



Town of Mahone Bay
Staff Report
RE: Draft Fire Services Bylaw
July 27, 2023

General Overview:

This report is to provide Council with a draft Fire Services Bylaw.

Background:

On November 8, 2022, Council was presented with a Staff Report and associated draft Fire Services Bylaw. At that meeting the following motion was passed:

THAT Council direct staff to coordinate with the Fire Chief to present the draft by-law to the Fire Department to obtain specific stakeholder feedback to be presented to Council.

Staff presented to the Department (Dylan, I have no idea when you and Mo did this). Feedback on the proposed bylaw was submitted by the Chief on July 18, 2023.

Recommendation:

It is recommended,

THAT Council provide first reading to the Fire Services Bylaw as presented.

Respectfully submitted,

A handwritten signature in blue ink that reads "Kelly Hedden".

Attached:

- Appendix A – November 8, 2022 Staff Report
- Appendix B – Feedback from Fire Department
- Appendix C – Fire Services Bylaw



Purpose:

The purpose of this hearing is to receive verbal and written submissions regarding the Draft Fire Services Bylaw.

Background:

On November 8, 2022, Council was presented with a Staff Report and associated draft Fire Services Bylaw. At that meeting the following motion was passed:

THAT Council direct staff to coordinate with the Fire Chief to present the draft bylaw to the Fire Department to obtain specific stakeholder feedback to be presented to Council.

Staff presented to the Department in November of 2022. Feedback on the proposed bylaw was submitted by the Chief on July 18, 2023.

Council was provided with a draft Fire Services Bylaw at their July 27th meeting. At that time Council passed the following motion:

THAT Council provide first reading to the Fire Services Bylaw as presented.

A Public Hearing was set for September 12th at 6:30pm

Notification:

Public Hearing: Progress Bulletin August 16th
Town website, Town Facebook page,
Mayor's Newsletter September 2023

Submissions Received:

No submissions were received prior to this hearing.

Respectfully submitted,

Kelly Redden

Town Clerk

Three large, semi-transparent diamond shapes are arranged horizontally at the bottom of the page. From left to right, they are light green, light blue, and light yellow.

1.0 Purpose

The purpose of this by-law is to clarify the expectations and responsibilities for the provision of fire services in the Town of Mahone Bay.

2.0 Definitions

CAO means the Chief Administrative Officer of the Town of Mahone Bay

Council means the Council of the Town of Mahone Bay

Fire Provision Area the area for which the Town of Mahone Bay, on behalf of the Mahone Bay and District Volunteer Fire Department, has contracted to provide fire services and for which a fire rate is paid to the Town of Mahone Bay for the upkeep and operation of the Mahone Bay and District Fire Department.

Department means the Mahone Bay and District Fire Department, a Department of the Town.

Member means a member in good standing of the Mahone Bay and District Fire Department, including junior fire fighters, probationary members, and Officers.

Officer means a member of the Mahone Bay and District Fire Department with the rank of Lieutenant or higher.

Town means the Town of Mahone Bay.

3.0 Provision of Fire Services

3.1 The Town of Mahone Bay shall maintain the registration of the Fire Department upon the confirmation of the specific emergency services that the department will endeavour to provide, as required by the Municipal Government Act of Nova Scotia, the Fire Services Act of Nova Scotia, and other relevant provincial and federal legislation.

3.2 The Mahone Bay and District Fire Department shall maintain and provide fire and emergency services to the Town of Mahone Bay as well as the established fire provision area as defined by agreement between the Town of Mahone Bay, the Municipality of the District of Lunenburg, and the Mader's Cove Fire Service Commission by way of contract with the Town of Mahone Bay on behalf of the Mahone Bay and District Fire Department.

- 3.3 The Department shall respond to a call with respect to a fire or emergency outside of the established fire provision area with respect to a fire or emergency:
- a) when in the opinion of the Chief, threatens property in the established service area or property that is owned and occupied by the Town of Mahone Bay; or
 - b) at property for which an agreement has been entered into with the Council to provide fire protection; or
 - c) in Mutual Aid calls with other departments.

4.0 Fire Chief

4.1 The Fire Chief shall be appointed by Council following a nominating vote of the Fire Department membership held in compliance with the internal procedures of the Fire Department.

4.2 Upon appointment by Council, the Fire Chief shall have the authorities and responsibilities of a Town department manager, with respect to the fire department.

4.3 In the absence of the Fire Chief the Deputy Chief shall perform the duties of the Fire Chief.

4.4 The Deputy Fire Chief and all duly elected officers shall report to the Fire Chief.

4.5 The Fire Chief shall:

- i. Perform such duties as required by the Office of the Fire Marshall
- ii. Serve as the Executive Officer of the Department and shall be responsible for the enforcement of this by-law, general operating guidelines, and department rules.
- iii. Take required measures for the prevention, control, and extinguishment of fires for the protection of life and property, shall enforce all laws respecting fire prevention, and shall exercise the powers and duties imposed by the Nova Scotia Fire Safety Act, the Nova Scotia Fire Safety Regulations, and the Nova Scotia Municipal Government Act
- iv. Manage, control, and supervise the Fire Department membership to ensure a safe and respectful working environment
- v. Have the care, custody, and responsibility for the apparatus, and equipment in the stewardship of the Department and jointly with the Manager of Public Works and Transportation, the buildings utilized by the Department.
- vi. Review the membership on a quarterly basis to ensure that all members are in good-standing

- a. if any members are found to not be in good standing the Chief will suspend membership until the member is up to date with all requirements as set out for membership
- vii. Report quarterly to Council on the membership and activities of the Department
- viii. Provide an annual public report to Council on the efficiency of the Department, training of the membership, and the condition of the buildings, apparatus, and equipment under the stewardship of the Department
- ix. Ensure that internal procedures are in place to ensure that the qualifications, expectations, and opportunities for members are handled in an equitable manner.
- x. periodically review the policies and procedures of the department and participate in the development of new general operating guidelines, procedures, and policies as required
- xi. Ensure that the Department operates within the annual budget as approved by the Town and is accountable for Department spending
- xii. Provide input to the Town's annual budgeting process, including short and long term capital and operational planning

4.6 The Fire Chief may establish subcommittees and/or working groups within the membership to advise the Chief and membership

5.0 Fire Department Members

5.1 To be eligible for Fire Department membership an individual must:

- i. be not less than 18 years of age
 - a) Notwithstanding 5.1, there may be an opportunity for youth between the ages of 12 and 17 years of age to participate in a junior firefighter program with parental consent
 - b) participants in a junior firefighter program with the Mahone Bay and District Fire Department must comply with all safety and application regulations as other members.
- ii. provide a certificate of medical fitness as requested by the Department
- iii. reside within the area protected by the Department
 - a) an exception to 5.1 will be made in the case of a member who resides outside the area but is able to attend meetings and calls to meet minimum requirements
 - b) a member who is eligible for membership under the provisions of 5.1.ii must be able to demonstrate on an ongoing basis that they are able to meet the minimum requirements to maintain active membership
- iv. provide a current criminal record check, including a vulnerable sector check as requested by the Department, on application and thereafter as requested.

5.2 Every member shall provide current valid driver's license to use Department vehicles or any vehicle in response to or at the scene of a fire or emergency

5.3 Every member shall provide such information to the Town as is required for licensing, insurance, or other necessary administrative matters.

- i. the Town will ensure that personal information is held in accordance with the Freedom of Information and Protection of Privacy Act and any other relevant provincial or federal legislation regarding the care and use of personal information

5.4 Every member shall be provided with the same safe and respectful workplace protections as all other employees of the Town of Mahone Bay.

5.5 Every member of the Department shall report for duty at the time prescribed by the Department rules and shall remain on duty until relieved.

5.6 Every member in good standing, with the exception of participants in a junior firefighter program, will have the right to vote in the annual selection of Chief, Deputy Chief, and Officers.

5.7 Every member in good standing will receive an honoraria in keeping with the annual budget approved by Council and in relation to the number of hours each member contributes for call outs, meetings, and practices. It shall be the responsibility of the Chief to promptly advise the Town regarding any changes to Department membership.

5.8 Every member in good standing will be eligible for Recognition of Service as detailed in this by-law.

5.9 No member shall consume any alcohol, prescription drug or non prescription drug while on duty that may impair their ability to perform their required duties. No member shall be permitted to remain on duty if their ability is impaired by the use of alcohol or drug and such impairment shall be reported directly to the Fire Chief, or senior officer at hand, by the person noting the impairment.

6.0 Honourary Members

A member in good standing may apply to become an honorary member with the completion of 16 years of active service with the Mahone Bay and District Fire Department and a satisfactory disciplinary record.

7.0 Recognition of Service

Members in good standing with the Mahone Bay and District Fire Department shall be recognized by the Town of Mahone Bay on an annual basis on occasion of the five years of service and in five-year increments thereafter.

8.0 Medical Examinations

8.1 Failure to report for medical examination after direction to report shall result in suspension until the necessary certificate is obtained.

8.2 Failure by a member to provide the certification shall result in suspension until the necessary certificate is obtained.

8.3 A member may, from time to time, be requested to provide additional medical certificates when deemed appropriate to ensure the safety of that member, fellow fire-fighters, and the operation of Department equipment.

8.4 Following a medical incident during training or responding to a call, the Chief may, at their discretion, require a medical fitness test.

9.0 Code of Ethics

9.1 Members are required to swear or affirm to uphold the Code of Ethics of the Department. (Appendix – Department Code of Ethics)

9.2 Members who violate the Code of Ethics will be subject to disciplinary action in accordance with this By-law.

9.3 The Department will annually review the Code of Ethics after which the Chief will confirm that the Town has the current version.

10.0 Discipline

10.1 The Fire Chief may, reprimand, suspend, or dismiss a member for insubordination, inefficiency, misconduct, tardiness, or for non-compliance with the provisions of this by-law or the general operating guidelines that, in the Opinion of the Chief, would be detrimental to the discipline, safety, and/or efficiency of the Department. In so doing the Chief shall be guided by the policies and procedures established by the Department.

10.2 Following the suspension of any member, the Chief shall report, in writing, the suspension to the CAO.

10.3 In the case where a member is suspended for more than seven (7) days or dismissed, the Chief shall within three (3) days of the suspension or dismissal give written notice to the member stating the date of suspension and reasons for the suspension or dismissal.

10.4 In the case where a member is suspended for less than seven (7) days a note shall be added to the personnel file of that member

10.5 Notes shall be kept regarding all disciplinary actions regarding a member in a confidential file, the contents of which will be protected as per the Nova Scotia Freedom of Information and Protection of Privacy Act and all other relevant provincial and federal legislation.

11. Force and Effect

This by-law is to come into effect on approval. This by-law shall repeal and supersede any and all previous regulations and/or by-laws held by the Town of Mahone Bay regarding the provision of fire services in the Town of Mahone Bay.

David W. Devenne, Mayor

Kelly Redden, Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the ____ day of _____ 202_.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this ____ day of _____ 202_.

CLERK'S NOTATION

First Reading:	
"Notice of Intent" Publication:	
Second Reading:	
Ministerial Approval:	
Date of Publishing:	
Forwarded to the Minister:	
Forwarded to Town Website:	