

DISTRICT OF WEST KELOWNA

BYLAW NO. 0114

A Bylaw to provide for the continued operation of a fire department

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**CONSOLIDATED FOR CONVENIENCE TO INCLUDE  
BYLAW 0114.01**

WHEREAS the Community Charter allows Council, by bylaw, to establish and make regulations for a fire department.

NOW THEREFORE the Council of the District of West Kelowna, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the “District of West Kelowna Fire Rescue Establishment and Operations Bylaw 2010 No. 0114.”
2. The Fire Department is established and hereby continued for the purposes of providing fire prevention and suppression services including but not limited to rescue, disaster planning, and medical first responder located within the portions of the District outlined in bold on the attached Schedule ‘A’ to this bylaw and will be known as West Kelowna Fire Rescue.
3. For the purpose of this bylaw, the following definitions will apply:

Air curtain burning - means burning in an acceptable above grade enclosed burner using a mechanical air system to force air into the fire to accelerate burning while producing minimal visible smoke.

Apparatus – means any vehicle provided with machinery, devices, equipment or materials for fire protection as well as vehicles used to transport firefighters or supplies.

Campfire - means a fire no greater than one half (1/2) meter in diameter used solely for warmth or cooking.

Council – means the elected officials of the District of West Kelowna.

Dangerous Goods - means any product, substance or organism which is of a highly combustible, flammable or explosive nature, as set out in the *Transportation of Dangerous Goods Act*, as amended from time to time, and includes any other material which, because of the toxic or other inherent characteristics, constitutes a fire hazard or a hazard to life, safety or health.

District – means the District of West Kelowna.

Equipment – means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.

Fire Chief – means the Member appointed by the Council as head of West Kelowna Fire Rescue.

Fire Protection – means all aspects of fire safety including but not limited to fire prevention, firefighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.

Fireworks - means those fireworks as defined in Class 7.2.1 and 7.2.2 of the *Canadian Explosives Act*.

Forest - means land in which the coniferous trees have a spacing of less than 3 meters between the crowns/branches, the branches extend to closer than 2.5 meters of the ground or where low bush type ground cover is general over the area.

High Rise Building - means buildings 75 feet or greater in height measured from the lowest level of fire department vehicle access to the floor of the highest occupiable story.

Incident – means a fire or a situation where a fire or explosion is imminent and includes assistance response circumstances described in Section 6 of this bylaw.

Immediate Landscaped Area - means the area of the structure ignition zone extending at least 30 ft (9 m) from the foundation of the structure, including the footprint on decks and all extensions, and the area in which the vegetation has been modified for reduced flammability or aesthetic purposes, such as lawns and gardens.

Officer – means any person duly appointed by the Chief as an Officer of West Kelowna Fire Rescue.

Open burning - means burning piled permitted burning materials at ground level with natural airflow.

Member – means firefighter who provides fire protection to the District of West Kelowna.

Permitted burning materials - means untreated wood pruning's, branches, tree trunks, stumps or other vegetation that have been allowed to dry for at least two years or to equivalent dryness and that do not constitute:

- a) prohibited burning materials;
- b) compostable materials; or
- c) the wood, trees, stumps, shrubbery and wood debris that results from land being cleared or partially cleared of vegetation to help prepare the land for a different use.

Prohibited burning materials - means waste material including demolition, renovation or construction waste material and those materials listed in the "Open Burning Smoke Control Regulation" enacted pursuant to the "Waste Management Act" as amended from time to time, including the following: tires, plastics, drywall, demolition waste, domestic waste, paint, special waste, tar paper, treated lumber, railway ties, manure, rubber, asphalt, asphalt products, fuel and lubricant containers, biomedical waste.

4. The Fire Chief shall be appointed by a resolution of Council.
5. The Fire Chief may designate Officers of the Fire Department to act as Fire Chief as required.

#### **Authority of the Fire Chief**

6. The Fire Chief is authorized to direct and control all fire protection and assistance response activities, and such other activities as the Council directs, including but not limited to:
  - a) first response medical emergencies;
  - b) rescue operations;
  - c) mutual aid to fire services including Ministry of Forests;
  - d) response to hazardous material incidents; and
  - e) public services.
7. In addition to any agreement to provide services beyond the boundary of the District, at the discretion of the Fire Chief, the fire department may respond to requests for assistance beyond the boundary of the District, including but not limited to:
  - a) fire suppression;
  - b) search and rescue;
  - c) assistance where there is a risk of immediate harm to persons or property including:
    - i. medical emergencies;
    - ii. hazardous material incidents
    - iii. traffic accidents.

#### **Fire Department Established**

8. The Fire Chief, subject to ratification by Council, may establish rules, regulations, policies and committees necessary for the proper organization and administration of West Kelowna Fire Rescue.
9. The Fire Chief or designate may be required to report to Council on the operations of the Fire Department or on any other matter as designated by Council and make budgetary submissions for Council's approval.

10. The Fire Chief, or any designate under the authority of the Fire Chief, may at any reasonable time enter any premises for the purpose of fire protection matters.

**Authority at an incident**

11. The Fire Chief, or any designate under the authority of the Fire Chief, at an incident is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if deemed necessary to prevent the spread of fire to other buildings, structures or things.
12. The Fire Chief, or any designate under the authority of the Fire Chief, at an incident is empowered to enter at any time, premises or property where the incident occurred and to cause any member, apparatus or equipment of West Kelowna Fire Rescue to enter, as deemed necessary, in order to combat, control or deal with the incident.
13. The Fire Chief, and or designate under the authority of the Fire Chief, at an incident is empowered during the incident to enter, pass through or over buildings or property adjacent to an incident and to cause members of West Kelowna Fire Rescue and the apparatus and equipment of West Kelowna Fire Rescue to enter or pass through or over buildings or property, where deemed necessary to gain access to the incident or to protect any person or property.
14. The Fire Chief, or designate under the authority of the Fire Chief, at an incident, may at his discretion, establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter.
15. No person shall enter the boundaries or limits of an area prescribed in accordance with Section 14 unless they have been authorized to enter by the Fire Chief or designate under the authority of the Fire Chief.
16. The Fire Chief, or any designate under the authority of the Fire Chief, at an incident, may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 14.
17. The Fire Chief may obtain assistance from other peace officers as deemed necessary in order to discharge the duties and responsibilities assigned to the Fire Chief under this bylaw.

**Bylaw No. 0114.01, adopted August 16, 2011, deleted Section 18 in its entirety and replaced it with the following 18:**

18. No person shall obstruct, impede, or hinder a member of West Kelowna Fire Rescue or other person assisting or acting under the direction of the Fire Chief or his designate.
19. No person shall damage, destroy, obstruct, impede or hinder the operation of any West Kelowna Fire Rescue apparatus or equipment.

20. No person at any incident shall drive a vehicle over any equipment without permission of the Fire Chief or any designate under the authority of the Fire Chief.
21. No person shall obstruct or otherwise interfere with access roads, streets or other approaches to any incident, fire hydrant, cistern or body of water designated for firefighting purposes.
22. The Fire Chief or any designate under the authority of the Fire Chief at an incident may request persons who are not members to assist in whatever manner considered necessary to deal with the incident, including removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same in demolishing a building or structure at or near the fire or other incident.
23. The Fire Chief or any designate under the authority of the Fire Chief at an incident is empowered to commandeer privately owned equipment which is considered necessary to deal with an incident. Remuneration rates shall be set out that reflect industry standards.
24. The Fire Chief and persons he designates to work on his behalf are authorized to perform the duties of a Local Assistant to the Fire Commissioner and exercise some or all of the powers of a Fire Commissioner under Section 25 of the *Fire Services Act*, and for these purposes that section applies.
25. The Fire Chief may with the agreement of the property owner, authorize burning buildings, structures or other materials for the purpose of training personnel or for the purpose of eliminating hazards.

### **Fire Prevention**

26. The Fire Chief and persons he designates to work on his behalf are authorized to exercise the powers and enforce the provisions of this bylaw, the *Fire Services Act* and the regulations made hereunder including the B.C. Fire Code.
27. The Fire Chief or any member of the Fire Department may enter onto any real property and enter any premises to inspect for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire or explosion.

### **Access and Keys**

**Bylaw No. 0114.01, adopted August 16, 2011, deleted Section 28 in its entirety and replaced it with the following 28:**

28. Every owner or occupier of a premises, having a fire alarm system or an automatic fire sprinkler system, and all apartment buildings, whether rental or strata owned, must ensure that access and required keys to the following areas are readily accessible to the Fire Department at all times by means of a Contact Person or premises lock box approved by the Fire Chief:

- a) All common floor areas, service rooms and roof areas;
- b) All doors that are locked from the exit stairs to floor areas;
- c) As required to recall elevators and to permit independent operation of each elevator;
- d) All fire alarm control and annunciator panels and fire fighter telephone boxes; and
- e) As may be required by the Fire Chief for the purpose of responding to the fire alarm system or automatic fire sprinkler system.

## **Burning**

- 29.1 This bylaw does not regulate open burning or campfires outside of the boundaries of the District of West Kelowna and is not designated or intended to replace the jurisdiction of the *Wildfire Act* outside of the boundaries.
- 29.2 Within the boundaries of the District of West Kelowna no person shall start or burn a fire of any kind in the outdoors, other than a campfire, without first having obtained a permit to do so from the Fire Chief.
- 29.3 The Fire Chief may issue a permit for open burning on lots having an area greater than one hectare, or the Fire Chief may issue a permit for open burning on lots less than one hectare where safety of the public from the hazard of combustible vegetative material will be better served by open burning on those parcels.
- 29.4 The person to whom a permit for open burning has been issued shall be responsible for the management of the fire.
- 29.5 The person to whom a permit for open burning has been issued shall maintain a minimum separation of thirty meters between the location of the open burn fire and any building, forested area or property line.
- 29.6 The person to whom a permit for open burning has been issued shall ensure that all material to be burned originates from the parcel of land on which it is to be burned.
- 29.7 The person to whom a permit for open burning has been issued shall ensure that only permitted burning materials are burned.
- 29.8 The person to whom a permit for open burning has been issued shall ensure that all burning is conducted and concluded between 7:00 a.m. and sunset of the same day except as authorized in Section 29.9.
- 29.9 The person to whom a permit for open burning has been issued may continue a fire beyond one day to a maximum of three days for large dried material such as stumps and wood in excess of eight inches in diameter, however, no further permitted burning materials shall be added to the fire after 5:00 p.m. of each day of the fire. The fire shall be maintained at all times as a substantially smokeless fire.

- 29.10 The person to whom a permit for open burning has been issued shall ensure that the permitted burning materials are not from land being prepared for a different non-farming use (e.g. farmland to residential, forest land to residential, forest land to open area or rural lands to subdivisions, etc.).
- 29.11 Regardless of the issuance of a permit, the person to whom a permit for open burning has been issued shall not burn unless the venting index as provided daily by Environment Canada, is sixty five (65) or greater when the fire is started.
- 29.12 Regardless of the issuance of permit, the person to whom a permit for open burning has been issued shall not burn during fair or poor air quality conditions, when the air quality index is above twenty-five (25), as defined by the Ministry of Environment, based on information provided by Environment Canada and Ministry of Environment.
- 29.13 The person to whom a permit for open burning has been issued shall have a competent person at all times in charge of the fire.
- 29.14 The person to whom a permit for open burning has been issued shall control the fire so that it does not spread beyond the extent of a pile being burned, damage adjacent property or cause a nuisance.
- 29.15 The person to whom a permit for open burning has been issued shall ensure that prohibited burning materials are not burned in the fire.
- 29.16 No person shall burn in or allow a fire to continue to burn in a domestic outdoor or backyard incinerator or any structure functioning as a domestic incinerator or burning barrel or similar device.
- 29.17 The use of a campfire shall be in accordance with the fire department's requirements. This authorization for the use of campfires may be suspended by the Fire Chief at any time that conditions indicate that it is too hazardous to allow campfires to be burned.
- 29.18 The Fire Chief may issue a permit for air curtain burning for the purposes of disposing of the fuels created from fuel modification and hazard reduction in wildfire interface areas and for disposal of land clearing waste subject to the conditions that:
- a) the burn produces no visible smoke once fully operative;
  - b) the conditions of 29.13 apply to the air curtain burn;
  - c) only wood waste is burned.
- 29.19 The Fire Chief may suspend, cancel, restrict or change the conditions of any burning permits as necessary due to development of hazardous conditions, adverse weather or other such circumstances as arise from time to time.
- 29.20 The Fire Chief may issue permits for burning with the time periods from October 1<sup>st</sup> in one year to April 30<sup>th</sup> of the following year.

- 29.21 The Fire Chief may issue a special burning permit to handle a specific hazard at any time during the year subject to any conditions the Fire Chief considers necessary to achieve a safe burn or may extend or decrease the general allowable open burning period where local climate and weather situations warrant such a change.
- 29.22 The Fire Chief may issue a special burning permit for the purpose of burning wood waste removed from any property for fuel management purposes damaged by the Mountain Pine Beetle or Western Pine Beetle infestation. Damaged material may be burned on property other than that of its place of origin. Such a permit shall specify the conditions and restrictions the Chief determines are necessary, and shall specify the location at which the waste is to be burned.
- 29.23 In addition to any other remedy or offence imposed by this, a person who starts a fire without a valid permit or fails to manage a fire for which a permit has been issued shall be responsible for the costs of providing the personnel and equipment used to extinguish the fire or to suppress any escape or threatened escape of the fire.

### **Fire Department Connections**

30. Fire Department connections for building fire sprinkler or standpipe fire protection systems must be accessible, clearly visible and identified with signage.

### **Fire Hydrants**

31. In addition to the requirements of the B.C. Fire Code, the B.C. Building Code and the *Fire Services Act*.
- 31.1 Private hydrants shall conform to the requirements for hydrants as specified in the subdivision bylaws for the area in which the hydrant is to be installed.
- 31.2 The owner or occupier of a parcel on which a hydrant is installed, shall maintain a clear and unobstructed area having a radius of one (1) meter around each fire hydrant or standpipe.
- 31.3 Each hydrant shall be in clear view of the adjacent access roadway or its location shall be made clearly obvious by other means.
- 31.4 The color of all fire hydrants shall be as specified by the Fire Chief in accordance with the current National Fire Protection Association (N.F.P.A) standard that references hydrant colors.
- 31.5 During repairs or construction, owners of private fire hydrants shall mark the hydrant as "Out of Service" and immediately notify the Fire Department.

### **Fire Lanes**

32. Roadways and lanes provided for Fire Department access shall be maintained and ready for use at all times by Fire Department vehicles. Signs reading "No



Parking – Fire Lane” shall be posted and clearly visible on all roadways designated as fire lanes at a minimum of every 10 metres along the fire lane.

### **Fire Protection Upgrades**

33. The Fire Chief may require the owner of an existing multi-residential, assembly, commercial, industrial or institutional occupancy, to provide or make alterations to fire protection systems including, heat and smoke detection, fire alarms, fire extinguishers, exit signs, emergency lighting, fire separations and means of exit, in order to provide adequate life safety to its occupants. These requirements will not exceed those established by building regulations in accordance with the current BC Building Code or BC Fire Code and may include equivalencies as determined by the Fire Chief.

### **Fire Watch**

34. If the fire protection system(s) in an occupied multi-residential, institutional or assembly occupancy becomes unserviceable, thereby compromising life safety, the building owner or authorized agent must institute a fire watch, as determined by the Fire Chief, until such time as the protection system is fully functional.

### **Fire Works**

**Bylaw No. 0114.01, adopted August 16, 2011, deleted 35.1 in its entirety and replaced it with the following 35.1:**

- 35.1 No person shall sell or dispose of fireworks to any person within the District of West Kelowna.

**Bylaw No. 0114.01, adopted August 16, 2011, deleted 35.2 in its entirety and replaced it with the following 35.2:**

- 35.2 Fireworks may be exploded by any person or organization conducting a public display in the District of West Kelowna if such public display is held with the written permission of the Fire Chief, who may give permission if the said person or organization satisfies the Fire Chief that he/she has taken and is taking all reasonable precautions to prevent injury to any person or persons and all public or private property which might be injured or otherwise harmed by any such public display.
- 35.3 The person supervising or otherwise responsible for the public display must hold a current licence issued by Explosives Regulatory Division (part of Natural Resources Canada) for that purpose.

### **Forests**

36. If, in the opinion of the Fire Chief, the safety of life and property in any area within the District is endangered through the hazardous condition of the forest cover or the occurrence or spread of fire burning in any forest or woodland, the Fire Chief may, by order, declare the area a closed area for such period or periods of time

as the Fire Chief may determine and that no person may enter or be in the closed area for any purpose in the absence or express authorization of the Fire Chief, and no operations of any class specified in the order may be carried on within the area. The Fire Chief in his or her sole discretion may erect fences, gates or barriers, or post signs, to prevent access to forested areas and take such other measures as he or she believes are necessary to prevent persons from entering forested areas.

## High Rise Buildings

- 37.1 The owner of any High Rise Buildings, and for which an application for a building permit is submitted to the District shall ensure that:
- a) Fire stairwells are marked clearly, including roof access;
  - b) A steel lock box or key tube, with type and installation approved by the fire chief, is located at the fire department entrance to the building and contains the key to the firefighting equipment storage area, as well as the key to access the building and all service rooms within the building, each such key being clearly marked;
  - c) There is a room or closet on either the sixth or seventh storey from the highest storey of the building, and every sixth floor below that not extending below the fifth storey of the building. The room or closet is dedicated and clearly identified as a "firefighting equipment" storage area, and is at least 18 inches deep by 3 feet wide and is accessible by a standard height locked person door; and
  - d) Each firefighting equipment storage area is equipped with the following fire department approved equipment:
    - i. Eight SCBA cylinders;
    - ii. A rack suitable for storing eight SCBA cylinders;
    - iii. A high rise pack carrying bag containing:
      - a. Four (4) lengths of 1 ¾ inch X 50 feet of fire fighting hose;
      - b. One (1) 2 ½ inch X 1 ½ inch gated wye;
      - c. One (1) fire fighting nozzle;
      - d. One (1) set of hose spanners.
- 37.2 There is a dedicated room at least 90 sq. ft in area and designated as the fire command center with access from an exterior wall that will contain all the equipment as required by the Building and Fire Code.
- 37.3 The fire department is requested, prior to making an application for an occupancy permit, to attend the building for the purpose of testing radio coverage and reception and determining whether it is acceptable in the opinion of the fire department for use during an emergency, both within the building and from the interior to the exterior and vice versa.

- 37.4 The owner of any building for which the British Columbia Fire Code requires a Fire Safety Plan, and for which an application for a building permit is submitted to the District shall ensure that:
- a) A steel lock box or key tube, with type and installation approved by the fire chief, is located at the fire department entrance to the building and contains the key to access the building and all service rooms within the building, each such key being clearly marked; and information on the proposed location of the lock box or key tube is provided to the District at the time of application for a building permit.
- 37.5 At the time of application for a building permit for a high rise building, the owner shall provide to the District, a copy of the building's fire safety and response plan, in electronic format acceptable to the fire department, including an accurate explanation in point form of:
- a) the operation of the firefighter's elevator;
  - b) venting to aid firefighting;
  - c) the building's central alarm and control facility;
  - d) the building's video system;
  - e) if applicable, the building's voice communications system;
  - f) the fire pump and information on the proposed location;
  - g) If any of the information required to be supplied pursuant to Section 37.1 above should change, or if any of the locations required to be identified pursuant to Section 37.5 should change, the owner shall notify the Fire Chief immediately of such change.

## **Inspections**

- 38.1 An annual fire prevention inspection of occupancies and buildings as required by the *Fire Services Act*, shall be carried out by or on behalf of the District of West Kelowna.
- 38.2 The system of fire prevention inspections may be revised as necessary throughout the year to take into account the following issues:
- a) Available resources;
  - b) Outstanding scheduled inspections;
  - c) Community growth;
  - d) Economic viability;
  - e) Fire investigations;
  - f) Illness and/or injury;
  - g) Education leave;
  - h) Training requirements;
  - i) Scheduled vacation;
  - j) Required expertise;
  - k) Other duties;
  - l) Unforeseen emergencies.

- 38.3 A fire prevention inspection made by or on behalf of the District of West Kelowna shall in no way relieve the owner of the building or premises from full responsibility for the safety of the building or premises.

## Permits

- 39.1 Every person must obtain a permit issued by the Fire Department to do any of the following:

- a) Store, handle, use or dispose of flammable or combustible liquids:
  - i. In excess of five (5) litres in any dwelling unit or other premises used for human habitation;
  - ii. In excess of twenty-five (25) litres in any other building or occupancy; or
  - iii. In excess of twenty-five (25) litres outside a building;
- b) Install gasoline, diesel or oil tanks or dispensing pumps;
- c) Process, blend or refine flammable or combustible liquids;
- d) Store flammable or combustible liquids in stationary or underground tanks;
- e) Establish:
  - i. A refinery;
  - ii. A plant for storing or handling crude petroleum;
  - iii. A distillery;
- f) Install a fuel oil or oil burning equipment or device, including controls, piping, vents and storage containers required for or by the equipment or device;
- g) Use open flames for display purposes; or
- h) Premises for handling or for the storage of Dangerous Goods in excess of the small quantity exemptions as stated in the current edition of the BC Fire Code.

## 39.2 Permit Application

Every application for a permit shall be made in the form prescribed by the Fire Chief from time to time.

## 39.3 Permit Issuance

Where an application for a permit is made to the Fire Department on the prescribed form, the Fire Department may issue the permit providing:

- a) The receptacles, vehicles, buildings or other places to be used have been inspected and approved by a Fire Inspector, where the Fire Chief considers such inspection necessary;
- b) The proposed activity, operation or occupancy complies with this Bylaw and all other applicable Provincial and Federal enactments and bylaws of the District; and
- c) The applicant has paid the applicable fee prescribed in the MTI Bylaw.

#### 39.4 Permit Conditions

Every permit required by Section 39.1 shall be subject to the following conditions:

- a) A permit may not be transferred to another person;
- b) A change in use or occupancy of a building or premises requires a new permit;
- c) The Fire Chief may suspend or revoke a permit if there is a violation of:
  - i. Any conditions under which the permit was issued; or
  - ii. Any requirements of this Bylaw or other applicable legislation, and
- d) The permit must be posted in a conspicuous place in or on the premises which are subject to the permit, or carried at all times during the permitted use or activity and produced on request by a member.

#### Prevention

40. In addition to the requirements of the B.C. Fire Code, the B.C. Building Code and the *Fire Services Act*:
- 40.1 The owner or occupant of real property shall keep and maintain in good working order any equipment or facility which has been installed pursuant to the B.C. Building Code or required to be maintained by the B.C. Fire Code or other provincial regulation.
- 40.2 No person or persons shall allow accumulations of empty boxes, barrels, rubbish, trash, waste paper excelsior, or any light combustible materials, in any alley or on any sidewalk or premises; except that such materials may be stored in a room or receptacle of fire resistive construction fitted with fire doors, or in metal containers equipped with tight fitting lids.
- 40.3 All dumpsters must be at least 3 meters away from buildings.
- 40.4 The owner or agent of any vacant building shall at all times keep such building free of debris and flammable material, and shall keep all openings in such buildings securely fastened and closed so as to prevent the entry of unauthorized persons.
- 40.5 Where required by the current Fire Code as amended from time to time, the owner or occupant of any lands, premises, yards, or buildings shall at all times keep the same in a safe condition by:
  - a) maintaining the fire alarm system;
  - b) maintaining fire separations including fire doors or separation devices;
  - c) maintaining emergency lighting and exit lighting;

- d) maintaining fire department vehicle access;
- e) maintaining commercial cooking equipment;
- f) supplying and maintaining portable fire extinguishers;
- g) maintaining a means of egress;
- h) providing and maintaining an approved fire safety plan;
- i) maintaining an automatic sprinkler and/or standpipe and hose system;
- j) maintaining fire hydrants;
- k) adhering to the posted occupant loads.

### **Smoke Alarms**

- 41.1 Every owner of a building shall ensure that smoke alarms are installed and maintained in every dwelling unit and in each sleeping room not within a dwelling unit, except for an institutional occupancy required to have a fire alarm system.
- 41.2 Each smoke alarm shall be tested by the occupier of a dwelling unit not less than once a month to ensure that it is functioning correctly and, if the smoke alarm is not functioning correctly, the building owner or authorized agent shall, without delay, repair the smoke alarm to working condition.
- 41.3 Smoke alarms required, pursuant to this Bylaw, shall conform to CAN/ULC – S531 Standard for Smoke Alarms, CAN/ULC-S552 “Standard For Maintenance and Testing of Smoke Alarms” and shall be installed and maintained in conformance with CAN/ULCS553,”Standard for the Installation of Smoke Alarms”, and smoke alarms required for motels, hotels, boarding houses, rooming houses and dormitories shall, in addition, be installed in accordance with the BC Building Code and BC Fire Code. A record of smoke alarm testing must be retained on site by the building owner or authorized agent.

### **Smoking**

- 42. Smoking shall not be permitted in areas where conditions exist that make smoking a fire or explosion hazard. In areas designated as “No Smoking”, signs shall be posted by the building owner or authorized agent in conspicuous locations.

### **Underground or Under Building Parking Areas**

- 43.1 Flammable or combustible liquids shall not be stored in underground or under building parking garages;
- 43.2 No person shall alter exit doors or locking devices on required exits from underground or under building parking garages without the review and authorization of the Fire Chief or their designate.

### **Regulations**

- 44. The most current edition of the B.C. Fire Code & B.C. Building Code applies.

### **Prohibitions**

- 45.1 No person shall cause an alarm to be transmitted to the Fire Department by telephone, fire alarm system, in person or by other means, knowing that an emergency or incident does not exist.
- 45.2 No person shall refuse to allow the Fire Chief or persons he designates to work on his behalf to:
- a) enter premises, at any reasonable time, for the purpose under this bylaw;
  - b) enter at any time, premises or property where an incident has occurred or is occurring, or to allow the entry of any fire fighter, apparatus or equipment deemed necessary to deal with the incident;
  - c) enter or pass through or over buildings or property adjacent to an incident or allow apparatus and equipment to enter or pass through or over buildings or property where deemed necessary to gain access to the incident or to protect any person or property.

### **Penalty**

46. Any person who violates any bylaw provision may, on summary conviction, be liable to the maximum penalty under the *Offence Act*, plus the cost of prosecution, for each offence. The penalties imposed under this section are a supplement and not a substitute for any other remedy to an infraction of this bylaw.
47. Ticketable offences under this bylaw and the fines shall be those set out in the Municipal Ticket Information Bylaw No. 0095 and Bylaw Notice Enforcement Bylaw No. 0093.

### **Severability**

48. If a court of competent jurisdiction holds any portion of this bylaw invalid, then that invalid portion shall be severed and the remainder of this bylaw shall be deemed to have been adopted without the severed portion.

PASSED FIRST READING, DECEMBER 14, 2010  
PASSED SECOND READING, DECEMBER 14, 2010  
PASSED THIRD READING, DECEMBER 14, 2010  
ADOPTED, FEBRUARY 8, 2011

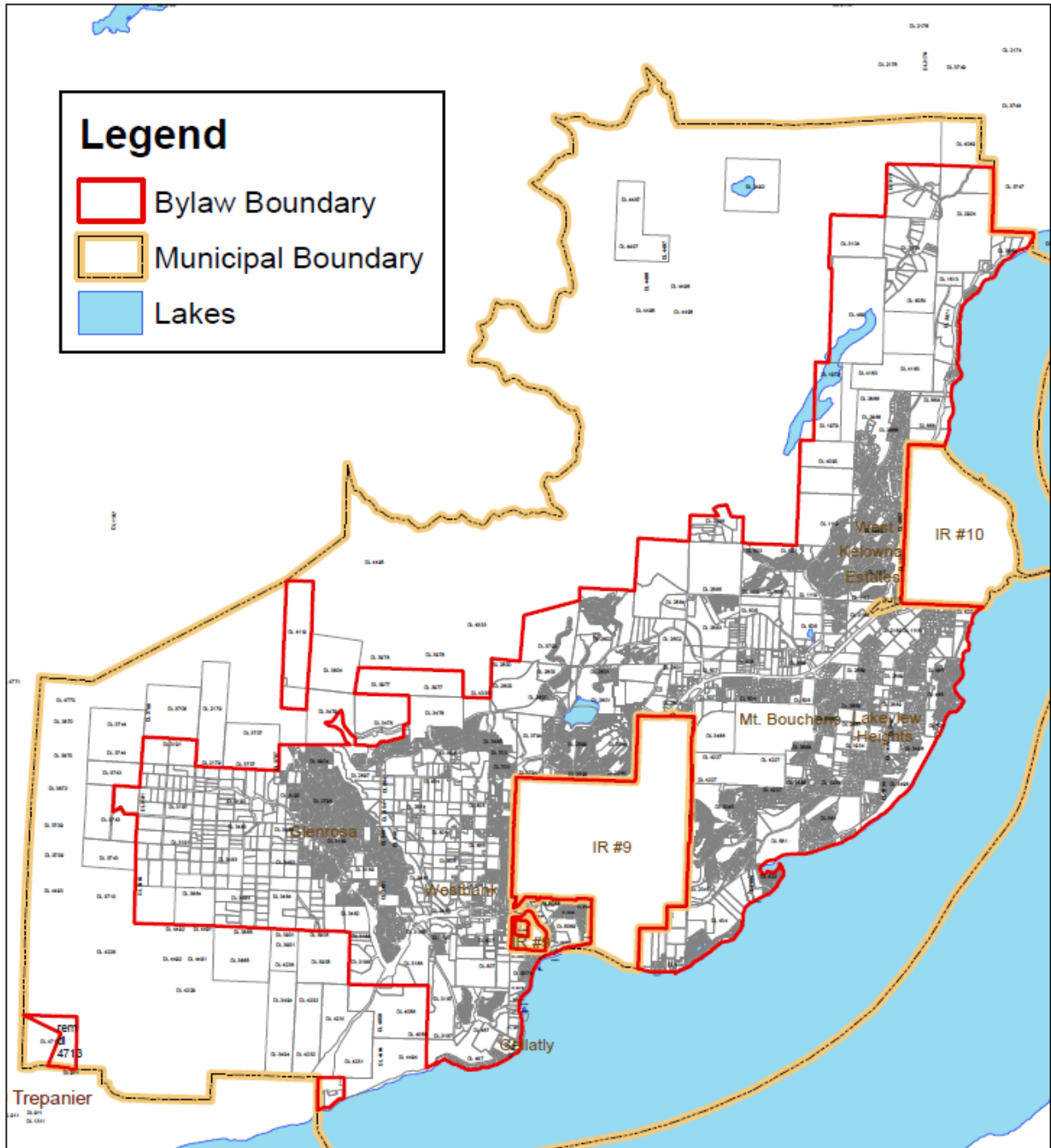
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Mayor

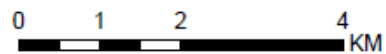
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City Clerk

# SCHEDULE 'A' of BYLAW NO. 0114



**District of West Kelowna  
Fire Rescue Establishment and  
Operations Bylaw 2010 No. 0114**



File Name: FireProtectionBylaw0114\_\_scheduleA.mxd  
Produced: November 18th, 2010



