

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2022 – 16

Being a By-Law to establish and regulate a Fire Department in Essa Township and to repeal By-law No. 2014-27.

WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, and the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, permit the council of a municipality to enact a by-law to establish and regulate a fire department; and

WHEREAS the *Municipal Act*, 2001, as amended, provides that Sections 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, 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 other such Fire Protection Services as it determines may be necessary in accordance with its needs and circumstances; and

WHEREAS Council of the Corporation of the Township of Essa passed By-law 2014-27, that being a by-law to establish and regulate a Fire Department in the Township of Essa, on May 7, 2014; and

WHEREAS Council of the Corporation of the Township of Essa deems it desirous for housekeeping purposes to repeal By-law 2014-27.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Essa enacts as follows:

1. DEFINITIONS

- 1.1 “**Approved**” means approved by Council.
- 1.2 “**Chief Administrative Officer**” means the person appointed by Council to act as Chief Administrative Officer for the Corporation.
- 1.3 “**Council**” means the Council of the Corporation of the Township of Essa.
- 1.4 “**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
- 1.5 “**Fire Chief**” means the person appointed by Council to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the Fire Protection and Prevention Act.
- 1.6 “**Fire Department**” means the Township of Essa Fire Department.
- 1.7 “**Firefighter**” means a 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.

- 1.8 **"Fire Protection Services"** 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.
- 1.9 **"Limited Services"** means a variation of services significantly differentiating from the norm as a result of extenuating circumstances, such as environmental factors, obstructions, remote properties, private roadways, lanes, and drives
- 1.10 **"Member"** means a person, employed by the Township of Essa Fire Department or voluntarily acting as a firefighter and includes an Officer.
- 1.11 **"Municipality"** means the Corporation of the Township of Essa.
- 1.12 **"Volunteer Firefighter"** means a person who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training, or activity allowance.

2. ESTABLISHING

- 2.1 A fire department for the Township of Essa to be known as the Essa Fire Department is hereby established and the head of the fire department shall be known as the Fire Chief.

3. ORGANIZATIONAL CHART

- 3.1 The fire department shall be structured in conformance with an approved Organizational Chart as set out on Schedule "A" attached hereto and forming part of this By-law.

4. APPOINTMENT OF OFFICERS / FIREFIGHTERS

- 4.1 In addition to the Fire Chief, department personnel may consist of Deputy Chiefs and such number of other officers and members as from time to time may be deemed necessary by the Fire Chief. Council shall appoint a Deputy Fire Chief, and the department may consist of such number of other officers and other members as may be deemed necessary by Council.
- 4.2 The Fire Chief may appoint any qualified person as a member of the fire department.
- 4.3 A person may be considered qualified to be appointed a member of the fire department who:
- a) Is bondable and provides a Criminal Records Check and a Vulnerable Sector Screening Check.
 - b) Is at least eighteen (18) years of age.
 - c) Has successfully completed a grade 12 education or has equivalent experience.

- d) Possesses a valid Ontario driver's license and provides a three (3) year driving record search / abstract.
 - e) Shall have class "D" privileges and a "Z" airbrake endorsement or the member shall obtain such class and endorsement within a designated timeframe of his/her appointment.
 - f) Passes such tests as may be required; and
 - g) Is medically fit for the duties the member will carry out as certified by a legally qualified physician licensed in the Province of Ontario. A report stating the member is fit for full Firefighting Duties shall be provided.
- 4.4 Persons appointed as a member of the fire department shall be on probation for a minimum period of twelve (12) months or until certified as an NFPA 1001 Level I/II Firefighter. During this period, he/she shall complete all necessary training as may be required by the Fire Chief or by the Corporation.
- 4.5 If a probationary member fails such testing or examinations, he/she may be dismissed.

5. REMUNERATION AND WORKING CONDITIONS

- 5.1 The remuneration of the members shall be as determined by Council.
- 5.2 Working conditions and remuneration for all firefighters defined in Part 9 of the *Fire Protection and Prevention Act* shall be determined by Council in accordance with the provisions of Part 9 of the *Fire Protection and Prevention Act*.
- 5.3 If a medical examiner finds a member is physically unfit to perform assigned duties and such condition is attributed to, and a result of employment in the fire department, he/she may be assigned to another position or be retired.

6. RESPONSIBILITY

- 6.1 The Fire Chief is ultimately responsible to Council, through the Chief Administrative Officer, for the proper administration and operation of the fire department including the delivery of fire protection services and the discipline of its members.
- 6.2 The Fire Chief shall implement all policies and shall develop such standard operating guidelines, general orders and departmental rules as may be necessary for the efficient operation of the department and to ensure the appropriate care and protection of all Fire Department personnel and equipment.
- 6.3 The Fire Chief shall periodically review all policies, applicable By-laws, general orders, departmental rules, operating guidelines, procedures, and functional responsibilities of the fire department and may establish an advisory committee consisting of such members of the fire department as the Fire Chief may determine from time to time to assist in these duties.
- 6.4 All equipment owned or cared for by the fire department shall be used solely for the purposes of emergency response, training, maintenance, or administration as a regular part of the fire department responsibilities. Notwithstanding, approval

for uses other than those outlined above may be permitted upon prior approval of the Fire Chief or by his/her designate.

7. BUDGETS AND REPORTS

- 7.1 The Fire Chief shall submit to the Chief Administrative Officer and Council for approval the annual budget estimates for the fire department, an annual report, and any other specific reports requested by the Chief Administrative Officer or Council.

8. DIVISIONAL RESPONSIBILITIES

- 8.1 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.
- 8.2 Designated members shall report to the Fire Chief activities under their supervision and shall carry out all orders of the Fire Chief or his/her designate.
- 8.3 The officers shall report to the Fire Chief of the department on the functions and activities of the department that are his/her responsibility and carry out the orders of the Fire Chief or his/her designate.
- 8.4 Where the Fire Chief designates a member to act in the place of an officer in the fire department, such member, when so acting, has all the powers and shall perform all duties of the officer replaced.

9. MEMBERS RESPONSIBILITY

- 9.1 Members shall report for duty at the time and place prescribed by department operating guidelines and procedures and shall remain on duty until relieved.
- 9.2 Members shall respond promptly to all emergencies, attend all scheduled practices, and obey all orders and instructions of their officers. Members shall meet a required 30% of emergency response calls reviewed quarterly and 70% of the scheduled training reviewed annually. Absence from attendance at emergency responses or scheduled practices, without justifiable reason, may result in suspension and/or dismissal from the department.
- 9.3 No member shall:
- a) Respond for duty when his/her ability is, or may be, impaired.
 - b) Consume or use any drug or beverage while on duty that may impair his/her ability.
 - c) Be permitted to remain on duty if his/her ability is impaired.
 - d) Be a volunteer firefighter in another municipality and be a volunteer firefighter in this municipality concurrently.

10. DISCIPLINE

- 10.1 The Fire Chief may reprimand, suspend with or without pay, suspend pending an investigation, and upon approval of the Chief Administrative Officer, the Fire Chief may dismiss any member for infraction of any provisions of this by-law, policies, guidelines, general orders and departmental rules or any other conduct amounting to just cause in law that, in the opinion of the Fire Chief, would be detrimental to discipline or the efficiency of the fire department. The Fire Chief may also dismiss any member with reasonable notice, some, or all of which, at the Fire Chief's discretion, may be in the form of pay in lieu of notice.
- 10.2 Following the discipline of a member, the Fire Chief shall report the discipline and any recommendation to the Chief Administrative Officer.

11. PREVENTION, CONTROL AND EXTINGUISHING FIRES

- 11.1 The Fire Chief shall take all proper measures for the prevention, control and extinguishment of fires and the protection of life and property, and shall enforce municipal by-laws respecting public education and fire prevention, exercise the powers imposed by the Fire Protection and Prevention Act, and shall be empowered to authorize:
- a) Pulling down or demolishing any building or structure to prevent the spread of fire; or
 - b) 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; or
 - c) Recovery of expenses incurred by such necessary actions for the Corporation in the manner provided through the *Municipal Act* and the *Fire Protection and Prevention Act*.
 - d) The Fire Chief may at his/her discretion cause civilians, personnel and/or equipment to be used, other than personnel and equipment of the department that is deemed necessary to control or mitigate any emergency.

12. AUTHORITY TO LEAVE MUNICIPAL LIMITS

- 12.1 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:
- a) That, in the opinion of the Fire Chief or designate of the Fire 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 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, 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 alternate measures acceptable to the Fire Chief or designate.

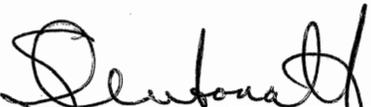
13. LEVELS OF SERVICE

- 13.1 The Township of Essa through the Essa Fire Department shall provide such *approved services* as specified and listed in Appendix C
- 13.2 Due to the fire department's reliance upon volunteer firefighters, the topographic and geographic configuration of the Township, the level and amount of equipment at the department's disposal, and other budgetary constraints, the services listed in Appendix C of this by-law may be provided as *limited services* or due to the existence of unsafe conditions encountered enroute, impeded access to property, and/or environmental factors/ constraints.

14. GENERAL PROVISIONS

- 14.1 If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.
- 14.2 Where the context permits, words importing the singular also include more than one persons, parties or things of the same kind.
- 14.3 The word "may" shall be construed as permissive and the word "shall" shall be construed as imperative.
- 14.4 That By-law 2014-27 be and is hereby repealed.
- 14.5 The short form title of this by-law shall be the Essa Fire Department Establishing and Regulating By-law.

READ A FIRST AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 23rd day of March, 2022.

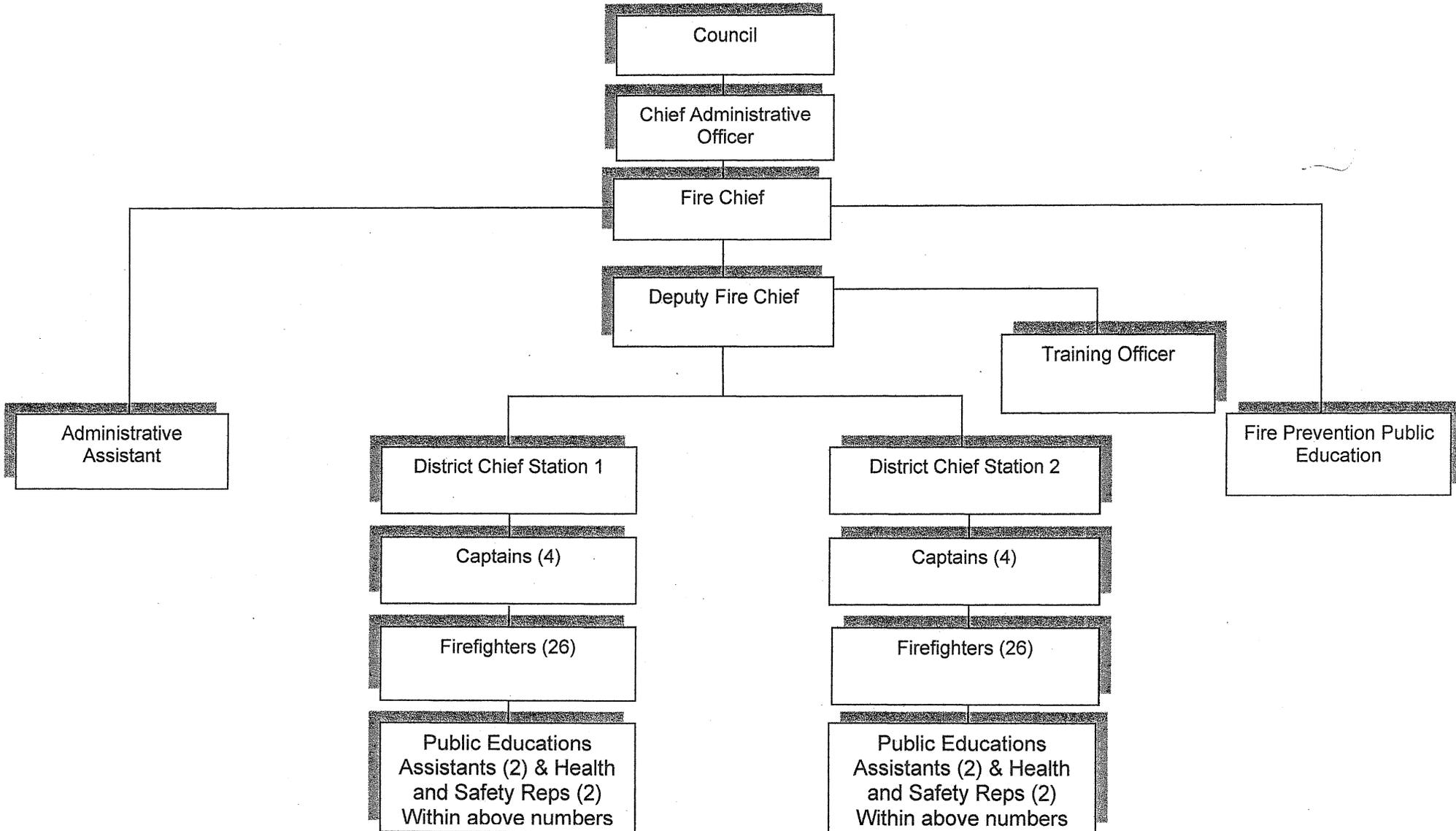


Sandie MacDonald, Mayor



Lisa Lehr, Clerk

THE CORPORATION OF THE TOWNSHIP OF ESSA
FIRE AND EMERGENCY SERVICES
BY-LAW NO. 2022 – 16
SCHEDULE "A" – ORGANIZATIONAL CHART



**THE CORPORATION OF THE TOWNSHIP OF ESSA
FIRE AND EMERGENCY SERVICES
BY-LAW NO. 2022 – 16
SCHEDULE “B”
MISSION STATEMENT**

The Township of Essa Fire Department is to provide protection to persons and property through the provision of an efficient and effective fire service, and to contribute to public safety through a range of programs including inspections and education designed to protect lives and property from the adverse effects caused from sudden emergencies or exposure to dangerous conditions created by persons or nature.

VALUES OF THE ESSA FIRE AND EMERGENCY SERVICES

Integrity, dedication, and care in meeting the public safety needs of our communities.

COOPERATION

The Township of Essa Fire and Emergency Services Department supports working co-operatively with other organizations and establishing partnerships that promote excellence and innovation in the areas of education, legislation, standards setting and efficient service.

GOALS OF THE ESSA FIRE AND EMERGENCY SERVICES

The goal of the fire department is to provide efficient and effective fire protection services, promote professionalism within the service, provide programs to protect the lives and property of the inhabitants, and strive to ensure that our fire service demonstrates value in the communities we serve utilizing responsible management practices; first to the municipality; second, to those municipalities requiring assistance through authorized mutual aid program activities; third, to those municipalities which are provided fire protection by the fire department via authorized agreement.

OBJECTIVES OF THE ESSA FIRE AND EMERGENCY SERVICES

To achieve the goals of the fire department, necessary funding must be in place and the following objectives must be in place:

1. Identify and review the fire services department requirements of the municipality.
2. Provide an adequate administration process consistent with the needs of the department.
3. Ensure that firefighting equipment and operating personnel are available to provide adequate response within a reasonable length of time.
4. Provide department training which will ensure the continuous upgrading of all personnel in the latest techniques of fire prevention, fire fighting and control of emergency situations.
5. Provide a maintenance program to ensure all fire protection apparatus and department equipment is ready to respond calls.

6. Provide an effective fire prevention program to:
 - a) Ensure through plan examination and inspection that required fire protection equipment or features are installed and maintained.
 - b) Reduce and / or eliminate fire hazards.
 - c) Ensure compliance with applicable municipal, provincial, and federal fire prevention legislation, statutes, codes, and regulations in respect to fire safety.
7. Develop and maintain an effective public information system and educational program with particular emphasis on school fire safety, home fire safety, fire safety plans and training.
8. Ensure in the event of a major catastrophe 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 on programs respecting the aspects of fire suppression, training, fire prevention and public education.

**THE CORPORATION OF THE TOWNSHIP OF ESSA
FIRE AND EMERGENCY SERVICES
By-law 2022 – 16
SCHEDULE “C”
CORE SERVICES**

FIRE PREVENTION

1. Conduct fire prevention programs.
2. Enforce compliance with municipal, provincial, and federal legislation, statues, codes and regulations in respect to fire inspections and fire safety.
3. Provide public educational programs and fire safety training.
4. Smoke Alarm program.
5. Public Education, Pre-Fire Plans, In-Service Inspections.

FIRE SUPPRESSION

1. Structural fire suppression
2. Vehicle fire suppression
3. Wildland fire suppression (grass, brush, forestry)
4. Medical (first aid, C.P.R. & defibrillation)
5. Medical Assist (simultaneous dispatch, tiered response)
6. Hazardous Materials Response (awareness level)
7. Vehicle Accidents
8. Vehicle Extrication
9. Water Rescue (shore based)
10. Confined Space (limited to equipment & training)
11. Rescue Operations (limited to equipment and training)
12. Public Assistance, other agencies assistance.
13. Public Education, Pre-Fire Plans, In-Service Inspections
14. Fire Investigation
15. Mutual Aid and Fire Protection Agreement Response
16. Member of special teams (County, Municipal, and Federal)

TRAINING DIVISION FUNCTIONS

1. Training to meet core services
2. Training in administration, fire prevention, suppression
3. Training in Occupational Health & Safety, Municipal Safety Standards, Department Safety and Operating Guidelines & Procedures.
4. Preparation of all training records and reports.
5. Preparation of and conducting examinations of members.
6. Planning and locating external programs and resources to provide training and education of members outside the department.
7. Recruit training and examinations.
8. Firefighter skill evaluations.
9. Projecting training needs.
10. Maintaining training resource library and interactive programs.