

**TOWN OF LINCOLNVILLE
AN ORDINANCE CONCERNING THE
LINCOLNVILLE FIRE DEPARTMENT**

Article 1 – Name:

The name of this department shall be the Lincolnville Fire Department (hereinafter “LFD”).

Article 2 – Purpose:

The purpose of this department is:

- A. To strive to respond to all fire calls in a timely manner according to the nature of the call and the availability of service and equipment;
- B. To promote professional performance by all firefighters and Fire Chief; and
- C. To provide services in accordance with all applicable federal and state statutes and regulations.

Article 3 – Organization:

Section 1. The Lincolnville Fire Department is an on-call fire department and shall be under the supervision of the Fire Chief.

Section 2. The Lincolnville Volunteer Fire Department shall mean a voluntary association, and/or corporation, for the purpose of providing support, personnel, and advice to the LFD.

Section 3. The Fire Chief (hereinafter the “Chief”) of the LFD shall be appointed by the Board of Selectmen of the Town of Lincolnville in consultation with the Lincolnville Volunteer Fire Department.

Section 4. The Board of Selectmen, in consideration with the Chief, shall – from time to time – determine the roster of the LFD.

Article 4 – Employment:

Section 1. All firefighters must be willing and able to assume the full duties and responsibilities of firefighters as stated in this ordinance, in state and federal regulations, and in the rules of the Department and the Town of Lincolnville (hereinafter “Town”).

Section 2. All employees of the LFD shall be firefighters, including the Chief. All employees of the LFD shall be on-call employees of the Town.

Section 3. To apply for employment as a firefighter with the LFD, each applicant must:

- A. Submit a completed application to the LFD;
- B. Meet educational and such other requirements as may be promulgated by rule by the Chief and approved by the Board of Selectmen.
- C. Hold a valid, probation-free, Maine drivers license;
- D. Be 18 years of age or older;

Applications will be screened by a committee appointed by the Chief, which shall consist of not more than five (5) firefighters and which shall make recommendations to the Chief regarding the applicants' qualifications to serve as firefighters with the LFD. The Chief shall have the sole and final discretion to make the decision to employ firefighters in the LFD.

Section 4. New firefighters will serve an apprenticeship for a period of six (6) months and shall be probationary firefighters for that period. The apprenticeship period may be extended at the discretion of the Chief. At the end of the six-month period, firefighters who have worked with the apprentice may be requested by the Chief to complete a written evaluation of the apprentice's performance, which will be submitted to the Chief and kept on file.

Section 5. Firefighters are expected to provide in-service training to apprentices at the request of the Chief.

Section 6. If a firefighter is determined by the Chief, in accordance with regulations promulgated by the Chief with approval by the Board of Selectmen, to be or to have been unavailable for service for an extended period of time, the Chief, at his discretion, may place the firefighter on probationary or on inactive status. If the absence is for medical reasons, a written release from the firefighter's doctor may be requested by the Chief before the firefighter may be returned to active duty status. Any firefighter on probationary status for more than six (6) months shall be considered to be inactive and automatically separated from the LFD and shall no longer be an employee of the LFD as of that date. Upon determination by the Chief of the firefighter's inactive status, that firefighter must return all department equipment of any kind, specifically including, but not limited to keys, equipment, and uniforms.

Article 5 – Fire Chief:

Section 1. The Board of Selectmen shall appoint the Chief annually, at their first regular meeting after July 1 of each year.

Section 2. The Chief shall be appointed for a term of one (1) year; and that appointment shall be a probationary appointment for a period of six (6) months from the date of appointment.

Section 3. The Board of Selectmen shall determine the compensation of the Chief.

Section 4. The Chief shall have the authority to employ all firefighters and appoint a Deputy Chief, Assistant Chiefs, and all other officers, as provided by regulations promulgated by the Chief, in consultation with the Lincolnville Volunteer Fire Department and upon the approval of the Board of Selectmen.

Section 5. The Chief shall have the authority to remove firefighters, officers, and any other employees of the LFD, after any probationary period established by this ordinance, only for cause, after notice and hearing.

Section 6. The Chief shall have the authority to adopt administrative regulations relating to municipal fire protection, with the approval of the Board of Selectmen and consistent with this ordinance.

Section 7. After the expiration of the six (6) months' probationary appointment, during which the chief may be removed by the Board of Selectmen without cause, the Board of Selectmen shall have the authority to remove the Chief from the office during the term of office, only for cause, after notice and hearing. The Chief shall be provided with written notice of such action and, upon receipt of a written request, delivered to the Town Administrator within ten (10) days of the date of written notice of such action, the Board of Selectmen shall hold a hearing at a convenient time and place, for the purpose of deciding whether or not the Chief shall be removed from office.

Article 6 – Officers

- Section 1. Officers of the Lincolnville Fire Department shall include one (1) Deputy Chief, and two (2) Assistant Chiefs and such other officers as may be established by regulations promulgated by the Chief, with the approval of the Board of Selectmen.
- Section 2. With the exception of the Chief, the officers of the LFD shall be elected by the Lincolnville Volunteer Fire Department with the approval of the Chief, in accordance with the by-laws of that organization and any such officer shall be a member of the Lincolnville Volunteer Fire Department.
- Section 3. Officers of the LFD shall be responsible to the Chief.
- Section 4. Officers of the LFD shall assist the Chief in reviewing LFD regulations and shall recommend changes to the Chief.
- Section 5. A vacancy occurring during term of an LFD officer shall be filled by appointment by the Chief.
- Section 6. Officers of the LFD shall be appointed for a term of one (1) year, beginning July 1 of each year and continuing until their successors are appointed.
- Section 7. Any officer of the LFD may be removed from office by the Chief, for cause, after notice and hearing, during that officer's term. The officer shall be provided with written notice of such removal action and, upon written request received by the Town Administrator within ten (10) days of that written notice, a hearing will be held before the Chief; the other officers may be included when appropriate, as determined by the Chief. Upon receipt of a written request of the LFD officer so removed, within (10) days of the date of such removal by the Chief, the Board of Selectmen shall hold a hearing at a convenient time and place to review the removal decision. The Board of Selectmen shall have the authority to reinstate the removed officer for the remainder for the officer's term, upon determination, set forth in writing, that the officer's removal was not justified by reasonable and sufficient cause identified by the Chief.

Article 7 – Meetings

- Section 1. Special meetings, drills, practice, mock exercises, and special seminars deemed may be called by the Chief, or by the Deputy Chief with the consent of the Chief, at any time deemed necessary.
- Section 2. The Chief shall require that all firefighters attend a minimum of fifty percent (50%) of all meetings as a condition of continued employment. The Chief shall require that all firefighters attend a fixed percentage – not less than fifty percent (50%) – of scheduled training sessions as a condition of continued employment. Firefighters shall attend all necessary courses for the purpose of training in firefighting techniques and continuing maintenance of their firefighting skills. Firefighters not meeting minimum attendance and training requirements may, at the discretion of the Chief, be placed on probationary status.

Article 8 – General Procedures

General procedures and regulations shall be those promulgated by rule by the Chief, with the approval of the Board of Selectmen.

Article 9 – Finances

- Section 1. The Chief shall prepare an annual budget for the Lincolnville Fire Department which shall contain budgeted amounts for all expenses related to the operation of the LFD, including

compensation for the Chief, the officers, and the firefighters. The Chief shall submit the annual budget to the Board of Selectmen at its regular meeting in January of each year.

Section 2. The Chief shall submit all bills and receipts relating to the LFD to the Town Treasurer, who shall be authorized to pay such bills upon approval by the Board of Selectmen of a warrant for such expenditures, and who shall keep and maintain the financial records of the LFD.

Section 3. Firefighters shall not be compensated for the time they are on-call status unless they are actually responding to a call or performing other duties designated in this ordinance or by regulation issued pursuant to this ordinance.

Article 10 – Disciplinary Action

Any member who does not act within the guidelines of the rules promulgated by the Chief under this ordinance, applicable state laws and regulations, and this ordinance, may be disciplined by the Chief as follows:

- A. Oral warning with documentation placed in the firefighter's file and a copy provided to the Town Administrator.
- B. Letter of reprimand placing the member on Probationary or on Inactive Status, with a copy placed in the firefighter's file and one provided to the Town Administrator.
- C. At the discretion of the Chief and within a period of six (6) months from being placed on Probationary Status, firefighters may be placed on active status by a letter of reinstatement, with a copy placed in the firefighter's file and one provided to the Town Administrator.

Article 11- Primary Responsibilities of Chief and Officers

The following are the primary responsibilities of the Chief and of the officers for the operation of the LFD. This list is not inclusive, and other duties may be assigned by the Chief.

Fire Chief –

- A. Is responsible and reports to the Board of Selectmen;
- B. Is responsible for the operation of the LFD, and shall direct and control all firefighting operations performed by the LFD;
- C. Shall organize and provide appropriate education and training for firefighters employed by the LFD;
- D. Shall designate firefighters to give in-service training during training meetings;
- E. Shall provide for the maintenance of all fire equipment owned and used by the LFD, or owned by the Town and used by the LFD;
- F. Shall respond to all complaints;
- G. Shall develop rules as authorized by this ordinance; and
- H. Shall suppress disorder at the scene of a fire, and direct all firefighting operations to minimize destruction and damage.

Deputy Chief and Assistant Chiefs-

- A. Are responsible to the Chief;
- B. Shall respond to all complaints in the absence of the Chief; and shall notify the Chief of such complaints and the action taken;
- C. Shall assist the Chief with all duties;
- D. Shall be responsible to take action if any vehicular, mechanical, or other equipment breakdown occurs, and shall notify the Chief of any action taken;
- E. Shall be responsible to insure that the firefighting vehicles and equipment are maintained,

washed, and cleaned; and
F. Shall advise the Chief immediately of any vehicle or equipment damage.

Article 12 – Gifts

The Lincolnville Fire Department, through the Chief and at the Chief's discretion, is authorized to accept gifts of firefighting equipment and related items, and other donations, from whatever source, for the purpose of advancing the objectives of the Department.

Article 13 – Mutual Aid

The Board of Selectmen may authorize from time to time agreements which will authorize the LFD to aid in extinguishing fires, providing search and rescue services, related fire safety services, and training exercises, in other municipalities. All existing agreements are hereby approved and ratified.

Article 14 - Facilities

All buildings and equipment of the Lincolnville Fire Department shall be owned by the Town of Lincolnville. The Town of Lincolnville shall manage and maintain those buildings and fire department equipment in consultation with the Lincolnville Volunteer Fire Department.

Enacted: June 16, 1997 Annual Town Meeting

K:\Ordinances\Fire Department Ordinance.doc