

The Corporation of the City of Port Colborne

By-law no. 6745/109/19

Being a by-law to establish and regulate the  
City of Port Colborne Fire and Emergency Services (Composite)

Whereas the *Fire Protection and Prevention Act, 1997, S.O. 1997* permits the Council to enact a by-law to establish and regulate a fire department.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. In this by-law, unless the context otherwise requires;
  - a) “approved” means approved by Council.
  - b) “Chief Administrative Officer” means the person appointed by Council to act as Chief Administrative Officer for the Corporation.
  - c) “Corporation” means the Corporation of the City of Port Colborne.
  - d) “Fire Fighter” 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 fire fighter.
  - e) “Council” means the Council of the City of Port Colborne.
  - f) “Deputy Fire Chief” means the person appointed by Council to act as the Deputy Fire Chief.
  - g) “Fire Chief” means the person appointed by Council to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the *Fire Protection and Prevention Act*.
  - h) “Fire Department” means the City of Port Colborne Fire and Emergency Services.
  - i) “Fire Protection Services” includes fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all those services.
  - j) “Member” means any persons employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes officers, full-time and part-time volunteer fire fighters.
  - k) “Volunteer” means a fire fighter who provides fire protection services for a nominal consideration.
2. A department for the City of Port Colborne to be known as the City of Port Colborne Fire and Emergency Services is hereby established and the head of the department shall be known as the fire chief.
3. In addition to the fire chief, the department personnel may consist of deputy fire chief, fire prevention officer, and such number of full-time captains, acting captains, volunteer captains and such number of full-time staff and volunteer staff as from time to time may be deemed necessary by Council.
4. If a city approved medical examiner finds a member is physically unfit to perform assigned duties, Council may assign the member to another

position, if available; deal with them in accordance with the collective agreement.

5. The department shall be structured in conformance with the approved organizational chart Appendix "A", forming part of this by-law.
6. The fire chief shall be appointed by by-law passed by the council of the City of Port Colborne and shall hold office until such by-law is rescinded.
7. The fire chief may recommend to the chief administrative officer the appointment of any qualified person as a fire fighter of the department, subject to the approved hiring policies of the City of Port Colborne.
  - (a) Full-time officers below the rank of fire chief shall be appointed by the chief administrative officer, after successfully completing the requirements within the collective agreements or city policy.
  - (b) Volunteer fire fighters shall be appointed as members by the fire chief following approval by the chief administrative officer of the City of Port Colborne. Persons approved and accepted as volunteers will serve a twelve (12) month probationary period in good standing before final acceptance.
  - (c) Full-time employees employed in suppression or prevention may also be members of the volunteer section in their off-duty time, if approved by the fire chief in consultation with the chief administrative officer.
  - (d) A volunteer fire fighter must be able to respond to fire department headquarters within thirty (30) minutes of the sounding of a general alarm from their residence; following fire department policies and guidelines and the Highway Traffic Act.
  - (e) A volunteer fire fighter shall not be eligible for a uniform until they have served one (1) year in the department.
8.
  - (a) The fire chief may reprimand, suspend, or recommend dismissal of any member for insubordination, inefficiency, misconduct, tardiness, or for non-compliance with any provision of this by-law or general orders, department rules and regulations that in the opinion of the fire chief would be detrimental to the discipline and efficiency of the department.

Following the suspension of a member, the fire chief shall immediately report, in writing, the suspension and recommendation to the chief administrative officer.
  - (b) Any member of the department feeling grieved by the fire chief's decision has the right to follow the grievance procedures in place for both the full-time and volunteer members.
9. The remuneration of all fire fighters of the department shall be determined by the Council through contract negotiations and the budgetary process.
10. The fire chief is responsible to the chief administrative officer and Council for the proper administration and operation of the department, for the discipline of its members, and:
  - a) May make such general orders, departmental rules, operational guidelines and set policy, as may be necessary for the protection of the department and generally for the efficient operation of the department, provided that such general orders and rules,

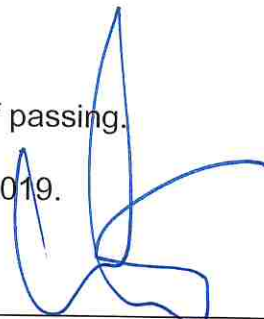
operational guidelines and policies, do not conflict with the provision of any by-laws of the municipality.

- b) Shall review periodically the policies, procedures, strategic plan and operational guidelines of the department. The fire chief may establish an advisory committee structured as he may determine from time to time to assist him/her in these duties.
  - c) Shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall exercise all powers mandated by the Fire Protection and Prevention Act, and the fire chief shall be empowered to authorize:
    - pulling down or demolishing any building or structure to prevent the spread of fire.
    - 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.
    - recovery of expenses incurred by such necessary actions for the Corporation in the manner provided through the Municipal Act, the Fire Protection and Prevention Act and the City's Fee Schedule, including costs incurred during fire investigations.
  - d) Is responsible for the enforcement of this by-law and the general orders and departmental rules and regulations which forms part of this by-law as Appendix "B".
  - e) Shall report all fires to the Fire Marshal as required by the Fire Protection and Prevention Act.
  - f) The fire chief shall submit to council, chief administrative officer and the director of finance for approval, the annual budget estimates for the department; an annual report and any other specific reports requested by the chief administrative officer or council.
11. The deputy fire chief shall report to the fire chief on the activities of the sections that are their responsibility and carry out the orders of the chief, and in the absence of the chief, has authority and shall perform all the duties of the chief.
12. The fire department shall not respond to a call with respect to a fire or 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 in the absence of the fire chief, the deputy fire chief, threatens 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 respect to 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, to a municipality authorized to participate in a Provincial or Regional Mutual Aid Plan established by a fire co-ordinator 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 their designate determines immediate action is necessary to preserve life or property and the appropriate department is notified to respond and assumes command or establishes alternative measures, acceptable to the fire chief or designate
13. The officer in charge of the department at any fire may cause any obstacle or any out-structure to be removed or torn down, if such removal or tearing down appears necessary to prevent the spread of fire.
  14. No person shall impede, interfere with or hinder any officer or fire fighter in the discharge of his/her duties at a fire, in responding to a fire alarm or at a practice, and no person shall damage apparatus, equipment and supplies, and no unauthorized person shall put to use any apparatus, equipment and supplies.
  15. No person or persons shall wantonly or maliciously injure or damage any fire engine, hose, ladders or other apparatus and equipment belonging to the Department.
  16. Proper training is a requirement on a continuous basis for the safe operation of the fire service. To promote this, the following regulations will apply:
    - a) It is the responsibility of every Volunteer member of the fire department to attend at least 60% of all training and 30% of all general alarms.
    - b) Attendance will be reviewed once yearly. Members - failing to meet their obligation will be notified in writing.
    - c) Those that have been notified in writing will have their attendance reviewed in six (6) months and notified of their continuing failure to meet the attendance requirements.
    - d) Attendance will once again be reviewed in six (6) months. A member failing to meet the attendance requirements for two (2) years will be removed from the roll call sheets and considered to be dismissed.
  17. The Fire Chief or their designate has the sole authority to take a fire fighter out of service for reasons of health and safety.
  18. Any person contravening Sections 14 or 15, of this by-law shall be liable for conviction under the Provincial Offences Act and shall be subject to a fine not less than \$500.00 and not exceeding \$2,000.00 exclusive of costs or to imprisonment for any term not exceeding one (1) year or to both such fine and imprisonment.
  19. In case the provisions of this by-law conflict with the provisions of any other by-law, the provisions of this by-law shall prevail.
  20. This By-law repeals By-law No. 6606/61/18 being a by-law to establish and regulate the City of Port Colborne Fire and Emergency Services (Composite).
  21. The Fire Department's Strategic Plan and Core Services forms part of this by-law as Appendix "C".
  22. Council by by-law may make modifications and changes to any or all of the appendices attached to and making part of this by-law.

23. This by-law shall take effect on the day of passing.

Enacted and passed this 9<sup>th</sup> day of December, 2019.



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William Steele  
Mayor



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Amber LaPointe  
Clerk