

EASTERN CHARLOTTE

BY-LAW NO. EC-08 A BY-LAW RESPECTING THE FIRE DEPARTMENT FOR EASTERN CHARLOTTE

PURPOSE: A By-Law of Eastern Charlotte, in the Province of New Brunswick, respecting the Fire Department.

BE IT ENACTED by the Council of Eastern Charlotte under the authority vested in it by the *Local Governance Act*, R.S.N.B. 2017, c. 18, as follows:

1. TITLE

- 1.1. This by-law shall be cited as the “Fire Department By-Law”.

2. DEFINITIONS

- 2.1. “CAO” means the Chief Administrative Office of the Municipality.
- 2.2. “Council” means the Mayor and Councillors of the Municipality.
- 2.3. “Battalion Chief” means an Officer previously appointed as a Fire Chief responsible for an individual Department prior to Local Governance Reform (Eastern Charlotte Regional Fire Service (Blacks Harbour), Fundy Bay Fire Department (Fundy Bay Local Service District), or the St. George Fire Department), reports to the Fire Chief.
- 2.4. “Department” means the Eastern Charlotte Fire Rescue, and all departments or sections that are encompassed under such, either current or former, which include the St. George Fire Department, Blacks Harbour Fire Department/Eastern Charlotte Regional Fire Service, Fundy Bay/Back Bay Fire Department, Pennfield Fire Department, and the Second Falls-Bonny River Fire Department.
- 2.5. “Deputy Chief” means a Deputy Chief as appointed by the Fire Chief with the approval of Council and the CAO; maybe either full-time, part-time or a volunteer.
- 2.6. “District Chief” means an Officer responsible for an individual Station, appointed by the Fire Chief, reports to the next Officer in the chain of command as they are appointed by the Fire Chief.
- 2.7. “Fire Chief” means the full-time Fire Chief of Eastern Charlotte, hired by the CAO and Council, reports to the CAO.
- 2.8. “Firefighter” means volunteers, temporary and permanent firefighters of the Department.
- 2.9. “Home Station” means the firefighter’s primary Station for dispatch and reporting.
- 2.10. “Junior Member” means an active member of the Department at least 16 years of age, but not more than 18 years of age.
- 2.11. “Member” means an active member of the Department and includes an officer.
- 2.12. “Municipality” means the municipality of Eastern Charlotte.
- 2.13. “Officers” means the Fire Chief, Deputy Fire Chief(s), Captain(s), and Lieutenant(s) of the Department.
- 2.14. “Officer in Charge” means the senior member at a scene where no senior officer is present.
- 2.15. “Roster” means the list of active Members of the Department.

2.16. "Station" means a facility designated as a Fire Station.

3. ORGANIZATION

3.1. The Department shall be under the direction of the Fire Chief.

3.2. In addition to the Fire Chief, the Department may include a Deputy Chief and such a number of Captains, Lieutenants, and Firefighters and other personnel as from time to time may be deemed necessary by Council. The organizational structure of the Fire Department is as shown in Schedule "A".

3.3. The Fire Chief shall:

3.3.1. Subject to the approval of the CAO, have administrative and operational jurisdiction over all matters pertaining to the Department;

3.3.2. Report all fires to the Fire Marshal as required by Provincial Law;

3.3.3. Ensure the submission of regular monthly reports to Council;

3.3.4. Enforce this bylaw, and have the authority to suspend or dismiss any Firefighter for violation of the bylaw.

3.4. The Deputy Chief, if any, is subordinate to the Fire Chief. In the absence of the Fire Chief, they shall have all powers of and perform the duties of the Fire Chief. In the absence of an active Fire Chief or Deputy Chief, the CAO shall designate a person or persons to have all powers of and perform the duties of the Fire Chief.

3.5. A Battalion Chief, or District Chief, shall not reside more than fifteen (15) kilometres from their appointed Station.

3.6. Fire Response Calls

3.6.1. The Fire Chief shall have direct charge at all Fire Response Calls and shall direct operations.

3.6.2. In the absence of the Fire Chief, the Deputy Chief shall direct operations.

3.6.3. In the absence of the Fire Chief and the Deputy Chief, the most Senior Officer of the fire area, in accordance with Schedule "A", shall direct operations.

3.6.4. In the absences of all Chiefs and Officers, the most senior firefighter of the fire area, in accordance with Schedule "A", shall direct operations.

4. FIREFIGHTER QUALIFICATIONS AND RESPONSIBILITIES

4.1. Application and Appointment

4.1.1. Every applicant for membership in the Department shall apply in writing, addressed to the Fire Chief and signed by the applicant.

4.1.2. The Fire Chief shall date and file each application for membership in the order in which it has been received.

4.1.3. The Fire Chief shall, when considering applications for membership, consider them in the order in which they have been received, but nothing herein shall prevent the Fire Chief from passing over any applicant.

4.1.4. Every member before entering on their duties shall sign an Agreement to abide by and conform to all the rules and regulations of the Department, and By-Laws and Policies of the Municipality.

- 4.1.5. The member will be appointed to the Station closest to their residence as their Home Station.
- 4.2. A person is qualified to be Member of the Department for firefighting duties who:
 - 4.2.1. is at least eighteen (18) years of age;
 - 4.2.2. resides within the boundaries of the Municipality, or close enough to the Municipality to allow them to respond to any alarm in a timely fashion as determined by the Fire Chief;
 - 4.2.3. is of good character and compatible with the existing members, according to the discretion of the Fire Chief;
 - 4.2.4. is medically fit to be a member as certified by a medical doctor; and,
 - 4.2.5. has an acceptable background check conducted by the RCMP.
- 4.3. Probationary Members
 - 4.3.1. A person appointed as a member or junior member of the Department for firefighting duties shall be on probation for a period of six months.
 - 4.3.2. During the probationary period they shall complete such special training and examinations as may be required by the Fire Chief.
 - 4.3.3. If a probationary member fails to successfully complete training which is assigned or fails to achieve a passing grade in such examinations, or is determined to be incompatible with existing members, the Fire Chief may dismiss the member from the Department.
- 4.4. Drivers On-Call
 - 4.4.1. Drivers shall cover weekend on-call shifts as determined by the On-Call Schedule or ensure that a replacement driver is available during the duration of their designated shift.
 - 4.4.2. Drivers On-Call shall:
 - 4.4.2.1. Respond to all alarms during the duration of their shift; and,
 - 4.4.2.2. Ensure that the weekly equipment checklists are completed, and the Station is in a satisfactory state of cleanliness.
 - 4.4.3. Auxiliary Drivers may be appointed and not be required to have designated weekend shift coverage according to the On-Call Schedule at the discretion of the Fire Chief.
 - 4.4.4. Drivers On-Call shall adhere to any active Drivers On-Call Policy.
- 4.5. All members responding to a call must adhere to the Provincial Motor Vehicle Act, for both municipal/fire vehicles and personal vehicles.
- 4.6. All members must sign the Code of Conduct and Confidentiality Agreement of the current Human Resource Policy for Eastern Charlotte.
- 4.7. Every Firefighter must make a reasonable effort to care for any electronic communications equipment or any other equipment (such as PPE) entrusted to them and report any defects in such equipment to the District Chief at the time the deficiency is noted.
- 4.8. When so ordered by the Fire Chief, Deputy 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 or other Officer.

- 4.9. The limited service age of all members shall be seventy (70) years and over, and at the discretion of the Fire Chief. These members shall act in a supportive role.
- 4.10. Any member who wishes to resign and remain in good standing shall do so in writing, addressed to the Fire Chief, and the letter be delivered, preferably at least 10 days prior to the effective date of his or her resignation.
- 4.11. The Fire Chief may suspend any member of the Department for neglect of duty, misconduct or breach of any by-law, regulation or collective agreement then in force, and shall forthwith report such suspension to the CAO.
- 4.12. If a member is absent for 40% or more of fire calls, non-fire-related rescue calls, and training, such absence shall be considered good cause for the member's dismissal.
- 4.13. Members shall comply with this by-law and the rules and regulations of the Department.
- 4.14. Firefighter Equipment
 - 4.14.1. Members will be issued the following standard equipment:
 - 4.14.1.1. One (1) pager;
 - 4.14.1.2. Minimum of one (1) set of turnout gear;
 - 4.14.1.3. One (1) login for dispatching smartphone application(s).
 - 4.14.2. Officers and Drivers will also be issued one (1) portable TMR radio in addition to standard equipment listed above.

5. JUNIOR FIREFIGHTERS

- 5.1. Qualifications for Junior Members
 - 5.1.1. is at least sixteen (16) years of age;
 - 5.1.2. is of good character and compatible with the existing members, according to the discretion of the Fire Chief;
 - 5.1.3. is medically fit to be a member as certified by a medical doctor;
 - 5.1.4. has an acceptable background check conducted by the RCMP; and
 - 5.1.5. has received consent from a parent/guardian, as evidenced by a completed and signed Written Consent to Employ a Child form.
- 5.2. Duties of Junior Members
 - 5.2.1. Junior members will assist with clean up and returning apparatus and equipment back to service.
 - 5.2.2. Junior members may attend training exercises at the discretion of the Fire Chief, subject to the terms and conditions of the training organization.
 - 5.2.3. Junior members may respond to the Station for incident alarms but shall not respond directly to the incident location(s) unless individually approved by the Fire Chief for each incident.
 - 5.2.4. Junior members shall not respond to incident alarms between the hours of 07:00 and 15:15 on regular school days.
 - 5.2.5. Junior members shall not allow Department-issued communications equipment to disrupt classroom activities while attending school.

Communications equipment shall be turned off when entering the classroom.

6. LEAVE OF ABSENCE

- 6.1. A Leave of Absence of up to six (6) months, without remuneration or honorarium, may be granted by the Fire Chief to any Firefighter requesting said leave, during which time no replacement shall be required.
- 6.2. If the Firefighter is unable to return to duty at the expiration of the Leave of Absence, they will be removed from the Roster.
- 6.3. No further leave of absence shall be granted to a Firefighter until three (3) years have elapsed since the expiration of their original leave of absence. However, individual cases may be decided upon by the Fire Chief.

7. GENERAL PROVISIONS

- 7.1. No person shall disobey the orders and directions of the Fire Chief or Deputy Fire Chief, or other Officer in Charge, while in the performance of their duties at a fire scene or non-fire related rescue scene, 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.
- 7.2. Every person attending a fire or a non-fire related rescue, shall, upon the request of the Fire Chief, Deputy Chief, or other Officer in Charge, assist any Firefighter engaged at such fire or non-fire related rescue and shall obey all orders and directions given to them by the Fire Chief, Deputy Chief or Officer in Charge.
- 7.3. Whenever the Fire Chief, Deputy Chief or Officer in Charge 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.
- 7.4. No person except a Member of the Department, Fire Marshal Office, RCMP, or persons authorized by the 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.
- 7.5. No person shall remain in the Station between the hours of 23:00 and 07:00 of the following day, unless approved by the Fire Chief.
- 7.6. No person shall be in the fire station or report to any alarms while under the influence of intoxicating liquor or drug, nor shall any person bring or have intoxicating liquor or drug in the Station. Any Member in contravention of this subsection shall be immediately relieved of their duties.
- 7.7. No person shall engage in gambling in the Station.
- 7.8. No person shall drive a vehicle over or across an unprotected hose or other firefighting equipment unless given permission to do so by a Member of the Department or a peace officer.
- 7.9. No person shall place merchandise so as to obstruct the entrance into any premises by Firefighters through any door, window, stairway or passageway.

8. PROCEDURE FOR GRIEVANCES

- 8.1. Any Member may place a grievance against any other Member or superior Officer.
- 8.2. Such a grievance shall be in writing addressed to the Fire Chief and signed by the person making the charge within ten (10) days of the incident.

8.3. Such grievance shall set out in detail the nature of the offence, the date, time, and place where it was committed, and the names and addresses of any person(s) who have knowledge of the fact alleged.

8.4. Grievances shall be reviewed by the Fire Chief and/or CAO.

9. REPEAL OF EXISTING BYLAWS

9.1. The enactment of this by-law repeals the following by-law(s) and policy(ies), and all amendments thereto:

9.1.1. *By-Law # 26-A, 2014, A By-Law Respecting the Fire Department for the Town of St. George, sections 2-16, and section 19.*

9.1.2. *Policy # 45, Blacks Harbour Volunteer Firefighter In-take Policy.*

9.2. The repeal of the above by-laws shall not affect any penalty, forfeiture or liability, incurred before such repeal, or any proceeding for enforcing the same completed or pending at that 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.

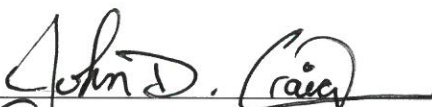
10. ENACTMENT

IN WITNESS WHEREOF the local government of Eastern Charlotte has caused its corporate seal to be affixed to this By-Law, the 15 day of November, 2023.

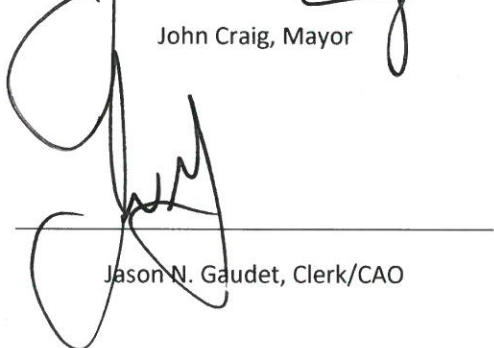
First Reading: 18 October 2023

Second Reading: 18 October 2023

Third and Final Reading and Enacted: 15 November 2023

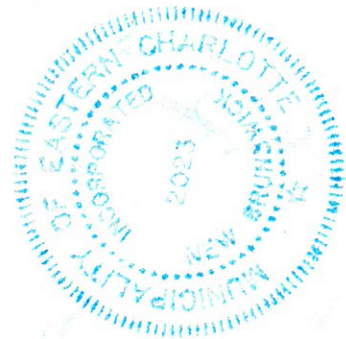


John Craig, Mayor



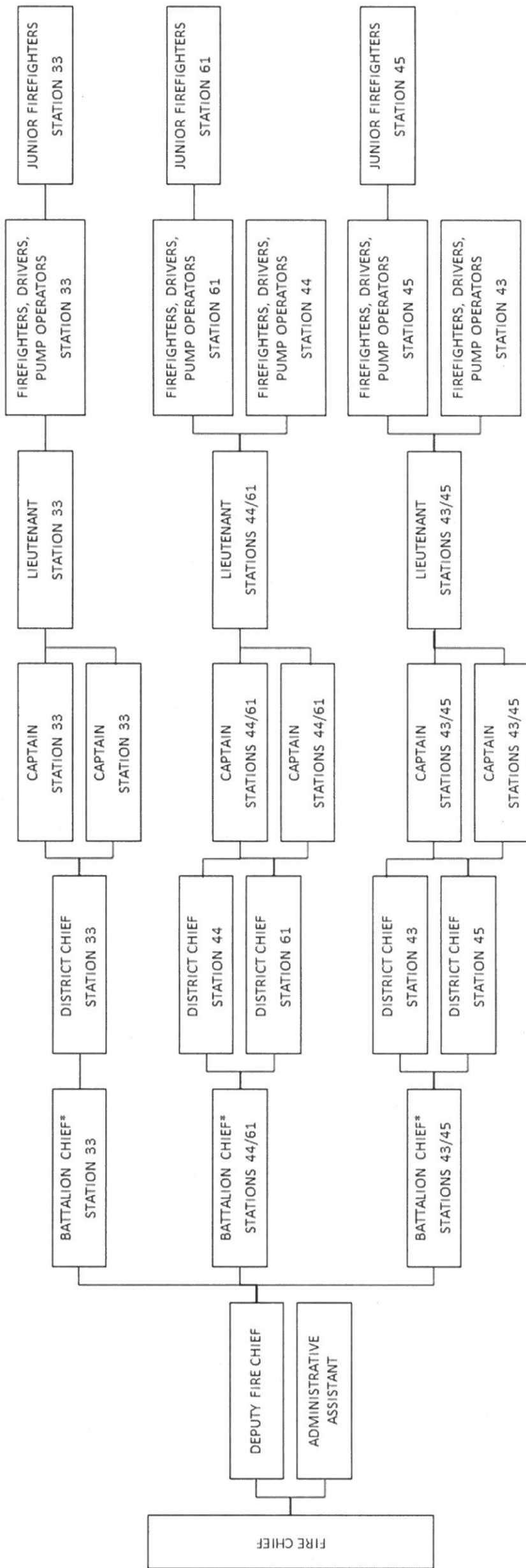
Jason N. Gaudet, Clerk/CAO

SEAL



SCHEDULE "A"

DEPARTMENT ORGANIZATIONAL STRUCTURE



* Once individually vacated, each Battalion Chief position will be dissolved.