

**TOWN OF FLORENCEVILLE-BRISTOL**  
**A BY-LAW RELATING TO THE VOLUNTEER FIRE DEPARTMENT**  
**BY-LAW NO. 9**

A BY-LAW OF THE MUNICIPALITY OF FLORENCEVILLE-BRISTOL RESPECTING THE ESTABLISHMENT OF THE VOLUNTEER FIRE DEPARTMENT BY-LAW PURSUANT TO SECTION 109 OF THE MUNICIPALITIES ACT OF NEW BRUNSWICK.

The Council of the Municipality of Florenceville-Bristol under authority vested in it by Section 109 of the Municipalities Act, R.S.N.B. 1973, c. M-22 and amendments thereto enacts the following by-law:

**1. TITLE**

1.1. This by-law may be cited as the “Volunteer Fire Department By-law.”

**2. DEFINITIONS**

In this by-law unless the context otherwise requires:

- 2.1. “APPARATUS” includes fire truck and other vehicles used by the fire department;
- 2.2. “DEPARTMENT” means the Florenceville-Bristol volunteer fire department established by this by-law and includes the members thereof;
- 2.3. “FIRE CHIEF” includes an acting fire chief;
- 2.4. “FIRE MARSHALL” means the Fire Marshall appointed under the Fire Prevention Act;
- 2.5. “FIRE PREVENTION ACT” means chapter F-13 of the revised statutes of New Brunswick 1973 and amendments thereto;
- 2.6. “HOSPITAL” includes the sanatorium, infirmary; nursing home, and home for elderly persons;
- 2.7. “MEMBER” of the volunteer fire department includes an officer of the fire department, fireman, volunteer fireman, auxiliary-fireman, and fire prevention officer;
- 2.8. “PLACE OF ASSEMBLY” includes a building or structure or portion thereof and a tent or awning with walls or side curtains designed, used or intended to be used to accommodate fifty or more persons at the same time for the purpose of meeting, entertainment, eating, instruction, worship, recreation or drill.

2.9. “SLEEPING ACCOMMODATIONS” includes:

2.9.1. A hotel or any other building in which lodgings are provided for rent or hire.

2.9.2. Any building in which lodgings are offered to members of the public on a gratuitous basis.

2.9.3. Any building in which an educational institution lodges its students,

2.9.4. Any building, other than a single family residence, in which a religious organization lodges its members,

2.9.5. A hospital, sanatorium, infirmary, nursing home or home for the aged,

2.9.6. An orphanage or children’s home,

2.9.7. A jail, reformatory or other penal institution, or

2.9.8. An apartment house with three or more self-contained units above the ground floor.

### **3. ESTABLISHMENT AND STRUCTURE OF FIRE DEPARTMENT**

3.1. A Fire Department for the Town of Florenceville-Bristol is hereby established and shall be known as the Town of Florenceville-Bristol Volunteer Fire Department.

3.2. Subject to Section 23 (Municipalities Act), the territorial jurisdiction of the Fire Department is the incorporated area of the Town.

3.3. The Florenceville-Bristol Volunteer Fire Department shall operate two (2) stations, a Ward 1, Bristol station and a Ward 2, Florenceville station.

3.4. The fire department shall consist of:

3.4.1. Seven (7) officers comprised of the Fire Chief, two (2) Deputy Chiefs (one deputy chief from each station), four (4) Captains and two (2) Secretary-Treasurers. These members are the Executive Committee.

3.4.2. Not more than fifty (50) active and non-active members total and not less than twenty-five (25).

3.5. The Fire Chief and Deputy Chiefs shall be appointed by resolution of Council.

3.6. All members upon acceptance into the Fire Department by the officers shall have their names given to the Administrator, who will pass the information on to the Council.

- 3.7. With the exception of the Fire Chief, any member of the Fire Department who wishes to resign, must give his resignation in writing to the Fire Chief.
- 3.8. The Council may dismiss the Fire Chief, in writing by registered mail. Thirty (30) days notice shall be given of this intention.
- 3.9. The Chief may tender his resignation in writing to the Council, giving reason, thirty (30) days before effective date of resignation.
- 3.10. Every member of the Fire Department shall be:
  - 3.10.1. a resident of the Town or, where applicable, a resident of any area included within the scope of an agreement pursuant to Section 23 (Municipalities Act);
  - 3.10.2. of good reputation, and
  - 3.10.3. more than eighteen years of age.
- 3.11. The Fire Chief may reduce in rank, suspend or dismiss any member of the fire department.
- 3.12. Action may be taken pursuant to section 3.11 above hereof for any of the following reasons:
  - insubordination,
  - inefficiency,
  - gross misconduct, or
  - failure to attend to duty.

#### **4. DUTIES OF THE FIRE CHIEF**

- 4.1. The Fire Chief of the Department is responsible to the Chief Administrative Officer for proper administration and operation of the Department.
- 4.2. The Fire Chief of the Department shall annually prepare and submit to Council the department's estimate of costs of operation, maintenance and supply for the following year.
- 4.3. The Fire Chief of the Department shall include in the department's estimates:
  - 4.3.1. the general cost of the department;
  - 4.3.2. the cost of repair, replacement or addition to apparatus, equipment and supplies and
  - 4.3.3. a complete inventory of all equipment and supplies.

- 4.4. The Fire Chief of the Department shall review periodically the policies and procedures of the Department.
- 4.5. The Fire Chief of the Department shall take all proper measures for the prevention, control and extinguishing 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.
- 4.6. The Fire Chief of the Department shall be responsible for the enforcement of this bylaw and the general orders and departmental rules.
- 4.7. The Fire Chief of the Department shall report all fires to the Fire Marshal as required by the Fire Prevention Act.
- 4.8. The Fire Chief of the Department 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, and inventory of the fire fighting equipment, names of all members of the Fire Department and recommendations to promote the efficiency of the Fire Department.
- 4.9. The Fire Chief of the Department 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.
- 4.10. The Fire Chief of the Department shall determine and certify the correctness of all accounts of the Fire Department and file them with the clerk of the municipality.
- 4.11. The Fire Chief of the Department shall assign to the fire fighters their regular duties and other duties he deems proper.
- 4.12. The Fire Chief of the Department shall make or cause to be made a record of the attendance of all fire fighters at each fire, meetings and training.
- 4.13. The Fire Chief of the Department shall ensure the care and maintenance of all apparatus, equipment and supplies.
- 4.14. The Fire Chief of the Department shall submit a report to the Council immediately of any substantial losses through breakage, destruction, shortages or deficiencies in the apparatus, equipment and supplies of the department.
- 4.15. The Fire Chief of the Department shall forthwith report any suspension or dismissal of fire department members to the Fire Fighters Executive.
- 4.16. The Fire Chief, by virtue of his office is a local assistant to the Fire Marshall within the Town and subject to the directions of the Fire Marshall shall carry out the duties of a local assistant as authorized or required by the Fire Prevention Act.

4.17. The Fire Chief shall comply with all provisions of the Fire Prevention Act and other applicable statutes and enforce within the Town all laws of which he is an enforcing officer by virtue of his position as local assistant, statutory provision, or special appointment or directive.

4.18. The Fire Chief shall ensure that all members of the Fire Department are properly qualified and entitled to receive compensation pursuant to the Workplace Health and Safety Act of New Brunswick and amendments thereto to the extent that the same is possible and the Fire chief shall otherwise comply with all applicable provisions of said Act and regulations thereunder.

4.19. Without limiting the generality of the subsection above hereof:

4.19.1. The Fire Chief shall maintain a list of the names and addresses of all members of the fire department, and

4.19.2. Injury to, or death of, any member of the fire department occurring in the course of or as a result of the discharge of his duties at a fire drill or practice, responding to or returning from an alarm of fire or otherwise, shall be reported immediately to the Fire Chief or officer in charge of the Fire Department and the Fire chief or such officer shall promptly report to the hospital and comply with the required procedure with respect to claiming compensation pursuant to the Workplace Health and Safety Act and regulations there under.

4.19.3. The Council may make provision for the compensation, by insurance or otherwise, of fire prevention officers, and officers and members of the fire Department, of injuries received by them while performing their duties.

## **5. DUTIES OF THE DEPUTY FIRE CHIEFS**

The Deputy Fire Chiefs shall:

5.1. respond promptly to all fire alarms when possible.

5.2. obey all lawful orders of the Fire Chief and with exception to “Local Assistant to the Fire Marshal” which is addressed in Section 6 (1) of the Fire Prevention Act, 1995, and

5.3. carry out the instructions of the Fire Chief and in the event of the absence, incapacity or disability of the Fire Chief, or when the position of the Fire Chief is vacant, the Deputy shall be acting Fire Chief with all the duties and responsibilities of the Fire Chief.

## **6. DUTIES OF THE CAPTAINS**

While on duty a Captain shall:

- 6.1. be responsible for the conduct of the fire fighters designated to him by the Chief at the fire.
- 6.2. report verbally to the Fire Chief any neglect, misconduct or breach of any bylaw or regulation by a fire fighter.
- 6.3. shall carry out the instructions of his senior officers.

## **7. APPLICATION FOR MEMBERSHIP**

- 7.1. A person is qualified to be appointed a member of the Department for fire fighting duties who:
  - 7.1.1. has submitted an application form to the Department's officers.
  - 7.1.2. has met the approval of the officers.
  - 7.1.3. is of good character.
  - 7.1.4. has reached the minimum age of 18 years.

## **8. NEW MEMBERS**

- 8.1. Every new member will be placed on a twelve (12) month probation.
- 8.2. During the probation period new members shall not participate in any nominating or voting procedure.
- 8.3. Each new member will receive a copy of this by-law.
- 8.4. Each new member will receive all protective clothing and gear.
- 8.5. After the probation period all new members require a majority vote of approval from officers of the Department.
- 8.6. The Chief will submit the names of any new members to the Town Council.
- 8.7. During the probation period new members shall be required to take such special training and examinations as may be required by the Fire Chief.
- 8.8. If a probationary member appointed for fire fighting duties fails any such examinations, the Fire Chief may recommend that he/she be given an additional 3

months. On failing such examinations and training the Fire Chief may ask for his/her dismissal.

## **9. MEMBERSHIP GENERAL**

- 9.1. Any member being sick or away shall report to the Chief or Deputy Chief
- 9.2. Any member leaving the department shall return the copy of this by-law to the Chief along with all pagers and radios, except those not paid for by the Department, prior to receiving their final pay.
- 9.3. 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 officer in charge.
- 9.4. 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.
- 9.5. No fire fighting equipment shall be taken beyond the limits of the Town of Florenceville-Bristol and District except with the permission of the Fire Chief or the officer in charge.
- 9.6. When fire-fighting equipment is taken beyond the limits of the Town of Florenceville-Bristol and District to any fire the Fire Chief shall appoint a member of the fire department to take charge of the fire fighting equipment.
- 9.7. Upon request of the Fire Chief or Deputy Fire Chief, every person present at a fire shall assist any fire fighter in the performance of his/her duties at the fire and shall obey all orders and directions given to him/her by the Fire Chief and Deputy Fire Chief in connection with the fire.
- 9.8. Department pagers will be issued to each fire fighter on an honor basis. Fire fighters are to remain on the specific frequency for receiving fire calls. Failure to do so may result in suspension or dismissal from the department.
- 9.9. Any new members accepted on the Town of Florenceville-Bristol Fire Department shall obtain the Fire Fighters Level I certificate within two years of becoming a fire fighter and be willing to complete other training courses that may be required such as current First Aid and CPR.
- 9.10. Any fire fighter appointed to the position of Fire Chief or Deputy Fire Chief must be certified as a Level I fire fighter.
- 9.11. Fire fighters that are presently members of the Department will be encouraged to acquire the Fire Fighters Level I certificate immediately upon availability.

- 9.12. All fire fighters must attend a minimum of 50% of meetings and practices and 50% of fires and training activities throughout the fiscal year. Fire fighters failing to participate accordingly may be asked to resign. Attendance and work committee attendance will be maintained.
- 9.13. All fire fighters are responsible for fire fighting equipment on loan to them by the department (coat, boots, hat, etc.).
- 9.14. Any fire fighter caught stealing from the Fire Department shall be dismissed immediately.
- 9.15. The Secretary-Treasurer is to be responsible for maintaining minutes of all meetings and activities of the department, and shall deal with all correspondence concerning the department, and shall keep the funds of the department.
- 9.16. Members of the department may organize for social or other purposes intended to further the interest and welfare of the department and the members thereof.
- 9.17. Injury or death of any member of the department as a result of the discharge of his/her duties at a fire or drill or practice or in responding to or returning from an alarm of fire shall be immediately reported to the Fire Chief or officer in charge of the department, who shall follow the procedure in claiming compensation insurance benefits according to the provisions of the Workplace Health and Safety Act.
- 9.18. Council shall make an annual provision in its estimates for the honoraria of the Fire Chief and members of the volunteer fire department and for expenditures necessary to the continued and efficient operation of the fire department.
- 9.19. Council is responsible for payment of dues to the New Brunswick Association of Fire Chiefs, Central Valley Fire Fighters Association and the Canadian Association of Fire Chiefs.

## **10. FIRE COMMITTEE**

- 10.1. A committee to be known and designated as the Fire Committee (and herein referred to as the "Committee") is hereby created
- 10.2. The Committee shall consist of the Fire Chief, Deputy Chief Ward 1, Deputy Chief Ward 2 and one (1) other member of Council to be appointed annually by the Council.
- 10.3. The Chairman of the committee shall be appointed by the Mayor.
- 10.4. The duties of the Committee shall be to report and make recommendations to the Council from time to time on all matters pertaining to the fire department in the

Town, and any other matter referred to it by the Council and to exercise general supervision over the fire department and related matters.

10.5. The department's annual estimates as required by Sections 4.2 and 4.8 and any other report which the Fire Chief is required by this by-law to make to Council shall be submitted by the Fire Chief to the Committee and the Committee shall in turn submit the estimates or report to the Council together with such recommendations, advice or additional information as the Committee considers appropriate.

## **11. OFFICER APPOINTMENT**

11.1. The Fire Chief and Deputy Chiefs are appointed by Council.

11.2. The Fire Department Committee appoints the Fire Captains and Secretary-Treasurers.

11.3. The term of office for the Fire Chief, Deputy Chief and Captains are to be determined by Council.

## **12. EXPULSION**

12.1. Any member who is repeatedly missing meetings, training and/or inspections shall be brought before the executive committee for disciplinary measures.

12.2. If a member uses abusive language towards any officer.

12.3. If a member is guilty of conduct which in the opinion of the Department renders him/her an improper associate.

12.4. Any expulsion from the Department shall come by decision of the executive committee.

## **13. TRAINING**

13.1. Training sessions are to be held monthly. If a member cannot attend, he/she shall report to the Chief or Deputy Chief.

## **14. LAWS FOR FIRE VEHICLE DRIVERS**

14.1. No fire fighter shall take a fire vehicle, under the influence of drugs or alcohol, no matter how small an amount.

14.2. Any fire fighter, who drives a fire vehicle, under the influence of drug or alcohol:

14.2.1. will be dismissed from the department and

- 14.2.2. will be held responsible for any damages done to the vehicle or the equipment.
- 14.3. When going to a fire, only fire fighters are allowed in the fire truck, tanker, or rescue unit.
- 14.4. When going to a fire the driver will not stop the emergency vehicle to give a lift to another fire fighter.
- 14.5. Emergency lights and siren must be engaged while responding to a fire call.
- 14.6. Only those department members holding a validated driver's license for air brakes shall drive fire department air-equipped vehicles.
- 14.7. Any fire fighter who drives a fire vehicle without the proper licence and/or authorization from the Fire Chief will be:
  - 14.7.1. dismissed from the department and
  - 14.7.2. held responsible for any damages to the vehicle and/or the equipment.

## **15. LAWS FOR FIRE HALL**

- 15.1. It is every fire fighter's responsibility to keep the station clean and free of clutter at all times. All fire fighters are responsible for their guests.
- 15.2. There is zero tolerance on the consumption of alcohol.
- 15.3. When leaving the station make sure the doors are locked.
- 15.4. A fire fighter that deliberately destroys any Fire Department property will have to replace it or pay the replacement cost.
- 15.5. Any other organization who uses the fire quarters must have the Chief's or Deputy Chief's permission and will be responsible for clean up after.
- 15.6. Each fire fighter will have a key to the fire station after his probation period is up.
- 15.7. There will be no drinking of alcohol before or during meetings, training sessions or while attending fires.
- 15.8. The Captain and his team are responsible for fire vehicle clean up on appointed months.

## **16. FIRES OUTSIDE THE TOWN**

- 16.1. The Council may from time to time enter into agreement with neighboring municipalities, local service districts or community organizations for the provision or sharing of fire protection services to or with neighboring areas.
- 16.2. No agreement pursuant to Section 16.1 hereof shall require the Department to leave the Town's jurisdiction while answering a call within the Town's jurisdiction or to take the entire department's apparatus and equipment out of the Town's jurisdiction at any time.
- 16.3. The fire department shall not respond to any fire outside the limits of the Town except in the case of:
  - 16.3.1. a fire which in the opinion of the Fire Chief threatens any property within the Town.
  - 16.3.2. a call from a neighboring area with which there is an agreement pursuant to Section 16.1 hereof, or
  - 16.3.3. the Council may from time to time by resolution establish service fees applicable in the case of the department providing fire protection services to neighboring areas in the event of an emergency or under an agreement made pursuant to subsection 16.1 hereof.

## **17. INVESTIGATION AND REPORTING FIRES**

- 17.1. The Fire Chief or any person authorized by him/her may enter any building at reasonable times to investigate the cause or origin of a fire.
- 17.2. The Fire Chief or in his/her absence the senior officer, shall promptly report to the Fire Marshall or the nearest branch office of the Fire Marshall:
  - 17.2.1. by the most direct means, the circumstances of any death or serious injury to a person caused by a fire,
  - 17.2.2. any suspicious or suspected incendiary fire,
  - 17.2.3. any fire occurring in a hospital, school, place of assembly or sleeping accommodation,
  - 17.2.4. when required, all fires occurring within the Town and
  - 17.2.5. such other information with respect to fires occurring within the Town as may be required from time to time by the Fire Marshall.

**18. FIRE PREVENTION**

18.1. The Fire Chief and such other persons as the Council may appoint by resolution from time to time Fire Prevention Officers.

18.2. A Fire Prevention Officer or any person authorized in writing by a Fire Prevention Officer may inspect any building or premises within the Town for purposes of fire prevention and for that purpose may, at all reasonable times, enter into and upon any building or premises.

18.3. A Fire Prevention Officer may enforce the Fire Prevention Act and for that purpose a Fire Prevention Officer shall have the same powers under the same conditions as are conferred upon the Fire Marshall by Sections 11, 12, and 16 of the Fire Prevention Act.

18.4. No person shall prevent a Fire Prevention Officer from entering into or upon any building or premises for the purpose of making a fire prevention inspection or otherwise obstruct a Fire Prevention Officer in the performance of his/her duties.

18.5. Other than in a properly constructed incinerator, approved by the Fire Chief, no person shall light, ignite or allow or cause to be lighted, ignited or start a fire of any kind whatsoever in the open air.

18.6. This section does not apply to a small confined fire used to cook food in grills or barbecues.

18.7. The lighting of a fire to dispose of dry grass and/or structures is prohibited without the written permission of the Fire Chief and Council.

18.8. A portable incinerator or other portable device or appliance for burning rubbish, garbage or other waste material shall not be erected or used nor shall any enclosed fire be built, set, or maintained outside the walls of any building.

READ FIRST TIME: May 11, 2010

READ SECOND TIME: May 11, 2010

READ THIRD TIME AND ENACTED THIS 8th DAY OF June, 2010.

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MAYOR

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CLERK