

THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW NUMBER 11-2014

Being a By-Law to Establish a Fire Department

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

AND WHEREAS the Council of the Corporation of the Township of Greater Madawaska deems it expedient to exercise the powers vested in it by the said Act;

NOW THEREFORE the Council of the Corporation of the Township of Greater Madawaska enacts as follows:

1.0 DEFINITIONS

In this By-Law,

- a. **Additional services** means any activities undertaken at the direction of the Fire Chief or District Chief that are beyond the normal resources of the fire department
- b. **Approved** means approved by the Council of the Township of Greater Madawaska
- c. **Captain** means the person(s) appointed by the Fire Chief to act in an officer capacity
- d. **Chief administrative officer (C.A.O.)** means the person appointed by Council to act as the chief administrative officer for the corporation
- e. **Corporation** means the Corporation of the Township of Greater Madawaska
- f. **Council** means the Council of the Township of Greater Madawaska
- g. **District Chief** means the person(s) appointed by the Fire Chief 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
- h. **Fire Chief** means the person appointed by Council to act as Fire Chief for the corporation
- i. **Fire department** means the Township of Greater Madawaska fire department
- j. **Fire prevention officer** means the Fire Chief or the person(s) appointed by the Fire Chief to supervise and/or provide fire safety education, inspections under the Ontario Fire Code and to ensure compliance with all fire prevention regulations
- k. **Fire protection services** include fire suppression, fire prevention, 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
- l. **Officer** means the person(s) appointed by the Fire Chief to act in as a fire prevention officer, captain, or District Chief
- m. **Property** shall mean personal and real property
- n. **Firefighter** means an individual who provides fire protection services for the Township of Greater Madawaska

2.0 GENERAL

1. A fire department for the Township of Greater Madawaska to be known as the Greater Madawaska Fire Department is hereby established and continued and the head of the fire department shall be known as the Fire Chief.

2. The fire department shall be structured in conformance with the approved Organizational Chart, **Appendix A**, forming part of this By-Law.
3. The fire department shall be authorized to conduct all core services as listed in **Appendix B**, forming part of this By-Law.

3.0 ROLES, RESPONSIBILITIES OF THE FIRE CHIEF, DISTRICT CHIEF(S)

1. The Fire Chief shall report to the C.A.O. for the proper administration and operation of the fire department including all fire department functions and programs.
2. The Fire Chief shall implement all approved policies and 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 fire department personnel and fire department equipment.
3. The Fire Chief shall periodically review policies, orders, rules and operating procedures of the fire department, and may establish an advisory committee consisting of such firefighters as the Fire Chief may determine from time to time to assist in these duties.
4. The Fire Chief shall submit to the C.A.O. for Council approval, the annual budget estimates for the fire department; an annual report and any other specific reports requested by the C.A.O. or Council.
5. Each division of the fire department is the responsibility of the Fire Chief and under direction of the Fire Chief or the firefighter designated by the Fire Chief. Designated firefighters shall report to the officer in the hierarchy established in the approved Organizational Chart, **Appendix A**. Firefighters shall carry out all orders of the fire department officers and the Fire Chief.
6. Where the Fire Chief designates a firefighter to act in the place of an officer in the fire department, such firefighter, when so acting, has all the powers and shall perform all duties of the officer being replaced.
7. 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 specifically empowered to authorize:
 - a) The 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 dangers, risk or accident, when unable to contact the property owner;
 - c) The 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.
8. The District Chief(s) shall report to the Fire Chief on activities that are his/her responsibility and carry out orders of the Fire Chief. In the absence of the Fire Chief, the District Chief(s) shall have the powers and perform the duties of the Fire Chief. In the absence of both the Fire Chief and District Chief(s), the remaining most senior officer shall have the powers and perform the duties of the Fire Chief.

9. If a District Chief, acting in the absence of the Fire Chief, does not have the designation of Assistant to the Fire Marshal, the District Chief shall request the assistance of a fire department officer who has such designation in order to conduct any inspection or fire scene investigation activities.
10. If, as a result of a fire department response to an emergency, including a motor vehicle accident or the carrying out any of its duties or functions, the Fire Chief or District Chief(s) 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" required in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, control or 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.
11. 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 that:
 - a) 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) Is 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 a county, district or regional mutual aid plan established by a fire co-ordinator appointed by the Fire Marshal or any other reciprocal plan;
 - e) Is 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.

4.0 STAFFING

1. The Fire Chief may hire any qualified person as a District Chief, fire prevention officer, captain or firefighter, subject to the approved hiring policies of the Township of Greater Madawaska up to the maximum staffing compliment approved by Council.
2. Persons hired as firefighters to provide fire protection services shall be on probation for a period of 12 months, during which period they shall take such training and examinations as may be required by the Fire Chief.
3. The employment of a District Chief, fire prevention officer, captain or firefighter may be terminated without cause by the Fire Chief at any time within the probationary period. The termination of a firefighter within his/her probationary period is not subject to review as described in parts 23 to 26 below.
4. The Fire Chief may reprimand, suspend, demote or dismiss any firefighter for an infraction of any provisions of this By-Law, policies, general orders and departmental rules or for any other conduct that, in the opinion of the Fire Chief, would be detrimental to the discipline, efficiency, operation or reputation of the fire department. A suspension may be with or without pay, and for a period of time thought to be necessary by the Fire Chief in his/her sole discretion. The Fire Chief may consult the C.A.O. prior to reprimanding, demotion or dismissal.

5. Following the suspension of a firefighter, the Fire Chief shall immediately report, in writing, the suspension to the C.A.O.
6. A firefighter shall be disciplined in accordance with the Townships Human Resource policies in effect at the time of the discipline.
7. In the event that a firefighter is dismissed, the dismissal must be made upon at least seven days' notice and the notice must include written reasons for the dismissal.
8. A firefighter who has received a notice of dismissal of employment may request that a review of the dismissal be conducted by making such a request, in writing, to the C.A.O. within ten days of receiving the notice.
9. If a firefighter so requests a review of his/her dismissal, then the Municipality shall appoint the Director of Human Resources from the County of Renfrew to conduct the review. In the event the Director is unable to undertake the review, then the C.A.O. shall appoint a qualified individual who is not a member of Council or staff to conduct the review.
10. The person appointed to conduct the review shall conduct the review within ten days after the day on which the review was requested. The person is not required to hold a hearing, instead can conduct the review by way of written submissions.
11. The person conducting the review of the dismissal may uphold the dismissal, may order that the firefighter be returned to duty under such conditions as may be specified in the order, or may make such other order as he/she considers proper.
12. Remuneration of the firefighters shall be determined in accordance with pay equity.
13. If a medical examiner finds that a firefighter is physically unfit to perform assigned duties, then the Fire Chief may assign the firefighter to another position in the fire department or, if such assignment or other accommodation is not possible without undue hardship, may retire him/her.
14. In case the provisions of this By-Law conflict with the provisions of any other By-Law, the provision of this By-Law shall prevail.
15. **THAT** This By-Law rescinds all previous Establishing and Regulating By-Laws of the Township
16. **THAT** this By-Law shall come into force and take effect immediately upon the passing thereof.

READ a first and second time this 22nd day of April, 2014.

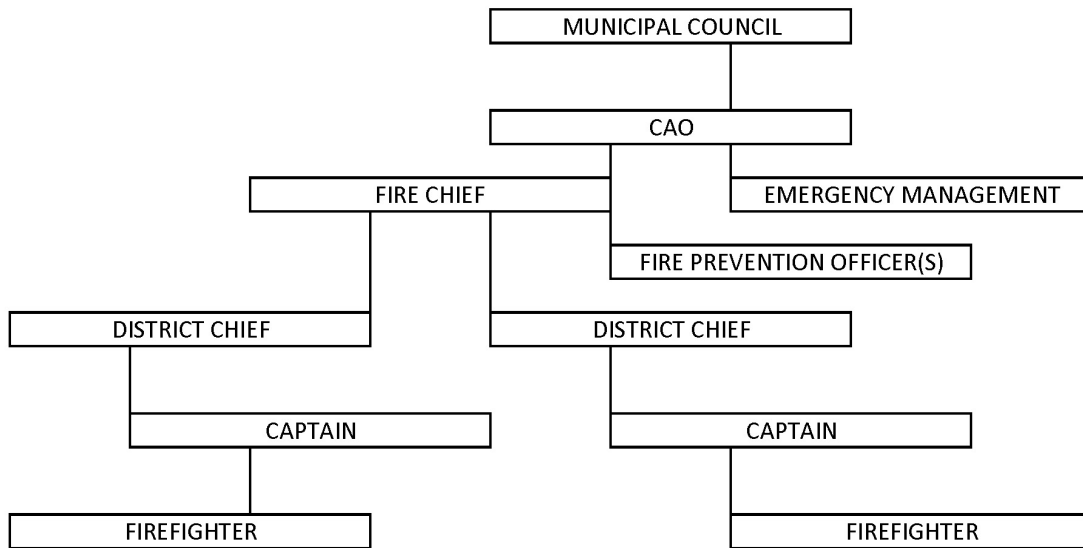
READ a third time and passed this 22nd day of April, 2014.

Peter R. Emon, Mayor

Allison Holtzhauer, CAO/Clerk Treasurer

APPENDIX "A"
By-Law 11-2014

Greater Madawaska Fire Department
Organizational Chart



**APPENDIX “B”
By-Law 11-2014**

**Greater Madawaska Fire Department
Core Services**

The Greater Madawaska Fire Department is expected to use the identified core services listed in this appendix as guiding principles for providing fire services in the community.

All identified core services will be carried out in accordance with the Greater Madawaska Fire Department level of available resources, training, approved policies and operational guidelines, Occupational Health and Safety Act requirements, and the number of available staff and equipment in attendance on each specific emergency response.

The *approved* core services are:

Emergency Response:

1. Structural firefighting including rescue
2. Vehicle fire fighting
3. Grass, bush, forestry fire fighting
4. Automatic aid
5. Mutual aid
6. Awareness level hazardous materials
7. Vehicle accidents
8. Vehicle extrication (basic)
9. Vehicle extrication (heavy)
10. Water and ice rescue – shore based ambulance assist only
11. Public assistance
12. Ambulance assistance
13. Police assistance
14. Public utilities assistance
15. Community emergency plan participation
16. 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
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
 - complaint inspections
 - 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

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