

THE CORPORATION OF THE
TOWN OF PELHAM

By-Law #3312 (2012)

Being a by-law to repeal and replace By-Law #2884 (2007), 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 Section 2 of the Fire Protection and Prevention Act, 1997, S.O. 1997, Chapter C4, requires that every municipality shall establish a program in the municipality, which must include public education with respect to fire safety and certain components of fire prevention and provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances;

AND WHEREAS the Fire Protection and Prevention Act provides that if a fire department is established for the whole or a part of a municipality or for more than one municipality, the council of the municipality or the councils of the municipalities, as the case may be, shall appoint a Fire Chief;

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 Corporation of the Town of Pelham,.
 - (B) "Department" means the Pelham Fire Department.
 - (C) "Management Team" means the Fire Chief and other such officers as required.
 - (D) "Fire Services Activities" includes, but will not be limited to the following:
 - Structural firefighting including rescue
 - Vehicle firefighting
 - Grass, brush firefighting
 - Mutual aid to other municipalities
 - Medical assistance with defibrillation
 - Awareness level hazardous materials assistance
 - Vehicle extrication
 - Extrication from other machinery
 - Transportation incidents involving vehicles, trains, aircraft and watercraft
 - Water and ice rescue shore based
 - Public assistance
 - Public utilities assistance
 - Community emergency plan participation
 - The provision of fire safety education and fire prevention programs, including smoke alarm program, inspection upon request or complaint, simplified risk assessment and public education program.
 - The following situations, the fire department will only assist the onsite rescue personnel and or will call for mutual aid assistance for emergency technical assistance:
 - o Rescue in situations where high angle rescue operations are involved,
 - o Rescue in situations where confined space rescue operations are involved,
 - o Rescue in situations where hazardous materials rescue operations are involved.

- (E) "Director" means the Director of Fire Services.
 - (F) "Officer" means a person appointed as a Lieutenant, Captain, District Fire Chief and Fire Prevention Officer.
 - (G) "District" means a pre-determined firefighting unit comprised of a District Chief, Captains and firefighters in such numbers as may be needed in an area, as determined by the Council and the Fire Department Management Team.
 - (H) "Member" means any person appointed to the Department other than an Officer.
2. The Town of 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 and any such areas as indicated by automatic aid agreements
3. The full strength of the Pelham Fire Department is indicated in Schedule "A" of this bylaw:
- (A) The Senior Officers of the Department shall be the three (3) District Chiefs. These positions shall be appointed by the Council upon recommendation from the Director of Fire Services.
 - (B) The members with the rank of Captain and Lieutenant shall be known as Junior Officers of the Department and shall be appointed by the Director.
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 a member of the Department who:
- has successfully completed at least Grade 12
 - is of good character, as established by Department Policy and verified by a criminal record check
 - is medically fit to be a member as established in Department Policy and certified by a physician
 - has a clean driving record for the past three years
 - has successfully passed all Fire Services testing (aptitude, agility, and interviews); and,
 - is between the ages 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 "C" 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 are incurred by a person, company or corporation not appearing on the local tax roll or are a result of repeated false alarms due to fire alarm equipment malfunction. The charges shall be as set out in the Rate Regulating By-Law.

9. The Director shall have the authority to utilize privately owned vehicles for the purpose of response, transportation, controlling and management of an emergency scene.
10. The Fire Prevention Officer shall be responsible for the operation of the Fire Prevention/Public Education division as required by the Fire Protection and Prevention Act and any such municipal policies pertaining to this area of operation. He/she shall also assist in administrative functions under the direction of the Director.
11. The District Chief's 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.
12. 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.
13. The Director is responsible to the Council, through the Town CAO, 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 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 of 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 Coordinator;
 - (G) shall be appointed as the Fire Chief and Chief Fire Officer under the Fire Protection & Prevention Act;
 - (H) shall liaison with other 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;
14. The provisions of this section, with respect to the promotion of members,

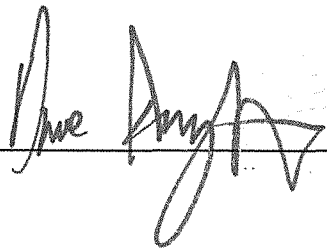
does not apply to the Fire Prevention Officer and District Chiefs:

- (A) any member may make application to the Director to qualify him/her for promotion to rank superior to his/her present rank;
 - (B) every recommendation for promotion of a member made by the Director shall be based on the candidate meeting the criteria of the promotional policy and selected by the hiring panel.
 - (C) when, in the opinion of the Director, all other factors for the promotion of two or more members are 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) every applicant for promotion shall take such written, oral and practical examination as may be required by the Director;
15. (A) Any member of the department that is deemed physically unfit by a general practitioner, to perform his/her assigned departmental duties, will be prohibited from returning to active duty until a full medical clearance is granted by a general practitioner.
16. (A) 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.
- (B) 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.
- (C) Following the suspension of any Senior Officer, the Director shall report the suspension and his/her justification to the Municipal Council.
- (D) The Council may dismiss a Senior Officer after being notified by the Director of just cause for dismissal.
17. (A) A Senior Officer shall not be discharged without being given at least seven (7) days' notice, in writing, or the proposed discharge and the reasons therefore.
- (B) 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.
18. 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 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 Municipality;
 - (B) 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 service activities;

- (D) on property within a neighboring municipality with which an agreement has been entered into;
- (E) where requested by any Police agency.

19. The Town of Pelham, is hereby established as a participating member of the Niagara District Mutual Aid.
20. In the event the Municipal Council, the Office of the Fire Marshal, or the Ministry of Community Safety and Correctional Services, directs or recommends housekeeping modifications or corrections to this by-law or its schedules then pursuant to the provisions of the Municipal Act, S.O. 2001, c.25, as amended, the Clerk of the Town of Pelham is hereby authorized to effect any such modifications or corrections of a numerical, semantically, grammatical or descriptive nature or kind.
21. 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 DAY OF A.D. 2012



Mayor



Clerk