

BY-LAW NO. 280
A BY-LAW GOVERNING THE FIRE DEPARTMENT OF
THE TOWN OF SACKVILLE

Be it enacted by the Council of the Town of Sackville under the authority vested in it by the *Local Governance Act*, S.N.B. 2017, c. 18, as follows:

DEFINITIONS

1. In this By-Law:
 - (a) “**Captain**” means a Captain of the Department.
 - (b) “**Chief Administrative Officer**” means the Chief Administrative Officer of the Town.
 - (c) “**Council**” means the Council of the Town.
 - (d) “**Department**” means the Fire Department of the Town.
 - (e) “**Deputy Chief**” means a Deputy Fire Chief of the Department.
 - (f) “**Emergency Call**” means a call for service to the Department, including, but not limited, to those listed in Section 36 of this By-Law.
 - (g) “**Fire Chief**” means the full-time Fire Chief of the Department.
 - (h) “**Fit for Duty**” means an individual is in a physical, mental, and emotional state which enables the Member to perform essential tasks of a firefighter.
 - (i) “**Lieutenant**” means a Lieutenant of the Department.
 - (j) “**Member**” means a part-time employee of the Town working within the Department as a firefighter and includes all Officers except the Fire Chief.
 - (k) “**Officers**” means the Fire Chief, Deputy Fire Chiefs, Captains and Lieutenants of the Department and “**Officer**” means one of them.
 - (l) “**Town**” means the Town of Sackville.

ORGANIZATION

2.
 - (a) The Department shall operate under the direction of the Fire Chief who shall do so in accordance with the Town's By-Laws and all policies directives established by Council.
 - (b) The Fire Chief shall report directly to the Chief Administrative Officer.
3. Council shall from time-to-time establish the maximum number of Members.
4.
 - (a) The Department shall be divided into the following companies:
 - Pumper Company No. 1
 - Pumper Company No. 2
 - Pumper Company No. 3
 - Aerial Company No. 4
 - Rescue Company No. 5
 - (b) Each Company shall have a Captain and a Lieutenant.
 - (c) The Officers of the Department shall rank in the following order:
 - Fire Chief
 - Deputy Fire Chiefs
 - Captain of Company No. 1
 - Captain of Company No. 2
 - Captain of Company No. 3
 - Captain of Aerial Company No. 4
 - Captain of Rescue Company No. 5
 - Lieutenant of Company No. 1
 - Lieutenant of Company No. 2
 - Lieutenant of Company No. 3
 - Lieutenant of Aerial Company No. 4
 - Lieutenant of Rescue Company No. 5

FIRE CHIEF

5. The Fire Chief is responsible through the Chief Administrative Officer for the proper administration and operation of the Department and for the management and supervision of the Members.
6. The Fire Chief shall:
 - (a) divide the Members into companies;
 - (b) along with the Chief Administrative Officer, appoint Captains and Lieutenants from among the Members;

- (c) in consultation with the other Officers (who, in turn, shall seek input from the Members in their respective companies) prepare such policies and procedures as may be necessary for the care and protection of the property of the Department, for the conduct of the Members and generally for the effective and efficient operation of the Department and, in consultation with the Chief Administrative Officer, present such policies to Council for review and adoption;
- (d) periodically review the established policies and procedures of the Department and make recommendations to the Chief Administrative Officer and Council with respect to changes or improvements to Council approved policies as required;
- (e) take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property;
- (f) in consultation with the Town's By-Law Enforcement Officer, be responsible for the enforcement of the Town's By-laws respecting fire prevention and exercise the powers and duties imposed by the *Fire Prevention Act*;
- (g) be responsible for the enforcement of this By-law and the applicable Department policies and procedures;
- (h) report fires to the Fire Marshal if required by the *Fire Prevention Act*;
- (i) make a monthly report to Council of the activities of the Fire Department during the preceding month, including all Emergency Calls answered by the Department,
- (j) have full charge and sole command over the conduct of all persons at the scene of an Emergency Call, whether they are Members or not;
- (k) assign the Members their regular duties and such other duties as are from time-to-time appropriate;
- (l) make, or cause to be made, a written incident report of the attendance of all Members at the scene of each Emergency Call;

DEPUTY FIRE CHIEF

7. While on duty a Deputy Fire Chief shall:

- (a) respond promptly to all emergency calls;
- (b) carry out all lawful directions of the Fire Chief and conduct themselves strictly in accordance with all Department policies and procedures; and

- (c) in the absence of the Fire Chief, have the authority of, and perform the duties of, the Fire Chief.

APPOINTMENT

- 8.
 - (a) No person may apply or be considered for employment in the Department until they have reached the age of 19.
 - (b) After retirement, a Member shall no longer be an employee of the Town, shall not participate in the response to Emergency Calls and shall immediately return all Town equipment and property, but may, subject to the approval of the Fire Chief, keep their dress uniform.
 - (c) Every applicant to be a Member shall apply in writing in the prescribed form, addressed to the Fire Chief and signed by the applicant.
 - (d) The Fire Chief shall date and consider each application in the order in which it has been received, but nothing herein shall prevent the Fire Chief from passing over any applicant.
 - (e) No person shall be considered for a position with the Department if they have a criminal record.

QUALIFICATION OF MEMBERS

- 9.
 - (a) Every applicant to become employed as a Member must be Fit for Duty to perform their duties as a Member. Each applicant shall undergo to a medical examination as set out in Schedule 'A' attached hereto, as well as physical agility and phobia testing as established by the Fire Chief from time to time. Prior to being hired, Applicants will also be required to attend an orientation session and provide a criminal record check at the expense of the Town.
 - (b) Every Member must remain Fit for Duty to perform their duties at all times. At their discretion, the Fire Chief can request, at the Town's expense, such additional detailed medical examination from any Member as any particular circumstance reasonably warrants to confirm the Member in question is, or remains, Fit for Duty.
 - (c) Each Member must reside within the Town or close enough to the Town to allow them to respond to any alarm in a timely fashion as determined by the Fire Chief.

10. All applicants will be interviewed to assist in the determination of their suitability to become employed as a Member.

MEMBERS

11. Every Member, before becoming employed as a Member, shall confirm in writing their obligation and willingness to abide by, and conform with, all Department policies and procedures and the By-Laws of the Town.
12.
 - (a) Any Member who wishes to resign shall do so in writing, addressed to the Fire Chief, and the letter be delivered at least 14 days prior to the effective date of their resignation.
 - (b) Any Member who intends to be absent from the Town for a period greater than 48 hours shall, whenever possible before leaving, notify the Fire Chief, or in their absence, an Officer-in-charge and shall also notify same as soon as possible upon their return.
13. It shall be the obligation of every Member to immediately advise the Fire Chief if they have been charged with a criminal offence and the particulars thereof. Any Member charged with an offence shall be immediately placed on unpaid leave until such time as the disposition of their charge and shall be terminated from their position if convicted.
14.
 - (a) Every Member must submit to a medical examination every four years as per Schedule "A" attached, at the expense of the Town and otherwise as requested by the Fire Chief.
 - (b) Every member must inform the Fire Chief of any medical condition(s) which could possibly affect their ability to fully perform their duties.
15. Member may be granted a leave of absence without remuneration of up to 12 months, including an extension, by making written application to the Fire Chief setting out the reasons for the request and duration of the leave sought.

OFFICERS

16. Subject to the reasonable discretion of The Fire Chief in appropriate situations:
 - (a) A Deputy Chief must have at least five (5) years of experience as a Captain and must be a qualified driver-operator on all Department apparatus.
 - (b) A Captain must have at least two (2) years of experience as a Lieutenant.
 - (c) A Lieutenant must have at least four (4) years of experience after successfully completing their Firefighter I curriculum.

17. All Officers shall be appointed to their position by the Fire Chief in consultation with the Chief Administrative Officer for the following terms:
- (a) Deputy Chief - five (5) years:
 - (b) Captain - two (2) years; and
 - (c) Lieutenant - three (3) years.

The term of a Captain or a Lieutenant may be renewed once for an identical term at the discretion of the Fire Chief.

REMUNERATION

- 18.
- (a) Each Member and the Fire Chief shall receive a sum per hour established by Council for attendance at Emergency Calls, scheduled trainings, and for performing duties in connection with the Department which may be requested of them by the Fire Chief or their delegate.
 - (b) In addition to the amounts received under Section 18(a), Deputy Fire Chiefs shall receive an annual stipend in an amount established by Council from time-to-time.
 - (c) From time to time, remuneration may be necessary for any additional work, subject to the approval of the Fire Chief and CAO.

REPORTS

19. The Fire Chief, or in their absence, a Deputy Chief, shall, on returning to the Fire Station after any fire, cause a record to be made of the Members who attended such fire and shall file a report with the Town and the Fire Marshall's Office (FIRS – Fire Incident Reporting System).

TRAINING

- 20.
- (a) The Department shall hold sufficient training sessions to ensure that all Members become, and remain, proficient in their duties.

- (b) All Department companies, or any of them, or any Member shall assemble at the time and place when required by the Chief on not less than twenty-four hours' notice to train with their vehicles and apparatus.

CONDUCT AT EMERGENCY CALLS

21. In the absence of the Fire Chief or a Deputy Fire Chief at any Emergency Call, the Captain or Lieutenant first on scene, shall be Officer-in-charge of the emergency scene until superseded by an Officer of superior rank.
22. No Member shall have the right to enter any building or premises except in the performance of their duties.
23. When accompanied by a second Member, a Member may enter a building in the vicinity of any Emergency Call for the purpose of saving lives or property, or for the purpose of extinguishing a fire or controlling the emergency scene, or for other lawful purposes in connection with their duties as Members.
24. The Officer-in-charge of the scene may authorize the pulling down or demolition of buildings or other structures, in whole or in part, to prevent the spread of the fire.
25. The Officer-in-charge of the scene may order any street, alley or sidewalk, or any part thereof, to be temporarily closed to traffic and thereafter no person shall drive, walk or be in any such area except those persons whose homes or businesses are within the area and any persons directly assisting them.
26. Neither the Town nor any Member shall be liable for damages to property caused by Members while acting under the provisions of Sections 23, 24 or 25.
27. Each Member must be properly clothed in all required personal protective equipment while on duty during an emergency call.
- 28.
- (a) The Officer-in-charge may, in major emergencies, require any able-bodied person to give such assistance as the Department may require in performing any duties at an emergency scene.
- (b) Any person required by the Officer-in-charge shall forthwith perform such services as are requested of them, and shall continue to do so until relieved by the Officer-in-charge.
- 29.
- (a) Any person who violates subsection 28(b) of this By-Law commits an offence punishable under part II of the *Provincial Offences Procedure Act* as a category E offence.
- (b) Where a person is convicted of an offence under subsection 29(a), the Court, in addition to any penalty imposed under subsection 29(a), may

order that person to comply with the order of the Fire Chief or with the request for assistance.

- (c) A person who fails to comply with an Order of the Court under subsection 29(b) commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category F offence.

GENERAL PROVISIONS

30. No Department apparatus may be taken beyond the boundaries of the Town except as authorized by the Fire Chief for community events, such as parades etc., by order of the Officer-in-charge, or when responding to an Emergency Call beyond boundaries of the Town.
31. Pursuant to the Town's Substance Use Policy No. 2020-08, no Member shall use or be under influence of, any intoxicating substances at any time while attending or traveling to Emergency Calls, training sessions, Department meetings or at any time during the course of carrying out their duties.
32. No Member shall allow any non-Member to ride on, or in, Department vehicles while attending emergency calls or practices.
33. Except with the express permission of the Fire Chief or a Deputy Chief, no Member shall remove any Department equipment or property from the fire station premises, or permit any to be removed, except for use at Emergency Calls or for training purposes.
- 34.
- (a) Any Member who violates any of the provisions of section 22, 23, 27, 30, 31, 32 or 33 or fails to comply with applicable policies or procedures, a direction or instruction from a superior, shall be subject to reprimand or suspension, at the discretion of the Fire Chief.
- (b) The Fire Chief shall cause a record to be kept of all such violations and of the disposition made or penalty imposed as a result of any such violations.
35. The Chief Administrative Officer, in consultation with the Fire Chief, may suspend or dismiss any Member for just cause.

RESPONSIBLE FOR RESPONDING

36. The Department is responsible for responding to the following:
- (a) commercial/residential alarms/fires;

- (b) wildfires;
- (c) motor vehicle collisions;
- (d) ice/water rescue;
- (e) off road rescue;
- (f) assisting Ambulance New Brunswick;
- (g) assisting the Emergency Measures Organization (EMO); and
- (h) in relation to any hazards as identified in the EMO Plan

REPEAL

37. By-Law No. 248, A By-Law Governing the Fire Department, and all amendments thereto, are hereby repealed upon third and final reading of this By-Law.

EFFECTIVE DATE

38. This By-Law comes into force on the date of final passing thereof.

Read a first time this 12th day of July, 2022.

Read a second time this 9th day of August, 2022.

Read a third time and passed Council this 9th day of August, 2022.

Mayor

Clerk

Schedule 'A'

**MEDICAL
FITNESS
REPORT**



**Sackville
Fire
Department**

Name _____ **Date of Birth** _____

Address _____

INSTRUCTIO

NS:

1. This form is to be completed by a licensed medical practitioner and must be returned to the employer.
2. A response is required for each question asked.
3. A positive response must be elaborated upon in the space provided at the bottom of the form.
4. Fee for the examination is the responsibility of the Town of Sackville.

YES

NO

1. Is there any loss of an arm, a hand, a foot or a leg?

2. Is there any impairment of the fingers, feet, legs, hands or arms, or other structural defects, limitation of mobility, or co-ordination, to a degree likely to interfere with the safe operation of a motor vehicle?

3. Is there any established medical history or diagnosis of a disorder of the musculo-skeletal or nervous system, which may interfere with the safe operation of a motor vehicle?

4. Is there any established history or clinical diagnosis of diabetes that requires insulin for control?

5. Is there any established medical evidence of myocardial infarction, angina pectoris, coronary insufficiency or thromboses? If first occurrence, fully recovered?

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6. Is there any established medical evidence of heart or lung disease including arrhythmia or respiratory dysfunction likely to interfere with the safe operation of a motor vehicle?

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7. Does applicant suffer from hypertension accompanied by postural hypotension resulting in giddiness when under treatment?

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8. Does applicant require hearing assistance?

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9. Is there any established medical history of loss of consciousness, or awareness, due to a chronic or recurring condition?

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10. Does the applicant continuously use any prescription drug that could, in the dosage prescribed, impair his/her ability to operate a motor vehicle?

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11. Has the applicant been clinically diagnosed as an alcoholic or drug addict?

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12. Is there any established medical evidence of a sustained psychiatric disorder, with particular regard to depression, suicidal tendencies, or impulsive aggressive behavior?

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13. Is there any other physical or mental impairment, disease or condition that is likely to significantly interfere with the individual's ability to operate a motor vehicle safely?

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14. Is the applicant medically fit for firefighting duties?

Remarks: _____

This is to certify that I have examined the above-named applicant and all areas of the form have been completed.

Date _____

Examining Physician: Name: _____

Address: _____

Signature: _____

