regulations and requirements of this Bylaw are being observed;

(b) conducting the inspections of buildings that are required under sections 26 and 36 of the Fire Services Act, in accordance with the fire inspection policy adopted by Council from time to time.

General Fire Regulations

14. No person shall obstruct or interfere with the Fire Chief or a Member of the Fire Department in the performance of his or her duties under this Bylaw.

15. No person shall damage or destroy, or obstruct, impede or hinder the operation of any Equipment of the Fire Department.

16. No person shall drive a vehicle over any Equipment of the Fire Department without the permission of the Fire Chief or a Member of the Fire Department.

17. No person shall falsely represent themselves as a Member of the Fire Department.

18. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any Incident, fire hydrant, cistern or body of water designated for fire fighting purposes.

19. No person shall tamper, obstruct or interfere with an emergency exit, fire extinguisher, fire alarm, sprinkler, standpipe or other fire safeguard installed in a building.

20. No person shall wilfully make, or cause to be made, a false request for the Fire Department to respond to an Incident.

21. No person shall enter the boundaries or limits of an area prescribed in accordance with section 11 unless that person has been authorized to enter by the Fire Chief or the Member in charge at the Incident.

22. Every owner or occupant of a building shall provide all information and shall render all assistance required by the Fire Chief or a Member of the Fire Department in connection with the inspection of the building.

Removal of Fire Hazard

23. Every owner and occupier of property shall remove or reduce or cause to be removed or reduced any thing or condition directed by the Fire Chief to be removed or reduced under section 10(c) of this Bylaw, during the time stipulated in that order.

24. In the event the owner or occupier of property fails to comply with Section 23 of this Bylaw, and the owner or occupier of such property has been given an opportunity to make representations to the Fire Chief in respect of that order, the District may, by its own officers and employees or other persons, carry out the work necessary to comply with Section 23 of this Bylaw at the expense of the owner or occupier, and the District may recover the costs of undertaking such work, either as a debt against the person in default or, if the work is in relation to land or improvements on the owner or occupier's property, in the same manner and with the same remedies as property taxes.

Open Air Fires

25. Open Air Fire Category Types are categorized as follows:

(a) Recreational Type – Backyard Burn Pit/Campfire

(b) Category #1 Open Fire – Means an open fire that burns piled material not larger than 1 metre (3.2 feet) in diameter.

(c) Category #2 Open Fire – means an open fire that burns:

(i) material in one (1) pile not exceeding 2 metres (6.5 feet) in height and 3 metres (10 feet) in width

(ii) material concurrently in two (2) piles each not exceeding 2 metres (6.5 feet) in height and 3 metres (10 feet) in width; or

(iii) stubble or grass over an area that does not exceed 0.2 hectares (21,000 square feet).

(d) Category #3 Open Fire – means an open fire that burns:

(i) material concurrently in three (3) or more piles each not exceeding 2 metres (6.5 feet) in height and 3 metres (10 feet) in width;

(ii) material in one (1) or more piles each exceeding 2 metres (6.5 feet) in height and 3 metres (10 feet) in width;

(iii) one (1) or more windrows; or

(iv) stubble or grass over an area exceeding 0.2 hectares (21,000 square feet).

26. No person shall ignite, start or maintain, or allow or cause to be lighted, ignited, started or maintained, an Open Air Fire, except under the terms and conditions of a valid burning permit issued by the District Representative.

27. Section 26 does not apply to:

(a) outdoor cooking fires, provided the fire is contained in a device or fixture designed for such purpose and the fire is only burning clean dry wood or charcoal;

(b) outdoor fires in pits approved by the Fire Chief for use in designated campgrounds or tourist parks; and

(c) fires lit for Fire Department training exercises.

28. A person seeking to ignite, start or maintain an Open Air Fire must apply to the District Representative for a burning permit by providing all of the information required for completion of the burning permit form established by the Fire Chief.

29. The District Representative may issue a burning permit, in a form established by the Fire Chief, for an Open Air Fire to a person for the purpose of:

    (a) residential open air burning of yard waste in the nature of clippings, leaves, tree and shrub prunings during a specified time each spring and fall as determined by the Fire Chief;

    (b) open air burning of land clearing debris; or

    (c) an Open Air Fire during a special ceremony or event.

30. The Fire Chief may impose terms and conditions for the issuance of a burning permit relating to fire safety including:

    (a) the location of a fire;

    (b) the category of open air fire that is authorized by the permit;

    (c) the dates and times a fire may be lit or maintained;

    (d) the maximum area occupied by a fire;

    (e) the materials to be burned in a fire;

    (f) precautions to be taken in connection with the fire, including that the Fire Chief or his designate be contacted before burning commences;

    (g) conditions under which burning may not take place or under which a fire must be extinguished; and

    (h) any other term or condition necessary to ensure compliance with the requirements of this Bylaw.

31. The District Representative may refuse to issue a burning permit where the issuance of a burning permit will result in a safety hazard to the public.

32. No person shall burn the following materials:

    (a) prohibited materials set out in the *Open Burning Smoke Control Regulation* under the *Environmental Management Act*;

    (b) household garbage;

    (c) animal carcasses; or

(d) any other material which may produce smoke that is liable to foul or contaminate the atmosphere or an offensive odour that is liable to disturb the enjoyment, comfort or convenience of individuals or the public.

33. No person shall ignite or allow an Open Air Fire to burn in wind conditions exceeding 10 km/hour.

34. No person shall ignite or allow an Open Air Fire to burn unless a person over the age of 18 is in charge of the fire at all times and that person has sufficient equipment to prevent the fire from getting out of control or causing damage or becoming dangerous to life and property.

35. No person shall ignite or allow an Open Air Fire of any of the following categories to burn except in compliance with the conditions of the permit issued by the District Representative:

(a) Recreational Type;

(b) Category #1 Open Fire;

(c) Category #2 Open Fire;

(d) Category #3 Open Fire.

36. At any time the Fire Chief may cancel or suspend a burning permit issued pursuant to this Bylaw:

(a) if the Fire Chief considers that igniting a fire in any area may create a hazard to persons or property; or

(b) if the permit holder fails to comply with the provisions of this Bylaw.

37. Every person who ignites, or permits any Open Air Fire to be ignited, is responsible for that fire and is liable for all expenses incurred by the District to extinguish the fire. The cost of extinguishment shall be the cost to the District for supplying Equipment and Members of the Fire Department as set out in Schedule "B".

Fees

38. The owner or occupier of a building shall pay the fee set out in Schedule "A" for the following services of the Fire Department:

(a) inspection of the building, including re-inspection, that is not the routine inspection pursuant to the fire inspection policy adopted by Council from time to time; and

(b) installation of an oil burner.

39. If the Fire Department responds to more than two false alarms in a building in any calendar year, the owner or occupier of that building shall pay the fee set out in Schedule "A" for each subsequent response by the Fire Department to a false alarm in the building.

File Search Fees

40. Every person seeking documentation or file searches on occupancies for outstanding *British Columbia Fire Code* violations or infractions, copies of permits, or other related information shall, prior to receiving the documents or information, pay the fee specified in Schedule "A".

Offence and Penalties

41. Any person who contravenes this Bylaw is liable upon summary conviction to a minimum fine of $1000 and a maximum fine of $10,000 and the cost of prosecution. Every day during which there is an infraction of this bylaw shall constitute a separate offence.

42. This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of s. 264 of the *Community Charter.*

43. Bylaw Enforcement Officers, Local Assistants and Fire Inspectors are designated to enforce this Bylaw pursuant to s. 264(1)(b) of the *Community Charter.*

44. The words or expressions set forth in Column 1 of Schedule "C" of this Bylaw are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.

45. The amounts appearing in Column 3 of Schedule "C" of this Bylaw are the fines established by Council pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

Severability

46. If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

Repeal of Existing Bylaws

47. Bylaw No. 1223 cited as "District of Mackenzie Fire Protection Services Bylaw No. 1223, 2008" is hereby repealed and replaced with this Bylaw.

READ A FIRST TIME this 15th day of March, 2010.

READ A SECOND TIME this 15th day of March, 2010

READ A THIRD TIME this 15th day of March, 2010.

ADOPTED this 29th day of March, 2010.

I hereby certify the foregoing
to be a true and correct copy
of District of Mackenzie Bylaw
No. 1249 cited as "Fire Protection
Services Bylaw No. 1249, 2010".

Mayor

Director of Corporate Administration

Director of Corporate Administration

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SCHEDULE A

FEES

1. File Search Fee:	$10.00
2. Non-Routine Inspection Fee:	$50.00
3. Oil Burner Installations:	$50.00
4. False Alarm Response Fee:	$200.00
5. Fuel Tank Installation Fee:	$25.00

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SCHEDULE B

REIMBURSEMENT RATES
EQUIPMENT AND PERSONNEL

District of Mackenzie Fire Department – Reimbursement Rates

1. Cost recovery for reimbursement of the District of Mackenzie Fire Department authorized to respond during emergencies that are not reimbursed from Provincial Emergency Program, Ministry of Forests and Range or Office of the Fire Commissioner are set out in this schedule.

2. The charges shall commence at the time the vehicles are requested and continue until return to Mackenzie's Fire Hall and back in service. Where only personnel are dispatched, all charges shall commence at the time of request and continue until their return to Mackenzie's Fire Hall located at 60 Centennial Drive Mackenzie BC.

3. A rate of $25.00 per hour, per Fire Fighter, will be charged based upon an eight (8) hour work day or actual time worked.

4. Repair or replacement costs for damages to or loss of apparatus or vehicles and related equipment not covered by insurance. Complete deductible on the insurance policy.

5. Repair or Replacement costs for damages or loss of hand equipment, tools, appliances, electronic equipment, ladders, clothing, etc. and use of materials.

6. Charge rate of the following Apparatus and Vehicles:

Apparatus	Operations Rate	Stand-by Rate
Engine 11	$300.00 / hr	$175.00 / hr
Engine 12	$300.00 / hr	$175.00 / hr
Rescue 11	$250.00 / hr	$150.00 / hr
Engine 13	$275.00 / hr	$175.00 / hr
Chief 1	$50.00 / hr	
Chief 2	$50.00 / hr	

7. Pre-diem, Meals and Incidental Expenses at the District of Mackenzie rate:

Full Day (Fire Fighters)	$70.00	(Senior Staff)	$85.00
Breakfast only	$12.00		$12.00
Lunch only	$15.00		$15.00
Dinner only	$25.00		$25.00
Breakfast & Dinner only	$37.00		$37.00
Lunch & Dinner only	$40.00		$40.00
Incidentals	$20.00		$30.00

8. Transportation of Fire Fighters to and from the scene, if not provided by the District of Mackenzie Fire Department. Private vehicle mileage at $0.48 per Kilometer.

9. All other expenses as authorized by the Fire Chief or Chief Administrative Officer for the District of Mackenzie.

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SCHEDULE C

MUNICIPAL TICKET DESIGNATION

		Section	Fine
1.	Failing to obtain a burn permit:	26	$100.00
2.	Recreational Fire Permit – Non-compliance	35(a)	$150.00
3.	Category #1 Fire Permit – Non-compliance	35(b)	$250.00
4.	Category #2 Fire Permit – Non-compliance	35(c)	$350.00
5.	Category #3 Fire Permit – Non-compliance	35(d)	$500.00