

Bill No. 169
2023

By-Law No. F.-_____

A by-law to regulate the London Fire
Department and repeal By-law No. F-6.

WHEREAS section 2(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4 as amended, provides that every municipality shall establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention, and every municipality shall provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances;

AND WHEREAS section 2(2) of the *Fire Protection and Prevention Act, 1997*, as amended, provides for the establishment of a municipal fire department;

AND WHEREAS subsection 5(0.1) of the *Fire Protection and Prevention Act, 1997*, as amended, provides that a council of a municipality may establish, maintain and operate a fire department, and subsection 5(1) of the that Act provides that a fire department shall provide for fire suppression services and may provide other fire protection services in a municipality;

AND WHEREAS subsection 7.1(a) of the *Fire Protection and Prevention Act, 1997*, as amended, provides that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS s. 100 of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, provides that, where a pollutant is spilled and causes or is likely to cause an adverse effect, a municipality may do everything practicable to prevent, eliminate and ameliorate the adverse effects and to restore the natural environment;

THEREFORE the Municipal Council of the Corporation of the London enacts as follows:

Definitions

1. In this by-law, unless the context otherwise requires,

“Approved” means approved by the *Council*;

“City” means The Corporation of the City of London;

“Collective Agreement” means an agreement in writing pursuant to the provisions of the *Fire Protection and Prevention Act, 1997* between the City and the Firefighters’ Association containing provisions respecting terms and conditions of employment and the rights, privileges and duties of the City, the Firefighters’ Association and its members;

“Council” means the municipal council of the City of London;

“Deputy City Manager - Neighbourhood and Community-Wide Services” means the person(s) appointed by *Council* as a Deputy City Manager reporting to the City Manager;

“Fire Chief” means the person appointed by *Council* to act as *Fire Chief* for the City as defined in the *Fire Protection and Prevention Act, 1997*;

“Fire Department” means the fire department of the City, known as the London Fire Department;

“Firefighters’ Association” means the London Professional Fire Fighters’ Association;

“Fire Protection Services” services outlined within the body of the By-Law and within Schedule “A” and includes,

- (a) fire suppression, fire prevention and fire safety education,
- (b) mitigation and prevention of the risk created by the presence of unsafe levels of carbon monoxide and safety education related to the presence of those levels,
- (c) rescue and emergency services,
- (d) communication in respect of anything described in clauses (a) to (c),
- (e) training of persons involved in providing anything described in clauses (a) to (d), and
- (f) the delivery of any service described in clauses (a) to (e)

“London” means the geographic area of The Corporation of the City of London;

“Personnel” means any persons employed in, or appointed to, the *Fire Department* and assigned to undertake *Fire Protection Services*, and includes *administrative support and clerical staff*;

“Rescue and Emergency Services” includes any life or property saving activity that is unrelated to fire suppression and fire prevention.

Establishment of Fire Department

2. A *Fire Department* to be known as the London Fire Department is hereby continued and enacted to provide *Fire Protection Services* for the City, and the head of the *Fire Department* shall be the *Fire Chief*.

Organization

3. The organizational structure of the Fire Department is outlined by the Organizational Chart within Schedule B of this By-Law and shall consist of the following divisions:
 - a. Fire Prevention & Public Education
 - b. Fire Suppression
 - c. Training
 - d. Communications
 - e. Apparatus
 - f. Clerical/Administrative
 - g. Parts/Stores
4. The Fire Chief, with the prior approval of the Deputy City Manager, may reorganize or eliminate divisions or establish other divisions or may do all or any of these things or any combination of them as may be required to ensure the proper administration and efficient operation of the Fire Department.
5. In addition to the Fire Chief and the Deputy Fire Chiefs, the Fire Department shall consist of such number of officers and Members as from time to time may be deemed necessary by the Council.

Responsibilities of the Fire Chief

6. The *Fire Chief* shall be ultimately responsible to *Council* for the proper administration and operation of the Fire Department including the delivery of *Fire Protection Services* and, under the general direction of the Deputy City Manager, shall:

- (a) ensure compliance with the Community Risk Assessment O.Reg 378/18 in the development and review of the Community Risk Assessment;
- (b) ensure that personnel providing Fire Protection Services are certified in the programs outlined by Firefighter Certification O.Reg 343/22 and to the level expressed within Schedule A of this By-Law;
- (c) implement all *approved* policies, procedures, and guidelines, and may develop such policies, procedures, and guidelines, general orders and departmental rules as necessary to implement the aligned Corporate policies and procedure as well as to ensure for the appropriate care and protection of all *Fire Department* personnel and *Fire Department* equipment and for the efficient operation of the Fire Department, provided that such policies, procedures, guidelines, orders, and rules do not conflict with the provisions of any laws, by-laws of the municipality, or the Collective Agreement;
- (d) review periodically the policies, procedures, and guidelines of the London Fire Department and may establish processes that involves such personnel of the Fire Department as may be determined from time to time to assist in these duties;
- (e) take all proper measures for the education, prevention, control and extinguishment of fires and the protection of life and property, including exercising all powers mandated by the *Fire Protection and Prevention Act, 1997*;
- (f) enforce all municipal by-laws, policies, procedures, and guidelines respecting fire prevention;
- (g) adhere to the provisions of the *Fire Protection and Prevention Act, 1997*;
- (h) prepare and submit to the Deputy City Manager and Council for approval, the annual budget estimates for the Fire Department;
- (i) prepare and submit to the Deputy City Manager and to Council an annual report on the Fire Department and any other specific reports requested by the Deputy City Manager, a committee of Council, or *Council*; and
- (j) perform such other duties and responsibilities as directed by Council and/or the Deputy City Manager from time to time.

Authority of the Fire Chief

- 7. In accordance with the provisions of the *Fire Protection and Prevention Act, 1997*, the Fire Chief is authorized to do, among other things, the following:
 - (a) the Fire Chief, or such other persons as may be authorized by the Fire Chief, may enter on lands or premises on which a fire is occurring, or that are adjacent to those lands or premises, for the purposes of pulling down or removing buildings, structures or things on or attached to the lands or premises on which a fire is occurring or that are adjacent to those lands or premises if, in the opinion of the Fire Chief, it is necessary to do so to prevent the spread of fire;
 - (b) the Fire Chief may close and prevent entry to the land or premises for the length of time necessary to complete an examination of the land or premises where: (i) a fire has occurred on the land or premises, or (ii) the Fire Chief has reason to believe that a substance or device that is likely to cause a fire may be situated on the land or premises;
 - (c) the Fire Chief may do any thing that the Fire Chief has reasonable grounds to believe is urgently required to remove or reduce an immediate threat to life where the Fire Chief has reasonable grounds to believe that a risk of fire poses an immediate threat to life, and the Fire Chief shall promptly give notice to the owner if the owner's whereabouts in Ontario are known.

8. The Fire Chief or such other officers or personnel as may be designated from time to time by the Fire Chief, may take any necessary actions to prevent fires, including boarding up or barricading of buildings, structures or things on or attached to the lands.

Divisional Responsibilities Designated by Fire Chief

9. Each Division of the *Fire Department* is the responsibility of the *Fire Chief* and is under the direction of the *Fire Chief* or their designate. Designates shall report to the *Fire Chief* on Divisions and activities under their supervision and shall carry out all orders of the *Fire Chief*.

Appointment and Discipline of Personnel

10. The Fire Chief may appoint a person to the Fire Department, subject to and in accordance with the hiring policies of the City of London and the Firefighter Certification O. Reg 342/22.
11. Every person appointed as personnel of the Fire Department, save and except for those management employees excluded from the bargaining unit as defined in the Collective Agreement, shall be on probation for a period of twelve (12) months, during which period the probationary person shall take such training and undergo such examinations as may be required or directed by the Fire Chief as a condition of being eligible for appointment as regular, non-probationary personnel.
12. The remuneration for all bargaining unit members may be determined from time to time by agreement between the City and the Firefighters' Association as recorded in the Collective Agreement. The remuneration of all non-bargaining unit personnel shall be as determined by Council from time to time.
13. Subject to the provisions of the *Fire Protection and Prevention Act, 1997* and any applicable provisions of the Collective Agreement, the *Fire Chief* may reprimand, suspend, dismiss and otherwise discipline any personnel for non-compliance with or contravention of any law, by-law, policies, procedures, guidelines, general orders, or departmental rules.

Owner Required to Take Necessary Actions

14.
 - (a) The owner of a property is required to take any necessary actions required by the Fire Chief, or such other officer or personnel as may be designated from time to time by the Fire Chief, to prevent fires, including boarding up or barricading buildings, structures, or things.
 - (b) Where the owner does not take the necessary actions required in subsection 14(a) to prevent fires, the Fire Chief or such other officer or personnel as may be designated from time to time by the Fire Chief, may authorize the work to be done at the owner's expense.
 - (c) The City may recover the costs of doing the work in subsection 14(b) from the owner: (i) by action or by adding the costs to the tax roll and collecting them in the same manner as taxes, in accordance with section 427 of the *Municipal Act, 2001*; or (ii) in the manner provided in the *Fire Protection and Prevention Act, 1997*.

Authority to Leave Municipal Limits

15. The Fire Department may enter onto lands or premises that are situated outside the municipal boundaries of the City if:
 - (a) in the opinion of the Fire Chief, the fire or emergency threatens persons, property or the environment within the City and there is no fire department or other emergency response capability for the area in which the lands or premises are situated; or

- (b) the City has entered into an automatic aid agreement to provide an initial or supplemental response to fires, rescues and emergencies, under which the entry is permitted; or
 - (c) the City has entered into an agreement to provide fire protection services, for the purposes of fighting a fire, or of providing rescue or emergency services, as specified in the agreement, under which the entry is permitted; or
 - (d) a mutual aid plan is established under which the fire departments that serve the designated area, as designated by the Fire Marshal, agree to assist each other in the event of an emergency.
16. The short title of this by-law is The Fire Department By-law.
17. By-law F-6, being “A by-law to continue and regulate a Fire Department” and all amendments thereto are hereby repealed.
18. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on June 6, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First reading – June 6, 2023
Second reading – June 6, 2023
Third reading – June 6, 2023

Schedule A: Fire Protection Services

Fire Protection Services	Minimum Certification Standard	Certification Compliance Deadline
Firefighter Interior Attack, auto extrication and hazardous materials response: Fire suppression operations that enter the interior of the building and can perform rescue, automobile extrication rescue and Operations-level hazardous materials response (full-service firefighter).	All job performance requirements of NFPA 1001, “Standard for Fire Fighter Professional Qualifications”, 2019 Edition, Chapter 5 (Firefighter II).	1-Jul-26
Team Lead Interior Attack, auto extrication and hazardous materials response: Supervision of firefighters that provide fire suppression operations from the interior of the building and can perform rescue or that provide automobile extrication rescue or Operations-level hazardous materials response (full-service fire officer).	All job performance requirements of NFPA 1021 “Standard for Fire Officer Professional Qualifications”, 2020 edition, Chapter 4 (Fire Officer I).	1-Jul-26
Pump Operations: driver: Driving and operating a pumper apparatus that requires a class D licence. London Fire Department also requires Z endorsement	All job performance requirements in NFPA 1002 “Standard for Fire Apparatus Driver/Operator Professional Qualifications”, 2017 Edition, Chapter 5 (Apparatus Equipped with Fire Pump).	1-Jul-26
Fire Prevention/Inspection Level I: conducting fire and life safety inspections.	All job performance requirements of NFPA 1031, “Standard for Professional Qualifications for Fire Inspector and Plan Examiner”, 2014 Edition, Chapter 4 (Fire Inspector I).	1-Jul-26
Fire Prevention/Inspection Level II: conducting fire and life safety inspections including in facilities that store, handle, or use flammable/combustible liquids.	All job performance requirements in item 19 and NFPA 1031, “Standard for Professional Qualifications for Fire Inspector and Plan Examiner”, 2014 Edition, Chapter 5 (Fire Inspector II).	1-Jul-26
Fire Investigator: conducting fire cause and origin investigations.	All job performance requirements of NFPA 1033, “Professional Qualifications for Fire Investigator”, 2014 Edition, Chapter 4 (Fire Investigator).	1-Jul-26
Fire and Life Safety Educator: providing fire and life safety education.	All job performance requirements of NFPA 1035, “Standard on Fire and Life Safety Educator, Public Information Officer, Youth Fire setter Intervention Specialist, and Youth Fire setter Program Manager Professional Qualifications”, 2015 Edition, Chapter 4 (Fire and Life Safety Educator I).	1-Jul-26

Fire Protection Services	Minimum Certification Standard	Certification Compliance Deadline
Training Officer Level I: providing training and education to other fire personnel.	All job performance requirements of NFPA 1041, “Standard for Fire and Emergency Services Instructor Professional Qualifications”, 2019 Edition, Chapter 4 (Fire and Emergency Services Instructor I).	1-Jul-26
Training Officer Level II: providing training and education to other fire personnel including lead instructor roles at live fire and above or below grade technical rescue practical training.	All job performance requirements in item 23 and NFPA 1041, “Standard for Fire and Emergency Services Instructor Professional Qualifications”, 2019 Edition, Chapter 5 (Fire and Emergency Services Instructor II).	1-Jul-26
Emergency Communicators Level I: taking emergency calls.	All job performance requirements of NFPA 1061, “Standard for Public Safety Telecommunications Personnel Professional Qualifications”, 2018 Edition, Chapter 4 (Public Safety Telecommunicator I).	1-Jul-26
Emergency Communicators Level II: taking emergency calls and dispatching emergency vehicles.	All job performance requirements in item 25 and NFPA 1061, “Standard for Public Safety Telecommunications Personnel Professional Qualifications”, 2018 Edition, Chapter 5 (Public Safety Telecommunicator II).	1-Jul-26
Incident Safety Officers: undertaking the primary role of incident safety officer at emergency calls.	All job performance requirements of NFPA 1521, “Standard for Fire Department Safety Officer Professional Qualifications”, 2020 Edition, Chapter 5 (Incident Safety Officer).	1-Jul-26
Hazardous Materials Response — Operations Mission Specific Level: responding to emergencies involving hazardous materials at the Operations Mission Specific Level.	All job performance requirements of NFPA 1072, “Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications”, 2017 Edition, Chapter 6 (Operations Mission Specific)	1-Jul-26
Hazardous Materials Response — Technician Level: responding to emergencies involving hazardous materials at the Technician Level.	All job performance requirements of NFPA 1072, “Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications”, 2017 Edition, Chapter 7 (Hazardous Materials Technician).	1-Jul-26
Rope Rescue — Operations: rope rescue at the Operations Level.	The following job performance requirements of NFPA 1006, “Standard for Technical Rescue Personnel Professional Qualifications”, 2021 Edition,	1-Jul-28

Fire Protection Services	Minimum Certification Standard	Certification Compliance Deadline
	Chapter 5 (Rope Rescue) (Operations): 5.2	
Rope Rescue — Technician: rope rescue at the Technician Level.	The following job performance requirements of NFPA 1006, “Standard for Technical Rescue Personnel Professional Qualifications”, 2021 Edition, Chapter 5 (Rope Rescue) (Technician): 5.3	1-Jul-28
Confined Space — Operations: confined space rescue at the Operations Level.	The following job performance requirements of NFPA 1006, “Standard for Technical Rescue Personnel Professional Qualifications”, 2021 Edition, Chapter 7 (Confined Space Rescue) (Operations): 7.2	1-Jul-28
Confined Space — Technician: confined space rescue at the Technician Level.	The following job performance requirements of NFPA 1006, “Standard for Technical Rescue Personnel Professional Qualifications”, 2021 Edition, Chapter 7 (Confined Space Rescue) (Technician): 7.3	1-Jul-28
Surface Water Rescue — Operations: surface water rescue at the Operations Level.	The following job performance requirements of NFPA 1006, “Standard for Technical Rescue Personnel Professional Qualifications”, 2021 Edition, Chapter 17 (Surface Water Rescue) (Operations): 17.2	1-Jul-28
Surface Water Rescue — Technician: surface water rescue at the Technician Level.	The following job performance requirements of NFPA 1006, “Standard for Technical Rescue Personnel Professional Qualifications”, 2021 Edition, Chapter 17 (Surface Water Rescue) (Technician): 17.3	1-Jul-28
Swift Water Rescue — Operations: swift water rescue at the Operations Level.	The following job performance requirements of NFPA 1006, “Standard for Technical Rescue Personnel Professional Qualifications”, 2021 Edition, Chapter 18 (Swiftwater Rescue) (Operations): 18.2	1-Jul-28
Swift Water Rescue — Technician: swift water rescue at the Technician Level.	The following job performance requirements of NFPA 1006, “Standard for Technical Rescue Personnel Professional Qualifications”, 2021 Edition, Chapter 18 (Swiftwater Rescue) (Technician): 18.3	1-Jul-28

Fire Protection Services	Minimum Certification Standard	Certification Compliance Deadline
Ice Water Rescue — Operations: ice water rescue at the Operations Level.	The following job performance requirements of NFPA 1006, “Standard for Technical Rescue Personnel Professional Qualifications”, 2021 Edition, Chapter 20 (Ice Rescue) (Operations): 20.2	1-Jul-28
Ice Water Rescue — Technician: ice water rescue at the Technician Level.	The following job performance requirements of NFPA 1006, “Standard for Technical Rescue Personnel Professional Qualifications”, 2021 Edition, Chapter 20 (Ice Rescue) (Technician): 20.3	1-Jul-28

Fire Protection Services not included in the Firefighter Certification O. Reg 343/22 outline above,

- Tiered Medical Response
- Greater London International Airport Authority Emergency Assistance

Schedule B: London Fire Department Organizational Chart

