

Town of Creston

Bylaw No. 1928

A bylaw to regulate, prohibit and impose requirements in relation to the management, operation and continuation of Fire Protection Services for the Town of Creston.

WHEREAS the *Community Charter* authorizes Council, by bylaw, to regulate, prohibit and impose requirements in relation to municipal services and any matter within the scope of the *Fire Services Act*, including authorizing the municipal Fire Chief or designate to exercise certain powers in relation to the prevention and suppression of fires.

NOW THEREFORE, the Council of the Town of Creston, in open meeting assembled, enacts as follows:

Part 1 Citation

1.1 This Bylaw may be cited as “Fire Service Bylaw No. 1928, 2021”.

Part 2 Severability

2.1 If a portion of This Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of This Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause, or phrase.

Part 3 Definitions

3.1 In This Bylaw, unless the context otherwise requires,

“**Apparatus**” means any vehicle provided with machinery, devices, equipment or materials designed or intended for use in Fire Protection and Assistance Response, including vehicles used to transport fire fighters and supplies;

“**Assistance Response**” means the initial response and emergency aid, other than fire protection, provided by the Fire Department at an Incident (as defined in This Bylaw);

“**British Columbia Building Code**” and “**BC Building Code**” means the Provincial building code established by the British Columbia Building Code Regulation enacted under the *Building Act*;

“**British Columbia Fire Code**” and “**BC Fire Code**” means the Schedule to the British Columbia Fire Code Regulation enacted under the *Fire Services Act*;

“**Building**” means any structure used or intended to be used for supporting or sheltering any use or Occupancy;

“**Bylaw Enforcement Officer**” means any person appointed [by Council] as the Bylaw Enforcement Officer for the Town of Creston and for the purposes of This Bylaw also includes the Fire Chief and Assistant Fire Chief;

“**Chief Administrative Officer**” means the person appointed by the Council as the Chief Administrative Officer pursuant to section 147 of the *Community Charter*;

“Costs” in the context of Costs recovered by the Fire Department under This Bylaw, means Costs as defined in the Fees and Charges Bylaw;

“Council” means the elected Council of the Municipality;

“Exposure Fire” means a fire that

- a) is the result of heat radiation, heat convection or direct flame contact from a fire that is proximate to the Exposure Fire; and
- b) affects a person, object, thing or structure;

“Fee” and **“Fees”** means the Fees and charges prescribed by the Fees and Charges Bylaw;

“Fees and Charges Bylaw” means the Fees and Charges Bylaw in force from time to time and adopted by the Council under section 194 of the *Community Charter* or similar successor legislation;

“Fire Alarm System” means one or more devices and other interconnecting parts of a system installed on or in real property and designed to warn Protective Services of a fire by activating an audible alarm signal and / or alerting a monitoring facility, but does not include a Fire Alarm System that is intended to alert only the occupants of the dwelling unit in which it is installed;

“Fire Chief” means a person appointed by Council to serve as Chief of the Fire Department;

“Fire Department” means Creston Fire & Rescue Services, a department of the Town of Creston;

“Fire Department Equipment” means any tools, contrivances, devices, hoses, or materials used by the Fire Department;

“Fire Protection and Assistance Response” means all aspects of fire safety, fire suppression and emergency response, including:

- a) fire prevention activities;
- b) fire fighting;
- c) fire suppression;
- d) BC Fire Code, fire hazard and fire safety inspections, including inspections required by the *Fire Services Act* and This Bylaw;
- e) pre-fire planning;
- f) fire investigation;
- g) medical first responder calls;
- h) technical rescue responses including vehicle extrication;
- i) inspecting, monitoring and advising on Hazardous Materials storage and handling;
- j) public education and information in relation to fire safety and prevention; and
- k) training, advising and other development of Members in relation to the activities listed as a) to j) in this definition;

“Fire Protection Equipment” means but is not limited to Fire Alarm Systems, automatic sprinkler systems, special fire extinguishing systems, portable fire extinguishers,

standpipe and hose systems, fixed pipe fire suppression systems in commercial kitchen exhaust systems, and emergency lighting and power installations;

“Fire Protection Service Area” means the area of the jurisdiction of the Fire Department as defined in Part 4 of This Bylaw;

“Hazardous Materials” has the same meaning as “dangerous goods”, as defined in the *Transportation of Dangerous Goods Act (Canada)*, i.e. “a product, substance or organism included by its nature or by the regulations in any of the classes listed in the schedule to that Act”;

“Hotel” includes

- a) an apartment building;
- b) a residential condominium building that has:
 - i. two or more levels of strata lots as defined in the *Strata Property Act*; and
 - ii. one or more corridors that are common property as defined in the *Strata Property Act*; and
- c) a boarding house, lodging house, club or any other Building, where lodging is provided, except a private dwelling;

“Incident”

- a) means a fire or explosion or a situation in which a fire, explosion or life threatening condition is imminent, and
- b) any event or situation in which harm to persons or property may arise to which the Fire Department has or would ordinarily respond, including:
 - i. an accident involving a motor vehicle, train or other form of public or private conveyance;
 - ii. a medical emergency;
 - iii. an event on land or water requiring a rescue operation;
 - iv. a danger arising from hazardous situations or escape of Hazardous Materials;
 - v. an earthquake or other natural disaster; and
 - vi. an act or threatened act of terrorism;

“Local Assistant” means a Local Assistant as defined in the *Fire Services Act*;

“Member” means any person appointed by the Fire Chief as an employee of the Fire Department, whether paid or volunteer, and includes the Fire Chief;

“Municipality” means the body incorporated as the Town of Creston and/or the territorial jurisdiction thereof, according to its context in This Bylaw;

“Occupancy” means the use or intended use of a Building or part thereof for the shelter or support of persons, animals or property as defined in the British Columbia Building Code;

“Occupier” includes an Owner, tenant, lessee, agent, and any other person who has the care, control and the right of access to real property or a Building;

“Officer” means a Member of the Fire Department appointed by the Fire Chief and given specific authority to assist the Fire Chief in his or her duties or to act in the stead of the Fire Chief;

“Order” means taking a remedial action, giving an approval, making a decision or a determination, issuing a Permit or exercising a discretion under This Bylaw and/or the BC Fire Code by the Fire Chief, Officer, a Member, a Bylaw Enforcement Officer, or other person designated by Council];

“Owner” has the same meaning as in the *Community Charter*;

“Provincial Training Standards” means the minimum training standards set by the Fire Commissioner from time to time under paragraph 3(3)(b) of the *Fire Services Act*;

“Peace Officer” means, for the purposes of This Bylaw only, a person employed as the Fire Chief of the Municipality or appointed as a Local Assistant for the Municipality, any person employed or appointed by the Municipality as a Bylaw Enforcement Officer, or a Member of the Royal Canadian Mounted Police;

“Permit” means a document issued by the Fire Chief, Officer or a person authorized by the Fire Chief, to approve a person to carry out a procedure or undertaking regulated by This Bylaw;

“Police” means the detachment of the Royal Canadian Mounted Police providing Police Services to the Municipality;

“Premises” means Hotel, Public Building, private building or real property;

“Protective Services” means the Fire Department and/or Police;

“Public Building” means a factory, warehouse, store, mill, school, hospital, theatre, public hall, office building and any Building other than a private dwelling house;

“Regional District” means the Regional District of Central Kootenay;

“Service” means the provision of Fire Protection by the Fire Department as contemplated by Part 6 of This Bylaw, unless otherwise indicated by the context in This Bylaw;

“This Bylaw” means this Fire Service Bylaw No. 1928, 2021;

“Work Experience Program” means the term employment of auxiliary firefighters (certified to National Fire Protection Association Firefighter Level II) to supplement staffing of the Fire Department. Work Experience Program participants may or may not live at fire station, depending on the program requirements, as determined by the Fire Chief.

Part 4 Limits of Jurisdiction

- 4.1 The ordinary geographical limits of the jurisdiction of the Fire Department is the area within the boundaries of the Municipality, and Apparatus shall not be taken, except for purposes of repair or maintenance, or used beyond the boundaries of the Municipality unless:

- (a) there is a written contract or agreement, approved by Council and signed on behalf of the Municipality, expressly authorizing the supply of Fire Protection and Assistance Response outside the Municipality's boundaries;
 - (b) approved by the Chief Administrative Officer or designate, or, in the absence thereof, by the Emergency Operations Centre Director, in each case in accordance with the policies or guidelines set by Council; or
 - (c) in connection with a request for assistance by the Province of British Columbia in connection with a Provincial State of Emergency, subject to approval of the Chief Administrative Officer and to the policies and guidelines set by Council; or
 - (d) in connection with a request for assistance by the Police or by British Columbia Emergency Health Services within the Regional District Areas A, B, and C subject to the policies and guidelines set by Council; or
 - (e) in connection with an Incident near the boundaries of the Fire Service Protection Area (or any other Service area protected by the Fire Department under contract with the Regional District or other person) which, if left untended, may threaten the Fire Service Protection Area or other such Service area; or
 - (f) if authorized to respond by EMBC or with a request for assistance by the B.C. Wildfire Service in relation to an interface fire or wildfire within the Regional District Areas A, B, and C.
- 4.2 The Fire Chief or designate may, in his or her sole discretion, refuse to respond to calls to Incidents described in subsections 4(e) and (f); provided that any refusal of a mutual aid request or automatic aid response shall be in accordance with the terms of the relevant mutual aid agreement or automatic aid agreement, as the case may be.

Part 5 Continuation of Fire Protection Service and Fire Department

- 5.1 The Fire Protection and Assistance Response provided by the Municipality, pursuant to Fire Services Bylaw No. 1774, 2011, is hereby continued. Council will, from time to time, establish by policy the Service level at which such Fire Protection and Assistance Response will be undertaken by the Fire Department, as required by the Provincial Training Standards.
- 5.2 The Fire Department is hereby continued.
- 5.3 This Bylaw does not contemplate or extend in its purpose, to any of the following:
- (a) the protection of any person from economic loss; or
 - (b) a guarantee or warranty by the Municipality or any of its agents, as to the Service level expectations of the Fire Department under This Bylaw, or any other applicable bylaws, codes, enactments, agreements, or standards; or
 - (c) provide to any person a warranty with respect to the Fire Protection and Assistance Response of the Fire Department or with respect to the certainty of timely response levels. The list of Fire Protection and Assistance Response does not, of itself, mean that the Fire Department provides such Services at any given time or will, in relation to any particular Incident, be able to deliver such Services.

Part 6 Fire Chief's Authority and Responsibilities

- 6.1 The Fire Chief is the head of the Fire Department and reports to the Director of Community Services or designate.
- 6.2 The Fire Chief is responsible for the management of the Fire Department and the condition of the fire stations, fire training facility, Apparatus, and all equipment (including personal protective equipment) under the control of or use by the Fire Department and its Members.
- 6.3 The Fire Chief may appoint Officers and admit Members to the Fire Department, as he or she deems necessary, subject to restrictions, if any, in the Fire Department budget adopted by the Council.
- 6.4 The Fire Chief may demote, suspend or discharge any Member of the Fire Department subject to the human resources and employment policies of the Municipality.
- 6.5 The Fire Chief may appoint an Officer to act on his or her behalf or in his or her absence.
- 6.6 The Officers and Members of the Fire Department shall carry out the duties and responsibilities of the Fire Department assigned to them by the Fire Chief.
- 6.7 The Fire Chief may require any Member to undergo a medical examination and supply a medical report to determine that individual's suitability to carry out the duties of a firefighter.
- 6.8 The Fire Chief may require any prospective Member, at no cost to the Municipality, to determine that person's suitability to carry out the duties of a firefighter.
- 6.9 The Fire Chief is authorized to and shall:
 - a) administer This Bylaw;
 - b) exercise the powers of the Fire Commissioner under section 25 of the *Fire Services Act*, and for these purposes that section applies;
 - c) make rules for the efficient administration and operation of the Fire Department and change, replace or withdraw the rules as he or she considers necessary;
 - d) take measures respecting the discipline of Members of the Fire Department, subject to the human resources and employment policies of the Municipality;
 - e) 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;
 - f) make provisions for Fire Protection and Assistance Response by the Fire Department as permitted under This Bylaw;
 - g) enforce municipal bylaws, rules, Orders and regulations respecting fire prevention and suppression and the protection of life and property and take measures to prevent and suppress fires;

- h) fulfill the requirements of a Local Assistant to the Fire Commissioner in accordance with section 6(1) of the *Fire Services Act*, including the Local Assistant's responsibilities under sections 9 and 13 of that *Act*;
- i) inquire into, investigate and record the causes of fires in the Municipality;
- j) collect and disseminate information in regard to fires in the Municipality;
- k) manage the Members, fire station, Apparatus, and Fire Department Equipment;
- l) organize or authorize programs and policies designed to inform the public or specified classes of the public on matters regarding fire safety, use of flammable/combustible materials, prevention, containment, or suppression of fires or other emergencies and escape from fires or other emergencies.
- m) study methods of fire prevention; and
- n) provide advice and make recommendations to Council, other Members of the Fire Department and the public, as appropriate, in relation to:
 - i. the administration of the Fire Department;
 - ii. the provision of adequate water supply and pressure in relation to firefighting;
 - iii. the installation or maintenance of automatic or other Fire Alarm Systems and Fire Protection Equipment and smoke control measures;
 - iv. the enforcement of measures for the prevention or suppression of fire and the protection of life and property; and
 - v. fire prevention generally.

6.10 The Fire Chief must:

- a) report to Council at least quarterly on the condition of the fire station, Apparatus and Fire Department Equipment; the training and experience of the Members; and, the complement strength of the Fire Department;
- b) report regularly, and at least annually, on significant issues affecting the administration and operation of the Fire Department to keep Council informed on the operation of the Fire Department; and
- c) annually prepare a draft budget for the operation of the Fire Department, as per municipal policy, for Council's consideration.

6.11 The Fire Chief must establish rules, regulations, policies, and committees necessary for the proper organization, administration and operation of the Fire Department, including, but not limited, to the following:

- a) the use, care and protection of Fire Department property;
- b) the conduct and discipline of Officers and Members of the Fire Department;
- c) the roles and responsibilities of each position within the Fire Department, and the concomitant training and qualification requirements for each such position, including ensuring compliance with the Provincial Training Standards;
- d) the efficient operation of the Fire Department.

- 6.12 The Fire Chief is responsible for the development, implementation and maintenance of appropriate operational guidelines covering the Fire Department's operations, including those required by the *Workers Compensation Act* (B.C.) and the regulations made thereunder.
- 6.13 The Fire Chief is responsible to Council for ensuring that a regular system of inspections is developed and implemented by the Fire Department, as required by sections 26 and 36 of the *Fire Services Act*.
- 6.14 The Fire Department is authorized to operate a Work Experience Program, subject to budget approval by Council. The Fire Chief is responsible for the operation of such Work Experience Program, including:
- a) recruitment and hiring of participants;
 - b) general oversight of participants;
 - c) managing the hours of work for participants;
 - d) assessing or reviewing participants' job tasks completed during working hours; and
 - e) assisting participants with job placement activities.

Part 7 Authority of the Fire Department

- 7.1 The Fire Chief, in consultation with the Chief Administrative Officer, shall determine which of the Fire Protection and Assistance Response Services the Fire Department shall provide, and the level to which such Services shall be provided, at any given time, subject to any necessary budget approvals and specific direction of Council; provided, however, that the Fire Department shall always provide fire suppression, fire prevention, Fire Code enforcement, enforcement of This Bylaw and of the Fire Prevention Bylaw and other bylaws of the Corporation, as may be specified therein, Fire Investigation Services and Fire Inspection Services, and Services ancillary thereto.
- 7.2 The Fire Department shall operate as a "full Service" department, as defined in the Provincial Training Standards, both within the Fire Protection Service Area and when responding extra jurisdictionally as contemplated by section 4 of This Bylaw. The Fire Department shall operate in accordance with the requirements of the Provincial Training Standards, including with respect to the training of its Members and keeping of records related to such training.
- 7.3 Notwithstanding the list of Fire Protection and Assistance Response Services or any Service level authorized in accordance with the Provincial Training Standards, in relation to any particular Incident response, the Fire Department shall undertake only those emergency response activities for which its responding Members are properly trained and equipped. The Fire Chief and/or designate, including Incident commander may, in his or her sole discretion, restrict or terminate emergency response activities in any circumstances where the Incident is considered to exceed the training or capabilities of the responding Members, or Apparatus available to them.
- 7.4 The Fire Chief, or any Member has the authority at all times, by day or night, without notice, to enter onto any real property, to enter and examine a Building, Premises, motor vehicle, vessel, or railway rolling stock where an Incident has occurred, and, if necessary, those adjoining or near the Incident, for the purpose of providing Fire Protection and Assistance Response at any Incident the Fire Department attends.

- 7.5 The Fire Chief, or a Member has the authority at all times, by day or night, without notice, to enter onto any real property to enter and examine a Building, Premises, motor vehicle, vessel, or railway rolling stock where a fire has occurred, and, if necessary, those adjoining or near the fire to investigate in a general way the cause, origin and circumstances of each fire occurring in the Municipality.
- 7.6 The Fire Chief, or a Member has the authority at all times, by day or night, without notice, to enter onto any real property to enter and examine a Building, Premises, motor vehicle, vessel, or railway rolling stock where a Fire Alarm System, automatic fire sprinkler system or other fire or life safety system has activated and, if necessary, those adjoining or near, to investigate in a general way the cause, origin and circumstances of the activation of any Fire Alarm System, automatic fire sprinkler system or other fire or life safety system in the Municipality.
- 7.7 The Fire Chief, or a Member authorized by the Fire Chief, on complaint or, if believed advisable, has the authority at all reasonable hours, by day or night, without notice, to enter onto any real property and enter and examine a Building, Premises, motor vehicle, vessel, or railway rolling stock to ascertain whether:
- a) they are in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
 - b) the use or Occupancy of them would create a fire that would endanger life or property;
 - c) combustible or explosive material is kept or other flammable conditions exist on them so as to endanger life or property; or
 - d) a fire hazard exists in or about them.
- 7.8 The Fire Chief, or in his or her absence, the senior ranking Officer or Member of the Fire Department present shall have control, direction and management of all Apparatus, equipment or Members assigned to an Incident and, where a Member is in charge, he or she shall continue to act until relieved by a senior Officer or the Fire Chief.
- 7.9 The Fire Chief, or a Member in charge, while carrying out the duties in sections 7.1 to 7.5, is authorized to cause any Apparatus or equipment of the Fire Department to enter on real property, a Premises, motor vehicle, vessel, or railway rolling stock, as he or she deems necessary.
- 7.10 The Fire Chief, or a 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 or she deems it necessary to prevent the spread of fire to other Buildings, structures or things, and the Municipality may recover the Costs.
- 7.11 The Fire Chief, or the Member in charge at an Incident, is empowered during the Incident to enter, pass through or over Buildings or property proximate 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 or she deems it necessary to gain access to the Incident or to protect any person or property.

- 7.12 The Fire Chief, or the Member in charge, during an Assistance Response is empowered to commandeer privately owned equipment, which he or she considers necessary to deal with an Incident, and the Municipality may recover its Costs from the Owner or Occupier of the Premises where the Incident occurred.
- 7.13 The Fire Chief, or a Member, has the authority at all times, by day or night, to hire or engage the Services of a fire protection service company to repair, inspect or maintain a Building's Fire Protection Equipment that may require repair, inspection or maintenance, and the actual cost to the Municipality of doing so may be recovered from the Owner or Occupier.
- 7.14 The Fire Chief, or a Member, has the authority at all times, by day or night, to hire or engage the services of a traffic control provider or the Municipality's public works to provide barricades, flagging personnel, pylons, and other traffic control equipment to manage traffic on public and private roadways during an Assistance Response, and the actual cost to the Municipality of doing so may be recovered from the Owner or Occupier.
- 7.15 The Fire Chief, or a Member, has the authority at all times, by day or night, to hire or engage the services of a security company, security person or provide Members at an Incident to maintain a Building fire watch until the Owner or Occupier of the Building is contacted or investigation is completed, and the Costs of the Municipality of doing so may be recovered from the Owner or Occupier.
- 7.16 The Fire Chief, or the Member in charge of an Incident, may request persons who are not Members to assist in whatever manner he considers necessary to deal with an Assistance Response, including 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.
- 7.17 The Fire Chief, or the Member in charge at an Incident, may at his or her discretion establish boundaries or limits around the Incident area and keep persons from entering the area within those established boundaries or limits.
- 7.18 No person shall enter the boundaries or limits of an Incident area unless the person has been authorized to enter by the Fire Chief or the Member in charge.
- 7.19 The Fire Chief, or the Member in charge at an Incident, may request Police to enforce restrictions on persons entering within the boundaries or limits established under sections 7.17 and 7.18.
- 7.20 The Fire Chief may obtain assistance from other officials, as he or she deems necessary in Order to discharge his or her duties and responsibilities under This Bylaw.

Part 8 Prohibited Conduct

- 8.1 No person shall connect an auto-dialer to the Fire Department emergency telephone number.
- 8.2 No person shall impede, obstruct or hinder in any manner the Fire Chief, a Member of the Fire Department or other persons assisting or acting under the direction of the Fire Chief, or the Member in charge, in the execution of their duties at
- a) a fire protection or Assistance Response;

- b) a fire scene for investigation to determine origin and cause;
 - c) a Building to determine the cause of activation of a Fire Alarm System, sprinkler system or other fire or life safety system;
 - d) a complaint of a fire hazard; and
 - e) a Building for the purpose of conducting a fire safety inspection as required by the *Fire Services Act* or applicable bylaws.
- 8.3 No person shall damage or destroy, or obstruct, impede or hinder the operation of any Apparatus or Fire Department Equipment.
- 8.4 No person shall grow shrubs, hedges, plants, or trees to obstruct the visibility or use of a fire hydrant, standpipe or sprinkler connection.
- 8.5 No person shall place any object in such a manner that will obstruct the use of a fire hydrant, standpipe or sprinkler connection.
- 8.6 No person shall obstruct an exit of any Hotel or Public Building.
- 8.7 No person shall obstruct in any way the egress of Apparatus or other emergency vehicles from any fire station.
- 8.8 No person at an Incident shall drive a vehicle over any Fire Department Equipment without permission of the Fire Chief or the Member in charge.
- 8.9 No person shall obstruct or otherwise interfere with access roads, streets or other approaches to any Incident, fire hydrant, cistern, or body of water designated for firefighting purposes.
- 8.10 No person shall impersonate the Fire Chief, Officer or Member of the Fire Department.
- 8.11 Persons who have left the employ of the Fire Department shall return firefighting personal protective equipment, uniforms, textbooks, and any other Fire Department Equipment issued within fourteen (14) days of leaving their employment with the Fire Department.

Part 9 Addresses

- 9.1 An individual street address number must be placed on the front of every new or existing Building or structure in such a position as to be plainly visible and legible, day or night, from the street, road, fire lane, emergency access route, or other right of way or easement, and the street address number must meet the following minimum criteria:
- a) be legible from a distance of fifteen (15) metres;
 - b) the letters or numbers must be a minimum of four (4) inches in height and no less than one half (0.5) inch in width; and
 - c) the letters or numbers shall be a contrasting colour to the background colour(s) of the Building or structure.

Part 10 Fees for Service and Cost Recoveries

- 10.1 The Fire Department may charge a Fee or recover Costs for its Services, including in relation to the use of Fire Department Equipment and Members, but excluding Fire Protection and Assistance Response unless specifically noted, to a person in the Municipality as prescribed in the Fees and Charges Bylaw, including, but not limited to each case in accordance with Appendix A.
- 10.2 The Fire Department may recover from the Owner of the property where an Incident has occurred, and/or from the person responsible for the Incident, the Costs incurred of any third-party assistance received in relation to responding to or mitigating such Incident. Where an Incident involves a spill or release of Hazardous Materials, the Fire Department may recover from the person responsible for such Hazardous Materials, the cost of the response plus the cost of repairing or replacing of Apparatus or other equipment of the Fire Department damaged or contaminated during the response.

Part 11 Offence and Penalty

- 11.1 A person who violates a provision of This Bylaw, or who consents, allows or Permits an act or thing to be done in violation of a provision of This Bylaw, or who neglects or refrains from doing anything required by a provision of This Bylaw, commits an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and is liable to either or both of the minimum or maximum fine for each day that the offence continues.

Part 12 Repeal

- 12.1 "Fire Services Bylaw No. 1774, 2011" and all amendments thereto, are hereby repealed.

Part 13 Effective Date

- 13.1 This Bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME by title and SECOND TIME by content this 22nd day of June, 2021.

READ A THIRD TIME by title this 22nd day of June, 2021.

ADOPTED this 13th day of July, 2021.

"Ron Toyota"
Mayor Ron Toyota

"Kirsten Dunbar"
Kirsten Dunbar, Corporate Officer

APPENDIX A: FEES AND CHARGES

In relation to the Fire Department's operations, activities and Services provided under or authorized by This Bylaw, the Municipality may charge Fees for the following:

- (a) providing Members and Apparatus as an onsite standby where Hazardous Materials have been released which create a life safety risk/hazard or fire/explosion risk at or near any Premises, public land or public roadways;
- (b) the contamination or damage that occurs to Fire Department Apparatus or equipment at an Incident as a result of the presence of a Hazardous Materials on the property or in a Building where the Incident occurred, or in relation to a response to an accident involving a motor vehicle, train or other means of public or private conveyance;
- (c) Fire Protection and Assistance Response required as a result of a violation of any bylaw of the Municipality or Provincial legislation or regulation;
- (d) Fire Protection and Assistance Response where the fire is willfully set and must be brought under control by the Fire Department;
- (e) Fire Protection and Assistance Response that arises as a result of or in connection with the commission of an indictable offence under the Criminal Code of Canada, that must be brought under control by the Fire Department;
- (f) responding to an Incident involving a Building or structure that is used for growing, processing or storage of plants or chemicals, Fees shall apply for the Services provided by the Fire Department, including for a Fire Protection and Assistance Response, fire watch, security and traffic control of or in the area of that Building, Premises, motor vehicle, vessel, or railway rolling stock, including attendance at Exposure Fire(s) that occur as a result of the said use, where:
 - i. the use being made of the Building, Premises, motor vehicle, vessel, or railway rolling stock is not permitted or approved under the authorized terms of Occupancy, or under any applicable bylaw of the Municipality; or
 - ii. the use of the Premises and any modifications of the Premises made to facilitate that use do not comply with the requirements of the BC Building Code, the BC Fire Code, the Canadian Electrical Code, or any applicable bylaw of the Municipality;
- (g) a special event held, including but not limited to, parties, large concerts or other large gatherings of people, and Members are required to conduct inspections, provide standby time, use Fire Department Equipment, and other fire protection Services because of the special event, whether before, after or during the special event;
- (h) specialized equipment from another local government, senior level of government or other source is utilized, called out or requested by the Fire Department, and the Municipality is subsequently charged for the use of the specialized equipment;
- (i) traffic control, fire watch and security arising from an Assistance Response until such time the property is returned to the Owner or Occupier's control, including additional actual Costs for materials for providing the Service; and
- (j) fire prevention training or any training related to fire suppression, rescue, and hazardous material or other safety related topics, in addition to any associated actual Costs.