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BY-LAW NO. 42

A BY-LAW TO AMEND BY-LAW NUMBER 15, A BY-LAW OF THE
VILLAGE OF GAGETOWN RESPECTING THE FIRE DEPARTMENT

The Council of the Village of Gagetown, duly assembled, enacts as follows:

1. INTERPRETATION

In this By-Law,

- 1.1 "Village Council" means the Municipal Council of the Village of Gagetown.
- 1.2 "Village Clerk" means the duly appointed Clerk of the Village of Gagetown.
- 1.3 "Fire Department" means the Village of Gagetown Fire Department.
- 1.4 "Fire Chief" means the Fire Chief appointed by the Village Council under the Municipalities Act of New Brunswick.
- 1.5 "Fire Marshal" means the New Brunswick Fire Marshall appointed by the Province of New Brunswick under the Fire Prevention Act of New Brunswick.
- 1.6 "Executive Council" means an operational and administrative advisory committee made up of the Fire Chief, Deputy Chief and three senior department members.
- 1.7 "Officers" means all members holding ranks above Firefighter.
- 1.8 "Firefighter" means a person recommended by Executive Council and approved by the Village Council as a Firefighter, whether on a full-time or part-time basis. Unless specifically designated otherwise, all Firefighters are volunteers.
- 1.9 "Station" means a facility designated by Village Council as a Fire Station.
- 1.10 "Standard Operating Procedures" includes rules, policies, procedures, directives and orders.
- 1.11 "His/her". Any use of his or her in this By-Law is to be construed as being gender neutral.

2. ORGANIZATION

- 2.1 All Firefighters shall be subject to the provisions of this By-Law, where applicable, and to the general control and supervision of Village Council.
- 2.2 The Fire Department shall bring forward to Village Council, by election by the Fire Department membership, their recommendation of a qualified candidate for approval and appointment as the Fire Chief. Elections for the position of Fire Chief will be held annually with the results presented to the Village Council at the presentation of the annual Fire Department Report.

personnel as from time to time that may be deemed necessary by the Fire Chief and the Executive Council. The organizational structure of the Fire Department is as shown in schedule "A".

- 2.4 Firefighters shall respond as required, to protect life, property and the environment.
- 2.5 The Fire Chief, or his/her designate, shall have command and control at all Emergency Response calls and shall direct all emergent operations. He/she, supported by the Executive Council shall have administrative and operational command and control over all matters pertaining to the Fire Department.
- 2.6 The Deputy Chief, is subordinate to the Fire Chief. In the absence of the Fire Chief, he shall have all powers and responsibilities of, and perform the duties of the Fire Chief. In the absence of a Deputy Chief, the Executive Council will designate the next highest-ranking officer , with the approval of the Village Council, to have all the powers and responsibilities of, and perform the duties of the Fire Chief. This interim designation will remain in effect until the next scheduled annual election for the position of Fire Chief.
- 2.7 The Village of Gagetown shall supply all equipment and protective clothing for the Fire Department to fulfill the Fire Department's emergency services mandate (2.4), providing that the Fire Department may purchase such equipment as may be necessary, prudent and desirable to fulfill its duties from time to time.
- 2.8 An equipment ledger shall be kept of all equipment under the control of the Fire Department. This ledger shall contain a detailed inventory of all equipment. The ledger is to be presented to the Mayor and Council for review on an annual basis.
- 2.9 The Fire Department shall only provide services outside the boundaries of the Village of Gagetown in accordance with:
 - a) service agreements between the Village of Gagetown and the Province of New Brunswick, and their designated Agents.
 - b) mutual aid agreements between the Village of Gagetown Fire Department and other regional Fire Departments, and
 - c) orders and directives established, from time to time, by the Fire Chief and Executive Council.

3. **RESPONSIBILITIES OF FIRE CHIEF AND DEPUTY FIRE CHIEF**

- 3.1 The Fire Chief is responsible to the Village Council, through the Village Clerk for the administration, command and control of the Fire Department. Additionally, he/she:
 - a) shall establish an Executive Council to act as advisors.
 - b) shall draft and implement Standard Operating Procedures, as may be necessary, for the care and maintenance of the property of the Fire Department, the conduct of Firefighters and the efficient operation of the Fire Department, provided that such procedures shall not conflict with the provisions of any By-Law of the Village of Gagetown.
 - c) shall review, periodically, and no less frequently than on a yearly basis, the Standard Operating Procedures of the Fire Department. He/she may establish Advisory Committees consisting of

such department members as he may determine appropriate from time to time to assist in this duty.

d) shall take appropriate and reasonable measures for prevention, control and the extinguishment of fires and for the protection of life and property. He shall ensure, through the Fire Marshall, enforcement of all Municipal By-Laws respecting Fire Prevention. The Fire Chief shall assist the Fire Marshal in the exercise of the powers and duties imposed by the Fire Prevention Act of New Brunswick.

e) is responsible for the enforcement of this By-Law;

f) shall report all fires to the Fire Marshal as required by Provincial Law. In the absence of a qualified fire investigator (as defined in the Fire Prevention Act of New Brunswick (Part One 2.3 sub section a.b.) within the Fire Department, the Fire Chief shall defer all responsibility to investigate, hold inquires respecting the cause, origin and circumstances (Part 1, 4.3 subsection b) of fires reported to the Fire Marshal. The Fire Chief shall provide the Fire Marshal's office with appropriate and reasonable assistance, when available, to aid in the investigation of fires within the Fire Department's service area.

g) shall have authority to suspend any Firefighter for violation of the Fire Department Standard Operating Procedures.

h) shall submit to the Village Council, through the Village Clerk, an annual Report of the Fire Department.

3.2 The Deputy Fire Chief shall report directly to the Fire Chief and carry out the orders of the Fire Chief. In the absence of the Fire Chief, he possesses all the powers and responsibilities of the Fire Chief, and shall perform all duties of the Fire Chief.

4. QUALIFICATIONS AND OBLIGATIONS OF FIREFIGHTERS

4.1 A person is qualified to become and remain a Firefighter with the Fire Department who:

a) is of good character;

b) passes aptitude, physical, and other recruitment tests as may be required by the standard operating procedures of the Fire Department;

c) provides a confidential medical history and identifies all physical and cognitive limitations and acknowledges personal responsibility to act within those identified limitations;

e) is available to attend emergency calls or training except for:

- i) employment up to sixty (60) hours per week;
- ii) illness; or
- iii) leave of absence;

f) resides within the incorporated area of the Village of Gagetown and or service district and continues to do so while serving as a Firefighter of the Department.

- 4.2 Applications for Appointments as a Firefighter shall be made on a form provided by the Fire Department. Appointments shall be approved by the Executive Council upon receipt of majority approval of the Fire Department membership. Village Council shall retain the right to review and rescind all applications and appointments to the Fire Department.
- 4.3 A person appointed as a Firefighter of the Fire Department shall hold said position on a probationary basis for a period of twelve (12) months, or such longer period of time as the Fire Chief shall decide, from the date of said appointment, during this period the appointed person shall successfully complete such training and examinations as may be directed by the Fire Chief.
- 4.4 If, during his/her probationary period, a Firefighter fails to successfully complete training which is assigned, or fails to achieve a passing grade in such examinations, the Fire Chief, with majority agreement of the Executive Council, may immediately dismiss the probationary member.
- 4.5 a) Once appointed, Firefighters shall maintain the qualifications set out in Sections 4.1.
- b) It is the obligation of the Firefighter to disclose any information that may prevent the Firefighter from meeting the subject qualifications set out in Section 4.1
- c) If the Fire Chief has reason to believe that a Firefighter no longer meets the qualifications set out in Section 4.1, he shall be entitled to demand that the subject Firefighter provide sufficient proof that said Firefighter continues to meet the subject qualifications.
- d) If a Firefighter fails to maintain the qualifications set out in Section 4.1, then the Fire Chief, with majority agreement by the Executive Council shall be entitled to take any action deemed necessary to rectify the situation, including dismissal.

5. **LEAVE OF ABSENCE AND SICK LEAVE**

- 5.1 A Firefighter may be granted sick leave if he reports illness to the Fire Chief. The Firefighter may be required to provide the Fire Chief with a report (sick chit) from a licensed medical doctor for any illness lasting more than two (2) weeks.
- 5.2 A leave of absence of up to six (6) months, may be granted by the Fire Chief to any Firefighter requesting said leave, during which time no replacement shall be required. No further leave of absence shall be granted to a Firefighter until a period of three (3) years have elapsed since the expiration of his/her original leave of absence. However, individual cases may be decided upon by the Fire Chief and Executive Council with approval of the Village Council

6. **ALLOWANCES**

- 6.1 Firefighters may be paid allowances for travel, courses and similar activities as may be determined by the Fire Chief, from time to time.

7. **PROCEDURES FOR COMPLAINTS OR CONCERNS**

- 7.1 Any complaints or concerns of a Firefighter shall be directed to the highest ranking officer within the Station that the Firefighter is based. If the Firefighter is not satisfied with the decision of said Officer, he/she shall be entitled to refer the complaint or concern to the Fire Chief, and Executive Council, whose decision shall be final, binding, and subject to no further review.

8. **ATTENDANCE AT FIRES AND MEETINGS**

- 8.1 Unless excused by the Fire Chief, Firefighters shall attend all emergency incidents when notified. This subsection does not apply to a Firefighter who is on sick leave or leave of absence or can justify his/her absence when asked to do so.
- 8.2 Firefighters shall attend all training exercises or training courses designated by the Fire Chief, or justify his/her absence when asked to do so.
- 8.3 All Firefighters shall attend a regular meeting once a month, or justify his/her absence when asked to do so.
- 8.4 Firefighters who respond to an emergency call, shall return to the designated Station following the emergency, for clean-up, restocking and other duties as deemed necessary by the Fire Chief, highest ranking officer or designate, and shall remain at the designated Station until released by the highest ranking officer or designate.
- 8.5 All Fire Fighters responding to major events, involving significant traumatic circumstances and/or loss of life will be expected to attend Critical Stress Debriefings. Additional counselling will be made available to any Fire Department member upon request.

9. **REPEALED**

By-Law No. 15, entitled, A By-Law of the Village of Gagetown respecting the Fire Department, enacted February 17th, 1987 and any amendments thereto, is hereby repealed.

10. **ENACTMENT**

This By-Law shall come into effect on the date of the enactment thereof.

FIRST READING: September 18th, 2017

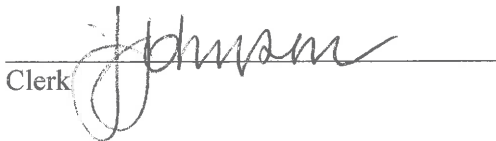
SECOND READING: October 16th, 2017

THIRD READING AND PASSED: October 16th, 2017





Mayor



Clerk