Limerick Fire Department and Emergency Medical Services Ordinance

The purpose of this Ordinance is to establish the "Limerick Fire-Rescue Department" as a municipal 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 Fire-Rescue Department" (Referred to as "The Department" here after).

ARTICLE 2 - PURPOSE

2.1. Establishment: The Limerick Fire-Rescue Department is established as a municipal department of the Town of Limerick under MRSA Title 30-A §3152 (1) A and MRSA Title 32 §83 (5) as the municipal fire department and emergency medical service of and for the Town of Limerick, Maine.

2.2. Purpose: This department exists to protect and serve the citizens of Limerick, Maine. To that end it shall endeavor to provide for;

- the safety and preservation of life from natural and man-made disaster;
- the prevention and extinguishment of fire;
- the Care and transportation of the sick and injured;
- the preservation of life, the environment and property, from destruction by fire or other hazard

2.3. Recognition: The Department is the sole provider of fire protection, rescue and emergency medical services for the Town of Limerick. No other organization, agency, association, corporation, department or other entity, current or previous is recognized, authorized or sponsored by the Town to provide or support these services, unless, by contract or mutual agreement executed by the Board of Selectmen and with the concurrence of the Fire Chief.

ARTICLE 3 - ORGANIZATION

3.1. Administration: The Fire Chief shall be the Administrative Department Head and Chief Executive of the Department. The Fire Chief reports directly to the Board of Selectmen. Duties, powers, and responsibilities of the Fire Chief are set forth in MRSA Title 30-A §3151 and this ordinance.

3.2. Operations: The department shall operate as directed by the Fire Chief according to accepted industry standards, ordinance, 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.

3.3. Mutual Aid: The Fire Chief shall recommend to the Board of Selectmen for their approval any mutual aid agreements deemed mutually beneficial to the Town. The Town shall adhere to the provisions of MRSA Title 37-B §784-B and Title 30-A §3156.

ARTICLE 4 - EMPLOYMENT

4.1. Employees: Persons hired by the Town to serve as regular employees within the department must be at least 18-years of age and capable of completing training to be certified or licensed as a firefighter, emergency medical technician, emergency vehicle operator, first responder or other emergency service personnel.

4.2. Application for Employment: The Board of Selectmen shall develop a process for the hiring of department employees in similar fashion to all other Town employees. Such process shall be outlined in the Town's Personnel Policy.

4.3. Employees Under 18-years of age: Also known as Junior Firefighters, these employees must be between the ages of 14 and 17. These employees are subject to the Maine Department of Labor's "Rules Governing Hazardous Occupations for Minors Under the Age of Eighteen in Non-Agricultural Employment". (12 CMR170 Chapter 11)

4.4. Compensation: All regular employees shall be compensated consistent with the Department's appropriations provided through the Town's budget process and in accordance with the Town of Limerick Personnel Policy.

4.5. Retention of Current Employees: Persons employed by the department on the date this ordinance amendment is approved will remain in the Town's employment in their current capacity, job or position.

ARTICLE 5 - RULES, REGULATIONS AND STANDARD OPERATING GUIDELINES

5.1. Rules and Regulations: The Fire Chief may implement such 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, rules and regulations as well as industry standards, Rules and regulations shall be issued as formal written directives. The Fire Chief is the final approval authority; however, a majority vote of the Board of Selectmen may nullify a rule or regulation.

5.2. Standard Operating Guidelines (SOG): The Fire Chief or Deputy Fire Chief shall implement, or cause to be implemented, the necessary guidelines to ensure standard and efficient operation and execution of the department's mission. SOGs will refer to matters of firefighting and rescue tactics, emergency medical protocol equipment operations, safety and other matters regarding emergency operation. SOGs shall be issued as formal written instructions. The Fire Chief is the final approval authority for SOGs. The Fire Chief may delegate this approval authority to qualified individuals.

5.3. Collaboration: Rules, regulations, SOGs and policy, as much as practical, should be developed in a collaborative manner with department leadership and subject matter expert's involvement. All department employees must be informed of any new or updated rules, regulations or guidelines via e-mail or by posting electronically or manually in a common access area. The Board of Selectmen shall be informed of the implementation of new, updated or cancelled rules, regulations or guidelines.

5.4. Confliction: Any rule, regulation or guideline shall not conflict with Town policy, ordinance, state or federal law, regulation or other industry standards.

ARTICLE 6 - DISCIPLINE, SUSPENSION AND DISMISSAL

6.1. Discipline:

a) The Board of Selectmen shall ensure that disciplinary processes, procedures or circumstances that apply to Town employees also apply equally to employees of this department.
b) The Board of Selectmen shall ensure that the Town's personnel policy contains proper procedures for handling disciplinary matters.
c) 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 Town policy.

6.2. Grievance Procedure: All grievances will be handled in accordance with applicable Sections of the department's rules and regulations and the Town of Limerick Personnel Policy as it may be amended.

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.

6.4. Suspension and Dismissal:

a) The Fire Chief may, following an investigation, notice, and hearing, suspend or dismiss any department employee for cause. Any decision of the Fire Chief regarding employee discipline, including but not limited to termination, may be appealed to the Select Board.

ARTICLE 7 - APPOINTMENT, DUTIES AND RESPONSIBILITIES OF FIRE DEPARTMENT OFFICERS

7.1. Fire Chief: Hired and appointed by the Board of Selectmen is the Fire Chief. The Fire Chief is the Chief Executive, Chief of Department and senior ranking official within the Town of Limerick. The authority of the Fire Chief is outlined in MRSA Title 30-A §3153.

a) In addition to duties and responsibilities as Fire Chief, this position also serves as; Emergency Medical Services Director under MRSA Title 32 §83 (5), Municipal Fire Inspector under MRSA Title 25 §2372, Town Forest Fire Warden under MRSA Title 12 §8902 and Fire Safety Official under MRSA Title 5 §221-A (3-A).
b) The Board of Selectmen may appoint the Fire Chief to also serve as the Emergency Management Director under MRSA Title 37-B §782. Should in their judgement this be in the best interest of the Town.
c) The Board of Selectmen shall prepare a job description for the Fire Chief's position. This job description shall outline the knowledge, skills and abilities required of the Fire Chief. It shall also outline any and all desired qualifications, licenses, certification, education and experience desired of Limerick's Fire Chief.

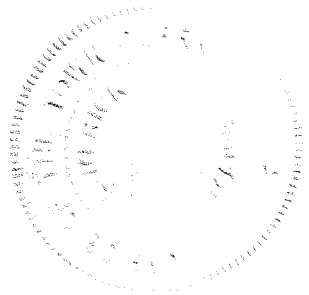
7.2. Assistant Fire Chief: The Fire Chief shall select an Assistant Fire Chief to serve as Chief of Operations and as the second senior ranking officer in the department and first in succession to the Fire Chief. The Assistant Chief shall assist the Fire Chief in areas and tasks assigned by the Fire Chief.

a) The Fire Chief shall prepare for approval of the Board of Selectmen a job description for the Deputy Chief's position.

7.3. Fire Officers: Officers with 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.

a) Officer Rank Structure is listed below from senior to junior:

- Chief
- Assistant Chief
- Deputy Chief
- Captain
- Lieutenant



7.4. Job Descriptions: The Fire Chief shall develop job descriptions and qualification requirements for all officer and leadership positions within the department, including the Deputy Chief. Such job descriptions shall be approved by the Board of Selectmen.

7.5. Promotions and Officer Selection: The Fire Chief shall develop a process for determining the most suitable candidates for promotion to officer and leadership positions. The final approval authority for all promotions rests with the Board of Selectmen.

a) The Fire Chief may make temporary or acting officer appointments. Temporary or acting appointments may not exceed 90 days.

7.6. Removal of Officers: The Fire Chief may, following notice and hearing, remove any officer from their rank for cause. With the exception of a final written decision of discipline, all documents pertaining to the discipline or removal of a fire officer shall be treated as confidential, subject to the provisions of 30-A M.R.S. § 2702, as may be amended from time to time. All deliberations and hearings pertaining to the removal of an officer shall be conducted in executive session, unless otherwise requested by that officer, in accordance with 1 M.R.S. § 405(6)(A), as may be amended from time to time.

7.7. Number of Officers: The Fire Chief shall prepare for the approval of the Board of Selectmen 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 8 - REPORTING

The Fire Chief shall provide periodic reports to the Board of Selectmen as follows:

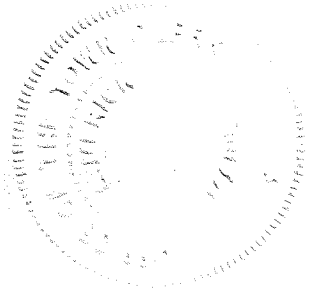
8.1. Monthly Report: The Fire Chief shall provide a written report by the 30th of each month reporting on:

a) Status of Calls for Service and Operation.
   - 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. EMT, Firefighter II Driver/Operator, 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, medial, office, communications etc., equipment maintenance conducted or major maintenance needs;
   - Facility maintenance conducted or major maintenance needs, including hydrants, cisterns station and other fixed assets.

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



8.2. Quarterly Reports: Each calendar quarter the Fire Chief Shall provide a written report on:

a) Status of Compliance with Public Sector Safety Compliance Directives of the Bureau of Labor Standards as applicable to fire and EMS services.
b) Status of Compliance with Rules of the Bureau of Emergency Medical Services.
c) Training and educational accomplishments during the previous quarter and any upcoming training or educational events. Training shortfalls or deficiencies should also be noted.
d) Status and availability of personal protective equipment (PPE), including medical and firefighter PPE, breathing apparatus and any other PPE.

8.3. Annual Report: Prior to December 31st the Fire Chief shall provide an annual summary to the Board of Selectmen. This written report should include the previous year' call statistics, personnel statistics and an assessment of the material condition of fire apparatus, ambulances, personal protective equipment, fire stations and the systems within the fire stations, hydrants and any other equipment matters as necessary.

8.4. Bi-Annual Assessment: Prior to June 30th of each even numbered year, the Fire Chief shall provide the Board of Selectmen a written assessment of the fire department's compliance with NFPA 1720/Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments and the Insurance Services Office Public Protection Classification program.

8.5. State Reporting: The Fire Chief shall ensure that the department is making the required reports to the State Fire Marshall and Maine Emergency Medical Bureau as required by protocol, rule or law. MRSA Title 25 §2395 refers.

ARTICLE 9 - DEPARTMENT ASSETS AND FUNDS

9.1. Municipal Appropriation: All funds raided 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.

a) Expenditure of Funds: The Fire Chief is authorized to expend budgeted funds as authorized by the Board of Selectmen in accordance with its 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.

9.2. Other Funding: All funds raised, granted or donated to the Department in the Town of Limerick or the Limerick Fire-Rescue Department's name, by Department the Town's tax identification number for any and all 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.

9.3. Other Assets and Equipment: All 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.

9.5. Capital and Replacement Planning: 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 annually.

ARTICLE 10 - PRIVILEGES AND IMMUNITIES

10.1. Members of the Limerick 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 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.

Ordinance passed on 06/12/2018
Ordinance amended on 03/12/2021
Ordinance amended on 11/08/2022

True attested copy

DeeDee Tibbetts, Town Clerk

11/08/2022