

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 5244-20**

A BY-LAW TO ESTABLISH AND REGULATE A FIRE DEPARTMENT TO
PROVIDE FIRE, RESCUE AND EMERGENCY SERVICES AND REPEAL
BY-LAW 4628-13

WHEREAS Section 2 of the Fire Protection and Prevention Act, 1997. S.O. 1997, c.4 as amended, requires every municipality to establish a program which must include public education with respect to fire safety and certain components of fire prevention; and to provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances.

AND WHEREAS Section 5 of the Fire Protection and Prevention Act, 1997. S.O. 1997, c.4 as amended, authorizes the council of a municipality to establish, maintain and operate a fire department for all or any part of the municipality.

AND WHEREAS Sections 8 and 11 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, authorizes a municipality to provide any service that the municipality considers necessary or desirable for the public, and to pass by-laws respecting, inter alia, health, safety and well-being of persons, protection of persons and property, and services that the municipality is authorized to provide.

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to impose fees or charges on persons for services or activities provided by the municipality, and for costs payable by the municipality for services or activities provided or done by or on behalf of any other municipality;

AND WHEREAS Section 425 of the Municipal Act, 2001, S.O. 2001, C.25, as amended provides that the Council of a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS Section 446 of the Municipal Act, 2001. S.O. 2001, c.25, as amended, provides that if a municipality has the authority under that or any other act, or under a by-law under that or any other Act, to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS the Corporation of the Town of Niagara-on-the-Lake has established a Fire Department commonly known as The Town of Niagara-on-the-Lake Fire and Emergency Services;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Niagara-on-the-Lake hereby enacts as follows:

1. DEFINITIONS

1.1. In this by-law, unless the context otherwise requires, the following terms shall have the meanings indicated:

“**Approved**” shall mean approved by council

“Automatic Aid” shall mean an Approved agreement under which a municipality that is capable of responding more quickly to an area agrees to provide an initial response to fires, rescues, and emergencies in another municipality, or where a municipality agrees to provide a supplemental response to fires, rescues, or emergencies that may occur in another municipality.

“Auxiliary Member” shall mean a person who is appointed to provide certain limited functions in support of the delivery of Fire Protection Services voluntarily or for a nominal consideration

“Chief Administrative Officer (CAO)” shall mean the person appointed by Council to act as Chief Administrative Officer for the Corporation.

“Corporation” shall mean the Corporation of the Town of Niagara-on-the-Lake.

“Council” shall mean the Council of the Town of Niagara-on-the-Lake.

“Deputy Fire Chief” shall mean the person or persons appointed by Council to act on behalf of the Fire Chief of the Fire Department in the case of an absence or a vacancy in the office of the Fire Chief.

“Emergency Management and Civil Protection Act” shall mean Emergency Management and Civil Protection Act, 1990, S. O. 1990, c. E.9, as amended, and any successor legislation.

“Fire Chief” shall mean the person appointed by Council to act as fire chief of the Fire Department for the Corporation

“Fire Department” shall mean the fire department for the Town

“Fire Code” shall mean Ontario Regulation 213/07, as amended, and any successor regulation.

“Firefighter” means the Fire Chief and any other person employed in, or appointed to, the Fire Department to undertake Fire Protection Services, and shall include a Volunteer Firefighter

“Fire Protection and Prevention Act” shall means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and any successor legislation.

“Fire Protection Services” shall mean fire suppression, rescue and emergency services, fire prevention, public fire safety education, mitigation, prevention and safety education of the risk created by unsafe levels of carbon monoxide, communications, training of personnel involved in the provision of Fire Protection Services, and the delivery of all those services

“Limited Service” shall 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 to safely carry out the delivery of Fire Protection Services, environmental factors, remote properties, impeded access, private roadways, lanes and drives, obstructions, or extraordinary hazards or unsafe condition

“Owner” shall mean any person, firm or corporation having control over any portion of a building, yard or other property under construction and includes persons of that building, yard or property as prescribed by the Fire Code

“Malicious Act” shall mean a wrong act done intentionally by any person without just cause or excuse.

"Member" shall mean any person employed by, appointed to, or volunteering for the Fire Department and assigned to undertake Fire Protection Services

"Municipal Act" shall mean the Municipal Act, 2001, S.O. 2001, c.25, as amended, and any successor legislation

"Mutual Aid" shall mean a plan established pursuant to section 7 of the Fire Protection and Prevention 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

"Officer" shall mean Fire Chief, Deputy Fire Chief, Training Officer, Fire Prevention and Public Education Officer, District Chief, Assistant District Chief, Captain, Lieutenant and any other person designated by the Fire Chief to supervise Firefighters.

"Preventable False Alarm" shall mean the activation of a fire alarm system through a mechanical failure, equipment malfunction, improper installation of the system, or failure to maintain the system as prescribed by the Ontario Fire Code, and shall include repeat alarms due to improper alarm placement or refusal to take corrective action, but does not include the activation of a fire alarm system where the activation occurred as a result of the accidental damage to the system,

"Provincial Offences Act" shall mean Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

"Town" shall mean The Corporation of the Town of Niagara-on-the-Lake

"Emergency Services" shall mean any life or property saving activity that is unrelated to fire suppression and fire prevention and includes emergency medical services, hazardous materials response and specialized rescues including vehicle extrication, water and ice rescue, elevator rescue and any other rescue or activity approved by council.

"Volunteer Firefighter" means a person who provides Fire Protection Services voluntarily or for a nominal consideration, honorarium, or training or activity allowance, and includes Auxiliary Members

2. ESTABLISHMENT

- 2.1. A Fire Department for the Town of Niagara-on-the-Lake to be known as Niagara-on-the-Lake Fire and Emergency Services is hereby established, and the head of the Fire Department shall be known as the Fire Chief

3. DEPARTMENT STRUCTURE

- 3.1. Council shall appoint a Fire Chief who shall be the highest-ranking Officer and director of the Fire Department.
- 3.2. In addition to the Fire Chief, Council shall appoint a Deputy Fire Chief(s) who shall report to the Fire Chief as the second highest ranking Officer(s) of the Fire Department and who, in the absence of the Fire Chief, shall have the powers and perform the duties of the Fire Chief.
- 3.3. In addition to the Fire Chief and Deputy Fire Chief(s), the Fire Department shall consist of Fire Prevention Officer(s), Training Officer(s), Volunteer Firefighters, and any other Member(s) as deemed necessary and appointed by the Fire Chief to provide Fire Protection Services.

- 3.4. Each division of the Fire Department shall be the responsibility of the Fire Chief and shall be under the direction of the Fire Chief or a member designated by the Fire Chief. Designated members shall report to the Fire Chief on division activities under their supervision and shall carry out all orders of the Fire Chief.
- 3.5. The Fire Department shall be structured in conformance with the Approved Fire Department Organizational Chart as set out in **Schedule "A"** attached hereto and forming part of this by-law.
- 3.6. Working conditions, remuneration, and procedures for termination of employment for Firefighters other than Volunteer Firefighters shall be in accordance with the most current approved Employee Bargaining Group Agreement.

4. APPROVED SERVICES AND PROGRAMS

- 4.1. The Fire Department shall provide such Fire Protection Services and programs in accordance with Part II of the Fire Protection and Prevention Act and as approved by Council, set out in **Schedule "B"** attached hereto and forming part of this by-law.

5. LIMITED SERVICE

- 5.1. 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 due to adverse climate conditions, delays or unavailability of specialized equipment required by the Fire Department, or other extraordinary circumstances which may impede the delivery of Fire Protection Services, any Approved service set out in **Schedule "B"** may from time to time be provided as a Limited Service as defined in this by-law, as determined by the Fire Chief, his or her designate, or the highest ranking Officer in charge of a response
- 5.2. The Corporation shall accept no liability for the provision of a Limited Service by the Fire Department as reasonably necessary

6. RESPONSES OUTSIDE THE LIMITS OF THE MUNICIPALITY

- 6.1. The Fire Department shall not respond outside the limits of the municipality except with respect to a fire, rescue or emergency:
 - 6.1.1. That, in the opinion of the Fire Chief or designate, threatens property in the municipality, or property situated outside the municipality that is owned or occupied by the municipality;
 - 6.1.2. In a municipality with which an Approved agreement has been entered into to provide Fire Protection Services which may include Automatic Aid;
 - 6.1.3. On property with which an Approved agreement has been entered into with any person or corporation to provide Fire Protection Services;
 - 6.1.4. At the discretion of the Fire Chief or designate, to a municipality authorized to participate in any regional Mutual Aid plan established by a fire coordinator appointed by the Fire Marshal or any other similar reciprocal plan or program; or
 - 6.1.5. On property beyond the municipal boundary 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.

7. FIRE CHIEF RESPONSIBILTIES AND AUTHORITY

- 7.1.** The Fire Chief shall be the head of the Fire Department, shall report to the CAO and will ultimately be responsible to Council as set out in subsection 6 (3) of the Fire Protection and Prevention Act for the proper administration and operation of the Fire Department, including delivery of Approved services and programs
- 7.2.** The Fire Chief shall be deemed to be the Chief Fire Official of the municipality for the purposes of the Fire Protection and Prevention Act and regulations enacted thereunder, and shall have all statutory authority and shall carry out all prescribed duties and responsibilities in respect thereof.
- 7.3.** Without limiting the generality of the foregoing, the Fire Chief shall be authorized and responsible for:
- 7.3.1.** Performing all statutory duties of the Fire Protection and Prevention Act, the Emergency Management and Civil Protection Act and any other legislation applicable to the administration or operation of the Fire Department.
 - 7.3.2.** Reporting to Council as required by the Fire Protection and Prevention Act and in accordance with the provisions established by the Emergency Management and Civil Protection Act.
 - 7.3.3.** Enforcement of this by-law and any regulations established under this by-law, and the enforcement of any other by-laws of the Corporation respecting the administration and operation of the Fire Department.
 - 7.3.4.** Periodically reviewing this by-law and any other by-laws of the Corporation respecting the administration and operation of the Fire Department, and the Fire Chief may establish an advisory committee consisting of such Members of the Fire Department and other persons, possibly including members of the general public, as may be necessary from time to time to assist in discharging this duty.
 - 7.3.5.** Recommending to Council amendments to this by-law, or any other by-law of the Corporation, that the Fire Chief considers relevant and appropriate.
 - 7.3.6.** Developing, establishing, and implementing policies, standard operating procedures and guidelines, general orders and department rules, and other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department.
 - 7.3.7.** Periodically reviewing, revising, or revoking as required, all policies, standard operating procedures and guidelines, general orders, and rules of the Fire Department, and the Fire Chief may establish an advisory committee from time to time to assist in discharging these duties.
 - 7.3.8.** Arranging for the provision and allotment of strategic staffing and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department.
 - 7.3.9.** The proper care and protection of all Fire Department property.
 - 7.3.10.** Arranging and implementation of Automatic Aid, Mutual Aid and other negotiated and/or Approved Fire Protection and Emergency Service agreements between the Town and other municipalities.
 - 7.3.11.** Determining and establishing the qualifications and criteria for employment or appointment, and the duties and responsibilities of all Members of the Fire Department.

- 7.3.12. Appointment, subject to Approved hiring policies, of any qualified person as a Member of the Fire Department.
 - 7.3.13. The conduct and discipline of all Members of the Fire Department including disciplinary actions as required which may range from reprimand to dismissal.
 - 7.3.14. Keeping an accurate record of all fires, rescues and emergencies responded to by the Fire Department, all fire safety inspections and fire investigations, and other such records as may be required by Council in a manner consistent with applicable records management policies of the Corporation, and for retaining such records for a period prescribed by Approved records retention policies and statutory requirements.
 - 7.3.15. Enforcement of the Fire Code
 - 7.3.16. Reporting all fires to the Fire Marshal, and complying with all Fire Marshal's directives as mandated by the Fire Protection and Prevention Act.
 - 7.3.17. Reporting to the appropriate Crown Attorney or other prosecutor, or law enforcement or other officer, the facts upon the evidence in any case in which there is reason to believe that a fire has been the result of criminal intent or negligence, or in which there is reason to believe that an offence has been committed under the Fire Protection and Prevention Act, or other applicable regulation or statute.
 - 7.3.18. Preparing and presenting annual reports and periodic reports to Council as deemed necessary by the Fire Chief, and any other specific reports as directed by Council.
 - 7.3.19. Preparing and submitting annual budget estimates for approval by Council, and effectively administering, monitoring, and controlling the Fire Department operating and capital budgets.
- 7.4. The Fire Chief shall be responsible for coordinating the Town's Emergency Management Program, and assisting with the preparation, implementation, and maintenance of the municipal Emergency Response Plan pursuant to the Emergency Management and Civil Protection Act.
- 7.5. The Fire Chief shall be responsible for assisting other public officials in an emergency declared by the Head of Council, the Premier of Ontario, or the Prime Minister of Canada

8. POWERS

- 8.1. The Fire Chief shall exercise all powers and duties prescribed by the Fire Protection and Prevention Act, and shall be empowered to take all reasonable and proper measures for the prevention, control, and extinguishment of fires, and for the protection of life, property and the environment, and for the management of emergencies within the jurisdiction of the municipality.
- 8.2. Without limiting the generality of the foregoing, the Fire Chief and his/her designates shall be empowered and authorized to carry out the following:
 - 8.2.1. Enforcement of all municipal by-laws in respect of fire safety and fire prevention.
 - 8.2.2. Pulling down or demolishing any building or structure when necessary to prevent the spread of fire.

8.2.3. Any necessary action to guard against fire or other danger, risk, or accident, which may include boarding up or barricading of buildings or property, when unable to contact the owner of the property.

8.2.4. Recovery of costs incurred by such necessary actions for the Corporation in a manner provided by the Municipal Act and the Fire Protection and Prevention Act.

8.2.5. Taking any and all steps pertaining to rights of entry in emergencies and fire investigations, inspections, and offences and enforcement as set out in the Fire Protection and Prevention Act

8.3. The Fire Chief may delegate any of his/her powers or duties to the Deputy Fire Chief or any Officer or Member that the Fire Chief deems appropriate, subject to such limitations, restrictions or conditions as set out in the Fire Protection and Prevention Act, and such Officer or Member so delegated shall have all the powers and shall perform all duties as delegated.

9. RECOVERY OF COSTS

9.1. If as the result of a Fire Department response to a fire, rescue, or other emergency, the Fire Chief, his or her designate, or the highest ranking Officer in charge determines that it is necessary to retain a private contractor, rent special equipment, or use consumable materials other than water in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, remove hazardous materials, assist in or otherwise conduct an investigation to determine the cause of a fire, or otherwise control or eliminate an emergency situation, the Corporation shall recover the costs incurred by taking such actions from the owner of the property on which the fire or other emergency occurred.

9.2. The Corporation may recover costs incurred by such necessary actions in a manner provided by the Municipal Act and the Fire Protection and Prevention Act in accordance with the Approved Fire and Emergency Services Fee schedule, set out in **Schedule "C"** attached hereto and forming part of this by-law.

9.3. If a property owner who is charged a fee under this by-law fails to pay the fee within thirty days of receipt of an invoice, the Corporation may add the fee, including any penalty and interest, to the tax roll for any real property in the Town of Niagara-on-the-Lake registered in the name of the owner and collect the fee, including any penalty and interest, in like manner as municipal taxes.

10. VOLUNTEER FIREFIGHTER EMPLOYMENT

10.1. The Fire Chief may appoint, from time to time, any eligible person as a Volunteer Firefighter in order to maintain a sufficient complement of Firefighters in accordance with the Approved Fire Department Organizational Chart as set out in **Schedule "A"** attached hereto and forming part of this by-law, and subject to Approved hiring policies.

10.2. The employment of Volunteer Firefighters shall be governed by the Volunteer Firefighter Terms and Conditions of Employment as set out in **Schedule "D"** attached hereto and forming part of this by-law.

11. OBSTRUCTION

11.1. No person shall obstruct, hinder, or interfere with the Fire Chief or any Member of the Fire Department in the performance of his or her duties in accordance with this by-law and the Fire Protection and Prevention Act.

12. OFFENCES

12.1. Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty established by the Provincial Offences Act, and any successor legislation.

13. SCHEDULES

13.1. All attached schedules, policies, and other documents are deemed to be an integral part of this by-law.

14. REPEALED

By-law 4628-13 is repealed on the date this By-law is passed by the Council.

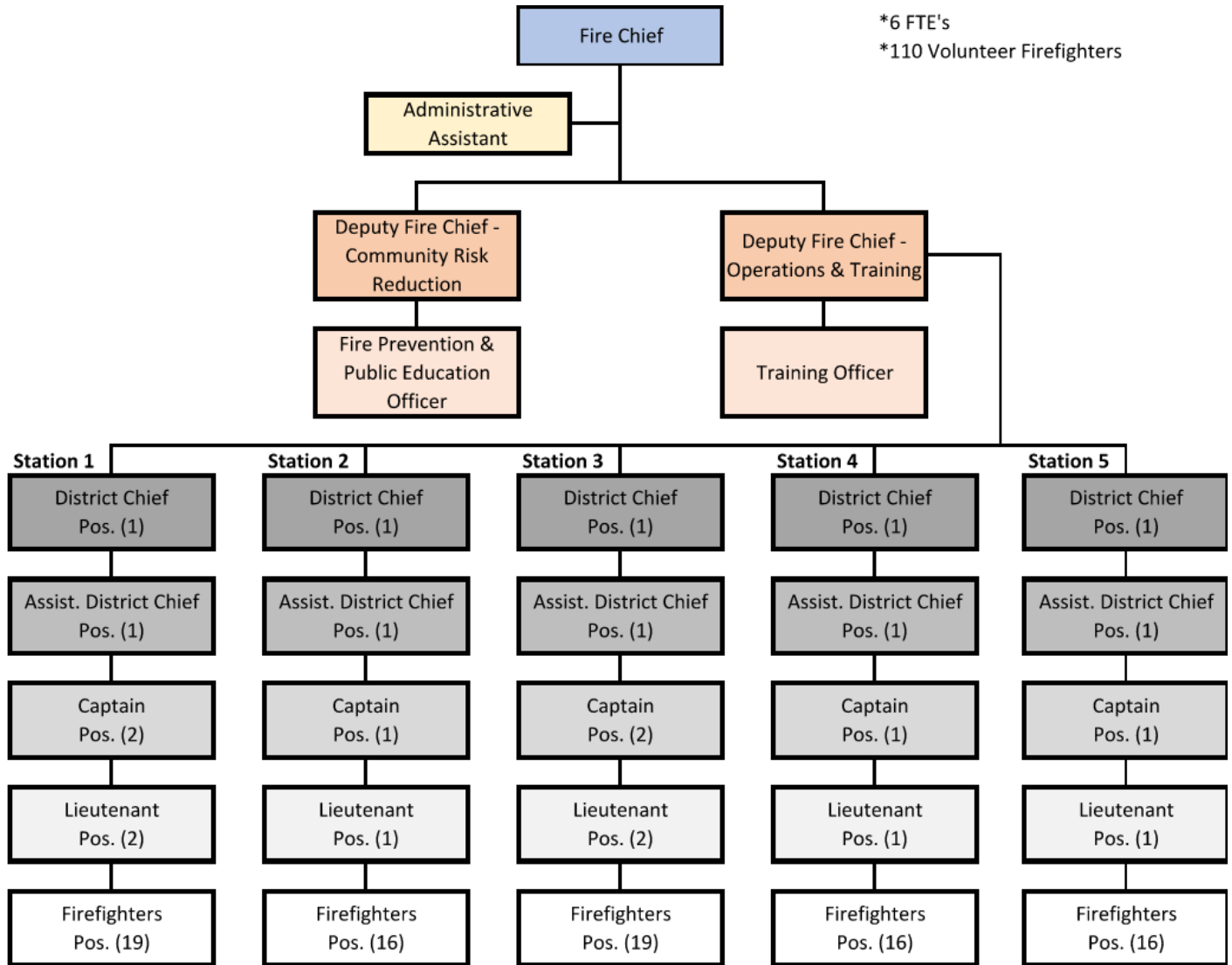
READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 22ND DAY OF JUNE 2020.

LORD MAYOR BETTY DISERO

TOWN CLERK PETER TODD

SCHEDULE "A"
BY-LAW NO. 5244-20

**NIAGARA-ON-THE-LAKE FIRE AND EMERGENCY SERVICES
DEPARTMENT STRUCTURE**



SCHEDULE "B"
BY-LAW NO. 5244-20

NIAGARA-ON-THE-LAKE FIRE AND EMERGENCY SERVICES
APPROVED SERVICES AND PROGRAMS

The Fire Department shall provide the following services and programs:

1. Emergency Response

1.1. Basic Firefighting Services:

- a) The Fire Department shall respond to fires, alarms of fire, and pre-fire conditions to provide fire suppression services, and shall exercise best efforts to conform to the most recent edition of National Fire Protection Association (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 as revised from time to time.

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:

- (i) Service shall be provided to search for and rescue endangered, trapped or potentially trapped persons within the structure.
- (ii) 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:
 - A scene risk assessment has been completed, and the level of risk reasonably justifies entry into the structure;
 - Building integrity permits entry into the structure;
 - Sufficient Firefighter staffing is deployed at the fireground;
 - Reliable water supply with adequate flow can be sustained;
 - Adequate fireground supervision and support is provided.

- c) Interior Fire Suppression (Offensive Operations) – Shall be provided when possible and as appropriate in accordance with the following:

- (i) Service shall be provided to contain the fire and prevent further loss of property.
- (ii) 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:
 - A scene risk assessment has been completed, and level of risk reasonably justifies Firefighter entry into the structure;
 - Building integrity permits entry into the structure;
 - Sufficient Firefighter staffing is deployed at the fireground;
 - Reliable water supply with adequate flow can be sustained;
 - Adequate fireground 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:

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

1.3. Rural Firefighting Operations:

- a) Rural firefighting operations using tanker shuttle service shall be provided in areas without municipal water supply and best efforts shall be exercised to conform to NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting.

1.4. Vehicle Firefighting Services:

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

1.5. Grass, Brush, and Forestry Firefighting Services:

- a) Service shall be provided and best efforts shall be exercised to conform to NFPA 1143, Standard for Wildland Fire Management.

1.6. Automatic Aid Response Services:

- a) Service shall be provided in accordance with any Automatic Aid agreements approved by Council.

1.7. Mutual Aid Response Services:

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

1.8. Tiered Medical Assistance Services:

- a) Service shall be provided in accordance with the Emergency Medical Tiered Response Agreement between the Region of Niagara, Emergency Medical Services and the Town of Niagara-on-the-Lake.
- b) Service shall be provided in accordance with the Niagara Regional Volunteer Firefighter Defibrillation Program.

1.9. Ambulance Assistance Services:

- a) 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.

1.10. Police Assistance Services:

- a) 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.

1.11. Public Assistance Services:

- a) 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.

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.

1.13. Vehicle Accident Services:

- a) 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.

- 1.14. Vehicle Extrication Services:
- a) Vehicle search and rescue services, including extrication, shall be provided at the Technician Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents.
- 1.15. Transportation Incidents involving Vehicles, Trains, Aircraft, Watercraft:
- a) 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) Response to a watercraft incident shall involve shore based efforts only.
- 1.16. Highway Incident Services:
- a) Fire Protection Services shall be provided to the Queen Elizabeth Way and other provincial highways.
 - b) Costs associated with Fire Department response to provincial highways shall be recovered in accordance with applicable provincial fire service agreements.
- 1.17. Hazardous Materials Response Services:
- a) Service shall be provided at the Awareness Level in accordance with NFPA 1072, Standard for Competence of Responders to Hazardous Materials Incidents.
 - b) CBRNE incidents shall be served in conjunction with the regional response team under the provisions of an Approved mutual aid or fire services agreement.
- 1.18. Water and Ice Rescue Services:
- a) Surface Water Rescue – All water rescue services conducted by the Fire Department shall be shore based only.
 - b) An Automatic Aid agreement has been entered into with the City of St. Catharines to provide water rescue at the technician level.
 - c) Ice Rescue – All ice rescue services conducted by the Fire Department shall be shore based only.
 - d) An Automatic Aid agreement has been entered into with the City of St. Catharines to provide ice rescue at the technician level.
 - e) Rescue or Recovery services to retrieve animals, property, or humans 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.
- 1.19. Urban Search and Rescue Services:
- a) Fire Department response to urban search and rescue incidents shall be limited to providing Structural Collapse Search and Rescue services at the Awareness Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents.
 - b) Urban search and rescue service requiring structural collapse search and rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.
- 1.20. Rope Rescue Services
- a) Fire Department response to rope rescue incidents, such as high-angle and low-angle rescue services shall be limited to an awareness level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents.
 - b) A Mutual Aid agreement has been entered into to provide rope rescue services at the technician level.
- 1.21. Confined Space Rescue
- a) Fire Department response to confined space rescue incidents shall be limited to an awareness level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents
 - b) A Mutual Aid agreement has been entered into to provide confined space rescue services at the technician level.

1.22. Trench Rescue Service

- a) Fire Department response to trench rescue incidents shall be limited to an awareness level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents
- b) A Mutual Aid agreement has been entered into to provide trench rescue services at the technician level.

1.23. Community Emergency Plan Response Services:

- a) Service shall be provided in accordance with the Approved Town of Niagara-on-the-Lake Emergency Management Program.

1.24. Assistant to the Fire Marshal Services – Fire Suppression:

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

2. Fire Prevention and Public Education

2.1. Fire Inspection Services:

- a) Conducting complaints inspections.
- b) Conducting vulnerable occupancy inspections.
- c) Conducting requested and routine inspections.
- d) Conducting licensing inspections.
- e) Systems checking, testing and approval.
- f) Enforcing code compliance.
- g) Enforcing municipal by-laws.
- h) Reviewing and confirming adherence to the Open-Air Burn Policy
- i) Conducting file searches when requested.
- j) Preparing reports and issuing written responses to requests.
- k) Laying Orders and/or charges as prescribed by the Fire Protection and Prevention Act.
- l) Supporting any prosecutions, including appearances in court.

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.
- d) Delivery of specialized programs.

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 and codes.
- e) Interacting with police, fire investigators, and other agencies.
- f) Supporting criminal prosecutions, including appearances in court.

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 consent and minor variance applications
- e) Reviewing and providing comment on site plans.
- f) Inspecting sites of approved plans to determine compliance.

2.5. Risk Assessment Services:

- a) Conducting community fire risk assessments.
- b) Compiling, analyzing and disseminating functional statistics.
- c) Selecting appropriate fire service programs related to prevention and education activities

2.6. Consultation/Administration 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 or by-law development.
- f) Reviewing and commenting on Special Event Permits
- g) Issuing Alcohol & Gaming Commission of Ontario Permits
- h) Conducting file searches when requested.
- i) Preparing reports and issuing written responses to requests.

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

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

3. Emergency Response

3.1 Pre-Incident Planning Services:

- a) Pre-incident plans shall be developed and maintained in accordance with NFPA 1620, Standard for Pre-Incident Planning.

3.2 Community Emergency Management Planning Services:

- a) Collaborating with the development, review, revision, and implementation of the Approved Town of Niagara-on-the-Lake Emergency Response Plan.

4. Fire Department Administration

4.1 Planning and Development Services:

- a) Strategic planning.
- b) Evaluating Fire Department programs and services.
- c) Projecting station locations and reallocations.
- d) Determining staffing levels and assignments.
- e) Developing policies, procedures, standard operating guidelines.
- f) Coordinating with other emergency services.
- g) Coordinating development with other municipal departments.

4.2 Financial Services:

- a) Coordinating with the Town's Finance Department for financial services.
- b) Coordinating use of information and statistics from suppression and fire prevention activities to determine funding requirements.
- c) Providing input into levels of service based on available funding.
- d) Developing and administering operating and capital budgets.
- e) Identifying alternative sources of revenue and fees for services.
- f) Initiating cost recovery measures.
- g) Purchasing.

4.3 Records Management Services:

- a) Documenting Fire Department activities.
- b) Maintaining Fire Department records in accordance with records retention policies and applicable legislation.
- c) Complying with all applicable freedom of information legislation, including the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended, or successor legislation.

4.4 Department Human Resources Services:

- a) Recruitment, selection, promotion, and retention of staff.
- b) Performance evaluation.
- c) Career development.
- d) Job classifications.
- e) Payroll.
- f) Discipline.

4.5 Customer Relations Services:

- a) Environmental scanning, anticipating pressures and developing communication strategies.
- b) Enhancing public image of the Fire Department and its staff.
- c) Developing and maintaining inter-agency relationships.

4.6 Health and Safety Services:

- a) Implementing a Fire Department health and safety program.
- b) Implementing a joint health and safety committee for the Fire Department.
- c) Implementing an occupational exposure reporting program.
- d) Establishing a Designated Officer program with respect to communicable disease regulations.
- e) Implementing a Respiratory Protection Program
- f) Establishing a PTSD Prevention Program

4.7 Legal Services:

- a) Carrying out mandated enforcement duties of the Fire Department in accordance with applicable by-laws, statutes and regulations.
- b) Prosecuting offences under applicable by-laws and statutes.
- c) Coordinating the services of solicitors and legal counsel.

5. Communications

5.1 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.

3.1 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.

6. Training and Education

6.1 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 Officers that conforms to NFPA 1021, Standard for Fire Officer Professional Qualifications.
- d) Providing a training program for fire inspectors that conforms to NFPA 1031, Standard for Professional Qualifications for Fire Inspectors
- e) Providing a training program for fire investigations that conforms to NFPA 1033, Standard for Professional Qualifications for Fire Investigators.
- f) Providing a training program for fire and life safety educators that conforms to NFPA 1035, Standard for Professional Qualifications for Fire and Life Safety Educator, Public Information Officer
- g) Providing a training program for fire service instructors and training officers that conforms to NFPA 1041, Standard for Fire Service Instructor Professional Qualifications.

- h) Providing a training program for incident safety officers that conforms to NFPA 1521, Standard for Fire Department Safety Officer Professional Qualifications.

6.2 Providing Access to Training Facilities:

- a) Coordinating access to appropriate training facilities.
- b) Delivering hands-on training to staff.

6.3 Providing Station Training:

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

6.4 Program Development Services:

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

7. Maintenance

7.1 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.

7.2 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

**"SCHEDULE C"
BY-LAW NO. 5244-20**

FIRE AND EMERGENCY USER FEES & SERVICE CHARGES

USER FEE DESCRIPTION	2020
Fire Safety Inspections (upon request for real estate or legal transactions):	
Residential Dwelling	\$85.00
1 to 4 apartment units	\$140.00
Per unit over 4 units	\$35.00
Commercial & Industrial Buildings-First 10,000 Square Feet	\$330.00
Commercial & Industrial Buildings-Additional 5,000 Square Feet	\$140.00
Multi-Unit Hotels & Motels 1 to 10 units	\$300.00
Multi-Unit Hotels & Motels Per unit over 10	\$37.00
Fire Safety Inspections (upon request for accreditation or licensing):	
Day Care Centres	\$170.00
Private Home Day Care	\$85.00
Licensed marijuana grow operations inspection	\$70.00/hour
Repeat on-site inspections at the request of the owner (Note: i.e. short-term rental properties, bed & breakfast, cottage rentals, country inns and vacation apartment)	\$85.00
Follow-up fire safety inspection to verify compliance with an inspection order issued as a result of fire code violations (Note: these fees shall be charged for any subsequent inspections beyond the initial follow up inspection)	\$70.00/hour
Fire Safety Plan Review (Note: This fee shall be charged for any subsequent reviews required beyond the initial review, at the inspector's discretion)	\$85.00 per review after the first review
Automatic Aid Agreement Response Fees (Note: These fees shall be charges to any municipality that has entered into an automatic aid agreement with Niagara-on-the-Lake)	\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour)
Fire Safety Training (Note: Providing fire safety training to a group of up to 20 people)	\$80.00/hour
Fire Extinguisher Training (Note: Providing fire extinguisher training to a group of up to 20 people)	\$80.00/hour
Smoke Alarm Recovery Cost (Note: Recovery of the cost of a Smoke Alarm when one or more is left to bring a building into compliance with the Ontario Fire Code)	\$15.00/each
Carbon Monoxide Alarm Recovery Cost (Note: Recovery of the cost of a Carbon Monoxide Alarm when one or more is left to bring a building into compliance with the Ontario Fire Code)	\$30.00/each

<p>Preventable False Alarm Responses (Note: This fee is chargeable to the owner of the property at which the alarm was activated, as defined in Section 1 of the Ontario Fire Code, O. Reg. 213/07 as amended, for every third and subsequent occurrence in a 12 month period, where fire department vehicles are dispatched, and it is determined by the fire department that the response was due to an a Preventable False Alarm. Charges for a Preventable False Alarm may or may not applied at the discretion of the Fire Chief)</p>	<p>\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour)</p>
<p>Malicious Act Responses (Note: This fee is chargeable to the owner of the property at which the alarm was activated, as defined in Section 1 of the Ontario Fire Code, O. Reg. 213/07 as amended, for any Malicious Act where fire department vehicles are dispatched, and it is determined by the fire department that the response was due to an a Malicious Act. Charges for a Malicious Act may or may not applied at the discretion of the Fire Chief)</p>	<p>\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour)</p>
<p>Response due to failure to notify (Note: This fee is chargeable to the owner of the property at which the alarm was activated, as defined in Section 1 of the Ontario Fire Code, O. Reg. 213/07 as amended, for each occurrence where fire department vehicles are dispatched to an activated fire alarm where it is determined by the fire department that the alarm was caused by either a test or repairs to the alarm system where the owner failed to notify their alarm system and/or the fire department. Charges for a response due to failure to notify may or may not applied at the discretion of the Fire Chief)</p>	<p>\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour)</p>
<p>Standby Charges (Note: This fee is charged when fire department vehicles and crews are requested to provide standby. The standby requests may include, but are not limited to, standing by at special events, providing standby for businesses or standing by at events that require rescue teams to be present)</p>	<p>\$300.00/hour/vehicle</p>
<p>MTO billing for vehicle accidents and fires on provincial highways (Note: This fee is chargeable to the Ministry of Transportation for all vehicle-accident or fire related fire department services that occur on provincial highways)</p>	<p>\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour) *Maximum of 3 vehicles *rate is set by the MTO</p>
<p>Fire Department response to a natural gas incident (Note: This fee is chargeable where the fire department determines that a natural gas incident has been caused directly by a person or company, who has failed to take reasonable precautions including getting a locate and following proper guidelines regarding digging around locates. Charges for a response due to natural gas incidents may or may not applied at the discretion of the Fire Chief)</p>	<p>\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour)</p>
<p>Fire Department Response to Open Air Burns (Note: For each staffed fire department vehicle in attendance at an unauthorized open-air burn or an open-air burn that is being conducted in contravention of the guidelines. Charges for a response due to open air burn may or may not be applied at the discretion of the Fire Chief)</p>	<p>\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour)</p>
<p>Copy of fire inspection report/compliance letter/insurance company report (Note: Copies of inspection reports and/or fire code compliance letters that are provided to property owners or insurance companies upon request)</p>	<p>\$120.00</p>
<p>Copy of fire response incident report/insurance company report (Note: Copies of fire department response reports that</p>	<p>\$120.00</p>

are provided to property owners or insurance companies upon request)	
Property file search (Note: Search of property files for information such as previous fire code violations, outstanding work orders and retrofit requirement compliance)	\$120.00
Liquor license letter (Note: Agency letter for liquor license application)	\$120.00
Special Occasion Permit Letters (Note: Agency letter for special occasion permit application)	\$37.00
Review of Level 1 (Basic) propane storage risk safety management plan	\$120.00
Review of Level 2 (complex) propane storage risk safety management plan (Note: This fee shall apply where the Fire Department is requested to review and/or approve a level 1 or 2 "Risk Safety Management Plan" as part of an application to the TSSA for a license to store propane)	\$70.00/hour
Hazardous Materials Spills (Note: Niagara-on-the-Lake Fire & Emergency Services will recover actual costs for consumable materials, in addition to the hourly cost of fire department response for any response involving the containment or clean-up of a hazardous materials spill. The cost will be billed to the owner of the pollutant or the person having control of the pollutant)	\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour) Plus actual cost of consumable materials
Illicit Drug Labs and/or Marijuana Grow Operations (Note: Niagara-on-the-Lake Fire & Emergency Services will recover actual costs for consumable materials, in addition to the hourly cost of fire department response (\$477.00/hour per truck for the first hour with a one hour minimum and \$238.50/truck every half-hour thereafter) for any response involving the response to an illicit drug lab and/or marijuana grow operation)	\$485.00/hour/vehicle (1st hour) \$242.50/half hour/vehicle (each additional 1/2 hour) Plus actual cost of consumable materials
Additional Fire Department Expenses (Note: The owner of a property shall be responsible for the actual costs required to retain a private contractor or rent special equipment in order to preserve property or evidence or eliminate an emergency or risk. Examples include, but are not limited to, renting heavy machinery such as excavators, contracting security services to protect property or contracting the clean-up of hazardous materials or dangerous goods. Additional expenses that may be required to bring a fire under control that may be recovered as part of this by-law include the use of firefighting foam and dry chemical extinguishing devices)	Actual Costs

SCHEDULE "D"
BY-LAW NO. 5244-20

NIAGARA-ON-THE-LAKE FIRE AND EMERGENCY SERVICES
VOLUNTEER FIREFIGHTER TERMS AND CONDITIONS OF EMPLOYMENT

1. Volunteer Firefighter Employment

1.1. The employment of Volunteer Firefighters shall be governed by the Employment Standards Act, 2000, S.O. 2000, c.41, as amended, and the Ontario Human Rights Code, RSO 1990, c H.19, as amended.

2. Eligibility for Employment

2.1. Every applicant applying to become a Volunteer Firefighter shall:

- a) Be at least 18 years of age;
- b) Complete and successfully pass all written, verbal and/or physical examinations suitable to the Fire Chief;
- c) Be in good health.
- d) Possess and demonstrate to the satisfaction of the Fire Chief the ability to safely endure the physical demands typically required for structural fire fighting, including such psychomotor skills used for lifting, climbing, dragging, carrying, pulling and crawling in unfavourable conditions in any meteorological environment;
- e) Work and/or reside within such reasonable proximity to the Fire Department in order to respond to the fire station when called so as to efficiently and effectively attend emergency and non-emergency alarms in a timely fashion, suitable to the satisfaction of the Fire Chief;
- f) Have the ability to meet or exceed the minimum attendance requirements for emergencies calls, in accordance with the current "Attendance Policy".
- g) Have the ability to meet or exceed the minimum attendance requirements for firefighter training, in accordance with the current "Attendance Policy".
- h) Be willing and able to obtain a valid Ontario Class D, driver's permit and once employed continually maintain the same and complete and maintain an air brake endorsement;
- i) Satisfy any other conditions deemed necessary by the Fire Chief.

2.2. Applicants deemed to meet the above set out criteria may be provided a conditional offer of employment subject to:

- a) Successful completion of the Candidate Physical Ability Test to the satisfaction of the Fire Chief.
- b) A medical certificate of good health from a medical practitioner suitable to the Fire Chief.
- c) Proof through certified instrument acceptable to the Fire Chief a record free of any and all convictions for an offence or offences under the Criminal Code of Canada for which they have not received a pardon and once employed maintain same or be subject to dismissal.
- d) Receipt of a satisfactory driver's abstract

e) Any other conditions deemed necessary by the Fire Chief

2.3. If a member in receipt of a conditional offer fails any such training or examinations, fails to perform his or her prescribed duties or does not meet minimum attendance requirements, the Fire Chief may dismiss said member pursuant to the Town's corporate policy and procedures.

2.4. Upon completion of the conditional offer to the satisfaction of the Fire Chief, the Fire Chief may appoint the qualified person as a Firefighter for the Niagara-on-the-Lake Fire and Emergency Services, subject to the hiring policies of the Town.

3. Auxiliary Firefighters

3.1. All new members appointed as qualified Firefighters for the Niagara-on-the-Lake Fire & Emergency Services shall join as unpaid Auxiliary Firefighters. Direction regarding the use and responsibility of Auxiliary Firefighters shall be in accordance with the current "Auxiliary Firefighter Policy".

4. Probation

4.1. Every Volunteer Firefighter shall be subject to a probation period of no more than 12 months following the appointment to qualified Firefighter, by the Fire Chief.

4.2. At the discretion of the Fire Chief, the employment of a Firefighter may be terminated without cause at any time during the 12-month probation period

5. Remuneration

5.1. The rate of remuneration for each Volunteer Firefighter shall be in accordance with the most current "Niagara-on-the-Lake Fire & Emergency Services "Compensation Policy" attached hereto.

6. Resignation and Retirements

6.1. Volunteer Firefighters wishing to resign or retire shall be completed in accordance with the most current "Resignation & Retirement Policy".

6.2. Volunteers shall be subject to mandatory retirements in accordance with the most current "Mandatory Retirement Policy".

7. Promotions

7.1. When a Volunteer Firefighter Officer position becomes vacant within a station, the promotional process shall be conducted in accordance with the current "Promotional Policy".

8. Transfers

8.1. A Volunteer Firefighter may request or be requested, at the direction of the Fire Chief, to transfer stations at anytime. Transfers within the Department to a different station shall be conducted in accordance with the current "Transfer Policy" attached hereto.

9. General Duties and Responsibilities

9.1. Members shall conduct themselves in accordance with the rules and regulations of the Fire Department and shall give their whole and undivided attention, while on duty, to efficient operation of the Fire Department and shall diligently and faithfully perform the duties assigned to them to the best of their ability.

10. Discipline and Suspension of members

- 10.1. The Fire Chief 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, policies, standard operating guidelines, procedures, department rules or regulations that, in the option of the Fire Chief, would be detrimental to discipline or the efficiency of the fire department.

11. Termination

- 11.1. The procedures for termination of employment shall be in accordance with the Corporations prescribed Personnel Policies

12. Leave of Absence

- 12.1. Volunteer Firefighters shall be entitled to all statutory unpaid leaves of absence to which they are entitled under the provisions of the Employment Standards Act, 2000.

13. Workplace Safety and Insurance Board Coverage

- 13.1. For the purposes of the Workplace Safety and Insurance Act, 1997, and the regulations enacted thereunder, Volunteer Firefighters and Auxiliary Members of the Fire Department shall be considered workers as defined by the Act, and the Corporation shall be the deemed employer in respect of Workplace Safety and Insurance Board coverage for members of municipal volunteer fire brigades.
- 13.2. The Niagara-on-the-Lake Fire and Emergency Services shall enact and maintain a Joint Health and Safety Committee, as required by the Occupational Health & Safety Act, which will operate in accordance with the Joint Health and Safety Committee Terms of Reference.