

CHARTER TOWNSHIP OF JAMESTOWN

COUNTY OF OTTAWA, MICHIGAN

ORDINANCE #17-_____

JAMESTOWN CHARTER TOWNSHIP FIRE DEPARTMENT ORDINANCE

AN ORDINANCE TO PROVIDE THAT THE JAMESTOWN CHARTER TOWNSHIP BOARD MAY ESTABLISH THE JAMESTOWN CHARTER TOWNSHIP FIRE DEPARTMENT; ESTABLISH JURISDICTION AND AUTHORITY OF THE TOWNSHIP FIRE DEPARTMENT; AND REPEAL ANY PARTS OR PORTIONS OF ORDINANCES INCONSISTENT HEREWITH.

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

**ARTICLE I
SCOPE, PURPOSE AND INTENT**

Section 1.1 This ordinance is adopted pursuant to the authority granted the Township Board under Public Act 33 of 1951. The purpose of this ordinance is to establish the Jamestown Charter Township Fire Department (the “Fire Department”); authorize the formulation, adoption and enforcement of rules and regulations for the conduct of Fire Department personnel and maintenance of equipment; provide for the hiring and training of Fire Department personnel including a Chief, officers and firefighters; and to describe the powers and duties of Fire Department volunteers and employees.

**ARTICLE II
FIRE DEPARTMENT; ESTABLISHMENT, FUNDING, POWERS AND DUTIES**

Section 2.1 There is hereby established the Jamestown Charter Township Fire Department. The Township Board, acting by resolution or motion, shall approve such persons who, based on experience, training, and qualifications would, in its discretion, best perform the duties of a firefighter and provide high quality fire protection and fire rescue services to the residents, businesses, and property owners within the Township.

Section 2.2 As part of the adoption of the Township’s annual budget, the Township Board shall approve a budget for the operation and maintenance of the Fire Department, including the Fire Department’s facilities and equipment, and for that purpose shall have the authority to use general funds, dedicated extra-voted millage revenues, special assessments imposed on properties in a Township-wide special assessment district, sell bonds, establish user fees, or raise revenues in any other manner provided for by law for the operation and maintenance of the Fire Department.

ARTICLE III CHIEF; DUTIES

Section 3.1 The Township Board shall appoint a Chief who shall be the chief administrative officer of the Fire Department. The Chief shall be accountable to the Township Board for the efficient and effective operation of the Fire Department, and for the Fire Department's compliance with all state laws, township ordinances, policies, and department rules and regulations. The Chief shall serve at the pleasure of the Township Board.

Section 3.2 The Chief shall recommend, subject to Township Board approval, the appointment of a Deputy Chief, Captain(s), Lieutenant(s), Engineers (drivers) and Firefighters as may be deemed necessary.

Section 3.3 The Chief shall develop written administrative rules and standard operating guidelines ("SOGs") to increase the efficiency and effectiveness of the Fire Department, including pre-planning and post-incident critiques, regulations, assignment and scheduling of personnel and shall plan for the long-range needs of the Fire Department.

Section 3.4 The Chief shall review all operations of the Fire Department and report monthly to the Township Board on such operations. The Chief shall prepare and file an annual written report with the Township Board on the Fire Department's operations and any necessary improvements or capital needs for the Fire Department.

Section 3.5 The Chief shall:

- a. Supervise all Township firefighting personnel.
- b. Supervise the extinguishing of all fires that endanger the health, safety and welfare of Jamestown Charter Township citizens and those passing through Jamestown Charter Township.
- c. Assist the Board in the preparation of an annual Fire Department budget, including recommendations on operational and capital expenditures.
- d. Prepare bid and proposal specifications for the purchase or sale of Fire Department vehicles, apparatus and equipment, when such bids are required by Township policies or otherwise required, and, once such acquisitions are approved by the Township, proceed to acquire such Fire Department vehicles, apparatus, equipment and supplies.
- e. Enforce township fire ordinances or fire prevention codes.
- f. Ensure that all personnel are trained and qualified for the duties that they are expected to fulfill.
- g. Ensure that all Fire Department vehicles, equipment, and buildings are properly maintained and in good working order.
- h. Ensure that all department personnel comply with applicable Township ordinances, policies and Fire Department SOGs.

- i. Ensure that fire inspections and community fire prevention programs are conducted.
- j. Call meetings of Fire Department officers and personnel as necessary.
- k. Maintain Fire Department officer and firefighter payroll records in generally accepted and accurate form.
- l. Ensure Fire Department compliance with laws, Township ordinances and applicable policies, and Fire Department SOGs.
- m. Attend regularly the Ottawa County Fire Chiefs Association meetings and participate in the discussion and resolution of matters of common interest among the Fire Departments in the County.
- n. Implement mutual aid contracts between the Township and other local governments.
- o. Serve as a spokesperson for the Department when appropriate with respect to fire suppression events and other public safety emergencies.
- p. Attend to such other Fire Department matters as may be assigned by the Township Board consistent with this Ordinance and approved Township policies.

ARTICLE IV OFFICERS

Section 4.1 There shall be a chain of command established among the Fire Department officers in descending order of rank, from the Chief to the Deputy Chief, Captain(s), Lieutenant(s), Safety Officer(s), Engineers, to Firefighters. Each rank shall obey the orders of their superior officer. 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.

Section 4.2 The Chief shall establish a job description for each rank. Each command officer shall be responsible that orders are carried out by subordinates.

ARTICLE V FIREFIGHTERS

Section 5.1 Paid on-call firefighters shall be employed by the Township as at-will employees in accordance with the following requirements and procedures:

- a. Applicants for vacant firefighter positions shall be of good character, possess a good driving record, and must pass a physical and/or drug screening examination provided by a doctor of the Township's choice and at the Township'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.

b. All firefighters shall serve an initial probationary 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 employed as a firefighter by the Township Board.

c. The probationary firefighter shall not be entitled to all compensation and benefits afforded to permanent firefighters, and 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 firefighters shall be at the Chief's discretion.

Section 5.2 All firefighters shall adhere to the requirements of this Ordinance, Township policies including, but not limited to the Township's employee handbook and personnel policies, and Fire Department SOGs. In the event of a conflict between this ordinance, Township policies, and the SOGs, the provisions of this ordinance shall govern over all other policies and SOGs; Township policies shall govern over any conflicting SOGs.

ARTICLE VI TOWNSHIP FIRE DEPARTMENT LIAISON COMMITTEE

Section 6.1 The Township Fire Department Liaison Committee (the "Committee") shall serve as an advisory committee to both the Fire Chief and the Township Board.

a. The Township Board shall appoint the members of the Committee. The Committee shall be comprised of two (2) Township Board members and three (3) citizens-at-large. The term of each member shall be three years, and until a successor is appointed and qualified, except that any Township Board member appointed as a member of the Committee shall have a term corresponding with that person's term as a member of the Township Board. The duration of the terms of members first appointed to the Committee shall vary, though not exceeding three years, so that terms will expire in different years. Vacancies in office shall be filled for the remainder of the unexpired term.

b. The Chief shall attend Committee meetings but shall not be a member of the Committee or have a vote on the Committee.

c. The Committee shall elect, from one of its members and at its first meeting each year, a Chair and a Secretary.

d. Each year and no later than the Committee's first meeting, the Committee shall schedule regular meeting dates for the Committee. The Committee shall meet at least quarterly. The Committee may call special meetings at the call of the Township Board or the Chair of the Committee, as necessary.

e. The Committee shall conduct its meetings in accordance with Michigan's Open Meetings Act.

**ARTICLE VII
DISCIPLINARY PROCEDURE; APPEALS**

Section 7.1 Violations of any portion of this ordinance, Township policies, or Fire Department SOGs, theft of any Township property or other property at the scene of a fire or other emergency, conviction of a felony, and/or other actions that are violations of state or federal penal codes shall subject a firefighter to disciplinary proceedings. A violation shall be documented by the Fire Chief upon good cause shown or when a violation occurs in the Fire Chief's presence.

Section 7.2 The Chief shall provide a copy of the written disciplinary statement to the alleged violator. The written disciplinary statement shall state the ordinance, policy, or SOG that was allegedly violated, the nature of any disciplinary action taken, and the consequences of any further occurrence.

Section 7.3 Disciplinary action may range from a reprimand to a suspension, demotion or dismissal, or a combination of any of the above, in the discretion of the Fire Chief (or the Committee, acting in accordance with Section 7.5, below), depending on:

- a. the seriousness of the violation;
- b. the consequences to the safety of others as a result of the violation;
- c. the potential harm to the Fire Department and to the Township;
- d. the prior record of the individual; and
- e. the nature of the act and other relevant factors.

Section 7.4 Dismissal of a firefighter shall be a decision of the Fire Chief, or if disciplinary action is initiated by the Committee, by the Committee in accordance with Section 7.5. Appeals to a dismissal decision or other disciplinary action initiated by the Fire Chief or the Committee may be taken in accordance with Section 7.6.

Section 7.5 The Committee may, on its own initiative, bring disciplinary charges against any Fire Department personnel in accordance with Section 7.3, above. Disciplinary action initiated by the Committee shall follow the procedures of Section 7.2, above.

Section 7.6 If disciplinary action is initiated and taken by the Fire Chief, the firefighter that is the subject of the disciplinary action may appeal such action to the Committee. If disciplinary action is initiated and taken by the Committee, the firefighter may appeal such disciplinary action to the Township Board. Any appeal pursuant to this section shall conform to the following:

- a. Any appeal by a firefighter shall be filed in writing, stating the reasons for the appeal and providing documentary evidence in support of such appeal, with the Township Clerk not more than 15 days following the date of the disciplinary action.

b. The body hearing the appeal e.g., the Committee, if disciplinary action was initiated by the Fire Chief, or the Township Board, if disciplinary action was initiated by the Committee, shall consider the firefighter's appeal at a regular or special meeting of the body (determined in the sole discretion of the body hearing the appeal) with not less than 14 days prior written notice of such meeting provided by the Clerk to the firefighter.

c. Any firefighter filing an appeal shall have the right to present documents or other evidence or testimony as part of the appeal. All documents shall be provided to the Township Clerk not less than 14 days prior to the date of the meeting at which the appeal will be heard.

d. An appeal of a decision by the Fire Chief to the Committee pursuant to Section 7.4 shall be final and conclusive and there shall be no right to appeal to the Township Board. An appeal of a decision by the Committee to the Township Board pursuant to Section 7.6 shall be final and conclusive.

Section 7.7 Firefighters shall not respond to emergencies, meetings or training sessions while under the influence of alcohol or any controlled substances.

ARTICLE VIII COMPENSATION

Section 8.1 Compensation to firefighters shall be in such amounts as may be determined from time to time by the Township Board.

Section 8.2 The Fire Department shall keep accurate records that indicate the amount of compensable time served by all personnel. Time records or other records upon which compensation may be based shall be submitted to the Township Clerk or the Clerk's designee in the Township office for payment, in the same manner as is the case for other Township personnel, or upon such other schedule or basis as may be determined by the Township Board.

ARTICLE IX PUBLIC CONTACT

Section 9.1 The Fire Chief, or his/her designee, may release facts regarding fires and other emergencies to the news media. All other Fire Department personnel shall refer all media inquiries to the Chief or the Fire Chief's designee.

Section 9.2 Members of the public will be allowed in a Township fire station only when accompanied and/or directed by the Fire Chief or a member of the Fire Department.

Section 9.3 The public will always be treated courteously and professionally by all Fire Department personnel.

ARTICLE X EMERGENCY RESPONSES

Section 10.1 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. Use of emergency signal equipment shall be permitted only when the Fire Department has been officially dispatched to an emergency.

ARTICLE XI FIRE DEPARTMENT EQUIPMENT

Section 11.1 Required protective gear shall be worn when Fire Department personnel are engaged in all firefighting and other emergency activities, as more fully specified in Fire Department policies.

Section 11.2 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 by personnel leaving the department.

ARTICLE XII USE OF FIRE STATION

Section 12.1 Only Township-owned vehicles and equipment may be kept at a fire station. Fire Department equipment shall not be borrowed for private use. Private vehicles must be parked in designated areas only. Alcohol and controlled substances shall not be brought into any fire station.

ARTICLE XIII SOLICITING DONATIONS

Section 13.1 All fund-raising activities carried out in the name of the Fire Department 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 for Fire Department purposes.

Section 13.2 Any fund raising activities on behalf of the Fire Department, yet not solicited in the name of the Township or the Fire Department, shall be conducted by a tax-exempt organization that has been designated as a 501(c)(3) charity by the Internal Revenue Service. The purpose of the association shall be to provide for the social development of personnel and the betterment of fire protection in the Township. The association shall be incorporated under the laws of the State of Michigan. The association may elect its own officers and the financial records of the association shall be audited annually.

ARTICLE XIV FIRE CONTROL MEASURES AND REGULATIONS

Section 14.1 The fire control measures and regulations stated in this Article are for the purpose of controlling conditions which could impede or interfere with fire suppression measures by Township Fire Department personnel and other authorized persons.

a. **Authority at Fires and Other Emergencies.** The Township Fire Chief or other authorized person who may be in charge at the scene of a fire or other emergency

involving the protection of life and/or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks, or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of his or her duty. The Fire Chief or the Fire Chief's designee may prohibit any person or vehicle from approaching an emergency scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the Fire Department. All persons ordered to leave an emergency scene or hazardous area shall do so immediately and shall not reenter the area until authorized to do so by the Fire Chief or the Fire Chief's designee; failure to obey such order, or any reentry into such hazardous area without authorization shall be a misdemeanor punishable as provided by law.

b. **Interference with Fire Department Operations.** It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any Fire Department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any Fire Department operation. A violation of this section shall be a misdemeanor as provided by law.

c. **Compliance with Orders.** A person shall not willfully fail or refuse to comply with any lawful order or direction of any authorized person in command at the scene of a fire emergency or other emergency, nor shall a person interfere with the attempt of any other person to comply with any such lawful order or direction. A violation of this section shall be a misdemeanor as provided by law.

d. **Vehicles Crossing Fire Hose.** A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department when laid down on any street, alleyway, private drive or any other land without the consent of the person in command at the scene of a fire emergency or other emergency or within or near any hazardous area. A violation of this section shall be a misdemeanor as provided by law.

e. **Authorized Emergency Vehicles.** Authorized emergency vehicles shall be only those vehicles which are so defined and authorized under the laws of Michigan.

f. **Unlawful Boarding or Tampering with Fire Department Emergency Equipment.** A person shall not, without proper authorization from the Fire Chief or other Fire Department personnel, cling to, climb upon or into, board or swing upon any Fire Department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any Fire Department emergency vehicle. A violation of this section shall be a misdemeanor as provided by law.

g. **Damage to Fire Department Equipment or Injury to Personnel.** It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any Fire Department emergency vehicle, or to injure, or attempt to injure, Fire Department personnel while performing departmental duties. A violation of this section shall be a misdemeanor as provided by law.

h. **Emergency Vehicle Operation.** The driver of any emergency vehicle under the terms of this Ordinance shall comply with all state law requirements and Township Fire Department policies and regulations with respect to the operation of the emergency vehicle when responding to a fire or other emergency call, and shall otherwise operate or park such vehicle only in compliance with state law requirements and applicable Township ordinance requirements and policies.

i. **Blocking Fire Department Connections.** It shall be unlawful to obscure from view, damage, deface, obstruct or restrict access to any fire hydrant or other Fire Department connection for the use of water in fire suppression measures, including fire hydrants and other Fire Department connections that are located in public or private streets or access lanes or on private property. A violation of this section shall be a misdemeanor as provided by law.

j. **Maintenance of Fire Suppression Equipment.** A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the International Fire Protection Code or other applicable fire code except for the purpose of extinguishing fire, training or testing purposes, recharging or making necessary repairs, or when permitted by the fire prevention code official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective or unapproved fire appliances or equipment shall be replaced or repaired as directed by the Fire Chief.

**ARTICLE XV
SAVINGS CLAUSE**

Section 15.1 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 unaffected by the portion which might be so declared unenforceable.

**ARTICLE XVI
EFFECTIVE DATE**

Section 16.1 This ordinance shall take effect on _____, 2017. All ordinances in conflict herewith are hereby repealed.

Ordinance No. 17-_____, passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on _____, 2017, and approved by me on _____, 2017.

Kenneth Bergwerff, Supervisor
Charter Township of Jamestown

Attest:

Candy DeHaan, Township Clerk

Ordinance No. 17-_____

First Reading: _____
Second Reading: _____
Ordinance becomes effective: _____

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, State of Michigan, at a regular meeting held on _____, 2017, that the public notice of said meetings was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Candy DeHaan
Township Clerk