

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1529, 2013

A BYLAW TO PROVIDE FIRE PROTECTION MATTERS WITHIN THE CITY OF ENDERBY

Whereas pursuant to the *Community Charter*, the *Fire Services Act* and other legislation, Council may provide for Fire Protection matters for the City;

Now therefore Municipal Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. **CITATION**

This Bylaw may be cited for all purposes as the “City of Enderby Fire Protection Bylaw No. 1529, 2013”

2. **INTERPRETATION**

2.1 **DEFINITIONS:**

In this Bylaw:

“**Access Route**” means a private road, driveway, lane or portion of a yard, which has been provided for access by Fire Department Vehicles or Equipment in accordance with the British Columbia Building Code;

“**Alarm**” means the giving, signalling 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, of information to the effect that a fire or emergency situation exists at or near the place indicated by the person giving, signalling or transmitting such information;

“**Apparatus**” means any Vehicle provided with machinery, Equipment, or materials for Fire Protection, and any Vehicle used to transport personnel or supplies;

“**Assistance Response**” means:

- a) Ambulance assist to medical emergencies to provide assistance to BC Ambulance Service;
- b) response to accidents, whether natural or man-made disasters, escapes of poisonous or noxious materials or other hazardous material Incidents, or other circumstances that have caused or may cause harm to persons or property; and
- c) rescue operations.

“**Approved**” means Approved by an Officer as being in compliance with this Bylaw;

“**Authority Having Jurisdiction**” means any person or agency authorized by this or any other bylaw, regulation or statute to inspect and/or approve anything or place;

“**Building**” means any structure used or intended for supporting or sheltering any use or occupancy;

“**City**” means the Corporation of the City of Enderby;

“**Combustible Liquid**” means any liquid having a flash point at or above 37.8 degrees Celsius and below 93.3 degrees Celsius;

“**Council**” means the Council of the Corporation of the City of Enderby;

“**Deputy Fire Chief**” means a person appointed by Council as second in command to the Fire Chief;

“Department” means the Enderby and District Fire Department;

“Fire Protection” means all aspects of fire safety, including but not limited to, Fire Prevention, fire fighting or suppression, pre-fire planning, fire investigation, training, staff development and advising on fire safety matters;

“False Alarm” means any Alarm, regardless of how caused, necessitating a response by the Department where a fire or emergency does not exist;

“Fire Alarm System” means all equipment forming part of or used in connection with a Fire Alarm System or fire detection system, including without limitation, batteries, Alarm gongs, horns, buzzers, switches, wiring, relay Apparatus, sensors, and other accessories;

“Fire Chief” means the person appointed by Council as head of the Department;

“Fire Code” means the British Columbia Fire Code, enacted by B.C. Regulation 318/2003, under the *Fire Services Act*, as amended or replaced from time to time;

“Firecrackers” means small Low Hazard Fireworks or small High Hazard Fireworks with entwined fuses used solely as noisemakers, and not for pyrotechnic effect, including, without limitation, bottle rockets and screechers;

“Fire Inspector” means a bylaw enforcement officer, peace officer, the Fire Chief, or designated member of the Department;

“Fire Safety Plan” is a set of emergency procedures and guidelines to be followed in the event of a fire in a Building;

“Fireworks” means manufactured goods intended to be used for pyrotechnic effect that are classified by the Canada Explosive Regulations as Low Hazard Fireworks for recreation (Class 7.2.1) such as firework showers, fountains, golden rain, lawn lights, pinwheels, volcanoes and sparklers;

“Flammable Liquid” means any liquid having a flash point below 37.8 degrees Celsius and having a vapour pressure not exceeding 275.8 kPa (absolute) at 37.8 degrees Celsius;

“Garage” means a Building, or any portion of any place or premises used as a place of business for the purpose of maintaining, fuelling, keeping, repairing, or demolishing Vehicles;

“High Hazard Fireworks” means manufactured goods intended to be used for pyrotechnic effect that are classified by the Canada Explosive Regulations as High Hazard Fireworks (Class 7.2.2), but does not include Firecrackers;

“Incident” includes any emergency or non-emergency call that the Department is requested to attend;

“Low Hazard Fireworks” means manufactured goods intended to be used for pyrotechnic effect that are classified by the Canada Explosive Regulations as Low Hazard Fireworks for recreation (Class 7.2.1) such as firework showers, fountains, golden rain, lawn lights, pinwheels, volcanoes and sparklers, but does not include Firecrackers;

“Member” means any person appointed by the Fire Chief as a Member of the Department and includes without limitation the Officers, Firefighters, and administrative staff of the Department;

“Mutual Aid” means the provisions of services to a person or other jurisdiction, including the Provincial Ministry of Forests, pursuant to a Mutual Aid agreement between the City and that person or jurisdiction;

“Occupant” includes the registered owner and/or any lessee, tenant and licensee of any Building or premises;

“Officer” means a Member appointed by the Fire Chief as an Officer or captain/lieutenant of the Department, a Bylaw Enforcement Officer and the Chief

Administrative Officer, but nothing in this Bylaw makes such persons Officers for the purpose of section 146 of the *Community Charter*;

“Officer in Charge” means the Fire Chief or, in his absence, the senior ranking Officer or Member of the Department who is present at the location of an Incident;

“Public Services” means public information, education and prevention programs, as they relate to fire safety, public safety, and emergency preparedness for the City and its communities;

“Roman Candles” means a ground level firework that is capable of projecting or discharging a charge or a series of charges or pyrotechnical effects more than three (3) metres and which has a tube size of ¾” or less;

“Sprinkler System” includes all equipment forming part of or used in connection with an automatic fire Sprinkler System, including without limitation, all heads, valves, piping, switches, sensors, relay Apparatus, and other accessories;

“Standpipe System” means an arrangement of piping, valves, hose connections, and allied equipment installed in a Building or structure, for the purpose of extinguishing a fire, thereby protecting a Building or structure and its contents in addition to protecting the Occupants;

“Trade Waste” means waste and abandoned materials resulting from the operation of an industry or business including paper, boxes, packing cases, wrapping material, sweepings, and all flammable materials of a like nature;

“Underground Tank” means a tank installed wholly or partly under the surface of the ground and used or intended for the storage of flammable or Combustible Liquids or gases;

“Vehicle” includes all types of motor Vehicles, farm tractors, and mobile machinery, or any other self-propelled machinery.

2.2 **INTERPRETATION**

All other words and phrases shall be construed in accordance with the meaning assigned to them by the current “B.C. Building Code”, the *Fire Services Act* or the “Fire Code”, as the context and circumstances may permit or require.

In the event of a conflict between this Bylaw and the *Fire Services Act* or the Fire Code and any regulations there under, the provisions of the Act shall prevail.

2.3 **ADOPTION OF B.C. FIRE CODE**

The substantive regulations (but not the procedural or remedial provisions) of the Fire Code are hereby adopted and made part of this Bylaw such that every provision of the Fire Code shall be considered a provision of this Bylaw.

3. **FIRE SERVICES DEPARTMENT**

3.1 **ESTABLISHMENT**

There is established and continued in the City a Department to be known as “Fire Services Department.”

3.2 **ADMINISTRATION**

The Fire Chief is authorized to administer this Bylaw.

3.3 **REFERENCES TO FIRE CHIEF**

All references in this Bylaw to the Fire Chief include the Deputy Fire Chief acting on the Fire Chief’s behalf or during the absence of the Fire Chief.

3.4 POWERS OF FIRE CHIEF

- a) The Fire Chief or any Officer may enter on property and inspect premises for conditions that may cause a fire, increase the danger of a fire, or increase the danger to persons or property from a fire.
- b) The Fire Chief or any Officer may take measures to prevent and suppress fires, including the demolition of Buildings and other structures to prevent the spreading of fires.
- c) The Fire Chief or any Officer may require an owner or occupier of real property to undertake any actions directed by the Fire Chief or Officer for the purpose of removing or reducing anything or condition that the Fire Chief or Officer considers is a fire hazard or increases the danger of fire.
- d) The Fire Chief may exercise all of the powers of the fire commission under section 25 of the *Fire Service Act*, and for these purposes that section applies.

3.5 SCOPE OF DEPARTMENT

The Department is empowered to provide:

- a) Fire Protection;
- b) Assistance Response;
- c) Public Services;
- d) Mutual Aid; and
- e) Emergency Preparedness Program.

3.6 LIMITS OF JURISDICTION

The Department may provide services outside the boundaries of the City:

- a) Pursuant to a written agreement providing for the supply of emergency equipment and personnel outside the City's boundaries; or
- b) When approval for an extra-territorial activity has been given by the Council or Chief Administrative Officer (CAO); or
- c) When extra-territorial assistance is required by Provincial Emergency Response Personnel.

3.7 PREVENTION, CONTROL AND ENFORCEMENT

The Department may 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.

- a) The Fire Chief or any Officers or Members may exercise the powers provided by the *Fire Services Act* and they may enforce the *B.C. Fire Code* and any City bylaws and regulations for the prevention and suppression of fires. The Fire Chief may charge for the use of fire services and auxiliary equipment and personnel.
- b) The Officer in Charge at an Incident may order the removal of any Vehicle, material, chemical, or other matter or thing which impedes the mitigation of, or may worsen, an Incident.
- c) The Officer in Charge at an Incident may establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Officer in Charge.

- d) No person shall enter the boundaries or limits of an area prescribed in accordance with Section 3.7(c) unless authorized to enter by the Officer in Charge.
- e) The Officer in Charge at an Incident may direct or caused to be directed vehicular and pedestrian traffic as necessary for the control of the Incident.
- f) No person at an Incident shall impede, obstruct, or hinder a Member or other person assisting or acting under the direction of the Officer in Charge.
- g) No person at an Incident shall drive a Vehicle over any equipment without permission of the Officer in Charge.

3.8 FIRE INVESTIGATION INFORMATION REQUESTS

The Fire Department may charge a fee to any person seeking information on Fire Investigations as regulated by the *Freedom of Information and Protection of Privacy Act*.

4. FIRE PREVENTION REGULATIONS

4.1 ACCUMULATION OF COMBUSTIBLES

No owner or occupier of property shall permit any accumulation on the property of combustible growth, waste or rubbish of any kind, which is liable to catch fire and endanger persons or property.

All growth, waste or rubbish of any kind which is liable to catch fire and endanger persons or property, shall be removed by the owner or Occupant, of the property on which the growth is located.

4.2 ACCUMULATION OF DAILY COMBUSTIBLES

Every owner or Occupant of any Building or property who makes, stores, uses, or has charge or control of any shavings, excelsior, rubbish, sacks, bags, litter, straw, waste-paper, paper boxes or any other flammable material, shall at the close of business on each day cause all such material to be compactly baled or stacked in a safe manner, or stored in non-combustible receptacles having tight fitting, non-combustible lids, which lids shall be kept closed at all times except when refuse is being placed in the containers.

4.3 STORAGE OF COMBUSTIBLE MATERIALS

Every owner or operator of a business shall provide a non-combustible container with a self-closing lid, to store cleanup rags or shop towels for products subject to spontaneous combustion, until safely removed from the Building. Lids are to be kept closed at all times except when refuse is being placed in the containers.

4.4 ENDANGER TO LIFE AND PROPERTY - FLAMMABLE, COMBUSTIBLE, EXPLOSIVE OR ACCUMULATION

Whenever any flammable, combustible or explosive material or any accumulation of waste materials or refuse of a nature liable to catch fire is situated as to endanger life or property, or to obstruct ingress or egress from a Building, or where a condition exists which is otherwise a fire hazard, an Officer may order the owner or Occupant of the property to immediately have such substance or accumulation or condition removed or otherwise dealt with as may be ordered by the Officer.

If an Order under this section is not complied with, Section 17 of this Bylaw applies.

4.5 FIRE DOORS OR FIRE SEPARATION DEVICES

Where fire doors or fire separation devices are installed in any Building to prevent the spread of fire within the Building, the owner and occupier of the

Building shall at all times keep and maintain those doors and devices in good repair and efficient working order.

4.6 QUANTITY & STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS

Flammable or Combustible Liquids shall not exceed the volumes and must be stored in accordance with the BC Fire Code.

4.7 REFUSE CONTAINERS

An owner of a Building used for apartment, commercial, industrial or assembly occupancies shall provide refuse containers that are non-combustible and placed away from any combustible construction or material or any unprotected Building openings in accordance with the BC Fire Code, and if the refuse container is stored in an enclosure, the enclosure shall be provided with a non-combustible top or ceiling.

4.8 SIGNAGE FOR COMBUSTIBLE LIQUIDS

Every owner and Occupant of an area of land or a Building where Combustible Liquids are stored, received, or dispensed shall post "NO SMOKING" signs as described in the B.C. Fire Code.

4.9 CLEANING WITH COMBUSTIBLE LIQUIDS

No person shall use flammable or Combustible Liquids which could endanger life or property for the purposes of cleaning within any Building.

4.10 FIRE EXTINGUISHERS

The owner of a business shall provide and maintain in good working order at least one portable fire extinguisher, available and accessible for emergency use, which the fire extinguisher must comply with NFPA 10 and ULC standards.

5. FIREWORKS

5.1 FIREWORKS REGULATIONS

- a) No person may possess for purposes of re-sale or distribution, offer for sale, store, distribute or sell:
 - (i) Low Hazard Fireworks,
 - (ii) High Hazard Fireworks, or
 - (iii) Firecrackers.
- b) Subject to subsections (5.2) and (5.3), no person shall possess for purposes of use, use, set off, explode or discharge:
 - (i) Low Hazard Fireworks,
 - (ii) High Hazard Fireworks, or
 - (iii) Firecrackers.

5.2 EXEMPTION TO FIREWORKS REGULATIONS

Subsection 5.1(b) does not apply if a person has received approval from the City of Enderby to use, set off, explode or discharge any Low Hazard Fireworks, High Hazard Fireworks or Firecrackers for religious, ceremonial, celebratory or business related purposes. Requests for approval must be made in writing. The City or Fire Chief may impose any and all conditions deemed necessary to provide for the protection of persons and property. The person to whom authorization is provided is responsible for ensuring compliance with all provisions contained in the permit and this Bylaw.

5.3 LIGHTING OF FIREWORKS

No person shall point or direct a Low Hazard Firework, a High Hazard Firework or a Firecracker at any person, animal, structure, Vehicle or other object where the Low Hazard Firework, High Hazard Firework or Firecracker is in the process of being used, set off, exploded or detonated.

6. SECURING VACANT PREMISES

6.1 DUTY OF OWNER

Every owner of permanently vacant or unoccupied premises must ensure the premises is made and kept secure against unauthorized entry or occupation by one or more of the following methods:

- a) affixing structural barriers to windows and other points of ingress using materials and installation effective to preclude entry;
- b) installing security fencing or other perimeter barriers;
- c) installing a security lighting system so long as such lighting does not impact any neighbouring properties; or
- d) employing security or guard patrols on a frequent and periodic basis.

6.2 REQUIREMENT BY OFFICER

If an Officer finds vacant or unoccupied premises, which are accessible, contrary to Section 6.1 the Officer may contact the owner of the premises and inform the owner that the premises must be secured against unauthorized entry.

6.3 NON-COMPLIANCE BY OWNER

If an owner fails to bring the premises into compliance with Section 6.1 within 24 hours of receiving notice to do so, the Officer may have the premises secured by a contractor who may board up or otherwise secure doors, windows and other points of entry into the premises in order to prevent fires.

6.4 ORDER FOR SECURITY

The owner of a fire-damaged Building shall ensure that the premises are guarded or that all openings of the Buildings are kept securely closed and fastened so as to prevent the entry of unauthorized persons. If the owner fails to provide the necessary security to the fire damaged Building within a reasonable time, then the Fire Chief or designate may have the work performed at the expense of the owner.

6.5 FEE OF BOARDUP

If action is taken in default under Section 6.3 or 6.4 of this bylaw, the City may recover the expenses incurred from the owner, together with costs and interest at the rate of the *Taxation (Rural Area) Act*, in the same manner as City taxes.

6.6 FEES FOR ATTENDANCE

Every owner of a vacant or unoccupied premise in violation of Section 6 must pay immediately, upon receipt of an invoice from the City, all fees for inspections in accordance with City of Enderby Fees and Charges Bylaw. Failure for the owner to pay the fee will result in those costs being added to the property taxes of the premises.

7. INSPECTION OF PREMISES

Pursuant to section 16 of the *Community Charter*, City officials and employees may enter on property to inspect and determine whether all regulations, prohibitions and requirements are being met, all in accordance with the provisions of Section 16 of the *Community Charter*.

7.1 FAILURE TO PROVIDE ACCESS FOR FIRE INSPECTION

Where an owner or Occupant has been notified of an inspection to be conducted under this bylaw or any other enactment relating to fire safety, the owner or Occupant must attend at the premises at the date and time specified in the notice to provide access for an inspection. If the owner or Occupant does not attend on the inspection date, without explanation in advance, a fee will be charged for that inspection attempt and each additional inspection attempt required in accordance with City of Enderby Fees and Charges Bylaw. Failure for the owner or

Occupant to pay the fee will result in those costs being added to the property taxes of the owner of the property.

7.2 AUTHORIZATION TO ENTER

Every Officer may enter, at all reasonable times, on every property which is subject to this bylaw, to:

- a) ascertain whether this Bylaw is being observed; and
- b) inspect premises for conditions which may cause a fire or increase the danger of a fire or increase the danger to persons.

7.3 OBSTRUCTION

No person shall obstruct or interfere with the Fire Chief or an Officer while they are carrying out any inspection pursuant to this Bylaw, the Fire Code or the Fire Services Act.

7.4 PROVISION OF INFORMATION

Every Occupant of premises shall provide all information and shall render all assistance required by the Fire Chief or an Officer in connection with the inspection of such premises pursuant to this Bylaw, the Fire Code and the Fire Services Act.

7.5 FALSE INFORMATION

No person shall withhold or falsify any information required by the Fire Chief or an Officer in connection with a permit issued under this Bylaw. No person shall refuse to assist in the carrying out of any inspection pursuant to this Bylaw, the Fire Code or the Fire Services Act.

7.6 RE-INSPECTION

Where an owner or Occupant has failed to meet the requirements of the Fire Inspector, re-inspections shall be performed by the Fire Inspector, generally at monthly intervals, until such time as the deficiencies have been corrected. A fee will be charged for each re-inspection in accordance with the City of Enderby Fees and Charges Bylaw. The Fire Inspector may waive the fee for the first re-inspection provided that all deficiencies are corrected at that time and the property did not require a re-inspection during the previous two years.

8. FIRE & EMERGENCY SERVICE ACCESS REQUIREMENTS

8.1 FIRE SAFETY PLAN REQUIREMENTS AND REVIEW

All Buildings, sites, storage areas or other areas as required by the Fire Code shall have a Fire Safety Plan. Measures within a Fire Safety Plan shall conform to the Fire Code.

8.2 ADDRESSING OF OCCUPANCIES

Each owner of property, whether or not there is a Building on the property, must ensure that the property is individually addressed with the address assigned by the City. 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. If the property is vacant, the address must be as close as possible to the access entrance. The address must be conspicuous and legible from a distance of 15 metres.

8.2.1 SIZING OF ADDRESSES

The letters or numbers of any addresses shall be a minimum of 5 inches in height and no less than 1/2" in a width stroke.

8.2.2 COLOUR OF ADDRESS LETTERING

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

9. FIRE ALARM AND SPRINKLER SYSTEM ACTIVATION

9.1 MAINTENANCE OF FIRE ALARM AND SPRINKLER SYSTEMS

Each owner or occupier of Buildings or premises shall ensure the fire Alarm and Sprinkler Systems are maintained and tested in conformance with the B.C. Fire Code Regulations.

9.2 RETAINMENT OF RECORDS

Records of service testing and maintenance of a Fire Alarm System or Sprinkler System must be retained on site by the owner.

9.3 CORRECTION OF DEFICIENCIES

When the Department attends premises where a Fire Alarm System or a Sprinkler System or call for emergency response is requested without proper cause, the occupier of the premises shall immediately correct the deficiencies to the Fire Alarm System and Sprinkler System.

9.4 COST RECOVERY FOR FAILURE TO NOTIFY

The owner, Occupant or lessee of any occupancy containing a fire Sprinkler System or a Fire Alarm System shall be charged a fee in accordance with City of Enderby Fees and Charges Bylaw for any False Alarm activated following a failure to notify the Department prior to service, testing, repair, maintenance, adjustment or alterations, or installation of the system, which would result in an emergency response. Failure of the owner or Occupant to pay will result in those costs being added to the property taxes of the owner of the property.

9.5 REPEAT OR FAULTY ALARMS

The owner, Occupant or lessee of any occupancy containing a fire Sprinkler System or a Fire Alarm System shall be charged a fee in accordance with City of Enderby Fees and Charges Bylaw for any False Alarm activated as a result of a faulty alarm or sprinkler system, which results in a repeat emergency response. Failure of the owner or Occupant to pay will result in those costs being added to the property taxes of the owner of the property.

10. HYDRANTS, HOSE AND STANDPIPES

10.1 HYDRANTS

- a) No person shall install or permit any obstruction within one (1) metre of a hydrant or Standpipe System.
- b) No person may attach anything to a hydrant or Standpipe System and unauthorized attachments may be removed by the Department.
- c) The owner of every Building which is equipped with a Sprinkler System shall install a fire hydrant within 45 metres of each Department connection to the Sprinkler System.
- d) Excepting employees of the City acting within the scope of their duties, no person shall make use of standpipes or hydrants without first obtaining a permit from the City's Engineering Department.
- e) No person shall park within five (5) metres of a Fire Hydrant.

10.2 PRIVATE HYDRANTS

- a) Each owner of property on which a private hydrant is located must ensure that the private hydrant conforms to all standards set out in the BC Building Code.
- b) Each owner of a property on which a private hydrant is located shall at least once per year have all components of the hydrant inspected, serviced and tested by a qualified technician.
- c) Each owner of a property on which a private hydrant is located shall maintain the hydrants so that they are capable of providing the flow and pressure of water for which they were designed.

10.3 FIRE HOSE

No person shall stand, walk on, or drive over a hose belonging to the Department or be within nine (9) metres of a hose line.

11. EMERGENCY ACCESS

11.1 EMERGENCY ACCESS TO BUILDINGS

To allow for the access of emergency Vehicles, each owner and occupier of property must ensure that Access Routes to Buildings on that property are unobstructed at all times.

11.2 DURING CONSTRUCTION PHASES

Each owner and occupier of property on which construction is occurring must ensure that Access Routes are unobstructed and have a surface condition suitable for the access of emergency Vehicles.

11.3 SECURITY GATES

No person may install a gate across a fire lane or other assemblies used to secure primary or secondary Access Routes unless the installation has been Approved by the Fire Chief PRIOR to installation.

11.4 SIGNAGE

Each owner of property shall ensure that all Access Routes to Buildings on that property have "NO PARKING - FIRE LANE" signs permanently posted at each entrance and at intervals not less than ten (10) metres apart.

12. PENALTIES AND ENFORCEMENT

12.1 VIOLATION OF BYLAW

Every Person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not less than \$100.00, and not exceeding \$10,000, and a jail term of not more than 6 months.

Where the offence is a continuing one, each day the offence continues shall be a separate offence.

12.2 MUNICIPAL TICKETS/FEES AND CHARGES

This Bylaw is enforceable by the City of Enderby Municipal Ticket Information Bylaw and the City of Enderby Fees and Charges Bylaw, as amended from time to time.

12.3 POSTED NOTICE

No person shall remove, alter, or deface any notice posted pursuant to this Bylaw.

12.4 IMPERSONATION

No person shall falsely represent that he or she is a Member of the Department.

12.5 ENTRY ON DEPARTMENT PROPERTY

No person shall enter on any premises occupied by the Department, without the permission of the Fire Chief or an Officer of the Department.

13. COST RECOVERY

13.1 If an owner or Occupant is in default of a notice made under this bylaw, the City, by its workers or others, may enter the property and effect such work as required in the notice, at the expense of the owner or Occupant so defaulting, and any

charges so incurred and remaining unpaid on December 31 of that year shall be added to and form part of the taxes payable on the real property as taxes in arrears.

- 13.2 If an owner or Occupant is in default of any fee charged under this bylaw on December 31 of that year, that amount shall be added to and form part of the taxes payable on the real property as taxes in arrears.
- 13.3 A notice or invoice made under this bylaw shall be in writing and must be directed to the Occupant, or where the Occupant is not the owner, to the owner and Occupant of the property in respect of which the notice or invoice is made.
- 13.4 A notice or invoice made under this bylaw shall be served:
- a) by delivering it or causing it to be delivered to the person to whom it is directed; or by
 - b) sending the notice by return registered or certified mail to the last known property owner at the owner's last known address; or
 - c) after 14 days of sending a notice by return registered or certified mail to the last known property owner at the owner's last known address, by posting a copy in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known, or refuses to accept service of notice.

14. **SEVERABILITY OF PROVISIONS**

If any section, subsection or clause of this Bylaw is declared or held to be invalid by a court of competent jurisdiction, then that invalid portion will be severed and the remainder of this Bylaw will be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

15. **REPEAL**

"City of Enderby Fire Regulation By-Law No. 1480, 2010" and all amendments are hereby repealed.

READ a FIRST TIME this 3rd day of September, 2013.

READ a SECOND TIME this 3rd day of September, 2013.

READ a THIRD TIME this 3rd day of September, 2013.

RECONSIDERED and ADOPTED this 23rd day of September, 2013.

Mayor

Chief Administrative Officer