

THE CORPORATION OF THE TOWN OF GRIMSBY

BY-LAW NO. 21-64

A BY-LAW TO JOINTLY ESTABLISH AND REGULATE A FIRE DEPARTMENT FOR THE TOWN OF GRIMSBY AND THE TOWN OF LINCOLN

WHEREAS Section 2 of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 prescribes that every municipality shall establish a program which must include public education with respect to fire safety and certain components of fire prevention and provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances, and to establish a fire department to discharge its responsibilities;

AND WHEREAS Subsection 5(4) of the *FPPA* provides that the councils of two or more municipalities may establish one fire department for the municipalities;

AND WHEREAS Subsection 20(1) of the *Municipal Act*, provides that a municipality may enter into an agreement with one or more municipalities to jointly provide, for their joint benefit, any matter which all of them have the power to provide within their own boundaries;

AND WHEREAS Section 391 of the *Municipal Act* authorizes a municipality to impose fees or charges on persons for services or activities provided by the municipality, and for costs payable by the municipality for services or activities provided or done by or on behalf of any other municipality;

AND WHEREAS Section 425 of the *Municipal Act* provides that the Council of a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS Section 446 of the *Municipal Act* provides that if a municipality has the authority under that or any other act, or under a by-law under that or any other Act, to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS the Council of the Town of Grimsby has authorized the execution of a shared services agreement with the Corporation of the Town of Lincoln to undertake a pilot project for the provision of fire protection services, and deems it desirable and necessary to amend and update its by-law to establish and regulate a fire department;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRIMSBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law, unless the context otherwise requires:
 - (a) "Approved" means approved by Council.
 - (b) "Automatic Aid" means an Approved agreement under which a municipality agrees to provide an initial response to fires, rescues, and emergencies in another municipality, or where a municipality agrees to provide a supplemental response to fires, rescues, or emergencies that may occur in another municipality.

- (c) *"Auxiliary Member"* means a person who is appointed to provide certain limited functions in support of the delivery of Fire Protection Services voluntarily or for a nominal consideration.
- (d) *"Council"* means municipal council as elected pursuant to the *Municipal Elections Act, 1996* and any successor legislation.
- (e) *"Deputy Fire Chief"* means a person appointed to act on behalf of the Fire Chief in the case of absence or a vacancy in the office of the Fire Chief.
- (f) *"Emergency Management and Civil Protection Act"* means *Emergency Management and Civil Protection Act, 1990*, S. O. 1990, c. E.9 and any successor legislation.
- (g) *"Fire Chief"* means the person appointed by Council to act as the fire chief for the Fire Department and who is ultimately responsible to each respective Council for the delivery of Fire Protection Services in both municipalities as prescribed by the *FPPA*.
- (h) *"Fire Department"* means the fire department jointly established by Grimsby and Lincoln pursuant to the provisions of the *FPPA*.
- (i) *"Fire Code"* means Ontario Regulation 213/07, as amended, and any successor regulation.
- (j) *"Firefighter"* means a firefighter as defined by the *FPPA* and includes the Fire Chief and any other person employed in or appointed to the Fire Department and assigned to undertake Fire Protection Services and includes a Volunteer Firefighter.
- (k) *"FPPA"* means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4 and any successor legislation.
- (l) *"Fire Protection Services"* means fire protection services as defined by the *FPPA* and includes fire suppression, fire prevention and fire safety education, mitigation and prevention of the risk created by the presence of unsafe levels of carbon monoxide and safety education related to the presence of those levels, rescue and emergency services, communication in respect of such services, training of persons involved in providing such services, and the delivery of any such service.
- (m) *"Grimsby"* means The Corporation of the Town of Grimsby.
- (n) *"Limited Service"* means a variation of service significantly differentiating from the norm as a result of extenuating circumstances, such as deployment of Volunteer Firefighters in insufficient numbers to safely carry out the delivery of Fire Protection Services, environmental factors, remote properties, impeded access, private roadways, lanes and drives, obstructions, or extraordinary hazards or unsafe conditions.
- (o) *"Lincoln"* means The Corporation of the Town of Lincoln.
- (p) *"Junior Firefighter"* means a student between the age of 14 and 18 who is appointed by the Fire Chief to voluntarily take part in the Junior Firefighter Program.
- (q) *"Junior Firefighter Program"* means a Fire Department program to provide mentorship and engage youths in fire safety awareness activities.

- (r) *“Member”* means any person employed by or appointed by the Fire Chief to the Fire Department and assigned to undertake Fire Protection Services, and includes Officers, Full-time and Part-time Firefighters, Volunteer Firefighters, Auxiliary Members, Chaplains, and administrative staff.
- (s) *“Municipal Act”* means the *Municipal Act, 2001*, S.O. 2001, c.25 and any successor legislation.
- (t) *“Mutual Aid”* means a plan established pursuant to Section 7 of the *FPPA* under which fire departments that serve a designated area agree to assist each other on a reciprocal basis in the event of a major fire or emergency.
- (u) *“Officer”* means Fire Chief, Deputy Fire Chief, Assistant Chief, District Chief, Chief Training Officer, Captain, Acting Captain, Training Officer, Fire Prevention Officer, and any person designated by the Fire Chief to supervise Firefighters.
- (v) *“Part-time Firefighter”* means a Firefighter, including a Volunteer Firefighter, who is regularly scheduled to provide Fire Protection Services twenty hours or less per week, or is regularly scheduled to be on-call and is required to attend work if called while on-call.
- (w) *“Service Area”* means the service area set out in the Shared Fire Service Agreement and includes the combined geographic areas and municipal jurisdictions of Grimsby and Lincoln.
- (x) *“Shared Fire Service Agreement”* means a shared service agreement executed by the Councils of Grimsby and Lincoln to undertake a pilot project for the provision of Fire Protection Services.
- (y) *“Volunteer Firefighter”* means a volunteer firefighter as defined by the *FPPA* and includes an Auxiliary Member.

JOINT ESTABLISHMENT OF A FIRE DEPARTMENT

- 2. A Fire Department is hereby jointly established for the Town of Grimsby and the Town of Lincoln which shall be regulated in accordance with the Shared Fire Service Agreement executed by the Councils of Grimsby and Lincoln.

FIRE DEPARTMENT STRUCTURE

- 3. Council shall appoint a Fire Chief who shall be the highest ranking Officer and director of the Fire Department.
- 4. In addition to the Fire Chief, Council shall appoint two (2) Deputy Fire Chiefs who shall report to the Fire Chief and shall, in the absence of the Fire Chief, have the powers and perform the duties of the Fire Chief.
- 5. In addition to the Fire Chief and Deputy Fire Chiefs, the Fire Department shall consist of Fire Prevention Officers, Inspectors, Fire Safety Educators, Officers, Volunteer Firefighters, and other Members deemed necessary by and appointed by the Fire Chief to provide Fire Protection Services.
- 6. The Fire Department shall be structured in conformance with the Fire Department Organizational Chart set out in the Shared Fire Service Agreement as jointly Approved by Grimsby and Lincoln.
- 7. Working conditions, remuneration, and provisions for employment and termination of Firefighters other than Volunteer Firefighters shall be determined by Council in conformance with Part IX of the *FPPA*.

APPROVED PROGRAMS AND SERVICES

8. The Fire Department shall provide such Fire Department Programs and Services set out in the Shared Fire Service Agreement as jointly Approved by Grimsby and Lincoln.

LIMITED SERVICE

9. In consideration of the reliance by the Fire Department on the response of Volunteer Firefighters, whose deployment to emergencies in sufficient numbers cannot be guaranteed, adverse climate conditions, delays or unavailability of specialized equipment required by the Fire Department, or other extraordinary circumstances which may impede the delivery of Fire Protection Services, any Approved service set out in the Shared Fire Service Agreement may from time to time, at the discretion of the Fire Chief or his or her designate, be provided as a Limited Service.
10. Grimsby shall accept no liability for the provision of a Limited Service by the Fire Department as reasonably necessary.

RESPONSES OUTSIDE OF THE SERVICE AREA

11. The Fire Department shall not respond outside the boundaries of the Service Area except with respect to a fire, rescue, or other emergency:
 - (a) That, in the opinion of the Fire Chief or designate, threatens property within the Service Area, or property situated outside the Service Area that is owned or occupied by Grimsby or Lincoln;
 - (b) In a municipality with which an Approved agreement has been executed to provide Fire Protection Services including Automatic Aid;
 - (c) On property with which an Approved agreement has been executed with any person or corporation to provide Fire Protection Services;
 - (d) At the discretion of the Fire Chief or designate, to a municipality authorized to participate in any county, district or regional Mutual Aid plan established by a fire coordinator appointed by the Fire Marshal or any other similar reciprocal plan or program; or
 - (e) On property beyond the Service Area where the Fire Chief or designate determines 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.

FIRE CHIEF RESPONSIBILITIES AND AUTHORITY

12. The Fire Chief shall be ultimately responsible to each Council as set out in subsection 6(3) of the *FPPA* for the proper administration and operation of the Fire Department including delivery of Approved programs and services.
13. The Fire Chief shall be deemed to be the Chief Fire Official of Grimsby and Lincoln for the purposes of the *FPPA* and regulations enacted thereunder and shall have all statutory authority and shall carry out all prescribed duties and responsibilities in respect thereof.
14. Without limiting the generality of the foregoing, the Fire Chief shall be authorized and responsible for:
 - (a) Performing all statutory duties of the *FPPA*, the *Emergency Management and Civil Protection Act*, and any other legislation applicable to the administration or operation of the Fire Department;

- (b) Reporting to each respective Council as required by the *FPPA* and the *Emergency Management and Civil Protection Act*;
- (c) Enforcement of this by-law and any regulations established under this by-law, and the enforcement of any other municipal by-laws respecting the administration and operation of the Fire Department;
- (d) Periodically reviewing this by-law and any other municipal by-laws respecting the administration and operation of the Fire Department, and the Fire Chief may establish an advisory committee consisting of such Members of the Fire Department and other persons, possibly including members of the general public, as may be necessary from time to time to assist in discharging this duty;
- (e) Recommending to Council such amendments to this by-law and any other municipal by-law that the Fire Chief considers relevant;
- (f) Developing, establishing, and implementing policies, standard operating procedures and guidelines, general orders and department rules, and other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department;
- (g) Periodically reviewing, revising, or revoking as required, all policies, standard operating procedures and guidelines, general orders, and rules of the Fire Department, and the Fire Chief may establish an advisory committee from time to time to assist in discharging these duties;
- (h) Arranging for the provision and allotment of strategic staffing and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
- (i) The proper care and protection of all Fire Department property;
- (j) Arranging and implementation of Automatic Aid, Mutual Aid and other negotiated and/or Approved fire protection and emergency service agreements with other municipalities;
- (k) Determining and establishing the qualifications and criteria for employment or appointment, and the duties and responsibilities of all Members of the Fire Department;
- (l) Appointment, subject to Approved hiring policies, of any qualified person as a Member of the Fire Department;
- (m) The conduct and discipline of all Members of the Fire Department, including disciplinary actions which may range from reprimand to dismissal;
- (n) Keeping an accurate record of all incidents responded to by the Fire Department, all fire safety inspections and fire investigations, and other such records as may be required in a manner consistent with Approved records management policies, and retaining such records as prescribed by records retention policies and statutory requirements;
- (o) Enforcement of the Fire Code, reporting all fires to the Fire Marshal, and complying with all Fire Marshal's directives as mandated by the *FPPA*;
- (p) Reporting to the Crown Attorney, prosecutor, and law enforcement officer the facts upon 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 that an offence has been committed under the *FPPA*, or other applicable regulation or statute;

- (q) Preparing and presenting annual reports and periodic reports to Council as deemed necessary by the Fire Chief, and any other specific reports as directed by Council;
 - (r) Preparing and submitting annual budget estimates for approval by Council, and effectively administering, monitoring, and controlling the Fire Department operating and capital budgets; and
15. The Fire Chief shall be responsible for coordinating the municipal Emergency Management Program and assisting with the preparation, implementation, and maintenance of the municipal Emergency Plan pursuant to the *Emergency Management and Civil Protection Act*.

POWERS

16. The Fire Chief shall exercise all powers and duties prescribed by the *FPPA* and shall be empowered to take all reasonable and proper measures for the prevention, control, and extinguishment of fires, and for the protection of life, property, and the environment, and for the management of emergencies within the Service Area.
17. Without limiting the generality of the foregoing, the Fire Chief and his or her designates shall be empowered and authorized to carry out the following:
- (a) Enforcement of all municipal by-laws in respect of fire safety and fire prevention;
 - (b) Pulling down or demolishing any building or structure when necessary to prevent the spread of fire;
 - (c) Any necessary action to guard against fire or other danger, risk, or accident, which may include boarding up or barricading of buildings or property, when unable to contact the owner of the property;
 - (d) Recovery of costs incurred by such necessary actions for the Corporation of the Town of Grimsby in a manner provided by the *Municipal Act* and the *FPPA*; and
 - (e) Taking any and all steps as set out in Parts V, VI and VII of the *FPPA*.
18. As set out in the *FPPA*, the Fire Chief may delegate any of his/her powers or duties to a Deputy Fire Chief or any Officer or Member that the Fire Chief deems appropriate, subject to such limitations, restrictions or conditions as may be set out in the delegation, and such Officer or Member so delegated shall have all the powers and shall perform all duties as delegated.

RECOVERY OF COSTS

19. If as the result of a Fire Department response to a fire, rescue, or other emergency, the Fire Chief, his or her designate, or the highest ranking Officer in charge determines that it is necessary to retain a private contractor, rent special equipment, or use consumable materials other than water in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, remove hazardous materials, assist in or otherwise conduct an investigation to determine the cause of a fire, or otherwise control or eliminate an emergency situation, and the costs incurred by the Fire Department for taking such actions may be recovered from the owners of the property or vehicle as the case may be.
20. Any costs incurred by such necessary actions may be recovered in a manner provided by the *Municipal Act* and the *FPPA* in accordance with the applicable municipal Fees and Charges By-law.

21. A fee imposed upon a person under this by-law, including any interest, penalty charges and costs of collection, constitutes a debt of the person to Grimsby, and a person who is charged a fee under this by-law and fails to pay the fee within thirty days of receipt of an invoice shall be charged interest in accordance with the applicable municipal Fees and Charges By-law.
22. If a property owner who is charged a fee under this by-law fails to pay the fee within ninety (90) days of receipt of an invoice, Grimsby may add the fee, including penalty and interest, to the tax roll for any real property in the Town of Grimsby registered in the name of the owner and collect the fee, including penalty and interest, in a like manner as municipal taxes.

VOLUNTEER FIREFIGHTER EMPLOYMENT

23. The Fire Chief may appoint, from time to time, any eligible person as a Volunteer Firefighter in order to maintain a sufficient complement of Firefighters in conformance with the Fire Department Organizational Chart set out in the Shared Fire Service Agreement, and subject to Approved hiring policies.
24. The employment of Volunteer Firefighters shall be governed by the Collaborative Workplace Agreement between the Corporation of the Town of Grimsby and the Grimsby Fire Department Volunteer Firefighters.

JUNIOR FIREFIGHTER PROGRAM

25. The Fire Chief may establish a Junior Firefighter Program to promote fire safety in youth, and to provide mentorship and guidance to those who may have an interest or career aspirations in the fire service.
26. To be eligible for appointment as a Junior Firefighter, candidates shall:
 - (a) Be between the ages of 14 and 18;
 - (b) Be attending high school and meet attendance and academic expectations mutually agreed upon by the Junior Firefighter, his or her parents or legal guardian, his or her school, and the Fire Chief; and
 - (c) Provide written permission and a signed waiver that indemnifies and releases Grimsby from liability from a parent or legal guardian to participate in the Junior Firefighter Program.
27. Junior Firefighters shall comply with all terms and conditions of the Junior Firefighter Program as established by the Fire Chief, all applicable policies of Grimsby, and all policies, procedures, operating guidelines, general orders, directives, and rules of the Fire Department.
28. Acceptance as a Junior Firefighter shall be subject to the discretion of the Fire Chief. Junior Firefighter status may be revoked at any time.
29. Junior Firefighters shall be subject to a six (6) month probation period, which may be extended at the discretion of the Fire Chief.
30. Junior Firefighters shall not be eligible for remuneration for participating in the Junior Firefighter Program.
31. Junior Firefighters shall be supervised by a competent Fire Department supervisor at all times while participating in the Junior Firefighter Program.

- 32. Junior Firefighters may attend training exercises at the discretion of the Fire Chief, subject to the terms and conditions of the training organization.
- 33. Junior Firefighters shall not be permitted to enter any Immediately Dangerous to Life or Health (IDLH) area or environment at any time.
- 34. Junior Firefighters shall not operate any Fire Department vehicle.

OBSTRUCTION

- 35. No person shall obstruct, hinder, or interfere with the Fire Chief or any Member of the Fire Department in the performance of his or her duties in accordance with this by-law and the *FPPA*.

OFFENCES

- 36. Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty established by the *Provincial Offences Act*, R.S.O. 1990, c. P.33 and any successor legislation.

SEVERABILITY

- 37. Should a court of competent jurisdiction find any section or provision, or part thereof, of this by-law to be invalid or to be of no force and effect, such section or provision or part thereof shall be deemed to be severable, and all other sections or provisions or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.

REPEAL

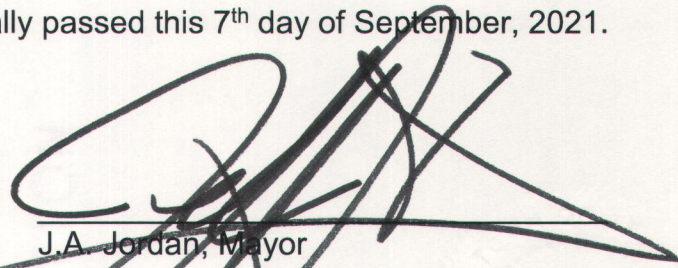
- 38. By-law No. 20-42 of the Corporation of the Town of Grimsby be and is hereby repealed.
- 39. Notwithstanding Section 38, the appointments of the Deputy Fire Chief, and all other Members of the Fire Department that were in force and effect on the day on which the antecessor by-law is repealed shall survive and remain in force and effect after that by-law is repealed.

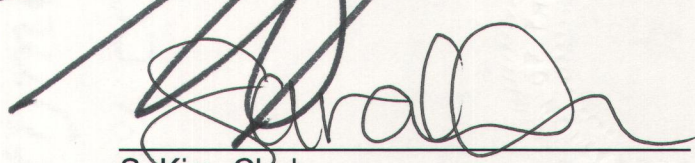
FORCE AND EFFECT

- 40. This By-law shall come into force and effect on October 1, 2021.

Read a first time this 7th day of September, 2021.

Read a second and third time and finally passed this 7th day of September, 2021.


J.A. Jordan, Mayor


S. Kim, Clerk