



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Hamilton Fire Department

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	February 21, 2019
SUBJECT/REPORT NO:	Fire Department Establishing & Regulating By-Law and Appointments of Fire Chief, Deputy Chiefs, and Provincial Fire Co-ordinator (HSC19005) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Carla MacDonald (905) 546-2424 Ext.7120
SUBMITTED BY:	David Cunliffe Chief, Hamilton Fire Department Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION

- (a) That Appendix “A” attached to Report HSC19005 respecting Hamilton Fire Department Establishing and Regulating By-Law be approved; and,
- (b) That By-law No. 68-34 of The Corporation of the City of Hamilton, By-law No. 1915-85 of The Corporation of the City of Stoney Creek, By-law No. 2023, as amended, of The Corporation of the Town of Ancaster, By-law No. 4341-97 of The Corporation of the Town of Dundas, By-law No. 77-89-F of The Township of Flamborough and By-law No. 341-87, as amended, of The Township of Glanbrook be repealed; and,
- (c) That Appendix “B” attached to Report HSC19005 respecting Appointments of Fire Chief, Deputy Chiefs, and Provincial Fire Co-ordinator By-law be approved.

EXECUTIVE SUMMARY

As permitted by the *Fire Protection and Prevention Act*, the City of Hamilton has established a fire department through the Fire Department Establishing and Regulating By-law 68-34. Approved in 1968, with the last amendment occurring in 1983, this By-law no longer reflects current operations, nor does it account for the 2001 amalgamation of the City of Hamilton with the communities of Ancaster, Dundas, Flamborough, Glanbrook and Stoney Creek.

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An update of the Establishing and Regulating By-law was undertaken to ensure compliance with legislation and that it reflects the current structure and service delivery of the Hamilton Fire Department.

There are four amendments to the Establishing and Regulating By-law.

First, the definitions section has been updated and expanded to align with the Fire Protection and Prevention Act and current Hamilton Fire Department operations. The most significant update is the definition of fire protection services which describes the services provided by the Hamilton Fire Department. This includes fire suppression, fire prevention, fire safety education, rescue, hazardous materials response, emergency first response services, mitigation and risk prevention for unsafe levels of carbon monoxide, and the communication with respect to, training for the provision of, and delivery of those services.

Second, content has been removed from the By-law which is covered by legislation, corporate policies, and collective agreements. This includes hiring practices, mandatory retirement age, conduct of staff, the requirement for annual medical examinations, and rules regarding the handling of uniforms and equipment.

Third, the powers, duties and responsibilities of the Fire Chief have been updated as per the *Fire Protection and Prevention Act*. In addition, more detail regarding the responsibilities of the Fire Chief has been added to the By-law. This includes the authorization to make general orders, policies, procedures, rules and regulations to ensure the proper administration and efficient operations of the Hamilton Fire Department including:

- Arranging for staffing, facilities, equipment, service and supplies;
- Developing and implementing of mutual aid agreements;
- Establishing qualifications and criteria for appointment of members of the Hamilton Fire Department;
- Disciplining of members;
- Developing and implementing a fire service plan;
- Keeping accurate records;
- Preparing annual reports and budget estimates; and,
- Exercising control over the approved budget for the Hamilton Fire Department.

The final amendment to the Establishing and Regulating By-law was to update the organizational structure of the Hamilton Fire Department to reflect the current divisional structure of Administration, Communications, Fire Operations, Fire Prevention, Training, Mechanical, and Emergency Management. The divisional names have been updated, and Emergency Management has been added as a division.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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The *Fire Protection and Prevention Act*, in Section 6, requires the Council of a municipality to appoint the fire chief of the fire department. The new By-law Appointments of Fire Chief, Deputy Chiefs, and Provincial Fire Co-ordinator has been developed to achieve compliance.

The ability for the Fire Chief to delegate authority to others is permitted within the *Fire Protection and Prevention Act* in Section 6. In the absence of the Fire Chief, a Deputy Fire Chief is designated to act in his/her capacity and is delegated the authorities of the Fire Chief. This By-law addresses that a Deputy Chief may act in the capacity of the Fire Chief and therefore has Council appoint the Deputy Chiefs as well.

Finally, the Province of Ontario Mutual Aid Plan outlines the organizational framework, authority, and responsibilities associated with the provision of mutual aid among fire services during times of natural or human-caused emergencies. As part of the Province of Ontario Mutual Aid Plan and under the authority of the *Fire Protection and Prevention Act*, the Ontario Fire Marshal may appoint fire coordinators for a municipality to establish and maintain a mutual aid plan and perform such other duties as may be assigned by the Fire Marshal.

The fire co-ordinator must be a fire chief, deputy, or senior officer with the necessary training and experience to co-ordinate the mutual aid plan for the municipality. Further, they shall fulfil the duties and responsibilities of the fire co-ordinator as outlined in the Province of Ontario Mutual Aid Plan including:

- Develop, review, and maintain the mutual aid plan;
- Submit an annually updated mutual aid plan to the Office of the Fire Marshal;
- Coordinate and monitor mutual aid plan activations;
- Consider requests and recommend the deployment of provincial and regional assets; and
- Attend annual fire co-ordinator meetings.

For the City of Hamilton, the fire co-ordinator is the Fire Chief and the alternate fire co-ordinators are the Deputy Chiefs. As such, in appointing the Fire Chief and the Deputy Fire Chiefs the By-law recognizes that these appointees will be the fire co-ordinator, and alternate fire co-ordinators for the City of Hamilton. They will be authorized to carry out the duties of the fire-coordinator as outlined in the *Fire Protection and Prevention Act* and assigned by the Fire Marshal through the Province of Ontario Mutual Aid Plan.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications associated with Report HSC19005.

Staffing: There are no staffing implications associated with Report HSC19005.

Legal: The draft By-Laws are requirements of and in compliance with the *Fire Protection and Prevention Act*. The By-law respecting the appointments of Fire Chief, Deputy Chiefs, and Provincial Fire Co-ordinator satisfies the legal requirement for those appointments.

HISTORICAL BACKGROUND

All municipalities in Ontario are legislated by the Province's *Fire Protection and Prevention Act* (FPPA), 1997 to establish a program in the municipality to include public education with respect to fire safety and certain components of fire prevention and provide fire protection services. Typically, this requirement is accomplished through the establishment of a fire department. Where a fire department is established, the Council of the municipality must appoint a fire chief for the fire department who is ultimately responsible to Council for the delivery of fire protection services.

The City of Hamilton Fire Department was established in 1910 through the Council-approved By-Law No. 40. The current Fire Department Establishing and Regulating By-law was approved in 1968 with the last amendment occurring in 1983. The current By-law does not account for the 2001 amalgamation of the City of Hamilton with the communities of Ancaster, Dundas, Flamborough, Glanbrook, and Stoney Creek, nor does it reflect the current operations of the City of Hamilton.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The following By-Laws will be repealed:

By-law No. 68-34 of The Corporation of the City of Hamilton
By-law No. 1915-85 of The Corporation of the City of Stoney Creek
By-law No. 2023, as amended, of The Corporation of the Town of Ancaster
By-law No. 4341-97 of The Corporation of the Town of Dundas
By-law No. 77-89-F of The Township of Flamborough
By-law No. 341-87, as amended, of The Township of Glanbrook

RELEVANT CONSULTATION

Legal Services assisted in the drafting of both By-laws.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

Adoption of the recommendations will ensure compliance with the *Fire Protection and Prevention Act* as administered by the Office of the Fire Marshall.

ALTERNATIVES FOR CONSIDERATION

None

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report HSC19005: Hamilton Fire Department Establishing and Regulating By-Law

Appendix “B” to Report HSC19005: Appointments of Fire Chief, Deputy Chiefs, and Provincial Fire Co-ordinator By-law