

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 2 - 2021

Being a By-law to establish and regulate a Fire Department for the Town of Kingsville

WHEREAS Section 8 of the *Municipal Act, S.O. 2001, c. 25*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 9 of the *Municipal Act, 2001, c. 25* provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 5(0.1) of the *Fire Protection and Prevention Act, 1997*, as amended, permits the Council to establish, maintain, and operate a fire department.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. Definitions:

In this By-law, unless the context otherwise requires:

- (a) “Approved” means approved by the Council;
- (b) “Chief Administrative Officer” means the person appointed by Council to act as Chief Administrative Officer for the Corporation;
- (c) “Corporation” means The Corporation of the Town of Kingsville;
- (d) “Council” means the Municipal Council for the Town of Kingsville;
- (e) “Department” means the Town of Kingsville Fire Department;
- (f) “Fire Chief” means a fire chief appointed under subsection 6 (1) of the *Fire Protection and Prevention Act*;
- (g) “Fire Department” means a group of firefighters authorized to provide fire protection services by a municipality;
- (h) “Fire Protection Services” includes (i) fire suppression, (ii) rescue and emergency services, (iii) fire prevention and public fire safety education, (iv) mitigation, prevention and safety education of the risk created by unsafe levels of carbon monoxide, (v) training of personnel involved in the provision of any of these services;
- (i) “Limited Service” means a variation of service significantly differentiating from the norm as a result of extenuating circumstances, such as deployment of Volunteer Firefighters in insufficient numbers, or any other factor whatsoever, which shall be determined in the sole discretion of the Fire Chief or the highest ranking Member of the Fire Department present and in charge of a response;
- (j) “Member” means any person appointed to the Fire Department by the Fire Chief and includes officers, full-time employees, and Volunteer Firefighters;
- (k) “Mutual Aid” means a plan established pursuant to section 7 of the *Fire Prevention and Protection Act* under which fire departments that serve a designated area agree to assist each other on a reciprocal basis in the event of a major fire or emergency;

- (l) “Volunteer Firefighters” means a Member of the Fire Department and provides services as assigned by the Fire Chief on a volunteer basis or for nominal consideration, honorarium, training or other allowance. For clarity, a Volunteer Firefighter is not an employee of the Fire Department or the Corporation.

2. Fire Department Established

A Fire Department for the Corporation of the Town of Kingsville, to be known as the Kingsville Fire Department, is hereby established and the head of the Fire Department shall be known as the Fire Chief. The mission statement of the department shall be those contained in Schedule ‘A’ of this By-law.

3. Appointment of Fire Chief and Responsibility

The Fire Chief is responsible to Council, through the Chief Administrative Officer, for the proper administration and operation of the Fire Department including all Fire Department functions and programs. The Fire Chief will comply with any policies of the Corporation. The Fire Chief will have an annual performance review completed by the Chief Administrative Officer.

The Chief Administrative Officer shall make a recommendation to Council of a qualified person to be appointed as the Fire Chief and the Council shall appoint a Fire Chief. The Fire Chief may be dismissed and before dismissing the Fire Chief, the Council shall first receive advice from the Chief Administrative Officer.

4. Appointment of Volunteer Firefighters

In consultation with the Corporation’s Manager of Human Resources, the Fire Chief may appoint any eligible person as a Volunteer Firefighter in order to maintain a sufficient complement of Firefighters, which number shall be set by Council from time to time and reflected in the budget of the Fire Department.

5. Appointment of Officers and Employees (full-time or part-time)

In consultation with the Chief Administrative Officer, the Fire Chief may appoint any eligible person as an Officer or Employee (full-time or part-time) if an existing position is vacant or a new position has been approved by Council. Officer ranks shall include Deputy Chief, Station Chief, Captain, Fire Prevention Officer, Training/Public Education Officer, and any other position approved by the Chief Administrative Officer.

6. Discipline and Dismissal of Members

Persons appointed as Members of the Fire Department shall be on probation for a period of one year and may be dismissed from the Fire Department by the Fire Chief for any reason. Probationary Members do not have a right of appeal.

Members (including Volunteer Firefighters, Officers, and / or Employees), who have completed probation, shall be subject to discipline including demotion or dismissal from the Fire Department. The Deputy Fire Chief shall put any disciplinary decisions, including demotion or dismissal, in writing to the Member, including reasons for the decision. The Deputy Fire Chief shall first consult with the Manager of Human Resources before issuing any written decisions. Any Member may appeal the decision of the Deputy Fire Chief to the Fire Chief whose decision shall be final.

If a Member is dismissed from the Fire Department, a Member will have the right to appeal their dismissal to the Chief Administrative Officer whose decision shall be final.

7. Resignation and Mandatory Retirement

A Member may resign at any time by submitting a letter of resignation to the Fire Chief in writing and providing two weeks’ notice. A copy of the letter of resignation shall be forwarded to the Manager of Human Resources.

On the Member's 60th birthday, the Member must retire and resign from the Fire Department, except for the Fire Chief, Deputy Fire Chief, and Station Chiefs, who must retire and resign on their 65th birthday. This clause shall be effective as of December 31, 2021.

This does not apply to full-time or part-time employees who are assigned to duties other than fire suppression duties, including those assigned to administration, prevention, education or training duties.

8. Remuneration

The honorarium, training or other allowances provided to Volunteer Firefighters shall be as determined from time to time by the Corporation.

The salary and benefits payable to any Employee shall be as determined from time to time by the Corporation.

9. Standard Operating Guidelines

The Fire Chief shall implement all approved policies, as issued by the Chief Administrative Officer, and shall develop such operating guidelines, general orders and departmental rules as necessary to implement the approved policies and to ensure the appropriate care and protection of all Fire Department members and Fire Department equipment.

10. Budgets and Reports

The Fire Chief shall submit to the Chief Administrative Officer and Treasurer for approval, the annual budget estimates for the Fire Department, an annual report and any other specific reports requested by the Chief Administrative Officer or Treasurer. The Fire Chief shall not spend more funds than are approved in the annual budget, unless additional approval is given by the Council or Chief Administrative Officer.

11. Member's Responsibilities

Members shall report to the Fire Chief through Officers, as appointed by the Fire Chief, and shall carry out all orders of the Fire Chief and the Officers assigned to oversee them.

12. Designate Powers

When the Fire Chief designates a member to act in the place of an Officer or the Fire Chief in the Fire Department, such member, when so acting, has all of the power and shall perform all the duties of that position.

13. Prevention and Control

The Fire Chief shall take all proper measures for the prevention, control and extinguishment of fires and the protection of life and property as indicated in Schedule "B" and shall exercise all powers mandated by the *Fire Protection and Prevention Act* and the Fire Chief shall be empowered to authorize:

- (a) pulling down or demolishing any building or structure to prevent the spread of fire;
- (b) all necessary actions which may include boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident, when unable to contact the property owner;
- (c) Recover expenses incurred by such necessary actions for the Corporation in the manner provided through the *Municipal Act* and the *Fire Protection and Prevention Act*. Costs associated shall be at the MTO rate of that date per vehicle and hourly rate of staff on scene.

14. Limited Services

In consideration of the reliance by the Fire Department on the response of Volunteer Firefighters, whose deployment to emergencies in sufficient numbers cannot in all instances be guaranteed, adverse climate conditions, delays or unavailability of specialized equipment required by the Fire Department, or any other circumstances which may impede the delivery of Fire Protection Services, any service may from time to time be provided as a Limited Service as determined by the Fire Chief, his or her designate, or the highest ranking Officer in charge of a response. The Town shall accept no liability for the provision of a Limited Service by the Fire Department as reasonably necessary.

15. Authority to Leave Municipal Limits

The Fire Department shall not respond to a call with respect to a fire or emergency outside the limits of the Town of Kingsville except with respect to a fire or emergency:

- (a) That in the opinion of the Fire Chief or designate threatens property in the Corporation or property situated outside the Corporation that is owned or occupied by the Corporation as authorized by the *Fire Prevention and Protection Act*;
- (b) in a municipality with which an approved Mutual Aid agreement has been entered into to provide fire protection services;
- (c) on property with which an approved agreement has been entered into with any person or Corporation to provide fire protection services;
- (d) at the discretion of the Fire Chief or designate, to a municipality authorized to participate in the Essex County Mutual and Automatic Aid Plan and Program established by a Fire Co-coordinator appointed by the Fire Marshal or any other similar reciprocal plan or program;
- (e) on property beyond the boundary of the Corporation where the Fire Chief or designate determines immediate action is necessary to preserve life or property and the appropriate department is notified to respond and assume command or establish alternative measures, acceptable to the Fire Chief or designate.

16. Appendices

The following Appendices form part of this Bylaw:

- (a) Schedule 'A' - Mission Statement.
- (b) Schedule 'B' - Approved Services and Programs.

17. By-law 61-2010 is hereby repealed.

18. This By-Law comes into force and takes effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 8th day of FEBRUARY, 2021.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

Schedule 'A'

Kingsville Fire Department Mission Statement

The Kingsville Fire Department is committed to protecting life, property and the environment through emergency response, fire prevention-code enforcement, and public fire safety education.

We will strive to provide the highest level of service to the citizens we protect through continuous improvement, reflecting our pride in and respect for, our community, our organization and ourselves.

Schedule 'B'

Kingsville Fire Department Approved Services and Programs

The Kingsville Fire Department shall provide the following services and programs:

B.1 Emergency Response

B.1.1 Basic Firefighting Services:

- The Fire Department shall respond to fires, alarms of fire, and pre-fire conditions to provide fire suppression services.

B.1.2 Structural Firefighting Services:

- (a) For the purpose of this Schedule, "Structural Firefighting" shall have the same meaning as Structural Firefighting as defined by NFPA 1720, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments*.
- (b) Interior Search and Rescue – Shall be provided when possible and as appropriate in accordance with the following:
 - Service shall be provided to search for and rescue endangered, trapped or potentially trapped persons within the structure.
 - Service shall be provided only when, in the opinion of the Fire Chief or most senior Officer in charge, all of the following are true:
 - i. A scene risk assessment has been completed, and the level of risk reasonably justifies entry into the structure;
 - ii. Building integrity permits entry into the structure;
 - iii. Sufficient Firefighter staffing is deployed at the fire ground;
 - iv. Reliable water supply with adequate flow can be sustained;
 - v. Adequate fire ground supervision and support is provided.
- (c) *Interior Fire Suppression (Offensive Operations)* – Shall be provided when possible and as appropriate in accordance with the following:
 - Service shall be provided to contain the fire and prevent further loss of property.
 - Service shall be provided only when, in the opinion of the Fire Chief or most senior Officer in charge, all of the following are true:
 - i. A scene risk assessment has been completed, and level of risk reasonably justifies Firefighter entry into the structure;
 - ii. Building integrity permits entry into the structure;
 - iii. Sufficient Firefighter staffing is deployed at the fire ground;
 - iv. Reliable water supply with adequate flow can be sustained;
 - v. Adequate fire ground supervision and support is provided.

(d) *Exterior Fire Suppression (Defensive Operations)* – Shall be provided when possible and as appropriate, in the opinion of the Fire Chief or most senior Officer in charge, in accordance with the following:

- There shall be no expected rescue component with this service;
- Service shall be provided to prevent fire spread to adjacent areas;
- Service shall be provided when Interior Fire Suppression is not possible or appropriate;
- Service shall be provided as water supply permits.

B.1.3 Rural Firefighting Operations:

- Rural firefighting operations using tanker shuttle service shall be provided in areas without municipal water supply.

B.1.4 Vehicle Firefighting Services:

- Service shall be provided to control and extinguish vehicle fires.

B.1.5 Grass, Brush, and Field Firefighting Services:

- Service shall be provided to control and extinguish grass, brush and field fires.

B.1.6 Marine Firefighting Services:

- Marine firefighting service shall be limited to shore-based, defensive firefighting operations only.
- Firefighting operations on the ferries and large vessels that are moored shall be provided when possible and as appropriate, in the opinion of the Fire Chief or most senior Officer in charge, in accordance with the following:
 - i. A scene risk assessment has been completed, and level of risk reasonably justifies Firefighter entry into the structure;
 - ii. Operations are conducted as per company's approved method and expert advice;
 - iii. Sufficient Firefighter staffing is deployed at the fire ground;
 - iv. Reliable water supply with adequate flow can be sustained;
 - v. Adequate fire ground supervision and support is provided.

B.1.7 Mutual Aid Response Services:

- Service shall be provided in accordance with the Mutual Aid Plan established in respect to the municipalities within the County of Essex pursuant to clause 7(2)(a) of the *Fire Protection and Prevention Act*.

B.1.8 Tiered Medical Assistance Services:

- Service shall be provided in accordance with the

Emergency Medical Tiered Response Agreement between the County of Essex, Emergency Medical Services and the Town of Kingsville.

- Service shall be provided in accordance with the County of Essex Base Hospital Program.

B.1.9 Ambulance Assistance Services:

- Service shall be provided to assist Emergency Medical Services with emergency and non-emergency situations with respect to providing access and/or the provision of care to patients.

B.1.10 Police Assistance Services:

- Service shall be provided to assist Police with emergency and non-emergency situations for which the Fire Department has equipment and/or specialized skills to assist in the mitigation.

B.1.11 Public Assistance Services:

- Service shall be provided to assist the public with emergency and non-emergency situations for which the Fire Department has the equipment and/or specialized skills to mitigate the incident.

B.1.12 Public Hazard Assistance Services:

- (a) *Carbon monoxide Incidents* – Response shall be provided to carbon monoxide alarms and emergencies.
- (b) *Public Utility Incidents* – Response shall be provided to public utility incidents that pose a public hazard, including:
 - i. Electrical utility emergencies;
 - ii. Natural gas utility emergencies.

B.1.13 Vehicle Accident Services:

- The Fire Department shall respond to vehicle accidents to provide the following services:
 - i. Stabilizing the scene of the accident;
 - ii. Stabilizing the vehicles involved in the accident;
 - iii. Providing aid to injured or trapped persons;
 - iv. Mitigating adverse effects to the natural environment.
- Costs associated with Fire Department response from non-Provincial highways shall be recovered from at fault non-residents at MTO rates.

B.1.14 Vehicle Extrication Services:

- Vehicle search and rescue services, including extrication, shall be provided at the NFPA 1001 FF 1 & FF 2 levels.

B.1.15 Transportation Incidents involving Vehicles, Aircraft, Watercraft:

- Response shall be provided to large-scale transportation incidents that may involve large numbers of casualties, widespread damage to

property, and/or significant environmental impact.

B.1.16 Highway Incident Services:

- Fire Protection Services shall be provided to provincial highways;
- Costs associated with Fire Department response to provincial highways shall be recovered in accordance with applicable provincial fire service agreements.

B.1.17 Hazardous Materials Response Services:

- Service shall be provided at the Operations Level in accordance with NFPA 472, *Standard for Competence of Responders to Hazardous Materials Incidents*;
- Hazardous materials response services at the NFPA 472 Technician Level shall not be provided by the Fire Department.
- Hazardous materials response services at the NFPA 472 Technician Level shall be provided by Windsor Fire & Rescue Service.

B.1.18 Water and Ice Rescue Services:

- *Surface Water Rescue* – Service shall be provided at the Technician Level in accordance with NFPA 1670, *Standard for Operations and Training for Technical Search and Rescue Incidents*, and may include shore based, water entry, and boat rescue operations;
- *Swift Water Rescue* – Service shall not be provided;
- *Ice Rescue* – Service shall be provided at the Technician Level in accordance with the NFPA 1670 standard;
- Recovery services to retrieve animals, property, or human remains by entering into or onto a body of water, or onto ice over a body of water, shall not be provided by the Fire Department.
- Surface Water Rescue/Ice Rescue services shall be provided at the Technician Level by the Fire Department only when, in the opinion of the Fire Chief or most senior Officer in charge, all of the following are true:
 - i. A scene risk assessment has been completed, and the level of risk reasonably justifies conducting the rescue operation;
 - ii. Sufficiently Trained Firefighter staffing is deployed at the scene;
 - iii. Adequate fire ground supervision and support is provided.

B.1.19 Rope Rescue Services:

- Rope rescue services, low-angle rescue services, shall be provided at the Awareness Level in accordance with NFPA 1670, *Standard for Operations and Training for Technical Search and Rescue Incidents*.
- Rope rescue services at the Awareness Level/Low Angle shall be provided by the Fire Department. Service shall be provided only when, in the opinion of the Fire Chief or

most senior Officer in charge, all of the following are true:

- i. A scene risk assessment has been completed, and the level of risk reasonably justifies conducting the rescue operation;
- ii. Sufficiently Trained Firefighter staffing is deployed at the scene;
- iii. Adequate fire ground supervision and support is provided.

B.1.20 Confined Space Rescue Services:

- Service shall be provided at the Awareness Level in accordance with NFPA 1670, *Standard for Operations and Training for Technical Search and Rescue Incidents*.
- Confined space rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.

B.1.21 Trench Rescue Services:

- Service shall be provided at the Awareness Level in accordance with NFPA 1670, *Standard for Operations and Training for Technical Search and Rescue Incidents*.
- Trench rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.

B.1.22 Community Emergency Plan Response Services:

- Service shall be provided in accordance with the Approved Town of Kingsville Emergency Management Program.

B.1.23 Assistant to the Fire Marshal Services – Fire Suppression:

- Duties of Assistant to the Fire Marshal shall be carried out as prescribed by the *Fire Protection and Prevention Act*.

B.2 Fire Prevention and Public Education

B.2.1 Fire Inspection Services:

- (a) Conducting complaints inspections;
- (b) Conducting vulnerable occupancy inspections;
- (c) Conducting requested inspections;
- (d) Conducting routine inspections;
- (e) Conducting licensing inspections;
- (f) Systems checking, testing and approval;
- (g) Enforcing code compliance;
- (h) Enforcing municipal by-laws;
- (i) Issuing permits;
- (j) Preparing reports and issuing written responses to requests and orders.

B.2.2 Public Education Services:

- (a) Providing fire and life safety public education programs;
- (b) Facilitating smoke alarm and carbon monoxide alarm initiatives;

- (c) Distributing public safety messaging to the media;
- (d) Delivery of specialized programs.

B.2.3 Fire Investigation Services:

- (a) Determining cause and origin of fires and explosions;
- (b) Assessing code compliance;
- (c) Determining effectiveness of built-in suppression features;
- (d) Determining compliance with building standards;
- (e) Interacting with police, fire investigators, and other agencies;
- (f) Supporting criminal prosecutions, including appearances in court.

B.2.4 Plans Examination Services:

- (a) Reviewing and approving fire safety plans;
- (b) Examining and providing comment on new construction and renovation plans;
- (c) Reviewing and providing comment on subdivision and development agreements;
- (d) Reviewing and providing comment on site plans;
- (e) Inspecting sites of approved plans to determine compliance.

B.2.5 Risk Assessment Services:

- (a) Conducting community fire risk assessments;
- (b) Compiling, analyzing and disseminating functional statistics;
- (c) Selecting appropriate fire service programs.

B.2.6 Consultation Services:

- (a) Consulting with families, schools, health professionals, and police with respect to TAPP-C and other juvenile fire starting programs;
- (b) Consulting with architects, engineers, planners, and builders;
- (c) Interacting with building departments;
- (d) Interacting with other government agencies;
- (e) Providing input into fire prevention policy development.

B.2.7 Assistant to the Fire Marshal Services – Fire Prevention:

- Duties of Assistant to the Fire Marshal shall be carried out as prescribed by the *Fire Protection and Prevention Act*.

B.3 Emergency Planning

B.3.1 Community Emergency Management Planning Services:

- Collaborating with the development, review, revision, and implementation of the Approved Town of Kingsville Emergency Plan.

B.4 Communications

B.4.1 Dispatch Services:

- (a) Arranging for the provision of dispatch services from an external agency to dispatch appropriate Fire Department resources;
- (b) Liaising with dispatch centres;
- (c) Providing current municipal information to the dispatch centres, including response protocols, mapping, local streets, property, and water service information, road closures, and caution notes;
- (d) Monitoring Fire Department dispatch centre performance and resolving any service issues.

B.4.2 Technology Services:

- (a) Arranging for maintenance, repair, and technical support of Fire Department telecommunications and computer systems;
- (b) Developing specifications for Fire Department radios, communications devices and systems, and computers;
- (c) Arranging for interface capabilities with other data systems.

B.5 Training and Education

B.5.1 Training Program Standards:

- (a) Providing a training program for Firefighters that conforms to NFPA 1001, Standard for Fire Fighter Professional Qualifications;
- (b) Providing a training program for apparatus drivers and operators that conforms to NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications;
- (c) Providing a training program for technical rescue operations that conforms to NFPA 1006, Standard for Technical Rescuer Professional Qualifications;
- (d) Providing a training program for Officers that conforms to NFPA 1021, Standard for Fire Officer Professional Qualifications;
- (e) Providing a training program for fire service instructors and training officers that conforms to NFPA 1041, Standard for Fire Service Instructor Professional Qualifications;
- (f) Providing a training program for incident safety officers that conforms to NFPA 1521, Standard for Fire Department Safety Officer Professional Qualifications.

B.5.2 Providing Station Training:

- (a) Delivering curriculum specific to operational and strategic needs;
- (b) Providing supervisory training drills.

B.5.3 Program Development Services:

- (a) Developing trainer;
- (b) Coordinating core curriculum;
- (c) Providing officer training and development;
- (d) Developing specialized staff development programs.

B.6 Maintenance

B.6.1 Fleet and Equipment Maintenance Services:

- (a) Maintaining fleet and equipment (both routine and emergency);
- (b) Providing periodic inspection and testing programs;
- (c) Complying with the requirements of provincial regulations;
- (d) Providing annual pump capacity and certification testing;
- (e) Providing annual aerial device certification testing;
- (f) Developing specifications for new apparatus and equipment;
- (g) Acceptance testing of new apparatus and equipment;
- (h) Maintaining, testing, and calibrating specialized equipment.

B.6.2 Facilities Maintenance Services:

- (a) Providing routine cleaning and housekeeping of fire stations;
- (b) Arranging for maintenance and repair of fire station infrastructure;
- (c) Providing input regarding design and construction of fire stations.