

From:
Sent: Monday, January 30, 2023 3:30 PM
To: Njenga, Francis FPB:EX
Subject: RE: Forest Practices Board audit follow-up
Attachments: Fire and Life Safety amendment bylaw-2375-2022-Adopted.pdf

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Hello Francis,

Thank you for following up on our bylaw amendment. The Resort Municipality of Whistler's Fire and Life Safety Bylaw No 2375 was amended on December 20th, 2022, according to your recommendation (see bylaw amendment attached).

Please let us know if there is any further action required to close the file.

Best regards,

RESORT MUNICIPALITY OF WHISTLER

TEL: 604-935-8374



Forest Practices Board

File-97150-20/2021-01

February 27, 2023

Via Email

Luisa Burhenne
Manager, Environmental Stewardship
Resort Municipality of Whistler
325 Blackcomb Way,
Whistler, B.C
V8E 0X5

Dear Luisa Burhenne

Re: Response to the Board's audit report for Cheakamus Community Forest Limited Partnership FPB/ARC/249

Thank you for your January 30, 2023 email identifying the actions of the Resort Municipality of Whistler (RMOW) to abate fire hazards after timber harvesting.

The Board recommended that the *RMOW amend its bylaw 2201 to create a legal requirement for timely and effective hazard abatement following industrial operations that is equivalent or better than the requirements under the Wildfire Act.*

The Board has reviewed the amendments in the Fire and Life Safety Bylaw 2375-2022. The Board believes the implementation of the changes in the bylaw will reduce risks to the public and resources during and after timber harvesting or forest fuel reduction treatments.

I want to thank you and the many staff involved in this file for their cooperation throughout the audit. The Board will now close this file.

Yours sincerely,

Bruce Larson,

A/ Chair

RESORT MUNICIPALITY OF WHISTLER

FIRE AND LIFE SAFETY AMENDMENT BYLAW (FALSE ALARMS, INSPECTIONS AND OTHER AMENDMENTS) NO. 2375, 2022

A BYLAW TO AMEND FIRE AND LIFE SAFETY BYLAW NO 2201, 2019

WHEREAS the Council of the Resort Municipality of Whistler has adopted Fire and Life Safety Bylaw No. 2201, 2019;

AND WHEREAS the Council of the Resort Municipality of Whistler deems it necessary and expedient to amend Fire and Life Safety Bylaw No. 2201, 2019;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

CITATION

1. This Bylaw may be cited for all purposes as “Fire and Life Safety Amendment Bylaw (False Alarms, Inspections and Other Amendments) No. 2375, 2022”.

AMENDMENTS

2. Fire and Life Safety Bylaw No. 2201, 2019 is amended by:
 - (a) renumbering 3.2 after Conflict and 3.3 after Application to 3.4 and 3.5 respectively;
 - (b) adding the word “wildfire and” after the word “including” in the Application provision at 3.3;
 - (c) adding the words “including a wildfire,” after the words “intensity of a fire,” in the definition of “Fire Hazard” at section 3.3(l);
 - (d) adding the words “or Occupier” after the words, “Every Owner” at section 4.8;
 - (e) adding the words “or Occupier” after the words “the Owner” at section 4.9;
 - (f) adding the words “charcoal briquettes” after the words “cigarette” at section 6.2;
 - (g) deleting section 6.3 and replacing it with the following:

6.3 A person may use a natural gas or propane gas fueled fire contained within a fire pit or barbeque without a Campfire Permit.
 - (h) adding section 6.3.1 before section 6.4 with the following:

6.3.1 No person shall light, ignite, start, maintain or burn charcoal briquettes in a municipal park.
 - (i) adding the following as section 6.22:

Industrial Activities

6.22 A person who carries out an industrial activity as defined in the *Wildfire Act*, S.B.C. 2004, c. 31 must:

(a) carry out the industrial activity at a time and in a manner that can be reasonably expected to prevent fires from starting because of the industrial activity;

(b) in response to a fire starting at, or within 1km of, the site of the industrial activity:

(i) immediately carry out fire control and extinguish the fire, if practicable,

(ii) continue with fire control for the fire until the fire is extinguished, it becomes impracticable to continue with fire control, or a member relieves the person in writing from continuing;

(iii) as soon as practicable, report the fire by calling 911; and

(iv) rehabilitate the land damaged by fire control carried out by the person by:

(A) conducting a fire hazard assessment, ensuring that the fire hazard assessment includes an assessment of the fuel hazard and its associated risk of a fire starting or spreading;

(B) preparing and submitting to the Fire Chief for approval a site rehabilitation plan in accordance with the plan requirements set out in Schedule D of this Bylaw; and

(C) implementing the measures specified in the approved site rehabilitation plan;

(c) carry out the fire hazard precautions, assessment and abatement set out in Schedule D of this Bylaw.

(j) deleting section 7.1 and replacing it with:

7.1 No person shall sell, offer for sale, give, purchase or otherwise distribute Fireworks in the Municipality except as provided herein;

(k) deleting section 7.2 and replacing it with:

7.2 No person shall light, explode, activate or dispose of any Consumer Fireworks on any day other than January 1, October 31, November 1 and December 31 of each year;

(l) deleting subsection 8.5(b) and replacing it with the following:

(b) the Municipality may charge the Owner or Occupier of the Premises:

- i. a Standby Fee for each fifteen-minute period following the thirty-minute notice period specified above during which one or more Members remain on standby at the Premises until such time as the contact person, Owner or Occupier attends at, provides access to, or secures the Premises; and
- ii. a No Runner Fee if, after the thirty-minute notice period specified above, the contact person advises that no person will attend the Premises; and

the amount of the Standby Fee and the No Runner Fee is set out in Schedule B of this Bylaw.

(m) adding the following as subsection 10.2(a) and re-lettering the remaining subsections accordingly:

(a) ensure that the hydrant has a 4-inch Stortz connection;

(n) amending the table on Schedule B of the Fire and Life Safety Bylaw No. 2201, 2019 by deleting the following lines:

FIRE RESCUE SERVICES OR WORK	SECTION	FEE
Inspection Service Fee: Premises less than or equal to 5,000 square feet in floor area	4.8.	\$100.00 per year
Premises greater than 5,000 square feet in floor area		\$150.00 per year
Attendance – Standby service	8.5(b)	Actual Costs
False Alarm- First or Second Alarm within 12-Month Period	8.9	No Fee
Third Alarm within 12-Month Period		\$200.00
Fourth Alarm or greater Alarm within 12-Month Period		\$300.00

and replacing them with the following lines:

FIRE RESCUE SERVICES OR WORK	SECTION	FEE
Inspection fee for each hotel and public building	4.8	\$125.00
Attendance – standby fee	8.5(b)(i)	\$150.00 for each 15 minute period or part thereof

Attendance – no runner fee	8.5(b)(ii)	\$150.00
False Alarm – each false alarm within the 12-Month period Jan.1 – Dec 31 of each calendar year	8.8	\$250.00

(o) adding Schedule A to this Bylaw as Schedule D of the Fire and Life Safety Bylaw No. 2201, 2019.

3. If any part, section, subsection or phrase of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of this Bylaw will be deemed to be enacted without the invalid portion.

GIVEN FIRST, SECOND and THIRD READINGS this 6th day of December, 2022.

ADOPTED this _____ day of _____, 2022.

J. Crompton,
Mayor

P. Lysaght,
Corporate Officer

I HEREBY CERTIFY that this is a true copy of "Fire and Life Safety Amendment Bylaw (False Alarms, Inspections and Other Amendments) No. 2375, 2022".

Schedule A

Schedule D

Fire and Life Safety Bylaw No. 2201, 2019

Industrial Activity – Precautions, Assessment, Abatement

Precautions

1. A person carrying out an industrial activity must:

(a) provide the Fire Chief with a 24 hour a day contact telephone number if the person is a holder of any type of timber licence, any type of woodlot licence or a community forest agreement;

(b) ensure that fire fighting hand tools are available at that site in a combination and type to properly equip each person who works at the site with a minimum of one fire fighting hand tool if the industrial activity is occurring in, or within 300m of, a forest land and grass land that is snow free and the daily:

(i) fine fuel moisture code value exceeds 75; or

(ii) duff moisture code value exceeds 6;

(c) maintain a sufficient fuel break at or near the site to ensure that a fire originating at the site does not escape the site if the industrial activity is occurring on a site that is on or within 300 m of forest land or grass land and is:

(i) wood waste disposal, wood sorting, wood milling, wood processing or wood manufacturing; or

(ii) operating a camp associated with that activity or any other industrial activity;

(d) not operate an engine, other than an engine used in a railway operation, on forest land or grass land or within 300 m of forest land or grass land at a time when there is a risk of a fire starting or spreading, unless:

(i) the necessary precautions are taken to ensure that the operation of the engine does not cause a fire;

(ii) the engine is equipped with a safe and effective device for arresting sparks that is an integral part of the exhaust system and in good repair;

(iii) the engine is equipped with an exhaust system and muffler that are within the manufacturer's specifications, and

(iv) if the engine is over 7.5 kW (10 hp) and is stationary or semi-permanent, the engine is surrounded by a fuel break;

(e) if carrying out a railway operation on or within 300 m of forest land or grass land:

(i) maintain locomotives and engines, equipment and rolling stock in a manner that does not produce an ignition source capable of starting a fire on or adjacent to the railway operation;

(ii) maintain the railway right of way so that it is substantially free from dead or dry grass, weeds and other combustible materials;

(iii) having regard to the Fire Danger Rating, ensure that there are sufficient patrols of the railway right of way to provide for early and effective detection and suppression of fires on and adjacent to the right of way; and

(iv) on or before March 1 of each year, provide to the Fire Chief an annual schedule identifying the locations, dates and times of proposed rail grinding work.

Hazard assessment

2. A person carrying out an industrial activity on forest land or grass land or within 1km of forest land or grass land must:

(a) conduct fire hazard assessments every 3-month interval;

(b) ensure that the fire hazard assessment includes an assessment of the fuel hazard and its associated risk of a fire starting or spreading; and

(c) provide a copy of the fire hazard assessment to the Fire Chief upon request.

Abatement

3. A person carrying out an industrial activity on forest land or grass land or within 1km of forest land or grass land must abate a fire hazard:

(a) if the industrial activity is logging or any other activity carried out by a qualified holder, by reducing the fuel hazard in the area in which the industrial activity takes place:

(i) as necessary to ensure that carrying out the activity does not increase the risk of a fire starting on the site and if a fire were to start, would not increase the fire behaviour or fire suppression associated with the fire; or

(ii) as specified by a professional forester or registered forest technologist; within 24 months of the date the industrial activity in that area began;

(b) if the industrial activity is carried out by a fibre recovery tenure holder, by reducing the fuel hazard on the site to not more than 2 piles of timber, each

not exceeding 5 m³ in volume, within 12 months the fibre recovery tenure holder is issued with the forestry licence to cut or fibre recovery permit;

- (c) if the industrial activity is other than as described above, by reducing the fuel hazard on the site of the industrial activity as necessary to ensure that carrying out the activity:

(i) does not increase the risk of a fire starting on the site, and

(ii) if a fire were to start, would not increase the fire behaviour or fire suppression associated with the fire;

within 30 months of the date the industrial activity begins in all other cases;

- (d) by taking such further or other action required by an order issued under Part 12 of Fire and Life Safety Bylaw No. 2201, 2019.

Rehabilitation Plans

4. A site rehabilitation plan must specify measures for:

(a) minimizing any fuel hazard created as a result of fire control operations;

(b) maintaining natural drainage patterns for all of the fire control works to minimize surface soil erosion by:

(i) stabilizing and re-vegetating soil disturbed or exposed by heavy equipment;

(ii) stabilizing the stream channel and stream bed at stream crossings;
and

(iii) stabilizing sump and dam locations that were created for the purpose of carrying out fire control.

Definitions

5. In this Schedule: “duff moisture code value”, “engine”, “fibre recovery tenure holder”, “fine fuel moisture code value”, “fire control”, “fire fighting hand tools”, “forest land”, “fuel break”, “fuel hazard”, “grass land”, “heavy equipment”, “industrial activity”, “professional forester”, “qualified holder”, “railway operation” and “registered forest technologist” have the same meanings as defined in the *Wildfire Act*, S.B.C. 2004, c. 31 and the *Wildfire Regulation* B.C. Reg. 38/2005.