

**REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN
BYLAW NO. 2566, 2011**

A bylaw to provide for the prevention of fires, the prevention of the spread of fire, and for the preservation of life and property within the Regional District of Okanagan-Similkameen (the "RDOS").

WHEREAS section 796(1) of the *Local Government Act*, Chapter 323, R.S.B.C. 1998 provides that subject to the specific limitations and conditions established under this or another Act, a regional district may operate any service that the board considers necessary or desirable for all or part of the regional district; and

WHEREAS Fire Protection is a Regional District Service authorized by Supplementary Letters Patent (SLP) dated March 16, 1976; and

WHEREAS the Board of the RDOS, by bylaw, has established fire protection service areas to provide fire prevention and suppression and other approved services; and

WHEREAS the Board of the RDOS deems it expedient to operate and regulate Fire Departments to provide emergency services within the RDOS;

NOW THEREFORE, the Board of the RDOS in open meeting assembled enacts as follows:

Short Title

1. This Bylaw may be cited as the "Emergency Services Bylaw No. 2566, 2011".

Definitions

2. In this bylaw, unless the context otherwise requires,
 - (a) "AUTO EXTRICATION SERVICE" means a road rescue service using various methods and equipment to disentangle a victim from a vehicle as a result of a motor vehicle incident;
 - (b) "BOARD" means the Board of Directors of the RDOS;
 - (c) "CAO" means the Chief Administrative Officer for the RDOS;
 - (d) "DANGEROUS GOODS" means any material or substance as defined by the *Transport of Dangerous Goods Act*, as amended from time to time;
 - (e) "EMERGENCY EQUIPMENT" means any vehicle, firefighting apparatus, tools and equipment providing a service to the Fire Department;
 - (f) "EMERGENCY SERVICES SUPERVISOR" means the position responsible for supporting the RDOS Fire Service;

- (g) "FIRE CHIEF" means the officer in charge of a fire department, or his designate, as appointed by the CAO from time to time;
- (h) "FIRE DEPARTMENT" means the established volunteer Fire Department for a given Fire Protection Service Area;
- (i) "FIRE PROTECTION" means all aspects of fire safety including but not limited to fire prevention, fire suppression, pre-fire or pre-emergency planning, fire investigation, public education and information;
- (j) "FIRE PROTECTION SERVICE AREA" means the service area as established by the relevant Fire Protection Service Establishment Bylaw of the RDOS, as amended from time to time;
- (k) "FIRE SERVICE" means all of the established volunteer Fire Departments that are services of the RDOS;
- (l) "FIRST RESPONDER PROGRAM" means pre-ambulatory care by a Member trained by a recognized accredited agency and licensed by the BC Ministry of Health – Emergency Medical Assistant Licensing Branch (EMALB);
- (m) "INCIDENT" means a situation, including but not limited to:
 - (i) where a fire or explosion has occurred or has the potential of being imminent;
 - (ii) a motor vehicle incident; or
 - (iii) where hazardous goods may reasonably be expected to present a danger to persons, property or the environment; and, other classes of emergencies as designated herein;
- (n) "IC" means INCIDENT COMMANDER, means MEMBER in charge of an incident under the Incident Command System (ICS), as set forth under the B.C. Emergency Response Management System (BCERMS);
- (o) "MANAGER OF COMMUNITY SERVICES" means the Manager of Community Services for the RDOS;
- (p) "MEMBER" means any person appointed by the Fire Chief as a Member of the Fire Department and includes without limitations the officers, firefighters, and administrative staff of the department;
- (q) "OFFICER" means a Member appointed by the Fire Chief as an Officer of the Fire Department, but nothing in this Bylaw makes such persons officers for the purposes of S. 196 of the *Local Government Act*;
- (r) "RESCUE" means any situation where a person or persons are saved by quick and forceful action from immediate or threatened danger such as death or injury;

- (s) "RDOS" means the Regional District of Okanagan-Similkameen;

Administration

3. The Manager of Community Services of the RDOS shall administer this Bylaw.

Fire Department Establishment

4. The Fire Departments identified in Schedule "A" shall be known by the name listed and be responsible for the Fire Protection Service Area established by separate bylaw.

Limits of Jurisdiction

5. The jurisdiction of a Fire Department is restricted to the boundaries of the Fire Protection Service Area. The Fire Department shall not respond to any calls for Fire Protection under this Bylaw outside of the boundaries of the Fire Protection Service Area except as follows:
- (a) When, in the opinion of the IC, an Incident that occurred in the Fire Protection Service Area or outside the Fire Protection Service Area is considered to be a threat to persons or property within the Fire Protection Service Area; or
 - (b) When a mutual aid agreement is in place for the area requiring assistance, in which case, the response would be restricted to the area covered by the mutual aid agreement; or
 - (c) When there is a conscription of apparatus and manpower during declaration of a provincial emergency under the *Emergency Program Act*.

Adoption of the Fire Services Act – Chapter 144 and British Columbia Fire Code 2006

6. It is hereby declared that the current editions of the *Fire Services Act – Chapter 144* and the *British Columbia Fire Code 2006* and its regulations thereto, (which is based on the *National Fire Code of Canada*), issued by the Province of British Columbia, as amended from time to time, or any subsequent British Columbia Fire Code(s) which may be enacted, shall be in force in the RDOS.

Authority of the Fire Chief

7. The Fire Chief shall have complete operational responsibility and authority over the Fire Department, subject to the administrative direction and control of the CAO or his designate.
8. The Fire Chief may assume responsibility of the local assistant to the Fire Commissioner ("L AFC") upon request to the CAO or his designate.
9. The Fire Chief, or in the absence of the Fire Chief, the highest ranking Member present, shall have control, direction and management of all emergency equipment and personnel assigned to an incident.

10. The Fire Chief is empowered to cause any 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.
11. The Fire Chief is empowered to enter any premises or property where an Incident has occurred and to authorize any Member, apparatus or equipment of the Fire Department to enter, as deemed necessary, in order to control, combat or deal with the Incident.
12. The Fire Chief is empowered to order the evacuation of persons or establish boundaries or limits and keep persons from entering the hazardous area.
13. The Fire Chief is empowered to order all adults present at a fire to assist in its suppression, if required. All persons present at or assisting in the suppression of a fire shall obey the commands of the Fire Chief.
14. Any Member acting in good faith in the discharge of the duties required by this bylaw shall not be personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of those duties.
15. The RDOS shall indemnify any Member or former Member who acts or acted in the discharge of duties required by this bylaw, against all costs, charges and expenses, including amounts paid to settle an action or to satisfy a judgment, reasonably incurred by the Member in respect of any civil, criminal or administrative action or proceeding to which the Member is made a party by reason of being or having been a Member, if:
 - (a) the Member acted honestly and in good faith in the discharge of the Member's duties;
 - (b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, the member had reasonable grounds for believing that his or her conduct was lawful; and
 - (c) the RDOS was put on notice of the action and was permitted to assume carriage and control thereof on behalf of the Member.

Scope of the Fire Service

16. The Emergency Services Supervisor is authorized to establish an appropriate training program for the Fire Service and ensure Members are qualified to safely perform the scope of work authorized by this bylaw.
17. The Emergency Services Supervisor is authorized to design & implement standards for the fire service with regard to emergency equipment, fire protection and first responder programs.

Scope of Fire Departments

18. Fire Departments are hereby authorized to provide fire protection and other emergency services as follows:
- (a) Those Fire Departments listed in Schedule "A", attached to and forming part of this bylaw, are authorized to provide Fire Protection services in accordance with this bylaw.
 - (b) Those Fire Departments listed in Schedule "B", attached to and forming part of this bylaw, are authorized to provide Auto Extrication Services in accordance with this bylaw.
 - (c) Those Fire Departments listed in Schedule "C", attached to and forming part of this bylaw, are authorized to provide First Responder Program services in accordance with this bylaw.
 - (d) Those Fire Departments listed in Schedule "D", attached to and forming part of this bylaw, are authorized to provide Rescue services in accordance with this bylaw.

Fire Departments' may only provide those services they are duly qualified to provide.

Correction of Immediate Hazards

19. Whenever the Fire Chief finds combustible or explosive material, flammable liquids or hazardous chemicals being used, stored or kept in such a manner as to constitute a threat to persons or property, the Fire Chief may, verbally or in writing, order the owner, tenant, occupant or agent responsible to remove the combustible or explosive material, flammable liquid, or hazardous chemical immediately from the building or premises.
20. Whenever the Fire Chief finds a building, structure or premise or part thereof which is unoccupied and which, in the opinion of the Fire Chief, is not being kept in a safe condition to guard against fire or the risk of fire or other dangerous risk or accident, the Fire Chief may order the owner, tenant, occupant or agent responsible to remedy the dangerous condition and to secure the building, structure or premise or part thereof in such a manner as to prevent any unauthorized use by any person while it is unoccupied.
21. In the event of an immediate hazard, if the owner, tenant, occupant or agent responsible refuses or neglects to comply with the order of the Fire Chief to remedy the hazardous condition, or if the owner, tenant, occupant or agent responsible for the building or area cannot be located, the Fire Chief may take such action as is appropriate, without notice and at the expense of the owner, and the RDOS shall recover the expense thereof with costs, in a like manner as property taxes.
22. Without limiting the generality of the foregoing, when immediate measures must be taken to avoid imminent danger of fire or risk of accident, the Fire Chief may cause the evacuation of any building or area, he may order that the building or area remain evacuated until the hazard is removed, and the Fire Chief may direct the RCMP and other municipal officials to assist in this regard.

Offences

23. No person at an Incident shall obstruct, hinder or delay a Member or other person assisting or acting under the direction of the Fire Chief.
24. No person shall drive any vehicle over any equipment or fire hose without the permission of the Fire Chief.
25. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire incident, fire hydrant, cistern, or any connections provided to a fire main, pipe, standpipe, sprinkler system or any body of water designated for firefighting purposes.
26. No person shall falsely represent himself as a Fire Department Officer or Member.

Bylaw Enforcement

27. The Fire Chief shall be responsible for the enforcement of the provisions of this bylaw.
28. Without limiting the right of entry of a Member during an Incident, the Fire Chief may inspect any building or premises, and for such purpose may at all reasonable hours, and upon producing proper identification, enter into and upon the building or premises to conduct an inspection to determine compliance with the provisions of this bylaw.
29. The Fire Chief may order any person who contravenes this bylaw to take such measures as are specified in the order to forthwith remedy the non-compliance with this bylaw.

Information in an Order

30. An order issued pursuant to this bylaw shall contain at least the following information:
 - (a) The name and address of the person upon whom the order is served;
 - (b) The day on which the offence is alleged to have been committed;
 - (c) The address of the premises under consideration;
 - (d) Reasonable particulars of this bylaw with respect to which the noncompliance is alleged;
 - (e) A requirement that the person served shall remedy the non-compliance; and
 - (f) A prescribed time frame during which the non-compliance must be remedied.

Right to Appeal

31. All appeals may be appealed to the CAO.

Penalties

32. Every person commits an offence who:
 - (a) Fails to comply with an order issued pursuant to this bylaw; or,
 - (b) Fails to provide information or assistance as required by this bylaw; or,

- (c) Knowingly states anything false in information delivered or furnished to the Fire Chief or any Member of the Fire Department; or,
 - (d) Obstructs or interferes with an inspection under this bylaw.
33. Nothing in this Bylaw shall restrict the RDOS from utilizing any other remedy that would otherwise be available to the RDOS at law.
34. Each day's continuance of an offence under this bylaw constitutes a new and distinct offence.
35. A person commits an offence who violates any provision of this bylaw and shall be liable, on conviction:
- (a) to a fine in the maximum amount of Ten Thousand Dollars (\$10,000.00) or to imprisonment; for no more than Six (6) months, or both; and
 - (b) in case of a continuing offence, to a further penalty for each day during which the offence continues as provided by the Offence Act.

The penalties hereunder shall be in addition to and in substitution for any other penalty or remedy available under this bylaw, the *Local Government Act*, other Bylaw of the RDOS, the *Fire Services Act* or law.

36. Notwithstanding any section of this bylaw, where a person upon whom an order has been served fails to comply with the order and has not appealed from the order, or has appealed from the order and a decision has been rendered against him, the Board may take the necessary action to perform the work required by the order, and the Board may recover the expenses thereof with costs, in a like manner as property taxes.

Severability

37. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Superiority Clause

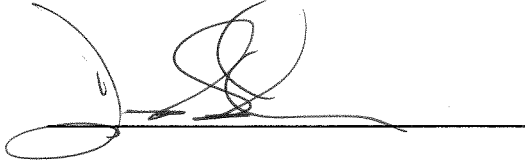
38. Wherever this Bylaw sets out Fire Service Regulations with respect to Fire Departments and other such RDOS bylaws contain Fire Service Regulations, this Bylaw is deemed to prevail.

Coming into Force

39. This bylaw shall come into full force and effect upon final passage thereof.

READ A FIRST, SECOND AND THIRD TIME this 4th day of August, 2011.

ADOPTED by at least 2/3 of the Votes this 4th day of August, 2011

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

RDOS Board Chair

A handwritten signature in black ink, appearing to read "Boris W. well", positioned above a solid horizontal line.

Chief Administrative Officer

Regional District of Okanagan Similkameen

Bylaw No. 2566, 2011

Schedule "A"

Fire Protection Services

The following Fire Departments are authorized to provide all aspects of fire protection in accordance with this bylaw:

Anarchist Mountain Volunteer Fire Department
Kaleden Volunteer Fire Department
Keremeos and District Volunteer Fire Department
Naramata Volunteer Fire Department
Okanagan Falls Volunteer Fire Department
Tulameen Volunteer Fire Department
Willowbrook Volunteer Fire Department

The assistance to be provided by the Fire Department is restricted to the level of service for which each Fire Department and individual firefighter is qualified to provide.

Regional District of Okanagan Similkameen

Bylaw No. 2566, 2011

Schedule "B"

Auto Extrication Services

The following Fire Departments are authorized to provide auto extrication services in accordance with this bylaw:

Anarchist Mountain Volunteer Fire Department
Kaleden Volunteer Fire Department
Naramata Volunteer Fire Department
Okanagan Falls Volunteer Fire Department
Keremeos and District Volunteer Fire Department

The assistance to be provided by the Fire Department is restricted to the level of service for which each Fire Department and individual firefighter is certified to provide.

Regional District of Okanagan Similkameen

Bylaw No. 2566, 2011

Schedule "C"

First Responder Program Services

The following Fire Departments are authorized to provide First Responder Program Services in accordance with this bylaw:

Kaleden Volunteer Fire Department
Naramata Volunteer Fire Department
Okanagan Falls Volunteer Fire Department

The assistance to be provided by the Fire Department is restricted to the level of service for which each Fire Department and individual firefighter is certified to provide.

Regional District of Okanagan-Similkameen

Bylaw No. 2566, 2011

Schedule "D"

Fire Inspection Service

The following Fire Departments are authorized to provide a Fire Prevention Program in accordance with this bylaw:

Okanagan Falls Volunteer Fire Department
Keremeos and District Volunteer Fire Department

The program to be provided by the Fire Department is restricted to the level of service for which each Fire Department and individual firefighter is certified to provide.

Regional District of Okanagan Similkameen

Bylaw No. 2566, 2011

Schedule "E"

Rescue Services

The following Fire Departments are authorized to provide the following specialized rescue services in accordance with this bylaw:

Still Water Rescue

Naramata Volunteer Fire Department
Kaleden Volunteer Fire Department
Okanagan Falls Volunteer Fire Department

Swiftwater Rescue

None at this time

Ice Rescue

None at this time

Low Angle Rescue

Anarchist Mountain Volunteer Fire Department
Kaleden Volunteer Fire Department
Keremeos and District Volunteer Fire Department
Naramata Volunteer Fire Department
Okanagan Falls Volunteer Fire Department

Hi-Angle Technical Rope Rescue

None at this time

The assistance to be provided by the Fire Department is restricted to the level of service for which each Fire Department and individual firefighter is certified to provide.