

The Corporation of the Town of Minto

By-law No. 2017-88

to Establish and Regulate the Fire Department, and to Repeal By-law # 09-31

WHEREAS, the Municipal Act, 2001, S.O. 2001, c.25, as amended, (“Municipal Act”) 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;

AND WHEREAS, the Municipal Act provides that Sections 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 the FPPA permits a municipality, in discharging these responsibilities, to establish a Fire Department;

AND WHEREAS the FPPA permits a Council of a municipality to establish, maintain and operate a Fire Department for all or any part of the municipality; and

AND WHEREAS the FPPA requires a Fire Department to provide fire suppression services and permits the Fire Department to provide other Fire Protection Services in the municipality; and

NOW THEREFORE the Council of the Town of Minto enacts as follows:

1. DEFINITIONS:

In this by-law, unless the context otherwise requires;

- 1.1 “Approved” means approved by the Council;
- 1.2 “Automatic Aid” means any agreement under which a municipality agrees to provide an initial response to fires, rescues and emergencies that may occur in a part of another municipality where a fire department 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 that may occur in a part of another municipality where a fire department in the municipality is capable of providing the quickest supplemental response to fires, rescues and emergencies occurring in the part of another municipality;
- 1.3 “CAO” means the Chief Administrative Officer appointed by Council who is the head executive staff member for the Corporation reporting to the Mayor and Council
- 1.4 “Chief Fire Official” shall mean the Assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the Fire Department appointed by the Municipal Fire Chief under the FPPA or a person appointed by the Fire Marshal under the FPPA;
- 1.5 “Confined Space” means any space that has limited or restricted means for entry or exit (e.g. tanks, vessels, silos, storage bins, hoppers, vaults, trenches, excavations and pits), and that is not designed for continuous human occupancy;
- 1.6 “Corporation” means The Corporation of the Town of Minto;
- 1.7 “Council” means the Council of the Corporation;

- 1.8 “Deputy Fire Chief” means the person(s) appointed by the Council to act on behalf of the Fire Chief in the case of an absence or a vacancy in the office of the Fire Chief;
- 1.9 “Division” means a Division of the Fire Department as provided for in this By-law;
- 1.10 “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 FPPA;
- 1.11 “Fire Department” means the Minto Fire Department or Minto Fire;
- 1.12 “FPPA” means the Fire Protection and Prevention Act. 1997, S.O., c 4, as may be amended from time to time, or any successor legislation, and any regulation made there under;
- 1.13 “Fire Protection Agreement” is a contract between municipalities, other agencies, individuals, or a company that clearly defines the responsibilities, terms, conditions and all other aspects of the fire services purchased, provided and/or required.
- 1.14 “Fire Protection Services” includes fire suppression, 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;
- 1.15 “High Angle” means an environment in which the load is predominately supported by a rope rescue system;
- 1.16 “HUSAR” means Heavy Urban Search and Rescue;
- 1.17 “Master Fire Plan” shall be a document approved by Council no less than once every five years in which the mission, values, actions, structure, activities and other initiatives shall be outlined and implemented by the Fire Chief and associated officers, staff and volunteer firefighters.
- 1.18 “Member” means any person employed in or appointed to the Fire Department and assigned to undertake Fire Protection Services.
- 1.19 “Officer” means any member with the rank of Captain or higher, and includes Training Officer, Public Education Officer, Equipment Officer, Fire Prevention Officer and Inspection Officer.
- 1.20 “Specialty Rescue” shall mean rescue responses to high angle/low angle rope rescue, ice/water rescue (land based entry level), auto extrication, hazardous materials response (awareness & emergency decontamination level) in accordance with available resources, and trench rescue.

2. ESTABLISHMENT:

- 2.1 Council of the Corporation hereby establishes a Fire Department provide Fire Protection Services for the Corporation which shall be known as the Minto Fire Department or Minto Fire.
- 2.2 The Fire Department shall operate according to Strategic Directions provided by the Corporation and shall no less than once every five years prepare a Master Fire Plan for approval by the Corporation outlining, among other

matters, the mission, values, structure and overall direction of the Fire Department.

3. COMPOSITION:

- 3.1 The Fire Department shall consist of the Fire Chief, Deputy Fire Chief(s), Captains, other officers possibly including senior divisional officers including an Assistant Chief, administrative support staff and any other person as may be authorized by Council or by the Fire Chief to perform Fire Protection Services.
- 3.2 The Fire Chief and Deputy Chiefs shall be appointed by By-Law of the Council of the Town of Minto.

4. EMPLOYMENT:

- 4.1 The Fire Chief shall hire such officers, administrative support staff or other positions necessary to operate the Fire Department in accordance with the hiring policies of the Corporation.
- 4.2 The hiring of Firefighters shall be in accordance with the Fire Department Recruitment Program, and may include auxiliary firefighters
- 4.3 Subject to the FPPA, the remuneration and other terms and conditions of employment or appointment of the members and administrative support staff that comprise the Fire Department shall be determined by Council of the Corporation.

5. ORGANIZATION:

- 5.1 The Fire Department shall be organized into Divisions such as;
 - 5.1.1 Fire Prevention;
Public Education;
Fire Suppression;
Training;
Apparatus and Equipment;
Communications; and
Administrative Services
- 5.2 The Fire Chief, may re-organize or eliminate Divisions, establish new Divisions or may do all or any of these things in any combination as may be required to ensure the proper administration and efficient operation of the Fire Department and the effective management of Fire Protection Services for the Corporation such re-organization to be reported on to the Corporation in accordance with the by-law.
- 5.3 Each division of the department is the responsibility of the Fire Chief and is under the direction of the Fire Chief or designate. If deemed necessary, Deputy Chiefs, Division Chiefs, and/or Captains may be appointed and delegated authority by the Chief, so as to ensure the proper operation of the Fire Department.

6. CORE SERVICES:

- 6.1 For the purposes of this By-law core services provided by the Fire Department will be as per Appendix "A" forming part of this By-law.
- 6.2 Nothing in this By-law will restrict the Fire Department to providing only core services or limit the provisions of Fire Protection Services.

7. RESPONSIBILITIES AND AUTHORITY OF FIRE CHIEF:

- 7.1 The Fire Chief shall be the head of the Fire Department and is ultimately responsible to the Corporation, through the C.A.O., for administering and operating the Fire Department including the delivery of Fire Protection Services as follows:
 - 7.1.1 Developing and publishing a Master Fire Plan at least once every five years, written standard operating procedures, general orders and departmental rules necessary for the care and protection of personnel and equipment, and other directives that generally provide for the efficient operation of the department in accordance with the by-laws and policies of the Corporation.
 - 7.1.2 Shall take all proper measures for the prevention, control and extinguishment of fires, for the protection of life and property; and
 - 7.1.3 Shall assist the C.A.O. and other members of the Corporation's Emergency Operations Center with emergency response in accordance with the applicable Emergency Plan of the Corporation.
- 7.2 The Fire Chief shall be a fully contributing member of the Corporation's Senior Management Team reporting to the C.A.O.
- 7.3 The Fire Chief or designate shall exercise all powers and duties mandated by the FPPA and any applicable legislation. This will include making such general orders, policies, procedures, rules, and regulations and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operations of the Fire Department and the effective management of 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, without restricting the generality of the foregoing:
 - 7.3.1 The care and protection of all personnel as well as all property and equipment belonging to the Fire Department;
 - 7.3.2 Arranging for the provision of necessary and proper facilities, apparatus, equipment, services and supplies for the Fire Department;
 - 7.3.3 Determining and establishing the qualifications and criteria for employment or appointment and the duties of all members and administrative support staff of the Fire Department;
 - 7.3.4 Negotiating, arranging and implementing automatic aid, mutual aid and other fire protection and emergency service agreements within the Corporation's borders and/or with adjoining municipalities or other partners;
 - 7.3.5 The conduct and the discipline of members and administrative support staff of the Fire Department;
 - 7.3.6 Preparing and, upon approval by the Corporation, implementing and maintaining a Master Fire Plan, an emergency fire service plan and other such programs for the Corporation;
 - 7.3.7 Reporting to the appropriate crown attorney or other prosecutor or law enforcement officer or other appointed officer 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 FPPA;

- 7.3.8 Keeping and maintaining an accurate record, on proper forms for reference, of all fires, rescues and emergencies responded to by the Fire Department and reporting of same to the Office of the Fire Marshal and Emergency Management;
 - 7.3.9 Keeping such other records as may be required by the Corporation in accordance with applicable record retention by-laws and the FPPA;
 - 7.3.10 Preparing and presenting an annual report of the Fire Department to the Corporation; and
 - 7.3.11 Preparing and presenting the annual operating and capital budget estimates of the Fire Department to the Corporation through the C.A.O. and for exercising control over expenditures under the budget approved by Council for the Fire Department, provided such expenditures comply with the general orders, policies, procedures, rules, regulations, and other measures outlined in the Master Fire Plan, this By-law or any other By-law of the Corporation, including without limitation those requiring the prior approval of or prior notice to the Council of the satisfaction of certain conditions, general or otherwise, specified by the Council before such measures can be implemented, or with the provisions of the FPPA or with the provisions of any collective agreement or other written agreement that may be applicable.
- 7.4 The Fire Chief shall be responsible for the administration and enforcement of this By-law and all general orders, policies, procedures, rules, and regulations made under this By-law and for the enforcement of any other By-laws of the Corporation respecting Fire Protection Services, and shall review periodically such By-laws with the Corporation, and may for this purpose, establish an advisory committee consisting of such officers and other persons, including members of the general public as the Fire Chief may determine from time to time to assist in the discharge of this duty and, in the case of such By-laws, including this By-law, recommending to the Corporation such amendments as the Fire Chief considers appropriate and, in the case of general orders, policies, procedures, rules, and regulations made under this By-law, revise or terminate any of them if the Fire Chief considers it appropriate.
- 7.5 The Fire Chief shall have all powers, rights and duties assigned to a Fire Chief under the FPPA including without limitations the authority to enforce compliance with the Ontario Fire Code.
- 7.6 The Fire Chief may liaise with the Office of the Fire Marshal and Emergency Management of Ontario and any other office or organization as required by the Corporation 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 the Fire Protection Services for the Corporation.
- 7.7 The Fire Chief may utilize such members and administrative support staff of the Fire Department as the Fire Chief may determine, from time to time, to assist in the performance of his duties in accordance with the approved Master Plan and annual operating budget approved by the Corporation which may include but is not limited to the following:
- a. Providing administrative support and customer assistance for facilities and services provided by the Fire Department;
 - b. Preparing Divisional and overall Departmental budget(s) and exercise budget control;

- c. Preparing the payroll data of the Department as required, to initiate requisitions and acquire materials and services and certify all accounts of the Department;
- d. Maintaining personnel records as required in conjunction with applicable legislation, policies and practices of the Corporation
- e. Purchasing or acquiring as the case may be for the provision of new facilities, equipment and apparatus in accordance with relevant by-laws, practices and policies;
- f. Carrying out the general administrative duties of the Fire Department;
- g. Liaising with the Firefighter's Associations;
- h. Liaising with other emergency response and safety agencies;
- i. Cooperating with other Departments within the Corporation and participating on committees or be involved in functions as required;
- j. Providing emergency communications/dispatch, firefighting and emergency response duties and/or assist at emergency or life supporting incidents as required by the Fire Chief to prevent, control, and extinguish fires and further prevent fire and life safety tragedy;
- k. Conducting fire investigations by Fire Department personnel in concert with Investigators of the Office of the Fire Marshal and Emergency Management and the Ontario Provincial Police or other allied agencies in order to determine cause, origin and circumstances of a fire incident;
- l. Performing specialized emergency and/or rescue responses such as vehicle/auto/machinery extrication, land based static ice rescue, water rescue, confined space rescue, render emergency patient care and other life saving measures as per Fire Department policies;
- m. Conducting facilitating and participating in training at fire stations or other approved sites and keep clear and concise records of said training;
- n. Researching and/or developing new technologies and strategies to maintain safe operating efficiency and emergency or routine operations;
- o. Conducting in-service fire prevention audits, visits, inspections and/or other pre-planning familiarization inspections of premises and occupancies on a complaint, request or proactive basis as required;
- p. Complying with legislation for all Vulnerable and Care facilities within the municipality;
- q. Enforcing all legislation pertaining to fire prevention and the Ontario Fire Code and responding to all fire and life safety complaints and/or concerns as appropriate;
- r. Providing fire and life safety education and distribution of educational materials as appropriate;
- s. Performing apparatus and equipment maintenance cleaning, checks, inspection and testing at stations or other as required;
- t. Co-ordinating and addressing joint health and safety issues between other departments within the Corporation and the Fire Department and within the Department itself;
- u. Ensuring the Joint Health and Safety Committee performs, meets, and provides recommendations to Administration as required by legislation and further that all staff conform and abide by safety practices to ensure a safe workplace;
- v. Preparing quarterly, statistical data or other analysis reports as required;
- w. Perform other duties as assigned and shall comply with all other requirements of the job description and abide by all orders, policies, procedures, rules and regulations as provided.

7.8 The Fire Chief shall be designated the Alternate Community Emergency Management Coordinator (CEMC) to the County of Wellington CEMC for emergency management purposes for the Town of Minto.

8. DEPUTY FIRE CHIEF:

- 8.1 The Deputy Fire Chief(s) shall be the second ranking officer(s) of the Fire Department and shall perform such duties as are assigned to him or her by the Fire Chief and shall act on behalf of the Fire Chief in case of absence or a vacancy in the office of Fire Chief.

9. SUPERVISION:

- 9.1 The Members and administrative support staff of the Fire Department while on duty shall be under the direction and control of the Fire Chief or the next ranking officer present in any place.
- 9.2 When the Fire Chief or designate appoints a Firefighter to act in place of an Officer in the Fire Department, such a Firefighter, when so acting, has all the powers and shall perform all the duties of the Officer replaced.

10. GENERAL DUTIES AND RESPONSIBILITIES:

- 10.1 Every Member and administrative support staff person shall conduct themselves in accordance with general orders, policies, procedures, rules and regulations made by the Fire Chief and shall give their whole and undivided attention while on duty to the efficient operation of the Fire Department and shall perform the duties assigned to them to the best of their ability in accordance with the FPPA and any collective agreement or other written agreement that may be applicable.
- 10.2 The Fire Chief may reprimand or suspend any member of the Fire Department for insubordination, inefficiency, misconduct, tardiness, or for non-compliance with any of the provisions of this By-Law, departmental policies or procedures, guidelines or the general orders and departmental rules that, in the opinion of the Fire Chief, would be detrimental to the discipline and efficiency of the Fire Department. The Fire Chief shall submit a report to the C.A.O regarding the reprimand or suspension handed out to the staff member.

11. PROPERTY:

- 11.1 No person shall supply any apparatus, equipment or other property of the Fire Department for any personal or private use without the express permission of the Fire Chief.
- 11.2 No person shall wilfully damage or render ineffective or inoperative any apparatus, equipment or other property belonging to or used by the Fire Department.

12. FIRE SUPPRESSION:

- 12.1 The Fire Department may suppress any fire, or other hazardous condition by extinguishing it or by other reasonable action and, for this purpose, may enter private property, if necessary, to do so.
- 12.2 The Fire Department may pull down or demolish any building or structure when considered necessary to prevent the spread of fire.
- 12.3 The Fire Department may request other persons present at a fire to assist in;
- 12.3.1 Extinguishing fires;
- 12.3.2 Pulling down or demolishing buildings or structures to prevent the spread of fire;
- 12.3.3 Crowd and traffic control; or

- 12.3.4 Suppression of fires or other hazardous conditions in other reasonable ways.

13. FIRE PREVENTION

- 13.1 The Fire Chief shall delegate to the Chief Fire Prevention Officer, in total or in part, the following duties pertaining to the function of the Division of Fire Prevention:

13.1.1 Enforce and maintain compliance with the FPPA which includes but is not limited to:

- a. Smoke Alarm and CO2 Alarm Programs
- b. Inspections as per Fire Prevention Policy which may be revised from time to time
- c. Fire Code compliance and enforcement
- d. Maintain current risk assessment

14. REFUSAL TO LEAVE:

- 14.1 No person present at a fire shall refuse to leave the immediate vicinity when required to do so by the Fire Department.

15. CONDUCT AT FIRES:

- 15.1 During a fire and for the time after it has been extinguished that is required to remove the apparatus and equipment of the Fire Department and render the location and vicinity safe from fire, no person, either on foot or with a vehicle of any kind, shall enter or remain upon or within;

15.1.1 The portion of any street or lane upon which the site of the fire abuts or upon any street or lane for a distance of fifteen (15) metres on each side of the property damaged by fire; or

15.1.2 Any additional street or lane or part of a street or lane or any additional limits in the vicinity of the fire as may be prescribed by the Fire Chief or the next ranking officer present at the fire.

- 15.2 The provisions of section 15.1 shall not apply to a resident of any street or lane or within the prescribed additional limit or to any person so authorized to enter or remain by an officer of the Fire Department or by a police officer.

16. RECOVERY OF COSTS - ADDITIONAL EXPENSES:

- 16.1 If as a result of a Fire Department (i) response to an emergency including a motor vehicle incident, or (ii) carrying 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 or contracted to the Corporation, assist in or otherwise conduct fire cause investigation or determine 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. Property shall mean and include personal and real property.

17. EMERGENCY REPSONSES OUTSIDE THE LIMITS OF THE MUNCIPALITY:

- 17.1 The Fire Department shall not respond to a call with respect to a fire or emergency outside the territorial limits of the Corporation except with respect to a fire or emergency;
 - 17.1.1 That, in the opinion of the Fire Chief or designate of the Fire Department, threatens property in the territorial limits of the Corporation or property situated outside the territorial limits of the Corporation that is owned or occupied by the Corporation;
 - 17.1.2 In a municipality with which an approved automatic aid or mutual aid agreement has been entered into to provide Fire Protection Services;
 - 17.1.3 On property with which an approved agreement has been entered into with any person or corporation to provide Fire Protection Services;
 - 17.1.4 At the discretion of the Fire Chief, to a municipality authorized to participate in any regional mutual aid plan established by a fire coordinator appointed by the Fire Marshal or any other similar reciprocal plan or program; and
 - 17.1.5 On property beyond the territorial limits of the Corporation where the Fire Chief or designate determines immediate action is necessary to preserve life or property and the appropriate fire department is notified to respond and assume command or establish alternative measures, acceptable to the Fire Chief or designate.
 - 17.1.6 Response due to a request for special assistance as required through a declaration of a provincial or federal emergency and such request has been approved by the Fire Chief, C.A.O, and the Head of the Corporation.
18. INTERFERENCE:
 - 18.1 No person shall impede or interfere with or hinder the Fire Department in the performance of its duties.
19. FIRE ALARM:
 - 19.1 No person shall prevent, obstruct or interfere in any manner whatsoever with the communication of a fire alarm to the Fire Department or with the Fire Department responding to a fire alarm that has been activated.
20. OFFENCES:
 - 20.1 Every person who contravenes any provisions of this By-law is guilty of an offence and on conviction is liable to the penalty established by the Provincial Offences Act, R.S.O. 1990, c P.33, as may be amended or replaced from time to time, inclusive of costs.
21. CONFLICT:
 - 21.1 Where this By-law may conflict with any other By-law of the Corporation, this By-law shall supersede and prevail over that other By-law to the extent of the conflict.
22. SEVERABILITY:
 - 22.1 If any or part of this By-law is found to be illegal or beyond the power of the Corporation, such section or part or item shall be deemed to be severable and

all other sections or parts of this By-law shall be deemed to be separate and independent there from and to enacted as such.

23. This By-law comes into effect the day it is passed by Council.
24. Any predecessor By-law in conflict with this by-law is hereby repealed.

Read a first, second, third time and passed in open Council this 7th day of November, 2017.

Mayor George A. Bridge

C.A.O. Clerk Bill White

APPENDIX “A”

CORE SERVICES

1. FIRE SUPPRESSION AND EMERGENCY RESPONSE:

- 1.1 Fire suppression services shall be delivered in both an offensive and defensive mode and shall include search and rescue operations, forcible entry, ventilation, protecting exposures, salvage and overhaul as appropriate.
- 1.2 Emergency pre-hospital care responses and medical acts such as defibrillation, standard first aid, CPR, and the Emergency Medical In-House training shall be maintained to department protocols as agreed and responded to as per the latest Tiered Response Agreement with the City of Guelph – Guelph Wellington Paramedic Services.
- 1.3 Special technical and/or rescue services shall include performing extrication using hand tools, air bags and heavy hydraulic tools as required, ice rescue services up to and including the land-based level, water rescue with limited in water capabilities and confined space rescue to the technician level in accordance with available resources. Trench rescue, high angle rescue, HUSAR, hazardous materials responses or other highly specialized technical and/or rescue services shall not be provided by the Minto Fire Department beyond the basic awareness level.
 - Swift Water Rescue – Awareness Level
 - Agreement with Centre Wellington Fire to provide the rescue
 - Ice Water Rescue – Awareness Level
 - Agreement with Centre Wellington Fire to provide the rescue
 - Confined Space Rescue - Technician Level
 - Auto Extrication Rescue – Technician Level
 - Hazardous Materials – Awareness Level
 - Agreement with Fortress Environmental to provide services (may also utilize Guelph Fire to help with containment and decontamination)
 - Trench Rescue – Awareness Level
 - Rope Rescue – Technician Level

Definitions of Levels:

Awareness – Fire fighter should be capable of recognizing conditions requiring a technical rescue and making appropriate notifications.

Operations – Fire fighter should be capable of hazard recognition, equipment use and the techniques necessary to operate a rescue incident.

Technician – Fire fighter should be capable of hazard recognition, equipment use and techniques necessary to operate and supervise a rescue incident.

- 1.4 National Fire Protection Association (NFPA) and other related industry training standards and reference materials may be used as reference guides for the Minto Fire Department training as approved by the Fire Chief. All training will comply with the Occupational Health and Safety Act and applicable provincial legislation.

2. FIRE PREVENTION:

- 2.1 Inspections arising from complaint, request, retrofit, or self initiated and fire investigations shall be provided in accordance with the FPPA and policies of the Minto Fire Department. The department shall inspect all vulnerable

occupancies as identified in the risk assessment on a yearly basis and register them as per the regulations in the Fire Code.

- 2.2 The NFPA standards for fire prevention shall be used as a reference guide for fire prevention training.

3. FIRE SAFETY EDUCATION:

- 3.1 Distribution of fire and life safety information and public education programs shall be administered in accordance with the FPPA and policies of the Fire Departments Fire Prevention and Public Education Division.
- 3.2 The smoke alarm and home escape planning programs shall be ongoing.
- 3.3 Smoke alarms for residential occupancies shall be provided to those in need as per the policies of the Minto Fire Department.
- 3.4 Social media program shall be utilized as a mechanism for distribution of Public Education messaging.

4. EMERGENCY DISPATCHING AND COMMUNICATIONS

- 4.1 NFPA 1061 shall be used as a reference guide for emergency dispatching and communications and shall be provided through an agreement with the Guelph Fire Department.