

Harvey Rural Community

By-Law 2023-08, A By-Law Respecting the Harvey Volunteer Fire Department

Pursuant to subsection 10(2) of the Local Governance Act, SNB 2017, c. 1 8, amendments thereto and regulations adopted thereunder, the Council of the Harvey Rural Community hereby enacts as follows:

1. Title

This By-Law may be cited as the "Fire By-Law."

2. Definitions

In this by-law:

"Act" refers to the Fire Prevention Act, RSNB 1973, c F-13 and the regulations thereunder.

"CAO" refers to the Chief Administrative Officer.

"Council" refers to the Council of the Harvey Rural Community.

"Department" or "Fire Department" refers to the Harvey Volunteer Fire Department.

"Firefighter" refers to any volunteer firefighter, of any rank or title.

"Fire Chief" refers to the Chief Officer of the Fire Department responsible for all administrative and operational functions of the Fire Department and is in overall command as per the Department's chain of command and operating procedures.

"Fire Prevention Officer" refers to a member appointed pursuant to this by-law and includes the Fire Chief.

"Fire Protection" refers to all aspects of fire safety, including but not limited to, fire prevention, firefighting or suppression, pre-fire planning, public education and information, training or other staff development and advising.

"Harvey" refers to the Harvey Rural Community.

"Hot Zone" refers to the precise area in which the emergency or operation is being conducted and to where all personnel working in said area must wear proper Personal Protective Equipment (PPE) and or SCBA to complete all tasks assigned in a safe manner.

"Incident Commander" refers to any officer or designate in charge of a scene.

"Mutual Aid" refers to two-way assistance by Fire Departments of two or more communities giving aid to the other in emergencies, subject to the exceptions set out in Article 2 of the Mutual Aid Agreement.

"Non-Related Fire Rescue" refers to activities including but not limited to, off-road rescue, water & ice rescue, heavy rescue, high angle rescue, confined space rescue and trench rescue.

"Officer" refers to the Chief, Deputy Chief, and Captain.

"Office of the Fire Marshall" refers to the office that carries out the provisions of the Fire Prevention Act, delivers fire prevention and protection programs, and works with fire departments, municipalities and partner organizations to promote fire safety.

3. Fire Protection

- a) The Harvey Rural Community referred to as "Harvey" shall have a Fire Department, the operation and management of which is under the control of the Fire Chief.
- b) A department for the Harvey Rural Community to be known as the Harvey Volunteer Fire Department is hereby established and the head of the Department shall be known as the Chief of the Department.
- c) In addition to the Chief of the Department, the Department personnel shall consist of a deputy chief, and captains. A person appointed by the Fire Chief as a member of the Department for firefighting duties shall do so on a volunteer basis and will be encouraged to take such special training and examinations as may be required by the Chief of the Department and WorkSafe NB.
- d) The Fire Chief is responsible to the Harvey Council, through the Chief Administrative Officer, referred to as the "CAO", for the administration and operation of the Department.
- e) The remuneration of all members of the Department shall be as determined by the Fire Chief in consultation with the Harvey CAO and approved by the Harvey Council.

4. Minimum Structure of Fire Service Requirements:

- a) The minimum number of firefighters is determined by the Fire Marshal. This number shall include:
 - i. One (1) Fire Chief
 - ii. One (1) Deputy Fire Chief
 - iii. Minimum of two (2) Captains
- b) If membership declines to a point where the minimum requirements are not met or fire protection services cannot be safely assured, Council may contract for services with another fire department for the interim period until an adequate level of fire fighting personnel and services is re-established.

5. Fire Chief

- a) May make general orders and rules as may be necessary for the care and protection of the property of the Department, the conduct of the members of the Department and, generally, the efficient operations of the Department, provided that such general orders and rules shall not conflict with the provisions of any by-law of Harvey.
- b) Shall review, periodically, policies and guidelines of the Department, and may establish an advisory committee consisting of such officers and the CAO, as he/she may determine from time to time to assist in this duty.
- c) Shall ensure that when a fire hall is to be open to the public, it must meet the national building and fire code standards for public assembly.

- d) Shall oversee and direct the Department in fulfilling its responsibilities of fire protection and fire prevention education within Harvey.
- e) Shall ensure all fires are reported to the Fire Marshall as required by the Fire Prevention Act of the Province of New Brunswick.
- f) Shall, while on duty, attend all fires and supervise the fighting thereof.
- g) Shall examine and certify the correctness of all accounts of the Fire Department and review monthly with the CAO.
- h) Shall assign to the firefighters their regular duties and other duties they deem proper.
- i) Shall be responsible to maintain proper decorum on the part of the members of the Fire Department, insofar as the conduct of such members has a bearing on the discipline and efficiency of the fire department, and is authorized to issue orders, written or verbal, respecting the conduct of members at fires, alarms, practices, and if authorized, non-fire related rescues.
- j) May demote, suspend, or dismiss any member of the Fire Department for neglect of duty, misconduct or breach of any by-law or regulation and shall report the suspension to the CAO. The affected member may make a written appeal to the CAO within 30 days of dismissal and, based on information provided, leading to dismissal. The CAO may initiate a review of any concerns or complaints regarding the conduct or activity of any member of the fire department. The CAO may review the appeal to ensure that the Harvey Human Resources policies were followed for the disciplinary action taken.
- k) The Fire Chief shall assist the CAO in the negotiation of mutual aid agreements.
- l) All questions, motions or matters before Council shall be decided at a Regular or Special Meeting of Council, with the exception of matters defined in the Act.

6. Fire Chief Reporting or Designate

- a) Shall record all equipment and apparatus testing, inspections, and up-to date certifications (SCBA, ladders, weekly truck checks, hose etc.) A copy of these reports must be made available to the CAO when requested for insurance purposes.
- b) Shall record the particulars of every fire call, including the apparatus, equipment and supplies used, the full details of the event, action taken, and any follow-up required.
- c) Shall make a monthly summary report to Council of the activities of the Fire Department including all calls answered, including mutual aid and training exercises.
- d) Shall make an annual report to Council of the activities of the Fire Department during the preceding year including all calls answered by the Fire Department, all fires, an estimate of the loss sustained of any firefighting equipment, an inventory of all firefighting equipment, names of all members of the Fire Department and recommendations to promote the efficiency of the Fire Department.
- e) Prior to October 1 of each year, the Fire Chief shall provide the CAO with an inventory of the property of the HVFD including halls, equipment and vehicles.

- f) Prior to October 1 of each year the Fire Chief shall prepare the cost estimates for fire protection services and if authorized, non-fire related rescues, for the ensuing year to include:
 - i. The general cost of operation, including proposed training programs, fire prevention programs, and non-fire related rescue programs.
 - ii. The cost of repairs, replacements or additions to apparatus, equipment, and supplies.
 - iii. A list of equipment proposed to be purchased.
 - iv. The capital cost of proposed buildings and equipment.
 - v. Estimates of anticipated revenue, and shall submit such estimates to the CAO.
- g) Prior to April 1 and October 1 of each year, the Fire Chief shall submit an official list of Full Members of the Fire Department to the CAO and shall report any changes in membership promptly to the CAO. To comply with the Firefighters' Compensation Act, the list provided will clearly indicate the date a firefighter joined the department and/or the date of termination. Relevant insurance providers will be notified of any changes in membership.
- h) Some record keeping functions can be designated to other HVFD Members at the direction of the Fire Chief.

7. Fire Chief Position & Qualifications

- a) Must be a resident of the area serviced by the Fire Department.
- b) Have served as a Full Member of a Fire Department for a minimum of five (5) years immediately preceding his/her appointment.
- c) Have strong leadership and communication skills and the capacity to fulfill all responsibilities and duties required for the efficient operations of the Fire Department.
- d) Work closely with the Harvey Council, CAO, and other stakeholders.
- e) Have Grade 12 or equivalent.
- f) The term of office shall be five years but must continue in office until a successor is appointed. The Fire Chief can step down before the term of office expires if there is a qualified successor.
- g) The Fire Chief is to serve a minimum probationary term of six (6) months to a maximum of twelve (12) months.
- h) Any person wishing to become the Fire Chief shall apply in writing to the Harvey CAO. The Fire Chief shall be appointed by the Harvey Council. The CAO and Council shall consider written advice received from the Fire Department membership.
- i) Responsible for ensuring that the firefighters are properly instructed to perform their duties safely, for ensuring work procedures are adhered to the regulations as per WorkSafe NB and report any unsafe conditions.
- j) The Fire Chief shall be accountable to the membership and Council of his/her actions while representing the HVFD as well as maintaining the duties outlined in this By-law.

Failure to comply may lead to disciplinary actions up to or including dismissal from the position.

8. Deputy Fire Chief

- a) Shall obey all lawful orders of the Fire Chief, and
- b) In the absence of the Fire Chief, have all the power and perform all the duties of the Fire Chief.
- c) Upon request of the Fire Chief or Deputy Fire Chief, every person attending a fire shall assist any firefighter in the performance of the duties at the fire and shall obey all orders and directions given to him/her by the Fire Chief or Deputy Fire Chief in connection with the fire.

9. Deputy Fire Chief Position & Qualifications

- a) A person must have the same qualifications as a Fire Chief.
- b) Any person wishing to become a Deputy Fire Chief shall apply in writing to the Fire Chief and a copy provided to the Harvey CAO. The Deputy Fire Chief shall be appointed by the Harvey Council in consultation with the Fire Chief.
- c) The Deputy Fire Chief shall carry out the instructions of the Fire Chief and in the absence of the Fire Chief, shall assume the duties and responsibilities of the Fire Chief.

10. Captain Position & Qualifications

- a) Shall be responsible for the conduct of the firefighters under their command or supervision.
- b) Shall report in writing to the Fire Chief the absence of any firefighters and any neglect, misconduct or breach of any by-law or regulation by a firefighter.
- c) Shall while on duty take charge of all firefighting equipment and always keep in good order and repair and ready for efficient service and shall report any defect to the Fire Chief.
- d) Shall always preserve order and discipline of the firefighters while on duty.
- e) Shall be responsible for all check lists provided by the Fire Chief.
- f) Captains will be appointed by the Fire Chief and will be tasked with specific duties as prescribed by the Fire Chief. In addition, the Captain will be required to take a leadership role at operation scenes in the absence of the Fire Chief or Deputy Chief.

11. Incident Commander

- a) Is the officer or designated Firefighter in charge of the scene.
- b) Shall have full charge and sole command over the conduct of all persons at the fire whether they are members of the Fire Department or not.
- c) Shall make a record of the attendance of all firefighters at each fire.
- d) Whenever the Incident Commander in charge of the fire deems it advisable to guard the locality of the fire from the crowding of persons or vehicles, he may place or request 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.

- e) No person shall enter or be within the area marked off by ropes or barriers unless approved by the fire department or designated authority.

12. Fire Alarms

- a) No person shall turn off, reset, or otherwise interfere with, an activated fire alarm prior to the arrival of the Fire Department.
- b) Every person who is required under the National Fire Code to prepare and implement a fire safety plan approved by the Fire Chief shall install and maintain a lock box on his or her premises.
- c) No more than one lock box shall be located and maintained on each premise.
- d) The type of lock box installed shall be approved the by the Fire Chief.
- e) The lock box shall be surface mounted within 3 metres of the main entrance of the premises at a height between 1.5 metres to 1.8 metres above the ground. The Fire Chief may authorize a deviation for the lock box location due to the structural design of the premises.

13. General

- a) Members of the Fire Department shall comply with this by-law and the rules and regulations of the Department.
- b) Fire Department vehicles and fire equipment shall not be used for any work other than work of the Fire Department.
- c) No Fire Department vehicles or fire equipment shall be taken beyond the limits of the Harvey fire boundaries unless to assist with a mutual aid call, to take for service to a location outside of the Harvey fire boundary or for training or fire related business.
- d) All members, including the Fire Chief, are responsible to understand and comply with the contents of this by-law.
- e) All members shall assist in returning all apparatus and equipment to a state of readiness after emergencies, training sessions or when otherwise advised.
- f) Every member shall conduct himself/herself in a professional and respectful manner while on duty or representing the department.
- g) Every member who commits himself/herself to a mandated response situation is expected to perform all duties required as their assigned role in the department in order to handle the various situations as presented.
- h) The Emergency Measures Coordinator along with the Mayor and/or Deputy Mayor are authorized to order emergency/urgent repairs or activities on an emergency/urgent basis to protect the public safety or to protect the assets of citizens of Harvey.
- i) No person:
 - i. Shall drive a vehicle over or across an unprotected hose or other firefighting equipment unless he/she is given permission to do so by the Incident Commander designate.
 - ii. Shall disobey the orders and/or directions of the Incident Commander given in the performance of his/her duties at a fire.

- iii. Shall interfere with or obstruct a Fire Chief, Deputy Fire Chief, Incident Commander or any firefighter in the performance of his/her duties at a fire.
- iv. Shall place merchandise so as to obstruct the entrance into any premises by firefighters through any window, door stairway or passageway.
- v. Shall obstruct, paint or take action to conceal a fire hydrant without the written joint permission of the CAO and the Fire Chief.

14. Membership

For this by-law, the following are classifications of and qualification requirements for the membership of the Harvey Volunteer Fire Department:

14.1 Full Member: To be classified as a full member firefighter in the Harvey Volunteer Fire Department, a person must:

- a) Be at least 18 years old.
- b) Be a resident of or work in the area serviced by the Fire Department.
- c) Possess or be able to obtain, at minimum, a Standard First Aid Certificate.
- d) Successfully complete Firefighter 1 training within two (2) years, or have obtained the equivalent from another jurisdiction (providing it is recognized by NBCC and OFM)
- e) Possess the appropriate class of licence for driving assigned fire apparatus and have passed a recognized defensive driving course if duties include driving fire apparatus.
- f) Possess appropriate training and/or certification for any other assigned duties with the fire department, ex. Traffic control, non-fire related rescue.
- g) Maintain the following attendance requirements to remain as full member:
 - i. Minimum 200 hours of service per year which includes the 40 hours of in-house training.
 - ii. All full members shall serve a probationary period of one year.

14.2 Support Member: To be classified as a support member firefighter in the Harvey Volunteer Fire Department, a person must:

- a) Be a resident of or work in the area serviced by the Fire Department.
- b) Possess a valid Standard First Aid Certificate.
- c) Possess the appropriate class of licence for driving assigned fire apparatus and has passed a recognized defensive driving course if duties will include driving fire apparatus.
- d) Participate in a task-specific support role for operational activities as designated by the Fire Chief.
- e) Receive the training required to undertake designated tasks.

14.3 Junior Member: A person who is eligible to be classified as a junior member: Must be 16 years of age, but less than 18 years of age, and have a parent or guardian complete and sign a permission and waiver form supplied by the Fire Chief.

- a) May participate in minor support roles for which training has been received (Ex. equipment pick-up, washing hose and trucks, cleanup of equipment, repacking hose and equipment on apparatus), as designated by the Fire Chief or training officer.
- b) May only perform support or auxiliary work at fireground operations, such as providing refreshments to the first responders well outside of the "hot zone" or operational area.
- c) Will not be exposed to hazardous material.
- d) Junior members are not permitted to attend DNR forest/wildland or grass fire scenes.
- e) All junior members shall have probationary status until such time as they have achieved Firefighter 1 training and reached 18 years of age and met the criteria in subsection "Full Member."

14.4 Life Member: A member may receive this special recognition of the fire department membership, for reasons determined by the membership of the fire department, if the member:

- a) Is retired from the Fire Department.
- b) Does not participate on a regular basis in the day-to-day operations of the fire department.

14.5 Honorary Member: A person who is not a member of the Fire Department, on whom special recognition is bestowed by the members of the Fire Department, may:

- a) Be bestowed a ceremonial title only.
- b) Not receive any benefits received by other members of the Fire Department.

14.6 Auxiliary Member: A person who assists the fire department in a non-firefighting capacity, and

- a) Does not respond to callouts, and
- b) Assists with duties such as ceremonial events, fundraising events or other administrative duties.

Any person wishing to become a member of the Fire Department shall apply in writing to the Fire Chief. Every application shall be reviewed by the Fire Chief and the Deputy Fire Chief(s). They will determine their acceptance or not and will maintain a list of eligible applicants, with a copy provided to the CAO. Any member who wishes to alter their classification of membership shall apply in writing to the Fire Chief.

If at any time a firefighter is physically unfit to perform their duties, it is the responsibility of that firefighter to notify the Fire Chief of their condition.

15. Injuries or Death of Membership

- a) The injury or death of any member that occurs as the result of his/her duty at a fire, training, and if authorized, a non-fire related rescue response, or any other call, shall be

reported immediately to the Fire Chief or the Incident Commander. As soon as possible notification should be given to the CAO.

- b) A member who is injured or involved in an accident while reporting to, or on duty, will fill out appropriate forms issued by WorkSafe NB as per the timelines.

16. Media

- a) Any media obtained by a member during an emergency call, in a fire hall or at a training session (onsite or outside of the fire service boundary), be it in the form of photographs, video or audio recording, becomes the property of the department and may not be distributed without the express consent of the Fire Chief and CAO.
- b) Advisory and informational notices such as road closures can be posted to the Harvey Fire Department Social Media accounts as required.

17. Meetings

- a) The Harvey Volunteer Fire Department meets regularly for instruction and/or practice in fire prevention and fire protection methods, and if authorized, non-fire related rescues, and the use of apparatus and equipment.
- b) The minimum requirement for a member is 40 hours of in-house training per year.
- c) The Fire Chief, Deputy Chief, Captains or designate are encouraged to attend Capital District Association meetings.

18. Purchasing Authority

- a) The Fire Chief has the authority to purchase up to \$1,000 for budgeted expenses. The CAO maintains the final approval for budgeted purchases of more than \$1,000. Unbudgeted purchases of more than the CAO's approval amount must be approved by Council.

19. Fire Equipment

- a) The equipment and apparatus of the Department, whether purchased by or donated to the Fire Department, is the property of Harvey and may not be transferred or otherwise disposed of without the approval of Council.
- b) Harvey will not be financially responsible for personal items damaged or lost on fire department property or during fire department related activities.
- c) Every member who has been assigned a communication device/radio pager will keep them and be ready for active service while a member of the Department.

20. Liability

- a) No action or other proceedings for damages shall be instituted against the Harvey Rural Community, the Fire Department, the Fire Chief, or any firefighter authorized to act on behalf of the Fire Department under this By-Law with respect to anything done in good faith or omitted to be done in the execution or intended execution of his/her duties under this By-Law.

21. Documentation

- a) In conjunction with the Fire Chief and the CAO, various administrative documents will be provided for the Fire Department.
- b) As part of probation of firefighting training, the guideline "Probationary Firefighter Training" must be adhered to and signed by all parties.

In Witness whereof the Rural Community of Harvey has caused its corporate seal to be hereunto affixed to this By-Law the 14th day of June, 2023.

First Reading: May 10, 2023
Second Reading: June 14, 2023
Third Reading: June 14, 2023

Clerk: _____
Katherine Henry

Mayor: _____
Richard Corey

Seal