

The Corporation of the Township of Hornepayne

By-Law No. 2147-25

**Being a By-Law to establish and regulate a
Volunteer Fire Department for the
Corporation of the Township of Hornepayne**

WHEREAS Section 2(1) and 2(2) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 (the "FPPA"), as amended, 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 FPPA 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 10 the Municipal Act, 2001, S.O. 2001, c.25, (the "Municipal Act"), as amended, 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 Council deems it desirable, necessary and expedient to revise and update its By-Law to establish and regulate the Fire Department for the Corporation of the Township of Hornepayne;

BE IT THEREFORE ENACTED by the Council of the Corporation of the Township of Hornepayne:

1. DEFINITIONS

1.1. In this By-Law:

- 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) **"Captain"** means an officer appointed by the Fire Chief to supervise firefighters, operations, and equipment.
- d) **"Chief Administrative Officer / (CAO)"** means the person appointed by Council to act as a Chief Administrator Officer for the Corporation.
- e) **"Corporation"** means the Corporation of the Township of Hornepayne.
- f) **"Council"** means the Council of The Corporation of the Township of Hornepayne.
- g) **"Deputy Fire Chief"** means the 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.
- h) **"Fire Chief"** means the person appointed by Council to act as Fire Chief for the Corporation and who is ultimately responsible to Council for the delivery of fire protection services as set out in the FPPA.
- i) **"Fire Code"** means Ontario Regulation 213/07, as amended, and any successor regulation.
- j) **"Firefighter"** means the Fire Chief and any other person who provides fire protection services and shall include a Volunteer Firefighter.
- k) **"Fire Protection and Prevention Act / (FPPA)"** means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and any successor legislation.
- l) **"Fire Protection Services"** means a range of programs designed to protect the life and property of residents, and includes fire suppression, rescue, emergency services, fire prevention, public fire safety education, communications, and mitigation of, prevention of, and safety education about the risk created by unsafe levels of carbon monoxide, as well as the delivery of fire protection services and the training of personnel involved in the provision of those services.
- m) **"Limited Service"** means a variation of service significantly differentiating from the norm as a result of extenuating circumstances, such as environmental factors; remote or island properties; impeded access; private roadways, lanes, and drives; obstructions; or extraordinary hazards or unsafe conditions.
- n) **"Member"** means any person employed by, appointed to, or volunteering for the Fire Department and assigned to undertake fire protection services, and includes officers and firefighters.
- o) **"Municipal Act"** means the Municipal Act, 2001, S.O. 2001, c.25, as amended, and any successor legislation.

- p) **"Mutual Aid"** means a program to provide or 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".
- q) **"Officer"** means the Fire Chief, Deputy Chief, Captain, Acting Captain, and any person designated by the Fire Chief to supervise Firefighters.
- r) **"Township"** means The Corporation of The Township of Hornepayne.
- s) **"Volunteer Firefighter"** means a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training, or activity allowance.

2. ESTABLISHMENT

- 2.1. A Fire Department of the Township, to be known as the Hornepayne Fire Department, is continued under this By-Law, and the head of the Department shall be known as the Fire Chief.
- 2.2. The provisions of this By-Law are subject to the FPPA and any other applicable legislation.

3. DEPARTMENT STRUCTURE

- 3.1. Council shall approve and appoint a Fire Chief who shall be the highest-ranking officer of the Fire Department.
- 3.2. Council shall approve and appoint a Deputy Fire Chief who shall be the second highest-ranking officer of the Fire Department and shall have all the powers of the Fire Chief in the absence of the Fire Chief.
- 3.3. In addition to the Fire Chief and Deputy Fire Chief, the Fire Department shall consist of Captains, volunteer firefighters, and other members as deemed necessary by the Fire Chief.
- 3.4. The Fire Department shall be structured as determined by the Fire Chief to ensure the proper administration and efficient operation of the Fire Department and the effective management of fire protection services for the Township.
 - a. When the Fire Chief designates a member to act in the place of an officer in the department, such member, when so acting, has all the powers and authority of the officer to perform all duties.
- 3.5. All members of the Fire Department must maintain a minimum of 60% attendance at fire practices.
- 3.6. Every newly appointed firefighter shall complete a term of probation of 12 months, during which time they shall take such training and examinations, and meet all attendance and performance expectations as may be required by the Fire Chief.
 - a. 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 in which the probationary firefighter must successfully complete all training and examinations and must meet all attendance and performance expectations.

- 3.7. If a probationary firefighter fails to successfully complete any required training or examinations or fails to meet any requirement of the Fire Department, or whose attendance or performance is otherwise unsatisfactory, they may be terminated.
- 3.8. The remuneration for the Fire Department shall be as determined by Council through the annual budget.

4. FIRE CHIEF RESPONSIBILITIES AND AUTHORITY

- 4.1. The Fire Chief shall be ultimately responsible to Council, through the CAO, for the proper administration and operation of the Fire Department, including delivery of approved services and programs.
- 4.2. The Fire Chief shall be deemed to be the Chief Fire Official of the Township for the purposes of the FPPA and regulations enacted thereunder, and shall have all statutory authority and shall carry out all prescribed duties and responsibilities in respect thereof.
- 4.3. The Fire Chief shall exercise all powers and duties mandated by the FPPA and any applicable legislation, By-Laws, or regulations.
- 4.4. The Fire Chief shall have the authority to:
 - a. Appoint any eligible person as a Volunteer Firefighter, subject to Township policies.
 - b. Reprimand, suspend, or take disciplinary action up to and including dismissal of any member for misconduct in the course of their employment or for non-compliance with any provision of this By-Law, any applicable policy of the Township, or any policy, procedure operating guideline, order, directive, or rule of the Fire Department that, in the opinion of the Fire Chief, would be detrimental to the discipline, health, safety, and efficiency of the Fire Department.
 - i. The Fire Chief shall consult with the CAO regarding discipline matters involving suspension, demotion, and/or dismissal of any member.
- 4.5. The Fire Chief shall implement all relevant Township policies and shall develop such standard operating guidelines, procedures, best practices, and department rules as necessary, to implement the relevant policies and ensure the appropriate safety and protection of all of the Fire Department personnel and property.
- 4.6. The Fire Chief shall routinely review all Fire Department documents and effectively manage and store fire records. The Fire Chief may form advisory committee(s) involving Fire Department members to assist with these duties.
 - a. Any advisory committee formed by the Fire Chief is under the direction of the Fire Chief or a member designated by the Fire Chief. Designated members shall report to the Fire Chief on activities under their supervision and shall carry out all orders or direction of the Fire Chief.
- 4.7. The Fire Chief shall submit the annual budget estimates or any other specific reports requested by Council, the CAO and/or other levels of government for consideration and approval.
- 4.8. 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.

5. AUTHORITY AT INCIDENTS

- 5.1. The Fire Chief, or designate, 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, 1997, and the Fire Chief, or designate, shall be empowered to authorize:
- a. Enforcement of all Township By-Laws in respect of fire safety and fire prevention,
 - b. Pulling down or demolishing any building or structure to prevent the spread of fire,
 - c. All necessary action including boarding up or barricading of buildings or property to guard against fire or other damage, risk, or accident and when unable to contact the property owner, and
 - d. Recovery of expenses incurred by such necessary action for the Township in the manner provided through the Municipal Act, 2001 and the Fire Protection and Prevention Act, 1997.

6. LEVELS OF SERVICE

- 6.1. The Fire Department shall provide such fire protection and prevention services and programs as approved by Council in accordance with Part II of the Fire Protection and Prevention Act, and as set out in Schedule "A" attached hereto and forming part of this By-Law.
- 6.2. 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; unavailability of equipment and/or resources 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 "A" may, from time to time, be provided as a Limited Service as defined in this By-Law, as determined by the Fire Chief, their designate, or the highest ranking officer in charge of a response.
- 6.3. Emergency responses to properties may be limited by the condition of any road, lane, or driveway including, but not limited to:
- a. The ability of such road, lane, or driveway to support and accommodate fire vehicles 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 vehicles and equipment.
- 6.4. The Corporation shall accept no liability for the provision of a Limited Service by the Fire Department as reasonably necessary.

7. EMERGENCY RESPONSE OUTSIDE OF MUNICIPAL BOUNDARIES

- 7.1. The Fire Department shall not respond outside the limits of the Municipality except with respect to a fire, rescue, or emergency unless:
- a. That, in the opinion of the Fire Chief or designate, threatens property in the Township, or property situated outside the Township that is owned or occupied by the Township;
 - 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;
- e. On Highway 631 South for 98km to Highway 17, excluding Highway 17, and on Highway 631 North for 76km to Highway 11, excluding Highway 11, that are under the jurisdiction of the Ministry of Transportation;
- f. On property beyond the Township 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.

8. OBSTRUCTION

- 8.1. No person shall obstruct, hinder, or interfere with the Fire Chief or any member of the Fire Department in the performance of their duties in accordance with this By-Law and the Fire Protection and Prevention Act.


9. OFFENCES

- 9.1. Any 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.


10. SEVERABILITY, REPEAL, AND EFFECT

- 10.1. Should any part of this By-Law, including any part of a Schedule attached hereto, be determined by a court of competent jurisdiction to be invalid or of no force, it is the stated intention of Council that such invalid part of this By-Law shall be severable and that the remainder of this By-Law, including the remainder of each Schedule, as applicable, shall continue to operate and be in force.
- 10.2. By-Law No. 950 is hereby repealed.
- 10.3. This By-Law shall come into force and shall take effect upon passage.

Read a first, second, and third time and finally passed this 23rd day of July 2025.



Presiding Officer



Clerk

Schedule A

Hornepayne Fire Department Core Services

Fire Prevention Services

As required by the Fire Protection and Prevention Act, 1997 (FPPA), the municipality must provide the minimum services listed below:

- A smoke/carbon monoxide (CO) alarm program,
- A fire safety education program,
- Community risk assessment,
- Fire safety inspections upon complaint or request, and,
- Fire investigations.

Smoke/Carbon Monoxide (CO) Alarm Program

The objective of the Smoke/CO Alarm Program is to promote and enforce the installation and maintenance of working smoke alarms, as per the Ontario Fire Code (OFC) in the Township.

Activities to help achieve this goal include, but are not limited to:

- Distribution of pamphlets and/or other education material, including through website and social media.
- Instruction to residents regarding smoke/CO alarms and escape planning.
- Providing advice and/or assistance on the installation of smoke/CO alarms.
- Inspection of residences to determine compliance with the smoke/CO alarm provisions of the OFC.
- Enforcement of the OFC in cases of non-compliance.

Fire Safety Public Education Program

The Fire Department will provide a variety of fire prevention education programs for the residents, businesses, and organizations in the Township of Hornepayne. Public education programs will be delivered in a variety of ways designed to meet the needs of the target groups.

The Department may participate in various community activities that will assist in promoting fire prevention and public education on fire safety, with the approval of the Fire Chief.

Community Risk Assessment

The Fire Department will conduct an annual review of the Community Risk Assessment to determine if there is a need for a revision of policies and practices to address changing circumstances.

Fire Code Inspections

Fire prevention/safety inspections shall be completed in accordance with the FPPA, complaints received, planned schedules, and upon request.

Records of inspections, re-inspections, inspection orders, Notice of Violations, Fire Marshal's Order, tickets issued, etc., will be maintained by the Fire Department. Follow up on any outstanding violations will be made to obtain compliance or to undertake court action, if required.

Fire Investigations

The Fire Department shall investigate all fires within its responding area with the intent of determining the cause and origin of the fire for the purposes of developing public education programs. Fire loss statistics will be gathered, documented, analyzed, and used to create accurate statistics for the development of future fire inspection initiatives, public education programs, and future department readiness.

Fire Protection Services

The Hornepayne Fire Department shall provide a range of fire protection services intended to aid with the protection of life and property and the welfare of the community, in accordance with the National Fire Protection Association (NFPA) Standards, as revised from time to time.

Core fire protection services provided by the Fire Department shall be classified under Four (4) main categories:

- Fire suppression,
- Other emergency responses,
- Services involving outside organizations, and,
- Training.

All services provided will be delivered in accordance with the Fire Department's level of training, standard operating guidelines, municipal policies and procedures, the Occupational Health & Safety Act, Section 21 Guidance Notes, industry best practices, and the number and level of personnel trained and equipment available to the department on each specific emergency scene.

Fire Suppression Services

The Fire Department shall respond to fire emergencies, overheats, and pre-fire conditions which include but are not limited to:

- Fire suppression of structures and their contents relating to:
 - Interior firefighting techniques, and,
 - Exterior firefighting techniques.
- Fire suppression of vehicle fires.
- Fire suppression of outdoor fires, including agricultural, grass, wildland, and trash.
- Fire protection of exposures which are threatened by fire.

Services shall be delivered in both offensive and defensive mode, and shall include forcible entry, search and rescue, ventilation, exposure protection, overhaul, and property conservation.

Other Emergency Responses

The Fire Department will respond to other emergencies, such as:

- Vehicle accidents, extrication, and rescue,
- Hazardous materials response,
- Rendering basic assistance during disasters or major events,
- Police and ambulance assistance, within the Fire Department skill set and capabilities,
- Participation in the Township of Hornepayne Emergency Plan Activation when warranted, and,
- Other emergency responses the Fire Department is capable of providing within their level of training, that will not compromise the health or safety of a firefighter or the member of the public.

Services Involving Outside Organizations

The Fire Department may receive and/or provide services from outside organizations through Automatic Aid Agreements; Mutual Aid Agreements; and Provincial or Federal Assistance.

Training

Fire Department members will receive training to comply with the Occupational Health and Safety Act, the FPPA, the NFPA Standards, and other provincial legislation related to the provision of services.