

FIRE PROTECTION AND EMERGENCY SERVICES BYLAW

AMENDED FEBRUARY 09, 1998

AMENDED MARCH 09, 2009

Summary of Bylaw Amendments at end of Bylaw

BEING A BYLAW OF THE CITY OF CHARLOTTETOWN TO PROVIDE FOR FIRE PROTECTION AND EMERGENCY SERVICES PURSUANT TO THE PROVISIONS OF SECTION 21 AND 64 OF THE *CHARLOTTETOWN AREA MUNICIPALITIES ACT*, R.S.P.E.I., 1988. CAP. C-4.1.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN AS FOLLOWS:

PART I: FIRE DEPARTMENT ORGANIZATION AND MISSION

1. 1.1 Fire protection, fire prevention, fire investigation, rescue and emergency services shall be provided to the citizens of the City of Charlottetown by the City of Charlottetown Fire Department and hereafter is referred to as the Fire Department.
- 1.2 The Fire Department has been established to take measures to prevent the outbreak of fires, extinguish and control fires, respond to explosions, hazardous materials incidents and other emergencies. The risk remaining after deducting the cumulative effect of the Fire Department efforts is the responsibility of each individual, including owners, operators, occupants, and casual visitors to properties and areas. It is not the intent of this bylaw to have the Fire Department eliminate all potential risks or address all conceivable emergency situations.
- 1.3 The Mission of the City of Charlottetown Fire Department is to protect lives and limit damage to property through education, prevention, and response of emergency resources.

PART II: DEFINITIONS

2. Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural number includes the singular. Where terms are not defined in this bylaw, they are defined using their ordinarily accepted meanings within the context in which they are used.
 - 2.1 **“Administrative Policy”** means written general principles used to guide the management of the Fire Department.
 - 2.2 **“Captain”** means an officer of the Fire Department in charge of a company or group of firefighters as per the Department’s chain of command and operating procedures.

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- 2.3 **“City”** means the City of Charlottetown established under Section 3 of the *Charlottetown Area Municipalities Act*.
- 2.4 **“Deputy Chief”** means an officer of the Fire Department who is an assistant to the Fire Chief as per the Departments chain of command and operating procedures.
- 2.5 **“District Chief”** means an officer of the Fire Department who is assigned to and in command of a District as per the Departments chain of command and operating procedures.
- 2.6 **“Deputy District Chief”** means an officer of the Fire Department who is an assistant to a District Chief as per the Departments chain of command and operating procedures.
- 2.7 **“Emergency”** means an unexpected situation that requires prompt action to protect human life and property.
- 2.8 **“Firefighter”** means a career, entry-level seasonal or volunteer Firefighter of any rank or title.
- 2.9 **“Fire Chief”** means the manager and Chief officer of the Department responsible for all administrative and operational functions of the Department and is in over all command as per the Departments chain of command and operating procedures.
- 2.10 **“Fire Committee”** consists of the elected officials as appointed by the Mayor.
- 2.11 **“Fire Inspector”** means an officer of the Fire Department responsible for the administration and enforcement of adopted fire codes and regulations.
- 2.12 **“Fire Prevention Division”** means a division of the Fire Department responsible for enforcement of fire regulations, fire inspections, fire investigations and fire prevention”.
- 2.13 **“Fire Prevention Officer”** means an officer of the Fire Department who provides fire prevention and education programs as well as enforcement of this bylaw.
- 2.14 **“Hazardous Material”** means a substance that when released is capable of creating harm to the public, the environment of property.
- 2.15 **“Lieutenant”** means an officer of the Fire Department who is appointed to assistant in the supervision of a company or group of firefighters as per the Departments chain of command and operating procedures.
- 2.16 **“Mutual Aid”** means two-way assistance by Fire Departments of two or more communities giving aid to the other in emergencies, without monetary compensation.

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- 2.17 **“Platoon Chief”** means an officer of the Fire Department who is assigned a shift or sector made up of companies or groups of firefighters as per the Departments chain of command and operating procedures.
- 2.18 **“Standard Operation Guidelines”** means written operational guidelines, general orders or Department rules to be used to assist the Fire Department members in conducting department operations.

PART III: GOVERNING BODY

3. As per the *Charlottetown Area Municipalities Act* Section 19 (1), the Mayor may appoint from among members of City Council, any standing committees consisting of such number of persons the Mayor considers appropriate for (a) the better transaction of the business before Council: and (b) the discharge of any duty within the scope of the committee’s power.
- 3.1 The Mayor shall appoint a standing committee responsible for the Fire Department.
- 3.2 The Mayor shall establish the terms of reference for the Committee responsible for the Fire Department appointed.
- 3.3 City Council shall determine the types and level of service to be provided by the Fire Department as well as the number of personnel, stations, apparatus and equipment necessary to provide an adequate level of service for the protection of life and property.
- 3.4 City Council or the Fire Committee shall not control or interfere with the day-to-day operations of the Fire Department.
- 3.5 The City may enter into Mutual Aid agreement or contracts with another municipality, community, fire district or private agency to provide fire protection, fire prevention and rescue services or other related services.
- 3.6 The City may charge fees for services provided including but not limited to:
- (a) Fire protection, fire prevention and rescue services.
 - (b) Fire prevention and burning permits.
 - (c) Fire investigation services.
 - (d) Reports or other documents.

PART IV: ADMINISTRATION & MANAGEMENT

4. 4.1 The administrative authority of the Fire Department shall be as follows:
- (a) The Chief Administrative Officer (CAO) of the City of Charlottetown;
 - (b) The Director appointed by the CAO to oversee Fire Departments administration;
 - (c) The Fire Chief.

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- 4.2 The manager of the Fire Department shall be the Fire Chief. The Fire Chief shall be responsible for all administrative and operational matters and shall head the chain of command for the Fire Department.
- 4.3 The Fire Chief shall establish and implement all Fire Department standard operating guidelines, general orders and departmental rules as necessary to ensure the mission of the Fire Department is achieved.
- 4.4 As per the City's staffing Bylaw the Fire Chief shall assign qualified personnel to all the Fire Departments operational positions and designate specific officers to command and control operations at fire scenes and other emergencies.

PART V: DEPARTMENT ORGANIZATION

- 5
 - 5.1 The Fire Chief shall assign the personnel, apparatus and equipment to each station or company. The Fire Chief shall determine how personnel, apparatus and equipment of the department should be organized into companies divisions and/or platoons together with the number and distribution of such units.
 - 5.2 The Fire Chief shall establish an organizational strategy that determines the relationship of the individual operating divisions, platoons and companies of the department.
 - 5.3 The organizational strategy shall include division, platoon and company assignments as well as a job description or list of responsibilities for each position and/or unit.

PART VI: AUTHORITIES AND DUTIES

- 6.
 - 6.1 The Fire Chief and his designates shall wear a badge or uniform or display some device indicating their rank in the Fire Department at fires or other emergency.
 - 6.2 The Fire Chief and his designates shall command and control all operations in connection with the extinguishment and control of any fires or any other emergencies the Department may respond to and shall have authority to take all reasonable actions necessary to protect life and property.
 - 6.3 The Fire Chief, his designates and the duly appointed members of the Fire Department are authorized to carry out the following duties:
 - (a) Command the assistance of persons and/or commandeer any vehicle, apparatus or equipment deemed necessary to extinguish and control any fire, explosion, hazardous materials incident, natural disaster, rescue operation, and other emergencies;
 - (b) Remove any property, vehicle, combustible or hazardous materials from a building, property or area on fire or in danger thereof or at risk of a potential fire an explosion or threat from the spill of any hazardous materials;

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- (c) Enter, break into or tear down any building on fire or in danger thereof or at risk of an explosion or threat from the spill of any hazardous materials;
 - (d) Exclude persons and vehicles from the vicinity of a fire or area at risk of a potential fire, an explosion or threat from the spill of any hazardous materials or any area endangered by a disaster, or other emergency;
 - (e) Evacuate buildings or an area of all occupants endanger by a fire or the threat of a potential fire or explosion or area at risk of an explosion or threat from the spill of any hazardous materials.
- 6.4 The Fire Chief, his designates and the duly appointed members of the Fire Department shall not be liable for any damage caused to any property as a result of carrying out the duties outlined in section 6.2 and 6.3.
- 6.5 The Fire Chief, his designates or the duly appointed members of the Fire Department charged with the control or extinguishment of any fire, explosion or the spill of any hazardous materials, rescue operation, or other emergency, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally libel for damages, or injury of any person caused by the person's act or omission in rendering the emergency services or aid unless that person is found grossly negligent.
- 6.6 Any suit brought against the Fire Chief, his designates or the duly appointed members of the Fire Department because of such act or omission performed in carrying out the duties outlined in this Bylaw shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by this jurisdiction.

PART VII: OFFENCES AND ENFORCEMENT

7. 7.1 Any person who;
- (a) Remains inside an area designated by the Fire Chief, his designates or duly appointed members of the Fire Department pursuant to Section 6.3 when requested to vacate the area by the Fire Chief, his designates or a duly appointed members of the Fire Department is guilty of an offence;
- Or any person who;
- (b) Refuses to comply with a legal request made pursuant to Section 6.3 or any person who obstructs the Fire Chief, his designates or any member of Fire Department in the performance of their duties or;
 - (c) Interferes with, obstructs, damages or destroys any apparatus or equipment used, owned, possessed or controlled by the Fire Department;
- Is guilty of an offence.
- 7.2 A copy of any writing paper or document filed in the court or any establishment containing any information from the records of the Highway Safety Division, Department of Transportation and Public Works, Province of Prince Edward Island

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purporting to be signed by the Registrar of Motor Vehicles or his representative shall be received in evidence in Court without proof of the signature and is prima facie evidence of the facts contain therein;

- 7.3 An engraved, lithographed, printed or otherwise mechanically produced facsimile signature of the Registrar of Motor Vehicles or his Representative is sufficient authentication of any such copy or statement.
- 7.4 A copy of any writing paper, or document filed in the Court, or any statement containing any information from the records of the Department of the Minister appointed pursuant to the provisions of the *Real Property Assessment Act*, R.S.P.E.I., 1988, Cap. R-4 shall be received in evidence in Court without proof of signature and is prima facie evidence of the facts contained therein.
 - (a) An engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Minister or his representative is sufficient authentication of any such copy or statement.

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SCHEDULE "A"

1. The City of Charlottetown Fire Department Bylaw.
2. A Bylaw Relating to the Fire Department and the Prevention and Suppression of Fires (Town of Parkdale Bylaw # 48)
3. Category 200, Protection to Persons and Property, Bylaw 204, The Fire Department (Community of Sherwood)

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
New Bylaw replacing the three bylaws of same title for Charlottetown, Sherwood & Parkdale	Separate bylaws of same title for Charlottetown, Sherwood & Parkdale.	New Bylaw replacing the three bylaws of same title for Charlottetown, Sherwood & Parkdale. See Bylaw.	12-Feb-96	12-Feb-96	28-Feb-96
Amend terminology: change "fire stations" to "fire districts", definitions, etc.	<i>nothing</i>	New Section: 2.2 " Assistant District Chief " means an officer of the Fire Department who is appointed as Assistant to the District Chief of the Fire District he/she is assigned to assist. Re-number old sections "2.2 to 2.6" to "2.3 to 2.7"	8-Sep-97	8-Sep-97	9-Feb-98
	2.5 "Deputy Fire Chief" means an officer of the Fire Department who is appointed as Deputy to the Fire Chief of the Fire Station he/she is assigned to.	Amend new section 2.6 as follows: 2.6 " District Chief " means an officer of the Fire Department who is in command of the Fire District he/she is assigned to.			
	2.7 "Fire Chief" means an officer of the Fire Department who is in command of the Fire Station area he is assigned to.	Delete old section 2.7 "Fire Chief"			
	2.14 "Fire Service Manager" means the administrative head of the City of Charlottetown Fire Department.	Amend section 2.14 as follows: 2.14 "Fire Service Manager" (Fire Chief) means the administrative and operational head of the City of Charlottetown Fire Department.			
	2.17 "Fire Station Management Team" means a group of fire fighters appointed by the Fire Chief of the station area they are assigned to.	Amend section 2.17 as follows: 2.17 "Fire Station Management Team" means a group of fire fighters appointed by the District Chief of the District they are assigned to.			
	4.1(c) The Fire Service Manager.	Amend subsection 4.1(c) as follows: 4.1(c) The Fire Service Manager (Fire Chief).			
	5.1 The Fire Department shall consist of a number of stations, apparatus, equipment and personnel necessary to provide an adequate level of protection for life and property.	Amend section 5.1 as follows: 5.1 The Fire Department shall consist of a number of Fire Districts , stations, apparatus, equipment and personnel necessary to provide an adequate level of protection for life and property.			
	5.3 Each station shall have a Fire Chief, Deputy Fire chief and the number of Captains, Lieutenants and Firefighters necessary to operate efficiently.	Amend section 5.3 as follows: 5.3 Each District shall have a District Chief , Assistant District Chief and the number of Captains, Lieutenants and Firefighters necessary to operate efficiently.			

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	5.4 The Fire Chief of each station is authorized to carry out the administrative policy and standard operating guidelines of the Fire Department as outlined in the department manuals.	Amend section 5.4 as follows: 5.4 The District Chief of each District is authorized to carry out the administrative policy and standard operating guidelines of the Fire Department as outlined in the department manuals.			
	5.5 The Fire Chiefs, Deputy Fire Chiefs, Captains, Lieutenants and volunteer firefighters shall be appointed for a term that shall be at the pleasure of City Council.	Amend section 5.5 as follows: 5.5 The District Chiefs, Assistant District Chiefs, Captains, Lieutenants and volunteer firefighters shall be appointed for a term that shall be at the pleasure of City Council.			
	5.6 The Fire Chiefs are authorized to direct and control all Fire Department equipment and personnel at the scene of any fire or other emergency in the fire stations area they are assigned to.	Amend section 5.6 as follows: 5.6 The Fire Chief and the District Fire Chiefs are authorized to direct and control all Fire Department equipment and personnel at the scene of any fire or other emergency in the fire stations area they are assigned to.			
	5.8 The Fire Station Engineer shall report to and be accountable to the Fire Service Manager regarding the day to day operation of the Fire Station, apparatus and equipment assigned to him.	Amend section 5.8 as follows: 5.8 The Fire Station Engineer shall report to and be accountable to the Fire Service Manager (Fire Chief) regarding the day to day operation of the Fire Station, apparatus and equipment assigned to him.			
	6.1 The Fire Chiefs, Deputy Fire Chief or the duly appointed members of the Fire Department shall wear a badge or uniform or display some device indicating their rank in the Fire Department at every fire or other emergency.	Amend section 6.1 as follows: 6.1 The Fire Chief, District Chief, and the Assistant District Chief or the duly appointed members of the Fire Department shall wear a badge or uniform or display some device indicating their rank in the Fire Department at every fire or other emergency.			
	6.2 The Fire Chiefs or their designate may, at every fire or other emergency to which the Fire Department responds, use tape, rope, or other means to mark an 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.	Amend section 6.2 as follows: 6.2 The Fire Chief, District Chiefs, or their designate may, at every fire or other emergency to which the Fire Department responds, use tape, rope, or other means to mark an 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.			
	6.3 The Fire Chiefs or their designate may request any person, who there is reasonable and probably grounds to believe is the owner of any property which might impede the response to the fire or other emergency, or the actual owner of such property, to remove that property.	Amend section 6.3 as follows: 6.3 The Fire Chief, District Chief or their designate may request any person, who there is reasonable and probably grounds to believe is the owner of any property which might impede the response to the fire or other emergency, or the actual owner of such property, to remove that property.			

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>6.4 The Fire Chief or their designate may cause any property which might impede the response to or the operation of the Fire Department at a fire or emergency to be moved.</p> <p>6.5 The Fire Chief, or their designate or the City or any of its servants shall not be liable for any damage caused to any property as a result of that property being moved pursuant to section 6-4.</p> <p>6.6 (a) Any person who:</p> <p>(i) remains inside an area marked by the Fire Chief or his designate pursuant to Section 6-2 when requested to vacate the area by a member of the Fire Department;</p> <p>(ii) refuses to comply with a request made pursuant to Section 6-3;</p> <p>(iii) obstructs any member of the Fire Department in the performance of the member's duties or;</p> <p>(iv) interferes with or destroys any equipment used, owned, possessed or controlled by the Fire Department;</p> <p>is guilty of an offence punishable on summary conviction and is liable to a fine of not less than one hundred dollars and not more than five hundred dollars.</p>	<p>Amend section 6.4 as follows: 6.4 The Fire Chief, District Chiefs, or their designate may cause any property which might impede the response to or the operation of the Fire Department at a fire or emergency to be moved.</p> <p>Amend section 6.5 as follows: 6.5 The Fire Chief, District Chiefs, or their designate or the City or any of its servants shall not be liable for any damage caused to any property as a result of that property being moved pursuant to section 6-4.</p> <p>Amend section 6.6 as follows: 6.6 Any person who:</p> <p>(a) remains inside an area marked by the Fire Chief, District Chiefs, or his designate pursuant to Section 6-2 when requested to vacate the area by a member of the Fire Department;</p> <p>(b) refuses to comply with a request made pursuant to Section 6-3;</p> <p>(c) obstructs any member of the Fire Department in the performance of the member's duties or;</p> <p>(d) interferes with or destroys any equipment used, owned, possessed or controlled by the Fire Department;</p> <p>is guilty of an offence punishable on summary conviction and is liable to a fine of not less than one hundred dollars and not more than five hundred dollars.</p>			

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
<p>To address the reorganization of the Fire Department to create a single chain of command and bring together all operations</p>	<p><u>PART I: FIRE PROTECTION AND EMERGENCY SERVICES ESTABLISHMENT.</u> 1. 1.1 Fire protection and emergency services shall be provided to citizens throughout the City of Charlottetown by an agency known as the “City of Charlottetown Fire Department”.</p>	<p>Amended as follows: <u>PART 1: FIRE DEPARTMENT ORGANIZATION AND MISSION</u> 1.1 Fire protection, fire prevention, fire investigation, rescue and emergency services shall be provide to the citizens of the City of Charlottetown by the City of Charlottetown Fire Department and hereafter is referred to as the Fire Department 1.2 The Fire Department has been established to take measures to prevent the outbreak of fires, extinguish and control fires, respond to explosions, hazardous materials incidents and other emergencies. The risk remaining after deducting the cumulative effect of the Fire Department efforts is the responsibility of each individual, including owners, operators, occupants, and casual visitors to properties and areas. It is not the intent of this bylaw to have the Fire Department eliminate all potential risks or address all conceivable emergency situations. 1.3 The Mission of the City of Charlottetown Fire Department is to protect lives and limit damage to property through education, prevention, and response of emergency resources.</p>	10-Feb-09	10-Feb-09	09-Mar-09

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>PART II: DEFINITIONS</p> <p>2.1 “<u>Administrative Policy</u>” means written general principles used to guide the management of the Fire Department.</p> <p>2.2 “<u>Assistant District Chief</u>” means an officer of the Fire Department who is appointed as Assistant to the District Chief of the Fire District he/she is assigned to assist.</p> <p>2.3 “<u>Captain</u>” means an officer of the Fire Department.</p> <p>2.4 “<u>Career Firefighter</u>” means a member of the fire department who is governed by the collective agreement between the City of Charlottetown and the Union.</p> <p>2.5 “<u>City of Charlottetown Fire Department</u>” means a department of the city government engaged in fire protection and emergency services to ensure the protection of human life and property.</p> <p>2.6 “<u>District Chief</u>” means an officer of the Fire Department who is in command of the Fire District he/she is assigned to.</p> <p>2.7 “<u>Emergency</u>” means an unexpected situation that requires prompt action to protect human life and property.</p> <p>2.8 “<u>Fire Committee</u>” consists of the elected officials as appointed by the Mayor.</p> <p>2.9 “<u>Fire Department Management Team</u>” means a group of senior officers of the Fire Department established to develop administrative policies and standard operating guidelines for the Fire Department.</p> <p>2.10 “<u>Firefighter</u>” means a career or volunteer firefighter.</p> <p>2.11 “<u>Fire Inspector</u>” means an officer of the Fire Department responsible for the administration and enforcement of fire regulations.</p> <p>2.12 “<u>Fire Prevention Bureau</u>” means a division of the Fire Department responsible for enforcement of fire regulations, fire inspections, fire investigations and fire prevention.</p> <p>2.13 “<u>Fire Prevention Officer</u>” means an officer of the Fire Department who provides fire prevention and education programs as well as enforcement of fire regulations.</p> <p>2.14 “<u>Fire Service Manager</u>” (Fire Chief) means the administrative and operational head of the City of Charlottetown Fire Department.</p>	<p>Amended as follows:</p> <p>PART II: DEFINITIONS</p> <p>Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural number includes the singular. Where terms are not defined in this bylaw, they are defined using their ordinarily accepted meanings within the context in which they are used.</p> <p>2.1 “<u>Administrative Policy</u>” means written general principles used to guide the management of the Fire Department.</p> <p>2.2 “<u>Captain</u>” means an officer of the Fire Department in charge of a company or group of firefighters as per the Departments chain of command and operating procedures.</p> <p>2.3 “<u>City</u>” means the City of Charlottetown established under section 3 of the Charlottetown Area Municipalities Act.</p> <p>2.4 “<u>Deputy Chief</u>” means an officer of the Fire Department who is an assistant to the Fire Chief as per the Departments chain of command and operating procedures</p> <p>2.5 “<u>District Chief</u>” means an officer of the Fire Department who is assigned to and in command of a District as per the Departments chain of command and operating procedures.</p> <p>2.6 “<u>Deputy District Chief</u>” means an officer of the Fire Department who is an assistant to a District Chief as per the Departments chain of command and operating procedures.</p> <p>2.7 “<u>Emergency</u>” means an unexpected situation that requires prompt action to protect life and property.</p> <p>2.8 “<u>Firefighter</u>” means a career, entry-level seasonal or volunteer firefighter of any rank or title.</p> <p>2.9 “<u>Fire Chief</u>” means the manager and Chief officer of the Department responsible for all administrative and operational functions of the Department and is in over all command as per the Departments chain of command and operating procedures.</p> <p>2.10 “<u>Fire Committee</u>” consists of the elected officials as appointed by the Mayor.</p> <p>2.11 “<u>Fire Inspector</u>” means an officer of the Fire Department responsible for the administration and enforcement of adopted fire codes and regulations.</p> <p>2.12 “<u>Fire Prevention Division</u>” means a division of the Fire Department responsible for enforcement of fire regulations, fire inspections, fire investigations and fire prevention”.</p> <p>2.13 “<u>Fire Prevention Officer</u>” means an officer of the Fire Department who provides fire prevention and education programs as well as enforcement of this Bylaw.</p>			

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>2.15 <u>“Fire Station”</u> means the building which houses the Fire Department apparatus, equipment and the members while on duty.</p> <p>2.16 <u>“Fire Station Engineer”</u> means a career firefighter appointed as Engineer.</p> <p>2.17 <u>“Fire Station Management Team”</u> means a group of fire fighters appointed by the District Chief of the District they are assigned to.</p> <p>2.18 <u>“Lieutenants”</u> means an officer of the Fire Department</p> <p>2.19 <u>“Mutual Aid”</u> means two way assistance by Fire Departments of two or more communities giving aid to the other in emergencies, without monetary compensation</p> <p>2.20 <u>“Standard Operation Guidelines”</u> means written operational guidelines to be used to assist the Fire Department members in conducting department operations.</p> <p>2.21 <u>“Union”</u> means the union recognized as the authorized bargaining agent in the collective agreement in place between the City and the career members of the Fire Department.</p> <p>2.22 <u>“Volunteer Firefighters”</u> means a member of the Fire Department other than a career Firefighter who serves of his or her own free will with or without a salary or gratuities.</p>	<p>2.14 <u>“Hazardous Material”</u> means a substance that when released is capable of creating harm to the public, the environment or property.</p> <p>2.15 <u>“Lieutenants”</u> means an officer of the Fire Department who is appointed to assistant in the supervision of a company or group of firefighters as per the Departments chain of command and operating procedures.</p> <p>2.16 <u>“Mutual Aid”</u> means two-way assistance by Fire Departments of two or more communities giving aid to the other in emergencies, without monetary compensation.</p> <p>2.17 <u>“Platoon Chief”</u> means an officer of the Fire Department who is assigned a shift or sector made up of companies or groups of firefighters as per the Departments chain of command and operating procedures.</p> <p>2.18 <u>“Standard Operation Guidelines”</u> means written operational guidelines, general orders or Department rules to be used to assist the Fire Department members in conducting department operations.</p>			
	<p><u>PART III: GOVERNING BODY</u></p> <p>3.1 The Fire Committee shall report to City Council regarding:</p> <p>(a) ensure that the Fire Department is organized and run in an effective manner;</p> <p>(b) ensuring that the Fire Department’s financial requirements are presented to Council as necessary;</p> <p>(c) establishing adequate fire protection, fire prevention and related services; and;</p> <p>(d) the supply of apparatus, equipment and facilities necessary to fulfil the Fire Department’s responsibilities; and the Fire Committee shall make such recommendations to Council as are appropriate.</p>	<p>Amended as follows:</p> <p><u>PART III: GOVERNING BODY</u></p> <p>As per the Charlottetown Area Municipalities Act Section 19. (1), the Mayor may appoint from among members of City Council, any standing committees consisting of such number of persons the mayor considers appropriate for (a) the better transaction of the business before Council: and (b) the discharge of any duty within the scope of the committee’s power.</p> <p>3.1 The Mayor shall appoint a standing committee responsible for the Fire Department.</p> <p>3.2 The Mayor shall establish the terms of reference for the Committee responsible for the Fire Department appointed.</p>			

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>3.2 The Fire Committee shall not control or interfere with the work of the Fire Department at the scene of a fire or other emergency.</p> <p>3.3 The City of Charlottetown may enter into a binding agreement with another municipality, community, fire district or private agency to provide fire protection and emergency services or other related services.</p> <p>3.4 The City of Charlottetown Fire Department may charge fees for services provided including but not limited to:</p> <ul style="list-style-type: none"> a) fire protection services; b) fire prevention services; c) fire prevention permits; d) fire investigation services; and e) reports on other documents. <p>Fees for these services shall be established by the Fire Committee.</p>	<p>3.3 City Council shall determine the types and level of service to be provided by the Fire Department as well as the number of personnel, stations, apparatus and equipment necessary to provide an adequate level of service for the protection of life and property.</p> <p>3.4 City Council or the Fire Committee shall not control or interfere with the day-to-day operations of the Fire Department.</p> <p>3.5 The City may enter into Mutual Aid agreement or contracts with another municipality, community, fire district or private agency to provide fire protection, fire prevention and rescue services or other related services.</p> <p>3.6 The City may charge fees for services provided including but not limited to:</p> <ul style="list-style-type: none"> a) Fire protection, fire prevention and rescue services. b) Fire prevention and burning permits. c) Fire investigation services. d) Reports or other documents. 			
	<p><u>PART IV: ADMINISTRATION & MANAGEMENT</u></p> <p>4.1 The administrative authority of the Fire Department shall be as follows:</p> <ul style="list-style-type: none"> (a) The Chief Administrative Officer of the City of Charlottetown; (b) The Director of Public Services; (c) The Fire Service Manager. (Fire Chief) <p>4.2 The Fire Service Manager is authorized to execute and be responsible for the administrative matters and the day to day operation of the Fire Department.</p> <p>4.3 The Fire Service Manager is authorized to coordinate and establish Fire Department administrative policies.</p> <p>4.4 The Fire Service Manager is authorized to review all Standard Operating Guidelines before a guideline is put into force.</p>	<p>Amended as follows:</p> <p><u>PART IV: ADMINISTRATION & COMMAND</u></p> <p>4.1 The administrative authority of the Fire Department shall be as follows:</p> <ul style="list-style-type: none"> (a) The Chief Administrative Officer (CAO) of the City of Charlottetown; (b) The Director appointed by the CAO to over see Fire Departments administration; (c) The Fire Chief <p>4.2 The manager of the Fire Department shall be the Fire Chief. The Fire Chief shall be responsible for all administrative and operational matters and shall head the chain of command for the Fire Department.</p> <p>4.3 The Fire Chief shall establish and implement all Fire Department standard operating guidelines, general orders and departmental rules as necessary to ensure the mission of the Fire Department is achieved.</p> <p>4.4 As per the City's Staffing Bylaw the Fire Chief shall assign qualified personnel to all the Fire Departments operational positions and designate specific officers to command and control operations at fire scenes and other emergencies.</p>			

FIRE PROTECTION AND EMERGENCY SERVICES BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p><u>PART V : ORGANIZATION</u></p> <p>5.1 The Fire Department shall consist of a number of Fire Districts, stations, apparatus, equipment and personnel necessary to provide an adequate level of protection for life and property</p> <p>5.2 Each station shall be assigned the apparatus, equipment and personnel necessary to protect the district which the station is assigned.</p> <p>5.3 Each District shall have a District Chief, Assistant District Chief and the number of Captains, Lieutenants and Firefighters necessary to operate efficiently.</p> <p>5.4 The District Chief of each District is authorized to carry out the administrative policy and standard operating guidelines of the Fire Department as outlined in the department manuals.</p> <p>5.5 The District Chiefs, Assistant District Chiefs, Captains, Lieutenants and volunteer firefighters shall be appointed for a term that shall be at the pleasure of City Council.</p> <p>5.6 The Fire Chief and the District Fire Chiefs are authorized to direct and control all Fire Department equipment and personnel at the scene of any fire or other emergency in the area they are assigned to.</p> <p>5.7 Where assigned the Fire Station Engineer, and his/her assistants, are authorized to:</p> <p>(a) have care and control of all equipment of the Fire Station assigned to him and maintain the Fire Station and the apparatus and equipment in a proper state of repair and efficiency.</p> <p>(b) carry out the policies established by the Fire Department as outlined in the Fire Department Policy and Standard Operating Guidelines Manual.</p> <p>5.8 The Fire Station Engineer shall report to and be accountable to the Fire Service Manager (Fire Chief) regarding the day to day operation of the Fire Station, apparatus and equipment assigned to him.</p>	<p>Amended as follows:</p> <p><u>PART V: DEPARTMENT ORGANIZATION</u></p> <p>5.1 The Fire Chief shall assign the personnel, apparatus and equipment to each station or company. The Fire Chief shall determine how personnel, apparatus and equipment of the department should be organized into companies divisions and/or platoons together with the number and distribution of such units.</p> <p>5.2 The Fire Chief shall establish an organizational strategy that determines the relationship of the individual operating divisions, platoons and companies of the department.</p> <p>5.3 The organizational strategy shall include division, platoon and company assignments as well as a job description or list of responsibilities for each position and/or unit.</p>			

FIRE PROTECTION AND EMERGENCY SERVICES BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p><u>PART VI: OFFENCES AND ENFORCEMENT</u> 6.1 The Fire Chief, District Chief, and the Assistant District Chief or the duly appointed members of the Fire Department shall wear a badge or uniform or display some device indicating their rank in the Fire Department at every fire or other emergency.</p>	<p>Amended as follows: <u>PART VI: AUTHORITY AND DUTIES</u> 6.1 The Fire Chief and his designates shall wear a badge or uniform or display some device indicating their rank in the Fire Department at fires or other emergency.</p>			

FIRE PROTECTION AND EMERGENCY SERVICES BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>6.2 The Fire Chief, District Chiefs, or their designate may, at every fire or other emergency to which the Fire Department responds, use tape, rope, or other means to mark an 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.</p> <p>6.3 The Fire Chief, District Chiefs, or their designate may request any person, who there is reasonable and probable grounds to believe is the owner of any property which might impede the response to the fire or other emergency, or the actual owner of such property, to remove that property.</p> <p>6.4 The Fire Chief, District Chiefs, or their designate may cause any property which might impede the response to or the operation of the Fire Department at a fire or emergency to be moved.</p> <p>6.5 The Fire Chief, District Chiefs, or their designate or the City or any of its servants shall not be liable for any damage caused to any property as a result of that property being moved pursuant to section 6.4.</p> <p>6.6 Any person who:</p> <p>(a) remains inside an area marked by the Fire Chief, District Chiefs, or his designate pursuant to Section 6.2 when requested to vacate the area by a member of the Fire Department;</p> <p>(b) refuses to comply with a request made pursuant to Section 6.3</p> <p>(c) obstructs any member of the Fire Department in the performance of the member's duties or;</p> <p>(d) interferes with or destroys any equipment used, owned, possessed or controlled by the Fire Department; is guilty of an offence punishable on summary conviction and is liable to a fine of not less than one hundred dollars and not more than five hundred dollars</p> <p>6.7 (a) A copy of any writing paper or document filed in the court or any establishment containing any information from the records of the Highway Safety Division, Department of Transportation and Public Works, Province of Prince Edward Island purporting to be signed by the Registrar of Motor Vehicles or his representative shall be received in evidence in Court without proof of the signature and is prima facie evidence of the facts contain therein;</p>	<p>6.2 The Fire Chief and his designates shall command and control all operations in connection with the extinguishment and control of any fires or any other emergencies the Department may respond to and shall have authority to take all reasonable actions necessary to protect life and property.</p> <p>6.3 The Fire Chief, his designates and the duly appointed members of the Fire Department are authorized to carry out the following duties:</p> <p>(a) Command the assistance of persons and/or commandeer any vehicle, apparatus or equipment deemed necessary to extinguish and control any fire, explosion, hazardous materials incident, natural disaster, rescue operation, and other emergencies.</p> <p>(b) Remove any property, vehicle, combustible or hazardous materials from a building, property or area on fire or in danger thereof or at risk of a potential fire an explosion or threat from the spill of any hazardous materials.</p> <p>(c) Enter, break into or tear down any building on fire or in danger thereof or at risk of an explosion or threat from the spill of any hazardous materials;</p> <p>(d) Exclude persons and vehicles from the vicinity of a fire or area at risk of a potential fire, an explosion or threat from the spill of any hazardous materials or any area endangered by a disaster, or other emergency.</p> <p>(e) Evacuate buildings or an area of all occupant endanger by a fire or the threat of a potential fire or explosion or area at risk of an explosion or threat from the spill of any hazardous materials;</p> <p>6.4 The Fire Chief, his designates and the duly appointed members of the Fire Department shall not be liable for any damage caused to any property as a result of carrying out the duties outlined in section 6.2 & 6.3.</p> <p>6.5 The Fire Chief, his designates or the duly appointed members of the Fire Department charged with the control or extinguishment of any fire, explosion or the spill of any hazardous materials, rescue operation, or other emergency, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for damages, or injury of any person caused by the person's act or omission in rendering the emergency services or aid unless that person is found grossly negligent.</p> <p>6.6 Any suit brought against the Fire Chief, his designates or the duly appointed members of the Fire Department because of such act or omission performed in carrying out the duties outlined in this Bylaw shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by this jurisdiction</p>			

FIRE PROTECTION AND EMERGENCY SERVICES BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>(b) An engraved, lithographed, printed or otherwise mechanically produced facsimile signature of the Registrar of Motor Vehicles or his Representative is sufficient authentication of any such copy or statement</p> <p>(c) A copy of any writing paper, or document filed in the Court, or any statement containing any information from the records of the Department of the Minister appointed pursuant to the provisions of the <u>REAL PROPERTY ASSESSMENT ACT</u>, R.S.P.E.I., 1988, Cap. R-4 shall be received in evidence in Court without proof of signature and is prima facie evidence of the facts contained therein.</p> <p>(d) An engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Minister or his representative is sufficient authentication of any such copy or statement.</p> <p>6.8 In this Bylaw, words in the singular include the plural, and words of the masculine gender include the feminine gender, and vice versa.</p>				
	<p><u>PART VII: APPLICATION</u></p> <p>7.1 This Bylaw shall be applied, mutatis mutandis, to the bylaws, listed in Schedule "A" of the former municipalities now forming part of the new City of Charlottetown.</p> <p>7.2 This Bylaw shall govern should there be any conflict between it and the bylaws listed in Schedule "A".</p> <p>7.3 The bylaws in Schedule "A" shall continue to be in effect for the Station in the area that they had covered, until an administrative policy is put in place and Council repeals that bylaw.</p>	<p>Amended as follows:</p> <p><u>PART 7: OFFENCES AND ENFORCEMENT</u></p> <p>7.1 Any person who:</p> <p>(a) Remains inside an area designated by the "Fire Chief", his designates or duly appointed members of the Fire Department pursuant to Section 6.3.4 when requested to vacate the area by the "Fire Chief", his designates or a duly appointed members of the Fire Department is guilty of an offence.</p> <p>Or any person who:</p> <p>(b) Refuses to comply with a legal request made pursuant to Section 6.3. or any person who obstructs the "Fire Chief", his designates or any member of Fire Department in the performance of their duties or; Interferes with, obstructs, damages or destroys any apparatus or equipment used, owned, possessed or controlled by the Fire Department; Is guilty of an offence.</p>			

FIRE PROTECTION AND EMERGENCY SERVICES BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
		<p>7.2 A copy of any writing paper or document filed in the court or any establishment containing any information from the records of the Highway Safety Division, Department of Transportation and Public Works, Province of Prince Edward Island purporting to be signed by the Registrar of Motor Vehicles or his representative shall be received in evidence in Court without proof of the signature and is prima facie evidence of the facts contain therein;</p> <p>7.3 An engraved, lithographed, printed or otherwise mechanically produced facsimile signature of the Registrar of Motor Vehicles or his Representative is sufficient authentication of any such copy or statement.</p> <p>7.4 A copy of any writing paper, or document filed in the Court, or any statement containing any information from the records of the Department of the Minister appointed pursuant to the provisions of the <i>Real Property Assessment Act</i>, R.S.P.E.I., 1988, Cap. R-4 shall be received in evidence in Court without proof of signature and is prima facie evidence of the facts contained therein.</p> <p>(a) An engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Minister or his representative is sufficient authentication of any such copy or statement.</p>			