

THE CORPORATION OF THE TOWN OF IQALUIT, NT  
BY-LAW NO. 324

BEING A BY-LAW for the protection of health, life, and property through the provision of Fire Prevention, Fire Suppression, and Ambulance Services as required in the Town of Iqaluit in the Northwest Territories.

PURSUANT to the provisions of the Cities, Towns and Villages Act, S.N.W.T., 1987 (1), c.14, s.98, 99, 100, 101 and 102;

NOWTHEREFORE, The Municipal Administrator of the Town of Iqaluit enacts as follows:

1. **SHORT TITLE**

This by-law may be cited as the Iqaluit Fire Department By-law.

2. **INTERPRETATION**

Pertaining to this By-law:

**"Chief"** - means Chief of the Iqaluit Fire Department, appointed by the Town Council to be directly responsible for the operation of the Department.

**"Deputy-Chief"** - means Deputy Chief of the Iqaluit Fire Department, the senior assistance to, and primary designate of, the Chief. In the absence of the Chief he/she acts as, and has the responsibilities and powers of, the Chief.

**"Department"** - means the Iqaluit Fire Department which is comprised of firefighters, ambulance attendants and dispatchers.

**"Fire Department"** - means the Department responsible for Fire Prevention, Fire Protection, Victim Extrication, and response to any incident or scene where its personnel and/or apparatus/equipment may be beneficial to the amelioration of the situation.

**"Department Officer"** - means an Officer who is a member of the Department holding the rank of Lieutenant, Captain, Deputy-Chief or Chief.

**"Designate of the Chief"** - means the highest ranking Department officer present in the absence of the Chief.

**"Department Member"** - means any person appointed to a position in the Department by the Chief.

**"Council"** - means the Council of the Town of Iqaluit.

**"Town Manager"** - means the Senior Administrative Officer of the Town.

**"Airport Fire Chief"** - means the Chief of the Ministry of Transport Crash Rescue Department of the Iqaluit Airport.

**"Incident Commander"** - means Department Officer who has assumed command of a specific emergency situation or fire.

**"Emergency Access Lane"** - means any public route or area designated and posted by the Council that is to be kept free of parked vehicles or any other obstruction for the purpose of allowing continuous, non-impeded access by Department vehicles and personnel.

**"Ambulance Services"** - means the provision of; a conveyance used, or intended to be used and which is equipped for the purpose of transporting a person or persons who is (are) sick, injured, incapacitated or otherwise in need of medical attention and require(s) transportation; and personnel who have a valid N.W.T. vehicle operator's licence, a valid C.P.R. Basic Rescuer Certificate and at least a valid St. John's Ambulance Safety Oriented First Aid Certificate, to operate said conveyance.

**"R.C.M.P."** - means the Royal Canadian Mounted Police.

**"R.C.M.P. Officer"** - means a Regular Member of Special Constable of the R.C.M.P.

### 3. GENERAL PROVISION

This By-law establishes the Iqaluit Fire Department which shall be responsible for Fire Prevention and Suppression, Rescue, Victim Extrication, response to incidents involving substances and products included in any of the classes listed under the Federal Transportation of Dangerous Goods Act, Ambulance Services, and Dispatch Services for fire and ambulance personnel along with other emergency response personnel.

### 4. PERSONNEL REVIEW COMMITTEE

This Committee is composed of the Department Officers whose mandate is to investigate and assess the relevant facts pertaining to the acceptability of: new recruits, probationary recruits, and promotions of Department members and officers; and to make recommendations to the Chief regarding these assessments. This Committee also acts as a Departmental Hearing Board regarding dismissal of members or officers by the Chief upon written request of the said dismissed member/officer. A quorum of the Committee is the Deputy-Chief and four other Officers, excluding the Chief.

### 5. DEPARTMENT OFFICERS

The Department Officers shall consist of a Chief, Deputy-Chief, and such other Officers as the Chief may deem necessary for the effective operation of the Department.

- (a) The Chief shall be appointed by the Council on recommendation of the Town Manager;
- (b) The Deputy-Chief shall be appointed by Council on recommendation of the Chief and the Town Manager; and
- (c) All other Department Officers shall be appointed by the Chief. Such Officers shall be accountable only to the Chief, and subject to removal by the Chief. The dismissed Officer, upon written request, shall be given a hearing by the Personnel Review Committee to review the charges brought by the Chief.

### 6. DEPARTMENT MEMBERSHIP

The membership of the Department shall consist of such persons as may be appointed by the Chief and shall be able-bodied citizens of Iqaluit who meet the membership qualifications as set forth in the Department's "Requirements of Membership Policy" Appendix "A". Any

member of the Department may be suspended or discharged from the Department by the Chief at any time he/she may deem such action necessary. On written request of such member to the Personnel Review Committee he/she shall be given a hearing to review the charges brought by the Chief.

#### 7. EQUIPMENT AND APPARATUS

- (a) The Department shall be equipped with such apparatus and other equipment as may be required to maintain its capacity and efficiency to protect life and property. All equipment and apparatus of the Department shall be safely and conveniently housed. No person shall use any Department equipment for any private, corporate, or other non-emergency purpose unless written permission from the Chief has been granted. In such cases it must be clearly demonstrated that the specific equipment being requested is not available anywhere in Town and its unavailability to the Department will in no way endanger life or property. Recommendations of apparatus and equipment requirements shall be made by the Chief to the Town Manager, and after approval of Council shall be purchased in such manner as set forth by Council and the Town Manager.
- (b) No person shall wilfully and without proper authorization from the Chief use, take away or conceal any equipment or article belonging to, or used in any way by, the Department. No person shall enter any place where Department apparatus or equipment is stored nor handle any apparatus or equipment belonging to the Department unless accompanied by, or having special permission of an authorized Officer of the Department.

#### 8. OPERATIVE CLAUSES

- (a) The Chief shall have full authority and command over all Department activities and operations.
- (b) The Chief, or his/her designate, is empowered to authorize, or require, any qualified, able-bodied adult residing or found within the Town Limits to assist as directed in extinguishing or preventing the spread of fire, or to render aid of such type as he/she may be qualified to provide, as required, in emergency situations under the control of the Department. In addition the Chief, or his/her designate, is empowered to commandeer and use without permission any building or structure, equipment and/or supplies existing within the Town Limits as may be required in an emergency situation.
- (c) The Chief, or his/her designate, is empowered to enter any building or premises at any time for the purpose of carrying out inspections or determining the extent of existing or potential threats to life and/or property from fire or related hazards. If such an inspection is not directly related to an existing or imminent emergency such inspections must be carried out during normal business hours and reasonable notice must be given.

- (d) The Chief and/or members of the Department, under the directions of the Chief, may take such actions as necessary to effectively suppress fires and/or neutralize emergency situations; including entering private property, the destruction of involved adjoining or adjacent buildings or structures, and limiting or curtaining access to, or evacuation of specific areas.
- (e) The Department shall have full responsibility for, and control of, any building, structure or premises which have been involved in fire or similar emergency. This remains in effect until such time that it has been declared safe by the Incident Commander, all investigations have been completed and it has been turned over to the owner, owner's representative or the R.C.M.P. While such buildings are under the control of the Department, no person, excluding Fire Department members, R.C.M.P. Officers and members of the Fire Marshal's Office, but including owners and their representatives, may enter said locations without permission from the Chief. If permission is granted the person(s) must be accompanied by a Department Officer or R.C.M.P. Officer. In addition, nothing, including valuables, records or personal effects may be touched, moved or removed, by anyone except R.C.M.P. Officers, members of the Fire Marshal's Office or Fire Department members with authorization from the Chief.
- (f) The Chief, Deputy-Chief, all Department Officers and Department Members, appointed by the Chief, for proper carrying-out of, but limited to, this By-law are Ex-Officio By-law Officers, as per Section 172 of the Cities, Towns and Villages Act.
- (g) Members of the Department including all Officers shall not be personally liable for any actions undertaken during the course of a fire or any other emergency duties pursuant to this By-law. If any action or proceeding of civil liability is brought against the Chief or any other member of the Department for an alleged tort committed by him/her during the performance of his/her duties, within or on behalf of the Town, the Council shall pay any court costs, lawyer's fees and all damages awarded against any such member of the Department.
- (h) In the absence of the Chief, the Deputy-Chief, or the highest ranking Officer pre-designated by the Chief or acting as Incident Commander, assumes the powers and responsibilities of the Chief.
- (i) Upon inspection of a building or premises the Chief may serve written notice upon the owner or occupant to correct, within a specified time, any and all fire or related safety hazards that may have been found. Any person so served notice to correct any fire or related safety hazards shall do so within the specified period.
- (j) It is an offence to hinder, obstruct or impede a Department member in the performance of his/her duties.
- (k) It is an offence to maliciously turn in, or cause to be turned in, a false alarm.

- (1) No person shall burn any garbage, goods or materials of any nature within the designated boundaries of the Town's jurisdiction unless he/she is authorized to do so by the Chief in writing of a Burning Permit.

#### 9. RIGHT OF WAY

All Department vehicles which are properly identified and equipped with visual and audible warning devices shall have right-of-way over all other traffic when responding to an emergency with warning devices operating.

#### 10. EXCEEDING SPEED LIMITS

Department vehicles may exceed the posted speed limits when responding to an emergency with warning devices operating and if the weather and driving conditions permit. At no time should other pedestrian or vehicular traffic be endangered by responding emergency vehicles or personnel. Exceeding speed limits is permitted only when responding to an emergency.

#### 11. WARNING LIGHTS

The mounting and use of flashing or rotating beacons with the color combination of red and white is restricted to the Department.

#### 12. OBSTRUCTION

- (a) It is an offence to park any vehicle or otherwise cause an obstruction at the entrance to an emergency services/fire station or other place where Department vehicles are stored or parked, or within three (3) metres of a fire hydrant. Any such vehicle or obstruction may be caused to be moved by a Department Officer at the expense of the offender.
- (b) It is an offence to follow with any type of vehicle within one hundred and fifty (150) metres of a Department vehicle responding to an emergency with warning devices operating and/or park or operate a vehicle within ninety (90) metres of an emergency scene. Any vehicle which is causing an obstruction at any emergency scene may be caused to be moved by a Department Officer. The cost of such removal or damage done to the vehicle during its removal may be borne by the Department if the vehicle was legitimately parked before the emergency occurred. However, if the vehicle was parked or operated at the emergency scene after the emergency began, the offender assumes all costs for its removal and any damages which may occur.
- (c) It is an offence to park a vehicle or otherwise cause an obstruction in a Emergency Access Lane designated and posted by the Council. In addition, the vehicle or obstruction may be removed by a Department Officer at the expense and liability of the Offender.
- (d) Any violation of the most recent revision of the National Fire Code of Canada is an offence under this By-law.

**13. DRIVING OVER FIRE HOSE**

It is an offence to drive any vehicle over a fire hose except if proper bridging is used or authorization has been given by a Department Officer.

**14. OFFENCES AND PENALTIES**

- (a) Except as herein provided, any person who contravenes or disobeys, or refuses or neglects to obey any provision of this By-law is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$1000.00 for an individual, or \$5000.00 for a corporation, or in default of payment, imprisonment for a period not exceeding six months, as per section 187 of the Cities, Towns and Villages Act.
- (b) The fine for a violation of this By-law shall be the amount of \$50.00, as stated on the Summary Conviction Ticket as the voluntary payment, or, of the amount in the discretion of the convicting Magistrate or Justice.
- (c) Nothing in this section shall:
  - (1) prevent any person concerned from exercising his/her right to defend any charge of committing a breach of this By-law,
  - (2) prevent any person entitled to do so from laying an information and complaint against any person for committing a breach of this By-law, or,
  - (3) prevent any person from exercising any legal rights that such a person may have to lay an information and complaint against any other person (whether such person has made payment under the provisions of this By-law or not) for a breach of any provision of this By-law.

**15. ENFORCEMENT**

- (a) A Department Officer who finds a person and/or corporation violating, or has reasonable grounds to believe that a person and/or corporation has violated, any provision(s) of this By-law, may:
  - (1) issue said person or corporation a verbal order of immediate compliance, and in the event that non-compliance will pose an imminent threat to life safety has the authority to close a public place of business or any public building, and/or order the evacuation of persons until said violation(s) have been rectified, and/or;
  - (2) give the person or corporation written notice of intention to prosecute in the form of a ticket, and/or;
  - (3) issue said person or corporation a written order of compliance to rectify said violation(s) within a specified time period. From the date of the issuance of the order until the issuance of a written notice and acceptance of completion from the authority having jurisdiction, the

occupancy and use of the said building, or part thereof may be restricted as per the conditions of the order of compliance. In the event of non-compliance within the specified period said person or corporation is guilty of an offence under this By-law.

**16. AIRPORT EMERGENCY/DISASTER OR STRUCTURAL FIRE**

In the event of an Aircraft Emergency/Disaster within the boundaries of the Airport the Department may upon the request of the Airport Fire Chief provide such assistance that is required. Such assistance is provided with the understanding that within the Airport boundaries the Airport Fire Chief is in command and retains full responsibility of any actions ordered by him/her. In the event of a structural fire within the Airport boundaries the Iqaluit Fire Department will respond and the Iqaluit Fire Chief will be in command of the incident, and control of the structure, until such time as he/she has declared the involved structure(s) and related areas safe. Once the structure(s) and related areas have been declared safe the control of and responsibility for said structure(s) /areas will be returned to the Airport Fire Chief. Upon the request of the Airport Fire Chief the Iqaluit Fire Department will provide such assistance as required in completion of overhaul and determination of fire origin and cause.

**17. COSTS OF OPERATION**

In general the operation, maintenance and capital costs of the Department will be borne by the Municipality. However, when the direct benefits of a specific service are limited, to an identifiable person, persons, government or private agency(ies), the municipality may charge said beneficiary(ies) a fee. Also when the Department is called to respond to an undue number of false alarms to a structure, the Municipality may charge the owner, or lessee, of the structure a fee or fees for some or all of the unnecessary responses. Said fees are set out in Appendix "B".

18. REPEAL

This By-law repeals By-law No. 214.

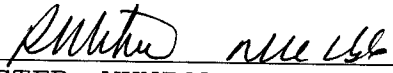
This By-law comes into effect thereafter the third and final reading date.

Read a First time this 26<sup>th</sup> day of September, 1994 A.D.

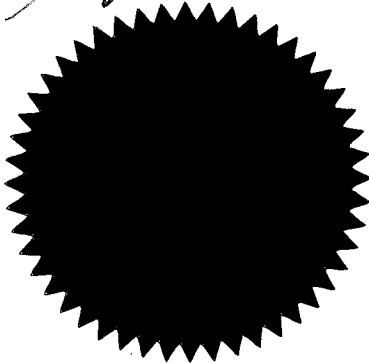
Read a Second time this 26<sup>th</sup> day of September, 1994 A.D.

  
MUNICIPAL ADMINISTRATOR

Approved by the Minister of Municipal and Community Affairs this 27<sup>th</sup> day of September, 1994 A.D.

  
MINISTER, MUNICIPAL AND COMMUNITY AFFAIRS

Read a Third time and Finally passed this 29<sup>th</sup> day of September, 1994 A.D.



  
MUNICIPAL ADMINISTRATOR



## APPENDIX "A"

## IQALUIT FIRE DEPARTMENT MEMBERSHIP REQUIREMENTS

1. The applicant must have reached the Age of Majority, nineteen (19) years of age. An applicant between the ages of sixteen (16) and nineteen (19) may be accepted as a Junior Member with written permission from his/her parent or legal guardian. Junior Members are not permitted to work in any area of danger and are limited to support duties.
2. The applicant should have a minimum education of N.W.T. Grade Ten (10) or equivalent.
3. The applicant may be asked to provide an affidavit from the R.C.M.P. regarding the existence or non-existence of any criminal record. The applicant must have a recent history of drug/alcohol abuse, mental illness, violence or criminal activity which may pose a threat to the safety and confidence of Department members and the public.
4. The applicant must be in good health and be able to provide a doctor's certificate so stating if requested by the Department. He/she must be of sufficient size and strength to perform all normal departmental duties.
5. The applicant must be aware of, and agree to, the minimum training requirement of One Hundred and Fifty (150) hours per year and that he/she may not be absent without just cause from more than Two (2) consecutive training sessions or emergency response call-outs. (Just cause is to be interpreted as employment commitments, sickness or travel).
6. The applicant must be aware of, and agree to, the fact that the Department is a "para-military" organization and that even though he/she may be a "part-time" or "volunteer" member he/she is required to follow the chain of command, obeying all orders of superior members of the Department, following all Standard Operating Procedures and abiding by all Department Policies and Regulations.
7. The applicant must agree to uphold the good image of the Department.
8. The applicant must agree to hair length and facial hair restrictions as per the Northwest Territories Industrial Safety Regulations as interpreted by the Chief.
9. The applicant must agree to follow restrictions regarding the wearing of jewelry and clothing articles as per the Northwest Territories Industrial Safety Regulations as interpreted by the Chief.
10. The Personnel Review Committee will make recommendations to the Chief in regards to the acceptance of an applicant.

## APPENDIX "B"

## REGARDING SECTION 20 OF THIS BY-LAW:

## SCHEDULE OF CHARGES PER FALSE FIRE ALARMS

When, in the opinion of the Chief, there has been an undue number of false alarms requiring response by the Iqaluit Fire Department to a specific building, then he/she will inform the owner in writing that the situation causing the false alarms must be corrected within twenty working days of the issuance of the warning. For responses to false alarms to the building in question during a six calendar month period immediately following the said twenty working days the owner will be charged at the following rates:

FIRST FALSE ALARM	\$ 100.00
SECOND FALSE ALARM	\$ 200.00
THIRD FALSE ALARM	\$ 500.00
FOURTH FALSE ALARM	\$1000.00
FIFTH & SUBSEQUENT FALSE ALARMS	\$2000.00

The charging and or payment for responses to fire false alarms does not exempt the owner from any of the requirements of the National Building Code, National Fire Code, National Electrical Code, Fire Prevention Act or this By-law

## CHARGE OUT RATES FOR DEPARTMENT PERSONNEL AND EQUIPMENT

NOTE: In all cases there is a one hour minimum, subsequent charges are to the nearest half-hour.

Chief	\$ 50.00/hr.
Deputy-Chief	\$ 45.00/hr.
Captains	\$ 35.00/hr.
Lieutenants	\$ 30.00/hr.
All other Department Personnel	\$ 20.00/hr.
Unit 401 (Ambulance)	\$ 100.00/hr.
Unit 402 (Ambulance)	\$ 125.00/hr.
Unit 501 (Squad Mini-Pumper)	\$ 100.00/hr.
Unit 502 (King-Seagrave 840 gpm Engine)	\$ 150.00/hr.
Unit 503 (Pierce 1500 gpm Engine)	\$ 200.00/hr.
Unit 601 (4X4 Duty Truck)	\$ 50.00/hr.