

HAMLET OF FORT MCPHERSON

BY-LAW # 139/99

BEING A BY-LAW OF THE HAMLET OF FORT McPHERSON, IN THE NORTHWEST TERRITORIES, TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF A FIRE PROTECTION SERVICE PURSUANT TO SECTION 97 OF THE HAMLETS ACT, R.S.N.W.T., 1988, c.H-1.

AS the Council of the Hamlet of Fort McPherson deems it necessary to prevent and suppress fires and to regulate the duties and responsibilities of the Fire Department,

NOW THEREFORE, THE COUNCIL OF THE HAMLET OF FORT MCPHERSON at a duly assembled meeting enacts as follows:

SHORT TITLE

This by-law may be cited as the "Fire Protection By-law".

INTERPRETATION

1. in this by-law:
 - a. "Chief" means the person appointed by the Council as the Fire Chief of the Hamlet of Fort McPherson Volunteer Fire Department;
 - b. "Council" means the Council of the Hamlet;
 - c. "Department" means the Volunteer Fire Department of the Hamlet of Fort McPherson;
 - d. "Fire Marshall" means the Fire Marshall appointed by the Commissioner of the Northwest Territories under the Fire Prevention Act being Chapter F-6 of the Revised Statutes of the Northwest Territories, 1988;
 - e. "Fire Protection" means all aspects of fire prevention, including fire alarms, fire suppression, rescue, first aid, and salvage;
 - f. "Fire Protection System" includes all piped water lines, hydrants, pumphouses and any sprinkler systems in public buildings under the control and maintenance of the Hamlet and fire trucks;
 - g. "Hamlet" means the Hamlet of Fort McPherson in the Northwest Territories;
 - h. "Non-combustible" means a material which, in the form in which it is used and under the conditions anticipated, will not aid combustion or add appreciable heat to an ambient fire;
 - i. "Noxious material" means a material that is physically harmful or destructive to living beings.
 - j. "Permit" means the written authority of the Chief, issued pursuant to this By-law;
 - k. "SAO" means the Senior Administrative Officer employed by the Hamlet;
 - l. "Schedule" means a schedule attached to and forming part of this by-law;
 - m. "Smoke" means the airborne solid and liquid particle and gases evolved when a material undergoes pyrolysis in combustion;

DEPARTMENT MEMBERSHIP AND AUTHORITY

2. The Department shall comprise of the Chief and any person who shall be appointed by the Chief to serve under the terms of this by-law.
3. Any person appointed to the Department must be;
 - a. 18 years of age or older; and
 - b. Must have or will be required to successfully complete after appointment, the *Level 1 Standard Certificate Course* offered by the Fire Marshall's Office or other valid training program.
4. The Chief's appointment shall be confirmed by a resolution of the Council and shall be for a two- (2) year term and shall be reviewed annually by the Council on the anniversary of the date of appointment.
5. The Chief shall report to the Council through the office of the SAO.

DUTIES AND POWERS OF THE CHIEF

6. The organization and direction of the Department for the fire protection shall be under the sole authority of the Chief, and all members of the Department shall obey the commands and the standing orders issued by or through him or her.
7. The Chief shall be responsible for the efficiency and morale of the Department.
8. The Chief shall appoint a Deputy Chief and other officers and assign their duties and may revoke such appointments for just cause.
9. The Chief may take disciplinary action, including the suspension or dismissal of any member of the department for:
 - a. being absent, without good or proper reason, from three (3) consecutive practice fire drills; or
 - b. Any other action which may be deemed by the Chief as being detrimental to the morale or to the general operation of the Department.
10. The Chief shall report all disciplinary measures to the SAO within twenty-four (24 hrs) of the action being taken.
11. Any member of the Department dismissed by the Chief may appeal the Chief's decision to the Appeal Board of Council. Appeals made under this section must be in written form and must be delivered to the SAO within fourteen days of the dismissal.
12. The Chief may furnish the facts relative to any fire to persons not connected with the Department. However, the Chief shall assume responsibility for all facts released.
13. The Chief shall not furnish information relative to the business affairs of the Department to any person not directly involved with the Department.
14. All members of the Department are hereby given the powers to act on behalf of the Chief when so ordered by him or her.
15. The Chief, or Senior Department member in charge may, in an emergency, order any physically fit person to assist at the scene of a fire in the extinguishment of the fire, including pulling down or razing of any buildings, structures or other thing in the vicinity of a fire for the purpose of preventing the spread of the fire.
16. The fire truck may not be taken outside the boundaries of the municipality, except for the suppression of a fire which is in progress and then only with the consent of the Chief.
17. The Chief shall submit a report, on the activities of the Department, to the Council on a quarterly basis.
18. (a) The Chief shall submit to the SAO a monthly written report on each activity of the department. Each report shall include the names of the department members or others in attendance at the activity.
(b) Reports on the following activities will be submitted as they occur;
 1. Fire Loss on the form designated by the Fire Marshall.
 2. Fire Call- where no damage occurred
 3. False Alarm
 4. Department Fire Drill
 5. Practice Evacuation of a School
 6. Practice Evacuation of a Public Building
 7. Special Training Course
 8. School Fire Lecture or Demonstration
 9. Public Fire Lecture or Demonstration
 10. Inspection of Buildings or Installation
 11. Abatement of Hazard, that is work done by the Department to burn out dry grass areas or to remove any other existing fire hazards
 12. Test of equipment; and
 13. Any matters relating to Department Personnel
- c. Each report referred to in Section 18 & 19 shall include the date, time, and duration of the activity and place.
19. The 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.

20. The Chief shall report immediately to the SAO any injuries sustained by a member, or delegated member, of the Department, while on duty or en route to a fire call.
21. The 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 his or her recommendations for any improvement in the fire protection system.
22. The 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.
23. The Chief shall make standing arrangements and issue standing orders for alerting all Department members and for the assembling of people and equipment in answer to fire calls or other emergencies.
24. The Chief shall:
 - a. conduct a program of instruction and training for Department members in all aspects of fire protection and shall assign duties of each member; and
 - b. Conduct not less than ten practice drills in each fiscal year.
25. The Chief shall conduct an educational campaign in fire protection for school children and adults and shall arrange regular fire drills and tests of fire alarm systems in schools and public buildings.
26. In conjunction with his or her duties under the Fire Prevention Act as a local assistant to the Fire Marshall, the Chief shall arrange for the inspection of all buildings and all places requiring special surveillance, together with any fire extinguishers, sprinkler systems and alarm systems therein on a regular basis.
27. The Chief shall issue standing orders governing the procedure for the fuelling and ordinary or mechanical servicing of all fire protection equipment.
28. The 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 18 of this by-law.
29. Notwithstanding Section 30, 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 to the SAO.
30. The Chief shall report to the SAO any hazard to life or property, including fire hazards, which come to his or her knowledge.

OBLIGATION OF THE HAMLET

31. The Hamlet shall obtain fire protection equipment and supplies, and such buildings and other facilities as are required for safety and housing said equipment and supplies.
32. Payment for attendance at training courses shall be at the per diem rate comparable to that paid to members of Council, plus expenses, pro-rated for each part thereof, provided their employer has refused payment to the member for the time away from work. Where the employer of the member concerned has given him or her time off with pay, then the per diem payment herein specified shall not apply.
33. The Hamlet shall pay, on recommendation of the Chief, what the Council considers to be reasonable compensation to any member of the Department whose wearing apparel has been damaged in the course of answering a fire call.
34. The Hamlet shall provide for such liability, life and accident insurance for the Department members or any persons lawfully assisting at a fire or en route to assisting at a fire.
35. The Hamlet shall pay the cost of medical examination for all officers and members of the Department on an annual basis.

FIRE PERMITS

36. No person shall light a fire outdoors within the Hamlet without a Burning permit in the form set out in Schedule A, unless such fire is for cooking purposes.

37. Any person who has been issued a Burning Permit under this by-law and who allows the burning to get out of control shall be considered to be in violation of this by-law and subject to the fine as stated in Section 55.
38. The permit holder shall supervise any burning or his or her agent at all times, until the burning is completed, to ensure the fire does not get out of control.
39. No burning of materials other than dry, combustible material is permitted. Any burning shall be at least 100 feet away from any fuel or propane tanks.
40. No burning of waste oil or tires is permitted. Tires, no longer in use or not needed, shall be disposed of at the municipal dump. Waste oil shall be disposed of at the municipal dump, in the designated place.
41. No person shall burn down a building without a fire permit in the form set out in Schedule A.
42. Shingles, rags and other non-combustible or noxious materials shall be removed from a building before burning is permitted.
43. The site shall be cleaned up and all hazards removed within seventy-two hours of the burning.
44. No person shall burn brush unless a fire permit in the form set out in Schedule A has first been obtained.
45. No burning of materials or products that release large quantities of smoke is permitted. If burning causes a smoke hazard or complaints are received from the surrounding residents, the permit holder shall stop the burning if instructed to do so by the Chief or the Department will be contacted to extinguish the fire and the permit holder shall assume all costs.
46. The Hamlet and Department reserve the right to cancel or reject any fire permit application

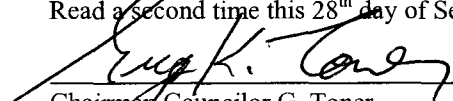
VIOLATIONS

47. No unauthorized personnel shall enter into any premises where fire apparatus or supplies are housed, or shall touch or use any equipment or supplies.
48. 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 Chief.
49. Except as authorized under Section 16 of this by-law, no person other than a member of the Department, Royal Canadian Mounted Police, Hamlet Public Works Department, or emergency service personnel may go nearer than three hundred (300) feet to a fire in progress, fire apparatus or the scene of a practice drill.
50. No person shall in any way hinder the progress of a member of the Department enroute to a fire or his or her lawful action at a fire.
51. No person shall turn in or cause to be turned in a false alarm.
52. No person shall use or store a flammable liquid or substance within the confines of a building under conditions, which might cause a fire.
53. No person shall start a fire without a burning permit.

ENFORCEMENT

54. Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment not exceeding one month, in default of payment of the fine.

Read a first time this 28th day of September, 1999.
 Read a second time this 28th day of September, 1999.

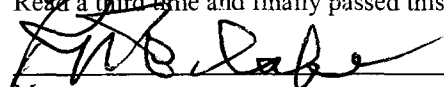


 Chairman Councilor G. Toner



 Senior Administrative Officer

Read a third time and finally passed this 12th day of October, 1999.



 Mayor



 Senior Administrative Officer

HAMLET OF FORT MCPHERSON
BY-LAW # 139/99
SCHEDULE "A"

BURNING AND FIRE PERMIT

Authority is hereby given to:

Name: _____

Address: _____

For the purpose of burning: _____
(Name of material to be burned)

On his or her property between the hours of: _____

On: (date) _____ subject to the following conditions:

1. The permit holder shall be liable for all damages caused by him or her and his or her servants or agents, while acting under this permit.
2. There must be a clearance of at least 30 feet to any combustible material or buildings on all sides of the fire and that the permit holder shall have suitable water protection such as coupled up hoses that will reach the area where the burning is being done.
3. A person over the age of nineteen years must be in attendance to monitor the fire.
4. Burning shall not be conducted on a day when the wind exceeds ten kilometers per hour.
5. The site shall be cleaned up and all hazards removed within seventy-two hours of the burning.
6. This permit is subject to cancellation at any time by a Forest officer, member of the Royal Canadian Mounted Police or any member of the Department if it is felt the conditions are not safe for burning.

Fire Chief

Applicant