

**AN ORDINANCE AMENDING CHAPTER 37 OF THE TOWN OF SMITHFIELD MUNICIPAL CODE ENTITLED "FIRE DEPARTMENT".**

**IT IS HEREBY ORDAINED BY THE TOWN OF SMITHFIELD AS FOLLOWS:**

Section 1. Chapter 37 of the Smithfield Municipal Code is hereby amended to read as follows:

---

**§ 37-1 Creation.**

There shall be a permanent Fire Department (referred to in this chapter as the "Department") under the control of an officer to be known as the Chief of the Fire Department, who shall have adequate knowledge of the organization and administration of a Fire Department and shall have had experience in the management and direction of Fire Department equipment and personnel.

**§ 37-1.1 Functions.** The Fire Department shall be responsible for the adequate protection of life and property from fire, hazardous materials, emergency medical events, man-made hazards, natural hazards and other hazards normally within the jurisdiction of a Fire Department, including but not limited to those powers and duties now and hereafter vested in fire and emergency medical personnel by this ordinance, Rhode Island General Laws or Federal Laws.

**§ 37-1. 2 Responsibility.** The Fire Department shall be responsible for coordinating the Incident Command System at multi-agency response incidents occurring within the jurisdiction of the Town of Smithfield. The lead agency for the Town of Smithfield at a multi-agency response incident shall be determined by the Town agency that is the authority having jurisdiction for the type of incident.

**§ 37-2 Appointment and removal of Chief; compensation.**

The Chief of the Fire Department shall be appointed by the Town Manager and at whose pleasure the Chief shall serve.

**§ 37-3 Qualifications and duties of Chief.**

- A. Generally. The Chief of the Fire Department shall have no less than five (5) years of supervisory and administrative experience in the field of firefighting, fire prevention, and emergency medical services, or experience that shall be substantially equivalent. The Chief shall have a Bachelor of Science degree in a related field. The Chief shall be in direct command of the Fire Department and shall, subject to the approval of the Town Manager, make rules and regulations relating to the operation and management of the Fire Department. . He shall be and at all times shall act as highest-ranking superior officer of the fire force, emergency medical services and all special services assigned thereto. He shall carry out, perform, enforce, discharge or otherwise effectuate any duty specifically imposed upon him by the rules and regulations of the Department; provide for the full observance and compliance with these rules and regulations by the members of the Department; perform any lawful act necessary to protect the lives and property of the people of the Town from fire or other disaster; and provide emergency medical services.
- B. Administration; rescue. The Chief of the Fire Department shall have full and absolute authority in the administration of the Fire Department, shall be responsible for formulation and implementation of the rules, regulations and procedures for its operation and shall be responsible for the conduct of all officers and employees thereof. All rescue units and the Town ambulance service are within the Fire Department.

- C. **Property.** The Chief shall have custody of and be responsible for the care and management of all buildings, apparatus, equipment, supplies and any and all other property and equipment assigned to the Fire Department and shall purchase and keep in repair all equipment and apparatus used for and by the Fire Department.
- D. **Pay of members.** The Chief of the Fire Department shall fix the compensation of part-time, permanent, and call members of the Fire Department subject to the approval of the Town Manager.
- E. **Finance.** The Chief of the Fire Department shall present budget estimates, including control of expenditures in accordance with the current budget, payroll, purchasing and all other matters pertaining to financial operations and shall submit same to the Town Manager in accordance with existing accounting procedures.
- F. **Reports.** The Chief of the Fire Department shall report to the Town Manager from time to time as the Town Manager may require,.
- G.
- G. **Duties of subordinates.** The Chief of the Department shall at all times be responsible for the performance of all duties assigned to subordinate members of the Fire Department.
- H. **Appointments of members.** The Chief shall appoint permanent officers and members of the Department, subject to approval by the Town Manager. Appointments will be of six months' probation, and a probation period not to exceed one year may be granted by the Town Manager.
- I. **Assignments.** The Chief shall assign to each station the officers and fire fighters he may deem necessary and shall have the authority to transfer or to completely reorganize the membership of any station or company.
- J. **Suspensions.** The Chief of the Fire Department may, pending investigation, suspend any officer or member of the Department from duty when in his judgment the circumstances warrant such action.
- K. **Alarms.** The Chief shall determine the order in which the companies respond to alarms.
- L. **Investigations.** The Chief of the Department shall be responsible for the investigation of all fires and shall seek the assistance of the State Fire Marshal's office whenever necessary.
- M. **Orders.** Whenever any situation, circumstance or condition shall arise concerning the protection of life and property from fire or other disaster including emergency medical services, or whenever any matter shall arise which tends to impair the efficiency, discipline or morale of the Department which situation or matter is not made subject to some definition, supervision or control by the rules and regulations of the Department, the Chief of the Department acting in his capacity as executive officer shall provide for definition, management or control of the same, through the issuance of a suitable general order or special order.
- O. **Other municipalities.** The Chief of the Department shall have the power and authority to cause the dispatching of apparatus to any city or town outside the corporate limits of the Town of Smithfield when a request for such apparatus is received from a responsible municipal officer of another city or town; provided, however, that such action shall not be taken at any time it shall cause the protection being afforded life and property within the Town of Smithfield to be unreasonably diminished.
- P. **Absence of members.** Whenever it appears that any station shall be undermanned by reason of leave,

- C. Officers in command of units, both regular and call, shall under the direction of the training officer, conduct instruction periods for the purpose of familiarizing members of their commands with Department rules and regulations, signals, evolutions and practices as prescribed. All members shall be thoroughly drilled in the use of all tools and equipment and schooled in subjects pertinent to the fire service.
- D. Scheduled drills shall be held and shall be performed in accordance with Department drill schedules and evolutions and practices prescribed by the training officer and the Chief of the Department.
- E. All regular and call personnel shall be paid regular wages commensurate with their ranks whenever reporting for instructions, practice drills or general training sessions.
- F. Indoor training sessions shall be held weekly on a continual basis. The training officer under the direction of the Chief of the Department shall evolve a training program of weekly lessons, with appropriate study reference materials, and shall submit same to the company commanders so that company members may be kept up-to-date on the wide variety of subjects with which firefighters are expected to be familiar.
- G. The training officer shall ensure that appropriate attendance records for all types of training are maintained.

#### § 37-11 User fees.

- A. The Town of Smithfield fire and rescue services shall initiate user fees for the delivery of fire and rescue services, personnel, supplies and equipment to the scene of motor vehicle accidents and other emergency incidents as listed in Exhibit A. The rate of user fees shall be based on actual costs of the services and that which is usual, customary and reasonable, which may include any services, personnel, supplies, and equipment and with baselines established by the Smithfield Town Manager.
- B. The user fee shall be filed to the responsible party, representing an add-on cost of the claim for damages of the vehicles, property and/or injuries. In the event services are required relating to utilities causing safety problems to highway areas, and if the area is deemed unsafe by emergency responders, the same billing process shall apply to said utility, whose equipment-related problems cause an emergency services response. The claim costs shall be filed to the insurance coverage of the owner of a vehicle, owner of property, or responsible parties.
- C. The Town of Smithfield Town Council may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this section, as it may deem necessary or expedient in respect to billing for these fees or the collection thereof.
- D. This section shall take effect upon passage and shall be implemented at the earliest time permitted by law.
- E. These user fees for motor vehicle accidents or any other billable service covered by this section will apply to all persons whether residing or not residing within the Town of Smithfield. The payment for such service is expected to be made by a third-party insurance carrier. At no time will the Town of Smithfield charge any individual personal party for services rendered. If a third-party insurance carrier does not pay for a claim, the claim will be written off as a hardship case. The only exception to this section will be a court-ordered ruling that holds an individual party personally responsible and therefore is made personally responsible for any costs associated with emergency response fees.

sickness or other absence of a regular Fire Department member, the Chief of the Department shall authorize the call of a call member as a substitute. Said substitute shall assume all duties and responsibilities of the member of the Department being replaced and shall receive full compensation at a rate commensurate with rank.

- Q. Violations of rules by members. The Chief of the Department shall have the power to impose penalties upon any member of the Department for any violation of the rules and regulations of the Fire Department, either by reprimand or by extra hours of duty, such extra hours not to exceed 50 hours of duty without pay for any one violation, or by suspension from duty without pay.

**§ 37-4 Line of command.**

The line of command within the Fire Department shall descend in the manner and order prescribed by the Chief of the Department.

**§ 37-5 Personnel.**

The Chief of the Fire Department shall appoint a deputy Chief or Chiefs and such officers and firefighters as he may deem necessary and may dismiss or suspend the same for just cause only and in accordance with the rules, regulations and procedures of the Fire Department.

**§ 37-6 Deputy Chief.**

The Deputy Chief of the Department shall be responsible to the Chief of the Department and shall have the direct personal command, control and supervision over all personnel (both permanent and call members) when responding to a fire or other disaster or emergency; he shall be responsible, under the Chief of Department, for directing all fire-fighting and rescue operations and the use of apparatus, equipment, appliances, devices, tools and the personnel thereof, and enforcing the discipline among the companies and the rules and regulations of the Department.

**§ 37-7 Acting Chief.**

- A. In the absence of the Chief of the Department, the Deputy Chief shall be in charge of the Department and shall carry out all the duties and assume all the responsibilities of the Chief of the Department.
- B. The Chief of the Department or in the absence of the Chief of the Department the Deputy Chief may designate the most senior qualified officer as Acting Chief of the Department.

**§ 37-8 Officers below rank of Deputy Chief.**

All officers below the rank of deputy Chief shall perform such duties as the Chief of the Department and the rules and regulations shall require of them.

**§ 37-9 Duties of personnel.**

All personnel shall perform such duties as the Chief of the Department and the rules and regulations shall require of them.

**§ 37-10 Drills; training; operations.**

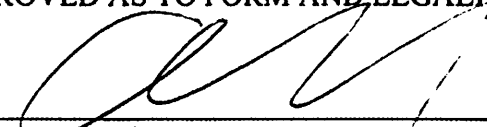
- A. Courses of instruction, drills and training shall be maintained in the Fire Department as ordered and directed by the Chief of the Department.
- B. Operations at fires or other emergencies, direction of hose streams, placing of ladders and the operation of motors and pumps, whenever practicable, shall be performed in accordance with the instructions, training, practices and procedures prescribed by the Chief of the Department.

**Attachments:**

Attachment 1 - Exhibit A Emergency Incidents

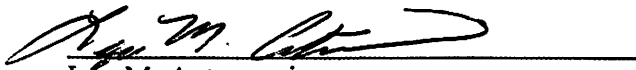
Section 2. These Ordinance Amendments shall take effect Thirty (30) days after their adoption by the Smithfield Town Council.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Anthony M. Gallone, Jr.  
TOWN SOLICITOR

ADOPTED: 3/19/2024

  
\_\_\_\_\_  
T. Michael Lawton  
TOWN COUNCIL PRESIDENT

  
\_\_\_\_\_  
Lyn M. Antonuccio  
TOWN CLERK

