

CITY OF MERRITT

BYLAW NO. 1904

A BYLAW FOR THE ESTABLISHMENT AND REGULATION OF A FIRE AND RESCUE DEPARTMENT

(CONSOLIDATED FOR CONVENIENCE ONLY, INCLUDING BASE BYLAW NO. 1904, 2005
AND AMENDMENT BYLAWS NO. 1936, (2006), 1984 (2007), 2077(2009)**)**

WHEREAS pursuant to the *Local Government Act* of the Province of British Columbia, a Municipal Council may by bylaw, establish and make regulations for a fire and rescue department;

NOW THEREFORE the Council of the City of Merritt, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "CITY OF MERRITT FIRE RESCUE DEPARTMENT ESTABLISHMENT BYLAW 1904, 2005".
2. That City of Merritt Fire Rescue Department Establishment and Fire and Safety Regulation Bylaw No. 1785, 2001 and all amendments thereto, are hereby repealed.
3. The British Columbia Fire Code Regulations, Fire Services Act and National Fire Protection Association Codes, and all amendments thereto are applicable within the City of Merritt, in conjunction with this bylaw.
4. This bylaw is divided into the following parts:

Part I Definitions

Part II Fire and Rescue Department

201 Establishment

202 Fire Chief

203 Deputy Chief

204 Officers

205 Membership

206 Remuneration

207 Administration

Part III Fire Protection Agreements and Mutual Aid

301 Agreements

Schedule A Code of Conduct

Schedule B Remuneration

Schedule C PEP Highway Rescue Boundaries

PART I - DEFINITIONS

"Administrator"	means the Administrator of the City of Merritt.
"Approval"	means acceptance as satisfactory to the Fire Chief or his designate.
"Building"	means any structure used or intended for supporting or sheltering any use or occupancy.
"Council"	means the Council of the City of Merritt.
"Department"	means the Merritt Fire and Rescue Department.
"Deputy Fire Chief"	means the person appointed from time to time as the Deputy Fire Chief of the Merritt Fire and Rescue Department <small>deleted by Amending Bylaw No. 2077, 2009</small>
"Duty"	means time while being paid as a member of the Fire and Rescue Department.
"Dwelling or Dwelling Unit"	means two or more rooms used or intended to be used for residential accommodations and shall have cooking, sleeping and sanitary facilities of which no more than one cooking facility is permitted consisting of cooking equipment, devices or appliances, sinks, cabinets and all electrical or plumbing service lines used or intended to be used to service the cooking facility.
"Executive Committee"	means a Committee consisting of the Fire Chief, Deputy Chief, the Secretary/Treasurer, Officers and three Members at large.
"Fire Chief"	means the person appointed from time to time as the Fire Chief of the Merritt Fire and Rescue Department, and any Officer, Member or Inspector authorized by the Fire Chief, to act on behalf of the Fire Chief.
"Member"	means any Member of the Merritt Fire and Rescue Department and includes an Officer.
"Officer"	means any Member appointed to a position of Fire Chief, Battalion Chief, Captain, Lieutenant, Training/Prevention Officer or Safety Officer. <small>Amending Bylaw No. 2077, 2009</small>

PART II - FIRE AND RESCUE DEPARTMENT

201 **ESTABLISHMENT**

1. There is hereby constituted a fire department for the City of Merritt to be known as the "Merritt Fire and Rescue Department", and the head of the department shall be known as the "Fire Chief".
2. In addition to the Fire Chief, the Merritt Fire and Rescue Department personnel shall consist of a Training/Prevention Officer Amending Bylaw No. 2077, 2009, and such number of other Officers and Members as from time to time may be determined by Council.

202 **FIRE CHIEF**

1. The Fire Chief shall be appointed by resolution of Council.
2. Reporting to the Administrator, the Fire Chief is accountable for overseeing the provision of services for the protection of lives and property of the citizens of the City of Merritt from fire hazards, and for the operation of the Merritt Fire and Rescue Department, including training and fire prevention.
3. The Fire Chief shall take all proper measures for the prevention, control, and extinguishment of fire, for the protection of life and property, and may enforce all codes and bylaws respecting fire prevention, life safety and investigations.
4. The Fire Chief has complete responsibility for the Merritt Fire and Rescue Department, subject to the direction of the Administrator and direction/control of the Council, to which the Fire Chief shall be responsible, and in particular shall be required to carry out all fire protection activities and such other activities as Council directs, including but not limited to:
 - a) preventative patrols.
 - b) pre-fire planning;
 - c) disaster planning;
 - d) other incidents

5. The Fire Chief shall establish rules, regulations, policies, operational guidelines and committees necessary for the proper organization and administration of the Merritt Fire and Rescue Department including, but not limited to the:
 - a) use, care and protection of property;
 - b) conduct and discipline of Officers and Members of the department; and
 - c) efficient operation of the department.

203 TRAINING/PREVENTION OFFICER Amending Bylaw No. 2077, 2009

1. The Training/Prevention Officer Amending Bylaw No. 2070, 2009 shall be appointed by resolution of Council.
2. The Training/Prevention Officer Amending Bylaw No. 2077, 2009 shall:
 - a) assist the Fire Chief in the performance of his duties and in the absence of the Fire Chief, either, assume charge at all fires and emergencies, or delegate the authority to another Officer of the Merritt Fire and Rescue Department, prior to taking leave.
 - b) be appointed Local Assistant to the Fire Commissioner, to take over in the absence of the Fire Chief.

204 OFFICERS

1. The Captains and Lieutenants shall be appointed by the Fire Chief and Battalion Chiefs Amending Bylaw No. 2077, 2009, through a fair and equal process based on exams, conduct, experience, interpersonal skills and an interview.
 - a) Platoons will have the right to recommend to the Fire Chief to have any Battalion Chief Amending Bylaw No. 2077, 2009 Captain or Lieutenant removed from rank for just cause. Upon recommendation being given to the Fire Chief, the Fire Chief may decide to place the Battalion Chief Amending Bylaw No. 2077, 2009 Captain or Lieutenant on probation for a period of not more than six (6) months to correct the cause. Either, at the end of the probation period or at an earlier date, the Officer may be removed or have his position reconfirmed by the Fire Chief.
 - c) An Officer on call may assume charge at any fire or emergency in the absence of the Chief.

2. The Training Officers and Safety Officers shall be appointed by the Fire Chief. Amending Bylaw No. 2077, 2009
3. The Merritt Fire and Rescue Department's Fire Chief, Training/Prevention Officer Amending Bylaw No. 2077, 2009, Secretary/Treasurer, Officers and three Members at large, will make up the Department's Executive Committee. The Secretary/Treasurer and three Members at large shall be elected annually.

205 MEMBERSHIP

1. A person is qualified to be appointed as a Member of the Department who:
 - a) is 18 years of age or older to a maximum of up to 60 years of age;
 - b) is of good character;
 - c) passes such aptitude and other tests as may be required by Council; and,
 - d) resides within the municipal boundaries of the City of Merritt.
2. Subject to clause 205(1) (d), a person may reside outside of the municipal boundaries of the City of Merritt provided:
 - a) the person lives within 12 kilometres of the Fire Hall;
 - b) no more than 25% of the entire membership of the Department reside outside the municipal boundaries of the City of Merritt; and,
 - c) the Fire Chief is able to balance the platoons equally with the Members who reside outside the municipal boundaries of the City of Merritt.
3. Every Member and Officer shall be required to comply with the Code of Conduct as per Schedule "A", attached to and forming part of this bylaw as well as the operating rules and regulations established by the Department.
4. The Fire Chief may terminate a probationary Member, or extend probation, at any time, without cause.

5. The Fire Chief may discipline or discharge any Officer or Member for cause.
 - a) If the Members or a Member is unable to agree with a disciplinary decision of the Fire Chief, the Member may appeal to the Executive Committee. The Executive Committee shall either uphold the Fire Chief's decision or appeal the decision of the Fire Chief. If the Executive Committee and the Fire Chief are unable to reach agreement on the issue; both sides shall submit a report to the Administrator for consideration. If the Administrator is unable to bring about a consensus, the two reports shall be submitted to Council for a final resolution of the issue.
6. Every Member is subject to a medical examination at their own expense at such time as the Fire Chief may require.
7. Every new Member will be subject to a criminal background check and must provide a driver's profile and obtain an air brake endorsement at their own expense before they complete their probationary period. Existence of a criminal record or a poor driver's profile will be grounds for discharge. After successful completion of two (2) years of service firefighters may apply to the Fire Chief for reimbursement of the cost of the air brake endorsement.
8. An individual who has been with the department less than six (6) months shall be deemed a probationary Member.
9. Every Member of the Merritt Fire and Rescue Department will receive training in auto extrication and complete an application to join the Provincial Emergency Program for insurance coverage.

206 REMUNERATION

1. The remuneration of all Members shall be as specified in Schedule "B", attached to and forming part of this bylaw.
2. Payments for fire calls are paid as per Schedule "B" of this bylaw. Rescue calls inside municipal boundaries will be deemed Merritt Fire and Rescue Department call outs and will be paid according to Schedule "B". Rescue calls outside municipal boundaries will be paid according to Schedule "B" to a maximum of five (5) members attending the call.

Amending Bylaw no. 1984, 2007

207 ADMINISTRATION

1. The limits of the jurisdiction of the Fire Chief, and the Officers and Members of the department will extend to the area and boundaries of the City of Merritt, and fire protection agreement areas as determined by Council, and no part of the fire apparatus shall be used beyond the limits of the municipality 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 Council, or at the discretion of the combination of the Fire Chief and Mayor, Acting Mayor or Administrator.
2. The Rescue "responses and areas of jurisdiction" of the department, will coincide with that of the Merritt R.C.M.P. Detachment and as shown on Schedule 'C' attached and forming part of this Bylaw.
3. The Fire Chief shall submit to the Administrator, for inclusion with the overall City budget submitted to Council for approval, the annual budget for the Merritt Fire and Rescue Department.
4. Honorary Members are entitled to attend social functions only.

PART III - FIRE PROTECTION AGREEMENTS AND MUTUAL AID

301 AGREEMENTS AND MUTUAL AID

1. The Council for the City of Merritt may enter into agreements and mutual aid for the furnishing of fire protection by, for, or on behalf of the owners or occupiers of property situated within or out of the municipality, with any person, firm or corporation, or municipality, or improvement district or other properly constituted authority, and for the paying or collecting, as the case may be, of such charges therefor as may be agreed upon.

READ A FIRST TIME this	09 th day of August, 2005.
READ A SECOND TIME this	09 th day of August, 2005.
READ A THIRD TIME this	09 th day of August, 2005.
SECOND READING RESCINDED this	20 th day of September, 2005.
THIRD READING RESCINDED this	20 th day of September, 2005.
RE-READ A SECOND TIME this	20 th day of September, 2005.
READ A THIRD TIME this	20 th day of September, 2005.
ADOPTED this	11 th day of October, 2005.

Original signed by
David Laird
MAYOR

Original signed by
Ruth Tolerton
Corporate Services Manager

CITY OF MERRITT

**BYLAW NO. 1904
SCHEDULE "A"**

CODE OF CONDUCT

All Officers and Members of the Merritt Fire and Rescue Department shall:

1. At all times be governed by the ordinary and responsible rules of behaviour observed by law-abiding and self-respecting citizens, and no member shall commit any act tending to bring discredit upon the department or its members. Furthermore, when representing the department, all members shall be expected to be courteous and respectful in their contacts with the public;
2. Operate through the Fire Chief in the transactions of the department business;
3. Attend all fires or emergencies to which they may be dispatched and to perform to the best of their ability. Neglect, inefficiency or indifference of members in the performance of their duties is not acceptable;
4. Exercise precaution and good judgement in order to avoid injury to themselves and to other members;
5. Familiarize themselves with, and be obedient to the regulations, practices and procedures of the department;
6. Accord obedience, proper respect and courtesy to Officers and acting Officers;
7. Make truthful and accurate reports, and not make statements with intent to deceive;
8. Not wilfully mutilate any useful department record, book paper or document;
9. Promptly notify the Fire Chief of all matters coming to their attention affecting the interest of the department;
10. Notify the Fire Chief of any inability to report for duty and the reason for such inability;
11. Exercise caution to avoid unnecessary damage or loss of department property, and be responsible for the safekeeping and proper care of all department property;
12. Not remain on duty if his ability is impaired by the use of a mind altering substance(s);

13. Not use or take in any form of a mind altering substance(s) while on duty;
14. Not indulge in obscene or uncivil language, altercations or conduct while on duty which might cause adverse public reaction or injury to any person;
15. Refrain from engaging in any activity which reduces the member's effectiveness;
16. Abstain from promoting their names, in the context as a member of the department, for any commercial or business purposes, or for countenancing the use of the name and/or prestige of the department for such purposes; and
17. Accept no reward, fee or gift from any person for services incidental to the performance of duty, except with permission of the Fire Chief.

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SCHEDULE "B" (Amending Bylaw 2077, 2009)

Remuneration

1. Members of the Merritt Fire and Rescue Department shall be paid the following effective April 1, 2006 for both fires and fire practices:

Position	Base	After 2 years	After 5 years	After 10 years	After 15 years	After 20 years
Battalion Chief	16.50	17.50	18.50	19.50	20.50	22.50
Captain	14.50	15.50	16.50	17.50	18.50	19.50
Lieutenant	13.00	14.00	15.00	16.00	17.00	18.00
Safety Officer	14.50	15.50	16.50	17.50	18.50	19.50
Secretary	14.50	15.50	16.50	17.50	18.50	19.50
Firefighter	12.50	13.50	14.50	15.50	16.50	17.50

- * Years refers to years of service with the Merritt Fire and Rescue Department (Years of Service is determined on the basis of calendar year effective January 1, 2001 rather than start date anniversary)
2. The Merritt Fire and Rescue Department members shall receive remuneration based on a minimum two-hour call out for all calls from 10 p.m. to 7 a.m.
 3. Summer Weekend Standby shall commence in May (Victoria Day Weekend), until September (Labour Day Weekend) of each year. Remuneration for summer weekend standby shall be paid at a rate of \$30.00 per day, per member. Maximum standby staff is not to exceed five (5) members.
 4. Rescue calls will only be paid when the response is inside municipal boundaries.
 5. Standby Duty Officer: Weekend time off relief will be paid, for coverage when the Fire Chief and the Deputy Fire Chief are away, at a rate of \$40.00 for each day (1-24 hour period).
 6. When assigned Duty Officer acts as Fire Chief at an incident, that member will be paid \$2.00 per hour above the member's position rate for time in the acting capacity.

**CITY OF MERRITT
 BYLAW NO. 1904
 SCHEDULE "C"**

PEP Highway Rescue Boundaries

Note: Kilometers are calculated from the Firehall 1799 Nicola Ave.

<u>Boundary</u>	<u>Hwy/Road</u>	<u>Location</u>	<u>GPS</u>	<u>Comment</u>
RESCUE	Hwy 8 West	2.6km Billwiller Rd	N 50°07.497' W120°49.399'	Pooley's Ranch
RESCUE	Coldwater Road	33.6km	N 49°52.947' W120°54.154'	Kingsvale Interchange
RESCUE	Hwy 5 North	29km	N50°19.276' W 120°41.753'	Helmer Interchange
RESCUE	Hwy 5 South	64km	N 49°37.942' W121°00.763'	Toll Booth
RESCUE	Hwy 5A	55.9km	N 50°23.579' W 120°19.680'	Stump Lake
RESCUE	Hwy 97C East	76km	N 49°54.521' W120°01.391'	Marked Pennask Summit U-Turn
RESCUE	Midday Valley Road	5.3 km	N 50°04.507' W 120°49.001'	Ewalt's Gravel Pit