

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 018-2019

Being a by-law to repeal By-law 12/10 and to enact a new Fire Department Establishing and Regulating By-law for the Corporation of the Township of Puslinch.

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 such other Fire Protection Services as it determines may be necessary in accordance with its needs and circumstances;

AND WHEREAS the FPPA permits a municipality, in discharging these responsibilities, to establish a Fire Department;

AND WHEREAS the FPPA 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 FPPA 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 Puslinch enacts as follows:

1. DEFINITIONS

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

- 1.1 "Approved" means approved by the Council;
- 1.2 "CAO" means the person appointed by Council as a Chief Administrative Officer for the Corporation;
- 1.3 "Confined Space" means any area not designed for human occupancy that has limited or restricted means for egress, normally having only one way in or out (e.g. tanks, silos, storage bins, hoppers, vaults, tunnels);
- 1.4 "Corporation" means the Corporation of the Township of Puslinch;
- 1.5 "Council" means the Council of the Corporation;
- 1.6 "Fire Chief" means the person appointed by Council as a Fire Chief for the Corporation and is ultimately responsible to Council as defined in the FPPA;
- 1.7 "Deputy Fire Chief" means the person appointed by Council as a Deputy Fire Chief to act on behalf of the Fire Chief in the case of an absence or a vacancy in the office of the Fire Chief;
- 1.8 "Division" means a Division of the Fire Department as provided for in this By-law;
- 1.9 "Fire Department" means the Township of Puslinch Fire Department;
- 1.10 "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 there under;
- 1.11 "Fire Protection Services" includes fire prevention, fire safety education, fire suppression, communications and training of persons involved in the provision of Fire Protection Services, rescue and emergency services and the delivery of all those services;

- 1.12 "High Angle" means any rescue attempt that requires rope and related equipment to safely gain access to, and remove victims from, hazardous geographical areas with limited access such as cliffs, above or below grade structures, silos by means of a rope system;
- 1.13 "Member" means any person employed in or appointed to Puslinch Fire and Rescue and assigned to undertake Fire Protection Services;
- 1.14 "NFPA" means National Fire Protection Association;
- 1.15 "Water Rescue" means any incident involving the rescue or removal of a victim from any body of water, moving or still such as lakes, ponds, rivers, flooding.

2. ESTABLISHMENT

- 2.1 The Fire Department is continued under this By-law to provide Fire Protection Services for the Corporation and the Head of the Department shall be known as the Fire Chief.

3. COMPOSITION

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

4. EMPLOYMENT

- 4.1 The Fire Chief appoints qualified persons as members of the Fire Department subject to the approved Puslinch Fire Department hiring process and the Corporation's Hiring Policy.
- 4.2 A person is qualified to be appointed a member of the Fire Department for firefighting duties who:
 - Is not less than 18 years of age;
 - Resides within the Township of Puslinch or within close proximity to a Township of Puslinch Fire Station;
 - Passes such aptitude tests as may be required by the Fire Chief;
 - Passes such medical fitness tests as may be required by the Fire Chief;
- 4.3 A person appointed as a member of the Fire Department shall begin as an auxiliary firefighter or a probationary firefighter for suppression firefighting duties. A probationary firefighter shall be on probation for a period of twelve months during which he/she shall receive training and examinations as required by the Fire Chief.
- 4.4 Prior to the completion of the probationary period, the Fire Chief shall review their performance as a firefighter. If a probationary member appointed to provide fire protection services fails any such examinations, the Fire Chief may recommend to the CAO that their probation be extended or he/she be dismissed, in accordance with Corporation's Policies.

5. TERMS AND CONDITIONS OF EMPLOYMENT

- 5.1 Subject to the FPPA, the remuneration and other terms and conditions of employment or appointment of the members and administrative support staff that comprise the Fire Department shall be in accordance with the Corporation's policies, procedures and programs.

6. ORGANIZATION

- 6.1 The Fire Department shall be structured in conformance with the approved Organizational Chart (Appendix B). Any additional (new) positions to the Organizational Chart, such as those recommended in the Master Fire Plan requires the approval of Council.
- 6.2 The Fire Department shall be organized into Divisions such as:
- Fire Prevention;
 - Fire Suppression;
 - Training;
 - Public Education and
 - Administrative Services.
- 6.3 The Fire Chief, with prior approval of the CAO, may re-organize or eliminate Divisions, establish other Divisions, 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. The Fire Chief may assign or re-assign such members to a Division to assist in the administration and operation of the Division. The effective management of Fire Protection Services for the Corporation must maintain the Corporation's approved budget or as otherwise approved by Council.

7. CORE SERVICES

- 7.1 For the purposes of this By-law core services provided by the Fire Department will be as per Appendix "A" which forms part of this By-law.
- 7.2 Nothing in this By-law will restrict the Fire Department to providing only core services or limit the provisions of Fire Protection Services.
- 7.3 The Corporation will strive to meet the following emergency response objectives:
- (a) Initial Response Staffing Performance Objective of an initial response deployment of four firefighters to all fire related emergency calls;
 - (b) Depth of Response Staffing Performance Objective of a depth of response deployment to all fire related emergency calls of four firefighters to low risk occupancies, 14 firefighters to moderate risk occupancies, and 24 firefighters to high risk occupancies.
- 7.3.1 The Corporation will strive to meet the following time performance objective:
- (a) Corporate response time performance objective referenced within the NFPA 1720 Rural Area Demand Zone including a minimum of six firefighters responding within a 14 minute response time (turnout time + travel time) with a performance objective of 80%.

8. RESPONSIBILITIES AND AUTHORITY OF FIRE CHIEF

- 8.1 The Fire Chief is responsible to Council, through the CAO, for the:
- (a) proper administration and operation of the Fire Department including the preparation of an annual budget;
 - (b) delivery of Fire Protection Services.
- 8.2 The Fire Chief is authorized to make:
- (a) general orders, directives, guidelines, procedures, rules, and regulations and to take such other measures as the Fire Chief may consider necessary for the management of the Fire Department, the prevention, control and

extinguishment of fires, the protection of life and property, and the management of emergencies including:

- i. the care and protection of all property belonging to the Fire Department;
- ii. arranging for the provision of necessary and proper facilities, apparatus, equipment, services and supplies for the Fire Department;
- iii. determining and establishing the qualifications and criteria for employment or appointment and the duties of all members and administrative support staff;
- iv. utilizing members and staff of the Fire Department, to assist in the performance of his/her duties, as may be required from time to time;
- v. the conduct and the discipline of members and administrative support staff;
- vi. liaising with any union or association representing firefighters or staff of the Fire Department;
- vii. liaising with the Office of the Fire Marshal of Ontario and any other office or organization;
- viii. preparing and, upon approval by the Council, implementing and maintaining a Master Fire Service Plan and program for the Corporation;
- ix. coordinating any emergency fire service plan and program, assisting in the preparation, implementation and maintenance of any emergency plans, organizations, services or measures;
- x. directing any emergency plan established by the Province of Ontario or the Government of Canada;
- xi. coordinating with and assisting any other public official in an emergency declared by the Mayor of the Corporation, the Premier of Ontario or the Governor in Council;
- xii. reporting to the appropriate crown attorney or other prosecutor or law enforcement officer or other officer that 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 FPPA;
- xiii. keeping an accurate record, in convenient form for references, of all fires, rescues and emergencies responded to by the Fire Department;
- xiv. keeping such other records as may be required by the Corporation and the FPPA in accordance with the Records Retention By-law;
- xv. preparing and presenting the annual report of the Fire Department to Council.

8.3 The Fire Chief shall be responsible for the:

- (a) administration and enforcement of this By-law; and all general orders, policies, procedures, rules, and regulations made under this By-law;
- (b) enforcement of any other By-laws of the Corporation respecting Fire Protection Services;
- (c) periodic review of such By-laws;
- (d) periodic review, amendment or termination of any general orders, procedures, rules, and regulations made by the Fire Chief under this By-law..

8.4 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. The FPPA also provides 'Under Powers of the Fire Chief' the authority to designate certain duties to others.

8.5 The Fire Chief shall report all fires to the Fire Marshal as required by the FPPA.

9. DEPUTY FIRE CHIEF

9.1 The Deputy Fire Chief shall:

- (a) be the second ranking officer of the Fire Department; and
- (b) be subject to and obey all orders of the Fire Chief; and
- (c) perform such duties as are assigned to him or her by the Fire Chief; and
- (d) act on behalf of the Fire Chief in case of absence or a vacancy in the office of the Fire Chief.

10. SUPERVISION

10.1 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 ranking officer present in any place.

11. GENERAL DUTIES AND RESPONSIBILITIES

11.1 Every Member and administrative support staff person shall:

- (a) conduct themselves in accordance with general orders, policies, procedures rules and regulations of the Fire Department; and
- (b) give their whole and undivided attention while on duty to the efficient operation of the Fire Department; and
- (c) shall perform the duties assigned to them to the best of their ability in accordance with the FPPA and any collective agreement or other written agreement that may be applicable.

12. PROPERTY

12.1 Employees must not use the Corporation's property, vehicles, equipment, supplies or services for activities not associated with the discharge of official duties.

12.2 Employees shall not use the Corporation's property, vehicles, equipment, supplies or services for personal gain.

12.3 No person shall willfully damage any apparatus, equipment or other property belonging to or used by the Fire Department.

12.4 All persons shall abide by the Corporation's Staff Code of Conduct.

13. FIRE SUPPRESSION

13.1 The Fire Department may suppress any fire, or other hazardous condition by extinguishing it or by other reasonable action and, for this purpose, may enter private property, if necessary, to do so.

13.2 The Fire Department may pull down or demolish any building or structure when considered necessary to prevent the spread of fire.

13.3 The Fire Department may request other persons present at a fire to assist in;

- (a) pulling down or demolishing buildings or structures to prevent the spread of fire;
- (b) crowd and traffic control; or
- (c) tasks as needed and as directed by incident command, while maintaining a safe distance from any hazardous areas and conditions and ensuring the safety of everyone at all times, excluding fire suppression.

14. REFUSAL TO LEAVE

14.1 No person present at a fire shall refuse to leave the immediate vicinity when required to do so by a member of the Fire Department.

15. CONDUCT AT FIRES

15.1 During a fire, and during a fire investigation and until the area is safe and secure, no person, either on foot or with a vehicle of any kind, shall enter or remain upon or within;

(a) 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; and

(b) Any other street, lane or other area or part thereof in the vicinity of the fire, as may be identified by the Fire Chief or the next ranking officer present at the fire.

15.2 The provisions of section 15.1 shall not apply to a resident of any street, lane or within an identified area or to any person authorized to enter or remain by an officer of the Fire Department or by a police officer.

16. EMERGENCY RESPONSES OUTSIDE THE LIMITS OF THE MUNICIPALITY

16.1 The Fire Department shall not respond to a call with respect to a fire or emergency outside the territorial limits of the Corporation except with respect to a fire or emergency;

(a) That, in the opinion of the Fire Chief or designate of the Fire Department:

- i. threatens property in the territorial limits of the Corporation; or
- ii. property situated outside the territorial limits of the Corporation that is owned or occupied by the Corporation; or
- iii. on property beyond the territorial limits of the Corporation where it is determine immediate action is necessary to preserve life or property and the appropriate fire department is notified to respond and assume command or establish alternative measures, acceptable to the Fire Chief or designate.

(b) In a municipality with which an approved automatic aid or mutual aid agreement has been entered into to provide Fire Protection Services;

(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 regional mutual aid plan established by a fire coordinator appointed by the Fire Marshal or any other similar reciprocal plan or program;

17. INTERFERENCE

17.1 No person shall impede or interfere with or hinder a member of the Fire Department in the performance of his/her duties.

18. FIRE ALARM

18.1 No person shall prevent, obstruct or interfere in any manner with the communication of a fire alarm to the Fire Department or with a member of the Fire Department responding to a fire alarm that has been activated.

19. OFFENCES

19.1 Every person who contravenes any provisions of this By-law is guilty of an offence and on conviction 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.

20. CONFLICT

20 .1 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.

21. SEVERABILITY

21.1 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.

22. REPEAL

22.1 That By-law 12/10 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS xxx DAY OF March 2019.

James Seeley, Mayor

Karen Landry, CAO/Clerk

APPENDIX "A"

CORE SERVICES

1. 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 or as approved by a base hospital or a medical director, shall be maintained.
- 1.3 Specialized technical rescue services at a NFPA Technical level shall include Vehicle Rescue and Water/Ice rescue services in accordance with available resources, NFPA Operations level services shall be provided for Confined Space, Rope Rescue and Hazardous Materials Response. All other specialized technical rescues will be at NFPA awareness level.
- 1.4 All training will match the response criteria and comply with Section 21 Guidelines, Puslinch Fire Department Operating Guidelines, Township Policies, applicable provincial legislation and NFPA standards.

2. 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.
- 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, NFPA and other related standards, legislation and reference materials may be used as reference guides for Puslinch Fire & Rescue Fire Prevention activities as approved by the Fire Chief.

3. 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 guidelines of the Fire Department.
- 3.2 A residential home fire safety awareness program shall be ongoing.
- 3.3 Smoke alarms for residential occupancies shall be provided to those in need.
- 3.4 Fire and life safety communiqués 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 NFPA Standard 1035.

4. EMERGENCY DISPATCHING AND COMMUNICATIONS

- 4.1 That Emergency Dispatching and Fire Service communications be provided by a service provider that is in compliance with the requirements of the National Fire Protection Association for dispatch times and all standards under the Fire Protection and Prevention Act.

APPENDIX "B"

Fire Department Organizational Chart

Puslinch Fire & Rescue Services

Organizational Chart

The Puslinch community is presently served for fire protection services by its own community fire department. Puslinch Fire and Rescue Services is staffed by 43 personnel. The organizational chart is as follows:

Organizational chart:

