

MAYNE ISLAND IMPROVEMENT DISTRICT BYLAW No. 161

A bylaw to provide for the establishment and operation of a fire department and regulating conduct of people at incidents.

The Trustees of the Mayne Island Improvement District ENACT AS FOLLOWS:

1. Bylaws No. 46 and No. 112 are hereby repealed.
2. The Fire Services Act of British Columbia and regulations under it, National Fire Protection Association standards, regulations under the Environment Management Act and all amendments and successor legislation thereto are deemed to be in full force and effect within the Mayne Island Improvement District and are in conjunction with this Bylaw.

DEFINITIONS

3. In this bylaw, words and phrases will be construed as specified hereunder;

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

"Agreement" - means an agreement entered into between the Board of Trustees and a legal entity for the provision of services by the Mayne Island Fire Department.

"Assistance Response" - means:

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

"Board" - means the Trustees for the improvement district.

"Environmental Management Act" - means the statute of the Legislature of British Columbia SBC 2003, c.53 and amendments thereto.

"Equipment" - means any tools, contrivances, devices or materials used by the fire department to combat an incident or other emergency, or assistance response.

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"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, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development.

"Full Service Operations" - means Fire Departments that are equipped and have completed the appropriate training identified in the *Structure Firefighters Competency and Training PLAYBOOK* to provide a full spectrum of fire services that includes activities that are undertaken by firefighters trained in the full spectrum of competencies outlined within the NFPA Firefighter and Fire Officer Standards.

"Incident" - means a fire or situation where a fire or explosion is imminent and includes assistance response circumstances described in Section 13, Section 16, or any other situation presenting a danger or possible danger to life or property or the environment and to which the fire department has responded.

"Member" - means any person that is a duly appointed member of the fire department.

"Mutual Aid" - means a formal agreement between the Mayne Island Improvement District and other legal entities to provide and receive assistive service outside of District boundaries.

"Officer" - means any member appointed by the Board to the position of Fire Chief, Deputy Chief, Assistant Chief, Captain, Lieutenant, or any member authorized to act as an Officer with specific authority while conducting Fire Department business.

"Public Services" - means public information, education and prevention programs, as they relate to fire safety, public safety, and emergency preparedness.

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FIRE DEPARTMENT ESTABLISHMENT

4. There is hereby established a fire department to be known as the Mayne Island Volunteer Fire Department.
5. The fire protection district boundary shall be the whole of Mayne Island up to the normal high water mark and including any foreshore structures and docks permanently affixed to land above the high water mark.
6. The Fire Department shall consist of the Administration, Officers, Members, apparatus, equipment and structure operated by the Mayne Island Improvement District, including operating emergency medical evacuation heliport CBF5.
7. The fire department service level delivered to Mayne Island shall be Full Service Operations as defined by the B.C. Structure Firefighters Competency and Training Playbook issued by the Office of the Fire Commissioner of B.C., September 2014, and successor publication(s).

FIRE PROTECTION AGREEMENTS

8. Mutual Aid
 - a) The Trustees of the Mayne Island Improvement District may enter into Mutual Aid Agreements for providing or receiving mutual aid assistance with other fire departments.
 - b) All provisions needed for receiving or providing assistance shall be clearly defined in the agreement.

FIRE DEPARTMENT OPERATION

9. The Fire Chief shall be appointed by the Board.
10. Other officers and members as the Fire Chief deems necessary, may be appointed to the fire department with the approval of the Board.
11. The Fire Chief may appoint other Officers of the fire department to act as Fire Chief on his/her behalf.
12. All persons whose name appears under the "Officers of the Mayne Island Volunteer Fire Department" are hereby appointed Officers of the Mayne Island Volunteer Fire Department.

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13. The Fire Chief has complete responsibility and authority over the fire department subject to the direction and control of the Board to which they will be responsible and in particular, is empowered to carry out all fire department activities and such other activities as the Board directs including, but not limited to:
 - a) Fire Protection
 - b) Assistance Response
 - c) Rescue Operations
 - d) Mutual Aid to other fire services
 - e) Hazardous Materials
 - f) Public Services

14. The limits of the jurisdiction of the Fire Chief, Officers and Members of the Fire Department will extend to the area and boundaries of the Improvement District and shall include fire protection agreement areas as approved by the Board. At no time, are fire apparatus to be used beyond District boundaries without the express authorization of a written contract or mutual aid agreement providing for the supply of fire protection services outside District boundaries.

15. In addition to any agreement to provide services beyond the boundary of the improvement district, at the direction of the Fire Chief, the fire department may respond to requests for assistance beyond the boundary of the improvement district.

16. The authority in Section 15 may only be exercised in relation to the following services:
 - a) fire suppression;
 - b) rescue;
 - c) assistance where there is a risk of immediate harm to persons or property or the environment, including medical emergencies; hazardous material incidents; and
 - d) motor vehicle accidents.

17. The authority in Section 15 may only be exercised if a local government does not provide the same service in that area.

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18. 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
19. The Fire Chief, or in their absence, the senior ranking member present, will have control, direction and management of all fire department apparatus, equipment or personnel assigned to an incident and where a member is in charge, they will continue to act until relieved by an officer authorized to do so.
20. The Fire Chief will take responsibility for all fire protection matters including the enforcement of the *Fire Services Act* and regulations thereunder and will assume the responsibilities of the Local Assistant to the Fire Commissioner.
21. Captains and any other Officers as deemed necessary will be appointed by the Board by recommendation of the Fire Chief.
22. In the Fire Chief's absence, Officers or members may act as the Fire Chief or assume command of an incident and have complete control over all required apparatus, equipment and personnel.
23. Officers and members of the fire department will 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 or on any other matter in the manner designated by the Board.

FIRE REGULATIONS

24. The Fire Chief, or any other Officer authorized by the Board, may at any reasonable time enter any premises or property for the purpose of fire protection matters.
25. 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 they deem it necessary to prevent the spread of fire to other buildings, structures, or things.

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26. 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 they deem necessary, in order to combat, control or deal with the incident.
27. 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, apparatus and equipment of the fire department to enter or pass through or over building or property, where they deem it necessary to gain access to the incident or to protect any person or property.
28. The Fire Chief, or the member in charge at an incident, may at their discretion, establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized by the Chief.
29. No person will enter the boundaries or limits of an area prescribed in accordance with Section 28 unless they have been authorized to enter by the Fire Chief or the member in charge.
30. 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 28.
31. The Fire Chief may obtain assistance from other officials of the improvement district as they deem necessary in order to discharge their duties and responsibilities under this bylaw.
32. No person at an incident will impede, obstruct, or hinder the Fire Chief or a member of the fire department or other person assisting or acting under the direction of the Fire Chief or the member in charge in the performance of their duties under this bylaw.
33. No person shall damage or destroy, obstruct, impede or hinder the operation of any fire department apparatus or equipment.
34. No person will drive a vehicle over any equipment of the fire department without permission of the Fire Chief or member in charge.
35. No person will falsely represent themselves as a Mayne Island Volunteer Fire Department employee.

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36. No person will obstruct or otherwise interfere with access roads or streets or other approaches to any fire incident, fire hydrant, dry hydrant, cistern or body of water so designated for firefighting purposes.
37. Every owner or occupant of a building must provide all information and must render all assistance required by the Fire Chief or a Member of the Fire Department in connection with the inspection of the building.
38. The Fire Chief or member in charge of an incident is empowered to commandeer privately-owned equipment which they consider necessary to deal with an incident. Remuneration rates will be set out annually by the Board in, and as published in the Fees and Charges Bylaw No. 162 - Equipment and Personnel Re-Imbursement Rates.

ADDRESS IDENTIFICATION

39. All properties within the boundaries of the Mayne Island Improvement District with buildings or structures shall be properly identified with the Capital Regional District assigned numbers for the property.
 - (a) Address numbers shall be assigned by the Fire Chief on the behalf of the Capital Regional District.
 - (b) Address numbers shall be assigned to the road that provides access to the property.
 - (c) Address numbers shall be visible from the road from both directions of travel and shall not be allowed to be obstructed by trees, shrubs or any other material that would prevent easy identification.
 - (d) Address numbers shall be of contrasting colors to the base color of the building or structure.

OPEN AIR FIRES - GENERAL PROVISIONS

40. No person may ignite, start or maintain, or allow or cause to be lighted, ignited, started or maintained, an Open Air Fire except in compliance with this Bylaw.
41. The Fire Chief may prohibit any or all open air fires when in his opinion, atmospheric conditions or circumstances may make such fires a hazard or a nuisance.
42. No person shall burn land clearing debris, on any parcel of less than one (1) hectare (2.5 acres) (Category 3 as defined in the "BC Wildfire Regulation, Part 1") within the boundaries of the Mayne Island Improvement District.

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43. No person shall burn land clearing debris, (Category 3 as defined in the "BC Wildfire Regulation, Part 1") within the boundaries of the Mayne Island Improvement District without the required "Class A Permit" as contained in the Fees and Charges Bylaw No. 162 Schedule 3 - Fire & Rescue Permits and Services, prior to igniting any open air fire, in conjunction with the "Environmental Management Act" and the "Open Burning Smoke Control Regulation".
44. No person shall import material of any kind onto a property within the boundaries of the Mayne Island Improvement District for the purpose of disposal by burning without prior approval.
45. Open air burning is to be carried out by the property owner, property tenant, or property agent and that person will accept full liability as a result of the open air fire.
46. Open air burning is to be carried out only between sunrise and sunset of the same day.
47. Open air fires are only permitted on private property. No fires are to be located on Crown Land, Regional District, Provincial or Federal Parks, public roads, public road allowance, unpaved roads, lanes or any alleyway, without prior approval of the authorized parties.
48. Open air fires within the boundaries of the Mayne Island Improvement District for the purpose of burning residential yard debris or campfire shall meet the requirements of a (Category 2 open air fire as defined in the "BC Wildfire Regulation, Part 1") and all open air burning shall require a valid "Open Air Fire Permit" as contained in the Fees and Charges Bylaw No. 162 Schedule 3 - Fire & Rescue Permits and Services, prior to igniting any open air fire, in conjunction with the "Environmental Management Act" and the "Open Burning Smoke Control Regulation".
49. No open air fire will be allowed when the Fire Danger Rating becomes high or greater. All permits issued will be considered cancelled during the high or greater fire rating period.
50. No open air fire will be permitted between July 1st through September 30th.
51. Fireworks shall not be permitted during high fire danger rating, or between July 1st through September 30th, and at no time, will a person light or direct fireworks at any person, building or property where injury may occur or the risk of fire is present.

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OPEN AIR FIRES - EXEMPTIONS

52. a) The following open air fires are permitted during the high fire rating period but will be subject to all provisions contained in section 40 through Section 50
- i) Campfire pits (½ metre by ½ metre) used for warmth or the preparation of food using seasoned wood.
 - ii) All wood fueled open fires, including campfire pits shall be prohibited during periods of extreme.
 - iii) Campfire pits must be extinguished no later than midnight.
- b) The following open air fires are permitted during the Extreme Fire Rating period.
- i) Certified outdoor cooking devices using propane or charcoal for the grilling or barbequing of food.
- c) The Fire Chief may allow controlled burning for training exercise purposes by the Mayne Island Volunteer Fire Department.

FIRE DAMAGED BUILDINGS

53. The owner, agent or trustee of any fire damaged building shall ensure that the premises is guarded or that all openings in the building are kept securely closed, fastened or boarded so as to prevent the entry of unauthorized persons.
54. If the owner, agent or trustee of the property fails to provide the necessary security to a fire damaged building within a reasonable amount of time, the Fire Chief may have the work performed and the owner shall be liable for all costs associated with the work and payable to the Mayne Island Improvement District as published in the Fees and Charges Bylaw No. 162 Schedule 5 - Fees for Action Items.

FEES

55. If the Fire Department responds to more than two False Alarms in a building in any calendar year, the owner or occupier of that building must pay the fee as published in the Fees and Charges Bylaw No. 162 Schedule 5 - Fees for action items for each subsequent response by the Fire Department to a false alarm in that building.

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56. Every person who starts a fire, or permits a fire to be started contrary to this bylaw, or
- a) Contrary to the terms of the Permit, or
 - b) Contrary to the "Environmental Management Act" or the "Open Burning Smoke Control Regulation", or
 - c) In the opinion of the Fire Chief or his/her designate, that requires the Fire Department to control or extinguish such fire because it presents a hazard, has escaped, or threatens to escape from control;
 - (1) Is liable for all costs and expenses incurred by the Fire Department or the Improvement District to control or extinguish the fire (Cost Recovery). Cost Recovery rates shall follow the reimbursement rates under Fees & Charges Bylaw No. 162 Schedule 3 - Fire & Rescue Permits and Services for personnel and equipment, and
 - (2) costs for materials such as foam for use in fire suppression and control, and
 - (3) costs for nourishment and sustenance of personnel engaged in fire suppression, and
 - (4) any legal or other cost incurred in enforcing this Cost Recovery Agreement.

MEMBERSHIP

57. Upon the advice of the Fire Chief, the Board shall establish the minimum number of members required to maintain operations of the Fire Department.
58. The recruitment of new members shall be at the discretion of the Fire Chief after consultation with the Department Officers.
59. A person is qualified to be member of the Department who:
- a) Is 19 years of age or older
 - b) Possesses an acceptable criminal records check
 - c) Is physically fit and is able to pass a physical exam
 - d) Possesses a valid driver's license
 - e) Lives within the boundaries of the Mayne Island Improvement District

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60. All Officers and Members are required to sign a copy of the District Staff and Volunteers Confidentiality policy.
61. All Officers and Members are required to sign a copy of the Code of Ethics statement.
62. The Fire Chief may terminate a probationary member without cause, or extend the probation of any probationary member, at any time.
63. All Members are subject to a medical examination at such time as may be required by the fire Chief.
64. Each new applicant shall provide a criminal record check, obtain a physical exam and provide a driver's abstract. Existence of a criminal record, unsatisfactory physical exam results or unsatisfactory drivers abstract may prohibit an applicant's acceptance as a member or may result in the release of the member during the probationary period.
65. The minimum length of probation for new members shall be twelve months.
66. The Fire Chief may discipline any Officer or Member for cause.
67. If a Member or Members are unable to agree with a disciplinary decision made by the Fire Chief, the Member or Members may make an appeal to the District Human Resources representative or other HR personnel as may be appointed by the Board, for consideration. If the Human Resources representative is unable to bring about a resolve, the issue shall be brought before the Board for a final resolution.
68. Any member of the fire department may be suspended or discharged by the Fire Chief at any time he/she may deem such action necessary for the good of the fire department, provided however, that the member so discharged or suspended by the Fire Chief, may within seven days, appeal in writing to the Board who must within two weeks hold a hearing and the Board shall rule upon the matter of appeal.
69. Upon the recommendation of the Fire Chief, the rates for remuneration for incident call out, practice and other activities, shall be set in policy and approved by the Board. The Board must set out these rates annually.

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70. 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, or who does any act or thing or omits an act or thing thus violating any or the provisions in this bylaw will be deemed to have committed an offence, and upon a summary conviction is liable to a penalty in accordance with the *Offence Act*.

SEVERABILITY

71. If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, such invalidity will not affect the validity of the remaining portions of this bylaw.

REPEALS

Bylaws No. 46, No. 112 are hereby repealed.


CITATION

This bylaw may be cited as the "Fire Department Establishment and Operation Bylaw."

INTRODUCED and given first reading by the Trustees on the 22 day of April 2015.

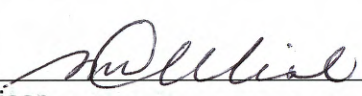
RECONSIDERED and finally passed by the Trustees on the 22 day of April 2015.





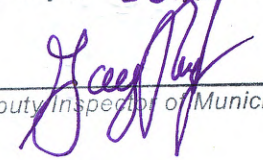
Chair of the Trustees

I hereby certify that this is a true copy of Bylaw No.161



Officer

A true copy of Bylaw No. 161
registered in the office of the
Inspector of Municipalities this
7 day of June 2015



Deputy Inspector of Municipalities