

FIRE DEPARTMENT ORDINANCE OF VAN BUREN

Section 1. Title.

This ordinance shall be known as the Fire Department Ordinance of Van Buren.

Section 2. Purpose.

The purpose of this ordinance is to establish a 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 Van Buren.

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 Van Buren hereby establishes a Municipal Fire Department.

Section 4. Definitions.

Municipal Fire Department: The organized fire-fighting unit established pursuant to this ordinance.

Municipal Firefighter: an active member, whether full time, part-time, or volunteer/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.

Member: A municipal firefighter of the Van Buren Fire Department.

Auxiliary Firefighter: a new recruit that is participating in the fire department orientation program and/or is working on a volunteer basis without monetary compensation.

Section 5. Duties.

The Municipal Fire Department shall prevent and extinguish fires and provide firefighting protection within the municipality of Van Buren and elsewhere as provided by mutual aid or other contractual agreements approved by the 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.

- A. Any firefighter shall have the duty to save lives and property; to extinguish all fires and carry out all other related activity as directed by Fire Chief or Officer in charge of that activity.
- D. No firefighter on duty or representing the fire department shall remove from the premises any article not belonging to him or her. To do so will cause the Chief to suspend the firefighter from the department.
- E. After all fires, all firefighters will mark their own time, start to finish. Finish time shall be after all trucks and equipment are ready for service. Any member leaving fire activity without legitimate reason, pay will be adjusted accordingly.
- F. Any firefighter reporting for duty under the influence of illegal substances and/or alcohol will be suspended from the department until his or her case has been investigated by the officials. Automatic dismissal after conviction of a Class A,B, or C crime. Conviction of other criminal status shall be reviewed by Fire Chiefs and Officers, for possible disciplinary action or dismissal.
- G. Firefighters without proper work gear shall not perform firefighting requiring such work gear.
- H. All firefighters wearing self-contained breathing apparatus shall comply with NFPA 1404 and OSHA 1910.134 Respiratory Program requirements.
- I. No firefighter shall use/borrow tools or equipment for personal use without permission from a highest ranking officer available at such time.
- J. Only the Fire Chief or a designated person shall issue work gear.

Section 6. Fire Chief.

- A. Appointment. The Fire Chief shall be appointed by the Town Manager.
- B. Compensation. The municipal officers shall establish the Fire Chief's compensation.

- C. 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 promulgative by the Fire Chief shall not be effective until approved by the municipal officers.
- D. 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.

Section 7. Firefighters.

Municipal firefighters shall have the powers and duties set forth in 30-A M.R.S.A. §3151 et seq., and as set forth in any administrative rules and regulations adopted pursuant to section 6 (C) above.

Section 8. Deputy Fire Chief.

A Deputy Fire Chief shall be appointed by the Town Manager with the recommendation of 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 (C) above.

Section 9. Other Officers.

The Town Manager shall appoint other officers as deemed necessary, with the recommendation of the Fire Chief.

Section 10. Organization of the Fire Department

- A. Officers of the Van Buren Fire Department will consist of:
One (1) Chief – one (1) Deputy Chief – two (2) Assistant Chiefs – three (3) Captains – three (3) Lieutenants and one (1) Safety Officer.
- B. Assistant Chiefs, Captains and Lieutenants to be nominated for appointment by the whole membership for a two-year term on the odd number years, during the June supper meeting.
- C. All candidates for officer positions are to meet qualifications and training requirements set forth by the Maine State Firefighter I curriculum, in house or Academy trained and has at least 3 years of experience as regular member.
- D. Candidates to be appointed using “tier” method. Can only be appointed to next higher rank i.e.. (regular member to Lieutenant, Lieutenant to Captain and Captain to Assistant Chief)

- E. Officers may run for same or lower rank if so desired.
- F. Nomination for appointment results to be announced at end of meeting before adjournment
- G. There is NO term limit, an individual may run for officership as many times as he or she desires. Proper leadership skills, work ethic, dedication to duty and job performance is to be considered.
- H. The specific job duty assignments for the nominated officers are to be determined at the next scheduled officers meeting.
- I. In the event an appointed Officer decides to terminate their position before the 2 year term, another nomination for appointment will be held and a new officer will finish out that specific term.
- J. If an Officer position is not filled, the position will remain open until the next regular round of officer appointments.
- K. The Safety Officer position is to be appointed by the Fire Chief.
- L. The Van Buren Fire Department consists of two Stations:
Fire Station #1 located on Washington Avenue, and Station #2 located on Hillside Street, are one and the same department.
- M. Membership quota shall be 40 firefighters including officers; excluding auxiliaries.
- N. No person shall serve as a municipal fire fighter who, in the opinion of a competent medical doctor, after examining is not physically or mentally capable of performing the duties of him or her. Medical evaluation should be compliant with OSHA 1910.134.
- O. Any member who sustains any injury, sickness or hazardous exposure either fire or non fire related, shall notify the Chief within 24 hours of event. Failure to do so, may forfeit any insurance coverage and/or compensation from fire department's coverage.

Section 11. Meetings and Attendance.

- A. The Van Buren Fire Department will meet on the first Monday of each month to conduct regular business and safety training.

- B. Said Department will hold a second monthly meeting to be a training session, and attending members to be paid in accordance to the payroll schedule. Members are required to attend a minimum of 50% scheduled meetings & trainings unless excused.
- C. No liquor or beer or illegal drugs shall be consumed before or during the meeting.
- D. All meetings should adjourn by 10:00 p.m.
- E. A maximum of 15 firefighters may leave town for extra activities such as trainings. The first 15 members to give their names will be allowed to leave and if over 15 qualifying, then the names will be drawn. The department will pay registration and up to \$15.00 for meal. If member is signed up and does not attend they will reimburse the department for the registration and/or meal.
- F. A member may be granted a leave of Absence for specified time (1 year limit) upon written request to the Chief, for his/her consent and the consent of the Town Manager. Leave of Absence may be granted for reasons of health, other commitments, or for any reason deemed proper by the Chief and the Town Manager. Reasons to be kept in strict confidentiality. Auxiliaries may cover for members during their leave of absence.

Section 12. New Members

- A. Newly hired employees and newly appointed officers will be on probation for a period of six (6) months.
- B. All new members will have to have been auxiliary for six (6) months, passed favorably a medical exam in accordance with OSHA 1910. 134, and complete the Fire Department orientation program, before being eligible for regular membership.

Section 13. Uniform

- A. The department's dress uniform will not be worn at any time unless it is worn in connection with the department activities or by special permission of the Fire Chief.
- B. Any firefighter retiring from the department will return all clothing, records and equipment in his or her possession belonging to the department within 10 days.
- C. Uniforms will be returned to the department **in proper and clean condition**, Or the member will be responsible for the cost of having this done.

Section 14. Severability

The invalidity of any portion of this ordinance shall not invalidate any other part thereof.

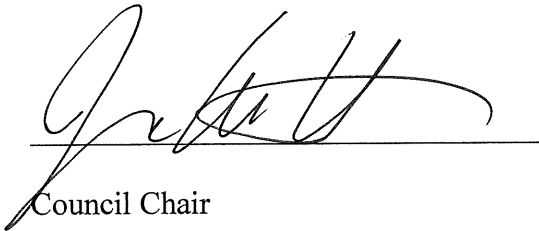
Section 15. Effective Date.

This ordinance shall be effective upon its adoption by the municipal legislative body.

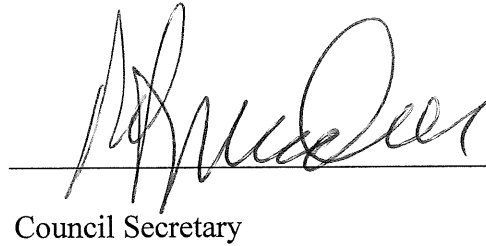
Ordinance was adopted on May 14, 2012.

Then annually approved by the municipal officers thereafter.

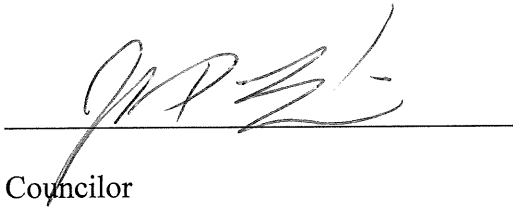
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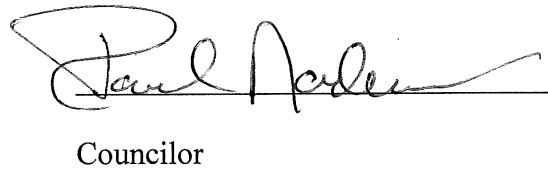
Council Chair



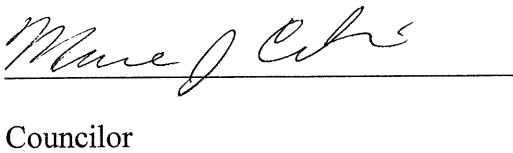
Council Secretary



Councilor



Councilor



Councilor