

THE CORPORATION OF DELTA

BYLAW NO. 5855

*A Bylaw to provide for the prevention and suppression of fires,
for regulating the conduct of persons at fires
and to regulate the sale and disposal of explosives, firecrackers and fireworks
and to authorize the issuance of permits in order to protect life and property.*

Whereas the Council may by bylaw provide for the above purposes, now therefore, the Municipal Council of The Corporation of Delta, in open meeting assembled, ENACTS AS FOLLOWS:

SECTION 1 - CITATION

Amend
BL 6430,
2006

1. This Bylaw may be cited as the “**Delta Fire Regulation Bylaw No. 5855, 2001**”.

SECTION 2 - INTERPRETATION

2.1 Definitions

In this Bylaw, unless the context otherwise requires:

- (1) “**Alarm**” means the giving, signaling or transmission to any public fire hall or fire dispatch or company or to any officer or employee thereof, whether by telephone, spoken word or otherwise, information to the effect that a fire or emergency situation exists at or near the place indicated by the person giving, signaling or transmitting such information;

Amend
BL 7426,
2015

- (1.1) “**Ambulance Services**” means ambulance services as defined in the *Emergency Health Services Act* [RSBC 1996], chapter 182, as amended or replaced from time to time.”

Amend
BL 7426,
2015

(1.2) “**Ancillary Health Service**” means the provision of health care to an injured or sick person that supports, supplements or complements, or that is related or ancillary to, one or both of the following:

- i. ‘Ambulance Services’; or
- ii. ‘Emergency Health Services’,

including, but not limited to, ‘EMA FR Services’ and ‘EMR Services’, until Ambulance Services, Emergency Health Services, Urgent Health Services, or services provided by, from, in or through a Facility are willing and available to provide health care to that person.

Amend
BL 6430,
2006

(2) “**Approved**” means acceptable to the “Authority Having Jurisdiction”;

(3) “**Automatic fire sprinkler system**” means an integrated system of underground and overhead piping designed in accordance with fire protection standards, and which is normally activated by heat from a fire, and discharges water over the fire area;

(4) “**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.

(5) “**Chief Officers**” means the persons designated as the Fire Chief or Deputy Fire Chief(s);

(6) “**Delta Fire & Emergency Services**” means the Fire Department for the Municipality of Delta;

(7) “**Deputy Fire Chief(s)**” means those persons designated by Council with specific senior roles and responsibilities for Delta Fire & Emergency Services;

Amend
BL 7426,
2015

(7.1) “**EMA FR Services**” means those services, including endorsed services, which a member holding a licence in the category EMA FR, as defined in the Emergency Medical Assistants Regulation, B.C. Reg. 210/2010, as amended or replaced from time to time, is licensed to provide.

Amend
BL 7426,
2015

(7.2) “**EMR Services**” means those services, including endorsed services, which a member holding a licence in the category EMR, as defined in the Emergency Medical Assistants Regulation, B.C. Reg. 210/2010, as amended or replaced from time to time, is licensed to provide.”

Amend
BL 7426,
2015

(7.3) **“Emergency Health Services”** means emergency health services as defined in the *Emergency Health Services Act* [RSBC 1996], chapter 182, as amended or replaced from time to time.

Amend
BL 7426,
2015

(7.4) **“Facility”** means a facility as defined in the *Emergency Health Services Act*.

(8) **“False alarm”** means any alarm, regardless of how caused, necessitating a response by the Delta Fire & Emergency Services where a fire or emergency does not exist;

(9) **“Fire alarm system”** means a system consisting of a control unit and a combination of electrical interconnected devices, which is:
i. designed and intended to detect a fire condition and to actuate an alarm or warning of fire in a building or structure;
or
ii. manually activated and includes the systems installed throughout any building or portion thereof;

(10) **“Fire Chief”** means the person appointed from time to time by the Council as the Director of Fire & Emergency Services of the Municipality, or the duly appointed Deputy Fire Chief(s).

(11) **“Fire Prevention”** means that part of fire protection activities exercised in advance of the outbreak of fire to help prevent loss of life and property due to fire;

Amend
BL 6430,
2006

(12) **“Fire Protection”** means services designated as such and supplied by the Municipality for the suppression of fire and the protection of life and property, including those services set forth in Schedule “A” to this Bylaw;

(13) **“Fire Protection Officer”** means any person authorized in writing by the Fire Chief pursuant to Section 6 of the *Fire Services Act* to exercise the powers of a local assistant;

(14) **“Fire Protection Services”** means the section within Delta Fire & Emergency Services responsible for fire and hydrant inspections, fire cause determination and fire arson investigations;

Amend
BL 6430,
2006

(15) **“Fireworks”** means manufactured goods intended to be used to produce an explosion or for pyrotechnic effect and, without limiting the generality thereof, includes cannon crackers, fireballs, firecrackers, mines, Roman candles, skyrockets, squibs, torpedoes, Low Hazard Fireworks and High Hazard Fireworks, and any other explosive designated as a firework by regulation under the *Fireworks Act*, but excludes caps for toy products, Christmas crackers, sparklers and model rocket engines;

Amend
BL 6430,
2006

(16) **"Fireworks Permit"** means a Fireworks permit issued pursuant to Section 12 of this Bylaw;

Amend
BL 6430,
2006

(17) **"Fireworks Safety Plan"** means a site plan that is drawn to scale with the direction of the proposed discharge of Fireworks, all applicable separation distances, a North arrow, and any and all significant ground features, buildings, structures, overhead obstructions, parking areas, spectator viewing areas and fallout zones indicated thereon and, in the case of an application for High Hazard and/or Movie/TV Pyrotechnics, must indicate the position of all ramps, mortars and emergency vehicles; and

Amend
BL 6430,
2006

(18) **"Fireworks Supervisor"** means a person certified by the Explosives Regulatory Division of Natural Resources Canada to conduct a Fireworks display;

Amend
BL 6430,
2006

(19) **"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 forgoing, includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons, and firecrackers; (*Explosives Act*).

(20) **"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 and to which the Delta Fire & Emergency Services has responded;

Amend
BL 6430,
2006

(21) **"Low Hazard Fireworks"** means those Fireworks defined as such under the current Explosives Regulations made under the *Explosives Act* of Canada and, without limiting the generality of the foregoing, includes firework showers, fountains, golden rain, lawn lights, pin wheels and volcanoes;

(22) **"Member"** means any person that is an employee or a volunteer of Delta Fire & Emergency Services;

(23) **"Municipality"** means The Corporation of Delta and the geographic area governed thereby;

Amend
BL 6795,
2009

(23.1) **"Municipal Property"** means any property owned in whole or in part by, or managed by, The Corporation of Delta;

(24) **"Occupant"** includes the registered owner and/or any lessee, tenant and licensee of any building or premises;

(25) **"Occupancy Group"** means a classification as defined in the current *B.C. Fire Code*, or in this bylaw;

Amend
BL 7426,
2015

(26) **“Officer”** means those members of Delta Fire & Emergency Services who are the Fire Chief, Deputy Fire Chiefs, Captains and Lieutenants or those members who are acting in the capacity as a supervisor or designated by the Fire Chief as an officer;

(27) **“Private Street”** means any access way normally intended for vehicular use not dedicated as a public street.

(27.1) **“Urgent Health Services”** means urgent health services as defined in the *Emergency Health Services Act* [RSBC 1996], chapter 182, as amended or replaced from time to time.

Amend
BL 6430,
2006

(28) **“Movie/TV Pyrotechnics”** means any Firework utilized at a movie or television production.

(29) All other Words and Phrases shall be construed in accordance with the meaning assigned to them by the current "*B.C. Building Code*", the *Fire Services Act* or the "*B.C. Fire Code*", as the context and circumstances may require.

Amend
BL 6319,
2005

2.2 **Adoption of *B.C. FIRE CODE***

The "British Columbia Fire Code" as adopted and amended from time to time pursuant to the *Fire Services Act*, R. S. B. C. 1996, c. 144, (the "Fire Code"), is hereby adopted and made part of this Bylaw and shall be applicable within the Municipality of Delta.

SECTION 3 - DELTA FIRE & EMERGENCY OPERATIONS

3.1 **Establishment**

Delta Fire & Emergency Services, are hereby established to provide those services set out herein. The head of the Delta Fire & Emergency Services shall be known as the Director of Fire & Emergency Services, but may be referred to in this bylaw as the Fire Chief.

3.2 **Director of Fire & Emergency Services & Officers**

In addition to the Director of Fire & Emergency Services, Delta Fire & Emergency Services shall consist of officers and other members as from time to time may be employed by the Municipality and assigned to Delta Fire & Emergency Services.

3.3 **Deputy Fire Chiefs**

All Deputy Chiefs 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/assigned to them.

3.4 **Management and Control**

The Fire Chief or the Deputy Fire Chief(s) shall be responsible for the management, control and supervision of the Delta Fire & Emergency Services, for all Delta Fire & Emergency Services officers and members and the discipline thereof and for the care, custody and control of all buildings, apparatus and equipment of the Delta Fire & Emergency Services.

3.5 **Limits of Jurisdiction**

The geographical limits of the jurisdiction of the Delta Fire & Emergency Services shall be the area within the boundaries of the Municipality, and no apparatus of the Delta Fire & Emergency Services shall be used beyond the limits of the Municipality without an express written agreement providing for the supply of fire fighting services outside the municipal boundaries or the prior approval of the Mayor.

3.6 **Rules and Regulations**

The Fire Chief may from time to time make rules and regulations for the proper and efficient administration and operation of the Delta Fire & Emergency Services and for the discipline of its members, and may vary, alter, or repeal such rules or regulations as he shall from time to time deem fit or necessary.

3.7 **Prevention, Control and Enforcement**

Delta Fire & Emergency Services 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 rescue operations and the provision of Ancillary Health Services. The Fire Chief or any officers or members may enforce the Fire Code and any applicable municipal bylaws and regulations for the prevention and suppression of fires. The Fire Chief may charge for the use of fire services and auxiliary equipment and personnel. Fire Protection Officer(s) may exercise the powers provided by the *Fire Services Act*.

3.8 **Demolition of Buildings**

The Fire Chief or any other member designated by the Fire Chief to be in charge at an incident shall have 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 or to prevent damage to property, injury to persons or loss of life.

3.9 **Right to Enter**

The Fire Chief or any other member in charge at an incident is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment to enter, as deemed necessary, in order to combat, control or deal with the incident.

Amend
BL 7426,
2015

3.10 Commandeering of Equipment

The Fire Chief or any other member in charge of an incident is empowered to commandeer personnel and privately owned equipment which are considered necessary to deal with an incident.

3.11 Contamination and Replacement of Equipment

The Fire Chief may charge an owner or occupant of a premise for the replacement or repair of Fire & Emergency Services 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 good and will require decontamination, repair or replacement. This 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 the property taxes of the owner of the property.

3.12 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.

3.13 Rendering Fire Service to a Non-Resident

Where Fire & Emergency Services are required at a Motor Vehicle Incident and service has been provided to a person or persons and who does not reside in the Municipality of Delta, a fee will be charged to the registered owner of the vehicle for the services provided. This fee is payable as specified in Schedule "A" Cost Recovery.

3.14 Fire Investigation Fee Cost Recovery

For every incident where damage is in excess of \$5,000 and for which a Fire Investigation and Fire Investigation report must be completed by the Fire Chief or an officer designated by him 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. Any fees not paid after 3 months from the date of investigation shall be levied as a tax against the property assessment for the following year.

Amend
BL 7426,
2015

3.15 Provision Of Ancillary Health Services

In the course of providing Ancillary Health Services, a member may provide only those services, including endorsed services, for which he or she is licensed under the *Emergency Medical Assistants Regulation*, B.C. Reg. 210/2010, as amended or replaced from time to time.

SECTION 4 - CONDUCT OF PERSON(S)

4.1 Hindrance

No person shall impede or hinder in any way an officer or member in the execution of their duties or any other person under the direction of an officer or 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 except those duly authorized by the Fire Chief, officer or any other member in charge at an incident shall enter any building threatened by an incident or enter within an 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 False Representation

No person shall falsely represent himself as a member or wear or display any Delta Fire & Emergency Services badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

SECTION 5 - FIRE PREVENTION REGULATIONS

5.1 Fires in Public Places

No person, except an officer or member or an employee of the Municipality in the course of their employment, shall make or light any fire in any highway allowance, street, lane, square, park or other public place within the Municipality, except as so authorized by the Fire Chief.

5.2 Discarding Burning Substances

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

5.3 Accumulation of Combustibles

No person shall permit any accumulation of combustible growth, waste or rubbish of any kind which, in the opinion of the Fire Chief, Fire Protection Officer or Officer, is liable to catch fire and endanger property, to be or to remain upon any premises. All growth which is liable to catch fire and endanger property shall be cut down and removed by the owner or occupant, of the premises 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 costs.

5.4 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.

5.5 Barbecues

Notwithstanding subsection 5.4, charcoal, natural gas or propane gas fires contained within barbecues or other approved appliances for the sole purpose of cooking food shall be permitted.

5.6 Agricultural and Land Clearing

Notwithstanding subsection 5.4, in any area zoned "Agricultural" where the Fire Chief or an Officer designated by him considers it safe to do so, the Fire Chief or Officer designated by him may issue a permit for burning in the open air of cut and piled brush, slash, grass and other organic agricultural materials resulting from the clearing of land and for the destruction of agricultural waste materials originating on that property, provided that:

- (1) every person who starts a fire under the provisions of this subsection shall cause a watch to be kept on such fire until it is completely extinguished and shall provide sufficient personnel, appliances and equipment to prevent the fire from becoming dangerous to life or property;
- (2) such burning shall not be carried out within 50 metres from any buildings, structures, standing timber or any other flammable or combustible material;
- (3) such burning shall only be carried out from Monday to Friday inclusive in any week;
- (4) no pile of burning material shall exceed 5 metres in diameter or 3 metres in height;
- (5) no substance which produces heavy black smoke when burned, such as rubber tires or petroleum products, shall be burned in connection with such burning; and
- (6) no such burning shall be carried out where, due to climatic conditions or other hazards, it would be unsafe to do so.
- (7) a fire shall not be started within 500 metres of any property containing a residential, commercial or industrial occupancy.

5.6.1 Application for Fire Permit

Every application for a fire permit pursuant to this Bylaw shall be made to the Fire Chief or an Officer designated by him on a form approved by the Fire Chief. The Fire Chief or the Officer designated by him is hereby authorized and empowered to grant or refuse any such permit, subject to the provisions of this Bylaw, the Fire Services Act and the *Forest Act*.

5.6.2 Restrictions to Fire Permits

The Fire Chief or an Officer designated by him, may attach to any fire permit issued pursuant to this Bylaw such conditions and restrictions as he deems necessary for safety and the prevention of the spread of fire.

5.6.3 Suspension of Fire Permits

The Fire Chief or an Officer designated by him, is hereby authorized and empowered to suspend or revoke any permit under this Bylaw where it is determined that the holder of the permit has done anything which contravenes any provision of this Bylaw, the *Fire Services Act* and the regulations pursuant thereto which contravenes this bylaw, the *Fire Services Act*, the *Forest Act* or any regulation pursuant thereto.

5.6.4 Acceptable Material for Fire Permits

The only acceptable material allowed to be burned under a fire permit is organic agricultural waste material as specified in section 5.6.

5.6.5 Exemptions to Burning Regulations

Notwithstanding any other provision of this bylaw, the Delta Fire & Emergency Services may burn buildings, structures, or other materials for the purpose of training its personnel in structural firefighting methods, fire investigation procedures or for the purpose of elimination of hazards.

5.7 Camp Fires

Notwithstanding sections 5.4 and 5.6.4, where the Fire Chief or an Officer designated by him considers it expedient to do so, he may issue a permit for burning in the open air, wood for camp fires, provided that such burning shall only be carried out in areas designated and approved by the Fire Chief.

5.8 Suspension of Burning

When the Fire Chief or an Officer designated by him deems it expedient to do so or where in his consideration hazardous fire conditions exist he may order a total ban on burning and may suspend, cancel or restrict for such time as he may deem necessary any or all burning permits issued by him pursuant to this Bylaw or the *Forest Act* within the Municipality.

5.8.1 Burning Without a Required Permit

The burning of any material without a required permit will result in a cost recovery from the owner or occupant of land where Delta Fire & Emergency Services attended for fire services, payable 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 the property taxes of the owner of the property.

5.9 Commercial Refuse Containers

Where a commercial refuse container is located within 3 metres of a building or a combustible structure, it shall be stored in a noncombustible enclosure and, where any combustible material exists above such enclosure, the enclosure shall be provided with a noncombustible top or ceiling. Violation for incorrect location of a commercial refuse container shall be subject to a cost recovery in Schedule "A".

Amend BL 6795, 2009

SECTION 5A – MUNICIPAL PROPERTY

Amend BL 6795, 2009

5A.1 If, in the opinion of the Fire Chief, the safety of life, property, or the environment within any Municipal Property is endangered or threatened by fire or is at a heightened risk of fire, the Fire Chief may, by Order, declare such Municipal Property closed for such period or periods of time as the Fire Chief may determine.

Amend BL 6795, 2009

5A.2 An Order made pursuant to section 5A.1 shall be posted in at least two locations on the Municipal Property to which it applies.

Amend BL 6795, 2009

5A.3 If the Fire Chief makes an Order pursuant to section 5A.1, no person, other than a municipal employee acting in the course of their employment, shall enter or remain in any closed Municipal Property for any purpose unless authorized in writing by the Fire Chief.

Amend BL 6795, 2009

5A.4 The Fire Chief may, in his or her sole discretion, impose such conditions on any authorization given pursuant to section 5A.3 as he considers appropriate for the protection of life, property, or the environment.

Amend BL 6795, 2009

5A.5 Any person who violates or fails to comply with the conditions imposed by the Fire Chief pursuant to section 5A.4 commits an offence.

Amend BL 6795, 2009

5A.6 The Fire Chief may, in his or her sole discretion, erect fences, ropes, gates, tape or barriers, or post signs, to demarcate or prevent access to the closed Municipal Property and take such other measures as he or she believes are necessary or reasonable to prevent persons from entering closed Municipal Property.

Amend
BL 6795,
2009

- 5A.7 The Fire Chief may, as and when he considers appropriate, amend or cancel any Order made pursuant to section 5A.1 or any authorization given pursuant to section 5A.3 or any conditions imposed on such authorization pursuant to section 5A.4.

SECTION 6 - INSPECTION OF PREMISES

6.1 Authorization to Enter

The Fire Chief or an Officer designated by him are 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 in them by the *Fire Services Act*, are hereby authorized and empowered to inspect premises for conditions which may cause fire or increase the danger of fire or increase 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 an Officer designated by him in connection with the inspection of such premises pursuant to this Bylaw, the *Fire Code* and the *Fire Services Act*.

6.3 False Information

No person shall purposely withhold or falsify any information required by the Fire Chief or an Officer designated by him or in connection with a permit issued under this Bylaw or refuse to assist in the carrying out of any 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 an Officer designated by him while they are carrying out any inspection pursuant to this Bylaw, the *Fire Code* or the *Fire Services Act*.

6.5 Remedial Orders

The Fire Chief or an Officer designated by him are 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 owner or occupant of same shall carry out of every requirement of the order.

6.6 Dating of Orders

Every order issued by the Fire Chief or an Officer designated by him pursuant hereto shall state a date by which the order shall be carried out, which date shall, in the discretion of the issuer, have 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.

SECTION 7 - FREQUENCY OF INSPECTIONS

7.1 Frequency of Municipal Inspections

The Fire Chief is:

- (1) authorized and directed to establish a regular system for the inspection of all hotels, public buildings, churches, theatres, halls and other buildings used as a place of public resort, including the frequency of inspections in accordance with the requirements of the *Fire Services Act*;
- (2) authorized to establish a regular system for the inspection of all other buildings in the Municipality;
- (3) authorized to establish classes of buildings and different inspection frequencies for different classes of buildings;
- (4) authorized to amend the frequency of inspection schedule from time to time; and
- (5) required to provide one copy of the current frequency of inspection schedule to each person who requests one.

Amend.
BL 6207,
2003

7.2 Self Inspections

The Fire Chief may establish and supervise a self inspection program for an occupancy class or portion thereof. If a self inspection program is established:

- (1) The owner of premises in the specified occupancy class or portion thereof shall perform a self inspection of the premises or cause same to be performed and shall return a form approved by the Fire Chief for the purpose of self inspection within the time limit set forth on such form.
- (2) All self inspections forms must be completed and submitted to Fire Protection Services by the required due date.
- (3) If an owner or agent for the owner requests Delta Fire & Emergency Services to perform the self inspection a fee will be charged for the inspection as specified in Schedule "A" Cost Recovery

- (4) If the owner fails to perform a self inspection and return a completed approved self inspection form within the prescribed time, a Fire Protection Officer may inspect the premises and a fee will be charged for an inspection in accordance with Schedule "A" Cost Recovery.
- (5) 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.

7.2.1 Frequency of Self Inspections

The frequency of self inspections will be determined and approved by the Fire Chief.

7.3 Inspection Fee Cost Recovery

If any additional inspection is requested or required during an inspection period, a fee shall be charged for each additional inspection. The charge is subject to a cost recovery in accordance with Schedule "A". Failure for 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.

SECTION 8 - REFERENCE REQUIREMENTS

8.1 Requirement to Designate Contact Persons

Any owner or occupant of a premise having either a fire alarm system or an automatic fire 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 three persons ("contact persons") who will be available to attend, enter and secure the premise.

8.1.1 Reference Forms

Each owner or occupant that matches the specifications in Section 8.1 of this bylaw can obtain the form by contacting Fire Protection Services.

8.2 Failure to Provide Contact Person Information

Failure to comply with the requirements in Section 8.1 will result in a fee charged to the owner or occupant for any standby time at a premise where an alarm has resulted and Fire & Emergency Services have attended and where a contact person has not attended within the required time as specified in Section 8.3. 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.

- 8.3 **Responsibility of Contact Persons**
Contact persons must attend all alarms within 45 minutes when requested by Delta Fire & Emergency Services and must attend to secure the premises and when appropriate, release fire companies from the incident.
- 8.3.1 **Failure of Contact Persons to Arrive**
Failure of a notified contact person to respond within the specified time will result in cost recovery for standby time 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 the property taxes of the owner of the property.
- 8.3.2 **Contact Person at a Fire Incident**
During a fire incident, a contact person must attend the scene, and contact the incident commander on scene.
- 8.4 **Changes to Designated Contact Persons**
Any changes to designated contact persons or their phone numbers during the current year must be submitted to Delta Fire & Emergency Services on the specified form as approved by the Fire Chief.
- 8.5 **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 fire officials.

SECTION 9 - FIRE & EMERGENCY SERVICE ACCESS REQUIREMENTS

- 9.1 **Fire Safety Plan Requirements**
All buildings, sites, storage areas or other areas as required by the Fire Code section 2.8 Emergency Planning shall have a Fire Safety Plan. Measures within a Fire Safety Plan shall conform to the *Fire Code* section 2.8.2 Fire Safety Plan and shall be produced and submitted to Delta Fire & Emergency Services for approval. All Fire Safety Plans shall be submitted on 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 Delta Fire & Emergency Services for review.
- Should occupancies not have the need to update their current plan, notification of this will still be required to be forwarded to Delta Fire & Emergency Services.
- (1) Changes to a Fire Safety plan will require submission to Fire Protection Services for review.

- (2) A fee will be charged for review as specified in Schedule "A" Cost Recovery.

9.1.1 **Diagram Format**

All drawings contained within a Fire Safety Plan or a Fire Pre-Plan shall conform to a specified form as approved by the Fire Chief. Each drawing diagram shall be included in a digital form as approved by the Fire Chief.

9.1.2 **Fire Pre-Plan Information**

The Fire Chief may establish a Fire Pre-Plan program which will apply to those classes of occupancy specified by the Fire Chief. If such a program is established the owner or occupier of an occupancy within the class specified by the Fire Chief shall submit Fire Pre-Plan data and a Fire Pre-Plan drawing diagram of their occupancy with each level of occupancy drawn as specified in section 9.1.3 of this bylaw. All Pre-Plan submissions shall be on forms approved by the Fire Chief.

- (1) Advanced notice of the establishment of this program and the class or classes of occupancy to which it applies shall be published in a newspaper once per week for two consecutive weeks not less than 30 days prior to the program coming into effect.
- (2) A fee will be charged for review as specified in Schedule "A" Cost Recovery.

Amend.
BL 6207,
2003

9.1.3 **Digital Drawing Format & Fire Safety Symbols**

The Fire Pre-plan drawing diagram containing details as specified by the Fire Code shall be submitted in an electronic drawing format and be printable in portrait format sized to fit on a form approved by the Fire Chief. All elements within the diagram shall be identified in accordance with standards or symbols established from time to time by the Fire Chief.

9.1.4 **Updating Fire Pre-Plans**

Fire Pre-Plans 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 hazardous materials or dangerous goods. A Fire Protection Officer or designated member on a scheduled fire inspection will assess the current Pre-Plan and will note, to the owner or occupant, any required changes or the updating of a Pre-Plan:

- (1) Changes to a Fire Pre-Plan will require submission to Fire Protection Services for review.
- (2) A fee will be charged for review as specified in Schedule "A" Cost Recovery.

9.1.5 **Failure to Submit Pre-Plans**

Should current information on the occupancy and Fire Pre-Plan diagram (both formats) 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-Plan or for updating or completing a Fire Pre-Plan of the occupancy by Delta Fire & Emergency Services.

9.1.6 **Design and Review of Emergency Plans**

On request Delta Fire & Emergency Service will provide for the design or review of a Fire Safety Plan or a Fire Pre-Plan. The charges for this service are as specified in Schedule "A" Cost Recovery.

Amend
BL 6319,
2005

9.2 This Section was deleted by Bylaw No. 6319, 2005.

9.3 **Addressing of Occupancies**

Each premise must be individually addressed. 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. The address must be legible from a distance of 15 metres.

9.3.1 **Sizing of Addresses**

The letters or numbers of any addresses shall be a minimum of 5 inches in height and no less than ½" in a width stroke.

9.3.2 **Colour of Address Lettering**

The letters or numbers shall be of a colour in contrast with any background colour of the building.

9.3.3 **Naming of Private Roads**

Any strata subdivision development where there is a road system contained within the strata development shall name and display each road clearly for emergency providers.

SECTION 10 - FIRE AND SPRINKLER ALARMS

10.1 **Notification of Fire and Sprinkler Alarm Testing**

Any owner or occupant of premises where there is an automatic fire sprinkler system or a fire alarm system shall notify Delta Fire & Emergency Services prior to any service, test, repair, maintenance, adjustment, alteration or installation of the system which might activate a false alarm, which would normally result in an emergency response.

10.2 Excessive False Alarm Incidents

Any owner or occupant of premises where there is an automatic fire sprinkler system or a fire alarm system and there have been more than two false alarms within a twelve-month period shall be assessed a fee 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 those costs being added to the property taxes of the owner of the property.

10.2.1 Cost Recovery for Failure to Notify

The owner or lessee of any occupancy containing an automatic fire sprinkler system or a fire alarm system shall be assessed a fee payable as provided for in Schedule "A" for any false alarm activated following a failure to notify the Delta Fire & Emergency Services prior to service, testing, repair, maintenance, adjustment or alterations, or installation of system. 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.

SECTION 11 - FIRE HYDRANTS**11.1 Clearance Around Fire Hydrants**

An area having a radius of 1 metre around every fire hydrant or standpipe shall be maintained clear and unobstructed and every hydrant or standpipe shall be located in clear view from the roadway while being approached from either direction. Where an owner of a property has a fire hydrant located adjacent to their property, the maintenance of clearance around the hydrant is the responsibility of the registered owner of the property. The standard for clearance around a hydrant is regulated by the Fire Code. An approved diagram is available through Delta Fire & Emergency Services.

11.1.1 Notice of Hydrant Obstruction

Any owner or occupant who fails to provide clearance around a fire hydrant as per section 11.1 will receive a notice on a form approved by the Fire Chief, to provide clearance around the hydrant within a required time as specified in the notice.

11.1.2 Failure to Provide Clearance Within Time on Notice

Any owner or occupant who has been issued a notice as specified in Section 11.1.1 to provide clearance around a hydrant and fails to provide that clearance within the time frame specified on that notice 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 those costs being added to the property taxes of the owner of the property.

11.2 **Colour of Fire Hydrants**

The colour coding and location of all fire hydrants or other Delta Fire & Emergency Service connections shall be subject to the approval of the Fire Chief and the Municipality's Director of Engineering.

11.3 **Fire Flow Testing and Marking of Hydrants**

Fire flow testing and the classification marking of fire hydrants shall be the responsibility of The Corporation of Delta.

11.3.1 **Classification of Fire Flow Markings**

The hydrant bonnet colour markings for municipal hydrants shall be:

- | | |
|-----------------------|---------------------------------------------------------|
| Class AA - Light Blue | - Rated capacity of 1,500 gpm (5,680 L/min) |
| Class A - Green | - Rated capacity of 1,000-1,499 gpm (3,785-5,675 L/min) |
| Class B - Orange | - Rated capacity of 500-999 gpm (1,900-3,780 L/min) |
| Class C - Red | - Rated capacity of less than 500 gpm (1,900 L/min) |

11.4 **Hydrant Usage**

No person shall use or take water from any standpipe or hydrant or shall make attachment thereto without first obtaining the written permission from the Director of Engineering of the Municipality.

11.5 **Tampering with a Hydrant**

No person shall mechanically open a Municipal or Private fire hydrant who is not authorized to do so by the Municipality. No person shall tamper with any mechanical operation of a Municipal or Private Fire Hydrant.

Amend
BL 6430,
2006

SECTION 12 - FIREWORKS

12.1 **General Fireworks Prohibition**

No person other than a holder of a Fireworks Permit shall possess or transport a Firework at any time within the Municipality.

12.2 **No Fireworks Sales**

No person may offer for sale, sell, give or trade a Firework within the boundaries of the Municipality

12.3 **Authority to Issue Permits**

The Fire Chief or an Officer designated by him or her is hereby authorized to issue Fireworks Permits in accordance with this Bylaw, subject to such conditions, restrictions and provisions as are set forth in this Bylaw or as he or she may consider necessary or expedient for the prevention of fires or for the safety and protection of persons or property. No Fireworks Permit may be issued to any applicant who

- (1) is not an individual;
- (2) is less than 19 years of age
- (3) wishes to use Fireworks for a purpose other than the observance or celebration of a special event or festival or for religious or ceremonial purposes or in connection with a movie or television production;
- (4) has not submitted a complete application in accordance with Section 12.4 and, if applicable, 12.5; or
- (5) in the case of a Fireworks Permit for High Hazard Fireworks or Movie/TV Pyrotechnics, is not a Fireworks Supervisor

12.4 **Application for Fireworks Permit**

Every application for a Fireworks Permit shall be in writing on an approved form and delivered to the Fire Chief or an Officer designated by him not less than 10 business days before the Fireworks event that is the subject of the application. Each Fireworks Permit application must

- (1) specify whether the application is in respect of Low Hazard Fireworks or High Hazard Fireworks or both.
- (2) specify the day and hours during which and the address of the property(ies) or place(s) at which the Fireworks are proposed to be stored and/or used
- (3) include an originally executed letter of permission from the registered owner of the property(ies) or place(s) at which the Fireworks will be stored and/or used, if the applicant is not such registered owner;
- (4) include a Fireworks Safety Plan deemed reasonably safe and otherwise acceptable by the Fire Chief or an Officer designated by him for the purpose of issuing Fireworks Permits for each property or place at which the Fireworks will be used

- (5) include proof of comprehensive general liability insurance coverage, with \$5,000,000 minimum coverage per occurrence, for the proposed use of Fireworks, with limits and terms acceptable to the Fire Chief or an Officer designated by him; and
- (6) include an event description, which shall include a time schedule of the event, attendance estimates, lists of Fireworks to be used, firing procedures, emergency response procedures and a list of crew members

12.5 **Additional Requirements for High Hazard Fireworks and Movie/TV Pyrotechnics**

In addition to the requirements set forth in Section 12.4, each application for a Fireworks Permit for High Hazard Fireworks and/or Movie/TV Pyrotechnics must

- (1) include a copy of the Explosive Resource Division Event approval issued for the proposed Fireworks event;
- (2) include traffic control plans for the Fireworks event that are acceptable to the Fire Chief or an Officer designated by him; and
- (3) include evidence acceptable to the Fire Chief or an Officer designated by him that the applicant is a Fireworks Supervisor.

12.6 **Fire Protection for Movie/TV Pyrotechnics**

The Fire Chief or an Officer designated by him will require Fire Protection at a Movie/TV Pyrotechnics display. The level of Fire Protection required will be based on minimum staffing requirements for the particular site and proposed Fireworks display to meet life safety and emergency resource needs. A cost recovery fee will be charged as specified on Schedule "A".

12.7 **Fireworks Permit Fees**

On each application for a Fireworks Permit under this Section 12, a cost recovery fee will be charged as specified on Schedule "A" for administration of the Fireworks Permit application, including any review of the proposed site of Fireworks use and the Fireworks Safety Plan

12.8 **Use of Fireworks pursuant to a Fireworks Permit**

Each holder of a Fireworks Permit must:

- (1) possess, store, light, fire, set off, discharge, detonate and explode only those Fireworks specified in, and only with the requisite Fire Protection (if applicable pursuant to Section 12.6) and in accordance with the terms and conditions specified in, the Fireworks Permit and the application submitted in respect of such Fireworks Permit (including the Fireworks Safety Plan) and in the event of any discrepancy between the Fireworks Permit and the corresponding application, the Fireworks Permit will govern;
- (2) ensure that the Fireworks are not lit, fired, set-off, discharged, detonated or exploded except under the direct supervision and responsibility of the Fireworks Permit holder; and
- (3) ensure that the possession, storage, lighting, firing, setting-off, discharge, detonation, explosion or any other use of the Fireworks subject to the Fireworks Permit conform in every respect to the regulations made under the Canadian *Explosives Act*, the Fireworks manual as published by the Explosives Branch of Canada, this Bylaw, and all other applicable legislation.”;

SECTION 13 - GENERAL PROVISIONS

13.1 Contraventions of Bylaw

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 permit or order 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 is subject to prosecution in accordance with the *Offence Act*. Each day that any such violation, contravention or non-compliance continues shall constitute a separate offence.

Amend
BL 6795,
2009

13.2 Severability

If any part, sub-section 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 have been enacted without the invalid portion.

13.3 **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.

Amend.
BL 6430,
2006

13.4 Schedule "A" attached hereto shall form part of this Bylaw.

13.5 Copies of any forms, applications, specifications or other matters which are subject to the approval of or established by the Fire Chief are available at 4645 - Harvest Drive, Delta, BC; between 8:30 am and 4:30 pm, Monday to Friday, excluding holidays.

13.6 **Delta Fireworks Bylaw No. 4839, 1992 Repealed**

"Delta Fireworks Bylaw No.4839, 1992" is hereby repealed.

13.7 **Delta Fire Prevention Bylaw No. 4724, 1990 Repealed**

"Delta Fire Prevention Bylaw No. 4724, 1990" is hereby repealed.

Amend.
BL 7846,
2019

SECTION 14 – RADIO AMPLIFICATION REQUIREMENTS

14.1 For the purposes of this section, "Delivered Audio Quality of 3.4" means speech over radio that is understandable without repetition and may have some noise or distortion present.

14.2 Where a building may cause poor radio communications for first responders, or where the owner of the building is directed to do so by the Fire Chief or their designate, the owner of the building must, at the owner's expense, ensure that:

- (1) all areas of the building meet a minimum standard Delivered Audio Quality of 3.4, as certified by a professional engineer, registered in the Province of British Columbia;
- (2) continual monitoring is always active for any system put in place to ensure that the minimum standard Delivered Audio Quality of 3.4 is met;
- (3) maintenance and testing is conducted annually by a professional engineer, registered in the Province of British Columbia, to ensure the minimum standard Delivered Audio Quality of 3.4 is met; and

- (4) a record of the maintenance and testing referred to in section 14.2.3 is maintained and available for inspection by the Fire Chief or their designate.
- 14.3 If a building fails to meet the minimum standard Delivered Audio Quality of 3.4, the owner of the building must, as soon as the owner becomes aware of the failure:
 - (1) notify the Fire Chief as soon as practicable; and
 - (2) make repairs or other works within five business days, to meet the minimum standard Delivered Audio Quality of 3.4.
- 14.4 If the owner of a building fails to complete repairs or other works under Section 14.3.2 to the satisfaction of the Fire Chief, the Fire Chief may have a temporary radio amplification system installed that meets the minimum standard Delivered Audio Quality of 3.4 at the expense of the owner of the building, to be recovered as a debt owing to the City of Delta, which, if not recovered from the owner of the building by December 31, may be collected in the same manner as for property taxes.
- 14.5 If a new building is deemed by the Fire Chief to have caused a decline below Delivered Audio Quality of 3.4 in an existing building, the owner of the new building, at their expense, must provide for repairs or other works under Section 14.3.2 to return the existing building to Delivered Audio Quality of 3.4, to the satisfaction of the Fire Chief.
- 14.6 Sections 14.2, 14.3, and 14.4 of this bylaw do not apply to:
 - (1) any building that is no more than three storeys in height with a total floor space of no more than 400 square metres; or

- (2) any building that:
- i. is constructed entirely of wood frame;
 - ii. does not have any metal cladding;
 - iii. does not have Low-E reflective glass;
 - iv. does not have any portion of the building with a floor level that is partially or wholly underground;
 - v. has less than 5,000 square metres of combined floor space; and
 - vi. is less than 12 metres in height from the lowest ground elevation to the highest point.

READ A FIRST TIME the **8th** day of **May, 2001.**

READ A SECOND TIME the **8th** day of **May, 2001.**

READ A THIRD TIME the **8th** day of **May, 2001.**

FINALLY CONSIDERED AND ADOPTED the **5th** day of **June, 2001.**

"Lois E. Jackson"

Lois E. Jackson
Mayor

"Gil Mervyn"

Gil Mervyn
Municipal Clerk

SCHEDULE "A" COST RECOVERY
Page 1 of 3

SECTION	DESCRIPTION	COST RECOVERY
3.11 Contamination & Replacement of Equipment	Contamination and replacement of damaged equipment- hazardous material or dangerous goods	Equipment replacement cost or acceptable decontamination costs including taxes. Failure to pay results in costs being applied to the property tax of the owner.
3.12 Fire Protection File Searches	File searches for outstanding code violations or infractions on occupancies.	As approved by the Fire Chief
3.13 Rendering Fire Service to a Non Resident	Fire & Emergency Services provides services to a Non Resident at a Motor Vehicle Incident.	Minimum \$ 300.00 per occurrence. After 1 hour, Fire Crew and Fire Truck Cost \$400.00 per hour. Invoice sent to Vehicle Owner or Insurance Company.
3.14 Fire Investigation Fee Cost Recovery	Fee charged where fire damage is in excess of \$5,000	\$500.00 per Fire Investigation invoiced to the owner/insurance company
5.8.1 Burning Without a Fire Permit	Burning any combustible materials without a fire permit	Minimum \$300.00 per occurrence After 1 hour, Fire Crew and Fire Truck Cost \$400.00 per hour. Failure to pay results in costs being applied to the property tax of the owner.
5.9 Commercial RefuseContainers	Non Compliance to location requirements of containers	Cost of removal to a safe location. Failure to pay results in costs being applied to the Container company or the property tax of the owner.
7.2 (c) Self Inspections	A fee charged to complete a scheduled inspection by a Fire Protection Officer for a registered owner rather than a self inspection.	\$100.00 per occurrence Failure to pay will result in an additional cost being applied to the property tax of the owner.
7.2 (d) Failure to Comply With Self Inspections	Failure to comply with requirements of self inspections	\$150.00 per occurrence Failure to pay results in an additional cost being applied to the property tax of the owner.

SECTION	DESCRIPTION	COST RECOVERY
7.3 Inspection Fee Cost Recovery	Fee charged after second re-inspection during year	\$150.00 per occurrence Failure to pay results in costs being applied to the property tax of the owner.
8.2 Failure to Provide Contact Person Information	Failure to comply with reference requirements	Fire Crew and Fire Truck Cost \$400.00 per hour (minimum 1 hour)per occurrence. Failure to pay results in costs being applied to the property tax of the owner.
8.3.1 Failure of Contact Person to Arrive	Failure of reference to arrive - standby time charge after initial 45 minutes	Fire Crew and Fire Truck Cost \$400.00 per hour (minimum 1 hour)per occurrence. Failure to pay results in costs being applied to the property tax of the owner.
9.1 Fire Safety Plan Review	Review of New Fire Safety Plans for acceptance	\$100.00 per occurrence
9.1.2 Fire Pre-Plan Review	Review new Pre Plans	\$75.00 per hour
9.1.4 Reviewing Updated Fire Pre-Plan	Review changes to existing Fire Pre-Plans.	
9.1.6 Design and Review of Emergency Plans	Design or review Fire Safety Plans and Fire Pre-Plans	
10.2. Excessive False Alarm Incidents	More than two false alarms at an occupancy during a 1 year period where there was no fire or emergency situations existed, and was not a result of testing, repair, maintenance, adjustments or alterations.	\$300.00 per occurrence after initial 2 false alarms. Failure to pay results in costs being applied to the property tax of the owner.
10.2.1 Cost Recovery for Failure to Notify	Activation of alarm system, failure to notify of testing, repair, maintenance, adjustments or alterations	\$300.00 per occurrence Failure to pay results in costs being applied to the property tax of the owner.

Amend
BL 6319,
2005

SECTION	DESCRIPTION	COST RECOVERY
11.1.2 Failure to Provide Clearance Within Time on Notice	Failure to remove an obstruction or provide 1 metre clearance around a fire hydrant within a specified time	<p>Cost of removal by municipal crews or private contractors and invoiced to the registered owner.</p> <p>Failure to pay results in costs being applied to the property tax of the owner.</p>
12.6 Fire Protection for Movie/TV Pyrotechnics	Fee charged for providing Fire Protection at Movie/TV Pyrotechnics productions as required	Current fire equipment and staffing cost recovery, as established based on hourly equipment rates determined by the Fire Chief from time to time and the current collective agreement of the International Association of Fire Fighters, Local 1763
12.7 Fireworks Permit Fee	Processing fee for Fireworks permit applications	\$200 per occurrence

Amend
BL 6430,
2006

Amend
BL 6430,
2006

Sections 12.3.1, 12.8.3, & 12.8.6 Deleted by Bylaw 6430, 2006

Schedule "B" Restricted Fireworks Deleted by Bylaw 6430, 2006