

Otonabee-South Monaghan Department of
Fire and Emergency Services

Establishing and Regulating By-Law

Corporation of the
Township of Otonabee-South Monaghan

By-law 2019-47

Whereas the Municipal Act, S.O. 2001, c.25, as amended, and the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, permits the council to enact a by-law to establish and regulate a fire department;

Be it therefore enacted by the Municipal Council of the Corporation of The Township of Otonabee-South Monaghan, as follows:

1. Definitions:

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

a. approved

means approved by the council.

b. automatic aid

means an approved agreement under which a municipality that is capable of responding more quickly to an area agrees to provide an initial response to fires, rescues, and emergencies in another municipality, or where a municipality agrees to provide a supplemental response to fires, rescues, or emergencies that may occur in another municipality.

c. corporation

means the Corporation of the Township of Otonabee-South Monaghan.

d. council

means the council of the Township of Otonabee-South Monaghan.

e. deputy fire chief

means the person appointed by council to act on behalf of the fire chief of the fire department in the case of an absence or a vacancy in the office of fire chief.

f. 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 Fire Protection and Prevention Act, 1997.

- g. **fire code**
means Ontario Regulation 213/07, as amended, and any successor regulation.
- h. **fire department**
means the Township of Otonabee-South Monaghan Department of Fire and Emergency Services.
- i. **firefighter**
means a Fire Chief and any other person employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes a volunteer firefighter.
- j. **firefighter**
for the purposes of Labour Relations
means a person regularly employed on a salaried basis either full or part-time in a fire department and assigned to fire protection services and includes technicians but does not include a volunteer firefighter and whereas Part IX of the Fire Protection and Prevention Act would apply.
- k. **Fire Protection and Prevention Act “FPPA”**
means the Ontario Fire Protection and Prevention Act, 1997, S.O.1997, c.4, as amended, and any successor legislation.
- l. **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.
- m. **limited services**
means a variation of services significantly differentiating from the norm as a result of extenuating circumstances, such as environmental factors, obstructions, remote and/ or island properties, private road ways, lanes, and drives.
- n. **member**
means any persons employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes officers, full time, part time and volunteer firefighters.
- o. **Municipal Act**
means the Ontario Municipal Act S.O. 2001, c25 as amended.
- p. **specialized rescue unit “SRU”**
means a shared municipal team of operation and technician level trained personnel that provide specialized rescue services through the County Mutual Aid Plan regardless of municipal boundaries.

q. **volunteer firefighter**

means a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance.

2. Fire Department Establishment

A fire department for the Township of Otonabee-South Monaghan to be known as the Township of Otonabee-South Monaghan Department of Fire and Emergency Services is hereby established and the head of the fire department shall be known as the fire chief.

3. Mission Statement and Goals

The fire department "Mission Statement and Goals" are as stated in Appendix "C", forming part of this by-law.

4. Fire Department Structure

- a) Council shall appoint a fire chief who shall be the highest-ranking officer and director of the fire department.
- b) In addition to the fire chief, the council shall appoint a deputy fire chief who shall report to the fire chief as the second highest ranking officer of the Fire Department and who in the absence of the fire chief, shall have the powers and duties of the fire chief.
- c) In addition to the fire chief and deputy fire chief, the fire department shall consist of such members as may be deemed necessary and appointed by the fire chief to provide fire protection services.
- d) The fire department shall be structured in conformance with the approved organizational chart, Appendix A, forming part of this by law.

5. Volunteer Firefighter Employment

- a) The fire chief may appoint, from time to time, any eligible persons such as a volunteer firefighter, in order to maintain a sufficient complement of firefighters in accordance with the fire department's approved hiring policies.
- b) Firefighters of the Township of Otonabee-South Monaghan fire department for the purposes of "WSIB" Workplace Safety Insurance Board shall be defined as volunteer firefighters.
- c) Persons appointed as members of the fire department to provide fire protection services shall be on probation for a period of 12 months, during which period they shall take such special training and examination as may be required by the fire chief.

- d) The remuneration of the volunteer firefighters shall be as determined by the council.
- e) If a probationary member, appointed to provide fire protection services fails any such special training and examination, the fire chief may recommend dismissal and/or appropriate action to council.
- f) The fire chief may reprimand, suspend or recommend dismissal of any member for infraction of any provisions of this by law, policies, general orders and departmental rules that, in the opinion of the fire chief, would be detrimental to discipline or the efficiency of the fire department.
- g) Disciplinary action or dismissal of a volunteer firefighter shall be conducted in accordance with the approved fire department and human resources policies.

6. Fire Chief Responsibilities and Authority

- a) The fire chief is ultimately responsible to council, as set out in subsection 6.(3) of the Fire Protection and Prevention Act, for proper administration and operation of the fire department including the delivery of fire protection services.
- b) The fire chief shall be deemed to be the Chief Fire Official of the municipality for the purposes of the Fire Protection and Prevention Act and regulations enacted thereunder, and shall have all statutory authority and shall carry out all prescribed duties and responsibilities in respect thereof.
- c) Each division of the fire department is the responsibility of the fire chief and is under the direction of the fire chief or a member designated by the fire chief. Designated members shall report to the fire chief on divisions and activities under their supervision and shall carry out all orders of the fire chief.
- d) The fire chief shall implement all approved policies and shall develop such standard operating guidelines, general orders and departmental rules as necessary to implement the approved policies and to ensure the appropriate care and protection of all fire department personnel and equipment.
- e) The fire chief shall review periodically, all policies, orders, rules and operating guidelines of the fire department and may establish an advisory committee consisting of such members of the fire department as the fire chief may determine from time to time to assist in these duties.
- f) Without limiting the generality of the foregoing, the fire chief shall be authorized and responsible for:

- I. Performing all statutory duties of the Fire Protection and Prevention Act, and any other legislation applicable to the administration or operation of the fire department.
- II. Enforcement of this by-law and any regulations established under this by-law, and the enforcement of any other by-laws of the Corporation respecting the administration and operation of the fire department.
- III. Arranging for the provision and allotment of strategic staffing and proper facilities, apparatus, equipment, materials, services and supplies for the fire department.
- IV. The proper care and protection of all fire department property.
- V. Arranging and implementation of automatic aid, mutual aid and other negotiated and/or approved fire protection and emergency service agreements.
- VI. Determining and establishing the qualifications and criteria for employment or appointment, and the duties and responsibilities of all members of the fire department.
- VII. Appointment, subject to approved hiring policies, of any qualified person as a member of the fire department.
- VIII. The conduct and discipline of all members of the fire department, including disciplinary actions as required which may range from reprimand to dismissal.

7. Budgets and Reports

The fire chief shall submit to the CAO and council for approval, the annual budget estimates for the fire department, an annual report, and any other specific reports requested by the CAO and/or council.

8. Powers of The Fire Chief or Designate

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 Fire Protection and Prevention Act, and the fire chief shall be empowered to authorize:

- a) enter all lands and premises within the municipality where a fire is occurring or has occurred.
- b) pulling down or demolishing any building or structure to prevent the spread of fire.
- c) 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.

- d) recovery of expenses incurred by such necessary actions for the corporation in the manner provided through the Municipal Act and the Fire Protection and Prevention Act.
- e) As set out in the Fire Protection and Prevention Act, the fire chief may delegate any of his/her powers or duties to the deputy fire chief or any member that the fire chief deems appropriate, subject to such limitations, restrictions or conditions as may be set out in the delegation, and such member so delegated shall have all the powers and shall perform all duties as delegated.

9. Recovery of Costs

- a) If as a result of a fire department response to a fire, rescue or other emergency, the fire chief, or his/her designate, determines that it is necessary to retain a private contractor, rent special equipment, or use consumable materials other than water in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, remove hazardous materials, assist in or otherwise conduct an investigation to determine the cause of a fire, or otherwise control or eliminate an emergency situation, the corporation shall recover the costs incurred for taking such actions from the owner of the property on which the fire or other emergency occurred.
- b) The corporation may recover cost incurred by such necessary actions in a manner provided by the Municipal Act and the Fire Protection and Prevention Act in accordance with the fees prescribed by the applicable fees and charges by-law of the corporation from time to time.
- c) A fee imposed upon a person under this by-law, including interest, penalty charges and costs of collection, constitutes a debt of the person to the corporation, and a person who is charged a fee under this by-law and fails to pay the fee within thirty days of receipt of an invoice, shall be charged interest in accordance with the applicable fees and services by-law of the corporation.
- d) If a property owner who is charged a fee under this by-law fails to pay the fee within thirty (30) days of receipt of an invoice, the corporation may add the fee, including penalty and interest, to the tax roll for any real property in the Township of Otonabee-South Monaghan, registered in the name of the owner, and collect the fee, including penalty and interest, in like manner as a municipal taxes.

10. Emergency Response Outside of Municipal Boundaries

The fire department shall not respond to a call with respect to a fire or emergency outside the limits of the municipality except with respect to a fire or emergency:

- a) that, in the opinion of the fire chief or designate of the fire department, threatens property in the municipality or property situated outside the municipality that is owned or occupied by the municipality.
- b) in a municipality with which an approved agreement has been entered into to provide fire protection services which may include automatic aid.
- c) on property with which an approved agreement has been entered into with any person or corporation to provide fire protection services.
- d) at the discretion of the fire chief, to a municipality authorized to participate in any county, district or regional mutual aid plan established by a fire coordinator appointed by the fire marshal or any other similar reciprocal plan or program, this includes participation in the specialized rescue unit "SRU".
- e) on property beyond the municipal boundary where the fire chief or designate determines immediate action is necessary to preserve life or property and the appropriate department is notified to respond and assume command or establish alternative measures, acceptable to the fire chief or designate.

11. Approved Levels of Service

The Township of Otonabee-South Monaghan fire department shall provide such approved services as specified and listed in Appendix "B".

12. Limited Levels of Service

- a) In consideration of the reliance by the fire department on the response of volunteer firefighters, whose deployment to emergencies in sufficient numbers cannot in all instances be guaranteed, adverse climate conditions, delays or unavailability of specialized equipment required by the fire department, or other extraordinary circumstances which may impede the delivery of fire protection services, any approved service set out in Appendix "B" may from time to time be provided as a limited service as defined in this by-law, as determined by the fire chief, or his/her designated member in charge of a response.
- b) The Township of Otonabee-South Monaghan accepts no liability for the delay or inability to supply the services set out in Appendix "B" of this By-law due to the provision of its approved services as limited services or due to the existence of unsafe conditions encountered en route, impeded access to property, and/or environmental factors/constraints.

13. Obstruction

No person shall obstruct, hinder, or interfere with the fire chief or any member of the fire department in the performance of his or her duties in accordance with this by-law and the Fire Protection and Prevention Act.

14. Offences

Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty established by the Provincial Offences Act, R.S.O. 1990, c.P.33, as may be amended from time to time, and any successor legislation.

15. Severability

Should a court of competent jurisdiction find any section or provision, or part thereof, of this by-law to be invalid or to be of no force and effect, such section or provision or part thereof shall be deemed to be severable, and all other sections or provisions or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.

16. Repeal

By-law No. 2010-49 of the Corporation of the Township of Otonabee-South Monaghan is hereby repealed.

Notwithstanding Section 16, the appointments of the fire chief, the deputy fire chief, and all other members of the fire department who were appointed under the provisions of By-law No 2010-49, that existed and were in effect on the day on which the by-law was repealed shall survive and remain in force and effect after the by-law is repealed.

An approved organizational chart forms part of this by-law as Appendix "A".

An approved list of services provided forms part of this by-law as Appendix "B".

An approved mission statement and a list of the primary goals and objectives of the Department of Fire and Emergency Services forms part of this by-law as Appendix "C".

This by-law comes into effect the day it is passed by council, in the manner appropriate to the municipality.

By-law read a first time this 12 day of August, 2019

By-law read a second and third time and finally passed this 12 day of Aug., 2019

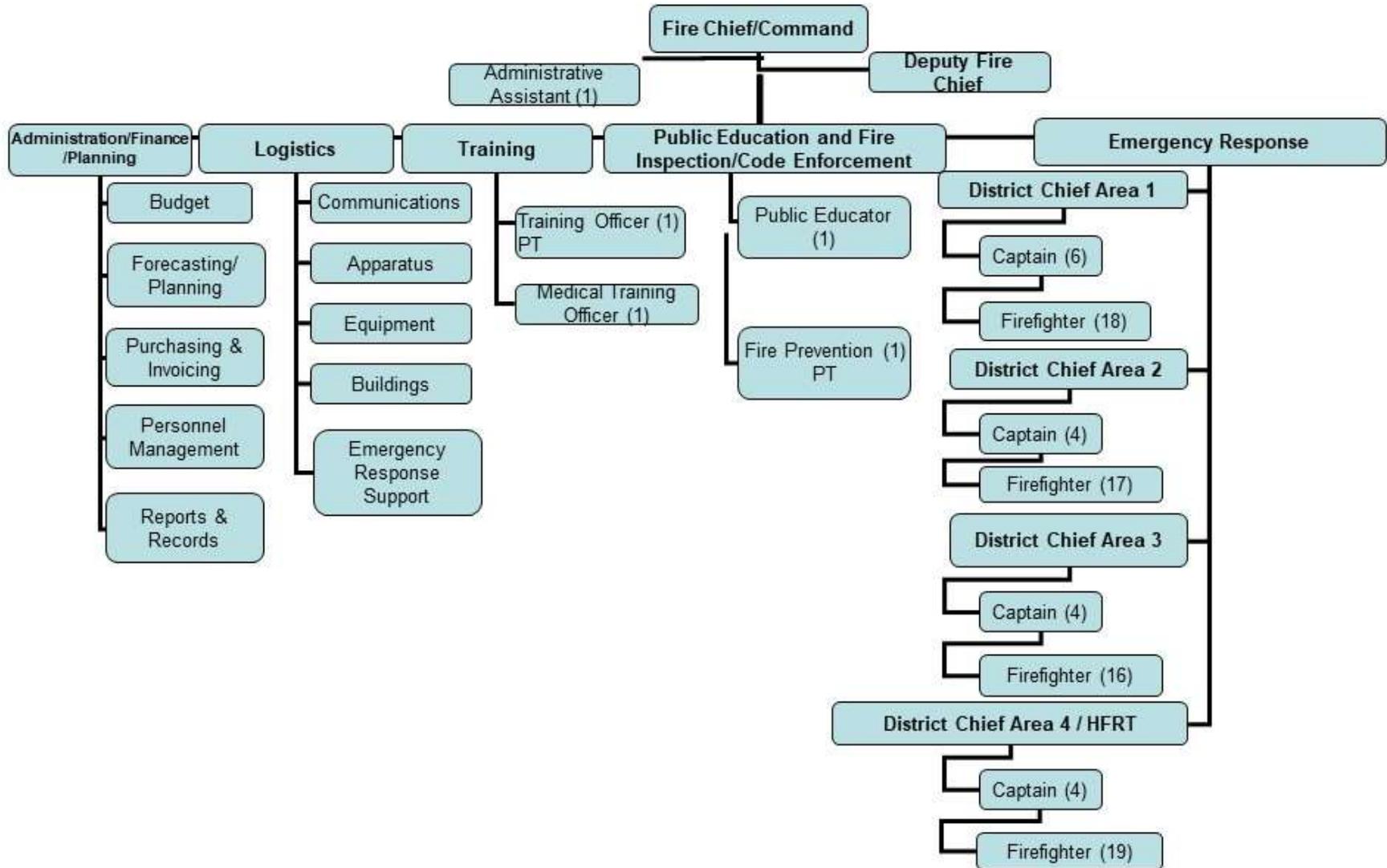
Original Signed

Joe Taylor, Mayor

Original Signed

Heather Scott, Clerk

**The Township of Otonabee-South Monaghan Department of Fire and Emergency Services
Organizational Chart (revised 12/31/2018)**



Approved Core Services

1. Emergency Response and Fire Services:

- a) The fire department shall respond to fires, alarms of fire, and pre-fire conditions to provide fire suppression services, including limited internal rescue & fire attack in accordance with the fire department's level of training, standard operating guidelines and the Ontario Occupational Health and Safety Guidelines.
- b) limited services response is dependent upon the number of fire department members, the equipment available, and the training level of the members in attendance at each specific call.
- c) Emergency and fire suppression services to water access properties including islands and properties accessed via private roads, private lanes or private driveways are subject to the following limitations:
 - I. Emergency Response to water access properties will be limited to safe travel and environmental conditions. Response times during acceptable safe conditions may range from twenty to forty-five minutes or longer.
 - II. If in the opinion of the fire chief or his/her designate unsafe environmental conditions exist no emergency response and/or fire suppression services shall be provided.
 - III. fire department apparatus/equipment shall not enter onto frozen bodies of water (i.e. lakes, rivers, streams), unless the apparatus is specifically designed for the usage, an environmental risk has been undertaken as part of the Incident Action Plan, and the members present are trained to operate and use the apparatus/equipment.
 - IV. Emergency response to properties accessed via private roads, private lanes or private driveways may be limited by the condition of such road, lane or driveway, including the ability of such road, lane or driveway to support and accommodate fire department equipment, vehicles and apparatus, and the failure of the owner of the lands upon which the road, lane or driveway is located or the user of such road, land or driveway to maintain such road, lane or driveway in a condition that is passable by fire department equipment, vehicles and apparatus.

Approved Core Services, continued:

2. Fire Response

- a) Structural firefighting services
- b) Grass, brush, wildfire firefighting
- c) Vehicle firefighting, includes vehicle fire ignition prevention, and standby
- d) Marine firefighting, defensive only

3. Medical First Response and Assistance

Medical assistance – minimum Standard First Aid CPR Level C / HCP

4. Hazardous Materials Response

- a) Awareness - OSM
- b) Operations Level with Provincial Team Response Activation
- c) Technical Level with Provincial Team Response Activation CBRNE

5. Rescue Response – subject to I, II, III below unless otherwise specified:

- a) Vehicle extrication and rescue – Operations Level
- b) Water and ice rescue
- c) High angle rescue
- d) Confined space rescue
- e) Wilderness and suburban ground search
- f) Trench rescue
 - I. Awareness Level – OSM
 - II. Operations Level with SRU
 - III. Technical Level with SRU

6. Support Responses

- a) Public assistance
- b) Assist other agencies (Police, EMS, Public Works, etc.)

7. Service Agreements

- a) Mutual aid agreements
- b) Automatic aid agreements
- c) Fire protection agreements

8. Fire Prevention and Public Education

- a) Fire Prevention and Public Education activities shall be provided in accordance with the approved fire department Fire Prevention/Public Education and Smoke Alarm policies.
- b) **Review of Propane Facility "Risk and Safety Management Plans"** as set out in Ontario Regulation 440/08.

By-law 2019-47 - Appendix "B"

9. Municipal Emergency Response Plan

- a) Participate in community emergency response plan and program.
- b) Participate in Mutual Assistance Program.

Mission Statement

The mission of the Otonabee-South Monaghan Department of Fire and Emergency Services is to take action for the provision of services to protect the lives, valued property, and the natural environment. Providing an array of services to address threats to public health and safety, including the risk of a fire, if started, that would seriously endanger the health and safety of any person, property or the natural environment and any use that can be made of it.

Primary Goals of the Department of Fire and Emergency Services:

The primary goal of the Department of Fire and Emergency Services is to provide fire protection and rescue services through a range of programs designed to protect the lives and property of the public from the adverse effects of fire, sudden medical emergencies, or exposure to dangerous conditions created by man or nature; second to those Municipalities requiring assistance through authorized emergency fire service plan and program (mutual aid) activities; and third, to those Municipalities which are provided fire protection by the Department of Fire and Emergency Services via authorized agreements.

Primary Objectives of the Department of Fire and Emergency Services:

In order to achieve the goal of Department of Fire and Emergency Services, necessary funding is required to support the following objectives:

1. Conduct, review, and monitor a municipal fire risk assessment and community profile.
2. Appoint a fire chief to provide an administrative process consistent with the needs of the fire department.
3. Ensure that firefighting equipment and operating personnel is available within the municipality to provide adequate response to a call for assistance within a reasonable length of time.
4. Provide departmental training, to an accepted recognized standard, which will ensure the continuous up-grading of all personnel in the latest technique of fire prevention, public education, firefighting and control of emergency situations.

Primary Objectives of the Department of Fire and Emergency Services:

Cont'd:

5. Provide an overall maintenance program to ensure fire protection apparatus, equipment, and personal protective equipment is ready to respond.
6. Provide an effective Fire Prevention Program to:
 - (a) Ensure, through plan examination and inspection, that required fire protective equipment is installed and maintained within buildings;
 - (b) Reduce and/or eliminate fire hazards;
 - (c) Ensure compliance with applicable municipal, provincial and federal fire prevention legislation, statutes, codes and regulations in respect to fire safety.
7. Develop and maintain an effective Public Education Program, with particular emphasis on school fire safety programs, senior programs, and commercial industrial and institutional staff training.
8. Ensure that in the event of a major catastrophe in the municipality, assistance to cope with the situation is available from outside departments, governments and other agencies.
9. Develop and maintain a good working relationship with all federal, provincial, municipal and non-government organizations and departments related to the protection of life and property.
10. Interact with other municipal departments respecting the aspects of fire safety and other related programs.