

THE CORPORATION OF THE VILLAGE OF NEW DENVER
BYLAW NO. 731, 2020

A bylaw to continue the operation and regulation of a fire department.

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

1. CITATION

- 1.1. This Bylaw may be cited for all purposes as “Village of New Denver Fire Department Bylaw No. 731, 2020”.

2. DEFINITIONS

- 2.1. In this bylaw:

Administrator means the Chief Administrative Officer (CAO) of the Village of New Denver

Apparatus means any vehicle provided with machinery, devices, equipment or materials for fire protection and assistance response as well as vehicles used to transport fire fighters or supplies;

Council means the Council of the Village of New Denver;

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;

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;

Mayor means the Mayor of the Village of New Denver;

Member means any person or Officer that is duly appointed by the Fire Chief or Council as a member of the Fire Department;

Officer means a Member appointed by Council and given specific authority to assist the Fire Chief in their duties

3. ADMINISTRATION

- 3.1. Council shall determine the remuneration for all members of the Fire Department.
- 3.2. The Fire Chief shall be appointed by a resolution of Council.
- 3.3. The Fire Chief may recommend to Council the appointment of a qualified person or persons as a Deputy Chief or Deputy Chiefs for the Department.
 - 3.3.1. The Deputy Chief shall report to the Fire Chief and carry out the orders of the Fire Chief and, in the absence of the Fire Chief, has all the power and shall perform the duties of the Chief.
- 3.4. Other Officers and Members, as the Fire Chief deems necessary, may be appointed by Council

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- 3.5. A person is qualified to be appointed a volunteer Member of the Department for fire fighting duties who:
- i. Is of legal age;
 - ii. Is of good character;
 - iii. Passed tests as may be required by the Fire Chief; and
 - iv. Is medically fit to be a member.
- 3.6. A person appointed as a volunteer Member of the Department for fire fighting duties shall be on probation for a period of at least three months during which period he shall take such special training and examinations as may be required by the Fire Chief.
- 3.7. A person is qualified to be appointed as a Junior Volunteer Member of the Department for training purposes only, who:
- i. Is at least 16 years of age;
 - ii. Has not reached 18 years of age;
 - iii. Is of good character;
 - iv. Has passed tests as may be required by the Fire Chief; and
 - v. Is medically fit to be a member.
- 3.8. A Junior Volunteer member is authorized to attend the scene of an incident, on the direction of the Fire Chief or designate, for assistance purposes only but is not authorized to fight fires.

4. DUTIES & AUTHORITY OF THE FIRE CHIEF

- 4.1. The Fire Chief may appoint Officers to act as Fire Chief on their behalf.
- 4.2. The Fire Chief shall have the management, control and supervision of the Fire Department and the care, custody and control of all buildings, apparatus and equipment of the Fire Department and shall be directly responsible to the Administrator for efficient management of the Fire Department and the condition of all buildings, apparatus and equipment under their control.
- 4.2.1. The Fire Chief, or in their 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 they shall continue to act until relieved by a senior officer.
- 4.3. The Fire Chief may from time to time make such rules and regulations for the proper and efficient administration and operation of the Fire Department and for the discipline of its members and may vary, alter or repeal such rules and regulations as they shall from time to time deem fit and necessary.
- 4.3.1. All members of the Fire Department shall comply with all rules and regulations from time to time made pursuant to Section 4.3 and any failure to comply with the said rules and regulations by a member of the Fire Department shall be dealt with and disposed of by the Fire Chief in such a manner as he shall deem fit.
- 4.4. The Fire Chief or their designate shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and exercise the powers and duties imposed upon them by the Fire Services Act.

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- 4.5. The Fire Chief shall be required to carry out all fire protection and assistance response activities and such other activities as Council directs including but not limited to:
- i. Rescue operations
 - ii. Medical emergencies
 - iii. Other incidents
 - iv. Pre-fire planning
 - v. Disaster planning
 - vi. Public services
- 4.6. The Fire Chief or any members of the Fire Department authorized by Council, may at any reasonable time enter any premise for the purpose of fire prevention inspections.
- 4.7. 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.
- 4.8. 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 they deem it necessary to prevent the spread of fire to other buildings, structures or things.
- 4.9. 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, or equipment of the fire Department to enter, as they deem necessary, in order to combat, control or deal with the incident.
- 4.10. 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 they deem it necessary to gain access to the incident or to protect any person or property.
- 4.11. The Fire Chief or the member in charge of an incident may request persons 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.
- 4.12. The Fire Chief or the member in charge of an incident is empowered to commandeer privately owned equipment which they consider necessary to deal with an incident
- 4.13. The Fire Chief, or the member in charge at an incident may at their discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized by the Fire Chief or member in charge.
- 4.13.1. 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 4.13
- 4.14. The Fire Chief may obtain assistance from other officials of the municipality as they deem necessary in order to discharge their duties and responsibilities under this bylaw.

4.15. The Fire Chief shall provide a Fire Department Report to Council on an annual basis.

5. REGULATIONS & PROHIBITIONS

- 5.1. No persons shall enter the boundaries or limits of an area prescribed in accordance with Section 4.13 unless they have been authorized to enter by the Fire Chief or member in charge.
- 5.2. No person at an incident shall impeded, 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.
- 5.3. No person shall damage or destroy Fire Department apparatus or equipment.
- 5.4. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or member in charge.
- 5.5. No person shall falsely represent themselves as a Fire Department member.
- 5.6. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire incident, fire hydrant, cistern or body of water designated for fire fighting purposes.
- 5.7. The Fire Department shall not respond to a call with respect to a fire or emergency outside the municipal limits except:
 - i. With permission from the Administrator or Mayor; or
 - ii. For emergencies where response is on behalf of Emergency Management BC or the BC Wildfire Service; or
 - iii. By the express authorization of a written contract or agreement providing for the supply of fire fighting and assistance response services outside the established boundaries.

6. PENALTY

- 6.1. 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 be 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 six (6) months or to a fine of not more than two thousand, five hundred dollars (\$2,500) or to both fine and imprisonment.

7. REPEAL

- 7.1. Village of New Denver Fire Bylaw No. 575, 2004 is hereby repealed.

8. GENERAL

- 8.1. Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.
- 8.2. If any part, section, sentence, clause, phrase or word of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the bylaw had been adopted without the invalid portion.

9. EFFECTIVE DATE

9.1. This bylaw shall take effect upon adoption.

READ A FIRST TIME this 10th day of November, 2020.

READ A SECOND TIME this 10th day of November, 2020.

READ A THIRD TIME this 10th day of November, 2020.

RECONSIDERED AND FINALLY ADOPTED this 24th day of November, 2020.

MAYOR

CORPORATE OFFICER

Certified to be a true copy of "Village of New Denver Fire Department Bylaw No. 731, 2020".

CORPORATE OFFICER