

## CHAPTER 9 TOWNSHIP FIRE DEPARTMENT

**9.1 Scope, Purpose and Intent.** The purpose of this chapter is to establish the Township Fire Department; to establish jurisdiction and authority of the Township Board over Fire Department personnel selection; to establish authority to adopt rules and regulations for the conduct of personnel and maintenance of equipment; to appoint and employ a Fire Chief and to appoint and employ firefighters and officers; and to prescribe the powers and duties of Fire Department employees and volunteers.

**9.2 Funding, Power and Duties.** The Township Board shall prepare an annual budget for the operation and maintenance of the department, as a part of the annual Township budget. The Board shall adopt the budget for the Department as a part of its adoption of the annual Township budget, in the usual manner and as required by law. Any proposed major expenditures of and for the Department not included in the budget shall be accomplished only by amendment of the annual budget by the Board. The Board shall establish rules and regulations for the operation of the department and care of the equipment.

**9.3 Fire Chief.** The Township Board shall appoint the Chief administrative officer of the department who shall be the Fire Chief. 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 Township Board.

**9.4 Fire Chief Duties.** The Fire Chief shall have the following duties, among others:

- (1) The Chief shall recommend the appointment of a deputy chief, captain(s) and firefighters as may be deemed necessary.
- (2) The Chief shall develop written administrative rules to increase the efficiency and effectiveness of the department, including preplanning and post-incident critiques, regulations, assignment and scheduling of personnel and shall plan for the long-range needs of the department.
- (3) The Chief shall review all personnel and operating problems and shall report as directed by the Township Board. A written report shall be filed annually with the Township Board at the February meeting.
- (4) As needed, the Chief shall notify the Township Board 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 Township Board meeting to resolve the issue, the Township Supervisor shall be empowered to resolve the issue or problem, subject to the subsequent approval of the Township Board.
- (5) The Chief shall hold regular department information and training meetings.
- (6) 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 times as the need for such amendments becomes known. The department's expenditures shall not exceed the amounts appropriated.

- (7) The Chief shall also be responsible for the following:
- (a) Supervising the extinguishment of all fires that endanger the health, safety and welfare of Oakfield Township.
  - (b) Enforcing Township fire ordinances or fire prevention codes.
  - (c) Ensuring that all personnel are trained and qualified for the duties that they are expected to fulfill.
  - (d) Ensuring that fire inspection and community fire prevention programs are conducted.
  - (e) Ensuring that all equipment and buildings are properly maintained and in good working order.
  - (f) Ensuring that all department personnel comply with departmental and Board rules, regulations and policies.

#### **9.5 Officers.**

- (1) There shall be a chain of command established among the department officers in descending order of rank, from the Chief to the deputy chief, captain(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.
- (2) As stated in Section 9.4(1), the Fire Chief shall recommend to the Township Board the appointment of firefighters and the appointment or promotion of a deputy chief, captains and other Fire Department officers as may be authorized by the Township Board and this Chapter. The final decision on appointment of Fire Department officers, including the promotion of firefighters to officer positions, shall be made only by the Township Board. While the appointment or advancement of firefighters who are relatives by blood or marriage of other firefighters or officers is not prohibited, the Fire Chief shall make recommendations on solely an impartial basis and shall seek to avoid actual or apparent conflicts of interest in such actions.
- (3) The Fire Chief shall establish a job description for each rank. Each command officer shall be responsible that orders are carried out by subordinates.

**9.6 Firefighters.** Firefighters shall be employed in accordance with the following requirements:

- (1) 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 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.
- (2) All firefighters shall serve an initial probationary period for a period of not less than six months. At the discretion of the Chief, the probationary period may be extended for up to an additional six months. At the conclusion of the minimum probationary period, the Chief may recommend to the Township Board that a probationary firefighter who has met all of the qualifications contained in the firefighter job description be continued as an employed firefighter by the Township Board.
- (3) A probationary firefighter shall be entitled to all compensation and benefits afforded to non-probationary firefighters, but shall be restricted to performing 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 a probationary firefighter shall be only at the Chief's discretion.

#### **9.7 Disciplinary Procedure.**

- (1) Violations of any Township ordinances, Township Board rules, Fire Department administrative regulations, or conviction of a felony shall subject any Fire Department 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.
- (2) The Chief shall provide a copy of a written disciplinary statement to an alleged violator. The written statement shall state the rule that was allegedly violated, the nature of any disciplinary actions to be taken, and the consequences of any further occurrence. Disciplinary action may range from a reprimand to suspension, demotion or dismissal, or a combination of any of the above, in the discretion of the Chief, depending on:
  - (a) Seriousness of the violation.
  - (b) Consequences to the safety of others by the violation.
  - (c) Potential harm to the Department or the Township.
  - (d) Prior record of the individual.
  - (e) The nature of the act and any related matters.
- (3) 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 designed above to the Chief shall be performed by the Township Board.

- (4) In addition to such administrative rules that may be promulgated by the Chief, theft of Township property, or theft of any property at the scene of an emergency shall be cause for immediate dismissal.
- (5) Firefighters shall not respond to emergencies, meetings or training sessions while under the influence of alcohol or any controlled substance.

**9.8 Compensation.** Compensation to firefighters (firefighters in this section shall include all sworn members of the Fire Department) shall be in such amounts, and shall be paid on such schedule, as may be determined from time to time by the Township Board.

**9.9 Public Relations.**

- (1) 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.
- (2) Members of the public shall be allowed in the fire station only when accompanied by a member of the Fire Department.
- (3) The public shall always be treated courteously and professionally by all department personnel.

**9.10 Emergency Responses.** When responding to emergencies, all personnel shall drive emergency vehicles with appropriate concern for the safety of the public. 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.

**9.11 Department Equipment.** Required protective gear shall be worn when engaged in firefighting activities. Lost or damaged equipment shall be reported as soon as possible to an officer. Township property shall be disposed only with the prior approval of the Township Board. All department-issued equipment shall be returned to the Chief by personnel leaving the department.

**9.12 Use of Fire Station.**

- (1) Only Township-owned vehicles and equipment may be kept at the fire station. Department equipment shall not be borrowed for private use.
- (2) Private vehicles must be parked in designated areas only.
- (3) Alcohol and controlled substances shall not be brought into the fire station.

**9.13 Fundraising and Association.**

- (1) All fundraising 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.
- (2) Any fundraising activities on behalf of the Fire Department, yet not solicited in the name of the Township or the Fire Department, shall be conducted only by a tax-exempt organization that has been designated a 501(c)(3) charity, or other similar designation recognized by the Internal Revenue Service.
- (3) The personnel of the Fire Department are authorized to incorporate or otherwise establish an association or other organization of firefighters to promote the improvement of fire protection in the Township, for social activities on the part of firefighters and for other purposes in the interest of the Department and of fire protection. The financial records of any such organization shall be readily available to the Township Board, and shall be audited as the Board may direct. Any such organization or association shall not be considered an association for collective bargaining purposes.

**9.14 Fire and Emergency Service Charges.**

- (1) **Purpose.** This section is adopted to provide for reimbursement to the Township relative to certain fire and emergency services rendered by the Oakfield Township Fire Department. Such fees are intended to supplement funding for the fire department from general Township funds, special assessments, special millages and other lawful sources.
- (2) **Definitions.**
  - (a) “Fire Department Response” means traveling to the scene of a fire or hazardous materials incident, a traffic or vehicular accident, a hazardous condition, or any investigation in connection with a fire, hazardous materials incident, accident or hazardous condition.
  - (b) “Hazardous Condition” means any condition creating a concern for the physical welfare of persons in the immediate area of the situation (including downed utility lines or gas leaks not in an occupied structure), requiring a fire department response.
  - (c) “Investigation” means gathering of evidence or data in connection with arson investigations, or special investigations required to determine the responsibility of persons for fires, spills, accidents or hazardous conditions. Investigations do not include the normal investigation made to determine cause and origin of a fire as required by the State of Michigan.
  - (d) “Release” means any leaking, spilling, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment.

- (e) "Person" means a natural person, corporation, partnership or other entity with legal capacity.
- (3) **Charges for Services.** Pursuant to the authority granted by Public Act 33 of the Public Acts of 1951, as amended, and as further amended by Public Acts of 1990, the Township shall impose charges to persons or properties served by Oakfield Township Fire Department for certain specific services for conditions described as follows:
- (a) Any fire department response to a fire started by a property owner or person, such as but not limited to, a controlled brush fire or other open burning, which becomes uncontrolled, any fires purposely or knowingly started in any building, dwelling, appurtenant structure, or any other structure, or any motor vehicle when the fire has been started for the specific purpose of and with the intent of causing damage to or destruction of any such building, dwelling, appurtenant structure, or vehicle.
  - (b) Any fire department response to an incident caused by a criminal act, such as but not limited to an intentional false alarm, arson or other unlawful act
  - (c) Any fire department response requiring containment, abatement or any safety measure in connection with any hazardous or toxic material release. Charges in such case shall be made to the person responsible for the release, whether or not the release occurs on the property of the responsible party. The responsibility for the release includes releases caused by the person as well as any release from any vehicle, building, or other instrumentality, owned, occupied or utilized by the person, regardless of fault.
  - (d) Any fire department response to a traffic or vehicular accident, including but not limited to the control of fires or spills, assistance to injured persons or ambulance crews, or extraction of persons from vehicles.
  - (e) Any fire department response as a result of hazardous conditions.
  - (f) Any Township response to a false alarm due to a system malfunction or maintenance issue at a property that is not a single family or duplex residence, in excess of three such alarms in any consecutive 12-month period.
  - (g) The provision of fire department equipment or personnel for the purpose of providing stand-by fire, rescue, or emergency medical services necessary to support a non-emergency event/situation hosted by a for-profit organization. When such services are requested by a non-profit organization, the Township Board will act upon a recommendation by the Fire Chief, as to whether to impose a charge for services.
  - (h) Failure to comply with requests made by the fire department to abate hazards as specified in the fire safety codes as adopted by the Township. If compliance is not made within three inspection visits over a 30-day period.

the fire safety specialist will notify the Fire Chief, who will charge the person responsible for the property the appropriate fee as provided by Township Board resolution.

- (4) **Exemptions.** The following properties and services shall be exempt from the foregoing charges:
  - (a) Fires caused by railroad trains, which are the specific statutory responsibility of railroad companies.
  - (b) Fire services performed outside the jurisdiction of the Township under a mutual aid agreement with an adjoining or other municipality.
- (5) **Responsibility for Charges.** Persons responsible for charges include:
  - (a) Persons who caused the condition.
  - (b) Property owners or occupants of property upon which the conditions exist.
  - (c) Owners or lessees of instrumentalities involved in the condition, such as vehicle owners, utility or gas companies.
  - (d) Owners of vehicles from which occupants are extricated, owners or renters of premises from which a person or persons are rescued, and owners of vehicles receiving fire extinguishment or spill abatement, all of whom shall be deemed as benefiting from the services provided.
  - (e) Insurers or guarantors for persons responsible or benefited.
- (6) **Multiple Property Protection.** When a particular service rendered by the Township directly benefits more than one person or property, each person responsible as set forth above shall be jointly and severally liable for the payment of the full charge for such service. The interpretation and application of this section is delegated to the Township Fire Chief subject only to appeal, within the time limits for payment, to the Township Board.
- (7) **Payment for Services.** The Township shall bill persons determined to be responsible for the incident charged, or owners of property, for amounts set forth in the resolution determining charges. All bills rendered for charges shall be paid within 30 days of the mailing of the billing.
- (8) **Collection of Charges.** The Township may proceed in district court or circuit court by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.
- (9) **Charges to be Determined by Resolution.** Charges for fire department services enumerated above shall be determined by resolution of the Township Board.

- (10) **Disbursement of Funds.** All funds collected as a result of this Ordinance shall be used for the normal operations and maintenance of the fire department and its equipment.
- (11) **Other Remedies.** The recovery of charges and expenses imposed under this ordinance shall not relieve or limit the liability of any person under any other local ordinance, or state or federal law, rule or regulation. The remedies provided herein shall be in addition to those remedies provided by the Hazardous Material Expense Recovery Ordinance, and nothing in this ordinance shall prohibit the Township from also proceeding under the Hazardous Material Expense Recovery Ordinance.