Agenda – Council – June 26, 2013

Report – Standing Policy Committee on Protection and Community Services – June 6, 2013

Item No. 2 Amendments to update the Fire Paramedic Service By-law No. 6311/94

STANDING COMMITTEE RECOMMENDATION:

On June 12, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services, and submitted the following to Council:

1. That the Fire Paramedic Service By-law No. 6311/94 be amended as per the draft by-law attached as Appendix A.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Council – June 26, 2013

Report – Standing Policy Committee on Protection and Community Services – June 6, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 12, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 6, 2013, the Standing Policy Committee on Protection and Community Services concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **Amendments to update the Fire Paramedic Service By-law 6311/94**

Critical Path: **Standing Policy Committee on Protection and Community Services – Executive Policy Committee – Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
Reid Douglas	Reid Douglas	N/A	D. Joshi

RECOMMENDATIONS

That Council enact an amending By-law (draft attached as Appendix A) to update the Fire Paramedic Service By-law No. 6311/94.

REASON FOR THE REPORT

Only Council can enact a by-law.

IMPLICATIONS OF THE RECOMMENDATIONS

The Fire Paramedic Service By-law was enacted in 1994 as a by-law to govern the Fire Department. Since then, several amendments have been made, including amendments to incorporate the Winnipeg Emergency Medical Service as part of the Fire Paramedic Service.

Nevertheless, in many respects, the By-law remains outdated and inadequate. These amendments will make some immediate improvements pending a more thorough review and overhaul.

The proposed amending By-law will include the following updates:

- Full recognition of the Emergency Medical Service within the By-law. For example, the definition of “equipment” will now include all equipment used to respond to emergencies, not just equipment used to fight or prevent fires. Similarly, Chief’s designate will have powers to control scenes of all emergencies, not just fires, and EMS personnel will now be as eligible as firefighters to recognition by Council for acts of heroism.

- The By-law currently sets out specific actions that the Chief's designate in charge at a fire can take, such as closing streets, ordering people out of an area and demolishing adjacent buildings. The By-law will now make clear that the Chief's designate in charge at a fire or other emergency has the residual power to take any actions or measures necessary to deal with the emergency.

- The current by-law sets out overly specific job descriptions for Deputy Fire Chiefs but ironically provides no job description at all for the Chief. The amendments will remove the job descriptions for the Deputies, giving the Chief more flexibility to assign functions to Deputies. The CAO will still be authorized to appoint Deputy Chiefs although the Chief will now have authority to appoint Assistant Chiefs.

- The amendments clarify that the Department may provide emergency services outside City boundaries in two circumstances. The first is if a formal agreement has been signed to this effect, as is the case for the Paramedic Service. The second is upon request from a representative of a municipal or other government and on condition that the requesting government pay the fees that have been established by Council for the equipment and personnel provided.

- The offence provisions have been gathered into one section. These include damaging Department equipment, hindering or obstructing firefighters and emergency responders in carrying out their duties, and disobeying orders issued by the departmental staff in charge at an emergency. In addition, in light of the potentially serious consequences of these offences, the maximum penalty has been raised from a maximum fine of $1000 (and/or six months in jail) for an individual and $5000 for a corporation to a maximum fine of $50,000 (and/or six months in jail).

HISTORY

The Fire Paramedic Service By-law was enacted in 1994 as a by-law to govern the Fire Department. Since then, several amendments have been made, including amendments to incorporate the Winnipeg Emergency Medical Service as part of the Fire Paramedic Service. For example, the name of the By-law was changed and a provision was added to make clear that the Fire Paramedic Service is made up of two branches – the Winnipeg Fire Department and the Winnipeg Emergency Medical Service.

FINANCIAL IMPACT

Financial Impact Statement **Date:** April 30, 2013

Project Name: Amendments to update the Fire Paramedic Service By-law 6311/94

COMMENTS:
There is no financial impact associated with this report.

original signed by
Janice Romaniuk
Manager of Finance & Administration

CONSULTATION

In preparing this report there was consultation with:

Corporate Support Services, Legal Services Department

SUBMITTED BY

Department: Fire Paramedic Service
Division: Administration
Prepared by: Michelle Weimer
Date: April 30, 2013
File No.

APPENDIX "A"

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Fire Paramedic Service By-law

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Fire Paramedic Service By-law amended

1 The Fire Paramedic Service By-law No. 6311/94 is amended by this By-law.

Section 1 amended

2 Section 1 is amended by

(a) replacing the definition *"equipment"* with the following:

"Equipment" *includes vehicles, supplies and equipment intended or used for the purposes of fighting or preventing fires or for responding to other emergencies.*

(b) adding the following definitions in alphabetical order:

"emergency" *means a present or imminent situation or condition that requires prompt action to prevent or limit:*

(a) loss of life;
(b) harm or damage to the safety, health or welfare of people; or
(c) damage to property or the environment.

"emergency response services" *includes the following services provided at the site of an emergency or a disaster:*

(a) fire suppression;
(b) emergency medical care;
(c) search and rescue;
(d) hazardous materials response.

"fire" *includes an explosion.*

Section 2 amended

3 Subsection 2(2) is amended by

(a) replacing *"property"* in clause (a) with *"equipment"*;

(b) adding the following clause immediately after clause (a):

(a.1) for establishing an organizational structure for the department, including duties for officers and members of the department;

Section 3 amended

4 Section 3 is amended in subsection (2), by striking out "*and any Assistant Chiefs*".

Section 4 replaced

5 Section 4 is replaced with the following:

Duties and powers of Chief

4(1) *The Chief shall carry out duties and tasks assigned to him or her by this By-law, the Fire Paramedic Service Regulations, Council or the Chief Administrative Officer, under the supervision of the Chief Administrative Officer.*

4(2) *Without restricting the general nature of subsection (1), the Chief is responsible for providing appropriate emergency response services at fires and other emergencies.*

4(3) *The Chief is responsible for the operation of the Winnipeg Fire Paramedic Service, including administrative staff.*

Section 5 and 6 repealed

6 Section 5 and 6 are repealed.

Section 7 replaced

7 Section 7 is replaced with the following:

Emergency response outside City limits

7 *The Chief may provide emergency response services outside the boundaries of the City of Winnipeg only:*

(a) in accordance with an agreement for the provision of emergency response services duly approved and executed by the City of Winnipeg; or

(b) in an emergency, at the request of a representative of the Government of Canada or the Government of Manitoba, or an agency of either of those governments, a municipal government, or a band as defined in the Indian Act (Canada), on condition that the body requesting the emergency response services agrees to provide payment upon demand for the emergency response services, including any personnel and equipment considered by the Chief to be necessary in order to respond to the emergency, in accordance with fees established by or on behalf of Council.

Section 8 amended

8 Section 8 is amended by

(a) adding *"Emergency Medical Responses and Other Emergencies"* in the heading;

(b) replacing the stem with "*The Chief or designate at the scene of a fire, emergency medical response or other emergency, may*";

(c) adding *"emergency medical response, or other emergency"* immediately after *"fire"* in clause (b);

(d) adding the following immediately after clause (c):

(d) order individuals who are not members of the department to evacuate or leave the site of a fire, emergency medical response or other emergency or to take other actions in order to facilitate the fighting of a fire or dealing with the emergency;

(e) take other actions or measures that are necessary to meet emergencies and to eliminate or reduce their effects.

Section 9 repealed

9 Section 9 is repealed.

Section 10 replaced

10 Section 10 is replaced with the following:

Recognition of valour

10. Council may, by resolution, recognize especially heroic, gallant or courageous actions by members of the Department by the presentation of a medal or some other appropriate gesture or declaration.

Section 11 amended

11 Section 11 is amended by:

(a) striking out "*wantonly or maliciously*" in subsection (1);

(b) replacing *"appliance"* with *"equipment"* in subsection (5);

(c) replacing subsection (6) with the following:

(6) No person shall in any way impede the Department, a member of the Department or a person providing assistance to a member of the Department from providing an emergency response service.

(d) replacing subsection (8) with the following:

(8) No person shall, without authorization,

(a) enter past the limits of an area prescribed by the Chief or designate in charge of a fire or other emergency under clause 8(b);

(b) enter into portions or streets or lanes that have been closed off under clause 8(c);

(c) refuse to comply with an order issued by the Chief or designate in charge at a fire or other emergency under clause 8(d);

(d) refuse to comply with an order issued by the Chief or designate in charge at a fire or other emergency under clause 8(e).

Section 11.1 added

12 The following is added immediately after section 11:

11.1 A person who contravenes a provision of this By-law is guilty of an offence and is subject, upon summary conviction, to a fine not exceeding $50,000.00 or, in the case of an individual, to imprisonment for a term of not more than six months, or to both a fine and imprisonment.

DONE AND PASSED, this day of , 2013.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Fire and Paramedic Chief

Approved as to form:

_____
For Director of Legal Services/City Solicitor