

Marshall Township Fire Department Organization Ordinance
Originally effective 7-1-2002
Amended 2004
Amended 1-18-21

Be it ordained by the Board of the Township of Marshall, Calhoun County, Michigan, that a department, hereafter referred to as the MARSHALL TOWNSHIP FIRE DEPARTMENT, the object of which shall be the prevention of fire and the protection of life and property within the limits of the Township of Marshall, is hereby created as follows:

Article 1. Board and Officers

Section 1. Board. A Township Fire Board is created, pursuant to Michigan Compiled Laws, and is vested with the authority prescribed by law. The Fire Board shall exercise oversight of the Department on behalf of the Township Board and have the full authority of the Township Board in the exercise thereof, except as may otherwise be specifically provided in this ordinance.

Section 1.A. Board Membership Requirements. The fire board shall be appointed by the township board in accordance with the provisions of MCL 41.812, which is incorporated herein by reference. A member of the fire board can be removed or replaced by the township board. No officer or employee of the fire department may be a member of the fire board. At least one (1) member of the Fire Board shall be a designated representative of the Convis Township Board of Trustees so long as a fire department services agreement exists between the townships. The Convis Township Board may appoint an alternate Fire Board member to attend any Fire Board meeting or meetings in the event the designated Convis Township Fire Board member is not available. Fire board members may be compensated by their respective appointing authority with the amount of the compensation determined by such authority, and are entitled to reimbursement for actual expenses related to board business by and within the travel and expense reimbursement policy of their township.

Section 1.B. Board By-Laws and Rules of Procedure and Meetings. The Fire Board shall adopt By-Laws and Rules of Procedure which may be amended from time-to-time governing Fire Board procedures. The Fire Board shall hold regular meetings quarterly in January, April, July, and October of each calendar year. Special meetings may be scheduled at any time in accordance with the provisions of the Michigan Open Meetings Act, Act 267 of 1976, MCL 15.261, et seq.

Section 2. Chief. The chief administrative officer of the Department shall be the Township Fire Chief. The Fire Board shall appoint the Chief with the concurrence of the Township Board and serves at the pleasure of the Fire Board. The Chief shall be technically qualified by training and experience and shall have the ability to command personnel and hold their respect and confidence. The Chief is responsible for the personnel, morale, and general efficiency of the Department.

Section 3. Accountability. 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 make written and verbal reports as the Fire Board may require.

Section 4. Assistant Chief, Officer and Personnel. The Chief shall appoint Assistant Chiefs, Officers and other personnel of the Department as provided for by the Fire Board. The Assistant Chiefs, Officers and all other departmental personnel are accountable to the Chief and serve "at-will" and are subject to removal by the Chief with the concurrence of the Fire Board.

Article 2. Duties of the Chief

Section 1.A. Rules and regulations. The Chief shall recommend to the Fire Board, rules, regulations, and by-laws as necessary to govern the operations of the department in conformance to this ordinance. Rules, regulations and by laws are effective only upon adoption by the Fire Board.

Section 1. B. Advisory Committee. To advise the Fire Board in considering adoption of rules, regulations and by-laws governing Fire department operations, or any amendment or revision thereof, a five (5) member advisory committee is established to be comprised of the Fire Chief, one member of the Fire Board, one officer other than the Fire Chief designated by the fire Board and two firefighters who are not officers designated by the Fire Board. The two firefighter members shall be selected by the Board from written applications based on experience and such other relevant factors as determined by the Fire Board. The committee will, at least annually, review departmental rules, regulations, and by-laws (also referred to as Standard Operating Guidelines) and proposals and make recommendations as they may determine by a majority vote. The Fire Board will review all recommendations made by the committee and any additional input provided, if any, by the Fire Chief in making its decision on whether to approve revisions or amendments recommended by the advisory committee. The first such annual review shall be undertaken within 90 days of adoption of this ordinance amendment.

Section 2. Budget. The Chief has the responsibility for preparing and recommending to the Fire Board an annual operating budget as township fire protection may require. The Chief shall also recommend a five (5) year capital outlay budget, which shall be updated at least annually, projecting the department's need for facilities, vehicles, and equipment, including a truck replacement schedule. The capital outlay budget shall identify all items projected to cost in excess of \$500.

Section 3. Training. The Chief is responsible for assuring compliance with all federal and state training and certification requirements for the department and personnel. The Chief shall develop and conduct suitable training sessions and drills, at least once per month, for instruction in the operation and handling of equipment, fire aid and rescue work, hazardous materials, salvage, building structures in the township, fire prevention, water supplies and all other matters generally considered essential to efficient operations.

Section 4. Investigation Assistance. The Chief is required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstance of all fires.

Section 5. Records. The Chief shall assure that complete records are kept of all fires, emergency responses, inspections, apparatus and equipment, personnel, and the work of the department. All such records shall be kept at the Township Offices and be accessible to the Township Clerk as custodian of all Township records.

Section 6. Reports to Fire Board. The Chief shall keep the Fire Board advised as to the condition of all apparatus and equipment; the number of fires during the month, their location and cause, and date of same and loss occasioned thereby; the number and purpose of all other responses made; and the names of all personnel responding to each fire or other response. The Fire Board may prescribe the format of this monthly report. A copy of all reports made to the Fire Board shall be provided to the Township Board.

Section 7. Annual Report. The Chief shall make a complete annual report to the Fire Board within 30 days after the close of the Township fiscal year, with comparative data for previous years and recommendations for improving the effectiveness of the department. A copy of the report shall be provided to the Township Board.

Section 8. Departmental Communications. The Chief shall be responsible for assuring effective, ongoing communications between all personnel of the department concerning departmental operations and activity. The Chief shall hold regular departmental meetings to assure effective communications. Such meetings may be held in conjunction with training exercises.

Article 3. Firefighting Personnel

Section 1. Employment of Firefighters. Firefighting personnel, in the number authorized by the Fire Board, shall consist of such qualified persons as may be appointed by the Chief. All Firefighting personnel shall reside within or in close proximity to the township. Detailed qualifications shall be set forth in the department by-laws, rules and/or regulations.

Section 2. Disciplinary Process. All employees of the Marshall Township Fire Department, including the Fire Chief, are "at-will" employees. Employment is terminable at the will of either party. Any officer or firefighter may be suspended from active duty by the Fire Chief when the Fire Chief determines it is necessary for the good of the Marshall Township Fire Department. All suspensions must be reported promptly by the Fire Chief in writing to the Fire Board. The Fire Chief may also make recommendations of dismissal to the Fire Board. The Board shall consider the recommendations of the Fire Chief and, if accepted, the termination shall be final.

Section 3. Chain of Command. There shall be a chain of command established among the department officers in descending order of rank, from the Chief, to the Assistant Chief(s), Captain(s), and Lieutenant(s) to Firefighters. Each rank shall obey the orders of their superior officers. Temporary Officers may be appointed by the senior (in terms of rank) 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. All such temporary appointments shall be subsequently reported to the Fire Board and documented in the temporary appointee's personnel file.

Section 4. Personnel Matters Decided. The Fire Chief decides personnel issues regarding members of the Marshall Township Fire Department. The Fire Chief shall immediately notify the Fire Board, in writing, of a promotion or demotion of any member within the Marshall Township Fire Department. Any aggrieved party may appeal, in writing, the Fire Chief's decision to the Fire Board within ten (10) days from the date the Fire Chief informs the Fire Board of any promotion or demotion. The written appeal must identify specific reasons for the appeal and the relief requested. The decision of the Fire Board is final.

Article 4. Equipment

Section 1. General. The Department shall be equipped with such apparatus and other equipment as recommended by the Chief and authorized by the Fire Board from time to time to maintain its efficiency and properly protect life and property within the Township.

Section 2. Acquisition. Recommendations concerning acquisition of apparatus and equipment needed shall be made by the Chief and approved by the Fire Board within the budget authorized by the Township Board or such other specific action as the Township Board may authorize in relation thereto. All purchases shall comply with the rules of purchasing prescribed by the Township Board. Purchases in excess of \$1,000 require the final approval of the Township Board.

Section 3. Housing of Equipment. All equipment of the Department shall be safely and conveniently housed in the Fire Station or at such other location as may be recommended by the Chief with the approval of the Fire Board.

Section 4. Use of Facilities, Apparatus and Equipment. No person shall use any Fire Department facilities, apparatus, or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Department.

Section 5. Non-Departmental Access. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by or having the special permission of an officer.

Article 5. General.

Section 1. Responding to Calls. All personnel shall operate vehicles, whether department apparatus or personal, when responding to calls with due care and caution.

Section 2. Alcoholic Beverages and Controlled Substances. Department personnel shall not respond to calls or attend meetings or training sessions while under the influence of

alcoholic beverages or any controlled substances, nor shall the same be brought into any township facility or fire apparatus.

Section 3. Protective Gear and Safety Equipment. Protective gear and air packs shall be worn when engaged in an emergency response, unless otherwise specified by an officer in charge.

Section 4. Mutual Aid Agreements. The Chief and Fire Board may recommend to the Township Board entering into agreements or contracts with nearby jurisdictions or organizations to provide such jurisdictions or organizations with fire protection or to establish a mutual aid system. No apparatus shall be hired out or permitted to leave the Township except in response to a call for aid at an emergency pursuant to a written agreement approved by the Township Board, except as may be specifically authorized by the Chief or Officer in charge.

Section 5. Compensation. Compensation to personnel of the department for their services shall be in the amounts determined from time to time by the Township Board. The department shall keep accurate records that indicate the amount of compensable time served by all personnel. Payment records, as prescribed by the Township Clerk, shall be submitted monthly as directed by the Clerk. The Township Treasurer makes payroll payments in accordance with policies established by the Marshall Township Board of Trustees.

Article 6. Fire Prevention and Safety Programs

Section 1. The Chief shall establish and operate a fire prevention and general safety program for the benefit of the Township residents. The general safety program shall include weather emergency, hazardous material, and similar public safety matters.

Article 7. Soliciting Donations

Section 1. Any fund-raising activities conducted for the benefit of the department shall have the prior approval of the Fire Board. All funds solicited by or in the name of the Fire Department, except as provided in section 2, shall be deposited with the Township Treasurer.

Section 2. Employees of the Fire Department are authorized to establish an organization that shall be known as the "Marshall Township Firefighters' Association." The purpose of the association shall be to provide for the social development of the personnel and betterment of fire protection in the township. The association shall adopt written by-laws which are subject to the approval of the Fire Board. Copies of all by-laws as well as a list of current officers shall be kept on file with the Township Clerk. The association may elect its own officers. The financial records of the association shall be subject to audit by the Fire Board. An annual financial statement showing detailed expenses and receipts of the association shall be filed with the Township Clerk together with copies of all bank statements. All fund-raising information performed by the Association and its membership shall clearly indicate that the Association is not an agency or office of Marshall Township government.

Article 8. Public Contact

Section 1. Official Information. The Fire Chief, or his/her designee, may release facts regarding fires or other emergency responses to the news media. All other personnel shall refer media inquiries to the Chief or such designee.

Section 2. Public. All department personnel will always treat the public courteously and professionally.

Article 9. Savings Clause

Section 1. 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.

Article 10. Repeal and Effective Date

Section 1. All ordinances in conflict herewith previously adopted are repealed upon the effective date of this ordinance.

Section 2. This ordinance shall become effective July 1, 2002.

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(Editor note: This document reflects amendments adopted by the Marshall Township Board including those adopted January 18, 2021 which became effective upon publication in the Marshall Ad-Visor on January 23, 2021.)

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