

Town of Albion, Maine

Albion Fire and Rescue Department Ordinance

1. Title.

- 1.1 This ordinance shall be known as the Town of Albion Fire and Rescue Department Ordinance.

2. Authority

- 2.1 This ordinance is enacted pursuant to the State of Maine Constitution, Article VII(1), Title 30-A M.R.S.A., Sections 3001 et. seq and 3151 et. seq.

3. Establishment and Purpose

- 3.1 There is hereby established the Albion Fire and Rescue Department.
- 3.2 The further purpose of this ordinance is to organize the Department, to define the powers and duties of the chief, deputy chief, officers and firefighters of the Department, to provide them with the maximum legal protection available and to best protect the health, safety, property and welfare of the residents of the Town of Albion.

4. Definitions

For the purposes of this ordinance, the following terms shall be defined as follows.

- 4.1 “Department” means the Albion Fire and Rescue Department established pursuant to this ordinance.
- 4.2 “Fire Chief” means the person duly appointed pursuant to this ordinance who serves as the head of the Department.
- 4.3 “Junior Firefighter” means a person of the ages of 16 and 17 years old who, with the consent of his or her guardian and with the approval of the Fire Chief, participates in Department activities. Junior firefighters must be under the direct supervision of the Fire Chief or a designated officer and act according to the provisions of Title 26 M.R.S.A., Section 772.
- 4.4 “Municipal Firefighter” means an individual active member, whether full-time, part-time or on-call, of Department who aids in the extinguishment of fires or provides emergency medical care, or an individual who receives compensation or a stipend from the municipality for performing these duties and is at least 18 years of age. For the purposes of this ordinance, municipal firefighter includes members of the Department serving as emergency medical responders.

- 4.5 “Officer” means any person who has command authority over a portion of Department operations as designated by the Fire Chief. Officers include a Deputy Fire Chief, Assistant Chief, Captains, Lieutenants, Safety Officers, and any other officer positions as deemed necessary.
- 4.6 “Selectboard” means the duly elected Board of Selectmen for the Town of Albion, Maine.
- 4.7 “Town” means the Town of Albion, Maine.

5. Department Composition and Duties

- 5.1 The Department shall be comprised of one Fire Chief other officers, municipal firefighters and junior firefighters.
- 5.2 The Fire Chief shall have the duties and responsibilities established in Title 30-A M.R.S.A., Section 3153, and shall be directly responsible to the Selectboard for the effective administration of the Department.
- 5.2.1 The Fire Chief shall submit annual reports of the activities of the Department and additional reports when requested by the Selectboard.
- 5.2.2 The Fire Chief shall have the power to delegate to members of the Department such duties and responsibilities as he/she deems advisable, together with the proportionate authority for their fulfillment, but in no case may over-all responsibility or accountably be delegated.
- 5.2.3 The Fire Chief shall be responsible for the proper custody and care of all Town property and equipment used in or by the Department.
- 5.2.4 The Fire Chief may issue fire permits as Fire Warden in accordance with Maine Department of Conservation rules.
- 5.3 Officers and municipal firefighters shall have the duties and responsibilities set forth in Title 30-M.R.S.A., Section 3154. In the absence of the Fire Chief the Department officers shall assume authority in accordance with a chain of command. All members of the Department shall meet the safety and training requirements of Title 26 M.R.S.A., sections 2101 – 2108.

6. Privileges and Immunity

- 6.1 Members of the Fire and Rescue Department shall enjoy the privileges and immunities provided by the Maine Tort Claims Act when performing their duties as firefighters for the Town.

7. Administrative Procedures

- 7.1 The Selectboard shall appoint a Fire Chief for a term of not more than 1 year. Candidates for this position shall have a demonstrated knowledge of applicable state and federal laws, rules and regulations pertaining to the operations of the Department. The Candidates shall also possess experience in fire command, emergency medical services, and administration.
- 7.2 The Selectboard may remove the Fire Chief for just cause after notice and hearing.
- 7.3 The Fire Chief may appoint and remove officers, municipal firefighters and junior fire fighters as he/she deems appropriate and necessary to best carry out the purpose of this ordinance and within the budgetary limitations created by funds appropriated by the Town.
- 7.4 The Fire Chief, officers and municipal firefighters shall receive stipends as established in the municipal budget.
- 7.5 The Fire Chief shall establish and maintain a system of records and reports that is sufficient to demonstrate the operation, activities and control of the Department. This is to include but is not limited to records of all calls responded to, incident investigations, inspections, personnel attending incidents and training sessions, apparatus and equipment maintenance, expenditures and other related information. The Fire Chief shall also maintain rosters of all Department members including contact information and information on training received.

8. Assets and Funds

- 8.1 All apparatus, equipment, supplies and other goods purchased with funds appropriated for the Department shall be considered property of the Town.
- 8.2 The Fire Chief is responsible for obtaining goods and services necessary for the proper operation of the Department within the limitations of appropriations made for that purpose by the municipal budget.
- 8.3 The Department is authorized to apply for and receive grants. Additionally, the Department may receive gifts of money and equipment.
- 8.4 All revenues received from the billing of services shall go into the department's capital improvement account. Up to twenty percent of revenue earned in a fiscal year may be used for emergency medical equipment and supplies as determined by the Fire Chief.

9. Cost Recovery

- 9.1 Any entity who is provided fire department services shall pay to the Town of Albion a fee for services in accordance with Section 9.3 of this ordinance.
- 9.2 Fire Department services shall not be denied to or withheld from any entity because of lack of insurance or refusal of payment.

9.3 Billable cost shall be associated with the response of personnel and/or apparatus for certain types of incidents, including but not limited to the following:

- Burning permit violations
- Standby for utility lines in the roadway
- Hazardous materials incidents
- Motor vehicle accidents
- Motorized vehicle and equipment fire
- Fire incidents as determined by the Fire Chief not listed above

9.4 No Albion resident shall be responsible for any denied, or reduced amount of payment from an insurance claim for Fire Department response except in the case of court-ordered restitution.

9.5 Insurance claims for Albion residents shall only be initiated if the resident has already filed a claim for the incident.

9.6 The Selectboard, with a recommendation from the Fire Chief, shall determine all billing rates & fees.

9.7 This section of the ordinance does not pertain to emergency medical services billing or response.

10. Mutual Aid

10.1 Pursuant to Title 30-A M.R.S.A., Section 3156, the Fire Chief may enter into mutual aid agreements with other municipalities for firefighting or other emergency services.

11. Severability and Suppression

11.1 The invalidation of any part of this ordinance shall not affect any other portion herein.

11.2 Adoption of this ordinance supersedes and replaces any and all related ordinances or warrant articles previously enacted.

12. Effective Date

12.1 This ordinance was enacted by the voters of the Town of Albion on _____ and is effective on _____.