

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW 20/2006

A BY-LAW TO ESTABLISH A FIRE DEPARTMENT

Whereas the Municipal Act, R.S.O. 2001, as amended, and the Fire Protection and Prevention Act, 1997, c.4 as amended permits the Council to enact a by-law to establish and regulate a fire department,

Now Therefore the Council of the Corporation of the Municipality of Port Hope enacts the following:

1. In this By-law, unless the context otherwise requires:
 - 1.1 "approved" means approved by Council.
 - 1.2 "Assistant Chief" means the person appointed through a by-law by the Council to act on behalf of the Chief of the Fire Department in the case of an absence or a vacancy in the office of Chief."
 - 1.3 "Chief Administrative Officer" means that person appointed by Council as the Chief Administrative Officer of The Corporation of the Municipality of Port Hope.
 - 1.4 "Council" means the Council of the Corporation of the Municipality of Port Hope.
 - 1.5 "Department" means the Port Hope Fire and Emergency Department.
 - 1.6 "Fire Chief" means the person appointed through a by-law by the Council to act as Fire Chief for The Corporation of the Municipality of Port Hope, including the Director of Fire and Emergency Services, the Director of Fire and Emergency Services/Fire Chief or the Fire Chief.
 - 1.7 "Member" means any person employed in, or appointed to, the fire department and assigned to undertake fire protection services, and includes officers, full time and/or volunteer firefighters.
 - 1.8 "Municipality" means The Corporation of the Municipality of Port Hope.

Name

2. A department for the Corporation of the Municipality of Port Hope to be known as the "Port Hope Fire and Emergency Department" is hereby established and the head of the Department shall be known as the Fire Chief.

Mission & Municipal Policy on Service Level

3. Protection and prevention services provided by the Department shall include a range of programs designed to protect the lives and property within the Department response area from the adverse effects of fires, sudden medical emergencies, or exposure to dangerous conditions created by man or nature and includes fire prevention and public education, rescue and suppression services. The mission of the Department shall be as set out in Appendix "A" forming part of this By-law. Municipal Policy on Service levels as approved and amended by Council from time to time is set out in Appendix "B" forming part of this By-law.

Personnel

4. In addition to the Fire Chief of the Department, Department personnel shall consist of an Assistant Chief, District Chiefs, Captains and other Officers and members as from time to time that may be deemed necessary by the Fire Chief and approved by Council. The Organizational Chart shall be as set out in Appendix "C" forming part of this By-law.
5. The Assistant Chief, who is second ranking officer of the department, shall report to the Fire Chief of the department on the activities that are the Assistant's Chief's responsibility and carry out the orders of the Fire Chief, and in the absence of the Fire Chief, has all the powers and shall perform all the duties of the Fire Chief.
6. The Fire Chief may appoint, subject to the approved hiring policies of the Municipality, qualified persons as volunteer members of the department.
7. A person is qualified to be appointed a member of the department who:
 - 7.1 is in possession of a secondary school graduation diploma or has combined experience and education equivalent to a secondary school graduation diploma and,
 - 7.2 passes such aptitude and other tests as may be required by the Chief of the department and,
 - 7.3 is medically fit to perform the duties of a member of the Department as certified by the Family Medical Examiner or the licensed medical practitioner designated by the Municipality and,
 - 7.4 resides within the geographical boundaries of the Municipality and/or works in the Municipality or resides relatively close to the Municipality.
8. Every member of the department assigned firefighting duties shall be fit to carryout firefighting duties, such fitness shall be determined by a physician licensed to practice in Ontario and evidenced by a letter or certificate from that physician, prior to commencement of duties and at such other times as may be required by the Fire Chief.
9. Persons appointed as members of the department shall be on probation for a minimum of 12 months ("probationary member"), during which period shall take such special training and examinations as may be required by the Fire Chief. If a probationary member fails any such examinations, or fails to meet any obligations as may be agreed upon or understood, the Fire Chief, may dismiss the member and shall immediately report in writing the disciplinary action to the Corporation's Chief Administrative Officer. Sections 20 and 21 of this By-law shall not be applicable to the dismissal of a probationary member.
10. Working conditions and remuneration for all firefighters shall be determined by Council or a Committee thereof in accordance with the provisions of the Fire Protection and Prevention Act, and the Corporation's personnel policies.

Administration

11. Duties of the Fire Chief shall include the proper administration and operation of the Department including all Department functions and programs. The Fire Chief is responsible to Council through the Chief Administrative Officer. The Fire Chief is obliged to follow and administer the provisions of the Fire Protection and Prevention Act.
12. The Fire Chief shall be authorized to make such general orders, policies, procedures, rules and regulations and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the 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:
 - 12.1 for the care and protection of all property belonging to the Department; and
 - 12.2 for arranging for the provision of necessary and proper facilities, apparatus, equipment, materials, services and supplies for the Department; and
 - 12.3 for determining and establishing the qualifications and criteria for employment or appointment and the duties of all members and administrative support staff of the Department; and
 - 12.4 for the conduct and the discipline of members and administrative support staff of the Department; and
 - 12.5 for preparing and, upon approval by the Council, implementing and maintaining an emergency fire service plan and program for the Municipality; and
 - 12.6 for coordinating any emergency fire service plan and program adopted or to be adopted by the Council and assisting in the preparation, implementation and maintenance of any emergency plans, organizations, services or measures established or to be established by the Municipality, alone or with others, and, if so requested or required, any emergency plan established or to be established by the Province of Ontario or the Government of Canada and for coordinating with and assisting any other public official in an emergency declared by the Mayor of the Municipality, the Premier of Ontario or the Governor in Council; and
 - 12.7 for reporting to the appropriate crown attorney or other prosecutor or law enforcement officer or other officer 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 Fire Protection and Prevention Act; and
 - 12.8 for keeping an accurate record, in convenient form for reference, of all fires, rescues and emergencies responded to by the Department; and

- 12.9 for keeping such other records as may be required by the Council and the Fire Protection and Prevention Act, provided that such general orders, policies, procedures, rules, regulations and other measures do not conflict with the provisions of this By-law or any other By-law of the Municipality, including without limitation those requiring the prior approval of or prior notice to the Council or the satisfaction of certain conditions, general or otherwise, specified by the Council before such measures can be implemented, or with the provisions of the Fire Protection and Prevention Act or with the provisions of any other written agreement that may be applicable.
13. The Fire Chief shall develop, implement and enforce policies, Human Resource Policies, operating guidelines, general orders and department rules as may be necessary to ensure the appropriate care and protection of the Department, all Department personnel, facilities and equipment.
14. The Fire Chief shall review annually all policies, orders, rules and operating guidelines of the Department and may establish an advisory committee consisting of such members of the Department as the Fire Chief may determine from time to time to assist in these duties.
15. The Fire Chief shall submit for approval, the annual budget estimates for the Department in accordance with the Municipality's budget preparation policy.
16. The Fire Chief shall establish the duties and responsibilities of each officer and member.
17. Each member of the Department is the responsibility of the Fire Chief and is under the direction of the Fire Chief or in his absence, the Assistant Fire Chief or a member designated by the Fire Chief.
18. Where the Fire 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.

Discipline of Personnel

19. The Fire Chief may discipline, suspend or recommend dismissal of any member for infraction of any provisions of this by-law, policies, general orders or any rule of the Department.
20. A volunteer member shall not be suspended for a period exceeding a month or dismissed without the opportunity for a review of the disciplinary decision, if he/she makes a written request for such a review within seven working days after receiving written notification of the proposed discipline. A person appointed by the Municipality, who is not employed in the Department, shall conduct the review.
21. Following the suspension or dismissal of a member, the Fire Chief shall immediately report, in writing, the disciplinary decision and recommendation to the Chief Administrative Officer.

Additional Powers

22. Subject to Appendix B the Fire Chief shall take all reasonable and appropriate measures for the prevention, control and extinguishment of fires and the protection of life and property and shall exercise all powers mandated by the Fire Protection and Prevention Act, and the Fire Chief shall be empowered to authorize:
 - 22.1 pulling down, or demolishing of, any building or structure to prevent the spread of fire and ensuring the safety of fire suppression personnel;
 - 22.2 when unable to contact the property owner, all necessary actions which may include boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident;
 - 22.3 action to recover expenses incurred by such necessary actions for The Municipality in the manner provided through the Municipal Act and the Fire Protection and Prevention Act, or any other relevant Act;
 - 22.4 the removal of any person present at a fire who refuses to leave the immediate vicinity when required to do so by a member of the Department.
23. During a fire and for the time after it has been extinguished that is required to remove the apparatus and equipment of the Department and render the location and vicinity safe from fire, the Fire Chief has the authority to order that no person, either on foot or with a vehicle of any kind, shall enter or remain upon or within:
 - 23.1 the portion of any street or lane upon which the site of the fire abuts or upon any street or lane for a distance of fifteen (15) metres on each side of the property damaged by fire, unless otherwise directed by an officer of the Department or a police officer;
 - 23.2 any additional street or lane or part of any street or lane or any additional limited in the vicinity of the fire as may be prescribed by the Fire Chief or the next ranking officer present at the fire.

Enforcement

24. No person shall impede or interfere with or hinder any member of the Department in the performance of his/her duties.
25. No person shall refuse to leave the immediate vicinity when required to do so by a member of the Department.
26. Every person who contravenes any provisions of this By-law, upon conviction thereof, is guilty of an offence and on conviction is liable to such penalties and fines as are authorized by the provisions of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
27. Where this By-law may conflict with any other By-law of the Municipality, this By-law shall supersede and prevail over that other By-law to the extent of the conflict.

Calls Outside Municipality of Port Hope

28. 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:
- 28.1 that, in the opinion of the Fire Chief or the Assistant Chief or District Chief in the absence of the Fire Chief or Assistant Chief of the Department, threatens property in the Municipality or property situated outside the Municipality that is owned or occupied by the Municipality;
- 28.2 is in a Municipality with which an agreement has been entered into to provide fire protection;
- 28.3 is on property with which an agreement has been entered into with any person or Municipality to provide fire protection;
- 28.4 at the discretion of the Fire Chief or the Assistant Chief or District Chief in the absence of the Fire Chief or Assistant Chief, to a municipality authorized to participate in the mutual aid plan or any other organized plan or program on a reciprocal basis;
- 28.5 is on property beyond the Municipal boundary where the Fire Chief, or designate, determines that immediate action is necessary to preserve and protect life and/or property and the appropriate department is notified and/or assumes command;
29. In the event the Department responds to a fire or emergency outside the limits of the Municipality, the Fire Chief or the Assistant Chief or District Chief in the absence of the Fire Chief or Assistant Chief authorizing the response will notify the Chief Administrative Officer in writing within fourteen calendar days.
30. This By-law repeals By-law 3559 of the former Township of Hope and By-law 6/82-83 and 59/89 of the former Town of Port Hope, and any other By-laws pertaining to this matter.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 25th day of April 2006.

Rick Austin, Mayor

Frances M. Aird, Clerk

APPENDIX "A" TO BY-LAW NO. 20/2006

The Corporation of the Municipality of Port Hope Fire and Rescue
Department

GENERAL MISSION STATEMENT

The primary mission of the Port Hope Fire and Emergency Department is to provide fire protection services through a Council approved range of fire/medical response, fire prevention and public fire safety programs designed to protect the lives and property of the residents and visitors from the adverse effects of fire, sudden medical emergencies or exposure to dangerous conditions created by man or nature. The services provided and the priority shall be firstly to our municipality; secondly, to those municipalities requiring assistance through an authorized Mutual Aid Plan and program; and thirdly, to those municipalities or entities, which are provided fire protection by the department via an authorized Fire and Emergency Agreement.

APPENDIX “B” TO BY-LAW NO. 20/2006

The Corporation of the Municipality of Port Hope Fire and Rescue
Department

MUNICIPAL POLICY ON SERVICE LEVELS

It is the intent and desire that ultimately the Port Hope Fire and Emergency Department will be able to provide the following service levels to all residents, visitors and property owners as approved by Council:

1. Fire suppression services for all buildings, structures, vehicles and any other thing or item for which the department has been authorized.
2. Motor Vehicle Extrication and Rescue on all roads, thoroughfares and highways in or passing through the municipality.
3. Emergency Medical Services to assist County Ambulance Services including and limited to Standard First Aid, Cardio Pulmonary Resuscitation and Automatic External Defibrillation.
4. Hazardous Materials Responses to National Fire Protection Association (N.F.P.A.) 472 Awareness Level.
5. Ice/Water Rescue – Shore based as endorsed by the Ontario Fire College and firefighter curriculum.

APPENDIX "C" TO BY-LAW NO. 20/2006

The Corporation of the Municipality of Port Hope Fire and Rescue
Department

ORGANIZATIONAL CHART

