

# Ordinance to Establish Municipal Fire Department

## ARTICLE: I

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

## ARTICLE: II

"To see if the Town will vote to accept all assets of the Sebec Village Volunteer Fire Department?"

**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.

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## FIRE DEPARTMENT ORDINANCE OF SEBEC, MAINE

### Section 1. Title.

This ordinance shall be known as the Fire Department Ordinance of Sebec, Maine (the "Ordinance").

### Section 2. Purpose.

The purpose of this Ordinance is to establish a Municipal Fire Department for the Town of Sebec (the "Department" or "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 Sebec.

### 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 Sebec hereby establishes the Town of Sebec 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 Sebec 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 otherwise provided by law;
  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 or other property used by the Municipal Fire Department;
  4. Prepare and submit annually to the municipal officers 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 written 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 M.R.S. § 3151 *et seq.*, as may be amended from time to time, 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 Board of 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 Sebec Personnel Policy. Grievances will also be handled in accordance with The Town's 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 Sebec 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 M.R.S. 5652 et, seq, as may be amended from time to time. No expenditures of Department funds may be made unless approved by the Board of 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 a Sebec Town Meeting

**Section 18. Effective Date.**

This Ordinance shall become effective on February 18, 2023 upon its adoption by the municipal legislative body contingent upon the successful transfer of all material assets of the Sebec Village Volunteer Fire Department to the Town of Sebec.