

MUNICIPAL FIREFIGHTER ASSISTANCE ORDINANCE OF HARPSWELL, MAINE

Enacted March 11, 2017, Article 40

WHEREAS, since at least the 1980s the Town of Harpswell (the “Town”) has provided for firefighting, fire protection and emergency medical services to the Town through emergency services agreements reached with the following three volunteer fire associations: (1) the Cundy’s Harbor Volunteer Fire Department Inc.; (2) Harpswell Neck Fire and Rescue, Inc.; and (3) the Orr’s & Bailey Islands Fire Department Inc.;

WHEREAS, the emergency services agreements referenced above describe the specific areas within the Town (“fire protection zones”) which are served by each of the three volunteer fire associations;

WHEREAS, the Town has identified a need to supplement the current fire and rescue service coverage provided by the volunteer fire associations in the three fire protection zones in order to prevent gaps in coverage that may occur at particular times of the day or week;

WHEREAS, the Town desires to provide assistance to the volunteer fire associations through the provision of municipal firefighters employed by the Town;

NOW THEREFORE, the Town of Harpswell hereby adopts this ordinance.

Section 1. Title.

This ordinance shall be known as the Municipal Firefighter Assistance Ordinance of Harpswell, Maine.

Section 2. Purpose.

The purposes of this ordinance are to establish a mechanism for providing personnel employed by the Town to assist the three volunteer fire associations, each organized as a corporation and with its own fire chief, in their mission of providing firefighting, fire protection and emergency medical services to the Town of Harpswell in each of three fire protection zones; to establish the boundaries of each fire protection zone; and to define the respective powers and duties of each fire chief and the Town in relation to the municipal firefighters employed by the Town, as well as the powers and duties of the municipal firefighters.

Section 3. Enactment.

Pursuant to Art. VIII, pt. 2 § 1 of the Maine Constitution, 30-M.R.S. § 3001 and § 3151 et seq., the municipality of Harpswell, Maine hereby enacts a Municipal Firefighter Assistance Ordinance.

Section 4. Definitions.

Fire protection zone: an administrative area established within the Town for firefighting, fire protection and rescues purposes, to be served by one fire department or volunteer fire association as provided under 30-A M.R.S. § 3152(2).

Municipal firefighter: An individual employed by and receiving compensation from the Town of Harpswell for aiding in the extinguishment of fires and/or providing emergency medical care.

Volunteer fire association: An organized firefighting unit incorporated under Title 13 or Title 13-B of the Maine Revised Statutes, and which is officially recognized by the Town.

Volunteer firefighter: an active member of a volunteer fire association who receives no compensation from the municipality other than injury or death benefits.

Section 5. Fire Protection Zones.

The following fire protection zones are established by this Ordinance:

- A. The Cundy's Harbor Fire Protection Zone: the area consisting of the portion of Great Island from the Brunswick Town Line south to the area near Steven's Corner Road, including offshore islands. The Cundy's Harbor Fire Protection Zone shall be served by the Cundy's Harbor Volunteer Fire Department Inc.
- B. The Harpswell Neck Fire Protection Zone: the area consisting of all of Harpswell Neck from the Brunswick Town Line south to the end of the peninsula, and those other peninsulas that extend from Harpswell Neck, including offshore islands. The Harpswell Neck Fire Protection Zone shall be served by Harpswell Neck Fire and Rescue, Inc.
- C. The Orr's & Bailey Islands Fire Protection Zone: the area consisting of Orr's Island, Bailey Island and the portion of Great Island that is south and west of the Nazarene Church at 806 Harpswell Islands Road, including the church itself and offshore islands. The Orr's & Bailey Islands Fire Protection Zone shall be served by the Orr's & Bailey Islands Fire Department Inc.

Notwithstanding the geographic descriptions of the fire protection zones established above, the geographic scope of each fire protection zone may be amended from time to time by regulations adopted by the Board of Selectmen without the need for further town meeting approval and with mutual agreement of the Town and the affected volunteer fire associations.

Section 6. Powers and Duties of the Fire Chiefs.

- A. Appointment. The Fire Chiefs for the Town's three fire protection zones shall be appointed/elected according to the bylaws for each of the three volunteer fire associations above. Once appointed/elected Fire Chief by their volunteer fire association membership, each Fire Chief shall be appointed by vote of the Board of Selectmen as Fire Chief for their respective fire protection zones.
- B. Powers and duties. The Fire Chiefs for the three volunteer fire associations shall exercise the powers and duties set forth in 30-A M.R.S. § 3153 in the Fire Chief's fire protection zone. These powers and duties include but are not limited to the following:
 - 1. Each Fire Chief shall control and direct all municipal and volunteer firefighters in the performance of firefighting operations within the Fire Chief's fire protection zone, except as provided otherwise herein.
 - 2. Each Fire Chief shall have the authority to issue rules, regulations, standard operating guidelines (collectively "Operating Documents") necessary to operate their respective fire protection zones consistent with this Ordinance, Maine State law, and other applicable laws and regulations. The Board of Selectmen may review and amend such Operating Documents as it deems necessary.
 - 3. Each Fire Chief may establish rules and regulations concerning the provision of emergency services within their respective fire protection zones, including services to respond to public safety emergencies, medical emergencies, hazardous materials incidents or natural or man-made disasters. The Board of Selectmen may review and amend such regulations as it deems necessary.
 - 4. Each Fire Chief shall provide a training program for firefighters within their volunteer fire association, which training program may be held in cooperation with other volunteer fire associations, the Town and other appropriate governmental agencies. Such training programs held by each Fire Chief shall be open and available to municipal firefighters at the request of the Town Administrator or designee.
 - 5. Each Fire Chief shall prepare and submit annually to the Town Administrator or designee a budget relating to fire protection and rescue activities for and within their fire protection zone.
- C. Reports. The Fire Chiefs shall submit reports, as deemed necessary by the Board of Selectmen, on the activities of their volunteer fire association and shall discharge such other duties as may be required by the Board of Selectmen.

Section 7. Powers and Duties of the Town.

- A. Employment of municipal firefighters. The Town may hire one or more municipal firefighters to assist the voluntary fire associations in their firefighting and rescue operations. The Town shall be responsible for all decisions related to hiring, discipline and termination, in accordance with Town personnel policies and all other applicable policies, laws and rules applicable to municipal employees.

- B. Management Structure. All municipal firefighters shall serve at the direction of the Board of Selectmen at all times except as provided herein. The powers and duties of the Town under this Ordinance shall include but are not limited to the following:
1. General supervision. All municipal firefighters shall report to the Town Administrator or designee, who has general day to day supervisory responsibility over and shall serve as a department head for each municipal firefighter employed by the Town.
 2. Liaison between municipal firefighters and Fire Chiefs. The Town Administrator or designee shall serve as a liaison between the municipal firefighters and the Fire Chiefs for coordination and communication of work schedules, calendars, monthly call reports and other firefighting and rescue operations information.
 3. Regulatory compliance. The Town Administrator or designee, in consultation with each Fire Chief, shall ensure that all municipal firefighters are in compliance with all applicable state and federal laws and regulations and that all necessary documentation is provided to state and federal regulatory agencies of compliance by municipal firefighters with same.
 4. Training. The Town Administrator or designee shall make arrangements for all municipal firefighters to receive the training required by law. Such training may take place by way of a request by the Town Administrator or designee to include municipal firefighters in training sessions held by a volunteer fire association.

Section 8. Powers and Duties of Municipal Firefighters.

- A. Town employee. Municipal firefighters shall be employed by the Town, shall receive compensation from the Town, and shall serve at the direction of the Board of Selectmen or designee at all times except as provided herein. Municipal firefighters shall be subject to the Town's personnel policy and all other applicable policies, laws and rules applicable to municipal employees.
- B. Powers and duties. Municipal firefighters employed by the Town shall have the powers and duties set forth in 30-A M.R.S. § 3151 et seq., and as set forth in any administrative rules and regulations adopted by the Municipal Officers. These powers and duties include but are not limited to the following:
1. Once a municipal firefighter has responded to a call, and while performing firefighting and/or rescue operations within a particular fire protection zone, a municipal firefighter shall serve under the direction, command and control of the Fire Chief, or the Fire Chief's designee, or as provided by the Operating Documents for the fire protection zone to which the municipal firefighter has been called.

2. The Town, in consultation with the Fire Chiefs, may establish administrative rules and regulations consistent with this section addressing chain of command and other issues such as mutual aid and non-emergency activities performed by municipal firefighters, as approved by the Board of Selectmen.
3. All municipal firefighters shall attend training sessions as directed by the Town Administrator or designee unless excused.
4. Municipal firefighters shall be authorized to provide such other services as directed by the Town Administrator or designee, including emergency services within the Town, by responding to and managing other public safety emergencies, including, but not limited to, medical emergencies, hazardous materials incidents or natural or man-made disasters.
5. Municipal firefighters are responsible for complying with all applicable local, state and federal laws and regulations.

Section 9. Privileges and Immunities.

Municipal firefighters employed by the Town shall enjoy the privileges and immunities and benefits provided by the Maine Tort Claims Act and the Workers' Compensation Act when acting in their capacity as firefighters and/or emergency rescue personnel.

Section 10. Severability.

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

Section 11. Effective Date.

The ordinance shall be effective upon its adoption by the Municipal Legislative Body.