

The Corporation of the City of Kawartha Lakes

By-Law 2024-___

A By-Law to Establish and Regulate a Fire Department in the City of Kawartha Lakes and to Repeal and Replace By-Law 2002-185, Being a By-Law to Establish a Fire Department for the City of Kawartha Lakes

Recitals

1. Subsection 2(1) of the Fire Protection and Prevention Act, 1997, S.O., c. 4, requires every municipality to establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention, and to provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances.
2. Subsection 2(2) of the Fire Protection and Prevention Act, 1997, S.O., c. 4, permits a municipality, in discharging these responsibilities, to establish a fire department.
3. Subsection 5(1) of the Fire Protection and Prevention Act, 1997, S.O., c. 4, requires a fire department to provide fire suppression services and permits the fire department to provide other fire protection services in the municipality.
4. Sections 8 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize a municipality to provide any service that the municipality considers necessary or desirable for the public, and to pass by-laws respecting health, safety and well-being of persons, protection of persons and property, and services that the municipality is authorized to provide.
5. Section 391 of the Municipal Act, 2001, S.O. 2001, c. 25, authorizes a municipality to impose fees or charges on persons for services or activities provided by the municipality, and for costs payable by the municipality for services or activities provided or done by or on behalf of any other municipality.
6. The City of Kawartha Lakes deems it desirable and necessary to amend and update its by-law to establish and regulate a fire department for the City of Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-___.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“Approved” means approved by Council.

“Automatic Aid” means an approved agreement under which a municipality agrees to provide an initial response to fires, rescues, and emergencies in another municipality, or where a municipality agrees to provide a supplemental response to fires, rescues, or emergencies that may occur in another municipality.

“Chief Administrative Officer (CAO)” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001.

“Council” or “City Council” means the municipal council for the City.

“Community Emergency Management Coordinator” – (CEMC) means a position identified in the Emergency Management and Civil Protection Act, 1990, c. E.9, as amended as being responsible for the development, implementation, review and maintenance of the Emergency Management Plan for the City of Kawartha Lakes.

“Deputy Fire Chief” means a person appointed by Council to act on behalf of the Fire Chief of the Fire Department in the case of absence or a vacancy in the office of the Fire Chief.

“Emergency Management and Civil Protection Act” means Emergency Management and Civil Protection Act, 1990, S. O. 1990, c. E.9, as amended, and any successor legislation.

“Fire Chief” means the person appointed by Council to act as Fire Chief for the Corporation and who is ultimately responsible to Council as set out in the Fire Protection and Prevention Act.

“Fire Coordinator” means the person appointed by the Ontario Fire Marshal, under the authority of the FPPA.

“Fire Department” means the fire department for the City.

“Fire Code” means Ontario Regulation 213/07, as amended, and any successor regulation.

“Firefighter” means the Fire Chief and any other person employed in or appointed to the Fire Department to undertake Fire Protection Services and includes a Volunteer Firefighter all of whom must meet any national, provincial and/or municipal certifications related to their position of employment.

“Fire Protection and Prevention Act” means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and any successor legislation.

“Fire Protection Services” includes fire suppression, rescue and emergency services, fire prevention, public fire safety education, mitigation, communications, training of personnel involved in the provision of Fire Protection Services, and the delivery of all those services.

“Limited Service” means a variation of service significantly differentiating from the norm as a result of extenuating circumstances, such as deployment of Volunteer Firefighters in insufficient numbers to safely carry out the delivery of Fire Protection Services, environmental factors, remote properties, concurrent calls, limited water supply, impeded access, private roadways, lanes and drives, obstructions, or extraordinary hazards or unsafe conditions.

“Member” means any person employed by or appointed by the Fire Chief to the Fire Department and assigned to undertake Fire Protection Services, and includes Full-time staff, Officers, Volunteer Firefighters, and administrative staff.

“Municipal Act” means the Municipal Act, 2001, S.O. 2001, c.25, as amended, and any successor legislation.

“Mutual Aid” means a plan established pursuant to section 7 of the Fire Protection and Prevention Act under which fire departments that serve a designated area agree to assist each other on a reciprocal basis in the event of a major fire or emergency.

“Obstruction” means to hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with a person doing anything that the person is authorized to do within this legislation.

“Officer” means Fire Chief, Deputy Fire Chief, Platoon Chief, District Chief, Captain, and any other person designated by the Fire Chief to supervise Firefighters.

“Tanker Shuttle Accreditation” means a third party organization will observe, test, and certify the ability of the Fire Service to provide sufficient water supply using tanker shuttle operations.

“Volunteer Firefighter” means a Volunteer Firefighter as defined by the Fire Protection and Prevention Act.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Establishment

- 2.01 A Fire Department for the City of Kawartha Lakes to be known as the “Kawartha Lakes Fire Rescue Service” is hereby established, and the head of the Fire Department shall be known as the Fire Chief.

Section 3.00: Department Structure

- 3.01 Council shall by By-law appoint a Fire Chief who shall be the highest ranking Officer and director of the Fire Department.
- 3.02 Each division of the Fire Department shall be the responsibility of the Fire Chief and shall be under the direction of the Fire Chief or a member designated by the Fire Chief. Designated members shall report to the Fire Chief on division activities under their supervision and shall carry out all orders of the Fire Chief.
- 3.03 The Fire Chief shall have the authority to effect necessary Fire Department operations.
- 3.04 In addition to the Fire Chief, Council shall by By-law appoint two Deputy Fire Chiefs who shall report to the Fire Chief as the second highest ranking Officer of the Fire Department and who, in the absence of the Fire Chief, shall have the powers and perform the duties of the Fire Chief.
- 3.05 In addition to the Fire Chief and Deputy Fire Chief(s), the Fire Department shall consist of Emergency Manager(s), District Chief(s), Platoon Chief(s), Fire Prevention Officer(s), Fire Prevention Inspector(s), Fire Safety Educator(s), Training Officer(s), Training Instructor(s), Captain(s), Fulltime Firefighter(s), Volunteer Firefighter(s), Emergency Vehicle Technician(s), administrative support staff and other members deemed necessary from time to time by Council or by the CAO on recommendation from the Fire Chief for the Fire Department to provide Fire Protection Services.
- 3.06 The Fire Department shall be structured in conformance with the approved Fire Department Organizational Chart as may be amended from time to time.
- 3.07 The Fire Department shall adhere to all legislative requirements and applicable standards that may impact the delivery of fire protection services, including, but not limited to the Fire Protection and Prevention Act, the Occupational Health and Safety Act, Ministry of Labour Fire Service Section 21 Guidance Notes, Ontario Fire Marshal Directives, municipal policies and other legislation, regulations and standards that may apply and as may be amended from time to time.

- 3.08 The general responsibilities of each Kawartha Lakes Fire Rescue Service position shall be reflected in job descriptions that will be maintained as current as roles, responsibilities, accountability and authority changes.
- 3.09** The Fire Department maintains the authority to carry out necessary department operations to deliver approved fire protection and prevention services as outlined in the Fire Protection and Prevention Act.

Section 4.00: Approved Services and Programs

- 4.01 The Fire Department shall provide such Fire Protection Services and programs as approved by Council in accordance with Part II of the Fire Protection and Prevention Act and set out in Schedule "A" attached hereto and forming part of this by-law.
- 4.02 The delivery of fire protection services shall be guided by the Departmental Fire Master Plan, Community Risk Assessment and any other guiding documents as presented to and adopted to Council from time to time.
- 4.03 The Fire department shall be certified for residential tanker shuttle service in accordance with applicable standards and certifications.

Section 5.00: Limited Service

- 5.01 In consideration of the reliance by the Fire Department on the response of Volunteer Firefighters, whose deployment to emergencies in sufficient numbers cannot in all instances be guaranteed, limited water supply, adverse climate conditions, topographical and geographical configuration, unposted municipal addresses, concurrent or multiple calls, failure of owners to maintain driveways or other accesses, delays or unavailability of specialized equipment required by the Fire Department, or other extraordinary circumstances which may impede the delivery of Fire Protection Services, any approved service set out in Schedule "B" may from time to time be provided as a Limited Service as defined in this by-law, as determined by the Fire Chief, his or her designate, or the highest ranking Officer in charge of a response.
- 5.02 Emergency responses to properties accessed via private roads, private lanes or private driveways may be limited by the condition of such road, lane or driveway including:
- a) The ability of such road, lane or driveway to support and accommodate fire apparatus and equipment;
 - b) The failure of the owner of the lands upon which the road, lane or driveway is located or the user of such road, lane or driveway to maintain such road, lane or driveway in a condition that is passable by fire apparatus and equipment.
- 5.03 The Corporation shall accept no liability for the provision of a Limited Service by the Fire Department as reasonably necessary.

Section 6.00: Responses Outside the Limits of the Municipality

- 6.01 The Fire Department shall not respond outside the limits of the municipality except with respect to a fire, rescue or emergency:
- (a) That, in the opinion of the Fire Chief or designate, may threaten property in the municipality, or property situated outside the municipality that is owned or occupied by the municipality;
 - (b) In a municipality with which an approved agreement has been entered into to provide fire protection services which may include automatic aid;
 - (c) On property with which an approved agreement has been entered into with any person or corporation to provide fire protection services;
 - (d) At the discretion of the Fire Chief or designate, to a municipality authorized to participate in any provincial, county, district or regional mutual aid plan established by a fire coordinator appointed by the Fire Marshal or any other similar reciprocal plan or program;
 - (e) 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 designate.

Section 7.00: Fire Chief Responsibilities and Authority

- 7.01 The Fire Chief shall be ultimately responsible to Council, through the CAO, as set out in subsection 6 (3) of the Fire Protection and Prevention Act for the proper administration and operation of the Fire Department, including delivery of approved services and programs.
- 7.02 The Fire Chief shall be deemed to be the Chief Fire Official of the municipality for the purposes of the Fire Protection and Prevention Act and regulations enacted thereunder and shall have all statutory authority and shall carry out all prescribed duties and responsibilities in respect thereof.
- 7.03 Without limiting the generality of the foregoing, the Fire Chief shall be authorized and responsible for:
- (a) Performing all statutory duties of the Fire Protection and Prevention Act, the Emergency Management and Civil Protection Act and any other legislation applicable to the administration or operation of the Fire Department.
 - (b) Reporting to Council as required by the Fire Protection and Prevention Act and Emergency Management and Civil Protection Act.

- (c) Enforcement of this by-law and any regulations established under this by-law, and the enforcement of any other by-laws of the Corporation respecting the administration and operation of the Fire Department.
- (d) Periodically reviewing this by-law and any other by-laws of the Corporation respecting the administration and operation of the Fire Department.
- (e) Recommending to Council amendments to this by-law and any other by-law of the Corporation that the Fire Chief considers relevant.
- (f) Developing, establishing, and implementing policies, standard operating guidelines, general orders and department rules, and other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department.
- (g) Periodically reviewing, revising, or revoking as required, all policies, standard operating guidelines, general orders, and rules of the Fire Department.
- (h) Arranging for the provision and allotment of strategic staffing and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department.
- (i) The proper care and protection of all Fire Department property.
- (j) Arranging and implementation of automatic aid, mutual aid and other negotiated and/or approved fire protection and emergency service agreements between the City and other municipalities.
- (k) Determining and establishing the qualifications and criteria for employment or appointment, and the duties and responsibilities of all members of the Fire Department subject to City of Kawartha Lakes policies.
- (l) Appointment, subject to approved hiring policies, of any qualified person as a member of the Fire Department.
- (m) The conduct and discipline of all members of the Fire Department, including disciplinary actions which may range from reprimand to dismissal subject to City of Kawartha Lakes policies.
- (n) Keeping an accurate record of all incidents responded to by the Fire Department, all fire safety inspections and fire investigations, and other such records as may be required in a manner consistent with records management policies of the Corporation and retaining such records as prescribed by records retention policies and statutory requirements.
- (o) Enforcement of the Ontario Fire Code, reporting all fires to the Fire Marshal, and complying with all Fire Marshal's directives as mandated by the Fire Protection and Prevention Act.

- (p) Reporting to the appropriate Crown Attorney or other prosecutor, or law enforcement 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 that an offence has been committed under the Fire Protection and Prevention Act, or other applicable regulation or statute.
 - (q) Preparing and presenting periodic reports to Council as deemed necessary by the Fire Chief, and any other specific reports as directed by Council.
 - (r) Preparing and submitting annual budget estimates for approval by Council, and effectively administering, monitoring, and controlling the Fire Department operating and capital budgets.
- 7.04 The Fire Chief or designate will report to the CAO and shall be the CEMC responsible for coordinating the City of Kawartha Lakes Emergency Management Program, and assisting with the preparation, implementation, and maintenance of the municipal Emergency Plan pursuant to the Emergency Management and Civil Protection Act.
- 7.05 The Fire Chief shall be responsible for assisting other public officials in an emergency declared by the Head of Council, the Premier of Ontario, or the Prime Minister of Canada.
- 7.06 The Fire Chief is authorized to contribute to and assist in the formulation of Mutual Aid Plan, Automatic Aid and emergency service agreements or response plans with other emergency agencies and further, is authorized by Council to perform the duties of regional Fire Coordinator as required.

Section 8.00: Powers

- 8.01 The Fire Chief shall exercise all powers and duties prescribed by the Fire Protection and Prevention Act and shall be empowered to take all reasonable and proper measures for the prevention, control, and extinguishment of fires, and for the protection of life, property and the environment, and for the management of emergencies within the jurisdiction of the municipality.
- 8.02 Without limiting the generality of the foregoing, the Fire Chief and his/her designates shall be empowered and authorized to carry out the following:
- (a) Enforcement of all municipal by-laws in respect of fire safety and fire prevention, including property standard by-laws.
 - (b) Pulling down or demolishing any building or structure when necessary to prevent the spread of fire.
 - (c) Any necessary action to guard against fire or other danger, risk, or accident, which may include boarding up or barricading of buildings or property, when unable to contact the owner of the property.

- (d) Recovery of costs incurred by such necessary actions for the Corporation in a manner provided by the Municipal Act and the Fire Protection and Prevention Act.
 - (e) Taking any and all steps as set out in Parts V, VI and VII of the Fire Protection and Prevention Act.
- 8.03 As set out in the Fire Protection and Prevention Act, the Fire Chief may delegate any of his/her powers or duties to the Deputy Fire Chief or any Officer or member that the Fire Chief deems appropriate, subject to such limitations, restrictions or conditions as may be set out in the delegation, and such Officer or member so delegated shall have all the powers and shall perform all duties as delegated.

Section 9.00: Recovery of Costs

- 9.01 If as the result of a Fire Department response to a fire, rescue, or other emergency, the Fire Chief, his or her designate, or the highest ranking Officer in charge determines that it is necessary to retain a private contractor, rent special equipment, or use consumable materials other than water in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, remove hazardous materials, assist in or otherwise conduct an investigation to determine the cause of a fire, or otherwise control or eliminate an emergency situation, the Corporation may recover the costs incurred by the Fire Department for taking such actions from the owners of the property or vehicle as the case may be.
- 9.02 The Corporation may recover costs incurred by such necessary actions in a manner provided by the Municipal Act, the Fire Protection and Prevention Act and the Forest Fire Prevention Act in accordance with the fees prescribed by the applicable Fees and Charges By-law of the Corporation as may be amended from time to time.
- 9.03 A fee imposed upon a person under this by-law, including any interest, penalty charges and costs of collection, constitutes a debt of the person to the Corporation, and a person who is charged a fee under this by-law shall be charged interest in accordance with the applicable Fees and Charges By-law of the Corporation.
- 9.04 If a property owner who is charged a fee under this by-law fails to pay the fee, the Corporation may add the fee, including penalty and interest, to the tax roll for any real property in the City of Kawartha Lakes registered in the name of the owner and collect the fee, including penalty and interest, in like manner as municipal taxes.

Section 10.00: Enforcement, Offence and Penalties

- 10.01 No person shall obstruct, hinder, or interfere with the Fire Chief or any member of the Fire Department in the performance of his or her duties in accordance with this by-law and the Fire Protection and Prevention Act.
- 10.02 Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty established by the

Provincial Offences Act, R.S.O. 1990, c. P.33, as may be amended from time to time an any successor legislation.

Section 11.00: Administration and Effective Date

11.01 **Administration of the By-law:** The Fire Chief is responsible for the administration of this by-law.

11.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

Section 12.00: Repeals

12.01 **Repeal:** By-law 2002-185, Being a By-law to Establish a Fire Department for the City of Kawartha Lakes is repealed.

By-law read a first, second and third time, and finally passed, this 21st day of May, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

Schedule “A”

By-law 2024-____

Kawartha Lakes Fire Rescue Service

Approved Services and Programs

The Fire Department shall provide the following services and programs:

Fire Suppression and Emergency Response

1. Fire suppression services shall be delivered for structural firefighting in both offensive and defensive modes as required and shall include interior firefighting, search and rescue operations, forcible entry, ventilation, protection of exposures, and salvage and overhaul as appropriate.
2. Fire suppression services shall be delivered for vehicle/equipment fires including aircraft, open air fires including grass, brush and forest and any fires involving the railway and any other fires not listed that may occur in the municipality.
3. Emergency pre-hospital care responses and services shall be provided as per protocol as instituted in accordance with the Tiered Response Services Agreement.
4. Special technical and/or rescue response services provided by Kawartha Lakes Fire Department shall include performing automobile and/or equipment extrication using hand tools, air bags, and heavy hydraulic tools as required, large animal rescue, marine rescue utilizing watercraft, remote rescue utilizing all terrain vehicles, static water/ice rescue (shore based and technician level), hazardous materials response (Operations Level), and elevator rescue (not to exceed Operations Level) in accordance with available resources.
5. Other technical and/or specialized rescues response services (including trench rescue, rope rescue, building collapse, confined space, swift water, and any other technical rescue not included in this Schedule) shall not be provided by the Kawartha Lakes Fire Rescue Service beyond the Awareness level. Notwithstanding, Council may approve a specialized rescue service agreement to allow these services to be provided by an agency or Department at a higher level as necessary.

Training

1. The National Fire Protection Association (NFPA) Standards and other related industry training standards and reference materials shall be used as reference guides for Kawartha Lakes Fire Rescue Service Training Division as approved by the Fire Chief. All training will comply with the Occupational Health and Safety Act, R.S.O. 1190, c. O.1, as amended and applicable provincial legislation.

Fire Prevention

1. Inspections arising from complaint, request, retrofit, or proactive inspection program; fire investigations; and examination and review of fire protection elements of building permit plans shall be provided in accordance with the FPPA and Departmental policies.

Fire and Life Safety Education

1. Public education programs shall be administered in accordance with the FPPA and Departmental policies.