

Request for Decision City Council




Type of Decision									
Meeting Date	September 29 th , 2005				Report Date	September 9 th , 2005			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Establishing and Regulating Bylaw - Fire Services

Policy Implication + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input type="checkbox"/>	Background Attached

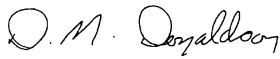
Recommendation	
<p>That the draft Establishing and Regulating Bylaw be adopted.</p>	
<input checked="" type="checkbox"/>	Recommendation Continued

Recommended by the Department Head
 Alan Stephen, General Manager, Infrastructure and Emergency Services

Recommended by the C.A.O.
 Mark Mieto Chief Administrative Officer

Date: September 9th, 2005

Report Prepared By



Donald M. Donaldson, P.Eng.: M.S.M.
Fire Chief

Division Review



Donald M. Donaldson, P.Eng.: M.S.M.
Fire Chief

Under the *Municipal Act* and the *Fire Prevention and Protection Act* (FPPA), a Municipality has the ability to set up a Fire Department. The Establishing and Regulating (E & R) Bylaw is the document that gives the authority to the Fire Service to operate and sets out how services will be provided.

Prior to amalgamation, there were seven separate Fire Departments, each with their own E & R Bylaw. Until this time, there has been no all encompassing bylaw under the CGS banner. As part of the Master Fire Plan (MFP) one of the action items for the Fire Chief was to have up-to-date E & R Bylaw enacted.

A draft bylaw (attached) was put together in conjunction with Legal Services, the General Manager of IES and the Fire Chief. This outlines the services to be provided by CGS Fire Services, outlines the authority of the Chief and the Fire Service, outlines the creation of Standard Operating Procedures for the Fire Service to operate under, and outlines services to be provided outside of the City boundary if required.

This document provides the legal protection for the Fire Service to operate. The services to be provided are listed here such that Council is aware of what will be provided, and enacting this Bylaw provides the authority for the Fire Service to deliver those services. Services include fire suppression, along with rescue services; fire prevention activities, including code compliance and public education; technical rescue operations, including ice-water; motor vehicle collision response; hazardous material response; confined space rescue; high angle rescue; emergency medical services; plus the training of staff for these skills.

In the Bylaw the authority to develop an organizational structure for the Fire Service is provided via the General Manager of IES and the Fire Chief. This current organizational structure has been approved by Council in June of 2003 and has also been modified as a result of the corporate restructuring process as of late.

As per the FPPA the Fire Chief is the person ultimately responsible to Council, via the General Manager of IES, for the proper administration and operation of the Fire Service. This document reiterates that point. Bylaw 2003-80A appointing the Fire Chief has already been passed.

Date: September 9th, 2005

Conclusion

That Council adopt the proposed E & R Bylaw to provide the Fire Service with its authority and that all former E & R bylaws from the former Municipalities be repealed.

Date: September 9th, 2005

DRAFT

BY-LAW 2005- **

BEING A BY-LAW OF THE CITY OF GREATER SUDBURY
TO ESTABLISH A FIRE SERVICE FOR THE
CITY OF GREATER SUDBURY

WHEREAS the *Municipal Act*, R.S.O. 1990, c. M-45 and the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, permit the Council of a municipality to enact a by-law to establish and regulate fire services;

AND WHEREAS the Council of the City of Greater Sudbury deems it desirable to enact such a by-law;

NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY HEREBY ENACTS AS FOLLOWS:

Interpretation

1. In this By-law:

“Act” means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4 as amended or replaced from time to time;

“agreement for automatic aid” has the meaning set out in the Act;

“City” means the City of Greater Sudbury;

“Council” means the Council of the City of Greater Sudbury;

“Fire Chief” means the Fire Chief for the City of Greater Sudbury;

“Fire Services” means the City of Greater Sudbury Fire Services;

“fire protection services” includes fire suppression and rescue; fire prevention activities including Fire Code enforcement and inspections; fire safety education; communications; technical rescue operations including ice/water rescue, hazardous materials response, high angle rescue and confined space rescue; emergency medical response; training of persons involved in the provision of fire protection services, rescue and emergency services; and the delivery of those services;

Date: September 9th, 2005

“member” means any persons employed by the City in, or appointed to, the Fire Services and assigned to undertake fire protection services, and includes officers, full time firefighters and volunteer firefighters;

“mutual aid plan” has the meaning assigned in the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4; and

“volunteer fire fighter” means a firefighter who provides fire protection services to the City for nominal consideration; an honorarium; or a training or activity allowance.

Application

2. -(1) The Fire Services are established to provide fire protection services for the City. The Fire Services shall replace the fire departments for the former municipalities of Capreol, Garson, Nickel Centre, Onaping Falls, Rayside-Balfour, Sudbury, Valley East, Red Deer Lake and Walden.

(2) The Fire Chief shall be appointed by Council through the General Manager of Infrastructure and Emergency Services pursuant to the Act.

(3) The Fire Chief shall be the head of the Fire Services and shall have all of the powers, rights and duties assigned to a fire chief under the Act, including without limitation, the authority to enforce compliance with the Fire Code made under the Act and such other duties as may be assigned by the General Manager of Infrastructure and Emergency Services or by Council from time to time.

Organizational Structure

3. The Fire Chief together with the General Manager of Infrastructure and Emergency Services shall establish an organizational structure for the Fire Services, and may amend that organizational structure from time to time.

Date: September 9th, 2005

Role of Fire Chief

4. ~~-(1)~~The Fire Chief shall be responsible to Council, through the General Manager of Infrastructure and Emergency Services for the proper administration and efficient operation of the Fire Services, including but not limited to all fire protection services, training programs and educational programs.

(2) The Fire Chief shall be responsible to Council through the General Manager of Infrastructure and Emergency Services for the delivery of the fire protection services in the City.

Operating Procedures

5. The Fire Chief shall develop such standard operating procedures and guidelines, general orders and rules as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Services and for the effective management of the fire protection services for the City, provided such general orders, policies procedures, rules, regulations and other measures do not conflict with the provisions of any other by-law of the City, with the Act, or with any collective agreement or other written agreement which may be applicable.

Right to Delegate

6. The Fire Chief may delegate in writing, one or more of his or her powers and responsibilities to one or more members of the Fire Services from time to time, subject to such limitations, restrictions or conditions as may be prescribed or set out in the delegation and provided further any such delegation is not contrary to the Act.

Acting Fire Chief

7. The Fire Chief shall appoint in writing, from time to time, an Acting Fire Chief to exercise the powers of the Fire Chief in the absence of the Fire Chief.

Date: September 9th, 2005

Rights

8.-(1) The Fire Chief shall take all proper measures for the prevention, control and extinguishment of fires and the protection of life and property in the City, including without limitation the right to:

- (a) enter onto private property if necessary;
- (b) pull down or demolish any building or structure when considered necessary to prevent the spread of fire; and
- (c) board up or barricade a building or a yard if considered necessary to guard against fire or other dangerous risk or accident, when unable to reach the property owner.

(2) Any expenses incurred by the Fire Services for any action taken under Paragraph 8(1)(c) shall be considered a fee imposed for services provided or done by or on behalf of the City under the *Municipal Act, 2001*, S.O. 2001, c. 25 and shall be billed as a fee for services to the owner of the building or yard, as the case may be.

Response Outside Limits

9. The Fire Services shall not respond to a call with respect to a fire or emergency outside the limits of the City except with respect to a fire or emergency:

- (a) that in the opinion of the Fire Chief threatens property in the City including property in the City with respect to which an agreement has been entered into to provide fire protection services, including an agreement for automatic aid;
- (b) on property with respect to which an agreement has been entered into to provide fire protection services, including but not limited to an agreement for automatic aid; or
- (c) at the discretion of the Fire Chief, to a municipality authorized to participate in any district mutual aid plan established by a fire co-ordinator appointed by the Fire Marshal or other similar reciprocal plan or program on property beyond the City boundary where the Fire Chief determines 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 or his or her designate.

Date: September 9th, 2005

10. By-law 79-148 of the former The Corporation of the City of Sudbury and Chapter 746 of the Municipal Code of the former City of Sudbury are hereby repealed.

11. This By-law shall come into force and take effect immediately upon the final passing thereof.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL this 29th day of September, 2005

_____ Mayor

_____ Clerk

READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL this 29th day
of September, 2005

_____ Mayor

_____ Clerk