

Town of Denmark Fire Department Ordinance

Adopted: __, 2024

ARTICLE 1 -TITLE

This ordinance shall be known as the Fire Department Ordinance of the Town of Denmark, Maine.

ARTICLE 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 the Town of Denmark.

ARTICLE 3- ESTABLISHMENT

Pursuant to Art. VIII, pt. 2, § 1 of the Maine Constitution, 30-A M.R.S. § 3001 and 3153 *et seq.*, the municipality of Denmark hereby establishes a Municipal Fire Department.

ARTICLE 4- DEFINITIONS

Municipal Fire Department: The organized firefighting unit established pursuant to this ordinance.

Municipal Firefighter: An active member of the Municipal Fire Department, who aids in the extinguishment of fires and is at least 18 years of age.

[Municipal Emergency Medical Responder: An active member of the Municipal Fire Department, who provides initial emergency care.](#)

ARTICLE 5- DUTIES

The Municipal Fire Department shall ~~prevent and extinguish fires and~~ provide firefighting protection and emergency medical first response within the Town of Denmark and elsewhere as provided by mutual aid or other contractual agreements approved by the Town Select Board. This Department shall also be authorized to protect and serve the health, safety, and welfare of the citizens of Denmark, Maine. To that end, it shall endeavor to provide for:

- the preservation of life, the environment, and property from destruction by fire or other hazards;
- the prevention and extinguishment of fire;
- the safety and preservation of life from natural and man-made disasters;
- the assistance by mutual aid to municipalities by agreements approved by the municipal officers or municipal legislative bodies; and
- the maximum legal protection available to the Fire Chief and members of the Department.

ARTICLE 6– FIRE CHIEF

The Fire Chief shall be appointed by the Select Board for a term of 2 years. The Fire Chief's compensation shall be established by the Select Board.

The Fire Chief shall be the Administrative Head of the Department and senior ranking fire official within the Town of Denmark. Duties, powers, and responsibilities of the Fire Chief are set forth in Title 30-A M.R.S. § 3153, except that administrative Department laws and regulations promulgated by the Fire Chief shall not be effective until approved by the Select Board.

In addition to duties and responsibilities as Fire Chief, this position also serves as; Municipal Fire Inspector under Title 25 § M.R.S.2391, Town Forest Fire Warden under Title 12 M.R.S.§ 8902, and Fire Safety Official under Title 8 M.R.S. § 221-A (3).

The Select Board may appoint the Fire Chief to also serve as the Emergency Management Director under Title 37-B § M.R.S. 782, should, in their judgement, this be in the best interest of the Town.

The Select Board shall prepare a job description for the Fire Chiefs' position. This job description shall outline the knowledge, skills, and abilities required of the Fire Chief. It shall also outline any desired qualifications, licenses, certifications, education, and experience desired of Denmark's Fire Chief.

The Department shall operate as directed by the Fire Chief according to accepted industry standards, ordinances, Department By-Laws, and rules of the State of Maine and as much as practical standards of the National Fire Protection Association. The Fire Chief shall ensure the Department follows requirements of the National Incident Management System as much as practical.

The Fire Chief shall recommend to the Select Board, for their approval, any mutual aid agreements deemed mutually beneficial to the Town. The Town shall adhere to the provisions of Title 37-B M.R.S. § 784, 784-B and Title 30-A § 3156.

ARTICLE 7– FIREFIGHTERS

Municipal firefighters shall have the powers and duties set forth in Title 30-A M.R.S. § 3151 *et seq.*, and as set forth in any administrative Department laws and regulations promulgated by the Fire Chief and approved by the Select Board.

ARTICLE 8– DEPUTY FIRE CHIEF

The Fire Chief shall select a Deputy Fire Chief to serve as Chief of Operations and as the second senior ranking officer in the Department and first in succession to the Fire Chief. The Deputy Chief shall assist the Fire Chief in areas and tasks assigned by the Fire Chief. The Deputy Chief shall have the power to act with full authority of the Fire Chief in the event of the Fire Chief's absence or incapacity.

The Fire Chief shall prepare a job description for the Deputy Chief's position.

Article 9 – DEPUTY EMERGENCY MEDICAL RESPONDER

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The Fire Chief shall select a Deputy Emergency Medical Responder to serve as Chief of Operations to the Emergency Medical Responders. The Deputy Emergency Medical Responder shall assist the Fire Chief with the operations of the responsibilities of the Emergency Medical Response of the Denmark Fire Department.

The Fire Chief shall prepare a job description for the Deputy Emergency Medical Responder position.

ARTICLE ~~109~~ OTHER DEPARTMENT OFFICERS

The Fire Chief may appoint other officers within the Department as deemed necessary. Officers within the Department are those individuals promoted to positions of rank and assigned supervisory, management, and administrative responsibilities. These are positions of increased trust and competence.

The Fire Chief shall develop job descriptions for all officer and leadership positions within the Department.

The Fire Chief shall prepare an organizational structure for the Department. This structure will outline the number of officers needed at each rank and the tasks assigned to each position.

ARTICLE ~~1140~~ OTHER DEPARTMENT RULES, REGULATIONS AND OPERATING GUIDELINES

The Fire Chief may promulgate Department rules and regulations as necessary to ensure the efficient operation and administration of the Department. Such rules and regulations shall communicate Department policy consistent with Town policy, State and federal law as well as industry standards. Department rules and regulations shall be issued as formal written directives. Said rules and regulations shall not be effective until approved by the Select Board.

The Fire Chief or Deputy Fire Chief shall implement the necessary standard operating guidelines (SOGs) to ensure efficient operation and execution of the Department's duties. SOGs will refer to matters of firefighting and rescue tactics, equipment operations, safety, and other matters regarding emergency operations. SOGs shall be issued as formal written instructions. The Fire Chief is the final approval authority for SOGs.

Rules, regulations and SOGs, as much as practical, should be developed collaboratively with Department leadership and subject matter expert's involvement. All Department members must be informed of any new or updated rules, regulations, or guidelines via e-mails, by posting electronically or manually in a common access area. The Select Board shall be informed of the implementation of new, updated, or canceled Department rules or regulations.

Any rule, regulation or guideline shall not conflict with Town policy, ordinance, state or federal law, regulation, or other industry standards. In the event of said conflict, governing Town policy/ordinance, state or federal law, regulation or industry standard shall dictate.

ARTICLE ~~12-41~~ -DISCIPLINE, SUSPENSION AND DISMISSAL

The Select Board shall ensure that disciplinary processes, procedures, or circumstances that apply to Town employees also apply equally to members of the Municipal Fire Department. The Fire Chief shall ensure that requirements outlined in the Town Personnel Policy with respect to disciplinary matters are complied with.

The Fire Chief may establish rules or regulations to process and handle disciplinary matters particular to the Department. Such rules or regulations are to supplement the Town Personnel Policy and must not conflict with the Town Personnel Policy.

All grievances by members of the Department will be handled in accordance with applicable sections of the Department's rules and regulations and the Town of Denmark Personnel Policy.

ARTICLE 1312-REPORTING

The Fire Chief shall provide periodic reports to the Town Manager as follows:

Monthly Reports: Provide a written report by the 25th of each following month reporting on the previous month's:

- a) Status of Calls for Service and Operations.
 - Number and types of calls responded to;
 - Number and types of calls unable to answer and why;
 - Any other significant calls or operations.

- b) Status of Personnel.
 - Personnel who made a significant training achievement (i.e. Firefighter II, Driver/Operator, EMT etc.);
 - Personnel hired, personnel terminated or resigned;
 - Scheduling shortfalls and difficulties, personnel shortages;
 - Leadership vacancies, appointments, or promotional processes;
 - Any other significant personnel matters.

- c) Status of Equipment and Maintenance
 - Apparatus maintenance conducted or major maintenance needs;
 - Standard fire, office, communications etc., equipment maintenance conducted or major maintenance needs;
 - Facility maintenance conducted or major maintenance needs, including station, hydrants, cisterns, and other fixed assets.

- d) Other: Any other items of importance to the readiness of the Department.

Quarterly Reports: Provide a written report on the Status of Compliance with Public Sector Safety

Compliance Directives of the Bureau of Labor Standards as applicable. Personnel training shortfalls or deficiencies should also be noted.

Annual Report: For each fiscal year, provide a written report that includes the previous year's call statistics, personnel statistics, and an assessment of the material condition of fire apparatus, personal protective equipment, fire station and the systems within the fire station, hydrants, and any other equipment matters as necessary.

The Fire Chief shall ensure that the Department is making the required reports to the State Fire Marshall as required by protocol, rule, or law including but limited to Title 25 M.R.S. § 2395.

ARTICLE ~~1413~~ - DEPARTMENT ASSETS AND FUNDS

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

The Fire Chief is authorized to expend budgeted funds as authorized by the Select Board in accordance with Town policy on purchasing and spending. The Fire Chief shall work with the Town Treasurer to ensure Department bills are paid in a timely manner and to monitor budget status and availability of funds.

All funds raised, granted, or donated to the Department which are held or deposited in an account not bearing the Town's tax identification number for any and all purposes, cannot be expended by the Department without prior approval from the Select Board.

All assets and equipment of the Department shall be considered property of the Town of Denmark.

The Fire Chief will prepare and maintain a plan for the replacement of fire apparatus and other capital equipment. A plan for the upkeep, replacement, and acquisition of standard equipment shall also be maintained. These plans will be updated and submitted to the Town Manager annually, during the month of March.

ARTICLE ~~1514~~ - VALIDITY | SEVERABILITY | CONFLICT

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 Denmark, 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 the Denmark Fire Department, the provisions of this Ordinance shall govern.

ARTICLE ~~1615~~ -EFFECTIVE DATE

This Ordinance shall be effective upon its adoption by the voters of the Town of Denmark.