

# Township of Woolwich

## By-law No. 24-2016

### A By-law to establish, maintain and operate a fire department and to repeal By-law 20-2013

**Whereas** Section 8 of the *Municipal Act, 2001, S.O. 2001, c. 25 as amended*, 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, S.O. 2001, c. 25 as amended* provides that Section 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, S.O. 1997, Part II, Section 5 (1.0) as amended*, provides that the Council of a municipality may establish maintain and operate a fire department for all or any part of the municipality.

**Be it therefore enacted** by the Municipal Council of the Corporation of the Township of Woolwich, as follows:

#### Definitions

1. In this by-law, unless the context otherwise requires;
  - a) **Approved** means approved by council;
  - b) **CAO means the Chief Administrative Officer** as the person appointed by Council to act as Chief Administrative Officer for the corporation;
  - c) **Corporation** means the Corporation of the Township of Woolwich;
  - d) **Council** means the Council of the Township of Woolwich;
  - e) **Deputy Fire Chief** means the person appointed by Council 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 the Fire Chief;
  - f) **District** means the defined geographic area of the municipality divided for fire protection services;
  - g) **District Deputy Fire Chief** means the person to act on behalf of the District Fire Chief in the case of absence or vacancy;
  - h) **District Fire Chief** means the person appointed for each district within the Fire Department;
  - i) **Division** means a Division of the Fire Department;
  - j) **Fire Chief** means the person appointed by Council as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the Fire Protection and Prevention Act (FPPA);
  - k) **Fire Department** means the Township of Woolwich Fire Department;

- l) **Fire Protection Services** means a range of programs designed to protect the lives and property of the residents of the fire department response area from the adverse effects of fire, sudden medical emergency or exposure to dangerous conditions and 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;
- m) **FPPA** means the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4* as may be amended from time to time, or any successor legislation, and any regulation made hereunder;
- n) **Member** means any person employed in, or appointed to the Fire Department and assigned to undertake fire protection services and includes full time, part time and volunteer officers and firefighters;
- j) **Municipal Act** means the *Municipal Act, 2001, S.O. 2001, c. 25* as may be amended from time to time, or any successor legislation, and any regulation made there under;
- k) **Volunteer Firefighter** means a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance.

### **Establishment**

- 2. 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 Woolwich Fire Department.

### **Composition**

- 3. The Fire Department shall consist of the Fire Chief, Deputy Fire Chief, Fire Prevention Officers, District Chiefs, Officers, Firefighters, including Volunteer Firefighters, administrative support staff and any other member as may be authorized or considered necessary for the Fire Department to perform fire protection services. The Fire Chief through the CAO and Council has the authority to make such changes to the assignment and performance of duties and/or the composition of the department as he/she sees fit.

### **Employment**

- 4.1 The Fire Chief may recommend to the Chief Administrative Officer, the employment or the appointment of any qualified person as a Member of the Fire Department, subject to the approved hiring policies of the Township of Woolwich.
- 4.2 District Chiefs, District Deputy Chiefs, Fire Prevention Officers, Fire Prevention Officers, Officers and Firefighters shall be appointed by the Fire Chief as required but not exceed the complement authorized by resolution of Council.
- 4.3 The Fire Chief may reprimand, suspend or dismiss any member that in the opinion of the Fire Chief would be detrimental to the operation or the efficiency of the Fire Department or such circumstances that the Fire Chief determines there is just cause for discipline in his or her discretion.
- 4.4 Following the suspension of a Volunteer Firefighter, the Fire Chief shall within 10 business days report, in writing, the suspension and recommendations to the Chief Administrative Officer.

- 4.5 A Volunteer Firefighter may be terminated upon seven (7) days written notice. The notice must be accompanied by written reasons for the termination. Pursuant to the *Employment Standards Act, 2000* (ESA), a member may be terminated in the following ways:
1. **Layoff:** A volunteer firefighter may be subject to temporary layoff as a temporary layoff is defined in the Employment standards Act, 2000.
  2. **Termination by Resignation:** A volunteer firefighter may terminate his or her employment with the Township by providing two (2) weeks written notice to the Fire Chief. Upon termination, the volunteer firefighter will not be entitled to any further compensation. The Township may waive this two week notice, in whole or in part, and no further payments will be owing if the notice is waived.
  3. **Termination by the Township with Cause:** The Township may terminate the employment of a volunteer firefighter for cause without notice or any payment in lieu at any time during the course of employment.
  4. **Termination by the Township without Cause:** The Township may terminate the volunteer firefighter's employment, at any time, at its sole discretion for any reason, without cause, by provision to the volunteer firefighter of the minimum amount of notice or pay in lieu of notice and severance pay (if applicable) to which the volunteer firefighter is entitled under the Ontario *Employment standards Act, 2000*.
- 4.6 A Volunteer Firefighter shall not be dismissed without the opportunity for a review of termination if the Volunteer Firefighter makes a written request for such a review within seven (7) working days after receiving the notification of the dismissal. A person appointed by the Chief Administrative Officer or designate who is not a Member of the Fire Department shall conduct the review.

### Terms and Conditions of Employment

- 5.1 Every Volunteer Firefighter must pass aptitude, medical, physical and any other tests as may be required in accordance with the Township of Woolwich hiring policy.
- 5.2 In light of the physical nature of performing suppression duties and the Corporation's responsibility to ensure that all individuals performing suppression duties can do so safely, every Volunteer Firefighter is required to submit to a medical examination before being hired by the Corporation. Beginning at the age of forty (40) and every five (5) years henceforth, a medical examination by a certified health care professional may be requested. Beginning at the age of fifty-five (55), **and every two (2) years henceforth**, the Volunteer is required to submit to a medical examination by a certified health care professional. The Firefighter will complete a "Medical Declaration" which will become part of their personnel file. Beginning at age 65, **at the discretion of the Chief, the Volunteer may be asked to undergo** an annual Candidate Physical Ability Test (CPAT).
- 5.3 Every Member appointed for firefighting duties is subject to a medical/psychological examination at such times as the Fire Chief may require.
- 5.4 If a health care professional finds a Volunteer Firefighter is either physically or psychologically unfit to perform assigned duties, the Fire Department, may take such actions it deems necessary in regard to the Volunteer Firefighter's

employment, subject to the Corporation's duty to accommodate pursuant to the Ontario *Human Rights Code*.

- 5.5 Every Volunteer Firefighter appointed as a member of the Department shall be on probation for a period of one year during which time the firefighter shall take training and examination as may be required by the Fire Chief or designate.
- 5.6 Every Volunteer Firefighter shall have a minimum attendance of 75% at training activities. Failure to meet this standard will result in a review with the District Fire Chief or designate. Disciplinary action and/or dismissal may occur at the discretion of the Fire Chief or designate.
- 5.7 Any Member making application for promotion shall take such written, oral and practical examinations as may be required by the Fire Chief or designate. When all other factors for the promotion of two or more members are equal, seniority of service in the department governs.
- 5.8 Every Member shall adhere to the provisions of this by-law, FPPA and all approved Policies and Procedures whether departmental, municipal, regional, provincial or federal.
- 5.9 Subject to the FPPA, the remuneration of the Volunteer Firefighters shall be determined by Council or by the Chief Administrative Officer acting in accordance with policies and programs established or approved by Council.

## **Division**

- 6.1 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. The divisional functions are as follows:
  - Administration and Support Services
  - Fire Suppression/Emergency Response
  - Fire Prevention
  - Fire Education
  - Training
- 6.2 The Fire Chief with prior approval of the Chief Administrative Officer, may re-organize 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 re-assign Members to a division to assist in the administration and operation of that division;
- 6.4 Where the Fire Chief designates a Member to act in the position of an officer, the Member when so acting, has the responsibility of such officer and shall perform all the duties of the officer replaced.

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

7.1 The Fire Chief shall be the head of the Fire Department and is ultimately responsible to Council through the Chief Administrative Officer for proper administration and operation of the Fire Department including the delivery of fire protection services. The Fire Chief is appointed by Council and is responsible for the following:

- i. Implementing all approved policies and shall develop 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 personnel and Fire Department equipment;
- ii. Exercising control of the budget and shall submit to the Chief Administrative Officer and Council for approval, the annual budget estimates for the Fire Department; and any other specific reports requested by the Chief Administrative Officer or Council;
- iii. Arranging the provision and maintenance of necessary and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
- iv. 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;
- v. Discipline and conduct of Members and administrative support staff of the Fire Department;
- vi. Maintaining an accurate record, in convenient form for reference of all fires, rescues and emergencies responded to by the Fire Department;
- vii. Keeping all records as may be required by Council and FPPA;
- viii. Utilizing 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/her duties.
- ix. Establishing the rotation schedule of "Alternate Fire Chief"

7.2 Taking 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 FPPA, and the Fire Chief shall be empowered to authorize the following:

- i. Demolishing any building or structure to prevent the spread of fire;
- ii. All necessary actions which may include boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident, when unable to contact the property owner;
- iii. Conduct investigations of fire in order to determine cause and origin, and where required to request appropriate agencies to assist with the investigation;
- iv. Recovery of expense incurred by such necessary actions for the Corporation in the manner provided through the Municipal Act and the FPPA;

- v. The Fire Chief shall have all powers, rights and duties assigned to a Fire Chief under the FPPA including without limitation the authority to enforce compliance with the Ontario Fire Code.

### **Deputy Fire Chief**

- 8.1 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 by the Fire Chief and shall act on behalf of the Fire Chief in case of absence or a vacancy in the office of the Fire Chief. The Deputy Fire Chief is appointed by Council.

### **Supervision**

- 9.1 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 present ranking officer.

### **Property**

- 10.1 No apparatus, equipment or other property of the Fire Department shall be used for any personal or private use unless authorized by the Fire Chief or designate.
- 10.2 No person shall wilfully damage or render ineffective or inoperative any apparatus, equipment or other property belonging to or used by the Fire Department.

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

- 11.1 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 falls under one of the following categories:
  - i. That in the opinion of the Fire Chief or designate of the Fire Department threatens property in the municipality that is owned or occupied by the municipality;
  - ii. In a municipality with which an approved agreement has been entered into to provide Fire Protection Services that may include Automatic Aid;
  - iii. On property with which an approved agreement has been entered into with any person or corporation to provide Fire Protection Service;
  - iv. At the discretion of the Fire Chief, to a municipality authorized to participate in any Township, District or Regional Mutual Aid Plan established by a fire co-ordinator appointed by the Fire Marshal or any similar reciprocal plan or program;
  - v. 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.

### **Interference**

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

### **Offences**

13.1 Every person who contravenes any provisions of this by-law is guilty of an offence and on convictions 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 inclusive of costs.

### **Severability**

14.1 If any section 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.

### **Repeal**

15.1 By-law 20-2013 and other by-laws inconsistent with this by-law are hereby repealed.

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

Passed this 5<sup>th</sup> day of April, 2016.

Signed by the Mayor and Clerk.

## Appendix “A” to By-law 24-2016

### Core Services

The Fire Chief through the CAO and Council has the authority to authorize changes to the assignment and performance of duties as he/she sees fit.

### 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, salvage and overhaul as appropriate.
- 1.2 Emergency pre-hospital care responses and medical acts such as Defibrillation, CPR, and the Emergency Medical Responders Program shall be maintained.
- 1.3 Special technical and/or rescue services shall include performing extrication using hand tools, air bags and heavy hydraulic tools as required, **water/ice search and rescue** and hazardous materials responses in accordance with available resources.
- 1.4 Trench rescue, HUSAR, confined space rescue responses or other highly specialized technical and/or rescue services shall not be provided by Woolwich Fire & Rescue beyond the basic awareness level.
- 1.5 The Ontario Firefighters Curriculum, International Fire Service Training Association “Essentials of Fire Fighting,” Ontario Fire Service Standards and other related industry training standards and reference materials may be used as reference guides for Woolwich Fire Department training as approved by the Fire Chief. All training will comply with Section 21 Guidelines, Woolwich Fire Department Operating Guidelines and Policies and applicable provincial legislation.

### Fire Prevention

- 2.1 Enforcing the Ontario Fire Code by conducting comprehensive inspections, complaint, request, retrofit, or self initiated of all classes of buildings and occupancies in the territorial limits of the Corporation and those municipalities under a service agreement with the Corporation. **These inspections include carbon monoxide and smoke alarm enforcement policies and shall meet the Ontario Fire Marshals Emergency Management Enforcement Policy.**
- 2.2 Record and report all findings and issue orders to improve fire safety.
- 2.3 Where directed, determine the origin and cause of fires.
- 2.4 Responsible for Fire Safety Planning, which involves liaison with architects, consulting engineers, contractors and owners to ensure fire safety requirements are met.
- 2.5 Examine plans and specifications to ensure life safety requirements have been met in accordance with the Ontario Fire Code and Ontario Building Code.
- 2.6 Prepare reports, letters, and orders in accordance within applicable legislation requirements.
- 2.7 Perform other duties as assigned.

- 2.8 The Ontario Fire Code, Fire Protection and Prevention Act, Building Code, and other related standards, legislation and reference materials may be used as reference guides for Woolwich Fire Prevention activities as approved by the Fire Chief.
- 2.9 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.

### **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 Fire Departments Public Education Division.
- 3.2 A residential home fire safety awareness program shall be ongoing.
- 3.3 Smoke alarms **and Carbon Monoxide alarms** for residential occupancies shall be provided to those in need.
- 3.4 Fire and life safety messages shall be distributed to the media on a regular basis.
- 3.5 The Fire Department shall maintain at least one Public Fire and Life Safety Educator certified to the Ontario Fire Service Standard.

### **Training**

- 4.1 The Ontario Firefighters Curriculum, International Fire Service Training Association's "Essentials of Fire Fighting", Ministry of Community Safety and Correctional Services guidelines for motor vehicle collisions, Ontario Fire Service Standard, applicable (NFPA) National Fire Protection Associations Standard, and other industry training standards and reference materials shall be used as reference guides for Fire Department training. All training will comply with the Occupational Health and Safety Act and applicable legislation.

### **Administration and Support Services**

- 5.1 The Fire Department will maintain adequate administrative resources to effectively provide support to all departmental activities including but not limited to financial planning and budget management, communications liaison, information services liaison, purchasing liaison, human resources liaison and support for the Community Emergency Management Program.

## **Appendix “B” to By-law 24-2016**

### **Woolwich Fire Department**

#### **Medical Declaration**

I am submitting this memorandum as confirmation that I have completed my annual physical examination with a certified physician who is a licensed member of The College of Physicians and Surgeons of Ontario and am medically able to safely perform my duties for fire protection services as stated in this by-law.

This memorandum is in accordance with the provisions of the Township of Woolwich Regulation By-law #24-2016. By providing this documentation, the Township of Woolwich reserves the right to validate the information I am providing.

I understand that this document becomes part of my personnel file.

I understand that providing information to my employer which I know to be false makes me subject to discipline which can include termination of employment.

I understand that providing false information in writing to my employer constitutes a variety of criminal offences such as but not limited to fraud and forgery and that I may be subject to prosecution if I provide such false information.

Having read and understood the information contained in this memorandum, I submit it declaring it to be true.