



## **Town of Torbay**

### **Torbay Volunteer Fire Department Operating By-Law**

Pursuant to the authority conferred in sections 7 and 8 of the Towns and Local Service Districts Act, 2025, the Town Council of Torbay has adopted the following by-law on the February 3, 2025.

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#### **1. TITLE**

1.1 This document will be known and cited as the *Torbay Volunteer Fire Department Operating By-Law*.

#### **2. PURPOSE**

2.1 **BEING A BY-LAW TO ESTABLISH AND REGULATE** The Torbay Volunteer Fire Department.

**WHEREAS** Section 163 of the Towns and Local Service Districts Act (SNL2023 Chapter T-6.2), as amended, provides that a town council may establish, operate and maintain a fire department;

**AND WHEREAS** The Town of Torbay established the Torbay Volunteer Fire Department

**NOW THEREFORE** the Council of the Town of Torbay hereby enacts as follows:

#### **3. INTERPRETATION/DEFINITION**

3.1 "Automatic Aid" means any agreement between two or more fire departments for immediate joint response on first alarm. Where a municipality agrees to provide an initial response to fires, rescues and emergencies that may occur in a part of another municipality where a fire department is capable of responding more quickly than any fire department situated in the other municipality; or a municipality agrees to provide a supplemental response to fires, rescues and emergencies that may occur in a part of another municipality where the department in the municipality is capable of providing the quickest supplemental response to fires, rescues and emergencies occurring in the part of another municipality

3.2 "Chief Administrative Officer" means the person appointed by Council by-law to be the Chief Administrative Officer (CAO) for the Town of Torbay.

3.3 "Core Services" shall mean those services as defined in Schedule "A" of this by-law.

3.4 "Corporation" means the Corporation of the Town of Torbay.

3.5 "Council" means the council for the Town of Torbay.

3.6 "Deputy Fire Chief" means the person appointed in accordance to assist the Fire Chief in the operations of the Torbay Volunteer Fire Department (TVFD) in accordance with this position's role description, as amended, and will act on behalf of the Fire Chief in the case of an absence or a vacancy in the office of the fire chief.

3.7 "Emergency Activities", are activities of the Fire Department relating to rescue, fire suppression, emergency medical services, and special operations, including response to the scene of the incident and all functions performed at the scene.

3.8 "Emergency Response Area" means the geographic area of the Town Torbay and the Town of Flatrock (Schedule "B").

3.9 "Fire Chief" means the person appointed under Section 69 of the Towns and Local Services Districts Act (SNL2023 Chapter T-6.2), to be Fire Chief in accordance with this position's role description, as amended.

3.10 "Fire department" means the Torbay Volunteer Fire Department established by the Town of Torbay under Section 163 of the Towns and Local Service Districts Act (SNL2023 Chapter T-6.2), and amended, and comprised of those roles as set out in the Torbay Volunteer Fire Department Operating Policy (Schedule "C").

3.11 "Firefighter" means the Fire Chief, and any other person employed in, or appointed to, the Fire Department and assigned to undertake fire protection services, and includes a volunteer firefighter.

3.12 "FPSA" means the Fire Protection Services Act (SNL2008 Chapter F-11.01), as amended, or any successor legislation, and any regulation made there under.

3.13 "Fire Protection Services" means the measures taken to prevent and reduce the impact of fire, to protect life and the safety of persons and property from fire, and the preservation and protection of the environment. It involves the implementation of safety planning practices and drills, and includes education on fire, safety planning, building construction, safe operations, training and testing of mitigating systems.

3.14 "Limited Services" means a variation of core services that are provided due to extenuating circumstances. These circumstances can include, but are not limited to, insufficient numbers of firefighters; environmental factors; remote properties; impediments to access; private roadways, lanes, or drives; obstructions; extraordinary hazards or unsafe conditions; travel distance; water supply; structural integrity.

3.15 "Medical Response" shall mean emergency pre-hospital care response and medical acts or other first aid or cardiopulmonary resuscitation services.

3.16 "Municipality" means the Town of Torbay.

3.17 "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".

3.18 "NFPA" means codes, standards, recommended practices, and guides as developed and amended by the National Fire Protection Association.

3.19 "Officer" means those persons appointed in accordance with the Torbay Volunteer Fire Department Operating Policy, as amended, that meet the qualifications and, if applicable, completes successfully criteria for such employment, including, but not limited to, captains and lieutenants.

3.20 "Operating Policies" means the standard operating policies of the Torbay Fire Department, including the SOG's and Constitution of the TVFD.

3.21 "Search and Rescue" means response and rescue to vehicle extrication, wilderness rescue, water rescue, rope rescue and may also include other scenarios where persons or property are at risk or endangered.

#### **4. APPLICATION**

4.1 The Fire Department is continued under this by-law to provide fire protection services for the Corporation and shall be known as the Torbay Volunteer Fire Department.

4.2 The primary goals and duties of the Fire Department shall be as set out in the attached Schedule "A" forming part of this by-law and the Fire Department operating Policy.

#### **5. PROCEDURE**

##### **5.1 TERMS AND CONDITIONS OF EMPLOYMENT**

5.1.1 The terms and conditions of employment of the firefighters that comprise the Fire Department shall be determined by the Torbay Town Council acting in accordance with the policies and programs established by Council, and the Fire Department Operating Policy.

5.1.2 Employment shall be in accordance with the Town of Torbay personnel and employment policies and procedures, as amended, and the Fire Department Standard Operating Policy.

5.1.3 Remuneration of all active firefighters shall be in the form of an honorarium as determined by the Fire Chief, as per the TVFD Constitution.

##### **5.2 ORGANIZATION**

5.2.1 The Torbay Volunteer Fire Department shall be organized as set out in the TVFD Fire Department Organization Chart contained in the TVFD Fire Department Operating Policy, as amended.

### **5.3 CORE SERVICES**

5.3.1 For the purposes of this by-law, core services provided by the Fire Department shall be as set out in Schedule "A" entitled "Core Services", attached to and forming an integral part of this by-law.

5.3.2 Notwithstanding Section 5.1, due to the Fire Department's reliance upon volunteer firefighters, the topographic and geographic configuration of the response area, the level and amount of equipment at the Fire Department's disposal, and other budgetary constraints, the core services listed in Schedule "A", although approved, may be provided as "Limited Services" at the sole discretion of the Fire Chief. The Corporation of the Town of Torbay accepts no liability for any delay or inability to supply the services set out in Schedule "A" of this by-law due to the provision of its "Core Services" as "Limited Services" or due to the existence of unsafe conditions encountered on route, impeded access to property, and/or environmental factors or constraints or other similar factors.

### **5.4 RESPONSIBILITIES AND AUTHORITY OF THE FIRE CHIEF**

5.4.1 The Fire Chief is responsible to Council, through the Chief Administrative Officer (CAO) for the proper administration and operation of the Fire Department including the delivery of fire protection services.

5.4.2 The Fire Chief shall carry out the statutory duties of the Fire Chief in accordance with this by-law, Towns and Local Services District Act, and guidelines established by policy of Council and/or the CAO, in accordance with this position's role description, as amended.

5.4.3 The Fire Chief shall be authorized to draft policies for Council approval, and the Fire Chief is authorized to create and approve standard operational guidelines (SOGs), and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operations of the Fire Department, and effective management of fire protection services without restricting the generality of the foregoing:

5.4.3.1 For the care, maintenance and protection of all property belonging to the Town of Torbay;

5.4.3.2 For arranging for the provision of necessary and proper facilities, apparatus, equipment, services and supplies for the Fire Department;

5.4.3.3 For determining and establishing the qualifications and criteria for employment or appointment, and the duties of all firefighters and officers of the Fire Department;

5.4.3.4 For the conduct and the discipline of firefighters and officers of the Fire Department in accordance with the Torbay Volunteer Fire Department Operating Policy, as amended;

5.4.3.5 For keeping an accurate record, in convenient form for references, of all fires, rescues, suppression, public education, training and emergencies conducted by the Fire Department;

5.4.3.6 For keeping such other records as may be required by Council and the FPSA;

5.4.3.7 For preparing and presenting the annual report of the Fire Department to Council;

5.4.3.8 For preparing and presenting the annual budget estimates of the Fire Department to Council and for exercising control over the budget approved by Council for the Fire Department;

5.4.3.9 The Fire Chief shall develop SOGs to implement the policies established by Council. The SOGs shall be communicated and maintained to meet legislation and shall be communicated to the firefighters;

5.4.3.10 The Fire Chief shall have all powers, rights and duties assigned to a fire chief under the Towns and Local Service Districts Act (SNL2023 Chapter T-6.2), as amended.

5.4.3.11 The Fire Chief may liaise with the Fire Services Division of the Department of Justice & Public Safety and any other office or organization as required by Council or as considered necessary or advisable by the Fire Chief for the proper administration and efficient operation of the Fire Department and the effective management of fire protection services for the Corporation.

5.4.3.12 The Fire Chief may utilize such firefighters of the Fire Department as the Fire Chief may determine, from time to time, to assist in the performance of his or her duties.

## **5.5 THE FIRE CHIEF**

5.5.1 Shall review, every two years, with the officers, the policies and SOGs of the Fire Department and report back to the Chief Administrative Officer.

5.5.2 Shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property.

5.5.3 Shall enforce all municipal by-laws respecting fire prevention.

5.5.4 Shall adhere to the provisions of the FPSA.

5.6 The Fire Chief is responsible for the enforcement of this by-law, the policies of the Fire Department, the SOGs of the Fire Department and Fire Department rules.

5.7 The Deputy Fire Chief is the Fire Chief's designate. The designate shall have the same authority and responsibilities of the Fire Chief and shall perform all of the duties of the Fire Chief in the Fire Chief's absence. The Fire Chief shall designate, in writing, in the absence of himself and the Assistant Fire Chief for an extended period, a Captain to be his/her designate, and the Fire Chief shall report such designation to the Chief Administrative Officer.

5.8 The Fire Department, under the supervision of the Fire Chief shall perform the following functions:

5.8.1 Administration.

5.8.2 Apparatus, equipment and communications maintenance.

5.8.3 Emergency operations.

5.8.4 Fire prevention and public education.

5.8.5 Fire protective services.

5.8.6 Training.

The responsibility for the performance of such functions may be delegated in writing, by the Fire Chief, to an officer or firefighter of the Fire Department. The Fire Chief is responsible for ensuring that functions are applied in accordance with all applicable SOGS and Council policy and laws.

## **5.9 GENERAL DUTIES AND RESPONSIBILITIES**

5.9.1 Every firefighter shall conduct themselves in accordance with policies, procedures, rules, guidelines, and made by the Fire Chief and shall give their whole and undivided attention while on duty to the efficient operation of the Fire Department and shall perform the duties assigned to them to the best of their ability in accordance with the Department Operating Policy and SOGs; or other written agreement that may be applicable; and/or policies, guidelines, rules and procedures established by Council.

## **5.10 PROPERTY**

5.10.1 No person shall supply any apparatus, equipment or other property of the Fire Department for any personal or private use.

5.10.2 No person shall willfully damage or render ineffective or inoperative any apparatus, equipment or other property belonging to or used by the Fire Department.

## **5.11 FIRE SUPPRESSION**

5.11.1 The Fire Chief shall take all appropriate measures for the prevention, control and extinguishment of fires, the protection of life and property, and the protection of the environment, and shall exercise all powers mandated by the



Fire Chief Regulations under the Municipalities Act, 1999, as amended, and the Towns and Local Service Districts Act (SNL2023 Chapter T-6.2), as amended.

5.11.2 The Fire Chief shall ensure structural firefighting including limited internal rescue and fire attack are in accordance with the Fire Department's level of training, SOGs, Occupational Health and Safety Guidelines and the number and type of personnel and equipment available to the Fire Department on each specific emergency response.

## **5.12 ADDITIONAL EXPENSES**

5.12.1 If, as a result of the Fire Department's(i) response to an emergency, or (ii) carrying out of any of its duties or functions, the Fire Chief or Assistant Fire Chief determines that it is necessary to incur additional expenses, retain a private contractor, rent special equipment not normally carried on a fire apparatus or use more materials than are carried on a fire apparatus in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, control and eliminate an emergency, carry out or prevent damage to equipment owned by the Corporation or otherwise carry out the duties and functions of the Fire Department, such costs shall be borne by the Town.

## **5.13 EMERGENCY RESPONSE OUTSIDE THE LIMITS OF THE MUNICIPALITY**

5.13.1 The Fire Department shall not respond to a call with respect to a fire or emergency outside the territorial limits of the Fire Department's response area as identified in the attached Schedule "B" forming part of this by-law, except with respect to a fire or emergency:

5.13.1.1 That, in the opinion of the Fire Chief or designate of the Fire Department, threatens property in the Municipality or property situated outside the Municipality that is owned or occupied by the Municipality.

5.13.1.2 In a municipality with which an approved automatic aid or mutual aid agreement has been entered into to provide fire protection services.

5.13.1.3 On property with which an approved agreement has been entered into with any person or corporation to provide fire protection services.

5.13.1.4 At the discretion of the Fire Chief, to a municipality authorized to participate in any mutual aid plan or respond to a request from the Provincial Fire Commissioner to respond to other fire and emergency situations.

5.13.1.5 On property beyond the territorial limits of the Fire Department

where the Fire Chief or designate determines immediate action is necessary to preserve life and/or property and the correct fire department is notified and/or assumes command or establishes alternative measures, acceptable to the Fire Chief or designate.

#### **5.14 SCHEDULES**

5.14.1 The following items shall form an integral part of the by-law and shall be attached as schedules:

Schedule "A" - Core Services.

Schedule "B" - Emergency Response Area.

#### **5.15 CONFLICT**

5.15.1 Where this by-law may conflict with other by-laws of the Corporation, this by-law shall supersede and prevail over that other by-law to the extent of the conflict.

#### **6. SEVERABILITY**

6.1 If any part of this by-law is found to be illegal or beyond the power of the Corporation, such section or part or item shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent there from and enacted as such.

#### **7. NON-COMPLIANCE**


7.1 Anyone found to be in non-compliant with any aspect of this bylaw shall be issued a fine as determined by the Fire Chief.

#### **8. BY-LAW REVIEW**

8.1 The Town shall, every 2 years, conduct a review of this By-law and consider the areas which may be improved.

#### **9. CAME INTO EFFECT**

9.1 This By-Law first came into effect on February 3, 2025, through a resolution of Council - RES -32-2025 by a Public Council Meeting held on February 3, 2025.

  
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Craig Scott, Mayor  
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Sandy Hounsell, CAO



## **Schedule "A"**

### **Core Services**

Core Services may be limited or reduced due to the Fire Department's reliance upon volunteer firefighters, the topographic and geographic configuration of the response area, the level and amount of equipment at the Fire Department's disposal, and other budgetary constraints. The Fire Chief may, in his/her sole professional discretion, limit the level of core services that will be provided in certain circumstances. The decision to provide limited services shall be made after assessing the individual circumstance and determining whether the core services can be delivered safely, recognizing all relevant limitations.

The Municipality accepts no liability for the delay or inability to supply the core services listed below due to the existence of unsafe conditions encountered on route, impeded access to property, environmental factors/constraints, and/or the limitations described above.

All emergency response and training will comply with applicable provincial legislation, in accordance with recognized curriculum and industry standards.

#### **1. Fire Prevention and Education**

- 1.1 Shall include the distribution of fire and life safety information and public education programs in accordance with the FPSA and the Town Fire Prevention Policy.
- 1.2 Shall include an on-going residential home fire safety program, and smoke and carbon monoxide alarm awareness programs.
- 1.3 Fire and life safety communications shall be distributed using media tools and other outlets as appropriate.

#### **2. Fire Code Enforcement**

- 2.1. Shall include, Inspections arising from complaint, request, retrofit, or self-initiated and shall be provided in accordance with the FPSA and the applicable codes as adopted by the Town. Annual fire and life safety inspections will be conducted on all commercial buildings, institutional buildings, nursing homes/manors, and daycares.
- 2.2 The Fire Chief or a designate, will have the authority to enter any commercial buildings, institutional buildings, nursing homes/manors, and daycares for the purpose of completing an annual fire and life safety inspection.

#### **3. Structural Firefighting: Offensive and Defensive**

3.1. Structural Firefighting shall include a comprehensive, coordinated arrangement of resources and functions which are organized to respond in a timely, staged manner to targeted fire emergencies, regardless of the cause, and to minimize the impact on persons, property and the environment.

3.2. Fire suppression services shall be delivered in both an offensive and defensive mode and shall include search and rescue operations, forcible entry, ventilation, protecting exposures, salvage and overhaul as appropriate.

#### **4. Wildland Firefighting**

4.1. Wildfire services shall include a comprehensive, coordinated arrangement of resources and functions which are organized to respond in a timely, staged manner to targeted wildland fire emergencies, regardless of the cause, and to minimize the impact on persons, property, and the environment within the Municipality.

4.2. A wildfire or wildland fire is a fire in an area of combustible vegetation that occurs in the countryside or rural area.

4.3. Wildland fires are uncontrolled fires based on the combination of factors such as available fuels, physical setting, and weather.

#### **5. Medical Response**

5.1. Medical Response shall include emergency, pre-hospital care response and medical acts or other first aid/cardiopulmonary resuscitation (CPR) services.

5.2. These services shall be maintained as per the Fire Chief's approved Standard Operating Guidelines as appropriate, and appropriate to the needs of the Municipality as recommended by the Fire Chief.

5.3. The emergency first responders, Officers and volunteer firefighters, shall be trained to the level of advanced First Aid for Fire Fighters, and have current CPR/AED certification. Certification shall remain current, and a proper training record will be maintained.

#### **6. Vehicle Extrication - Search and Rescue**

6.1. Search and rescue operations shall include performing vehicle extrication and disentanglement operations involving packaging, treating, and removing victims trapped in common passenger vehicles through the use of hand and power tools.

#### **7. Watercraft Operations - Search and Rescue**

7.1 Search and rescue operations shall include performing watercraft-assisted and watercraft-based operations to locate, access, provide treatment and extricate individuals as required.

7.2 TVFD firefighters are trained to perform surface water rescue and ice/cold water rescue utilizing the proper training and equipment as provided.

**8. Special Operations/Search and Rescue**

8.1 Special operations search and rescue includes unforeseen events caused by natural disaster, intentional acts, or other unforeseen causes where persons or property are at risk or endangered.

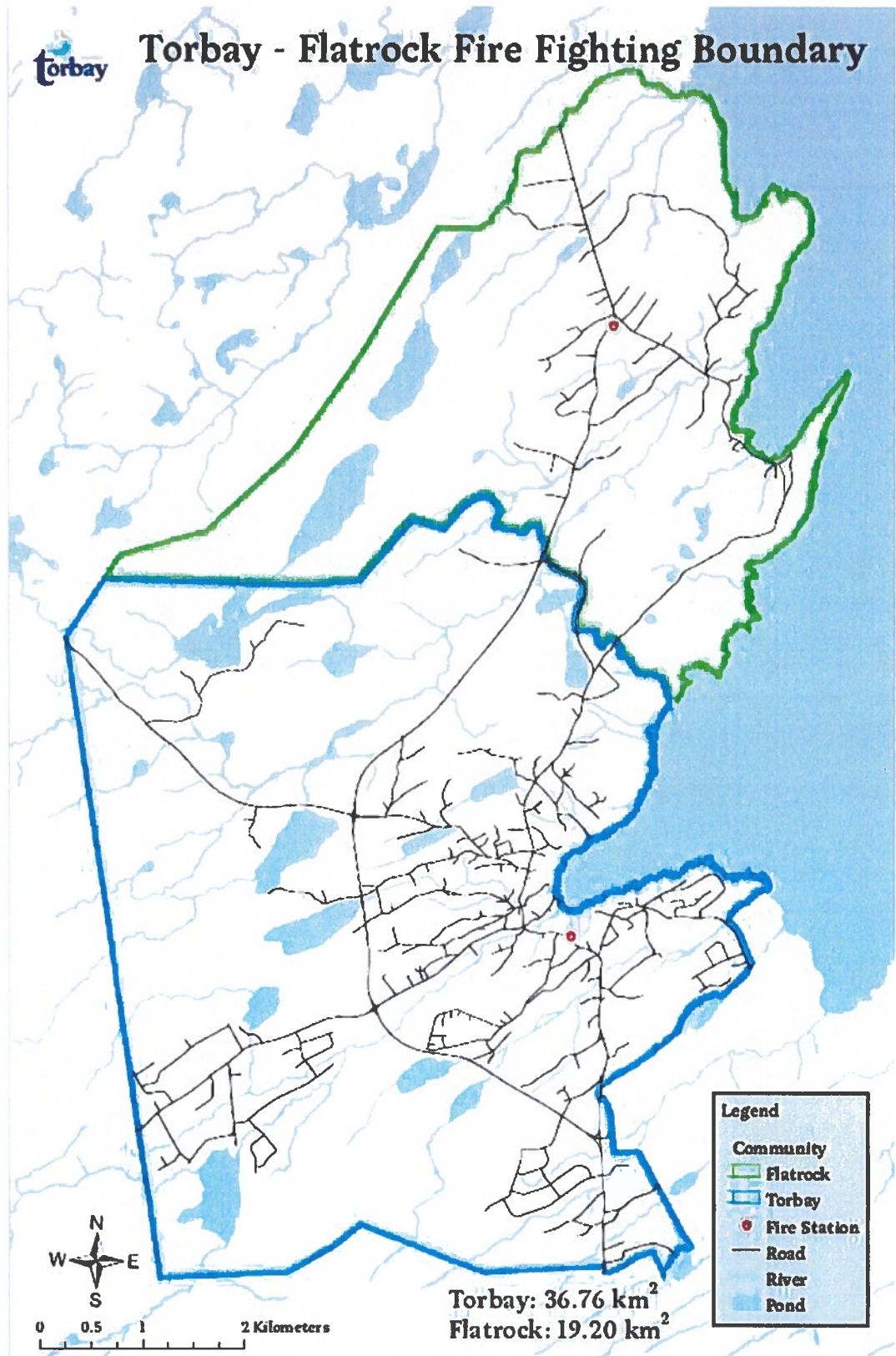
**9. Low and High Angle Rope – Search and Rescue**

9.1 Search and rescue operations shall include treating, packaging and removal of individuals by rope access and recovery, using the members trained in low and high angle rope rescue.

## Schedule "B" -Emergency Response Area



### Torbay - Flatrock Fire Fighting Boundary



#### Legend

- Community
- Flatrock
- Torbay
- Fire Station
- Road
- River
- Pond

Torbay: 36.76 km<sup>2</sup>  
Flatrock: 19.20 km<sup>2</sup>