

ORDINANCE NO. 2020-36
INTRODUCED BY: Mayor Bodnar

**AN ORDINANCE AMENDING MAYFIELD VILLAGE CODIFIED ORDINANCE
CHAPTER 141 FIRE DEPARTMENT**

WHEREAS, Mayfield Village adopted Chapter 141 of the Codified Ordinances pertaining to establishment and administration of a Fire Department for the Municipality; and

WHEREAS, Sections 141.01(b) and 141.06 pertain to composition of the Fire Department including the Fire Chief and Assistant Fire Chief/Fire Marshal but do not set forth continuing certification requirements in promoted ranks; and

WHEREAS, Section 141.01(h) contains age restrictions for new hire original appointees; and

WHEREAS, the Mayfield Village Council deems it in the best interest and for the health, safety and welfare of Mayfield Village and its residents to amend Sections 141.01 and 141.06 of the Codified Ordinances to provide for continuing certification requirements for promoted ranks including the Fire Chief and Assistant Chief/Fire Marshal and to expand the opportunity for new hire original appointees by increasing the age limitations and to include an enforcement provision for historical purposes as set forth below.

NOW , THEREFORE, BE IT ORDAINED by the Council of Mayfield Village, Cuyahoga County, State of Ohio that:

SECTION 1. Chapter 141 of the Village's Codified Ordinances is amended to read as fully set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. That any sections of the Codified Ordinances in conflict herewith are hereby and herein repealed and amended accordingly. All other provisions of the Village Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of Mayfield Village.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect after adoption and at the earliest time allowed by law.

STEPHEN SCHUTT
Council President

First Reading: _____, 2020

Second Reading: _____, 2020

Third Reading: _____, 2020

PASSED: _____, 2020

BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

ANTHONY J. COYNE, ESQ.,
Director of Law

ATTEST: _____
MARY E. BETSA, MMC
Clerk of Council

EXHIBIT A

Chapter 141 Fire Department:

Chapter 141 Fire Department:

Section 141.01 DEPARTMENT AND POSITIONS ESTABLISHED.

(a) There is hereby established a Fire Department for the Municipality.

(b) The Fire Department shall consist of a full-time Chief, Assistant Chief / Fire Marshal, Executive Assistant, full-time Lieutenants, full-time fire-fighters, and not more than thirty part-time fire-fighters. All current and new hire line firefighters and all line officers shall be certified as EMT-B or above as determined by the Employer. All original appointees as set forth herein shall maintain their State Certified Paramedic status. The Chief and Assistant Chief/Fire Marshal shall maintain EMT-B Certification.

(c) Full-time service shall require not less than forty hours of service per week, as scheduled by the Chief. Part-time service shall include payment to part-time personnel for all fire calls, emergency calls, fire station duty and drills.

(d) The Chief shall certify the performance of all fire department personnel to the Finance Director.

(e) All fire calls and emergency calls shall be deemed to commence and terminate at the time appearing in the Fire Department Log.

(f) The Finance Director is authorized to compensate all Fire Department personnel, as may be authorized from time to time by ordinance upon receipt of the certification prescribed by subsection (d) hereof.

(g) All appointments or removal of any member of the Fire Department shall be pursuant to the Charter, Village Ordinances and applicable rules of the Civil Service Commission of the Ohio Revised Code in the absence of applicable rules.

(h) No person shall be eligible to receive an original appointment as an entry level full-time fire fighter in the Fire Department, unless the person is at least eighteen (18) years of age and no older than thirty-two (32) years of age or so long as not over forty-one (41) years of age, provided the person has prior service as a firefighter and qualifies as being a member of the Ohio Police and Fireman's Disability and Pension Fund and provided that such service and membership has been continuous since the firefighter attained thirty-two (32) years of age.

Section 141.02 APPOINTMENT OF FULL-TIME CHIEF; DUTIES.

Commencing January 1, 1975, the office of the Chief of the Fire Department shall become a full time position.

The Mayor is authorized to name and appoint the Chief of the Fire Department.

The Chief of the Fire Department shall have the supervision and charge of the operations and all other members of the Fire Department.

(Ord. 2014-21. Passed (9-15-14)

Section 141.03 USE OF FIRE APPARATUS.

The Fire Department is authorized to act and use the fire apparatus of the Municipality in times of emergency to safeguard life, limb, property, and public safety and health subject to the direction and control of the Fire Chief.

(Ord. 2014-21. Passed 9-15-14.)

Section 141.04 VOLUNTEER FIREMEN’S DEPENDENTS FUND BOARD.

There is hereby established a Voluntary Firemen’s Dependents Fund Board for the Municipality to consist of such members and having the powers and duties as provided under Ohio R. C. Chapter 146.

(Ord. 2014-21. Passed 9-15-14.)

Section 141.05 CONSTITUTION, BY-LAWS, RULES AND REGULATIONS ADOPTED.

The Constitution, By-laws, and Rules and Regulations of the Fire Department revised March 1, 1956, a copy of which is attached to original Ordinance 539, passed March 19, 1956 marked “Exhibit A” and made part of this section, are hereby approved.

Section 141.06 PARAMEDICS

(a) For purposes of this section a “paramedic” (Emergency Medical Technician-Paramedic) shall be as defined in Ohio R.C. 4765.30, as the same shall be amended from time-to-time.

(b) All original appointees to the Fire Department, from and after the effective date of this section, except for the Chief and the Assistant Chief/Fire Marshal, shall maintain their status as a State certified paramedic during their tenure of employment with the Municipality in accordance with the aforesaid provisions of the Ohio Revised Code.

Section 141.08 FIRE/ARSON INVESTIGATION.

(a) An Employee or employees within the Fire Department may be designated by the Fire Chief as “Fire Investigators” pursuant to Ohio R.C. 737.27.

(b) Such Fire Investigators shall investigate, or cause to be investigated, every fire or explosion occurring within the jurisdiction of Mayfield Village that is of suspicious nature or which involves the loss of life or serious injury or causes destruction or damage to property. Such investigations may go outside the jurisdiction of Mayfield Village by mutual agreements with adjoining or regional communities.

(c) Such fire investigators must receive the required training, and be duly sworn as a law enforcement officer, and shall have the power and duty to investigate the cause of all fires, examine witnesses, compel the attendance of witnesses, and the production of books and papers and to do and perform all other acts necessary to the effective discharge of such duties.

(d) Any member of the Fire Department of the Village who has received the required training and been duly sworn in accordance with this section, and designated by the Fire Chief to perform such duties, shall be permitted to administer oaths, make arrests, bear firearms, and enter, for the purpose of examination, any building which, in his or her opinion, is in danger from fire.

(Ord. 2014-21. Passed 9-15-14.)

Section 141.0—9 For enforcement purposes, this Chapter shall be construed as having the same effective date and any dates listed in this Chapter are for historical purposes.