

Municipality of Casselman
By-law #2024-53

Being a By-law to establish and regulate a fire department in the Municipality of Casselman

Whereas Section 8 of the Municipal Act, 5.0. 2001, c. 25, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

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

Whereas the Fire Protection and Prevention Act, 1997, Part II, section 5(1.0), as amended, permits the Council to establish and regulate a fire department;

And Whereas the Council of The Municipality of Casselman deems it desirable, necessary and expedient to amend, consolidate, revise and update its by-law to establish and regulate a fire department.

NOW THEREFORE the Council of the Municipality of Casselman enacts as follows:

DEFINITIONS

1. In this By-Law, unless the context otherwise requires;

(a) "**Approved**" means approved by Council;

(b) "**Automatic Aid**" means any agreement under which a municipality agrees to provide an initial response to fires, rescues and emergencies that may occur in a part of another municipality where a fire department is capable of responding more quickly than any fire department situated in the other municipality; or a municipality agrees to provide a supplemental response to fires, rescues and emergencies that may occur in a part of another municipality where a fire department in the municipality is capable of providing the quickest supplemental response to fires, rescues and emergencies occurring in the part of another municipality;

(c) "**Captain**" means the person in command of the platoon in the station he/she is assigned to. He/she will also be responsible for one of the departmental division in the station he is assigned to;

(d) "**Corporation**" means The Municipality of Casselman;

(e) "**Council**" means the Council of The Municipality of Casselman;

(f) "**Department**" means the Municipality of Casselman Fire Department;

(g) "**Deputy Fire Chief**" means the person who is the second senior officer of the department and shall be subject to and obey the orders of the Fire Chief. The Deputy Fire Chief is to act on behalf of the Fire Chief in the case of absence or a vacancy in the office of the Fire Chief.

- (h) "**District Chief**" means the person in charge of the station he/she is assigned to;
- (i) "**Executive Committee Member**" includes the Fire Chief, Deputy Fire Chief, and the District Chief of the Department and any other Officer as determined by the Fire Chief;
- (j) "**Fire Chief**" means the person appointed by Council to act as Fire Chief for the Municipality and who is ultimately responsible to Council as set out in the *Fire Protection and Prevention Act*.
- (k) "**Fire Department**" means the fire department of the Municipality of Casselman;
- (l) "**Firefighter**" means the Fire Chief and any other person employed in, or appointed to, the fire department and assigned to undertake fire prevention and protection services, and includes a volunteer firefighter;
- (m) "**Fire Protection Services**" includes fire suppression, fire prevention, fire safety education, administration services, training of persons involved in the provision of Fire Protection Services, rescue and emergency services and the delivery of all those services;
- (n) "**Fire Station**" means a building which houses fire protection equipment turn out gear and training area for the firefighters;
- (o) "**FPPA**" means the Fire Protection and Prevention Act, 1997, 5.0., c 4, as may be amended from time to time, or any successor legislation, and any regulation made there under;
- (p) "**Limited Service**" means a variation of service significantly differentiating from the norm because 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.
- (q) "**Member**" means any defined firefighter or employee of the department;
- (r) "**Municipality**" means The Municipality of Casselman;
- (s) "**Mutual Aid**" means a program to provide/receive assistance in the case of a major emergency in a municipality, community or area where resources in a municipality, community or area have been depleted, but does not include Automatic Aid;
- (t) "**Office of the Fire Marshall**" or "**OFM**" means the Office of the Fire Marshall (OFM) under the Ministry of Community Safety and Correctional Services;
- (u) "**Officer**" means the Fire Chief, Deputy Fire Chief, Station Chief, Captain, Training Officer, and any person designated by the Fire Chief to supervise Firefighters.
- (v) "**Specialty Rescue**" means rescue response as specified to ice/water rescue, auto extrication, and hazardous materials response, etc. in accordance with available resources, and/or in accordance with an approved specialty rescue service agreement;

(w) "Tiered Response Agreement" means a formal written document negotiated between the United Counties of Prescott and Russell Paramedic Services and The Municipality of Casselman to establish local protocols for a multi-agency response to a life threatening or public safety incident. The Agreement outlines the capabilities, expectations and limitations of each agency and defines the criteria for participation; and

(x) "**Volunteer Firefighter**" means a volunteer firefighter as defined under The Fire Protection and Prevention Act, 1997, as amended;

ESTABLISHMENT

2. A fire department for The Municipality of Casselman to be known as The Casselman Fire Department (CFD) is hereby continued and the head of the department shall be known as the Fire Chief.
3. The goals of the Fire Department shall be those contained within the most recent adopted Master Fire Plan, as presented to Council from time to time.

DEPARTMENT STRUCTURE

4. Council shall appoint a Fire Chief who shall be the highest-ranking Officer and director of the Fire Department.
5. 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.
6. In addition to the Fire Chief and Deputy Fire Chief, the Fire Department shall consist of District Chiefs, Captains and Volunteer Firefighters, and other Members as deemed necessary and appointed by the Fire Chief to provide Fire Protection and Prevention Services.
7. 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.
8. Working conditions, remuneration, and procedures for termination of employment for the fire department personnel shall be determined by Council in conformance with the hiring policy and by the Fire Department's Operational Guidelines and/or General Orders.
9. The Department shall operate out of a fire station located at 745 Brébeuf Street in Casselman also known as Station 41.
10. The maximum number of assigned volunteers (including District Chiefs, Captains and Volunteer Firefighters) at station 41 shall be as determined by the most recently adopted Master Fire Plan, as presented to Council from time to time. The minimum number of volunteers employed by the Department shall be established at 20, and the maximum shall be established at 26. The year-to-year staffing requirements shall be established by Council as part of the annual operating budget.

11. The Fire Chief may bring recommendations and work plans towards the relocation of fire stations in accordance with the most recently adopted Master Fire Plan, as presented to Council from time to time.

TERMS AND CONDITIONS OF EMPLOYMENT

12. 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.
13. The employment of Volunteer Firefighters shall be governed by the Volunteer Firefighter Terms and Conditions of Employment as set out in Terms and Conditions of Employment by-law.

ORGANIZATION

14. The Fire Department shall be organized into Divisions, such as Fire Prevention and Public Education, Administration, Suppression, Training, and Maintenance.
15. The Fire Chief may re-organize; eliminate; augment; or create new Divisions, as he/she determines is necessary for the efficient operation and proper administration of the Department.
16. The Fire Chief may assign and/or re-assign Members to a Division to assist with the administration and operation of that Division.

CORE SERVICES

17. The Fire Department shall provide such emergency response services and fire protection services and programs as approved by Council in accordance with Part II of the FPPA and set out in Schedule "B" attached hereto and forming part of this by-law.

LIMITED SERVICES

18. 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.
19. The Corporation shall accept no liability for the provision of a Limited Service by the Fire Department as reasonably necessary.

RESPONSIBILITIES AND AUTHORITY OF THE FIRE CHIEF

20. The Fire Chief shall be the head of the Fire Department and is ultimately responsible to Council, through the CAO, for proper administration and operation of the Fire Department including the delivery of Fire Protection Services.
21. The Fire Chief shall be authorized to make such general orders, policies, procedures, rules and regulations and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department and the effective management of Fire Protection Services for the Corporation and for the prevention, control and extinguishment of fires, the protection of life and property and the management of emergencies and without restricting the generality of the foregoing;
 - a. For the care and protection of all property belonging to the Fire Department;
 - b. For arranging for the provision and allotment of strategic staffing and facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
 - c. For the development and implementation of automatic aid, mutual aid and other fire protection and emergency service agreements within the Corporation's borders and/or within the municipal borders of adjoining municipalities upon the approval of Council;
 - d. For determining and establishing the qualifications and criteria for employment or appointment, and the duties of, all members of the Fire Department;
 - e. For the conduct and the discipline of members of the Fire Department including disciplinary actions as required which may range from reprimand to dismissal;
 - f. For preparing, and upon approval by Council, implementing and maintaining a departmental fire service plan and program for the Corporation;
 - g. For keeping an accurate record of all fires, rescues and emergencies responded to by the Fire Department and reporting of same to the Office of the Fire Marshal;
 - h. For keeping such other records as may be required by Council, the Corporation and the FPPA;
 - i. For the 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.
 - j. For preparing and presenting an annual report of the Fire Department to Council; and
 - k. For exercising control over the budget approved by Council for the Fire Department.
22. The Fire Chief is authorized to perform the duties of County Fire Coordinator, or Alternate County Fire Coordinator as required, should he/she be so appointed by the Office of the Fire Marshall.
23. 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

24. 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 Corporation.

25. 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 Corporation 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.
26. 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.

DEPUTY FIRE CHIEF - GENERAL DUTIES AND RESPONSIBILITIES

27. The Deputy Fire Chief shall be the second ranking officer of the Fire Department and shall be subject to and shall perform such duties as are assigned to him or her by the Fire Chief and shall act on behalf of the Fire Chief in case of absence or vacancy in the office of the Fire Chief.

EMERGENCY RESPONSE OUTSIDE LIMITS OF THE CITY

28. The Fire Department shall not respond to a call with respect to a fire or an emergency incident outside the limits of the municipality except with respect to a fire or an emergency;
- a. that in the opinion of the Fire Chief threatens property in the municipality or property situated outside the municipality that is owned or occupied by The municipality of Casselman.
 - b. in a municipality with which an agreement has been entered into to provide fire protection services.
 - c. on property with respect to which an 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 the Prescott-Russell Mutual Aid plan established by the County Fire Coordinator appointed by the Ontario Fire Marshal, or any other organized plan or program on a reciprocal basis.
 - e. on property beyond the municipality's border where the Fire Chief or his or her designate determines that immediate action is necessary to preserve and protect life and/or property and the correct department is notified to respond and/or assumes command or establishes alternative measures acceptable to the Fire Chief or designate; or
 - f. response due to a request for special assistance as required through a declaration of a provincial or federal emergency and such request has been approved by the Fire Chief, the

CAO and the Head of Council.

RECOVERY OF COSTS

29. 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 fire department for taking such actions for the owner of the property on which the fire or other emergency occurred.
30. 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.
31. 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.
32. 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 registered in the name of the owner and collect the fee, including penalty and interest, in like manner as municipal taxes.

OFFENCES

33. 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. P33 as may be amended from time to time, and any successor legislation.

SEVERABILITY

34. Should a court of competent jurisdiction find that any provision of this Bylaw is illegal or unenforceable as such, such illegality or unenforceability shall not affect any other provision of this Bylaw and such other provisions shall continue in full force and effect.

SHORT TITLE

35. This By-law shall be known as the Municipality of Casselman Fire Department Establishing and Regulating By-law.

REPEAL OF EXISTING BY-LAW

36. By-law No. 2004-123 is hereby repealed.

EFFECTIVE DATE

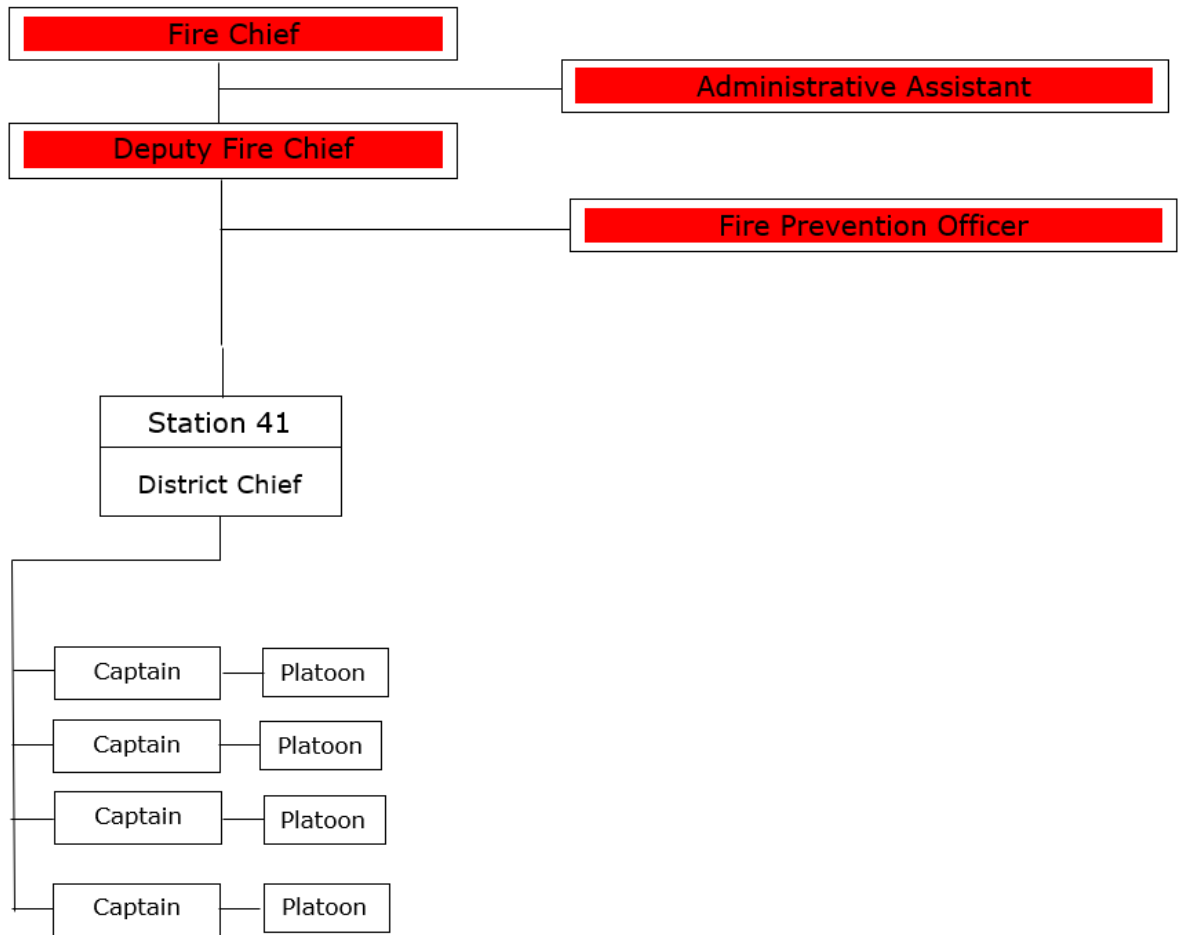
37. This By-law shall come into force and effect on the day it is passed.

Read, passed and adopted in open council this 10th day of December 2024.

APPENDIX "A"

BY-LAW 2024-53

ORGANIZATIONAL CHART



APPENDIX "B"

BY-LAW 2024-53

CORE EMERGENCY RESPONSE SERVICES AND OTHER APPROVED SERVICES AND PROGRAMS OF THE CASSELMAN FIRE DEPARTMENT

The Casselman Fire Department provides the following levels emergency response, within industry-accepted best practices models and safety considerations:

- a) Structural fires including strategic tactic rescue (where possible);
 - a. Including offensive and defensive tactics, where appropriate
- b) Vehicle fires;
- c) Grass, brush, and wildland fires;
- d) Emergency medical calls, in support of a Tiered Response Agreement with United Counties of Prescott & Russell Paramedics;
- e) Hazardous materials incidents at the operational level (for spill responses);
- f) Motor vehicle collisions:
 - a. Including extrication and emergency medical services;
- g) Special Rescues to the following levels:
 - a. Water rescue to the following levels:
 - i. Still water (i.e. bays, ponds, pools) - Up to and including entry-based rescue (excluding Dive Rescue);
 - ii. Moving water (i.e. water moving more than 1 kt) - Up to and including entry-based rescue (excluding Dive Rescue);
 - b. Ice Rescue to the following levels:
 - i. Still ice (i.e. bays, ponds, pools) - Up to and including entry-based rescue (excluding Dive Rescue);
 - ii. Moving ice/water (i.e. moving water with ice in/around) - Up to and including entry-based rescue (excluding Dive Rescue);
 - c. Low/ High Angle Rope Rescue at the awareness level**;
 - d. Confined Space Rescue at the awareness level**;
 - e. Trench Rescue at the awareness level**;
 - f. Structural Collapse Rescue at the awareness level**;
- h) Carbon monoxide calls (investigation and/or rescue);
- i) Calls to assist another public agency (i.e. Paramedics, or Police)
- j) Downed or arcing power lines (to provide public safety and/or fire suppression if/where appropriate)
- k) Automatic Aid to other municipal jurisdictions where agreements are in place
- l) Mutual Aid to other municipal jurisdictions where agreements are in place
- m) Other emergency situations where mandated by legislation (such as large scale emergencies under the authority of the Office of the Fire Marshall)

** These services are provided with The Casselman FD to the Technician Level through an agreement with other Fire Services.