

BY-LAW NO. 2024 - XXX

A by-law of the City of Ottawa to establish and regulate Ottawa Fire Services and to repeal By-law No. 2009-319.

The Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law,

"Automatic Aid agreements" means an automatic aid agreement as defined by the Fire Protection and Prevention Act, Section 1(4).

"City" means the municipal corporation of the City of Ottawa or the geographic area of the City of Ottawa as the context requires;

"City Manager" means the City Manager for the City of Ottawa or an authorized designate;

"Council" means the council of the City of Ottawa;

"Deputy Fire Chief" means a person appointed by the Fire Chief for the City in the case of absence or a vacancy in the office of the Fire Chief;

"Division" means a division of Ottawa Fire Services as provided for in this by-law;

"Fire Chief" means the person appointed by Council as Fire Chief for the City under the *Fire Protection and Prevention Act, 1997*, or an authorized designate;

"fire department" means the Ottawa Fire Services;

"firefighter" means a firefighter as defined in Section 1 of the Fire Protection and Prevention Act;

"Fire Protection and Prevention Act" means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, as amended, including regulations passed under it and any successor legislation;

"Fire Protection Services" includes services and programs related to fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provisions of fire protection services, apparatus equipment and maintenance, rescue and emergency services, administration set out in Schedule "A" and includes any activity related to the delivery of all those services and programs;

"Limited Service" means a Fire Protection Service for which there has been a significant variation from the accepted standards and norms due to factors such as environmental factors, remote properties, impeded access due to private roadways, lanes and drives or other obstructions, resource availability, or extraordinary hazards or unsafe conditions or other extenuating circumstances;

"member" means any firefighter, Officer, and any person employed in, or appointed to, the fire department and assigned to undertake fire protection services;

"Municipal Act" means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and includes the regulations passed under it and any successor legislation;

"Mutual Aid" means a program as described by the Fire Protection and Prevention Act, Sections 1 and 7;

"Mutual Aid plan" means a mutual aid plan as defined by the Fire Protection and Prevention Act, Section 7;

"Officer" means any member with the rank of Lieutenant or higher;

"Ottawa Fire Services" means the fire department of the City established under the Fire Protection and Prevention Act;

"Volunteer Firefighter" means a volunteer firefighter as defined by the Fire Protection and Prevention Act.

#### ESTABLISHMENT

2. A fire department for the City to be known as the "Ottawa Fire Services" is hereby established under the Fire Protection and Prevention Act to provide fire protection services and the head of Ottawa Fire Services shall be known as the Fire Chief.

#### COMPOSITION

3. Ottawa Fire Services shall consist of the Fire Chief and such number of members as considered necessary by Council to perform fire protection services.

#### APPOINTMENT OF FIRE CHIEF

4. Council shall appoint a Fire Chief who shall be the highest-ranking Officer and director of Ottawa Fire Services.

## ORGANIZATION

5. (1) Ottawa Fire Services shall be organized into the following Divisions:
  - (a) Operations
  - (b) Community Standards and Communications
  - (c) Training and Safety
  - (d) Capital Assets
  - (e) Operational Support
  - (f) Administration
- (2) Notwithstanding subsection (1), the Fire Chief, with the prior written approval of the City Manager, may reorganize, eliminate, and establish Divisions as may be required from time to time to ensure the proper administration and efficient operation of Ottawa Fire Services and the effective management of fire protection services for the City.
6. The Fire Chief may assign or re-assign such members to a Division to assist in the administration and operation of that Division.
7. Each Division of Ottawa Fire Services is the responsibility of the Fire Chief and is under the direction of the Fire Chief or an officer designated by the Fire Chief.
8. Officers shall report to the Fire Chief on activities within the Division under their supervision and shall carry out all orders of the Fire Chief.
9. Where the Fire Chief designates a member to act in place of an officer in Ottawa Fire Services, such member, when so acting, shall have all the powers and shall perform all the duties of the officer replaced.

## APPROVED SERVICES AND PROGRAMS

10. Ottawa Fire Services shall provide such Fire Protection Services and related programs in accordance with Part II of the Fire Protection and Prevention Act and as set out in Schedule "A", Fire Protection Services and Programs, attached hereto and forming part of this by-law.

## LIMITED SERVICE

11. (1) In consideration of the reliance by Ottawa Fire Services on the response of volunteer firefighters, whose deployment to emergencies in sufficient numbers cannot in all instances be guaranteed, adverse climate conditions, delays or unavailability of specialized equipment required by Ottawa Fire Services, or

other extraordinary circumstances which may impede the delivery of Fire Protection Services, any Approved service set out in Schedule "A" may from time to time be provided as a Limited Service as defined in this by-law, as determined by the Fire Chief, his or her designate, or the highest ranking Officer in charge of a response. The Fire Chief, the Fire Chief's authorized designate, or the highest-ranking Officer in charge of a response are each authorized to provide any Fire Protection Service set out in Schedule "A" as a Limited Service from time to time if deemed necessary.

- (2) The City shall accept no liability for the provision of a Limited Service by Ottawa Fire Services as reasonably necessary.

#### RESPONSES OUTSIDE THE LIMITS OF THE MUNICIPALITY

12. Ottawa Fire Services shall not provide Fire Protection Services outside the geographic limits of the City of Ottawa except with respect to a fire, rescue, or emergency:
- (a) That, in the opinion of the Fire Chief threatens property in another municipality;
  - (b) In a municipality with which Ottawa Fire Service has an approved agreement to provide fire protection services;
  - (c) On property that is the subject of an agreement with Ottawa Fire Service to provide fire protection services;
  - (d) At the discretion of the Fire Chief, in 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;
  - (e) On property where the Fire Chief determines immediate action is necessary to preserve life or property and the appropriate department in the subject municipality is notified to respond and assume command or establish alternative measures acceptable to the Fire Chief or designate; and
  - (f) Where a response is required as part of a Provincial Response Team as set out in established Memorandum of Understanding with the Ontario Fire Marshal's Office.

## RESPONSIBILITIES OF FIRE CHIEF

13. Pursuant to subsection 6(3) of the Fire Protection and Prevention Act and this by-law, the Fire Chief shall be ultimately responsible to Council for the proper administration and operation of Ottawa Fire Services, including delivery of Fire Protection Services and Programs set out in Schedule A.

14. The Fire Chief shall have all the rights, powers, and duties assigned to a fire chief under the Fire Protection and Prevention Act including without limitation the authority to enforce the Fire Code made under that Act and complying with all Fire Marshal's directives as mandated by the Fire Protection and Prevention Act.

15. Without limiting the generality of Sections 13 and 14, the Fire Chief shall be authorized to and be responsible for:

- (a) Recommending to the appropriate Standing Committee and Council any amendments to this by-law and any other by-law of the City that the Fire Chief considers relevant;
- (b) Implementing all policies approved by Council and developing such policies, procedures, guidelines, and rules necessary to implement such policies;
- (c) Ensure the care and protection of all Ottawa Fire Services personnel and equipment and ensure the proper administration and operation of The Ottawa Fire Services;
- (d) Developing, negotiating, approving, amending, extending, executing, and implementing any automatic aid, mutual aid, and fire service agreement, provincial memorandum of understanding, and any other fire protection and emergency service agreements between the City, other municipalities, or any person or corporation, in accordance with applicable legislation and Council policies;
- (e) Determining and establishing the qualifications and criteria for employment or appointment, and the duties and responsibilities, of all members of Ottawa Fire Services;
- (f) Appointment of any qualified person as a member of Ottawa Fire Service, in accordance with applicable legislation and Council policies;
- (g) The conduct and discipline of all members of Ottawa Fire Services, including disciplinary actions which may range from reprimand to dismissal in accordance with applicable legislation and Council policies;

- (h) Keeping an accurate record of all incidents responded to by Ottawa Fire Services all fire safety inspections and fire investigations, and other such records as may be required in a manner consistent with records management policies of the City and in accordance with applicable legislation;
- (i) Preparing and presenting annual reports and periodic reports to the General Manager of Emergency and Protective Services, the appropriate Standing Committee, and Council in accordance with City policies. The Annual Report shall include but limited to:
  - (i) Fire Service Delivery Model
  - (ii) Recruitment and Hiring and Equity, Diversity, and Inclusion
  - (iii) Divisional Updates
  - (iv) Performance
  - (v) Key Responses
  - (vi) Strategic Initiatives
  - (vii) Critical Investment Strategies
- (j) Preparing and submitting annual budget estimates for approval by the General Manager of Emergency and Protective Services, senior leadership team, committee, and Council, and effectively administering, monitoring, and controlling Ottawa Fire Services operating and capital budgets.

## POWERS

16. The Fire Chief shall exercise all powers and duties prescribed by the Fire Protection and Prevention Act 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 jurisdiction of the municipality.
17. Notwithstanding Section 16, the Fire Chief shall be empowered and authorized to carry out and take all necessary steps with respect to the following activities:
- (a) Exercising lawful right of entry onto land or buildings as set out under Part V of the Fire Protection and Prevention Act, including but not limited to where necessary:

- (i) the pulling down or demolishing of any building or structure if, in the opinion of the fire chief, it is necessary to do so to prevent the spread of fire, where a fire has occurred on the land or premises, for the purpose of a fire origin or cause investigation, or where there is reason to believe that a substance or device that is likely to cause a fire may be situated on the land or premises; and
  - (ii) taking any action deemed necessary to guard against fire or other danger, risk, or accident when unable to contact the owner of the property, including the boarding up and barricading of buildings or property.
- (b) Conducting inspections under Part VI of the Fire Protection and Prevention Act;
  - (c) Making applications for a Court Order under Part VII of the Fire Protection and Prevention Act; and,
  - (d) Recover of costs and expenses incurred by the City as provided under the Municipal Act, 2001, and under the Fire Protection and Prevention Act.

18. In accordance with subsection 6(6) of the Fire Protection and Prevention Act, the Fire Chief may delegate a power or duty to an 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. (1) If as the result of Ottawa Fire Services response to a fire, rescue, or other service request, 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 origin and cause of a fire, or otherwise control or eliminate an adverse situation, the City shall recover the costs incurred by Ottawa Fire Services for taking such actions from the owners of the property or vehicle as the case may be.
- (2) The City may recover costs incurred by such necessary actions in a manner provided by the Municipal Act and the Fire Protection and Prevention Act in

accordance with the fees prescribed by the applicable fees and charges by-law of the City from time to time.

20. Any fee or charge imposed upon a person under Section 19 of this by-law or any other by-law, including any interest, penalty charges and costs of collection, constitute a debt of the person to the City.

21. If the person who is charged a fee or charge under this by-law fails to pay the fee within thirty (30) days of receipt of an invoice shall be charged interest per the City's interest rate commencing on the thirty-first day that the fee remains unpaid.

#### SEVERABILITY

22. 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 therefrom and to be enacted as such.

#### REPEAL

23. By-law No. 2009-319, as amended, of the City of Ottawa, is hereby repealed.

24. Notwithstanding section 23, the appointments of the Fire Chief, the Deputy Fire Chiefs, and all other members of Ottawa Fire Services that were in force and effect on the day before the coming into force of this by-law shall survive and remain in force and effect despite the repeal of By-law No. 2009-319, as amended, until otherwise altered in accordance with this By-law.

#### SHORT TITLE

25. This by-law may be referred to as "The Ottawa Fire Services Establishing By-law".

ENACTED AND PASSED this XX day of XXXXXX, 2024.

DEPUTY CITY CLERK

MAYOR



## Schedule "A"

### OTTAWA FIRE SERVICES

### FIRE PROTECTION SERVICES

#### FIRE PROTECTION AND PREVENTION CORE SERVICES

Under the direction of the Fire Chief of Ottawa Fire Services, Ottawa Fire Services shall provide the following services and programs:

1. **Service Requests** - In accordance with the Ottawa Fire Services operational policies and procedures, assessment of complaints and requests for approval, validate and assess all fire safety complaints and requests.
2. **Fire Code Administration** - Ensure compliance with the Fire Code related to mandatory inspections of vulnerable occupancies and ensures all fire safety inspections are conducted in accordance with the Fire Protection and Prevention Act with certified, National Fire Protection Association 1031 Standard for professional qualifications for fire inspector and plan examiner.
3. **Fire Investigations** - Perform fire origin and cause determination with certified, National Fire Protection Association 1033 Standard for professional qualifications for fire investigator, in accordance with provincial certification. Work cooperatively with police services and, where necessary, with the Fire Marshal to investigate fires which fall under its mandate as defined in the Fire Protection and Prevention Act and any, directive, associated public fire safety guideline or notification.
4. **Fire and Life Safety Education** - Develop, implement and deliver fire and life safety education programming and distribute related materials based on the needs and circumstances of the municipality with certified, National Fire Protection Association 1035 for public fire and life safety educators, public information officers, youth firesetter intervention specialists, and youth firesetter program managers.
5. **Fire Communications** - Operate a communications centre with communication staff who receives, processes, and disseminates emergency and critical information to the incident commander, Officers, and Firefighters in support of safe, efficient, and effective emergency responses in accordance with the Association of Public-Safety Communications Officials standards.
6. **Structural Firefighting** - Ottawa Fire Services will perform full structural firefighting activities, interior, exterior, and search and rescue activities with fire officers and firefighters certified, National Fire Protection Association 1001

Firefighter Level 1 and 2 Standard for firefighter professional qualifications – Officers National Fire Protection Association 1021 Standard for fire officer professional qualifications, in accordance with the provincial certification requirements.

7. **Vehicle Rescue** - All fire officers and firefighters are trained and certified, National Fire Protection Association 1001 Firefighter Level 1 and 2 Standard for firefighter professional qualifications, to an operations level for vehicle rescue.
8. **Hazardous Material** - All fire officers and firefighters are trained and certified, National Fire Protection Association 1072 Standard for hazardous materials, weapons of mass destruction emergency response personnel professional qualifications, to an operations level for Hazardous materials leaks and spill incidents.
9. **Medical Emergencies** - Participate in the City of Ottawa Medical Tiered Response Program with advanced medical first responder training in accordance with directives and protocol from Regional Paramedic Program of Eastern Ontario.
10. **Police and Public Assistance** – Ottawa Fire Services shall provide assistance to police and the public with emergency and non-emergency situations for which Ottawa Fire Services has equipment and specialized skills to mitigate an incident.
11. **Public Hazards Assistance** – Carbon monoxide incidents and response shall be provided to carbon monoxide alarms and emergencies. Public utility incidents that pose a public hazard, including electrical utility emergencies and natural gas utility emergencies.
12. **Fleet & Facilities** - Maintain and operate vehicles, facilities, and equipment according to applicable operating policies and procedures.
13. **Training & Safety** - All training officers are trained and certified, National Fire Protection Association 1041 Standard for fire and emergency services instructor professional qualifications and Ottawa Fire Services operational policies and procedures. All safety officers are trained and certified, National Fire Protection Association 1521 Standard for fire department safety officer professional qualifications, and 1021 Standard for fire officer professional qualifications, in accordance with the provincial certification requirements.
14. **Specialties** - Maintain teams of fire officers and firefighters who are capable of responding to:

- (a) Maintain teams of fire officers and firefighters who are capable of responding to wildland fire incidents in accordance with the Ottawa Fire Services operational policies and procedures.
- (b) High/low angle rope rescue incidents at a Technician Level pursuant to provincial certification requirements (National Fire Protection Association 1006 Standard for technical rescue personnel professional qualifications) and Ottawa Fire Services operational policies and procedures.
- (c) Confined space rescue incidents at a Technician Level pursuant to provincial certification requirements (National Fire Protection Association 1006 Standard for technical rescue personnel professional qualifications) and Ottawa Fire Services operational policies and procedures.
- (d) Trench and Collapse rescue incidents at a Technician Level pursuant to provincial certification requirements (National Fire Protection Association 1006 Standard for technical rescue personnel professional qualifications) and Ottawa Fire Services operational policies and procedures.
- (e) Elevator rescue incidents to the current Technical Standards and Safety Authority (TSSA) guidelines and according to applicable Ottawa Fire Services operating policies and procedures.
- (f) Vehicle Rescue extrication and entrapment incidents, heavy vehicle rescue, agricultural rescue, and industrial rescue at a Technician Level pursuant to the provincial job performance requirements and applicable operating policies and procedures
- (g) Hazardous materials leaks and spill incidents, and chemical, biological, radiological, and nuclear incidents at a Technician Level pursuant to provincial certification requirement (National Fire Protection Association 1072 Standard for hazardous materials, weapons of mass destruction emergency response personnel professional qualifications) and Ottawa Fire Services operational policies and procedures.
- (h) Water, ice, and swift water rescue incidents at a Technician Level pursuant to provincial certification requirements (National Fire Protection Association 1006 Standard for technical rescue personnel professional qualifications) and Ottawa Fire Services operational policies and procedures.
- (i) Urban Search and Rescue incidents at a Technician Level pursuant to provincial certification requirements (National Fire Protection Association

1006 Standard for technical rescue personnel professional qualifications) and Ottawa Fire Services operational policies and procedures.

- (j) Fire Support Unit incidents as part of the Ottawa Police Service Emergency Services Unit in accordance with Ottawa Police Service and Ottawa Fire Services policies and procedures.