

Ordinance # 25

AN ORDINANCE TO ESTABLISH BOARD AUTHORITY OVER FIRE DEPARTMENT TO PROVIDE THE TOWNSHIPS OF SANDSTONE, PARMA AND THE VILLAGE OF PARMA MAY ESTABLISH THE PARMA-SANDSTONE FIRE DEPARTMENT; ESTABLISH JURISDICTION AND AUTHORITY OF THE TOWNSHIPS OF SANDSTONE, PARMA AND THE VILLAGE OF PARMA OVER THE FIRE DEPARTMENT; AND REPEAL ANY PARTS OR PORTIONS OF ORDINANCES INCONSISTENT HEREWITH.

THE TOWNSHIPS OF SANDSTONE, PARMA AND THE VILLAGE OF PARMA LOCATED IN JACKSON COUNTY, MICHIGAN'ORDAINS:

Section 1: SCOPE, PURPOSE AND INTENT

The ordinance is adopted pursuant to the authority granted the townships and Village of Parma Boards Under PA 33 of 1951. The purpose of this ordinance is to provide that the boards shall hereby establish the Parma-Sandstone Fire Department; appoint a fire board consisting of one person from each township and the Village of Parma who establish jurisdiction and authority over personnel selection; to establish authority to adopt rules and regulations for the conduct of personnel and maintenance of equipment; to appoint a chief, and to prescribe the powers and duties of fire department volunteers.

Section 2. FIRE DEPARTMENT; ESTABLISHMENT, FUNDING, POWERS AND DUTIES

There is hereby established the Parma-Sandstone Fire Department, the board, acting by resolution, shall appoint such persons who, based on experience, training, and qualifications would, in its discretion,

best perform the duties associated with providing fire protection to the citizens of Townships of Sandstone, Parma and the Village of Parma.

The Fire Board shall approve and adopt an annual budget for the operation and maintenance of the Department and its equipment. Such budget shall become the budget of the Department when passed by the governing bodies of the municipalities establishing the Fire Department and Fire Board. The Fire Board shall establish reasonable rules and regulations for the operation of the Department and the care of the equipment.

Section 3: CHIEF; DUTIES

The Fire Board shall appoint a Chief who shall be the administrative officer of the department. The Chief shall be accountable to the Fire Board for the efficient and effective operation of the department, and for the department's compliance with all state laws, ordinances and policies. The Chief shall serve at the pleasure of the Board, and be an employee at will. The Chief may be discharged at any time by the Fire Board and such discharge may be without cause. The Chief shall have no vested rights in his position, and he shall not be subject to any just cause restrictions on his discipline or discharge.

The Chief shall recommend, subject to board approval, the appointment of an assistant chief, captain(s), lieutenant(s), engineers (drivers) and firefighters as may be deemed necessary.

The Chief shall develop written administrative rules to increase the efficiency and effectiveness of the department, including the pre-planning and post-incident critiques, regulations, assignment and scheduling of personnel, and shall plan for the long-range needs of the department.

The Chief shall establish and conduct programs to insure that all members of the department meet all state and federal regulations, certifications, and legal restrictions.

The Chief shall review all personnel and operating problems with and shall report monthly to the Fire Board.

The Chief shall notify the Fire Board 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 townships and the Village of Parma to wait until the next board meeting to resolve the issue, the Chief shall be empowered to resolve the issue or problem, subject to the subsequent approval of the Fire Board.

The Chief shall hold regular department informational and training meetings.

The Chief may incur expenditures against the department budget as appropriated. 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.

The Chief shall also be responsible for the following:

1. Supervise the extinguishment of all fires that endanger the health,

safety and welfare of the townships of Sandstone, Parma and the Village of Parma.

- 2. Enforce fire ordinances or fire prevention codes.
- 3. Ensure that all personnel are trained and qualified for the duties that they are expected to fulfill.
- 4. Ensure that fire inspection and community fire prevention programs are conducted.
- 5. Ensure that all equipment and buildings are properly maintained and in good working order.
- 6. Ensure that all department personnel comply with departmental and board rules, regulations and policies.

Section 4: OFFICERS

There shall be a chain of command established among the department officers in descending order of rank, from the chief, captain(s) lieutenant(s), to firefighters. Each rank shall obey the orders of their superior officers. 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.

The chief shall establish a job description for each rank. Each command officer shall be responsible that orders are carried out by subordinates.

Section 5: FIREFIGHTERS

Applicants for vacant firefighter positions shall be of good character, possess a good driving record, be state certified, and shall be screened by a physician of the Fire Board's choice and at Fire Board's expense. The physician's examination shall determine if the applicant has any pre-existing physical conditions that would preclude the applicant from performing the duties associated with firefighting.

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. 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 Fire Board.

A probationary firefighter shall be entitled to all compensation and benefits afforded to volunteer firefighters, but shall be restricted to perform only those duties for which he/she has been specifically trained. A probationary firefighter shall not be issued department insignia or badges. Use of emergency signal devices on the private vehicle of a probationary firefighter shall be at the chief's discretion.

Section 6. DISCIPLINARY PROCEDURE

Violations of any ordinances, board rules, department administrative regulations, or convictions of a felony shall subject any personnel involved to disciplinary proceedings. A violation shall be documented by the Chief, and a copy of the action taken made a part of the member's personnel file.

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 reoccurrences. Disciplinary action may range from a reprimand to a suspension, demotion or dismissal, or a combination of any of the above, depending on:

1. Seriousness of the violation
2. Consequences to the safety of others by the violation
3. Potential harm to the department
4. Prior record of the individual
5. The degree of wantonness, if any, of the act

Any disciplinary action may be appealed to the Fire Board, who shall affirm, deny, or modify the disciplinary action taken by the Chief. The Fire Board may, on its own initiative, bring charges against any fire department personnel. Disciplinary action initiated by the Fire Board shall follow the above procedures, except that the responsibilities designated above to the Chief shall be performed by the Fire Board.

In addition to such administrative rules that may be promulgated by the Chief, theft of Parma-Sandstone Fire Department property or property at the scene of an emergency may result in dismissal of the employee.

A firefighter shall not respond to an emergency, attend a meeting, or attend a training session while under the influence of alcohol or any controlled substance. Violation of this rule shall subject the employee to dismissal from the Department.

Section 7: COMPENSATION

Compensation to firefighters shall be in such amounts as may be determined from time to time by the townships and the Village of Parma. The chief shall keep accurate records that indicate the amount of compensable time served by all personnel.

Section 8: PUBLIC CONTACT

The fire chief, or his/her designee, may release facts regarding fires or other emergencies to the news media. All other personnel shall refer all media inquiries to the chief or the designee.

Members of the public will be allowed in the fire station only when accompanied by a member of the department.

The public will always be treated courteously and professionally by all department personnel.

Section 9: EMERGENCY RESPONSES

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 signal equipment is authorized

only under circumstances where it is permissible under State Law.

Use of emergency signal equipment shall be permitted only when the department has been officially dispatched to an emergency.

Section 10: DEPARTMENT EQUIPMENT

Protective gear shall be worn when engaged in firefighting in any enclosed structure, or outdoors when warranted.

Lost or damaged equipment shall be reported as soon as possible to an officer. Property shall be disposed only with the prior approval of the Fire Board. All department-issued equipment shall be returned to the chief by personnel leaving the department.

Section 11. USE OF BUILDING AND GROUNDS

Department equipment shall not be borrowed for private use without Fire Board approval.

Private vehicles must be parked in designated areas only.

Alcohol and controlled substances shall not be brought into the building.

Section 12: SOLICITING DONATIONS

All fund-raising activities shall have the prior approval of the Fire Board.

Any fund raising activities on behalf of the fire department, yet not solicited in the name of the fire department, shall be conducted by a tax-exempt organization that has been designated as a 501-c-3 charity

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by the Internal Revenue Service.

A tax exempt charitable organization may be incorporated and is authorized only after approval of the Articles of Association and By-Laws by the Fire Board. If such an association is formed, then it shall be incorporated under the laws of the State of Michigan. The financial records of the association shall be audited annually by the Fire Board.

Section 13. SAVINGS CLAUSE

Should any portion of this ordinance be declared unenforceable by any court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect unaffected by the portion which might be so declared to be unenforceable.

Section 14: EFFECTIVE DATE

This ordinance shall take effect on July 10, 1992. All ordinances in conflict herewith are hereby repealed.



Priscilla J. Sutliff
Clerk