

THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD

BY-LAW NUMBER 2013-43



Being a By-Law to Establish and Regulate a Fire Department for Fire/Rescue Services for the Corporation of the Township of Asphodel-Norwood

WHEREAS Section 130 of *Municipal Act, S.O. 2001, c.25* as amended states that a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well being of the inhabitants of the municipality; and

WHEREAS the *Fire Protection and Prevention Act, S.O. 1997 c.4* as amended, provides that the Council may by by-law establish and regulate a fire department;

NOW THEREFORE the Council of the Corporation of the Township of Asphodel-Norwood enacts as follows:

Definitions in this by-law, unless the context otherwise requires,

- a) "approved" means approved by the municipal council of the corporation,
- b) "chief administrative officer (CAO)" means the person appointed by council to act as chief administrative officer for the corporation
- c) "corporation" means the corporation of the Township of Asphodel-Norwood
- d) "council" means the council of the Township of Asphodel-Norwood
- e) "department" means the Asphodel-Norwood Fire/Rescue & Emergency Services
- f) "deputy fire chief" means a person appointed by the council of the corporation to act in the place of the fire chief in the absence of the fire chief
- g) "fire chief" or "chief" means the one person appointed by a by-law of the council of the corporation to act as fire chief for the corporation and is ultimately responsible to council as defined in the Fire Protection and Prevention Act, 1997
- h) "fire department" means a group of firefighters deemed necessary to establish a fire department as directed by council under Section 2 of the Fire Protection and Prevention Act, 1997
- i) "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 of those services,
- j) "firefighter" means a fire chief or any other person employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes a volunteer firefighter.

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- k) *"limited services"* means a variation of services significantly differentiating from the norm as a result of extenuating circumstances, such as environmental factors, firefighter availability, obstructions, remote properties, private roads, lanes and driveways.
- l) *"member"* means any person employed in or appointed to a fire department and assigned to undertake fire protection services, and includes officers, full time, part time and volunteer firefighters
- m) *"volunteer firefighter"* means a firefighter who provides fire protection services for a nominal consideration, honorarium, training or activity allowance, and is not regularly scheduled

2. A department for the *corporation* of the Township of Asphodel-Norwood to be known as the Asphodel-Norwood Fire/Rescue and Emergency Services is hereby established and the head of the department shall be known as the *fire chief*.

Mission Statement is attached as Schedule "B"

Council Approved Level of Service, which may be subject to limited services

- 1) Interior structural firefighting and/or explosions
- 2) Grass/brush fire fighting or other fire related response
- 3) Emergency medical response, First Responder with AED
- 4) Response to vehicle accidents, extrications, and vehicle fires
- 4) Response to farm, home, industrial accidents
- 5) Response to public hazards/ safety concerns
- 6) Response to hazardous material incidents at awareness level
- 7) Provision of rescue services in fire and other than fire situations
- 8) Disaster and emergency services and planning
- 9) Fire scene assessment and investigation
- 10) Fire prevention services and inspections
- 11) Public education services and programs
- 12) Level 1 - shore based ice & water rescue
- 13) Assistance to other agencies
- 14) High angle rescue, awareness level
- 15) Confined space rescue, awareness level
- 16) Trench rescue, awareness level
- 17) Search & rescue
- 18) Mutual Aid
- 19) Automatic Aid
- 20) Participation in Peterborough County Specialized Rescue Unit

Specialized services include: High Angle Rescue, Confined Space Rescue, Search & Rescue under direction of local Police Authority (member of OSARVA) & Ice-based Rescue

Delivery of Level of Service

- a) The *department* shall strive to provide such *approved services* listed in this by-law;
- b) Due to the *departments* reliance upon *volunteer firefighters*, the topographic, geographic, and potential environmental factors of the Township, the level and amount of equipment at the departments disposal, and other constraints

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as may from time to time happen, the services listed in this by-law although approved, may be provided as *limited services* as defined in section 1 of this by-law;

- c) The Township of Asphodel-Norwood accepts no liability for the delay or inability to supply the services set out in this by-law due to the provision of its approved services as *limited services* or due to the existence of unsafe conditions encountered enroute, impeded access to property, and/or environmental factors or constraints.

3. The *department* organizational chart, Schedule "C" shows the ideal configuration, but may be adjusted to best suit current needs/availability at the discretion of the *fire chief*, but may not exceed overall numbers unless *approved*.

4. The *fire chief* is the head of the *department* and is ultimately responsible to *council* as per the Fire Protection and Prevention Act. The chief will report through the CAO for the proper administration and operation of the *department* from alarms, drills, training, care and maintenance of the fire halls, apparatus, equipment and supplies, for the hiring, promotion, discipline and dismissal of members of the *department*.

The *fire chief* shall enforce this by-law and any other *corporation* by-laws with respect to fire prevention. The *fire chief* has overall responsibility of the Operating Guidelines and Policy & Procedures guiding the operations of the *department* and may be adjusted as required to meet current needs.

5. Disciplinary actions will follow applicable department Policy & Procedure and Operating Guidelines. The CAO will be consulted in any such disciplinary action required and may exercise the right to be involved in such matters as deemed necessary. All such items will be reported to *council* including leave of absence request and recommendations.

6. The *fire chief* shall submit to the CAO and *council* for its approval of the annual budget of the *department*.

7. As an appointed position the *deputy chief*, in the absence of the chief will have all the authority of, and shall perform all the duties of the *chief*.

8. The fire *department* shall adhere to the provisions of and may exercise the powers and duties imposed on him/her by the Fire Protection and Prevention Act, 1997. Only members that are deemed Assistants to the Fire Marshal may exercise those specific powers as described in the Act.

The *fire chief* or designate is directed and authorized by *council* in addition to the Fire Protection and Prevention Act to have the fire department perform the following tasks with respect to fire or other danger, risk or accident:

- a) When unable to contact or get cooperation with the property owner, mitigate these risks by means which may include boarding up, barricading of buildings or property and/or
- b) The corporation may recover expenses incurred by such necessary action in a manner provided for in the Municipal Act, 2001 and/or the Fire Protection and Prevention Act, 1997

9. The department performs the following divisional functions:

- 1) **Division of Administration**
 - a) Provide administration facilities for the *department*,
 - b) Prepare the departmental budget and exercise control of the budget,

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- c) Prepare the payroll of the *department* as may be required and initiate requisitions for materials and services and certify all accounts of the *department*,
 - d) Maintain personnel records in accordance with the policy of the *corporation*,
 - e) Provide long-term capital replacement plans such as fire stations, fire apparatus and major equipment
 - f) Prepare reports of the *department* for the *council*,
 - g) Carry out the general administration duties of the *department*, and
 - h) Provide liaison with the County Fire Coordinator
- 2) Division of Apparatus, Equipment, and Communications**
- a) Prepare specifications and documents necessary for the purchase of apparatus and equipment,
 - b) Maintain and keep in repair all existing buildings, fire fighting, rescue, and other apparatus and equipment of the *department*,
 - c) Modify equipment and apparatus as necessary,
 - d) Provide liaison with water department to ensure an adequate fire flow in all new water projects, and maintenance of existing,
 - e) Issue clothing, equipment and supplies,
 - f) Arrange for dispatch services, and
 - g) Maintain the communication systems of the *department* and arrange for upgrading and replacement of equipment as necessary
- 3) Division of Fire Suppression**
- a) Perform *fire protection* duties as required,
 - b) Respond and assist at such situations as may be necessary by the *chief*,
 - c) Conduct investigations of fire in order to determine cause and origin, and where required, to request appropriate agencies to assist with the investigation, (OFM, Technical Standards and Safety Authority,
 - d) Ensure participation in training,
 - e) Perform pre-emergency planning, and
 - f) Perform maintenance on apparatus, equipment, and buildings
- 4) Division of Fire Prevention**
- a) Conduct fire code inspections,
 - b) Enforce applicable Municipal by-laws,
 - c) Examine building plans,
 - d) Provide personnel for public education duties,
 - e) Satisfy all statutory duties under the Fire Protection and Prevention Act, 1997 and regulations there under,
 - f) Maintain fire loss records,
 - g) Educate the public on fire prevention and safety, and
 - h) Satisfy smoke alarm program requirements
- 5) Division of Training**
- a) Establish a *department* training program and conduct training for all members,
 - b) Administer the training program, maintain all necessary records, and generate required reports, and
 - c) Prepare and conduct examinations for members as required
- i) The *fire chief* is responsible for ensuring that the duties of each division of the *department* are carried out.
 - ii) If deemed necessary a member may be delegated by the *chief* to have

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responsibility for the proper operation of a division, or a divisional function, and shall report to the *chief* through the chain of command.

iii) The chain of command applies at all times

10. Remuneration for *firefighters* are set annually by *council* and are shown on Schedule 'A'

11. Upon obtaining the *chief's* approval the *members* of the *department* may organize for social purposes, and other purposes intended to further the welfare and interests of the *department* and its *members*, and/or to improve the public image of the *department*. The *chief* shall report on these activities to the *council*.

12. 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;

a) That in the opinion of the chief of the *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 agreement has been entered into to provide *fire protection* services,

c) On property with respect to which an agreement has been entered into with any person or corporation to provide *fire protection*

d) At the discretion of the *fire chief*, to a municipality authorized to participate in the Peterborough County Mutual Aid Plan and program or any other organized plan or program on a reciprocal basis, or

e) 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 correct department is notified and/or assumes command.

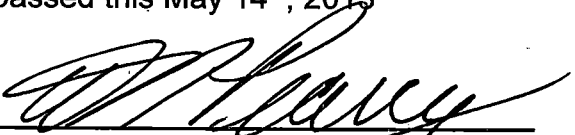
13. By-Law 2006-27 of the Corporation of the Township of Asphodel-Norwood is hereby repealed upon the date that this by-law comes into force.

13. **SEVERABILITY OF PROVISIONS**

If any section(s) of this By-Law, or parts thereof are found by any court of law or tribunal of competent jurisdiction to be illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts thereof of this By-Law shall be deemed to be separate and independent there from and to be enacted as such.

14. This By-Law comes into force and effect on the date of its passage.

Read a first and second and third time and finally passed this May 14th, 2013



Mayor Douglas J. Peafey


Acting Clerk Rebecca Bonisteel-Bourne

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SCHEDULE "A"
REMUNERATION
(2013)

FIRE CHIEF- As per Employee Agreement

FIREFIGHTERS - Rate established annually by Council
- Cost of living increase applied annually as established and approved by Council

a) RESPONSE RATE:

- i) Recruit firefighter – probationary rate of 60% of firefighter rate.
- ii) All other ranks – firefighter rate
- iii) Paid minimum 1 hour from receipt of an alarm until a member is relieved of duty following the occurrence, paid by the ½ hour increments after the first hour.

b) TRAINING RATE includes in house training

- i) All ranks
- ii) Paid minimum of 1 hour and then by increments of ½ hour thereafter

c) TRAINING RATE includes Day Courses (as defined by course description)

- i) All ranks - **\$55 per day**
- ii) Recruit – does not apply to recruits on recruit course (volunteer hours)

FIRE HALL DUTIES GENERAL
(general labour, cleaning, equipment checks, etc.)

Training rate

FIRE HALL DUTIES SPECIALIZED
(licensed mechanic, or experienced carpenter, fabricator, etc)

Firefighter rate

COMMUNITY EVENTS
(Parades, Remembrance Day, etc.)

Volunteer basis

FUND RAISING, ETC.
(Fair Duties, Pancake Breakfast, etc.)

Volunteer basis

OFFICERS MEETINGS

Covered by Honorariums

ASSOCIATION MEETINGS

Volunteer basis

HONORARIUMS

DEPUTY CHIEF

Annual rate as established by Council

DISTRICT CHIEF

Annual rate as established by Council

CAPTAINS

Annual rate as established by Council

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SCHEDULE "B"
MISSION STATEMENT

MISSION STATEMENT/GOALS

It shall be the goal of the *department* to provide *fire protection* through the established level of service designed to protect the lives, property and the environment of the inhabitants of the response area; first to the corporation; second to those municipalities requiring assistance through the authorized mutual aid plan and third to those municipalities which are provided fire protection services by the department under an authorized agreement. Furthermore to protect the lives and well being of the firefighters to ensure the level of training, personnel and equipment meets the *approved* level of service.

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SCHEDULE "C"
ORGANIZATIONAL CHART

