

**Rural Municipality of Kinkora**  
**A Bylaw to Establish and Maintain the Kinkora and Area Fire Department**  
**Bylaw # 2024-01**

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

**PART I: INTERPRETATION AND APPLICATION**

**1. Title**

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

**2. Authority**

2.1. 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.

**3. Application**

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

**4. Definitions**

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

4.2. “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.

4.3. “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*.

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

4.5. “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.

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

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

4.8. “Fire Department” means the Fire Department of the Rural Municipality of Kinkora & Area.

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

---

- 4.10. "Fire Marshall's Office" means the office responsible for the enforcement of fire regulations, fire inspections, fire investigations, and fire prevention, as the case may be.
- 4.11. "Fire Hall" means a building which houses Fire Department apparatus and equipment.
- 4.12. "Lieutenant" means an officer of the Fire Department.
- 4.13. "Local Assistant" means a local assistant as described in the *Fire Prevention Act*, Chapter F-11, R.S.P.E.I. 1988.\, the local assistant shall perform the duties required of him by that act, and may enforce the act and regulations within the jurisdiction within they were appointed.
- 4.14. "Medical Officer" means an officer of the fire department, in charge of all medical duties.
- 4.15. "Municipality" means the Rural Municipality of Kinkora.
- 4.16. "Mutual aid" means assistance by one or more fire departments giving aid to the other fire departments in emergencies, without monetary compensation.
- 4.17. "Safety Officer" means an officer of the fire department, responsible for the safety and accountability of all firefighters at the scene of emergencies.
- 4.18. "Training Officer" means an officer of the fire department, who is responsible for all training of the members, including on weekly training nights. This role does not fall within the chain of command.

## **5. Municipal Council**

- 5.1. The Council, through the CAO is the governing body of the Fire Department.
  - 5.2. The Council:
    - (a) Shall determine the types and level of service to be provided by the Fire Department;
    - (b) Shall appoint by resolution a qualified person to the positions of Fire Chief, and Deputy Chief(s) (Outlined in Schedule 2);
    - (c) May revoke or suspend by resolution the appointment of a person to the position of Fire Chief, and Deputy Chief(s);
    - (d) Shall appoint by resolution qualified persons to the positions of Captain, Lieutenant and members of the fire department (outlined in schedule 2) 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 Captain, Lieutenant, and member of the Fire Department after reviewing written recommendations of the Fire Chief and CAO;
    - (f) Until such time that Council has approved by resolution the appointment of someone to the positions listed above in the fire department, they shall serve in that role on an acting basis;
-

- (g) Shall review and approve administrative policies and operating guidelines and procedures as recommended by the Fire Chief and CAO;
  - (h) Shall approve the annual budget for the Fire Department.
- 5.3. 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.
- 5.4. The Fire Department shall provide the services outlined in Schedule 1 of this bylaw.
- 5.5. Council may establish in this bylaw an honorarium or other remuneration to active members of the Fire Department.
- 5.6. 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.
- 5.7. 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.
- 5.8. 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.
- 5.9. A service agreement referred to in section 5.8 will be in writing and set out the terms and conditions of the agreement and the services to be provided.
- 5.10. The Council may enter into an agreement with another municipality, fire district, or private entity to provide mutual aid in fire protection, emergency services, and other related services.
- 5.11. The Council may establish and charge fees for any additional or extra services which the Fire Department may provide.

## **6. Administration and Management of the Fire Department**

- 6.1. 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.
  - 6.2. Salaried employees of the Fire Department are municipal employees.
-

- 6.3. All direction of Council to the Fire Department and Chief shall be through the CAO, or designate.
  - 6.4. The Fire Chief shall execute and be responsible for the day-to-day operations of the Fire Department.
  - 6.5. In the event the position of Fire Chief becomes vacant, the Municipal Council will be responsible for appointing an Acting Fire Chief, for a period as long as such time requires.
  - 6.6. All Members of the fire department will follow the Fire Departments Code of Conduct Policy when dealing with day-to-day operations.
  - 6.7. The Fire Chief and CAO will work together to 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.
  - 6.8. The CAO and the Fire Chief shall meet on a bi-weekly basis to develop and review Fire Department administrative policies and operating guidelines and to ensure effective operation of the Fire Department.
  - 6.9. 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.
  - 6.10. Subject to clause 5.2(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.
  - 6.11. The Fire Chief shall keep the Fire Department up to full strength, pursuant to subsection 7.3 at all times.
  - 6.12. The Fire Chief will report 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.
  - 6.13. 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.
- 6.14. The Fire Chief shall keep an updated inventory of all fire equipment.
- 6.15. For each regular Council meeting, the Fire Chief will attend or submit in writing to the CAO a report that details the:
- (a) number and type of fire and emergency calls;
  - (b) training conducted; and
  - (c) state of all buildings, apparatus and equipment of the Fire Department.
  - (d) any other information they deem necessary.
- 6.16. The Fire Chief will submit in writing to Council and the CAO an annual report that includes:
- (a) a year-end summary of the report findings described in section 6.14 of this bylaw;
  - (b) annual number of calls, and training sessions held;
  - (c) the overall efficiency and state of readiness of the Fire Department; and
  - (d) additional information as requested or required.
- 6.17. The Fire Chief shall meet with the membership of the Fire 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 Fire Department.
- 6.18. 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.
- 6.19. The financial books and records of the Fire Department are records of the municipality.
- 6.20. "Kinkora Firefighters Association" 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.
- 6.21. 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.
- 6.22. As per clause 119(1)(d) of the *Municipal Government Act*, disciplinary matters will be reported to the Council as needed, through the CAO during a closed meeting.

## **7. Organization of the Fire Department**

- 7.1. The Fire Department shall be comprised of at minimum a Fire Chief, a Deputy Chief, 2 Captains, 2 Lieutenants, and a Safety Officer.
-

- 7.2. The positions of Engineer, Safety Officer, and Medical Officer shall be appointed at the discretion of the Fire Chief and aren't subject to council's approval. There will be a qualified Engineer for each apparatus that has a pump.
- 7.3. In total, the Fire Department will be comprised of not less than 20 active members.
- 7.4. In total, the Fire Department will be comprised of no more than 30 active members.
- 7.5. The Fire Chief, and Deputy Chief(s) of the Fire Department shall be appointed by the Council, after considering the recommendations of the Fire Department members and the CAO.
- 7.6. Applicants for the Fire Department shall be:
  - (a) 19 years of age or older;
  - (b) Reside within the Kinkora and Area Fire District, unless otherwise approved; and
  - (c) Possess a valid current criminal record check.
- 7.7. Successful Fire Department applicants shall serve a one-year probationary period, or until they complete their Level I certification.
- 7.8. 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.

## **8. Duties of the Fire Chief**

- 8.1. 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.
  - 8.2. The Fire Chief shall ensure that all members of the Fire Department are trained to a competent level at all times.
  - 8.3. 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*.
  - 8.4. The Fire Chief, when appointed as a local assistant, shall perform the duties required by the *Fire Prevention Act* within their scope of practise and training.
  - 8.5. 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.
  - 8.6. The Fire Chief, or senior member 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 hall, or both as the case may be.
- 8.7. 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.
- 8.8. In the absence of both the Fire Chief and Deputy Fire Chief at an emergency situation the most senior member of the Fire Department shall act in their stead.

## **9. Duties of the Members of the Fire Department**

- 9.1. Members shall meet for practice and instruction in the use of apparatus, tactics and strategies in mitigating fire, medical, and other related emergencies, and the principles of fire prevention and pre-planning, at the call of the Fire Chief.
- 9.2. All members of the Fire Department shall attend at least 65% of emergency calls, meetings, and training sessions annually, unless prior approval from the Fire Chief has been granted, to maintain active status with the Fire Department.
- 9.3. Only active members are entitled to receive any honorarium or other benefit provided by the Municipality, or the Provincial and Federal governments.
- 9.4. 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.
- 9.5. Members assigned to operate Fire Department vehicles shall be qualified pursuant to the *Highway Traffic Act* to operate such vehicles, and have the appropriate class for such vehicles.

## **10. Procedures for Emergency Calls**

- 10.1. The Fire Chief or designate shall ensure all fires are reported to the appropriate authorities.
  - 10.2. 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.
  - 10.3. 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.
  - 10.4. 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.
-

## **11. Enforcement**

- 11.1. 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.
- 11.2. No person shall use apparatus, equipment or supplies of the Fire Department unless so authorized.
- 11.3. Any person who,
  - (a) remains inside an area marked pursuant to 10.3 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 10.4;
  - (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, under this bylaw.

## **12. Penalties**

- 12.1. 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*.

## **13. Liability**

- 13.1. 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.
- 13.2. 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.

## **14. Repeal of Existing Bylaw**

- 14.1. On adoption, this Bylaw replaces and repeals the Community of Kinkora Fire Services Bylaw #1997-02.
-



**15. Effective Date**

This Municipal Fire Department Bylaw, Bylaw # 2024-01, shall be effective on the date of approval and adoption below.

**First Reading:**

This Municipal Fire Department Bylaw, Bylaw# 2024-01, was read a first time at the Council meeting held on the 26th day of February, 2024.

This Municipal Fire Department Bylaw, Bylaw# 2024-01, was approved by a majority of Council members present at the Council meeting held on the 26th day of February, 2024.

**Second Reading:**

This Municipal Fire Department Bylaw, Bylaw# 2024-01, was read a second time at the Council meeting held on the 25<sup>th</sup> day of March, 2024.

This Municipal Fire Department Bylaw, Bylaw# 2024-01, was approved by a majority of Council members present at the Council meeting held on the 25<sup>th</sup> day of March, 2024.

**Approval and Adoption by Council:**

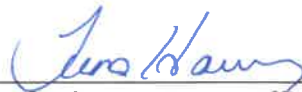
This Municipal Fire Department Bylaw, Bylaw# 2024-01, was adopted by a majority of Council members present at the Council meeting held on the 25<sup>th</sup> day of March, 2024.

**16. Signatures**



---


**Mayor (signature sealed)**



---

**Chief Administrative Officer (signature sealed)**

This Municipal Fire Department Bylaw adopted by the Council of the Rural Municipality of Kinkora on the 25<sup>th</sup> day of March, 2024 is certified to be a true copy.



---

**Chief Administrative Officer Signature**



---

**Date**



## **Schedule 1 – Fire Protection Services**

The Municipal Fire Department will provide the following services:

- a) Structural Fires
  - b) Vehicle Fires
  - c) Vehicle Accidents
  - d) Medical Emergencies
  - e) Disaster Response
  - f) Aircraft/Helicopter Fires
  - g) Bomb Threats
  - h) Fuel Spills
  - i) Hazardous Materials Response
  - j) Propane Leaks
  - k) Automatic Alarms
  - l) Utility Fires
  - m) Smoke Sightings
  - n) Mutual Aid
  - o) Any other calls, as requested by dispatch
-

## **Schedule 2 – Officer Qualifications**

### **Fire Chief:**

- a) Minimum of five years of service
- b) Level I Firefighter
- c) Level II Firefighter
- d) Obtain Fire Officer or Fire Service Management Certification
- e) Obtain any relevant courses on an on-going basis while serving as Chief.
- f) Held previous rank within the Fire Department

### **Deputy Chief:**

- a) Minimum of five years of service
- b) Level I Firefighter
- c) Level II Firefighter
- d) Obtain Fire Officer or Fire Service Management Certification
- e) Obtain any relevant courses on an on-going basis while serving as Deputy Chief.
- f) Held previous rank within the Fire Department

### **Captain:**

- a) Minimum of four years of service
- b) Level I Firefighter
- c) Level II Firefighter
- d) Obtain Fire Officer Certification
- e) Obtain any relevant courses on an on-going basis while serving as an officer.

### **Lieutenant:**

- a) Minimum of two years of service
- b) Level I Firefighter
- c) Obtain any relevant courses on an on-going basis while serving as an officer.

### **Engineer:**

- a) Minimum of five years of service
- b) Level I Firefighter
- c) Pump Operator's Course
- d) Valid Class 3a License

### **Medical Officer:**

- a) Minimum of five years of service
- b) Minimum of five years as a PCP/ACP Paramedic, or other healthcare profession
- c) Incident Command Course

### **Safety Officer:**

- a) Minimum of four years of service
  - b) Level I Firefighter
  - c) Level II Firefighter
-

- d) Incident Command Course
- e) Safety Officer Course

Firefighter:

- a) Minimum of 19 years old
  - b) Lives in the Kinkora & Area Fire District, unless otherwise approved
  - c) Valid Current Criminal Record Check
-

**Schedule 3 – Chain of Command**

