ORDINANCE FOR THE ORGANIZATION OF THE SOUTHWEST HARBOR FIRE DEPARTMENT

I attest this to be a true copy of this ordinance.

_____

Jennifer LaHaye
Town Clerk

INDEX

		PAGE
SECTION I.	OFFICERS	~~1~~ 3
SECTION II.	DUTIES OF THE CHIEF	~~2~~ 4
SECTION III.	~~MEMBERSHIP~~ FIREFIGHTERS AND PERSONNEL	~~2~~ 5
SECTION IV.	WAGES	5
SECTION ~~IV.~~ V.	EQUIPMENT	~~3~~ 5
SECTION ~~V~~. VI.	OTHER PROVISIONS	~~3~~ 6
~~SECTION VI.~~	~~ENFORCEMENT~~	~~4~~

ORDINANCE FOR THE ORGANIZATION OF
THE SOUTHWEST HARBOR FIRE DEPARTMENT

Be it ordained by the inhabitants of the Town of Southwest Harbor, pursuant to 30-A M.R.S.A. §§2001 and 3001, that a department to be hereafter known as the **Southwest Harbor Fire Department** is hereby created as follows: ~~the object of which is and shall be: the prevention of fire and the protection of life and property from emergency~~

PURPOSE:
The primary purpose of the Department shall be to prevent and extinguish fires, to protect life and property, and to protect the environment through fire prevention, hazard mitigation, and appropriate emergency response capabilities within the Town of Southwest Harbor. This emergency response includes, but is not limited to, fire suppression, rescue operations, emergency medical response, hazardous materials response, disaster response and other emergency services as needed, within the limits of the Town of Southwest Harbor, to be at all times construed as consistent with 30-A M.R.S.A. §3151 et seq. (Municipal Fire Protection).
This document doesn't have any headings. To add headings to your Table of Contents, go to Home > Styles

Section I: Officers:

1. The Department shall consist of a Fire Chief and Deputy Fire Chief. The Department may include Assistant Fire Chiefs, Captains, and such other officers as the Fire Chief and the ~~Board of Selectmen~~ Select Board deem necessary for the effective operation of the Department.
2. ~~The Chief shall be appointed by the Board of Selectmen for a three-year period which expires on June 30th. Nominees for Chief shall be submitted by a majority of the members of the Fire Department for the Board's review on or before May 1st of the year in which the Chief's term expires.~~
   The Fire Chief shall be appointed by the Select Board upon the recommendation of the Town Manager. The Fire Chief shall serve a 3-year term unless sooner removed for cause.
3. ~~The Chief shall be technically qualified by training and experience and shall have the ability to command men/women and hold their respect and confidence.~~
   The Fire Chief shall be technically qualified by appropriate training, certification, and experience, and shall demonstrate the ability to lead personnel and administer a modern emergency services organization.
4. ~~He/She shall be removed during his/her term only for just cause and after a hearing private or public at his/her request before the Board of Selectmen.~~ Removal of the Fire Chief shall be for cause and conducted in accordance with applicable Town personnel policies and state law.

5. The Fire Chief shall be held accountable for the Department and shall make written and verbal reports to the Town Manager and ~~Board of Selectmen~~ Select Board ~~as the Board of Selectmen or Chief may require~~ as required. A complete annual report to the inhabitants of Southwest Harbor is required. All department ~~members and~~ officers, firefighters and personnel shall be accountable to the Fire Chief.
6. The Deputy Fire Chief, Assistant Fire Chiefs, and Captains must have a minimum of three (3) years of service and shall be appointed by the Fire Chief based on qualifications, experience, and Departmental needs for a three-year term. ~~and shall be appointed by the Chief after appropriate investigation and examination~~. ~~Such Officers shall be accountable to the Chief and shall hold office for a two-year term, to be removed by the Chief only for just cause and after a hearing, public or private at his request before the Chief and the Town Manager~~ The duties of the Deputy Fire Chief and all other Department officers shall be those assigned by the Fire Chief.

Section II: Duties of the Chief:

1. The Fire Chief shall formulate ~~a set of by-laws~~ policies~~, rules, and regulations~~ to govern the Department. ~~A majority of all members in attendance at a meeting for that purpose, the Chief, and the Board of Selectmen must approve the by-laws.~~ The Fire Chief shall be responsible to the Town Manager for the personnel, morale, fiscal oversight, and general efficiency of the Department.
2. The Fire Chief shall make recommendations to the Select Board for the annual budget that is approved by the Town voters.
   ~~The Chief shall, if necessary, determine the number and kind of companies of which the Department is to be composed, and shall, if necessary, determine the response of such companies to alarms.~~
3. The Fire Chief is empowered and required to conduct, as necessary, suitable drills, training, and instruction in the operation and handling of equipment, emergency medical care, rescue work, salvage, building pre-incident planning, fire prevention, water supplies, and all other matters generally considered essential to effective emergency response and the safety of life and property.
4. ~~The Chief is hereby empowered and required to assist the proper authorities in case of emergencies, and in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires and fire hazards.~~ The Fire Chief is authorized and required to investigate fires and fire hazards, assist proper authorities during emergencies, and support the State Fire Marshal's Office by investigating, or ensuring the investigation of, the cause, origin, and circumstances of all fires and fire hazards.
5. The Fire Chief shall ensure that complete records are kept of all incidents, inspections, apparatus and equipment, personnel, training, costs, emergency medical responses, and other information concerning the work of the Department.
6. The Fire Chief may delegate the above duties to members of his department, but ~~he~~ remains fully responsible to see that there is compliance with the above.
7. The Fire Chief shall serve as the Town of Southwest Harbor's Emergency Management Director.

Section III: ~~Membership~~: Firefighters and Personnel:

~~1. The membership of the Department shall consist of such persons as may be appointed by the Chief, and shall as far as is practical, be able bodied persons. Appointment shall be confirmed by the vote of the members of the Department at a meeting. Any member may suggest a new member to the Chief for his consideration.~~

1. The Department may consist of full-time, part-time, per-diem and on-call personnel.
2. Officers, Firefighters and personnel of the Department may include residents and non-residents of the Town of Southwest Harbor, who are at least 18 years old. New candidates must complete a new hire application and be recommended by the Fire Chief for final approval by the Town Manager.
3. ~~Any member of the Department may be suspended from the Department by the Chief for cause at any time he may deem such action necessary for the good of the Department. On written request of such member to the Board of Selectmen, the said member shall be given a hearing with the Chief and the Board of Selectmen, public or private at the member's request, on the charges brought by the chief and the reasons for removal. Any member may bring any pertinent information to the Chief relative to suspension or dismissal.~~ Any officer, firefighter or personnel of the Department may be suspended or dismissed by the Town Manager for cause upon written recommendation of the Fire Chief when deemed necessary for the good of the Department. Department personnel subject to discipline or removal shall have no rights of appeal or grievance to the Select Board.

Section IV: Wages:

1. Officers, firefighters, and personnel will be compensated based on their skill and training level per the Departmental Wage Policy in association with the Town's Personnel Policy.
2. Officers, firefighters, and personnel will be compensated for hours worked and required training in accordance with the Department's Personnel Policy.

Section ~~IV~~ V: Equipment:

1. ~~The Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire and other emergencies.~~ The Department shall be provided with the apparatus and equipment necessary to operate efficiently, respond effectively to emergencies, and protect life and property from fire and other hazards, including fire suppression, rescue operations, emergency medical services, hazardous materials response, disaster response, and other emergency services as needed.
2. Recommendations of apparatus and equipment needed shall be made by the Fire Chief, and after approval by the Inhabitants of Southwest Harbor shall be purchased in such manner as may be designated by the ~~Board of Selectmen~~ Select Board. It is understood that an annual operating budget will be presented by the Fire Chief, approved, and funded

by the Town. Capital purchases include but not limited to fire equipment and apparatus that require bonded funding shall be brought to the inhabitants of Southwest Harbor for vote.

3. All apparatus and equipment of the Department shall be safely and conveniently housed in such places as may be designated by the ~~Board of Selectmen~~ Select Board and the Fire Chief.
4. Suitable arrangements or equipment shall be provided for all ~~citizens department~~ personnel ~~to turn in an alarm, and for notifying all members of the Department~~ so that they may promptly respond to calls for service.
5. No person shall use any fire apparatus or equipment for any private purpose without proper authority from the Fire Chief, nor shall any person willfully and without proper authority from the Fire Chief take away or conceal any ~~article~~ item used in any way by the Department.
6. No person shall enter any place where fire apparatus or equipment is housed or handle any apparatus or equipment belonging to the Department, unless accompanied by, or having the special permission of any officer or authorized member of the Department.
7. ~~The Board of Selectmen is hereby authorized to enter into agreements or contracts with nearby incorporated communities or governing bodies or other organizations, to provide the members of such communities or organizations with fire and emergency protection, or to establish a mutual aid or interlocal cooperation system, all pursuant to 30A M.R.S.A. State Statute 3156 (fire aid to other municipalities) All such existing agreements or contracts are hereby approved and ratified.~~

Section V: <u>Other Provisions:</u>

1. ~~Meetings, dues, wages, and attendance requirements shall be governed by the By-laws Departments polices or rules.~~
2. ~~All motor equipment of the Department shall have the right of way over all other traffic when responding to an alarm Emergency.~~
3. ~~In accordance with Title 29a, Section 2065 M.R.S.A. no person shall drive any vehicle over a fire hose unless protected by hose ramps or similar devices without the consent of the police officer or fire officer in command.~~
4. ~~No unauthorized person with any vehicle shall follow within five hundred (500) feet of any apparatus belonging to the department, nor shall any person conduct themselves in any manner so as to interfere with the operation of the Department, its equipment, apparatus or personnel, or park without authority any vehicle within three hundred (300) feet of the fire or other emergency to which the Department is responding.~~
5. 1. This ordinance supersedes and repeals any prior ordinances of the same nature inconsistent herewith. This ordinance becomes effective on May 1, 199 xx/xx/2026.
   2. The Select Board may authorize agreements which will allow the Fire Department to aid in extinguishing fires, providing EMS, search and rescue services, and related fire safety services, and provide other emergency related services, in other municipalities.

~~**Section VI: <u>Enforcement:</u>**~~

1. ~~It is hereby made the special duty of the chief of police and/or other officers and constables who may be on duty to respond to all fire alarms and assist the Department in the protection of life and property, in regarding traffic, maintaining order, and in enforcing observance of this ordinance.~~

Legislative History:

APPROVED 5/02/1995
PUBLIC HEARING 9.23.2026
PUBLIC HEARING 10.13.2026
ADOPTED 11.03.2026