

# VILLAGE OF MIDWAY

## BYLAW NO. 451

### **A bylaw to Establish a Fire Department and to Regulate Fire Protection, Suppression and Prevention**

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Whereas pursuant to the Community Charter, the Fire Services Act and other applicable legislation, Council may by bylaw, regulate, prohibit and impose requirements in relation to the protection of persons and property in the Village;

Now therefore Municipal Council of the Village of Midway, in open meeting assembled, enacts as follows:

#### **PART 1 CITATION, DEFINITIONS AND INTERPRETATION**

##### **1. CITATION**

This Bylaw may be cited for all purposes as the "Village of Midway Fire Services and Regulations Bylaw No. 451, 2014".

##### **2. DEFINITIONS**

In this Bylaw,

**"Access Route"** means a private road, driveway, lane or portion of a yard, which provides access by Fire Department Vehicles or equipment in accordance with the British Columbia Building Code.

**"Alarm"** means the giving, signalling or transmission to any public fire hall or fire dispatch or alarm company or to any officer or employee thereof, whether by telephone, spoken word or otherwise, of information to the effect that a fire or emergency situation exists at or near the place indicated by the person giving, signalling or transmitting such information.

**"Apparatus"** means any Vehicle provided with machinery, equipment or materials for Fire Protection, and any Vehicle used to transport personnel or supplies.

**"Assistance Response"** means

- (a) ambulance assist to (attending at) medical emergencies to provide assistance to BC Ambulance Service;
- (b) response to accidents, natural or man-made disasters, escapes of poisonous or noxious materials or other hazardous material incidents, or other circumstances that have caused or may cause harm to persons or property; and
- (c) rescue operations.

**"Approved"** means Approved by an Officer as being in compliance with this Bylaw.

**"Building"** means a structure used or intended for supporting or sheltering any use or occupancy.

**"Chief Administrative Officer" or "CAO"** means the person appointed to that office from time to time by the Council.

**"Combustible Liquid"** means a liquid having a flash point at or above 37.8 degrees Celsius and below 93.3 degrees Celsius.

**"Council"** means the Council of the Corporation of the Village of Midway.

**"Deputy Fire Chief"** means a person appointed by the Fire Chief or Council, as second in command to the Fire Chief.

**"Department"** means the Midway Volunteer Fire Department referred to in section 5.

**"Fire Protection"** means all aspects of fire safety, including but not limited to, fire prevention, fire suppression, pre-fire planning, inspection, fire investigation, training, staff development and advising on fire safety matters.

**“False Alarm”** means an Alarm, regardless of how caused, necessitating a response by the Department where a fire or emergency does not exist.

**“Fire Alarm System”** means all equipment forming part of or used in connection with a Fire Alarm System or fire detection system, including without limitation, batteries, gongs, horns, buzzers, switches, wiring, relay apparatus, sensors, and other accessories.

**“Fire Chief”** means the person appointed by Council as head of the Department.

**“Fire Code”** means the British Columbia Fire Code, enacted by B.C. Regulation 263 / 2012, under the *Fire Services Act*.

**“Firecrackers”** are included within the classes mentioned in the definition of Fireworks in this bylaw, and include, without limitation, Fireworks with entwined fuses used solely as noisemakers and not for pyrotechnic effect, including, without limitations, bottle rockets and screechers.

**“Fire Inspector”** means a bylaw enforcement officer, peace officer, the Fire Chief, or designated Member of the Department.

**“Fire Safety Plan”** is a set of emergency procedures and guidelines to be followed in the event of a fire in a Building.

**“Fireworks”** means manufactured goods intended to be used for pyrotechnic effect that are classified by the Canada Explosive Act Regulations, 2013 as consumer fireworks, display fireworks, special effect pyrotechnics and fireworks accessories.

**“Flammable Liquid”** means a liquid having a flash point below 37.8 degrees Celsius and having a vapour pressure not exceeding 275.8 kPa (absolute) at 37.8 degrees Celsius.

**“Incident”** includes an emergency or non-emergency call that the Department is requested to attend.

**“Incinerator”** means an appliance or device, whether or not it has an enclosed chamber, in which heat is produced to heat buildings or destroy refuse, and includes burn barrels, but for the purpose of this bylaw, does not include campfire pits.

**“Member”** means a person appointed by the Fire Chief as a Member of the Department and includes without limitation the Officers, firefighters, and administrative staff of the Department.

**“Ministry of Forests or (MFLNRO)”** means the British Columbia Ministry of Forests, Land and Natural Resource Operations or the ministry responsible from time to time for open burning regulations in the unincorporated areas of British Columbia.

**“Mutual Aid”** means the provision of services to a person or other jurisdiction, including the Provincial Ministry of Forests, pursuant to a Mutual Aid agreement between the Village and that person or jurisdiction.

**“Occupant”** includes the registered owner and / or a lessee, tenant and licensee of any Building or premises.

**“Officer”** means a Member appointed by the Fire Chief as an Officer or captain / lieutenant of the Department, and includes a Village Bylaw Enforcement Officer and the Chief Administrative Officer of the Village, but nothing in this Bylaw makes such persons Officers for the purpose of section 146 of the *Community Charter*.

**“Officer in Charge”** means the Fire Chief or, in his absence, the senior ranking Officer or Member of the Department who is present at the location of an incident.

**“Public Services”** means public information, education and prevention programs, as they relate to fire safety, public safety, and emergency preparedness for the village and its communities.

**“Sprinkler System”** includes all equipment forming part of or used in connection with an automatic fire Sprinkler System, including without limitation, all heads, valves, piping, switches, sensors, relay apparatus, and other accessories.

**“Standpipe System”** means an arrangement of piping, valves, hose connections, and allied equipment installed in a Building or structure, for the purpose of extinguishing a fire, thereby protecting a Building or structure and its contents, in addition to protecting the Occupants.

“**Trade Waste**” means waste and abandoned materials resulting from the operation of an industry or business, including paper, boxes, packing cases, wrapping material, sweepings, and all flammable materials of a like nature.

“**Underground Tank**” means a tank installed wholly or partly under the surface of the ground and used or intended for the storage of flammable or Combustible Liquids or gases.

“**Vehicle**” includes all types of motor vehicles, farm tractors, and mobile machinery, or any other self-propelled machinery.

“**Village**” means the Corporation of the Village of Midway.

### 3. **INTERPRETATION**

- (1) Words and phrases not defined in section 2 shall have the meaning assigned to them by the British Columbia Building Code, the *Fire Services Act* or the British Columbia Fire Code, as the context and circumstances of this bylaw may permit or require.
- (2) In the event of a conflict between this Bylaw and the *Fire Services Act* or the Fire Code Regulation under that *Act*, the provisions of the *Fire Services Act* shall prevail, unless the authority is provided under the *Community Charter*, in which case, the *Community Charter* prevails.
- (c) A reference in this Bylaw to a section, subsection, clause or schedule is a reference to a section, subsection, clause or schedule of this Bylaw unless otherwise specified.

### 4. **ADOPTION OF FIRE CODE**

The Schedule to the Fire Code is hereby adopted as part of this Bylaw and as a standard of the Village.

## **PART 2 FIRE SERVICES DEPARTMENT**

### 5. **ESTABLISHMENT**

The Midway Volunteer Fire Department is hereby established and continued.

### 6. **ADMINISTRATION**

The Fire Chief is authorized to administer the Department and this Bylaw.

### 7. **REFERENCES TO THE FIRE CHIEF**

All references in this Bylaw to the Fire Chief includes the Deputy Fire Chief and/or Captains acting on the Fire Chief's behalf during his absence.

### 8. **POWERS OF THE FIRE CHIEF**

- (1) The Fire Chief or an Officer may
  - (a) enter on property and inspect premises for conditions that may cause a fire, increase the danger of a fire, or increase the danger to persons or property from a fire;
  - (b) take measures to prevent and suppress fires, including the demolition of Buildings and other structures to prevent the spreading of fire;
  - (c) require an owner or occupier of real property to undertake any actions directed by the Fire Chief or an Officer for the purpose of removing or reducing any thing or condition that the Fire Chief or Officer considers is a fire hazard or increases the danger of fire;
  - (d) The Fire Chief may exercise all of the powers of the fire commissioner under section 25 of the *Fire Services Act*, and for these purposes that section applies

### 9. **SCOPE OF DEPARTMENT**

- (1) The Department is empowered to provide the following services within the Village:
  - (a) Fire Protection
  - (b) Assistance Response
  - (c) Public Services
  - (d) Emergency Preparedness Program

- (2) The Department is empowered to provide the following services outside the Village:
- (a) Mutual Aid
  - (b) Service agreements and other arrangements under section 10(1) of this Bylaw

#### 10. LIMITS OF JURISDICTION

- (1) The Department may provide all or some of the services listed in section 9(1) outside the boundaries of the Village in the following circumstances:
- (a) Pursuant to a written service agreement with property owners of parcels of land within the area outlined in the Fire Response Area Map Schedule, provide fire service limited to fire response only, in which case the provisions of this bylaw applicable to the limited service shall apply.
  - (b) With the approval of the Council or the Chief Administrative Officer on the terms and conditions of that approval.
  - (c) When required under the *Emergency Program Act*.
  - (d) Mutual Aid

#### 11. PREVENTION, CONTROL AND ENFORCEMENT

- (1) The Department may take all necessary measures for the prevention, suppression, control and extinguishment of fires, for mitigating the effects of dangerous goods Incidents and for the protection of life and property, including but not limited to those described in this section.
- (2) The Fire Chief and Officers or Members designated by the Fire Chief or by Council are authorized to enforce the *Fire Code* and Village bylaws and regulations applicable to the prevention and suppression of fires.
- (3) The Fire Chief and Officers (see definition of Officer) may charge, at actual or market rental cost for the use of fire services and auxiliary equipment and personnel in the following circumstances:
- (a) any actions contrary to the regulations prescribed in this bylaw
- (4) The Officer in Charge at an Incident may
- (a) order the removal of any Vehicle, material, chemical, or other matter or thing which impedes the mitigation of, or may worsen, an Incident.
  - (b) establish boundaries or limits around the incident area and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Officer in Charge.
  - (c) direct or caused to be directed vehicular and pedestrian traffic as necessary for the control of the Incident.
- (5) No person shall enter the boundaries or limits of an area prescribed in accordance with subsection (4)(b) unless authorized to enter by the Officer in Charge.
- (6) No person at an Incident shall impede, obstruct, or hinder a Member or other person assisting or acting under the direction of the Officer in Charge.
- (7) No person at an Incident shall drive a Vehicle over any Department equipment without permission of the Officer in Charge.

#### 12. FIRE INVESTIGATION INFORMATION REQUESTS

The Fire Department may charge a fee, in accordance with section 75 of the *Freedom of Information and Protection of Privacy Act*, to any person seeking information on Fire Investigations.

### PART 3 FIRE PREVENTION REGULATIONS

#### 13. COMBUSTIBLES

##### (1) ACCUMULATION OF COMBUSTIBLES

An owner or occupier of property shall promptly remove and not cause or permit any accumulation on that property of combustible growth, waste or rubbish of any kind, which is liable to catch fire.

**(2) ACCUMULATION OF DAILY COMBUSTIBLES**

An owner or Occupant of a Building or property who makes, stores, uses, or has charge or control of any shavings, excelsior, rubbish, sacks, bags, litter, straw, waste-paper, paper boxes or any other flammable material, shall at the close of business on each day cause all such material, using the method appropriate for the type of material, to be compactly baled, stacked in a safe manner, or stored in non-combustible receptacles having tight fitting, non-combustible lids, which lids shall be kept closed at all times except when refuse is placed in the containers.

**(3) STORAGE OF COMBUSIBLE MATERIALS**

An owner or operator of a business shall provide a non-combustible container with a self-closing lid, to store cleanup rags or shop towels for products subject to spontaneous combustion, until safely removed from the Building. Lids are to be kept closed at all times except when rags or towels are being placed in the containers.

**(4) FLAMMABLE, COMBUSTIBLE, EXPLOSIVE OR ACCUMULATED MATERIAL**

An Officer may order the owner or Occupant of property to immediately remove or otherwise deal with, as directed in the order,

- (a) flammable, combustible or explosive material or any accumulation of waste materials or refuse that is liable to catch fire, endanger life or property, or obstruct ingress or egress from a Building, on the property, or
- (b) any other condition which is a fire hazard,

**14 FIRE DOORS OR FIRE SEPARATION DEVICES**

Where fire doors or fire separation devices are installed in a Building to prevent the spread of fire within the Building, the owner and Occupier of the Building shall at all times keep and maintain those doors and devices in good repair and efficient working order.

**15. QUANTITY & STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS**

Flammable or Combustible Liquids shall not exceed the volumes prescribed by and must be stored in accordance with the *Fire Code*.

**16. REFUSE CONTAINERS**

An owner of a Building used for apartment, commercial, industrial or assembly occupancies shall provide refuse containers that are non-combustible and placed away from any combustible construction or material or any unprotected Building openings in accordance with the *Fire Code*, and if the refuse container is stored in an enclosure, the enclosure shall be provided with a non-combustible top or ceiling.

**17. SIGNAGE FOR COMBUSTIBLE LIQUIDS**

An owner and Occupant of an area of land or a Building where Combustible Liquids are stored, received, or dispensed shall post "NO SMOKING" signs in the manner and places prescribed in the *Fire Code*.

**18. CLEANING WITH COMBUSTIBLE LIQUIDS**

No person shall use flammable or Combustible Liquids, which could endanger life or property, for the purposes of cleaning within any Building.

**19. FIRE EXTINGUISHERS**

The owner of a business shall provide and maintain in good working order at least one portable fire extinguisher, available and accessible for emergency use, and the fire extinguisher must comply with NFPA 10 and ULC standards.

**20. FIRE SAFETY PLAN REQUIREMENTS AND REVIEW**

All Buildings, sites, storage areas or other areas as required by the *Fire Code* shall have a Fire Safety Plan. Measures within a Fire Safety Plan shall conform to the *Fire Code*.

**21. OUTDOOR FIRES**

- (1) No person, anywhere within the geographical boundaries of the Municipality shall light or start, or knowingly permit or cause to start or ignite any fire in the open air, other than a campfire or backyard burning on open ground in accordance with section 22, without first obtaining a Burning Permit from the Fire Chief, an Officer or other person designated by the Fire Chief, in the permit form attached as Schedule "A" to this Bylaw.
- (2) No person, shall operate, install or construct an Incinerator (either enclosed inside a building or outside) for the disposal of:
  - (a) household waste, refuse, rubbish, garbage, yard and garden waste;
  - (b) industrial or commercial waste and refuse except with a permit from The Ministry of Environment, or;
  - (c) any combination thereof within the Village of Midway boundaries.
- (3) No person shall ignite or cause to be ignited in a campfire pit or backyard open ground burning any
  - (a) household waste, refuse, rubbish garbage, plastic, or Styrofoam;
  - (b) industrial or commercial waste and refuse except with a permit from the Ministry of Environment; or
  - (c) any combination thereof within the Village of Midway boundaries.

**22. OUTDOOR BURNING AND EXCEPTIONS**

- (1) All outdoor burning is prohibited within the Village of Midway boundaries except as permitted in this section.
- (2) Campfires and burning on open ground in backyards in the Village
  - (a) are permitted only during periods when fire or open burning is not prohibited or restricted by the Fire Chief or an Officer, and
  - (b) are not permitted at times when the Ministry of Forests prohibits open fires in the unincorporated areas outside the boundaries of the Village, at which times, for the sake of consistency, open fires are prohibited within the boundaries of the Village.
- (3) Campfires are permitted during the days they are permitted in subsection (2), but only under the following conditions;
  - (a) for cooking, warmth and ceremonial purposes only,
  - (b) the fire once ignited is not left unattended at any time,
  - (c) there is sufficient quantity of fire extinguishing materials and equipment at the site of the campfire to completely extinguish the fire, and the fire is completely extinguished before leaving the area
  - (d) the campfire must be at least 3 metres from any combustible material; and at least 30 metres from any flammable liquids and any fuel containing tanks.
  - (e) the campfire size does not exceed 0.5 metres in height and 0.5 metres in diameter.
  - (f) winds do not exceed ten (10) kilometers per hour and burning is permitted only when venting and air quality are favorable.
- (4) The burning of dry garden refuse is permitted during the days specified in subsection (2), provided that
  - (a) the refuse is plant matter only,
  - (b) the fire once ignited is not left unattended at any time,

- (c) there is sufficient quantity of fire extinguishing materials and equipment at the site of the fire, to completely extinguish the fire, and the fire is completely extinguished before leaving the area,
  - (d) the fire must be at least 3 metres from any combustible material; and at least 30 metres from any flammable liquids and any fuel containing tanks,
  - (f) the burn material in one pile does not exceed 1 metre in diameter and 1 metre high
  - (g) winds do not exceed ten (10) kilometers per hour and burning permitted only when venting and air quality are favorable.
- (5) The owner or occupier of and area of land of not less than .8 hectares (approximately 2 acres) is permitted to burn industrial waste provided that
- (a) the industrial waste is plant matter or other fuels permitted by the Ministry of Environment,
  - (b) the burning takes place on the said land area,
  - (c) suitable precautions and equipment are in place to extinguish the fire and prevent it spreading, and
  - (d) the owner or Occupant has obtained a permit from the Ministry of Environment.
  - (f) winds do not exceed ten (10) kilometers per hour and burning is permitted only when venting and air quality are favorable.
- (6) Department burns, which are conducted for training exercises at the discretion of the Department, do not require a burning permit but are to be fully extinguished by the Members at the completion of the task.
- (7) Department burns, which are conducted for fire hazard control on private property at the request of the property owner or Occupant are to be burned down to a safe smoulder under the protection of the Department and then left to be fully extinguished by the owner or Occupant. The Fire Chief or designate must have the owner or Occupant sign a Schedule "C" form prior to leaving the site.

#### **PART 4. FIREWORKS REGULATIONS**

##### **23. SALE**

No person may possess for purposes of re-sale or distribution, offer for sale, store, distribute or sell within the municipality – Fireworks (see definition in section 2 of this Bylaw).

##### **24. USE**

Subject to section 26, no person shall possess Fireworks for purposes of use, or use, set off, explode or discharge Fireworks.

##### **25. LIGHTING / SETTING OFF FIREWORKS**

No person shall point or direct a Firework, including a Firecracker at any person, animal, structure, Vehicle or other object where the Firework, or Firecracker is in the process of being used, set off, exploded or detonated, and in all cases, except for display fireworks the operator is required to have and shall hold a Fireworks Operator Certificate, and in all cases the permit holder shall, at his or her own expense, for the duration of the fireworks event, secure and maintain a comprehensive general liability insurance policy for bodily injury and property damage.

##### **26. EXEMPTION TO FIREWORKS REGULATIONS**

- (1) Section 24 does not apply if a person has received a permit from the Council to use, set off, explode or discharge Fireworks, for religious ceremonial, celebratory or business related purposes.
- (2) Requests for a permit must be made in writing to the Department.

- (3) The Council or the Fire Chief may impose any and all conditions on the permit deemed necessary to provide for the protection of persons and property from harm in relation to Fireworks.
- (4) The person to whom the permit is issued is responsible for ensuring compliance with the terms and conditions contained in the permit and the regulations in this Bylaw, and shall provide upon request, proof of a current Fireworks Operator Certificate issued by Natural Resources Canada.
- (5) The person to whom the permit is issued is responsible for securing and maintaining a comprehensive general liability insurance policy (minimum limits specified on permit) for bodily injury and property damage, for the duration of the fireworks event, at his or her own expense.

## **PART 5 SECURING VACANT PREMISES**

### **27. DUTY OF OWNER**

An owner of permanently vacant or unoccupied premises must ensure the premises is made and kept secure against unauthorized entry or occupation by one or more of the following methods and also by employing onsite security personnel or guard patrols on a frequent and periodic basis, if necessary in the circumstances:

- (a) affixing structural barriers to windows and other points of ingress using materials and a method of installation effective to preclude entry;
- (b) installing security fencing or other perimeter barriers;
- (c) installing a security lighting system so long as such lighting does not impact any neighbouring properties.

### **28. REQUIREMENT BY OFFICER**

If an Officer finds vacant or unoccupied premises, which are accessible contrary to Section 27, the Officer may notify the owner of the premises that the premises must be secured against unauthorized entry as required by section 27.

### **29. NON-COMPLIANCE BY OWNER**

If an owner fails to bring the premises into compliance with Section 27 within 24 hours of receiving notice to do so, the Officer, at the expense of the owner, may have the premises secured by a contractor who may board up or otherwise secure doors, windows and other points of entry into the premises in order to prevent fires.

### **30. ORDER FOR SECURITY**

The owner of a fire-damaged Building shall ensure that the premises are guarded or that all openings of the Buildings are kept securely closed and fastened so as to prevent the entry of unauthorized persons.

- 31. If the owner of a fire damaged Building fails to provide the necessary security required by section 30 within a reasonable time after the fire, the Fire Chief or designate may have the work performed at the expense of the owner.

### **32. INSPECTION FEES**

An owner of a vacant or unoccupied premises who violates Sections 27 and 30 must pay immediately, upon receipt of an invoice from the Village, all fees for inspections made in the enforcement of that violation prescribed in Village of Midway Fees and Charges Bylaw.

## **PART 6 INSPECTION OF PREMISES**

### **33. RIGHT OF ENTRY**

The Fire Chief or authorized designate may enter on any property in the Village, in accordance with Section 16 of the *Community Charter*, to inspect and determine whether all regulations, prohibitions and requirements under this Bylaw are being met.



**34. FAILURE TO PROVIDE ACCESS FOR FIRE INSPECTION**

- (1) When an owner or Occupant has been notified of an inspection to be conducted under this bylaw or any other enactment relating to fire safety, the owner or Occupant must attend at the premises at the date and time specified in the notice to provide access for an inspection.
- (2) If the owner or Occupant does not attend on the inspection date, without explanation in advance, the Village shall charge the owner or Occupant with the fee prescribed by the Village of Midway Fees and Charges Bylaw for that inspection attempt and each additional inspection attempt made.

**35. OBSTRUCTION**

No person shall obstruct or interfere with the Fire Chief or an Officer while they are carrying out any inspection pursuant to this Bylaw, the *Fire Code* or the *Fire Services Act*.

**36. PROVISION OF INFORMATION**

- (1) Every Occupant of premises shall provide all information required by the Fire Chief or authorized designate in connection with a permit issued under this Bylaw.
- (2) No person shall withhold or falsify any information required by the Fire Chief or an Officer in connection with a permit applied for or issued under this Bylaw.
- (3) No person shall refuse to assist in the carrying out of an inspection pursuant to this Bylaw, the *Fire Code* or the *Fire Services Act*.

**37. RE-INSPECTION**

- (1) If an owner or Occupant has failed to meet the requirements of a Fire Inspector, re-inspections shall be performed by the Fire Inspector, generally at monthly intervals, until such time as the deficiencies have been corrected.
- (2) A fee will be charged for each re-inspection as prescribed by the Village of Midway Fees and Charges Bylaw.
- (3) The Fire Inspector may waive the fee for the first re-inspection provided that all deficiencies are corrected at that time and the property did not require a re-inspection during the previous two years.

**PART 7 FIRE ALARM AND SPRINKLER SYSTEM ACTIVATION**

**38. MAINTENANCE OF FIRE ALARM AND SPRINKLER SYSTEMS**

An owner or occupier of Buildings or premises shall ensure the Building's fire Alarm and Sprinkler Systems are maintained and tested in conformance with the *Fire Code*.

**39. RETENTION OF RECORDS**

Records of service testing and maintenance of a Fire Alarm System or Sprinkler System must be retained on site by the owner.

**40. CORRECTION OF DEFICIENCIES**

When the Department attends premises where a Fire Alarm System or a Sprinkler System or call for emergency response is requested without proper cause, the occupier of the premises shall immediately correct the deficiencies to the Fire Alarm System and Sprinkler System that caused the false alarm.

**41. FEE FOR FAILURE TO NOTIFY**

The Village shall charge the owner, Occupant or lessee of a Building containing a Sprinkler System or a Fire Alarm System the fee prescribed in Village of Midway Fees and Charges Bylaw for a False Alarm activated following a failure to notify the Department prior to service, testing, repair, maintenance, adjustment, alterations, or installation of the system that resulted in an emergency response to the alarm.

**42. REPEAT OR FAULTY ALARMS**

The Village shall charge the owner, Occupant or lessee of any Building containing a fire Sprinkler System or a Fire Alarm System the fee prescribed in the Village of Midway Fees and Charges Bylaw for a False Alarm activated as a result of a faulty alarm or sprinkler system, which results in a repeat emergency response.

## **PART 8 STANDPIPES, HYDRANTS AND HOSES**

### **43. HYDRANTS**

- (1) No person shall install or permit any obstruction within one (1) metre of a hydrant or Standpipe System.
- (2) No person may attach anything to a hydrant or Standpipe System and the Department may remove unauthorized attachments without notice or compensation to the person who made the attachment.
- (3) The owner of a Building which is equipped with a Sprinkler System shall install a fire hydrant within 45 metres of each Department Connection (known as a siamese) to the sprinkler system.
- (4) Except employees of the Village acting within the scope of their duties, no person shall make use of standpipes or hydrants without first obtaining a permit from the Village.
- (5) No person shall park within five (5) metres of a Fire Hydrant.

### **44. PRIVATE HYDRANTS**

- (1) An owner of property on which a private hydrant is located must ensure that the private hydrant conforms to all standards in the *BC Building Code* applicable to hydrants.
- (2) An owner of a property on which a private hydrant is located shall at least once per year have all components of the hydrant inspected, serviced and tested by a qualified technician.
- (3) An owner of a property on which a private hydrant is located shall maintain the hydrants so that they are capable of providing the flow and pressure of water for which they were designed.

### **45. FIRE HOSE**

No person shall stand, walk on, or drive over a hose belonging to the Department or be within nine (9) metres of a hose line.

## **PART 9 EMERGENCY ACCESS**

### **46. PROPERTY ADDRESSES**

- (1) An owner of property, whether or not there is a Building on the property, must ensure that the property is individually addressed with the address assigned by the Village to that property.
- (2) An individual address must be placed on new or existing Buildings or structures in such a position as to be plainly visible and legible from the street, road, fire lane, or other right-of-way or easement and at the front of the structure.
- (3) If the property is vacant, the address must be as close as possible to the access entrance.
- (4) The address must be conspicuous and legible from a distance of 15 metres.
- (5) The letters or numbers of any addresses shall be a minimum of 5 inches in height and no less than ½" in the width of each stroke of the numbers.
- (6) The colour of the letters or numbers shall contrast with the background colour of the Building.

### **47. EMERGENCY ACCESS TO BUILDINGS**

To allow for the access of emergency Vehicles, an owner and occupier of property must ensure that Access Routes to Buildings on the property are unobstructed at all times.

### **48. DURING CONSTRUCTION PHASES**

An owner and occupier of property on which construction is occurring must ensure that Access Routes are unobstructed and have a surface condition suitable for the access of emergency Vehicles.

### **49. SECURITY GATES**

No person may install a gate across a fire or other emergency access lane or other assemblies used to secure primary or secondary Access Routes unless the installation has been approved by the Fire Chief PRIOR to installation.

### **50. SIGNAGE**

Each owner of public use property shall ensure that all Access Routes to Buildings on that property have "NO PARKING – FIRE LANE" signs permanently posted at each entrance and at intervals not less than ten (10) metres apart.

**PART 10 OFFENCES, PENALTIES AND ENFORCEMENT****51. VIOLATION OF BYLAW**

- (1) This bylaw is enforceable by the Fire Chief, Officers, and any person designated by Council to enforce it.
- (2) A person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw, commits an offence and is liable to a minimum fine of \$500.00 and the maximum fine prescribed by the *Community Charter*.
- (3) Where an offence is continuing, the minimum and maximum fines shall apply to the offence for each day the offence continues.

**52. MUNICIPAL TICKETS / FEES AND CHARGES**

The Village of Midway Municipal Ticket Information Bylaw and the Village of Midway Fees and Charges Bylaw apply to this Bylaw.

**53. POSTED NOTICE**

No person shall remove, alter, or deface any notice posted pursuant to this Bylaw.

**54. IMPERSONATION**

No person shall falsely represent that he or she is a Member of the Department.

**55. ENTRY ON DEPARTMENT PROPERTY**

No person shall enter on any premises occupied by the Department, without the permission of the Fire Chief, an Officer of the Department or the Chief Administrative Officer.

**56. COST RECOVERY**

If an owner or Occupant is in default of a notice or order made under this bylaw that requires the owner to do something, the Village, by its employees or contractors, may enter the property and effect the work required to be done in the notice or order, at the expense of the owner or Occupant so defaulting in accordance with section 17 of the *Community Charter*.

57. All costs incurred by the Village under section 56 shall be invoiced to the applicable owner or Occupant and may be recovered in the same manner as property taxes in accordance with sections 258 and 259 of the *Community Charter*.

58. A notice or invoice made under this bylaw shall be in writing and must be directed to the applicable owner and Occupant of the property in respect of which the notice or invoice is made.

59. A notice or invoice made under this bylaw shall be served

- (a) by delivering it or causing it to be delivered to the person to whom it is directed; or
- (b) by sending the notice by return registered or certified mail to the last known property owner at the owner's last known address; or
- (c) after 14 days of sending a notice by return registered or certified mail to the last known property owner at the owner's last known address, by posting a copy in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known, or refuses to accept service of notice.

60. **SEVERABILITY**

If any section, subsection or clause of this Bylaw is declared or held to be invalid by a court of competent jurisdiction, then the invalid portion will be severed and the remainder of this Bylaw will be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

61. **REPEAL**

The Regulate Burning within the Village of Midway, Bylaw No. 381 – Burning Bylaw is hereby repealed.

READ A FIRST TIME this **16th** day of **June**, **2014**

READ A SECOND TIME this **16th** day of **June**, **2014**

READ A THIRD TIME this **16th** day of **June**, **2014**

Rescind Third Reading of Bylaw No. 451 given June 16, 2014

Reintroduced and READ A THIRD TIME as amended this **27<sup>th</sup>** day of **June**, **2014**

ADOPTED this **30th** day of **June**, **2014**

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Mayor

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Chief Administrative Officer