

BY-LAW NO. 118

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE
GRAND BAY-WESTFIELD VOLUNTEER FIRE-RESCUE DEPARTMENT**

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The Council of the Municipality of Grand Bay-Westfield under authority vested in it by Section 11 of the *Municipalities Act*, R.S.N.B. 1973, c.M-22 and amendments thereto enacts as follows:

SHORT TITLE

1. This by-law may be cited as the Volunteer Fire-Rescue Department By-law.

DEFINITIONS

2. In this by-law:
 - a) "Chief" means the Fire Chief of the Grand Bay-Westfield Volunteer Fire-Rescue Department;
 - b) "Council" means the Council of the Town of Grand Bay-Westfield;
 - c) "Department" means the Grand Bay-Westfield Volunteer Fire-Rescue Department;
 - d) "Town Manager" means the Chief Administrative Officer of the Town of Grand Bay-Westfield;
 - e) "Member" means volunteer firefighters, Officers and the Chief of the Department;
 - f) "Municipality" means the Town of Grand Bay-Westfield;
 - g) "Non-Fire Related Rescue" means the provision of automobile extrication, ice rescue, remote rescue, emergency first aid or such other services of an emergency nature, not under the threat of imminent fire, which the Fire Chief determines that the Department is capable of providing from time to time.

STRUCTURE

3. A department for the Town of Grand Bay-Westfield to be known as the Grand Bay-Westfield Volunteer Fire-Rescue Department is hereby established (and continued) for the purposes of preventing and extinguishing fires, protecting property from fire, assisting other agencies such as Police, Emergency Measures Organization, Department of Natural Resources, Ground Search and Rescue and Ambulance with the provision of Non-Fire Related Rescue services and the head of the Department shall be known as the Fire Chief who shall also act as Fire Prevention Officer.
 - 3(1). The Fire Chief is subject to and reports to the Town Manager for the administration and operation of the Department, and,
 - a) shall review, periodically, the policies and guidelines of the Department, and may establish an Advisory Committee consisting of such Department officers as he/she may determine from time to time to assist in this duty;

- b) shall ensure that the Fire-Rescue Department be responsible for fire protection and prevention education within the Town of Grand Bay-Westfield;
 - c) shall, subject to Provincial and Federal legislation, ensure that the Fire-Rescue Department becomes the lead agency in the areas of Fire, Emergency Medical First Response Services, Environmental Emergencies, and Life-Safety Rescue within its municipal or contractual jurisdiction;
 - d) is hereby authorized to conduct inspections and take steps to enforce or administer this by-law or remedy a contravention of this by-law in accordance with all other by-laws and all applicable Provincial and Federal Legislation in the Town;
 - e) shall enforce all provisions of the *Fire Prevention Act*;
 - f) shall make a monthly report to the Council of the activities of the Fire Department during the preceding month including all calls answered by the Fire-Rescue Department;
 - g) may suspend any volunteer member of the Department, subject to an appeal process, for neglect of duty, misconduct, negligence, incompetence, or breach of any by-law or regulation and shall forthwith report the suspension to the Town Manager; may recommend dismissal of any volunteer member of the Department for just cause to the Town Manager subject to an appeal process;
 - h) 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 imposed on him by the *Fire Prevention Act*;
 - i) is responsible for the enforcement of this by-law;
 - j) shall have full charge and sole command over the conduct of all persons at the scene of a fire whether they are members of the Department or not.
- 3(2). The Fire Chief: may make general orders and rules as may be necessary for the care and protection of the property of the Department, the conduct of Members of the Department and, generally, the efficient operation of the Department. Such general orders and rules shall not conflict with the provisions of any by-law of the Town and shall be known as the Departments Standard Operating Guidelines.
- 3(3). The number of members shall be determined from time to time by the Town Manager upon the recommendation of the Chief.
- 3(4). The honorariums of all members shall be determined by Council.

DEMOLITION OF BUILDINGS

4. The Chief, Town Manager, or any two members of Council 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.
- 4(1). When a building or structure is pulled down, demolished, removed, or destroyed under section 4 the Town shall pay the owner of that building or structure reasonable compensation therefor unless the building or structure takes fire before an order is made or executed under section 4, in which case no compensation shall be paid.
- 4(2). When agreement for settlement cannot be reached between the Town and the owner under Section 4(1), the matter shall be settled under the *Arbitration Act*.

BURNING

5. No person shall burn or cause to burn any material out of doors on public or private property within the Town limits except as follows and subject to any provincial laws or regulations to the contrary.
- 5(1). A firefighter may set an outside fire for the Fire-Rescue Department for educational and training purposes;
- 5(2). A person is permitted to set a fire for the purpose of cooking food on a barbeque.
- 5(3). Gas Fire Pits (Campfire Effect Units) which are designed to operate with propane or natural gas, are intended for outdoor use only, not for food preparation, and that are ULC and CSA approved are permitted provided they are supervised at all times, and operated in accordance with manufacturer's instructions in a safe manner and location away from combustibles.
- 5(4). In this section:
 - a) "outdoor wood burning appliance" or "outdoor fireplace" means a manufactured noncombustible enclosed container designed to hold a small fire for decorative purposes and the size of which is not larger than one (1) meter in any direction, and may include, but not limited to, chimneys.
 - b) "personal outdoor fireplace" means a hand-made, non-combustible, enclosed container which may include some or all of the components of an outdoor wood burning appliance and has been approved by the Fire Chief or designate.
- 5(5). A person may set a fire in an outdoor wood burning appliance or personal outdoor fireplace provided that:
 - a) it is located at a distance of not less than three (3) meters between the appliance and any building, structure, property line, tree, hedge fence, roadway, overhead wire or other combustible article;
 - b) it is not placed on a wood deck or other combustible platform;
 - c) only one appliance is to be used on the property at any one time;

- d) it is used to burn only dry, seasoned firewood;
- e) a portable fire extinguisher or operable garden hose is readily available while the unit is in use;
- f) the Owner or occupant maintains constant watch and control over the appliance when in use and until the fire is totally extinguished;
- g) it does not allow smoke, smell, airborne sparks or embers to infringe on the use and enjoyment of other properties; and
- h) the burning is consistent with the policies of the Department of Natural Resources and the Department of Environment.
- i) Outdoor wood burning appliances, outdoor fireplaces and personal outdoor fireplaces shall not be used when the Department of Energy and Resource Development have placed a ban on open burning (category 1 fires) for Kings County.

EQUIPMENT

- 6. Fire Department vehicles and equipment shall not be used for any work other than work of the Fire Department without the consent of the Chief or officer in charge.
 - 6(1). No Fire Department vehicle shall be used for emergency transportation of a person other than a member of the Department except at the request of a medical practitioner, a police officer, a coroner, or an ambulance attendant.
 - 6(2). The Chief shall report such emergency trip made under this section within twenty-four hours to the Town Manager who shall charge a reasonable fee for each trip.
 - 6(3). No firefighting equipment shall be taken beyond the territorial limits of the Municipality without the express authorization of a written contract or agreement providing for the supply of firefighting and assistance response services outside the territorial limits, the approval of the Town Manager, or in the event of emergency circumstances, the permission of the Chief or the officer in charge.
 - 6(4). When any firefighting equipment is taken beyond the territorial limits of the Municipality to any fire:
 - a) the Chief or the officer in charge may appoint a member of the Department to take charge of the equipment; and
 - b) the Chief shall ensure that a sufficient number of members remain within the territorial limits of the Municipality for emergency protection.
 - 6(5). The Town Manager may authorize firefighting equipment be taken beyond the territorial limits of the Municipality for parades and other special functions provided sufficient notice thereof is given to the Chief and he ensures that emergency protection for the Town is maintained.

PREVENTION AND EXTINGUISHMENT OF FIRES

7. The duties of the Fire Prevention Officer, who under this by-law is the Chief, shall be those necessary to enforce this by-law, regulations, and the *Fire Prevention Act* or other laws relating to the prevention and extinguishment of fires.
- 7(1). Without limiting the generality of section 7, the Fire Prevention Officer has herewith conferred upon him the same powers under the same conditions as are conferred upon the Fire Marshall by sections 11, 12, 16, and 21 of the *Fire Prevention Act*.
- 7(2). The Fire Prevention Officer or any person authorized in writing by a Fire Prevention Officer may enter any building or premises at reasonable times to inspect for fire prevention or to investigate the cause or origin of a fire.

GENERAL

8. No person shall store gasoline, oil, liquefied petroleum gases, or other petroleum products except in facilities meeting the standards contained in the latest edition of the National Fire Code of Canada.
- 8(1). 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.
- 8(2). Upon request of the Chief or the officer in charge, every person present at the fire or other emergency scene shall assist any firefighter in the performance of his duties at the fire and shall obey all orders and directions given to him by the Chief or the officer in charge.
- 8(3). Whenever the Chief or other person in charge of a fire or other emergency scene deems it advisable to guard the locality of the fire or other emergency 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.
- 8(4). No person, except members of the Department, the municipal police, emergency service personnel and owner of a property endangered by the fire, shall enter or be within an area marked off by ropes or barriers under subsection 8(3).
- 8(5). No person:
 - a) shall drive a vehicle over or across an unprotected hose or other firefighting equipment unless he or she is given permission to do so by a member of the Department or a police officer;
 - b) shall disobey the orders and directions of the Chief or other officer in charge given in the performance of his duties at a fire or other emergency scene; or
 - c) shall interfere with or obstruct the Chief or other officer in charge or other member in the performance of his duties at a fire or other emergency scene.

- 8(6). No person shall place merchandise, goods, furniture, or other materials so as to obstruct the entrance into any premises by members through any window, door, stairway, or passageway.
- 8(7). No person shall disobey the orders and directions of the Fire Chief, Deputy Chief or Officer in Charge while in the performance of their duties at a fire or other emergency 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 other emergency.
- 8(8). A person who breaches a by-law made under authority of this section, or who fails to comply with an order of a Fire Prevention Officer authorized by a by-law made under this section, commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category E offence.
- 8(9). A person causing a false alarm or a fire alarm because of a violation of this by-law shall be responsible for all Department costs attributable thereto and such other costs as may be recoverable by the Town in an action for debt against such person.
- 8(10). If the Department responds to a motor vehicle incident or other emergency and determines it necessary to:
- a) call in additional or special resources; and/or
 - b) retain a private contractor; and/or
 - c) rent special equipment not normally carried on a fire apparatus; and/or
 - d) consume materials or supplies in order to suppress or extinguish a fire, preserve a property or prevent a fire from spreading or otherwise control and eliminate an emergency; and/or
 - e) operations at the incident have damaged apparatus or equipment owned by or under the control of the Department

the motor vehicle owner(s) or property owner(s), individually or jointly, may be charged those expenses or costs for damages incurred.

FINES AND ENFORCEMENT

9. Any person who violates any provision of this by-law commits an offence and is liable upon summary conviction to a fine imposed under Part II of the *Provincial Offences Procedure Act* as a category E offence.

PLURAL OR FEMININE TERMS

10. Plural or feminine terms may apply whenever the singular, masculine or feminine is used in this by-law. It shall be considered as if the plural, feminine or masculine has been used where the context of the party or parties hereto so requires.

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VALIDITY

11. The invalidity of any section, clause, sentence or provision of this by-law shall not affect the validity of any other part of this by-law which can be given effect without such invalid part or parts.

BY-LAW REPEALED

12. The repeal of this by-law in the Town of Grand Bay-Westfield 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 manner or thing whatsoever completed, existing or pending at the time of repeal.

By-law No. 75, Town of Grand Bay-Westfield By-law Respecting the Grand Bay-Westfield Volunteer Fire Department and amendments thereto are hereby repealed.

FIRST READING BY TITLE on this 24th day of October, 2016

SECOND READING BY TITLE on this 24th day of October, 2016

THIRD READING BY TITLE AND ENACTMENT on this 14th day of November, 2016

Sandra Gautreau
Town Manager (Clerk)

Grace Losier
Mayor

Seal