

**THE CORPORATION OF THE
MUNICIPALITY OF ARRAN-ELDERSLIE**

BY-LAW NO. 35 -11

**BEING A BY-LAW TO AMEND THE MUNICIPAL CODE
(FIRE: HEALTH & SAFETY REQUIREMENTS RESPECTING EMERGENCY
RESPONSES FOR HIGH ANGLE RESCUES)**

WHEREAS it is deemed advisable to amend the Municipal Code to incorporate certain health and safety requirements with respect to emergency responses for high angle rescues at structures greater than one hundred-fifty feet [45.72 metres] in height;

NOW THEREFORE The Corporation of the Municipality of Arran-Elderslie hereby enacts as follows:

1. That “**Schedule B Protection to Persons & Property, Fire: Health & Safety Requirements Respecting High Angle Rescues**” is hereby added as follows:

“**SCHEDULE B PROTECTION TO PERSONS & PROPERTY
FIRE: HEALTH & SAFETY REQUIREMENTS RESPECTING
EMERGENCY RESPONSES FOR HIGH ANGLE RESCUES**”

**BEING A BY-LAW TO ESTABLISH CERTAIN HEALTH & SAFETY
REQUIREMENTS RESPECTING EMERGENCY RESPONSES FOR HIGH
ANGLE RESCUES**

WHEREAS the fundamental role and duty of all three levels of government in Canada—Federal, Provincial & Municipal—to take all steps necessary to protect the health, safety and well being of their residents is hereby acknowledged;

AND WHEREAS the Province of Ontario, through Section 11, of the Municipal Act, 2001, as amended, has mandated broad authority that lower-tier municipalities may provide “*any service or thing that the municipality considers necessary or desirable for the public*”, as follows:

By-laws

- (2) *A lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting the following matters:...*

1. *Governance structure of the municipality and its local boards.*
2. *Accountability and transparency of the municipality and its operations and of its local boards and their operations.*
3. *Financial management of the municipality and its local boards.*
4. *Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act.*
5. *Economic, social and environmental well-being of the municipality.*
6. *Health, safety and well-being of persons.*
7. *Services and things that the municipality is authorized to provide under subsection (1).*

8. *Protection of persons and property, including consumer protection.*

thereby recognizing the lower-tier municipality's need and responsibility to provide for the health, safety and well-being of its residents in addition to the protection of any other persons and property within its boundaries;

AND WHEREAS the Fire Protection and Prevention Act, 1997, Chapter 4, Part II, as amended, provides that municipalities shall determine the level of core services they shall provide, as follows:

2. (1) *Every municipality shall,*
 - (a) *establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and*
 - (b) *provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances.*

AND WHEREAS the Province of Ontario has mandated that wind generation facilities, generally exceeding one hundred-fifty feet [45.72 metres] in height, may be constructed in any place in any municipality regardless of any servicing height restrictions in local zoning or official plan regulations;

AND WHEREAS The Corporation of the Municipality of Arran-Elderslie deems it necessary to protect any person within the limits of the said Municipality in the event an occurrence at any tall wind generation facility, or any other structure of similar height that may be permitted by zoning or mandated by the Province of Ontario, requires a high angle rescue response;

AND WHEREAS The Corporation of the Municipality of Arran-Elderslie, following the 2007 review of its fire protection services with the Fire Marshal's Office, has established the core services it is able to provide in accordance with its needs and circumstances and permitted height restrictions, which do not include high angle rescues above one hundred-fifty feet [45.72 metres] resulting in tall wind generation facilities, or any other approved structure of similar height, requiring other measures beyond the scope of the Municipality to rescue persons therefrom or for protecting adjacent property from any hazardous materials that may be present in said tall structures;

AND WHEREAS The Corporation of the Municipality of Arran-Elderslie is unable to carry out a high angle rescue service with its own resources, it deems it necessary to ensure that such high angle rescue service is provided to such tall structures in order to reduce or eliminate harm to any person in the Municipality who is required to be working at such a tall structure;

AND WHEREAS it would be irresponsible for The Corporation of the Municipality of Arran-Elderslie to permit the installation of a tall structure in the absence of a dedicated high angle rescue service for each such structure;

AND WHEREAS it may become necessary for a Municipal Chief Fire Official to respond to other secondary emergencies, or calls for backup, resulting from a high angle rescue response at a structure regulated by this by-law which also may involve on site hazardous materials or building components requiring special training or equipment to deal with all possible manner of emergencies;

AND WHEREAS it is deemed advisable to ensure the continued good health, safety and well-being of all persons living or working in, or owning lands within the Corporation of the Municipality of Arran-Elderslie in a responsible manner;

NOW THEREFORE THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERLSIE HEREBY ENACTS AS FOLLOWS:

1. THAT, IN THIS BY-LAW, THE FOLLOWING DEFINITIONS SHALL APPLY:

CHIEF FIRE OFFICIAL means a Fire Chief appointed to any of the fire departments located in the Municipality, or his/her designate;

HAZARD INFORMATION means information on the proper and safe use, storage and handling of a controlled product and includes information relating to the toxicological properties of the controlled product;

HAZARDOUS MATERIAL means a biological or chemical agent named or described in the regulations as a hazardous material, under the Occupational Health and Safety Act, R.R.O. 1990, and includes any specialized building material component parts of structures;

HIGH ANGLE RESCUE includes any technical form of rescue that refers to those aspects of saving life or property that employ the use of tools and skills that exceed those normally reserved for fire fighting, medical emergency, and rescue, such as rope rescue or rescue by aerial device required to reach above hundred-fifty feet [45.72 metres];

MATERIAL SAFETY DATA SHEET means, under the Occupational Health and Safety Act, R.R.O. 1990, Regulation 860, Workplace Hazardous Materials Information System (WHMIS), a document that meets the requirements of,

- (a) subsection 17 (2) if it is a supplier material safety data sheet, and
- (b) subsection 18 (3) if it is prepared by an employer;

MUNICIPALITY means The Corporation of the Municipality of Arran-Elderslie;

STRUCTURE, for the purposes of this by-law, means any tall building, tower, machinery or other device, in excess of one hundred-fifty feet [45.72 metres] in vertical height perpendicular to the ground level at its base, including, but not limited to, towers, wind generation facilities, or buildings, that may be occupied by any person(s) and that may require some level of emergency response or rescue that is beyond the scope of the capabilities of The Corporation of the Municipality of Arran-Elderslie to provide;

2. That, the Chief Building Official, at his/her discretion, may issue a building permit, in accordance with the provisions of the *Ontario Building Code*, for the construction of any structure permitted by zoning or mandated by the Province of Ontario, which exceeds a height of one hundred-fifty feet [45.72 metres] when the said application is accompanied by all of the following:
 - 2.1 Certified copy of a valid service contract with a high angle rescue service provider who shall respond to any and all emergencies that may

occur at the proposed structure including high angle rescue, subject to all of the following conditions:

- 2.1.1 the contract is in effect for the life of the structure proposed in the application, or contains provisions for the timely renewal of said contract, if less than the life of the proposed structure, at regular intervals the length of which is to be clearly stated, with certified copies of contract renewals required to be forwarded to the Municipality one month prior to their taking effect; and
 - 2.1.2 the high angle rescue service provider shall be so certified by a self-regulating organization formed under the direction and regulation of a federal or provincial agency according to its approved standards, or directly by a federal or provincial agency; and
 - 2.1.3 a copy of the certification required in clause 2.1.2 shall be provided with the application; and
 - 2.1.4 the high angle rescue service provider shall maintain its membership in the self-regulating organization, if applicable, throughout the term of its contract as evidenced by copies of its annual, or other period, membership status being provided to the Municipality; and
 - 2.1.5 if the high angle rescue service provider should change at any time during the life of the proposed structure, the applicant shall immediately provide all of the particulars required by this by-law, to the Municipality, for the new high angle rescue service provider, and not later than one month in advance of a change of high angle rescue service provider; and
 - 2.1.6 the contract shall state the guaranteed response time for the high angle rescue service provider to arrive at the location of the structure proposed in the application;
- 2.2 A commissioned, signed release by the applicant, absolving The Corporation of the Municipality of Arran-Elderslie from any responsibility whatsoever for responding to any emergency at the proposed structure;
 - 2.3 Proof of liability insurance, in the amount of TEN MILLION DOLLARS (\$10,000,000.00), indemnifying The Corporation of the Municipality of Arran-Elderslie from any and all perils or possible causes that could result in legal action being taken against The Corporation of the Municipality of Arran-Elderslie, related to the provision, or non-provision, of emergency response to the proposed structure, with a copy of each annual renewal of said liability insurance being forwarded to the Municipality immediately upon such renewal;
 - 2.4 A complete list of any and all hazardous material(s) that may be contained within or be part of the construction of the proposed structure;

- 2.5 A complete set of all Material Safety Data Sheets for the hazardous materials identified in Section 2.4;
- 2.6 A bond, or an agreement to bond, or a guaranteed line of credit, payable to The Corporation of the Municipality of Arran-Elderslie, to recover the total cost for any response required by a Chief Fire Official subsequent to a high angle rescue response by the applicant's contracted high angle rescue service provider, which may require the assistance of a local Chief Fire Official;
3. That all of the requirements of this by-law shall apply for the life of the proposed structure and in the event the ownership of the proposed structure shall change during its life time, the new owner(s) shall be subject to all of the provisions herein as if the new owner(s) had applied for the building permit for the said structure;
4. And that this by-law shall take effect with final passing."

READ a FIRST and SECOND time this 26th day of September, 2011.

READ a THIRD time and finally passed this 26th day of September, 2011.

Original Signed by

Paul Eagleson, Mayor

Original Signed by

Peggy Rouse, Clerk