

The Corporation of the Municipality of Clarington

By-Law 2023-0XX

Being a By-law Governing the Emergency and Fire Services,

Whereas the *Fire Protection and Prevention Act 1997*, S.O. 1997, c. 4, as amended, (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 to provide such other Fire Protection Services as it determines may be necessary in accordance with its needs and circumstances;

Whereas the FPPA permits a municipality, in discharging these responsibilities, to establish a Fire Department;

Whereas the FPPA permits a Council of a municipality to establish, maintain and operate a Fire Department for all or any part of the municipality; and

Whereas the FPPA requires a Fire Department to provide fire suppression services and permits the Fire Department to provide Prevention and other Fire Protection Services in the municipality.

Whereas the Council of the Municipality of Clarington deems it necessary to update the provisions in the existing By-law;

Now Therefore the Council of the Corporation of the Municipality of Clarington enacts as follows:

**Part 1
Definitions**

- 1.1 In this by-law, unless the context otherwise requires,
- a) “approved” means approved by Council;
 - b) “Automatic Aid” means a municipality agrees where possible to the provision of an initial or supplemental response to fires, rescues, and emergencies that may occur in a part of another municipality where a fire department in the municipality is capable of responding more quickly than any fire department situated in the other municipality with services invoiced as or if appropriate;
 - c) Awareness Level – The level at which personnel have been trained to recognize the hazards and risks of an emergency, and who are expected to protect themselves, call for trained personnel, and secure the scene.
 - d) “CAO” means the Chief Administrative Officer appointed by Council to act as Chief Administrative Officer for the Corporation;

- e) CEFS” means Clarington Emergency and Fire Services;
- f) “Chief” means the person appointed by the Council or designate to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the FPPA;
- g) “Community Emergency Management Coordinator” – (“CEMC”). Means a position identified in the Emergency Management and Civil Protection Act, 1990, c. E.9, as amended (“EMCPA”) as being responsible for the development, implementation, review and maintenance of the Emergency Management Plan for the Town of Whitby;
- h) “confined space” means a fully or partially enclosed space in accordance with Health and Safety regulations;
- i) “Corporation” means The Corporation of the Municipality of Clarington;
- j) “Council” means the Council of the Corporation;
- k) “Deputy Fire Chief(s)” means the person(s) with that title who may act on behalf of the Fire Chief in the case of any absence of the Fire Chief or a vacancy in the office of the Fire Chief. (If the title changes the responsibility will reside with the person taking on the duties);
- l) “Division” means a Division of the Fire Department;
- m) “emergency” means an unforeseen event that involves imminent danger to the life, health and safety of any person and includes, but is not limited to fires, medicals, motor vehicle collisions, hazardous material incidents, rescues, or weather related events such as a storms, floods or other Acts of God;
- n) “Emergency Response Plan” means an emergency plan formulated under the prevailing Emergency Management and Civil Protection Act or any other related Act which specifies procedures to be taken for the safety or evacuation of persons in an emergency area, provides for obtaining and distributing materials, equipment and supplies during an emergency and provides for such other matters as are considered necessary or advisable for the implementation of the emergency plan during an emergency;
- o) “Fire Department” means the Municipality of Clarington Emergency & Fire 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) “FPPA” means the Fire Protection and Prevention Act, 1997, S.O. 1997, c 4, as may be amended from time to time, or any successor legislation, and any regulation made thereunder;
- r) “Fire Protection Services” includes fire suppression, fire prevention, fire safety education, communications, training of persons involved in the provision of Fire Protection Services, rescue and emergency services and the delivery of all those services;
- s) “Hazardous Materials Operations Level” means the responder shall be that person who responds to hazardous material incidents for the purpose of protecting nearby persons, the environment, or property from the effects of the release. Operations level responders use personal protective equipment, perform product control, and perform victim rescue;
- t) “Member” means any person employed in or appointed to the Fire Department and assigned to undertake Fire Protection Services;
- u) “Mutual Aid” means where the Council has approved an agreement or plan with another municipality or Region, or at the discretion of the Chief as provided for herein, for the provision of any personnel, service, equipment or material during an emergency;
- v) “tiered response” means the process of dispatching police, fire and ambulance to what is determined to be a life threatening situation. Tiered response endeavours to send the closest appropriate emergency response agency, based on time, to render assistance at the scene of an emergency incident until the primary response agency can arrive;

Part 2
Establishment

- 2.1 The Fire Department was established by By-law #84-68 and 94-172.. Despite repeal of past By-laws, the Fire Department will continue with services and organization as has been and as may be amended and approved by Council from time to time.
- 2.2 The Fire Department is continued under this By-law to provide Fire Protection Services and any other service as approved by Council for the Corporation and shall be known as the Clarington Emergency & Fire Services, and the head of the Department shall be known as the Fire Chief.

- 2.3 There shall be one Fire Chief appointed by by-law, and there shall be two Deputy Chiefs. The Fire Chief shall report to the CAO and will perform the duties of the CEMC under the authority of the EMCPA.

**Part 3
Core Services**

- 3.1 For the purposes of this By-law core services provided by the Fire Department will be as per Appendix "A" forming part of this By-law.

**Part 4
Emergency Responses Outside Limits of the Town of Clarington**

- 4.1 The Fire Department shall not respond to a call with respect to a fire or an emergency incident outside the limits of the Town of Clarington except with respect to a fire or an emergency;
- a) that in the opinion of the Fire Chief threatens property in the Town of Clarington or property situated outside the Town of Clarington that is owned or occupied by the Corporation;
 - 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 therefore;
 - d) at the discretion of the Fire Chief, to a municipality authorized to participate in the Durham Region Mutual Aid plan established by the Regional Fire Coordinator appointed by the Ontario Fire Marshal, emergency fire service plan and program or any other organized plan or program on a reciprocal basis;
 - e) on those highways that are under the jurisdiction of the Ministry of Transportation or other agency within the Town of Clarington for which an automatic aid agreement has been entered into.
 - f) on property beyond the Town of Clarington's border where the Fire Chief or his or her designate determines that immediate action is necessary to preserve and protect life and/or property and the correct department is notified to respond and/or assumes command or establishes alternative measures acceptable to the Fire Chief or designate; or
 - g) response due to a request for special assistance as required through a declaration of a provincial or federal emergency and such request has been approved by the Fire Chief, the CAO and the Head of Council.

**Part 5
Conflict**

- 5.1 Where this By-law may conflict with any other By-law of the Corporation, this By-law shall supersede and prevail over that By-law to the extent of the conflict.

**Part 6
Severability**

- 6.1 If any section or part of this By-law is found to be illegal or beyond the power of the Corporation, such section or part of item shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

**Part 7
Enforcement and Enactment**

Effective Date of By-law

- 7.1 This By-law comes into effect the day it is passed by Council.

Repeal of Existing By-law

- 7.2 By-law xxxxx is hereby repealed.

Passed this day of ,

Adrian Foster, Mayor

, Municipal Clerk

Appendix A – Core Services

1. Emergency Response

- 1.1 Fire suppression response services shall be delivered in both offensive and defensive modes and shall include, but not limited to search and rescue operations, forcible entry, ventilation, exposure protection, and salvage and overhaul
- 1.2 Emergency pre-hospital care response services shall be maintained to Base Hospital protocols and delivered at the tiered response level determined by the Fire Chief.
- 1.3 Vehicle extrication and rescue response services shall be delivered using air bags, heavy hydraulic tools, e-tools, etc.
- 1.4 Rope/slope rescue response services will be delivered at the Operations level.
- 1.5 Surface water and ice search and rescue response services will be delivered to provide land-based rescue.
- 1.6 Elevator emergency rescue response services shall be delivered.
- 1.7 Hazardous materials response services to be delivered at the Operations level.
- 1.8 Other: Trench search and rescue, confined space search and rescue, swiftwater search and rescue, structural collapse search and rescue response services will be performed at the Awareness Level.

2. Training Services

- 2.1 The National Fire Protection Association (NFPA) Standards and other related industry training standards and reference materials shall be used as reference guides for the 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

3. Fire Prevention and Public Education Services

- 3.1 Inspections arising from complaint, request, retrofit, or self-initiated; 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, and Town by-laws.
- 3.2 Public education programs shall be administered in accordance with the FPPA and Departmental policies.