

The Corporation of the Township of Smith-Ennismore-Lakefield

By-law No. 2010-072

A By-law to Establish and Regulate a Fire Department for the Township of Smith-Ennismore-Lakefield

Whereas, the Ontario Municipal Act, 2001, S.O. 2001, c.25, as amended, Section 2, provides that Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters;

And Whereas, the Fire Protection and Prevention Act, 1997, as amended, Section 2.1 provides that every municipality shall:

- (a) establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and
- (b) provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances.

And Whereas, the Fire Protection and Prevention Act, 1997, as amended, Section 5 provides that the council of a municipality may establish, maintain and operate a fire department for all or any part of the municipality and that a fire department shall provide fire suppression services and may provide other fire protection services in a municipality.....

And Whereas, the Council of the Corporation of the Township of Smith-Ennismore-Lakefield deems it desirable to establish and regulate a Fire Department;

Now Therefore, the Council of the Corporation of the Township of Smith-Ennismore-Lakefield hereby enacts as follows:

Definitions

1. In this By-Law, unless the context otherwise requires:
 - a) "Approved" means approved by the Council.
 - b) "Chief Administrative Officer" means the person appointed by Council to act as the Chief Administrative Officer for the Corporation of the Township of Smith-Ennismore-Lakefield.
 - c) "Council" means the Council of the Corporation of the Township of Smith-Ennismore-Lakefield.
 - d) "Department" means the Township of Smith-Ennismore-Lakefield Fire Department.
 - e) "Fire Area" means the area in which the Township of Smith-Ennismore-Lakefield shall provide fire protection services which is the whole of the Township of Smith-Ennismore-Lakefield.
 - f) "Fire Chief" means the person appointed by Council to act as the Fire Chief for the Corporation of the Township of Smith-Ennismore-Lakefield.
 - g) "Fire Protection Services" 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.

- h) "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.
- i) "Member" means any persons employed in, or appointed to, the Department and assigned to undertake fire protection services, and includes officers, full time, part time and volunteer firefighters.
- j) "Volunteer Firefighter" means a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance.

Establishment of Fire Department

- 2. A Fire Department for the Township of Smith-Ennismore-Lakefield, to be known as the Township of Smith-Ennismore-Lakefield Fire Department, is hereby established and the Head of the Department shall be known as the Fire Chief.

Structure of the Fire Department

- 3. The Department shall be structured in conformance with the approved Organizational Chart, attached hereto as Appendix "A" and forming part of this bylaw.
- 4. In addition to the Fire Chief, the Council shall appoint a Deputy Chief and such number of other officers and members as may be deemed necessary by the Council.
- 5. The Fire Chief may recommend to the Council the appointment of any qualified person as a member of the Department, subject to the approved hiring policies of the Corporation.
- 6. The remuneration of all members of the Department shall be as determined by Council.
- 7. Persons appointed as volunteer firefighters to the Department to provide fire protection services shall be on probation for a period of 12 months, during which period they shall take such special training and examination as may be required by the Fire Chief.
- 8. If a volunteer firefighter, during the 12 month probationary period established in Section 7, fails any such examinations and /or misses a number of mandatory training sessions, the Fire Chief may recommend to the Council that he/she be dismissed.
- 9. A medical examination shall be required for every new member appointed for fire-fighting duties and for any other member of the department that may require such for reinstatement after medical treatment or injury and at such other times as the Fire Chief of the Department may require.
- 10. Every new member appointed will provide a Criminal Check/Driver's abstract as directed by the Municipal Volunteer Recruitment Policy and will be required to sign a Volunteer Oath Affirmation Document.

Duties and Responsibilities

- 11. In accordance with the Fire Prevention and Protection Act, Section 6(3), the Fire Chief is the person who is ultimately responsible to the Council for the delivery of fire protection services.

12. The Fire Chief shall report to the Council through the Chief Administrative Officer.
13. The Fire Chief shall implement all approved policies, and shall develop and implement such standard operating guidelines, general orders and departmental rules as necessary to ensure the appropriate occupational health and safety of all Department personnel and appropriate care and protection of equipment.
14. The Fire Chief shall review periodically all policies and procedures, orders, rules and operating guidelines of the Department and may establish an advisory committee consisting of such members of the Department as the Fire Chief may determine from time to time to assist in these duties.
15. Each division of the 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.
16. Where the Fire Chief designates a member to act in the place of the Fire Chief or other officer in the Department, such member, when so acting, has all of the powers and shall perform such duties of the officer replaced as are required.
17. The Fire Chief may reprimand, suspend or recommend dismissal of any member for infraction of any provisions of this by law, policies, operating procedures and guidelines and departmental rules that, in the opinion of the Fire Chief, would be detrimental to discipline, the operational efficiency of the Department or the health and safety of the member or any other person.
18. Following the suspension of a member, the Fire Chief shall immediately report, in writing, the suspension and with a recommendation as such to the Chief Administrative Officer and Council.
19. No member shall:
 - a) While in uniform, enter any premises where alcoholic beverages are sold or consumed, except in the performance of their Departmental duties.
 - b) Respond for or be permitted to be on duty if his/her ability is impaired by the use of an intoxicating beverage or drug.
 - c) While on duty, consume any intoxicating beverage or drug.
20. 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, 1997 and the *Fire Chief* 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;
 - c) recovery of expenses incurred by such necessary actions for the *corporation* in the manner provided through the Ontario Municipal Act and the Fire Protection and Prevention Act, 1997.

Emergency Response Outside of Municipal Boundaries

22. The 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 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) 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 co-ordinator appointed by the fire marshal or any other similar reciprocal plan or program.

Levels of Service

23. Levels of service

- a) The Township of Smith-Ennismore-Lakefield Fire Department shall provide such approved services as specified and listed in Appendix "B".
- b) Due to the fire department's reliance upon volunteer firefighters, the topographic and geographic configuration of the Township, the level and amount of equipment at the department's disposal, and other budgetary constraints, the services listed in Appendix "B", although approved, may be provided as "limited services" as defined in section 1(h) of this by-law.
- c) The Township of Smith-Ennismore-Lakefield accepts no liability for the delay or inability to supply the services set out in Appendix "B" 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.

24. Bylaws 2006-123 and 2008-079 for the Township of Smith-Ennismore-Lakefield are hereby repealed.

25. This By-law comes into effect on the day it is passed by Council.

Read a first, second and third time and finally passed this the 12th day of October, 2010.



Reeve, Ron Millen

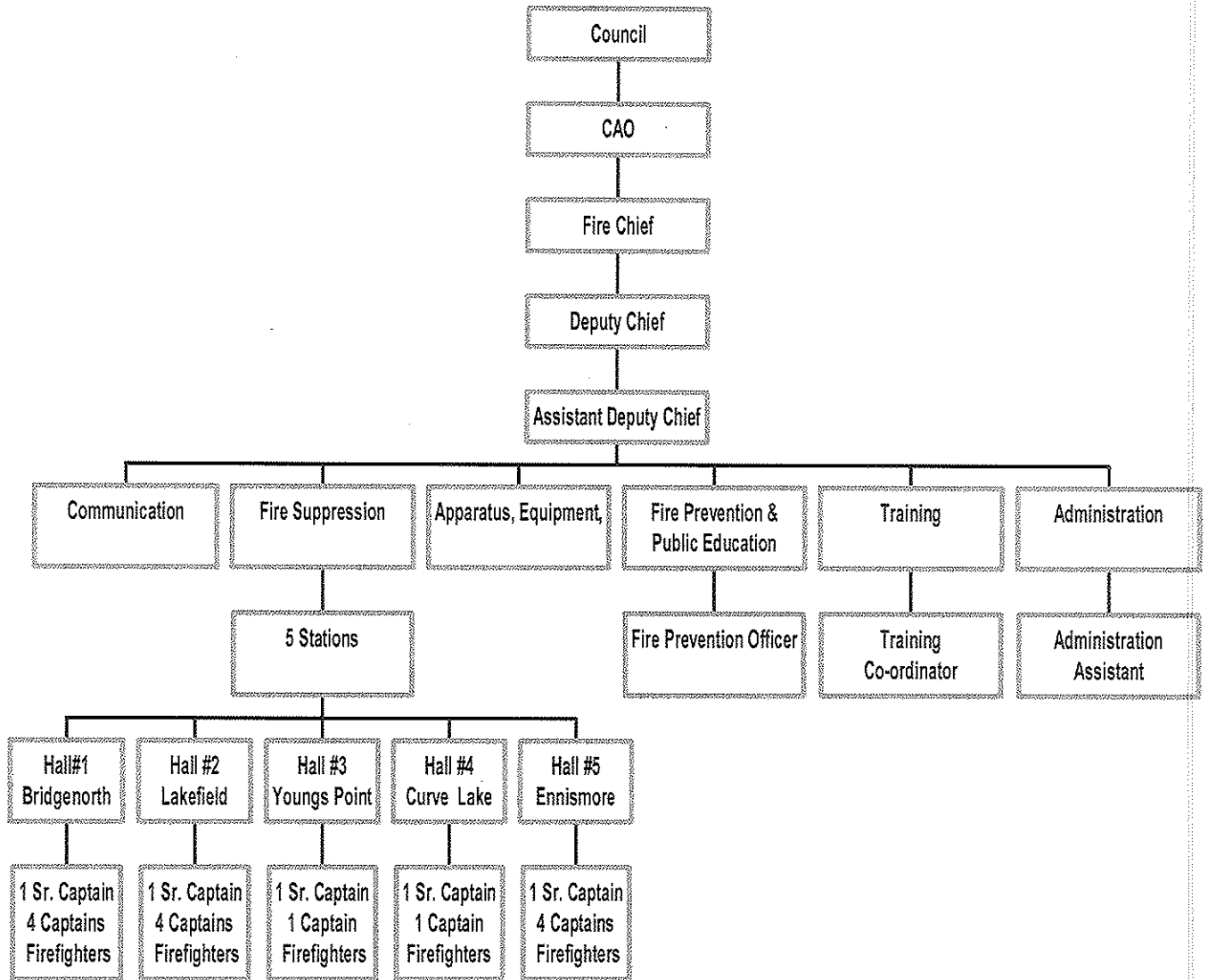


Clerk, Angela Chittick

Corporate Seal

Appendix A

Organizational Chart



The number of Officers required per firehall is based on a span of control of 5 firefighters to one Officer.

Appendix B

Smith-Ennismore-Lakefield Fire Department - Fire Protection Services

1) Fire Prevention/Public Education

Fire Prevention / Public Education services provided shall include:

- a) simplified risk assessment,
- b) a smoke alarm program,
- c) fire safety education material distributed to residents/occupants,
- d) inspections upon complaint or when requested to assist with code compliance.

2) Emergency Response

1. Emergency response to water access properties will be subject to safe travel and environmental conditions. Response times during acceptable safe conditions may be considerably greater than normal response times for road access properties. If, in the opinion of the Fire Chief or his/her designate, unsafe environmental conditions exist no services may be provided.
2. Emergency response to properties accessed via private roads, private lanes or private driveways may be limited by the condition of such road, lane or driveway including:
 - a. the ability of the such road, lane or driveway to support and accommodate Department equipment, vehicles and apparatus; and
 - b. the failure of the owner(s)/occupant(s) of the lands accessed by the road, lane or driveway to maintain such road, lane or driveway in a condition that is passable by the fire department equipment, vehicles and apparatus.
3. Services to be provided, subject to the limitations established in Sections 2)1. and 2)2. of Appendix "B", and the Levels of Service provisions in Section 23 of Bylaw 2010-072, are as follows:
 - a) Structural firefighting including limited internal rescue and fire attack in accordance with the Department's level of training, standard operating guidelines, policies and procedures, Ontario Fire Service Section 21 Guidelines, the Occupational Health and Safety Act and Regulations and the number of personnel and type of equipment available to the department on each specific emergency response.
 - b) Motor Vehicle firefighting
 - c) Grass, brush firefighting
 - d) Marine firefighting – defensive only
 - e) Basic medical assist with defibrillation
 - f) Hazardous materials- Awareness level
 - g) Motor Vehicle accidents
 - h) Motor Vehicle extrication
 - i) Transportation incidents involving vehicles, aircraft and watercraft

- j) Water and ice rescue
 - I. Emergency response to water/ice emergencies will be shore based or boat based with controlled ice and/or water entry and shall be subject to safe travel and environmental conditions. Response times during acceptable safe conditions may be considerably greater than normal response times. If, in the opinion of the Fire Chief or his/her designate, unsafe environmental conditions exist no services may be provided.
- k) Public assistance
- l) Other agencies assistance
- m) High angle rescue – Awareness level
- n) Confined space rescue – Awareness level
- o) Trench rescue – Awareness level
- p) Peterborough County Mutual Aid Plan and Program
- q) Participation in Community Emergency Plan
- r) Fire Protection Agreements
- s) Automatic Aid Agreements
- t) Fire and carbon monoxide alarms
- u) Review of Propane Facility Risk and Safety Management Plans (as required by Ontario Regulation 440/08 Section 27.1)