

**BY-LAW NO. S-13**

**A BY-LAW RESPECTING THE FIRE DEPARTMENT**

BE IT ENACTED BY THE COUNCIL OF THE TOWN OF ST. STEPHEN AS FOLLOWS:

1. In this bylaw

"Fire Chief" means the Fire Chief of the Town of St. Stephen,

"Council" means the Mayor and Councillors of the Town of St. Stephen,

"Fire Department" means the St. Stephen Fire Department,

"Firefighter" means volunteers, temporary, and permanent Firefighters of the Town of St. Stephen,

"Fire Prevention Officer" means any person duly appointed as a fire prevention officer by resolution of Council, including the Fire Chief, to enforce provisions under the Town of St. Stephen Fire Prevention Bylaw, and its amendments, and to enforce the *Fire Prevention Act* and the regulations made there under,

"Member" means a member of the St. Stephen Fire Department and includes an officer,

"Non-Fire Related Rescue" means the provision automobile extraction, water rescue, remote rescue, high angle rescue, confined space rescue or such other services of an emergency nature which the Fire Chief determines that the St. Stephen Fire Department is capable of providing from time to time,

"Officer in Charge" means the senior member at the fire scene where no officer is present.

2. The St. Stephen Fire Department is hereby established (and continued) for the purposes of preventing and extinguishing fires, protecting property from fire, regulating the conduct and requiring the assistance of persons present at fires, authorizing the pulling down or demolition of buildings or other erections to prevent the spread of fire and providing Non-Fire Related Rescue services and it shall consist of the Fire Chief and as many Assistant Fire Chiefs, Captains, other Officers in Charge, Firefighters and Fire Drivers as the Council may from time to time by resolution determine.

3. **FIRE CHIEF**

- 3.01 The Fire Chief is responsible to the Council through the Chief Administrative Officer for the proper administration and operation of the Fire Department. The Fire Chief shall,

- (a) supervise and take charge of the fire station, the firefighting equipment and Non-Fire Related Rescue equipment and keep the same in good order and repair,
- (b) be responsible for and certify the correctness of all accounts against the Fire Department of which he or she has personal knowledge and file the same with the Chief Administrative Officer,
- (c) 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, all Non-Fire Related Rescues, an inventory of the Firefighting apparatus and Non-Fire Related Rescue apparatus, the names of all members of the Fire Department, and recommendations as he or she may deem desirable to promote the efficiency of the Fire Department,
- (d) attend all fires and supervise the fighting thereof,
- (e) attend all Non-Fire Related Rescues and supervise such activities,
- (f) have full charge and sole command at fires and Non-Fire Related Rescues over all persons whether members of the Fire Department or not and take all proper measures for the extinguishment of fires, the protection of property, the completion of Non-Fire Related Rescues, the preservation of order and the observance of the laws and regulations respecting fires in the Town,
- (g) assign to Firefighters their regular duties and such other work as he or she may deem proper from time to time, and
- (h) make or cause to be made a record of the attendance at each fire or Non-Fire Related Rescue of all Firefighters.

3.02 The Fire Chief may suspend any member of the Fire Department for neglect of duty, misconduct or breach of any bylaw, regulation or collective agreement then in force, and shall forthwith report such suspension to the Council through the Chief Administrative Officer.

#### 4. **ASSISTANT FIRE CHIEF**

4.01 The Assistant Fire Chief shall, while on duty, respond promptly to all fire alarms and Non-Fire Related Rescue alarms and obey all lawful orders of the Fire Chief.

4.02 In the absence of the Fire Chief, the Assistant Fire Chief shall have all the powers and perform all the duties of the Fire Chief at the fire scene or Non-Fire Related Rescue scenes, and may perform such other duties as assigned by the Chief from time to time.

5. **CAPTAIN**

- 5.01 A Captain shall, while on duty, respond promptly to all fire alarms and Non-Fire Related Rescue alarms and obey all lawful orders of the Fire Chief and the Assistant Fire Chief.
- 5.02 In the absence of the Fire Chief and the Assistant Fire Chief, a Captain shall have all the powers and perform all the duties of the Chief at the fire scene and Non-Fire Related Rescue scenes, and may perform such other duties as assigned by the Chief from time to time.

6. **LIEUTENANT**

- 6.01 A Lieutenant shall, while on duty, respond promptly to all fire alarms and Non-Fire Related Rescue alarms and obey all lawful orders of the Fire Chief, an Assistant Fire Chief, and a Captain.
- 6.02 In the absence of any senior officer mentioned in this section, a Lieutenant shall assume command of the fire ground operations or Non-Fire Related Rescue ground operations until such time as a senior officer arrives to assume command.

7. **VOLUNTEER FIREFIGHTERS**

- 7.01 The Fire Chief shall appoint as many volunteer Firefighters as may be determined by the Council by resolution and may dismiss a volunteer Firefighter for just cause.
- 7.02 The Fire Chief may appoint as many senior officers from among the volunteer Firefighters as he or she deems necessary.

8. **DUTIES OF FIREFIGHTERS**

- 8.01 Every Firefighter must make a reasonable effort to care for any electronic communications equipment or any other equipment entrusted to him or her and report any defects in such equipment to the officer on duty at the time a deficiency is noted.
- 8.02 When so ordered by the Fire Chief, Assistant Fire Chief, or department training officer, all Firefighters shall assemble for drill and instruction in the use of Firefighting equipment or Non-Fire Related Rescue equipment at the time and place specified by the Fire Chief.
- 8.03 If a member is absent for one-third, or more, of the alarms or practice drills during the year, without just cause, such absence shall be considered good cause for the member's dismissal.

8.04 Members shall comply with this bylaw and the rules and regulations of the Fire Department.

9. **DRIVERS**

9.01 There shall be full time drivers and driver/operators who shall care for, inspect and keep in good repair all Firefighting equipment and Non-Fire Related Rescue equipment, buildings, and grounds and provide despatch duties as directed.

9.02 Drivers shall answer alarms and assist in Firefighting or Non-Fire Related Rescue alarms.

10. **EQUIPMENT USE REGULATIONS**

10.01 No Firefighting equipment or Non-Fire Related Rescue equipment shall be taken beyond the Town limits without permission of the Fire Chief, or if the Fire Chief is absent or otherwise unavailable, the officer- in-charge, as per mutual aid agreements.

10.02 When any Firefighting equipment or Non-Fire Related Rescue equipment is taken beyond the limits of the Town to any fire or Non-Fire Related Rescue, the Fire Chief, or the Officer in Charge, shall take charge of the Firefighting equipment or the Non-Fire Related Rescue equipment, as the case may be. The Fire Chief, or Officer in Charge, shall ensure that a sufficient number of Firefighters remain in the Town for emergency protection.

10.03 The Council may authorize firefighting equipment or Non-Fire Related Rescue equipment to be taken beyond the limits of the Town for parades and other special functions provided sufficient notice thereof is given to the Fire Chief and assurance is given by the Fire Chief that emergency protection for the Town of St. Stephen is maintained.

10.04 No department vehicle shall be used for emergency transportation of person or persons other than a member of the Fire Department, except

(a) when a release, approved as to form by the Town Solicitor, is first signed by the person being transported if he or she is an adult or by the parent or guardian of the person if he or she is a child, and

(b) where a person is injured or unconscious or unable to request transportation, department equipment shall not be used unless a duly qualified medical doctor examines the person and that doctor takes charge of the actual loading, transportation and unloading of that person. The Fire Chief may also authorize such transportation if he or she has obtained medical advice.

- 10.05 No Firefighting equipment or Non-Fire Related Rescue equipment shall be released or loaned to another fire department or agency without written authorization of the Fire Chief and in no circumstances shall property of the Fire Department be released or loaned to an individual or commercial body.
- 10.06 Without written authorization of the Fire Chief, Fire Department vehicles, Firefighting equipment or Non-Fire Related Rescue equipment shall not be used for any work other than work of the Fire Department.

11. **DEMOLITION OF BUILDINGS**

- 11.01 The Fire Chief may, in order to prevent the spread of a fire, issue an order for the pulling down, demolition or removal of any building or structure.

12. **GENERAL PROVISIONS**

- 12.01 No person shall disobey the orders and directions of the Fire Chief or Assistant Fire Chief, or other senior Officer in Charge, while in the performance of their duties at a fire or Non-Fire Related Rescue nor shall any person interfere with or obstruct any such officer or any Firefighter while in the performance of any duty at a fire or Non-Fire Related Rescue.
- 12.02 Every person attending a fire or a Non-Fire Related Rescue shall, upon the request of the Fire Chief or Assistant Fire Chief, or Officer in Charge assist any Firefighter engaged at such fire or Non-Fire Related Rescue and shall obey all orders and directions given to him or her by the Fire Chief or Assistant Fire Chief or Officer in Charge in connection with such fire or Non-Fire Related Rescue.
- 12.03 Whenever the Fire Chief, or Assistant Fire Chief, or Officer in Charge of any fire or Non-Fire Related Rescue deems it advisable to guard the locality of such fire or Non-Fire Related Rescue from the crowding of persons or vehicles, they 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.
- 12.04 No person except a member of the Fire Department, the Fire Marshall, the RCMP, or persons authorized by the Fire Department, shall enter or be within an area marked off by ropes or barriers to indicate an area from which persons and vehicles are prohibited.
- 12.05 No person shall remain in the fire station between 2300 hours and 0700 hours of the following day except a member on duty.
- 12.06 No person shall be in the fire station or report to any alarms while under the influence of intoxicating liquor or a drug nor shall a person bring or have intoxicating liquor or a drug in the fire station. Any Firefighter in contravention of this subsection shall be immediately relieved of his or her duties according to section 3(3.02).

12.07 No person shall engage in gambling in the fire station.

13. **PENALTY PROVISION**

13.01 A person who violates any provision of this bylaw 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. **REPEAL PROVISION**

14.01 Bylaw No. S-4, A Bylaw Respecting the Fire Department, passed by Town Council on April 19, 2004, and amendments thereto, is hereby repealed.

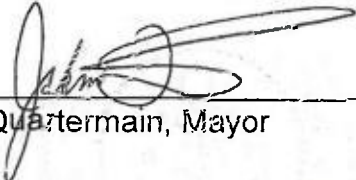
14.02 Bylaw No. S-4, A Bylaw Respecting the Fire Department, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

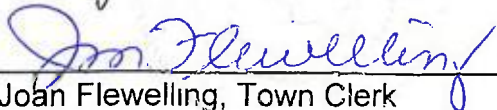
**IN WITNESS WHEREOF** the Town of St. Stephen has caused the corporate seal of the said Town to be affixed to this By-Law the 27<sup>th</sup> day of January, 2014.

FIRST READING: November 25, 2013

SECOND READING: January 27, 2014

THIRD READING: January 27, 2014

  
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John Quartermain, Mayor

  
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Joan Flewelling, Town Clerk