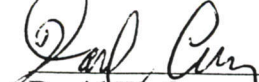


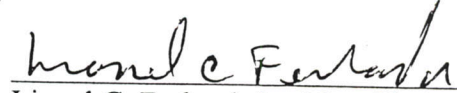
To Judith A. Akers, Town Clerk

A certified copy of an ordinance entitled **Poland Fire and Rescue Department Ordinance** (0603203 Enactment Version) to be voted on at a special town meeting scheduled for June 16, 2003.

Given under our hands this 3rd day of June 2003.



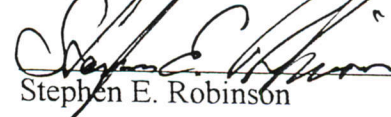
David W. Corcoran, Chairman



Lionel C. Ferland, Jr., Vice Chairman



Patricia A. Nash



Stephen E. Robinson




Glenn P. Peterson

A majority of the Municipal Officers Poland, Maine

June 4, 2003

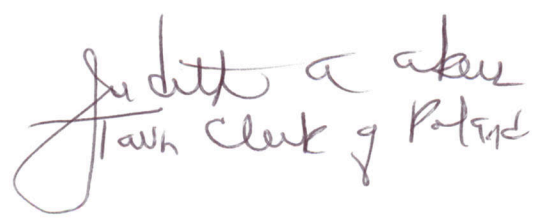
A true copy attest of an ordinance entitled Poland Fire and Rescue Department Ordinance (0603203 Enactment Version) to be voted on at the June 16, 2003, Special Town Meeting, as certified to me by the Municipal Officers of the Town of Poland, Maine.



Judith A. Akers
Town Clerk of Poland

ENACTED

6-16-03


Town Clerk of Poland

POLAND FIRE AND RESCUE DEPARTMENT ORDINANCE

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The purpose of this Ordinance is to establish the “Poland Fire and Rescue Department” as a municipal department of the Town of Poland pursuant to the home rule authority granted in Title 30-A M.R.S.A § 3001.

ARTICLE 100 - NAME

101. Name: The organization shall be known as the “Poland Fire and Rescue Department” (the “Department”).

ARTICLE 200 - PURPOSE

201. Poland Protection: The primary purpose of the Department shall be to prevent and extinguish fires within the Town of Poland, to handle emergencies affecting the health, safety and welfare, and to provide rescue, and medical transport services for all persons within the Town of Poland, and elsewhere by prior agreement.

202. Cooperation with Other Communities: The Department may also assist other municipalities as its resources are available and may be needed in a cooperative effort for all of these purposes, and will comply with any written agreements signed by the Selectmen. The Selectmen shall have authority to enter into written agreements with other municipalities on a recommendation of the Fire Chief and the Town Manager.

ARTICLE 300- ORGANIZATION

301. The Department shall be a “Municipal fire department” established pursuant to Title 30-A M.R.S.A. §3151(1) and (1-A) as amended to prevent and extinguish fires, and to provide emergency medical services as authorized by this ordinance through the operation of a municipal rescue and ambulance service as an integral function of the Department. It shall be a department within the Town of Poland.

ARTICLE 400 - MEMBERSHIP

401. Members: The membership shall include individual residents and non-residents of the Town of Poland, who are at least 18 years old, and who have been accepted as members of the Department as described in section 404.

402. Fire and Rescue Sections: Individuals may either be Fire Members (Firefighters), Rescue Members, or both. These two groups will be known as the Fire Section and the Rescue Section.

402.1 Personnel of the Fire Section are primarily responsible for the prevention and extinguishing of fires, extrication duties at motor vehicle accidents, and other services as may be required to provide for public safety.

402.2 Personnel of the Rescue Section are primarily responsible for

POLAND FIRE AND RESCUE DEPARTMENT ORDINANCE

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providing rescue, emergency medical assistance and ambulance transport services consistent with the Department's and individual's level of licensure, as well as other services as may be required to provide for public safety.

402.3 Department personnel may become members of either or both sections of the department, consistent with the member's availability and level of training attained.

403. Number of Members: The Selectmen will determine the number of members necessary for the effective operations of the Department, acting on a recommendation of the Fire Chief and the Town Manager.

404. Application for Membership: All applications for membership in the Department must be approved by the Chief for whichever Section the applicant wishes to join. Members must meet all membership standards described in any Poland Fire and Rescue Department Member Qualifications and Expectations document which may be adopted and amended by the Board of Selectmen ("Member Qualifications and Expectations"). All new memberships will be probationary for a six-month period, followed by a review of their performance by the Fire Chief officers in their Section before full membership status is achieved. Full membership shall be considered for approval only after successful completion of the probationary period.

405. Junior Firefighters: Any resident of Poland of the age 16 or 17 may be accepted as a Junior Firefighter in accordance with section 404, after meeting the membership standards described in the Member Qualifications and Expectations and all requirements of Maine law.

406. Compensation: Members may be compensated consistent with the Department's appropriation provided through the Town budget process and the applicable provisions of the Town's Position Classification and Pay Plan.

ARTICLE 500 - RULES AND REGULATIONS/STANDARD OPERATING GUIDELINES

501. Rules, Regulations and SOGs: The Poland Fire/Rescue Rules and Regulations/Standard Operating Guidelines ("SOG Document") are hereby made a part of this Ordinance. The SOG document will include information from current departmental Job descriptions, Employee Handbooks and SOP's. The SOG Document provides a detailed description of operating rules for emergency situations, member qualifications and training standards, and officer responsibilities.

502. Amendment: The SOG Document may be amended by the Selectmen, upon a recommendation of the Fire Chief and Town Manager. All amendments must be consistent with this Ordinance, Maine state law, and other applicable laws, ordinances and regulations.

POLAND FIRE AND RESCUE DEPARTMENT ORDINANCE

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503. Emergency Rules, Regulations and SOGs: The Fire Chief shall have the authority to adopt emergency rules, regulations, or SOGs when necessary to respond to immediate needs or changes in circumstances. These rules, regulations and SOGs may not be effective for more than 45 days.

ARTICLE 600 - DISCIPLINE, SUSPENSION AND DISMISSAL

601. Causes for Discipline or Suspension: Causes for discipline, suspension and/or dismissal include, but are not limited the following:

1. Those matters described in applicable sections of the Poland Personnel Policy.
2. Misrepresenting, falsifying or withholding information on the application for membership to the Department or on any Department records.
3. Failure to follow orders of the Fire Chief or superior officers.
4. Failure to respond when on call for Rescue.
5. Discriminatory words or conduct relating to any protected class of people, including sex, race, religion, national origin, age and disability.
6. Attending any meeting or training session, responding to a emergency call, or doing any other activity for the Department while under the influence of unlawful drugs or alcohol.

602. Grievance Procedure: All grievances will be handled in accordance with applicable provisions of the Poland Personnel Policy as it may be amended. All members will be treated as employees under that policy for the purposes of grievances only.

603. Disciplinary Procedure: All discipline, suspensions, and dismissals shall be handled in accordance with applicable provisions of the Poland Personnel Policy as it may be amended. All members will be treated as employees under that policy for the purposes of disciplinary action only.

Article 700 - APPOINTMENT OF OFFICERS

701. Appointment of Fire Chief: The Fire Chief shall be hired by the Town Manager, with the approval of the Selectmen, after reviewing input from Poland Firefighters and EMT's. The hiring will be based on education, training, professional credentials, and relevant experience. See the Member Qualifications and Expectations for the qualifications for this position. The Fire Chief shall be a paid employee of the town and considered a Department Head/Supervisor under its Personnel Policy.

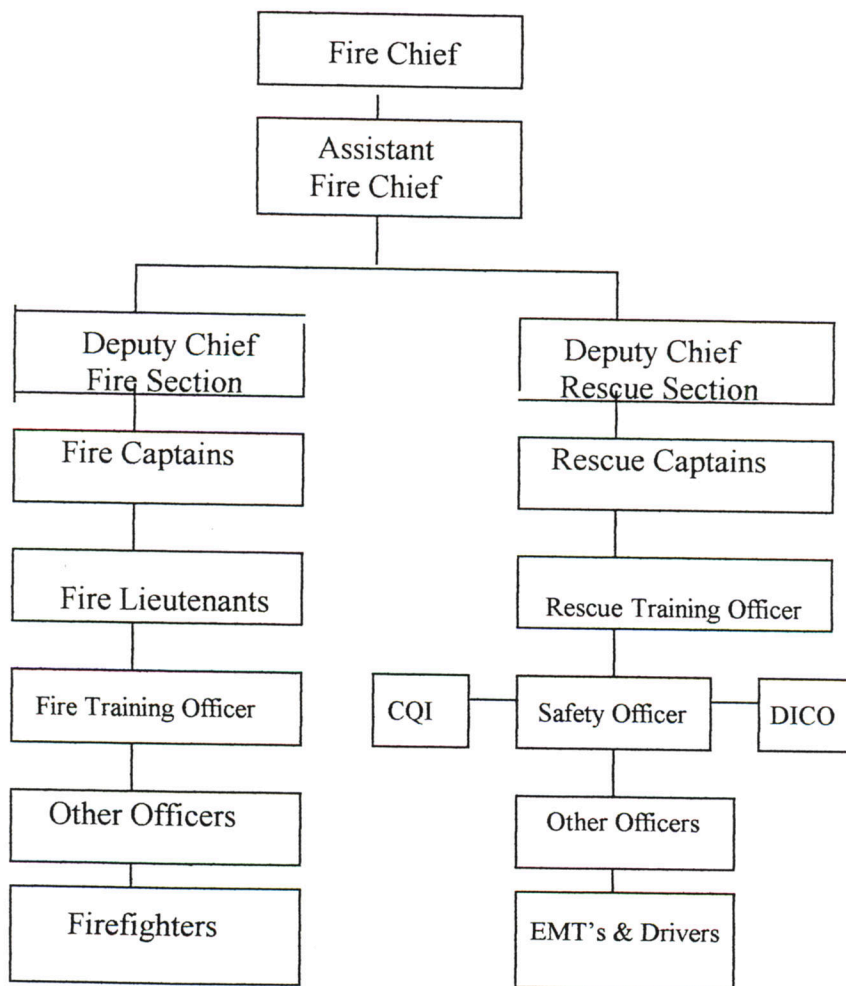
POLAND FIRE AND RESCUE DEPARTMENT ORDINANCE

702. Number of Officers: The Fire Chief shall select the Department's officers from call personnel on the basis of training, credentials earned, and relevant experience.

703. Qualifications for Officers: See the Member Qualifications and Expectations for the qualifications for all officer positions.

704. Appointment of Officers and Officials:

The Fire Chief will appoint with the Town Manager's approval the following officers annually, consistent with the department's operational needs, or as needed to fill vacancies.



ARTICLE 800 - POWERS AND DUTIES OF FIRE CHIEF, OFFICERS AND OFFICIALS

801. Chain of Command: The chain of command in each Section shall be the Fire Chief, Assistant Fire Chief, Deputy Chief of Section, Captains and Lieutenants. All other officers and officials shall follow all orders of and report to the Fire Chief. The Fire

POLAND FIRE AND RESCUE DEPARTMENT ORDINANCE

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Chief shall determine who has the higher rank between officers with the same rank.

802. Fire Chief: The Fire Chief shall exercise the duties and powers described in Title 30-A M.R.S.A. §3153 (see sections below), as it may be amended from time to time, except as described in this Ordinance, and as follows:

1. Generally, direct and control all officers and members of the Department in the performance of their duties.
2. Direct and control all municipal and volunteer firefighters in the performance of firefighting operations. (§2A)
3. Provide a training program for firefighters and rescue personnel within the municipality in cooperation with appropriate governmental agencies. (§2B)
4. Provide for the maintenance of all fire equipment owned by the municipality and buildings used by the municipal fire department. (§2C)
5. Prepare and submit annually to the Town Manager a line item budget related to fire protection and rescue activities. (§2D) The budget will be reviewed by the officers for input prior to presentation to the Town Manager.
6. Suppress disorder and tumult at the scene of a fire and, generally to direct all operations to prevent further destruction and damage. (§2E)
7. Exercise the powers relating to municipal fire protection and rescue as described in Article 500.
8. Together with the Town Manager appoint officers and officials, and employ fire and rescue personnel in the Department as described in Article 700.
9. Obtain assistance from persons at the scene of a fire to extinguish the fire and protect persons and property from injury. (§3C)
10. Pull down and demolish structures and outbuildings if the Fire Chief judges it necessary to prevent the spread of fire. (§3D)
11. Exercise the power of the fire inspector with respect to dangerous buildings described in 25 M.R.S.A §2360, as it may be amended from time to time.
12. Exercise the power to bring civil actions, with the approval of the Town Manager, described in 25 M.R.S.A §2361, as it may be amended from time to time.
13. Issue fire permits as the Fire Warden in accordance with Maine Department of Conservation rules and regulations.

POLAND FIRE AND RESCUE DEPARTMENT ORDINANCE

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14. Exercise any other powers and duties described in this Ordinance and powers of fire chiefs and fire wardens generally as described in Maine state and/or federal laws and regulations.

803. Officers Duties: See the Member Qualifications and Expectations for the duties of all officers and other officials

ARTICLE 900 - DEPARTMENT ASSETS AND FUNDS

901. Municipal Appropriation: All funds raised or appropriated for the Department at town meeting shall be treated as municipal funds under Title 30-A M.R.S.A. §5652 et seq, as amended. No expenditures of Department funds may be made unless approved by the Selectmen on a properly subscribed disbursement warrant.

902. Other Funding: All funds raised or donated to the Department in the Town of Poland's or the Poland Fire and Rescue Department's name, by Department personnel or any Auxiliary Association, which are held or deposited in an account bearing the Town's tax identification number for department equipment or other purposes, shall be treated as municipal funds pursuant to Title 30-A M.R.S.A. §5652 et seq, as amended. The Selectmen may authorize or approve expenditure of these funds in accordance with its Policy on Purchases regarding Donated Funds, as it may be amended from time to time.

Funds raised or donated in the name of any association or auxiliary to the department and held in an account bearing a tax identification number other than that of the Town of Poland's are not subject to the requirements regarding municipal funds pursuant to the provisions of Title 30-A M.R.S.A. §5652 et seq, as amended. However, the provisions of the Selectmen's Policy on Purchases regarding Donated Funds apply to any equipment that is purchased for the department with such funds.

903. Other Assets and Equipment: Other assets and equipment of the Department shall be considered property of the Town of Poland.

904. Acceptance. of Gifts: If any funds or other assets and equipment are given to the Town or Department as conditional gifts, then the Selectmen at town meeting shall comply with all conditions of Title 30-A M.R.S.A. §5654, as amended. All unconditional gifts shall be considered at town meeting in accordance with Title 30-A M.R.S.A. §5655, as amended.

ARTICLE 1000 - AMENDMENTS

1001. Amendments: This Ordinance may only be amended at a Poland Town Meeting. The Board of Selectmen shall have the sole authority to amend SOG documents as set forth in section 502 of this Ordinance.

POLAND FIRE AND RESCUE DEPARTMENT ORDINANCE
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ARTICLE 1100 – EFFECTIVE DATE

1101. Effective Date: This ordinance shall take effect on the date the Board of Selectmen certifies to the Town Clerk that a permanent Fire Chief has been appointed, but not later than January 1, 2004.

1102 Repeal of Conflicting Ordinances: The Poland Fire Department Ordinance and the Poland Rescue Department Ordinances Approved on June 11, 1983 are repealed on the effective date of this ordinance.