

RECOMMENDED ESTABLISHING AND REGULATING BY-LAW (PART-TIME)

By-law No. 798

Being a By-law to Establish a Fire Department

WHEREAS the Municipal Act provides that the Council may by by-law establish and regulate a fire department;

Therefore, the Council of the Corporation of the Township of JOCELYN

enacts as follows:

1. In this by-law, unless the context otherwise requires,
  - (A) "Council" means the Council of the Township of JOCELYN
  - (B) "Department" means the Township of JOCELYN Fire Department, and,
  - (C) "Member" includes an officer,
  - (D) "Fire Protection" means prevention, rescue and suppression services.
  
2. A Department for the Township of JOCELYN to be known as the Township of JOCELYN 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 number of Division Chiefs, Captains and 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 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 and the Personnel Officer, and,
- iii. is medically fit to be a member as certified by a physician designated by the Chief of the Department.

(C) A person appointed as a member of the Department for fire fighting and fire prevention duties shall be on probation for a period of 1 yr. during which period he/she shall take such special training and examination as may be required by the Chief of the Department,

(D) If a probationary member appointed for fire fighting duties fails any such examinations, the Chief of the Department may recommend to the Council that he/she be dismissed.

*if decided by council*

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 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 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.

7. The Deputy Chief shall report to the Chief of the Department on the activities of the Divisions that are his/her responsibility 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. (A) 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,
- (B) Each Division of the Department except the Division of Fire Fighting is under the direction of the Chief, or Deputy Chief if designated by the Chief. If deemed necessary, Division Chiefs may be appointed with responsibility to the Deputy Chief, for the proper operation of a Division.
- (C) The Division of Fire Fighting is under the direction of the Deputy Chief who is responsible to the Chief of the Department for the proper operation of the Division.

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

- (A) Provide administration facilities for the Chief and Deputy Chief of the Department,
- (B) Prepare the departmental budget and exercise control of the budget,
- (C) Prepare the payroll of the Department and initiate requisitions for materials and services and certify all accounts of the Department,
- (D) Maintain personnel records,
- (E) Arrange for the provision of medical services,
- (F) Arrange for the provision of new buildings,
- (G) Provide liaison with the local fire fighters' association,
- (H) Prepare the annual report of the Department,
- (I) Carry out the general administrative duties of the Department,
- (J) Provide liaison with the County Fire Co-ordinator,
- (K) Assist the ~~JOCELYN~~ <sup>ALGOMAT</sup> Fire Co-ordinator in the preparation of a JOCELYN Emergency Fire Service Plan.

10. The Chief of the Division of Apparatus, Equipment and Communications is responsible to the Deputy Chief for the carrying out of the following duties of the Division;

- (A) Prepare specifications for the purchase of apparatus and equipment,
- (B) Maintain and keep in repair all existing buildings, fire fighting rescue and salvage apparatus of the Department,
- (C) Modify apparatus and equipment,
- (D) Provide recharging facilities for fire fighting extinguishers and cylinders and to test and repair hose,
- (E) 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

- (F) Issue clothing, equipment and cleaning supplies,
- (G) Receive alarms and dispatch apparatus,
- (H) Prepare specifications for new communication systems and for additions to existing communication systems,
- (I) Maintain the communications systems of the Department,
- (J) Prepare the annual report and budget of the Division of Apparatus, Equipment and Communications to be submitted to the Division of Administration.

11. (A) 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:
- i. Prevent, control and extinguish fires,
  - ii. Conduct investigations of fire in order to determine cause, origin, and, where appropriate, to request the Office of the Fire Marshal to conduct an investigation,
  - iii. Perform rescue and salvage operations and render first aid,
  - iv. Respond and assist at such emergencies as may be required by the Chief of the Department,
  - v. Participate in training at stations,
  - vi. Conduct pre-fire fighting operations planning,
  - vii. Perform apparatus maintenance and cleaning duties at stations,
  - viii. Prepare the annual report and budget of the Division of Fire Fighting to be submitted to the Division of Administration.
- (B) A Captain is in command of the Company to which he/she is assigned and is responsible for the proper operation of that Company to the Deputy Chief,
- (C) Where the Chief of the Department 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.

12. The Chief of the Division of Fire Prevention is responsible to the Deputy Chief for the carrying out of the following duties of the Division:
- (A) Conduct fire prevention inspections of premises,
  - (B) Enforce fire prevention by-laws,
  - (C) Examine building plans,
  - (D) Provide personnel for fire prevention lectures,
  - (E) Establish and maintain photography facilities,
  - (F) Maintain fire loss records,
  - (G) Receive, process and follow up reports of fire prevention inspections conducted under the Division of Fire Fighting,
  - (H) Prepare the annual report and budget of the Division of Fire Prevention to be submitted to the Division of Administration.
13. The Chief of the Division of Training is responsible to the Deputy Chief for the carrying out of the following duties of the Division:
- (A) Conduct training for all personnel of the Department in fire administration, fire prevention and fire fighting,
  - (B) Administer training programs in stations,
  - (C) Prepare and conduct examinations of members as required by the Chief of the Department,
  - (D) Prepare an annual report and budget of the Division of Training to be submitted to the Division of Administration.
14. The provisions of this section, with respect to the promotion of members, do not apply to the Deputy Chief,
- (A) Any member having at least 5 years of service with the Department may make application to the Chief of the Department to qualify him/her for promotion to a rank immediately superior to his/her present rank,

- (B) Every recommendation for promotion of a member made to the Council by the Chief of the Department shall be based on the evaluation of:
- i. the results of examinations taken by the member,
  - ii. the capability of the member, and,
  - iii. the fire and station record of the member.
- (C) 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,
- (D) The fire fighting and station record of each member of the Department shall be evaluated as follows:
- i. The Captain of each company shall evaluate each member of the company.
- (E) The Chief of the Department and the Deputy Chief shall evaluate all members of the Department who are participating in an examination for promotion,
- (F) Every applicant for promotion shall take such written, oral and practical examination as may be required by the Chief of the Department.
15. (A) 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,
- (B) If a board of medical examiners finds that a member is physically unfit to perform his/her assigned departmental duties and that such condition is attributed to, and a result of his/her employment in the Department, the Council may assign the member to other employment or may retire him/her and provide such retirement allowances as deemed proper.
16. (A) Every member of the Department shall report for duty at the time prescribed by the departmental rules and shall remain on duty until relieved,

- (B) In the case of a member failing to report for duty, the officer in charge shall report this in writing, through his/her superior officer, to the Chief of the Department, \_\_\_\_\_
- (C) No member,
- i. while in uniform, shall enter any premises where alcoholic beverages are sold or consumed, except in the performance of his departmental duties,
  - ii. if his 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.
- (D) No member shall solicit the influence or support of anyone in order to secure a transfer, promotion or other advantage.
17. (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,
- (B) Following the suspension of any member the Chief of the Department shall report the suspension and his recommendations to the Council,
- (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.
18. 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 therefore, or,
- (D) on those highways that are under the jurisdiction of the Ministry of Transportation and Communications or within the Region, County or District where the Region, County or District has established a rescue system.

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

Passed this 22ND day of FEB., 1988

*Chris A. Stevens*

Head of Municipality

*Kristen Young*

Clerk of Municipality