

**Community Services & Protective Services Report to
SPC on Community and Protective Services
2014 October 01**

CITY OF CALGARY RECEIVED IN COUNCIL CHAMBER OCT 06 2014 ITEM: <u>CPS2014-0720</u> <u>Urgent Business Distribution</u> CITY CLERK'S DEPARTMENT	ISC: UNRESTRICTED CPS2014-0720 Page 1 of 3
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CONSOLIDATION AND REVISION OF FIRE BYLAWS

EXECUTIVE SUMMARY

The Calgary Fire Department (Fire Department), in conjunction with the Law Department, have proposed text for a Fire Operations and Fees Bylaw that combines three existing bylaws into one single governing document. This proposed bylaw will provide the Fire Department with its authorities, governance and operating framework. Rather than updating each individual bylaw, it is more efficient to update and combine the bylaws to reflect the current operating environment of the municipality and the Fire Department.

The new consolidated bylaw framework contains 1) the specific role, responsibilities and authority of the Fire Chief, 2) the transition of fire fees from the bylaw to a fee schedule; and 3) a deterrent-based approach on fire calls that result in a false alarm. Council approval is required for the proposed Fire Operations and Fees Bylaw prior to consideration of Action Plan. To meet 2015-2018 Action Plan timelines, it is recommended this report and bylaw be forwarded as a matter of urgent business to the 2014 October 06 Combined Meeting of Council.

ADMINISTRATION RECOMMENDATION(S)

That the Standing Policy Committee on Community and Protective Services:

1. Forward this report as an item of urgent business to the 2014 October 06 Combined Meeting of Council;
2. Recommends that Council give three readings to the proposed City of Calgary Fire Operations and Fees Bylaw (Attachment 1).

**RECOMMENDATION OF THE SPC ON COMMUNITY AND PROTECTIVE SERVICES,
DATED 2014 OCTOBER 01:**

That Council give three readings to the proposed **Bylaw 55M2014**, City of Calgary Fire Operations and Fees Bylaw.

Excerpt from the Minutes of the Regular Meeting of the SPC on Community and Protective Services, dated 2014 October 01:

"And further, that the distributed powerpoint presentation entitled "Consolidation and Revision of Fire Bylaws, CPS2014-0720", be attached to Report CPS2014-0720 prior to being forwarded to Council."

PREVIOUS COUNCIL DIRECTION / POLICY

In 1984, The Fire Department By-law was approved by Council. It was subsequently amended, on 1999 October 4, via report C99-68, "Implementation of Level 1 Corporate Restructuring", and again on 2000 January 24 via report C2000-05, "Implementation of the New Organization Structure to Level 3".

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On 2003 November 3, Council approved report, CPS2003-75, "Fire Department Rates and Fees for Service Report", which enabled Bylaw 40M2003 to come into effect and enable the Fire Department to vacate buildings and to establish fees for services provided by the Fire Department. The Bylaw was subsequently amended via Amending Bylaw 56M2004 included in report CPS2004-85, "Fire Department Rates and Fees for Service Report" on 2004 December 13, Amending Bylaw 16M2006 included in report CPS2006-02, "Fire Fees Bylaw Change" approved by Council on 2006 January 16, and Amending Bylaw 45M2013 included in report C2013-0668, "Proposed Adjustment to the 2014 Business Plans and Budgets" approved on 2013 November 25.

On 2003 November 3, Council approved report, CPS2003-76, "New Commercial Burning Bylaw" to enact Bylaw 48M2003 which provided the standardized requirements for commercial burning and ground thawing to help protect citizens and worker safety. No amendments to Bylaw 48M2003 have occurred.

BACKGROUND

During the Fire Department's international reaccreditation in 2009, the Commission on Fire Accreditation International provided a strategic recommendation to the Department to update Bylaw 37M84. While modernizing this bylaw, it was deemed appropriate to review, update and consolidate all applicable Fire Department bylaws. The three bylaws being repealed are:

- Bylaw 37M84, The Calgary Fire Department Bylaw (Attachment 2)
- Bylaw 40M2003, The Fire Fees Bylaw (Attachment 3)
- Bylaw 48M2003, The Commercial Burning Bylaw (Attachment 4).

In addition, the following bylaw is being repealed:

- Bylaw 7342, the 1968 Calgary Fire Prevention Bylaw. (Attachment 5).

A single Fire Operations and Fees Bylaw has been prepared that encompasses the governance, operations, and authorities of the Fire Department and would be effective 2015 January 1.

The following describes the content of the current bylaws that would be repealed and replaced by the Fire Operations and Fees Bylaw:

1. The City of Calgary Bylaw 37M84 established the governing authority, provision of policies, programs and services of the fire service that includes the prevention or extinguishing of fires, the preservation of life and property and the protection of persons from injury or destruction from fire.
2. The City of Calgary Bylaw 40M2003, the Fire Fees Bylaw, enables the Fire Department to vacate buildings and to establish fees for services provided by the Fire Department such as inspections, reports, permits, false alarm responses as well as extraordinary or unusual circumstances.
3. The City of Calgary Bylaw 48M2003, the Commercial Burning Bylaw, was established to regulate the construction trade with respect to commercial burning and ground thawing to ensure the health and safety of the public.
4. Repealing of Bylaw 7342, the 1968 Calgary Fire Prevention Bylaw is a housekeeping task as the bylaw had not been previously repealed in the past.

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5. A consequential amendment has also been made to the Community Standards Bylaw 5M2004 related to fire bans. The Fire Chief's authority to declare fire bans has been incorporated into the proposed Fire Department bylaw. Accordingly, the existing provisions in the Community Standards Bylaw will be repealed.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The proposed bylaw has been prepared to simplify the legislative framework by combining three bylaws, and updating existing provisions to reflect the current operating environment of the City of Calgary. The nature and extent of revisions varies by bylaw. For instance, Bylaw 37M84 refers to the Commissioner during a time when the Fire Department reported to a Board of Commissioners, and to provisions of a *Fire Prevention Act* (Section 10) that no longer exist. Encompassing all Fire Department authorities into a single governance document will help simplify Fire Department operations and eliminate conflicting or outdated provisions in its regulatory framework.

The proposed bylaw contains matters specific to the position of Fire Chief. The proposed bylaw continues the appointment of the Fire Chief by Council, as is currently set out in Bylaw 37M84. The proposed bylaw expressly provides that the Fire Chief is accountable to the General Manager of Community Services and Protective Services, in accordance with the current City organizational structure. The General Manager is responsible for the Fire Chief's performance management, and has the authority to appoint an interim Fire Chief if the position becomes vacant. The proposed bylaw sets out the Fire Chief's responsibility for fire protection services provided by the City and the Fire Chief's authority to prescribe the rules, regulations and policies for the efficient and sustainable operation of the Fire Department. It also sets out the limits of the Fire Chief's authority and conditions under which the Fire Chief may dispatch apparatus beyond those limits.

Secondly, the relevant provisions contained in existing bylaws have been incorporated into the proposed bylaw including the Fire Department authority at incidents, control of hazards and reporting, and offences and penalties. In addition, following are the updates to the proposed content contained in the proposed Fire Operations and Fees Bylaw.

With respect to the Fire Fees Bylaw 40M2003, the provisions to establish fees related to the fire service have been incorporated into the proposed bylaw. The primary change in the Fire Fees Bylaw is the transition to a fee schedule approach which is consistent with Council's approved User Fees and Subsidies Policy (CFO010) that came into effect in 2011 (FCS2011-12). The Fire Department began updating its fees beginning in 2014 via an amending bylaw. In the 2015-2018 Action Plan, the Fire Department is beginning to transition to a long-term cost recovery model with respect to its fees. Fees related to business licensing inspections, issuance of permits, service fees, and compliance inspections have been moved to a fee schedule that will no longer be encompassed in the bylaw. The fee schedule streamlines the updating of fees on a business cycle basis, approved by Council at the time of business plan and budget deliberations. To accommodate this new approach, and meet a 2014 October 10 Action Plan 2015-2018 deadline, it is recommended that this report and bylaw be forwarded, as an item of urgent business, to the 2014 October 06 Combined Meeting of Council.

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A change to false alarm fees within the Fire Fees Bylaw 40M2003 has also been incorporated within the proposed bylaw. Research from other cities highlights The City's approach to false alarm fees has been lenient. For instance, Edmonton's false alarm fees are \$306, \$612 and \$1,224 for fire crews being dispatched to second, third, and fourth fire calls that result in a false alarm. The City of Toronto deems such calls as nuisance false alarms and recovers all costs from single family homes (\$820 per dispatch) and from commercial properties (\$1,230). To encourage greater compliance from commercial property owners in Calgary, the bylaw proposes increased rates for second false alarm calls (\$300 from \$265), third false alarm calls (\$600 from \$530), and for four or more calls, a fee of \$1,000, plus a mandatory fire inspection.

Given the volume of calls that Fire Department crews attend annually, it was deemed important that a deterrent approach be adopted with respect to fire calls that result in a false alarm. In 2013, of the 15,091 fire incident calls to which fire crews were dispatched, the outcome was 57% or 8,630 false alarm calls. The current fees represent a fraction of the costs to dispatch fire crews to an incident; the remainder of the costs are borne by the citizens of Calgary through property taxes. Increasing false alarm fees is intended to encourage responsible property owner behaviour and reduce the tax burden on Calgarians.

Finally, given changes in the construction industry, commercial burning and ground thawing methodologies have changed to be more environmentally friendly. The Commercial Burning Bylaw 48M2003 provisions have been updated to reflect current industry practices and to address public safety concerns related to open air fires. Open air fires include such events as fireworks, pyrotechnics as well as fires for training purposes, all of which were included in the existing bylaw and have been pooled into a category named open air fires in the proposed bylaw.

The provisions related to the Fire Department's ability to recover costs during extraordinary and unusual circumstances contained in the Fire Fees Bylaw 40M2003 have been combined. As is currently the case, this enables the Fire Department to charge an additional fee when providing emergency response services that take an unusually long time or require specialized equipment, apparatus or materials, or for any other reason outside of the Department's control.

In totality, the proposed bylaw consolidates and updates the various provisions in each of the bylaws to provide the Fire Department with a single and more effective governing document.

Stakeholder Engagement, Research and Communication

The Fire Department has worked with the Law Department to bring the provisions up to date to reflect current practices and the municipal environment.

Strategic Alignment

The 2020 Sustainability Direction in the focus area of:

- *Community Well-being: Safety and Resiliency* - Calgary, its communities and neighbourhoods are safe, resilient and supportive.
- *Sustainable Corporation: Effective Service Delivery* – Services and service levels, and business plans and budgets for external and internal programs are aligned to long-term goals, policies, and citizen priorities through regular review and citizen engagement.

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Council Priorities from 2015-2018 Action Plan:

- *A City of Inspiring Neighbourhoods*: Keep communities safe by meeting and maintaining standards for crime prevention, fire response and enforcement.
- *A Well-Run City*: Continue to transform the organization to be more citizen-focused in its approach and delivery of service.

Council's Fiscal Plan for Calgary 2012-2014:

- Ensuring every Calgarian lives in a safe place and has the opportunity to succeed.

Social, Environmental, Economic (External)

The proposed bylaw maintains the authority of the Fire Department to execute its life safety, protection of property and preservation of the environment to ensure public safety through a clear regulatory instrument. It continues to support administrative processes within the Fire Department by providing up-to-date guidance for the delivery of its programs and services.

Financial Capacity

Current and Future Operating Budget:

None.

Current and Future Capital Budget:

None.

Risk Assessment

No significant risks have been identified. However, approval of the proposed bylaw is necessary to discontinue the fee structure included in the Fire Fees Bylaw 40M2003 currently in effect, and to enable Corporate Initiatives to bring forward the fee schedule proposed for Action Plan 2015-2018 that is to be effective 2015 January 1.

REASON(S) FOR RECOMMENDATION(S):

Approval of the Fire Operations and Fees Bylaw will provide the Fire Department with the up-to-date regulatory authority to operate in the municipality and for the administration of the Calgary Fire Department. It will also allow the Fire Department to comply with a 2009 strategic recommendation set out by the Commission on Fire Accreditation International with respect to its municipal regulatory environment.

ATTACHMENT(S)

1. Proposed Bylaw 55M2014
2. Bylaw 37M84, The Calgary Fire Department Bylaw
3. Bylaw 40M2003, The Fire Fees Bylaw
4. Bylaw 48M2003, The Commercial Burning Bylaw
5. Bylaw 7342, The 1968 Calgary Fire Prevention Bylaw
6. **Powerpoint Presentation**