

The Corporation of the Municipality of Brockton



By-Law 2021-035

Being a By-Law to Amend the Establish and Regulate Walkerton Fire Department
By-Law for the Corporation of the Municipality of Brockton.

Whereas Section 9 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, 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 11 of the *Municipal Act, 2001, S.O. 2001, c. 25*, 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 Part II Section 5 (0.1) of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*, as amended, permits the Council to establish and regulate a fire department;

And Whereas the Council of the Corporation of the Municipality of Brockton enacted By-Law 2015-053 on June 22, 2015 establishing and regulating the Walkerton Fire Department;

And Whereas the Council for The Corporation of the Municipality of Brockton deems it expedient to amend the By-Law Establishing and Regulating the Walkerton Fire Department;

Now Therefore the Council of the Corporation of the Municipality of Brockton **Enacts as Follows:**

- 1 In this by-law, unless the context otherwise requires:
 - a) Approved means approved by the Council of the Municipality of Brockton;
 - b) CAO means the person appointed by Council to act as the Chief Administrative Officer (CAO) for the Corporation of the Municipality of Brockton.
 - c) Council means the Council of the Corporation of the Municipality of Brockton.
 - d) Corporation means the Corporation of the Municipality of Brockton.
 - e) Fire Chief means the person appointed by Council to act as Fire Chief for the Corporation.
 - f) Station Chief means the person or persons appointed by Council to act as a Station Chief of the Fire Department
 - g) Fire Department means the Walkerton Fire and Emergency Services Department and in the short form may be referred to as the "Fire Department"
 - h) Fire and Emergency 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.
 - i) Member means any person employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes officers, firefighters.

- j) Firefighter means a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance. ~~After passing the recruit /probationary period firefighters will be assigned a rank based on the level of training they are certified to. These ranks will be known as Auxiliary firefighter, Exterior Suppression firefighter and Suppression firefighter. Progression through these ranks will be based on the level of training the firefighter achieves in accordance with Appendix F.~~
 - k) Fire Prevention Officer (FPO) means the person appointed by Council to act as the Fire Prevention Officer for the Municipality.
 - l) Honorary Member means a firefighter in good standing who has resigned, retired or is deemed physically unfit to perform his/her duties but wishes to remain on the department without remuneration as an honorary member so they may attend/assist with social functions and other non-emergency events.
 - m) ~~Incident Scene Technician (IST) means a volunteer non-suppression firefighter who performs radio operations, hall duties and limited cold and warm zone incident scene activities either voluntarily or for a nominal consideration, honorarium, training or activity allowance.~~
- 2. The Fire Department of the Corporation heretofore established and known as Fire and Emergency Services is hereby continued and the head of the Department shall be known as the Fire Chief.
 - 3. In addition to the Fire Chief, Station Chief and Fire Prevention Officer as appointed by Council, the Fire and Emergency Services Department shall consist of such number of other officers and members as may be deemed necessary by Council.
 - 4. The Fire Chief may hire any qualified person as a member of the Fire and Emergency Services Department, subject to the approved hiring policies of the Municipality of Brockton.
 - 5. Persons appointed as members of the Fire Department to provide fire and emergency services shall be considered a ~~recruit for a period of three (3) months followed by probationary period for a minimum six (6) months (unless the terms of an agreement between the employee and the Corporation of the Municipality of Brockton as approved by the CAO), during which period they shall take such training and testing as may be required in accordance with Appendix F.~~
 - 6. If a probationary member fails such tests, or is found to be unsatisfactory during the probationary period he/she may be terminated without cause by the Fire Chief.
 - 7. The remuneration of the firefighters shall be as determined by Council.
 - 8. Working conditions and remuneration for all full time members shall be determined by Council in accordance with the provisions of Part IX of the Fire Protection and Prevention Act and the Corporation of the Municipality of Brockton.
 - 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 activities while serving on the Fire Department, and such claim is approved by the Workplace Safety and Insurance Board, the provisions of the *Workplace Safety and Insurance Act, 1997*, S.O. 1997, c. 16 and regulations as amended from time to time, will apply as well as any supplementary benefits that may be provided by the Municipality of Brockton that are approved by Council.
 - 10. The Fire Chief is responsible to Council through the CAO for proper administration and operation of the fire department including all fire department functions and programs.
 - 11. The Fire Chief 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 members and fire department equipment.

12. The Fire Chief 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 may determine from time to time to assist in these duties.
13. The Fire Chief shall submit to the CAO and Council for approval, the annual budget estimates for the fire department; an annual report and any other specific reports requested by the CAO or Council.
14. Each department 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. Designated members shall report to the Fire Chief on departments and activities under their supervision and shall carry out all orders of the Fire Chief.
15. Where the Fire Chief designates a member to act in the place of an officer in the department such member, when so acting, has all of the powers and shall perform all duties of the officer replaced.
16. The Fire Chief may reprimand, suspend or recommend dismissal to the CAO of any member for an infraction of any provisions of this by-law, policies, general orders and departmental rules that, in the opinion of the Fire Chief, would be detrimental to discipline or the efficiency of the Fire Department.
17. Following the suspension of a member, the Fire Chief shall immediately report, in writing, the suspension and recommendation to the CAO.
18. The procedures for termination of employment prescribed in Part IX of the *Fire Protection and Prevention Act* shall apply to all full-time members of the Fire Department.
19. A firefighter shall not be dismissed without an opportunity for a review of termination, if he/she makes a written request for such a review within seven (7) working days after receiving notification of the proposed dismissal. A person appointed by the CAO who is not a member of the Fire Department shall conduct the review.
20. A firefighter in good standing that has retired, resigned or is deemed physically/medically unfit to perform his/her duties may remain as an Honorary Member of the Fire Department **if the member has provided service to the Municipality for a minimum of 10 years or at the discretion of the Fire Chief or designate. The responsibility to notify the department of his/her desire to attend an event will remain with the honorary member. Notification of participation is required prior to the event.**
21. **Property provided by the Municipality to firefighters shall be returned to the Department upon the termination, retiring, resignation of any firefighters employment, or if the member is deemed physically/medically unfit to perform his/her duties or at the discretion of the Fire Chief or designate. Dress Uniforms shall not be required to be returned if the firefighter has been bestowed honorary member status.**
22. 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 exercise all powers mandated by the *Fire Protection and Prevention Act*, and the Fire Chief or his designate shall:
 - a) Have command at fires and emergencies over all members of the Fire Department and all other persons who may be present and may direct the extinguishing of the fire or other emergency and the protection of life and property.
 - b) Investigate or cause to be investigated all fires and report to the Fire Marshal as required by the *Fire Protection and Prevention Act*.

- c) Be responsible for the enforcement of this By-law and the general orders, procedures and regulations of the Fire Department.
- d) Be empowered to authorize pulling down or demolishing any building or structure to prevent the spread of fire;
- e) Take all necessary actions which may include boarding up or barricading of buildings or property to guard against fire or other damage, risk or accident, when unable to contact the property owner;
- f) Recover of expenses incurred by such necessary actions for the Corporation in the manner provided through the *Municipal Act, 2001*, S.O. 2001, c 25 and the *Fire Protection and Prevention Act*;

23. Authority At Fires And Emergencies:

- a) Any member of the Fire Department may suppress any fire by extinguishing it and may enter onto private property, if necessary to do so.
- b) Any member of the Fire Department may pull down or demolish any building or erection to prevent the spread of fire or danger of collapse.
- c) Upon request of any member of the Fire Department every person attending a fire or emergency scene shall assist any firefighter in the performance of his/her duties and shall obey all orders and directions given by the Fire Chief, Station Chief or other officer.
- d) Whenever it is deemed necessary by a member of the Fire Department to guard the locality of the fire or emergency from entry or crowding by persons or vehicles he/she may place or cause to be placed barriers or other markers across the street or public place or private property to indicate the area from which persons and vehicles are prohibited.
- e) No person present at a fire or emergency shall refuse to leave the immediate vicinity of the fire or emergency if required to do so by a member of the Fire Department.
- f) No person or persons except members of the Fire Department, the Police or other authorized persons shall enter within the area marked off by barriers or other markers established under subsection d).
- g) No person shall interfere with or obstruct the Fire Chief or other member of the Fire Department in the performance of their duties at a fire or emergency.
- h) No person shall drive any vehicle over fire hose except on the specific order from a member of the Fire Department.

23. No person shall park any vehicle within 150 metres of any fire or emergency or fire apparatus.

24. The Fire Department is authorized to participate in the County of Bruce Mutual Aid and any other similar reciprocal plan or program.

25. The Fire Department shall not respond to a call with respect to a fire or emergency outside the limits of the Municipality of Brockton except with respect to a fire or emergency that:

- a) In the opinion of the Fire Chief or designate, threatens property in the municipality or property situated outside the municipality that is owned or occupied by the municipality;
- b) Is in a municipality with which an approved agreement has been entered into to provide fire protection services which may include automatic aid;

- c) Is 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, or designate 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;
 - e) Is 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.
26. Every person who contravenes any provision of Section 22 of this Bylaw is guilty of an offence and, upon conviction, is liable to a fine or penalty as provided for in the *Provincial Offences Act*.
27. In the event of conflict between the provisions of this by-law and any other by-law presently in force in the area within the jurisdiction of the Council of the Corporation of the Municipality of Brockton, the provisions of this by-law shall prevail.
28. That this By-Law shall come into effect upon final passage.
29. That By-Law 2015-053 be hereby rescinded.
30. This By-Law may be cited as the “Establish and Regulate Walkerton Fire Department By-Law”.

Read, Enacted, Signed and Sealed this 23rd day of March, 2021.

Mayor – Chris Peabody

Clerk – Fiona Hamilton

**Appendix A
To By-Law 2021-035**

Fire Prevention Policy

General

As required by the Fire Protection and Prevention Act, 1997, the municipality will provide the services listed below.

- A smoke alarm program
- Fire safety education program including educational material distributed to residents/occupants
- Fire safety inspections upon complaint, when requested, all vulnerable occupancies or through an annual inspection program to assist with code compliance including any code enforcement.
- Simplified risk assessment

Smoke Alarm Program

The objective of the smoke alarm program is to promote and enforce the installation and maintenance of working smoke alarms on every level of every residential occupancy in the municipality.

Activities to help achieve this goal include:

- Distribution of pamphlets or other education material
- Instruction to residents regarding smoke alarms
- Providing advice and/or assistance on the installation of the smoke alarms Inspection of residences to determine compliance with the smoke alarm provisions of the Fire Code or any municipal by-laws.
- Enforcement of the Fire Code in cases of non-compliance

Public Education Programs

The fire department will provide a variety of fire prevention education programs for the residents and businesses in the Municipality. Priority will be given to those groups/segments of the municipality that are at greatest risk. Presently, those groups have been identified as school aged children and senior citizens.

Public education programs will be delivered in a variety of ways designed to meet the needs of the target groups.

The public may also request tours of fire stations or attendance of fire department vehicles and staff at community activities such as street or block parties, holiday programs including Canada Day, Trade Show events, etc.

Fire Code Inspections

It is the policy of the fire department to conduct or arrange for fire prevention/safety inspections of occupancies

- a) Upon request,
- b) Upon complaint
- c) Vulnerable occupancies or
- d) Through an annual inspection program

- e) To assess the occupants/owner's compliance with the Fire Code.

Records of inspection, re-inspections, Notice of Violation, Fire Marshals Order or tickets issued, etc. will be maintained by Fire Prevention.

Follow-up on any outstanding violations will be made to obtain compliance or to undertake court action if required

Planning and Development

The fire department will also participate in the planning and development process for new subdivisions/properties.

This will include the following activities:

- Review and comment on Planning policies, site plans, and subdivision agreements.
- Review and comment on building plans as per the Ontario Building Code for fire safety requirements including water supply and fire routes.
- Inspect new buildings, other than individual dwelling units, for compliance with fire safety requirements of the Ontario Building Code prior to final occupancy.
- Review and approve Fire Safety Plans for buildings requiring such plans
- Conduct Pre-planning and familiarization with fire suppression crews of new subdivisions and individual buildings, as required.

**Appendix B
To By-law 2021-035**

Scope of Emergency Services Provided

General:

Services are intended to provide for the protection of life and property and the welfare of the community, to the level of training and equipment of the Fire Department.

Provision of services shall be commensurate with emergency location and accessibility. Similar service shall be provided in “similar circumstances” throughout the Municipality.

Service may not be available to some structures or locations where accessibility is restricted or unavailable due to road conditions, weather, obstructions or other factors beyond the control of the fire department. It is the responsibility of the property owner to ensure access for fire department apparatus and personnel.

Rescue Services:

Shall consist of:

- Providing vehicle extrication to the level of training and equipment available
- Where possible, to carry out removal of victims from burning structures as rapidly as possible, given that each situation must be dealt with on the basis of its own unique circumstances.
- Removal of victims from toxic atmospheres, provided that such removal can be accomplished safely, with the equipment provided and level of training required for the situation
- Assistance shall be requested from other agencies to affect rescues necessitated by natural or man-made disasters for which the fire department does not have the required training and/or equipment such as farm accidents, confined space rescue, trench rescue, falls from heights, ice/water rescue and similar occurrences.

Fire Suppression Services:

Shall consist of:

- Suppression of structure fires and related outbuildings.
- Suppression of grass and brush fires.
- Protection of structures threatened by fire.
- Suppression of vehicle fires.

Suppression of fires involving non-structural property, provided said property is land based or attached to land.

Emergency Medical Responses:

Shall consist of:

- Response notification via London CACC as dictated by the County of Bruce Dispatch Priority Card Index.

Other emergency responses shall include:

Hazardous Materials (Dangerous Goods) Incidents:

Response to Hazardous Material Incidents shall be limited to the Awareness Level program.

Operational or Technical Level Hazardous Materials response may be requested from other fire departments or private agencies to assist in mitigating the incident, subject to availability.

The fire department is not responsible for and will not clean up or remove spills of dangerous goods. The owner of the Dangerous Goods is responsible for clean up and removal and all costs associated with such spill.

Marijuana Grow Ops/Clandestine Drug Labs

The fire department will provide response and support to Ontario Provincial Police, municipal departments and other agencies for situations involving marijuana grow ops and/or clandestine drug labs to the level of training and equipment available. Outside assistance from other fire departments may be requested for specialized teams trained and equipped to provide hazardous materials / decontamination services.

Fire Investigations

The fire department shall conduct investigations of fires in order to attempt to determine cause and origin and, where required, to request appropriate agencies to assist with the investigation.

Other

The fire department shall respond and assist at such emergencies and to such levels as may be deemed appropriate by the Fire Chief or his designate.

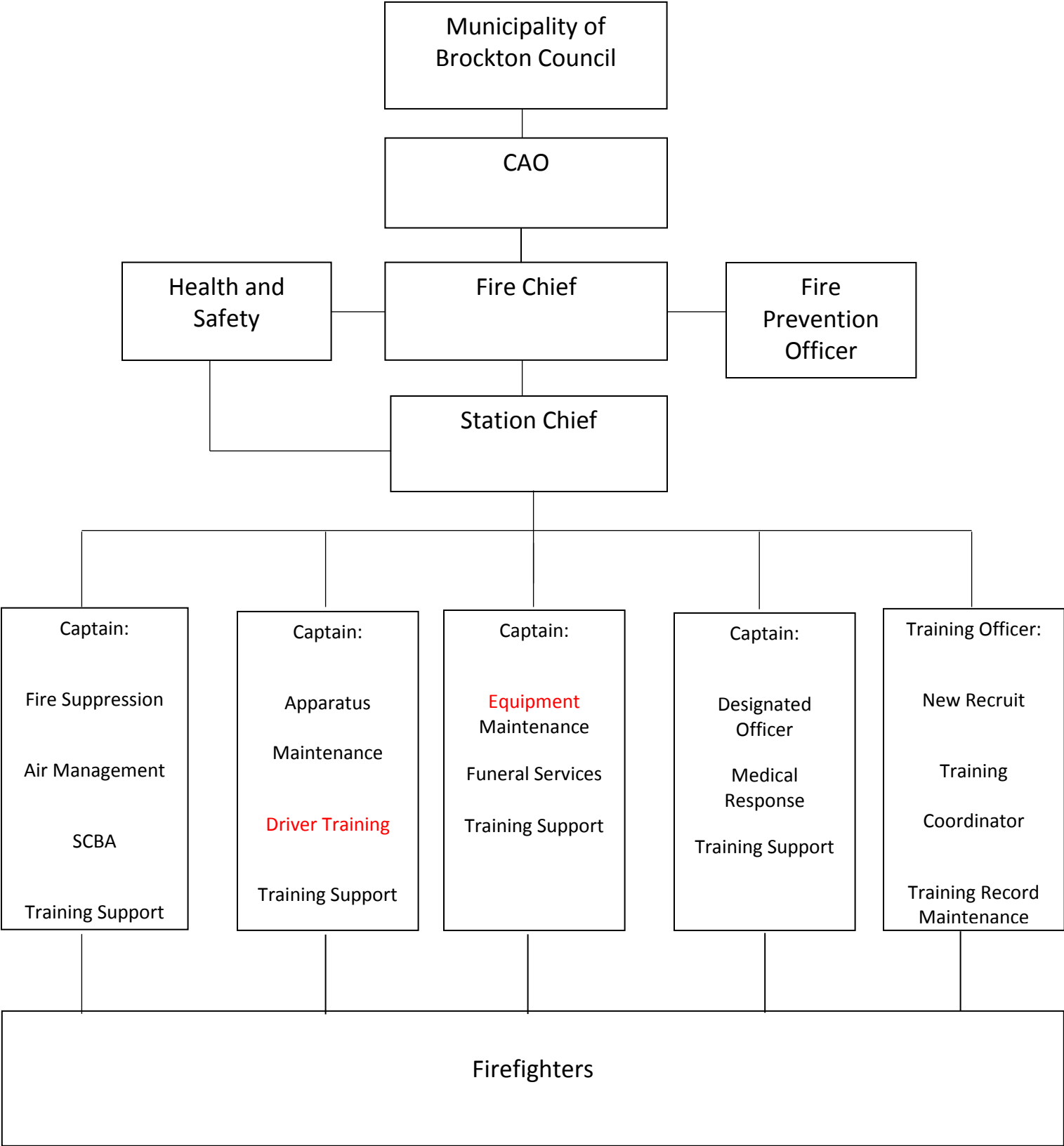
Appendix C
To By-law 2021-035

Staffing Levels

The authorized staffing level for the Fire and Emergency Services Division shall be a maximum of 34 members unless otherwise determined by Council.

The Fire Chief shall determine the rank and organizational structure for the Fire and Emergency Services Division with the approval of the CAO, any changes to the structure and organization of the Fire and Emergency Services Division shall be reported to the CAO for approval and said changes may be required to be adopted by Council if deemed necessary by the CAO

Appendix D
To By-Law 2021-035



Appendix E
To By-Law 2015-053

Remuneration and **Training Advancement Program**

Firefighter Ranks	Remuneration	Requirements to advance
Recruit Fire-fighter	0-3 Months No remuneration	Completion of orientation
Probationary Fire-fighter	75% hourly rate, no Per Diem	package First Aid, DZ license,
Auxiliary Fire-fighter	80% hourly rate no Per Diem	NFPA 101 Hazmat Awareness,
Exterior Suppression Fire-fighter	90% hourly rate no Per Diem	NFPA FF1 Hazmat Ops, NFPA FF2
Suppression Fire-fighter	Hourly rate plus Per Diem	NFPA 1021 Officer 1
Acting Captain	Hourly rate plus AC. Per Diem	NFPA 1021 Officer 2 to maintain
Captain	Hourly Rate plus Cap. Per Diem	position.

Recruit and Probationary Fire-fighters must maintain the required attendance rates, possesses a valid DZ license and have applied for an NFPA Firefighter 1 curriculum course to be moved to the next level. The minimum probation period for Probationary Fire-fighters shall be **9 months**.

A minimum of (1) one hour will be paid to Fire-fighters responding to calls for service once they arrive on scene, Fire-fighters arriving at the hall within (15) fifteen minutes of the initial page but do not attend the scene will be entitled to 50% of his/her individual hourly rate.