

The Corporation of the Township of Brock

By-Law Number 2659-2016-PP

Being a By-Law to Establish a Fire Department Regulating By-Law for The Township of Brock Pursuant to The *Fire Protection & Prevention Act*, 1997, as Amended

Whereas subsection 2(1) of the *Fire Protection and Prevention Act*, 1997, as amended, requires every municipality to establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention and to provide such other Fire Protection Services as it determines may be necessary in accordance with its needs and circumstances; and

Whereas subsection 2(2) of the *Fire Protection and Prevention Act*, 1997 permits a municipality, in discharging these responsibilities, to establish a Fire Department;

Whereas subsection 5(1) of the *Fire Protection and Prevention Act*, 1997 requires a Fire Department to provide fire suppression services and permits the Fire Department to provide other Fire Protection Services in the municipality;

Now Therefore The Council of The Corporation of The Township of Brock hereby enacts as follows:

1. Definitions

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

- 1.1 “approved” means approved by the Council;
- 1.2 “Captain” means the person in command of the crew to which he/she is assigned and is responsible for the proper operation of that crew;
- 1.3 “CAO/Municipal Clerk” means the Chief Administrative Officer and Municipal Clerk appointed by Council to act as Chief Administrative Officer & Municipal Clerk for the Corporation pursuant to sections 228 & 229 of the Municipal Act. S. O. 2001 as amended;
- 1.4 “Confined Space” means any space that has limited or restricted means of entry or exit (e.g. tanks, vessels, silos, storage bins, hoppers, vaults, trenches, excavations and pits) that is not designed for continuous human occupancy;
- 1.6 “Corporation” means the Corporation of the Township of Brock;
- 1.7 “Council” means the Council of the Corporation;
- 1.8 “Deputy Fire Chief” means the person appointed by Council to act on behalf of the Fire Chief in the case of an absence, vacancy or inability to act in the office of the Fire Chief;
- 1.9 “District Fire Chief” means the person in command of the Organizational Divisions for each fire station and is responsible for the proper operation to the Fire Chief;
- 1.10 “Division” means a Division of the Fire Department as provided for in this by-law;
- 1.11 “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;
- 1.12 “Fire Department” means the Township of Brock Fire Department;

- 1.13 “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 hereunder;
- 1.14 “Fire Protection Services” includes fire suppression, fire prevention, 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 “Member” means any other person employed in or appointed to the Fire Department and assigned to undertake Fire Protection Services and includes officers, who may be employed full time, part time or volunteer fire fighters;
- 1.16 “Senior Divisional Officer” means Chief Training Officer, District Fire Chief and Chief Fire Prevention Officer and shall be the third ranking officers of the Fire Department;
- 1.17 “Volunteer fire fighter” means a fire fighter who provides Fire Protection Services either voluntary or for nominal consideration, honorarium, training or activity allowance;
- 1.18 “High Angle” means an environment in which the load is predominately supported by a rope rescue system;
- 1.19 “HUSAR” means Heavy Urban Search and Rescue;
- 1.20 “Station Commander” means the same as “District Chief”.

2. Establishment

- 2.1 The Fire Department is established under this by-law to provide Fire Protection Services for the Corporation and shall be known as the Township of Brock Fire Department.

3. Composition

- 3.1 The Fire Department shall consist of a Fire Chief, Deputy Fire Chief, Chief Training Officer, Chief Fire Prevention Officer, District Chief(s), Captains, Assistant Captains, other officers, fire fighters, administrative support staff and any other member(s) as may be authorized or considered necessary from time to time by Council or, if on a temporary basis, by the CAO/Municipal Clerk to perform Fire Protection Services.

4. Employment

- 4.1 The Fire Chief shall recommend to the CAO/Municipal Clerk and/or Council as the case may be, the employment in or appointment to the Fire Department, as the case may be, of any person, as an officer or member or as administrative support staff, who meet the qualifications and, if applicable, successfully completes criteria set by the Fire Chief (including without limitation training courses and physical, skills and other examinations) and otherwise satisfies any hiring policies, practices or procedures established or approved by Council for such employment or appointment.

5. Terms and Conditions of Employment

- 5.1 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;
- 5.2 Persons appointed as Members of the Fire Department shall be on probation for the first twelve (12) months, during which period the Member shall take such special training and examinations as may be required by the Fire Chief;
- 5.3 If a probationary Member of the Fire Department fails any such examination, the Fire Chief may recommend to Council that he/she be dismissed;
- 5.4 The Fire Chief may reprimand, suspend or recommend dismissal of any Member for insubordination, in-efficiency, misconduct, tardiness, non-compliance or infraction of any provisions of this by-law, policies, procedures, general orders and departmental rules that, in the opinion of the Fire Chief, would be detrimental to discipline or the efficiency of the Fire Department;
- 5.5 Following the suspension of any Member, the Fire Chief shall report the suspension and recommendations to Council;
- 5.6 A Member shall not be dismissed without the 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;
- 5.7 Every Member of the Fire Department appointed for firefighting (suppression) duties shall be subject to a medical examination every two (2) years and at such other times as the Fire Chief may require. Said medical examination shall consist of an electrocardiogram test or an electrocardiogram stress test to determine continued qualification to engage in fire suppression duties. The medical examination shall be submitted on a form provided by the Corporation, the costs of which shall be paid by the Township of Brock upon receipt of the invoice and the required form. Dependent on the results of this examination and, in consultation with the member, the Fire Chief may require the member to undergo further tests to determine fitness for fire suppression duties.
- 5.8 Every Member of the Fire Department appointed for firefighting (suppression) duties shall, as part of a medical examination, be subject to a an electrocardiogram stress test two (2) months prior to their sixtieth (60th) birthday, and annually thereafter and at such other times as the Fire Chief may require. The medical examination shall be submitted on a form provided by the Corporation, the costs of which shall be paid by the Township of Brock upon receipt of the invoice and the required form. Dependent on the results of this examination and, in consultation with the member, the Fire Chief may require the member to undergo further tests to determine fitness for fire suppression duties.
- 5.9 In the event that the results show that there are medical restrictions, the Township of Brock Fire Department shall make every effort to accommodate the Member in other non-fire suppression duties in accordance with the provisions of the Ontario Human Rights Code.

6. Organization

- 6.1 Subject to section 6.2 the Fire Department shall be organized into the following Divisions but is not limited thereto:
 - 6.1.1 Fire Prevention, Public Safety & Public Education;
 - 6.1.2 Fire Suppression (Emergency Operations);

- 6.1.3 Training;
 - 6.1.4 Communications;
 - 6.1.5 Apparatus & Equipment (Support Services); and
 - 6.1.6 Administrative Services.
- 6.2 The Fire Chief, with prior approval of the CAO & Municipal Clerk, may reorganize or eliminate Divisions or establish other Divisions or may do all or any of these things or any combination of them 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;
- 6.3 The Fire Chief may assign or reassign such members to a Division to assist the Fire Chief in the administration and operation of that Division as he or she may require.

7. Core Services

- 7.1 For the purposes of this By-law the core services provided by the Fire Department shall be as per Schedule "A" forming part of this by-law.
- 7.2 Nothing in this by-law shall restrict the Fire Department in providing only the core services in Schedule "A" or limit the provision of Fire Protection Services.

8. Responsibilities and Authority of Fire Chief

- 8.1 The Fire Chief shall be the head of the Fire Department and is ultimately responsible to Council, through the CAO & Municipal Clerk, for the proper administration and operation of the Fire Department including the delivery of Fire Protection Services;
- 8.2 The Fire Chief shall be authorized to make such general orders, policies, procedures, guidelines, rules and regulations and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operation 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 emergency situations and, without restricting the generality of the foregoing for;
- 8.2.1 The care and protection of all property belonging to the Fire Department;
 - 8.2.2 Arranging for the provision of necessary and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
 - 8.2.3 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;
 - 8.2.4 The conduct and discipline of members and administrative support staff of the Fire Department;
 - 8.2.5 Preparing and, upon approval by the Council, implementing and maintaining an emergency fire service plan and program for the Corporation;

- 8.2.6 Coordinating any emergency fire service plan and program adopted by Council and assisting in the preparation, implementation and maintenance of any emergency plans, organizations, services or measures established or to be established by the Corporation, alone or with others, and, if so requested or required, any emergency plan established by the Province of Ontario or the Government of Canada and for coordinating with and assisting any other public official in an emergency declared by the Mayor of the Corporation or the Premier of Ontario;
- 8.2.7 Reporting to the appropriate crown attorney or other prosecutor or law enforcement officer 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 FPPA;
- 8.2.8 Keeping an accurate record, in convenient form for reference, of all fires, rescues and emergencies responded to by the Fire Department;
- 8.2.9 Keeping such other records as may be required by the Council and the FPPA;
- 8.2.10 Preparing and presenting the annual report of the Fire Department to Council;
- 8.2.11 Preparing and presenting the annual estimates of the Fire Department to the Finance Committee of the Corporation and Council and for exercising control over the budget approved by Council for the Fire Department;
- 8.2.12 Preparing and presenting reports to the Finance Committee of the Corporation and Council for additional expenses, equipment, etc. for the Fire Department when such is beyond the scope of the budget approved by Council for the Fire Department.
- 8.3 The Fire Chief shall be responsible for the administration and enforcement of this by-law and all general orders, policies, procedures, guidelines, 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 laws, 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 him in the discharge of this duty and, in the case of such by-laws, including this by-law, recommend to the Council 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;
- 8.4 The Fire Chief shall have all powers, rights and duties assigned to a Fire Chief under the FPPA including but without limitation the authority to enforce compliance with the Fire Code;
- 8.5 The Fire Chief may liaise with any association representing fire fighters or administrative support staff of the Fire Department or any of them;

- 8.6 The Fire Chief may liaise with the Office of the Fire Marshal of Ontario and any other office or organization as required by 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 the Fire Protection Services for the Corporation;
- 8.7 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;
- 8.8 The Fire Chief shall be responsible for the Health and Safety in accordance with the Occupational Health & Safety Act and those responsibilities shall include:
 - 8.8.1 Health & Safety Policy/Manual
 - 8.8.2 Promote/Maintain a safe work environment
 - 8.8.3 Standard Operating Procedures/Guidelines/Policies
 - 8.8.4 Conduct Health & Safety incident/accident investigations
 - 8.8.5 Wear appropriate Personal Protective Equipment
 - 8.8.6 Attend Health & Safety meetings
 - 8.8.7 Provide Health & Safety manual to all fire department personnel

9. Deputy Fire Chief

- 9.1 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 to him or her by the Fire Chief and shall act on behalf of the Fire Chief in case of absence, vacancy or inability to act in the office of the Fire Chief.

10. Chief Fire Prevention Officer

- 10.1 The Chief Fire Prevention Officer shall be a Senior Divisional 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 to him or her by the Fire Chief and/or Deputy Fire Chief;
- 10.2 The Chief Fire Prevention Officer shall be head of Fire Prevention and Public Education and is ultimately responsible to the Fire Chief and/or the Deputy Fire Chief for proper administration and operation of the Fire Prevention and Public Education including the delivery of Fire Protection Services;
- 10.3 The Chief Fire Prevention Officer shall act on behalf of the Deputy Fire Chief in case of absence, vacancy or inability to act in the office of the Deputy Fire Chief.

11. Chief Training Officer

- 11.1 The Chief Training Officer shall be a Senior Divisional 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 to him or her by the Fire Chief;
- 11.2 The Chief Training Officer shall be head of the firefighter training program and is ultimately responsible to the Fire Chief for the proper administration and maintenance of a standardized firefighter training program that focuses on skill development and maintenance of all firefighters.

11.3 The Chief Training Officer shall:

- 11.3.1 Plan, design, monitor, report and deliver fire training courses, activities and programs necessary to meet the needs of the firefighters and the organization as a whole;
- 11.3.2 Assess training performance of Fire personnel, working with Officers to ensure training meets standards and is consistent with delivery requirements.
- 11.3.3 Evaluate ongoing training programs meeting regularly with the Fire Chief, Deputy Fire Chief, and District Chief's in developing and maintaining a progressive and efficient training program.
- 11.3.4 Maintain adequate training records inclusive of personnel, apparatus/equipment use, and learning outcomes;
- 11.3.5 Develop, implement and ensure delivery of New Recruit & Officer Training Programs;
- 11.3.6 Advise of any changes in procedures or methods necessary to maintain or improve fire training programs;
- 11.3.7 Ensure that training activities and materials meet relevant organizational and statutory policies including the OHS Act, IFSTA, and NFPA Standards; and,
- 11.3.8 Perform other duties as assigned in keeping with corporate objectives.

12. District Chief

12.1 The District Chief shall be a Senior Divisional Officer and shall be subject to and obey all orders of the Fire Chief and shall perform such duties as are assigned to him or her by the Fire Chief;

12.2 The District Chief shall:

- 12.1.1 Command at an emergency scene until relieved by the Fire Chief and/or the Deputy Fire Chief;
- 12.1.2 Complete any administrative work related to the fire station as required by the Fire Chief and/or Deputy Fire Chief;
- 12.1.3 Oversee the operation and maintenance of the assigned fire station as well as the vehicles and equipment assigned to the station;
- 12.1.4 Perform other duties as assigned in keeping with corporate objectives.

13. Fire Prevention Officer

13.1 The Fire Prevention Officer shall report to the Chief Fire Prevention Officer and:

- 13.1.1 Be responsible for the provision of fire prevention programs, public education and fire training programs;
- 13.1.2 Review development and building permit applications for Fire Code compliance for the related parts of the Building Code;

- 13.1.3 Conduct inspections of buildings and appliances to ensure Fire Code compliance;
- 13.1.4 Assist the Fire Chief in all aspects of the Corporation's Emergency Management Plan related to fire prevention and suppression;
- 13.1.5 Assist the Chief Training Officer in the development of fire suppression, fire prevention and public education training programs for the firefighters;
- 13.1.6 Assist in the preparation of the annual operating and capital budgets;
- 13.1.7 Perform other duties as assigned in keeping with corporate objectives;
- 13.1.8 Issue fire permits and inspect fire permit sites when required compliance with the Corporation's Open Air Burn By-Law; and
- 13.1.9 Undertake Health & Safety responsibilities such as work safely, wearing personal protective equipment, reporting all hazards and reporting all accidents/incidents in accordance with applicable legislation, and the Corporation's policies and procedures.

14. Supervision

- 14.1 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.

15. General Duties and Responsibilities

- 15.1 Every member and administrative support staff person shall conduct themselves in accordance with general orders, policies, procedures, guidelines, rules and regulations as may be made by the Fire Chief or Council 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 other written agreement that may be applicable.

16. Property

- 16.1 No person shall supply or use any apparatus, equipment or other property of the Fire Department for any personal or private use;
- 16.2 No person shall wilfully damage or render ineffective or inoperative any apparatus, equipment or other property belonging to or used by the Fire Department.

17. Fire Suppression

- 17.1 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;
- 17.2 The Fire Department may pull down sections or demolish any building or structure when considered necessary to prevent the spread of fire;
- 17.3 The Fire Department may request other persons present at a fire to assist in:

- 17.3.1 Extinguishing fires;
- 17.3.2 Pulling down sections or demolishing buildings or structures to prevent the spread of fire;
- 17.3.3 Crowd and traffic control or,
- 17.3.4 Suppression of fires or other hazardous conditions in other reasonable ways.

18. Refusal to Leave

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

19. Conduct at Fires

- 19.1 During a fire and for the time after it has been extinguished to permit the removal of 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 shall enter or remain upon or within:
 - 19.1.1 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;
 - 19.1.2 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 determined by the Fire Chief or the next ranking officer present at the fire;
- 19.2 The provisions of section 18.1 shall not apply to a resident of any street or lane or within any 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.

20. Additional Expenses

- 20.1 If, as a result of a Fire Department response to an emergency including a motor vehicle incident, or carrying out any of its duties or functions, the Fire Chief or designate 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 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 service shall be charged the costs to provide the additional service including all applicable taxes. Property shall mean personal and real property.

21. Emergency Responses Outside the Limits of the Municipality

- 21.1 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:
 - 21.1.1 That, in the opinion of the Fire Chief or designate, threatens property within the territorial limits of the Corporation.
 - 21.1.2 In a municipality within which an approved automatic aid or mutual aid agreement has been entered into to provide Fire Protection Services;

- 21.1.3 On property within which an approved agreement has been entered with any person or Corporation to provide Fire Protection Services;
- 21.1.4 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; or
- 21.1.5 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 provided the appropriate fire department is notified to respond and to assume command or establish alternative measures when it is deemed acceptable to the Fire Chief or designate.

22. Interference

- 22.1 No person shall impede or interfere with or hinder the Fire Department in the performance of its duties.

23. Fire Alarm

- 23.1 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.

24. Offences

- 24.1 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.

25. Conflict

- 25.1 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.

26. Severability

- 26.1 If any section 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 be enacted as such.

27. Date Effective

- 27.1 This by-law comes into effect the day it is passed by Council.

28. Repeal

- 28.1 That By-Law 2359-2011-PP, be and the same, is hereby repealed in its entirety.

THIS BY-LAW READ A FIRST AND SECOND TIME THIS 2ND DAY OF MAY, 2016.

original signed

MAYOR – JOHN GRANT

original signed

CLERK – THOMAS G. GETTINBY

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 2ND DAY OF MAY, 2016.

original signed

MAYOR – JOHN GRANT

original signed

CLERK – THOMAS G. GETTINBY

Schedule “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 and salvage and overhaul as appropriate;
- 1.2 Fire suppression services as per clause 1.1 and Emergency pre-hospital care responses as per clause 1.3 to Thorah Island shall be maintained in accordance with available resources;
- 1.3 Emergency pre-hospital care responses and medical acts such as defibrillation and CPR, trauma based first aid shall be maintained to Red Cross protocols as agreed and instituted as per the Tiered Response Agreement;
- 1.4 Motor vehicle extrication shall be provided to make accessible and readily removable any trapped persons and to assist with removal and patient care as necessary;
- 1.5 Water/ice rescue practices shall be delivered and maintained to a water entry level in accordance with available resources;
- 1.6 Confined space rescue, trench rescue, high angle rescue, HUSAR, hazardous materials response and other highly specialized technical, (propane facility emergencies) and/or rescue services shall not be provided by the Brock Township Fire Department (BTFD) beyond the basic awareness level;
- 1.7 The Ontario Fire Fighters Curriculum, International Fire Service Training Association’s Essentials of Fire Fighting, Ontario Fire Fighters Curriculum guidelines for motor vehicle collisions, and the Ontario Fire Service Standard Level III “Go” rescue shall be used as a reference guide for BTFD training. 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 Fire Prevention Division;
- 2.2 New construction inspections and plan reviews of buildings under construction in matters respective of fire protective systems within buildings shall be conducted in conjunction with the Township of Brock Building Department and in accordance with the applicable By-law and operating procedures;
- 2.3 The Ontario Fire Service Standard for Fire Prevention Officers and the Ministry of Municipal Affairs and Housing Standards 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 department’s Fire Prevention & Public Safety Division;
- 3.2 A residential home fire safety awareness program shall be ongoing;

- 3.3 Smoke alarms for residential occupancies shall be provided to those in need;
- 3.4 Fire and life safety communiqués shall be distributed to the media on a regular basis;
- 3.5 The department shall maintain at least one Fire Prevention Officer certified to the Ontario Fire Service Standard.

4. **Emergency Dispatch and Communications**

- 4.1 Alerting/Paging services shall be provided by the City of Oshawa Fire & Emergency Services in accordance with the current agreement or as may be amended.