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Consolidated Version

Revised May 4, 2021

Revision History:	Passed On:
2016-164 (Original)	November 28, 2016
2021-052	May 3, 2021

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracy of this by-law, it is not an official version or a legal document. The original by-law should be consulted for all interpretations and applications on this subject. For more information or to view by-laws please contact the Clerks Department.

The Corporation of the City of Owen Sound

By-law No. 2016-164

A by-law to establish and provide for the services of the Owen Sound Fire and Emergency Services Department

WHEREAS section 2 (1) of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4* (the "*Fire Protection and Prevention Act*") provides that every municipality shall, establish a program which must include public education with respect to fire safety and certain components of fire prevention and other fire protection services as may be necessary in accordance with its needs and circumstances; and

WHEREAS section 6 of the *Fire Protection and Prevention Act* provides that if a fire department is established, the council of the municipality shall appoint a fire chief for the fire department; and

WHEREAS on April 18, 2011, the Council of the Corporation of the City of Owen Sound (the "City") passed By-law No. 2011-050 to establish the Owen Sound Fire & Emergency Services Department and to establish regulations for the Fire Department and to repeal By-law 2004-164 and amendments thereto; and

WHEREAS on April 16, 2007, City Council passed By-law No. 2007-062 being "A by-law to establish fees relating to services and activities carried out by the Owen Sound Fire and Emergency Services Department and to repeal By-law No. 2003-063, By-law No. 2005-051 and By-law No. 2006-050

WHEREAS on November 14, 2016, City Council passed Resolution R-161114-013 to enact the subject by-law to establish and provide for the services of the Owen Sound Fire and Emergency Services Department in place of By-laws No. 2011-050 and 2007-062;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

Part I. Short Title and Purpose

Short Title

1. This by-law shall be known as the "Fire and Emergency Services By-law".

Purpose

2. This by-law has been enacted to establish and provide for the services of the Owen Sound Fire and Emergency Services Department.

Part II. Interpretation

Headings and References

3. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of the by-law.
4. All references to applicable law are ambulatory and apply as amended from time to time.

Definitions

5. For the purposes of this by-law:

"City" means the City of Owen Sound and a reference to the City is a reference to the geographical area of the City of Owen Sound or to the Corporation of the City of Owen Sound as the context requires;

"Council" means the Council of the City;

"False Alarm" means an alarm condition in a building to which the Fire Department is dispatched and in respect of which no emergency situation exists as well as recurring alarms as a result of mischief or a fire alarm system lacking proper maintenance or repair;

"Fire Chief" means the person appointed by City Council as the Fire Chief;

"Fire Department" means the City of Owen Sound Fire and Emergency Services Department;

"*Fire Protection and Prevention Act*" means the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*;

"Fire Protection Services" includes:

- a. fire suppression, fire prevention and fire safety education;
- b. mitigation and prevention of the risk created by the presence of unsafe levels of carbon monoxide and safety education related to the presence of those levels;
- c. rescue and emergency services;
- d. communication in respect of anything described in clauses (a) to (c),
- e. training of persons involved in providing anything described in clauses (a) to (d); and
- f. the delivery of any service described in clauses (a) to (e);

"Member" means any persons employed by the Fire Department;

"Municipal Act, 2001" means the *Municipal Act, 2001, SO 2001, c 25*; and

"Owner" means the person registered on title in the proper land registry office as owner and includes any person having an interest in a premises but does not include the Crown, either Federally or Provincially.

Deemed Call for Assistance or Services

6. For the purposes of this by-law, the Fire Department shall be deemed to have responded to a call for assistance or service where:
 - a. any one or more vehicles, equipment or personnel of the Fire Department are dispatched or otherwise respond to that call or incident; and
 - b. in determining whether the Fire Department has responded for a second or subsequent time, the first or proceeding times must have occurred within twelve months.

Part III. Fire Department

Establishment

7. The "Owen Sound Fire and Emergency Services Department" is established for the City.

Fire Chief

8. The Fire Chief is ultimately responsible to Council for the delivery of Fire Protection Services and may exercise all the powers assigned to him or her under the *Fire Protection and Prevention Act* within the City and within any other area in which the City has agreed to provide fire protection services.
9. The City may appoint an Acting Fire Chief who shall have all the powers and duties of the Fire Chief in the absence of the Fire Chief.
10. The Fire Chief may designate a member to act in the place of any officer of the Fire Department and such member, when so designated, has all of the powers and duties of that officer.
11. The Fire Chief shall:
 - a. implement all policies approved by Council;
 - b. submit any reports and annual budget estimates as required;

- c. develop and maintain standard operating procedures, guidelines, general orders and departmental rules as necessary to carry out Council's decisions to ensure the appropriate care and protection of all fire department personnel and fire department equipment;
 - d. ensure that Fire Department personnel who may conduct inspections may be recognized as an Assistant to the Fire Marshall; and
 - e. be responsible for each division or service area of the Fire Department.
- 11.1 Under the authority of section 6(6) of the *Fire Protection and Prevention Act*, the Fire Chief may delegate part or all of his/her powers or duties under the *Fire Protection and Prevention Act*, described under this Regulating By-law, to an individual he/she deems competent. The Fire Chief may also revoke the delegation of these powers and duties.
- a. The individual accepting these delegated powers or duties will assume the delegated responsibilities from the Fire Chief.
 - b. The City Manager, in absence of the Fire Chief, may delegate these powers and duties to an individual. In addition, the City Manager, in absence of the Fire Chief, may revoke the delegation of these powers and duties.
 - c. The individual to whom these powers and duties are delegated, shall be covered by the same liability insurance coverage which is available to the Fire Chief.
 - d. While the powers and duties under the *Fire Protection and Prevention Act* are delegated, the Fire Chief may continue to exercise any function that was delegated.
 - e. The duties to be delegated will be described in detail and documented to ensure accuracy of expectations of all parties involved.

Employment and Labour Relations

- 12. The Fire Chief shall adhere to the *Fire Protection and Prevention Act, 1997* the Collective Agreement and any applicable City policies respecting personnel employment and labour relations.
- 13. The Fire Chief may, at his or her discretion, reprimand, suspend or recommend the dismissal of any member for contravention of any provisions of this by-law, policies, general orders, standing orders, standard operating procedures, standard operating guidelines or departmental rules.
- 14. Following the suspension of a Member, the Fire Chief shall immediately report, in writing, the suspension and recommendation to the City Manager.
- 15. The procedures for termination of employment prescribed in Part IX of the *Fire Protection and Prevention Act* shall apply to all firefighters defined in Part IX of the *Fire Protection and Prevention Act*.

Part IV. Services

Mission Statement, Goal and Core Services

- 16. The mission statement, goal and core services of the Fire Department are set out in Schedule "A" to this by-law.

Services

- 17. The Fire Chief shall:
 - a. take all proper measures for the prevention, control and extinguishment of fires and the protection of life and property; and
 - b. be empowered to authorize:

- i. pulling down or demolishing any building or structure to prevent the spread of fire; and
- ii. all necessary actions to guard against fire or other danger, risk or accident when unable to contact the owner including, but not limited to, boarding up or barricading of buildings or property.

Mutual Aid Plans

18. The Fire Department is authorized to participate in county and provincial mutual aid plans authorized under the *Fire Prevention and Protection Act*.

Response Outside City Limits

19. The Fire Department shall not respond to a call for a fire or emergency outside the City, unless:
 - a. in the opinion of the Fire Chief, the fire or emergency threatens property in the City or property that is owned or occupied by the City;
 - b. at the discretion of the Fire Chief, to a municipality participating in a provincial mutual aid plan;
 - c. the fire or emergency occurs on property or in a municipality where the City has agreed to provide Fire Protection Services; or
 - d. the Fire Chief determines immediate action is necessary to preserve life or property and notifies the appropriate department or agency to respond, assume command or establish alternative measures.

Part V. Fees and Charges

General

20. Any person who requests Fire Protection Services shall pay the appropriate fee as set out in the City's Fees and Charges By-law.
21. The Fire Chief may waive a fee or charge set out in the City's Fees and Charges By-law respecting Fire Protection Services at his or her discretion.

Cost Recovery

22. A owner shall be charged the full costs to provide additional services if, as a result of a Fire Department response to a fire or emergency incident, the Fire Chief determines that it is necessary to incur additional expenses, retain a private contractor, rent special equipment not normally carried on fire apparatus or use more materials than are normally carried on fire department apparatus in order to:
 - a. suppress or extinguish a fire or prevent a fire from spreading;
 - b. preserve personal or real property;
 - c. control and eliminate an emergency;
 - d. prevent damage to equipment owned or contracted to the City;
 - e. assist in or conduct a fire cause investigation; or
 - f. otherwise carry out the duties and functions of the fire department and/or generally make "safe" an incident or property.

False Alarm Response

23. No person shall undertake any work or testing on any life safety system or device without prior notice to the alarm monitoring company or agency to which the life safety system or device sends an alarm.
24. The owner of any property where a false alarm occurs may, at the discretion of the Fire Chief, be required to pay a fee as set out in the City's Fees and Charges By-law where the Fire Department responds to:
 - a. a false alarm that is the result of a failure to notify either the alarm monitoring company or Fire Department as described in section 23; or

- b. two or more false alarms in the same building.

Other Suppression Response

- 25. Where the Fire Department responds to a call or incident within the City involving dangerous goods, other than an emergency, the motor vehicle owner on which those goods are being carried or the owner of the property on which those goods are situate shall be liable for and pay the cost of:
 - a. any materials consumed in responding to a call or incident; or
 - b. any third party that provides the response.
- 26. Where a request is made to have the Fire Department apparatus or personnel attend for non-emergency stand-by, the service may be provided at the discretion of the Fire Chief and the person making the request shall pay the fee as set out in the City's Fees and Charges By-law.

Computation of Fees

- 27. The computation of time for the purpose of determining the appropriate fee for a service shall commence at the time of dispatch or leaving from the Fire Department premises and shall end at the time of return to those premises.
- 28. Where the provision of service requires attendance on more than one occasion, a separate fee shall be paid for each attendance.
- 29. Fire Department staff shall maintain records of the time spent responding to requests for services to which this by-law applies, and in the absence of manifest error, those records shall be conclusive evidence of the facts stated therein.

Disputes With Respect to Fees

- 30. Where a person who is invoiced in respect of a fee under this by-law disputes his or her liability to that fee or to the amount of fee calculated as owing, that person may provide a statement in writing setting out in detail the basis of his or her objection to the Fire Chief.
- 31. Upon receipt of a written objection under section 30 of this by-law, the Fire Chief shall review the matter as soon as practical and shall determine whether the fee was correctly imposed or calculated, as the case may be.
- 32. The Fire Chief shall respond to the person who provided the statement, in writing, providing reasons for his or her decision.
- 33. The decision of the Fire Chief in this regard shall be final.

Part VI. Conflict and Transition

Conflict

- 34. In the event the provisions of this by-law are inconsistent with the provisions of the *Fire Protection and Prevention Act*, the *Municipal Act* or any other Act or a regulation thereunder, the provisions of the Act or regulation shall prevail.

Terms Severable

- 35. The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, in operative or invalid, the remainder of the by-law shall continue to be in full force and effect.

Repeal

- 36. The following by-laws are hereby repealed:
 - a. By-law No. 2004-164; and
 - b. By-law No. 2007-062.

Enactment

37. This by-law shall come into full force and effect on the date it is passed at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby repealed insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this [day] day of [Month], 2016.

Signature on file

Mayor Ian C. Boddy

Signature on file

Kristen M. Van Alphen, City Clerk

Schedule A - Mission Statement, Goal and Core Services

Mission Statement

Our mission is to save and protect lives, property and the environment.

Goal

Our goal is to provide and perform public education including safety and awareness, fire prevention, as well as deliver Fire Protection Services designed to protect lives and property from the adverse effects of fires, sudden medical emergencies or exposure to dangerous conditions.

Core Services

The following core services are provided by the Fire Department according to training, equipment, resources, capability and limitations as determined by Council:

Fire Suppression and Emergency Response

1. Fire suppression services 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.
2. Emergency pre-hospital care responses and medical acts or other first aid or CPR services shall be maintained as per local protocol as appropriate and instituted as per any emergency services or tiered response agreement and as appropriate to the needs of the City.
3. Special technical and/or other rescue responses shall include:
 - a. performing automobile and/or equipment extrication using hand tools, air bags and heavy hydraulic tools as required;
 - b. water/ice rescue (surface);
 - c. high angle/low angle rope;
 - d. confined space rescue; and
 - e. operational level hazardous materials ("haz-mat") response.
4. The Fire Department may contract with other agencies to provide special technical services in an emergency incident and will provide assistance as appropriate to training levels or current capabilities.
5. All training will comply with the *Occupational Health and Safety Act* and applicable provincial legislation and may, at the discretion of the Fire Chief, include the following industry standards or materials:
 - a. The International Fire Service Training Association (IFSTA);
 - b. Ontario Fire Service Standards; and
 - c. National Fire Protection Association (NFPA).

Fire Prevention

6. Inspections arising from complaint, request, retrofit or self-initiated and fire investigations shall be provided in accordance with the *Fire Protection and Prevention Act* and any Fire Department policies and the National Fire Protection Association (NFPA) 1031: Standard for Professional Qualifications for Fire Inspector and Plans Examiner may be used as a guide.

Fire and Life Safety Education

7. Distribution of fire and life safety information and public education programs shall be administered in accordance with the *Fire Protection and Prevention Act* and any Fire Department policies.
8. The Fire Department shall deliver a residential home fire safety, smoke alarm and carbon monoxide (CO) alarm awareness program.
9. Smoke alarms for residential premises shall be provided to those in need.
10. Fire and life safety communiqués will be distributed as appropriate.