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BYLAW NO. 2731

MALAHAT FIRE PROTECTION AND EMERGENCY RESPONSE SERVICE ESTABLISHMENT BYLAW NO. 1, 1999

**Consolidated for Public Convenience
(This bylaw is for reference purposes only)**

ORIGINALLY ADOPTED NOVEMBER 24, 1999
(Consolidated with Amending Bylaws 3226)

For reference to original bylaws or further details, please contact the Capital Regional District,
Legislative Services Department, 625 Fisgard St., PO Box 1000, Victoria BC V8W 2S6
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CAPITAL REGIONAL DISTRICT

BYLAW NO. 2731

A BYLAW TO CONVERT THE MALAHAT FIRE PROTECTION SPECIFIED AREA TO A LOCAL SERVICE AND TO AMEND TILE POWER AS SET OUT IN MALAHAT FIRE PROTECTION SPECIFIED AREA BYLAW NO.1, 1985.

WHEREAS the Regional Board of the Capital Regional District may, by bylaw, under section 775(4) of the *Municipal Act* in accordance with subsection (5) convert a service provided by the Regional District under a specified area to a local service and by the same bylaw amend the power to the extent that it could if the power were in fact exercised under the authority of a bylaw establishing the service provided that the bylaw meets the requirements of section 806 and is adopted in accordance with section 813 of the *Municipal Act*;

AND WHEREAS the Regional Board did establish by Bylaw No. 1368 "Malahat Fire Protection Specified Area Bylaw, No. 1, 1985" a specified area for the provision of a volunteer fire department for the specified area described in the bylaw within a portion of the electoral area of Langford;

AND WHEREAS the Regional Board wishes to convert the Malahat Fire Protection Specified Area to a local service;

AND WHEREAS the Regional Board wishes to amend the Malahat Fire Protection Area at the same time as converting it to a local service by altering the description of the service being established;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained;

AND WHEREAS the assent of the electors has been obtained;

NOW, THEREFORE, the Board of the Capital Regional District in open meeting assembled ENACTS AS FOLLOWS:

1. The fire protection service provided within the specified area created under Bylaw 1368, cited as "Malahat Fire Protection Specified Area Bylaw No. 1, 1985" is hereby converted to and established as a Fire Protection and Emergency Response Service within the service area defined in Section 2 and is the service of:
 - (a) fire prevention;
 - (b) fire suppression; and
 - (c) assistance in response to:
 - (i) requests from the Provincial Ambulance Service for extrication of persons from damaged motor vehicles;
 - (ii) requests for assistance in the extrication of persons from damaged buildings, structures, or from situations involving natural hazards;
 - (iii) emergencies where police or ambulance personnel are unavailable or are unable to respond adequately and the equipment and personnel of the department is required to respond to the situation;

in situations where the Fire Chief determines that the personnel and equipment resources of the Fire department are capable of responding to the emergency.

(Bylaw 3226)

2. The boundaries of the local service area established in section 1 are described in Schedule "A" to this Bylaw.
3. Only the electoral area of Langford is a participating area for this local service.
4. The annual cost for the local service, net of grants and other revenue, shall be recovered:
 - (a) by the requisition of money under section 823 of the *Municipal Act* to be collected by a property value tax to be levied and collected under section 825.
5. The maximum amount that may be requisitioned under section 816(1) for the local service will be the greater of:
 - (a) Twenty Two Thousand Four Hundred (\$22,400.00) Dollars, or
 - (b) an amount equal to the amount that could be raised by a property value tax of One Dollar and Twenty Eight Cents (\$1.28) per One Thousand (\$1,000.00) Dollars which when applied to the net taxable value of land and improvements within the service area, will yield the maximum amount that may be requisitioned under section 816(1) for the service.
6. Bylaw No. 1368, cited as "Malahat Fire Protection Specified Area Bylaw No. 1, 1985", as amended, is repealed upon adoption of this bylaw.
7. Notwithstanding Section 2 of this bylaw, the fire department may provide fire suppression and emergency response outside the boundaries of the service area where the Capital Regional District or the Cowichan Valley Regional District has entered into an agreement for this purpose.

(Bylaw 3226)
8. This bylaw may be cited as "Malahat Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1999".

(Bylaw 3226)

READ A FIRST TIME THIS	22nd	day of	September	1999
READ A SECOND TIME THIS	22nd	day of	September	1999
READ A THIRD TIME THIS	22nd	day of	September	1999
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	15th day of	October		1999
OBTAINED THE ASSENT OF THE ELECTORS THIS	20th	day of	November	1999
ADOPTED THIS	24th	day of	November	1999
FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS	26th	day of	November	1999

Original signed by D.Amos
CHAIRPERSON

Original signed by C.Thiel
SECRETARY

SCHEDULE "A"

Boundaries of the local service area

Commencing at the northeast corner of Lot 167, Malahat District, being a point on the natural highwater mark of Finlayson Arm, on the westerly shore thereof thence in a general southerly direction along said highwater mark of Finlayson Arm to the southeast corner of Lot 111; thence westerly along the southerly boundary of said Lot 111 to the southwest corner thereof, and continuing westerly along the westerly prolongation of the southerly boundary of Lot 111 to the point of intersection with the easterly boundary of Lot 137, thence southerly, westerly and northwesterly along the easterly, southerly and southwesterly boundaries of said Lot 137 to the southeast corner of Lot 196; thence westerly along the southerly boundary of said Lot 196 to the southwest corner thereof, being a point on the easterly limit of Esquimalt and Nanaimo Railway Company's Right-of-Way, as constructed on the ground; thence in a northerly, northwesterly and northerly direction along the easterly, northeasterly and easterly limits of said Esquimalt and Nanaimo Railway Company's Right-of-Way to the northwest corner of Lot 51; thence easterly along the northerly boundaries of Lots 51 and 167 to the aforesaid northeast corner of Lot 167, being the point of commencement.