

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2016-24

A BY-LAW TO ESTABLISH AND REGULATE A FIRE DEPARTMENT

WHEREAS Section 2 of the *Fire Protection and Prevention Act* 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* authorizes the Council of a municipality to establish, maintain and operate a fire department to provide fire suppression services and other fire protection services in the municipality;

AND WHEREAS Sections 8 and 11 of the *Municipal Act* authorize 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* 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* 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* 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 Council of the Town of Lincoln deems it desirable, necessary and expedient to amend, consolidate, revise and update its by-law to establish and regulate a fire department for the Town of Lincoln;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law, unless the context otherwise requires:
 - (a) "Approved" means approved by Council.
 - (b) "Automatic Aid" means 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.

- (c) *"Auxiliary Member"* means 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.
- (d) *"Corporation"* means The Corporation of the Town of Lincoln.
- (e) *"Council"* means the Council of the Town of Lincoln.
- (f) *"Deputy Fire Chief"* means a person appointed by Council to act on behalf of the Fire Chief of the Fire Department in the case of absence or a vacancy in the office of the Fire Chief.
- (g) *"Emergency Management and Civil Protection Act"* means *Emergency Management and Civil Protection Act, 1990, S. O. 1990, c. E.9, as amended, and any successor legislation.*
- (h) *"Fire Chief"* means the person appointed by Council to act as fire chief for the Corporation and who is ultimately responsible to Council as set out in the *Fire Protection and Prevention Act.*
- (i) *"Fire Department"* means the fire department for the Town.
- (j) *"Fire Code"* means Ontario Regulation 213/07, as amended, and any successor regulation.
- (k) *"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.
- (l) *"Fire Protection and Prevention Act"* means the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and any successor legislation.*
- (m) *"Fire Protection Services"* includes 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.
- (n) *"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 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 conditions.
- (o) *"Junior Firefighter"* means a student between the age of 14 and 18 who is appointed by the Fire Chief to voluntarily take part in the Junior Firefighter Program.
- (p) *"Junior Firefighter Program"* means an Approved program to provide mentorship and engage youths in fire safety awareness activities.
- (q) *"Member"* means any person employed by, appointed to, or volunteering for the Fire Department and assigned to undertake Fire Protection Services, and includes Officers, full-time and Part-time Firefighters, Volunteer Firefighters, Auxiliary Members, Chaplains, and administrative staff.
- (r) *"Municipal Act"* means the *Municipal Act, 2001, S.O. 2001, c.25, as amended, and any successor legislation.*

- (s) *"Mutual Aid"* means 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.
- (t) *"Officer"* means Fire Chief, Deputy Fire Chief, District Chief, Chief Training Officer, Captain, Acting Captain, Training Officer, Fire Prevention Officer, and any person designated by the Fire Chief to supervise Firefighters.
- (u) *"Town"* means The Corporation of the Town of Lincoln.
- (v) *"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.

ESTABLISHMENT

- 2. A Fire Department for the Town of Lincoln to be known as Lincoln Fire Rescue and Emergency Services is hereby established, and the head of the Fire Department shall be known as the Fire Chief.

DEPARTMENT STRUCTURE

- 3. Council shall appoint a Fire Chief who shall be the highest ranking Officer and director of the Fire Department.
- 4. In addition to the Fire Chief, Council shall appoint a Deputy Fire Chief who shall report to the Fire Chief as the second highest ranking Officer 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.
- 5. In addition to the Fire Chief and Deputy Fire Chief, the Fire Department shall consist of Fire Prevention Officers, Inspectors, Fire Safety Educators, Officers, Volunteer Firefighters, and other Members as deemed necessary and appointed by the Fire Chief to provide Fire Protection Services.
- 6. 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.
- 7. Working conditions, remuneration, and procedures for termination of employment for Firefighters other than Volunteer Firefighters shall be determined by Council in conformance with the provisions of Part IX of the *Fire Protection and Prevention Act*.

APPROVED SERVICES AND PROGRAMS

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

LIMITED SERVICE

- 9. 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 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.

10. The Corporation shall accept no liability for the provision of a Limited Service by the Fire Department as reasonably necessary.

RESPONSES OUTSIDE THE LIMITS OF THE MUNICIPALITY

11. The Fire Department shall not respond outside the limits of the municipality except with respect to a fire, rescue or emergency:
 - (a) 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;
 - (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 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 any county, district or regional mutual aid plan established by a fire coordinator appointed by the Fire Marshal or any other similar reciprocal plan or program; or
 - (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.

FIRE CHIEF RESPONSIBILITIES AND AUTHORITY

12. The Fire Chief shall be ultimately 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.
13. 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.
14. Without limiting the generality of the foregoing, the Fire Chief shall be authorized and responsible for:
 - (a) 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.
 - (b) 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*.
 - (c) 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.

- (d) 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.
- (e) Recommending to Council amendments to this by-law, or any other by-law of the Corporation, that the Fire Chief considers relevant and appropriate.
- (f) 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.
- (g) 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.
- (h) Arranging for the provision and allotment of strategic staffing and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department.
- (i) The proper care and protection of all Fire Department property.
- (j) 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.
- (k) Determining and establishing the qualifications and criteria for employment or appointment, and the duties and responsibilities of all Members of the Fire Department.
- (l) Appointment, subject to Approved hiring policies, of any qualified person as a Member of the Fire Department.
- (m) The conduct and discipline of all Members of the Fire Department, including disciplinary actions as required which may range from reprimand to dismissal.
- (n) 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.
- (o) Enforcement of the Fire Code, reporting all fires to the Fire Marshal, and complying with all Fire Marshal's directives as mandated by the *Fire Protection and Prevention Act*.
- (p) 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.
- (q) 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.

- (r) Preparing and submitting annual budget estimates for approval by Council, and effectively administering, monitoring, and controlling the Fire Department operating and capital budgets.
- 15. The Fire Chief shall be responsible for coordinating the Town of Lincoln Emergency Management Program, and assisting with the preparation, implementation, and maintenance of the municipal Emergency Plan pursuant to the *Emergency Management and Civil Protection Act*.
- 16. 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.

POWERS

- 17. 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.
- 18. Without limiting the generality of the foregoing, the Fire Chief and his/her designates shall be empowered and authorized to carry out the following:
 - (a) Enforcement of all municipal by-laws in respect of fire safety and fire prevention.
 - (b) Pulling down or demolishing any building or structure when necessary to prevent the spread of fire.
 - (c) 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.
 - (d) 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*.
 - (e) Taking any and all steps as set out in Parts V, VI and VII of the *Fire Protection and Prevention Act*.
- 19. As set out in the *Fire Protection and Prevention Act*, 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 may be set out in the delegation, and such Officer or Member so delegated shall have all the powers and shall perform all duties as delegated.

RECOVERY OF COSTS

- 20. 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 the for taking such actions from the owner of the property on which the fire or other emergency occurred.

21. 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 fees prescribed by the applicable Fees and Charges By-law of the Corporation from time to time.
22. A fee imposed upon a person under this by-law, including any interest, penalty charges and costs of collection, constitutes a debt of the person to the Corporation, and a person who is charged a fee under this by-law and fails to pay the fee within thirty days of receipt of an invoice shall be charged interest in accordance with the applicable Fees and Charges By-law of the Corporation.
23. If a property owner who is charged a fee under this by-law fails to pay the fee within ninety days of receipt of an invoice, the Corporation may add the fee, including penalty and interest, to the tax roll for any real property in the Town of Lincoln registered in the name of the owner and collect the fee, including penalty and interest, in like manner as municipal taxes.

VOLUNTEER FIREFIGHTER EMPLOYMENT

24. 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.
25. The employment of Volunteer Firefighters shall be governed by the Volunteer Firefighter Terms and Conditions of Employment as set out in Schedule "C" attached hereto and forming part of this by-law.

JUNIOR FIREFIGHTER PROGRAM

26. The Fire Chief may establish a Junior Firefighter Program to promote fire safety in youth, and to provide mentorship and guidance to those who may have an interest or career aspirations in the fire service.
27. To be eligible for appointment as a Junior Firefighter, candidates shall:
 - (a) Be between the ages of 14 and 18;
 - (b) Be attending high school and able to meet and maintain the academic and attendance expectations mutually agreed upon by the Junior Firefighter, his or her parents or legal guardian, his or her school, and the Fire Chief;
 - (c) Provide written permission and a signed waiver that indemnifies and releases the Corporation from liability from a parent or legal guardian to participate in the Junior Firefighter Program.
28. Acceptance as a Junior Firefighter shall be subject to the discretion of the Fire Chief. Junior Firefighter status may be revoked at any time at the discretion of the Fire Chief.
29. Junior Firefighters shall be subject to a six (6) month probation period, which may be extended at the discretion of the Fire Chief.
30. Junior Firefighters may attend training exercises at the discretion of the Fire Chief, subject to the terms and conditions of the training organization.
31. Junior Firefighters are not eligible for remuneration.

32. Junior Firefighters shall comply with all terms and conditions of the Junior Firefighter Program as established by the Fire Chief, all applicable policies of the Corporation, and all policies, procedures, operating guidelines, general orders, directives, and rules of the Fire Department.
33. Junior Firefighters shall be supervised by a competent Fire Department supervisor at all times while participating in the Junior Firefighter Program.
34. Junior Firefighters shall not be permitted to enter any Immediately Dangerous to Life or Health (IDLH) area or environment at any time.
35. Junior Firefighters shall not operate any Fire Department vehicle.

OBSTRUCTION

36. 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*.

OFFENCES

37. 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*, R.S.O. 1990, c. P.33, as may be amended from time to time, and any successor legislation.

SEVERABILITY

38. Should a court of competent jurisdiction find any section or provision, or part thereof, of this by-law to be invalid or to be of no force and effect, such section or provision or part thereof shall be deemed to be severable, and all other sections or provisions or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.

REPEAL

39. By-law No. 07-38, as amended, of the Corporation of the Town of Lincoln be and is hereby repealed.
40. Notwithstanding Section 39, the appointments of the Fire Chief, the Deputy Fire Chief, and all other Members of the Fire Department who were appointed under the provisions of By-Law No. 07-38, that existed and were in effect on the day on which the by-law was repealed shall survive and remain in force and effect after the by-law is repealed.

FORCE AND EFFECT


41. This By-law shall come into force and effect on the day on which it is passed.

BY-LAW read a FIRST time this 4th day of April, 2016.

BY-LAW read a SECOND time this 4th day of April, 2016.

BY-LAW read a THIRD time and FINALLY PASSED this 4th day of April, 2016.

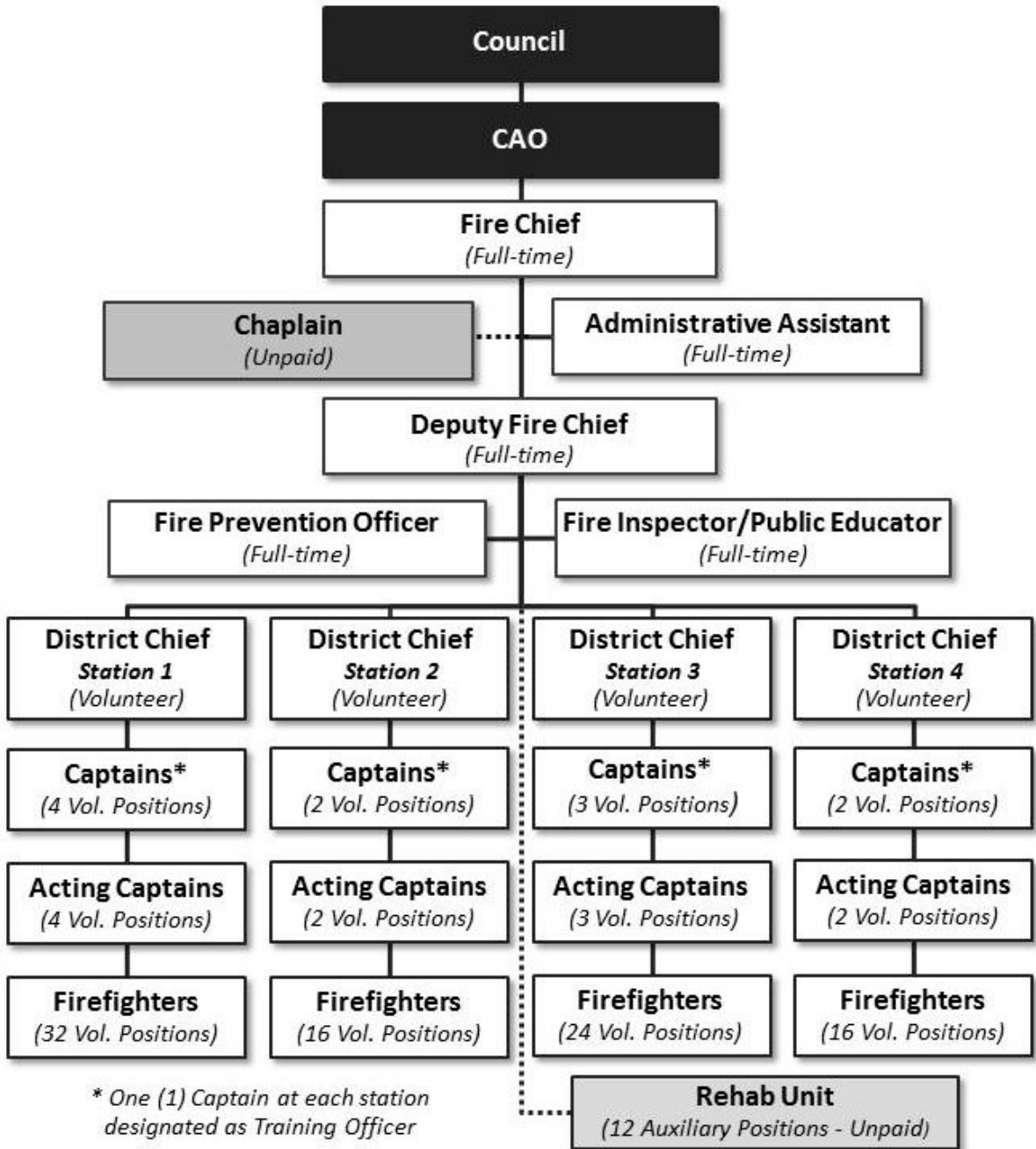

MAYOR: SANDRA EASTON


CLERK: WILLIAM J. KOLASA

Schedule "A"
By-Law No. 2016-24

LINCOLN FIRE RESCUE AND EMERGENCY SERVICES
FIRE DEPARTMENT ORGANIZATIONAL CHART

The Fire Department shall be structured in conformance with the following Fire Department Organizational Chart:



**Schedule “B”
By-Law No. 2016-24**

**LINCOLN FIRE RESCUE & EMERGENCY SERVICES
APPROVED SERVICES AND PROGRAMS**

The 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, 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.

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 fireground;
 - iv. Reliable water supply with adequate flow can be sustained;
 - v. Adequate fireground supervision and support is provided.

(b) *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 fireground;
 - iv. Reliable water supply with adequate flow can be sustained;
 - v. Adequate fireground supervision and support is provided

(c) *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 and best efforts shall be exercised to conform to NFPA 1142, *Standard on Water Supplies for Suburban and Rural Fire Fighting*.
- The Fire Department shall maintain Superior Tanker Shuttle Service accreditation by Fire Underwriters Survey or other recognized accreditation body.

B.1.4 Vehicle Firefighting Services:

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

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

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

B.1.6 Marine Firefighting Services:

- Marine firefighting service shall be limited to shore-based, defensive firefighting operations only.

B.1.7 Automatic Aid Response Services:

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

B.1.8 Mutual Aid Response Services:

- 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*.

B.1.9 Tiered Medical Assistance Services:

- 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 Lincoln.
- Service shall be provided in accordance with the Niagara Regional Volunteer Firefighter Defibrillation Program.

B.1.10 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.1.11 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.1.12 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.1.13 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.1.14 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.
- B.1.15 Vehicle Extrication Services:
- 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*.
- B.1.16 Transportation Incidents involving Vehicles, Trains, 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.1.17 Highway Incident Services:
- Fire Protection Services shall be provided to the Queen Elizabeth Way and other provincial highways.
 - Costs associated with Fire Department response to provincial highways shall be recovered in accordance with applicable provincial fire service agreements.
- B.1.18 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.
 - Notwithstanding the foregoing, the Fire Chief shall be authorized to designate one or more Firefighters to participate in the Niagara Region Chemical, Biological, Radiological, Nuclear and Explosive (CBRNE) Response Team, and to train to and to operate at the NFPA 472 Technician Level while deployed to CBRNE incidents in conjunction with the regional response team under the provisions of an Approved mutual aid or fire services agreement.

- B.1.19 Water and Ice Rescue Services:
- (a) *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.
 - (b) *Swift Water Rescue* – Service shall be provided at the Technician Level in accordance with the NFPA 1670 standard.
 - (c) *Ice Rescue* – Service shall be provided at the Technician Level in accordance with the NFPA 1670 standard.
 - (d) *Dive rescue* – Service shall be provided at the Awareness Level only in accordance with the NFPA 1670 standard.
 - (e) 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.
- B.1.20 Urban Search and Rescue Services:
- 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*.
 - 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.
- B.1.21 Rope Rescue Services:
- Rope rescue services, such as high-angle and 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 Operations or Technician Levels shall not be provided by the Fire Department.
- B.1.22 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.1.23 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.1.24 Cave, Mine, and Tunnel 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*.
 - Cave, mine, and tunnel rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.

- B.1.25 Farm and Silo Rescue Services:
 - Fire Department response to farm and silo rescue incidents that involve a rope rescue and/or a confined space rescue component shall be limited to providing such technical rescue services at the Awareness Level in accordance with the NFPA 1670 standard.
 - Farm and silo rescue incidents requiring rope rescue and/or confined space rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.

- B.1.26 Industrial and Machinery Rescue Services:
 - Service shall be provided at the Technician Level in accordance with NFPA 1670, *Standard for Operations and Training for Technical Search and Rescue Incidents*.

- B.1.27 Community Emergency Plan Response Services:
 - Service shall be provided in accordance with the Approved Town of Lincoln Emergency Management Program.

- B.1.28 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.

- 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 Pre-Incident Planning Services:
 - Pre-incident plans shall be developed and maintained in accordance with NFPA 1620, *Standard for Pre-Incident Planning*.
- B.3.2 Community Emergency Management Planning Services:
 - Collaborating with the development, review, revision, and implementation of the Approved Town of Lincoln Emergency Plan.

B.4 Fire Department Administration

- B.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.

- B.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.
- B.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.45, as amended, or successor legislation.
- B.4.4 Department Human Resources Services:
- (a) Recruitment, selection, promotion, and retention of staff.
 - (b) Performance evaluation.
 - (c) Career development.
 - (d) Job classifications.
 - (e) Discipline.
- B.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.
- B.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 program.
 - (d) Establishing a Designated Officer with respect to communicable disease regulations.
- B.4.5 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.

B.5 Communications

B.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.

B.5.2 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.6 Training and Education

B.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 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 inspectors that conforms to NFPA 1031, *Standard for Professional Qualifications for Fire Inspector and Plan Examiners*.
- (f) Providing a training program for fire investigations that conforms to NFPA 1033, *Standard for Professional Qualifications for Fire Investigators*.
- (g) 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, and Juvenile Firesetter Intervention Specialist*.
- (h) Providing a training program for fire service instructors and training officers that conforms to NFPA 1041, *Standard for Fire Service Instructor Professional Qualifications*.
- (i) Providing a training program for incident safety officers that conforms to NFPA 1521, *Standard for Fire Department Safety Officer Professional Qualifications*.

B.6.2 Providing Access to Training Facilities:

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

- B.6.3 Providing Station Training:
 - (a) Delivering curriculum specific to operational and strategic needs.
 - (b) Providing supervisory training drills.
- B.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.
- B.7 Maintenance**
- B.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.
- B.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. 2016-24

LINCOLN FIRE RESCUE & EMERGENCY SERVICES
VOLUNTEER FIREFIGHTER TERMS AND CONDITIONS OF EMPLOYMENT

The employment of Volunteer Firefighters shall be governed by the following:

C.1 VOLUNTEER FIREFIGHTER EMPLOYMENT

- C.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.
- C.1.2 To be eligible for appointment to the position of Volunteer Firefighter, every candidate shall:
- (a) Be at least 18 years of age.
 - (b) Be medically fit to perform the duties of Firefighter and produce a medical evaluation report to the satisfaction of the Fire Chief from a qualified medical practitioner which attests to the candidate's ability to endure the physical, emotional, and psychological demands of performing the essential job tasks of Firefighter in accordance with NFPA 1582, *Standard on Comprehensive Occupational Medical Program for Fire Departments*.
 - (c) Be physically fit to perform the duties of Firefighter and successfully complete a Candidate Physical Ability Test (CPAT) to the satisfaction of the Fire Chief.
 - (d) Complete a Criminal Record Check which indicates no record of unpardoned criminal or summary convictions for offences that would adversely affect public trust, and a Police Vulnerable Sector Check which indicates no record of sexual offences.
 - (e) Reside in the Town and/or within proximity acceptable to the Fire Chief to a Town fire station in order to be able to respond to emergencies in a manner consistent with the deployment criteria of 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*.
 - (f) Complete and successfully pass all written, oral, and physical examinations to the satisfaction of the Fire Chief.
 - (g) Have the ability to attend an acceptable number of emergency calls on a call-out basis, as determined by the Fire Chief.
 - (h) Have the ability to meet the training attendance requirements of the Fire Department, as determined by the Fire Chief.
- C.1.3 Every newly appointed Volunteer Firefighter shall complete a term of probation of 12 months, during which time he or she shall successfully complete all training and examinations, and shall meet all attendance and performance expectations, as may be required by the Fire Chief.
- C.1.4 At the discretion of the Fire Chief, a probationary Firefighter may be placed on an additional term of probation of up to 12 months at the completion of the initial probationary period should circumstances warrant, and the probationary Firefighter shall successfully complete all training and examinations, and shall meet all attendance and performance expectations during the additional probationary period.

- C.1.5 Following the successful completion of the term of probation, the Fire Chief may appoint a Probationary Firefighter as a qualified Member of the Fire Department in accordance with Approved hiring policies.
- C.1.6 If a probationary Firefighter fails to successfully complete any required training or examinations, or fails to meet any requirement of the Fire Department or any obligations as may be agreed upon, or whose attendance or performance is otherwise unsatisfactory, the Fire Chief may dismiss the person.
- C.1.7 The Fire Chief may promote, from time to time, any qualified Member in order to maintain a sufficient complement of Officers in accordance with the Approved Fire Department Organizational Chart.
- C.1.8 In consideration of the physical, emotional, and psychological demands associated with performing the essential job tasks of a Firefighter, the recognition under the *Workplace Safety and Insurance Act, 1997* as amended, that certain cancers and other illnesses are presumed to be occupational diseases due to the nature of Firefighters' employment, and the Corporation's responsibility to ensure the safety, health and wellness of employees performing fire suppression and emergency response duties, the Fire Chief may:
- (a) Require every Volunteer Firefighter to produce a medical evaluation report from a qualified medical practitioner prior to appointment which attests to the candidate's medical fitness to perform the duties of Firefighter.
 - (b) Establish a medical screening and monitoring program wherein every Volunteer Firefighter shall be required to periodically undergo a medical examination and produce a medical evaluation report from a qualified medical practitioner confirming the Volunteer Firefighter's fitness to perform the duties of Firefighter.
 - (c) Establish a program to ensure each Volunteer Firefighter's continued physical ability to perform the duties of Firefighter by successfully completing a Candidate Physical Ability Test (CPAT) beginning at an age determined by the Fire Chief and periodically thereafter.
- C.1.9 Every Member who is required to carry out any Approved Emergency Response program or service as set out in Section B.1 of Appendix "B" of the By-Law to Establish and Regulate a Fire Department, shall be medically and physically fit to perform the duties of Firefighter, and shall submit to a medical examination and/or a Candidate Physical Ability Test at such times as the Fire Chief may reasonably require.
- C.1.10 If a qualified medical practitioner finds a Volunteer Firefighter to be unfit to perform the essential job tasks of Firefighter, the Corporation may take such actions it deems necessary in respect of the Volunteer Firefighter's employment subject to the Corporation's duty to accommodate pursuant to the Ontario *Human Rights Code*.

C.2 REMUNERATION

- C.2.1 The rate of remuneration for each rank of Volunteer Firefighter shall be commensurate with the respective levels of responsibility relative to the position of a certified Firefighter, and shall be as follows:
- (a) Firefighter III (Certified Firefighter with NFPA 1001 Firefighter I and II Certifications, OFM Firefighter Certification, or comparable training and experience acceptable to the Fire Chief) shall be paid at rate determined by the Fire Chief and approved by Council.

- (b) Firefighter II (Firefighter without NFPA 1001 Firefighter I and II Certifications, or OFM Firefighter Certification) shall be paid at 80% of the Firefighter III rate.
 - (c) Firefighter I (Probationary Firefighter) shall be paid at 60% of the Firefighter III rate during the term of probation.
 - (d) Acting Captain shall be paid at 110% of the Firefighter III rate.
 - (e) Captain shall be paid at 120% of the Firefighter III rate.
 - (f) Training Officer shall be paid at the Captain rate
 - (g) District Chief shall be paid at 130% of the Firefighter III rate.
 - (h) Chief Training Officer shall be paid at the District Chief rate.
- C.2.2 The rate of remuneration of Volunteer Firefighters shall be adjusted each year in accordance with annual increases (if any) to wage rates negotiated by the Canadian Union of Public Employees and the Corporation from time to time, and any such adjustments shall take effect on May 1 of each year.
- C.2.3 Volunteer Firefighters shall be paid a minimum of one (1) hour at their applicable rate of pay for responding to emergency calls, attending training, and attending other Fire Department activities approved by the Fire Chief or designate, and shall be paid one-half (1/2) hour for every one-half (1/2) hour or part thereof worked beyond the first hour.
- C.2.4 Volunteer Firefighters shall be paid Vacation Pay at a rate of 4% of their gross earnings.
- C.2.5 In accordance with the *Employment Standards Act, 2000*, Volunteer Firefighters shall not be eligible for overtime pay, public holidays or public holiday pay.
- C.2.6 In accordance with the regulations enacted under the *Employment Standards Act, 2000*, the rules governing daily and weekly limits on hours of work, daily rest periods, time off between shifts, and weekly/biweekly rest periods shall not apply to Volunteer Firefighters.
- C.3 WORKPLACE SAFETY AND INSURANCE BOARD COVERAGE**
- C.3.1 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.
- C.3.2 The Corporation shall maintain coverage for Volunteer Firefighters and Auxiliary Members according to the annual maximum insurable earning ceiling as may be established by the Workplace Safety and Insurance Board from time to time.
- C.4 GENERAL DUTIES AND RESPONSIBILITIES**
- C.4.1 All Members shall conduct themselves in conformance with the By-law to Establish and Regulate a Fire Department, all applicable policies of the Corporation, and all policies, procedures, operating guidelines, general orders, and rules of the Fire Department, and shall faithfully and diligently perform their assigned duties to the best of their ability.

C.5 DISCIPLINE

- C.5.1 The Fire Chief may reprimand, suspend, or take disciplinary action up to and including dismissal of any Member for an infraction of any provision of the By-law to Establish and Regulate a Fire Department, any applicable policy of the Corporation, or any policy, procedure operating guideline, order, directive, or rule of the Fire Department.

C.6 LEAVES OF ABSENCE

- C.6.1 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*.
- C.6.2 A Volunteer Firefighter who has completed the twelve (12) month probationary period may request a voluntary leave of absence from the Fire Chief without pay for a period of up to twelve (12) months, and such requests shall not be unreasonably denied.
- C.6.3 All requests for a voluntary leave of absence must be submitted in writing to the Deputy Fire Chief at least twenty (20) calendar days prior to when the leave of absence is to commence. The Fire Chief, at his or her discretion, may waive this notice period.
- C.6.4 A request for a second or subsequent leave of absence within twelve (12) months of a previous leave of absence shall be evaluated on a case by case basis.

C.7 TERMINATION

- C.7.1 The employment relationship between a Volunteer Firefighter and the Corporation may be terminated in the following ways:
- (a) *Resignation*: A Volunteer Firefighter may terminate employment by providing written notice to the Fire Chief or designate.
 - (b) *Termination with Cause*: The Corporation may terminate the employment of a Volunteer Firefighter for cause without notice or payment in lieu of notice at any time during the course of employment.
 - (c) *Termination Without Cause*: The employment of a Volunteer Firefighter may be terminated without cause at any time by the Corporation, at its sole discretion for any reason, by providing the Volunteer Firefighter with the minimum amount of notice, or pay in lieu of notice, and severance pay if applicable to which the he or she is entitled under the *Employment Standards Act, 2000*. In addition, the Corporation shall continue to pay its share of the Volunteer Firefighter's benefits, if any, for the duration of the notice of termination period, pursuant to the *Employment Standards Act, 2000*.