

CORPORATION OF THE TOWNSHIP OF WARWICK

BY-LAW NO. 56 OF 2011

BEING A BY-LAW TO ESTABLISH A FIRE DEPARTMENT

WHEREAS Section 8 of the Municipal Act, S.O. 2001, c.25, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 9 of the Municipal Act, 2001, 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, Part 11, section 5(1.0), as amended, permits Council to establish and regulate a fire department;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Township of Warwick, as follows:

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

“approved” means approved by Council;

“chief administrative officer” means the person appointed by Council to act as Chief Administrative Officer for the Corporation;

“corporation” means the Corporation of the Township of Warwick;

“deputy 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;

“fire chief” shall mean the Fire Chiefs for the Corporation of the Township of Warwick – Watford Fire Department and Warwick Fire Department appointed by Council;

“fire departments” means the Corporation of the Township of Warwick – Watford Fire Department and Warwick Fire Department;

“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;

“member” means any persons 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;

“volunteer firefighter” means a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance.


2. A fire department for the Corporation of the Township of Warwick to be known as the Corporation of the Township of Warwick – Watford Fire Department and Warwick Fire Department, is hereby established and the head of the fire department(s) shall be known as the Fire Chief.
3. The fire department(s) shall be structured in conformance with the approved Organizational Chart, **Appendix A**, and shall form part of this By Law.
4. In addition to the Fire Chief(s), Council shall appoint a Deputy Chief(s) and such number of other officers and members, as may be deemed necessary by Council.
5. The Fire Chief(s) may recommend to Council the appointment of any qualified person as a member of the fire department, subject to the approved hiring policies of the Township of Warwick.
6. Persons appointed as members of the fire department to provide fire protection services shall be on probation for a period of 12 months, during which period they shall take such special training and examination as may be required by the Fire Chief(s).
7. If a probationary member appointed to provide fire protection services fails any such examinations, the Fire Chief(s) may recommend to Council that he/she be dismissed.
8. The remuneration of the volunteer members shall be as determined by Council.
9. 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, Council may assign the member to another position in the fire department or may retire him/her. Council may provide retirement allowances to members, subject to the Municipal Act.
10. The Fire Chief(s) is ultimately responsible to Council, through the Chief Administrative Officer for proper administration and operation of the fire department including the delivery of fire protection services.

11. The Fire Chief(s) shall implement all approved policies and shall develop such standard operating procedures and guidelines, general orders and departmental rules as necessary to implement the approved policies and to ensure the appropriate care and protection of all fire department personnel and fire department equipment.
12. The Fire Chief(s) shall review periodically all policies, orders, rules and operating procedures of the fire department and may establish an advisory committee consisting of such members of the fire department as the Fire Chief(s) may determine from time to time to assist in these duties.
13. The Fire Chief(s) 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.
14. The Fire Chief(s) shall comply with the Township of Warwick's Procurement Policy #11 passed by Council as By-law Number 25 of 2005.
15. Each division of the fire department is the responsibility of the Fire Chief(s) and is under the direction of the Fire Chief(s) or a member designated by the Fire Chief(s). Designated members shall report to the Fire Chief(s) on divisions and activities under their supervision and shall carry out all orders of the Fire Chief(s).
16. Where the Fire Chief(s) 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.
17. The Fire Chief(s) may reprimand, suspend or recommend dismissal of any member for infraction of any provisions of this by-law. Policies, general orders and departmental rules that, in the opinion of the Fire Chief(s) would be detrimental to discipline or the efficiency of the fire department.
18. Following the suspension of a member, the Fire Chief(s) shall immediately report, in writing, the suspension and recommendation to the Chief Administrative Officer and Council.
19. The Fire Departments shall adhere to all Policies and Procedures for the management of Human Resources matters as approved by the Corporation unless elsewhere prescribe in this By-Law or provincial legislation and/or regulations.
20. The Fire Chief(s) shall take all proper 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(s) shall be empowered to authorize:


- a) Pulling down or demolishing any building or structure to prevent the spread of fire;
 - 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;
 - 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 are as follows:
 - i) If it is necessary to retain a private contractor, rent special equipment not normally carried on a fire apparatus in order to determine origin and cause, suppress or extinguish a fire, preserve property, prevent fire spread, make safe or otherwise eliminate an emergency. (*Actual costs*)
21. Core Services for the Watford Fire Department and Warwick Fire Department are listed in **Appendix "B"** and shall form part of this By Law.
22. 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 service,
 - 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 co-ordinator appointed by the Fire Marshall or any other similar reciprocal plan or program,
 - 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 alternative measures, acceptable to the Fire Chief or designate.
23. The fire department(s) shall comply with the Joint Health & Safety Act and Township of Warwick's Joint Health & Safety Policies and Procedures.

24. This by-law replaces and repeals any previous by-law in respect to establishing a Fire Department herein defined and shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14 DAY OF Sept. 2011.



Mayor – Todd Case



Clerk – Frances Woods

APPENDIX "A"

To By-law No. 56 of 2011

ORGANIZATIONAL CHART

MAYOR

COUNCIL

ADMINISTRATOR/TREASURER

FIRE CHIEF

DEPUTY FIRE CHIEF

3 CAPTAINS

SENIOR FIREFIGHTER

FIREFIGHTERS

APPENDIX "B"

To By-law No. 56 of 2011

CORE SERVICES

1. EMERGENCY RESPONSE:

- a) basic firefighting
- b) structural firefighting including rescue [see (r) below]
- c) vehicle firefighting
- d) grass, brush, firefighting
- e) automatic aid
- f) mutual aid
- g) basic medical assist
- h) advanced medical assist with defibrillation
- i) vehicle accidents
- j) vehicle extrication
- k) transportation incidents involving vehicles
- l) public assistance
- m) ambulance assistance
- n) police assistance
- o) public utilities assistance
- p) community emergency plan participations
- q) urban search and rescue (light)
- r) Farm machinery extrication, excluding confined spaces
- s) role as Assistant to Fire Marshal

NOTE: The Fire Chief or Incident Commander may perform activities not listed above to save a life or protect property.

2. FIRE PREVENTION AND PUBLIC EDUCATION:

- 1) selection of appropriate programs
- 2) role of chief fire official
- 3) role of Assistant to Fire Marshal re: prevention
- 4) inter-action with building department(s)
- 5) inter-action with other government agencies

- 6) inspection practices, including:
 - i) complaints inspections
 - ii) conducting routine inspections per fire prevention policy
 - iii) dealing with code compliance issues
 - iv) conducting inspections, preparing reports and issuing written responses to requests
 - v) issuing permits

- 7) public education practices, including:
 - i) providing routine education programs as per fire prevention – Simplified Risk Assessment
 - ii) facilitating smoke alarm initiatives
 - iii) providing access for media
 - iv) delivery of specialized programs

- 8) fire investigation practices, including:
 - i) determining cause and origin
 - ii) assessing code compliance
 - iii) assessing fire suppression effectiveness
 - iv) interacting with OFM investigator
 - v) supporting criminal prosecutions
 - vi) consulting with police and other agencies

- 9) preparation for and appearances in court