

CENTRAL COAST REGIONAL DISTRICT

BYLAW NO. 217

A bylaw of the Central Coast Regional District to provide for the establishment and operation of a Fire Department Executive Committee or Area E on the Bella Coola townsite.

WHEREAS the Regional Board has, by Bylaw No. 175, established the Local Service Area for the purpose of providing fire protection services to the residents of Area E;

AND WHEREAS, the Regional Board has, by Bylaw No. 182, established an Extended Local Service area to include Tonquin Road residents and areas West to Clayton Falls;

AND WHEREAS, the Regional Board deems it expedient to establish a Fire Department Executive Committee (FDEC) for Area E and the extended boundaries.

NOW THEREFORE the Board of Directors of the Central Coast Regional District in open meeting assembled enacts as follows:

1. TITLE:

This bylaw may be cited as the "Central Coast Regional District Bella Coola Volunteer Fire Department Executive Committee Establishment and Operation Bylaw No. 217, 1994."

2. The Bella Coola Fire Suppression Local Service Area Fire Department Executive Committee and Volunteer Fire Department are hereby established and are hereafter referred to as FDEC.

3. In this bylaw, unless the context otherwise requires,

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

Board means the Board of the Central Coast Regional District.

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 resolution of the FDEC, in accordance with Section 11 of this bylaw, as head of the Fire Department.

Fire Department means the Bella Coola 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 relating to fire safety, training, or other staff development and advising.

Incident means a fire or a situation where a fire or explosion is imminent, including but not limited to motor vehicle accidents.

Member means any person or officer that is duly appointed by the FDEC as a member of the Fire Department.

LOCAL SERVICE AREA MANAGEMENT COMMITTEE

4. The FDEC shall comprise of 3 executive members plus a CCRD representative, appointed annually by the Board on the recommendations of the Electoral Area Director, including the Fire Chief and the Electoral Area Director whose area is affected by the Fire Protection Local Service Area. Every member, excluding the Electoral Area Director, shall be either a property owner or resident within the Local Service Area.
5. A Quorum is a majority of the FDEC.
6. The FDEC shall elect a Chairman from its members, at the first meeting held in each year, who shall serve in such capacity until a successor is chosen.
7. All acts authorized or required by this Bylaw shall be performed by the FDEC and all other questions, including adjournment, that may come before the FDEC shall be decided by a majority of the FDEC members present at a meeting.
8. The Regional Board hereby delegates to the FDEC the administrative powers of the Board with respect to equipping, maintaining and operating the Fire Department, subject to the following:
 - a) no contract or agreement shall be entered into by the FDEC, nor shall the FDEC be deemed to have the right to contract by, for, or on behalf of the Board;

- b) the FDEC shall not incur any indebtedness or liability whatsoever unless the same has first been approved by the Board in the approved budget of the FDEC and is expressly contained in the provisional or final budget of the Central Coast Regional District for that year.
 - c) The FDEC is authorized and must approve budgetary expenditures as they relate to 8a) and 8b) before payment is issued.
9. On or before October 1st in each year the FDEC shall prepare, for the Regional District, a provisional budget for the next fiscal year not to exceed the maximum limit established by the CCRD, showing revenues and expenditures necessary to carry out the fire protection service, including sums that may be necessary to defray expenses of the FDEC. The proposed annual budget shall be in a form first approved by the Treasurer of the Regional District.
 10. The FDEC shall keep minutes of proceedings at all FDEC meetings and shall provide copies of same to the Regional Board on a regular basis.
 11. The Fire Chief shall be appointed by a resolution of the FDEC, upon the recommendation of the Fire Department.
 12. Other officers and members as the Fire Chief deems necessary, may be appointed by the FDEC.

FIRE DEPARTMENT

13. The Fire Chief, may, subject to ratification by the FDEC, appoint other officers of the Fire Department to act as Fire Chief on his behalf.
14. The FDEC shall provide the Board with a list of Fire Department members following the first meeting in each year and shall advise the Board of any amendments as they occur. The list shall be set out in terms of seniority so that it will be easy to identify who would be in charge if the senior officer is absent.
15. 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 local service area, and no part of the fire apparatus shall be used beyond the limits of the Local Service Area without the express authorization of a written contract or agreement entered into by the Board providing for the supply of fire fighting services outside the service area boundaries. Where the Fire Department responds to a call outside the service area boundaries., under

authorization by the Board, it shall be a general policy that 50% of the responding members of the Fire department will remain at the Fire Hall, with appropriate equipment, in order to ensure adequate protection to the specified area. This policy is of a general nature only and shall be subject to override by the Fire Chief or other officer in charge at his discretion depending on the severity, location and other details of the fire to which he has been requested to respond.

16. The Fire Chief has responsibility and authority over the Fire Department subject to the direction and control of the FDEC to which he shall be responsible, and in particular shall be required to carry out all fire protection activities and such other activities as the commission directs including but not limited to:
 - a) fire related rescues,
 - b) other incidents, (as defined in Section 3 of this bylaw)
 - c) pre-fire planning,
 - d) disaster planning related to fire safety, and
 - e) preventive patrols.
17. The Fire Chief, subject to ratification by the FDEC, shall establish rules, regulations, policies, and committees, not inconsistent with the rules, regulations, and policies of the Board, 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, and
 - d) wherever possible, the public shall be encouraged to submit copies of the floor plans for the buildings and structures located on properties within the local service area.
18. The Fire Chief, or in his absence, the senior ranking 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.
19. The Fire Chief, or other member, shall take responsibility for all fire protection matters, including the enforcement of the Fire Services Act and regulations thereunder and may assume the responsibilities of the Local Assistant to the Fire Commissioner upon recommendation by the Central Coast Regional District and ratification by the Office of the Fire Commissioner.

20. Officers and members of the Fire Department shall carry out the duties and responsibilities assigned to the Fire Department by the FDEC, and the Fire Chief shall report to the FDEC on the operations of the Fire Department or on any other matter in the manner designated by the FDEC.
21. The Fire Chief, or other member of the Fire Department, appointed as the Local Assistant to the Fire Commissioner, may at any reasonable time enter any premise for the purpose of fire prevention inspections, in accordance with the Fire Services Act.
22. The Fire Chief, or any other member in charge at a fire is empowered to cause the demolition of buildings and structures to prevent the spreading of fires.
23. The Fire Chief, or any other member in charge at an incident is empowered to enter premise 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.
24. 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 he deems it necessary to gain access to the incident or to protect any person or property.
25. 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.
26. No person shall enter the boundaries or limits of an area prescribed in accordance with section 25 unless he has been authorized to enter by the Fire Chief or the member in charge.
27. 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 25.
28. The Fire Chief may obtain assistance from other officials as he deems necessary in order to discharge his duties and responsibilities under this bylaw.

29. 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.
30. No person shall damage or destroy Fire Department apparatus or equipment.
31. No person at an incident shall drive a vehicle over any hose without permission of the Fire Chief or member in charge.
32. No person shall falsely represent themselves as a Fire Department member.
33. 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.

GENERAL

34. (a) Liability of a member of the FDEC or fire department shall be governed by Section 755.1 of the Municipal Act which reads, in part, as follows:
 - "(1) No action for damages lies or shall be instituted against a municipal public officer or former municipal public officer for anything said or done or omitted to be said or done by him in the performance or intended performance of his duty or the exercise of his power or for any alleged neglect or default in the performance or intended performance of his duty or exercise of his power.
 - (2) In this section "Municipal Public Officer" means...
 - (j) a volunteer fire fighter or a special constable, and
 - (k) any volunteer who participates in the delivery of services by a municipality, regional district or the bodies referred to in paragraphs (c) to (h) under the supervision of an officer or employee of the municipality, regional district, or any of those bodies.

- (3) Subsection (1) does not provide a defence where
- (a) the municipal public officer has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence, or malicious or wilful misconduct, or
 - (b) the cause of action is libel or slander.
- (4) Subsection (1) does not absolve any of the corporations or bodies referred to in subsection (2)(a) to (h) from vicarious liability arising out of a tort committed by any or the individuals referred to in subsection (2) which the corporation or body would have been liable for had this section not been in force."

35. From time to time the FDEC may set rates for reimbursement of fire fighters' expenses.
36. Notwithstanding anything to the contrary contained within this bylaw, the Regional Board retains the right of veto of any decision made by the FDEC.
37. This bylaw comes into force and takes effect on the date of its adoption by the Central Coast Regional District board.

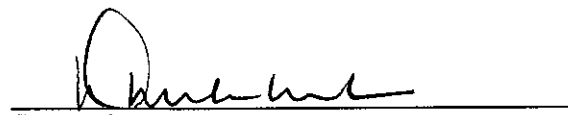
READ A FIRST TIME this 8th day of March, 1994.

READ A SECOND TIME this 8th day of March, 1994.

READ A THIRD TIME this 8th day of March, 1994.

RECONSIDERED AND FINALLY ADOPTED by an affirmative vote of at least two-thirds of the votes cast this 12th day of April, 1994.


Chairperson


Secretary