

THE CORPORATION OF THE TOWN OF MINTO

BY-LAW NUMBER 09-31

FIRE DEPARTMENT ESTABLISHING AND REGULATING BY-LAW

WHEREAS the Fire Protection and Prevention Act, (FPPA) 1997, S.O., c 4, as amended, requires every municipality to establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention and to provide such other Fire Protection Services as it determines may be necessary in accordance with its needs and circumstances;

AND WHEREAS the FPPA permits a municipality, in discharging these responsibilities, to establish a Fire Department;

AND WHEREAS the FPPA permits a Council of a municipality to establish, maintain and operate a Fire Department for all or any part of the municipality; and

AND WHEREAS the FPPA requires a Fire Department to provide fire suppression services and permits the Fire Department to provide other Fire Protection Services in the municipality; and

NOW THEREFORE the Council of the Town of Minto enacts as follows:

1. DEFINITIONS:

In this by-law, unless the context otherwise requires;

- 1.1 "Approved" means approved by the Council;
- 1.2 "CAO" means the Chief Administrative Officer appointed by Council. The CAO in the Town of Minto consists of the Clerk, the Director of Public Services and the Treasurer;
- 1.3 "Confined Space" means any space that has limited or restricted means for entry or exit (e.g. tanks, vessels, silos, storage bins, hoppers, vaults, trenches, excavations and pits), and that is not designed for continuous human occupancy;
- 1.4 "Corporation" means The Corporation of the Town of Minto;
- 1.5 "Council" means the Council of the Corporation;
- 1.6 "Deputy Fire Chief" means the person(s) appointed by the Council to act on behalf of the Fire Chief in the case of an absence or a vacancy in the office of the Fire Chief;
- 1.7 "Division" means a Division of the Fire Department as provided for in this By-law;
- 1.8 "Fire Chief" means the person appointed by Council to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the FPPA;

- 1.9 “Fire Department” means the Minto Fire and Emergency Services;
 - 1.10 “FPPA” means the Fire Protection Act, 1997, S.O., c 4, as may be amended from time to time, or any successor legislation, and any regulation made there under;
 - 1.11 “Fire Protection Services” includes fire suppression, fire safety education, communications, training of persons involved in the provision of Fire Protection Services, rescue and emergency services and the delivery of all those services;
 - 1.12 “High Angle” means an environment in which the load is predominately supported by a rope rescue system;
 - 1.13 “HUSAR” means Heavy Urban Search and Rescue;
 - 1.14 “Member” means any person employed in or appointed to the Fire Department and assigned to undertake Fire Protection Services.
2. ESTABLISHMENT:
 - 2.1 The Fire Department is continued under this By-law to provide Fire Protection Services for the Corporation and shall be known as the Minto Fire and Emergency Services.
3. COMPOSITION:
 - 3.1 The Fire Department shall consist of the Fire Chief, Deputy Fire Chief(s), senior divisional officers, captains, other officers, administrative support staff and any other person as may be authorized or considered necessary from time to time by Council or by the CAO for the Fire Department to perform Fire Protection Services.
4. EMPLOYMENT:
 - 4.1 The Fire Chief may recommend to the CAO the employment in or the appointment to the Fire Department, as the case may be, of any person, as an officer or member or as administrative support staff, who meet the qualifications and, if applicable, completes successfully criteria (including without limitation training courses and physical skills and other examinations) and otherwise satisfies any hiring policies, practices or procedures established by Council for such employment or appointment.
5. TERMS AND CONDITIONS OF EMPYLOMENT:
 - 5.1 Subject to the FPPA, the remuneration and other terms and conditions of employment or appointment of the members and administrative support staff that comprise the Fire Department shall be determined by Council or by the CAO acting in accordance with polices and programs established or approved by Council.

6. ORGANIZATION:

6.1 The Fire Department shall be organized into Divisions such as;

6.1.1 Fire Prevention;
Public Education;
Fire Suppression;
Training; and
Administrative Services.

6.2 The Fire Chief, with prior approval of the CAO, may re-organize 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 efficient operation of the Fire Department and the effective management of Fire Protection Services for the Corporation.

6.3 The Fire Chief may assign or re-assign such members to a Division to assist him in the administration and operation of the Division.

7. CORE SERVICES:

7.1 For the purposes of this By-law core services provided by the Fire Department will be as per Appendix "A" forming part of this By-law.

7.2 Nothing in this By-law will restrict the Fire Department to providing only core services or limit the provisions of Fire Protection Services.

8. RESPONSIBILITIES AND AUTHORITY OF FIRE CHIEF:

8.1 The Fire Chief shall be the head of the Fire Department and is ultimately responsible to Council, through the CAO, for proper administration and operation of the Fire Department including the delivery of Fire Protection Services.

8.2 The Fire Chief shall be authorized to make such general orders, policies, procedures, rules, and regulations and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operations of the Fire Department and the effective management of the Fire Protection Services for the Corporation and for the prevention, control and extinguishment of fires, the protection of life and property and the management of emergencies and, without restricting the generality of the foregoing;

8.2.1 For the care and protection of all property belonging to the Fire Department;

8.2.2 For arranging for the provision of necessary and proper facilities, apparatus, equipment, services and supplies for the Fire Department;

- 8.2.3 For determining and establishing the qualifications and criteria for employment or appointment and the duties of all members and administrative support staff of the Fire Department;
- 8.2.4 For the conduct and the discipline of members and administrative support staff of the Fire Department;
- 8.2.5 For preparing and, upon approval by the Council, implementing and maintaining an emergency fire service plan and program for the Corporation;
- 8.2.6 For coordinating any emergency fire service plan and program adopted or to be adopted by the Council with and assisting in the preparation, implementation and maintenance of any emergency plans, organizations, services or measures established or to be established by the Corporation, alone or with others, and, if so requested or required, any emergency plan established by the Province of Ontario or the Government of Canada and for coordinating with and assisting any other public official in an emergency declared by the Mayor of the Corporation, the Premier of Ontario or the Governor in Council;
- 8.2.7 For reporting to the appropriate crown attorney or other prosecutor or law enforcement officer or other officer that the facts upon the evidence in any case in which there is reason to believe that a fire has been the result of criminal intent or negligence or in which there is reason to believe an offence has been committed under the FPPA;
- 8.2.8 For keeping an accurate record, in convenient form for references, of all fires, rescues and emergencies responded to by the Fire Department;
- 8.2.9 For keeping such other records as may be required by the Council and the FPPA;
- 8.2.10 For preparing and presenting the annual report of the Fire Department to Council; and
- 8.2.11 For preparing and presenting the annual estimates of the Fire Department to Council and for exercising control over the budget approved by Council for the Fire Department, provided that such general orders, policies, procedures, rules, regulations, and other measures do not conflict with the provisions of this By-law or any other By-law of the Corporation, including without limitation those requiring the prior approval of or prior notice to the Council of the satisfaction of certain conditions, general or otherwise, specified by the Council before such measures can be implemented, or with the provisions of the FPPA or with the provisions of any collective agreement or other written agreement that may be applicable.

- 8.3 The Fire Chief shall be responsible for the administration and enforcement of this By-law and all general orders, policies, procedures, rules, and regulations made under this By-law and for the enforcement of any other By-laws of the Corporation respecting Fire Protection Services, and shall review periodically such By-laws, and may for this purpose, establish an advisory committee consisting of such officers and other persons, including members of the general public as the Fire Chief may determine from time to time to assist him in the discharge of this duty and, in the case of such By-laws, including this By-law, recommend to the Council such amendments as the Fire Chief considers appropriate and, in the case of general orders, policies, procedures, rules, and regulations made under this By-law, revise or terminate any of them if the Fire Chief considers it appropriate.
- 8.4 The Fire Chief shall have all powers, rights and duties assigned to a Fire Chief under the FPPA including without limitations the authority to enforce compliance with the Ontario Fire Code.
- 8.5 The Fire Chief may liaise with any union representing firefighters or administrative support staff of the Fire Department or any of them.
- 8.6 The Fire Chief may liaise with the Office of the Fire Marshal of Ontario and any other office or organization as required by Council or as considered necessary or advisable by the Fire Chief for the proper administration and efficient operation of the Fire Department and the effective management of the Fire Protection Services for the Corporation.
- 8.7 The Fire Chief may utilize such members and administrative support staff of the Fire Department as the Fire Chief may determine, from time to time, to assist in the performance of his duties.
9. DEPUTY FIRE CHIEF:
- 9.1 The Deputy Fire Chief(s) shall be the second ranking officer(s) of the Fire Department and shall be subject to and shall obey all orders of the Fire Chief and shall perform such duties as are assigned to him or her by the Fire Chief and shall act on behalf of the Fire Chief in case of absence or a vacancy in the office of Fire Chief.
10. SUPERVISION:
- 10.1 The Members and administrative support staff of the Fire Department while on duty shall be under the direction and control of the Fire Chief or the next ranking officer present in any place.
11. GENERAL DUTIES AND RESPONSIBILITIES:
- 11.1 Every Member and administrative support staff person shall conduct themselves in accordance with general orders, policies, procedures, rules and regulations made by the Fire Chief and shall give their whole and undivided attention while on duty to the efficient operation of the Fire Department and shall perform the duties assigned to them to the best of their ability in

accordance with the FPPA and any collective agreement or other written agreement that may be applicable.

12. PROPERTY:

12.1 No person shall supply any apparatus, equipment or other property of the Fire Department for any personal or private use.

12.2 No person shall wilfully damage or render ineffective or inoperative any apparatus, equipment or other property belonging to or used by the Fire Department.

13. FIRE SUPPRESSION:

13.1 The Fire Department may suppress any fire, or other hazardous condition by extinguishing it or by other reasonable action and, for this purpose, may enter private property, if necessary, to do so.

13.2 The Fire Department may pull down or demolish any building or structure when considered necessary to prevent the spread of fire.

13.3 The Fire Department may request other persons present at a fire to assist in;

13.3.1 Extinguishing fires;

13.3.2 Pulling down or demolishing buildings or structures to prevent the spread of fire;

13.3.3 Crowd and traffic control; or

13.3.4 Suppression of fires or other hazardous conditions in other reasonable ways.

14. REFUSAL TO LEAVE:

14.1 No person present at a fire shall refuse to leave the immediate vicinity when required to do so by the Fire Department.

15. CONDUCT AT FIRES:

15.1 During a fire and for the time after it has been extinguished that is required to remove the apparatus and equipment of the Fire Department and render the location and vicinity safe from fire, no person, either on foot or with a vehicle of any kind, shall enter or remain upon or within;

15.1.1 The portion of any street or lane upon which the site of the fire abuts or upon any street or lane for a distance of fifteen (15) metres on each side of the property damaged by fire; or

15.1.2 Any additional street or lane or part of a street or lane or any additional limits in the vicinity of the fire as may be prescribed by the Fire Chief or the next ranking officer present at the fire.

15.2 The provisions of section 15.1 shall not apply to a resident of any street or lane or within the prescribed additional limit or to any person so authorized to enter or remain by an officer of the Fire Department or by a police officer.

16. ADDITIONAL EXPENSES:

16.1 If as a result of a Fire and Emergency Services (i) response to an emergency including a motor vehicle incident, or (ii) carry out any of its duties or functions the Fire Chief or Deputy Fire Chief determines that it is necessary to incur additional expenses, retain a private contractor, rent special equipment not normally carried on a fire apparatus or use more materials than are carried on a fire apparatus (the "Additional Services") in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, control and eliminate an emergency, carry out or prevent damage to equipment owned by the Corporation or otherwise carry out the duties and functions of the Fire Department, the owner of the property requiring or causing the need for the Additional Services shall be charged the costs to provide the Additional Services including all applicable taxes. Property shall mean personal and real property.

17. EMERGENCY RESPONSES OUTSIDE THE LIMITS OF THE MUNICIPALITY:

17.1 The Fire Department shall not respond to a call with respect to a fire or emergency outside the territorial limits of the Corporation except with respect to a fire or emergency;

17.1.1 That, in the opinion of the Fire Chief or designate of the Fire Department, threatens property in the territorial limits of the Corporation or property situated outside the territorial limits of the Corporation that is owned or occupied by the Corporation;

17.1.2 In a municipality with which an approved automatic aid or mutual aid agreement has been entered into to provide Fire Protection Services;

17.1.3 On property with which an approved agreement has been entered into with any person or corporation to provide Fire Protection Services;

17.1.4 At the discretion of the Fire Chief, to a municipality authorized to participate in any regional mutual aid plan established by a fire coordinator appointed by the Fire Marshal or any other similar reciprocal plan or program; and

17.1.5 On property beyond the territorial limits of the Corporation where the Fire Chief or designate determines immediate action is necessary to preserve life or property and the appropriate fire department is notified to respond and assume command or establish alternative measures, acceptable to the Fire Chief or designate.

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18. INTERFERENCE:

18.1 No person shall impede or interfere with or hinder the Fire Department in the performance of its duties.

19. FIRE ALARM:

19.1 No person shall prevent, obstruct or interfere in any manner whatsoever with the communication of a fire alarm to the Fire Department or with the Fire Department responding to a fire alarm that has been activated.

20. OFFENCES:

20.1 Every person who contravenes any provisions of this By-law is guilty of an offence and on conviction is liable to the penalty established by the Provincial Offences Act, R.S.O. 1990, c P.33, as may be amended or replaced from time to time, inclusive of costs.

21. CONFLICT:

21.1 Where this By-law may conflict with any other By-law of the Corporation, this By-law shall supersede and prevail over that other By-law to the extent of the conflict.

22. SEVERABILITY:

22.1 If any or part of this By-law is found to be illegal or beyond the power of the Corporation, such section or part or item shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and to enacted as such.

23. This By-law comes into effect the day it is passed by Council.

24. By-law Number 06-96 is hereby repealed.

Read a first and second time this 15th day of April, 2009.

SEAL

Mayor – David Anderson

Clerk – Barbara L. Wilson

Read a third time and passed in open Council this 15th day of April, 2009.

SEAL

Mayor – David Anderson

Clerk – Barbara L. Wilson

APPENDIX "A"

CORE SERVICES

1. FIRE SUPPRESSION AND EMERGENCY RESPONSE:

- 1.1 Fire suppression services shall be delivered in both an offensive and defensive mode and shall include search and rescue operations, forcible entry, ventilation, protecting exposures, salvage and overhaul as appropriate.
- 1.2 Emergency pre-hospital care responses and medical acts such as defibrillation, standard first aid, CPR, and the Emergency Medical Responders Program shall be maintained to department protocols as agreed.
- 1.3 Special technical and/or rescue services shall include performing extrication using hand tools, air bags and heavy hydraulic tools as required and water/ice rescue services up to and including the land-based level, in accordance with available resources. Confined space rescue, trench rescue, high angle rescue, HUSAR, hazardous materials responses or other highly specialized technical and/or rescue services shall not be provided by the Minto Fire Department beyond the basic awareness level.
- 1.4 The Ontario Firefighters Curriculum, International Fire Service Training Association "Essentials of Fire Fighting," Ontario Fire Service Standards and other related industry training standards and reference materials may be used as reference guides for the Minto Fire Department training as approved by the Fire Chief. All training will comply with the Occupational Health and Safety Act and applicable provincial legislation.

2. FIRE PREVENTION:

- 2.1 Inspections arising from complaint, request, retrofit, or self initiated and fire investigations shall be provided in accordance with the FPPA and policies of the Minto Fire Department. The department will endeavour to inspect all vulnerable occupancies as identified in the risk assessment on a regular basis as staffing and budget permits.
- 2.2 The Ontario Fire Service Standard for Fire Prevention Officers and the Ministry of Municipal Affairs and Housing Standards shall be used as a reference guide for fire prevention training.

3. FIRE SAFETY EDUCATION:

- 3.1 Distribution of fire and life safety information and public education programs shall be administered in accordance with the FPPA and policies of the Fire Departments Fire Prevention and Public Safety Division.
- 3.2 The smoke alarm and home escape planning programs shall be ongoing.
- 3.3 Smoke alarms for residential occupancies shall be provided to those in need.

3.4 Fire and life safety communiqués shall be distributed to the media on a regular basis.

4. EMERGENCY DISPATCHING AND COMMUNICATIONS

4.1 The Ontario Fire Service Communications Standard shall be used as a reference guide for emergency dispatching and communications and shall be provided through an agreement with the Guelph Fire Department.