

Summerfield Township Volunteer Fire Department Ordinance

Ordinance Number #2017-001

An ordinance to establish the Summerfield Volunteer Fire Department; provide for the basic organizational structure of the fire department; delegate broad management authority and responsibility to the fire department Chief; provide standards of accountability of the Chief and other department personnel to the Township Board; and repeal any parts or portions of ordinances inconsistent herewith.

THE TOWNSHIP OF SUMMERFIELD, MONROE COUNTY, MICHIGAN, ORDAINS:

Section 1. Scope, Purpose and Intent

- 1.1. **Authority.** This ordinance is adopted pursuant to the authority granted the Township Board under the Police and Fire Protection Act, Public Act 33 of 1951, as amended, (MCL 41.801, *et seq.*).
- 1.2. **Purpose.** The purpose of this ordinance is to establish the Summerfield Township Volunteer Fire Department; to establish jurisdiction and authority of the Township Board over personnel selection; to establish authority to adopt rules and regulations for the conduct of personnel and maintenance of equipment; to employ and appoint a Chief, firefighters and officers, and to prescribe the powers and duties of fire department volunteers and employees.

Section 2. Geographic Coverage Area

The Summerfield Township Volunteer Fire Department shall be responsible for providing services to the entire geographic boundaries of Summerfield Township and the entire geographic boundaries of the City of Petersburg.

The fire department shall restrict its delivery of emergency services to the geographic area described in this section, and to other jurisdictions with which the Township Board has negotiated and entered into mutual aid agreements.

Section 3. Scope and Level of Services

Consistent with appropriations and budget authorization, the Summerfield Township Volunteer Fire Department is authorized to provide to the citizens of Summerfield Township and the City of Petersburg, the following programs and services:

- a. Fire Suppression
- b. Fire Education
- c. Fire Prevention
- d. Medical First Responder

Section 4. Basic Organizational Structure

- 4.1. **Chain of Command.** The Summerfield Township Volunteer Fire Department shall be actively supervised and managed by a department Chief appointed by the Township Board. To ensure continuity of command and appropriate incident supervision, the Township Board authorizes the following officer positions which shall be subordinate to the Chief, and which creates the following chain of command in descending order of authority:

Assistant Chief(s)
Captain(s)
Lieutenant(s)
Sergeant of Arms/Safety Officer
Firefighters

- 4.2. **Job Descriptions.** With the advice and assistance of the Chief, the Township Board shall develop and approve job descriptions for each of these positions. The Township Board, with the advice of the Fire Chief, shall fill these positions.
- 4.3. Officers and firefighters shall be selected based on experience, training, and qualifications, and who would, at the Township Board's discretion, best perform the duties associated with providing fire protection to the citizens of Summerfield Township and the City of Petersburg.
- 4.4. 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.
- 4.5. Each command officer shall be responsible that subordinates carry out orders.

Section 5. Fire Department Finances

The Township Board shall approve an annual appropriation for the operation and maintenance of the 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 department; it shall provide for payment of any debts incurred incidental to its continued operation; it shall purchase necessary equipment, and/or construct public buildings for uses incidental to the maintenance and operation of a fire department.

Section 6. Fire Department Rules and Regulations

The Township Board shall establish rules and regulations for the operations of the department and the care of the equipment through adoption of general policies, and the Fire Chief shall prepare and enforce specific procedures consistent with such policies.

Section 7. At-Will Status

Notwithstanding anything contained herein to the contrary, all fire department personnel are at-will employees of the Township.

Section 8. Chief Duties

- 8.1. **Appointment.** The Township Board shall appoint a Chief who shall be the chief administrative officer of the department. The Chief shall be accountable to the Township Board for the efficient and effective operation of the department, and for the department's compliance with all state laws and administrative rules, township ordinances and policies. The Chief shall serve at the pleasure of the Board.

8.2. **Duties.**

- a. The Chief shall develop written administrative rules to increase the efficiency and effectiveness of the department, including pre-planning and post-incident critiques, regulations, as well as assigning and scheduling of personnel, and shall submit to the Township Board plans for the long-range needs of the department.
- b. The Chief shall be familiar with state and federal laws that impact on fire department operations, and shall develop written rules and regulations, and issue orders consistent with, applicable federal and state laws and administrative rules. Noncompliance of applicable state and federal laws and regulations shall be promptly reported to the Township Supervisor.
- c. The Chief shall maintain a current copy of MIOSHA (Michigan Occupational Safety and Health Act) General Industry Safety Standards and shall develop written policies and procedures to ensure compliance. The Chief shall promptly inform the Township Board of any procedure or equipment that is not in compliance with any MIOSHA General Industry Safety Standard and shall recommend board actions to achieve compliance.
- d. The Chief shall review all personnel and operating problems that are not resolved at the department level with the Township Supervisor and shall report department activities monthly to the Township Board. A written report on department activities shall be filed annually with the Township Board.
- e. As needed, the Chief shall notify the Township Supervisor of major problems or issues that require 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 board meeting to resolve the issue, the Township Supervisor shall be empowered to resolve the issue or problem, subject to the subsequent report of the action to the Township Board.
- f. The Chief shall hold regular department informational and training meetings.
- g. 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 become known. The department's expenditures shall not exceed the amounts appropriated. Capital outlay purchases that exceed \$500.00 shall conform to Township Purchasing Policy regarding written quotes and competitive bidding.
- h. The Chief shall also be responsible for the following:
 - i. Supervise the extinguishment of all fires that endanger the health, safety and welfare of Summerfield Township and the City of Petersburg.
 - ii. Enforce Township and City burning ordinances.
 - iii. Ensure that all personnel are trained and qualified for the duties that they are expected to fulfill.
 - iv. Ensure that fire prevention programs are conducted.
 - v. Ensure that all department equipment and buildings are properly maintained and in good working order.
 - vi. Ensure that all department personnel comply with departmental and board rules, regulations and policies.

Section 9. Firefighters

- 9.1. **Status as Employees.** The Department is presently staffed by on-call firefighters, who receive compensation for their services. Each firefighter shall be considered an employee of the Township to the extent they are providing services and performing duties on behalf of the Department, and are therefore afforded the protection of the Township with respect to worker's compensation and the Township's governmental immunity to the extent a governmental function is being performed.
- 9.2. **Qualification and Hiring.** Applicants for vacant firefighter positions shall be of good character, possess a good driving record, and shall be screened by a physician of the township board's choice and at township expense. The physician's examination shall determine if the applicant is physically fit and have the ability to perform assigned emergency operations. The physician will identify pre-existing physical conditions that would preclude the applicant from performing the duties associated with firefighting.
- 9.3. **Probationary Status.** All firefighters shall serve an initial probationary period for a period of not less than six months. At the discretion of the chief, the probationary period may be extended.
- a. Probationary status shall continue, at a minimum, until the firefighter successfully completes the State of Michigan's Firefighter I examination.
 - b. At the conclusion of the minimum probationary period, the Chief may recommend that a probationary firefighter that has met all of the qualifications contained in the firefighter job description be given permanent firefighter status by the Township Board. The Chief shall also recommend to the Township Board the dismissal of any firefighter who does not or cannot meet the qualifications to be a firefighter and reasons for such recommendation.
 - c. A probationary firefighter shall be restricted to perform only those duties for which he/she has been specifically trained and qualified. A probationary firefighter shall not be issued department insignia or badges. Probationary firefighters shall not use emergency signal devices on their private vehicles.

Section 10. Training

- 10.1. The Chief shall develop a regular schedule of in-house training classes, including an attendance requirement for all department personnel. The schedule shall specify the type, amount and frequency of training to properly handle the inherent risks of firefighting and other emergency incidents. The Chief shall ensure that a record of each firefighter's participation and skill mastery is maintained. Employees shall be trained before they are permitted to perform emergency operations. The Chief shall ensure that qualified individuals deliver in-house instruction.
- 10.2. The Chief shall require that all firefighters have achieved and maintained all certifications required by state or federal law or rule to perform fire suppression, emergency medical services, or other services performed by the department.

Section 11. Safety

- 11.1. The Chief shall be familiar with the provisions of federal and state laws and administrative rules related to employee safety and health regulations, and shall develop written procedures to ensure compliance.
- 11.2. The Chief shall establish and implement written procedure for emergency operations in compliance with current MIOSHA regulations. The written procedures shall include all of the following:
- 11.3. Compliance with a nationally recognized incident management system that will be implemented at each emergency.
- a. A personnel accountability system that will be implemented at each emergency.

- b. Applicability to all employees who are operating at the emergency.
- c. Initial training and annual refresher training in emergency operations and the incident management system.
- d. Procedures that are in accordance with the "two in/two out" rules as found in the provisions of current MIOSHA standards.
- e. A trained employee shall function as the incident commander at each emergency.
- f. The Township Board shall have previously deputized firefighters who direct traffic at the site of an emergency as traffic officers.

Section 12. Disciplinary Procedure

- 12.1. Violations of this ordinance, other board rules, department administrative regulations, or convictions of a felony shall subject any personnel involved to disciplinary proceedings.
- 12.2. The Chief upon good cause shown shall document a violation, or when a violation occurs in his/her presence. The Chief shall provide a copy of the written reprimand to an alleged violator. The written reprimand shall state the rule that was allegedly violated, the nature of any disciplinary action taken, and the consequences of any further recurrences.
- 12.3. 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.
 - e. The degree of wantonness, if any, of the act.
- 12.4. Dismissal of a firefighter shall be a decision of the Township Board upon the recommendation of the Fire Chief following a hearing by the Township Board if requested by the firefighter. Such hearing may be conducted in closed session if requested by the firefighter who is subject to dismissal.
- 12.5. Any disciplinary action other than dismissal may be appealed to the Township Board, which shall affirm, deny, or modify the disciplinary action taken by the Chief.
- 12.6. The Township Board may, on its own initiative, bring disciplinary 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.
- 12.7. In addition to such administrative rules that may be promulgated by the Chief, theft of property owned by the Township, or theft of property committed while performing duties of a firefighter, or other actions that are violations of state or federal penal codes, shall be cause for dismissal.
- 12.8. Firefighters shall not respond to emergencies, meetings or training sessions while under the influence of alcohol or any controlled substances.

Section 13. Compensation

Compensation to firefighters shall be compensated for their services 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 time records shall be submitted monthly to the Township Board, and all such time slips shall be signed by the department personnel designated on the time slip.

Section 14. Public Contact

- 14.1. The Fire Chief, or his/her designee, may release facts regarding fires or other emergencies to the news media. The Chief or his/her designee shall speak to the media on behalf of the department. All other personnel shall refer all media inquiries requiring a statement on behalf of the department to the Chief or the designee.
- 14.2. Department personnel shall not, in connection with department activities or functions, make statements or writings that constitute libel or slander; which would impede a law enforcement investigation or compromise the presumption of innocence until proven guilty; or which would deny any person due process.
- 14.3. Members of the public will be allowed in the fire station only when accompanied by a member of the department. All department personnel will always treat the public courteously and professionally.

Section 15. Emergency Responses

- 15.1. When responding to emergencies, all personnel will drive emergency vehicles with appropriate concern for the safety of the public and defensive driving. Use of emergency signals on vehicles shall be considered a request for the right of way from other drivers.
- 15.2. Use of emergency signal equipment shall be permitted only when the department has been officially dispatched to an emergency.
- 15.3. The Fire Chief shall establish written regulations regarding the use of emergency signal equipment on Township-owned and personal vehicles.

Section 16. Department Equipment

- 16.1. Protective equipment shall be worn when engaged in firefighting in any enclosed structure, or outdoors when warranted.
- 16.2. 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. All department-issued equipment shall be returned to the Chief upon terminating employment with the department.

Section 17. Use of Fire Station

- 17.1. The Fire Department facilities of the Township and the Fire Department's vehicles and equipment shall not be utilized for private use. Only the Fire Department's vehicles and equipment may be kept at the Fire Station.
- 17.2. Fire Department facilities. Alcohol and controlled substances shall not be brought onto the Fire Department's premises.

Section 18. Soliciting Donations

All revenues solicited in the name of the Summerfield Township Volunteer Fire Department shall be deposited with the Township Treasurer. Such funds will be disbursed by the Township Board.

Section 19. Savings 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 that might be so declared to be unenforceable.

Section 20. Publication and Effective Date

- 20.1. This Ordinance shall be published in a newspaper of general circulation in Summerfield Township and shall become effective thirty (30) days after publication.
- 20.2. This ordinance shall take effect on _____. All ordinances in conflict herewith are hereby repealed.

This Ordinance is hereby declared to have been adopted by the Township Board of Summerfield Township, Monroe County, Michigan at a Regular meeting thereof duly called and held on January 16, 2017.

John Chandler, Supervisor

Trudy Goodin, Clerk