

## Limerick Municipal Volunteer Fire Department and Emergency Services Ordinance

The purpose of this Ordinance is to establish the "Limerick Fire-Rescue Department" as a municipal volunteer department of the Town of Limerick, pursuant to the home rule authority granted in Title 30-A M.R.S.A § 3001.

### **ARTICLE 1- NAME**

The organization shall be known as the "Limerick Municipal Volunteer Fire-Rescue Department" (The "Department").

### **ARTICLE 2 - PURPOSE**

2.1. Town of Limerick Protection: The primary purpose of the Department shall be to prevent and extinguish fires within the Town of Limerick, to handle emergencies affecting the health, safety and welfare, and to provide rescue, and medical transport services for all persons within the Town of Limerick, and elsewhere as consistent with Title 37-B §784B.

2.2. Cooperation with Other Communities: The Department may also assist other municipalities as its resources are available and may be needed in a cooperative effort for all of these purposes, and will comply with any written agreements signed by the Board of Selectmen. The Board of Selectmen upon recommendation of the Fire-Rescue Chief, shall have authority to enter into written agreements with other municipalities. The Selectmen shall also have authority to set fees and bill communities for all expenses incurred providing mutual aid should this become a burden on the Town of Limerick.

### **ARTICLE 3 - ORGANIZATION**

3.1. The Department shall be a "Municipal Volunteer Fire-Rescue Department" as defined in Title 30-A M.R.S.A. §3151(1) and (1-A) as amended to prevent and extinguish fires, and to provide emergency medical services as authorized by this ordinance through the operation of a municipal rescue and ambulance service as an integral function of the Department. It shall be a department within the Town of Limerick.

### **ARTICLE 4 – MEMBERSHIP**

4.1. Members: The membership shall include individual residents and non-residents of the Town of Limerick, who are at least 18 years old, and who have been accepted as members of the Department as described in section 4.2.

4.2. Application for Membership: All applications for membership in the Department must be approved by the Fire-Rescue Chief and the Fire Department Executive Board. Members must meet all membership standards described in any Limerick Municipal Volunteer Fire-Rescue

Department Standard Operating Guidelines. All new memberships will be probationary for a twelve month period, followed by a review of their performance by the Fire-Rescue Chief or his designee before full membership status is achieved. Full membership shall be considered for approval only after successful completion of the probationary period.

4.3. Junior Fire-Rescue Members: Any resident or non-resident of Limerick 14 to 17 years of age, may be accepted as a Junior Fire-Rescue Member in accordance with section 4.2, after meeting the membership standards described in any Limerick Municipal Volunteer Fire-Rescue Department Standard Operating Guidelines and applicable Maine laws. EMS requirements require a minimum age of 16.

4.4. Compensation: Members may be compensated consistent with the Department's appropriations provided through the Town's budget process.

4.5. Current active members and life time members shall have full membership status upon passage of this ordinance.

## **ARTICLE 5 - RULES AND REGULATIONS/STANDARD OPERATING GUIDELINES**

5.1. Rules, Regulations and Standard Operating Guidelines: The SOG document provides a detailed description of operating rules for emergency situations, member qualifications and training standards, and officer responsibilities.

5.2. Emergency Rules, Regulations and SOGs: The Fire-Rescue Chief shall have the authority to adopt emergency rules, regulations, and SOGs when necessary to respond to immediate needs or changes in circumstances.

## **ARTICLE 6 - DISCIPLINE, SUSPENSION AND DISMISSAL**

6.1. Causes for Discipline or Suspension: Causes for discipline, suspension and/or dismissal include, but are not limited to the following:

6.1.1. Those matters described in applicable sections of the SOGs and the Town of Limerick Personnel Policy.

6.1.2. Misrepresenting, falsifying or withholding information on any records.

6.1.3. Failure to follow orders of the Fire-Rescue Chief or superior officers.

6.1.4. Failure to respond to a call when on duty.

6.1.5. Discriminatory words, harassment or conduct relating to sex, race, religion, national origin, age or disability.

6.1.6. Attending any meeting or training session, responding to an emergency call, or doing any other activity for the Department while under the influence of drugs or alcohol.

6.2. Grievance Procedure: All grievances will be handled in accordance with applicable Sections of the SOGs and the Town of Limerick Personnel Policy as it may be amended. All members will be treated as employees under that policy for the purposes of grievances only.

6.3. Disciplinary Procedure: All discipline, suspensions, and dismissals shall be handled in accordance with applicable sections of the SOGs and the Town of Limerick Personnel Policy as they may be amended. All members will be treated as employees under these policies for the purposes of disciplinary action only.

## **ARTICLE 7 - APPOINTMENT OF OFFICERS**

### 7.1. Appointment of Fire-Rescue Chief and other Department officers:

The Board of Selectmen of the Town of Limerick shall appoint the Fire-Rescue Chief for a three year (3) term after reviewing the recommendation of the voting members of the Fire-Rescue Department and determining whether that recommendation will meet the appropriate certifications, qualifications and expectations of a Fire-Rescue Chief. The Fire-Rescue Chief may be terminated for just cause by the Limerick Board of Selectmen.

### 7.2. Appointment of Fire-Rescue Officers and other officials:

After reviewing the recommendations of the voting membership of the Fire-Rescue Department and determining whether those recommendations will meet the appropriate certifications, qualifications and expectations of the Fire-Rescue Officers, the Board of Selectmen of the Town of Limerick shall appoint the Fire Rescue Officers and other officials for a term of one year (1). The Fire-Rescue Officers are as follows: Assistant Chief (Fire Operations), Assistant Chief (EMS Operations), Captains, Lieutenants and any other officers or officials. All officers and/or officials, upon recommendation of the Fire-Rescue Chief, may be terminated for just cause by the Limerick Board of Selectmen.

7.3. The Fire-Rescue Chief shall be compensated consistent with the Department's appropriations provided through the Town's budget process and considered a Department Head/Supervisor under the Town of Limerick Personnel Policy.

## **ARTICLE 8 - POWERS AND DUTIES OF FIRE CHIEF, OFFICERS AND OFFICIALS**

8.1. Chain of Command: The chain of command shall be the Fire-Rescue Chief, Assistant Chief (Fire Operations), Assistant Chief (EMS Operations), Captains and Lieutenants. All other officers and officials shall follow the chain of command. The Fire-Rescue Chief shall determine who has the higher rank between officers with the same rank.

8.2. Fire-Rescue Chief: The Fire-Rescue Chief and/or his designee, shall exercise the duties and powers described in Title 30-A M.R.S.A. §3153 (see sections below), as it may be amended from time to time, except as described in this Ordinance, and as follows:

8.2.1. Generally, direct and control all officers and members of the Department in the performance of their duties.

8.2.2 Direct and control all municipal firefighters in the performance of firefighting operations.

8.2.3. Provide a training program for fire-rescue personnel within the municipality in cooperation with appropriate governmental agencies.

8.2.4. Arrange for the maintenance of all fire and rescue equipment owned by the municipality and buildings used by the Municipal Volunteer Fire-Rescue Department.

8.2.5. Prepare and submit annually to the Town Budget Committee and Board of Selectmen a budget related to fire protection and rescue activities. The budget will be reviewed by the officers for input prior to presentation to the Budget Committee and Board of Selectmen.

8.2.6. Suppress disorder and tumult at all department activities and, generally, to direct all operations to prevent further destruction and damage.

8.2.7. Exercise the powers relating to municipal fire protection and rescue as described in Article 5.

8.2.8. Appoint officers and officials of the Fire-Rescue Department. Recommend persons to be employed by the Fire-Rescue Department to the Board of Selectmen.

8.2.9. Obtain assistance from persons at the scene of a fire to extinguish the fire and protect persons and property from injury.

8.2.10. Pull down and demolish structures and outbuildings if the Fire Chief judges it necessary to prevent the spread of fire.

8.2.11. Exercise the power of the fire inspector with respect to dangerous buildings described in 25 M.R.S.A §2360, as it may be amended from time to time.

8.2.12. Exercise the power to bring civil actions, with the approval of the Board of Selectmen, described in 25 M.R.S.A §2361, as it may be amended from time to time.

8.2.13. Issue fire permits as the Fire Warden in accordance with Maine Department of Conservation rules and regulations.

8.2.14. Exercise any other powers and duties described in this Ordinance and powers of fire chief, officers and fire wardens generally as described in Maine State, Maine EMS and/or federal laws and regulations.

8.3. Officers Duties: Qualifications and expectations of duties of Officers, other officials and members are described in the SOGs.

## **ARTICLE 9 - DEPARTMENT ASSETS AND FUNDS**

9.1. Municipal Appropriation: All funds raised or appropriated for the Department at town meeting shall be treated as municipal funds under Title 30-A M.R.S.A. §5652 et seq., as amended.

9.2. Other Funding: All funds raised or donated to the Department in the Town of Limerick or the Limerick Municipal Volunteer Fire-Rescue Department's name, by Department personnel or any Auxiliary Association, which are held or deposited in an account bearing the Town's tax identification number for department equipment or other purposes, shall be treated as municipal funds pursuant to Title 30-A M.R.S.A. §5652 as amended. The Selectmen may authorize or approve expenditure of these funds in accordance with its Policy on Purchases regarding Donated Funds, as it may be amended from time to time. Funds raised or donated in the name of any association or auxiliary to the department and held in an account bearing a tax identification number other than that of the Town of Limerick are not subject to the requirements regarding municipal funds pursuant to the provisions of Title 30-A M.R.S.A. §5652 as amended.

9.3. Other Assets and Equipment: Other assets and equipment of the Department shall be considered property of the Town of Limerick.

9.4. Acceptance of Gifts: If any funds or other assets and equipment are given to the Town or Department as conditional gifts, then the Selectmen shall at the annual town meeting or a duly called special town meeting shall comply with all conditions of Title 30-A M.R.S.A. §5653 and §5654 as amended. All unconditional gifts of property shall be considered at the annual Town Meeting or a duly called Special Town Meeting in accordance with Title 30-A M.R.S.A. §5655, as amended.

## **ARTICLE 10 — PRIVILEGES AND IMMUNITIES**

10.1. Members of the Limerick Municipal Volunteer Fire-Rescue Department shall be entitled to the privileges and immunities provided by the Maine Tort Claims Act, Title 14, M.R.S.A. §8101 et. seq.

## **ARTICLE 11- VALIDITY / SEVERABILITY / CONFLICT**

11.1. The invalidity of any provision of this ordinance shall not invalidate any other part or provision of this ordinance. If any of the provisions of this Ordinance are inconsistent with the provisions of other Ordinances of the Town of Limerick, or any of the provisions of this Ordinance are inconsistent with the provisions of State or Federal law or regulation, the more stringent requirements shall be applicable and controlling. If any inconsistencies exist between the provisions of this Ordinance and the provisions of the SOGS, Rules and Regulations of Limerick Municipal Volunteer Fire-Rescue Department, the provisions of this Ordinance shall govern.

## **ARTICLE 12 – AMENDMENTS**

12.1. This Ordinance may be amended by a majority vote of any legal town meeting when such amendment has received public hearing, which hearing has been advertised and given a legal ten (10) day notice.

## **ARTICLE 13 — EFFECTIVE DATE**

13.1 This ordinance shall take effect immediately by a majority vote of the legislative body.

