

ITEM	4
MANAGER'S REPORT NO.	84
COUNCIL MEETING	Dec. 12/77

Re: AMENDMENT TO THE BURNABY FIRE PREVENTION BY-LAW NO. 5096

Following is a report from The Director of Fire Services regarding proposed amendments to The Burnaby Fire Prevention By-Law.

The imperial units of measurement in the proposed amendment will be changed to metric equivalents when the entire Burnaby Fire Prevention By-Law is converted to conform with the metric system early next year.

RECOMMENDATION:

1. THAT the proposed by-law to amend By-Law No. 5096, being the "Burnaby Fire Prevention By-Law 1968", be brought forward for initial readings on the next agenda.

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November 25, 1977.

To: Municipal Manager  
From: Director-Fire Services

Subject: A By-law to Amend By-law No. 5096, being the  
Burnaby Fire Prevention By-law 1968

A review of the current Burnaby Fire Prevention By-law No. 5096 reflects a need to amend those sections pertaining to flammable and combustible liquids, both as to storage and dispensing, by reason of the following.

When the National Fire Code of Canada 1963 was amended and adopted by the Corporation of Burnaby in 1968 as the Burnaby Fire Prevention By-law, Section 2.1.6. "Flammable Liquids" was deleted and replaced with amendments 2.1.6./2.1.6.1. which made the regulations governing the manufacture, sale, storage, carriage, and disposal of flammable liquids and oils pursuant to the Fire Marshal Act, R.S.B.C. 1960, Chapter 148, applicable within the municipality. This amendment was necessary to avoid possible conflict or repugnancy with the Provincial Fire Marshal Act insofar as they (the F.M.O.) were in the process of rewriting the Flammable Liquid Regulations at that time.

With the advent of self-service stations coupled with the concept of the general public handling flammable liquids it has been necessary to amend By-law No. 5096 to provide control over this type of activity (By-law 6584 refers). However, we have found that sub-section 2.3.11.11.(3) of By-law 6584 is inadequate as it does not provide a mechanism whereby the operator of a service station may be charged for violating this section; in fact the customer who (in most cases unknowingly) operates the pump, is the person liable to be charged, while the operator (we have names and places on record) who is responsible for providing competent employees, is not liable.

In our opinion this did not reflect the true intent of this particular section, the result of which is reflected in the proposed amendment by the municipal solicitor which if adopted will clearly place the onus on the service station owner/operator.

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The request to Council that limitations as prescribed be placed on the quantities of bulk fuel which may be stored underground, reflect the failure of the Provincial Government to adopt the National Fire Code, 1975 edition.

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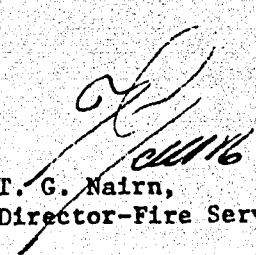
Lack of legislation in this area has resulted in a situation whereby we have in excess of 140,000 gallons of petroleum products being introduced into underground storage tanks for dispensing purposes. A situation which if not legislated against may well become a common occurrence within the municipality.

Adoption of 2.3.11.4.(1)(2)(3)(4) which reflects the requirements of the National Fire Code, 1975 edition will provide for positive control in this potentially hazardous area.

The purpose of sections 2.1.5.8., 2.1.5.9.(1)(2) in this proposed amendment to By-law 5096, is one of ensuring designated fire lanes are accessible at all times. To date the Fire Prevention Bureau have encountered numerous situations where access lanes on private property have been blocked by vehicles with no means of legal redress. This situation of course presents an unacceptable obstacle to the operational division in the deployment of their equipment.

RECOMMENDATION

That Council give approval for the adoption of a By-law to amend By-law No. 5096, being the Burnaby Fire Prevention By-law 1968.

  
T. G. Nairn,  
Director-Fire Services

TGN:ep

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO.

A BY-LAW to amend By-Law No. 5096, being the  
"Burnaby Fire Prevention By-Law 1968"

The Council of The Corporation of the District of  
Burnaby ENACTS as follows:

1. This By-law may be cited as "BURNABY FIRE PREVENTION  
BY-LAW 1968, AMENDMENT BY-LAW NO. ,1977".

2. Section 1.5 of By-Law No. 5096 is amended by adding  
the following:

"'Combustible Liquid' means any liquid having a  
flash point at or above 100° F and below 200° F."

3. Section 1.5 of By-Law No. 5096 is amended by deleting  
the definition of "Flammable Liquids or Inflammable Liquids" and  
substituting therefor the following:

"'Flammable Liquids or Inflammable Liquids' means  
any liquid having a flash point below 100° F and  
having a vapour pressure not exceeding 40 pounds  
per square inch (absolute) at 100° F, as deter-  
mined by the Tagliabue closed-cup tester, all tests  
being made in accordance with the methods adopted  
by some recognized society for testing materials  
and approved by the Fire Marshal, and, without  
limiting the generality of the foregoing, includes  
gasoline, naphtha, crude petroleum and benzol."

4. Article 2.1.5 of By-Law No. 5096 is amended by adding  
the following as 2.1.5.8:

"2.1.5.8. The owner or occupiers of real property shall remove  
any vehicle from a yard which, in the opinion of the  
Director - Fire Services, is a fire hazard."

5. Article 2.1.5 of By-Law 5096 is further amended by adding the following as 2.1.5.9:

"2.1.5.9. (1) Streets, yards and private roadways provided for fire department access shall be maintained so as to be ready for use at all times by fire department vehicles.

(2) Vehicles shall not be parked to obstruct access by fire department vehicles and signs shall be posted prohibiting such parking."

6. Article 2.3.11.4. of By-Law No. 5096 is repealed and the following substituted therefor:

"2.3.11.4. (1) Except as hereinafter provided, flammable liquids or inflammable liquids shall be stored according to the requirements of subsection 2.1.6 of the Fire Code and amendments thereto.

(2) The storage capacity for flammable liquids or inflammable liquids at any service station shall not exceed 30,000 gal., except that not more than 50,000 gal. may be stored where the service station has direct access to any part of a highway that is a controlled access highway.

(3) The storage capacity for combustible liquids at any service station shall not exceed 20,000 gal. when the liquid has a flash point below 140° F.

(4) Individual underground storage tanks at service stations shall not exceed 10,000 gal. capacity."

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7. Article 2.3.11.11. (3) of By-Law No. 5096, as enacted by By-Law No. 6584, is repealed and the following substituted therefor:

"2.3.11.11. (3) Except as provided in Article 2.3.11.9., no person other than the licensed operator of service station or a competent employee of such licensed operator shall dispense a flammable liquid or a combustible liquid into the fuel tank of a motor vehicle."

8. Article 2.3.11.11. of By-Law No. 5096 is amended by adding the following as clause (5):

"2.3.11.11. (5) The licensed operator of a service station or a competent employee of such licensed operator is responsible to see that no person other than the licensed operator or a competent employee of such licensed operator dispenses a flammable liquid or a combustible liquid into the fuel tank of a motor vehicle."

Read a first time this            day of                            1977.

Read a second time this            day of                            1977.

Read a third time this            day of                            1977.

Reconsidered and adopted this            day of

1977.

M A Y O R

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