

## **COMOX VALLEY REGIONAL DISTRICT**

### **BYLAW NO. 695**

A bylaw to regulate and establish the operational criteria and administrative parameters for the Black Creek - Oyster Bay, the Greater Merville and the Mount Washington Resort Community Fire Protection Service areas

**WHEREAS** the Comox Valley Regional District provides fire protection to the Black Creek – Oyster Bay fire protection service area under Bylaw No. 1964 being “Black Creek/Oyster Bay Fire Protection Local Service Conversion/Establishment Bylaw No. 1964, 1997”;

**AND WHEREAS** the Comox Valley Regional District provides fire protection to the Greater Merville fire protection service area under Bylaw No. 484 being “Merville Fire Protection Service Establishment Bylaw No. 484, 2017”

**AND WHEREAS** the Comox Valley Regional District provides fire protection to the Mount Washington resort community fire protection service area under Bylaw No. 433 being “Mount Washington Resort Community Fire Protection Service Establishment Bylaw No. 433, 2016”

**AND WHEREAS** the Comox Valley Regional District wishes to define the powers, authorities and responsibilities of the fire department operating in this service;

**NOW THEREFORE** the board of the Comox Valley Regional District, in open meeting assembled, enacts as follows:

#### **Definitions and interpretation**

1. (1) In this bylaw, the following terms shall have the following respective meanings:
  - (a) “apparatus” means any vehicle, equipment (including communications equipment), machinery, devices, supplies or materials used by a fire department in connection with fire suppression or dealing with an incident and any vehicle used to transport members or supplies to an incident, but does not include personal vehicles of members used to transport themselves to a fire hall;
  - (b) “automatic aid” means an arrangement whereby calls of a specified type, or calls to specified areas on or near the border, between two fire service areas will automatically involve the dispatch of both fire departments;
  - (c) “auxiliary” means a member of the fire department providing a support role during an incident;
  - (d) “board” shall mean the board of directors of the regional district;
  - (e) “CAO” shall mean the chief administrative officer of the regional district, or their designate;
  - (f) “department operational guidelines” means the operating guidelines governing the principal administration, operation and deployment of the fire departments, their personnel and resources; the department operational guidelines are specific to each fire department;

- (g) “EMBC” means Emergency Management BC, or any successor organizations thereto;
- (h) “fire chief” means the member, appointed in accordance with this bylaw, in command of a fire department;
- (i) “fire commissioner” means the fire commissioner appointed pursuant to the *Fire Services Act* (B.C.);
- (j) “fire department” means the Oyster River Fire Rescue department;
- (k) “fire service area” means the ordinary service jurisdiction of the fire department;
- (l) “incident” means an event or situation to which a fire department has responded or would normally respond, whether alone, or in conjunction with other fire departments or emergency services;
- (m) “incident commander” means the member in charge of an incident under the incident command system, as set forth under the B.C Emergency Response Management System and/or as defined in the fire department’s or regional district operational guidelines as applicable;
- (n) “interface fire” means any fire in a wildland-urban interface region where residential, industrial, recreational and/or agricultural structures are located proximate to or among combustible wildland fuels;
- (o) “LAFC” means local assistant to the fire commissioner, as defined in the *Fire Services Act* (B.C.);
- (p) “large scale emergency” means any incident where a fire chief has requested aid either from another fire department or other agency or under a mutual aid agreement, or any Incident or situation which requires a coordinated response from more than one fire department and another agency;
- (q) “local committee” shall mean any community-based or fire department-based society or association which provides services to, or is involved in budget oversight functions, under the terms of a services agreement with the regional district;
- (r) “member” means a person employed, whether full-time, part-time, or as a volunteer, and holding a position within a fire department as an officer, firefighter or auxiliary;
- (s) “MLFNRO” means the Ministry of Lands, Forests and Natural Resource Operations or any successor to that ministry;
- (t) “minister” means the minister referred to in the *Emergency Program Act* (B.C.);
- (u) “mutual aid agreement” means a written agreement between agencies for the sharing of emergency resources in assistance during an incident;
- (v) “NI911” means the North Island 911 Corporation or any successor thereto responsible for providing dispatch services to the fire department.

- (w) “officer” means a member who is appointed as an officer within the relevant fire department;
  - (x) “public buildings” has the meaning ascribed thereto in the *Fire Services Act* (B.C.);
  - (y) “regional district” means the Comox Valley Regional District;
  - (z) “regional district operational guidelines” means operational guidelines developed by the regional district in consultation with the fire departments and applicable to all fire departments under the auspices of the regional district, with such guidelines to include matters relating to human rights, liability and other matters consistent with the regional district practices;
  - (aa) “services agreement” means a contractual arrangement between the regional district and a community-based or fire department-based society or association for the provision of financial administration of operational grant funding, and community engagement services for a fire department; and
  - (bb) “structural protection unit” means a trailer and its contents including pumps, hoses, hand tools and sprinklers used to protect structures from wildfire.
- (2) References in this bylaw to statutes, regulations, bylaws or policies, and to positions, titles or ministries, includes the same as may be amended, supplemented or replaced from time to time.

### **Application**

2. (1) This bylaw will apply to the Black Creek - Oyster Bay fire protection service area established under Bylaw No. 1964 being “Black Creek/Oyster Bay Fire Protection Local Service Conversion/Establishment Bylaw No. 1964, 1997; the Greater Merville fire protection service area established under “Merville Fire Protection Service Establishment Bylaw No. 484, 2017”; and the Mount Washington resort community fire protection service area established under Bylaw No. 433 being “Mount Washington Resort Community Fire Protection Service Establishment Bylaw No. 433, 2016”.
- (2) In the absence of references in this bylaw to specific documents, existing rules and regulations will be sufficient to administer this bylaw.

### **Administration and reporting**

3. (1) The CAO shall:
- (a) assist the fire chiefs in developing annual budgets and five-year financial plans for the fire department for approval by the board;
  - (b) review fire department training programs to ensure that members are trained for their roles and assigned tasks and that all necessary training records are maintained;
  - (c) work with the fire chiefs to develop, revise and maintain consistent department operational guidelines, regional district operational guidelines and related policies for fire departments, which guidelines shall cover all required

- provincial standards relating to the operation of a fire department [including WorkSafe BC requirements and standards stipulated under or in accordance with the *Fire Services Act* (B.C.)];
- (d) meet with local committees as may be necessary or advisable;
  - (e) in consultation with the fire chiefs and regional emergency planning agencies, develop and periodically update planning to address a large scale emergency or significant or potential interface fire, including coordinating responses with the MLFNRO, EMBC and other emergency responder agencies;
  - (f) help promote and raise the profile of the fire department and the fire service generally, within the various fire service areas;
  - (g) help promote fire safety and fire prevention, including providing education in relation to managing the risks of interface fires for properties within the fire service areas of the regional district;
  - (h) nominate the fire chief or, on the advice of a fire chief, officers within the fire department, for appointment as LAFs by the fire commissioner;
  - (i) work with the fire chiefs to evaluate and manage a regional district-wide approach to procurement of apparatus and services for fire department operations to ensure interoperability and economies of scale in making purchases;
  - (j) work with the fire chiefs to evaluate and manage a regional district-wide approach to maintenance and repair of apparatus and fire department buildings and grounds;
- (2) The CAO or designate shall consult with the fire chiefs in relation to the implementation or material revision of any policies affecting one or more fire departments, including apparatus procurement, standards for officers (including fire chiefs), budgets, training, procedures for responding to large scale emergencies and interface fires, and other regional district operational guidelines.
  - (3) Where applicable, a fire chief shall consult with the local committee in their fire department’s fire service area in relation to the setting of annual budgets and five-year financial plans for the fire departments, and in relation to such other matters as may be set forth in a services agreement between the regional district and the relevant local committee. Where no local committee exists, or where the local committee is not community-based, the CAO and the fire chief shall develop a process for enabling public review and comment on the fire department’s annual budget planning.
  - (4) In consultation with the fire chief, the CAO shall provide advice and make recommendations in relation to general operations of the fire departments.
  - (5) The CAO approves all CVRD staff appointments to the fire department.
  - (6) The CAO, in consultation with the fire chief, shall develop and periodically review or revise the following:
    - (a) the process by which an individual is nominated to be a fire chief;

- (b) the qualifications required for an individual to be appointed as a fire chief; and
  - (c) developing a policy, for board approval, for the tenure for a fire chief and terms of service (including remuneration), enabling the CAO to implement and act within said policy.
- (7) The CAO or designate is authorized to manage employee relations, which include conducting investigations into the application of regional district and fire department operational guidelines, and may suspend or terminate any fire chief, officer or member, following a considered review of said guidelines, operational practices and relevant policies.
- (8) Despite any other section of this bylaw, the authorities and responsibilities identified in sections 3(5) and 3(6) of this bylaw cannot be delegated.

### **Fire chiefs**

4. (1) A fire chief is authorized to conduct the day-to-day operations, including emergency responses, of their fire department. The fire chief shall provide reports as requested to the CAO on the operation of their fire department.
- (2) In managing the operations of the fire department, the fire chief shall take into consideration the level of training of members of the fire department, including those members acting as officers, and the roles to which members may be assigned during an incident for the purpose of matching training and skills to roles and responsibilities. A fire chief is empowered to maintain proper training records for all members under their command, and retain such records in the fire department’s records management system.
- (3) Subject to relevant procedures and operational guidelines, which involve a progressive disciplinary approach, the fire chief may suspend or terminate any officer or member.
- (4) The fire chief and any officer, member or other person authorized to act on behalf of the fire chief may purchase goods and services in accordance with the current financial plan and in accordance with the regional district’s delegation of purchasing authority bylaw.
- (5) The fire chief and any officer, member or other person authorized to act on behalf of the fire chief, is authorized to exercise one or more of the following powers within the relevant fire service area:
- (a) enforce the fire department’s operational guidelines and the regional district operational guidelines for the proper and efficient administration and operation of the fire department and make or amend and enforce such additional rules, policies and guidelines as are not inconsistent with the regional district operational guidelines;
  - (b) in accordance with regional district approved department operational guidelines, request any person at or near an incident to render reasonable assistance to mitigate the incident;

- (c) enter onto and into 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, and make an order requiring that the property owner remedy such conditions;
- (d) enter onto and into property and premises at all times as required in order to investigate the cause, origins and circumstances of a fire;
- (e) if property is endangered by debris caused by lumbering, land clearing or industrial operation, require the person who is carrying on or who has carried on the operation, or the owner or occupier of the land on which the debris exists, to dispose of the debris, and undertake any other actions for the purpose of removing or reducing the danger as is necessary or advisable in the circumstances;
- (f) in relation to an incident,
  - i. to take measures considered necessary to prevent and suppress fires, including the demolition or removal of buildings and other structures or things to prevent the spread of a fires or other hazard;
  - ii. to enter, at any time, premises or property where the incident is occurring and to cause any member or apparatus to enter as the fire chief deems necessary or advisable in order to combat, control or deal with the incident;
  - iii. to enter, pass through or over buildings or property proximate to the incident, and to cause any member or apparatus of a fire department to enter, pass through or over buildings or property proximate to the incident, where the fire chief deems it necessary or advisable to gain access to the incident or to protect any person or property;
  - iv. to exercise control over access to and to evacuate areas proximate to an incident (including public property, private property, buildings, streets and highways) and to manage vehicular and pedestrian traffic, as the fire chief deems necessary or advisable to prevent interference with the fire department’s response to the incident, or the response of other emergency services, or to reduce the risk to life or property; and
  - v. to take such other actions as the fire chief considers are advisable or necessary to remove the hazard or risk, to ensure the safety of members, other emergency responders and the public, and to prevent or reduce damage to property;
- (g) the powers of the fire commissioner under Section 25 of the *Fire Services Act* (B.C.), and for these purposes that section applies;
- (h) deal with any matter within the scope of the *Fire Services Act* (B.C.) in a manner not contrary to that Act or the regulations under it;
- (i) if nominated and appointed as an LAFC, to exercise the powers of an LAFC under the *Fire Services Act* (B.C.);

- (j) to enforce this bylaw and any other regional district bylaws, rules, orders and regulations for the prevention and suppression of fires and protection of life and property;
  - (k) to administer or carry out fire inspections of public buildings, if so stipulated, under any bylaw establishing fire inspections in the relevant fire service area;
  - (l) to collect and disseminate information in regards to fires and fire hazards in the fire service area in which their fire department is located, and in this regard, to work with the local committee (if any) in relation to promoting fire prevention and fire safety.
- (6) The provision of first medical responder services shall be made in compliance with any requirements of British Columbia Emergency Health Services, and the fire chief may recommend entering into such agreements as may be required in connection therewith, subject to review and approval of such agreement by the board.
  - (7) The fire chief may recommend to the CAO changes to the service establishing bylaw to restrict, limit, expand or otherwise alter the services offered by the fire department.
  - (8) For greater certainty, an incident commander has the powers of a fire chief enumerated under section 4(5)(f) of this bylaw in relation to a response to an incident.
  - (9) In consultation with the CAO, a fire chief may recommend mutual aid or automatic aid arrangements with a neighbouring fire department, either within or outside of the regional district. Any such mutual aid or automatic aid agreement shall be in writing and subject to approval by the board.
  - (10) In consultation with the CAO, the fire chief will advise NI911 of any and all mutual aid and automatic aid agreements such that dispatch knows to contact appropriate fire departments for responding.

#### **Fire department authorized services**

- 5. (1) The service level and training standard as defined in the Office of the Fire Commissioner’s “structure firefighters competency and training playbook” for Oyster River Fire Rescue, is established at full service operations.
- (2) The fire department is authorized to provide the following services:
  - (a) fire suppression, including suppression of interface fires;
  - (b) road rescue;
  - (c) technical rescue;
  - (d) hazardous materials responses;
  - (e) first medical responder services;
  - (f) assistance to other emergency responders;

- (g) public fire education and public fire prevention; and
  - (h) such other services, training or activities related or ancillary to any of the foregoing, such as burning buildings or structures for training fire department personnel and/or the public as required.
- (3) For certainty, at any given incident, the fire department is not required to provide one or more of the authorized services listed at section 5(2) if the fire chief or incident commander considers that there is insufficient apparatus and/or trained members to deliver such authorized service safely and in accordance with the applicable standards, including those set out under the *Fire Services Act* (B.C.) and *Workers Compensation Act* (B.C.).

### **Fire department jurisdiction, regional assistance and mutual aid**

6. (1) The jurisdiction of the fire department shall be the fire service area set out in its service establishment bylaw, as same may be amended from time to time.
- (2) A fire department may respond to an incident outside of its fire service area in the following circumstances:
- (a) if authorized to respond by EMBC or in accordance with an agreement with or standard operating procedures established by the MLFNRO or any other provincial emergency agency;
  - (b) in accordance with the terms of a written mutual aid or automatic aid or other agreement which expressly authorizes the supply of fire services outside the boundaries of the fire service area;
  - (c) if ordered so to do by the minister, by a local authority exercising the minister’s powers, by the Lieutenant Governor in Council or by the fire commissioner, in each case under and in accordance with the *Emergency Program Act* (B.C.) and the regulations made thereunder;
  - (d) if a fire is threatening to encroach into the Black Creek - Oyster Bay, Greater Merville or Mount Washington fire protection service areas.
- (3) Where a fire department responds outside of its service area to another part of the regional district other than a municipality, the fire chief, officers and members shall have the powers set forth in section 4(5)(f) of this bylaw in relation to managing or responding to that incident.
- (4) A fire chief or their designate may, in their sole discretion, refuse to respond to calls to incidents described in sections 6(2)(a) and 6(2)(b), provided that any refusal of a mutual aid or automatic aid request shall be in accordance with the terms of the relevant agreement.
- (5) The fire department may respond to an out-of-district deployment upon a request for assistance by the fire commissioner in accordance with the regional district’s community services branch procedures.
- (6) The CAO shall be advised as soon as possible of all responses by fire departments described in section 6(2), or of a decision to refuse such a request in accordance with section 6(4).



## Other

7. (1) No person shall:
  - (a) impede, hinder or obstruct any member at an incident and every person in the proximity of an incident shall comply with orders or directions of a member responding to the incident;
  - (b) during an incident, obstruct or otherwise interfere with access roads or other approaches to the incident, or fire hydrants, reservoirs or bodies of water required for fire suppression purposes;
  - (c) damage, destroy, obstruct, impede or hinder the operation of any apparatus or, unless authorized by the fire chief, incident commander or other officer, travel across a fire hose;
  - (d) refuse to permit any member to enter into or upon premises in relation to which an alarm or other request for assistance has been received, or in or upon which a member has reasonable grounds to believe that an incident has occurred or may occur;
  - (e) interfere with any member or refuse to permit any member to enter into or upon premises or the scene of an incident to determine the cause and origin of a fire or the cause of activation of a fire alarm system; and
  - (f) except as authorized by the fire chief, an officer or an incident commander:
    - i. enter any structure, vehicle or area involved in or threatened by an incident; or
    - ii. refuse to move from such a structure, vehicle or area when directed to do so by a peace officer or by a member.
- (2) Persons who violate section 7(1) may, in addition to any other penalty, be removed from the scene of an incident by a peace officer or the fire chief, officer or incident commander (or their designate).
- (3) No person shall falsely represent himself or herself as a member of a fire department, or wear or display any fire department uniform, badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
- (4) Any person who violates any provision of section 7(1) or section 7(3) of this bylaw shall be guilty of an offence and shall be liable upon summary conviction therefor to a penalty not exceeding Two Thousand Dollars (\$2,000) for every such violation, which penalty and cost shall be recoverable and enforceable upon summary conviction in the manner provided by the *Offence Act* (B.C.).

## Repeal

8. Bylaw No. 293, being “Black Creek – Oyster Bay Fire Service Administration Bylaw No. 293, 2014.” and amendments thereto are hereby repealed.

**Citation**

This Bylaw No. 695 may be cited as the “Northern Fire Service Areas Administration Bylaw No. 695, 2022”.

<b>Read a first and second time this</b>	<b>25<sup>th</sup></b>	<b>day of</b>	<b>January</b>	<b>2022.</b>
<b>Read a third time this</b>	<b>25<sup>th</sup></b>	<b>day of</b>	<b>January</b>	<b>2022.</b>
<b>Adopted this</b>	<b>15<sup>th</sup></b>	<b>day of</b>	<b>February</b>	<b>2022.</b>

***J. Ketler***

***J. Martens***

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Chair

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Deputy Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 695 being the “Northern Fire Service Areas Administration Bylaw No. 695, 2022” as adopted by the board of the Comox Valley Regional District on the 15<sup>th</sup> day of February 2022.

***J. Martens***

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Deputy Corporate Legislative Officer