



## TOWN OF WINDSOR BYLAW # 29 FIRE CHIEF and SERVICES BY-LAW

### TITLE

**29.01** This Bylaw is entitled Bylaw 29, and may be cited as the “Fire Chiefs and Services Bylaw”.

### DEFINITIONS

**29.02** In this Bylaw, unless there be something in the subject or context inconsistent therewith;

- (a) “Council” means the Town Council of the Town of Windsor.
- (b) “Fire Chief” means the person appointed by Council to act as the Fire Chief of the Windsor Fire Department.
- (c) “Fire Department” means the Windsor Fire Department, a body corporate, incorporated under the provisions of the *Societies Act* of Nova Scotia.
- (d) “Town” means the Town of Windsor.

### APPOINTMENT

**29.03** (a) The Council may appoint a qualified person as a Fire Chief to manage the affairs of the Fire Department pursuant to the provisions of the *Municipal Government Act* and all other laws governing the operation of a Fire Department in the Province of Nova Scotia.

#### **Selection Process**

- (b) At the time of a vacancy or indication thereof, in the position of the Fire Chief, the Council may direct the Management Committee (hereinafter referred to) to undertake such steps as are necessary in order to make a recommendation to Council for the purpose of filling any vacancy of the Fire Chief.

### DUTIES OF FIRE CHIEF

**29.04** The Fire Chief shall:

- (i) Be appointed by Council and shall be the Fire Chief of the Fire Department and shall perform the duties of the Fire Chief as defined in this Bylaw.
- (ii) Be responsible to the Council for the general administration, organization and management of the Fire Department in accordance with this Bylaw and all policies and procedures established by Council.
- (iii) Attend all meetings of the Council and its committees as Council may from time to time direct.
- (iv) Employ, discharge, control and direct all employees on the Fire Department including Senior Staff employees.
- (v) To control and direct all volunteers of the Fire Department in accordance with the Fire Department Bylaws.
- (vi) Be responsible for the authorization of payments for all salaries and amounts due from and owing by the Fire Department which fall within the purview and scope of the approved annual budget of the Town or otherwise as may be established from time to time by resolution of the Council.
- (vii) Report to the Council any matter about which it should have knowledge and generally to report to Council or any committee as required.
- (viii) Report to the Chief Administrative Officer of the Town and to the Council, if necessary, any failure of any employee or volunteer of the Fire Department to act in accordance with the requirements of public authority, the bylaws of the Fire Department and Town and/or the policies and procedures of the Fire Department and Town.
- (ix) Ensure that the Fire Department complies with all statutory and regulatory requirements as well as the bylaws and policies and procedures of the Fire Department and Council.
- (x) Preside at all general meetings and executive meetings of the Fire Department and to act as an ex-officio member of all committees of the Fire Department.
- (xi) Represent the Fire Department at all official functions.
- (xii) Generally supervise all of the activities of the Fire Department.
- (xiii) Organize and manage as well as exercise control over all fire fighting operations of the Fire Department.
- (xiv) Assume complete responsibility, management and organization for the administration of the affairs of the Fire Department and for the conduct and efficiency of the Fire Department.
- (xv) Maintain supervision and control over all fire fighting equipment.
- (xvi) Submit in writing to the Council a monthly and an annual report detailing amongst other things the number of fires and the estimated property damage incurred.

- (xvii) Ensure that all orders, regulations, policies and operating procedures are enforced and that discipline is maintained within the Fire Department.
- (xviii) Ensure that all fire vehicles, equipment and apparatus of the Fire Department are maintained in good working condition.
- (xix) Undertake such other duties and responsibilities as the Council may from time to time direct on recommendation from the Management Committee.

## **TOWN EMPLOYEE**

**29.05** The Fire Chief shall be an employee of the Town and not the Fire Department and shall come under the direct supervision and control of the Chief Administrative Officer of the Town subject to the provisions of the *Municipal Government Act* and the policies and procedures of the Town and the Fire Department.

## **POLICIES AND PROCEDURES**

**29.06** The policies and procedures of the Town pertaining to hiring, dismissal and discipline of employees generally within the Town shall apply to the Fire Chief with such necessary modifications and variations as may be required and as the Management Committee shall recommend and be approved by Council.

## **APPLICATION OF FIRE DEPARTMENT BYLAWS**

**29.07** The Fire Chief shall not be subject to the bylaws of the Fire Department and specifically shall not be subject to the management and control of the Fire Department and shall not be subject to any discipline procedures of the Fire Department.

## **MANAGEMENT COMMITTEE**

**29.08** There shall be established a committee to be named "The Management Committee" which shall consist of eight (8) members who shall be appointed by resolution of Council. The members of the committee shall be as follows:

- (a) The Mayor;
- (b) Three (3) members of Council;
- (c) Three members of the Executive of the Fire Department and one regular fire fighter on recommendation of the Executive of the Fire Department.

## **RESOURCE PERSONNEL**

- 29.09**
- (a) The Chief Administrative Officer of the Town shall be a non-voting member of the Management Committee for the purpose of providing administrative assistance, advice and resource assistance as may be required from time to time by the Management Committee.
  - (b) The Fire Department executive shall appoint a member of the Fire Department as a non-voting member of the Management Committee for the purpose of providing administrative assistance, advice and resource

assistance as may be required from time to time by the Management Committee.

## **TERM**

**29.10** All members of the Management Committee shall hold office for a term of one (1) year and shall remain in office until their successor is appointed or until they cease to be a member pursuant to this bylaw or as the case may be.

## **REAPPOINTMENT**

**29.11** Members of the Management Committee shall be eligible for reappointment.

## **VACANCY**

**29.12** In the event of a vacancy occurring, the person appointed to fill such vacancy shall hold office for the remainder of the term of the member replaced.

## **RESIDENT**

**29.13** The persons appointed as members to the Management Committee from the Fire Department on recommendation of the executives of the Fire Department shall consist of at least two members who are residents of the Town and the member appointed as a member of the Management Committee of the Fire Department who is a resident of the Town and ceases to be a resident of the Town shall cease to be a member of the Management Committee.

## **ATTENDANCE**

**29.14** A member of the Management Committee who shall be absent for three (3) consecutive meetings of the Committee shall (unless such absence be caused through illness or be authorized by resolution of the Committee entered upon its minutes) ipso facto forfeit his office and another member shall be appointed in his/her place for the remainder of their term of office, provided that the member so forfeiting the office shall be eligible for reappointment.

## **CHAIRPERSON**

**29.15** The Chairperson of the Management Committee shall be the Mayor of the Town and the Vice Chairperson of the Management Committee shall be chosen at the first meeting of the Committee which shall take place within one (1) month of the Committee being constituted in any given year.

## **MEETINGS**

**29.16** Meetings of the Management Committee shall be held at least quarterly with the time and place of such regular quarterly meetings to be determined by the Management Committee at its first meeting, but may be changed by the Management Committee from time to time as said members may deem advisable.

## **SPECIAL MEETINGS**

**29.17** Special meetings may be called on twenty-four (24) hours notice by the Chairperson or at the request of any three (3) members of the Management Committee.

## **MINUTES**

**29.18** A minute book shall be kept and minutes of all regular and special meetings shall be recorded therein by the recording secretary of the Management Committee and copies of all minutes shall be filed with the Chief Administrative Officer of the Town.

## **QUORUM**

**29.19** A quorum for the Management Committee shall be at least five (5) members of the Committee.

## **VOTING**

**29.20** Each member of the Management Committee has the right to vote including the Chairperson of the Committee. In the event of a tie on any motion at a meeting, the motion shall be deemed to have been lost.

## **DUTIES AND RESPONSIBILITIES**

- 29.21**
- (a) The Management Committee shall study, review and recommend to Council such policies and procedures or changes in policies and procedures for hiring, dismissal and discipline of the Fire Chief.
  - (b) Review and recommend to Council the appropriate powers, duties and responsibilities of the Fire Chief from time to time and to establish a complete job description for the position of Fire Chief.
  - (c) To undertake the necessary steps in the hiring process for the Fire Chief including the preparation and placement of the advertisement for the position, the interview of the selected candidates, and the recommendation of a candidate to Council.
  - (d) To review on a periodic basis and at least annually the job performance of the Fire Chief and to make such recommendations to the Chief Administrative Officer of the Town who shall give such directions to the Fire Chief as the results of the performance appraisal may dictate.
  - (e) Undertake such other duties, responsibilities or activities as the Council may direct from time to time.

Clerk's Annotation for Official By-Law Book

Date of first reading of by-law: Feb. 26, 2002

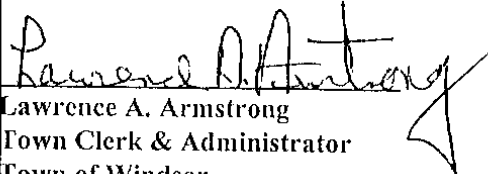
Date of advertisement of Notice of Intent to Consider: Mar. 6, 20, 2002

Date of second reading of by-law: March 27, 2002

\*Date of advertisement of Passage of By-Law: Apr. 3, 2002

Date of mailing to Minister a certified copy of By-Law: Apr. 5, 2002

I certify that this Fire Chief and Services By-law was adopted by Council and published as indicated above.

  
Lawrence A. Armstrong  
Town Clerk & Administrator  
Town of Windsor

April 5, 2002  
Date

REP