

THE CORPORATION OF THE Municipality OF SHUNIAH

BY-LAW NO. 2303-08

A by-law to provide fire protection services, establish, maintain and operate fire department and to Repeal By-laws Numbered 2122-03.

WHEREAS the *Fire Protection and Prevention Act* Section 2. (1) b) provides that every municipality shall 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* Section 2. provides that in discharging its responsibilities under Section 2. (2) b) a municipality shall establish a Fire Department;

AND WHEREAS the *Fire Protection and Prevention Act* Section 5 (0.1) provides that the council of a municipality may establish, maintain and operate a fire department for all or any part of the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH ENACTS AS FOLLOWS;

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

"Council" means the Council of the Corporation of the Municipality of Shuniah.

"Fire Chief" means is the person who is ultimately responsible to the council of a municipality that appointed him or her for the delivery of fire protection services. A Fire Chief provides leadership to the fire department, ensures the development of personnel, establish and implements departmental planning. The Fire Chief is also responsible to ensure that codes, legislation and by-laws are correctly interpreted, promotes fire prevention and education as defined in the *Fire Protection and Prevention Act*, and contributes to the overall senior management of the municipality and acts as the incident commander at major emergency scenes.

"Deputy Fire Chief" means is the absence of the fire chief, the deputy fire chief assumes all the roles and responsibilities of the fire chief. Further, the deputy fire chief evaluates emergency operations, acts as the incident commander at emergencies, may manage personal and divisions, ensures compliance with health and safety legislation and other duties a determined by the fire chief.

"Company Officer" means the company officer is a fire line officer, this includes personal with the rank of Captain or those acting in those positions. The company officer is a supervisor who directs and controls a limited number of personal at the scene of emergencies or training. They may have responsibilities regarding fire prevention and education as well as station and vehicle maintenance.

"Firefighter" means the firefighter is a front line emergency fire service worker. Operational in nature, the firefighter provides the manual work required to mitigate emergencies. Often placed directly in the way of danger, the firefighter is under the direct supervision of the fire department officers. Firefighters are actively involved in training and may have responsibilities for fire prevention and education activities.

"Fire Prevention Personal" means fire prevention personal are generally responsible to ensure compliance with codes and regulations and fire prevention and public education activities. Some fire prevention personal may be operation

staff are required to perform duties associated with emergency response. Duties usually include plan reviews, pre-planning, fire inspections, public education, station tours, public displays and be part of special teams such as smoke alarm teams.

"Member" means a person acting as a firefighter and includes company officers, fire prevention officers, the Fire Chief and the Deputy Fire Chief.

"Department" means the "Shuniah Fire and Emergency Services".

"Fire Protection" means fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provisions of fire protection services, rescue and emergency services and the delivery of those services.

"Water/Ice Rescue" means Level 1 shore based water rescue and does not include water entry and ice rescue.

2. A Department for the Municipality of Shuniah to be known as *Shuniah Fire and Emergency Services* is hereby established and the head of the department shall be known as the Fire Chief of the Department.
3. In addition to the Fire Chief, Department personnel shall consist of a Deputy Fire Chief and such number of Captains and members as from time to time may be deemed necessary by the Council as recommended by the Fire Chief and approved by Council.
4. The Fire Chief of the Department may recommend to the Council the appointment of any qualified person as a member of the Department. A person is qualified to be appointed a member of the Department for fire prevention, education, rescue and suppression duties who;
 - Has successfully completed at least grade 10 or the equivalent.
 - Is of good character.
 - Passes such aptitude and other tests as may be required by the Fire Chief of the Department.
 - Is medically fit to be a member. Medical fitness may be required by a physician designated by the Fire Chief of the Department.
5. A person appointed as a member of the department for fire prevention, rescue, and/or suppression duties shall be on probation for a period of twelve (12) months during which period he or she shall take such tests, special training and examination as may be required by the Fire Chief of the Department. If a probationary member appointed for firefighting duties fails any such examinations, or demonstrates conduct or performance inconsistent with department operation, policy or discipline, the Fire Chief of the Department may recommend to the Council that he or she be dismissed.
6. The remuneration of all members of the Department shall be determined by the Council.
7. The Fire Chief shall have the authority, in the absence of adequate Police assistance, to regulate or prohibit vehicular traffic *within the Municipality* in the vicinity of an emergency scene or training session.
8. The Fire Chief shall have the authority, to move privately owned vehicles, by the most expeditious means possible, to gain access to the site of any emergency or for the purpose of controlling an emergency situation.
9. The Fire Chief of the Department is responsible to the Council for proper administration and operation of the Department, for discipline of its members and,

- necessary for the care and protection of the Department and generally for the efficient operation of the Department, provided that such general orders and rules do not conflict with the provisions of any by-laws of the Municipality.
 - shall periodically review the policies and procedures of the Department.
 - may establish an Advisory Committee consisting of such officers, councilors and others as he or she may determine from time to time to assist him or her in these duties.
 - Shall take all proper measures for the prevention, *education*, control and extinguishment of fires and for the protection of life and property and shall enforce all municipal by-laws respecting fire prevention and exercise the powers granted him or her by federal, provincial or municipal legislation.
 - is responsible for the enforcement of this by-law, general orders and departmental rules.
 - shall report to the Fire Marshal as required by the *Fire Protection and Prevention Act*.
 - shall submit to the Council for its approval the annual budget estimates of the Department may make such general orders and departmental rules as may be
10. The Deputy Fire Chief shall report to the Fire Chief of the Department on the activities of the divisions that are his or her responsibility and carry out the orders of the Fire Chief. In the absence of the Fire Chief, the Deputy Fire Chief has all the powers of, and shall perform all the duties of the Fire Chief.
11. The Department is composed of the following divisions:
- Administration, Firefighting, Rescue, Apparatus Equipment and Communications, and Fire Prevention and Education, Training. First Response services through the auspices of Superior North EMS.
12. The Fire Chief is responsible for Administration of the department in all areas:
- a) Deputy Fire Chief of the Department;
 - b) preparing the departmental budget and exercising control over the budget;
 - c) preparing the payroll of the Department
 - d) initiating requisitions for materials and services and certifying all accounts of the Department;
 - e) maintaining personnel records;
 - f) arranging for the provision of medical services;
 - g) arranging or the provision of new buildings;
 - h) providing liaison with the firefighters' association;
 - i) preparing the annual report of the Department;
 - j) carrying out the general administrative duties of the Department;
 - k) providing liaison with the District Advisor and the Zone Fire Coordinator;
 - l) assisting the Fire Coordinator in the preparation of the District Emergency Fire service Plan and Program;
 - m) maintenance of fire loss records;
 - n) evaluating the performance of members of the department.
13. The provisions of this section, with respect to the promotion of members, does not apply to the Deputy Fire Chief; Any member having at least 1 year service with the Department may make application to the Fire Chief of the Department to qualify him or her for promotion to a rank superior to his or her present rank.

Recommendations for promotion of a member made to the Council by the Fire Chief of the Department shall be based on an evaluation of;

- His or her attendance to all department responsibilities.
- The member's past performance, competence, experience, contribution to the department and leadership potential.

- The member's performance in such written, oral and practical examinations as may be required by the Fire Chief of the Department.
 - When in the opinion of the Fire Chief of the Department, all other factors for promotion are equal; seniority of service in the department shall govern.
14. The term of appointment of all officers shall be determined by the Fire Chief with consideration for attendance, expertise and performance. Positions shall be posted and filled on the basis of a competition.
15. Every person appointed for membership in the department may, at the time of his or her appointment, be subject to a medical examination by a physician designated by the Fire Chief of the Department and at such other times as the Fire Chief of the Department may require.
16. If a member of the Department is (in the Fire Chief's opinion) physically or mentally unfit to perform the normal duties required for firefighting, rescue or first response, he or she shall be prohibited from participating as an active member of the Department. The member shall then be subject to an examination by a medical professional designated by the Fire Chief before being readmitted to active service.
17. Every member of the Department shall report for duty at the time prescribed by the departmental rules and shall remain on duty until relieved. In the case of a member failing to report for duty, the officer in charge shall report this in writing, through his or her superior officer to the Fire Chief of the Department.
18. No member shall participate in any activity of the department if he or she is impaired by the use of an intoxicating beverage or drug.
19. No member shall consume any intoxicating beverage or drug while on duty.
20. No member shall be permitted to remain on duty if his or her ability is impaired by an intoxicating drug or beverage.
21. No member shall (by virtue of his or her membership), solicit the influence or support of anyone in order to secure a promotion or other advantage.
22. The Fire Chief of the Department may reprimand or suspend any member for insubordination, inefficiency, misconduct, tardiness or for noncompliance with any provisions of this by-law, any general order or department rule that, in the opinion of the Fire Chief, would be detrimental to the discipline and efficiency of the Department. Following the suspension of any member, the Fire Chief of the Department shall report the suspension and his or her recommendations to the Council. A member shall not be dismissed without being afforded an opportunity for a hearing before Council if he or she makes a written request for such hearing within seven (7) days of receiving written notice of his or her recommendation for dismissal.
23. The Department shall not respond to a call for assistance outside the limits of the municipality unless:
- property situated outside the municipality is owned and/or occupied by the municipality,
 - A formal agreement has been entered into to provide fire protection,
 - It is on property under the jurisdiction of the Ministry of Transportation of Ontario.
 - The Fire Chief has approved response.
24. Fire protection will not be provided to islands within the boundaries of the Corporation of the Municipality of Shuniah that do not have road access.

25. Allowances for travel and other expenses for department members attending authorized courses shall be determined by Council.
26. That By-law Number 2122-03 is hereby repealed.
27. That this by-law come into force and effect upon the final passing thereof.

READ A FIRST AND SECOND TIME THIS 14th DAY OF January, 2007

Cherie Hardung
Reeve

Wendy Hamlin
Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 28th DAY OF January, 2007

Cherie Hardung
Reeve

Wendy Hamlin
Clerk