

BY-LAW # 16

A BY-LAW OF THE MUNICIPALITY OF FREDERICTON JUNCTION  
RESPECTING THE FIRE DEPARTMENT

The Council of the Municipality of Fredericton Junction 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 Fredericton Junction (or other appropriate Executive Authority),
  - (b) “Department” means the Fredericton Junction Fire Department,
  - (c) “Member” includes an officer,
  - (d) “Firemen” includes volunteer firemen.
2. A department for the Village of Fredericton Junction to be known as the Fredericton Junction 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 shall consist of a deputy chief and such number of assistant deputy chiefs, division chiefs, district chiefs, captains and other officers and members as from time to time may be deemed necessary by the Council.
4.
  - (1) The Chief of the Department may recommend to the Council the appointment of any qualified person as a member of the Department.
  - (2) A person is qualified to be appointed a member of the Department for fire fighting duties who:
    - (a) is a good character; and
    - (b) passes such aptitude and other tests as may be required by the Chief of the Department and the Personnel Officer.
  - (3) A person appointed 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.

5. The remuneration of all members of the Department shall be as determined by the 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 as he may determine from time to time to assist him 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 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 Marshall as required by the Fire Prevention Act of the Province of New Brunswick;
- (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 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 and the insurance coverage in each fire, 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.

- (h) shall, while on duty, attend all fires and supervise the fighting thereof;
- (i) 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;
- (j) shall examine and certify the correctness of all accounts of the Fire Department and file them with the clerk not later than the last day of each month;
- (k) shall assign to the firemen their regular duties and other duties he deems proper;
- (l) shall make or cause to be made a record of the attendance of all firemen at each fire; and
- (m) 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 Chairman of the Safety Committee.

#### **DEPUTY FIRE CHIEFS**

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.

PLATOON CAPTAINS

8. A Platoon Captain shall:
  - (a) be responsible for the conduct of the firemen in his platoon;
  - (b) report in writing to the Fire Chief the absence of any firemen and any neglect, misconduct or breach of any by-law or regulation by a fireman;
  - (c) while on duty take charge of all fire fighting equipment and cause it to be kept in good order and repair and ready at all times for efficient service and shall report any defect therein to the Fire Chief; and
  - (d) preserve order and discipline of the firemen at all times while on duty.
10. Upon request of the Fire Chief or Deputy Fire Chief, every person attending a fire shall assist any fireman in the performance of the duties at the fire and shall obey all orders and directions given to him by the Fire Chief or Deputy Fire Chief in connection with the fire.
11.
  - (1) Whenever the Fire Chief, Deputy Fire Chief or other person in charge of a fire deems it advisable to guard the locality of the fire from the crowding of persons or vehicles, he 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 the property endangered by the fire, shall enter or be within an area marked off by ropes or barriers under subsection (1).
17. Members of the Fire Department shall comply with this by-law and the rules and regulations of the Department.
18. Fire Department vehicles and fire fighting equipment shall not be used for any work other than work of the Fire Department.

19. (1) No Fire Department vehicle shall be used for emergency transportation of a person other than a member of the Fire Department, except:
  - (a) when a release approved by the municipal solicitor is first signed by the person being transported if he is adult or by the parent of the person if he is a child; and
  - (b) where a person is injured or unconscious or unable to request to request transportation, Fire Department equipment shall not be used unless a duly qualified medical doctor examines the person and that doctor takes charge of the actual transportation and unloading of the person.
- (2) Permission for the use of Fire Department equipment under subsection (1) may be given by the Mayor, clerk or a member of the Safety Committee only when the municipality ambulance is not available.
- (3) The Fire Chief shall report each emergency trip made under this section within twenty-four hours to the clerk who shall charge ten (\$10.) dollars for each trip.
20. (1) No fire fighting equipment shall be taken beyond the limits of the municipality except with the permission of the Safety 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.

**GENERAL**

21. No person:
  - (a) shall drive a vehicle over or across an unprotected hose or other fire fighting equipment unless he is given permission to do so by the fireman or peace officer;

- (b) shall disobey the orders and directions of the Fire Chief or Deputy Chief given in the performance of his duties at a fire; and
  - (c) shall interfere with or obstruct a Fire Chief or Deputy Fire Chief or any fireman in the performance of his duties at a fire.
22. No person shall place merchandise so as to obstruct the entrance into any premises by firemen through any window, door stairway or passageway.
23. This By-Law comes into force on the date of the final passing thereof.

**READ FIRST TIME** this 18<sup>th</sup> day of September, 1979.

**READ SECOND TIME** this 18<sup>th</sup> day of September, 1979.

**READ THIRD TIME AND DONE AND PASSED IN COUNCIL** this 8<sup>th</sup> day of January, 1980.

LENA H. BUNKER  
CLERK

JOHN L. DRYDEN  
MAYOR