



## **A By-Law Respecting the Upper Kingsclear Fire Department**

Pursuant to subsection 10(2) of the *Local Governance Act*, SNB 2017, c.18, amendments thereto and regulations adopted thereunder, the Council of the rural community of Hanwell hereby enacts as follows:

### **1. TITLE**

This By-Law may be cited as the "Fire By-Law."

### **2. DEFINITIONS**

In this by-law:

"Act" refers to the *Fire Prevention Act*, RSNB 1973, c F-13 and the regulations thereunder.

"CAO" refers to the Chief Administrative Officer.

"Council" refers to the Council of the Rural Community of Hanwell.

"Department" or "Fire Department" refers to the Upper Kingsclear Fire Department.

"Firefighter" refers to any volunteer firefighter, male or female, of any rank or title.

"Fire Chief"- refers to the Chief Officer of the Fire Department responsible for all administrative and operational functions of the Fire Department and is in overall command as per the Department's chain of command and operating procedures.

"Fire Prevention Officer" refers to a member appointed pursuant to this by-law. and includes the Fire Chief.

"Fire Protection" refers to all aspects of fire safety, including but not limited to, fire prevention, firefighting or suppression, pre-fire planning, public education and information, training or other staff development and advising.

"Hanwell" refers to the Rural Community of Hanwell.

“Hot Zone” refers to the precise area in which the emergency or operation is being conducted and to where all personnel working in said area must wear proper PPE and or SCBA to complete all tasks assigned in a safe manner.

“Incident Commander” refers to any officer in charge of a scene.

“Mutual Aid” refers to two-way assistance by Fire Departments of two or more communities giving aid to the other in emergencies, without monetary compensation.

“Non-Related Fire Rescue” refers to the following activities only: off-road rescue, water & ice rescue, heavy rescue, high angle rescue, confined space rescue and trench rescue.

“Officer” refers to the Chief, Deputy Chief, Assistant Deputy, Captain or Lieutenant.

“Office of the Fire Marshall” refers to the office that carries out the provisions of the Fire Prevention Act, delivers fire prevention and protection programs, and works with fire departments, municipalities and partner organizations to promote fire safety.

“Treasurer” refers to the Hanwell Chief Administrative Officer (CAO)

### **3. FIRE PROTECTION**

- (a) The Rural Community of Hanwell referred to as “Hanwell” shall have a Fire Department, the operation and management of which is under the control of the Fire Chief.
- (b) A department for the Rural Community of Hanwell to be known as the Upper Kingsclear Fire Department is hereby established and the head of the Department shall be known as the Chief of the Department.
- (c) In addition to the Chief of the Department, the Department personnel shall consist of a deputy chief, assistant deputy chief, assistant deputy, captain or lieutenant.
- (d) A person appointed by the Fire Chief as a member of the Department for fire fighting duties shall do so on a volunteer basis and will be encouraged to take such special training and examinations as may be required by the Chief of the Department and WorkSafe NB.
- (e) The Fire Chief is responsible to the Hanwell Council, through the Chief Administrative Officer, referred to as the “CAO”, for the administration and operation of the Department.

- (f) The remuneration of all members of the Department shall be as determined by the Fire Chief and the Treasurer of Hanwell and approved by the Hanwell Council.

#### **4. MINIMUM STRUCTURE OF FIRE SERVICE REQUIREMENTS:**

- (a) The minimum number of firefighters is determined by the Fire Marshal. This number shall include:
  - i. One (1) Fire Chief
  - ii. One (1) Deputy Fire Chief
  - iii. Minimum of two (2) Captains
- (b) If membership declines to a point where the minimum requirements are not met or fire protection services cannot be safely assured, Council may contract for services with another fire department for the interim period until an adequate level of fire fighting personnel and services is re-established.

#### **5. FIRE CHIEF**

- (a) May make general orders and rules as may be necessary for the care and protection of the property of the Department, the conduct of the members of the Department and, generally, the efficient operations of the Department, provided that such general orders and rules shall not conflict with the provisions of any by-law of Hanwell.
- (b) Shall review, periodically, policies and guidelines of the Department, and may establish an advisory committee consisting of such officers and the CAO, as he/she may determine from time to time to assist in this duty.
- (c) Shall ensure that when a fire hall is to be open to the public, it must meet the national building and fire code standards for public assembly.
- (d) Shall oversee and direct the Department in fulfilling its responsibilities of fire protection and fire prevention education within Hanwell.
- (e) Shall, subject to applicable legislation, ensure that the Department becomes the lead agency in the areas of fire, emergency medical services, environmental emergencies, and life-safety rescue within Hanwell fire boundaries.
- (f) Shall report all fires to the Fire Marshall as required by the Fire Prevention Act of the Province of New Brunswick.

- (g) Shall, while on duty, attend all fires and supervise the fighting thereof.
- (h) Shall examine and certify the correctness of all accounts of the Fire Department and review monthly with the Treasurer.
- (i) Shall assign to the firefighters their regular duties and other duties he/she deems proper.
- (j) Shall be responsible to maintain proper decorum on the part of the members of the Fire Department, insofar as the conduct of such members has a bearing on the discipline and efficiency of the fire department, and is authorized to issue orders, written or verbal, respecting the conduct of members at fires, alarms, practices, and if authorized, non-fire related rescues.
- (k) May demote, suspend, or dismiss any member of the Fire Department for neglect of duty, misconduct or breach of any by-law or regulation and shall report the suspension to the CAO. The affected member may make a written appeal to the CAO within 30 days of dismissal and based on information provided leading to dismissal. The CAO may at any time initiate a review of any concerns or complaints regarding the conduct or activity of any member of the fire department. The CAO will respond to any such concerns or complaints by taking any actions that he/she considers necessary to review and or resolve the problem(s). These actions may include, but are not limited to, reviewing reports or other documentation, calling meetings, contacting individuals that may have information pertaining to the complaint. The CAO will then discuss the findings with the Council who will then take disciplinary action up to including suspension or dismissal of the member.
- (l) The Fire Chief may assist the CAO in the negotiation of mutual aid agreements.
- (m) All questions, motions or matters before Council shall be decided at a Regular or Special Meeting of Council, with the exception of matters defined in the *Act*.

## 6. FIRE CHIEF REPORTING

- (a) Shall record all equipment and apparatus testing, inspections, and up-to-date certifications (SCBA, ladders, weekly truck checks, hose etc.) A copy of these reports must be provided to the CAO when written to have for insurance purposes.

- (b) Shall record the particulars of every fire call, including the apparatus, equipment and supplies used, the full details of the event, action taken, and any follow-up required.
- (c) Shall make a monthly summary report to Council of the activities of the Fire Department including all calls answered, including mutual aid and training exercises.
- (d) 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, an estimate of the loss sustained of any fire fighting equipment, an inventory of all fire fighting equipment, names of all members of the Fire Department and recommendations to promote the efficiency of the Fire Department.
- (e) Prior to May 1 of each year, the Fire Chief shall provide the Treasurer with an inventory of the property of the Upper Kingsclear Fire Department halls, equipment and vehicles.
- (f) Prior to October 1 of each year the Fire Chief shall prepare the cost estimates for fire protection services and if authorized, non-fire related rescues, for the ensuing year to include:
  - i. The general cost of operation, including proposed training programs, fire prevention programs, and non-fire related rescue programs.
  - ii. The cost of repairs, replacements or additions to apparatus, equipment, and supplies.
  - iii. A list of equipment proposed to be purchased.
  - iv. The capital cost of proposed buildings and equipment.
  - v. Estimates of anticipated revenue, and shall submit such estimates to the Treasurer
- (g) Prior to December 1 of each year, the Fire Chief shall submit an official list of Full Members of the Fire Department to the CAO and shall report any changes in membership promptly to the CAO. In order to comply with the Firefighters' Compensation Act, the list provided will clearly indicate the date a firefighter joined the department and/or the date of termination.

## **7. FIRE CHIEF POSITION & QUALIFICATIONS**

- (a) Must be a resident of the area serviced by the Fire Department.

- (b) Have served as a Full Member of a Fire Department for a minimum of five (5) years immediately preceding his/her appointment.
- (c) Have strong leadership and communication skills and the capacity to fulfill all responsibilities and duties required for the efficient operations of the Fire Department.
- (d) Work closely with the Hanwell Council, CAO, and other stakeholders.
- (e) Have Grade 12 or equivalent.
- (f) The term of office shall be 10 years but must continue in office until a successor is appointed.
- (g) The Fire Chief is to serve a minimum probationary term of six (6) months to a maximum of twelve (12) months.
- (h) Any person wishing to become the Fire Chief shall apply in writing to the Hanwell CAO. The Fire Chief shall be appointed by the Hanwell Council, following due process. The CAO and Council may consider written advice received from the Fire Department membership.
- (i) The Hanwell Council may recommend to the Fire Marshal that the Fire Chief be appointed to carry out the provisions of the Fire Prevention Act. It is preferable that the Fire Chief be a Local Assistant to the Fire Marshal pursuant to subsection 7(1) of the Fire Prevention Act.

*7(1) A local assistant referred to in subsection 6(1) shall investigate, or cause to be investigated under subsection (2), the cause, origin and circumstances of every fire or explosion occurring within the territorial jurisdiction of the local assistant and by which property has been destroyed or damaged to ascertain in each case whether the fire or explosion was the result of negligence, carelessness, accident or design.*

## **8. DEPUTY FIRE CHIEFS**

- (a) Shall respond promptly to all fire alarms;
- (b) Shall obey all lawful orders of the Fire Chief, and
- (c) In the absence of the Fire Chief, have all the power and perform all the duties of the Fire Chief.

- (d) Upon request of the Fire Chief or Deputy Fire Chief, every person attending a fire shall assist any firefighter in the performance of the duties at the fire and shall obey all orders and directions given to him/her by the Fire Chief or Deputy Fire Chief in connection with the fire.

## **9. DEPUTY FIRE CHIEF POSITION & QUALIFICATIONS**

- (a) A person must have the same qualifications as a Fire Chief
- (b) The term of office shall be ten (10) years.
- (c) Any person wishing to become a Deputy Fire Chief shall apply in writing to the Fire Chief and a copy provided to the Hanwell CAO. The Deputy Fire Chief shall be appointed by the Hanwell Council in consultation with the Fire Chief.
- (d) The Deputy Fire Chief shall carry out the instructions of the Fire Chief and in the absence of the Fire Chief, shall assume the duties and responsibilities of the Fire Chief. The Deputy Fire Chief **does not** however, automatically become a Local Assistant to the Fire Marshal as this power can only be invoked by the Fire Marshal.

## **10. CAPTAINS**

- (a) Shall be responsible for the conduct of the firefighters in his/her platoon.
- (b) Shall report in writing to the Fire Chief the absence of any firefighters and any neglect, misconduct or breach of any by-law or regulation by a firefighter.
- (c) Shall while on duty take charge of all fire fighting equipment and always keep in good order and repair and ready for efficient service and shall report any defect to the Fire Chief.
- (d) Shall always preserve order and discipline of the firefighters while on duty.
- (e) Shall be responsible for all check lists provided by the Fire Chief.

## **11. CAPTAIN POSITION & QUALIFICATIONS**

- (a) Captains will be appointed by the Fire Chief and will be tasked with specific duties as prescribed by the Fire Chief. In addition, the Captain will be required to take a leadership role at operation scenes in the absence of the



Fire Chief or Deputy Chief.

- (b) All Department Officers are responsible for ensuring that the firefighters are properly instructed to perform their duties safely, for ensuring work procedures are adhered to the regulations as per WorkSafe NB and report any unsafe conditions. The Mayor shall speak on issues of concerns to the rural community on behalf of Council, as per Section 48(1) of the *Act*.

## **12. INCIDENT COMMANDER**

- (a) Is the officer in charge of the scene.
- (b) 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.
- (c) Shall make a record of the attendance of all firefighters at each fire
- (d) Whenever the Incident Commander in charge of the fire deems it advisable to guard the locality of the fire from the crowding of persons or vehicles, he may place or request to be placed a rope or other barrier across any street or public place to indicate the area from which person or vehicles are prohibited.
- (e) No person except members of the Fire Department, the Police Department and the owner of the property endangered by the fire, shall enter or be within the area marked off by ropes or barriers.

## **13. FIRE ALARMS**

- (a) No person shall turn off, reset, or otherwise interfere with, an activated fire alarm prior to the arrival of the Fire Department.
- (b) Every person who is required under the National Fire Code to prepare and implement a fire safety plan approved by the Fire Chief shall install and maintain a lock box on his or her premises.
- (c) No more than one lock box shall be located and maintained on each premise.
- (d) The type of lock box installed shall be approved by the Fire Chief.
- (e) The lock box shall be surface mounted within 3 metres of the main entrance of the premises at a height between 1.5 metres to 1.8 metres above the ground. The Fire Chief may authorize a deviation for the lock box location



due to the structural design of the premises.

#### **14. GENERAL**

- (a) Members of the Fire Department shall comply with this by-law and the rules and regulations of the Department.
- (b) Fire Department vehicles and fire equipment shall not be used for any work other than work of the Fire Department.
- (c) No Fire Department vehicles or fire equipment shall be taken beyond the limits of the Hanwell fire boundaries unless to assist with a mutual aid call or to take for service to a location outside of the Hanwell fire boundary.
- (d) All members, including the Fire Chief, are responsible to understand and comply with the contents of this by-law.
- (e) All members shall assist in returning all apparatus and equipment to a state of readiness after emergencies, training sessions or when otherwise advised.
- (f) Every member shall conduct himself/herself in a professional and respectful manner while on duty or representing the department.
- (g) Every member who commits himself/herself to a mandated response situation is expected to perform all duties required as their assigned role in the department in order to handle the various situation as presented.
- (h) The Emergency Measures Coordinator along with the Mayor and/or Deputy Mayor are authorized to order emergency/urgent repairs or activities on an emergency/urgent basis to protect the public safety or to protect the assets of citizens of Hanwell.
- (i) No person:
  - i. Shall drive a vehicle over or across an unprotected hose or other fire fighting equipment unless he/she is given permission to do so by the Incident Commander.
  - ii. Shall disobey the orders and/or directions of the Incident Commander given in the performance of his/her duties at a fire.
  - iii. Shall interfere with or obstruct a Fire Chief, Deputy Fire Chief, Incident Commander or any firefighter in the performance of his/her duties at a fire.

- iv. Shall place merchandise so as to obstruct the entrance into any premises by firefighters through any window, door stairway or passageway.
- v. Shall obstruct, paint or take action to conceal a fire hydrant without the written joint permission of the CAO and the Fire Chief.

## 15. MEMBERSHIP

For the purpose of this by-law, the following are classifications of and qualification requirements for the membership of the Upper Kingsclear Fire Department:

**Full Member:** In order to be classified as a full member firefighter in the Upper Kingsclear Fire Department, a person must:

- (a) Be at least 18 years old.
- (b) Be a resident of the area serviced by the Fire Department.
- (c) Provide appropriate medical certificates upon request of the Fire Chief.
- (d) Possess or be able to obtain, at minimum, a Standard First Aid Certificate.
- (e) Successfully complete Firefighter 1 training within two (2) years, or have obtained the equivalent from another jurisdiction (providing it is recognized by NBCC and OFM)
- (f) Possess the appropriate class of licence for driving assigned fire apparatus and have passed a recognized defensive driving course if duties include driving fire apparatus.
- (g) Possess appropriate training and/or certification for any other assigned duties with the fire department, ex. Traffic control, Non-Fire related rescue.
- (h) Maintain the following attendance requirements to remain as full member:
  - i. Regular scheduled training sessions 60%
  - ii. Mandated responses 25%
- (i) All full members shall serve a probationary period of one year.

**Support Member:** A person is eligible to be classified as a support member who:

- (a) Is a resident of the area serviced by the Fire Department.
- (b) Possesses a valid Standard First Aid Certificate.
- (c) Possess the appropriate class of licence for driving assigned fire apparatus and has passed a recognized defensive driving course if duties will include driving fire apparatus.
- (d) Participates in a task-specific support role for operational activities as designated by the Fire Chief.
- (e) Has received the training required to undertake designated tasks.

**Junior Member:** A person who is eligible to be classified as a junior member: Must be 16 years of age, but less than 18 years of age, and have a parent or guardian complete and sign a permission and waiver form supplied by the Fire Chief.

- (a) Must initiate and be willing to obtain the Firefighting 1 training and certification.
- (b) May participate in minor support roles for which training has been received (Ex. Equipment pick-up, washing hose and trucks, cleanup of equipment, repacking hose and equipment on apparatus), as designated by the Fire Chief or training officer.
- (c) May only perform support or auxiliary work at fireground operations, such as providing refreshments to the first responders well outside of the "hot zone" or operational area.
- (d) Will not be exposed to hazardous material.
- (e) Junior members are not permitted to attend DNR forest/wildland or grass fire scenes.
- (f) All junior members shall have probationary status until such time as he/she has achieved Firefighter 1 training and reached 18 years of age; and becomes a Full Member and has met the criteria in subsection "Full Member"

**Life Member:** A member may receive this special recognition of the fire department membership, for reasons determined by the membership of the fire department, if the member:

- (a) Is retired from the Fire Department.
- (b) Does not participate on a regular basis in the day-to-day operations of the fire department.

**Honorary Member:** A person who is not a member of the Fire Department, on whom special recognition is bestowed by the members of the Fire Department, may:

- (a) Be bestowed a ceremonial title only.
- (b) Not receive any benefits received by other members of the Fire Department.

**Auxiliary Member:** A person who assists the fire department in a non-firefighting capacity, and

- a. Does not respond to call-outs, and
- b. Assists with duties such as ceremonial events, fundraising events, preparation of refreshments and/or other administrative duties.

Any person wishing to become a member of the Fire Department shall apply in writing to the Fire Chief. Every application shall be reviewed by the Fire Chief and the Deputy Fire Chief who will maintain a list of eligible applicants, and a copy provided to the CAO. Any member who wishes to alter their classification of membership shall apply in writing to the Fire Chief.

If at any time a firefighter is physically unfit to perform his/her duties, it is the responsibility of that firefighter to notify the Fire Chief in writing of his/her condition. In order to resume activities, he/she must provide a medical certificate stating his/her ability to return to the regular duties. Any reasonable expense incurred to provide this certificate will be reimbursed by the Fire Department.

## **16. INJURIES OR DEATH OF MEMBERSHIP**

- (a) The injury or death of any member that occurs as the result of his/her duty at a fire, training, and if authorized, a non-fire related rescue response, or any other call, shall be reported immediately to the Fire Chief or the Incident Commander. As soon as possible notification should be given to the CAO.
- (b) A member who is injured or involved in an accident while reporting to, or on duty, will fill out appropriate forms issued by WorkSafe NB as per the timelines.

## **17. MEDIA**

- (a) Any media obtained by a member during an emergency call, in a fire hall or at a training session (onsite or outside of the fire service boundary), be it in the form of photographs, video or audio recording, becomes the property of the department and may not be distributed without the express consent of the Fire Chief and CAO.

## **18. MEETINGS**

- (a) The Upper Kingsclear Fire Department must meet weekly for instruction and/or practice in fire prevention and fire protection methods, and if authorized, non-fire related rescues, and the use of apparatus and equipment.
- (b) The minimum requirement is 40 hours of in-house training per year.
- (c) The Fire Chief, Deputy Chief, Captains or designate are encouraged to attend Capital District Association meetings.

## **19. PURCHASING AUTHORITY**

- (a) Council can designate the fire chief to have authority to purchase up to \$1,000 for recurring budgeted purchases (non-equipment). The treasurer maintains the final approval for non-recurring purchases and purchases of more than \$1,000

## **20. FIRE EQUIPMENT**

- (a) The equipment and apparatus of the Department, whether purchased by or donated to the Fire Department, is the property of Hanwell and may not be transferred or otherwise disposed of without the approval of Council.
- (b) Hanwell will not be financially responsible for personal items damaged or lost on fire department property or during fire department related activities.
- (c) Every member who has been assigned a communication device/radio pager will always keep them and be ready for active service.

## 21. LIABILITY

- (a) No action or other proceedings for damages shall be instituted against the Rural Community of Hanwell, the Fire Department, the Fire Chief, or any firefighter authorized to act on behalf of the Fire Department under this By-Law with respect to anything done in good faith or omitted to be done in the execution or intended execution of his/her duties under this By-Law.

## 22. DOCUMENTATION

- (a) In conjunction with the Fire Chief and the CAO, various administrative documents will be provided for the Fire Department.
- (b) As part of probation of fire fighting training, the guideline "Probationary Firefighter Training" must be adhered to and signed by all parties.

This By-Law shall come into effect on the date of enactment there from:

FIRST READING: (By title)

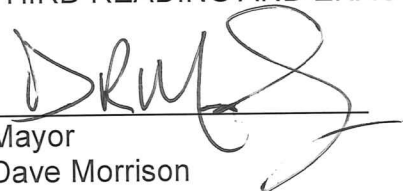
October 24, 2022


SECOND READING: (By title)

November 16, 2022

THIRD READING AND ENACTMENT: (In its entirety)

December 21, 2022

  
\_\_\_\_\_  
Mayor  
Dave Morrison

  
\_\_\_\_\_  
Clerk  
Terri Parker