

PROTECTION

Chapter 730 FIRE DEPARTMENT

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**Article 1
INTERPRETATION**

730.1.1 Chief - defined

“Chief” means the Chief of the Kitchener Fire Department.

730.1.2 Chief Administrator - defined

“Chief Administrator” means the Chief Administrative Officer of the City.

730.1.3 City - defined

“City” means The Corporation of the City of Kitchener.

730.1.4 Council - defined

“Council” means the Council of The Corporation of the City of Kitchener.

730.1.5 Department - defined

“Department” means the Kitchener Fire Department.

730.1.6 Member - defined

“member” shall mean all full time staff of the Fire Department.

**Article 2
GENERAL PROVISIONS**

730.2.1 Department - established - Chief appointed by Council

The Department was established in 1916 and is hereby continued and the head of the Department shall be known as the Chief appointed by Council.

730.2.2 Personnel - determined by Council

In addition to the Chief, the Department personnel shall consist of Deputy Chiefs and such number of other officers and members as from time to time may be deemed necessary by the Council.

730.2.3 Service units

The Department shall be comprised of the following service units:

- (a) Administration;
- (b) Fire Prevention and Public Fire Education;
- (c) Apparatus and Equipment;
- (d) Emergency Communications Centre;
- (e) Training;
- (f) Fire Suppression; and
- (g) Direct Detect.

Article 3 FIRE CHIEF

730.3.1 Responsible to Council - fire protection services

The Chief is the person who is ultimately responsible to Council for the delivery of fire protection services. By-law 2004-227, 8 December, 2004.

730.3.2 Administration - operation

The Chief is responsible to the City's Deputy CAO, Community Services for the proper administration and operation of the Department. By-law 2004-227, 8 December, 2004; By-law 2011-047, 28 March, 2011.

730.3.3 General - orders - rules - conduct determinations

The Chief may make such general orders and departmental rules as may be necessary for the care and protection of the property of the Department, for the conduct of the members, and generally for the efficient operation of the Department, provided that such general orders and rules do not conflict with the provisions of any collective agreement, by-law of the municipality or Chapter of The City of Kitchener Municipal Code.

730.3.4 Policies - procedures - advisory committee established

The Chief shall periodically review the policies and procedures of the Department and may establish advisory committees consisting of such officers and members as may be determined from time to time to assist in this duty.

730.3.5 Fire protection - enforcement

The Chief shall take all proper measures for the provision of fire protection services and for the protection of life and property and shall enforce all municipal by-laws and Chapters of The City of Kitchener Municipal Code respecting fire prevention and exercise the powers and duties imposed by the *Municipal Act, 2001* and the *Fire Protection and Prevention Act, 1997*.

730.3.6 Additional powers - duties

The Chief shall take all proper measures for the prevention, control and extinguishment of fires and the protection of life and property and shall exercise all powers mandated by the *Fire Protection and Prevention Act, 1997*, and the Fire Chief shall be empowered to authorize in accordance with the *Fire Protection and Prevention Act, 1997*:

- (a) pulling down or demolishing any building or structure to prevent the spread of fire;
- (b) all necessary actions which may include boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident, when unable to contact the property owner; and
- (c) recovery of expenses incurred by such necessary actions for the City in the manner provided through the *Municipal Act, 2001* and the *Fire Protection and Prevention Act, 1997*.

730.3.7 Rescue methods - provision of

Wherever an emergency arises requiring the rescue/extrication of persons from entrapment in buildings, vehicles, from water or ice or other circumstances, the Chief shall provide for whatever rescue measures are required in the circumstances.

730.3.8 Administration - operation - enforce orders - rules

The Chief is responsible for the overall administration and operation of the Department in accordance with municipal by-laws and policies and provincial legislation. The Chief is also responsible for enforcement of general orders and Department rules.

730.3.9 Annual estimates - municipal budget

The Chief shall submit the annual estimates of the Department in accordance with municipal budget policy.

730.3.10 Deputy Chief - report to Chief - respective departments

Each Deputy Chief shall report to the Chief on the activities of the divisions for which each Deputy Chief has responsibility and carry out the orders of the Chief.

730.3.11 Acting Chief - appointment - duties

The Chief or Council may appoint one or more of the Deputy Chiefs as Acting Chief(s). Any Deputy Chief appointed as an Acting Chief will have all the powers and shall perform or together perform as the case may be, all of the duties of the Chief for the duration of the appointment.

730.3.12 Reprimand - suspension - authority

The Chief may reprimand or suspend any member for insubordination, inefficiency, misconduct, tardiness or for non-compliance with any of the provisions of this Chapter or the general orders and departmental rules that in the opinion of the Chief would be detrimental to the discipline and efficiency of the Department, provided that every member shall have the rights conferred by the *Fire Protection and Prevention Act, 1997* and any collective agreement then in effect.

730.3.13 Discharge of member - reasons - report to CAO

Where, in the Chief's opinion, the circumstances of any behaviour as set out in Section 730.3.12, warrant it, the Chief may recommend to the Chief Administrative Officer, that a member be discharged, provided that every member shall have the rights conferred by the *Fire Protection and Prevention Act, 1997* and any collective agreement then in effect.

730.3.14 Services - types - level of service

The Department delivers emergency services to the community in the areas of fire suppression, fire prevention, public education, emergency fire communications, vehicle extrication, confined space rescue, medical response, high/low angle rope rescue, water/ice rescue, trench and collapse rescue and hazardous materials spills/leaks response and chemical, biological, radiological, nuclear response. The levels of service shall be commensurate with the current annual budget estimates and Council direction.

730.3.15 Standard operating guidelines

Specific expectations of delivery will be contained in the departmental standard operating guidelines and documentation.

730.3.16 Capabilities of the Department

Under the *Fire Protection and Prevention Act, 1997*, the Department must be capable of responding to and suppressing fires at a level that meets the City's needs and risks. The Department performs these services to a very high level of complexity up to and including entry of buildings for the purposes of search and rescue and interior fire operations.

730.3.17 Fire prevention - inspection program

Fire prevention is mandated by the *Fire Protection and Prevention Act, 1997*. The Department as a minimum responds to complaints and requests for inspections and a community smoke alarm program. Generally, the Department administers a proactive fire inspection program.

730.3.18 Public education - fire safety village - other

Public education is mandated by the *Fire Protection and Prevention Act, 1997*. The Department shall continue to operate a fire safety village for the education of its community about fire safety practices. The Department shall also provide information to the community regarding smoke alarms, fire escape plans, fire safety in the home and general accident prevention measures.

**Article 4
FIRE DEPARTMENT****730.4.1 Communications - emergency dispatch centre**

The Department shall operate a contemporary emergency fire communications resource centre which receives and dispatches emergency calls and disseminates critical response information to the incident commander and firefighters.

730.4.2 Vehicle extrications

The Department provides a high level of skill in this area to perform vehicle extrications that occur within the City.

730.4.3 Confined space rescue - operations

The Department shall maintain a team of firefighters who are capable of responding to confined space incidents and performing confined space rescue at the “technician level” as outlined in Department operating procedures.

730.4.4 Regional Tiered Response Program

The Department participates in the Regional Tiered Response Program and provides advanced first aid and automatic external defibrillation as core parts of its service.

730.4.5 High/low angle rope rescue

The Department shall maintain a team of firefighters who are capable of responding to high/low angle rope rescue incidents at the “technician level” as outlined in Department operating procedures.

730.4.6 Trench rescue incidents

The Department shall maintain a team of firefighters who are capable of responding to trench rescue incidents at the “operational level” as outlined in Department operating procedures.

730.4.7 Building collapse rescue

The Department shall maintain a team of firefighters who are capable of responding to building collapse rescue incidents at an “awareness level” as outlined in Department operating procedures.

730.4.8 Hazardous materials - leaks - spills

The Department shall maintain a team of firefighters who are capable of responding to hazardous materials leaks and spills incidents at the “technician level” as outlined in Department operating procedures.

730.4.9 Land-based - water - ice - rescue

The Department shall maintain a team of firefighters capable of land-based, water entry ice and water rescue as outlined in Department operating procedures.

730.4.10 Investigations - cause - origin - fires

The Department performs cause and origin fire investigations and works co-operatively with the local police services regarding any violations of the law. The Office of the Fire Marshal of Ontario is contacted to investigate fires which fall under its mandate as defined in the *Fire Protection and Prevention Act, 1997* and any associated public fire safety guidelines or notifications.

730.4.11 Equipment - apparatus - maintenance - repair

The Department shall maintain an apparatus and equipment maintenance facility to ensure fire vehicles and equipment are maintained in serviceable condition and perform repairs as required.

730.4.12 Training - responsibility

The Department is responsible through law to ensure its staff is properly trained to perform the duties upon which they may be called. The Training Unit is responsible for administering and arranging the research, development and delivery of training programs required by the Department.

730.4.13 Direct detect - fire monitoring service - responsibility

The Department is responsible for the delivery and maintenance of the direct fire monitoring service called “Direct Detect” and provided to subscriber properties.

730.4.14 Response - outside municipality - agreement - other

The Department shall not respond to a call with respect to a fire or emergency outside the limits of the municipality except with respect to a fire or emergency:

- (a) that, in the opinion of the Chief or incident commander of the Department, threatens property in the municipality or property situated outside the municipality that is owned or occupied by the municipality;
- (b) in a municipality with which an approved agreement has been entered into to provide fire protection services which may include automatic aid;

- (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 Chief, to 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) on property beyond the municipal boundary where the Chief or designate determines immediate action is necessary to preserve life or property and the appropriate department is notified to respond and assume command or establish alternative measures, acceptable to the Chief or designate.

Article 5 VALIDITY

730.5.1 Severability

Each and every of the provisions of this Chapter is severable and if any provision of this Chapter should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

Article 6 REPEAL

730.5.1 By-law - previous

By-law 73-50-P, January 15, 1973, By-law 79-21-P, February 5, 1979, By-law 80-201-P, October 20, 1980, By-law 88-6, January 11, 1988 and the contents of the previous Chapter 730 of The City of Kitchener Municipal Code are hereby repealed. By-law 2004-227, 6 December, 2004.