

APPENDIX “A”

BY-LAW 2014-xx

A BY-LAW OF THE CITY OF GREATER SUDBURY TO ESTABLISH AND REGULATE THE CITY OF GREATER SUDBURY FIRE SERVICES

WHEREAS the *Municipal Act, 2001*, S.O. 2001 Chapter 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;

AND WHEREAS Section 2 of the *Fire Protection and Prevention Act, 1997*, S.O., c.4 as amended, requires a 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;

AND WHEREAS Section 5 of the *Fire Protection and Prevention Act, 1997*, S.O., c.4 as amended, allows the council of every municipality to enact a by-law to establish, maintain and operate a fire department to provide fire suppression services and other fire protection services within the municipality;

AND WHEREAS the Council for the City of Greater Sudbury wishes to continue its fire department and to set out the fire protection services to be offered by its fire department in various geographic areas of the City;

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

Definitions

1. In this by-law, unless the context otherwise requires.

"Act" means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as may be amended from time to time, and includes any successor legislation, and any and all regulations made under that statute, including the Ontario Fire Code;

"Applicable Law" includes federal, provincial and municipal statutes, regulations thereunder, codes, directives, which have application to the situation at hand, the Collective Agreement and any agreement entered into by the City;

"Chief of Fire and Paramedic Services" means the person appointed by Council to act as the Chief of Fire and Paramedic Services for the City and includes his or her authorized designate;

"City" means the municipal corporation of the City of Greater Sudbury or the geographical area, as the context requires;

“Collective Agreement” means an agreement between the City and the Sudbury Professional Firefighter’s Association, Local 527 of the International Association of Firefighters and the Eastern Ontario Volunteer Firefighters Association, Local 920 affiliated with the Christian Labour Association of Canada made under the provisions of the Act and includes any amendments thereto;

“Deputy Fire Chief” means a person appointed as a Deputy Fire Chief and includes his or her authorized designate;

“Executive Deputy Chief” means the person appointed by Council as the Executive Deputy Chief of Fire and Paramedic Services and includes his or her authorized designate;

“Fire Beat” means a geographic area of the City within which a designated fire station is primarily responsible for delivery of specified Fire Protection Services;

“Fire Chief” means the Chief of Fire and Paramedic Services;

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

“Fire Protection Services” includes fire suppression, fire prevention, fire safety education, communication, training or persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all those services;

“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;

“Officer” means any personnel in the Fire Services bearing the rank of lieutenant, captain or higher; and

“Volunteer Firefighter” means a Firefighter who provides Fire Protection Services for or on behalf of the Fire Service, under the direction of the Fire Chief, either voluntarily or for a nominal consideration, honorarium, training or activity allowance.

Fire Services Continued and Organized

2.-(1) The Fire Services is hereby continued under the name of “City of Greater Sudbury Fire Services”.

(2) The Fire Services shall include: the Fire Chief, the Executive Deputy Chief of Fire and Paramedic Services, such Deputy Fire Chiefs as may be appointed by Council from time to time, and such other persons as may be employed by or appointed by the City from time to time.

(3) Within the Fire Services, Firefighters shall report to Officers who report to the Deputy Fire Chiefs who report to the Executive Deputy Chief of Fire and Paramedic Services, who in turn shall report to the Fire Chief. The Fire Chief shall report to Council through the City's Chief Administrative Officer.

(4) The Fire Services shall be subdivided into the following sections, primarily responsible for the performance of the functions assigned by the Fire Chief to such section from time to time: Administration Section, Emergency Operations Section, Fleet Services Section, Training Section, Fire Prevention Section and Public Education Section. Each section shall report to the Fire Chief through a Deputy Fire Chief as determined by the Fire Chief from time to time.

(5) The Fire Chief may, in his discretion, assign Firefighters within the Fire Services to such section of the Fire Services identified in Subsection 2(4) as he may determine from time to time.

(6) The Fire Chief may assign Firefighters within the Fire Services to such fire stations in such Fire Beats as the Fire Chief may determined from time to time, subject to the provisions of Subsection 5(2) .

Fire Chief

3.-(1) The Fire Chief is assigned the responsibility for the administration of this By-law and for the administration and operation of the Fire Services.

(2) The Fire Chief is delegated the authority to:

- (a) make all decisions required of the Fire Chief under this By-law;
- (b) perform all administrative functions identified herein and those incidental to and necessary for the due administration of this By-law, the administration and operation of the Fire Services, the delivery of Fire Protection Services;
- (c) carry out the Mandate, Vision and Primary Goals of the Fire Services set out in Schedule A and without limiting the generality of the foregoing develop, implement and amend as necessary from time to time, proper measures for:
 - (i) prevention, control and suppression of fires;
 - (ii) the protection and saving of life and property;
 - (iii) emergency responses; and
 - (iv) public education around issues of life safety and fire prevention;
- (d) develop, implement and monitor appropriate training programs for Firefighters within the Fire Services, as in the opinion of the Fire Chief are required from time to time; and

- (e) establish, implement, enforce and amend from time to time such policies and procedures as the Fire Chief may determine are required to implement this Bylaw, to deliver the Fire Protection Services within budgetary guidelines and staffing complements, and to ensure the appropriate care and protection of all Fire Services Firefighters and equipment. Without limiting the generality of the foregoing, the policies and procedures shall include standard operating procedures and guidelines, general orders and department rules.
- (4) The Fire Chief shall exercise all powers and duties mandated by the Act, any other Applicable Law, including but not limited to:
- (a) duties assigned as an Assistants to the Fire Marshal as designated under the Act;
 - (b) duties assigned under the Act to the Chief Fire Official;
 - (c) appointing a Firefighter or Firefighters to act as Chief Fire Official under the Act in the absence of the Fire Chief;
 - (d) enforcing compliance with the Fire Code made under the Act;
 - (e) duties assigned under the Act to the Fire Co-ordinator; and
 - (f) entering into fire protection agreements as that term is defined under the Act.
- (5) In exercising his discretion under this By-law or the Act the Fire Chief shall consider as applicable:
- (a) the Act and other Applicable Law;
 - (b) budgetary constraints and available resources, including without limitation reliance on Volunteer Firefighters and the type and quantity of equipment available, the training level of available Firefighters;
 - (c) the safety of all Firefighters; and
 - (d) the particular circumstances in which a decision must be made including without limitation, the availability and condition of access routes to the site where a response has been requested.

Fire Chief - Delegation / Absences

4.-(1) The Fire Chief may delegate the performance of any one or more of his or her functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The Fire Chief may continue to exercise any function delegated during the delegation.

(2) In the absence of delegated authority in accordance with Subsection 4(1), in the event of the absence of the person identified in Column A below, the person identified in Column B below is authorized to act in the place of the Fire Chief and may exercise all of the powers of and shall perform all of the duties of the Fire Chief:

<u>Column A</u> Position	<u>Column B</u> Person who acts in the absence of the Person(s) filling the Position in Column A
Fire Chief	Executive Deputy Chief of Fire and Paramedic Services
Fire Chief and Executive Deputy Chief of Fire and Paramedic Services	A Deputy Fire Chief, in accordance with protocols established by the Fire Chief
Fire Chief and Executive Deputy Chief of Fire and Paramedic Services and all Deputy Fire Chiefs	senior Officer on duty in accordance with protocols established by the Fire Chief
Fire Chief and Executive Deputy Chief of Fire and Paramedic Services and all Deputy Fire Chiefs and all Officers	a Firefighter appointed in accordance with policies established by the Fire Chief

Fire Beats / Delivery of Fire Protection Services

5.-(1) The City shall be divided into 26 Fire Beats as shown on Schedule B and bearing the name shown on Schedule B. Each Fire Beat shall have a fire station in the location shown on Schedule B or such other location as may be determined by the Fire Chief from time to time.

(2) Each Fire Beat identified in Column A of the chart below, shall be staffed by fulltime Firefighters who are not Volunteer Firefighters, by Volunteer Firefighters or by a combination thereof, as set out on the corresponding line in Column B in the chart below:

Column A Fire Beats as shown in Schedule C	Column B Fire Protection Services to be delivered within such Fire Beats by Fire Services Firefighters who are
Van Horne, Minnow Lake, Leon (New Sudbury) Long Lake	Fulltime Firefighters who are not Volunteer Firefighters
Copper Cliff, Waters, Lively, Whitefish, Beaver Lake, Azilda, Chelmsford, Dowling, Vermillion, Levack, Val Caron, Hanmer, Capreol, Garson, Falconbridge, Skead, Coniston, Wahnapiatae, Red Deer	Volunteer Firefighters
Val Therese	Composite of Volunteer Firefighters and Fulltime Firefighters who are not Volunteer Firefighters

(3) The Fire Chief shall in his discretion determine from time to time, which of the Fire Protection Services described in Schedule C shall be provided within each Fire Beat

(4) Fire Protection Services shall be delivered within each Fire Beat primarily by the Firefighters staffing the fire station within that Fire Beat, but nothing herein limits the delivery of Fire Protection Services across the boundaries of Fire Beats or limits the Fire Chief in directing the delivery of Fire Protection Services.

(5) Fire Protection Services shall be delivered under the direction of the Fire Chief within budgetary constraints and with resources then available to the Fire Chief. The delivery of Fire Protection Services shall be subject also to the circumstances and constraints at the time of the response, including without limitation, other demands for Fire Protection Services, unsafe conditions encountered on route or at the site of the response, impediments to access, environmental factors, topographical features, the Fire Beat and location of the property for which Fire Protection Services are requested and Applicable Law, including without limitation, the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, and the *Technical Standards and Safety Act*, 2000, S.O. 2000, c. 16.

(6) Despite anything else herein, the Fire Chief, may, in his discretion, provide Fire Protection Services of a type not specifically provided for in this By-law or provided for within a particular Fire Beat where the Fire Chief determines that it is necessary and appropriate in the circumstances, and not otherwise prohibited by Applicable Law.

Fires and Emergencies

6.-(1) Where in the opinion of the Fire Chief it is necessary for the prevention, control and extinguishment of fires and the protection of life and property, the Fire Chief may authorize:

- (a) the suppression of any fire by extinguishing it and to enter private property if it is necessary to do so;
- (b) the pulling down or demolition of any building or structure to prevent the spread of fire; or
- (c) the taking of such other actions as are necessary in the circumstances, including without limitation, 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.

(2) Any expenses incurred by the City in engaging in the actions authorized under Paragraphs 6(1)(b) or (c) are a debt owed by the owner of the property on which the action or actions were taken and may be recovered by the City in any manner authorized pursuant to the *Municipal Act, 2001* and the Act.

Calls Outside of the City

7.-(1) The Fire Chief shall not authorize the Fire Services to respond to a call with respect to a fire or emergency outside the limits of the City unless, in the opinion of the Fire Chief it is appropriate to do so in the circumstances and the fire or emergency:

- (a) in the opinion of the Fire Chief, threatens property in the City or property situated outside the City that is owned or occupied by the City;
- (b) is in a municipality with which an agreement has been entered into to provide Fire Protection Services which may include a Automatic Aid Protection Agreement or a Mutual Aid agreement as those terms are defined from time to time under the Act;
- (c) is on property with respect to which a Fire Protection agreement or other agreement, has been entered into by the City to provide Fire Protection Services to that property;
- (d) is in a municipality authorized to participate in any county, district or regional mutual aid plan established by a Fire Co-ordinator appointed by the Fire Marshal pursuant to the Act or any other similar reciprocal plan or program on property beyond the City; or

- (e) requires immediate action to preserve life or property and the appropriate department in the other municipality is notified to respond and assume command or establish alternative measures acceptable to the Fire Chief.
- (2) The Fire Chief shall inform Council of the delivery of any Fire Protection Services outside the City pursuant to this Section 7, within a reasonable time thereafter.
- (3) Nothing in Section 7 shall impose a duty on the Fire Services to respond to a fire or emergency outside of the limits of the City.

Recovery of Costs – Additional Expenses

8.-(1) Owners of properties and other persons to whom or for whose benefit Fire Protection Services have been provided shall be subject to the fees and charges established in the City's Miscellaneous User Fee By-law then in effect for such Fire Protection Services, whether such persons reside within or outside the limits of the City. The Fire Chief may invoice such persons in accordance with the City's Miscellaneous User Fee By-law.

(2) If the Fire Chief determines that in the delivery of Fire Protection Services it is necessary to incur additional expenses to retain a private contractor, rent special equipment not normally carried on a fire apparatus, use more materials than are carried on a fire response vehicle, prevent damage to equipment owned by or contracted to the City, to assist in or otherwise conduct an investigation into the cause of a fire or otherwise carry out the duties and functions of the Fire Service, then the owner of the real or personal property requiring or causing the need for those additional expenses shall be liable for the full costs thereof, including any applicable taxes. The Fire Chief may invoice such person and any such amount shall be a debt owing to the City, due on the terms set out in the invoice and collectable by any means available to the City at law.

Interpretation

9.-(1) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

- (2) References to items in the plural include the singular, as applicable.
- (3) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list;
- (4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

(5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended from time to time.

(6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or Statutory holiday.

(7) The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or contract.

(8) Terms with capitals shall be read with the meaning in Section 1, and other words shall be given their ordinary meaning.

Severability / Conflict

10.-(1) If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

(2) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other By-law of the City.

(3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Short Title

11. This By-law may be referred to as the "Fire Services By-law".

Schedules

12. The following schedule is incorporated into and forms a part of this By-law:

Schedule "A"	Mandate of the Fire Services
Schedule "B"	Fire Beats and Stations
Schedule "C"	Fire Protection Services – Described

Repeals

13. By-law 2012-146 of the City of Greater Sudbury and all amendments thereto are hereby repealed.

Conflicts

14. Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Enactment

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

READ AND PASSED IN OPEN COUNCIL this xx day of xx, 2014

_____ Mayor

_____ Clerk

Schedule “A” TO BY-LAW NO. 2014-**

Mandate of the Fire Services

The mandate of the Greater Sudbury Fire Services is to provide fire protection services, public fire and life safety education, and fire prevention initiatives to protect the lives and property of the citizens, businesses and visitors to the City of Greater Sudbury.

Vision

The vision of the Greater Sudbury Fire Services is to provide the highest level of fire protection services that will ensure the safety and well being of all citizens and visitors are safe from fire and other public safety hazards.

Primary Goals of the Fire Services

The primary goals of the Fire Services;

- Provide appropriate public fire and life safety education and other fire prevention programs and measures as legislated by the *Fire Protection and Prevention Act*;
- Provide exceptional and strategic training to personnel through well planned programs followed by appropriate testing and documentation;
- Provide effective, timely and adequately staffed emergency response and assistance as appropriate to the needs and circumstances of the municipality and as required by the *Fire Protection and Prevention Act, 1997* and other applicable legislation.

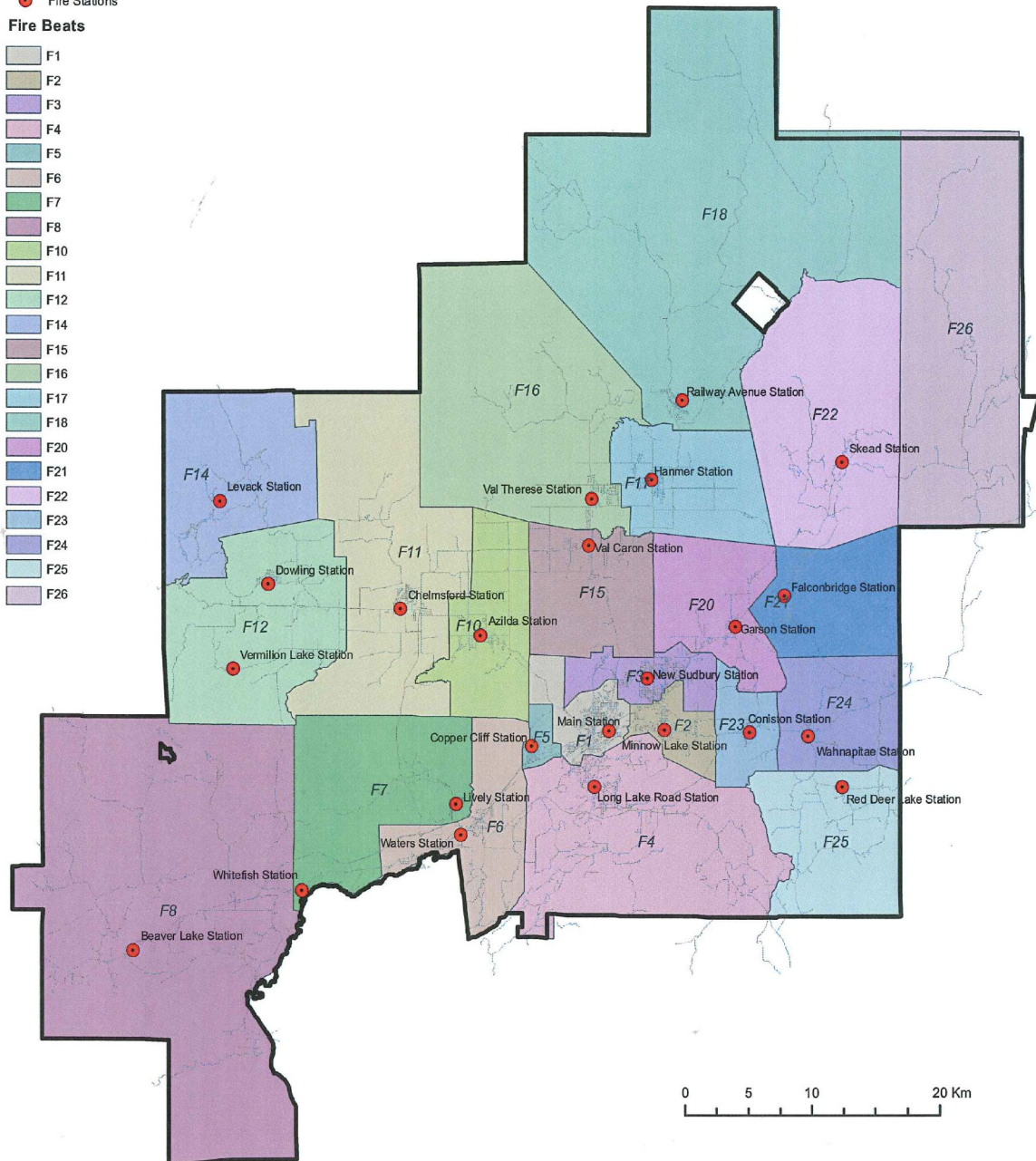
Fire Beats and Fire Stations

Legend

● Fire Stations

Fire Beats

- F1
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Schedule C TO BY-LAW 2014-** — Fire Protection Services – Described

Fire Suppression	
Structure	Extinguishment of fire incidents involving residential structures and commercial structures. Fire suppression shall be delivered in an offensive and defensive mode as determined on an incident by incident basis by the Incident Commander at the fire incident and shall include search and/or rescue operations, forcible entry, ventilation, protecting exposures, salvage, overhaul as appropriate, and protection of the scene pending further investigation in accordance with the CGS Fire Service's level of training, standard operating guidelines and Occupational Health and Safety Guidelines.
Vehicle	Extinguishment of fire involving private and commercial vehicles and protection of the scene pending further investigation.
Wild Lands	Extinguishment fire occurring in an area in which development is essentially non-existent, except for roads, railroads, power lines, and similar transportation facilities. Structures, if any, are widely scattered. Typical fire types include grass fires, bush fires, and forest fires.
Tanker Shuttle	Provision of an alternative water source for fire suppression where hydrants are not available. <i>Note: Not accredited by the insurance underwriters authority.</i>
Medical Aid	
First Responder	Medical assistance to the first responder level. Typical interventions include: cardiopulmonary resuscitation (CPR), automated external defibrillator, spinal and bone fracture immobilization, and administration of oxygen: as per the Emergency Services Agreement. <i>Note: Interventions complement and do not replace advanced medical care provided by Paramedics</i>

Rescue	
Low Angle	Rescue of persons from areas where terrain has a slope angle from 15 to 35 degrees.
Vehicle Extrication	Rescue of persons trapped in a vehicle through the use of specialized equipment and techniques including hand tools, air bags, and heavy hydraulic tools as required.
Aerial Ladder	Rescue of persons trapped on an elevated platform or structure to maximum elevation of eight stories (approximately 80ft). <i>Note: Actual effective operating height depends on proximity of equipment to structure, and ground conditions.</i>
Water Shore Based - Level 1	Rescue of persons from water by reaching or throwing rescue lines. (No water entry).
Water Surface - Level 2	Rescue of persons from the surface of the water through the use of a rescue boat.
Swift Water - Level 2	Rescue of persons from water courses with any current greater than 0.5 m/sec (1 knot).
Ice & Cold Water	Rescue of persons in water that is below 21°C (70°F) including use of shoreline techniques and rescue boats.
Hazardous Materials – (HazMat)	
Awareness (Level 1)	Firefighters trained and able to: recognize, isolate, implement protection protocols, and notify the appropriate response team and/or agency. Firefighters are also trained to provide limited emergency decontamination of persons exposed to hazard.

Inspection, Enforcement & Investigation

Inspection	<p>The fire inspection program ensures compliance with legislated life safety and property as per the Ontario Fire Code.</p> <p>Fire inspections are completed for all commercial and multi-residential buildings. Single family residential inspection also occurs upon request by owner or if there is a complaint related to a potential violation of the Ontario Fire Code. The inspections ensure that the appropriate fire safety equipment and fire and life safety conditions are maintained and complied with as per the Ontario Fire Code.</p>
Fire Regulation Enforcement	<p>Enforcement action is taken in the form of several options as outlined in the Office of the Fire Marshal's "Inspection Enforcement Guideline Tech Guideline 01-2012" to ensure compliance with the Ontario Fire Protection and Prevention Act.</p>
Investigation (Regulatory Compliance)	<p>Inspections regarding possible non-compliance of Ontario Fire Code that are not a result of an incident. These investigations are typically a result of a concern being raised by the public or other partner agency.</p>
Investigation – Cause & Origin	<p>Investigation and analysis of fire-related incidents to determine the possible origin and cause of the incident of any resulting fire.</p> <p><i>Note: Investigations are conducted in collaboration with other agencies such as the Ontario Fire Marshal and Police as required.</i></p>

Emergency Dispatch & Communications

Fire Dispatch Services	<p>Fire calls are dispatched by the Greater Sudbury Police Services Communications Centre, which also serves as the 9-1-1 Public Safety Answering Point and handles communications and dispatch for the City's Police Services. Fire dispatch services are governed by an agreement that was enacted prior to the Greater City's amalgamation (circa 1998/99).</p>
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Prevention & Permitting	
Fire Extinguisher Training	Public training on the proper use of fire extinguishers.
Youth Arson Prevention	Intervention with youth who have or may been involved with a fire related incident.
Public Awareness & Education	<p>Fire and life safety information and public education programs shall be administered in accordance with the FPPA, 1997 and policies of the Fire Prevention Section.</p> <p>A residential home fire safety and smoke alarm awareness program is provided by the Fire Prevention and Suppression Sections.</p>
Plan Review & Permitting	<p>Review of proposed construction plans and/or installation of appliances that fall within the Ontario Building & Fire Code regulations.</p> <p>Issuance of burn permits as required by exiting by-laws and Ontario Fire Code.</p> <p><i>Note: Construction related permits are issued via the Building Controls department.</i></p>