

BY-LAW NO. D-5

A BY-LAW RESPECTING FIRE PROTECTION

TOWN OF HARTLAND

The Council of the Town of Hartland under authority vested in it by the *Municipalities Act*, R.S.N.B., 1973, cM-22 and amendments thereto enacts as follows:

1. Interpretation

In this by-law unless the text otherwise requires,

“Committee” means the Protective Services Committee of the Town of Hartland

“Council” means the Mayor and Councillors of the Town of Hartland

“Department” means the Hartland Volunteer Fire Department and its members

“Fire Chief” means the person elected by Department members and approved by the Town Council

“Member” means any officer or volunteer firefighter of the Hartland Volunteer Fire Department

“Municipality” means the Town of Hartland

2. Composition of the Fire Department

(a) The Hartland Volunteer Fire Department shall consist of the Fire Chief and a maximum of thirty (30) active members and four (4) administrative members (who are not able to fight fires).

(b) The officers of the Department shall consist of the Chief, Deputy Chief, two (2) Captains and two (2) Lieutenants, Secretary and Treasurer. Election for these positions shall be held every four (4) years by secret ballot at the November meeting of the Department in the same year as the quadrennial election of the Town Council members and shall be conducted by the Chairperson and members of the Protective Services Committee of the Town.

(c) Officers elected by the Department are subject to approval by resolution of Council.

(d) If any officer of the Department is not able to perform the duties of the office, an election will be held to replace that officer.

3. Fire Department Members

(a) On recommendation of the Fire Chief, the Council may approve any qualified person as a member of the Fire Department.

(b) A person is qualified to be a member of the Hartland Fire Department who

- (i) is of good character**
- (ii) passes any test that may be required by the Fire Chief or Council**
- (iii) is medically fit to perform duties required as certified by a physician**
- (iv) is more than eighteen (18) years of age**
- (v) is subject to a criminal records check**

(c) If any member of the Department has less than twenty (20) hours of response to fire calls during the year without a reasonable excuse, such absence shall be considered cause for dismissal.

(d) All members must make an effort to care for all Fire Department equipment entrusted to them and report any defects or potential problems to the officer on duty.

(e) Any newly appointed member of the Department shall be on probation for a period of twelve (12) months and shall take any special training or examinations as required by the Chief.

4. Duties of the Fire Chief

(a) The Fire Chief is responsible for the administration and operation of the Department and may make general orders and rules as may be necessary for the care and protection of the property of the Department, conduct of the Department members and generally, the efficient operation of the Department, provided that such general orders and rules shall not conflict with the provisions of any by-law of the Town.

(b) The Fire Chief shall annually prepare and submit to Council the Department's estimated costs of operation, maintenance and supplies for the following year and shall include

- (i) general costs for operation of the Department**
- (ii) costs of repair, replacement or addition to the equipment and supplies of the Department**
- (iii) capital costs of building and equipment**

(c) The Fire Chief shall have charge of the conduct and general operations of the Department including fighting fires, responding to fire alarms, fire drills or practices, maintenance and care of any building or equipment and supplies and fire prevention activities.

(d) The Fire Chief shall maintain proper decorum and discipline within the Department at all times and shall have the authority to issue written or general orders to

- (i) the general operation and maintenance of the Department**
- (ii) the use of the fire station for meetings or social gatherings**
- (iii) the maintaining of proper decorum, discipline and efficiency of the members of the Department at fires, alarms and practices**

(e) The Fire Chief shall maintain a record of

- (i) a list of names and addresses of all Department members**
- (ii) attendance of Department members at fires, drills, practices**
- (iii) apparatus, equipment and supplies of the Department and the condition and quantity thereof**
- (iv) any other information that the Council may require from time to time**

(f) The Fire Chief shall provide monthly reports to the Council of the activities of the Department and include a summary of the records maintained.

(g) The Fire Chief shall submit a report to Council immediately of any substantial losses through breakage, destruction, shortages or deficiencies in the apparatus, equipment or supplies of the Department.

(h) The Fire Chief, by virtue of his/her office as a local assistant to the Fire Marshal within the town and subject to the direction of the Fire Marshal, shall carry out the duties of a local assistant as authorized or required by the *Fire Prevention Act*.

(i) 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/she is an enforcing officer by his/her position as local assistant, statutory provision or special appointment or directive.

(j) The Fire Chief shall ensure that all members of the Department are properly qualified and entitled to receive compensation pursuant to the *Workers Compensation Act* of New Brunswick and all amendments thereto to the extent that the same is possible and the Fire Chief shall otherwise comply with all applicable provisions of the said act and regulations thereunder.

(k) The Fire Chief or the officer in charge shall report immediately any injury to or death of any member of the Department occurring in the course of or as a result of

the discharge of his/her duties at a fire drill or practice, responding to or returning from an alarm of fire and shall promptly comply with the required procedure with respect to claiming compensation pursuant to the *Workers Compensation Act* and regulations thereunder.

5. Duties of the Fire Department Members

(a) The Deputy Fire Chief shall carry out the instructions of the Fire Chief and in the absence, incapacity or disability of the Fire Chief, or when the position of Fire Chief is vacant, the Deputy Fire Chief shall be acting Fire Chief with all duties and responsibilities of the Fire Chief until such time an election is held to choose a new Fire Chief.

(b) The firefighters shall respond promptly to all fire alarms and attend all drills and practices as far as possible and carry out the instructions of the senior officers.

(c) When responding to a fire alarm, all firefighters shall use due care and keep within the posted speed limits so as not to put citizens at risk.

(d) The members of the Department shall meet at least once a month for practice and instruction in the use of all apparatus and equipment of the Department and in the principles of fire prevention and protection.

(e) The members may organize for social or other purposes intended to further the interest and welfare of the Department and members thereof.

6. Remuneration

(a) In lieu of being paid an hourly rate for fighting fires, the Fire Chief will receive an annual stipend as determined by Council.

(b) Fire members will be paid an hourly rate as determined by Council for attending fires.

7. General

(a) During the process of a fire, the Fire Chief may, if it is considered necessary or advisable for the effective combating of the fire or the prevention of injury or damage to persons or property

- (i) 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 except for the passage of fire, emergency and other authorized personnel

- (ii) **secure doors and windows and take other precautionary steps to protect persons and property directly involved in or threatened by fire**
- (iii) **prohibit any person other than members of the Department from riding on fire apparatus, entering buildings involved with or threatened by fire, handling fire hose lines or other firefighting equipment and apparatus, or doing any other action which may endanger the safety of any person or hamper the combating of a fire**

(b) No person shall disobey an order or direction given by the Fire Chief or his/her designate while in the performance of their duties at a fire; nor shall any person interfere with or obstruct any firefighter while in performance of their duties while fighting a fire.

(c) The owner or any occupant of a building, or any part thereof, which is burning or threatened by fire shall not prevent members of the Department from entering the building or parts thereof.

(d) No firefighting vehicle shall be released or loaned to another Fire Department, agency or person without the written authorization of Council. If such approval is granted, only members of the Hartland Fire Department shall be able to operate the equipment.

(e) On authorization from the Fire Chief or his designate, no Department vehicles and firefighting equipment shall be used for any work not related to the fighting of fires unless the Public Works Department of the Town of Hartland require same for projects in the town.

8. Fire Prevention

(a) The Fire Chief or any person duly authorized in writing by the Fire Marshal, may enter any building or premises within the town at reasonable times to inspect for fire prevention or to investigate the cause or origin of a fire.

(b) The Fire Chief or his authorized designate may enforce the provisions of the *Fire Prevention Act* and the regulations made thereunder and for that purpose shall have the same powers under the same conditions as are conferred upon the Fire Marshal under sections 11, 12 and 16 of the *Fire Prevention Act* by Provincial Legislation, amendments thereto and the regulations made thereunder.

(c) No person shall prevent the Fire Chief or designated 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.

9. Burning Permit Application

(a) Any person(s) who proposes to ignite a fire within the Hartland town limits shall make a written application to the Fire Chief for a permit.

(b) The Fire Chief may issue a permit where it is determined that the provisions of this by-law are met and that the proposed burning does not pose a hazard to persons or property.

(c) In making determination under subsection 9(a), the Fire Chief shall take into consideration the following

- (i) the velocity of the wind and general weather conditions**
- (ii) the proposed manner and method of burning**
- (iii) whether the applicant owns or is the occupant of the land upon which the burning is intended to occur or has written consent, produced prior to the issuance of the permit, of the owner of the land upon which the burning will occur**
- (iv) whether the applicant is of legal age or older and ensures that at least one other person, of legal age or older, suitably equipped to control the fire, will be present while the fire burning or smoldering**

(d) A permit issued under the authority of this by-law may be revoked by the Fire Chief at any time where it is determined that the proposed burning will pose a hazard to person or property.

(e) The Fire Chief may specify on the permit the hours of the day and the number of days during which the permit shall be valid.

(f) This section does not apply to a small confined fire used to cook foods in grills or barbeques.

(g) Any person causing a fire to get out of control and requiring a call out of the Hartland Fire Department shall be subject to a minimum fine of \$100.00.

10. Restrictions

(a) The burning of rubbish, garbage or other waste, either household or industrial, shall not be permitted at any time. Any portable incinerator or portable device used to burn any material must be inspected and approved by the Fire Chief before a written permit is issued.

(b) No person shall burn rubber tires, oil, plastics, petroleum products or other like products.

(c) All materials to be burned shall be piled and placed away from any combustible materials.

(d) No fire shall be ignited when the wind is blowing of sufficient velocity such that it may jeopardize the permit holder's ability to control the fire.

(e) The person to whom the permit is issued shall ensure that the fire is not left unattended and that all smoldering embers are completely extinguished after the burning is complete.

(f) The Fire Department shall be notified immediately if the fire is or appears to be getting out of control. The permit holder may be required to pay all expenses incurred in controlling or extinguishing any fire which may get beyond or be in danger of doing do or extend to lands of others. (See section 9(g)).

(g) The holder of the permit shall ensure that the permit is available at the scene of the fire.

(h) Any person who does not have a burning permit shall receive two warnings by letter. After the second warning, the Fire Department shall extinguish any fires and the parties will be fined not less that two hundred and fifty dollars (\$250.00) for each offence thereafter.

11. Fire Alarms

(a) Every owner of a building in which a fire alarm system is installed is responsible for false alarms generated in that building and every owner inherits all false alarms which were made on that property earlier in the calendar year by previous owners.

(b) The Town of Hartland may charge the owner of the property the following fees for which a false alarm is generated

(i)	1 st False alarm	No charge
(ii)	2 nd False alarm	\$ 50.00
(iii)	3 rd False alarm	\$100.00
(iv)	4 th False alarm and any subsequent false alarm in any calendar year	\$150.00

12. Protective Services Committee

(a) The Fire Chief or his/her designate shall represent the Fire Department on the Town of Hartland's Protective Services Committee.

(b) The Fire Department's annual estimates, as required by section 4(b), 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 Council together with such recommendations, advice or additional information as the Committee considers appropriate.

13. Penalty Provision

(a) Any person who fails to comply with an Order of the Fire Chief duly made under the authority of this by-law and its amendments, commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category F offence.

(b) Where a person is convicted of an offence under subsection 13(a), the Court, in addition to any penalty imposed under subsection 13(a) may order that person to comply with the Order.

(c) A person who fails to comply with an Order of the Court under subsection 13(b) commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category F offence.

(d) Notwithstanding subsections 13(a), 13(b), 13(c), a person who violates other provisions of this by-law is guilty of an offence and is liable on conviction to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00).

14. Enforcement

The Fire Chief is empowered to enforce the provisions of this and any other by-law relating to the prevention and extinguishment of fires in such a manner authorized under the *Fire Prevention Act* and all amendments thereto and the successor acts thereof.

15. Repeal Provision


(a) Town of Hartland By-law No. D-2, a by-law relating to Fire Protection, passed by motion of Council of the Town of Hartland on August 5, 1980 and any amendments thereto is hereby repealed.

First Reading: May 3, 2010

Second Reading: June 7, 2010

Third Reading: June 7, 2010
and Enactment

Mayor



Clerk/Treasurer