

ORDINANCE NO. 2019 - 3

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HARRISON BY amending the City Code, Ordinance Number 12.070

Ordinance Number 12.070, of the Harrison City Code is hereby revoked and restated as follows:

12.70 - FIRE DEPARTMENT

12.71 - Chief; members.

Sec. 1.40. The Fire Department of the City of Harrison shall consist of one (1) Fire Chief and a fire company consisting of, not to exceed, forty (40) volunteer members.

12.72 - Officers.

Sec. 1.41. The Officers of the Fire Department shall be a Fire Chief and Assistant Fire Chiefs. The Fire Chief shall be appointed by the Mayor upon recommendation of the Council, and such appointment shall be affirmed by a majority of the Council. The Fire Chief may appoint three (3) Assistant Fire Chiefs, by and with the consent and approval of the Council.

12.73 - Members; appointment.

Sec. 1.42. All members of the Fire Department shall be appointed upon recommendation of the Fire Chief by the City Council. The Fire Chief shall submit the names of the members of the Fire Department at the second regular meeting of the Council and each year following the City Election, and the membership of the Fire Department shall be confirmed by a majority of the Council at the next regular meeting thereof. New members of the Fire Department shall be appointed upon nomination of the Fire Chief and shall be confirmed by a majority vote of the Council at the next regular meeting following the submission of the name of such new member or members by the Fire Chief.

12.74 - Members; duty.

Sec. 1.43. It shall be the duty of each member of the Fire Department on every alarm of fire or emergency, when called, to immediately appear at the scene of the fire or of the emergency and to report to the Fire Chief or Assistant Fire Chief before beginning their duties.

~~12.075 - Restriction on service.~~

~~Sec. 1.44. Members of the Fire Department shall not become members of any other Fire Department, except a factory or institution fire department.~~

12.74 - Age limitations.

Sec. 1.44. No person shall be appointed or become a member of the Fire Department unless such person shall be eighteen (18) years of age. ~~No person new members shall be approved to be appointed or allowed to be a member of this Fire Department who shall be seventy (70) years of age or older. Current members shall be allowed to stay if he/she meets health requirements. Members of the Fire Department shall be retired, if need be for reason of health or ability, who have attained the age of seventy (70) years shall be automatically retired therefrom on their seventieth birthday, unless by reason of health or incapacitation, as determined by a medical professional and the fire chief. termination of employment shall occur at an earlier age.~~

12.75 - Meetings.

Sec. 1.45. The Fire Department shall hold at least one (1) meeting in each calendar month, at which meeting the Fire Chief or the Assistant Fire Chief shall be the presiding officer. The regular monthly meetings will be held the day following the first Council meeting of each month. Any member who shall for any cause, except sickness of himself or member of the immediate family, or by reason of death in his/her immediate family, or by reason of being excused by the Fire Chief as hereinafter provided, fails to attend such regular or practice meetings, or shall fail to respond to a call to a fire or emergency as hereinbefore provided, shall be considered absent and his/her nonattendance so noted on his/her record. ~~Any member failing to attend two (2) meetings, fire calls or emergencies or any combination thereof in any one calendar month shall be subject to dismissal from the Fire Department upon recommendation of the Fire Chief to the Council.~~ The Fire Chief shall have power for good cause to excuse any member from attending such meetings, fire calls or emergencies. Any member so dismissed from the Fire Department shall immediately return to the Fire Chief any articles of clothing or equipment in his/her possession which have been furnished him/her by the Department.

12.76 - Responsibilities of the fire chief.

Sec. 1.46. The Fire Chief, subject to the direction of the Council, shall have control, custody and general superintendence of the engine house, fire engines, extinguishers, hooks, ladders, vehicles and of all property belonging to or pertaining to the Fire Department or used in extinguishing or preventing fires or used in emergencies. It shall be the duty

of the Fire Chief to maintain the ~~same~~ equipment in secure and convenient places and in proper operating order and repair. He shall immediately report to the Council any and all necessary repairs or replacements. The Fire Chief shall, whenever required by the Council, make such reports relating to the condition of the Fire Department and its equipment and any matters pertaining thereto to the Council in regular session on such date as shall be named by the Council.

12.77 - Duties of the fire chief in case of fire.

Sec. 1.47. Upon the breaking out of any fire within the City of Harrison, or the happening of any emergency requiring the attendance of the Fire Department or the personnel thereof, it shall be the duty of the Fire Chief to go forthwith to the engine house or to the scene of the fire or emergency, and he shall exert his/her best efforts in the fighting and extinguishing of such fire; and in the protecting, removing and securing property, and in the protection of life and property in any and all emergencies requiring the attendance of the Fire Department. The Fire Chief shall have and exercise absolute control and direction of all members of the Fire Department or connected therewith, and the working and operation of all firefighting equipment or emergency equipment. ~~The Fire Chief shall be ex-officio a police officer of the City of Harrison with all of the powers and duties of a police officer while in the discharge of his/her duties as Fire Chief.~~ Any member of the Fire Department refusing to obey the order or direction of the Fire Chief at any fire or emergency shall be expelled from the department and removed from any position he may have held therein.

12.78 - Assistant fire chief.

Sec. 1.48. The Assistant Fire Chief, in the absence or disability of the Fire Chief, shall have and exercise all the duties, powers and responsibilities of the Fire Chief, and such shall continue until the Fire Chief shall appear and take control.

12.79 - Attendance at fires.

Sec. 1.49. It shall be the duty of the members of the Fire Department, whenever a fire shall break out in the City of Harrison or any surrounding territory serviced by the Harrison Fire Department, or any emergency shall occur requiring their attendance, to go immediately to the engine house or upon direction by their officers to the scene of the fire or emergency and then and there in conformity with the directions given them by the Fire Chief or Assistant Fire Chief, proceed with their duties in the fighting and extinguishing of such fire or in the performance of their duties in such emergency with all their skill and

power, and to remain at the scene of such fire or emergency until otherwise directed by the Fire Chief or Assistant Fire Chief, and they shall continue in the discharge of their duties, unless otherwise directed or excused, until all firefighting or emergency equipment shall have been returned to the engine house, properly stored and cared for. A roll call shall be taken at the engine house after each call to fire or emergency, and at the beginning and ending of any practice session. No member shall be deemed to have been in attendance at such fire or emergency or at any practice session until he shall answer to such roll call, unless he shall have been excused by the Fire Chief or Assistant Fire Chief in charge.

12.80 - Reports.

Sec. 1.50. The Fire Chief shall keep an accurate account of the attendance of members at all fires, emergencies and meetings, regular and practice, and shall present to the Council, in writing, his/her statement of the same, signed, as often as may be directed by the Council, but no less than once each year. Such reports shall include the date and time of any fire, emergency and meetings called during the period covered by such report. Provided, however, that the Council shall have authority to require other and further reports at their discretion.

12.81 - Compensation.

Sec. 1.51. The City Council shall have the power of establishing the rates of pay and allowances for the members of the Fire Department by Resolution. All such rates and allowances in effect at the time of the passage of this/her Ordinance shall continue until otherwise modified by the Council. Provision for such salaries and allowances shall be included in the Fire Department's budget.

12.82 - Rules and regulations.

Sec. 1.52. The Fire Chief shall make no rules, regulations or by-laws for the government of the Fire Department, unless the same shall be consistent with the provisions of this/her Chapter, and such rules, regulations and by-laws shall not be effective until ratified by a majority vote of the Council in regular session.

12.83 - Fire fund.

Sec. 1.53. The "fire fund" into which all monies appropriated for the Fire Department shall be paid, heretofore created, shall be continued.

Passed by the City of Harrison on _____, at a regular meeting with _____ council members in attendance, _____ voting aye, _____ nay. Adopted by the City of Harrison this ___ day of _____, 2019.

Signed: _____, Chair.

I hereby certify that the foregoing was duly adopted by the City of Harrison, Michigan, at its regular meeting on the _____ of _____, 2019, that of _____ members of the City Council, _____ were in attendance and _____ voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the City of Harrison.

Effective Date:

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Tracey Connelly, Clerk