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Community of Mount Stewart

Planning & Inspection
Services

FIRE SERVICES BY-LAW

By-Law #10

WHEREAS the Council for the Community of Mount Stewart has determined, pursuant to sections 30 (b) and 32 of the Municipalities Act R.S.P.E.I. 1988 cap. M-13, that it will provide fire protection and by-law enforcement.

NOW THEREFORE BE IT ENACTED by the Council for the Community of Mount Stewart under the authority provided by section 57 and 64(b) of the Municipalities Act R.S.P.E.I. 1988, Cap, M-13 as follows:

PART I – APPLICATION

Title

1. This by-law may be cited as the Fire Services By-Law.

Scope and Application

2. The Council shall establish and maintain a good and efficient fire department, to be called the Mount Stewart Fire Department, for the provision of fire protection and emergency services to the residents of the Community of Mount Stewart and the Mount Stewart Rural Fire District.

PART II – INTERPRETATION

Definitions

3. In this by-law:
 - (a) “Administrator” means that person as defined in the Administration and General Government of By-law;
 - (b) “Captain” means an officer of the Fire Department;
 - (c) “Community” means that area incorporated and known as the Community of Mount Stewart;
 - (d) “Council” means the council of the Community of Mount Stewart;

- (e) "Deputy Fire Chief" means an officer of the Fire Department who is second in command after the Fire Chief of the Department;
- (f) "Emergency" means an unexpected situation that requires prompt action to protect human life and property;
- (g) "Fire Chief" means an officer of the Fire Department who is in command;
- (h) "Fire Department" means that service which is established and maintained by the Community government for the provision of fire protection and emergency services to ensure the protection of human life and property;
- (i) "Fire Fighter" means an *active* member of the Fire Department between the ages of 18 and 65
- (j) "Fire Inspector" means an officer of the Fire Department responsible for the enforcement of fire regulations, fire inspections, fire investigations and fire prevention;
- (k) "Fire Station" means the building which houses the Fire Department apparatus, equipment and the members who are on duty;
- (l) "Honorary Firemen" means an appointee to the Department who does *not actively* participate in the official duties of the Department;
- (m) "Member" means a person who is a firefighter with the Fire Department;
- (n) "Mutual Aid" means two way assistance and aid provided by Fire Department in two or more Communities in emergencies without monetary compensation;
- (o) "Probation Period" shall be a period of one year;
- (p) "Standard Operation Guideline" means the written operational guidelines to be used by the Fire Department in conducting Department operations;
- (q) "Volunteer Firefighter" means a member of the Fire Department who served of his own free will or without a salary or gratuities.

PART III – COMMUNITY COUNCIL

Organization and Powers of the Community Council:

4. The Council shall be the governing body of the Fire Department.
5. The Council, as the case may be, shall:
 - (a) ensure that the Fire Department is organized and run in a effective manner;
 - (b) ensure that the Departments financial requirements are presented to Council as necessary;
 - (c) recommend to Council any changes or improvements to the Fire Department that require Council's approval;
 - (d) ensure that the Fire Department has established adequate fire protection, fire prevention and related services; and
 - (e) ensure that the Fire Department is supplied with apparatus, equipment and facilities necessary to fulfil the Fire Department's responsibilities.
6. The Community Council may enter into a binding agreement with another municipality, community, fire district or private agency to provide mutual aid in fire protection and emergency services and other related services.
7. The Community Council may establish and charge fees for any services which it may provide, including but not limited to:
 - (a) fire protection services;
 - (b) fire prevention services;
 - (c) fire prevention permits;
 - (d) fire investigation services, and;
 - (e) reports and other documents.

PART IV – ADMINISTRATION AND MANAGEMENT

Administration of the Fire Department:

8. The administration authority of the Fire Department shall be as follows:
 - (a) the Administrator of the Community
 - (b) the Chair of the Community Council
 - (c) the Chief of the Fire Department
9. The Chief of the Fire Department is authorized to execute and be responsible for the administrative matters and the day to day operation of the Fire Department
10. The Chief of the Fire Department is authorized to co-ordinate and establish the Fire Department policies in conjunction with the Administrator of the Community and the Council.
11. The Community Council shall authorize and review all administrative policies recommended by the Chief of the Fire Department, the administrator and the Council before an administrative policy is put into force.
12. The Chief of the Fire Department and the Council, shall review all Standard Operating Guidelines before the guideline is put into force.
13. The Chief of the Fire Department, the Administrator and the Fire Committee, if any are authorized to meet on a regular basis to develop and review Fire Department administrative policy and standard operating guidelines.
14. The annual cost of the operating the Department shall be included in the annual estimates of the Community.
15. The Councilor who is chair of the Council, shall notify the Chief at least two (2) months prior to the date on which estimates are to be considered, and the Chief shall submit within one (1) month his estimate for the expenditures necessary during the forthcoming year for the operation and maintenance of the Fire Department. Otherwise, Council will delegate this responsibility to one of its members.

Organization of the Fire Department:

16. The Fire Department shall consist of a Fire Chief, Deputy Chief, Captain, Asst. Captain and at least one Lieutenant. Also no less than 12 Active men.
17. (a) Every Active member of the Department shall be a physically fit person of good reputation and between the ages of 18 and 65.

(b) If you are member of the Mount Stewart Fire Department you may not hold position on the Community Council of Mount Stewart. Also, if you are a member of the Community Council, you may not hold a position with the Mount Stewart Fire Department.
18. a) The Fire Chief, Deputy Chief and firefighters shall be appointed by the Community Council, BASED ON RECOMMENDATIONS FROM THE MOUNT STEWART FIRE DEPARTMENT, to hold office during good behavior. The council may accept or reject any recommendation or application and the COUNCILS decision shall be FINAL.

Applications for Firefighters shall be advertised for locally
Applicants will be considered if they meet the following criteria:

1. Resident of the Fire District
2. Previous Experience
3. Bondable

The Fire Department shall provide the applicants with a physical test including Ladder Climbing, Wearing a breathing apparatus, Handling of Hose and Nozzle and Operation of Emergency Equipment. The Fire Chief shall forward a written report to the Community Council indicating the results of the Physical Test.

Successful Applicant(s) shall perform a one year probationary period, then reviewed by the Fire Chief and Council for permanent appointment as a Volunteer Firefighter.

(b)The Fire Chief and Deputy Fire Chief positions shall be reviewed by the members of the Fire Department and written recommendations be forwarded to the Council by December 01 for approval. Council may accept or reject any recommendation or application and Councils decision shall be final.

The recommendation of the members of the Fire Department shall be by SECRET BALLOT VOTE organized by the administrator or approved appointee. Ballots shall be counted in the presence of the Administrator and one member of the Mount Stewart Volunteer Fire Department.

The appointment of the Fire Chief and Deputy Fire Chief shall be for a period of two years commencing January 1, 2001 and the appointments shall be reviewed each two years there after.

The Fire Chief shall be;

1. A resident of the Community of Mount Stewart
 2. A member of good standing
 3. A leader
 4. A good communicator
 5. Knowledgeable of all facets of fire protection, fire prevention, and emergency response procedures.
19. Every able-bodied person, resident of the Community, shall render all possible assistance when called upon to do so by the Chief or Deputy Chief of the Department in charge of fire-fighting apparatus, equipment or supplies belonging to the Department.

Powers of the Fire Chief

20. The Fire Chief shall have full control in disciplinary matters over the Department.
21. The Fire Chief or senior officer present shall have full command and control at all fire, and in particular;
- (a) The Fire Chief shall direct all proper measures for extinguishing fires, protecting property, preserving order and enforcing the laws, ordinances and regulations respecting fires;
 - (b) All members of the Fire Department and all fire apparatus shall be under his control until dismissed or returned to the fire hall;
 - (c) At any fire the Chief has authority by himself or through his men to require any person present to assist in the extinguishment of such fire in such reasonable manner as he may deem fit, or in the protection or removal of property and to require the use of any vehicle readily accessible for the like purpose; and any person refusing or failing to assist as so required or to allow the use of such vehicle without reasonable excuse when required shall be guilty of an infraction of this by-law.

22. The Deputy Fire Chief shall assist the Chief in all his duties and shall in the absence of the Fire Chief at a fire, perform his duties and exercises his authority. In the absence of both Fire Chief and Deputy Fire Chief, the senior member shall be acting Chief.
23. The Chief shall have power to temporarily fill any deficiency in strength of force and shall keep an inventory of all fire equipment on hand.
24. The Chief shall keep a book to record the attendance of members of the Department at fires and practices, the particulars of every fire call reported to the Department and the apparatus, equipment and supplies used for each fire call, and any breakage, shortage, and deficiencies in the apparatus, equipment and supplies, and any other information that may be required at any time by the Community Council

Duties of the members

25. The Department shall meet for practice and instruction in the use of all apparatus and in the principles of fire prevention and fire protection at the call of the Chief or Deputy Chief.
26. All members of the Department shall attend at least eighty-five per cent (85%) of the fire calls and weekly meetings, and at the commencement of call or practice should answer roll call so that the Chief may have his register up-to-date. Failure to do so unless excused by the Fire Chief automatically retires the member from the department.
27. The Chief shall keep his department up to full strength at all times, which means that any member wishing to absent himself for a vacation or other legitimate reason for longer than 24 hours must notify the Chief in advance so that a proper substitute may be named to relieve him
28. Members of the Fire Department are to be qualified according to the High Way Traffic Act and its Regulations to operate vehicles of the Fire Department.
29. Members of the Fire Department are to be authorized in writing by the Register of Motor Vehicles for the Province of Prince Edward Island to use emergency lighting equipment in the members' personal vehicles when responding to a fire call being answered by the Fire Department.

30. Members of the Fire Department may organize for social and other purposes intended to further the interest and welfare of the Department and its members.

Procedure for Fire Calls

31. The Chief shall report all fires to the Fire Marshall of Prince Edward Island within (3) days of the fire, on the printed form supplied for such purpose, and otherwise comply with the provisions of the all Provincial Laws for which the Fire Chief is an enforcing officer.
32. The Fire Chief or his designate 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.
33. The Fire Chief or his designate may request any owner or property or person who is believed to be the owner on reasonable and probable grounds, to remove that property where it may impede the response to a fire or other emergency.
34. The Fire Chief or his designate may cause any property, which may impede the operation of the Fire Department or the response of the Fire Department to a fire or other emergency, to be moved.

PART V – OFFENSES AND ENFORCEMENT

Offences

35. No person shall impede, interfere with or hinder any firefighter or volunteer in the discharge of his duties at a fire, in responding to a fire alarm or at a weekly meeting.
36. No person shall damage any apparatus, equipment or supplies of the Department and no person shall use any such apparatus, equipment or supplies, unless so authorized.

Enforcement

36. Any person who:
 - (a) remains inside an area marked by the Fire Chief or his designate pursuant to paragraph 32 when requested to vacate the area by a member of the Fire Department;

- (b) refuses to comply with a request to remove property pursuant to paragraph 33;
- (c) obstructs or interferes with any member of the Fire Department in the performance of his duties; or
- (d) interferes with or destroys any equipment used, owned or controlled by the Fire Department.

Is guilty of an offence and on summary conviction is liable to a fine not more than \$500.00 and not less than \$100.00, and in default of payment thereof, is liable to imprisonment for a period of time not exceeding one (1) day for each one hundred dollars (\$100.00) of fine in default.

Liability

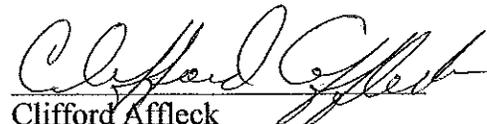
37. The Department, or members of the Department, or the Council shall not be liable for any claim made by person injured or property damaged during the course of the duties of the department by reason of any act done by them in good faith in the exercise or purported exercise of the powers conferred under this by-law.

Effective Date

This by-law shall come into force effective the 1st day of April, 2001

This by-law received first reading at the Council meeting February 5, 2001

This by-law received final approval at the Annual General Meeting March 21, 2001


Clifford Affleck
Chairman


Mary Jane Ireland
Administrator

Filed with the Minister this 29 day of May 2001.


Department of Provincial Affairs
Attorney General

