

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW #2152 (2000)

Being a by-law to repeal By-Law #1029 (1985), as amended, being a by-law to establish a Fire Department and to establish and regulate a Department to provide for the protection of life and property.

WHEREAS the Municipal Act provides that the Council may, by by-law establish and regulate a Department to provide for the protection of life and property;

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 Pelham Fire Department.
 - (c) "Fire Services Activities" includes, but will not be limited to, the following non-fire emergencies:
 - rescue from motor vehicle accidents, farm accidents, industrial accidents, confined spaces, building collapse.
 - rescues involving specialized rope rescue, equipment and procedures
 - rescues involving water and ice
 - emergencies involving hazardous goods
 - emergencies involving searching for missing persons
 - the provision of fire safety education and fire prevention programs, including fire prevention inspection
 - (d) "Director" means the Director of Fire Services.
 - (e) "Officer" means a person appointed as a Captain, Senior Fire Prevention Officer or District Chief.
 - (f) "Member" means any person appointed to the Department other than an Officer.
 - (g) "District" means a pre-determined firefighting unit comprised of one (1) District Chief, four (4) Captains, and (25) firefighters.
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 Director of Fire Services. This department shall be responsible for the co-ordination of all fire and emergency service activities within the Town of Pelham.
3. The full strength of the Pelham Fire Department shall be sixty-two (62) Members including the Secretary and Director.

- (a) The Senior Officers of the Department shall be the two (2) District Chiefs. These positions shall be appointed by Council upon recommendation from the Director.
 - (b) The following shall be known as Junior Officers of the Department and shall be appointed by the Director:
 - (i) Captains (8) with 4 at each station
- 4.
 - (a) The Director may appoint any qualified person as a member of the Department.
 - (b) The Director may advertise for members, as required.
 - (c) A person is qualified to be appointed as a member of the Department who:
 - i) has successfully completed a minimum of Grade 12
 - ii) is of good character, as established by Department Policy, and verified by a criminal record check
 - iii) is medically fit to be a member, as established by Department Policy, and certified by a physician
 - iv) has a clean driving record for the past three years
 - v) has successfully passed all Fire Services testing (aptitude, agility and interviews)
 - vi) is between the age of 18 and 65 years
 - (d) A person appointed as a member of the Department shall be on probation for a period of One (1) year, as required by Department Policy.
- 5. The remuneration of all members of the Department shall be as outlined in Schedule "A" attached hereto and forming part of this by-law.
- 6. The Director shall have the authority, in the absence of adequate Police assistance, to regulate or prohibit vehicular traffic in the vicinity of an emergency scene or training session.
- 7. The Director shall have the authority to move privately-owned vehicles, by the most expeditious means possible, to gain access to the site of an emergency or for the purpose of controlling an emergency situation.
- 8. The Director shall have the authority to charge for services delivered by the Department to individuals, companies or corporations when, in the opinion of the Director, the service is not a normal function of the Department. The costs which are incurred by individuals, companies or corporations, not appearing on the local tax roll, or are a result of repeated false alarms due to fire alarm or equipment malfunction, shall be charged as set out in the Rate Regulating By-Law.
- 9. The District Chief shall report directly to the Director and carry out the orders of the Director, and in the absence of the Director, during emergency operations, has all the powers and shall perform all the duties of the Director.
- 10. Where the Director designates a member to act in the 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 Director is responsible to the Council for the proper administration and operation of the Department, for the discipline of it's members and:

- (a) shall implement Policies and any Operating Guidelines as may be necessary for the care and protection of the members of the Department, and generally for the efficient operation of the Department, provided that such Policies and Operating Guidelines do not conflict with the provisions of any by-laws of the Town or any Federal or Provincial Regulations.
 - (b) shall review periodically the Policies and Operating Guidelines for the Department and may establish Advisory Committees consisting of such officers and firefighters as he/she may require from time to time to assist him/her in these duties.
 - (c) shall take all proper measures in the prevention, control and extinguishment of fires and for the protection of life and property and shall enforce all Town by-laws respecting fire prevention and exercise the powers imposed on him/her by The Fire Protection & Prevention Act.
 - (d) shall report all fires to the Fire Marshal as required by the Fire Protection & Prevention Act.
 - (e) shall submit to the Council, for its approval, the annual budget estimates of the Department.
 - (f) shall be the Emergency Measures Co-ordinator.
 - (g) shall be appointed as the Fire Chief under the Fire Protection & Prevention Act.
 - (h) shall liaison with other volunteer emergency response groups to ensure adequate response is available.
 - (i) shall be responsible for the overall administration of the Fire Prevention & Public Fire Safety education as required under the Fire Protection & Prevention Act.
12. The provision of the section, with respect to the promotion of members, does not apply to the District Chiefs.
- (a) any member may make application to the Director to qualify him/her for promotion to a rank superior to his/her present rank.
 - (b) any recommendation for promotion of a member made to the Council, by the Director, shall be based on the evaluation of:
 - i) qualifications of the applicant for the position,
 - ii) the results of examinations taken by the member, and
 - iii) the emergency response and practice record of the member
 - (c) when, in the opinion of the Director, all other factors for the promotion of two or more members is equal, seniority of service in the Department governs.
 - (d) the Director and the District Chiefs shall evaluate all members of the Department who are participating in an examination for promotion.
 - (e) the applicant for promotion shall take such written, oral and practical examinations as may be required by the Director.
13. (a) Every member of the Department is subject to a medical examination, as established by Department Policy, at least once every three (3) years and at such other times as the Director may require.
- (b) If a doctor finds that a member is physically unfit to perform his/her assigned departmental duties, it will be cause for dismissal or reassignment.

14. The Director may reprimand, suspend or dismiss any member or Junior Officer for insubordination, inefficiency, misconduct, tardiness or for non-compliance with any of the provisions of this by-law, Departmental Rules, Policies or Operating Guidelines that, in the opinion of the Director, would be detrimental to the discipline and efficiency of the Department. These Rules are outlined in Schedule "B" of this By-law.
15. (a) The Director may reprimand, suspend and/or recommend dismissal of any Senior Officer for insubordination, inefficiency, misconduct, tardiness or for non-compliance with any of the provisions of the by-law, Departmental Policies or Operating Guidelines that, in the opinion of the Director, would be detrimental to the discipline and efficiency of the Department.
- (b) Following the suspension of any Senior Officer, the Director shall report the suspension and his/her justification to Council.
- (c) Council may dismiss a Senior Officer after being notified by the Director of just cause for dismissal.
- (d) A Senior Officer shall not be discharged without being given at least seven (7) days notice, in writing, of the proposed discharge and the reasons therefore.
- A Senior Officer shall be afforded the opportunity for a hearing before Council, if he/she makes a written request for such hearing within seven (7) days after receiving notice of his/her proposed dismissal.
16. The department shall not respond to a call with respect to a fire or other emergency outside the limits of the Town of Pelham except with respect to a fire or other emergency:
- (a) that, in the opinion of the Director, threatens persons or property in the Town or property situated outside the Town that is owned or occupied by the Town,
- (b) in an area with which a Mutual Aid Agreement has been entered into to provide fire and emergency service activities,
- (c) on property with which an agreement has been entered into with the owner of the property to provide fire and emergency services activities,
- (d) on property within a neighbouring municipality with which an agreement has been entered into,
- (e) where requested by any Police agency.
17. The Town of Pelham is hereby established as a participating member of the Niagara District Mutual Aid.
18. THAT this by-law shall come into force and take effect immediately upon enactment thereof.

READ AND FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL
THIS 20TH. DAY OF MARCH, 2000 A.D.


MAYOR


CLERK

Schedule "A" to By-law #2152 (2000)

CORPORATION OF THE TOWN OF PELHAM
POLICY

SECTION: FIRE SERVICES	PAGE 1 OF 1
POLICY: REMUNERATION/HONORARIUM POLICY	POLICY NO.

PURPOSE: Pelham's Fire Department remuneration/honorarium system.

SCOPE: This Policy is developed and used to remunerate the members of the Pelham Fire Department for services rendered.

POLICY:

1. **Honorariums** **Officers**
District Chief @ \$7,500.00 per annum (no points
awarded for this
position)
Station Chief @ \$3,152.00 per annum
Captain @ \$1,576.00 per annum

2. **Points/hourly remuneration**

Definitions: A flat rate of two (2) points shall be awarded for all responding firefighters for each incident. Each responding firefighter shall receive one (1) additional point for each ½ hour period or part thereof, that he/she is involved in the incident after the first 1 hour period.

Standby points shall be awarded to personnel remaining at the fire hall, a flat rate of two (2) points shall be awarded for personnel only if they remain until all apparatus is returned to service. *Personnel providing standby shall not receive any additional points after the first hour of the incident unless called to the scene by the incident commander*

Personnel who are awarded standby points shall remain in the station dressed in full turn-out gear until relieved by the officer commanding the incident

Point Value \$ 8.76

Note: Point value to be increased, based on increases for the remainder of Town of Pelham's regular full-time staff, as per existing policy.

NEW <input type="checkbox"/> REVISED <input type="checkbox"/>	APPROVAL: _____
SUPERSEDES POLICY DATED: _____	DATE: _____

SCHEDULE "B" to By-law #2152 (2000)

These rules shall be adhered to by all members of the Pelham Fire Department.

RULES AND REGULATIONS:

1. The word "Members" for the purpose of these rules and regulations shall mean all persons appointed to the Department up to and including the Chief.
2. Members shall show courtesy and respect at all times while on duty when dealing with the public.
3. No member shall criticize the Department nor any other member publicly or in the presence of a non-member.
4. No member, directly or indirectly, shall solicit or accept from anyone gifts, money or other articles as a reward for services rendered in the carrying out of his/her duties provided, however, the foregoing does not exclude donations made directly to the Fire Fighters Associations in appreciation of services rendered.
5. No member, without the permission of the Chief of the Department, shall sell tickets or solicit advertising, subscriptions, gifts or contributions for any purpose whatsoever while in uniform.
6. Members, when on duty, shall not leave the scene of an emergency unless permission is granted by a superior officer who is authorized to grant such permission.
7. Any member leaving town or knowing that due to illness, work schedule, or special circumstance he/she can not respond to calls or practices must inform the Chief or his/her designate.
8. Every member shall notify the Chief of the Department of any change in his/her address or telephone number within 24 hours of such changes.
9. No member shall report to a training session or respond to an emergency call while intoxicated.
10. No member shall use profane, immoral or indecent language or be guilty of conduct which may be prejudicial to the good reputation, order and discipline of the Department.
11. All purchases, contractual agreements, etc. made on behalf of the Department must be authorized by the Chief.
12. Department personnel who are responding to the Fire Hall during an emergency or to the scene of an emergency in their own vehicle must observe all normal traffic laws. Under the law, no such vehicle has any special rights.
13. At no time shall a department member respond to an emergency on the highway with his/her private vehicle without prior approval of the Chief or his/her designate.
14. All information regarding emergency calls or situations, investigation, inspections is confidential and restricted to members of the Department, Office of the Fire Marshal and the Police. No member may discuss or reveal any facts, opinions or theories regarding said information with ANYONE except members of the Department, Office of the Fire Marshal and/or Police.
15. Only the Fire Chief or his/her designate may represent the Department regarding media and public information releases.

16. When valuables (money, jewellery, etc.) are found during an emergency, members shall inform the Chief or his/her designate.
17. Every member is responsible for any damage to or the destruction and/or replacement loss of his uniform or any equipment issued to him/her due to his/her negligence.
18. Telephones of the Department shall not be used other than for departmental business. Any long distance calls must be recorded as to who was called, why and by whom.
19. Every member injured while on duty shall immediately report the injury to the Chief of the Department or the officer in charge.
20. Every member involved in an accident while on duty shall immediately report the accident to the Chief of the Department or the officer in charge.
21. No member of the Department shall refuse a direct order from a superior officer.
22. All members shall obey all Policies and Operating Guidelines as included in the Town of Pelham Policy/Guideline Manual.
23. No Member shall conduct himself/herself in such a manner which encourages disenchantment and/or disobedience, by being the author of, or contributing to malicious rumours or innuendo against any member or employee working in any capacity for the Fire Department.
24. No Member shall conduct themselves in such a manner as to bring discredit to the Pelham Fire Department and/or the Corporation of the Town of Pelham.