



REQUEST FOR A DECISION

City Council – October 11, 2022

To: Her Worship Mayor Kate Rogers and Members of City Council

From: David McKinley, ADC, Fire Prevention/Training

Date: September 21, 2022

Title: Appointment of Fire Prevention/By-law Enforcement Officers

ISSUE:

City Council approval is requested to proceed with the appointments of Inspector Joshua Bradley and Inspector Jason Waterhouse as Fire Prevention and By-law Enforcement Officers, thereby authorizing them to enforce fire related City by-laws.

RECOMMENDATION(S):

A. Recommendation:

It is recommended that the following resolution be forwarded to City Council for consideration: BE IT RESOLVED THAT the Council of the City of Fredericton hereby appoints and designates Inspector Joshua Bradley and Inspector Jason Waterhouse as Fire Prevention Officers pursuant to By-law No. S-2, A By-law Respecting Fire Prevention, effective immediately, within the territorial boundary of the City of Fredericton; and BE IT FURTHER RESOLVED THAT the Council of the City of Fredericton hereby appoints and designates Inspector Joshua Bradley and Inspector Jason Waterhouse, pursuant to Section 72 the Local Governance Act and Subsection 14(3) of the Police Act, as By-law Enforcement Officers to enforce By-law No. S-15, A Fire Lane By-law for the City of Fredericton, and By-law No. S-2, A By-law Respecting Fire Prevention, effective immediately, within the territorial boundary of the City of Fredericton; and BE IT FURTHER RESOLVED THAT the appointments shall continue until Inspector Joshua Bradley and Inspector Jason Waterhouse cease to be employed with the City of Fredericton Fire Department or until their respective appointments under this resolution are rescinded by City Council, whichever comes first.

B. Other option:

City Council may choose not to appoint Inspector Bradley and Inspector Waterhouse as Fire Prevention Officers, and as By-law Enforcement Officers, under Section 14 of the *Police Act* and Section 72 of the *Local Governance Act*.

SITUATION, BACKGROUND & DISCUSSION:

Inspector Bradley and Inspector Waterhouse have completed the required fire inspection courses, their credentials have been recognized by the Province of New Brunswick, and they have been appointed as Fire Prevention Officers under the authority of the Office of the Fire Marshal.

The appointment of Fire Prevention and By-law Enforcement Officers grants authority to employees of the City's Fire Prevention Division to enforce local by-laws. This includes serving orders to non-compliant property owners under By-law No. S-2, A By-law Respecting Fire Prevention, and issuing parking tickets for vehicles illegally parked in fire lanes, as per By-law No. S-15, A Fire Lane By-law for the City of Fredericton.

Under the *Local Governance Act* and QMS policy *PUB-POL-004, By-law Enforcement*, City Council approval is required to appoint persons to enforce City by-laws.

FINANCIAL: *The Department/Division has determined that there are no financial considerations associated with this matter. The **City Treasurer** was not specifically consulted with respect to this administrative report.*

LEGAL: In order to ensure compliance with the *Local Governance Act* and the *Police Act*, the appointment of individuals to enforce City of Fredericton by-laws must be duly authorized by City Council, otherwise successful enforcement may not be achieved. Once appointed, the by-law enforcement officer has the jurisdiction to write and serve tickets within the territorial boundary of the municipality inscribed under the noted by-laws, and for no other.

The relevant sections of the *Local Governance Act* are as follows:

- 72 A council may appoint by-law enforcement officers for the local government and may determine their terms of office.
- 80 A by-law enforcement officer of a local government has the powers and duties prescribed by by-law, this Act and the regulations under this Act and any other Act.
- 186(1) A local government may make by-laws for municipal purposes respecting preventing and extinguishing fires and protecting property from fire that, without limitation,
 - (a) provide for the appointment of fire prevention officers;
 - (b) authorize fire prevention officers to enforce the *Fire Prevention Act* and the regulations made under that Act;

The relevant section of the *Police Act* is as follows:

- 14(3) Within the territorial boundaries of the municipality for which a by-law enforcement officer is appointed, the by-law enforcement officer has the powers and immunities of a police officer for the purposes of enforcing the by-laws of the municipality for which he or she is appointed as are stipulated in the appointment, but has in no other regard the powers or immunities of a police officer.

The relevant sections of *By-law S-2* is as follows:

- 1.01 There shall be appointed officers in the Fredericton Fire Department to be known as the Fire Prevention Officers.
- 1.04 Fire Prevention Officers and any member of the Fredericton Fire Department appointed by Council as a By-law Enforcement Officer shall be responsible for the enforcing of the provisions of this by-law.

COMMUNICATIONS: *The Department/Division has determined that there is no communication considerations associated with this matter. Neither Corporate nor Strategic Communications was consulted with respect to this administrative report.*

• **CLIMATE LENS:**

Does this proposal move the City of Fredericton closer to its greenhouse gas (GHG) emissions reduction targets of 50% reduction by 2030 and net-zero by 2050 in line with the City's Corporate Energy & Emissions Plan and/or Community Energy Emission Plan?

- ☐ Moves us towards GHG reduction targets
- ☒ No change in GHG emissions
- ☐ Moves us away from GHG targets but there are trade-offs with other Council or Municipal Plan priorities (*identify which priorities*)

Does this proposal improve the City of Fredericton's resilience to the impacts of climate change in line with our Climate Change Adaptation Plan?

- ☐ Moves us towards climate resilience
- ☒ No change in resilience
- ☐ Moves us away from climate resilience but there are trade-offs with other Council or Municipal Plan priorities (*identify which priorities*)

SPOKESPERSON:

Prepared by: David McKinley, ADC, Fire Prevention/Training

Approved by: Dwayne Killingbeck, Fire Chief