

**FRENCHTOWN CHARTER TOWNSHIP
ORDINANCE TO ESTABLISH BOARD AUTHORITY
OVER FIRE DEPARTMENT
Ord. No. 158; Date of Adoption: July 1990**

An Ordinance to be known as "Ordinance to Establish Board Authority Over Fire Department".

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Scope, Purpose and Intent.

This Ordinance is adopted pursuant to the authority granted the Township Board under PA 33 of 1951. The purpose of this Ordinance is to provide that the Frenchtown Charter Township Board shall hereby establish the Frenchtown Charter Township Fire Department; 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 to fire department employees.

Section 2. Fire Department; Establishment, Funding Powers and Duties.

There is hereby established the Frenchtown Charter Township Fire Department. The Township 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 Frenchtown Charter Township.

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. The annual appropriation shall include revenue raised by voted millage which the voters have provided for use solely for purposes of fire department administration and fire department funding.

The Township Board shall provide for the establishment of rules and regulations for the operations of the department and the care of the equipment.

Amended by Ordinance No. 158-2.

Section 3. Chief; Duties.

The Township Board shall authorize the Supervisor, subject to the approval of the Township Board, to 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 and federal laws

and regulations, township ordinances and policies and shall attend meetings of the Township Board as directed. The Chief shall serve at the pleasure of the Board.

After consultation with the Fire Chief, the Township Supervisor shall recommend persons to fill firefighter positions to the Township Board.

The Chief shall develop written administrative rules to increase the efficiency and effectiveness of the department, including 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 review all personnel and operating problems, and shall file a monthly and annual written report on department activity with the Township Board.

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 approval of the Board.

The Chief shall hold regular department informational and training meetings.

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. Capitol outlay purchases shall conform to township policy regarding Board approval, including policy regarding written quotes and competitive bidding.

The Chief shall also be responsible for the following:

1. Ensure the extinguishment of all fires that endanger the health, safety and welfare of Frenchtown Charter Township.
2. Enforce Township fire ordinances or fire prevention codes.
3. Ensure rescue operations and the provision of emergency medical services.
4. Ensure that all personnel are trained and qualified for the duties that they are expected to fulfill.
5. Ensure that fire inspection and community fire prevention programs are conducted.
6. Ensure that all equipment and buildings are properly maintained and in good working order.

7. Ensure that all department personnel comply with departmental and Board rules, regulations and policies.

Amended by Ordinance No. 158-2

Section 4. Officers.

The Chief shall be the head of and in command of the Fire Department. In the event that the Chief shall determine that another chain of command should be established, the Chief shall recommend a proposed chain of command to be approved by the Township Board, establishing among the department, officers in descending order of rank. Each rank shall obey the orders of their superior officers. The Chief shall also establish proper protocol as necessary for those firefighters present at any emergency to ensure the continuity of the chain of command.

The Chief shall recommend for approval by the Township Board, a job description for each rank. If the Chief establishes chain of command, each officer shall be responsible for ensuring that orders are carried out by subordinates.

Amended by Ordinance No. 158-1 and 158-2.

Section 5. Firefighters.

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 has any pre-existing physical conditions that would preclude the applicant from performing the duties associated with firefighting and such physicals shall be conducted with firefighting and such physicals shall be conducted annually. Background checks will be conducted through the Monroe County Sheriff's Department on all applicants for firefighter positions. All applicants must be determined to be bondable.

All firefighters shall serve an initial probationary period for a period of three-hundred and sixty-five (365) calendar days. At the conclusion of the 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 non-probationary firefighter status by the Township Board.

A probationary firefighter shall be entitled to all monetary compensation afforded to non-probationary firefighters, but shall be restricted to perform only those duties for which he/she has been specifically trained and authorized to perform pursuant to Michigan Department of Labor Standards. A probationary full time firefighter may be issued department insignia and badges as determined necessary by the Chief to perform their duties. A probationary paid on call 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.

The Chief shall establish an eligibility list for full time firefighter positions, which shall be maintained by the Chief for a period of no more than two years. After such time has expired, the eligibility list shall be destroyed and the Chief shall ensure that a new list is established and maintained. The Chief shall work with the Township Supervisor and/or Township Personnel Director and keep him apprised of the status of said eligibility list.

Amended by Ordinance No. 158-2.

Section 6. Disciplinary Procedure.

The Frenchtown Charter Township Fire Department and its members shall be subject to and governed by all applicable Federal and State laws, policies, standards, rules and regulations and all applicable Frenchtown Charter Township Ordinances, policies, standards, rules and regulations, including the most recently adopted edition of the Uniform Fire Code with appendices. Personnel policies have been and shall continue to be established for paid on call, part time and full time Fire Department employees by Frenchtown Charter Township. The Frenchtown Charter Township personnel policy and/or any current firefighters union agreement shall govern proper disciplinary procedure in conjunction with that contained herein.

Amended by Ordinance 158-2.

Section 7. Public Contact.

The Fire Chief, or his/her designee, shall be the only authorized person who may release facts regarding fire department matters, fires or other emergencies to the news media. All other personnel shall refer all media inquiries to the Chief or the designee. All questions, concerns or issues regarding the policies, procedures, practices and/or operation of the fire department shall be first addressed to the appropriate Union representative. The Union representative and/or executive committee for the Union shall address the issues to the Chief. If the Chief is not able to resolve the questions, concerns or issues then they may be addressed by the Union executive committee to the Township Supervisor in the presence of the Chief. If yet unresolved, the Township Supervisor, Chief and the Union executive committee shall take the matter before the Township bargaining committee. If still unresolved, the Chief and Township Supervisor shall address the matter to the Township Board and report the result to the Union executive committee. Any violation of this provision shall subject the violator to disciplinary procedure.

No firefighter shall attend any function in a firefighter capacity on behalf of or as a representative of the fire department without express authority and permission from the Chief. No firefighter shall attend public functions in uniform or dressed in such a manner as to give the public or any person the impression that he is acting on behalf of or as a representative of the fire department without express authority and permission from the Chief. The public will always be treated courteously and professionally by all department personnel.

Amended by Ordinance No. 158-2.

Section 8. Emergency Responses.

Pursuant to Public Act 300, 1949, when responding to emergencies, all personnel will drive emergency vehicles with appropriate concern for the safety of the public and utilize defensive driving. Use of emergency signals on vehicles shall be considered a request for the right of way from other drivers.

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

Section 9. Department Equipment.

Protective gear shall be worn when engaged in firefighting in any enclosed structure, or outdoors when warranted as required by the Michigan Department of Labor Regulations.

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 by personnel leaving the department.

Section 10. Use of Fire Station.

Only Township owned vehicles and equipment may be kept at the fire station with the exception of vehicles or equipment for which prior approval has been obtained from the Fire Chief. Department equipment shall not be borrowed for private use.

Private vehicles must be parked in designated areas only.

Section 11. Alcohol & Controlled Substances.

Alcohol and controlled substances shall not be brought into the Township fire stations or onto any parcel of land upon which a Township fire station is situated. A violation of Section 11 shall constitute a misdemeanor and shall subject the violator to the appropriate disciplinary procedures as described in the Frenchtown Charter Township Personnel Policy.

Section 12. Soliciting Donations.

All fund raising activities shall have the prior approval of the Township Board, and all revenues solicited in the name of the Fire Department shall be deposited with the Township Treasurer. Such funds will be disbursed by the Township Board.

Section 13. Penalty.

Any person, firm or corporation violating any Section of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00 or by being imprisoned in

the County Jail for not more than ninety (90) days, or both such fine and imprisonment at the discretion of the Court. Each day of violation shall constitute a separate offense.

Amended by Ordinance No. 158-2.

Section 14. 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 15. Repeal.

Ordinance No. 138, effective November 2, 1983, is hereby repealed.

Section 16. Effective Date.

This Ordinance shall become effective thirty (30) days after final passage and publication in the Monroe Evening News, a newspaper having general circulation in Frenchtown Charter Township, Monroe County, Michigan.