

By-Law No. 96

A By-Law of the Municipality of Alma

Respecting the Fire Department

1. WHEREAS the Village Of Alma deems it advisable to pass this By-Law because it will protect property from fire.

2. AND WHEREAS the Municipalities Act authorizes municipalities to pass By-Laws respecting Fire Protection pursuant to Section 109 of the Act:

NOW THEREFORE, the Council of the Village of Alma, under the authority vested in it by Section 109 of the Municipalities Act,

Enacts as follow:

1. In this By-Law

“Fire Chief” means the Fire Chief of the Village of Alma,

“Council” means the Mayor and Councillors of the Village of Alma,

“Fire Department” means the Alma Fire Department,

“Firefighter” means volunteers, temporary and permanent firefighters of the Village of Alma,

“Fire Prevention Officer” means any person duly appointed as a fire prevention officer by resolution of council, including the Fire Chief, to enforce provisions under the Village of Alma By-Law, and its amendments, and to enforce the Fire Prevention Act and the regulations made thereunder,

“Member” means a member of the Alma Village Fire Department and includes an officer,

“Non-Fire Related Rescue” means the provision of automobile extrication, water rescue, ice rescue, remote rescue, high angle rescue, off road rescue, confined space rescue, emergency first aid or such other services of an emergency nature, not under the threat of imminent fire, which the Fire Chief determines that the Alma Fire Department is capable of providing from time to time,

“Officer in Charge” means the senior member at the scene where no senior officer is present.

“A Safe Condition” means such a state so as not to contribute to the ignition or spread of fire or the safe passage of persons including first responders to or from the building or premises, in the event of a fire.

2. The Alma Fire Department is hereby established (and continued) for the purposes of preventing and extinguishing fires, protecting property from fire, regulating the conduct and requiring the assistance of persons present at incidents, authorizing the pulling down or demolition of buildings or other erections to prevent the spread of fire, assisting other agencies such as Police, EMO, DNR, GSAR and Ambulance with the provision of Non-Fire Related Rescue Services and it shall consist of the Fire Chief and as many Deputy Fire Chiefs, District Chiefs, Captains, Fire Prevention Officers, other Officers in Charge, Firefighters and Fire Drivers as the Council may from time to time by resolution determine.
3.
 - a) The Council shall appoint a Fire Chief who shall be ex officio a Fire Prevention Officer.
 - b) On the recommendation of the Fire Chief, Council may appoint any qualified persons as a member of the Department, or as a Fire Prevention Officer, or both.
 - c) A person is qualified to be appointed a member of the Department for firefighting duties who
 - a) is at least eighteen years of age
 - b) is of good character and compatible with the existing members, according to the discretion of the Fire Chief
 - c) is medically fit to be a member as determined by certified medical doctor
 - d) has an acceptable background check conducted by the RCMP
 - d) A person appointed as a member of the Department for firefighting duties shall be on probation for a period of six months, during which period he or she shall take such special training and examinations as may be required by the Fire Chief.

e) If a probationary member appointed for firefighting duties fails any such examinations, or is determined to be incompatible with the existing crew, the Fire Chief may recommend to the Council that he or she be dismissed.

4. The remuneration of all members of the Department shall be as determined by the Council.
5. Council shall provide for the proper coverage for the Fire Prevention Officers, and officers and members of the Fire Department for injuries received by them while performing their duties, through Worksafe NB.
6. Any purchase exceeding \$1000.00, needs to be supported by a purchase order approval issued prior to placing order.

7. **Fire Chief**

7.01 The Fire Chief is responsible to the Council for the proper administration and operation of the Fire Department. The Fire Chief shall,

(a) Supervise and take charge of the station, the Firefighting Equipment and Non-Fire Related Rescue equipment and keep the same in good order and repair,

(b) Make such general orders and departmental rules as may be necessary for the care and protection of the property of the Department, provided that such general orders and rules do not conflict with the provisions of any By-Law of the Municipality,

(c) Review periodically the policies and procedures of the Department and may establish an Advisory Committee consisting of such officers as he or she may determine from time to time to assist him or her in this duty,

(d) Be responsible to certify the correctness of all accounts against the Fire Department of which he or she has personal knowledge and file the same with the Council,

(e) Make Bi-annual reports to Council of the activities of the Fire Department, including all calls answered by the Fire Department, all fires, all Non-Fire Related Rescues, and recommendations as he or she may deem desirable to promote the efficiency of the Fire

Department,

(f) Have full charge and sole command at Fires and Non-Fire Related Rescues over all persons whether members of the Fire Department or not and take all proper measures for the extinguishment of fires, the protection of property, the completion of Non-Fire Related Rescues, the preservation of order and the observance of the Laws and

regulations respecting fires in the Village, the observance of general orders and Fire Prevention Act,

(g) Make the determination if to proceed or not with Non-Fire Related Rescues based on accessible resources and skilled assistance available,

(h) Assign Firefighters their regular duties and such other work as he or she may deem proper from time to time,

(i) Make or cause to be made a record of the attendance at each Fire or Non-Fire Related Rescue of all firefighters, and

(j) Report all Fires and Non-Fire Related Rescues to the Fire Marshal as required by the Fire Prevention Act.

7. The Fire Chief may suspend any member of the Fire Department for neglect of duty, misconduct or breach of any By-Law, regulation or collective agreement then in force, and shall forthwith report such suspension to the Council.

8. **Deputy Fire Chief**

8.01 The Deputy Fire Chief shall, while on duty, respond promptly to all fire alarms and Non-Fire Related Rescue alarms and obey all lawful orders of the Fire Chief.

8.02 In the absence of the Fire Chief, the Deputy Fire Chief shall have all the powers and perform all the duties of the Fire Chief at the Fire scene or Non-Fire Related Rescue scene, and may perform such other duties as assigned by the Chief from time to time.

9. **Captain**

9.01 A Captain shall, while on duty, respond promptly to all Fire Alarms and Non-Fire Related Rescue Alarms and obey all lawful orders of the Fire Chief and Deputy Fire Chief.

9.02 In the absence of the Fire Chief, Deputy Fire Chief, a Captain shall have all the powers and perform all duties of the Chief at the Fire Scene and Non-Fire Related Rescue Scenes, and may perform such other duties as assigned by the Chief, Deputy.

10. **Volunteer Firefighters**

10.01 The Fire Chief shall appoint as many volunteer firefighters as may be determined by the Council by resolution and may dismiss a volunteer firefighter for just cause.

10.02 The Fire Chief may appoint as many senior officers from among the volunteer firefighters as he or she deems necessary.

11. **Duties Of Firefighters**

11.01 Every firefighter must make a reasonable effort to care for any electronic communications equipment or any other equipment entrusted to him or her and report any defects in such equipment to the officer on duty at the time the deficiency is noted.

11.02 When so ordered by the Fire Chief, Deputy Fire Chief, or department training officer, all firefighters shall assemble for drill and instruction in the use of firefighting equipment or Non-Fire Related Rescue equipment at the time and place specified by the Fire Chief or other officer.

11.03 If a member is absent by an amount deemed inappropriate by the Fire Chief, for fire calls, Non-Fire Related Rescue calls, and training, such absence shall be considered good cause for the member's dismissal.

11.04 Members shall comply with this By-Law and the rules and regulations of the Fire Department.

12. **Drivers**

12.01 Drivers shall cover weekend on call shifts as determined by the annual On Call Schedule, or ensure that a replacement driver is available during the duration of their designated shift.

12.02 Driver on call shall respond to all alarms during the duration of their shift.

12.03 Drivers on call shall ensure that the weekly equipment checklists are completed and the station is in satisfactory state of cleanliness.

12.04 Auxiliary drivers may be appointed and not be required to have designated weekend shift coverage according to the annual On Call Schedule at the discretion of the Fire Chief.

13. **Equipment Use Regulations**

13.01 No firefighting equipment or Non-Fire Related Rescue equipment shall be taken beyond the limits of the area served by the Department (Municipality and Local Service Districts), as per mutual aid agreements, except with the permission of the Fire Chief or the officer in charge.

13.02 When any Firefighting or Non Fire Related Rescue equipment is taken beyond the limits of the Village to any Fire or Non-Fire Related Rescue, the Fire Chief, or the officer in charge, shall take charge of the equipment. The Fire Chief or the officer in charge shall ensure that a sufficient number of firefighters and equipment remain in the Village for emergency protection. The Fire Chief or officer in charge shall request mutual aid for station coverage if required to ensure adequate protection of the Village.

13.03 The Council may authorize Firefighting or Non-Fire Related Rescue equipment to be taken beyond the Village limits for parades, training and other special functions provided sufficient notice thereof is given to the Fire Chief and assurance is given by the Fire Chief that emergency protection of the Village of Alma is maintained.

13.04 No department vehicle shall be used for emergency transportation of person or persons other than a member of the Fire Department,

13.05 No Firefighting or Non-Fire Related Rescue equipment shall be released or loaned to another fire department or agency without written authorization of the Fire Chief and in no circumstances shall property of the Fire Department be released or loaned to an individual or commercial body.

14. **Demolition of Buildings**

14.01 The Fire Chief, the Chairman of the Fire Committee or any three members of 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.

14.02 Where a building or other erection is pulled down or demolished under a By-Law made under Section 109 (1)(0) of the Municipalities Act, the municipality is liable to compensate any person having an interest in the building or other erection pulled down or demolished for any damage suffered by that person as a result of such pulling down or demolition.

15. **Prevention and Extinguishment of Fires**

15.01 Subject to the directions of the Fire Chief, the duties of a Fire Prevention Officer shall be those necessary to enforce this By-Law, regulations, the Fire Prevention Act or other law relating to the prevention and extinguishment of fires.

15.02 A Fire Prevention Officer

(a) is empowered to enforce the provisions of this and any other By-Law relating to the prevention and extinguishment 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 himself or herself 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.

15.03 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.

15.04 All buildings and yards shall be kept in a safe condition to guard against fire or other danger. Council shall determine and define from time to time what constitutes "a safe condition".

15.05 The installation of proper equipment for burning fuel shall only be carried out in accordance with the applicable statutes, regulations and building codes.

15.06 No person shall light a fire outside a building other than in a properly constructed incinerator approved in writing by Council, for the purpose of disposing of any refuse or waste material without the written permission of Council.

15.07 Where there is no occupier of a building, structure or premises in respect to which an order is made and the owner is absent from the province or cannot be contacted, a Fire Prevention Officer may after notice to the owner

(a) by registered mail to his or her last known address, or

(b) by publication in a newspaper having general circulation in the municipality, carry out the order provided that the expenditure is not more than three hundred dollars and, with the approval of Council, any order involving an expenditure of more than three hundred dollars.

15.08 No person shall store, handle, transport or dispose of flammable liquids, solids or gases except under standards contained in the latest edition of the National Fire Code.

15.09 When the Fire Prevention Officer finds a building, premises or other structure that, for any cause, is especially liable to fire, or that there are in or upon any building or premises, combustible or explosive materials or conditions dangerous to the safety of persons, buildings or premises, he may order the owner or occupant to remove such

combustible or explosive materials or remove or repair anything that may constitute a fire hazard.

15.10 An order made under subsection 15.09 shall be served on the person named in the order by the Fire Prevention Officer

(a) by leaving a copy of the order with the person

(b) by sending a copy of the order by registered mail or certified mail addressed to the latest address of the person known to the Fire Prevention Officer through reasonable inquiry.

15.11 When an order is served on a person by registered or certified mail under paragraph 15.10 (b), it is deemed to have been received by the person within ten days of mailing thereof.

15.12 In carrying out the duties herein prescribed, the Fire Prevention Officer shall apply all relevant sections of this By-Law, the Fire Prevention Act and the regulations made thereunder.

16. **General Provisions**

16.01 No person shall disobey the orders and directions of the Fire Chief or Deputy Fire Chief, or other senior officer in charge, while in the performance of their duties at a Fire scene or Non-Fire Related Rescue scene, nor shall any person interfere with or obstruct any such officer or any firefighter while in the performance of any duty at a Fire or Non-Fire Related Rescue.

16.02 Every person attending a Fire or Non-Fire Related Rescue, whether they are members of the Fire Department or not, shall, upon the request of the Fire Chief, Deputy Chief, or other senior officer in charge assist any firefighter engaged as such Fire or Non-Fire Related Rescue and shall obey all orders and directions given to him or her by the Fire Chief, Deputy Chief or officer in charge in connection with such Fire or Non-Fire Related Rescue.

16.03 Whenever the Fire Chief, Deputy Chief or officer in charge of any Fire or Non-Fire Related Rescue deems it advisable to guard the locality of such Fire or Non-Fire Related Rescue from the crowding of persons or vehicles, they 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.

16.04 No person except a member of the Fire Department, Fire Marshal Office, the RCMP, or persons authorized by the Fire Department, shall enter or be within an area

marked off by ropes or barriers to indicate an area from which persons and vehicles are prohibited.

16.05 No person shall be in the fire station or report to any alarms while under the influence of intoxicating liquor or drugs, nor shall any person bring or have intoxicating liquor or drugs in the fire station. Any firefighter in contravention of this subsection shall be immediately relieved of his or her duties according to section 7 (7.02).

16.06 No person shall drive a vehicle over or across an unprotected hose or other firefighting equipment unless he or she is given permission to do so by a member of the Fire Department or a peace officer.

16.07 No person shall place merchandise so as to obstruct the entrance into any premises by firefighters through any door, window, stairway or passageway.

17. **Penalty Provision**

17.01 A person who violates any provision of this By-Law or who fails to comply with an order of a Fire Prevention Officer is guilty of an offence punishable under Part II of the Provincial Offences Procedure Act as a category E offence.

17.02 Where a person is convicted of an offence under section 17.01, the court, in addition to any penalty imposed under section 17.01, may order that person to comply with the order.

17.03 A person who fails to comply with an order under section 17.02 commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category F offence.

18. **Repeal Provision**

By-Law Number 95 Respecting (Part I) The Fire Department (Part II) The Prevention and Extinguishment of Fires is hereby repealed.

In Witness Whereof the Village of Alma has caused the corporate seal of the said Village to be affixed to this By-Law on October 19, 2015.

FIRST READING _____ Sepember

28 _____ 2015.

SECOND READING _____ September

28 _____ 2015.

THIRD READING AND ENACTED IN COUNCIL _____ October 26 _____ 2015.

Louise Butland

CLERK

Kirstin Shortt

MAYOR