

The Village of Queen Charlotte

Bylaw No. 20-2008

A bylaw to provide for the establishment
and operation of the Queen Charlotte Volunteer Fire Department

WHEREAS section 8 of the *Community Charter* provides that a municipality may provide any service that the Council considers necessary or desirable, and may do this directly or through another public authority or another person or organization; and

WHEREAS the council of the Village of Queen Charlotte wishes to establish a Fire Department with responsibility for fire suppression and prevention, and for providing assistance in response to other classes of circumstances that may cause harm to persons or property,

NOW THEREFORE the Council of the Village of Queen Charlotte, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "Village of Queen Charlotte Volunteer Fire Department Bylaw No. 20-2008.
2. In this bylaw, unless the context otherwise requires:

"Apparatus" means any vehicle provided with machinery, devices, or equipment and used or intended to be used by the Department for fire fighting or in response to any other incident;

"Auxiliary Firefighter" means a person who does not meet all of the requirements of section 8 of this Bylaw to be a Regular Firefighter and who consequently serves the Department in a lesser capacity under the direction and supervision of the Fire Chief or Incident Commander;

"Council" means the elected Council of the Village of Queen Charlotte;

"Department" means the Volunteer Fire Department of the Village of Queen Charlotte;

"Equipment" means all tools, contrivances, devices and materials used or intended to be used by the Department to combat an incident or other emergency;

"Incident" means a fire, a situation where a fire or explosion is imminent, and any other emergency situation that may cause harm to persons or

property and to which the Department has a responsibility to respond;

“Incident Commander” means a Member who has assumed the role of command at an incident and has authority over and assigns duties to the other Members;

“Local Assistant” means a Local Assistant to the British Columbia Fire Commissioner.

“Member” means a member of the Department and includes the Fire Chief, Deputy Fire Chief, regular firefighters, auxiliary firefighters and fire dispatchers;

“Municipality” means the Village of Queen Charlotte;

“Regular Firefighter” means a Member who meets all of the qualifications prescribed in section 8 of this Bylaw;

“Society” means “The Q.C.C. Volunteer Fire Prevention Society”.

2. A Municipal Fire Department for the Village of Queen Charlotte, to be known as the “Queen Charlotte Volunteer Fire Department” and comprised of the Members, is hereby established.
3. The Fire Chief shall be selected by the members of the Department and his appointment shall be ratified by resolution of the Council.
4. The Fire Chief will be responsible to Council for performing the duties set out in Schedule “A” attached to and forming part of this bylaw.
5. The financial management of the Society’s monies and associated decisions of the Society shall be the sole responsibility of the Society.
6. The remuneration, if any, of the Members shall be recommended by the Members and approved by Council.
7. If the Fire Chief determines that a Member is no longer a member in good standing of the Society, he or she may dismiss that Member from the Department after consulting with the other Members.
8. A person is qualified to be appointed a Member for firefighting duties who
 - a. is not less than eighteen years of age;
 - b. is of good character;

- c. has successfully completed a probationary period of no less than six months with the Department;
- d. is in good physical condition as determined by a qualified medical practitioner; and
- e. is a member in good standing of the Society.

9. Every Member shall respond immediately, whenever practicable, to any alarm and remain at the scene of the Incident until dismissed or permitted to leave by the Incident Commander at the scene.

10. Any person who, not being a Member, is called upon to assist the Department in the response to an emergency situation and does so assist shall, for the time he or she does so assist, be considered in all respects and for all purposes as a Member of the Department.

11. The Fire Chief, the Department, the Members and the Auxiliary Firefighters shall only provide the service established under this Bylaw to the area within the boundaries of the Municipality and the Department shall not respond to, or have any responsibility related to, any fire or other incident occurring in any area outside the Municipality unless the Department responds:

- (a) as authorized by a Municipal or Provincial Emergency Plan;
- (b) as requested by the Wildfire Management Branch of the Provincial Government;
- (c) pursuant to an agreement entered into by the Municipality that provides for the Department's service to that area;
- (d) pursuant to a mutual aid agreement entered into by the Municipality that permits the Department to provide assistance to that area; or
- (e) to a request for assistance by the fire department in that area and such assistance is provided:
 - (i) pursuant to a resolution of Council, which resolution may include terms and conditions limiting when assistance may be provided; and
 - (ii) with the consent of another local government as required by the *Community Charter*.

<Section 11 of Bylaw 20- 2008 was amended and substituted by Council resolution # R2011/28/02 Bylaw 53-2011>

12. The Fire Chief, or in his absence the Incident Commander, shall have control, direction and management of all Apparatus, equipment and personnel assigned to an Incident.

13. Members shall assist the Fire Chief in carrying out the duties and responsibilities assigned to the Department by Council or by this or any other bylaw, statute, or regulation.

14. The Fire Chief is hereby authorized to exercise the powers set out in Section 66(1) of the *Community Charter*.

15. If any provision of this Bylaw conflicts in any way with the provisions of the *Local Government Act*, the *Community Charter*, the *Fire Services Act* or the regulations made pursuant to those *Acts*, the provisions of those *Acts* or regulations shall prevail over the conflicting provision of this Bylaw.

16. This Bylaw comes into full force and effect upon its adoption.

READ A FIRST TIME this 3rd day of March 2008

READ A SECOND TIME this 3rd day of March 2008

READ A THIRD TIME this 3rd day of March 2008

ADOPTED this 17th day of March 2008

Mayor

Administrator

I hereby certify that the above is true and correct copy of "Village of Queen Charlotte Fire Department Bylaw No. 20, 2008 as adopted by Council of the Village of Queen Charlotte on the 17th day of March 2008.

Chief Administrative Officer