
THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1450

"A bylaw to establish and operate a fire department within the District of Kent"

WHEREAS Section 8 of the *Community Charter* provides that a municipality may provide any service that the Council considers necessary or desirable, and may do this directly or through another public authority or another person or organization;

AND WHEREAS the Council of the District of Kent wishes to establish a Fire Department with the responsibility for fire suppression and prevention, and for providing assistance in response to other classes of circumstances that may cause harm to the persons or property;

NOW THEREFORE the Council of the District of Kent in open meeting assembled hereby enacts as follows:

CITATION

1. This bylaw may be cited for all purposes as "Agassiz Fire Department Bylaw No. 1450, 2009".

DEFINITIONS

2. 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.

Council means the Council of the District of Kent.

Deputy Fire Chief means the member appointed by Council, in the absence of the Fire Chief, to act as the head of the Fire Department.

Equipment means any tools, contrivances, devices or materials used by the Fire Department to combat an incident of other emergency.

Fire Chief means the member appointed by Council, as head of the Fire Department, and shall be deemed to be a municipal public officer as defined in the *Community Charter*.

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 and advising.

Incident means an emergency situation or where a fire or explosion is imminent.

Local Assistant Fire Commissioner (LAFC) means a Local Assistant Fire Commissioner appointed for and by the municipality, under the jurisdiction of the *Fire Services Act*.

Member means any person or officer that is duly appointed by Council as a member of the Fire Department and shall be deemed to be a municipal public officer as defined in the *Community Charter*.

Municipality means the Corporation of the District of Kent.

Officer means the Fire Chief, Deputy Fire Chief, Captain or a Lieutenant with the Agassiz Fire Department duly appointed and from time to time to lawfully act in that capacity.

ROLE OF THE FIRE CHIEF

3. The **Fire Chief** shall be appointed by a resolution of **Council**.
4. Other **Officers** and **Members**, as the **Fire Chief** deems necessary, may be appointed by **Council**.
5. The **Fire Chief** may appoint other **Officers** of the Fire Department to act on his behalf on department issues, in the absence of the **Fire Chief** and **Deputy Fire Chief**.
6. The **Fire Chief** shall retain a complete and current list of all **Officers** and **Members** of the Fire Department. The **Fire Chief** shall provide a copy of this list to **Council** and advise **Council**, in writing, of any revisions to this list annually on January 1. All persons named on the list are to be duly appointed **members** of the Agassiz Fire Department effective from or to the date or dates indicated.
7. 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 **municipality**, and no part of the fire **apparatus** shall be used beyond the limits of the **Municipality** without:
 - a) The express authorization of a written contract or agreement providing for the supply of fire fighting services outside the municipal boundaries, or
 - b) The approval of the Mayor, Deputy Mayor or Chief Administrative Officer of the **Municipality**.

8. 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, 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) Rescue; | h) Fire inspections; |
| b) Emergency incident; | i) Fire fighting and suppression; |
| c) Pre-fire planning; | j) Training; |
| d) Disaster planning; | k) Occupational health and safety. |
| e) Prevention patrols; | l) Mutual aid to fire services including Ministry of Forest; and |
| f) Fire prevention; | m) Public services. |
| g) Fire investigation; | |
9. The **Fire Chief**, subject to the ratification of **Council**, shall establish rules, regulations, operational guidelines 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.

OPERATIONS

10. The **Fire Chief**, or in his absence, the **Deputy Fire Chief** shall have control, direction and management of all Fire Department **apparatus**, equipment or manpower assigned to an incident and, where an **Officer** is in charge, he shall continue to act until relieved by a Senior **Officer**.
11. The **Fire Chief** shall take responsibility for all **fire protection** matters including the enforcement of the *Fire Services Act* and regulations thereunder and shall assume the responsibilities of the **Local Assistant Fire Commissioner (LAFC)**, if so directed by a resolution of **Council**.
12. **Officers** and **Members** of the Fire Department shall carry out the duties and responsibilities assigned to the Fire Department by **Council**, and the **Fire Chief** shall report to the **Council** through Committee on the operations of the Fire Department or on any other matter in the manner designed by **Council**.
13. The **Fire Chief**, or any **Officer** of the Fire Department authorized by the Chief Administrative Officer, may at any reasonable time enter any premise for the purpose of fire safety and prevention inspections.

14. The **Fire Chief**, or any **Officer** 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 **Officer** 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 the **Officer** 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.
17. The **Fire Chief**, or the **Officer** 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.
18. No person shall enter the boundaries or limits of an area prescribed in accordance with Section 17 of this Bylaw unless he has been authorized to enter by the **Fire Chief** or the **Officer** in charge.
19. The **Fire Chief**, or the **Officer** in charge, at an **incident** may request peace officers (RCMP) to enforce restrictions on persons entering within the boundaries or limits outlined in Section 17 of this Bylaw.
20. The **Fire Chief** may obtain assistance from other officials of the **Municipality** as he deems necessary in order to discharge his duties and responsibilities under this Bylaw.
21. The **Fire Chief** or the **Officer** 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 the same and in demolishing a building or structure at or near the fire or other **incident**.
22. The **Fire Chief** or the **Officer** in charge of an **incident** is empowered to commandeer privately owned equipment which he considers necessary to deal with an **incident**. Remuneration rates shall be those set out from time to time by the Director of Financial Services and approved by **Council**.
23. The **Fire Chief** and **Members** of the Fire Department are deemed to be included in the District of Kent Indemnification Bylaw No. 895, 1988, as amended from time to time.
24. The **Council** shall determine the remuneration of all **members** of the Fire Department.

OFFENCE AND PENALTY

25. Every person who violates and breaches, or who causes or allows to be violated or breached any provision of this bylaw shall be guilty of an offence against this bylaw and each day that such violation is caused or allowed to continue shall constitute a separate offence.
26. Any person guilty of an infraction of this bylaw shall be liable upon summary conviction to a fine or imprisonment, or to both such fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*, as amended.

ADMINISTRATIVE PROVISIONS

27. "District of Kent Fire Prevention By-law No. 916, 1989" and any amendments thereto are hereby all repealed.
28. Wherever the singular or masculine is used in this bylaw, the same is deemed to include the plural of the feminine of the body corporate or politic as the context so requires.
29. If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held invalid by the decision of any court or competent jurisdiction, the invalid portion shall be severed and the decision that is invalid shall not affect the validity of the remainder of this bylaw.

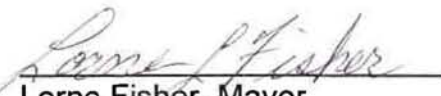
READ A FIRST TIME this 23rd day of November 2009.

READ A SECOND TIME this 23rd day of November 2009.

READ A THIRD TIME this 23rd day of November 2009.

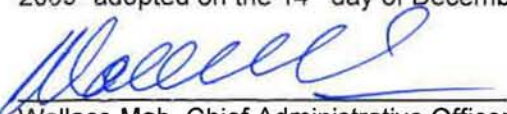
FINALLY PASSED AND ADOPTED this 14th day of December 2009.

CERTIFIED CORRECT:


Lorne Fisher, Mayor


Wallace Mah, Chief Administrative Officer

CERTIFIED A TRUE & CORRECT COPY
of "Agassiz Fire Department Bylaw No. 1450,
2009" adopted on the 14th day of December 2009.


Wallace Mah, Chief Administrative Officer