

Town of Whitefield, Maine

Whitefield Volunteer Fire and Rescue Department Ordinance

1. Title.

This ordinance shall be known as the Town of Whitefield Fire and Rescue Department Ordinance.

2. Authority

This ordinance is enacted pursuant to the State of Maine Constitution, Article VII(1), Title 30-A M.R.S.A., Sections 3001 et. seq and 3151 et. seq.

3. Establishment and Purpose

- 3.1 There is hereby established the Whitefield Fire and Rescue Department.
- 3.2 The further purpose of this ordinance is to organize the Department, to define the powers and duties of the chief, deputy chief, officers and firefighters of the Department, to provide them with the maximum legal protection available and to best protect the health, safety, property and welfare of the residents of the Town of Whitefield.

4. Definitions

For the purposes of this ordinance, the following terms shall be defined as follows.

- 4.1 “Department” means the Whitefield Fire and Rescue Department established pursuant to this ordinance.
- 4.2 “Deputy Chief” means the person duly appointed pursuant to this ordinance who is second in command of the Department and who assumes the duties and responsibilities of the Fire Chief during his/her absence.
- 4.3 “Fire Chief” means the person duly appointed pursuant to this ordinance who serves as the head of the Department.
- 4.4 “Junior Firefighter” means a person between the ages of 16 and 18 years who, with the consent of his or her guardian and with the approval of the Fire Chief, participates in Department activities. Junior firefighters must be under the direct supervision of the Fire Chief or a designated officer and act according to the provisions of Title 26 M.R.S.A., Section 772.
- 4.4 “Municipal Firefighter” means an individual active member, whether full-time, part-time or on-call, of Department who aids in the extinguishment of fires or provides

emergency medical care, or an individual who receives compensation from the municipality for performing these duties and is at least 18 years of age. For the purposes of this ordinance, municipal firefighter includes members of the Department serving as emergency medical responders.

4.5 “Officer” means any person who has command authority over a portion of Department operations as designated by the Fire Chief. Officers include a Deputy Fire Chief, a Director and Assistant Director of Emergency Medical Services, Assistant Chiefs and Fire Captains.

4.6 “Selectboard” means the duly elected Board of Selectmen for the Town of Whitefield, Maine.

4.7 “Town” means the Town of Whitefield, Maine.

5. Department Composition and Duties

The Department shall be comprised of one Fire Chief and one Deputy Chief appointed by the Selectboard, and other officers, municipal firefighters and junior firefighters.

5.1 The Fire Chief shall have the duties and responsibilities established in Title 30-A M.R.S.A., Section 3153, and shall be directly responsible to the Selectboard for the effective administration of the Department.

5.1.1 Rules and Standard Operating Guidelines prepared by the Fire Chief shall be reviewed and approved by the Selectboard before becoming effective.

5.1.2 The Fire Chief shall keep informed as to the latest practices in the field and, with the approval of the Selectboard, shall implement such new practices as appear to be of benefit to the Department and to the public.

5.1.3 The Fire Chief shall submit annual reports of the activities of the Department and additional reports when requested by the Selectboard.

5.1.4 The Fire Chief shall have the power to delegate to members of the Department such duties and responsibilities as he/she deems advisable, together with the proportionate authority for their fulfillment, but in no case may over-all responsibly or accountably be delegated.

5.1.5 The Fire Chief shall be responsible for the proper custody and care of all Town property and equipment used in or by the Department.

5.1.6 The Fire Chief may issue fire permits as Fire Warden in accordance with Maine Department of Conservation rules.

- 5.2 Officers and municipal firefighters shall have the duties and responsibilities set forth in Title 30-M.R.S.A., Section 3154. In the absence of the Fire Chief or Deputy Chief, officers shall assume authority in accordance with a chain of command in job descriptions prepared by the Fire Chief and approved by the Selectboard. All members of the Department shall meet the safety and training requirements of Title 26 M.R.S.A., sections 2101 – 2108.

6. Privileges and Immunity

Members of the Fire and Rescue Department shall enjoy the privileges and immunities provided by the Maine Tort Claims Act when performing their duties as firefighters for the Town.

7. Administrative Procedures

- 7.1 The Selectboard shall appoint a Fire Chief and Deputy Chief for a term of not more than three years each. Candidates for these positions shall be active members of the Department having a demonstrated knowledge of applicable state and federal laws, rules and regulations pertaining to operation of the Department. Candidates shall also possess experience in command of fire, emergency or related services, administrative experience and willingness to attend training to remain informed with current requirements and technology applicable to the Department.

Members of the Department may provide to the Selectboard nominations of qualified persons for these positions. The Selectboard may fill the positions from the nominations or with persons identified on its own initiative.

- 7.2 The Selectboard may remove the Fire Chief or Deputy Chief from office for just cause after notice and hearing.
- 7.3 Subject to approval by the Selectboard, the Fire Chief shall maintain current job descriptions for all officers and municipal firefighters.
- 7.4 The Fire Chief may appoint and remove officers, municipal firefighters and junior fire fighters as he/she deems appropriate and necessary to best carry out the purpose of this ordinance and within the budgetary limitations created by funds appropriated by the Town.
- 7.5 The Fire Chief, officers and municipal firefighters shall receive stipends as established in the municipal budget.
- 7.6 The Fire Chief shall prepare, maintain and observe Standard Operating Guidelines that are generally consistent with the National Fire Protection Association Standard 1720, *Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by Volunteer Fire Departments*.

- 7.7 The Fire Chief shall establish and maintain a system of records and reports that is sufficient to demonstrate the operation, activities and control of the Department. This is to include but is not limited to records of all calls responded to, incident investigations, inspections, personnel attending incidents and training sessions, apparatus and equipment maintenance, expenditures and other related information. The Fire Chief shall also maintain rosters of all Department members including contact information and information on training received.

8. Assets and Funds

- 8.1 All apparatus, equipment, supplies and other goods purchased with funds appropriated for the Department shall be considered property of the Town.
- 8.2 The Fire Chief is responsible for obtaining goods and services necessary for the proper operation of the Department within the limitations of appropriations made for that purpose by the municipal budget. All funds appropriated for the Department shall be treated as municipal funds and no expenditures may be made unless approved by the Selectboard on a properly subscribed disbursement warrant.
- 8.3 The Selectboard may enter into contracts, leases or other agreements with other municipalities or private parties for the use of buildings, apparatus, equipment and services to augment or support the Department on terms and conditions the Selectboard determines to be in the best interest of the Town.
- 8.4 The Department is authorized to apply for and receive grants, provided such applications are approved by the Selectboard. Additionally, the Department may receive gifts of money and equipment.

9. Mutual Aid

Pursuant to Title 30-A M.R.S.A., Section 3156, the Selectboard, in consultation with the Fire Chief, may enter into mutual aid agreements with other municipalities for fire fighting or other emergency services.

10. Severability and Suppression

- 10.1 The invalidation of any part of this ordinance shall not affect any other portion herein.
- 10.2 Adoption of this ordinance supercedes and replaces any and all related ordinances or warrant articles previously enacted.

11. Effective Date

This ordinance was enacted by the voters of the Town of Whitefield on _____ and is effective on _____.