

THE CORPORATION OF THE MUNICIPALITY OF SOUTH BRUCE

BY-LAW NO. 2015-96

A by-law to establish and regulate a fire department to provide fire, rescue and emergency services for the Municipality of South Bruce

WHEREAS Section 8 of the Municipal Act, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 9 of the Municipal Act, S.O. 2001, c. 25, as amended, provides that Sections 8 and 11 shall be interpreted so as to confer broad authority on municipalities to: (a) enable municipalities to govern their affairs as they consider appropriate, and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS Part II, Section 5(0.1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, permits the Council to enact a By-law to establish a Fire Department to provide fire protection and fire prevention services and for participating in an emergency fire services program c. 25, s. 475 (2);

AND WHEREAS the Corporation of the Municipality of South Bruce has established a Fire Department commonly known as South Bruce Fire Rescue Service;

AND WHEREAS Section 391 of the Municipal Act, S.O. 2001, c. 25, as amended, authorizes a municipality by By-law to impose fees or charges on any class of persons for services or activities provided or done on behalf of the municipality and for the use of the municipality's property, including property under its control.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Municipality of South Bruce as follows:

1. DEFINITIONS:

In this By-law, unless the context otherwise requires, the following terms shall have the meanings indicated:

Approved Shall mean approved by Council.

Automatic Aid Shall mean any agreement under which a municipality agrees to provide an initial response to fires, rescues and emergencies that may occur in part of another municipality where a Fire Department in the municipality is capable of responding more quickly than any Fire Department situated in the other municipality; or a municipality agrees to provide a supplemental response to fires, rescues and emergencies that may occur in a part of another municipality where a fire department is capable of providing the quickest supplemental response to fires, rescues and emergencies occurring in the part of another municipality.

Community Emergency Management Co-ordinator (CEMC) Shall mean the Community Emergency Management Co-ordinator responsible for the co-ordination of persons and systems respecting emergency management planning activities including the maintenance of and training for prevention, mitigation, preparedness, response and recovery plans in order to reduce the impact on the community in the case of a major emergency, in accordance with the Emergency Management Act, 2003.

Administrator-Treasurer Shall mean the person appointed by Council to act as Administrator-Treasurer for the Corporation.

Chief Officer Shall mean a general term which refers to the Fire Chief, Deputy Fire Chief(s) or any qualified person as delegated by the Fire Chief(s) who shall act as chief officer respecting matters of command and control of any emergency operation or situation, as required.

Company Shall mean a complement of firefighting personnel operating one or more pieces of apparatus under the supervision of an officer.

Corporation Shall mean the Corporation of the Municipality of South Bruce.

Council Shall mean the Council of the Municipality of South Bruce.

Deputy Fire Chief(s) Shall mean the person or persons 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 the Fire Chief. The Deputy Chief (DC) has responsibility, and is in charge of, all fire companies in her/her assigned District. The DC assists with fire prevention, public education, training, communications and other department programs. The DEC directs the activity of the fire companies at emergency scenes and at all the fire halls in accordance with established department policies.

District Fire chief(s) Shall mean the person or persons who assists the Deputy Chief and has responsibility for, and is in charge of, all fire companies in his/her assigned District. The District Chief assists with fire prevention, public education, training, communications and other department programs. The District Chief directs the activity of the fire companies at emergency scenes and at the fire hall in accordance with established department policies. The District Chief may act in the position of the Deputy Chief when required

Emergency System Shall mean a sprinkler system, standpipe system, fire

extinguishing system, smoke control system, emergency power system, fire pump system, voice communication system or any other device monitored through a fire alarm system.

Fee or Fees For Service Shall mean in relation to this By-law and any other By-law pertaining to fire protection services, as amended from time to time or any successor By-law thereto, means any fee imposed for services and billed pursuant to the above as approved by Council.

Fire Chief (CEMC) Shall mean the person appointed by By-law and such Fire Chief shall be the senior administrator and general manager of the Fire Department, and for the purposes of the FPPA shall be the Fire Chief and Chief Fire Official of the Municipality whose duty it shall be to perform all statutory functions of the Fire Chief and Chief Fire Official, and shall perform such other duties as prescribed by Council through the Administrator-Treasurer and is also responsible for the co-ordination, administration and maintenance of the South Bruce Emergency Management Program. The Fire Chief shall report to the Administrator-Treasurer and will ultimately be responsible to Council as required by the Fire Protection and Prevention Act, 1997 and in accordance with the provisions established by the Emergency Management Act, 2003. The Fire Chief shall be responsible for all duties and responsibilities relegated by the FPPA.

Fire Department Shall mean the Fire Department of the Municipality of South Bruce, also known as **South Bruce Fire Rescue Service**, and shall include the Fire Chief, Deputy Chiefs, District Chiefs, Captains and all firefighters appointed by the Council.

Firefighter Shall mean the Fire Chief and any other person employed in, or appointed to the Fire Department and assigned to undertake fire protection services, and includes a volunteer fire fighter.

Fire Protection and Prevention Act, 1997 (FPPA) Shall mean the Fire Protection and Prevention Act 1997, S.O. c. 4, as amended, and any Regulation made under it.

Fire Protection Services Shall mean those services provided within the divisions of fire suppression, fire prevention, fire safety education, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all those services.

Limited Services Means a variation of services significantly differentiating from the norm as a result of extenuating circumstances, such as environmental

Malicious Act Shall mean a wrong act done intentionally by any person without just cause or excuse.

Member Means any person employed in, or appointed to the Fire Department and assigned to undertake fire protection services, and includes officers, full time and volunteer firefighters.

Motor Vehicle Shall mean the same as prescribed in the Highway Traffic Act, R.S.O. 1990 c. H.8, as amended.

Mutual Aid Shall mean a program to provide or receive assistance in the case of a major emergency in a municipality.

Non-resident Shall mean a person who is neither a property owner nor a tenant of property within the Municipality of South Bruce.

Preventable False Alarms Shall mean the activation of a fire alarm system through a mechanical failure, equipment malfunction, improper installation of the system, or failure to maintain the system as prescribed by the Ontario Fire Code, O. Reg. 388/97, as amended, but does not include the activation of a fire alarm system where the activation occurred as a result of the accidental damage to the system.

Officer Shall mean the Fire Chief, Deputy Chief(s), District Chief (s), Fire Captain(s) and any other such person as may be designated an officer from time to time by the Fire Chief.

Owner Shall mean any person, firm or corporation having control over any portion of a building, yard or other property under construction and includes persons of that building, yard or property as prescribed by O. Reg. 388/97, as amended (The Ontario Fire Code).

Property Shall mean any public or private real property within the Municipality of South Bruce including buildings, structures, and erections of any nature and kind in or upon such lands, but excludes real property owned by the Federal or Provincial Crown.

Rescue and Emergency Services Shall mean any life or property saving activity that is unrelated to fire suppression and fire prevention and includes emergency medical services, hazardous materials response and specialized rescues including vehicle extrication, water and ice shore base rescue, and any other rescue or activity approved by council.

Volunteer Firefighter Shall mean a fire fighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance.

2. Establishment

The Fire Department for the Municipality of South Bruce, commonly known as **South Bruce Fire Rescue Service**, is hereby established under the direction of the Fire Chief to provide fire protection services and such other approved rescue and emergency services for the Municipality of South Bruce in accordance with Part II, Sections 2. (1), (2) & (3) in the FPPA, as outlined in the Public Fire Safety Guideline, PFSG 04-12-13, **SCHEDULE 'A'** of this By-Law.

3. Department Structure

The Fire Department shall consist of the following as seen within and in Schedule B of this by-law: a Fire Chief who is the head of the Fire Department as appointed by Council and two (2) Deputy Chiefs (one for Station 170 and one for Station 180), (2) District Chiefs, Officers, Fire Captains, fire fighters and clerical staff as may be authorized or considered necessary from time to time by the Council, through the Administrator-Treasurer in order for the Fire

Department to perform fire protection services, rescue and emergency services for the municipality in an efficient and effective manner.

Further, the provision of fire protection services and other rescue and emergency services to any municipality outside of the territorial jurisdiction of the Municipality of South Bruce is permissible through Automatic Aid, Mutual Aid, this By-law or any other agreement between said municipality and the Corporation of the Municipality of South Bruce.

4. Fire Chief Responsibilities and Authority

The Fire Chief shall be the head of the Fire Department and shall report to the Administrator-Treasurer and will ultimately be responsible to Council as required by the FPPA. The Fire Chief will be responsible for the proper administration and efficient and effective operation of the fire department including the delivery of approved Programs and Services and is generally responsible for the following operational matters:

- a) For the care and protection of all property belonging to the Fire Department;
- b) For arranging the provision of necessary and proper facilities apparatus, equipment and supplies for the Fire Department;
- c) For determining and establishing the qualifications and criteria for employment or appointment and the duties of all officers, fire fighters and administrative staff of the Fire Department;
- d) For the conduct and discipline ranging from reprimand to recommending dismissal of any officer, member or administrative services staff person of the Fire Department;
- e) For assisting any other public official in an emergency declared by the Head of Council, the Premier of Ontario, or the Prime Minister of Canada;
- f) For reporting to the appropriate crown attorney, or other prosecutor, law enforcement or other officer 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 Fire Protection and Prevention Act, 1997;
- g) For keeping an accurate record, in convenient form for reference, of all inspections, rescues and other emergencies responded to by the Fire Department in a manner consistent with the applicable records management policies of the Municipality of South Bruce, and that meet the requirements of the Office of the Fire Marshal of Ontario (OFM);
- h) For keeping such other records as may be required by the council;
- i) For preparing and presenting periodic reports to the Council through the Administrator-Treasurer as requested and any other specific reports requested by the Council; and,
- j) For preparing and presenting the annual business plan and estimates

of the Fire Department to the Council through the Administrator-Treasurer and for exercising control over the budget approved by the Council for the Fire Department.

The Fire Chief shall further take all proper measures for the prevention, control and extinguishment of fires and the protection of life and property and the management of emergencies within the territorial jurisdiction of the municipality 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 municipality, and shall exercise all powers mandated by the Fire Protection and Prevention Act, and without restricting the generality of the foregoing shall be empowered to authorize:

- a) Pulling down or demolishing any building or structure to prevent the spread of fire;
- b) 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; and,
- c) 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 and applicable municipal By-laws.

The Fire Chief shall be responsible for the enforcement of this By-law and the development and enforcement of all general orders, policies, standard operating guidelines, procedures, and rules and regulations established under this By-law and for the enforcement of any other By-laws of the Corporation respecting the administration and operation of the Fire Department, and shall review periodically such laws and may, for this purpose, establish advisory committees consisting of officers and other persons (including members of the general public) as the Fire Chief and Administrator-Treasurer may determine necessary from time to time to assist him in the discharge of this duty.

The Fire Chief shall periodically review, revise or terminate, as required general orders, policies, procedures and rules of the Fire Department.

In the case of By-laws, including this By-law, recommend to the Council through the Administrator-Treasurer, such amendments, as the Fire Chief considers appropriate.

The Fire Chief shall have all powers, rights and duties assigned to a Fire Chief under the Fire Protection and Prevention Act, 1997, including without limitation the authority to enforce compliance with the Fire Code made under this Act.

The Fire Chief shall provide liaison with any association representing members of the Fire Department.

The Fire Chief shall provide liaison with the Office of the Fire Marshal of Ontario and any other office or organization as required by the 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 fire protection services for the Corporation.

The Fire Chief may utilize such officers, members of the Fire Department as the Fire Chief may determine necessary, from time to time, to assist in the

performance of his duties.

Where Fire Chief designates a member to act in the place of himself or another officer in the Fire Department, such member, when so acting, has all of the powers and shall perform all duties of the officer replaced.

5. Authority to leave municipal limits

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) To a municipality authorized to participate in any county, district or regional mutual aid plan or any other similar reciprocal plan or program;
- 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.

6. Deputy Fire Chief

In addition to the Fire Chief, the Council shall appoint 2 Deputy Fire Chief(s). The Deputy Fire Chief(s) shall be the second ranking officers 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 by the Fire Chief, and shall, when the Fire Chief is not available, have the powers and perform the duties of the Fire Chief.

7. Divisional responsibilities designated by chief

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.

8. Supervision of Personnel

The officers, members and other administrative services staff personnel of the Fire Department while on duty shall be under the direction and control of the Fire Chief or the next ranking officer.

9. Eligibility for Employment

Every applicant and every probationary member of the Fire Department shall:

- a) Be at least 18 years of age;
- b) Complete and successfully pass written, verbal and

physical examinations suitable to the Fire Chief;

c) Be in good health, physically fit, acquire a medical certificate of good health from a medical practitioner suitable to the Fire Chief, prior to commencement of employment;

d) Once employed, possess and demonstrate to the satisfaction of the Fire Chief the ability to safely endure the physical demands typically required for structural firefighting, including such psychomotor skills used for lifting, climbing, dragging, carrying, pulling and crawling in unfavourable conditions in any meteorological environment;

e) Be willing and able to obtain a valid Ontario Class DZ, driver's permit and once employed continually maintain the same and complete and maintain an air brake endorsement;

f) Work and reside within such reasonable proximity to the Fire Department in order to respond to the fire station when called so as to efficiently and effectively attend emergency and non-emergency alarms in a timely fashion, suitable to the satisfaction of the Fire Chief and able to maintain the minimum attendance levels as required by general orders, policies, standard operating guidelines, procedures, rules and regulations made under this By-law;

g) Provide proof through certified instrument acceptable to the Fire Chief a record free of any and all convictions for an offence or offences under the Criminal Code of Canada for which they have not received a pardon and once employed maintain same or be subject to dismissal.

10. Probationary Period for New Employees

Persons hired, as probationary fire fighters to the Fire Department shall be on probation for a period of twelve months, during which period they shall take such training and examinations, as may be required by the Fire Chief.

11. Dismissal – Probationary Employees

If a probationary member employed in, or appointed to, fire protection services fails any such training and examinations, fails to perform his or her prescribed duties or does not meet minimum attendance requirements, the Fire Chief may dismiss said member pursuant to corporate policy and procedure.

12. Appointment of Member

Following the successful completion of the probation term, the Fire Chief may appoint the qualified person as a member of the Fire Department, subject to the hiring policies of the Municipality of South Bruce.

13. General Duties and Responsibilities

Members shall conduct themselves in accordance with rules and regulations of the Fire Department and shall give their whole and undivided attention, while on duty, to the efficient operation of the Fire Department and shall diligently and faithfully perform the duties assigned to them to the best of their ability.

14. Remuneration, Terms and Conditions of Employment

Working conditions, remuneration and other terms or conditions of employment for the Fire Chief, Deputy Fire Chief(s), District Fire Chief(s),

Officers, fire fighters and members of administrative services shall be determined by the Corporation.

15. Discipline and Suspension of members

The Fire Chief may reprimand, suspend or recommend dismissal of any member for insubordination, inefficiency, misconduct, tardiness or for non-compliance with any of the provisions of this By-law or general orders, policies, standard operating guidelines, procedures, departmental rules or regulations that, in the opinion of the Fire Chief, would be detrimental to discipline or the efficiency of the fire department.

16. Written Report to Administrator-Treasurer

Following the suspension of a member, the Fire Chief shall immediately report, in writing, the suspension and recommendation to the Administrator-Treasurer.

17. Termination procedures

The procedures for termination of employment prescribed in the Corporation's Personnel Policy shall apply to all fire fighters.

18. Fees for Service

The Council hereby establishes certain fees for service(s) as outlined in **the Municipal Fee By-law as amended.**

19. Levels of Service

a) Because of the Fire Department's reliance on volunteer fire fighters, the topographic and geographic configuration of the Municipality, the level and amount of equipment at the Fire Department's disposal and other budgetary constraints, the services listed in **SCHEDULE 'A'** OF THIS By-law, although approved, may be approved as Limited Services as defined in this By-law.

b) The Municipality of South Bruce accepts no liability for the delay or inability to supply the services set out in **SCHEDULE 'A'** 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 the property and/or environmental factors/constraints.

20. General

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

21. Repealed

By-law 2007-53 and By-law 2007-52 is repealed on the date this By-law is passed by the Council.

22. Schedule

Schedule A be deemed to be an integral part of this By-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS DAY OF

Robert Buckle, MAYOR

Leanne Martin, CLERK

SCHEDULE 'A'

APPROVED SERVICES

South Bruce Fire and Emergency Services

Approved Services

Purpose: To provide a summary of the services that the Fire Department has been authorized by Council to provide based on current training and equipment

Emergency Response:

- 1 basic firefighting
- 2 structural firefighting including rescue
- 3 vehicle firefighting
- 4 grass, brush, forestry firefighting
- 5 mutual aid response
- 6 tiered medical response
- 7 awareness level hazardous materials
- 8 vehicle accident response
- 9 vehicle extrication
- 10 transportation incidents involving vehicles, aircraft and
watercraft
- 11 water and ice rescue – shore based
- 12 public assistance
- 13 ambulance assistance
- 14 police assistance
- 15 public utilities assistance
- 16 community emergency plan participation
- 17 urban search and rescue (light)
- 18 role as Assistant to Fire Marshal re suppression

Fire Prevention and Public Education:

- 1 selection of appropriate programs
- 2 role of Chief Fire Official
- 3 role of Assistant to Fire Marshall re prevention
- 4 fire prevention policy development
- 5 development of fire prevention by-laws
- 6 inter-action with building department(s)
- 7 inter-action with other government agencies
- 8 Fire code enforcement inspections including
complaints inspections (mandated)
conducting routine inspections per fire prevention policy
dealing with code compliance issues (mandated)
enforcing municipal by-laws
conducting inspections, preparing reports and issuing
written responses to requests
issuing permits
- 9 public education practices, including
providing routine education programs as per fire
prevention policy
facilitating smoke alarm initiatives
providing access for media
delivery of specialized programs
- 10 fire investigation practices, including
determining cause and origin
assessing code compliance
assessing fire suppression effectiveness
determining compliance with building standards
determining effectiveness of built-in suppression
features
interacting with OFM investigator
Supporting criminal prosecutions
Consulting with police and other agencies
- 11 plans examination and approval practices, including

- reviewing and approving sub-division/development agreements
- reviewing and approving site plans re fire related issues
- providing on-site inspection of approved plans to determine compliance
- 12 preparation for and appearances in court
- 13 systems checking, testing and approval
- 14 compile, analyze and disseminate functional statistics
- 15 consultation with architects, engineers, planners, contractors and building trades

Fire Administration:

- 1 planning & growth practices, including
 - master planning
 - evaluating programs and services
 - determining staffing levels and assignments
 - co-ordinating with other emergency services
 - co-ordinating development with other community departments
- 2 co-ordinating with other Countries/Districts/Regions
 - financial & records analysis practices, including
 - co-ordinating use of information from suppression activities
 - co-ordinating use of information from fire prevention activities
 - transitional adjustments for capital stock
 - input into level of service issues (based on available funding and resources)
 - developing controlling and monitoring budgets
 - co-ordinating with department divisions
 - identifying alternative sources of revenue and fees for services
 - Current budget
 - Capital budget
- 3 purchasing
 - records management, including
 - note taking
 - records retention
- 4 freedom of information legislation
 - human resources practices including
 - recruitment, selection and retention
 - promotion
 - performance evaluation
 - career development and higher education
 - job classifications
- 5 client/customer relations practices, including
 - preserving local identity
 - enhancing fire department image
 - marketing
 - environmental scanning, anticipating pressures and
 - developing communication strategies
 - developing inter-agency relationships
- 6 health and safety practices, including communicable diseases

Communications:

- 1 dispatch practices, including
 - liaising with dispatch centre

Training & Education:

- 1 Program development practices, including
 - developing trainer facilitators
 - co-ordinating core curriculum
 - developing specialized staff development programs
 - suppression
 - prevention
 - administration
 - communications
 - maintenance
 - support services
 - developing succession training programs
 - developing self-directed learning programs
- 2
 - providing access to training facilities, including
 - co-ordinating access to facility
 - delivering hands-on-training to staff
- 3 station training practices, including
 - delivery of curriculum specific to discipline's needs
 - supervisory training drills
 - providing support and direction
- 4 development, approval and delivery of incident management and accountability systems and procedures
- 5 co-ordination, development, approval and distribution of standard operating guidelines for various disciplines

Maintenance:

- 1 fleet and equipment maintenance, including
 - maintaining fleet and equipment (both routine and emergency)
 - arranging annual testing programs
 - mechanical worthiness
 - Ministry of Labour requirements
 - pump certification
 - development of equipment specifications
 - acceptance testing and approval of new apparatus and equipment
- 2 Maintaining specialized equipment, e.g. SCBA
 - facilities maintenance, including
 - maintenance of station infrastructure
 - providing input re design and construction
 - considerations for fire stations

Support Services (shared municipal/fire department functions):

- 1 purchasing practices, as per municipal policy
- 2 financial practices, including
 - financial analysis
 - liaising with other area departments
- 3 risk management practices, including
 - assessing changing risks
- 4 human resources practices, including
 - developing recruitment and retention programs
 - specializing in fire service legislation and related issues
- 5 co-ordination with other agencies for shared infrastructure, including
 - municipal water system development
 - maintenance and access to water supply

SCHEDULE "B"
MUNICIPALITY OF SOUTH BRUCE
FIRE RESCUE SERVICE
DEPARTMENT STRUCTURE

Full Time Staff

Fire Chief 1

Volunteer Staff

Deputy Chiefs 2

District Chiefs 2

Fire Prevention 2

Training Officer 2

Captains 8

Firefighters 50 (4 Auxilliary)

By the Station:

Station 170 (25x2 Auxilliary)

Station 180 (25x2 Auxilliary)