

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

BY-LAW NO. 2022-18

BEING A BY-LAW TO ESTABLISH A FIRE DEPARTMENT WITHIN THE MUNICIPALITY OF KILLARNEY AND TO REPEAL BY-LAW NOS. 2010-23 & 2020-13

WHEREAS the Municipal Act, S.O. 2001 c. 25 as amended, and the Fire Protection and Prevention Act, 1997, R.S.O 2003, c.4 as amended, permits the Council to enact a by-law to establish and regulate a fire department;

NOW THEREFORE the Council of the Corporation of the Municipality of Killarney **ENACTS AS FOLLOWS:**

1. In this by-law, unless the context otherwise requires:
 - a) “**Approved**” means approval by the *Council*;
 - b) “**Clerk Treasurer**” means the person appointed by *Council* to act as *Clerk Treasurer* for the Corporation;
 - c) “**Company**” means a complement of *Fire Department* personnel operating one or more pieces of apparatus or equipment;
 - d) “**Corporation**” means the Corporation of the Municipality of Killarney;
 - e) “**Council**” means the Council of the Municipality of Killarney;
 - f) “**Deemed**” means determined by the first arriving *company*;
 - g) “**Deputy Chief**” means the person 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 *Fire Chief*;
 - h) “**Fire Chief**” means the person appointed by *Council* to act as *fire chief* for the *Corporation*;
 - i) “**Fire Department**” means the Municipality of Killarney Volunteer Fire Department;
 - j) “**Fire Protection Services**” includes fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all those services;
 - k) “**Firefighter**” means a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance.
2. A fire department for the Municipality of Killarney to be known as the Municipality of Killarney Volunteer Fire Department is hereby established and the head of the *fire department* shall be known as the *fire chief*.
3. The *fire department* shall be structured in conformance with the approved Organizational Chart, Appendix “A”, forming part of this by-law.
4. In addition to the *fire chief*, the *council* may appoint a *deputy chief* and such number of other officers and members as may be considered necessary by the *council*.
5. The *fire chief* may recommend to the *council* the appointment of any qualified person as a *member* of the *fire department*, subject to the approved hiring policies of the Municipality of Killarney.

6. Persons appointed as members of the *fire department* to provide *fire protection services* shall be on probation for a period of 6 months, during which period they shall take such special training and examination as required by the *fire chief*.
7. If a probationary *member* appointed to provide *fire protection services* fails any such examinations, the *fire chief* may recommend to the *council* that he/she be dismissed.
8. The remuneration of the volunteer *members* shall be as determined by the *council*.
9. A satisfactory medical examination will be required to be submitted to the Chief of the Fire Department prior to the volunteer's recommendation by the Chief to Council. The volunteer may also be subject to an annual medical and/or at such times as the Chief of the Department may require.
10. If a medical examiner finds a member is physically unfit to perform assigned duties and such condition is attributed to, and a result of employment in the *fire department*, *council* may assign the member to other employment in the *fire department* or may retire him/her.
11. The *fire chief* is responsible to *council*, through the *clerk treasurer*, for proper administration and operation of the *fire department* including all *fire department* functions and programs.
12. The *fire chief* shall implement all approved policies and shall develop such standard operating procedures and 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 personnel and fire department equipment.
13. The *fire chief* shall review periodically all policies, orders, rules and operating procedures of the *fire department* and may establish an advisory committee consisting of such members of the *fire department* as the *fire chief* may determine from time to time to assist in these duties.
14. The *fire chief* shall submit to the *clerk treasurer* and *council* for approval, the annual budget estimates for the *fire department*, an annual report and any other specific reports requested by the *clerk treasurer* or *council*.
15. Each division of the *fire department* is the responsibility of the *fire chief* and is under the direction of the *fire chief* or a member designated by the *fire chief*. Designated members shall report to the *fire chief* on divisions and activities under their supervision and shall carry out all orders of the *fire chief*.
16. Where the *fire chief* designates a *member* to act in the place of an officer in the *fire department*, such *member*, when so acting, has all of the powers and shall perform all duties of the officer replaced.
17. The *fire chief* may reprimand, suspend or recommend dismissal of any *member* or infraction of any provisions of this by-law, policies, general orders and departmental rules that, in the opinion of the *fire chief*, would be detrimental to discipline or the efficiency of the *fire department*.
18. Following the suspension of a member, the *fire chief* shall immediately report, in writing, the suspension and recommendation to the *clerk treasurer* and *council*.
19. A *fire fighter* shall not be dismissed without the opportunity for review of termination if he/she makes a written request for such a review within seven working days after receiving notification of the proposed dismissal. A person appointed by the Municipality who is not employed in the *fire department*, shall conduct the review.

20. The *fire chief* shall take all proper measures for the prevention, control and extinguishment of fires and the protection of life and property 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 of accident, when unable to contact the property owner;
 - c) recovery of expenses incurred by such necessary actions for the Corporation in the manner provided through the Municipal Act and the Fire Protection and Prevention Act.
 - d) for purposes of determining the origin, cause, or circumstances of any fire or explosion, if it is deemed necessary to retain a private contractor, rent/lease heavy and or specialized equipment, specialized services, and associated persons then those costs may be billed to the property owner and collected by the municipality by means as determined.
21. The *fire department* shall not respond to a call with respect to fire or emergency outside the limits of the municipality except with respect to a fire or emergency:
- a) that, in the opinion of the *fire chief* or designate of the *fire 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 *approved* agreement has been entered into to provide *fire protection services* which may include automatic aid;
 - c) on property with which any *approved* agreement has been entered into with any person or corporation to provide *fire protection services*;
 - d) at the discretion of the *fire chief*, to a municipality authorized to participate in any county, district or regional mutual aid plan established by a fire co-ordinator appointed by the Fire Marshal or any other similar reciprocal plan or program;
 - e) 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.
22. THAT By-law Nos. 2010-23 & 2020-13 and any by-laws inconsistent with this by-law are hereby repealed.

READ A FIRST TIME, CONSIDERED READ A SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 13TH DAY OF APRIL, 2022.

ORIGINAL DOCUMENT SIGNED

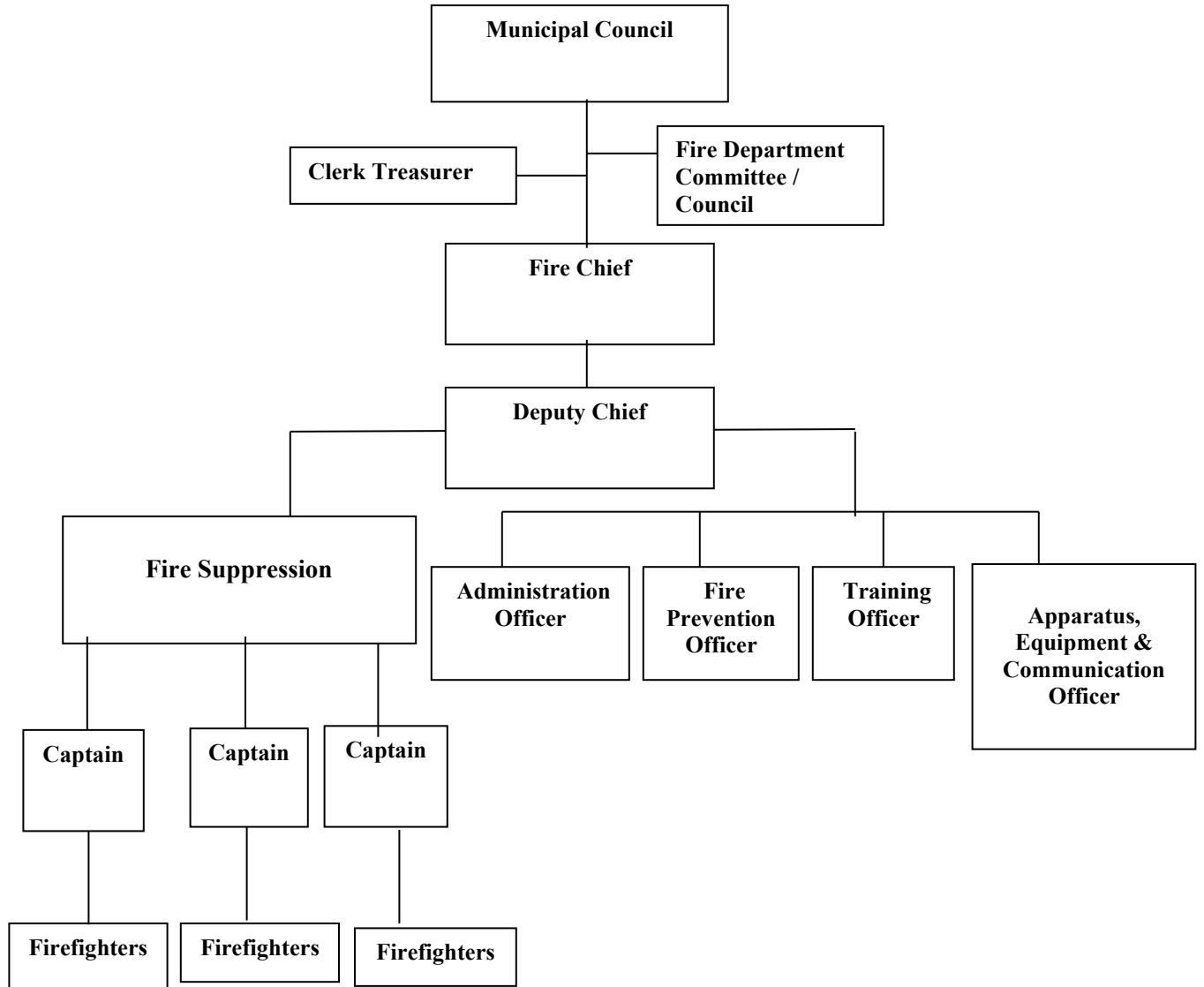
Nancy Wirtz, Mayor

ORIGINAL DOCUMENT SIGNED

Candy Beauvais, Clerk-Treasurer

Appendix "A"
By-Law No. 2022-18

**The Corporation of the Municipality of Killarney
Organizational Chart**



**Appendix “B”
By-Law No. 2022-18**

MISSION STATEMENT

The primary mission of the Killarney Volunteer Fire Department is to provide a range of programs to protect the lives and property of the inhabitants of the Municipality of Killarney from adverse effects of fires or exposure to dangerous conditions created by man or nature. These programs include, but are not limited to, fire prevention, fire safety education, rescue and fire suppression services.

PRIMARY GOALS OF THE FIRE DEPARTMENT

The goal of the Killarney Volunteer Fire Department is to provide fire protection and prevention services through a range of programs. These programs are designed to protect the lives and property of the inhabitants from the adverse effects of fires, or exposure to dangerous conditions created by man or nature. The order of priority is first to their municipality; second, to those municipalities requiring assistance through authorized Mutual Aid activities; and third, to those municipalities that are provided fire protection by the *fire department* via authorized agreement.

Primary objectives of the fire department

In order to achieve the goal of the *fire department*, necessary funding must be in place and the following objectives met:

1. Identify and review the *fire protection services* requirements of the municipality.
2. Provide an administrative process consistent with the needs of the department.
3. Endeavour to ensure that fire fighting equipment and adequate personnel are available within the municipality to provide an uninterrupted response to a citizen's call within the department's jurisdiction, on a 24 hours/day, seven-days/week basis.
4. Provide departmental training to an accepted standard, which will ensure the continuous upgrading of all personnel in the latest techniques of fire prevention, fire fighting and control of emergency situations and to co-operate with other departments of the *corporation* with respect to management training and other programs.
5. Provide a maintenance program to ensure all fire protection apparatus, including allied equipment, is ready to respond to emergency calls.
6. Provide and maintain an effective fire prevention and public fire safety education program to ensure compliance with applicable municipal, provincial and federal fire prevention legislation and to reduce and/or eliminate fire hazards.
7. Ensure that in the event of a major catastrophe in the municipality, assistance to cope with the situation is available from outside departments and other agencies.
8. Develop and maintain a good working relationship with all federal, provincial and municipal departments, utilities and agencies, related to the protection of life and property.
9. Interact with other departments of the *corporation* respecting the aspects of fire on any given program.
10. Ensure these objectives are not in conflict with any other department of the *corporation*.

**Appendix “C”
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FIRE PREVENTION POLICY

General

The Fire Protection and Prevention Act, 1997, Section 2(1) states:

1. Every municipality shall:
 - a. Establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and
 - b. Provide other fire protection services as it determines may be necessary in accordance with its needs and circumstances.

Therefore, as a minimum accepted model, the municipality should provide the services listed below:

1. a smoke alarm program with home escape planning
2. fire safety education material distributed to residents/occupants.
3. fire safety inspections of occupancies: upon complaint or when requested to assist with code compliance (to include follow-up and enforcement as necessary).
4. simplified risk assessment.

Depending on periodic risk assessments, additional services may be required to meet the needs and circumstances of the municipality. Since the municipality must be able to demonstrate that they can meet their needs and circumstances, prevention programs under this policy should be measured to ensure effectiveness. This shall be the responsibility of the *fire chief*.

Upon request, copies of this policy are available for the public through the *fire department*.

Annual Smoke Alarm Program

The objective of the smoke alarm program is to ensure that every residential occupancy in the municipality has a working smoke alarm and that residents understand the need for home escape planning. Activities to help achieve this goal include:

- Distribution of pamphlets or other education material
- Instruction to residents regarding smoke alarms
- Providing a program for senior residents to acquire smoke alarms for a reduced or no cost
- Providing advice on the installation of smoke alarms
- Inspection requests – from residents to determine compliance with the smoke alarm provisions of the Fire Code or any municipal by-law related to fire safety.

Annual Public Education Programs

The *fire chief* and the *fire department members* will provide a variety of fire prevention education programs for the municipality’s population. Priority will be given to those groups/ segments of the municipality that are at the greatest risk. Presently, those groups are children, seniors and others as per risk assessment.

Fire safety education material may be distributed to residents/occupants by any combination of the following activities:

- Distribution of pamphlets or other education material
- Public service announcements utilizing available media
- Instruction to residents/occupants on fire safety matters (for example, presentations to community groups such as seniors, child caregivers, etc.)

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Public fire safety education material will address such issues as preventing fire occurrence, planning to escape from fire, being prepared to deal with a fire incident and the importance of smoke alarms.

The Public may also request tours of the fire station and the *fire chief* will make arrangements and assign personnel to conduct the tours.

Inspections

Fire Inspection Practices by Request and Complaint:

It is the policy of the *fire department* to conduct or arrange for fire prevention/safety inspection of occupancies upon request or complaint to assess the occupant/owner's compliance with the Fire Code. Any inspection must include notification of the property owner or responsible party. There is to be adequate and confidential records keeping. Appropriate follow-up and enforcement as necessary.

Fire Safety Inspection Program

- Complete a fire inspection of all hotels & motels of our municipality at least once every two years and receive confirmation of safety systems certification annually.
- Complete a fire inspection of all schools at least once every two years and receive confirmation of safety systems certification annually.
- Complete a fire inspection of all restaurants once every two years and receive confirmation of safety systems certification annually.
- Complete a fire inspection of all religious establishments and apartments (3+ units) at least once every three years and receive confirmation of safety systems certification annually.
- Complete a fire inspection of all commercial & industrial establishments at least once every four years and receive confirmation of safety systems certification annually.
- Complete a fire inspection and witness an approved fire drill annually for every care occupancy, care and treatment occupancy and retirement home as per Fire Marshal Directive 2014-002
 - Upon completion of the fire inspection and the witnessing of the fire drill of an care occupancy, care and treatment occupancy and retirement home; file the prescribed information with the Fire Marshal as per Fire Marshal Directive 2014-001

Woodstoves

Woodstove inspections will be on a complaint basis only to determine whether or not an immediate fire threat exists. If a threat of fire exists, the inspector shall instruct the owner to extinguish the fire in the woodstove and avoid using the woodstove until it is inspected by a Wood Energy Technical Training (WETT) certified inspector to ensure it is compliant with the Ontario Fire Code.

Open Air Burning

Open Air Burning is only permitted according to the Ontario Fire Code and the municipal by-law which prescribes times for the setting of open-air burning fires.

Conclusion

This fire prevention policy provides for the participation of all *fire department members* in prevention and public education activities. It also addresses all types and frequency of inspections directed by *council*. This policy is intended as firm direction to the *fire chief* and the *fire department* and the public.

**Appendix “D”
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GEOGRAPHICAL AREA

GEOGRAPHIC AREA SERVICED

1) Killarney Village (proper)

The Killarney Volunteer Fire Department (KVFD) will respond if sufficient firefighters trained are available to fire calls pertaining to all permanent structures, motorized vehicles, tents, boats and tent trailers located within the village proper (including Perry Avenue) that are land based and accessible by a maintained road.

2) Up to Municipal Boundary sign on Hwy. 637

The Killarney Volunteer Fire Department will respond to fire calls pertaining to all permanent structures, motorized vehicles, tents, boats and tent trailers located within the George Lake Campground area and the Chikanishing Creek Access Point, the furthest response point being 15 km from the Fire Hall with the Pumper and Tanker. The furthest response point for the rescue vehicle will be no further than the Municipal Boundary sign on Hwy 637 that are accessible by a maintained road.

3) French River Fire Department

The Municipality of French River will, through an agreement, provide discretionary service and will dispatch equipment and fire fighters as promptly as possible to answer calls to fires within the limits of the Townships of Bigwood and Allen in the Municipality of Killarney.

The Fire Chief or Officer in Charge shall retain discretion to only respond to those fire calls within Bigwood and Allen, which are readily accessible to fire vehicles from Highway 69.

They will not respond to brush fires which are the responsibility of the Ministry of Natural Resources. They will respond to fire calls involving buildings or structures, vehicle fires and accidents, subject to the limitations outlined above.

4) Britt and Area Fire Department

The Britt Fire Department are responsible through an agreement for all structures in the Municipality of Killarney, south of the French River, north of the Key River and east and west of the highway that are accessible by a maintained road.

This includes the French River Heritage Centre and all future structures that would fall in this geographic area.

5) Ministry of Natural Resources

The Municipality and the Ministry agree to begin suppression of a fire in the Crown Protection Area or Municipal Protection when either party is the agency arriving first at the fire and costs associated with such action will not be applicable until the agency responsible for that area is notified of the fire and a request for a continued action is made.

The agreement is to suppress grass, brush and wildland fires. If the fire was heading towards a cottage, they may install a sprinkler system in an attempt to stop fire from spreading to the cottage. MNR would not action a cottage, as they are not trained in structural fires.

**Appendix “E”
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SCOPE OF EMERGENCY SERVICES PROVIDED

General

The Killarney Volunteer Fire Department provides LAND BASED services and provides fire suppression services to structural and non-structural fires that are accessible by a maintained road in the service area. Properties which are water access only will not receive suppression services.

Water crossings are not permitted due to municipal policy.

Services are intended to provide assistance for the protection of life and property and the welfare of the community, to the level of training and equipment of the *fire department*.

Provisions of services shall be commensurate with the emergency location and the accessibility of the location, as *deemed* appropriate by the first responding *company*, in their discretion.

With respect to the delivery of the described services it is the objective of the *fire department* to:

Rural Area: after receiving dispatch, have adequate resources to protect exposures and the spread of fire, minimum expectation would be exterior attack with no expected rescue component.

Rescue

Shall consist of:

- Vehicle extrication to the level of training and equipment available.
- Aircraft extrication to the level of training and equipment available.
- Where possible to carry out removal of victims from burning structures as rapidly as possible, given that each situation must be dealt with on the basis of its own unique circumstances taking into consideration available firefighter resources and equipment.
- Removal of victims from toxic atmospheres provided that such removal can be accomplished with the equipment and training carried on the fire apparatus.
- Shore based ice and water rescue to the level of training and equipment available.
- Assist other agencies if requested to effect rescues necessitated by natural or man-made disasters, falls from heights, lost and missing persons, vehicle accidents and similar occurrences.
- Interior fire suppression and/or search and rescue operations will only be provided if approved equipment and sufficiently trained firefighters are available on site.

Fire Suppression

Shall consist of:

- Suppression of structure fires and related outbuildings in areas ‘*deemed*’ accessible.
- Suppression of grass and wildland fires in areas ‘*deemed*’ accessible and subject to the agreement with the Ministry of Natural Resources in effect at that time.
- Protection of structures threatened by fire, in areas ‘*deemed*’ accessible.
- Suppression of vehicle fires within the limits on Hwy 637 corridor to municipal boundary sign and that are ‘*deemed*’ accessible.
- Suppression of aircraft fires to the level of training and equipment available.
- Suppression of fires involving non-structural property, provided said property is land based or attached to land such as boats in a marina.

- Mutual Aid requests if resources and equipment is available and it does not leave the village unprotected.
- Community Emergency Plan participation.
- Interior fire suppression and/or search and rescue operations will only be provided if approved equipment and sufficiently trained firefighters are available on site.

Hazardous Materials Incidents

- Team response to Hazardous Material Incidents shall be limited to the awareness level, level of training and equipment carried on the apparatus.