

Town of North Yarmouth  
Fire/Rescue Department Ordinance

**SECTION 1: Title, Authority, Purpose**

Subsection 1.1 Title: This Ordinance shall be entitled “Town of North Yarmouth Fire/Rescue Department Ordinance” and shall be cited herein as “Ordinance”.

Subsection 1.2 Authority: This Ordinance is enacted in accordance with Title 30-A M.R.S.A. Sections 3001 and 3151 *et seq.*

Subsection 1.3 Purpose: The purpose of this ordinance is to:

- 1.3.1 establish and organize a municipal fire and rescue department;
- 1.3.2 define the powers and general duties of a Fire Chief’s position;
- 1.3.3 define the powers and general duties of a Public Safety Coordinator position
- 1.3.4 provide the maximum legal protection available to the Fire Chief, municipal firefighters and municipal rescue personnel;
- 1.3.5 provide for the best protection for the health, safety and welfare of the residents of the Town of North Yarmouth, cited herein as “Town”.

**SECTION 2: Definition and Membership**

Subsection 2.1 Municipal Fire/Rescue Department: The Department shall be a “municipal fire/rescue department” as defined in 30-A M.R.S.A. ss 3151(1), as amended. It shall be a department within the Town.

Subsection 2.2 Members: The Department shall be composed of individual residents of North Yarmouth and non-residents who are qualified, who are 18 years old and older, and who have applied and have been accepted as members of the Department as described in Subsection 2.3.

Subsection 2.3 Application for Membership: All applications for membership in the Department must be approved by the Fire Chief and by a majority of the appointed officers of whichever Section the applicant wishes to join. Members must meet all membership standards as established by the Fire Chief.

2.3.1 All new memberships will be provisional for a six month period, followed by a review of their performance by the Fire Chief and officers in their Section before the new member’s full membership status is achieved.

2.3.2 Full membership maybe considered by the Fire Chief for approval based on prior experiences.

Subsection 2.4 Junior Firefighters: An individual between the ages of 14 and 17 accepted as a Junior Firefighter in accordance with Subsection 2.3, after meeting the membership standards established by the Fire Chief and all requirements of Maine law.

Subsection 2.5 Sections: Individuals may be Fire Members, Rescue Members, or Support Personnel. These three sections will be known as the Fire Section, the Rescue Section, and the Support Section.

Subsection 2.6 Firefighting Companies: All Firefighters who are not officers will be assigned to companies by the Fire Chief to serve under the officer of each company.

Subsection 2.7 Number of Members: The Board of Selectmen will determine the number of paid members necessary for the effective operation of the Department, acting on a recommendation of the Fire Chief.

### **SECTION 3: Rules, Regulations & Standard Operating Guidelines**

Subsection 3.1 Rules, Regulations and Standard Operating Guidelines: The North Yarmouth Fire/Rescue Rules and Regulations and Standard Operating Guidelines (“RRSOG Document”) shall be how the department operates.

Subsection 3.2 Amendment: The RRSOG Document may be amended by the Board of Selectmen, upon a recommendation of the Fire Chief, or upon a recommendation of a majority of the appointed officers from either the Fire Section or the Rescue Section. All amendments must be consistent with this Ordinance, Maine State law, and other applicable laws, ordinances, and regulations.

Subsection 3.3 Emergency Rules, Regulations, and SOGs: The Fire Chief shall have the authority to adopt emergency rules, regulations or SOGs when necessary to respond to immediate needs or changes in circumstances. These rules, regulations and SOGs may not be effective for more than 30 days, until reviewed and adopted, rejected or allowed to sunset.

### **SECTION 4: Discipline, Suspension, and Dismissal**

Subsection 4.1 Causes for Discipline or Suspension: Causes for discipline, suspension and/or dismissal include, but are not limited to, those matters described in: **9.3 Prohibited Conduct** of the Town of North Yarmouth Personnel Policy.

Subsection 4.2 Grievance Procedure: All grievances will be handled in accordance with **9.1 Resolving Issues** of the North Yarmouth Personnel Policies as it may be amended. All members will be treated as employees under that policy for the purposes of grievances only.

Subsection 4.3 Disciplinary Procedure: All discipline, suspensions and dismissals shall be handled in accordance with **9.2 Corrective Action** of the North Yarmouth Personnel Policies as it may be amended. All members will be treated as employees under that policy for the purposes of disciplinary action only.

### **SECTION 5: Organization**

**Subsection 5.1 Duties of the Department:**

5.1.1 The Department shall provide firefighting, emergency medical services and other emergency services within the Town and elsewhere as provided by mutual aid or other contractual Agreements approved by the Board of Selectmen

5.1.2 The Department shall further be authorized to provide emergency services by responding to and managing other public safety emergencies, including, but not limited to, hazardous materials incidents or other natural or man-made disasters.

5.1.3 The Department shall also be authorized to provide emergency medical services to the Town.

**Subsection 5.2 Fire Chief Position:**

5.2.1 The Fire Chief shall be appointed by the Board of Selectmen with input from the Department

5.2.2 The Fire Chief position's compensation shall be established by the Board of Selectmen, with conformity to Personnel Policy 6.7- Attachment A- Adopted Wage Grid

5.2.3 The Fire Chief may be removed from position for cause after notice and hearing as set forth in the Town of North Yarmouth Personnel Policies and Procedures Manual.

5.2.4 The Fire Chief shall have the powers and duties set forth in 30-A M.R.S.A. § 3153

5.2.5 The Fire Chief shall be responsible for the immediate supervision and operation of the Department and the conduct of Department membership

5.2.6 The Fire Chief will appoint the following officers, and may appoint other officers as the need arises. A Fire Captain or a Fire Lieutenant may also be a Fire Training Officer:

1. Deputy Chief(s)
2. Captain(s)
3. Lieutenant(s)

**Subsection 5.3 Public Safety Coordinator Position:**

5.3.1 The Board of Selectmen may hire with input from the Fire Chief, an individual or individuals to the position of Public Safety Coordinator, herein after referred to as PSC who shall be considered a member of the Department.

5.3.2 The PSC's position's compensation shall be established by the Board of Selectmen, with conformity to Personnel Policy 6.7- Attachment A- Adopted Wage Grid

5.3.3 The PSC shall be an employee of the Town.

5.3.4 The PSC may be removed from position for cause after notice and hearing as set forth in the Town of North Yarmouth Personnel Policies and Procedures Manual.

5.3.5 The PSC shall have duties as set forth in the position's job description.

## **SECTION 6: North Yarmouth Fire Company**

Subsection 6.1 Establishment: At the time that this Ordinance is adopted, there exists an independent company called the North Yarmouth Fire Rescue Company and shall be cited herein as the Association.

6.1.1 The Association is not a department, nor part of a department of the Town of North Yarmouth, but is recognized as an independent association.

6.1.2 The Association may raise funds from the public on behalf of the Department for training, education, equipment, vehicles, facilities and any other related purposes.

6.1.3 Funds raised by the Association shall remain the property of the Association.

6.1.4 Equipment, vehicles, or facilities purchased by the Association shall remain the property of the Association unless donated to and accepted by the Town by a vote of the Board of Selectmen.

6.1.5 Equipment, vehicles or facilities owned by the Association shall be clearly marked as their property.

6.1.6 As of the adoption of this ordinance, any equipment, vehicles, or other facilities that have been donated to the Town, whether or not the Board of Selectmen have accepted these gifts or not, shall become the property of the Town. All liability that may be associated with such equipment, vehicles or facilities, now clearly resides with the Town.

Subsection 6.2 Gifts, Donations and Bequests:

6.2.1 Gifts, donations, and bequests made to the Department, whether conditional or unconditional, shall be treated as public funds and will only be accepted and used in accordance with the provisions established in Title 30-A MRSA Sections 5652-5654.

6.2.2 Gifts, donations and bequests made to the Association or other such associations associated with the Department, but not part of the Department, may be treated as private funds, to be disposed of as determined by the independent association.

## **SECTION 7: Mutual Aid & Interlocal Agreements**

Subsection 7.1 Mutual Aid : The Department shall provide mutual aid fire & rescue protection to those municipalities with whom the Town has approved agreements. All mutual aid agreements shall be in writing and shall be subject to review and approval by the Board of Selectmen.

7.1.1 Mutual Aid can also be provided on fire and rescue calls or situations that the Fire Chief has deemed worthy.

Subsection 7.2 Interlocal Agreements: Pursuant to Title 30-A, Chapter 115 ss 2201 and ss2203 (1), this ordinance shall allow the Board of Selectmen, upon recommendation of the Fire Chief and after notice and public hearing, to enter into an Interlocal Agreement should it be found to be in the best interests of the Town to do so.

7.2.1 Such an agreement shall not extend longer than 3 years, and any funding shall be subject to Town Meeting approval.

## **SECTION 8: Supersession, Severability, Amendments and Adoption**

Subsection 8.1 Supersession: This Ordinance supersedes and replaces any or all like or comparable ordinances, policies or decisions previously enacted or adopted by the Town. This ordinance shall remain in effect unless or until it is revoked or superseded in accordance with Title 30-A MRSA Section 3002.

Subsection 8.2 Severability: The invalidity of any portion of this ordinance shall not invalidate any other part thereof.

Subsection 8.3 Amendments:

8.3.1 This Ordinance may be amended from time to time in accordance with the provisions or Title 30-A MRSA Section 3002.

8.3.2 The Board of Selectmen shall have the authority to amend, update, change, and/or modify any job description as they deem to be in the best interests of the Town.

Subsection 8.4 Adoption:

This ordinance was submitted to the voters of the Town of North Yarmouth and shall be effective upon its adoption by the municipal legislative body, who voted on June 18, 2011.

ADOPTED: June 18, 2011