

REGIONAL DISTRICT OF NORTH OKANAGAN

BY-LAW NO. 785

A By-law to provide for the establishment
and operation of the Lumby & District Volunteer Fire Department

NOW THEREFORE the Board of the Regional District of North Okanagan in open meeting assembled, enacts as follows:

1. A Fire Department is hereby established for the Village of Lumby and a defined portion of Electoral Area "D" as described in the District's Supplementary Letters Patent dated September 3, 1981 as amended granting the function of Division XXXVII Fire Protection & Control and will be known as the Lumby & District Volunteer Fire Department.

2. In this by-law, unless the context otherwise requires:

"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.

"Board" means the Board of the Regional District of North Okanagan.

"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 by the Board, as head of the Fire Department.

"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.

"Incident" means a fire or a situation where a fire or explosion is imminent.

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

3. The Fire Chief shall be appointed by a resolution of the Board.

4. The Fire Chief may appoint other officers of the Fire Department to act as Fire Chief on his behalf.

5. 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 Village of Lumby and the defined area of Electoral Area "D" outlined in the said Supplementary Letters Patent of the Regional District, and no part of the fire apparatus shall be used beyond the limits of these areas without:

- (a) the express authorization of a written contract or agreement providing for the supply of fire fighting services outside the municipal boundaries, or
 - (b) the approval of the Board.
6. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the Board through the Administrator of the Regional District to whom he shall be responsible, and in particular he shall be required to carry out all fire protection activities and such other activities as the Board or Administrator directs including but not limited to:
- (a) rescue,
 - (b) other incidents,
 - (c) pre-fire planning,
 - (d) disaster planning,
 - (e) preventive patrols.
7. The Fire Chief, together with the Fire Department and subject to 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, and
 - (c) efficient operations of the Fire Department.
8. 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 shall continue to act until relieved by a senior officer.
9. The Fire Chief shall take responsibility for all fire protection matters. The enforcement of the Fire Services Act and regulations thereunder and the responsibilities of the Local Assistant to the Fire Commissioner shall be assumed by the person duly appointed as the Local Assistant to the Fire Commissioner under the provisions of the Fire Services Act.
10. Officers and members of the Fire Department shall carry out the duties and responsibilities assigned to the Fire Department by the Fire Chief and 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.

11. The Fire Chief, the Local Assistant to the Fire Commissioner, or any member of the Fire Department authorized by the Board, may at any reasonable time enter any premise for the purpose of fire prevention inspections.
12. 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.
13. 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 deems necessary, in order to combat, control or deal with the incident.
14. The Fire Chief, or the 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 buildings or property, where he deems it necessary to gain access to the incident to protect any person or property.
15. The Fire Chief, or the member in charge, at an incident may at his discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him.
16. No person shall enter the boundaries or limits of an area prescribed in accordance with Section 15 unless he has been authorized to enter by the Fire Chief or the member in charge.
17. The Fire Chief, or the member in charge, at an incident may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 15.
18. The Fire Chief may obtain assistance from other officials of the District as he deems necessary in order to discharge his duties and responsibilities under this by-law.
19. 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.
20. No person shall damage or destroy Fire Department apparatus or equipment.

21. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.
22. No person shall falsely represent themselves as a Fire Department member.
23. 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 fire fighting purposes.
24. The Fire Chief or the member in charge of an incident may request persons who are not members to assist in 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.
25. The Fire Chief or the member in charge of an incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an incident. Remuneration rates shall be set out annually by the Board.
26. Every person who violates any of the provisions of this by-law, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does any act or thing or omits any act or thing thus violating any of the provisions of this by-law, shall be deemed to have 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 \$2,500 or to both fine and imprisonment.
27. The Board shall determine the remuneration of all members of the Fire Department.
28. This by-law comes into force and takes effect on the date of its adoption by the Regional Board.
29. This By-law may be cited for all purposes as "Lumby & District Volunteer Fire Department By-law No. 785, 1988".

READ A FIRST, SECOND, AND THIRD TIME this 13th day of July, 1988.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 13th day of July, 1988.



CHAIRMAN



SECRETARY-TREASURER