

**VILLAGE OF RIVERSIDE-ALBERT  
BY-LAW NO. 12A**

**A BY-LAW OF THE MUNICIPALITY OF THE VILLAGE OF RIVERSIDE-ALBERT  
RESPECTING:**

**(Part 1) THE FIRE DEPARTMENT**

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

**THE COUNCIL OF THE MUNICIPALITY OF THE VILLAGE OF RIVERSIDE-ALBERT  
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 HERBY ENACTS AS FOLLOWS:**

1. In this by-law, unless the context otherwise requires,
  - (a) "Council" means the Council of the Village of Riverside-Albert (or other appropriate Executive Authority);
  - (b) "Department" means the Riverside-Albert 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 there under;
  - (e) "Fire Prevention Officer" means a person duly appointed a Fire Prevention Officer by the Council of the Village of Riverside-Albert and may include the Chief of the Department;
  - (f) "Local Assistant to the Fire Marshal" pursuant to Section 6 (i) of the Fire Prevention Act 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 Riverside-Albert to be known as the Riverside-Albert 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.
  - (a) 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.
  - (b) 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.
  - (c) A person is qualified to be appointed a member of the Department for firefighting duties who:
    - (i) has reached a minimum age of 18, or may qualify as a Junior Firefighter if between the ages of 16 and 18;

- (ii) is of good character;
  - (iii) passes an RCMP criminal check (applies to new members);
  - (iv) passes such aptitude and other tests as may be required by the Chief of the Department and Council;
  - (v) is medically fit (signed medical certificate from physician) to be a member at the discretion of the Fire Chief as a firefighter.
- (d) (i) A person appointed as a member of the Department for Firefighting duties shall take six months of training/probationary period.
  - (ii) Any person, who has successfully completed the Firefighters Level 1, as certified by the office of the Fire Marshall, would only require six month probationary period.
- (e) If a probationary member appointed for firefighting 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, if the budget permits, shall be given to the officers and firefighters on an annual basis. The amount of any honorarium is to be recommended to Council by the Chief of the Department.

#### **FIRE CHIEF**

6. To be eligible for appointment to the office of Fire Chief of the Riverside-Albert Volunteer Fire Department a person must:
- (a) be a resident of the area serviced by the Riverside-Albert Volunteer Fire Department;
  - (b) have served as an officer or a firefighter for a minimum of three years immediately preceding his or her appointment;
  - (c) possess Basic Firefighter Level I Certification;
  - (d) within two years of becoming Chief, completed Basic Emergency Preparedness course through E.M.O.
7. 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) shall report all fires to the Fire Marshall as required by The Fire Prevention Act;
- (e) shall submit to the Council for its approval, as required by the Council, the annual estimates of the Department;
- (f) 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;
- (g) 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 a basic inventory of the firefighting equipment, names of all members of the Fire Department and recommendations to promote the efficiency of the Fire Department;
- (h) 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;
- (i) shall examine and certify the correctness of all accounts of the Fire Department and file them with the Administrator/Clerk of the municipality not later than the last day of each year;
- (j) shall assign to the firefighters their regular duties and other duties he deems proper;
- (k) shall make or cause to be made a record of the attendance of all firefighters at each fire;
- (l) 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;
- (m) 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**

8. To be eligible for the appointment of the office of Deputy Fire Chief a person must:
- (a) be a resident of the area serviced by the Riverside-Albert Volunteer Fire Department;
  - (b) have served as an officer or firefighter for a minimum of three years immediately preceding his or her appointment, and possess Basic Firefighter Level 1 Certification;
  - (c) as soon as possible of becoming Deputy Fire Chief, have completed Basic Emergency Preparedness training through E.M.O.
  - (d) while on duty, a Deputy Chief shall:
    - (i) when available, respond promptly to all fire alarms.

- (ii) obey all lawful order to the Chief of the Department, and
- (iii) in absence of the Chief of the Department, have all the power and perform all duties of the Chief of the Department.

### **VOLUNTEER FIREFIGHTERS**

9. The Chief of the Department shall:
- (a) appoint a maximum of 35 volunteer firefighters 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.
    - (i) Council shall make the final appointment of captains and other officers based on the vote.
10. When so ordered by the Chief of the Department, all volunteer firefighters shall assemble for drill and instruction in the use of firefighting equipment at the time and place specified by the Chief of the Department.

### **GENERAL**

11. Members of the Fire Department shall comply with this bylaw and the rules and regulations of the Department.
12. Fire Department vehicles and firefighting 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.
13. 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.
- (a) No firefighting equipment shall be taken beyond the limits of the jurisdiction of the Riverside-Albert Volunteer Fire Department, except with the permission of the Chief of the Department or the officer in charge.
  - (b) When any firefighting equipment is taken beyond the limits of the jurisdiction of the Riverside-Albert Volunteer Fire Department, the Chief of the Department shall appoint a member of the Fire Department to take charge of the firefighting equipment.
  - (c) 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 Riverside-Albert, 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. (a) 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.
- (b) A Fire Prevention Officer
- (i) is empowered to enforce the provisions of this and any other bylaw relating to the prevention and extinguishment of fires,
- (ii) is authorized to enforce the Fire Prevention Act and the regulations made there under, and
- (iii) 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 Marshall 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,
- (a) by registered mail to his last known address, or
- (b) 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**

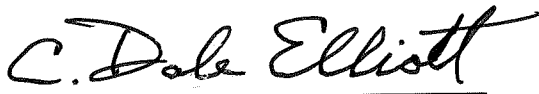
19. (a) The Chief of the Department, or officer in charge; in order to prevent the spread of fire, issue and order for the pulling down, demolition or removal of any building or structure in the Village of Riverside-Albert.
- (b) When a building or structure is pulled down, demolished, removed or destroyed, in the Village of Riverside-Albert, under Subsection (1), the municipality may pay the owner of that building or structure reasonable compensation therefore.
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.

21. (a) 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.
- (b) No person except members of the Fire Department, the police and the owner of the property endangered by the fire, shall enter or to be within an area marked off by ropes or barriers under Subsection (1).
22. No person:
- (a) shall engage in gambling in the 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 firefighting 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.
23. 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.
24. By-law No. 12, which is a By-law of the Municipality of Riverside-Albert Respecting (Part 1) The Fire Department and (Part 2) The Prevention and Extinguishment of Fires ordained and passed on May 4, 1992, and all amendments thereto, is hereby repealed.

Read First Time March 7, 2011

Read Second Time March 7, 2011

Read Third Time and Enacted April 4, 2011

  
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 Mayor

  
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 Clerk