

## **BY-LAW NO. 37**

### **FIRE DEPARTMENT BY-LAW**

RESOLVED as a By-Law of the Town of Yarmouth pursuant to the Municipal Government Act of Nova Scotia, as follows:

1. This By-Law shall be known and cited as the "Yarmouth Fire Department By-Law".

### **DEFINITIONS**

2. In this By-Law, unless the context otherwise requires:
  - a) **"Advisory Committee"** means a Committee consisting of the Fire Chief, Deputy Chief and Deputies, as the case may be, Chairman of the Fire Policy Committee and captains;
  - b) **"Policy Committee"** means the Fire Policy Committee of the Town of Yarmouth;
  - c) **"Council"** means the Council of the Town of Yarmouth;
  - d) **"Department"** means the Yarmouth Fire Department;
  - e) **"Member"** includes an officer; and
  - f) **"Town"** means the Town of Yarmouth.

### **FIRE DEPARTMENT**

2. The "Department" shall maintain and provide fire and emergency services to the Town of Yarmouth and as set out in Section 4 of this By-Law.

3. The Department shall not respond to a call with respect to a fire or emergency outside of the limits of the Town of Yarmouth except with respect to a fire or emergency:
  - a) that in the opinion of the Chief of the Department, threatens property situated outside the Town of Yarmouth that is owned or occupied by the Town of Yarmouth;
  - b) in a Municipality with which an Agreement has been entered into with the Council to provide fire protection, or,
  - c) at property with respect to which an agreement has been entered into with the Council to provide fire protection, or,
  - d) in Mutual Aid calls with other departments.

#### **DIVISIONS, COMPANIES AND PLATOONS**

4. The Department may consist of such divisions, companies and/or platoons as approved by Town Council. Any proposal to change or consolidate any or all of the divisions, companies or platoons shall involve discussions between the Advisory Committee and the members involved.

#### **PERSONNEL**

5. The Department shall be composed of the following personnel: Director of Fire Services (also called Fire Chief), a Senior Deputy Chief and such other Deputy Chiefs as are necessary, Captains, Lieutenants or other officers, and as many full-time paid personnel and volunteer members as is considered to be necessary for the effective operation of the Department.

**CHIEF OF DEPARTMENT**

6. The head of the Department shall be the Director of Fire Services (also known as Fire Chief) who shall be responsible for the proper administration and operation of the Department and for the discipline of its members.

**DEPUTY CHIEF**

7. The Senior Deputy Chief and Deputy Chiefs shall report to the Fire Chief of the Department of the activities of the Divisions, Companies and/or platoons and shall carry out the orders of the Fire Chief, and in the absence of the Fire Chief, has or have all powers and shall perform all the duties of the Fire Chief.

**CAPTAINS AND OFFICERS**

8. Each Company/Platoon of the Department shall be under the direction of a Captain and Lieutenants who are responsible to the Fire Chief of the Department or his Deputy for the operation of the Companies/Platoons.
9. Where the Fire Chief of the Department designates a member to act in place of an officer in the Department in an emergency situation, such member when so acting has all the powers and shall perform all the duties of the officer replaced.

**ADVISORY COMMITTEE**

10. The Director of Fire Services may consult with the Advisory Committee with respect to:
  - a) the proper training of the Department, including selecting the training standards of a recognized fire training institution;
  - b) the prevention, control and extinguishing of fires;

- c) the assistance in such emergencies as may be required;
- d) the conduct of fire prevention and familiarization inspections of premises;
- e) the coordination of the Department's response with other emergency organizations;
- f) establish standards of qualification for entering as a probationary member and for all other members and officers.

### **POLICY COMMITTEE**

11. The Council of the Town of Yarmouth may, by resolution, establish a Policy Committee that shall perform such duties and functions as identified from time to time.

### **QUALIFICATIONS**

12. A person is qualified to be appointed a member of the Department for firefighting duties who:
  - a) is not less than 19 years of age;
  - b) is of good character and he shall provide two references;
  - c) passes such aptitude and other written and oral tests as may be required by the Chief of the Department;
  - d) is medically fit to be a member as certified by a physician;
  - e) resides within the area protected by the Department.

### **PROBATIONARY MEMBERS**

13. A person appointed as a probationary member of the Department for firefighting duties shall be on probation for a period of 12 months during which period he shall take such training and examinations as may be required by the Chief of the Department.

14. If a probationary member appointed for fighting duties fails such examinations or to perform the required duties, the Chief of the Department shall not recommend their appointment as a regular member of the Department.

#### **MEDICAL EXAMINATIONS**

15. The Director of Fire Services must be in possession of a certificate, signed by a qualified person appointed by him, certifying that each member is capable of carrying out firefighting duties:
  - a) failure to report for medical examination after direction to report shall result in suspension until the necessary certificate is obtained;
  - b) failure by a member to report for an examination by the person appointed by the Director of Fire Services, after direction to report, shall result in suspension until the necessary certificate is obtained;
  - c) the Director of Fire Services may, from time to time, request additional medical certificates from any member when deemed appropriate, in his discretion;
  - d) upon obtaining the age of 65 years, every member of the Department shall attend upon the person qualified and designated by the Director of Fire Services to take such examinations as is directed by the Director of Fire Services to certify that the member is capable of carrying out firefighting duties, and thereafter such member shall attend for a re-examination every second year.

#### **DUTIES OF MEMBERS**

16. Every member of the Department shall report for duty at the time prescribed by the Department rules and shall remain on duty until relieved.

17. In the case of a member failing to report for duty, the Fire chief of the Department shall be advised by an Officer.
18. No member,
  - a) if his ability is impaired by the use of alcohol or drug, shall be permitted to remain on duty, and such impairment shall be reported in writing through his superior officer to the Fire Chief of the Department.
  - b) while on duty consume any alcohol, prescription drug or non prescription drug that may impair his/her ability to perform his/her required duties.

**VETERANS AND HONOURARY MEMBERS**

19. (A) A member may become a Veteran member of the Department upon the recommendation of the Advisory Committee and the approval of the Council, with the completion of 15 years of active service and a satisfactory disciplinary record.  
  
(B) Persons who were member before February 18, 1988 shall continue to hold qualifications to become a veteran in accordance with the constitution and by-laws of the Yarmouth Fire Department as published and dated March 1977, (i.e. 12 years service and other requirements).
20. A member who reaches 65 years of age, with less than 15 years of active service, may qualify to become an honorary member of the Department upon recommendation of the Advisory Committee and approval of Council.

21. Veterans and Honourary Members shall not be required to report for active duty.
22. The Officers of the Department, excluding the Director of Fire Services but including the Deputy Chief, Captains and Lieutenants, are to be promoted on the basis of an election by the members of the Department, provided, however, any known person shall not be eligible for election or shall be elected as an Officer of the Department who does not hold the necessary qualifications, which qualifications shall be set forth from time to time by the Advisory Committee.
23. The firefighting and station record of each member of the Department shall be evaluated annually as follows:
  - a) The Captain shall evaluate each member under his command;
  - b) The Deputy Chief, so designated by the Fire Chief, shall evaluate the Captains and all evaluation reports shall be provided to the Fire Chief.
24. The Fire Chief of the Department and the Deputy Chiefs shall evaluate all members of the Department who are participating in and training for promotion.
25. Except as otherwise provided in any collective agreement affecting the Department, the Director of Fire Services may make a recommendation to the Advisory Committee for the demotion of, or removal from office of, any member based upon an evaluation of his ability, his lack of physical fitness to perform the office, or his failure to meet the standard requirements of his office, as may be determined by the Fire Chief and Advisory Committee. Any demotion or removal from office shall be made by the Advisory Committee.

26. In the case where a member is recommended for a demotion or removal from office by the Fire Chief, the Fire Chief shall within five (5) calendar days of making the recommendation, give to the member written notice of the recommendation setting forth the reasons for the recommendation.
27. A member upon receipt of a notice of recommendation of demotion or removal from office may within seven (7) calendar days of receipt of notice, request in writing, a hearing before the Advisory Committee.

#### **DISCIPLINE OF VOLUNTEERS**

28. The Director of Fire Services may reprimand, suspend or recommend the dismissal of any member for insubordination, inefficiency, misconduct, tardiness or for noncompliance with any of the provisions of this By-Law.
29. Following the suspension of any member, the Fire Chief shall report, in writing, the suspension and his recommendation to the Advisory Committee.
30. In the case where a member is suspended more than nine (9) calendar days or is recommended for dismissal, the Fire Chief shall within five (5) calendar days of the suspension or recommendation of dismissal give written notice to the member stating the date of suspension or in the case of a recommendation of dismissal, the reasons for dismissal.
31. Any member upon receipt of a notice of suspension or recommendation of dismissal may within seven (7) calendar days request in writing a hearing before the Advisory Committee.
32. A member may be dismissed by the Advisory Committee for just cause, but shall not be dismissed without being afforded an opportunity for a hearing before the Committee.

33. Concurrent with the implementation of this by-law the "Fire Department By-law" as revised on February 15, 1988 is rescinded.

I, **RAYMOND GALLANT**, Chief Administrative Officer and Clerk/Treasurer of the Town of Yarmouth, do hereby certify that the foregoing is a true copy of a By-Law passed by the Town Council of the Town of Yarmouth as follows:

- b) First reading on March 8, 2001 ;
- c) Date of public notice March 23, 2001 ;
- d) Second reading on May 10, 2001 ;
- e) Date of Publication May 18, 2001 ;
- f) Date forwarded to SNSMR May 18, 2001 ;

GIVEN UNTO the hand of the Town Clerk and the corporate seal of the Town this 18 day of May, A.D., 2001.

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RAYMOND E. GALLANT/Chief Administrative Officer  
and Clerk/Treasurer of the Town of Yarmouth

**NOTE: The effective date of this By-law is the "Date of Publication"**