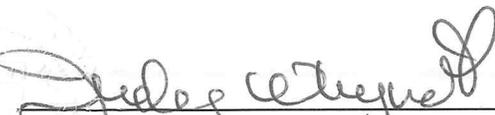


Town of Naples Fire & Rescue Department Ordinance

Adopted: June 1, 2015

Attest:



Judy Whynot, Town Clerk

**TOWN OF NAPLES
FIRE & RESCUE DEPARTMENT ORDINANCE**

Section 1. Title.

This Ordinance shall be known as the Town of Naples Fire & Rescue Department Ordinance (the “Ordinance”).

Section 2. Authority.

This Ordinance is enacted in accordance with 30-A M.R.S.A. §§ 3001-3307, as may be amended, and §§ 3151-3157, as may be amended.

Section 3. Purpose.

The purpose of this Ordinance is to:

- (a) establish and organize a municipal fire and rescue department;
- (b) establish appointment procedures and to define the powers and duties of the Fire Chief;
- (c) define the procedures under which the department shall operate; and
- (d) provide for the best protection for the health, safety, property and welfare of the residents of the Town.

Section 4. Establishment.

There is hereby established the Naples Fire & Rescue Department. It shall be a department within the Town.

Section 5. Definitions.

For purposes of this Ordinance, the following terms shall be defined as follows:

- 5.1 “Department” means the Naples Fire & Rescue Department established pursuant to this Ordinance.
- 5.2 “Fire Chief” means the person duly appointed pursuant to this Ordinance who serves as the head of the Department.
- 5.3 “Municipal firefighter” means an active member, whether full-time, part-time or on-call, of the Department who aids in the extinguishment of fires and/or an individual who receives compensation from the Town for aiding in the extinguishment of fires.
- 5.4 “Municipal rescue personnel” means an active member, whether full-time, part-time or on-call, of the Department who aids in providing first aid, emergency treatment and rescue assistance and is qualified to render such aid under current Maine Department of

Health and Human Services regulations governing rescue and ambulance personnel and/or is an individual who receives compensation from the Town for said services.

5.5 “Town” means the Town of Naples.

Section 6. Department Organization and Duties.

6.1 Duties of the Department.

6.1.1 The Department shall provide fire suppression, fire prevention, 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 Selectpersons.

6.1.2 The Department shall 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.

6.2 Fire Chief Position.

6.2.1 Appointment.

The head of the Department shall be the Fire Chief, who shall be selected by the Town Manager, subject to the approval of the Board of Selectpersons. The Town Manager shall solicit a recommendation from the Naples Fire Association prior to making a Fire Chief selection. The Fire Chief shall be subject to the supervision of the Town Manager consistent with the personnel policies established by the Board of Selectpersons.

6.2.2 Term, Compensation.

The Board of Selectpersons shall appoint a Fire Chief for a term of not more than three years. The compensation of the Fire Chief shall be determined by the Board of Selectpersons.

6.2.3 Powers and Duties.

The Fire Chief shall have the duties established by 30-A M.R.S.A. § 3153(2), as may be amended. The Fire Chief shall be responsible for the immediate supervision and operation of the Department and the conduct of Department membership. The Fire Chief may, subject to the approval of the Town Manager, appoint the following officers: Assistant Chief(s), Deputy Chief(s), Captain(s) and Lieutenant(s). Job descriptions for officer positions shall be prepared by the Fire Chief in consultation with the Town Manager. The Fire Chief shall submit an annual written report on the activities of the Department and additional reports when requested and shall discharge such other duties as may be required by the Town Manager.

6.2.4 Rules and Standard Operating Guidelines.

Rules and Standard Operating Guidelines prepared by the Fire Chief shall be reviewed and approved by the Town Manager before becoming effective.

6.2.5 Removal.

The Fire Chief may be removed from the position for cause after notice and hearing consistent with personnel policies established by the Board of Selectpersons.

6.3 Department Personnel.

6.3.1 Municipal firefighters shall have the duties and responsibilities set forth in 30-A M.R.S.A. § 3154, as may be amended. In the absence of the Fire Chief or Deputy Chief, municipal firefighters and municipal rescue personnel shall assume authority in accordance with a chain of command in job descriptions prepared by the Fire Chief in consultation with the Town Manager.

6.3.2 Municipal rescue personnel shall provide emergency medical treatment and rescue assistance to persons in need of such assistance within the Town and elsewhere as provided by mutual aid or other contractual agreements approved by the Board of Selectpersons. Such treatment and assistance shall be provided in accordance with State statutes, Emergency Medical Services protocols, as amended from time to time by Maine Emergency Medical Services.

6.3.3 All appointments, discipline, suspensions and dismissals of members of the Department shall be handled in accordance with the personnel policies established by the Board of Selectpersons.

Section 7. Mutual Aid Agreements.

The Board of Selectpersons is hereby authorized to enter into mutual aid agreements with other municipalities pursuant to 30-A M.R.S.A. § 3156, as may be amended. The Board of Selectpersons shall make its decision as to whether to enter into any such agreement after receiving a recommendation from the Fire Chief submitted through the Town Manager. All such existing agreements are hereby approved and ratified.

Section 8. Naples Fire Association.

8.1 At the time that this Ordinance is adopted, there exists an independent Maine nonprofit corporation called the Naples Fire Association and it shall be cited herein as the Association.

8.2 The Association is not a department of -- nor part of a department of -- the Town, but it is recognized as an independent Maine nonprofit corporation.

8.3 The Association may raise funds from the public for its corporate purposes.

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- 8.4 Funds raised 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 Selectpersons.
- 8.5 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 Selectpersons or Town Meeting, as applicable.
- 8.6 Equipment, vehicles or facilities owned by the Association shall be clearly marked as Association property.

Section 9. Assets and Funds

- 9.1 All equipment, vehicles, facilities, supplies and other goods purchased with funds appropriated for the Department shall be considered property of the Town.
- 9.2 The Fire Chief shall be responsible for obtaining the goods and services necessary for the proper operation of the Department within the limits of appropriations made for that purpose by the municipal budget. All funds appropriated for the Department shall be treated as municipal funds and no expenditures may be made unless in compliance with all purchasing and disbursement policies and procedures of the Town.
- 9.3 The Department is authorized to apply for and receive grants, provided such applications are approved in advance by the Town Manager.
- 9.4 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 30-A M.R.S.A. §§ 5652-5654, as may be amended.
- 9.5 Gifts, donations and bequests made to the Association may be treated as private funds, to be disposed of as determined by the Association.

Section 10. Supersession, Severability, Amendments and Adoption.

10.1 Supersession.

This Ordinance supersedes and replaces any or all like or comparable ordinances, policies or decisions previously enacted or adopted by the Town, including, without limitation, the Implementation Policy for Fire and Rescue Compensation adopted November 2, 1999, as amended. This Ordinance does not supersede or replace the Town of Naples Emergency Services Ordinance first adopted November 2, 1999. This Ordinance shall remain in effect unless or until it is revoked or superseded in accordance with 30-A M.R.S.A. § 3002, as may be amended.

10.2 Severability.

The invalidity of any portion of this Ordinance shall not invalidate any other part thereof.

10.3 Amendments.

This Ordinance may be amended from time to time in accordance with the provisions of 30-A M.R.S.A. § 3002, as may be amended.

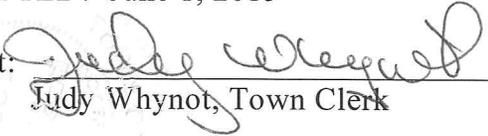
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10.4 Adoption.

This Ordinance was submitted to the voters of the Town of Naples and shall be effective upon its adoption by Town Meeting.

ADOPTED: June 1, 2015

Attest:



Judy Whynot, Town Clerk