

MOUNTAIN FIRE PROTECTION DISTRICT

BY-LAW No. 56

A by-law to provide for the establishment and operation of a fire department.

The Trustees of the Mountain Fire Protection District enact as follows:

1. 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 Trustees of the Mountain Fire Protection District.

Department means the East Wellington Volunteer Fire Department.

Equipment means any tools, contrivances, devices, or materials used by the fire department to combat an incident or other emergency.

Fire Chief means the person appointed by the Board as head of the fire department who shall be deemed to be a Municipal Public Officer with protection from personal liability provided by Section 755.1 of the Municipal Act.

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, or a situation where the department is attending a rescue operation, an event involving hazardous materials, or where the department is providing a public service.

Member means any person accepted into the fire department who shall be deemed to be a Municipal Public Officer with protection from personal liability provided by Section 755.1 of the Municipal Act.

2. There is hereby created an organization to provide fire protection and protect life and property in or under the control of the Mountain Fire Protection District, to be known as the East Wellington Volunteer Fire Department.

3. The membership of the department shall consist of able-bodied citizens preferably residing within the district. New applicants to fill vacancies in the department are to be accepted or rejected by a majority vote of the department, and, if accepted, shall be on a three month probationary period.
4. The Board shall appoint a person to have the duties of and be known as fire chief who shall hold office until a successor is appointed. The department shall hold an annual meeting on a specified advertised date. Election of officers shall take place at the annual meeting. In the event the position of fire chief becomes vacant, the deputy fire chief shall take over until such time a new chief is appointed.
5. The Board shall have control and management of the property, apparatus, equipment, and materials pertaining to the department.
6. The Board shall have power to purchase and to acquire when necessary such fire fighting apparatus, equipment, and materials as are required for the upkeep and general efficiency of the department, and the Board may also sell or dispose of any such apparatus, equipment, and materials as it deems no longer required for the use of the department.
7. In addition to fire protection services, assistance may be provided by the department where harm to persons or property may result under the following classes of circumstances:
 - a. mutual aid to other fire services,
 - b. response to hazardous material incidents,
 - c. public service involving life safety.
8. The fire chief has complete responsibility and authority over the department subject to the direction and control of the Board to which he shall be responsible, and in particular he shall be required to carry out all fire protection activities including the enforcement of the Fire Services Act and regulations thereunder and he shall assume the responsibilities of the Local Assistant to the Fire Commissioner.
9. The limits of the jurisdiction of the fire chief and members of the department will extend to the area and boundaries of the Mountain Fire Protection District , and no apparatus or equipment shall be used beyond the limits of the District without:

- a. the express authorization of a written contract or agreement providing for the supply of fire fighting services outside the District, or
 - b. the approval of the Board.
10. The fire chief shall, subject to the approval of the Board, formulate a set of rules and regulations to govern the department and shall be responsible to the Board for the personnel, morale, and general efficiency of the department.
 11. The fire chief shall keep complete records of all fires, inspections, and drills, and shall keep and maintain an up-to-date inventory of all apparatus, equipment and materials pertaining to the department. He shall also maintain a nominal roll of personnel who are members of the department.
 12. Any member of the fire department may be suspended or discharged by the fire chief at any time he may deem such actions necessary for the good of the department provided, however, that the member so suspended or discharged by the fire chief may, within seven (7) days, appeal in writing to an arbitration committee composed of two Trustees chosen by the Board and one (1) member of the department elected by the department members, which arbitration committee shall, within two (2) weeks, hold a hearing and shall either confirm, modify, or revoke the order appealed from. The decision of the committee shall be final and binding on all parties concerned.
 13. The fire chief, or in his absence, the senior officer, or in the absence of any officer, the senior member present, shall have control, direction, and management of all department apparatus, equipment, and personnel assigned to an incident, and, where a member is in charge, he shall continue to act until relieved by a senior officer.
 14. The fire chief, or any member of the department authorized by the fire chief, may at a reasonable time and with the consent of the occupant enter any premise for the purpose of fire prevention inspections.
 15. 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.

16. The fire chief, or any other member in charge, at an incident is empowered to enter premises or property where the incident is occurring and to cause any member, apparatus, or equipment of the department to enter, as he deems necessary, in order to deal with the incident.
17. The fire chief, or any other member in charge, at an incident is empowered to enter, pass through or over buildings or property adjacent to the incident and to cause any member, apparatus, or equipment of the department to enter, pass through or over buildings or property where he deems it necessary to gain access to the incident or to protect any person or property.
18. The fire chief, or any other member in charge, at an incident is empowered to commandeer privately-owned equipment which he considers necessary to deal with the incident. Remuneration rates for commandeered equipment shall be set annually by the Board.
19. The fire chief, or any other 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.
20. No person shall enter the boundaries or limits of an area prescribed in accordance with section 19 unless he has been authorized to enter by the fire chief or the member in charge.
21. The fire chief, or any other member in charge, at an incident may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in section 19.
22. No person at an incident shall impede, obstruct, or hinder a member of the department or other person assisting or acting under the direction of the fire chief or the member in charge.
23. No person shall damage or destroy department apparatus, equipment, or materials.
24. No person at an incident shall drive a vehicle over any equipment without permission of the fire chief or the member in charge.
25. No person shall falsely represent themselves as a department member.

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 in 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 \$2500 or to both fine and imprisonment.

27. This by-law may be cited as the "Fire Department Establishment By-law, 1990."

Introduced and given first reading by the Trustees on the 29th day of June, 1990.

Reconsidered and finally passed by the Trustees on the 20th day of July, 1990.

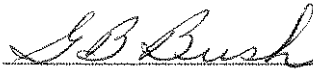


Chairman of the Trustees




Secretary of the Trustees

I hereby certify under the seal of the Mountain Fire Protection District that this is a true copy of By-law No. 56 of the Mountain Fire Protection District passed by the Trustees on the 20th day of July, 1990.



Secretary of the Trustees

A true copy of By-Law No. 56
registered in the office of the Inspector
of Municipalities this 15th day of
AUGUST, 1990.



Deputy Inspector of Municipalities