

## District of Chilliwack

### Bylaw No. 2314

#### A bylaw to establish a fire department and fire suppression and prevention services

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WHEREAS Section 699 of the Municipal Act authorizes Council, by bylaw, to establish a fire department and make regulations with respect to fire suppression and prevention and other classes of circumstances that may cause harm to persons or property;

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

1. This bylaw may be cited as "**Fire Department Establishment Bylaw 1996, No. 2314**".
2. "Fire Fighting Services Establishment and Operations Bylaw 1987, No. 978" and amendments thereto are hereby repealed.

#### Interpretation

3. In this Bylaw:

"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;

"Council" means the Council of the District of Chilliwack;

"District" means the District of Chilliwack;

"equipment" means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency;

"Fire Chief" means the person appointed by Council as head of the District of Chilliwack Fire Department and shall be deemed to be a Municipal Public Officer as defined in the *Municipal Act*;

"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 and other staff development and advising;

"incident" means a fire or a situation where a fire or explosion is imminent and includes assistance response circumstances described in section 8 of this Bylaw;

"member" means a person that is appointed by Council as a member of the Fire Department and shall be deemed to be a Municipal Public Officer as defined in the *Municipal Act*; and

"officer" means a member appointed by Council and given specific authority to assist the Fire Chief in his duties.

**Fire Department Established**

4. Council hereby establishes a Fire Department, including volunteer brigades and volunteer fire fighters and officers, to provide fire suppression and prevention services and other related services within the District and outside the District's boundaries by Mutual Aid Agreement, written contract or by a resolution of Council.
5. The Fire Chief shall be appointed by a resolution of Council and shall report to Council on the operations of the Fire Department and on any other matter in the manner designated by Council.
6. The Fire Chief may appoint officers of the Fire Department to act as Fire Chief on his behalf.
7. Officers and members shall be appointed to the Fire Department in accordance with Council policy and shall carry out the duties and responsibilities assigned to the Fire Department by Council.

**Authority of Fire Chief**

8. 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 shall be required to carry out all fire protection duties and such other activities as Council directs including but not limited to:
  - (a) assisting in certain rescue operations;
  - (b) mutual aid to fire services including  
Ministry of Forests;
  - (c) pre-fire planning;
  - (d) disaster planning;
  - (e) preventive patrols; and
  - (f) public services.
9. The Fire Chief, subject to ratification by Council, shall establish rules, regulations, policies and committees which he deems necessary for the proper organization and administration of the Fire Department including but not limited to:
  - (a) the use, care and protection of Fire Department property;
  - (b) the conduct and discipline of officers and members; and
  - (c) the efficient operation of the Fire Department.
10. 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 and members assigned to an incident and, where a member is in charge, he shall continue to act until relieved by the Fire Chief or an officer.

## **Fire Department Establishment Bylaw 1996, No. 2314"**

### **Page 3**

11. The Fire Chief may require assistance from other officials of the municipality as he deems necessary in order to discharge his duties and responsibilities under this Bylaw.
12. 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 to the Fire Commissioner.
13. The Fire Chief or any member may at any reasonable time enter any premises for the purpose of fire protection matters.

### **Authority At An Incident**

14. The Fire Chief or member in charge at an incident may:
  - (a) 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;
  - (b) enter at any time any premises or property at or near the incident and to cause members, apparatus and equipment to enter the premises or property as he deems necessary in order to combat, control or deal with the incident;
  - (c) enter or pass through or over buildings or property adjacent to an incident and to cause members, apparatus and equipment 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;
  - (d) require persons who are not members to assist him in whatever manner he considers necessary to deal with the incident, including removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same and in demolishing a building or structure at or near the fire or other incident; and
  - (e) commandeer any privately-owned equipment which he considers necessary to deal with an incident.
15.
  - (1) The Fire Chief or member in charge at an incident may at his discretion establish boundaries or limits and keep persons from entering the area within those prescribed boundaries or limits.
  - (2) No person shall enter the boundaries or limits of an area prescribed in subsection (1) unless he has been authorized to enter by the Fire Chief or the member in charge.
  - (3) The Fire Chief or member in charge at an incident may request any peace officer to prevent any person from entering within the boundaries or limits of an area established pursuant to subsection (1).

**Fire Department Establishment Bylaw 1996, No. 2314"**

**Page 4**

16. No person at an incident shall:
- (a) impede, obstruct or hinder the Fire Chief, a member or other person assisting or acting under the direction of the Fire Chief or the member in charge;
  - (b) damage, destroy, obstruct, impede or hinder the operation of any apparatus or equipment;
  - (c) drive a vehicle over any equipment without permission of the Fire Chief or the member in charge; or
  - (d) obstruct or otherwise interfere with access roads or streets or other approaches to the incident, or any fire hydrant, cistern or body of water which is required for fire fighting purposes.

**False Representation**

17. No person shall falsely represent himself as the Fire Chief or a member, or wear or display any Fire Department badge, cap, button, insignia or other part of a uniform or piece of equipment for the purpose of false representation.

**Offence and Penalty**

18. Every person who violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and is liable to the penalties imposed under this Bylaw and each day that a violation continues to exist is deemed to be a separate offence against the Bylaw.

**Severability**

19. If any section, subsection, clause or phrase of this Bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed section, subsection, clause or phrase.

Received first reading on the 22nd day of January, 1996.

Received second reading on the 22nd day of January, 1996.

Received third reading on the 22nd day of January, 1996.

Reconsidered, finally passed and adopted on the 5th day of February, 1996.

"John Les"

Mayor

"D.W. Hampson"

Clerk