

**TOWN OF SACKVILLE
BY-LAW NO. 216**

A BY-LAW GOVERNING THE FIRE DEPARTMENT

The Council of the Town of Sackville, under authority vested in it by the *Municipalities Act* of New Brunswick, Chapter M-22, R.S.N.B. (1973), hereby enacts as follows:

**SECTION 1
DEFINITIONS**

1.1 In this by-law:

- a) "Captain" means a member of the Department as elected by the members.
- b) "Chief" means the full-time Fire Chief of the Town as appointed by Council.
- c) "Chief Administrative Officer" means the Chief Administrative Officer of the Town.
- d) "Committee" means the Committee comprised of the officers of the Department, unless denoted otherwise in this by-law.
- e) "Constitution" means the constitution and by-laws setting out the rules and procedures of the Department.
- f) "Council" means the Council of the Town.
- g) "Department" means the Fire Department of the Town.
- h) "Deputy Chiefs" (two positions) means the Deputy Fire Chiefs of the Town as elected by the members and approved by Council.
- i) "Firefighter" means an active member of the Sackville Fire Department.
- j) "Grievance Committee" means the committee elected by the members of the Sackville Fire Department to hear grievances under Section 11 of this by-law.
- k) "Liaison Councillor" means the Liaison Councillor for Public Safety as appointed by the Mayor of the Town.
- l) "Lieutenant" means a member of the Department as elected by the members.
- m) "Member" means an active member of the Fire Department of the Town.
- n) "Officers" means the Fire Chief, Deputy Fire Chiefs, Captains and Lieutenants of the Department.
- o) "Secretary" means the secretary of the Department.
- p) "Town" means the Town of Sackville.

SECTION 2 ORGANIZATION

- 2.1 The Department shall be under the direction of the Fire Chief who shall in all respects carry out the instructions and policy as laid down by the Council and reports directly to the Chief Administrative Officer.
- 2.2 The Mayor of the Town shall be an ex-officio officer of the Department without voting privileges and carrying no remuneration.
- 2.3 Subject to subsection 2.5, the Department of the Town shall consist of the Fire Chief, Deputy Fire Chiefs, three Pumper Companies and the Aerial Company.
- 2.4 Council shall from time to time determine the total number of firefighters in the Department.
- 2.5 The members of the Departments shall be divided into the following companies:
- Pumper Company No. 1
 - Pumper Company No. 2
 - Pumper Company No. 3
 - Aerial Company No. 4
- 2.6 Each Company shall have a Captain and a Lieutenant elected by its members.
- 2.7 The Officers of the Department shall rank in the following order:
- Fire Chief
 - Deputy Fire Chiefs
 - Captain of Company No. 1
 - Captain of Company No. 2
 - Captain of Company No. 3
 - Captain of Aerial Company No. 4
 - Lieutenant of Company No. 1
 - Lieutenant of Company No. 2
 - Lieutenant of Company No. 3
 - Lieutenant of Aerial Company No. 4
- and then members of the Department in order of their admission.
- 2.8 There will be a rotation of each Captains' seniority, and in his/her absence the Lieutenants' seniority, for a period of every three months as follows:

	Jan - Mar	Apr - June	July - Sept	Oct - Dec
Year 1	1	2	3	4
Year 2	2	3	4	1
Year 3	3	4	1	2
Year 4	4	1	2	3

*On a four year rotation with Year 1 being 2010

SECTION 3 APPOINTMENT

- 3.1 The Deputy Chiefs shall be approved by Council and if recommended by the Chief, may be removed from office by Council at any time with or without just cause.
- 3.2 No person may apply or be considered for membership in the Department until he or she has reached the age of 19.
- 3.3 The retirement age of all firefighters shall be 65 years. After the age of 65, should an individual wish to remain a member of the department, they shall be eligible to do so under an Honourary status.
- 3.4 Every applicant for membership in the Department shall apply in writing, addressed to the Fire Chief and signed by the applicant.
- 3.5 The Fire Chief shall date and file each application for membership in the order in which it has been received by him or her.
- 3.6 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.
- 3.7 In compliance with the Town Protocols, no person shall be considered for a position with the Sackville Fire Department if they have a criminal record.
- 3.8 A member may obtain up to a six-month leave of absence by making application by letter to the Fire Chief.

SECTION 4 QUALIFICATIONS FOR MEMBERS

- 4.1 Every applicant to the Department for membership must be physically fit to perform his or her duties as a firefighter. Each applicant shall submit to a medical examination as per Schedule 'A' attached, as well as a criminal records check at the expense of the Town prior to their admission as a firefighter.
- 4.2 Every member of the Department must be physically fit to perform his or her duties as a firefighter. The Fire Chief can request, at his or her discretion, a medical examination at the Town's expense.
- 4.3 Each member must reside in the Town or close enough to the Town to allow him or her to respond to any alarm in a timely fashion as determined by the Fire Chief.

SECTION 5 TERMS OF MEMBERSHIP

- 5.1 Every member before entering on his or her duties shall sign an agreement to abide by and conform to all the rules and regulations of the Department, Constitutions and By-Laws of the Town.
- 5.2 Any member who wishes to resign and remain in good standing shall do so in writing, addressed to the Chief, and the letter be delivered, preferably at least 10 days prior to the effective date of his or her resignation.
- 5.3 The Chief, as soon as reasonably possible, upon receipt, shall place each letter of resignation before the Committee. Following the completion of this process the Town shall be informed of the Committee's decision.
- 5.4 Any firefighter who intends to be absent from the Town for a period greater than 48 hours shall before leaving, notify the Chief, or in his or her absence, the officer in command, and he or she shall also notify such officers as soon as possible after his or her return.
- 5.5 It shall be the obligation of every firefighter to inform the Fire Chief if they have been charged with a criminal offence and they shall be relieved of their duties until such time as they are proven innocent.
- 5.6 Every member must submit to an annual medical examination as per Schedule 'A' attached, at the expense of the Town.

SECTION 6 REMUNERATION

- 6.1 Each officer and member of the Department shall receive a sum per hour as set by resolution of Council for attendance at fires, and for performing any duties in connection with the Department, which may be requested of him or her by the Chief.
- 6.2 In addition to the amounts received under Section 6.1, the Deputy Fire Chiefs and the Secretary shall receive a sum set out from time to time by resolution of Council.

SECTION 7 REPORTS

- 7.1 The Chief, or in his or her absence, the Deputy Chiefs, shall on returning to the Fire Station after any fire, cause a record to be made of the members of the Department who were in attendance at such fire and shall submit such report to the Town, as soon as reasonably possible.

SECTION 8 TRAINING

- 8.1 The Fire Department shall hold sufficient training sessions to insure that all firefighters become proficient in their duties.
- 8.2 All companies or any of them separately, or any individual member thereof, when required by the Chief, shall assemble at the time and place of which not less than twenty-four hours notice shall be given to the Captains and firefighters of each company, or any one company so required, to train with their apparatus, and the Chief may at any time require all companies to assemble for training.

SECTION 9 CONDUCT AND DISCIPLINE AT FIRES

- 9.1 In the absence of the Fire Chief or the Deputy Fire Chiefs from any fire, the Captain or Lieutenant first at the fire shall be in charge of the Department until superseded by an officer of superior rank.
- 9.2 No firefighter shall have the right to enter any building or premise except in the performance of their duties.

- 9.3 The officers and members of the Department may enter any building in the vicinity of any fire for the purpose of saving lives or property, or for the purpose of extinguishing or controlling such fire, or for other lawful purposes in connection with their duties as firefighters.
- 9.4 The officer in charge at the scene of a fire may authorize the pulling down or demolition of buildings or other structures to prevent the spread of the fire.
- 9.5 The officer in charge at any fire may order any street, alley or sidewalk, or any part thereof to be closed to traffic and thereafter no person shall drive, walk or be in any such area except those persons whose homes or businesses are in the area and any persons assisting them. With the approval of the officer in charge, or his or her designate, and providing it is a safe environment, only those persons who reside or have a business in the affected area will be permitted access.
- 9.6 Neither the Town of Sackville nor any member of the Fire Department shall be liable for damages to property done by members of the Department while acting under the provisions of Section 9.3, 9.4 or 9.5.
- 9.7 Each member of the Department while on duty at a fire must be clothed in proper safety equipment as provided by the Town.
- 9.8 The officer in charge may, in major emergencies, require any able bodied person to give such assistance as the Department may require in performing any duties at the scene of a fire.
- 9.9 Any person required by the officer-in-charge or an authorized member of the Department shall forthwith perform such services as are requested of him or her, and shall continue to do so until relieved by an authorized member of the department.
- 9.10 Any person who violates sections 9.1 to 9.9 of this by-law or who fails to comply with an order of the Chief authorized by this by-law commits an offence punishable under part II of the *Provincial Offences Procedure Act* as a category E offence.
- 9.11 Where a person is convicted of an offence under section 9.10, the court, in addition to any penalty imposed under section 9.10, may order that person to comply with the order.
- 9.12 A person who fails to comply with an order of the court under section 9.11 commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category F offence. All such fines shall be recoverable under the *Provincial Offences Procedure Act*, S.N.B. 1987, c.P-22.1.

SECTION 10
GENERAL PROVISIONS

- 10.1 No person, other than the Members, visiting firefighters, the Chief Administrative Officer or members of the Council, shall have the right to enter or occupy the Firefighter's rooms without first receiving permission from the Chief, Deputy Chiefs or the Committee in charge of rooms.
- 10.2 The use of the Firefighters' rooms may be allowed to such community organizations as the Chief, Deputy Chiefs or Firefighters Committee in charge of rooms may approve.
- 10.3 No apparatus may be taken beyond the limits or boundaries of the Town except by order of the officer in charge.
- 10.4 No person shall use intoxicating liquor or drugs at any time, while attending or traveling to alarms, fires or practices. Every Firefighter must be under the control and discipline of the Chief and officers of the Department and shall obey all lawful orders of such persons.
- 10.5 No Member of the Department shall allow any non-member, other than a probationary member, to ride on or in the fire apparatus while going to or coming from alarms, fires or practices.
- 10.6 Except with the permission of the Chief or Deputy Chiefs, no member of the Department shall remove any Department equipment or property from the fire station premises, or permit any to be removed, except for use at alarms, fires or practices.
- 10.7 Any Member of the Department who violates any of the provisions of Section 10.1 to 10.6 inclusive shall be subject to reprimand or suspension, at the discretion of the Chief.
- 10.8 The Chief Administrative Officer, in consultation with the Fire Chief, may suspend or dismiss any member for just cause, for any reason the Chief deems appropriate.
- 10.9 The Chief shall cause the Secretary to keep a record of all violations under Sections 10.1 to 10.6 and of the disposition made or penalty imposed as a result of any such violations.

**SECTION 11
GRIEVANCE PROCEDURE**

- 11.1 The Grievance Committee shall where practical deal with a grievance as submitted with due haste and shall conclude the process in 45 days.
- 11.2 Any member may place a grievance against any other member or superior officer.
- 11.3 Such grievance shall be in writing addressed to the Grievance Committee, and signed by the person making the charge within 10 days of the incident.
- 11.4 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 who have knowledge of the fact alleged.
- 11.5 Should a grievance be submitted against a member of the Grievance Committee an alternate member shall be appointed by the membership.

**SECTION 12
APPEAL**

- 12.1 Any member shall be entitled to appeal the decision of the Grievance Committee to the Chief and the Chief Administrative Officer, by doing so in writing signed by himself/herself and setting out the violation charged and the penalty imposed. If the charge is against the Chief, the appeal shall be made to the Chief Administrative Officer and the Mayor of the Town of Sackville.
- 12.2 The Chief and the Chief Administrative Officer or, the Chief Administrative Officer, the Mayor and the Liaison Councillor shall re-examine the facts, shall hear all parties involved and hear all available witnesses, and shall dispose of the grievance as they deem fit, either by dismissal of the grievance, reprimand, suspension or recommendation of the dismissal of the member, or confirmation of the decision of the Grievance Committee.
- 12.3 Upon completion of an appeal or grievance, Council shall have the right to either approve or reject the decision of the Grievance Committee, the Chief and the Chief Administrative Officer, or the Chief Administrative Officer, the Mayor and the Liaison Councillor for Public Safety, as they feel appropriate. The decision of Council is binding and final.

**SECTION 13
FIRE DEPARTMENT CONSTITUTION**

- 13.1 The Department shall comply with the procedures and organizational requirement set out in the Constitution and By-Laws of the Department.
- 13.2 Any changes made to the Constitution must be approved by Council.
- 13.3 If there is any conflict between the Constitution and this by-law, this by-law shall prevail.

**SECTION 14
ENACTMENT**

- 14.1 This By-Law comes into force on the date of final passing thereof.

**SECTION 15
OTHER**

- 15.1 It is hereby agreed and understood that whenever in these presence the masculine gender is used it shall be deemed to be and shall be as the feminine or neuter genders if the context so requires; and the feminine gender shall be deemed to be and shall be at the masculine gender or neuter genders if the context so requires.

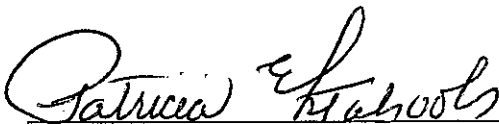
**SECTION 16
REPEAL**

- 16.1 By-Law No. 203, A By-Law Governing the Fire Department, and all amendments thereto, are hereby repealed.

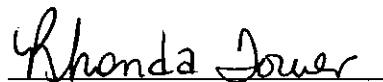
Read a first time this 12th day of July, 2010.

Read a second time this 9th day of August, 2010.

Read a third time and passed Council this 9th day of August, 2010.



Mayor



Clerk

MEDICAL
FITNESS
REPORT



Sackville
Fire
Department

Name _____ Date of Birth _____

Address _____

INSTRUCTIONS:

1. This form is to be completed by a licensed medical practitioner and must be returned to the employer.
2. A response is required for each question asked.
3. A positive response must be elaborated upon in the space provided at the bottom of the form.
4. Fee for the examination is the responsibility of the Town of Sackville.

- | | YES | NO |
|--|--------------------------|--------------------------|
| 1. Is there any loss of an arm, a hand, a foot or a leg? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is there any impairment of the fingers, feet, legs, hands or arms, or other structural defects, limitation of mobility, or co-ordination, to a degree likely to interfere with the safe operation of a motor vehicle? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Is there any established medical history or diagnosis of a disorder of the musculo-skeletal or nervous system, which may interfere with the safe operation of a motor vehicle? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Is there any established history or clinical diagnosis of diabetes that requires insulin for control? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Is there any established medical evidence of myocardial infarction, angina pectoris, coronary insufficiency or thrombosis? If first occurrence, fully recovered? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is there any established medical evidence of heart or lung disease including arrhythmia or respiratory dysfunction likely to interfere with the safe operation of a motor vehicle? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Does applicant suffer from hypertension accompanied by postural hypotension resulting in giddiness when under treatment? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Does applicant require hearing assistance? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Is there any established medical history of loss of consciousness, or awareness, due to a chronic or recurring condition? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Does the applicant continuously use any prescription drug that could, in the dosage prescribed, impair his ability to operate a motor vehicle? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Has the applicant been clinically diagnosed as an alcoholic or drug addict? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Is there any established medical evidence of a sustained psychiatric disorder, with particular regard to depression, suicidal tendencies, or impulsive aggressive behavior? | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Is there any other physical or mental impairment, disease or condition that is likely to significantly interfere with the individual's ability to operate a motor vehicle safely? | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Is the applicant medically fit for firefighting duties? | <input type="checkbox"/> | <input type="checkbox"/> |

Remarks: _____

This is to certify that I have examined the above-named applicant and all areas of the form have been completed.

Date _____

Examining Physician: Name: _____
Address: _____
Signature: _____

Physician's Stamp