

FIRE DEPARTMENT ORDINANCE

TOWNSHIP OF MANCELONA

COUNTY OF ANTRIM, STATE OF MICHIGAN

ORDINANCE NUMBER 16

Adopted: April 15, 2002

Effective: April 15, 2002

MANCELONA TOWNSHIP FIRE DEPARTMENT ORDINANCE

An ordinance to preserve the peace, general welfare, order, health, and safety of persons and property in the Township, enacted pursuant but not limited to, *Michigan Public Act 246 of 1945*, as amended; to establish the Mancelona Township Fire Department, and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

TOWNSHIP OF MANCELONA

Antrim County, Michigan

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known as the Mancelona Township Fire Department Ordinance.

SECTION II

PURPOSE

The purpose of this Ordinance is to promote and secure the public health, safety, and general welfare of persons, property owners, and property in the Township of Mancelona, by hereby establishing a

Township fire department, and rules regarding its operation and funding; to provide for the appointment of a fire chief, and to prescribe the powers and duties of that office.

SECTION III

FIRE DEPARTMENT FUNDING POWERS AND DUTIES

The Township Board shall approve an annual appropriation for the operation and maintenance of the fire department and its equipment, and for that purpose shall have the authority to use general funds, to initiate the creation of a special assessment district and levy assessments, sell bonds, establish user fees, or raise revenues in any other manner provided for under law for the operation and maintenance of the fire department, shall provide for payment of any debts incurred incidental to its continued operation, and shall purchase necessary equipment and/or construct public buildings for uses incidental to the maintenance and operation of a fire department. The Township Board shall establish departmental rules for the operations of the fire department and for the care of the equipment.

SECTION IV

FIRE CHIEF

The Township Board shall annually appoint a fire chief who will serve pursuant to said departmental rules, and who shall be accountable to the Township Board for the efficient and effective operation of the fire department, and for the fire department's compliance with all state laws, township ordinances, and policies. The duties of the fire chief shall include:

A. The chief shall appoint, pursuant to said departmental rules, and subject to Township Board veto, an assistant chief, captain(s), lieutenant(s), engineer [drivers], and fire fighters as may be deemed necessary.

B. The chief shall develop written administrative regulations to increase efficiency and effectiveness of the department, including pre-planning and post-incident critiques, regulations, assignment and scheduling of personnel, and shall plan for the long-range needs of the department.

C. The chief shall review all personnel and operating problems, and shall report monthly to the Township Board. A written report shall be filed annually with the Township Board.

D. As needed, the chief shall notify the Township supervisor of major problems or issues that require Township Board action. When such problems must be resolved immediately, and it is impractical or will endanger the health, safety, or welfare of the Township to wait until the next Township Board meeting to resolve the issue, the Township supervisor shall be empowered to resolve the issue or problem, subject to the subsequent approval of the Township Board.

E. The chief shall hold regular department informational and training meetings.

F. The chief may incur expenditures against the department budget as appropriated by the Township Board. The chief will monitor the unencumbered balances remaining in the department budget and shall make timely recommendations for budget amendments at such time as the need for such amendments becomes known. The department's expenditures shall not exceed the amounts appropriated. Capital outlay purchases that exceed \$ 2,000.00 shall conform to Township policy regarding Board approval.

G. The chief shall also be responsible for the following:

1. Supervise the extinguishment of all fires that endanger the health, safety, and welfare of Mancelona Township.
2. Enforce Township fire ordinances or fire prevention codes.
3. Ensure that all personnel are trained and qualified for the duties that they are expected to fulfill.

4. Ensure that fire inspection and community fire prevention programs are conducted.
5. Ensure that all equipment and buildings are properly maintained and in good working order.
6. Ensure that all department members comply with all Township ordinances and departmental rules, regulations, and policies, and to decide upon disciplinary action to be taken against department members.

SECTION V

OFFICERS

All officers shall serve as set forth in the departmental rules. There shall be a chain of command established among the department officers in descending order of rank, from the chief to the assistant chief, captain(s), lieutenant(s), engineers, to fire fighters. Each rank shall obey the orders of their superior officers. Temporary officers may be appointed by the senior officer present at any emergency to ensure the continuity of the chain of command. Such temporary appointments shall terminate when the officer with the given responsibility becomes available on the scene.

The chief shall establish a job description for each rank in accordance with the departmental rules. Each command officer shall be responsible for ensuring that orders are carried out by subordinates.

SECTION VI

FIRE FIGHTERS

All fire fighters shall serve as set forth in the departmental rules. In addition to the requirements set forth therein, applicants for vacant fire fighter positions shall be of good character, possess a good driving record, and shall be screened by a physician of the Township Board's choosing and at Township expense. The physician's examination shall determine if the applicant has any pre-existing

conditions that would preclude the applicant from performing the duties associated with fire fighting.

All fire fighters shall serve an initial probationary period for a period of not less than six (6) months. At the discretion of the chief, the probationary period may be extended. At the conclusion of the minimum probationary period, the chief may elect that a probationary fire fighter that has met all of the qualifications contained in the fire fighter job description be given fire fighter status.

A probationary fire fighter shall be entitled to all compensation and benefits afforded to fire fighters, but shall be restricted to perform only those duties for which he/she has been specifically trained. A probationary fire fighter shall not be issued department insignia or badges. Use of emergency signal devices on the private vehicle of a probationary fire fighter shall be at the discretion of the fire chief.

SECTION VII

DISCIPLINARY PROCEDURE

Violations of any Township ordinance, board or departmental rules, department administrative regulations or convictions of a felony shall subject any personnel involved to disciplinary proceedings, as set forth in the departmental rules and/or herein. A violation shall be documented and acted upon by the chief only upon reliable information or when a violation occurs in his or her presence.

The chief shall create a written notice of violation and shall provide a copy of the notice to all alleged violators. The notice shall state the rule that was allegedly violated, the nature of any disciplinary action taken, and the consequences of any further occurrences. Disciplinary action may range from a reprimand to a suspension, demotion, or dismissal, or a combination of any of the above, depending on:

- A. Seriousness of the violation;
- B. Consequences to the safety of others by the violation;

- C. Potential harm to the department or the Township;
- D. Prior record of the individual, and
- E. The degree of wantonness, if any, of the act.

Any disciplinary action taken by the chief may be appealed to the Township Board which shall affirm, deny, or modify the disciplinary action taken by the chief. The Township Board may, on its own initiative, bring charges against any fire department personnel. Disciplinary action initiated by the Township Board shall follow the above procedures, except that the responsibilities designated above to the chief shall be performed by the Township Board.

In addition to the violation of departmental rules or such administrative regulations that may be promulgated by the chief, theft of Township property or other property at the scene of an emergency, and responding to emergencies, meetings, or training sessions while under the influence of alcohol or any controlled substances shall be cause for immediate dismissal.

SECTION VIII COMPENSATION

Compensation to the chief, officers, and fire fighters shall be in such amounts as may be determined from time to time by the Township Board. The department shall keep accurate records that indicate the amount of compensable time served by all personnel. The hourly time records will be submitted monthly to the Township Board for payment accompanied by all related time slips which shall be signed by the department personnel designated on the time slip.

SECTION IX PUBLIC CONTACT

The fire chief or his/her designee may release facts regarding fires or other emergencies to the news media. All other personnel shall refer all media inquiries to the chief or the designee.

Members of the public will be allowed in the fire station only when accompanied by a member of the department. The public will always be treated courteously and professionally by all department personnel.

SECTION X

EMERGENCY RESPONSES

When responding to emergencies, all personnel will drive emergency vehicles with appropriate concern for the safety of the public and defensive driving, and in compliance with all applicable rules, regulations, ordinances, codes, statutes, and laws. Use of emergency signals on vehicles shall be considered a request for right-of-way from drivers.

Use of emergency signal equipment shall be permitted only when the department has been officially dispatched to an emergency.

SECTION XI

DEPARTMENT EQUIPMENT

Protective gear shall be worn when engaged in fire fighting and while on the fire scene.

Lost or damaged equipment shall be reported as soon as possible to an officer. Township property shall be disposed of only with the prior approval of the Township Board. Personnel leaving the department shall return all department-issued equipment to the chief.

SECTION XII

USE OF FIRE STATION

Only Township-owned vehicles and equipment may be kept at the fire station. Department equipment shall not be borrowed for private use.

Private vehicles must be parked in designated areas only.

Alcohol and controlled substances shall not be brought into the fire station.

SECTION XIII

SOLICITING DONATIONS

All fund-raising activities shall have the prior approval of the Township Board, and all revenues solicited in the name of the fire department shall be deposited with the Township treasurer. Such funds shall be disbursed by the Township Board.

Any fundraising activities on behalf of the fire department, yet not solicited in the name of the Township or the fire department, shall be conducted by a tax-exempt organization that has been designated as a 501-3c charity by the Internal Revenue Service.

Any equipment or personal property purchased with such funds and donated to the Mancelona Township Fire Department shall be the sole property of Mancelona Township. Any such equipment not so dated shall not be used by the Mancelona Township Fire Department without the written consent or approval of the Mancelona Township Board.

The personnel of the fire department are authorized to incorporate a tax-exempt charitable organization that shall be known as "The Mancelona Township Fire Fighters Association". The purpose of the association shall be to provide for the social development of personnel and the betterment of fire protection in the Township. The association shall be incorporated under the laws of the State of Michigan, with bylaws approved by the Township Board. The association may elect its own officers. The Township Board shall audit the financial records of the association.

SECTION XIV

SAVING CLAUSE

Should any court of competent jurisdiction declare any portion of this ordinance unenforceable, the remainder of this ordinance shall remain in full force and effect unaffected by the portion, which may be so declared to be unenforceable.

SECTION XV

EFFECTIVE DATE

The ordinance shall take effect on April 15, 2002, 2002.

All ordinances in conflict herewith are hereby repealed.

Dated: April 15, 2002

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom, positioned above the printed name.

MAURICE McGLEISH
Mancelona Township Clerk