

MUNICIPALITY OF PONTIAC

BYLAW 01-17

BYLAW 01-17 CONCERNING THE ESTABLISHMENT OF A FIRE DEPARTMENT

WHEREAS the powers vested to the Municipality in terms of fire protection and safety, particularly by the Municipal Code (L.R.Q., c,c-27.) and the Fire Safety Act;

WHEREAS the Municipality offers a fire protection and safety service and intends on maintaining this service;

WHEREAS the municipal regulation must be adapted to the Municipality's capacities and needs;

WHEREAS the need to update bylaw 097-89 concerning the Municipality of Pontiac's Fire Department, adopted on November 6, 1989, particularly to modernize the Fire Department's structure and to take into account the new government requirements;

WHEREAS the need to create, in particular, an implementation plan under the Fire Safety Cover Plan of the MRC des Collines-de-l'Outaouais;

WHEREAS the condition and capacity of the Municipality's equipment and staff in terms of safety and fire protection;

WHEREAS furthermore, the new ministerial guidelines adopted by the government in the regulation regarding the training of members of the Fire Department, and deemed to have been adopted under the Fire Safety Act with regards to the mandatory training of professional firefighters (permanent or temporary);

WHEREAS it is necessary, and in the interest of the Municipality, to limit the level of service offered by the Municipality in terms of safety and fire protection;

WHEREAS a notice of motion has been given at the regular meeting held on January 10, 2017;

CONSEQUENTLY, it is

Moved by : Thomas Howard
Seconded by: Nancy Draper-Maxsom

AND RESOLVED that the council decrees and statutes on the bylaw as follows:

SECTION 1 - PREAMBLE

The preamble is an integral part of the present bylaw.

SECTION 2 – TITLE OF BYLAW

The present bylaw will be entitled "Bylaw concerning the establishment of a Fire Department"

SECTION 3 – ESTABLISHMENT OF THE DEPARTMENT

- 3.1 The Fire Department is constituted under the name of « Fire Department of the Municipality of Pontiac ».
- 3.2 The mission of the department is to protect lives and the property of citizens, to protect the environment by combating fires, to rescue people involved in traffic accidents, and any other incident, as well as offering assistance to citizens during medical emergencies and having a fire prevention and protection program in order to reduce the loss of human lives and material assets on the entire municipal territory and any other territory

having reached an intermunicipal agreement to that effect. All in compliance with the Fire Safety Cover Plan and the Civil Safety Plan.

- 3.3 The Fire Department assumes this responsibility with the resources granted by the Municipal Council.

SECTION 4 – MANDATE OF THE FIRE DEPARTMENT

- 4.1 The department and each of its members are in charge of preventing and fighting fires, of intervening in events included in the Fire Safety Cover Plan according to their terms or when their services are required in other types of interventions, to ensure the protection of people throughout the entire territory over which the Municipality has jurisdiction.
- 4.2 The department must respond to any emergency call announcing that there is a fire on the Municipality's territory or on any territory subject to its jurisdiction under an intermunicipal agreement. It also intervenes after any decision taken to this effect, in accordance with the Law, the present bylaw or an agreement to which the Municipality is part of.
- 4.3 The department intervenes during a fire to avoid the loss of human lives and to prevent the fire from degenerating to conflagration, that is, to prevent it from spreading from one building to another.
- 4.4 The department promotes prevention awareness, especially by promoting means of self-protection such as the installation of smoke alarms and the installation of portable extinguishers, etc., as provided in bylaw 01-17 and its subsequent versions.
- 4.5 The department carries out inspection and investigation activities, research on the causes and circumstances of a fire, and incident analysis it has been entrusted to by the Law and the present bylaw.
- 4.6 As part of the implementation and automated mutual assistance of the Fire Safety Cover Plan, the department will intervene on the territory of a municipality bound by the Fire Safety Cover Plan, contingent upon the availability of staff and equipment and that there is no other emergency intervention on the Municipality's territory at the time of the request.
- 4.7 The department will fulfill its obligations to the extent of the availability of the workforce, the equipment and the budgets provided and under the condition that the fire scene, if applicable, is reachable by public road. Furthermore, the department's intervention during a fire is done according to the department's capacity to obtain and supply the water needed to fight the fire, in view of the municipal infrastructures, the available equipment and the area's topography.

SECTION 5 – ORGANIZATIONAL STRUCTURE

- 5.1 The department consists of :
- A full-time Director ;
 - Three fire hall Captains;
 - One Lieutenant per fire hall;
 - Firefighters;
 - Any other staff needed to fulfill the mandates assigned to the department.
- 5.2 The commanding officers consist of the Director and the Captains
- 5.3 All members of the department, including the commanding officers and lieutenants, are firefighters and are remunerated according to the policies established in that respect by resolution of the Municipal Council or as per the agreements reached between the Municipality and the Service members.
- 5.4 The members are divided in 3 fire halls located in the areas of Breckenridge (Fire Hall 1), Luskville (Fire Hall 2) and Quyon (Fire Hall 3).

SECTION 6 – HIRING CONDITIONS

- 6.1 The conditions for hiring firefighters are those provided by the Fire Safety Act (L.R.Q., c,c-27.) and the related bylaws. The candidate's general skills are also considered.

Without limiting the generality of the foregoing, in order to be eligible to become a member of the department as a firefighter, the candidate must:

- 6.1.1 Be 18 years old or more;
 - 6.1.2 Have a valid driver's license;
 - 6.1.3 Have a Class 4a driver's license, if eligible to drive emergency response vehicles;
 - 6.1.4 Have no prior criminal record that could have a direct link to the position held within the department, unless having obtained a pardon or being in the process of obtaining one from the responsible authorities;
 - 6.1.5 Complete the interviews required by the Director;
 - 6.1.6 The Director may require that the candidate be deemed physically capable, by a doctor designated by the Municipality, to become a member of the Department, if needed, following a medical examination;
 - 6.1.7 Maintain at all times the minimum physical condition required to work as a firefighter and, upon the department Director's request, undergo a new medical examination to attest to this.
- 6.2 Section 6.1 does not apply to firefighters hired before the entry into force of the present bylaw with the exception of sections 6.1.2, 6.1.3 and 6.1.4.
- 6.3 Upon recommendation of the Department's Director, the Municipal Council appoints by resolution, the Department's members.

SECTION 7 – COMPLETE FIREFIGHTING GEAR AND EQUIPMENT

The complete firefighter bunker suit and equipment needed to perform their duties is provided by the Municipality, according to the laws and standards in force.

SECTION 8 - TRAINING

- 8.1 The candidate commits to following the «Firefighter I» training program of the Quebec National Firefighters' School and must pass the theoretical and practical exams. The fees related to this training are divided according to the policy established by the Municipality or according to the agreements reached between the Municipality and the Service members.
- 8.2 The candidate must agree to participate in a minimum of fifty per cent (50%) of the annual training hours which are part of the continuing education program prepared by the Director and in compliance with the training framework of the Quebec National Firefighters' School.
- 8.3 Any candidate appointed as a member of the Fire Department will have a twelve (12) month probation period. This period is the equivalent to a staff performance appraisal. This probation period could be extended upon recommendation of the Department's Director. A resolution from the Municipal Council will confirm the firefighter's permanent status.

SECTION 9 - AUTHORITY

The members of the department must comply with the present bylaw, with the issued directives, with the Code of Ethics as well as the rules of internal management established by the Director.

SECTOR 10 – DISCIPLINARY SANCTIONS

- 10.1 The Director of the Department may file a disciplinary notice reproaching any firefighter's act if found guilty of insubordination, bad conduct, refusing or neglecting to

comply with internal management rules, the Code of Ethics or any other regulation applicable to the Department.

- 10.2 The Director of the Department, an officer or a firefighter may, by council resolution, be fired, demoted, reprimanded or suspended, depending on the seriousness of the act for which he/she is being reproached of committing, if:
- There is serious misconduct;
 - He fails to respect his obligations imposed by the present bylaw.
- 10.3 Any member who ceases to be part of the department or is suspended must return, within seven days of the decision, all pieces of identification, clothing and equipment, to the Director of the Department as well as any other objects or documents received for the performance of his duties. The Municipality reserves the right to start legal procedures in order to recuperate its belongings at the end of this delay.

SECTION 11 – POWERS OF THE DIRECTOR

- 11.1 The Director leads the Fire Department according to the laws, regulations, policies, guidelines and according to a current job description.
- 11.2 The Director reports to the Municipality's Secretary-Treasurer/Director General.
- 11.3 For the proper operation of the department, operating guidelines as well as standardized operating procedures may be given by the Department's Director or the Secretary-Treasurer/Director General. All members of the department must observe these guidelines as if they were an integral part of the present bylaw and the commanding Officers have the responsibility, the obligation and the power to implement them.
- 11.4 **Powers at the scene of a fire**

11.4.1 The Director of the Department or his representative assumes the full direction of the operations executed by the department's staff, and this, as long as the emergency situation lasts. He must particularly take the necessary measures to keep or move anyone away who endangers his/her own safety or that of others, or may interfere with the firefighters' work. The Director of the Department or his representative also has the powers conferred upon him by the Fire Safety Act (L.R.Q., c.c-27.).

11.4.2 In the absence of the Director of the Department or his representative at the scene of a fire or other disaster, the first Officer or firefighter who arrives at the scene will be responsible for managing the operations.

11.4.3 When such an event warrants the joint response effort from several Fire Departments, all rescue operations at the scene are under the authority of the Director of the Department or his representative, unless otherwise agreed.

However, until the Director or his representative's arrival at the scene of a fire or other disaster, the first Officer or firefighter who arrives at the scene will be responsible for managing the operations.

11.4.4 When the state, the use or the occupation of a building creates an immediate danger to the public's safety, the Director of the Department or his representative may take the measures deemed necessary to remove or control the said danger or may order the immediate evacuation of the people inside and prevent access to the building, as long as the danger exists.

11.4.5 The Director of the Department or his representative may establish a security perimeter and define it as deemed necessary. No one is allowed to cross such a perimeter on the premises of any fire or a disaster. One must particularly comply with the orders of the Director or his representative.

11.4.6 The Director of the Department or his representative is authorized to limit, interrupt or prohibit vehicle traffic during a fire or other disaster.

11.5 End of the emergency

The Director of the Department or his representative, states the end of the emergency when he considers that there is no longer any danger to human life, the environment or property.

11.6 Assistance and help

Anyone present at the scene of an emergency must, if asked by the Director or his representative in charge, lend the assistance and help they are capable of giving, to fight a fire or any other situation considered urgent by the Director of the Department or his representative.

11.7 Power to demolish

The Director of the Department or his representative is authorized to demolish any building, house, fence, secondary building, construction, installation or anything else, when necessary, in order to stop the propagation of a fire as well as to ensure the safety of citizens.

11.8 Power to request assistance

In case of fire on the Municipality's territory or within the jurisdiction of its Fire Department, when the magnitude of the disaster exceeds their capacity, the Director of the Department or his representative may ask one or the other of its counterparts, for the intervention or the assistance of another municipality's Fire Department, all according to the provisions of the established agreements, if applicable.

11.9 Power to provide assistance

The Director of the Department or his representative is authorized to involve the department or to provide assistance, following a request from a neighbouring municipality, according to the Fire Safety Act (L.R.Q., c,c-27.) and with the provisions of the established agreements, if applicable.

11.10 Request for assistance from another Municipality

When a request is made by another Municipality, the Pontiac Fire Department does not enquire about the genuine identity of the applicant and, upon receiving the request, the department is dispatched to the scene, at the applicant's expense.

In a case when the Municipality requesting assistance is bound by an intermunicipal agreement with the Municipality of Pontiac, this agreement applies.

11.11 Priority

The department will respond first and foremost and at all time, the calls originating from its territory and must give priority to any intervention within its jurisdiction boundaries before responding to calls from other municipalities.

11.12 Determination of causes and circumstances

The Director of the Department or his representative may, within twenty-four (24) hours of the end of the fire:

- 11.12.1 Prohibit access to the scene of the disaster to facilitate the search or the preservation of elements that are useful in the performance of his duties;
- 11.12.2 Inspect the scene and examine or seize any document or object on the premises that may, according to him, help to establish the point of origin, the probable causes or the immediate circumstances of the fire;

- 11.12.3 Take pictures of the scene and objects;
- 11.12.4 Take copies of documents;
- 11.12.5 Carry out or have someone perform on-site any expert assessment he deems necessary;
- 11.12.6 Gather the testimony of people present at the time of the incident.

SECTION 12 – RESPONSIBILITIES OF THE DIRECTOR

- 12.1 The Director of the Department is in charge of enforcing the present bylaw.
- 12.2 Subject to restrictions that may be imposed by the Police Department in the cases referred to in section 11.4, the Director of the Department or a qualified person that he has assigned must, for any fire that occurred within the department's jurisdiction, determine the point of origin, the probable causes as well as the immediate circumstances which are, among other things, the characteristics of the building or of the damaged property and the course of events.
- 12.3 The Director of the Department must notify the Minister, no later than the 31st of March in the year following the fire, of the date, time and place of the fire, the nature and assessment of the damages and, if they are known, the point of origin, the probable causes and the immediate circumstances of the fire, which are, among other things, the characteristics of the building or of the damaged property and the course of events.

Transmission of the information will be done through forms and media, made available to the department by the Ministry of Public Safety.
- 12.4 The Director of the Department or the person he has designed must, without delay and before starting his research, report to the Police Department having jurisdiction on the territory of the disaster, any fire :
 - 12.4.1 That has claimed lives;
 - 12.4.2 for which the likely cause was clearly not accidental or for which there are reasons to believe there was a criminal act involved;
 - 12.4.3 which is a special case specified by the Police Department
- 12.5 The Director of the Department is responsible for :
 - 12.5.1 fulfilling the obligations imposed on the department, to the extent of the workforce and equipment made available by the Municipality;
 - 12.5.2 the relevant use of human and physical resources made available by the Municipality;
 - 12.5.3 the implementation of the actions provided under the Fire Safety Cover Plan adopted by the Municipal Council.
- 12.6 The Director of the Department must :
 - 12.6.1 see to the administrative management of the department within the budget limit allocated by the Municipality;
 - 12.6.2 help to enforce the municipal bylaws directly related to safety or fire protection and promote the enforcement of any municipal bylaw that has an influence on fire safety;
 - 12.6.3 recommend to council any amendment to existing bylaws or any other bylaw deemed essential or important for the protection of people and property, against fire ;
 - 12.6.4 makes recommendation to the Municipal Council that are pertinent to devices or equipment for the department, staff recruitment, the construction, renovation or improvement of the fire hall, the improvement of the water distribution network and flow conditions;
 - 12.6.5 see to department members' permanent training and development in order to maximize efficiency, especially at the scene of a fire ;
 - 12.6.6 ensure that the equipment and facilities used by the department are regularly

inspected and checked, that a report is completed to that effect and that a follow-up (repairs, replacement, etc.) is done.

SECTION 13 – DUTIES AND POWERS OF THE FIRE HALL CAPTAINS

- 13.1 Under the supervision of the Director of the Department, the fire hall Captain is closely involved in all of the department's activities, both administrative and operational, according to the laws, regulations, policies, guidelines, and according to a current job description.
- 13.2 He is responsible for his fire hall, manages the equipment required for the proper functioning of his fire hall, is in charge of the weekly maintenance of the vehicles and equipment, ensures that the members of his fire hall receive their monthly training, controls the reports that are submitted for his approval by his subordinates and is involved in the staff evaluations;
- 13.3 In the absence of the Director of the Department, or at the request of the Municipality's Secretary-Treasurer/Director General, he assumes the duties of the Director of the Department.
- 13.4 He reports to the Director of the Department or to the Secretary-Treasurer/ Director General of the Municipality.

SECTION 14 – DUTIES AND POWERS OF THE LIEUTENANTS

- 14.1 The Lieutenant, under the authority of the Captain of the fire hall, helps the latter with the coordination and the supervision of all his team's activities and resources that he has been entrusted with and with the full implementation of the guidelines and the decisions made by management, according to current job description.
- 14.2 He reports to the Captain of the fire hall, to the department's Director or to the Secretary-Treasurer/Director General of the Municipality.

SECTION 15 – DUTIES AND POWERS OF THE FIREFIGHTERS

- 15.1 Under the direction of the officers, it is the firefighter's duty to help citizens in the event of a fire and in any circumstances when their lives or property is threatened. Furthermore, he performs any other actions according to laws, regulations, policies, guidelines and according to a job description.
- 15.2 He reports to the Lieutenant, or during his absence, the fire hall's Captain or the department's Director.
- 15.3 The firefighters have the responsibility and the duty to execute safe operational guidelines, the standardized operational procedures as well as the administrative guidelines issued by the Director of the Department or by the Municipality's Director General.

SECTION 16 – POWERS OF INTERVENTION

In order to perform their duties, firefighters may enter in any premises affected or threatened by fire, other disasters or in an emergency situation, as well as in any adjacent buildings, in order to fight fires or to provide assistance.

Under the same conditions and under the authority of the Director of the Department, his representative or the designated officer or firefighter, they may also:

- 16.1 Enter any premises by using the necessary means where there is a serious danger to people or property, or in adjacent buildings in order to stop or mitigate the danger or to provide assistance;
- 16.2 if, at the time of a forced entry, as described in the previous section, the occupant or the

owner of a property is absent, the property must be return to a secure state equivalent to what it was prior to the forced entry;

- 16.3 prohibit the access in a protected zone, stop or reroute traffic or subject it to special rules;
- 16.4 as a security measure in a dangerous zone and when there is no other means of protection, order the evacuation of the premises;
- 16.5 to guarantee the safety of operations, and after ensuring that this action does not endanger the safety of others, order the shutdown of the power supply to a building or to an area, or if it is possible to do in a simple and safe manner, carry out this task themselves;
- 16.6 authorize any other necessary measures to secure the premises;
- 16.7 when the firefighters can no longer handle the task, accept or seek help from anyone able to assist them ;
- 16.8 accept or request the necessary means of private help, when the department's means are insufficient or not readily available to respond to an emergency situation;
- 16.9 intervene in the case of a spill of hazardous materials, according to the training received and the protective equipment available, provided that there is appearance of reasonable risk of danger to people, animals, property or the environment.

SECTION 17 - SECURITY

- 17.1 Any firefighter hired by the Municipality may, in the performance of his duties, expel anyone who interfere with the firefighters' work, or someone making operations at the scene of an emergency difficult, who refuses to obey the orders given by a firefighter, who refuses to move when asked or hinders, in anyway, the course of operations.
- 17.2 No one can damage the equipment or the material used for fire prevention or for firefighting, or interfere with, or prevent its operation.

SECTION 18 - RATE

The rate regarding the fees required for the intervention of the Municipality's firefighters on another municipality's territory is determined according to an intermunicipal agreement or, by default, according to the actual costs incurred as part of the said intervention.

SECTION 19 – DEDICATED FUND

Any revenue collected from the reimbursement of fees for the use of extrication devices by the *Société de l'assurance automobile du Québec* will be designated to the allocated surplus reserved exclusively for financing the Fire Department's equipment, as per the Fire Departments Director's recommendations.

SECTION 20 – APPLICABLE PROVISION

The provisions related to seized objects as provided under the Code of Penal Procedure, chapter C-25.1, are applicable, with the necessary adjustments, to the documents and objects seized under section 44 of the Fire Safety Act (L.R.Q., c,c-27.), once they have been seized.

SECTION 21 - IMMUNITY

Each member of a fire department or any other person from which help was expressly accepted or required under paragraph 7 of the second sub-paragraph of section 40 of the Fire Safety Act (L.R.Q., c,c-27.) is exonerated from any responsibility for the prejudice that may result from his intervention during a fire or an emergency situation or a disaster for which mandatory back-up measures are provided under the Plan, according to section 11 of the Fire Safety Act (L.R.Q., c,c-27.), unless that prejudice is caused by his willful misconduct or gross negligence.

This exoneration shall also benefit the authority that established the department or requested its intervention or assistance, unless it has not adopted a plan for the implementation of the Fire Safety Cover Plan, as it was required to do so, or if the measures provided for in the applicable plan related to the alleged acts were not taken or carried out according with what was established.

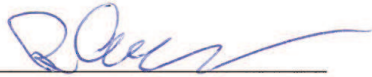
SECTION 22 – ABROGATION

The present bylaw abrogates and replaces bylaw 097-89 regarding the Fire Department.

SECTION 23 - COMING INTO EFFECT

The present bylaw will come into effect according to Law.

GIVEN IN PONTIAC (QUEBEC), this April 12, 2017.



Roger Larose
Mayor



Benedikt Kuhn
Director General

Date of motion : January 10, 2017
Resolution : 17-04-3088
Adoption : April 11, 2017