

Ordinance to Establish Municipal Fire Department

"Shall an ordinance entitled 'Fire Department Ordinance of Athens, Maine' be enacted?"

Municipal Fire Department. "Municipal fire department" means an organized firefighting unit established under municipal charter, ordinance or bylaw to prevent and extinguish fires and, if authorized by charter, ordinance or bylaw, to provide emergency services.

FIRE DEPARTMENT ORDINANCE OF ATHENS, MAINE

Section 1. Title.

This ordinance shall be known as the Fire Department Ordinance of ATHENS MAINE.

Section 2. Purpose.

The purpose of this ordinance is to establish a Municipal Fire Department, and to define the powers and duties of the chief and members of the Department. An additional purpose of this ordinance is to provide the maximum legal protection available to the Fire Chief and municipal firefighters, and to best protect the health, safety and welfare of the residents of ATHENS.

Section 3. Establishment.

Pursuant to Art. VIII, pt. 2, § 1 of the Maine Constitution, 30-A M.R.S.A. § 3001 and § 3153 *et seq.*, the municipality of ATHENS hereby establishes a Municipal Fire Department.

Section 4. Definitions.

Municipal Fire Department: The organized firefighting unit established pursuant to this ordinance.

Municipal Firefighter: an active member, whether full-time, part-time, or on call of the municipal fire department, who aids in the extinguishment of fires or an individual that receives compensation from the municipality for aiding in the extinguishment of fires, and is at least 18 years of age.

Section 5. Duties.

The Municipal Fire Department shall prevent and extinguish fires and provide firefighting protection within the municipality of ATHENS and elsewhere as provided by mutual aid or other contractual agreements approved by the municipal officers or municipal legislative body.

The Municipal Fire Department shall also be authorized to provide emergency services by responding to and managing other public safety emergencies, including, but not limited to, medical emergencies, hazardous materials incidents or natural or man-made disasters.

Section 6. Fire Chief.

- **Appointment.** The Fire Chief shall be appointed by the municipal officers for a term of one year.
- **Compensation.** The Fire Chief's compensation shall be established by the municipal officers.
- **Powers and duties.** The Fire Chief shall have the powers and duties set forth in 30-A M.R.S.A. § 3153, except that administrative rules and regulations promulgated by the Fire Chief shall not be effective until approved by the municipal officers.
- **Reports.** The Fire Chief shall submit a written monthly report on the activities of the Department and shall discharge such other duties as may be required by the municipal officers
- **Duties.** The fire chief shall:
 1. 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;
 2. Provide a training program for firefighters within the municipality in cooperation with appropriate governmental agencies;
 3. Provide for the maintenance of all fire equipment owned by the municipality and buildings used by the municipal fire department;
 4. 4. Prepare and submit annually to the chief administrative official of the municipality a budget relating to fire protection activities.
 5. Suppress disorder and tumult at the scene of a fire and generally direct all operations to prevent further destruction and damage.
- **Powers.** The fire chief may:
 1. Unless otherwise provided by charter or ordinance, appoint a deputy and other officers in a municipal fire department and remove them for cause after notice and hearing; *see sections below*
 2. With the approval of the municipal officers, adopt administrative regulations relating to municipal fire protection, consistent with this chapter and municipal ordinances;
 3. Obtain assistance from persons at the scene of a fire to extinguish the fire and protect persons and property from injury; and
 4. Pull down and demolish structures and appurtenances if the fire chief judges it necessary to prevent the spread of fire.

Section 7. Firefighters.

Municipal firefighters shall have the powers and duties set forth in 30-A MRSA § 3151 *et seq.*, and as set forth in any administrative rules and regulations adopted pursuant to section 6 above.

1. **Duties.** Firefighters are under a duty to extinguish all fires to which they are called, to protect lives and property endangered by fires and to carry out all other related activities as directed by the fire chief.
2. A firefighter may use a reasonable degree of nondeadly force when the firefighter reasonably believes that this force is necessary to carry out the duties under this subsection.
3. **Training.** All firefighters shall attend training sessions as scheduled by the fire chief.

Section 8. Deputy Fire Chief.

A Deputy Fire Chief shall be appointed by the Fire Chief, to act with full authority in the absence of the Fire Chief, and shall have responsibilities as set forth in any administrative rules and regulations adopted pursuant to *section 6 above*.

Section 9. Other officers.

The Fire Chief may appoint other officers as deemed necessary pursuant to *Section 6 above*.

Section 10. Number of Members:

The Selectman will determine the number of members necessary for effective operation of The Department acting on a recommendation of The Fire Chief. All applications for membership must be approved by the Fire Chief.

Section 11. Discipline Suspension and Dismissal

These actions will be in accordance with The Town of Athens Personnel Policy. Grievances will also be handled in accordance with The Towns Personnel Policy.

Section 12. Emergency Rules and Regulations'

The Fire Chief shall have the authority to adopt emergency rules and regulations when necessary to respond to immediate needs or changes in circumstances. These may not be effective for more than 30 days.

Section 13. Junior Firefighters

Any resident of Athens of the age of 16 or 17 may be accepted as a Junior Firefighter after meeting all requirements of Maine Law

Section 14. Medical examinations. New or existing members may be asked to complete a medical examination; participation in the municipal fire department may be prohibited if, in the opinion of competent medical authority after examination, the person is not capable of performing the required duties.

Section 15. Municipal Appropriation

All funds raised or appropriated for the Municipal Fire Department at Town Meeting shall be treated as municipal funds under Title30-A MRSA 5652 et Esq.'s amended. No expenditures of Department funds may be made unless approved by the selectman on a properly subscribed disbursement warrant.

Section 16. Severability

The invalidity of any portion of this ordinance shall not invalidate any other part thereof.

Section 17. Amendments

This Ordinance may only be amended at an Athens Town Meeting

Section 18. Effective Date.

This ordinance shall become effective on July 31, 2018 but not until the legal dissolution of The Athens Volunteer Fire Department and successful transfer of all **assets** to the Municipality of Athens.