

**VILLAGE OF PEMBERTON  
BYLAW No. 807, 2016**

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**A bylaw to establish a Fire Department for the Village of Pemberton**

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**WHEREAS** the *Local Government Act* provides that Village of Pemberton may establish and regulate a Fire Department,

**AND WHEREAS** Village of Pemberton wishes to define the powers, authorities and responsibilities of the Fire Department;

**THEREFORE**, the Council of the Village of Pemberton, in open meeting assembled, enacts as follows:

1. **CITATION**

This Bylaw may be cited as “Village of Pemberton Fire Department Establishment Bylaw No. 807, 2016”.

2. **DEFINITIONS**

2.1 In this Bylaw:

“**Apparatus**” means any vehicle, equipment (including communications equipment), machinery, devices, supplies or materials used by the Fire Department in connection with fire suppression or dealing with an incident and any vehicle used to transport members or supplies to an incident, but does not include personal vehicles of members used to transport themselves to the Fire Hall;

“**CAO**” shall mean the Chief Administrative Officer of the Village, or a person appointed to act in their absence;

“**Council**” means the Council of the Village;

“**Deputy Fire Chief**” means a member who is appointed by the Fire Chief to the position of Deputy Fire Chief within the Pemberton Fire Rescue Department;

“**Fire Department**” means Pemberton Fire Rescue Department;

**"Fire Chief"** means the person appointed from time to time by the Village of Pemberton as the Chief of Pemberton Fire Rescue and includes any person authorized in writing by the Fire Chief to act on behalf of the Fire Chief in relation to any of the functions, duties and powers of the Fire Chief under this bylaw.

**"Fire Commissioner"** means the Fire Commissioner appointed by the Lieutenant Governor in Council pursuant to Provincial legislation;

**"Fire Hall"** means the ground floor of 1350 Aster Street, Pemberton or other location within the Village boundaries established for the purposes of housing the Fire Department;

**"Fire Prevention Bylaw"** means the *Village of Pemberton Fire Prevention Bylaw No. 744, 2013 as amended from time to time*;

**"Fire Protection Area"** means the geographic boundary of the Village as the ordinary service jurisdiction of the Fire Department;

**"Incident"** means any fire, explosion or situation where a fire or explosion has occurred or is imminent or any other situation presenting a danger or possible danger to life or property;

**"Inspector"** means any Fire Department member authorized by Council to act in such capacity for the Village;

**"Interface Fire"** means any fire in a wildland-urban interface region where residential, industrial, recreational or agricultural structures are located proximate to or among combustible wildland fuel;

**"Large scale emergency"** means any incident where the Fire Chief has determined that the personnel and resources available to the Fire Department are potentially insufficient, given the scale of the incident;

**"Member"** means a person employed, whether full-time, part-time or as a volunteer and holding a position within the Fire Department as an Officer, Firefighter or Auxiliary;

**"Member in Charge"** means the first Pemberton Fire Rescue member on scene that has taken command at an incident until command is transferred;

**"Mutual Aid Agreement"** means a written agreement between agencies for the sharing of emergency resources and assistance during an incident;

**“Officer”** means a member who is appointed by the Fire Chief as an Officer within the Fire Department;

**“Operational Guidelines”** means the operating guidelines governing the principal administration, operation and deployment of Fire Department, its personnel and resources as amended from time to time;

**“Playbook”** means the *British Columbia Fire Service Minimum Training Standards: Structure Firefighters – Competency and Training Playbook, Second Edition*, issued by the Office of the Fire Commissioner, as amended May, 2015, and revised or replaced from time to time;

**“Public Buildings”** has the meaning ascribed thereto under Provincial Legislation;

**“Service Agreement”** means a contractual arrangement between the Village and a regional district, community, individual, or fire department-based society or association for the provision of financial administration of operational grant funding, and community engagement services for a fire department’

**“Village”** means the Village of Pemberton;

**“Village Official”** means the person appointed as such from time to time by the Village of Pemberton and any person delegated to assist in carrying out his/her duties under this bylaw.

### 3. **INTERPRETATION**

3.1 Except as otherwise defined herein, words and phrases in this Bylaw are to be construed in accordance with their meanings under the *Community Charter, Local Government Act, Fire Code, Fire Services Act* or the *Interpretation Act*, as the context and circumstances may require. A reference to a statute refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, bylaw or code refers to that enactment as it may be amended or replaced from time to time. Words in the singular include the plural and gender specific terms include both genders.

3.2 The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.

3.3 If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.

#### 4. **FIRE DEPARTMENT ESTABLISHMENT**

4.1 The Fire Department as previously established shall continue to provide fire suppression, prevention and other related services under this bylaw and is hereby renamed Pemberton Fire Rescue.

4.2 Without limiting the provisions of the Fire Protection Bylaw, the Fire Department will endeavor to provide services as outlined in Appendix A. Services provided by the Fire Department, subject to the availability of members who have completed appropriate levels of training. The number of personnel and equipment available for the delivery of emergency services will determine the services the Fire Department can provide.

4.3 Services will be provided within the Village in accordance with the *Fire Prevention Bylaw* as amended from time to time, and without limiting the provisions of that Bylaw as applicable to the Fire Protection Area, will be provided for any area outside the boundaries of the Village, in accordance with Appendix A of this Bylaw or as defined by Mutual Aid Agreements and Service Agreements.

4.4 The Fire Chief;

- a. shall be appointed by a resolution of Council and the appointment is subject to annual review by the CAO;
- b. report to the CAO in respect of the management of the Fire Department and the condition of buildings, apparatus and equipment under the control of the Fire Department and Fire Department budget;
- c. in consultation with the CAO, may appoint a Deputy Fire Chief; and
- d. may appoint Officers as required from the membership of the Department and enable them to act on his behalf.

4.5 A person is qualified to be appointed by the Fire Chief to be a member of the Fire Department who:

- a. is at least 18 years of age;
- b. is of good character;
- c. passes such training aptitude and other tests as may be required by the Fire Chief or Fire Commissioner.

4.6 A person appointed as a member of the Fire Department for firefighting duties shall be on probation for a period of six (6) months during which period he shall take such training and examinations as may be required by the Fire Chief or Fire Commissioner

4.7 If a probationary member appointed for firefighting duties fails any such examination:

- a. he may be dismissed; or
- b. his probationary period may be extended for a further six (6) months by the Fire Chief.

## 5. **RESPONSIBILITIES AND AUTHORITY OF THE FIRE CHIEF**

5.1 The Fire Chief has complete responsibility and authority over the Fire Department as established in the Fire Prevention Bylaw and in this Bylaw, and is ultimately responsible to Council, through the CAO, for proper administration and operation of the Fire Department. Without limiting the foregoing, the Fire Chief is responsible for ensuring the delivery of fire protection and suppression services, and other activities relating to these services in accordance with Appendix A of this Bylaw.

5.2 The Fire Chief may enforce all Bylaws respecting fire prevention and suppression.

5.3 The Fire Chief may require assistance from other officials of the municipality, in order to discharge his duties and responsibilities under this Bylaw.

5.4 The Fire Chief shall ensure that members of the Fire Department are not tasked beyond their level of training, including acting as Officers and for any role that to which they are assigned at an incident. The Fire Chief shall be responsible for ensuring that proper training records are maintained for all members.

5.5 The Fire Chief in consultation with the CAO may reprimand, suspend or recommend dismissal of any member for insubordination, inefficiency, misconduct, tardiness or for non-compliance with any of the provisions of the Bylaw or general orders and departmental rules that, in the opinion of the Fire Chief, would be detrimental to the discipline and efficiency of the Department.

5.6 The Fire Chief is responsible for ensuring this bylaw is complied with through the use of appropriate Department Operational Guidelines as well as pursuant to service and aid agreements.

## 6. **FIRE DEPARTMENT AUTHORITY AT AN INCIDENT**

### 6.1 The Fire Chief or Member In Charge at an incident:

- a. shall have control, direction and management of all Fire Department apparatus, equipment and members assigned to an incident and, where a member is in charge, he shall continue to act until relieved by the Fire Chief, an Officer or senior ranking member of the Department.
- b. may cause a building, structure or thing to be pulled down, demolished or otherwise removed if it is deemed necessary to prevent the spread of fire to other buildings, structure or things;
- c. may enter at any time any premises or property at or near the incident and to cause members, apparatus and equipment to enter the premises or property as deemed necessary in order to combat, control or deal with the incident;
- d. may enter or pass through or over buildings and properties adjacent to an incident to cause members, apparatus and equipment to enter or pass through or over buildings or property, where it is deemed necessary to gain access to the incident or to protect any person or property;
- e. may require persons who are not members to assist him in whatever manner he considers necessary to deal with the incident;
- f. may acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an incident as set out in the Emergency Program Act; and
- g. may establish boundaries or limits to keep persons from entering the area within which the incident is being attended by the Fire Department.

### 6.2 No person shall:

- a. impede, obstruct or hinder the Fire Chief, a member or other person assisting or acting under the direction of the Fire Chief or member in charge;
- b. shall refuse to comply with orders and direction of a member responding to the incident;
- c. damage, destroy, obstruct, impede or hinder the operation of any apparatus or equipment or, travel across a fire hose, unless authorized by the Fire Chief or member in charge;

- d. obstruct or otherwise interfere with access roads or other approaches to the incident, or fire hydrants, reservoirs or bodies of water required for firefighting purposes; or
- e. interfere with or block hydrants or water sources used by the Fire Department.
- f. No person shall refuse to permit any member of Pemberton Fire Rescue to enter into or upon any land or building for which an alarm of fire has been received or in or upon which such member has reasonable grounds to suspect that a fire or other incident exists.

6.3 At any given incident, the Fire Department is not required to provide an authorized service as stated in Appendix A if the Fire Department is unable to safely deliver the service in accordance with applicable standards including those set out under the *Fire Services Act* and *Workers Compensation Act*.

## **7. FIRE PROTECTION & AID AGREEMENTS**

7.1 The CAO in consultation with the Fire Chief may, with the approval of Council, enter into and execute fire protection and aid agreements on behalf of the Village for the provision of fire protection by, for, or on behalf of the owners or occupiers of property situated outside of the Fire Protection Area, or with another municipality, a regional district, or any person, corporation or a provincial agency.

7.2 The Fire Department shall not respond to a call with respect to a fire or emergency outside the boundaries of the Village except with respect to a fire or emergency:

- a. that, in the opinion of the Fire Chief, threatens property in the Village or property situated outside the Village which is owned or occupied by the Village;
- b. as expressly authorized by written agreement with the municipality, regional district or government agency having jurisdiction over the area to be served;
- c. in response to a specific incident, by resolution of Council and with the consent of the municipality or regional district of the area to be served; or
- d. with which an agreement has been entered into to provide fire protection;
- e. On property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefore, or;

- f. When called upon by *Emergency Management of British Columbia* in the event of a national or local disaster.

**8. FALSE REPRESENTATION**

8.1 No person shall falsely represent himself as the Fire Chief or a member, or wear or display any Fire Department badge, cap, button, insignia or other part of a uniform or piece of equipment for the purpose of false representation.

**9. CONTRAVENTION AND PENALTY**

9.1 A person who contravenes Section 6.2 or Section 8.1, or who permits, suffers or allows a contravention of Section 6.2 or Section 8.1, commits an offence and on conviction, is liable to pay a penalty or fine of up to \$10,000. Each day the offence continues shall constitute a separate offence.

**10. APPENDIX AND REPEAL**

10.1 Appendix A is attached to and forms part of this Bylaw.

10.2 The *Village of Pemberton Fire Department Establishment Bylaw No. 68, 1969* and *Fire Establishment Amendment Bylaw No. 200, 1986* are hereby repealed.

**READ A FIRST TIME** this 26<sup>th</sup> day of July, 2016.

**READ A SECOND TIME** this 26<sup>th</sup> day of July, 2016.

**READ A THIRD TIME** this 26<sup>th</sup> day of July, 2016

**ADOPTED** this 13<sup>th</sup> day of September, 2016.

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer



## Appendix A

### FIRE DEPARTMENT AUTHORIZED SERVICES

#### 1. Operational Standard

- 1.1 *The British Columbia Fire Service Minimum training Standards: Structure Firefighters – Competency and Training Playbook* (May, 2015) (“Playbook”) is recognized as the applicable Provincial standard under which emergency response and training activities of the Pemberton Fire Rescue Department will be based.
- 1.2 The Fire Department will endeavor to provide the Village with the level of service described in the Playbook as **Full Service Operations**, subject to Section 6.3 of this Bylaw and Section 2 (Operational Limitations) of this Appendix, in relation to the following incidents and services: .
  - a) Fire Suppression, including suppression of grass fires and urban interface fires as well as buildings and other structures;
  - b) Preservation of life and protection of persons from injury or destruction by fire;
  - c) Fire-cause investigations and salvage operations as related to fire services;
  - d) Fire Inspections, fire prevention, pre-fire planning and public education;
  - e) First medical responder services (Delta and Echo level only), as defined by First Responder Level 3 with AED and Spinal Endorsement protocol training;
  - f) Vehicle extraction and road rescue;
  - g) Hazardous Materials responses to operations level;
  - h) Large scale emergency; and
  - i) Services as deemed necessary or advisable by the Fire Chief to address incidents described in paragraphs (a) to (h).

#### 2. Operational Limitations

Availability for response will be determined by personnel of the Fire Department on a case-by-case basis and is dependent on the circumstances, availability of service, level of training and skill of responding personnel, timing and resources.

It should be understood that Pemberton Fire Rescue may be limited to a lesser level, specifically, Interior Operations Level or Exterior Level operations, as described in the Playbook.

### 3. Training Standard

The members of Pemberton Fire Rescue will be trained to the minimum competencies, as listed in **Table A**, as required by the Playbook for the Full Service Operations Level, within the training period as established by the Fire Chief.

During their training period, new firefighters will progress through Exterior, then Interior Operations Service Level training, as described in the Playbook. During this qualification period, firefighters will only be authorized to operate under the qualification they have achieved. Only a limited number of personnel will be operating at less than the Full Service Level at any given time, thus ensuring the department maintains full capability.

Emergency Service Provided	Certification Level Or Standard Requirements
<b>Fire Fighting Services</b>	
Fire Fighting - Structural	NFPA 1001 Level II, ICS 100, NFPA 1002. <b>Fire Officers Require the following (in addition):</b> NFPA 1021 Level I, ICS 200, Incident Safety Officer, Emergency Scene Management.
Fire Fighting – Vehicles/Machinery/Equipment	NFPA 1001 Level II, NFPA 1002
Fire Fighting – Wildland/Urban Interface	NFPA 1051 Level I,
<b>Emergency Medical Services</b>	
Medical First Responder	First Responder Level III, AED & Spinal Immobilization
<b>Rescue Services</b>	
Motor Vehicle Collisions – Vehicle Extrication	NFPA 1670, NFPA 1006, Basic Skills
Vehicle Search and Rescue	NFPA 1006 Confined Space Entry, Heavy Urban Search and Rescue Swift Water Awareness
Confined Space Rescue	
Trench and Excavation Search and Rescue	
Aircraft Rescue	
Rope Rescue	
Structural Collapse Search and Rescue	
Water Search and Rescue (Flooding)	BC Hydro - Electrical Safety for Fire Fighters
Powerlines Down	

<b>Hazardous Material Response</b>	NFPA 472, Operations Level
<b>Other Services</b>	
Fire Education Services	NFPA 1035, Level I
Fire Service Instructor Services	NFPA 1041, Level II
Fire Code Inspection Services	NFPA 1031, Level I
Fire Investigation	NFPA 1033