

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Regulatory bylaw for a local service within a portion of Electoral Area F to provide fire prevention and suppression regulations Bylaw No. 1209, 1991

Consolidated for convenience purposes.
Includes all amendments to the text up to November 16, 2006

Summary of Amendments

Bylaw No.	Adopted	Amendment	Purpose
1209.01	June 15, 2006	Replace Section 7	Update regulations regarding Burning Permits
1209.02	July 20, 2006	updated Section 7; updated definitions	Adding clarifying clause at Clause 701 that had been erroneously removed in amendment 1209.01; Adding definition for Prohibited Burning Materials
1209.03	November 16, 2006	Schedule A	Update service area map to include additional parcels

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 1209, 1991

A regulatory bylaw for a local service within a portion of Electoral Area "F" to provide fire prevention and suppression regulations.

WHEREAS a Regional District may, by bylaw, establish and operate fire prevention and suppression as a local service pursuant to Section 788(1)(g) of the Municipal Act.

AND WHEREAS the Regional Board of the Regional District of Okanagan-Similkameen has established fire prevention and suppression services pursuant to Bylaw No. 123 as amended by Bylaw No.418 as amended by Bylaw No. 1125 for the area as outlined and described on Schedule "A" attached to and forming part of this bylaw.

AND WHEREAS, pursuant to Section 788(8) of the Municipal Act, the Regional District may exercise all the powers of a municipality under Section 700 of the Municipal Act which permits fire regulations to be made for the protection of persons and property.

AND WHEREAS the Regional Board of the Regional District of Okanagan-Similkameen wishes to regulate persons or property regarding fire prevention and suppression.

NOW THEREFORE the Regional Board of the Regional District of Okanagan-Similkameen, in open meeting assembled, **ENACTS** as follows:

The British Columbia Fire Code Regulations, as amended from time to time, are hereby adopted and made applicable within the area outlined and described on Schedule "A" attached and forming part of this Bylaw.

This Bylaw is divided into the following parts:

Part I	Definitions
Part II	Fire Department
Part III	Permits
Part IV	Fire Protection and Life Safety
Part V	Inspection of Premises
Part VI	Fire Control
Part VII	Open Air Burning
Part VIII	Enforcement
Part IX	Penalty
Part X	Other

PART 1

DEFINITIONS

Approval	Means acceptance as satisfactory to the Fire Chief
Agricultural Prunings	Means cuttings necessitated by the removal of growth from fruity trees and vines and specifically does not include garden refuse, grass and leaves.
B.C. Building Code	Means the most current regulation made pursuant to Division 5 of Part 21 of the Municipal Act.
B. C. Fire Code Regulations	Means the most current regulation made pursuant to the Fire Services Act and amendments thereto.
Bulk Plants	Means that portion of a property where flammable or combustible liquids are received in bulk quantities and are stored or handled for the purpose of distributing such liquids by pipeline, tank, vessel, tank vehicle or other container.
City	Means the Corporation of the City of Penticton.
Dangerous Goods	Means any product, substance or organism which is of a highly combustible, flammable, or explosive nature, as defined in the Transportation of Dangerous Goods Act R.S.C. 1980-81-82-83 Chapter 36 and amendments thereto and includes the following classes:
Class 1	Explosive, including explosives as defined in the Explosives Act R.S.C. 1974-75-76 Chapter 60 and amendments thereto.
Class 2	Gases, including compressed gases, liquefied petroleum, liquefied natural gas, liquefied or dissolved gases, under pressure.
Class 3	Flammable liquids and combustible liquids.
Class 4	Flammable solids, substances liable to spontaneous combustion; substances that on contact with water emit flammable gases.
Class 5	Oxidizing substances; organic peroxides, chlorates, nitrates.
Class 6	Poisonous (toxic) and infectious substances.
Class 7	Radioactive materials and prescribed substances as defined in the Atomic Energy Control Act as R.S.C. 1974-75-76 Chapter 33 and amendments thereto.
Class 8	Corrosive.
Class 9	Miscellaneous dangerous goods or organisms not included in any of the above classes.
Explosive	Means a rapid release of energy, that may or may not be preceded or followed by a fire, which produces a pressure

wave or shock wave in air and is usually accompanied by a loud noise.

Fire Chief	Means the person appointed from time to time as the Chief of the Fire Department by the Council of the City of Penticton and any officer, member or inspector authorized in writing by the Fire Chief to act on his behalf.
Fire Department	Means the Fire Department of the City of Penticton.
Fire Services Act	Means Chapter 133 R.S.B.C. 1979 and amendments thereto and Regulations made thereunder.
Fire Services Personnel	Means persons regularly employed by the Fire Department, appointed as auxiliary members of the Fire Department, or acting voluntarily as firefighters.
Inspector	Means any Fire Services personnel authorized in writing by the Fire Chief to act in such capacity.
Municipal Act	Means Chapter 290 R.S.B.C. 1979 and amendments thereto.
Occupier	Includes tenant, lessee, agent and any other person who has the right of access to and control of a building or premises to which this bylaw applies.
Officer in Command	Means the senior Fire Department member present.
Order	Includes an approval, a decision, a determination, a permit, and the exercise of a discretion made under the Fire Services Act, the B.C. Fire Code Regulations, or this Bylaw.
Permit	Means a document issued pursuant to this Bylaw authorizing a person to carry on a procedure or undertaking, or to use, store, or transport materials, under certain and specific conditions.
Private Fire Hydrant	Means any fire hydrant located on private property. Regional District means the Corporation of the Regional District of Okanagan-Similkameen.
Prohibited Burning Materials ¹	Means waste material including demolition, renovation or construction waste material and those materials listed in the Open Burning Smoke Control Regulation enacted pursuant to

¹ Bylaw No. 1209.02, adopted July 20, 2006

the Environmental Management Act as amended from time to time including the following:

- a) tires
- b) treated lumber
- c) plastics
- d) railway ties
- e) drywall
- f) manure
- g) demolition waste
- h) rubber
- i) domestic waste
- j) asphalt
- k) paint
- l) asphalt products
- m) special waste
- n) fuel and lubricant containers
- o) tar paper
- p) biomedical waste

Regional District

Means the Corporation of the Regional District of Okanagan-Similkameen.

PART II

FIRE DEPARTMENT

201 Power and Duties of the Fire Chief

The Fire Chief shall manage, control and supervise the Fire Department and have care, custody and control of all buildings, apparatus and equipment of the Fire Department, and be responsible for:

- (a) making such rules and regulations for the proper and efficient administration and operation of the Fire Department and for the discipline of Fire Services Personnel and may, from time to time, but subject always to the provisions of the Fire Services Act, vary, alter or repeal the rules or regulations. All rules and regulations shall be complied with by all Fire Services Personnel and any failure to comply with the rules and regulations shall be dealt with and disposed of by the Fire Chief in such manner as, in his opinion, is proper;
- (b) taking all necessary and proper measures to prevent, control and extinguish fire and for the protection of life and property;
- (c) enforcing all Regional District of Okanagan-Similkameen bylaws respecting fire prevention;
- (d) enquiring into, investigating and recording the cause of all fires in the Regional

District of Okanagan-Similkameen portion of Electoral Area F as outlined and described on Schedule "A" attached to and forming part of this Bylaw.

- (e) collecting and disseminating information in regard to fires within Electoral Area F as outlined and described on Schedule "A"; including investigating conditions under which fires are likely to occur; studying methods of fire prevention; and rendering advice and making recommendations as he may deem advisable in regard to:
 - (i) the establishment and administration of the Fire Department,
 - (ii) the provisions of adequate water supplies for fire protection,
 - (iii) the installation and maintenance of automatic or other fire alarm systems and fire extinguishment equipment.
 - (iv) the enforcement of measures for the prevention of fire or the protection of life and property against fire,
 - (v) the prevention of fires generally.

PERMITS

PART III

- 301**
- (a) A permit, as outlined on Schedule "B" attached to and forming part of this Bylaw, when issued by the Fire Chief, shall constitute permission to maintain, store, or handle materials, or to conduct processes which may produce conditions hazardous to life or property, or to install equipment used in connection with such activities.
 - (b) A permit does not take the place of any licence required by law.
 - (c). A permit shall not be transferable and any change in occupancy or use of a building or premises shall require a new permit.
 - (d) Before a permit may be issued, the Fire Chief may inspect and approve the receptacles, vehicles, buildings, property or storage places to be used.
 - (e) In cases where laws or regulations, including bylaws enforceable by departments other than the Fire Department, are applicable, approval shall be obtained from all departments concerned.

302 A permit shall be required:

- (a) In conformance with the "Flammable and Combustible Liquids" Section of the British Columbia Fire Code Regulations.
- (b) In conformance with the "Open Air Fire" restrictions as set out in Part VI of this bylaw.

Permit Application

303 The application for a permit shall be made in the form prescribed by the Fire Chief and satisfy at least the following requirements:

- (a) the signature of the applicant;
- (b) a statement of the intended use and occupancy showing:
 - (i) the dimensions of the building and its location;
 - (ii) the proposed use of each room or floor area;
 - (iii) fire protection installations, including portable extinguishers, fire alarms and detectors;
 - (iv) means of egress;
 - (v) a plot plan showing the location of all flammable liquid tanks and pumps in relation to buildings and property lines;
 - (vi) a plot plan showing the location of Public Fire Works Display including adjacent properties that may be affected.

304 **Permit Fees**

The fees hereinafter specified shall be paid to the City of Penticton by all applicants for any permit required by this bylaw, or under the Code adapted by this bylaw, or by the regulations passed pursuant to the provisions of the Fire Services Act, as amended from time to time, and for inspection of any work or thing for which the said permit is required:

(a) for any installation of gasoline tanks, oil tanks, diesel tanks and dispensing pumps:

2,300 L		(500 I.G.)	\$ 15.00
2,301	4,600 L	(501 - 1,000 I.G.)	\$ 20.00
4,601	23,000 L	(1,001 - 5,000 I.G.)	\$ 30.00
23,001	46,000 L	(5,001 - 10,000 I.G.)	\$ 40.00
46,001	115,000 L	(10,001 - 25,000 I.G.)	\$ 60.00
115,001	- 230,000 L	(25,001 - 50,000 I.G.)	\$100.00
230,001	- 460,000 L	(50,001 - 100,000 I.G.)	\$150.00
460,001	- 920,000 L	(100,001 - 200,000 I.G.)	\$200.00
920,000	- 2,300,000 L	(200,001 - 500,000 LG.)	\$250.00

Each dispensing pump \$ 10.00

- (b) Inspections and installation of domestic and commercial oil burners:
 - Each domestic installation \$ 5.00
 - Each commercial installation \$ 10.00
- (c) For each "Open Air Burning" permit which requires a site inspection \$ 10.00

305 Issuing and Posting of Permits

- (a) The Fire Chief may issue a permit where:
 - (i) an application is made in the form prescribed;
 - (ii) the proposed use or occupancy conforms with applicable bylaws, codes and regulations; and
 - (iii) the permit fee has been paid
- (b) The Fire Chief may revoke a permit where there is a violation of:
 - (i) any condition under which the permit was issued; or
 - (ii) any requirement of this bylaw, codes or regulations
- (c) This Bylaw shall not be construed to hold the Regional District or the City responsible for any damage to persons or property by reason of:
 - (i) inspections authorized by this bylaw
 - (ii) the failure to carry out an inspection
 - (iii) a permit issued as herein provided; or
 - (iv) the approval or disapproval of any equipment authorized by this bylaw
- (d) Permits and licences shall be posted upon the building or premises described therein and made available for inspection by the Fire Chief.

PART IV

FIRE PROTECTION AND LIFE SAFETY

401 Evacuation

If an emergency arising from a fire, fire hazard, toxic chemical spill or from a risk of explosion, causes the Officer in Command to be apprehensive of imminent and serious danger to life or property, he may immediately take the steps he thinks necessary or advisable to remove the hazard or risk and he may order the evacuation of a building or area and may call upon the police to assist him and provide security to the evacuated area.

402 Removal of Fire Hazards

Whenever, in or upon any building or premises, there exists any material of a flammable, combustible or explosive nature, or any dangerous or unnecessary accumulation of waste materials or litter or vegetation of a nature which constitutes a fire hazard, and any such material is so situated in the opinion of the Fire Chief as to endanger life or property or to obstruct ingress or egress from the building or premises in case of fire, or which may interfere with the operations of the Fire Department, or where any other conditions exist which are considered by the Fire Chief to be a fire hazard, the owner or occupant of the building or premises shall forthwith, upon the Order of the Fire Chief, have the material removed, disposed of or otherwise dealt with in accordance with the Order.

403 Disposal of Material

No person may, within the area outlined on Schedule "A", dispose of any dangerous goods without first having obtained from the Fire Chief written permission setting out the conditions and location, if any, for such disposal.

404 Explosion or Potential Explosion

It is the duty of the owner or occupier of any building, premises, motor vehicle, vessel, railway rolling stock, or other property to report immediately to the Fire Chief any explosion, discharge, emission, escape or spill of dangerous goods in respect thereof which occurs or where the potential for such an occurrence exists by reason of abnormal or unusual circumstances.

405 Forests

Where, in the opinion of the Fire Chief, the safety of life or property in any area within the area outlined on Schedule "A" is endangered through the hazardous condition of the forest cover or the occurrence or spread of fire in any forest or woodland, the Fire Chief may, by order in writing signed by him, declare that area a closed area for such period or periods of time as the Fire Chief may determine and may further declare that no unauthorized person may enter or be therein and no operations of any class specified in the order may be carried out within the closed area.

406 Vacant Buildings

The owner of any vacant building shall at all times ensure that the premises are free from debris and flammable substances and shall keep all openings in such building securely closed and fastened so as to prevent the entry of unauthorized persons.

407 Fire Damaged Buildings

The owner or occupier of any fire-damaged building shall ensure that the premises are free from debris and flammable substances and that the premises are guarded, or that all openings in the building are kept securely closed and fastened so as to prevent the entry of unauthorized persons.

If the owner fails to ensure that such premises are free from debris and flammable substances, or that the premises are guarded or that all openings are securely closed and fastened so as to prevent the entry of unauthorized persons, then the Fire Chief may cause the same to be done at the expense of the owner and the costs thereof shall be recovered by the Regional District as a debt.

408 Fire Doors and Shutters

Where doors or shutters are installed in a building to prevent the spread of fire, those doors or shutters, inclusive of hardware, shall at all times be kept and maintained in good repair and working order, and shall not be blocked or wedged open.

409 Elevator Shafts

No person shall store, place, keep, maintain or permit to be stored, placed, kept or maintained in any part of an elevator shaft in a building, any dangerous goods.

The well of an elevator shaft shall, at all times, be kept clean and free from rubbish and litter and flammable substances.

410 Ventilating Shafts

No person shall use a ventilating shaft for a purpose other than ventilation.

411 Chimneys, Flues and Vents

The owner or occupier of a building or premises shall cause every chimney flue and chimney connector to be cleaned of all accumulation of debris as often as may be necessary to keep the chimney and chimney connector free from danger of fire.

A chimney, flue or stack, and any metal extension thereof shall be maintained in a safe condition.

412 Disposition of Combustible Material

No person shall deposit, or permit to be deposited, any greasy or oily rags or other things liable to spontaneous heating, within three feet of a combustible wall, partition, fence, floor or sidewalk or within three feet of lumber, hay, shavings, rubbish, fuel or other combustible or flammable materials, unless those rags or other things are deposited in a noncombustible receptacle.

An occupant of a building or premises who makes, stores or uses shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, wastepaper or other combustible or flammable material shall, at the close of each day, compactly bale or stack such material in a fire-safe manner or store it in noncombustible receptacles.

413 Disposal of Ashes

No person shall deposit, or allow or cause to be deposited, ashes from a fire box or ash pit within three feet of a combustible wall, partition, fence, floor or sidewalk or within three feet of lumber, hay, shavings, rubbish fuel or combustible material.

All ashes shall be deposited in a noncombustible receptacle.

No person shall deposit or allow or cause to be deposited paper, straw, hay, shavings or other combustible or flammable matter in or among ashes or other matter taken from a stove, furnace or fireplace.

414 Hydrant and Water Supply Systems Maintenance

- (a) Hydrants shall be maintained in operating condition.
- (b) Hydrants shall be inspected and maintained in accordance with the B.C. Fire Code Regulations.
- (c) Records of maintenance shall be forwarded annually to the office of the Fire Chief.
- (d) Fire hydrants shall be painted in compliance with the National Fire Protection Association publication "Marking of Hydrants".

415 Buildings

- (a) Fire Protection equipment is required for the protection of any building or occupancy and shall meet the standards of the B.C. Building Code, B.C. Fire Code Regulations and any other code or bylaw adopted by the Regional District and shall be installed in accordance with good engineering practices, and be located to the satisfaction of the Fire Chief.
- (b) Notwithstanding the absence of specific regulations, codes or bylaws, good engineering practices shall be observed in the development and maintenance of buildings, water supply systems, fire protection systems and means of access for Fire Department apparatus to the satisfaction of the Fire Chief.

416 Standards of Work

The Fire Chief may require that work shall be done in conformity with higher standards than specified in these regulations if, at his discretion, he deems that such higher standards are reasonably necessary in the interest of safety.

417 Rejection of Work

The Fire Chief may, after the examination of any work, issue a written rejection which shall have the same force and effect as an order issued under Part VIII

418 Dangerous Goods

- (a) All dangerous goods shall be moved in compliance with the Transportation of Dangerous Goods Act R.S.C. 1980-81-82-83, Chapter 36 and amendments thereto.
- (b) The storage and handling of all hazardous materials shall be done in compliance with the British Columbia Fire Code Regulations.
- (c) Where, in the opinion of the Fire Chief, a discharge, emission or escape of dangerous goods has occurred and immediate action is necessary for the protection of the public, he may require that any action be taken by any person he considers qualified to do so, or take action himself to eliminate or contain the danger.
- (d) The Regional District may recover any costs and expenses incurred by taking action pursuant to Subsection (c) of this Section from any person or persons who had charge, management or control of the dangerous goods at the time the action was taken and such costs and expenses shall be recoverable as a debt to the Regional District.

PART V

INSPECTION OF PREMISES

501 Review of Plans

The Fire Chief shall review the plans and inspect the construction of all new buildings and structures in the Regional District of Okanagan-Similkameen portion of Electoral Area F as outlined on Schedule "A" other than single-family dwellings, in order to establish that the fire protection facilities and equipment are in compliance with all applicable regulations, codes and standards.

502 Right to Inspect

Fire Department members may at all reasonable hours enter into and upon any lands, premises, yards or buildings for inspection purposes to ascertain whether or not:

- (a) the state of disrepair, fire starting therein might spread so rapidly as to endanger life or other buildings or property;
- (b) the use or occupation is such that fire starting therein would endanger life or property;
- (c) combustible or explosive material is so kept or such other inflammable conditions exist therein to endanger life or property;
- (d) any fire hazard exists therein;
- (e) the requirements of this bylaw are being carried out.

503 Assistance in Inspection

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

504 Entry for Inspection

No person shall obstruct, hinder or prevent any Fire Services Personnel from entering into or upon any lands or premises at any reasonable time for inspection purposes.

PART VI

FIRE CONTROL

601 Assistance of Public

The Fire Chief may require any person at or near any fire to assist in fighting the fire, and in preserving property threatened by any such fire.

602 No Obstruction at Fire

No person shall impede, hinder or obstruct the extinguishment of a fire and any person who fails to comply with the order or direction of any Fire Services Personnel engaged or about to be engaged in the extinguishment of a fire, shall be liable to the penalties provided herein and any such person may be removed from the scene of such fire by a Police Officer or Fire Services Personnel.

603 Entry Upon Premises

No person shall refuse to permit any Fire Services Personnel to enter into or upon any building or premises from which an alarm of fire has been received, or in or upon which such Fire Services Personnel has reasonable grounds to suspect that a fire exists.

604 Prevention of Fire Spread

The Fire Chief or Officer in Command at any fire shall have the power to cause demolition of any building or part of a building which in his opinion should be demolished in order to prevent spread of fire or to prevent damage to persons or property or loss of life.

605 Investigation of Fire Scene

No person shall impede, hinder or obstruct any Fire Services Personnel from entering at any time to examine a building, premises, motor vehicle, vessel or railway rolling stock where a fire has occurred or any building or premises adjoining or near the fire for the purpose of investigating the fire.

606 Duty to Furnish Information

Every owner or occupier of, and every person residing or employed at a building, premises, motor vehicle, vessel or railway rolling stock where a fire occurs, shall furnish, at the request of the Officer in Command, such information he might have relating to a fire or to the property destroyed or damaged by fire.

PART VII

OPEN AIR BURNING²

701 Burning without a permit

No person shall light, ignite, start or allow or cause to be lighted, ignited or started, an outdoor fire of any kind, or for any purpose except as follows:³

- (a) The operation of a permanent or portable outdoor barbecue intended for, and used solely for, the preparation of food using briquettes, propane or natural gas, is permitted;
- (b) The operation of a permanent outdoor fireplace, equipped with a spark arrestor and approved by the Fire Chief, is permitted; and
- (c) Burning of fires for the Fire Department training exercises is permitted.

702 Validity of Permit

The validity of any Permit shall be in writing and is valid only for the purpose stated and for the period of time set out in the Permit.

703 Issuing

Where the Fire Chief deems it expedient to do so and where, in his considerations, hazardous conditions exist, the Fire Chief may refuse, cancel or suspend any Permit and/or restrict for such time as the Fire Chief may deem necessary, any and all outdoor burning.

704 Burning Permits

The Fire Chief may issue a Permit to the owner or Occupier of land for the authorized outdoor burning of Agriculture Prunings if the following conditions are met:

- (a) Every reasonable alternative for reducing, reusing or recycling has been pursued to minimize the amount of Agriculture Prunings to be burned;
- (b) Permit holders must contact the Fire Department for permission before lighting the fire. Burning permission is granted at the discretion of the Fire Chief and is only permitted on days when the Venting Index is 54 or greater.
- (c) The open burning is on land of not less than 020235 hectares (one half acre) or greater;
- (d) The material to be open burned is on the parcel of land from which it originated;
- (e) Prohibited Burning Materials cannot be burned;
- (f) All burning shall be conducted and concluded between dawn and dusk of the same day;
- (g) A competent adult person will be in charge of the fire at all times while it is burning or smoldering and shall have sufficient appliances and equipment in order to prevent the fire from burning out of control or causing damage or becoming dangerous.

² Bylaw No. 1209.01, adopted June 15, 2006

³ Bylaw No. 1209.02, adopted July 20, 2006

705 Special Permit Required

The Fire Chief may issue a Special Permit for the following:

- (a) to the owner or occupier of land, authorizing outdoor burning for the purpose of weed control.
- (b) to the owner or occupier of land, authorizing outdoor burning necessitated by land clearing for development or replanting.
- (c) to the owner or occupier of land, authorizing outdoor burning for the removal of a fire hazard.
- (d) To the owner or occupier of land, authorizing outdoor burning for the purpose of destroying diseased foliage that cannot be removed from the property.
- (e) To a reasonable adult person authorizing an outdoor fire for a public display or ceremonial purpose, provided letters of approval are submitted from the owner or occupier of the land on which the burning will take place.

706 Special Permit Conditions

Special Permit Conditions are restricted as follows:

- (a) Prohibited Burning Materials cannot be burned;
- (b) All burning shall be conducted and concluded between dawn and dusk the same day unless noted on the Special Permit by the Fire Chief;
- (c) A competent adult person shall be in charge of the fire at all times while it is burning or smoldering and shall have sufficient appliances and equipment in order to prevent the fire from burning out of control or causing damage or becoming dangerous.

707 Land Clearing Debris

The burning of stumps, brush, slash and other like material resulting from the clearing of land is permitted, provided a Permit is first obtained from Fire Chief and provided that burning is carried out in accordance with the following:

- (a) The fire should be created at least thirty (30) meters from any building, combustible material and or property lines;
- (b) The fire shall not be more than six (6) meters in diameter;
- (c) The volume of material burned does not exceed ten (10) cubic meters per hectare;
- (d) The duration of any burning is less than twelve (12) hours conducted and concluded between dawn and dusk;
- (e) The land on which the burning takes place is part of or contiguous with the land from which the material originates unless otherwise stated in the Permit;
- (f) No material other than dry wood, paper, cardboard or diesel fuel oil is used as a fuel to start, assist or enhance the burning, without the specific permission of the Fire Chief.

708 **Fire Chief May Authorize Fire**

The Fire Chief may, by issuing a Permit, authorize a person to ignite or maintain a fire at a time or place which is prohibited by a regulation contained in this bylaw.

PART VIII **ENFORCEMENT**

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

- (i) require the owner or occupier of such building or property to take such action as might, in the opinion of the Inspector, be necessary to remedy the contravention of this bylaw or to ensure compliance with this bylaw or to remove the hazard, or
- (ii) make such orders as are, in his opinion, necessary with respect to any matter referred to in this bylaw.

(b) An order made under this bylaw shall be in writing and shall be directed to either the owner or, occupier of the building or property in respect of which the order is made or to both.

802 **Service of Order**

An order made under the bylaw shall be served by:

- (a) delivering it or causing it to be delivered to the person to whom it is directed, or
- (b) mailing the Order by return registered mail to the address of the owner as shown on the records of the Land Title Office at Kamloops, British Columbia.

PART IX **PENALTY**

901 A person commits an offence who violates any provision of this bylaw and shall be liable, on conviction, to a penalty of not less than Fifty Dollars (\$50.00) nor more than Two Thousand Dollars (\$2,000.00) for each offence, and in the case of a continuing offence, to a further penalty for each day during which the offence continues as provided by the Offence Act.

PART X

OTHER

- 1001** For the purposes of enforcing this bylaw the City of Penticton is the agent of the Regional District
- 1002** The decision of a court that a provision of this bylaw is invalid shall not affect the validity of the remainder of the bylaw.

CITATION:

This bylaw may be cited as the "**Regulatory bylaw for a local service within a portion of Electoral Area F to provide fire prevention and suppression regulations**".

READ A FIRST TIME this 21st day of March, 1991

READ A SECOND TIME this 21st day of March, 1991

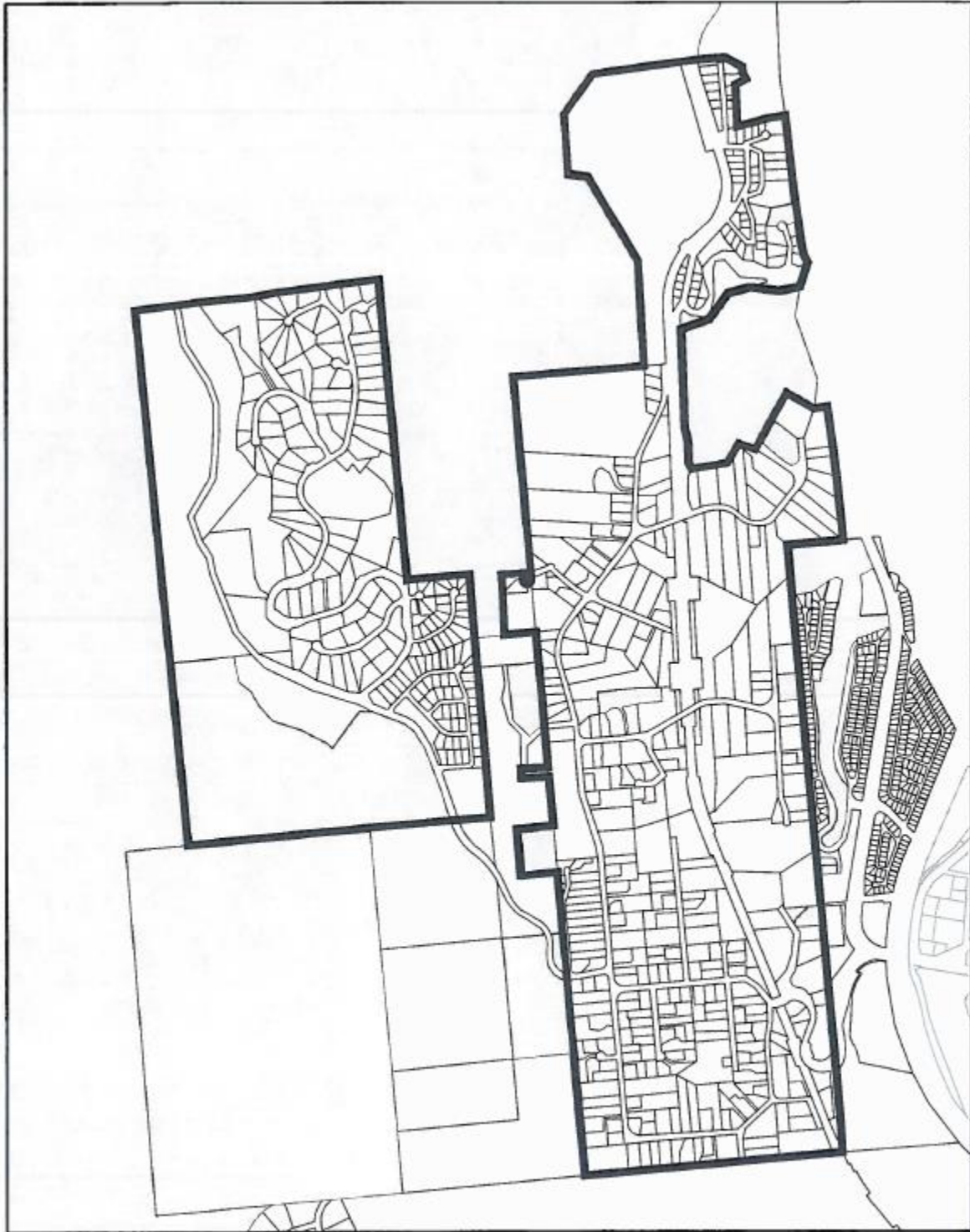
READ A THIRD TIME this 21st day of March, 1991

RECONSIDERED AND ADOPTED this 21st day of March, 1991.

Chairman

Administrator/Secretary-Treasurer

SCHEDULE A⁴



Schedule 1
Bylaw No. 1209.03

Amended September 07, 2006



⁴ Bylaw No. 1209.03, November 16, 2006

Schedule "B" to Bylaw 1209, 1991

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

FIRE DEPARTMENT

Fires & Emergency Phone 493-4141
Business: 492-0237

BURNING PERMIT
(By Authority of Bylaw 1209,1991)

Date: _____ Permission is hereby granted to
Year/month/day

_____ of _____
Name address

To light, ignite, or start or allow or cause to be lighted, ignited, or started, a fire at

Address of burning

For the purpose of

The burning of agricultural prunings;
Section 703(c)

Removal of firehazard;
Section 703(f)

Weed control; Section 703(d)

Land clearing for development;
Section 703(e)

Destroying diseased foliage;
Section 703(g)

Special instructions and conditions of burning:

- (a) A person to whom a permit has been issued shall place and keep a competent adult person at all time in charge of the fire while it is burning or smoldering and shall provide that person with sufficient appliances and equipment in order to prevent the fire from burning out of control or causing damage or becoming dangerous.
- (b) The operation of a domestic outdoor or backyard incinerator, or any structure or device serving as a domestic incinerator, is expressly prohibited.
- (c) The burning of leaves, grass or grass cuttings in an outdoor fire is expressly prohibited.
- (d) No burning to continue after dark unless so noted.
- (e) No burning during windy weather.
- (f) No burning of wet garbage or materials which would give off noxious odours.
- (g) The Fire Chief may refuse to issue or may cancel a Special Permit, the use of which, in his opinion, would likely be hazardous or create a nuisance.
- (h) The Regional District may recover as a debt from the owner or occupier, the cost and expenses of, and incidental to, the taking of any measures, if the Fire Chief is satisfied on reasonable and probable grounds that the provisions of this bylaw have not been complied with.

Signature of Applicant

Fire Chief

Fee received \$ _____
(\$10.00 for site inspection if required)

per: _____

This permit expires: _____
Year/month/day