

**THE CORPORATION OF THE TOWNSHIP OF MCGARRY**

**BY-LAW NO. 2004-11**

**BEING A BY-LAW to Establish and Regulate a Fire Department**

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

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BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Township of McGarry, as follows:

1. In this by-law, unless the context otherwise requires,
  - a) **approved** means approved by the council
  - b) **Clerk Treasurer** means the person appointed by council to act as chief administrative officer for the corporation.
  - c) **corporation** means the Corporation of the Township of McGarry
  - d) **council** means the Council of the Township of McGarry
  - e) **deputy chief** means the person appointed by council to act on behalf of the fire chief of the department in the case of an absence or a vacancy in the office of the fire chief
  - f) **fire chief** means the person appointed by council to act as fire chief for the corporation and is ultimately responsible to council as defined in the Fire Protection and Prevention Act
  - g) **fire department** means the Township of McGarry Fire Department
  - h) **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, but does not include water or ice rescue.
  - I) **member** means any persons employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes officers, full time, part time and volunteer firefighters
  - j) **volunteer firefighters** 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 Township of McGarry to be known as the Township of McGarry 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.

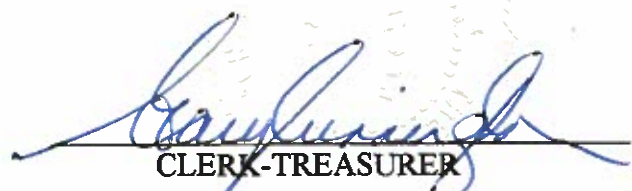
4. In addition to the fire chief, the council shall appoint a deputy chief and such number of the other officers and members as may be deemed necessary by the council, at the recommendation of the Fire Chief.
5. The fire chief may recommend to the council the appointment of any qualified person as a member of the fire department.
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 training and examination as may be 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 the he/she be dismissed.
8. The remuneration of the volunteer members shall be as determined by the council.
9. Working conditions and remuneration for all firefighters defined in Part IX of the Fire Protection and Prevention Act shall be determined by council in accordance with provisions of Part IX of the Fire Protection and Prevention Act.
10. If a medical examiner finds a member is physically unfit to perform assigned duties and such condition is attributed to, and result of employment in the fire department, council may assign the member to another position in the fire department or may retire him/her .
11. The fire chief is ultimately responsible to council, through the Clerk-Treasurer for proper administration and operation of the fire department including the delivery of fire protection services.
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. 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.
16. The fire chief may reprimand, suspend or recommend dismissal of any member for 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.
17. Following the suspension of a member, the fire chief shall immediately report, in writing, the suspension and recommendation to the Clerk-Treasurer and Council.
18. The procedures for termination of employment prescribed in Part IX of the Fire Protection and Prevention Act shall apply to all firefighters defined in Part IX of the Fire Protection and Prevention Act.

19. A volunteer firefighter shall not be dismissed without the opportunity for a 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. Three persons, appointed by the municipality, who are 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 or 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
21. The fire department shall not respond to a call with respect to a 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 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, to a municipality authorized to participate in any country, 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

-LAW READ A FIRST AND SECOND TIME, READ A THIRD TIME AND PASSED  
THIS 13TH DAY OF APRIL, 2004

THE CORPORATION OF THE TOWNSHIP OF MCGARRY

  
REEVE

  
CLERK-TREASURER

Appendix "A" To By-Law 2004-11

# Township of McGarry Fire Department

ORGANIZATION CHART  
AS OF MAY 1, 2004

