

THE CORPORATION OF THE VILLAGE OF NEW DENVER

BYLAW NO. 575, 2004

Being a bylaw of the Corporation of the Village of New Denver hereafter referred to as the "Village of New Denver Fire Bylaw" to provide for the establishment and operation of a fire department.

NOW THEREFORE the Council of the Village of New Denver in open meeting assembled, enacts the following:

1. The Municipal Fire Department is hereby established and will be known as the Village of New Denver and Area Fire Department.

2. In this bylaw, unless the context otherwise requires,

Apparatus - means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters, rescue equipment or supplies.

Council - means the Council of the Corporation of the Village of New Denver.

Royal Canadian Mounted Police, means any Peace Officer of the Royal Canadian Mounted Police.

Equipment - means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.

Fire Chief - means the member appointed by Council as head of the Fire Department, and shall be deemed to be a Municipal Public Officer as defined in the Community Charter.

Fire Protection - means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.

Incident - means a fire or a situation where a fire or explosion is imminent.

Member - means any person or officer that is duly appointed by the Fire Department as a member.

Junior Member - means any person that is under the age of eighteen (18) years and over the age of sixteen (16) years that is duly appointed by the Fire Department as a member.

Public Building - includes warehouse, factory within the meaning of the Workplace Act, store, mill, school, hospital, theatre, public hall, office building and any building other than a private dwelling.

3. The Fire Chief shall be appointed by a resolution of Council.

4. Other officers and members, as the Fire Chief deems necessary, may be appointed by Council.

5. Junior Members of the Fire Department shall be bound by the "Fire Department Junior Member Policy", as set out in Schedule "A" attached hereto and forming a part of this bylaw.

6. The Fire Chief may appoint other officers of the Fire Department to act as Fire Chief on his behalf.

7. The limits of the jurisdiction of the Fire Chief, and the officers and members of the Fire Department will extend to the area and boundaries of the Village of New Denver, and no part of the fire apparatus shall be used beyond the limits of the municipality without:
 - (a) the express authorization of a written contract or agreement providing for the supply of fire fighting services outside the municipal boundaries, or
 - (b) the approval of Council, or
 - (c) the Royal Canadian Mounted Police, or British Columbia Ambulance Service, requesting response to extricate a person or persons, where there is a threat to life, actual or implied, for the purpose of, but not limited to, auto and marine extrication, excluding structural fires, provided that the Fire Department has the training required for the extrication requested and a Provincial Emergency Program Task Number has been assigned if the extrication is outside the jurisdictional boundaries of the Fire Department.
8. A maximum of six (6) members of the Fire Department shall respond to an extrication request by the Royal Canadian Mounted Police or the British Columbia Ambulance Service, with the remainder of the Fire Department members remaining on call to respond with the fire trucks should a second incident be reported. A Fire Call within the jurisdictional boundaries of the Fire Department shall take priority over any requests from the Royal Canadian Mounted Police or the British Columbia Ambulance Service.
9. The Fire Chief has complete responsibility and authority over the Fire Department subject to the direction and control of the Council to which he shall be responsible, and in particular he shall be required to carry out all fire protection activities and such other activities as Council directs including but not limited to:
 - (a) rescue
 - (b) other incidents
 - (c) pre-fire planning
 - (d) disaster planning
 - (e) preventive patrols
10. The Fire Chief, subject to ratification by the Council, shall establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including but limited to:
 - (a) use, care and protection of Fire Department property,
 - (b) the conduct and discipline of officers and members of the Fire Department, and
 - (c) efficient operations of the Fire Department.
11. The Fire Chief, or in his absence the senior ranking member present, shall have control, direction and management of all Fire Department apparatus, equipment and manpower assigned to an incident and where a member is in charge, he shall continue to act until relieved by a senior officer.
12. The Fire Chief shall take responsibility for all fire protection matters including the enforcement of the Fire Services Act and regulations thereunder and shall assume the responsibilities of the Local Assistant to the Fire Commissioner.
13. Officers and members of the Fire Department shall carry out the duties and responsibilities assigned to the Fire Department by the Council; and the Fire Chief shall report to the Council on the operations of the Fire Department or on any other matter in the manner designated by Council.

14. The Fire Chief, or any member of the Fire Department authorized by Council, may at any reasonable time enter any public building for the purpose of fire prevention inspections.
15. The Fire Chief, or any member of the Fire Department authorized by Council, may require an owner or occupier of real property to undertake any actions for the purpose of removing or reducing any thing or condition that person considers is a fire hazard or increases the danger of fire.
16. The Fire Chief, or any other member in charge, at a fire is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
17. The Fire Chief, or any other member in charge at an incident, is empowered to enter premises or property where the incident occurred and to cause any member, apparatus of equipment of the Fire Department to enter, as he deems necessary, in order to combat, control or deal with the incident.
18. The Fire Chief, or the member in charge, at an incident is empowered to enter, pass through or over buildings or property adjacent to an incident and to cause members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over buildings or property, where he deems it necessary to gain access to the incident or to protect any person or property.
19. The Fire Chief, or the member in charge at an incident, may at his discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him.
20. No person shall enter the boundaries or limits of an area prescribed in accordance with Section 18 unless he has been authorized to enter by the Fire Chief or the member in charge.
21. The Fire Chief, or the member in charge at an incident, may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 18.
22. The Fire Chief may obtain assistance from other officials of the municipality as he deems necessary in order to discharge his duties and responsibilities under this bylaw.
23. No person at an incident shall impede, obstruct or hinder a member of the Fire Department or other person assisting or acting under the direction of the Fire Chief or the member in charge.
24. No person shall damage, tamper with or destroy Fire Department apparatus or equipment.
25. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or member in charge.
26. No persons shall falsely represent themselves as a Fire Department member.
27. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any incident, fire hydrant, cistern or body of water designated for fire fighting purposes.
28. The Fire Chief, or the member in charge of an incident, may request persons over the age of eighteen (18) years, who are not members, to assist in removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same and in demolishing a building or structure at or near the fire or other incident.

29. The Fire Chief, or the member in charge of an incident, is empowered to commandeerr privately owned equipment which he considers necessary to deal with an incident. Remuneration rates for the equipment shall be set out annually by Council.
30. Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to by done by any of the provisions of this bylaw, or who does any act or thing or omits any act or thing thus violating any of the provisions of this bylaw, shall be deemed to have committed an offense, and upon a summary conviction is liable to imprisonment for a term of not more than 6 months or to a fine of not more than \$2,000. or to both fine and imprisonment.
31. The Fire Chief and members of the Village of New Denver Fire Department shall be included under the "Village of New Denver Indemnification Bylaw No. 357, 1988.
32. The Council shall determine the remuneration of all members of the Fire Department.
33. This bylaw comes into force and takes effect upon the date of adoption by the Council of the Corporation of the Village of New Denver.
34. Village of New Denver Fire Bylaw No. 433, 1994 and all amendments thereto are hereby repealed.
35. This bylaw may be cited as the "Village of New Denver Fire Bylaw No. 575, 2004."

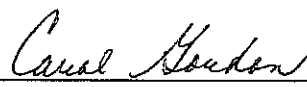
READ A FIRST TIME this 10 day of August, 2004.

READ A SECOND TIME this 10 day of August, 2004.

READ A THIRD TIME this 10 day of August, 2004.

RECONSIDERED AND ADOPTED THIS 16 day of August, 2004.


MAYOR G.L. WRIGHT


ADMINISTRATOR

Certified a true copy of
Bylaw No. 575, 2004


Administrator

THE CORPORATION OF THE VILLAGE OF NEW DENVER

BYLAW NO. 575, 2004

SCHEDULE "A"

VILLAGE OF NEW DENVER

JUNIOR MEMBER POLICY

1. Any Village of New Denver Fire Department Member under the age of eighteen (18) years and over the age of sixteen (16) years shall be deemed to be a junior member.
2. Junior members of the Village of New Denver Fire Department shall be encouraged to attend all functions, training courses and meetings sponsored by the Fire Department.
3. No junior member shall be placed on active duty and he/she shall not be issued a pager. Junior members are restricted from turning out at a fire scene in any official capacity.
4. No exceptions shall be made to this policy at any time. The Fire Chief shall bear the sole responsibility for enforcing this policy.