

Draft DGG Fire Services Act **Executive Summary**

This is a draft Law. The *DGG Fire Services Act* gives powers to the Fire Department within the Community of Délı̄ne and has rules for having open-air fires. Under this Law, the rules and powers under the NWT *Fire Prevention Act* apply in Délı̄ne. That means that the NWT Fire Marshall has powers within Délı̄ne and the DGG Fire Chief has the powers of an Assistant Fire Marshall under the *Fire Prevention Act*.

The Délı̄ne Fire Department is a **Level 2 – Defensive fire department**. This means that the Fire Department will respond to incidents, keep the scene secure, and spray buildings with water. The Fire Department will not enter burning buildings to do rescues. The Fire Department can only offer the level of service that its training and equipment allows. The Fire Department will fight structural and wild land fires only within the Community of Délı̄ne. The Fire Chief will do education programs, administer burn permits and enforce DGG laws.

This Law also has rules on open-air fires. Open-air fires are only allowed if:

- Burning wood in a fire pit for warming yourself, cooking, or for ceremonial or religious purposes;
- Burning other materials for ceremonial or religious purposes in a designated area (includes burning clothes); and
- Using a BBQ or gas fire pit.

If an open-air fire will not meet those requirements (for example, a big bonfire), a person must apply for a fire permit from the Fire Chief. The DGG may make some areas within the Community of Délı̄ne where fires are not allowed.

The Law sets out the general rules for all open air fires, like you must be 18+ and cannot be within 10 feet of a structure, fence or tree. It will be against the Law to call in a false alarm on purpose or to set a fire that grows out of control.

Property owners will need to report any fire and any spill or release of dangerous goods to the Fire Chief.

DÉLĪNEĖ GOT'ĪNEĖ GOVERNMENT

FIRE SERVICES ACT

WHEREAS section 9.1.1(a) and 9.1.3(a) the DélĪneĖ Final Self-Government Agreement empowers the DélĪneĖ Got'ĪneĖ Government to make laws pertaining to fire protection and prevention in the Community of DélĪneĖ; and

WHEREAS the DélĪneĖ Got'ĪneĖ Government deems it desirable and in the public interest to continue providing fire protection service in form of a fire department for the safety, health and welfare of the community as well as to regulate the duties and responsibilities of the fire department,

the DélĪneĖ Got'ĪneĖ Government enacts as follows:

Citation

1. This *Act* may be cited as the *DGG Fire Services Act*.

Application

2. This *Act* applies to fire protection and fire prevention within the Community of DélĪneĖ.

Definitions

3. In this *Act*:

“**Assistant Fire Marshall**” means the Assistant Fire Marshall for the Sahtu Region appointed under the *Fire Prevention Act*, RSNWT 1988, c F-6, as amended from time to time;

“**Burn Permit**” means a permit issued by the Fire Chief to allow open-air burning within the Community of DélĪneĖ in such form as established by the DGG from time to time, including any terms and conditions contained therein;

“**DélĪneĖ Final Self-Government Agreement**” (“DFSGA”) means the DélĪneĖ Final Self-Government Agreement;

“**DGG**” means the DélĪneĖ Got'ĪneĖ Government, described in the DFSGA and Part 1, Division 2 of the *DGG Government Organization Act*;

“**DKK**” means the DélĪneĖ K'aowədó Kə, the body described in section 3.4.1(b) of the DFSGA and established by Part 1, Division 2 of the *DGG Government Organization Act*;

“Deputy Fire Chief” means the Member designated by the Fire Chief as second in command to act in the place of the Fire Chief in his/her absence or incapacity;

“Deputy Fire Marshall” means the Deputy Fire Marshall appointed under the *Fire Prevention Act*, RSNWT 1988, c F-6, as amended from time to time;

“DGG Law” means laws of the DGG made pursuant to the Jurisdictions of the DGG set out in the DFSGA and regulations made pursuant to those laws;

“Enforcement Officer” means an individual appointed by the DKK to enforce this *Act* and any member of the Royal Canadian Mounted Police;

“Fire Chief” means the Member of the Fire Department appointed by the DKK as head of the Fire Department;

“Fire Department” means the Community of Délı̨ne Volunteer Fire Department, a department of the DGG;

“Fire Marshall” means the Fire Marshall appointed under the *Fire Prevention Act*, RSNWT 1988, c F-6, as amended from time to time;

“Fire Protection” means all aspects of fire safety including but not limited to fire prevention, firefighting or suppression, pre-fire planning, public education and information, advice, training or other staff development;

“Incident” means a fire or a situation where a fire or explosion is imminent and includes assistance response circumstances described in this *Act*;

“Interpretation Act (NWT)” means *Interpretation Act* SNWT 2017, c 19, as may be amended from time to time;

“Member” means those volunteer firefighters on record of the Fire Department and also includes those persons conscripted, contracted or whose services have otherwise been obtained for the benefit of the Fire Department at an incident;

“Member in Charge” means the Fire Chief or his designate as the member responsible for the emergency operations of the Fire Department at an incident;

“Officer” means a Member who is assigned an appointment of authority by the Fire Chief from time to time in the Fire Department, such as Deputy Fire Chief or Captain;

“Permitted burning materials” means seasoned and dry parts of trees or other vegetation including prunings, branches, trunks and tree stumps, but does not include compostable materials like grass clippings, leaves, tree needles, garden waste and weeds;

“SDMCLCA” means the Sahtu Dene and Metis Comprehensive Land Claim Agreement; and

“*Summary Convictions Procedures Act*” means *Summary Convictions Procedures Act* RSNWT 1988,c S-15, as may be amended from time to time.

PART 1 – FIRE DEPARTMENT

Fire Prevention Act

4. Unless otherwise provided in this *Act*, the standards and requirements of the *Fire Prevention Act*, RSNWT 1988, c F-6, as amended from time to time, in respect of fire prevention and fire protection are hereby adopted and made part of this *Act* as the standards and requirements applicable in the Community of Délnę in respect of fire prevention and fire protection.
5. Unless otherwise provided in this *Act*, the Fire Marshall, Deputy Fire Marshall, Assistant Fire Marshall, Fire Chief, and any Members of the Fire Department have the jurisdiction and authority that would be granted to them by virtue of their office under the *Fire Prevention Act*, RSNWT 1988, c F-6, as amended from time to time, within the Community of Délnę.

Fire Department Membership and Authority

6. The Fire Department shall provide Fire Protection services within the Community of Délnę and is a department of the DGG.
7. The Fire Department shall be comprised of a Fire Chief and such number of Members as from time to time the DKK may deem necessary.
8. The Fire Department does not include those DGG employees who are hired as seasonal firefighters and who are sub-contracted to the Government of the Northwest Territories.
9. The Fire Chief shall be appointed by the DKK.
10. Subject to the Fire Department’s annual budget approved by the DKK, the Fire Chief shall be a full-time employee of the DGG.
11. The Fire Chief shall report to the DGG on the operations of the Fire Department including:
 - (a) all disciplinary measures within twenty-four (24) hours of the action being taken;
 - (b) regularly on the activities of the Fire Department and the condition and readiness of all fire protection equipment;
 - (c) when he or she will be absent from his or her duties and shall state who will be in charge of the Fire Department during his or her absence;
 - (d) any injuries sustained by a member of the Fire Department while on duty;
 - (e) on any hazard to life or property, including fire hazards which come to their knowledge; and

- (f) any infractions of this *Act*.
- 12. The Fire Chief shall appoint the Members and Officers of the Fire Department and shall maintain an accurate list of such Members and Officers.
- 13. The Fire Chief may appoint any qualified person aged eighteen (18) years or older as a Member, subject to any recruitment policies adopted by the DGG and any minimum qualification standards established by the Fire Chief.
- 14. The DKK may determine the rate of remuneration, if any, to be paid to all Members.
- 15. The Fire Chief may revoke any appointments to the Fire Department for just cause.
- 16. The Fire Department shall operate in accordance with the annual budget approved by the DKK.

Level of Service

- 17. Subject to the resources assigned to the Fire Department and the level of the Members' training and capacity, the Fire Department shall provide a Level 2 – Defensive level of service, which may include:
 - (a) incident response;
 - (b) scene security; and
 - (c) exposure protection activities (including the use of water on infrastructure).

Fire Chief Duties and Authority

- 18. The Fire Chief is responsible to the DGG for the proper administration and operation of the Fire Department and shall be required to carry out fire protection and fire prevention activities and such other activities as the DKK directs, including but not limited to:
 - (a) structural or urban/wild land interface firefighting operations within the service level possible given personnel training levels, equipment and the number of personnel available;
 - (b) rescue operations possible within the service level, given personnel training levels, equipment and the number of personnel available;
 - (c) fire prevention and life safety education programs;
 - (d) administration of Burning Permits; and
 - (e) enforcement of applicable DGG Laws.

19. Subject to oversight by the DKK, the Fire Chief has authority over and responsibility for the Fire Department.
20. All Members shall obey the directions, standing orders and standing Code of Practice as issued by or through the Fire Chief.
21. The Fire Chief shall appoint at least one Deputy Fire Chief and may appoint other Officers from among the Members to address specific tasks or assignments as deemed required by the Fire Chief.
22. The Fire Chief may delegate any of the Fire Chief's powers, functions and duties to an Officer or other Member of the Fire Department.
23. The Fire Chief shall develop and, subject to ratification by the DKK, implement a Code of Practice including policies, standard operation procedures, and rules and regulations necessary for the proper organization and administration of the Fire Department, provided that such policies, regulations and rules do not conflict with the provisions of any DGG Laws. This may include but is not limited to:
 - (a) the use, care and protection of Fire Department apparatus, equipment and property;
 - (b) the appointment, recruiting, conduct, discipline and responsibility of Members and Officers; and
 - (c) the efficient operation of the Fire Department.
24. The Fire Department shall periodically review its Code of Practice policies and procedures and may establish an advisory committee including representatives from the DKK, DGG, and the Fire Department.
25. Subject to available resources, the Fire Chief shall:
 - (a) take appropriate measures for the prevention, control and extinguishment of fires and for the protection of life and property, in accordance with the level of service that is directly related to the resources assigned to the Fire Department and the Members' level of training and capacity;
 - (b) exercise the powers and duties of a local assistant to the Fire Marshall imposed by the *Fire Prevention Act*;
 - (c) establish a training program and provide training in accordance with the training program for all Members in those aspects of Fire Protection required to meet the Level 2 – Defensive level of service;
 - (d) maintain accurate training records of all Members;

- (e) assign duties to each Member commensurate with their level of training and capacity;
 - (f) develop and administer fire prevention and public fire safety education programs;
 - (g) ensure all apparatus, equipment, buildings and other property of the Fire Department are regularly inspected, maintained and kept in good repair; and
 - (h) maintain accurate maintenance records for such apparatus, equipment, buildings and other property of the Fire Department.
26. The Fire Chief is empowered to cause a building, structure or thing to be demolished or removed following an incident if he or she deems it necessary in the interest of public safety.
27. The Fire Chief shall provide:
- (a) monthly reports to the DGG detailing Fire Department response activity, community education, equipment inspections and any other matter the DGG requests; and
 - (b) an annual report to the DKK, no later than March 1st of each year, including a summary of all Fire Protection activities for the preceding year, a complete inventory of equipment, an estimate of all maintenance and capital expenditures which will be required during the year for Fire Protection as well as any recommendations for any improvement in the Fire Protection system.

Incident Command

28. The Fire Chief, Deputy Fire Chief or in their absence, the senior-ranking Officer or Member present at an incident, shall have control, direction and management of all Fire Department apparatus, equipment and personnel assigned to the incident and, where a Member is in charge, they shall continue to act until relieved by a senior-ranking Officer.
29. Subject to the Level 2 – Defensive level of service, the Fire Chief or Member in Charge is empowered during an incident to:
- (a) enter or cause any member, emergency unit or equipment of the Fire Department to enter premises or property where an incident has occurred or is occurring, as he or she deems necessary in order to gain access to, combat, control or deal with the incident or to protect any person or property;
 - (b) cause a building, structure or thing to be demolished or removed if he or she deems it necessary to prevent the spread of fire to other buildings, structure or things;
 - (c) enter or pass through or over, or cause any Member, emergency unit or equipment of the Fire Department to enter or pass through or over, buildings or property

adjacent to an incident, or over buildings or property, as he or she deems necessary to gain access to the incident or to protect any person or property;

- (d) establish boundaries or limits and keep persons from remaining in or entering the area within the prescribed boundaries or limits unless authorized by the Fire Chief or Member in Charge;
 - (e) require persons who are not Members to assist in whatever manner he or she deems necessary to deal with the incident; and
 - (f) commandeer privately owned vehicles or equipment while responding to an incident or emergency condition.
30. No person shall enter the boundaries or limits of an area prescribed in accordance with section 29(d) unless that person has been authorized to enter by the Fire Chief, or Member in Charge at the incident.
31. The Fire Chief or the Member in Charge at an incident may request Enforcement Officers to enforce restrictions on persons entering within the boundaries or limits outlined in section 29(d).

Jurisdiction

32. The Fire Department shall not fight fires, and no member, emergency unit or equipment shall be used, beyond the boundaries of the Community of Délıne without the permission of the DKK.
33. The Fire Department shall not fight fires that are beyond the capabilities of the equipment of the Fire Department or the capabilities of the Members.

PART 2 – OPEN AIR FIRES

Open Air Fires

34. No person shall set, or cause to be set, an open air fire within the Community of Délıne, except where:
- (a) that person is:
 - (i) burning permitted burning materials within a fire pit on a residential property for personal warming, cooking, or ceremonial or religious purposes;
 - (ii) burning materials for ceremonial or religious purposes at a site designated by the DKK for ceremonial fires, including the burning of clothing;
 - (iii) using a portable barbeque operated in conformance with the manufacturer's instructions;

- (iv) using an appliance that is approved by the Canadian Gas Association; or
 - (v) burning permitted materials in a firepit on land owned by the DGG.
 - (b) a Burning Permit is obtained from the Fire Chief allowing the burning to take place in accordance with such terms and conditions as the Fire Chief may impose in writing on the permit.
35. The DKK may prescribe, by regulation, which receptacles are included in the definition of fire pits for the purposes of section 34(a)(i).
36. The DKK may prescribe, by regulation, fees for obtaining a Burning Permit.
37. Any person who has set or caused to be set an open-air fire shall:
- (a) be eighteen (18) years of age or older;
 - (b) have nearby an adequate supply of water, sand or other means of extinguishing the fire;
 - (c) not allow the fire to spread beyond the approved containment; and
 - (d) keep the fire at least three (3) metres from any combustible buildings, structures, fences, trees or overhead wires.
38. No person shall set an open air fire if wind speeds exceed twenty five (25) kilometres per hour.
39. No burning shall take place within ten (10) meters of any hydrocarbon storage facility or propane tank, other than a propane tank which is connected to and being used in the operation of an accepted outdoor cooking appliance.
40. The DKK may designate any area within the Community of Déjūnē as being an area where no burning is allowed even with a Burning Permit.
41. The Fire Chief may inspect any open air fire or any outdoor cooking appliance, outdoor fireplace or outdoor fire pit as the Fire Chief deems necessary in the interest of public safety.
42. If the Fire Chief deems it necessary in the interests of public safety, the Fire Chief may:
- (a) reject an application for a Burning Permit;
 - (b) issue a Burning Permit with or without conditions, including prescribing the place, day and time of the permitted fire; or
 - (c) cancel a Burning Permit which has been issued.

43. Notwithstanding section 34, no person shall set an open air fire that produces amounts of smoke constituting a nuisance or health hazard to any other person.
44. Notwithstanding section 34, the Fire Chief may authorize fires to be set by the Fire Department for the control of fire hazards or for training purposes.
45. No person shall cause or allow any fire to grow beyond control.

Offences

46. No person shall maliciously or intentionally turn in or cause to be turned in a false alarm.
47. No person shall falsely represent themselves as a member of the Fire Department.
48. No person at an incident shall impede, obstruct or hinder a member of the Fire Department or other person assisting or acting under the direction of the Fire Chief or the Member in Charge at an incident.
49. No person shall damage or destroy any emergency unit or equipment or obstruct, impede or hinder the operation thereof.
50. No person shall drive a vehicle over any fire hose or other equipment without permission of the Fire Chief or Member in Charge at an incident.
51. No person shall obstruct or otherwise interfere with fire lanes, access roads, streets or other approaches to any incident or any water supply designated for firefighting purposes.
52. No person shall remove from the fire station or otherwise handle or use any apparatus, emergency unit or equipment of the Fire Department unless authorized to do so by the Fire Chief or the Member in Charge.

Reporting

53. The owner of any property damaged by fire, or the owner's authorized agent, shall immediately report the particulars of the fire to the Fire Chief in a manner and form satisfactory to the Fire Chief.
54. The owner of any property in or upon which an accidental or unplanned spill or release of dangerous goods occurs, or the owner's authorized agent, shall immediately report such spill or release to the Fire Chief in a manner and form satisfactory to the Fire Chief.

PART 3 – ENFORCEMENT & PENALTIES

55. Any person who contravenes this *Act*, permits any act or thing to be done in contravention of this *Act*, or who neglects or refrains from doing anything required to be done pursuant to this Act commits an offence and shall be liable:
 - (a) to the penalty prescribed by the DKK by regulation; or

- (b) if no penalty is set out for the offence in the regulations, then to a fine of not more than \$2,000.
- 56. The DKK may prescribe, by regulation, fines for offences under this *Act*, including different amounts for subsequent offences, early payment discounts, and late payment penalties.
- 57. Where a person has committed an offence under this *Act*, an Enforcement Officer may warn the person that they have committed an offence and educate the person on the rules in this *Act* instead of issuing a ticket.
- 58. Where a person aged 17 years or younger has committed an offence, an Enforcement Officer may warn that youth's parent or guardian that the youth has committed an offence in addition to warning and educating the youth.
- 59. An Enforcement Officer may issue a ticket in the prescribed form to any person who contravenes the provisions of this *Act* and such person may:
 - (a) pay to the DGG the prescribed voluntary penalty for the offence prior to the payment date specified on the ticket; or
 - (b) dispute the ticket by following the procedure set out in the ticket.
- 60. The DGG may hire a Screening Officer to review ticket disputes and, after reviewing the ticket, the Screening Officer may:
 - (a) cancel the ticket;
 - (b) with the consent of the accused, refer the ticket to any alternative processes established by the DGG which may include alternative sanctions; or
 - (c) issue a notice to the accused with a court date for hearing the dispute.
- 61. In making a decision under section 60, the Screening Officer may consider factors such as:
 - (a) the seriousness of the offence; and
 - (b) if the accused has previously committed an offence under the *Act*.
- 62. If a person who has been issued a ticket does not dispute the ticket within the required time, then the ticket will be treated as undisputed and the prescribed penalty amount will be due and owing.
- 63. Tickets issued under this *Act* shall set out:
 - (a) the particulars of the alleged offence;
 - (b) the amount of the penalty (including any early and late payment options);

- (c) how to pay the ticket;
 - (d) how to dispute the ticket;
 - (e) the timeframe for disputing the ticket;
 - (f) the option to participate in an alternative process established by the DGG and how to consent to that option;
 - (g) the date the ticket is issued;
 - (h) the name and number of the Enforcement Officer who issued the ticket; and
 - (i) any other information the DKK prescribes by regulation.
64. A ticket shall be deemed to be sufficiently served if served personally on the accused.
65. If a person aged 17 years or younger is found to be guilty of an offence under this *Act*, then their parent or guardian shall be responsible for any penalties imposed.
66. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than established by this *Act* for each such day or part of a day.
67. For the purposes of this *Act*, the DGG adopts the procedures of the *Summary Convictions Procedures Act* (NWT) when prosecuting offences of this *Act* in NWT Territorial Court.
68. The DKK may, by law, specify that any contravention of this *Act* shall be enforced in a manner other than a prosecution in NWT Territorial Court or as set out in this *Act*.

PART 4 - INDEMNIFICATION

69. The costs of any suit brought against the Fire Chief or a Member of the Fire Department, because of an act or omission performed by them in fulfilling their duties herein or in the discharge or enforcement of any provision of law, shall be borne by the DGG until final determination.

PART 5 – ADMINISTRATION

Severability

70. Should any provision of this *Act* be found to be invalid by a court of competent jurisdiction, whether in whole or in part, or in particular circumstances, the invalid provision shall be severed and the balance of the *Act* shall be maintained in force, or maintained in force for application in other circumstances.

Interpretation

71. The *Interpretation Act* (NWT) applies to this *Act* and the regulations, unless the context or another DGG enactment otherwise requires.
72. Words and expressions used in this *Act* have the same meaning as they have in the DFSGA, unless the context requires otherwise.

Repeal

73. This *Act* hereby repeals and replaces all Charter Community of Délıne Bylaw on the same matter.

Amendment

74. This *Act* may be amended in accordance with DGG Law.

Commencement

75. This *Act* comes into force on the date of its enactment.

Conflict

76. In the event that two or more provisions within the *Act* conflict with one another, the most restrictive provision shall prevail.
77. In the event that the provisions of this *Act* conflict with the provisions of the DFSGA, the provisions of the DFSGA prevail.
78. In the event that the provisions of this *Act* conflict with the provisions of the Délıne Got'ıne ʔeʔadó, the provisions of the Délıne Got'ıne ʔeʔadó prevail.
79. In the event that the provisions of the DFSGA conflict with the provisions of the Délıne Got'ıne ʔeʔadó, the provisions of the DFSGA prevail.
80. In the event that the provisions of the DFSGA conflict with the provisions of the SDMCLCA, the provisions of the SDMCLCA prevail.

Draft *DGG Fire Services Act Rates Regulation*

<i>Fire Services Act</i>		
Section	Fee	Fee Amount
35	Application fee for a Burning Permit	
	Large bonfire with gathering of more than 4 people	\$50
	Other types of fires	\$10
	Ceremonial or religious fire	\$0