

THE CORPORATION OF THE TOWNSHIP OF WELLESLEY

BY-LAW NO. 46/2017

Being a by-law to establish and regulate the Fire Department of the Township of Wellesley and to repeal By-law 7/2005

**WHEREAS** section 2(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended (the “FPPA”) requires that every municipality establish a program 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** section 2(2) of the FPPA states that, in discharging its responsibilities under section 2(1), a municipality shall appoint a community fire safety officer or a community fire safety team or establish a fire department;

**AND WHEREAS** section 2(5) of the FPPA states that a municipality may, under such conditions as may be specified in the agreement, enter into an agreement to provide such fire protection services as may be specified in the agreement to lands or premises that are situated outside the territorial limits of the municipality and receive such fire protection services as may be specified in the agreement from a fire department situated outside the territorial limits of the municipality;

**AND WHEREAS** section 5(0.1) of the FPPA states that a council of a municipality may establish, maintain and operate a fire department for all or any part of the municipality;

**AND WHEREAS** section 5(1) of the FPPA states that a fire department shall provide fire suppression services and may provide other fire protection services in a municipality;

**AND WHEREAS** section 6 (1) of the FPPA states if a fire department is established for the whole or a part of a municipality or for more than one municipality, the council of the municipality or the councils of the municipalities, as the case may be, shall appoint a Fire Chief for the fire department;

**NOW THEREFORE** the Council of The Corporation of the Township of Wellesley enacts as follows:

**Definitions**

1. In this by-law:

“**Additional Services**” includes retaining a private contractor, renting special equipment not normally carried on a fire apparatus, or using more materials than are normally carried on a fire apparatus;

“**Chief Administrative Officer**” means the person appointed by Council to act as the Chief Administrative Officer for the Township;

“**Confined Space**” means any space that has limited or restricted means for entry or exit, such as tanks, vessels, silos, storage bins, hoppers, vaults, trenches, excavations and pits, and which are not designed for continuous human occupancy;

“**Council**” means the Council of the Township;

“**Fire Chief**” means the person appointed by Council pursuant to sections 6(1), (2) or (4) of the FPPA, or his or her designate;

“**Fire Code**” means Ontario Regulation 213/07, as amended, under the FPPA;

“**Fire Department**” means the Fire Department for the Township;

“**Fire Protection Services**” includes fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services, and the delivery of all those services;

“**FPPA**” means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 as amended;

“**Member**” means any person employed in, or appointed to, the Fire Department and includes the Fire Chief, Deputy Fire Chief(s), District Fire Chief(s), senior officers, captains or other officers, administrative support staff and anyone else assigned to undertake Fire Protection Services, which includes Paid On-Call Firefighters;

“**Mutual Aid**” means a reciprocal exchange of resources or services for mutual benefit;

“**Paid On-Call Firefighter**” means a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance; and,

“**Township**” means The Corporation of the Township of Wellesley.

### **Establishment**

2. The Fire Department is continued under this by-law to provide Fire Protection Services for the Township and shall be known as the “Township of Wellesley Fire Department”.
3. The head of the Fire Department shall be the Fire Chief.

### **Composition**

4. The Fire Department shall be structured in conformity with the organizational chart that has been attached as **Schedule “A”** to this by-law. As such, the Fire Chief may appoint from among the Members such Deputy Fire Chief(s), District Fire Chief(s) and such other officers as may be required, as determined by the Fire Chief.
5. The Fire Department shall consist of the Members and any other person as may be authorized or considered necessary from time to time by Council or by the Chief Administrative Officer for the Fire Department to perform Fire Protection Services.
6. If a station within the Fire Department cannot maintain an appropriate number of staff, as determined by the Fire Chief, the Fire Chief shall take the necessary steps to maintain an appropriate number of staff by hiring suitable applicants that are available to other stations within the Township.

### **Employment**

7. The Fire Chief may recommend to Council the appointment of any qualified person as a Member, subject to the approved hiring policies of the Township as well as any applicable employment legislation or regulations.
8. Persons appointed as Paid On-Call Firefighters shall be on probation for a period of twelve (12) months, during which they will take such special training and testing as required the Fire Chief at the expense of the Township.
9. Council shall determine the remuneration, if any, of Paid On-Call Firefighters.

### **Core Services**

10. For the purposes of this by-law, the core services provided by the Fire Department shall be outlined in **Schedule “B”** which shall form a part of this by-law.

### **Responsibilities and Authority of the Fire Chief**

11. The Fire Chief shall be the head of the Fire Department and is ultimately responsible to Council, through the Chief Administrative Officer, for the proper administration and operation of the Fire Department, including all Fire Department functions and programs, and the delivery of fire protection services.

12. Acting within the appropriate Township procedures established by Council or the Chief Administrative Officer, 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 operations of the Fire Department and the effective management of the Fire Protection Services for the Township 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:
- (a) for the care and protection of all property belonging to the Fire Department;
  - (b) for arranging for the provision of necessary and proper facilities, apparatus, equipment, services and supplies for the Fire Department in cooperation with the appropriate Township departments;
  - (c) for determining and establishing the qualifications and criteria for employment or appointment and the duties of all members of the Fire Department, in consultation with the Chief Administrative Officer;
  - (d) for the conduct and the discipline of Members of the Fire Department and, in doing so, may counsel, reprimand, suspend or terminate the employment of any Member for insubordination, inefficiency, misconduct, tardiness, or for non-compliance with any of the provisions of this by-law, the general orders, policies, procedures, guidelines, rules and regulations, or infraction of the *Criminal Code* that, in the opinion of the Fire Chief, would be detrimental to the order, discipline and efficiency of the Fire Department;
  - (e) for preparing and, upon approval by Council, implementing and maintaining a community emergency management plan and program for the Township;
  - (f) for coordinating any community emergency management plan and program adopted or to be adopted by Council with and assisting in the preparation, implementation and maintenance of any emergency plans, organizations, services or measures established or to be established by the Township, 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 a declared emergency;
  - (g) for reporting to the appropriate crown attorney or other prosecutor, including the Township Solicitor, or law enforcement officer or other officer that 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, the *Fire Code* or this by-law;
  - (h) for keeping an accurate record, in convenient form for reference, of all fires, rescues and emergencies responded to by the Fire Department;
  - (i) for keeping such other records as may be required by Council and the FPPA;
  - (j) for preparing and presenting the annual report of the Fire Department to Council;
  - (k) for preparing and presenting the annual estimates of the Fire Department to the Chief Administrative Officer;
  - (l) for exercising control over the budget approved by Council for the Fire Department, as established by the policies or procedures of the Township;
  - (m) for the appointment, promotion and demotion of Members of the Fire Department in accordance with such policies, procedures, guidelines, rules and regulations as may be in existence from time to time provided that such measures do not conflict with the provisions of this by-law or any other by-law of the Township 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; and,

(n) for any other duties assigned by Council.

13. 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 Township respecting Fire Protection Services, and shall review periodically such by-laws and may for this purpose establish an advisory committee consisting of such officers and such other persons, including members of the general public, as the Fire Chief may determine from time to time, to assist him or her in the discharge of this duty and, in the case of such by-laws, including this by-law, recommend to the Chief Administrative Officer and/or Council such amendments as the Fire Chief considers appropriate and, in the case of general orders, policies, procedures, guidelines, rules and regulations made under this by-law, revise or terminate any of them if the Fire Chief considers it appropriate.
14. The Fire Chief shall have all the powers, rights and duties assigned to a Fire Chief under the FPPA including, without limitation, the authority to enforce compliance with the *Fire Code*.
15. The Fire Chief may liaise with any union representing any Member.
16. 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 Township.
17. The Fire Chief may utilize such Members as the Fire Chief may determine, from time to time, to assist in the performance of his or her duties.

#### **Deputy Fire Chief(s)**

18. The Deputy Fire Chief(s) 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 or a vacancy in the office of Fire Chief.

#### **Supervision**

19. The Members, while on duty, shall be under the direction and control of the Fire Chief or the next ranking officer present in any place.

#### **General Duties and Responsibilities**

20. Every Member shall conduct themselves in accordance with general orders, policies, procedures, guidelines, rules and regulations 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 collective agreement or other written agreement that may be applicable.

#### **Property**

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

#### **Fire Suppression**

23. 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 without notice.
24. The Fire Department may pull down or demolish any building or structure when considered necessary to prevent the spread of fire.

### **Refusal to Leave**

25. No person at a fire shall refuse to leave the immediate vicinity of that fire when required to do so by a Member if, in the opinion of that Member, the fire poses a threat to that person's health or safety.

### **Conduct at Fires**

26. 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 to remain upon or within:
  - (a) the portion of any municipal highway upon which the site of the fire abuts or upon any municipal highway for a distance of fifteen (15) metres on each side of the property damaged by fire: or,
  - (b) any additional municipal highway, or part thereof, 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.
27. The provisions of section 26 of this by-law shall not apply to a resident of a property which abuts the municipality highway in question, 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.

### **Additional Services**

28. If, as a result of the Fire Department's response to an emergency including a motor vehicle incident or, in order to carry out any of its duties or functions, the Fire Chief or Deputy Fire Chief(s) may determine that it is necessary to obtain Additional Services in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, control and imitate an emergency, carry out or prevent damage to equipment owned by the Township or otherwise carry out the duties and functions of the Fire Department, and the owner of the property requiring or causing the need for the Additional Services may be charged the costs to provide the Additional Services including all applicable taxes.
29. The Additional Services obtained pursuant to section 28 may be obtained notwithstanding any other Township by-law or policy.

### **Emergency Responses Outside the Limits of the Township**

30. The Fire Department shall not respond to a call with respect to a fire or emergency outside the territorial limits of the Township, except with respect to a fire or emergency:
  - (a) that, in the opinion of the Fire Chief, threatens property in the territorial limits of the Township or property situated outside the territorial limits of the Township that is owned or occupied by the Township;
  - (b) in a municipality with which an automatic aid or Mutual Aid agreement has been entered into to provide Fire Protection Services;
  - (c) on property with which an agreement approved by Council has been entered into by the Township with any person to provide Fire Protection Services;
  - (d) 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,
  - (e) on property beyond the territorial limits of the Township where the Fire Chief determined 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.

**Interference**

31. No person shall impede or interfere with or hinder the Fire Department in the performance of its duties as set out in this by-law, the FPPA and the *Fire Code*.

**Fire Alarm**

32. 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.

**Offences**

33. Every person who contravenes any provisions of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty established by the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

**Conflict**

34. Where this by-law may conflict with any other by-law of the Township, this by-law shall take precedence to the extent of the conflict.

**Short Title**

35. This by-law shall be known as the "Fire Department Establishing By-Law".

**Severability**

36. If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

**Schedules**

37. **Schedules "A" and "B"** which are attached hereto shall form a part of this by-law.

**Repeal**

38. By-law 7/2005 is hereby repealed.

**Enactment**

39. This by-law shall come into force and effect the day it is passed by Council.

Read a first and second time this 10<sup>th</sup> day of October, 2017.

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Mayor Joe Nowak

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Clerk, Grace Kosch

Read a third and final time and passed this 10<sup>th</sup> day of October, 2017.

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Mayor Joe Nowak

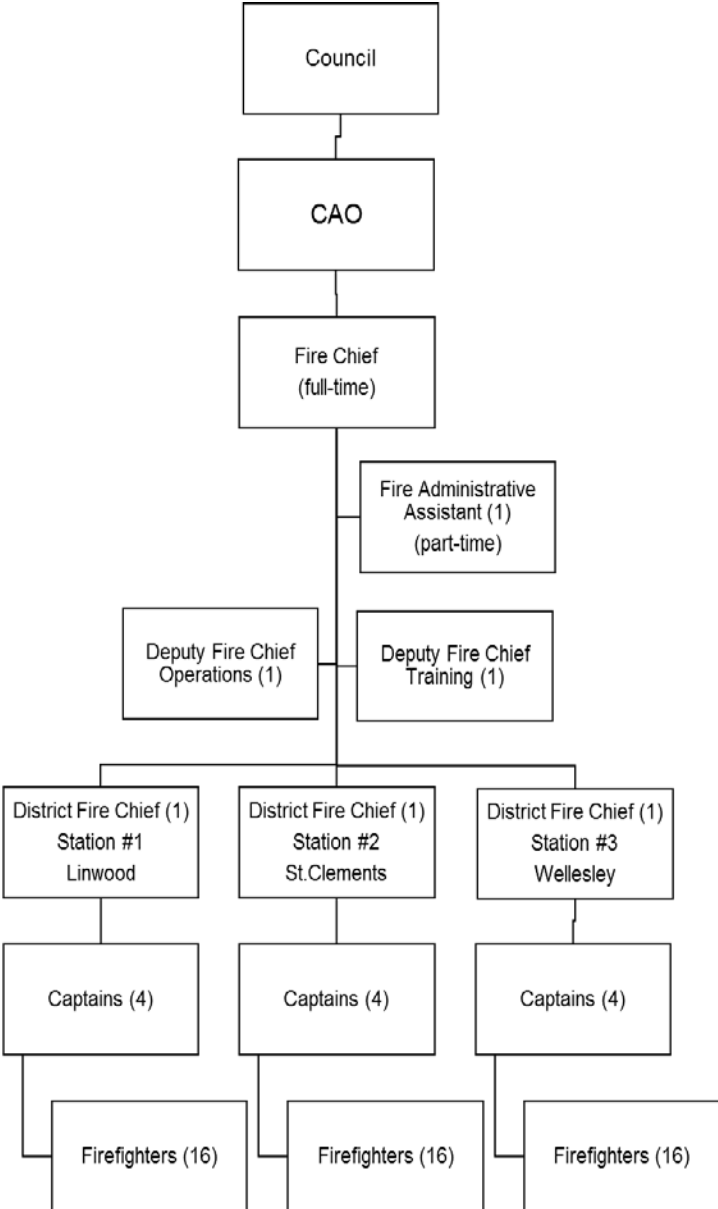
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Clerk, Grace Kosch

THE CORPORATION OF THE TOWNSHIP OF WELLESLEY

BY-LAW NO. 46/2017

SCHEDULE "A"

ORGANIZATIONAL CHART



**THE CORPORATION OF THE TOWNSHIP OF WELLESLEY**

**BY-LAW NO. 46/2017**

**SCHEDULE "B"**

**CORE SERVICES**

**1. FIRE PREVENTION (FIRE SAFETY INSPECTIONS, ENFORCEMENT, PUBLIC EDUCATION and FIRE CAUSE DETERMINATION)**

- (a) The Fire Department shall provide fire safety inspections arising from complaint, retrofit or request, or if it determines that such an inspection is necessary according to risk.
- (b) The Fire Department shall initiate FPPA, *Fire Code* or by-law enforcement activities where appropriate.
- (c) Distribution of fire and life safety information and public education programs shall be administered in accordance with the FPPA and policies and guidelines of the Fire Department.
- (d) Fire and life safety messaging shall be distributed to the public and media on a regular basis.
- (e) In accordance with the provisions of the FPPA and Fire Department policies and guidelines, Fire Department personnel shall investigate the cause and origin of all fires that occur within the Township.
- (f) The Fire Department shall maintain at least one Fire Inspector with NFPA 1031 Fire Inspector 1 certification.
- (g) The Fire Department shall maintain at least one NFPA 1035 Public Fire and Life Safety Educator certification.

**2. EMERGENCY RESPONSE**

- (a) Structural firefighting including interior search and rescue, offensive and defensive fire attack, forcible entry, roof operations, ventilation and water supply shall be in accordance with the Fire Department's level of training, standard operating guidelines, occupational health and safety guidelines and any Limited Services such as the number and type of personnel and equipment available to the Fire Department on each specific emergency response.
- (b) The Fire Department's emergency response to any water rescue (open water, ice water, fast moving water) shall be shore-based only.
- (c) The Fire Department shall provide basic life support (BLS) including but not limited to CPR, defibrillation, oxygen administration, vitals, and other first-aid or life-saving measures within the Fire Department's scope of practice.