

**Revised September 1, 2021**

**A Bylaw to provide for the establishment and operation of a Fire Department**

The Trustees of the Gabriola Fire Protection Improvement District **ENACT AS FOLLOWS:**

1. In this Bylaw, words and phrases shall be construed as specified hereunder;

*"Apparatus"* - means any vehicle provided with machinery, devices, equipment or materials for firefighting and assistance response as well as vehicles used to transport firefighters or supplies

*"Board"* - means the Board of Trustees for the District.

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

*"Fire Chief"* - means the member appointed as head of the Fire Department.

*"Fire Protection"* - means all aspects of fire safety including but not limited to fire prevention, firefighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development.

*"Incident"* - means a fire or situation where a fire or explosion is imminent and includes assistance response circumstances described in Section 7 or any other situation presenting a danger or possible danger to life or property and to which the Fire Department has responded.

*"Member"* - means any person that is duly appointed member of the Fire Department.

*"Person"* - where used in this Bylaw shall mean natural persons of either sex, associations, corporations, or co-partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, assigns or other legal representatives of such persons to whom the context shall apply according to law.

2. There is hereby established a Fire Department to be known as the Gabriola Volunteer Fire Department.

3. The Fire Chief and other employees shall be hired by the Board.
4. Other Officers and members, as the Fire Chief deems necessary, may be appointed to the Fire Department with the approval of the Board.
5. The Fire Chief may appoint other Officers of the Fire Department to act as Fire Chief on his behalf.
6. In addition to any agreement to provide services beyond the boundary of the Gabriola Fire Protection Improvement District, at the direction of the Fire Chief, the fire department may respond to a written (text or email) or recorded request for assistance beyond the boundary of the Improvement District.
7. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the Board to which he shall be responsible and in particular, he shall be required to carry out all fire protection activities, assistance response and such other activities, to the best of their abilities, as the Board directs including, but not limited to:
  - a) First response to medical emergencies
  - b) Rescue operations
  - c) Mutual aid to other fire services
  - d) Response to hazardous material incidents
  - e) Public service
8. The Fire Chief, subject to the ratification by the Board, shall establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department, including, but not limited to:
  - a) Use, care and protection of Fire Department property
  - b) The conduct and discipline of Officers and members of the Fire Department
  - c) Efficient operations of the Fire Department
9. The Fire Chief, or in his absence, the senior ranking member present, shall have control, direction and management of all Fire Department apparatus, equipment or manpower assigned to an incident and where a member is in charge, he/she shall continue to act until relieved by an Officer authorized to do so.

10. The Fire Chief shall take complete responsibility for all fire protection matters including the enforcement of the Fire Services Act and regulations thereunder and shall assume responsibilities of the Local Assistant to the Fire Commissioner.

11. Officers and members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department by the Board, and the Fire Chief shall report to the Board on the operations of the Fire Department or on any other matter in the manner designated by the Board.

12. The Board shall determine the remuneration of all members of the Fire Department.

13. Any member of the Fire Department may be suspended or discharged by the Fire Chief at any time he may deem such action necessary for the good of the Fire Department, provided however, that the member so discharged or suspended by the Fire Chief, may within seven days, appeal in writing to the Board who shall within two weeks hold a hearing and either order that the member so suspended or discharged be reinstated, or that the action of the Fire Chief be confirmed.

14. The Fire Chief, or any other member in charge at a fire is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures, or things.

15. The Fire Chief, or any other member in charge at an incident, is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment of the Fire Department to enter, as he/she deems necessary, in order to combat, control or deal with the incident.

16. The Fire Chief, or any other member in charge at an incident, is empowered to enter, pass through or over buildings or property adjacent to an incident and to cause members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over building or property, where he deems it necessary to gain access to the incident or to protect any person or property.

17. The Fire Chief, or the member in charge at an incident, may at his/her discretion, establish boundaries or limits to keep persons from entering the area within the prescribed boundaries or limits unless authorized by him/her.

18. No person shall enter the boundaries or limits or an area prescribed in accordance with Section 17 unless he/she has been authorized to enter by the Fire Chief or the member in charge.

19. The Fire Chief, or member in charge, at an incident may request Peace Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 17.

20. The Fire Chief may obtain assistance from other officials of the District as he/she deems necessary in order to discharge his duties and responsibilities under this Bylaw.
21. No person at an incident shall impede, obstruct, or hinder a member of the Fire Department or other person assisting or acting under the direction of the Fire Chief or the member in charge.
22. No person shall damage or destroy Fire Department apparatus or equipment.
23. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or member in charge.
24. No person shall falsely represent themselves as a Fire Department member.
25. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire incident, fire hydrant, cistern or body of water designated for firefighting purposes.
26. The Fire Chief or the member in charge of an incident may request persons who are not members to assist in extinguishing a fire, removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding or securing same and in demolishing a building or structure at or near the fire or other incident.
27. The Fire Chief or member in charge of an incident is empowered to commandeer privately owned equipment which he/she considers necessary to deal with an incident. Remuneration rates shall be set out annually by the Inter-Operational Procedures and Reimbursement Rates for volunteer department personnel.
28. Any person who violates the provisions 18 & 21 - 27 of this Bylaw shall be liable, upon conviction, to a maximum penalty of \$2,000 as authorized under the Offenses Act.
29. Where any violation continues, each day in which it continues shall be a separate violation for the purpose of prosecution under this Bylaw.
30. That Bylaw No. 48 cited as "Gabriola Fire Protection Improvement District Bylaw No. 48, is hereby repealed.
31. This Bylaw may be cited as the Fire Department Establishment and Operations Bylaw.

**INTRODUCED** and given first reading by the Trustees on October 6, 2021

**SECOND READING** by the Trustees on October 6, 2021

**RECONSIDERED** and finally passed by the Trustees on the October 6, 2021