

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 148-2001

A BY-LAW TO ESTABLISH AND REGULATE THE CITY OF KENORA FIRE AND EMERGENCY SERVICES

WHEREAS subsection 2(1) of the Fire Protection and Prevention Act, 1997 requires every municipality to establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention and to provide such other Fire Protection Services as it determines may be necessary in accordance with its needs and circumstances; and

WHEREAS subsection 2(2) of the Fire Protection and Prevention Act, 1997 permits a municipality in discharging these responsibilities, to establish a Fire Department; and

WHEREAS subsection 5(1) of the Fire Protection and Prevention Act, 1997 requires a Fire Department to provide fire suppression services and permits the Fire Department to provide other Fire Protection Services in the municipality; and

WHEREAS paragraph 31 of section 210 of the Municipal Act permits the Council of a local municipality to pass a by-law for providing for fire fighting and Fire Protective Services.

NOW THEREFORE the Council of the Corporation of the City of Kenora hereby enacts as follows:

1. **DEFINITIONS**

In this by-law, unless the context requires;

- 1.1 “Approved” means approved by the Council;
- 1.2 “CAO” means the Chief Administrative Officer appointed by Council to act as Chief Administrative Officer for the Corporation;
- 1.3 “Corporation” means The Corporation of The City of Kenora;
- 1.4 “Council” means the Council of The City of Kenora;
- 1.5 “Deputy Fire Chief” means the person appointed by Council to act on behalf of the Fire Chief in the case of an absence or a vacancy in the office of the Fire Chief;
- 1.6 “Division” means a Division of the Fire Department as provide for in this By-Law;
- 1.7 “Fire Chief” means the person appointed by Council to act as Fire Chief/Emergency Service Manager for the Corporation and is ultimately responsible to Council as defined in the Fire Protection and Prevention Act;
- 1.8 “Fire Department” means The City of Kenora Fire and Emergency Services;

- 1.9 “FPPA” means the Fire Protection and Prevention Act, 1997, S. O., c4, as may be amended from time to time, or any successor legislation, and any regulation made thereunder;
- 1.10 “Fire Protection Services” includes fire suppression, fire prevention, fire safety education, communications, training of persons involved in the provision of Fire Protection Services, rescue and emergency services and the delivery of all those services;
- 1.11 “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;
- 1.12 “Volunteer Firefighter” means a firefighter who provides Fire Protection Services either voluntarily or for a nominal consideration, honorarium, training or activity allowance.

2. **ESTABLISHMENT**

- 2.1 The fire department for the City of Kenora to be known as The City of Kenora Fire and Emergency Services is hereby established and the head of the fire department shall be known as the Fire Chief.
- 2.2 The fire department shall be structured in conformance with the approved Organizational Chart, **Appendix A**, forming part of this by-law.
- 2.3 The fire department’s mission statement shall be as set out in **Appendix B**, forming part of this by-law.

3. **COMPOSITION**

- 3.1 The Fire Department shall consist of the Fire Chief, a Deputy Chief, Captains, other officers, volunteer district chiefs, volunteer captains, administrative support staff, and any other officer or member as may be authorized or considered necessary from time to time by Council or by the CAO, for the Fire Department to perform Fire Protection Services.

4. **EMPLOYMENT**

- 4.1 The Fire Chief may recommend to the CAO, the employment in, or the appointment to the Fire Department, as the case may be, of any person, as an officer or member or as administrative support staff, who meet the qualifications and, if applicable, completes successfully criteria (including without limitation training courses and physical, skills, and other examinations) and otherwise satisfies the hiring policies, practices or procedures established or approved by Council for such employment or appointment.
- 4.2 Every member of the Fire Department appointed for fire fighting duties is subject to a medical examination at least once annually and at such other times as the Fire Chief of the Fire Department may require.
- 4.3 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 allowances to members, subject to the Municipal Act.

- 4.4 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.
- 4.5 If a probationary member appointed to provide Fire Protection Services fails any such examinations, the Fire Chief may recommend to Council that he/she be dismissed.

5. **TERMS AND CONDITIONS OF EMPLOYMENT**

- 5.1 Subject to the Fire Protection and Prevention Act, the remuneration and other terms and conditions of employment or appointment of the members and administrative support staff that comprise the Fire Department shall be determined by Council or by the CAO acting in accordance with policies and programs established or approved by Council.
- 5.2 The Fire Chief of the Fire Department may reprimand, suspend or recommend dismissal of any member for insubordination, inefficiency, misconduct, tardiness or for non-compliance with any of the provisions of this By-Law or general orders, departmental rules and Corporation policies, that in the opinion of the Fire Chief, would be detrimental to the discipline and efficiency of the Fire Department and shall be in accordance with the policies and programs established or approved by Council.
- 5.3 Following the suspension of any member, the Fire Chief of the Fire Department shall report the suspension and his/her recommendations to Council in writing.
- 5.4 A member shall not be dismissed without being afforded the opportunity of a hearing before Council, if he/she makes a written request for such hearing within seven (7) days after receiving his/her proposed dismissal.

6. **ORGANIZATION**

- 6.1 The Fire Department shall be organized into Divisions such as:
 - 6.1.1 Fire Prevention and Public Fire Safety;
 - 6.1.2 Fire Suppression;
 - 6.1.3 Training;
 - 6.1.4 Communications, Apparatus, and Equipment; and
 - 6.1.5 Administrative Services
- 6.2 Each Division of the Fire Department is the responsibility of the Fire Chief and is under the direction of the Fire Chief, or such member designated by the Fire Chief. The Fire Chief may assign or re-assign such members to a Division to assist him/her in the administration and operation of that Division.
- 6.3 The Fire Chief with prior approval of the CAO, may re-organize or eliminate Divisions or establish other Divisions or may do all or any of these things or any combination of them as may be required to ensure the proper administration and efficient operation of the

Fire Department and the effective management of Fire Protection Services for the Corporation.

7. **CORE SERVICES**

- 7.1 For the purposes of this By-Law core services provided by the Fire Department shall be as per **Appendix “C”** forming part of this By-Law.
- 7.2 Nothing in this By-Law shall restrict the Fire Department to providing only core services or limit the provisions of Fire Protection Services.

8. **RESPONSIBILITIES AND AUTHORITY OF FIRE CHIEF**

- 8.1 The Fire Chief shall be the head of the Fire Department and is ultimately responsible to Council, through the CAO for proper administration and operations of the Fire Department including the delivery of Fire Protection Services;
- 8.2 The Fire Chief shall be authorized to make such general orders, policies, procedures, rules, and regulations and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department and the effective management of the Fire Protection Services for the Corporation and for the prevention, control and extinguishment of fires, the protection of life and property, and the management of emergencies, and without restricting the generality of the foregoing;
 - 8.2.1 For the care and protection of all property belonging to the Fire Department;
 - 8.2.2 For arranging for the provision of necessary and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
 - 8.2.3 For determining and establishing the qualifications and criteria for employment or appointment and the duties of all members and administrative support staff of the Fire Department;
 - 8.2.4 For the conduct and the discipline of members and administrative support staff of the Fire Department;
 - 8.2.5 For preparing and, upon approval by the Council, implementing and maintaining a mutual aid plan for the Corporation;
 - 8.2.6 For coordinating any municipal emergency fire service plan and program adopted or to be adopted by the Council with and assisting in the preparation, implementation and maintenance of any emergency plans, organizations, services or measures established or to be established by the Corporation, alone or with others, and, if so requested or required, any emergency plan established or to be established by the Province of Ontario or the Government of Canada and for the Coordinating with and assisting any other public official in an emergency declared by the Mayor of the Corporation, the Premier of Ontario or the Governor in Council;
 - 8.2.7 For reporting to the appropriate crown attorney or other prosecutor or law enforcement officer or other officer the facts upon the evidence in any case in which there is reason to believe that a fire has been the result of criminal intent

or negligence or in which there is reason to believe an offence has been committed under the Fire Protection and Prevention Act;

- 8.2.8 For keeping an accurate record, in convenient form for reference, of all fire prevention and public fire safety activities/duties, fires, rescues, and emergencies responded to by the Fire Department;
 - 8.2.9 For keeping such other records as may be required by the Council and the Fire Protection and Prevention Act;
 - 8.2.10 For preparing and presenting the annual report of the Fire Department to Council: and
 - 8.2.11 For preparing and presenting the annual estimates of the Fire Department to the Finance and Administration Committee of the Corporation and the Council and for exercising control over the budget approved by the Council for the Fire Department, provided that such general orders, policies, procedures, rules, regulations, and other measures do not conflict with the provisions of this By-Law or any other By-Law of the Corporation, including without limitation those requiring the prior approval of or prior notice to the Council or the satisfaction of certain conditions, general or otherwise, specified by the Council before such measures can be implemented, or with the provisions of the Fire Protection and Prevention Act or with the provisions of any collective agreement or other written agreement that may be applicable.
- 8.3 The Fire Chief shall be responsible for the administration and enforcement of this By-Law and all general orders, policies, procedures, rules, and regulations made under this By-Law and for the enforcement of any other By-Laws of the Corporation respecting Fire Protection Services, and shall review periodically such laws, and may for this purpose, establish an advisory committee consisting of such officers and other persons, including members of the general public as the Fire Chief may determine from time to time to assist him/her, in the discharge of this duty and may, in the case of such By-Laws, including this By-Law, recommend to the Council such amendments as the Fire Chief considers appropriate and, in the case of general orders, policies, procedures, rules, and regulations made under this By-Law, revise or terminate any of them if the Fire Chief considers it appropriate;
- 8.4 The Fire Chief shall have all the powers, rights and duties assigned to a Fire Chief under the Fire Protection and Prevention Act including without limitation the authority to enforce compliance with the Ontario Fire Code;
- 8.5 The Fire Chief may liase with any union representing firefighters or administrative support staff of the Fire Department or any of them;
- 8.6 The Fire Chief may liase with the Office of the Fire Marshal of Ontario and any other office or organization as required by Council or as considered necessary or advisable by the Fire Chief for the proper administration and efficient operation of the Fire Department and the effective management of the Fire Protection Services for the Corporation;
- 8.7 The Fire Chief shall develop a promotional policy based on such evaluations, written, practical and oral examinations as deemed necessary.
- 8.7.1 As part of the approved promotional policy, the Fire Chief of the Fire Department and the Deputy Fire Chief shall evaluate all members of the Fire Department who are participating in an examination for promotion.

8.7.2 When in the opinion of the Fire Chief of the Fire Department, all other factors for the promotion of two or more members are equal; seniority of service in the Fire Department governs.

8.8 The fire fighting, station record and personal record of each member of the Fire Department shall be annually evaluated as follows;

8.8.1 The Captain of each Platoon shall review the performance of each member of the Platoon;

8.8.2 The Fire Chief shall annually review the performance of each Officer, member and administrative support staff of the Fire Department.

8.9 The Fire Chief may utilize such members and administrative support staff of the Fire Department as the Fire Chief may determine from time to time, to assist in the performance of his/her duties.

9. **DEPUTY FIRE CHIEF**

9.1 The Deputy Fire Chief shall be the second ranking officer of the Fire Department and shall be subject to and shall obey all orders of the Fire Chief and shall perform such duties as are assigned to him or her by the Fire Chief and shall act on behalf of the Fire Chief in case of absence or a vacancy in the office of the Fire Chief.

10. **SUPERVISION**

10.1 The members and the administrative support staff of the Fire Department while on duty shall be under the direction and control of the Fire Chief or the next ranking officer present in any place.

11. **GENERAL DUTIES AND RESPONSIBILITIES**

11.1 Every member and administrative support staff person shall conduct themselves in accordance with general orders, policies, procedures, rules, and regulations made by the Fire Chief, and shall give their whole and undivided attention while on duty to the efficient operation of the Fire Department and, shall perform the duties assigned to them to the best of their ability and in accordance with the Fire Protection and Prevention Act and any collective agreement or other written agreement that may be applicable.

12. **PROPERTY**

12.1 No person shall supply any apparatus, equipment or other property of the Fire Department for any personal or private use; and

12.2 No person shall wilfully damage or render ineffective or inoperative any apparatus, equipment or other property belonging to or used by the Fire Department.

13. **FIRE SUPPRESSION**

- 13.1 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 shall be empowered to authorize;
 - 13.1.1 Pulling down or demolishing any building or structure when considered necessary to prevent the spread of fire;
 - 13.1.2 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; and
 - 13.1.3 The Corporation may recover expenses incurred by such necessary actions in the manner provided through the Municipal Act and the Fire Protection and Prevention Act.
- 13.2 The Fire Department may suppress any fire or other hazardous condition by extinguishing it or by other reasonable action and, for this purpose, may enter private property, if necessary, to do so;
- 13.3 The Fire Department may request other persons present at a fire to assist in,
 - 13.3.1 extinguishing fires;
 - 13.3.2 pulling down or demolishing buildings or structures to prevent the spread of fire;
 - 13.3.3 crowd and traffic control; or
 - 13.3.4 suppression of fires or other hazardous conditions in other reasonable ways

14. **REFUSAL TO LEAVE**

- 14.1 No person present at a fire shall refuse to leave the immediate vicinity when required to do so by the Fire Department.

15. **CONDUCT AT FIRES**

- 15.1 During a fire and for the time after it has been extinguished that is required to remove the apparatus and equipment of the Fire Department and render the location and vicinity safe from fire, no person, either on foot or within a vehicle of any kind, shall enter or remain upon or within;
 - 15.1.1 The portion of any street or lane upon which the site of the fire abuts or upon any street or lane for a distance of fifteen (15) metres on each side of the property damaged by fire; or
 - 15.1.2 Any additional street or lane or part of a street or lane or any additional limits in the vicinity of the fires as may be prescribed by the Fire Chief or the next ranking officer present at the fire.

- 15.2 The provisions of section 15.1 shall not apply to a resident of any street or lane or within any prescribed additional limit or to any person so authorized to enter or remain by an officer of the Fire Department or by a police officer.

16. **EMERGENCY RESPONSES OUTSIDE THE LIMITS OF THE MUNICIPALITY**

- 16.1 The Fire Department shall not respond to a call with respect to a fire or emergency outside the territorial limits of the Corporation except with respect to a fire or emergency;
- 16.1.1 That, in the opinion of the Fire Chief or designate of the Fire Department, threatens property in the territorial limits of the Corporation or property situated outside the territorial limits of the Corporation that is owned or occupied by the Corporation;
- 16.1.2 In a municipality with which an approved automatic aid or mutual aid agreement has been entered into to provide Fire Protection Services;
- 16.1.3 On property with which an approved agreement has been entered into with any person or Corporation to provide Fire Protection Services;
- 16.1.4 At the discretion of the Fire Chief, to a municipality authorized to participate in any district or regional mutual aid plan established by a fire co-ordinator appointed by the Fire Marshal or any other similar reciprocal plan or program;
- 16.1.5 On those highways that are under the jurisdiction of the Ministry of Transportation or within the District where the District has established a rescue system;
- 16.1.6 On property beyond the territorial limits of the Corporation where the Fire Chief or designated determines immediate action is necessary to preserve life or property and the appropriate Fire Department is notified to respond and assume command or establish alternative measures, acceptable to the Fire Chief or designate. The Fire Chief shall subsequently inform Council in writing, of invocation of this clause; and
- 16.1.7 In all situations of emergency response where costs are incurred, the Fire Chief shall take all available steps necessary to effect full cost recovery.

17. **INTERFERENCE**

- 17.1 No person shall impede or interfere with or hinder the Fire Department in the performance of its duties.

18. **FIRE ALARM**

- 18.1 No person shall prevent, obstruct or interfere in any manner whatsoever with the communication of a fire alarm to the Fire Department or with the Fire Department responding to a fire alarm that has been activated.

19. **OFFENCES**

19.1 Every person who contravenes any provisions of this By-Law is guilty of an offence and on conviction is liable to the penalty established by the Provincial Offences Act, R.S.O. 1990, c. P.33, as may be amended or replaced from time to time.

20. **CONFLICT**

20.1 Where this By-Law may conflict with any other By-Law of the Corporation, this By-Law shall supersede and prevail over that other By-Law to the extent of the conflict.

21. **SEVERABILITY**

21.1 If any section or part of this By-Law is found to be illegal or beyond the power of the Corporation, such section or part or item shall be deemed to be severable and all other sections or parts of this By-Law shall be deemed to be separate and independent and independent therefrom to be enacted as such.

22. **REPEAL**

22.1 That the following by-laws be hereby repealed:

- Town of Kenora By-Law Number 61-94
- Town of Keewatin By-Law Number 1145
- Town of Jaffray Melick By-Law Number 585

23. **EFFECTIVE DATE**

23.1 That this By-Law shall take effect and come into force upon third and final reading thereof.

BY-LAW READ FOR A FIRST & SECOND TIME THIS 26TH DAY OF NOVEMBER, 2001.

BY-LAW READ FOR A THIRD & FINAL TIME THIS 26TH DAY OF NOVEMBER, 2001.

THE CORPORATION OF THE CITY OF KENORA

.....**MAYOR**

David Canfield

.....**CLERK**

Joanne McMillin

APPENDIX B

THE CITY OF KENORA FIRE and EMERGENCY SERVICES' MISSIONS STATEMENT

The City of Kenora Fire and Emergency Services is dedicated to providing public fire safety services to our citizens that result in improved quality of life and peace of mind. As a Team, we strive to minimize losses and suffering through emergency service delivery, fire prevention and public fire education, and community service activities. We will provide our service and treat those we serve and each other in a manner that is honest, fair, and unbiased; honour our heritage, actively participate in our community, and serve with integrity; strive to support the individual development, personal satisfaction, and pride of all members; and endeavour to uphold the unique camaraderie and trust that is the fire service.

“HERITAGE, SERVICE, PRIDE”

APPENDIX C

CORE SERVICES

1. EMERGENCY RESPONSE

- 1.1 The City of Kenora Fire and Emergency Services undertakes and provides the following emergency and response services: basic fire fighting-no expected rescue component, structural fire fighting including rescue, vehicle fire fighting, grass, brush and forestry fire fighting, marine fire fighting, island fire fighting, basic medical assist and ambulance assistance to Standard First Aid and CPR levels, awareness level hazardous materials, operations level hazardous materials, and limited technicians hazardous materials, vehicle accidents, vehicle extrication, transportation incidents involving vehicles, trains, aircraft, and watercraft, water and ice rescue-shore based, water and ice rescue-water entry based, and water and ice rescue-boat based, limited high angle rescue, limited confined space rescue, mutual aid participation, community emergency service plan participation, public assistance, public utilities assistance, police assistance and role as Assistant to the Fire Marshal, re: a duty to report.

2. FIRE PREVENTION and PUBLIC FIRE SAFETY EDUCATION

- 2.1 The City of Kenora Fire and Emergency Services has established a wide range of Public Fire Safety and Prevention Programs that occur throughout the year and focus on children, young adults, older adults, and seniors. Programming activity includes but is not limited to the following: Risk Watch, TAPP-C, Put a Lid On It, Older and Wiser, Remembering When, Alarmed for Life, Your Safe Home, Babysitter Program, Annual Home and Sports Show, Lake of the Woods Property Owners Association, Media-radio, television, and newspaper, Fire Station Tours, School Presentations, Safe Grad, Christmas Fire Safety, Spring Fire Safety, Portable Fire Extinguisher Training-Nursing Home Staff, Hotel Staff, and City Staff, Water and Ice Safety, and Burning By-Law.
- 2.2 The City of Kenora Fire and Emergency Services has established a substantive inspection program. Included types of inspections are the following: Commercial/Industrial, A, B, and C Occupancies, 9.3 OFC, 9.4 OFC, 9.5 OFC, 9.6 OFC and 9.8 OFC, Residential upon request, Complaint, Solid Fuel Appliance, Liquor License, Real Estate Sales, and Burning By-Law.
- 2.3 Fire investigations shall be provided in accordance with the Fire Protection and Prevention Act.
- 2.4 Fire Prevention Training shall be maintained to the Ontario Fire Service Standard for Fire Prevention Officers, and to the Ministry of Municipal Affairs and Housing Standards
- 2.5 New construction inspections and plan reviews of buildings under construction in matters respective of fire protection systems within buildings shall be conducted in accordance with the applicable By-Law and operating procedures.

3. TRAINING and EDUCATION

- 3.1 The Fire Department's minimum training standard will be the Ontario Firefighter Curriculum.

- 3.2 The Fire Department shall supplement the foregoing minimum training standard by accessing specialized National Fire Protection Association Training Programs as offered at the Manitoba Emergency Services College or other such similar educational institutions.
- 3.3 The Fire Department shall access training programs as offered by the Ontario Municipal Prevention Officers and the Ontario Fire and Life Safety Educators Associations.
- 3.4 The Fire Department shall access Executive Development Training as offered at the Ontario Fire College or other such similar educational institutions.