

VILLAGE OF PORT CLEMENTS

BY-LAW NO. 91

Being a by-law to establish a Fire Department  
and provide regulations therefore.

WHEREAS Part XIX of the Municipal Act provides that Council may establish and regulate a Fire Department, and provide measures for the prevention and control of fire.

NOW THEREFORE the Council of the Village of Port Clements in open meeting assembled, enacts as follows:

1. In this By-law, unless the context otherwise requires,
  - a) "Council" means the Council of the Village of Port Clements.
  - b) "Department" means the Port Clements Volunteer Fire Department.
  - c) "Firemen" shall be construed to include person of either sex.
  - d) "Local Assistant" means a Local Assistant to the Fire Commissioner and includes the Mayor of a Municipality, in a Municipality which does not maintain a fire department, provided that the Fire Commissioner may appoint some other person to act as Local Assistant instead of the Mayor.
  - e) "Member" includes officers, regular officers, and reserve members of the Volunteer Fire Department.

2. A Department for the Village of Port Clements to be known as the Village of Port Clements Volunteer Fire Department is hereby established, which shall consist of:

1 (one) Fire Chief  
1 (one) Deputy Fire Chief  
2 (two) Captains  
14 (fourteen) Regular Firemen  
10 (ten) Junior Firemen  
Unrestricted number of Reserve Firemen (Normally Retired Firemen)

3.
  - (a) The Fire Chief may recommend to the Council the appointment of any qualified person as a member of the Department.
  - (b) A person is qualified to be appointed a member of the Department for firefighting duties who:
    - i) completes an application attached as Schedule "A"
    - ii) is not less than eighteen years of age and not more than sixty five years of age.
    - iii) is of good character.
    - iv) is in good physical condition.
  - (c) A person appointed as a member of the Department for fire fighting duties shall be on probation for a period of six months and in the case of a Junior firemen three months during which period he shall take such initial training and examinations as may be required by the Fire Chief.
  - (d) If a probationary member appointed for fire fighting duties fails any such examination or otherwise proves unsuitable, the Fire Chief may dismiss him and report the dismissal to the Council.
  - (e) A person is qualified to be appointed as a member of the Junior Firemen for overhaul and salvage duties who:
    - i) completes and application attached as Schedule "B"
    - ii) is 16 to 18 years of age
    - iii) is in good physical condition
    - iv) is of good character
    - v) has parental consent; and
    - vi) has school consent.

4. The remuneration, if any, of all members of the Department shall be as determined by Council.

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5. The Fire Chief is responsible to the Council for the proper administration and operation of the Department, and

- a) make such general orders and departmental rules as may be necessary for the care and protection of the property of the Department, and for the conduct of the members of the Department and generally for the efficient operation of the Department, provided that such general orders and rules do not conflict with the provision of any By-law of the Village.
  - b) 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 by the Fire Services Act.
  - c) shall report all fires to the Local Assistant as required by the Fires Services Act.
  - d) shall submit an annual expenditure of the Department to the Council for its approval.
6. Every member of the Department shall report, whenever practicable:
- a) to any fire alarm immediately and remain at the scene of the fire until dismissed
  - b) any person who, not being a regularly recruited member of the Fire Department is called upon to assist by the senior member at the fire, in the fighting of a fire, and does so assist, shall for the time he does so assist, be considered in all aspects as a member of the Fire Department.
7. Practices of the Department shall be held on a regular basis, and any member missing three consecutive fire practices without reasonable excuse, shall be dismissed from the Department by the Fire Chief. Following dismissal of any member, Fire Chief shall report the dismissal to the Council.
8. The Fire Chief may reprimand, suspend or dismiss any member for inefficiency, misconduct, tardiness, or for non-compliance with any of the provisions of this by-law, or the departmental rules of general order, that in the opinion of the Fire Chief would be detrimental to the discipline and efficiency of the Department and shall report the dismissal to Council.
9. The Department shall not respond to a call with respect to a fire or emergency outside the Village of Port Clements boundaries, except with respect to a fire or emergency:
- a) that in the opinion of the Fire Chief threatens property situated outside the Village of Port Clements boundaries that is owned or occupied by the Village.
  - b) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefore attached as Schedule "C"
  - c) when called upon by the Area Co-ordinator for the Provincial Emergency Programme in the event of national or local disaster or,
  - d) when called upon for assistance by the Forest Officer or Regional Manager as appointed by the "Ministry of Forests Act".
10. The Village Clerk and/or Fire Chief are hereby authorized to issue permits for outdoor fires within the Village of Port Clements boundaries when considered safe to do so. *Apr 15<sup>th</sup> & Oct 15<sup>th</sup>*
11. No person shall light a fire except in proper furnace, stove, or combustion apparatus from the first day of May to the thirty first day of October (both days inclusive) without first obtaining from the Village Clerk and/or Fire Chief a permit for such fires. Such person must be bound by the provision of such fire permit.
12. Where any provisions of this By-law conflicts in any way with the provisions of the Fire Services Act or the regulations made pursuant thereto, the provisions of the Fire Services Act or regulations thereto shall prevail providing however, that such conflict shall not invalidate any other provisions of this by-law which does not so conflict.

13. Any person or persons not complying with any regulations so introduced shall be liable on Summary Conviction to a penalty not exceeding Fifty Dollars (\$50.00) for each infraction or offence and shall be enforceable in the manner provided by the "Summary Conviction Act".

14. This By-law may be cited as the "Village of Port Clements Volunteer Fire Department By-law No. 91, 1980".

READ A FIRST TIME THIS 12th day of January , 1981.

READ A SECOND TIME THIS 12th day of January , 1981.

READ A THIRD TIME THIS 12th day of January , 1981.

RECONSIDERED AND ADOPTED THIS 19th day of January , 1981.

*Bruce E. Binnick*  
CLERK

*S. J. Johnson*  
MAYOR

*Bruce E. Binnick*  
Certified a true copy of  
By-law No. 91, 1980.

A true copy of By-Law No. 91  
registered in the office of the Inspector  
of Municipalities this 6th day of  
February 1981.  
*[Signature]*  
Inspector of Municipalities