

FIRE & RESCUE DEPARTMENT ORDINANCE OF THE TOWN OF NEWBURGH

WHEREAS, the Newburgh Volunteer Fire Department was organized as a Corporation under Chapter 19550042ND under Title 13-B of the Revised Statutes of the State of Maine with nonprofit Articles of Incorporation filed with the Office of the Secretary of State on September 14, 1955.

WHEREAS, the public health safety and welfare will be more effectively served by the delivery of Fire & Rescue and Emergency Response Services through a Municipal Fire & Rescue Department;

NOW THEREFORE, the Town of Newburgh hereby ordains this ordinance.

100 - TITLE, AUTHORITY, AND PURPOSE

110 Title

This ordinance shall be known as the Fire & Rescue Department Ordinance of the Town of Newburgh.

120 Authority

This ordinance is adopted pursuant to the Maine Constitution, Article VII(1); Title 30-A M.R.S.A., Section 3001, as amended; and Title 30-A M.R.S.A., Section 3152, as amended.

130 Purpose

The purpose of this Fire & Rescue Department Ordinance is to establish the Municipal Fire & Rescue Department and to clarify the scope of the Municipal Officers to establish appointment procedures and to define the powers and duties of the Chiefs, other Officers, and Municipal Fire & Rescue members; to define the procedures under which the Department shall operate; and to provide the maximum possible legal protection for the Chiefs, other Officers, and Municipal Fire fighters & Rescue personnel.

200 – ESTABLISHMENT, RESPONSIBILITIES AND NON-DISCRIMINATION

210 Establishment

There is hereby established by this ordinance a Municipal Fire & Rescue Department which shall be known as the Newburgh Fire & Rescue Department.

220 Responsibilities

The Town of Newburgh shall provide Fire & Rescue protection to the inhabitants of the Town of Newburgh, and elsewhere as provided by mutual aid agreements by maintaining a Municipal Fire & Rescue Department for Fire & Rescue 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 Newburgh Fire & Rescue Department shall be

governed by the appropriate sections of Title 30-A M.R.S.A. Chapter 153, as amended, in carrying out these responsibilities.

230 Non-Discrimination

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

300 – PRIVILEGES AND IMMUNITIES

310 Privileges and Immunities

Members of the Municipal Fire & Rescue Department shall enjoy the privileges and immunities provided by 14 M.R.S.A., Section 8101-8118, as amended, Maine Tort Claims Act. The Officers and Municipal Firefighters & Rescue personnel shall be covered by such of the Town of Newburgh's insurance coverage as applies to members of a municipal Fire & Rescue department.

400 – PERSONNEL

409 – All officers will have a written job description that will be written and approved by the board of Selectmen Annually. The job description shall include qualifications needed to acquire the Position, positions to be included but not limited to Chief, Assistant Chief, Lieutenant, Captain, Training Officer, ect.

410 Membership

411 Positions

The Newburgh Fire & Rescue Department shall consist of a Fire Chief and a Rescue Chief, Assistant Chief of Fire & Assistant Chief of Rescue, not more than 30 Municipal Firefighters & Rescue personnel.

412 Officers and Members

For the purposes of this ordinance, the Chiefs, the Assistant Chiefs, the Captains, and the Lieutenants and any other titles that may be approved by the Board of Selectmen shall be considered Officers. The Officers, EMS providers and the Municipal Fire & Rescue personnel shall be considered members of the Newburgh Fire & Rescue Department.

413 Qualifications

All members shall be at least 18 years of age.

414 Status

All members of the Newburgh Fire & Rescue Department shall be volunteers and provisions of the Fair Labor Standards Act, Section 553.100 et. seq. as such applies to volunteers shall be strictly complied with. All members shall be expected to comply with Newburgh Personnel Policy adopted by the Board of Selectmen.

420 FIRE CHIEF & RESCUE CHIEF

421 Appointment

The Town Manager shall appoint the Fire Chief & the Rescue Chief annually. Following their appointment, the Chiefs will be sworn by the Town Clerk or other person authorized to administer oaths.

422 Vacancy

If, for any reason, the office of Chief becomes vacant, the Town Manager shall appoint a replacement in accordance with the provisions of Section 421.

423 Powers and Duties

The Fire Chief & Rescue Chief shall be the heads of the Department and shall:

- a. Prepare and submit to the Town Manager monthly reports stating calls received, runs made, training sessions held, and other pertinent activities of the 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, with the town managers' assistance if necessary covering proposed Fire & Rescue Department activities and a recommended annual update of the Fire & Rescue Department's portion of the Town's long term capital program;
- d. Maintain an up-to-date inventory of all equipment and be responsible for the oversight of maintenance and care of all equipment in the inventory;
- e. Prepare a list of permissible duties for members and shall submit such list to the Town Manager within 60 days of the enactment of this ordinance. Thereafter, the Fire Chief & Rescue Chief shall notify the Town Manager of any changes in the duty list within 5 business days of the adoption of such changes;
- f. Maintain a complete record of all calls, investigations, inspections, personnel attending Fire calls & Rescue calls and training sessions and staff meetings, apparatus and equipment maintenance, costs and other information pertaining to the existence and operation of the Municipal Fire & Rescue Department; and
- g. Maintain a current roster of all members, including name, current address, telephone number, and driver's license number and notify the Town Manager of any changes in the roster.

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

The Chiefs may delegate, in writing, any of the above duties to other members of the

Department, but the Chief remains fully responsible for complying with this section and Shall adhere to all policies set by Town ordinance and Board of Selectmen policy.

424 Stipend

The Chiefs shall receive a nominal stipend as established in the municipal budget payable no less than every six months.

425 Annual Review

The Town Manager shall perform a written evaluation of the performance of the Chiefs annually.

430 ASSISTANT FIRE & ASSISTANT RESCUE CHIEF

431 Appointment

The Assistant Chiefs shall be appointed by the Chief and shall be sworn by the Town Clerk or other person authorized to administer oaths. The term of office shall be for one year.

432 Vacancy

If, for any reason, the office of Assistant Chief becomes vacant, the Fire & Rescue Chief shall appoint a replacement in accordance with the provisions of Section 431. The term shall be for the unexpired portion of the original appointment.

433 Powers and Duties

The Assistant 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. The Assistant Rescue Chief shall assist the Rescue Chief and assume the responsibilities of the Rescue Chief in the absence of the Rescue Chief. The Assistant Chiefs shall adhere to all ordinances set by a town vote and policies set by the Board of Selectmen.

434 Stipend

The Assistant Fire & Rescue Chiefs shall receive a nominal quarterly stipend as established in the municipal budget payable no less than every six months.

440 OFFICERS (CAPTAIN AND LIEUTENANTS ECT.)

441 Appointment

The Officers shall be appointed by the Fire Chief or Rescue Chief for their division and shall be sworn by the Town Clerk or other person authorized to administer oaths. The term of office shall be for one year.

442 Vacancy

If, for any reason, an officer position becomes vacant, the Fire or Rescue Chief shall appoint a replacement in accordance with the provisions of Section 441. The term shall be for the unexpired portion of the original appointment.

443 Powers and Duties

The officer shall assist the Fire Chief or Rescue Chief and the Assistant Chiefs and shall perform the duties set out in a policy and assume the responsibilities of the Fire Chief & Rescue Chief in the absence of the Fire Chief & Rescue Chief and the Assistant Fire Chief & Rescue Chief.

444 Stipend

The officers shall receive a nominal stipend as established in the municipal budget payable no less than every six months.

460 MUNICIPAL FIREFIGHTERS & RESCUE PERSONNEL

461 Appointment

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

462 Vacancy

The Fire or Rescue Chief shall attempt to fill all vacancies as provided in Section 461 as soon as possible in order to keep the Fire & Rescue Department at full strength.

463 Powers and Duties

The Municipal Firefighters & Rescue personnel shall have the duties and otherwise be controlled by the provisions of 30-A M.R.S.A., Section 3154 as may be amended from time to time.

464 Stipend

The Municipal Firefighters and Rescue personnel shall receive a nominal stipend as established in the municipal budget payable no less that every six months.

500 - ADMINISTRATIVE PROCEDURES

510 Administrative Rules and Regulations

The Fire Chief & Rescue Chief shall prepare Administrative Rules and Regulations for their divisions, and amendments thereto as needed, governing the operation of the Newburgh Fire & Rescue Department. These Rules and Regulations shall be consistent with this ordinance and with Title 30-A M.R.S.A., Chapter 153, as amended. Copies of all such Administrative Rules and Regulations and any amendments thereto shall be filed with the Town Clerk who shall provide a copy to the Town Manager and Board of Selectmen for approval.

520 Purchasing

521 Purchasing Authority

The Fire or Rescue Chief shall be responsible for obtaining the goods and services necessary for the proper operation of the Fire & Rescue Department within the limits of appropriations made for that purpose and within the time allocations stated in the approved budget.

522 Purchase Orders

The Fire or Rescue Chief shall make all purchases of goods and services, within the guidelines set forth in the Newburgh Purchase Policy.

523 Approval

The Fire Chief or Rescue Chief shall approve all invoices for purchases made for the Fire and Rescue Department before submitting them to the Town Manager for payment.

600 - MUTUAL AID AGREEMENTS

610 Mutual Aid

The Board of Selectmen is hereby authorized to enter into mutual aid agreements with other municipalities pursuant to Title 30-A M.R.S.A., Section 3156, as amended, for Fire & Rescue as follows extinguishing purposes and EMS Services and in a manner pursuant to Title 30-A M.R.S.A. Sec. 3001, as amended, for other emergency purposes. The Board of Selectmen shall make its decision as to whether or not to enter into any such agreement after receiving a recommendation from the Fire or Rescue Chief submitted through the Town Manager. All such existing agreements are hereby approved and ratified.

700 - ACCEPTANCE OF GIFTS

710 Acceptance of a Gift

Pursuant to Title 30-A M.R.S.A., Sections 5654 and 5655, as amended, gifts, whether conditional or unconditional, shall not be accepted by the Fire & Rescue Department. If any person or organization desires to make such gift to the Department, the Fire or Rescue Chief shall give direction to turn in said donation to the town treasurer to be deposited into the proper donation account. Funds established in said account are not disbursed without preapproval of the board of selectmen..

800 - SEVERABILITY AND EFFECTIVE DATE

810 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.

820 Effective Date

This ordinance shall become effective on the 1st day following its adoption by the Town Meeting.

900 - BILLING FOR SERVICES

The Fire Chief and Rescue Chief or designee shall submit to the Town treasurer within 48 hours of incident a report in writing of all calls involving Motor Vehicles. It will be the responsibility of the town treasurer to bill for Non-Taxpayer Vehicle involved responses of the Newburgh Fire and Rescue Department as follows:

Engine - \$300.00/hr

Tanker - \$300.00/hr

Rescue - \$250.00/hr

Firefighters - \$15.00/hr

Rescue Personnel - \$15.00/hr

Extrication (Jaws) - \$500.00 (flat rate)

Fuel Spill - \$250.00 minimum Plus materials

All billings will be based on a minimum of one hour.

All proceeds collected from these billings will be recorded by the treasurer and deposited in a capital equipment account.

