

Approved: 1/21/2020  
Posted: 1/26/2020  
Effective: 2/11/2020

## **Powell Township Ordinance**

### **Establish Fire Department Structure, Responsibility and Accountability**

An ordinance to provide that the Powell Township Board may establish the Powell Township Fire Department; provide for the basic organizational structure responsibility, and financial support of the Fire Department; delegate broad management authority and responsibility to the Fire Department Chief; provide standards of accountability of the Chief and other department personnel to the Powell Township Board; and repeal any parts or portions of ordinances inconsistent herewith.

THE TOWNSHIP OF POWELL, MARQUETTE COUNTY, MICHIGAN ORDAINS:

#### **Section 1: Scope, Purpose and Intent**

This ordinance is adopted pursuant to the authority granted the Powell Township Board under state law, MCL 41.801 *et seq.* The purpose of this ordinance is to provide that the Powell Township Board shall hereby establish the Powell Township Fire Department; to establish jurisdiction and authority over personnel selection; to establish authority to adopt rules and regulations for the conduct of personnel; maintenance of buildings, vehicles, and equipment; to employ Fire Department Personnel; employ and appoint a Fire Chief; and to prescribe the powers and duties of Fire Department personnel.

#### **Section 2: Geographic Coverage Area:**

According to the United States Census Bureau, the Powell Township has a total area of 162.3 square miles, of which 154.2 square miles is land and 8.1 square miles is water. The Fire Department's primary response area is Powell Township as well as large areas of the adjacent townships. These include Arvon, Champion, Ishpeming, Negaunee, Michigamme and Marquette. In many cases other fire departments and population centers of these adjacent townships are located 30 or more miles to the south along US Hwy. 41. As a result, response from Powell Township Fire Department is the only reasonable and prudent solution to dealing with critical incidents over a very large area. Powell Township contains two villages, Big Bay to the north and Halfway to the south both are located on County Road 550, which begins in Marquette and ends 26 miles to the North in Big Bay, the larger of the two villages.

#### **Section 3: Scope and Level of Services**

Consistent with appropriations and budget authorization, the Powell Township Fire Department is authorized to provide to the citizens of Powell Township, the following programs and services:

1. Fire Suppression
2. Fire Education
3. Fire Prevention
4. Emergency Medical Services at the basic level

#### **Section 4: Basic Organizational Structure**

The Fire Department shall be actively supervised and managed by a department Chief appointed by the Township Board. To ensure continuity of command and appropriate incident supervision, the Township Board authorizes the following positions which shall be subordinate to the chief, and which creates the following chain of command in descending order of authority;

Assistant Chief  
Captain(s) (one for each station)  
Lieutenant (s)  
Firefighters

The Chief with the Township Boards approval may also incorporate any additional ranks or titles subordinated to the Chief that become needed or required such as but not limited to the following: Chief Engineer, Engineer, Safety Officer, Training Officer, Firefighter/Paramedic, Firefighter/EMT. With the advice and approval of the Township Board, the Chief, may develop and maintain job descriptions for each of these positions. The Fire Chief, or fire department members, shall be responsible to select and approve candidates to present to the board to fill these positions. Candidates shall be selected based on experience, training, and qualifications and, who would best perform the required duties. The Township Board may elect to appoint a Representative or Human Resources employee to participate in the Fire Departments personnel hiring process or disciplinary action procedures.

### **Section 5: Fire Department Finances**

The Township Board 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, to initiate the creation of a special assessment district and levy assessments, sell bonds, establish user fees, or raise revenues in any other manner provided for under law for the operation and maintenance of the department; it shall provide for payment of any debts incurred incidental to its continued operation; it shall purchase necessary equipment, and/or construct public buildings for uses incidental to the maintenance and operation of a fire department.

### **Section 6: Fire Department Rules and Regulations**

The Township Board shall establish general Fire Department employee rules and regulations for the Fire Department, and the Chief will be responsible to enforce them. The Chief shall also adopt, enforce and maintain Standard Operating Procedures (SOP's) for the operations of the department and Department Rules and Regulations.

### **Section 7: Chief Duties**

The Township Board shall appoint a Chief who shall be the Chief Administrative Officer of the Fire Department. The Chief shall be accountable to the Township Board for the efficient and effective operation of the Fire Department, and for the department's compliance with all federal and state laws, administrative rules, and township ordinances and policies. The Chief shall serve at the pleasure of the Township Board.

The Chief shall be familiar with state and federal laws that impact fire department operations, and shall develop and maintain SOP's, and issue orders consistent with applicable federal and state laws and administrative rules. The Chief shall promptly notify the Township Board of any noncompliance with any applicable state or federal laws and administrative rules.

The Chief shall be responsible for assigning and scheduling department personnel and shall submit to the Township Board an annual budget report and plans for the long-range needs of the department. The Chief shall maintain a current copy of the Michigan Occupational Safety and Health Act (MIOSHA), General Industry Safety and Health Standards (GISHS) and shall develop and maintain written policies and procedures to ensure compliance. The Chief shall promptly inform the Township Board of any procedures or equipment that is not in compliance with any MIOSHA or GISHS and shall recommend to the Township Board actions necessary to achieve compliance.

The Chief shall review all personnel and operating problems that are not resolved at the department level with the Township Supervisor and shall report department activities monthly to the Township Board. A written report on department activities shall be filed annually with the Township Board.

As needed, the Chief shall notify the Powell Township Supervisor of major problems or issues that require Township 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 report of the action to the Township Board.

The Chief may incur expenditures against the department budget as appropriated by the Township Board. The Chief will monitor the unencumbered balances remaining in the department budget and shall make timely recommendations for budget amendments needed. The department's expenditures shall not exceed the amounts appropriated. Capital outlay purchases shall conform with Township policy regarding written quotes and competitive bidding.

The Chief shall have access to a Township credit card with the authorization to purchase up to \$300.00 monthly for maintenance supplies and consumables, that do not fall under a capital outlay expense without prior approval.

The Chief shall also be responsible for the following:

1. Respond to and supervise emergency calls for service.
2. Ensure enforcement of burning ordinances
3. Ensure that all personnel are trained and qualified for the duties that they are expected to fulfill
4. Ensure that fire prevention programs are conducted.
5. Ensure that all department equipment and buildings are properly maintained and in good working order.
6. Ensure that all Fire Department personnel comply with departmental and board rules, regulations and policies.
7. Ensure all required reports are completed and submitted to proper federal, state, or county agency in a timely fashion.

## **Section 8: Fire Personnel**

Applicants for vacant positions shall be of good character, possess a good driving record, and may be screened by a physician of the Township Board's choice and at the Township's expense. The physician's examination may determine if the applicant is physically fit and have the ability to perform the duties associated with the candidate's job description. The physician will also identify pre-existing physical conditions that would preclude them from such duties.

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. Probationary status shall continue, at a minimum, until the firefighter successfully completes the State of Michigan's Firefighter I examination. At the conclusion of the minimum probationary period, a Probationary Firefighter that has met all the qualifications contained in the firefighter job description can be given active firefighter status by the Chief. The Chief shall also have the authority to dismiss any Firefighter who does not or cannot meet the qualifications to be a firefighter and document those reasons for such actions in their personnel file. This dismissal may be appealed to the Powell Township Board.

A Probationary Firefighter shall be entitled to all compensation and benefits afforded to active firefighters but shall be restricted to perform only those duties for which he/she has been specifically trained and qualified.

## **Section 9: Training**

The Chief or his/her designated Training Officer shall develop a regular schedule of in-house training classes, including an attendance requirement for all department personnel. The schedule shall specify the type, amount and frequency of training to be provided to personnel necessary to assure that all employees are adequately trained to properly handle the inherent risks of their jobs. The Chief shall ensure that a record of each employee's training is maintained and is in full compliance with any licensing

or certification requirements. Employees shall be trained before they are permitted to perform emergency operations.

### **Section 10: Safety**

The Chief shall be familiar with the provisions of federal and state laws and administrative rules related to employee safety and health regulations and shall develop written procedures to ensure compliance. The Department shall provide initial and annual refresher training in the National Incident Management System (NIMS). The Department shall use the Pass-Port Accountability System in conjunction with NIMS to identify individual employees of a team, their assignment, their general location at the incident, and how long they have been assigned to a task.

The Chief shall establish and implement written procedures for emergency operations in compliance with current MIOSHA regulations. The written procedures shall include all of the following:

- a) Compliance with a nationally recognized Incident Management System.
- b) A personnel accountability system that will be implemented at each emergency applicability to all employees.
- c) Initial training and relevant refresher training in emergency operations.
- d) Procedures that are in accordance with the "two in/two out" rules as found in the provisions of current MIOSHA standards
- e) A trained employee may function as the incident commander at any incident.
- f) Traffic control and scene management will be established when applicable, appropriate, or requested.

### **Section 11: Disciplinary Procedure**

Violations of this Ordinance, other Township Board rules, Fire Department SOP's, convictions of a felony or failure to maintain required minimum state standards as a Firefighter may subject any personnel involved to disciplinary proceedings. The Chief upon good cause shown shall document a violation, 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 recurrences. 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 township
4. Prior record of the individual
5. The degree of negligence or recklessness, if any.

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 disciplinary charges against any Fire Department personnel. Disciplinary action initiated by the Township Board shall follow the same procedures, except that the responsibilities designated above to the chief shall be performed by the Township Board. Dismissal of an employee shall be a decision of the Chief, or by recommendation of the Township Board. Any dismissal can be appealed to the Township Board if requested by the employee. Such hearings may be conducted in closed session if requested by the employee who is subject to dismissal.

In addition to administrative rules, theft of property owned by the Township, or theft of property committed while performing the duties as an employee of the Fire Department, or other actions that are violations of state or federal penal codes, shall be cause for dismissal.



Personnel shall not respond to emergencies, meetings or training sessions while under the influence of alcohol, illegal substances or any doctor prescribed controlled substances that would impair or negatively affect the employee's ability to perform his duties.

### **Section 12: Compensation**

Compensation to personnel shall be in such amounts as may be determined from time to time by the Township Board. The Fire Department shall keep accurate records that indicate the amount of compensable time served by all personnel. The time records shall be submitted monthly or quarterly to the Township Board for payment, and all such time slips shall be signed by the department personnel designated on the time slip and validated by the Chief or his/her designee before being submitted for payment.

### **Section 13: Public Contact**

The Chief, or his/her designee, may release facts regarding fires or other emergencies to the news media. The Chief or his/her designee shall speak to the media on behalf of the department. All other personnel shall refer all media inquiries requiring a statement on behalf of the department to the Chief or the designee. Department personnel shall not, in connection with department activities or functions, make statements or writings that constitute libel or slander; which would impede a law enforcement investigation or compromise the presumption of innocence until proven guilty; or which would deny any person due process.

All department personnel shall maintain high standards of integrity and conduct and shall always treat the public courteously and professionally.

### **Section 14: Emergency responses**

The Chief shall establish written rules and regulations regarding the use of emergency warning lights and sirens. The use of emergency warning lights and sirens on vehicles shall be considered a request for the right of way from others. When responding to emergencies, all personnel will drive emergency vehicles with appropriate concern for the safety of the public.

### **Section 15: Department Equipment**

Protective equipment shall be worn as required by MIOSHA. Lost or damaged equipment shall be reported as soon as possible to the Chief. Township property shall be disposed of only with the prior approval of the Township Board. All department-issued equipment shall be returned to the Chief upon terminating employment with the department. Department equipment shall not be borrowed for private use. The exception is for chimney cleaning equipment that was purchased for public use that can be lent out with Chief approval and completion of waiver.

### **Section 16: Use of Fire Stations**

Only township-owned or other government vehicles and equipment may be kept at the fire stations. Private vehicles must be parked in designated areas only. Alcohol and illegal substances shall not be brought into the fire station or any township-owned vehicles. Members of the public will be allowed in the fire station only when accompanied by an active member of the department.

### **Section 17: Soliciting Donations**

All fund-raising activities shall have the prior approval of the Township Board, and all revenues solicited in the name of the Powell Township Fire Departments shall be deposited with the Township Treasurer. Such funds will be disbursed by the treasurer, upon receiving a warrant signed by the clerk, following audit and approval by the Township Board.

Any fund-raising activities on behalf of the Fire Department, yet not solicited in the name of the Powell Township or the Powell Township Fire 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 Fire Department are authorized to incorporate a tax-exempt charitable organization that shall be known as the "Powell Township Firefighters Association." The purpose of the association shall be to provide for the social development of personnel and the betterment of fire protection in the Township. The association shall be incorporated under the laws of the State of Michigan, with by-laws approved by the Township Board. Funds raised by the Association will be kept in a Federally Insured Bank or Credit Union and will require two signatures to remove funds. Upon request, the association shall disclose its records, including any financial records, to the Township Board.

#### **Section 18: Savings Clause**

Should any court of competent jurisdiction declare any portion of this ordinance unenforceable, the remainder of this ordinance shall remain in full force and effect unaffected by the portion that might be so declared to be unenforceable.

#### **Section 19: Effective Date**

This ordinance shall take effect on 2/11/2020. All ordinances in conflict herewith are hereby repealed.

Motion by: Hudson

Seconded by: Stanley

Roll Call Vote: Turner, yes / Erickson, yes / Stanley, yes / Morin, yes  
Hudson, yes

Supervisor declares the Ordinance:

  
Powell Township Clerk

1/21/20  
Date