

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2021-61

A by-law to Establish and Regulate a Fire Department
and to repeal By-law No. 2014-075

WHEREAS Section 5(0.1) of the Fire Protection and Prevention Act (F.P.P.A.), 1997, S.O. 1997, c. 4 provides that the Council of a municipality may establish, maintain and operate a fire department for all or any part of the municipality;

AND WHEREAS it is deemed expedient to establish, maintain and operate a fire department for the protection and security of the residents of the Town of Caledon;

NOW THEREFORE Council of The Corporation of the Town of Caledon enacts as follows:

Definitions

1. In this by-law,

"Assistant Deputy Fire Chief" means an Officer appointed by the Fire Chief or Deputy Fire Chief to provide leadership and day to day management of the Operations Division of the fire department and who is designated an Assistant to the Fire Marshal;

"Automatic Aid" means any 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 any 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;

"CAO" means the Chief Administrative Officer appointed by Council for The Corporation of the Town of Caledon;

"Captain" means an officer appointed by the Fire Chief, in command of an assigned company of Firefighters and/or equipment;

"Chief Fire Prevention Officer" means an Officer appointed by the Fire Chief to provide for fire prevention programs and who is designated as an Assistant to the Fire Marshal under paragraph 11 (1) (c) of the *Fire Protection & Prevention Act, 1997*, S.O. 1997, c. 4 ("*FPPA*");

"Company" means a complement of personnel operating one or more pieces of apparatus under the supervision of an Officer;

"Confined Space" means any space that has limited or restricted means for entry or exit (i.e. tanks, vessels, silos, storage bins, hoppers, vaults, trenches, excavations and pits) and that is not designed for human occupancy;

"Council" means the Council of The Corporation of the Town of Caledon;

"Deputy Fire Chief" means the person or persons 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 and who is designated an Assistant to the Fire Marshal;

"District Chief" means an Officer appointed by the Fire Chief or Deputy Fire Chief to provide leadership and management to the day to day operations of a fire station within a district;

"Fire Chief" means the person appointed by Council to act as Fire Chief for the Town in accordance with the requirements of the *Fire Protection & Prevention Act, 1997* ("*FPPA*");

"Fire Code" means the Fire Code established under Part IV of the *FPPA*;

"Fire Coordinator" means the person appointed by the Fire Marshal, under the authority of the *FPPA*;

"Fire Department" means the Town's Fire & Emergency Services Department;

"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;

"Fire Protection Services" includes fire suppression, fire prevention, fire safety education, communications and support services, training of persons involved in the provision of those services, rescue and emergency services and the delivery of those services;

"Firefighter" means the Fire Chief and any other person employed in, or appointed to the Fire Department and assigned to undertake Fire Protection Services, and includes Officers and technicians;

"Inspector" means the Fire Chief or a Firefighter designated as an inspector in accordance with Section 19 of the *FPPA*;

"Limited Services" means a variation of services significantly differentiating from the norm as a result of extenuating circumstances, such as environmental factors, obstructions, remote properties, private roadways, lanes and drives;

"Mutual Aid" means a program to provide and/or 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;

"Officer" means any Firefighter with the rank of Captain or higher;

"Public Educator" means the person assigned by the Fire Chief to develop, deliver and evaluate public education programs using community risk and needs assessments so that incidents of fire, injuries and loss of life and property are reduced;

"Town" means The Corporation of the Town of Caledon;

"Training Officer" means an Officer appointed by the Fire Chief or Deputy Chief to develop, coordinate, manage, implement and evaluate training programs to ensure safety of all fire department personnel in accordance with national, federal, provincial and municipal standards;

"Volunteer Firefighter" means a Firefighter who provides Fire Protection Services voluntarily or for a nominal consideration, honorarium, training or activity allowance.

Establishment

2. The Fire Department for the Town of Caledon and commonly known as Caledon Fire and Emergency Services is hereby established under the direction of the Fire Chief to provide Fire Protection Services and such other approved rescue and emergency services for the Town of Caledon in accordance with Part II of the *FPPA*, and Schedule "A" attached to this by-law.
3. The provisions of this by-law are subject to the *FPPA* and all other applicable legislation and by-laws and to the provisions of any agreement and/or accord between the Town and Firefighters.

Fire Department Organization

4. The Fire Department shall be structured in accordance with the Organizational Chart attached as Schedule "B" to this by-law. The Fire Department shall consist of a Fire Chief who is the head of the Fire Department which consists of permanent full time Deputy Fire Chiefs, Assistant Deputy Fire Chief, Chief Fire Prevention Officer, Captains, Fire Prevention Inspectors, Public Educator, Training Officers, firefighters and administrative staff. Also, volunteer District-Chiefs, Assistant District Chiefs, Captains, Training Officers, Assistant Training Officers, firefighters, as may be authorized or considered necessary from time to time, in order for the fire department to perform fire protection services, rescue and emergency services for the municipality in an efficient and effective manner.
5. Further, the provision of Fire Protection Services and other rescue and emergency services to any municipality outside the territorial jurisdiction of the Town of Caledon is permissible through Automatic Aid, Mutual Aid, this by-law or any other agreement between the other municipality and the Town.

Fire Chief Responsibilities and Authority

6. The Fire Chief shall be the head of the Fire Department and shall report to Council as required by the *FPPA*, through the Chief Administrative Officer and be responsible for the proper administration and efficient and effective operation of the Fire Department including delivery of the approved programs and services and is generally responsible for the following operational matters:
 - (1) for the care and protection of all property belonging to the Fire Department;
 - (2) for arranging the provision of necessary and proper facilities, apparatus, equipment and supplies for the Fire Department;
 - (3) for determining and establishing, the qualification and criteria for employment or appointment and the duties of all officers, Firefighters and administrative staff of the Fire Department;
 - (4) for the conduct and discipline ranging from reprimand to termination of any officer or member of the Fire Department. The Fire Chief shall report to the CAO any terminations.
 - (5) for preparing, or upon approval by Council, coordinating, implementing and maintaining a Master Fire Services Plan and programs for the Town, and any other such similar plans required by the *FPPA*, and any other such Act or Regulation as may be proclaimed by the Government of Canada or the Government of Ontario;
 - (6) for assisting with any other public official in an emergency declared by the Head of Council, the Premier of Ontario or the Prime Minister of Canada;
 - (7) for reporting to the appropriate Crown Attorney, or other prosecutor, or law enforcement officer, or other officer, the facts upon the evidence in any case in which there is reason to believe that a fire has been the result of criminal intent or negligence or in which there is reason to believe an offence has been committed under the *FPPA*;
 - (8) for keeping an accurate record, in convenient form for reference, of all fires, inspections, rescues and other emergencies responded to by the Fire Department in a manner consistent with the applicable records management policies of the Town of Caledon;
 - (9) for keeping such other records as may be required by the Town; and
 - (10) for preparing and presenting the annual business plan and estimates for the Fire Department to Council through the Treasurer and for exercising control over the budget approved by Council for the Fire Department.
7. The Fire Chief shall further take all proper measures for the prevention, control and extinguishment of fires and the protection of life and property and the management of emergencies within the territorial jurisdiction of the Town of Caledon provided that such general orders, policies, procedures, rules, regulations and other measures do not conflict with this by-law or any other by-law of the Town, and shall exercise all powers mandated by the *FPPA*, and without restricting the generality of the foregoing shall be empowered to authorize:
 - (1) pulling down or demolishing any building or structure to prevent the spread of fire;
 - (2) all necessary actions which may include 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
 - (3) recovery of expenses incurred by such necessary actions for the Town in the manner provided through the Municipal Act, 2001 and the *FPPA*.

8. The Fire Chief shall be responsible for the enforcement of this by-law and the development and enforcement of all general orders, policies, standard operating guidelines, procedures, and rules and regulations established for the Fire Department and for the enforcement of any other by-laws of the Town respecting the administration and operation of the Fire Department. The Fire Chief shall review periodically those documents and may, for this purpose, establish advisory committees consisting of Officers and other persons (including members of the general public) as the Fire Chief may determine necessary from time to time to assist him in the discharge of this duty.
9. The Fire Chief shall periodically review, revise or terminate as required, general orders, standing orders, policies, procedures and rules of the Fire Department.
10. The Fire Chief shall recommend to Council such amendments to by-laws relating to the Fire Department from time to time as the Fire Chief considers appropriate.
11. The Fire Chief shall have all powers, rights and duties assigned to a Fire Chief under the *FPPA* including, without limitation, the authority to enforce compliance with the Fire Code.
12. The Fire Chief shall provide liaison with any association or union representing members of the Fire Department.
13. The Fire Chief shall provide liaison with the Office of the Fire Marshal of Ontario and any other office or organization as required by Council or as considered necessary or advisable by the Fire Chief for the proper administration and efficient operation of the Fire Department and the effective management of the Fire Protection Services for the Town.
14. The Fire Chief may utilize such Officers, members and administrative staff of the Fire Department as the Fire Chief may determine, from time to time, to assist in the performance of his duties.
15. Where the Fire Chief designates a member to act in the place of himself or another Officer in the Fire Department, such member, when so acting, has all of the powers and shall perform all of the duties of the Officer replaced.

Deputy Fire Chief

16. Council may appoint one or more Deputy Fire Chiefs. The Deputy Fire Chief shall be the second ranking officer of the Fire Department. When appointed, the Deputy Fire Chief shall be subject to and obey all orders of the Fire Chief and shall perform such duties as are assigned by the Fire Chief, and shall, when the Fire Chief is not available, have the powers and perform the duties of the Fire Chief.

Responsibilities Designated by Fire Chief

17. The Fire Prevention and Life Safety and Training and Professional Development functions of the Fire Department are the responsibility of the Fire Chief and are under the direction of the Fire Chief or a member designated by the Fire Chief. Designated members shall report to the Fire Chief on functions and activities under their supervision and shall carry out all orders of the Fire Chief.

Supervision of Personnel

18. The officers, members and other administrative services staff personnel of the Fire Department, while on duty, shall be under the direction and control of the Fire Chief or the next ranking officer.

Authority to Leave Municipal Limits

19. The Fire Department shall not respond to a call with respect to a fire or emergency outside of the limits of the Town of Caledon except with respect to a fire or emergency:
 - (1) that, in the opinion of the Fire Chief or designate of the Fire Chief, threatens property in the Town of Caledon or property situated outside the Town of Caledon that is owned or occupied by the Town;
 - (2) in a municipality with which an approved agreement has been entered into to provide fire protection services which may include Automatic Aid;

- (3) on property with which an approved agreement has been entered into with any municipality to provide Fire Protection Services;
- (4) at the discretion of the Fire Chief, to a municipality authorized to participate in any county, district or regional Mutual Aid plan established by a Fire Coordinator appointed by the Ontario Fire Marshal or any other similar reciprocal plan or program; or
- 5) on property beyond the municipal boundary where the Fire Chief or designate 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 designate.

Employment

- 20. The Fire Chief may appoint any qualified person as a Firefighter and as a member of the administrative support staff if the position is authorized by Council and is subject to the approved hiring policies of the Town.
- 21. The hiring of Fire Department personnel, either permanent full time or Volunteer, shall be in accordance with the Town of Caledon, Human Resources Policies and Procedures, the *Employment Standards Act, 2000* and the *F.P.P.A.*
- 22. All recommendations for appointments, promotions and demotions will be reported to the CAO by the Fire Chief.

Fire Suppression

- 23. A Firefighter may enter private property to suppress any fire or other hazardous condition. A Firefighter may pull down or demolish any building or structure when considered necessary to prevent the spread of fire.
- 24. The Fire Department may request other appropriate persons or agencies present at a fire to assist in extinguishing fires, pulling down or demolishing buildings or structures to prevent the spread of fire, initiate crowd and traffic control or suppression of fires or other hazardous conditions in other reasonable ways.

Fire Prevention and Life Safety

- 25. The Fire Chief shall delegate to the Chief Fire Prevention Officer, in total or in part, the following duties pertaining to Fire Prevention and Life Safety function:
 - (1) enforcement and maintenance compliance with *FPPA* which includes but is not limited to:
 - (a) public education,
 - (b) Smoke Alarm Program,
 - (c) distribution of Fire Safety Information,
 - (d) inspections as per Fire Prevention Policy,
 - (e) Fire Code Compliance & Enforcement, and
 - (f) maintenance of current Community Risk Assessment.
 - (2) preparation of Annual Report and budget of the Fire Prevention and Life Safety function to be submitted to the Fire Chief or designate of the Fire Department.
 - (3) Fire Prevention and Life Safety shall be implemented in accordance with the Caledon Fire & Emergency Services Fire Prevention Policy.

Training and Professional Development

- 26. The Fire Chief is responsible to carry out, delegate in whole or in part, conduct, facilitate and participate in training and development at fire stations, training facilities or other approved sites and to maintain clear and concise records of said training and to:
 - (1) establish a Fire Department Training Program including but not limited to:
 - (a) training in compliance with the authority having jurisdiction over such services and standards of delivery authorized by the Town;

- (b) such standards of education, training and testing as adopted in accordance with the Ontario Firefighter Standards from the Professional Standards Setting Body for the Ontario Fire Service as amended from time to time;
 - (c) the introduction of new equipment, technologies and techniques to improve service delivery and Firefighter safety; and
 - (d) the development of personnel for the purposes of enhancing skills, advancement, promotion and ascension planning.
- (2) ensure all training is in compliance with the *Occupational Health & Safety Act*, R.S.O. 1990, c. O.1 and all other applicable provincial legislation and regulations;
 - (3) approve such materials, Fire Service Standards and other related industry training standards and reference materials that may be used as reference guides for the Fire Department training as approved by the Fire Chief;
 - (4) prepare an annual report and budget of the Training and Professional Development function to be submitted to the Fire Chief or designate of the Fire Department.

Emergency Dispatching and Communications

- 27. The Joint Fire Communication Centre (“JFCC”) provides the vital link between the public and the Fire Department in times of emergency. The JFCC operates from a facility in the Peel Regional Police headquarters building located at 7750 Hurontario Street, Brampton. The JFCC operates as per the JFCC agreement, between Caledon, Mississauga and Brampton Fire and Emergency Services.

Emergency Management

- 28. The *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 (the “Act”) requires each municipality to develop and implement an Emergency Management Program in accordance with the Act and its associated regulations and standards.
- 29. Emergency Management Programs in Ontario are based on International Standards and recommended practices. The Provincial and Municipal Programs incorporate Four Pillars of Emergency Management set out as follows:
 - (1) PREVENTION/MITIGATION: Actions taken to reduce or eliminate the effects of an emergency or disaster.
 - (2) PREPAREDNESS: Actions taken prior to an emergency or disaster to ensure an effective response. These actions include development of an Emergency Response Plan, a business continuity plan, training, exercises, and public awareness and education.
 - (3) RESPONSE: Actions taken to respond to an emergency or disaster.
 - (4) RECOVERY: Actions taken to recover from an emergency or disaster.
- 30. To achieve annual compliance with the Act, Emergency Management Ontario requires conformation on 15 essential requirements as follows:
 - (1) the designation of a Community Emergency Management Coordinator (“CEMC”);
 - (2) that the CEMC and the Alternative Community Emergency Management Coordinator (“ACEMC”) complete the required training;
 - (3) the establishment of a Community Emergency Management Program Committee;
 - (4) a current by-law adopting an Emergency Management program;
 - (5) a current review of Community Risk Profile;
 - (6) an established Emergency Response Plan, and submission to Emergency Management Ontario (“EMO”);

- (7) that the by-law adopting the Emergency Response Plan is current;
- (8) designation of an Emergency Operations Centre (“EOC”);
- (9) Ensure that the EOC has appropriate communications and back up capability;
- (10) Current review of municipality's Critical Infrastructure;
- (11) Conduct annual training to the Community Control Group and support staff;
- (12) Conduct annual Exercise for the Community Control Group;
- (13) Designate a person to act as the Emergency Information Officer;
- (14) Provide a Public Education Program; and
- (15) Conduct annual review of Emergency Management Program.

Fees for Service

- 31.
- (1) The Council will establish certain fees for service(s) as outlined in the Town’s Fees By-law.
 - (2) For purposes of determining the origin, cause, or circumstances of any fire or explosion, if it is deemed necessary by the Fire Chief to retain a private contractor, rent/lease heavy and or specialized equipment, specialized services, and associated persons then those costs may be billed to the property owner and collected by the Town pursuant to the provisions of the *Municipal Act, 2001*.

Conflict

32. Where this by-law conflicts with another by-law of the Town, this by-law shall supersede and prevail over the other by-law to the extent of the conflict.

Short Title

33. This by-law shall be known as the Fire Department Establishing, Maintaining and Operating By-law.

Repeal of By-laws

34. By-law No. 2014-075 is hereby repealed.

Effect

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

Enacted by the Town of Caledon Council this 13th day of July, 2021.

Allan Thompson, Mayor

Laura Hall, Town Clerk