



## FIRE DEPARTMENT ORDINANCE OF GARLAND, MAINE

### Section 1. Title

This ordinance shall be known as the Fire Department Ordinance of GARLAND, MAINE.

### Section 2. Purpose.

The purpose of this ordinance is to establish a Municipal Volunteer Fire Department, and to define the powers and duties of the chief and members of the Department. An additional purpose of this ordinance is to provide the maximum legal protection available to the Fire Chief and municipal firefighters, and to best protect the health, safety and welfare of the residents of GARLAND.

### Section 3. Establishment.

Pursuant to Art. VIII, pt. 2, § 1 of the Maine Constitution, 30-A M.R. S. A. § 3001 and § 3153 *et seq.*, the municipality of GARLAND hereby establishes a Municipal Fire Department.

### Section 4. Definitions.

**Municipal Fire Department:** The organized firefighting unit established pursuant to this ordinance.

**Municipal Fire Fighter:** an active member, whether full-time, part-time, or on call/volunteer of the municipal fire department, who aids in the extinguishment of fires or an individual that receives compensation from the municipality for aiding in the extinguishment of fires and is at least 18 years of age.

### Section 5. Duties.

The Municipal Fire Department shall prevent and extinguish fires and provide firefighting protection within the municipality of GARLAND and elsewhere as provided by mutual aid or other contractual agreements approved by the municipal officers or municipal legislative body.

The Municipal Fire Department shall also be authorized to provide emergency services by responding to and managing other public safety emergencies, including, but not limited to, medical emergencies, hazardous materials incidents or natural or man-made disasters.

### Section 6. Fire Chief.

**Appointment.** The Fire Chief shall be appointed by the municipal officers for a term set by the legislative body.

**Compensation.** The Fire Chief's compensation shall be established by the municipal officers.

**Powers and Duties.** The Fire Chief shall have the powers and duties set forth in 30-A M.R.S.A § 3153, except that administrative rules and regulations promulgated by the Fire Chief shall not be effective until approved by the municipal officers.

**Reports.** The Fire Chief shall submit a written monthly report on the activities of the department and shall discharge such other duties as may be required by the municipal officers.

**Duties. The Fire Chief shall:**

1. Direct and control all municipal and volunteer firefighters in the performance of firefighting operations within the municipality except as provided in Titles 12 and 25.
2. Provide a training program for firefighters with the municipality in cooperation with appropriate governmental agencies and approved standards of training.
3. Provide for the maintenance of all fire equipment owned by the municipality and buildings used by the municipal fire department.
4. Prepare and submit annually to the administrative official of the municipality a budget relating to fire protection services.
5. Suppress disorder and tumult at the scene of a fire or other emergency event and generally direct all operations to prevent further destruction and damage.

**Powers. The Fire Chief may:**

1. Unless otherwise provided by charter or ordinance, appoint a deputy and other officers in a municipal fire department and remove them for cause after notice and hearing; see sections below
2. With the approval of the municipal officers, adopt administrative regulations relating to municipal fire protection, consistent with this chapter and municipal ordinances, policies and procedures.
3. Obtain assistance from people at the scene of a fire to extinguish the fire and protect people and property from injury; and
4. Pull down and demolish structures and appurtenances if the Fire Chief judges it necessary to prevent the spread of fire.

**Section 7. Firefighters.**

Municipal firefighters shall have the powers and duties set forth in 30-MRSA § 3151 *et seq.*, as set forth in any administrative rules and regulations adopted pursuant to section 6 above.

**Duties.**

1. Firefighters are under a duty to extinguish all fires to which they are called, to protect lives and property endangered by fires and to carry out all other related activities as directed by the fire chief.
2. A firefighter may use a reasonable degree of nondeadly force when the firefighter reasonably believes that this force is necessary to carry out the duties under this subsection.

**Training.**

All firefighters shall attend training sessions as scheduled by the fire chief.

**Section 8. Deputy Fire Chief**

A Deputy Fire Chief shall be appointed by the Fire Chief to act with full authority in the absence of the Fire Chief and shall have responsibilities as set forth in any administrative rules and regulations adopted pursuant to *section 6 above*.

**Section 9. Other officers**

The Fire Chief may appoint other officers as deemed necessary pursuant to *section 6 above*.

**Section 10. Number of Members**

The municipal officers will determine the number of members necessary for effective operations of the department by acting on the recommendation of the fire chief. All applications for membership must be approved by the fire chief.

**Section 11. Discipline, Suspension and Dismissal**

These actions will be in accordance with the Town of Garlands Personnel Policy. Grievances will also be handled in accordance with the Towns Personnel Policy.

**Section 12. Emergency Rules and Regulations**

The Fire Chief shall have the authority to adopt emergency rules and regulations when necessary to respond to immediate needs or changes in circumstances. These may not be effective for more than 30 days.

**Section 13. Medical Examinations**

New or existing members may be asked to complete a medical examination; participation in the municipal fire department may be prohibited if, in the opinion of competent medical authority after examination, the person is not capable of performing the required duties.

**Section 14. Municipal Appropriations**

All funds raised or appropriated for the Municipal Fire Department at the Town Meeting shall be treated as municipal funds under Title 30-A M.R.S.A §5652 et seq. as amended. No expenditure of department funds may be made unless approved by the municipal officers on a properly subscribed disbursement warrant.

**Section 15. Severability**

The invalidity of any portion of this ordinance shall not invalidate any other part thereof.

**Section 16. Amendments**

This ordinance may only be amended at a Garland Town Meeting.

**Section 17. Effective Date**

This ordinance shall become effective on March 8, 2025, following approved vote by the municipal legislative body.

Garland Select Board

Regina M. Fick  
Regina Fick, Chair

2/26/2025  
Date

Nova Watson  
Nova Watson, 2<sup>nd</sup> Seat

Teresa Scott  
Teresa Scott, 3<sup>rd</sup> Seat

Public Hearing held on: December 17, 2024

Attest: A true copy of an ordinance entitled 'Fire Department Ordinance of Garland, Maine' as certified to me by the municipal officers of Garland on the 26 day of February, 2025.

Signature: Lesley A. Maynard  
Lesley A Maynard, Town Clerk of Garland

And I have this day 27 of February, 2025, posted one copy of an ordinance entitled "Fire Department Ordinance of Garland, Maine", attested by the municipal clerk, with the warrant(s) at the same place(s).

Signature: Omig Keefe