



# City of Port Moody

## CONSOLIDATED FOR CONVENIENCE

### BYLAW NO. 2835

A bylaw to provide for the prevention and suppression of fires, for regulating the conduct of persons at fires and to authorize the issuance of permits in order to protect life and property.

#### Table of Contents

1. INTERPRETATION .....	3
Definitions .....	3
2. APPLICABILITY AND FIRE CODE .....	6
3. FIRE-RESCUE DEPARTMENT .....	6
Continuation of Fire-Rescue Department.....	6
Services .....	6
Rank Structure, Appointments and Accountability .....	7
Jurisdiction .....	7
4. FIRE CHIEF .....	7
Administration.....	7
Emergencies .....	8
General .....	9
5. AREA RESTRICTIONS .....	9
Orders Restricting Burning .....	9
Orders Restricting Entry into Parks or Woodland Areas .....	10
Notice and Effective Period .....	10
Duty to Comply.....	10
6. ENTRY AND INSPECTIONS .....	11
Entry at an Incident.....	11
Entry for Inspection.....	11
Duty to Assist at Inspection .....	11
7. CONDUCT OF PERSONS .....	11
Reporting of Fires.....	11
Assistance of Public .....	11
No Hindrance .....	11
Restricted Entry at Incident.....	12
Non-Interference .....	12
False Information.....	12
8. DUTIES OF OWNERS AND OCCUPIERS.....	13
Securing Vacant Buildings and Structures Where Fire Has Occurred.....	13
9. FIRE WATCH.....	13
10. FIRE & EMERGENCY SERVICES ACCESS .....	13
Emergency Access Route .....	13
Access and Keys.....	14

11. SECURING VACANT PREMISES.....	14
12. FIRE DAMAGED BUILDING.....	15
13. PREVENTION OF FIRE HAZARDS .....	15
Buildings and Structures - General.....	15
Orders by Fire Chief or Inspector.....	16
14. COMBUSTIBLES .....	16
Storage of Flammable or Combustible Materials .....	16
Combustible Dust and Removal .....	16
Spray Coating Using Flammable or Combustible Materials .....	17
Order to Remove Flammable or Combustible Material .....	17
15. FIRE PREVENTION REQUIREMENTS .....	18
General .....	18
Refuse Containers.....	18
16. FIRE PROTECTION EQUIPMENT.....	18
Maintenance and Testing .....	18
Fire Extinguishers.....	19
Commercial Cooking Equipment .....	20
Sprinkler Systems .....	20
Fire Department Connections.....	20
Fire Alarm Systems .....	21
Contact Persons.....	21
Smoke Alarms.....	22
Standpipes and Fire Hydrants .....	22
Private Fire Hydrants.....	23
17. MEANS OF EGRESS.....	23
Exit Doors.....	23
Locking Devices .....	23
Exits .....	24
18. CIVIC AND UNIT ADDRESS.....	24
19. FIRE SAFETY PLANS .....	25
Fire Safety Plan Requirements.....	25
Operations Manual .....	25
Operations Manual - Storage Box.....	26
Premises Under Construction or Demolition .....	26
20. OPEN AIR BURNING.....	27
Prohibition and Exceptions .....	27
Prohibited Materials.....	27
21. ORDERS.....	28
Contravention or Hazard .....	28
Delivery .....	28
Compliance .....	28
No Interference.....	28
22. FEES AND COST RECOVERY.....	28
Inspections .....	28
Investigations .....	29
Attendance on False Activation of Fire Alarm System .....	29
Damage to Fire-Rescue Apparatus .....	29
Standby Costs.....	30
General .....	30
23. CONTRAVENTION AND PENALTIES.....	31
24. REPEAL AND EFFECTIVE DATE.....	31

**WHEREAS** the Council of the City of Port Moody deems it expedient to provide for fire suppression and prevention services, assistance response in hazardous circumstances, and to authorize the Fire Chief and other persons to take measures for the prevention and suppression of fires, within the city boundaries;

**THEREFORE**, the Council of the City of Port Moody enacts as follows:

## **TITLE**

This bylaw may be cited for all purposes as “City of Port Moody Fire Protection and Emergency Response Bylaw, 2010, No. 2835”.

## **1. INTERPRETATION**

### **Definitions**

In this Bylaw, unless the context otherwise requires:

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

**apparatus:** means any vehicle, machinery, device, equipment or material used for fire protection or assistance response and any vehicle used to transport Members or supplies;

**as-constructed drawings:** means original design drawings accurately revised to reflect actual construction changes in the field;

**assistance response:** means aid provided in respect of fires, explosions, medical assistance, floods, earthquakes or other natural disasters, escape of dangerous goods, rail or marine incidents, motor vehicle or other accidents, and circumstances necessitating rescue efforts;

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

**building:** means any structure used or intended for supporting or sheltering any use or occupancy;

**Building Code:** means the *British Columbia Building Code*;

**City:** means the City of Port Moody;

**dangerous goods:** means any goods identified as dangerous in the *Transport of Dangerous Goods Act* (British Columbia);

**emergency access route:** means any highway, street, road, lane or statutory right of way within the City, whether private or public, capable of providing access to Fire-Rescue Department vehicles;

**Emergency Response Agency:** means any agency or organization that provides assistance response within Port Moody, including but not limited to Police, British Columbia Ambulance Service or the Fire-Rescue Department;

**false alarm:** means any alarm, regardless of how caused, necessitating a response by the Fire-Rescue Department where a fire or emergency does not exist;

**fire alarm system:** means a system consisting of a control unit and a combination of electrical interconnected devices, which is:

- a) designed and intended to detect a fire condition and to actuate an alarm or warning of fire in a building or structure; or
- b) manually activated and includes the systems installed throughout any building or portion thereof;

**Fire Chief:** means the Director of the Fire-Rescue Department, and in the absence of the Director, a Deputy Fire Chief or other Officer designated to act in the place of the Fire Chief;

**Fire Code:** means the *British Columbia Fire Code*;

**Fire-Rescue Department:** means the Fire-Rescue Department of the City;

**fire hazard:** means any condition, arrangement or act which:

- a) increases the likelihood of fire;
- b) may provide a ready fuel supply to augment the spread or intensity of a fire;
- c) may obstruct, delay, hinder, or interfere with the operations of the Fire-Rescue Department; or
- d) may obstruct, delay, hinder, or interfere with the egress of occupants in the event of fire;

**Fire Inspector:** means a Member authorized by the Fire Chief to carry out inspections of buildings or other property under this Bylaw and to exercise the powers of a local assistant under the *Fire Services Act*;

**fire prevention:** means that part of fire protection activities exercised in advance of the outbreak of fire to help prevent loss of life and property due to fire;

**fire protection equipment:** includes but is not limited to, fire alarm systems, automatic sprinkler systems, special extinguisher systems, portable fire extinguishers, fire hydrants, fire pumps, water supplies for fire protection, standpipe and hose systems, fixed pipe fire suppression systems in commercial cooking exhaust systems, smoke control measures, emergency lighting and emergency power installations;

**Fire Protection Services:** means the section within the Fire-Rescue Department that is responsible for the suppression of all types of fires, fire inspections, fire cause determination, fire arson investigations and fire and life safety public education programs;

**Fire Protection Technician:** means a person certified under the *Applied Science Technologists and Technicians Act* as a fire protection technologist, or a person having other equivalent certification acceptable to the Fire Chief, that qualifies the person to perform inspections and testing of fire protection equipment;

**fire watch:** means a competent person appointed to watch for fires within a certain building or premises, who is familiar with all fire safety features, including the fire safety plan for that building or premises, and the condition of all exits, and who can, by patrolling the building or premises, ensure that the means of egress are kept clear and that any requirements of the Fire Chief are met;

**hotel:** has the same meaning as in the *Fire Services Act*;

**incident:** means a fire, an explosion, a situation where a fire or explosion is imminent or any other situation presenting a danger or possible danger to life or property or the environment and to which the Fire-Rescue Department has responded;

**Member:** means a person appointed as an employee of the Fire-Rescue Department by the Fire Chief;

**Member in Charge:** means the senior Member at the scene of an incident or the Member that is appointed as such by the Fire Chief;

**new building:** means a new building constructed as a separate entity, or an addition to an existing building where the addition has no internal pedestrian connection with the existing building;

**occupancy:** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

**occupant:** includes a tenant, lessee, agent and any other person who has the right of access to or control of a building or premises to which this Bylaw applies;

**Officer:** means those Members of the Fire-Rescue Department who are the Fire Chief, Deputy Fire Chief, Captains and Lieutenants, or those Members who are acting in the capacity as a supervisor or designated by the Fire Chief as an Officer;

**Owner:** means a person who has ownership or control of real property and includes:

- a) the registered owner of an estate in fee simple;
- b) the tenant for life under a registered life estate;
- c) the registered holder of the most recent agreement for sale; and
- d) in relation to common property and facilities in a strata plan, the strata corporation;

**premises:** includes the whole part or any part of a lot of real property and any buildings or structures on the property;

**private hydrant:** means a fire hydrant on private property or common property within a strata property;

**smoke alarm:** means a combined smoke detector and audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within the room or suite;

**solid waste:** means garbage or yard trimmings;

**structure:** means a construction or portion thereof, of any kind, whether fixed to, supported or sunk into land or water, except landscaping, fences, paving and retaining structures less than 1.22 meters in height; and

**vacant premises:** includes a lot, building or structure in respect of which a 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.

- 1.2 Except as otherwise defined in this Bylaw, words and phrases herein are to be construed in accordance with their meanings under the *Community Charter*, the *Building Code*, the *Fire Code*, the *Fire Services Act* or the *Interpretation Act*, as the context and circumstances may require.
- 1.3 A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, code or bylaw refers to that enactment as it may be amended or replaced from time to time.
- 1.4 Words in the singular include the plural and gender specific terms include both genders and include corporations. Headings in this Bylaw are for convenience only and must not be construed as defining or in any way limiting the scope or intent of this Bylaw. If any section, subsection or clause of this Bylaw is declared or held to be invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

## **2. APPLICABILITY AND FIRE CODE**

- 2.1 The provisions of this Bylaw apply to all lands, yards, buildings, structures, premises and conditions within the City and, for certainty, apply to both existing buildings and buildings under construction.
- 2.2 The Fire Code is hereby adopted and forms part of this Bylaw.

## **3. FIRE-RESCUE DEPARTMENT**

### **Continuation of Fire-Rescue Department**

- 3.1 The Fire-Rescue Department is hereby continued for the purposes of providing the fire suppression, fire prevention and rescue services contemplated under this Bylaw.

### **Services**

- 3.2 Services provided by the Port Moody Fire-Rescue Department include:
  - a) all aspects of fire protection services, including:
    - i. the suppression of all types of fires;
    - ii. fire prevention inspections;

- iii. fire cause determination;
  - iv. fire and life safety education;
  - v. general fire prevention activities; and,
  - vi. pre-incident planning;
- b) delivery of medical assistance as medical first responders;
  - c) rescue of persons from potentially dangerous situations in which the Members have been trained; and
  - d) mitigation of vehicles damaged, and persons injured in motor vehicle incidents.

### **Rank Structure, Appointments and Accountability**

3.3 The rank structure of the Fire-Rescue Department, in descending order shall be as follows:

- a) Fire Chief;
- b) Deputy Fire Chief;
- c) Assistant Fire Chief;
- d) Captain;
- e) Lieutenant; and
- f) Firefighter.

3.4 All Members and Officers of the Fire-Rescue Department shall be appointed by the Fire Chief as vacancies occur or as necessary.

3.5 All Members and Officers are accountable to the Fire Chief for performance of their duties.

### **Jurisdiction**

3.6 The provision of services, apparatus and equipment of the Fire-Rescue Department is limited to the City, except as may be expressly provided through a written agreement between the City and another local government or in the case of a specific incident where assistance is requested by another fire service, with the consent of the local government having jurisdiction over an area beyond the boundaries of the City.

## **4. FIRE CHIEF**

### **Administration**

4.1 The Fire Chief is responsible for the management of the Fire-Rescue Department, its Members, apparatus, equipment, incident response and other matters and things necessary

for the provision of fire protection and fire prevention services to the City in accordance with Council policy and direction.

- 4.2 The Fire Chief may make rules and operational guidelines for the property and efficient administration of Fire-Rescue Department operations, for the appointment of its Members and Officers, and for the conduct and discipline of Members, and subject to a Council resolution or collective agreement, may vary, alter or repeal those rules and guidelines.
- 4.3 The Fire Chief may appoint or designate other Officers of the Fire-Rescue Department to act on behalf of the Fire Chief and may, in writing, authorize Officers to exercise the powers of a local assistant to the Fire Commissioner.
- 4.4 The Fire Chief may require a Member who applies for promotion to complete training and examinations in keeping with Provincial standards as the Fire Chief considers appropriate.
- 4.5 The Fire Chief is responsible for the preparation and enforcement of a policy for a regular system of inspection of hotels and public buildings within the City.

## **Emergencies**

4.6 The Fire Chief may:

- a) exercise the following powers under section 25 of the *Fire Services Act*:
  - i. if an emergency arising from a fire hazard or from a risk of explosion causes the Fire Chief to be apprehensive of imminent and serious danger to life or property, or of a panic, may immediately take steps the Fire Chief considers advisable to remove the hazard or risk;
  - ii. if the Fire Chief believes that conditions exist in or near a hotel or public building, that, in the event of a fire, might seriously endanger life or property, may immediately take action the Fire Chief considers advisable to remedy the conditions to eliminate the danger and may evacuate and close the hotel or public building; and

without limiting the foregoing, for these purposes the Fire Chief may evacuate a building or area, and may call on police and other fire prevention authorities who have jurisdiction to provide assistance;

- b) in relation to an incident, cause or direct the demolition of any building or part of a building which, in the Fire Chief's judgment, should be demolished in order to prevent the spread of fire or to prevent damage to property, injury to persons, or loss of life;
- c) provide for assistance response, and if necessary commandeer any available apparatus for that purpose;
- d) request that any person at or near an incident render reasonable aid to mitigate the incident; and



- e) post a notice on any building or structure at or near the site of an incident warning that
  - i. entry onto the property or occupancy of the building may be hazardous, or
  - ii. entry of the property or occupancy of the building is restricted or prohibited.

## **General**

4.7 The Fire Chief, and any Officer or Member appointed in writing by the Fire Chief for the same purpose, may:

- a) enforce this Bylaw and any orders made under it, and any other City bylaws and regulations for the prevention and suppression of fire and the protection of life and property;
- b) enter on property 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) inquire into, investigate and record the causes of fires in the City;
- d) collect and disseminate information in regard to fires in the City;
- e) investigate and make inquiries into fires;
- f) research best practices in methods of fire prevention; and
- g) make recommendations to Council for the City as to fire prevention and life safety issues within the City.

## **5. AREA RESTRICTIONS**

### **Orders Restricting Burning**

5.1 If the Fire Chief is of the opinion that conditions exist that present unusual risk to the safety of life or property by exposure to fire, and deems it expedient to take steps to reduce the risk, the Fire Chief may, by written order, restrict or prohibit any of the following within the City or any area or part of the City:

- a) campfires, beach fires, or burning in the open air of any kind;
- b) burning outdoors for cooking or heating purposes using devices other than gas, propane or electric barbecues or similar cooking or heating devices that meet Canadian Standards Association certification standards;

- c) lighting and smoking a cigarette, cigar, pipe or other smoking material in or near wooded areas, parks or public places that are vulnerable to catching fire by inappropriate disposal of smoking materials; and

the order may include conditions and impose requirements as to times, locations, purposes, materials, fuel, equipment, supervision, monitoring, size and any other criteria that the Fire Chief considers to be relevant and appropriate in the circumstances.

### **Orders Restricting Entry into Parks or Woodland Areas**

- 5.2 If the Fire Chief determines that the safety of life or property or both in any area within the City is endangered through the hazardous condition of the forest cover or the occurrence of spread of fire burning in any forest or woodland, the Fire Chief may, by an order in writing, declare that area or any portion thereof as closed and restrict or prohibit entry by persons into that area.
- 5.3 Without limiting an order under section 5.2, when the fire danger rating of the B.C. Forest Service reaches Extreme, the Fire Chief may, by written order, declare any park or trail system, or part thereof, as closed and restrict or prohibit entry by persons into any parks or trail systems within the City.

### **Notice and Effective Period**

- 5.4 An order made under sections 5.1, 5.2 or 5.3 comes into effect:

- a) when the order is delivered to the City Clerk and posted on the notice board in City Hall, or
- b) when the order is posted in or near entrances to parks, trails, forest or woodland areas,

whichever time is earlier, and remains in effect until the Fire Chief notifies the City Clerk that the conditions on which the order is based are no longer present or sufficiently hazardous to warrant the restrictions or prohibitions.

- 5.5 On receiving an order by the Fire Chief, the City Clerk may arrange for providing additional notice and related information to the public using any means of communication the City Clerk considers appropriate in the circumstances.

### **Duty to Comply**

- 5.6 Every person shall observe the restrictions, prohibitions, conditions and requirements established by an order made under this section.

## **6. ENTRY AND INSPECTIONS**

### **Entry at an Incident**

- 6.1 The Fire Chief and every Member attending at an incident may enter into or upon any lands, premises or property with apparatus in order to combat, control, deal with, or investigate the incident.

### **Entry for Inspection**

- 6.2 Any Member or a Fire Inspector, with the assistance of other personnel of the City as necessary, may enter into or upon any lands, yards, buildings, structures or premises or to ascertain whether:
- a) the requirements of this Bylaw or Fire Code are being complied with; or
  - b) conditions exist which may cause or increase the risk of fire.

### **Duty to Assist at Inspection**

- 6.3 Every owner and occupant of a premises shall provide all information and shall render all assistance required by any Member or a Fire Inspector in connection with the inspection of the premises.
- 6.4 No person shall obstruct, hinder or prevent any Member or a Fire Inspector from entering into or upon any land, premises or property for the purpose of inspecting the same.

## **7. CONDUCT OF PERSONS**

### **Reporting of Fires**

- 7.1 Every owner or occupant of premises where a fire has occurred, which results in destruction or damage to property or as a result of which death has occurred must report the fire immediately to the Fire-Rescue Department, the Fire Chief, or a police officer.

### **Assistance of Public**

- 7.2 Every person at or near a fire, emergency, or other incident shall comply with the orders or directions of any Member and provide any information that person may have relating to the fire, emergency or other incident to any Member who requests that information. Any person refusing to comply with an order of a Member may be removed from the scene by a peace officer.

### **No Hindrance**

- 7.3 No person shall:

- a) obstruct or fail to yield the right of way on any highway, street, road, lane or statutory right of way within the City, whether private or public, to any Fire-Rescue vehicle, equipment or personnel that is responding to an emergency;
- b) refuse to permit a Member to enter into or upon any premises from which a fire alarm or other report of any emergency has been received or where the Member believes that a fire, fire hazard, or other circumstance which poses or may pose a risk to life safety or property exists;
- c) impede, hinder or obstruct any Member of the Fire-Rescue Department or equipment in the extinguishment of a fire, the control of an emergency or an incident involving hazardous materials or any other incident; or
- d) interfere with any Member or refuse to permit any Member to enter into or upon premises or a fire scene to determine the cause and origin of fire, the activation of a fire alarm system or the presence and functioning of a sprinkler system or other fire protection equipment.

### **Restricted Entry at Incident**

7.4 The Fire Chief or Member in Charge at a fire, emergency, or other incident may establish limited entry areas in the vicinity of the fire, emergency or incident, and no person shall enter that area without the permission of the Fire Chief or Member in charge.

### **Non-Interference**

7.5 Unless authorized by the Fire Chief or a Member in Charge, no person shall:

- a) drive a vehicle over any line or lines of fire hoses, whether in use or otherwise.
- b) stand within 9 meters of any fire hose unless authorized to do so by an Officer.
- c) except as a Member, ride on any Fire-Rescue truck or other Fire-Rescue vehicle or apparatus at any time.

### **False Information**

7.6 No person shall:

- a) purposely withhold or falsify any information required by the Fire Chief or any Officer designated by the Fire Chief; or
- b) make false representation as to being a Member of the Fire-Rescue Department, or wear or display any Fire-Rescue badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

## **8. DUTIES OF OWNERS AND OCCUPIERS**

### **Securing Vacant Buildings and Structures Where Fire Has Occurred**

8.1 If requested by an Officer, a property owner or occupier shall secure a premise that has been damaged by fire, explosion or similar event to prevent the entry of unauthorized persons. The premise shall be secured in a manner approved by the Officer which may include, but is not limited to, any of the following measures:

- a) boarding up the building or structure;
- b) fencing; and
- c) supplying twenty-four (24) hour security services by a licensed security company.

8.2 If the property owner or occupier cannot be located, fails to respond within 45 minutes of being notified by an Officer, or fails to undertake the securing of any premises damaged by fire, the Fire-Rescue Department may cause the work to be carried out, and all costs incurred by the City shall be the responsibility of the property owner.

## **9. FIRE WATCH**

9.1 The owner or occupant of a building or premises in which any of the fire alarm system, sprinkler system, or emergency power system is not operating as required by law, shall appoint and maintain a fire watch in that building or premises, or provide equivalent fire safety measures as directed by or that are acceptable to the Fire Chief.

9.2 If the owner or occupant fails to employ a fire watch as directed by the Fire Chief, the Fire-Rescue Department may appoint or have appointed a fire watch as considered necessary by the Fire Chief, and all costs incurred by the City shall be the responsibility of the property owner.

## **10. FIRE & EMERGENCY SERVICES ACCESS**

### **Emergency Access Route**

10.1 An owner or occupier of premises must not:

- a) block or obstruct any primary or secondary emergency access route with a gate.
- b) park a vehicle in an emergency access route or interfere with, hinder or obstruct access to an emergency access route by Fire-Rescue Department apparatus unless authorized to do so by the Fire Chief.

- 10.2 Every owner or occupier of premises must ensure that an emergency access route, when secured by a gate, bollard, chain or other structure, has a permanent mounted sign, as approved by the Fire Chief, on each side of the emergency access route:

**EMERGENCY ACCESS ONLY  
NO PARKING OR OTHER OBSTRUCTIONS  
FIRE PROTECTION AND EMERGENCY RESPONSE  
BYLAW NO. 2835**

### **Access and Keys**

- 10.3 Every owner or occupier of premises having a fire alarm system or an automatic fire sprinkler system, whether located on strata property or a private lot, must:

- a) ensure that access and required keys to the following areas are readily accessible to the Fire-Rescue Department at all times:
  - i. the main entrance and all exterior doors
  - ii. all common floor areas, service rooms and roof areas;
  - iii. all doors that are locked from the exit stairs to floor areas;
  - iv. as required to recall elevators and to permit independent operation of each elevator;
  - v. all fire alarm control and enunciator panels and fire fighter telephone boxes; and
- b) notify the Fire-Rescue Department when there has been a change of any access key and provide a copy of the new key to the Fire-Rescue Department.

### **11. SECURING VACANT PREMISES**

- 11.1 Every owner of a vacant premises must promptly act to ensure that, at all times:

- a) the premises are free from litter and debris or accumulations of combustible or flammable materials except in strict accordance with the Fire Code and this Bylaw; and
- b) the premises are made and kept secure against unauthorized entry or occupation, or other fire hazards, by one or more of the following methods:
  - i. boarding up the building or structure;
  - ii. fencing; or,
  - iii. supplying twenty-four (24) hour security services by a licensed security company.

11.2 Where a Fire Inspector has found a premises to be non-compliant with section 11.1, the Fire Inspector may, by notice in writing, order the owner to bring the property into compliance within a time period specified in the notice. If the owner fails to bring the premises into compliance within 24 hours or such further time period set out in the notice, or if the owner cannot be located or contacted within 24 hours of finding the premises in a non-compliant state, the Fire Chief may arrange to have the premises brought into compliance by the City or a person acting on the City's behalf, and the owner shall be responsible for all costs incurred by the City for that work.

## **12. FIRE DAMAGED BUILDINGS**

12.1 The owner of a building or other structure that has been damaged due to fire, explosion or similar catastrophic or damaging event must immediately act to ensure that the building is guarded or 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. If the owner fails to provide security for this purpose within 2 hours of being notified by the Fire Chief, or such further time period as may be determined by the Fire Chief, the Fire Chief may cause security measures to be taken as necessary, and the owner shall be responsible for all costs incurred by the City for those measures.

## **13. PREVENTION OF FIRE HAZARDS**

### **Buildings and Structures - General**

- 13.1 No person, being an owner or occupant of any building or structure shall cause, permit, suffer or allow:
- a) the building or structure to remain in such a state of disrepair that a fire starting in the building or structure might spread rapidly to endanger life or other property;
  - b) the use or occupation of the building or structure contrary to enactments heating, gas and electrical safety or the use of related appliances, equipment or infrastructure;
  - c) the use indoors of any cooking or heating device not approved by the Canadian Standards Association for indoor use;
  - d) the use of any defective cooking or heating device in any building or structure;
  - e) the use of an extension cord as a substitute for permanent wiring;
  - f) the use or storage of combustible or explosive material on the premises, except in accordance with the Fire Code, this Bylaw, another applicable enactment, or an order or direction of a Fire Inspector, the Fire Chief or the fire commissioner; or
  - g) any known fire or explosion hazard to exist or remain in or around a building or structure or on any property.

## **Orders by Fire Chief or Inspector**

- 13.2 Where the Fire Chief or a Fire Inspector determines that a building or structure is not compliant with section 13.1, that official may issue an order to the owner or any occupant to do what is necessary, in his opinion, to bring the property into compliance.
- 13.3 If the Fire Chief or a Fire Inspector considers that a condition, activity or situation in or about a building or premises presents a significant or imminent danger to the safety of life or property, that official may do any of the following:
- a) order that the activity cease or the condition or situation be rectified immediately;
  - b) cause the building or premises to be evacuated until such time as the fire hazard no longer exists; and
  - c) order the owner or occupant of the building or premise to provide a fire watch for the property until the danger no longer exists, and in this case, section 9.2 applies.

## **14. COMBUSTIBLES**

### **Storage of Flammable or Combustible Materials**

- 14.1 Every owner or occupant of premises must ensure that:
- a) at the close of each business day or for ongoing operations, at least once each day, any and all flammable or combustible materials kept on the premises are compactly baled or stacked in a safe manner and stored in non-combustible receptacles with tight-fitting, non-combustible covers in accordance with the Fire Code;
  - b) lids are securely in place on any and all containers used for the storage of combustible or flammable materials;
  - c) doors to rooms or spaces used for the storage of combustible or flammable materials are kept closed at all times except when such materials are being placed in the containers, rooms or spaces;
  - d) any and all flammable cleanup rags or shop towels on the premises are stored in a non-combustible container with tight fitting metal lid; and
  - e) any and all flammable or combustible liquids are stored strictly in accordance with the Fire Code and this Bylaw.

### **Combustible Dust and Removal**

- 14.2 An owner or occupant of a premise must not cause, permit, suffer or allow:
- a) the accumulation of any combustible dust or particulate in or on a building on the premises where the accumulation is sufficient to create a fire hazard or risk of explosion; or



- b) the use of compressed air or other means to blow combustible dust from ledges, walls and other areas unless all machinery within 10 meters of the area has been shut down and all sources of ignition removed.

14.3 Every owner or occupant of premises must ensure that:

- a) sawdust or other dust from dust producing processes on the premises is collected at frequent intervals and deposited in a receptacle approved by the Fire Chief; and
- b) metallic dust on the premises is stored in tightly covered metal containers in a cool, dry place.

14.4 It is not contrary to section 14.2 or 14.3 to use a vacuum cleaning system for the removal and collection of loose combustible dust.

### **Spray Coating Using Flammable or Combustible Materials**

14.5 Every owner or occupant of a premise where spray coating operations using flammable or combustible materials are conducted must ensure that:

- a) all spray coating operations are installed and maintained in accordance with the Fire Code;
- b) all spray coating operations are conducted in a ventilated area safe from ignition sources;
- c) all spray booth electrical equipment conforms with the *Electrical Safety Regulation* under the Safety Standards Act;
- d) all spray booth filters are replaced regularly as required under an enactment;
- e) any overspray from spray coat operations is removed from the spray booth and ducts so as to prevent accumulation and at a minimum, by the end of each business day;
- f) all spray booth sprinklers are protected from overspray;
- g) NO SMOKING signs are posted in the spray area in a clearly visible, prominent, unobstructed position;
- h) no person smokes, or ignites a match, lighter or other fire source, in a spray area or spray booth; and
- i) a fire safety plan for the spray booth and spray area is submitted to the Fire-Rescue Department for review in accordance with the fire code.

### **Order to Remove Flammable or Combustible Material**

14.6 If any flammable, combustible or explosive material or any accumulation of waste materials or refuse of a nature liable to catch fire is situated such as to endanger life or property, or to obstruct ingress or egress from a building, or where a condition exists which is considered

by a Fire Inspector to be a fire hazard, the Fire Inspector may order the owner to remove the substance, accumulation, refuse or obstruction, and the person to whom the order is directed must comply with the order immediately or within a time period set out in the order. If compliance is not achieved, the Fire Inspector may take whatever action is necessary to remove the hazard and the person to whom the order is directed or the owner or occupier of the premises shall be responsible for any and all costs incurred by the City.

## **15. FIRE PREVENTION REQUIREMENTS**

### **General**

15.1 Every owner and occupant of a premises must:

- a) keep in good and efficient repair and working order all closures and fire separations installed in any building or structure to prevent the spread of fire within such building or structure;
- b) provide for the regular and proper maintenance of every commercial cooking exhaust system and chimney stove pipe or flue that is being used, so as to ensure that the exhaust system, pipe or flue does not catch fire through otherwise normal usage; and
- c) provide all fire detection and suppression equipment and all emergency systems required by the Fire Code.

### **Refuse Containers**

15.2 Every owner or occupier of a premises must ensure that:

- a) all containers on the premises used for the collection of refuse in quantities exceeding three cubic yards are constructed of solid sheet, non-combustible material;
- b) each container referred to in paragraph (a) shall have lids that are closed at all times other than when they are being loaded; and
- c) containers referred to in paragraph (a) are located at least three meters from any building or fuel supply tank, unless alternative solutions in the building design providing an acceptable level of safety under the Fire Code are in place.

## **16. FIRE PROTECTION EQUIPMENT**

### **Maintenance and Testing**

16.1 Every owner or occupant of a premises for which a system of fire protection equipment is installed or required under the Building Code must:

- a) inspect, test, maintain and repair that system in accordance with the standards and requirements of the Building Code and Fire Code, any equivalent measures or

alternative solutions pursuant to those enactments approved by the City for that building, this Bylaw and good engineering practices;

- b) promptly notify the Fire-Rescue Department
  - i. if the system or any part of it has been taken out of service, becomes inoperable; or has otherwise stopped functioning properly; and
  - ii. report to the Fire-Rescue Department when the service is restored, is fully operable and functioning properly.

16.2 Every person who is required under the Fire Code to perform or cause to be performed an inspection or test:

- a) of fire protection equipment for a hotel or public building, or
- b) of fire suppression systems in commercial kitchen exhaust systems,

must ensure that:

- a) the inspection or test is performed by a Fire Protection Technician; and
- b) a copy of the inspection and testing form completed by the Fire Protection Technician is delivered to the Fire-Rescue Department.

16.3 Every Fire Protection Technician who carries out inspections, testing, maintenance or repair of fire protection equipment must use an inspection and testing form that is acceptable to the Fire Chief.

16.4 A person must not undertake any work or testing on fire protection equipment or life safety systems that sends an alarm directly to an alarm monitoring company without notifying that company prior to undertaking the work or testing.

16.5 When the Fire-Rescue Department attends a premise where a fire alarm system or a sprinkler system has been activated without proper cause, the Member in Charge, a Fire Inspector or the Fire Chief may, by notice in writing, order the owner, occupier and building manager to correct any deficiencies to the fire alarm or sprinkler system. Upon being delivered of the notice, the person must act promptly to correct the deficiencies as noted, and in any case, within the time specified in the order.

### **Fire Extinguishers**

16.6 The owner or operator of any business premises must provide and maintain in good working order on the premises portable fire extinguisher(s), as required by the Fire Code, to be available and accessible for emergency use.

## **Commercial Cooking Equipment**

- 16.7 Every owner or operator of a commercial cooking facility must ensure that:
- a) all hoods, grease removal devices, fans, ducts and other appurtenances of commercial cooking equipment are kept clean to prevent the buildup of grease and other combustible residues;
  - b) all commercial cooking equipment exhaust and suppression systems are serviced and cleaned at least every six months by a Fire Protection Technician and,
  - c) the instructions for manually operating the fire protection systems are posted conspicuously in the kitchen as part of a fire safety plan.

## **Sprinkler Systems**

- 16.8 Every owner or occupant of a premises where a sprinkler system is installed or required under the Building Code must:
- a) inspect, test, maintain and repair the sprinkler system in accordance with the requirements of the Fire Code;
  - b) upgrade the sprinkler system to accommodate any material change in use or occupancy that results in a greater fire hazard than that which the sprinkler system was intended to accommodate; and
  - c) if a building or structure equipped with a sprinkler system on the property is to be demolished, ensure the sprinkler system is maintained and operating subject to sequential elimination until the work of demolition is completed.

## **Fire Department Connections**

- 16.9 Every owner or occupant of a premises for which the Building Code requires Fire Department connections must ensure that:
- a) the connections are located and installed in accordance with the Building Code and that any equivalent measures or alternative solutions are approved by the Fire Chief;
  - b) all connections and protective caps are kept clean, functional, and in place at all times, and to promptly clean, repair or replace connections or protective caps as necessary;
  - c) accesses to Fire Department connections for sprinklers and standpipe systems are clearly identified, functional and in good repair;
  - d) signs are displayed identifying which Fire Department connection serves a particular sprinkler or standpipe system and the maximum pumping inlet pressure at a Fire Department connection;
  - e) each fire sprinkler and standpipe connection is kept free and clear, by at least one metre, from all shrubbery, trees, other vegetation, structures, buildings or other obstructions, in order to facilitate access to the connections by the City;

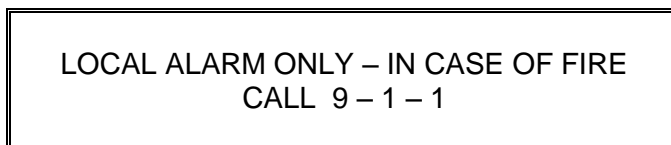
- f) each connection is clearly visible at all times from the Fire Department access route, or that alternatively approved directional signage to each connection is plainly in sight;
- g) where the connection is installed on the exterior face of a building, a minimum clear space of .45 metres is provided in the area surrounding the connection.

## **Fire Alarm Systems**

16.10 A person must not 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 and the Fire-Rescue Department has been notified prior to the activation.

16.11 The owner or occupant of a building that is equipped with a fire alarm system that is not continuously monitored must ensure that each manual fire alarm pull station has a permanent sign, as approved by the Fire Chief, mounted and reading:



16.12 Every owner or occupant of premises for which a fire alarm system is installed or required under the Building Code must inspect, test, maintain and repair the fire alarm system in accordance with the requirements of the Fire Code.

16.13 The owner or occupant of premises containing a fire alarm system must notify the Fire-Rescue Department prior to installation, service, testing, repair, maintenance, adjustment, alteration or replacement of a system, and must appoint and maintain a dedicated fire watch for the duration of such work, and in that case, section 9.2 applies.

## **Contact Persons**

16.14 Every owner or occupant of a property or premises for which a fire alarm system or an automatic fire sprinkler system has been installed, must:

- a) arrange for at least one contact person to attend, upon notice, at the property or premises at any time the system is activated;
- b) ensure that any person appointed to be a contact person:
  - i. is thoroughly familiar with the property or premises and with the operation of all fire protection equipment and any fire fighter elevators thereon;

- ii. is in possession of and is authorized and competent to use any and all keys, pass-cards, security codes and other entry devices or information necessary to gain access to and re-secure the property or premises;
  - iii. is available at all times and is capable of attending at the property or premises within 45 minutes of the Fire-Rescue Department arriving in response to an incident or activation of the system; and
  - iv. is fully authorized to take possession and resume control of the property or premises from the Fire-Rescue Department following the conclusion of its attendance;
- c) on a form approved by the Fire Chief, provide the Fire Chief with the name and telephone number of a contact person and an alternate who is available to attend, enter and secure the premises in the event that either system is activated and the Fire-Rescue Department attends at the property;
- d) promptly notify the Fire-Rescue Department of any changes to the contact persons or their phone numbers.
- 16.15 If the Fire-Rescue Department attends a premise where a fire alarm system or automatic fire sprinkler system has been activated and the contact person cannot be reached or has not appeared within 45 minutes, the Fire-Rescue Department may enter the property or premises and any building or other structure thereon, using such means or force as may be necessary, to determine the cause of the alarm or activation of the system. In the absence of the owner, occupant or contact person being available during or at the conclusion of the Fire-Rescue Department's attendance to secure the building as necessary, the Fire-Rescue Department may arrange to provide a fire watch or 24-hour security until the building can be secured, and the owner of the property shall be liable for all costs incurred by the City.

### **Smoke Alarms**

- 16.16 An owner or occupier of any property for which smoke alarms are required by the Building Code or Fire Code must ensure that:
- a) the smoke alarms are installed, maintained in good working order, and repaired or replaced as necessary and in accordance with the applicable Code; and
  - b) the smoke alarms are tested:
    - i) at least once every twelve (12) months if hardwired; and
    - ii) at least once a month if battery operated, and that new batteries are installed and replaced, as necessary.

### **Standpipes and Fire Hydrants**

- 16.17 A person must not:
- a) place any unauthorized attachments on standpipes or hydrants; or

- b) make use of standpipes or hydrants without written permission from the City.

### **Private Fire Hydrants**

16.18 An owner of a property for which a private fire hydrant is required as a condition of zoning, subdivision, development or a building permit must:

- a) install a hydrant that is:
  - (i) painted red with yellow top and caps;
  - (ii) included in a numbering system; and
  - (iii) suitable and of sufficient capacity for the permitted uses of the property.
- b) ensure that the hydrant is located so as to be readily visible from the roadway when approached from either direction;
- c) ensure that on the owner's parcel, an area of at least one metre in radius around the hydrant is maintained clear and unobstructed;
- d) provide and maintain a minimum 60 centimetre clearance between the centre of any 102 mm or 64 mm cap, located on the hydrant, and the ground to provide adequate clearance for cap removal;
- e) promptly notify the Fire-Rescue Department on becoming aware of any unauthorized attachments on a hydrant or standpipe system;
- f) promptly notify the Fire-Rescue Department on becoming aware of a hydrant becoming inaccessible as a result of construction, road or property work or related activities and equipment or any other form of obstruction or impediment; and
- g) ensure that all components of the hydrant are inspected, tested and serviced by a qualified Fire Protection Technician at least once every 12 months, in a manner acceptable to the Fire Chief, and deliver documentation, including the hydrant number and on a form acceptable to the Fire Chief, to the Fire-Rescue Department within thirty (30) days of the inspection and servicing.

## **17. MEANS OF EGRESS**

### **Exit Doors**

17.1 A person must not alter or install exit doors in a hotel or public building unless the alterations are compliant with the Building Code and are approved by the Fire Chief.

### **Locking Devices**

17.2 Every owner must ensure that locking devices installed on any required exit doors are in accordance with the Building Code.

## **Exits**

17.3 Every owner and occupier of premises must at all times ensure that:

- a) all exits, fire doors and means of egress required under the Building Code, Fire Code or Fire Services Act remain unobstructed at all times and are maintained in accordance with the applicable enactments;
- b) in any building equipment with a passenger elevator, the following sign is displayed in clear and legible writing, directly above the elevator call button on each floor:

IN CASE OF FIRE USE EXIT STAIRWAY  
DO NOT USE ELEVATOR

- c) in any building having three or more stories, numbers or signs identifying each floor level are conspicuously displayed in all stairwells at each floor level;
- d) exit signs are maintained in a clean and legible condition and are clearly illuminated from behind where such illumination is required by the Building Code; and
- e) self-contained emergency lighting unit equipment and emergency lights are inspected and tested at intervals not greater than one month to ensure that emergency lights will function upon failure of the primary power supply and at intervals not greater than 12 months to ensure the unit will provide emergency lighting for a duration equal to the design criterion.

17.4 A person must not:

- a) hinder or obstruct the self-closing operation of doors in fire separations or doors separating stair enclosures from the remainder of the building; or
- b) stand, loiter, sit or otherwise obstruct the aisles, passages or stairways of any church, theatre, hall, skating rink or other place of amusement or public resort or assembly.

## **18. CIVIC AND UNIT ADDRESS**

18.1 The owner or occupier of premises shall ensure that:

- a) every building or premises is individually addressed with the civic address affixed so as to be plainly visible and legible from the main road or other ordinary access route;
- b) the letters or numbers of the civic address are of a colour that contrasts with any background colour of the building.
- c) each unit within a commercial and multi-residential property displays the unit number, in a visible location, at the entry to the unit; and



- d) all multi-residential complexes post directional signage that is clearly visible upon entry to the complex and that clearly indicate the direction and address or number of each unit within the complex.

## **19. FIRE SAFETY PLANS**

### **Fire Safety Plan Requirements**

19.1 The owner of a premises, building, site, storage area or other property for which the Fire Code requires a fire safety plan must:

- a) ensure that the plan conforms to the standards and requirements of the Fire Code;
- b) prepare and reproduce the plan in an electronic format, using a form and diagram template acceptable to the Fire Chief, to be submitted to the Fire-Rescue Department for review prior to occupancy;
- c) provide any alternative solutions for the construction of a new building pursuant to an agreement between the owner and the City to the Fire-Rescue Department for review in an electronic format acceptable to the Fire Chief; and
- d) provide copies of as-constructed drawings for any new building to the Fire-Rescue Department in a format acceptable to the Fire Chief.

19.2 Every owner and occupant of a premises, building, site, storage area or other property for which the Fire Code requires a fire safety plan must review the fire safety plan for that property at least annually, ensure that it continues to meet the standards and requirements of the Fire Code, and submit any updated plans to the Fire-Rescue Department for review in a format that is acceptable to the Fire Chief.

### **Operations Manual**

19.3 The Fire Chief may require that an owner or occupant of:

- a) a multi-family complex building;
- b) a building over three (3) stories tall;
- c) a building where dangerous goods are stored;
- d) a building where hazardous operations or processes as described in the Fire Code are conducted; or
- e) a building equipped with a fire alarm system or automatic sprinkler system; and

for which the Fire Code requires a fire safety plan must, in addition to the fire safety plan, also provide at the same time an operations manual in a format acceptable to the Fire Chief, to the Fire-Rescue Department for review.

19.4 Every owner and occupant of property for which an Operations Manual is required shall review their operations manual at least annually, ensure that it continues to be suitable for the fire safety plan in meeting the standards and requirements of the Fire Code, and submit any changes or updated versions or parts to the Fire- Rescue Department for review.

### **Operations Manual - Storage Box**

19.5 Every owner and occupant of property for which an Operations Manual is required shall install a weatherproof operations manual storage box, of a type and in a location approved by the Fire Chief and accessible by any Member using a key acceptable to the Fire-Rescue Department, and any person so required must install the device and maintain it in a secure and safe condition for access as necessary by the Fire-Rescue Department.

19.6 The Fire-Rescue Department shall at all times have the right to access an operations manual storage box required under section 19.5, and to use any means available to obtain such access as necessary. The owner and occupants shall be responsible for any injury or damage to property resulting from the need for forcible access by the Fire-Rescue Department, and for any costs incurred by the City for the Fire-Rescue Department to obtain access.

### **Premises Under Construction or Demolition**

19.7 Every owner of premises under construction or demolition shall have in place, prior to construction or demolition, a fire safety plan in accordance with the Fire Code and

19.8 The owner of premises under construction or demolition must ensure that every required emergency access route to a construction or demolition site:

- a) is finished to a minimum of good compacted gravel or other surface materials acceptable to the Fire Chief;
- b) provides adequate access for Fire-Rescue Department apparatus;
- c) is clearly designated as an emergency access route;
- d) is maintained free of obstructions at all times; and
- e) is secured with a gate, bollard, chain or other structure or assembly approved by the Fire Chief prior to installation.

19.9 Every owner of premises under construction must ensure that a water supply, with sufficient volume and pressure as approved by the City Engineer and the Fire Chief, is installed and operational prior to construction and maintained throughout construction for fire protection.

19.10 During construction, the owner of the premises must report all fire hydrant conditions affecting fire safety, such as fire hydrants temporarily out of service, or having low water volumes and low water pressures, so that such conditions are immediately made known to the Fire-Rescue Department.

19.11 Every owner of premises under construction must ensure the premise is made and kept secure against unauthorized entry during non-construction times.

## **20. OPEN AIR BURNING**

Amended  
By BL3084

### **Prohibition and Exceptions**

20.1 A person must not start or ignite a fire of any kind whatsoever in the open air, or permit, suffer, allow or cause a fire in the open air , except:

- a) for fire training exercises by the Fire-Rescue Department or otherwise authorized by the Fire Chief;
- b) for an event or activity by the City that has been approved by a resolution of Council;
- c) using a barbecue or other food preparation device, or an outdoor heater, or any similar appliance or device, that meets the standard for certification by the Canadian Standards Association;
- d) for theatrical special effects where the production, event or activity is licensed, agreed to or approved by the City;
- e) by Metro Vancouver or the provincial or federal government, on lands within their respective jurisdictions; or
- f) in accordance with a permit issued by the Fire Chief under this Bylaw.

### **Prohibited Materials**

Amended By  
BL3084

20.2 A person must not, at any time, burn in the open air any of the following:

- a) garden refuse, in the nature of grass and other clippings, leaves, tree and shrub prunings, cuttings and light material;
- b) any waste material from construction sites including lumber products containing glue or resin, treated or painted lumber;
- c) any land clearing materials or debris;
- d) wood;
- e) garbage; or
- f) rubber, tires, or plastic; and

20.3 If, in the opinion of an Officer of City of Port Moody Fire & Rescue Services, a fire poses a danger or does not comply with the requirements of this Bylaw, a member of Fire and Rescue Services may extinguish the fire and take any other steps that that member of Fire and Rescue Services deems necessary to ensure that the fire and site of the fire no longer pose a danger.

## **21. ORDERS**

### **Contravention or Hazard**

21.1 Without limiting the authority conferred to a local assistant under the *Fire Services Act* or to the Fire Chief or a Fire Inspector under a specific provision of this Bylaw, the Fire Chief or a Fire Inspector may, in writing, order the correction or removal of any condition or thing in or about any premises, building or structure, or the cease of any activity, that appears to be in contravention of this Bylaw or that in the opinion of that official, is likely to cause or result in a fire, a fire hazard or a related danger to life or property.

### **Delivery**

21.2 An order or notice made under this Bylaw shall be sufficiently delivered:

- a) by mailing the order to or leaving it with the person to whom it is directed, or by deposit in the person's mailbox or receptacle at the person's place of business or residence;
- b) to an owner, by mailing or otherwise delivering the order to the address of the last known property owner; or
- c) if the person to whom it is directed cannot be found, is not known, or refuses delivery, by posting a copy of the order in a conspicuous place on any premises that is subject to the order.

### **Compliance**

21.3 Upon delivery of an order or direction given under this Bylaw, a person shall take whatever action is specified within the time period specified in the order or direction, or immediately if so directed by the Fire Chief. If the person, having been delivered of an order or direction, fails to comply, the Fire-Rescue Department may take whatever action is necessary to remove the hazardous condition or thing or cause the hazardous activity to cease, and the person to whom the order is directed, or in the case of any premises that is the subject of the order, the owner, shall be responsible for all costs incurred by the City.

### **No Interference**

21.4 A person must not alter, deface, remove, destroy or otherwise interfere with an order that has been delivered or posted pursuant to this Bylaw except as expressly authorized or directed by the Fire Chief.

## **22. FEES AND COST RECOVERY**

### **Inspections**

22.1 If an owner or occupant who has been notified of an inspection to be conducted under this Bylaw, or any other enactment relating to fire safety, does not attend at the premises at the date and time specified in the notice to provide access for an inspection, the owner or

occupant must pay the fee set out in the *Port Moody Fees Bylaw No. 2340*, for that inspection attempt and any subsequent attempt for which the notice has been delivered and neither the owner nor occupant attends.

22.2 If, during an inspection period, a re-inspection or further inspection is required, the owner or occupant must pay the fees set out in the *Port Moody Fees Bylaw No. 2340*, for the re-inspection and any other subsequent inspection.

### Investigations

22.3 For every incident where injury to persons, or loss or damage to property, arose or resulted from a fire hazard:

- a) identified in an order or direction under this Bylaw;
- b) the order or direction was not acted upon by the person to whom it was directed; and
  - i. a fire investigation and fire investigation report is required under the *Fire Services Act* in relation to the incident,

the person to whom the order or direction was given, or the owner of the premises, must pay the fee set out in the *Port Moody Fees Bylaw No. 2340*.

### Attendance on False Activation of Fire Alarm System

22.4 The owner of a property having a fire alarm system must pay the fee set out in the *Port Moody Fees Bylaw No. 2340* where the Fire-Rescue Department has attended in response to its activation in the following circumstances:

- a) the alarm system was activated during the installation, testing, servicing, maintenance, adjustment, alteration, repair or replacement of the fire alarm system, rather than for a fire, and the Fire-Rescue Department was not notified in accordance with section 16.12;
- b) the fire alarm system was activated in contravention of section 16.10 [*prohibited activation*]; or
- c) the fire alarm system has sounded more than two (2) false alarms within a twelve (12) month period.
- d) The fire alarm system was silenced or reset prior to the arrival of or without the approval of the Fire-Rescue Department.

Added by  
BL3034

### Damage to Fire-Rescue Apparatus

22.5 If during assistance response or investigation, any Fire-Rescue Department apparatus is contaminated or otherwise damaged by a hazardous substance or dangerous material, and the contamination or other damage is a result of non-compliance with this Bylaw or another bylaw of the City, a provincial or federal enactment, or a permit, order or direction issued under this Bylaw or other enactment, the owner or occupant of the subject property or premises, or other person responsible for the non-compliance, shall be liable for any and all

actual costs incurred by the City for decontamination, repair or replacement of the damaged apparatus. A person to whom an invoice is delivered for such costs must pay the amount stated within 30 days of the date of the invoice.

### **Standby Costs**

22.6 If the Fire-Rescue Department, after responding to an incident involving broken, damage, or displaced:

- a) electrical or telecommunications cables, lines or ancillary equipment or works; or
- b) natural gas or fuel mains, lines or ancillary equipment or works,

the Fire-Rescue Department is requested by the owner or operator of such cables, mains, lines, or ancillary equipment or works to have one or more Members remain at the scene of the incident on standby for a period longer than one (1) hour, or if the Member in Charge at the incident considers it necessary to do so for the safety of the public, the owner or operator must reimburse and pay to the Fire-Rescue Department all costs and related expenses for its Members, apparatus, and any additional personnel to remain at the incident thereafter.

22.7 If the Fire-Rescue Department attends a premises in response to a fire alarm system that has sounded a false alarm, and no person has arrived to provide access to or secure the premises within 45 minutes in accordance with section 16.14, the owner of the premises must reimburse and pay to the Fire-Rescue Department all costs and related expenses for its Members, apparatus, and any additional personnel to remain at the incident from the time the alarm sounded until the building is accessed or secured, or the Member in Charge otherwise determines that attendance by the Fire-Rescue Department is no longer necessary or warranted.

### **General**

22.8 Where a person to whom an order or direction is given fails to take the required action or complete the required work, and the Fire-Rescue Department, other City personnel, or a service provider for the City takes the action or carries out the work, the City may recover all of the costs it has incurred and any related expenses from the owner, occupant or person responsible, jointly or severally, as a debt to the City.

22.9 Money owed to the City under this Bylaw is payable upon delivery of an invoice from the Fire-Rescue Department or the City's financial officer. Any disputes over the amount owing must be brought to the attention of the Fire Chief or financial officer within thirty (30) days of the date of the invoice, and may be heard and resolved by the Fire Chief or financial officer or both of them.

22.10 If an amount owing under this Bylaw for works or services provided to land or improvements remains unpaid on December 31<sup>st</sup> of the year in which the debt was incurred, the amount is deemed to be taxes in arrear and may be treated in the same manner as for property taxes under the *Community Charter*.

22.11 Payment of any fees or costs under this Bylaw does not relieve a person from liability to pay a penalty upon conviction of an offence or from a requirement to pay any other fees or costs

under another bylaw, the Fire Code, Building Code, *Fire Services Act* or other applicable enactment.

### **23. CONTRAVENTION AND PENALTIES**

23.1 A person who:

- a) contravenes, violates or fails to comply with any provision of this Bylaw;
  - b) permits, suffers or allows any act or thing to be done in contravention of this Bylaw; or
  - c) fails or neglects to do anything required to be done under this Bylaw,
- or of any permit or order issued under this Bylaw, commits an offence. Where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

23.2 Upon conviction of an offence under this Bylaw, a person shall be liable:

- a) if issued a ticket under the *City of Port Moody Municipal Ticket Information Utilization Bylaw, 1996, No. 2298*, to pay a fine imposed under that Bylaw; and
- b) if proceedings are brought under the *Offence Act*, to pay a fine of up to ten thousand (\$10,000) dollars, and any further amounts that may be ordered by the court under the *Community Charter* or *Offence Act*.

### **24. REPEAL AND EFFECTIVE DATE**

24.1 Bylaw No. 2067, cited as "*Port Moody Fire Department Bylaw No. 2067, 1991*", and Bylaw No. 2068, cited as "*City of Port Moody Fire Prevention Bylaw No. 2068, 1991*" all amendments thereto are hereby repealed and replaced by this Bylaw.

24.2 This Bylaw shall take effect upon its adoption.

**BYLAW 2835 ADOPTED**

**AMENDMENT No. 1, 2015, No. 3034**

**AMENDMENT No. 2, 2017, No. 3084**

November 9, 2010

January 12, 2016

July 11, 2017