

TOWN OF BELGRADE
MUNICIPAL FIRE DEPARTMENT

An Ordinance for the Establishment and Administration of a Municipal Fire Department for the Town of Belgrade, Maine.

WHEREAS, The Town of Belgrade has historically maintained a fire department for the protection of its citizens and properties, and

WHEREAS, a review of the Town's official records has failed to reveal that the formal creation of said fire department occurred either through charter, ordinance or bylaw, and

WHEREAS, MRSA 30-A, Section 3151, as amended, requires that any municipal fire department must be organized and established under a municipal charter, ordinance or bylaw, and

WHEREAS, The Town of Belgrade desires to maintain a municipal fire department in accordance with Maine law,

NOW THEREFORE, The Town of Belgrade hereby adopts this Ordinance.

ARTICLE 1. GENERAL

1.1 Short Title

This Ordinance, prepared in accordance with the Constitution of the State of Maine, Article VII, Part 2,; Title 30 MRSA Section 3001, 3151, as amended, shall be known as and may be cited as the "Fire Department Ordinance for the Town of Belgrade, Maine and shall be cited herein as the "Ordinance."

1.2 Purpose

The purpose of this Ordinance shall be to establish and organize a municipal fire department as required by Title 30 – A MRSA Section 3151, as amended.

1.3 Creation

There is hereby creation a fire department for the Town of Belgrade which shall consist of a Fire Chief, a Deputy Fire Chief, Four (4) Assistant Fire Chiefs (includes an Assistant Fire for Rescue), and such other officers and members as shall be determined

by the Fire Chief, Town Manager and Board of Selectpersons.

1.4 Definitions

For the purpose of this ordinance, the following definitions shall be observed in the construction thereof. All terms not specifically defined herein shall have their customary meaning.

1.4.1“Chief” Shall mean the Fire Chief, who has been duly appointed to the position and serves as the head of the fire department.

1.4.2“Capital Reserve Account” shall mean those financial accounts, created by the Board of Selectpersons and funded by the voters at the Town Meeting, for the purposes of financing repairs, renovations, and maintenance of Department buildings, and the purchase of equipment necessary to outfit the Department.

1.4.3“Department” shall mean the fire department of the Town and include both the firefighting and rescue elements of the organization.

1.4.4“Fire & Rescue Association” shall mean an independent organization of firefighters and rescue squad members which is incorporated in accordance with Title 13 MRSA Sec 901-903 and officially recognized by the Town. No municipal funds are used to support the organization.

1.4.5“Junior Firefighters/Rescue” shall mean an officially recognized organization affiliated with the Department. Members are comprised of persons age 13-18 and area considered volunteers.

1.4.6“Mutual Aid” shall mean that fire/rescue protection assistance which the Town may officer and supply to another municipality by mutual agreement.

1.4.7“Selectpersons” shall mean the Board of Selectpersons of the Town of Belgrade.

1.4.8“Town” shall mean the Town of Belgrade, Maine.

1.4.9 "Town Manager" shall mean the chief executive officer of the Town, as appointed by the Selectpersons.

ARTICLE 2. DEPARTMENT COMPOSITION

The Department is currently composed of three separate fire stations, with each directly administered by an Assistant Fire Chief, and such other officers as shall be defined and designated by the Fire Chief.

ARTICLE 3. ADMINISTRATION

3.1 Appointments

The Department shall be headed by a fire Chief, who shall be a member in good standing of the Department and shall be appointed by the Town Manager for a term of five (5) years, subject to confirmation by the Board of Selectpersons. The Department may recommend candidates for consideration for appointment to the position of Fire Chief. The Deputy Fire Chief shall be appointed by the Chief and serve for a term of three (3) years. The chief shall appoint all Assistant Fire Chiefs and other officers within the organization in accordance with the Department's Standard Operating Procedures.

3.2 Appointment Policy & Term of Office

To be appointed as an officer of the Department, a person must be a member in good standing. Terms of office for all appointed officers shall be for three (3) years subject to satisfactory performance of duty. The Deputy Chief and Assistant Chiefs shall be appointed by the chief at the annual February meeting concurrent with the expiration of their respective terms. In case of vacancy, interim appointments shall be made.

Appointments are conducted annually on a rotation basis, one Assistant Chief being appointed each calendar year.

3.3 Department Membership

To qualify for membership in the Department, individuals must be at least eighteen (18)

years of age and physically capable of performing the duties associated with department requirements.

3.4 Suspension, Discharge & discipline

The Fire Chief may be suspended or discharged in accordance with the provisions set forth in the Town of Belgrade Employee Guidelines. The Fire Chief is responsible for the initiation of suspension or discharge actions relating to the Deputy Chief, Assistant Fire Chiefs, other officers and members of the Department. All such action must be reviewed and approved by the Board of Selectpersons. The Department shall adopt and maintain Standard Operating Procedures that include personnel matters, discipline, and due process.

3.5 Rules and Regulations

The Department has the primary responsibility to develop, maintain, and enforce operational procedures, codes of conduct, and administrative policies relating to the organization. All policies, rules, and regulations shall be approved by the Board of Selectpersons. The Board of Selectpersons are authorized to institute such rules and regulations regarding the administration and operation of the Department that they deem in the best interest of the Town.

ARTICLE 4. DUTIES AND RESPONSIBILITIES

4.1 Fire Chief

As head of the Department, the Fire Chief shall be responsible to the Town Manager for the operational matters related to the Department and the conduct of Department membership, as generally defined in Title 30-A MRSA Section 3153, as amended.

4.2 Deputy Fire Chief

The Deputy Chief, at the direction of the Chief, shall be responsible for all equipment

maintenance, and ordering of authorized equipment. S/he shall also assume all leadership responsibilities during the absence of the Chief.

4.3 Assistant Fire/Rescue Chief

Assistant Chiefs shall be in command of their respective stations, and are responsible for facility upkeep, equipment maintenance, and safe operations. The Assistant Chief for Rescue is responsible for the training and management of Rescue personnel, upkeep of equipment, and management of administrative matters associated with Rescue. All Assistant Chiefs are under the immediate command and supervision of the Chief and Deputy Chief.

4.4 Officers

Such officers of the Department, as may exist, shall be responsible to the Chief, Deputy Chief, and Assistant Chief for the performance of duties.

4.5 Members

Members of the Department shall be directly responsible to the Chief or his officers.

ARTICLE 5. FACILITIES AND EQUIPMENT

5.1 Facilities

The Department facilities shall consist of those buildings and structures identified by the Town as Fire Stations and ancillary structures and as such shall be the property of the Town.

5.2 Equipment

The Department equipment shall include, but not be limited to; such items as vehicles, pumps, fire hose, personal protective equipment, and such other equipment as may be required to support the Department. All such equipment shall be considered property of the Town. Unless donated and accepted by the Town, any items and equipment purchased by the independent associations shall remain the property and responsibility

of the association and/or its individual members, and be clearly identified as such.

ARTICLE 6. FINANCIAL REQUIREMENTS

6.1 Operations and Maintenance

The operations and maintenance (O & M) costs of the Department shall be borne by the Town, subject to voter approval. All members, including the chief, shall be compensated for services in accordance with pay schedules determined by Board of Selectpersons. All members of the Department are considered “On Call Firefighters” and will be paid on a quarterly basis for time dedicated to emergency response, training sessions, and for support requested by Town officials. When performing official duty related to the Department they will be considered Town employees. As such, they will be afforded the benefit of liability and workers compensation insurance when performing such duty.

6.2 Capital and Equipment Reserve

The Town shall maintain such capital and equipment reserve funds and accounts as the Board of Selectpersons shall determine and the voters of the Town shall approve. The Department shall develop and maintain a long range plan for the acquisition of major equipment items.

6.3 Gifts, donations, and Bequests

Gifts, donations, and bequests made to the Department, whether conditional or unconditional, shall be treated as public funds, and only be accepted and used in accordance with the provisions established in Title 30A MRSA Sections 5652-5654 as amended. Gifts, donations, and bequests made to independent organizations associated with the Department (Fire Fighter, Rescue, or Auxiliary Associations) may be treated as private funds.

ARTICLE 7. MUTUAL AID

The Department shall provide mutual aid fire protection and rescue support services to those municipalities with whom the Town has approved agreements. All mutual aid agreements shall be in writing and subject to review and approval by the Board of Selectpersons.

ARTICLE 8. JUNIOR FIRE & RESCUE

8.1 Establishment

The Department is authorized to establish and maintain both a Junior Fire Fighter and Junior Rescue organization. Criteria for membership and the establishment of operational and administrative guidelines is the responsibility of the Department and subject to approval by the Fire chief and Board of Selectpersons. Municipal support for each organization will be contingent on maintenance of a safe and well supervised operating environment. The Board of Selectpersons have the authority to disband such organizations in the event there is a satisfactory evidence to indicate failure to adhere to operational or administrative guidelines.

8.2 Insurance

The Town will provide liability insurance coverage to protect the municipality relative to activities associated with the organizations.

ARTICLE 9. INDEPENDENT ASSOCIATIONS

The Department is authorized to establish and sponsor independent organizations with affiliation to the Department. Each group shall be incorporated in accordance with all applicable state guidelines. Municipal funds will not be used to support the activities of these organizations; however, any revenue derived from donations or fund raising activities may be maintained by each group, and expended in accordance with individual organization guidelines.

ARTICLE 10. DOCUMENT CONSTRUCTION

8.1 Severability

Severability is intended throughout and within the provisions of this Ordinance. Should any provision, part, phrase or term, or the applications thereof to any person or circumstances be held invalid, the application of other provisions of this Ordinance shall not be affected thereby and the validity of this Ordinance in any and all other respects shall not be adversely affected.

8.2 Supersession

This ordinance supersedes and replaces any and all like or comparable ordinances, policies, or decisions previously enacted and in force within the Town and shall remain in effect until or unless revoked or superseded in accordance with Title 30-A MRSA Section 3002.

8.3 Amendments

From time to time, circumstances may require that portions or sections of this Ordinance be amended, revised or deleted. Such actions shall be conducted in accordance with Title 30-A MRSA Section 3002. Approval of any amendments, revisions or deletions rests exclusively with the voters of the Town.

ARTICLE 11. ADOPTIONThis Ordinance was submitted to the voters of the Town of Belgrade and adopted on August 29, 1995.

Selectpersons:

John M. Getman

Date: August 29, 1995

Richard W. Amon

John R. Bradshaw

Richard Carey

Peter Sargent

