

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BYLAW NUMBER 2024- (FI-1)

BEING A BYLAW TO ESTABLISH AND REGULATE A FIRE
DEPARTMENT

WHEREAS Section 2 of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended (the “FPPA”), requires every municipality to establish a program 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 to appoint a community safety officer or team or establish a fire department to discharge its responsibilities;

AND WHEREAS Section 5 of the FPPA provides that the Council of a municipality may establish, maintain and operate a Fire Department for the municipality and that the Fire Department shall provide fire suppression services and may provide other fire protection services;

AND WHEREAS Sections 8 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “Municipal Act”), authorize a municipality to provide any service that the municipality considers necessary or desirable for the public, and to pass bylaws respecting, inter alia, health, safety and well-being of persons, protection of persons and property, and services that the municipality is authorized to provide;

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 bylaws providing that a person who contravenes a bylaw 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 Act or any other Act, or under a bylaw under that Act 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 such 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 Corporation of the Town of Georgina deems it desirable and necessary to amend and update its bylaw to establish and regulate a Fire Department for the Town of Georgina;

NOW THEREFORE, the Council of The Corporation of the Town of Georgina enacts as follows:

1. DEFINITIONS

1.1 In this bylaw, unless the context otherwise requires:

- (a) "Approved" means approved by the Council;
- (b) "Automatic Aid Agreement" 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) "CAO" means the Chief Administrative Officer appointed by Council to act as Chief Administrative Officer for the Corporation;
- (d) "Corporation" means The Corporation of the Town of Georgina;
- (e) "Council" means the Council of the Corporation;
- (f) "Deputy Fire Chief(s)" means a person(s) appointed by Council to act on behalf of the Fire Chief in the case of an absence or a vacancy in the office of the Fire Chief;
- (g) "Division" means a division of the Fire Department as provided for in this bylaw;
- (h) "Emergency Management and Civil Protection Act" means the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended, and any successor legislation;

- (i) “Fire Chief” means the person appointed by Council to act as Fire Chief for the Corporation who is ultimately responsible to Council as defined in the FPPA;
- (j) “Fire Code” means Ontario Regulation 213/07, as amended, and any successor regulation;
- (k) “Fire Department” means the Town of Georgina Fire Department, known as Georgina Fire and Rescue Services;
- (l) “Firefighter” means the Fire Chief and any other person employed in or appointed to the Fire Department to undertake Fire Protection Services, and includes a Volunteer Firefighter;
- (m) “FPPA” means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c 4, as amended, any successor legislation, and any regulation made thereunder;
- (n) “Fire Protection Services” includes fire suppression, fire prevention, fire safety education, communications, training of persons involved in the provision of Fire Protection Services and rescue and emergency services and the delivery of all those services;
- (o) “Member” means any person employed in or appointed to the Fire Department and assigned to undertake Fire Protection Services and includes full time Officers, full time Firefighters, and Volunteer Firefighters;
- (p) “Mutual Aid Plan” 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;
- (q) “Officer” means the Fire Chief, a Deputy Fire Chief, Captain, Acting Captain, Training Officer, Fire Prevention Officer, and any person designated by the Fire Chief to supervise Firefighters;
- (r) “Volunteer Firefighter” means a firefighter who provides Fire Protection Services either voluntary or for a nominal consideration, honorarium, training or activity allowance.

2. CONTINUATION OF THE FIRE DEPARTMENT

- 2.1 The Fire Department for the Town of Georgina known as Georgina Fire and Rescue Services is hereby continued in existence.
- 2.2. The Fire Department's Mission and Vision Statements are attached hereto as Appendix "C".

3. DEPARTMENT STRUCTURE

- 3.1 Council shall appoint as head of the Fire Department a Fire Chief who shall be the highest-ranking Officer and Director of the Fire Department.
- 3.2 In addition to the Fire Chief, Council shall appoint one or more Deputy Fire Chiefs who shall report to the Fire Chief as the second highest-ranking Officer(s) of the Fire Department and who, in the absence of the Fire Chief, shall have the power to perform the duties of the Fire Chief.
- 3.3 In addition to the Fire Chief and Deputy Fire Chief(s), the Fire Department shall include Inspectors, Fire Safety Educators, Officers, Firefighters, Volunteer Officers/Firefighters, administrative support staff and other positions as may be authorized or considered necessary by Council or by the CAO for the fire service to provide Fire Protection Services.
- 3.4. The Fire Department shall be structured in conformance with the Approved Fire Department Organizational Chart as set out in Appendix "A" attached hereto and forming part of this bylaw.
- 3.5 Working conditions, remuneration, and procedures for termination of employment for Firefighters other than Volunteer Firefighters shall be determined in accordance with the Provisions of Part IX of the FPPA.
- 3.6. Members of the Fire Department shall be subject to the approved hiring policies of the Corporation.

4. APPROVED SERVICES AND PROGRAMS

- 4.1 The Fire Department shall provide such Fire Protection Services and programs as are approved by Council in accordance with Part II of the FPPA and set out in Appendix "B" attached hereto and forming part of this bylaw.

4.2 Nothing in this bylaw shall restrict the Fire Department to providing only the approved services described in Appendix "B" hereto, and nothing herein shall limit the provision of Fire Protection Services.

5. RESPONSES OUTSIDE THE LIMITS OF THE MUNICIPALITY

5.1 The Fire Department shall not respond to a call outside the territorial limits of the Corporation except with respect to a fire or emergency:

- (a) That, in the opinion of the Fire Chief or the Fire Chief's designate, or the highest ranking Officer in charge of a response, threatens property within the territorial limits of the Corporation or property situated outside the territorial limits of the Corporation that is owned or occupied by the Corporation;
- (b) In a municipality with which an approved Automatic Aid Agreement or Mutual Aid Plan has been entered into to provide Fire Protection Services;
- (c) On property with which an approved Agreement has been entered into with any person or corporation to provide Fire Protection Services;
- (d) At the discretion of the Fire Chief or the Fire Chief's designate, within a municipality authorized to participate in any county, district or regional Mutual Aid Plan established by a Fire Co-Ordinator appointed by the Fire Marshal or any other similar reciprocal plan or program; or
- (e) Where the Fire Chief, or the Fire Chief's designate, determines that 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 the Fire Chief's designate.

6. RESPONSIBILITIES AND AUTHORITY OF THE FIRE CHIEF

6.1 The Fire Chief shall be ultimately responsible to 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 services and programs.

- 6.2 The Fire Chief shall be deemed to be the Chief Fire Official of the Corporation for the purposes of the FPPA and shall carry out all prescribed duties and responsibilities in respect thereof.
- 6.3 Without limiting the generality of the foregoing, the Fire Chief shall be responsible for and authorized to carry out the following:
- (a) Performance of 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 Council as required by the FPPA and the Emergency Management and Civil Protection Act;
 - (c) Enforcement of this bylaw and the enforcement of any other by-laws of the Corporation respecting the administration and operation of the Fire Department;
 - (d) Periodic review of this bylaw and any other bylaws of the Corporation respecting the administration and operation of the Fire Department and recommending to Council such amendments as the Fire Chief considers advisable, the Fire Chief may establish an advisory committee consisting of such Members of the Fire Department and other persons (who may include members of the general public), as the Fire Chief may consider capable of providing assistance in discharging these duties and the duties referred to in Subsection 6.3(f) below;
 - (e) Development, establishment and implementation of policies, standard operating procedures and guidelines, general orders, rules, and such other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department;
 - (f) Periodic review, revision, and revocation, as required, of the policies, standard operating procedures and guidelines, general orders, rules, and other measures referred to in Subsection 6.3(e) above;
 - (g) Arranging for the provision and allotment of strategic staffing and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
 - (h) The proper care and protection of all Fire Department property;

- (i) The arrangement and implementation of Automatic Aid Agreements, Mutual Aid Plans and other negotiated and/or approved fire protection and emergency service agreements between the Corporation and other municipalities;
- (j) Determining and establishing the qualifications and criteria for employment or appointment, and the duties and responsibilities of all Members of the Fire Department;
- (k) Appointment, subject to the approved hiring policies, of the Corporation of any qualified person as a Member of the Fire Department;
- (l) The conduct and discipline of all Members of the Fire Department, including disciplinary action, which may range from reprimand to dismissal;
- (m) 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 records management policies of the Corporation, and retaining such records as prescribed by statutory requirements and the records retention policies of the Corporation;
- (n) 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;
- (o) Reporting to the appropriate Crown Attorney or other prosecutor, and or appropriate law enforcement or other officer, the facts and other 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 any other applicable law;
- (p) Preparation and presentation of annual and periodic reports and periodic reports to Council as deemed necessary by the Fire Chief or directed by Council; and
- (q) Preparation and submission of annual budget estimates for approval by Council, and effectively administering, monitoring, and controlling the Fire Department operating and capital budgets.

7. POWERS OF THE FIRE CHIEF

- 7.1 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, the protection of life, property and the environment, and the management of emergencies within the territorial limits of the Corporation.
- 7.2 Without limiting the generality of the foregoing, the Fire Chief of the Fire Chief's designate(s) shall be empowered and authorized to carry out the following:
- (a) Enforcement of all bylaws of the Corporation 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, without limiting the generality of the foregoing, include the boarding up or barricading of buildings and property when unable to contact the owner of the property as well as the recovery of costs incurred by the Corporation in carrying out such a necessary action as provided for in the Municipal Act and the FPPA; and
 - (d) Taking any and all steps as set out in Parts V, VI and VII of the FPPA.
- 7.3 Pursuant to the FPPA, the Fire Chief may delegate any of his/her powers or duties to the Deputy Fire Chief(s) or any Officer or Member that the Fire Chief deems appropriate, subject to such limitations, restrictions and conditions as may be set out in the delegation, and such Officer or Member so delegated shall have all the powers and perform all the duties as delegated.

8. EMERGENCY MANAGEMENT

- 8.1 The Fire Chief shall be responsible for coordinating the Town of Georgina 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.

- 8.2 The Fire Chief shall be responsible for assisting other public officials in an emergency declared by the Head of Council, the Premier of Ontario, or the Prime Minister of Canada.

9. RECOVERY OF COSTS

- 9.1 If in the course of a Fire Department response to a fire, rescue, or other emergency, the Fire Chief, or the Fire Chief's 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 conduct an investigation to determine the cause of a fire, or otherwise control or eliminate an emergency situation, the Corporation shall recover the costs incurred by the Fire Department in taking such actions from the owner of the property placed at risk in the fire, rescue or other emergency.
- 9.2 The Corporation may recover costs incurred by such necessary actions as provided for in the Municipal Act and/or the FPPA in accordance with the fees provided for in the applicable Fees and Services Bylaw of the Corporation from time to time.
- 9.3 A fee imposed upon a person under this bylaw, including any interest, penalty charges and costs of collection, constitutes a debt of the person to the Corporation, and a person who is charged a fee under this bylaw and fails to pay the fee within thirty days of receipt of an invoice shall be charged interest in accordance with the applicable Fees and Services By-law of the Corporation.
- 9.4 If a property owner who is charged a fee under this bylaw fails to pay the fee within ninety days of receipt of an invoice, the Corporation may add the fee, including penalty and interest, to the tax roll for any real property in the Town of Georgina registered in the name of the owner and collect the fee, including penalty and interest, in like manner as municipal taxes.

10. OBSTRUCTION

- 10.1 No person shall obstruct, hinder, or interfere with the Fire Chief or any Member of the Fire Department in the performance of their duties in accordance with this bylaw and the FPPA.

11. RESPONDING TO RESCUES AND EMERGENCIES

11.1 The Fire Department may respond to rescues and emergencies other than fires with the approval of the Fire Chief, or Fire Chief's designate.

12. OFFENCES

12.1 Every person who contravenes any provision of this bylaw or the FPPA is guilty of an offence and, upon conviction, is liable to a penalty as established by the FPPA.

13. SEVERABILITY

13.1 Should a court of competent jurisdiction find any section or provision, or part thereof, of this bylaw to be invalid or to be of no force and effect, such section or provision or part thereof shall be deemed to be severable, from the remainder of this bylaw, and all other sections, provisions or parts of this bylaw shall be deemed to be separate and independent there from and have been enacted as such.

14. REPEAL

14.1 Bylaw No.2004-0040 (FI-1), as amended, of the Corporation is hereby repealed.

14.2 Notwithstanding Section 15.1 above, the appointments of the Fire Chief, the Deputy Fire Chiefs, and all other Members of the Fire Department who were in effect on the day on which Bylaw No. 2004-0040 (FI-1) was repealed shall survive and remain in force and effect.

15. FORCE AND EFFECT

15.1 This Bylaw shall come into force and effect on the day on which it is passed.

READ AND ENACTED this 29th day of May, 2024.

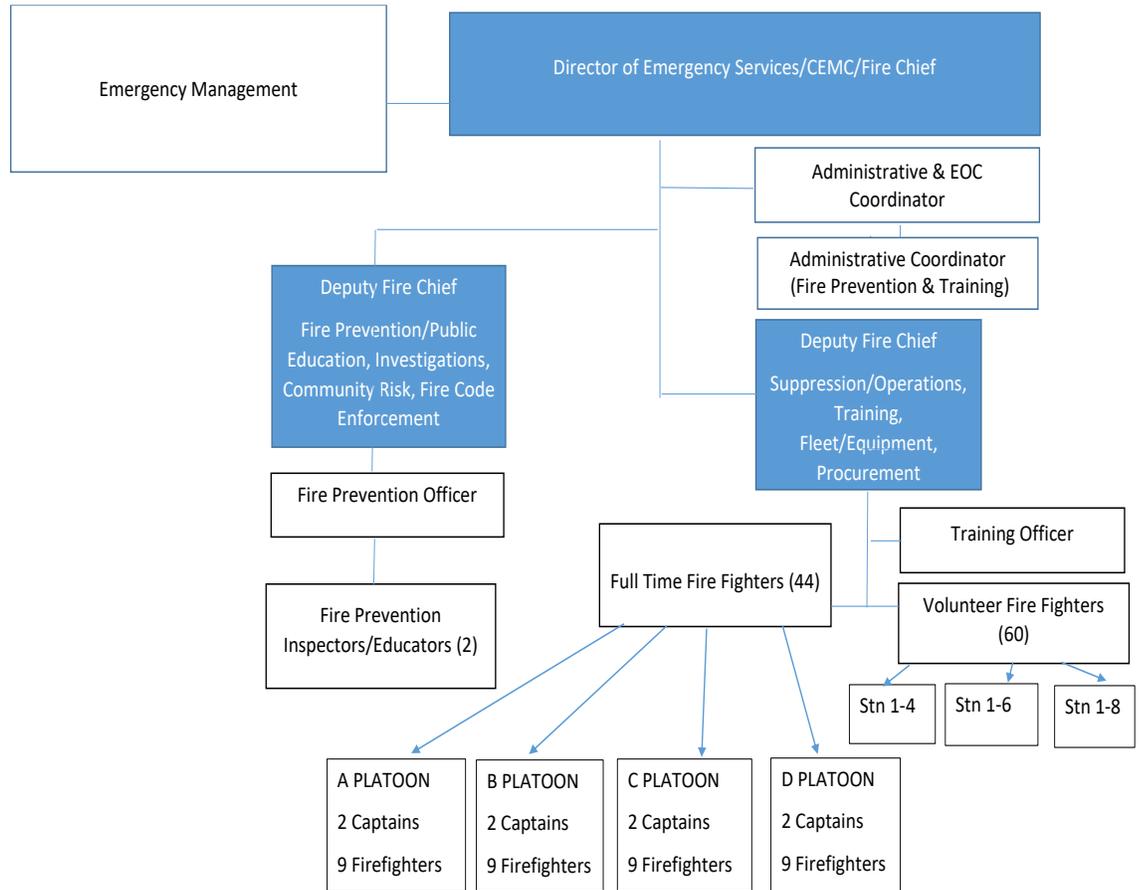
Margaret Quirk, Mayor

Rachel Dillabough, Town Clerk

APPENDIX "A"
Bylaw 2024-XXXX

GEORGINA FIRE AND RESCUE SERVICES
FIRE DEPARTMENT ORGANIZATIONAL CHART

The Fire Department shall be structured in conformation with the following Fire Department Organizational Chart



APPENDIX "B"
Bylaw 2024-XXXX

GEORGINA FIRE AND RESCUE SERVICES
APPROVED SERVICES AND PROGRAMS

The Fire Department shall provide the following services and programs:

1. Operations (Suppression) Division

- Fire Suppression (Structural/Vehicular)
- Marine Rescue and Fire Suppression
- Medical Response Services
 - Service shall be provided in accordance with the Emergency Medical Tiered Response Agreement between the Regional Municipality of York, Emergency Medical Services and the Town of Georgina.
- Ambulance Assistance Services
- Police Assistance Services
- Public Assistance Services
- Public Hazard Assistance Services
- Motor Vehicle Accident Response
- Vehicle Extrication Response
- Transportation Incident Response (trains, aircraft, watercraft)
- Highway Incident Response
- Technical Rescue Services
- Rope Rescue Response
- Confined Space Rescue Services
- Farm and Silo Rescue Services
- Industrial and Machinery Rescue Services

- Water and Ice Rescue Services
- Hazardous Materials Response

- Electrical Utility Emergencies

- Natural Gas Utility Emergencies

- Wildland/Brush Firefighting

- Fire Protection Agreement/Mutual Aid Response Services
 - Service shall be provided in accordance with the Mutual Aid Plan established in respect to the municipalities within the Regional Municipality of York pursuant to clause 7(2)(a) of the FPPA.

- Automatic Aid Response Services
 - Service shall be provided in accordance with any Automatic Aid agreements approved by Council.

- Assistant to the Fire Marshal Services
 - Duties of Assistant to the Fire Marshal shall be carried out as prescribed by the FPPA.

2. Fire Prevention Division

2.1 Public Education Services:

- Providing fire and life safety public education programs.
- Facilitating smoke alarm and carbon monoxide alarm initiatives.
- Distributing public safety messaging to the media.
- Delivery of specialized programs.

2.2 Fire Inspection Services:

- Conducting complaints inspections.
- Conducting vulnerable occupancy inspections.
- Conducting requested inspections.
- Conducting routine inspections based on risk assessment.
- Conducting licensing inspections.
- Enforcing code compliance.
- Enforcing municipal bylaws.
- Issuing inspection reports and/or orders.
- Preparing reports and issuing written responses to requests.

2.3 Fire Investigation Services:

- Determining cause and origin of fires and explosions.
- Assessing code compliance.

- Determining effectiveness of built-in suppression features.
- Determining compliance with building standards.
- Interacting with police, fire investigators, and other agencies.
- Supporting criminal prosecutions including appearances in Court.

2.4 Plans Examination Services:

- Reviewing and approving fire safety plans.
- Examining and providing comment on new construction and renovation plans.
- Reviewing and providing comment on subdivision and development agreements.
- Reviewing and providing comment on site plans.
- Inspecting sites of approved plans to determine compliance.

2.5 Risk Assessment Services:

- Conducting community fire risk assessments.
- Compiling, analyzing and disseminating functional statistics.
- Selecting appropriate fire service programs.

2.6 Consultation Services:

- Consulting with families, schools, health professionals, and police with respect to TAPP-C and other juvenile fire-starting programs.
- Interacting with architects, engineers, planners, and builders.
- Interacting with building departments.
- Interacting with other government agencies.
- Providing input into fire prevention policy development.

2.7 Assistant to the Fire Marshal Services:

- Duties of Assistant to the Fire Marshal shall be carried out as prescribed by the FPPA.

3. Training and Professional Development

- An annual Training Plan will be developed and approved by the Fire Chief and/or their designate.
- Training program delivery and outcomes will meet Ontario Regulation 343/22 for Firefighter Certification.
- Training program delivery will be conducted utilizing best practice and Ontario Section 21 Guidance Notes.

4. Fire Department Administration Division

- Leading the strategic planning, reporting and administration requirements of the Fire Department in an efficient manner.

5. Emergency Management Division

- Fulfill the legislated role(s) within the Town of Georgina's Emergency Plan
- Ensuring the emergency plan and program requirements meet the requirements of the community as required and in compliance with the Emergency Management and Civil Protection Act.

APPENDIX "C"
Bylaw 2024-XXXX

GEORGINA FIRE AND RESCUE SERVICES
MISSION AND VISION STATEMENTS

MISSION STATEMENT

The Mission of the Georgina Fire and Rescue Services is to provide the utmost professional and competent emergency service through our commitment to quality and excellence in the community for our citizens and visitors.

VISION STATEMENT

Our Vision is to be proactive in the prevention of fire and emergencies through public education in the community, to reduce any threat to the citizens of the Town of Georgina by being prepared for all types of emergencies that we are challenged with and to be accountable to each other.