

# THE CORPORATION OF THE TOWN OF MILTON

## BY-LAW NO. xxx-xxxx

BEING A BY-LAW TO ESTABLISH AND REGULATE THE FIRE DEPARTMENT,  
AND TO REPEAL BY-LAW NO. 026-2018, as amended.

**WHEREAS** the Municipal Act, 2001, S.O. 2001, c.25, as amended, 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** the Municipal Act provides that sections 7 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

**AND WHEREAS** the Fire Protection and Prevention Act, (FPPA) 1997, S.O., c4, as amended, requires every municipality to establish a program in the municipality 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 WHEREAS** the FPPA permits a municipality, in discharging these responsibilities, to establish a fire department;

**AND WHEREAS** the FPPA permits a Council of a municipality to establish, maintain and operate a Fire Service for all or any part of the municipality;

**AND WHEREAS** the FPPA requires a municipality that establishes a Fire Service to provide fire suppression services and permits the Fire Service to provide other Fire Protection Services in the municipality;

**AND WHEREAS** the FPPA requires a municipality that establishes a Fire Service to appoint a Fire Chief;

**AND WHEREAS** the FPPA authorizes a council of a municipality to pass by-laws under the FPPA to regulate fire prevention, to regulate the setting of open-air fires and to designate private roads as fire routes.

**NOW THEREFORE, THE COUNCIL FOR THE CORPORATION OF THE TOWN OF MILTON ENACTS AS FOLLOWS:**

## 1. DEFINITIONS

### 1. In this By-law:

- 1.1. *"Approved"* means approved by Council;
- 1.2. *"Automatic Aid"* means any agreement under which a municipality agrees to provide an initial response to fires, rescues and emergencies that may occur in a part of another municipality where a fire department is capable of responding more quickly than any fire department situated in the other municipality; or a municipality agrees to provide a supplemental response to fires, rescues and emergencies that may occur in a part of another municipality where a fire department in the municipality is capable of providing the quickest supplemental response to fires, rescues and emergencies occurring in the part of another municipality;
- 1.3. *"CAO"* means the Chief Administrative Officer appointed by Council to act as the Chief Administrative Officer for the Corporation;
- 1.4. *"Chief Fire Official"* shall mean the Assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the Fire Department appointed by the Municipal Fire Chief under the FPPA or a person appointed by the Fire Marshal under the FPPA;
- 1.5. *"Collective Agreement"* means an Agreement between the Corporation and the full-time Firefighters' Association made under the provisions of the Fire Protection and Prevention Act;
- 1.6. *"Corporation"* means the Corporation of the Town of Milton;
- 1.7. *"Council"* means the Council of the Corporation;
- 1.8. *"Deputy Fire Chief"* means the person 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;
- 1.9. *"Division"* means a Division of the Fire Department as provided for in this By-law;
- 1.10. *"Municipal Emergency Control Group"* means the Mayor with designated Senior Officials who coordinate and deploy resources to mitigate the impact of a municipal or other large scale emergency incident.
- 1.11. *"Emergency Management Program Committee"* means the group of municipal officials that are responsible for ensuring that local programs and committees are developed as required to enable the emergency management process in accordance with the requirements of the Emergency Management and Civil Protection Act.
- 1.12. *"Fire Chief"* means the person appointed by Council to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the FPPA;

- 1.13. *"Fire Coordinator"* means the person appointed by the Fire Marshal, under the authority of the Fire Protection and Prevention Act, 1997 to co- ordinate the mutual aid plan, or the person appointed by the Fire Marshal to act in the absence of the Fire Coordinator;
- 1.14. *"Fire Department"* means Milton Fire and Rescue Service;
- 1.15. *"FPPA"* means the Fire Protection and Prevention Act, 1997, S.O., c 4, as may be amended from time to time, or any successor legislation, and any regulation made there under;
- 1.16. *"Fire Protection Agreement"* is a contract between municipalities, other agencies, individuals, or a company that clearly defines the responsibilities, terms, conditions, and all other aspects of the fire services purchased, provided and/or required.
- 1.17. *"Fire Protection Services"* includes fire suppression, fire prevention and fire safety education, Emergency communications, apparatus maintenance, and training of persons involved in the provision of Fire Protection Services, rescue and emergency services and the delivery of all those services;
- 1.18. *"Limited Services"* means a variation of services significantly differentiating from the norm as a result of extenuating circumstances, such as environmental factors, obstructions, remote properties, private roadways, lanes and drives.
- 1.19. *"Member"* means any firefighter defined in per Part I of the FPPA and/or any person employed in or appointed to the Fire Department and assigned to undertake Fire Protection Services;
- 1.20. *"Mutual Aid"* means a program to provide/receive assistance in the case of a major emergency in a municipality, community or area where resources in a municipality, community or area have been depleted, but does not include Automatic Aid.
- 1.21. *"Officer"* means any member with the rank of Lieutenant or higher.

## 2. ESTABLISHMENT

- 2.1 A department for the Town of Milton, to be known as the Milton Fire and Rescue Service, is hereby established and continued under this By-law and the head of this Department shall be known as the Fire Chief.
- 2.2 The Fire Department shall provide fire protection services, in a manner consistent with the Community Risk Assessment and Fire Master Plan subject to such conditions and limitations as may be approved by Council. Without limiting the generality of the foregoing, the fire protection and prevention services provided by the Fire Department are subject to any limitations on training, equipment, staff and other resources that are imposed from time to

time through the budget process or otherwise.

### **3. COMPOSITION**

- 3.1 The Fire Department shall consist of the Fire Chief, Deputy Fire Chiefs, Division/District and/or Platoon Chiefs, Captains, other officers, administrative support staff and any other person(s) as may be authorized by the Fire Chief and or Commissioner of Corporate Services for the Fire Department to perform Fire Protection Services.
- 3.2 The Fire Chief shall be appointed by By-law of the Council of the Town of Milton.
- 3.3 The Deputy Fire Chief(s) shall be appointed by By-law of the Council of the Town of Milton.

### **4. EMPLOYMENT**

- 4.1 The Fire Chief may recommend for appointment any qualified person as a member of the Department if the position is authorized by Council and is subject to the approved hiring policies of the Corporation.
- 4.2 The Fire Chief may re-organize 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 and the effective management of Fire Protection Services for the Town.
- 4.3 The Fire Chief may assign or re-assign such members to a Division to assist in the administration and operation of that Division.

### **5. ORGANIZATION**

- 5.1 The Fire Department shall be organized into Divisions such as:
  - a) Fire Prevention and Fire and Life Safety Education,
  - b) Fire Suppression,
  - c) Training,
  - d) Apparatus and Maintenance,
  - e) Emergency Dispatching and Communications,
  - f) Emergency Management
  - g) Administrative Services.

### **6. CORE SERVICES**

- 6.1 The core services of the Fire Department shall be those contained in Appendix 'A'.

- 6.2 Due to the fire department's reliance upon part-time firefighters, the topographic and geographic configuration of the municipality, the level and amount of equipment at the department's disposal, and/or budgetary constraints, the Core Services listed in Appendix 'A' of this by-law may be provided as limited services or due to the existence of unsafe conditions encountered enroute, impeded access to property, environmental factors/ constraints, structural integrity and/or the overall magnitude of an incident.
- 6.3 Nothing in this By-law will restrict the Fire Department to providing only core services or limiting the provision of Fire Protection Services.

## **7. RESPONSIBILITIES AND AUTHORITY OF FIRE CHIEF**

- 7.1 The Fire Chief shall be the head of the Fire Department and is responsible to Council for the proper administration and operation of the Fire Department.
- 7.2 The Fire Chief is ultimately responsible to Council through the Commissioner of Corporate Services for the delivery of Fire Protection Services
- 7.3 Despite subsection 11(1), the Council retains all of the rights and powers that it has to establish maintain and operate a fire department under the FPPA.
- 7.4 The Fire Chief shall perform the duties of the Town's alternate Community Emergency Management Coordinator (CEMC)
- 7.5 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 Corporation and for the prevention, control and extinguishment of fires, the protection of life, property, the environment 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 Fire Department.
  - b) For arranging for the provision and allotment of strategic staffing and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department.
  - c) For arranging and implementation of automatic aid, mutual aid and other negotiated fire protection and emergency service agreements within the Corporation's borders and/or within the municipal borders of adjoining municipalities.

- d) For determining and establishing the qualifications and criteria for employment or appointments and the duties of all members and administrative support staff of the Fire Department.
- e) For the conduct and the discipline of members and administrative support staff of the Fire Department.
- f) For preparing and upon approval by Council, implementing and maintaining a departmental fire master plan and program for the Corporation consistent with the Community Risk Assessment.
- g) For assistance, as a contributing member of the Emergency Management Program Committee, in the preparation, implementation and maintenance of any emergency plans, organizations, services or measures established or to be established by the Corporation.
- h) For reporting to the appropriate crown attorney or other prosecutor or law enforcement officer or other officer the facts upon the 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 a contravention of the FPPA has been committed,
- i) 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.
- j) For keeping such other records as may be required by Council, the Corporation, the Office of the Fire Marshal and/or the FPPA.
- k) For preparing and presenting reports of the Fire Department to Council.
- l) For preparing and presenting the annual estimates of the Fire Department to the Budget Committee of the Corporation and Council and for exercising control over the budget approved by Council for the Fire Department, provided that such general orders, policies, procedures, rules, regulations and other measures do not conflict with the provisions of this By-law or any other By-law of the Corporation, including, without limitation, those requiring the prior approval of or notice to Council or the satisfaction of certain conditions, general or otherwise, specified by Council before such measures can be implemented, or with the provisions of the FPPA or with the provisions of any collective agreement or other written agreement that may be applicable.

- 7.6 The Fire Chief shall be responsible for the administration and enforcement of this By-law and all general orders, policies, procedures, rules and regulations made under this By-law and for the enforcement of any other By-laws of the Corporation respecting Fire Protection Services, and shall review periodically such By-laws, including this By-law, recommend to Council such amendments as the Fire Chief considers appropriate and, in the case of general orders, policies, procedures, rules, and regulations made under this By law, revise or terminate any of them if the Fire Chief considers it appropriate.
- 7.7 The Fire Chief shall have all powers, rights, and duties assigned to a Fire Chief under the FPPA including, without limitation, the authority to enforce compliance with the Fire Code. Further, the Fire Chief shall be afforded the ability to take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall be able to enforce all municipal by-laws respecting fire prevention.
- 7.8 The Fire Chief may liaise with the Office of the Fire Marshal of Ontario and any other office or organization (local, regional, provincial or federal) as required by Council or as considered necessary or advisable by the Fire Chief for the proper administration and efficient operation of the Fire Department and the effective management of Fire Protection Services for the Corporation.
- 7.9 The Fire Chief is authorized to contribute to and assist in the formulation of mutual aid, automatic aid and emergency service agreements or response plans with other emergency response agencies and further, is authorized by Council to perform the duties of Regional Fire Coordinator as required.

## **8. SUPERVISION - GENERAL DUTIES AND RESPONSIBILITIES**

- 8.1. The Deputy Fire Chief(s) shall be the second ranking officer of the Fire Department and shall be subject to and shall obey all orders of the Fire Chief and shall perform such duties as are assigned to them by the Fire Chief and shall act on behalf of the Fire Chief in case of absence or vacancy in the office of the Fire Chief.
- 8.2. When the Fire Chief designates a member to act in place of an Officer in the Fire Department, such member, when so acting, has all the powers and shall perform all the duties of the Officer replaced.
- 8.3. The Fire Chief and all other Officers of the Department shall protect and guard all property entrusted to their care and the Chief, all Officers and all members, insofar as lies in their power, shall take proper measures to protect all members of the Fire Department from accident, injury or death as a result of duty.

## **9. MEMBERS AND ADMINISTRATIVE SUPPORT STAFF**

- 9.1. The Members and administrative support staff of the Fire Department while on duty shall be under the direction and control of the Fire Chief or the next ranking Officer present in any place.
- 9.2. Every Member and administrative support staff person shall conduct themselves in accordance with general orders, policies, procedures, rules and regulations made by the Fire Chief and shall give their whole and undivided attention while on duty to the efficient operation of the Fire Department and shall perform the duties assigned to them to the best of their ability in accordance with the FPPA and any collective agreement or other written agreement that may be applicable.
- 9.3. No person, other than duly appointed Members and administrative support staff of the Fire Department, shall obtain, carry, wear or use any Fire Department uniform clothing in a manner that would lead any reasonable member of the public to identify the person as a member of the Fire Department.
- 9.4. No person, other than duly appointed Members and administrative support staff of the Fire Department, shall in any way identify themselves as being a member of the Fire Department.

## **10. PROPERTY**

- 10.1 No person shall normally supply any apparatus, equipment or other property of the Fire Department for any personal or private use without the express permission of the Fire Chief.
- 10.2 No person shall willfully damage or render ineffective or inoperative any apparatus, equipment or other property belonging to or used by the Fire Department or any emergency vehicle of a public safety agency engaged by the Fire Department to attend to a fire or emergency incident within the municipality.

## **11. FIRE SUPPRESSION**

- 11.1. The Fire Department may suppress any fire or other hazardous condition by extinguishing it or by other reasonable action and, for this purpose, may enter private property, if necessary, to do so.
- 11.2. The Fire Department may pull down or demolish any building or structure when considered necessary to prevent the spread of fire.
- 11.3. The Fire Department may request other appropriate people or agencies present at a fire to assist in extinguishing fires, pulling down or demolishing buildings or structures to prevent the spread of fire, initiate crowd and traffic control or suppression of fires or other hazardous conditions in other reasonable ways.



## **12. REFUSAL TO LEAVE**

- 12.1 No person present at a fire shall refuse to leave the immediate vicinity when required to do so by the Fire Department or the Halton Regional Police Service.

## **13. CONDUCT AT FIRES**

- 13.1 During a fire or emergency incident and for the time after it has been extinguished and is required to remove the apparatus and equipment of the Fire Department and render the location and vicinity safe from fire, no person, either on foot or with a vehicle of any kind shall enter or remain upon or within.
- a) The portion of any street or lane upon which the site of the fire abuts or upon any street or lane for a distance of fifteen (15) meters on each side of the property damaged by fire or.
  - b) Any additional street or lane or part of a street or any additional limits in the vicinity of the fire may be prescribed by the Fire Chief or the next ranking officer present at the fire or emergency incident.
  - c) The provisions of section 13.1.(a) shall not apply to a resident of any street or lane or within any prescribed additional limit or to any person so authorized to enter or remain by an officer of the Fire Department or by a Halton Regional police officer.

## **14. RECOVERY OF COSTS - ADDITIONAL EXPENSES**

- 14.1 The Fire Chief may require occupancy owners or people within or outside the municipality to pay costs or fees for fire and emergency response or other administrative services provided to them. Invoicing for response services or recovery of fees will be conducted in accordance with the Corporation's User Fees and Rates Bylaw as amended from time to time.

## **15. EMERGENCY RESPONSES OUTSIDE LIMITS OF THE MUNICIPALITY**

- 15.1 The Fire Department shall not respond to a call with respect to a fire or an emergency incident outside the limits of the municipality except with respect to a fire or an emergency.
- a) that in the opinion of the Fire Chief 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 agreement has been entered into to provide fire protection services,
  - c) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection, therefore.
  - d) at the discretion of the Fire Chief to a municipality authorized to participate

in the Region Mutual Aid plan established by a fire coordinator appointed by the Ontario Fire Marshal, emergency fire service plan and program or any other organized plan or program on a reciprocal basis.

- e) on those highways that are under the jurisdiction of the Ministry of Transportation or other agency within the Town of Milton.
- f) on property beyond the municipal boundary where the Fire Chief or his designate determines that immediate action is necessary to preserve and protect life and/or property and the correct department is notified to respond and/or assumes command or establishes alternative measures acceptable to the Fire Chief or designate.
- g) response due to a request for special assistance as required through a declaration of a provincial or federal emergency and such request has been approved by the Fire Chief, the CAO and the Head of Council.

## **16. INTERFERENCE**

- 16.1 No person shall impede or interfere with or hinder the Fire Department in the performance of its duties.

## **17. FIRE ALARM**

- 17.1 No person shall prevent, obstruct, or interfere in any manner whatsoever with the communication of a fire alarm to the Fire Department or with the Fire Department responding to a fire alarm that has been activated. Where fire alarms are required in buildings no person shall silence or reset the fire alarm without the approval of an authorized representative of the Fire Department

## **18. CONFLICT**

- 18.1 Where this By-law may conflict with any other By-law of the Corporation, this Bylaw shall supersede and prevail over that other By-law to the extent of the conflict.

## **19. SHORT TITLE**

- 19.1 This By-law shall be known as the Fire Department Establishing and Regulating By-law.

## **20. PENALTY**

- 20.1 Any person who violates any provisions of this By-law is, upon conviction, guilty of an offence and shall be liable to a fine, subject to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

## **21. REPEAL OF BY-LAWS**

21.1 By-law No. 45-97, By-law No. 23-2001, By-law 19-2003, By-law 059-2010 and 026-2018 are hereby repealed.

## 22. EFFECT

22.1 This By-law shall come into force and effect on the day it is passed.

**PASSED IN OPEN COUNCIL ON JULY 14, 2025**

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Gordon A. Krantz Mayor

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Meaghen Reid

Town Clerk

## **APPENDIX "A" TO BY-LAW NO. xxx-2025**

### **CORE SERVICES**

#### **FIRE SUPPRESSION AND EMERGENCY RESPONSE**

##### **1. FIREFIGHTING AND EMERGENCY RESPONSE**

- 1.1. Fire suppression services shall be delivered in both offensive and defensive mode and shall include search and rescue operations, forcible entry, ventilation, protecting exposures, salvage and overhaul as appropriate under the circumstances.
- 1.2. Emergency pre-hospital care responses and medical acts such as defibrillation, first aid, CPR, and other patient care protocols. The Administration of Symptom Relief drugs such as Epinephrine, Narcan and any other future symptom relief drug administration or enhancements and/or monitoring devices as per the Medical Director.
- 1.3. Extrication and machine rescue to technician level.
- 1.4. Technical rescue including confined space rescue, trench rescue, elevator rescue, high angle rescue and ice/water rescue to the technician level.
- 1.5. Hazardous materials response to the operations level.
- 1.6. Urban search and rescue and trench rescue to awareness level

##### **2. FIRE PREVENTION AND LIFE SAFETY EDUCATION**

- 2.1 Inspections arising from request, retrofit, or self-initiated and fire investigations shall be provided in accordance with the FPPA and policies of the Fire Prevention Division.
- 2.2 Proactive inspection cycles in response to identified fire risks in accordance with the policies of the Fire Prevention Division.
- 2.3 Distribution of fire and life safety information and public education programs shall be administered in accordance with the FPPA and policies of the Department's Fire Prevention Division.
- 2.4 A residential home fire safety smoke alarm and carbon monoxide alarm awareness program shall be ongoing.
- 2.5 Provide cyclical public fire life safety education in response to identified fire risks in accordance with the policies of the Fire Prevention Division
- 2.6 Smoke alarms and carbon monoxide alarms for residential occupancies shall be provided to those in need.
- 2.7 Where authorized, enforcement of the FPPA, Ontario Fire Code O. Reg 213/07, as amended, fire safety regulations and fire safety By-laws.
- 2.8 The operation of the Fire Life Safety Education Centre/EOC.
- 2.9 The delivery of training on the use and operation of fire extinguishers.

### **3. EMERGENCY DISPATCHING AND COMMUNICATIONS**

- 3.1 The Communications Division will provide emergency call and dispatching of emergency vehicles as appropriate.
- 3.2 The Communication Division may provide Town of Milton "after hour's" call taking.
- 3.3 This service may be provided to other municipalities as a fee for service or in the event of mutual aid assistance
- 3.4 Operate and maintain a Fire Department computer aided dispatch system, associated records management systems, audio logger system, fire station alerting and call handling solutions to all emergency incidents involving the Fire Department.
- 3.5 Maintain comprehensive records relating to each emergency response that is dispatched.
- 3.6 Monitoring Fire Department dispatch center performance and resolving service issues.

### **4. TRAINING**

- 4.1. Coordinate the delivery of Firefighting training programs.
- 4.2. Operate and maintain all Fire Department training facilities.
- 4.3. Conduct Firefighting recruit and in-service training programs.
- 4.4. Research and develop various techniques and equipment for use within the Fire Department.
- 4.5. Facilitate various Fire Department examination and testing processes.
- 4.6. Maintain comprehensive training records for all Fire Department personnel.

### **5. APPARATUS AND MAINTENANCE**

- 5.1 Maintaining fleet and equipment (both routine and emergency).
- 5.2 Providing periodic inspection and testing programs.
- 5.3 Complying with the requirements of provincial regulations.
- 5.4 Providing annual pump capacity and certification testing.
- 5.5 Assist in developing specifications for new apparatus and equipment.
- 5.6 Acceptance testing of new apparatus and equipment.
- 5.7 Maintaining, testing and calibrating specialized equipment.