

Town of Waterboro Fire Department and  
Emergency Medical Services Ordinance

Article 1. Title:

This Ordinance shall be known as the Town of Waterboro Fire Department and Emergency Medical Services Ordinance, upon review of a public safety committee.

Article 2. Purpose:

The purpose of the ordinance is to establish a municipal Fire Department with responsibility for preventing and extinguishing fires and providing emergency medical services within the Town of Waterboro; (2) to authorize the Fire Department to provide aid in extinguishing fires and providing emergency medical services outside the Town of Waterboro as authorized herein; (3) to define the powers, duties and responsibilities of the Chief, Officers, and Personnel of the Fire Department; (4) to provide the maximum legal protection available to the Chief, Officers and Personnel of the Fire Department; and (5) to provide for the health, safety and welfare of the residents and property owners of the Town of Waterboro.

Article 3. Authority:

This Ordinance is enacted pursuant to 30-A MRSA § 3001 and 30-A MRSA § 3151 through 3157.

Article 4. Fire Department Structure and Personnel:

A. The Fire Chief.

1. The head of the Fire Department shall be the Fire Chief, who shall be appointed by the Board of Selectmen, upon receiving recommendation from a review committee.
2. The Fire Chief shall be appointed for a term of one (1) year (July 1 through June 30). The employment of the Fire Chief may be terminated prior to expiration of the appointed term for just cause determined by the Board of Selectmen after notice and hearing; or in the event of resignation; incapacity; retirement; or death.
3. The Fire Chief shall have the following powers and duties:
  - a.) Direction and control of all fire fighting and emergency medical personnel in the performance of their fire prevention and fire extinguishment duties, and in connection with their provision of

emergency medical services within and outside the Town of Waterboro, as provided in this Ordinance or by State law;

- b.) Responsibility for recruitment, training, safety, discipline and the efficient functioning of the Department, its members and personnel;
- c.) Responsibility for the care and maintenance of all property and equipment owned or used by the Fire Department.
- d.) Formulation of details, assignments, units and duties necessary for the efficient performance of the Fire Department's functions.
- e.) Consultation and cooperation with the Board of Selectmen and other Town of Waterboro municipal department heads on issues related to public safety;
- f.) Formulation of a public relations program designed to advance the image and reputation of the Department and establishment of standards for personnel attitudes and practices which foster a positive public image for the Department;
- g.) Annual preparation and submission to the Board of Selectmen of a budget relating to the operation of the Fire Department;
- h.) Suppression of disorder and tumult at fire scenes; direction of all operations at fire scenes to prevent further destruction and damage;
- i.) Appointment of 1<sup>st</sup> and 2<sup>nd</sup> Deputy Fire Chiefs; Deputy Chiefs of Emergency Medical Services and Assistant Chief of Emergency Medical Services; Fire Captains; Fire Lieutenants; and Fire Department Personnel, subject to confirmation of these appointments by the Board of Selectmen. Qualifications for these positions shall be established through job descriptions prepared by the Fire Chief and approved by the Board of Selectmen. These appointments shall be made in accordance with procedures established by Rules and Regulations of the Waterboro Fire Department.
- j.) Demolition of structures and appurtenances at fire scenes if deemed necessary to prevent the spread of fire.

#### B. Fire Department Officers

1. The 1<sup>st</sup> and 2<sup>nd</sup> Deputy Fire Chiefs; Fire Captains; Fire Lieutenants; and Assistant Chief of Emergency Medical Services shall assist the Fire Chief in carrying out his/her duties, as directed by the Fire Chief.

Waterboro Fire Department equipment and/or personnel to the requesting department as is feasible for the purpose of assistance in extinguishing a fire or providing emergency medical services within the requesting municipality.

- B. The Fire Chief, or a Deputy Chief acting as Fire Chief, may request assistance from the municipal or volunteer fire department of another municipality, within or outside the State of Maine, if assistance is needed in extinguishing a fire or providing emergency medical services within the Town of Waterboro.
- C. The Board of Selectmen is authorized to negotiate and execute, on behalf of the Town of Waterboro, mutual aid agreements with one or more other municipalities. Any such agreement must obligate the municipality requesting aid to compensate the Town of Waterboro for damage to the Town of Waterboro Fire Department or to Fire Department property; and to compensate any injured Fire Department personnel, or the spouse or dependents of Fire Department personnel; for injury or death sustained in the course of rendering aid to the requesting municipality.

#### Article 6. Privileges and Immunities:

- A. Members of the Waterboro Fire Department shall be entitled to the privileges and immunities provided by the Maine Tort Claims Act, 14 MRSA § 8010 et. Seq.
- B. When assisting other municipalities, members of the Waterboro Fire Department have the same privileges and immunities as when acting in their own municipality.

#### Article 7. Revolving Account

The moneys received from EMS billing will be dedicated exclusively for capital expenditures. The funds garnered through the cost recovery program will be credited towards the purchase of vehicles, EMS equipment, training and education, and fixed facilities.

The moneys received from fire and EMS fund raising will be dedicated exclusively for capital expenditures. The funds garnered through fund raising programs will be credited towards the purchase of vehicles, EMS equipment, and fixed facilities.

These funds mentioned in the above two paragraphs shall not be expended without prior town meeting approval.

#### Article 8. 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

2. Fire Department Officers shall be appointed for an indefinite term. The employment of Fire Department Officers may be terminated by the Fire Chief for just cause, after notice to the Officer; by resignation; retirement; or as a consequence of death or disability. Terminations for just cause are subject to review, at the request of the terminated Officer, by the Board of Selectmen. Any such request for review shall be submitted to the Board of Selectmen within seven (7) days of termination.
3. In the absence of the Fire Chief, the Fire Chief's duties shall be performed by the 1<sup>st</sup> Deputy Fire Chief, and in his/her absence by the 2<sup>nd</sup> Deputy Fire Chief.
4. Fire Department Officers shall be subject to the Personnel Policy of the Town of Waterboro.

C. Fire Department Personnel

1. To assist the Fire Chief and the Fire Department Officers in carrying out their Duties, the Town of Waterboro may employ municipal firefighters and licensed EMS personnel.
2. Fire Department Personnel shall be appointed for an indefinite term. The Employment of Fire Department personnel may be terminated by the Fire Chief for just cause, after notice to the employee; by resignation; retirement; or as a consequence of death or disability. Terminations for just cause are subject to review, at the request of the terminated employee, by the Board of Selectmen. Any such request for review shall be submitted to the Board of Selectmen within seven (7) days of termination.
3. The duties of Firefighters shall be to extinguish all fires to which they are Called; to protect lives and property endangered by fires; and to carry out all other activities as directed by the Fire Chief or Fire Department Officers.
4. The duties of EMS personnel shall be to provide first aid, emergency Treatment and rescue assistance to persons in need of such assistance and to carry out all other related activities as directed by the Fire chief or Fire Department Officers.
5. Fire Department personnel shall be subject to the Personnel Policy of the Town of Waterboro.

Article 5. Assistance to Other Municipalities

- A. The Fire Chief, or a Deputy Chief, upon request for assistance from the duly authorized representative of a municipal or volunteer fire department of another municipality, within or outside the State of Maine, may send

inconsistent with the provisions of other Ordinances and policies of the Town of Waterboro, or of 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 By-Laws, Rules and Regulations of the Waterboro Fire Department, the provisions of this Ordinance shall govern.

Article 9. Amendment:

This Ordinance may be amended by vote of the Town Meeting of the Town of Waterboro.

Article 10. Effective Date:

This Ordinance shall take effect upon its adoption by the Town Meeting of the Town of Waterboro.