

TOWN OF SOUTH THOMASTON, MAINE



FIRE DEPARTMENT ORDINANCE

Enacted 26 March 2003

Amended 28 March 2006

Amended 27 March 2007

Town of South Thomaston, Maine
Fire Department Ordinance

ARTICLE 1: TITLE, PURPOSE, AUTHORITY AND DEFINITIONS

SECTION 101. TITLE

This ordinance shall be known as the Town of South Thomaston Fire Department Ordinance.

SECTION 102. PURPOSE

The purposes of this ordinance are to establish in the manner provided by law a municipal fire department, to define the powers and duties of the chief of the department, to provide the maximum legal protection available to the department officers and municipal firefighters, and to protect the health, safety, and welfare of the residents of South Thomaston.

SECTION 103. AUTHORITY

This ordinance is enacted pursuant to 30-A M.R.S.A. §§ 2001 et seq., and 3151 et seq.

SECTION 104. DEFINITIONS

104.1 MUNICIPAL FIRE DEPARTMENT

“Municipal fire department” means the organized firefighting unit established pursuant to this ordinance.

104.2 MUNICIPAL FIREFIGHTER

“Municipal firefighter” means an active member, whether full-time, part-time or on-call, of a municipal fire department who aids in the extinguishment of fires or an individual who receives compensation from the municipality for aiding in the extinguishment of fires and is at least 18 years of age.

104.3 JUNIOR FIREFIGHTERS

“Junior firefighter” means an active member, the age of sixteen or seventeen who operate within the department, according to the limits for junior firefighters pursuant to Title 26 M.R.S.A. Section 772. Junior firefighters are under the direct supervision of the Incident Commander, the Fire Chief, or his/her designee.

ARTICLE II. MUNICIPAL FIRE DEPARTMENT

SECTION 201. ESTABLISHMENT

There shall be a Municipal Fire Department, which is hereby established by this ordinance.

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SECTION 202. DUTIES

The Municipal Fire Department shall provide firefighting protection within the Town of South Thomaston and elsewhere as provided by mutual aid or other contractual agreement duly adopted.

SECTION 203. FIRE CHIEF

203.1 APPOINTMENT

The head of the Municipal Fire Department shall be the Fire Chief, who shall be appointed by the Selectmen.

203.2 QUALIFICATION OF OFFICE, TERM, AND COMPENSATION

- (a) The Fire Chief shall be a resident of the Town of South Thomaston.
- (b) Selection for appointment of the Fire Chief shall be made based on fire service and administrative qualifications and experience.
- (c) The Fire Chief shall be selected from within the fire department.
- (d) The Fire Chief shall be appointed for a term of not more than five years at a time, but otherwise of a length not less than one year.
- (e) The compensation of the fire chief shall be established by the municipal officers within the limit of appropriations available thereof.

203.3 POWERS AND DUTIES OF FIRE CHIEF

- (a) The Fire Chief shall have the power and duties established by 30-A M.R.S.A., & 3153, and as it may be amended from time to time.
- (b) The Fire Chief shall perform such duties required by his office by ordinance or other laws and shall perform such duties not in conflict therewith as may be assigned by the Board of Selectmen.
- (c) The Fire Chief shall be immediately responsible to the Board of Selectmen for the effective administration of the department.
- (d) The Fire Chief shall keep informed as to the latest practices in the field and shall inaugurate, with the approval of the Board of Selectmen, such new practices as appear to be of benefit to the service and to the public.
- (e) The Fire Chief shall submit annual reports of the activities of the department and additional reports when requested by the Board of Selectmen.
- (f) The Fire Chief shall establish and maintain a system of records and reports in sufficient detail to furnish all information necessary for proper control of the departmental activities and to form a basis for the reports required by the Board of Selectmen.

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(g) The Fire Chief shall have the power to delegate to members of the department such duties and responsibilities as deems advisable, together with the proportionate authority for their fulfillment, but in no case may over-all responsibly or accountably be delegated.

(h) The Fire Chief shall have power to exercise the authority of the Board of Selectmen to appoint/hire and remove, subject to the personnel regulations and the Board's diligent review, all subordinated deputies, officers, municipal firefighters, and junior fire fighters in the fire department.

(i) The Fire Chief shall be responsible for the proper custody and maintenance of all town property and equipment used in or by the fire department.

(j) The Fire Chief shall serve for the appointed term at the pleasure of the Board of Selectmen.

203.4 POWERS AND DUTIES OF MUNICIPAL FIREFIGHTERS

Municipal firefighters shall have the powers and duties set forth in 30-A M.R.S.A. & 3151 et seq. and set forth in fire department rules and regulations.

203.5 PRIVILEGES AND IMMUNITIES

Members of the Municipal Fire Department shall enjoy the privileges and immunities provided by The Maine Tort Claims Act when acting in their capacity as firefighters.

SECTION 204. EFFECTIVE DATE AND REPEAL OF FORMER ORDINANCE

This ordinance shall be effective immediately upon passage. Any parts, and only those parts, of any existing ordinance or regulation that are inconsistent with this ordinance are repealed.

This ordinance was enacted on March 26, 2003, and amended March 28, 2006, & March 27, 2007.

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Town of South Thomaston, Maine Fire Department Ordinance
History of Amendments

March 28, 2006 the following amendments were adopted:

Section 203.3 (b) Powers and Duties of the Fire Chief read: *The Fire Chief shall employ all municipal firefighters, appoint a deputy and other officers in the municipal fire department, and remove them for cause after notice and hearing.*

Amended to read: *The Fire Chief shall perform such duties required by his office by ordinance or other laws and shall perform such duties not in conflict therewith as may be assigned by the Board of Selectmen.*

Section 203.3 (c) read: *The Fire Chief shall submit a yearly report on the activities of the department and shall discharge such other duties as may be required by the Selectmen.*

Amended to read: *The Fire Chief shall be immediately responsible to the Board of Selectmen for the effective administration of the department.*

Amended Section 203.3 by adding: *(d) The Fire Chief shall keep informed as to the latest practices in the field and shall inaugurate, with the approval of the Board of Selectmen, such new practices as appear to be of benefit to the service and to the public. (e) The Fire Chief shall submit annual reports of the activities of the department and additional reports when requested by the Board of Selectmen. (f) The Fire Chief shall establish and maintain a system of records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the reports required by the Board of Selectmen. (g) The Fire Chief shall have the power to delegate to members of the department such duties and responsibilities as deems advisable, together with the proportionate authority for their fulfillment, but in no case may over-all responsibly or accountably be delegated. (h) The Fire Chief shall have power to exercise the authority of the Board of Selectmen to appoint and remove, subject to the personnel regulations and the Board's diligent review, all subordinated deputies and officers in the fire department: (i) The Fire Chief shall be responsible for the proper custody and maintenance of all town property and equipment used in or by the fire department. (j) The Fire Chief shall serve for the appointed term at the pleasure of the Board of Selectmen.*

March 27, 2007 the following amendments were adopted:

Amended Section 104. Definitions by adding: *104.3 Junior Firefighters: "Junior firefighter" means an active member, the age of sixteen or seventeen who operate within the department, according to the limits for junior firefighters pursuant to Title 26 M.R.S.A. Section 772. Junior firefighters are under the direct supervision of the Incident Commander, the Fire Chief, or his/her designee.*

Section 203.3 Powers and Duties of the Chief, 3. (h) read: *The Fire Chief shall have power to exercise the authority of the Board of Selectmen to appoint and remove, subject to the personnel regulations and the Board's diligent review, all subordinated deputies and officers in the fire department.*

Amended to read: *The Fire Chief shall have power to exercise the authority of the Board of Selectmen to appoint/hire and remove, subject to the personnel regulations and the Board's diligent review, all subordinated deputies, officers, municipal firefighters, and junior fire fighters in the fire department.*