



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 158-2013

A By-law to Repeal the Fire & Emergency Services
By-law 274-98, as amended, and
Replace it with the Brampton Fire and
Emergency Services By-law

RECITALS:

Subsection 2 (1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c 4, as amended (the "FPPA"), 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 the provision of fire protection services as it determines may be necessary in accordance with its needs and circumstances;

Subsection 2 (b) of the FPPA permits a municipality, in discharging the responsibilities under subsection 2(1), to establish a Fire Department;

Subsection 5 (0.1) of the FPPA permits a Council of a municipality to establish, maintain and operate a Fire Department for all or any part of the municipality;

Subsection 5 (1) of the FPPA requires a Fire Department to provide fire suppression services and permits the Fire Department to provide other Fire Protection Services in the municipality;

Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act, 2001*"), provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

Subsection 11 (2) 6 of the *Municipal Act, 2001* provides that a municipality may pass by-laws for the health, safety and well being of persons;

Section 227 of the *Municipal Act, 2001* provides that it is the role of officers and employees of the municipality to implement Council decisions and establish practices and procedures to implement those decisions;

Subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose a fee or a charge for services provided by it;

The Council for The Corporation of the City of Brampton has already established a Fire Department for the City, known as the Brampton Fire and Emergency Services;

Council for The Corporation of the City of Brampton wishes to repeal and replace By-law 274-98, as amended, being a By-law to establish Fire & Emergency Services, with this more comprehensive by-law;

NOW THEREFORE the Council of The Corporation of the City of Brampton enacts as follows:

PART I – INTERPRETATION

1. (1) Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in Part III of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- (2) All words importing the singular shall include the plural, and words imparting the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law otherwise requires.
2. If a court of competent jurisdiction declares any provision or part of a provision of this Bylaw to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

PART II – SHORT TITLE

3. This By-law may be referred to as the “Brampton Fire and Emergency Services By-law”.

PART III – DEFINITIONS

4. In this By-law, unless the context otherwise requires;

“Additional Expenses” means the cost to the City of any Additional Resources, including any applicable taxes and administrative fees;

“Additional Resources” includes the use of:
 - (i) a private contractor,
 - (ii) special equipment that is rented or contracted by the Fire Department,
 - (iii) consumable materials not normally carried on a fire vehicle, or
 - (iv) consumable materials that are used in addition to the amount of those consumable materials normally carried on a fire vehicle;

“CAO” means the Chief Administrative Officer appointed by Council to act as Chief Administrative Officer for the City;

“City” means The Corporation of the City of Brampton or the territorial jurisdiction of the City of Brampton where the context requires;

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

“Council” means the Council of The Corporation of the City of Brampton;

“Deputy Fire Chief” means the person appointed by Council to act as a deputy fire chief and to act on behalf of the Fire Chief in the case of an absence or a vacancy in the office of the Fire Chief;

“Division” means a Division of the Fire Department as provided for in this By-law;

“Fire Chief” means the person appointed by Council to act as Fire Chief for the City and who is ultimately responsible to Council for the delivery of Fire Protection Services;

“Fire Department” means the City of Brampton Fire & Emergency Services;

“FPPA” means the *Fire Protection and Prevention Act, 1997*, S.O., c 4, as may be amended from time to time, or any successor legislation, and any regulation made thereunder;

“Fire Protection Services” includes fire suppression, fire prevention, fire and life safety education, communications, apparatus & facility maintenance, training of persons involved in the provision of Fire Protection Services, rescue and emergency services and the delivery of all those services;

“High Angle” means an environment in which the load is predominately supported by a rope rescue system;

“HUSAR” means Heavy Urban Search And Rescue;

“Member” means any person employed in or appointed to the Fire Department and assigned to undertake Fire Protection Services; and

“Officer” includes the Fire Chief, Deputy Fire Chiefs, Division Chiefs, Platoon Chiefs and all other supervisory positions within the Fire Department.

PART IV – ESTABLISHMENT AND COMPOSITION

5. The Fire Department is continued under this By-law to provide Fire Protection Services for the City and shall continue to be known as the Brampton Fire & Emergency Services.
6. The Fire Department shall consist of the Fire Chief, Deputy Fire Chiefs, Division Chiefs, Platoon Chiefs, other Officers and operational staff,

administrative support staff and any other person as may be approved by Council for the Fire Department to perform Fire Protection Services.

PART V – CORE SERVICES AND ORGANIZATION

7. Council is responsible for determining and setting the level of core services that shall be provided by the Fire Department.
8. For the purposes of this By-law the core services provided by the Fire Department are set out in Schedule "A" which forms part of this By-law.
9. The Fire Department shall be organized into the following Divisions:
 - (a) Fire Prevention;
 - (b) Firefighting;
 - (c) Fire and Life Safety Education;
 - (d) Training;
 - (e) Communications;
 - (f) Apparatus & Maintenance; and
 - (g) Fire Administration.
10. (1) The Fire Chief, may re-organize or eliminate Divisions or establish other 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 City.

(2) The Fire Chief may assign or re-assign such members to a Division to assist him in the administration and operation of that Division.

PART VI - RESPONSIBILITIES AND AUTHORITY OF FIRE CHIEF

11. (1) The Fire Chief shall be the head of the Fire Department and is responsible to Council for the proper administration and operation of the Fire Department.

(2) The Fire Chief is ultimately responsible to Council for the delivery of Fire Protection Services.

(3) Despite subsection 11(1), Council retains all of the rights and powers that it has to establish maintain and operate a fire department under the FPPA.
12. (1) The Fire Chief shall be authorized to make such general orders, policies, procedures, rules, and regulations and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department and the effective management of the Fire Protection Services for the City and for the prevention, control and extinguishment of fires, the protection of life and property and the management of emergencies.

(2) Without restricting the generality of subsection 12 (1) the Fire Chief shall be authorized to make such general orders, policies, procedures, rules, and regulations and to take such other measures as the Fire Chief may consider necessary for the following:

- (a) For the care and protection of all property belonging to the Fire Department;
- (b) For arranging for the provision of necessary and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
- (c) For determining and establishing the qualifications and criteria for employment or appointment to the Fire Department;
- (d) For determining and establishing the duties of all Members and administrative support staff of the Fire Department;
- (e) For the conduct and the discipline of Members and administrative support staff of the Fire Department;
- (f) For preparing and, upon approval by Council, implementing and maintaining such Fire Department strategic plans and Master Fire Plans as may be required by Council, on behalf of the City;
- (g) For reporting to the appropriate crown attorney or other prosecutor or law enforcement officer or other officer the facts based on 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;
- (h) For keeping an accurate record, in convenient form for reference, of all fires, rescues and emergencies responded to by the Fire Department;
- (i) For keeping such other records as may be required by Council and the FPPA;
- (j) For preparing and presenting the annual report of the Fire Department to Council;
- (k) For preparing and presenting the annual estimates of the Fire Department to the Budget Committee of the Corporation and Council; and
- (l) For exercising control over the budget approved by Council for the Fire Department, provided that such general orders, policies, procedures, rules, regulations, and other measures do not conflict with the provisions of this By-law or any other By-law of the City, including without limitation those requiring the prior approval of or prior notice to Council or the satisfaction of certain conditions, general or otherwise, specified by Council before such measures can be implemented, or with the provisions of the FPPA or with the provisions of any collective agreement or other written agreement that may be applicable.

13. (1) The Fire Chief shall be responsible for the administration and enforcement of this By-law and all general orders, policies, procedures, rules, and regulations made under this By-law and for the enforcement of any other City by-law respecting Fire Protection Services.

- (2) The Fire Chief shall periodically review the general orders, policies, procedures, rules, and regulations made under this By-law, and shall periodically review any City by-law respecting Fire Protection Services, including this By-law, and may for the purpose of any review establish an advisory committee consisting of such Members and other persons, including members of the general public as the Fire Chief may determine are necessary to assist him in the discharge of this duty.
- (3) The Fire Chief may recommend by-law amendments to Council that the Fire Chief considers appropriate after the completion of a review as set out in subsection 13. (2).
- (4) The Fire Chief may revise or delete any general orders, policies, procedures, rules, and regulations made under this By-law that the Fire Chief considers appropriate after the completion of a review as set out in subsection 13. (2).
14. 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.
15. The Fire Chief may liaise 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 Fire Protection Services for the City.
16. The Fire Chief may, from time to time, utilize such Members and administrative support staff of the Fire Department as the Fire Chief considers appropriate to assist in the performance of the Fire Chief's duties.

PART VII - DEPUTY FIRE CHIEFS

17. (1) The Deputy Fire Chiefs shall be the second ranking officers 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 them by the Fire Chief.
- (2) Where the Fire Chief is absent one of the Deputy Fire Chiefs, as decided upon by the Fire Chief in advance, shall act on the Fire Chief's behalf.
- (3) Where the Fire Chief is absent, and has not appointed one of the Deputies to act on his or her behalf, or there is a vacancy in the office of the Fire Chief, one of the Deputy Fire Chiefs shall be appointed as acting Fire Chief by the CAO.
- (4) Where a Deputy Chief is acting as the Fire Chief, the Deputy Chief has all of the powers and responsibilities as the Fire Chief provided under any City by-law, including this By-law, and any provincial statute or regulation.

PART VIII – MEMBERS AND ADMINISTRATIVE SUPPORT STAFF

18. The Members and administrative support staff of the Fire Department while on duty shall be under the direction and control of the Fire Chief or the next ranking Officer present in any place.

19. Every Member and administrative support staff person shall conduct themselves in accordance with general orders, policies, procedures, rules and regulations made by the Fire Chief and shall give their whole and undivided attention while on duty to the efficient operation of the Fire Department and shall perform the duties assigned to them to the best of their ability in accordance with the FPPA and any collective agreement or other written agreement that may be applicable.
20. (1) No person, other than duly appointed Members and administrative support staff of the Fire Department, shall obtain, carry, wear or use any Fire Department uniform clothing in a manner that would lead any reasonable member of the public to identify the person as a member of the Fire Department.

(2) No person, other than duly appointed Members and administrative support staff of the Fire Department, shall in any way identify themselves as being a member of the Fire Department.

PART IX – USE OF FIRE DEPARTMENT PROPERTY

21. No person shall use or permit to be used any apparatus, equipment or other property of the Fire Department for any personal or private use, without the prior approval of the Fire Chief.
22. No person shall willfully damage or render ineffective or inoperative any apparatus, equipment or other property belonging to or used by the Fire Department.

PART X - FIRE SUPPRESSION AND EMERGENCIES

23. (1) The Fire Department may respond to and suppress any fire by extinguishing the fire and by taking any other reasonable action required to respond to the fire, and, for these purposes, may enter private property, if necessary, to do so.

(2) For the purposes of this Part “fire” shall include, with any necessary modifications, an emergency, rescue or hazardous condition.
24. The Fire Department may pull down or demolish any building or structure when considered necessary in order to prevent the spread of fire.
25. (1) The Fire Department may require other persons present at a fire to assist in;
 - (a) Extinguishing fires;
 - (b) Pulling down or demolishing buildings or structures to prevent the spread of fire;
 - (c) Crowd and traffic control; or
 - (d) Other reasonable ways.
(2) If required to do so by the Fire Department, no person present at a fire shall refuse to assist in:
 - (a) Extinguishing fires;

- (b) Pulling down or demolishing buildings or structures to prevent the spread of fires;
 - (c) Crowd and traffic control; or
 - (d) Other reasonable ways.
- (3) Despite any other section of this By-law, no person present at a fire, shall refuse to leave the immediate vicinity when required to do so by the Fire Department.
26. (1) During a fire, and for the time that is required to complete the operations, remove the equipment of the Fire Department and render the location and vicinity safe, from fire, no person, either on foot or with a vehicle of any kind, shall enter or remain upon or within:
- (a) The portion of any street or lane upon which the site of the fire abuts or upon any street or lane for a distance of fifteen (15) metres on each side of the property damaged by fire; and
 - (b) Any additional street or lane or part of a street or lane or any additional limits in the vicinity of the fire, as may be prescribed by the Fire Chief or the next ranking Officer present at the fire.
- (2) The provisions of subsections 26 (1) (a) and (b) shall not apply to a resident of any street or lane or within any prescribed additional limit or to any person so authorized to enter or remain by an Officer or by a police officer.

PART XI - EMERGENCY RESPONSES OUTSIDE THE LIMITS OF THE MUNICIPALITY

27. The Fire Department shall not respond to a call with respect to a fire emergency, rescue or hazardous condition outside the territorial limits of the City except with respect to a fire or emergency:
- (a) That, in the opinion of the Fire Chief, threatens property in the territorial limits of the City or property situated outside the territorial limits of the City that is owned or occupied by the City;
 - (b) In a municipality with which an approved automatic aid or mutual aid agreement has been entered into to provide Fire Protection Services;
 - (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, to a municipality authorized to participate in any 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 territorial limits of the City where the Fire Chief determines that immediate action is necessary to preserve life or property and the appropriate fire department is notified to respond and assume command or establish alternative measures, acceptable to the Fire Chief.

PART XII - ADDITIONAL RESOURCES

28. (1) If, as a result of the Fire Department's response to a fire or other emergency, rescue or hazardous condition, the Fire Chief determines that it is necessary to use Additional Resources in order to suppress or extinguish a fire, preserve property, carry out required investigations, prevent a fire from spreading, control and eliminate an emergency, carry out or prevent damage to equipment owned by the City or otherwise carry out the duties and functions of the Fire Department, the owner of the property or motor vehicle requiring or causing the need for the Additional Resources shall be liable to pay the Additional Expenses to the City.
- (2) Any Additional Expenses shall be considered a fee or charge imposed for services provided or done by or on behalf of the City under the *Municipal Act, 2001* and shall be billed as a fee for services to the owner of the property or vehicle as the case may be.
- (3) The Additional Expenses shall constitute a debt of the owner to the City.
- (4) The City may take such action as it considers necessary and as is permitted by law to collect the Additional Expenses.
- (5) The owner shall be liable to pay to the City any costs incurred by the City in collecting the Additional Expenses and these costs shall be deemed to be Additional Expenses under this section;
- (6) Without restricting the generality of subsections 28. (4) and (5), where the Additional Expenses, or any portion of them remain unpaid, for a period in excess of 90 days, the Additional Expenses, or any portion of them that are unpaid shall be added to the tax roll for any real property within the territorial limits of the City owned by the owner referred to subsection 28. (1) and shall be collected in a like manner as municipal taxes.

PART XIII - INTERFERENCE

29. No person shall impede or interfere with or hinder any Officer or Member of the Fire Department in the performance of their duties under this By-law.
30. No person shall prevent, obstruct or interfere in any manner whatsoever with the communication of a fire alarm to the Fire Department or with the Fire Department responding to a fire alarm that has been activated.

PART XIV – OFFENCES

31. (1) Every person who contravenes any provision of this By-law, or fails to comply with an order or directive issued under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R. S. O. 1990, c. P.33, as amend, and the *Municipal Act, 2001*.
- (2) In addition to subsection 31 (1), any person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act*, and is found guilty of the offence is liable, pursuant to the fine provisions of the *Municipal Act, 2001*, to a fine of:

SCHEDULE "A"

CORE SERVICES

1. FIREFIGHTING AND EMERGENCY RESPONSE

- 1.1 Fire suppression services shall be delivered in both an offensive and defensive mode and shall include search and rescue operations, forcible entry, ventilation, protecting exposures, salvage and overhaul as appropriate under the circumstances.
- 1.2 Emergency pre-hospital care responses and medical acts such as defibrillation, first aid, CPR, and other patient care protocols implemented in accordance with the Emergency Medical Responder Program as determined by the Medical Director.
- 1.3 Extrication and related rescue services shall include performing extrication using hand tools, air bags and heavy hydraulic tools as required.
- 1.4 Technical rescue including confined space rescue, trench rescue, elevator rescue, high angle rescue and ice/water rescue to the Technician level.
- 1.5 Hazardous materials response to the Technician level.
- 1.6 HUSAR shall not be performed by the Fire Department beyond the basic awareness level.

2. FIRE PREVENTION

- 2.1 Inspections arising from complaint, request, or self initiated and fire investigations shall be provided in accordance with FPPA and policies of the fire prevention division.
- 2.2 Where authorized, enforcement of the FPPA, Ontario Fire Code O.Reg 213/07, as amended, fire safety regulations and fire safety By-laws.

3. FIRE AND LIFE SAFETY EDUCATION

- 3.1 Distribution of fire and life safety information and comprehensive public education programs shall be administered in accordance with the FPPA and policies of the Fire Department.
- 3.2 A residential home fire safety awareness program shall be ongoing.
- 3.3 Maintain and operate a Smoke Alarm Program.
- 3.4 The operation of the Fire Life Safety Education Centre and Stephanie's Place.
- 3.5 The delivery of training on the use and operation of portable fire extinguishers.

4. COMMUNICATIONS

- 4.1 Participate in the Joint Fire Communications Centre (JFCC) in accordance with the JFCC operating agreements.
- 4.2 Participate in the Region of Peel Voice Communication System (VCOM) in accordance with the VCOM operating agreements.

- 4.3 Provide emergency call taking and dispatching of emergency vehicles.
- 4.4 Operate and maintain a Fire Department Computer Aided Dispatch system and associated Records Management Systems.
- 4.5 Operate and maintain an audio logger system that records all telephone and radio audio data relating to all emergency incidents involving the Fire Department.
- 4.6 Maintain comprehensive records relating to each emergency response that is dispatched.

5. TRAINING

- 5.1 Coordinate the delivery of Firefighting training programs.
- 5.2 Operate and maintain all Fire Department training facilities.
- 5.3 Conduct Firefighting recruit and in-service training programs.
- 5.4 Research and develop various techniques and equipment for use within the Fire Department.
- 5.5 Facilitate various Fire Department examination and testing processes.
- 5.6 Maintain comprehensive training records for all Fire Department personnel.

6. APPARATUS AND MAINTENANCE

- 6.1 Procure, maintain and repair all Fire Department apparatus, vehicles and equipment.
- 6.2 Procure, supply and distribute all articles of personal protective equipment, uniform clothing and other related Fire Department supplies.
- 6.3 Procure, maintain and repair all specialized personal protective equipment and related equipment including, but not limited to, self-contained breathing apparatus.
- 6.4 Develop and operate a comprehensive personal protective equipment management program
- 6.5 Maintain and repair all Fire Department stations and facilities.

- (i) not more than \$10,000.00 in the case of an individual for a first offence, and a fine of not more than \$25,000.00 for each subsequent offence; and
- (ii) not more than \$25,000.00 in the case of a corporation for a first offence, and a fine of not more than \$50,000.00 for each subsequent offence.

PART XV - CONFLICT

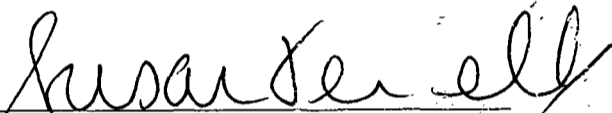
32. If this By-law conflicts with any other City by-law, this By-law shall supersede and prevail over the other by-law to the extent of the conflict.

PART XVI - REPEAL AND ENACTMENT

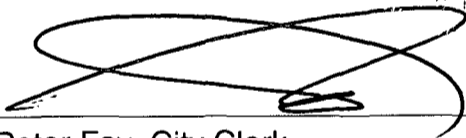
33. This By-law comes into effect the day it is adopted by Council.
34. By-Law Number 274-98, as amended, is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL
THIS 19TH day of June, 2013.

Approved as to
form.
June 17/13
REZ


Susan Fennell, Mayor

Approved as to
content.
June 17/13
ME


Peter Fay, City Clerk