

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4677**

**A BYLAW TO ADDRESS THE OPERATIONAL POWERS AND CERTAIN ADMINISTRATIVE
MATTERS RELATING TO FIRE DEPARTMENTS OPERATING UNDER THE AUSPICES OF
THE CAPITAL REGIONAL DISTRICT, AND TO PROVIDE FOR CERTAIN FIRE
PREVENTION MATTERS**

WHEREAS:

- A. The Capital Regional District has established a number of Fire Service Areas for the purpose of providing fire suppression, fire protection, fire prevention and emergency response services;
- B. the Capital Regional District either provides such services through Commission Departments or through contracts with Society Departments or Service Departments;
- C. the Capital Regional District is the Authority Having Jurisdiction for CRD fire services and is responsible for meeting all statutory obligations related to those services;
- D. it is necessary to grant emergency and non-emergency powers to the Departments and their respective Members, and appropriate to regulate certain aspects of organization and administration of the Commission Departments and Society Departments;
- E. the Regional District is committed to engagement and consultation with Commissions and Society departments on matters affecting the administration and operation of their fire services;
- F. the Regional District wishes to establish and impose charges for the provision services provided under this Bylaw in certain circumstances;
- G. the *Fire Safety Act*, SBC 2016, c. 19 requires the Regional District to designate fire inspectors to conduct safety inspections, and fire investigators to conduct fire investigations in accordance with that Act;
- H. this Bylaw is intended to support effective, safe, and accountable fire service operations while maintaining clear and consistent roles and decision-making authorities;
- I. an establishing bylaw is not required in order for the Regional District to provide a service for the purpose of Fire Inspections and Fire Investigations, as each are defined in section 1 of this Bylaw;
- J. the Board of the Capital Regional District wishes to designate and set out the process for designation of Fire Inspectors and Fire Investigators, and to establish and impose charges payable in respect of Fire Inspection and Fire Investigation services; and
- K. it is appropriate to address certain fire prevention matters;

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

Definitions and Interpretation

1. In this Bylaw, including in its recitals, the following capitalized terms shall have the following respective meanings:
 - (a) **“Apparatus”** means any vehicle, equipment (including communications equipment), machinery, devices or materials used by a Department in connection with fire suppression or dealing with an Incident and any vehicle used to transport Members or supplies;
 - (b) **“Authorized Services”** means the authorized services set for each Department in accordance with section 8 of this Bylaw;
 - (c) **“BCWS”** means the British Columbia Wildfire Service;
 - (d) **“Board”** means the Board of Directors of the Regional District;
 - (e) **“Bylaw No. 3654”** means Bylaw No. 3654, “Fire Protection and Emergency Response Service Commissions Bylaw, 2010”, as amended;
 - (f) **“CAO”** means the Chief Administrative Officer of the Regional District or designate;
 - (g) **“Commission”** means a commission established by the Regional District under Bylaw No. 3654, or another Bylaw of the Regional District;
 - (h) **“Commission Department”** means any fire department operated by the Regional District under and in accordance with Bylaw No. 3654;
 - (i) **“Departments”** means, collectively, the Commission Departments, the Society Departments and the Service Departments and “Department” means any one of them;
 - (j) **“EMCR”** means the Ministry of Emergency Management and Climate Readiness or any successor thereto;
 - (k) **“Fire Code”** means the most current version of the British Columbia Fire Code, adopted as regulation under the *Fire Safety Act*;
 - (l) **“Fire Chief”** means the Member, appointed in accordance with this Bylaw or recognized under the relevant Service Agreement, in command of a Department;
 - (m) **“Fire Commissioner”** means the fire commissioner appointed pursuant to the *Fire Safety Act*;
 - (n) **“Fire Inspector”** means any individual or position designated as a fire inspector within the meaning of the *Fire Safety Act*:
 - (i) by Board policy; or
 - (ii) pursuant to this Bylaw;

- (o) **“Fire Investigation”** means a fire investigation contemplated by section 25 of the *Fire Safety Act*;
- (p) **“Fire Investigator”** means any individual or position designated as a fire investigator within the meaning the *Fire Safety Act*:
 - (i) by Board policy; or
 - (ii) pursuant to this Bylaw;
- (q) **“Fire Safety Act”** means the *Fire Safety Act*, SBC 2016, c. 19;
- (r) **“Fire Safety Inspection”** means a fire safety inspection contemplated by section 9 of the *Fire Safety Act*;
- (s) **“Fire Service Area”** means, in relation to a Department, the ordinary service jurisdiction within the Regional District of such Department, as referenced in the relevant service establishment bylaw listed in Schedule A to this Bylaw;
- (t) **“General Manager”** means, the General Manager, Housing, Planning and Protective Services or such other position as may be designated from time to time by the CAO;
- (u) **“Incident”** means an event or situation to which a Department has responded or would normally respond, whether alone, or in conjunction with other fire departments or emergency services;
- (v) **“Incident Commander”** means the Member in charge of an Incident under the incident command system, as defined in the Regional Operational Guidelines or, in relation to a Service Department, as determined by the relevant Service Department in accordance with its incident command processes;
- (w) **“Interface Fire”** means any fire in a wildland-urban interface region where residential, industrial, recreational and/or agricultural structures are located adjacent to or among combustible wildland fuels;
- (x) **“Inspection and Investigation Policy for the CRD”** has the meaning given in section 19 of this Bylaw;
- (y) **“Manager, Fire Services”** means the Manager, Fire Services or such other position as may be designated from time to time by the CAO;
- (z) **“Members”** means a person employed, whether full-time, part-time, paid-on-call, or as a volunteer, and holding a position within a Department as an Officer or firefighter;
- (aa) **“Mobile Food Vendor Premises”** has the meaning given in section 45 of this Bylaw;
- (bb) **“Non-Volunteer Position”** means a position in a fire department where a person receives compensation for the performance of work on behalf of the fire department other than attendance to callouts or training;
- (cc) **“OFC”** means the Office of the Fire Commissioner;
- (dd) **“Officer”** means a Member who is recognized as an Officer within the relevant Department;

- (ee) **“Pre-Incident Planning”** means advance planning for a Department’s response to a potential Incident at a building or site in collaboration with the owner of the building including but not limited to identifying points of egress, water supplies, site- and building-specific risks, and other factors relevant to an emergency response at such location;
- (ff) **“Provincial Training Standards”** means the most current training standards for fire services personnel established from time to time by the Fire Commissioner under the *Fire Safety Act*;
- (gg) **“Public Building”** has the meaning ascribed thereto in the *Fire Safety Act*;
- (hh) **“Regional District”** means the Capital Regional District;
- (ii) **“Regional Operational Guidelines”** means operating guidelines for Commission Departments and Society Departments developed by the Manager, Fire Services in consultation with the relevant Fire Chiefs in accordance with this Bylaw;
- (jj) **“Senior Manager”** means the Senior Manager, Protective Services or such other position as may be designated from time to time by the CAO;
- (kk) **“Service Level”** means the Service Level set for each Department in accordance with section 8 of this Bylaw;
- (ll) **“Service Agreement”** means, in relation to each Society Department and Service Department, the service agreement entered into between the relevant society or local government and the Regional District, pursuant to which the Regional District has contracted such society or local government to provide fire protection, fire prevention and other emergency response services in the relevant Fire Service Area;
- (mm) **“Service Department”** means the fire department of another local government with which the Regional District has entered into a Service Agreement to provide fire protection, fire prevention and emergency response services in a Fire Service Area; and “Service Departments” means all such fire departments;
- (nn) **“Society Department”** means a fire department operated by a society with which the Regional District has entered into a Service Agreement to provide fire protection, fire prevention and/or emergency response services in a Fire Service Area; and “Society Departments” means all such fire departments;
- (oo) **“Staff”** means the Regional District employees assigned by the applicable General Manager to oversee and supervise the operational, maintenance, and regulatory functions of the applicable fire services, in accordance with applicable laws and Regional District policies and procedures.

2. References in this Bylaw to statutes, regulations, bylaws or policies, and to positions, titles or ministries, include the same as they may be amended, supplemented or replaced from time to time. A reference to a statute includes any regulations made thereunder.
3. This Bylaw does not contemplate or extend in its purpose, to any of the following:
 - (a) the protection of any person from economic loss;

- (b) a guarantee or warranty by the Regional District or any of the service providers or agents, as to the service level expectations of any of the Departments operating pursuant to this Bylaw; or
- (c) providing to any person a warranty with respect to the services authorized by this Bylaw or with respect to the certainty of timely responses to Incidents. Each of the Commission Departments and Society Departments is staffed principally by volunteers or paid-on-call Members, and the response to any given Incident may be affected by the availability, turnout and timing of response by Members. The Service Agreements with the Service Departments contain or may contain limitations on the response obligations of the respective Departments covered by those agreements.

4. For certainty, each Member of a Commission Department is a “local public officer” of the Regional District within the meaning of section 738 of the *Local Government Act*.
5. The Fire Code is hereby adopted and made part of this Bylaw and may be enforced as part of this Bylaw within the Fire Service Areas.
6. The following schedules are incorporated into and form a part of this Bylaw:
 - (a) Schedule A: List of Departments and Corresponding Fire Service Areas;
 - (b) Schedule B: Fees and Charges for Fire Safety Inspections and Fire Investigations;
 - (c) Schedule C: Fire Service Levels and Authorized Services.

Application

7. This Bylaw will apply to:
 - (a) each Commission Department established and operated by the Regional District and to the Members of each such Department;
 - (b) subject to the express terms of the relevant Service Agreements or any limitations set out herein, to the Society Departments and their Members;
 - (c) only as expressly provided in this Bylaw, to the Service Departments and their respective Members;
 - (d) if the Board has designated a member of an Improvement District Fire Department as a Fire Inspector or Fire Investigator, to the provision of Fire Inspections and Fire Investigations by that Department; and
 - (e) persons and properties within the Fire Service Areas and, with respect to Fire Investigations and Fire Investigations only, within all of the electoral areas of the Capital Regional District.

Service Levels and Authorized Services

8. The Service Level and Authorized Services for each Commission Department and Society Department will be set from time to time by the Board by amending Schedule C of this Bylaw, based on the recommendation of the Manager, Fire Services. The Manager, Fire Services will

make service level recommendations based on consultation with a Commission and the Fire Chief for a service area in accordance with Provincial Training Standards and will make recommendations for Authorized Services based off of the Regional Operational Guidelines. The Service Level and Authorized Services of each Service Department will be the level and authorized services set by the local government that has established, and which operates such Service Department. Notwithstanding any declared Service Level or Authorized Services, in relation to any particular Incident the relevant Department will only provide services at the level consistent, and the type or kind authorized with the qualifications and training of the Members responding to such Incident.

Manager, Fire Services

9. The CAO may, from time to time, appoint a Manager, Fire Services, subject to budgetary approval by the Board. Where no Manager, Fire Services has been appointed, a reference in this Bylaw to the “Manager, Fire Services” shall be read as “Senior Manager”.
10. The responsibilities of the Manager, Fire Services include the following:
 - (a) overseeing:
 - (i) the development and implementation of Commission Department and Society Department training programs that meet or exceed the Provincial Training Standards,
 - (ii) the training of the Members of Commission Departments and Society Departments for their various roles, including their role as Fire Inspectors and Fire Investigators,
 - (iii) appropriate training record maintenance by the Commission Departments and Society Departments, and
 - (iv) the Commission Departments’ and Society Departments’ implementation of required WorkSafe BC processes, including the regular operation of joint committees;
 - (b) developing, revising and maintaining consistent Regional Operational Guidelines and policies for Commission Departments and Society Departments, which guidelines shall cover or address all required provincial standards relating to the operation of a fire department, including the requirements of this Bylaw, WorkSafe BC requirements and the Provincial Training Standards; and
 - (c) exercising such other powers, or fulfilling such other responsibilities, as may be set out in this Bylaw, the job description applicable to the Manager, Fire Services, or any other relevant Regional District bylaw or Board policy.
11. The Manager, Fire Services may exercise the authorities of a Fire Chief as set out in section 33 of this Bylaw in the Fire Service Areas and may exercise the authority of the Board under section 14 of the *Fire Safety Act* within the electoral areas of the Regional District.
12. The Manager, Fire Services is hereby designated as a Fire Investigator and a Fire Inspector within the meaning of the *Fire Safety Act* subject to the individual fulfilling that role or position meeting the training and qualification requirements for a Fire Inspector and/or Fire Investigator under the *Fire Safety Act*.

13. The Manager, Fire Services will be responsible for conducting, or causing to be conducted, Fire Investigations within the Fire Service Areas, and in the other parts of the Regional District's electoral areas not included within a Fire Service Area, and reporting same to the OFC in accordance with the *Fire Safety Act*.
14. The Manager, Fire Services will be responsible for conducting, or causing to be conducted, Fire Safety Inspections, within the Fire Service Areas, and in the other parts of the Regional District's electoral areas not included within a Fire Service Area.
15. The Manager, Fire Services will consult with the Fire Chiefs in relation to the implementation or material revision of any policies affecting one or more Commission Departments or Society Departments, including Apparatus procurement, qualifications and standards for Officers (including Fire Chiefs), budgets, training, and Regional Operational Guidelines.
16. The Manager, Fire Services is authorized to provide advice and make recommendations to other officers and employees of the Regional District, the Board and, subject to any applicable Regional District policies and procedures, to the public, in relation to:
 - (a) improving or revising the operations, jurisdiction or services offered by all or any of the Departments;
 - (b) the availability of adequate water supply and pressure;
 - (c) the procurement and maintenance of fire protection equipment and Apparatus;
 - (d) the enforcement of measures for the prevention or suppression of fire and the protection of life and property;
 - (e) life safety or rescue equipment;
 - (f) the development, implementation and operation of a fire inspection system in any part of the Regional District; and
 - (g) fire prevention generally, including public education.

Staff

17. In relation to Commission Departments, Staff responsibilities are set out in Bylaw No. 3654.

Fire Inspectors and Fire Investigators

18. The Board will designate, by resolution of the Board, individuals or positions within a Commission Department, Society Department or a Service Department as a Fire Inspector and/or Fire Investigator for those Department's respective Fire Service Areas.
19. A Fire Inspector may only conduct a Fire Inspection in accordance with the Inspection and Investigation Policy for the CRD as may be set by the General Manager, Housing, Planning and Protective Services from time to time and may exercise the powers of a Fire Inspector as provided in, and subject to, the *Fire Safety Act*, and, in relation to Commission Departments and Society Departments, any Regional Operational Guidelines.

20. A Fire Investigator may only conduct a Fire Investigation in accordance with the Inspection and Investigation Policy for the CRD and may exercise the powers of a Fire Investigator as provided in, and subject to, the *Fire Safety Act*, and, in relation to Commission Departments and Society Departments, any Regional Operational Guidelines.
21. Where a Fire Inspector has conducted a Fire Safety Inspection, whether within or outside of an existing Fire Service Area, the Regional District may recover the full cost of undertaking such Fire Safety Inspection from the owner or occupier of the premises or the property, by levying a charge as set out in Schedule B.
22. Where a Fire Investigator has conducted a Fire Investigation in relation to premises, property or a vehicle, whether located within or outside of an existing Fire Service Area, the Regional District may recover the full cost of undertaking such Fire Investigation from the owner or occupier of the premises, the property or vehicle, by levying a charge as set out in Schedule B.

Fire Chiefs and Non-Volunteer positions – Commission Department and Society Department

23. Each of the existing Fire Chiefs of the Commission Departments, as at the date of this Bylaw, is hereby ratified and confirmed as a Fire Chief for the purposes of this Bylaw.
24. The Senior Manager and Manager, Fire Services will establish and update, from time to time, the minimum qualification and training requirements for the position of Fire Chief, and non-volunteer positions, for Commission Departments and, subject to the terms of the relevant Service Agreement, each Society Department. Such qualification and training requirements will be developed and updated in consultation with the Commission Departments and Society Departments.
25. In relation to Fire Chief and Non-Volunteer Position vacancies in Commission Departments, the Manager, Fire Services will, in consultation with the relevant Commission in accordance with the Capital Regional District Recruitment and Retention Policy, conduct assessments of applicants for any open position before making a recommendation to the CAO.
26. Fire Chiefs and Non-Volunteer Positions of the Commission Departments will be appointed by the CAO on the recommendation of the Manager, Fire Services. Such recommendation shall consider the advice of the relevant Commission, consistent with CRD recruitment and Human Resources policies. The final appointment decision remains the responsibility of the CRD.
27. The CAO, subject to any Regional District policies relating to personnel management, may remove any Fire Chief, Officer or Member of a Commission Department.
28. A Fire Chief of a Commission Department is responsible for the day-to-day operations of his or her Department, including:
 - (a) all emergency operations;
 - (b) preparing the annual budget for the Department in collaboration with the Manager, Fire Services;

- (c) advising the Commission through the Manager of Fire Services on matters relating to the operation, maintenance, and strategic development of the services provided by the Department and the Department; and
- (d) providing regular reports to the Manager, Fire Services on the operation of his or her Department.

29. A Fire Chief of a Commission Department or a Society Department, or his or her designate, shall forward requests for goods or services required by his or her Department, to the Manager, Fire Services for approval prior to ordering such goods or services; provided that the Fire Chief may authorize any single budgeted expenditure up to, but not exceeding, \$10,000 for goods or services required by his or her Department.

30. A Fire Chief of a Commission Department and, subject to the relevant Service Agreement, a Fire Chief of a Society Department, is authorized:

- (a) to enforce Regional Operational Guidelines for the proper and efficient administration and operation of his or her Department and enforce such additional rules, policies and guidelines as are not inconsistent with the Regional Operational Guidelines; and
- (b) to collect and disseminate information regarding fires and fire hazards in the Fire Service Area in which his or her Department is located and to promote fire prevention and fire safety.

31. A Fire Chief of a Commission Department or a Society Department will oversee the Members of the relevant Department and the training of those Members in accordance with the Provincial Training Standards so that they are able to fulfill their respective roles, including acting as Officers and for any roles to which they are assigned at or in relation to an Incident. A Fire Chief of a Commission Department or a Society Department is responsible for maintenance of training records for all Members under his or her command including the recording of the Members' training in the relevant Department's records management system or, where relevant, within any centralized records management system operated by the Regional District and made available to the Commission Departments and Society Departments.

32. The Fire Chief of a Commission Department may appoint or remove Officers and appoint or remove Members of the relevant Commission Department, subject to any standards, requirements or processes established by the Manager, Fire Services under this Bylaw, and any Regional District policies relating to the management of personnel.

Operational Powers

33. A Fire Chief and (except as provided) any Member, or other person authorized by the Fire Chief to act on behalf of the Fire Chief, may exercise one or more of the following powers:

- (a) enter onto property and inspect premises for compliance with this Bylaw and 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) if property is endangered by debris caused by lumbering, land clearing or industrial operation, require the person who is carrying on or who has carried on the operation, or the owner or occupier of the land on which the debris exists, to dispose of the debris, and undertake any other actions for the purpose of removing or reducing the danger as is necessary or advisable in the circumstances;
- (c) in relation to an Incident (including during any related overhaul, clean up or Fire Investigation):
 - (i) to take measures considered necessary to prevent and suppress fires or mitigate an Incident, including but not limited to the demolition or removal of buildings, structures and other materials to prevent the spread of fire, mitigate risk or protect persons or property in connection with an Incident;
 - (ii) to enter, at any time, premises, property, structures or things where the Incident is occurring or has been reported, and to cause any Member or Apparatus of a Department to enter as he or she deems necessary or advisable, in order to combat, control or deal with the Incident;
 - (iii) to enter, pass through or over, or station on, buildings or property proximate to the Incident, and to cause any Member or Apparatus of a Department to enter, pass through or over, or station on buildings or property proximate to the Incident, where he or she deems it necessary or advisable to gain access to the Incident or to protect any person or property;
 - (iv) to exercise control over access to, and to evacuate, areas proximate to or affected by an Incident (including public property, private property, buildings, streets and highways), including managing vehicular and pedestrian traffic, as he or she deems necessary or advisable to prevent interference with the Department's response, or the response of other emergency services, to the Incident and/or to reduce the risk to life or property; and
 - (v) to take such other actions as may be necessary to: suppress a fire or mitigate an Incident; ensure the safety of Members, other emergency responders and the public; and prevent or reduce damage to property;
- (d) to enter a Public Building, or other property, structures, or storage areas, at any reasonable time, for the purposes of conducting Pre-Incident Planning;
- (e) to enforce this Bylaw and any other Regional District bylaws, rules, orders and regulations relating to the prevention and suppression of fires and protection of life and property in emergency situations; and
- (f) in relation to non-emergency matters, to enter onto property or premises in accordance with section 284 of the *Local Government Act* or, if exercising a power under the *Fire Safety Act*, enter onto property or premises as provided in the *Fire Safety Act*.

34. For certainty, the Fire Chief and/or Incident Commander may, in his or her sole discretion, restrict or terminate emergency response activities in any circumstances where the Incident is considered to exceed the training or capabilities of the responding Members, or Apparatus available to them.

Authorized Services

35. Each Commission Department, and, subject to the relevant Service Agreement, each Society Department, is only authorized to provide or undertake services set out within that Department's Authorized Services and Service Level as shown in Schedule C.
36. Notwithstanding section 35 of this Bylaw, a Commission Department or Society Department will only provide those services for which its Members are trained and equipped in accordance with Provincial Training Standards and the Regional Operational Guidelines.
37. Service Departments are authorized to provide the fire protection, fire prevention and emergency response services set out in the relevant Service Agreement.

Commission Department and Society Department Jurisdiction and Mutual Aid

38. The jurisdiction of each Commission Department and Society Department shall be the relevant Fire Service Area specified in the service establishment bylaw identified in Schedule A in relation to such Department. Each Service Department is authorized to respond into the relevant Fire Service Area set out in its Service Agreement and, for certainty, may respond into portions of the Regional District proximate to such Fire Service Area where an Incident threatens or affects the Fire Service Area.
39. A Commission Department or a Society Department may respond to an Incident outside of its ordinary Fire Service Area in the following circumstances:
 - (a) if authorized to respond by EMCR and given a task number for such response, or in accordance with an agreement with or procedures established by BCWS or any other provincial or federal emergency agency recognized by the Regional Operational Guidelines;
 - (b) to provide fire suppression where a wildfire or an Interface Fire imminently threatens any part of the relevant Commission Department's Fire Service Area, in accordance with any agreements or procedures of BCWS or EMCR;
 - (c) in accordance with the terms of a mutual aid or automatic aid agreement with a municipality within the Regional District, or a mutual aid agreement with another regional district, First Nation, municipality or the Province;
 - (d) in accordance with the terms of any service agreement with another local government, regional district, federal government, or First Nation;
 - (e) in connection with an order made pursuant to the *Emergency and Disaster Management Act*, SBC 2023, c.37 and the associated regulations and the respective declaration of a state of local emergency or Provincial emergency; and
 - (f) if authorized to respond by the CAO or designate.

40. A Fire Chief of a Commission Department or Society Department, or his or her designate, may, in his or her sole discretion, refuse to respond to calls to Incidents described in subsections 39(a) through (f) of this Bylaw inclusive; provided that any refusal of a mutual or automatic aid request shall be in accordance with the terms of the relevant aid agreement.
41. Where there is no mutual or automatic aid agreement between the relevant Departments, a Commission Department or a Society Department may respond outside of its ordinary Fire Service Area in support of another Commission Department or Society Department (the **“Requesting Department”**):
 - (a) at the request of the Fire Chief or designate of the Requesting Department; or
 - (b) at the direction of the Manager, Fire Services.
42. Where a Department (the **“Responding Department”**) has received a request for assistance under section 41:
 - (a) the Fire Chief or designate of the Responding Department may, in his or her discretion, refuse the request for assistance, provided that this refusal is immediately communicated to the Requesting Department through the Regional District’s dispatch provider;
 - (b) the Fire Chief or designate the Responding Department may, in his or her discretion, but subject to the Department’s Service Level and Authorized Services, determine the nature and extent of any assistance that will be provided; and
 - (c) Incident responses will be managed in accordance with the Regional Operational Guidelines, including use of the incident command system described therein.
43. The Manager, Fire Services shall be advised as soon as possible of all responses by Departments described in section 39 or section 41 or of a decision to refuse such a call in accordance with either section 40 or subsection 43(a). Where required, the Manager, Fire Services will communicate with other Departments or mutual aid partners with respect to either providing support or heightened coverage as a result of a mutual aid request or response by a Commission Department or Society Department outside of its Fire Service Area.
44. Where another local government’s fire department (the **“Outside Responding Department”**) provides emergency response services within a Fire Service Area or other part of the Regional District under a mutual aid or automatic aid agreement, the Outside Responding Department, in relation to any particular Incident:
 - (a) is authorized to exercise the powers and authorities specified in the relevant mutual aid or automatic aid agreement, as the case may be; or
 - (b) where the relevant mutual aid or automatic aid agreement does not expressly address the issue of powers and authority, is entitled to exercise the same powers and authority as the Outside Responding Department has within its own jurisdiction.

Inspections of Mobile Food Vendors Premises

45. For the purposes of this Bylaw, a “Mobile Food Vendor Premises” means a vehicle, trailer, cart, bicycle, or other conveyance used to prepare and sell food and beverages.
46. The Manager, Fire Services, as Fire Inspector, may conduct a Fire Safety Inspection of a Mobile Food Vendor Premises operating anywhere within the electoral areas of the Regional District.
47. A Fire Inspector within a Department may conduct a Fire Safety Inspection of a Mobile Food Vendor Premises operating within that Department’s Fire Service Area.
48. A Mobile Food Vendor Premises shall meet the following requirements, as applicable:
 - (a) there must be installed or available fire protection equipment, including fire extinguishers, appropriate to the type of cooking being undertaken;
 - (b) all commercial cooking units must be installed, certified and maintained in accordance with the requirements of the Safety Standards Act and regulations;
 - (c) any propane cylinders must be stored in a safe fashion, away from cooking and heat devices;
 - (d) any tents or awnings in use must be kept clean and free from grease build-up or other flammable residues, and conform to the flame resistance requirements CAN/ULC S-109: Standard Method for Flame Tests of Flame-Resistant Fabrics and Films, which conformance shall be identified by a manufacturer’s label on such tent or awning; and
 - (e) the siting of the Mobile Food Vendor Premises, clearances, and other matters related to fire safety that may be set by a Fire Inspector must be met at all times.
49. Where a Fire Inspector has conducted a Fire Safety Inspection of a Mobile Food Vendor Premises, whether within or outside of an existing Fire Service Area, the Regional District may recover the full cost of undertaking such Fire Safety Inspection in accordance with section 21 of this Bylaw.

Fire Safety Plans

50. Where an owner of any building or property within a Fire Service Area is required by the Fire Code to develop and maintain a fire safety plan (a “Fire Safety Plan”), a copy of such Fire Safety Plan, and any updates thereto, shall be submitted to the relevant Department for review in accordance with the Fire Code. The Manager, Fire Services may prescribe the form in which any Fire Safety Plan is to be submitted, including that the Fire Safety Plan must be submitted in a specified electronic format.

51. The Fire Safety Plan will be reviewed not less than annually by the owner of the building or property and updated if required. The Fire Safety Plan must be updated and a new Fire Safety Plan submitted to the relevant Department for review at any time that there has been any change to a building or property, or any change to the use thereof, that makes the existing Fire Safety Plan inaccurate or obsolete.
52. Notwithstanding any review of Fire Safety Plan by a Department, the owner of the building or property in respect of which such Fire Safety Plan is submitted remains solely responsible and therefore the Regional District shall not be liable for any defect in any Fire Safety Plan, or for any loss, damage, costs or injuries arising in connection therewith.
53. The Regional District may recover the full cost of undertaking a review of a Fire Safety Plan from the owner of the building or property, by charging a fee as provided in Schedule B.

Vacant Premises

54. For the purposes of this Bylaw, "Vacant Premises" includes a lot, building or other structure in respect of which one or more utility services have been intentionally discontinued (other than temporarily in connection with maintenance, repair or upgrading), such that the condition of the premises is not suitable for regular human habitation or other occupancy, or which is uninhabited for a continuous period of more than 30 days.
55. The owner of Vacant Premises must ensure that, at all times:
 - (a) the Vacant Premises are free from litter and debris, or accumulations of combustible or flammable materials;
 - (b) all openings in the Vacant Premises are securely closed and fastened in a manner to prevent the entry of unauthorized persons; and
 - (c) any sprinkler systems or fire alarm systems required by the Fire Code, remain operational.
56. Where the owner of Vacant Premises fails to maintain such Vacant Premises as required by section 56:
 - (a) the Fire Chief of the Fire Service Area in which such Vacant Premises are located may send a notice to the owner requiring that such Vacant Premises be brought into compliance with this Bylaw; or
 - (b) the Manager, Fire Services may send a notice to the owner of Vacant Premises, whether located within a Fire Service Area or not, requiring that such Vacant Premises be brought into compliance with this Bylaw.
57. Where the owner of Vacant Premises fails to bring such Vacant Premises into compliance with this Bylaw by the time specified in the notice under section 56, the Manager, Fire Services or relevant Fire Chief may cause such Vacant Premises to be brought into compliance with this Bylaw by Regional District employees, agents or contractors, at the cost and expense of the owner.

Damaged Buildings

58. The owner of a building or other structure that has been damaged due to fire, explosion or similar event must immediately act to ensure that the damaged building or structure is guarded, or that all openings and points of entry into the damaged building or structure are kept securely closed and fastened in a manner so as to prevent the entry of unauthorized persons. If the owner fails to provide the necessary security to the damaged building within two hours following an incident:

- (a) in relation to a damaged building within a Fire Service Area, the relevant Fire Chief may cause the work to be carried out at the cost and expense of the owner; or
- (b) whether the damaged building is located within a Fire Service Area or not, the Manager, Fire Services may cause the work to be carried out at the cost and expense of the owner.

Cost Recovery

59. In addition to any other provision of this bylaw that entitles the Regional District to charge for provision of services, the Regional District may charge for and recover its costs from the owner of any property or building, or the operator of a vehicle, in relation to the following:

- (a) the cost of hiring any specialized equipment or personnel to manage an Incident, including post-Incident clean up;
- (b) the provision by a Department or Manager, Fire Services of any services or responses outside of a Fire Service Area; and
- (c) in connection with an Incident involving hazardous materials or dangerous goods, the cost of any decontamination, repair or replacement of a Department's apparatus or equipment.

60. In order to recover service costs, the Regional District may add an administrative fee equal to 15% of the costs being recovered, for any amount that is charged under section 59.

Orders

61. Where a Fire Inspector has conducted a Fire Safety Inspection of any premises or property, the Fire Inspector may issue an order in connection with any deficiencies discovered, as provided for in, and in the manner and form contemplated by, the *Fire Safety Act*. The Fire Inspector, if an individual other than the Manager, Fire Services, will confirm the contents of any such order with the Manager, Fire Services before the order is issued. The Manager, Fire Services will file with the OFC a summary of all orders issued under this section 62 on a monthly basis, or such other time specified by the OFC, in the form required by the OFC.

62. Where the Manager, Fire Services, or person designated by the Manager, Fire Services, has conducted an inspection of premises or property exercising the special fire protection powers under the *Local Government Act*, or a Fire Chief or designate has undertaken such an inspection exercising the powers under subsection 33(a) of this Bylaw, the Manager, Fire

Services or designate, or the Fire Chief or designate (as the case may be) may issue an order in connection with any deficiencies discovered. Any order issued under this section 63 will be in substantially the same form as the orders prescribed under *Fire Safety Act*.

63. Where a person to whom an order issued as contemplated by section 62 of this Bylaw fails to abide by such order, or fails to take the actions required by the order within the timeframe stipulated in the order, the Manager, Fire Services or person designated by the Manager, Fire Services:

- (a) may take such corrective actions as are required to bring the premises into compliance as required by the order, and to retain third parties, as required, to undertake the necessary work; and
- (b) may charge the cost of any such corrective action to the owner of the premises or property.

64. Without limiting the right of the Regional District to take such other enforcement actions as it deems appropriate or necessary:

- (a) any costs incurred by the Regional District under section 62 in relation to securing a premise pursuant to section 16 of the *Fire Safety Act* may be recovered in the manner provided by section 18 of the *Fire Safety Act*; and
- (b) any costs incurred by the Regional District under section 63 in relation to orders issued pursuant to the *Local Government Act*, or any other costs or charges that may be levied pursuant to this Bylaw, may be recovered, to the extent applicable, by the Regional District in the manner provided by section 399 of the *Local Government Act*.

Other

65. No person shall:

- (a) impede, hinder or obstruct any Member at an Incident and every person in the proximity of an Incident shall comply with orders or directions of a Member responding to the Incident;
- (b) during an Incident, obstruct or otherwise interfere with access roads or other approaches to the Incident, or with access to fire hydrants, reservoirs or bodies of water required for fire suppression purposes;
- (c) damage, destroy, obstruct, impede or hinder the operation of any Apparatus, or, unless authorized by the Fire Chief, Incident Commander or other Officer, travel across a fire hose;
- (d) refuse to permit any Member to enter into or upon premises or property in relation to which an alarm or other request for assistance has been received, or in or upon which a Member has reasonable grounds to believe that an Incident has occurred or may occur;
- (e) interfere with any Member or refuse to permit any Member to enter into or upon premises or a fire scene to determine the cause and origin of a fire or the cause of activation of a fire alarm system; and

(f) except as authorized by the Fire Chief, an Officer or an Incident Commander:

- (i) enter any building, structure, vehicle or area involved in or threatened by an Incident; or
- (ii) refuse to move from such a building, structure, vehicle or area when directed to do so by a peace officer or Member.

66. Any person who violates any provision of section 66 may, in addition to any other penalty, be removed from the scene of an Incident by a peace officer or the Fire Chief, an Officer or Incident Commander (or their designate).

67. Any person who damages Apparatus in contravention of subsection 66(c), in addition to any other penalty, shall be liable for the cost of repairing or replacing the Apparatus.

68. No person shall falsely represent himself or herself as a Member of a Department, or wear or display any Commission Department or Society Department uniform, badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

69. Any person who violates any provision of this Bylaw, shall be guilty of an offence and shall be liable upon summary conviction therefor to a penalty of, at minimum, Five Thousand dollars (\$5,000), for every such violation, which penalty and cost shall be recoverable and enforceable upon summary conviction in the manner provided by the *Offence Act* (B.C.).

70. This Bylaw may be cited as the “Capital Regional District Fire Services Operational, Fire Prevention and Administrative Bylaw No. 1, 2026”.

READ A FIRST TIME THIS	th	day of	20__
READ A SECOND TIME THIS	th	day of	20__
READ A THIRD TIME THIS	th	day of	20__
ADOPTED THIS	th	day of	20__

CHAIR

CORPORATE OFFICER

Schedule A

Departments and Fire Service Areas

The following is a list of the Departments established by or contracted to the Regional District, the Fire Service Areas in which they respond and the relevant service establishment bylaws:

Department	Fire Service Area and Establishment Bylaw
East Sooke Volunteer Fire Department	3390 - East Sooke Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 2006
Galiano Island Volunteer Fire Department	1852 - North Galiano Island Fire Protection and Emergency Response Service Establishment By-law No. 1, 1990 2148 - South Galiano Island Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1993
Malahat Volunteer Fire Department	2731 - Malahat Fire Protection Local Service Establishment Bylaw No. 1, 1999
Otter Point Volunteer Fire Department	2042 - Otter Point Fire Protection and Emergency Response Local Service Establishment Bylaw No. 1, 1992
Pender Island Volunteer Fire Department	2050 - Pender Islands Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1992
Port Renfrew Volunteer Fire Department	1753 - Port Renfrew Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1989
Saanich Fire Department	2506 - Durrance Road Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1997
Saturna Island Volunteer Fire Department	2165 -Saturna Island Fire Protection and Emergency Response Local Service Contribution Establishment Bylaw No. 1, 1993
Shirley Volunteer Fire Department	1927 - Shirley Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1991
Willis Point Volunteer Fire Department	1951 -Willis Point Fire Protection, Emergency Response and Recreation Service Establishment Bylaw No. 1, 1991

Schedule B

Fees and Charges

Fire Safety Inspections and Fire Investigations

1. The following fees and charges may be levied against the owner or occupier of premises or property whether located within or outside of a Fire Service Area in connection with a Fire Safety Inspection undertaken as provided in this Bylaw and the *Fire Safety Act*:
 - a. For Fire Safety Inspections that were requested by the owner or occupier of the premises or property:

Description	Amount
Fire Inspection – Minimum Fee	\$95
Fire Inspection – Regular Working hours pro-rated in 15-minute intervals	\$115
Fire Inspection – After hours pro-rated in 15-minute intervals	\$165
Comfort Letter, per building, first hour	\$120
Comfort Letter, per building, subsequent hours pro-rated in 15-minute intervals	\$115

- b. For Fire Safety Inspections that were conducted based off a complaint by a member of the public:

Description	Amount
First hour (including travel time to and from the premises or property for one Inspector)	No Charge
Second and subsequent re-inspections per hour in a calendar year	\$115

- c. For Fire Safety Inspections that were believed advisable by the Fire Inspector, without receiving a complaint:

Description	Amount
First hour (including travel time to and from the premises or property for one Inspector)	No Charge
Second and subsequent re-inspections per hour in a calendar year	\$115

d. The following fees and charges may be levied against the owner of premises or property, or the owner of any vehicle or thing, whether located within or outside of a Fire Service Area in connection with a Fire Investigation undertaken as provided in this Bylaw and the *Fire Safety Act*:

Description	Amount
First hour (including travel time to and from the premises or property for one Department Vehicle)	No Charge
Each hour after the first hour	\$160

Fire Safety Plans

Description	Amount
Initial Review (flat rate) per plan	\$150
Subsequent review for compliance	\$100 per hour

Damage, Destruction, or Demolition of a Building

Description	Amount
Damage, Destruction, or Demolition of a Building	Hourly rate of Equipment and staffing costs of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the Regional District to complete the work
Post-Incident Fire Watch	
Securing Fire Damaged or Vacant Building	

Schedule C

Service Levels and Authorized Services

1. The Service Level and Authorized Services in columns B and C of the table below, respectively, are the set Service Level and Authorized Services for the corresponding Department set out in column A of the table below.

A - Department	Declared Service Level	Authorized Services
East Sooke Volunteer Fire Department	Interior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Operations
Galiano Island Volunteer Fire Department	Interior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Operations
Otter Point Volunteer Fire Department	Interior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Operations
Pender Island Volunteer Fire Department	Full Service	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – High Angle – Operations Confined Space – Operations
Port Renfrew Volunteer Fire Department	Exterior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Awareness
Saturna Island Volunteer Fire Department	Exterior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Operations
Shirley Volunteer Fire Department	Interior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Operations
Willis Point Volunteer Fire Department	Exterior	Medical – Per BC EHS Operational Response Plan Vehicle and Machinery Extrication Rescue – Low Slope - Awareness