

TOWN OF O'LEARY

Bylaw 2022-02-02

A Bylaw to Amend the Town of O'Leary Fire Department Bylaw

Authority

This Bylaw is made under the authority of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

BE IT ENACTED by the Council of the Town of O'Leary that the Fire Department Bylaw (Bylaw 2022-02) be amended:

- 1. By the deletion of the word 'applicant' in section 7(A) following the words 'highest rated' and the substitution of the word 'applicant(s)'.**
- 2. By the deletion of the words 'six month' in 7(A) and (B) and the substitution of the words "one-year".**

Effective Date

Bylaw 2022-02-02, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02, shall be effective on the date of approval and adoption below.

Adoption and Approval By Council

First Reading:

Bylaw 2022-02-02, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02, was read a first time on October 17, 2024.

Bylaw 2022-02-02, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02, was approved by a majority of Council members present at the Council meeting held on October 17, 2024.

Second Reading:

Bylaw 2022-02-02, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02, was read a second time on November 14, 2024.

Bylaw 2022-02-02, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02, was approved by a majority of Council members present at the Council meeting held on November 14, 2024.

Adoption and Approval by Council:

Bylaw 2022-02-02, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02, was adopted and declared to be passed by a majority of Council members present at the Council meeting held on November 14, 2024.



Mayor



Chief Administrative Officer

Bylaw 2022-02-02, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02, adopted by the Council of the Town of O'Leary on November 14, 2024 is certified to be a true copy.



Chief Administrative Officer (signature sealed)

TOWN OF O'LEARY

FIRE DEPARTMENT BY-LAW # 2022-02

This document, prepared by the Town Office, is an office consolidation of this Bylaw, current to November 14, 2024. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. The Bylaw and the amendments as approved by Council should be consulted to determine the authoritative statement of the law.

1. This Bylaw defines the organization and operation of the O'Leary Fire Department, hereafter referred to as the "Department".
2. A. The Department is considered to be a committee of the Town Council and thereby receives its funding for operating, acquisition and maintenance of its equipment and facilities from the Town budget.
B. All members of the Department are considered to be volunteers of the Town and are expected to abide by all Town and Department bylaws and policies and be of good character when representing the Department and the Town. Members will be considered in the same manner as all other Town 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-eight (28) members.
B. Each member shall;
 - (i) be a Canadian citizen or a permanent resident of Canada;
 - (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 A license would be an asset); and
 - (v) reside within the O'Leary Fire District area and 75% of membership must reside within 10 km of the O'Leary Fire Hall.
C. No person shall be allowed to join, or continue to serve as a member if he/she has a criminal conviction on record. A criminal record check must be submitted with membership application.
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 Council.

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 including a criminal record check.
7.
 - A. Any new applicants must meet the criteria of the O'Leary Fire Department as stated in Section 3B as well as undergo a scored evaluation as conducted by the Chief and Deputy Chief. The highest rated **applicant(s)** may be accepted as a member of the Department on a **one-year** probationary period.
 - B. Any new member must, within one year of completion of the **one-year** probationary period, be enrolled in the training for and actively seeking Firefighter Level I and be successfully completed within five (5) years of membership enrollment date or shall be dismissed from the Fire Department. Five year time frame for completion of Level I and failure to do so will result in dismissal from the Fire Department, includes all firefighters currently enrolled in Level I but commencement date is December 8, 2016 which is the date of Bylaw # 12 Amendment# 1 approval. This requirement excludes fire department members who are not currently enrolled in Level I training and joined the Department before this training was mandatory.
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 not more than six (6) months.
11.
 - A. Any member who has completed the probationary period 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. Leave of absence greater than six (6) months requires executive approval.
 - 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 Town'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 firefighting, tire prevention and fire protection.
- B. Additional training sessions may be held periodically at the will of the Department.
14. *Repealed*
15. A. The members of the Department may form and operate as support group known as "The Firemen's Club" or the "Club" for the purpose of equipment fundraising 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 Town 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 take 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 other than emergency use or training purposes unless first notifying the Chief for permission and advising the Department as to location of said equipment.
- C. All equipment remains the property of the Town 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 procedural guide and 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 Town of O'Leary that may request such services and has agreed to pay the Town 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 Town 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 April 11, 2013, Community of O'Leary Amendment# 1 To Bylaw #12 relating to O'Leary Fire Department which was adopted on December 8, 2016, Community of O'Leary Amendment# 2 to Bylaw # 12 relating to O'Leary Fire Department which was adopted on January 15, 2020, and any prior bylaws and amendments relating to the Fire Department are hereby repealed.

Approval

First Reading:

This Fire Department Bylaw, Bylaw# 2022-02, was read a first time at the Council meeting held on the 14th day of April, 2022.

This Fire Department Bylaw, Bylaw# 2022-02, was approved by a majority of Council members present at the Council meeting held on the 14th day of April, 2022.

Second Reading:

This Fire Department Bylaw, Bylaw# 2022-02, was read a second time at the Council meeting held on the 9th day of June, 2022.

This Fire Department Bylaw, Bylaw# 2022-02, was approved by a majority of Council members present at the Council meeting held on the 9th day of June, 2022.

Adoption and Approval by Council:

This Fire Department Bylaw, Bylaw# 2022-02, was adopted by a majority of Council members present at the Council meeting held on the 9th day of June, 2022.

This Fire Department Bylaw, Bylaw# 2022-02, is declared to be passed on this the 9th day of June, 2022.



Mayor (signature sealed)



Chief Administrative Officer (signature sealed)

This Fire Department Bylaw adopted by the Council of the Town of O'Leary on June 9, 2022 is certified to be a true copy.



Chief Administrative Officer Signature

June 27 / 2022

Date

Schedule 'A'

Each member of the O'Leary Volunteer Fire Department shall receive an annual honorarium as per the following formula, eligibility criteria and table:

Type	Year 2024
"A"	\$1,100.00
"B"	\$520.00

1. Business meetings: $2.5\% \times \text{"A"} \times \text{number of meetings attended (maximum of 8 meetings)}$
+
2. Training sessions: $2.5\% \times \text{"A"} \times \text{number of sessions attended (maximum of 8 sessions)}$
+
3. Fire calls (non-medical calls only): 50% of non-medical calls must be attended to qualify for 60% of "A." This amount is determined by and allows proration if less than 50% of attendance by the following formula: $\text{Double the \% of attendance} \times \text{"A"} \times 60\%$, to a maximum of 60% of "A."

The total of 1, 2 & 3 shall not exceed amount in "A".

Note that medical calls will be calculated towards but not against the percentage of calls attended.

Business meetings can be attended remotely via teleconference, and will be counted towards the percentage of sessions attended.

Extra unscheduled training sessions, open to entire membership, shall be counted towards the percentage of sessions attended.

The Fire Chief to receive an additional honorarium as shown in "B".

This schedule is subject to revision by Town Council on an annual basis.

TOWN OF O'LEARY

Bylaw 2022-02-01

A Bylaw to Amend the Town of O'Leary Fire Department Bylaw

Authority

This Bylaw is made under the authority of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

BE IT ENACTED by the Council of the Town of O'Leary that the Fire Department Bylaw (Bylaw 2022-02) be amended:

1. By the deletion of Section 14 and the substitution of the following as Schedule "A" of the Bylaw:

Schedule 'A'

Each member of the O'Leary Volunteer Fire Department shall receive an annual honorarium as per the following formula, eligibility criteria and table:

Type	Year 2024
"A"	\$1,100.00
"B"	\$520.00

- 1) Business meetings: $2.5\% \times \text{"A"} \times \text{number of meetings attended (maximum of 8 meetings)}$
- +
- 2) Training sessions: $2.5\% \times \text{"A"} \times \text{number of sessions attended (maximum of 8 sessions)}$
- +
- 3) Fire calls (non-medical calls only): 50% of non-medical calls must be attended to qualify for 60% of "A." This amount is determined by and allows proration if less than 50% of attendance by the following formula: $\text{Double the \% of attendance} \times \text{"A"} \times 60\%$, to a maximum of 60% of "A."

The total of 1, 2 & 3 shall not exceed amount in "A".

Note that medical calls will be calculated towards but not against the percentage of calls attended.

Business meetings can be attended remotely via teleconference, and will be counted towards the percentage of sessions attended.

Extra unscheduled training sessions, open to entire membership, shall be counted towards the percentage of sessions attended.

The Fire Chief to receive an additional honorarium as shown in "B".

This schedule is subject to revision by Town Council on an annual basis.

Effective Date

- 1) This Bylaw 2022-02-01, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02 shall be effective on the date of approval and adoption below.

Adoption and Approval By Council

First Reading:

Bylaw 2022-02-01, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02, was read a first time on November 9, 2023.

Bylaw 2022-02-01, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02, was approved by a majority of Council members present at the Council meeting held on November 9, 2023.


Second Reading:

Bylaw 2022-02-01, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02, was read a second time on December 14, 2023.

Bylaw 2022-02-01, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02, was approved by a majority of Council members present at the Council meeting held on December 14, 2023.

Adoption and Approval by Council:

Bylaw 2022-02-01, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02, was adopted and declared to be passed by a majority of Council members present at the Council meeting held on December 14, 2023.




Mayor



Chief Administrative Officer

This Bylaw 2022-02-01, a Bylaw to amend the Town of O'Leary Fire Department Bylaw 2022-02, adopted by the Council of the Town of O'Leary on December 14, 2023 is certified to be a true copy.



Chief Administrative Officer