

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2019-071

A by-law to establish and regulate the Oakville Fire Department and to repeal By-law 2011-119

WHEREAS the *Municipal Act, 2001*, S.O., 2001, c.25 as amended and the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 as amended, permits the council of a municipality to establish, maintain and operate a fire department;

WHEREAS the *Fire Protection and Prevention Act* permits a council of a municipality to establish, maintain and operate a Fire Department for all or any part of the municipality.

COUNCIL ENACTS AS FOLLOWS:

1. Definitions

In this by-law:

- 1.1. "Approved" means approved by the Council of the Corporation of the Town of Oakville;
- 1.2. "Chief Administrative Officer" means the person appointed to act as Chief Administrative Officer for the Town;
- 1.3. "Commissioner of Community Services" means the person appointed to act as Commissioner of Community Services for the Town;
- 1.4. "Council" means the Council of the Corporation of the Town of Oakville;
- 1.5. "Fire Chief" means the person appointed to act as fire chief for the Town as defined in the *Fire Protection and Prevention Act*, or his/her designate,
- 1.6. "Deputy Fire Chief(s)" means the person(s) appointed to act as deputy fire chief(s) for the Fire Department;

- 1.7. “Fire Department” means the Town of Oakville Fire Department;
- 1.8. “Fire Protection Services” includes fire safety education, fire prevention, fire suppression, communication, training of persons involved in the provision of fire protection services, rescue and emergency services, and the delivery of all those services;
- 1.9. “Member” means any persons employed in, or appointed to, the Fire Department and assigned to undertake fire protection services, and includes officers and firefighters;
- 1.10. “Specialized Emergency Responses” means hazardous materials mitigation and rescue, water/ice rescue, high/low angle rescue, confined space rescue, tiered medical responses.
- 1.11. “Town” means the Corporation of the Town of Oakville.

2. General Authority

- 2.1. The Fire Department for the Town, to be known as the Town of Oakville Fire Department, is hereby continued and the head of the Fire Department shall continue to be known as the Fire Chief.
- 2.2. The Fire Department shall provide fire protection and prevention services, in a manner consistent with the Fire Master Plan subject to such conditions and limitations as may be approved by Council. Without limiting the generality of the foregoing, the fire protection and prevention services provided by the Fire Department are subject to any limitations on training, equipment, staff and other resources that are imposed from time to time through the budget process or otherwise and to any by-law imposing fees for fire protection or prevention services including inspections.
- 2.3. In addition to the Fire Chief, the Fire Department shall consist of Deputy Fire Chief(s) and such number of other members as may be deemed necessary by Council and employed or appointed by the Town, and shall be structured in conformance with the Organizational Chart as set out in the Fire Master Plan, as may be approved from time to time.
- 2.4. The provisions of this bylaw are subject to the provisions of the Fire Protection and Prevention Act, and all other applicable legislations and by-laws and to the provisions of the Collective Agreement between the

Town and the Oakville Professional Fire Fighters Association as altered or amended by the parties from time to time.

3. Fire Chief

- 3.1. Fire Chief(s) shall be appointed by by-law and shall,
 - 3.1.1. be ultimately responsible to Council for the delivery of fire protection and prevention services and the proper management of the Fire Department.
 - 3.1.2. exercise all powers and duties mandated by the Fire Protection and Prevention Act, and any other applicable or successor legislation.
 - 3.1.3. report administratively to Council through the Commissioner of Community Services or the Chief Administrative Officer.
 - 3.1.4. ensure all proper measures for prevention, control and suppression of fires, the protection and saving of life and property and emergency management are taken.
 - 3.1.5. ensure that other emergency services are provided including but not limited to: Specialized Emergency Responses in accordance with the levels set forth in Appendix 1 to this by-law.
 - 3.1.6. ensure that all proper measures for life safety education and fire prevention are taken.
 - 3.1.7. ensure expectations of delivery are contained in the departmental standard operating procedures, guidelines and documentation.
 - 3.1.8. implement all approved policies and shall develop such standard operating procedures and guidelines, general orders and departmental rules as necessary to implement the approved policies and to ensure the appropriate care and protection of all Fire Department personnel and equipment; provided such procedures, guidelines, orders and rules do not conflict with the provisions of any applicable by-law, statute or regulation.
 - 3.1.9. periodically review all policies, guidelines, orders, rules and operating procedures of the Fire Department.
 - 3.1.10. submit, for approval by Council, the annual budget estimates for the Fire Department, and any other specific reports requested by

the Chief Administrative Officer or Council.

3.1.11. enforce all municipal by-laws respecting fire protection and emergency measures.

3.1.12. subject to the terms and conditions of the Collective Agreement, reprimand, or suspend any member for infraction of any provisions of this by law, policies, general orders and departmental rules that, in the opinion of the Fire Chief, would be detrimental to discipline or the efficiency of the Fire Department.

3.2. In the event of the absence or incapacity of the Fire Chief a Deputy Fire Chief shall be appointed as Acting Fire Chief and shall have all the powers and may perform all the duties of the Fire Chief.

4. Deputy Fire Chief(s)

4.1. Deputy Fire Chief(s) shall be appointed by by-law and shall,

4.1.1. report to the Fire Chief on the activities of the divisions and members that are his/her responsibility and shall use best efforts to carry out the orders of the Fire Chief.

4.1.2. in the absence or incapacity of the Fire Chief, Deputy Fire Chief(s) as determined by the Commissioner of Community Services shall have all the powers and may perform the duties of the Fire Chief.

4.2. In the event of the absence or incapacity of the Fire Chief and all Deputy Fire Chiefs, the senior officer on duty or any other member of the Fire Department so designated shall have all the powers and may perform all the duties of the Fire Chief.

5. Members

5.1. Persons appointed as members of the Fire Department to provide fire protection services shall be on probation for a period of 12 months, during which period they shall be evaluated and take such special training and examination as may be required by the Fire Chief.

5.2. If a probationary member appointed to provide fire protection services fails any such examinations or is deemed unsuitable by the Fire Chief, the Fire Chief may dismiss the probationary member without recourse.

- 5.3. Where the Fire Chief designates a member to act in the place of an officer in the Fire Department, such member, when so acting, has all of the powers and shall perform all duties of the officer replaced.
- 5.4. Working conditions and remuneration for all firefighters defined in Part IX of the Fire Protection and Prevention Act shall be determined by the collective agreement in accordance with the provisions of Part IX of the Fire Protection and Prevention Act.
- 5.5. If a medical examiner finds a member is physically unfit to perform assigned duties and such condition is attributed to, and a result of employment in the Fire Department, the Fire Chief may assign the member to other duties within the Fire Department

6. Fires and Emergencies

- 6.1. Proper measures for the prevention, control and extinguishment of fires and the protection of life and property, shall be taken and may include:
 - 6.1.1. suppressing any fire by extinguishing it and may enter private property if it is necessary to do so;
 - 6.1.2. pulling down or demolishing any building or structure to prevent the spread of fire; or
 - 6.1.3. any other necessary actions such as 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; and
 - 6.1.4. the expenses incurred by such necessary actions may be recovered in the manner provided through the *Municipal Act, 2001* and the *Fire Protection and Prevention Act*.

7. Calls outside of the Town

- 7.1. The Fire Department shall not respond to a call with respect to a fire or emergency outside the limits of the Town except with respect to a fire or emergency:
 - 7.1.1. that, in the opinion of the Fire Chief, threatens property in the Town or property situated outside the Town that is owned or occupied by the Town;

- 7.1.2. in a municipality with which an approved agreement has been entered into to provide fire protection services which may include automatic aid;
 - 7.1.3. on property with respect to which an approved agreement has been entered into with any person or corporation to provide fire protection services;
 - 7.1.4. at the discretion of the Fire Chief, in a municipality authorized to participate in any county, district or regional mutual aid plan established by a fire co-ordinator appointed by the fire marshal or any other similar reciprocal plan or program on property beyond the municipal boundary; or
 - 7.1.5. at the discretion of the Fire Chief when immediate action is necessary to preserve life or property and the appropriate department is notified to respond and assume command or establish alternative measures, acceptable to the Fire Chief. The Fire Chief shall subsequently inform council of the invocation of this clause.
- 7.2. Nothing in section 7 shall impose a duty on the Fire Department to respond to a fire or emergency outside of the limits of the Town.

8. **Miscellaneous**

- 8.1. Notwithstanding anything in this by-law, appointments of the Fire Chief and Deputy Fire Chief(s) made prior to the passing of this by-law remain in effect until such time as any by-law appointing those individuals is repealed or superseded.

9. Repeal

9.1. By-law 2011-119 a bylaw respecting the Oakville Fire Department is hereby repealed.

PASSED this 24th day of June, 2019

MAYOR

CLERK

Schedule A – Special Response Levels

SCHEDULE A

Special Response Levels

Special rescue techniques, equipment and training are required, based on identified needs and risks in the community. These identified response levels are sanctioned by the Town, for the purpose of providing direction for personnel involved in incidents and training. The Response levels and designation may only be reached after appropriate equipment, training and certification have been provided, and documented.

Hazardous Materials Response:

The Fire Department is designated to respond to incidents involving hazardous materials, using specialized equipment, skills, and training in a manner referred to as “Technician” Level in NFPA Standard 472.

Technical Rescue:

1. Surface Water Search and Rescue

The Fire Department is designated to respond to rescue incidents involving surface water where the water current is not moving more than 1 knot per hour (NFPA 1670, 2017) using specialized equipment, skills, and training in a manner referred as “Operations” Level as per NFPA 1670

2. Ice Search and Rescue

The Fire Department is designated to respond to rescue incidents involving ice where the water current below the ice is not moving more than 1 knot per hour (NFPA 1670, 2017) using specialized equipment, skills, and training in a manner referred as “Operations” Level as per NFPA 1670

3. Rope Rescue

The Fire Department is designated to respond to incidents involving rope rescue using specialized equipment, skills, and training in a manner referred to as “Operations” Level in NFPA Standard 1670 Rope Rescue.

4. Confined Space Search and Rescue

The Fire Department is designated to respond to incidents involving confined space search and rescues using specialized equipment, skills, and training in a manner referred to as “Operations” Level in NFPA Standard 1670 Confined Space search and Rescue.