



The Municipal Corporation of the Town of Fort Erie

By-law No. 142-2022

Being a By-law to Appoint Christopher Smith as Deputy Fire Chief for the Town of Fort Erie

Whereas the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, (the “Act”) subsection 5(0.1) provides that the council of a municipality may establish, maintain and operate a fire department for all or any part of the municipality; and

Whereas the Town of Fort Erie has established, maintains and operates a fire department; and

Whereas the *Act* further provides if a fire department is established, the council of the municipality shall appoint a fire chief for the fire department and describes the powers and responsibilities of the fire chief; and

Whereas the *Act* further provides that a fire chief may delegate his or her powers or duties to any firefighter or class of firefighters, subject to such limitations, restrictions or conditions as may be prescribed or set out in the delegation; and

Whereas Mark Schmitt was the former Deputy Fire Chief and has been appointed Fire Chief under By-law No. 85-2020; and

Whereas By-law No. 96-2022 jointly delegated authority to the Chief Administrative Officer and Director, Corporate Services/Treasurer to carry out the restricted actions, in the event of a “Restricted Acts Period” which included the appointment or removal from office of any officer of the municipality except one whose appointment is required by the *Municipal Act, 2001*; and

Whereas this By-law shall serve as notice to the new 2022-2026 Council of the action taken under By-law No. 96-2022; and

Whereas on October 6, 2022, Christopher Smith was appointed Deputy Fire Chief for The Corporation of the Town of Fort Erie and now requires formal appointment by by-law.

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Christopher Smith is appointed Deputy Fire Chief for The Corporation of the Town of Fort Erie.
2. **That** Christopher Smith, during any absence of the Fire Chief, shall be the Acting Fire Chief with the same powers, duties and responsibilities of a Fire Chief as described in the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 and as prescribed by the Council from time to time. Such powers shall include, but are not limited to, the power to delegate as prescribed by the Act.

- 3. **That** Christopher Smith, while acting in his capacity as Acting Fire Chief, shall be the person ultimately responsible to the Council for the delivery of fire protection services.
- 4. **That** Christopher Smith is appointed a Provincial Offences Officer pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33 and is appointed a Peace Officer for the purposes of enforcing the Fire Code and related municipal by-laws.
- 5. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 15th day of November, 2022.

_____ Mayor

_____ Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie, certifies the foregoing to be a true copy of By-law No. 142-2022 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20 .
