

**ODESSA TOWNSHIP FIRE DEPARTMENT ORDINANCE
ORDINANCE NO. 21**

At a regular meeting of the Odessa Township Board, Ionia County, Michigan, held at the Odessa Township Hall on December 5, 2016, at 7:00 p.m., Board Member Bulling moved to adopt the following Ordinance, which motion was seconded by Board Member Goodemoot.

An Ordinance to establish within Odessa Township a fire department to be known as the Lake Odessa Fire Department; to provide for the basic organizational structure of the Fire Department; to delegate broad management authority and responsibility to the Fire Chief; to provide standards of accountability of the Fire Chief and other Fire Department personnel to the Township Board; and repeal any parts or portions of inconsistent ordinances.

THE TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN ORDAINS:

Section 1: Scope, Purpose and Intent. This Ordinance is adopted by the Township Board under MCL 41.801 *et seq.* The purpose of the Ordinance is to establish the Lake Odessa Fire Department; to establish jurisdiction and authority of the Township Board over Fire Department personnel; to establish authority to adopt Rules, Regulations, Policies and Standard Operating Procedures for the operation of the Fire Department and the conduct of Fire Department personnel; to employ and appoint a Fire Chief, Command Officers and Firefighters; and to prescribe the powers and duties of Fire Department personnel.

Section 2: Coverage Area. The Lake Odessa Fire Department shall be responsible for providing services to the entire geographic boundaries of Odessa Township, including without limitation the Village of Lake Odessa ("Village"). The Fire Department shall restrict its delivery of services to the geographic area described in this section, and to other jurisdictions with which the Township Board has negotiated and entered into contracts for fire service or mutual aid agreements.

Section 3: Services. Consistent with appropriations and budget authorization, the Lake Odessa Fire Department is authorized to provide to the citizens of Odessa Township, including the Village, the following programs and services:

- a. Fire Suppression
- b. Fire Education
- c. Fire Prevention and Fire Code Enforcement
- d. Basic Emergency Medical Services
- e. Emergency Rescue

Section 4: Organization.

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

Command Officers:
Assistant Fire Chief
Fire Captain
Fire Lieutenants

Firefighters (On-Call)

- b. With the advice and assistance of the Fire Chief, the Township Board may develop and approve job descriptions for each or any of the above positions. The Township Board, with the advice of the Fire Chief, shall fill these positions as the Township Board and Chief determine operational needs of the Fire Department require. Officers and firefighters shall be selected based on experience, training and qualifications and be persons who would, in the Board's discretion, best perform the duties associated with providing fire protection to the citizens of Odessa Township. Temporary officers may be appointed by the senior Command 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. Each Command Officer shall be responsible for assuring that their subordinates carry out orders.

Section 5: Finances. The Township Board shall approve an annual budget and appropriations for the operation and maintenance of the Fire Department and its equipment, and for that purpose shall have the authority to use general funds, tax millage funds, initiate the creation of a special assessment district and levy assessments, sell bonds, establish and collect user fees authorized by Township Board resolution, or raise revenues in any other manner provided for under law for the operation and maintenance of the Fire Department. The Township Board shall provide for payment of any debts incurred incidental to the Fire Department's continued operation. The Township Board shall purchase necessary equipment and construct or lease public buildings for uses incidental to the maintenance and operation of the Fire Department.

Section 6: Rules, Regulations and Policies. The Township Board shall establish Rules, Regulations and Policies for the operations of the Fire Department, the conduct of its personnel and the care of the equipment, and the Fire Chief shall prepare and enforce Standard Operating Procedures consistent with such Rules, Regulations and Policies.

Section 7: Fire Chief Duties.

- a. The Township Board shall appoint a Fire Chief who shall be the chief administrative officer of the Fire Department. The Fire 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 and administrative rules, and with Township Ordinances, Rules, Regulations, Policies and Standard Operating Procedures. The Fire Chief shall serve at the pleasure of the Township Board.
- b. The Fire Chief shall develop written Standard Operating Procedures to increase the efficiency and effectiveness of the Fire Department, including without limitation pre-planning and post-incident critiques, emergency response procedures, assigning and scheduling of personnel, and safety or other training policies and procedures. The Fire

Chief shall submit the Standard Operating Procedures to the Township Board to enable the Township Board to plan for the long-range needs of the Fire Department.

- c. The Fire Chief shall be familiar with state and federal laws that affect Fire Department operations, and issue orders consistent with applicable federal and state laws and administrative rules. Noncompliance with applicable state and federal laws and regulations shall be promptly reported to the Township Board.
- d. The Fire Chief shall review unresolved personnel and operating problems that are not resolved at the Fire Department level with the Township Supervisor; shall report Fire Department activities monthly to the Township Board; and shall prepare and file a written report on Fire Department activities annually with the Township Board.
- e. As needed, the Fire Chief shall notify the Township Supervisor of major problems or issues that require 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 Township 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 and the ratification by the Township Board.
- f. The Fire Chief shall hold regular Fire Department informational and training meetings.
- g. The Fire Chief may incur expenditures against the Fire Department budget as appropriated by the Township Board. The Fire Chief will monitor the unencumbered balances remaining in the Fire Department budget and shall make timely recommendations for budget amendments at such time as the need for such amendments becomes known. The Fire Department's expenditures shall not exceed the amounts appropriated.
- h. The Fire Chief shall also be responsible for the following:
 - 1. Supervise the extinguishment of all fires that endanger the health, safety and welfare of Odessa Township.
 - 2. Enforce Township burning ordinances.
 - 3. Ensure that all personnel are trained and qualified for the duties that they are expected to fulfill.
 - 4. Ensure that fire prevention programs are conducted.
 - 5. Ensure that qualified personnel conduct fire inspections and that the Fire Prevention Code adopted by the Township Board is fairly and effectively enforced.
 - 6. Ensure that all Fire Department equipment and buildings are properly maintained and in good working order.

7. Ensure that all Fire Department personnel comply with Fire Department and Township Board Rules, Regulations, Policies and Standard Operating Procedures.

Section 8: Firefighters.

- a. 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 able to perform assigned emergency operations. In accordance with national standards, the physician must identify any pre-existing conditions that may 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 Fire Chief, the probationary period may be extended. Probationary status shall continue, at a minimum, until the firefighter successfully completes the State of Michigan's Firefighter I examination. At the conclusion of the minimum probationary period, the Fire Chief shall determine whether a probationary firefighter has met all of the qualifications contained in the firefighter job description as required to be offered permanent firefighter status by the Township Board.
- c. A probationary firefighter shall be entitled to all compensation and benefits afforded to permanent firefighters, but 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 a Fire Department insignia or badges. Probationary firefighters shall not use emergency signal devices on their private vehicles.
- d. The Fire Chief shall recommend to the Township Board the dismissal of any firefighter (probationary or permanent) who does not or cannot meet the qualifications to be a firefighter and reasons for such recommendation.

Section 9: Training. The Fire Chief shall develop a regular schedule of in-house training classes, including an attendance requirement for all Fire Department personnel. The schedule shall specify the type, amount and frequency of training to be provided to Fire Department personnel necessary to assure that all personnel are adequately trained to properly handle the inherent risks of firefighting and other emergency incidents. The Fire 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 Fire Chief shall ensure that qualified individuals deliver in-house instruction. The Fire 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 Fire Department.

Section 10: Safety. The Fire 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 Fire Chief shall promptly inform the

Township Board of any procedures or equipment that are not in compliance with any MIOSHA General Industry Safety Standard, and shall recommend Township Board actions to achieve compliance. The Fire 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, which procedures shall include all the following:

- a. Compliance with a nationally recognized incident management system that will be implemented at each emergency.
- b. A personnel accountability system that will be implemented at each emergency.
- c. Applicability to all employees who are operating at the emergency.
- d. Initial training and annual refresher training in emergency operations and the incident management system.
- e. Procedures that are in accordance with the "two in/two out" rules as found in the provisions of current MIOSHA standards.
- f. A trained employee shall function as the incident commander at each emergency

Section 11: Discipline.

- a. Violations of any this Ordinance, Township or Department Rules, Regulations or Policies, or Standard Operating Procedures, or convictions of a felony shall subject any personnel involved to disciplinary proceedings up to and including termination. The Fire Chief is responsible for maintaining records of disciplinary action and personnel matters in the Fire Department.
- b. The Fire Chief shall provide a copy of a written notice of disciplinary action, which shall identify the violations, the nature of any disciplinary action taken, and the consequences of any further recurrences. Disciplinary action may range from a warning to a reprimand to a suspension, demotion or termination, or a combination, depending on the circumstances, considering, at a minimum:
 1. Seriousness of the violation.
 2. Consequences to the safety of others by the violation.
 3. Potential harm to the Fire Department or the Township.
 4. Prior record of the individual.
 5. The degree of wantonness, if any, of the act.
- c. The Township Board shall determine whether to terminate a firefighter, upon the recommendation of the Fire Chief. The firefighter may request a hearing before the Township Board.
- d. Any disciplinary action taken by the Fire Chief other than termination may be appealed to the Township Board, filed with the Township Clerk within ten (10) days of the disciplinary action. The Township Board shall affirm, deny or modify the disciplinary action taken by the Fire Chief. The Township Board may, on its own initiative, bring

disciplinary charges against any Fire Department personnel. Disciplinary charges initiated by the Township Board shall follow the above procedures, except that the disciplinary action shall be taken by the Township Board.

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

Section 12: Compensation. Compensation to firefighters shall be in such amounts as may be determined from time to time by the Township Board. Employees must maintain and submit accurate time records to the Fire Chief, who shall submit same monthly to the Township Board for payment.

Section 13: Public Contact.

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

Section 14: Emergency Responses.

- a. When responding to emergencies, all Fire Department 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.
- b. Use of emergency signal equipment shall be permitted only when the Fire Department has been officially dispatched to an emergency.
- c. The Fire Chief shall establish written Standard Operating Procedures regarding the use of emergency signal equipment on Township-owned and personal vehicles.

Section 15: Equipment.

- a. Protective equipment shall be worn when engaged in firefighting in any enclosed structure, or outdoors when warranted.
- b. Lost or damaged equipment shall be reported as soon as possible to a Command Officer. Township property shall be disposed of only with the prior approval of the Township

Board. All Fire Department-issued equipment shall be returned to the Fire Chief upon terminating employment with the Fire Department.

Section 16: Use of Fire Station and Vehicles. Only Township-owned vehicles and equipment may be kept at the 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 or kept in the fire station.

Section 17: Donations; Firefighters Association.

- a. All Fire Department fund-raising activities shall have the prior approval of the Township Board, and all revenues solicited in the name of the Township or the Fire Department shall be deposited with the Township Treasurer. Such funds will be disbursed by the Township Treasurer, upon receiving a warrant signed by the Township Clerk, following audit and approval by the Township Board.
- b. Any fund-raising activities on behalf of the Fire Department, but not solicited in the name of the Township or the Fire Department, shall be conducted by a tax-exempt organization that has been qualified as a 501(c)(3) charitable organization by the Internal Revenue Service.
- c. The personnel of the Fire Department are authorized to incorporate a 501(c)(3) tax-exempt charitable organization that shall be known as "The Lake Odessa Firefighters Association." The purpose of the Association shall be to provide for the social development of Fire Department personnel and the betterment of fire protection in the Township. The Association shall be incorporated under the nonprofit corporation laws of the State of Michigan, with by-laws approved by the Township Board. The Association may elect its own officers. Upon request, the Association shall disclose its records, including any financial records, to the Township Board.

Section 18: Savings Clause. If a court of competent jurisdiction declares any portion of this Ordinance unenforceable, the remainder of this Ordinance shall be in full force and effect.

Section 19: Effective Date. This Ordinance shall take effect on January 1, 2017.

Section 20: Conflict. All portions of any ordinances in conflict with this Ordinance are hereby repealed, to the extent of such conflict.

Upon a roll call vote, the Township Board voted as follows upon the adoption of the Ordinance:

YEAS: Williams, Goodemoot, Doane, Rohrbacher and Bulling,

NAYS: none.

ABSENT/ABSTAIN: none.

ORDINANCE DECLARED ADOPTED


David Bulling, Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of Ordinance No. 21, adopted by the Odessa Township Board at a duly scheduled and noticed meeting of that Township Board held on December 5, 2016, pursuant to the required statutory procedures.
2. A summary of the Ordinance was duly published in the Lakewood News, a newspaper that circulates within Odessa Township, on December 10, 2016.
3. Within 1 week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the Ordinance with the Ionia County Clerk on December 19, 2016.

ATTESTED:



Lisa Williams, Township Clerk

Dated: 12-19, 2016