

TOWNSHIP OF CLIMAX
COUNTY OF KALAMAZOO, STATE OF MICHIGAN
CLIMAX TOWNSHIP ORDINANCE NO. 139

ADOPTED: February 9, 2010

EFFECTIVE: February 20, 2010

FIRE DEPARTMENT ORDINANCE

An Ordinance to establish/continue the Climax Township Fire Department; establish jurisdiction and authority of the Township Board over the Township Fire Department; and repeal Ordinance No. 109 and any parts of other ordinances inconsistent herewith.

THE TOWNSHIP OF CLIMAX
KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION 1

SCOPE, PURPOSE AND INTENT

This ordinance is adopted pursuant to the authority granted the Township Board under PA 33 of 1951, as amended. The purpose of this ordinance is to establish/continue the Climax Township Fire Department; to establish jurisdiction and authority of the Township Board over the Department, including personnel selection; 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 of Fire Department volunteers and employees.

SECTION 2

FIRE DEPARTMENT ESTABLISHMENT, FUNDING, POWERS AND DUTIES

- A. The Climax Township Fire Department is hereby established/continued. 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 and other related emergency services to the citizens of Climax Township.
- B. 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, initiate the creation of a special

assessment district and levy assessments, sell bonds, establish user fees, or raise revenue in any other manner provided by law for the operation and maintenance of the Department. The Township Board shall provide for payment of any authorized debts incurred incidental to the continued operation of the Department, and shall purchase necessary equipment and/or construct public buildings for uses incidental to the maintenance and operation of the Department. The Township Board shall establish rules and regulations for the operations of the Department and the care of the equipment.

SECTION 3

CHIEF; DUTIES

- A. The Township Board shall appoint a Fire Department 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 laws, Township ordinances, and policies. The Chief shall serve at the pleasure of the Board.
- B. The Chief shall recommend, subject to Township Board approval, the appointment of an assistant chief, captain(s), lieutenant(s), and firefighters as may be deemed necessary.
- C. 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.
- D. The Chief shall review all personnel and operating problems with the Township Board and shall report monthly to the Township Board. A written report shall be filed by the Chief annually with the Township Board.
- E. 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 is empowered to resolve the issue or problem, subject to the subsequent approval of the Board.
- F. The Chief shall hold regular Department informational and training meetings.
- G. The Chief may incur expenditures against the Department budget as appropriated by the Township Board. The Chief shall 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. All capital outlay purchases shall conform to Township policy regarding written quotes and competitive bidding.

H. The Chief shall also be responsible for the following:

1. Supervise the extinguishment of the fires that endanger the health, safety and welfare of Climax Township.
2. Enforce Township 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 all equipment and buildings are properly maintained and in good working order.
5. Ensure that all Department personnel comply with the departmental and Board rules, regulations and policies.

SECTION 4

OFFICERS

- A. There shall be a chain of command established among the Department officers in descending order of rank, from the Chief to the Assistant 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.
- B. The Chief shall establish a job description for each rank, and submit such job descriptions for Township Board approval. Each command officer shall be responsible to ensure that all orders are carried out by subordinates.

SECTION 5

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 the 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 or other emergency services performed by the Department.

- B. All firefighters shall serve an initial probationary period for not less than six months. At the discretion of the Chief, at the end of the probationary period, the Chief may recommend that a probationary firefighter whom has met all of the qualifications in the firefighter job description be given 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 assigned. 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

- A. Violations of any Township 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 upon good cause shown, or when a violation occurs in his presence.
- B. The Chief shall provide a written notice of violation to an alleged violator, and promptly file a copy of same with the Township Clerk. The written notice 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 or the Township;
 - 4. the degree of wantonness, if any, of the act.
- C. Any disciplinary action may be appealed to the Township Board, which shall affirm, deny, or modify the disciplinary action taken by the Chief. The Township Board may, on its own initiative, bring charges against any Fire Department personnel. Disciplinary action initiated by the Township Board shall follow the above procedures, except that the responsibilities designated above to the Chief shall be performed by the Township Board.
- D. In addition to any matters constituting a basis for disciplinary action in such administrative rules that may be promulgated by the Chief, theft of Township

property or any property at the scene of an emergency shall be cause for dismissal.

- E. Firefighters shall not respond to emergencies, meetings or training sessions while under the influence of or in any manner impaired by alcohol or any controlled substances.

SECTION 7

COMPENSATION

Compensation to firefighters shall be in such amounts as may be determined from time to time by the Township Board. The Department shall keep accurate records that indicate the amount of compensable time served by all personnel. The time records shall be submitted quarterly to the Township Board for payment, and all such time slips shall be signed by the Chief on the time slip.

SECTION 8

PUBLIC CONTACT

- A. 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.
- B. The public shall always be treated courteously and professionally by all Department personnel.

SECTION 9

EMERGENCY RESPONSES

- A. When responding to emergencies, all personnel shall drive emergency vehicles with appropriate concern for the safety of the public and defensive driving.
- B. Use of emergency signal equipment shall be permitted only when the Department has been officially dispatched to an emergency.

SECTION 10

DEPARTMENT EQUIPMENT

- A. Protective gear 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 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 11

USE OF FIRE STATION

- A. Only Township-owned vehicles and equipment may be kept at the fire station. Department vehicles and equipment shall not be borrowed for private use.
- B. Private vehicles shall be parked in designated areas only.
- C. Alcohol and controlled substances shall not be brought into the fire station.
- D. Members of the public shall not be allowed in the fire station unless accompanied by a member of the Department; except as otherwise approved by the Township Board, including Board-approved functions and activities.
- E. All activities to take place in the Township fire station or hall, using any facility or equipment for public use, clubs, etc. (except those connected to duties of training the Fire Department) shall be preapproved by the Township Board.

SECTION 12

SOLICITING DONATIONS

- A. All fund-raising activities on behalf of the Fire Department or Township 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 and disbursed only by the Township Board.
- B. Any fund-raising activities on behalf of the Fire Department where revenues are 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 charitable organization by the Internal Revenue Service.

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 declared to be unenforceable.

SECTION 14

EFFECTIVE DATE; REPEAL

This Ordinance shall take effect immediately upon publication. Ordinance No. 109 adopted October 9, 1990, including any amendments of same, is hereby repealed and replaced by this Ordinance. All other ordinances or parts in conflict herewith are also hereby repealed.

Marcia Lewis, Clerk
Climax Township