

THE CORPORATION OF THE MUNICIPALITY OF CENTRAL MANITOULIN

BY-LAW 2012-07

**BEING A BY-LAW FOR THE PURPOSE OF
ESTABLISHING A VOLUNTEER FIRE DEPARTMENT**

WHEREAS the Municipal Act, R.S.O.2001, C.25, as amended, provides that the Council of a Municipality may by By-Law establish and regulate a Fire Department;

NOW THEREFORE the Council of the Corporation of the Municipality of Central Manitoulin enacts as follows:

PART ONE

DEFINITIONS

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

“CHIEF” means the Fire Chief of the Volunteer Fire Department of the Corporation of the Municipality of Central Manitoulin;

“COUNCIL” means the Council of the Corporation of the Municipality of Central Manitoulin;

“DEPARTMENT” or **“FIRE DEPARTMENT”** means the Volunteer Fire Department of the Municipality of Central Manitoulin;

“MEMBER” means a member of the Department, whether an officer or a fire fighter and whether full time, part time or volunteer;

“RESPONSE AREA” means the geographic area for which a particular fire station or fire substation or fire stations is or are responsible for answering the fire calls received there from;

“VOLUNTEER FIRE FIGHTER” means a person who, having been appointed by the Council, voluntarily acts as a fire fighter for a nominal consideration or an honorarium;

“VOLUNTEER OFFICER” means a person, who having been appointed by the Council, voluntarily acts as an officer for a nominal consideration or an honorarium;

PART TWO
ORGANIZATION

2. The Department for the Municipality of the Corporation of Central Manitoulin to be known as the Central Manitoulin Volunteer Fire Department is hereby established and the head of the Department shall be known as the Chief.
3. Council shall designate a Fire Prevention Officer.
4. The remuneration of all members of the Department shall be determined by the Council and in accordance with the Fire Departments Act.
5. The Chief is responsible to CAO/Clerk for the proper administration and operation of the Department, and
 - (a) may make such general orders and departmental rules as may be necessary for the care and protection of the property of the Department, for the conduct of the members 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-law of the municipality or any Federal or Provincial Statutes; and
 - (b) shall take all proper measures for the prevention, 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 and duties imposed on him by The Fire Protection and Fire Act; and
 - (c) is responsible for the enforcement of this by-law and the general orders and the departmental rules; and
 - (d) shall report all fires to the Fire Marshal as required by the Fire Protection and Fire Act;
 - (e) shall submit to the CAO/Clerk for Council consideration as required by the Council, the annual budget of the Department; and
 - (f) shall submit a bi-monthly report of the activities of the Department to Council through the appropriate Committee, accompanied by any recommendations necessary to maintain operational efficiency, or whenever Council may deem it necessary
6. The Deputy Chief shall act in the absence of the Chief's with all the powers and duties of the Chief and shall in addition to any specified duties here under, carry out the orders of the Chief and, in the absence of both the Chief and the Deputy Chief, the Assistant Deputy Chief has all the powers and shall perform all the duties of the Chief.
7. The Captains shall be responsible to the Chief, and the duties of the Captains shall include:
 - (a) to maintain all Fire Departments records within their station.
 - (b) to carry out the general administrative duties of the Department within their station.
8. The Department shall perform the following functions:
 - i) Fire Fighting, both interior and exterior, providing that manpower, training and equipment is available.
 - ii) Fire Prevention and Education
 - iii) Training
9. The Fire Fighting function shall include following duties, provided that manpower, training and equipment are available:
 - (a) receive alarms and dispatch apparatus; and
 - (b) prepare specifications for new communication system and for additions to existing communications systems; and
 - (c) maintain the communication systems of the Department; and
 - (d) prevent, control, and extinguish fires; and
 - (e) conduct, under the supervision of the Chief, investigation of fires in order to determine causes, origin and circumstance, and where appropriate, to recommend that the authority having jurisdiction shall conduct an investigation and;
 - (f) perform rescue (water shore based rescue include) and salvage operations (auto, farm and industrial extrication) and render first aid (including CPR and Defibulating) ; and

- (g) respond and assist at such emergencies and other situations as may be required by the Chief, including the taking of measures in situations other than fire and property hazards, if in the Chief's opinion, the assistance of the Fire Department is required; and
 - (h) participate in training at the station; and
 - (i) conduct company fire prevention and familiarization inspections of premises; and
 - (j) supervise apparatus maintenance and cleaning duties at the stations; and
10. Where the Chief (or Deputy Chiefs acting in his absence) designates a member to act in place of an officer in the Department, such member, when so acting has all the powers and shall perform all the duties of the officer replaced.
11. The Fire Prevention Officer is responsible for the carrying out of the following duties;
- (a) to conduct fire prevention inspections of premises upon requests; and
 - (b) to enforce fire prevention by-laws; and
 - (c) to examine building regarding fire escape plans and the actual plan itself as set out in the Fire Prevention Act, 1997 and Central Manitoulin By-law 2008-12; and
 - (d) to provide personnel for fire prevention lectures; and
 - (e) to maintain fire prevention records; and
 - (f) to receive, process and follow-up reports of fire prevention inspections; and
 - (g) to assist in the investigations of fires in order to determine cause, origin and circumstance; and
12. The Chief may appoint Training Officers responsible to the Chief for the carrying out of the following duties:
- (a) to conduct training for all personnel of the Department; and
 - (b) to administer training programs in stations; and
 - (c) to prepare and conduct examinations of members as required by the Chief; and
 - (d) to attend fires to ensure that fire fighting operations are being carried out according to the standard training practices and to act as an additional fire fighting officer and advisor to the Chief when required; and
13. (a) The Chief shall recommend to Council any qualified person as a member of the Department.
- (b) A person shall be qualified to be appointed a member of the Department for fire fighting duties who:
- i) is not less than 18 years of age;
 - ii) is of good character;
 - iii) passes an aptitude and other tests as may be required by the Chief;
 - iv) is medically fit to be a member
- (c) A person appointed as a member of the Department for fire fighting duties shall be on probation for a period of six months during which period he shall take such special training required by the Chief.
14. (a) The Chief may discipline in any way he deems advisable, including but not in any way limiting the generality of the foregoing, by caution, by reprimand, for insubordination, inefficiency, misconduct, tardiness or non-compliance with any of the provisions of this by-law or the general orders and departmental rules that in the opinion of the Chief, would be detrimental to the discipline and efficiency of the department.
- (b) The discharge of any member shall comply with the Fire Protection and Prevention Act.
- (c) If a medical examination indicates that a member is physically unfit to perform his assigned duties, the Chief shall discharge him.
15. (a) All persons present at any fire shall, at the request of the Chief, Deputy Chiefs or any member in charge, assist in extinguishing the fire in such a manner as such person shall be directed by the he Chief, Deputy Chiefs or member in charge, and any person engaged at a fire, requested as aforesaid to assist, who shall refuse or neglect to obey any order the Chief, Deputy Chiefs or member in charge shall be disciplined by the Fire Chief.

- (b) The Chief, Deputy Chiefs or member in charge at any fire or emergency in the Municipality is hereby empowered to cause to be pulled down or demolished, any adjacent houses or structures, the destruction of which would, in his opinion, be necessary to prevent the spreading of fire but not otherwise.
 - (c) On all occasions of fire, no person or persons shall obstruct in any way, including but without in any way limiting the generality of the foregoing the driving, parking or stopping of vehicles on any public street or lane or driveway that the Chief, Deputy Chief or any member deems necessary for the purpose of the workings of the Fire Department and any person or persons so obstructing shall immediately take such steps as demanded with respect to such obstruction by the Chief or any member or any Police Officer.
 - (d) On all occasions of fire or other emergencies, the Chief may close temporarily, any street or private lane or driveway to ingress or egress, any person disobeying are guilty of an offense against this by-law.
 - (e) No person shall in any way, willfully impede or hinder any member or other person who shall be assisting in extinguishing a fire or be engaged in the performance of any other duties in connection therewith, nor shall any person drive any vehicle over any hose or interfere with any other fire equipment.
16. A copy of this by-law shall be issued to each member.

PART THREE
FIRE LIMITS OF THE TOWNSHIP

17. The fire limits of the Municipality of Central Manitoulin shall be the geographical limits of the Municipality as determined by the Act to establish the Corporation of the Municipality of Central Manitoulin, as amended from time to time. Subject to the fire limits laid out for the Fire Department shall provide fire protection to the lands and premises located therein.

PART FOUR
RESPONSE AREA FOR FIRE STATIONS

18. The response area for each fire station shall be determined from time to time by the Chief.

PART FIVE
FIRE LIMITS AND MUTUAL AID PROVISIONS

19. The Department shall not respond to a call with respect to a fire or emergency outside the limits of the Municipality of Central Manitoulin except with respect to the following:
- (a) that in the opinion of the Chief, threatens property in the Municipality of Central Manitoulin or property situated outside the Municipality of Central Manitoulin that is owned or occupied by the Municipality; or
 - (b) in a Municipality with which an agreement has been entered into to provide fire protection; or
 - (c) on property with respect to which an agreement has been entered into with any person or Corporation to provide fire protection therefore.
20. Notwithstanding section 20 hereof, the Fire Department is hereby authorized to leave the limits of the Municipality at the discretion of the Chief and under the direction of either the fire coordinator of the Municipality of Central Manitoulin to respond to calls for assistance from other Municipal Fire Departments authorized to participate in the Mutual Aid assistance program in the Municipality of Central Manitoulin or the Mutual Aid assistance program of the District of Manitoulin or any other Mutual Aid assistance programs on a reciprocal basis.

PART SIX
GUARDING BUILDINGS AGAINST FIRE OR
DANGEROUS RISK OR ACCIDENT

21. Every owner and occupier of buildings and yards in the Municipality of Central Manitoulin shall put and maintain same in safe condition to guard against fire or other dangerous risk or accident.
22. Members of the Fire Department, members of the Police Force, Health Unit Officials, The Director of Building Controls of the Municipality of Central Manitoulin and those people working under his/her supervision are hereby authorized to enter at all reasonable times upon any property in order to ascertain whether the buildings and yards of such property have been put in or maintained in a safe condition to guard against fire or other dangerous risk or accident and to indicate to the owner or occupier as the case may be, what must be done to put or maintain the buildings and yards in a safe condition to guard against fire or other dangerous risk or accident if such is necessary and to order that same be done.
23. Upon the failure of either the owner or occupier or both doing that which is required to be done pursuant to Section 23 above, the Corporation of the Municipality of Central Manitoulin may do the things that have been ordered to be done pursuant to Section 23 above, the expense incurred in doing such may be recovered by the Corporation in like manner as municipal taxes.

PART TEN
PENALTY - FIRE PREVENTION POLICY - SEE APPENDIX "A"

PART ELEVEN

24. Any person who violated any of the provisions of this by-law shall for every offense, incur a penalty of not more than One Thousand Dollars (\$1,000) exclusive of costs, and such penalty shall be recoverable under the provisions of The Summary Convictions Act of Ontario.

This by-law comes into effect the day it is passed by council and it rescinds By-Law # 98-17.

READ a first and second time this _____ day of _____, 20____.

READ a third and final time and passed in open Council this _____ day of _____, 20_____.

Reeve

Clerk

I, _____, Clerk of the Municipality of Central Manitoulin, hereby certify that the foregoing is a true copy of By-Law No. _____ which was passed by Council at its meeting on the _____ day of _____, 20_____.

Clerk

APPENDIX "A" To BY –LAW 2012-07
FIRE PREVENTION/EDUCATION POLICY

General

This fire prevention policy has been reviewed and approved by Municipal Council and is applicable in its entirety for the whole of the community.

This policy will detail fire prevention and public education programs which will assist in reducing or eliminating concerns by members of the fire department and the public relating to fire prevention/education objectives.

The fire department will ensure that accurate fire loss data is collected, submitted to the OFM and managed in a database or other form of file retention for future use.

Upon request, copies of this policy are available for the public through the municipal office.

Annual Compliance Report

Every municipality/fire department in Ontario has received a certificate from the Office of the Fire Marshal (OFM) confirming that it was in compliance with clause 2.(1)(a) of the Fire Protection and Prevention Act, 1997 (FPPA) at the time the certificate was given.

For a municipality/fire department to be deemed in continued compliance with clause 2.(1)(a), it has to complete the self assessment form provided by OFM, that covers the four key requirements: simplified risk assessment; smoke alarm program, including home escape planning; distribution of public education information and implementation of public education programs; and, fire prevention inspections upon complaint or request.

Completing the Annual Compliance Report entails:

- reviewing/revising the simplified risk assessment;
- filling out a form entitled Compliance Self Assessment Form;
- signing the Declaration of Compliance; and
- returning the Report to the OFM on or before the compliance date.

Simplified Risk Assessment

Conducting and maintaining a simplified risk assessment (SRA) is a practical information gathering and analyzing exercise intended to create a community fire profile that will aid in identifying appropriate programs or activities that can be implemented to effectively address the community's fire safety needs based upon local needs and circumstances. Reference OFM Public Fire Safety Guideline (PFSG) 04-40A-03.

Smoke Alarm Program

The fire chief and the members of the fire department shall develop a smoke alarm program suitable for their communities and which meets the needs of their community. The Alarmed for Life program, which can be used in whole or part, should be used as a best practice example of a smoke alarm program. It is important that the fire department track and maintain their smoke alarm program activities. Reference PFSG 04-40B-03.

Public Education/Awareness Programs

The fire chief and the members will provide a variety of fire safety education programs for members of the community as requested and in accordance to areas identified in the community's simplified risk assessment.

In addition to the school programs, social service and special interest groups may request specific programs including, but not limited to, Alarmed for Life, Older & Wiser, Remembering When, Kitchen Safety, Risk Watch or any other program which meets the needs of the group and the fire department.

The public may also request tours of the fire station through the fire chief. The fire chief will make the necessary arrangements and assign personnel. The station tour should include an educational component during the tour. For example: demonstrating how a smoke alarm works, what it sounds like and what to do when the alarm activates including fire escape planning. The fire department to track all activities related to public education/awareness programs for evaluation purposes.

Distribution of Public Education Material

Fire safety education material will be distributed to residents and/or occupants consistent with the community's needs and circumstances in various ways. Distribution of fire safety education material will be on-going throughout the year on various topics and made available to the residents at any community event, building or fire station. It is important for the fire department to track the distribution of materials. Reference PFSG 04-40C-03.

Inspections

It is the policy of the fire department to conduct fire prevention inspections of occupancies upon request to comply with the Ontario Fire Code (OFC) or when a written complaint is received. The OFM will provide advice and assistance to the fire department when the assigned personnel do not have the experience and knowledge to perform the inspection. During any residential occupancy inspection, the fire department will ensure that the smoke alarm(s) are properly placed and are in working order. All inspections conducted must ensure compliance with the OFC via required follow-up inspection and/or enforcement of OFC. The fire department must track all activities related to the inspection program. Reference PFSG 04-40D-03 & 04-50-12.

Note: regular/annual inspections conducted on "high risk" buildings as identified in the community SRA to be listed by occupancy type and frequency.

Open Air Burning

Open air burning on private land is only permitted with the approval of the fire chief and on crown land with the approval of the Ministry of Natural Resources. All burning will be conducted in accordance with the *Forest Fires Prevention Act, R.S.O.*, and the Ontario Fire Code, which prescribes the limitations for such burning.

Fireplaces And Woodstoves

These appliances will be inspected upon request, however, where they are existing fixtures; comments will be limited to only the visible portions of the unit at time of inspection. Inspections will not be conducted for the purpose of insurance approvals but the owner will be advised to contact a WETT certified technician.

Change of Occupancy or Ownership

These inspections may be conducted when requested by the purchaser's solicitor only when written permission has been obtained from the owner or the owner's agent to release information.

A fee may be charged for any or all of the above referenced inspections.

A fee schedule shall be developed by the fire department and made available upon request.

Investigation of Fires

The fire chief or designated officer will investigate the origin and cause of all fires within the community. The OFM will be notified for the following reasons: Large loss fire (\$500,000.),

suspicion of arson, fatality, serious injury, a gaseous explosion, marihuana grow operations (MGOs'), and clandestine drug laboratories. The fire chief or designated officer will assist the OFM investigator as requested.

Conclusion

This fire prevention policy provides for the participation of all members of the department in fire prevention and public education activities. It also addresses request and complaint inspections and is intended as affirmative direction to the fire chief, members and the public.

All activities shall be tracked on forms, which include the minimum same information as the examples attached to this policy.

Central Manitoulin Public Education Activity Form/Distribution of Information

<u>File Number:</u>	<u>Assigned to:</u>	<u>Additional Personnel Required:</u>	
<u>Date of Request:</u>	<u>Organization:</u>	<u>Equipment Required:</u>	
<u>Contact Person:</u>	<u>Title:</u>	<u>Phone Number:</u>	
<u>Event:</u>	<u>Event Location:</u>	<u>Date & Time of Event:</u>	
<u>Type of Activity:</u>	<u>Topics Covered:</u>	<u>Materials or Information Distributed:</u>	
<u># of Participants</u>	<u>Evaluation Provided:</u>	<u>Number Distributed:</u>	<u>Number Returned:</u>
<u>Time Required:</u>	<u>Preparation Time:</u>	<u>Travel Time:</u>	<u>Presentation Time:</u>
<u>Comments:</u>			

Central Manitoulin Inspection Tracking Form

<u>FILE #</u>	<u>DATE</u>	<u>ADDRESS</u>	<u>INSPECTOR</u>	<u>INSPECTION TYPE</u>	<u>FOLLOW-UP DATE</u>	<u>CHARGES LAID</u>	<u>DATE CLEARED</u>	<u>COMMENTS</u>