

## The Corporation of the Municipality of West Grey

### By-Law Number 33 - 2015

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#### A By-law to establish and regulate the Elmwood Fire Department.

**Whereas** Section 9 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 11 of the Municipal Act, 2001 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 Whereas** the Fire Protection and Prevention Act, 1997, Part II, Section 5 (0.1) as amended, permits the Council to establish and regulate a fire department

**Now Therefore** the Council of the Corporation of the Municipality of West Grey **Enacts as Follows:**

1. In this by-law, unless the context otherwise requires:
  - a) **Approved** means approved by the Councils
  - b) **Corporations** means the Corporation of the Municipality of Brockton and the Corporation of the Municipality of West Grey
  - c) **Councils** means the Council of the Corporation of the Municipality of Brockton and the Corporation of the Municipality of West Grey
  - d) **Joint Board** means the Joint Board of Management and in the short form may be referred to as the "Joint Board"
  - e) **Fire Chief** means the person appointed by by-law of the Councils to act as chief, or his or her designate
  - f) **Deputy Chief** means the person appointed by Councils to act as a Deputy Chief of the Fire Department to act in place of the chief of the Fire Department in his/her absence
  - g) **Fire Department** means the Elmwood Fire and Emergency Services Department and in the short form may be referred to as the "Fire Department"
  - h) **Fire and Emergency 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
  - i) **Member** means any person employed in, or appointed to, a fire department and assigned to undertake fire protection services, includes officers 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
  - k) **Honorary Member** means a firefighter in good standing who has resigned, retired or is deemed physically unfit to perform his/her duties may remain on the department without remuneration as an honorary member so they may attend/assist with social functions and other non-emergency events.
2. The Fire Department of the Corporations heretofore established and known as Fire and Emergency Services is hereby continued and the head of the Department shall be known as the Fire Chief.
3. In addition to the Fire Chief and Deputy Chief as appointed by Councils, the Fire and

Emergency Services Department shall consist of such number of other officers and members as may be deemed necessary by the Councils.

4. The Fire Chief may hire any qualified person as a member of the Fire and Emergency Services Department, subject to the approved hiring policies of the Corporations.
5. Persons appointed as members of the Fire Department to provide fire and emergency services shall be on probation for a period of twelve (12) months (unless the terms of an agreement between the employee and the Corporations as approved by Councils provides otherwise), during which period they shall take such training and testing as may be required by the Fire Chief.
6. If a probationary member fails such tests, or is found to be unsatisfactory during the probationary period he/she may be terminated without cause by the Fire Chief.
7. The remuneration of the volunteer firefighters shall be as determined by the Fire Board, and included in the annual budget for approval by the Councils.
8. Every member of the Department over 55 years of age appointed for firefighting duties is subject to a medical examination annually or as required by the Chief. The cost of this medical examination shall be reimbursed by the Board.
9. If a medical examiner finds a member is physically unfit to perform assigned duties and such condition is attributed to, and as a result of activities while serving on the Fire Department, and such claim is approved by the Workplace Safety and Insurance Board, the provisions of the Workplace Safety and Insurance Act will apply.
10. The Fire Chief is responsible to the Councils, through the Joint Board for proper administration and operation of the fire department including all fire department functions and programs.
11. The Fire Chief shall implement all approved policies and shall develop such standard operating procedures and guidelines, general orders and departmental rules as necessary to implement the approved policies and to ensure the appropriate care and protection of all fire department members and fire department equipment.
12. The Fire Chief shall review periodically all policies, orders, rules and operating procedures of the fire department and may establish an advisory committee consisting of such members of the fire department as the Fire Chief may determine from time to time to assist in these duties.
13. The Fire Chief shall submit to the Joint Board for approval, the annual budget estimates for the fire department; an annual report and any other specific reports requested by the Joint Board or Councils.
14. 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 and activities under their supervision and shall carry out all orders of the Fire Chief.
15. Where the Fire Chief designates a member to act in the place of an officer in the department such member, when so acting, has all of the powers and shall perform all duties of the officer replaced.
16. The Fire Chief may reprimand, suspend or recommend dismissal to the Joint Board any member for an infraction of any provisions of this by-law, policies, general orders and departmental rules that, in the opinion of the Fire Chief, would be detrimental to the discipline or the efficiency of the Fire Department.
17. Following the suspension of a member, the Fire Chief shall immediately report, in writing, the suspension and recommendation to the Joint Board.
18. The procedures for termination of employment prescribed in Part IX of the Fire Protection and Prevention Act shall apply to all full-time members of the Fire Department.

19. A volunteer firefighter shall not be dismissed without an opportunity for a review of termination, if he/she makes a written request for such a review within seven working days after receiving notification of the proposed dismissal. A person appointed by the Joint Board who is not a member of the Fire Department, shall conduct the review.
20. A volunteer firefighter in good standing that has retired, resigned or is deemed physically/medically unfit to perform his/her duties may remain as an Honorary Member of the Fire Department. All fire department property shall be returned.
21. The Fire Chief shall take all proper measures for the prevention, control and extinguishment of fires and the protection of life and property and shall exercise all powers mandated by the Fire Protection and Prevention Act, and the Fire Chief or his designate shall:
  - a) Have command at fires and emergencies over all members of the Fire Department and all other persons who may be present and may direct the extinguishing of the fire or other emergency and the protection of life and property.
  - b) Investigate or cause to be investigated all fires and report to the Fire Marshal as required by the Fire Protection and Prevention Act
  - c) Be responsible for the enforcement of this By-law and the general orders, procedures and regulations of the Fire Department.
  - d) Be empowered to authorize pulling down or demolishing any building or structure to prevent the spread of fire;
  - e) Take all necessary actions which may include boarding up or barricading of buildings or property to guard against fire or other damage, risk or accident, when unable to contact the property owner;
  - f) Recover of expenses incurred by such necessary actions for the Corporation in the manner provided through the Municipal Act and the Fire Protection and Prevention Act;
22. Authority At Fires And Emergencies:
  - a) Any member of the Fire Department may suppress any fire by extinguishing it and may enter onto private property, if necessary to do so.
  - b) Any member of the Fire Department may pull down or demolish any building or erection to prevent the spread of fire or danger of collapse
  - c) Upon request of any member of the Fire Department every person attending a fire or emergency scene shall assist any firefighter in the performance of his/her duties and shall obey all orders and directions given by the Fire Chief, Station Chief or other officer.
  - d) Whenever it is deemed necessary by a member of the Fire Department to guard the locality of the fire or emergency from entry or crowding by persons or vehicles he/she may place or cause to be placed barriers or other markers across the street or public place or private property to indicate the area from which persons and vehicles are prohibited.
  - e) No person present at a fire or emergency shall refuse to leave the immediate vicinity of the fire or emergency if required to do so by a member of the Fire Department.
  - f) No person or persons except members of the Fire Department, the Police or other authorized persons shall enter within the area marked off by barriers or other markers established under subsection d).
  - g) No person shall interfere with or obstruct the Fire Chief or other member of the Fire Department in the performance of their duties at a fire or emergency.
  - h) No person shall drive any vehicle over fire hose except on the specific order

from a member of the Fire Department.

23. No person shall park any vehicle within 150 metres of any fire or emergency or fire apparatus.
24. The Fire Department is authorized to participate in the County of Grey, the County of Bruce Mutual Aid Plan and any other similar reciprocal plan or program.
25. The Fire Department shall not respond to a call with respect to a fire or emergency outside the limits of the municipality except with respect to a fire or emergency that:
  - a) In the opinion of the Fire Chief or designate, threatens property in the municipality or property situated outside the municipality that is owned or occupied by the municipality;
  - b) Is in a municipality with which an approved agreement has been entered into to provide fire protection services which may include automatic aid;
  - c) Is on property with which an approved agreement has been entered into with any person or corporation to provide fire protection services,
  - d) At the discretion of the Fire Chief, or designate 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) Is on property beyond the municipal boundary where the Fire Chief or designate determines immediate action is necessary to preserve life or property and the appropriate department is notified to respond and assume command or establish alternative measures acceptable to the Fire Chief or designate
26. Every person who contravenes any provision of Section 21 of this Bylaw is guilty of an offence and, upon conviction, is liable to a fine or penalty as provided for in the Provincial Offences Act.
27. In the event of conflict between the provisions of this by-law and any other by-law presently in force in the area within the jurisdiction of the Council of the Corporation of the Municipality of West Grey, the provisions of this by-law shall prevail.
28. By-law 2005-08 and 2011-42, being a by-law to establish and regulate a Fire Department, be and is hereby repealed.

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**Read a first and second time, this 15<sup>th</sup> day of June, 2015.**

**Read a third time, and finally passed this 15<sup>th</sup> day of June, 2015.**

**(Signed)**  
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Mayor – Kevin Eccles

**(Signed)**  
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CAO/Deputy Clerk – Larry C. Adams

**Appendix “A”  
To By-law Number 33 - 2015**

**Scope of Emergency Services Provided**

**General:**

Services are intended to provide for the protection of life and property and the welfare of the community, to the level of training and equipment of the Fire Department.

Provision of services shall commensurate with emergency location and accessibility. Similar service shall be provided in “similar circumstances” throughout the Municipality.

Service may not be available to some structures or locations where accessibility is **restricted** or **unavailable** due to road conditions, weather, obstructions or other factors beyond the control of the fire department. It is the responsibility of the property owner to ensure access for fire department apparatus and personnel.

**Rescue Services:**

Shall consist of:

- Providing vehicle extrication to the level of training and equipment available
- Where possible, to carry out removal of victims from burning structures as rapidly as possible, given that each situation must be dealt with on the basis of its own unique circumstances.
- Removal of victims from toxic atmospheres, provided that such removal can be accomplished safely, with the equipment provided and level of training required for the situation
- Assistance shall be requested from other agencies to affect rescues necessitated by natural or man-made disasters for which the fire department does not have the required training and/or equipment such as farm accidents, confined space rescue, trench rescue, falls from heights, ice/water rescue and similar occurrences.

**Fire Suppression Services:**

Shall consist of:

- Suppression of structure fires and related outbuildings.
- Suppression of grass and brush fires.
- Protection of structures threatened by fire.
- Suppression of vehicle fires.

Suppression of fires involving non-structural property, provided said property is land based or attached to land.

**Emergency Medical Responses:**

Shall consist of:

- Response notification via London CACC as dictated by the County of Bruce Dispatch Priority Card Index.

Other emergency responses shall include:

**Hazardous Materials (Dangerous Goods) Incidents:**

Response to Hazardous Material Incidents shall be limited to the Awareness Level program.

Operational or Technical Level Hazardous Materials response may be requested from other fire departments or private agencies to assist in mitigating the incident, subject to availability.

The fire department is not responsible for and will not clean up or remove spills of dangerous goods. The owner of the Dangerous Goods is responsible for clean up and removal and all costs associated with such spill.

### **Marijuana Grow Ops/Clandestine Drug Labs**

The fire department will provide response and support to Ontario Provincial Police, municipal departments and other agencies for situations involving marijuana grow ops and/or clandestine drug labs to the level of training and equipment available. Outside assistance from other fire departments may be requested for specialized teams trained and equipped to provide hazardous materials / decontamination services.

### **Fire Investigations**

The fire department shall conduct investigations of fires in order to attempt to determine cause and origin and, where required, to request appropriate agencies to assist with the investigation.

### **Other**

The fire department shall respond and assist at such emergencies and to such levels as may be deemed appropriate by the Fire Chief or his designate.

**Appendix "B"**  
**To By-law Number 33 - 2015**

**Staffing Levels**

The authorized staffing level for the Fire and Emergency Services Division shall be a maximum of 28 members unless otherwise determined by Councils.

The Fire Chief shall determine the rank and organizational structure for the Fire and Emergency Services Division with the approval of the Joint Board, any changes to the structure and organization of the Fire and Emergency Services Division shall be reported to the Joint Board for approval and said changes may be required to be adopted by Councils if deemed necessary by the Joint Board

**Appendix "C"**  
**To By-Law Number 33 - 2015**

