

Fire Department Ordinance

WHEREAS, the Town of Searsport has historically maintained one or more fire departments 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 departments occurred either through charter, ordinance or bylaw, and

WHEREAS, 30-A MRSA, ss 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 Searsport desires to maintain a municipal fire department in accordance with Maine law,

NOW THEREFORE, the Town of Searsport 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, 30 MRSA, ss 3001, 3151, as amended, shall be known as and may be cited as the 'Fire Department Ordinance for the Town of Searsport, 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 30-A, ss 3151, as amended.

1.3 Creation

There is hereby created a fire department for the Town of Searsport which shall consist of a fire chief, and such other officers and members as shall be determined by the Selectmen.

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; words used in the present tense shall include the future and the plural shall include the singular.

1.4.1 "Chief" shall mean the fire chief, who shall serve as the head of the entire department.

1.4.2 "Capital Reserve Accounts" shall mean those financial accounts, created by the Selectmen and funded by the voters at town meeting, for the purpose 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.

1.4.4 "Mutual Aid" shall mean that: fire protection assistance which the town may offer and supply to another municipality by mutual agreement.

1.4.5 "Personnel Code and Administration (P C & A)" shall mean those personnel rules and regulations as has been adopted and promulgated by the Selectmen.

1.4.6 "Selectmen" shall mean the municipal officers or Board of Selectmen of the town.

1.4.7 "Town" shall mean the Town of Searsport, Maine.

1.4.8 "Town Manager" shall mean the chief executive officer of the town, as appointed by the Selectmen.

Article 2. Department Composition

The department shall be composed of two separate stations which shall be directly administered by the fire chief and such other officers as shall be defined and designated by the Selectmen. For purposes of clarity and identification, the separate stations shall be designated and located as follows:

Station 1. shall be generally located in the southern area of the town.

Station 2. shall be generally located in the northern area of the town.

Article 3. Administration

3.1 Appointments

The fire department shall be headed by a fire chief, who shall be annually appointed by the Board of Selectmen. All other officers and members of the department shall be appointed by the fire chief, subject to approval by the Town Manager. The town is an equal opportunity employer, therefore the department shall not discriminate against anyone because of race, creed, color, sex or national origin. Because of the potential hazards associated with fire fighting, members must be 18 years of age or older to join the department.

3.2 Suspension and Discharge

The fire chief may be suspended or discharged by the Town Manager in accordance with the provisions of the Town Policy Manual. Other officers and members of the department, may be suspended by the chief in accordance with the provisions of the Town Policy Manual. The Town Manager may discharge any officer or member of the department, in accordance with the provisions of the Town Policy Manual.

3.3 Rules and Regulations

The Selectmen are authorized to promulgate such rules and regulations regarding the administration and operation of the department and the conduct of the department membership, as the Selectmen shall deem in the best interest of the town and the personnel within the department.

3.4 Demotions

The Fire Chief may demote an appointed officer in rank for disciplinary reasons when verbal and written warnings for actions are ineffective or if the employee's behavior is egregious enough to warrant. In such cases, when just cause exists, he is able to demote the individuals rank by one level. If demotion is used for disciplinary action, the Town Policy Manual, Section 11, will govern the appeals process to ensure the employees right to due process.

Article 4. Duties and Responsibilities

4.1 Fire Chief

As head of the department, the fire chief shall be responsible to the Town Manager and the Selectmen for the performance of the department and the conduct of the department membership,

as generally defined in 30-A ss 113-153, as amended.

4.2 Officers

Such officers of the department, as may exist, shall be responsible to the fire chief for the performance of their respective duties and that of the station(s).

4.3 Members

Members of the department shall be responsible to the chief, and other officers of the department for the performance of their respective duties and that of the department.

Article 5. Facilities and Equipment

5.1 Facilities

The department facilities shall consist of those buildings and structures designated as fire stations and ancillary structures and 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, personnel safety and protection gear, and such other equipment as may be required to man and support the department. All such equipment shall be considered the property of the Town.

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 at a town meeting. All members, including the fire chief, station chief(s) and officers, shall be paid in accordance with pay schedules determined by the Selectmen. The town shall assume responsibility for liability and workers compensation insurance for all personnel while on official duty with the department.

6.2 Capital and Equipment Reserve

The town shall maintain such capital and equipment reserve funds and accounts as the Selectmen shall determine and the voters at a town meeting shall approve. Disbursement of said reserve funds shall be made at the discretion of the Selectmen without prior town meeting approval.

6.3 Gifts and Bequests

Gifts and bequests made to the department, whether conditional or unconditional, shall only be accepted and used in accordance with the provisions of 30-A ss 5654 and 5655, as amended.

Article 7. Mutual Aid

The department shall provide mutual aid fire protection services to those municipalities with whom the town has approved and active agreements.

Article 8. Construction

8.1 Severability

Severability is intended throughout and within the provisions of this ordinance. Should any provision, including interalia, any exceptions, 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 by action of the voters at a town meeting.

8.3 Amendments

From time to time, circumstances may require that portions or sections of this ordinance be amended, revised or deleted. Such action shall be proposed at a town meeting by the Selectmen. Approval of any amendments, revisions or deletions rests exclusively with the voters of the town.

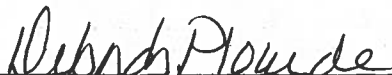
Article 9. Adoption

This Ordinance was submitted to the voters of the town and adopted at a Town Meeting held on March 13, 1990.

Amended on March 9, 2013

Amended on March 11, 2017

This is a true and attested copy by


Deborah Plourde, Town Clerk