

TOWNSHIP OF BLENDON
COUNTY OF OTTAWA, MICHIGAN

At a regular meeting of the Township Board of the Township of Blendon, held at the Township Hall, 7161 72nd Avenue, Hudsonville, Michigan, on the 16th day of September, 2010, at 7:00 p.m.

PRESENT: Blouwkamp, De Lange, Ver Hage, Vander Kuyl, Hop

ABSENT: _____

The following ordinance was offered by Member Bob Hop and seconded by Member Phil De Lange.

ORDINANCE NO. 90-2010

AN ORDINANCE to establish the Township Emergency Services Board and to provide for the duties thereof; to establish the Township Fire Department; to provide for the jurisdiction and authority of the Township Board with respect to the Emergency Services Board and the Township Fire Department; to provide for the appointment of the Township Fire Chief and the duties thereof; to provide for other matters pertaining to the Emergency Services Board and the Township Fire Department including emergency services budgeting and expenditures, fire department officers and firefighters, disciplinary procedures, the providing of emergency services, use of emergency vehicles and equipment and other Township emergency services matters; and to repeal any ordinances or parts thereof inconsistent with this Ordinance.

THE TOWNSHIP OF BLENDON ORDAINS:

Part 1 – SCOPE OF THIS ORDINANCE

Section 1.1 Scope, Purpose and Intent. This Ordinance is adopted under Michigan Public Act 33 of 1951, as amended, among other statutory authority. The purpose of this Ordinance is to establish the Township Emergency Services Board and to confirm the establishment of the Township Fire Department; to provide for the jurisdiction and authority of the Emergency Services Board; to provide for the duties of the Township Fire Department and for the authority of the Township Board concerning emergency services provided by the Township, including but not limited to fire protection; and to adopt other provisions as to the providing of emergency services in and for the Township, including fire protection, emergency medical and rescue services and other services for the safety of the public.

Section 1.2 Authority of Township Board. The Township Board retains final authority concerning Township emergency services and the Township Fire Department, as provided by law and subject to such delegations of authority as are provided by this Ordinance. In its discretion, and consistent with the above-stated Public Act 33 of 1951, the Township Board may delegate other matters concerning fire protection and other emergency services to the Emergency Services Board.

Section 1.3 Fire Department. The Township Board hereby confirms the establishment of the Township Fire Department, in accordance with said Act 33 and the terms of this Ordinance.

Part 2 – EMERGENCY SERVICES BOARD

Section 2.1 Emergency Services Board. The Township Emergency Services Board (the “Board”) is hereby established.

Section 2.2 Membership.

(a) The Board shall consist of five members, who shall be appointed by the Township Board for terms of six years each and until their respective successors are appointed and serving. Of the Board members first appointed, two shall be appointed for terms expiring on June 30 of the even-numbered year following the creation of the Board; two members shall be appointed for terms expiring on June 30 of the second year following the expiration of the terms of the first two members; and one member shall be appointed for a term expiring on June 30 of the fourth year following the expiration of the terms of the first two members.

(b) A vacancy in the membership of the Board shall be filled by the Township Board appointing a person to serve for the remainder of the unexpired term. A member of the Board may be removed by majority vote of the members of the Township Board, after notice to the Board member proposed to be removed and opportunity for the member to be heard.

(c) A member of the Township Fire Department may not serve as a member of the Board.

(d) The members of the Board shall be paid such amounts, for their services as Board members, as the Township Board shall determine. They shall also be entitled to reimbursement of actual and necessary expenses incurred in the performance of their duties and as approved by the Township Board.

Section 2.3 Duties and Responsibilities.

(a) The Board shall prepare a proposed annual budget for the Board and the Fire Department. The proposed budget shall be recommended and submitted to the Township Board not later than 120 days prior to the end of each fiscal year. The recommended budget shall be reviewed by the Township Board and may be amended or altered, in whole or in part. Upon adoption by the Township Board, the budget shall be the budget of the Board and the Fire Department for the ensuing fiscal year of the Township.

(b) The Board shall establish policies and regulations for the operations of the Fire Department, subject to approval of the Township Board.

(c) The Board shall adopt bylaws for its operations and procedures, subject to the approval of the Township Board.

(d) The Board shall recommend to the Township Board the hiring and termination of officers and firefighters of the Township Fire Department. The Township Board may accept or reject such recommendations, in whole or in part.

(e) The Board shall act as an advisory body to the Township Board concerning the Township Fire Department, Township fire protection and public safety matters, including emergency medical and rescue matters, hazardous materials response, disaster planning and coordination and related matters concerning the protection of persons and property in the Township.

(f) The Board may carry out studies and investigations concerning Fire Department equipment, personnel, fire and rescue operations, equipment for emergency medical and rescue services, disaster relief, capital expenditures for emergency services and future planning for the providing of fire protection and other public safety services.

(g) The Board shall carry out such other duties as are assigned to it by the Township Board.

Section 2.4 Officers. The Board shall elect from among its members a chairperson, a vice-chairperson and a secretary. Such officers shall serve one-year terms. The chairperson shall preside at Board meetings. In the absence of the chairperson, the vice-chairperson shall preside. The secretary shall prepare and maintain minutes of all meetings. Copies of minutes shall be given to the Township Clerk, for inclusion in the Township files. Officers of the Board shall serve until their respective successors are elected. Officers shall be eligible for reelection.

Section 2.5 Meetings. The Board shall meet as frequently as necessary for the effective discharge of its duties and responsibilities. It shall also meet when requested to do so by the Township Board.

Section 2.6 Liaison with Fire Chief. The Board shall confer on a regular basis with the Township Fire Chief concerning the governance, operations, personnel and equipment of the Fire Department and for future planning for fire protection and emergency medical, rescue and other public safety services in the Township.

Part 3 – TOWNSHIP FIRE DEPARTMENT

Section 3.1 Membership. The Township Fire Department shall consist of the Fire Chief, other Fire Department officers and firefighters. In addition to the Fire Chief, the officers of the Department shall be a deputy fire chief, a captain and a lieutenant for the Tyler Street fire station, a captain and a lieutenant for the Borculo fire station, and a lieutenant safety officer at large. All officers and firefighters of the Department shall be at-will employees of the Township, and accordingly may be discharged by action of the Township Board, with or without cause.

Section 3.2 Fire Chief.

(a) The Fire Chief shall be the chief administrative and supervisory officer of the Fire Department. The Fire Chief shall report to the Board and, as requested, to the Township Board. The Fire Chief shall be accountable to the Board and the Township Board for the efficient and effective operation of the Fire Department and for the Department's full compliance with all state laws, Township ordinances, Township policies and Fire Department policies, procedures and regulations.

(b) A person to serve as Fire Chief shall be recommended by the Board; such recommendation shall be forwarded to the Township Board. The Township Board shall appoint the Fire Chief and in doing so, the Township Board may, but is not required to, appoint the person recommended by the Board. The Fire Chief shall serve at the pleasure of the Township Board.

(c) The Fire Chief shall plan, organize, direct and administer all operations of the Fire Department, including fire suppression, emergency rescue, emergency medical services, fire prevention and investigation, hazardous materials response, disaster planning and response and other Township emergency and public safety services.

(d) The Fire Chief shall administer and manage the operations of the Fire Department, including the fire stations, Fire Department personnel, fire protection and emergency vehicles, apparatus, equipment and supplies.

(e) The Fire Chief may recommend to the Board the appointment of Fire Department officers and firefighters.

(f) The Fire Chief shall assist the Board in the preparation of Fire Department policies and regulations covering operations of the Department, care of equipment, assignment and scheduling of personnel, procedures at fire scenes and other incidents and other matters relating to the sound operation of the Fire Department. In concert with the Board, the Fire Chief shall plan for the long-range needs of the Fire Department, including capital expenditures, acquisition of equipment, the need for additional personnel and other matters in furtherance of Fire Department goals and responsibilities.

(g) The Fire Chief may incur expenditures against the Fire Department budget as approved by the Township Board and may incur other expenditures in emergency situations affecting operations of the Fire Department, consistent with policies adopted by the Board.

(h) The Fire Chief shall convene Fire Department information meetings and training sessions on a regular basis.

(i) The Fire Chief shall attend meetings of the Board and, when requested, meetings of the Township Board. As needed, the Fire Chief shall notify the Board and the Township Board of major problems or issues that may require Board or Township Board action.

(j) The Fire Chief shall also be responsible for the following:

(1) Serving as incident commander and supervising the suppression of fires, medical and personal injury response, hazardous materials response and other public safety emergencies.

(2) Assisting in the enforcement of Township fire prevention codes.

(3) Investigating the causes and origins of fires; ensuring that fire inspection and community fire prevention programs are conducted.

(4) Ensuring that all Department personnel are suitably trained and qualified for the duties they are expected to fulfill.

(5) Ensuring that all fire stations are properly maintained and that all Fire Department vehicles, apparatus and equipment are properly maintained and in good working order.

(6) Assisting the Board in the preparation of an annual Fire Department budget, including recommendations on operational and capital expenditures.

(7) Carrying out the approved purchases of Fire Department vehicles, apparatus, equipment and supplies; arranging for the receiving of bids for the purchase or sale of Fire Department vehicles, apparatus and equipment, when such bids are called for by Township policies or otherwise required.

(8) Issuing or arranging for the issuance of burning permits.

(9) Maintaining monthly and annual Fire Department officer and firefighter payroll records in generally accepted and accurate form.

(10) Ensuring Fire Department compliance with laws, Township ordinances and Fire Department policies and regulations.

(11) Attending regularly the Ottawa County Fire Chiefs Association and participating in the discussion and resolution of matters of common interest among the Fire Departments in the County.

(12) Implementing mutual aid contracts between the Township and other local governments.

(13) Serving as a spokesperson for the Department when appropriate with respect to fire suppression events and other public safety emergencies.

(14) Attending to such other Fire Department matters as may be assigned by the Board, consistent with this Ordinance and approved Township policies.

Section 3.3 Chain of Command and Fire Department Officers.

(a) There shall be a chain of command established among the Fire Department officers in descending order of rank, from the Fire Chief to the Deputy Fire Chief, two captains,

three lieutenants and firefighters. Each rank shall obey the orders of their superior officers. Temporary officers may be appointed by the senior officer present at any emergency, in order to assure continuity of the chain of command. Such temporary appointments shall terminate when the officer with the given responsibility becomes available. Each command officer shall be responsible for the carrying out of orders by subordinates. Officers, other than the Fire Chief, shall be appointed by the Fire Chief, subject to the approval of the Board.

(b) The Deputy Fire Chief shall assist the Fire Chief in the administration and management of the Fire Department. The Deputy Fire Chief shall attend Fire Department meetings and training sessions, shall complete and mail to the state all N.I.R.S. monthly reports, shall act as a sector commander at an emergency incident at which the Fire Chief is in command and, in the absence of the Fire Chief, shall fulfill the duties of the Fire Chief. The Deputy Fire Chief shall also perform such other duties and carry out other assignments as directed by the Fire Chief.

(c) Fire Department captains and lieutenants shall have such duties and responsibilities as are provided in Fire Department policies and regulations as adopted by the Board and approved by the Township Board.

Section 3.4 Firefighters. Paid-on-call firefighters shall be employed by the Township as at-will employees in accordance with the following requirements and procedures:

(a) Applicants for vacant firefighter positions shall be of good character and possess a good driving record. As necessary, qualified applicants shall be recommended by the Fire Chief and the Board for appointment by the Township Board as probationary firefighters. If an applicant is otherwise qualified for an available position, an offer of employment shall be conditioned on satisfactory examination by a physician approved by the Board. The purpose of the physician's examination shall be for a determination as to whether the applicant can perform the essential functions necessary for firefighting.

(b) All firefighters shall serve an initial probationary period of at least six months, and until satisfactory completion of Firefighter I training, driver training (if required) and other required training. At the discretion of the Fire Chief, the probationary period may be extended for up to an additional six months. At the end of the minimum probationary period, the Fire Chief may recommend that a probationary firefighter who has satisfied all of the qualifications contained in the firefighter job description and as otherwise satisfactory be employed as a firefighter by the Township, through action by the Township Board.

(c) A probationary firefighter shall be entitled to all compensation and benefits afforded to firefighters, but shall perform only those duties for which he or she has been specifically trained.

Section 3.5 Firefighter Training.

(a) The Fire Chief shall develop a regular program and schedule of training classes, including required attendance for all Fire Department personnel. The program shall specify the type, amount and frequency of training to be provided to Fire Department personnel, so as to assure that officers and firefighters are adequately trained in fire suppression and other emergency

response. The Fire Chief shall ensure that a record of each officer's and firefighter's participation and skill mastery is maintained.

(b) Such training classes may be conducted by qualified members of the Fire Department.

(c) The Fire Chief shall ensure that all officers and firefighters have achieved and maintain all certifications required by state or federal law or Township ordinance or policy to perform fire suppression, emergency medical and rescue services and other emergency response.

Section 3.6 Disciplinary Procedures.

(a) Violation of any Township Fire Department ordinance, Township policies or regulations or procedures relating to the Fire Department, theft of any Township property or other property at the scene of a fire or other emergency, or conviction of a felony, shall subject any Fire Department personnel involved to disciplinary proceedings. A violation shall be documented by the Fire Chief upon good cause shown, or when a violation occurs in the Fire Chief's presence.

(b) The Fire Chief shall provide a copy of a written disciplinary statement to an alleged violator. The written statement shall state the ordinance, policy, regulation or procedure that was allegedly violated, the nature of any disciplinary actions to be taken, and the consequences of any further occurrence. Disciplinary action may range from a reprimand to suspension, demotion or dismissal, or a combination of any of the above, in the discretion of the Fire Chief, depending on:

- (1) The seriousness of the violation.
- (2) The consequences to the safety of others as a result of the violation.
- (3) The potential harm to the Fire Department and to the Township.
- (4) The prior record of the individual.
- (5) The nature of the act and other relevant factors.

(c) The alleged violator shall be given an opportunity to be heard by the Fire Chief with respect to the alleged violation. Such hearing shall include the presence of at least one other Fire Department officer.

(d) Within 10 days of written notification, any disciplinary action may be appealed in writing to the Board, which shall affirm, deny, or modify the disciplinary action taken by the Fire Chief, after notice to the violator and opportunity for hearing. The Township Board may, on its own initiative, carry out disciplinary action against any Fire Department personnel. Disciplinary action initiated by the Township Board shall follow the above procedures, except that the responsibilities designated above to the Fire Chief shall be performed by the Township Board, which may require the Fire Chief or the Board to investigate and report on the matter; provided, however, that the Township Board may discharge any Fire Department officer or firefighter with or without cause and without following such procedures. In its discretion, the Township Board may affirm, reverse or modify, in whole or in part, the disciplinary action approved by the Board.

Section 3.7 Compensation. Compensation of firefighters shall be in such amounts and shall be paid at such times as may be determined by the Township Board. The Township shall keep accurate records of all compensation paid to Fire Department personnel. The Township shall keep accurate records that indicate the amount of compensable time served by all personnel, or that indicate such other information upon which compensation is based. Time records or other records upon which compensation may be based shall be submitted to the Township Clerk or the Clerk's designee in the Township office for payment, in the same manner as is the case for other Township personnel, or upon such other schedule or basis as may be determined by the Township Board.

Section 3.8 Emergency Medical and Rescue Services. The Fire Department is authorized to carry out emergency medical and rescue services in the Township and, on a mutual aid and assistance basis, in other municipalities. The Township may acquire vehicles, apparatus, equipment and supplies in order that the Fire Department may carry out such services. Personnel of the Fire Department are authorized to respond to medical and rescue emergencies. The Fire Chief shall institute and carry out an ongoing program for the training and certification of Fire Department personnel for such purposes. The duties of the Fire Chief set forth in this Ordinance shall extend as well to the emergency medical and rescue services of the Fire Department.

Section 3.9 Public Contact.

(a) The Fire Chief, or his or her designee, may release facts regarding fires or other emergencies to the news media. All other Fire Department personnel shall refer all media inquiries to the Fire Chief or the designee of the Fire Chief.

(b) Members of the public shall be permitted in a Township fire station only when accompanied by a member of the Fire Department, a Board member or a Township Board member, except that members of the public and other authorized persons may be present in and on the premises of a Township fire station for all authorized purposes, including voting at and preparation for elections, public meetings, fire department programs and demonstrations and other Township-authorized uses of a fire station.

(c) Fire Department personnel shall always treat members of the public courteously and professionally.

Section 3.10 Emergency Responses. When responding to emergencies, all Fire Department personnel shall drive emergency vehicles with particular concern for the safety of the public. 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 Fire Department has been officially dispatched to an emergency.

Section 3.11 Fire Department Equipment. Required protective gear shall be worn when Fire Department personnel are engaged in all firefighting and other emergency activities, as more fully specified in Fire Department policies. Lost or damaged equipment shall be reported as soon as possible to an officer. Township property shall be disposed of only with the prior approval of the Township Board. All equipment issued by the Fire Department shall be returned to the Fire Chief by Fire Department personnel leaving Township employment.

Section 3.12 Use of Fire Stations.

(a) Only Township-owned vehicles and equipment may be kept at the a fire station, except that the vehicles of members of the public and other authorized persons may be parked at a fire station for all Township-authorized purposes, including voting at and preparation for elections, public meetings, fire department programs and demonstrations and other Township-authorized uses of a fire station. Fire Department equipment shall not be borrowed for private use, nor shall Fire Department premises be used for private purposes.

(b) Private vehicles must be parked in designated Fire Department areas only.

(c) Alcohol and controlled substances shall not be brought into a Township fire station.

Section 3.13 Mutual Aid. The Township Board may enter into agreements with other municipalities in order to provide for mutual aid and assistance between the Township Fire Department and the Fire Departments of such other municipalities, for the extinguishing of fires, for providing emergency medical and rescue services and for carrying out other cooperative fire protection activities, including joint training sessions and the like. Such agreements shall be in writing and shall be signed on behalf of the Township by the Township Supervisor. All such agreements currently in force are hereby reaffirmed.

Section 3.14 Solicitation of Funds. All fundraising activities carried out in the name of the Township Fire Department shall have prior approval of the Board, and all revenues solicited in the name of the Township or the Fire Department shall be deposited with the Township Treasurer. Such funds shall be disbursed by the Township Board for Fire Department or fire protection or emergency response purposes. The books of the Township Treasurer shall show such amounts.

Part 4 – FIRE SAFETY

Section 4.1 Fire Control Measures and Regulations. The fire control measures and regulations stated in this Part 4 are for the purpose of controlling conditions which could impede or interfere with fire suppression measures by Township Fire Department personnel and other authorized persons.

Section 4.2 Authority of Fires and Other Emergencies. The Township Fire Chief or other authorized person who may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks, or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of his or her duty. The Fire Chief or the Fire Chief's designee may prohibit any person or vehicle from approaching an emergency scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the Fire Department. All persons ordered to leave an emergency scene or hazardous area shall do so immediately and shall not reenter the area until authorized to do so by the Fire Chief or the Fire Chief's designee; failure to obey such order, or any reentry into such hazardous area without authorization shall be a misdemeanor punishable as provided by law.

Section 4.3 Interference with Fire Department Operations. It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any Fire Department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any Fire Department operation. A violation of this section shall be a misdemeanor as provided by law.

Section 4.4 Compliance with Orders. A person shall not willfully fail or refuse to comply with any lawful order or direction of any authorized person in command at the scene of a fire emergency or other emergency, nor shall a person interfere with the attempt of any other person to comply with any such lawful order or direction. A violation of this section shall be a misdemeanor as provided by law.

Section 4.5 Vehicles Crossing Fire Hose. A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department when laid down on any street, alleyway, private drive or any other land without the consent of the person in command at the scene of a fire emergency or other emergency or within or near any hazardous area. A violation of this section shall be a misdemeanor as provided by law.

Section 4.6 Authorized Emergency Vehicles. Authorized emergency vehicles shall be only those vehicles which are so defined and authorized under the laws of Michigan.

Section 4.7 Unlawful Boarding or Tampering with Fire Department Emergency Equipment. A person shall not, without proper authorization from the Fire Chief or other Fire Department personnel, cling to, climb upon or into, board or swing upon any Fire Department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any Fire Department emergency vehicle. A violation of this section shall be a misdemeanor as provided by law.

Section 4.8 Damage to Fire Department Equipment or Injury to Personnel. It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any Fire Department emergency vehicle, or to injure, or attempt to injure, Fire Department personnel while performing departmental duties. A violation of this section shall be a misdemeanor as provided by law.

Section 4.9 Emergency Vehicle Operation. The driver of any emergency vehicle under the terms of this Ordinance shall comply with all state law requirements and Township Fire Department policies and regulations with respect to the operation of the emergency vehicle when responding to a fire or other emergency call, and shall otherwise operate or park such vehicle only in compliance with state law requirements and applicable Township ordinance requirements and policies.

Section 4.10 Blocking Fire Department Connections. It shall be unlawful to obscure from view, damage, deface, obstruct or restrict access to any fire hydrant or other Fire Department connection for the use of water in fire suppression measures, including fire hydrants and other Fire

Department connections that are located in public or private streets or access lanes or on private property. A violation of this section shall be a misdemeanor as provided by law.

Section 4.11 Maintenance of Fire Suppression Equipment. A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the International Fire Protection Code or other applicable fire code except for the purpose of extinguishing fire, training or testing purposes, recharging or making necessary repairs, or when permitted by the fire prevention code official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective or unapproved fire appliances or equipment shall be replaced or repaired as directed by the Fire Chief.

Part 5 – OTHER MATTERS

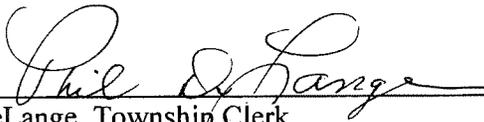
Section 5.1 Savings Clause. Should any part of this Ordinance be declared unenforceable by any court of competent jurisdiction, the remainder of the Ordinance shall nevertheless remain in full force and effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed; and all bylaws or other regulations in conflict herewith are likewise repealed.

Section 5.2 Publication and Effective Date. This Ordinance shall become effective upon its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Blauwkamp, De Lange, Ver Hage, Vander Kuyl, Hop.

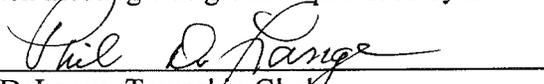
NAYS: _____

ORDINANCE DECLARED ADOPTED.



Phil DeLange, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Blendon at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.



Phil DeLange, Township Clerk