



DISTRICT OF PORT HARDY

BYLAW NO.16-2011

A BYLAW TO ESTABLISH AND REGULATE THE DISTRICT OF PORT HARDY FIRE RESCUE DEPARTMENT

CONSOLIDATED

Amending Bylaws

BL 1041-2015 Sec 5.1a) & Sec 5.2

BL 1064-2015 Sec 5.2

BL 1157-2023 Sec. 2.1 & 5.2

DISTRICT OF PORT HARDY

BYLAW NO.16-2011

A BYLAW TO ESTABLISH AND REGULATE THE DISTRICT OF PORT HARDY FIRE RESCUE DEPARTMENT

GIVEN THAT the District of Port Hardy wishes to establish a fire department and set procedures for its operations;

The Council of the District of Port Hardy in open meeting assembled ENACTS as follows:

1. TITLE

- 1.1 This bylaw may be cited as “Fire Department Establishment and Procedures Bylaw No. 16-2011”.

2. DEFINITIONS

- 2.1 In this bylaw:

Administrator means the Chief Administrative Office of the District of Port Hardy or his designate.

Apparatus means any vehicle provided with machinery, devices, equipment or materials for fire protection and assistance response as well as vehicles used to transport fire fighters or supplies;

Assistance Response means:

- a) the provision of assistance in medical emergencies;
- b) first response to accidents, natural or human-made disasters, escapes of hazardous materials or other circumstances that have caused or may cause harm to persons or property; or
- c) rescue operations.

New Sec 5.2
March 2023
BL 1057-2023

Council means the Council of the District of Port Hardy;

District means the District of Port Hardy;

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 Council as head of the Fire Department;

Fire Department means the Port Hardy Fire Rescue Department including all officers and members engaged in the 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, training and other member development;

Incident means a fire or a situation where a fire or an explosion is imminent or a situation where a hazard to persons or property exists;

Member means a person appointed to the Fire Department other than the Fire Chief or an Officer;

Mutual Aid means the provision of the Fire Department's services to another local government or form of government or a person pursuant to a mutual aid agreement between the District and that government or person;

Officer means a member appointed by the Fire Chief and given specific authority to assist the Fire Chief in his or her duties.

- 2.2 All other words and phrases shall be construed in accordance with the meaning assigned to them by the British Columbia Building Code, the British Columbia Fire Code or the *Fire Services Act* as amended or re-enacted from time to time. In the event of a conflict between this bylaw and the *Fire Services Act* and any regulations thereunder, the provisions of the *Act* and its regulations shall prevail.

3. Establishment

- 3.1 The Fire Department is hereby established and is to be known as the Port Hardy Fire/Rescue Department.

4. Administration

- 4.1 The Fire Chief shall be appointed by Council resolution and each appointment or reappointment shall be for a three (3) year term.
- 4.2 In addition to the Fire Chief, the Fire Department personnel shall consist of a Deputy Fire Chief and such number of other officers and members as from time to time may be deemed necessary by the Fire Chief.
- 4.3 The Deputy Fire Chief shall be appointed by the Fire Chief.
- 4.4 Officers shall be appointed by the Fire Chief on the recommendation of one or more selection committees established by the Fire Chief for that purpose. Members of the Fire Department shall be appointed by the Fire Chief on the recommendation of the Deputy Chief in consultation with the Officers.
- 4.5 The Fire Chief may appoint, discipline and dismiss Members in accordance with the Port Hardy Fire/Rescue Department Policy and Procedures.
- 4.6 A person is qualified to be recommended as a member of the Fire Department who:
- a) is 18 (eighteen) years of age or over;
 - b) is of good character;
 - c) passes such aptitude, physical and other valid tests as may be required by the Fire Chief;

- d) undergoes a criminal record check which results in approval of the Fire Chief.
- 4.7 A person recommended as a member shall be on probation for a period of six (6) months during which period they shall take such training and examinations as may be required by the Fire Chief. If a probationary member fails any such examination, the Fire Chief may dismiss such a member or extend their probation period.
- 4.8 Following the six month probationary period, the Fire Chief and officers will hold a vote to appoint the person as a member of the Fire Department. Two-thirds of those present for the vote must vote in favour to appoint the person as a member of the Fire Department.
- 4.9 When required, the Fire Chief may appoint an officer of the Fire Department as Acting Fire Chief for a period not to exceed three (3) months and may assign to that officer such duties and responsibilities as the Fire Chief considers appropriate.

5. Scope of Fire Department

5.1 The Fire Department is empowered to provide the following services:

- a) fire suppression subject to section 5.2 herein;
- b) fire prevention
- b) assistance response;
- c) Mutual Aid; and
- d) public services.

Sec 5.1 a) Amended
May 2015
BL 1041-2015

5.2 In accordance with the standards prescribed in the Structure Firefighters Competency and Training Playbook by the Office of the Fire Commissioner of the Province of British, the firefighting service level for the District is hereby established as Interior Operations.

New Sec 5.2
May 2015
BL 1041-2015

New Sec 5.2
May 2017
BL 1064-2017

New Sec 5.2
March 2023
BL 1057-2023

6. Powers of the Fire Chief

- 6.1 The Fire Chief is authorized to administer this bylaw.
- 6.2 The Fire Chief has complete responsibility and authority over the Fire Department subject to the direction and control of the Council to which he shall be responsible.
- 6.3 The Fire Chief, officers and members of the Fire Department may enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of the *Fire Services Act* and the District of Port Hardy Open Burning and Smoke Control Bylaw, as amended or re-enacted from time to time, are being observed.
- 6.4 The Fire Chief may require an owner or occupier of real property to undertake any actions directed by the Fire Chief for the purpose of removing or reducing any thing or any condition the Fire Chief considers is a fire hazard or increases the danger of fire.
- 6.5 The Fire Chief may exercise all the powers of the fire commissioner under section 25 of the *Fire Services Act* and for these purposes that section applies.

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- 6.6 The Fire Chief may obtain assistance from other officials as he deems necessary in order to discharge his duties and responsibilities under this bylaw.
- 6.7 The Fire Chief shall have the authority to order that the owner of a chimney, flue or other exhaust method that may constitute an increased risk of fire, have the apparatus inspected by a qualified licensed professional and that the owner act on the recommendations of the professional. The order shall state the exhaust method shall not be used until it passes the inspection of the professional.

7. Duties of the Fire Chief

- 7.1 The Fire Chief has complete responsibility and authority over the Fire Department subject to the direction and control of Council, to which he shall be responsible, and in particular he shall be required to carry out all fire protection activities and such other activities as Council directs, including but not limited to:
- a) fire protection and prevention;
 - b) assistance response;
 - c) fire inspections as required;
 - d) training;
 - e) occupational health and safety;
 - f) Mutual Aid; and
 - d) public services.
- 7.2 The Fire Chief shall take all proper measures for the prevention, control and extinguishment of fire and for the protection of life and property and may enforce all codes and bylaws respecting fire prevention, life safety and investigations.
- 7.3 The Fire Chief 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.
- 7.4 The Fire Chief shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall enforce all municipal bylaws respective of fire prevention and exercise the powers and duties imposed on him by this bylaw and any provincial act or regulation.
- 7.5 The Fire Chief shall assume the responsibilities of the Local Assistant to the Fire Commissioner.
- 7.6 The Fire Chief shall report to the Administrator or his designate on the operations of the Fire Department or on any other matter in the manner designated by Council.

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- 7.7 The Fire Chief shall report to Council on the operation of the Fire Department on an annual basis in a manner designated by Council.
 - 7.8 The Fire Chief or his designate shall provide comment to the District planning department on fire related issues pertaining to the development of properties. This will include comment on emergency vehicle access to the property, placement of fire hydrants and other fire or water related issues on the property.
 - 7.9 The Fire Chief shall submit to the Director of Finance the annual Fire Department budget no later than August 31st of each year for the next budget year.

8. Fire Protection and Life Safety

- 8.1 The Fire Chief, or in his absence the senior ranking officer or 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 an officer.
- 8.2 The Fire Chief or any officer or member in charge at an incident 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.
- 8.3 The Fire Chief or any officer or member in charge at an incident is empowered to enter, at any time, premises or property where an incident has occurred and to cause any officer, member, apparatus or equipment of the Fire Department to enter, as he deems necessary, in order to combat, control or deal with an incident.
- 8.4 The Fire Chief or any officer or member in charge at an incident is empowered during the incident to enter, pass through or over buildings or property adjacent to an incident and to cause any officer or 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 an incident or to protect any person or property.
- 8.5 The Fire Chief or any officer or 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 the Fire Chief, an officer or member.
- 8.6 The Fire Chief or any officer 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 8.5.
- 8.7 The Fire Chief or any officer or member in charge at an incident may request persons who are not members to assist in whatever manner he considers necessary to deal with the incident.
- 8.8 The Fire Chief or any officer or member in charge at an incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an incident.

9. Territorial Jurisdiction

- 9.1 The limits of the jurisdiction of the Fire Department extend to the boundaries of the District of Port Hardy and no part of the Fire Department Equipment and no officer or members shall be used outside the District without:
- a) the express authorization of a written agreement providing for the supply of Fire Department equipment, officer and members outside the District's boundaries;
 - b) the approval of Council; or
 - c) a request for assistance in accordance with the *Emergency Program Act* as amended or re-enacted from time to time.

10. Mutual Aid Agreements

- 10.1 The Council may:
- a) enter into an agreement with other municipalities or governments for the use in the municipality or governmental territory of firefighting equipment and personnel upon such terms and conditions and for such remuneration as may be agreed upon;
 - b) enter into an agreement for the furnishing of fire protection by, for or on behalf of the owners or occupiers of property situated within or without the municipality with any person, firm or corporation, municipality or governmental territory.

11. General Regulations

- 11.1 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.
- 11.2 No person shall damage or destroy Fire Department apparatus or equipment.
- 11.3 No person at an incident shall drive a vehicle over any equipment or fire hose without the permission of the Fire Chief or member in charge.
- 11.4 No person shall falsely represent themselves as a member, officer or Fire Chief of the Fire Department.
- 11.5 No person shall obstruct or otherwise interfere:
- a) with access roads, streets or other approaches to an incident;
 - b) a fire hydrant; or
 - c) a cistern or a body of water designated for firefighting purposes.
- 11.6 No person shall tamper, obstruct, disengage, fail to maintain or interfere with an emergency exit, fire extinguisher, fire alarm, sprinkler, standpipe or other fire safeguard installed in a building.
- 11.7 No person shall willfully make or cause to be made a false request for the Fire Department to respond to an incident.
- 11.8 No person shall enter the boundaries or limits of an area prescribed in accordance with section 8.5 unless that person has been authorized to enter by the Fire Chief or the member in charge at the incident.

- 11.9 Every owner or occupant of a building shall provide all information and shall render all assistance required by the Fire Chief, an officer or a member of the Fire Department in connection with the inspection of the building.

12. Enforcement

- 12.1 Every person who violates any of the provisions of this bylaw or 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 who refrains from doing anything required by the bylaw shall be deemed to be guilty of an infraction thereof and liable to the penalties imposed.
- 12.2 Any person or persons on summary conviction shall be liable to a penalty of not less than two hundred (\$200.00) dollars and not more than two thousand (\$2,000.00) for each infraction or offence together with the cost of prosecution. Every day during which there is an infraction of this bylaw shall constitute a separate offence.

13. Severability

- 13.1 If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

14. Inclusivity

- 14.1 In this bylaw, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.

15. Repeal

- 15.1 Bylaw No. 948 is hereby repealed.

Read a first time this 13th day of August, 2011.

Read a second time this 13th day of August, 2011.

Read a third time this 13th day of August, 2011.

Adopted this 11th day of October, 2011.

Original signed by:

Director of Corporate Services

Mayor

Director of Corporate Services