

CITY OF CASTLEGAR

BYLAW 700

A bylaw to provide for the establishment and operation of a fire department.

WHEREAS pursuant to Section 699 of the Municipal Act Council may, by bylaw, establish a fire department;

AND WHEREAS Council deems it to be in the public interest of good government to establish such a fire department;

NOW THEREFORE the Council of the City of Castlegar, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "Fire Department Bylaw No. 700".

Definitions

2. In this bylaw, unless the context otherwise requires,
 - (a) "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.
 - (b) "Council" means the Council of the City of Castlegar.
 - (c) "Deputy Fire Chief" means an Officer appointed to act on behalf of the Fire Chief during the Fire Chief's absence.
 - (d) "Equipment" means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.
 - (e) "Fire Chief" means the member appointed by Council, as head of the Fire Department, and shall be deemed to be a Municipal Officer as defined in the Municipal Act.
 - (f) "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.
 - (g) "Incident" means a fire or a situation where a fire or explosion is imminent and includes assistance response circumstances described in section 7 of this Bylaw.
 - (h) "Member" means any person that is a member of the City of Castlegar Fire Department.
 - (i) "Officer" means a member appointed with the rank of Lieutenant and above and given specific authority to assist the Fire Chief in his duties.

Administration

3. The Fire Chief shall be appointed by a resolution of Council.
4. Officers and members shall be appointed by the Fire Chief.

5. The Fire Chief may appoint an Officer of the Fire Department to act as Deputy Fire Chief on his behalf during his absence.
6. 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 City of Castlegar, and no part of the fire apparatus shall be used beyond the limits of the jurisdiction unless:
 - (a) with the express authorization of a written contract or agreement for the supply of fire fighting and assistance response services outside the established boundaries, or;
 - (b) an incident exists, which in the opinion of the Fire Chief poses an immediate threat to any property within the City boundary, or;
 - (c) a declared Municipal or Provincial emergency exists and the Fire Department is Ordered to respond, or;
 - (d) approved by Council.
7. 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 and assistance response activities and such other activities as Council directs including but not limited to:
 - (a) first response medical emergencies;
 - (b) rescue operations;
 - (c) mutual aid to fire services;
 - (d) responses to hazardous material incidents;
 - (e) public services.
8. The Fire Chief shall establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including but not 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.
9. The members of the Fire Department may organize for social purposes and other purposes intended to further the interest and welfare of the Fire Department and its members.

No rule or regulation of any such social organization shall in any way limit the authority or responsibility of the Fire Chief or hinder or impede the operation of the Fire Department.
10. The Fire Chief, or in his absence, the senior ranking Officer or member present, shall have control, direction and management of all Fire Department apparatus, equipment or manpower assigned to an incident and, where a member is in charge, he shall continue to act until relieved by a senior Officer.

11. 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.
12. Officers and members of the Fire Department shall carry out the duties and responsibilities assigned to the Fire Department by Bylaw, and the Fire Chief shall report to the Administrator on the operations of the Fire Department or on any other matter in the manner designated by the Administrator.

Fire Prevention

13. The Fire Chief or any member authorized by the Fire Chief, may at any reasonable time enter any premise for the purpose of fire protection matters.

Firefighting Operations

14. The Fire Chief, or any other member in charge, at an incident 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.
15. The Fire Chief, or any other member in charge, at an incident is empowered to enter at any time, premises or property where the incident occurred and to cause any member, apparatus, or equipment of the Fire Department to enter, as he deems necessary, in order to combat, control or deal with the incident.
16. The Fire Chief, or the member in charge, at an incident is empowered during the incident 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.
17. 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 by him.
18. The Fire Chief may obtain assistance from other Municipal employees and Officers as he deems necessary in order to discharge his duties and responsibilities under this bylaw.
19. The Fire Chief or member in charge of an incident may request persons who are not members to assist in whatever manner he considers necessary to deal with the incident.
20. The Fire Chief or member in charge of an incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an incident.

Prohibitions

21. No person shall refuse the Fire Chief or any member authorized by the Fire Chief to:
 - (a) enter any premise, at a reasonable time, for the purpose of fire protection matters, or;
 - (b) enter at any time, premises or property where an incident has occurred or is occurring or any member, apparatus, or equipment of the Fire Department to enter, as deemed necessary, in order to combat, control or deal with the incident, or;
 - (c) enter, pass through or over buildings or property adjacent to an incident or to allow apparatus and equipment of the Fire Department to enter or pass through or over buildings or property, where deemed necessary to gain access to the incident or to protect any person or property.
22. No person shall enter the boundaries or limits of an area prescribed in accordance with Section 17 unless he has been authorized to enter by the Fire Chief or member in charge.
23. No person shall refuse, without lawful excuse, a request to assist by the Fire Chief or member in charge at an incident.
24. No person shall refuse, without lawful excuse, to allow the use of privately owned equipment in order to deal with an incident upon request of the Fire Chief or member in charge.
25. 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.
26. No person shall damage or destroy, or obstruct, impede or hinder the operation of, any Fire Department apparatus or equipment.
27. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.
28. No person shall falsely represent himself as a Fire Department member.
29. 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.
30. No person shall cause an alarm to be transmitted to the Fire Department, either by telephone, building fire alarm system, in person, or by any other means, knowing that an emergency or incident does not exist.
31. No person shall interfere with, tamper with, destroy or use any equipment, including fire hydrants, meant for fire protection purposes without authorization from the Fire Chief or member in charge, or in the case of privately owned equipment, from the property owner. In the case of public fire hydrants, authority may also be granted by the Superintendent of Public Works.

32. 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 thus violating any of the provisions of this bylaw, shall be deemed to have committed an offence, 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.

General

33. City of Castlegar Fire Department Bylaw 452 and all amendments are hereby repealed.
34. This bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME on the 16th day of August, 1994.

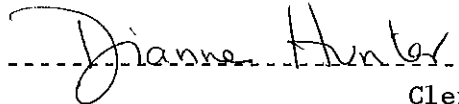
READ A SECOND TIME on the 16th day of August, 1994.

READ A THIRD TIME AND PASSED on the 16th day of August, 1994.

ADOPTED on the 6th day of September , 1994.



Mayor



Clerk