

THE CORPORATION OF THE MUNICIPALITY OF CALLANDER

BY-LAW 2008 - 1121

ESTABLISHING AND REGULATING BY-LAW – FIRE & EMERGENCY SERVICES

WHEREAS Section 8 of the *Municipal Act*, S.O. 2001, c. 25, 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*, 2001, provides that Section 8 and 11 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 the *Fire Protection and Prevention Act*, 1997, Part II, section 5(10), as amended, permits the Council to establish and regulate a fire department;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Municipality of Callander, as follows:

Part 1 - Definitions

1. **“Approved”** shall mean approved by the Municipal Council.
2. **“Chief Administrative Officer”** shall mean the person appointed by by-law by the Municipal Council to act as Chief Administrative Officer.
3. **“Corporation”** shall mean the Corporation of the Municipality of Callander.
4. **“Council”** shall mean the Council of the Corporation of the Municipality of Callander.
5. **“Department”** shall mean the Callander Fire and Emergency Services.
6. **“Deputy Fire Chief”** shall mean the person appointed by by-law by the Municipal Council to act in the place of the Fire Chief in his/her absence, or in the case of a vacancy in the position of Fire Chief.
7. **“Fire Chief”** shall mean the person appointed by By-law by the Municipal Council under subsection 6 (1), (2), or (4) of the *Fire Protection and Prevention Act*.
8. **“Fire Department”** shall mean a group of firefighters authorized to provide fire protection services by the municipality.
9. **“Firefighters Association”** shall mean the Callander Firefighters Association.
10. **“Fire Protection”** shall mean a range of programs designed to protect the lives and property of the inhabitants of the fire department response area from adverse effects of fire, sudden medical emergency or exposure to dangerous conditions created by human or nature and includes fire suppression, fire prevention, public education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all those services.
11. **“Firefighter”** shall mean a Fire Chief and any other person employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes a volunteer firefighter.
12. **“Limited Services”** means a variation of services significantly differentiating from the norm as a result of extenuating circumstances, such as environmental factors, obstructions, remote and/ or island properties, private road ways, lanes and drives.

13. **“Member”** means a Firefighter with the Callander Fire and Emergency Services including all officers or any other employee of the Callander Fire and Emergency Services.
14. **“Municipality”** shall mean The Corporation of the Municipality of Callander.
15. **“Volunteer Fire Firefighter”** shall mean a person who voluntarily acts for the Municipality of Callander as a Firefighter for a nominal consideration, honorarium, training or activity allowance.

Part II - Department

1. The Department of the Municipality to be known as the Callander Fire and Emergency Services is hereby continued and the Head of the Department shall be known as the Fire Chief.
2. The mission statement and goals of the Department shall be as those contained in **Appendix “A”** of this By-law.
3. The Department shall be organized as per the Organizational Structure contained in **Appendix “B”** of this By-law.
4. The Department shall provide fire protection services as approved by Council, contained in **Appendix “C”** of this By-law.
5. In addition to the Fire Chief, the Department personnel shall consist of a Deputy Fire Chief and such number of officers and members as from time to time may be deemed necessary by the Council.
6. The Fire Chief may recommend to the Council the appointment of any qualified person as a member of the Department, subject to the approved policies of the Corporation.
7. A person appointed as a member of the Department shall be on probation for a period of one year, during which period the probationary member shall take such special training and examinations as may be required by the Fire Chief.
8. If a Probationary Member fails any such examinations, the fire chief must recommend appropriate actions to Council.
9. A person is qualified to be appointed as a Member of the Department for Fire Protection services who:
 - a) Is of good character;
 - b) Passes a medical examination by a physician;
 - c) Passes the required physical tests;
 - d) Is a resident of the Municipality of Callander;
 - e) Posses a valid drivers licence;
 - f) Is not over the age of sixty five (65) years.
10. If a physician finds that a Member is physically unfit to perform his/her assigned duties, the Council may dismiss him/her.
11. The Fire Chief may reprimand, suspend or recommend dismissal of any Member for insubordination, inefficiency, misconduct, tardiness, other performance issues or noncompliance with any of the provisions of this by-law or general orders and Departmental rules, that in the opinion of the Fire Chief would be detrimental to the discipline, performance and efficiency of the Department.
12. Following suspension of any Member, the Fire Chief shall report the suspension and his/her recommendations to the Council.

13. A Member shall not be dismissed without being afforded the opportunity for a hearing before Council if he/she makes a written request for such hearing within seven days after receiving his/her proposed dismissal.
14. The remuneration of all Members of the Department shall be as determined by the Council from time to time.

Part III - Duties of Fire Chief

1. The Fire Chief is responsible to Council and under the general direction of the Chief Administrative Officer for the proper administration and operation of the Department, the discipline of its Members. The Fire Chief:
 - a) Shall develop and published such written operational guidelines, general orders and Departmental rules as may be necessary for the care and protection of the Department's equipment and personnel, and for the efficient operation of the Department, provided that such orders and rules do not conflict with the provisions of any By-laws of the Municipality;
 - b) Shall review periodically the Standard Operating Guidelines of the Department and establish a Guideline Committee consisting of such officers as he/she may determine from time to time to assist in these duties;
 - c) Shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall enforce all Municipal By-laws respecting fire prevention and exercise the powers imposed on him/her by the *Fire Prevention and Protection Act S.O. 1997* and the Fire Chief or his/her designate shall be empowered to authorize Fire Department Members to:
 - i. pull down or demolish any building or structure to prevent the spread of fire;
 - ii. take such necessary action which may include boarding up or barricading of buildings or property to guard against fire or other dangerous risk or accident;
 - iii. recover expenses incurred by such necessary action in a manner provided by the *Municipal Act; 2001*.
 - d) Shall be responsible for the enforcement of this By-law and the general orders and Departmental rules.
 - e) Shall report all fires to the Fire Marshal as required by the *Fire Prevention and Protection Act, S.O. 1997*.
 - f) Shall submit to the Council for their approval the annual estimates for the Department.
 - g) Shall develop a Department Promotional Policy based on such evaluations, written, practical and oral examinations as deemed necessary.
 - h) Shall, with the assistance of Deputy Fire Chief, evaluate all members of the Department who are participating in an examination for promotion.
2. The Deputy Fire Chief shall be the second ranking officer of the Department and it shall be his/her responsibility to carry out the orders of the Fire Chief, and in the absence of the Fire Chief, has all the powers and shall perform all the duties of the Fire Chief.
3. When, in the opinion of the Fire Chief, all other factors for the promotion of two or more members are equal, seniority of service in the Department governs in the decision for promotion.

4. The provisions of Section 2, 3 and 4 shall not apply to the positions of Fire Chief or Deputy Fire Chief.

Part IV - Members

1. Notwithstanding the provisions of any general orders or Departmental rules, the following provisions shall apply to all Members:
 - a) No Member, while in uniform, shall enter any premises where alcoholic beverages are sold or consumed, except with express permission or in the performance of his/her Department duties;
 - b) No Member shall respond for duty if his/her ability is impaired by the use of intoxicating beverages or drugs;
 - c) No Member shall consume any intoxicating beverage or drug while on duty; and
 - d) No Member shall solicit the influence or support of anyone in order to secure a transfer, promotion or other advantage.

Part V - Enactment

1. This By-law comes into effect on the day it is passed by Council.
2. That By-Law **2005-960** is hereby repealed

READ A FIRST TIME THIS 2nd DAY OF DECEMBER, 2008

READ A SECOND TIME THIS 2nd DAY OF DECEMBER, 2008

READ A THIRD TIME AND FINALLY PASSED THIS 2nd DAY OF DECEMBER, 2008

MAYOR, Hector Lavigne

CLERK, Jeff Celentano

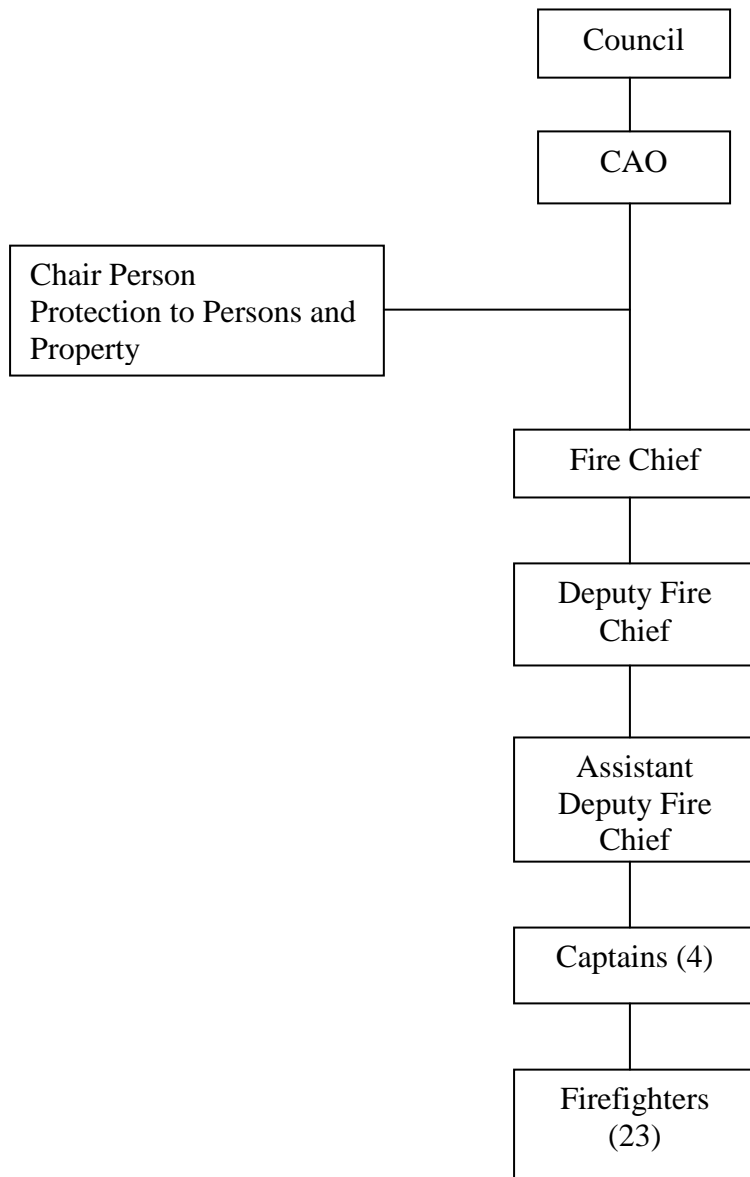
Appendix “A”
Callander Fire & Emergency Services
Mission Statement and Goals of the Department

The mission of the Fire Department is to provide fire protection services through a range of programs designed to protect the lives and property of the inhabitants from the adverse effects of fires, or exposure to dangerous conditions created by man or nature. The priority of the programs is first to the Municipality; second, to those municipalities requiring assistance through authorized emergency fire service plan and program (mutual aid) activities; and third, to those municipalities/agencies which are provided fire protection by the Fire Department via authorized agreement.

In order to achieve the mission of the Fire Department, the necessary resources and financial support must be in place and the following goals shall be met:

1. Regular review of the fire services requirements of the Municipality.
2. Provide an administrative process consistent with the needs of the Department.
3. Ensure that fire suppression apparatus, equipment and personnel are available within the municipality to provide adequate response to a citizen's call within a reasonable length of time.
4. Provide departmental training to an accepted standard which will ensure the continuous up-grading of all personnel in the latest techniques of fire prevention, fire suppression and control of emergency situations and to co-operate with other municipal departments with respect to management training and other programs.
5. Provide a maintenance program to ensure all fire protection apparatus, including allied equipment, is in proper state of repair to respond to emergency calls.
6. Provide an effective fire prevention program to:
 - a) Ensure, through plan examination and inspection, compliance with applicable municipal, provincial and federal fire prevention legislation, statutes, codes and regulations,
 - b) Identify, reduce and/or eliminate fire hazards.
7. Develop and maintain an effective public information system and educational program, with particular emphasis on school fire safety programs; and commercial, industrial and institutional staff training.
8. Develop and maintain a good working relationship with all federal and provincial departments, utilities and agencies, related to the protection of life and property.
9. Develop and maintain a Forest Fire Protection Agreement with the Ministry of Natural Resources to provide fire suppression and values protection in areas inaccessible by the department.
10. Interact with other municipal departments respecting the aspects of fire on any given program and ensure these goals are not in conflict with any other municipal departments.

**Appendix “B”
Callander Fire & Emergency Services
Organizational Structure**



Reporting Structure:

The Department performs the following divisional functions:

- Division of Administration
- Division of Fire Prevention & Education
- Division of Fire Suppression & Rescue
- Division of Training
- Division of Apparatus, Equipment and Communications

Each division of the Department is the responsibility of the Fire Chief and is under the direction of the Fire Chief or Member designated by the Fire Chief. Designated Members shall report to the Fire Chief on the divisions and activities under their supervision and shall carry out all orders of the Fire Chief.

Fire Department Divisions

Roles & Responsibilities:

1. The Fire Chief is responsible for ensuring that the following duties pertaining to the Division of Administration are carried out:

- a) Prepare the Departmental budget and exercise control of the budget;
- b) Prepare the payroll of the department and initiate requisitions for materials and services and certify all accounts of the Department;
- c) Maintain personnel records in accordance with the policy of the Corporation;
- d) Arrange for the provision of medical services in the event of fire fighter(s) injury at department responses or training sessions;
- e) Make recommendations for the construction of new buildings, or renovations, as approved;
- f) Provide liaison with associations ie. the local fire fighters association, mutual aid association;
- g) Prepare an annual report of the Department;
- h) Carry out the general administrative duties of the Department and
- i) Provide liaison with the District Fire Coordinator, and District Mutual Aid Coordinator.

2. The Fire Chief is responsible for ensuring that the following duties pertaining to the Division of Fire Prevention & Education are carried out:

- a) Develop approved fire prevention, fire safety and public education policy;
- b) Carry out the duties and activities of the fire prevention, fire safety and public education policy and
- c) Maintain fire loss records.

3. The Fire Chief is responsible for ensuring that the following duties pertaining to the Division of Fire Suppression are carried out:

- a) Prevent, control and extinguish fires in areas accessible by fire department apparatus;
- b) Conduct investigations of fires actioned by the department in order to determine cause, origin, and, where required, to request appropriate agencies to assist with the investigation;
- c) Respond and assist at such emergencies as may be deemed necessary by the Fire Chief;
- d) Perform pre-emergency planning for those areas accessible by fire department apparatus and
- e) Liaison with the North Bay office of the Ministry of Natural Resources to ensure fire suppression and values protection (including fire investigation) is provided as per the Forest Fire Protection Agreement with the Ministry of Natural Resources.

4. The Fire Chief is responsible for ensuring that the following duties pertaining to the Division of Training are carried out:

- a) Establish a Fire Department training program, and conduct training for all members in accordance with the approved training program;
- b) Administer training programs and
- c) Prepare and conduct examinations of members as required.

5. The Fire Chief is responsible for ensuring that the following duties pertaining to the Division of Apparatus, Equipment and Communications are carried out:

- a) Prepare specifications for the purchase of apparatus and equipment;
- b) Maintain and keep in repair all existing buildings, apparatus and equipment of the department;
- c) Perform apparatus maintenance and cleaning duties and

- d) Authorize for "outside repair" of equipment that, in the opinion of the Fire Chief, cannot be obtained within the Municipality.

Appendix “C”
Callander Fire & Emergency Services
Core Fire Protection Services

The Callander Fire & Emergency Services shall provide a range of fire prevention and protection services, as determined by Council, for the inhabitants of the municipality within the Department’s response area. Due to the Department’s reliance upon volunteer firefighters, the topographic and geographic configuration of the Municipality, the level and amount of equipment at the Department’s disposal, and other budgetary constraints, the services listed in this Appendix, although approved, may be provided as “Limited Services” as defined in Part 1 of this By-law.

The Municipality of Callander accepts no liability for the delay or inability to supply the services set out in this Appendix of this By-law due to the provision of its approved services as Limited Services or due to the existence of unsafe conditions encountered en route, impeded access to property, and/or environmental factors/constraints.

1. Fire Prevention/Public Education

Fire Prevention / Public Education services provided shall and will include:

- a smoke alarm program
- distribution of fire safety education material
- providing fire safety programs to the community groups upon request
- providing school fire safety education programs
- a risk assessment program, which includes fire investigations, plan examination and inspections; to reduce and/or eliminate fire hazards, and develop fire prevention programs to increase life safety, and reduce the loss of life and property due to fires.
- a compliance inspection program, including inspections upon complaint, or when requested, to assist the owner with code compliance (including any necessary code enforcement)

2. Fire Suppression

Structural Fires in areas accessible by Department fire apparatus shall include:

- fire attack & limited internal rescue in accordance with the Department’s level of training, standard operating guidelines, Occupational Health and Safety Guidelines and the number and type of personnel and equipment available to the department and on each specific emergency response.
- Water Access only properties such as islands shall not receive fire suppression services.

3. Wildland Fires (grass, brush & forest fires)

4. Motor Vehicle Collisions

5. Auto Extrication

5. Hazardous Materials response (awareness level only)

6. Medical Assist

7. First Aid/CPR

8. Automatic External Defibrillator

9. Carbon Monoxide Alarms

10. Ice & Water Rescue (level I & II)

The Department shall not respond to a call with respect to a fire or other emergency outside the approved response areas of the Municipality except when the incident:

- a) In the opinion of the Fire Chief, threatens property in the municipalities or property situated outside the municipality that is owned or occupied by the municipality;
- b) Is in a municipality with which an agreement has been entered into to provide fire protection;
- c) Is on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection;

- d) At the discretion of the Fire Chief, to a municipality authorized to participate in the District Emergency Fire Service Plan and Program or any other organized plan or program on a reciprocal basis;
- e) Is on property beyond the municipal boundaries where the Fire Chief or his/her designate determines that immediate action is necessary to preserve and protect life and/or property and the correct Department is notified and/or assumes command. The Fire Chief shall subsequently inform Council and Chief Administrative Officer, in writing, of such a response.