

## THE CORPORATION OF THE CITY OF BELLEVILLE

### BY-LAW NUMBER 2011-59

#### BEING A BY-LAW TO ESTABLISH AND REGULATE A FIRE DEPARTMENT AND EMERGENCY SERVICES

**WHEREAS** Section 2 and Section 5(0.1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended requires municipalities to provide fire protection services and permits a municipality to establish, maintain and operate a Fire Department;

**AND WHEREAS** Sections 8(1) and 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority and governing its affairs as it considers appropriate;

**NOW, THEREFORE**, the Council of the Corporation of the City of Belleville enacts as follows:

#### DEFINITIONS

1. In this By-law, unless the context otherwise requires:
  - (a) **City** means the Corporation of the City of Belleville.
  - (b) **Council** means the Council of the Corporation of the City of Belleville.
  - (c) **Collective Agreement** means the contractual agreement in place governing the employment conditions between the Members and the City of Belleville.
  - (d) **Deputy Fire Chief** means the person appointed by by-law by Council to act in the place of the Fire Chief in his or her absence or in the case of a vacancy in the position of Fire Chief.
  - (e) **Fire Chief** means the person appointed by by-law by Council pursuant to Section 6(1) of the Fire Protection and Prevention Act.
  - (f) **Fire Department** or **Department** means the City of Belleville Fire and Emergency Services.
  - (g) **Fire Protection Services** includes the programs designed to protect the lives and property of the City of Belleville from adverse affects of fire,

medical emergencies, water rescue or exposure to dangerous conditions and includes fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all of those services.

- (h) **Member** means any person employed in, or appointed to the Fire Department and assigned to undertake fire protection services and includes officers and full-time/volunteer fire fighters.
- (i) **Specialized Emergency Responses** means water rescue and medical assist and specialized rescue as determined by Council.
- (j) **Volunteer Fire Fighter** means a person who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance.

## **FIRE DEPARTMENT**

2. A Fire Department for the City to be known as the City of Belleville Fire and Emergency Services is hereby continued and the head of the Department shall be known as the Fire Chief and Director Fire and Emergency Services.
3. The provisions of this By-law are subject to the provisions of the *Fire Protection and Prevention Act*, and all other applicable Acts or By-laws and to all provisions of the Collective Agreements between the City and the Fire Fighters as altered or amended by the parties from time to time.
4. In addition to the Fire Chief, the Members of the Fire Department shall consist of such persons as from time to time may be deemed necessary by Council.
5. The Fire Department shall be comprised of the following Divisions:
  - (a) Emergency Services, including administration, suppression and other emergency services;
  - (b) Support Services, including prevention, public education, training, communications and risk management.
6. Each division or component of a division of the Fire Department is under the responsibility of the Fire Chief or a member designated by him or her. Designated members shall report to the Fire Chief on activities under their supervision and shall carry out all orders of the Fire Chief.

7. Where the Fire Chief or Deputy Chief designates a member to act in place of an officer in the Fire Department, such member, when so acting, has all the powers and shall perform all the duties of the officer replaced.
8. The Fire Chief may authorize the appointment of any qualified person as a member of the Fire Department subject to the approved hiring policies of the City.

### **DUTIES OF FIRE CHIEF**

9. The Fire Chief is responsible for the proper administration and operation of the Fire Department and for the efficiency and discipline of its Members and;
  - (a) shall perform or supervise the performance of the general administrative duties of the Fire Department;
  - (b) shall make such general orders, rules and regulations and systems as may be necessary for the care and protection of the property of the Fire Department, for the conduct of the Members and generally for the efficient operation of the Fire Department, provided that such general orders and rules do not conflict with the provisions of any by-laws of the City;
  - (c) shall review periodically the policies and procedures, orders, rules and guidelines of the Fire Department and may establish an advisory committee consisting of such Members as the Fire Chief may determine from time to time to assist in these duties;
  - (d) shall ensure that all proper measures for life safety education and fire prevention are taken;
  - (e) shall ensure that the following services are provided: Fire Code Inspections, Routine Inspections, and Fire Cause Determination & Investigation, and Fire & Rescue Training;
  - (f) shall ensure that all proper measures for the prevention, control and suppression of fires and for the protection of life and property are taken;
  - (g) shall enforce all municipal by-laws respecting fire prevention and exercise the powers and duties imposed on him/her by the Fire Protection and Prevention Act, 1997 and this By-law;
  - (h) shall, as required by Council, submit the annual budget estimates for the Fire Department;

- (i) may liaise with the office of the Fire Marshal of Ontario and any other office or organization considered necessary or advisable;
  - (j) shall report to *Council*, through the Chief Administrative Officer or in his/her absence, to his/her delegate for proper administration and operation of the *Fire Department* including the delivery of *fire protection services*.
10. The Fire Chief and his/her designates are authorized and empowered to:
- (a) conduct fire prevention inspections of premises;
  - (b) enforce fire prevention by-laws;
  - (c) examine building plans of new construction for fire related issues in coordination with the building services;
  - (d) provide personnel for fire prevention lectures and public education related to fire safety;
  - (e) act as liaison with the Environmental Operational Services Department for the City in order to ensure an adequate flow of water in new water works projects and the adequate maintenance of existing water works facilities for the use of the Department;
  - (f) reprimand, suspend or recommend dismissal of any member for insubordination, misconduct, or for non-compliance with any of the provisions of this By-law, general orders, departmental rules, guidelines or policies that in the opinion of the Fire Chief would be detrimental to the discipline and efficiency of the department providing such activities are in accordance with the Collective Agreement and the process established therein.
  - (g) evaluate all Members for competency and to require such courses and training or written, oral and practical examinations as may be required for the efficient operation of the Department;
  - (h) pull down or demolish of any building or structure when considered necessary to prevent the spread of fire or necessary for the safety of the public;
  - (i) request other persons present at a fire to assist in extinguishing fires, pulling down or demolishing buildings or structures to prevent the spread of fire and assisting in crowd control and traffic control or suppressing fires or other hazardous conditions in other reasonable ways;

- (j) take all necessary actions including the boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident, when unable to contact the property owner;
- (k) recover expenses incurred by such necessary actions for the City in the manner provided through the *Municipal Act, 2001* and the *Fire Protection and Prevention Act*;
- (l) perform rescue and salvage operations and render first aid and other emergency pre-hospital care responses such as defibrillation, CPR, oxygen therapy;
- (m) respond to specialized rescues including performing confined space rescue in accordance with skill level and training provided, extrication using hand tools, air bags and heavy hydraulic tools as required, and water/ice rescue services with such response decisions being based upon an ascending scale of risk applicable to the life safety circumstances;
- (n) provide Hazardous Material Response at the awareness level but may in addition provide the following specific services including the application and use of absorbent pads, booms and other containment devices during situations whereby the use of these items does not endanger fire fighters or emergency workers beyond the normal risk associated with a hazardous material first responder level response.

#### **FIRE DEPARTMENT RESPONSE OUTSIDE OF CITY LIMITS**

11. The Fire Department shall not respond to a call with respect to an emergency outside the limits of the Municipality except with respect to a fire or emergency:
- (a) that in the opinion of the Fire Chief threatens property in the City or property situated outside the City that is owned or occupied by the City;
  - (b) in a Municipality with which an agreement has been entered into to provide fire protection services; or
  - (c) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection services;
  - (d) on property in respect of which the Fire Chief determines that immediate action is necessary to protect life and/or property, in which case the Fire Department will provide fire and emergency services on the site until the designated Fire Department arrives and command and control of the situation is transferred.

12. If any section, clause or provision of this By-law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council for the City that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.
  
13. By-law No. 3552 of the former Township of Thurlow and By-law No. 3563 of the former City of Belleville and all by-laws or sections thereof of either former municipalities which are inconsistent herewith are hereby repealed in their entirety.

THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT UPON ITS FINAL PASSAGE.

Read a first time this 11th day of April, 2011.

Read a second time this 11th day of April, 2011.

Read a third time and finally passed this 11th day of April, 2011.

  
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NEIL R. ELLIS, MAYOR

  
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JULIE C. ORAM, CITY CLERK