

DÉLĪNEĢ GOT'ĪNEĢ GOVERNMENT

FIRE SERVICES ACT

JANUARY 1, 2025

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WHEREAS sections 9.1.1(a) and 9.1.3(a) of the Délıne Final Self-Government Agreement empower the Délıne Got'ıne Government to make laws with respect to the health, safety, and welfare of people and the protection of people and property and with respect to Fire Protection and prevention in the Community of Délıne;

AND WHEREAS the Délıne Got'ıne Government deems it desirable and in the public interest to continue providing Fire Protection service in the 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 Délıne Got'ıne 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 Délıne.

Definitions

3. In this *Act*:

“**Apparatus**” means any vehicle provided with machinery or Equipment for Fire Protection as well as vehicles used to transport Members of the Fire Department;

“**CEO**” means the Chief Executive Officer which is the DGG employee appointed to that position under the *DGG Government Organization Act*, as amended from time to time, and includes an individual who may have a different job title but has the same duties and powers of the Chief Executive Officer under the *DGG Government Organization Act* as that law was written at the time this *Act* is enacted;

“**Community of Délıne**” means the area described in Schedule “B” of the DFSGA;

“**Department of Public Works**” means the department of the DGG that is responsible for the administration of the Fire Department, and includes a department with a different name if that department has responsibility for the administration of the Fire Department;

“**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 the Fire Chief’s absence or incapacity;

“**DFSGA**” means the Délıne Final Self-Government Agreement;

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

“Director of Public Works” means the DGG employee who is responsible for directing the department of the DGG that is responsible for the Fire Department;

“DKK” means the Délıne K’awədó 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*, as amended from time to time;

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

“Equipment” means any tools, devices, materials, or supplies used by the Fire Department to combat an Incident or other emergency;

“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 Délıne volunteer fire department, a department of the DGG;

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

“Fire Prevention Act” means 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, fire investigation, 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, and other circumstances that may be requested by other legal entities;

“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;

“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, Captain, Training Officer, Safety Officer; and

“SDMCLCA” means the Sahtu Dene and Métis Comprehensive Land Claim Agreement.

Fire Department

4. The Fire Department is hereby continued as a department of the DGG to provide Fire Protection within the Community of Délıne.
5. The Fire Department shall be comprised of a Fire Chief and such number of Officers and Members as from time to time the DKK may deem necessary.

6. The Fire Department does not include those DGG employees who are hired as seasonal firefighters who are sub-contracted to the Government of the Northwest Territories to fight wildfires.
7. The Fire Department shall be organized and resourced and shall operate in accordance with the annual budget set by the DKK.

Duties and Powers of the Fire Chief

8. The DKK shall appoint a Fire Chief to be responsible for the proper administration and operation of the Fire Department.
9. Subject to directions from the DKK, the Fire Chief has complete authority over and responsibility for the Fire Department.
10. All Members of the Fire Department shall obey the directions, standing orders and standard operating procedures as may be issued by or through the Fire Chief.
11. 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 training of the Fire Department and available Apparatus and Equipment;
 - (b) exercise the powers and duties of a local assistant to the Fire Marshal 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 safely fight a fire, and this training program can include bringing in outside trainers and support;
 - (d) maintain accurate training records for all Members;
 - (e) assign duties to each Member that are appropriate given 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 all Apparatus, Equipment, buildings and other property of the Fire Department.
12. The Fire Chief may delegate any of the Fire Chief's powers, functions and duties to an Officer or other Member.
13. The Fire Chief shall provide reports and budgets to the DGG as directed by the CEO.

Composition of the Fire Department

14. The Fire Chief may appoint a Deputy Fire Chief and other Officers, from time to time, to address specific tasks or assignments as deemed required by the Fire Department.
15. The Fire Chief may appoint any qualified person aged eighteen (18) years or older as a Member, subject to any Fire Department recruitment policies adopted by the DKK.
16. The Fire Chief shall maintain an accurate list of Members and Officers of the Fire Department.
17. The Fire Chief may revoke any appointments to the Fire Department for just cause or safety reasons.

Rates of Pay

18. The CEO shall set the rate of pay for the Fire Chief based on the budget approved by the DKK.
19. Based on the budget approved by the DKK, the CEO may determine the rates of pay, if any, to be paid to Members for training and responding to Incidents, which may be paid in a form other than cash, like gift cards.

Fire Department Policies and Procedures

20. The DGG may develop and publish policies, standard operation procedures, rules and regulations necessary for the proper organization and administration of the Fire Department. This may include but is not limited to:
 - (a) the use, care and protection of Fire Department Apparatus, Equipment and property;
 - (b) the conduct of Members; and
 - (c) the efficient operation of the Fire Department.
21. The DGG shall periodically review any policies and procedures that apply to the Fire Department and may establish an advisory committee to do the review, which may include representatives from the DKK, Department of Public Works CEO, and the Fire Department.

Incident Command

22. The Fire Chief or, in their absence, the senior-ranking Member of the Fire Department present at an Incident, shall have control, direction and management of all Fire Department Apparatus, Equipment and personnel assigned to the Incident.
23. Where a Member of the Fire Department is in charge at an Incident, they shall continue to act until relieved by a more senior-ranking Member of the Fire Department.

24. Subject to the level of service that may be provided by the Fire Department based on their training and available Equipment, the Fire Chief, or the senior-ranking Member of the Fire Department in charge at an Incident is empowered during an Incident to:
- (a) enter, pass through or over buildings or property and to cause Members, Apparatus and Equipment of the Fire Department to enter or pass through or over buildings or property, as they deem necessary in order to gain access to, combat, control or cope with the Incident or to protect any person or property, including pets;
 - (b) cause a building, structure or thing to be pulled down, demolished or otherwise removed if they deem it necessary to prevent the spread of fire to other buildings, structures, or things;
 - (c) request persons who are not Members to assist in whatever manner deemed necessary to deal with the Incident, including guarding, securing, and demolishing a building or structure at or near the fire or other Incident;
 - (d) establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Fire Chief, or the Member in charge at an Incident; and
 - (e) commandeer privately owned vehicles or Equipment while responding to an Incident or emergency condition.
25. 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 24(d).

Jurisdiction of the Fire Department

26. The Fire Department shall not fight fire and no Member of the Fire Department, Apparatus, or Equipment shall be used beyond the boundaries of the Community of Délıneç:
- (a) Without the permission of the DKK; or
 - (b) Without the permission of the CEO if an emergency situation exists that prevents the DKK from meeting with quorum.
27. The Fire Department shall provide Fire Protection at a level of service that is directly related to the resources assigned to the Fire Department and the level of training and capacity of the Members of the Fire Department.

Fire Related Rules

28. No person shall maliciously or intentionally turn in or cause to be turned in a false alarm.
29. No person shall falsely represent themselves as a Member of the Fire Department.

30. Except as authorized under this *Act*, no person who is not a Member shall enter into any premises where Apparatus or Equipment are housed, or shall handle or use any Apparatus or Equipment.
31. No person shall enter the boundaries or limits of an area prescribed in accordance with section 24(d) unless that person has been authorized to enter by the Fire Chief, or the senior-ranking Member in charge at an Incident.
32. Except in the event of an Incident or practice drill authorized by the Fire Chief, no Apparatus or Equipment shall be removed from the fire station without the knowledge and permission of the Fire Chief.
33. No person shall damage, destroy, obstruct, impede, or hinder the operation of any Fire Department Apparatus or Equipment.
34. No person shall obstruct or otherwise interfere with fire lanes, access roads, streets or other approaches to an Incident or any water supply designated for firefighting purposes.
35. 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 of the Fire Department in charge at an Incident.

Offences and Penalties

36. 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 may be liable to a penalty up to the maximums in the DFSGA or as set out in a DGG law.
37. 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.
38. 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.
39. 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 may be liable to a fine for each such day or part of a day.
40. The *DGG Enforcement Act*, if in force, applies to offences under this *Act*.

Immunity

41. No action for damages lies or may be instituted against present or past DKK, Enforcement Officers, the Fire Chief, Officers and Members of the Fire Department, DGG employees, or servants or agents of the DGG or DKK:

- (a) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's authority under this *Act*; or
 - (b) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority under this *Act*.
42. Section 41 does not provide a defence if:
- (a) DKK, Enforcement Officers, the Fire Chief, Officers and Members of the Fire Department, DGG employees, or servants or agents of the DGG or DKK have, in relation to the conduct that is the subject of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct; or
 - (b) the cause of action is libel or slander.
43. DKK, Enforcement Officers, the Fire Chief, Officers and Members of the Fire Department, DGG employees, or servants or agents of the DGG or DKK are not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this *Act* or any other DGG law, or from the neglect or failure, for any reason or in any manner, to enforce this *Act* or any other DGG law.

Regulations

44. The DKK may make any regulations that it considers necessary or advisable for the purposes of this *Act*.

Delegation

45. The DKK may delegate any of its authorities, powers or responsibilities under this *Act*.
46. The CEO may delegate any of their authorities, powers or responsibilities under this *Act*.

Severability

47. 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

48. Words and expressions used in this *Act* have the same meaning as they have in the DFSGA, unless the context requires otherwise.

Repeal

49. This *Act* hereby repeals and replaces all Charter Community of Déjûnê Bylaws on the same matter.

Amendment

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

Commencement

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

Conflict

52. In the event that two or more provisions within the *Act* conflict with one another, the most restrictive provision shall prevail.

53. In the event that the provisions of this *Act* conflict with the provisions of the DFSGA, the provisions of the DFSGA prevail.

54. In the event that the provisions of this *Act* conflict with the provisions of the Délineḡ Got'ineḡ ʔezadó, the provisions of the Délineḡ Got'ineḡ ʔezadó prevail.

55. In the event that the provisions of the DFSGA conflict with the provisions of the Délineḡ Got'ineḡ ʔezadó, the provisions of the DFSGA prevail.

56. In the event that the provisions of the DFSGA conflict with the provisions of the SDMCLCA, the provisions of the SDMCLCA prevail.