

Rural Municipality of Miscouche, PEI
A Bylaw to Establish and Maintain a Municipal Fire Department
Bylaw # 2019-09

BE IT ENACTED by the Council of the Rural Municipality of Miscouche as follows:

1. PART I: INTERPRETATION AND APPLICATION

2. Title

2.1. This bylaw shall be known and cited as the “Municipal Fire Department Bylaw.”

3. Authority

3.1. Section 14(a) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M12.1., provides that a municipality shall provide fire protection.

4. Application

4.1. This bylaw applies to the Council, the Chief Administrative Officer (CAO), the members of the Municipal Fire Department and members of the general public.

5. Definitions

5.1. “Active Member” means a member of the Fire Department who meets the criteria set by in Section 9.2 of this bylaw.

5.2. “Automatic Aid” means a response and assistance agreement between two or more fire organizations wherein the organizations are dispatched simultaneously to provide a response from the closest fire organization regardless of jurisdictional boundaries.

5.3. “Captain” means an officer of the Fire Department in charge of a company or group of firefighters as per the Fire Department’s chain of command and operating procedures.

5.4. “Chief Administrative Officer” or “CAO” means the administrative head of the Municipality as appointed by Council under subsection 86(2)(c) of the *Municipal Government Act*.

5.5. “Council” means the mayor and other members of the Council of the Municipality.

5.6. “Deputy Fire Chief” means an officer of the Fire Department who is an assistant to the Fire Chief and second in command of the Fire Department as per the Fire Department’s chain of command and operating procedures.

5.7. “Emergency” means a situation that requires prompt action to protect human life, and property.

5.8. “Fire Chief” means the officer of the Fire Department who is in command of the Fire Department.

5.9. “Fire Department” means the Fire Department of the Rural Municipality of Miscouche.

5.10. “Firefighter” means an active member of the Fire Department.

- 5.11. "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 Fire Marshal of Prince Edward Island, as the case may be.
- 5.12. "Fire Station" means a building which houses Fire Department apparatus and equipment.
- 5.13. "Lieutenant" means an officer of the Fire Department.
- 5.14. "Local Assistant" means a local assistant as described in the *Fire Prevention Act*, Chapter F-11, R.S.P.E.I. 1988.
- 5.15. "Municipality" means the Rural Municipality of Miscouche.
- 5.16. "Mutual aid" means assistance by one or more fire departments giving aid to the other fire departments in emergencies, without monetary compensation.
- 5.17. "Safety Officer" means a senior officer third in command of the Fire Department.
- 5.18. "Training Officer" means a senior officer third in command of the Fire Department.

6. Municipal Council

- 6.1. The Council is the governing body of the Fire Department.
- 6.2. The Council:
 - (a) Shall determine the types and level of service to be provided by the Fire Department with consultation with the Fire Chief and deputy Chief.
 - (b) Shall appoint by resolution a qualified person to the position of Fire Chief;
 - (c) May revoke or suspend by resolution the appointment of a person to the position of Fire Chief;
 - (d) Shall appoint by resolution qualified persons to the positions of Deputy Chief and members of the Fire Department after reviewing written recommendations of the Fire Chief and CAO.
 - (e) May revoke or suspend by resolution the appointment of a person to the positions of Deputy Chief and member of the Fire Department after reviewing written recommendations of the Fire Chief and CAO.
 - (f) Shall review and approve administrative policies and operating guidelines and procedures as recommended by the Fire Chief and CAO;
 - (g) Shall approve the annual budget for the Fire Department.
- 6.3. The Council shall ensure that the Fire Department is:
 - (a) organized and run in an effective manner; and
 - (b) supplied with apparatus, equipment, training, and facilities necessary to fulfill the Fire Department's responsibilities.
- 6.4. The Fire Department shall provide the services outlined in the Fire Department Standard Operating Guidelines.

- 6.5. Council may establish in this bylaw an honorarium or other remuneration to active members of the Fire Department.
- 6.6. A member of Council may be a member of the Municipal Fire Department, but such member is deemed to be in conflict of interest as per subsection 96.(2) of the *Municipal Government Act* relating to matters concerning the Municipal Fire Department.
- 6.7. Pursuant to subsection 96.(3) of the *Municipal Government Act*, the Council member deemed to be in conflict of interest shall declare their interest before Council, remove themselves from the meeting and any other meeting when the matter is being discussed, abstain from discussion and voting on the matter, and not attempt to influence the discussion or voting on any question, decision, recommendation or action to be taken involving a matter of the Municipal Fire Department.
- 6.8. The Council may enter into a service agreement, as authorized by bylaw, with another municipality as per section 138 of the *Municipal Government Act* or fire district to provide fire services.
- 6.9. A service agreement referred to in section 6.8 will be in writing and set out the terms and conditions of the agreement and the services to be provided.
- 6.10. The Council may enter into an agreement with another municipality, fire district, or private entity to provide mutual aid and /or automatic aid in fire protection, emergency services, and other related services.

7. Administration and Management of the Fire Department

- 7.1. 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.
- 7.2. Salaried employees of the Fire Department are municipal employees.
- 7.3. All direction of Council to the Fire Department and Chief shall be through the CAO.
- 7.4. The Fire Chief shall execute and be responsible for the day-to-day operations of the Fire Department.
- 7.5. The Fire Chief will follow the municipality's Employee Code of Conduct Policy when dealing with day-to-day operations.
- 7.6. The Fire Chief and CAO will work together to maintain, prepare and recommend for Council approval:
 - (a) Fire Department policies;
 - (b) operating guidelines and processes;
 - (c) the budget for fire services, and

- (d) a list of qualified members for appointment to the Fire Department.
- 7.7. The CAO and the Fire Chief shall meet as needed to develop and review Fire Department administrative policies and operating guidelines and to ensure effective operation of the Fire Department.
- 7.8. The Fire Chief shall establish an organizational strategy that will:
- (a) define how personnel shall be organized and trained according to the services provided;
 - (b) define how apparatus and equipment of the Fire Department should be deployed; and
 - (c) include assignments, job descriptions, and responsibilities for each position and unit.
- 7.9. Subject to clause 6.2(d), the Fire Chief shall assign qualified personnel to all the Fire Department's operational positions and designate specific officers to command and control operations and fire scenes and other emergencies.
- 7.10. The Fire Chief shall keep the Fire Department up to full strength, pursuant to subsection 8.2 at all times.
- 7.11. The Fire Chief will report to the CAO, as needed, any failure of any member of the Fire Department to act in accordance with the requirements of a public authority, the bylaws, policies and procedures of the municipality and Fire Department.
- 7.12. 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;
 - (c) the apparatus, equipment and supplies used for each emergency call; and
 - (d) any breakage, shortage, or deficiencies in apparatus, equipment and supplies required for the day to day activities of the Fire Department.
- 7.13. The Fire Chief shall keep an updated inventory of all fire equipment.
- 7.14. For each regular Council meeting, the Fire Chief will submit a report that details the:
- (a) number of fire and emergency calls;
 - (b) training conducted; and
 - (c) state of all buildings, apparatus and equipment of the Fire Department.
- 7.15. The Fire Chief will submit in writing to Council and the CAO an annual report for the Municipalities Fiscal year end that includes:
- (a) a year-end summary of the report findings described in section 7.14 of this bylaw;
 - (b) the overall efficiency and state of readiness of the Fire Department; and

(c) additional information as requested or required.

- 7.16. The Fire Chief shall meet with the membership of the Fire Department on a regularly scheduled basis on the first Monday of every month to update the membership on activities and planning and to hear concerns and obtain feedback on issues pertaining to the Fire Department.
- 7.17. The CAO, after consulting with the Fire Chief, shall advise Council on how the Fire Department is performing with a view to identifying areas of improvement, service enhancement or resources that may be required so the Fire Department may meet its mandate.
- 7.18. The financial books and records of the Fire Department are records of the municipality.
- 7.19. 'Friends of the Fire Department' or other charity/non-profit status associations are not organizations of the municipality and any expenditure made by such group shall not be merged with operational funds.
- 7.20. Members of the Fire Department shall be allowed to create a not for profit association of members for the purposes of raising funds for charities, non-profit groups, or for approved fire department equipment.
- 7.21. Any non-emergency activity using municipal equipment, facilities, or personnel (excluding training) requires the approval of the CAO.
- 7.22. As per clause 119(1)(d) of the *Municipal Government Act*, disciplinary matters will be reported to the Council through the CAO during a closed meeting.

8. Organization of the Fire Department

- 8.1. The Fire Department shall be comprised of at minimum a Fire Chief, a Deputy Chief, Safety Officer, Training Officer, 4 Captains and 4 Lieutenants.
- 8.2. In total, the Fire Department will be comprised of not less than 40 active members which includes the active members of the Junior Fire Department.
- 8.3. 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 and the CAO.
- 8.4. Council may establish experience, fitness and training requirements for various positions within the Fire Department.
- 8.5. Applicants for the Fire Department shall be:
 - (a) Age 18; or as outline in the policy and procedures for the Junior Fire Department.
 - (b) Reside within the Fire District or bordering Fire district.
- 8.6. Successful Fire Department applicants shall serve a 6 month probationary period.

- 8.7. Upon completion of the probationary period, the Fire Chief shall review the applicant's performance and make a recommendation to the Council regarding the permanent appointment of the applicant, by the Council, as a Firefighter of the Fire Department.

9. Powers of the Fire Chief

- 9.1. The Fire Chief, upon the request of the CAO, will investigate any complaint in relation to a member's official duties, against a member of the Fire Department.
- 9.2. The Fire Chief shall ensure that all members of the Fire Department are trained to a competent level at all times.
- 9.3. When appointed, the Fire Chief shall act as a local assistant to the Fire Marshal of Prince Edward Island pursuant to clause 5.(1)(a) of the *Fire Prevention Act*.
- 9.4. The Fire Chief, when appointed as a local assistant, shall perform the duties required by the *Fire Protection Act* within their scope of practise and training.
- 9.5. Where it is beyond the scope of practise and training of a Fire Chief to perform investigations, reports, building closures, or inspections or other duties as required by the *Fire Prevention Act*, those duties shall be referred to the Provincial Fire Marshal's Office.
- 9.6. 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 Fire 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.
- 9.7. 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.
- 9.8. In the absence of both the Fire Chief and Deputy Fire Chief at an emergency situation the most senior officer of the Fire Department shall act in their stead.
- 9.9. The Fire Chief may call upon bystanders and organizations to render all possible assistance to the Fire Department in an emergency situation.

10. Duties of the Members of the Fire Department

- 10.1. 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.

- 10.2. All members of the Fire Department shall make a responsible effort to attend emergency calls, meetings, and training sessions, unless prior approval from the Fire Chief has been granted, to maintain active status with the Fire Department.
- 10.3. Only active members are entitled to receive any honorarium or other remuneration provided by the Municipality.
- 10.4. Any member of the Fire Department expecting to be unavailable for duty for any period longer than twenty four (24) hours shall notify their supervising officer, or the Fire Chief, in advance.
- 10.5. Members assigned to operate Fire Department vehicles shall be qualified pursuant to the *Highway Traffic Act* to operate such vehicles.

11. Procedures for Emergency Calls

- 11.1. The Fire Chief or designate shall report all fires to the Fire Marshal of Prince Edward Island.
- 11.2. If the Fire Chief or designate requires the investigation services of the Fire Marshal of PEI, the Fire Chief or designate shall make that request immediately and preserve continuity of security of the scene until the arrival of the Fire Marshal of PEI.
- 11.3. The Fire Chief or designate may, at every fire or other emergency to which the Fire Department responds, use or direct to be used, 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 or designate.
- 11.4. The Fire Chief or designate 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.

12. Enforcement

- 12.1. 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.
- 12.2. No person shall use apparatus, equipment or supplies of the Fire Department unless so authorized.
- 12.3. Any person who,
 - (a) remains inside an area marked pursuant to 11.3 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 11.4;
 - (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.

13. Penalties

13.1. Any person who commits an offence against this bylaw, is liable, on summary conviction, to a fine in accordance to section 234 of the *Municipal Government Act*.

14. Liability

14.1. In accordance with subsection 250.(1) of the *Municipal Government Act*, no proceedings for damage shall be commenced, and no liability shall be found against any member of the Fire Department, or a volunteer or other person acting under the authority of the Fire Department, for any loss or damage caused by anything said or done or omitted to be done lawfully, in good faith, and without negligence in the performance or intended performance of the person's functions or duties or the exercise of the person's powers under this bylaw, the *Municipal Government Act*, or any other Act.

14.2. In accordance with section 248 of the *Municipal Government Act*, the municipality is not liable for loss or damage to a person or property in respect of the provision of fire services unless the municipality is grossly negligent.

15. Effective Date

15.1. This Municipal Fire Department Bylaw, Bylaw # 2019-09, shall be effective on the date of approval and adoption below.

First Reading: This Municipal Fire Department Bylaw, Bylaw# 2019-09, was read a first time at the Council meeting held on the 13 day of November, 2019.

This Municipal Fire Department Bylaw, Bylaw# 2019-09, was approved by a majority of Council members present at the Council meeting held on the 13 day of November, 2019.

Second Reading:


This Municipal Fire Department Bylaw, Bylaw# 2019-09, was read a second time at the Council meeting held on the 28th day of January, 2020.

This Municipal Fire Department Bylaw, Bylaw# 2019-09, was approved by a majority of Council members present at the Council meeting held on the 28th day of January, 2020.

Approval and Adoption by Council:

This Municipal Fire Department Bylaw, Bylaw# 2019-09, was adopted by a majority of Council members present at the Council meeting held on the 28th day of January, 2020.

1. Signatures



Mayor (signature sealed)



Chief Administrative Officer (signature sealed)

This Municipal Fire Department Bylaw adopted by the Council of the Rural Municipality of Miscouche on January 28th, 2020 is certified to be a true copy.



Chief Administrative Officer Signature