
Municipality of Cumberland By-Law 23-03

**By-Law To Establish And Regulate The Fire Departments
In The Municipality Of The County Of Cumberland**

WHEREAS Section 172 of the Municipal Government Act gives the Municipality the power to make by-laws respecting the health, well being, safety and protection of persons and the safety and protection of property, and

WHEREAS Section 174 of the Municipal Government Act specifically grants the Municipality the power to make by-laws respecting the prevention and fighting of fires, and

WHEREAS Section 294 of the Municipal Government Act provides for the registration of fire departments in municipalities, and

WHEREAS Section 296 grants council the power to make policies respecting fire departments and emergency service providers, and

WHEREAS dedicated volunteers are responsible for emergency fire response in the Municipality of the County of Cumberland, and

WHEREAS volunteer first responders contribute to the safety and community spirit of the communities they serve;

BE IT ENACTED by the Council of the Municipality of the County of Cumberland, as follows:

This By-Law is entitled By-Law to Establish and Regulate the Fire Departments in the Municipality of the County of Cumberland.

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 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 and emergencies.
 - 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) *"CAO"* means the person appointed by Council to act as the Chief Administrative Officer of the Municipality pursuant to the Municipal Government Act.

- e) *"Council"* means the Council of the Municipality of the County of Cumberland.
- f) *"Director of Protective Services"* means an employee of the Municipality who is accountable to the CAO for the management and administration of the Protective Services Department.
- g) *"Fire Chief"* means a Firefighter selected in accordance with the procedures of the Fire Department to which they are a member, who:
 - i) is trained to a minimum Level 1 qualification and encouraged to become Level 1 certified within two years of election or appointment.
 - ii) has a minimum of 5 years of experience as a Firefighter.
 - iii) has certification in Incident Command System 100 and 200.
 - iv) has Managing Company Tactical Operations training.
 - v) has Fire Investigation training for first responders.
 - vi) has Incident Scene Safety Officer training.
 - vii) becomes a Local Assistant to the Fire Marshal as soon as practicable after election or appointment.
- h) *"Fire Department"* means one of the fire departments located within and registered with the Municipality of the County of Cumberland as set out in policy.
- i) *"Firefighter"* means any person employed in or appointed to a fire department to undertake Fire Protection Services and includes a Volunteer Firefighter.
- j) *"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.
- k) *"Limited Service"* means a level of service that is below the normal standard due to factors such as a limited number of volunteer responders at certain times, a limited number of volunteers with the necessary training for the situation at hand, environmental factors, remote properties, concurrent calls, limited water supply, impeded access, private roadways, lanes and drives, obstructions, or extraordinary hazards or unsafe conditions
- l) *"Local Fire Department"* means a fire department which provides Fire Protection Services at a level of service designated by its registration documentation.
- m) *"Manager of Fire Services"* means an employee of the Municipality who is

accountable to the Director of Protective Services for the management and administration of the Fire Departments and the provision of Fire Protection Services to the Municipality.

- n) *"Member"* means any person employed by or attached to a Fire Department and assigned to undertake Fire Protection Services, and includes Full-time staff, Officers, Volunteer Firefighters, Auxiliary members and administrative staff.
- o) *"Municipal Government Act"* means the *Municipal Government Act*, 1998 c, 18, as amended from time to time.
- p) *"Municipality"* means the Municipality of the County of Cumberland.
- q) *"Mutual Aid"* means a plan or agreement under which fire departments agree to assist each other on a reciprocal basis in the event such assistance is required.
- r) *"Officer"* means a Fire Chief, Deputy Fire Chief, Captain, and any other person designated by the Municipality to supervise Firefighters.
- s) *"Support Hub Fire Station"* means one of four fire stations designated by Council to provide Fire Protection Services and serve as a logistical centre for the Local Fire Departments.
- t) *"Volunteer Firefighter"* means a person who undertakes Fire Protection Services without remuneration, except for honoraria where applicable, stipend, and/or the supply of PPE or training.

REGISTRATION

- 2. No body corporate may provide Fire Protection Services in the Municipality unless registered in accordance with Section 294 of the *Municipal Government Act*.
- 3. No body corporate may be Approved for registration as a fire department in the Municipality for the same services provided by an existing Fire Department.

STRUCTURE

- 4. The Director of Protective Services is the head of the Department of Protective Services.
- 5. The CAO shall appoint the Manager of Fire Services who shall be responsible for the overall supervision and administration of all Fire Departments and Fire Protection Services.
- 6. The Manager of Fire Services shall report to the Director of Protective Services.

7. Each Local Fire Department shall be associated with a Support Hub Fire Station to ensure that Local Fire Departments have adequate resources and equipment to endeavour to provide Fire Protection Services.
8. The association of each Local Fire Department to a Support Hub Fire Department is as set out in policy.
9. The appointment of a Support Hub Fire Chief to each of the Support Hub Stations shall be subject to ratification by Council. To be appointed as Support Hub Fire Chief, a person must meet the minimum requirements of section 1(g) of these By-Laws. No Fire Chief shall be required to relinquish their appointment as Fire Chief if they have not been afforded the opportunity to attain the required training or certifications within the time frame set forth in Section 1 of these By-Laws.
10. In addition to Fire Chiefs, a Fire Department may consist of Fire Prevention Officers, Training Officers, Health & Safety Coordinators, officers, Volunteer Firefighters, and other members deemed necessary by and appointed by the Fire Chief to provide Fire Protection Services.
11. The Fire Departments maintain the independent authority to carry out necessary departmental operations to deliver Approved Fire Protection Services.

APPROVED SERVICES AND PROGRAMS

12. The Fire Departments shall endeavour to provide such Fire Protection Services and programs as are Approved from time to time and set out in policy.

LIMITED SERVICE

13. In consideration of the reliance by the Fire Departments on the response of volunteer Firefighters, whose deployment to emergencies in sufficient numbers cannot in all instances be guaranteed, limited water supply, adverse climate conditions, topographical and geographical configuration, unposted municipal addresses, concurrent or multiple calls, failure of owners to maintain driveways or other accesses, delays or unavailability of specialized equipment required by a Fire Department, or other extraordinary circumstances which may impede the delivery of Fire Protection Services, any Approved Fire Protection Service may from time to time be provided as a Limited Service as defined in this by-law, as determined by the Fire Chief of the responding fire department, his or her designate, or the highest ranking Officer in charge of a response.
14. Emergency responses to properties accessed via private roads, private lanes or private

driveways may be limited by the condition of such road, lane or driveway including:

- (a) The ability of such road, lane or driveway to support and accommodate fire apparatus and equipment;
- (b) The failure of the owner of the lands upon which the road, lane or driveway is located or the user of such road, lane or driveway to maintain such road, lane or driveway in a condition that is passable by fire apparatus and equipment

RESPONSES OUTSIDE THE LIMITS OF THE MUNICIPALITY

15. The Fire Department shall not respond to emergency calls or incidents that occur outside the limits of the Municipality except with respect to a fire, rescue or emergency:
- (a) That, in the opinion of a Fire Chief or designate, may threaten 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 a Fire Chief or designate, to a municipality with which an Approved mutual aid plan has been entered into;
 - (e) On property beyond the municipal boundary where a 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.

ADMINISTRATION AND OPERATION OF FIRE SERVICES

16. The Department of Protective Services shall be responsible for the proper administration and operation of the Fire Departments, including delivery of Approved services and programs.
17. Without limiting the generality of the foregoing, the Department of Protective Services shall be authorized and responsible for:
- (a) Enforcement of this by-law and any policies established under this by-law, and the enforcement of any other by-laws of the Municipality respecting the

administration and operation of the Fire Departments.

- (b) Periodically reviewing this by-law and any other by-laws of the Municipality respecting the administration and operation of the Fire Departments.
- (c) Implementing policies, minimum general operating guidelines, general rules, and other measures as necessary for the proper administration and efficient operation of the Fire Departments.
- (d) Arranging for the procurement, provision and allotment of strategic staffing and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Departments.
- (e) The proper care and protection of all Fire Department and Municipal, fire related, property.
- (f) Arranging and implementation of Automatic Aid, mutual aid and other negotiated and/or Approved fire protection and emergency service agreements between the Municipality and other municipalities, towns or cities.
- (g) Investigating incidents, actions or activities involving Members and producing a report of such incidents, actions or activities.
- (h) Keeping an accurate record of all incidents responded to by the Fire Departments, all fire safety inspections and fire investigations, and other such records as may be required in a manner consistent with records management policies of the Municipality.
- (i) Preparing and submitting annual budget estimates to the office of the CAO and effectively administering, monitoring, and controlling the Fire Department operating and capital budgets.

CODE OF CONDUCT

18. All Members of a Fire Department shall be of good character and shall:

- (a) Conduct themselves with decorum when on duty and be courteous and respectful when dealing with the public.
- (b) Not engage in any activity that is illegal, or might reasonably be expected to bring their Fire Department into disrepute.
- (c) Not engage in any activity while on duty, that can reasonably be expected to tarnish, impair or otherwise negatively impact the reputation of the fire service in the

Municipality.

DISCIPLINE OF MEMBERS

19. Any Member who breaches the Code of Conduct in Section 18 of this By-Law may be subject to disciplinary action, up to and including discharge, in accordance with the procedures of the Fire Department to which they are a member, or in the absence of such procedures, by the Fire Chief of the Member's Fire Department. In the case of a Fire Chief who has breached the Code of Conduct or who fails to fulfill the duties of their office, disciplinary action, up to and including discharge, shall be by Council upon the recommendation of the Director of Protective Services and the CAO.

SEVERABILITY

20. 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 therefrom and to be enacted as such.

RECOVERY OF COSTS

21. If, as the result of a Fire Department response to a fire, rescue, or other emergency, the Director of Protective Services or the Manager of Fire Services, under the advice of a Fire Chief, his or her designate, or the highest ranking Officer in charge at a scene, 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 a dangerous situation, the Municipality may recover the costs incurred by the Fire Department for taking such actions from the owners of the property or vehicle as the case may be.
22. The Municipality may recover costs incurred by such necessary actions in a manner provided by the Municipal Government Act.
23. 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 Municipality.
24. If a property owner who is charged a fee under this by-law fails to pay the fee, the Municipality may add the fee, including penalty and interest, if any, to the tax roll for any real property in the Municipality registered in the name of the owner and collect the fee, including penalty and interest, in like manner as municipal taxes and shall be recoverable from the property owner by the Municipality as a lien against the property

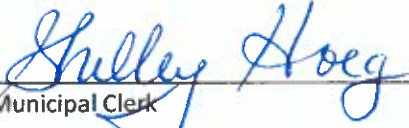
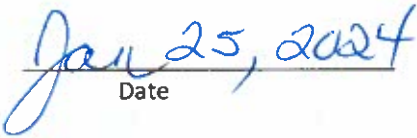
owner's property pursuant to section 507 of the Municipal Government Act.

SCHEDULES

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

FORCE AND EFFECT

26. This By-Law shall come into force upon publication.

<u>Clerk's Annotation for Official By-law Book</u>	
Date of first reading: December 20, 2023	
Date of advertisement of Notice of Intent to Consider:	
Date of second reading: <u>January 24, 2024</u>	
*Date of advertisement of Passage of By-Law: February 7, 2024	
Date of mailing to Minister a certified copy of By-law:	
I certify at this By-Law was adopted by Council and published as indicated above.	
 Municipal Clerk	 Date
* Effective Date of the By-Law unless otherwise specified in the text of the By-Law	