

COMMUNITY OF O'LEARY FIRE DEPARTMENT BY-LAW # 12

1. This bylaw defines the organization and operation of the O'Leary Volunteer Fire Department, hereafter referred to as the "Department".
2.
 - A. The Department is considered to be committee of the Community Council and thereby receives its funding for operating, acquisition and maintenance of its equipment and facilities from the Community budget.
 - B. All members of the Department are considered to be volunteers of the Community and are expected to abide by all Community and Department bylaws and policies, and be of good character when representing the Department and the Community. Members will be considered in the same manner as all other Community employees and shall adhere to the same guidelines that Council sets for all employees.
 - C. The Department shall be accountable to Council and shall keep Council apprised of its affairs and concerns through the Chief and Fire Councillor. Council shall reciprocate its concerns with the Department through the Fire Councillor and the Chief.
3.
 - A. The Department shall consist of twenty-five (25) members and three auxiliary members.
 - B. Each member shall (i) be a Canadian citizen; (ii) be at least nineteen years of age, (iii) be physically and mentally fit and be of good reputation; (iv) hold a valid drivers' license (class 3A license would be an asset); (v) reside within ten (10) kilometers of the Fire Hall; and (vi) have his/her employer's consent to participate (by mutual agreement and understanding).
 - C. No person shall be allowed to join, or continue to serve as a member if he/she has a criminal conviction on record.
4.
 - A. The Department shall consist of: a Chief, a Deputy Chief, two (2) Captains, two (2) Lieutenants, a secretary, a treasurer and sufficient personnel to satisfy section 3A.
 - B. A liaison officer from Council (Fire Councillor) shall be appointed by the Council Chairperson.
5. All officers of the Department (Chief, Deputy Chief, Captains, Lieutenants, Secretary and Treasurer) shall be elected by the Department membership. Their term of office shall be renewed annually and elections to be held within the first two weeks of January. In the event of a vacancy occurring on the executive between elections, the Fire Department

membership has the right and may move the remaining officers up the ranks to fill the position and hold a by election to fill the vacancy.

6. The Department shall periodically advertise for interested persons who may wish to join the Department and maintain a list of such applicants for future need. All applicants must complete and submit an approved application.
7. Any prospective new member must meet the criteria of the Fire Department and meet the approval of the membership and the Department Executive especially with regards to the positions of Chief and Deputy Chief pending a review of qualifications.
8. A. Any new member approved by the membership and Department Executive will serve a probationary period of six (6) months and will write a Department exam followed by a review from the Officers and Executive of the Department. The Executive will reserve the right to approve or deny membership of the applicant.

B. Any new member must, within one year of completion of the probationary period, be enrolled in the training for and actively seeking Firefighter Level I.
9. The Chief shall maintain the Department at full strength at all times. Any member wishing to be absent for a legitimate reason involving more than six (6) consecutive days must notify the Chief in advance.
10. The Chief shall have the authority to fill any deficiency in members on a temporary basis of not more than six (6) months.
11. A. Any member who has served the Department for more than five (5) years, has his/her Level I Firefighting Certificate or equivalent experience, may request from the Chief, a leave of absence of not more than six (6) months, for any of the following reasons: (i) death or serious illness in the immediate family; (ii) marital or domestic problems needing immediate attention; (iii) employment or financial problems requiring full time attention; or (iv) physical or mental health problems (a doctor's certificate may be required).

B. Upon completion of said leave the member shall be entitled to return to the Department at the same position as when the leave started.

C. Upon completion of said leave, (greater than six (6) months), the member may place his/her name at the top of the new applicants waiting list and return to active duty with the first available opening.
12. A. The annual cost of operating the Department shall be included in the Community's budget.

- B. The officers of the Department, with membership approval, shall determine their budget requirements for the upcoming year and submit these estimates to Council by February 15th of each year.
- C. The annual budget proposal shall include a list of new or replacement equipment as well as a cost estimate of each item which the Department is requesting to purchase.
- D. Upon approval of the final budget, budgeted items are to be ordered by the Chief or his designate as soon as possible.
- E. Unexpected purchases for replacement equipment throughout the year may be authorized by the Fire Councillor up to a maximum of one thousand dollars (\$1000) provided there is justification and sufficient funds in the Department budget. Purchases of more than that amount must be authorized by Council.
- F. The Chief shall submit an annual report to Council by March 1st of each year.
13. A. The Department shall hold two (2) regular meetings each month, on the first and third Tuesday evenings, to conduct general Department business as well as training or instruction in the use of all apparatus and the principles of fire fighting, fire prevention and fire protection.
- B. Additional training sessions may be held periodically at the will of the Department.
14. A. Each member of the Department shall receive an annual honorarium in the amount of one thousand dollars (\$1000) depending on the following criteria:
- two hundred dollars (\$200) for attending 70% of the regular meetings
 - two hundred dollars (\$200) for attending 70% of the regular training sessions
 - three hundred dollars (\$300) for attending 50% of the emergency calls.
 - three hundred dollars (\$300) for mileage if 50% of emergency calls are attended.
- B. The Fire Chief to receive an additional \$400.00 honorarium.
- C. Each member of the Department who must travel by personal vehicle to attend an official function or meeting as a representative of the Department shall be reimbursed for mileage at the same rate provincially approved rate, upon receipt of the completed claim form. All other associated costs are to be submitted with receipts to Council for their approval. Off Island travel expenses are reimbursed with the exception of mileage.
- D. When travel is required car pooling and room sharing is required.
15. A. The members of the Department may form and operate a support group known as "The Firemen's Club" or the "Club" for the purpose of equipment fund raising and social

activity, and operate such a club as a separate entity from the Department.

B. Council acknowledges the existence and the importance of such a Club, and therefore shall make the following allowances to assist The Fireman's Club:

(i) All funds received by Council as donations to the Department shall be turned over to the Club's Equipment Fund.

(ii) Council shall provide five hundred dollars (\$500) annually to the Club for an annual social event.

(iii) Council will provide, rent free, space in the Community Complex for the use as a gymnasium (under separate agreement) which will be maintained by the Club.

(iv) Council will turn over any funds regularly received from insurance companies (ie. PEI Mutual) for attending fires to the Club's equipment fund.

16. A. No person shall damage any apparatus, equipment or supplies of the Department. Any member finding any apparatus, equipment or supplies to be damaged or in low supply shall immediately notify the Chief of such, and the Chief shall make the necessary arrangements for the rectification as soon as possible.
- B. No person is to remove any piece of equipment or apparatus from the Fire Hall for any reason than emergency use or training purposes unless first notifying the Chief for permission and let the Department know as to where the equipment is located.
- C. All equipment remains the property of the Community of O'Leary and shall remain as such. When any equipment becomes surplus equipment, Council is to be advised and arrangements will be made for appropriate disposition.
17. All equipment and supplies shall be kept on an inventory list, which shall be updated annually, and submitted to the Chief.
18. A. The Chief, Deputy Chief and the officers of the Department shall set a procedure guide, and Department bylaws, for the operation of the Department, both on and off emergency ground, and maintain such guide and bylaws so as to keep the Department operating smoothly.
- B. The Chief shall enforce all bylaws and procedures and is authorized by Council to use any disciplinary actions accepted by the Department to do so.
19. The Department may be directed by Council to provide emergency services to any area outside the Community of O'Leary that may request such services and has agreed to pay the Community an accepted fee for these services. However, Council shall not enter into any such agreement with any area without the approval of the Department as to being capable of providing service.

20. The Chief shall keep Council aware of the operations of the Department on a regular basis so the Council may meet its responsibilities served by the Department.
21. The Department shall be required to maintain, both inside and outside, that portion of the Community Complex building and grounds that pertains to the Department.
22. All Fire Department members who have served ten years or greater or as Chief during their membership choose to retire for whatever reason except for any criminal act, may be designated as an honorary member. Privileges for honorary members include access to the firehall for use of wash bay and gym, invitations to Club social events and invitations to Department meetings but with no voting rights.
23. Fire Department executive to annually review the number of keys to the firehall that have been distributed making an effort to keep this to a minimum and retrieving any keys that are still in the possession of former members.
24. Community of O'Leary Bylaw # 12 re Fire Department, which was adopted on October 28, 2003; Community of O'Leary Amendment # 1 To Bylaw #12 Relating to O'Leary Fire Department which was adopted on June 26, 2009; Community of O'Leary Amendment # 2 to Bylaw # 12 Relating to O'Leary Fire Department which was adopted on September 20, 2010; and Community of O'Leary Amendment # 3 to Bylaw # 12 Relating to O'Leary Fire Department which was adopted on November 3, 2010 are hereby repealed.

COMMUNITY OF O'LEARY
FIRE DEPARTMENT BYLAW # 12

FIRST READING AT MARCH 14, 2013 REGULAR COUNCIL MEETING:

It was *moved by Blake Adams, seconded by Darren MacKinnon and carried* that the Community of O'Leary Fire Department Bylaw # 12 be brought forward for consideration. It was *moved by Blake Adams, seconded by Darren MacKinnon and carried* that the Community of O'Leary Fire Department Bylaw # 12 first reading be approved. (Note that Eric and Davis did not participate in discussion, motion or voting due to their membership in the Fire Department.)

SECOND READING AT APRIL 11, 2013 REGULAR COUNCIL MEETING:

It was *moved by Marvin MacDonald, seconded by Blake Adams and carried* that the Community of O'Leary Fire Department Bylaw # 12 be brought forward for second reading consideration. It was *moved by Marvin MacDonald, seconded by Blake Adams and carried* that the Community of O'Leary Fire Department Bylaw # 12 second reading be approved. It was *moved by Marvin MacDonald, seconded by Blake Adams and carried* that Community of O'Leary Fire Department Bylaw # 12 be adopted. . (Note that Eric and Davis did not participate in discussion, motion or voting due to their membership in the Fire Department.)

Blake Adams, Vice Chair
Community of O'Leary

Beverley Shaw, CAO
Community of O'Leary

FILED WITH THE MINISTER OF FINANCE, ENERGY AND MUNICIPAL AFFAIRS, PEI

ON 6th DAY OF May, 2013.