

To: Community Services Committee

From: Ron Diskey, Commissioner,
Community Services Department

Report Number: CS-22-71

Date of Report: June 8, 2022

Date of Meeting: June 13, 2022

Subject: Proposed New Fire Services Establishing and Regulating By-Law

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to seek Council approval of a proposed new Fire Services Establishing and Regulating By-law as recommended by the Fire Chief.

Attachment 1 appended to this report is the proposed by-law.

2.0 Recommendation

That the Community Services Committee recommend to City Council:

That in accordance with Report CS-22-71, the proposed new Fire Services Establishing and Regulating By-law, dated June 8, 2022 which forms Attachment 1 to this report be approved generally in a form and content acceptable to the Commissioner of Community Services, the Fire Chief and Legal Services.

3.0 Executive Summary

The administration and governance of a fire department may be guided by an establishing and regulating bylaw, other municipal bylaws, council resolutions, collective agreements, policies and operating guidelines, and relevant legislation.

The Municipal Act, 2001, S.O. c.25 and the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, both as amended permit Council to enact a by-law to establish and regulate a Fire Department. By-law 30-2001 was last updated in 2001 and as a result of the 2020 Fire Master Plan (F.M.P.) approved by Council, various recommendations were made to update to the current by-law. The Fire Chief has completed a thorough review of the fire departments core services, and levels of fire protection services currently being provided,

based on local needs and circumstances. A number of new services that were not originally identified in the existing by-law have been identified and inserted into the proposed new by-law.

4.0 Input From Other Sources

- Legal Services
- Human Resources
- Oshawa Fire Services (O.F.S) Senior Leadership Team
- Chief Fire Prevention Officer
- 2020 Fire Master Plan
- Ontario Fire Marshal and Emergency Management (O.F.M.E.M)
- Establishing and Regulating by-laws from similar municipalities were reviewed from, Ajax, Barrie, Cambridge, Clarington, Kitchener, Oakville, Peterborough and Whitby.

5.0 Analysis

The Municipal Act and the Fire Protection and Prevention Act, permit the council of a municipality to enact a by-law to establish and regulate a fire department. An Establishing and Regulating (E&R) By-law for a fire department should provide clear and accurate policy direction reflecting how a municipal council intends fire protection services to function and operate. The 2020 Fire Master Plan approved by Council, recommended that the by-law to establish and regulate the Fire Department be reviewed and updated.

The key areas or differences between the existing by-law and the new proposed by-law is the existing by-law was very broad and out of date with the service levels delivered by Fire Services. The by-law proposed has been divided up in several areas to be clearer and concise.

The primary areas identified by the Ontario Fire Marshal and Emergency Management (O.F.M.E.M.) to be included in an Establishing and Regulating By-law are:

- General functions and services to be provided
- The goals and objectives of the department
- General responsibilities of department members
- Method of appointment to the department
- Method of regulating the conduct of members
- Procedures for termination from the department

The General terms as referenced by the Ontario Fire Marshal and Emergency Management O.F.M.E.M. are outlined in the following sections, Definitions, Establishment, General Authority, Organization, Core Services including Appendix A along with a Fire Prevention Policy appended as Appendix B , Fire Chiefs, Deputy Chiefs, Members, Fire &

Emergencies, Mutual Aid and Automatic Aid Outside the City, Interference, Additional Expenses and Offences.

- Authority to proceed beyond established response areas
- Authority to effect necessary department operations

The responsibilities and authority of the Fire Chief are clearly defined within the proposed new Fire Services Establishing and Regulating By-law. The Fire Chief is appointed by Council and corporately reports to the Commissioner of Community Services and operates under a branch of Community Services. The Fire Chief is responsible for administering and operating the overall delivery of the fire protection services which are defined through E&R By-Law. The roles and responsibilities for the position of Fire Chief, Deputy Chief and Assistant Deputy Chief have been more clearly defined within the proposed new Fire Services Establishing and Regulating By-law.

Oshawa Fire Services currently provides a number of specialized rescue disciplines, which are not contained within the E&R By-law. Although these types of rescues have been in place for a number of years, it is recommended that Council adopt the service levels as recommended by the Fire Chief within the proposed new Fire Services Establishing and Regulating By-law.

Included within the E&R By-law is a legislated requirement, the fire department develop a comprehensive annual training program to be delivered for the Fire Suppression Division and it also incorporates the wording to support firefighter certification within the province of Ontario.

Fire Prevention staff currently conduct inspections throughout the city on a complaint request or proactive basis in all types of building occupancies. An analysis within the F.M.P. recommends Council's consideration in adopting more defined service levels in several areas such as fire inspection and public education programs.

Public Education and Prevention and Fire Safety Standards and Enforcement have been identified as the first and second lines of defense in the Comprehensive Fire Safety Effectiveness Model developed by the Office of the Fire Marshal. The performance measure targets identified within the E&R by-law reflect the recommendations approved by Council. Performance target measures will be monitored and reported on in the future through the O.F.S annual report. With respect to the Public Education performance targets, the recommended frequency measure is consistent with the level of service currently being provided.

The E&R by-law was last updated in 2001, it is appropriate to provide further updates to recognize current municipal needs and circumstances. By replacing the existing by-law 30-2001, Council provides clear direction on the service levels endorsed within Fire Services as recommend by the Fire Chief.

6.0 Financial Implications

There are no financial implications resulting from the recommendation of this report.

7.0 Relationship to the Oshawa Strategic Plan

This report addresses the Oshawa Strategic Plan by responding to the goals of Accountable Leadership and Social Equity.



Derrick Clark, Fire Chief,
Fire Services



Ron Diskey, Commissioner,
Community Services Department



By-Law XX-2022

Fire Department Establishing and Regulating By-law

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By-Law XX-2022 of The Corporation of the City of Oshawa

being a by-law to establish and regulate the City of Oshawa's Fire Department.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, ("Municipal Act") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act;

AND WHEREAS the Municipal Act provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c4, 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;

AND WHEREAS the FPPA permits a municipality, in discharging these responsibilities, to establish a fire department;

AND 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 municipality that establishes a fire department to provide fire suppression services and permits the fire department to provide other fire protection services in the municipality;

AND WHEREAS the FPPA requires a municipality that establishes a fire department to appoint a fire chief;

AND WHEREAS the FPPA authorizes a Council of a municipality to pass by-laws under the FPPA to regulate fire prevention, to regulate the setting of open-air fires and to designate private roads as fire routes;

AND WHEREAS, a Deputy Chief shall be appointed as the Community Emergency Management Coordinator (C.E.M.C.) for the municipality

NOW THEREFORE the Council of The Corporation of the Of the City of Oshawa hereby enacts as follows:

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1. Definitions

In this By-law:

- 1.1. "Assistant Deputy Chief" means the person appointed by the Fire Chief to act on behalf of the Fire Chief in the case of an absence or a vacancy in the office of the Fire Chief and Deputy Chief.
- 1.2. "Automatic Aid" means any agreement under which a municipality agrees to provide an initial response to fires, rescues and emergencies that may occur in a part of another municipality where a fire department is capable of responding more quickly than any fire department situated in the other municipality; or a municipality agrees to provide a 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 providing the quickest supplemental response to fires, rescues and emergencies occurring in the part of another municipality.
- 1.3. "CAO" means the Chief Administrative Officer appointed by Council to act as the Chief Administrative Officer for the Corporation.
- 1.4. "Chief Fire Official" means the Assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the Fire Department appointed by the Municipal Fire Chief under the FPPA or a person appointed by the Fire Marshal under the FPPA.
- 1.5. "Collective Agreement" means a collective labour agreement between the Corporation and the Fire Fighters Association made under the FPPA and/or any other collective labour agreement between the Corporation and the certified bargaining agent representing other members of the department.
- 1.6. "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 City of Oshawa.
- 1.7. "Confined Space" means any space that has limited or restricted means for entry or exit (i.e. tanks, vessels, silos, storage bins, hoppers, vaults, trenches, excavations and pits), that is not designed for human occupancy.
- 1.8. "Corporation" means the Corporation of the City of Oshawa.
- 1.9. "Council" means the Council of the Corporation of the City of Oshawa.
- 1.10. "Commissioner of Community Services" means the Commissioner of the Community Services Department for the Corporation;
- 1.11. "Deputy Fire Chief" means the person appointed by Council to act on behalf

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of the Fire Chief in the case of an absence or a vacancy in the office of the Fire Chief;

- 1.12. "Division" means a Division of the Fire Department as provided for in this By-law or determined by the Fire Chief;
- 1.13. "Emergency Management Committee" means the group of municipal officials that are responsible to ensure that local programs and committees are developed as required to enable the emergency management process in accordance with the requirements of the Emergency Management and Civil Protection Act;
- 1.14. "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, provide for obtaining and distributing materials, equipment and supplies during an emergency and provide for such other matters as are considered necessary or advisable for the implementation of the emergency plan during an emergency;
- 1.15. "Firefighters' Association" means the labour union representing professional firefighters;
- 1.16. "Firefighter Certification" means regulation under the FPPA that would establish mandatory minimum certification standards for specific fire protection services.
- 1.17. "Fire Chief" means the person appointed by Council to act as Fire Chief for the Corporation that is ultimately responsible to Council as defined in the FPPA.
- 1.18. "Fire Coordinator" means the person appointed by the Fire Marshal, under the authority of the FPPA, to co-ordinate the Regional Mutual Aid plans, or the person appointed by the Fire Marshal to act in the absence of the Fire Coordinator.
- 1.19. "Fire Department" means the Corporation's fire department, which is also referred to as the "Fire Services" within the Corporation.
- 1.20. "Fire Marshal" means a position with specific authorities and responsibilities under the FPPA, including ensuring that fire departments throughout Ontario provide adequate levels of service to their communities, providing support to fire departments, and administering the FPPA. It is also identified as the "Office of the Fire Marshal".
- 1.21. "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.
- 1.22. "Fire Protection Agreement" is a contract between municipalities, other

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- agencies, individuals, and/or a company that clearly defines the responsibilities, terms, conditions, and all other aspects of the fire services purchased, provided and/or required.
- 1.23. "Fire Protection Services" includes fire suppression, fire prevention, fire safety education, administration services, training of persons involved in the provision of Fire Protection Services, and rescue and emergency services, and includes the delivery of all of the above services.
 - 1.24. "Head of Council" means the person elected at large by voters in the City of Oshawa, namely the Mayor of the City of Oshawa.
 - 1.25. "HUSAR" means Heavy Urban Search and Rescue.
 - 1.26. "Medical Professional/Physician" means health practitioners for humans
 - 1.27. "Member" means any defined Firefighter or Officer as per the FPPA and/or any person employed in or appointed to the Fire Department and assigned to undertake Fire Protection Services.
 - 1.28. "Municipal Act" means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended from time to time, or any successor legislation, and any regulation made there under.
 - 1.29. "Municipal Control Group" means a group comprised of the Head of Council along with designated staff who co-ordinate and deploy resources to mitigate the impact of a municipal or other large scale emergency incident.
 - 1.30. "Mutual Aid" means a program to provide and/or receive assistance in the case of a major emergency in a municipality, community or area where the resources in that municipality, community or area have been depleted, but does not include Automatic Aid.
 - 1.31. "Officer" means any Member with the rank of Captain or higher;
 - 1.32. "Occupational Health and Safety Act" means the *Occupational Health and Safety Act*, R.S.O. 1190, c. O.1, as amended, and applicable provincial legislation.
 - 1.33. "Regional" means the Regional Municipality of Durham, which is the applicable upper tier level of government for the Corporation.
 - 1.34. "Technical Rope Rescue" means an environment (open or confined space, high angle or low angle) in which the load is predominately supported by a rope rescue system.
 - 1.35. "Specialty Rescue" means a rescue response which is specific to trench rescues, building stabilizations, high angle/low angle rope rescues, confined spaces, ice/water rescues, auto extrications, hazardous materials responses, and/or similar situations, in accordance with available resources, and/or in accordance with an approved specialty rescue service agreement.
 - 1.36. Specialized Rescue Services means operations level services as defined

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within the province of Ontario, with responders trained to an operations level rescuer as defined by the Ontario Fire Marshall, industry best practices and standards, which for greater clarity may involve personal protection equipment, mass decontamination, technical decontamination, product control, detection monitoring and public safety sampling, victim rescue and recovery, and illicit laboratory incidents.

- 1.37. "Tiered Response Agreement" means a formal written agreement negotiated between Durham Regional Police Services, Region of Durham Paramedic Services, and Oshawa Fire Services, to establish local protocols for a multi-agency response to a life threatening or public safety incident. The agreement outlines the capabilities, expectations and limitations of each agency and defines the criteria for participation.

2. Establishment

- 2.1. A department for the Corporation, to be known as the Oshawa Fire Services, is hereby established and continued under this By-law and the head of this Fire Department shall be known as the Fire Chief.
- 2.2. The goals of the Fire Department shall be those contained within the departmental Master Fire Plan as presented to Council from time to time.

3. General Authority

- 3.1 Fire Protection Services shall consist of the Fire Chief, Deputy Fire Chiefs, Assistant Deputy Chief, Platoon Chiefs, Chief Training Officer, and Chief Fire Prevention Officer, Communications Officer, Captains, Fire Suppression firefighters, Fire Prevention Inspectors and Educators, Training Officers, Mechanical staff, Administrative personnel and any other person(s) as may be authorized or considered necessary from time to time by Council or by the CAO on recommendation from the Fire Chief or any member of Oshawa Fire Services designated by the Chief Fire Official for the Fire Department, to perform Fire Protection Services.

4. ORGANIZATION

- 4.1. The Fire Department shall be organized into the following divisions:
 - a) Fire Prevention, Public Education and Enforcement;
 - b) Fire Suppression;
 - c) Training;

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- d) Communications;
- e) Mechanical;
- f) Administrative;

4.2. The Fire Chief or any member of Oshawa Fire Services designated by the Chief Fire Official, with prior approval of the CAO, may re-organize divisions or establish new other divisions, or may do all or any of these things 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 Corporation.

4.3. The Fire Chief may assign or re-assign such members to a division to assist in the administration and operation of a service.

5. Core Services

5.1. For the purposes of this By-law, core services provided by the Fire Department will be as per Appendices "A" & "B" which form part of this By-law.

6. Fire Chief

- 6.1. The Fire Chief(s) shall be appointed by by-law and shall,
- a) be ultimately responsible to Council for the delivery of fire protection and prevention services and the proper management of the Fire Department;
 - b) exercise all powers and duties mandated by the FPPA, and any other applicable or successor legislation;
 - c) report administratively to Council through the Corporation's Commissioner of Community Services ;
 - d) ensure all proper measures for prevention, control and/or suppression of fires, the protection and saving of life and property, and emergency management are taken;
 - e) ensure that other emergency services are provided including but not limited to Specialized Rescue Services in accordance with the levels set forth in Appendix A to this By-law;
 - f) ensure that all proper measures for life safety education and fire prevention are taken;
 - g) ensure expectations of delivery are contained in the

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departmental standard operating procedures, guidelines and documentation;

- h) implement all approved policies and shall develop such standard operating procedures and guidelines, general orders and departmental rules as necessary to implement the approved policies and to ensure the appropriate care and protection of all Fire Department personnel and equipment; provided such procedures, guidelines, orders and rules do not conflict with the provisions of any applicable by-law, statute or regulation.
- i) periodically review all policies, guidelines, orders, rules and/or operating procedures of the Fire Department;
- j) submit, for approval by Council, the annual budget estimates for the Fire Department, and any other specific reports requested by the Chief Administrative Officer or Council;
- k) enforce all municipal by-laws and any other applicable legislation respecting fire protection and emergency measures;
- l) subject to the terms and conditions of the Collective Agreement, reprimand, suspend and/or terminate any Member for infraction of any provisions of this By-law, policies, general orders and/or departmental policies and procedures.

6.2. In the event of the absence or incapacity of the Fire Chief, a Deputy Fire Chief shall be appointed by the Commissioner of Community Services as Acting Fire Chief and shall have all the powers and may perform all of the duties of the Fire Chief.

7. Deputy Fire Chief(s)

- 7.1. The Deputy Fire Chief(s) shall be appointed by the Fire Chief and shall,
- a) Report to the Fire Chief on the activities of the divisions and Members that are under their responsibility, and shall use best efforts to carry out the orders of the Fire Chief; and
 - b) In the absence, vacancy or incapacity of the Fire Chief, the Deputy Fire Chief(s), Assistant Deputy Fire Chief, as determined by the Commissioner of Community Services, shall have all of the powers and may perform the duties of the Fire Chief.

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8. Members

- 8.1. Persons appointed as Members of the Fire Department to provide fire protection services shall be on probation for a period of 12 months, during which period they shall be evaluated and take such special training and examination(s) as may be required by the Fire Chief.
- 8.2. If a probationary Member appointed to provide Fire Protection Services fails any such examinations or is deemed unsuitable by the Fire Chief, the Fire Chief may dismiss the probationary member without recourse.
- 8.3. Where the Fire Chief designates a member to act in the place of an officer in the Fire Department, such member, when so acting, has all of the powers and shall perform all duties of the officer replaced.
- 8.4. Working conditions and remuneration for all firefighters shall be determined by the collective agreement in accordance with the provisions of Part IX of the FPPA.
- 8.5. If a medical professional/physician finds a Member is physically unfit to perform assigned duties and such condition is attributed to, and a result of employment in the Fire Department, the Fire Chief may assign the Member to other duties within the Fire Department.

9. Emergency Responses Outside Limits of the City of Oshawa

- 9.1. The Fire Department shall not respond to a call with respect to a fire or an emergency incident outside the limits of the City of Oshawa except with respect to a fire or an emergency:
 - a) that in the opinion of the Fire Chief, threatens property in the City of Oshawa or property situated outside the City of Oshawa that is owned or occupied by the Corporation;
 - b) in a municipality which has an Fire Protection Agreement with the Corporation;
 - c) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection;
 - d) at the discretion of the Fire Chief, to a municipality authorized to participate in the Region's 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) As directed by the Province under *Emergency Management*

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Act and Civil Protection Act or any other prevailing government directive, or legislation as determined appropriate by the Fire Chief;

- f) On those highways that are under the jurisdiction of the Ministry of Transportation or other agency within the City of Oshawa for which an Automatic Aid agreement has been entered into;
- g) On property beyond the territorial limits of the Corporation 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, acceptable to the Fire Chief or designate, provided it does not compromise our own Municipal level of service or commitments with the right to withdraw at any time to service home Municipality's needs response due to a request for special assistance as required through a specialized agreement approved by the Fire Chief;
- h) The Fire Department is not required to respond to requests by private companies; non-government; or incorrect assigned calls;
- i) Any other existing response agreements will continue to operate on Automatic and Mutual Aid response. Agreements may be amended and approved by Council from time to time.

10. Fires and Emergencies

10.1. Proper measures for the prevention, control and extinguishment of fires and the protection of life and property, shall be taken and may include:

- a) suppressing any fire by extinguishing it, and entering any private property if necessary to do so;
- b) pulling down or demolishing any building or structure to prevent the spread of fire; and/or
- c) any other necessary actions such as boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident.

10.2. Any expenses incurred by such necessary actions by the Fire Department may be recovered in the manner provided through the Municipal Act and the FPPA.

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11. Response Outside the Limits of the Municipality (Automatic and Mutual Aid Agreements)

Aid to the City of Oshawa (requested by the Municipality)

11.1. The Fire Chief may request other municipalities to provide aid and/or other qualified persons or services to the Fire Department including but not limited to,

- a) extinguishing fires;
- b) pulling down or demolishing any structure;
- c) crowd and traffic control;
- d) suppression of fires or other hazardous conditions in other reasonable ways; and/or
- e) determining the origin, cause or circumstances of any fire or explosion, if it is deemed necessary to retain a private contractor, rent/lease heavy equipment or specialized equipment, specialized services, and associated persons then those costs may be billed to the property owner and collected by the Municipality by means as determined in this by-law.
- f) major incidents and emergencies

if, in the Fire Chief's opinion, it is necessary to do so.

By the City of Oshawa to others (response outside the limits)

11.2. Cost recovery

- a) Cost recovery under Automatic and Mutual Aid agreements shall be as per the Province's direction and regulations unless otherwise specified. To the extent reasonably possible, materials and/or supplies will be replaced or cost recovered excluding the cost of personnel and/or extraordinary expenses unless determined appropriate to recover. Cost recovery provisions should be incorporated into Automatic and Mutual Aid Agreements, where possible.
- b) Carrying out any of its duties or functions where the Fire Chief or Deputy Fire Chief determines that it is necessary to incur additional expenses, retain a private contractor, rent special

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equipment not normally carried on a fire apparatus, or use more materials than are carried on a fire apparatus in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, control and eliminate an emergency;

- c) The Fire Chief shall determine and present to Council additional sources of revenue to be incorporated as a result emergency response and enforcement within the municipality.

12. Interference

- 12.1. No person shall impede or interfere with or hinder the Fire Department in the performance of any of its duties.
- 12.2. No person present at a fire shall refuse to leave the immediate vicinity when required to do so by the Fire Department.
- 12.3. During a fire and for the time after it has been extinguished that is required to remove the apparatus and 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; or
 - 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.
- 12.4. The provisions of section 12.3 shall not apply to a resident of any street or lane or within any prescribed additional limit or any person so authorized to enter or remain by an officer of the Fire Department or by a police officer.
- 12.5. 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.

13. Offences

- 13.1. Every person who contravenes any provisions of this By-law is guilty of an offence and on conviction is liable to the penalty established by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as may be amended or replaced from time to time, inclusive of costs.

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14. Enforcement and Penalties

14.1. Any person who violates any provisions of this By-law is, upon conviction, guilty of an offence and shall be liable to a fine, subject to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33

15. Short Title

15.1. This By-law shall be known as the Fire Services Establishing and Regulating By-law.

16. Repeal of Existing By-law

16.1. By-law No. 30-2001 By-law is hereby repealed.

17. Effective Date

17.1. This By-law shall come into force and effect on the day it is passed.

By-law passed this _____ day of _____, 2022.

Mayor

City Clerk

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Appendix A - Core Services

1. CLASSIFICATION AND TASK OBJECTIVES OF THE MANDATED SERVICES

a) **Fire Suppression Services:**

Shall be delivered in both offensive (interior) and defensive (exterior) modes as required and shall include search and rescue operations, forcible entry, ventilation, protection of exposures, and salvage and overhaul as appropriate. Additionally, any such capabilities deemed necessary by the Fire Chief.

b) **Specialized Rescue Services :**

Equipment and training, based on identified needs and risks in the community. All identified response levels listed within this By-law and performance objectives during rescue operations and training shall be performed safely, competently and in its entirety. The response levels listed within this by-law and designations may only be reached after appropriate equipment, and training have been provided, documented and site assessments have been completed and relevant standards and industry best practices are recognized as baseline standards of technical rescues and other related industry training standards and legislation. Additionally, any such capabilities deemed necessary by the Fire Chief.

c) **Surface Water Search and Rescue:**

The Fire Department is designated to respond to rescue incidents involving surface water. Using specialized equipment, skills, and training in a manner referred as "Operations" Level as per the current Ontario Certification for firefighters as directed by the Ontario Fire Marshalls office and relevant standards and industry best practices are recognized as baseline standards of technical rescues and other related industry training standards and legislation. Additionally, any such capabilities deemed necessary by the Fire Chief.

d) **Ice Search and Rescue:**

The Fire Department is designated to respond to rescue incidents involving ice. Using specialized equipment, skills, and training in a manner referred as "Operations" Level as per the current Ontario Certification for firefighters as directed by the Ontario Fire Marshalls office and relevant standards and industry best practices are recognized as baseline standards of technical rescues and other related industry training standards and legislation. Additionally, any such capabilities deemed necessary by the Fire Chief.

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e) **Rope Rescue:**

Fire Services is designated to respond to incidents involving high/low angle-rescue using specialized equipment, skills, and training in a manner referred to as “Technician” Level as per the current Ontario Certification for firefighters as directed by the Ontario Fire Marshalls office, and relevant standards and industry best practices are recognized as baseline standards of technical rescues and other related industry training standards and legislation.. Additionally, any such capabilities deemed necessary by the Fire Chief.

f) **Confined Space Rescue:**

Fire Services is designated to respond to incidents involving confined spaces using specialized equipment, skills, and training in a manner referred to as “Technician” Level as per the current Ontario Certification for firefighters as directed by the Ontario Fire Marshalls office, and relevant standards and industry best practices are recognized as baseline standards of technical rescues and other related industry training standards and legislation.. Additionally, any such capabilities deemed necessary by the Fire Chief.

g) **Trench Rescue:**

Fire Services is designated to respond to incidents involving Trench and Excavation Search and Rescue using specialized equipment, skills, and training in a manner referred to as “Technician” Level, as per the current Ontario Certification for firefighters as directed by the Ontario Fire Marshalls office and relevant standards and industry best practices are recognized as baseline standards of technical rescues and other related industry training standards and legislation. Additionally, any such capabilities deemed necessary by the Fire Chief.

h) **Hazardous Materials Incidents:**

Provide rescue, initial control, containment and mitigation of hazardous materials incidents, to the “Operations” Level, as per the current Ontario Certification for firefighters as directed by the Ontario Fire Marshalls office and relevant standards and industry best practices are recognized as baseline standards of technical rescues and other related industry training standards and legislation. Additionally, any such capabilities deemed necessary by the Fire Chief.

i) **Passenger and Heavy Vehicle Rescue:**

Fire Services is designated to respond to incidents involving Vehicle Search and Rescue using specialized equipment, skills, and training in a manner referred to as “Operations” Level, as per the current Ontario Certification for firefighters as directed by the Ontario Fire Marshalls office and relevant

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standards and industry best practices are recognized as baseline standards of technical rescues and other related industry training standards and legislation. Additionally, any such capabilities deemed necessary by the Fire Chief.

j) **Tiered Medical Response**

An agreement with Paramedic Services to provide response and treatment to predetermined criteria of patient signs and symptoms. Patient treatment includes first aid, Cardio Pulmonary Resuscitation, Automatic External Defibrillation, oxygen therapy, Naloxone administration, or any other approved delegated intervention as directed by Oshawa Fire Services Medical Oversight Physician prior to the arrival of paramedic services.

k) **Machinery Search and Rescue (Elevator Rescue):**

Machinery search and rescue predominately involves rescuing persons trapped in elevators due to malfunction or power outage, as defined by the Occupational Health and Safety Act, specifically the Section 21 Guidance Note. Other such rescues can be performed in commercial, industrial and farming incidents, utilizing specialized equipment, skills, and training additionally, any such capabilities deemed necessary by the Fire Chief.

l) **Public Assistance:**

Is a catch-all for any assistance offered to the public which doesn't fall into a definitive category which requires the Service to respond to offer advice or assistance, public service and assist with life, environment and property preservation at the discretion of the Fire Chief.

2. **Training:**

- a) As a reference, utilize the regulation under the Fire Protection and Prevention Act, 1997 (FPPA) that would establish mandatory minimum certification standards for specific fire protection services and relevant standards and industry best practices are recognized as baseline standards of technical rescues and other related industry training standards and legislation. These materials shall be used as reference guides for Oshawa Fire Services Training Division as a baseline standard approved by the Fire Chief. All training will comply with the Occupational Health and Safety Act.
- b) That fire services staff utilize all appropriate personal protective equipment (P.P.E.) and safety standards during training exercises.
- c) A comprehensive annual training program be developed and delivered for the Fire Suppression Division. The annual training program must provide the required training to achieve and sustain the skills and competencies for approved service operations levels. In addition to

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responding to established training levels, an annual training program must also address an employer's responsibilities as defined by the Occupational Health and Safety Act, specifically the Section 21 Guidance Notes.

3. Communication/Dispatching Services:

- a) The Communications Division is responsible for the receipt of fire & emergency related calls for the Oshawa Fire Service and for those municipalities or agencies with which agreements are in effect. The division is responsible for dispatching personnel, units, apparatus and equipment as required. The division performs 911 related functions as assigned in both call taking and dispatching capacities. The division monitors all emergency and non-emergency radio communications between Fire Department units, and confirms the accurate transmission of information between these units and other communication centers or agencies. The division provides information regarding buildings, building contents, building occupants, hazardous materials, and similar, to dispatched units and/or personnel.
- b) Relevant standards and industry best practices are recognized as the baseline standards for Public Safety Telecommunications Standards and shall be used as a reference guide for emergency dispatching and communications and shall provide the following minimum standards:
 - a) Receive requests for service;
 - b) Process requests for service;
 - c) Disseminate requests for service.
- c) The division provides emergency call taking and dispatching of emergency vehicles, as well as providing after hour emergency service response for select municipalities or agencies, with which agreements are in effect.

4. Fire Prevention, Education, Enforcement & Investigation:

- a) Fire and Life Safety Education:
 - i. Public education programs shall be administered in accordance with the F.P.P.A. and Departmental policies.
- b) Fire Prevention, Enforcement & Investigation
Inspections which may arise from complaints, requests, retrofits, and/or are self-initiated, fire investigations, and the examination and review of fire protection elements of building permit plans, shall all be provided in accordance with the F.P.P.A., any related legislation, and Departmental policies.

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Appendix B - Fire Prevention Operating Guideline FP-#22



Operating Guidelines Fire Prevention

Fire Services
DATE REVISED: NEW

NUMBER FP - #22

DATE ISSUED: 2021 11 25

Page: 1 of 3

PURPOSE

To establish a policy to identify the required and Council-directed level of fire prevention programs and services to be delivered by Oshawa Fire Services.

POLICY STATEMENT

Mandatory requirements for fire prevention services and programs are established in the Fire Protection and Prevention Act, 1997 as amended (Part II), and various provisions of the Ontario Fire Code. This policy establishes the delivery of fire prevention services and programs within the City, including any elements required by provincial legislation and such additional services and programs as determined by Council.

SCOPE

This policy applies to all fire service personnel.

POLICY

Fire Prevention Records Keeping and Risk Assessment

Current records relating to all fire prevention activities must be prepared and retained. These records include:

- Emergency response statistics using the Standard Fire Incident Report
- Fire investigations
- Fire prevention inspection program complaints, requests, licensing, building code, and other inspection types
- In-service inspection program
- Home inspection program
- Smoke/Carbon Monoxide alarm program
- Distribution of Public Fire Safety information and media releases
- Public displays, fire hall tours, etc.
- Lectures, demonstrations, presentations to the public
- Building code plans examinations
- Simplified risk assessment and other needs analysis processes containing a current community fire profile identifying current public education and prevention needs

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Community Risk Assessment

The community risk assessment will be updated every 5 years and reviewed every 12 months. Programs will be modified as appropriate.

Public Education Programs

The Fire Chief and department personnel will provide fire prevention education programs within the community in accordance with the priorities identified in the community's risk assessment. Community groups and organizations may request fire safety related presentations, demonstrations and tours of fire stations.

Appropriate fire safety education materials will be distributed in an effective manner to address community fire safety issues and concerns based upon needs and circumstances.

Inspections and Enforcement

Fire Prevention Inspections are to be conducted for all complaints received by the fire department containing reports of potential Fire Code violations and/or potential fire hazards.

Additional Fire Prevention Inspections may be conducted of occupancies and buildings as deemed necessary to address the needs and circumstances of the community or a targeted risk.

Appropriate action will be taken to ensure the elimination of serious fire hazards, immediate threats to life from fire, and to enforce the Fire Code under the authority and in accordance with the provisions outlined in the Fire Protection and Prevention Act, 1997.

Open Air Burning

Open air burning is regulated within the municipality. Open air burning will only be conducted with approval of the Chief Fire Official and in accordance with the conditions set out in the Permit pursuant to Open Air Burning By-law 73-2012.

Fireworks

Fireworks are regulated within the municipality. Firework Sales and Discharge of Display Fireworks will only be conducted with approval of the Chief Fire Official and in accordance with the conditions set out in the Permit pursuant to Fireworks By-law 49-2021.

Building Code Inspection and Plan Approvals

Building code inspections and plan approvals will be carried out in accordance with Building By-law 33-2009 that prescribes types of fire inspections, specified areas of authority and designates the Fire Chief and Fire Prevention Personnel as Inspectors under the Ontario Building Code Act to assist the Chief Building Official in ensuring compliance with the Ontario Building Code.

Requested Inspections

Requested inspections will be conducted within a reasonable period of time. When the requested inspection is from someone other than the owner, written authorization must be obtained from the owner or the owner's agent to inspect and release inspection results.

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Fees for Services

Fees may be charged for any or all of the above referenced inspections/services in accordance with the General Fees and Charges By-law 13-2003 as amended.

A fee schedule for various types of inspections/services, is available upon request from the fire department or Oshawa city hall.

Municipally Licensed Businesses/Buildings

Inspections of Businesses (as required Business Licensing By-law 120-2005), lodging house (as required Lodging House By-law 94-2002), two unit house registration (as required Two Unit House Registration By-law 41-2001) and residential rental housing licensing (as required Business Licensing By-law 120-2005, Schedule 'K') shall be done and fees charged in accordance with the schedule specified in the Licensing By-law.

Fire Prevention Attendance at Emergency Scenes

The Fire Chief and/or members of the fire department delegated by the Fire Chief shall attend emergency scenes in accordance with department operational guidelines. Ascertain the origin and cause of fires which occur within the municipality and report such findings to the Fire Marshal. The Office of the Fire Marshal will be notified in accordance with current Ontario Fire Marshal's directive for notification of fires and explosions. The municipal fire inspector will assist the OFM investigator as requested.

Summary

This policy provides for the participation of all members of the department in fire prevention and public education activities, during available hours and also addresses the types of inspection services that have been approved by Council. It is intended as an affirmative direction to the Fire Chief, fire department personnel and the public.

RESPONSIBILITY

Fire Services is responsible for this policy.

POLICY REVIEW

This policy will be periodically reviewed and updated as required.

References and Related Documents:

Fire Protection and Prevention Act, 1997 as amended
ONTARIO REGULATION 378/18
Ontario Fire Code
By-law XX-2022 as amended (Establishing & Regulating by-law)
Fire Master Plan and Community Risk Assessment

Approved by:



Chief D Clark