

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4144

A Bylaw to regulate the installation of oil burning equipment and flammable liquid and combustible liquid fuel tanks

The Municipal Council of the Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

Interpretation

1. In this Bylaw:

"B.C. Building Code" means *The British Columbia Building Code*, enacted pursuant to the *Local Government Act*, as amended from time to time, or its successors.

"B.C. Fire Code" means the *British Columbia Fire Code Regulations* enacted pursuant to the *Fire Services Act*, as amended from time to time, or its successors;

"CAN/CSA B139-Installation Code for Oil Burning Equipment" means the installation code for oil burning equipment of the Canadian Standards Association, as amended from time to time, or its successors;

"Combustible Liquid" means any liquid having a flash point at or above 37.8⁰C and below 93.4⁰C.

"Corporation" means the Corporation of the District of Oak Bay.

"Fire Chief" means the person appointed by Council as head of the Oak Bay Fire Department, and includes a member authorized by him to act on his behalf.

"Flammable Liquid" means any liquid having a flash point below 37.8⁰C and having a vapour pressure not exceeding 275.6 kPa (40 psi)(absolute) at 37.8⁰C

"Fuel Tank" includes flammable liquid storage tanks and combustible liquid storage tanks.

"Oak Bay Zoning Bylaw" means Bylaw No. 3531, Zoning Bylaw, 1986, as amended, or its successors.

"Oil Burning Equipment" means any appliance, fixture or equipment using oil for the purposes of generating heat, including burners, electrical apparatus and other equipment used in connection with, but excluding the fuel tank

2. In this Bylaw, whenever the singular or masculine is used, it shall be construed as if the plural or the feminine or neuter, as the case may be, had been used, where the context so requires, and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary had been made.
3. The headings in this Bylaw are for the convenience of reference only and are not intended to interpret, define, or limit the scope, extent or intent of the provisions of this Bylaw

General

4. For the purposes of this Bylaw, the Fire Chief of the Corporation is appointed as the authority having jurisdiction to exercise within the Municipality of the District of Oak Bay, the powers vested in an officer under a referenced enactment or code.
5. This Bylaw is intended for the benefit of the Corporation only, and shall not impose any obligation or duty upon the Corporation or the Fire Chief toward the owner of any building, equipment or system or any other person claiming to be affected by any inspection or failure to inspect.

References to other enactments and codes

6. In this Bylaw, any reference to another enactment or code shall be the edition or version of the enactment or code which is current at the time a permit is issued pursuant to this Bylaw.
7. In the case of a conflict between an enactment or code referenced in this Bylaw, the more restrictive shall apply.

Installation/Removal of Fuel Tanks/Oil Fired Appliances

8. No person shall install a fuel tank or oil burning equipment unless the installation is carried out strictly in accordance with the applicable provisions of the:
 - (a) B.C. Building Code;
 - (b) CAN/CSA B139-Installation Code for Oil Burning Equipment;
 - (c) Oak Bay Zoning Bylaw; and
 - (d) B.C. Fire Code.

9. No person shall withdraw from service any fuel tank unless the removal is carried out strictly in accordance with the applicable provisions of the B.C. Fire Code.
10. No person shall install fuel tanks or waste oil tanks at fuel dispensing stations and marine fuel dispensing stations unless the installation is carried out strictly in accordance with the applicable provisions of the:
 - (a) B.C. Fire Code; and
 - (b) Oak Bay Zoning Bylaw.
11. No person shall install oil burning equipment or a fuel tank without first obtaining a permit from the Fire Chief in the form attached hereto as Schedule "A" and paying to the Corporation the applicable permit and inspection fees set out in Schedule "B" of this Bylaw.

Inspections

12. (1) Where a permit is required as described in this Bylaw, the oil burning equipment, or fuel tank shall not be put into service until it has been inspected and tested to the satisfaction of the Fire Chief.
 - (2) Every person installing oil burning equipment or a fuel tank shall give twenty-four (24) hours notice to the Fire Chief when the installation work is complete and ready to be inspected or tested.
 - (3) An inspection carried out under Subsection (2) will be carried out during the normal working hours of the Corporation.
 - (4) Where an installation or work carried out has failed to meet the approval of the Fire Chief because of non-compliance with this Bylaw, or the referenced codes or standards, the person installing the oil burner, oil burning equipment, or flammable or combustible liquid storage tank shall make any alteration or replacement that is necessary and the work shall be subject to further inspection and testing.
13. A person who contravenes this Bylaw by doing an act it forbids, or by omitting to do an act that it requires to be done, commits an offence and is liable, upon summary conviction, to a fine of not less than fifty dollars (\$50.00) and not more than two thousand dollars (\$2,000.00), plus costs and in the case of a continuing offence, to a further penalty not exceeding fifty dollars (\$50.00) for each day during which the offence occurs.

14. Bylaw 3806, "*Oil Burner and Fuel Tank Permit and Inspection Bylaw, 1994*" is hereby repealed except insofar as it repeals any other Bylaw, provided that such repeal shall not affect any offence committed, or penalty or punishment incurred, under such repealed Bylaw, and any such penalty or punishment may be imposed as if this Bylaw had not been passed.
15. This Bylaw may be cited as the "**Oil Burning Equipment and Fuel Tank Regulation Bylaw, 2002**"

READ a first, second and third time by the Municipal Council on

ADOPTED and FINALLY PASSED by the Municipal Council on

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of the
District of Oak Bay.

Schedule "A"

Bylaw No. 4144

"Oil Burning Equipment and Fuel Tank Regulation Bylaw, 2002"

PERMIT APPLICATION

DATE _____

Address of Installation _____

Owner _____

Contractor Name (*Print*) _____

Address _____

City/Postal Code _____ Telephone _____

This application is for the above named to install:

Fee

<input type="checkbox"/> Oil fired furnace	<input type="checkbox"/> Above Ground	_____
<input type="checkbox"/> Oil fired hot water heater	<input type="checkbox"/> Under Ground	_____
<input type="checkbox"/> Combustible liquid fuel tank	Tank size _____	_____
<input type="checkbox"/> Flammable liquid fuel tank	Tank size _____	_____

TOTAL _____

I _____ hereby certify that the above-noted work will
(*PRINT-Name of Applicant*) comply with the applicable regulations.

(*Applicant Signature*)

Receipt No.

Permit No.

Issuing Officer

Schedule "B"

Bylaw No. 4144

"Oil Burning Equipment and Fuel Tank Regulation Bylaw, 2002"

SCHEDULE OF FEES

<u>DESCRIPTION</u>	<u>FEE</u>
<u>Oil Burning Equipment:</u>	
For the installation of any oil equipment to the B. C. Building Code and CAN/CSA B139 - Installation Code for Oil Burning Equipment .Combustible liquid fuel tank capacity: up to 1,400 litres (300 gallons).	Combined permit and inspection fee of \$25.00. Re-inspection fee of \$35.00.
For the installation of any oil equipment to the B. C. Building Code and CAN/CSA B139 - Installation Code for Oil Burning Equipment. Combustible liquid fuel tank capacity: over 1,400 litres (300 gallons).	Combined permit and inspection fee of \$25.00 plus 1.5 cents for every 1 litre of capacity of the tank. Re-inspection fee of \$35.00.
For the replacement, renewal or alteration of any oil burner or oil burning equipment.	Combined permit and inspection fee of \$25.00. Re-inspection fee of \$35.00
<u>Flammable Liquid and Combustible Liquid Fuel Tanks:</u>	
For the installation or replacement of flammable and combustible fuel tanks. Tank capacity: up to 1,400 litres (300 gallons).	Combined permit and inspection fee of \$25.00. Re-inspection fee of \$35.00.
For the installation or replacement of flammable and combustible fuel tanks. Tank capacity: over 1,400 litres (300 gallons).	Combined permit and inspection fee of \$25.00 plus 1.5 cents for every 1 litre of capacity of the tank Re-inspection fee of \$35.00.
<u>General</u>	
For any other permit or inspection required pursuant to the provisions of this Bylaw.	\$25.00