

DISTRICT OF KITIMAT

BYLAW NO. 1448

BYLAW TO AUTHORIZE THE DISTRICT OF KITIMAT TO ENTER INTO AN AMENDED
FIRE PROTECTION AGREEMENT WITH KITAMAAT VILLAGE

WHEREAS Section 699 (1)(e) of the Municipal Act empowers Council to make agreements for the furnishing of fire protection within or without the municipality;

AND WHEREAS the District of Kitimat and Kitamaat Village have entered into an agreement for fire protection to Kitamaat Village and wish to make amendments.

NOW THEREFORE, the Council of the District of Kitimat in open meeting assembled, ENACTS AS FOLLOWS:

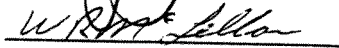
1. This Bylaw may be cited as "THE DISTRICT OF KITIMAT FIRE PROTECTION AGREEMENT BYLAW NO. 2, 1990".
2. That the current Fire Protection Agreement with Kitamaat Village is rescinded.
3. That the Council of the District of Kitimat is hereby authorized to enter into the attached amended Fire Protection Agreement with the Kitamaat Village for the purpose of providing fire protection only to that community.
4. That the Mayor and Clerk be authorized to attend to the execution of an amended "Fire Protection Agreement between the District of Kitimat and the Kitamaat Village" and affix the corporate seal of the District of Kitimat.
5. This bylaw shall take effect and come into force and be binding upon all persons as from the date of adoption.

READ a first time this *13th day of November*, 1990.
READ a second time this *13th day of November*, 1990.
READ a third time and passed this *13th day of November*, 1990.
RECONSIDERED AND FINALLY ADOPTED this *26th day of November*, 1990.

MAYOR



CLERK



Attachments

Annex: A. Fire Protection Agreement (Amended)

FIRE PROTECTION AGREEMENT

THIS agreement made the FOURTH day of DECEMBER, 1990.

BETWEEN: THE DISTRICT OF KITIMAT
AND: KITAMAAT VILLAGE

WHEREAS the District of Kitimat can by the authority vested in the Municipal Act, RSBK 1989 by bylaw make agreements for the furnishing of fire protection by, for and/or on behalf of the owners or occupiers of property situated within or without the municipality or with an improvement district or other properly constituted authority, and for the paying or collecting, as the case may be of agreed charges for it.

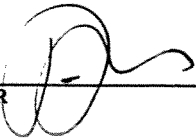
AND WHEREAS the Kitamaat Village desires additional fire protection that can be provided by the District of Kitimat Fire Department without adversely affecting protection for the municipality.

NOW THEREFORE THIS AGREEMENT WITNESSETH this in consideration of the premises and of the covenants hereinafter contained, the parties covenant and agree with each other as follows:


1. That the District of Kitimat and the Kitamaat Village enter into an agreement whereby fire protection services will be provided for the Kitamaat Village by the Kitimat Fire Department as requested and required by the Band Council or Band Fire Chief of the Kitamaat Village.
2. That the Kitamaat Village Council reimburse the District of Kitimat for providing fire protection on fee for service basis as contained in Appendix 1 to this agreement and amended annually to compensate for increases in manpower and equipment costs.
3. That the Kitamaat Village shall at all time "indemnify and save harmless" the District of Kitimat, their employees, volunteer, and agents from and against all claims, demands, awards, judgements, action, and/or proceedings, including but not limited to Workers Compensation Legislation, brought or prosecuted in respect of damage to, or destruction of property, bodily injury (including death) and/or personal injury and from and against any and all loss of, damage to or destruction of property and expenses and costs (including legal fees) suffered or incurred by the District of Kitimat, their employees, volunteer, and against arising out of or in any way connected with the performance or non-performance under this agreement.
4. This agreement shall remain in full force and effect from and after the date of signing, providing that the agreement may be terminated by either of the parties after giving at least ninety (90) days written notice.
5. Recognizing first priority is service to the District of Kitimat residents level, type and timing or response solely at the discretion of the Kitimat Fire Department.

wrm

THE CORPORATE SEAL OF
THE DISTRICT OF KITIMAT WAS
HEREUNTO AFFIXED IN THE
PRESENCE OF:

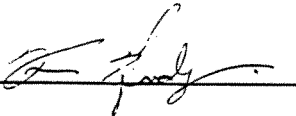


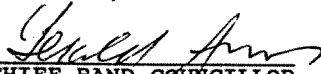
MAYOR



MUNICIPAL CLERK

THE SEAL AND AUTHORIZATION
SIGNATURE FOR THE KITAMAAT
VILLAGE WAS HEREUNTO AFFIXED
IN THE PRESENCE OF:





CHIEF BAND COUNCILLOR

ATTACHMENTS:

Appendix: 1. Fee Schedule