

The Corporation of the Township of Huron-Kinloss



BY-LAW

2020- 120

Being a By-Law to Establish and Regulate the Fire Department of the Township of Huron-Kinloss

WHEREAS Section 2 of the Fire Protection and Prevention Act 1997, requires every municipality to 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 to appoint a community safety officer or team or establish a fire department to discharge its responsibilities;

WHEREAS Section 5 of the Fire Protection and Prevention Act 1997, provides that the Council of a municipality may establish, maintain and operate a fire department for the municipality and that the fire department shall provide fire suppression services and may provide other fire protection services;

WHEREAS Sections 8 and 11 of the Municipal Act authorize a municipality to provide any service that the municipality considers necessary or desirable for the public, and to pass By-Laws respecting, inter alia, health, safety and well-being of persons, protection of persons and property, and services that the municipality is authorized to provide;

WHEREAS Section 391 of the Municipal Act authorizes a municipality to impose fees or charges on persons for services or activities provided by the municipality, and for costs payable by the municipality for services or activities provided or done by or on behalf of any other municipality;

WHEREAS Section 425 of the Municipal Act provides that the Council of a municipality may pass By-Laws providing that a person who contravenes a By-Law of the municipality is guilty of an offence;

WHEREAS Section 446 of the Municipal Act provides that if a municipality has the authority under that or any other act, or under a By-Law under that or any other Act, to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS The Council of the Corporation of Township of Huron-Kinloss deems it desirable and necessary to amend and update its By-Law to establish and regulate the Township of Huron-Kinloss Fire Departments.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF HURON-KINLOSS ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-Law, unless the context otherwise requires:
 - a) "Approved" means approved by the Council of the Corporation of the Township of Huron-Kinloss.
 - b) "Automatic Aid" means an approved agreement under which a municipality agrees to provide an initial response to fires, rescues, and emergencies in another municipality, or where a municipality agrees to provide a supplemental response to fires, rescues, or emergencies that may occur in another municipality.
 - c) "Auxiliary Firefighter" means a person who is appointed by the Fire Chief as a newly recruited member of the Fire Department to participate in the Firefighter Certification Training Program as an intern and/or to provide certain limited functions in support of the delivery of Fire Protection Services.
 - d) "Chief Administrative Officer" means the person appointed as the Chief Administrative Officer for the Corporation of the Township of Huron-Kinloss.
 - e) "Clerk" means the person appointed as the Clerk for the Corporation of the Township of Huron-Kinloss.
 - f) "Corporation" means The Corporation of the Township of Huron-Kinloss.
 - g) "Council" means the Council of the Corporation of the Township of Huron-Kinloss.
 - h) "District Fire Chief" means a person appointed by Council to act on behalf of the Fire Chief of the Fire Department for a Specific Fire Station in the case of absence or a vacancy in the office of the Fire Chief.
 - i) "Emergency Management and Civil Protection Act" means Emergency Management and Civil Protection Act, 1990, S. O. 1990, c. E.9, as amended, and any successor legislation.
 - j) "Fire Chief" means the person appointed by Council to act as fire chief for the Corporation and who is ultimately responsible to Council as set out in the Fire Protection and Prevention Act, Section 6(1), (2) or (4).
 - k) "Fire Code" means Ontario Regulation 213/07, as amended, and any successor regulation.
 - l) "Fire Department" means the fire department for the Township of Huron-Kinloss.
 - m) "Firefighter" means the Fire Chief and any other person employed in or appointed to the Fire Department to undertake Fire Protection Services, and includes a Volunteer Firefighter.
 - n) "Fire Protection and Prevention Act" means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and any successor legislation.
 - o) "Fire Protection Services" includes fire suppression, rescue and emergency services, fire prevention, public fire safety education, mitigation, prevention and safety education of the risk created by unsafe levels of carbon monoxide, communications, training of personnel involved in the provision of Fire Protection Services, and the delivery of all those services.
 - p) "Limited Service" means a variation of service significantly differentiating from the norm as a result of extenuating circumstances, such as deployment of Volunteer

Firefighters in insufficient numbers to safely carry out the delivery of Fire Protection Services, environmental factors, remote properties, impeded access, private roadways, lanes and drives, obstructions, or extraordinary hazards or unsafe conditions.

- q) "Member" means any person employed by the Township or appointed by the Fire Chief to the Fire Department and assigned to undertake Fire Protection Services, and includes Officers, Full time and Part-time Firefighters, Volunteer Firefighters, Auxiliary Members, Chaplains, and administrative staff.
- r) "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c.25, as amended, and any successor legislation.
- s) "Mutual Aid" means a plan established pursuant to section 7 of the Fire Protection and Prevention Act under which fire departments that serve a designated area agree to assist each other on a reciprocal basis in the event of a major fire or emergency.
- t) "Officer" means the Fire Chief, District Fire Chief, Deputy District Fire Chief, Captain, Acting Captain, Training Officer, Fire Prevention Officer, and any other person designated by the Fire Chief to supervise Firefighters.
- u) "Township" means The Corporation of the Township of Huron-Kinloss.
- v) "Volunteer Firefighter" means a firefighter as defined by the Fire Protection and Prevention Act and includes an Auxiliary Firefighter.

ESTABLISHMENT

- 2. A Fire Department for the Township of Huron-Kinloss to be known as the "Huron-Kinloss Fire and Emergency Services" is hereby established, and the head of the Fire Department shall be known as the Fire Chief.
- 3. The Fire Department for the Township of Huron-Kinloss shall consist of two District Fire Stations with one being located in the Community of Ripley and the other in the Community of Lucknow. Each Fire Station shall operate consistently within the Bruce County Mutual Fire Aid Plan, Fire Station numbering system, as assigned, and each station shall be known as:
 - a. Ripley-Huron Fire Department , Fire Station # 15-0
 - b. Lucknow and District Fire Department, Fire Station # 16-0

FIRE CHIEF

- 4. Council shall appoint a Fire Chief who shall be the highest ranking Officer and director of the Fire Department.
- 5. The Fire Chief shall implement all approved policies and shall develop such standard and safe operating procedures and guidelines, general orders and departmental rules as necessary to implement this By-Law and the approved policies and to ensure the appropriate care and protection of all fire department personnel and fire department equipment.
- 6. The Fire Chief shall review periodically all policies, orders, rules, procedures and guidelines of the Fire Department.
- 7. In addition to the Fire Chief, Council shall appoint a District Fire Chief for each Station who shall report to the Fire Chief as the second highest ranking Officer of each Fire Station and who, in the absence of the Fire Chief, shall have the powers and perform the duties of the Fire Chief for their assigned Fire Station.

Each Station shall additionally have a Deputy District Fire Chief to act in the absence of the District Fire Chief.

FIRE DEPARTMENT STRUCTURE

8. The Fire Department shall be structured in conformance with the approved Organizational Chart, Schedule “A”, attached hereto and forming part of this By-Law.
9. The Fire Chief may appoint, from time to time, any eligible person as a Volunteer Firefighter in order to maintain a sufficient compliment of Firefighters in accordance with the approved Fire Department Organizational Chart as set out in Schedule “A” attached hereto and forming part of this By-Law, subject to the Township of Huron-Kinloss approved hiring policy and procedures.
10. The employment of Volunteer Firefighters shall be governed by the approved Human Resources Policies and Procedures of the Township of Huron-Kinloss, as amended.
11. The Fire Department Members shall be required to fulfill the all the duties contained within their approved Position Description as established by the Township of Huron-Kinloss.

APPROVED SERVICES AND PROGRAMS

12. The Fire Department shall provide such Fire Protection Services and programs as approved by Council in accordance with Part II of the Fire Protection and Prevention Act and set out in Schedule “B” attached hereto and forming part of this By-Law
13. The goals and mission statement of the Fire Department shall be those set out in Schedule “C” attached hereto and forming part of this By-Law.

LIMITED SERVICES

15. In consideration of the reliance by the Fire Department on the response of Volunteer Firefighters, whose deployment to emergencies in sufficient numbers cannot in all instances be guaranteed, adverse climate conditions, delays, training and experience levels or unavailability of specialized equipment required by the Fire Department, or other extraordinary circumstances which may impede the delivery of Fire Protection Services, any Approved service set out in Schedule "B" may from time to time be provided as a Limited Service as defined in this By-Law, as determined by the Fire Chief, his or her designate, or the highest ranking Officer in charge of a response.
16. The Corporation of the Township of Huron-Kinloss shall accept no liability for the provision of a Limited Service by the Fire Department as reasonably necessary.

RESPONSES OUTSIDE THE LIMITS OF THE MUNICIPALITY

17. The Fire Department shall not respond outside the limits of the municipality except with respect to a fire, rescue or emergency:

- a. That, in the opinion of the Fire Chief or designate, 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. 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 or designate, to a municipality authorized to participate in any county, district or 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 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.

FIRE CHIEF RESPONSIBILITIES AND AUTHORITY

18. The Fire Chief shall be ultimately responsible to Council as set out in subsection 6(3) of the Fire Protection and Prevention Act for the proper administration and operation of the Fire Department, including all statutory duties, delivery of approved services and programs and shall be done so in accordance with approved Full time Fire Chief position description.
19. The Fire Chief shall be deemed to be the Chief Fire Official of the municipality for the purposes of the Fire Protection and Prevention Act and regulations enacted thereunder and shall have all statutory authority and shall carry out all prescribed duties and responsibilities in respect thereof.
20. The Fire Chief shall be responsible for coordinating the Township of Huron-Kinloss Emergency Management Program, and assisting with the preparation, implementation, and maintenance of the municipal Emergency Plan pursuant to the Emergency Management and Civil Protection Act.

FIRE CHIEF POWERS

21. The Fire Chief shall exercise all powers and duties prescribed by the Fire Protection and Prevention Act and shall be empowered to take all reasonable and proper measures for the prevention, control, and extinguishment of fires, and for the protection of life, property and the environment, and for the management of emergencies within the jurisdiction of the municipality.
22. Without limiting the generality of the foregoing, the Fire Chief and his/her designates shall be empowered and authorized to carry out the following:
 - a. Enforcement of all municipal By-Laws in respect of fire safety and fire prevention.
 - b. Pulling down or demolishing any building or structure when necessary to prevent the spread of fire or to aid in its extinguishment.
 - c. Any necessary action to guard against fire or other danger, risk, or accident, which may include boarding up or barricading of buildings or property, when unable to contact the owner of the property.

- d. Recovery of costs incurred by such necessary actions for the Township in a manner provided by the Municipal Act and the Fire Protection and Prevention Act.
 - e. Taking any and all steps as set out in Parts V, VI and VII of the Fire Protection and Prevention Act.
23. As set out in the Fire Protection and Prevention Act, the Fire Chief may delegate any of his/her powers or duties to the District Fire Chief or any Officer or Member that the Fire Chief deems appropriate, subject to such limitations, restrictions or conditions as may be set out in the delegation, and such Officer or Member so delegated shall have all the powers and shall perform all duties as delegated.

RECOVERY OF COSTS

24. If as the result of a Fire Department response to a fire, rescue, or other emergency, the Fire Chief, his or her designate, or the highest ranking Officer in charge determines that it is necessary to retain a private contractor, rent special equipment, or use consumable materials other than water in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, remove hazardous materials, assist in or otherwise conduct an investigation to determine the cause of a fire, or otherwise control or eliminate an emergency situation, the Corporation shall recover the costs incurred by the Fire Department for taking such actions from the owners of the property or vehicle as the case may be.
25. The Corporation may recover costs incurred by such necessary actions in a manner provided by the Municipal Act and the Fire Protection and Prevention Act in accordance with the fees prescribed by the applicable Fees and Charges By-Law of the Corporation from time to time.
26. A fee imposed upon a person under this By-Law, including any interest, penalty charges and costs of collection, constitutes a debt of the person to the Corporation, and a person who is charged a fee under this By-Law and fails to pay the fee within thirty days of receipt of an invoice shall be charged interest in accordance with the applicable Rates and Fees By-Law of the Corporation.
27. If a property owner who is charged a fee under this By-Law fails to pay the fee within ninety days of receipt of an invoice, the Corporation may add the fee, including penalty and interest, to the tax roll for any real property in the Township of Huron-Kinloss registered in the name of the owner and collect the fee, including penalty and interest, in like manner as municipal taxes.

FIRE DEPARTMENT TRAINING

28. The Council of the Township of Huron-Kinloss shall endeavor to provide each Fire Department Member with the appropriate, current and applicable training and fire service certification opportunities consistent with adopted provincial standards and programs for firefighter training.
29. The minimum training and certification standards shall be a recognized National Fire Protection Association (NFPA) program with an accompanying International Fire Service Accreditation Congress (IFSAC) or National Board on Fire Service Professional Qualifications (ProBoard) Certification Seal and at the discretion of the Fire Chief may consist of the following or any portion thereof and shall be consistent with any approved training standard operating guidelines and position descriptions of the Township of Huron-Kinloss.
30. Council of the Township of Huron-Kinloss recognizes that training and certification of Fire Department Members who are volunteers is a costly, lengthy and in-depth process. No unreasonable expectation shall be placed on a Fire Department Member to obtain the adopted provincial training certifications standards. Each Fire Department Member must be willing to work towards their

applicable certifications at a rate that is reasonable, prudent and at a rate that does not cause personal stress to any Fire Department Member or any financial hardship to the Township or a Fire Department Member.

31. The Fire Chief or the District Fire Chief may allow any Fire Department Member to participate in any training level above the minimum standard contained within this By-Law or an approved training policy for the purposes of professional development and succession planning.
32. The Fire Chief or the District Fire Chief shall endeavor to provide the recommended training and certifications to the Fire Department Members during Fire Practice wherever and whenever practicable. Nothing in this section shall prohibit any Fire Department Member from attending external fire training courses when they become available.
33. A newly recruited member of the Fire Department shall enter into a 24 month Auxiliary Firefighter Internship program. This internship shall also serve as the member's probationary period.
34. The start date of the Internship program shall be the start date of employment and will continue for a maximum of 24 months. The Fire Chief may extend for an additional 12 months if required depending on course and certification testing availability.
35. During the 24 month internship program the Auxiliary Firefighter must obtain NFPA 1001 Qualification for Professional Firefighters Levels 1 and 2 and NFPA 1072 Hazardous Materials First Responder Awareness and Operations Level IFSAC and/or ProBoard certification. Additionally, they must also obtain and maintain Standard First Aid, CPR and AED certifications.
36. All newly hired Fire Department members will be assigned the rank of "Auxiliary Firefighter" during their participation in 24 month internship program.
37. Upon completion of the required certifications the Auxiliary Firefighter will be eligible for promotion to the rank of Firefighter. This may occur on or before the 24 month internship period ends.
38. A newly hired member of the Fire Department that already holds the minimum required IFSAC and/or ProBoard NFPA certifications may be immediately appointed the rank of Firefighter and are subject to a 6 month probationary period.
39. The maximum amount of Auxiliary Firefighters for each Fire Station shall be set at three (3) positions or however many vacant positions are required to be filled if greater than three (3) positions.

FIRE DEPARTMENT HEALTH AND SAFETY

40. All Fire Department Members shall perform Fire Protection Services in a safe manner, according to this By-Law, Provincial Occupational Health and Safety Legislation and Regulations and to the training standards as set within the Fire Department Policies and/or Standard Operational Guidelines and this By-Law.
41. The Fire Department shall establish a Joint Health and Safety Committee and conduct the appropriate Health and Safety Inspections and meetings as required by any law in the Province of Ontario.
42. All Fire Department Members shall endeavor to report unsafe conditions and reduce the incidence of unsafe conditions.

OBSTRUCTION

43. No person shall obstruct, hinder, or interfere with the Fire Chief or any Member of the Fire Department in the performance of his or her duties in accordance with this By-Law and the Fire Protection and Prevention Act.

OFFENCES

44. Every person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is liable to a penalty established by the Provincial Offences Act R.S.O. 1990, c. P.33, as may be amended from time to time, and any successor legislation.

SEVERABILITY

45. Should a court of competent jurisdiction find any section or provision, or part thereof, of this By-Law to be invalid or to be of no force and effect, such section or provision or part thereof shall be deemed to be severable, and all other sections or provisions or parts of this By-Law shall be deemed to be separate and independent there from and to be enacted as such.

REPEAL

46. That By-Law No. 2018-109, as amended, of the Corporation of the Township of Huron-Kinloss is hereby repealed.

TITLE

47. This By-Law may be cited as the “Township of Huron-Kinloss Fire Department Establishing and Regulating By-Law”.

FORCE AND EFFECT

48. This By-Law shall come into force and effect on the 1st day of January 2021 and remain in effect until such as it is repealed.

READ a FIRST and SECOND TIME this 16th day of November, 2020.

READ a THIRD TIME and FINALLY PASSED this 16th day of November, 2020

Mitch Twolan, Mayor

Emily Dance, Clerk