

FIRE DEPARTMENT ORDINANCE OF THE TOWN OF GLENBURN

WHEREAS, the Glenburn Volunteer Fire Department and Ambulance Service was organized as a Corporation under Title 13 M.R.S.A., Chapter 81 on September 30, 1968 with Certificate of Organization filed with the Office of the Secretary of State on November 14, 1968 and recorded in the Office of Secretary of State in Vol. 30, Page 9;

WHEREAS, Articles of Amendment of the Corporation ‘Glenburn Volunteer Fire Department and Ambulance Service were voted upon on May 14, 1980 and were filed with the Office of the Secretary of State on May 19, 1980 and there assigned File No. 30 - 9;

WHEREAS, such Articles of Amendment changed the name of the Corporation to ‘Glenburn Volunteer Ambulance Service’ and modified the original purposes of the Corporation by deleting those purposes related to fire protection, leaving the title and the purposes to apply only to an Ambulance Service, thus completely eliminating the Incorporated Fire Association as of May 14, 1980;

WHEREAS, the Glenburn Town Council created a Municipal Fire Department by adopting an ‘Ordinance to Establish Municipal Fire Dept.’ with an effective date of May 8, 1976, amended with effective date of June 12, 1976, and again with effective date of May 22, 1982;

WHEREAS, said ordinance charged the Municipal Fire Chief with all the Powers and Duties as provided for in Title 30-A M.R.S.A. Sect. 3153.’ which Section authorizes the Fire Chief to employ all Municipal Firefighters;

WHEREAS, following the filing of the Articles of Amendment, the firefighters apparently believed that the Volunteer Association still existed and they continued to operate a Volunteer Fire Department under the ‘Constitution and By-Laws of the ‘Glenburn Volunteer Municipal Fire Department’;

WHEREAS, such operations included the maintenance of a checking account, the raising of funds through various fund raising activities, the acceptance of a lump sum stipend from the Town of Glenburn for the ‘Volunteers’, the distribution of the stipend to individual ‘Volunteers’, and the expenditure of funds for various purposes including the purchase of fire fighting equipment.

WHEREAS, such operations continue to this day;

WHEREAS, the above facts strongly indicate that there exists some confusion as to the basic organization of the Glenburn Fire Department; and

WHEREAS, it is desired that the Glenburn Fire Department be clearly established as a Municipal Department with a specific organizational structure;

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

100 - TITLE, AUTHORITY, AND PURPOSE

110 Title

This ordinance shall be known as the Fire Department Ordinance of the Town of Glenburn.

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; the Charter of the Town of Glenburn, Maine, Sections 3.04(b) and 5.01(a); and Title 30-A M.R.S.A., Section 3152, as amended.

130 Purpose

The purpose of this Fire Department Ordinance shall be to clarify the scope of the Municipal Fire Department established by ordinance on May 8, 1976, with amendments on June 12, 1976 and May 22, 1982; to establish appointment procedures and to define the powers and duties of the Chief, other Officers, Municipal Firefighters, and Junior Firefighters; to define the procedures under which the Department shall operate; and to provide the maximum possible legal protection for the Chief, other Officers, Municipal Firefighters, and Junior Firefighters.

200 - ESTABLISHMENT, RESPONSIBILITIES, AND NON-DISCRIMINATION

210 Establishment

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

220 Responsibilities

The Glenburn Fire Department shall provide fire protection to the inhabitants of the Town of Glenburn, and elsewhere as provided by mutual aid agreements, by maintaining a Municipal Fire Department for fire 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 Glenburn Fire 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 Glenburn Fire 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 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, Municipal Firefighters, and Junior Firefighters shall be covered by such of the Town of Glenburn's insurance coverage as applies to members of a municipal fire department.

400 - PERSONNEL

410 Membership

411 Positions

The Glenburn Fire Department shall consist of a Fire Chief, an Assistant Fire Chief, a Captain, Lieutenants equal in number to the number of in-service fire fighting vehicles in the Department, not more than 30 Municipal Firefighters, and not more than 15 Junior Firefighters.

412 Officers and Members

For the purposes of this ordinance, the Fire Chief, the Assistant Fire Chief, the Captain, and the Lieutenants shall be considered Officers. The Officers, the Municipal Firefighters, and the Junior Firefighters shall be considered members of the Glenburn Fire Department.

413 Qualifications

All members shall be at least 18 years of age except that Junior Firefighters must be at least 14 years of age and under the age of 18.

414 Status

All members of the Glenburn Fire 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.

420 *FIRE CHIEF*

421 Appointment

a. Town Manager to Appoint

When there is a vacancy in the position of Fire Chief, the Town Manager shall interview prospective candidates and bring forth an appointment to the Town Council for final confirmation. The Fire Chief shall be appointed for an indefinite term and be evaluated for appointment based on the following qualifications:

- 1) Knowledge of Federal and State laws and Rules and Regulations pertaining to the fire Service
- 2) Quantity and quality of command service
- 3) Quantity and quality of administrative service
- 4) Ability and willingness to attend seminars and meetings in order to keep current with changes within the scope of the Fire Service.

Following appointment confirmation, the Fire Chief will be sworn in by the Town Clerk or other person authorized to administer oaths.

422 Vacancy

If, for any reason, the office of Fire 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 shall be the head of the Fire 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 Fire 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 covering proposed Fire Department activities and a recommended annual update of the Fire 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 maintenance and care of all equipment in the inventory;
- e. Prepare a list of permissible duties for junior members and shall submit such list to the Town Manager within 30 days of the enactment of this ordinance. Thereafter, the Fire Chief shall notify the Town Manager of any changes in the duty list within 5 days of the adoption of such changes;
- f. Maintain a complete record of all fires, fire investigations, inspections, personnel attending fires and training sessions, apparatus and equipment maintenance, costs and other information pertaining to the existence and operation of the Municipal Fire Department; and
- g. Maintain a current roster of all members, including name, current address, telephone number, social security number, and drivers license number and notify the Town Manager of any changes in the roster.

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

The Fire Chief may delegate, in writing, any of the above duties to other members of the Fire Department, but the Fire Chief remains fully responsible for complying with this section.

424 Stipend

The Fire Chief shall receive a nominal quarterly stipend as established in the municipal budget.

425 Annual Review

The Town Manager shall evaluate the performance of the Fire Chief on or about July 1 of each year,

430 *ASSISTANT FIRE CHIEF*

431 Appointment

The Assistant Fire Chief shall be appointed by the Fire Chief and shall be sworn by the Town Clerk or other person authorized to administer oaths. The term of office shall be for three years with the appointment terminating on the last day of the municipal fiscal year. On the effective date of this ordinance, the existing appointment of the Assistant Fire Chief, to expire on 6/30/91, shall be hereby ratified.

432 Vacancy

If, for any reason, the office of Assistant Fire Chief becomes vacant prior to the expiration of a three (3) year term, the Fire Chief shall appoint a replacement in accordance with the provisions of Section 431 except that 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.

434 Stipend

The Assistant Fire Chief shall receive a nominal quarterly stipend as established in the municipal budget.

440 *CAPTAIN*

441 Appointment

The Captain shall be appointed by the Fire Chief and shall be sworn by the Town Clerk or other person authorized to administer oaths. The term of office shall be for three years with the appointment terminating on the last day of the municipal fiscal year. On the effective date of this ordinance, the existing appointment of the Captain, to expire on 6/30/91, shall be hereby ratified.

442 Vacancy

If, for any reason, the office of Captain becomes vacant prior to the expiration of a three (3) year term, the Fire Chief shall appoint a replacement in accordance with the provisions of Section 441 except that the term shall be for the unexpired portion of the original appointment.

443 Powers and Duties

The Captain shall assist the Fire Chief and the Assistant Fire Chief and shall perform the duties and assume the responsibilities of the Fire Chief in the absence of the Fire Chief and the Assistant Fire Chief. The Captain shall coordinate all training programs within the Department.

444 Stipend

The Captain shall receive a nominal quarterly stipend as established in the municipal budget.

450 *LIEUTENANTS*

451 Appointment

The Lieutenants shall be appointed by the Fire Chief and shall be sworn by the Town Clerk or other person authorized to administer oaths. The term of office shall be for three years with the appointment terminating on the last day of the municipal fiscal year. On the effective date of this ordinance, the existing appointments of the Lieutenants, to expire on 6/30/91, shall be hereby ratified.

452 Vacancy

If, for any reason, the office of Lieutenant becomes vacant prior to the expiration of a three (3) year term, the Fire Chief shall appoint a replacement in accordance with the provisions of Section 451 except that the term shall be for the unexpired portion of the original appointment.

453 Powers and Duties

The Lieutenants shall be responsible for the proper maintenance and upkeep of the vehicle assigned to their care. They shall perform regular preventative maintenance procedures and shall regularly provide to the Fire Chief a written evaluation of the condition of the vehicle and its equipment.

454 Stipend

The Lieutenants shall receive a nominal quarterly stipend as established in the municipal budget.

460 *MUNICIPAL FIREFIGHTERS*

461 Appointment

Municipal Firefighters shall be appointed by the Fire Chief and shall serve at his pleasure.

462 Vacancy

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

463 Powers and Duties

The Municipal Firefighters 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 shall receive a nominal semi-annual stipend as established in the municipal budget.

470 *JUNIOR FIREFIGHTERS*

471 Appointment

Junior Firefighters shall be appointed by the Fire Chief and shall serve at his pleasure except that the appointment shall not extend beyond the member's 18th birthday.

472 Vacancy

The Fire Chief shall attempt to fill all vacancies as provided in Section 471 as soon as possible in order to keep the Fire Department at full strength.

473 Powers and Duties

Junior Firefighters may assist adult members of the department in the performance of those duties promulgated under Section 423(e) of this ordinance.

474 Stipend

The Junior Firefighters shall receive no stipend.

480 Removal

481 Fire Chief

The Town Manager may remove the Fire Chief from office at any time, for cause and after notice and hearing.

482 Other Officers, Municipal Firefighters, and Junior Firefighters

At any time that the well being of the Department would be furthered by his so doing, the Fire Chief may refuse to accept further volunteer services from any Officer, Municipal Firefighter, or Junior Firefighter.

500 - ADMINISTRATIVE PROCEDURES

510 Administrative Rules and Regulations

The Fire Chief shall prepare Administrative Rules and Regulations, and amendments thereto as needed, governing the operation of the Glenburn Fire 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 Secretary to the Town Council.

520 Purchasing

521 Purchasing Authority

The Fire Chief shall be responsible for obtaining the goods and services necessary for the proper operation of the Fire 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 Chief shall establish and maintain a purchase order system for the purchase of goods and services, in a manner agreeable to the Town's purchasing agent.

523 Approval

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

600 - MUTUAL AID AGREEMENTS

610 Mutual Aid

The Town Council 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 extinguishing purposes and pursuant to Title 30-A M.R.S.A. Sec. 3001, as amended, for other emergency purposes. The Town Council shall make its decision as to whether or not to enter into any such agreement after receiving a recommendation from the Fire Chief submitted through the Town Manager. All such existing agreements are hereby approved and ratified.

700 - ACCEPTANCE OF GIFTS

710 Acceptance of Gifts

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 Department. If any person or organization desires to make such gift to the Department, the Fire Chief shall so notify the Town Manager who shall then bring the matter to the attention of the Town Council. The Town Council may then, if they feel that the town would benefit from such gift, place an article on an annual or a special town meeting warrant asking the Inhabitants of the Town of Glenburn to vote on whether or not to accept such gift.

If at some future time the Charter of the Town of Glenburn is amended to so allow, then the Town Council or the Fire Chief, rather than the Inhabitants of the Town of Glenburn at a town meeting, may accept such gift.

800 - SEVERABILITY, EFFECTIVE DATE, AND SUPERSEDURE

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 31st day following its adoption by the Town Council.

830 Supersedure of Conflicting Ordinances

This ordinance, adopted March 23, 1989, with its amendments, shall supersede any prior ordinance of the same nature. Known prior ordinances adopted by the Glenburn Town Council are: the ‘Ordinance to Establish Municipal Fire Dept.’ with an effective date of May 8, 1976; the ‘Amendment to Ordinance to Establish Municipal Fire Dept.’ with an effective date of June 13, 1976; and the amendment to the ‘Ordinance to Establish Municipal Fire Department’ with an effective date of May 22, 1982.

ORDINANCE HISTORY

- ADOPTED: 04/08/76, effective 05/08/76, repealed 06/12/76
- ADOPTED: 05/13/76, effective 06/13/76, repealed 05/22/82
- ADOPTED: 04/22/82, effective 05/22/82, repealed 04/23/89
- ADOPTED: 03/23/89, effective 04/23/89
- AMENDED: 03/07/91, effective 04/07/91
- AMENDED: 10/01/92, effective 11/01/92
- AMENDED: 03/31/94, effective 05/01/94
- AMENDED: 11/09/23, effective 12/09/23 (Section 420 & 421 Appointment of Fire Chief)