

## **Acton Fire-Rescue Ordinance**

The purpose of this Ordinance is to establish the “Acton Fire-Rescue Department” as a municipal department of the Town of Acton, pursuant to the home rule authority granted in Title 30-A M.R.S.A § 3001.

### **ARTICLE 1 - NAME**

- 1.1. The organization shall be known as the “Acton Fire-Rescue Department” (the “Department”).

### **ARTICLE 2 - PURPOSE**

- 2.1. Town of Acton Protection: The primary purpose of the Department shall be to prevent and extinguish fires within the Town of Acton, to handle emergencies affecting the health, safety and welfare, and to provide rescue, and medical transport services for all persons within the Town of Acton, and elsewhere by prior agreement.
- 2.2. Cooperation with Other Communities: The Department may also assist other municipalities as its resources are available and may be needed in a cooperative effort for all of these purposes, and will comply with any written agreements signed by the Selectmen. The Selectmen shall have authority to enter into written agreements with other municipalities on a recommendation of the Fire Chief.

### **ARTICLE 3 - ORGANIZATION**

- 3.1. The Department shall be a “Municipal Fire-Rescue Department” established pursuant to Title 30-A M.R.S.A. §3151(1) and (1-A) as amended to prevent and extinguish fires, and to provide emergency medical services as authorized by this ordinance through the operation of a municipal rescue and ambulance service as an integral function of the Department. It shall be a department within the Town of Acton.

### **ARTICLE 4 - MEMBERSHIP**

- 4.1. Members: The membership shall include individual residents and non-residents of the Town of Acton, who are at least 18 years old, and who have been accepted as members of the Department.
- 4.2. Number of Members: The Fire Chief shall determine the number of members necessary for the effective operations of the Department.
- 4.3. Application for Membership: All applications for membership in the Department must be approved by the Fire Chief. Members must meet all membership standards described in the Acton Fire-Rescue Department Member Qualifications and Expectations document which may be amended by the Fire Chief. All new memberships will be probationary for a twelve month period, followed by a review of their performance by the Fire Chief or his designate before full membership status is achieved. Full membership shall be considered for approval only after successful completion of the probationary period.

- 4.4. Junior Fire-Rescue Members: Any resident or non-resident of Acton, of the age 14 to 17, may be accepted as a Junior Fire-Rescue Member in accordance with section 4.3, after meeting the membership standards described in the Member Qualifications and Expectations and all requirements of Maine law. EMS requirements require a minimum age of 16.
- 4.5. Compensation: Members may be compensated consistent with the Department's appropriation provided through the Town budget process and the applicable provisions of the Department's Position Classification and Pay Scale. (Quarterly for stipends and weekly for on-shift crew members.) (See Acton Fire-Rescue Positions Pay Plan)
- 4.6. Department Roster: The Department shall maintain an Active Roster

## **ARTICLE 5 - RULES AND REGULATIONS/STANDARD OPERATING GUIDELINES**

- 5.1. The Acton Fire-Rescue Rules and Regulations/Standard Operating Guidelines ("SOG Documents"). The SOG document will include information from current departmental Job Descriptions, Employee Handbooks and SOG's. The SOG Document provides a detailed description of operating rules for emergency situations, member qualifications and training standards, and officer responsibilities.
- 5.2. Amendments: The SOG Documents may be amended by the Fire Chief. All amendments must be consistent with this Ordinance, Maine state law, and other applicable laws, ordinances and regulations.

## **ARTICLE 6 - DISCIPLINE, SUSPENSION AND DISMISSAL**

- 6.1. Causes for Discipline or Suspension: Causes for discipline, suspension and/or dismissal include those matters described in applicable provisions of the Town and Department's Personnel Policy.
- 6.2. Grievance Procedure: All grievances will be handled in accordance with applicable provisions of the Town and the Department's Personnel Policy as it may be amended. All members will be treated as employees under that policy for the purposes of grievances only.
- 6.3. Disciplinary Procedure: All discipline, suspensions, and dismissals shall be handled in accordance with applicable provisions of the Town and the Department's Personnel Policy as it may be amended.
- 6.4. Town Personnel Policy : The Town Personnel Policy shall supersede the Fire Rescue Personnel Policy in the event of any conflict.

## **ARTICLE 7 - APPOINTMENT OF OFFICERS**

- 7.1. Appointments: The Fire Chief (3 years), 2 Deputy Chief's (1 year each) shall be recommended to the selectmen for appointment by a seven (7) member Fire-Rescue Commission, consisting of the following:
  - 7.1.1. Three (3) active Department members elected/appointed by the Department.

- 7.1.2. Selectmen's Liaison with the Department.
- 7.1.3. Warrant and Finance Committee's Liaison with the Department.
- 7.1.4. A retired or active member of a municipal fire and rescue department appointed by the selectmen.
- 7.1.5. A member of the public, to be selected by the other six members of the Commission.
- 7.1.6. Members of the F-R Commission shall be appointed upon the adoption of this ordinance and a new commission appointed at the start of every fiscal year.
- 7.2. Appointment of other Officers and Officials: The Department shall create and fill any additional officer positions.
- 7.3. Nominating: The Department will maintain a "Nominating Committee" and prepare a list of qualified candidates for consideration of the commission described in section 7.1 prior to the expiration of their terms of appointment. The Nominating Committee shall also maintain a list of members qualified to fill additional officer positions created by the Department.
- 7.4. Qualifications for Officers: See the Member Qualifications and Expectations for the qualifications for all Officer Positions.

## **ARTICLE 8 - POWERS AND DUTIES OF FIRE CHIEF, OFFICERS AND OFFICIALS**

- 8.1. Chain of Command: The Chain of Command shall be in Accordance with the Fire-Rescue organizational chart. All other officers and officials shall follow the chain of command. The Fire Chief shall determine who has the higher rank between officers with the same rank.
- 8.2. Fire Chief: The Fire Chief shall exercise the duties and powers described in Title 30-A M.R.S.A. §3153 (see sections below), as it may be amended from time to time, except as described in this Ordinance, and as follows:
  - 8.2.1. Generally, direct and control all officers and members of the Department in the performance of their duties.
  - 8.2.2. Provide a training program for fire-rescue personnel within the municipality in cooperation with appropriate governmental agencies.
  - 8.2.3. Provide for the maintenance of all fire and rescue equipment owned by the municipality and buildings used by the municipal Fire-Rescue Department.
  - 8.2.4. Prepare and submit annually to the Board of Selectmen a line item budget related to fire protection and rescue activities. The budget will be reviewed by the officers for input prior to presentation to the Board of Selectmen.

- 8.2.5. Suppress disorder and tumult at all department activities and, generally, to direct all operations to prevent further destruction and damage.
  - 8.2.6. Exercise the powers relating to municipal fire protection and rescue as described in Article 5.
  - 8.2.7. Obtain assistance from persons at the scene of a fire to extinguish the fire and protect persons and property from injury.
  - 8.2.8. Pull down and demolish structures and outbuildings if the Fire Chief judges it necessary to prevent the spread of fire.
  - 8.2.9. Exercise the power of the fire inspector with respect to dangerous buildings described in 25 M.R.S.A §2360, as it may be amended from time to time.
  - 8.2.10. Exercise the power to bring civil actions, with the approval of the Board of Selectmen, described in 25 M.R.S.A §2361, as it may be amended from time to time.
  - 8.2.11. Issue fire permits as the Fire Warden in accordance with Maine Department of Conservation rules and regulations.
  - 8.2.12. Exercise any other powers and duties described in this Ordinance and powers of fire chief, officers and fire wardens generally as described in Maine State, Maine EMS and/or federal laws and regulations.
- 8.3. Officers Duties: See the Member Qualifications and Expectations for the duties of all officers and other officials.

## **ARTICLE 9 - DEPARTMENT ASSETS AND FUNDS**

- 9.1. Municipal Appropriation: All funds raised or appropriated for the Department at town meeting shall be treated as municipal funds under Title 30-A M.R.S.A. §5652 et seq, as amended.
- 9.2. Other Funding: All funds raised or donated to the Department in the Town of Acton's or the Acton Fire-Rescue Department's name, by Department personnel or any Auxiliary Association, which are held or deposited in an account bearing the Town's tax identification number for department equipment or other purposes, shall be treated as municipal funds pursuant to Title 30-A M.R.S.A. §5652 et seq, as amended. The Selectmen may authorize or approve expenditure of these funds in accordance with its Policy on Purchases regarding Donated Funds, as it may be amended from time to time. Funds raised or donated in the name of any association or auxiliary to the department and held in an account bearing a tax identification number other than that of the Town of Acton's are not subject to the requirements regarding municipal funds pursuant to the provisions of Title 30-A M.R.S.A. §5652 et seq as amended.
- 9.3. Other Assets and Equipment: Other assets and equipment of the Department shall be considered property of the Town of Acton.

- 9.4. Acceptance of Gifts: If any funds or other assets and equipment are given to the Town or Department as conditional gifts, then the Selectmen at town meeting shall comply with all conditions of Title 30-A M.R.S.A. §5654, as amended. All unconditional gifts shall be considered at town meeting in accordance with Title 30-A M.R.S.A. §5655, as amended.

#### **ARTICLE 10 – PRIVILEGES AND IMMUNITIES**

- 10.1. Members of the Acton Fire-Rescue Department shall be entitled to the privileges and immunities provided by the Maine Tort Claims Act, Title 14, M.R.S.A. §8101 et. seq.
- 10.2. When assisting other municipalities, members of the Acton Fire-Rescue Department shall have the same privileges and immunities as when acting in their own municipality.

#### **ARTICLE 11 - VALIDITY / SEVERABILITY / CONFLICT**

- 11.1 The invalidity of any provision of this ordinance shall not invalidate any other part or provision of this ordinance. If any of the provisions of this Ordinance are inconsistent with the provisions of other Ordinances of the Town of Acton, or any of the provisions of this Ordinance are inconsistent with the provisions of State or Federal law or regulation, the more stringent requirements shall be applicable and controlling. If any inconsistencies exist between the provisions of this Ordinance and the provisions of the By-Laws, Rules and Regulations of Acton Fire-Rescue Department, the provisions of this Ordinance shall govern.

#### **ARTICLE 12 - AMENDMENTS**

- 12.1. This Ordinance may only be amended at any Acton Town Meeting.

#### **ARTICLE 13 – EFFECTIVE DATE**

- 13.1. This ordinance shall take effect upon adoption by the Acton Town Meeting and the proper transfer of assets from the Acton Ambulance Association to the Town of Acton.

Adopted at a Special Town Meeting 11/10/2015

True Attested Copy - Jennifer Roux

