

By-Law No. 81
A By-Law to Regulate the Fire Department of the Town of Woodstock

The Town of Woodstock,

Under authority vested in it by the Municipalities Act, R.S.N.B. 1973, and amendments thereto, hereby enacts the following:

DEFINITIONS:

1. When used herein the words noted hereunder have the following meanings:
 - (a) "Chief" means the Fire Chief of the Fire Department of the Town of Woodstock.
 - (b) "Council" means the Town Council of the Town of Woodstock.
 - (c) "Fire Department" or "Department" means the Fire Department of the Town of Woodstock.
 - (d) "Manager" means the Town Manager for the Town of Woodstock.
 - (e) "Out-of-Town" means outside the Municipal boundaries of the Town of Woodstock.
 - (f) "Town" means the Town of Woodstock.

Establishment of The Fire Department

2. The Fire Department shall consist of the Fire Chief, a Deputy Fire Chief, two Captains, one Lieutenant and other firemen as the Council may from time to time determine by resolution. Positions in the Fire Department are to be permanent full-time and volunteer positions to be as Council from time to time may determine.
3. The Fire Department shall be under the administration of the Town Manager of the Town of Woodstock, who shall be directly responsible to the Town Council of the said Town. The Town Manager shall not be considered a member of the Fire Department in the exercise of any administrative duties.
4. The territorial jurisdiction of the Fire Department is the area within the Municipal boundaries of the Town of Woodstock.
5. (a) The Fire Department shall respond promptly to all fire calls.

(b) The Fire Department shall not respond to any fire calls outside the municipal boundaries except:

1. such fires as in the opinion of the Fire Chief threaten or may threaten any property within the Town; or
2. calls from an incorporated community with which an agreement to answer out-of-town calls has been entered into for the purpose of providing fire protection; or
3. calls from neighboring unincorporated communities or areas with which an agreement for the purpose of providing fire protection has been entered into with the Department of Municipal Affairs.

(c) Any agreement entered into pursuant to s.5(b)(2), (3) shall not require the Fire Department to respond to a fire call outside the municipal boundaries while answering a call within the municipal boundaries, nor to remove all of the fire equipment out of the Town at any time. At no time shall more than the drivers, one senior officer and nine (9) fire fighters respond to out-of-town alarms.

6. The Council may from time to time by resolution:

- (a) fix the remuneration to be paid to all members of the Fire Department;
- (b) establish service fees to cover the cost of servicing by the Fire Department of out-of-town fire emergencies;
- (c) authorize the execution of an agreement with the Department of Municipal Affairs regarding unincorporated communities or with the municipal authorities of incorporated communities relating, to the extension of firefighting protection and services to such areas by the Woodstock Fire Department.
- (d) such other matters as in the opinion of Council are necessary for the day to day operation and maintenance of the Fire Department.

7. The Town Manager shall receive quarterly accounts from the Fire Chief regarding the payment each quarter year of all Fire Department members, including the said Fire Chief. Upon approval of each said quarterly account by the Town Manager, a cheque for each quarter year shall be issued by the Town Treasurer for disbursement to all said members of the Fire Department by the said Fire Chief.

8. Subject to the approval of Council, the Fire Chief may:

- (a) organize a salvage corps and fire police group within the Fire Department for the purpose of greater protection of public and private property involved in a fire;
- (b) recruit, attach to, and train auxiliary firemen to augment the department in the event of any conflagration or emergency.

Membership in The Fire Department

9. (a) A person is qualified to be appointed a member of the Department for firefighting duties who:
1. has successfully completed at least grade 12, or equivalent;
 2. is of good character;
 3. passes such aptitude and other tests as may be required by the Chief of the Department or Town Manager, and
 4. is medically fit to be a member as certified by a physician designated by the Council of the municipality.
- (b) A person appointed as a member of the Department for firefighting duties shall be on probation for a period of three (3) months during which period he\she shall take such special training and examinations as may be required by the Chief of the Department.
- (c) If a probationary member appointed for firefighting duties fails any such examination, the Chief of the Department may recommend to the Council that he\she be dismissed.
- (d) Every member of the Fire Department whether a permanent full-time or volunteer position shall be and remain a permanent resident of the Town.
10. (a) Subject to Section 17(f)(2) hereunder, and to any collective agreements, and with the approval of Council, the Fire Chief may:
1. reduce in rank;
 2. suspend, or
 3. dismiss
- any member of the Fire Department for just cause.
- (c) Without restricting the generality of the foregoing, cause shall include:
1. insubordination;
 2. inefficiency;
 3. gross misconduct; or
 4. failure to attend to duty.

Meetings of The Fire Department

11. The Fire Department shall meet at least once a month for practice and instruction in the use of all apparatus, equipment, and supplies of the Department and in the principles of fire prevention and fire protection.
12. (a) The members of the Fire Department may organize for social or other purposes intended to further the interest and welfare of the Department and the members thereof.

(b) No rule or regulation of any such organization herein shall in any way eliminate the authority of the Chief, nor the conduct of the Fire Department, in firefighting and at drills or practices.

13. (a) The Chief shall faithfully carry out the duties of his office and shall not resign from such office without giving three (3) months' notice in writing to the Council of his intention to do so.

(b) The Department as a whole shall not resign without giving three (3) months' notice in writing to the Council of their intention to do so.

Workers' Compensation Board

14. (a) The Chief shall register all members of the Department by way of a certified list to be submitted to the Town Manager and shall report any change in membership promptly to the Manager by way of a certified notice. Only those members certified as a member by the Chief shall be eligible for Workers' Compensation Benefits.

(b) Upon receipt of the certified list or certified notice of change, the Town Manager shall submit same to the Workers' Compensation Board.

15. Injury or death of any member of the Department as a result of the discharge of his duties at

- (a) a fire; or
- (b) a drill; or
- (c) a practice; or
- (d) any fire related duties; or
- (e) responding to; or
- (f) returning from a fire call;

shall be immediately reported to the Chief, or in the absence of the Chief, the officer in charge of the Department, who shall follow the procedure to claim compensation insurance benefits according to the provisions of the Workers' Compensation Board Act, C.W-13,R.S.N.B. 1973,and the amendments thereto and the Regulations thereunder.

Fire Chief - Duties and Responsibilities

16. (a) The Chief by virtue of his office, is a local assistant to the Fire Marshall within his territorial jurisdiction and, subject to the directions of the Fire Marshall, shall carry out the duties of a local assistant as authorized by the Fire Prevention Act, C.F-13, R.S.N.B. 1973 and amendments thereto and Regulations thereunder.
- (b) The Chief shall when required in compliance with the Fire Prevention Act, supra, and Regulations thereunder, and other provincial laws, for which the Fire Chief, a local assistant to the Fire Marshall, or by special appointment or directive, is an enforcing officer, report promptly all fires to the Fire Marshall of New Brunswick.
- (c) The Chief, or in his absence, the Deputy Fire Chief, or senior officer in charge, shall report to the Provincial Fire Marshall or nearest branch office of the Fire Marshall by the most direct means:
1. the circumstances of any deaths, or serious injuries to persons caused by a fire;
 2. any suspicious or incendiary fires;
 3. any fires occurring in a hospital, hotel, school, place of public assembly or sleeping accommodation.
17. (a) The Chief shall have charge of the conduct and general operation of the Department and without limiting the generality of the foregoing, this shall include fighting a fire, responding to an alarm of fire and at drills or practices;
- (b) The Chief shall maintain proper decorum and discipline within the Department at all times and shall have the authority to draft written or general orders covering the operation of the Fire Department and maintaining such proper decorum, discipline and efficiency of the Department at fires, alarms and practices and in the discharge of Department duties insofar as they have a bearing on the efficiency of the Department, the use of the fire station for meetings, social gatherings and the care and maintenance of apparatus, equipment and supplies.
- (c) The Chief shall, when instructed by the proper authority, or when he feels it necessary, inspect all manufacturing and mercantile establishments, apartments, houses, hospitals, schools, churches, theatres, halls, factories, institutions, and other places in which numbers of persons work, live or congregate for any purpose, with a view of determining whether precautions against fire and the spread of fire and the means of exit in case of fire, are adequate and satisfactorily maintained and to directing such alterations to be made and such precautions to be taken as he may deem necessary for the safeguarding of persons and property. The provisions of the Fire Prevention Act, C.F-B, R.S.N.B. 1983 and amendments and Regulations, applying to authority and duties local assistant to the Fire Marshall shall be adhered to when carrying out such inspections, preparing reports, making recommendations, or issuing orders for elimination of any fire or life hazards disclosed during such inspection.

(d) The Chief shall maintain a book to record:

1. attendance of members of the Fire Department at fires and practices;
 2. the particulars of every fire call on every fire reported to the Department;
 3. the apparatus, equipment and supplies used for each fire call;
 4. the brigades;
 5. shortages or deficiencies in the apparatus, equipment and supplies;
- and
6. any other information that may be required from time to time by the Council.

(e) The Chief shall submit a report to Council annually, or more often, if requested, which outlines the activities of the Department and the losses in life and property suffered by fire within the Town.

(f) The Chief shall submit a report to the Town Manager immediately upon knowledge of:

1. any breakage, shortages or deficiencies in the apparatus, equipment and supplies; and
2. any occurrences requiring disciplinary action which may result in the suspension or dismissing of any member of the department. The Chief shall not order such disciplinary action unless approval of Council has been ordered as provided for in section 10(a).

18. During the progress of a fire, the Chief may:

- (a) Rope off any area, section of street, or highway within the Town and prevent entry of unauthorized persons and vehicles except fire and police officers and emergency vehicles into the area so closed. The period for which such area, section of street, highway, etc, shall remain closed shall be decided by the Chief.
- (b) Secure doors, window or take other precautionary steps to protect property either directly involved or threatened by such fire.
- (c) Prohibit any person other than a member of the fire department, registered as such, from riding on fire apparatus, entering buildings involved by fire, handling fire hose lines or other firefighting equipment or apparatus or in any way doing anything that would endanger their safety.
- (d) Provide the police authorities with names of persons or the identity of vehicles that disobey his directions, damages property or apparatus or renders it inoperative, interferes with or obstructs the fire department in the execution of their duties.
- (e) Pull down or otherwise remove or order to be pulled down or removed any building or structure for the purpose of staying the progress of such a serious fire or a conflagration developing therefrom which threatens the destruction of the Town or any portion thereof.

Other Members - Duties & Responsibilities

19. The Deputy Fire Chief shall carry out the instructions of the Chief and shall assume the duties of the Chief in his absence.
20. The Captains, the Lieutenant and all other firemen shall carry out the instructions of their senior officers.

General and Penalty Provisions

21. During a fire, no person shall disobey any order of the person in command of the Fire Department, nor shall any person interfere with or obstruct any member of the Department in the discharge of his duty.
22. No person shall set on fire any combustible material within the Town nor kindle a fire, nor cause or authorize a fire to be kindled in or upon any street, road, square, lane or highway within the Town without a permit in a form prescribed by Council issued by the Town Manager or Fire Chief.
23. No person shall make a false alarm of fire, or circulate or cause such false alarm to be circulated, by crying fire, or by ringing any bell or sounding any siren, by a telephone message or in any other manner whatsoever.
24. No person occupying any building within the Town shall have any stove pipes and heating apparatus pipes improperly connected or allow such pipes to fill with any substance liable to catch fire or cause such pipes to burn out.
25. No person shall remove any property or equipment of the Fire Department from any fire station without the permission of the Town Manager or Fire Chief.
26. Any person who breaches any provision of this by-law or fails to comply with an order of the Chief in the capacity of a fire prevention officer, under authority of this by-law commits an offence and on summary conviction is liable to a fine of not more than One Thousand Dollars (\$1,000.00) and, in default of payment thereof, to imprisonment in accordance with Section 31(3) of the Summary Convictions Act, 1982, c.43, s.8.

27. By-Law No. 8, a By-Law to Regulate the Fire Department enacted on February 9, 1969 is repealed.

This By-Law comes into force upon approval by the Lieutenant-Governor-in-Council.

Read a First Time, 1986

Read a Second Time, 1986

Read a Third Time, December 22, 1986

Harold Culbert – Mayor

K.C. Harding - Clerk

By-Law No. 81-2
A By-Law to Amend By-Law #81, A By-Law to Regulate the
Fire Department of The Town of Woodstock

The Town of Woodstock, under authority vested in it by the municipalities act, R.S.N.B., 1973, and amendments thereto, hereby enacts the following:

Title

This by-law may be cited as a by-law to amend by-law #81.

General and Penalty Provisions

Section 22 is amended to read as follows:

22.1 No person shall set on fire any combustible material within the town, nor kindle a fire, nor cause or authorize a fire to be kindled in or upon any street, road, square, lane or highway within the town excepting as provided in section 22.2.

22.2 The supervised use of the following appliances/devices does not contravene section

22.1; propane/charcoal barbecues; structurally sound outdoor screened fireplaces of either metal, concrete or brick construction. Outdoor campground fires in an approved and supervised campground area require permission of the campground operator and must be attended by campsite occupier.

Read a First time this 25th day of May, 1998.

Read a Second time this 25th day of May, 1998.

A Third time and Enacted this 8th day of June, 1998.

E.L. Dickinson, Director of
Administrative Services

James W. Andow, Mayor

By-Law No. 81-3
A By-Law to Amend By-Law #81, A By-Law to Regulate the
Fire Department of The Town of Woodstock

The Town of Woodstock, under authority vested in it by the municipalities act, R.S.N.B. 1973, and amendments thereto, hereby enacts the following:

Title

1. This By-Law may be cited as a by-law to amend By-Law #81.

Membership in The Department

2. Section 9(d) is amended to read as follows:

9(d). Members of the fire department may have permanent residence outside of the boundaries of the Town of Woodstock with the condition that the residence be not more than 10 kilometers driving distance of the fire hall.

Read a First time this 23rd day of May, 2000.

Read a Second time this 23rd day of May, 2000.

Read a Third time, and Enacted this 19th day of June, 2000.

James W. Andow, Mayor

E.L. Dickinson, Director of
Administrative Services

By-Law #81-4
A By-Law to Amend By-Law #81, A By-Law to Regulate the Fire Department of The Town of Woodstock

The council of the Town of Woodstock, under authority vested in it by section 109 of the municipalities act, R.S.N.B. 1973, chapter m-22,
Enacts as follows:

Preamble

1. The purpose of this by-law is to amend by-law #81, a by-law to regulate the fire department of the Town of Woodstock.

Amendments

2. By-law #81, a by-law to regulate the fire department of the Town of Woodstock enacted on the 22nd day of December, 1986, together with all amendments is hereby amended by a new section 26 as follows and by adding thereto a new section 28:

26. Any person who breaches any provision of this by-law or fails to comply with an order of the Chief in the capacity of a fire prevention officer, under authority of this by-law commits an offence and on summary conviction is liable to a minimum fine of one hundred twenty dollars (\$120.00) and a maximum fine of not more than two thousand five hundred dollars (\$2,500.00).

28 (1) Notwithstanding anything herein contained, the Fire Chief or other authorized agent of the Town may, after the issuance by the Fire Chief, Deputy-Fire Chief or a Peace Officer of a Notice of Violation of By-Law, and before the institution of proceedings, accept from the person alleged to have committed such violation, a voluntary payment of a sum equal to the minimum fine prescribed by section 26 of this By-Law for such violation and thereupon the Peace Officer or authorized agent shall issue a receipt therefor;

(2) The person named in such notice of violation, upon payment of the prescribed amount, shall not be liable to be prosecuted therefor.

Read a first time this 24th day of September, 2001.

Read a second time this 24th day of September, 2001.

Read a third time and enacted this 13th day of November, 2001.

Mayor

Town Clerk

By-Law No. 81-5
A By-Law to Amend By-Law #81, A By-Law to Regulate the Fire Department of The Town of Woodstock

Section 5 of By-Law #81 is hereby amended by adding the following new section in substitution of Section 5 of By-Law #81:

5. (a) The Fire Department shall respond promptly to all fire related calls including Motor Vehicles on Public Highways and rescue on waterways.
- (b) The Fire Department shall not respond to any fire calls outside the municipal boundaries except:
1. such fires as in the opinion of the Fire Chief threaten or may threaten any property within the Town; or
 2. calls from an incorporated community with which an agreement to answer out-of-town calls has been entered into for the purpose of providing fire protection; or
 3. calls from neighboring unincorporated communities or areas with which an agreement for the purpose of providing fire protection has been entered into with the Department of Municipal Affairs.
 4. The Fire Department may respond to water rescue or calls for assistance involving watercraft within its service area, or as Mutual Aid to another fire Department with proper equipment and qualified personnel. Only members who are licensed and trained to operate watercraft may operate watercraft. Only members who are trained in water rescue are to participate in water rescue. Only watercraft meeting standards set out by the Province of New Brunswick may be used for water rescue or training activities.
- (c) Any agreement entered into pursuant to s.5(b)(2), (3) shall not require the Fire Department to respond to a fire call outside the municipal boundaries while answering a call within the municipal boundaries, nor to remove all of the fire equipment out of the Town at any time. At no time shall more than the drivers, one senior officer and nine (9) fire fighters respond to out-of-town alarms

Read a first time this 10th day of October, 2017.

Read a second time this 10th day of October, 2017.

Read a third time and enacted this 23rd day of October, 2017.

Arthur Slipp, Mayor

Ann Marie Voutour, Director of Administrative Services