



Memorandum

Corporate By-law Number: 028-2026-Infrastructure & Operations - Thunder Bay Fire Rescue

TO: Office of the City Clerk

FROM: Dave Paxton, Fire Chief
Thunder Bay Fire Rescue

DATE PREPARED: December 8, 2025

SUBJECT: By-law 28-2026 – A by-law to Establish and Regulate the Thunder Bay Fire Rescue and to repeal By-law 50-1984 and Chapter 890 of the City of Thunder Bay Municipal Code.

MEETING DATE: City Council – February 3, 2026

By-law Description: A By-law to establish and regulate Thunder Bay Fire Rescue and to repeal By-law 50-1984, as amended and to repeal Chapter 890 of the City of Thunder Bay Municipal Code.

Authorization: Report 066-2026 (Infrastructure & Operations – Thunder Bay Fire Rescue) – City Council – February 3, 2026

By-law Explanation: The purpose of this by-law is to repeal the outdated 1984 by-law and adopt the new Thunder Bay Fire Rescue Establishing & Regulating By-law, ensuring alignment with legislation, operational practices, and Council-approved service levels. This by-law will also repeal Chapter 890 – Fire Service – Regulation, of the City of Thunder Bay Municipal Code.

Schedules and Attachments:

Schedule “A” - Fire Protection Services and Programs

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER 028-2026

A By-law to establish and regulate Thunder Bay Fire
Rescue and to repeal Chapter 890 of the City of
Thunder Bay Municipal Code and to repeal
By-law 50-1984, as amended

Recitals

1. Subsection 2(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c 4, as amended (the "FPPA"), 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 the provision of fire protection services as it determines may be necessary in accordance with its needs and circumstances;
2. Subsection 2(2)(b) of the FPPA permits a municipality, in discharging the responsibilities under subsection 2(1), to establish a Fire Department;
3. Subsection 5(0.1) of the FPPA permits a Council of a municipality to establish, maintain and operate a Fire Department for all or any part of the municipality;
4. Subsection 5(1) of the FPPA requires a Fire Department to provide fire suppression services and permits the Fire Department to provide other Fire Protection Services in the municipality;
5. Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act, 2001*"), provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;
6. Subsection 10(2) 6. of the *Municipal Act, 2001* provides that a municipality may pass by-laws for the health, safety and well being of persons;
7. Section 227 of the *Municipal Act, 2001* provides that it is the role of officers and employees of the municipality to implement Council decisions and establish practices and procedures to implement those decisions; and
8. Subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose a fee or a charge for services provided by it.
9. City Council approved By-law 50-1984, to establish and regulate the City of Thunder Bay Fire Department on March 13, 1984.
10. By-law 50-1984 was subsequently adopted as Chapter 890 of the City of Thunder Bay Municipal Code, titled Fire Service – Regulation on November 12, 1996.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. General

1.1 Short Title: This By-law may be cited as "Thunder Bay Fire Rescue By-law".

1.2 Definitions:

- a) "Additional Expenses" means the cost to the City of any Additional Resources, including any applicable taxes and administrative fees;
- b) "Additional Resources" includes the use of:
 - (i) a private contractor,
 - (ii) special equipment that is rented or contracted by Thunder Bay Fire Rescue,
 - (iii) consumable materials not normally carried on a fire vehicle, or
 - (iv) consumable materials that are used in addition to the amount of those consumable materials normally carried on a fire vehicle;
- c) "City" means The Corporation of the City of Thunder Bay;
- d) "Confined Space" means any space that has limited or restricted means for entry or exit (e.g. tanks, vessels, silos, storage bin, hoppers, vaults, trenches, excavations and pits) and that is not designed for continuous human occupancy;
- e) "Council" means the Council of The Corporation of the City of Thunder Bay;
- f) "Deputy Fire Chief" means the person appointed by the Fire Chief who acts on behalf of the Fire Chief in the case of an absence or a vacancy of the Fire Chief; "Division" means a Division of the Thunder Bay Fire Rescue as provided for in this By-law;
- g) "Fire Chief" means the person appointed by Council to act as Fire Chief for the City and who is ultimately responsible to Council for the delivery of Fire Protection Services;
- h) "Fire Department" means Thunder Bay Fire Rescue ("TBFR");

- i) "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 thereunder.
- j) "Fire Protection Services" includes fire suppression, rescue and emergency services response, fire and life safety code inspection and enforcement, fire investigation, fire and life safety public education, the management and maintenance of facilities, apparatus and equipment, and the training and professional development of persons involved in the provision of Fire Protection Services;
- k) "Hazmat" means Hazardous Materials;
- l) "High Angle" means an environment in which the load is predominately supported by a rope rescue system;
- m) "Limited Services" means a reduced number of fire fighters and/or equipment and/or apparatus, or a delay in response.
- n) "Member" means any person employed in or appointed to TBFR and assigned to undertake Fire Protection Services; and
- o) "Officer" includes the Fire Chief, Deputy Fire Chiefs, Division Chiefs, Platoon Chiefs, and all other supervisory positions within the Fire Department.
- p) "Trench" means Trench Rescue.
- q) "USAR" means Urban Search and Rescue.

2. Establishment and Composition

- 2.1 The Fire Department is continued under this By-law to provide Fire Protection Services for the City and shall continue to be known as Thunder Bay Fire Rescue ("TBFR").
- 2.2 The Fire Department shall consist of the Fire Chief, Deputy Fire Chiefs, Division Chiefs, Platoon Chiefs, other Officers, Members and operational staff, administrative support staff and any other person as may be approved by Council for the Fire Department to perform fire, rescue and other emergency protection services.

3. Organization and Core Services

- 3.1 TBFR shall be organized into the following Divisions:
 - a) Operations Division – Suppression which provides fire fighting and emergency response.

- b) Fire Prevention and Investigation which also provides public education.
 - c) Training
 - d) Apparatus and Equipment.
 - e) Administration.
- 3.2 The Divisions set out in Section 3.1 shall provide the programs and services as prescribed at Schedule "A", which forms part of this By-law.
4. Levels of Service
- 4.1 The Fire Department will provide all properties within the City Limits with an equal level of response of both equipment and firefighter personnel.
 - 4.2 Limited Service may be provided by the Fire Department. Limited Service may result from those conditions such as responding to multiple emergencies, travel distance, training levels of personnel, limited water supply, environmental conditions, and structural integrity.
5. Authority and Responsibilities of the Fire Chief
- 5.1 The Fire Chief shall be the head of the Fire Department and is responsible to Council for the effective operation and administration of TBFR.
 - 5.2 The Fire Chief is ultimately responsible to Council for the effective delivery of Fire Protection Services.
 - 5.3 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 City, subject to City hiring practices, policies, procedures, by-laws, and collective agreements.
 - 5.4 The Fire Chief may assign or re-assign such members to a Division as required for the effective operation and administration of that Division.
 - 5.5 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 the Fire Protection Services for the City and for the prevention, control and extinguishment of fires, the protection of life and property and the management of emergencies.

5.6 Without restricting the generality of subsection 5.5 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 following:

- a) For the care and protection of all property belonging to the Fire Department;
- b) For arranging for the provision of necessary and proper facilities, apparatus, equipment, materials, services, and supplies for the Fire Department;
- c) For determining and establishing the qualifications and criteria for employment or appointment to all positions within the Fire Department, subject to City hiring practices, policies, procedures, by-laws, and collective agreements, and in accordance with provincial certification standards;
- d) For determining and establishing the duties of all Members and administrative support staff of the Fire Department;
- e) For determining the number and assignment of staff required for operating the Fire Department in an efficient manner taking into consideration the level of core services and annual operating budget as determined by Council.
- f) For the conduct and the discipline of Members and administrative support staff of the Fire Department.
- g) For the preparation of Community Risk Assessment and Community Risk Reduction Plan, as required pursuant to O. Reg. 378/18, as amended.
- h) For preparing and upon approval by Council, implementing and maintaining such Fire Department strategic plans and Master Fire Plans as may be required by Council, on behalf of the City.
- i) For reporting to the appropriate crown attorney or other prosecutor or law enforcement officer or other officer the facts based on 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 an offence has been committed under the FPPA;
- j) For keeping an accurate record, in convenient form for reference, of all fires, rescues and emergencies responded to by the Fire Department;
- k) For keeping such other records as may be required by Council and the FPPA;

- l) For preparing and presenting the reports of the Fire Department to Council;
 - m) For preparing and presenting the annual operating and capital budget of the Fire Department to Committee of the Whole and City Council; and
 - (n) 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 City, including without limitation those requiring the prior approval of or prior 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.
- 5.7 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 City by-law respecting Fire Protection Services.
- 5.8 The Fire Chief shall periodically review the general orders, policies, procedures, rules, and regulations made under this By-law, and shall periodically review any City by-law respecting Fire Protection Services, including this By-law , and may for the purpose of any review establish an advisory committee consisting of such Members and other persons, including members of the general public as the Fire Chief may determine are necessary to assist him in the discharge of this duty.
- 5.9 The Fire Chief may recommend by-law amendments to Council that the Fire Chief considers appropriate after the completion of a review as set out in subsection 5.8.
- 5.10 The Fire Chief may revise or delete any general orders, policies, procedures, rules, and regulations made under this By-law that the Fire Chief considers appropriate after the completion of a review as set out in subsection 5.8.
- 5.11 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*.
- 5.12 The Fire Chief may liaise with the Office of the Fire Marshal of Ontario and any other office or organization 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 City.

- 5.13 The Fire Chief may, from time to time, utilize such Members and administrative support staff of the Fire Department as the Fire Chief considers appropriate to assist in the performance of the Fire Chief's duties.
6. Deputy Fire Chiefs
- 6.1 The Deputy Fire Chiefs shall be the second ranking Officers 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.
- 6.2 Where the Fire Chief is absent one of the Deputy Fire Chiefs, as decided upon by the Fire Chief in advance, shall act on the Fire Chief's behalf.
- 6.3 Where the Fire Chief is absent and has not appointed one of the Deputies to act on his or her behalf, or there is a vacancy in the office of the Fire Chief, one of the Deputy Fire Chiefs shall be appointed as acting Fire Chief by the Commissioner with the responsibility over the Fire Department.
- 6.4 Where a Deputy Chief is acting as the Fire Chief, the Deputy Chief has all the powers and responsibilities as the Fire Chief provided under any City by-law, including this By-law, and any provincial statute or regulation.
7. Members and Administrative Support Staff
- 7.1 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 highest ranking Officer present in any place.
- 7.2 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.
- 7.3 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.
- 7.4 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.

8. Use of Fire Department Property

8.1 No person shall use or permit to be used any apparatus, equipment, or other property of the Fire Department for any personal or private use, without the prior approval of the Fire Chief.

8.2 No person shall willfully damage or render ineffective or inoperative any apparatus, equipment or other property belonging to or used by the Fire Department.

9. Fire Suppression and Other Emergencies

9.1 The Fire Department may respond to and suppress any fire by extinguishing the fire and by taking any other reasonable action required to respond to the fire, and, for these purposes, may enter private property, if necessary, to do so.

9.2 For the purposes of this section "fire" shall include, with any necessary modifications, an emergency, rescue, or hazardous condition.

9.3 The Fire Department may pull down or demolish any building or structure when considered necessary to prevent the spread of fire.

9.4 Despite any other section of this By-law, no person present at a fire, shall refuse to leave the immediate vicinity when required to do so by the Fire Department.

9.5 During a fire, and for the time that is required to complete the operations, no person shall remove the equipment of the Fire Department

9.6 During a fire, and for the time that is required to complete the operations 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) metres on each side of the property damaged by fire; and

b) Any additional street or lane or part of a street or lane or any additional limits in the vicinity of the fire, as may be prescribed by the Fire Chief or the highest ranking Officer present at the fire.

9.7 The provisions of subsections 9.5 (a) and (b) 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 or by a police officer.

10. Emergency Responses Outside the Limits of the Municipality

- 10.1 The Fire Department shall not respond to a call with respect to a fire emergency, rescue or hazardous condition outside the territorial limits of the City except with respect to a fire or emergency:
- a) That, in the opinion of the Fire Chief, threatens property in the territorial limits of the City or property situated outside the territorial limits of the City that is owned or occupied by the City.
 - b) In a municipality with which an approved automatic aid or mutual aid agreement has been entered into to provide Fire Protection Services.
 - 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 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 territorial limits of the City where the Fire Chief determines that immediate action is necessary to preserve life or property and the appropriate fire department is notified to respond and assume command or establish alternative measures, acceptable to the Fire Chief.
 - f) At the discretion of the Fire Chief, to an unincorporated area of Ontario that is not already protected by a fire service and where the City is entitled to reimbursement for the response from the Province.

11. Recovery of Additional Expenses

- 11.1 If, as a result of the Fire Department's response to a fire or other emergency, rescue or hazardous condition, the Fire Chief determines that it is necessary to use Additional Resources in order to suppress or extinguish a fire, preserve property, carry out required investigations, prevent a fire from spreading, control and eliminate an emergency, carry out or prevent damage to equipment owned by the City or otherwise carry out the duties and functions of the Fire Department, the owner of the property or motor vehicle requiring or causing the need for the Additional Resources shall be liable to pay the Additional Expenses to the City.
- 11.2 Any Additional Expenses shall be considered a fee or charge imposed for services provided or done by or on behalf of the City under the *Municipal Act, 2001* and shall be billed as a fee for services to the owner of the property or vehicle as the case may be.

- 11.3 The Additional Expenses shall constitute a debt of the owner to the City.
 - 11.4 The City may take such action as it considers necessary and as is permitted by law to collect the Additional Expenses.
 - 11.5 The owner shall be liable to pay to the City any costs incurred by the City in collecting the Additional Expenses and these costs shall be deemed to be Additional Expenses under this section;
 - 11.6 Without restricting the generality of the foregoing where the Additional Expenses, or any portion of them remain unpaid, for a period in excess of 90 days, the Additional Expenses, or any portion of them that are unpaid shall be added to the tax roll for any real property within the territorial limits of the City owned by the owner referred to subsection 11.1 and shall be collected in a like manner as municipal taxes.
12. Interference
 - 12.1 No person shall impede, interfere with, hinder, or attempt to impede, interfere with, or hinder any Officer or Member of the Fire Department in the performance of their duties under this Bylaw.
 - 12.2 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.
13. Offences
 - 13.1 Every person who contravenes any provision of this By-law or fails to comply with an order or directive issued under this By-law, is guilty of an offence and is liable to a fine not exceeding the maximum fines set out on the *Municipal Act*, S.O. 2001, c. 25, as amended, and to such other penalties, as provided for in the *Provincial Offences Act*, R. S. O. 1990, c. P.33, as amended.
 - 13.2 Where a person has been convicted of an offence under this by-law, the court in which the conviction is entered and any court competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.
14. Conflict and Severability
 - 14.1 If this By-law conflicts with any other City by-law, this By-law shall supersede and prevail over the other by-law to the extent of the conflict.
 - 14.2 Should any provision of this By-law be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as

a whole or any part thereof, other than the part which was declared to be invalid.

15. Repeal and Enactment

15.1 Chapter 890 of the City of Thunder Bay Municipal Code, titled Fire Service – Regulation is repealed.

15.2 By-law 50-1984, as amended, is hereby repealed.

15.3 This By-law shall come into effect upon the day it is passed.

Enacted and passed this 3rd day of February, A.D. 2026 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Andrew Foulds

Speaker

Jeff Walters

Deputy City Clerk