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2017-12-15  
14:45:55

**BY-LAW 532**  
**A BY-LAW RELATING TO THE**  
**TOWN OF OROMOCTO FIRE DEPARTMENT**

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I certify that this instrument  
is registered or filed in the  
Sunbury  
County Registry Office,  
New Brunswick

J'atteste que cet instrument est  
enregistré ou déposé au bureau  
de l'enregistrement du comté de  
Nouveau-Brunswick

The Council of the Town of Oromocto  
under the authority vested in by Section  
109 of the Municipalities Act (R.S.N.B.  
1973, c. F-13), The Motor Vehicle Act  
(R.S.N.B. 1973, c. M-17) and the Fire  
Prevention Act (R.S.N.B. 1973, c. F-13)  
enacts as follows:

2017-12-15 14:45:55 37663805  
date/date time/heure number/numéro  
Evelyn Keddy  
Registrar-Conservateur

**PURPOSE AND INTENT**

1. The purpose of this by-law is to establish the Town of Oromocto Fire Department's designates roles, rights and responsibilities.

**GENERAL**

2. 2.1 The Town of Oromocto shall establish the Oromocto Fire Department in accordance with Sections 109 and 200(2) of the *Municipalities Act* for the purpose of performing fire protection, fire prevention and non-fire related rescue.
- 2.2 The Fire Department shall be a Composite (Combination) Fire Department with a discernible and structured "career" component and a "volunteer" component. Members of both components function under and are subject to the direct supervision of the Fire Chief and their designate.
- 2.3 In addition to the Fire Chief, the Fire Department may include a Deputy Chief, Assistant Deputy Chief(s) and such other Chief Officers, Captains, Lieutenants, Firefighters and other personnel as may be deemed necessary by the Fire Chief.
- 2.4 All members shall respond promptly, as required, to protect life, property, and the environment.
- 2.5 The Fire Chief, or their designate, shall have direct charge at all emergency incidents and shall direct operations. They shall, subject to the approval of the Chief Administrative Officer, have administrative and operational jurisdiction over all matters pertaining to the Fire Department.
- 2.6 The Fire Chief, with the prior approval of the Chief Administrative Officer, may reorganize or eliminate services or establish other services or may do all or any of these things or any combination of them as may be required to ensure the proper administration and efficient operation of the Fire Department and the effective management of fire protection services for the Town.
- 2.7 The Fire Department shall only provide services outside the boundaries of the Town of Oromocto in accordance with:
  - (a) agreements between the Town of Oromocto and the Province of New Brunswick,
  - (b) agreements between the Town of Oromocto and other communities, and
  - (c) guidelines and directives established, from time to time, by the Fire Chief.

**ROLES:**

**3. RESPONSIBILITIES AND AUTHORITY OF THE FIRE CHIEF**

- 3.1 The Fire Chief shall be the head of the Fire Department and shall be responsible for its proper administration and efficient operation.
- 3.2 The Fire Chief shall be authorized to make such general orders, policies, procedures, rules and regulations and to take such other measures as the Fire Chief may consider necessary for:
  - (a) the proper administration and efficient operation of the Fire Department,
  - (b) the effective management of the fire protection services for the Town,

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- (c) the prevention, control and extinguishment of fires,
  - (d) the protection of life and property, and
  - (e) the management of emergencies within the territorial jurisdiction of the Town,
- 3.3 This shall be done provided that such general orders, policies, procedures, rules, regulations and other measures do not conflict with the provisions of:
- (a) this or any other by-law of the Town, including without limitation those requiring the prior approval of or prior notice to the Council or the satisfaction of certain conditions (general or otherwise) specified by the Council before such measures can be implemented, or
  - (b) the *Fire Prevention Act* (R.S.N.B. 1973, c. F-13), or any collective agreement or other written agreement that may be applicable.
- 3.4 In addition, and without restricting the generality of the foregoing the Fire Chief's responsibilities and authority specifically include:
- (a) the care and protection of all property belonging to the Fire Department,
  - (b) establishing control and command over all persons attending at a fire, whether members of the Fire Department or not, to take all proper measures for the extinguishment of fires and the protection of property, the preservation of order and the observance of the laws and regulations respecting fires in the Town,
  - (c) arranging for the provision of necessary and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department,
  - (d) determining and establishing the qualifications and criteria for employment or appointment and the duties of all officers, members and administrative support staff of the Fire Department,
  - (e) maintaining the good conduct and discipline of officers, members and administrative support staff of the Fire Department,
  - (f) keeping an accurate record of all fires, rescues and emergencies responded to by the Fire Department,
  - (g) preparing and presenting the annual estimates of the Fire Department to the Chief Administrative Officer and the Council and for exercising control over the budget approved by the Council for the Fire Department, and preparing and presenting the annual report of the Fire Department to the Council.
- 3.5 The Fire Chief shall be responsible for the enforcement of this bylaw and all general orders, policies, procedures, rules and regulations made under this bylaw and for the enforcement of any other by-laws of the Town respecting fire protection services.
- 3.6 The Fire Chief shall have all powers, rights and duties assigned to a fire chief under the *Fire Prevention Act* (R.S.N.B. 1973, c. F-13) , including without limitation the authority to enforce compliance with the fire code made under the Act.
- 3.7 The Fire Chief shall provide liaison with the Office of the Fire Marshal and any other office or organization as required by the Council or as considered necessary or advisable by the Fire Chief for the proper administration and efficient operation of the Fire Department and the effective management of the fire protection services for the Town.
- 3.8 The Fire Chief may utilize such officers, members and administrative support staff of the Fire Department as the Fire Chief may determine, from time to time, to assist in the performance of their duties.

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**DEPUTY FIRE CHIEF**

- 3.9 The Deputy Chief, if any, is subordinate to the Fire Chief. In the absence of the Fire Chief, they shall have all powers of and perform the duties of the Fire Chief.

**ASSISTANT DEPUTY CHIEF**

- 3.10 The Assistant Deputy Chief (s), if any, is (are) subordinate to the Deputy Fire Chief. In the absence of the Fire Chief, and Deputy Chief, they shall have all powers of and perform the duties of the Fire Chief. In the absence of an Assistant Deputy Chief, the Chief Administrative Officer shall designate a person or persons to have all powers of and perform the duties of the Fire Chief.

**PROPERTY OF THE FIRE DEPARTMENT**

4. 4.1 No person shall apply any apparatus, equipment or other property of the Fire Department to any personal or private use.
- 4.2 No person shall wilfully damage or render ineffective or inoperative any apparatus, equipment or other property belonging to the Fire Department.
- 4.3 No person shall drive a vehicle over or across an unprotected hose or other fire-fighting equipment unless he is given permission to do so by the ranking Fire Department member present in accordance the section 202(2) of the *Motor Vehicle Act* (R.S.N.B. 1973, c. M-17).

**EMERGENCY RESPONSE**

5. 5.1 The Fire Department may suppress any fire, respond to emergency incidents or other hazardous condition by any reasonable action and, for this purpose, may enter private property, if necessary to do so, in accordance with the *Fire Prevention Act* (R.S.N.B. 1973, c. F-13).
- 5.2 The Fire Department may pull down or demolish any building or structure when considered necessary to prevent the spread of fire.
- 5.3 If required to do by the Fire Department, no person present at a fire may refuse to assist in:
- (a) extinguishing fires;
  - (b) pulling down or demolishing buildings or structures to prevent the spread of fire;
  - (c) crowd and traffic control; or
  - (d) other reasonable ways.
- 5.4 No person present at a fire or other emergency situation shall refuse to leave the immediate vicinity when directed to do so by a member of the Fire Department or Police Officer
- 5.5 During a fire or other emergency and for the time after it has been extinguished that is required to remove the apparatus and equipment of the Fire Department and render the location and vicinity safe from fire, and/or conduct a fire investigation to the determine origin, cause and circumstances surrounding a fire in accordance with the *Fire Prevention Act* (R.S.N.B. 1973, c. F-13) no person, either on foot or with a vehicle of any kind, shall enter or remain upon or within:
- (a) the portion of any street or lane upon which the site of the fire abuts or upon any street or lane for a distance of 15 metres on each side of the property damaged by fire,
  - (b) any additional street or lane or part of a street or lane or any additional limits in the vicinity of the fire or emergency as may be prescribed by the Fire Chief or the next ranking officer present at the fire,

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(c) unless authorized to enter or remain by an officer of the Fire Department or by a Police Officer.

5.6 Except on approval of a member of the Fire Department or a Police Officer, no person shall enter or be within an area enclosed or marked off by tape, ropes or other barriers to indicate an area from which persons or vehicles are prohibited.

**INTERFERENCE**

6. 7.1 No person shall impede or interfere with or hinder the Fire Department in the performance of its duties.

**PENALTIES AND ENFORCEMENT**

7. 7.1 No person shall refuse, fail or neglect to obey the directions or orders of a member of the Fire Department, which may be given under subsection (3);

7.2 The Fire Chief or Fire Prevention Officer shall be responsible for enforcement of this by-law.

7.3 Every person who contravenes or fails to comply with any provision of this by-law, commits an offence punishable under the *Provincial Offences Procedure Act* as a Category C offence, a judge shall impose a fine of not less than \$140 and not more than \$1,100.

7.4 Every person charged with an offence under this by-law:

(a) may on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of \$140 (one hundred and forty dollars) to the Town of Oromocto:

- 1) in person at the Service Centre Counter, Oromocto Municipal Building, 4 Doyle Drive, Oromocto, NB; or
- 2) by mail to: Town of Oromocto, 4 Doyle Drive, Oromocto, NB, E2V 2V3, "Attention Service Centre Counter", by cheque or money order only, payable to the Town of Oromocto;

at which time the ticket or ticket number shall be surrendered to the Town of Oromocto and such payment shall be deemed payment in full; or

(b) if the voluntary payment set out in subsection (a) has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of \$140.00 (one hundred and forty dollars):

- 1) in person at the Burton Court House, 23 Route 102 Highway, Burton, NB, by cash or certified cheque or money order payable to the Minister of Finance; or
- 2) by mail to: Burton Court House, PO Box 94, Oromocto, NB, E2V 2G4, "Attention Provincial Court", by certified cheque or money order only, payable to the Minister of Finance;

at which time the ticket or ticket number shall be surrendered to the Provincial Court and such payment shall be deemed payment in full; or

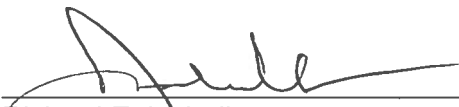
(c) if the voluntary payment set out in subsections (a) and (b) above have not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the Category C Offence, is liable on summary conviction to a minimum fine of \$140 (one hundred and forty dollars), and not more than the maximum fine of \$1,100 (one thousand and one hundred dollars) as per the *Provincial Offences Procedure Act*.

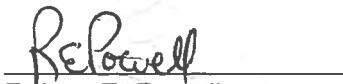
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8. By-Law 220 and amendments thereto are hereby repealed.

<b>READ FIRST TIME BY TITLE ONLY:</b>	<b>16 NOVEMBER 2017</b>
<b>READ SECOND TIME IN ITS ENTIRETY:</b>	<b>14 DECEMBER 2017</b>
<b>READ THIRD TIME BY TITLE ONLY FOR ENACTMENT:</b>	<b>14 DECEMBER 2017</b>

  
Richard E. Isabelle  
Chief Administrative Officer/Clerk

  
Robert E. Powell  
Mayor