

Community Government of Whati
BYLAW NUMBER 28-2011

A bylaw of the Municipal Corporation of the Community Government of Whati in the Northwest Territories to provide for the establishment and operation of a Volunteer Fire Department for the Community Government of Whati, pursuant to the provisions of the *Tlicho Government Act*, S.N.W.T., 2004, c.7, s.67 and s.126.

WHEREAS, the Community Government of Whati deems it necessary to prevent and suppress fires, and to develop and regulate the duties and responsibilities of the Volunteer Fire Department,

NOW, THEREFORE, THE COUNCIL OF THE COMMUNITY GOVERNMENT OF WHATI, at a meeting duly assembled, enacts as follows:

1.0 SHORT TITLE

1.01 This Bylaw may be cited as the "Fire Protection Bylaw".

2.0 DEFINITIONS

In this bylaw, unless the context otherwise requires:

2.01 "Apparatus" shall mean any vehicle provided with machinery, devices, equipment or materials for fire protection as well as vehicles used to transport fire fighters or supplies.

2.02 "Council" shall mean the Council of the Community Government of Whati.

2.03 "Equipment" shall mean any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.

2.04 "Fire Chief" shall mean the Member of the Volunteer Fire Department appointed by Council, as head of the Fire Department, and shall be deemed to be a Local Government Officer.

2.05 "Fire Department" shall mean the Volunteer Fire Department for the Community Government of Whati.

2.06 "Fire Protection" shall mean all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.

2.07 "*Fire Prevention Act*" shall mean the **Fire Prevention Act**, R.S.N.W.T. 1988, c-F-6.

- 2.08 "Incident" shall mean a fire or a situation where a fire or explosion is imminent and includes assistance response circumstances as may be requested by other legal entities.
- 2.08 "Members" shall mean those approved volunteer firefighters of record of the Community Government of Whatì Volunteer Fire Department.
- 2.09 "Officer" shall mean an appointment of authority as may be assigned by the Fire Chief from time to time in the Volunteer Fire Department, such as Deputy Chief, Captain, Training Officer, Safety Officer, etc.
- 2.10 "SAO" shall mean the Senior Administrative Officer for the Community Government of Whatì.

3.0 FIRE DEPARTMENT MEMBERSHIP and AUTHORITY

- 3.01 Council shall appoint a Fire Chief for the purposes of implementing fire protective and preventative services within the Community Government of Whatì.
- 3.02 The appointment of the Fire Chief shall be reviewed annually by Council.
- 3.03 The Fire Department shall comprise the Fire Chief and any person(s) who shall be appointed by the Fire Chief under the terms of this Bylaw.
- 3.04 The Fire Chief shall furnish all facts relative any fire to the Fire Marshall's Office and shall be responsible for the accuracy.
- 3.05 The Fire Chief shall maintain confidentiality and not furnish information relative to the business affairs of the Fire Department to any person not directly involved with the Fire Department.
- 3.06 The Fire Chief shall report to Council through the office of the SAO.
- 3.07 The limits of the jurisdiction of the Fire Chief, the Officers and Members of the Fire Department will extend to the area and boundaries of the Community Government of Whatì and no part of the fire apparatus shall be used beyond the limits of the jurisdiction without:
 - 3.07.01 the express authorization of a written contract or agreement providing for the supply of firefighting assistance and response services outside the established boundaries, or
 - 3.07.02 the approval of Council.

4.0 DUTIES and POWERS of the FIRE CHIEF

- 4.01 The organization and direction of the Fire Department for the fire protection of the community shall be under the sole authority of the Fire Chief, and all Members

shall obey the directions, standing orders and/or Standard Operating Practices (SOP's) as issued by or through the Fire Chief.

- 4.02 The Fire Chief shall be responsible for the efficiency and morale of the Fire Department.
- 4.03 The Fire Chief may appoint a Deputy Chief and other Officers, from time to time, to address specific tasks or assignments as deemed required by the Fire Department, and may revoke such appointment for just cause.
- 4.04 All Members of the Fire Department are hereby given the powers to act on behalf of the Fire Chief when so delegated by the Fire Chief.
- 4.05 The Fire Chief has complete responsibility and authority over the Fire Department subject to the direction and control of the Council to which they shall be responsible and in particular they shall be required to carry out all fire protection and assistance response activities and such other activities as Council directs including but not limited to:
 - 4.05.01 first response medical emergencies;
 - 4.05.02 rescue operations;
 - 4.05.03 mutual aid to fire services including agencies of the Government of the Northwest Territories responsible for wildfire management, and
 - 4.05.04 response to hazardous material incidents.
- 4.06 The Fire Chief may take disciplinary action, including the suspension or dismissal of any Member of the Fire Department for:
 - 4.06.01 being absent, without good and proper reason, from three (3) consecutive fire drills; or
 - 4.06.02 any action which may be deemed by the Fire Chief as being detrimental to the morale or to the general operation of the Fire Department.
- 4.07 The Fire Chief shall report all disciplinary measures to the SAO within twenty-four (24) hours of the action being taken.
- 4.08 Any Member of the Fire Department dismissed by the Fire Chief may appeal the Fire Chief's decision to the SAO. Appeals made under this section must be in written form and must be delivered to the SAO within fourteen (14) days of the dismissal. The decision of the SAO shall be binding on both parties.
- 4.09 The Fire Chief shall, subject to ratification by the Council, establish rules, regulations, policies, procedures, practices, and committees necessary for the proper organization and administration of the Fire Department including but not limited to:
 - 4.09.01 the use, care and protection of Fire Department property,
 - 4.09.02 the conduct and discipline of Members of the Fire Department, and
 - 4.09.03 the efficient operations of the Fire Department.

- 4.10 The Fire Chief or, in their absence, the senior-ranking Officer or Member present, shall have control, direction and management of all Fire Department apparatus, equipment, or human resources assigned to an incident and, where a Member is in charge, they shall continue to act until relieved by a senior-ranking Officer.
- 4.11 The Fire Chief shall provide:
- 4.11.01 **Quarterly Reports** for Council on the operations of the Fire Department or on any other matter in the manner designated by Council; and
- 4.11.02 **Monthly Reports** for the SAO detailing Fire Department monthly response activity, community education, and monthly equipment inspections. Each report shall include the names of the Fire Department Members that attended the monthly activity, and shall report on the following:
- 4.11.02.01 Fire Loss - on the Form designed by the Fire Marshall's Office;
- 4.11.02.02 Fire Call - where no damage occurred;
- 4.11.02.03 False Alarm;
- 4.11.02.04 Department Fire Drill;
- 4.11.02.05 Practice Evacuation of the School;
- 4.11.02.06 Practice Evacuation of a Public Building;
- 4.11.02.07 Special Training Course;
- 4.11.02.08 School Fire Lecture or Demonstration;
- 4.11.02.09 Public Fire Lecture or Demonstration;
- 4.11.02.10 Inspection of Buildings or Installation;
- 4.11.02.11 Abatement of Hazard, that is work done by the Fire Department to burn out dry grass, dry grass areas, or to remove any other existing fire hazards;
- 4.11.02.12 Test of equipment; and
- 4.11.02.13 Any matters relating to Fire Department personnel.
- 4.12 The Fire Chief shall inspect all fire protection equipment monthly and submit a report to the SAO outlining the condition of all such equipment, an inventory of supplies and any requests for supplies or equipment.
- 4.13 The Fire Chief shall report immediately to the SAO any injuries sustained by a member, or delegated member, of the Fire Department, while on duty or en route to an Incident.
- 4.14 The Fire Chief shall submit to the SAO, no later than March 1st of each year an annual report including a summary of all fire protection activities for the preceding year, a complete inventory of equipment, an estimate of all maintenance and capital expenditures which will be required during the year for fire protection and recommendations for any improvement in the fire protection/prevention system.
- 4.15 The Fire Chief shall submit to the SAO copies of any correspondence with the Fire Marshall relating to financial matters, the proposed purchase of equipment or the abatement of an existing fire hazard.

- 4.16 The Fire Chief shall:
- 4.16.01 conduct a program of instruction and training for Members in all aspects of fire protection and shall assign duties of each Member; and
 - 4.16.02 conduct not less than twenty (20) practice drills in each fiscal year.
- 4.17 The Fire Chief may conduct an educational campaign in fire protection for school children and adults, and arrange regular fire drills and tests of fire alarm systems in schools and public buildings.
- 4.18 In conjunction with assigned duties under the *Fire Prevention Act* as a local assistant to the Fire Marshall, the Fire Chief shall arrange for the inspection of all public buildings and all places requiring special surveillance, together with any fire extinguishers, sprinkler systems and alarm systems therein on a regular basis.
- 4.19 The Fire Chief shall issue standing orders governing the procedure for the fuelling and maintenance of all fire protection equipment.
- 4.20 The Fire Chief shall make standing arrangements and issue standing orders for alerting all Members and for the assembling of people and equipment in answer to Fire Calls or other emergencies.
- 4.21 The Fire Chief shall ensure that all materials, supplies and equipment are in sufficient quantity and maintained, by requisitions submitted with the monthly reports required under section of this Bylaw.
- 4.22 Notwithstanding the above, if by action taken thereunder, an item or service urgently needed for the maintenance of fire protection equipment cannot be obtained immediately, the Chief may take any reasonable action for immediate procurement. Such action shall be reported immediately to the SAO.
- 4.23 The Fire Chief shall report to the SAO any hazard to life or property, including fire hazards, which come to their knowledge.
- 4.24 The Fire Chief, or any Member authorized by Council, may at any reasonable time enter any premise for the purpose of fire protection matters.
- 4.25 The Fire Chief, or the Member in charge at an Incident, is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if they deem it necessary to prevent the spread of fire to other buildings, structures or things.
- 4.26 The Fire Chief, or the Member in charge at an Incident, is empowered to enter at any time, premises or property where the incident occurred and to cause any Member, apparatus or equipment of the Fire Department to enter, as they deem necessary, in order to combat, control or cope with the Incident.
- 4.27 The Fire Chief, or the Member in charge at an Incident, is empowered during the Incident to enter, pass through or over buildings or property adjacent to an Incident

and to cause Members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over buildings or property, where they deem it necessary to gain access to the incident or to protect any person or property.

- 4.28 The Fire Chief, or the Member in charge at an Incident, may at their discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Fire Chief, or the Member in charge at an Incident.
- 4.29 No person shall enter the boundaries or limits of an area prescribed in accordance with Section 4.28 unless that person has been authorized to enter by the Fire Chief or the Member in charge at an Incident.
- 4.30 The Fire Chief, or the Member in charge at an Incident, may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 4.29.
- 4.31 The Fire Chief, or the Member in charge of an Incident, may request persons who are not Members to assist in whatever manner they consider necessary to deal with the Incident, including removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same and in demolishing a building or structure at or near the fire or other Incident.
- 4.32 The Fire Chief, or the Member in charge of an Incident, is empowered to commandeer privately-owned equipment or vehicles while responding to an Incident or emergency condition.

5.0 FIRE DEPARTMENT ORDERS & REGULATIONS

- 5.01 Members as recommended by the Fire Chief and meeting the criteria established under this Bylaw shall be ratified by the SAO and any exceptions shall be approved by Motion of Council.
- 5.02 Any person appointed as Member to the Fire Department shall:
- 5.02.01 be 19 years of age or older;
- 5.02.02 have, or will be required to successfully complete after appointment, the Level 1 Standard Certificate Course offered by the Fire Marshall's Office; and
- 5.02.03 have a valid driver's license.
- 5.03 A person appointed as a Member of the Fire Department for firefighting duties shall be on probation for a period of twelve (12) months during which they shall take such training and examinations as may be required by the Fire Chief.
- 5.04 If a probationary Member appointed for the firefighting duties fails any such examinations, the Fire Chief may recommend to the SAO that they be dismissed.

- 5.05 The Fire Chief is responsible to the Council for the proper administration and operation of the Fire Department, for the discipline of the Members, and:
- 5.05.01 may make such general orders and departmental rules as may be necessary for the care and protection of the property of the Fire Department, for the conduct of the Members of the Fire Department and generally for the efficient operation of the Fire Department, provided that such general orders and rules do not conflict with the provisions of any bylaws of the Community Government of Whatiti;
 - 5.05.02 shall periodically review the policies, practices and procedures of the Fire Department and may establish an Advisory Committee consisting of such Officers as the Fire Chief may determine from time to time to assist the Fire Chief in this duty;
 - 5.05.03 shall take proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall enforce all community bylaws respecting fire prevention and exercise the powers and duties imposed upon them by the *Fire Prevention Act*;
 - 5.05.04 shall not permit the use of drugs or alcohol in the Fire Hall or while operating emergency equipment and shall immediately dismiss any Members found to be under the influence of drugs or alcohol to the appropriate authorities;
 - 5.05.05 is responsible for the enforcement of the bylaw and the general orders and departmental rules;
 - 5.05.06 shall report all fires to the Fire Marshal as required by the *Fire Prevention Act*;
 - 5.05.07 shall submit to the Council for its approval, as required by the Council, the annual operational budget estimates for the Fire Department; and
 - 5.05.08 where the Fire Chief designates a Member to act in place of an Officer of the Fire Department, such Member, when so acting has all powers and shall perform all the duties of the Officer replaced.

6.0 REMUNERATION

- 6.01 Council shall determine the remuneration or honoraria for the Fire Chief and all Members of the Fire Department, for attendance to assigned duties, at regular training practices, training courses, or while responding to an Incident.
- 6.02 Council shall pay, on recommendation of the Fire Chief, what Council considers reasonable compensation to any Member whose wearing apparel has been damaged in the course of responding to an Incident.

- 6.03 Council shall pay for the cost of any medical examinations required pursuant to this Bylaw.
- 6.04 Council shall provide for such liability, life and accident insurance for Members or any persons lawfully assisting at an Incident or *enroute* to assisting at an Incident.
- 6.05 Council shall pay, on recommendation of the Fire Chief, what Council considers reasonable compensation for privately-owned equipment commandeered while responding to an Incident.

7.0 OBLIGATIONS of COUNCIL

- 7.01 Council shall obtain fire protection equipment and supplies, and such buildings and other facilities as are required safety and housing said equipment and supplies.
- 7.02 Council shall include the Fire Chief in related budget discussions regarding the operations of the Fire Department.

8.0 VIOLATIONS

- 8.01 No person shall falsely represent themselves as a Member of the Fire Department.
- 8.02 No person shall maliciously or intentionally turn in or cause to be turned in a false alarm.
- 8.03 Except as authorized under this Bylaw, no person who is not a Member shall enter into any premises where fire protection apparatus or supplies are housed, or shall touch or use any equipment or supplies.
- 8.04 No person shall enter the boundaries or limits of an area prescribed in accordance with the Bylaw unless that person been authorized to enter by the Fire Chief of the Member in charge of the Incident.
- 8.04 Except in the event of a fire alarm or practice drill, no apparatus or supplies shall be removed from the Fire Hall without the knowledge and permission of the Fire Chief.
- 8.05 No person shall damage or destroy, or obstruct, impede or hinder the operation of, any Fire Department apparatus or equipment.
- 8.06 No person at an Incident shall drive a vehicle over any fire equipment without permission of the Fire Chief or the Member in charge at an Incident.
- 8.07 No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any Incident, fire hydrant, cistern or body of water designated for firefighting purposes.

8.08 No person shall use or store a flammable or explosive liquid or substance within the confines of a building under conditions which might cause a fire or place anyone in danger.

9.0 ENFORCEMENT AND PENALTIES

9.01 Any person who contravenes this Bylaw, for which no specific penalty is provided, is guilty of an offence against this Bylaw and is liable on summary conviction to a penalty of not less than one hundred and twenty-five dollars (\$125.00) and not more than five hundred dollars (\$500.00) or, in default of payment of the fine, to imprisonment for a term not exceeding one (1) months.

9.02 An officer charged with enforcing community bylaws may issue a ticket in the form of prescribed by the *Summary Convictions Procedures Act* and regulations to any person who violates a provision of this Bylaw and such person may, in lieu of prosecution, pay to the Community Government of Whati a voluntary penalty as set out in Schedule "A" attached and forming part of this bylaw, prior to the court date specified on the ticket.

10.0 GENERAL

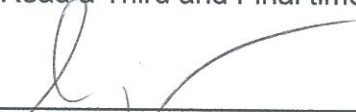
10.01 Each provision of this Bylaw is independent of all other provisions. Should any section or part of this Bylaw be found to be improperly enacted or *ultra vires*, for any reason(s), then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

10.02 Upon signature of this bylaw, Bylaw #57-99 and Bylaw 58-99 shall be repealed.

Read a First time this 12th day of December, 2011.

Read a Second time this 12th day of December, 2011.

Read a Third and Final time this 9th day of January, 2012.



Councillor Sonny Zoe



Larry Baran, SAO

As per Section 71(1)(d) of the *Tlicho Community Government Act*, I hereby certify that this bylaw has been made in accordance with the requirements of *Tlicho Community Government Act*, and the bylaws of the Municipal Corporation of the Community Government of Whati.



Larry Baran, SAO

**Community Government of Whati
BYLAW NUMBER 28-2011**

Schedule "A"

Penalties

| | | |
|----|--|----------|
| 01 | Falsely representation as a Fire Department Member (Section 8.01) | \$100.00 |
| 02 | Person(s) responsible for False Alarm (Section 8.02) | \$250.00 |
| 03 | Unauthorized Entry into Fire Department Buildings (Section 8.03) | \$250.00 |
| 04 | Unauthorized trespass of boundaries established at an Incident (Section 8.04) | \$250.00 |
| 05 | Unauthorized use or damage of Fire Equipment (Section 8.05) | \$250.00 |
| 06 | Drive over Fire Equipment without permission (Section 8.06) | \$100.00 |
| 07 | Hinder a Member of the Fire Department while responding to an Incident (Section 8.07) | \$100.00 |
| 08 | Storage of Flammable or Explosive material in an unsafe manner or endangering anyone (Section 8.08) | \$250.00 |