



Town of Baldwin, Maine
FIRE DEPARTMENT ORDINANCE
Drafted 06-29-2023

SECTION 1 PURPOSE OF ORDINANCE

To establish the Baldwin Fire Department as a municipal department of the Town of Baldwin, Maine, pursuant to the home rule authority granted in Title 30-A MRSA, Sections 2001, 3001, and 3151 through 3157 in the manner provided by law, with the sole responsibility to protect and serve the citizens of Baldwin, Maine by providing for:

- Safety and preservation of life from natural and manmade disaster
- Prevention and extinguishment of fire
- Preservation of life, the environment and property from destruction by fire or other hazard
- The maximum legal protection available to the Chief, officers, and personnel of the Baldwin Fire Department

Additionally, the Department shall work with surrounding communities with which Baldwin has **Mutual Aid Agreements** as defined by the Fire Chief and approved by the Select Board. This ordinance shall be known as “The Town of Baldwin Fire Department Ordinance”.

SECTION 2 NAME OF ORGANIZATION

The organization shall be known as the “Baldwin Fire Department” referred to as The Department hereafter.

SECTION 3 ORGANIZATION

The **Fire Chief** shall be the Administrative Department Head and Chief Executive of the Department, appointed by the Select Board upon receiving a nomination by the Department members for a three (3) year term (July 1 – June 30). The hiring will be based upon education, training, professional credentials, relevant experience, as specified in the **Fire Chief Job Description**. The Fire Chief shall be a paid employee of the town and compensation shall be determined by the Select Board and town-approved budget appropriation. The Fire Chief shall report directly to the Select Board. The employment of the Fire Chief may be terminated prior to expiration of the term for just cause determined by the Select Board after thirty (30) days’ written notice and hearing; or in the event of resignation, incapacity, retirement, or death. The Select Board shall review the Fire Chief’s performance ninety (90) days before the end of term to determine the Fire Chief’s re-appointment. The next officer in order of authority shall assume the Fire Chief position in the event of sudden incapacity, death, or resignation, on an interim basis until the Department membership submits the name of a qualified nominee to the Select Board (within 7 business days of the sudden vacancy) for approval and appointment.

SECTION 4 RESPONSIBILITIES OF FIRE CHIEF

The Fire Chief shall:

1. Perform the duties of this office under this Ordinance in accordance with 30-A MRSA 3153, accepted industry standards, state law, the NFPA, and Department by-laws. The Fire Chief shall ensure the department follows the requirements of the National Incident Management System as much as practicable.
2. Follow the **Fire Chief Job Description** as outlined in a separate document.

3. Receive nominations for **Fire Chief and Deputy Chief** from Department membership at annual meetings as terms expire.
4. Recommend to the town Select Board for their approval any Mutual Aid Agreements deemed mutually beneficial to the Town.
5. Communicate and provide written copies of Department policy to members of the Department via SOGs/SOPs, including new/updated SOGs/SOPs, via email or posting electronically or manually in a common access area. The Fire Chief is the final approval authority of SOGs/SOPs, and may delegate approval authority to qualified individuals. The Fire Chief shall be responsible for developing SOGs/SOPs in a collaborative manner with Department leadership and expert involvement. A copy of new or updated SOGs/SOPs shall be provided to the town Select Board.
6. Direct & control all personnel in the performance of their duties within the Town and in connection with EMS and law enforcement within and outside the Town of Baldwin and Mutual Aid departments.
7. Give at least two (2) weeks' notice of resignation to the Select Board for any reason as much as the Fire Chief has control.

SECTION 5 PERSONNEL

All potential personnel shall complete an application submitted to the **Fire Chief**. If accepted, the applicant shall be appointed on a probationary basis to the Department by the Fire Chief. Department personnel shall follow the Department by-laws and Job Descriptions provided for them.

Officers:

Captains (3 yr term)
Lieutenants (3 yr term)
Safety Officer (3 yr term)
Training Officer (3 yr term)

The Officers are those appointed by the **Fire Chief** and placed in positions of rank and assigned supervisory, management and administrative responsibilities. These are positions of increased trust and competence.

The **Fire Chief** shall appoint individuals as **Fire Police** for the department.

The **Fire Chief** shall appoint a qualified individual as **Administrative Assistant** for the department. The **Administrative Assistant** will be a paid position with compensation determined by the **Fire Chief**.

SECTION 5b FIRE POLICE

Fire Police will be considered a division of the Baldwin Fire Department. The **Fire Chief** will be the commander and administrative head of the division of **Fire Police**. The **Fire Chief** may appoint or delegate **Fire Police** command authority to designated personnel, such as a Captain. **Fire Police** will provide support services to Fire Department operations, primarily traffic details and emergency scene security. **Fire Police** will abide by the policies outlined in the Fire Department Bylaws. **Fire Police** personnel will not provide fire suppression and/or vehicle extrication unless qualified and directed by the **Fire Chief** or **Officers**.

SECTION 6 REPORTING

1. **The Fire Chief** shall provide reports, including annual report, to the town Select Board as outlined in the Fire Chief Job Description and SOGs/SOPs.
2. **The Fire Chief** shall ensure timely filing of required reports to the State Fire Marshal and Maine Emergency Medical Bureau as required by protocol, rule, or law. MRSA Title 25 2395 refers.

SECTION 7 DEPARTMENT ASSETS AND FUNDS

- 1. Municipal Appropriation:** All funds raised or appropriated for the Department at Town Meeting shall be treated as municipal funds under Title 30-A MRSA 5652 as amended.
- 2. Expenditure of Budgeted Funds:** The Fire Chief shall expend budgeted funds as authorized by the Select Board in accordance with policy on purchasing and spending. The Fire Chief shall work with the Town Treasurer to ensure Department bills are paid in a timely manner and to monitor budget status and availability of funds. The Fire Chief may designate qualified individuals to assist with these duties.
- 3. Other Funding/Donations:** Any additional funds donated shall be designated for deposit into a “**Baldwin Firefighters Association**” bank account bearing a Tax ID other than that of the Town of Baldwin and is not subject to the requirements regarding municipally appropriated funds. Donations to the Association shall be used for the purpose of purchasing Department supplemental items: non-uniform clothing items, event supplies, recognition awards, etc. not covered by municipally appropriated funding. Citizens of the town will be made aware of this distinction through the Department web site and printed materials made available at the annual Town Meeting.
- 4. All assets and equipment** of the Department shall be considered property of the Town of Baldwin unless otherwise donated to one of the volunteer fire companies.

SECTION 8 PRIVILEGES AND IMMUNITIES

All members of the Baldwin Fire Department shall be entitled to the privileges and immunities provided under the **Maine Tort Claims Act**, Title 14, MRSA 8101 when acting in their capacity as firefighters and within the scope of all state and federal rules, regulations, and Department SOGs/SOPs.

SECTION 9 VALIDITY/SEVERABILITY/CONFLICT

The invalidity of any provision of this Ordinance shall not invalidate any other part or provision of this Ordinance. If any of the provisions of this Ordinance are deemed inconsistent with the provisions of other Town of Baldwin Ordinances or Policies, or of any of the provisions of this Ordinance are inconsistent with the provisions of State or Federal law or regulation, the more stringent requirements shall be applicable and controlling. If any inconsistencies exist between the provisions of this Ordinance and the provisions of the By-Laws, Rules and Regulations of the Baldwin Fire Department, the provisions of this Ordinance shall govern.

SECTION 10 AMENDMENT

Any **resident** of the Town of Baldwin may submit a proposed amendment to this Ordinance to the Fire Chief for consideration, and, if approved by the Chief, it will be submitted to the Select Board for inclusion in the next Town Warrant for a vote by the citizens of the Town of Baldwin.

SECTION 11 EFFECTIVE DATE

This Ordinance shall take effect upon the date of its official adoption. Once adopted, this Ordinance nullifies any previous governing documents.