



Governance and Priorities Committee Report

For the Meeting of October 23, 2014

To: Governance and Priorities Committee

Date: October 10, 2014

From: Paul Bruce, Fire Chief

Subject: Fire Prevention and Regulation Bylaw

Executive Summary

The current Fire Prevention and Regulation Bylaw was adopted in 1996, with minor amendments in 1999. This bylaw, satisfactory at the time, does not support the scope of services currently provided by the Victoria Fire Department (VFD) to our citizens or, reflect the operational needs of the department. The scope of services offered by the VFD has broadened, and calls for service have increased from approximately 2,400 in 1996 to 6,800 in 2013. The complexity of service delivery has increased, which results in an increased obligation of resources in the management of incident response.

The proposed new bylaw (attached) clarifies requirements for public and supports efficient service delivery. The new bylaw includes provisions that:

- expand the authorities of the Fire Chief in relation to demolition of buildings damaged by fire;
- allow for the recovery of costs associated with major fire investigations, inspections, decontamination, stand-by time, and other extraordinary costs; and
- requires building owners to install or provide items that may be necessary for occupant safety or effective delivery of VFD services.

Amendments to the Ticket Bylaw to allow for the enforcement of these new provisions are included. Recommended fines are in line with current policy set by Council.

Recommendation

That Committee consider and make recommendations to Council regarding the proposed Fire Prevention and Regulation Bylaw attached to this report as Appendix B.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Chris Royle'.

Chris Royle
Deputy Fire Chief

A handwritten signature in black ink, appearing to read 'Paul Bruce'.

Paul Bruce
Fire Chief

Report accepted and recommended by the City Manager:
Date:


October 16, 2014

Attachments

Appendix A – Current Fire Prevention and Regulation Bylaw
Appendix B – Proposed New Fire Prevention and Regulation Bylaw
Appendix C – Municipal Fee Comparison
Appendix D – Cost Recovery Analysis
Appendix E – Revenue Projection Analysis

Purpose

The purpose of this report is to outline the need for an updated Fire Prevention and Regulation Bylaw and facilitate Committee consideration and recommendations regarding the proposed bylaw.

Background

The current Fire Prevention and Regulation Bylaw was adopted in 1996 and provides the authority for the VFD's operations. An unofficial consolidation of that bylaw is attached as Appendix A. It includes provisions related to inspection, fire suppression and fire prevention. Other bylaws related to the operations of the VFD are the Fireworks Bylaw and the Fuel Equipment and Storage Bylaw. There is also currently a Fire Inspection Delegation Bylaw (No. 04-114), which sets out the Fire Chief's authority to establish a regular system of inspections.

The Fire Prevention and Regulation Bylaw, has not been updated since 1999. Since that time, there have been a number of changes to building technology and best practices in the delivery of fire services, in addition to increased demands and expectations on service delivery.

The scope of services offered by the VFD has broadened and calls for service have increased from approximately 2,400 in 1996, to 6,800 in 2013. The complexity of response is increasing, which results in an increased obligation of resources in the management of incident response.

There is increased demand on the VFD for various administrative services, including review of fire safety plans, occupant load determinations and property file searches. In addition, there is an increase in the costs related to cleaning turnout gear that has been potentially contaminated with asbestos during firefighting operations to comply with WorkSafe BC regulations.

To address these issues, staff have drafted a proposed new Fire Prevention and Regulation Bylaw for Council's consideration, which is attached to this report as Appendix B. The proposed new bylaw also clearly establishes a regular system of inspections in compliance with the *BC Fire Services Act* Section 26(1) and 36(3) in an attached schedule.

In preparing the proposed bylaw, staff reviewed bylaws from other jurisdictions and current authorities under the *Fire Services Act* to determine current best practices relating to authorities and fees. The proposed bylaw incorporates various elements from these bylaws that were appropriate in the Victoria context.

A table of fire department related fees charged in other jurisdictions is presented in Appendix C. As can be seen from the table, there is a wide variety of fees charged throughout Vancouver Island and the Lower Mainland for fire department services. The fees proposed in this bylaw are comprehensive, structured and consistent with fees charged within the urban jurisdictions of the Province of British Columbia.

Issues & Analysis

1. Authorities of the Fire Chief

Current authorities under the existing bylaw are not sufficient to:

- support the routine delivery of services by the VFD, or
- compel individuals to comply with fire regulations.

For example, the bylaw currently only allows the Fire Chief to order demolition of a building to prevent the spread of fire and there is no language within the existing bylaw which attaches the cost of this demolition to the building owner. In a recent incident, there were concerns about the stability of a building post-fire, but there was no authority for the Fire Chief to order its demolition based upon potential collapse. Section 12 of the proposed new bylaw gives the Fire Chief additional authority in relation to the demolition of buildings to address fire damaged structures and the costs related to this demolition are the responsibility of the building owner. It provides the Fire Chief authority, under Section 25, to post a notice preventing occupancy should the building be hazardous.

2. Increased Complexity of Fire Investigations

VFD's responses to emergency incidents are more demanding on resources and placing an increased financial burden on the City. Fire Investigations are multifaceted, requiring time for conducting major investigations and the production of investigation documentation. Section 45 of the bylaw provides a remedy should VFD members be required to actively investigate for over 90 minutes. Minor fires would not normally require an investigation of this duration. As shown in Appendix C, a fire investigation fee is routinely charged in other jurisdictions, including the District of Saanich and the Township of Esquimalt.

3. Increased Demand for Inspections from External Agencies

The Fire Department is receiving requests from external agencies to conduct inspections to satisfy their licensing requirements. These can include mobile cooking operations and small home-based day cares. These inspections are not identified in the regular system of inspections and place additional demands on VFD resources. Section 42 of the new bylaw provides the ability to recover costs associated with these inspections and proposes a fee of \$100 for these types of inspections.

4. More Complex Fire Protection Systems in Buildings

The time dedicated to Fire Inspections is increasing due to more complex fire protection systems in buildings. Re-inspection of these properties to ensure identified deficiencies are corrected, may require two or more follow up visits.

Under the current bylaw, there is no ability to recover fees associated with fire inspections. Under Section 18 of the proposed new bylaw, the initial inspection and first re-inspection will remain as inspection servicing. If a second or subsequent re-inspection is required, a fee of \$100 will be applied for each re-inspection. Inspection fees are commonly used in other jurisdictions, with some charging fees for all inspections, including initial inspections.

5. No Ability to Recover Extraordinary Costs

Members may be required to remain on the scene of an incident post firefighting activities. This occurs when VFD is waiting for the arrival of a property owner or agent in response to an incident, conducting a post fire watch after a major fire, or because of a special request for members or apparatus to attend at an event on a “stand-by” basis for fire safety purposes. In the current bylaw, there is no ability to recover these stand-by costs. The proposed bylaw includes stand-by fees that represent the current costs for members and apparatus.

Other extraordinary costs the proposed bylaw will authorize the City to recover include:

- decontamination of turnout gear and equipment that may have been exposed to dangerous goods such as asbestos during firefighting operations to ensure compliance with WorkSafe Requirements (Section 44),
- costs incurred for demolition of buildings (Section 12), and
- costs incurred to bring in additional equipment and operators, including dangerous goods equipment (Section 44).

6. Uncertainty Regarding Open Burning

The language in the current bylaw is unclear with respect to what types of open burning are allowed. The proposed bylaw clearly defines what is and what is not considered as “open burning.” Section 38 of the proposed new bylaw establishes the circumstances under which a permit to conduct open burning may be issued.

7. Communications Antennas on Buildings

In the event a significant issue cannot be resolved co-operatively, section 30 of the new bylaw will provide the Fire Chief the authority to have the building owner install an additional communications antenna, if required. All costs associated with this installation will be at the building owners’ expense.

8. Fire Protection Upgrades

The City of Victoria’s building inventory was constructed over the past 150 years. The fire protection systems within these buildings vary as they were all constructed under various building codes. In some situations, these systems do not provide an adequate level of protection or the system is no longer reliable or repairable. For example, in some Victoria buildings, fire alarm systems are still used that require an individual to manually break a glass case in order to activate the alarm. These systems consist of a battery on a shelf with no secondary back-up or low-battery notification system. If the battery dies or a person does not break the glass, occupants would have no notification of a fire. Because these systems may have met Building Code requirements in place at the time of construction, there is no onus on the building owner to perform voluntary upgrades.

Section 31 in the proposed bylaw will allow the Fire Chief to order upgrades of fire protection systems where the systems are antiquated or the upgrade would increase the safety to occupants. The Fire Chief has limited ability to apply through the Office of the Fire Commissioner to order upgrades. This new provision will simplify the process for upgrading the necessary improvements, to ensure occupant safety.

9. Exterior Access to Keys

Section 26 of the proposed bylaw includes a provision, which requires new and existing buildings (apartments, condos, or commercial buildings) to provide an exterior lock box that contains keys for access to exterior entry doors and gates, firefighter controlled elevators, and fire protection service rooms. These keys afford access in case of fire or medical emergency. During medical emergencies, these keys are vital to reaching a patient who is unable to provide responders access on their own. The installation costs related to these lock boxes are the responsibility of the building owner.

10. Administrative Fees

Schedule B of the proposed bylaw includes several new fees for administrative services provided by the VFD. Under the BC Building and Fire Codes, Fire Safety Plans must be provided for certain types of buildings before final occupancy can be granted or when significant alterations are being made. The VFD reviews these plans to ensure they meet the requirements of these Codes. A fee of \$150 is proposed.

Occupant load calculations are another administrative service which is provided upon request. These calculations determine the number of people who may safely occupy a specific area. These calculations take a minimum of one hour, depending upon the complexity of the venue. Two fee levels are proposed: \$100 or \$150, depending upon the number of occupants.

Property file searches are also performed upon request. Searches may be conducted for copies of inspection reports or other property information. The flat fee of \$40 for these types of searches from the current bylaw has been carried forward into the new bylaw.

11. Unnecessary Provisions

In review of the current bylaw, items were identified which no longer reflect current practices or are no longer relevant to the Fire Department's operations. These items have been removed and not included in the new bylaw. Some examples are the current prohibition against flying a kite other than in a park or other public place, as well as regulations related to the erection of tents. Other items removed are sections which have been repealed with the creation of independent bylaws.

12. Ticket Bylaw Amendments

As the proposed new bylaw is a complete revision of the existing bylaw, an amended schedule (Schedule 1) under the Ticket Bylaw is proposed to reflect the new bylaw structure and offences. Fine amounts for new offences have been set in accordance with the "Criteria for Assessing Municipal Ticket Information Fines," which were approved by Council in 2010. Application of these criteria ensures a consistent approach to fines is used across all City bylaws. Fine amounts for existing offences under the current bylaw remain unchanged.

Options & Impacts

Option 1 – Status Quo

Under this option, the existing Fire Prevention and Regulation Bylaw and Fire Inspection Delegation Bylaw remain in place.

Impacts:

- Uncertain authorities may limit ability to take action when required to ensure public safety
- Budget increases will be required to cover increasing costs for items such as re-inspections, fire investigations, requests for inspection from external agencies, stand-by costs and extraordinary gear cleaning costs.

Option 2 – Adopt the Proposed Fire Prevention and Regulation Bylaw and Amendments to the Ticket Bylaw

Under this option, a new Fire Prevention and Regulation Bylaw will be in place that reflects current best practices and operational realities facing the Fire Department.

Impacts:

- Enhanced authority to respond to public safety concerns with post-fire buildings
- New financial implications and enhanced bylaw clarity will promote better compliance
- Enhanced ability to recover costs and limit future budget increases. It is difficult to estimate the total annual costs that may be recovered if the bylaw as proposed is implemented. A number of variables will influence cost recovery, including the date of adoption and implementation of the proposed bylaw, the frequency of major fire investigations in any one year and the impact the new proposed fees will have on compliance. To determine the possible financial impacts of the proposed new fees, data for the past five years was analysed to determine the costs which could have been recovered if the proposed bylaw was in place. The results of this analysis are presented in Appendix D. Based on review of the past five-year average a conservative expectation of \$50,000 increased annual revenue (please see Appendix E) is expected, dependent on compliance, implementation dates and inspection frequencies. Revenue will be added to the fire department budget once a sustainable level has been determined, likely by 2016. Revenue will form part of the fire department budget and reduce the need for taxes by an equal amount.

Recommendations

That Committee consider and make recommendations to Council regarding the proposed Fire Prevention and Regulation Bylaw attached to this report as Appendix B.

**Appendix A – Unofficial Consolidation of the
Current Fire Prevention and Regulation Bylaw**

NO. 96-10

FIRE PREVENTION AND REGULATION BYLAW

A BYLAW OF THE CITY OF VICTORIA

to consolidate the Fire Prevention and Regulation Bylaw.

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Schedule A Fees

Under its statutory powers, including Part 19 and sections 932(e), 932(i), 932(k), 933(1)(a) of the Municipal Act, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

Part 1
Introductory Provisions

Title

- 1. This Bylaw may be cited as the "FIRE PREVENTION AND REGULATION BYLAW".

Definitions

- 2. In this Bylaw,

- "apparatus" means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies;
- "building" means any structure used or intended for supporting or sheltering any use or occupancy;
- "equipment" means any tools, contrivances, devices or materials used by the members of the Fire Department to combat any incident or other emergency;
- "Fire Chief" means the Chief of the Fire Department and any officer, member or inspector of the Fire Department who is authorized by the Chief to act for the Chief;
- "Fire Department" means the City of Victoria Fire Department;

"fire protection"	means any aspect of fire safety, including but not limited to fire prevention, fire fighting or suppression, prefire planning, fire investigation, public education and information, training or other staff development and advising;
"garbage"	excludes untreated wood, processed wood fuels, uncoloured paper, coal, oil or petroleum fuels;
"incident"	<p>(a) means any fire or any situation where a fire, explosion or life threatening condition is imminent;</p> <p>(b) includes the following circumstances where harm to persons or property may arise:</p> <ul style="list-style-type: none"> (i) initial response to medical emergencies; (ii) land or water rescue operations; (iii) initial response to danger in relation to hazardous situations or materials;
"Licence Inspector"	includes a Business Licence Inspector of the City of Victoria;
"Member"	means any person or officer that is employed by Council as a member of the Fire Department;
"open fire"	<p>(a) means any combustion, the products of which are emitted directly into the atmosphere;</p> <p>(b) excludes products emitted by means of a chimney; and</p> <p>(c) includes products emitted by means of a garden or domestic incinerator operated out of doors;</p>
"smoking"	includes the carrying of any lighted pipe, cigar or cigarette;
"tent"	includes any shelter or structure the covering of which is made of pliable material and any structure consisting of a pliable membrane which achieves and maintains its shape and support by internal air pressure.

Part 2 Mischief Prohibitions

False Representation

3. A person must not falsely represent themselves as a Fire Department member.

Destruction of Fire Department's Equipment

4. A person must not damage or destroy any Fire Department apparatus or equipment.

Part 3 Inspection and Fire Suppression

Inspection

5. (1) The Fire Chief at all reasonable times may enter any real property for the purpose of
 - (a) carrying out the provisions of this Bylaw;
 - (b) inspecting it for and causing the correction of conditions that may cause a fire or increase the danger of a fire or increase the danger to persons.
- (2) A person must pay the fees set out in Schedule A for an inspection.

Obstruction of Streets, Hydrants

6. A person must not obstruct or otherwise interfere with access roads or streets or any other approach to any fire, incident, fire hydrant, cistern or body of water designated for fire fighting purposes.

Fire Scene Boundaries

7. (1) At any incident the Fire Chief may prescribe boundaries or limits and keep persons from entering the area within those boundaries or limits unless authorized to enter by the Fire Chief.
- (2) At any incident the Fire Chief may request police officers to enforce restrictions on persons entering within prescribed boundaries or limits.
- (3) A person who is within prescribed boundaries or limits must move when directed to do so by a Police Officer or a Member.

Control of Resources at Fire Scene

8. (1) The Fire Chief has the control, direction and management of all Fire Department apparatus, equipment or personnel assigned to any incident.
- (2) At any incident the Fire Chief may request any volunteer to assist
 - (a) in removing furniture, goods and merchandise from any building on fire or in danger of fire;

- (b) in guarding and securing the furniture, goods or merchandise; and
 - (c) in demolishing a building or structure at or near the fire or other incident.
- (3) The Fire Chief may employ privately owned equipment which the Fire Chief considers necessary to deal with any incident.

Impeding Personnel at Fire Scene

- 9. A person must not in any way impede or hinder any Member or other person under the direction of the Fire Chief or any officer in command at any fire or incident.

Driving On Fire Scene Equipment

- 10. A person must not drive a vehicle over the Fire Department's equipment located at the scene of an incident unless directed by a Member or a member of the City's Police Department.

Entry into Buildings at Fire Scene

- 11.
 - (1) At any incident the Fire Chief may enter any real property where the incident occurred and cause any Member or apparatus or equipment to enter that property in order to combat, control or deal with the incident.
 - (2) At any incident the Fire Chief may enter, pass through or over buildings or property adjacent to any incident and may cause Members and apparatus and equipment to enter or pass through or over buildings or property to gain access to the incident or to protect any person or property.

Demolition of Buildings at Fire Scene

- 12. At any fire the Fire Chief may cause a building, structure or thing to be pulled down, demolished or otherwise removed to prevent the spread of fire to other buildings, structures or things or to complete the extinguishment of a fire.

Part 4 Fire Prevention for Buildings

Warehouse

- 13. To aid in the suppression of fire the Fire Chief may require that any person who stores or keeps any merchandise or furniture in any warehouse must ensure that
 - (a) the merchandise or furniture is arranged so as to leave aisles 1.219 m wide which lead from designated windows and run the full depth of the warehouse; and

- (b) the windows from which the aisles lead are painted on the window pane with a red disk 15.2 cm in diameter.

Vacant Buildings

- 14. The owner or manager of any vacant building at all times must
 - (a) keep the building free from debris and combustible waste material; and
 - (b) ensure that all openings in the building are securely fastened and closed so as to prevent the entry of any unauthorized person.

Part 5 Fire Prevention for Activities and Materials

Burning

- 15. (1) Where in the opinion of the Fire Chief an open fire would be safe, the Fire Chief may issue a permit for the open fire for the purpose of
 - (a) training for the suppression of fire; or
 - (b) for the observance or celebration of an ethnic or cultural event or other special event.
- (2) Despite any other provision of this Bylaw, an owner or occupier of real property may not burn garbage in a fireplace, a stove or an incinerator.

Fireworks

- 16. Repealed

Part 6 Fire Prevention Outdoors

Weeds, Grass

- 17. If, in the opinion of the Fire Chief, any weeds, grass, vines or other growth endanger property or may be set on fire, the owner or occupant of the property containing that growth must cause it to be cut down and removed.

Tents

- 18. (1) A person may erect, maintain, operate or use a tent for the purpose of public assembly only in accordance with this section.

- (2) A person may erect a tent if
 - (a) Council has approved the erection and use of the tent; and
 - (b) the tent meets the standards, if any, established by the Fire Code Regulation of British Columbia.

Kites

- 19. A person may raise or fly a kite only in public parks and on beaches.

Part 7 Administration

Fire Department

- 20. (1) The Fire Department is continued.
- (2) The Council may from time to time by resolution make alterations to the structure, organization, composition, functions and personnel of the Fire Department.
- (3) The Fire Chief and any Member may act within the boundaries of the City of Victoria and any apparatus and personnel may be used beyond the limits of the City of Victoria only if:
 - (a) the express authorization of a written agreement by Council provides for the supply of the fighting services outside the City boundary; or
 - (b) the prior approval of the Council has been obtained.
- (4) A person must not carry out an activity described in Schedule A without first obtaining a permit for that purpose from the Fire Department by paying the corresponding fee set out in Schedule A.
- (5) A person must pay the fee set out in Schedule A for an inspection, report, interview, and service set out in Schedule A.

Fire Chief

- 21. (1) The Council may from time to time by resolution appoint a Fire Chief as head of the Fire Department.
- (2) The Fire Chief
 - (a) must administer and may enforce the provisions of this Bylaw subject to the direction and control of the Council; and

- (b) may carry out all fire protection activities and such other activities as Council directs.
- (3) The Fire Chief may administer and enforce any applicable provisions of the Fire Services Act and its regulations and act as a Local Assistant to the Fire Commissioner.

Special Events

- 22. (1) For reasons of fire safety, the Fire Chief may assign Members to attend at a theatre, performance, circus, carnival, exhibition, assembly of vessels in Victoria Harbour or any other event for the public.
- (2) The cost of Members' attendance at an event described under subsection (1) must be paid in accordance with Schedule A by the
 - (a) owner or occupier of real property where the event occurs, or
 - (b) the manager of the event.
- (3) Members are under the direction of the Fire Chief when they attend an event described in subsection (1).

Part 8 General Provisions

Offences and Penalties

- 23. (1) A person who violates a provision of this Bylaw commits an offence and is subject to the penalties imposed by this Bylaw and the Offence Act (B.C.).
- (2) The minimum penalty for a violation of a provision of this Bylaw other than section 16 is a fine of \$100.00.
- (3) The minimum penalty for a violation of a provision of section 16 other than sections 16 (22) is
 - (a) a fine of not less than \$100.00 or more than \$500.00 for a first offence, and
 - (b) a fine of not less than \$250.00 or more than \$1,000.00 for a second or subsequent offence.
- (4) The minimum penalty for a violation section 16(22) is
 - (a) a fine of not less than \$50.00 or more than \$500.00 for a first offence, and
 - (b) a fine of not less than \$100.00 or more than \$1,000.00 for a second or subsequent offence.

24. (1) If a person authorized by the Council has reason to believe that another person has committed an offence under this Bylaw, the authorized person may deliver an offence notice to that other person.
- (2) An offence notice may be delivered by giving it to or by sending it by prepaid registered mail to the person believed to have committed an offence.
25. (1) An offence notice may indicate the alleged offence and the amount of the voluntary penalty that may be paid to the City in respect of the alleged offence.
- (2) A prosecution must not be started for an offence described in an offence notice if a voluntary penalty is paid in accordance with this Bylaw before an information is sworn and a summons is issued.
26. The voluntary penalty for a violation of a provision of this Bylaw is
- (a) \$50.00 if paid within 14 days from the date of the offence notice;
- (b) \$75.00 if paid after 14 days but within 45 days from the date of the offence notice;
- (c) \$100.00 if paid after 45 days from the date of the offence notice.

Repeal

27. Bylaw No. 81-106, the Fire Prevention and Regulation Bylaw, is repealed.

Passed and received third reading by the Municipal Council the 22nd day of February, 1996.

Adopted by the Municipal Council the 14th day of March, 1996.

"MARK JOHNSTON"
CITY CLERK

"BOB CROSS"
MAYOR

Schedule A
Fees

(Bylaw No. 99-106)

PETROLEUM STORAGE TANKS

1. Repealed

FIREWORKS

2. For the storage and sale of fireworks:
 - permit and inspection fee \$100.00

RECORD SEARCHES

3. For the search of Fire Department records for a particular property:
 - fee in accordance with Schedule A of the Freedom of Information Administration Bylaw No. 94-193

PROPERTY CERTIFICATES

4. Fee - \$40.00

GENERAL

5. For any other inspection required under the provisions of this Bylaw:
 - permit and inspection fee \$100.00

Schedule O

Fire Prevention and Regulation Bylaw Offences and Fines

Column 1 – Offence	Column 2 – Section	Column 3 – Set Fine	Column 4 – Fine if paid within 30 days
False representation of Department member	3	\$300.00	\$250.00
Damage/destruction of apparatus/equipment	4	\$500.00	\$500.00
Failure to pay fees	5(2)	\$200.00	\$175.00
Obstruction/interference with approach	6	\$200.00	\$175.00
Failure to move from fire boundaries/limits	7(3)	\$150.00	\$125.00
Impede/hinder person at fire	9	\$500.00	\$500.00
Driving over fire equipment	10	\$125.00	\$100.00
Failure to leave wide aisles	13(a)	\$125.00	\$100.00
Failure to paint windows	13(b)	\$125.00	\$100.00
Failure to keep building free of debris/combustible waste	14(a)	\$200.00	\$175.00
Failure to ensure openings fastened/closed	14(b)	\$200.00	\$175.00
Illegal burning of garbage	15(2)	\$150.00	\$125.00
Failure to cut/remove growth	17	\$200.00	\$175.00
Illegal tent	18	\$200.00	\$175.00
Kite in illegal area	19	\$100.00	\$75.00
Failure to pay cost of attendance of Fire Department member	22(2)	\$200.00	\$175.00

Appendix B - Proposed Fire Prevention and Regulation Bylaw

NO. 14-_____

FIRE PREVENTION AND REGULATION BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to establish regulations pertaining to fire protection, fire prevention, fire suppression and the operation of the Fire Department within the City of Victoria.

Under its statutory powers, including sections 8.3(a), 8.3(g), 8.3(l), 66, 194 and 258 of the *Community Charter*, and sections 6, 10, 11, 21, 22, 25, 26 and 36 of the *Fire Services Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

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PART 1 – INTRODUCTION

Title

- 1 This bylaw may be cited as the “Fire Prevention and Regulation Bylaw”.

Definitions

- 2 In this bylaw,

“Apparatus” means

any vehicle of the Fire Department

- (a) equipped with machinery, devices, Equipment or materials for firefighting;
or
- (b) used to transport Members or supplies;

“Building Code” means

the British Columbia Building Code, as amended from time to time;

“City” means

the Corporation of the City of Victoria or the area within the municipal boundaries of the City of Victoria as the context may require;

“Controlled Substance” means

a controlled substance as defined and described in Schedules I, II and III of the *Controlled Drugs and Substances Act* (Canada), as amended from time to time, but does not include the trade or manufacture of a Controlled Substance that is permitted under that Act;

“Dangerous Goods” means

dangerous goods as defined in the *Transport of Dangerous Goods Act* (British Columbia), as amended from time to time, asbestos and any other material which, because of toxic or other inherent characteristics, constitutes a fire hazard or a hazard to life, safety or health;

“Deputy Fire Chief” means

any Member designated by the Fire Chief as a deputy Fire Chief;

“Equipment” means

any tools, contrivances, devices or materials used by the Fire Department to respond to any Incident, conduct any investigation or provide other functions of the Fire Department;

“Fire Alarm System” means

“Fire Alarm System” as defined in the City’s False Alarm Bylaw, as amended from time to time;

"Fire Chief" means

the Member appointed from time to time by the City Council as the head of the Fire Department;

"Fire Commissioner" means

"fire commissioner" as defined in the *Fire Services Act*;

"Fire Department" means

the City of Victoria Fire Department;

"Fire Department Connection" means

a connection to a building through which the Fire Department can pump supplemental water into a sprinkler system, standpipe, or other system, which furnishes water for fire extinguishment to supplement existing water supplies;

"Fire Services Act" means

the *Fire Services Act* (British Columbia), as amended from time to time;

"Fire Safety Plan" means

the measures set out in Article 2.8.2 of Division B – Part 2 of the *Fire Code*;

"Fire Code" means

the British Columbia Fire Code, as amended from time to time;

"Fire Protection" means

all aspects of fire safety including, but not limited to,

- (a) fire prevention;
- (b) fire suppression;
- (c) pre-incident planning;
- (d) investigations;
- (e) inspections;
- (f) public education and information; and
- (g) Member training and development;

"Hotel" means

"hotel" as defined in the *Fire Services Act*, as amended from time to time;

"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, property or the environment and to which the Fire Department responds or attends;

"Member" means

any employee of the City who works within the Fire Department;

"Motor Vehicle" means

"motor vehicle" as defined by the Motor Vehicle Act (British Columbia), as amended from time to time;

"Occupier" means

"occupier" as defined in the *Fire Services Act*, as amended from time to time;

"Open Air Burning" means

any burning of any kind, of any material, for any purpose that takes place outside of a building, structure, accessory building or commercial establishment, or anywhere else outdoors;

"Owner" means

"owner" as defined under the *Community Charter* (British Columbia), as amended from time to time;

"Park" means

"park" as defined in the Parks Bylaw, as amended from time to time;

"Permit" means

a permit issued under this bylaw which authorizes Open Air Burning;

"Public Building" means

"public building" as defined by the *Fire Services Act*, as amended from time to time.

Adoption of Fire Code

3 The Fire Code is adopted by this bylaw and shall be applicable within the City.

PART 2 – VICTORIA FIRE DEPARTMENT

Continuation of the Fire Department

- 4 The Fire Department is continued under the Fire Chief who is the head of the Fire Department.

Fire Chief

- 5 The Fire Chief shall be appointed by City Council.

General Authority

- 6 (1) The Fire Chief is authorized to
- (a) manage, control and supervise the Fire Department activities and Members;
 - (b) appoint or authorize Members to exercise any of the Fire Chiefs' powers on such terms and conditions as the Fire Chief considers appropriate, and revoke any such appointment or designation; and
 - (c) carry out all other actions the Fire Chief is authorized to perform pursuant to this bylaw, the Fire Code and any Act.
- (2) The Fire Chief, and every Member authorized by the Fire Chief, is authorized to
- (a) take all measures the he or she considers necessary to
 - (i) prevent, suppress, control and extinguish fires;
 - (ii) mitigate the effects of Incidents;
 - (iii) mitigate the effects of Dangerous Goods; and
 - (iv) protect life and property;
 - (b) provide first response medical care;
 - (c) conduct rescue operations;
 - (d) have the care, custody and control of all Apparatuses, Equipment and Fire Department buildings;

Deputy Fire Chief(s)

- 7 (1) The Fire Chief may appoint one or more Deputy Fire Chiefs to exercise all the powers and perform all the duties of the Fire Chief in Fire Chief's absence.
- (2) The Deputy Fire Chiefs shall report to the Fire Chief.

Limits of Jurisdiction

- 8 No Apparatus or Equipment shall be used or operated beyond the municipal boundaries of the City unless the use or operation is authorized
- (a) by an agreement between the City and another jurisdiction to supply Fire Protection;
 - (b) by the Fire Chief, or any Member authorized by the Fire Chief, to assist another jurisdiction in circumstances the Fire Chief or authorized Member deems necessary or appropriate due to an exceptional situation or emergency; or
 - (c) by the Fire Chief for involvement in a special event.

Rules, Regulations and Policies

- 9 The Fire Chief may make policies and operational guidelines for the proper and efficient administration and operation of the Fire Department and may vary, alter, or repeal such policies and operational guidelines as he or she deems necessary.

PART 3 – FIRE AND EMERGENCY OPERATIONS

Right to Enter

- 10 The Fire Chief, and any Member authorized by the Fire Chief, is authorized to enter on property and into premises, with or without Apparatus or Equipment, to combat, control, investigate or otherwise deal with an Incident.

Establish Boundary

- 11
- (1) The Fire Chief, and any Member authorized by the Fire Chief, may establish limited entry areas in the vicinity of an Incident.
 - (2) No person shall enter a limited area established pursuant to section 11(1) without the authorization of a Member.
 - (3) The Fire Chief, and any Member authorized by the Fire Chief, at an Incident may request peace officers enforce restrictions on persons entering within the limited area established pursuant to section 11(1).

Demolition

- 12
- (1) The Fire Chief, and any Member authorized by the Fire Chief, may order the damage, destruction or demolition of any building, part of a building, structure, equipment or other private property, as may be necessary to extinguish, suppress or prevent the spread of fire or prevent the potential collapse of a building resulting from an Incident.
 - (2) None of the City, the Fire Department or any of their elected or appointed officials, officers, employees or Members shall be obligated to restore or pay compensation for property damaged, destroyed or demolished pursuant to section 12(1).

- (3) Within 30 days of destructing or demolishing a building pursuant to section 12(1), the Fire Chief, or Member authorized by the Fire Chief, shall provide notice of the destruction or demolition to the City's Chief Building Official.
- (4) If the Fire Chief or other Member arranges for damage, destruction or demolition pursuant to section 12(1), the Owner of the property subject to such services shall pay to the City the fee specified in Schedule "A" of this bylaw.

Section 25 of the *Fire Services Act*

- 13 Without limiting the generality of any other provision of this bylaw, the Fire Chief, and any Member authorized by the Fire Chief, is authorized to exercise all of the powers of the Fire Commissioner under section 25 of the *Fire Services Act*.

Conduct of Persons at Incidents

- 14 (1) No person shall
- (a) impede, hinder, obstruct or otherwise interfere with any Member in the extinguishment of a fire or in the control of any other Incident;
 - (b) damage, destroy, obstruct, impede or hinder the operation of any Apparatus or Equipment;
 - (c) refuse to allow a Member to
 - (ii) enter into or upon any premises from which a fire alarm or other report of an emergency has been received or where the Member believes that an Incident or other circumstance which poses or may pose a risk to life safety or property exists;
 - (iii) enter or pass through or over buildings or property adjacent to an incident or allow Apparatus and Equipment to enter or pass through or over buildings or property where deemed necessary to gain access to the Incident or to protect any person or property;
- (2) Every person at or near a fire, emergency, or other Incident shall
- (a) comply with the orders or directions of all Members; and
 - (b) provide any information that person may have relating to the fire, emergency or other Incident to any Member who requests that information.
- (3) Except as authorized by the Fire Chief or other Member, no person shall
- (a) enter any building threatened by an Incident;
 - (b) enter within an area designated by ropes, guards or tapes, which are erected by or under the direction of a police officer or the Fire Department, across or around any or all streets, lanes, alleys or buildings;
 - (c) refuse to move from a designated area referred to in section 14(3)(b) when directed by a police officer or a Member; or

- (d) or remove any ropes, guards or tapes referred to in section 14(3)(b).

Post-Incident Watch

- 15 (1) After an Incident has occurred, the Fire Chief, and any Member authorized by the Fire Chief, may require that one or more Members, with or without Apparatus, remain at the Incident site to provide a post-Incident watch for a period of time the Fire Chief or authorized Member deems necessary to secure the property against further Incident.
- (2) The Owner of a property subject to a post-Incident watch pursuant to section 15(1) shall pay to the City the fee specified in Schedule "A" of this bylaw.

Fire Damaged Buildings

- 16 (1) The Owner of a fire-damaged building shall promptly take all steps necessary to secure the building against the entry of unauthorized persons, including, but not limited to, guarding the building and securing all openings to the building.
- (2) If an Owner fails to provide the necessary security to a fire-damaged building within a reasonable time, or within the time directed by the Fire Chief, or any Member authorized by the Fire Chief, the Fire Chief or authorized Member may cause the work required pursuant to section 16(1) to be conducted by employees, agents or contractors of the City.
- (3) If the Fire Chief, or any Member authorized by the Fire Chief, arranges for services pursuant to section 16(1), the Owner of the property subject to such services shall pay to the City the fee specified in Schedule "A" of this bylaw.

PART 4 – FIRE PREVENTION

Regular System of Inspection

- 17 (1) Hotels, Public Buildings, theatres, halls and other buildings used as a place of public resort shall be inspected in accordance with the regular system of inspection detailed in Schedule "C".
- (2) The Fire Chief, and any Member authorized by the Fire Chief, is authorized to enter on property and inspect premises in order to perform inspections pursuant to section 17(1).

Condition and Compliance Inspection

- 18 (1) In addition to carrying out the regular system of inspections pursuant to section 17, the Fire Chief, and any Member authorized by the Fire Chief, is authorized to enter onto any property within the City at any time and inspect premises for the purposes of ascertaining whether
- (a) conditions exist which may cause a fire, increase the danger of fire or increase the danger to persons or property from a fire;
- (b) requirements of this bylaw or being complied with; and

- (c) requirements of the Fire Code are being complied with.
- (2) If, after performing an inspection pursuant to sections 17 or 18(1), the Fire Chief, or any Member authorized by the Fire Chief, determines that a property is not in compliance with this bylaw or the Fire Code, or that one or more conditions exist which may be a fire hazard, increase the danger of fire or the danger to persons or property from a fire, the Fire Chief, and any Member authorized by the Fire Chief, may issue an order to the Owner or any Occupier of the property to do what is necessary to remove the condition or to bring the property into compliance within a specified time period and advise of a return date for a re-inspection.
- (3) The Fire Chief, and any Member authorized by the Fire Chief, is authorized to enter onto a property and premises to re-inspect a site following an order made pursuant to section 18(2).
- (4) If upon the first re-inspection of a site pursuant to section 18(3), the Fire Chief, or any Member authorized by the Fire Chief, determines that an order issued pursuant section 18(2) has not been complied with, he or she may either
 - (a) schedule a second re-inspection and further subsequent re-inspections, if required, to ascertain whether the order has been complied with, and the person to whom the order was made shall pay to the City the re-inspection fee specified in Schedule "A" for the second, and each subsequent, re-inspection; or
 - (b) at any time, arrange to have all work necessary to bring the property into compliance with the order, and the person to whom the original order was issued shall pay the City the fee specified in Schedule "A" of this bylaw,whichever the Fire Chief or authorized Member deems most appropriate for efficient correction and safety.
- (5) An Owner or Occupier who is issued an order pursuant to
 - (a) section 18(2); or
 - (b) section 18(4)(a)must comply with the order in the time specified within the order.

Inspection of Fire Hazards

- 19 In addition to the inspections authorized pursuant to sections 17 and 18 of this bylaw, the Fire Chief, and any Member authorized by the Fire Chief, is authorized to exercise within the City all the powers under sections 21 and 22 of the *Fire Services Act* and, with the written approval of the Fire Commissioner, the powers conferred in section 23 of the *Fire Services Act*.

Inspection Attendance

- 20 An Owner or Occupier of property who has been notified of an inspection to be conducted pursuant to this bylaw, or any other enactment relating to fire safety, must attend, or have an agent attend on his or her behalf, at the property on the date and at the time specified in the notice to provide access for the inspection.

Information at Inspection

- 21 Every Owner and Occupier of a property shall provide all information and shall render all assistance required by any Member, or other inspector in connection with any inspection of that property being conducted pursuant to this bylaw, the Fire Code, or the *Fire Services Act*.

False Information at Inspection

- 22 No person shall withhold or falsify any information required by any Member, nor refuse to assist in an inspection under this bylaw.

Obstruct Inspection

- 23 No person shall obstruct or interfere with any Member during an inspection under this bylaw.

False Alarm

- 24 No person shall cause an alarm to be transmitted to the Fire Department by telephone, Fire Alarm System, in person or by other means, knowing that an emergency or Incident does not exist.

No Occupancy

- 25 (1) If the Fire Chief, or Member authorized by the Fire Chief, deems a site, or any portion of a site, to be hazardous for occupation, the Fire Chief or authorized Member may post a notice on any building, structure or area at that site specifying that occupancy may be hazardous and is not permitted.
- (2) No person shall enter or occupy a building, structure or area affected by a noticed posted pursuant to section 25(1).
- (3) No person, other than a Member, shall remove a notice posted pursuant to section 25(1).

Lock Boxes for Building Access

- 26 (1) Every Owner of a premises which
- (a) is an apartment building, whether rental or strata owned;
 - (b) is a commercial building with shared common properties;
 - (c) requires a Fire Safety Plan; or
 - (d) is equipped with
 - (i) a Fire Alarm System;
 - (ii) an automatic fire sprinkler system;

- (iii) a firefighting standpipe and water supply connection in a locked room or area, including on a roof;
- (iv) key operated elevator control feature which permits exclusive use of elevators to firefighting personnel;
- (v) locked security gates; or
- (vi) locked access doors for security gates

must ensure a lock box approved by a Member is, at the Owner's expense, installed, maintained and kept in good repair at a location approved by a Member on the exterior of such building or premises and which is clearly identified as being for the sole use of the Fire Department.

- (2) An Owner must ensure that any lock box required pursuant to section 26(1) contains all current keys and devices required in an emergency to open any of the following which exist in the building
 - (a) doors or hatches to the principal entrance;
 - (c) firefighting safety/control features;
 - (d) elevator;
 - (e) service rooms for firefighting purposes; and
 - (f) any door that permits entry into a common area.
- (3) If a lock box installed pursuant to section 26(1) is not of a size sufficient to hold all contents required under this bylaw, the Owner shall, at the Owner's expense and to the approval of a Member, either replace the lock box with one of a suitable size or install a second lock box.
- (4) No person, other than a Member, may open a lock box.
- (5) Members shall, at all times, be permitted to have access to any lock box required pursuant to this bylaw.

Fire Safety Plan

- 27 (1) An Owner of a building, site or other area which requires a Fire Safety Plan pursuant to the Fire Code must
 - (a) submit the Fire Safety Plan to the Fire Chief, in a form specified by the Fire Chief, for review and approval;
 - (b) ensure the Fire Safety Plan is stored on the property in a Fire Safety Plan box of a type and in a location approved by the Fire Chief, or Member authorized by the Fire Chief, and further ensure that the Fire Safety Plan box
 - (i) remains locked;

- (ii) remains accessible to any Member using a Fire Department lock box key;
 - (iii) is red in colour and contains letters in white stating "Fire Safety Plan"; and
- (c) provide the Fire Chief with an updated Fire Safety Plan within 30 days of any changes being made to the Fire Safety Plan.
- (2) An Owner who submits a Fire Safety Plan pursuant to section 27(1)(a) or provides an update pursuant to section 27(1)(c) which includes sufficient changes that the Fire Chief, or Member authorized by the Fire Chief, determines that a full review is required, shall pay the fee specified in Schedule "B" of this bylaw.

Fire Watch for Prevention

- 28 (1) If a Hotel or Public Building contains a Fire Alarm System, sprinkler system or emergency power system which is not properly functioning, the Owner of that property must institute and maintain a fire watch of the property until such time as the system is fully operational.
- (2) A fire watch pursuant to section 28(1) requires that the Owner, or an agent of the Owner, attend at the property and perform all the following activities:
 - (a) maintain continued attendance throughout the fire watch;
 - (b) post written notices at all entrances and exits on each floor of the subject building stating that a fire watch is in effect and its expected duration;
 - (c) provide a physical inspection of all public areas of the subject building;
 - (d) note in an entry book at least every hour the safety conditions in the subject building;
 - (e) ensure on-site provision of a communications device capable of making a 911 call; and
 - (f) post instructions in the subject building as to the alternate actions to be taken in the case of an emergency, and if a Fire Safety Plan exists for the building, the instructions shall be in accordance with the Fire Safety Plan.
- (3) If a Hotel or Public Building contains a Fire Alarm System, sprinkler system or emergency power system which is not properly functioning, and the Owner, or Owner's agent, is not in attendance at the property performing a fire watch in accordance with section 28(2), the Fire Chief, and any Member authorized by the Fire Chief, may arrange for one or more Members to attend at the property and remain at the site until the Owner or the Owner's agent arrives to commence or continue the fire watch.
- (4) If one or more Members attend at a property pursuant to section 28(3) in excess of 1 hour, the Fire Chief, and any Member authorized by the Fire Chief, may either:

- (a) continue to maintain as many Members at the property as the Fire Chief or authorized Member deems necessary for the fire watch and the Owner shall pay the City the fee specified in Schedule "A"; or
- (b) retain the services of a private security company to maintain the fire watch until the Owner or Owner's agent attends to assume the fire watch or until the fire watch is no longer required, and Owner shall pay the City the fee specified in Schedule "A" of this bylaw.

Fire Department Connections

- 29 Every Owner or Occupier of a new or existing property for which the Building Code requires Fire Department Connections must ensure that
- (a) the Fire Department Connections, standpipes systems and sprinklers are located and installed in accordance with the Building Code and applicable building permit;
 - (b) all Fire Department Connections, protective caps, standpipe systems and sprinklers are kept clean, functional, and in place at all times, and to promptly clean, repair and replace Fire Department Connections, protective caps, standpipe systems and sprinklers as necessary;
 - (c) access to Fire Department Connections for sprinklers and standpipe systems are clearly identified, functional and in good repair;
 - (d) signs are displayed which identify which Fire Department Connection serves a particular sprinkler or standpipe system and the maximum pumping pressure at a Fire Department Connection;
 - (e) each fire sprinkler and standpipe Fire Department Connections is kept free and clear, by at least one metre, from all shrubbery, trees, other vegetation, structures, buildings or other obstructions; and
 - (f) each Fire Department Connections is clearly visible at all times from the Fire Department access route, unless approved otherwise by the Fire Chief or other Member authorized by the Fire Chief.

Communications Antennas on Buildings

- 30 Where the design or construction methods of a new or existing Public Building or Hotel may cause poor communications for firefighting and rescue operations, or where an Owner is directed to do so by the Fire Chief, or any Member authorized by the Fire Chief, the Owner of a building shall, at the Owner's expense, ensure that an engineered communications antenna, which is satisfactory to the Fire Chief or authorized Member, is installed and maintained on the building.

Fire Protection Upgrades

- 31 (1) The Fire Chief, and any Member authorized by the Fire Chief, may require any Owner or Occupier of a Hotel or Public Building, to provide or make alterations to the building's fire protection equipment, including, but not limited to heat and smoke detection systems, Fire Alarm Systems, emergency power sources, exit signs, fire separations, standpipe systems, sprinklers and means of egress.

- (2) Any required provisions or alterations required by the Fire Chief, or authorized Member, pursuant to section 31(1) shall not exceed the requirements set out in the Building Code.

Storage

32 An Owner of a Public Building or Hotel must ensure no material or item is stored in

- (a) locker room aisles;
- (b) elevator rooms;
- (c) service rooms; or
- (d) parking areas;

unless first approved in writing by the Fire Chief, or Member authorized by the Fire Chief.

Combustibles and Hazardous Materials

- 33 (1) An Owner or Occupier of a property shall not permit combustible materials of any kind, including growth, waste, rubbish or hazardous substances, to accumulate
- (a) in quantities or at locations that will constitute an undue fire hazard; or
 - (b) in any part of an elevator shaft, ventilation shaft, stairway, or other means of egress or fire escape.
- (2) Section 33(1) does not apply to combustible materials which are accumulated at locations specifically designated for that purpose, provided that the quantity and means of storage conform the limits, standards and requirements established for that location and function.

Garbage

- 34 (1) All commercial or communal garbage containers larger than a 90 litre (20 gallon) capacity shall be stored at a location that is approved by the Fire Chief, or any Member authorized by the Fire Chief, and which is no less than 5 metres (16 feet) from any combustible construction or materials or unprotected building openings.
- (2) If the clearances required by section 34(1) of this bylaw cannot be met, a non-combustible container with non-combustible self-closing lids and no hold-open devices may be used, provided that the container is placed in a location that is approved by the Fire Chief, or any Member authorized by the Fire Chief, and which is no less than 1 metre (3 feet) from any combustible construction or materials or unprotected building openings.
- (3) No Owner shall store or permit to be stored any commercial or communal garbage containers larger than a 90 litre (20 gallon) capacity in any manner other than in accordance with the specifications detailed in sections 34(1) or 34(2).

Fire Hydrants

- 35 (1) Every Owner of land on which a fire hydrant is located shall ensure that an area with a radius of one metre (three feet) is maintained clear and unobstructed around the fire hydrant, and in clear view from the roadway when approached from either direction.
- (2) No person, except a Member, shall use or take water from any fire hydrant or standpipe, nor attach anything to a fire hydrant or standpipe, without first obtaining written permission from the Fire Chief, or any Member authorized by the Fire Chief.

Prohibited Burning

- 36 No person shall burn in a fireplace, stove or incinerator any materials other than seasoned firewood or similar material designed for that use and which do not contain painted, treated or adhesive materials.

Prohibition of Open Air Burning

- 37 (1) No person shall light, ignite, start or burn any fire in the open air or in any portable incinerator, chiminea, outdoor fireplace or other portable outdoor burner without first obtaining a Permit.
- (2) Section 37(1) shall not apply to
- (a) fires permitted in a Park pursuant to the Park Bylaw;
 - (b) charcoal, natural gas or propane gas fires contained within barbecues, grills or other outdoor appliances for the sole purpose of cooking food; or
 - (c) liquid or gas fuelled appliances listed for outdoor use, provided such appliance
 - (i) is Canadian Standards Association or Underwriters Laboratory of Canada approved; and
 - (ii) at all times used in accordance with the manufacturer's instructions.

Permit

- 38 (1) (a) An application for a Permit shall be made to the Fire Chief in a form specified by the Fire Chief.
- (b) The Fire Chief, and any Member authorized by the Fire Chief, may issue a Permit, subject to the provisions of this bylaw and the *Fire Services Act*, for the purposes of
- (i) the observance or celebration of a religious, cultural or special event;
 - (ii) Member training; or
 - (iii) ecological or conservation purposes.

- (c) The Fire Chief, and any Member authorized by the Fire Chief, may refuse to grant a Permit if the Fire Chief or authorized Member determines that burning under the prevailing circumstances would likely be hazardous, create a nuisance or that the burning would not meet a purpose specified in section 38(1)(b).
- (3)
 - (a) The Fire Chief, and any Member authorized by the Fire Chief, may make any Permit issued subject to such conditions and restrictions he or she deems necessary for safety and the prevention of the spread of fire.
 - (b) The person to whom a Permit has been issued shall be responsible for the management of the fire.
 - (c) The person to whom a Permit for open burning has been issued shall have a competent person at all times in charge of the fire.
- (4) The Fire Chief, and any Member authorized by the Fire Chief, may suspend or change the condition of any Permit
 - (a) as the Fire Chief or authorized Member deems necessary due to the development of hazardous conditions, adverse weather or other such circumstances which arise from time to time; or
 - (b) if the Permit holder contravenes, or permits the contravention of, any provision of this bylaw, the *Fire Services Act* and its regulations, or any conditions or restrictions attached to the Permit.

Event Approval

- 39
 - (1) If the Fire Chief's approval is required by any Act, bylaw or procedure for an event to be permitted within the City, the Fire Chief, or any Member authorized by the Fire Chief, shall review the details of the event application and may
 - (a) refuse approval if the Fire Chief or authorized Member determines that the event may be hazardous or create a nuisance;
 - (b) provide approval without condition; or
 - (c) provide approval subject to such conditions and restrictions he or she deems appropriate for safety and the prevention or the spread of fire.
 - (2) If, as a condition of event approval pursuant to section 39(1)(c), the Fire Chief, or Member authorized by the Fire Chief, requires any number of Members to inspect or attend at an event site for any time before, during or after the event, for any reason, the person applying to the City for the event shall pay to the City the fees set out in Schedule "A".

Occupant Load

- 40 (1) Every person who requires an occupant load calculation for the purpose of assembly in an existing building or area within the City must apply to the Fire Chief in the form specified by the Fire Chief, and shall include with the application
- (a) drawings certified by an architect or other registered professional; and
 - (b) any other documentation required by the Fire Chief.
- (2) Every person who receives an occupancy load calculation pursuant section 40(1) shall pay to the City the fee set out in Schedule "B".

General Conduct of Persons

- 41 No person shall
- (1) obstruct or otherwise interfere with access roads, streets or other approaches to any Incident, fire hydrant, cistern or body of water designated for firefighting purposes;
 - (2) refuse to allow the Fire Chief or other Member to enter premises, at any reasonable time, for the purposes specified under this bylaw;
 - (3) impede, hinder, obstruct or otherwise interfere with any Member or other person assisting or acting under the direction of the Fire Chief in the execution of their duties under this bylaw; or
 - (4) drive a Motor Vehicle upon or over any Equipment unless directed by a Member.

PART 5 – FEES

Requested Inspection

- 42 Every person who, for the purposes of seeking a licence or compliance with business or facility operational requirements, requests and receives an inspection from the Fire Chief, or any Member authorized by the Fire Chief, relating to
- (a) a property shall pay to the City the fee set out in Schedule "A"; and
 - (b) a Motor Vehicle shall pay to the City the fee set out in Schedule "B".

Property File Searches

- 43 Every person who submits a request for property information from a file held by the Fire Department shall pay to the City the fee specified in Schedule "B".

Attendance Cost Recovery

- 44 (1) Every Owner of any building, site or other area
- (a) at which there is an Incident related to the illegal use of a Controlled Substance;

- (b) at which there is an Incident related to the illegal cultivation of a Controlled Substance; or
- (c) at which there are Dangerous Goods

which have the effect of contaminating or damaging Equipment when the Fire Department attends an Incident, or as the result of an Incident, shall pay to the City the fee set out in Schedule "A".

- (2) Every Owner of any building, site or other area at which there is an Incident which requires the Fire Department utilize extraordinary personnel or Equipment, including, but not limited to,
 - (a) Equipment and operator rentals;
 - (b) hazardous materials equipment;
 - (c) rescue vessels; and
 - (d) additional, non-Member, personnel provided under a mutual aid agreement with another local government,

shall pay to the City the fee set out in Schedule "A".

Fire Investigation Fee

- 45 (1) Every Owner of property which requires an investigation and investigation report by the Fire Chief, or Member authorized by the Fire Chief, pursuant to the *Fire Services Act* shall pay the fee specified in Schedule "A" of this bylaw.
- (2) If, while completing an investigation pursuant to the *Fire Services Act*, the Fire Chief, or a Member authorized by the Fire Chief, deems it necessary to obtain the services of a private security company for investigation continuity, the Owner of the property shall pay the fee specified in Schedule "A" of this bylaw.

PART 6 – GENERAL PROVISIONS

Penalties

- 46 (1) A person commits an offence and is subject to the penalties imposed by this bylaw, the Ticket Bylaw and the *Offence Act* if that person
 - (a) contravenes a provision of this bylaw;
 - (b) consents to, allows, or permits an act or thing to be done contrary to this bylaw; or
 - (c) neglects or refrains from doing anything required by a provision of this bylaw.
- (2) Each day that a contravention of a provision of this bylaw occurs or continues shall constitute a separate offence.

- (3) The maximum fine that may be imposed for a contravention of this Bylaw is \$10,000.

Severability

- 47 If any section, subsection, clause or phrase of this bylaw is held 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 adopted without the severed section, subsection, clause, or phrase.

Conflict

- 48 If there is a conflict between this bylaw and the Building Code, the Fire Code or the *Fire Services Act*, the Building Code, Fire Code or *Fire Services Act*, as the case may be, shall prevail.

PART 7 – TRANSITION

Repeal of Bylaw No. 96-010, the Fire Prevention and Regulation Bylaw

- 49 Bylaw No. 96-010, the Fire Prevention and Regulation Bylaw, is repealed.

Repeal of Bylaw No. 04-114, the Fire Inspection Delegation Bylaw

- 50 Bylaw No. 04-114, the Fire Inspection Delegation Bylaw, is repealed.

Ticket Bylaw Amendment

- 51 Bylaw No. 10-071, the Ticket Bylaw, is amended by repealing schedule O and replacing it with schedule 1 of this Bylaw.

PART 8 – COMMENCEMENT

Commencement

- 52 This Bylaw comes in to force upon adoption.

READ A FIRST TIME the	day of	2014
READ A SECOND TIME the	day of	2014
READ A THIRD TIME the	day of	2014
ADOPTED on the	day of	2014

CORPORATE ADMINISTRATOR

MAYOR

SCHEDULE A

The fees specified in this schedule may be collected in the same manner and with the same remedies as property taxes, and if due and payable by December 31st and are unpaid on that date, are deemed to be taxes in arrears.

SERVICE	SECTION	FEE
Damage, destruction or demolition of building	12(4)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the City to complete the work
Post-Incident Fire Watch	15(2)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site
Securing Fire Damaged Building	16(3)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the City to complete the work
Second and subsequent Condition and Compliance Re-inspections	18(4)(a)	\$100 for second re-inspection and for each subsequent re-inspection
Work to establish compliance	18(4)(b)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the City to complete the work
Member performing Prevention Fire Watch	28(4)(a)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site after the first hour
Private Company performing Prevention Fire Watch	28(4)(b)	All expenses incurred by the City for obtaining private company services
Member inspecting or attending event	39(2)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at a site
Requested Inspection of property	42(a)	\$100
Damaged Equipment	44(1)	All expenses incurred by the City to clean, repair or replace Equipment used at an Incident
Use of Extraordinary personnel or Equipment	44(2)	All expenses incurred by the City for special equipment and additional non-Member personnel
Fire Investigation	45(1)	If one or more Members investigate at a site in excess of 90 minutes, staffing costs of each Member for actual time Member(s) attend at site and for actual time Member(s) work on all matters related to the investigation offsite, including report preparation. No fee for a site investigation which concludes in under 90 minutes
Private Company Services at investigation	45(2)	All expenses incurred by the City for obtaining private company services

SCHEDULE B

Fee Schedule

SERVICE	SECTION	FEE
Fire Safety Plan Review	27(2)	\$150.00
Occupancy Load Calculation	40(2)	\$100.00 for occupancy load calculations of 100 occupants or less \$150.00 for occupancy load calculations of 101 occupants or more
Requested Inspection of Motor Vehicle	42(b)	\$100.00
Property File Search	43	\$40.00

SCHEDULE C

Hotels, Public Buildings, Churches, Theatres, Halls and other Buildings used as a place of public resort shall be regularly inspected at the following frequency.

GROUP	DIVISION	INSTALLED SPRINKLER SYSTEM	INSPECTION FREQUENCY
A	1	No	Every Year
A	2	Not Applicable	Every Two Years
A	3	Not Applicable	Every Year
B	1	Not Applicable	Every Year
B	2	Not Applicable	Every Two Years*
B	3	Not Applicable	Every Two Years *
C	--	Yes	Every Two Years
C	--	No	Every Year
D	--	Not Applicable	Every Two Years
E	--	Not Applicable	Every Two Years
F	1	Not Applicable	Every Year
F	2	Not Applicable	Every Two Years
F	3	Not Applicable	Every Two Years

*with the exception of senior care homes without sprinkler systems, which shall be inspected each year.

The Group and Divisions specified in this schedule are classified in accordance with Division B Part 3, section 3.1.2 of the British Columbia Building Code.

SCHEDULE 1

Schedule O

Fire Prevention and Regulation Bylaw Offences and Fines

Column 1 – Offence	Column 2 – Section	Column 3 – Set Fine	Column 4 – Fine if paid within 30 days
Enter limited area w/o permission	11(2)	\$200.00	\$175.00
Interfere with Member at Incident	14(1)(a)	\$350.00	\$300.00
Damage, destroy, obstruct, or otherwise interfere with Equipment	14(1)(b)	\$350.00	\$300.00
Refuse access to Member	14(1)(c)	\$350.00	\$300.00
Failure to comply with orders or provide information	14(2)	\$300.00	\$250.00
Enter building threatened by Incident	14(3)(a)	\$200.00	\$175.00
Enter designated area	14(3)(b)	\$200.00	\$175.00
Fail to leave designated area when directed	14(3)(c)	\$250.00	\$200.00
Remove ropes, guards or tapes	14(3)(d)	\$200.00	\$175.00
Failure to secure fire-damaged building	16(1)	\$250.00	\$200.00
Failure to comply with order	18(5)(a)	\$250.00	\$200.00
Failure to comply with order	18(5)(b)	\$300.00	\$250.00
Failure to provide information	21	\$250.00	\$200.00
Withholding or providing false information	22	\$350.00	\$300.00
Obstruct Member during inspection	23	\$500.00	\$500.00
Make false alarm	24	\$350.00	\$300.00
Violate no occupancy notice	25(2)	\$250.00	\$200.00
Remove no occupancy notice	25(3)	\$300.00	\$250.00
No approved lock box	26(1)	\$150.00	\$125.00
Insufficient lock box contents	26(2)	\$150.00	\$125.00
Insufficient lock box	26(3)	\$150.00	\$125.00
Unauthorized access to lock box	26(4)	\$150.00	\$125.00

Failure to submit Fire Safety Plan	27(1)(a)	\$200.00	\$175.00
Improper storage of Fire Safety Plan	27(1)(b)	\$200.00	\$175.00
Failure to provide updated Fire Safety Plan	27(1)(c)	\$200.00	\$175.00
Failure to maintain fire watch	28(1)	\$250.00	\$200.00
Failure to maintain Fire Department Connections, standpipe systems and sprinklers	29	\$350.00	\$300.00
Failure to provide communications antenna	30	\$250.00	\$200.00
Failure to provide fire protection equipment	31(1)	\$300.00	\$250.00
Improper storage of materials	32	\$200.00	\$175.00
Accumulate combustible materials	33(1)	\$200.00	\$175.00
Improper garbage storage	34(3)	\$200.00	\$175.00
Unauthorized use of fire hydrant	35(1)	\$200.00	\$175.00
Prohibited burning	36	\$250.00	\$200.00
Prohibited Open Air burning	37(1)	\$250.00	\$200.00
Fail to supervise permitted fire	38(3)(c)	\$300.00	\$250.00
Obstruct access to Incident	41(1)	\$350.00	\$300.00
Refuse access to premises	41(2)	\$350.00	\$300.00
Impede, hinder, obstruct or otherwise interfere with Member executing bylaw	41(3)	\$350.00	\$300.00
Drive vehicle over Equipment	41(4)	\$150.00	\$125.00

Appendix C - Municipal Fee Comparison

CRD					
	Re-inspection Fee	Fire Investigation Fee	Inspection Requests	Standby Fees	Contamination of Gear or Equipment
Esquimalt	No fee charged	\$100/hr per investigator after 2 hours	\$100	No fee charged	No fee charged
Oak Bay	No fee charged	No fee charged	No fee charged	No fee charged	No fee charged
North Saanich	\$100 fine	No fee charged	No fee charged	No fee charged	No fee charged
Saanich	No fee charged	\$100/hr per investigator after 2 hours	No fee charged	No fee charged	No fee charged
Sooke	\$75 for second and subsequent re-inspections	No fee charged	\$75	\$600/hr Engine for filming \$300/hr Engine standby for filming	No fee charged
Victoria – Proposed	\$100 for second and subsequent re-inspections	Per member's rate after 90 minute investigation period plus all matters related to investigation and report	\$100	Hourly rate of equipment and Staff	All expenses incurred by the City to clean, repair or replace equipment used at an Incident
Vancouver Island – Outside CRD					
Courtenay	\$100 after first re-inspection	No fee charged	No fee charged	\$400 for each truck and crew per hour (minimum 1 hour). Failure of contact person to arrive	Equipment replacement cost or decontamination costs including taxers.
Nanaimo	\$100	No fee charged	\$100	No fee charged	No fee charged

Lower Mainland					
	Re-inspection Fee	Fire Investigation Fee	Inspection Requests	Standby Fees	Contamination of Gear or Equipment
Burnaby	\$100 for second and subsequent re-inspections	\$500 for an Investigation Report	\$100	No fee charged	No fee charged
City of Langley	\$100	No fee charged	\$100	Engine \$550/hr, Aerial \$1,200/hr, Rescue \$2,000/hr for filming and special event standby	Actual costs
Coquitlam	\$77 plus \$93.45 per Inspector in 15 minute increments for second and subsequent inspections	\$130.20/hr after 4 hours	\$77 plus \$93.45 per Inspector in 15 minute increments	No fee charged	No fee charged
Delta	\$150 after second re-inspection	\$500 if the damage is in excess of \$5,000	No fee charged	Rates from the current collective agreement hourly and equipment rates	Equipment replacement cost or acceptable decontamination costs including taxes
New Westminster	\$100	\$500 for up to 3 hrs if the damage is in excess of \$5,000	No fee charged	\$200/hr after 45 minutes waiting for reference	Cost of replacement plus 10% restocking fee
North Vancouver District	Fine	\$500 if the damage is in excess of \$5,000	No fee charged	No fee charged	No fee charged
Port Coquitlam	\$75 for first and subsequent re-inspections	\$500 if the damage is in excess of \$5,000	No fee charged	\$600 – Engine(s), \$1,315 – Quint(s) - \$180 per duty Chief(s) hours/unit/incident. Failure to provide contact information	Replacement cost of items
Port Moody	\$80 for second and subsequent re-inspections	\$1,000 all investigated fires	No fee charged	No fee charged	No fee charged

	Re-inspection Fee	Fire Investigation Fee	Inspection Requests	Standby Fees	Contamination of Gear or Equipment
Richmond	\$86.50/hr first hour, \$54.50 for additional hour or portion of	No fee charged	No fee charged	\$445.25/hr filming standby	No fee charged
Surrey	\$121.73 plus taxes for each re-inspection	\$667.76 plus tax for fires over \$2500	\$113.64 plus tax for the first hour and \$107.12 plus tax per hour thereafter, Highrise Buildings \$284.10 plus tax	No fee charged	No fee charged
Township of Langley	\$100 all re-inspections	\$500 if the damage is in excess of \$5,000	No fee charged	No fee charged	Actual Costs
West Vancouver	\$300 for second and subsequent re-inspections	Fee if the damage is in excess of \$5,000, fee amount not disclosed	\$150 special event or request	No fee charged	Cost recovery no indication of the fee or method

Appendix D – Cost Recovery Analysis

Service	Section	Fee	Potential 2010	Potential 2011	Potential 2012	Potential 2013	Potential 2014	Average for 2010-2014
Damage, destruction or demolition of building	12(4)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the City to complete the work	no data	no data	no data	no data	no data	no data
Post-Incident Fire Watch	15(2)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site	\$318.84	\$2,231.88	\$1,594.20	\$1,275.36	\$4,463.76	\$1,976.81
Securing Fire Damaged Building	16(3)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the City to complete the work	no data	no data	no data	no data	no data	no data
Second and subsequent Condition and Compliance Re-inspections	18(4)(a)	\$100 for second re-inspection and for each subsequent re-inspection	\$68,100.00	\$101,000.00	\$71,100.00	\$73,900.00	\$46,100.00	\$72,040.00
Work to establish compliance	18(4)(b)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the City to complete the work	no data	no data	no data	no data	no data	no data

Service	Section	Fee	Potential 2010	Potential 2011	Potential 2012	Potential 2013	Potential 2014	Average for 2010-2014
Member performing Prevention Fire Watch	28(4)(a)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site after the first hour	no data	no data	no data	no data	\$648.00	\$648.00
Private Company performing Prevention Fire Watch	28(4)(b)	All expenses incurred by the City for obtaining private company services	no data	no data	no data	no data	no data	no data
Member inspecting or attending event	39(2)	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at a site	no data	no data	no data	no data	\$162.00	\$162.00
Requested Inspection of property	42(a)	\$100	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
Damaged Equipment	44(1)	All expenses incurred by the City to clean, repair or replace Equipment used at an Incident	No data	\$183.44	\$3,479.40	\$480.00	\$3,006.74	\$1,787.40
Use of Extraordinary personnel or Equipment	44(2)	All expenses incurred by the City for special equipment and additional non-Member personnel	no data	no data	no data	no data	no data	no data
Fire Investigation	45(1)	If one or more Members investigate at a site in excess of 90 minutes, staffing costs of each Member for actual time Member(s) attend at site and for actual time Member(s) work on all matters related to the investigation offsite, including report preparation.	\$1,373.46	\$9,114.78	\$8,199.14	\$7,574.84	\$12,361.14	\$7,724.67
Private Company Services at investigation	45(2)	All expenses incurred by the City for obtaining private company services	no data	no data	no data	no data	no data	no data

Service	Section	Fee	Potential 2010	Potential 2011	Potential 2012	Potential 2013	Potential 2014	Average for 2010-2014
Fire Safety Plan Review	27(2)	\$150.00	\$4,500.00	\$7,950.00	\$10,950.00	\$10,650.00	\$6,600.00	\$8,130.00
Occupancy Load Calculation	40(2)	\$100.00 for occupancy load calculations of 100 occupants or less	no data	no data	no data	no data	no data	no data
		\$150.00 for occupancy load calculations of 101 occupants or more	\$1,800.00	\$1,800.00	\$1,200.00	\$750.00	\$750.00	\$1,260.00
Requested Inspection of Motor Vehicle	42(b)	\$100.00	No data	No data	No data	No data	\$2,100.00	\$2,100.00
Property File Search	43	\$40.00	No data	No data	No data	No data	No data	No data
Total			\$77,092.30	\$123,280.10	\$97,522.74	\$95,630.20	\$77,191.64	\$96,828.88

Appendix E – Revenue Projection Analysis

Service	Section	Average for 2010-2014	Recoverable by Property taxes?	Will diminish with compliance?	Revenue Projection Allowance*	Revenue Projections less Allowance
Damage, destruction or demolition of building	12(4)	no data	Yes	No	no data	\$0
Post-Incident Fire Watch	15(2)	\$1,977	Yes	No	\$0	\$1,977
Securing Fire Damaged Building	16(3)	no data	Yes	No	no data	\$0
Second and subsequent Condition and Compliance Re-inspections	18(4)(a)	\$72,040	Yes	Yes	\$(36,020)	\$36,020
Work to establish compliance	18(4)(b)	no data	Yes	Yes	no data	\$0
Member performing Prevention Fire Watch	28(4)(a)	\$648	Yes	No	\$0	\$648
Private Company performing Prevention Fire Watch	28(4)(b)	no data	Yes	No	no data	\$0
Member inspecting or attending event	39(2)	\$162	Yes	No	\$0	\$162
Requested Inspection of property	42(a)	\$1,000	Yes	No		\$1,000
Damaged Equipment	44(1)	\$1,787	No	No	\$(536)	\$1,251
Use of Extraordinary personnel or Equipment	44(2)	no data	Yes	No	no data	\$0
Fire Investigation	45(1)	\$7,725	Yes	No		\$7,725
Private Company Services at investigation	45(2)	no data	Yes	No	no data	\$0
Fire Safety Plan Review	27(2)	\$8,130	No	No	\$(2,439)	\$5,691
Occupancy Load Calculation – 100 or less	40(2)	no data	No	No	no data	\$0
Occupancy Load Calculation – 101 or more	40(2)	\$1,260	No	No	\$(378)	\$882
Requested Inspection of Motor Vehicle	42(b)	\$2,100	No	No	\$(630)	\$1,470
Property File Search	43	No data	No	No	no data	\$0
Total		\$96,829			\$(40,003)	\$56,825

*An expected write off allowance of 30% is applied to fees that are not recoverable by taxes. A 50% diminishing revenue allowance is applied to fees that are expected to drop with compliance.