

**Authority:** Item 1, Emergency & Community  
Services Committee  
Report 19-001 (HSC19005)  
CM: February 27, 2019  
Ward: City Wide

**Bill No. 034**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-034**

**To Establish, Maintain and Operate Hamilton Fire Department  
and to Repeal:**

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

**WHEREAS** pursuant to section 5 of the Fire Protection and Prevention Act, 1997, the City of Hamilton may establish, maintain and operate a fire department.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

#### Definitions

1. In this By-law:

“Act” means the Fire Protection and Prevention Act, 1997 as may be amended from time to time, and includes any successor legislation and any regulations made thereunder including the Ontario Fire Code;

“City” means the municipal corporation of the City of Hamilton or the geographic area of the City of Hamilton as the context requires;

“City Manager” means the City Manager of the City of Hamilton;

“Council” means the council of the City of Hamilton;

“Deputy Fire Chief” means the person or persons appointed as a Deputy Fire Chief by Council and who may act on behalf of the Fire Chief in the case of an absence or vacancy in the office of Fire Chief;

“Division” means a division of Hamilton Fire Department as provided for in this By-law;

“Fire Chief” means the person appointed by Council as Fire Chief for the City under the Act;

“Fire Department” means the City of Hamilton Fire Department;

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“fire protection services” includes:

- (a) fire suppression, fire prevention, fire safety education;
- (b) rescue and hazardous materials response;
- (c) emergency first response services in accordance with the tiered-response agreement with Hamilton Paramedic Services.
- (d) 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;
- (e) communication in respect of any matter described in (a)-(d);
- (f) training of persons involved in the provision of any services described in (a)-(e) in accordance with National Fire Protection Association (NFPA) standards; and
- (g) delivery of all of those services described in (a)-(f) above.

“member” means a person employed in or appointed to the Fire Department and assigned to undertake fire protection services and includes full-time and volunteer firefighters;

“officer” means the Fire Chief, Deputy Fire Chief(s), Assistant Deputy Chief(s), Platoon Chief(s), and Divisional Chief(s);

“volunteer firefighter” means a member who provides fire protection services and who are paid on an on-call basis.

#### Establishment

2. The Fire Department is established under the direction of the Fire Chief to provide fire protection services.

#### Composition

3. The Fire Department shall consist of the Fire Chief and such officers, members and administrative support staff as considered necessary by Council to perform fire protection services.

#### Organization

4. Hamilton Fire Department shall be organized into the following Divisions:
  - (a) Administration;
  - (b) Communications;
  - (c) Fire Operations – Full Time and Volunteer;
  - (d) Fire Prevention;
  - (e) Training;
  - (f) Mechanical; and,

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- (g) Emergency Management.
5. The Fire Chief, with the prior written approval of the City Manager, may reorganize or eliminate Divisions or establish other Divisions or may do any or all of these matters or any combination thereof as may be required to ensure the proper administration and operation of Hamilton Fire Department.
  6.
    - (a) Each Division of the Fire Department is the responsibility of the Fire Chief and is under the direction of the Fire Chief or an officer designated by the Fire Chief.
    - (b) 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.
  7. Where the Fire Chief designates a member to act in place of an officer in the Fire Department, such member, when so acting, shall have all of the powers and shall perform all duties of the officer replaced.

#### Responsibilities of the Fire Chief

8. The Fire Chief shall have all the rights, powers and duties assigned to a Fire Chief under the Act and shall ensure compliance with the Act.
9. The Fire Chief is responsible for the proper administration and operation of the Fire Department.
10. The Fire Chief shall be authorized to make such general orders, policies, procedures, rules and regulations and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department and the effective management of fire protection services for the City and for the prevention, control and extinguishment of fires, the protection of life and property and the management of emergencies and without restricting the generality of the foregoing;
  - (a) For the care and protection of all property belonging to the City that are utilized by the Fire Department;
  - (b) For arranging for the provision and allotment of strategic staffing and facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
  - (c) For the development and implementation of automatic aid, mutual aid and other fire protection and emergency service agreements within the City's borders and/or within the municipal borders of adjoining municipalities upon the approval of Council;

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- (d) For determining and establishing the qualifications and criteria for employment or appointment, and the duties of, all members of the Fire Department;
  - (e) For the conduct and the discipline of members of the Fire Department;
  - (f) For preparing, and upon approval by Council, implementing and maintaining a departmental fire service plan and program for the Corporation;
  - (g) For keeping an accurate record of all fires, rescues and emergencies responded to by the Fire Department and reporting of same to the Office of the Fire Marshal and the public as required by the Act;
  - (h) For keeping such other records as may be required by Council, the City, and the Act;
  - (i) For preparing and presenting an annual report of the Fire Department to Council;
  - (j) For preparing and submitting to Council the annual budget estimates for the Fire Department for its approval; and
  - (k) For exercising control over the budget approved by Council for the Fire Department.
11. The Fire Chief shall regularly review and update the standard operating procedures and guidelines, general orders and rules referred to in section 10 as required.

#### Authority to Leave City Limits

12. The Fire Department shall not respond to calls with respect to a fire or emergency outside of the limits of the City except with respect to a fire or emergency:
- (a) that in the opinion of the Fire Chief or designate threatens property situated outside the City that is owned or occupied by the City;
  - (b) in a municipality with which an approval agreement has been entered into to provide fire protection services which include automatic aid;
  - (c) on property where an approved agreement has been entered into with any person or corporation to provide fire protection services;
  - (d) in a municipality authorized to participate in the Province of Ontario Mutual Aid Plan and mutual aid program or any other similar reciprocal plan or program; or
  - (e) in the opinion of the Fire Chief or designate requires immediate action to preserve and protect life or property and the appropriate fire department is notified to respond and assume command or to establish alternative measures acceptable to the Fire Chief or designate.

Short Title

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13. This By-law may be referred to as the “Hamilton Fire Department Establishing and Regulating By-law”.

#### Repeal and Enactment

14. By-law No. 68-34, as amended, of The Corporation of the City of Hamilton, By-law No. 1915-85 of The Corporation of the City of Stoney Creek, By-law No. 2023, as amended, of The Corporation of the Town of Ancaster, By-law No. 4341-97 of The Corporation of the Town of Dundas, By-law No. 77-89-F of The Township of Flamborough and By-law No. 341-87, as amended, of The Township of Glanbrook are repealed.
15. This By-law comes into force on the date of its passing.

**PASSED** this 27<sup>th</sup> day of February, 2019.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk