

VILLAGE OF NAKUSP

BYLAW NO.588

A Bylaw to provide for the operation of a Fire Department and to provide for fire regulations and enforcement for protection of persons and property

The Council of the Village of Nakusp, in open meeting assembled, enacts as follows:

1. DEFINITIONS

In this Bylaw:

'CAO' means the Chief Administrative Officer appointed by Council

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

'Council' means the Council of the Village of Nakusp

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

'Fire Chief' means the person appointed by Council, upon member election, as head of the Fire Department and shall be deemed to be a Municipal Officer as defined in Section 146(b) of the *Community Charter*

'Fire Department' means the Nakusp and District volunteer 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

'Fire Protection Boundary' means the area outlined in heavy black in Schedule 'A' of this Bylaw

'Incident' means a fire or a situation where a fire or explosion is imminent, or any other situation presenting an emergency situation or possible threat to the life or property and to which the Fire Department has responded

'Incident Commander' means the most qualified first responder at an incident shall assume command of an Incident

'Local Assistant to the Fire Commissioner' means the Fire Chief, or persons authorized in writing by Council upon recommendation from the Fire Chief

'Member' means any person appointed by the Membership Committee of the Fire Department

'Membership Committee' means a Committee of the Fire Department consisting of the Fire Chief, two Officers and 5 Members of the Fire Department with no less than three years of service each; these 5 Members will be changed annually

'Municipality' means the Village of Nakusp

'Officer' means a Member appointed by the Fire Chief with the rank of Lieutenant and above and given specific authority to assist the Fire chief in his duties; a list of officer appointments will be presented to Council as soon as they are appointed

'PEP' means the Provincial Emergency Plan

'Public Safety Officer' means the Fire Chief or his designate

2. FIRE DEPARTMENT

The Fire Department is established and is known as the Nakusp and District Volunteer Fire Department,

3. FIRE CHIEF

- a. The Fire Chief shall be appointed by resolution of Council, following his election by the Members, and shall be deemed an officer of the municipality.
- b. The Fire Chief shall appoint the following Officers:
 - i. one Deputy Chief
 - ii. two Captains
 - iii. two Lieutenants
 - iv. Training Officers as needed
 - v. Safety Officers as needed

4. MEMBERS

- a. The Fire Chief shall maintain a roster of all Members.
- b. A person is qualified to be appointed a Member of the Fire Department for fire fighting duties who:
 - i. is at least 19 years of age;
 - ii. is of good character and provides two character reference letters;
 - iii. a Criminal Records Search and Drivers' Abstract must be provided with application;
 - iv. passed such aptitude and physical tests as may be required by the Fire Chief. Such tests must be of a standard form;
 - v. is medically fit and has an acceptable level of unaided eyesight as certified by a physician approved or designated by the Fire Chief.
- c. The Fire Chief or an appointed designate, shall evaluate all applicants for work in the Fire Department and shall recommend to the Membership Committee the appointments of any qualified person as a Member.
- d. A person appointed as a Member shall be on probation for a period of six (6) months, during which period he or she shall take such training and examinations as may be required by the Fire Chief. If a Member fails such training or examinations during the probation period, the Membership Committee may dismiss that Member.

- e. No Member or applicant for enrolment to the Fire Department shall solicit the influence or support of another Member of the Fire Department or the Fire Chief, to secure appointment, transfer, promotion or other advantage.
- f. All those persons whose names appear on Schedule 'B' attached to this Bylaw are appointed Members of the Fire Department.

5. POWERS AND DUTIES OF THE FIRE CHIEF

- a. The jurisdiction of the Fire Chief and the Members of the Fire Department extends to the Fire Protection Boundary and no part of the Fire Department Apparatus shall be used beyond the Fire Protection Boundary without:
 - i. the express authorization of a written contract or agreement providing for the supply of fire fighting, rescue or first responder services outside the Fire Protection Boundary; or
 - ii. authorization of the Fire chief or, in the absence of the Fire Chief, the Deputy Fire chief, in an extreme emergency situation. An emergency situation will be defined as, and PEP will reimburse the Municipality for fire vehicles or rescue trucks responding to an area outside the district with no fire protection or auto extrication, under the following circumstances:
 - 1. request made by police, ambulance, Emergency Program Coordinator, BC Forest Service or a PEP Regional Manager;
 - 2. in the case of fire, there must be an imminent threat to life, actual or implied (ie there is a person trapped);
 - 3. in the case of a dangerous goods spill/leak, there must be an imminent threat to life, or serious threat to property or the environment (such as a waterway);
 - 4. PEP will not pay the costs over and above the fixed rate for extra shifts required to staff a fire hall;
 - 5. PEP will not pay 'fire truck and crew' rate for a fire truck to accompany a rescue truck, unless there is an indication a fire exists, or that fuel spills/leaks present a hazard. The 'additional truck' rate will apply.
 - iii. at all times the Fire Chief, or his Deputy, will ensure there are sufficient Apparatus and Equipment available to guarantee the safety of the residents inside the Fire Protection Boundary.
 - iv. if, at the time an emergency situation arises, the Fire Chief and his Deputy are absent, the approval of the Mayor or the CAO shall be necessary.
 - v. in the event that Apparatus and Equipment are authorized by the Fire Chief or his Deputy for use in an emergency situation outside the Fire Protection Boundary, the Officer in charge of the situation will advise the CAO as soon as reasonably possible.
- b. The Fire Chief has complete responsibility and authority over the Fire Department subject to the direction and control of Council, and in particular he shall carry out all Fire Protection activities including but not limited to:
 - i. rescue operations;
 - ii. mutual aid to fire services;
 - iii. response to hazardous material incidents, taking into consideration the fact that the Fire Department does not have a certified HazMat Team;

- iv. pre-fire and disaster planning;
 - v. preventative controls and inspections;
 - vi. public services;
 - vii. establishing incident response parameters.
- c. The Fire Chief may, in combination with the CAO, establish rules, regulations and policies necessary for the proper organization and administration of the Fire Department including but not limited to:
- i. use, care and protection of Fire Department property;
 - ii. efficient operation of the Fire Department;
 - iii. conduct of Members of the Fire Department.
- d. i. Subject to Section 5(d)(ii), the Fire Chief may reprimand or dismiss any Member for insubordination, inefficiency, misconduct, tardiness or non-compliance with this Bylaw or any rules and regulations established pursuant to Section 5(c);
- ii. A Member shall not be dismissed without being afforded an opportunity for a hearing before the Membership Committee if the Member submits a written request to the Membership Committee for a hearing within seven (7) days after the Member receives notice of his dismissal.
- iii. The Membership Committee shall either uphold the dismissal or reinstate the Member, citing reasons for reinstatement.
- e. The Fire Chief, or in his absence, the Incident Commander, 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 Member.
- f. The Fire chief is responsible for all Fire Protection matters including the enforcement of the *Fire Services Act* and regulations thereunder and shall perform the duties of a Local Assistant to the Fire Commissioner.
- g. The Fire Chief shall, upon request, report to Council on the operations of the Fire Department or on any other matter in the manner designated by council and shall, without limiting the generality of the foregoing, submit to Council for its approval the annual budget estimates of the Fire Department.
- h. The Fire Chief shall report to Council as soon as practicable any injuries sustained by any Member in the course of performing his or her duties as a Member.

6. DUTIES OF MEMBERS

- a. Members shall carry out the duties and responsibilities assigned by the Fire chief and the Fire Chief shall report to Council on the operations of the Fire Department or on any other matter in the manner designated by Council.
- b. The Fire Brigade's Constitution will, in no way, affect how the Municipality manages the Fire Department.

7. INDEMNIFICATION

The 'Officers, Employees and Members of Council Indemnification Bylaw No.349' applies to the Fire Chief, Officers and Members of the Fire Department.

8. ENTRY TO PREMISES AND PROPERTY

- a. The Fire Chief, or an authorized Local Assistant to the Fire Commissioner, may at any reasonable time, enter any premises for the purposes of Fire Prevention inspections and it is an offence under this Bylaw to obstruct such an inspection.
- b. The Fire Chief, or any Incident Commander at a fire, is authorized 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.
- c. The Fire Chief, or any Incident Commander, is authorized 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. The Fire Chief or the Incident Commander is authorized to enter, pass through or over buildings or property adjacent to an Incident and to cause Members, apparatus or 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.

9. INCIDENT BOUNDARIES

- a. The Fire Chief, or any Incident Commander, may at his discretion establish boundaries or limits to keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Fire chief or Member.
- b. No person shall enter the boundaries or the limits of an area prescribed in accordance with Section 9(a) unless they have been authorized to enter by the Fire Chief or the Incident Commander.
- c. The Fire Chief, or any Incident Commander, may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined pursuant to Section 9(a) of this Bylaw.
- d. The Fire Chief may obtain assistance from other officials as he deems necessary in order to discharge his duties and responsibilities under this Bylaw.

10. NO OBSTRUCTION

- a. Except with the Fire Chief's permission, no one other than the Fire Chief or a Member shall ride in any Apparatus on route to or returning from an Incident or practice.
- b. No person at an Incident or practice shall impede, obstruct or hinder a Member or other person assisting or acting under the direction of the Fire chief or the Incident Commander.
- c. No person shall damage or destroy, or obstruct, impede or hinder the operation of any Fire Department Apparatus or Equipment.
- d. No person at an Incident shall drive a vehicle over any Equipment without permission of the Fire Chief, the Incident Commander or any appointed traffic controller.

- e. No person shall falsely represent themselves as a Fire Department Member. This includes removal of Fire Department vehicle license plates and Fire Department decals.
- f. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any Incident, practice, fire hydrant, cistern or body of water designated for fire fighting purposes or practices.

11. REQUEST FOR ASSISTANCE

- a. The Fire Chief or the Incident Commander may request persons who are not Members to assist in whatever manner he considers necessary to deal with the Incident including 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.
- b. The Fire Chief or the Incident Commander is authorized to commandeer privately owned Equipment which they consider necessary to deal with an Incident. Remuneration in the amount determined appropriate by Council shall be paid to the owner of the Equipment.

12. AGREEMENTS

- a. RDCK Bylaw No.809– Schedule C
- b. RDCK Bylaw No.1002 – Schedule D
- c. RDCK Bylaw No.1250 – Schedule E

13. APPLICATION OF REGULATIONS PURSUANT TO *FIRE SERVICES ACT*

- a. The *Fire Services Act* and all regulations passed pursuant to the *Fire Services Act* shall apply within the Municipality and where provisions are not specifically covered in this Bylaw, the *Fire Services Act* and regulations pursuant thereto, the published standards of the Canadian Standards Association, the Standards of the National Fire Protection Association and Underwriters Laboratories of Canada shall apply and become part of this Bylaw.
- b. It shall be the duty of the Public Safety Officer to execute the responsibilities of the Municipality with respect to the *Fire Services Act* and regulations made pursuant thereto.

14. OUTDOOR FIRES

- a. No person, anywhere within the geographical boundaries of the Municipality shall light or start, or knowingly permit or cause to start or ignite any fire, other than a campfire, in the open air without first obtaining a Burning Permit from the Public Safety Officer, attached as Schedule 'F'. A competent person shall remain in charge of such fire at all times until such fire is extinguished.
- b. All burning shall be done during daylight hours, unless in the case of clearing land, special permit has been issued by the Public Safety Officer.
- c. It shall be unlawful for any person anywhere within the boundaries of the Municipality, at any time, to allow any fire started or ignited by him to escape from the point of origin. Such person shall be liable for any or all damages caused by the said fire, and/or all costs of the Fire Department in extinguishing same.

d. Conditions for burning shall be as follows:

- i. burning permits are required year-round and will be issued for a period of one week (renewable);
- ii. back-yard burning only;
- iii. no burning on Broadway Street between alleys on either side from alley on north side of Broadway to alley on south side of Broadway;
- iv. no burning in any place deemed unsafe or unacceptable by the Fire Chief;
- v. fire must be at least 3 meters from any combustible material; and at least 30 meters from any flammable liquids and any fuel containing tanks;
- vi. fire must be no more than 1 meter square by 1 meter high;
- vii. no burning of leaves or grass;
- viii. no burning of garbage;
- ix. Public Safety Officer may suspend burning at any time if conditions are deemed to be unsafe;
- x. fires must be either in a recognized fire pit or on mineral soil;
- xi. larger fires may be allowed under special permit from the Public Safety Officer.

15. FIRE PREVENTION

- a. The Public Safety Officer or any person under his authority is hereby authorized to inspect premises for conditions which may cause a fire or increase the danger of a fire or increase the danger to persons.
- b. No person shall impede, or in any way hinder any Officer or Member acting under the direction of the Public Safety Officer or other Officer while operating in the interest of fire prevention in the Municipality.
- c. No person shall deposit or allow to be deposited, ashes or other material or thing taken from any stove, furnace, fireplace or heating plant in anything other than a metal or other noncombustible container.
- d. No person shall deposit or allow or cause to be deposited, any greasy or oily rags or other materials or things or substances likely to ignite spontaneously, or aid in the spread of fire, in anything other than a suitable metal or noncombustible container or receptacle equipped with a close fitting lid.
- e. No person shall keep or store or cause to be kept or stored, any accumulation of packing material such as excelsior, paper, straw or other similar materials within any building except in a room especially provided or in covered metal containers that have been approved by the Public Safety Officer.
- f. No person shall place, keep or leave or allow to be placed, kept or left in or upon any roof, yard or court, or vacant lot or open space, or an portion of any building or premises within the Municipality any accumulation of waste paper, straw, moss, weeds, litter, shavings, chips (including decorative shavings and chips for garden cover), fragments of wood or other combustible waste or rubbish of any kind, except in areas so designated by the Public Safety Officer.
- g. The owner or occupant of any lands, premises, yards or buildings shall, at all times, keep the same, or cause the same to be kept in a safe condition satisfactory to the Public Safety Officer so as to guard against fire or other dangerous conditions.

- h. Whenever, in the opinion of the Public Safety Officer, smoking should be prohibited in any theatre, motion picture theatre or other place of public assembly or in any building or open space where combustible or flammable material is handled, stored or manufacture, he may give notice to the owner or person in charge that smoking is to be prohibited in such buildings or premises or part thereof and the owner or person in charge of such building or premises shall post suitable signs, and prohibit smoking therein.
- i. Except as provided in Section 16(a) of this Bylaw, no person shall use or permit to be used within any building any gasoline, naphtha or any other flammable liquids or highly volatile liquids, for the purpose of cleaning clothes, materials or things.
- j. No person shall allow, or permit to be allowed, any gasoline or other flammable liquids to enter into any drainage system, toilet tank or other fixture attached thereto, or connected to any sewer or drainage system.
- k. There shall be maintained in every garage, service station or premises handling, storing or selling highly flammable liquids, one or more approved fire extinguishes. The number and location of such extinguishers shall be according to the direction of the Public Safety Officer.
- l. Whenever in any building, there is required to be maintained any fire extinguishers, fire doors, fire shutters or any equipment or devices designed for the control or detection of fire, or in the sounding of an alarm of fire, such devices shall at all times be kept in good working order and ready for use.
- m. No person shall carry on the business of a garage, clothes cleaning establishment, paint shop or paint mixing shop, vulcanizing establishment, oil or gasoline station, or any other business, trade or process using flammable or combustible materials liable to cause or spread fire in any part of any building or premises unless such premises or building comply in all respects with the requirements of the Building Bylaw of the Village of Nakusp and amendments thereto.
- n. All auto paint spraying shall be performed in a fire resistant booth or room approved by the Public Safety Officer.
- o.
 - i. No person shall park or leave standing on a street or lane within the Municipality a motor vehicle when the fuel tank or fuel lines of same is in such a condition as to permit gasoline, or the contents of such tank to leak on the said street or lane.
 - ii. Without restricting the generalities of any other provision of this Bylaw, the Public Safety Officer or the Police Chief or anyone acting on their behalf and under their direction may cause said vehicle to be towed away and stored in a place of safe keeping and all costs for such towing and storage as well as any damage caused by the said faulty gasoline tank or fuel line shall be paid by the registered owner of the vehicle or his agent before said vehicle is released.
- p. The Public Safety Officer may order any person to clean or have cleaned chimneys, flues or other apparatus which in the opinion of the Public Safety Officer may, if not so cleaned, cause a fire or increase the danger of fire.

16. HEATING APPLIANCES

- a. All heating appliances burning oil, gas, wood, coal, electrical or any combustible fuel as a heat source shall be installed according to provincial regulations and shall be approved by the Public Safety Officer or the local Building Inspector.

- b. Installation, replacement or exchange of any solid or liquid fuel or electrical heating appliance shall be according to provincial regulations and shall be approved by the Public Safety Officer or the local Building Inspector.
- c. Clearance from combustible construction to oil, gas, wood, solid fuel appliances or electrical equipment shall be those published in the appropriate provincial installation guidelines including the *Fire Services Act* and shall be approved by the Public Safety Officer or local Building Inspector.

17. PENALTY PROVISIONS

Any person contravening any provisions of this Bylaw shall be deemed to have committed an offence and upon summary conviction is liable to a fine not exceeding \$200 for the first offence and not exceeding \$1,000 for each subsequent offence.

18. SCHEDULES

The Schedules attached to this Bylaw form part of this Bylaw.

19. SEVERABILITY

If any section, subsection or clause of this Bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed section, subsection or clause.

20. CITATION

This Bylaw shall be cited for all purposes as 'Nakusp and District Fire Department and Fire Regulations Bylaw No.588'.

21. REPEAL

- a. Village of Nakusp Fire Protection and Control Regulation Bylaw No.473, 1995, any and all amendments thereto are hereby repealed.
- b. Nakusp and District Volunteer Fire Department Bylaw No.441, 1996, any and all amendments thereto are hereby repealed.

READ A FIRST TIME THIS 26th DAY OF FEBRUARY, 2004

READ A SECOND TIME THIS 26TH DAY OF FEBRUARY, 2004

READ A THIRD TIME THIS 26TH DAY OF FEBRUARY, 2004

RECONSIDERED AND FINALLY ADOPTED THIS 3RD DAY OF MARCH, 2004.

MAYOR

CAO

