

BY-LAW NUMBER 146

A BY-LAW OF THE MUNICIPALITY OF MINTO RESPECTING  
(PART 1) THE FIRE DEPARTMENT  
(PART 11) THE PREVENTION AND EXTINGUISHMENT OF FIRES

The Council of the Municipality of Minto under the authority vested in it by Section 109 of the Municipalities Act, Being Chapter M-22 Revised Statutes of New Brunswick 1973 and Amendments thereto duly assembled hereby enacts as follows:

1. In this by-law, unless the context otherwise requires,
  - (a) "Council" means the Council of the Village of Minto,
  - (b) "Department" means the Minto Fire Department,
  - (c) "Firefighter" includes temporary, volunteer and permanent firefighters,
  - (d) "Fire Prevention Act" means the Fire Prevention Act, Chapter F-13 of the Revised Statutes of New Brunswick and Regulations thereunder,
  - (e) "Fire Prevention Officer" means a person duly appointed a Fire Prevention Officer by the Council of the Village of Minto upon recommendation of the fire chief, and includes the Fire Chief,
  - (f) "Designated Area" means coverage area of the Minto Fire Department as agreed upon by the Village of Minto and the Department of Environment and Local Government.
2. A department for the Village of Minto to be known as the Minto Fire Department is hereby established and the head of the Department shall be known as the Chief of the Department.
3. In addition to the Chief of the Department, the Department personnel may consist of a Deputy Chief(s) and such number of Assistant Deputy Chief(s), Division Chiefs, District Chief(s), Captain(s), a Fire Prevention Officer(s) in addition to the Chief, Lieutenants and other officers and members as from time to time may be deemed necessary by the Council.
4.
  - (1) The Council shall appoint a Chief of the Department, as voted upon by the members of the department, where possible a qualified member within the Department shall be appointed.
  - (2) On the recommendation of the Chief of the Department and once voted upon by the members of the Department, Council may appoint any qualified person as a member of the Department, as a Fire Prevention Officer, or both.
  - (3) A person is qualified to be appointed a member of the Department for firefighting duties who,

(a) has successfully completed at least grade 10,  
(b) is of good character,  
(c) passes such aptitude and other tests as may be required by the Chief of the Department and/or Training Officer,  
(d) is medically fit to be a member as certified by a physician,  
(e) has passed the Criminal Record check  
(f) has passed Level 1  
(g) is recommended by the Chief.

(4) A person appointed as a member of the Department for fire fighting duties shall be on probation for a period of one (1) year during which period he/she shall take such special training and examinations as may be required by the Chief of the Department.

(5) If a probationary member appointed for fire fighting duties fails any such examinations, the chief of the Department may recommend to Council that he/she be dismissed.

5. The remuneration of all members of the Department shall be as determined by Council.

6. The Chief of the Department is responsible to the Council for the proper administration and operation of the Department, for the discipline of its members, and

(a) may make such general orders and departmental rules as may be necessary for the care and protection of the property of the Department, for the conduct of the members of the Department and generally for the efficient operation of the Department, provided that such general orders and rules do not conflict with the provisions of any by-law of the municipality,

(b) shall review periodically the policies and procedures of the Department and may establish an Advisory Committee consisting of such officers and/or members as he/she may determine from time to time to assist him/her in this duty,

(c) shall take all proper measures for the prevention, control and extinguishment 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 him/her by the Fire Prevention Act,

(d) is responsible for the enforcement of this by-law and the general orders and departmental rules,

(e) shall report all fires to the Fire Marshal as required by the Fire Prevention Act,

(f) shall submit to the Council for its approval, as required by the Council, the annual estimates of the Department,

(g) shall make an annual report to the Council of the activities of the Fire Department during the preceding year including all calls answered by the Fire Department, all fires, an inventory of the fire fighting equipment, names of all members of the Fire Department and recommendations to promote efficiency of the Fire Department,

(h) 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,

(i) shall, in conjunction with the Chairman of the Fire Department Committee, examine and certify the correctness of all accounts of the Fire Department,

(j) shall assign to the firefighters their regular duties and other duties he/she deems proper,

(k) shall make or cause to be made a record of the attendance of all firefighters at each fire,

(l) may suspend any member of the Department for neglect of duty, misconduct or breach of any by-law or regulation and shall forthwith report the suspension to the Chairperson of the Fire Department Committee,

(m) recommend appointment of as many firefighters who reside within the designated area and limits of the municipality as may be determined by Council by resolution and may recommend dismissal of a firefighter for just cause,

(n) appoint as many platoon captains and other officers from among the volunteer firefighters as he/she deems necessary.

#### DEPUTY FIRE CHIEF(S)

7. While on duty, a deputy fire chief shall,

- (a) respond promptly to all fire alarms,
- (b) 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.

8. When so ordered by the fire chief, all firefighters shall assemble for drill and instruction in the use of firefighting equipment at the time and place specified by the fire chief.

#### GENERAL

9. While on duty and not attending a fire, permanent firefighters shall remain at the fire station to which they are posted and shall respond promptly to all fire alarm calls.

10. Permanent firefighters shall not engage in any work other than in the Fire Department without the consent of Council.

11. Members of the Fire Department shall comply with this by-law and the rules and regulations of the Department.

12. 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 or Deputy Chief of the Department or the Chairperson of the Fire Department Committee.

13. (1) 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 or the Deputy Chief of the Department or the Chairperson of the Fire Department Committee,

(2) The Chief of the Department shall report each emergency trip made under this section within twenty-four hours to the Clerk Administrator who shall charge such sum as established by the Council for each trip.

14. (1) No fire fighting equipment shall be taken beyond the limits of the municipality or designated area except with the permission of the Chief, Deputy Chief of the Department or the Chairperson of the Fire Department Committee.

(2) When any fire fighting equipment is taken beyond the limits of the municipality to any fire,

(a) the fire chief shall appoint a member of the Fire Department to take charge of the fire fighting equipment and

(b) no firefighter shall leave the municipality except if he/she is required to operate the fire fighting equipment.

15. (1) Subject to the directions of the Chief of the Department, the duties of a Fire Prevention Officer shall be those necessary to enforce this by-law, regulations, the Fire Prevention Act or other law relating to the prevention and extinguishment of fires.

(2) A Fire Prevention Officer

(a) is empowered to enforce the provisions of this and any other by-law relating to the prevention and extinguishment of fires,

(b) is authorized to enforce the Fire Prevention Act and the regulations made thereunder, and

(c) without limiting the generality of the foregoing, has herewith conferred upon him/her the same powers under the same conditions as are conferred upon the Fire Marshal by sections 11, 12, 16 and 21 of the Fire Prevention Act.

16. A Fire Prevention Officer or any person authorized in writing by a Fire Prevention Officer may enter any building at reasonable times to inspect for fire prevention or to investigate the cause or origin of a fire.

17. (1) Where there is no occupier of the building, structure or premises in respect of which an order is made and the owner is absent from the province or cannot be found within the Province, a Fire Prevention Officer may, after notice or the order to the owner,

(a) by registered mail to his/her last known address,

or

(b) by publication in a newspaper having general circulation in the municipality, carry out the order provided that the expenditure involved is not more than three hundred dollars and, with the approval of the council, any order involving an expenditure of more than three hundred dollars.

18. No person shall store gasoline, oil, liquified petroleum gasses or other petroleum products except in facilities meeting the standards contained in the latest edition of the National Fire Code.

19. The establishing of self-service facilities for the dispensing of flammable liquids shall be in accordance with the requirements of the Fire Prevention Act and Subsection 4, 5, 8, Part 4 of the National Fire Code of Canada, latest edition.

20. Upon request of the fire chief or deputy fire chief, every person present at a fire shall assist any firefighter 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 or deputy fire chief in connection with the fire.

21. (1) Whenever the fire chief, deputy fire chief or other person in charge of a fire deems it advisable to guard that locality of the fire from the crowding of persons or vehicles, he/she may 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.

(2) No person except members of the Fire Department, the police and the owner of a property endangered by the fire, shall enter or be within an area marked off by ropes or barriers under subsection (1).

22. No person

(a) other than a firefighter on duty shall remain in the fire station between midnight and seven o'clock in the morning except when his/her attendance is required on account of a fire alarm,

(b) shall engage in gambling in a fire station,

(c) shall drive a vehicle over or across an unprotected hose or other firefighting equipment unless he/she is given permission to do so by a firefighter or peace officer, and

(d) shall interfere with or obstruct a fire chief or deputy fire chief or any firefighter in the performance of his/her duties at a fire.

23. No person shall place merchandise so as to obstruct the entrance into any premises by firefighters through any window, door, stairway or passageway.

24. (1) Every person who violates any provision of this by-law is guilty of an offence.

- (2) Every person charged with an offence under any section of this by-law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of fifty dollars (\$50.00).
- (3) If the voluntary payment set out in section 25(2) has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of seventy five dollars (\$75.00).
- (4) The voluntary payment set out in either section 25(2) or 25(3) shall be made payable to the Village of Minto as follows:
- in person at 420 Pleasant Drive, Minto, in cash or by certified cheque or money order made payable to The Village of Minto;
- Or
- by mail to: The Village of Minto, 420 Pleasant Drive, Minto, N.B., E4B 2T3, "Attention Clerk Administrator", by certified cheque or money order only, payable to The Village of Minto;
- at which time the ticket or ticket number shall be surrendered to the Village of Minto and such payment shall be deemed payment in full.
- (5) If the voluntary payment set out in either section 25(2) or 25(3) has not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on summary conviction to a fine of not less than one hundred & fifty dollars (\$150.00) and not more than the maximum fine which may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category C offence.

25. This by-law shall come into force and be effective upon its approval the day it is approved by the Lieutenant-Governor in Council.

By-Law No. 63 "A By-law of the Municipality of Minto respecting (part 1) the Fire Department (part 11) the Prevention and extinguishment of fires enacted on the 4<sup>th</sup> day of November 1981, and amendments thereto is hereby repealed.

READ FIRST TIME this 26<sup>th</sup> day of March, 2013

READ SECOND TIME this 26<sup>th</sup> day of March, 2013

READ THIRD TIME AND PASSED this 3<sup>rd</sup> day of April, 2013

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MAYOR

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CLERK

