

Fire Department Ordinance

for the Town of Sullivan



ADOPTED September 30, 2020

ARTICLE 1: AUTHORITY

This ordinance is adopted pursuant to the latest revisions of Title 30-A M.R.S.A. Section 3151 (defines Municipal Fire Department), Title 30-A M.R.S.A. Chapter 153 (Municipal Fire Protection), by 14 M.R.S.A. Sections 8101-8118 (Civil Court Procedures), Title 30-A M.R.S.A., Chapter 153 (Fire Chiefs) included in Appendix A of this ordinance and Title 30-A M.R.S.A., Section 3154 (Municipal Firefighters).

Note: The copy of Chapter 153 (Fire Chiefs) statute is the version as of the date of adoption of this ordinance. The defining statute for this ordinance shall be the latest revisions notwithstanding the version shown in Appendix A.

ARTICLE 2: PURPOSE

The purposes of this Fire Department Ordinance shall be to (1) clarify the scope of the Municipal Fire Department, (2) establish appointment procedures, (3) define the powers and duties of the Chief, other Officers, Municipal Firefighters, and Junior Firefighters, (4) define the procedures under which the Department shall operate and (5) provide the maximum possible legal protection for the Chief, other Officers, Municipal Firefighters, and Junior Firefighters.

ARTICLE 3: ESTABLISHMENT, RESPONSIBILITIES, AND NON-DISCRIMINATION

3.1 Establishment

This ordinance shall establish a Municipal Fire Department for the Town of Sullivan which shall hereby be known as Sullivan Fire Rescue.

3.2 Responsibilities

Sullivan Fire Rescue shall provide fire protection to the inhabitants of the Town of Sullivan, and elsewhere as provided by mutual aid agreements, by maintaining a Municipal Fire Department for fire prevention and extinguishment and for handling other types of emergency situations in accordance with the terms of this ordinance. Unless otherwise specifically authorized by this ordinance, the Sullivan Fire Rescue shall be governed by the appropriate sections of Title 30-A M.R.S.A. Chapter 153 as amended, in carrying out these responsibilities.

3.3 Non-Discrimination

Sullivan Fire Rescue shall be non-sectarian, non-partisan, and shall not discriminate against any race, creed, color, or sex.

ARTICLE 4: PRIVILEGES AND IMMUNITIES

Members of the Municipal Fire Department shall enjoy the privileges and immunities provided by 14 M.R.S.A., Section 8101-8118, as amended. The Officers, Municipal Firefighters, and Junior Firefighters shall be covered by the Town of Sullivan insurance coverage as applies to members of a municipal fire department.

ARTICLE 5: PERSONNEL

5.1 Organization

The Sullivan Fire Rescue shall consist of a Fire Chief, a Deputy Fire Chief, Captain(s), Lieutenant(s), an EMS Chief, and an Assistant EMS Chief.

The Fire Chief, the Deputy Fire Chief, the Captain(s), and the Lieutenant(s), EMS Chief, and Assistant EMS Chief shall be considered Officers. The Officers, the Municipal Firefighters, and the Junior Firefighters shall be considered members of Sullivan Fire Rescue.

All members of the Sullivan Fire Rescue, except Junior Firefighters shall be at least 18 years of age. Junior Firefighters shall be at least 14 years of age and under the age of 18.

All members of the Sullivan Fire Rescue shall be volunteers or paid on-call. Provisions of the Fair Labor Standards Act, Section 553.100 et. seq. shall be applied to volunteers.

5.2 Positions

5.2.1 Fire Chief

5.2.1.1 Appointment

The Fire Chief Shall be appointed by the Board of Selectman for a term of two (2) years upon the recommendation by the Town Manager and by vote of the Sullivan Fire Rescue membership. The Sullivan Fire Rescue vote shall be held near the end of the Town of Sullivan fiscal year for the appointment at the beginning of the fiscal year. The Fire Chief shall be sworn in by the Town Clerk or other person authorized to administer oaths.

5.2.1.2 Qualifications

The Fire Chief shall have the following minimum qualifications:

1. Knowledge of Federal and State laws and Rules and Regulations pertaining to the Fire Service.
2. Command experience
3. Administrative experience
4. Pro-Board Firefighter I/II Certified
5. Pumps I – or equivalent experience
6. S130-S190 training –wildland certification or equivalent
7. Emergency Vehicle Operating Course (EVOC)

5.2.1.3 Vacancy

If, for any reason, the office of Fire Chief becomes vacant, the Town Manager shall recommend a replacement for approval of the Board of Selectmen in accordance with the provisions of 5.2.1.1 of this Ordinance.

5.2.1.4 Powers and Duties

The Fire Chief as head of the Fire Department shall:

- a. Prepare and submit to the Town Manager monthly reports to include Fire and EMT calls received, runs made, training sessions held, and other pertinent activities of the Fire Department
- b. Prepare and submit to the Town Manager a summary of the year's activities for inclusion in the annual town report
- c. Prepare and submit to the Town Manager an annual budget request covering proposed Fire Department and EMT activities and a recommended annual update of the Fire Department's portion of the Town's long-term capital program
- d. Prepare and submit an up-to-date inventory and repair status of all equipment
- e. Maintain all equipment in the inventory
- f. Prepare a list of permissible duties for junior members and submit the list to the Town Manager within 30 days of the enactment of this ordinance
- g. Notify the Town Manager of any changes in the duty list within 5 days of the adoption of such changes
- h. Maintain and submit a complete record of all fires, fire investigations, inspections, personnel attending fires and training sessions, apparatus and equipment maintenance, costs and other information pertaining to the existence and operation of the Municipal Fire Department and EMT
- i. Maintain and submit to the Town Manager a current roster of all members, including name, current address, telephone number, social security number, and driver's license number

Except as otherwise provided by this ordinance, the Fire Chief shall have the powers and duties as provided in Title 30-A M.R.S.A., Section 3153, as amended.

The Fire Chief may delegate, in writing, any of the above duties to other members of the Fire Department, but the Fire Chief remains fully responsible for complying with this section.

5.2.1.5 Wages

The Fire Chief shall receive a nominal annual wage as established in the municipal budget.

5.2.1.6 Annual Review

The Town Manager shall evaluate the performance of the Fire Chief prior to end of the Town of Sullivan Fiscal Year.

5.2.2 Deputy Fire Chief

5.2.2.1 Appointment

The Deputy Fire Chief shall be appointed by the Fire Chief and shall be sworn in by the Town Clerk or other person authorized to administer oaths. The term of office shall be for two years with the appointment terminating on the last day of the municipal fiscal year.

5.2.2.2 Vacancy

If, for any reason, the office of Deputy Fire Chief becomes vacant prior to the expiration of a two (2) year term, the Fire Chief shall appoint a replacement as needed in accordance with the provisions of 5.2.2.1 of this Ordinance except that the term shall be for the unexpired portion of the original appointment.

5.2.2.3 Powers and Duties

The Deputy Fire Chief shall assist the Fire Chief and shall perform the duties and assume the responsibilities of the Fire Chief in the absence of the Fire Chief.

5.2.3 Captain(s)

5.2.3.1 Appointment

The Captain(s) shall be appointed by the Fire Chief and shall be sworn in by the Town Clerk or other person authorized to administer oaths. The term of office shall be for two years with the appointment terminating on the last day of the municipal fiscal year.

5.2.3.2 Vacancy

If, for any reason, the office of Captain(s) becomes vacant prior to the expiration of a two (2) year term, the Fire Chief shall appoint a replacement as needed in accordance with the provisions of 5.2.3.1 of this Ordinance except that the term shall be for the unexpired portion of the original appointment.

5.2.3.3 Powers and Duties

The Captain shall assist the Fire Chief and the Deputy Fire Chief and shall perform the duties and assume the responsibilities of the Fire Chief in the absence of the Fire Chief and the Deputy Fire Chief.

5.2.4 Lieutenant(s)

5.2.4.1 Appointment

The Lieutenant(s) shall be appointed by the Fire Chief and shall be sworn by the Town Clerk or other person authorized to administer oaths. The term of office shall be for two years with the appointment terminating on the last day of the municipal fiscal year.

5.2.4.2 Vacancy

If, for any reason, the office of Lieutenant becomes vacant prior to the expiration of a two (2) year term, the Fire Chief shall appoint a replacement as needed in accordance with the provisions of 5.2.4.1 of this Ordinance except that the term shall be for the unexpired portion of the original appointment.

5.2.4.3 Powers and Duties

The Lieutenants shall assist the Fire Chief, the Deputy Fire Chief, and the Captain(s) and shall perform the duties and assume the responsibilities of the Fire Chief in the absence of the Fire Chief, the Deputy Fire Chief and Captain(s).

5.2.5 EMS Chief

5.2.5.1 Appointment

The EMS Chief shall be appointed by the Fire Chief and shall be sworn by the Town Clerk or other person authorized to administer oaths. The term of office shall be for two years with the appointment terminating on the last day of the municipal fiscal year.

5.2.5.2 Vacancy

If, for any reason, the office of EMS Chief becomes vacant prior to the expiration of a two (2) year term, the Fire Chief shall appoint a replacement in accordance with the provisions of 5.2.5.1 of this Ordinance except that the term shall be for the unexpired portion of the original appointment.

5.2.5.3 Powers and Duties

The EMS Chief shall oversee of all Emergency Medical Service (EMS) operations within the department. The EMS Chief shall:

- a. Prepare and submit to the Town Manager monthly reports stating calls received, runs made, training sessions held, and other pertinent EMS activities of the Fire Department
- b. Prepare and submit to the Town Manager a summary of the year's EMS activities for inclusion in the annual town report

- c. Prepare and submit to the Town Manager an annual EMS budget request covering proposed EMS activities and a recommended annual update of the Emergency Medical Services portion of the Town's long-term capital program
- d. Prepare and submit an up-to-date inventory of all equipment
- e. Maintain and care of all equipment in the inventory
- f. Ensure the department remains compliant with all requirements set forth by the department of Maine Emergency Medical Service including equipment compliance, run reporting compliance, and training

5.2.6 Assistant EMS Chief

5.2.6.1 Appointment

The Assistant EMS Chief shall be appointed by the EMS Chief and shall be sworn by the Town Clerk or other person authorized to administer oaths. The term of office shall be for two years with the appointment terminating on the last day of the municipal fiscal year.

5.2.6.2 Vacancy

If, for any reason, the office of Assistant EMS Chief becomes vacant prior to the expiration of a two (2) year term, the EMS Chief shall appoint a replacement as needed in accordance with the provisions of 5.2.6.1 except that the term shall be for the unexpired portion of the original appointment.

5.2.6.3 Powers and Duties

The Assistant EMS Chief shall assist the EMS Chief and shall perform the duties and assume the responsibilities of the EMS Chief in the absence of the EMS Chief.

5.2.7 Municipal Firefighters

5.2.7.1 Appointment

Municipal Firefighters shall be appointed by the Fire Chief and shall serve at his/her pleasure.

5.2.7.2 Powers and Duties

The Municipal Firefighters shall have the duties and otherwise be controlled by the provisions of Title 30-A M.R.S.A., Section 3154, as amended.

5.2.8 Junior Firefighters

5.2.8.1 Appointment

Junior Firefighters shall be appointed by the Fire Chief and shall serve at his/her pleasure except that the appointment shall not extend beyond the member's 18th birthday.

5.2.8.2 Powers and Duties

Junior Firefighters may assist adult members of the department in the performance of those duties promulgated under Section 5.2.2.3, Deputy Fire Chief Powers and Duties.

ARTICLE 6: REMOVAL FROM OFFICE

6.1 Fire Chief

The Town Manager, with approval of the Board of Selectmen, may remove the Fire Chief from office at any time, for cause and after notice and hearing.

6.2 Other Officers, Municipal Firefighters, and Junior Firefighters

The Fire Chief may, at any time, remove other officers, municipal firefighters, and junior firefighters from the Sullivan Fire Rescue to preserve of well-being of the department.

ARTICLE 7: ADMINISTRATIVE RULES AND REGULATIONS

The Fire Chief shall prepare Administrative Rules and Regulations, and amendments thereto as needed, governing the operation of Sullivan Fire Rescue. These Rules and Regulations shall be consistent with this ordinance and with Title 30-A M.R.S.A., Chapter 153, as amended.

ARTICLE 8: PURCHASING AUTHORITY

The Fire Chief, or written designee(s), shall be responsible for obtaining the goods and services necessary for the proper operation of the Sullivan Fire Rescue within the current budget for that purpose.

8.1 Purchase Orders

The Fire Chief, or written designee(s), shall establish and maintain a purchase order system for the purchase of goods and services, in a manner approved by the Town Manager.

8.2 Approval

The Fire Chief, or written designee(s), shall approve all invoices for purchases made for the Fire Department before submitting them to the Town Manager for payment.

ARTICLE 9: SEVERABILITY

Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the ordinance. This ordinance shall supersede any prior ordinance of the same nature.

Appendix A Title 30-A M.R.S.A., Section 3153

§3153. Fire chiefs

Notwithstanding the method of fire protection services provided by a municipality, a fire chief shall be appointed in each municipality, unless the municipality provides by vote of its legislative body for the election of a municipal fire chief by the members of the municipal fire department or volunteer association, or provides that the voters of the municipality will elect a municipal fire chief at the regular municipal election or town meeting

In municipalities served by more than one volunteer association or municipal fire department, the municipality may by vote of its legislative body provide for the election of a fire chief by the members of each fire department or association of the municipality, but no more than one fire chief may be elected within each fire protection zone. When more than one fire chief is provided for in a municipality, each fire chief shall exercise in the fire chief's fire protection zone all powers and duties of a municipal fire chief and shall control and direct all municipal and volunteer firefighters in the performance of firefighting operations within the fire chief's fire protection zone, except as provided in this chapter

1. Term; compensation. Unless otherwise provided by contract, charter or ordinance, fire chiefs shall be appointed for an indefinite term. The municipal officers shall determine the compensation of the fire chief.

2. Duties. The fire chief shall:

- A. Direct and control all municipal and volunteer firefighters in the performance of firefighting operations within the municipality except as provided in Titles 12 and 25;
- B. Provide a training program for firefighters within the municipality in cooperation with appropriate governmental agencies;
- C. Provide for the maintenance of all fire equipment owned by the municipality and buildings used by the municipal fire department;
- D. Prepare and submit annually to the chief administrative official of the municipality a budget relating to fire protection activities; and
- E. Suppress disorder and tumult at the scene of a fire and generally direct all operations to prevent further destruction and damage.

3. Powers. The fire chief may:

- A. Unless otherwise provided by charter or ordinance, employ all municipal firefighters, appoint a deputy and other officers in a municipal fire department and remove them for cause after notice and hearing;
- B. With the approval of the municipal officers, adopt administrative regulations relating to municipal fire protection, consistent with this chapter and municipal ordinances;
- C. Obtain assistance from persons at the scene of a fire to extinguish the fire and protect persons and property from injury; and
- D. Pull down and demolish structures and appurtenances if the fire chief judges it necessary to prevent the spread of fire.