

DISTRICT OF WELLS

BYLAW NO. 28, 2000

A Bylaw to Provide for the Establishment and Operation of a Volunteer Fire Department in the District of Wells.

WHEREAS, pursuant to the Local Government Act, a municipality is empowered to provide by bylaw for the establishment and control of a Volunteer Fire Department:

NOW THEREFORE the Council of the District of Wells in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Wells Volunteer Fire Department Establishing bylaw No. 28, 2000".
2. The Municipal Fire Department is hereby established and will be known as the District of Wells Volunteer Fire Department.
3. In this Bylaw, unless the context otherwise, requires:

"Apparatus" means any vehicle provided with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport firefighters or supplies.

"Council" means the Council of the District of Wells.

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

"Fire Chief" means the member appointed by Council as head of the Volunteer Fire Department and shall be deemed to be a Municipal Public Officer as defined in the Local Government Act.

"Fire Protection" means all aspects of fire safety including but not limited to fire protection, firefighting 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 Council as a member of the Volunteer Fire Department and shall be deemed to be a Municipal Public Officer as defined in the Local Government Act.

"Premises" means as defined in the B.C. Fire Services Act and the B.C. Building Code.

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

5. Other officers and members, as the Fire Chief deems necessary, may be appointed by Council.
6. The Fire Chief may appoint other officers of the Volunteer Fire Department to act as Fire Chief on his behalf.
7. All those persons whose names are included in a list supplied by the Fire Chief and approved by Council, are hereby appointed members of the Wells Volunteer Fire Department.
8. The limits of the jurisdiction of the Fire Chief, and the officers and members of the Volunteer Fire Department will extend to the areas and boundaries of the District of Wells and no part of the fire apparatus shall be used beyond the limits of the District of Wells , without,
 - (a) the express authorization of a written contract or agreement providing for the supply of firefighting services outside the municipal boundaries: or
 - (b) the approval of Council.
9. The Fire Chief has complete responsibility and authority over the Volunteer 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 from fire or threat of fire,
 - (b) other incidents,
 - (c) pre-fire planning,
 - (d) fire disaster planning,
 - (e) preventive patrols,
 - (f) fire prevention education.
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 Volunteer Fire Department including but not limited to:
 - (a) use, care and protection of Volunteer Fire Department property,
 - (b) conduct and discipline of officers and members of the Volunteer Fire Department, and
 - (c) efficient operations of the Volunteer Fire Department.
11. The Fire Chief, or in his absence, the senior ranking member present, shall have control, direction and management of all Volunteer 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.
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 Volunteer Fire Department shall carry out the duties and responsibilities assigned to the Volunteer Fire Department by the Council, and the Fire Chief shall report to the Council on the operation of the Volunteer Fire Department or on any other matter in the manner designated by Council.
14. The Fire Chief, or any member of the Volunteer Fire Department authorized by Council, may at all reasonable hours enter any premises to inspect them and ascertain whether or not:
 - (a) the premises are in a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
 - (b) the premises are so used or occupied that fire would endanger life or property;
 - (c) combustible or explosive material is kept or other flammable conditions exist on the premises so as to endanger life or property;
 - (d) a fire hazard exists on the premises.
15. 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.
16. 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 Volunteer Fire Department to enter, as he/she deems necessary, in order to combat, control or deal with the incident.
17. 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 Volunteer 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.
18. 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.
19. 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.
20. The Fire Chief, or the member in charge, at the incident may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 18.
21. 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.

22. No person at an incident, or training session, shall impede, obstruct or hinder a member of the Fire Department or other person assisting or acting under the direction of the Volunteer Fire Department or other person assisting or acting under the direction of the Fire Chief or the member in charge.
23. No person shall damage or destroy Volunteer Fire Department apparatus or equipment.
24. No person at an incident shall drive a vehicle over any equipment without the permission of the Fire Chief or the member in charge.
25. No person shall falsely represent him/herself as a Volunteer Fire Department member.
26. 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 by Council for firefighting purposes.
27. The Fire Chief or the member in charge of an incident may request or hire 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.
28. The Fire Chief or the member in charge of an incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an incident. Remuneration rates shall be set out annually by the Council.
29. 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 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 offence, and upon a summary conviction is liable to imprisonment for a term of not more than six months or to a fine of not more than \$2,500 or to both fine and imprisonment.
30. Public information statements regarding an incident shall be limited to the Fire Chief, his/her designate and/or the Mayor or his/her designate.
31. The Council shall determine the remuneration of all members of the Volunteer Fire Department.
32. If a section, subsection, sentence, clause or phrase in this Bylaw is for any reason held to be invalid by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

READ A FIRST TIME this 8th day of August, 2000

READ A SECOND TIME this 8th day of August, 2000

READ A THIRD TIME this 8th day of August, 2000

FINALLY ADOPTED by Council this 19th day of September, 2000

signed by David Hendrixson, Mayor
and by Doug Ruttan, Clerk

Registered in the office of the Inspector of Municipalities this 22nd day of February 2001