

OF THE CORPORATION OF THE TOWN OF PELHAM

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;

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 Pelham Fire Department,
 - c) "Member" includes an officer.
2. A Department for the Town of Pelham to be known as the 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 a Deputy Chief and such a number of other officers and members as from time to time may be deemed necessary by the Council.
4.
 - 1) The Chief of the Department may recommend to the Council the appointment of any qualified person as a member of the Department.
 - 2) A person is qualified to be appointed a member of the Department for fire fighting duties who
 - a) Is not less than 21 years of age and not more than 30 years of age,
 - b) Is of good character,
 - c) Passes such aptitude and other tests as may be required by the Chief of the Department,
 - d) Is medically fit to be a member as certified by a physician designated by the Chief of the Department, and
 - e) Has successfully completed at least Grade 10.
 - 3) A person is qualified to be appointed as a member of the part-time section of the Department for fire fighting duties who
 - a) Is not less than 21 years of age and not more than 40 years of age,
 - b) Is of good character,
 - c) Passes such aptitude and other tests as may be required by the Chief of the Department,
 - d) Passes a medical examination prior to his appointment by a physician designated by the Chief of the Department.
 - 4) 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 time he shall take such special training and examinations as may be required by the Chief of the Department.
 - 5) If a probationary member appointed for fire fighting duties fails any such examinations, the Chief of the Department may recommend to Council that he be dismissed.
5. The remuneration of all members of the Department shall be as determined by the Council.

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, 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.
- b) Shall review periodically the policies and procedures of the Department and establish an Advisory Committee consisting of such officers as he may determine from time to time to assist him in his 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 by the Fire Marshal's 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 requested by the Fire Marshal's Act.
- f) Shall submit to the Council for its approval, as required by Council, the annual estimates of the Department.

7. The Deputy Chief shall report on the Activities of the Divisions that are his responsibility to the Chief of the Department 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.

8. The Department is composed of the following Divisions:

- Division of Administration,
- Division of Apparatus, Equipment and Communications,
- Division of Fire Fighting
- Division of Fire Prevention,
- Division of Training.

9. The Fire Chief is responsible for the carrying out of the following duties of the Division of Administration:

- 1) Provide administration facilities for the Chief and Deputy Chief of the Department.
- 2) Prepare the Departmental budget and to exercise budgetary control.
- 3) Prepare the payroll of the Department and initiate requisitions for materials and services and certify all accounts of the Department.
- 4) Maintain personnel records.
- 5) Arrange for the provision of medical services.
- 6) Arrange for the provision of new buildings.
- 7) Prepare the annual report of the Department.
- 8) Provide liaison with the Regional Fire Co-ordinator.
- 9) Carry out the general administrative duties of the Department.
- 10) Assist the Regional Fire Co-ordinator in the preparation of a Regional Emergency Fire Service Annex and operating procedures.

10. The Deputy Chief shall be in charge of the Division of Apparatus, Equipment and Communications and is responsible to the Chief for the carrying out of the following duties of the Division:

- 1) Prepare specifications for the purchase of apparatus and equipment.
- 2) Maintain and keep in repair all existing buildings, fire fighting, rescue and salvage apparatus of the Department.
- 3) Modify apparatus and equipment.
- 4) Provide recharging facilities for fire fighting extinguishers and cylinders and to test and repair hose.
- 5) Where a Waterworks Commission is established provide liaison in order to ensure an adequate flow of water in new waterworks projects and the adequate maintenance of existing waterworks facilities for the use of the Department.
- 6) Issue clothing, equipment and cleaning supplies.
- 7) Prepare the annual report and budget of the Division of Apparatus, Equipment and Communications to be submitted to the Division of Administration.
- 8) Receive alarms and dispatch apparatus.
- 9) Prepare specifications for new communication systems and for additions to existing communication systems.
- 10) Maintain the communication system of the Department.

11. The Deputy Chief is responsible to the Chief of the Department for the management and operation of the Division of Fire Fighting and for the carrying out of the following duties of the Division:

- 1) Prevent, control and extinguish fires.
- 2) Conduct, through the Division of Fire Fighting or the Division of Fire prevention, investigations of fires in order to determine cause, origin and circumstances, and, where appropriate, to recommend that the authority having jurisdiction shall conduct an investigation.
- 3) Perform rescue and salvage operations and render first aid.
- 4) Respond and assist at such emergencies as may be required by the chief of the Department.
- 5) Participate in training at stations.
- 6) Conduct company fire prevention and familiarization inspections of premises.
- 7) Perform apparatus maintenance and cleaning duties at stations.
- 8) Prepare the annual report and budget of the Division of Fire Fighting to be submitted to the Division of Administration.

2) A Captain is in command of the company to which he is assigned and during his tour of duty is responsible for the proper operation of that company to the Deputy Chief.

3) Where the Chief of the Department designates a member to act in place of an officer of the Department, such member, when so acting, has all the powers and shall perform all the duties of the officer replaced.

12. The Chief of the Department is in charge of the Division of Fire Prevention and is responsible for the carrying out of the following duties of the Division:

- 1) Conduct fire prevention inspections of premises.
- 2) Enforce fire prevention by-laws
- 3) Examine building plans.
- 4) Provide personnel for fire prevention lectures
- 5) Establish and maintain photography facilities.
- 6) Maintain fire loss records.
- 7) Receive, process and follow up reports of fire prevention inspections conducted under the Division of Fire Fighting.
- 8) Prepare the annual report and budget of the Division of Fire Prevention to be submitted to the Division of Administration.

13. The Deputy Chief is responsible for the carrying out of the following duties of the Division of Training:

- 1) Conduct training for all personnel of the Department in fire administration, fire prevention and fire fighting.
- 2) Administer training programs in stations.
- 3) Prepare and conduct examinations of members as required by the Chief of the Department.
- 4) Prepare the annual report and budget of the Division of Training to be submitted to the Division of Administration.

14. (1) The provisions of this section with respect to the promotion of members do not apply to the Deputy Chief.

(2) Any member having at least three years of service with the Department may make application to the Chief of the Department to qualify him for a promotion to a rank immediately superior to his present rank.

(3) Every recommendation for the promotion of a member made to the Council by the Chief of the Department shall be based on the evaluation of:

- a) The results of examinations taken by the member,
- b) The age and physical fitness of the member, and
- c) The fire and station record of the member.

(4) When, in the opinion of the Chief of the Department, all other factors for the promotion of two or more members are equal, seniority of service in the Department governs.

(5) The fire fighting and station record of each member of the Department shall be evaluated annually as follows:

- 1) The Captain of each company shall evaluate each member of the company.
- 2) The Deputy Chief shall evaluate the Captains and other members under his jurisdiction.

(6) The Chief of the Department and the Deputy Chief shall evaluate all members of the Department who are participating in an examination for promotion.

(7) Every applicant for promotion shall take such written, oral, and practical examinations as may be required by the Chief of the Department.

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

(2) If a board of medical examiners finds that a member is physically unfit to perform his assigned departmental duties and that such condition is attributed as a result of his employment

in the Department, the Council may assign the member to other employment or may retire him and provide such retirement allowances as deemed proper.

16. (1) Every member of the Department shall report for duty at the time prescribed by the departmental rules and shall remain on duty until relieved.

(2) In the case of a member failing to report for duty, the officer-in-charge shall report this in writing, through his superior officer, to the Chief of the Department.

(3) No member,

(a) While in uniform, shall enter any premises where alcoholic beverages are sold or consumed, except in the performance of his departmental duties.

(b) If his ability is impaired by the use of an intoxicating beverage or drug, shall be permitted to remain on duty.

(c) While on duty, shall consume any intoxicating beverage or drug.

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

17. (1) The Chief of the 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 the general orders and departmental rules that in the opinion of the Chief would be detrimental to the discipline and efficiency of the Department.

(2) Following the suspension of any member, the Chief of the Department shall report the suspension and his recommendation to Council.

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

18. The Department shall not respond to a call with respect to a fire or emergency outside the limits of the Town of Pelham except with respect to a fire or emergency,

a) That in the opinion of the Chief of the Department threatens property in the Town of Pelham or property situated outside the Town of Pelham that is owned and occupied by the Town of Pelham,

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 an persons or corporation to provide fire protection therefor.

19. This by-law comes into effect on the it is passed by Council.

20. By-law # 512 of the former Village of Fonthill is hereby rescinded.

Passed this 5th Day of JANUARY 1970



MAYOR



CLERK