



**City Of Kingston**

**Ontario**

**By-Law Number 2021-91**

**A By-Law to Establish and Regulate a Fire Department for the  
City of Kingston, and to Repeal By-Law Number 2007-193, in  
its Entirety**

**(Short Title “Kingston Fire & Rescue Services By-Law”)**

**Passed: June 1, 2021**

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**By-Law Number 2021-91****A By-Law to Establish and Regulate a Fire Department for the City of Kingston, and to Repeal By-Law Number 2007-193, in its Entirety****Passed:** June 1, 2021

**Whereas** Section 8 of the *Municipal Act, 2001*, S.O. 2001 c.25 provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

**Whereas** Section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes a municipality to provide any service or thing that the municipality considers necessary or desirable for the public, and to pass by-laws respecting: health, safety and well-being of persons; protection of persons and property, including consumer protection; business licensing; and services that the municipality is authorized to provide; and

**Whereas** Section 2 of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, requires every municipality to establish a program of 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** Section 2 of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, requires the municipality to either appoint a community safety officer or team, or to establish a fire department, to discharge these responsibilities; and

**Whereas** Section 5(0.1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, C.4, 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** the Council of The Corporation of the City of Kingston deems it necessary and desirable to update its by-law establishing and regulating a fire department for the City of Kingston;

**Therefore** the Council of The Corporation of the City of Kingston enacts as follows:

**1. Definitions**

1.1 For the purpose of this By-Law,

**“Approved”** means approved by Council, and Approval shall have a corresponding meaning;

**“Automatic Aid”** 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;

**“Chief Administrative Officer”** means the person appointed by Council to act as chief administrative officer for the Corporation;

**“City of Kingston”** means The Corporation of the City of Kingston;

**“Commissioner”** means the person employed by the Corporation whose duties include oversight of the management and operations of Kingston Fire & Rescue;

**“Community Risk Assessment and Standards of Cover Document” or “CRASOC”** means the documented process of identifying, analyzing, evaluating and prioritizing risks to public safety to inform decisions about the provision of Fire Protection Services, including recommended response time benchmarks for the delivery of Approved Fire Protection Services from Approved fire station locations;

**“Corporation”** means The Corporation of the City of Kingston;

**“Council”** means the Council of The Corporation of the City of Kingston;

**“Community Emergency Management Coordinator (CEMC)”** means the person appointed by Council as defined in the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9;

**“Deputy Chief”** means a person who acts on behalf of the Fire Chief of the Fire Department in the case of an absence or a vacancy of Fire Chief;

**“Director of Human Resources and Organization Development Services”** means the person employed by the Corporation whose duties include oversight of the human resources department for the Corporation;

**“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;

**“Fees and Charges By-Law”** means City of Kingston By-Law Number 2005-10,

“A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston”, as amended from time to time;

**“Fire Chief”** means the person appointed by Council to act as the fire chief for the corporation and is ultimately responsible to council as defined in the *Fire Protection and Prevention Act*;

**“Fire Code”** means Ontario Regulation 213/07 made under the *Fire Protection and Prevention Act*, as amended, and any successor regulation;

**“Fire Department”** means the fire department for the Corporation;

**“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;

**“Fire Protection and Prevention Act”** means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended, and any successor legislation;

**“Fire Protection Services”** means Approved services relating to: fire suppression; fire prevention; fire safety education; rescue and emergency management and response; communications; training of persons involved in the provision of Fire Protection Services; mitigation, prevention and safety education of the risk created by unsafe levels of carbon monoxide; and the delivery of such services;

**“Member”** means any person employed by or appointed to the Fire Department and assigned to undertake Fire Protection Services, and includes the Fire Chief, Deputy Chief, Assistant Deputy Chief, Chief Training Officer, Captain, Acting Captain, Training Officer, Fire Prevention Officer, Firefighters, Volunteer Firefighters, and any person designated by the Fire Chief to supervise Firefighters and Volunteer Firefighters;

**“Municipal Act”** means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and any successor legislation.

**“Mutual Aid”** means an Approved plan established pursuant to section 7 of the *Fire Protection and Prevention Act* 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;

**“Volunteer Firefighter”** means a person who provides Fire Protection Services for the Corporation either voluntarily or for a nominal consideration, honorarium, training or activity allowance;

## **2. Establishment of a Fire Department**

- 2.1 The Fire Department for the City of Kingston, established pursuant to By-Law 2007-193 and known as Kingston Fire & Rescue is hereby continued under the same name.
- 2.2 The head of the Fire Department shall be known as the Fire Chief.

## **3. Departmental Structure**

- 3.1 Council shall appoint a Fire Chief who shall be the highest-ranking Member of the Fire Department.
- 3.2 In addition to the Fire Chief, the Fire Department shall consist of Deputy Fire Chiefs, Fire Prevention Officers, Inspectors, Fire Safety Educators, Officers, Firefighters, Volunteer Firefighters, and other Members deemed necessary by the Fire Chief to provide Fire Protection Services.
- 3.3 The Fire Department shall be structured in conformance with the Approved Fire Department Organizational Chart as set out in Schedule "A" attached hereto and forming part of this By-Law.
- 3.4 Each division of the Fire Department is the responsibility of the Fire Chief and is under the direction of the Fire Chief or a Member designated by the Fire Chief. Designated Members shall report as directed to the Fire Chief on divisions and activities under their supervision and shall carry out all orders of the Fire Chief.

## **4. Employment and Labour Relations**

- 4.1 Members of the Fire Department shall be subject to the Approved hiring policies of the Corporation
- 4.2 Working conditions, remuneration, and procedures for termination of employment for Firefighters, other than volunteer Firefighters, shall be in accordance with the provisions of Part IX of the *Fire Protection and Prevention Act*.
- 4.3 Working conditions, remuneration, and procedures for termination of employment for Volunteer Firefighters shall be on the recommendation by the Fire Chief and in consultation with the Director of Human Resources.
- 4.4 The Fire Chief may reprimand, suspend, or recommend dismissal of any Member for infraction of any provisions of this By-law, policies, general orders or departmental rules that would be detrimental to discipline or to the efficiency of the Fire Department.
- 4.5 Following the suspension of a Member, the Fire Chief shall immediately report, in writing, the suspension and recommendation to the Commissioner and/or the Director of Human Resources.

- 4.6 A Volunteer Firefighter shall not be dismissed without the opportunity for a review of the dismissal if the Volunteer Firefighter makes a written request for such a review within seven (7) working days after receiving notification of the proposed dismissal. The Director of Human Resources or their designate shall conduct the review.

## **5. Fire Protection Services**

- 5.1 The Fire Department shall provide Approved Fire Protection Services and programs in accordance with Part II of the *Fire Protection and Prevention Act* and as set out in Schedule "B" attached hereto and forming part of this By-Law.
- 5.2 The Fire Department shall provide Approved Fire Protection Services from Approved fire station locations, as set out in the Approved Station Response Area Map in Schedule "C," attached to and forming part of this By-law.

## **6. Obligations and Responsibilities of the Fire Chief**

- 6.1 As set out in section 6(3) of the *Fire Protection and Prevention Act*, the Fire Chief shall be ultimately responsible to Council for the proper administration and operation of the Fire Department, including the delivery of Approved Fire Protection Services.
- 6.2 The Fire Chief shall be deemed to be the Chief Fire Official of the municipality for the purposes of the *Fire Protection and Prevention Act* and regulations enacted thereunder.
- 6.3 Without limiting the generality of the foregoing, the Fire Chief shall be authorized and responsible for:
- (a) performing all statutory duties of the *Fire Protection and Prevention Act*, 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 *Fire Protection and Prevention Act* and the *Emergency Management and Civil Protection Act*;
  - (c) Compliance with this By-Law and any regulations established hereunder, and the enforcement of any other by-laws of the Corporation respecting the administration and operation of the Fire Department;
  - (d) Periodically reviewing this By-Law and any other by-laws of the Corporation respecting the administration and operation of the Fire Department, and the Fire Chief may establish an advisory committee consisting of such Members of the Fire Department and other persons, possibly including members of the general public, as may be necessary from time to time to assist in discharging this duty;
  - (e) Recommending to Council amendments to this By-Law and any other by-law of the Corporation that the Fire Chief considers relevant or necessary;

- (f) Developing, establishing, and implementing policies, standard operating procedures and guidelines, general orders and department rules, and other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department;
- (g) Periodically reviewing, revising, or revoking as required, all policies, standard operating procedures and guidelines, general orders, and rules of the Fire Department, and the Fire Chief may establish an advisory committee from time to time to assist in discharging these duties;
- (h) Arranging for the provision and allotment of strategic staffing and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
- (i) The proper care and protection of all Fire Department property;
- (j) The arrangement and implementation of Automatic Aid, Mutual Aid and other negotiated and/or Approved Fire Protection Services agreements between the City of Kingston and other municipalities;
- (k) Determining and establishing the qualifications and criteria for employment or appointment, and the duties and responsibilities of all Members of the Fire Department;
- (l) The conduct and discipline of all Members of the Fire Department, including disciplinary actions 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 conducted by the Fire Department, and other such records as may be required in a manner consistent with statutory requirements and records management and 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 *Fire Protection and Prevention Act*;
- (o) Reporting to the appropriate Crown Attorney or other prosecutor, or law enforcement or other officer, 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 *Fire Protection and Prevention Act*, or other applicable regulation or statute;
- (p) Preparing and presenting annual reports and periodic reports to Council as deemed necessary by the Fire Chief, and any other specific reports as directed by Council;



- (q) Preparing and submitting annual budget estimates for approval by Council, and effectively administering, monitoring, and controlling the Fire Department operating and capital budgets;
- (r) Coordinating the City of Kingston 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; and
- (s) Assisting other public officials in an emergency declared by the Head of Council, the Premier of Ontario, or the Prime Minister of Canada.

## **7. Authority to Leave Municipal Limits**

- 7.1 The Fire Chief may enter into agreements with other organizations to provide specific Fire Protection Services for organizations, events or individuals within the scope of this By-Law.
- 7.2 The Fire 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 Fire Chief or his/her designate, 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, including but not limited to an Automatic Aid agreement;
  - (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, to a municipality authorized to participate in any county, district or regional Mutual Aid Plan established by a fire coordinator appointed by the fire marshal or any other similar reciprocal plan or program;
  - (e) on property beyond the municipal boundary where the Fire Chief or his/her 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 Fire Chief or his/her designate.

## **8. Community Risk Assessment and Standards of Coverage**

- 8.1 The Fire Chief shall submit to Council for Approval an initial Community Risk Assessment and Standards of Cover Document within six (6) months of the coming into force of this By-law.
- 8.2 The Fire Chief shall thereafter complete an annual review of the Community Risk Assessment and Standards of Cover Document.
- 8.3 The Fire Chief Shall conduct a complete community risk assessment no later than five (5) years after the day the last Community Risk Assessment and Standards of Cover Document was Approved.
- 8.4 The Fire Chief shall submit to Council for Approval the reviews and assessments required by Sections 8.2 and 8.3 of this By-law.
- 8.5 The Fire Department shall organize responses and requests for emergency assistance in accordance with response time benchmarks as set out in Schedule "D," attached to and forming part of this By-law, and as may be modified by the Approved Community Risk Assessment and Standards of Coverage Document.

## **9. Prevention, Control and Extinguishment of Fires**

- 9.1 The Fire Chief shall take all reasonable and proper measures for the prevention, control and extinguishment of fires, for the protection of life, property and the environment, and for the coordination of emergency activities within the municipality, and shall exercise all powers and duties prescribed by the *Fire Protection and Prevention Act*.
- 9.2 As set out in the *Fire Protection and Prevention Act*, the Fire Chief may delegate any of his/her powers or duties to any Member that the Fire Chief deems appropriate, subject to such limitations, restrictions or conditions as may be set out in the delegation, and such Officer or Member so delegated shall have all the powers and shall perform all duties as delegated.
- 9.3 Without limiting the generality of the foregoing, in carrying out the obligations and responsibilities under this By-Law, the Fire Chief and his/her designate(s) shall be empowered and authorized to carry out the following:
  - (a) Enforcement of all municipal by-laws regarding fire safety and fire prevention;
  - (b) Pulling down or demolishing any building or structure to prevent the spread of fire;
  - (c) Any action(s), including but not limited to boarding up or barricading of buildings or property, which the Fire Chief deems necessary and reasonable to guard against fire or other danger, risk or accident, when unable to contact a property owner within a reasonable time period;
  - (d) Recovery of costs and expenses incurred in carrying out such actions for the Corporation in the manner provided by the *Municipal Act* and the *Fire Protection and Prevention Act*;

- (e) Taking any and all steps as set out in Parts V, VI and VII of the *Fire Protection and Prevention Act*.

## **10. Recovery Of Costs**

- 10.1. The Corporation shall recover from the owners of the real property or the vehicle, as the case may be, the costs and expenses incurred by the Fire Department, if, as the result of a Fire Department response to a fire, rescue, or other emergency at the property or in the vehicle, the Fire Chief, or his/her designate, or the highest ranking Officer in charge, determines that it is necessary to incur any costs or expenses in responding, including but not limited to costs and expenses for: retaining a private contractor; renting special equipment; using consumable materials other than water in order to suppress or extinguish a fire; preserving property; preventing a fire from spreading; removing hazardous materials; assisting in or otherwise conducting an investigation to determine the cause of a fire; or otherwise controlling or eliminating an emergency situation.
- 10.2 The Corporation may recover as a fee any costs and expenses incurred pursuant to this By-Law in a manner provided by the *Municipal Act* and the *Fire Protection and Prevention Act* and in accordance with the fees prescribed by the Fees and Charges By-law.
- 10.3 The City shall deliver an invoice to each person upon whom a fee is imposed under this By-law.
- 10.4 A fee imposed upon a person under this By-law, including any interest, penalty charges and costs of collection, constitutes a debt of the person to the Corporation.
- 10.5 A person who is charged a fee under this By-Law and fails to pay the fee within thirty (30) days of receipt of an invoice shall be charged interest in accordance with the Fees and Charges By-law.
- 10.6 If a property owner who is charged a fee under this By-law fails to pay the fee within ninety (90) days of receipt of an invoice, the Corporation may add the fee, including penalty and interest, to the tax roll for any real property registered in the name of the property owner and collect the fee, including penalty and interest, in like manner as municipal taxes.

- 10.7 The invoice may be delivered personally, by registered mail, or by regular mail to a person's home address or, in the case of property or vehicle owner, to the owner's last known address as recorded on the City's assessment roll or with the Ministry of Transportation, as the case may be.
- 10.8 Receipt of an invoice shall be deemed to have occurred:
- (a) On the date of delivery, if delivered personally;
  - (b) Three (3) business days after the date of mailing, if delivered by registered mail to an address within the City of Kingston;
  - (c) Five (5) days after the date of mailing, if delivered by registered mail to an address outside of the City of Kingston;
  - (d) Five (5) days after the date of mailing if delivered by regular mail to an address within the City of Kingston;
  - (e) Seven (7) days after the date of mailing if delivered by regular mail to an address outside of the City of Kingston.

## **11. Interpretation**

- 11.1 Any reference herein to any By-law or Act of any government shall be construed as a reference thereto as amended or re-enacted from time to time or as a reference to any successor thereto then in force.

## **12. Validity**

- 12.1 If a Court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

**13. Short Title of By-Law**

13.1 This By-law may be referred to as the “Kingston Fire & Rescue Services By-Law.”

**14. Repeal**

14.1 By-law Number 2007-193 of The Corporation of the City of Kingston is hereby repealed.

14.2 Notwithstanding Section 13.1 of this By-law, the appointments of the Fire Chief, the Deputy Chief, and all other Members of the Fire Department, and the delegations of the Fire Chief that were in force and any agreements, memoranda of understanding etc., entered into pursuant to By-law 2007-193 in effect on the day on which the antecessor By-Law is repealed shall survive and remain in force and effect after that By-Law is repealed, unless otherwise terminated.

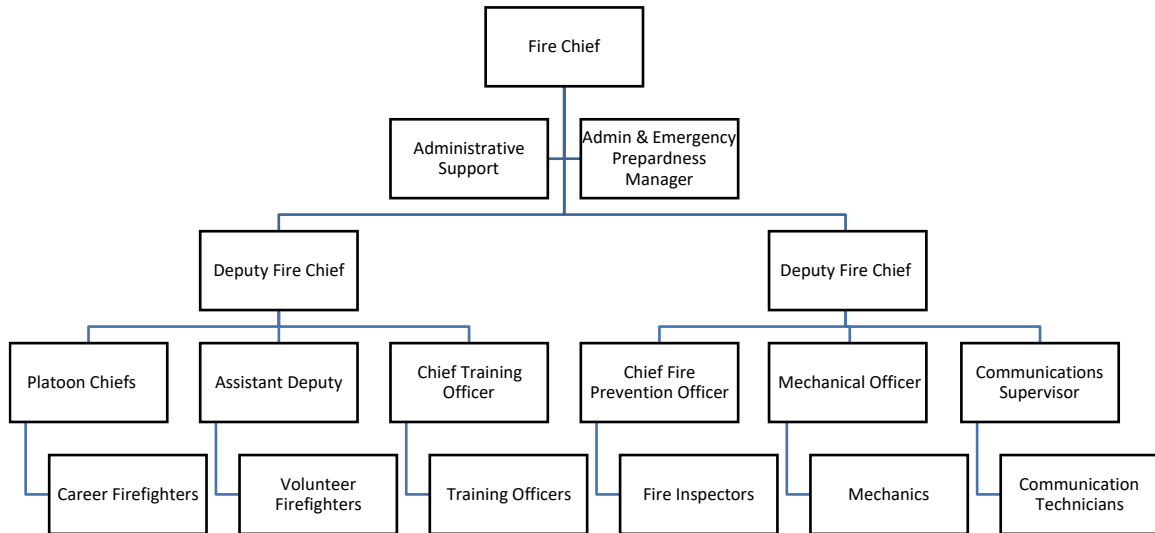
**15. Commencement**

15.1 This By-Law shall come into force and take effect on the date of its passing.

**This By-Law was Given Three Readings and Passed: June 1, 2021**

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## Schedule A Approved Organizational Chart



## **Schedule B**

### **Fire Protection Service Programs**

1. The following Fire Protection Services and programs are prescribed for the purposes of Section 5.1 of this By-Law:

#### **Emergency Operations Division**

- Fire Suppression (Firefighting)
- Technical Rescue
- Tiered Medical Response
- Marine Fire Suppression (provide offshore firefighting capabilities)
- Hazardous Materials Response
- Wildland/Brush Firefighting
- Aviation Firefighting

#### **Fire Prevention Division**

- Providing fire and life safety education to the public
- Enforcement of fire safety regulations and related fire codes
- Fire cause determination efforts including the preservation of evidence involving incendiary fires

#### **Training Division**

- Ensuring ongoing safety and compliance training of *members*
- Site specific training to ensure the knowledge, skills and abilities of the Members are evaluated and skills are proficient

#### **Communications Division**

- Answering and processing all emergency requests for assistance
- Dispatching the appropriate and timely resources in accordance with the Approved CRASOC

#### **Apparatus Maintenance Division**

- Maintaining the availability and safe operational condition of all fire department vehicles
- Ensuring life safety equipment attached to emergency equipment continually performs

#### **Administration Division**

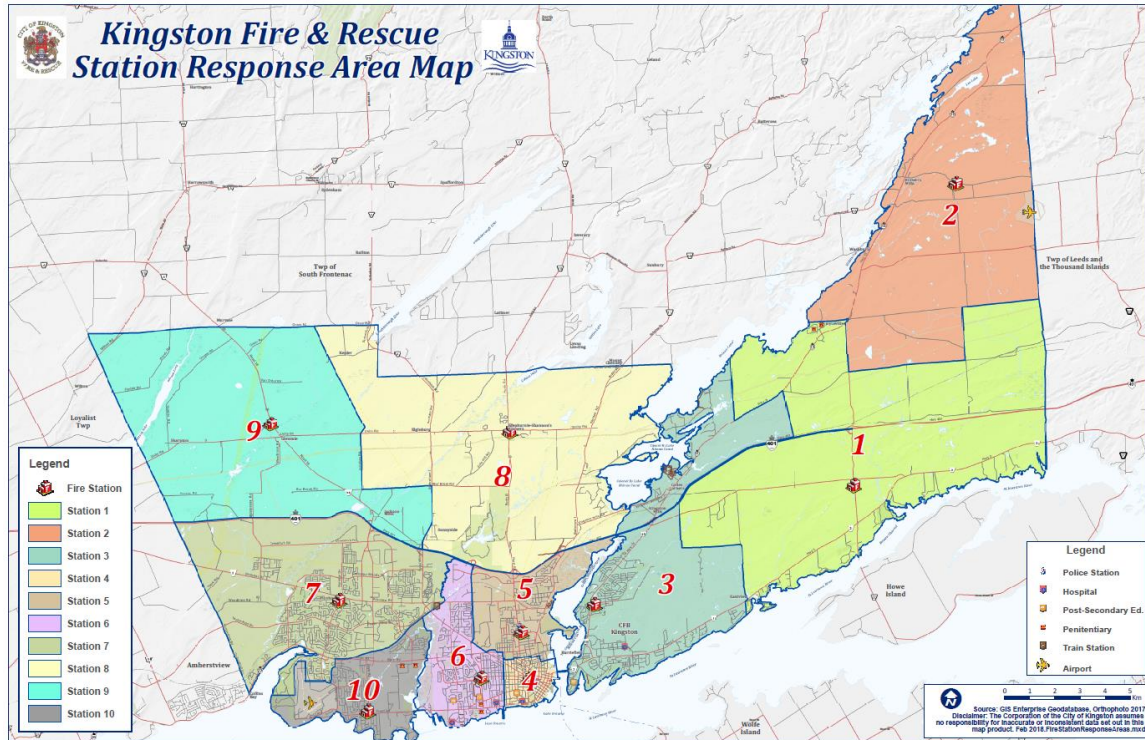
- Leading the strategic planning, reporting and administration requirements of the Fire department in an efficient manner

#### **Emergency Management Division**

- Fulfill the legislated role(s) within the City of Kingston Municipal 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.

## Schedule C

### Approved Station Response Area Map





**Schedule C continued**  
**Approved Fire Station Locations**

**Headquarters**

500 O'Connor Drive  
Kingston, ON  
K7P 1N3

**Station #1**

1648 Joyceville Road  
Kingston, ON  
K0H 1Y0

**Station #6**

262 Palace Road  
Kingston, ON  
K7L 4T2

**Station #2**

3505 Brewers Mills Road  
R.R. #1 Seeley's Bay, ON  
K0H 2N0

**Station #7**

905 Woodbine Road  
Kingston, ON  
K7P 2X4

**Station #3**

211 Gore Road  
Kingston, ON  
K7L 5H6

**Station #8**

1485 Unity Road  
Kingston, ON  
K0H 1S0

**Station #4**

271 Brock Street  
Kingston, ON  
K7L 1S5

**Station #9**

2835 Highway 38  
Kingston, ON  
K0H 1M0

**Station #5**

171 Railway Street  
Kingston, ON  
K7K 2M1

**Station #10**

127 Days Road  
Kingston, ON  
K7M 3P9

### Schedule D Approved Response Time Benchmarks

<b>Urban Response (Career)</b>	<b>Call Processing Time</b>	<b>Turnout time</b>	<b>Travel time</b>	<b>90<sup>th</sup> Percentile Total Response Time Benchmark</b>
<b>First on Scene</b>	90 seconds	80 seconds	240 seconds	410 seconds (6 minutes 50 seconds)
<b>Effective Response Force</b>	90 seconds	80 seconds	480 seconds	650 seconds (10 minutes 50 seconds)

<b>Urban Response (Volunteer)</b>	<b>Call Processing Time</b>	<b>Response Time</b>	<b>90<sup>th</sup> Percentile Total Response Time Benchmark</b>
<b>First on Scene</b>	90 seconds	540 seconds	630 seconds (10 minutes 30 seconds)
<b>Effective Response Force</b>	90 seconds	1020 seconds	1110 seconds (18 minutes 30 seconds)

<b>Rural Response</b>	<b>Call Processing Time</b>	<b>Response Time</b>	<b>80<sup>th</sup> Percentile Total Response Time Benchmark</b>
<b>First on Scene</b>	90 seconds	840 seconds	930 seconds (15 minutes 30 seconds)
<b>Effective Response Force</b>	90 seconds	1320 seconds	1410 seconds (23 minutes 30 seconds)