

Town of Yarmouth  
**FIRE DEPARTMENT BYLAW**

Effective: June 24<sup>th</sup>, 2014 Amended: February 8, 2024  
TOY 37



**RESOLVED** as a Bylaw of the Town of Yarmouth pursuant to the Municipal Government Act of Nova Scotia, as follows:

**1.0 Short Title**

This Bylaw shall be known and cited as the “Yarmouth Fire Department Bylaw”.

**2.0 Definitions**

In this Bylaw, unless the context otherwise requires:

- a. "Advisory Committee" means a committee consisting of the Fire Chief, Deputy Chief(s) and Platoon Chiefs.
- b. "Council" means the Council of the Town of Yarmouth;
- c. "Department" means the Yarmouth Fire Department;
- d. "Member" includes a person accepted as a member of the Yarmouth Fire Department including Probationary members, Paid Employees and Officers; and
- e. “Officer” means a member of the Yarmouth Fire Department with the rank of Lieutenant or higher, and
- f. "Town" means the Town of Yarmouth.

**3.0 Fire Department**

**3.1** The Department" shall maintain and provide fire and emergency services to the Town of Yarmouth and as set out in Section 4 of this Bylaw.

**3.2** 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.

#### **4.0 Divisions, Companies and Platoons**

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.

#### **5.0 Personnel**

The Department shall be composed of the following personnel: Director of Fire Services (also called Fire Chief), Deputy Chief(s), Platoon Chiefs, Fire Prevention Officer(s), 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.

#### **6.0 Chief of Department**

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.

#### **7.0 Deputy Chief(s)**

The Deputy Chief(s) shall report to the Fire Chief of the Department on 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.

#### **8.0 Platoon Chiefs**

**8.1** Each Company/Platoon of the Department shall be under the direction of a Platoon Chief who is responsible to the Fire Chief of the Department or their Deputy(ies) for the operation of the Companies/Platoons.

**8.2** 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.

**8.3** The Fire Prevention Officer(s) shall report to the Fire Chief of the Department on fire prevention activities and administration.

#### **9.0 Advisory Committee**

The Director of Fire Services may consult with the Advisory Committee with respect to the overall administration and operations of the Department.

#### **10.0 Qualifications**

A person is qualified to be appointed a member of the Department for firefighting duties who:

- a. is not less than 17 years of age;
- b. is of good character and they 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;

#### **11.0 Probationary Members**

**11.1** 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 they shall take such training and examinations as may be required by the Chief of the Department.

**11.2** If a probationary member appointed for fighting duties fails such examinations or to perform the required duties, the Chief of the Department shall not accept that person as a member of the department.

#### **12.0 Medical Examinations**

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 their 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.

#### **13.0 Duties of Members**

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

**13.2** In the case of a member failing to report for duty, the Fire Chief of the Department shall be advised of the matter through the chain of command.

**13.3** No member,

- a. if their ability is impaired by the use of alcohol or drug, shall be permitted to remain on duty, and such impairment shall be reported directly to the Fire Chief, or senior officer at hand, by the person noting the impairment;
- b. while on duty shall consume any alcohol, prescription drug or non prescription drug that may impair his/her ability to perform his/her required duties.

**14.0 Veterans and Honourary Members**

**14.1** 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.

- a. Persons who were members 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).

**14.2** 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.

**14.3** Veterans and Honourary Members shall not be required to report for active duty.

**14.4** The Officers of the Department, excluding the Director of Fire Services and Platoon Chiefs but including the Deputy Chief(s), Fire Prevention Officer(s), Captains and Lieutenants, are to be promoted on the basis of qualifications and merit.

**14.5** The performance, as it relates to the fire service, of each member of the Department, shall be evaluated annually as follows:

- a. The Captain(s) shall evaluate each member under their command;
- b. The Platoon Chiefs shall evaluate the Captains and Lieutenants.
- c. The Fire Chief shall evaluate the Deputy Chiefs, Platoon Chiefs, and Fire Prevention Officer(s).
- d. All evaluation reports shall be provided to the Chief.

**14.6** Except as otherwise provided in any collective agreement affecting the Department, the Director of Fire Services may demote or remove from office any member based upon an evaluation of their ability, their lack of physical fitness to perform the office, or their failure to meet the standard requirements of their office, as may be determined by the Fire Chief.

- 14.7** In the case where a member is demoted or removed from office by the Fire Chief, the Fire Chief shall within five (5) calendar days of taking the action, give to the member written notice setting forth the reasons for the demotion or dismissal.
- 14.8** A member upon demotion or removal from office may within seven (7) calendar days of receipt of notice, request in writing, a review of the decision by the Chief Administrative Officer (CAO) of the Town of Yarmouth.
- 15.0** **Discipline of Volunteers**
- 15.1** The Director of Fire Services may reprimand, suspend or dismiss any member for insubordination, inefficiency, misconduct, tardiness or for noncompliance with any of the provisions of this By-Law.
- 15.2** Following the suspension of any member, the Fire Chief may report, in writing, the suspension to the Advisory Committee for information purposes.
- 15.3** In the case where a member is suspended more than nine (9) calendar days or is dismissed, the Fire Chief shall within five (5) calendar days of the suspension or dismissal give written notice to the member stating the date of suspension or in the case of dismissal, the reasons for dismissal.
- 15.4** Any member upon receipt of a notice of suspension or dismissal may within seven (7) calendar days request in writing a hearing before the CAO.
- 15.5** A member may be dismissed by the CAO for just cause, but shall not be dismissed without being afforded an opportunity for a hearing before the CAO.
- 15.6** Concurrent with the implementation of this bylaw, the "Fire Department By-law" as revised on February 15, 1988, is rescinded.

**Clerk's Annotation for Official Bylaw Book**

Date of Adoption: June 24<sup>th</sup>, 2014

Date of Approval of Amended Bylaw: February 8, 2024

I certify that this 'Fire Department Bylaw' was adopted by Council as indicated above.

Town Clerk:

Date:

**Adopted**

Date of First Reading	May 15, 2014
Notice of Intent to Consider	May 27, 2014
Date of Second Reading	June 12, 2014
Date of Publication	June 24, 2014

**Amended**

Date of First Reading	December 14, 2023
Notice of Intent to Consider	January 24 & 31, 2024
Date of Second Reading	February 8, 2024
Date of Publication	February 21, 2024