

**Village of Valley Waters**  
**BY-LAW NO. 24-14-01**

**A By-law respecting the establishment of the Belleisle Valley, Norton, and Wickham Fire Departments, and the prevention and extinguishment of fires.**

The Village of Norton By-Law #2003-09-01, a By-Law regulating the Fire Department is hereby repealed. Valley Waters Council under the authority vested in it by section 186 of the Local Governance Act, SNB 2017, c 18, and amendments thereto duly assembled hereby, enacts as follows:

**1. TITLE**

This by-law may be cited as the "Valley Waters Fire Protection By-Law."

**2. DEFINITIONS**

In this by-law, unless the context otherwise requires:

- (a) "Assistance Response" means:
  - i. First response to medical emergencies
  - ii. Fire response to accidents, natural or man-made disasters, escapes of hazardous materials or other circumstances that have caused or cause harm to persons or property; or
  - iii. Rescue operations including auto extrication, basic remote rescue, ice / water rescue, heavy rescue and off-road rescue, depending on training and resources.
- (b) "CAO" means the Chief Administrative Officer of Valley Waters
- (c) "Council" means the Council of Valley Waters.
- (d) "Departments" refers to the Belleisle Valley, Norton, and Wickham Fire Departments.
- (f) "Fire Chief" means Fire Chief of one of the Departments.
- (g) "Fire Prevention Act" means the Fire Prevention Act, Chapter F-13 of the Revised Statutes of New Brunswick and Regulations, and Amendment thereto.
- (h) "Local Assistant to the Fire Marshall" means the Chief or Deputy Chief appointed at the scene for such purpose.

- (i) "Order" means an order made under authority of this by-law by the Fire Chief or a Fire Prevention Officer.
- (j) "Police Officer" means:
  - i. a member of the Royal Canadian Mounted Police.
  - ii. a police officer appointed under Section 10, 11, or 17.3 of the Police Act.
- (k) "Public Services" means public information, education and prevention programs, as they relate to fire safety, public safety, and emergency preparedness.
- (l) "Volunteer Firefighter" means firefighter.

### **3. APPLICATION**

- A. In this By-law where the context requires, the singular shall be taken to also mean the plural and references to a specific gender shall be taken to include the other genders.
- B. The Council hereby establishes the Belleisle Valley Fire Department, Norton Fire Department, and Wickham Fire Department, and the heads of the Departments shall be known as the Fire Chiefs.
- C. The Fire Department shall nominate a Fire Chief, and Council shall appoint a Fire Chief for each Department who shall also be, ex officio, the fire prevention officer for the Department.
- D. The Department personnel, in addition to the Fire Chief shall, at a minimum, consist of a Deputy Fire Chief and volunteer firefighters.
- E. The Council, through the CAO, may appoint any qualified person as a volunteer firefighter of the Department, on the recommendation of the Fire Chief.
- F. The Council may from time to time by Council resolution determine the total number of volunteer firefighters required for the Departments.
- G. The Council shall determine, through the annual budget, the remuneration of all firefighters of the Departments.

### **4. EMPOWERMENT**

The Valley Waters Fire Departments are empowered to provide the following services:

- A. Fire Protection
- B. Response Assistance

- C. Mutual Aid
- D. Public Services

## **5. FIRE CHIEFS**

The Fire Chiefs are responsible, through the Chief Administrative Officer, for the proper administration and operation of their respective Departments and for the discipline of its firefighters, and:

- A. may make such general orders and departmental rules as may be necessary for the care and protection of the property of the Department, for the conduct of the firefighters of the Department and generally for the efficient operation of the Department, provided that such general orders and rules do not conflict with the provisions of any By-Law of Valley Waters nor any law or regulation in the Province of New Brunswick.
- B. shall review periodically the policies and procedures of the Department and make recommendations to the CAO.
- C. shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall enforce all municipal by-laws respecting fire prevention and exercise the powers and duties imposed on him / her by the Fire Prevention Act.
- D. shall be responsible for the enforcement of this By-law and the general orders and departmental rules.
- E. shall report all fires to the Fire Marshal as required by the Fire Prevention Act.
- F. shall assist the CAO in the preparation of annual budget estimates for Council's approval, and shall be responsible for managing the affairs of the Department within the approved annual budget.
- G. shall make a monthly report to the CAO of the activities of the Departments during the preceding month including all calls answered by the Department.
- H. shall make an annual report for the preceding year, summarizing all calls, all fires, an inventory of the firefighting equipment, names of all members of the Department and recommendations to promote the efficiency of the Department.
- I. shall have full charge and sole command over the conduct of all persons at an emergency scene, whether they are members of the Fire Department or not.

- J. shall assign to the firefighters their regular duties and other duties they deem proper.
- K. shall make or cause to be made a record of the attendance of all firefighters at each fire.
- L. may suspend or dismiss any member of the Department for neglect of duty, misconduct or breach of any by-law or regulation and shall forthwith report the suspension to the CAO.
- M. shall act as, or assign, the Fire Prevention Officer.

## **6. DEPUTY FIRE CHIEF**

A Deputy Fire Chief:

- A. Shall obey all lawful orders of the Fire Chief; and
- B. Shall in the absence of the Fire Chief, have all the power and perform all the duties of the Fire Chief; and
- C. Shall have at a minimum Level 1 Firefighter Certification

## **7. VOLUNTEER FIREFIGHTERS**

- A. A person qualified to be appointed a volunteer firefighter for the Department for firefighting duties shall:
  - i. be of good character,
  - ii. pass such aptitude and other tests as may be required by the Fire Chief,
  - iii. be medically fit to be a member as certified by a physician, and
  - iv. be at least 18 years of age, except for Junior Firefighters, who must be at least 14 years of age.
- B. A person appointed as a volunteer firefighter of the Department for firefighting duties shall be on probation for a period of six (6) months from the date of Council approval.
- C. If a probationary volunteer firefighter appointed for firefighting duties fails any required examinations, the Fire Chief may dismiss them.

D. When so ordered by the Fire Chief, all volunteer firefighters shall assemble for drill and / or instruction in the use of firefighting equipment at the time and place specified by the Fire Chief.

E. Firefighters of the Fire Department shall comply with this by-law and the rules and regulations of the Department.

## **8. GENERAL**

A. Fire Department vehicles and firefighting equipment shall not be used for any purpose other than work of the Fire Department.

B. No Fire Department vehicle shall be used for emergency transportation of a person other than a firefighter of the Fire Department, except with the consent of the Fire Chief or the officer in charge.

C. No firefighting equipment shall be taken beyond the limits of the Valley Waters coverage area except for mutual aid response or with the permission of the Fire Chief or the officer in charge.

When any firefighting equipment is taken beyond the limits of the coverage area to any fire, the Fire Chief or designate shall appoint a member of the Fire Department to take charge of the firefighting equipment.

D. In the absence of the Fire and Deputy Fire Chief, a senior officer of the Department may be appointed as Fire3 Chief and shall have all the power and perform all the duties of the Fire Chief.

## **9. PREVENTION AND EXTINGUISHMENT OF FIRES**

### **A. FIRE PREVENTION OFFICER**

A Fire Prevention Officer or any person authorized in writing by a Fire Prevention Officer may, upon complaint of a person interested, or where a Fire Prevention Officer deems necessary without such complaint may at all reasonable times enter and inspect any building or premise within the boundaries of the municipality of Valley Waters for the purpose of fire prevention or to investigate the cause or origin of a fire.

### **B. ORDERS**

An Order of the Fire Prevention Officer or Fire Chief, under terms of this By-law shall be in writing and signed by the Fire Prevention Officer or Fire Chief for any infractions of this By-law, regulations, Fire Prevention Act or other laws relating to the prevention and extinguishment of fires.

### **C. NOTICE**

i. Where a condition mentioned in Section 22 (a) exists, a Fire Prevention Officer or Fire Chief may notify the owner or occupier of the premises, building or structure and the notice shall:

- a) be in writing,
- b) be signed by the Fire Prevention Officer or Fire Chief,
- c) state that the condition referred to in subsection 22 (a) exists,
- d) state what must be done to correct the condition,
- e) state the date before which the condition must be corrected, and
- f) be served either by personal delivery on the person to be notified or by posting in a conspicuous place on the premises, building or structure.

ii) Proof of the giving of notice in either manner provided for in subsection 9.C may be by a certificate or an affidavit purporting to be signed by the Fire Prevention Officer or Fire Chief or such other person acting on behalf of the Fire Prevention Officer or Fire Chief referred to in subsection 22 (b), naming the person to whom notice was given and specifying the time, place and manner in which notice was given.

iii) A document purporting to be a certificate or proof of service under subsection 9(C) shall be admissible in evidence without proof of signature, and conclusive proof that the person named in the certificate received notice of the matters referred to in the certificate.

### **10. BURNING**

A. No person shall burn or cause to burn any material out of doors on public or private property within the Valley Waters town limits except as follows and subject to any provincial laws or regulations to the contrary:

- i) A firefighter may, under the direction of the Fire Chief, set an outside fire for a Valley Waters Fire-Rescue Department for educational and training purposes;
- ii) A person is permitted to set a fire for the purpose of cooking food on a barbeque.
- iii) A person who has sought a burning permit from the Province of NB who is abiding to the conditions of same.
- iv) In this section "outdoor wood burning appliance" means a manufactured non-combustible enclosed container designed to hold a small fire for decorative purposes and the size of which is not larger than one (1) meter in any direction, and may include, but not limited to, chimneys.

B. A person may set a fire in an outdoor wood burning appliance provided that:

- (i) it is located at a distance of not less than three (3) meters between the appliance and any building, structure, property line, tree, hedge fence, roadway, overhead wire or other combustible article;
- (ii) it is not placed on a wood deck or other combustible platform;
- (iii) only one appliance is to be used on the property at any one time;
- (iv) it is used to burn only dry, seasoned firewood;
- (v) a portable fire extinguisher or operable garden hose is readily available while the unit is in use;
- (vi) the Owner or occupant maintains constant watch and control over the appliance when in use and until the fire is totally extinguished; and
- (vii) it does not allow smoke, smell, airborne sparks or embers to infringe on the use and enjoyment of other properties.
- (viii) the burning is consistent with the policies of the Department of Natural Resources and the Department of Environment, and any other regulatory body.

## **11. PETROLEUM PRODUCT STORAGE**

No person shall store gasoline, oil, liquefied petroleum gases or other petroleum products except in facilities meeting the standards contained in the latest edition of the National Fire Code of Canada.

## **12. BUILDING DEMOLITION**

The Fire Chief may, during a live fire, and in order to prevent the spread of fire, issue an order for the pulling down, demolition or removal of any building or structure.

## **13. FALSE ALARMS**

Every owner of a building, in which a fire alarm system is installed, is responsible for false alarms generated for that building. The Valley Waters Departments may charge the owner of a building from which a false alarm is generated an escalating fee of \$500 per incident. Each subsequent false alarm in a calendar year may cause an additional \$500 to be charged to the owner of said building. Two false alarms per year per building will be allowed with no charge being applied to the building owner.

## 14. GENERAL

- A. Upon request of the Fire Chief or Deputy Fire Chief, any person present at a fire may assist any firefighter in the performance of their duties at the fire and shall obey all orders and directions given to them by the Fire Chief or Deputy Fire Chief in connection with the fire.
- B. Whenever the Fire Chief, Deputy Fire Chief, or other person in charge of a fire deems it advisable to guard that locality of the fire from the crowding of persons or vehicles, they may place or cause 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. No person except members of the Fire Department, the Police and the owner of a property endangered by the fire, shall enter or be within an area marked off by ropes or barriers under this section.
- C. No person shall:
- (a) drive a vehicle over or across an unprotected hose or other firefighting equipment unless they are given permission to do so by a firefighter or peace officer;
  - (b) interfere with or obstruct a Fire Chief or Deputy Fire Chief or any firefighter in the performance of his duties at a fire; and
  - (c) operate a fire emergency vehicle while under the influence of intoxicating liquor or drugs.
  - (d) place merchandise so as to obstruct the entrance into any premises by firefighter through any window, door, stairway or passageway.
  - (e) obstruct entrance by any firefighter to any emergency scene nor to hydrant, including a dry hydrant.
- D. If a Valley Waters Fire Department responds to a motor vehicle incidents or other emergency and determines it necessary to:
- (a) call in additional or special resources; and/or
  - (b) retain a private contractor; and/or
  - (c) rent special equipment not normally carried on a fire apparatus; and/or
  - (d) consume materials or supplies in order to suppress or extinguish a fire, preserve a property or prevent a fire from spreading or otherwise control and eliminate an emergency; and/or
  - (e) operations at the incident have damaged apparatus or equipment owned by or under the control of a Valley Waters Fire Department, then the motor vehicle owner(s) or property owner(s), individually or jointly, may be charged



those expenses, or costs for damages incurred.

**15. PENALTY**

- A. A person who breaches this by-law or who fails to comply with an order of the Fire Prevention Officer or Fire Chief authorized by this by-law commits an offence punishable under part II of the Provincial Offences Procedure Act as a category E offence.
  
- B. Where a person is convicted of an offence under subsection 33 (a), the court, in addition to any penalty imposed under subsection 33 (a), may order that person to comply with the order.
  
- C. A person who fails to comply with an order of the court under subsection 33 (b), commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category F offence.

**16. VALIDITY**

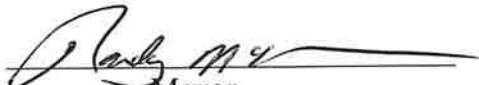
The invalidity of any section, clause, sentence or provision of this By-Law shall not affect the validity of any other part of this By-Law which can be given effect without such invalid part or parts.

First Reading (date): 07 May 2024

Second Reading (date): 07 May 2024

Third Reading and Enacted (date): *June 4 2024*



  
Mayor

  
Clerk