

TOWN OF SIDNEY

BYLAW NO. 2087

SIDNEY FIRE DEPARTMENT SERVICE LEVEL ESTABLISHMENT AND FIRE REGULATION BYLAW

The Council of the Town of Sidney, in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited for all purposes as the “**Sidney Fire Department Service Level Establishment and Fire Regulation Bylaw No. 2087**”.

Definitions

2. In this bylaw, unless the context otherwise indicates:

“*Authority Having Jurisdiction*” or “(AHJ)” means the Town of Sidney, as the local government legally responsible for the organization and operation of the fire service.

“*Apparatus*” means any vehicle outfitted with machinery, devices, equipment or materials and used or intended to be used by the Department for firefighting or in response to any other incident, and includes a Department vehicle used to transport personnel or equipment.

“*Building*” means a structure that is used or intended to be used for supporting or sheltering persons or animals or property, except those prescribed by regulation as exempted from the Building Code.

“*Council*” means the Council of the Town of Sidney.

“*Equipment*” means any tools, contrivances, devices or materials used or intended to be used by the Fire Department to combat an incident or other emergency.

“*Fire Chief*” means the person appointed by the Town as head of the Fire Department.

“*Fire Code*” means the B.C. Fire Code and Regulations adopted thereto, and any amendments as adopted by Order in Council.

“*Fire Department*” means the Sidney Volunteer Fire Department.

“*Fire Personnel*” means the Fire Chief or any member of the Fire Department.

“*Fire Services Act*” means the *Fire Services Act*, R.S.B.C. 1996, C.144 and all Regulations passed thereunder, and amendments thereto as adopted by the Province of British Columbia.

“*Incident*” means a fire, a situation where a fire or explosion is imminent, or any other emergency situation that may cause harm to persons or property, and to which the Fire Department has a responsibility to respond.

“*Incident Commander*” means the Member in charge of any Incident to which the Fire Department responds; generally this would be the senior ranking Officer or Member at an incident.

"Member" means any person who is duly appointed as a member of the Fire Department.

"Officer" means a Member with the rank of Lieutenant or higher, as appointed by the Fire Chief.

"Premises" means a building together with its grounds and appurtenances.

"Town" means the Town of Sidney.

PART I - ADMINISTRATION

Scope and Jurisdiction

3. This Bylaw and the provisions contained herein, as may be amended from time to time, shall apply throughout the Town.
4. The geographic limits of the jurisdiction of the Fire Chief and Fire Department extend to the boundaries of the Town, and fire apparatus shall only be used beyond the limits of the jurisdiction as specified below:
 - a) Pursuant to Mutual Aid Agreements or other written contracts or agreements with other jurisdictions;
 - b) Where, while outside the Town boundary, the Fire Chief or his/her designate determines that immediate action is necessary to preserve and protect life and/or property;
 - c) With the approval of Council; or
 - d) In an emergency, the approval of the Mayor or Acting Mayor (where timely Council approval is not possible).

Fire Chief Powers and Responsibilities

5. The Fire Chief is responsible for the efficient management of the Fire Department including the members, property, apparatus and equipment, and for the provision of fire prevention and protection services to the Municipality.
6. The Fire Chief shall ensure that the Fire Department is staffed with trained members in accordance with Council policy and direction, and applicable legislation and regulations.
7. The Fire Chief shall establish rules, regulations and policies necessary for the proper organization, administration and operation of the Fire Department including but not limited to:
 - a) The use, care and protection of Fire Department property, apparatus and equipment;
 - b) The safe and efficient operation of the Fire Department; and
 - c) The recruitment, training, conduct, and discipline of members of the Fire Department.
8. The Fire Chief is responsible for all fire protection and prevention matters including the enforcement of this Bylaw and of the *Fire Services Act*, and shall assume the responsibilities of the Local Assistant to the Fire Commissioner.

9. In accordance with Section 66 of the *Community Charter*, the Fire Chief is hereby authorized to exercise the following powers:
 - a) 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;
 - b) Take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fire;
 - c) Require an owner or occupier of real property to undertake any actions directed by the Fire Chief for the purpose of removing or reducing any thing or condition that the Fire Chief considers is a fire hazard or increases the danger of fire; and
 - d) Exercise the powers of the fire commissioner under section 25 of the *Fire Services Act*.
10. Council hereby delegates to the Fire Chief the duty to provide for a regular system of inspection of hotels and public buildings in the Municipality in accordance with Section 26(1) of the *Fire Services Act*.
11. In addition to the inspections required by Section 26 of the *Fire Services Act*, the Fire Chief may institute and maintain a regular system of inspection of buildings and premises within the Municipality in order to discover and order the removal or correction of any conditions constituting a fire hazard.
12. Any authority conferred on the Fire Chief under this bylaw may be exercised by a person acting under the authority of the Fire Chief.

Fire Department Service Level

13. The Fire Department will provide services at the Full Service Operations Level – the Service Level that includes activities that are undertaken by firefighters trained in the full spectrum of competencies outlined in the *NFPA 1001 Standard for Fire Fighter Professional Qualifications*, and any additional capabilities as deemed necessary by the Fire Chief.
14. The level of training and equipment required is dictated by the needs of the community. The Full Service Operations Level may only be attained after appropriate equipment and training have been provided and documented. Acknowledging the fluctuations in personnel inherent with a primarily volunteer department, the Fire Department will endeavor to maintain a complement of firefighters of which 70% are NFPA 1001 Firefighter certified.
15. The Fire Department shall train to and maintain NFPA 1001 Firefighter I and II competencies, in compliance with the provision of Full Service Operations. Officers will be trained to a minimum of NFPA 1021 Fire Officer 1. Records of all training activities for each firefighter will be maintained by the Fire Department.
16. As with any incident response, the qualifications and number of personnel present will dictate what actions can be safely undertaken. Notwithstanding the commitment to the Full Service Operations Level, if insufficient numbers of trained personnel are initially on scene to affect an interior offensive attack, the operational mode will be defensive.

PART 2 - FIRE PROTECTION & REGULATION

Control, Direction and Management at Incident

17. The Fire Chief, or the Incident Commander, shall have control, direction and management of all Fire Department apparatus, equipment or manpower assigned to an incident.

Entry and Site Management

18. The Fire Chief, or any other Incident Commander, is empowered during any incident to enter premises or property, and to cause any member, apparatus or equipment of the Fire Department to enter, as deemed necessary to combat, control or deal with the incident.
19. The Fire Chief, or any other Incident Commander, is empowered during the incident to enter, pass through or over buildings or property adjacent to an incident, and to cause Fire Personnel and the apparatus and equipment of the Fire Department to enter or pass through or over buildings or property, where deemed necessary to gain access to the incident or to protect any person or property.
20. The Fire Chief, or any other Incident Commander, may establish boundaries or limits, and keep persons from entering the area within the prescribed boundaries or limits, unless authorized to enter by the Fire Chief or Incident Commander.
21. The Fire Chief, or any other Incident Commander, may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 20.
22. The Fire Chief may obtain assistance from other officials as deemed necessary in order to discharge their duties and responsibilities under this bylaw.
23. The Fire Chief, or any Incident Commander, is empowered to cause a building, structure or item to be pulled down, demolished or otherwise removed if deemed necessary to prevent the spread of fire to other buildings, structures or things.
24. The Fire Chief, or the Incident Commander, is empowered to commandeer privately owned equipment which they consider necessary to deal with an incident.
25. The Fire Chief, or the Incident Commander, may request persons who are not Members to assist in whatever manner the Fire Chief or Incident Commander 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.

Evacuation of Buildings

26.
 - a) The Fire Chief, or the Incident Commander, is empowered to order the evacuation of any building that is directly involved with fire or other risk to life.
 - b) The Fire Chief, or the Incident Commander, is empowered to order the evacuation of any building, structure, property or area which in his/her opinion is endangered by fire or other risk to life.

- c) In such case, no person other than the Fire Chief or member of the Fire Department, peace officer, or other person authorized by the Fire Chief or Incident Commander, shall remain in or enter such building, structure, property or area.

Obstruction of Fire Department in Performance of its Duties

27. No person shall impede, obstruct, abuse, or in any way hinder a member of the Fire Department, or other persons assisting or acting under the direction of the Fire Chief or the Incident Commander in the performance of their duties.
28. No person shall obstruct or otherwise interfere with access roads, streets, or other approaches to any incident, fire hydrants, Fire Department connections, cisterns, appliances, or fixed / installed suppression equipment designated for firefighting.
29. No person shall damage or destroy, or obstruct, impede or hinder, the operations of any Fire Department apparatus or equipment.
30. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the Incident Commander.
31. No person shall refuse to permit the Fire Chief or anyone under the direction of the Fire Chief from entering upon any building or property for the purpose of:
 - a) Making an inspection or investigation for conditions which may cause a fire, increase the danger of a fire or increase the danger to persons, or
 - b) Making an inspection to ensure any flammable matter is rendered harmless or suitably safeguarded against fire.
32. No person shall knowingly submit false or misleading information regarding a fire investigation or inspection.
33. No person shall falsely represent themselves as a member of the Fire Department.

Duty of Owners or Occupiers

34. Every owner shall allow the Authority Having Jurisdiction to enter any building or premise at any reasonable time for the purpose of administering and enforcing this bylaw.
35. Every owner or occupier shall allow entry of the Fire Department to fight any fires or address any dangerous conditions that occur on the property.
36. The owners or occupiers of any real property shall remove any matter or thing from a building or premises which constitutes a fire hazard and shall maintain and clean chimneys, flues and other apparatus or things in order to reduce the risk of fire.
37. The owner of any vacant building in the Municipality shall at all times keep the building free from debris and flammable material, and shall keep all openings in the building securely closed and fastened so as to prevent the entry of unauthorized persons.

Other Prohibitions

38. No owner or occupier of a public building or hotel, as defined in the *Fire Services Act*, shall:
- a) Allow a public building or hotel to be occupied in excess of the maximum occupant load as posted by the Local Assistant Fire Commissioner.
 - b) Allow the premise to operate without providing and maintaining proper exit hardware on exit doors in accordance with the Fire Code.
 - c) Allow the premise to operate without providing and maintaining exits and emergency lighting in accordance with the Fire Code.
 - d) Allow the premise to operate without maintaining and inspecting portable fire extinguishers by qualified personnel in accordance with the Fire Code.
 - e) Allow the premise to operate without maintaining and inspecting fire alarm, automatic fire extinguishing, and voice communication systems by qualified personnel in accordance with the Fire Code and forwarding the certificates of inspection and maintenance to the Fire Department forthwith upon receipt.
 - f) Allow the premise to operate without maintaining and inspecting private fire hydrants by qualified personnel in accordance with the Fire Code. The owner of a private hydrant shall:
 - i. Not less than once each year have the private hydrant flushed, drained and all threads of outlets and caps greased with waterproof grease;
 - ii. Not less than once each year have all components of the hydrant inspected, serviced and tested;
 - iii. Keep the ground surface around the private hydrant clear of shrubs, trees, structures and other obstructions of any kind, in order to facilitate use of the hydrant by the Fire Department; and
 - iv. Ensure the hydrant is installed to Town of Sidney standards.
 - g) Fail to maintain, have inspected, and clean commercial kitchen venting systems.
 - h) Allow the premise to operate without maintaining the fire separations and fire stopping in accordance with the B.C. Building Code.
 - i) Allow a fire hazard to exist.
 - j) Fail to maintain clear access to a fire hydrant or fire department connection.
 - k) Use a fire hydrant unless authorized.
 - l) Allow the premise to operate without a fire safety plan approved by the Fire Department.

Burning

39. Burning within the Town of Sidney is not permitted. This prohibition includes the burning of residential, construction site, demolition site or land-clearing waste, as well as beach fires.
- a) Special permits for fires at community events, such as Halloween, July 1st, etc. may be issued at the discretion of the Fire Chief or Fire Prevention Officer.
 - b) The Fire Department shall be permitted to use controlled fires for the purposes of training and demonstrations.

Offence and Penalty

- 40. No person shall do, act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 41. Every person who, without lawful excuse, contravenes this bylaw by willfully doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offense and is liable, on summary conviction, to a fine under the *Offense Act*. A separate offense shall be deemed to be committed upon each day during and on which the contravention occurs or continues.
- 42. The penalties imposed under the previous sub-section, shall be in addition to, and not in substitution for, any other penalty or remedy imposed by this bylaw.

Repeal

- 43. "Sidney Volunteer Fire Department Establishment Bylaw No. 1642, 2000" and "Town of Sidney Fire Regulation Bylaw No. 1627" and all amendments thereto, are hereby repealed.

Read a first time the	24 th	day of	May, 2016.
Read a second time the	24 th	day of	May, 2016.
Read a third time the	24 th	day of	May, 2016.
Adopted the	13 th	day of	June, 2016.

MAYOR

CORPORATE OFFICER