

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW #1029 (1985)

Being a by-law to establish a Fire Department.

WHEREAS the Ontario Municipal Act provides that the Council may by by-law establish and regulate a Fire Department;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) In this by-law, unless the context otherwise requires,
- (a) "COUNCIL" means the Council of the Town of Pelham,
 - (b) "DEPARTMENT" means the Town of Pelham Fire Department,
 - (c) "MEMBER" means active firefighters,

and,

- (d) "FIRE PROTECTION" means prevention, rescue and suppression services.

(2) A Department for the Town of Pelham to be known as the Town of Pelham Fire Department is hereby established and the head of the Department shall be known as the Chief of the Department.

(3) In addition to the Chief of the Department, the Department personnel shall consist of two District Chiefs and such number of other Officers and members as from time to time may be deemed necessary by the Council.

(4) (a) The Chief of the Department may recommend to the Council the appointment of any qualified person as a member of the Department.

(b) A person is qualified to be appointed a member of the Town of Pelham Fire Department for fire fighting and prevention duties who:

- (i) is of good character,
- (ii) passes such aptitude and other tests as may be required by the Chief of the Department,
- (iii) passes a medical examination prior to his/her appointment by a physician designated by the Chief of the Department,
- (iv) is a resident or works in the Town of Pelham

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(c) A person appointed to the Department shall be on probation for a period of one (1) year, during which period he/she shall take such special training and examinations as may be required by the Chief of the Department.

(d) If a probationary member fails any such examinations, the Chief of the Department may dismiss the probationary member, with a majority decision of station officers and membership committee.

(5) The remuneration of all members of the Department shall be determined by the Council within the terms of the Fire Departments Act.

(6) The Chief of the Department is responsible to the Council for the proper administration and operation of the Department, for the discipline of its members 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 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,

(b) shall review periodically the policies and procedures of the Department and may establish an Advisory Committee consisting of such officers as he/she may determine from time to time to assist him/her in these duties,

(c) 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/her by the Fire Marshals Act.

(d) is responsible for the enforcement of this by-law and the general orders and departmental rules,

(e) shall report all fires to the Fire Marshal as required by the Fire Marshals Act,

(f) shall submit to the Council for its approval the annual estimates of the Department, and exercise control of the budget.

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(7) (a) The District Chief shall report to the Chief of the Department on activities of the Divisions of his/her District and carry out the orders of the Chief, and, in the absence of the Chief, has all the powers and shall perform all the duties of the Chief.

(b) The duties and responsibilities of all officers shall be specified by the appropriate standard operating procedure as approved by Council or as directed by the Chief of Department. The duties and responsibilities of the officers and the rules of the Department shall be attached as Schedule "A" hereto.
as deemed proper.

(8) (a) Every member of the Department appointed for fire fighting duties is subject to a medical examination at least once annually upon reaching the age 55 and at such other times as the Chief of the Department may require.

(b) If a board of medical examiners finds that a full time member is physically unfit to perform his assigned departmental duties and that such condition is attributed to, and a result of his employment in the Department, the Council may assign the member to other employment or may retire him/her and provide such retirement allowance as deemed proper.

(9) (a) No member,
(i) while in uniform, shall enter any premises such as a tavern or bar where alcoholic beverages are sold or consumed, except in the performance of his/her departmental duties;
(ii) if his/her ability is impaired by the use of an intoxicating beverage or drug, shall be permitted to remain on duty;
(iii) while on duty, shall consume any intoxicating beverage or drug.

(b) No member shall solicit the influence or support of anyone in order to secure a transfer, promotion or other advantage.

(10) (a) The Chief of the Department may reprimand, suspend or recommend dismissal of any member for insubordination, inefficiency, misconduct, tardiness or for noncompliance with any of the provisions of this by-law or general orders and departmental rules that, in the opinion of the Chief, would be detrimental to the discipline and efficiency of the Department.

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(b) Following the suspension of any member, the Chief of the Department shall report the suspension and his recommendations to the Council, in writing.

(c) A member shall not be dismissed without being afforded the opportunity for a hearing before Council, if he/she makes a written request for such hearing within seven days after receiving notice of his/her proposed dismissal.

(11) The 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 Chief of the 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 agreement has been entered into to provide fire protection.

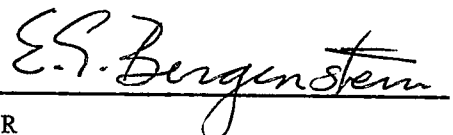
(c) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection; or

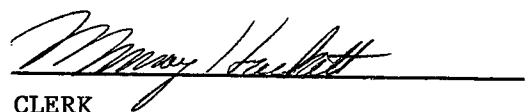
(d) on those highways that are under the jurisdiction of the Ministry of Transportation & Communications or within the Region.

(12) That By-law #12 (1970), as amended, be and is hereby repealed.

(13) This by-law comes into effect on the day it is passed by Council.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
7th. DAY OF OCTOBER, 1985 A.D.


MAYOR


CLERK