

BY-LAW NO. S-2026-02

**A BY-LAW RESPECTING THE FIRE DEPARTMENTS
OF THE NACKAWIC-MILLVILLE RURAL COMMUNITY**

BE IT ENACTED by the Council of the Nackawic-Millville Rural Community as follows:

1. Title

This by-law may be cited as the "Fire Department By-Law" and shall apply to the Nackawic-Millville Rural Community.

2. Interpretation

In this by-law unless the context otherwise requires,

"Apparatus" means any vehicle provided with machinery, devices, equipment or materials intended for a fire call, or motor vehicles used to transport fire fighters or supplies.

"Assistant to the Fire Marshal" means a member appointed under the *Fire Prevention Act* and includes any person authorized by the Fire Marshal to act on the Fire Marshal's behalf.

"Council" means the Mayor and Councilors of the Nackawic-Millville Rural Community.

"Department" means the Nackawic-Millville Fire Department established by this by-law and includes the members thereof.

"False Alarm" includes both nuisance and malicious alarms and is an alert that prompts an emergency response when there is no actual fire or danger present.

"Fire Call" means firefighters responding to an emergency call from dispatch. This includes false alarms and medical calls.

"Fire Chief" means the person duly appointed to such position by the Council, or in his or her absence, the acting Fire Chief as designated by the Council.

"Fire Prevention Act" means chapter F-13 of the revised statutes of New Brunswick 1973 and amendments thereto.

"Fire Station" means one of the 3 locations within the Department that house fire equipment.

"Hospital" includes a hospital facility, sanatorium, infirmary, nursing home, or home for the aged.

“Member” means the Fire Chief, Officer(s) and any fire fighter, and fire prevention officer(s), or others authorized by the fire chief.

“Non-standard event” means any event which is beyond the normal emergency response for the fire department including, but not limited to, security following a fire incident while waiting for insurance adjustors or investigation, arrival of a contractor following a hazardous incident, or arrival of a building representative within 1 hour.

“Place of Assembly” means “Place of Assembly” as defined in the Fire Prevention Act.

“Sleeping Accommodations” means “Sleeping Accommodations” as defined in the Fire Prevention Act.

3. Establishment

3.01 A Fire Department for the Nackawic-Millville Rural Community is hereby established and shall be known as the “Nackawic-Millville Rural Community Fire Department” comprised of the below Fire Stations:

Station 1 – Nackawic
Station 2 – Dumfries
Station 3 – Millville

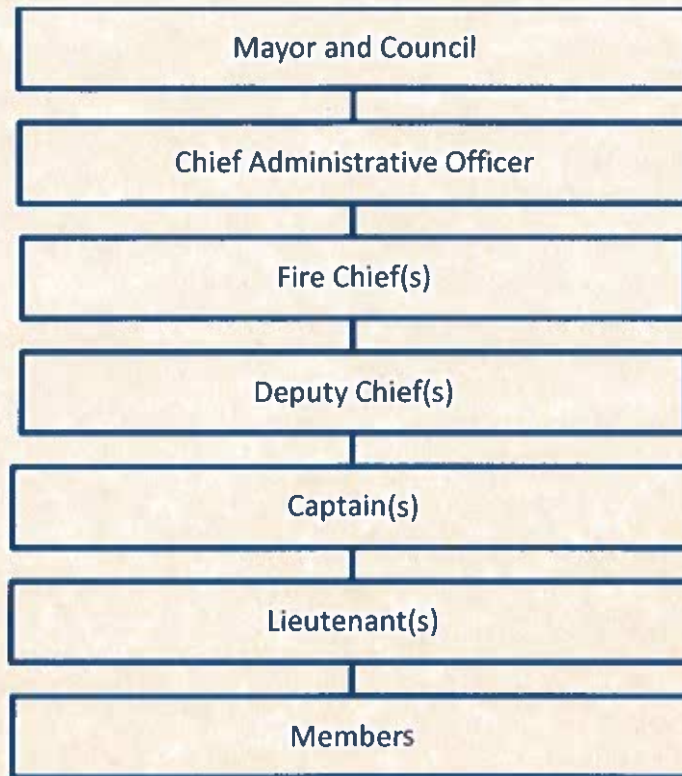
3.02 Subject to Section 9, the territorial jurisdiction of the Nackawic-Millville Rural Fire Department is the incorporated area of the Nackawic-Millville Rural Community.

4. Finances and Assets

All fire department finances will be held by the municipality in accordance with the Local Governance Act and all fire department assets are deemed to be assets of Nackawic-Millville Rural Community.

5. Regulations

5.01 The organizational structure of the Stations within the Nackawic-Millville Fire Department shall be as follows:



5.02 The Fire Chief(s) shall be appointed by a resolution of Council and shall hold office during the pleasure of the Council. Each Fire Station shall be appointed (1) Chief.

5.03 In addition to the Fire Chief, each Fire Station may consist of: officers comprised of, in order of seniority, the Deputy Chief, Captain(s), Lieutenant(s), and members. Membership is to be decided at the discretion of the Fire Chief. All members upon acceptance into the Fire Department by the Fire Chief(s), shall have their names given to the Chief Administrative Officer.

5.04 With the exception of the Fire Chief(s), any member of the Fire Department who wishes to resign, must provide his or her resignation to the appropriate Officer, who shall communicate the same to the respective Fire Chief or their designate. The Fire Chief or designate shall inform the CAO.

5.05 Every member of the Fire Department shall be approved by the Fire Chief(s) pursuant to the Fire Department Human Resource Policy.

6. **Duties Of The Fire Chief**

6.01 The Fire Chief(s) are responsible for the administration and operation of their respective Fire Stations and may make general orders and rules as may be necessary for the care and protection of the property of the Department, the conduct of members of the

Department and, generally, the efficient operation of the Department, provided that such general orders and rules shall not conflict with the provisions of any by-law of the Municipality.

6.02 The Fire Chief(s) shall annually prepare and submit to Council the Fire Station's estimate of costs of operation, maintenance and supplies for the following year. Such estimates shall include:

- (a) the general cost for operation of the Fire Station,
- (b) the cost of repair, replacement or addition to apparatus, equipment and supplies,
- (c) the capital costs of building and equipment,
- (d) a summary of assets and estimated expiry and replacement strategy, and
- (e) requirements and reporting for legislative compliance.

6.03 The Fire Chief(s) shall have charge of the conduct and general operation of the Fire Station(s) including, without limiting the generality of the foregoing, fighting fires, responding to fire calls, fire drills or practices, the care and maintenance of any building or portion thereof used by the Fire Department, all apparatus equipment, and supplies, and fire prevention activities.

6.04 The Fire Chief(s) shall maintain proper decorum and discipline within the Fire Department at all times and shall have the authority to issue written or general orders relating to:

- (a) the general operation and maintenance of the Fire Department, including stations,
- (b) the maintaining of proper decorum, discipline and efficiency of the members of the Fire Department at fire calls, alarms and practices and in the discharge of the Department's duties in so far as the same has a bearing on the efficiency of the Fire Department,
- (c) the use of the fire stations for meetings, social gatherings, and
- (d) the care and maintenance of apparatus, equipment and supplies.

6.05 The Fire Chief(s) shall maintain a record of

- (a) the attendance of members of the Department at fire calls, training and meetings,
- (b) the particulars of every fire reported to or coming to the knowledge of, the Fire Department, which particulars shall include the property damage, injury to persons and losses of life resulting from such fires, and cause of fire,

(c) the apparatus, equipment, and supplies of the Fire Department and the condition and quantity thereof, and

(d) such other information as may be required from time to time by the Council.

6.06 The Fire Chief(s) shall, monthly or more often if requested by the Council, make a report to the Council on the activities of the respective Fire Station(s) and include a summary of the records maintained pursuant to subsection 5.05.

6.07 The Fire Chief(s) shall submit a report to the Council immediately of any substantial losses through breakage, destruction, shortages or deficiencies in the apparatus, equipment and supplies of the Fire Department.

6.08 The Fire Chief(s), by virtue of his or her office is a local assistant to the Fire Marshal within the Municipality and, subject to the directions of the Fire Marshall, shall carry out the duties of a local assistant as authorized or required by the *Fire Prevention Act*.

6.09 The Fire Chief(s) shall comply with all provisions of the *Fire Prevention Act* and other applicable statutes and enforce within the Municipality all laws of which he or she is an enforcing officer by virtue of his or her position as local assistant, statutory provision, or special appointment or directive.

7. Duties Of Fire Department Members

7.01 Each member shall carry out the instructions of the Fire Chief(s).

7.02 Captains and Lieutenants shall carry out the instructions of his or her senior Officers.

7.03 The fire fighters shall respond promptly to all fire alarms and attend all training and practices as often as possible and carry out the instructions of the senior Officers.

7.04 The members of the Fire Department shall meet at a frequency determined by the Fire Chief(s) for practice and instruction in the use of all apparatus, equipment and supplies of the Fire Department and in the principles of fire prevention and fire protection.

7.05 The members may organize for social or other purposes intended to further the interest and welfare of the Fire Department and the Members thereof.

7.06 No rule or regulation of any such organization shall in any way restrict or impair the authority of the Fire Chief(s) nor the conduct and efficiency of the Fire Department and the members thereof.

7.07 The Fire Chief(s) shall ensure that all members of the Fire Department are properly qualified and entitled to receive compensation pursuant to the *Worker's Compensation Act* of New Brunswick, and amendments thereto, to the extent that the same is possible

and the Fire Chief(s) shall otherwise comply with all applicable provisions of said Act and the regulations thereunder.

7.08 Without limiting the generality of subsection 6.07:

(a) The Fire Chief(s) shall maintain a list of the names and addresses of all members of the Fire Department, and

(b) Injury to, or death of, any member of the Fire Department occurring in the course of or as a result of the discharge of his or her duties at a fire drill or practice, responding to or returning from a Fire Call, shall be reported immediately to the Fire Chief or officer-in-charge of the Fire Department, the CAO and the Office of the Fire Marshall. The Fire Chief or such Officer shall promptly comply with the required procedures with respect to claiming compensation pursuant to the *Workers' Compensation Act* and regulations thereunder.

(c) The Council may make provision for the compensation, by insurance or otherwise, of fire prevention officers, and officers and members of the Fire Department, of injuries received by them while performing their duties.

7.09 All members are required to advise their immediate superior of any charges under the Criminal Code of Canada that have been laid against them. They will also advise their immediate superior of legal outcome of these charges.

8. Remuneration

Shall be per Fire Department Human Resource Policy.

9. General

9.01 During the process of a fire, the Fire Chief may, if it is considered necessary or advisable for the effective combating of the fire or the prevention of injury or damage to persons or property,

(a) place or cause to be placed a rope or other barrier across any street or public place to indicate the area from which persons or vehicles are prohibited, except for the passage of fire, police, emergency and other authorized personnel and vehicles,

(b) secure doors and windows and take other precautionary steps to protect people and property either directly involved in, or threatened by a fire, and

(c) prohibit any person other than members of the Fire Department from riding on fire apparatuses, entering buildings involved with or threatened by fire, handling fire hose lines or other firefighting equipment and apparatus, or doing any other thing which is likely to endanger the safety of any person, or which may hamper the combating of a fire.

9.02 No person shall disobey an order or direction given by the Fire Chief or senior officer-in-charge while in the performance of their duties at a fire, nor shall any person interfere with or obstruct any such officer or any fire fighter while in the performance of any duty at or in connection with a fire.

9.03 The owner or any occupant of a building, or any part thereof, which is burning or threatened by fire shall not prevent members of the Fire Department from entering the buildings or part thereof.

9.04 No person shall drive a vehicle over an unprotected hose or other firefighting equipment unless he or she is given permission to do so by a member of the Fire Department.

9.05 The Fire Chief(s) may charge an owner or occupant of a property or premises for the full replacement or repair costs of fire department equipment whereas a result of providing assistance at or near the property or premises such equipment has been damaged or contaminated by a hazardous substance or dangerous goods and requires decontamination, repair or replacement.

9.06 In the event of any non-standard event, the Fire Chief(s) may charge any individual or organization that requests the Department to remain onsite, in accordance with the Fire Operations Cost Recovery Policy.

9.07 No person shall obstruct any fire hydrant or dry hydrant at any time, whether with barricades, vehicles or other items, by covering them with snow, or through any other means.

9.08 The Fire Chief(s) shall furnish to a peace officer the names of any person that disobeys his or her directions, damages or renders inoperative Fire Department vehicles, equipment or apparatus or interferes with or obstructs the members of the Fire Department in the execution of their duties.

9.09 No firefighting equipment shall be released or loaned to another fire department or agency without written authorization of the Council and in no circumstances shall property of the Municipal Fire Department be released or loaned to any person.

9.10 Without written authorization of the Council, Fire Department vehicles and firefighting equipment shall not be used for any work other than work of the Nackawic-Millville Fire Department.

10. Fires Outside Municipal Limits

10.01 The Council may from time to time enter into an agreement with neighbouring municipalities, rural districts, or community organizations for the provision or sharing of fire protection services to, or with, neighbouring areas.

10.02 No agreement pursuant to subsection 9.01 shall require the Fire Department to leave the municipality while answering a call within the municipality nor to take all the Fire Department's apparatus and equipment out of the municipality at any time.

10.03 The Fire Department shall not respond to any fire call outside the limits of the municipality except in the case of

- (a) a fire call from a neighbouring area with which there is an agreement or permission from the Fire Chief or designate,
- (b) a call from New Brunswick Emergency Measures Organization, or
- (c) a call from New Brunswick Department of Natural Resources

10.04 The Council may from time to time, by resolution, establish service fees applicable in the case of the Fire Department providing fire protection services to neighbouring areas in the event of an emergency or under an agreement made pursuant to subsection hereof.

11. Investigation And Reporting Fires

11.01 The Fire Chief, or any person authorized in writing by the Chief(s), may inspect any building or premises within the municipality, and for the purpose may, at all reasonable hours, enter into and upon any building or premises for the purpose of determining the cause or origin of a fire.

11.02 The Fire Chief, or in his or her absence the senior Officer, shall promptly report to the Fire Marshal or the nearest branch office of the Fire Marshal, by the most direct means,

- (a) the circumstances of any death or serious injury to a person caused by a fire,
- (b) any suspicious or suspected incendiary fire,
- (c) any fire occurring in a hospital, school, place of assembly or sleeping accommodation,
- (d) when required, all fires occurring within the municipality, and
- (e) such other information with respect to fires occurring within the municipality as may be required from time to time by the Fire Marshal.

12. Fire Prevention

12.01 The Fire Chief(s) and such other persons as the Council may appoint by resolution from time to time shall be Fire Prevention Officers.

12.02 A Fire Prevention Officer, the Fire Chief(s), or any person duly authorized in writing by the Fire Marshal, may enter any building or premises within the municipality at reasonable times to inspect for fire prevention or to investigate the cause or origin of a fire.

12.03 Despite section 11.02, the municipality does not authorize the Fire Chief(s) or any other member of the Fire Department to conduct fire prevention inspections.

12.04 A Fire Prevention Officer may enforce the provisions of the *Fire Prevention Act* and the regulations made there under, and for that purpose shall have the same powers under the same conditions as are conferred upon the Fire Marshal under sections 11, 12, and 16 of the *Fire Prevention Act* by Provincial Legislation, amendments thereto, and the regulations made there under.

12.05 No person shall prevent a Fire Prevention Officer from entering into or upon any building or premises for the purpose of making a fire prevention inspection or otherwise obstruct a Fire Prevention Officer in the performance of his or her duties.

13. Burning Permission and Guidelines

13.01 All properties within the municipality are to follow the Department of Natural Resources and Energy burn status.

13.02 Within Ward 3 (Nackawic), all fire receptacles are to be placed a minimum of 6.1 meters (20 feet) from any combustible material such as structures; fences; combustible patios and decks; propane or gasoline storage; trees and other vegetation such as un-mowed grass.

13.03 The Fire Chief(s), or designate, may extinguish a fire on private property for any reason.

13.04 This section does not apply to a small, confined fire used to cook food in grills or barbecues, and chimeneas.

14. Restrictions

14.01 The burning of rubbish, garbage or other waste, either household or industrial, shall not be permitted at any time.

14.02 No person shall burn rubber tires, oil, plastic, petroleum products, aerosols or pressurized cylinders, or other like materials.

14.03 The Fire Department shall be notified immediately if the fire is or appears to be getting out of control. The property owner may be required to pay all expenses incurred in controlling or extinguishing any fire, which may get beyond or be in danger of doing so or extend to lands of others.

15. Fire Alarms

15.01 Every owner of a building in which a fire alarm system is installed is responsible for false alarms generated in that building, and every owner inherits all false alarms which were made on that property earlier in the calendar year by the previous owners.

15.02 All false alarm assessments shall be sent to the owner of the property, not the tenant.

15.03 The Nackawic-Millville Fire Department may charge the owner of the property for which a false alarm is generated by the following fees:

1st False Alarm	-	FREE
2nd False Alarm in any calendar year	-	\$100.00
3rd False Alarm in any calendar year	-	\$250.00
4th and any subsequent False Alarm in any calendar year	-	\$500.00

16. Protective Services Committee

16.01 The Fire Chief(s), or their designates, shall represent the Fire Department on the Protective Services Committee.

16.02 The Fire Department's annual estimates, as required by section 5, and any other report, which the Fire Chief(s) are required by this by-law to make to Council, shall be submitted by the Fire Chief(s) to the Committee and the Committee shall in turn submit the estimates or report to the Council together with such recommendations, advice or additional information as the Committee considers appropriate.

17. Severability

17.01 If any part, section, subsection, or phrase is held as invalid by a Court of competent jurisdiction, the invalid portion shall be severed, and the remainder of the by-law will be deemed to be enacted without the invalid portion.

18. Penalty Provision

18.01 Any person who fails to comply with an Order of a Fire Prevention Officer duly made under the authority of this by-law, and its amendments, commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category E offence.

18.02 Where a person is convicted of an offence under subsection 17.01, the Court, in addition to any penalty imposed under subsection 17.01, may order that person to comply with the Order.

18.03 A person who fails to comply with an Order of the Court under subsection 17.02 commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as

a category F offence.

18.04 Notwithstanding subsections 17.01, 17.02, and 17.03, a person who violates other provisions of this bylaw is guilty of an offence and is liable on conviction to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00).

19. Repeal Provision

19.01 By-Law No. S-11, A By-Law Respecting the Fire Department of the Town of Nackawic, passed by Town Council on March 1, 2004, as well as By-Law No. 8, A By-law Respecting the Fire Department (Part 1 & 11) of the Village of Millville, and amendments thereto, are hereby repealed.

19.02 The repeal of By-Law No. S-11, A By-Law Respecting the Fire Department of the Town of Nackawic, as well as By-Law No. 8, A By-law Respecting the Fire Department (Part I & II) of the Village of Millville, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate, or prejudicially affect any manner or thing whatsoever completed, existing, or pending at the time of repeal.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE
MUNICIPALITY OF NACKAWIC-MILLVILLE RURAL COMMUNITY ON
March 17, 2026.

First Reading: March 2, 2026
Second Reading: March 2, 2026
Third Reading: March 17, 2026



A handwritten signature in blue ink, appearing to read "Tim Fox".

Tim Fox, Mayor

A handwritten signature in blue ink, appearing to read "Kathryn Clark".

Kathryn Clark, Clerk