

The Corporation of the  
Township of Pelee

By-law Number 2018-24

*Being a By-law to Establish & Regulate a Fire Department*

WHEREAS the Municipal Act, 2001 provides that Council may pass by laws to establish and regulate a Volunteer Fire Department.

WHEREAS the Fire Protection and Prevention Act, (FPPA) 1997, S.O., c 4, as amended, requires every municipality to establish a program in the municipality 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 the Fire Protection and Prevention Act permits a municipality, in discharging these responsibilities, to establish a Fire Department; and

WHEREAS the Fire Protection and Prevention Act permits a Council of a municipality to establish, maintain and operate a Fire Department for all or any part of the municipality; and

WHEREAS the Fire Protection and Prevention Act requires a Fire Department to provide fire suppression services and permits the Fire Department to provide other Fire Protection Services in the municipality;

NOW THEREFORE the Council of the Corporation of the Township of Pelee enacts as follows:

**1.0 Definitions**

In this by-law, unless the context otherwise requires,

- a) “*Approved*” means approved by the municipal *council*,
- b) “*Corporation*” means the Corporation of the Township of Pelee,
- c) “*Council*” means the Council of the Township of Pelee,
- d) “*Department*” means the Pelee Island Volunteer Fire Department,
- e) “*Deputy Fire Chief*” means the person(s) appointed by the *council* of the municipality to act in the place of the *fire chief* in the *fire chief’s* absence, or in the case of a vacancy in the position of *fire chief*, or as *second in command*,
- f) “*Fire chief*” means a *fire chief* appointed under subsection 6 (1), (2), or (4) of the Fire Protection and Prevention Act,

- g) “*Fire Department*” means a group of volunteer firefighters authorized to provide *fire protection services* by a municipality, and/or group of municipalities, and/or by agreement under Section 3 of the Fire Protection and Prevention Act,
- h) “*Fire Protection*” means a range of programs designed to protect the lives and property of the inhabitants of the fire department response area from the adverse effects of fire, sudden medical emergency or exposure to dangerous conditions created by man or nature 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,
- i) “*Firefighter*” means a *fire chief* and any other person employed in, or appointed to, a *fire department* and assigned to undertake *fire protection services*, and includes a *volunteer firefighter*,
- j) “*Member*” means any defined firefighter or employee of the department,
- k) “*Volunteer firefighter*” means a *firefighter* who provides *fire protection services* either voluntarily or for a nominal consideration, honorarium, training or activity allowance

## 2.0 Establishment

The Fire Department is continued under this By-law to provide Fire Protection Services for the Corporation and shall be known as the Pelee Island Volunteer Fire Department. The goals statement of the *department* shall be those contained in Appendix “B” of this by-law. The *department* shall be organized as per Appendix “A” forming part of this by-law.

## 3.0 Composition

The Fire Department shall consist of the Fire Chief, Deputy Fire Chief(s), Captain(s), administrative support staff and any other person as may be authorized or considered necessary from time to time by the chief of the Fire Department for the Fire Department to perform Fire Protection Services.

## 4.0 Membership

The *fire chief* may recommend to the *council* the appointment of any qualified person as a *member* of the *fire department* subject to the *approved* hiring policies of the *corporation*,

A person is qualified to be appointed a member of the Fire Department for Fire Protection Services who;

- is at least 18 years of age;
- has a valid Ontario Driver’s Licence;
- Is medically fit to be a member and if deemed necessary certified by a physician designated by the Fire Chief;

- shall be on probation for a period of one year during which period he/she shall take such special training as may be required by the Fire Chief.

### **5.0 Terms and Conditions of Membership**

- a) Every member of the Fire Department shall report for duty at the time prescribed by the Fire Department and shall remain on duty until relieved with the exception of special circumstances.
- b) In the case of excess absenteeism from scheduled training the Fire Chief will request a meeting with the member to discuss and resolve the issue.

#### ***NO MEMBER,***

- While in uniform, shall enter any premises where alcoholic beverages are sold or consumed, except in the performances of his/her departmental duties.
  - If his/her ability is impaired by the use of an intoxicating beverage or drug shall be permitted to remain on duty.
  - While on duty, shall consume any intoxicating beverages or drug.
  - Shall solicit the influence or support of anyone in order to secure a transfer, promotion or other advantage.
  - May communicate with the press or otherwise hold themselves out as a spokesperson for the Municipality, unless authorized to do so.
- c) The Fire Chief reserves the right to request that any member provide a physical/medical examination at any time, to the discretion of the Fire Chief, and the Fire Chief shall have absolute discretion whether a member is fit to provide Fire Protection Services, and further, refusal and or failure to provide such physical/medical examination evidence will result in immediate suspension from duty, and may lead to dismissal from the Fire Department.
  - d) Any cost incurred for any physical/medical examinations will be borne by the Municipality.
  - e) The Chief of the Fire Department may reprimand, suspend or recommend dismissal of any member to the CAO/CLERK for insubordination, inefficiency, misconduct, excessive tardiness or for noncompliance with any of the provisions of this by-law or general policies in the operating guidelines that, in the opinion of the Fire Chief would be detrimental to the discipline and efficiency of the Fire Department.
  - f) Following the suspension of any member, the Fire Chief of the Fire Department shall report in writing the suspension and his recommendations to the CAO/CLERK.

g) A member shall not be dismissed without being afforded the opportunity for a hearing before the CAO/CLERK, if he/she makes a written request for such hearing within seven days after receiving notice of his /her propose dismissal.

## **6.0 Core Services**

For the purposes of this By-law core services provided by the Fire Department will be as per Appendix "C" forming part of this By-law.

## **7.0 Responsibilities and Functions of the Fire Chief**

- a) The Fire Chief shall be the head of the Fire Department and is responsible through the CAO/CLERK, for proper administration and operation of the Fire Department including the delivery of Fire Protection Services.
- b) The Fire Chief shall be authorized to make such general orders, policies, procedures, and general rules, 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 Corporation 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;
  - for the care and protection of all property belonging to the Fire Department;
  - for arranging for the provision of necessary and proper facilities, apparatus, equipment, services and supplies for the Fire Department;
  - for 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;
  - for the conduct and the discipline of members and administrative support staff of the Fire Department;
  - for keeping an accurate record, in convenient form for references, of all fires, rescues and emergencies responded to by the Fire Department;
  - for keeping such other records as may be required by the Council and the FPPA;
  - for preparing and presenting reports of the Fire Department to Council; and
  - for preparing and presenting the annual budget estimates of the Fire Department to the CAO/CLERK and Treasurer for submission and consideration to Council.
- c) The Fire Chief shall be responsible for the administration and enforcement of this By-law and all general orders, policies, procedures, rules, and regulations made under this By-law and for the enforcement of any other By-laws of the Corporation respecting Fire Protection Services, and shall review periodically such By-laws.
- d) The Fire Chief shall have all powers, rights and duties assigned to a Fire Chief under the FPPA including without limitations the authority to enforce compliance with the Ontario Fire Code.
- e) The Fire Chief may liaise with the Office of the Fire Marshal and Emergency Management 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 Corporation.

- f) The Fire Chief may utilize such 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 duties.
- g) The *fire chief* is responsible for ensuring that the following duties pertaining to the function of the Administration of the *department* are carried out:
- Prepare the departmental budget
  - Maintain personnel records in accordance with the policy of the *Corporation*,
  - Provide liaison with the local *firefighters' association*, and
  - Prepare the annual report of the *department*.

### **8.0 Deputy Fire Chief**

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 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.

### **9.0 Supervision**

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 ranking officer present in any place.

### **10.0 General Duties & Responsibilities**

Every Member and administrative support staff person shall conduct themselves in accordance with general orders, policies, procedures, rules made by the Fire Chief 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 other written agreement that may be applicable.

### **11.0 Property**

No person shall supply any fire apparatus of the Fire Department for any personal or private use.

No person shall wilfully damage or render ineffective or inoperative any apparatus, equipment or other property belonging to or used by the Fire Department.

## **12.0 Fire Suppression & Management**

Shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property,

- Shall enforce all municipal by-laws respecting fire prevention.
- Shall adhere to the provisions of the Fire Protection and Prevention Act.
- Is responsible for the enforcement of this by-law and the general orders and departmental rules.

The *fire chief* is responsible for ensuring that the following duties pertaining to the function of the Fire Suppression are carried out:

- Prevent, control and extinguish fires;
- To request appropriate agencies to assist with the investigation of the cause and origin of a fire;
- Respond and assist at such emergencies as may be deemed necessary by the *fire chief*,
- Perform pre-emergency planning,
- Perform apparatus and equipment maintenance and cleaning duties, and
- Where the *fire chief* designates a *member* to act in the position of an *officer*, such *member* when so acting, has all the authority and responsibility of such officer and shall perform all the duties of the *officer* replaced.

## **13.0 Fire Prevention**

The *fire chief* is responsible for ensuring that the following duties pertaining to the function of Fire Prevention are carried out:

- Develop approved fire prevention and public safety education policies;
- Ensure compliance with the Fire Protection and Prevention Act;
- Maintain fire loss records, and
- Prepare the annual report and budget of Fire Prevention to be submitted to the *council*.

## **14.0 Training**

The *fire chief* is responsible for ensuring that the following duties pertaining to the function of Training are carried out:

- Establish a fire *department* training program, and conduct training for all *members* in accordance with the *approved* training program;
- Administer training programs;

- Prepare and conduct examinations of *members* as required, and
- Prepare an annual report and budget of Training to be submitted to *council*.

### **15.0 Interference**

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

### **16.0 Fire Alarm**

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.

### **17.0 Conflict**

Where this By-law may conflict with any other By-law of the Corporation, this By-law shall supersede and prevail over that other By-law to the extent of the conflict.

### **18.0 Severability**

If any or part 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 enacted as such.

### **19.0 Repeal**

By-Law 1640 is now hereby repealed and replaced with By-Law 2018-23, effective the date of passing.

### **20.0 Schedules**

Appendix A-C form part of this By-Law

**READ IN OPEN COUNCIL THREE TIMES AND PASSED THIS 25<sup>th</sup> DAY of June, 2018.**

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Mayor, RICK MASSE

  
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CAO/CLERK/Clerk, KATRINA DIGIOVANNI

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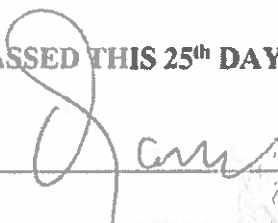
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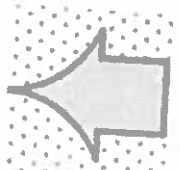
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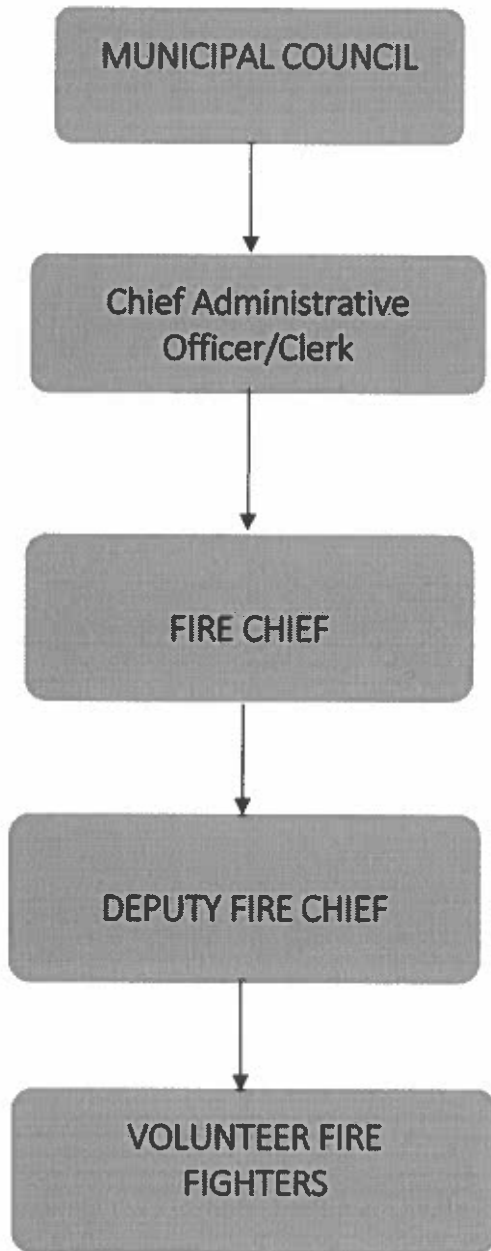
  
\_\_\_\_\_  
Mayor, RICK MASSE

  
\_\_\_\_\_  
CAO/CLERK/Clerk, KATRINA DIGIOVANNI





ORGANIZATIONAL CHART



***Primary Goals of the Township of Pelee Volunteer Fire Department***

*The goal of the fire department is to provide fire protection services through a range of programs designed to protect the lives and property of the inhabitants from adverse effects of fires, sudden medical emergencies or exposure to dangerous conditions created by man or nature.*

In order to achieve the goal of the fire department, necessary funding must be in place and the following objectives met:

1. Identify and review the fire services requirements of the municipality;
2. Provide an administrative process consistent with the needs of the department;
3. Ensure that fire suppression apparatus, equipment and personnel are available within the municipality to provide adequate response to a citizen's call within a reasonable length of time,
4. Provide departmental training to an accepted standard which will ensure the continuous up-grading of all personnel in the latest techniques of fire prevention, fire suppression and control of emergency situations, and to co-operate with other departments of the corporation with respect to management training and other programs;
5. Provide a maintenance program to ensure fire protection apparatus, including allied equipment, is ready to respond to emergency calls.
6. Provide an effective fire prevention program to:
  - a) Ensure, through plan examination and inspection, compliance with applicable by-laws, legislation, statutes, codes and regulations,
  - b) Reduce and/or eliminate fire hazards.
7. Develop and maintain an effective public education system and educational program, with particular emphasis on children and seniors fire safety programs; and commercial, industrial and institutional staff training.
8. Ensure in the event of a major incident in the municipality, assistance to cope with the situation is available from outside departments and other agencies.
9. Develop and maintain a good working relationship with all federal, provincial and municipal departments, utilities and agencies, related to the protection of life and property.
10. Interact with other departments of the corporation respecting the aspects of fire on any given program.
11. Ensure these objectives are not in conflict with any other department of the corporation.

**APPROVED DELIVERY OF CORE SERVICES**

YES	Service approved by Council - Presently trained, equipped, and providing service
NO	Service not approved by Council
LLS	Limited Level of Service approved by Council

Purpose	To provide a summary of the core services that Pelee Island Volunteer Fire Department provides.
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<b>Emergency Response</b>		
1	Basic Firefighting - no expected rescue component	YES
2	Structural Firefighting – no expected rescue component	YES
3	Vehicle Firefighting	YES
4	Marine Firefighting - Shore Based Only	YES
5	Automatic / Mutual Aid - Per Council Approval	YES
6	Hazardous Materials Response - Awareness Level	NO
7	Vehicle Accidents including Extrication	LLS
8	Water and Ice Rescue – Shore Based Only	LLS
9	Other Public Assistance (upon request)	YES
10	Ambulance Assistance (upon request)	YES
11	Police Assistance (upon request)	YES
12	Public Utilities Assistance (upon request)	YES

<b>Fire Prevention and Education</b>		
1	Complete Inspection on Complaint or Request as per approved policies	NO
2	Complete Routine Inspection as per approved policies	NO
3	Conduct follow up inspections as per direction from Contracted Inspector	YES
4	Prepare Reports and Written Responses to Inspections as per approved policies	NO
5	Develop, Deliver and Maintain a Smoke Alarm Program as per approved policies	YES
6	Provide Public Education Programs as per approved policies	YES
7	Liaise with Municipal Departments to Ensure Code Compliance	YES
8	Develop, Deliver and Maintain Educational Programs Unique to the Needs of the Township of Pelee	YES
9	Develop and Maintain a Residential Home Inspection Program as per approved policies	NO

<b>Fire Investigation</b>		
1	Determine Fire Cause and Origin for all Fires	NO
2	Determine Fire Code Compliance	NO
3	Determine Fire Suppression Effectiveness	NO
4	Liaison with Ontario Fire Marshal Investigators	YES
5	Liaison with Law Enforcement and Other Agencies	YES
6	Support Criminal Prosecutions	NO
7	Prepare for and Testify in Legal Proceedings	NO