



City of Prince Rupert

## **Fire Control and Protection Bylaw No. 2944, 1995**

**(With Amendments to March 31, 2004)**

**Consolidated for Convenience Only**

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject.

**CITY OF PRINCE RUPERT**

**BYLAW NO. 2944**

**A BYLAW TO ESTABLISH A FIRE DEPARTMENT AND TO PROVIDE FOR THE  
REGULATION AND CONTROL OF FIRES AND FIRE PROTECTION IN THE CITY  
OF PRINCE RUPERT**

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**WHEREAS** the Municipal Act R.S.B.C. 1979, Chapter 290 empowers the Council of City of Prince Rupert to establish a fire department;

**AND WHEREAS** the Council of City of Prince Rupert may regulate fires and provide for fire protection;

**AND WHEREAS** the Council of City of Prince Rupert deems it advisable to establish a fire department and to enact regulations to provide for the establishment, authorities, responsibilities, and special powers of the fire department for the prevention, control and extinguishment of fire and for the preservation, mitigation or protection from injury or loss of life or property from fire and other real or potential threatening events;

**NOW THEREFORE** the Council of City of Prince Rupert in open meeting assembled, hereby enacts as follows:

**1.0 Fire Department**

This Bylaw establishes and continues the City of Prince Rupert Fire Department to provide fire protection and prevention services within the City, and which encompasses all of those assets including real property and policies and procedures already established and which may be altered from time to time by the Council of City of Prince Rupert, and those persons authorized to act under the authority of the Council of City of Prince Rupert.

1.01 The City of Prince Rupert Fire Department shall consist of a Fire Chief appointed by the Council of City of Prince Rupert, a Deputy Fire Chief and a number of fire fighting personnel, which may be altered from time to time.

1.02 The City of Prince Rupert Fire Chief is responsible to the Council of City of Prince Rupert through the City Administrator.

1.03 The names of all the members of the City of Prince Rupert Fire Department with dates of their admission to and the dates of their leaving the said Fire Department shall be recorded by the Fire Chief in a register to be kept by him for that purpose, which register shall contain any other particulars that the Fire Chief may deem expedient or necessary.

- 1.04 There is hereby established a Fire Hall at the following location in the City of Prince Rupert:

200 - 1st Avenue West  
Prince Rupert, British Columbia  
V8J 1A8

## 2.0 **Definitions**

In this Bylaw, unless the context otherwise requires, the following expressions shall have the meanings hereinafter assigned to them, that is to say:

- 2.01 “Act” shall mean the Fire Services Act of British Columbia R.S.B.C. 1979, Chapter 133 and amendments thereto.
- 2.02 “Approved” shall mean approved by an officer of City of Prince Rupert Fire Department.
- 2.03 “Authority Having Jurisdiction” shall mean the “Fire Chief” or “Officer” or “Firefighter” or “Member” as defined in the Bylaw, and as may be appropriate to the duties, responsibilities and authorities of each in routine and emergency incident activities.
- 2.04 “Building” shall mean any structure for the support, shelter and enclosure of persons, animals or chattels.
- 2.05 “Chimney” shall mean any form of masonry, reinforced concrete or metal structure designed and approved for the purpose of emitting the volatile and gaseous products of combustion of any heating or cooking appliance.
- 2.06 “City” shall mean City of Prince Rupert.
- 2.07 “Code” shall mean the current British Columbia Fire Code as issued by the Ministry of Municipal Affairs.
- 2.08 “Combustible Liquid” shall mean any liquid having a flash point at or above 37.8 Celsius and below 93.3 Celsius.
- 2.09 “Council” shall mean the Council of City of Prince Rupert.
- 2.10 “Control Zone” may include buildings, structures or areas as designated by the Officer-In-Command, if an emergency arising from a fire hazard or from a risk of explosion causes the Officer In Command to be apprehensive of imminent and serious danger to life or property, or of a panic, or space is required to perform all of the tasks required to mitigate, extinguish, or normalize an emergency incident and its effects.

- 2.11 “Emergency Incident” shall mean any emergency situation where there is danger to life, land, real property or improvements, or where there could be public panic, and shall not be limited to fire and rescue from fire.
- 2.12 “Explosive” shall mean gunpowder, nitroglycerine, gun cotton, dynamite, blasting gelatine, gelignite, fulminate or mercury, or other metals, coloured fire, and every other substance whether chemical compound or mechanical mixture, used or manufactured with a view to produce a violent effect by explosion or a pyrotechnic effect, and shall include fireworks, fuses, rockets, percussion caps, detonator, cartridges, ammunition of all descriptions, and every other adaption or preparation of an explosive, as above defined.
- 2.13 “Fire Chief” shall mean a person appointed by the Council to be the Chief Firefighter in-charge of City of Prince Rupert Fire Department, its assets and fire fighting personnel and shall include any member of the Fire Department authorized by the Fire Chief to act on his behalf as may be appropriate.
- 2.14 “Fire Commissioner” shall mean a person appointed pursuant to the Fire Services Act of British Columbia R.S.B.C. 1979, Chapter 133 and amendments thereto, and having the duties as defined therein.
- Bylaw 3038**
- 2.15 “Fire Department” shall mean Prince Rupert Fire City Fire and Rescue Department.
- 2.16 “Firefighter” shall mean any persons duly appointed to or employed in the City of Prince Rupert Fire Department, who may be involved in any direct fire suppression or other emergency activity, including those persons employed as part-time or auxiliary firefighters.
- 2.17 “Fire Protection” shall mean all aspects of fire safety including but not limited to fire prevention, fire fighting or fire suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.
- 2.18 “Flammable Liquid” shall mean any liquid having a flash point below 37.8 Celsius and having a vapor pressure not more than 275.8 kPa (absolute) at 37.8 Celsius.
- 2.19 “Garage” shall mean and include any building, or any portion of any place or premises used as a place of business for the purpose of placing, keeping, repairing or demolishing one or more motor vehicles.
- 2.20 “Garbage” shall mean all household and commercial waste or refuse, whether it contains the remains of edible food or not.
- 2.21 “Hotel” or “Motel” shall include apartment houses, boarding houses, lodging house, and any buildings where lodging is provided other than a private dwelling house.
- 2.22 “Land”, “Real Property” and “Improvements” shall follow these interpretations as stated in the Municipal Act R.S.B.C. 1979, Chapter 290 and amendments thereto.

- 2.23 “Local Assistant” shall mean a person as identified in the interpretation Section 1 (a) of the Fire Services Act of British Columbia, R.S.B.C. 1979, Chapter 133 and amendments thereto.
- 2.24 “LPG” shall mean Liquid Petroleum Gas.
- 2.25 “LPG Vehicles” shall mean all vehicles fuelled by or used for transporting liquid petroleum gas.
- 2.26 “Member” shall mean a person duly employed by the Fire Department as in Subsection 2.15 of this Bylaw and includes all employees not directly involved in field fire suppression and other emergency activities.
- 2.27 “Occupant” shall mean owner, tenant, lessee, agent, licensee, and any other person who has the right of access to or control of any land, building or premises to which any of the provisions of this Bylaw apply.
- 2.28 “Occupier”, “Owner”, and “Registered Owner” shall follow those interpretations as stated in the Municipal Act R.S.B.C. 1979, Chapter 290 and Amendments thereto.
- 2.29 “Officer” shall mean the Fire Chief, his Deputy Fire Chief, and members acting in those capacities, as authorized in writing by the Fire Chief.
- 2.30 “Permit” shall mean a document issued pursuant to this Bylaw.
- 2.31 “Person” where used in the Bylaw shall mean natural persons of either sex, or associations, corporations, bodies politic, 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 person to whom the context shall apply according to law. The singular shall, when necessary, be held to mean and include the plural; the masculine to include the feminine; and the converse thereof in each case.
- 2.32 “Private Dwelling” shall mean any building used exclusively as a single dwelling unit.
- 2.33 “Private Hydrant” shall mean any hydrant located and maintained privately.
- 2.34 “Ranking Officer Present” for the purposes of this Bylaw, means the senior member present at an emergency incident, who may also be known as the Officer-in-Command.
- 2.35 “Refuse” shall mean any waste or refuse from the clearing of land, or reconstruction or construction of buildings, and includes trees, branches, roots and stumps.
- 2.36 “Restaurant” shall mean any public eating place where food may be purchased or supplied for consumption on the premises.

- 2.37 “Service Station” shall mean any premises at which flammable or combustible liquids are put into fuel tanks of vehicles or vessels and includes marine service stations and self-service outlets.
- 2.38 “Smoking” shall mean the inhaling of, or exhaling of, the smoke of tobacco or other organic substance, or the carrying of a burning cigarette, cigar or any device in which tobacco or any other organic substance is burning.
- 2.39 “Suite” shall mean a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories.
- 2.40 “Tank Vehicle” shall mean any vehicle, other than railroad tank cars and boats with a cargo tank having a capacity of more than 450 litres, mounted or built as an integral part thereof, used for the transportation of flammable or combustible liquids and including tank vehicles, trailers and semi-trailers.
- 2.41 “Trade Waste” shall mean refuse and accumulation of waste and abandoned materials resulting from the operation of an industry, trade or business including paper, boxes and packing cases, wrapping materials sweepings and all flammable materials of a like nature other than garbage and ashes.
- 2.42 “Vehicle” shall mean and include all types of motor driven apparatus, farm tractors, machinery and marine vessels.

### 3.0 **Duties of the Fire Chief**

- 3.01 In addition to such duties as may be prescribed by statute, or by the Bylaws of the City, or by motions adopted by the Council from time to time, the Fire Chief shall have responsibility and authority over the Fire Department subject to the direction and control of the City Council to which he shall be responsible, and in particular he shall be required to carry out or have carried out all fire protection and assistance response activities and such other activities as Council directs including but not limited to:
- a. keep an accurate record in a convenient form of reference of all fires occurring in the City and operations of the Fire Department while in attendance of such fires;
  - b. attend all fires, or to make such regulations and arrangements that in the event of his absence, the Deputy Fire Chief or another officer as authorized shall be present at the fire;
  - c. enquire into and investigate or have investigated the cause of all fires that may occur within the City, and to keep a record of all such investigations at the Fire Department Offices;

- d. investigate all cases of violation of any rules or regulations of the Fire Department or other breeches of discipline, and to discipline the offending parties as provided for in the collective agreement and otherwise, upon the approval of the City Administrator, City of Prince Rupert;
  - e. collect and disseminate information with regard to fires in the City and conduct investigations and hold enquiries into such fires as he may deem advisable, and conduct studies into conditions under which fires are likely to occur, and conduct studies into methods of fire prevention, and to render advice and recommendations on fire prevention as he may deem advisable upon the approval of the City Administrator, City of Prince Rupert;
  - f. make recommendations and suggestions to the Council that in his opinion would improve and best promote the efficiency of the Fire Department;
  - g. ensure that a Deputy Fire Chief is trained to take over as Fire Chief in the Fire Chief's absence.
  - h. attend all emergency rescue operations including but not limited to vehicle extrications or to make such regulations and arrangements that in the event of his absence, the Deputy Fire Chief or another officer as authorized shall be present at the emergency rescue operation;
  - i. attend all hazardous material incidents, or to make such regulations and arrangements that in the event of his absence, the Deputy Fire Chief or another officer as authorized shall be present at the hazardous material incident;
  - j. Attend all Emergency Health Service assistance calls, or to make such regulations and arrangements that in the event of his absence the Deputy Fire Chief or another officer as authorized shall be present at the Emergency Health Service Assistance call;
  - k. attend all public service calls, or to make such regulations and arrangements that in the event of his absence the Deputy Fire Chief or another officer as authorized shall be present at the public service call;
- 3.02 All apparatus and equipment and the management of the Fire Department shall be under the direction of the Fire Chief, subject to such instruction as he may receive from time to time from the Council, and at every fire the Fire Chief or in his absence, the ranking officer present, shall have sole control over all equipment, property, officers and members of the Fire Department, and over all persons engaged at any fire, and any officer, member or other person engaged in any fire who shall refuse or neglect to obey any lawful order of the Fire Chief or other Officer-In-Command shall be subject to the penalties of this Bylaw.

- 3.03 No equipment, apparatus, hose or property of the Fire Department shall be applied to any private use.
- 3.04 It shall also be the duty of the Fire Chief to report monthly to the Council or as required:
- a. the number and sufficiency of the officers and members of the Fire Department under his control;
  - b. the quantity, condition and adequacy of the equipment, apparatus or property under his charge or belonging to the Fire Department;
  - c. the number of fires and alarms of fire which occurred since last report;
  - d. the extent of damage of all fires;
  - e. the nature and occasion of all accidents resulting from fire, and all accidents whatsoever that have occurred to members of the Fire Department while on duty;
  - f. training of members of the Fire Department.

#### 4.0 **Fire Department Operation**

- 4.01 As provided by the Municipal Act R.S.B.C. 1979, Chapter 290, and subject to the Fire Services Act of British Columbia R.S.B.C. 1979, Chapter 133, and amending Acts, the current edition of the British Columbia Fire Code issued by the Ministry of Municipal Affairs, and revisions, is hereby adopted as regulations for the City of Prince Rupert, supplementary to Regulations made pursuant to this Bylaw. In the event there is a conflict between this Bylaw and the current edition of the British Columbia Fire Code, the provisions of this Bylaw shall prevail over the provisions of the current edition of the British Columbia Fire Code.
- 4.02 In the event there is any repugnancy between the provisions of this Bylaw on the one hand, and the provisions of the Fire Services Act of British Columbia, R.S.B.C. 1979, Chapter 133 or the Forest Act, R.S.B.C. 1979, Chapter 140 and amending acts, or any regulations made thereunder, the provisions of the said Acts or their regulations or any amendment or amendments pertaining thereto shall prevail.
- 4.03 The Local Assistant, or any member under his authority as may be appropriate, is hereby authorized to deal with any matter within the scope of this Bylaw in a manner not repugnant to any Act or Code, and he shall deal with those matters within the confines of the recognized structure and authority lines of the Fire Department.
- 4.04 The Fire Department may establish and maintain a structured system of Emergency Incident Command to deal with Emergency incidents, as may be appropriate, and relate such system as information to any other jurisdiction through which assistance may be requested.



- 4.05 The Fire Department may establish and maintain an agreement for assistance with other Municipalities, in the event of the substantial depletion of local resources, which includes requisitioning of supplies or materials for use at any significant emergency incident, or incidents, within the City's jurisdiction, and this may include reciprocal agreements.
- 4.06 The Fire Chief may assure that each application qualifying as a member of the Fire Department:
- a. has successfully completed Grade 12 education at a minimum level;
  - b. is of good character;
  - c. is medically and physically fit to meet the physical demands required of a member, as certified by a physician and a recognized fitness assessor, in consultation with the Fire Chief;
  - d. successfully completes such written, practical and oral examinations as may be required by the Fire Chief;
- 4.07 The Fire Chief may assure that each member of the Fire Department:
- a. maintains a minimum standard of performance and knowledge as may be appropriate to the position held;
  - b. maintains the good order, conduct and reputation of the Fire Service through acts, deeds, work and personal conduct;
  - c. complies with the Rules and Regulations of the Fire Department as established by the Fire Chief;
  - d. maintains physical health and conditioning as may be appropriate to the position held, as certified by a physician and a recognized fitness assessor every two years, in consultation with the Fire Chief;
  - e. exercises and performs any duties, responsibilities and authority given as appropriate and required, in a timely, efficient and prudent manner, and reports all matters as required through the established or appropriate communication channel in a timely and prudent manner.
- 4.08 The Fire Chief may assure members possess and maintain mental alertness, capability and capacities appropriate to the duties and responsibilities of the position held, and take appropriate remedial action to assure an acceptable level of competence is maintained for the position.

- 4.09 The Fire Chief may make and enforce rules and regulations for the efficient and effective administration and operation of the Department and may alter, add to, replace or withdraw rules and regulations as he recognizes necessary, and proper, and all members shall comply with those rules and regulations.
- 4.10 The Fire Department shall maintain a level of service appropriate to community needs under the confinements of the community's economic ability to maintain and improve that level of service.
- 4.11 The Fire Chief is authorized to review the plans and inspect the construction of all new buildings and structures in the City , in order to establish that the fire protection facilities and equipment are in compliance with all applicable regulations, codes and standards.
- 4.12 No person may obstruct, hinder or prevent the Fire Chief from entering into or upon any lands, premises or buildings for the purpose of inspecting the same in the ordinary course of his duties, and to see that the requirements of this Bylaw are being carried out.

5.0 **Emergency Incidents**

- 5.01 In the event of an Emergency Incident as defined in Subsection 2.11 of this Bylaw, the Fire Chief or other Officer in Command, present as appropriate, under the authority of the Fire Commissioner, may take immediate steps to effect the evacuation of buildings, structures or areas including the interruption of any transportation route within the jurisdiction, and may call on Police Authorities, Fire Prevention personnel, or expert persons or organizations to assist or advise him.
- 5.02 The Fire Chief, or other Officer in Command as appropriate, may order the removal of any vehicle, stock, chemical, object, material or supplies which in his opinion impedes the mitigation of, or contributes to the proliferation of any Emergency Incident.
- 5.03 The Fire Chief, or other Officer in Command as appropriate, may order the demolition of any building or part of a building or structure, or other real property, or alter land to mitigate the effects of any serious Emergency Incident, but not otherwise.
- 5.04 No person shall impede, hinder or obstruct a Firefighter, Police Officer or other persons, under the authority of the Officer in Command, at any Emergency Incident, who may be engaged in or about to engage in the saving of life, or mitigation of damage to land, property or improvements, and any person not in compliance with this section of this Bylaw shall be subject to penalties and other actions as stated in this Bylaw and may be forcibly removed from such a scene by a Police Officer or member of the Fire Department.
- 5.05 No person, save those identified in Subsection 5.01 of this Bylaw, shall enter into or remain in a Control Zone, including buildings, structures, or areas which have been ordered evacuated by the Ranking Officer present.

- 5.06 No person shall impede, hinder or obstruct any emergency vehicle accessing or egressing the fire hall and any building, structure or area of an Emergency Incident, and all persons shall obey traffic control directions of a member or person identified in Subsection 5.01 of this Section.
- 5.07 The Fire Chief or other member may take all necessary and reasonable steps to have removed or to remove persons at risk, or without authorization, at or inside a Fire Control Zone, and every person at or inside the Control Zone shall comply with an order or direction of a member.
- 5.08 No person shall refuse entry into or upon any land, buildings or structures, by members in the execution of their duties, where reasonable grounds exist to suspect a condition or situation which may cause or increase the danger of fire or where an Emergency Incident exists or is suspected to exist which places life, land, property or improvements at risk, this shall include any adjoining properties.
- 5.09 No person shall impede in any way or hinder any firefighter or other person under direction of an Officer, in command at any fire.
- 5.10 All persons present at any fire shall, when ordered by the Fire Chief, Deputy Fire Chief or any other officer of the Fire Department, assist in extinguishing the fire, and in removing furniture, goods and merchandise from any building on fire or in danger thereof, and in guarding and securing the same, and in demolishing any house or building.
- 5.11 Every person ordered by the Fire Chief, Deputy Fire Chief or any other member of the Fire Department to assist at a fire shall automatically be appointed a member of the Fire Department, without further ratification.
- 5.12 Every appointment made under the provisions of Subsection 5.11 of this Section shall be without remuneration except for the purposes of compensation under the provisions of the Workers' Compensation Act and the Assessment Department of the Workers' Compensation Board shall be subsequently notified of every appointment made under the provisions of this Section.
- 5.13 Persons may be excluded from the building, structure or area of an Emergency Incident during the period of investigation, to determine cause or culpability.
- 5.14 For the purpose of this Bylaw, the senior firefighter of the City to answer a fire call or alarm will be the Officer in Command until a duly appointed officer of the Fire Department arrives to take charge.
- 5.15 The Fire Chief, or other person in charge of the Fire Department at any fire, is hereby empowered to cause to be pulled down or demolished adjacent buildings, or other erections, when he considers it necessary to do so, in order to prevent the spread of any fire.

- 5.16 All movable apparatus of the Fire Department of the City shall have the paramount right-of-way at all times through all streets, lanes, and alleys in the City and no person shall willfully or carelessly permit any vehicle to obstruct the progress of the apparatus of the Fire Department of the City going to or returning from a fire, alarm, or drill.
- 5.17 No person, save and except firefighters shall be permitted to enter any burning building or within the lines designated by ropes or guards across any or all streets, lanes or alleys, except by permission of the Officer-in-Command of the Fire Department, and any person entering within the lines designated by ropes or guards without permission or refusing to move when directed to do so by an Officer, shall be guilty of an offence against this Bylaw.
- 5.18 The Fire Chief or other Officer-In-Command, at any fire, or any Emergency Incident, may in his discretion regulate and prescribe the limits of a control zone, in the vicinity of any fire or any Emergency Incident, within which no persons nor vehicles shall be permitted to enter, unless admitted by order of an officer of the Fire Department at the scene of the fire or Emergency Incident, and any persons who, without permission, enter upon any portion of such limits during that time shall be guilty of an offence against this Bylaw.
- 6.0 **General**
- 6.01 No person shall ride on or in a Fire Department emergency vehicle, or enter onto or in any municipal Fire Department property without bonafide business to conduct, or without express permission of the Officer-in-Command as may be appropriate, working within the provisions of the Fire Departmental Rules, Regulations, Policies and Procedures.
- 6.02 No person shall remove, alter, adjust or interfere with any equipment, appliance, device, fixed object, other property or emergency vehicle of the Fire Department in any emergency or non-emergency activity, and no person shall drive a motor vehicle on or over, or walk on or over, a charged or uncharged hose line under any circumstances, without permission from a member present, or by any other person authorized by a member present.
- 6.03 No person shall make or circulate, or cause to be made or circulated, any false alarm of emergency by any means whatsoever.
- 6.04 No person shall set or cause to be set any fire or other hazardous condition which may put at risk life, land, property or improvements, within the City of Prince Rupert.
- 6.05 No person shall refuse to communicate information verbally, or in written form, which has bearing on determining the circumstances leading to or an actual cause of an Emergency Incident, whether by mistake, accident, negligence or design, to any duly appointed Officer or authorized member of the Fire Department.

- 6.06 It shall be unlawful for any person to damage or injure any vehicles, reel, hydrant, communication equipment, or any other property, apparatus, or equipment belonging to the Fire Department or used by the fire fighters in giving an alarm of fire or used in extinguishing fires.
- 6.07 It shall be unlawful for any person to use or in any way tamper with or make any connection to or operate or attempt to operate or deface, obstruct, damage, remove or destroy or interfere with in any way in whole or in part any fire hydrants of the City, except with the written permission of the Fire Chief.
- 6.08 (a) All unauthorized attachments found on standpipes or hydrants will be confiscated by an Officer.
- (b) Excepting only employees of the City, acting within the scope of their duties, no person shall make use of standpipes or hydrants, without written permission from an Officer.
- (c) Any unauthorized person using a standpipe or hydrant shall be guilty of an offence against this Bylaw.
- (d) It shall be unlawful to park any vehicle within five (5) metres of any fire hydrant or standpipe within the City.
- (e) It shall be unlawful to place or build any obstruction within one point five (1.5) metres of any Fire Hydrant or standpipe within the City.
- 6.09 All permits issued pursuant to this Bylaw shall be subject to such conditions, restrictions, and provisions as an Officer may consider necessary or expedient to incorporate therein.
- 6.10 If at any time an Officer, on account of the existence of hazardous fire conditions deems it advisable, he may order, cancel, suspend for such time as is specified in the order, all or any permits issued pursuant to this Bylaw, or he may attach to any or all such permits such conditions and restrictions as he thinks proper, and the order shall thereupon become effective according to its tenor.
- 6.11 It shall be unlawful for any occupant to permit, or allow to remain, upon any roof, or any portion of any building, or in or upon any court or yard, any accumulation of moss, paper, hay, straw, bags, litter, or any other flammable or combustible material, waste, or rubbish of any kind, which, in the opinion of an Officer, a fire starting thereon, might spread rapidly to endanger life or property.
- 6.12 It shall be unlawful for any person to permit, or allow to remain, any accumulation of brush or trees from land clearing for more than three months.
- 6.13 An Officer may enter upon all lands, premises, yards, and buildings, for the purpose of carrying out the provisions of this Bylaw, and any person who interferes with, obstructs,

attempts to obstruct, or prevent in any way, or refuses to admit any Officer in, to or upon any lands, premises, yards, or building for the purpose of inspecting the same in the ordinary course of his official duties, or who refuses to provide or furnish any information on request of any Officer in connection therewith, shall be guilty of an offence against this Bylaw.

- 6.14 It may be the duty of an Officer to inspect, compel, and require that all the regulations and provisions prescribed in this Bylaw be carried out, and he is hereby authorized and empowered to do so.
- 6.15 The occupant of any lands, premises, yards, or buildings shall at all times keep the same, or cause the same to be kept in a safe condition satisfactory to an Officer, and any occupant who allows or causes the accumulation of any flammable or combustible materials except as allowed for in this Bylaw, on or in any such land, premises, yards, or buildings shall be guilty of an offence against this Bylaw.
- 6.16 The metal covers required on receptacles provided for the storage of combustible materials as set forth in Section 2.4.1.5 of the British Columbia Fire Code shall be kept closed at all times and maintained in good and efficient repair and working order.
- 6.17 Where doors or shutters are installed in any building to prevent the spread of fire within such building, such doors or shutters shall at all times be kept and maintained in good and efficient repair and working order.
- 6.18 It shall be unlawful for any person to deposit, or allow or permit to be deposited, except in a metallic or non-combustible or nonflammable receptacle, ashes, or other material or thing from any stove, furnace or fireplace, or any greasy or oily rags of other material, things, or substances liable to spontaneous combustion.
- 6.19 It shall 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.
- 6.20 Every occupant of any building or premises who makes, stores, uses, or has charge or control of any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, waste paper, paper boxes (unless collapsed) or any other flammable or combustible material, shall at the close of each day, compactly bale or stack, or cause all such material to be compactly baled or stacked in a safe manner, in accordance with the opinion of any officer; or the occupant shall store such material in non-combustible receptacles, having tight fitting, non-combustible lids, and such lids shall be at all times kept on such receptacles when in use, unless otherwise approved by the Fire Chief. All receptacles shall be in a location approved by the Fire Chief.
- 6.21 No occupant of any building shall permit any chimney stove pipe or flue therein to become unclean or take fire; provided it shall be deemed a good and sufficient defence to any action brought under the provisions of this section, if proof satisfactory to an Officer

is produced showing that the said chimney or flue has been properly cleaned by a duly qualified and licensed chimney sweep within a period of twelve (12) months before an Officer's inspection or a fire.

- 6.22 The chimney, flue or stack and any metal extension thereof used in any building shall be kept and maintained in good order and repair at all times, and no owner or occupant of any building shall permit or cause any chimney, flue or stack to become a fire hazard or to endanger surrounding property; and such chimney, flue or stack shall be repaired, altered, replaced or extended to, as to remove any such hazard or menace on written notice from an Officer.
- 6.23 It shall be unlawful for the occupant of any building within the City to use, maintain, suffer, permit or allow the use of any defective stove or heating device in any building, and if, in the opinion of an Officer any defective stove or heating device is used or maintained in any building, the occupant of such building, on the order of the Officer shall forthwith remove or cause to be removed, or repair or cause to be repaired, to the satisfaction of the Officer, any such defective stove or heating device, and any such occupant who fails, refuses or neglects to carry out any such order of the officer within the time specified therein shall be guilty of an offence against this Bylaw.
- 6.24 Every occupant of any building shall keep all pipeholes in any chimney, while such pipeholes are not in use, closed by a proper stopper of metal or other non-combustible material.
- 6.25 Gas and electric heaters or plates, if used or maintained over wood shelving or tables, shall be protected with non-combustible material over an area one and one-half times the area of such gas and electric heaters or plates, and when the number of gas jets or electric heaters installed would tend to generate an excessive temperature, in the opinion of an Officer, the Officer may require such further protection as in his opinion may be necessary. Gas plates and heaters, shall not be installed under any wood shelving when the shelving is less than four feet distant from such gas plates and heaters and shall be at least twelve inches in the clear of any combustible material at the sides and back; provided, however, that when any woodwork is protected at the back and sides of such gas plates or heater with a shield of non combustible material extending at least eighteen inches in height from the base of such gas plate or heater, the distance aforesaid may be reduced by one-half.
- 6.26 Whenever in any building or premises, there shall exist any flammable, combustible, or explosive material or substance, or any dangerous or unnecessary accumulation of waste materials, or litter, of a nature especially liable to fire, and which materials are so situated, in the opinion of an Officer, so as to endanger life or property, or to obstruct ingress or egress from such building or premises, in case of fire, or which may be liable to interfere with the operations of the Fire Department of the City, or where any condition exists which is considered by the Officer to be a fire hazard, the occupant of such building or premises shall forthwith, on the order of the Officer, have such flammable, combustible, or explosive material or substance, or any dangerous or unnecessary

accumulation of waste materials or litter removed, disposed of, or otherwise dealt with as may be ordered or directed by the Officer, and any occupant who fails, refuses, or neglects to carry out any such order of the Officer within the time specified therein, shall be guilty of an offence against this Bylaw.

- 6.27 It shall be unlawful for any person to obstruct any stairway, fire escape, passage door, hall or window, or to obstruct any exit leading to any fire-escape in any building; and all fire-escapes and exits in buildings shall at all times be kept and maintained free and in good order and repair satisfactory to an Officer. All passages in buildings shall be maintained free from obstruction.
- 6.28 In the case of a public or private school, orphanage, nursing home, children's home or other institution for the education or care of children, the person in charge thereof shall adopt and practise a system of fire drills or exercises as approved by an Officer. On the sounding of the fire alarm in any such building, it shall be the responsibility of the teacher or other person in charge of any or all of the children at the time of the sounding of the alarm to remove all such children clear of the building, to a point of safety. Any teacher or other person who fails to remove his pupils, or other children in his care, shall be deemed to be guilty of an offence against this Bylaw.
- 6.29 No person shall put, place, pour or deliver into any container any flammable liquid or combustible liquid, unless the container meets the requirements of subsection 4.2.3. of the British Columbia Fire Code. At no time shall more than five imperial gallons (twenty two point seven three litres) be stored in any such containers on any legally constituted lot or parcel of land as defined by the Land Title Act, R.S.B.C. 1979, Chapter 219 and amending Acts, and it shall be unlawful to receive or store any such flammable liquids in any damaged or leaking containers.
- 6.30 Except for the quantities permitted to be stored by Subsection 6.29 of this Section, no person shall store any flammable or combustible liquid as aforesaid, in a place other than a garage or service station, without a permit therefore first having been issued by an Officer, who shall satisfy himself that the applicable provisions of this Bylaw and the *Fire Services Act of British Columbia* R.S.B.C. 1979, Chapter 133 and amending Acts and its Regulations made thereunder have been complied with and that the location of such storage will not endanger life, buildings or property.
- 6.31 Any owner or occupier of an area where flammable or combustible liquids are stored, received, or dispensed shall post adequate "No Smoking" signs of a type, and in such conspicuous place or places as required by an Officer.
- 6.32 It shall be unlawful to use flammable or combustible liquids for cleaning floors, walls, furniture or woodwork within any building.
- 6.33 No stationary internal combustion engine using flammable or combustible liquids as fuel shall be installed or used in any building, except on the written permission of an Officer.



- 6.34 Any person who fails, refuses, or neglects to post any signs legally required under the provisions of this Bylaw, or who removes, alters, or defaces any such legally required signs, shall be guilty of an offence against this Bylaw.
- 6.35 (a) Whenever or wherever within the City any premises or businesses licensed by the City shall be in a hazardous state or condition, in the opinion of an Officer, in respect to fire, or shall be dangerous to life or property, or which shall be in a condition which may cause fire, or assist in causing the spread of fire within the City, or which shall be hazardous and dangerous to surrounding or adjacent property, the Officer, may, by written notice served to the licensee of any such premises or business to whom or in whose name such license is issued, notify such person that the Officer protests against issuing, granting, renewal, or holding of such license in respect of such premises or business, and shall state on such notice the reasons or grounds of such protest, and a true copy of such notice shall be lodged with the License Inspector of the City.
- (b) Such notice shall specify a reasonable time in which such licensee shall be directed or ordered to remedy the condition, danger, hazard, or menace complained of. If such condition, danger, hazard or menace shall not be remedied in pursuance of the tenor or such notice, then in such event, such failure to so remedy the same shall be deemed to be good cause for the cancellation, suspension or revocation of the license of such person, pursuant to the provisions of any License Bylaw or other Bylaw of the City in that behalf. Upon further notice such Licensee may be required to appear before the Council to show reasons why their License should not be revoked.
- 6.36 The owner of any vacant building shall at all times ensure that the premises are free from debris, flammable and combustible substances, and shall keep all openings in such a building securely closed and fastened, so as to prevent entry of unauthorized persons.
- 6.37 The owner of any fire damaged building shall, upon receiving the approval of the Fire Chief, ensure that the premises are secure and that all openings in the building are kept securely closed and fastened, so as to prevent the entry of unauthorized persons.
- 6.38 No person may, within the City, dispose of any explosive, flammable or combustible liquid, flammable or combustible substance, used goods or “petro-chemical liquid” without first having obtained from the Fire Chief written permission, setting out the conditions and the location, if any, for such disposal.
- 6.39 It is the duty of the occupier, and the owner of a property, building, premises or motor vehicle to report immediately to the Fire Chief when an explosion, discharge, emission, escape or spill or a defined hazardous substance occurs, and to report to the Fire Chief where potential for an explosion or discharge, emission, escape or spill of a hazardous substance exists.

6.40 The owner or occupier of a building or property, or any other person having knowledge of the building or property, shall upon request, give to the officer who is carrying out an inspection of the building or property, such assistance as he may require in the carrying out of the inspection.

6.41 It shall be unlawful within the City to not have the following installed:

- a) In a single building containing two or more apartments, suites or lodging rooms, where one or more of these apartments, suites or lodging rooms are rental dwelling units;
  - (i) not less than one smoke alarm on each floor of each apartment, suite or lodging room, in close proximity to the sleeping area;
  - (ii) and where no separate sleeping area exists, not less than one smoke alarm on each floor of each apartment, suite, or lodging room, in close proximity to the general living area;
  - (iii) and where more than one smoke alarm is required in an apartment, suite or lodging room, the smoke alarm shall be wired so that the activation of one alarm will cause all alarms within the apartment, suite or lodging room to sound.
- b) In all single family dwellings, smoke alarms in compliance with the regulations of the British Columbia Building Code;
  - (i) except that in single family dwellings being owner occupied and constructed prior to 1980, smoke alarms may be of a soft wired or battery operated type.

## 7.0 **Open Air Burning**

7.01 Except as provided in Subsections 7.03 and 7.07 of this Section, no person shall light, ignite, or start, or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever, in the open air without first obtaining a permit from the Fire Chief.

7.02 Notwithstanding the provisions of Subsection 7.03 of this Section, the Council may designate any particular period of time as a “clean up” period, and upon such a designation being made, garden and household refuse may, in residential zones, be burned outdoors on private property in daylight hours, only during the period of time so designated.

- 7.03 The Fire Chief may issue a permit for open air burning:
- (a) for fire training exercises;
  - (b) of brush, stumps, slash and like materials, resulting from the clearing of land, or dry garden refuse, or;
  - (c) for necessary burning by the City
  - (d) of clean untreated lumber
- 7.04 (a) No person to whom a permit has been issued under Subsection 7.03 of this Section, shall burn any rubbish, tires, oil, satar, asphalt shingles, building materials, battery boxes, plastic material or any similar materials that would, in the opinion of an Officer, produce heavy black smoke
- (b) No person to whom a permit has been issued under this Bylaw shall discharge, permit or allow to be discharged, any smoke or fumes as to cause a nuisance.
- 7.05 Every person to whom a permit has been issued under this Section, shall place and keep a competent person at all times in charge of the fire while it is burning or smouldering, and until it is completely extinguished, and shall provide that competent person with efficient appliances and equipment, in order to prevent the fire from getting beyond control, or causing damage, or becoming dangerous to life and property.
- 7.06 The Fire Chief may refuse to issue a permit if, in his opinion, it would likely be hazardous or create a nuisance.
- 7.07 Without a permit being secured, small confined fires may be used for cooking food in grills and barbecues.
- 7.08 Every person who starts a fire as mentioned in Subsection 7.07 of this Section shall place and keep a competent person at all times in charge of the fire while it is burning or smouldering, and until it is completely extinguished, and shall provide that competent person with efficient appliances and equipment in order to prevent the fire from getting beyond control, or causing damage or becoming dangerous to life and property.
- 7.09 Every person who sets out, starts, or kindles any outdoor fire, or fails to extinguish any outdoor fires set out, started, or kindled at any time of year, whether such fire was started under a permit or not, shall be responsible for such fire, and if that person lets such fire get out of control, that person shall be liable for all expenses incurred by the City in controlling and extinguishing such fire, and any other fire originating from such fire, and that person shall also be liable on summary conviction, for the wages of all the persons employed in controlling such fire, including wages for fire fighters so employed.

7.10 For the purposes of this Section:

- (a) The amount of wages so paid shall be calculated at the rate of Fifty Five dollars per hour or part of an hour for each fire fighter or other person so employed; and
- (b) the charge per hour per fire vehicle will be three hundred fifty dollars per hour, or portion thereof, with a minimum charge of three hundred dollars per call;
- (c) the fire shall be deemed out of control when it spreads beyond the boundaries of the parcel of land on which it was started, or threatens to do so, or when it endangers any building or property.

8.0 **Private Hydrants and Water Supply Mains**

8.01 In this Section, “Private Hydrant and Water Supply Mains” means hydrant and water supply mains that do not belong to the City and are installed on private property as part of a system of fire protection for that property.

8.02 The owner or occupier of property that has a private hydrant and water supply main shall ensure that the hydrant and water supply main are maintained in good working condition at all times and that inspection, servicing and testing of the hydrant is carried out by persons qualified to perform these services.

8.03 The owner of a private hydrant shall:

- (a) not less than twice each year have the private hydrant flushed, drained and all threads of outlets and caps greased with waterproof grease;
- (b) not less than once each year have all components of the private hydrant inspected, serviced and tested;
- (c) keep the ground surface around the private hydrant clear of shrubs, trees, structures and other obstructions of any kind, in order to facilitate use of the hydrant by the Fire Department.

8.04 All private hydrants and municipal hydrants must conform to City fire hydrant standards set out in Subsection 8.05 of this Section.

8.05 **Fire Hydrant Standards**

- (a) Hydrants shall conform to American Water Works Association Standard for dry barrel fire hydrants (AWWA C502);
- (b) Hydrants shall be the slide gate or compression type;

- (c) Hydrants shall have two 65 mm hose outlets and one 100 mm pumper outlet;
- (d) The internal main valve opening must be a minimum of 115 mm or 10,000 mm<sup>2</sup>;
- (e) The main operating stem, hose and pumper outlet threads must conform to the British Columbia Standard fire hose thread for 65 mm fire hose couplings and allied fittings. The treads of the 100mm pumper outlet shall have an outside diameter of 115.656 mm and six threads per 25 mm.;
- (f) The Hydrant shall be automatic self-draining;
- (g) The minimum clearance between the ground and the centre of the lowest outlet must be at least 450 mm.;
- (h) Both the main operating stem and the independent cut off valve stem must open in a counter-clockwise direction;
- (i) Lay out and spacing of hydrants shall comply with Fire Underwriters Survey.

## 9.0 **Forest Closures**

- 9.01 Where, in the opinion of the Fire Chief the safety of life and property in any area within the City 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 signed by him, declare that area or any portion thereof as a closed area for such period or periods of time as the Fire Chief may determine; and,

FURTHER, no unauthorized person shall enter or be therein for the purpose of living, travelling, camping, fishing, hunting, recreation, prospecting for minerals, manufacturing, logging, sawmill operations, or any other like purpose, within which no operations of any class specified in the order shall be carried on in any forest or woodland situate within the area so declared a closed area, without first having obtained from the Fire Chief permission to do so in writing.

## 10.0 **Explosives**

- 10.01 Except as hereinafter provided, it shall be unlawful for any person to bring or transport any explosive upon any street or highway except an arterial highway within the City;
- (a) no person shall stop, stand or park any vehicle transporting or carrying any explosives upon any street or highway within the City, except at a City, Provincial or Dominion weight scale; or while making actual delivery; or in compliance with any traffic control device erected upon a highway within the City, or in compliance with the directions or instructions of a Peace Officer; and

- (b) no vehicle transporting explosives shall be left unattended at any time.
- 10.02 It is unlawful to bring or transport explosives upon any street within the City, except on the following conditions:
- (a) only approved vehicles as prescribed within the Explosives Act, Canada R.S.,c.E - 15 are to be used;
  - (b) only approved drivers as prescribed within the Explosives Act, Canada R.S.,c.E - 15 of such vehicles are to be employed; and
  - (c) only approved routes as prescribed within the Explosives Act, Canada R.S.,c.E - 15 are to be taken.
- 10.03 The Fire Chief may exclude the requirement of a permit, and allow the transport of explosives within the City where:
- (a) such explosive is for direct shipment by rail or ship from some point within the City to some point outside the limits of the City;
  - (b) such explosive is for actual use for lawful blasting operations within the City;
  - (c) such explosive consists only of detonators in transit from railway or seaport premises to a point outside the City; or
  - (d) such permit is for the purpose of the removal of any explosive unlawfully on any such street to a magazine lawfully constructed for the purpose of storing explosives to be designated in such permit.
- 10.04 On any vehicle containing explosives in excess of twenty-five (25) kilograms, the word “Explosives” shall be displayed in letters no less than 15 centimetres in height on a contrasting background and so that it is easily visible from the front and rear and from both sides of the vehicle but shall not be displayed when no explosives are carried.
- 10.05 This Bylaw shall be deemed to be at all times subject to the provisions of the *Explosives Act*, Canada R.S.,c.E - 15 and any regulation or Bylaw duly enacted pursuant to any Act or any statute or regulation relating to explosives having the force of law in the City.

## 11.0 **Garages and Service Stations**

- 11.01 (a) Where a garage is used exclusively for the storage of motor vehicles, and contains no volatile, flammable or combustible liquids, such a garage must be limited to storage purposes only, and shall not be used for any other purpose and the battery shall be removed from all motor vehicles stored therein;

- (b) no basement or cellar shall be allowed in any public or commercial garage with an opening into that part of the garage in which motor vehicles are stored or repaired containing volatile, flammable or combustible liquids;
- (c) no room in any garage shall be used for the purpose of an office unless such room has direct exit to the outside of such building, as to give direct exit to the door or doors of such garage;
- (d) it shall be unlawful for any person to store or keep in any garage or service station any flammable or combustible liquid of any kind whatsoever save and except when stored or kept in compliance with the requirements and provisions of this Bylaw, and in accordance with the orders and directions of the Fire Chief, provided, however, that flammable or combustible liquid may be kept in tanks of motor vehicles while in a garage or service station for operational purposes only;
- (e) each garage or service station shall have therein metal refuse receptacles with a fitted metal cover, and all flammable or combustible waste material shall be kept therein until removed from such garage or service station; such receptacles shall remain covered at all times;
- (f) there shall be maintained in every garage two (2) chemical fire extinguishers of an approved type, kept in a place readily accessible for immediate use at all times. Where the floor area of any garage exceeds 93 square metres, one (1) additional chemical fire extinguisher shall at all times be kept for each additional 93 square metres or fraction thereof provided however that where an adequate stand pipe and hose, easily accessible and in good order, are installed, the extinguishers shall not be required, unless so directed by the Fire Chief;
- (g) the occupant of every service station within the City shall keep and maintain or cause to be kept and maintained in good and efficient working order, one or more approved chemical fire extinguishers and the number and location for such fire extinguishers shall be in accordance with the orders and directions of the Fire Chief given from time to time;
- (h) no operator shall permit the handling of flammable or combustible liquids in any room, garage or service station where there is any open light or fire;
- (i) all waste, flammable or combustible liquids or crank-case oil shall be kept in approved containers pursuant to the British Columbia Fire Code, which shall, at all times, be kept closed except when being filled. Not more than two approved containers of a capacity of 100 Imperial Gallons (Four Hundred Fifty Four litres) each shall be kept on the premises of a garage or service station at any time;
- (j) no person shall permit any flammable or combustible liquids or any crank-case oil to flow into a public sewer or into a septic tank or cesspool;

- (k) no person shall fuel a motor vehicle in any manner whatsoever while smoking;
- (l) No person shall dispense flammable or combustible liquids from a gravity feed fuel system within the City.

## 12.0 **Storage and Operation of Tank Vehicles**

12.01 Liquified Petroleum Gas Tank Vehicles and all other Tank Vehicles, shall not be left unattended at any time except:

- (a) while making actual deliveries provided that during actual discharge of the liquid, some competent and responsible person shall be present at the discharge control valve; or
- (b) while the driver of the vehicle is stopped for meals during the day or night, provided that the vehicle is properly parked and that the street upon which the vehicle is parked is properly lighted and the vehicle is plainly visible at the point of parking; or
- (c) for longer than one hour, when parked off the street or highways and on a parking lot approved by the Fire Chief.

12.02 Liquified Petroleum Gas Tank Vehicles and all other Tank Vehicles shall not be:

- (a) parked or garaged in any building or area other than those specifically approved for such use by the Fire Chief, and without restricting the generality of the foregoing, no tank vehicle shall be parked or garaged in any residential area as defined by the Zoning Bylaw of this City; and
- (b) tank vehicles containing flammable or combustible liquids shall not be parked at any point closer than 25 metres from any public or institutional building, which shall mean and include any hotel, theatre, church, public meeting place, dance hall or fire hall within the City, except when delivery of heating fuel is required.

## 13.0 **Refuelling and Maintenance of LPG Powered Vehicles**

- 13.01
- (a) Refuelling of all vehicles must be done outdoors
  - (b) Liquified petroleum gas pumps with approved safety devices shall be used;
  - (c) fire extinguishers of the dry chemical or carbon dioxide type shall be kept available in the adjacent vicinity at all times while refuelling;
  - (d) the engine of every vehicle within seven point five (7.5) metres must be stopped and smoking shall be prohibited while refuelling;



- (e) no LPG commercial vehicle shall be refuelled while passengers are aboard;
- (f) LPG vehicles shall be stored in the open or when climatic conditions make this impractical inside storage facilities which shall be provided with mechanical ventilation at floor level;
- (g) inside storage facilities used by LPG vehicles must be provided with at least two (2) fire extinguishers of the dry chemical or carbon dioxide type and kept in a place readily accessible for immediate use at all times;
- (h) repairs which require the application of heat shall not be permitted upon any LPG vehicle while explosive, flammable or combustible gases are present within the vehicle, unless contained within the vehicles fuel system;
- (i) all repair and maintenance work on LPG vehicles shall not be performed near a source of ignition and shall be done in an area provided with mechanical ventilation at floor level or natural ventilation;
- (j) all garage employees shall be advised by the owner or operator of the garage when an LPG vehicle is present within the garage;
- (k) no smoking shall be permitted by any person while working on or near an LPG vehicle;
- (l) a fire extinguisher of the carbon dioxide or dry chemical type shall be made available by the owner or operator of the garage and shall be readily available to any mechanic working upon a vehicle; and
- (m) when a LPG vehicle is delivered to any garage for repairs, the fuel tank valve shall be shut off.

14.0 **Liquid Petroleum Gas Bulk Storage and Dispensing Facilities**

- 14.01 Except as hereinafter provided it shall be unlawful to install, maintain, or operate storage or dispensing facilities for LPG within the City of Prince Rupert.
- 14.02 No person shall install, maintain or operate LPG Gas storage or dispensing facilities without obtaining a permit from the Fire Chief.
- 14.03 No person shall install storage or dispensing facilities of any type within Section 1 of the City.

14.04 No person shall install storage or dispensing facilities in other areas of the City which exceed the amounts listed below:

- (a) maximum of One Thousand Imperial Gallons (Four Thousand Five Hundred Forty-Five point Nine Six litres) within Sections 2,3,4,5,6,7,8, of the City.
- (b) a maximum of Two Thousand Imperial Gallons (Nine Thousand Ninety-One point Nine Two litres) within Section 9 of the City.
- (c) a maximum of Fifteen Thousand Imperial Gallons (Sixty Eight Thousand One Hundred Eighty Nine point Four Zero litres) be allowed in heavy industrial zoned areas subject to location and approval of the Fire Chief.
- (d) storage of greater amounts may be allowed in heavy industrial areas or areas not hereinbefore mentioned by special approval of the Council and the Fire Chief.

14.05 No buried LPG Tanks shall be allowed within the City.

14.06 All installations shall comply with the regulations of the *Gas Safety Act*, R.S.B.C. 1979, Chapter 149.

#### 15.0 **Welding and Cutting**

15.01 In the performance of welding and cutting operations, only equipment such as blowpipes, torches and regulators that have been examined and tested to a standard satisfactory to the Fire Chief may be used;

- (a) Cylinders stored inside a building shall be away from highly combustible materials and in a location where they are not subject to increases in temperature, physical damage or tampering;
- (b) empty cylinders shall have their caps in place and all valves tightly closed;
- (c) acetylene or other gas cylinders and oxygen cylinders used for welding or cutting shall be fastened in a stationary place or shall be attached to a suitable carrier provided with wheels and handles;
- (d) oxygen and fuel gas cylinders and acetylene generators shall be placed at a sufficient distance from the welding position so that they will not be heated by radiation from heated materials or by sparks or slag or by the misdirection of the torch flame;
- (e) no welding or cutting shall be done in rooms or locations where flammable liquids or vapour, lint, dust or loose combustible stock or materials are so located or arranged that sparks or hot metal from the welding or cutting operations may cause ignition or explosion;

- (f) when welding or cutting is being done within eleven (11) metres of any combustible material or within an adjacent area where persons or other workers are likely to pass, non combustible shields shall be placed in a position to provide protection for the materials or persons where sparks, hot metals or oxide may be present;
- (g) one or more approved fire extinguishers shall be kept at the location where welding or cutting is being done.

## 16.0 **Oil Burning Equipment**

16.01 No person shall supply for use or use any crank-case oil as oil fuel in any oil burner;

16.02 No person in charge of an oil burner or any oil burning equipment shall permit:

- (a) any accumulation of oil on the floor or around the burner;
- (b) the nozzle of the oil burner to become covered with carbon or dirt;
- (c) the fire box of the said burner to have any deposit of carbon;
- (d) any piping or valves in connection with an oil burner or oil burning equipment to become loose or leaky;
- (e) the operation of any oil burner which is in need of repair;
- (f) the use of any oil burning equipment that is unsafe or is in immediate danger of becoming unsafe, at the direction of the Fire Chief;
- (g) the use of any oil burner or oil burning equipment unless there is an ample intake of air to allow and permit the correct combustion of the fuel.

16.03 Every possible Oil Burner which does not require a chimney connection shall have one or more approved fire extinguishers, of a type suitable for extinguishing flammable or combustible liquid fires, as approved by the Fire Chief.

## 17.0 **Permits**

17.01 Application for any permit required by this Bylaw shall be made in the form prescribed by the Fire Chief, and shall contain the following:

- (a) name and address of the applicant;

- (b) purpose for which the permit is requested;
- (c) a statement of the intended use of the occupancy or operations to be conducted on the premises;
- (d) two (2) copies of the specifications, site plan and scale drawings of the building with respect to the use and occupancy, showing:
  - (i) dimensions of the building and its location;
  - (ii) the proposed use or use of each room or floor area;
  - (iii) fire protection installations, including portable extinguishers, fire alarms and smoke detectors;
  - (iv) means of egress; and
  - (v) siting and access roads.

17.02 The Fire Chief may issue a permit where:

- (a) an application has been made;
- (b) the proposed operation or occupancy conforms with this Bylaw and any other applicable bylaws or codes; and
- (c) the permit fee, if required, has been paid.

17.03 The permit is issued by the Fire Chief, with the following conditions:

- (a) it is not transferrable, and any change in use or occupancy or operations to be conducted on the premises requires a new permit;
- (b) it is revokable where there is a violation of:
  - (i) any condition under which the permit was issued; or
  - (ii) the use or operations for which the permit is intended becomes hazardous or creates a nuisance; or
  - (iii) this Bylaw or the *Fire Services Act of British Columbia*, R.S.B.C. 1979, Chapter 133.

17.04 The permit shall be posted in the premises in a conspicuous place and to the satisfaction of the Fire Chief.

**Bylaw 3172**

**18.0 Permit Fees and Inspection Fees**

**Bylaw 3172**

18.01 Fees for the Prince Rupert Fire and Rescue Department Permits, Inspections & Reports shall be as specified by Council by Bylaw. (*see Prince Rupert Fee Setting Bylaw 3165 attached*)

19.0 Underground Flammable and Combustible Liquid Storage Tanks

19.01 Testing of existing underground flammable and combustible liquid storage tanks for leakage and the requirements for the construction of and testing of such new tanks installed after December 31st, 1988 are as follows;

- (a) the occupant of any lands or property who installs or has any other person install underground storage tanks without meeting all the requirements of this Bylaw or fails to test any tank as required by this Bylaw is guilty of an offence under this Bylaw;
- (b) all steel tanks or tanks constructed of any material subject to corrosion or electrolysis and installed prior to December 31, 1971 shall be subject to a leakage test every two years. The type of test is to be approved by an officer of the Fire Department of the City of Prince Rupert;
- (c) all tests and corrective measures are to be carried out in conformance with Subsection 4.3.16 of the British Columbia Fire Code being part of this Bylaw, entitled "Leakage Testing of Storage Tanks";
- (d) all tanks mentioned in Subsection 19.01 (b) above, and installed on or after January 1, 1972, which are not cathodically protected with coal tar epoxy at least 16 mm thick dry and equipped with anodes to prevent electrolysis taking place, shall be tested as per Subsection 19.01 (b) and (c) above, every two years, after they have been in the ground fifteen years.
- (e) all underground tanks installed after passing of this Bylaw shall comply with the Fire Services Act of British Columbia, R.S.B.C. 1979, Chapter 133 and Regulations as well as Underwriters Laboratory Testing Standard ULC S603.1-M1982 ("Standard for Protected Steel Underground Tanks for Flammable and Combustible Liquids") or Underwriters Laboratory Testing Standard ULC-S6151977 ("Standard for Reinforced Plastic Underground Tanks for Petroleum Products"). Tanks are to have ULC labels affixed thereto.
- (f) any tank equipped with an anode in which the results of the test carried out as per ULC-S603.1-M1982 shows the anodes are failing to carry out the function they are designed to, shall then be given a leakage test every two years henceforth as per Subsection 19.01 (b) and (c) above;
- (g) when the ground around an installed tank is disturbed by an earthquake, tremor or shifting of the earth, for any reason which may change the integrity of the tank, an

Officer may require the tank to be tested for leakage or part failure, including all piping. The test is to be carried out to the satisfaction of an Officer.

- (h) all used tanks removed from the ground shall be destroyed or disposed of in a manner approved by an Officer.

## 20.0 **Enforcement**

20.01 If the Fire Chief finds that any provision of this Bylaw has been contravened or has not been complied with or has been complied with improperly or only in part, or that conditions exist in or upon the building or property to which the Bylaw applies and which in his opinion constitute a fire hazard or otherwise constitute a hazard to life or property or both, he may make such order to ensure full and proper compliance with this Bylaw, and in particular but without limiting the generality of the foregoing, may:

- (a) make to the owner, occupier or lessee of the building or property such recommendations as he deems necessary to correct the contravention, or to ensure compliance with this Bylaw or to remove the hazards or make such orders as he deems necessary with respect to any of the matters referred to in this Bylaw;
- (b) require that work shall be done in conformity with higher standards than specified in these regulations, if, at his discretion, he deems that such higher standards are reasonably necessary in the interest of safety, and may use the Fire Codes of the National Fire Protection Association (NFPA) as terms of reference in this regard;
- (c) after the examination of any work, issue a written rejection, which shall have the same force and effect as an order issue under Subsection 20.01 (a).

All tests and corrective measures are to be carried out in conformance with subsection 4.3.16 of the British Columbia Fire Code, entitled "Leakage Testing of Storage Tanks".

20.02 An order made under this Bylaw shall be served by:

- (a) delivering it or causing it to be delivered to the person to whom it is directed; or
- (b) sending the order by registered mail to the last known property owner; or
- (c) posting a copy of the order in a conspicuous place on the building or property if the person to whom it is directed cannot be found or is not known or refuses to accept service of that order; or
- (d) where an order has been posted in accordance with this section, no person may remove, deface or destroy the order.

20.03 Any person against whom an order has been made under this Bylaw may appeal such order to the Council before the expiration of ten (10) days after the order was made, and the Council may review and amend, revoke or confirm the order appealed against or substitute another order which the Fire Chief could have made in place of the order appealed against.

21.0 **Penalty**

21.01 Every person who violates any of the provisions of this Bylaw or who permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act which violates any of the provisions of this Bylaw commits an offence and is liable on conviction to pay a fine of not less than \$35.00 and not more than \$2,000.00 or to imprisonment for not more than six months, or to both.”

21.02 “Each day that a violation of the Bylaw continues to exist shall constitute a separate offence.”

22.0 **Severability**

22.01 If a court of competent jurisdiction holds that any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid, then that section, subsection, sentence, clause or phrase as the case may be shall be severed and the remainder of this Bylaw shall be deemed to have been enacted without the invalid section, subsection, sentence, clause or phrase.

23.0 **Application**

23.01 This Bylaw shall come into full force and effect upon its adoption.

24.0 **Title**

24.01 This Bylaw may be cited as “City of Prince Rupert Fire Control and Protection Bylaw No. 2944, 1995”

25.0 **Repeal**

25.01 “City of Prince Rupert Fire Control and Protection Bylaw No. 2655, 1988” as amended and City of Prince Rupert Fire Control and Protection Amendment Bylaw No. 2777, 1992 as amended are hereby repealed.

Read the First Time This 26th Day of June, A.D. 1995.

Read the Second Time This 26th Day of June, A.D. 1995.

Read the Third Time This 26th Day of June, A.D. 1995.

Adopted This 14th Day of August, A.D. 1995.

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MAYOR

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CITY CLERK

This Bylaw has been consolidated for convenience and includes amendments from:

Bylaw No. 3025, 1997 - Adopted February 10, 1997

Bylaw No. 3038, 1997 - Adopted July 14, 1997

Bylaw No. 3172, 2004 - Adopted March 31, 2004



**Schedule E to Prince Rupert Fee Setting Bylaw 3165**

**PRINCE RUPERT FIRE AND RESCUE DEPARTMENT PERMIT, INSPECTION & REPORT FEES AND CHARGES**

1. The Fees specified in this Schedule, shall be paid to the City by all applicants for any permit required by Bylaw, or under any Code adopted by Bylaw or by the regulations passed pursuant to the provisions of the Fire Services Act of British Columbia, R.S.B.C. 1996, Chapter 144 and for the inspection of any work or thing for which the said permit is required or for any service named herein, that is requested by an applicant.
2. Pursuant to Section 194 of the *Community Charter*, SBC 2003, Chapter 26, there is hereby levied fees for Fire and Rescue Department Services as follows:

<b>Service or Regulation</b>	<b>Fee</b>
1. For the inspection of the installation or removal of fuel storage tanks, waste oil tanks and dispensing pumps;	
(a) Each Tank	\$50.00
(b) Each Pump	\$50.00
(c) Each additional visit or inspection if more than two are required	\$30.00
2. Open air burning Permit	\$20.00
3. Fireworks Display Permit	\$20.00
4. Inspection of lands, buildings and/or premises other than routine inspection required by the British Columbia Fire Services Act, RSBC 1996, Chapter 144	\$50.00
5. Report of a file search for lands, buildings and/or premises other than routine inspections required by the Prince Rupert Fire Rescue Department	\$50.00
6. Fire Hydrant Flow Testing Report	
(a) 1 to 5 hydrants	\$100.00
(b) for each additional hydrant more than 5	\$20.00
7. Fire Investigations	
(a) Reports (copying)	\$10.00
(b) Photos (printing per roll of film)	\$40.00