

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2769

A bylaw to regulate Fire Protection and Associated Services provided by
Regional District of Central Kootenay Volunteer Fire Departments

WHEREAS the Board of the Regional District of Central Kootenay deems it expedient to regulate and operate Volunteer Fire Departments for Fire Protection and other Associated Services;

AND WHEREAS the Board of the Regional District, by separate service establishment bylaws, has established Fire Protections Service Areas to provide Fire Protection and Associated Services;

NOW THEREFORE the Board of the Regional District of Central Kootenay in open meeting assembled enacts the following:

DEFINITIONS

1 **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;

ASTTBC means the Applied Science Technologists and Technicians of BC;

Assistance Response means the initial response and emergency aid, other than Fire Protection and Fire Response, provided by the Fire Department at an Incident;

Associated Services means Fire Response, Auto Extrication, First Responder, and Rescue Services;

Authority Having Jurisdiction means the Regional Fire Chief or their designate;

Auto Extrication Services means a service using various methods and equipment to disentangle a victim from a vehicle;

Automatic Aid means the provision of Fire Department Equipment or personnel for Fire Protection or Assistance Response through the Overall Automatic Aid Agreement Bylaw 2367, as amended;

Board means the Board of the Regional District of Central Kootenay;

Bylaw Enforcement Officer means a person appointed, by the Board or Municipal Council, as a Bylaw Enforcement Officer and for the purposes of this Bylaw includes the Regional Fire Chief and their designates;

Bylaw Notice means a notice issued to a person that has failed to comply with the regulations, prohibitions and requirements of this Bylaw;

CAO means the Chief Administrative Officer of the Regional District;

Complex Building means a building, of a sufficient size and unique construction, that prior knowledge of the building and its safety systems would be required to safely enter the building in the event of an emergency;

Costs in the context of costs recovered by the Regional District under this Bylaw, means costs as defined in this Bylaw, the Regional District of Central Kootenay Municipal Ticketing Information Bylaw and the Regional District of Central Kootenay Bylaw Enforcement Notice and Dispute Adjudication System Bylaw;

Excessive False Alarms mean three or more False Alarms originating from one Fire Alarm System and responded to in any twelve month period of time;

Exposure Fire means a fire that

- (a) is the result of heat radiation, heat convection or direct flame contact from a previously established fire; and
- (b) affects a person, object, thing or structure;

False Alarm means the activation of a Fire Alarm System, whether caused by human error, equipment testing, intentional act or a malfunction of the system attributed to improper installation, use, or lack of maintenance, of a Fire Alarm System resulting in a response during which the responders find no evidence of fire, fire damage, smoke, or other emergency;

Fee and Fees means the fees and charges prescribed by the Fees and Charges Bylaws;

Fees and Charges Bylaws means the Regional District of Central Kootenay Municipal Ticketing Information Bylaw as amended from time to time and adopted by the Board under Section 264 Part 8 Division 3 of the *Community Charter* or similar successor legislation as well as the Regional District of Central Kootenay Bylaw Notice Enforcement and Dispute Adjudication System Bylaw as amended from time to time and adopted by the Board pursuant to the *Local Government Bylaw Notice Enforcement Act*;

Fire Alarm System means an automated system which provides notification to emergency responders upon detection of a fire;

Fire Department means a Regional District of Central Kootenay Fire Service Volunteer Fire Department;

Fire Department Chief means the person appointed by the Regional Fire Chief to oversee a Volunteer Fire Department or their designate;

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

Fire Protection Service means a service to provide all aspects of fire safety as per the Regional Fire Services Service Declaration Policy and including:

- (a) fire prevention
- (b) fire fighting;
- (c) fire suppression;
- (d) pre-fire planning;

- (e) fire investigation;
- (f) Hazardous Materials awareness level response unless otherwise specified by the Regional Fire Services Service Declaration Policy
- (g) public education and information in relation to fire safety and prevention;

Fire Protection Service Area means the geographic extents, defined by a service establishment bylaw, of the a Fire Protection Service;

Fire Protection Equipment means the systems installed within a building to protect against an exposure fire;

Fire Response Service is synonymous with Fire Protection Service;

Fire Response Service Area means the geographic extents, defined by a service establishment bylaw, of the area in which a Fire Department is authorized to provide Fire Response Services. Fire Response Service Areas are generally located beyond Fire Protection Service Area Boundaries;

First Responder Services means pre hospital care trained by a recognized accredited agency and Licensed by the Emergency Medical Assistant Licensing Board;

Fire Watch means a manual system of notification, inspection, and reporting which includes but is not limited to the following activities:

- a) posting of written notices at all entrances and exits on each floor stating that a fire watch is in effect and its expected duration;
- b) a regular physical inspection of all public areas equipped with a fire alarm detection device;
- c) notation in an entry book at least every hour of the conditions in the building by the person or persons performing the fire watch;
- d) provision on site of a communications device capable of making a 911 call; and
- e) posting of instructions in the building as to the alternate actions to be taken in the case of an emergency.

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”;

Hazardous Materials Response Service means a service to provide a response by qualified Fire Departments to the discharge of a product, substance or organism included by its nature or by the Transport of Dangerous Goods regulations in any of the classes listed in the schedule of the *Transport of Dangerous Goods Act* (Canada);

Incident means a coordinated response from Members in an effort to reduce or eliminate harm;

Member in charge means the Member in command and responsible for operations at an Incident;

Inspection means a formal system of evaluation or organized examination which may include any or all of the following:

- (a) Entry to a site or building;
- (b) Review of documentation;

- (c) Interviews with persons close to the matter;
- (d) General observations; and
- (e) Taking photographs or samples.

Member means a fire fighter in a Regional District Volunteer Fire Department or the Regional Fire Service including Officers and Volunteer Department Chiefs, Regional Assistant Chiefs, Regional Deputy Chiefs, and Regional Chiefs;

Municipal Council means the elected council of municipality participating in a service regulated by this Bylaw.

Mutual Aid means the provision of Members, Fire Department Equipment, or Apparatus by a Volunteer Fire Department at the request of another Volunteer Fire Department in accordance with an agreement approved by the Regional District;

L AFC means Local Assistant to the Fire Commissioner as defined in the *Fire Services Act*;

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 means 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;

Open Burning means any burning of materials where the products of combustion are emitted into the open air without passing through a chimney or stack;

Order means taking a remedial action, giving an approval, making a decision or a determination, or exercising a discretion under this Bylaw and/or the BC Fire Code by the Authority Having Jurisdiction;

Owner has the same meaning as in the Community Charter;

Peace Officer means, for the purposes of this Bylaw only, a person employed as a Regional Fire Chief, Regional Deputy Fire Chief, a Volunteer Department Chief, or appointed as a Local Assistant to the Fire Commissioner for the Regional District, any person employed or appointed by the Regional District as a Bylaw Enforcement Officer, a member of the Royal Canadian Mounted Police or any municipal police officer;

Premises means any building or real property;

Pre-Incident Plan means a document developed by gathering general and detailed data that is used by responding personnel in effectively managing emergencies for the protection of occupants, responding personnel, property, and the environment;

Public Building means:

- (a) a building other than a building that is a private dwelling;
- (b) a structure:

- (i) to which the public is ordinarily invited or permitted access, or
- (ii) that is used for commercial, industrial or institutional purposes;
- (iii) a facility, including a storage yard or tank farm.

Regional Fire Chief means the person authorized by the Board to oversee the Regional District of Central Kootenay Volunteer Fire Service or their designate;

Regional Deputy Fire Chief means the persons or person responsible for the training and operations of Regional District Volunteer Fire Departments;

Regional Duty Officer means the person specified on the Regional Duty Officer Program roster to oversee Regional Fire Service operations;

Regional District means the Regional District of Central Kootenay;

Regional Fire Services Service Declaration Policy means the Regional District policy declaring the Service Level for each Fire Department in accordance with the relevant standards;

Rescue Service means a type of rescue other than auto extrication including technical rope, slope evacuation, swift water or still water rescue, and confined space;

Service Level means the level of service for Fire Protection and Associated Services to be provided by a Fire Department, as authorized by the Board;

Service Level Declaration means the level of service declared, by the Board, for a Fire Department within the Regional Fire Services Service Declaration Policy. Options include Exterior Operations, Interior Operations or Full Service Operations;

Bylaw means the Regional District of Central Kootenay Volunteer Fire Service Regulation Bylaw 2769, 2023;

SENIOR LEGISLATION

- 2 In the event of any inconsistency between the provisions of this Bylaw and the provisions of a statute or regulation enacted by the Government of Canada or the Province of British Columbia, if the provisions of the statute or regulation are more restrictive they shall apply.

SCOPE OF SERVICE

- 3 (1) Regional District Volunteer Fire Departments may provide Fire Protection and Associated Services in accordance with the Regional Fire Services Service Declaration Policy.
- (2) The assistance provided through Mutual or Automatic Aid by the Volunteer Fire Departments is restricted to the level of service for which each department and individual Member is certified to provide.
- (3) The Member in charge maintains the discretion to restrict or terminate a response in the event they feel an incident exceeds the training or capabilities of responding Members, Apparatus, or Fire Department Equipment available to them.

- (4) The Regional Fire Chief maintains the discretion to prioritize, restrict, or terminate a response to ensure the best possible use of Volunteer Fire Department resources.
- (5) 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 Regional District or any of its agents, as to the service level expectations of a 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, Associated Services 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 a Fire Department provides such Services at any given time or will, in relation to any particular Incident, be able to deliver such Services.

LIMITS OF JURISDICTION

- 4 (1) The jurisdiction of each Fire Department, and the powers granted to each Fire Department and its Fire Chief and Members under this Bylaw, is restricted to the boundaries of the Fire Department's particular Fire Protection Service Area as set out in its establishment bylaw. A Fire Department shall not respond to any Incident under this Bylaw outside of the boundaries of its Fire Protection Service Area except as specified in Section 4(2)(a) to (f) of this Bylaw.
- (2) Apparatus and Fire Department Equipment shall not be taken beyond the geographical limits of the jurisdiction for reasons other than repair, maintenance, or training unless:
 - (a) a written agreement, approved by the Regional District, authorizes the supply of Members, Apparatus, Fire Department Equipment, Fire Protection Services and Associated Services to another jurisdiction; or
 - (b) under the authority of the CAO, the Regional Fire Chief, or the Emergency Operations Center Director; or
 - (c) in connection with a request for assistance by a the Office of the Fire Commissioner, or a Federal or Provincial emergency response Agency; or
 - (d) in connection with an Incident near the boundaries of the Fire Service Protection Area which, if left untended, may threaten the Fire Service Protection Area or other such Service area; or
 - (e) In the event of a Federal or Provincial State of Emergency; or
 - (f) Under the provision of a bylaw for Associated Services.

CAO'S AUTHORITY AND RESPONSIBILITIES

- 5 The CAO will report to the Board regarding the effect of changing fire service boundaries, service levels, or budgets on the organization as a whole.

REGIONAL FIRE CHIEF'S AUTHORITY AND RESPONSIBILITIES

- 6 (1) The Regional Fire Chief is the authority for Fire Protection, Assistance Response, and other Associated Services provided by Regional District Volunteer Fire Departments.

- (2) Department Chiefs, Officers and Members shall carry out the duties and responsibilities assigned to them by the Regional Fire Chief.
- (3) The Regional Fire Chief is authorized to:
 - (a) administer this Bylaw;
 - (b) enforce Regional District bylaws, rules, Orders and regulations;
 - (c) exercise the powers of a Local Assistant to the Fire Commissioner;
 - (d) develop and enforce the agreements and contractual arrangements required for the provision of service;
 - (e) appoint, promote, suspend, or discharge Fire Department Chiefs, Officers, and members as required in accordance with the policies and procedures of the Regional District;
 - (f) recommend the appointment or removal of Local Assistants to the Fire Commissioner as required;
 - (g) make rules for the efficient administration and operation of Fire Departments and change, replace or withdraw the rules as considered necessary;
 - (i) make recommendation to the CAO regarding the provision of and the degree to which a Volunteer Fire Department may provide Fire Protection and Associated Services in accordance with the Regional Fire Services Service Declaration Policy; and
 - (j) delegate authority as required.
- (4) The Regional Fire Chief 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 Occupier of the Premises is contacted or investigation is completed and the costs of the Regional District of doing so may be recovered from the Occupier.
- (5) The Regional Fire Chief, 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 and the Regional District may recover the cost of doing so from the Occupier of the Premises.
- (6) The Regional Fire Chief is authorized to commandeer privately owned equipment, which they considers necessary to deal with an Incident and the Regional District may recover its cost of doing so from the Occupier of the Premises where the Incident occurred.
- (7) The Regional Fire Chief is authorized to hire or engage the services of a company or contractor to repair, inspect or maintain a Premises fire protection equipment that may require repair, inspection or maintenance and the actual cost to the Regional District of doing so may be recovered from the Occupier.
- (8) The Regional Fire Chief is authorized to engage the services of a traffic control provider to manage traffic on public and private roadways and the actual cost to the Regional District of doing so may be recovered from the Occupier of Premises where the Incident took place.
- (9) The Regional Fire Chief may confer required authorities and responsibilities to participants of the Regional Duty Office Program.

- (10) The Regional Fire Chief and participants of the Regional Duty Officer Program are authorized to assume the authorities and responsibilities of a Fire Department Chief or Member as they deem necessary.
- (11) The Regional Fire Chief 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 a fire occurring within the Fire Protection Service Area.
- (12) The Regional 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;
 - (d) a fire hazard exists in or about them; or
 - (e) the required Fire Protection Equipment is absent or not functioning.
- (13) The Regional Fire Chief may request persons who are not Members to assist in whatever manner they considers necessary, 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.

FIRE DEPARTMENT CHIEF'S AUTHORITY AND RESPONSIBILITIES

- 7 (1) A Fire Department Chief is the head of the department and responsible for the management of a Volunteer Fire Department and the condition of its buildings, Apparatus and Fire Department Equipment.
- (2) A Fire Department Chief may appoint Officers and admit Members to the Fire Department, as he or she deems necessary, subject to restrictions, if any, in the Volunteer Fire Department budget as adopted by the Board and the bylaws, policies, and procedures of the Regional District.
- (3) A Fire Department Chief may demote suspend or discharge any Member of the Volunteer Fire Department subject to the bylaws, policies, and procedures of the Regional District.
- (4) A Fire Department Chief may appoint an Officer to act on their behalf in their absence.
- (5) Officers and Members shall carry out the duties and responsibilities assigned to them by the Fire Department Chief.
- (6) A Fire Department Chief is authorized to :

- (a) administer this Bylaw;
 - (b) enforce Regional District bylaws, rules, Orders and regulations and take measures to prevent and suppress fires;
 - (c) once appointed, exercise the powers of a Local Assistant to the Fire Commissioner;
 - (d) direct the recruitment, training, and discipline of Officers and Members subject to the employment policies of the Regional District;
 - (e) organize or authorize programs designed to inform 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;
 - (f) provide advice and make recommendations to Regional Fire Chief, Members and the public, as appropriate, in relation to:
 - i. the provision of adequate water supply and pressure in relation to firefighting;
 - ii. the installation or maintenance of automatic or other fire alarms and Fire Protection Equipment and smoke control measures; and
 - iii. the enforcement of measures for the prevention or suppression of fire and the protection of life and property.
 - (g) delegate their authority as required
- (7) A Fire Department Chief 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 a fire occurring within the Fire Protection Service Area.
- (8) Fire Department 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
 - (c) property;
 - (d) combustible or explosive material is kept or other flammable conditions exist on them so as to endanger life or property;
 - (e) a fire hazard exists in or about them; or
 - (f) the required Fire Protection Equipment is absent or not functioning.
- (9) Where this bylaw applies within a municipality a Department Fire Chief is authorized to perform a regular system of Fire Safety Inspections as per the *Fire Services Act*.

AUTHORITY OF THE DEPARTMENT

- 8** (1) 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 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 an Assistance Response, Fire Protection, and Associated Services.

- (2) 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 Premises, motor vehicle, vessel or railway rolling stock where a fire alarm, 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 each fire alarm, automatic fire sprinkler system or other fire or life safety system.
- (3) The Member in charge shall have direction of all Apparatus, equipment, and 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, the Fire Department Chief, the Regional Duty Officer, the Regional Deputy Chief Operations, or the Regional Fire Service Chief.
- (4) The Member in charge is authorized to cause any Apparatus or Fire Department Equipment to enter on real property, a premises, motor vehicle, vessel or railway rolling stock, as they deem necessary.
- (5) The Member in charge may establish boundaries around the Incident area and keep persons from entering the area within those established boundaries.
- (6) The Member in charge may request police to enforce restrictions on persons entering within the boundaries established under Sections 8(5) of this Bylaw.

REGULATIONS & PROHIBITIONS

- 9 (1) No persons shall enter the boundaries or limits of an area prescribed in accordance with Section 8(5) of this Bylaw unless they have been authorized to enter by the Member in charge.
- (2) No person shall impede, obstruct or hinder in any manner a Member, or persons acting under their direction, in the execution of their duties.
- (3) No person shall damage, obstruct, or hinder the operation of any Apparatus or Fire Department Equipment.
- (4) No person shall grow shrubs, hedges, plants or trees so as to obstruct the visibility or use of a fire hydrant, standpipe or sprinkler connection.
- (5) No person shall place any object in such a manner that will obstruct the use of a fire hydrant, standpipe or sprinkler connection.
- (6) No person shall obstruct an exit of any public building.
- (7) No person shall knowingly cause a false alarm.
- (8) No person shall obstruct in any way the egress of Apparatus or other emergency vehicles from a fire station.
- (9) No person at an Incident shall drive a vehicle over any Fire Department Equipment without permission of the Member in charge.

- (10) 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.
- (11) No person shall impersonate a Fire Chief, Officer, or Member.
- (12) No person shall interfere with or otherwise obstruct any member in the exercise of those authorities granted under *Local Government Act*.

OPEN BURNING

- 10 (1) Where this bylaw applies within a municipality the Regional District is authorized to enforce municipal open burning regulations.

VACANT AND FIRE DAMAGED BUILDINGS

- 11 (1) The Owner of a fire damaged or vacant building must ensure that the building is guarded or keep all openings in the building securely closed and fastened so as to prevent entry by unauthorized persons.
- (2) The Regional District may secure or remove any vacant or fire damaged building if the building's Owner does not comply with Section 11(1), and may recover the Regional District's cost of doing so from the Owner.

FIRE WATCH

- 12 (1) The Occupier of a Public Building must notify the Fire Department immediately if all or any part of the Fire Alarm System, automatic sprinkler system or Fire Protection Equipment in the Occupier's building becomes inoperable.
- (2) The Occupier of a Public Building in which any of the Alarm System, Fire Protection Equipment, or emergency power system is not operating must institute and maintain a Fire Watch until those systems or equipment are operational.

PLANS AND INSPECTIONS

- 13 (1) Upon request, the Occupier of a Public Building must provide the Regional Fire Chief or their designate the fire emergency procedures.
- (2) The Regional Fire Chief or their designate is authorized to determine whether or not a premises should be designated a Complex Building.
- (3) The Regional Fire Chief or their designate is authorized to perform Inspections of Complex Buildings for the purpose of Pre-Incident Planning.
- (4) Occupiers of a Public Building are required to cooperate with the Regional Fire Chief in the development of the Pre-incident Plan and must not interfere with the authorities granted under Section 13 of the Bylaw.

- (5) Where this Bylaw applies within a municipality the Regional District may, upon agreement between the municipality and the Regional District provide for a regular system of Fire Safety Inspection as described with the *Fire Services Act*.

ADDRESSES

- 14** An Occupier must place an individual street address number on the front of every new or existing building in accordance with Regional District of Central Kootenay bylaws and policies.

FIRE DEPARTMENT ACCESS

- 15** (1) Occupiers must maintain and keep all street, yards, and private roadways provided for Fire Department access ready for use at all times.
- (2) Occupiers must maintain Fire Department access in compliance with the applicable codes and standards for such access, including Regional District bylaws and policies.

FEES FOR SERVICES

- 16** (1) Fees for services, including Fire Department Equipment and Members, are prescribed in the most current edition of the Memorandum of Agreement for Inter-Agency Operational Procedures and Reimbursement.
- (2) Additional Fees may be collected in relation to:
 - (a) fees imposed, under this *Act* or the *Local Government Act*, for work done or services provided to land or improvements;
 - (b) fees imposed under the Community Charter related to Fire Alarm Systems; or
 - (c) amounts that the Regional District is entitled to recover for work done or services provided to land or improvements.
- (3) Fees referred to in subsection (1) and (2):
 - (a) may be collected in the same manner and with the same remedies as property taxes; and
 - (b) if due and payable by December 31 and unpaid on that date, is deemed to be taxes in arrear.
- (4) The Regional District will promptly notify the Surveyor of Taxes of the amount unpaid on December 31st and request that the amount be added to the taxes payable on the property.
- (5) Where this Bylaw applies within a municipality the Regional District may, upon agreement with the Municipality, authorize the Municipality to collect fees on the Regional Districts behalf.

ENFORCEMENT OF BYLAW

- 17 (1) If a Peace Officer finds any of the following circumstances in relation to real property, he or she may make an Order to ensure full and proper compliance with this Bylaw:
- (a) a provision of this Bylaw has been contravened or has not be complied with, or has been complied with improperly or only in part; or
 - (b) conditions exist in or about a building or property to which this Bylaw applies, which constitute a fire hazard or otherwise constitute a hazard to life or property or both.
- (2) In particular, but without limiting the generality of section (1), a Peace Officer may:
- (a) make the Orders to the Occupiers of the real property or to any person responsible for the actions which created the contravention;
 - (b) make recommendations to the Occupier of the real property about how to correct the contravention, ensure compliance with this Bylaw or remove the conditions creating the hazards referred to in the Order; and
 - (c) issue a Bylaw Notice.
- (3) If the Occupier or responsible person does not comply with an Order issued in respect of a condition referred to in section (1), the Regional Fire Chief may take appropriate action to mitigate the hazard and the Regional District may recover the costs of doing so, in accordance with the Community Charter, from the Occupier or person responsible for the contravention.
- (4) An Order made under section (1) of this Bylaw shall be in writing in the form of either a fire inspection report or other written report and may be directed to the Occupier of a Premises in respect of which the written Order is made, or to both.
- (5) An Order made under this Bylaw, whether a fire inspection report or written report, shall be served by delivering it or causing it to be delivered to the person to whom it is directed. A copy of the Order will provided to Regional Fire Chief at that time.
- (6) An Occupier or person shall, after receipt of a fire inspection report, written report, Order or Bylaw Notice, comply with it.
- (7) A person against whom an Order has been made under this Bylaw may, before the expiration of seven days after the service of the Order, may appeal to the Board of the Regional District, who must review and may amend, revoke or confirm the Order appealed against or substitute another Order.
- (8) The Fire Department Chief or Regional Fire Chief may, after the examination of any work referred to in section (1), issue a written rejection of the work and the rejection shall have the same force and effect as an Order issued under section (1).
- (9) The Regional District may recover from an Occupier, its Costs of doing work or providing services on behalf of or in default of the Occupier doing the work or providing the services, the Costs may be recovered in accordance with applicable provisions of the Community Charter.
- (10) Where this Bylaw applies within a municipality the Regional District may, upon agreement with the Municipality, authorize the Municipality to enforce these regulations on the Regional Districts behalf.

PENALTY AND OFFENCE

- 18** (1) Any person who violates bylaw provisions may, on summary conviction, be liable to a minimum penalty of not less than one hundred dollars (\$100.00) and no more than ten thousand dollars (\$10,000), plus the cost of prosecution, pursuant to the *Offence Act of British Columbia*.
- (2) Penalties will double upon the number of offences past the 1st offence.
- (3) The penalties imposed under this section are a supplement and not a substitute for any other remedy to an infraction of this Bylaw.
- (4) Penalties are subject to the conditions of any applicable RDCK Municipal Ticketing Information Bylaw and RDCK Bylaw Enforcement Notice and Dispute Adjudication System Bylaw as amended or replaced from time to time.
- (5) Each day's continuance of an offence under this Bylaw constitutes a new and distinct offence.
- (6) Where this Bylaw applies within a municipality the Regional District may, upon agreement with the Municipality, authorize the Municipality to issue penalties as specified in this bylaw on the Regional Districts behalf.

SERVICE DECLARATION POLICY

- 19** (1) The Board shall designate, by policy, the Service Level for each Fire Department in accordance with the standards established by the Office of the Fire Commissioner of British Columbia and consistent with the *Fire Services Act*. The Board may revise, amend or change the Service Level of any Fire Department by revision to the relevant policy, and may provide in such policy that the Service Level may be temporarily restricted or changed by the CAO where appropriate to do so.
- (2) Notwithstanding the Service Level approved for any of the Fire Departments, in relation to any particular Incident response, each Fire Department shall undertake only those emergency response activities for which it's responding Members are properly trained and equipped. The Member in charge may, in their 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 Fire Department Equipment available to them.

SEVERABILITY

- 20** If any portion of this Bylaw is for any reason found invalid by decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Bylaw.

REPEAL

21 Regional District of Central Kootenay Fire Service Bylaw 2170, 2010 and all amendments thereto, are hereby repealed.

EFFECTIVE DATE

22 This Bylaw shall take effect upon adoption.

CITATION

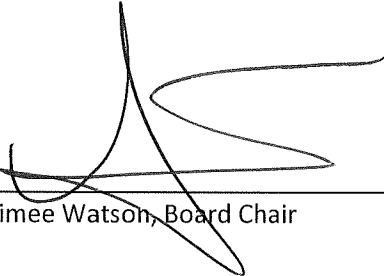
23 This Bylaw may be cited for all purposes as the **“Regional District of Central Kootenay Volunteer Fire Service Regulation Bylaw No. 2769, 2023”**.

READ A FIRST TIME this 20th day of April, 2023.

READ A SECOND TIME this 20th day of April, 2023.

READ A THIRD TIME this 20th day of April, 2023.

ADOPTED this 20th day of April, 2023.



Aimee Watson, Board Chair



Mike Morrison, Corporate Officer