



**BY-LAW NO. 41
OF THE VILLAGE OF HILLSBOROUGH**

**A BY-LAW OF THE MUNICIPALITY OF
THE VILLAGE OF HILLSBOROUGH RESPECTING:**

(Part 1) THE FIRE DEPARTMENT

**(Part 2) THE PREVENTION AND EXTINGUISHMENT
OF FIRES**

**THE COUNCIL OF THE MUNICIPALITY OF THE VILLAGE OF
HILLSBOROUGH UNDER AUTHORITY VESTED IN IT BY SECTION 109 OF
THE MUNICIPALITIES ACT, BEING CHAPTER M-22 REVISED STATUTES
OF NEW BRUNSWICK 1973 AND AMENDMENTS THERETO DULY
ASSEMBLED HEREBY ENACTS AS FOLLOWS:**

1. In this by-law, unless the context otherwise requires,
 - (a) "Council" means the Council of the Village of Hillsborough (or other appropriate Executive Authority),
 - (b) "Department" means the Hillsborough Volunteer Fire Department,
 - (c) "firefighter" includes temporary and volunteer firefighters,
 - (d) "Fire Prevention Act" means the Fire Prevention Act, Chapter F-13 of the Revised Statutes of New Brunswick and Regulations thereunder.
 - (e) "Fire Prevention Officer" means a person duly appointed a Fire Prevention Officer by the Council of the Village of Hillsborough and may include the Chief of the Department.

 - (f) "Local Assistant" to the Fire Marshal pursuant to section 6 (i) of the F.P.A. means an assistant to the Fire Marshal, and shall be appointed by the office of the Fire Marshal, and may include the Chief of the Department.
2. A department for the Village of Hillsborough to be known as the Hillsborough Volunteer Fire Department is hereby established and the head of the Department shall be known as the Chief of the Department.
3. In addition to the Chief of the Department, the Department personnel shall consist of a deputy chief and such number of assistant deputy chiefs, captains, lieutenants, a Fire Prevention Officer, training officer, and other officers and members as from time to time may be deemed necessary by the Council.

PART 1
(Fire Department)

4. (1) The Council shall appoint a Chief of the Department. The Chief of the Department may also be a local assistant to the Office of the Fire Marshall. The appointment of the Chief of the Department shall be for a term as set by the Council.
- (2) On the recommendation of the Chief of the Department, Council may appoint any qualified persons as a member of the Department, or as a Fire Prevention Officer, or both.
- (3) A person is qualified to be appointed a member of the Department for fire fighting duties who
- (a) has reached a minimum age of 18, or may qualify as a Junior Firefighter if between the ages of 16 and 18,
 - (b) is of good character,
 - (c) passes such aptitude and other tests as may be required by the Chief of the Department and Council,
 - (d) is medically fit to be a member and, if requested by Council, may require written approval from a physician certifying that he/she is medically fit to perform duties as a firefighter,
- (4) (a) A person appointed as a member of the Department for fire fighting duties shall take six months of training followed by ~~six~~ a six-month probationary period,
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- (b) any person who has successfully completed the Firefighters Level I, ← as certified by the office of the Fire Marshal, would only require a six month probationary period.
- (5) If a probationary member appointed for fire fighting duties fails any such examination, or for some other reason his/her performance is not satisfactory, the Chief of the Department may recommend to the Council that he/she be dismissed.
5. All Officers and firefighters of the Department are volunteers. An honorarium may be given to the officers and firefighters to compensate for personal costs

associated with attending meetings, training, and fighting fires. The amount of any honorarium is to be recommended to council by the Chief of the Department.

6. The Chief of the Department is responsible to the Council for the proper administration and operation of the Department, for the discipline of its members, and
 - (a) may make such general orders and departmental rules as may be necessary for the care and protection of the property of the Department, for the conduct of the members of the Department and generally for the efficient operation of the Department, provided that such general orders and rules do not conflict with the provisions of any by-law of the municipality,
 - (b) shall review periodically the policies and procedures of the Department and may establish the policies and procedures of the Department and may establish an Advisory Committee consisting of such officers as he may determine from time to time to assist him in this duty,
 - (c) shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall enforce all municipal bylaws respecting fire prevention and exercise the powers and duties imposed on him by The Fire Prevention Act.
 - (d) is responsible for the enforcement of this bylaw and the general orders and departmental rules,
 - (e) shall report all fires to the Fire Marshal as required by the Fire Prevention Act,
 - (f) shall submit to the Council for its approval, as required by the Council, the annual estimates of the Department,
 - (g) shall assist the Village with preparation of the operating budget for the fire department; and is responsible for all purchases of equipment and repairs as provided for within the operating budget. If, for some reason, a purchase or repair would exceed the budget limitations, such over-expenditure would require the approval of Council,
 - (h) shall make an annual report to Council of the activities of the Fire Department during the preceding year including all calls answered by the Fire Department, all fires, property loss sustained, and if there is insurance coverage in each fire, a basic inventory of the fire fighting equipment,

names of all members of the Fire Department and recommendations to promote the efficiency of the Fire Department,

- (i) shall have full charge and sole command over the conduct of all persons at the fire whether they are members of the Fire Department or not,
- (j) shall examine and certify the correctness of all accounts of the Fire Department and file them with the Clerk of the municipality not later than the last day of each year,
- (k) shall assign to the firefighters their regular duties and other duties he deems proper,
- (l) shall make or cause to be made a record of the attendance of all firefighters at each fire,
- (m) with the approval of Council, may suspend any member of the Department for neglect of duty, misconduct or breach of any bylaw or regulation and shall forthwith report the suspension to the Village Council,
- (n) shall have the authority to call for assistance, when necessary, from other fire departments, contractors, or other agencies; as well as to authorize assistance to other fire departments and agencies.

DEPUTY CHIEFS

7. While on duty, a deputy chief shall

- (a) when available, respond promptly to all fire alarms,
- (b) obey all lawful orders of the Chief of the Department, and
- (c) in the absence of the Chief of the Department, have all the power and perform all the duties of the Chief of the Department.

VOLUNTEER FIREFIGHTERS

8. The Chief of the Department shall

- (a) appoint a maximum of 35 volunteer firefighters who reside within the area of coverage by the Hillsborough Volunteer Fire Department as may be determined by Council by resolution and may, with the approval of Council, dismiss a volunteer firefighter for just cause,
 - (b) recommend for appointment, three (3) names from among the volunteer firefighters for each position of captain and other officers. The volunteer firefighters will vote on the three names for each position by secret ballot. The Council shall be responsible for the counting of the ballots.
 - i) Prior to counting the ballots, the Chief of the Department shall submit a secret ballot ranking the candidates in order of his/her preference, with candidate number one being the most qualified, which would only be used in the event of a tied vote.
 - ii) Council shall make the final appointment of captains and other officers based on the vote.
9. When so ordered by the Chief of the Department, all volunteer firefighters shall assemble for drill and instruction in the use of fire fighting equipment at the time and place specified by the Chief of the Department.

GENERAL

10. Members of the Fire Department shall comply with this bylaw and the rules and regulations of the Department.
11. Fire Department vehicles and fire fighting equipment shall not be used for any work other than work of the Fire Department without the consent of the Chief of the Department or the senior officer in charge.
12. No Fire Department vehicle shall be used for emergency transportation of a person other than a member of the Fire Department, except with the consent of the Chief of the Department or the officer in charge.
13. (1) No fire fighting equipment shall be taken beyond the limits of the jurisdiction of the Hillsborough Volunteer Fire Department except with the permission of the Chief of the Department or the officer in charge.
- (2) When any fire fighting equipment is taken beyond the limits of the jurisdiction of the Hillsborough Volunteer Fire Department the Chief of

the Department shall appoint a member of the Fire Department to take charge of the fire fighting equipment.

- (3) When fighting a fire outside the municipality, one pumper truck and two firemen must be left in the Village for protection of the Village of Hillsborough, unless otherwise authorized by the Chief of the Department or officer in charge.
14. No firefighter, or any other person, shall borrow or take any firefighting equipment from the fire department or trucks without the permission from the Chief of the Department, or senior officer, or Council; and any borrowed equipment shall be returned within the same day as borrowed and in the same condition as it was before it was borrowed.

PART II

(Prevention & Extinguishment of Fires)

15. (1) Subject to directions of the Chief of the Department, the duties of a Fire Prevention Officer shall be those necessary to enforce this bylaw, regulations, the Fire Prevention Act or other law relating to the prevention and extinguishment of fires.
- (2) A Fire Prevention Officer
- (a) is empowered to enforce the provisions of this and any other bylaw relating to the prevention and extinguishments of fires,
 - (b) is authorized to enforce the Fire Prevention Act and the regulations made thereunder, and
 - (c) without limiting the generality of the foregoing, has herewith conferred upon him the same powers under the same conditions as are conferred upon the Fire Marshal by Sections 11, 12, 16 and 21 of the Fire Prevention Act.
16. A Fire Prevention Officer or any person authorized in writing by a fire prevention officer may enter any building at reasonable times to inspect for fire prevention or to investigate the cause or origin of a fire.
17. Where there is no occupier of the building, structure or premises in respect of which an order is made and the owner is absent from the province or cannot be

found within the province, a Fire Prevention Officer may after notice of the order to the owner,

- (1) by registered mail to his last known address, or
- (2) by publication in a newspaper having general circulation in the municipality;

carry out the order provided that the expenditure involved is not more than three hundred dollars and, with the approval of the Council, any order involving an expenditure of more than three hundred dollars.


18. Other than in a properly constructed incinerator, no person shall light a fire outside a building for the purpose of disposing of any refuse or waste material, dry grass, etc. without a proper permit from the New Brunswick Department of Natural Resources or the Department of Environment and Local Government

GENERAL

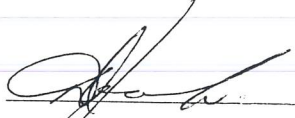
19. (1) The Chief of the Department, or officer in charge; and any two members of the Council may, in order to prevent the spread of fire, issue an order for the pulling down, demolition or removal of any building or structure in the Village of Hillsborough.
 - (2) When a building or structure is pulled down, demolished, removed or destroyed, in the Village of Hillsborough, under Subsection (1), the municipality shall pay the owner of that building or structure reasonable compensation therefor.
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20. Upon request of the Chief of the Department or deputy chief, every person present at a fire shall assist any firefighter in the performance of his duties at the fire and shall obey all orders and directions given to him by the Chief of the Department or deputy chief in connection with the fire.
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21. (1) Whenever the Chief of the Department, deputy chief or other person in charge of a fire deems it advisable to guard that locality of the fire from the crowding of persons or vehicles, he may place or cause to be placed a rope or other barrier across any street or public place to indicate the area from which persons or vehicles are prohibited.
 - (2) No person except members of the Fire Department, the police and the owner of the property endangered by the fire, shall enter or be within an area marked off by ropes or barriers under Subsection (1).

- 23. No person
 - (a) shall engage in gambling in a fire station,
 - (b) shall bring into or have intoxicating liquor or drugs in the fire station,
 - (c) shall be in the fire station while under the influence of intoxicating liquor or a drug,
 - (d) shall drive a vehicle over or across an unprotected hose or other fire fighting equipment unless he is given permission to do so by a firefighter or a peace officer, and
 - (e) shall interfere with or obstruct the Chief of the Department or deputy chief or any firefighter in the performance of his duties at a fire.
- 24. This bylaw shall come into force and be effective upon its approval upon the day when it is approved by the Lieutenant-Governor in Council.
- 25. Bylaw # 2 is hereby repealed.

Read First Time January 8, 2001
Read Second Time February 5, 2001
Read Third Time and Enacted February 26, 2001



Mayor



Clerk