



By-law No. 2014-48

BEING A BY-LAW TO ESTABLISH A FIRE DEPARTMENT

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 Act;

AND WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that powers shall be interpreted broadly 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 Subsection 11(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended permits the municipality to provide any service or things that the municipality considers necessary or desirable for the public;

AND WHEREAS Subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended permits the municipality to pass by-laws respecting (a) health, safety and well-being of persons, (b) services and things that the municipality considers necessary or desirable for the public, and (c) protection of persons and property;

AND WHEREAS Part II, Subsection 5(0.1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, as amended, permits the Council to establish, maintain and operate a fire department for the municipality; and,

AND WHEREAS Section 391 of the *Municipal Act, 2001*, S.O. 2001, c 25, as amended, authorizes a municipality to impose fees or charges on 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 Dutton Dunwich, as follows:

This By-law shall come into force and effect on the date of passing.

Read a first and second time this 10th day of September, 2014.

Read a third time and finally passed this 10th day of September, 2014.

Mayor

Chief Administrative Officer/Clerk

1. Definitions:

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

- (a) “Approved” means approved by the Council.
- (b) “Automatic Aid” means any agreement under which the 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 occurring 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.
- (c) “Chief Administrative Officer” or “CAO” means the person appointed by the Council to act as chief administrative office for the Corporation.
- (d) “Chief Fire Official” means a general term which may refer to the Fire Chief, Deputy Fire Chief(s) or any qualified person as designated by the Fire Chief to act as the Chief Fire Official.
- (e) “Corporation” means the Corporation of the Municipality of Dutton Dunwich.
- (f) “Council” means the Council of the Municipality of Dutton Dunwich.
- (g) “Deputy Fire Chief” means 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 Fire Chief.
- (h) “Fee or Charge for Service” means in relation to this by-law and/or any other by-law, pertaining to Fire Protection Services, as amended from time to time or any successor by-law thereto, a fee or charge imposed by the Corporation for services.
- (i) “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*.
- (j) “Fire Department” means the fire department of the Municipality of Dutton Dunwich also known as the Dutton Dunwich Fire Department.
- (k) “Firefighter” shall have the same meaning as in the *Fire Protection and Prevention Act, 1997* and means 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 firefighter.

- (l) “*Fire Protection and Prevention Act 1997*” means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, as amended, and any Regulation made under it.
- (m) “Fire Protection Services” shall have the same meaning as it does in the *Fire Protection and Prevention Act, 1997* and 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.
- (n) “Junior Firefighter Program” means an Approved program implemented by the Fire Department to train high school students between the ages of 14 and 19 in all aspects of firefighting.
- (o) “Junior Firefighters” means high school students between the age of 14 and 19 who are appointed by the Fire Chief to take part in the Junior Firefighter Program.
- (p) “Limited services” means a variation in services significantly differentiating from the norm as a result of extenuating circumstances, such as environmental factors, obstructions, remote or island properties, private road ways, lands and drives, and hazardous or unsafe conditions.
- (q) “Major Emergency” means a situation that, in the opinion of the Fire Chief, constitutes a danger of major proportions to life, property and/or the environment and that exceeds the capability of the local fire department.
- (r) “Member” means any person employed in, or appointed to, a fire department and assigned to undertake Fire Protection Services, and includes full-time firefighters, part-time firefighters, volunteer firefighters and Officers.
- (s) “Motor Vehicle” shall have the same meaning as it does in the *Highway Traffic Act, R.S.O. 1990 c. H.8*, as amended.
- (t) “Municipality” means the geographic boundaries of the Municipality of Dutton Dunwich.
- (u) “Mutual Aid” means a program to provide or receive assistance in the case of a Major Emergency in a municipality.
- (v) “Officer” means the Fire Chief, Deputy Fire Chief(s), anyone properly designated as fire captain(s) and any other person as may be designated an officer from time to time by the Fire Chief.
- (w) “Owner” shall have the same meaning as it does in Ontario Regulation 213/07 (Fire Code), as amended, and means any person, firm or corporation having control over any portion of

a building or property under consideration and includes the persons in the building or property.

- (x) “Property” means any personal property, public real property or private real property 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.
- (y) “Rescue and Emergency Services” means any life or property saving activity that is unrelated to fire suppression and fire prevention but includes emergency medical services, hazardous materials response and specialized rescues including vehicle extrication, confined space rescue and any other rescue or activity approved by council and specified in this By-law.
- (z) “Volunteer Firefighter” means a firefighter 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 Dutton Dunwich to be known as Dutton Dunwich Fire Department is hereby established and the head of the fire department shall be known as the Fire Chief.

3. Approved Organizational Chart

The fire department shall be structured in conformance with the approved Organizational Chart, **SCHEDULE “A”**, forming part of this By-law.

3.1 Appointment of Officers and Members

The fire department shall consist of a Fire Chief who is the head of the Fire Department as appointed by the Council. In addition to the Fire Chief, the Council shall appoint a Deputy Fire Chief and such numbers of other Officers, Members and other personnel as may be authorized or deemed necessary from time to time by the Council, in order for the Fire Department to perform Fire Protection Services, and Rescue and Emergency Services for the Municipality in an efficient and effective manner.

3.2 Automatic Aid

Further, the provision of Fire Protection Services and other Rescue and Emergency Services to any municipality outside of the jurisdiction of the Corporation is permissible through Automatic Aid, Mutual Aid, this By-law or any other agreement between said municipality and the Corporation.

4. Fire Chief Responsibilities and Authority

- 4.1 The Fire Chief shall be the senior administrator and general manager of the Fire Department, and for the purposes of the *Fire Protection and Prevention Act, 1997*, and the regulations made under it, including but not limited to Ontario Regulation 213/07 (Fire Code) 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. The Fire Chief shall report to Council as required by the *Fire Protection and Prevention Act, 1997* and in accordance with the provisions established by the *Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9*.
- 4.2 The Fire Chief is ultimately responsible to Council through the Chief Administrative Officer for the proper administration and operation of the Fire Department including the delivery of Fire Protection Services and without limiting the foregoing 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 in conjunction with Council through the Chief Administrative Officer, the qualifications and criteria for employment or appointment and the duties of all Officers, Firefighters and other personnel of the Fire Department;
 - d) For the conduct and discipline ranging from reprimand to dismissal of any Officer, Member or any other Fire Department personnel;
 - e) For preparing, or upon approval by Council, coordinating, implementing and maintaining a Master Fire Services Plan and program for the Corporation, and any other such similar plans required by the *Fire Protection and Prevention Act, 1997* and any other such Act or Regulation as may be proclaimed by the Government of Ontario and the Government of Canada;
 - f) For assisting with any other public official in an emergency declared by the Head of Council, the Premiere of Ontario, or the Prime Minister of Canada;
 - g) For reporting to the appropriate crown attorney, or other prosecutor, or 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*;

- h) For keeping an accurate record, in convenient form for reference, of all fires, inspections, rescues and other emergencies responded to by the Fire Department in a manner consistent with the applicable records management policies of the Corporation;
- i) For keeping such other records as may be required by the Council;
- j) For preparing and presenting periodic reports to the Council through the Chief Administrative Officer as requested and any other specific reports requested by the Council; and
- k) For submitting to the Chief Administrative Officer and Council for approval, the annual budget estimates for the Fire Department, an annual report and any other specific reports requested by the Chief Administrative Officer and/or Council, and for exercising control over the budget approved by the Council for the Fire Department.

4.3 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 jurisdiction of the Corporation 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 Corporation, and shall exercise all powers mandated by the *Fire Protection and Prevention Act, 1997*, 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 Owner; and
- c) recovery of expenses incurred by such necessary actions for the Corporation in the manner provided through the *Municipal Act, 2001*, as amended and the *Fire Protection and Prevention Act, 1997*.

4.4 The Fire Chief shall be responsible for the enforcement of this By-law and shall implement all Approved policies. The Fire Chief shall develop such general orders, policies, standard operating guidelines and procedures, and departmental rules as 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 to implement the Approved policies and to ensure the appropriate care and protection of all Fire Department personnel and Fire Department equipment. The Fire Chief shall also be responsible for enforcement of all general orders, policies, standard operating guidelines and procedures, 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.

- 4.5 The Fire Chief shall review periodically all applicable laws including by-laws and provincial legislation and may, for this purpose, establish advisory committees consisting of Officers and other persons (including members of the general public) as the Fire Chief may determine necessary from time to time to assist in the discharge of these duties.
- 4.6 The Fire Chief shall periodically review, revise or terminate, as required, general orders, policies, procedures, guidelines and rules of the Fire Department.
- 4.7 In the case of by-laws, including this By-law, recommend to the Council through the Chief Administrative Officer, such amendments, as the Fire Chief considers appropriate.
- 4.8 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, being O.Reg. 213/07, as amended.
- 4.9 The Fire Chief shall provide liaison with any association representing Members of the Fire Department.
- 4.10 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 and emergency services for the Corporation.
- 4.11 The Fire Chief may utilize such Officers, Members and Fire Department personnel as the Fire Chief may determine, from time to time, to assist in the performance of his/her duties.
- 4.12 Where the Fire Chief designates a Member to act in the place of an Officer in the Fire Department, such Member, when so acting, has all the powers and shall perform all duties of the Officer replaced.

5. Authority to Leave Municipality Limits

- 5.1 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:
 - 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 Corporation,
 - 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 respect to which an Approved agreement has been entered into with any person, corporation or other legal entity 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,
- e) on property not within the jurisdiction of the Corporation, including property beyond the boundary of the Municipality 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 his/her designate.

6. Levels of Service

- 6.1 The Fire Department shall provide such Approved services as specified and listed in **SCHEDULE “B”**.
- 6.2 Due to the Fire Department’s reliance upon volunteer firefighters, the topographic and geographic configuration of the Municipality, the level and amount of equipment at the departments disposal, and other budgetary constraints, the services listed in **SCHEDULE “B”**, although Approved, may be provided as “limited services” as defined in this By-law.
- 6.3 The Corporation accepts no responsibility or liability for the delay or inability to supply the services set out in **SCHEDULE “B”** of this By-law due to the provision of the 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.

7. Deputy Fire Chief

In addition to the Fire Chief, the Council may appoint a Deputy Fire Chief. 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 by the Fire Chief, and shall, when the Fire Chief is not available, have the powers and perform the duties of the Fire Chief.

8. Divisional Responsibilities designated by the Fire 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 or activities under their supervision and shall carry out all orders of the Fire Chief.

9. Supervision of Personnel

The Officers, Members and other personnel of the Fire Department while on duty shall be under the direction and control of the Fire Chief or the next ranking Officer.

10. 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 examination suitable to the Fire Chief;
- c) be in good health, physically fit, acquire a medical certificate of good health from a medical practitioner, 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 and rescue duties, including such psychomotor skills used for lifting, climbing, dragging, carrying, pulling and crawling in unfavourable conditions in any meteorological environment;
- e) within one year of the date of hire possess at a minimum an Ontario Class DZ, driver's permit and continually maintain the same;
- f) reside within the Municipality of Dutton Dunwich;
- g) provide current proof acceptable to the Fire Chief through a Police Criminal Record Background Check with Vulnerable Persons Sector Screening free of any and all conviction for an offence or offences under the Criminal Code of Canada and once employed maintain same or be subject to dismissal.

11. Junior Firefighters

11.1 The Fire Department may create a Junior Firefighter Program as defined in this By-law.

11.2 In the event the Fire Chief appoints Junior Firefighters as part of any Junior Firefighter Program, every Junior Firefighter shall:

- a) be attending high school with an excellent attendance record; and,
- b) show an interest in firefighting and rescue/emergency services.

12. Probationary Period for New Employees

Persons appointed as Members of the Fire Department to provide Fire Protection Services shall be on a probation for a period of twelve (12) months, during which period they shall take such special training and examination(s), as may be required by the Fire Chief.

13. Appointment of Member

With the exception of the Fire Chief and Deputy Fire Chief who are appointed by Council, all other Members shall be appointed in accordance with the Corporation's hiring policies.

14. Dismissal – Probationary Employees

If a probationary Member employed in, or appointed to, provide Fire Probationary Protection Services fails any such training or examinations or does not perform his/her prescribed duties to the satisfaction of the Fire Chief, the Fire Chief may dismiss said Member pursuant to Corporate policy and procedure.

15. General Duties, Responsibilities and Department Mission Statement

Members shall conduct themselves in accordance with the approved policies and operational guidelines and procedures, rules and regulations of the Fire Department, and shall give their whole 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.

16. Remuneration and Working Conditions

16.1 The remuneration of volunteer Members including Volunteer Firefighters shall be as determined by Council.

16.2 Subject to the *Fire Protection and Prevention Act, 1997*, the remuneration and other terms and conditions of employment or appointment of the Members shall be determined by Council in accordance with any policies and programs established or approved for the Members.

17. Discipline

The Fire Chief may reprimand, suspend or recommend dismissal of any Member for infraction of any provision of this by-law, 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.

18. Written Report to Council

Following the suspension of a Member, the Fire Chief shall report, in writing, the suspension and recommendation to the Council through the Chief Administrative Officer.

19. Termination Procedures

19.1 The procedures for termination of employment prescribed in Part IX of the *Fire Protection and Prevention Act*, 1997 shall apply to all firefighters as that term is defined in Part IX of the *Fire Protection and Prevention Act*, 1997.

19.2 The procedures for termination of employment prescribed in the Corporation's Personnel Policy shall apply to all Fire Department personnel who are not firefighters as that term is defined in Part IX of the *Fire Protection and Prevention Act*, 1997.

20. Cost Recovery

20.1 Additional Expenses

If as a result of 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 shall be charged the costs to provide the Additional Services including all applicable taxes. For the purposes of this section of this by-law, property shall mean personal and real property.

20.2 Fees for Services

The Corporation shall charge fees for services as approved by Council including fees as set out in the Fees By-law passed by Council annually.

21. General

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

22. Repealed

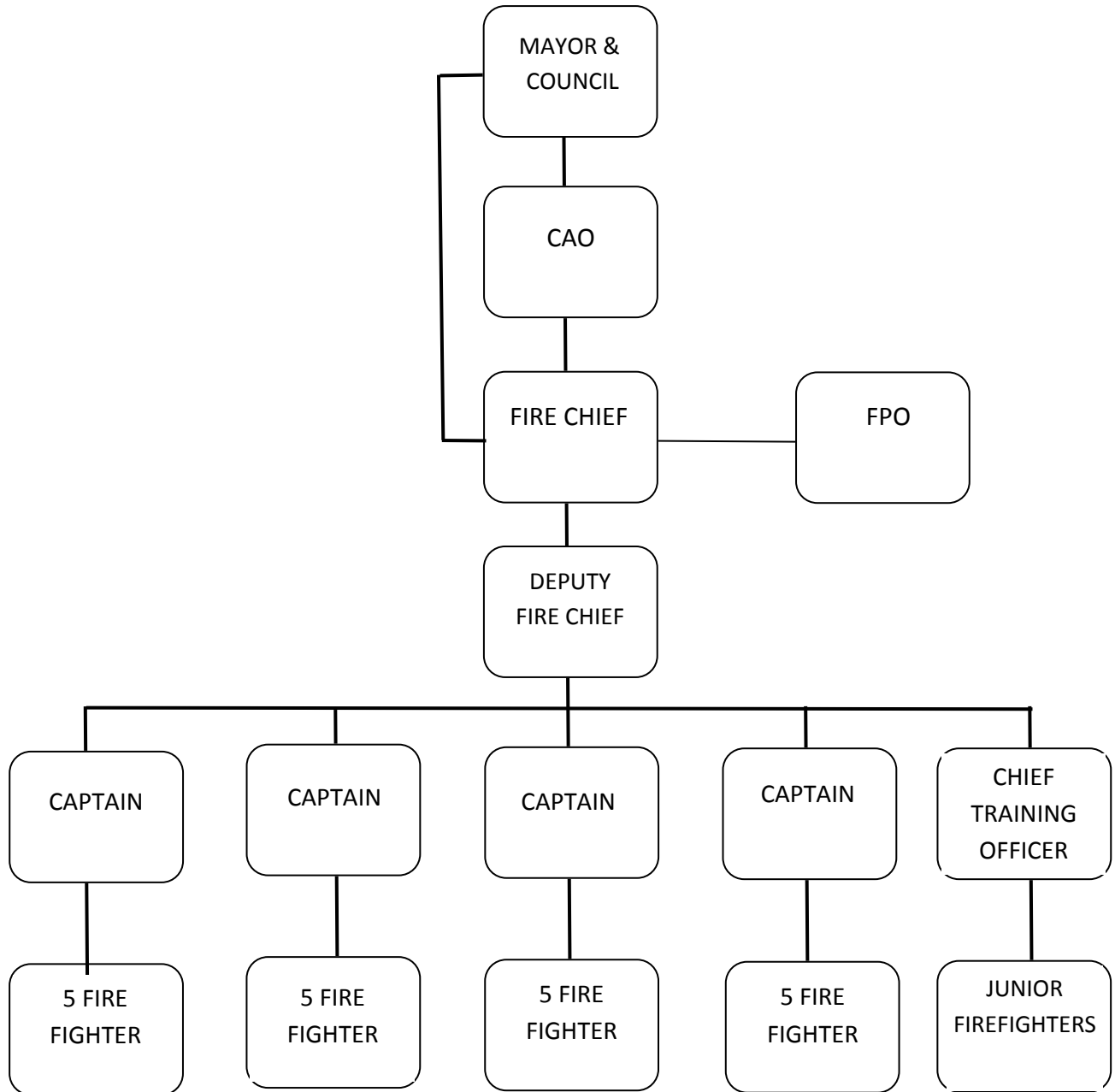
Any other previous by-law passed by the Corporation that includes the same subject matter is repealed on the date this By-law is passed by the Council.

22. Schedules

Schedules A and B form part of this By-law and are deemed to be an integral part of this By-law.

SCHEDULE "A"

ORGANIZATIONAL CHART



SCHEDULE “B”

APPROVED DELIVERY OF CORE SERVICES

YES	Service approved by Council - Presently trained, equipped, and providing service
NO	Service not approved by Council
LLS	Limited Level of Service approved by Council

Purpose	To provide a summary of the core services that The Dutton Dunwich Fire Department provides.
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Emergency Response		
1	Basic Firefighting - no expected rescue component	YES
2	Structural Firefighting - Including Rescue	YES
3	Vehicle Firefighting	YES
4	Marine Firefighting - Shore Based	YES
5	Automatic / Mutual Aid - Per Council Approval	YES
6	Tiered Medical Response - Per Agreement between Thames EMS, London CACC and Dutton Dunwich Council	YES
7	Hazardous Materials Response - Awareness Level	YES
8	Vehicle Accidents including Extrication	YES
9	Transportation Incidents including Aircraft, Trains and Watercraft	YES
10	Water and Ice Rescue - Awareness Level	YES
11	Water and Ice Rescue - Operations Level (Shore Base)	YES
12	Other Public Assistance	YES
13	Ambulance Assistance	YES
14	Police Assistance	YES
15	Public Utilities Assistance	YES
16	Rope Rescue ~ Awareness Level	YES

Fire Prevention and Education		
1	Complete Inspection on Complaint or Request as per approved policies	YES
2	Complete Routine Inspection as per approved policies	YES
3	Issue / Revoke Burn Permits	YES
4	Prepare Reports and Written Responses to Inspections as per approved policies	YES
5	Develop, Deliver and Maintain a Smoke Alarm Program as per approved policies	YES
6	Provide Public Education Programs as per approved policies	YES
7	Provide Media Releases and Media Access	YES
8	Liaise with Municipal Departments to Ensure Code Compliance	YES
9	Develop, Deliver and Maintain Educational Programs Unique to the Needs of the Municipality of Dutton Dunwich	YES
10	Develop and Maintain a Residential Home Inspection Program as per approved policies	YES

Fire Investigation		
1	Determine Fire Cause and Origin for all Fires	YES
2	Determine Fire Code Compliance	YES
3	Determine Fire Suppression Effectiveness	YES
4	Liaison with Ontario Fire Marshal Investigators	YES
5	Liaison with Law Enforcement and Other Agencies	YES
6	Support Criminal Prosecutions	YES
7	Prepare for and Testify in Legal Proceedings	YES

MISSION STATEMENT



DAN LUNDY: CHIEF
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Mission Statement of Dutton Dunwich Fire Department

It is the mission and duty of the Dutton Dunwich Fire Department to preserve and protect the life and property of the citizens of the municipality.



Dan Lundy, Fire Chief
Dutton Dunwich Fire Department