

TANISCOT FIRE & EMERGENCY SERVICES ORDINANCE OF THE TOWN OF  
NEWCASTLE

100 - TITLE, AUTHORITY, AND PURPOSE

101 Title

This ordinance shall be known as the Taniscot Fire & Emergency Services Ordinance of the Town of Newcastle.

102 Authority

This ordinance is adopted pursuant to the Maine Constitution, Article VII(1); Title 30-A M.R.S.A., Section 3001, as amended; and Title 30-A M.R.S.A., Section 3152, as amended.

103 Purpose

The purpose of this Ordinance shall be to establish the scope of the Fire Department as defined in Title 30-A Section 3151(1); to establish appointment procedures and to define the powers and duties of the Chief; to define the guidelines and procedures under which the Department shall operate; and to provide the maximum possible legal protection for the Firefighters. The Newcastle Fire Company Inc., shall, under the supervision of the Fire Chief, facilitate and manage trainings and non-municipal grants, and shall be governed by their bylaws and articles of incorporation.

200 - ESTABLISHMENT, RESPONSIBILITIES, AND NON-DISCRIMINATION

201 Establishment

There is established by this ordinance a Fire Department as described in Title 30-A Section 3151(1); which shall be known herein as the “Taniscot” and/or “Fire Department”.

202 Responsibilities

The Taniscot shall provide fire protection to the inhabitants of the Town of Newcastle, and elsewhere as provided by mutual aid agreements, by maintaining a Fire Department for fire prevention and extinguishment and for handling other types of emergency situations in accordance with the terms of this ordinance. Unless otherwise specifically authorized by this ordinance, the Taniscot shall be governed by the appropriate sections of Title 30-A M.R.S.A. Chapter 153, as amended, in carrying out these responsibilities.

203 Non-Discrimination

The Taniscot shall be non-sectarian, non-partisan, and shall not discriminate against any race, creed, color, gender, or sexual orientation.

### 300- PRIVILEGES AND IMMUNITIES

#### 301 Privileges and Immunities

Members of the Taniscot shall enjoy the privileges and immunities provided by 14 M.R.S.A., Section 8101-8118, as amended, Maine Tort Claims Act. The Firefighters shall be covered by such of the Town of Newcastle's insurance coverage as applies to members of a fire department.

### 400 - PERSONNEL

#### 401 Membership

The Fire Chief shall oversee recruitment of Taniscot members.

#### 402 FIRE CHIEF

##### 403 Appointment

The Newcastle Fire Company Inc. shall propose a municipal Fire Chief candidate.

The Fire Chief shall be appointed by the Town Manager and confirmed by the Newcastle Select Board.

##### 404 Supervision

As the administrative department head of the Fire Department, the Fire Chief shall be supervised by the Town Manager.

##### 405 Compensation

The compensation of the Fire Chief shall be established and confirmed by the Select Board and shall be included in the annual municipal budget.

##### 406 Powers and Duties

The Fire Chief shall be the head of the Fire Department and shall:

- a. Prepare and submit to the Town Manager monthly reports stating calls received, runs made, training sessions held, and other pertinent activities of the Fire Department;
- b. Prepare and submit to the Town Manager a summary of the year's activities for inclusion in the annual town report;
- c. Prepare and submit to the Town Manager an annual budget request covering proposed Fire Department activities and a recommended annual update of the Fire Department's portion of the Town's long-term capital program;

- d. Maintain an up-to-date inventory of all equipment and be responsible for the maintenance and care of all equipment in the inventory;
- e. Prepare a list of permissible duties for members and shall submit such list to the Town Manager within 30 days of the enactment of this ordinance. Thereafter, the Fire Chief shall notify the Town Manager of any changes in the duty list within 14 days of the adoption of such changes;
- f. Maintain a complete record of all fires, fire investigations, inspections, personnel attending fires and training sessions, apparatus and equipment maintenance, costs and other information pertaining to the existence and operation of the Fire Department;
- g. Maintain a current roster of all members, including name, current address, telephone number, social security number, and driver's license number and notify the Town Manager of any changes in the roster;
- h. Maintain a relationship with the Newcastle Fire Company Inc. and report to the Town Manager activities of the Company;
- i. Superintend the activities and mission of the Fire Department;
- j. Establish departmental standard operating guidelines and procedures and implement department rules and regulations;
- k. Recommend ordinances or amendments with a view towards improving the protection of life and property;
- l. The Fire Chief shall abide by a written job description approved by the Select Board. Such job description shall be amended from time to time as to keep the department's activities proficient. Such amendment shall be approved by the Select Board without legislative action and shall not be considered a violation of this ordinance.
- m. The Fire Chief, with the approval of the Town Manager, may negotiate and authorize mutual aid agreements with the municipal officers or appropriate fire department officials in contiguous or neighboring towns.
- n. The Fire Chief shall control all emergency scenes and shall only be subject to oversight after an emergency has ceased.
- o. The Fire Chief shall supervise trainings.

Except as otherwise provided by this ordinance, the Fire Chief shall have the powers and duties as provided in Title 30-A M.R.S.A., Section 3153, as amended.

The Fire Chief may delegate, in writing, any of the above duties to other members of the Fire Department, but the Fire Chief remains fully responsible for complying with this section.

#### 407 Supervisory Responsibilities

The Fire Chief shall supervise all members of the Taniscot.

#### 408 Appointing Authority

The Fire Chief shall have the authority to appoint a member of the Fire Department to all non elected roles as deemed necessary. The Fire Chief shall report their appointments to the Town Manager in writing within fourteen (14) days of the appointment.

#### 409 Removal

After notice and hearing, the Town Manager with approval from the Select Board may remove the Fire Chief from office for cause.

#### 410 Annual Review

The Town Manager shall evaluate the performance of the Fire Chief on an annual basis.

#### 411 Vacancy

If, for any reason, the office of Fire Chief becomes vacant, the Town Manager shall appoint a replacement in accordance with the provisions of Section 403.

#### 412 *DEPUTY FIRE CHIEF*

##### 413 Appointment

The Deputy Fire Chief shall be appointed by the Fire Chief and shall be sworn by the Town Clerk or other person authorized to administer oaths. The term of office shall be for one year with the appointment terminating on June 30<sup>th</sup>.

##### 414 Vacancy

If, for any reason, the office of Deputy Fire Chief becomes vacant prior to the expiration the officer's term, the Fire Chief shall appoint a replacement for the unexpired portion of the original appointment.

##### 415 Powers and Duties

The Deputy Fire Chief shall assist the Fire Chief and shall perform the duties and assume the responsibilities of the Fire Chief in the absence of the Fire Chief.

##### 416 Compensation

The Deputy Fire Chief shall receive compensation as established in the municipal budget.

#### 417 OTHER OFFICERS

##### 418 Appointment

Other officers may be necessary in the operations of the department as decided by the Fire Chief. Such offices may include captain, lieutenant, safety officer, or other offices as needed. Other officers shall be appointed by the Fire Chief. The term of office shall be for one year with the appointment terminating on June 30<sup>th</sup>.

##### 419 Vacancy

If, for any reason, the other officer positions become vacant prior to the expiration of the year term, the Fire Chief may appoint a replacement in accordance with the provisions of Section 408 except that the term shall be for the unexpired portion of the original appointment.

##### 420 Powers and Duties

Other officers shall assist the Fire Chief and the Deputy Fire Chief and shall perform the duties and assume the responsibilities of the Fire Chief in the absence of the Fire Chief and the Deputy Fire Chief in accordance with the chain of command established by the Fire Chief.

##### 421 Compensation

Other officers shall receive compensation as established in the municipal budget.

#### 500 - ADMINISTRATIVE PROCEDURES

##### 501 Administrative Rules and Regulations

The Fire Chief shall prepare Administrative Rules and Regulations, and amendments thereto as needed, governing the operation of the Fire Department. All Rules and Regulations shall be consistent with this ordinance and with Title 30-A M.R.S.A., Chapter 153, as amended. Copies of all such Administrative Rules and Regulations and any amendments thereto shall be filed with the Town Manager and shall not become effective until approved by the municipal officers.

##### 502 Purchasing Authority

The Fire Chief shall be responsible for obtaining the goods and services necessary for the proper operation of the Fire Department within the limits of appropriations made for that purpose and within the time allocations stated in the approved budget. The Fire Chief shall purchase goods and services in a manner agreeable to the Town Manager and the Town of Newcastle's Purchasing and Bids Ordinance.

### 503 Approval

The Fire Chief shall approve all invoices for purchases made for the Fire Department before submitting them to the Town Manager for approval by the Select Board on a twice monthly warrant.

## 600 - MUTUAL AID AGREEMENTS

### 601 Mutual Aid

The Select Board is authorized to enter into mutual aid agreements with other municipalities pursuant to Title 30-A M.R.S.A., Section 3156, as amended, for fire extinguishing purposes and pursuant to Title 30-A M.R.S.A. Sec. 3001, as amended, for other emergency purposes. The Select Board shall make its decision as to whether or not to enter into any such agreement after receiving a recommendation from the Fire Chief submitted through the Town Manager. All such existing agreements are approved and ratified.

## 700 - ACCEPTANCE OF GIFTS

### 701 Acceptance of Gifts

Pursuant to Title 30-A M.R.S.A., Sections 5654 and 5655, as amended, gifts, whether conditional or unconditional, shall not be accepted by the Fire Department. If any person or organization desires to make a gift to the town for the benefit of the Fire Department, the Fire Chief shall so notify the Town Manager. The Town Manager will then inform the Select Board that a gift has been offered, whether the gift is conditional, and whether the gift would require perpetual maintenance. The Select Board may then develop the information its members need to assess the gift and, if they feel that the town would benefit from the gift, vote to accept the gift.

### 702 Acceptance of Grants

The Fire Chief shall immediately notify the Town in writing to the Town Manager when the Fire Company or Fire Department accepts a grant. With the writing, the Fire Chief shall also transmit a copy of the grant award letter or other document setting out the terms of the grant as awarded. The Town Manager shall then present the Select Board with those documents.

### 703 Absorption of Assets

If the Newcastle Fire Company Inc. determines to disband or discontinues operation for any reason, all assets of the Newcastle Fire Company Inc. shall automatically be transferred to the Town of Newcastle.

800 - SEVERABILITY, EFFECTIVE DATE, AND SUPERSEDURE

801 Severability

Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the ordinance.

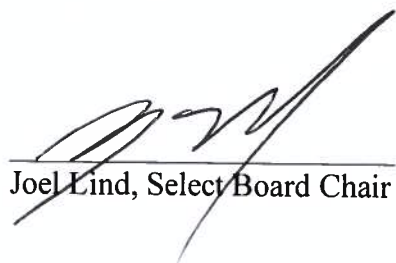
802 Effective Date

This ordinance shall become effective on the 1st day following its adoption by the Inhabitants of Newcastle.

803 Supersedure of Conflicting Ordinances

This ordinance shall supersede any prior ordinance of the same nature.

This Ordinance is hereby approved and signed by the Municipal Officers on June 21, 2022:


  
Joel Lind, Select Board Chair

  
Tor Glendinning, Select Board

  
Robert Nelson, Select Board

  
Karen Paz, Select Board

  
David Levesque, Select Board

A true and attested copy by:   
Jodee Kelley, Town Clerk