

**VILLAGE OF NEW MARYLAND  
BY-LAW NO. 20**

**A BY-LAW RESPECTING THE NEW MARYLAND FIRE DEPARTMENT**

The Council of the Village of New Maryland, under the authority vested in it by Section 109 of the Municipalities Act, being Chapter M-22 R.S.N.B. 1973 and Amendments thereto, hereby enacts as follows:

**1. TITLE**

This by-law may be cited as the Fire Department By-law of the Village of New Maryland.

**2. DEFINITIONS**

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

“COUNCIL” means the Council of the Village of New Maryland.

“DEPARTMENT” means the New Maryland Fire Department.

“FIREFIGHTER” includes temporary, volunteer and permanent firefighting personnel.

“FIRE PREVENTION ACT” or “ACT” means the Fire Prevention Act, R.S.N.B. 1973 c. F-13 and Regulations thereunder and amendments thereto.

“DESIGNATED AREA” means coverage area of the New Maryland Fire Department as agreed upon by the Village of New Maryland Council and the Department of Environment and Local Government.

“ACCEPTABLE OUTDOOR BURNING APPLIANCE” means outdoor fireplaces, chimineas, fire pits or like units that are made of non-combustible materials such as, but not limited to, steel, masonry, clay, etc., and covered with a suitable steel wire mesh which has 6 mm (1/4 inch) openings.

“OPEN FIRES” means any outdoor fire that does not use an acceptable outdoor burning appliance such as, but not limited to, grass fires and brush fires.

**3. ESTABLISHMENT OF THE HEAD OF THE FIRE DEPARTMENT**

A department for the Village of New Maryland to be known as the New Maryland Fire Department is hereby established and the head of the Department shall be known as the Fire Chief of the Department.

**4. PERSONNEL**

(a) In addition to the Fire Chief of the Department, the Department personnel shall consist of a Deputy Fire Chief, Captains, Lieutenants and firefighters.

- (b) The Fire Chief shall be a paid employee of the Village of New Maryland hired by the Council. The rest of the department personnel are volunteers.

**5. RESPONSIBILITIES / DUTIES OF THE FIRE CHIEF**

The Fire Chief of the Department is responsible to the Chief Administrative Officer/Clerk and Council for the proper administration and operation of the Department, including but not limited to:

- (a) acting as a local assistant to the Fire Marshal within his designated area and, subject to the directions of the Fire Marshal, shall carry out the duties of a local assistant as authorized by the Fire Prevention Act;
- (b) shall review periodically the policies and procedures of the Department and may establish an Advisory Committee consisting of officers and/or members as he may determine from time to time to assist him in this duty;
- (c) may make such general orders and departmental policies, subject to Council approval, as may be necessary for the care and protection of the property 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 the municipality;
- (d) 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 by-laws respecting fire prevention and exercise the powers and duties imposed on him by the Act;
- (e) is responsible for the enforcement of this by-law and the general orders and departmental rules;
- (f) shall report all fires to the Fire Marshal as required by the Fire Prevention Act;
- (g) shall submit to the Council for its approval, as required by Council, the annual budget estimates of the Department;
- (h) shall make a monthly report to Council of the activities of the Department including all calls answered by the Department and all recommendations to promote the efficiency of the Department;
- (i) shall have full charge and sole command over the conduct of all persons at the fire scene, or scenes, whether they are members of the Department or not;
- (j) shall examine and certify the correctness of accounts of the Department and file them with the Village Treasurer not later than the last day of each month;
- (k) shall assign to the firefighters their regular duties and other duties he deems proper;

- (l) shall make, or cause to be made, a record of the attendance of all firefighters at each fire scene, or scenes, and training;
- (m) shall conduct discipline of its members, including suspension of a firefighter or recommend dismissal of a firefighter for just cause;
- (n) shall order all firefighters to assemble for drills and instruction in the use of firefighting equipment at the time and place specified by the Fire Chief; and
- (o) appointment of the Deputy Fire Chief, Captains and Lieutenants.

**6. RESPONSIBILITIES / DUTIES OF THE DEPUTY FIRE CHIEF**

The Deputy Fire Chief shall be appointed by the Fire Chief for a term of one year.

While on duty, a Deputy Fire Chief shall:

- (a) respond promptly to all fire alarms;
- (b) obey all lawful orders of the Fire Chief;
- (c) in the absence of the Fire Chief, have all the power and perform all the duties of the Fire Chief; and
- (d) be in charge of a squad of firefighters when on duty.

**7. RESPONSIBILITIES / DUTIES OF CAPTAINS**

The Captains shall be appointed by the Fire Chief for a term of one year.

While on duty, a Captain shall:

- (a) respond promptly to all fire alarms;
- (b) obey all lawful orders of the Fire Chief;
- (c) in the absence of the Fire Chief and Deputy Fire Chief, have all the power and perform all duties of the Fire Chief; and
- (d) be in charge of a squad of firefighters when on duty.

**8. RESPONSIBILITIES / DUTIES OF LIEUTENANTS**

Lieutenants shall be appointed by the Fire Chief for a term of one year.

While on duty, a Lieutenant shall:

- (a) respond promptly to all fire alarms;
- (b) obey all lawful orders of the Fire Chief; and
- (c) in the absence of a Captain, have all the powers and perform all the duties of the Captain.

**9. GENERAL**

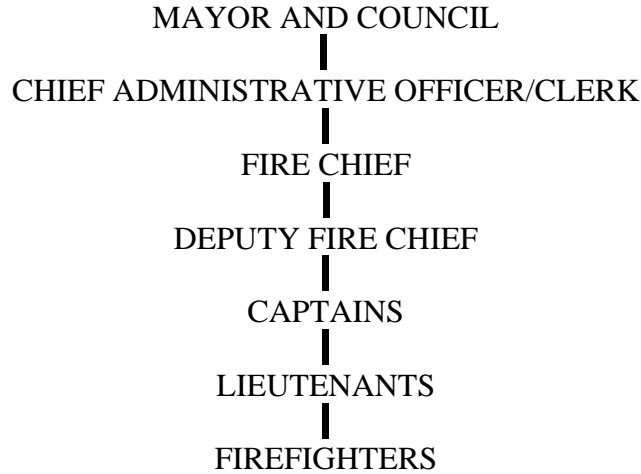
- (a) Members of the Fire Department shall comply with this by-law and the rules and regulations of the Department.
- (b) Fire Department vehicles and firefighting equipment shall not be used for any work other than work of the Fire Department without the consent of the Fire Chief.
- (c) No Fire Department vehicles or firefighting equipment shall be taken beyond the limits of its designated area except with the permission of the Fire Chief.
- (d) When any Fire Department vehicle or firefighting equipment is taken beyond the limits of the designated area, whether for a mutual aid call or training exercise, the Fire Chief shall appoint a member of the Fire Department to take charge of the vehicle or equipment.
- (e) Upon request of the Fire Chief, every person present at a fire scene, or other emergency scene, shall obey all orders and directions given to them by the Fire Chief.
- (f) No Person
  - (i) or fire personnel shall remain in the fire station between midnight and 7:00 am without the permission of the Fire Chief;
  - (ii) shall engage in gambling in the fire station;
  - (iii) shall bring in to or have alcoholic beverages or drugs in the fire station; nor
  - (iv) shall be in the fire station while under the influence of alcoholic beverages or a drug.

**10. SERVICES**

Services provided by the New Maryland Fire Department shall consist of fire suppression, investigation, fire prevention, education and training, inspection, mutual aid assistance to other agencies such as police, ambulance, Department of Natural Resources, motor vehicle accidents, and any other type of emergency that could endanger public life or property. In addition, service will also be provided for non-fire related rescue pertaining to off-road rescue (ATV/snow mobile accidents).

**11. STRUCTURE**

The structure of the department shall consist of the following:



## 12. **OUTDOOR BURNING**

- (1) No open fires are permitted in the Village of New Maryland.
- (2) All outdoor fires must be contained in an acceptable outdoor burning appliance such as, but not limited, to outdoor fireplaces, chimineas, or fire pits.
- (3) The acceptable outdoor burning appliance must be located at least 8 metres (25 feet) from any combustible materials. This would include structures; fences; combustible patios and decks; propane or gasoline storage; trees and other vegetation such as un-mowed grass. This distance may be decreased if the appliance has been tested by a recognized testing agency such as Canada Standards Association (CSA), Underwriters' Laboratory of Canada (ULC), Warnoch-Hersey, etc. Any appliances approved by such agencies will have a plate affixed to them advising the clearance requirements and/or will be specified in the owner's manual if one is provided.
- (4) In the case of a rental property, a letter from the owner must be received stating that the owner is aware of the use of the acceptable outdoor burning appliance on the property and has no objections.
- (5) The use of an acceptable outdoor burning appliance is for recreational purposes only and are only permitted on private land.
- (6) Homeowners must make application for a permit (at no charge) from the New Maryland Fire Department on an annual basis for the use of an acceptable outdoor burning appliance, and such appliances cannot be used until the permit has been issued.
- (7) There shall not, at any time, be any burning of refuse (garbage, etc.); rubber products (tires, etc.); petroleum products (gasoline, oil, etc.); treated-wood materials (finished deck materials, etc.); or materials which create large amounts of smoke.

- (8) There shall not be any burning during any time that the Department of Natural Resources and Energy prohibits outdoor burning due to extreme fire conditions.
- (9) The permit issued by the New Maryland Fire Department may be revoked, without notice, at any time on complaint of excess smoke or unsafe burning.
- (10) Only one burning appliance is permitted per lot.

**13. ENFORCEMENT AND PENALTY**

- (1) Any appointed Village of New Maryland By-law Enforcement Officer has the authority to enforce Section 12 of this by-law through the issuance of a Municipal By-Law Infraction Notice (fine).
- (2) Every person who contravenes or fails to comply with Section 12 of this By-law shall be liable to a penalty of \$250.00 for each offence.

**14. LIABILITY**

No action or other proceedings for damages shall be instituted against the Village of New Maryland, the Fire Department, the Fire Chief, or any firefighter authorized to act on behalf of the Fire Department under this By-law with respect to anything done in good faith or omitted to be done in the execution or intended execution of his duties under this By-law.

READ FIRST TIME: 21 November 2001  
(by title only)

READ SECOND TIME: 21 November 2001  
(by title only)

READ THIRD TIME:  
AND ENACTED: 19 December 2001

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Mayor  
Frank Dunn

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Clerk  
Cynthia Geldart