



MUNICIPALITY OF
West Elgin

The Corporation Of The Municipality Of West Elgin

By-Law No. 2020-48

A By-Law To Appoint A Fire Chief For The West Elgin Fire Department.

Whereas the *Municipal Act, 2001, S.O. 2001*, as amended, section 8 (1) provides that the powers of a municipality under this or any other Act 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 the *Municipal Act, 2001, S.O. 2001*, as amended, section 5 provides that a municipality's powers shall be exercised by by-law; and

Whereas Part II, Section 6 (1) of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4* as amended, states that if a fire department is established for the whole or a part of a municipality or for more than one municipality, the council of the municipality or the councils of the municipalities, as the case may be, shall appoint a fire chief for the fire department; and

Whereas Part II, Section 6 (2) of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4* as amended, the council of a municipality or the councils of two or more municipalities may appoint one fire chief or two or more fire departments; and

Whereas Part II, Section 6 (3) of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4* as amended, a fire chief is the person who is ultimately responsible to the Council of a municipality that appointed him or her for the delivery of fire protection services; and

Whereas Part II, Section 6 (5) of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4* as amended, the fire chief may exercise all the powers assigned to him or her under this Act within the territorial limits of the municipality and with

any other area in which the municipality has agreed to provide fire protection services, subject to any conditions specified in the agreement; and

Whereas Part II, Section 6 (6) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4 as amended, a fire chief may delegate his or her powers or duties under sections 14, 19 and 20 and such other powers and duties as may be prescribed to any firefighter or class of firefighters, subject to such limitations, restrictions or conditions as may be prescribed or set out in the delegation. 1997, c. 4, s. 6.; and

Whereas Part II, Section 7.1 (4) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4 as amended, a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with. 2001, c. 25, s. 475 (3); and,

Whereas Part II, Section 7.1 (5) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4 as amended, the exercise of powers by an officer appointed under this section shall be carried out in accordance with Part XIV of the *Municipal Act, 2001*, other than clause 431 (a) of that Act or with Part XV of the *City of Toronto Act, 2006*, other than paragraph 4 of subsection 375 (1) of that Act, as the case may be. 2001, c. 25, s. 475 (3); 2006, c. 32, Sched. C, s. 20 (1).; and

Whereas the Council of the Corporation of the Municipality of West Elgin deems it expedient to appoint a Fire Chief; and

Now Therefore the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. That the Corporation of the Municipality of West Elgin hereby appoints Jeff McArthur to the position of Fire Chief, effective July 1, 2020.
2. That by-law 2019-37- are repealed effective July 1, 2020.
3. That this by-law shall come into force and take effect on July 1, 2020.

Read a first, second, and third time and finally passed this 16th day of July, 2020.

Duncan McPhail
Mayor

Jana Nethercott
Clerk