

BY-LAW NO. 83
A BY-LAW OF THE
VILLAGE OF CHIPMAN
RESPECTING THE FIRE DEPARTMENT

The Council of the Village of Chipman, under the authority vested in it by Section 109 of the Municipalities Act, R.S.N.B. 1973 Chapter M-22 and amendments thereto, enacts as follows:

1. **INTERPRETATION**

In this By-Law,

- 1.1 “Village Council” means the Municipal Council of the Village of Chipman.
- 1.2 “Village Clerk” means the duly appointed Clerk of the Village of Chipman.
- 1.3 “Fire Department” means the Chipman Fire Department.
- 1.4 “Fire Chief” means the Fire Chief appointed by the Village Council under the Municipalities Act of New Brunswick.
- 1.5 “Officers” means all members holding ranks above Firefighter.
- 1.6 “Volunteer Firefighter” means a person appointed by the Village Council as a Volunteer Firefighter.
- 1.7 “Station” means a facility designated by Village Council as a Fire Station.
- 1.8 “Guidelines” includes rules, policies, procedures, directives and orders.

2. **ORGANIZATION**

- 2.1 All Firefighters shall be subject to the provisions of this By-Law, where applicable, and to the control and supervision of Village Council.
- 2.2 In addition to the Fire Chief, the Fire Department may include a Deputy Chief and such number of Platoon Chiefs, Division Chief, District Chiefs, Captains, Lieutenants, Firefighters and other personnel as from time to time may be deemed necessary by Village Council. The organizational structure of the Fire Department is as shown in Schedule “A”.
- 2.3 Volunteer Firefighters shall respond promptly, as required, to protect life, property and the environment.
- 2.4 The Fire Chief, or designate, shall have direct charge at all Fire Response calls and shall direct operations. He/she shall, subject to the approval of the Village Clerk, have administrative and operational jurisdiction over all matters pertaining to the Fire Department.
- 2.5 The Deputy Chief is subordinate to the Fire Chief. In the absence of the Fire Chief, he/she shall have all powers of and perform the duties of the Fire Chief. In the absence of a Deputy

Chief, the Village Clerk shall designate a person or persons to have all powers of and perform the duties of the Fire Chief.

- 2.6 The Village of Chipman shall supply all protective equipment and clothing for the Fire Department. The Fire Department may purchase, with approval from the Village Clerk, such equipment as may be desirable from time to time.
- 2.7 An equipment ledger shall be kept of all equipment of the Fire Department. This ledger shall contain a detailed inventory of all equipment.
- 2.8 The Fire Department shall only provide services outside the boundaries of the Village of Chipman in accordance with:
 - a) agreements between the Village of Chipman and the Province of New Brunswick,
 - b) agreements between the Village of Chipman and other communities, and
 - c) guidelines and directives established, from time to time, by the Fire Chief.

3. **RESPONSIBILITIES OF FIRE CHIEF AND DEPUTY FIRE CHIEF**

- 3.1 The Fire Chief is responsible to Village Council, through the Village Clerk for the administration and operation of the Department. Additionally, he/she:
 - a) shall draft and implement guidelines as may be necessary for the care of the property of the Fire Department, the conduct of Professional and Volunteer Firefighters and, generally, the efficient operation of the Fire Department, provided that such guidelines shall not conflict with the provisions of any By-Law of the Village of Chipman;
 - b) shall review, periodically, the guidelines of the Fire Department. He/she may establish an Advisory or Study Committee consisting of such officers as he may determine from time to time to assist in his duty;
 - c) shall take proper measures for prevention, control and extinguishment of fires and for the protection of life and property. He/she shall ensure enforcement of all Municipal By-Laws respecting Fire Prevention. The Fire Chief shall exercise the powers and duties imposed by the Fire Prevention Act of New Brunswick R.S.N.B. 1973, chap; F-13.
 - d) is responsible for the enforcement of this By-Law;
 - e) shall report all fires to the Fire Marshal as required by Provincial Law;
 - f) shall have authority to suspend any Volunteer Firefighter for violation of the guidelines for the Fire Department; and
 - g) shall submit to the Village Council, through the Village Clerk, an annual Report of the Fire Department.

3.2 The Deputy Fire Chief shall report to the Fire Chief and carry out the orders of the Fire Chief. In the absence of the Fire Chief, he/she possesses all the powers and duties of the Fire Chief and shall perform all duties of the Fire Chief.

4. **QUALIFICATIONS AND OBLIGATIONS OF VOLUNTEER FIREFIGHTERS**

4.1 A person is qualified to become and remain a Volunteer Firefighter with the Fire Department who:

a) is of good character;

b) passes aptitude, physical, and other recruitment tests as may be required by the guidelines of the Fire Department;

c) submits a criminal code reference check to the Village Clerk;

d) is medically fit and so verifies by certification from a licensed medical doctor;

e) is available to attend emergency calls or training except for:

i) employment up to sixty (60) hours per week;

ii) illness; or

iii) leave of absence.

4.2 Applications for appointments as a Volunteer Firefighter shall be made on a form provided by the Fire Chief and/or Village Clerk.

4.3 Appointments of Volunteer Firefighters shall be made by Village Council and in making such appointments, Village Council shall consider recommendations from the Fire Chief.

4.4 A person appointed as a Volunteer Firefighter of the Fire Department shall hold said position on a probationary basis for a period of twelve (12) months, or such longer period of time as the Fire Chief shall decide, from the date of said appointment. During that period the appointed person shall successfully complete such training and examinations as may be directed by the Fire Chief.

4.5 If, during their probationary period, a Volunteer Firefighter fails to successfully complete training which is assigned or fails to achieve a passing grade in such examinations, the Fire Chief of the Department may recommend to the Village Clerk the immediate dismissal of the probationary member. The Village Clerk shall have the power to dismiss a Volunteer Firefighter during their probationary period if it is in the best interest of the Fire Department to do so.

4.6 Once Appointed, Volunteer Firefighters shall maintain the qualifications set out in Sections 4.1.

a) It is the obligation of the Volunteer Firefighter to disclose any information that may prevent the Volunteer Firefighter from meeting the subject qualifications set out in Section 4.1

b) If the Fire Chief has reason to believe that a Volunteer Firefighter no longer meets the qualifications set out in Section 4.1, he shall be entitled to demand that the subject Volunteer

Firefighter provide sufficient proof that said Volunteer Firefighter continue to meet the subject qualifications.

c) If a Volunteer Firefighter fails to maintain the qualifications set out in Section 4.1, then the Village Clerk shall be entitled to take any action he/she deems necessary, including dismissal.

5. **LEAVE OF ABSENCE AND SICK LEAVE**

5.1 A Volunteer Firefighter may be granted sick leave if he reports illness to the Fire Chief. The Volunteer Firefighter may be required to provide the Fire Chief with a report from a licensed medical doctor for any illness lasting more than two (2) weeks.

5.2 A leave of absence of up to six (6) months, without remuneration of honorarium, may be granted by the Fire Chief to any Volunteer Firefighter requesting said leave, during which time no replacement shall be required. No further leave of absence shall be granted to a Volunteer Firefighter until three (3) years have elapsed since the expiration of his/her original leave of absence. However, individual cases may be decided upon by the Fire Chief.

6. **HONORARIUMS AND ALLOWANCES**

6.1 All Volunteer Firefighters shall receive an honorarium for service. The amount of said honorarium will be based upon the yearly honorarium established from time to time by Village Council and the level of service provided by the individual Volunteer Firefighter. Honorariums will be paid annually.

6.2 Volunteer Firefighters may be paid allowances for travel, courses and similar activities as may be determined by the Fire Chief from time to time.

7. **PROCEDURES FOR COMPLAINTS OR CONCERNS**

7.1 Any complaints or concerns of a Volunteer Firefighter shall be directed to the highest ranking officer within the Fire Department. If the Volunteer Firefighter is not satisfied with the decision of said Officer, he/she shall be entitled to refer the complaint or concern to the Fire Chief whose decision is final.

8. **ATTENDANCE AT FIRES AND MEETINGS**

8.1 Unless excused by the Fire Chief, Volunteer Firefighters shall attend all emergency incidents when paged. This subsection does not apply to a Volunteer Firefighter who is on sick leave or leave of absence or can justify his/her absence when asked to do so.

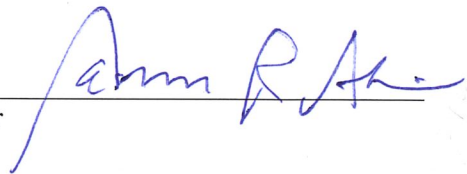
8.2 Volunteer Firefighters shall attend all training exercise or training courses designated by the Fire Chief or justify his/her absence when asked to do so.

8.3 All Volunteer Firefighters shall attend a regular meeting once a month or justify his/her absence when asked to do so.

8.4 Volunteer Firefighters who respond to an emergency call shall return to their designated Station, following the emergency, for clean-up, making necessary hose beds and other duties as deemed necessary by the Fire Chief or designates.

9. **REPEALED**
Any previous documented reference to A By-Law of the Village of Chipman respecting the Fire Department, is hereby repealed.

10. **ENACTMENT**
This By-Law shall come into effect on the date of the enactment thereof.

Mayor 

Clerk 

FIRST READING: *November 3, 2017*
SECOND READING: *January 8, 2018*
THIRD READING AND PASSED: *January 8, 2018*

Schedule "A"

The organizational structure of the Fire Department shall consist of the following:

MAYOR AND COUNCIL
I
CHIEF ADMINISTRATIVE OFFICER/CLERK
I
FIRE CHIEF
I
DEPUTY FIRE CHIEFS
I
CAPTAINS
I
LIEUTENANTS
I
FIREFIGHTERS