



TSAWWASSEN FIRST NATION
s'cəwaθən məsteyəx^w

Community Governance Act

FIRE REGULATION

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Table of Regulation Changes

Section(s) Amended	Date	Order number
s.5.12 amended	12/08/2009	O.097-2009
s.10.1 amended s.12.7 re-numbered s.13.4 repealed s.13.1 repealed and replaced (new s.13.1-13.4) s.13 subsections re-numbered	10/06/2015	O.039-2015

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A Regulation to provide for the prevention and suppression of fires, for regulating the conduct of persons at fires, and to regulate the sale and disposal of explosives, firecrackers and fireworks and to authorize the issuance of permits, all in order to protect life and property, in co-ordination with the Fire and Emergency Services Department of the Corporation of Delta.

Whereas the Tsawwassen First Nation Executive Council may by regulation provide for the above purposes, now therefore, in open meeting assembled, ENACTS AS FOLLOWS:

Citation

1.1 This Regulation may be cited as the “*Tsawwassen First Nation Fire Regulation, 2009*”.

Definitions and Application

2.1 In this Regulation, 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;

“**approved**” means acceptable to the authority having jurisdiction;

“**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;

“**authority having jurisdiction**” means any person or agency authorized by this or any other regulation or statute to inspect and/or approve any thing or place;

“**Delta**” means the municipality known as the Corporation of Delta and the geographic area within the limits of that municipality;

“**Delta Fire & Emergency Services**” means the Fire Department for the Municipality of Delta;

“**false alarm**” means any alarm, regardless of how caused, necessitating a response by the Delta Fire & Emergency Services 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 person appointed from time to time by the Council of Delta as the Director of Fire & Emergency Services of Delta or the duly appointed delegates;

“**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”** means services designated as such and supplied by the Municipality for the suppression of fire and the protection of life and property, including those services set forth in Schedule “A” (Cost Recovery) to this Regulation;
- “Fire Protection Officer”** means any person authorized in writing by the Fire Chief pursuant to Section 6 of the *Fire Services Act* to exercise the powers of a local assistant, as defined in that Act;
- “Fire Protection Services”** means the section within Delta Fire & Emergency Services responsible for fire and hydrant inspections, fire cause determination and fire arson investigations;
- “Fire Services Act”** and **“Fire Code”** mean the *Fire Services Act* of British Columbia and the Fire Code adopted by regulation under that Act, as amended or replaced from time to time;
- “fireworks”** means manufactured goods intended to be used to produce an explosion or for pyrotechnic effect and without limiting the generality thereof, includes cannon crackers, fireballs, firecrackers, mines, Roman candles, skyrockets, squibs, torpedoes, Low Hazard Fireworks and High Hazard Fireworks, and any other explosive designated as a firework by regulation under the *Fireworks Act* of British Columbia, but excludes caps for toy products, Christmas crackers, sparklers and model rocket engines;
- “Fireworks Permit”** means a fireworks permit issued pursuant to Section 12 of this Regulation;
- “Fireworks Safety Plan”** means a site plan that is drawn to scale with the direction of the proposed discharge of fireworks, all applicable separation distances, a North arrow, and any and all significant ground features, buildings, structures, overhead obstructions, parking areas, spectator viewing areas and fallout zones indicated thereon and, in the case of an application for High Hazard or Movie/TV/Theatrical Pyrotechnics, must indicate the position of all ramps, mortars and emergency vehicles; and
- “Fireworks Supervisor”** means a person certified by the Explosives Regulatory Division of Natural Resources Canada to conduct a fireworks display;
- “High Hazard Fireworks”** means those fireworks defined as such under the Explosives Regulations made under the current *Explosives Act of Canada* and, without limiting the generality of the foregoing, includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons, and firecrackers, all as defined in that 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 Delta Fire & Emergency Services has responded;
- “Low Hazard Fireworks”** means those Fireworks defined as such under the current Explosives Regulations made under the *Explosives Act of Canada* and, without limiting the generality of the foregoing, includes firework showers, fountains, golden rain, lawn lights, pin wheels and volcanoes;
- “member”** means any person that is an employee or a volunteer of Delta Fire & Emergency Services;
- “Movie/TV/Theatrical Pyrotechnics”** means any firework utilized at a movie, television or theatrical production or related activity occurring on Tsawwassen Lands;

“**occupant**” includes the registered owner or any lessee, tenant or licensee of any building or premises;

“**Occupancy Group**” means a classification as defined in the current *Fire Code* of British Columbia, or in this Regulation;

“**officer**” means a member of the Delta Fire & Emergency Services who holds the position of the Fire Chief, a deputy fire chief, a captain, a lieutenant, or a member acting in the capacity of a supervisor or who has been designated by the Fire Chief as an officer;

“**private street**” means any access way normally intended for vehicular use not dedicated as a public street.

- 2.2 All other words and phrases shall be construed in accordance with the meaning assigned to them by the current *British Columbia Building Code*, the *Fire Services Act*, the *Fire Code*, the *Tsawwassen First Nation Final Agreement* or the *Tsawwassen First Nation Community Governance Act*, as the context and circumstances may require.
- 2.3 The *Fire Code* is hereby adopted and made part of this Regulation and shall be applicable within Tsawwassen Lands.

Delta fire and emergency operations

Jurisdiction

- 3.1 The jurisdiction of the Delta Fire & Emergency Services extends to the area within the boundaries of the Tsawwassen Lands pursuant to the Fire Service Agreement between Tsawwassen First Nation and Delta.

Prevention, Control and Enforcement

- 3.2 Delta Fire & Emergency Services may, within the Tsawwassen Lands, take all necessary measures for the prevention, suppression, control and extinguishment of fires, for mitigating the effects of dangerous goods incidents and for the protection of life and property, including rescue operations and the administration of first aid. The Fire Chief or any officers or members may enforce the Fire Code and any applicable regulations for the prevention and suppression of fires. The Fire Chief may charge for the use of fire services and auxiliary equipment and personnel in accordance with this Regulation. Fire Protection Officers may exercise the powers provided by the *Fire Services Act* within the Tsawwassen Lands.

Demolition of Buildings

- 3.3 The Fire Chief or any other member designated by the Fire Chief to be in charge at an incident may cause the demolition of any building or part of a building which, in that member’s judgement, should be demolished in order to prevent the spread of fire or to prevent damage to property, injury to persons or loss of life.

Right to Enter

- 3.4 The Fire Chief or any other member in charge at an incident may enter premises or property where the incident occurred and to cause any member, apparatus or equipment to enter, as deemed necessary, in order to combat, control or deal with the incident.

Commandeering of Equipment

- 3.5 The Fire Chief or any other member in charge of an incident may commandeer personnel and privately owned equipment which are considered necessary to deal with an incident.

Fire Investigation Fee (Cost Recovery)

- 3.6 For every incident where damage is in excess of \$5,000 and for which a fire investigation and fire investigation report must be completed by the Fire Chief or an officer designated by the Fire Chief

in accordance with the *Fire Services Act*, the owner of the structure where the damage occurred shall be subject to a fee, payable to the Corporation of Delta, as specified in Schedule “A” (Cost Recovery) of this Regulation. Any fees not paid after three (3) months from the date of investigation shall be levied as a tax against the property assessment for the following year.

Conduct of Person(s)

Hindrance

4.1 A person must not impede or hinder in any way an officer or member in the execution of their duties or any other person under the direction of an officer or member in charge at an incident and, without limiting the generality of the foregoing, a person must not refuse to permit any member to enter into or upon any premises from which a fire alarm has been received or in or upon which the member has reasonable grounds to believe that an incident has occurred or may occur.

Prohibition of Entry

4.2 Unless duly authorized by the Fire Chief, officer or any other member in charge at an incident, a person must not:

- (a) enter any building threatened by an incident;
- (b) enter within an area designated by ropes, guards or tape erected by or under the direction of a police officer or a member across or around any streets, lanes, alleys or buildings, or
- (c) refuse to move from such designated area when directed to do so by a police officer or a member.

False Representation

4.3 A person must not make false representation as to being a member of the Delta Fire & Emergency Services or any other fire department, or wear or display any badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

Fire prevention regulations

Fires in Public Places

5.1 A person must not make or light any fire on or in any highway, road allowance, street, lane, square, park or other public place within the Tsawwassen Lands, except as so authorized by the Fire Chief or as directed or expressly authorized in writing by the Executive Council of the Tsawwassen First Nation for ceremonial burnings or cultural purposes.

Discarding Burning Substances

5.2 A person must not discard, throw down or drop any lighted match, cigar, cigarette or other burning substance into combustible material or in close proximity thereto.

Accumulation of Combustibles

5.3 A person must not cause, allow or permit any accumulation of combustible growth, waste or rubbish of any kind which, in the opinion of the Fire Chief, is liable to catch fire and endanger property, to be or to remain upon any premises. All growth which is liable to catch fire and endanger property shall be cut down and removed by the owner or occupant, of the premises on which the growth is located. If not complied with, the Fire Chief may cause the work to be completed and bill the owner for costs.

Prohibition of Open Air Burning

5.4 Except as specifically provided in this Regulation, a person must not light, ignite, start or burn any fire in open air or in any portable incinerator, outdoor fireplace or other portable appliance or device in the open air for any purpose.

Barbecues

- 5.5 Wood, charcoal, natural gas or propane gas fires contained within barbecues, smokers or other approved appliances for the sole purpose of cooking food, in accordance with the instructions for safe use provided by the manufacturer, is permitted.

Agricultural and Land Clearing

- 5.6 In any area zoned "Agricultural" where the Fire Chief or an Officer designated by the Fire Chief considers it safe to do so, the Fire Chief or that Officer may issue a permit for burning in the open air of cut and piled brush, slash, grass and other organic agricultural materials resulting from the clearing of land and for the destruction of agricultural waste materials originating on that property, provided that:
- (a) every person who starts a fire under the provisions of this subsection shall cause a watch to be kept on such fire until it is completely extinguished and shall provide sufficient personnel, appliances and equipment to prevent the fire from becoming dangerous to life or property;
 - (b) such burning shall not be carried out within 50 metres from any buildings, structures, standing timber or any other flammable or combustible material;
 - (c) such burning shall only be carried out from Monday to Friday inclusive in any week;
 - (d) no pile of burning material shall exceed five (5) metres in diameter or three (3) metres in height;
 - (e) no substance which produces heavy black smoke when burned, such as rubber tires or petroleum products, shall be burned in connection with such burning; and
 - (f) no such burning shall be carried out where, due to climatic conditions or other hazards, it would be unsafe to do so.
 - (g) A fire shall not be started within 100 metres of any property containing a residential, commercial or industrial occupancy.

Application for Fire Permit

- 5.7 Every application for a fire permit pursuant to this Regulation shall be submitted to the Fire Chief, or an officer designated by the Fire Chief, on a form approved by the Fire Chief. The Fire Chief or that officer may grant or refuse any such permit, subject to the provisions of this Regulation, the *Fire Services Act* and the *Forest Act* of British Columbia.

Restrictions to Fire Permits

- 5.8 The Fire Chief or an officer designated by the Fire Chief, may attach to any fire permit issued pursuant to this Regulation such conditions and restrictions as he or she deems necessary for safety and the prevention of the spread of fire.

Suspension of Fire Permits

- 5.9 The Fire Chief or an officer designated by the Fire Chief, may suspend or revoke any permit under this Regulation where he or she determines that the holder of the permit has done anything which contravenes any provision of this Regulation, the *Fire Services Act*, the *Forest Act* of British Columbia, or any regulation pursuant to those Acts.

Acceptable Material for Fire Permits

- 5.10 The only acceptable material allowed to be burned under a fire permit is organic agricultural waste material as specified in section 5.6.

Exemptions to Burning Regulations

- 5.11 Despite any other provisions of this Regulation, the Delta Fire & Emergency Services may burn buildings, structures, or other materials for the purpose of training its personnel in structural firefighting methods, fire investigation procedures or for the purpose of elimination of hazards.

Ceremonial Burnings

- 5.12 The TFN Executive Council may authorize ceremonial burnings for cultural and will inform the Fire Chief of these authorizations as a courtesy.

[Amended by Order number O.097-2009]

Suspension of Burning

- 5.13 When the Fire Chief or an officer designated by the Fire Chief deems it expedient to do so, or where he or she considers that hazardous fire conditions exist, the Fire Chief or that officer may order a total ban on burning and may suspend, cancel or restrict for such time as he or she deems necessary any or all burning permits issued pursuant to this Regulation or the *Forest Act* within the Tsawwassen Lands.

Burning Without a Required Permit

- 5.14 The burning of any material without a required permit, other than the circumstances of section 5.13 herein, will result in cost recovery from the owner or occupant of land where Delta Fire & Emergency Services attended for fire services, payable in Schedule "A" (Cost Recovery). Failure of the owner or occupant to pay a fee charged within 30 days will result in those costs being added to the property taxes of the owner of the property.

Commercial Refuse Containers

- 5.15 Where a commercial refuse container is located within 3 metres of a building or a combustible structure, it shall be stored in a noncombustible enclosure and, where any combustible material exists above such enclosure, the enclosure shall be provided with a noncombustible top or ceiling. Where a commercial refuse container is located in contravention of this Regulation, the owner or occupier of the parcel of land or premises shall be subject to cost recovery in the amounts established in Schedule "A" (Cost Recovery), payable to the Corporation of Delta.

Inspection of premises

Authorization to Enter

- 6.1 The Fire Chief or an officer designated by the Fire Chief may enter at all reasonable times upon any property in order to ascertain whether the requirements of this Regulation are being complied with and, in addition to the powers vested in them by the *Fire Services Act*, may inspect premises for conditions which may cause fire or increase the danger of fire or increase the danger to persons and to deal with any matter in a manner not repugnant to any provision of the *Fire Services Act* or regulations thereunder.

Provision of Information & Assistance

- 6.2 Every occupant of premises shall provide all information and shall render all assistance required by the Fire Chief or an officer designated by the Fire Chief in connection with the inspection of such premises pursuant to this Regulation, the *Fire Code* and the *Fire Services Act*.

Withholding or Falsifying Information

- 6.3 A person must not purposely withhold or falsify any information required by the Fire Chief or an officer designated by the Fire Chief or in connection with a permit issued under this Regulation.

Obstruction or Refusal to Assist

- 6.4 A person must not:

- (a) obstruct or interfere with the Fire Chief or an officer designated by the Fire Chief in carrying out any inspection pursuant to this Regulation, the *Fire Code* or the *Fire Services Act*; or
- (b) refuse to assist an officer or member in the carrying out of any inspection pursuant to this Regulation, the *Fire Code* or the *Fire Services Act*.

Remedial Orders

6.5 The Fire Chief or an officer designated by the Fire Chief may issue orders in writing requiring the correction or removal of any condition or thing in or about any building or structure which he or she deems to be in contravention of this Regulation, and every owner or occupant of same shall carry out of every requirement of the order.

Dating of Orders

6.6 Every order issued by the Fire Chief or an officer designated by the Fire Chief pursuant to this Regulation shall state a date by which the order shall be carried out, which date shall, in the discretion of the issuer, have regard to the degree of urgency involved in correcting or removing condition which may tend to increase the hazard of fire or danger to life and property.

Frequency of inspections

Frequency of TFN Lands Inspections

7.1 The Fire Chief may:

- (a) establish a regular system for the inspection of all hotels, public buildings, churches, theatres, halls and other buildings used as a place of public resort, including the frequency of inspections in accordance with the requirements of the *Fire Services Act*;
- (b) establish a regular system for the inspection of all other buildings in the TFN Lands;
- (c) establish classes of buildings and different inspection frequencies for different classes of buildings;
- (d) amend the frequency of inspection schedule from time to time; and

must provide one copy of the current frequency of inspection schedule to each person who requests one.

Self Inspections

7.2 The Fire Chief may establish and supervise a self inspection program for an Occupancy Class or portion thereof. If a self inspection program is established:

- (a) the owner of premises in the specified occupancy class or portion thereof shall perform a self inspection of the premises or cause same to be performed and shall return a form approved by the Fire Chief for the purpose of self inspection within the time limit set forth on such form;
- (b) all self inspections forms must be completed and submitted to Fire Protection Services by the required date;
- (c) an owner or agent for the owner requesting Delta Fire & Emergency Services to perform the self inspection must pay the fee specified in Schedule "A" (Cost Recovery);
- (d) if the owner fails to perform a self inspection and return a completed approved self inspection form within the prescribed time, a Fire Protection Officer may inspect the premises and a fee will be charged for an inspection in accordance with Schedule "A" (Cost Recovery); and

- (e) failure of the owner or occupant to pay a fee charged within 30 days will result in those costs being added to the property taxes of the owner of the property.

7.3 Frequency of Self Inspections

The frequency of self inspections will be determined and approved by the Fire Chief.

7.4 Inspection Fee & Cost Recovery

If any additional inspection is requested or required during an inspection period, a fee shall be charged for each additional inspection. The charge is subject to a cost recovery in accordance with Schedule "A". Failure for the owner or occupant to pay a fee charged within 30 days will result in those costs being added to the property taxes of the owner of the property.

Reference requirements

Requirement to Designate Contact Persons

- 8.1 Any owner or occupant of a premise having either a fire alarm system or an automatic fire sprinkler system, monitored or non-monitored, is required to submit; on a form approved by the Fire Chief, yearly or on a change in reference contacts, the names and phone numbers for three persons ("contact persons") who will be available to attend, enter and secure the premise.

Reference Forms

- 8.2 Each owner or occupant that matches the specifications in Section 8.1 of this Regulation can obtain the form by contacting Delta Fire Protection Services.

Failure to Provide Contact Person Information

- 8.3 Failure to comply with the requirements in Section 8.1 will result in a fee charged to the owner or occupant for any standby time at a premise where an alarm has resulted and Delta Fire & Emergency Services have attended and where a contact person has not attended within the required time as specified in Section 8.3. This fee will be payable, as specified in Schedule "A" (Cost Recovery). Failure of the owner or occupant to pay a fee charged within 30 days will result in those costs being added to the property taxes of the owner of the property.

Responsibility of Contact Persons

- 8.4 Contact persons must attend all alarms within 45 minutes when requested by Delta Fire & Emergency Services and must attend to secure the premises and when appropriate, release fire department from the incident.

Failure of Contact Persons to Arrive

- 8.5 Failure of a notified contact person to respond within the specified time will result in cost recovery for standby time as specified in Schedule "A" (Cost Recovery). Failure for the owner or occupant to pay a fee charged within 30 days will result in those costs being added to the property taxes of the owner of the property.

Contact Person at a Fire Incident

- 8.6 During a fire incident, a contact person must attend the scene, and contact the incident commander on scene.

Changes to Designated Contact Persons

- 8.7 Any changes to designated contact persons or their phone numbers during the current year must be submitted by the owner or occupant to Delta Fire & Emergency Services on the specified form as approved by the Fire Chief.

Full Access for Contact Persons

8.8 Contact persons must have full access to the building and or occupancy of which they have responsibility and be able to take control of their building or occupancy on completion of the incident from fire officials.

Fire & emergency service access requirements

Fire Safety Plan Requirements

9.1 All buildings, sites, storage areas or other areas as required by the *Fire Code* provisions for Emergency Planning shall have a Fire Safety Plan. Measures within a Fire Safety Plan shall conform to the *Fire Code* provisions for a Fire Safety Plan, and shall be produced and submitted to Delta Fire & Emergency Services for approval. All Fire Safety Plans shall be submitted on form and diagram template, acceptable to the Fire Chief. All owners or occupants of occupancies where a Fire Safety Plan is required, shall review their Fire Safety Plans annually and submit updated plans to Delta Fire & Emergency Services for review.

Should occupancies not have the need to update their current plan, notification of this will still be required to be forwarded to Delta Fire & Emergency Services.

- 1) Changes to a Fire Safety Plan will require submission to Fire Protection Services for review.
- 2) A fee will be charged for review as specified in Schedule “A” (Cost Recovery) of this Regulation.

Diagram Format

9.2 All drawings contained within a Fire Safety Plan or a Fire Pre-Plan shall conform to a specified form as approved by the Fire Chief. Each drawing diagram shall be included in a digital form as approved by the Fire Chief.

Fire Pre-Plan Information

9.3 The Fire Chief may establish a Fire Pre-Plan program which will apply to those classes of occupancy specified by the Fire Chief. If such a program is established, the owner or occupier of an occupancy within the class specified by the Fire Chief shall submit Fire Pre-Plan data and a Fire Pre-Plan drawing diagram of their occupancy with each level of occupancy drawn as specified in section 9.2 of this Regulation. All Pre-Plan submissions shall be on forms approved by the Fire Chief.

- 1) Advanced notice of the establishment of this program and the class or classes of occupancy to which it applies shall be published in a newspaper once per week for two consecutive weeks not less than 30 days prior to the program coming into effect.
- 2) A fee will be charged for review as specified in Schedule “A” (Cost Recovery).

Digital Drawing Format & Fire Safety Symbols

9.4 The Fire Pre-plan drawing diagram containing details as specified by the *Fire Code* shall be submitted in an electronic drawing format and be printable in portrait format sized to fit on a form approved by the Fire Chief. All elements within the diagram shall be identified in accordance with standards or symbols established from time to time by the Fire Chief.

Updating Fire Pre-Plans

9.5 Fire Pre-Plans must be reviewed at intervals not greater than 12 months and updated as necessary on any change to the occupancy or the storage in hazardous materials or dangerous goods. A Fire Protection Officer or designated member on a schedule fire inspection will assess the current Pre-Plan and will note, to the owner or occupant, any required changes or the updating of a Pre-Plan:

- 1) Changes to a Fire Pre-Plan will require submission to Fire Protection Services for review.
- 2) A fee will be charged for review as specified in Schedule “A” (Cost Recovery).

Failure to Submit Pre-Plans

- 9.6 Should current information on the occupancy and Fire Pre-Plan diagram (both formats) not be submitted by June 30th, of the current year, or as specified by the Fire Chief, the current owner or occupant may be subject to a fee payable as specified in Schedule “A” (Cost Recovery) for hourly costs for the collection of data and the production of the Pre-Plan or for updating or completing a Fire Pre-Plan of the occupancy by Delta Fire & Emergency Services.

Design and Review of Emergency Plans

- 9.7 On request, Delta Fire & Emergency Services will provide for the design or review of a Fire Safety Plan or a Fire Pre-Plan. The charges for this service are as specified in Schedule “A” (Cost Recovery).

Addressing of Occupancies

- 9.8 Each permit must be individually addressed. An individual address must be placed on new or existing buildings or structures in such a position as to be plainly visible and legible from the street, road, fire lane, or other right of way or easement and at the front of the structure. The address must be legible from a distance of 15 metres.

Sizing of Addresses

- 9.9 The letters or numbers of any addresses shall be a minimum of 5 inches in height and no less than ½ “ in a width stroke.

Colour of Address Lettering

- 9.10 The letters or numbers shall be of a colour in contrast with any background colour of the building.

Naming of Private Roads

- 9.11 Any strata subdivision development where there is a road system contained within the strata development shall name and display each road clearly for emergency providers.

Fire and sprinkler alarms

Notification of Fire and Sprinkler Alarm Testing

- 10.1 Any owner or occupant of premises where there is an automatic fire sprinkler system or a fire alarm system shall notify Delta Fire & Emergency Services prior to any service, test, repair, maintenance, adjustment, alteration or installation of the system which might activate a false alarm, which would normally result in an emergency response.

[Amended by Order number O.039-2015]

Fire hydrants

Clearance Around Fire Hydrants

- 11.1 An area having a radius of one (1) metre around every fire hydrant or standpipe shall be maintained clear and unobstructed and every hydrant or standpipe shall be located in clear view from the roadway while being approached from either direction. Where an owner of a property has a fire hydrant located adjacent to their property, the maintenance of clearance around the hydrant is the responsibility of the registered owner of the property. The standard for clearance around a hydrant is regulated by the *Fire Code*. An approved diagram is available through Delta Fire & Emergency Services.

Notice of Hydrant Obstruction

11.2 Any owner or occupant who fails to provide clearance around a fire hydrant as per section 11.1 will receive a notice on a form approved by the Fire Chief, to provide clearance around the hydrant within a required time as specified in the notice.

Failure to Provide Clearance Within time on Notice

11.3 Any owner or occupant who has been issued a notice as specified in Section 11.2 to provide clearance around a hydrant and fails to provide that clearance within the time frame specified on that notice is subject to a fee for removal of the obstruction, payable as provided for in Schedule "A" (Cost Recovery). Failure of the owner or occupant to pay a fee charged within 30 days will result in those costs being added to the property taxes of the owner of the property.

Colour of Fire Hydrants

11.4 The colour coding and location of all fire hydrants or other Fire & Emergency Service connections shall be subject to the approval of the Fire Chief and the Director of Lands for the Tsawwassen First Nation.

Fire Flow Testing and Marking of Hydrants

11.5 Fire flow testing and the classification marking of fire hydrants shall be the responsibility of the Tsawwassen First Nation or Delta, depending on location of the hydrants.

Classification of Fire Flow Markings

11.6 The hydrant bonnet colour markings for municipal hydrants shall be:

Class AA – Light Blue	-Rated capacity of 1,500 gpm (5,680 L/min)
Class A – Green	-Rated capacity of 1,000-1,499 gpm (3,785 – 5,675 L/min)
Class B – Orange	-Rated capacity of 500 – 999 gpm (1,900 – 3,780 L/min)
Class C – Red	- -Rated capacity of less than 500 gpm (1,900 L/min).

Hydrant Usage

11.7 A person must not use or take water from any standpipe or hydrant or shall make attachment thereto without first obtaining the written permission from the Director of Lands for the Tsawwassen First Nation.

Tampering with a Hydrant

11.8 A person must not mechanically open a fire hydrant on Tsawwassen Lands, whether located on public or private land, or unless expressly authorized to do so by the Tsawwassen First Nation. No person shall tamper with any mechanical operation of any fire hydrant.

Fireworks

General Fireworks Prohibition

12.1 A person must not possess or transport a firework at any time within the Tsawwassen Lands unless the person holds a Fireworks Permit.

No Fireworks Sales

- 12.2 A person must not offer for sale, sell, give or trade a firework within the boundaries of the Tsawwassen Lands.

Authority to Issue Permits

- 12.3 The Fire Chief or an officer designated by the Fire Chief may issue a Fireworks Permits in accordance with this Regulation, subject to such conditions, restrictions and provisions as are set forth in this Regulation or as he or she may consider necessary or expedient for the prevention of fires or for the safety and protection of persons or property. No Fireworks Permit may be issued to any applicant who:
- (a) is not an individual;
 - (b) is less than 19 years of age;
 - (c) wishes to use Fireworks for a purpose other than the observance or celebration of a special event or festival or for religious or ceremonial purposes or in connection with a movie or television production;
 - (d) has not submitted a complete application in accordance with Section 12.4 and, if applicable, 12.5; or
 - (e) in the case of a Fireworks Permit for High Hazard Fireworks or Movie/T.V. Pyrotechnics, is not a Fireworks Supervisor.

Application for Fireworks Permit

- 12.4 Every application for a Fireworks Permit shall be in writing on an approved form and delivered to the Fire Chief or an officer designated by the Fire Chief not less than 10 business days before the Fireworks event that is the subject of the application. Each Fireworks Permit application must:
- (a) specify whether the application is in respect of Low Hazard Fireworks or High Hazard Fireworks or both;
 - (b) specify the day and hours during which and the address of the property(ies) or place(s) at which the Fireworks are proposed to be stored and/or used;
 - (c) include an originally executed letter of permission from the registered owner of the property(ies) or place(s) at which the Fireworks will be stored and/or used, if the applicant is not such registered owner;
 - (d) include a Fireworks Safety Plan deemed reasonably safe and otherwise acceptable by the Fire Chief or an Officer designated by the Fire Chief for the purpose of issuing Fireworks Permits for each property or place at which the Fireworks will be used;
 - (e) include proof of comprehensive general liability insurance coverage, with \$5,000,000 minimum coverage per occurrence, for the proposed use of Fireworks, with limits and terms acceptable to the Fire Chief or an officer designated by the Fire Chief; and
 - (f) include an event description, which shall include a time schedule of the event, attendance estimates, lists of Fireworks to be used, firing procedures, emergency response procedures and a list of crew members.

Additional Requirements for High Hazard Fireworks and Movie/T.V. Pyrotechnics

- 12.5 In addition to the requirements set forth in Section 12.4, each application for a Fireworks Permit for High Hazard Fireworks and/or Movie/TV Pyrotechnics must:
- (a) include a copy of the Explosive Resource Division Event approval issued for the proposed Fireworks event;
 - (b) include traffic control plans for the Fireworks event that are acceptable to the Fire Chief or an officer designated by the Fire Chief; and

- (c) include evidence acceptable to the Fire Chief or an officer designated by the Fire Chief that the applicant is a Fireworks Supervisor.

Fire Protection for Movie/TV Pyrotechnics

12.6 The Fire Chief or an officer designated by the Fire Chief will require Fire Protection at a Movie/TV Pyrotechnics display. The level of Fire Protection required will be based on minimum staffing requirements for the particular site and proposed fireworks display to meet life safety and emergency resource needs. A fee will be charged to the applicant or to the person or persons responsible for production of the display as specified on Schedule "A" (Cost Recovery), payable to the Corporation of Delta.

Fireworks Permit Fees

12.7 On each application for a Fireworks Permit under this Section 12, a fee will be charged to the applicant as specified on Schedule "A" (Cost Recovery) to cover costs for administration of the Fireworks Permit Application, including the cost of any review of the proposed site of Fireworks use and the Fireworks Safety Plan.

Use of Fireworks pursuant to a Fireworks Permit

12.8 Each holder of a Fireworks Permit must:

- (a) possess, store, light, fire, set off, discharge, detonate and explode only those Fireworks specified in, and only with the requisite Fire Protection (if applicable pursuant to Section 12.6) and in accordance with the terms and conditions specified in, the Fireworks Permit and the application submitted in respect of such Fireworks Permit (including the Fireworks Safety Plan) and in the event of any discrepancy between the Fireworks Permit and the corresponding application, the Fireworks Permit will govern;
- (b) ensure that the Fireworks are not lit, fired, set-off, discharged, detonated or exploded except under the direct supervision and responsibility of the Fireworks Permit holder; and
- (c) ensure that the possession, storage, lighting, firing, setting-off, discharge, detonation, explosion or any other use of the Fireworks subject to the Fireworks Permit conform in every respect to the regulations made under the Canadian *Explosives Act*, the Fireworks manual as published by the Explosives Branch of Canada, this Regulation, and all other applicable legislation.

[Amended by Order number O.039-2015]

General provisions

Contravention, Penalty and Enforcement

13.1 Any person who contravenes, violates or permits any act or thing to be done in contravention of, or neglects or refrains from doing anything required to be done pursuant to the provisions of this regulation, commits a contravention punishable on summary conviction and shall, in addition to any other provisions of this regulation, be liable:

- (a) to a penalty as set out in the *Tsawwassen First Nation Ticket Regulation, 2013*;
- (b) if no penalty is set out for the contravention in the *Tsawwassen First Nation Ticket Regulation, 2013*, then to a fine not exceeding \$2,000;
- (c) to prosecution pursuant to the *Offence Act* (British Columbia); or
- (d) to both prosecution under subsection c) and either a penalty under subsection a) or a fine under subsection b).

- 13.2 Every day that a contravention continues under this regulation constitutes a separate and distinct contravention.
- 13.3 Contraventions of this regulation are designated for enforcement under the *Community Governance Act* (Tsawwassen) or the *Laws Enforcement Act* (Tsawwassen).
- 13.4 In addition to the designated Enforcement Officer appointed by Executive Council pursuant to section 3 (1) (a) of the *Laws Enforcement Act*, the following individuals are designated as enforcement officers for the purposes of this regulation:
- (a) members of the Police Department for the Corporation of Delta; and,
 - (b) the Fire Chief or an officer or member designated by the Fire Chief.

[Amended by Order number O.039-2015]

Penalty

- 13.5 Upon being convicted of an offence under this Regulation, a person shall be liable to pay a fine not exceeding \$10,000.

Unpaid Fees or Charges

- 13.6 Where any unpaid fees or charges is added to the property taxes it shall thereafter accrue interest and be recoverable in the same manner as property taxes.

Forms

- 13.7 Copies of any forms, applications, specifications or other matters which are subject to the approval of or established by the Fire Chief are available at 4645 – Harvest Drive, Delta, B.C. between 8:30 a.m. and 4:30 p.m., Monday to Friday, excluding holidays.

Severability

- 13.8 If any part, sub-section or phrase of this Regulation is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder will be deemed to have been enacted without the invalid portion.
- 13.9 Schedule “A” (Cost Recovery) is attached hereto and forms part of this Regulation.
- 13.10 This Regulation comes into force on the Effective Date of the Tsawwassen First Nation Final Agreement.

[Amended by Order number O.039-2015]

SCHEDULE A (COST RECOVERY)

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SECTION	DESCRIPTION	COST RECOVERY
3.6 Fire Investigation Fee (Cost Recovery)	Fee charged where fire damage is in excess of \$5,000.	\$500.00 per Fire investigation invoiced to the owner/insurance company
4 a Burning Without a Fire Permit	Burning any combustible materials without a fire permit.	Minimum \$300.00 per occurrence. After 1 hour, Fire Crew and Fire Truck Cost \$400.00 per hour. Failure to pay results in costs being applied to the property tax of the owner.
5.15 Commercial Refuse Containers	Non Compliance to location requirements of containers	Cost of removal to a safe location. Failure to pay results in costs being applied to the Container Company or the property tax of the owner.
7.2 (c) Self Inspections	A fee charged to complete a scheduled inspection by a Fire Protection Officer for a registered owner rather than a self inspection.	\$100.00 per occurrence. Failure to pay will result in an additional cost being applied to the property tax of the owner.
7.2 (d) Failure to Comply With Self Inspections	Failure to comply with requirements of self inspections.	\$150.00 per occurrence. Failure to pay results in an additional cost being applied to the property tax of the owner.
7.4 Inspection Fee & Cost Recovery	Fee charged after second re-inspection during year.	\$150.00 per occurrence Failure to pay results in costs being applied to the property tax of the owner.
8.3 Failure to Provide Contact Person Information	Failure to comply with reference requirements.	Fire Crew and Fire Truck Cost \$400.00 per hour (minimum one hour) occurrence. Failure to pay results in costs being applied to the property tax of the owner.

SCHEDULE “A” (COST RECOVERY)

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SECTION	DESCRIPTION	COST RECOVERY
8.5 Failure of Contact Person to Arrive	Failure of reference to arrive – standby time charged after initial 45 minutes.	Fire Crew and Fire Truck Cost \$400.00 per hour (minimum one hour) per occurrence. Failure to pay results in costs being applied to the property tax of the owner.
9.1 (2) Fire Safety Plan Review	Review of New Fire Safety Plans for acceptance.	\$100.00 per occurrence.
9.3 (2) Fire Pre-Plan Review	Review new Pre-Plans	\$75.00 per hour
9.5 (2) Reviewing Updated Fire Pre-Plan	Review changes to existing Fire Pre-Plans.	
9.7 Design and Review of Emergency Plans	Design or review Fire Safety Plans and Fire Pre-Plans.	
11.3 Failure to Provide clearance Within time on Notice	Failure to remove an obstruction or provide one (1) metre clearance around a fire hydrant within a specified time.	Cost of removal by municipal crews or private contractors and invoiced to the registered owner. Failure to pay results in costs being applied to the property tax of the owner.
12.6 Fire Protection for Movie/TV Pyrotechnics	Fee charged for providing Fire Protection at Movie/TV Pyrotechnics productions as required.	Current fire equipment and staffing cost recovery, as established based on hourly equipment rates determined by the Fire Chief from time to time and the current collective agreement of the International Association of Fire Fighters, Local 1763.
12.7 Fireworks Permit Fee	Processing fee for Fireworks permit applications.	\$200 per occurrence.