

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 1595, 2004

A BYLAW TO REGULATE FIRE PROTECTION AND FIREWORKS

WHEREAS:

A. Pursuant to Section 63 and Section 66 of the *Community Charter*, Council may make fire protection regulations for the protection of persons and property; and

B. Pursuant to Section 8 of the *Community Charter*, Council may establish a Fire Rescue Service and further may regulate and control same;

NOW THEREFORE the Council of the Resort Municipality of Whistler in open meeting assembled **ENACTS AS FOLLOWS:**

SECTION 1 – CITATION

1. This Bylaw may be cited for all purposes as the “Fire Protection and Fireworks Bylaw No. 1595, 2004”.

SECTION 2 – INTERPRETATION

2.1 Definitions

In this Bylaw,

- (1) “Approved” means acceptable to the “authority having jurisdiction”;
- (2) “ Authority having Jurisdiction” means any person or agency authorized by this or any other bylaw, regulation or statute to inspect and/or approve any thing or place;
- (3) “Fire Chief” means the person appointed by the Administrator as the Fire Chief for the Resort Municipality, or the duly appointed Assistant Fire Chief(s);
- (4) “Fire Fighter/Inspector” means the career fire fighters authorized in writing to carry out fire inspections in the fire protection area;
- (5) “Fire Protection” means all aspects of fire safety, including but not limited to, fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, fire and life safety education and information and training and other staff development;
- (6) “ Fire Rescue Service” means the regularly constituted Fire Rescue Service for the Resort Municipality of Whistler.

- (7) “Fireworks” includes cannon crackers, fireballs, firecrackers, mines, Roman candles, sky rockets, squibs, torpedoes, and other explosive products or devices manufactured to intentionally produce an explosion, detonation or pyrotechnic effect, but does not include caps for toy products, Christmas crackers or model rocket engines;
- (8) “High Hazard Fireworks” means those fireworks defined as such under the Explosives Regulations made under the current *Explosives Act of Canada*, and, without limiting the generality of the foregoing, includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons, and firecrackers;
- (9) “Incident” means a fire, an explosion, a situation where a fire or explosion is imminent or any other situation presenting a danger or possible danger to life or property or the environment to which the Fire Rescue Service has responded.
- (10) “Incident Commander” means any member of the Whistler Fire Rescue who may be in charge of an incident.
- (11) “Low Hazard Fireworks” means those fireworks defined as such under the *Explosives Act of Canada* and without limiting the generality of the foregoing, includes firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candle and volcanoes;
- (12) “Member” means any person that is an employee or paid on call member of the Fire Rescue Service;
- (13) “Municipality” means the Resort Municipality of Whistler;
- (14) “Occupant” means and shall include the registered owner and any lessee, tenant, and licensee of any building or premises;
- (15) “Private Camp Site” means a site designated and zoned as a campsite within municipal bylaws and possessing a valid Business Licence;
- (16) All words and phrases shall be construed in accordance with the meaning assigned to them by the current “ B. C. Building Code ”, “ *Fire Services Act* ” or “B.C. Fire Code”, as the context and circumstances may require.

2.2 Adoption of B.C. Fire Code

The B. C. Fire Code, as amended, is hereby adopted and forms part of this bylaw and shall be applicable within the municipality.

SECTION 3 – FIRE RESCUE SERVICE OPERATIONS

3.1 Establishment

The Fire Rescue Service is hereby established to provide those services set out herein. The head of the Fire Rescue Service shall be known as the Fire Chief.

3.2 Responsibilities

The Fire Rescue Service shall be responsible for:

- 1) all aspects of fire protection including:
 - a) the suppression of all types of fires
 - b) fire prevention inspections
 - c) fire cause determination
 - d) fire and life safety education
 - e) general fire prevention activities
 - f) pre-fire planning
- 2) the delivery of medical assistance as first medical responders
- 3) the rescue of persons from potentially dangerous situations in which the members have been trained
- 4) the mitigation of vehicles damaged and patients injured in motor vehicle accidents
- 5) the identification of dangerous goods and taking the appropriate actions based on the product and to a National Fire Protection Association “Awareness” Level.

3.3 Management and Control

The Fire Chief or the Assistant Chief(s) shall be responsible for the management, control and supervision of the Fire Rescue Service, for all Fire Rescue Service personnel and the discipline thereof, and for the care, custody, and control of all buildings, apparatus and equipment of the Fire Rescue Service.

3.4 Limits of Jurisdiction

The limits of the jurisdiction of the Fire Rescue Service shall be within the boundaries of the Resort Municipality of Whistler and no apparatus of the Fire Rescue Service shall be used beyond the limits of the municipality without an express written agreement providing for the supply of fire fighting and/or rescue services outside the municipal boundaries, or the prior approval of Council.

3.5 Policies and Operational Guidelines

The Fire Chief may, from time to time, make policies and operational guidelines for the proper and efficient administration and operation of the Fire Rescue Service, and may vary, alter, or repeal such policies and operational guidelines as deemed fit or necessary.

3.6 Prevention, Control and Enforcement

The Fire Rescue Service may take all necessary measures for the prevention, control and extinguishment of fires and for the protection of life and property. The Fire Chief and any member may enforce the Fire Code and any applicable municipal bylaws and regulations for the prevention and suppression of fires. The Fire Chief and the Assistant Fire Chief (s) may exercise the powers provided in the *Fire Services Act*.

3.7 Demolition of Buildings

The Incident Commander shall have the authority to cause the demolition of any building or part of a building which, in that member's judgement, should be demolished in order to prevent the spread of fire and further damage to property or injury to persons and possible loss of life.

3.8 Right to Enter

The Incident Commander is empowered to enter premises or property where the incident occurred or any neighbouring premises or property and to cause any member, apparatus, or equipment to enter, as deemed necessary, in order to combat, control or deal with the incident.

3.9 Commandeering of Equipment

- 1) The Incident Commander is empowered to commandeering privately or publicly owned equipment, which is considered necessary to deal with an incident.
- 2) The originating incident property owner shall be responsible to pay the charges associated with the commandeering of the equipment considered necessary to deal with the incident.
- 3) If the originating incident property owner fails to pay the charges by December 31 of any year, the charges shall be added to and form part of the taxes payable on the property as taxes in arrears.

3.10 Contamination and Replacement of Equipment

The Fire Chief may charge an owner or occupant of a premise for the replacement or repair of Fire Rescue Service equipment where, as a result of an incident at or near their premises, such equipment has been damaged or contaminated by a hazardous substance or dangerous goods and will require decontamination, repair or replacement. The fee is payable as specified in Schedule "A" Cost Recovery. Failure for the owner or occupant to pay a fee charged within 30 days will result in those costs being added to and form part of the taxes payable on the property in arrears.

3.11 Fire Protection File Searches

There will be a fee charged to any person seeking a file search on occupancies for outstanding Fire Code violations or infractions or other related information. This fee is payable as specified in Schedule "A" Cost Recovery.

3.12 Fire Investigation Fee

For every incident where damage is in excess of \$5,000 and for which the Fire Chief must complete a Fire Investigation and Fire Investigation report or Assistant Fire Chief(s) in accordance with the *Fire Services Act*, a fee will be charged to the owner of the structure where the damage occurred. This fee is payable as specified in Schedule "A" Cost Recovery. Failure of the owner to pay the fee charged within 3 months of the investigation will result in those costs being added to and form part of the taxes payable on the property in arrears.

SECTION 4 – CONDUCT OF PERSON(S)

4.1 Hindrance

No person(s) shall impede or hinder in any way the execution of the duties of a member, or any other person under the direction of a member in charge at an incident and, without limiting the generality of the foregoing, no person shall refuse to permit any member to enter into or upon any premises from which a fire alarm has been received or in or upon which the member has reasonable grounds to believe that an incident has occurred or may occur.

4.2 Prohibition of Entry

No person(s) except those duly authorized by the Fire Chief, Assistant Fire Chief(s) or any other member in charge at an incident shall enter any building threatened by an incident or enter any area designated by ropes, guards or tape erected by or under the direction of a police officer or a member across or around any streets, lanes, alleys or buildings, or shall refuse to move from such designated area when directed to do so by a police officer or a member.

4.3 Traffic Control

All persons at or near any incident shall obey all traffic control directions given by a police officer or member.

4.4 False Representation

No person shall falsely represent himself or herself as a member or wear or display any Fire Rescue Service badge, cap, button, insignia, license plate or paraphernalia for the purpose of such false representation.

4.5 Driving Over Equipment

No person shall drive a vehicle over any fire hose or equipment of the Fire Rescue Service unless directed by a police officer or member in charge at an incident.

SECTION 5 – FIRE PREVENTION REGULATIONS

5.1 Prohibition of Open Air Burning

Except as hereinafter specifically provided, no person shall light, ignite, start, or burn any fire in the open air or in any portable incinerator, outdoor fireplace or other portable appliance or device in the open air for any purpose.

5.2 Discarding Burning Substances

No person shall discard, throw down or drop any lighted match, cigar, cigarette, barbecue briquettes or other burning substance into combustible material or in close proximity thereto.

5.3 Accumulation of Combustibles

No person(s) shall permit any accumulation of waste paper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind, to be or remain upon any roof or in any yard, vacant lot or open space. All brush, vines or other growth liable to catch fire and endanger property shall be cut down and removed by the owner or occupant of the property on which the growth is located. If not complied with, the Fire Chief may cause the work to be completed and bill the owner for the costs. Failure to pay the charges within thirty (30) days will result in the charges being added to and forming part of the taxes payable on the property as taxes in arrears.

5.4 Barbecues

Notwithstanding section 5.1, charcoal, natural gas or propane gas fires contained within barbecues or municipal park cooking stands or other approved appliances for the sole purpose of cooking food shall be permitted.

5.5 Open Burning

- 1) Notwithstanding Section 5.1, open burning of hand piled material consisting of only residential garden debris may be allowed Saturday and Sunday of the second and third weeks of April and October, provided that the person completing the burning is in possession of a valid Burning Permit. The fee for a Burning Permit is payable as specified in Schedule “A”.
- 2) The Fire Chief may issue Burning Permits for open burning for the purposes of Mountain Pine Beetle control, Wildland/Interface Fire Control, religious ceremonies or any other occasion where the Fire Chief deems open burning is in the interest of public safety or the community.

5.6 Camp Fires

- 1) Notwithstanding sections 5.1 and 5.4, campfires shall be allowed in designated Provincial, Forestry or private campsites.
- 2) Campfires may be allowed in certain designated areas by a commercial operator having a current Business License subject to the approval of the Fire Chief and the payment of fee as specified in Schedule “A”.

- 3) Campfires may be allowed subject to the campfire being conducted in an area that is safe from any fire hazards and that smoke from the campfire will not interfere with any neighbour's right to a smoke-free environment. Failure of the owner/occupant to meet these conditions shall result in extinguishment of the campfire and the Fire Chief imposing a ban on any further campfires.

5.7 Fire Rescue Service Open Burning

The Fire Chief may authorize open air burning for the elimination of fire hazards or for fire training exercises conducted by the Fire Rescue Service.

5.8 Hazardous Fire Conditions

- 1) When the Fire Chief or Assistant Fire Chief(s) deems it expedient to do so or where in his or her consideration hazardous fire conditions exist, a total ban on burning may be issued.
- 2) When the BC Forest Service Hazard Rating reaches "High" or "Extreme", the BC Forest Service Regulations in regards to work in and around forested areas shall apply within the municipality.
- 3) When the BC Forest Service Hazard Rating reaches "Extreme", the Fire Chief or Assistant Fire Chief(s) may prohibit the entry of any person(s) into any parks and/or trail systems by closing any or all parks and/or trail systems.

5.9 Illegal Open Burning

The open burning of any material, except as provided by Section 5.5, will result in a cost recovery from the owner or occupant of the land where the Fire Rescue Service attended for fire services, as identified in Schedule "A" Cost Recovery. Failure of the owner or occupant to pay a fee charged within 30 days will result in those costs being added to and form part of the taxes payable on the property in arrears.

5.10 Fire Damaged Buildings

- 1) The property owner of any fire damaged building shall ensure that the premises are guarded, or that all openings in the building are kept secure to prevent the entry of unauthorized persons.
- 2) If the property owner fails to provide the necessary security to the fire damaged buildings within a reasonable time, the Fire Chief may have the work performed by the municipality or other agencies at the expense of the owner.
- 3) Failure of the owner or occupant to pay the charges within 30 days will result in those costs being added to and form part of the taxes payable on the property in arrears.

5.11 Vacant Buildings

- 1) The property owner of any vacant building shall ensure that the premises are free from debris and combustible or flammable substances and shall keep all openings in such a building securely closed and fastened so as to prevent entry of unauthorized persons.

- 2) If the property owner fails to provide the necessary security to the vacant building within a reasonable time, the Fire Chief may have the work performed by the municipality or other agencies at the expense of the owner.
- 3) Failure of the owner or occupant to pay the charges within 30 days will result in those costs being added to and form part of the taxes payable on the property in arrears.

SECTION 6 – INSPECTIONS

6.1 Authorization to Enter

The Fire Chief or any Fire Fighter/Inspector is hereby authorized to enter at all reasonable times upon any property in order to ascertain whether the requirements of this bylaw are being complied with and, in addition to the powers vested by the *Fire Services Act*, is hereby authorized and empowered to inspect premises for conditions which may cause fire or increase the danger of fire or the danger to persons, and to deal with any matter in a manner not repugnant to any provision of the *Fire Services Act* or regulations thereunder.

6.2 Provision of Information

Every occupant of premises shall provide all information and shall render all assistance required by the Fire Chief or a Fire Fighter/Inspector in the connection with the inspection of such premises pursuant to this bylaw.

6.3 False Information

No person shall purposely withhold or falsify any information required by the Fire Chief or Fire Fighter/Inspector, nor refuse to assist in the carrying out of any fire inspection pursuant to this bylaw, the Fire Code or the *Fire Services Act*.

6.4 Obstruction

No person shall obstruct or interfere with the Fire Chief or a Fire Fighter/Inspector while any inspection is being carried out pursuant to this bylaw, the B.C. Fire Code or the *Fire Services Act*.

6.5 Remedial Orders

The Fire Chief or any Fire Fighter/Inspector is hereby authorized and empowered to issue orders in writing requiring the correction or removal of any condition or thing in or about any building or structure, which is in contravention of this bylaw, and every occupant shall be responsible for the carrying out of every requirement of every such order.

6.6 Dating of Orders

Every order issued by the Fire Chief or a Fire Fighter/Inspector pursuant hereto shall state a date by which the said order shall be carried out, which date shall, at the discretion of the Fire Chief be fixed having regard to the degree of urgency involved in correcting or removing conditions which may tend to increase the hazard of fire or danger to life and property.

6.7 Re-Inspection Fee

Where more than two inspections are required because of the work or position of work with respect to a fire inspection is not in compliance with the provisions of this bylaw or the Fire Code; or the work was incomplete or not ready for inspection at the time notification was given to the Fire Chief, Assistant Fire Chief(s) or Fire Fighter/Inspector to inspect or on the date specified in the previous fire inspection for the completion of the work, the fee for each inspection after the second inspection shall be subject to Schedule "A" Cost Recovery.

SECTION 7 – REFERENCE REQUIREMENTS

7.1 Requirement to Designate Contact Persons

Any owner or occupant of a premise having either a fire alarm system or an automatic sprinkler system, monitored or non-monitored, is required to submit, on a form approved by the Fire Chief, yearly or on a change in reference contacts, the names and phone numbers for two persons ("contact persons") who will be available to attend, enter and secure the premise.

7.2 Failure to Provide Contact Person Information

Failure to comply with the requirements in Section 7.1 will result in a fee being charged to the owner or occupant for any standby time at a premise where an alarm has resulted and the Fire Rescue Service have attended and where a contact person has not attended within the time as specified in Section 7.3. This fee will be payable, as specified in Schedule "A" Cost Recovery. Failure of the owner or occupant to pay a fee charged within 30 days will result in those costs being added to the property taxes of the owner of the property.

7.3 Responsibility of Contact Persons

Contact persons must attend all alarms within 30 minutes when requested by the Fire Rescue Service and must attend to secure the premises and when appropriate, release the Fire Rescue Service from the incident.

7.4 Failure of Contact Parties to Arrive

Failure of a notified contact person to respond within the specified time will result in a cost recovery for standby time as specified in Schedule "A" Cost Recovery. Failure of the owner or occupant to pay a fee charged within 30 days will result in those costs being added to the property taxes of the owner of the property.

7.5 Changes to Designated Contact Persons

Any changes to designated contact persons or their phone numbers during the current year must be submitted to the Fire Rescue Service on the specified form as approved by the Fire Chief.

7.6 Full Access for Contact Persons

Contact persons must have full access to the building and/or occupancy of which they have responsibility and be able to take control of their building or occupancy on completion of the incident from the Fire Rescue Service.

SECTION 8 – FIRE SAFETY PLANS AND PRE-FIRE PLANNING

8.1 Fire Safety Plan Requirements

All buildings, sites, storage areas or other areas as required by the B.C. Fire Code Section 2.8 Emergency Planning shall have a Fire Safety Plan. Measures within a Fire Safety Plan shall conform to the B.C. Fire Code Section 2.8.2 Fire Safety Plan and shall be produced and submitted to the Fire Rescue Service for approval. All Fire Safety Plans shall be submitted on a form and diagram template, acceptable to the Fire Chief. All owners or occupants of occupancies where a Fire Safety Plan is required shall review their Fire Safety Plans annually and submit updated plans to the Fire Rescue Service for review. Occupancies that do not have the need to update their Fire Safety Plan shall be required to notify the Fire Rescue Service of this. Changes to a Fire Safety Plan will require submission to the Fire Rescue Service. A fee will be charged for reviews of Fire Safety Plans as specified in Schedule “A” Cost Recovery.

8.2 Pre-Fire Planning Information

The Fire Chief may establish a Pre-Fire Planning program, which will apply to those classes of occupancy specified by the Fire Chief. The owner or occupant of an occupancy within the class specified by the Fire Chief shall submit Pre-Fire Planning data and a Pre-Fire Planning drawing diagram of their occupancy with each level of occupancy drawn as per Section 8.3 of this bylaw. All Pre-Fire Planning shall be on the forms approved by the Fire Chief. A fee will be charged for review of Pre-Fire Planning information as specified in Schedule “A” Cost Recovery.

8.3 Digital Drawing Format and Fire Safety Symbols

The Pre-Fire Planning diagram containing the details as specified by the Fire Code shall be submitted in an electronic drawing format and be printable in a portrait format sized to fit on a form approved by the Fire Chief. All elements within the diagram shall meet NFPA 170 Fire Safety Symbols.

8.4 Updating Pre-Fire Planning

Pre-Fire Planning must be reviewed at intervals not greater than 12 months and updated as necessary on any change to the occupancy or the storage or change in dangerous goods. A Fire Fighter/Inspector will assess the current Pre-Fire Planning and will note, to the owner or occupant any required changes or the updating of Pre-Fire Planning. Pre-Fire Planning changes shall be submitted to the Fire Rescue Service. A fee will be charged for the review as specified in Schedule "A" Cost Recovery.

8.5 Failure to Submit Fire Safety Plans and/or Pre-Fire Planning

Should current information on the occupancy and the Pre-Fire Planning diagram not be submitted by June 30 of the current year, or as specified by the Fire Chief, the current owner or occupant may be subject to a fee payable as specified in Schedule "A" Cost Recovery for hourly costs for the collection of data and the production of the Pre-Fire Planning or for updating or completing a Pre-Fire Planning of the occupancy by the Fire Rescue Service.

SECTION 9 – FIRE HYDRANTS AND FIRE SERVICE SPRINKLER AND STANDPIPE CONNECTIONS

9.1 Clearance Around Fire Hydrants and Fire Service Sprinkler and Standpipe Connections

The property owner shall ensure an area with a radius of one meter is maintained clear and unobstructed around each fire hydrant on their property. The fire hydrant shall be in clear view from the roadway when being approached from either direction. The property owner shall ensure Fire Service sprinkler and standpipe connections are clear and unobstructed.

9.2 Failure to Provide Clearance

Any owner or occupant who fails to provide clearance around a fire hydrant as per Section 9.1 will receive a notice on a form approved by the Fire Chief, to provide clearance around the fire hydrant within a required time specified in the notice. Any owner or occupant who has been issued a notice and fails to provide that clearance within the specified time is subject to a fee for removal of the obstruction, payable as provided for in Schedule "A" Cost Recovery. Failure of the owner or occupant to pay a fee charged within 30 days will result in the those costs being added to the property taxes of the owner of the property.

9.3 Colour of Fire Hydrants

The colour coding and location of all fire hydrants shall be subject to the approval of the Fire Chief and the General Manager of Public Works and Engineering. The colour coding of fire hydrants shall be as per NFPA 291.

9.4 Hydrant Usage

No person shall use or take water from any fire hydrant or shall make any attachment thereto without first obtaining written permission from the General Manager of Public Works and Engineering.

9.5 Illegal Fire Hydrant Usage

No person shall mechanically open a fire hydrant who is not authorized to do so by the General Manager of Public Works and Engineering. No person shall tamper with any mechanical operation of a fire hydrant.

SECTION 10 – BUILDING ADDRESSING

10.1 Commercial and Multi-Residential Properties

Commercial and Multi-Residential properties shall post the civic address on the building. The numbers used shall be a minimum of 100 mm. in height and must be of a colour that contrasts with the surface on which they are mounted. The address shall be clearly visible from the main road.

10.2 Individual Units Within Commercial and Multi-Residential Properties

Units within commercial and multi-residential properties shall post their unit number, in a visible location, at the entry to the unit. The numbers used shall be a minimum of 100 mm. in height and must be of a colour that contrasts with the surface on which they are mounted.

10.3 Single Family Dwellings

Single-family dwellings shall post their civic address in a location that is clearly visible from the main road. The numbers used shall be a minimum of 100 mm. in height and must be of a colour that contrasts with the surface on which they are mounted. Multiple single-family dwellings that are accessed by a common driveway shall have the addresses accessed by the driveway posted at the entry to the driveway. The numbers used shall be a minimum of 100 mm. in height and must be of a colour that contrasts with the surface on which they are mounted.

10.4 Multi-Residential Complex Site Plans

All multi-residential complexes shall provide a posted site plan sign at the main driveway entry to the complex. The site plan shall be clearly visible upon entry to the complex and shall clearly indicate the location, address or number of each unit and access to the units within complex.

SECTION 11 – FIREWORKS

11.1 Age Requirement

No person under the age of eighteen shall light, hold, explode or possess any fireworks. No person shall sell, give, or dispose of any fireworks to a person who is under the age of eighteen years.

11.2 Fireworks Sales Permit Requirements

The Fire Chief or an Inspector may issue a permit to sell fireworks from a place of business subject to the following terms:

- (1) All applications to sell fireworks shall be in writing on a form approved by the Fire Chief.
- (2) An applicant to sell fireworks must have a valid Whistler Business License or be a Non-Profit Agency within the municipality.
- (3) All applicants for a permit must submit a Fire Safety Plan on a form approved by the Fire Chief.
- (4) The site where the fireworks will be sold must be inspected and approved by the Fire Rescue Service in advance of any sales.
- (5) A fee listed in Schedule "A" Cost Recovery will be required on application for a Fireworks Sales Permit.

11.3 Authorized Dates

No person shall sell or dispose of fireworks except between October 24th and October 31st in each year.

11.4 Restriction on Use of Fireworks

No person shall discharge, propel, point or throw any fireworks at any person, animal, vehicle, building, forested area or structure.

11.5 Restricted Areas for Fireworks

Except as provided in a permit under Section 11.7, no person shall explode any fireworks on any highway, street, park, playground, school grounds, forested area or any other public place within the municipality.

11.6 High Hazard Fireworks Requirements

No person shall sell, give or dispose of High Hazard Fireworks or Movie Pyrotechnics unless that person is a holder of a permit issued pursuant to Section 11.7 of this bylaw. No person shall explode, light or activate High Hazard Fireworks or Movie Pyrotechnics unless that person is the holder of a permit issued pursuant to Section 11.7 of this bylaw.

11.7 High Hazard and Movie Pyrotechnics Permits

The Fire Chief or a member may issue a permit to light or explode High Hazard Fireworks or Movie Pyrotechnics to a person who is over the age of eighteen and has a valid certification as required by the Federal Explosives Branch provided that the applicant meets all the requirements of this bylaw and first:

- (1) Submits a Fire Safety Plan in a form acceptable to the Fire Chief.

- (2) Submits a site plan, drawn to scale with the direction of firing, separation distances, position of ramps and motors, any significant ground features, rights of way, buildings or structures, overhead obstructions, parking areas or spectator viewing areas, fallout zone, traffic control patterns and location of emergency vehicles.
- (3) Submits an event description, which should include a time schedule of the event, attendance estimates, lists of fireworks to be used, firing procedures, emergency response attendance, and a list of crew members and clean up procedures.
- (4) Submits proof acceptable to the Fire Chief that the applicant holds either a valid Supervisors Level 1 certification or for unconventional sites as defined by the Explosive Regulatory Division, a valid supervisors Level 2 certification.
- (5) Pays a fee at application for a permit as specified in Schedule "A" Cost Recovery. The Fire Chief may waive the fee should a Non-Profit Association sponsor the event.

11.8 High Hazard and Movie Pyrotechnics Permits Applicant Requirements

Every holder of a permit under Section 11.7 must:

- (1) Present the permit to the seller of high hazard fireworks or movie pyrotechnics.
- (2) Light or explode only those high hazard fireworks or movie pyrotechnics specified in the permit.
- (3) Light or explode the high hazard fireworks or movie pyrotechnics only in accordance with the terms of the permit.
- (4) Light or explode the high hazard fireworks or movie pyrotechnics only in accordance with the Fire Safety Plan.
- (5) Ensure the high hazard fireworks or movie pyrotechnics are only lit or exploded under their direct supervision and responsibility.

11.9 Fire Protection at High Hazard Fireworks and /or Movie Pyrotechnics

Fire Protection required at High Hazard Fireworks and/or Movie Pyrotechnics shall be an amount approved by the Fire Chief as reviewed at the site for the appropriate life safety and emergency response needs.

SECTION 12 – GENERAL PROVISIONS

12.1 Penalties

Every person who contravenes or violates any provision of this bylaw or any permit or order issued pursuant hereto, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this bylaw or any order or permit issued pursuant hereto, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or any permit or order issued pursuant hereto, commits an offence and shall be liable, on summary conviction, to a fine of not less than \$100.00 and not more than the maximum under the *Offense Act* and, where the offence is a continuing one, each day that the offence continues shall be a separate offence.

12.2 Severability

If any part, subsection or phrase of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw will be deemed to be enacted without the invalid portion.

12.3 Unpaid Fees or Charges

Where any unpaid fees or charge is added to the property taxes it shall thereafter accrue interest and be recoverable in the same manner as property taxes.

12.4 Schedule "A"

Schedule "A" attached hereto shall form part of this bylaw.

12.5 Repeal

Bylaw No. 844, 1991 cited as the "Fire Prevention and Suppression Bylaw No. 844, 1991", is hereby repealed.

Bylaw No. 1364, 1998 cited as the " Fire Prevention and Suppression Amendment Bylaw No. 1998", is hereby repealed.

GIVEN FIRST, SECOND, AND THIRD READINGS this ____day of _____, 2004.

ADOPTED by the Council this _____day of _____2004.

Hugh O'Reilly
Mayor

Brenda Sims,
Municipal Clerk

I HEREBY CERTIFY that this is a true copy of "Fire Protection and Fireworks Bylaw No. 1595, 2004."

Brenda Sims, Municipal Clerk

SCHEDULE "A" - COST RECOVERY

| Section | Fee |
|--|---|
| 3.10 Contamination and Replacement of Equipment. | Equipment replacement costs or acceptable decontamination costs including taxes and 15% administrative fee. |
| 3.11 Fire Protection File Searches | \$50 |
| 3.12 Fire Investigation Fee | \$500 |
| 5.5 Burning Permit | \$10 |
| 5.6(2) Burning Permit | \$10 |
| 5.9 Burning Without a Permit | \$300 for first hour (minimum one hour), \$400 per hour after the first hour |
| 6.7 Re-Inspection Fee | \$65.00 for each fire inspection after the second fire inspection. |
| 7.2 Failure to Provide Contact Person Information | \$400 per hour (minimum one hour) per occurrence |
| 7.4 Failure of Contact Parties to Arrive | \$400 per hour (minimum one hour) per occurrence. |
| 8.1 Fire Safety Plan Requirements | \$50.00 per hour |
| 8.2 Pre-Fire Planning Information | \$35.00 per hour |
| 8.4 Updating Pre-Fire Planning | \$50.00 per hour |
| 8.5 Failure to Submit Fire Safety Plans and/or Pre-Fire Planning | \$35.00 per hour |
| 9.2 Failure to Provide Clearance | Cost of removal of the obstructions plus 15% administration fee. |
| 11.2(5) Fireworks Sales Permit Requirements | \$35.00 |
| 11.7(5) High Hazard and Movie Pyrotechnics Permits | \$50.00 |