

Subdivision 1 – Interpretation

- 5.1.1. 1. Unless the context otherwise requires, all words and phrases in this Division shall be construed in accordance with the meaning assigned to them in the *Building Code*, the *Fire Services Act*, and the *Fire Code*.

Subdivision 2 - Definitions

- 5.1.2. “APPARATUS” means any vehicle provided with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport firefighters or supplies.

“ASTTBC” means Applied Science Technologists and Technicians of British Columbia which is a self-governing, professional association pursuant to the *Applied Science Technologists and Technicians Act*, RSBC 1996, c 15.

“AUTOMATIC FIRE SPRINKLER SYSTEM” means all equipment forming part of or used in connection with a fire sprinkler system, including without limitation all heads, valves, piping, switches, sensors, relay equipment, and other accessories.

“BUILDING CODE” means the *British Columbia Building Code Regulation*, B.C. Reg 264/2012.

“BUILDING” means any Structure used or intended for supporting or sheltering any use or occupancy.

“CERTIFICATE OF QUALIFICATION” means a certificate issued by a provincial safety manager to an individual who provides evidence of knowledge and ability to do regulated work in a manner that meets the requirements under *the Safety Standards Act* S.B.C. 2003, c. 39, and which allows an individual to perform regulated work in British Columbia within the scope of the certificate.

“CONSTRUCTION” means any aspect of construction, including but not limited to alteration, erection, installation, demolition, repair, or renovation of any Building or Structure(s) within the Municipality.

“CONTACT PERSON” means a person designated by the Owner or Occupier of a Premises at which a Fire Alarm System of an Automatic Fire Sprinkler System is installed who is able to attend the Premises when the Fire Alarm System has been activated.

“DANGEROUS GOODS” means any product, substance or organism defined as a “dangerous good” pursuant to the *Transportation of Dangerous Goods Act*, 1992, S.C. 1992, c. 34 and its regulations.

“FALSE ALARM” means the activation of a Fire Alarm System resulting in the direct or indirect notification of the Fire Department to attend the address of the Fire Alarm System and where a Member does not find any evidence of an Incident at that Premise.

“FIRE ALARM SYSTEM” means a device or devices installed and designed to issue a warning of a fire by activating an audible alarm signal and alerting a monitoring facility, but does not include a fire alarm or Smoke Alarm that is intended to alert only the Occupants of the Building or Suite in which it is installed.

“FIRE CHIEF” means the person appointed by the Chief Administrative Officer as head of the Fire Department and any other person authorized to act on behalf of that person.

“FIRE CODE” means the *British Columbia Fire Code Regulation*, BC Reg 263/2012.

“FIRE COMMISSIONER” means the person appointed by the Lieutenant Governor in Council to administer the *Fire Services Act*.

“FIRE DEPARTMENT” means the District of Kitimat Fire and Ambulance Service.

“FIRE EXTINGUISHER” means a fully charged and operable fire extinguisher suitable for use on Class A or B or C fires, as defined by the Canadian Underwriter’s Association.

“FIRE PIT” means a non-combustible receptacle constructed of cement, brick or metal.

“FIRE PROTECTION” means all aspects of fire safety, including but not limited to fire prevention, fire suppression, pre-fire planning, fire investigation, public education and information, and training or other staff development.

“FIRE PROTECTION TECHNICIAN” means a person certified by ASTTBC or other recognized certification agencies acceptable to the Fire Chief, to inspect and test Fire Safety Systems and:

- a. For the purpose of inspecting, testing and maintenance of Fire Alarm Systems, the Fire Protection Technician must be either:
 - i. A licensed electrical contractor in good standing with the BC Safety Authority; or
 - ii. An individual holding a valid electrical Certification of Qualification, working under the holder of the facilities electrical operating permit.
- b. For the purpose of inspecting, testing and maintenance of Automatic Fire Sprinkler Systems, the Fire Protection Technician must be an individual holding a valid Sprinkler Fitter Certificate of Qualification.

“FIRE SAFETY PLAN” means a set of emergency procedures and guidelines to be followed by the Occupants of a Building in the event of a fire and may include without limitation the location of utilities and emergency shutoffs for gas and water, and operational information of a Fire Safety System.

“FIRE SAFETY SYSTEM” includes without limitation, Fire Alarm Systems, Smoke Alarms, Automatic Fire Sprinkler Systems, special extinguishing systems, portable Fire Extinguishers, fire hydrants, water supplies for Fire Protection, standpipe and hose systems, and fixed pipe fire suppression systems in commercial cooking exhaust systems, smoke control measures and emergency power installations.

“FIRE SERVICES ACT” means the *Fire Services Act*, RSBC 1996, c 144.

“FIRE WATCH” means the assignment of a person or persons to an area for the express purpose of notifying the Fire Department, the Occupants of a Premises or both of an emergency, preventing a fire from occurring, extinguishing small fires or protecting the public from fire or life safety dangers.

“HAZARDOUS PRODUCT” means any product, material or substance defined as a “hazardous product” or “controlled product” pursuant to the *Hazardous Products Act*, RSC, 1985, c H-3.

“INCIDENT” means an accident, occurrence or emergency and includes, but is not limited to, a fire, an explosion, a natural disaster, the escape or spill of Dangerous Goods or Hazardous Products, a transportation-related accident, and necessity rescue efforts or medical emergencies.

“INCIDENT RESPONSE” means all activities undertaken by the Fire Chief and Members to respond to an Incident.

“MEMBER” means any person appointed by the Fire Chief as a member of the Fire Department and who is an employee of the Municipality.

“Chief Administrative Officer” means the individual appointed by Council as the Chief Administrative Officer or who holds the position of Chief Administrative Officer of the Municipality, or his or her lawful deputy, assistant Chief Administrative Officer or Acting Chief Administrative Officer.

“OCCUPIER” includes the registered Owner and or any lessee, agent, tenant and licensee or any other person who has the right of access to and control of a Building or Premises.

“OFFICER” means those Members of the Fire Department who are the Fire Chief, Deputy Fire Chief and Captains or those Members who are acting in the capacity as a supervisor or designated by the Fire Chief as an Officer.

“OFFICER IN COMMAND” means the most senior Officer in attendance at an Incident Response and in the event that no Officer is in attendance at an Incident Response, the most senior Member in attendance at that Incident Response.

“OPEN BURNING” means a fire in the open air but does not include the combustion of gas, propane, or charcoal in a barbecue or hibachi for the purpose of cooking food or where the products of combustion are conveyed to and disposed of by means of a chimney in a Structure constructed and maintained in accordance with the *Building Code*.

“ORDER” means an order from the Fire Chief requiring the correction or removal of any condition or thing in or about any Building or Structure or on a Premises which is in contravention of this bylaw and or the *Fire Code*.

“PREMISES” means the whole or part of a lot of real property and any Building or Structure or portion of a Building or Structure on the real property.

“PRIVATE HYDRANT” means a fire hydrant on private property or common property within a strata property.

“SMOKE ALARM” means a combined smoke detector and audible alarm device designed to sound an alarm within the room in which it is located upon detection of smoke within the room or Suite in which it is located upon the detection of smoke within that room or Suite.

“STRUCTURE” means a Construction or portion thereof, of any kind, whether fixed to, supported or sunk into land or water, except landscaping, fences, paving and retaining structures less than 1.22 metres in height.

“SUITE” means a single room or series of rooms of complementary use, operated under a single tenancy, and includes individual guest rooms in motels, Hotels, boarding houses, rooming houses and dormitories.

Subdivision 3 - Scope of the Department

- 5.1.3. 1. The Fire Department is hereby continued for the purpose of providing fire suppression, first medical response, fire inspections, fire investigations, public education, fire training, emergency management, and rescue services as set out in this bylaw.

Subdivision 4 - Jurisdiction of the Fire Department

- 5.1.4. 1. The Fire Department may take all necessary measures for the prevention, inspection, investigation, suppression, control and extinguishment of fires and for the protection of life and property, including rescue and hazmat awareness level operations and the administration of medical services for which all Members have been trained.
2. The limits of the jurisdiction of the Fire Chief and Members of the Fire Department will extend to the area and boundaries of the Municipality, and neither the Fire Chief nor Members shall supply fire-fighting services or respond to an Incident nor shall any Apparatus or equipment be used outside the boundaries of the Municipality without the consent of the other local government, a request for assistance pursuant to the *Emergency Program Act*, R.S.B.C. 1996, c. 111, or express authority pursuant to a written agreement between the Municipality and the other local government providing for the supply of fire-fighting, Incident

Response or inspection services outside the municipal boundaries.

3. In the event a request for the deployment of road rescue services outside the Municipality, an emergency response task number from Emergency Management BC (EMBC) must be obtained prior to response.

Subdivision 5 - Appointment and Powers of the Fire Chief

- 5.1.5.
 1. The Fire Chief, subject to guidance from the Chief Administrative Officer, shall establish rules and regulations, policies and committees necessary for the proper and efficient organization and administration of the Fire Department.
 2. The Fire Chief, subject to guidance from the Chief Administrative Officer, shall establish rules and regulations, policies and committees necessary for the proper and efficient organization and administration of the Fire Department.
 3. The Fire Chief shall be responsible for the management, control and supervision of the Fire Department, for all Members and discipline thereof, and for the care, custody and control of all property, Apparatus and equipment of the Fire Department.
 4. The Fire Chief may appoint other Officers and Members as the Fire Chief deems necessary to the Kitimat Fire Department, subject to the approval of the Chief Administrative Officer.
 5. The Fire Chief shall take responsibility for all Fire Protection matters, including the enforcement of applicable sections of the Fire Services Act and regulations thereunder, including the Fire Code, and shall assume the responsibilities of the Local Assistant to the Fire Commissioner under the *Fire Services Act*.
 6. The Fire Chief may appoint or designate other Officers of the Fire Department to act as Fire Chief on his or her behalf and may, in writing, authorize Officers to exercise the powers of a Local Assistant to the Fire Commissioner under the *Fire Services Act*.
 7. The Fire Chief shall report to Council through the Chief Administrative Officer on the operations of the Fire Department or on any other matter in the same manner.

PART 5 - POLICE AND FIRE REGULATIONS
Division 1 - Fire Protection

8. Council authorizes the Fire Chief to exercise all the powers of the Fire Commissioner under Section 25 of the *Fire Services Act* and for these purposes that section applies.

Subdivision 6 - Responsibility of the Officers and Members

- 5.1.6.
 1. The Deputy Fire Chief shall report to the Fire Chief and, in the absence of the Fire Chief, shall have the powers and shall perform the duties of the Fire Chief as directed or assigned.
 2. Members shall assist the Fire Chief in carrying on the duties and responsibilities assigned to the Fire Department by Council, as set out in this bylaw or any applicable other bylaw, statute or regulation.
 3. Members shall comply with the policies, procedures, rules and regulations of the Fire Department, and a Member that fails to comply with the policies, procedures, rules and regulations of the Fire Department may be subject to discipline as deemed appropriate and administered by the Fire Chief.

Subdivision 7 - Control, Direction and Management

- 5.1.7.
 1. The Fire Chief, or in the absence of the Fire Chief the senior ranking Officer or Member present, shall have control, direction and management of all Fire Department Apparatus, equipment or manpower assigned to an Incident and, where a Member is in charge, that Member shall continue to act in that capacity until relieved by an Officer authorized to do so.
 2. The Fire Chief and Members are authorized to enter onto property and into any Building, Structure or Premises, including those adjacent to an Incident, with or without Apparatus and equipment, to take measures to prevent and suppress fires or respond to some other form of Incident.

Subdivision 8 - Powers of the Fire Chief and Members in Providing Incident Response

- 5.1.8.
 1. For the purpose of providing an Incident Response:
 - a. The Fire Chief and the Officer in Command may issue an Order for the demolition or removal of all

or part of a Building or Structure involved in, or in proximity to, an Incident if deemed necessary by the Fire Chief or Officer in Command to prevent or suppress a fire or to protect the public.

- b. The Fire Chief and the Officer in Command may issue an Order for the evacuation of any Building or area where there is an emergency arising from a fire hazard, risk of explosion, or a panic.
- c. The Fire Chief and the Officer in Command may establish one or more limited entry areas in the vicinity of an Incident and prohibit any person from entering such limited areas without proper authorization.
- d. The Fire Chief and the Officer in Command at an Incident may commandeer privately owned equipment which he considers necessary to deal with an Incident.
- e. The Fire Chief and the Officer in Command may obtain assistance from other officials of the District as deemed necessary.

Subdivision 9 - Conduct of Persons at an Incident

- 5.1.9. 1. A person at or near an Incident shall comply with the directions of the Fire Chief or Member and shall, upon request of a Member, provide information and assistance with respect to the Incident.

Subdivision 10 - Obstruction

- 5.1.10. 1. No person shall impede, hinder or obstruct the Fire Chief or a Member, or any person under the direction of the Fire Chief or Member, in providing Incident Response, and without limiting the generality of the foregoing, no person shall:
 - a. Obstruct or prevent entry to a Building, Structure or Premises where the Fire Chief or a Member has reasonable grounds to believe that an Incident exists.
 - b. Damage or destroy Fire Department Apparatuses or equipment.
 - c. Obstruct or otherwise interfere with access roads or streets or other approaches to any Incident, fire hydrant cistern or body of water that may be

utilized for firefighting purposes.

- d. Drive a vehicle over any Fire Department Apparatus or equipment without permission from the Fire Chief or Officer in Command.
- e. Falsely represent themselves as the Fire Chief or Member of the Fire Department or wear or display any Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

Subdivision 11 - Fire and Sprinkler Alarms

- 5.1.11.
- 1. An Occupier of a Building or Premises at which a Fire Alarm System or Automatic Fire Sprinkler System is installed must provide to the Fire Department and maintain a current list of three (3) Contact Persons who are available to receive telephone calls from the Fire Department in the event that a Fire Alarm System or an Automatic Fire Sprinkler System at the Occupier's Building or Premises is activated. When contacted, a Contact Person shall:
 - a. attend the address of the Building or Premises with the Fire Alarm System or Automatic Fire Sprinkler System within thirty (30) minutes of being requested to do so by the Fire Department;
 - b. provide the Fire Department access to the Building or Premises where the Fire Alarm System or Automatic Fire Sprinkler System has been activated; and
 - c. operate the Fire Alarm System and Automatic Fire Sprinkler System and take control of and secure the Building or Premises where the Fire Alarm System or an Automatic Fire Sprinkler System has been activated.
 - 2. When a Fire Alarm System or an Automatic Fire Sprinkler System has been activated and none of the three designated Contact Persons for the Premises can be reached or are unable to attend the Building or Premises, the Fire Department will forcibly enter the Premises at which the Fire Alarm System or an Automatic Fire Sprinkler System is activated to suppress a fire or determine the cause of the alarm.
 - 3. Where the Fire Department is unable to establish contact with any of the Contact Persons or none of the Contact Persons attend the Premises within thirty (30) minutes of being requested to do so by the Fire Department, the Fire Department will secure the Building

or Premises or provide security or remain on standby until the Building or Premises can be secured. The Owner of the Building or Premises shall be liable to the Municipality for the cost of security or securing the Premises as set out in Schedule A of this bylaw.

4. No Occupier of any Building or Premises where there is a Fire Alarm System or an Automatic Fire Sprinkler System shall service, test, repair, adjust, alter, or install any parts or items of the Fire Alarm System or Automatic Fire Sprinkler System which might activate a False Alarm without first notifying the Fire Department and the alarm monitoring company. Upon completion of any work performed on Fire Alarm System or Automatic Fire Sprinkler System the Occupier shall complete a local test or send a test signal to the Fire Department or monitoring company to confirm the Fire Alarm System or Automatic Fire Sprinkler System has been returned to working order.
5. An Occupier of a Building or Premises which has a Fire Alarm System or Automatic Sprinkler System shall notify the Fire Department immediately of a False Alarm.
6. An Owner of a Premises in respect of which more than three (3) False Alarms occur in any twelve (12) month period shall pay the fee prescribed in Schedule A to this bylaw for the attendance of the Fire Department.

Subdivision 12 - Inspections

- 5.1.12. 1. The Fire Chief and Members are authorized to enter onto property and inspect a Building, Structure or Premises to determine whether all regulations, prohibitions and requirements are being met in relation to any matter contained in this bylaw, the Fire Services Act and its regulations and the Fire Code.
2. The Fire Chief and Members are authorized to enter into or onto property and into any Building, Structure or Premises, with or without Apparatus and equipment, to inspect for conditions that may cause a fire, increase the danger of a fire, or increase the danger to persons or property from a fire.

Subdivision 13 - Orders

- 5.1.13. 1. In addition to the power to issue Orders pursuant to any other section of this bylaw, the Fire Chief and any Member authorized by the Fire Chief has the authority to issue one or more written Orders to an Occupier of a Premises requiring the Occupier to

PART 5 - POLICE AND FIRE REGULATIONS
Division 1 - Fire Protection

undertake any actions or remove or reduce any thing or condition that the Fire Chief or the Member authorized by the Fire Chief considers necessary to remove a fire hazard or reduce the danger of fire.

2. In addition to the power to issue an Order pursuant to any other section of this bylaw, and after inspection of a Premises, the Fire Chief or his designate may issue one or more written Orders to:
 - a. the Owner of the Premises to remove or destroy a Building or Structure on the Premises;
 - b. the Occupier of the Premises to repair the Premises;
 - c. the Occupier of the Premises to alter the use or occupancy of the Premises;
 - d. the Occupier of the Premises to remove or keep securely the combustible or explosive material or remedy flammable conditions on the Premises; and
 - e. the Occupier of the Premises to remove or take proper precautions against a fire hazard present at the Premises.

Subdivision 14 - Duration of an Order

- 5.1.14 1. An Order shall state a date by which the Order shall be carried out, which date may, in 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 damage to life and property.

Subdivision 15 - Appeal of an Order

- 5.1.15 1. A person to whom an Order has been issued pursuant to this bylaw may, before the expiration of forty-eight (48) hours after receipt of the Order, appeal to the Fire Chief, who shall review the Order and issue a written decision to either amend, revoke or confirm the Order or substitute another Order within five (5) days.

Subdivision 16 - Re-Inspection and Compliance with Orders

- 5.1.16 1. A person to whom an Order has been issued pursuant to this bylaw shall comply with the terms of the Order by the date specified in the Order.

2. If upon re-inspection the Occupier of a Premises has not complied with an Order, a fee may be charged for that re-inspection and each additional re-inspection. Failure for the Owner or Occupier to pay a fee imposed under this section will result in those costs being added to the property taxes of the Owner of the Premises subject to the Order.
3. If the person subject to an Order fails to comply with the terms of the Order, the Municipality may carry out the work required on the Premises subject to the Order at the sole cost and expense of the Owner of the Premises. The Municipality's costs may be collected in the same manner and with the same remedies as property taxes and if they are due and payable by December 31 and unpaid on that date, are deemed to be taxes in arrears.

Subdivision 17 - Inspection Reports

- 5.1.17
1. The Fire Chief may require information or the production of documents relevant to the Fire Safety System of a Building. Every person who is required under a provision of the *Fire Code* to perform or cause to be performed, annually or less frequently than annually, an inspection or test of a Fire Safety System or any component thereof shall ensure that:
 - a. the inspection or test is performed by a Fire Protection Technician and in accordance with the *Fire Code*; and
 - b. the inspection or test is recorded or the component of the Fire Safety System is tagged or labelled in accordance with the Fire Code and the rules, regulations and bylaws of the ASTTBC.
 2. Every person who owns, controls or otherwise has charge of a Fire Safety System must notify the Fire Chief if at any time such system is inoperable or taken out of service and must notify the Fire Chief again once service is restored.
 3. Every Fire Protection Technician who inspects or maintains Fire Safety Systems shall use the appropriate inspection/testing form approved by the ASTTBC and must forward a copy of the completed form upon completion of the inspection or maintenance to the Occupier of the Building. The Occupier shall provide a copy to the Fire Chief upon request.
 4. The Occupier of every Building that is equipped with a Fire Safety System that is not continuously monitored shall ensure that at

PART 5 - POLICE AND FIRE REGULATIONS
Division 1 - Fire Protection

each manual fire alarm pull station a permanent sign is mounted that reads:

LOCAL ALARM ONLY – IN CASE OF FIRE, DIAL 9-1-1

The sign shall not be less than 50 mm by 100 mm in size and be printed on permanent red on white or white on red plastic laminate or equivalent material.

5. The Occupier of a Building for which the Fire Safety System is tested and inspected under this section shall retain records of such tests inspections for 2 years or the interval between tests/inspections, whichever is greater.

Subdivision 18 - Fire Department Frequency of Inspections

- 5.1.18 1. The authority and duty of Council under the *Fire Services Act* to establish, revise and implement a regular system of inspections of hotels and public buildings in the Municipality shall be established by Council policy, and shall provide different frequencies of inspection depending on a Building's *Building Code* building classification, its use, age and fire risk assessment.
2. The Fire Chief may amend the frequency of inspection schedule from time to time.
3. The Fire Chief shall report to Council when requested by Council on the inspection system created and implemented under this section.

Subdivision 19 - Fire Hazard Regulations

- 5.1.19 1. Every Occupier of a Building shall submit to the Fire Chief a Fire Safety Plan on a form and diagram template acceptable to the Fire Chief.
2. Every Occupier of a Building shall review the Fire Safety Plan every year and submit all updates to the Fire Safety Plan to the Fire Chief.
3. No Occupier shall allow excessive growth of weeds, grass, vines or other growth which in the opinion of the Fire Chief creates a fire hazard or endangers any property.

Subdivision 20- Accumulation of Combustibles

- 5.1.20 1. No Occupier shall allow a Premises to accumulate noxious waste, yard and garden waste, land clearing debris or any other material

that in the opinion of the Fire Chief creates a fire hazard.

Subdivision 21 - Outdoor Storage of Waste Containers

- 5.1.21 1. All containers used for the disposal, removal or storage of garbage, refuse, building debris, papers or combustibles for which the circumference or perimeter of the receptacle of the container is greater than 1.5 meters shall:
- a. have lids kept closed at all times unless otherwise approved by the Fire Chief; and
 - b. not be located within
 - i. five (5) metres of any combustible Building or Structure, unless stored within a non-combustible Structure or in a location approved by the Fire Chief; or
 - ii. one (1) metre of any combustible Building or Structure unless the container is fabricated from non-combustible materials, with a secure self-closing lid and is not equipped with a hold-open device.
2. No person shall allow combustible waste material or garbage to remain longer than forty-eight (48) hours in any street, lane, alley or sidewalk located so as to constitute a fire hazard to any property.

Subdivision 22 - Open Air Burning

- 5.1.22 1. No person shall light, ignite, start, or maintain an Open Burning or any fire in any portable incinerator, outdoor fireplace, outdoor solid-fuel-combustion appliance, or other portable appliance or device in the open air for any purpose.
2. Despite section 5.1.22.1, a person may light, ignite, start or maintain an Open Burning if the fire is:
- a. fueled by a propane heater;
 - b. a camp fire in a designated Fire Pit in Radley Park and Hirsch Creek Park;
 - c. a backyard fire for recreational purposes subject to the following provisions:
 - i. the zoning designation of the Premises pursuant to Part 9 of the Code must allow for a Fire Pit;
 - ii. fires must be contained in a Fire Pit that is a non-combustible receptacle constructed of

- iii. cement, brick or metal;
 - iv. a maximum one Fire Pit per property;
 - v. the Fire Pit shall be no larger than 1 meter in diameter in R1-A, R1-B, R1-C, R2-A and R2-B residential Zones (Single Family and Two Family Residential);
 - vi. the Fire Pit shall be no larger than 1.5 meters in diameter in the G3, G3-A, G3-B, G4, G4-A and G5-A Zones (Small Holdings, Recreation, Rural Resort and Forestry Transitions);
 - vii. Fire Pits must be a minimum of 3 meters from any Building, Structure, fence or standing timber;
 - viii. only cut, seasoned wood, charcoal or commercially fabricated fire place logs shall be burned in a Fire Pit;
 - ix. all fires in a Fire Pit must be supervised at all times by a person at least 18 years old;
 - x. at any time a fire is burning, extinguishment capabilities and resources must be in the immediate vicinity of the Fire Pit;
 - xi. smoke from Fire Pits shall not create a nuisance to other properties; and
 - xi. any fire in a Fire Pit must be extinguished immediately if direction to extinguish the fire is given by a Member, RCMP Officer or a bylaw Officer of the Municipality; and
- d. authorized by a permit issued by the Fire Chief.
3. No person shall light, ignite, start or maintain an Open Burning before 8:00 AM and every person shall completely extinguish an Open Burning by 11:00 PM.
 4. Every person who lights, ignites, starts, or maintains an Open Burning permitted by this bylaw or a permit issued under this bylaw shall establish and maintain a Fire Watch.
 5. If the Fire Chief is of the opinion that hazardous fire conditions or a health and safety hazard to the public exist or the Fire Chief deems it otherwise expedient to do so, the Fire Chief may issue a directive prohibiting some or all Open Burning permitted by this bylaw or a permit issued under this bylaw within the boundaries of the Municipality and may suspend or revoke any burning permit.

6. Every Owner who lights, ignites, starts or maintains or permits to be lit, ignited, started or maintained an Open Burning in contravention of this bylaw or a permit or directive of the Fire Chief issued pursuant to this bylaw shall be liable for all expenses incurred by the Fire Department to extinguish the Open Burning as a cost recovery fee as set out in Schedule A of this bylaw.

Subdivision 23 - Burning Permits

- 5.1.23 1. No person shall light, start, ignite or maintain a fire permitted under the *Environmental Management Act*, SBC 2003, c. 53 and the *Open Burning Smoke Control Regulation*, BC Reg 145/93 without a permit issued by the Fire Chief.
2. In issuing a permit under this section the Fire Chief may impose terms and conditions relating to fire safety concerning:
 - a. the location of a fire;
 - b. the dates and times a fire may be lit or maintained;
 - c. the maximum area occupied by a fire;
 - d. materials that may be burned in a fire;
 - e. precautions to be taken in connection with a fire; and,
 - f. the construction and supervision of a fire.

Subdivision 24 - Vacant and Fire Damaged Buildings

- 5.1.24 1. The Owner of an unoccupied Premises shall
 - a. keep the Premises free from debris and combustible materials; and,
 - b. in a manner approved by the Fire Chief or Officer, ensure that at all times all openings in any Building on the Premises are guarded or securely closed and fastened so as to prevent the entry of unauthorized persons.
2. If the Fire Chief or Member finds a Building that is not guarded or securely closed, the Fire Chief may issue an Order to the Owner of the Building to secure the Building against unauthorized entry.
3. If the Owner fails to secure the Building against unauthorized entry within forty-eight (48) hours of being directed to do so by the Fire Chief, or the Fire Chief is unable to contact the Owner within

forty-eight (48) hours of finding the Building unsecured, the Fire Chief may carry out the work of securing the Building in a manner he deems appropriate at the sole cost and expense of the Owner, and if those cost go unpaid by December 31st in the year in which the Owner failed to take the required action, the costs will be added to and form part of the property taxes on the Owner's property.

Subdivision 25 - Commercial Cooking Equipment

- 5.1.25
1. Occupiers or persons in charge of a Premises that includes a commercial cooking facility shall ensure that the cooking equipment is maintained in accordance with the requirements of the Fire Code for commercial cooking equipment, including but not limited to ensuring that:
 - a. hoods, grease removal devices, fans, ducts and other appurtenances of commercial kitchens are inspected on a weekly basis and cleaned as required to remove grease and other combustible residues; and
 - b. all commercial kitchen exhaust systems are serviced and cleaned at least every six (6) months by a Fire Protection Technician.
 2. Occupiers or persons using cooking equipment in fixed, mobile or temporary concessions, such as trucks, busses, trailers, pavilions, tents, or any form of roofed enclosure, shall comply with the requirements of the *Fire Code*.

Subdivision 26 - Fire & Emergency Service Access Requirements

- 5.1.26
1. Every Occupier of a Premises shall ensure that emergency access to all Buildings on the Premises remains clear and unobstructed for emergency vehicles at all times.
 2. Every Occupier of a Premises on which Construction is occurring must ensure that emergency access routes are clear and unobstructed and have a surface condition suitable for use by emergency vehicles.

Subdivision 27 - Street Addressing of Buildings

- 5.1.27
1. Every Occupier of a residential Premises shall post the civic address of the Premises

PART 5 - POLICE AND FIRE REGULATIONS
Division 1 - Fire Protection

- a. on the front of the exterior of the principal Building on the Premises;
 - b. in such a position that the address is plainly visible from the street, road, fire lane or other right of way or easement; and
 - c. in every case legible from a distance of fifteen (15) meters.
2. Every Occupier of a commercial or multi-family residential Premises shall post the civic address on the exterior of the Building in a position in which the address is clearly visible from the main road.
 3. Multi-family units that have exterior entrances and share a common driveway shall have the addresses posted at the entry to the driveway.

Subdivision 28 - Fire Hydrants

- 5.1.28
1. Every Occupier shall maintain an area having a radius of one (1) meter around every fire hydrant or standpipe clear and unobstructed and every hydrant or standpipe shall be located in clear view from the roadway while being approached from either direction, in accordance with the requirements of the *Fire Code*.
 2. No person shall open, interfere or tamper with any municipal fire hydrant unless that person has been duly authorized to do so by the Chief Administrative Officer.

Subdivision 29 - Private Hydrants

- 5.1.29
1. The Owner shall promptly remedy any deficiencies, damaged parts, or impairments found during an inspection or test in accordance with the maintenance requirements set out in the Fire Code. If such work is not carried out by the Owner, the Fire Chief may issue an Order that it be completed.
 2. The Owner of a Private Hydrant shall ensure safe access to the Private Hydrant is maintained, and if the Owner fails to do so, the Fire Chief may issue an Order that the Owner do so.
 3. The Owner of a Private Hydrant shall ensure that the requirements of National Fire Protection Association 25 "Impairments" are implemented when a Private Hydrant is removed from service either through preplanning or emergency impairment. If such work is not carried out by the Owner, the Fire Chief may issue an Order that it be completed.

PART 5 - POLICE AND FIRE REGULATIONS
Division 1 - Fire Protection

Subdivision 30- Cost Recovery, Fees & Charges

- 5.1.30 1. The Municipality may recover the costs and expenses, as outlined in Schedule A, of providing Incident Responses and Fire Department services that are outside of the Council-mandated Fire Department duties and responsibilities.

Schedule A - Fire Department Fees

Fire Safety Inspections (outside of a regularly scheduled inspection)	\$ 100.00
False Alarm when 3 or more in previous 12 month period	\$ 100.00
Extinguish unlawful open-air fire or Open Burning	Actual cost
Securing premises	Actual cost
Re-inspection	Actual cost
Fulfill remedial action in Order	Actual Cost
Extraordinary Fire Department Services	Actual Cost

Schedule "B"

Section	Kitimat Fire Department Municipal Bylaw infraction Charges	Charge
5.1.9	Failure to provide information	\$ 500.00
5.1.9	Failure to provide assistance at Incident	\$ 500.00
5.1.9	Failure to comply with directions at Incident	\$ 500.00
5.1.10(a), (c)	Obstruct or impede Incident Response	\$ 500.00
5.1.10(b), (d)	Damage or destroy Fire Department Apparatus or equipment	\$ 500.00
5.1.10(e)	Impersonate Fire Chief of Member	\$ 500.00
5.1.11.1	Failure to provide list of Contact Persons	\$ 500.00
5.1.11.1(a)	Failure of Contact Person to attend premises	\$ 500.00
5.1.11.1(b)	Failure of Contact Person to provide access	\$ 500.00
5.1.11.1(c)	Failure of Contact Person to operate alarm/sprinkler systems	\$ 500.00
5.1.16.1	Failure to carry out requirements of Order in accordance with terms of Order	\$ 500.00
5.1.17.1(a)	Failure to ensure inspection/test of Fire Safety System Conducted by Fire Protection Technician	\$ 500.00
5.1.17.1(b)	Failure to ensure inspection/test recorded or In accordance with ASTTBC rules, regulations, bylaws	\$ 500.00
5.1.17.2	Failure to notify Fire Department of disconnect/reconnect Fire Safety System	\$ 500.00
5.1.17.3	Failure to provide inspection/test to Fire Chief	\$ 500.00
5.1.17.4	Failure to post sign in accordance with section	\$ 500.00
5.1.17.5	Failure to keep records	\$ 500.00
5.1.19.1	Failure to submit Fire Safety Plan on approved form	\$ 500.00
5.1.19.2	Failure to submit update to Fire Safety Plan	\$ 500.00
5.1.19.3	Allow vegetation that constitutes fire hazard	\$ 250.00
5.1.20.1	Allow accumulation of combustible materials that create hazard	\$ 250.00

PART 5 - POLICE AND FIRE REGULATIONS
 Division 1 - Fire Protection

5.1.21.1(a)	Waste receptacle lid not closed	\$ 500.00
5.1.21.1(b)	Waste receptacle too close to Building	\$ 500.00
5.1.21.2	Permit waste on street for more than 48 hours	\$ 250.00
5.1.22.1	Open Burning	\$ 250.00
5.1.22.3	Open Burning outside authorized hours	\$ 500.00
5.1.22.4	Failure to establish or maintain Fire Watch	\$ 500.00
5.1.22.5	Open Air fire or Open Burning in contravention of Fire Chief	\$ 500.00
5.1.23.1	Fire permitted under Environmental Management Act Open Burning Regulation without permit	\$ 500.00
5.1.25.1(a)	Failure to inspect components of commercial cooking weekly	\$ 500.00
5.1.25.1(b)	Failure to ensure commercial kitchen exhaust system by Fire Protection Technician	\$ 500.00
5.1.26.1	Failure to ensure that emergency access unobstructed	\$ 500.00
5.1.26.2	Failure to ensure emergency access on construction site Unobstructed and capable of use by emergency vehicles	\$ 500.00
5.1.27.1(a)	Failure to post civic address on the front of residence	\$ 250.00
5.1.27.1(b)	Failure to post civic address in required position on	\$ 250.00
5.1.27.1(c)	Civic address on residence not visible from 15 metres	\$ 250.00
5.1.28.1	Fire Hydrant obstructed	\$ 500.00
5.1.28.2	Tamper with Fire Hydrant	\$ 500.00