

TOWNSHIP OF BONNECHERE VALLEY

BY-LAW NO. 2013-017

ESTABLISHING & REGULATING BY-LAW

Being a By-Law to Continue a Fire Department.

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 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(1.0), 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 Township of Bonnechere Valley, as follows:

1. In this by-law, unless the context otherwise requires,
 - a) **additional services** means any activities undertaken at the direction of the *fire chief* or *deputy fire chief* that are beyond the normal resources of the *fire department*
 - b) **approved** means approved by the Council of the Township of Bonnechere Valley
 - c) **captain** means the person or persons appointed by the *fire chief* to act in an *officer* capacity
 - d) **chief administrative officer (C.A.O.)** means the person appointed by *council* to act as the chief administrative officer for the *corporation*
 - e) **corporation** means the Corporation of the Township of Bonnechere Valley
 - f) **council** means the Council of the Township of Bonnechere Valley
 - g) **deputy chief** means the person or persons appointed by the *fire chief* to act on behalf of the *fire chief* of the *fire department* in the case of an absence or a vacancy in the office of *fire chief*
 - h) **fire chief** means the person appointed by *council* to act as fire chief for the *corporation*
 - i) **fire department** means the Township of Bonnechere Valley Fire Department
 - j) **fire prevention officer** means the *fire chief* or the person or persons appointed by the *fire chief* to supervise and/or provide fire safety education, inspections under the Ontario Fire Code and to ensure compliance with all fire prevention regulations
 - k) **fire protection services** include 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
 - l) **officer** means the person or persons appointed by the *fire chief* to act in as a *fire prevention officer, captain, or deputy chief*

- m) **property** shall mean personal and real property
- n) **firefighter** means an individual who provides *fire protection services* for the Township of Bonnechere Valley.

GENERAL

- 2. A *fire department* for the Township of Bonnechere Valley to be known as the Bonnechere Valley Fire Department is hereby continued and the head of the *fire department* shall be known as the *fire chief*.
- 3. The *fire department* shall be structured in conformance with the *approved Organizational Chart, Appendix A*, forming part of this by-law.
- 4. The *fire department* shall be authorized to conduct all core services as listed in **Appendix B**, forming part of this by-law.

ROLE, RESPONSIBILITIES OF THE FIRE CHIEF, DEPUTY FIRE CHIEF(S)

- 5. The *fire chief* reports to the *C.A.O.* for the proper administration and operation of the *fire department* including all *fire department* functions and programs.
- 6. 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 *fire department* personnel and *fire department* equipment.
- 7. The *fire chief* shall periodically review policies, orders, rules and operating procedures of the *fire department* and may establish an advisory committee consisting of such *firefighters* as the *fire chief* may determine from time to time to assist in these duties.
- 8. The *fire chief* shall submit to the *C.A.O.* for *council* approval, the annual budget estimates for the *fire department*; an annual report and any other specific reports requested by the *C.A.O.* or *council*.
- 9. Each division of the *fire department* is the responsibility of the *fire chief* is under the direction of the *fire chief* or the *firefighter* designated by the *fire chief*. Designated *firefighters* shall report to the *officer* in the hierarchy established in the *approved Organizational Chart, Appendix A*. *Firefighters* on divisions and activities under their supervision and shall carry out all orders of *fire department officers and the fire chief*.
- 10. Where the *fire chief* designates a *firefighter* to act in the place of an *officer* in the *fire department*, such *firefighter*, when so acting, has all of the powers and shall perform all duties of the *officer* being replaced.
- 11. 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* shall be specifically empowered to authorize:
 - a) the 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 dangers, risk or accident, when unable to contact the property owner
 - c) the recovery 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
- 12. The *deputy chief(s)* shall report to the *fire chief* on the activities that are his or her responsibility and carry out orders of the *fire chief*. In the absence of the *fire chief* the

deputy chief(s) shall have all the powers and shall perform all the duties of the *fire chief*. In the absence of the *fire chief* and *deputy chief(s)* simultaneously, the remaining *most senior officer* shall have all the powers and shall perform all the duties of the *fire chief*.

13. If a *deputy chief*, acting in the absence of the *fire chief*, does not have the designation of Assistant to the Fire Marshal, the *deputy chief* shall request the assistance of a *fire department* officer who has the designation of Assistant to the Fire Marshal to conduct any inspection or fire scene investigation activities.
14. If, as a result of a fire department response to an emergency, including a motor vehicle accident or the carrying out any of its duties or functions, the *fire chief* or *deputy chief(s)* 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*” required in order to suppress or extinguish a fire, preserve *property*, prevent a fire from spreading, control or 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 services* shall be charged the costs to provide the *additional services* including all applicable taxes.
15. 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 of the *fire 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) 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*, to a municipality authorized to participate in a county, district or regional mutual aid plan established by a fire co-ordinator appointed by the fire marshal or any other reciprocal plan
 - 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.

STAFFING

16. The *fire chief* may hire any qualified person as a *deputy chief, fire prevention officer, captain or firefighter*, subject to the *approved* hiring policies of the Township of Bonnechere Valley up to the maximum staffing compliment approved by Council.
17. Persons hired as *firefighters* to provide *fire protection services* shall be on probation for a period of 12 months, during which period they shall take such training and examinations as may be required by the *fire chief*.
18. The employment of a *deputy chief, fire prevention officer, captain or firefighter* may be terminated without cause by the *fire chief* at any time within the probationary period. The termination of a firefighter within his/her probationary period is not subject to review as described in parts 23 to 26 below.
19. The *fire chief* may reprimand, suspend, demote or dismiss any *firefighter* for infraction of any provisions of this by-law, policies, general orders and departmental rules or for any other conduct that, in the opinion of the *fire chief*, would be detrimental to the discipline, efficiency, operation or reputation of the

fire department. A suspension may be with or without pay, and for a period of time thought to be necessary by the *fire chief* in his/her sole discretion. The *fire chief* may consult the *C.A.O.* prior to reprimanding, demotion or dismissal.

20. Following the suspension of a *firefighter*, the *fire chief* shall immediately report, in writing, the suspension to the *C.A.O.*
21. A *fire fighter* shall be disciplined in accordance with the Township's Human Resource policies in effect at the time of the discipline.
22. In the event that a *firefighter* is dismissed, the dismissal must be made upon at least seven days' notice and the notice must include written reasons for the dismissal.
23. A *firefighter* who has received a notice of dismissal of employment may request that a review of the dismissal be conducted by making such a request, in writing, to the *C.A.O.* within ten days of receiving the notice.
24. If a *firefighter* so requests a review of his/her dismissal, then the Municipality shall appoint the Director of Human Resources from the County of Renfrew to conduct the review. In the event the Director of Human Resources from the County of Renfrew is unable to undertake this review then the *C.A.O.* shall appoint a qualified individual who is not a member of council or staff to conduct this review
25. The person appointed to conduct the review shall conduct the review within ten days after the day on which the review was requested. The person is not required to hold a hearing and, instead, can conduct the review by way of written submissions.
26. The person conducting the review of the dismissal may uphold the dismissal, may order that the firefighter be returned to duty under such conditions as may be specified in the order, or may make such other order as he or she considers proper.
27. Remuneration of the firefighters shall be determined in accordance with pay equity.
28. If a medical examiner finds that a *firefighter* is physically unfit to perform assigned duties, then *the fire chief* may assign the *firefighter* to another position in the *fire department* or, if such assignment or other accommodation is not possible without undue hardship, may retire him/her.
29. In case the provisions of this by-law conflict with the provisions of any other by-law, the provision of this by-law shall prevail.

This by-law rescinds all previous Establishing and Regulating by-laws of the Township.

This By-Law shall come into force and take effect upon 3rd reading.

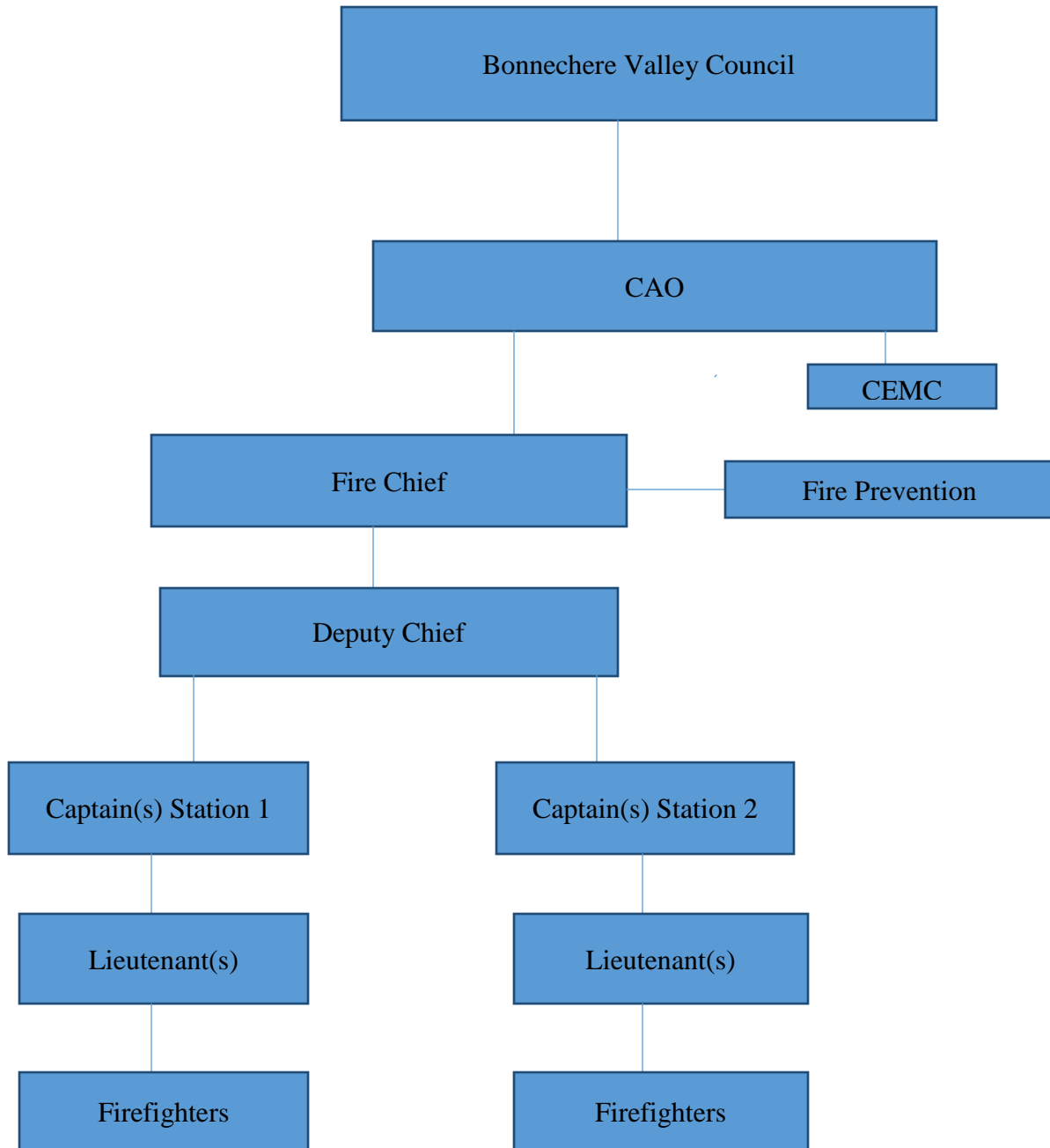
Read a first and second time this the 20th day of August 2013

Read a third time and passed this the 20th day of August 2013

Jennifer Murphy - Mayor

Bryan Martin - CAO

**Appendix A
Bonnechere Valley Fire Department
Organization Chart**



*Schedule "A" modified by resolution on September 6th, 2016.

Appendix B
Bonnechere Valley Fire Department
Core Services

The Bonnechere Valley Fire Department is expected to use these identified core services as guiding principles for providing fire services in the community.

The *approved* core services are:

Emergency Response:

1. Structural fire fighting including rescue
2. Vehicle fire fighting
3. Grass, bush, forestry fire fighting
4. Automatic aid
5. Mutual aid
6. Awareness level hazardous materials
7. Vehicle accidents
8. Vehicle extrication (basic)
9. Vehicle extrication (heavy): Eganville Station only
10. Water and ice rescue – shore based ambulance assist only
11. Public assistance
12. Ambulance assistance
13. Police assistance
14. Public utilities assistance
15. Community emergency plan participation
16. Role as Assistant to the Fire Marshal re suppression

Fire Prevention and Public Education:

1. Selection of appropriate programs
2. Role as chief fire official
3. Role of Assistant to the Fire Marshal re prevention
4. Input into fire prevention policy development
5. Code development input
6. Development of fire prevention by-laws
7. Inter-action with building department
8. Inter-action with other government agencies
9. Inspection practices, including
 - complaint inspections
 - conducting routine inspections per fire prevention and public education policy
 - dealing with code compliance issues (mandated)
 - enforcing municipal by-laws
 - conducting inspections, preparing reports and issuing written responses to requests
10. Public education practices, including
 - providing routine education programs as per fire prevention and public education policy
 - facilitating smoke alarm initiatives
 - providing access for media
 - delivery of specialized programs
11. Fire investigation practices, including
 - determining cause and origin of all fires
 - assessing code compliance
 - assessing fire suppression effectiveness
 - determining compliance with building standards
 - determining effectiveness of built-in suppression features
 - interacting with OFM investigator
 - supporting criminal prosecutions

- consulting with police and other agencies

12. Plans examination and approval practices, including

- examining and approving new construction plans in consultation with the Chief Building Official
- examining and approving renovation plans in consultation with the Chief Building Official
- reviewing and approving sub-division/development agreements
- reviewing and approving site plans
- providing joint on-site inspection of approved plans to determine compliance
- input into the issuing of occupancy permits

13. Preparation for and appearances in court

14. Oversee systems checking , testing and approval

15. Compile analyze and disseminate functional statistics