

## BY-LAW NO. 50

### A BY-LAW OF THE MUNICIPALITY OF MIRAMICHI RESPECTING THE FIRE DEPARTMENT

The Council of the Municipality of the City of Miramichi duly assembled enacts as follow:

#### 1. INTERPRETATION

In this By-Law,

- (a) "Department" means the Miramichi Fire Department
- (b) "Member" includes all personnel of the Miramichi Fire Department.
- (c) "Fire Fighter" includes permanent and volunteer firefighters of the Miramichi Fire Department.
- (d) "Fire Chief" means the Fire Chief appointed by the City Council under the Municipalities Act of New Brunswick.
- (e) "Officers" means all ranks above fire fighter.

#### 2. ORGANIZATION

- 2.1 The Fire Department shall be a Composite Department with a discernible and structured "permanent" component and a "volunteer" component. Both components function under and are subject to the direct supervision of the Fire Chief or the Deputy Chief or his/their designates.
- 2.2 The Department shall be subject to the provisions of this By-Law and to the control and supervision of the Municipal Council of the City of Miramichi.
- 2.3 In addition to the Chief of the Department, the Department shall consist of a Deputy Chief and such number of Platoon Chiefs, District Chiefs, Captains, Lieutenants, and other uniform personnel as from time to time may be deemed necessary. The structure of the Fire Department for the City of Miramichi is as shown in Schedule "A".
- 2.4 All members of the Miramichi Fire Department shall respond promptly, as required, to protect life, property, and the environment.
- 2.5 The Fire Chief shall have direct charge at all Fire Response Calls. He shall direct Operations with assistance of the Deputy Chief. He shall, subject to the approval of the City Manager, have administrative and operational jurisdiction over all matters pertaining to the Miramichi Fire Department.
- 2.6 The Deputy Chief is subordinate to the Fire Chief. In the absence of the Chief, he shall have all power of and perform the duties of the Fire Chief.
- 2.7 The City of Miramichi shall supply all protective equipment and clothing for the Fire Department, provided that the Department may purchase such equipment as seems desirable from time to time.
- 2.8 An equipment ledger shall be kept of all equipment of the Department. This ledger shall contain a detailed inventory of all equipment.
- 2.9 The Department shall attend fires outside the City limits only in the event that instructions to attend such fires are given by the Chief or a person designated by him for that purpose.

#### 3. RESPONSIBILITIES OF FIRE CHIEF

- 3.1 The Fire Chief is responsible to City Council, through the City Manager, for the

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administration and operation of the Department. Additionally, he:

- (a) shall make General Orders and Rules as may be necessary for the care of the property of the Department, the conduct of Members of the Department and, generally, the efficient operation of the Department, provided that such General Orders and Rules shall not conflict with the provisions of any By-Law of the City;
- (b) shall review, periodically, Policy and Procedures of the Department. He 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 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 the Province of New Brunswick Chapter F-13;
- (d) is responsible for the enforcement of this By-Law;
- (e) shall report all Fire to the Fire Marshal as require by Provincial Law;
- (f) shall have authority to suspend any member of the Volunteer Force for violation of the Rules and Regulation of Policies of the Miramichi Fire Department. The Procedure outlined in S.4 will be applicable;
- (g) shall submit to City Council, through the City Manager, an annual Report of the Department.

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

## 4. VOLUNTEER FIRE FIGHTERS – RULES AND REGULATIONS

4.1 The following articles reflect the rules and regulations governing volunteer fire fighters with the City of Miramichi.

### 4.2 RECRUITING AND RETIREMENT

4.2.1 A person is qualified to be appointed a member of the volunteer Miramichi Fire Department who:

- (a) is of good character;
- (b) passes aptitude, physical, and other recruitment test as may be required by Policy and the Fire Department;
- (c) is medically fit and so verifies by certification from a Physician designated by City Council
- (d) resides in the City of Miramichi and continues to do so while serving as a Volunteer Firefighter within the Department

4.2.2 Appointments as volunteer Firefighters shall also be made by the City Council and in making such appointments the Council shall consider recommendations from the Fire Chief.

4.2.3 Applications for position of Volunteer Firefighter shall be made on a form provided by the Fire Chief.

4.2.4 Volunteer Firefighters shall retire from active duty at the age of sixty (60) years; however, volunteer firefighters may make application to Council for

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an extension.

4.2.5 A person appointed as a volunteer firefighter of the Fire Department shall be on probation for a period of twelve (12) months during which period the probationary member shall take such special training and examinations as may be required.

4.2.6 If the probationary volunteer firefighter fails any such examination or tests, the Fire Chief of the Department may immediately recommend to the City Manager the dismissal of the probationary member for cause.

### **4.3 LEAVE OF ABSENCE AND SICK LEAVE**

4.3.1 A volunteer firefighter may be granted sick leave if he reports sick to the Chief's office. A doctor's report may be required for any sickness lasting more than two (2) weeks.

4.3.2 Leave of Absence without pay shall be granted to any volunteer Firefighter for a six (6) month period, during which time no replacement shall be required. No further leave of absence shall be granted until three (3) years have elapsed. However, individual cases may be decided upon by the Fire Chief and the Officers or the Fire Committee.

### **4.4 PAY AND ALLOWANCES**

4.4.1 All volunteer Firefighters of the Miramichi Fire Department shall receive an honorarium for service. Compensation will be as City Council shall, from time to time direct. Compensation will be semi-annually.

4.4.2 Volunteer Firefighters may be paid allowances for travel, courses and similar activities as may be determined by the Council, time to time.

4.4.3 Any volunteer Firefighter who retires with between ten (10) and nineteen (19) years of service will receive compensation for one half (1/2) year from date of retirement. Any volunteer Firefighter who retires with twenty (20) years or more service, will receive compensation for one (1) full year at current rate. The retirement allowance will be paid in January of the first year following.

### **4.5 PROMOTIONS**

4.5.1 All promotions within the volunteer Department shall be made by the City Council, taking into consideration, ability, and experience and any recommendations by the Fire Chief of the Department.

### **4.6 GRIEVANCE PROCEDURE**

4.6.1 A grievance from any volunteer Firefighter with respect to a matter of discipline shall be made in writing to the District Chief or the Officer in Charge of that District. If the grievance cannot be settled between the District Chief and the volunteer Firefighter, the volunteer Firefighter may bring the matter before the Fire Chief of the Department.

4.6.2 Each District shall implement a committee, which will monitor the actions of the members of their respective Districts. If need be, a written report will be presented to the District Chief, who in turn will decide on the appropriate action to be taken.

### **4.7 ATTENDANCE AT FIRES AND MEETINGS**

4.7.1 Unless excused by the Fire Chief, volunteer Fire Personnel shall attend all emergency incidents when paged. This sub-section does not apply to a Firefighter who is on sick leave or leave of absence or can justify his/her

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absence when asked to do so.

- 4.7.2 The Fire Chief and Officers will have the right to deduct from the volunteer Firefighters semi-annual allowance for not attending fires and/or other activities authorised by the Fire Chief.
- 4.7.3 Volunteer firefighters shall attend all training exercises or training courses designated by the Fire Chief or justify his/her absence when asked to do so.
- 4.7.4 All volunteer Firefighters shall attend a regular meeting once a month or justify his/her absence when asked to do so.
- 4.7.5 The Volunteer Force shall submit a report to the Fire Chief on all fires attended, giving full details of their attendance, work performed at such fires, etc. As well, post-fire volunteer members shall return and attend upon their designated base Fire Station following fires for clean-up, making necessary hose beds and other duties as deemed necessary by the District Chief or designates.
- 4.7.6 Once a year the Fire Chief shall have a general meeting with volunteer firefighters.

**5. REPEALS**

The following By-Laws, and any amendments thereto, are hereby repealed:

- (a) By-Law Number 157, " A By-Law of the Municipality of Chatham Respecting the Fire Department", former Town of Chatham, enacted April 8, 1991 and all amendments thereto;
- (b) By-Law Number 7, " A By-Law Respecting Fire Prevention", former Town of Newcastle, enacted December 16, 1965 and all amendments thereto;
- (c) By-Law Number 36, "A By-Law of the Municipality of Douglastown Respecting the Fire Department", former Village of Douglastown, enacted April 1, 1980; and all amendments thereto;
- (d) By-Law Number 16, "Respecting the Fire Department", former Village of Loggieville, enacted June 14, 1979 and all amendments thereto; and
- (e) By-Law Number 5, "A By-Law Regulating the Fire Department", former Village of Nelson-Miramichi, enacted July 30, 1968 and all amendments thereto.

**6. ENACTMENT**

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

READ THE FIRST TIME BY TITLE:	November 26, 1999
READ THE SECOND TIME BY TITLE:	January 28, 1999
READ IN ITS ENTIRETY IN COUNCIL:	January 28, 1999
<b>READ THE THIRD TIME BY TITLE AND ENACTED:</b>	<b>January 28, 1999</b>

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Mayor

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Clerk

SCHEDULE "A"

