

**TOWN OF NEW GLOUCESTER  
FIRE AND RESCUE ORDINANCE**

The purpose of this Ordinance is to establish the "New Gloucester Fire and Rescue Department" and to establish the "New Gloucester Fire and Rescue Auxiliary Association". This Ordinance shall supersede the existing bylaws of these and other related organizations.

**New Gloucester Fire and Rescue Department Bylaws**

**ARTICLE 100 - NAME**

101. Name: The organization shall be known as the "New Gloucester Fire and Rescue Department" ("Department").

**ARTICLE 200 - PURPOSE**

201. New Gloucester Protection: The primary purpose of the Department shall be to prevent and extinguish fires within the Town of New Gloucester, to handle any other emergencies affecting the health, safety and welfare of the residents of the Town of New Gloucester, and to provide rescue services for residents of the Town of New Gloucester.

202. Cooperation with Other Communities: The Department shall 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, acting on a recommendation of the Fire Chief and the Town Manager.

**ARTICLE 300 - ORGANIZATION**

301. The Department shall be a "municipal fire department" as defined in 30-A M.R.S.A. §3151(1), as amended. It shall be a department within the Town of New Gloucester.

**ARTICLE 400 - MEMBERSHIP**

401. Members: The membership shall include individual residents and non-residents of the Town of New Gloucester, who are at least 18 years old, and who have applied and have been accepted as members of the Department as described in section 405.

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.

403. Firefighting Companies: All regular and provisional Firefighters who are not officers will be assigned to companies by the Fire Chief to serve under the Captain of each company. There are currently three companies: Company 1, Company 2 and Company 3. The

Selectmen may change the number of companies at any time based on a recommendation from the Fire Chief and Town Manager.

404. 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.

405. Application for Membership: All applications for membership in the Department must be approved by the Chief and by a majority of the appointed officers described in section 804(a) of whichever Section the applicant wishes to join. Members must meet all membership standards described in any New Gloucester 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 provisional for a six month period, followed by a review of their performance by the Fire Chief and officers in their Section before full membership status is achieved. Full membership shall be considered for approval only after the provisional period.

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

407. Honorary Members: Honorary membership may be conferred upon those persons that the organization wishes to recognize for services rendered or other such conditions that shall warrant such an honor. Honorary members must be approved by a majority vote of the membership of the relevant section, after receiving a recommendation from the Fire Chief and a majority of the appointed officers described in section 804(a) in the relevant Section. Honorary members may not vote on any issues.

408. Lifetime Members: Lifetime membership may be conferred on a member with 25 years of active service to the Department, after being nominated at a meeting of the Department, and a subsequent review of Department records by a 3-member panel appointed by the Fire Chief to determine if the member is qualified for the title. Active duty in the armed services will be considered as active service to the Department, if the member was called away to active duty while an active member of the Department. Lifetime members must be approved by a majority vote of the membership of the relevant Section, after receiving a recommendation from the Fire Chief and a majority of the appointed officers described in section 804(a) in the relevant Section. Lifetime members may vote on all issues unrelated to the operations of the Department.

409. Compensation: Members may be compensated provided funding is provided through the Town budget process.

## ARTICLE 500 - RULES AND REGULATIONS/STANDARD OPERATING GUIDELINES

501. Rules, Regulations and SOGs: The New Gloucester Fire/Rescue Rules and Regulations/Standard Operating Guidelines ("SOG Document") are hereby made a part of this Ordinance. 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 Selectmen, upon a recommendation of the Fire Chief, Town Manager, or a majority of the appointed officers described in section 804(a) from either section. All amendments must be consistent with this Ordinance, Maine state law, and other applicable laws, ordinances and regulations.

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 30 days, and may not be readopted within a year of their original adoption by the Fire Chief.

## ARTICLE 600 - DISCIPLINE, SUSPENSION AND DISMISSAL

601. Causes for Discipline or Suspension: Causes for discipline, suspension and/or dismissal include, but are not limited, those matters described in section 16 of the New Gloucester Personnel Policy, and the following:

1. Misrepresenting, falsifying or withholding information on the application for membership to the Department or on any Department records.
2. Failure to follow orders of the Fire Chief or superior officers.
3. Failure to respond when on call for Rescue.
4. Discriminatory words or conduct relating to any protected class of people, including sex, race, religion, national origin, age and disability.
5. 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 Section 15 of the New Gloucester 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 Section 16 of the New Gloucester 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 - MEETINGS

701. Annual Meeting: An annual meeting shall be held on the third Monday in February at 7:00 p.m. at a place designated by the Fire Chief, unless this date or time is changed by a majority vote of the Department members present at an annual meeting. An election of members to serve the positions described in section 804(c) shall take place in addition to any other business that may come before the annual meeting.

702. Business Meetings: Regular business meetings shall be held during the year. The number of regular meetings, and the dates, time and place of all regular meetings will be determined annually at the Annual Meeting by majority vote of members present at the annual meeting, which vote may allow the Fire Chief to make this determination.

703. Special Meetings: A special meeting may be called at any time by the Chief or by a majority of the appointed officers described in section 804(a) in either Section.

704. Notice of Meetings: No notice of the annual meeting or regular meeting needs to be given to any member. The Secretary shall notify all members by mail, radio or telephone of at least 7 days prior to any special meeting with the time and location of the meeting.

705. Conduct of Meetings: The Fire Chief shall preside over all meetings.

706. Voting: All members shall have one vote. A person who is a member of both the Fire Section and Rescue Section shall only have one vote on Department issues.

707. Quorum for Meetings: At least 25% of the members must be present for any membership vote to be binding at an annual meeting or any other meeting.

## ARTICLE 800 - APPOINTMENT AND ELECTION OF OFFICERS

801. Appointment of Fire Chief: The Fire Chief shall be hired by the Town Manager, with the approval of the Selectmen. 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.

802. Number of Officers: The Selectmen shall determine the number of officers in the Department, acting on a recommendation of the Fire Chief and the Town Manager.

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

804. Appointment of Officers and Officials.

a. The following officers will be appointed annually by the Fire Chief and Town Manager, or as needed to fill vacancies. A Fire Captain or a Fire Lieutenant may also be a Fire Training officer:

1. Deputy Fire Chief(s)
2. Fire Captains
3. Fire Lieutenants
4. Fire Training Officer
5. Assistant Fire Training Officer
6. Rescue Deputy Chief
7. Rescue Captain(s)
8. Rescue Lieutenants

b. The following positions will be appointed annually by the Fire Chief and Town Manager.

1. Chaplain
2. Assistant Chaplain
3. Fire Prevention Officer

c. The following positions will be filled annually by a majority vote of the members present at the annual meeting. An appointed officer described in section 804(a) may also hold any of these positions:

1. Department Secretary
2. Delegate to Maine State Federation of Firefighters
3. Alternate Delegate to Maine State Federation of Firefighters

ARTICLE 900 - POWERS AND DUTIES OF FIRE CHIEF, OFFICERS AND OFFICIALS

901. Chain of Command: The chain of command in each Section shall be the Fire Chief, Deputy Chief, Captains and Lieutenants. All other officers and officials shall follow all orders of and report to the Fire Chief. The Fire Chief shall determine who has the higher rank between officers with the same rank.

902. Fire Chief: The Fire Chief shall exercise the duties and powers described in 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 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 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 in the Department as described in Article 800.

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.

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.

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

904. Secretary: It shall be the duty of the Secretary to keep a complete record of all business meetings and the annual meeting, and to give notices of any special meetings. The Secretary shall be responsible for all correspondence of any committees formed within the Department.

## ARTICLE 1000 - DEPARTMENT ASSETS AND FUNDS

### 1001. Department Funds:

a. Town Meeting Funds: All funds raised for the Department at town meeting shall be treated as municipal funds under 30-A M.R.S.A. §5651 et seq, as amended. As such, no expenditures of Department funds may be made unless approved by the Selectmen.

b. Other Funds: All funds donated to the Department or raised for the Department by the Auxiliary Association shall also be treated as municipal funds under 30-A M.R.S.A. §5651 et seq, as amended. However, no expenditures of these Department funds may be made unless approved by: 1. a majority vote of Department members present at any meeting to consider spending these funds (only members of either Section may vote on the expenditure of any funds given exclusively to either Section); 2. a majority vote of the Auxiliary members present at any meeting to consider spending these funds, only if the funds are raised by the Auxiliary, and 3. the Selectmen in accordance with its Policy on Purchases Regarding Donated Funds, as it may be amended from time to time.

1002. Other Assets and Equipment: Other assets and equipment of the Department shall be considered property of the Town of New Gloucester.

1003. Acceptance of Gifts: If any funds or other assets and equipment are given to the Town or Department as conditional gifts, then the Selectmen and town meeting shall comply with all conditions 30-A M.R.S.A. §5654, as amended. All unconditional gifts shall be considered at town meeting in accordance with 30-A M.R.S.A. §5655, as amended.

## ARTICLE 1100 - AMENDMENTS

1101. Amendments: These Bylaws may only be amended at a New Gloucester Town Meeting

**New Gloucester Fire and Rescue**  
**Auxiliary Association Bylaws**

**ARTICLE 100 - NAME, PURPOSE AND AUTHORITY:**

101. **Name:** The name of this organization is the New Gloucester Fire and Rescue Auxiliary Association (Auxiliary).

102. **Purpose:** The purpose of the Auxiliary is primarily to stand by, aid and help the New Gloucester Fire and Rescue Department (Department) personnel when needed, and act as a support unit in any emergency. It may also organize fundraising and social events for itself and the Department.

103. **Authority:** The Auxiliary shall have no authority over the operations of the Department or the expenditure of Department funds unless the funds are raised by the Auxiliary. All members of the Auxiliary shall follow all orders of the Fire Chief or ranking officers at any fire or rescue scene.

**ARTICLE 200 - MEETINGS**

201. **Meetings:** The regular meetings will be held on dates, times and places determined by a majority vote of the members at each annual meeting. The annual meeting will be held at the fire station on a date in May at 7:00 p.m. set by the President, unless another date, time or place is set by a majority vote of members present at any annual meeting. The President may also call special meetings at any time. The President will preside over all meetings.

202. **Agenda:** The order of business at all meetings will be as follows: Roll call, secretary's report, treasurer's report, old business, new business, and meeting adjourned.

203. **Notice of Meetings:** No notice need be given for any regular meeting. The Secretary shall notify all members by mail, radio or telephone of at least 7 days prior to any special meeting with the time, date and location of the special meeting.

204. **Quorum for Meetings:** At least 25% of the members must be present for any membership vote to be binding at an annual meeting or any other meeting.

**ARTICLE 300 - MEMBERSHIP**

301. **Qualifications:** Those eligible for membership will be anyone with a positive interest and concern who has taken the oath described in section 302. The Secretary shall maintain a list of all current members. Any member may resign by giving a written resignation to the Secretary at any time.

302. Oath: The President will administer the Oath and welcome new members and newly elected officers, by administering the following oath: "Do you promise to stand by, aid and assist the Fire and Rescue Department personnel at all times to the best of your ability?" The prospective member will reply: "I will".

#### ARTICLE 400 - OFFICERS

401. Rank and Election of Officers: Officers will be President, Secretary and Treasurer, with rank in that order. In case of absence of the President, the next officer in rank who is present performs those duties prescribed for the President. All officers will be elected for one year at the annual meeting. Officers will be nominated from the floor and be elected by majority vote of members present at the meeting. Voting will be done by secret ballot.

402. President: It will be the duty of the President to preside at all meetings and to implement all decisions of the membership.

403. Secretary: The Secretary will be expected to attend all meetings, keep records of proceedings, present a report of the minutes monthly and perform such duties as are usually required of a secretary.

404 Treasurer: The Treasurer will keep full and accurate accounts of receipts and disbursements of funds and will make a report of the financial condition of the Auxiliary at all meetings, with copies sent to the Fire Chief and Town Manager. The Treasurer will pay such bills as are approved by the President in accordance with membership decisions.

405. Badges: The officer badges are the property of the organization and will be passed on to the new officers.

#### ARTICLE 500 - AUXILIARY FUNDS

501. Auxiliary Funds: The Auxiliary shall have the power to raise funds for its own operating expenses and purposes.

502. Expenditures: The Auxiliary may only make expenditures for its own operating expenses and for expenses directly related to fundraising and social activities.

503. Donations: All donations to the Auxiliary shall be considered donations to the Department and shall be handled in accordance with Article 1000 of the Department Bylaws.

504. Department Funds: All funds raised by the Auxiliary to benefit the Department may only be expended in accordance with a vote of the Auxiliary, a vote of Department members and a vote of the Selectmen as set forth in section 1001(b) of the Department Bylaws.

505. Sunshine Fund: The Sunshine Fund is to build up funds to purchase flowers for sick or hospitalized members of the Department or Auxiliary or a death in the family of a member of the Department or Auxiliary. The Sunshine dues will be \$.50 per member per meeting. If the fund balance is less than \$200, dues will be collected. If the fund balance exceeds \$300, no dues will be collected.

#### ARTICLE 6 - INSURANCE COVERAGE

601. Town Insurance Policy: All activities of all members pursuant to these bylaws shall be covered by the Town's insurance policies.

#### ARTICLE 7 - AMENDMENTS

701. Amendments: These Bylaws may only be amended at a New Gloucester Town Meeting

#### Other Organizations Abolished

The Firefighters Association, the Fire Department, the Rescue Department, the Fire Department Rescue Association, and the Auxiliary Association, as those organizations have formerly been organized, are hereby abolished.

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