

PART X

FIRE AND EMERGENCY SERVICES

Municipal role

293 A municipality may maintain and provide fire and emergency services by providing the service, assisting others to provide the service, working with others to provide the service or a combination of means.

Registration as fire department

294 (1) A body corporate may apply to a municipality for registration as a fire department.

(2) A municipality shall not refuse to register a body corporate that complies with this Act if the

(a) municipality is satisfied that the body corporate is capable of providing the services it offers to provide;

(b) body corporate carries liability insurance, as required by the municipality;

(c) body corporate does not provide the fire services for profit; and

(d) municipality does not provide the same services for the same area.

(3) A fire department, including a fire department of a municipality, village or fire protection district, shall register in each municipality in which it provides emergency services.

(4) A registered fire department shall provide the municipality with a list of specific emergency services it will endeavour to provide and the area in which the services will be provided.

(5) Registration continues in force until withdrawn by the municipality for cause or the fire department requests that the registration be revoked.

(6) A municipality may grant or lend money to, or guarantee a loan for, a registered fire department for operating or capital purposes.

(7) A municipality may grant or lend assets, without charge, to a registered fire department.

(8) Registration does not make a fire department an agent of a municipality.

(9) A registered fire department is not a municipal enterprise pursuant to the *Municipal Finance Corporation Act*.

Registration as emergency services provider

295 (1) A body corporate may apply to a municipality for registration as an emergency services provider to provide emergency services other than fire services.

(2) A municipality shall not refuse to register a body corporate that complies with this Act if the

(a) municipality is satisfied that the body corporate is capable of providing the services it has undertaken to provide;

(b) body corporate carries liability insurance, as required by the municipality;

(c) body corporate does not provide the emergency services for profit; and

(d) municipality does not provide the same services for the same area.

(3) A body corporate that applies pursuant to subsection (1) shall register in each municipality in which it provides emergency services.

(4) A registered emergency services provider shall provide the municipality with a list of the specific emergency services it will endeavour to provide and the area in which the services will be provided.

(5) Registration continues in force until withdrawn by the municipality for cause or the emergency services provider requests that the registration be revoked.

(6) A municipality may grant or lend money to, or guarantee a loan for, a registered emergency services provider for operating or capital purposes.

(7) A municipality may grant or lend assets, without charge, to a registered emergency services provider.

(8) Registration does not make an emergency services provider an agent of a municipality.

(9) A registered emergency services provider is not a municipal enterprise pursuant to the *Municipal Finance Corporation Act*.

Policies

296 (1) The council may make policies respecting full-time, volunteer and composite fire departments and emergency service providers in the municipality.

(2) Policies for fire departments and emergency service providers may include

- (a) requirements and procedures for registration;
- (b) personnel policies with respect to those members who are employees of the municipality;
- (c) the manner of accounting to the council for the use of funds provided by the municipality;
- (d) an annual meeting to report to the public respecting fire and emergency services;

(e) such other matters as are necessary and expedient for the provision of emergency services in the municipality.

(3) The council may require proof of compliance with its policies before advancing any funds.

Powers where fire

297 (1) When any fire, rescue or emergency occurs, the fire chief or other officer in charge, and any person under the direction of that officer, shall endeavour to extinguish the fire and prevent it from spreading, conduct the rescue or deal with the emergency and, for that purpose, may

(a) command the assistance of persons present and any inhabitant of the municipality;

(b) remove property from buildings on fire or in danger of fire;

(c) take charge of property;

(d) enter, break into or tear down any building;

(e) exclude and remove persons and vehicles from the building or vicinity; and

(f) generally do all things necessary to respond to the emergency.

(2) It is an offence to disobey any lawful order or command of the officer in charge.

(3) Where a fire alarm is given or the officer in charge has reason to believe that a fire exists on any premises, the officer in charge and any person under the direction of that officer may enter or break into any building for the purpose of ascertaining whether a fire exists.

(4) The officer in charge may direct that a building be pulled down or otherwise destroyed if, in the judgment of that officer, doing so will tend to contain a fire or protect the public from a dangerous condition.

(5) A municipality, a village, a fire protection district, a fire department, an emergency services provider and an officer in charge, and a person acting under the direction or authority of that officer, are not liable for an act done in the exercise of any of the powers conferred by this Section.

Fire escape inspection

~~298~~ A member of a fire department authorized by the chief officer may enter a building or premises at any reasonable time for the purpose of determining whether there is a condition likely to increase the risk of fire or to interfere with the escape of the occupants in the event of fire or other emergency.

Offence

299 It is an offence to interfere with

(a) efforts of a member of a fire department or emergency services provider to extinguish fires and render assistance in emergencies; and

(b) publicly or privately-owned fire-fighting, rescue or emergency facilities and equipment and hydrants.

No liability

300 A municipality, a village, a fire protection district, an employee of a municipality, village or fire protection district, a member of the fire department of a municipality, village or fire protection district, a registered fire department, a member of a registered fire department, a registered emergency services provider and a member of a registered emergency services provider are not liable for an act or omission in providing, or failing to provide, an emergency service, unless they are grossly negligent.

When action lies

301 (1) No action lies with respect to an act or omission in providing, or failing to provide, an emergency service against an employee of a municipality, village or fire protection district, a member of the fire department of a municipality, village, fire protection district, registered fire department or registered emergency services provider.

(2) Notwithstanding subsection (1) and subject to Section 300, an action may lie against a municipality, village, fire protection district, registered fire department or registered emergency services provider with respect to its employee, member of its fire department or member.

Mutual aid

302 (1) A municipality may assist at fires, rescues or other emergencies occurring outside its boundaries.

(2) A municipality may agree with municipalities, villages, fire protection districts, federal and provincial departments and agencies or others to provide assistance at fires, rescues and other emergencies and to receive assistance at fires, rescues and other emergencies.

(3) A fire department that assists a registered fire department pursuant to a mutual aid agreement is not required to register and is entitled to all of the protections provided by this Act for the assisted fire department.

(4) An emergency services provider that assists a registered fire department or registered emergency services provider pursuant to a mutual aid agreement is not required to register and is entitled to all of the protections provided in this Act for the assisted fire department or emergency services provider.