



## **City of Duncan**

### **Bylaw 1561, 1989 A Bylaw to Provide for the Establishment and Operation of a Fire Department (With Amendments to April 24, 2017)**

#### **Consolidated for Convenience Only**

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject

This Bylaw has been consolidated for convenience and includes amendments from:

Bylaw No. 1703, 1993 – Adopted February 8, 1993 - REPEALED

Bylaw No. 1969, 2004 – Adopted June 28, 2004 - REPEALED

Bylaw No. 3087, 2013 – Adopted July 15, 2013

Bylaw No. 3162, 2017 – Adopted April 24, 2017

**THE CORPORATION OF THE CITY OF DUNCAN**

**BYLAW NO. 1561**

**A Bylaw to Provide for the Establishment  
and Operation of a Fire Department.**

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**WHEREAS** it is deemed desirable for The Corporation of the City of Duncan to establish a Fire department and regulate its operation by these bylaw.

**AND WHEREAS** The Corporation of the City of Duncan wishes to repeal Bylaws numbered 894, 896 and 1247 which related to fire protection, and replaces these bylaws with a new bylaw.

**THEREFORE**, The Municipal Council of The Corporation of the City of Duncan enacts as follows:

1. The Fire Department of The Corporation of the City of Duncan is hereby established and will be known as the “Duncan Volunteer Fire Department”;
2. In these Bylaws, unless the context otherwise requires:
  - a. Apparatus – means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.
  - b. City – means The Corporation of the City of Duncan.
  - c. Council – means the Council of the Corporation of the City of Duncan.
  - d. Equipment – means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.
  - e. Fire Chief – means the member appointed by Council, as head of the Fire Department, and shall be deemed to be a Municipal Public Officer as defined in the Municipal Act.
  - f. Fire Protection – means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.
  - g. Incident – means a fire or a situation where a fire or emergency situation is imminent or is occurring.
  - h. Member – means any person or officer that is duly appointed by Council as a member of the Fire Department and shall be deemed to be an employee as defined in the Municipal Act.
3. This Bylaw and all resolutions and regulations passed pursuant to it shall be subject to the Fire Services Act, R.S.B.C., 1979 and the amendments and substitutions to that Act and all regulations passed pursuant thereto;

4. The City may for the purposes of fire protection acquire, accept and hold property;
5. The Fire Department shall consist of the Fire Chief, a Deputy Chief, and such officers and members as may be approved from time to time by Council;
6. The Fire Chief and Deputy Fire Chief shall be appointed by a resolution of Council and shall hold office at the pleasure of Council;
7. Other officers and members of the Fire Department may be appointed by Council from time to time as Council deems necessary;
8. The limits of the jurisdiction of the Fire Chief and the officers and members of the Fire Department will extend to the area and boundaries of the City of Duncan, and no part of the fire apparatus shall be used beyond the limits of the City without:
  - a. The express authorization of a written contract or agreement providing for the supply of fire fighting services outside the City boundaries, or;
  - b. The approval of Council.
9. The following provisions of this Bylaw shall govern the duties and responsibilities of the Fire Chief. These provisions may be modified by regulations adopted by Council from time to time:
  - a. The Fire Chief has complete responsibility and authority over the Fire Department and its members subject to the direction and control of Council as exercised through the City Administrator to whom the Fire Chief shall be responsible;
  - b. The Fire Chief shall recommend to Council a person to act as Deputy Fire Chief and Council shall by resolution appoint a Deputy Fire Chief;
  - c. The Fire Chief shall annually provide Council with a current list of the names, addresses, and telephone numbers of all officers and members of the Fire Department in order of seniority;
  - d. The Fire Chief, subject to the control and direction of Council, shall be responsible for all aspects of Fire Protection within the City, outside the City serviced by the Fire Department and those areas pursuant to a written agreement. Such responsibilities shall include but are not limited to:
    1. fire suppression;
    2. rescue;
    3. other incidents;
    4. pre-fire planning;
    5. fire prevention programs and services;
    6. disaster planning in conjunction with Emergency Measures Co-ordinator;
    7. the investigation of all incidents including the determination of losses and the preparation of written reports for each incident;
    8. attending at inquests into deaths resulting from or associated with fires in the City;
    9. a. training of firemen including the convening of regular fire practices;

- b. familiarizing himself and the members of the Fire Department with all services for fire suppression including standpipes and hydrants within the City and insuring that such services are in proper working order and are adequate for the fire protection needs of the City (hydrants to be serviced annually by the City Public Works Department);
  10. developing plans for the fighting of fires in major buildings and structures and identifying and preparing for unusual fire related incidents;
  11. inspecting on a regular basis any situation which presents special fire protection problems;
  12. maintaining all fire fighting tools, equipment, and apparatus belonging to the City;
  13. keeping a current inventory of all firefighting equipment, tools, and apparatus and providing such inventory to the City Administrator annually;
  14. maintaining appropriate records of the activities under his jurisdiction including records of the time worked by officers and members of the Fire Department;
  15. preparing operating and capital budgets for the Fire Department at the direction of the City Administrator;
  16. communicating and co-operating with the Provincial fire Commissioner's Office and his appointed representative within the City of Duncan on all matters coming under the jurisdiction of the Provincial Fire Commissioner;
  17. receiving applications for appointments to positions within the Fire Department and recommending to the Council candidates for the position of Deputy Chief;
  18. administering all employee relation matters disciplinary action against a member in accordance with the employee relations policies of the City;
  19. insuring that all property belonging to the City and used for fire protection services including the Fire Hall is maintained in good operating condition. The Fire Chief may authorize minor repairs or alterations to the Fire Hall, but any major repairs or alterations shall be approved by the City Administrator;
  20. performing other related duties as may be assigned or deemed necessary in order to maintain a first-class Fire Department with the City.
- e) The Fire Chief, subject to ratification by resolution of Council, shall establish rules, regulations, policies and committees necessary for the proper organization and identification of the Fire Department including but not limited to:
1. use, care and protection of Fire Department property;
  2. the conduct and discipline of officers and members of the Fire Department, and;
  3. the efficient operation of the Fire Department.
10. The Fire Chief shall have the power to effectively carry out the duties set forth in paragraph 9 d and in particular, he shall have the power to:
- a) Enter premises for the purpose of fire prevention and inspection;

- b) During an incident, cause a building, structure, or thing to be pushed down, demolished or otherwise removed if he deems it necessary to prevent the spread of a fire to other buildings, structures, or things;
- c) During an incident, enter premises or property and to cause any member, apparatus, or equipment of the Fire Department to enter as he deems necessary in order to combat and control or deal with the incident;
- d) Enter, pass through or over buildings or property adjacent to an incident or to cause members of the Fire Department, apparatus or equipment to do the same where he deems it necessary to gain access to the incident or to protect any person or property;
- e) Establish boundaries or limits at any incident in order to keep persons from entering the area of the incident;
- f) Where the safety of any forest, woodland, timber, or other property is endangered by debris caused by any logging, land-clearing, or industrial operation, require the person carrying on or has carried on any such operation, or the owner or occupier of the land on which the debris exists, to dispose of the debris by burning or in any other manner, and to cut down all dead standing trees and stumps within the area affected, and to provide such labour and take such precautions to prevent the escape of fire or damage to property as the City or any Forest Officer acting for the City may direct;
- g) Request persons who are not members to assist in removing furniture, goods, and merchandise from any building on fire;
- h) Commandeer privately owned equipment or water source, which is considered necessary to deal with an incident. Remuneration rates in such events shall be set by Council;
- i) Regulate the use of fires in the open air or elsewhere;
- j) Prohibit persons from standing, loitering or sitting in the aisles, passages, and stairways of churches, theatres, halls, skating rinks, recreational facilities and other places of amusement or public resort;
- k) Require all owners or occupiers of real property:
  - I. To inspect premises for conditions which may cause a fire or increase the danger of a fire or increase the danger of persons;
  - II. To clean chimneys and flues or other apparatus or thing which may in the opinion of the Fire Chief, if not so cleaned, cause a fire or increase the danger of fire.
- l) Issue permits for outdoor fires when considered safe to do so;
- m) Deal with any matter within the scope of the Fire Services Act in a manner not repugnant to any provision of that Act or regulation thereunder.

11. The powers enumerated in paragraph 10 shall be exercised by the Fire Chief under the direction of Council and the City Administrator and may be delegated by the Fire Chief to members of the Fire Department;

12. Every member of the Fire Department shall be physically fit, over the age of nineteen years, and shall reside close enough to the Fire Hall of the City to be able to respond to a fire within the City within a reasonable period of time (i.e. resides within 4 kilometers of the Fire Hall or is employed in the City);

13. Every member of the Fire Department shall undergo a certified medical performed by a Medical Doctor before appointment and at least every three (3)

years thereafter (Doctor to be requested to complete a medical form provided by the City);

14. Salaries, indemnities, and allowances to officers and members of the Fire Department shall be as determined from time to time by Council;
15. The Deputy Chief shall carry out the instructions of the Chief and shall assume the duties of the Chief in his absence. In the absence of the Deputy Chief, the senior officer and/or member of the Fire Department shall assume such duties;
16. The Fire Department shall meet at least twice per month under the supervision of the Fire Chief for practice and instruction in the use of all apparatus, equipment and supplies of the Fire Department and in the principles of fire prevention and fire protection;
17. The members of the Fire Department may organize for social purposes and other purposes intended to further the interest and welfare of the Fire Department and the members thereof;
18. Members of the Fire Department may at any time, subject to the approval of the Council, have the use of the Fire Hall at any convenient time for the transaction of Fire Department business and for social functions;
19. No rule or regulation of any such social organization shall in any way limit the duties or responsibilities of the fire Chief as set forth in this bylaw;
20. Council may recognize the members of an association known as the "Duncan Volunteer Fireman's Association" as the members of the Fire Department;
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 the 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. All outside burning (i.e. open or contained fires), excluding barbecues, and Cob Ovens as permitted in accordance with City of Duncan "Wood Stove Burning and Air Quality Bylaw No. 3089") is prohibited;
27. Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of the provisions of this bylaw, or who does any act or thing or omits any act or thing thus violating any of the provisions of this bylaw, shall be deemed to have

**Amend  
#1969  
#3162**

**Amend  
#1703  
#3087**

committed an offence, and upon a summary conviction is liable to imprisonment for a term of not more than 6 months or to a fine of not more than \$2500.00 or to both fine and imprisonment;

28. The City shall indemnify and hold harmless the Fire Chief, the Deputy Chief and all members of the Fire Department from and against all actions, causes of action, claims, demands, costs or expenses incurred by any of them in the course of performing their duties pursuant to this bylaw;
29. The City may make agreements with other municipalities or regional districts for the use in the municipality or regional district of firefighting equipment and personnel upon such terms and for such remuneration as may be agreed to;
30. The City may make agreements for the furnishing of fire protection by, for, or on behalf of owners of property situated within or without the City with any person, firm or corporation, or with any municipality, regional district or improvement district, or other properly constituted authority and for the paying or collecting, as the case may be, of agreed charges for it;
31. Bylaws numbered 894, 896, and 1247 of the City are repealed and of no force upon the date this bylaw comes into effect;
32. This bylaw comes into force and takes effect on the date of its adoption by Council;
33. This bylaw may be cited for all purposes as "Fire Department Bylaw, 1989, No. 1561".

READ THE FIRST TIME on the 23<sup>rd</sup> DAY OF January, 1989.

READ THE SECOND TIME on the 23<sup>rd</sup> DAY OF January, 1989.

READ THE THIRD TIME on the 23<sup>rd</sup> DAY OF January, 1989.

RECONSIDERED, FINALLY PASSED AND ADOPTED by the Municipal Council of The Corporation of the City of Duncan on the 13<sup>th</sup> day of February, 1989.

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Clerk of the Municipal Council  
of the Corporation of the City  
of Duncan

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Mayor

I HEREBY CERTIFY that the foregoing is a true copy of Bylaw No. \_\_\_\_\_ of The Corporation of the City of Duncan, being "Fire Department Bylaw, 1989, No. 1561" as reconsidered, finally passed and adopted by the Municipal Council on the 13<sup>th</sup> day of February, 1989.

Dated at Duncan, British  
Columbia, this \_\_\_\_\_ day  
of \_\_\_\_\_, 1989

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City Clerk