

RESORT MUNICIPALITY OF WHISTLER

FIRE AND LIFE SAFETY BYLAW 2201, 2019

A BYLAW TO REGULATE FIRE PROTECTION SERVICES, FIREWORKS, AND THE SAFETY AND PROTECTION OF PERSONS AND PROPERTY

WHEREAS pursuant to section 8(2) of the *Community Charter*, a municipality may provide any service that the council considers necessary or desirable;

AND WHEREAS pursuant to section 8(3)(d) of the *Community Charter*, a municipality may, by bylaw, regulate, prohibit and impose requirements in relation to firecrackers, fireworks and explosives;

AND WHEREAS pursuant to section 8(3)(g) of the *Community Charter*, a municipality may, by bylaw, regulate, prohibit and impose requirements in relation to the health, safety and protection of persons or property;

NOW THEREFORE, the Council of the Resort Municipality of Whistler, in open meeting assembled, enacts as follows:

PART 1 – CITATION

1.1. This Bylaw may be cited for all purposes as “Fire and Life Safety Bylaw No. 2201, 2019.”

PART 2 – COMPLIANCE WITH FIRE CODE

2.1. Any person who contravenes, violates or fails to comply with a provision of the Fire Code commits an offence under this Bylaw.

PART 3 – INTERPRETATION

Words and Phrases

3.1. Unless specifically defined in this Bylaw, words and phrases used in this Bylaw shall be construed in accordance with the meanings assigned to them in the *Fire Services Act*, the British Columbia Building Code, the Fire Code, and the *Community Charter*, as the context and circumstances require.

References

3.2. Any reference to the Fire Chief shall include a reference to any person duly authorized by the Fire Chief to exercise any of the Fire Chief’s powers or to carry out any of the Fire Chief’s duties under this Bylaw, including the Fire Chief’s deputy.

Definitions

3.3. In this Bylaw:

(a) “Actual Costs” means:

(i) for goods and services provided using contractors and suppliers, all amounts invoiced to the Municipality plus a 15% administration fee; and

- (ii) for services provided using the Municipality's own forces and equipment, a fee calculated using the hourly rates prescribed in Schedule "C" of this Bylaw;
- (b) "Building" means any structure used or intended for supporting or sheltering any use or occupancy;
- (c) "Campfire Permit" means a current and valid permit issued by the Fire Rescue Service authorizing a person to carry out the fire-related activities described in the permit;
- (d) "Consumer Fireworks" means all Fireworks other than High Hazard Fireworks and Movie Pyrotechnics;
- (e) "Dangerous Goods" means those products or substances that are regulated under the Canada *Transportation of Dangerous Goods Act* and its Regulations, as amended or replaced from time to time;
- (f) "Danger Class Website" means the website maintained by the Wildlife Management Branch of the Province of British Columbia for the purpose of providing the current Fire Danger Rating;
- (g) "False Alarm" means the activation of a fire alarm system or security alarm system as a result of which services, including fire and police services, are provided by or on behalf of the Resort Municipality and the providers of the services do not find any evidence of fire, fire damage, smoke, criminal activity or unauthorized entry;
- (h) "Fire Alarm System" means a device or devices installed on or in a real property and designed to issue a warning of a fire by activating an audible alarm signal or alerting a monitoring facility but does not include a fire alarm system that is intended to alert only the occupants of the dwelling unit in which it is installed;
- (i) "Fire Chief" means the person appointed as the fire chief for the Municipality, acting as the head of the Fire Rescue Service;
- (j) "Fire Code" means the British Columbia Fire Code Regulation made under the *Fire Services Act*, as amended or replaced from time to time;
- (k) "Fire Danger Rating" means the current fire danger rating for the Municipality, as issued by the British Columbia Wildfire Management Branch or its successor in function;
- (l) "Fire Hazard" means any condition, arrangement or act which increases the likelihood of fire or which may provide a ready fuel supply to augment the spread or intensity of a fire, or which may obstruct, delay, hinder, or interfere with the operations of the Fire Rescue Service or the egress of occupants in the event of a fire;
- (m) "Fire Inspector" means the Fire Chief and every Member authorized to carry out fire inspections in the Municipality;
- (n) "Fire Protection" means all aspects of fire safety, including but not limited to, fire prevention, firefighting or suppression, pre-fire planning, fire investigation, and fire and life safety education;

- (o) "Fire Rescue Service" means the fire rescue service established for the Municipality and continued under this Bylaw;
- (p) "Fire Safety Plan" means a fire safety plan for a Building required under the Fire Code or this Bylaw that includes, without limitation:
 - (i) emergency procedures to be used in case of fire;
 - (ii) training and appointment of designated supervisory staff to carry out fire safety duties;
 - (iii) documents showing the type, location and operation of fire emergency systems;
 - (iv) the holding of fire drills;
 - (v) the control of Fire Hazards; and
 - (vi) inspection and maintenance of facilities for the safety of the Building's occupants;
- (q) "Fireworks" includes, but is not limited to: cannon crackers, fireballs, firecrackers, mines, Roman candles, sky rockets, squibs, torpedoes, and other explosive products or devices manufactured to intentionally produce an explosion, detonation or pyrotechnic effect, but does not include caps for toy products, Christmas crackers, or model rocket engines;
- (r) "Fireworks Permit" means a current and valid document issued by the Fire Chief or a Member authorizing a person to carry out the Fireworks-related activities described in the permit;
- (s) "High Hazard Fireworks" includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, gerbs, comets, croisettes, mines, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons, and firecrackers and fireworks classed as display fireworks under the federal *Explosives Regulation, 2013*;
- (t) "High Risk Construction Activity" means:
 - (i) mechanical brushing;
 - (ii) disk trenching;
 - (iii) preparation or use of explosives;
 - (iv) using fire- or spark-producing tools, including cutting tools
 - (v) using or preparing fireworks or pyrotechnics;
 - (vi) grinding, including rail grinding;
 - (vii) mechanical land clearing;
 - (viii) clearing and maintaining rights of way, including grass mowing;

- (ix) using battery powered or electric cutting tools; and
- (x) any of the following activities carried out in a cutblock excluding a road, landing, roadside work area or log sort area in the cutblock:
 - (A) operating a power saw;
 - (B) mechanical tree felling, woody debris piling or tree processing, including de-limbing;
 - (C) welding;
 - (D) portable wood chipping, milling, processing or manufacturing; skidding logs or log forwarding unless it is improbable that the skidding or forwarding will result in the equipment contacting rock;
 - (E) yarding logs using cable systems;
- (u) “Incident” means a fire, explosion, situation where a fire or explosion is imminent, or any other situation presenting a danger or possible danger to life, to property or to the environment to which the Fire Rescue Service has responded;
- (v) “Incident Commander” means the Member assuming command at the scene of an Incident;
- (w) “Member” means a person employed by the Municipality and holding a position within the Fire Rescue Service;
- (x) “Movie Pyrotechnics” means any Fireworks used by a person or corporation for the purpose of commercial photography, video, film or television productions and includes special effect pyrotechnics under the federal Explosives Regulations, 2013;
- (y) “Municipality” means the Resort Municipality of Whistler;
- (z) “Occupier” includes any lessee, tenant and licensee of any Building or Premises;
- (aa) “Owner” means a person who has ownership or control of real or personal property, and includes, without limitation:
 - (i) the registered owner of an estate in fee simple;
 - (ii) the registered holder of the last registered agreement for sale; and
 - (iii) the tenant for life under a registered life estate; and
 - (iv) in relation to common property and common facilities in a strata plan, the strata corporation;
- (bb) “Premises” includes the whole or any part of a parcel of real property and any Buildings located on the property; and
- (cc) “Vacant Premises” includes a Premises, Building or other structure in respect of which water or electricity service has been intentionally discontinued, other than for temporary maintenance, repair or upgrading, so that the condition of the Premises is not suitable for

human habitation or other occupancy that is normally permitted.

Conflict

- 3.2 In the event of a conflict, discrepancy, variation or inconsistency between this Bylaw and the *Fire Services Act*, the Fire Code, or the British Columbia Building Code, the provisions of the *Fire Services Act*, the Fire Code or the Building Code, as the case may be, shall prevail over the provisions of this Bylaw to the extent of any conflict, discrepancy, variation or inconsistency.

Application

- 3.3 The provisions of this Bylaw apply to all Buildings, structures, Premises and conditions within the Municipality, including Buildings under construction.

PART 4 – FIRE RESCUE SERVICE

Continuation

- 4.1 The Fire Rescue Service is hereby continued for the purpose of providing the services contemplated under this Bylaw.

Limits on Jurisdiction

- 4.2 The limits of the jurisdiction of the Fire Rescue Service extend to the boundaries of the Municipality, and no apparatus or equipment of the Fire Rescue Service shall be used beyond the limits of the Municipality without:
- (a) an express written agreement with the local authority providing for the supply of firefighting and rescue services outside the boundaries of the Municipality; or
 - (b) the approval of Council and, if required by the *Community Charter*, the consent of the local authority.

Prevention, Control and Enforcement

- 4.3 The Fire Rescue Service may take all necessary measures for the prevention, suppression, control and extinguishment of fires, for mitigating the effects of incidents involving Dangerous Goods, and for the protection of life and property, including conducting assistant response and administering emergency medical services.

Responsibilities of Fire Chief

- 4.4 The Fire Chief shall be responsible for the management, control and supervision of the Fire Rescue Service, including the Members, all Buildings, apparatus and equipment associated with the Fire Rescue Service.

Powers of Fire Chief

- 4.5 The Fire Chief may exercise one or more of the following powers in addition to those powers granted under the *Fire Services Act*.

- (a) make and enforce rules for the proper and efficient administration and operation of the Fire Rescue Service and change, replace or withdraw those rules;
- (b) enter on and inspect Premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from fire;
- (c) enter Premises for the purpose of responding to an Incident;
- (d) take measures considered necessary to prevent and suppress fires, including the demolition of Buildings and other structures to prevent the spreading of fires;
- (e) require an Owner or Occupier to undertake any actions the Fire Chief considers necessary for the purpose of removing or reducing any thing or condition the Fire Chief considers is a Fire Hazard or increases the danger of fire; and
- (f) enforce the Fire Code, this Bylaw and any other bylaws, rules, orders and regulations of the Municipality for the prevention and suppression of fire and the protection of life and property.

Powers of the Incident Commander

4.6 The Incident Commander may:

- (a) enter those Premises at which the Incident occurred, and any neighbouring Premises, and may cause to enter the Premises any Member, apparatus or equipment deemed necessary in order to combat, control or deal with that Incident; and
- (b) cause the demolition of any Building or part of a Building which, in the opinion of the Incident Commander, must be demolished in order to prevent the spread of fire or further damage to property, injury to persons, or possible loss of life.

Inspection of Buildings

- 4.7 The Fire Rescue Service shall implement annual inspections of all hotels and public buildings as defined by the *Fire Services Act*.
- 4.8 Every Owner of a Premises liable for inspection under section 4.7 of this Bylaw shall pay the annual Inspection Service Fee for the Premises in the amount set out in Schedule "B" of this Bylaw.
- 4.9 If a Premises inspected under section 4.7 of this Bylaw requires more than one re-inspection to determine that an unsatisfactory condition has been addressed, then the Owner of the Premises shall pay the re-inspection fee for the second re-inspection and for each subsequent re-inspection in the amount set out in Schedule "B" of this Bylaw.

PART 5 – GENERAL PROHIBITIONS

No Interference

- 5.1 No person shall impede or hinder in any way the execution of the duties of any Member or any other person under the direction of the Incident Commander in charge at an Incident.
- 5.2 No person shall interfere with or refuse to permit any Member to enter into or upon Premises in relation to which an alarm or other request for assistance has been received or in or upon which a Member has reasonable grounds to believe that an Incident has occurred or may occur.

No Unauthorized Entry

- 5.3 No person shall, except as authorized by the Fire Chief or the Incident Commander in charge at an Incident:
 - (a) enter any Building or Premises threatened by an Incident;
 - (b) enter within any area designated by ropes, guards or tape erected by or under the direction of a peace officer or a Member across or around any street, lane, alley or Building; or
 - (c) refuse to move from such designated area when directed to do so by a peace officer or Member.

Traffic Control

- 5.4 All persons at or near an Incident shall obey all traffic control directions given by a peace officer or a Member.

False Representations

- 5.5 No person shall make false representations as to being a Member of the Fire Rescue Service, or wear or display any Fire Rescue Service badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

No Driving Over Equipment

- 5.6 No person shall drive a vehicle over any hose or other equipment of the Fire Rescue Service unless so directed by a peace officer or Member. In addition to any penalty imposed under this Bylaw, a person who damages Fire Rescue Service equipment shall be liable to pay for the costs associated with fixing or replacing such damaged equipment.

PART 6 – FIRE REGULATIONS

Campfires and Other Open Air Burning

- 6.1 No person shall light, ignite, start or burn, or cause, suffer or allow to be lighted, ignited, started or burned, any open air fire, including a campfire, or any fire in a portable incinerator, unless the fire is authorized by a Campfire Permit or is specifically permitted under this Bylaw.

Discarding Burning Substances

- 6.2 No person shall discard, throw down or drop any lighted match, cigarette or other burning substance into or near any combustible material.

Barbecues and propane fueled fire pits

- 6.3 A person may use:
- (a) a natural gas or propane gas fueled fire contained within a fire pit or barbecue; or
 - (b) a cooking stand or barbecue in a municipal park;
- without a Campfire Permit.
- 6.4 Despite section 6.3 of this Bylaw, if at any time the Fire Danger Rating for the Municipality reaches “high” or “extreme”, no person shall use any barbecue in a municipal park other than a propane barbecue.

Restrictions

- 6.5 No person shall light, ignite, start, maintain or burn a campfire unless:
- (a) the person holds a Campfire Permit or the campfire is in a designated fire pit within a Provincial, Federal or private campground;
 - (b) the campfire is for recreational or ceremonial purposes;
 - (c) the campfire is burning material in one pile not exceeding 0.5 metres in width and 0.5 metres in height;
 - (d) the campfire is separated at least 3 metres in all directions from combustible materials;
 - (e) the campfire is not prohibited by a ban issued by the BC Wildlife Service for the Coastal Fire Centre Region; and
 - (f) the Fire Danger Rating is indicated as “low” or “moderate” on the Danger Class Website as of 3:00PM that same day.

Campfire Bans

- 6.6 Where the Fire Chief deems it expedient to do so, or where the Fire Chief considers hazardous fire conditions to exist, the Fire Chief may temporarily ban campfires in the Municipality, and no person shall light, ignite, start or burn a campfire or any other open fire when such a ban is in place.
- 6.7 Sections 6.1 and 6.6 do not apply to propane-fueled portable fire pits in which no other fuel is used.
- 6.8 If at any time the Fire Danger Rating for the Municipality reaches “extreme”, the Fire Chief may temporarily close any or all parks and trail systems in the Municipality, and no person shall enter into any closed park or trail system.

Construction Bans

- 6.9 If at any time the Fire Danger Rating for the Municipality reaches “high” or “extreme”, no person shall carry on any high risk construction activity within 10 metres of a forest except in strict accordance with the Whistler Fire Rescue Service Interface Construction and Maintenance Regulations attached to this Bylaw as Schedule “A”.

Fire Rescue Service Open Air Burning

- 6.10 The Fire Chief may, from time to time, authorize open air burning for the carrying out of training exercises conducted by the Fire Rescue Service or burning debris as part of an authorized wildfire fuel management project. Burning will be conducted in accordance with the Provincial Open Burning Smoke Control Regulation.

Campfire Permit Applications

- 6.11 Every application for a Campfire Permit, shall be made in the form prescribed by the Fire Chief as amended from time to time.

Campfire Permit Assessment

- 6.12 In response to a Campfire Permit application, a Member shall perform a site visit and do an ignition potential and suppression capability assessment based on the Wildfire Exposure Assessment and FireSmart Home Assessment published by Fire Smart Canada. The results of the assessment shall be made available to the Owner of the Premises.

Campfire Permit Issuance

- 6.13 Where an application for a Campfire Permit is made under 6.11 the Fire Rescue Service may issue the Campfire Permit if:
- (a) the Premises have been inspected by a Member in accordance with 6.12;
 - (b) the proposed activity complies with this Bylaw and all other applicable Provincial and Federal enactments and bylaws of the Municipality;
 - (c) the Member who performed a site visit determines that the proposed activity can be conducted with minimal risk of uncontrolled spreading of fire or nuisance smoke; and
 - (d) the applicant has paid the applicable fee prescribed in Schedule “B” of this Bylaw.
- 6.14 If an applicant is not issued a Campfire Permit following an inspection of a Premises, the applicant may request a re-inspection at a later date by paying the applicable fee prescribed in Schedule “B” of this Bylaw.

Duration of Campfire Permits

- 6.15 A Campfire Permit is valid for four years and upon the expiry of the Campfire Permit, a person seeking to renew the permit must make a new Campfire Permit application in accordance with this Bylaw.

Conditions of Campfire Permit

- 6.16 The Fire Rescue Service may issue the Campfire Permit subject to any conditions intended to eliminate any Fire Hazard in the immediate area. The conditions of the Campfire Permit must be met before any fire or other activity authorized by the Campfire Permit commences.

Accumulation of Combustibles

- 6.17 No person shall accumulate or permit the accumulation of combustible materials or plant growth in or around Premises in such a manner as to endanger property or to constitute a Fire Hazard.
- 6.18 A Fire Inspector may issue an order to any Owner or Occupier of a Premises to remove or otherwise deal with an accumulation of materials or plant growth on those Premises and, upon receipt of such order, that Owner or Occupier shall take whatever action is specified in the Fire Inspector's order within the time period specified therein, failing which the Fire Rescue Service may take whatever action is deemed necessary to remove the Fire Hazard at the expense of the Owner or Occupier of the Premises.

Fire Damaged Buildings

- 6.19 The Owner of any Building damaged by fire, explosion or similar event shall immediately act to ensure that the Building is guarded and that all openings and points of entry into the Building are kept securely closed and fastened in a manner acceptable to the Fire Chief so as to prevent the entry of unauthorized persons.

Vacant Premises

- 6.20 The Owner of any Vacant Premises shall act promptly to ensure that, at all times:
- (a) the Premises are free from litter, debris and accumulations of combustible or flammable materials that may constitute a fire hazard; and
 - (b) all openings in any vacant Building are securely closed and fastened in a manner acceptable to the Fire Chief to prevent the entry of unauthorized persons.

Floating Fire Lanterns

- 6.21 No person shall light or release a floating fire lanterns anywhere within the Municipality.

PART 7 – FIREWORKS REGULATIONS

Use of Fireworks

- 7.1 No person shall sell, give, possess, light, explode, activate or dispose of any Fireworks in the Municipality except in strict accordance with this Bylaw.
- 7.2 No person shall light, explode or activate any Consumer Fireworks on any day other than January 1, October 31, November 1 and December 31 of each year.

Fireworks Permit

7.3 Every person must obtain a Fireworks Permit issued by the Fire Rescue Service to sell, transfer, possess, light, explode, activate or dispose of any:

- (a) High Hazard Fireworks; or
- (b) Movie Pyrotechnics.

Fireworks Permit Application

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

Fireworks Permit Issuance

7.5 Where an application for a Fireworks Permit is made to the Fire Rescue Service in the prescribed form, the Fire Rescue Service may issue the Fireworks Permit if the applicant is over the age of 18 and:

- (a) has submitted proof acceptable to the Fire Chief that the applicant holds a valid display supervisor endorsement, senior pyrotechnician endorsement, or special effects pyrotechnician endorsement, obtained in accordance with Part III of the Explosives Regulations made under the *Explosives Act* (Canada);
- (b) has submitted a Fire Safety Plan in a form acceptable to the Fire Chief;
- (c) has submitted a site plan for the location at which the applicant intends to light, explode or activate the High Hazard Fireworks or Movie Pyrotechnics, which site plan must be drawn to scale, showing the direction of firing, separation distances, positions of ramps and motors, any significant ground features, rights of way, Buildings and structures, overhead obstructions, parking areas, spectator viewing areas, fallout zones, traffic control patterns and locations of emergency vehicles;
- (d) has submitted an event description, including a time schedule of the event, attendance estimates, lists of Fireworks to be used, firing procedures, emergency response attendance, list of crew members and clean-up procedures;
- (e) has submitted proof of valid liability insurance by providing a copy of the applicant's insurance policy, which policy shall list the name of the insurance company, the name of the insured, the policy coverage dates, the type of coverage, the coverage amounts, and the policy number; and
- (f) has paid the applicable fee prescribed in Schedule "B" of this Bylaw.

Fireworks Permit Conditions

- 7.6 The Fire Rescue Service may impose terms and conditions with respect to a Fireworks Permit in relation to:
- (a) the manner in which High Hazard Fireworks and Movie Pyrotechnics may be lit, exploded or activated;
 - (b) the hours during which High Hazard Fireworks and Movie Pyrotechnics may be lit, exploded or activated;
 - (c) the level of required Fire Protection to be provided at the site when High Hazard Fireworks and Movie Pyrotechnics are lit, exploded or activated; and
 - (d) minimizing nuisance and public safety concerns.

Regulations

- 7.7 Every holder of a Fireworks Permit shall:
- (a) only sell, give, possess, light, explode, activate or dispose of those High Hazard Fireworks and Movie Pyrotechnics specified in the Fireworks Permit and in accordance with the terms and conditions of the Fireworks Permit;
 - (b) present the Fireworks Permit to any seller from whom the Fireworks Permit holder is purchasing High Hazard Fireworks or Movie Pyrotechnics;
 - (c) ensure that sufficient Fire Protection is provided, at the Fireworks Permit holder's cost or expense, at any site on which High Hazard Fireworks and Movie Pyrotechnics are to be ignited, lit, explode or activate in accordance with:
 - (i) the Fire Safety Plan submitted with the application for a Fireworks Permit; and
 - (ii) any terms and conditions imposed by the Fire Rescue Service;
 - (d) ensure that High Hazard Fireworks and Movie Pyrotechnics are lit, exploded or activated only under the direct supervision of the Fireworks Permit holder; and
 - (e) ensure that the Premises on which the High Hazard Fireworks and Movie Pyrotechnics are lit, exploded or activated is cleared of all resulting debris.

PART 8 – FIRE AND SECURITY ALARM SYSTEMS

Activation of Fire Alarm System

- 8.1 No person shall activate a Fire Alarm System unless:
- (a) there is a fire;
 - (b) the person reasonably believes that a fire or other Incident is occurring or is

imminent; or

- (c) the activation is carried out for testing purposes by a person designated a Registered Fire Protection Technician under the *Applied Science Technologists and Technicians Act*.

8.2 No person shall activate a Fire Alarm System for a mischievous purpose.

Designation of Contact Persons

8.3 Every Owner and Occupier of any Premises with a Fire Alarm System or automatic sprinkler must submit to the Fire Rescue Service on an annual basis the names and phone numbers of at least one contact person available twenty-four hours per day to attend, enter and secure the Premises when notified to do so by the Fire Rescue Service.

Responsibilities of Contact Persons

8.4 Every contact person designated under section 8.3 must have full access to the Premises for which they have responsibility and must attend at the Premises within thirty minutes of being notified by the Fire Rescue Service to do so, in order to take control of and secure the Premises, and release the Fire Rescue Service from the Incident on completion of its assistance response.

Failure of Contact Persons to Attend

8.5 Where a contact person designated under section 8.3 fails to attend at the Premises for which they have responsibility within thirty minutes of being notified by the Fire Rescue Service to do so:

- (a) the Fire Rescue Service may use whatever means necessary to gain entry to the Premises to investigate the alarm without payment to the Owner or Occupier of any compensation whatsoever for damaged caused to the Premises by such forced entry; and
- (b) the Municipality may charge the Owner or Occupier of the Premises the Actual Costs to the Municipality for all time during which the Fire Rescue Service equipment and Members remained on standby at the Premises, commencing after the thirty minute time period specified in this section, until such time as a contact person, Owner or Occupier attends at, provides access to, or secures the Premises.

Changes to Designated Contact Person

8.6 If at any time during the year:

- (a) there is a change to the name or phone number of a contact person that the Owner or Occupier has designated under section 8.3; or
- (b) an Owner or Occupier wishes to change its designated contact person;

that Owner or Occupier shall submit the new information to the Fire Chief, in the form prescribed by the Fire Chief from time to time.

System Protection

Pull Station Covers

- 8.7 Every Owner or Occupier of Premises who leases or otherwise provides a fire alarm system for the Premises must install pull station covers, meeting the ULC/ORD- C268.16-97 standard.

Fees

- 8.8 The Municipality may charge the Owner or Occupier of real property the fees for a False Alarm originating from that property in the amounts set out in Schedule “B” of this Bylaw.

PART 9 – EMERGENCY ACCESS AND EVACUATION

Fire Safety Plans

- 9.1 Every Owner or Occupier of any Building required by the Fire Code to have a Fire Safety Plan prepared in cooperation with the Fire Rescue Service shall:
- (a) prepare the Fire Safety Plan in a form, format and diagram template acceptable to the Fire Chief and submit the Fire Safety Plan to the Fire Chief;
 - (b) pay the fee prescribed in Schedule “B” of this Bylaw;
 - (c) review the Fire Safety Plan at least annually in accordance with the requirements of the Fire Code and, if material changes have occurred in relation to the Building, use, or occupancy, submit an updated Fire Safety Plan to the Fire Rescue Service for review; and
 - (d) locate a copy of the Fire Safety Plan next to the alarm panel on the Premises in a highly visible weather proof box with a minimum size of 30cm x 30cm to allow for reference and review by the Fire Rescue Service.

Failure to Prepare Plans

- 9.2 If the Owner or Occupier of any Building required to have a Fire Safety Plan fails to prepare, submit or update the required plan in accordance with this Bylaw, the Fire Rescue Service may prepare and update the required plan and may charge the Owner or Occupier the fee prescribed in Schedule “B” of this Bylaw.

Street Addresses

- 9.3 An Owner of real property in the Municipality shall ensure that street addresses and suite numbers are displayed in accordance with the following requirements:
- (a) the civic address that the Municipality has assigned to that property must be displayed and must be legible from the street or roadway fronting the property at all times of day and night, with each address number being not less than twenty centimetres in height;

- (b) where a property includes multiple Buildings with separate addresses assigned to each of the buildings, the Building address shall be displayed on each Building in accordance with paragraph (a);
- (c) where more than one property is accessed by a common driveway, the civic address for each property shall be displayed at the entry to the driveway in accordance with paragraph (a);
- (d) where a Building is set back from the street or roadway fronting the property such that the assigned civic address is not clearly identifiable due to the distance from the street or roadway, or where landscaping or architectural appendages or other obstructions obstruct the visibility, the assigned civic address shall be displayed at the driveway entrance from the street or road serving the Building as well as on the Building itself;
- (e) where a Building includes multiple individual units with separate suite numbers assigned to each unit, the suite number for each unit shall be displayed in a visible location at the entry to the unit, with each suite number being not less than twenty centimetres in height; and
- (f) all letters and numbers must be of a colour which contrasts with the background colour of the Building or other surface on which they are mounted.

9.4 The Owners and Occupiers of property located in a multi-residential complex shall ensure that a site plan for the complex is posted at the main driveway entrance to the complex, which site plan shall:

- (a) be visible at all times of day and night upon entry to the complex;
- (b) indicate the location, address or number of each unit in the complex, and the points of access to each unit; and
- (c) be of a size that enables first responders to easily read and determine the location and address of each unit without having to exit the emergency response vehicle.

PART 10 – FIRE PROTECTION EQUIPMENT

Connections for Building Sprinkler and Standpipe Systems

10.1 Every Owner and Occupier of a Building shall ensure that Fire Rescue Service connections for sprinkler and standpipe systems for the Building are clearly identified, functional, kept in good repair and maintained clear and free from obstructions at all times.

Fire Hydrants on Private Property

10.2 Every Owner and Occupier of a Premises on which a fire hydrant is located shall:

- (a) maintain the space around the hydrant with stable ground cover and a clear and unobstructed area for a radius of at least one metre;
- (b) the base of hydrant should be 0.75 metres above finished grade at the hydrant.

- (c) maintain ground cover and clearance around the hydrant so as to provide a clear view of the hydrant from the street when being approached from either direction;
- (d) ensure the hydrant is maintained in good working condition at all times and that the hydrant is inspected, serviced and tested at least yearly in accordance with the requirements of the Fire Code;
- (e) at least yearly, have the hydrant flushed and drained; and
- (f) provide the Fire Chief with a written report of the inspection, servicing and testing performed on the hydrant during the previous twelve months.

Use of Fire Hydrants

- 10.3 No person shall use or take water from any fire hydrant in the Municipality or make any attachment thereto without first obtaining a Hydrant Use Permit or the written permission of the General Manager of Infrastructure Services.
- 10.4 A person may apply for a Hydrant Use Permit by:
- (a) submitting the form of application specified by the General Manager of Infrastructure Services;
 - (b) agreeing to the conditions of use specified in the Hydrant Use Permit;
 - (c) paying the application fee applicable to the duration of permit sought as prescribed in Schedule "B" of this Bylaw; and
 - (d) paying a deposit in the amount prescribed in Schedule "B" of this Bylaw, which deposit is only to be refunded once backflow preventer valves provided by the Municipality are returned.
- 10.5 Upon receipt of a complete application under section 10.4 of this Bylaw, the General Manager of Infrastructure Services may:
- (a) issue a Hydrant Use Permit; or
 - (b) refuse to issue a Hydrant Use Permit if the proposed use is deemed an by the General Manager of Infrastructure Services to be an inappropriate use of hydrant water or is expected to compromise the Municipality's water supply or firefighting capability.
- 10.6 No person shall tamper with any mechanical operation of a fire hydrant in the Municipality.
- 10.7 No person shall mechanically open any fire hydrant in the Municipality unless authorized to do so by the General Manager of Infrastructure Services.

Inspection and testing of fire protection equipment

- 10.8 Every person who is required under any provision of the British Columbia Fire Code to perform or cause to be performed an inspection or test of Fire Protection equipment for a hotel, motel, apartment building, strata building, boarding house, lodging house or public building, or to perform or cause to be performed an inspection or test of fire suppression systems in commercial kitchen exhaust systems, shall ensure that the inspection or test is performed by a person designated a Registered Fire Protection Technician under the *Applied Science Technologists and Technicians Act* and in accordance with the British Columbia Fire Code.
- 10.9 Every person who is required to obtain an inspection or a test referred to in section 10.8 of this Bylaw shall ensure that the inspection or test is recorded, or the Fire Protection equipment tagged and labeled, in accordance with the British Columbia Fire Code and any regulations or bylaws under the *Applied Science Technologists and Technicians Act*.

PART 11 – INSPECTION OF PREMISES

Authority for Inspection

- 11.1 Every Member is hereby authorized to enter at all reasonable times upon any Premises to inspect and determine whether or not:
- (a) the Premises are so used or occupied that fire would endanger life or property;
 - (b) combustible or explosive materials are being kept on the Premises or other flammable conditions exist in or about the Premises so as to endanger life or property;
 - (c) in the opinion of the Member, a Fire Hazard exists in or about the Premises; or
 - (d) the requirements of this Bylaw and the Fire Code are being complied with.

Entry for Inspection

- 11.2 No person shall obstruct, hinder or prevent the Fire Chief or any Member from entering into or upon any Premises for the purpose of inspecting the Premises in the course of their duties.

Provision of Information

- 11.3 Every Owner and Occupier of a Premises shall provide all information and shall render all assistance required by the Fire Chief or any Member in connection with the inspection of the Premises pursuant to this Bylaw.

False Information

- 11.4 No person shall purposely withhold or falsify any information required by the Fire Chief or any Member, nor refuse to assist in the carrying out of any inspection of a Premises pursuant to this Bylaw, the Fire Code or the *Fire Services Act*.

PART 12 – ENFORCEMENT

Fire Orders

- 12.1 If a person contravenes or fails to comply fully with any provision of this Bylaw, or if conditions exist in or upon any Premises which, in the opinion of the Fire Chief or a Fire Inspector, constitute a Fire Hazard or other danger to life or property, the Fire Chief or a Fire Inspector may issue a written order requiring that person to take such action as is necessary to ensure compliance with this Bylaw or to remove or otherwise deal with the Fire Hazard or other danger, and every person who receives an order under this section shall carry out that order by the date or time required.

Serving of Fire Orders

- 12.2 An order made by the Fire Chief or a Fire Inspector under this Bylaw may be served:
- (a) by delivering it or causing it to be delivered to the person to whom it is directed;
 - (b) by sending the order by mail to the last known property Owner of the Premises that are the subject of the order; or
 - (c) if the person to whom it is directed cannot be found, is not known or refuses to accept service of the order, by posting a copy of the order in a conspicuous place on the Premises that are the subject of the order.
- 12.3 If an order has been posted in accordance with section 12.2 of this Bylaw, a person must not remove, deface or destroy the order.

Dating of Fire Orders

- 12.4 Every order issued by the Fire Chief or a Fire Inspector shall state a date or time by which the order shall be carried out, which date or time shall be determined in the discretion of the issuer, having 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.

Inspection Upon Completed Remediation

- 12.5 Upon completion of all work required in an order made pursuant to this Bylaw, the person to whom the order was directed shall notify the Fire Chief of such completion and the Fire Chief or a Fire Inspector shall attend at the Premises to inspect the work.
- 12.6 If the Fire Chief or a Fire Inspector attends at the Premises in accordance with section 12.5 and discovers that the work is incomplete or not compliant with this Bylaw or the Fire Code, the person to whom the initial order was directed shall complete or correct the work in the time specified by the Fire Chief or the Fire Inspector, and the Fire Chief or a Fire Inspector shall attend at the Premises to inspect the work. If the work is still incomplete or not compliant with this Bylaw or the Fire Code, and the Fire Chief or Fire Inspector must attend at the Premises to re-inspect the work, the person to whom the initial order was directed shall pay the re-inspection fee prescribed in Schedule “B” of this Bylaw.

Representations to the Fire Chief

- 12.7 A person who receives an order may request the Fire Chief consider cancelling or revising the order by delivering written submissions to the Municipality's corporate officer no later than 3 days before the day by which the order must be carried out.
- 12.8 After considering written submissions provided under section 12.7, the Fire Chief may affirm, modify or cancel an order issued under this Bylaw.

Municipal Action at Defaulter's Expense

- 12.9 Where a person has received an order made pursuant to the provisions of this Bylaw, has been given an opportunity to make written submissions to the Fire Chief in respect of the matter and has failed to comply with an order by the date specified in the order, the Municipality may, by its employees, servants or agents, enter the Premises and effect such work as is required in the order at the cost and expense of the recipient of the order, payable upon the date stated on an invoice issued by the Municipality.

Penalties

- 12.10 A person who:

- (a) contravenes, violates or fails to comply with any provision of this Bylaw, any Campfire Permit or Fireworks Permit, or any order issued under this Bylaw;
- (b) suffers or allows any act or thing to be done in contravention or violation of this Bylaw, any Campfire Permit or Fireworks Permit, or any order issued under this Bylaw; or
- (c) fails or neglects to do anything required to be done under this Bylaw, any Campfire Permit or Fireworks Permit, or any order issued under this Bylaw;

commits an offence and, upon conviction, shall be liable to a fine of not more than Ten Thousand Dollars (\$10,000.00), and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

Enforcement by Bylaw Notices or Municipal Ticket Information

- 12.11 This bylaw may be enforced by means of a ticket issued under the Bylaw Notice Enforcement Bylaw No. 2174, 2018 or Municipal Ticket Information System Bylaw No. 1719, 2005 as amended from time to time.

PART 13 – FEES AND COST RECOVERY

Inspection and Search Fees

- 13.1 Every person who obtains any of the following inspections or searches by the Fire Rescue Service must pay the applicable fee prescribed in Schedule "B" of this Bylaw:

- (a) a special request inspection of a Building, structure or site to determine compliance with this Bylaw or the Fire Code;
- (b) a file search on occupancies of a Premises for outstanding Fire Code violations, infractions or other related information.

Nuisance and Dangerous Goods Incidents

- 13.2 Every person having responsibility for the transport, storage or use of Dangerous Goods or owning land on which Dangerous Goods are stored shall be liable to pay the Actual Costs incurred by the Fire Rescue Service for the clean-up and safe disposal of all such Dangerous Goods that spill or escape as a result of any Incident, which Actual Costs include the equipment repair, replacement and decontamination costs.

Fees and Costs may be Added to Taxes

- 13.3 A fee imposed under this bylaw in relation to work or services to real property, including a response to a False Alarm, that remains unpaid on December 31 in any year may be added to and form part of the taxes payable on that property as taxes in arrears.
- 13.4 If this Bylaw authorizes or requires the Municipality to provide work or services to real property at the Owner's or Occupier's expense, and the costs incurred and invoiced by the Municipality for carrying out such work or services remain unpaid on December 31 of the year in which they were due and payable, the Municipality may recover those costs from the Owner of the property by adding them and causing them to form part of the taxes payable on the property as taxes in arrears.

PART 14 – SEVERABILITY

- 14.1 If any part, section, subsection 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 this Bylaw will be deemed to be enacted without the invalid portion.

PART 15 – REPEAL OF PREVIOUS BYLAWS

- 15.1 The following bylaws of the Municipality are hereby repealed:
- (a) Fire Protection and Fireworks Bylaw No. 2046, 2014;
 - (b) Fire and Security Alarm Systems Bylaw No. 1955, 2010; and
 - (c) Inspection and Testing of Fire Protection, Equipment Bylaw No. 1754, 2006.

GIVEN FIRST, SECOND and THIRD READINGS this 17th day of December,
2019. ADOPTED this ____ day of _____, 2020

Jack Crompton,
Mayor

Alba Banman,
Municipal Clerk

I HEREBY CERTIFY that this is a true copy
of "Fire and Life Safety Bylaw No. 2201,
2019".

Municipal Clerk, A. Banman

SCHEDULE A: FIRE RESCUE SERVICE:

INTERFACE CONSTRUCTION AND MAINTENANCE REGULATIONS

The Resort Municipality of Whistler experiences “High” and “Extreme” fire danger ratings, as defined by BC Wildfire Service. This creates a situation where construction in the wildland urban interface can be a potential source of ignition resulting in a wildfire.

The interface areas in the Resort Municipality of Whistler are those areas where development and maintenance activities are taking place in areas next to or among forested areas. To determine if your construction site is subject to these regulations, contact fire@whistler.ca to arrange for a site inspection.

The Whistler Fire Rescue Service referred to the Wildfire Regulations (B.C. Reg. 38/2005) as a guideline in developing these regulations. They have been modified from their Industrial application to reflect the urban construction environment.

Goal of the regulations:

The goal of these regulations is to ensure that sources of ignition are eliminated and/or mitigation measures are put in place to reduce the risk of wildfires during Fire Danger Ratings High and Extreme.

The following regulations shall apply to construction and other sites, such as a property undergoing tree service work, unless a site specific exemption has been granted.

Restrictions During High Fire Danger Rating

When the fire danger rating is High, all high risk construction activity as defined in the Fire and Life Safety Bylaw 2201, 2018 being carried on within 10 metres of the forest (the “interface area”) shall cease at 1300 hours each day.

Examples of high risk construction activity include:

- a. Blasting
- b. Excavating
- c. Drilling
- d. Grinding
- e. Hot works

A fire watch shall be maintained for a minimum of two hours after construction ceases.

Despite the above, the following activities may continue after 1300 hours during a High fire danger rating:

- a. Work inside a structure
- b. Use of electrically powered equipment as authorized by a permit issued by the Fire Rescue Service
- c. Work with hand tools
- d. Heavy-duty equipment or small engines may continue to work in areas around a site where they are not within 10 metres of the forest.

High risk construction activities in the interface area may resume to a regular schedule when the fire danger rating is moderate or low.

Restrictions During Extreme Fire Danger Rating

When the fire danger rating is Extreme, all high risk construction activity as defined in the Fire and Life Safety Bylaw 2201, 2018 in the interface area shall cease.

Examples of high risk construction activity include:

- a. Blasting
- b. Excavating
- c. Drilling
- d. Grinding
- e. Hot works

A fire watch shall be maintained for a minimum of two hours after construction ceases.

Despite the above, the following activities may continue during an Extreme fire danger rating:

- a) Work inside a structure
- b) Use of electrically powered equipment under a permit issued by the Fire Rescue Service
- c) Work with hand tools
- d) Heavy-duty equipment or small engines may continue to work in areas around a site where they are not within 10 metres of the forest

When the fire danger rating falls from Extreme to High, high risk construction activities in the interface area may resume to the restrictions during high fire danger rating.

All construction restrictions shall be lifted when the fire danger rating is moderate or low.

Exemptions

A person may apply for an Exemption to the above stated restrictions by submitting an application in a form acceptable to the Fire Chief and pay the fee set out in Schedule "B" to the Fire and Life Safety Bylaw 2201, 2018.

In response to an application, the Fire Rescue Service may grant an exemption to the above stated construction restrictions on the condition that the person take mitigating measures prescribed by a member of the Fire Rescue Service after a site specific inspection.

Mitigating measures may include any or all of the following:

- a) Reduction of fuel
- b) Changing moisture content of fuel
- c) Provision of firefighting equipment
- d) Designated smoking area
- e) Other measures as determined necessary

An Exemption may be rescinded for failure to comply with the prescription for mitigating measures or for other reasons as determined by the Fire Chief or designate.

Note: The ability to apply water to increase fuel moisture content may be impacted by sprinkler restrictions and will be monitored. This may result in an Exemption being rescinded. Construction sites using municipal fire hydrants will be required to obtain a Hydrant Usage Permit.

To apply for an Exemption to the Construction Restrictions contact fire@whistler.ca or call 604-935-8260 to arrange for a site inspection.

SCHEDULE "B"

FEES AND COST RECOVERY

FIRE RESCUE SERVICES WORK OR SERVICE	SECTION	FEE
Inspection Service Fee:	4.8.	
Premises less than or equal to 5,000 square feet in floor area		\$100.00 per year
Premises greater than 5,000 square feet in floor area		\$150.00 per year
Re-inspection fee (2 nd and subsequent re-inspection)	4.9	\$300.00 per inspection
Fixing, replacing damaged equipment	5.6	Actual Costs
Campfire Permit Application/Inspection	6.13	No Fee
Campfire Permit Re-Inspection	6.14	\$100.00
Fireworks Permit application	7.4(f)	\$100.00
Attendance – standby service	8.5(b)	Actual Costs
False Alarm –	8.9	No Fee
First or Second Alarm within 12-Month Period		
Third Alarm with 12-Month Period		\$200.00
Fourth Alarm or greater Alarm within 12- Month Period		\$300.00
Review – Fire Safety Plan	9.1(b)	Actual Cost
Hydrant Use Application Fee	10.4(c)	\$75.00 per hydrant per day
Re-inspection after an order	12.6	\$150.00 per inspection
Special request fire inspection	13.1(a)	\$150.00
File search	13.1(b)	\$100.00
Nuisance and Dangerous Goods spill response and abatement	13.2	Actual Costs
Work in default	13.3	Actual Costs
Application for Interface Construction Restriction Exemption Permit	Schedule A	\$150.00

SCHEDULE “C”

Fire Service Hourly Rates

1 Fire Truck and 4 firefighters	\$575 per hour
1 Fire Truck and 2 firefighters	\$285 per hour
Fire plan review by fire official	\$150 per hour