

COLUMBIA SHUSWAP REGIONAL DISTRICT

BYLAW NO. 5587

A bylaw to establish the operational criteria for fire departments
under the auspices of the Columbia Shuswap Regional District.

WHEREAS the Columbia Shuswap Regional District has adopted the Fire Department Operational Criteria Bylaw No. 5286, which provides guidelines for the operation of fire departments under its auspices;

AND WHEREAS it is necessary to revise the Operational Criteria for Fire Departments under the auspices of the Columbia Shuswap Regional District;

NOW THEREFORE the Board of Directors the Columbia Shuswap Regional District, in open meeting assembled, HEREB ENACTS as follows:

DEFINITIONS

1. In this Bylaw, the following capitalized terms will have the following meanings:
 - a. "Apparatus" means any vehicle, equipment (including communications equipment), machinery, devices or materials used by a Fire Department in connection with fire suppression or dealing with an Incident and any vehicle used to transport Members or supplies;
 - b. "Area Directors" will mean those Directors on the Board who represent Electoral Areas of the Regional District which contain one or more Participating Service Area;
 - c. "Automatic Aid" means an arrangement whereby calls to specified areas on or near the border between two contiguous Participating Service Areas will automatically involve the dispatch of both Fire Departments;
 - d. "Board" will mean the Board of Directors of the Regional District;
 - e. "CSRD Manager" will mean the Manager, Environment and Engineering Services of the Regional District his designate;
 - f. "Fire Chief" means the Member, appointed in accordance with this Bylaw, in command of a Fire Department;
 - g. "Fire Commissioner" means the fire commissioner appointed pursuant to the *Fire Services Act* (B.C.);
 - h. "Fire Department" means a fire department which operates in a Participating Service Area, under the auspices of the Regional District;

- i. "Fire Services Coordinator" means the Fire Services Coordinator appointed in accordance with this Bylaw;
- j. "Fire Services Occupational Health Committee" means the occupational health and safety committee required to be established for fire services under the *Workers Compensation Act* (B.C.) and the regulations and policies thereunder;
- k. "Incident" means an event or situation to which a Fire Department has responded or would normally respond, whether alone, or in conjunction with other fire departments or emergency services;
- l. "Incident Commander" means Member in charge of an Incident under the incident command system, as set forth under the B.C Emergency Response Management System;
- m. "Interface Fire" means any fire in a wildland-urban interface region where residential, industrial, recreational and/or agricultural structures are located adjacent to or among combustible wildland fuels;
- n. "LAFC" means Local Assistant to the Fire Commissioner, as defined in the *Fire Services Act* (B.C.);
- o. "Large Scale Emergency" means any Incident where a Fire Chief has requested aid either from another Fire Department or under a Mutual Aid Agreement, or any Incident or situation which, in the opinion of the Fire Services Coordinator, requires a coordinated response from more than one Fire Department;
- p. "Fire Suppression Committee " will mean the Fire Suppression Committees established in each of the Participating Service Areas in accordance with the CSRD Fire Suppression Committee Bylaw No 5285 and amendments thereto;
- q. "Members" means a person employed, whether full-time, part-time, or as a volunteer, and holding a position within a Fire Department as an Officer or firefighter, and includes the Fire Services Coordinator and any person working with and designated by the Fire Services Coordinator;
- r. "MFR" means the Ministry of Forests and Range of the Province of British Columbia, or any successor to that ministry;
- s. "Officer" means a Member who is appointed by a Fire Chief as an Officer within the relevant Fire Department;
- t. "Participating Service Area" will mean any of the participating areas in the Columbia Shuswap Regional Fire Service Area;
- u. "PEP" means the Provincial Emergency Program, or any successor organization thereto;
- v. "Regional Aid Request" has the meaning given to it in Section 25 of this Bylaw;

- w. "Regional District" means the Columbia Shuswap Regional District; and
 - x. "Regional Operational Guidelines" means operating guidelines for Fire Departments developed by the Fire Services Coordinator in consultation with the Fire Chiefs in accordance with this Bylaw.
2. References in this Bylaw to statutes, regulations, bylaws or policies, and to positions, titles or ministries, includes the same as may be amended, supplemented or replaced from time to time.

APPLICATION

3. This Bylaw will apply to each Fire Department established and operated by the Regional District in the Columbia Shuswap Regional Fire Service Area.

FIRE SERVICES COORDINATOR

4. The Board may appoint a Fire Services Coordinator, who will report to the CSRD Manager or designate.
5. The responsibilities of the Fire Services Coordinator will include the following:
- a. developing an annual budget and five-year financial plans for the Fire Departments (including all costs associated with the Fire Services Coordinator) for approval by the Board;
 - b. overseeing Fire Department training programs, ensuring that Members are properly trained for their roles and that appropriate training records are maintained;
 - c. developing, revising and maintaining consistent Regional Operational Guidelines and policies for Fire Departments, which guidelines will include all required provincial standards relating to the operation of a fire department (including WorkSafe B.C. requirements and standards promulgated under the *Fire Services Act* (B.C.);
 - d. sitting as an *ex officio* member of the Fire Suppression Committees as may be necessary or advisable;
 - e. sitting on or advising such other committees, boards or professional organizations, including the Shuswap Training Committee, as may be necessary or advisable;
 - f. chairing the Fire Services Occupational Health Committee as the employer representative on behalf of the Regional District;
 - g. coordinating and managing the responses of the Fire Departments in the event of a Large Scale Emergency or significant or potential Interface Fire, including coordinating responses with the Regional District's Shuswap Emergency Plan Coordinator, MFR, PEP and other emergency responder agencies;
 - h. subject to appointment by the Fire Commissioner under the *Fire Services Act* (B.C.), acting as an LAFC;

- i. helping promote and raise the profile of the Fire Departments and the fire services generally, within the various Participating Service Areas;
 - j. helping promote fire safety and fire prevention, including in relation to managing the risks of Interface Fires;
 - k. in his or her sole discretion, selecting and nominating one or more Fire Chiefs for appointment as LAFCs by the Fire Commissioner or requiring that a Fire Chief cease to act as an LAFC;
 - l. establishing and managing a region-wide approach to procurement of Apparatus and services for Fire Department operations (including dispatch services) to ensure interoperability and economies of scale in making purchases;
 - m. establishing and managing a region-wide approach to maintenance and repair of Apparatus and Fire Department buildings and grounds;
 - n. developing and implementing standards, requirements and an appointment process for Officer positions, including Fire Chiefs, within Fire Departments;
 - o. recommending the appointment or removal of Fire Chiefs by the Area Directors and Board;
 - p. exercising such other powers, or fulfilling such other responsibilities, as may be set out in this or any other relevant Bylaw.
6. The Fire Services Coordinator will have all of the powers of a Fire Chief as set forth in Section 16 of this Bylaw.
7. The Fire Services Coordinator will consult with the Fire Chiefs in relation to the implementation or material revision of any policies affecting one or more Fire Departments, including Apparatus procurement, standards for Officers (including Fire Chiefs), budgets, training, and procedures for responding to Large Scale Emergencies and Interface Fires, and other Regional Operational Guidelines.
8. The Fire Service Coordinator will consult with the respective Fire Suppression Committees in relation to the setting of annual budgets and five-year annual financial plans for the Fire Departments and in relation to such other matters as may be set forth in the CSRD Fire Suppression Committee Bylaw No. 5285.
9. The Fire Services Coordinator will review and approve all invoices relating to the fire service function.
10. The Fire Services Coordinator will provide advice and make recommendations to other officers and employees of the Regional District, to the Area Directors, the Board and, subject to any applicable Regional District policies and procedures, to the public, in relation to:
 - a. improving or revising the operations, jurisdiction or services offered by all or any of the Fire Departments;

- b. the provision of adequate water supply and pressure;
- c. the installation and maintenance of fire protection equipment;
- d. the enforcement of measures for the prevention or suppression of fire and the protection of life and property;
- e. life safety or rescue equipment;
- f. the development, implementation and operation of a fire inspection system in any part of the Regional District; and
- g. fire prevention generally, including public education.

FIRE CHIEFS

- 11. The appointments of each of the fire chiefs in place on the date of adoption of this Bylaw are hereby ratified and those individuals are confirmed as the Fire Chief for their respective Fire Departments for the purposes of this Bylaw.
- 12. Fire Chiefs will forward all invoices to the Fire Services Coordinator for approval.
- 13. The Fire Services Coordinator, in consultation with the Fire Chiefs, will develop the following:
 - a. the process by which an individual is nominated to be a Fire Chief;
 - b. the qualifications required for an individual to be appointed as a Fire Chief;
 - c. the tenure for a Fire Chief and terms of service; and
 - d. any necessary transitional provisions.

These requirements will be subject to approval by the Area Directors. These requirements will become part of the Regional Operational Guidelines and will only be amended with the approval of the Area Directors.

- 14. The Area Directors may, on the recommendation of the Fire Services Coordinator, remove any Fire Chief, Officer or Member.
- 15. A Fire Chief is responsible for the day-to-day operations, including all emergency responses, of his or her Fire Department. Each Fire Chief will provide regular reports to the Fire Services Coordinator on the operation of his or her Fire Department.
- 16. The Fire Chief and (except as provided) any Member authorized by the Fire Chief to act on behalf of the Fire Chief, may exercise one or more of the following powers:
 - a. enforce Regional Operational Guidelines for the proper and efficient administration and operation of his or her Fire Department and make or amend such additional rules, policies and guidelines as are not inconsistent with the Regional Operational Guidelines;

- b. enter on property and inspect premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire;
- c. if property is endangered by debris caused by lumbering, land clearing or industrial operation, require the person who is carrying on or who has carried on the operation, or the owner or occupier of the land on which the debris exists, to dispose of the debris, and undertake any other actions for the purpose of removing or reducing the danger as is necessary or advisable in the circumstances;
- d. in relation to an Incident (including during any related overhaul, clean up or investigation),
 - i. to take measures considered necessary to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fires;
 - ii. to enter, at any time, premises or property where the Incident is occurring, and to cause any Member or Apparatus of a Fire Department, to enter as he or she deems necessary or advisable, in order to combat, control or deal with the Incident;
 - iii. to enter, pass through or over buildings or property proximate to the Incident, and to cause any Member or Apparatus of a Fire Department to enter, pass through or over buildings or property proximate to the Incident, where he or she deems it necessary or advisable to gain access to the Incident or to protect any person or property;
 - iv. to exercise control over access to, and to evacuate, areas proximate to an Incident (including public property, private property, buildings, streets, highways and airspace, including managing vehicular and pedestrian traffic, as he or she deems necessary or advisable to prevent interference with the Fire Department's response, or the response of other emergency services, to the Incident and/or to reduce the risk to life or property; and
 - v. to take such other actions as may be necessary to ensure the safety of Members, other emergency responders and the public, and to prevent or reduce damage to property.
- e. some or all of the powers of the Fire Commissioner under section 25 of the Fire Services Act (B.C.), and for these purposes that section applies;
- f. deal with any matter within the scope of the Fire Services Act (B.C.) in a manner not contrary to that Act or the regulations under it;
- g. if nominated and appointed as an LAFC, to exercise some or all of the powers of an LAFC under the Fire Services Act (B.C.); provided, however, that this power may not be delegated;

- h. to enforce this Bylaw and any other Regional District Bylaws, rules, orders and regulations for the prevention and suppression of fires and protection of life and property;
 - i. to collect and disseminate information in regards to fires and fire hazards in the fire Suppression Service Area in which his or her Fire Department is located, and in this regard, to work with the respective Fire Suppression Committee in relation to promoting fire prevention and fire safety.
- 17. A Fire Chief will ensure that Members in the Fire Department are properly trained to fulfill their respective roles, including acting as Officers and for any roles that they are assigned at or in relation to an Incident. A Fire Chief will be responsible for ensuring that proper training records are maintained for all Members under his or her command, and that the training records are accurately recorded into the regional Records Management System.
- 18. Subject to the Regional Operational Guidelines, the Fire Chief will be entitled to appoint or remove Officers and appoint or remove Members of his or her Fire Department.
- 19. In consultation with the Fire Services Coordinator, two or more Fire Chiefs may agree to establish regions between their respective Participating Service Areas where Automatic Aid will apply. Any Automatic Aid arrangements, including notification of the dispatch agency, will be defined in the Regional Operational Guidelines.
- 20. The details of respective roles to be played and authorities to be exercised by the Fire Services Coordinator and the Fire Chiefs in the context of a Large Scale Emergency, will be defined in the Regional Operational Guidelines.

AUTHORIZED SERVICES

- 21. Fire Departments are authorized to provide fire suppression and all related, ancillary or necessary services in connection therewith, including suppression of Interface Fires.
- 22. The Area Directors may, by separate Bylaw, approve the provision of such other services, including rescue, hazardous materials responses and first medical responder capability, by one or more Fire Departments, on the recommendation of the Fire Services Coordinator.
- 23. For certainty, at any given Incident, the Fire Chief or Incident Commander, is not required to provide an authorized service if, in his or her sole discretion, there is insufficient Apparatus and/or trained Members to deliver such authorized service safely and in accordance with the appropriate standards, including those set out under the Fire Services Act (B.C.), Workers Compensation Act (B.C.) and by the National Fire Protection Association.

FIRE DEPARTMENT JURISDICTION, REGIONAL ASSISTANCE AND MUTUAL AID

- 24. The jurisdiction of the Fire Departments will be the established fire service areas that are located within the Columbia Shuswap Regional District.

25. Notwithstanding Section 24, an individual Fire Department will ordinarily respond only to calls emanating from the particular Fire Suppression Service Area in which it is located. It will respond in another Fire Suppression Service Area only if requested by the Fire Chief of such Fire Suppression Service Area or instructed so to do by the Fire Services Coordinator (a "Regional Aid Request"). Responses to a Regional Aid Request will be in accordance with the Regional Operational Guidelines.
26. For the purposes of responding to any Incident within any of the Fire Service Areas as set out in Sections 24 and 25, Fire Departments may move and transport Apparatus and Members along public or private roads and over land outside of the Columbia Shuswap Fire Service Areas solely for the purpose of gaining access to the Incident.
27. A Fire Department may respond to an Incident outside of any Columbia Shuswap Regional Fire Service Areas in the following circumstances:
 - a. if authorized to respond by PEP or in accordance with an agreement with or standard operating procedures established by MFR or any other provincial emergency agency recognized by the Regional Operational Guidelines;
 - b. to provide fire suppression where a wildfire or an Interface Fire imminently threatens any part of a Fire Department's Fire Suppression Service Area;
 - c. to provide an authorized service to a property or person within the Regional District, and proximate to but outside of the Fire Department's Participating Service Area, where the property owner or recipient of the service will be charged for cost of the service so provided;
 - d. in accordance with a mutual aid agreement with a municipality within the Regional District or a mutual aid agreement with another regional district or the Province; and
 - e. if ordered so to do by the Minister, a local authority exercising the Minister's powers, the Lieutenant Governor in Council or the Fire Commissioner, under and in accordance with the Emergency Program Act (B.C.) and the regulations made thereunder.
28. A Fire Chief or his or her designate may, in his or her sole discretion, refuse to respond to calls to Incidents described in Subsections 27(a) through (d) inclusive; provided that any refusal of a mutual aid request will be in accordance with the terms of the relevant mutual aid agreement.
29. The Fire Services Coordinator will be advised as soon as possible of all responses by Fire Departments described in Section 25 and Section 26, or of a decision to refuse such a call in accordance with Section 27. Where required, the Fire Services Coordinator will ensure that other Fire Departments or mutual aid partners are alerted, or units activated, either to provide support or heightened coverage as a result of a Regional Aid Request, or a mutual aid request or other response outside of the Columbia Shuswap Regional Fire Service Areas.

VIOLATIONS AND PENALTIES

30. No person shall:

- a. impede, hinder or obstruct any Member at an Incident and every person in the proximity of an Incident will comply with orders or directions of a Member responding to the Incident;
- b. during an Incident, obstruct or otherwise interfere with access roads or other approaches to the Incident, fire hydrants, reservoirs or bodies of water required for fire suppression purposes;
- c. damage, destroy, obstruct, impede or hinder the operation of any Apparatus, or, unless authorized by the Fire Chief, Incident Commander or other Officer, travel across a fire hose;
- d. refuse to permit any Member to enter into or upon premises in relation to which an alarm or other request for assistance has been received, or in or upon which a Member has reasonable grounds to believe that an Incident has occurred or may occur;
- e. interfere with any Member or refuse to permit any Member to enter into or upon premises or a fire scene to determine the cause and origin of a fire or the cause of activation of a fire alarm system; and
- f.
- g. except as authorized by the Fire Chief, an Officer or an Incident Commander:
 - i. enter any structure, vehicle or area involved in or threatened by an Incident; or
 - ii. refuse to move from such a structure, vehicle or area when directed to do so by a peace officer or Member.

31. Persons who violate Section 30 may, in addition to any other penalty, be removed from the scene of an Incident by a peace officer or the Fire Chief, Officer or Incident Commander (or their designate).
32. Persons who damage Apparatus in contravention of Subsection 30(c), in addition to any other penalty, will be liable for the cost of repairing or replacing the Apparatus.
33. No person will falsely represent himself or herself as a Member of a Fire Department, or wear or display any Fire Department uniform, badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
34. Any person who violates Section 30, 31, 32 or 33 of this Bylaw, will be guilty of an offence and will be liable upon summary conviction therefore to a penalty not exceeding Two Thousand Dollars (\$2,000), for every such violation, which penalty and cost will be recoverable and enforceable upon summary conviction in the manner provided by the Offence Act (B.C.).

MUTUAL AID AGREEMENTS WITH MEMBER MUNICIPALITIES

35. Existing mutual aid agreements involving one or more Fire Departments with municipalities located in the Regional District or with or involving other jurisdictions are hereby ratified and confirmed. The Fire Services Coordinator will arrange for any appropriate amending agreements that may be required for existing mutual aid agreements with other jurisdictions, arising as a result of this Bylaw. Any such amending agreements will be subject to approval by the Board.

FORCE AND EFFECT

36. This Bylaw will come into force and effect on the 1st day of March, 2011.

REPEAL

37. Fire Department Operational Criteria Bylaw No. 5286 is hereby repealed.

CITATION

38. This Bylaw may be cited as the "Fire Service Operational Criteria Bylaw No. 5587".

READ a first time this 24th day of February , 2011.


READ a second time this 24th day of February , 2011.

READ a third time this 24th day of February , 2011.

ADOPTED a first time this 24th day of February , 2011.



MANAGER OF CORPORATE
ADMINISTRATION SERVICES (SECRETARY)



CHAIR

CERTIFIED a true copy of
Bylaw No. 5587 as read a third time.

CERTIFIED a true copy of
Bylaw No. 5587 as adopted.

MANAGER OF CORPORATE
ADMINISTRATION SERVICES (SECRETARY)

MANAGER OF CORPORATE
ADMINISTRATION SERVICES (SECRETARY)