

**TOWN OF NORTHEASTERN MANITOULIN AND THE ISLANDS**

**BY-LAW NUMBER 2016 - 12**

**FIRE DEPARTMENT ESTABLISHING AND REGULATING BY-LAW**

WHEREAS the Municipal Act provides that Council may pass bylaws to establish and regulate a volunteer Fire Department.

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

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 Corporation of Northeastern Manitoulin and the Islands 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 to act as Chief Administrative Officer for the Corporation;
- 1.3 "Corporation" means The Corporation of the Town of Northeastern Manitoulin and the Islands;
- 1.4 "Council" means the Council of the Corporation;
- 1.5 "Deputy Fire Chief" means the person(s) appointed to act on behalf of the Fire Chief in the case of an absence or a vacancy in the office of the Fire Chief;
- 1.6 "Division" means a Division of the Fire Department as provided for in this By-law;
- 1.7 "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;
- 1.8 "Fire Department" means The Town of Northeastern Manitoulin and The Islands Fire Department;
- 1.9 "NEMI" means Northeastern Manitoulin and The Islands;
- 1.10 "FPPA" means the Fire Protection and Prevention 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,
  - (a) Fire suppression, fire prevention and fire safety education,
  - (b) Mitigation and prevention of the risk created by the presence of unsafe levels of carbon monoxide and safety education related to the presence of those levels,
  - (c) Rescue and emergency services,
  - (d) Communication in respect of anything described in clauses (a) to (c),
  - (e) Training of persons involved in providing anything described in clauses (a) to (d), and
  - (f) The delivery of any service described in clauses (a) to (e).

## **DEFINITIONS CONTINUED**

1.12 "Member" means any person employed in or appointed to the Fire Department and assigned to undertake Fire Protection Services.

1.13 "OFMEM" means the Office of the Fire Marshall and Emergency Management.

## **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 NEMI Fire Department.

## **3. COMPOSITION**

3.1 The Fire Department shall consist of the Fire Chief, Deputy Fire Chief(s), divisional officers, administrative support staff and any other person as may be authorized or considered necessary from time to time by the chief of the Fire Department for the Fire Department to perform Fire Protection Services.

## **4. MEMBERSHIP**

4.1 A person is qualified to be appointed a member of the Fire Department for Fire Protection Services who;

4.1.1 is at least 18 years of age.

4.1.2 has a valid Ontario Driver's Licence.

4.1.3 completes volunteer recruitment program to the satisfaction of the Fire Chief.

4.1.4 Is medically fit to be a member and if deemed necessary certified by a physician designated by the Fire Chief.

4.1.5 shall be on probation for a period of one year during which period he/she shall take such special training as may be required by the Fire Chief.

## **5. TERMS AND CONDITIONS OF MEMBERSHIP**

5.1 Every member of the Fire Department shall report for duty at the time prescribed by the Fire Department and shall remain on duty until relieved with the exception of special circumstances.

5.2 In the case of excess absenteeism from scheduled training the Fire chief will request a meeting with the member to discuss and resolve the issue.

5.3 NO MEMBER,

5.3.1 While in uniform, shall enter any premises where alcoholic beverages are sold or consumed, except in the performances of his/her departmental duties.

5.3.2 If his/her ability is impaired by the use of an intoxicating beverage or drug shall be permitted to remain on duty.

5.3.3 While on duty, shall consume any intoxicating beverages or drug.

5.4 NO MEMBER shall solicit the influence or support of anyone in order to secure a transfer, promotion or other advantage.

5.5 NO MEMBER may communicate with the press or otherwise hold themselves out as a spokesperson for the Municipality, unless authorized to do so.

5.6 The Fire Chief reserves the right to request that any member provide a physical/medical examination at any time, to the discretion of the Fire Chief, and the Fire Chief shall have absolute discretion whether a member is fit to provide Fire Protection Services, and further, refusal and or failure to provide such

physical/medical examination evidence will result in immediate suspension from duty, and may lead to dismissal from the Fire Department.

5.6.1 As per 5.6 any cost incurred for any physical/medical examinations will be borne by the Municipality.

5.7 The Chief of the Fire Department may reprimand, suspend or recommend dismissal of any member to the CAO for insubordination, inefficiency, misconduct, excessive tardiness or for noncompliance with any of the provisions of this by-law or general policies in the operating guidelines that, in the opinion of the Fire Chief would be detrimental to the discipline and efficiency of the Fire Department.

5.7.1 Following the suspension of any member, the Fire Chief of the Fire Department shall report in writing the suspension and his recommendations to the CAO.

5.7.2 A member shall not be dismissed without being afforded the opportunity for a hearing before the CAO, if he/she makes a written request for such hearing within seven days after receiving notice of his /her propose dismissal.

5.7.3 All members shall attend a minimum of 70% of scheduled training.

5.7.4 All members shall attend a minimum of 30% of annual call outs.

## **6. ORGANIZATION**

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

6.1.1 Fire Prevention and Public Fire Safety Education;  
(Refer to Appendix "C" forming part of this bylaw)

6.1.2 Fire Suppression;

6.1.3 Training;

6.1.4 Communications 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.

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

## **8 MISSION STATEMENT**

8.1 Goals and Mission Statement will be as per Appendix "B" forming part of this by-law.

## **9 RESPONSIBILITIES AND AUTHORITY OF FIRE CHIEF**

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

9.2 The Fire Chief shall be authorized to make such general orders, policies, procedures, and general rules, 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;

- 9.2.1 for the care and protection of all property belonging to the Fire Department;
- 9.2.2 for arranging for the provision of necessary and proper facilities, apparatus, equipment, services and supplies for the Fire Department;
- 9.2.3 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;
- 9.2.4 for the conduct and the discipline of members and administrative support staff of the Fire Department;
- 9.2.5 or keeping an accurate record, in convenient form for references, of all fires, rescues and emergencies responded to by the Fire Department;
- 9.2.6 for keeping such other records as may be required by the Council and the FPPA;
- 9.2.7 for preparing and presenting reports of the Fire Department to Council; and
- 9.2.8 For preparing and presenting the annual budget estimates of the Fire Department to the CAO for submission and consideration to Council.

9.3 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 Fire Department 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 CAO such amendments as the Fire Chief considers appropriate, only with Council approval.

9.4 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.

9.4 The Fire Chief may liaise with the Office of the Fire Marshal and Emergency Management 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.

9.5 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.

## **10 DEPUTY FIRE CHIEF**

10.1 The Deputy Fire Chief shall be the second ranking officer 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.

## **11 SUPERVISION**

11.1 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.

## **12 GENERAL DUTIES AND RESPONSIBILITIES**

12.1 Every Member and administrative support staff person shall conduct themselves in accordance with general orders, policies, procedures, rules 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 other written agreement that may be applicable.

### **13 PROPERTY**

13.1 No person shall supply any fire apparatus of the Fire Department for any personal or private use.

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

### **14 FIRE SUPPRESSION**

14.1 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.

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

14.3 The Fire Department may request other persons present at a fire to assist in crowd and traffic control;

### **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 may be charged the costs to provide the Additional Services including all applicable taxes. Property shall mean personal and real property.

16.2 For purposes of determining the origin, cause, or circumstances of any fire or explosion, if it is deemed necessary to retain a private contractor, rent/lease heavy and or specialized equipment, specialized services, and associated persons then those cost may be billed to the property owner and collected by the municipality.

### **17. EMERGENCY REPSONSES OUTSIDE THE LIMITS OF THE MUNCIPALITY**

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.

**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. CONFLICT**

- 20.1 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.

**21. SEVERABILITY**

- 21.1 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.

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

**23.** Read a first, second and Third time and finally passed this 5th day of April, 2016.

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Mayor

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Clerk