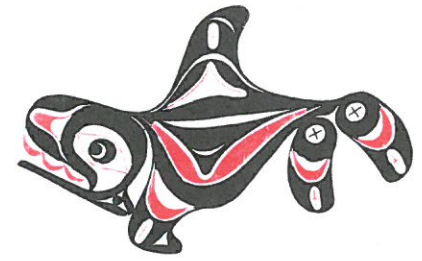




AHOUSAHT ADMINISTRATION

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AHOUSAHT COUNCIL RESOLUTION

THE COUNCIL OF AHOUSAHT

PLACE: AHOUSAHT

PROVINCE: BRITISH COLUMBIA

DATE: 19 SEPTEMBER 2016
DAY MONTH YEAR

AHOUSAHT FIRST NATION FIRE PREVENTION BYLAW

A Bylaw to provide for Prevention of Fires and to provide for Regulation of Persons at or Near Fires
Ahousaht may establish regulations necessary for the First Nation Fire Protection District to help protect the public from the effects of fire.

IMPACT OF A FIRE PREVENTION BYLAW:

Initiates rules, regulations and public education in a community to prevent fires

Employ or contract out a qualified person to enforce this bylaw

Fewer Capital expenses and more affordable to a smaller organization that cannot support a fire department

Bylaw can support a fire department with the additional rules and regulations and Community Safety Training components

1. PURPOSE

The purpose of this bylaw is to enact the regulations necessary for Ahousaht to utilize the B.C. Fire Code and additional local policies to help to protect the public from the effects of fire.

2. DEFINITIONS

Air Curtain Burning: burning in a trench or in a manufactured above grade enclosed burner using a mechanical air system to force air into the fire to accelerate burning while producing minimal visible smoke.

Compostable Materials small waste products from plants, trees or other vegetation that biodegrade easily, including grass clippings, leaves, tree needles, garden waste and weeds.

Defensible Space the area within 10 meters of a building in which ground cover is kept to a minimum. The defensible space also includes the area 30 meters from a building in which branches of coniferous trees are recommended to be removed to a minimum of 2.5 meters from the ground and coniferous trees thinned so that their crowns/branches are separated by at least 3 meters.

Driveway the vehicle access located on and serving private property and includes the connection to the

public roadway.

Enforcement Officer the person appointed as 'Enforcement Officer by the Chief and Council and any persons he appoints to do work on his behalf.

Fire Chief the person appointed as 'Fire Chief by the Chief and Council and any persons he appoints to do work on his behalf.

Forestland 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.

Incident a fire or a situation where a fire or explosion is imminent and includes assistance response to specific circumstances.

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

Permitted Burning Materials untreated wood, pruning's, branches, tree trunks, stumps or other vegetation that may have been allowed to dry for at least 2 years or to equivalent dryness and that do not constitute prohibited burning materials, combustible materials or the wood, trees, stumps, shrubbery and woody debris that results from land being cleared of vegetation to help prepare the land for a different use

Prohibited Burning Materials waste material including demolition, renovation or construction waste material and those materials listed in 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.

3. REGULATIONS

The standards of the B.C. Fire code applies

4. PREVENTION

In addition to the requirements of the B.C. Fire Code, the B.C. Building Code and The Fire Services Act:

- a) The owner or occupant of any lands, premises, yards or buildings situated within the First Nation shall at all times keep the same in a safe condition to guard against starting and spread of a fire.
- b) The owner or occupant of a building located within 30 meters of forestland shall be encouraged to provide and maintain a defensible space to increase the probability of protecting the building or structures survivability from approaching wildfire as well as to reduce the potential for a structure fire spreading to the forestland.
- c) The owner or occupant of real property shall keep their buildings and yards clear of anything that may unduly increase the probability or danger of fire.
- d) 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 danger of fire.
- e) 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 premise; except that such materials, may be stored in a room or receptacle or fire resistive construction fitted with fire doors, or in metal containers equipped with tight fitting lids.
- f) 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.

g) Where required by the British Columbia Fire Code as amended from time to time, the owner or occupant of any lands, premises, yard, or buildings shall at all times keep the same in a safe condition by:

- 1) Maintaining the fire alarm system in an approved manner in accordance with Section 6.3 of the British Columbia Fire Code.
- 2) Maintaining emergency lighting and exit lighting in accordance with Sections 2.7.3 6.7 of the British Columbia Fire Code.
- 3) Maintaining fire department vehicle access in accordance with Section 2.5 of the British Columbia Fire Code.
- 4) Maintaining commercial cooking equipment in an approved manner in accordance with Section 2.6.1.9 and 6.8 of the British Columbia Fire Code.
- 5) Supplying and maintaining portable fire extinguishers in an approved manner in accordance with Section 6.2 of the British Columbia Fire Code.
- 6) Maintaining a means of egress in accordance with Sections 2.7.1.6, 2.7.1.7 and 2.7.2 of the British Columbia Fire Code.
- 7) Providing and maintaining an approved fire safety plan in accordance with Section 2.8 of the British Columbia Fire Code.
- 8) Maintaining an automatic sprinkler and/or standpipe and hose system in an approved manner in accordance with Section 6.4 and 6.5 of the British Columbia Fire Code.
- 9) Maintaining fire hydrants in an approved manner as Section 6.6.4 of the British Columbia Fire Code.
- 10) Adhering to the posted occupant loads as per Section 2.7.1.3 of the British Columbia Fire Code.
- 11) Maintaining special fire suppression systems in an approved manner as per Section 6.8 of the British Columbia Fire Code.

5. FIRE HYDRANTS

In addition to the requirements of the British Columbia Fire Code:

- a) No person shall make any attachment or connection to any hydrant or standpipe except as approved by the Fire Chief, Enforcement Officer or the local water supplier.
- b) 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.
- c) The owner of a parcel on which a hydrant is installed shall maintain a clear and unobstructed area having a radius of one meter around each fire hydrant or standpipe.
- d) Each hydrant shall be in clear view of the adjacent access roadway or its location shall be made obvious by other means.
- e) The color of a fire hydrant shall be as specified by the Fire Chief in accordance with the N.F.P.A. standards that reference hydrant colors.

6. SMOKE ALARMS

In addition to the requirements of the B.C. Building Code and Fire Code:

- a) The owner of every building shall ensure that one or more smoke alarms are installed and maintained in every dwelling unit or suite and except for institutional occupancies required to have a fire alarm system, in each sleeping room not within a dwelling.
- b) Smoke alarms shall be tested by the owner or occupant according to the manufacturer's specifications to ensure that they are functioning correctly. If the smoke alarm is not functioning correctly, the owner or occupant shall immediately repair the smoke alarm.
- c) Smoke alarms required by this bylaw shall conform to CAN/ULC-S531, Standard for Smoke Alarms and shall be installed and maintained in conformance with CAN/ULC-S553 Standard for the Installation of Smoke Alarms.
- d) Smoke alarms required for motels, hotels, boarding houses, rooming houses and dormitories shall be installed in accordance with the British Columbia Building Codes.

7. BURNING

- a) All burning authorized by this is subject also to the requirements of the Ministry of Forests.
- b) Except as part of operations occurring on Crown Lands for the purposes of silvicultural management, forest fuel management, fire hazard reduction, wildlife enhancement, domestic range improvement or the use of fire for fire control, 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.
- c) The Fire Chief or Enforcement Officer may issue a permit for open burning on lots having an area greater than 1 hectare, except the Fire Chief or Enforcement Officer may issue a permit for open burning on lots less than one hectare where safety of the public from the hazards of combustible vegetative material will be better served by open burning on those parcels.
- d) The person to whom a permit for open burning has been issued shall be responsible for the management of the fire.
- e) The person to whom a permit for open burning has been issued shall maintain a minimum separation of 30 meters between the location of the open burn fire and any building or forested area.
- f) 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.
- g) The person to whom a permit for open burning has been issued shall ensure that only permitted burning materials are burned.
- h) 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
- i) The person to whom a permit for open burning has been issued may continue a fire beyond one day to a maximum of 3 days for large dried material such as stumps and wood in excess of 8 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 smokeless fire.
- j) 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 and to residential, forest land to open area or rural lands to subdivisions, etc)
- k) Regardless of the issuance of permit, the person to whom a permit for open burning has been issued shall not burn unless the venting index as provided daily by the Environment Canada is fifty four (54) or greater when the fire is started.

- l) 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 (formerly Ministry of Land, Water and Air Protection) based on information provided by Environment Canada and Ministry of Environment (formerly Ministry of Land, Water and Air Protection).
- m) 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 and shall provide that person with sufficient equipment to control the fire.
- n) 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.
- o) The person to whom a permit for open burning has been issued shall ensure that prohibited burning materials are not burned in the fire.
- p) 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.
- q) The use of a campfire shall be in accordance with the Ministry of forests regulations. This authorization for the use of campfires may be suspended by the Fire Chief or Enforcement Officer at any time where conditions indicate that it is too hazardous to allow campfires to be burned.
- r) The Fire Chief or Enforcement Officer 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 the burn produces no visible smoke once fully operative, the conditions of 7.n) apply to the air curtain burn, only wood waste is burned.
- s) The Fire Chief or Enforcement Officer 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.
- t) The Fire Chief or Enforcement Officer may issue permits for burning within the time periods from September 1st in one year to April 30th of the following year.
- u) Notwithstanding Section 7.t) 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 or Enforcement Officer 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.
- v) 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 or providing the personnel and equipment used to extinguish the fire or to suppress any escape or threatened escape of the fire.

8. INSPECTIONS AND PUBLIC EDUCATION

The Fire Chief or Enforcement Officer shall obtain approval of the Chief and Council to establish a regular system of inspection of hotels, public buildings and also deliver a Public Fire/Life Safety program.

Inspection and Public Fire Life/Safety Education Policy

Members of Ahousaht or a qualified contractor conduct a regular system of fire inspections of occupancies and buildings as required by the Fire Services Act, Section 26(1).

Members of Ahousaht or a qualified contractor conduct a regular system of Public Fire and Life/Safety education.

The Fire Chief or Enforcement Officer establishes the fire prevention inspection schedule and the frequency of inspection for each type of occupancy, hotel and public building inspected.

The Fire Chief or Enforcement Officer has the authority to revise alter or modify the schedule of inspections and frequency from time to time, throughout the year, as may be required to address:

- Available Resources,
- Outstanding Scheduled Inspections,
- Community Growth,
- Economic Viability,
- Fire Investigations,
- Illness and/or Injury,
- Education Leave,
- Training Requirements,
- Scheduled Vacation,
- Required Expertise,
- Other Duties,
- Unforeseen Emergencies.

That priority will be the fire prevention inspection schedule and that any and all subsequent follow up inspection, that may be required as a result of a scheduled fire prevention inspection, will be conducted as soon as may be reasonably possible or as necessary subject to:

- Available Resources,
- Completion of Scheduled Inspections,
- Level of Risk,
- Economic Viability,
- Fire Investigations,
- Illness and/or Injury,
- Education Leave
- Training Requirements,
- Scheduled Vacation,
- Required Expertise,
- Other Duties,
- Unforeseen Emergencies.

9. AUTHORITY OF FIRE CHIEF OR ENFORCEMENT OFFICER

- a) The Fire Chief or Enforcement Officer and persons he designates to work on his behalf are authorized 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.
- b) The Fire Chief or Enforcement Officer and persons he designates to work on his behalf are authorized to perform the duties of a Local Assistant to the Fire Commissioner.
- c) The Fire Chief or Enforcement Officer and persons he designates to work on his behalf are

authorized to commandeer privately owned equipment that is considered necessary to deal with an incident.

- d) The Fire Chief or Enforcement Officer and persons he designates to work on his behalf are authorized to at any reasonable time enter any premises for any purpose under this bylaw.
- e) The Fire Chief or Enforcement Officer and persons he designates to work on his behalf are authorized to cause a building or structure to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
- f) The Fire Chief or Enforcement Officer and persons he designates to work on his behalf at an incident, may establish boundaries or limits and prevent persons from entering the area within the prescribed boundaries or limits.
- g) The Fire Chief or Enforcement Officer and persons he designates to work on his behalf are, at an incident, authorized to enter, pass through or over buildings or real property adjacent to the incident to gain access to an incident or to protect any person or property.
- h) The Fire Chief or Enforcement Officer 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.

10. SEVERABILITY

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.

11. PROHIBITIONS

- a) No person shall fail to conform to the requirement of the British Columbia Fire Code.
- b) No person shall enter the boundaries or limits of an area established under Section 9.f unless that person has been authorized to enter by the Fire Chief or Enforcement Officer or persons he designated to work on his behalf.
- c) No person shall impede, obstruct or hinder the Fire Chief or Enforcement Officer and persons he designates to work on his behalf.
- d) No person shall drive a vehicle over any fire department equipment without permission of the Fire Chief or Enforcement Officer and persons he designated to work on his behalf.
- e) 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.
- f) No person shall refuse to allow the Fire Chief or Enforcement Officer and persons he designates to work on his behalf to:
 - 1) Enter premises, at any reasonable time, for the purpose under this bylaw.
 - 2) 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.
 - 3) 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 persons or property.

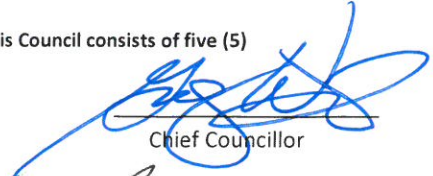



12. PENALTY

- a) 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.

This bylaw is an example only. All Chief and Councils should obtain a legal opinion or advice before submitting by-law for enactment.

A quorum of this Council consists of five (5)

 _____ Chief Councillor		 _____ Deputy Chief
 _____ Councillor	_____ Councillor	_____ Councillor
_____ Councillor	_____ Councillor	 _____ Councillor
 _____ Councillor	 _____ Councillor	 _____ Councillor