

**TOWN OF FLORENCEVILLE-BRISTOL  
A BY-LAW RESPECTING THE FIRE DEPARTMENT  
BY-LAW NO. 9**

A BY-LAW OF THE MUNICIPALITY OF FLORENCEVILLE-BRISTOL RESPECTING THE 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 replaces the by-law enacted June 8, 2010 with the following by-law:

**1. TITLE**

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

**2. DEFINITIONS**

2.1. In this by-law unless the context otherwise requires:

- 2.1.1. “APPARATUS” includes fire truck and other vehicles used by the Fire Department;
- 2.1.2. “DEPARTMENT” means the Florenceville-Bristol Fire Department established by this by-law and includes the members thereof;
- 2.1.3. “FIRE CHIEF” includes an acting Fire Chief;
- 2.1.4. “FIRE MARSHAL” means the Fire Marshal appointed under the Fire Prevention Act;
- 2.1.5. “FIRE PREVENTION ACT” means chapter F-13 of the revised statutes of New Brunswick 1973 and amendments thereto;
- 2.1.6. “HOSPITAL” includes a sanatorium, infirmary; nursing home, and home for elderly persons;
- 2.1.7. “MEMBER” of the Fire Department includes an officer of the Fire Department, Auxiliary Firefighter, and Fire Prevention Officer;
- 2.1.8. “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.

2.1.9. “SLEEPING ACCOMMODATIONS” includes:

- 2.1.9.1. A hotel or any other building in which lodgings are provided for rent or hire;
- 2.1.9.2. Any building in which lodgings are offered to members of the public on a gratuitous basis;
- 2.1.9.3. Any building in which an educational institution lodges its students;
- 2.1.9.4. Any building, other than a single family residence, in which a religious organization lodges its members;
- 2.1.9.5. A hospital, sanatorium, infirmary, nursing home or home for the aged;
- 2.1.9.6. An orphanage or children’s home;
- 2.1.9.7. A jail, reformatory or other penal institution; or
- 2.1.9.8. 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 Fire Department.
- 3.2. The territorial jurisdiction of the Fire Department is the incorporated area of the Town and the Fire Protection Service District.
- 3.3. The Fire Department shall consist of:
  - 3.3.1. seven (7) officers comprised of the Fire Chief, two (2) Deputy Fire Chiefs (one Deputy Fire Chief from each ward), four (4) Captains and two (2) Secretary-Treasurers. These members are the Executive Committee.
  - 3.3.2. not more than fifty (50) active members and not less than twenty-five (25).
- 3.4. The Fire Chief and Deputy Fire Chiefs shall be appointed by resolution of Council.
- 3.5. All members upon acceptance into the Fire Department by the officers shall have their names given to the Chief Administrative Officer, who will pass the information on to Council.
- 3.6. With the exception of the Fire Chief, any member of the Fire Department who wishes to resign, must give their resignation in writing to the Fire Chief.

- 3.7. Council may dismiss the Fire Chief, in writing by registered mail. Thirty (30) days notice shall be given of this intention.
- 3.8. The Fire Chief may tender their resignation in writing to Council, giving reason, thirty (30) days before effective date of resignation.
- 3.9. Every member of the Fire Department shall be:
  - 3.9.1. a resident of the Town or within the Fire Protection Service District;
  - 3.9.2. of good reputation; and
  - 3.9.3. more than eighteen years of age.
- 3.10. The Fire Chief may reduce in rank, suspend or dismiss any member of the Fire Department.
- 3.11. Action may be taken pursuant to section 3.10 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 is responsible to the Chief Administrative Officer for proper administration and operation of the department.
- 4.2. The Fire Chief shall submit to Council or designate the department's estimate of costs of operation, maintenance and supply for the following year.
- 4.3. The Fire Chief shall include in the department's estimates:
  - 4.3.1. the general cost;
  - 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 shall review periodically the policies and procedures of the department.

- 4.5. The Fire Chief 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 by-laws respecting fire prevention and exercise the powers and duties imposed on them by the Fire Prevention Act.
- 4.6. The Fire Chief shall be responsible for the enforcement of this by-law and the general orders and departmental rules.
- 4.7. The Fire Chief shall report all fires to the Fire Marshal as required by the Fire Prevention Act.
- 4.8. The Fire Chief shall make an annual report to Council of the activities of the Fire Department during the preceding year, including all calls answered, and an inventory of the firefighting equipment, names of all members and recommendations to promote the efficiency of the Fire Department.
- 4.9. The Fire Chief 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 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 shall assign to the Firefighters their regular duties and other duties they deem proper.
- 4.12. The Fire Chief shall make or cause to be made a record of the attendance of all Firefighters at each fire, meetings and training.
- 4.13. The Fire Chief shall ensure the care and maintenance of all apparatus, equipment and supplies.
- 4.14. The Fire Chief shall submit a report to 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 shall forthwith report any suspension or dismissal of Fire Department members to the Executive Committee.
- 4.16. The Fire Chief, by virtue of their office, is a local assistant to the Fire Marshal within the Town and subject to the directions of the Fire Marshal. The Fire Chief shall carry out the duties of a local assistant to the Fire Marshal 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 their 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. The Fire Chief shall maintain a list of the names and addresses of all members of the Fire Department.
- 4.20. The Fire Chief or such officer shall promptly report any injury or death of any member of the Fire Department occurring in the course of their duties to the Chief Administrative Officer and comply with the required procedure with respect to claiming compensation pursuant to the Workplace Health and Safety Act and regulations there under.
- 4.21. The Fire Chief or such officer shall promptly report any severe fire, severe injury, or death as a result of a fire call to the Chief Administrative Officer.
- 4.22. 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**

- 5.1. The Deputy Fire Chiefs shall:
  - 5.1.1. respond promptly to all fire alarms when possible.
  - 5.1.2. 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
  - 5.1.3. 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**

6.1. While on duty a Captain shall:

- 6.1.1. be responsible for the conduct of the Firefighters designated to him by the Fire Chief at the fire.
- 6.1.2. report verbally to the Fire Chief any neglect, misconduct or breach of any by-law or regulation by a Firefighter.
- 6.1.3. shall carry out the instructions of their senior officers.

## **7. APPLICATION FOR MEMBERSHIP**

7.1. A person is qualified to be appointed a member of the department for firefighting 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; and
- 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 Fire Chief will submit the names of any new members to the Chief Administrative Officer, who will pass them along to 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 firefighting duties fails any such examinations, the Fire Chief may recommend that they be given an additional 3 months. On failing such examinations and training, the Fire Chief may ask for their dismissal.

## **9. MEMBERSHIP GENERAL**

- 9.1. Any member being sick or away shall report to the Fire Chief or Deputy Fire Chief
- 9.2. Any member leaving the department shall return all pagers and radios to the Fire Chief, except those not paid for by the department, prior to receiving their final pay.
- 9.3. 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 Fire Chief 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 Fire Chief or the officer in charge.
- 9.5. No firefighting 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 firefighting equipment.
- 9.7. Upon request of the Fire Chief or Deputy Fire Chief, every person present at a fire shall assist any Firefighter in the performance of their duties at the fire and shall obey all orders and directions given to them by the Fire Chief and Deputy Fire Chief in connection with the fire.
- 9.8. Department pagers will be issued to each Firefighter on an honour basis. Firefighters 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 Firefighters Level I certificate within two years of becoming a Firefighter and be willing to complete other training courses that may be required such as current First Aid and CPR.
- 9.10. Any Firefighter appointed to the position of Fire Chief or Deputy Fire Chief must be certified as a Level I Firefighter.

- 9.11. Firefighters that are presently members of the department will be encouraged to acquire the Firefighters Level I certificate immediately upon availability.
- 9.12. All Firefighters must attend a minimum of 50% of meetings and practices and 50% of fires and training activities throughout the fiscal year. Firefighters failing to participate accordingly may be asked to resign. Attendance and work committee attendance will be maintained.
- 9.13. All Firefighters are responsible for firefighting equipment on loan to them by the Department (coat, boots, hat, etc.).
- 9.14. Any Firefighter 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, and shall deal with all correspondence, and shall keep the funds of the department.
- 9.16. Members 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 as a result of performing their duties shall be immediately reported to the Fire Chief or officer in charge, 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 Fire Department and for expenditures necessary to the continued and efficient operation of the Fire Department.
- 9.19. The Town of Florenceville-Bristol is responsible for payment of dues to the New Brunswick Association of Fire Chiefs, Central Valley Firefighters Association and the Canadian Association of Fire Chiefs.

## **10. FIRE COMMITTEE**

- 10.1. A committee to be known and designated as the Fire Committee shall consist of the Fire Chief, Mayor, Chief Administrative Officer, and one (1) other member of Council to be appointed annually by the Mayor.
- 10.2. The Chairman of the Fire Committee shall be appointed by the Mayor.
- 10.3. The duties of the Fire Committee shall be to report and make recommendations to Council from time to time on all matters pertaining to the Fire Department in the Town, and any other matter referred to it by Council and to exercise general supervision over the Fire Department and related matters.



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

## **11. OFFICER APPOINTMENT**

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

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

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

## **12. DISCIPLINARY MEASURES**

12.1. The Executive Committee will determine disciplinary measures if:

12.1.1. any member who is repeatedly missing meetings, training and/or inspections;

12.1.2. any member uses abusive language towards any officer; and

12.1.3. any member who is guilty of conduct which in the opinion of the department renders them an improper associate.

12.2. 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, they shall report to the Fire Chief or Deputy Fire Chief.

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

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

14.2. Any Firefighter, who drives a fire vehicle, under the influence of drugs 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 call, only Firefighters 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 pick up another Firefighter.
- 14.5. Emergency lights and siren must be engaged while responding to a fire call.
- 14.6. Only those department members holding a valid driver's licence for air brakes shall drive Fire Department air-equipped vehicles.
- 14.7. Any Firefighter 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 Firefighter's responsibility to keep the station clean and free of clutter at all times. All Firefighters are responsible for their guests.
- 15.2. There is zero tolerance on the consumption of alcohol.
- 15.3. There will be no drinking of alcohol before or during meetings, training sessions or while attending fires.
- 15.4. When leaving the station make sure the doors are locked.
- 15.5. A Firefighter that deliberately destroys any Fire Department property will have to replace it or pay the replacement cost.
- 15.6. Any other organization who uses the fire quarters must have the Fire Chief's or Deputy Fire Chief's permission and will be responsible for clean up after.
- 15.7. Each Firefighter will have a key to the fire station after their probation period is up.
- 15.8. The Captain and their team are responsible for fire vehicle clean up on appointed months.

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

- 16.1. Council may from time to time enter into agreement with neighbouring municipalities, local service districts or community organizations for the provision or sharing of fire protection services to or with neighbouring 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 neighbouring area with which there is an agreement pursuant to Section 16.1 hereof; or

16.3.3. a resolution by Council establishing service fees applicable in the case of the department providing fire protection services to neighbouring 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 them may enter any building at reasonable times to investigate the cause or origin of a fire.

17.2. The Fire Chief or in their absence the senior officer, shall promptly report to the Fire Marshal or the nearest branch office of the Fire Marshal:

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. 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 Marshal.

## **18. FIRE PREVENTION**

18.1. The Fire Chief and Council may appoint 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 Marshal 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 their 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. This section does not apply to a small confined fire used to cook food in grills or barbecues.
- 18.6. 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.
- 18.7. The lighting of a fire to dispose of dry grass and/or structures is prohibited.
- 18.8. Any fire restrictions or bans issued by the Province of New Brunswick shall be followed by the Town of Florenceville-Bristol.

READ FIRST TIME: September 12, 2017

READ SECOND TIME: September 12, 2017

READ THIRD TIME AND ENACTED THIS 10th DAY OF October, 2017.

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MAYOR

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CLERK

By-law No. 9 A By-law relating to the Volunteer Fire Department By-Law No. 9 enacted June 8, 2010 and all amendments thereto, is hereby repealed.