

The Corporation of the City of Burlington By-law 90-2012

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Description

A by-law to establish and regulate the Fire Department for The Corporation of the City of Burlington, and to repeal By-Law 3335. File No. 755 (BFD-06-12)

Preamble

Whereas the Municipal Act, 2001 S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

Whereas Section 8 of the Municipal Act, 2001, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

Whereas Part II, Section 5(0.1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, CHAPTER 4 (the "FPPA"), as amended, authorizes the council of a municipality to establish, maintain and operate a fire department for all or any part of the municipality;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

Content

Definitions

1. In this By-law, unless the context otherwise requires,
 - a) **"Approved"** means approved by Council;
 - b) **"Acting Platoon Chief"** means a Member designated by the Fire Chief or Deputy Fire Chief to supervise a particular Platoon in the Department in the absence of the regular Platoon Chief;
 - c) **"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

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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;

- d) **“Captain”** means the person in command of a company to which he or she is assigned and is responsible for the proper operation of that crew to the Platoon Chief;
- e) **“Company”** means a complement of Fire Department personnel operating one or more pieces of apparatus or equipment;
- f) **“Collective Agreement”** means an agreement between the Corporation and the Firefighters’ Association made under the provision of the FPPA, any such agreement between members of the Department and the Corporation;
- g) **“Corporation”** means The Corporation of the City of Burlington;
- h) **“Council”** means the Council of the Corporation;
- i) **“Department”** means the Corporation’s Fire Department;
- j) **“Deputy Fire Chief”** means the person(s) appointed by Council to act in place of the Fire Chief in the Fire Chief’s absence, or in the case of a vacancy in the position of Fire Chief;
- k) **“Fire Chief”** means the person appointed by Council pursuant to the FPPA and is ultimately responsible to Council;
- l) **“Fire Department”** means a group of firefighters authorized to provide Fire Protection Services pursuant to the FPPA for the Corporation;
- m) **“Fire Department Response Area”** means the boundaries listed in Section 16 of this By-law;
- n) **“Firefighters Association”** means the Burlington Professional Firefighters Association, Local 1552 of the International Association of Firefighters;
- o) **“Fire Protection Services”** means a range of programs designed to protect the lives and property of the inhabitants of the Fire Department Response Area from the adverse effects of fire, sudden medical emergency or exposure to dangerous conditions created by man or nature and includes fire suppression, fire prevention, fire and public safety education, communication, training of persons

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involved in the provision of Fire Protection Services, specialized rescue and emergency services, maintenance and servicing of apparatus and equipment, and the delivery of all of those services;

- p) **"Firefighter"** means a Fire Chief and any other person employed in, or appointed to, a Fire Department and assigned to undertake Fire Protection Services, and includes a Volunteer Firefighter;
- q) **"Member"** means any defined firefighter or employee of the Department;
- r) **"Officer"** means a Member of the Department with the designation of Captain or a more senior position than Captain;
- s) **"Platoon"** means a complement of personnel operating one or more Companies and pieces of apparatus under the supervision of a Platoon Chief/Acting Platoon Chief;
- t) **"Platoon Chief"** means a Member designated by the Fire Chief or the Deputy Fire Chief to supervise a particular Platoon in the Department; and
- u) **"Volunteer Firefighter"** means a Firefighter who provides Fire Protection Services either voluntarily or for a nominal consideration, honorarium, training or activity allowance.

Fire Department Establishment

- 2. A Department of the Corporation, to be known as the Burlington Fire Department is hereby established and continued under this By-law and the head of the Department shall be known as the Fire Chief.

Structure and Employment

- 3. In addition to the Fire Chief, the Department personnel shall consist of Deputy Fire Chief(s) and such numbers of Officers and Members as from time to time may be deemed necessary by Council.

Duties and Responsibilities

- 4. The Fire Chief is responsible to Council for the proper administration and operation of the Department. The Fire Chief is under the general direction of Council, and:
 - a) Shall develop and make available such written by-laws, operational guidelines, policies, general orders, mission statements and Departmental

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- rules as may be necessary for the care and protection of the public, the Department, Department equipment and personnel, and for the efficient operation of the Department, provided that such policies, orders and rules do not conflict with the provisions of any by-laws of the Corporation, other provincial or federal legislation, and
- b) Shall review periodically the policies and procedures of the Department and may establish an advisory committee consisting of such Members of the Department as may be determined from time to time to assist in these duties.
5. The Deputy Fire Chief(s) shall be the second ranking officer(s) of the Fire Department and shall be subject to and shall obey all orders of the Fire Chief and shall perform such duties as are assigned to him or her by the Fire Chief and shall act on behalf of the Fire Chief in case of absence or vacancy in the office of Fire Chief.
6. The Fire Chief and all other Officers of the Department shall protect and guard all property entrusted to their care and the Fire Chief, all Officers and all Members, insofar as lies in their power, shall take proper measures to protect all Members of the Fire Department from accident, injury or death as a result of duty.

Department Divisions

7. The Department shall be organized into Divisions such as determined by the Fire Chief on approval from the City Manager and/or Council.
8. The Fire Chief may re-organize or eliminate Divisions or establish Divisions or may do all or any of these things or any combination of them as may be required to ensure the proper administration and efficient operation of the Fire Department and the effective management of Fire Protection Services for the Corporation with approval from the City Manager and/or Council.

Powers

9. The Fire Chief shall:
- a) take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property;
 - b) ensure the enforcement of all municipal by-laws respecting Fire Protection Services;
 - c) adhere to and exercise the provisions and powers of the FPPA;

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- d) take all proper measures for the prevention, control and extinguishment of fires and the protection of life and property and shall exercise all powers mandated by the FPPA;
- e) be empowered to authorize:
 - I. the pulling down or demolition of any building or structure to prevent the spread of fire;
 - II. all necessary actions which may include boarding up or barricading buildings or property to guard against fire or other danger, risk, or accident, when unable to contact the property owner; and
 - III. the recovery of expenses incurred by such necessary actions for the Corporation in the manner provided through the Municipal Act, 2001 and the FPPA. Such expenses may include, but are not limited to: retaining a private contractor, securing, renting/leasing heavy and or specialized equipment, and retaining specialized services.
- f) enforce this By-law, Corporate and Department policies, guidelines, rules or regulations.
- g) Sign service agreements within approved budget allocations under delegated authority

Emergency Response Outside of Municipal Boundaries

10. The Department shall not respond to a call with respect to a fire or other emergency outside the limits of the municipality except with respect to a fire or emergency:
- a) That in the opinion of the Fire Chief, or designate, threatens property in the municipality or property situated outside of the municipality that is owned or occupied by the municipality;
 - b) In a municipality with which an agreement has been entered into to provide Fire Protection Services;
 - c) On property with respect to which an agreement has been entered into with any person or corporation to provide Fire Protection Services;

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- d) At the discretion of the Fire Chief, or designate, to a municipality authorized to participate in the Halton Region Mutual Fire Aid Plan and Program on a reciprocal basis; or
- e) On property beyond municipal boundaries where the Fire Chief or designate, determines that immediate action is necessary to preserve and protect life and/or property and the correct fire department is notified and/or assumes command. The Fire Chief shall subsequently inform the head of Council of such response.

Levels of Service

- 11. The Fire Department shall provide the core services specified in the Appendix
- 12. The Corporation of the City of Burlington accepts no liability for delay or inability to supply the services set out in the Appendix of this By-law.
- 13. Nothing in this By-law will restrict the Fire Department from providing more than the core services set out in the Appendix.

By-Law in Force

- 14. If a court of competent jurisdiction should declare any section or a part of this By-law to be invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.
- 15. This By-law shall come into full force and effect on the day it is passed by Council.
- 16. The Corporation of the Town of Burlington By-law Number 3335, as amended, is hereby repealed in its entirety.

Enactment

Enacted and passed this 26th day of November, 2012.

Mayor Rick Goldring _____

City Clerk Angela Morgan _____

Online version of this document does not contain signatures. Please contact City Clerk to obtain a copy of the signed original.

**Appendix: Core Services Provided by the Burlington
Fire Department**

A) Emergency Response

1. Structural firefighting including internal rescue and fire attack in accordance with the Fire Department's level of training , standard operating guidelines, Occupational Health and Safety Guidelines and the number and type of personnel and equipment available to the Department and on each specific emergency response.
2. Vehicle firefighting
3. Grass, brush firefighting
4. Marine shore-based firefighting- defensive only
5. Vehicle Accidents
6. Emergency patient care and Defibrillation protocol- Red Cross Emergency Responder
7. Mutual Aid – as per Halton Mutual Aid Plan
8. Automatic Aid – as per Agreements with Hamilton and Milton
9. Participation in the Corporation's Emergency Plan
10. Technical and Specialized Rescues – see list below

Provide technical and specialized search and rescue in the following areas:

a) Hazardous Materials-

The Department is equipped and trained to respond to small and large scale hazardous materials emergencies for the purpose of mitigating immediate life hazards to the public and to effect potential rescues. Firefighters have the capability to enter into extremely hazardous environments by utilizing the highest level of personal protective equipment available for hazardous materials incidents. The Department couples that with the use of various types of air monitoring equipment which are utilized to determine atmospheric conditions and emergency isolation zones. With the inclusion of decontamination activities, the Department has the equipment and resources in-house to operate self-sufficiently at a hazardous materials incident for 1-2 hours. Where long term resource commitment is required, site remediation and clean-up deemed necessary, or specialized equipment and services are needed, 3rd party hazardous materials contractors, mutual aid partners, Halton Regional Police Services and/or various provincial resources are utilized. In the event of a large scale, prolonged incident the Department will rely heavily on these resources (i.e. railcar emergency, mass

decontamination, unknown substances or terrorist incident). The Department does not provide spill clean-up or site remediation services.

b) Confined Space Search and Rescue

Confined Space rescue is regulated through the occupational Health and Safety Act and Regulation O.Reg. 623/05. Employers (contractors) are required to have an entry permit and a plan for rescue for any employees entering that space. The Department trains Firefighters to an awareness level for responses to confined space rescue. Firefighters have the ability to recognize the need for specialized equipment and may access additional rescue resources through the Halton Mutual Aid plan.

c) Rope Rescue

The Department has the ability and equipment to respond to all rope rescue calls. Firefighters have training and equipment to conduct a “pick-off” single person rescue or a “basket” rescue where a patient may be injured and requires immobilization.

d) Vehicle Extrication

The Department responds to motor vehicle collisions and has the ability to rescue trapped occupants using handle, pneumatic and hydraulic rescue tools.

e) Water Search and Rescue

The Department has the ability to respond to a variety of water emergencies. Firefighters are trained to perform rescues in open water and on ice. In the event that a Firefighter has to enter the water to perform a rescue they are in contact with the shore by means of a tether line. In the event that the BFD requires the assistance of a vessel, resources will be requested from an appropriate police service or the Coast Guard.

f) Trench Rescue

The Department trains firefighters to recognize the hazards associated with a Trench Rescue. In the event that a Trench Rescue needs to be performed, resources can be accessed through other Greater Toronto Area fire departments on a cost recovery basis.

g) Structural Collapse

The Department trains Firefighters to recognize the hazards associated with a Structural Collapse. In the event that a rescue or recovery needs to be performed as a result of a structural collapse additional resources can be requested through the Province of Ontario and the Toronto Heavy Urban Search and Rescue Team (HUSAR).

B) Maintenance

Provide a maintenance program to ensure fire protection apparatus, including allied equipment, is ready to respond to the emergency calls.

C) Fire Prevention and Public Education

Provide an effective fire prevention program to: ensure, through plan examination and inspection, compliance with applicable by-laws, legislation, statutes, codes and regulations, reduce and/or eliminate fire hazards.

Develop and maintain an effective public education system and educational program, with particular emphasis on children and seniors fire safety programs; and commercial, industrial and institutional staff training,

D) Develop Relationships

Ensure in the event of a major incident in the municipality, assistance to cope with the situation is available from outside departments and other agencies.

Develop and maintain a good working relationship with all federal, provincial, and municipal departments, utilities and agencies, related to the protection of life and property.

Interact with other departments of the corporation respecting the aspects of fire on any given program.

Ensure that these objectives are not in conflict with any other department of the Corporation.