

NOTICE

TO THE RESIDENTS OF COLDSPRINGS AND EXCELSIOR TOWNSHIPS

The Township Boards of Coldsprings Township and Excelsior Township in Kalkaska County, Michigan, have adopted the following ordinance to establish fire board authority.

This ordinance shall be Ordinance No. 4 in Coldsprings Township, and Ordinance No. 11 in Excelsior Township.

Ordinance to Establish Fire Board Authority

AN ORDINANCE TO PROVIDE THAT THE COLDSPRINGS TOWNSHIP BOARD AND THE EXCELSIOR TOWNSHIP BOARD MAY ESTABLISH THE COLDSPRINGS-EXCELSIOR TOWNSHIPS FIRE & RESCUE DEPARTMENT; ESTABLISH JURISDICTION AND AUTHORITY OF THE JOINT TOWNSHIP FIRE BOARD TOWARD THE TOWNSHIP'S FIRE DEPARTMENT; AND REPEAL ANY PARTS OR PORTIONS OF ORDINANCES INCONSISTENT HEREWITH.

Section 1: SCOPE, PURPOSE AND INTENT

This ordinance is adopted pursuant to the authority granted township boards and joint administrative fire boards under PA 81 of 1989. The purpose of this ordinance is to provide that the Coldsprings-Excelsior Joint Fire Board shall hereby establish the Coldsprings-Excelsior Township Fire & Rescue Department; to establish jurisdiction and authority of the Fire Board over 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

There is hereby established the Coldsprings-Excelsior Township Fire & Rescue Department (hereafter referred to as "Department"). The Coldsprings-Excelsior Township Joint Fire Board (hereafter referred to as "Fire 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 and rescue protection to the citizens of Coldsprings and Excelsior Townships.

The township boards 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, extra voted fire millage, or raise revenues in any other manner provided for under law for operation and maintenance of the Department; they shall provide for payment of any debts incurred incidental to its continued operation; they shall purchase necessary equipment; and/or construct public buildings for uses incidental to maintenance and operation of a fire department. The Fire Board shall establish rules and regulations for the operations of the department and the care of the equipment.

Section 3: CHIEF: DUTIES

The Fire Board shall appoint a chief who shall be the chief administrative officer of the Department. The chief shall be accountable to the Fire 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 Fire Board.

The chief, shall recommend, subject to Fire Board approval, the appointment of an assistant chief, captains(s), engineers (drivers) and firefighters as may be deemed necessary.

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.

The chief shall review all personnel and operating problems and shall report monthly to the Fire Board. A written report shall be filed annually with the township boards.

As needed, the chief shall notify the Fire Board of major problems or issues that require Fire 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 Fire Board meeting to resolve the issue, the Fire Board chairman shall be empowered to resolve the issue or problem, subject to subsequent approval of the board.

The chief shall hold regular Department informational and training meetings.

The chief may incur expenditures against the Department budget as appropriated by the township boards. The chief will 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. Capital outlay purchases exceeding \$5,000 shall be from a minimum of three written quotes, or competitive bidding where practical.

The chief shall also be responsible for the following:

1. Supervise the extinguishment of all fires that endanger the health, safety, and welfare of Coldsprings and Excelsior Townships.
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 fire inspection and community fire prevention programs are conducted.
5. Ensure that all equipment and buildings are properly maintained and in good working order.
6. Ensure that all Department personnel comply with departmental and board rules, regulations, and policies.

Section 4: OFFICERS

There shall be a chain of command established among the department officers in descending order of rank, from the chief to the assistant chief, captains(s), lieutenants(s), engineers, 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.

The chief shall establish a job description for each rank. Each command officer shall be responsible that orders are carried out by subordinates.

Section 5: FIREFIGHTERS AND EMERGENCY MEDICAL TECHNICIANS

Applicants for vacant firefighter and emergency medical technician positions shall be of good character, possess a good driving record, and shall be screened by a physician of the Fire Board's choice and at department 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 and emergency rescue work.

All firefighters and emergency medical personnel shall serve an initial probationary period of not less than six months. At the discretion of the chief, the probationary period may be extended. At the conclusion of the minimum probationary period, the chief may recommend that a probationary firefighter or emergency medical person who has met all of the qualifications contained in the firefighter or emergency medical technician job description be given permanent firefighter or emergency medical technician status by the Fire Board.

A probationary firefighter or emergency medical technician 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. Probationary personnel shall not be issued department insignia or badges. Use of emergency signal devices on the private vehicle of probationary personnel shall be at the chief's discretion.

Section 6: DISCIPLINARY PROCEDURE

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.

The chief shall provide a copy of the written reprimand to an alleged violator. The written reprimand 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 townships
4. prior record of the individual
5. the degree of wantonness, if any, of the act

Any disciplinary action may be appealed to the Fire Board, who shall affirm, deny, or modify the disciplinary action taken by the chief. The Fire Board may, on its own initiative, bring charges against any Department personnel. Disciplinary action initiated by the Fire Board shall follow the above procedures, except that the responsibilities designated above to the chief shall be performed by the Fire Board.

In addition to such administrative rules that may be promulgated by the chief, theft of township property or other property at the scene of an emergency shall be cause for dismissal.

Firefighters and emergency medical personnel shall not respond to emergencies, meetings or training sessions while under the influence of alcohol or any controlled substances.

Section 7: COMPENSATION

Compensation to firefighters and emergency medical personnel shall be in such amounts as may be determined from time to time by the Fire 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 Fire Board for payment.

Section 8: PUBLIC CONTACT

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.

Members of the public will be allowed in the fire station only when accompanied by a member of the department.

The public will always be treated courteously and professionally by all department personnel.

Section 9: EMERGENCY RESPONSES

When responding to emergencies, all 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.

Use of emergency signal equipment shall be permitted only when the department has been officially dispatched to an emergency.

Section 10: DEPARTMENT EQUIPMENT

Protective gear shall be worn when engaged in firefighting in any enclosed structure, or outdoors when warranted.

Lost or damaged equipment shall be reported as soon as possible to an officer. Department property shall be disposed only with the prior approval of the Fire Board. All Department-issued equipment shall be returned to the chief by personnel leaving the department.

Section 11: USE OF FIRE STATION

Only township owned vehicles and equipment may be kept at the fire station. 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 the fire station.

Section 12: SOLICITING DONATIONS

All fund raising activities shall have the prior approval of the Fire Board.

Any fund raising activities on behalf of the Department, yet not solicited in the name of the townships or the Department, shall be conducted by a tax-exempt organization that has been designated as a 501-c-3 charity by the Internal Revenue Service.

The personnel of the Department are authorized to incorporate a tax-exempt charitable organization that shall be known as "The Coldsprings-Excelsior Townships Fire-Fighters Association". The purpose of the association shall be to provide for the social development of personnel and the betterment of fire protection in the townships. The association shall be incorporated under the laws of the State of Michigan, with by-laws approved by the Fire Board. The association may elect its own officers.

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 which might be so declared to be unenforceable.

Section 14: EFFECTIVE DATE

This ordinance shall take effect on August 1, 1990. All ordinances in conflict herewith are hereby repealed.