

Registered No Feb 20/98 JS

John Burt
Minister of Provincial Affairs
and Attorney General

DATED THIS 20 DAY OF February, 1998

Filed with the Department of Provincial Affairs and Attorney General.

(municipal seal)

had Reed
Mayor/Chairperson
A. Moore
Administrator

READ A SECOND TIME ON THE 22 DAY OF December, 1997

READ A FIRST TIME ON THE 20 DAY OF November, 1997 and

Enacted pursuant to Part XI of the Municipalities Act, R.S.P.E.I. 1988, Cap.M-13.

97-2 BYLAW
Kim Kora TOWN/COMMUNITY OF

COMMUNITY OF KINKORA

FIRE SERVICES BY-LAW

By-law No.

WHEREAS the Council for the Community of KINKORA 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 KINKORA 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 KINKORA Fire Department, for the provision of fire protection and emergency services to the residents of the Community of KINKORA.

PART II - INTERPRETATION

Definitions

3. In this by-law:

- (a) "Captain" means an officer of the Fire Department;
- (b) "Community" means that area incorporated and known as the Community of KINKORA
- (c) "Council" means the Council of the Community of KINKORA;

- (d) "Deputy Fire Chief" means an officer of the Fire Department who is second in command after the Fire Chief of the Department;
- (E) "Emergency" means an unexpected situation that requires prompt action to protect human life and property;
- (F) "Fire Chief" means an officer of the Fire Department who is in command;
- (G) "Fire Chairperson" means that Councilor who is appointed by Council;
- (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;
- (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 Fireman" 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 Departments in two or more Communities in emergencies without monetary compensation;
- (O) "Probation period" shall be a period of six months;
- (P) "Standard Operation Guidelines" 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 serves of his own free will with or without a salary or gratuities.

(R) "Fire Executive" means the Fire Chief, Deputy Fire Chief, Secretary Treasurer, Chairperson of the Executive, Chairperson of Ways and Means, constitute the Kinkora Fire Department Executive.

PART III - FIRE COMMITTEE

Organization and Powers of the Fire Chairperson

4. The Council may appoint a Fire Chairperson who shall be the governing body of the Fire Department. In the event that a Fire Chairperson is not appointed, Council shall be the governing body of the Fire Department.

5. The Fire Chairperson or Council, as the case may be, shall:

- (a) ensure that the Fire Department is organized and run in an effective manner;
- (b) ensure that the Department's 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 fulfill 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 administrative authority of the Fire Department shall be as follows:
- (a) the Community Council;
 - (b) the Fire Chairperson;
 - (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 coordinate and establish Fire Department policies in conjunction with Council or the Fire Chairperson, if any.
 11. The Community Council shall authorize and review all administrative policies recommended by the Chief of the Fire Department, the Fire Chairperson, if any, before an administrative policy is put into force.
 12. The Chief of the Fire Department and his Fire Executive, if any, shall review all Standard Operating Guidelines before the guideline is put into force.
 13. The Chief of the Fire Department and the Fire Chairperson, 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 operating the Department shall be included in the annual budget of the Community.
 15. The Fire Chairperson 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 and Dispatcher and not less than a total of NINETEEN (19) members and volunteer firefighters.
 17. Every member of the Department shall be a physically fit person of good reputation of eighteen (18) years of age or over.
 18. THE FIRE CHIEF, Deputy Fire Chief and Firefighters shall be approved by the Community Council, BASED ON RECOMMENDATION FROM THE MEMBERSHIP OF THE KINKORA FIRE DEPARTMENT, to hold office during good behaviour. The Council may accept or reject any

recommendation or application and COUNCILS decision shall be final.

KINKORA FIRE SERVICES BY-LAW

APPLICATIONS FOR FIREFIGHTERS SHALL BE ADVERTISED FOR IN THE LOCAL PAPER. APPLICANTS WILL BE CONSIDERED IF THEY MEET THE FOLLOWING CRITERIA:

1. RESIDENT OF FIRE DISTRICT
2. PREVIOUS EXPERIENCE
3. BONDABLE (CRIMINAL RECORD)

THE FIRE DEPARTMENTS TRAINING COMMITTEE SHALL PROVIDE THE APPLICANTS TO WITH A PHYSICAL TEST INCLUDING LADDER CLIMBING, WEARING OF BREATHING APPARATUS, HANDLING OF HOSE AND NOZZLE, AND OPERATION OF EMERGENCY EQUIPMENT. THE TRAINING COMMITTEE SHALL FORWARD A WRITTEN REPORT TO THE HIRING COMMITTEE INDICATING THE RESULTS OF THE PHYSICAL TEST.

THE HIRING COMMITTEE (FIRE CHAIRPERSON, FIRE CHIEF, AND DEPUTY CHIEF) WILL INTERVIEW APPLICANTS AND INDICATE WHAT IS EXPECTED OF THEM ON THE FIRE GROUND, PRACTICE GROUND, FIREFIGHTERS ASSOCIATION, ATTENDANCE, REMUNERATION, AND ARE INVITED TO EXPRESS ANY QUESTIONS OR CONCERNS.

THE HIRING COMMITTEE SHALL MAKE A WRITTEN RECOMMENDATION TO THE MEMBERSHIP OF THE KINKORA FIRE DEPARTMENT AS TO WHICH APPLICANT(S) SHOULD BE CONSIDERED.

THE MEMBERSHIP OF THE KINKORA FIRE DEPARTMENT SHALL BY SECRET BALLOT VOTE SELECT THE APPLICANT(S) TO BE FORWARDED TO THE COMMUNITY COUNCIL FOR APPROVAL.

SUCCESSFUL APPLICANT(S) SHALL PERFORM A SIX MONTH PROBATIONARY PERIOD, THEN REVIEWED BY THE MEMBERSHIP OF THE KINKORA FIRE DEPARTMENT FOR PERMANENT APPOINTMENT AS A VOLUNTARY FIREFIGHTER. THE RESULTS OF THE REVIEW SHALL BE FORWARDED TO THE COMMUNITY COUNCIL.

THE FIRE CHIEF AND DEPUTY FIRE CHIEF POSITIONS SHALL BE REVIEWED EVERY TWO YEARS BY THE MEMBERS OF THE FIRE DEPARTMENT AND WRITTEN RECOMMENDATIONS BE FORWARDED TO THE FIRE CHAIRPERSON BY MARCH 01 FOR APPROVAL. THE FIRE CHAIRPERSON SHALL FORWARD THE WRITTEN RECOMMENDATION TO COUNCIL. COUNCIL MAY ACCEPT OR REJECT ANY RECOMMENDATION OR APPLICATION AND IF REJECTED THE RECOMMENDATIONS SHALL BE SENT BACK TO MEMBERS WITH REASONS FOR RE-CONSIDERATION.

THE RECOMMENDATION OF THE MEMBERS OF THE KINKORA FIRE DEPARTMENT SHALL BE BY SECRET BALLOT VOTE ORGANIZED BY THE CHAIRPERSON OF THE EXECUTIVE. BALLOTS SHALL BE COUNTED IN THE PRESENCE OF THE CHAIRPERSON OF THE EXECUTIVE AND THE SECRETARY

TREASURER OF THE FIRE EXECUTIVE.

THE APPOINTMENT OF THE FIRE CHIEF AND DEPUTY FIRE CHIEF SHALL BE FOR A PERIOD OF TWO YEARS COMMENCING MARCH 1, 1998 AND THE APPOINTMENTS SHALL BE REVIEWED EACH TWO YEARS THERE AFTER.

THE FIRE CHIEF AND DEPUTY FIRE CHIEF SHALL BE

1. A RESIDENT OF THE FIRE DISTRICT

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 with the Fire Executive 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 exercise 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 practises, 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 the practise 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 seventy-five per cent (75%) of training sessions, monthly meetings and special meetings, 100% attendance at fire calls if humanly possible. Any fireman in violation to the above will be sent a letter by the Fire Department Executive indicating what corrective action is required - Failure to follow the recommendations of the Executive 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 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 Highway 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 under the name Kinkora Firemen Association.

Procedure for Fire Calls

31. The Chief shall report all fires to the Fire Marshall of Prince Edward Island within three (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.

Procedure for Fire Calls Outside of the Community Boundaries

35. The Department shall not respond to any fire calls outside the limits of the Community, except:

(a) such fires as in the opinion of the Chief threatens any property within the district of the Community;

(b) with the permission of the Councilors or acting head of the Community for assistance to a Fire Department of a municipality or district;

(c) in a municipality, district or village with which a mutual aid agreement has been entered into, to provide fire protection or where due payment is made by those receiving the service.

PART V - OFFENSES AND ENFORCEMENT

Offenses

- 36. 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 practise.
- 37. 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

38. 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 in payment thereof, is liable to imprisonment for a period of time not exceeding one (1) day for each one hundred dollars (\$100.00) or fine in default.

Liability

39. The Fire Chairperson, if any, or 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.

KINKORA FIRE SERVICES By-Law

Effective Date

40. This by-law shall come into force effective the 20, day of *December 1997*

41. This by-law received first reading at the meeting of *November 20, 1997*

42. This by-law received final approval at the Council meeting of *December 20, 1997*

Leo Reed

W. McLeod

Chairman

Administrator

Filed with the Minister this 20 day of *February* 1998

Department of Provincial Affairs
& Attorney General

John Dwyer

COMMUNITY OF KINKORA

Kinkora Fire Department By-Law

Made under the provision of the Municipalities Act, R.S.P.E.I., 1983
Read the first time this 24th day of January, 1986.

[Signature]
Chairman

[Signature]
Administrator

Read the second time and approved this 20th day of February, 1986.

[Signature]
Chairman

[Signature]
Administrator

Filed with the Minister of Community and Cultural Affairs this
4 day of March, 1986.

[Signature]
DEC 19

Guidelines for Board Markers	ARTICLE 1
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I N D E X

ARTICLE 1

Every Fireman is expected to be on time for drills each drill night and if later than 15 minutes after the start of drill, fireman will be marked absent.

Guidelines for Board Markers

- (A) Regular shift work accepted;
- (B) Sickness (self or immediate family)
- (C) Regular Holidays 3 weeks credit for both fire and drills;
- (D) Board Markers to be notified in advance of Holidays;
- (E) Board Marker will mark Fireman - present - absent - work (w) holidays (h) - sickness (s).

ARTICLE 2

- (A) Attendance must be 75% of (practice, monthly meetings & special meetings);
- (B) Attendance fires 100% if humanly possible;
- (C) New firemen are subject to 6 months probation period.

ARTICLE 3

Leave of Absence

A member may be granted a leave of absence up to one year for any reasonable reason, subject to majority vote by the Executive of the Fire Department.

ARTICLE 4

Hospitalized Members, Families, Etc.

That a tribute and card be sent to the Funeral Home when a member or a member of the immediate family lies in state, (Also to include former members and members of their immediate family). That the secretary of the Fire Department be empowered to act on his authority on such matters.

ARTICLE 5

False alarms will be marked on attendance board and reports sent to Fire Marshall and will be counted as a call to determine Firemans yearly average. Chief, Deputy Chief or Officer in charge will have the authority to class special duty as a call, EG: Such as a control burn.

ARTICLE 6

- (A) The Kinkora Fire Dept. will have a maximum of twenty-one active members;
- (B) From the active members, the following four officers will be filled by election:
 - (1) Fire Chief
 - (2) Deputy Fire Chief
 - (3) Secretary - Treasurer
 - (4) Chairman

- (C) The Fire Chief, Deputy Fire Chief, Secretary-Treasurer, Chairman of Ways & Means, Training, President or Chairman will form the K.F.D. Executive;

- (D) The K.F.D is responsible to form policy, promote training, prepare requirements for equipment to the Village Commissioners and other Administrative requirements as deemed necessary;

- (E) The Fire Chief will present an Annual Fire Department report to the chairman of Commissioners. The Fire Chief when called upon, will avail himself to the Village Commissioners on any matter pertaining to the K.F.D.

- (F) Future consideration is to be provided for the active members to entertain a Veterans List, Associate members and a K.F.D. Auxillary to the Department.

ARTICLE 7

Elections

- (A) The Fire Chief will designate one meeting per year as an annual meeting.
- (B) The Fire Chief, Deputy Fire Chief, and Secretary-Treasurer are to be elected for a minimum of 2 year period, subject to regulation 8 (F).
- (C) Only the active members of the K.F.D. can vote for the election of officers, of motion placed before the K.F.D. Voting is to be secret ballot.
- (D) The election of Officers requires majority of the active members.
- (E) In the event of a resignation the acting Fire Chief shall call a special meeting for the purpose of electing a new officers shall remain in said position or positions until the next election of officers.

ARTICLE 8

Meetings

- (A) The executive will designate one day/night for the holding of the weekly of monthly meeting, drills and special meetings.
- (B) All matters pertaining to the operation of the K. D. for discussion of motions, will be placed before the membership at this time.
- (C) A motion may be made by an active member, except the Chairman, and must be seconded before it can be considered or voted upon.
- (D) A meeting composed of not less than 50% + 1 of the active members shall constitute a quorum.
- (E) All meetings to be conducted in a Parliamentary fashion, (eg. Roberts Rules of Order).
- (F) All special meetings to have a seven day notice.

COMMUNITY OF KINKORA

Kinkora Fire Department By-Law

Made under the provision of the Planning Act, R.S.P.E.I. 1974.
Read the first time this 12th day of December, 1985.

CHAIRMAN
[Signature]
ADMINISTRATOR
[Signature]

Read the second time and approved this 21st day of January, 1986.

CHAIRMAN
[Signature]
ADMINISTRATOR
[Signature]

Filed with the Minister of Community and Cultural Affairs
this 6th day of February, 1986.

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