

THE CORPORATION OF THE TOWN OF DEEP RIVER

By-Law No. 27-2014

A By-law to establish and regulate a Fire Department

WHEREAS S. 2 (2) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 as amended, (the Act) requires the Council to enact a by-law to establish a fire department and S.5 of the Act permits a municipality to establish and regulate a fire department;

AND WHEREAS S. 6 (1) of the Act requires the Council to appoint a fire chief for the fire department;

AND WHEREAS S. 6 (3) of the Act provides that a fire chief is the person who is ultimately responsible to the Council that appointed him/her for the delivery of fire protection services;

AND WHEREAS it is desirable to update the by-law,

AND WHEREAS it is desirable to repeal By-law No. 6 – 86, being a By-law of the Corporation of the Town of Deep River to establish the position of Deputy Fire Chief,

AND WHEREAS it is desirable to repeal By-law No. 35 – 2006, being a By-law of the Corporation of the Town of Deep River to establish, maintain, and operate a fire department

NOW THEREFORE BE IT HEREBY ENACTED by the Council of the Corporation of the Town of Deep River as follows:

Definitions

1. In this by-law, unless the context otherwise requires,
 - (1) **Approved Policies of the Fire Department** means written declarations approved by the Fire Chief or by the Deputy Fire Chief and include the Mission Statement, Department Value Statements, Policy Statements, Department Directives, Department House Rules and Standard Operating Guidelines
 - (2) **Corporation** means The Corporation of the Town of Deep River.
 - (3) **Corporate Policy** means the Council/Corporate Policy Manual, the Corporation's Procedures Manual or any other policy duly passed by Council.

- (4) **Council** means the Council of the Corporation of the Town of Deep River.
- (5) **Deputy Fire Chief** means the person appointed by Council and who is to act on behalf of the Fire Chief in the case of an absence or a vacancy in the position of the Fire Chief.
- (6) **Fire Chief** means the person appointed by Council to act as Fire Chief (Chief Fire Official) for the Corporation and who is ultimately responsible to Council as defined in the Act.
- (7) **Fire Department** means the Deep River Fire Department.
- (8) **Firefighter** means the Fire Chief and any other person employed in, or appointed to the Fire Department for the delivery of Fire Protection Services as defined in the Act.
- (9) **Fire Protection Services** includes fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all those services as included in Appendix "A" forming part of this By-law.
- (10) **Member** means any person employed in, or appointed to, the Fire Department.
- (11) **Officer** means those Firefighters who have been appointed to a rank above that of First Class and who exercise supervisory responsibilities.
- (12) **Fire Coordinator** means the Fire Coordinator appointed by the Fire Marshal of Ontario for the County of Renfrew.
- (13) **Chief Administrative Officer (CAO)** means the individual designated by Council to have and perform the duties and responsibilities of CAO.

Department and Fire Chief

- 2. The Fire Department for the Corporation known as the Deep River Fire Department is hereby established and the head of the Fire Department shall be the Fire Chief

appointed by Council.

Deputy Fire Chief

3. The Council shall appoint a Deputy Fire Chief as may be deemed necessary by Council.

Working Conditions

4. Working conditions and remuneration for all Firefighters as defined in Part IX of the Act and for all Members shall be determined by Council in accordance with Federal, Provincial statutes and Corporate Policy.

Fire Chief's Responsibilities

5. The Fire Chief is ultimately responsible to Council for proper administration and operation of the Fire Department including the delivery of Fire Protection Services and the implementation of this By-law within Corporate Policy.

Policies of the Corporation

6. The Fire Chief shall:
 - (1) develop and implement all Approved Policies of the Fire Department as necessary for the proper administration and operation of the Fire Department in addition to applicable Corporate Policy;
 - (2) ensure the appropriate care and protection of all Members;
 - (3) ensure the appropriate care and protection of Fire Department equipment; and
 - (4) ensure the proper conduct of Members.
7. The Fire Chief shall review all Approved Policies of the Fire Department periodically and may establish an advisory committee(s) consisting of such Members as the Fire Chief may determine from time to time to assist in this review.

Divisions

8. (1) The Fire Department shall be organised into the following divisions:
 - a) Administrative Services.

- b) Public Fire & Life Safety Education.
 - c) Fire Prevention.
 - d) Fire Suppression.
 - e) Training and Development.
- (2) The Fire Chief, with prior approval of the CAO, may reorganise or eliminate divisions or establish other divisions or may do all or any of these things or any combination of them as may be required to ensure the proper administration and operation of the Fire Department and the effective and efficient management and delivery of Fire Protection Services for the Corporation.
- (3) The Fire Chief may assign such Members to a division to assist in the administration and operation of that division as he/she deems appropriate.
- (4) Each division of the Fire Department described herein is the responsibility of the Fire Chief and each division is under the direction and supervision of the Fire Chief or a Member designated by the Fire Chief. Designated Members shall report to the Fire Chief on the division's activities and shall carry out all orders and directives of the Fire Chief.

Annual Fire Department Budget

9. The Fire Chief shall submit to the CAO the annual budget estimates for approval by Council and shall also submit any other specific reports requested by the CAO or Council.

Discipline

10. (1) The Fire Chief may discipline, up to and including dismissal, any Member for misconduct in the course of his or her employment or for non-compliance with any provisions of a Corporate Policy or the Approved Policies of the Fire Department that, in the opinion of the Fire Chief, would be detrimental to the discipline and efficiency of the Fire Department provided that every Member shall have the rights conferred by the Act and any collective agreement then in effect and any other applicable Federal or Provincial statutes and Corporate Policy.
- (2) The Fire Chief shall consult with the CAO and/or Legal Services regarding discipline matters involving suspension, demotion, and/or dismissal of any Member.

Powers of Designate

11. Where the Fire Chief designates a Firefighter to act in the place of an Officer in the Fire Department, such Firefighter, when so acting, has all of the powers and responsibilities of that Officer and shall perform all duties of that Officer.

Powers of Fire Chief

12. The Fire Chief shall take all proper measures for the prevention, control and extinguishment of fires and the protection of life and property and shall exercise all powers mandated by the Act and the Fire Chief shall be empowered to authorise:
 - (1) pulling down or demolishing any building or structure to prevent the spread of fire;
 - (2) all necessary actions which may include boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident, when unable to contact the property owner;
 - (3) recovery of expenses incurred by such necessary actions for the Corporation in the manner provided through the Municipal Act, 2001 and the Act.

Level of Service

13. The Fire Department shall deliver Fire Protection Services to the community to the level of service set out in Appendix "A" of this Bylaw. The level of service shall be commensurate with the current annual budget expenditures approved by Council and in accordance with the training delivered to Members.

Emergency Response Outside The Corporation

14. The Fire Department shall not respond to a call with respect to a fire or emergency outside the limits of the Corporation except with respect to a fire or emergency that:
 - (1) in the opinion of the Fire Chief or designate of the Fire Chief, threatens property in the municipality or property situated outside the municipality that is owned or occupied by the municipality; or,

- (2) in a municipality with which an approved agreement has been entered into to provide fire protection services which may include automatic aid; or,
- (3) on property with which an approved agreement has been entered into with any person or Corporation to provide fire protection services; or,
- (4) at the discretion of the Fire Chief, to a municipality authorised to participate in any county, district or regional mutual aid plan established by a Fire Coordinator or any other similar reciprocal plan or program; or,
- (5) on property beyond the municipal boundary where the Fire Chief or designate determines immediate action is necessary to preserve life or property and the department having jurisdiction is notified to respond and assume command or establish alternative measures.

Repeal

15. The following By-laws are hereby repealed:

By-law No. 35 – 2006 Being a By-law of the Corporation of the Town of Deep River to establish, maintain, and operate a fire department.

By-law No. 6 – 86 Being a By-law of the Corporation of the Town of Deep River to establish the position of Deputy Fire Chief.

READ AND PASSED THIS 9th DAY OF JULY, 2014.

Mayor

Rouie McLaughlin

Acting Clerk

APPENDIX "A"

Fire Protection Service Levels – Deep River Fire Department

The following services are provided by the Fire Department:

1. **Extrication**
The Fire Department shall use manual and heavy hydraulic tools to perform rescues and vehicle, industrial and machinery extrication.
2. **Medical Aid Responses**
The Fire Department shall provide first aid and automatic external defibrillation when required at emergency calls.
3. **Hazardous Materials Leaks and Spills**
The Fire Department shall maintain the capability of responding to Hazardous Materials Leaks and Spills incidents at an awareness level only in accordance with NFPA# 472 Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents. The Fire Department will work within a co-operative Hazardous Materials response programme with other emergency response agencies and organisations.
4. **Ice and Water Rescue**
The Fire Department shall maintain the capability to provide land based water and ice rescue only in accordance with the Ontario Fire Services Standards - Firefighter, 2007.
5. **Fire Prevention**
Fire Prevention is mandated by the Act. The Fire Department, as a minimum, responds to complaints and requests for inspections. Generally, the Fire Department administers a proactive fire inspection program and other activities as regulated by the Act, as amended.
6. **Public Fire and Life Safety Education**
The Fire Department shall meet the requirements of the Act, as amended.
7. **Fire Suppression**
The Fire Department shall be capable of responding to and extinguishing fires at a level that meets the community needs and circumstances as determined by Council. The Fire Department shall perform these services at a level up to and including entry of buildings for the purposes of search and rescue and interior/exterior fire fighting operations when and where minimum safety standards are able to be put in place for public (civilian and firefighter) safety.

8. **Fire Investigations**

The Fire Department shall perform cause and origin fire investigations and work co-operatively with the local police services regarding any violation of the law. The Office of the Fire Marshal of Ontario shall be contacted to investigate fires which fall under its mandate as defined in the Act.

9. **Training**

The Training Division shall conduct research and ensure that the development of a training programme on the use of equipment and procedures to perform the duties for which they may be called is made available and delivered to the Members.

10. **Communications**

The Fire Department shall operate and/or provide an Emergency Fire Communications Centre which receives and dispatches emergency calls and disseminates critical response information to and from emergency scenes.

11. **Public Assistance**

The Fire Department shall provide public assistance to the community in accordance with the resources of the department and in accordance with the training of the Members, as authorised by the Fire Chief or designate.