

**UNION BAY IMPROVEMENT DISTRICT
BYLAW #209**

FIRE DEPARTMENT ESTABLISHMENT AND OPERATIONS BYLAW, 2007

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

The Trustees of the Union Bay Improvement District ENACT AS FOLLOWS:

1. In this bylaw, words and phrases shall be construed as specified hereunder;

“Apparatus” – means any vehicle provided with machinery, devices, equipment or materials for firefighting and assistance response as well as vehicles used to transport firefighters or supplies.

“Appeal Board” – will consist of two officers, two regular fire fighters and chaired by one trustee.

“Board” – means the Trustees for the improvement 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 as head of the fire department

“Fire Protection” – means all aspects of fire safety including but not limited to fire prevention, firefighting or suppression, pre-fire planning, public education and information, training or other staff development.

“Incident” – means a fire or situation where a fire or explosion is imminent and includes assistance response circumstances described in Section 7 or any other situation presenting a danger or possible danger to life or property and to which the fire department has responded.

“Member” – means any person that is a duly appointed member of the fire department.

2. There is hereby established a fire department to be known as the Union Bay Improvement District Volunteer Fire Department. The said department shall consist of at least 10 members and not more than 30 members, provided, however, that this number may be varied from time to time at the request of the Fire Chief and approval of the Board.
3. The Board shall appoint the Fire Chief.

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4. Members may be appointed to the fire department either:
 - a. by the Fire Chief with the Board's approval; or
 - b. by the Board.
5. The Fire Chief may appoint other officers of the fire department to act as Fire Chief on his behalf with the Board's approval.
6. The limits of the jurisdiction of the Fire Chief, and the officer and members of the fire department will extend to the area and boundary of the improvement district. No part of the fire apparatus shall be used beyond the limits of the improvement district without the express authorization of a written contract or agreement providing for the supply for firefighting services or assistance response outside the improvement district boundary.
7. The Fire Chief has complete responsibility and authority over the fire department subject to the direction and control of the Board to which he shall be responsible. In particular, he shall be required to carry out all fire protection activities, assistance response and such other activities as the Board directs including, but not limited to:
 - a. Fire Suppression
 - b. First Responder
 - c. Fire and Rescue Services Agreement – Comox Valley
 - d. Public service
8. The Fire Chief, subject to the ratification by the Board, 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 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/she shall continue to act until relieved by an officer authorized to do so.

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10. The Fire Chief may 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 appointment by the Board of Trustees.
11. Officers and members of the fire department shall carry out duties and responsibilities assigned to the fire department by the Board, and the Fire Chief shall report to the Board on the operations of the fire department and/or on any other matter in the manner designated by the Board.
12. The Board shall determine the remuneration of all members of the fire department.
13. Any member of the fire department may be suspended or discharged by the Fire Chief at any time he may deem such action necessary for the good of the fire department. However, the member so discharged or suspended by the Fire Chief, may within seven days, appeal in writing to the Appeal Board who shall within a reasonable period of time hold a hearing and either order that the member so suspended or discharged be reinstated, or that the action of the Fire Chief be confirmed. Notwithstanding the above the Appeal Board may recommend lesser or greater action.
14. 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.
15. 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 fire department to enter, as he deems necessary, in order to combat, control or deal with the incident.
16. The Fire Chief, or any other 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.

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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. 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 the member in charge.
19. The Fire Chief, or member in charge, at an incident may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in section 17.
20. The Fire Chief may obtain assistance from other officials of the improvement district, as he deems necessary in order to discharge his duties and responsibilities under this bylaw.
21. 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.
22. No person shall damage or destroy fire department apparatus or equipment.
23. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or member in charge.
24. No person shall falsely represent himself or herself as a fire department member.
25. 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 for firefighting purposes.
26. The Fire Chief or the member in charge of an incident may request persons who are not members to assist in extinguishing a fire, removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding or securing same and in demolishing a building or structure at or near the fire or other incident.
27. The Fire Chief or member in charge of an incident is empowered to commandeer privately owned equipment, which he considers necessary to

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deal with an incident. The Board shall set out remuneration rates annually.

28. 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 shall be deemed to have committed an offence, and upon a summary conviction is liable to a penalty in accordance with the *Offence Act*.
29. That Bylaw #186 and #201 Fire Department Establishment and Operations Bylaws are hereby repealed.
30. This bylaw may be cited as the Fire Department Establishment and Operations Bylaw, 2007

INTRODUCED and given first reading by the Trustees on the 17th day of October, 2007.

RECONSIDERED and finally passed by the Trustees on the 17th day of October, 2007.

David Godfrey, Chair

Brenda Fisher, Administrator

I hereby certify that this is a true copy of Bylaw No. 209.

Brenda Fisher, Administrator