

THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

BY-LAW NO. 90-49

Being a By-Law to establish a Fire Department

WHEREAS:

1. Under Section 210 (24) of the Municipal Act, R.S.O. 1980, the Council of a Municipality has authority to establish and operate fire protection services.
2. The Council of the Corporation of the Township deems it expedient to establish a fire department.

NOW THEREFORE the Council of the Corporation of the Township of Westmeath ENACTS as follows:-

- 1 In this by-law, unless the context otherwise requires,
 - (A) "Council" means the Council of the Township of Westmeath
 - (B) "Department" means the Township of Westmeath Volunteer Fire Department
 - (C) "Member" includes an officer
 - (D) "Fire Protection" means prevention, rescue and suppression services.
- 2 The Westmeath Volunteer 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 Captains and members as from time to time may be deemed necessary by the Council.
- 4 (A) The Chief of the Department shall recommend to 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 has successfully completed at least Grade 8
 - ii is of good character
 - iii passes such aptitude and other tests as may be required by the Chief of the Department

iv 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 12 months, 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 appointed for fire fighting duties fails any such examinations, the Chief of the Department may recommend to Council that he/she be dismissed.

5 The salaries and allowances to the Chief is determined by Council. Allowances to fire fighters shall be distributed according to the approved budget.

6 The Chief of the Department is responsible to 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 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.

(C) Shall take all proper measures for the prevention of life and property and shall enforce all municipal by-law respecting fire prevention and exercise the powers imposed on him/her 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 required by the Fire Marshall's Act.

(F) Shall submit to Council for its approval the annual budget, and, once it is approved by Council, he/she is responsible for its administration.

7 The Chief of the Westmeath Volunteer Fire Department is responsible for carrying out or delegating in total or in part the following duties pertaining to administration:

- (A) Prepare the departmental budget and exercise control of the budget
- (B) Maintain personnel records which shall include medical records and performance records.
- (C) Prepare monthly reports
- (D) Prepare the annual report of the Department to be submitted to Council.
- (E) Carry out the general administrative duties of the Department.
- (F) Provide liaison with the District Fire Coordinator in the preparation of a District Emergency Fire Service plan and operating procedures.
- (G) Report to Council all accidents and injuries to personnel while on duty for a report to be sent to Workers Compensation Board.

8 The Chief of the Westmeath Volunteer Fire Department is responsible for carrying out or delegating in whole or in part the following duties pertaining to apparatus, equipment and communications.

He/she shall:

- (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 the use of water facilities implies trespassing, prepare permission if time

warrants or in case of emergency use fair judgement in order to obtain the water facilities.

- (F) Issue clothing, equipment and cleaning supplies.
- (G) Prepare specifications for new communication systems and additions to existing communication systems.
- (H) Maintain the communications systems of the department.

- 9 The Chief of the Westmeath Volunteer Fire Department is responsible for carrying out or delegating in whole or in part the following duties pertaining to the management and operation of Rescue and Fire Fighting: he/she shall
- (A) Prevent, control and extinguish fires,
 - (B) Conduct investigation of fire in order to determine cause, origin, and, where appropriate, to request the Office of the Fire Marshal to conduct an investigation.
 - (C) Perform rescue and salvage operations and render first aid,
 - (D) Respond and assist at emergencies,
 - (E) Participate in training,
 - (F) Conduct pre-fire fighting operations planning.

- 10 The Chief of the Westmeath Volunteer Fire Department is responsible for carrying out or delegating in whole or in part the following duties regarding fire prevention: he/she shall
- (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) Maintain fire loss records
 - (F) Receive, process and follow up reports of fire prevention inspections conducted.

- 11 The Chief of the Westmeath Volunteer Fire Department is responsible for carrying out or delegating in whole or in part the following duties regarding the training of employees.

He/she shall

- (A) Conduct training for all personnel of the Department in fire administration, fire prevention and fire fighting,
- (B) Administer training programs
- (C) Prepare and conduct examinations of members.

12 The Deputy Chief shall report to the Chief of the Department, carry out the orders of the chief, has all the powers and shall perform all the duties of the Chief.

- 13 (A) 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 officer in charge.
- (B) 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.

- 14 (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.

- 15 (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 if his/her ability is impaired by the use of an intoxicating beverage or drug, shall be permitted to remain on duty,
 - ii while on duty, shall consume any intoxicating beverage or drug.

- 16 (A) 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 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.

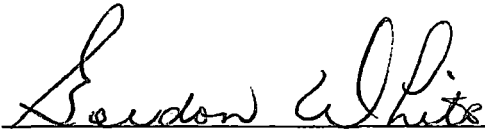
- 17 The Department shall not respond to a call with respect to a fire or emergency outside the limits of the municipality except with respect to a fire or emergency:
 - (A) that in the opinion of the Chief of the Department threatens property in the municipality or property situated outside the municipality 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 of Ontario or within the Region, County or District where the Region, County or District has established a rescue system.

This by-law comes into effect on the day of passing.

PASSED AND ENACTED THIS 7th DAY OF November, 1990



Reeve



Clerk