

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2012-042

ESTABLISH AND REGULATE THE FIRE DEPARTMENT (DRUMMOND/NORTH ELMSLEY TAY VALLEY FIRE RESCUE)

WHEREAS, Section 5 (0.1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, Chapter 4, as amended, provides that the Council of a municipality may establish, maintain and operate a fire department for all or any part of the municipality;

AND WHEREAS, Section 8 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS, Section 9 of the *Municipal Act, 2001*, 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 Municipal Act or any other Act;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1.0 DEFINITIONS

For the purpose of this By-Law:

- 1.1 **"Administrative Assistant/Treasurer"** – means the person appointed to provide clerical and accounting services to the Fire Department.
- 1.2 **"Approved"** – means approved by both the municipal councils of Tay Valley Township and Drummond/North Elmsley Township as evidenced by motion or by-law.
- 1.3 **"Council"** – means both the Council of the Corporation of the Township of Drummond/North Elmsley and the Council of the Corporation of Tay Valley Township.
- 1.4 **"Station Chief"** – means the person appointed to be, responsible for all divisional activities within an assigned station.
- 1.5 **"Fire Board"** – means the Drummond/North Elmsley Tay Valley Fire Board.

- 1.6 **“Fire Chief”** – means the person or designate appointed under subsection 6 (1), (2) or (4) of the *Fire Protection and Prevention Act, 1997*, as amended, appointed by Council.
- 1.7 **“Fire Department”** – means the Drummond/North Elmsley Tay Valley Fire Rescue.
- 1.8 **“Fire Marshal”** – means the Fire Marshal appointed under subsection 8 (1), of the *Fire Protection and Prevention Act, 1997*, as amended.
- 1.9 **“Fire Protection Services”** – 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.
- 1.10 **“Member”** – means any firefighter or employee of the Fire Department, as approved by the Fire Board.
- 1.11 **“Municipality”** – means The Corporation of Tay Valley Township and/or the Corporation of the Township of Drummond/North Elmsley.
- 1.11 **“Volunteer Firefighter”** – means a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance, but does not include the Fire Chief or Administrative Assistant/Treasurer.

2.0 FIRE DEPARTMENT

- 2.1 The Fire Department for Tay Valley Township shall be known as the Drummond/North Elmsley Tay Valley Fire Rescue and the head of the Fire Department shall be known as the Fire Chief.
- 2.2 The Fire Department shall be structured in conformity with the approved Organizational Chart, as set out in Appendix “A”.
- 2.3 In addition to the Fire Chief, the Fire Board shall appoint a Station Chief for each station, and other officers and the number of Members as may be deemed necessary by the Fire Board.
- 2.4 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.
- 2.5 Where the Fire Chief designates a Member to act in the place of a Station Chief and/or Officer in the Fire Department, such Member, when so acting, has all the powers and shall perform all the duties of the Station Chief and/or Officer replaced.

- 2.6 The Fire Chief may recommend to the Fire Board the appointment of any qualified person as a Member of the Fire Department, subject to the approved hiring policies of the Fire Department.
- 2.7 Persons appointed as Members of the Fire Department shall be on probation for a period of 12 months, during which period they shall take such special training and examinations as may be required by the Fire Chief.
- 2.8 If a probationary Member fails any such examinations, the Fire Chief may recommend to the Fire Board that the probationary Member be dismissed.
- 2.9 The remuneration of the volunteer Members shall be as determined from time to time by the Fire Board in consultation with the Fire Chief.
- 2.10 Working conditions for all Firefighters defined in Part IX of the *Fire Protection and Prevention Act, 1997*, as amended, shall be determined by the Fire Board in accordance with the provisions of Part IX of the *Fire Protection and Prevention Act, 1997*, as amended.
- 2.11 If a qualified medical examiner finds a Member is physically unfit to perform assigned duties, the Fire Chief may assign the Member to another position in the Fire Department or may retire him/her.
- 2.12 The Fire Chief, in consultation with the Fire Board, may reprimand, suspend or dismiss any Member for infractions of any provisions of the 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.
- 2.13 Following the reprimand, suspension or dismissal of a Member, the Fire Chief shall immediately report in writing, the reprimand, suspension or dismissal to the Fire Board, who shall, in turn, report the matter to Council. The Member will have the opportunity to appeal a reprimand, suspension or dismissal to the Fire Board on the matter if he/she so wishes.
- 2.14 The Core Services provided by the Fire Department shall be as set out in Appendix "B".

3.0 FIRE CHIEF

- 3.1 The Fire Chief is responsible to Council, through the Fire Board, for the proper administration and operation of the Fire Department, including the delivery of Fire Protection Services and:
 - 3.1.1 shall implement all approved policies;
 - 3.1.2 shall develop such standard operating procedures and 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 Members personnel and Fire Department equipment;

- 3.1.3 shall periodically review all policies, orders, rules and operating procedures of the Fire Department and may establish an advisory committee consisting of such Members as the Fire Chief may determine from time to time to assist in these duties;
- 3.1.4 shall ensure that the Core Services are provided;
- 3.1.5 shall submit for approval, annual budget estimates for the Fire Department, annual or quarterly reports, and any other specific reports requested by the Fire Board or Council;
- 3.1.6 shall take all proper measures for the prevention, control and suppression of fires and for the protection of life and property are taken;
- 3.1.7 shall enforce all municipal by-laws respecting fire prevention and exercise all powers mandated by the *Fire Prevention and Protection Act, 1997*, as amended,
- 3.1.8 shall be empowered to authorize:
 - 3.1.8.1 the pulling down or demolition of any building or structure to prevent the spread of fire or necessary for the safety of the public;
 - 3.1.8.2 all necessary actions which may include boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident, when unable to contact the property owner.
- 3.1.9 may liaise with the Office of the Fire Marshal and any other office or organization considered necessary or advisable;
- 3.1.10 shall recover any expenses incurred by such necessary actions in the manner provided through the *Municipal Act, 2001*, as amended, and the *Fire Protection and Prevention Act, 1997*, as amended.

4.0 FIRE DEPARTMENT RESPONSE OUTSIDE OF LIMITS

- 4.1 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:
 - 4.1.1 that, in the opinion of the Fire Chief, threatens property in the Municipality or property situated outside the Municipality that is owned or occupied by the Municipality;

- 4.1.2 in a Municipality with which an agreement has been entered into to provide Fire Protection Services, which may include automatic aid;
- 4.1.3 on property with respect to which an agreement has been entered into with any person or corporation to provide Fire Protection Services;
- 4.1.4 at the discretion of the Fire Chief, to a Municipality authorized to participate in any County mutual aid plan established by a Fire Coordinator appointed by the Fire Marshall or any other similar reciprocal plan or program, on property beyond the municipal boundary where the Fire Chief 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.

5.0 ULTRA VIRES

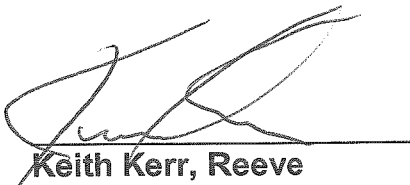
- 5.1 Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

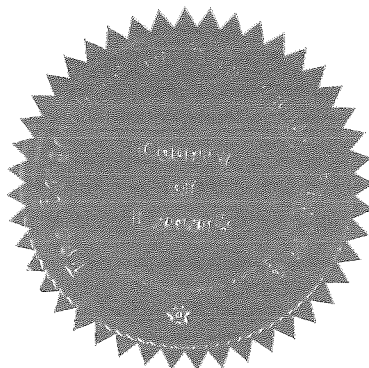
6.0 BY-LAWS TO BE REPEALED

- 6.1 THAT, By-Law No. 2005-099 is hereby repealed.
- 6.2 THAT, all by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

7.0 EFFECTIVE DATE

ENACTED AND PASSED this 11th day of September, 2012.


Keith Kerr, Reeve

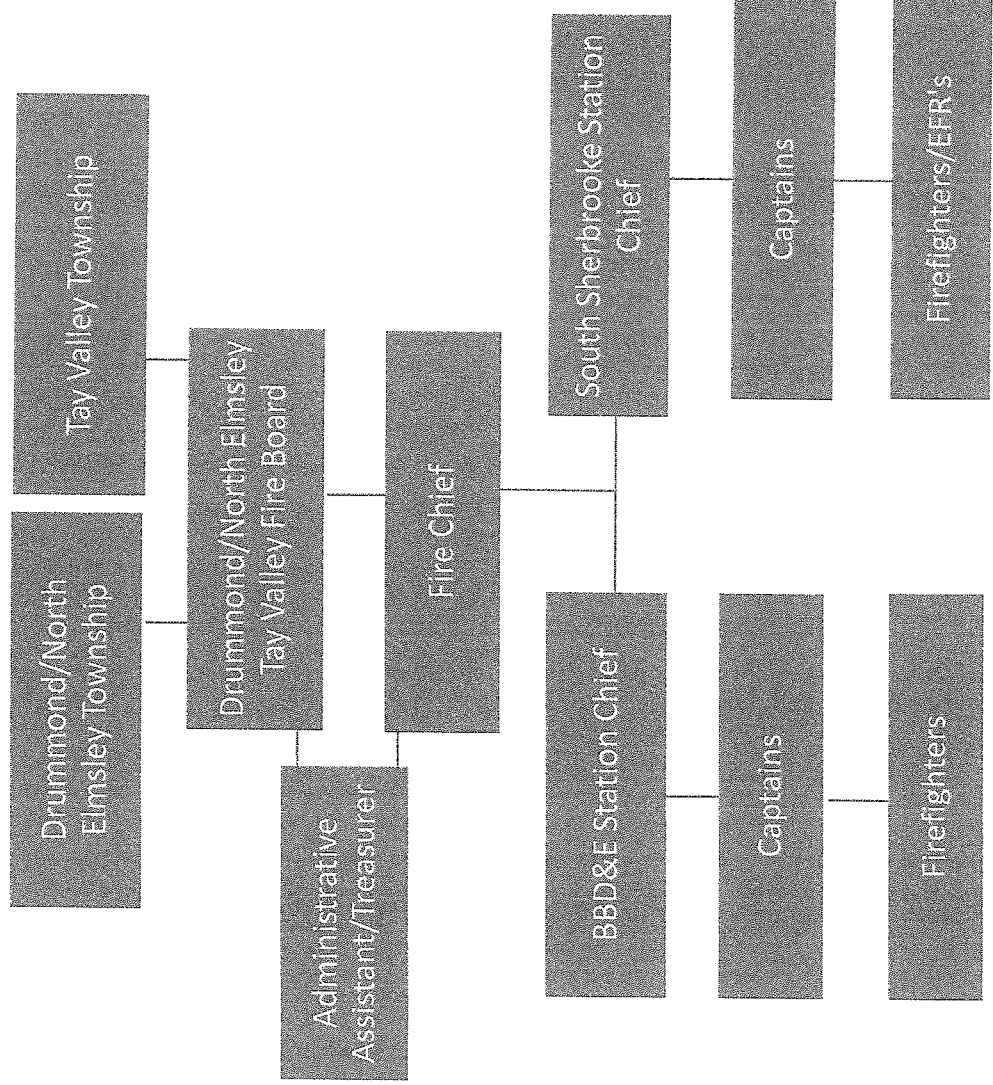



Janie Laidlaw, Acting Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
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APPENDIX "A"

ORGANIZATIONAL CHART



**THE CORPORATION OF TAY VALLEY TOWNSHIP
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APPENDIX “B”

CORE SERVICES

The Drummond/North Elmsley Tay Valley Fire Rescue is expected to use these identified core services as guiding principles for providing fire services in the community.

The *approved* core services are as follows:

Emergency Response:

1. Structural fire fighting including rescue
2. Vehicle fire fighting
3. Grass, bush, forestry fire fighting
4. Mutual aid assistance to other fire departments
5. Awareness level hazardous materials response
6. Vehicle accidents
7. Vehicle extrication - basic and heavy extrication tools
8. Water and ice rescue – shore and water based
9. Public assistance
10. Medical Assist
11. Police assistance
12. Public utilities assistance
13. Community emergency plan participation
14. Role as Assistant to the Fire Marshal re suppression

Fire Prevention and Public Education:

1. Selection of appropriate programs
2. Role as chief fire official
3. Role of Assistant to the Fire Marshal re prevention and inspection
4. Input into fire prevention policy development
5. Code development input
6. Development of fire prevention by-laws
7. Inter-action with building department
8. Inter-action with other government agencies
9. Inspection practices, including
 - conducting routine inspections per fire prevention and public education policy
 - dealing with code compliance issues (mandated)
 - enforcing municipal by-laws
 - conducting inspections, preparing reports and issuing written responses to requests
 - complaint inspections

10. Public education practices, including
 - providing routine education programs as per fire prevention and public education policy
 - facilitating smoke alarm initiatives
 - providing access for media
 - delivery of specialized programs
11. Fire investigation practices, including
 - determining cause and origin of all fires
 - 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
12. Plans examination and approval practices, including
 - examining and approving new construction plans in consultation with the Chief Building Official
 - examining and approving renovation plans in consultation with the Chief Building Official
 - reviewing and approving sub-division/development agreements
 - reviewing and approving site plans
 - providing joint on-site inspection of approved plans to determine compliance
 - input into the issuing of occupancy permits
13. Preparation for and appearances in court
14. Oversee systems checking, testing and approval
15. Compile analyze and disseminate functional statistics
16. Consultation with architects, engineers, planners, contractors and building trades

Fire Administration:

1. Planning & growth practices, including
 - master planning
 - evaluating programs and services
 - projecting station locations and reallocations
 - determining staffing levels and assignments
 - co-ordinating with other emergency services
 - co-ordinating development with other community departments
 - co-ordinating with other Counties/Districts/Regions as the case may be
2. 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)
 - developing, controlling and monitoring budgets
 - co-ordinating with department divisions
 - identifying alternative sources of revenue and fees for services
 - operating

- capital
- purchasing
- 3. Records management, including
 - note taking
 - records retention
 - freedom of information legislation
- 4. Human resources practices, including
 - recruitment, selection and retention
 - promotion
 - performance evaluation
 - career development and higher education
 - job classifications
 - secondary employment
- 5. Client/customer relations practices, including
 - preserving local identity
 - enhancing fire department image
 - marketing
 - environmental scanning, anticipating pressures and developing communication strategies
 - enhancing public perception of access to fire department staff
 - developing inter-agency relationships
- 6. Health and safety practices, including communicable diseases

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 disciplines 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 practices, including
 - maintaining fleet and equipment (both routine and emergency)
 - providing annual testing programs
 - mechanical worthiness
 - Ministry of Labour requirements
 - pump capacity and certification
 - specification development
 - acceptance testing and approval of new apparatus and equipment
 - maintaining specialized equipment. e.g. SCBA
 - central supply facility
2. Facilities maintenance, including
 - maintenance of station infrastructure
3. Providing input re design and construction considerations for fire stations

Support Services (shared municipal / fire department functions)

1. Purchasing practices, including
 - bulk purchasing through local and area organizations
 - developing standardized specifications for all apparatus and equipment
2. Financial practices, including
 - financial analysis
 - liaising with other area departments
 - co-ordinating day-to-day financial services
 - arranging long term funding as approved
3. Risk management practices, including
 - assessing changing risk
 - operationalizing risk management into every function
 - providing insurance
 - prevention planning
 - risk avoidance
 - loss control
 - loss reduction
 - separation and diversification of losses
 - risk transfer
4. Human resources practices, including
 - developing recruitment and retention programs
 - specializing in fire service legislation and related issues