

BY LAW # 8

A BY-LAW OF THE MUNICIPALITY OF PERTH-ANDOVER  
TO REGULATE THE FIRE DEPARTMENT

BE IT ENACTED by the Council of the Village of Perth-Andover as follows:

1. In this By-Law:
  - (a) "territorial jurisdiction" means the incorporated area of the Village of Perth-Andover, in the County of Victoria and Province of New Brunswick;
  - (b) "neighboring area" means an area outside the territorial jurisdiction with which the Village of Perth-Andover has entered into an Agreement to extend fire-fighting services;
  - (c) "Village" means the Village of Perth-Andover;
  - (d) "Village Council" means the Council of the Village of Perth-Andover
2. The Village shall have a fire department.
3. The membership of the Fire Department shall consist of:
  - (a) a Fire Chief;
  - (b) a Deputy Chief;
  - (c) two (2) Captains
  - (d) not less than eighteen (18) firefighters (including the Fire Chief, Deputy Chief and captains);
  - (e) a maximum of five (5) auxiliary firefighters; and
  - (f) a maximum of two (2) communication officers.
4. Every member of the Fire Department shall:
  - (a) have attained the age of majority;
  - (b) be a resident of Canada;
  - (c) reside within, or within ten (10) kilometers of the municipal limits of, the Village;
  - (d) be of good reputation; and
  - (e) be mentally and, with the exception of communication officers, physically, capable of effectively performing all fire fighters duties and responsibilities.

5. With the approval of the Village Council, the Fire Chief may reduce in rank, suspend or dismiss any member of the Fire Department on the grounds of insubordination, inefficiency or misconduct of such member, or such member's failure to attend to duty.
6.
  - (1) The Fire Chief shall prepare and submit to the Village Council, annually, the Fire Department estimates of costs of operation, maintenance and supplies for the following year.
  - (2) In the Fire Department estimates, the Fire Chief shall include:
    - (a) the general cost of operation;
    - (b) the cost of repair or replacement of, or additions to, apparatus, equipment and supplies;
    - (c) the capital cost of building and equipment; and
    - (d) the estimate of anticipated revenue for the following year.
  - (3) The Fire Chief shall prepare annually an inventory of all Fire Department equipment, apparatus and supplies.
  - (4) All equipment, apparatus and supplies belonging to the Fire Department are to be stored in proper storage bins at the Fire Hall.
7. The Village Council by Resolution:
  - (a) shall fix the honoraria to be paid to the members of the Fire Department;
  - (b) shall review the honoraria at least every two (2) years;
  - (c) shall pay the honoraria semi-annually, on May 31<sup>st</sup> and November 30 each year;
  - (d) may establish service fees or cover of the Fire Department servicing neighboring area in the event of a fire emergency.
  - (e) May authorize the execution of an Agreement with governmental authorities relating to the extension of fire-fighting services to neighboring areas.
8.
  - (1) The Fire Department shall respond to the fire and alarm calls;
    - (a) which are within its territorial jurisdiction;
    - (b) which are within the areas covered by an Agreement mentioned in Subsection 7(e); and

- (c) which, at the discretion of Fire Chief, are within an area in which the Fire Department has traditionally provided service.
- (2) No agreement under subsection 1 shall require the Fire Department to take all of the Fire Department's equipment out of the village at any one time.
- (3) When responding to and attending any fire call outside its territorial jurisdiction, the Fire Chief shall assess the situation, determine the number of firefighters required, and direct the other firefighters return to the fire hall immediately for standby duty.
- (4) When responding to any fire call in a neighboring area, two (2) firefighters shall remain on standby at the fire hall, and, if the Fire Chief deems it necessary for a second unit to attend, the Fire Chief shall immediately dispatch one (1) firefighter to return to the Fire Hall to replace the firefighter bringing the other unit.
- (5) When a fire occurs within the territorial jurisdiction of the Fire Department, both units shall go to the fire, and no firefighter shall be on standby.
9. (1) The members of the fire Department shall hold an annual meeting each year to elect a President, Vice President, a Secretary and a Treasurer to conduct the business of the Fire Department at monthly meetings, but such officers shall, as a result of holding such office, have no authority to influence, change, alter, refuse or interfere with any order or duty of the Fire Chief, Deputy Chief or Captains, nor shall the holding of such office otherwise affect such member's duties and obligations as a firefighter.
- (2) The President shall call and chair meetings of the members, and shall not vote on Resolutions proposed at such meetings, except in the event of a tie, when the President shall have the deciding vote.
- (3) The Vice President shall act in the absence or incapacity if the President.
- (4) The Secretary shall maintain Minutes of all meetings and activities of the Fire Department, and shall deal with all correspondence concerning the Fire Department.
- (5) The Treasurer shall keep the funds of the Fire department in a local bank, and keep an auditable record of all transaction

10. (1) The Fire Chief shall have charge of the conduct and general operation of the Fire department including, but not limited to:
  - (a) fighting fires;
  - (b) responding to an alarm of fire;
  - (c) drills and practices;
  - (d) the care and maintenance of the building or portion thereof used by the Fire Department; and
  - (e) all apparatus, equipment and supplies;
- (2) All firefighting equipment malfunctions are to be immediately remedied and reported to the Fire Chief.
- (3) Motor Vehicle shall be allowed into the Fire Hall only for legitimate firefighting purposes.
- (4) The Fire Chief shall:
  - (a) maintain proper decorum and discipline within the Fire Department at all times;
  - (b) have the authority to issue written or general orders covering:
    - (i) the operation of the Fire Department;
    - (ii) the maintenance of proper decorum, discipline and efficiency of the Fire Department at fires, alarms, and practices;
    - (iii) the discharge of the Fire Department's duties insofar as such duties has a bearing on the efficiency of the Fire Department;
    - (iv) the use of the Fire Hall for meetings and social gatherings, and
    - (v) the care and maintenance of apparatus, equipment and supplies.
11. (1) The Fire chief, by virtue of office, is a local assistant to the Fire Marshall within the Fire chief's territorial jurisdiction, and, subject to the directions of the Fire Marshall, shall carry out the duties of a local assistant as authorized by the Fire Prevention Act and amendments thereto.
- (2) When instructed by proper authority, or when the Fire Chief deems it necessary, the Fire Chief may inspect for fire hazards all manufacturing and mercantile establishments, churches, schools, institutions, public buildings, places and public assembly, residences or any building or premises in the Village. The fire chief shall adhere to the provisions of the Fire Prevision Act applying to the authority and duties of a local assistant to the Fire Marshall when carrying out inspections, preparing reports, making recommendations,

or issuing orders for elimination of any fire and life hazards disclosed during such inspections.

(3) the Fire Chief shall maintain, or cause to be maintained, a book at the fire Hall recording attendances of members of the Fire Department at all fires, drills and practices, and recording other uses of equipment. The Fire Chief shall submit, or caused to be submitted, to the Village Office, on a monthly basis, original records containing information required by the Village for posting of fire equipment records, payroll and billings.

12. (1) The Fire Chief shall:
  - (a) submit to the Village Council, within two (2) business days of the event, a report on each alarm or fire to which the Fire Department has responded;
  - (b) submit to the Village Council annually, or more often if requested, a report outlining the activities of the Fire Department, and the losses of life and property suffered by fire within the Village;
  - (c) submit to the Village Council, within two (2) business days of the event, a report of any breakage, shortages, or other deficiencies in firefighting apparatus, equipment and supplies, and of any occurrences requiring disciplinary action resulting in the suspension or dismissal of an officer of the Fire Department;
  - (d) when required, report all fires promptly to the Fire Marshall of the Province of New Brunswick, and otherwise comply with the provisions of the Fire Prevention Act and regulations there under, and other provincial laws for which the Fire Chief, as local assistant to the Fire Marshall, or by special appointment or directive, is an enforcing officer.
13. The Deputy Fire Chief shall carry out the instructions of the Fire Chief and shall assume the duties of the Fire Chief in the Fire Chief's absence.
14. The Captains shall carry out the instructions of the Fire Chief, and Deputy Fore chief.
15. The firefighters shall respond promptly to all fire alarms, shall attend all drills and practices insofar as possible, and shall carry out the instructions of the Fire Chief and Captains.
16. The members of the Fire Department shall meet at least once a month for practice and instruction in the use of all apparatus, equipment and supplies of

the Fire Department, and in the principles of fire prevention and fire protection.

17. (1) The members of the Fire Department may organize for social or other purposes intended to further the interest and welfare of the Fire Department and the members thereof, including organizing fund raisers and for the purpose of purchasing fire-fighting vehicles and equipment.

(2) No rule or regulation shall in any way eliminate the authority of the Fire Chief, or otherwise interfere with the conduct of the Fire Department in fire fighting or at drills or practices.

(3) The Fire Chief shall register all members of the Fire Department by certified list to be submitted to the Workplace, Health and Safety & Compensation Commission, and shall report any changes in membership promptly to such commission. Those members that are certified as such by the Fire Chief shall, insofar as provisions of the Workplace, Health, Safety & Compensation Act and regulations allow, be eligible for any benefits paid by the Commission.

18. Injury or death of any member of the Fire Department as a result of the discharge of their duties at a fire, drill, practice or responding to or returning from an alarm of fire shall be immediately reported to the Fire Chief, which shall follow the appropriate procedure in assisting the injured firefighter, or family of the deceased firefighter, to claim compensation insurance benefits according to the provisions of the Workplace, Health, Safety & Compensation Commission Act and regulations.

19. (1) During the progress of a fire, the Fire Chief may, if the Fire Chief deems it necessary, rope off or barricade any area, section, street or highway within the Village limits, and prevent entry of unauthorized persons and vehicles, except firefighters, police officers and emergency vehicles into the area so closed. The period for which such area, section, street or highway, shall remain closed shall be at the discretion of the Fire Chief

(2) The fire Chief may:

(a) secure doors and windows, or take either precautionary steps to protect property which is either directly involved in, or threatened, by fire;

(b) prohibit any person other than a member of the Fire Department registered as such from riding on fire apparatus, entering buildings engulfed by fire, handling fire hose lines or other fire-fighting equipment or apparatus, or any in way doing anything that would endanger the safety of such person.

- (c) provide the police authority with names of persons or the identity of vehicles with disobey or disregard the directions of the Fire Chief, damage property or apparatus or ender in the execution of its duties.
20. (1) In the event of serious fire or conflagration developing there from which threatens the destruction of the Village or any portion thereof, the chief may, subject to the approval of the Mayor or Mayor's appointee, order the immediate demolition or removal of any building or structure for the purposes of staying the progress of such fire or conflagration.
- (2) Where the building or other structure is demolished or removed under the authority of the proceeding subsection, the Municipality is liable to compensate any person having interest in the building or other structure so removed or demolished, or for any damages suffered by that person as a result of such removal or demolition.
21. The Chief may:
- (a) organize a salvage corps and fire police group within the Fire Department for the greater protection of public and private property involved in a fire; and
  - (b) during an emergency, recruit or organize members of the public and private property involved in a fire; and
22. The Chief shall:
- a. report to the Fire Marshall the circumstances of any suspended arson, deaths or serious injuries to persons caused by a fire;
  - b. report any suspicious or suspected incendiary fires; and
  - c. report any fire occurring in hospital, hotel, school, place of public assembly or sleeping accommodation.
23. Should any rate payer within the territorial jurisdiction of the Fire Department require the services of firefighters and equipment or pumping of cellars or private sewer lines, or similar work, such services may, at the discretion of the Fire Chief, be made available on man-hour and hourly machine rental basis. All equipment is to be opened by members of the Fire Department only, and rates are to be set by the Village Council.
24. Any person who breaches this By-Law commits an offence punishable on a summary conviction and is liable to a fine of not less than ONE HUNDERD

TWENTY DOLLARS (\$120.00) and not more than TWO THOUSAND FIVE HUNDRED DOLLARS (\$2500.00).

25. By-Law Number 11 entitled "A B-Law Regulating the Fire Department" enacted August 15, 1972, and By-Law 36 entitled "A B-Law of the Municipality of Perth-Andover to Amend by law #11 'Regulating the Fire department' enacted December 12, 1994, are hereby repealed.

READ A FIRST TIME BY TITLE THIS 13<sup>TH</sup> DAY OF SEPTEMBER, 1999.  
READ A SECOND TIME BY TITLE THIS 13<sup>TH</sup> DAY OF SEPTEMBER, 1999.  
READ IN ITS ENTIRETY IN COUNCIL THIS 12<sup>TH</sup> DAY OF OCTOBER, 1999.  
READ A THIRD TIME BY TITLE AND ENACTED THIS 12<sup>TH</sup> DAY OF OCTOBER, 1999.

  
MAYOR

  
CLERK