

BY-LAW RESPECTING THE MANAGEMENT OF THE AMHERST FIRE DEPARTMENT

The Town Council of the Town of Amherst enacts as follows:

DEFINITIONS

1. In this by-law unless the context otherwise requires,
 - (a) "Advisory Committee" means the Chief, Deputy Chief or Deputies, as the case may be, and the Secretary of the Department.
 - (b) "Committee" means the Protective Services Committee of the Town of Amherst.
 - (c) "Council" means the Council of the Town of Amherst.
 - (d) "Department" means the Amherst Fire Department
 - (e) "Member" includes an officer.
 - (f) "Town" means Town of Amherst.

FIRE DEPARTMENT

2. A department for the Town of Amherst to be known as the Amherst Fire Department is established for the purposes of prevention, control or extinguishing of fires or preservation or protection of life and property within the Town and also for the purposes as set out in Section 3 of this By-law.
3. The department shall not respond to a call with respect to fire or emergency outside of the limits of the Town of Amherst except with respect to a fire or emergency;
 - (a) That in the opinion of the Chief of the Department, threatens property in the Town of Amherst or property situated outside the Town of Amherst that is owned or occupied by the Town of Amherst;
 - (b) In a municipality with which an agreement has been entered into with the Council to provide fire protection, or entered into with the Council to provide fire protection, or
 - (c) at property with respect to which an agreement has been entered into in writing with any person, corporation or Association and the Council to provide fire protection therefore;

(d) in Mutual Aid fire calls with other towns.
DIVISIONS AND COMPANIES

4. The Department shall consist of the following divisions or companies:
 - (a) a division of administration and communication;
 - (b) the hose company;
 - (c) ladder company;
 - (d) salvage company.

PERSONNEL

5. The Department shall be composed of the following personnel: a Chief of the department, a Senior Deputy Chief and such other Deputy Chiefs as are necessary, Captains, Lieutenants or other officers and as many volunteer members as is considered to be necessary for the effective operation of the department and as approved by Council.

REMUNERATION

6. The remuneration of all members of the Department shall be determined by Council.

CHIEF OF DEPARTMENT

7. The head of the Department shall be known as the Chief of the department who shall be appointed by the Council.

DUTIES OF THE CHIEF OF THE DEPARTMENT

8. The Chief of the Department is responsible to the Council for the proper administration and operation of the Department, and for the discipline of its members, and
 - (a) may recommend to the Committee such general orders and departmental rules as may be necessary for the care and protection of the property of the Department, for the conduct of the members 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 law or any by-law of the Town;
 - (b) shall review periodically the policies and procedures of the Department;
 - (c) 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 laws respecting fire prevention and exercise the powers and duties imposed on him by the Fire Prevention Act;

(d) is responsible for the enforcement of this by-law and the general orders and departmental rules;

(e) shall submit to the Committee for its approval and for submission to the Council as required by the Council the annual estimates of the Department;

(f) shall submit to the Committee and for submission to Council monthly reports of fires.

DEPUTY CHIEF

9. In addition to the Chief of the Department, personnel shall consist of a Senior Deputy Chief and such number of other Deputy Chiefs as from time to time may be deemed necessary by the Advisory Committee and approved by Council.

DUTIES - DEPUTY CHIEF

10. (1) The Senior Deputy Chief or the Deputy Chief shall report to the Chief of the Department on the activities of the Companies and shall carry out the orders of the Chief, and in the absence of the Chief, has or have all the powers and shall perform all the duties of the Chief.

(2) The Deputies shall also be responsible for arranging a training program for the Department.

- a. Assist in prevention and control and extinguishment of fires.
- b. Perform rescue and salvage operations and render first aid.
- c. Respond and assist at such emergencies as may be required by the Chief of the Department.
- d. Participate in training at stations.
- e. conduct fire prevention and familiarization inspections of premises.

CAPTAINS AND OFFICERS

11. In addition to the Deputy Chiefs and Chief of the Department there shall be captains and other officers as from time to time may be deemed necessary and recommended by the Advisory Committee and as approved and appointed by the Public Safety Committee.

12. Each Company of the Department is under the direction of a Captain or Lieutenant who is responsible to the Chief of the Department or his Deputy, for the proper operation of the Company.
13. Where the Chief of the Department designates a member to act in place of an officer in the Department, such member, when so acting, has all the powers and shall perform all the duties of the officer replaced.

SECRETARY

14. The members of the Department may elect one of their number to be Secretary. The Secretary of the Department is responsible for the carrying out of the following duties:
 - (a) provide administrative facilities for the Chief and Deputy Chief of the Department;
 - (b) assist the Chief to prepare the Departmental budget;
 - (c) maintain personnel records.

ADVISORY COMMITTEE

15. The Advisory Committee shall assist the Chief in his duties.

MEMBERSHIP

16. The Chief of the Department shall advise the Committee of the appointment of any qualified person as a member of the Department.

QUALIFICATIONS

17. A person is qualified to be appointed a member of the Department for fire fighting duties who:
 - (a) is not less than 19 years of age;
 - (b) is of good character, and he shall provide two references;
 - (c) passes such aptitude and other written and oral tests as may be required by the Chief of the Department;
 - (d) if medically fit to be a member as certified by a physician and the cost of such examination shall be paid by the Town;

(e) resides within the Town of Amherst.

PROBATIONARY MEMBERS

18. A person appointed as a probationary member of the Department for fire fighting duties shall be on probation for a period of 6 months during which period he shall take such training and examinations as may be required by the Chief of the Department.
19. If a probationary member appointed for fire fighting duties fails any such examinations or perform the required duties, the Chief of the Department shall not recommend his appointment as a regular member of the Department.

MEDICAL EXAMINATIONS

20. The Chief of the Department must be in possession of a Medical Certificate from a Medical Doctor certifying that a member is capable of carrying out all fire fighting duties.
 - (a) Failure to report for medical examination after direction to report shall result in suspension until the necessary certificate is obtained;
 - (b) The Chief may from time to time, request an additional medical certificate from any member of the Department when deemed necessary.

DUTIES

21. Every member of the Department shall report for duty at the time prescribed by the departmental rules and shall remain on duty until relieved.
22. In the case of a member failing to report for duty, the Chief of the Department shall be advised by an officer of the Company.
23. No member,
 - (a) while in uniform, shall enter any premises where alcoholic beverages are sold or consumed, except in the performance of his departmental duties;
 - (b) if his ability is impaired by the use of an intoxicating beverage or drug, shall be permitted to remain on duty, and such impairment shall be reported in writing through his superior officer to

- the Chief of the Department;
- (c) while on duty shall consume any intoxicating beverage or any drug which will impair his ability.

24. No member shall solicit the influence or support of anyone in order to secure a transfer, [promotion or other advantage.

HONORARY MEMBERS

25. (a) A member may become a honorary member of the Department upon the recommendation of the Chief of the Department and approval of the Committee.
- (b) A member shall qualify to become an honorary member upon attaining the age of 65 or after 20 years of active service.
- (c) An honorary member shall not be required to report for active duty.

PROMOTION AND DEMOTION

26. The provisions of this section with respect to the promotion and demotion of members does not apply to the Chief or Deputy Chiefs.
27. Any member may make application to the Chief of the Department to qualify him for probation to a rank immediately superior to his present rank.
28. Every recommendation for promotion of a member made to the Committee by the Chief and Advisory Committee of the Department shall be based on the evaluation of:
- (a) the proven ability of the member;
 - (b) physical fitness of a member; and
 - (c) the fire and station record of the member.
29. When, in the opinion of the Chief of the Department and the Advisory Committee, all other factors for the promotion of two or more members are equal, seniority of service in the Department governs.
30. All promotions within the Department shall be made by the Committee upon recommendation of the Chief and the Advisory Committee.
31. The fire fighting and station record of each member of the Department shall be evaluated annually as follows:
- (a) The Captain of each Company shall evaluate each

- member of the Company;
- (b) The Deputy Chief, so designated by the Chief, shall evaluate the Captains.
32. The Chief of the Department and the Deputy Chiefs shall evaluate all members of the Department who are participating in and training for promotion.
33. Every applicant for promotion shall take such practical written or oral examinations or both as may be required by the Chief and Advisory Committee of the Department.
34. The Chief of the Department, after consultation with the Advisory Committee, may make a recommendation to the Committee for the demotion of or removal from office of any member based upon an evaluation of his inability to perform the office, his lack of physical fitness to perform the office or his failure to meet the standard requirements of his office as may be determined by the Chief and Advisory Committee of the Department. Any demotion or removal from office of a member shall be made by the Committee.
35. In the case where a member is recommended for a demotion or removal from office by the Chief, the Chief shall within three days of making the recommendation give to the member written notice of the recommendation setting forth reasons for the recommendation.
36. A member upon receipt of a notice of recommendation of demotion or removal from office may within five days of receipt of notice request in writing a hearing before the committee.

DISCIPLINE

37. The Chief of the Department, after consultation with the Advisory Committee, may reprimand, suspend or recommend to the Committee, dismissal of any member for insubordination, inefficiency, misconduct, tardiness or for noncompliance with any of the provisions of this by-law or the general orders and departmental rules that in the opinion of the Chief would be detrimental to the discipline and efficiency of the Department.
38. Following the suspension of any member, the Chief of the Department shall report, in writing, the suspension and his recommendation to the Committee.
39. In the case where a member is suspended more than 7 days or is recommended for dismissal, the Chief shall within

3 days of the suspension or recommendation of dismissal give written notice to the member stating the date of suspension and reasons for the suspension or in the case of a recommendation of dismissal, the reasons for dismissal.

40. Any member upon receipt of a notice of suspension or recommendation of dismissal may within 5 days request in writing a hearing before the Committee.
41. A member may be dismissed by the Committee for just cause, but shall not be dismissed without being afforded an opportunity for a hearing before the Committee.
42. This by-law comes into effect on the approval of the Minister of Municipal Affairs and repeals any by-laws respecting Fire Departments previously in effect.

I, Fred Haines, Town Clerk of the Town of Amherst do hereby certify that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Town Council of the Town of Amherst duly convened and held on the 8th day of December, 1986 and approved by the Minister of Municipal Affairs, the 5th day of January, 1987 and as amended the 8th day of September, 1992, with an amendment passed by Council on the 8th day of September, 1992 and by the Minister of Municipal Affairs on the 29th day of September, 1992.

Fred W. Haines
Town Clerk