

BY-LAW 94-15 15

Being a by-law to Establish a Fire Department

WHEREAS Section 210, Para 24 of the Municipal Act, R.S.O. 1980, Chapter 302, provides that the Council may by by-law establish and regulate a fire department;

THEREFORE, the Council of the Corporation of the Township of Prince enacts as follows:

1. In this by-law, unless the context otherwise requires,
 - (a) "*Council*" means the Council of the Township of Prince;
 - (b) "*Department*" means the Township of Prince Fire Department; and,
 - (c) "*Member*" means a person voluntarily acting as a fire fighter and includes an officer;
 - (d) "*Fire Protection*" means prevention, rescue and suppression services.
2. A Department for the Township of Prince to be known as the Township of Prince Fire Department, is hereby established and the head of the Department shall be known as the Chief of the Department.
3. In addition to the Chief of the Department, the Department personnel shall consist of a Deputy Chief and such number of Division Chiefs, Captains and other Officers and members as from time to time may be deemed necessary by the Council.
4. (a) The Chief of the Department may recommend to the Council the appointment of any qualified person as a member of the Department;
(b) A person is qualified to be appointed a member of the Department for fire suppression, prevention and/or rescue duties or portions thereof who:
 - i. has successfully completed at least Grade 10;
 - ii. is of good character; to be determined as a consequence of an interview with the Chief.
 - iii. passes any tests as may be required by the Chief of the Department, or his designate ; and,
 - iv. is medically fit to be a member as certified by a physician. It is the applicant's sole responsibility to ensure their medical fitness in the consideration of the duties they will perform.
- (c) A person appointed as a member of the Department for fire suppression, rescue and/or fire prevention duties shall be on probation for a period of six (6) months.

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- (d) If a member (whether probationary or not) appointed for fire suppression, rescue and/or fire prevention duties fails any examinations or training, or their conduct is unacceptable as assessed by the Chief or his designate, or such conduct is deemed to be detrimental to the operation of the fire department, the Chief of the department may recommend to the Council that the member in question be dismissed
5. The remuneration of all members of the Department shall be as determined by the Council.
6. The Chief of the Department is responsible to the Council for the proper administration and operation of the Department, for the discipline of its members, and,
- (a) may make such general orders and departmental rules as may be necessary for the care and protection of the Department and generally for the efficient operation of the Department, provided that such general orders and rules do not conflict with the provisions of any by-laws of the Municipality;
- (b) shall review and amend as required the operational guidelines, policies and procedures of the Department.
- (c) shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall enforce all municipal by-laws respecting fire prevention and exercise the powers imposed on him/her by the Fire Marshals Act;
- (d) is responsible for the enforcement of this by-law and the general orders and departmental rules;
- (e) shall report all fires to the Fire Marshal as required by the Fire Marshals Act;
- (f) shall submit to the Council for its approval the annual estimate for operating the Department. Such estimate shall include capital expenditures.
7. The Deputy Chief shall report to the Chief of the Department on the activities of the Divisions that are in his/her responsibility and carry out the orders of the Chief, and, in the absence of the Chief, has all the powers and shall perform all the duties of the Chief.

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8. (a) The Department is composed of the following Divisions:
Division of Administration;
Division of Apparatus, Equipment & Communications;
Division of Fire Fighting;
Division of Fire Prevention;
Division of Training.
- (b) Each Division of the Fire Department is under the direction of the Chief of the Department. If deemed necessary, Division Chiefs may be appointed with responsibility to the Deputy Chief, for the proper operation of a Division.
- (c) The Division of Fire Fighting is under the direction of the Deputy Chief who is responsible to the Chief of the Department for the proper operation of the Division.
9. The Chief of the Division of Administration is responsible to the Deputy Chief for the carrying out of the following duties of the Division:
- (a) Provide administration facilities for the Chief and Deputy Chief of the Department;
- (b) Prepare the departmental budget in conjunction with the Chief of the Department and exercise control of the budget;
- (c) Prepare the payroll of the Department and initiate requisitions for materials and services and certify all accounts of the Department;
- (d) Maintain personnel records;
- (e) Provide liaison with the local fire fighters' association;
- (f) Carry out the general administrative duties of the Department;
10. The Chief of the Division of Apparatus, Equipment and Communications is responsible to the Deputy Chief for the carrying out of the following duties of the Division:
- (a) Prepare specifications for the purchase of apparatus and equipment;

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- (b) Maintain and keep in repair all fire fighting, rescue and salvage apparatus of the Department;
 - (c) Modify apparatus and equipment;
 - (d) Provide recharging facilities for fire fighting extinguishers and cylinders and to test and repair hose;
 - (e) Issue clothing and equipment;
 - (f) Prepare specifications for new communication systems and for additions to existing communication systems;
 - (g) Maintain the communications systems of the Department;
 - (h) Prepare the annual report and budget of the Division of Apparatus, Equipment and Communications to be submitted to the Chief of the Department.
 - (i) Within the Division, there shall be appointed a Station manager responsible to maintain and keep in repair all buildings and fixed ancillary equipment within such building. The Station Manager shall report directly to the Chief of the Department.
11. (a) The Division of Fire Fighting is composed of such number of companies as the Chief of the Department may determine.
- (b) The Deputy Chief is responsible to the Chief of the Department for the management and operation of the Division of Fire Fighting and for the carrying out of the following functions of the Division:
- i. Prevent, control and extinguish fires;
 - ii. Conduct in-service fire prevention inspections of specified classes of occupancies, unless otherwise carried out by the officer responsible for the Division of Fire Prevention.
 - iii. Conduct investigations of fire in order to determine cause, origin, and, where appropriate, to request the Office of the Fire Marshal to conduct an investigation;
 - iv. Perform rescue and salvage operations.

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- v. Respond and assist at such emergencies as may be required by the Chief of the Department;
 - vi. Participate in and assist during training sessions;
 - vii. Conduct pre-fire fighting operations planning;
 - viii. Prepare the annual report and budget of the Division of Fire Fighting to be submitted to the Chief of the Department.
- (b) A Captain or Officer is in command of the Company to which he/she is assigned and is responsible for the proper operation of that Company to the Incident Commander on the Fireground;
- (c) Notwithstanding 11(b) above, the Chief shall have final authority for all fireground activities;
- (d) Where the Chief of the Department designates a member to act in the place of an officer in the Department, such member, when so acting, has all the powers and shall perform all the duties of the officer replaced.
12. The Chief of the Division of Fire Prevention is responsible to the Deputy Chief for the carrying out of the following duties of the Division:
- (a) Conduct fire prevention inspections of premises of all classes;
 - (b) Enforce the Ontario Fire Code;
 - (c) Examine building plans;
 - (d) Provide personnel for fire prevention lectures;
 - (e) Establish and maintain photography equipment;
 - (f) Maintain fire loss records;
 - (g) Receive, process and follow up reports of fire prevention inspections conducted under the Division of Fire Fighting;
 - (h) Conduct investigations of fires in concert with the Deputy Chief in order to determine cause, origin and where appropriate, to request the office of the Fire Marshall to conduct an investigation.

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- (i) Prepare the annual report and budget of the Division of Fire Prevention to be submitted to the Chief of the Department.
13. The Chief of the Division of Training is responsible to the Deputy Chief for the carrying out of the following duties of the Division:
- (a) Conduct training for all personnel of the Department in fire administration, fire prevention and fire fighting;
 - (b) Administer training programs for the Fire Department;
 - (c) Prepare and conduct examinations of members as required by the Chief of the Department;
 - (d) Prepare an annual report and budget of the Division of Training to the submitted to the Chief of the Department.
14. The provisions of this section apply to the promotion of members of the Department,
- (a) Any member having at least two (2) years of service with the Department may make application to the Chief of the Department to qualify him/her for promotion to a rank immediately superior to his/her present rank;
 - (b) Every recommendation for promotion of a member made to the Council by the Chief of the Department shall be based on the evaluation of:
 - i. the capability of the member;
 - ii. the fire and station record of the member.
 - (c) When, in the opinion of the Chief of the Department, all other factors for the promotion of two or more members are equal, seniority of service in the Department governs;
 - (d) The Chief of the Department and the Deputy Chief shall evaluate all members of the Department who are participating in a competition for promotion;
 - (e) Every applicant for promotion shall take such written, oral and practical examinations as may be required by the Chief of the Department.

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15. Every member of the Department appointed for fire fighting duties is subject to a medical examination at least once annually and at such other times as the Chief of the Department may require. Notwithstanding the above, it is the member's sole responsibility to ensure their ongoing medical fitness for all duties they are required to perform.
16. (a) Every member of the Department shall report for duty at the time prescribed by the departmental rules and shall remain on duty until relieved;
- (b) In the case of a member failing to report for duty, the officer in charge shall report this in writing, through his/her superior officers, to the Chief of the Department;
- (c) No member:
 - i. if his/her ability is impaired by the use of an intoxicating beverage or drug, shall respond to an emergency or a training session.
 - ii. while on duty, shall consume any intoxicating beverage or drug.
 - iii. if his/her ability is impaired by the use of an intoxicating beverage or drug, shall be permitted to remain on duty.
- (d) No member shall solicit the influence or support of anyone in order to secure a transfer, promotion or other advantage.
17. (a) The Chief of the Department may reprimand, suspend or recommend dismissal of any member for insubordination, inefficiency, misconduct, tardiness or for noncompliance with any of the provisions of this by-law or general orders and departmental rules that, in the opinion of the Chief, would be detrimental to the discipline and efficiency of the Department;
- (b) Following the suspension of any member the Chief of the Department shall report the suspension and his recommendations to the Council;
- (c) A member shall not be dismissed without being afforded the opportunity for a hearing before Council, if he/she makes a written request for such hearing within seven (7) days after receiving notice of his/her proposed dismissal.

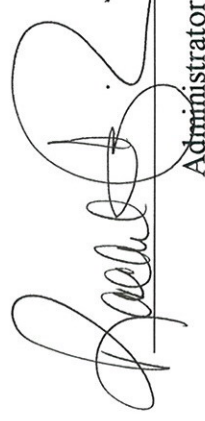
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18. The Department shall not respond to a call with respect to a fire or emergency outside the limits of the municipality except with respect to a fire or emergency:
- (a) that in the opinion of the Chief of the Department threatens property in the municipality or property situated outside the municipality that is owned or occupied by the municipality;
 - (b) in a municipality with which an agreement has been entered into to provide fire protection;
 - (c) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefor; or
 - (d) on those highways that are under the jurisdiction of the Ministry of Transportation or within the Region, County or District where the Region, County or District has established a rescue system;
 - (e) responded to as a consequence of a member fire department requesting assistance via the "District of Algoma Emergency Plan" (Mutual Aid).
19. This by-law comes into effect on the day it is passed by Council.
20. By-law 90-9 is hereby repealed.

Passed this 11th day of October, A.D., 1994.


David Edger

Reeve


Administrator