

Village of Carmacks

By-law 165-08

BEING A BY-LAW OF THE VILLAGE OF CARMACKS IN THE YUKON TERRITORY TO PROVIDE FOR OPERATION OF THE CARMACKS VOLUNTEER FIRE DEPARTMENT

WHEREAS Section 187 of the Municipal Act 1998, being Chapter 19 of the Revised Statutes of the Yukon and amendments thereto, requires that Council act by by-law to provide for other officers and employees as may be considered necessary or expedient for carrying on the good government of the municipality and carrying out the provisions of this act; and

WHEREAS council desires to continue a fire service within the Municipal Corporation of Carmacks, appoint officers and to provide for the efficient operation of such a fire service.

NOW THEREFORE the Council of the Village of Carmacks in an open meeting duly assembled enacts as follows:

Section 1 Short Title

- 1.1 This by-law may be known as the “Volunteer Fire Department By-law”

Section 2 Definitions

- a. In this by-law:
- (a) **CAO** means the Chief Administrative Officer for the Municipal Corporation of Carmacks.
 - (b) **Captain** means the person appointed by council resolution as Captain of the Carmacks Volunteer Fire Department
 - (c) **Council** means the duly elected Council of the Municipal Corporation of Carmacks, who are sworn to office.
 - (d) **Dangerous Goods** means any material or substance that may constitute an immediate or long term adverse effect to life, health, property or the environment when burned, leaked, spilled or otherwise released from its normal use, handling, storage or transportation environment, and shall include those products covered by the Transportation of Dangerous Goods Regulations.
 - (e) **Department** means the Carmacks Volunteer Fire Department
 - (f) **Deputy Chief** means the person appointed by council resolution as Deputy Chief of the Carmacks Volunteer Fire Department.
 - (g) **Fire Chief** means the person appointed by council resolution as Chief of the Carmacks Volunteer Fire Department.
 - (h) **Fire Fighter** means a fire fighter enrolled as a volunteer member listed on the records of the Department.
 - (i) **Incident Commander** means the senior member of the Carmacks Volunteer Fire Department in charge of an incident.
 - (j) **Fire Marshall** means the officer of the Yukon Public Safety Branch who is in charge of fire prevention activities within Yukon.
 - (k) **Fire Protection** means all aspects of fire safety, including fire prevention, fire suppression, fire investigation, public education, training, advising and the dissemination of fire safety information.
 - (l) **Incident** means a fire or a situation where an explosion is imminent or any other situation where there is a danger or a possible danger to health, life, property or the environment and to which the Fire Department has responded.
 - (m) **Mayor** means the duly elected or appointed Mayor of the Municipal Corporation of Carmacks sworn to office.
 - (n) **Member** means any person that is duly appointed or recruited to a position on the Carmacks Volunteer Fire Department or a member of the Public conscripted by the Fire Chief or designate.

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Section 3 Interpretation

3.1 Wherever the provisions of this By-law are at variance with each other, the more restrictive of the two (2) provisions shall apply.

3.2 Where there is any conflict between the provisions of this by-law and any other by-law, the provisions of this by-law shall prevail.

Section 4 Schedules

4.1 This by-law shall have the following schedules as attachments and forming part of this by-law.

- Schedule "A" Indemnity Schedule
- Schedule "B" Municipal Boundary Map
- Schedule "C" Description of Officers duties & Responsibilities

Section 5 Response Jurisdictions

5.1 The Carmacks Volunteer Fire Department shall consist of a Fire Chief, a Deputy Fire Chief, a Captain, members, buildings, apparatus and equipment necessary to protect people and property. A department membership of twelve (12) including the Fire Chief and Deputy Chief is desired.

5.2 The Fire Chief shall be appointed by resolution of council.

5.3 The Deputy Fire Chief shall be appointed by resolution of council upon recommendation of the Fire Chief. The Deputy Fire Chief shall assume full command and management of the department in the absence of the Chief.

5.4 The Captain shall be appointed by resolution of council upon recommendation of the Fire Chief. The Captain shall assume full command and management of the department in the absence of both the Fire Chief and Deputy Fire Chief

5.5 Fire fighters shall be appointed by the Fire Chief upon recommendation of the serving fire fighters.

5.6 No emergency unit shall be used beyond the limits of the municipal boundary without approval of council, except where duly approved contracts or agreements have been entered into with the municipality for use of the said apparatus and where appropriate by-laws have been duly enacted.

Section 6 Authority of the Fire Chief

6.1 The Chief shall be the executive officer of the department but is subject to the orders of council or Mayor. The Chief shall review or cause to be reviewed all expenditures of the department within the approved budget lines prior to requesting any purchase order.

6.2 The Chief shall have full control and command over all personnel of the department. The Chief shall assign members to their duties.

6.3 The Chief, upon approval of Council, shall purchase or otherwise acquire equipment, emergency units, materials and supplies required for the operation, maintenance and administration of the department. All purchases for the department excluding fuel and utilities shall be made by purchase order obtained from the CAO in advance of such item being acquired.

6.4 The Chief shall, subject to the approval of the CAO, be authorized to establish rules, regulations, policies and any committees necessary for the proper organization and administration of the department governing:

- a) the use, care and protection of department property;

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- b) the appointment, recruitment, training, conduct, discipline, duties and responsibilities of members of the department;
- c) the efficient operation of the department.

Providing that any regulations, rules or policies made pursuant to this by-law shall not be inconsistent with the legislation and regulations of Yukon.

6.5 The Chief shall implement a maintenance schedule for all equipment and apparatus of the department and ensure this maintenance is performed.

6.6 The Chief shall submit monthly reports to council. Reports will include all department activities for the said month. The report shall include a current list of members and attendance of members.

6.7 The Fire Chief or Incident Commander in charge at an incident is empowered to enter premises or property where the incident occurred and to cause any members, apparatus or equipment of the department to enter as he deems necessary in order to combat, control or deal with the incident.

6.8 The Fire Chief or Incident Commander at any incident may in his discretion prescribe the limits in the vicinity of the incident within which, until he removes or changes such limits, no person or vehicle shall be permitted to come, unless such person be a regular member of the department or RCMP, or be admitted by order of the Fire Chief.

6.9 Pursuant to section 6.8 the Fire Chief or Incident Commander shall be authorized to call upon the RCMP to enforce restrictions on persons entering within boundaries or limits established.

6.10 The Fire Chief shall be responsible for all fire protection, rescue and dangerous goods matters within the municipal boundary and any regulations thereunder.

6.11 The fire department may:

- a) charge fees on a cost recovery basis for any service provided by the department.
- b) notwithstanding part a) above, fees or charges in excess of cost recovery rates or for Fire / Rescue emergency services must be approved by council.

Section 7 Discharge of Duties

7.1 The Fire Chief or any employee charged with the enforcement of this by-law, acting in good faith and without malice for the municipality of Carmacks in the discharge of their duties, should not hereby render themselves liable personally and they are hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or by reason of any act or omission in the discharge of their duties.

Section 8 Fire Prevention

8.1 The Yukon Fire Marshall may establish a schedule of inspection frequency for each building, structure, or place in the municipality based on the age, use and occupancy of that building, structure or place.

8.2 Notwithstanding the schedule referred to above, any designated member of the department may inspect any building, structure or place upon receipt of a complaint regarding that building, structure or place.

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Section 9 Requirement to Report

9.1 The owner or authorized agent of any property damaged by fire shall immediately report to the department particulars of the fire which are satisfactory to the Fire Chief or a designate.

9.2 The owner or authorized agent of any property containing a dangerous good product which sustains accidental or unplanned release of the dangerous good shall immediately report to the department particulars of the release which are satisfactory to the Fire Chief or designate

Section 10 Violations

10.1 Any person who in any way obstructs, prevents or refuses to admit a fire inspector or investigator in, to or upon any land, premises, yards or buildings for the purpose of inspecting or investigating on the same or who incites or abets such shall be considered in breach of this by-law.

10.2 No person shall in any way impact or hinder any member of the department or person who shall be assisting in extinguishing any fire, or mitigating an incident or acting under the directions of the Fire Chief, or performing any other duties provided for in this by-law.

10.3 No person shall move any fire hose or drive a vehicle over any fire hose at any fire without permission of the Incident Commander.

10.4 No person shall falsely represent them self to be a member of or connected with the department.

10.5 Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does not act or omits any act or thing thus violating any of the provisions of this by-law, shall be deemed guilty of an infraction of this by-law and upon a summary conviction liable to a fine of not less than one hundred dollars (\$100) for each offense, or as the Statutes of the Yukon Territory provides.

Section 11 Enactment

11.1 This by-law shall come into force and effect upon the final passing thereof.

11.2 By-law 95-99 and subsequent amending by-laws are hereby repealed.

Read a first time this 22 day of January, 2008

Read a second time this 22 day of January, 2008

Read a third time and finally passed this day of , 2008

Mayor Wyatt

CAO

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Schedule "A"

Indemnity Schedule

Honorariums	Fire Chief	\$650/month
	Deputy Fire Chief	\$200/month
	Captain	\$200/month
	Training Coordinator	\$150/month

Honorariums for Fire Chief & Training Coordinator include attendance at bi-monthly fire practices. A deduction will be made for the absence of the Fire Chief from a practice of \$50.

The Fire Chief is permitted to be absent from two (2) practices per calendar year, without penalty, to provide for annual vacations. In addition to honorarium he will receive the rates of indemnity as firefighters for each incident to which he has responded as a firefighter.

Where the Fire Chief delegates, or the Deputy Fire Chief on instruction of Council or the Chief Administrative Officer, acts as Fire Chief for any period in excess of seven (7) days the Deputy Fire Chief shall receive the Fire Chief honorarium rate for this period of delegation or interim appointment. The Fire Chief shall be considered absent for such periods unless the absence is approved by resolution of Council for training.

Regular honorarium rates will apply when either the Fire Chief or Training Coordinator is attending approved training courses.

The Deputy Fire Chief & Captain will receive, in addition to regular monthly honorariums, the rates of indemnity as firefighters for scheduled practices and training as well as incidents to which they respond as a firefighter.

Rates of Indemnity:	Firefighters (incident response)	\$30 per hour
	Firefighters (practices)	\$50 per practice
	Firefighters (local training)	\$30 per hour
	Firefighters (out of town training)	\$Expenses only

Local training will be at the discretion of the Fire Chief within budget limits. Prior to the event, the Fire Chief will receive approval from Council or the Chief Administrative Officer for out of town training and attendance at out of town meetings or conferences.

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Schedule "B"

Municipal Boundary

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Schedule "C"

Description of Officers Duties & Responsibilities

Fire Chief Duties & Responsibilities

Authority of the Fire Chief

The Fire Chief shall be the Executive Officer of the department but is subject to the orders of Mayor and Council.

The Chief shall review or cause to be reviewed all expenditures of the department within the approved budget.

The Chief shall have full control and command over all personnel of the department. The Chief shall assign members to their duties.

The Chief shall establish good working relationship with Wild land Services and the Fire Marshall's office

The Chief shall purchase equipment, emergency units, materials and supplies required for the operation, maintenance and administration of the department. All purchases for the department shall be made by purchase order, excluding engine fluids, oils, and fuel.

The Chief shall be authorized to establish rules, regulations, and policies necessary for the proper organization and administration of the department governing:

- The use, care, and protection of department property.
- The appointment, recruitment, training, conduct, discipline, duties, and responsibilities of the members of the department:
- The efficient operation of the department.
- Follow all regulations, rules or policies to the best of his/her ability within his/her training, understanding, and education of the legislation and regulations of the Municipal by-law, Yukon Government Protective Services, Occupational Health Safety Act, Federal Fire Services Act, and the National Protection Association (NFPA) Standards.

The Chief shall implement a maintenance schedule for all equipment and apparatus of the department and ensure this maintenance is performed.

The Chief shall submit monthly reports to council. Reports shall include all department activities for the said month. The report will also include a current list of members and attendance of members. The Chief will also submit an annual report to council summarizing activities of the department, including, but not limited to, training, incidents, departmental needs.

The Fire Chief or Incident Commander shall be responsible for all fire protection, scene management at any incident were incident occurred, and shall be empowered to enter any premises or property and to cause any member, apparatus or equipment of the department to enter as deems necessary in order to combat, control or deal with the incident.

The Fire Chief or Incident Commander shall be authorized to call upon RCMP to enforce restriction on any persons entering within the boundaries or limits established.

The Fire Chief or Incident Commander may in his/her discretion prescribe the limits of the vicinity of the incident and until such time as he/she removes or changes such limits, no person, vehicle or equipment shall permitted to come, unless such person be a regular member of the department or RCMP, or be admitted by order of the Fire Chief or Incident Commander.

The Fire Chief shall be responsible for all fire protection and dangerous goods matters with in the municipal boundaries and any regulations there under.

Deputy Fire Chief Duties & Responsibilities

General Responsibilities

The Department Deputy Chief must have a good working relation with the Fire Chief, Captain and crewmembers as well as other agencies that may be related to the Department.

The Deputy Chief in the absent of the Fire Chief, will have the same authorization and responsibility to fire safety and protection of the community, crew, and scene management.

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When acting in the capacity of Fire Chief, the Deputy Chief will serve as Executive Officer of the department, but is subject to orders of Mayor and Council. The Deputy Chief shall consult with CAO should any expenditure be made.

The Deputy Chief shall be subject to all training requested by the Fire Chief and should have a good understanding of government policies, regulations, and legislation under the municipal by-law, Yukon Government Protective Services, Occupational Health and Safety Act, and Federal Fire Services Act, and National Protection Association (NFPA) Standards.

The Deputy Chief in the absence of the Chief shall submit a monthly report to council. This report shall include all department activities for the said month.

The Deputy Chief in the absence of the Chief shall be responsible for schedules such as maintenance, equipment, and apparatus. The Deputy Chief shall also be responsible for bi-weekly fire department practice/training.

The Deputy Chief in the absence of the Chief shall be responsible for all fire protection and dangerous goods matters within the municipal boundaries and any regulations there under.

Captain Duties & Responsibilities

General Duties:

The Captain is the third in command of the Fire Dept. and works directly with the Chief and Deputy Chief in recommending training, safety and supervision of crewmembers.

The Captain of the Fire Department shall assume command and management of the Department in the absence of the Chief and Dept. Chief.

The Captain, with the aid of the crew, will perform and insure that regular inspections are carried out on the apparatus (Fire Trucks), fire equipment, SCBA's and fire extinguishers, and bring forward to the attention of the Fire Chief any equipment failures or dysfunction's.

The Captain with the aid of the crew will insure cleanliness of the Fire hall and help the Chief and Deputy Chief in basic training of new recruits.

The Captain will insure a good line of communication is kept between the crew and Chief and Deputy Chief.

Training Coordinator Duties & Responsibilities

General Responsibilities

The Training Coordinators is responsible for a good line of communication between Yukon Government Agencies when coordinating training schedules and courses available in fire training.

The Training Coordinator should have a good understanding of department organization, operation, and operating procedures.

The Training Coordinator with the approval of the Fire Chief shall be responsible to aid instructors in providing training tools, equipment and training classroom availability, the Training Coordinator is responsible to make suggestions and recommendations to the Fire Chief for training.

The Training Coordinator must have a very good understanding in Fire Scene Safety Management, radio communication skills and in the event of any emergencies aid the Fire Chief or Incident Commander in equipment check, and act as a Safety Officer to insure that all personnel in wearing the full protective clothing, as well as aid with tools and equipment such as; but not limited to, SCBA's, ropes, ladder's, ventilation and water supply.