

**Meeting Date:** September 3, 2019  
**Department:** Chief Administrative Officer  
**Prepared By:** Greg McClinchey, Chief Administrative Officer  
**SUBJECT:** **Amendment to the Fire Department Establishing and Regulating By-Law (By-Law 07-18)**

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**RECOMMENDATION:** that Council amend By-Law 07-18 as outlined in this report.

## **PURPOSE**

The Fire Department Establishing and Regulating By-Law is required to regulate the Fire and Emergency Services Department of the Municipality of Strathroy-Caradoc. It sets the conditions and levels of services provided by the Department and sets certain responsibilities of the Chief, officers and fire fighters of the Department.

In 2018, By-Law 66-04 was repealed in favour of a modernized approach as contained within By-Law 07-18. The change allowed the Municipality to provide greater clarity and precision on a range of operational elements of the service and to comply with new regulations and Fire Marshal's Directives.

In 2019, the Municipality engaged the Office of the Fire Marshal on certain requirements relating to the provision of fire prevention services. The change before Council is a recommendation stemming from that engagement.

## **CONSULTATION**

Office of the Fire Marshall for Ontario  
Strathroy-Caradoc Fire Chief Brian George

## **FINANCIAL IMPLICATIONS**

- None

## **ATTACHMENTS**

- Fire Department Establishing and Regulating By-Law

# THE CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC

## BY-LAW NO. 07-18

### FIRE DEPARTMENT ESTABLISHING AND REGULATING BY-LAW

**Whereas**, the Municipal Act, 2001, S.O. 2001, c.25, as amended, (“Municipal Act”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act;

**And Whereas**, the Municipal Act provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

**And Whereas**, the Fire Protection and Prevention Act, 1997, S.O. 1997, c4, as amended, (“FPPA”) requires every municipality to establish a program in the municipality 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**, the FPPA permits a municipality, in discharging these responsibilities, to establish a fire department;

**And Whereas**, the FPPA permits a Council of a municipality to establish, maintain and operate a Fire Department for all or any part of the municipality;

**And Whereas**, the FPPA requires a municipality that establishes a Fire Department to provide fire suppression services and permits the Fire Department to provide other Fire Protection Services in the municipality;

**And Whereas**, the FPPA requires any municipality that establishes a Fire Department to appoint a Fire Chief;

**And Whereas**, the FPPA authorizes a council of a municipality to pass by-laws to regulate fire prevention, to regulate the setting of open-air fires and to designate private roads as fire routes.

**Therefore, the Council of the Municipality of Strathroy- Caradoc enacts as follows:**

#### 1. Definitions

The following definitions shall apply in this by-law unless otherwise stated:

1.1. “Approved” means approved by Council;

- 1.2 “Automatic Aid” means any written agreement under which 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 the 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 a fire department in the municipality is capable of providing the quickest supplemental response to fires, rescues and emergencies occurring in the part of another municipality;
- 1.3 “CAO” means the Chief Administrative Officer appointed by Council to act as the Chief Administrative Officer for the Corporation;
- 1.4 “Chief Fire Official” means the Assistant to the Fire Marshal who is the Municipal Fire Chief (also known as the Director of Fire and Emergency Services and/or the Chief Fire Prevention Officer).
- 1.5 “Community Emergency Management Coordinator” – (“CEMC”). Means a position identified in the Emergency Management and Civil Protection Act, 1990, c. E.9, as amended (“EMCPA”) as being responsible for the development, implementation, review and maintenance of the Emergency Management Plan for the Municipality of Strathroy-Caradoc;
- 1.6 “Corporation” means The Corporation of the Municipality of Strathroy-Caradoc;
- 1.7 “Council” means the Council of the Corporation;
- 1.8 “Deputy Fire Chief” means the person appointed by Council to act on behalf of the Fire Chief in the case of an absence or a vacancy in the office of the Fire Chief;
- 1.9 “Director of Corporate Services” means the Director of the Corporate Services Department for the Corporation;
- 1.10 “Division” means a Division of the Fire Department as provided for in this By-law or as determined by the Fire Chief;
- 1.11 “Emergency Management Committee” means the group of municipal officials that are responsible to ensure that local programs and committees are developed as required to enable the emergency management process in accordance with the requirements of the Emergency Management and Civil Protection Act;

- 1.12 “Fire Chief” means the person appointed by the Council to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the FPPA;
- 1.13 “Fire Department” means the Corporation’s Fire Department (also referred to as Fire and Emergency Services);
- 1.14 “Fire Marshal” means a position with specific authorities and responsibilities under the FPAA, including ensuring that fire departments throughout Ontario provide adequate levels of service to their communities, providing support to fire departments, and administering the FPPA. Also identified as the Office of the Fire Marshal;
- 1.15 “FPPA” means the Fire Protection and Prevention Act, 1997, S.O., c 4, as may be amended from time to time, or any successor legislation, and any regulation made there under;
- 1.16 “Fire Protection Agreement” is a contract between municipalities, other agencies, individuals, or a company that clearly defines the responsibilities, terms, conditions, and all other aspects of the fire services purchased, provided and/or required;
- 1.17 “Fire Protection Services” includes fire suppression, fire prevention, fire safety education, administration services, training of persons involved in the provision of Fire Protection Services, rescue and emergency services and the delivery of all those services;
- 1.18 “Full Time Fire Fighter” means a person regularly employed on a salaried basis in a fire department and assigned to fire protection services and includes technicians, but does not include a volunteer firefighter.
- 1.19 “Head of Council” means the person elected at large by voters in the Municipality of Strathroy-Caradoc, identified formally as the Mayor;
- 1.20 “Limited Services” means a variation of service significantly differentiating from the norm as a result of extenuating circumstances, such as deployment of Volunteer Fire Fighters in insufficient numbers to safely carry out the delivery of Fire Protection Services, environmental factors, remote properties, impeded access, private roadways, lanes and drives, obstructions, or extraordinary hazards or unsafe conditions.
- 1.21 “Member” means any defined Firefighter (volunteer or full time) or Officer as per the FPPA and/or any person employed in or appointed to the Fire Department and assigned to undertake Fire Protection Services;
- 1.22 “Municipal Act” means the Municipal Act, 2001, S.O. 2001, c.25, as

amended from time to time, or any successor legislation, and any regulation made there under;

- 1.23 “Municipal Control Group” means the Head of Council, the CAO and certain designated town staff who co-ordinate and deploy resources to mitigate the impact of a municipal or other large scale emergency incident;
- 1.24 “Mutual Aid” means a program to provide/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;
- 1.25 “Officer” means any member with the rank of Acting Captain or higher;
- 1.26 “County” means the County of Middlesex being the upper tier level of government in a two tier system;
- 1.27 “Specialty Rescue” means rescue response as specified to building collapse, high angle/low angle rope rescue, confined space, ice/water rescue, auto extrication, and hazardous materials response, etc. in accordance with available resources, and/or in accordance with an approved specialty rescue service agreement; and
- 1.28 “Tiered Response Agreement” means a formal written document negotiated with sources such as the Strathroy-Caradoc Police Service, the Ontario Provincial Police and/or the London Middlesex EMS, to establish local protocols for a multi-agency response to a life threatening or public safety incident. The Agreement outlines the capabilities, expectations and limitations of each agency and defines the criteria for participation.
- 1.29 “Volunteer Fire Fighter” means any person, authorized by the Fire Chief, who voluntarily acts as a Fire Fighter for a nominal consideration or honorarium;

## **2. Establishment**

- 2.1 A department for the Municipality of Strathroy-Caradoc to be known as the Strathroy-Caradoc Fire Department is hereby established and the head of the department shall be known as the Fire Chief. The Fire Chief is the person who is ultimately responsible to the Council of the municipality that appointed him or her for the delivery of fire protection services. The Fire Chief will report to the Chief Administrative Officer.
- 2.2 The goals/mission statement of the department is, *“The mission of the Strathroy-Caradoc Fire Department is to help protect the health, lives and property of all those within the authorized service area.”*

### **3. Composition**

- 3.1 In addition to the Fire Chief, the department shall consist of a Deputy Chief, a District Chief for each station, a Deputy District Chief for each station, and such number of acting captains, captains, members and administrative personnel, and any other person(s) as may be authorized or considered necessary from time to time by Council or by the CAO on recommendation from the Fire Chief for the Fire Department.
- 3.2 The Fire Chief shall be appointed by Council.
- 3.3 The Chief may recommend the appointment of any qualified person as a member of the department, subject to the CAO's approval and compliance with the approved hiring policies developed by the municipality.

### **4. Terms and Conditions**

- 4.1 The remuneration and all other terms and conditions of employment or appointment of the Members that comprise the Fire Department shall be determined by Council or by the CAO acting in accordance with policies and programs established or approved by Council.

### **5. Organization**

- 5.1 The Strathroy-Caradoc Fire Service shall be organized in 3 Stations:
  - Station 1 (Strathroy);
  - Station 2 (Mount Brydges); and
  - Station 3 (Melbourne).
- 5.2 Each station and any division of the department is the responsibility of the Chief and is under the direction of the Chief, or such member designated by the Chief.
- 5.3 Other than the provisions noted in 5.1 and 5.2, the Chief shall have, subject to the controls noted herein, the ability to organize and command all mechanisms required to ensure the proper administration and efficient operation of the Fire Department and the effective management of Fire Protection Services for the Corporation.

### **6. Core Services**

The core services of the department shall be as follows:

- 6.1 Fire Suppression and Emergency Response.
  - 6.1.1 Fire suppression services shall be delivered in both offensive and

defensive modes as required and shall include search and/or rescue operations, forcible entry, ventilation, protection of exposures, and salvage and overhaul as appropriate.

- 6.1.2 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, due to adverse climate conditions, delays or unavailability of specialized equipment required by the Fire Department, or other extraordinary circumstances which may impede the delivery of Fire Protection Services from time to time as a Limited Service as defined in this By-Law, as determined by the Fire Chief, or his or her designate.
- 6.1.3 Emergency responses and services shall be provided as per established protocol and training/equipment limitations as instituted in accordance with any municipal directive, tiered response services agreements, automatic aid agreements and/or mutual aid agreements that may be enacted from time-to-time.
- 6.1.4 Special technical and/or rescue response services provided by the Strathroy-Caradoc Fire Department shall include performing automobile and/or equipment extrication using hand tools, air bags, and heavy hydraulic tools as required, shore-based water/ice rescue, and elevator rescue in accordance with municipal directives and/or available resources, training and equipment.
- 6.1.5 Other technical and/or specialized rescue response services (including rescue, hazardous materials response, building collapse, etc.) shall not be provided by the department beyond the Awareness level. Notwithstanding, Council may approve a specialized rescue service agreement to allow these services to be provided by an agency or Department at a higher level as necessary.

## 6.2 Training

- 6.2.1 The National Fire Protection Association (NFPA) Standards and other related industry training standards and reference materials shall be used as reference guides for training within the Strathroy-Caradoc Fire Department as approved by the Fire Chief. All training will comply with municipal directives and the Occupational Health and Safety Act, R.S.O. 1190, c. O.1, as amended and applicable provincial legislation.

### 6.3 Fire Prevention

- 6.3.1 Inspections arising from complaint, request, retrofit, or self-initiated; and examination and review of fire protection elements of building permit plans shall be provided in accordance with the FPPA and Departmental policies.
- 6.3.2 As a minimum level of service, the department shall conduct Fire Prevention Inspections on a request or complaint basis. All such inspections shall be undertaken as per Ontario Regulation 365/13 of the FPPA (or any successor regulation).
- 6.3.3 Mandatory Inspections and Fire Drills in Vulnerable Occupancies shall be completed annually and updated in the Registry of Vulnerable Occupancies as per Ontario Regulation 364/13 of the FPPA (or any successor regulation).

### 6.4 Fire and Life Safety Education

- 6.4.1 Public education programs shall be administered in accordance with the FPPA and Departmental policies.

- 6.5 Fire Investigators shall be designated by the Fire Chief to carry out the duties under Part IV, Section 13 of the FPPA (or any successor regulation) for the purposes of Rights of Entry in Emergencies and Fire Investigations.

## **7. Responsibilities and Authority of the Fire Chief**

- 7.1 The Fire Chief shall be the head of the Fire Department and is ultimately responsible to Council, through the CAO, for proper administration and operation of the Fire Department including the delivery of Fire Protection Services.
- 7.2 The Fire Chief shall report to the CAO and will perform the duties of the CEMC under the authority of the EMCP.
- 7.3 The Fire Chief shall be authorized to make such general orders, policies, procedures, rules and regulations and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department and the effective management of Fire Protection Services for the Corporation and for the prevention, control and extinguishment of fires, the protection of life and property and the management of emergencies and without restricting the generality of the foregoing;
  - 7.3.1 For the care and protection of all property belonging to the Fire Department;

- 7.3.2 For arranging for the provision and allotment of strategic staffing and facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
  - 7.3.3 For the development and implementation of automatic aid, mutual aid and other fire protection and emergency service agreements within the Corporation's borders and/or for external entities;
  - 7.3.4 For determining and establishing the qualifications and criteria for employment or appointment, and the duties of, all members of the Fire Department, with the approval of the CAO and with the requirement that any such measure be in keeping with the policies and programs established or approved by Council.
  - 7.3.5 For the conduct and the discipline of members of the Fire Department;
  - 7.3.6 For coordinating the preparation of, and upon approval by Council, implementing and maintaining a departmental fire service plan and program for the Corporation;
  - 7.3.7 For keeping an accurate record of all fires, rescues and emergencies responded to by the Fire Department and reporting of same to the Office of the Fire Marshal;
  - 7.3.8 For keeping such other records as may be required by Council, the Corporation and the FPPA;
  - 7.3.9 For preparing and presenting, as a minimum, an annual report of the Fire Department to Council;
  - 7.3.10 For exercising control over the budget approved by Council for the Fire Department;
  - 7.3.11 For facilitating the Municipality's recovery of expenses incurred by such necessary action in a manner provided by the Municipal Act; and
  - 7.3.12 For reporting and responding to the Fire Marshall as required by the Fire Protection and Prevention Act
- 7.4 The Fire Chief shall review periodically the policies and procedures of the department and may establish an Advisory Committee consisting of such officers as he/she may determine from time to time to assist him/her in these duties.
- 7.5 The Fire Chief shall establish, maintain and enforce the departments human resource and training policies that are consistent with all relevant municipal policies and provincial and federal laws and as may be necessary to ensure adequate training and the physical standards necessary for effective fire prevention and emergency services as per this by-law.
- 7.6 The Fire Chief is authorized to perform the duties of Municipal Fire Coordinator (with the County) as required.

- 7.7 The Fire Chief shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall enforce all municipal by-laws respecting fire prevention and exercise the powers imposed on him/her by the Fire Protection and Prevention Act and the Fire Chief or his/her designate shall be empowered to authorize fire department members to:
- 7.7.1 Removal or demolition of any building or structure to prevent the spread of fire;
  - 7.7.2 When unable to contact the property owner, to take such necessary action which may include boarding up or barricading of building or property to guard against fire or other danger, risk or accident;
  - 7.7.3 Liaise with police or other civic authority to ensure this by-law is appropriately enforced; and
  - 7.7.4 For facilitating the Municipality's recovery of all expenses incurred as a consequence of such necessary action.

## **8. Supervision – General Duties and Responsibilities**

- 8.1 The Deputy Fire Chief shall be the second ranking officer of the Fire Department and shall be subject to and shall perform such duties as are assigned to him or her by the Fire Chief and shall act on behalf of the Fire Chief in case of absence or vacancy in the office of Fire Chief.

## **9. Emergency Responses Outside Strathroy-Caradoc**

- 9.1 The Fire Department shall not respond to a call with respect to a fire or an emergency incident outside the limits of Strathroy-Caradoc except with respect to a fire or an emergency;
- 9.1.1 that in the opinion of the Fire Chief threatens property in Strathroy-Caradoc or property situated outside Strathroy-Caradoc that is owned or occupied by the Corporation;
  - 9.1.2 in a municipality with which an agreement has been entered into to provide fire protection services;
  - 9.1.3 on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefor;
  - 9.1.4 at the discretion of the Chief, and with the approval of the CAO, in accordance with a standing agreement or organized plan or program on a reciprocal basis;
  - 9.1.5 on those highways that are under the jurisdiction of the Ministry of Transportation or other agency within Strathroy-Caradoc for which an automatic aid agreement has been entered into;

- 9.1.6 on property beyond the Municipal border where the Fire Chief or his or her designate determines that immediate action is necessary to preserve and protect life and/or property and the correct department is notified to respond and/or assumes command or establishes alternative measures acceptable to the Fire Chief or designate; or
- 9.1.7 response due to a request for special assistance as required through a declaration of a municipal, county, provincial or federal emergency and such request has been approved by the CAO or the Head of Council.

## **10. General Administration**

- 10.1 The Fire Chief is responsible to the CAO for the proper administration and operation of the department, for the discipline of its members and,
  - 10.1.1 Shall develop, and publish such written operational guidelines and such general orders and departmental rules as may be necessary for the care and protection of the department, department equipment and department personnel, and generally for the efficient operation of the department, provided that such general orders and rules do not conflict with the provisions of any by-laws of the municipality.
- 10.2 The Municipality of Strathroy-Caradoc accepts the doctrine of federal/provincial paramountcy as it relates to all municipal policies, procedures and by-laws. For clarity, this acceptance means that, where there is an inconsistency or overlap between any validly enacted municipal policy, procedure or by-law and a lawful and relevant federal or provincial directive, statute or regulation, the federal or provincial directive, statute or regulation shall take precedence and override the cited municipal provision to the extent of resolving the inconsistency.
- 10.3 In cases of conflict or confusion, the CAO shall be empowered to make any and all necessary alterations or clarifications needed to ensure the equitable and effective application of this policy within the confines of the law and the general objectives noted herein.
- 10.4 **Minor grammatical, spelling, and/or typographical changes or corrections that do not alter the intent of this policy/document may be made, as necessary, by the CAO and/or the Director of Legal and Legislative Services. Grammatical, spelling, and/or typographical changes shall not alter or diminish the effect of the directives contained herein.**

## **11. Enforcement and Penalties**

Any person who violates any provisions of this By-law is, upon conviction, guilty

of an offence and shall be liable to a fine, subject to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

**12. Short Title**

This By-law shall be known as the Fire Department Establishing and Regulating By-law.

**13. Repeal of Existing By-law**

By-law #66-04 is hereby repealed.

**14. Effective Date**

This By-law shall come into force and effect on the day it is passed.