

COMMUNITY OF MURRAY HARBOUR, PRINCE EDWARD ISLAND
FIRE SERVICES BYLAW
BYLAW #107
COUNCIL APPROVAL DATE DECEMBER 3rd, 2014

This Bylaw is made under the authority of the *Municipalities Act*, Chapter M-13, R.S.P.E.I., 1988.

WHEREAS the Council of the Community of **MURRAY HARBOUR** provides fire protection services to its residents;

THEREFORE IT IS ENACTED by the Council of the Community of **MURRAY HARBOUR** as follows:

I. Title

This bylaw shall be cited as the “Fire Services Bylaw”.

II. Definitions

In this bylaw

“**captain**” means an officer of the fire department;

“**chief administrative officer**” and “**CAO**” mean the administrator of the Community of **MURRAY HARBOUR**;

“**Municipality**” means the municipal corporation of the Community of **MURRAY HARBOUR**;

“**council**” means the Council of the Community of **MURRAY HARBOUR**, and includes the Mayor/Chairperson;

“**deputy fire chief**” means the officer of the fire department who is second in command, after the fire chief, of the department;

“**emergency**” means a situation that requires prompt action to protect human life, and property;

“**fire chief**” means the officer of the fire department who is in command of the department;

“**fire department**” means the fire department of the Community of **MURRAY HARBOUR**;

“**fire fighter**” means an active member of the fire department;

“**fire inspector**” means the officer of the fire department responsible for the enforcement of fire regulations, fire inspections, fire investigations, and fire prevention, or the provincial fire marshal as the case may be;

“**fire station**” means the building which houses the fire department apparatus and equipment;

“**lieutenant**” means an officer of the fire department;

“**probation period**” means a period of time for which a recruit fire fighter is evaluated closely while given entry level training, the recruit will also be monitored for other aspects such as honesty, reliability, and interactions with co-workers, supervisors and the public.

III. Interpretation

1. Words using the masculine or feminine gender include the other gender as applicable.
2. Words using the singular include the plural and words using the plural include the singular whenever the context so requires.

IV. Municipal Council

1. The Council is the governing body of the Fire Department.
2. The Council shall ensure,
 - (a) that the Fire Department is organized and run in an effective manner; and
 - (a) that the Fire Department is supplied with apparatus, equipment, and facilities necessary to fulfill the Fire Department's responsibilities.
3. The Council may enter into a binding agreement with another municipality, fire district, or private entity to provide mutual aid in fire protection, emergency services, and other related services.
4. The Council may establish and charge fees for any services which the Fire Department may provide including but not limited to,
 - (a) fire protection services;
 - (b) fire prevention services;
 - (c) fire investigation services;
 - (d) medical first response services; and
 - (e) the provision of reports and other documents.

V. Administration of the Fire Department

1. The administrative authority of the Fire Department is in the order as follows,
 - (a) the chief administrative officer (CAO) of the Municipality;
 - (b) the chief of the Fire Department;
 - (c) the deputy chief, and officers according to rank, of the Fire Department.
2. The Fire Chief shall execute and be responsible for the day to day operations of the Fire Department.
3. The Fire Chief shall establish and coordinate Fire Department policies in conjunction with the CAO and such policies shall be as approved by the Council.
4. The Fire Chief shall establish and coordinate the operating guidelines of the Fire Department in conjunction with the CAO and such operating guidelines shall be as approved by the Council.
5. For greater certainty, the Council shall review and authorize all administrative policies, and operating guidelines recommended by the Fire Chief and the CAO before an administrative policy or procedure comes into force.
6. The CAO, the Fire Chief, and the Fire Committee if any, are authorized to meet on a regular basis to develop and review Fire Department administrative policies and operating guidelines.
7. The annual cost of operating the Fire Department shall be included in the annual estimates for the Community.
8. The CAO, or chairperson of the fire committee, as the case may be, shall notify the Fire Chief at least three (3) months prior to the date on which the annual estimates for the Community are to be considered, and the Fire Chief shall submit within one (1) month of the above notification his or her

estimate for the expenditures necessary during the forthcoming year for the operation and maintenance of the Fire Department.

VI. Organization of the Fire Department

1. The Fire Department shall be comprised of at minimum a Fire Chief, a Deputy Chief, 1 Captain, 1 Lieutenants and no less than 18 active members.
2. Every active member of the Fire Department shall be a physically fit person between the ages of eighteen (18) and sixty five (65).
3. A member of the **MURRAY HARBOUR** Fire Department may be a member of the Municipal Council, but any such member may not participate in any Council, or council committee, discussions or decisions pertaining to the Municipal Fire Department.
4. The Fire Chief, Deputy Chief, other officers and members of the Fire Department shall be appointed by the Council, after considering the recommendations of the Fire Department members; the Council may accept or reject any recommendation and the decision of the Council is final. Council may require a level of experience and certified training requirements for various positions of authority or persons directing work assignments within the Fire Department.
5. Applicants for the Fire Department shall be,
 - (a) ordinarily a resident within the fire district;
 - (b) qualified pursuant to n/a; and
 - (c) n/a.
6. Successful Fire Department applicants shall serve a one year probationary period, and shall be reviewed upon completion of the one year period by the Fire Chief for permanent appointment, by the Council, as a Volunteer Firefighter.
7. Every able bodied resident of the Municipality shall, when called upon to do so by the Fire Chief or Deputy Fire Chief, render all possible assistance to the Fire Department in an emergency situation; any person refusing or failing to assist as required by the Fire Chief or Deputy Chief without reasonable excuse is guilty of an offence under this bylaw.

VII. Powers of the Fire Chief

1. The Fire Chief shall have full control in disciplinary matters over members of the Fire Department, and shall, upon the request of the CAO, investigate any complaint in relation to a member's official duties, against a member of the Department.
2. The Fire Chief shall ensure that all members of the department are trained to (and maintain) a competent level at all times by means of both in-service and certified training to ensure efficient, effective and confident response to all emergencies the department responds to.
3. The Fire Chief shall act as a Local assistant to the Provincial Fire Marshal pursuant to section 5a(i) of the *Fire Prevention Act*.
4. The Fire Chief, or senior officer present, shall have full command and control at all fire scenes, which includes but is not limited to,
 - a) directing all proper measures for preserving life and property from fire or other related emergencies for which the department is prepared to mitigate, preserving order and enforcing the laws, bylaws and regulations respecting fires and related emergencies; and

- b) controlling all Fire Department members and resources until such time as the members are dismissed, the apparatus is returned to the fire station, or both as the case may be.
- 5. The Fire Chief has the authority to temporarily fill any deficiency in personnel of the Fire Department and shall keep an inventory of all fire equipment on hand.
- 6. The Fire Chief shall keep a record as to,
 - (a) the attendance of members of the Fire Department at fires and training;
 - (b) the particulars of every fire and emergency call reported to the Fire Department;
 - (a) the apparatus, equipment and supplies used for each emergency call; and
 - (b) any breakage, shortage, or deficiencies in apparatus, equipment and supplies required for the day to day activities of the Fire Department.
- 7. The Deputy Fire Chief shall assist the Fire Chief in all of his or her duties and shall, in the absence of the Fire Chief, perform the duties and exercise the authority of the Fire Chief; in the absence of both the Fire Chief and Deputy Fire Chief, at an emergency situation, the most senior member of the Department shall act in their stead.
- 8. The Fire Chief shall meet with the membership of the department on a regularly scheduled basis to update the membership on activities and planning and to hear concerns and obtain feedback on issues pertaining to the department.

VIII. Duties of the Members of the Fire Department

- 1. Members shall meet for practice and instruction in the use of apparatus, tactics and strategies in mitigating fire and other related emergencies, and the principles of fire prevention and pre-planning, at the call of the Fire Chief.
- 2. All members of the Fire Department shall attend at least 50 % of emergency calls, meetings, and training sessions, unless prior approval from the Fire Chief has been granted, to maintain active status with the Fire Department.
- 3. Only members with active status, at time of payment, are entitled to receive any honorarium or other remuneration provided by the Municipality.
- 4. The Fire Chief shall keep the Department up to full strength, pursuant to subsection VI (1) at all times; any member of the Department wishing to be unavailable for duty for any period longer than twenty four (24) hours must notify their supervising officer, or the Fire Chief, in advance so that a proper substitute may be named to relieve the member.
- 5. All members of the Fire Department must be qualified pursuant to the *Highway Traffic Act* to operate the vehicles and equipment of the Fire Department.
- 6. Members of the Fire Department may organize for social and other purposes intended to further the interests and welfare of the Fire Department and its members.

IX. Procedures for Emergency Calls

- 1. The Fire Chief shall report all fires to the Prince Edward Island Fire Marshal within three (3) days of the occurrence, on the form supplied for such purpose, and otherwise comply with the provisions of all provincial legislation for which the Fire Chief is an enforcing officer. If the Fire Chief requires the Investigation services of the Provincial Fire Marshal the Fire Chief shall make that request immediately and preserve continuity of security of the scene until the arrival of the Provincial Fire Marshal.

2. The Fire Chief may, at every fire or other emergency, to which the Fire Department responds use tape, rope, or other means to mark the area around the scene of the fire or emergency that is to be kept clear of all persons and vehicles except those authorized by the Fire Chief.
3. The Fire Chief may request any owner of property, or any person who on reasonable and probable grounds is believed to be the owner of property, to move or remove that property when it may impede the response to a fire or other emergency.

X. Offences and Enforcement

1. No person shall impede, interfere with, or hinder any firefighter or person acting under the authority of the Fire Department in the discharge of their duties at a fire or other emergency, or in their responding to a fire or other emergency.
2. No person shall damage any apparatus, equipment or supplies of the Fire Department and no person shall use such apparatus, equipment or supplies, unless so authorized.
3. Any person who,
 - (a) remains inside an area marked pursuant to IX (2) when requested to vacate the area by a member of the Fire Department;
 - (b) refuses to comply with a request to move or remove property pursuant to IX (3);
 - (c) obstructs or interferes with any member of the Fire Department, or person acting under the authority of the Fire Department, in the performance of their duties; or
 - (d) interferes with or destroys any equipment used, owned or controlled by the Fire Department; commits an offence.
4. Any person who commits an offence against this bylaw, is liable, on summary conviction, to a fine of not more than \$ (\$1500 Maximum) and not less than **\$ 1**.

XI. Liability

1. The Fire Department, any member of the Fire Department, or a volunteer or other person acting under the authority of the Fire Department, is not liable, and no proceedings for damages or otherwise shall be commenced against any of the foregoing, for any loss or damage caused by anything said or done, or omitted to be done, lawfully and in good faith, in the performance or intended performance of their functions, duties, or powers under this bylaw or Provincial statute; *Volunteer Liability Act*.

XII. Repeal

1. The Municipality Fire Services Bylaw #_____ is hereby repealed.

First Reading:

This Fire Services Bylaw was read a first time at the Council meeting held on the 3rd day of SEPTEMBER, 2014.

This Fire Services Bylaw was approved by a majority of Councillors present at the Council meeting held on the 3rd day of SEPTEMBER, 2014.

Second Reading:

This Fire Services Bylaw was read a second time at the Council meeting held on the 1st day of OCTOBER, 2014.

This Fire Services Bylaw was approved by a majority of Councillors present at the Council meeting held on the 3rd day of December, 2014.

Adoption and Approval by Council:

This Fire Services Bylaw was adopted by a majority of Councillors present at the Council meeting held on the 3rd day of December, 2014.

This Fire Services Bylaw # 107 is declared to be passed on this 3rd day of December, 2014.

Chair (signature sealed)

Administrator (signature sealed)