

OWEGO FIRE DEPARTMENT BY-LAWS



Adopted June 1, 2009 by Village of Owego Board

Article 1 - The Owego Fire Department Board of Trustees

Section 1.

There shall be a regular meeting of the Owego Fire Department Board of Trustees, hereinafter referred to as the Fire Board within the first week of each month.

Section 2.

- a. Each company Fire Board Trustee not present at the regular fireboard meeting without being excused by fireboard, shall be fined \$25.00 and this shall be withheld from any dividend or dividends declared in favor of their company.
- b. Each Chief not present at the regular fireboard meeting without being excused by fire board prior to the regular meeting, shall be fined \$25.00 each and this shall be withheld from their stipend.

Section 3.

If a trustee is absent from three (3) consecutive regular meetings, without suitable excuse, the Secretary shall inform his company of the fact and request that they elect a new representative.

Section 4.

In debate upon any item before Fire Board, no member shall speak more than twice or longer than five minutes, without permission of the Board. Every trustee present shall vote; unless directly interested, in which case a majority of the Board may excuse him.

Section 5.

If requested by any member, the yeas and nays shall be entered upon the minutes by the Secretary.

Section 6.

It shall be the duty of Fire Board to divide, from time to time, among the respective companies of the department so much of the monies put into the treasury as in the judgment of said Board the interest of the department will warrant. Such dividend, when declared, on order of the Board, signed by the President and the Secretary, which order, receipted by the Treasurer, shall be the voucher of the Treasurer of the department for the payment of such dividend.

Section 7.

The President may call a special meeting upon the written request of the Fire Board Trustee or Trustees of two companies, stating the object of the meeting.

Section 8.

The President has the power to call a special meeting or request a phone vote of Fire Board any time that he deems necessary. Any phone vote must be ratified at the next meeting.

Article 2 - Duties of Officers

Section 1.

The Chief shall take the entire control and management of the Fire Department at all incidents, shall station the apparatus at what ever points he deems best, and prescribe the duties of his assistants, the apparatus, and citizens present. He/she will use the Incident Command structure that is listed in the Standard Operating Procedure (SOP)/Standard Operating Guidelines (SOG)'s.

Section 2.

It shall be the duty of the Chief, with the consent of the Mayor of the Village, to remove or cause to be removed any cause by which serious danger from fire may be foreseen.

Section 3.

The Chiefs shall have access to, and examine at least once a month, all fire apparatus belonging to the department and shall report to the Board of Trustees of the Village any alterations or repair they may deem necessary.

Section 4.

It shall be the duty of the Treasurer to take charge of all monies and evidence of indebtedness belonging to the department, to keep a true and accurate account of the source from which all monies are derived, and the date and requested by Fire Board, make a report to the said Board of all money transactions, during his term of office, and shall pay services shall be enumerated as said Board sees fit. In the absence of the Board Treasurer, the Board Secretary shall be charged with the duties of the Treasurer.

Section 5.

The Treasurer before entering upon the duties of office, shall execute a bond to said corporation in the sum of Five Thousand Dollars (\$5000.00) for the faithful discharge of his duty and deliver all property in his hands or possession belonging to said corporation.

Section 6.

The Chief Officer shall have the power to suspend any member for non-compliance within section 1, 2, or 3 of Article 6. Said member may appeal the suspension to the Fire Board within 30 days.

Section 7.

In the absence of the Chief, the First Assistant will take charge and have all the powers of the Chief. In the absence of the Chief and the First Assistant Chief, the Second Assistant will assume the role of Chief. In the absence of the Chief, the First Assistant Chief, and Second Assistant Chief, the Deputy Chief will assume command.

Section 8.

If for any reason an office of the department becomes vacant, Fire Board will appoint a qualified individual to fill the position until the term has expired.

Article 3 - Qualifications, Elections and Nominations of Officers/Members

Section 1.

Qualifications of Chief officers

- a. Must have served at least one full term as an Assistant Chief to run for 871
- b. Must have served at least one year as a Line Officer
- c. Must have a minimum of three years as an active member
- d. Must meet the SOP/SOGs requirement

Section 2.

The Election of the Department shall be held between the hours of 1:00-2:00 p.m. and 7:00-8:00 p.m. of the respective days designated therefore by the Act of Incorporation, and the polls shall remain open at least one hour. In the event of an emergency involving the Owego Fire Department and/or Owego Fire Department Emergency Squad, an auxiliary voting time and location will be set and posted conspicuously at the polling place. Special documentation will be requested by affected voters in order to cast ballots. The Fire Board of Trustees has the right to change/extend voting times during emergencies so all members in good standing are allowed to vote.

Section 3.

Every person who is an active member for at least one month prior to an election, and is listed on their company's certified list at the last regular meeting prior to the department election, shall be entitled to vote.

Section 4.

No person shall be considered a member unless they are sixteen years of age, and no person shall vote by proxy. Absentee Ballots will be made available upon written request no more than 30 days and no less than 15 days prior to Election Day. Absentee Ballots must be post marked no later than 15 days prior to the election. No hand delivery of Absentee Ballots shall be allowed.

Section 5.

Any person elected to membership as a Volunteer Member of the Village of Owego Fire Department shall be a resident of the Village of Owego or the territory outside the Village of Owego which is afforded fire protection by the Fire Department of the Village of Owego pursuant to a contract for fire protection except as otherwise provided in Subdivision Six of Municipal Law. Owego Fire Department's definition of by reason of vicinity, under Subdivision Six, is that elected member shall live within five miles of protection by the Owego Fire Department. Owego Fire Department's definition of usual occupation is that elected member shall be able to render active service as a volunteer member of the Village of Owego Fire Department. If the proposed member falls under Subdivision Six the Owego Fire Department Secretary shall receive in written form from a Chief of the proposed member's residing territory, a letter giving permission to join accompanying said application of the election into the fire department. Furthermore they shall complete all training set up by the Fire Board.

Section 6.

The Secretaries of the respective companies shall, on or before the first Wednesday of May in each year send to the Secretary of Fire Board, a certified list of members of their respective companies in good standing on that date, which list shall be in alphabetical order, and signed by the Foremen or President and the Secretary of the company, and the said certificate shall be in the following form:

We hereby certify that the foregoing list of _____ Company, No. _____ is a true and correct list in all particulars, and that each and every person whose name appears on said list is a member in good standing, and has been a member of said company for Thirty days.

_____ Foremen/President
_____ Secretary

Section 7.

Failure to submit a certified list by stated date to the Fire Board will result in company's forfeit of right to vote.

Section 8.

In the case of a tie in any office, the incumbent will continue to occupy the position until such time as a special election has taken place and said office has been duly filled. If there is no incumbent included in the tie, then the said office will remain vacant until such time as a special election has taken place and said office has been duly filled. As a result of such a tie, a second election shall be held the last Wednesday of the following month between only the candidates tied for the said office. All election procedures in Article 3, Section 2 of the By-Laws will be followed.

Section 9.

- a. Each company in the Owego Fire Department will send two delegates and two alternates to the nomination convention. Alternates will not be empowered to vote unless the delegate is absent. If the delegate or alternate is nominated for office, they shall leave the convention to an alternate.
- b. From among the representatives, a chairman and Secretary will retain their voting power for nominees.
- c. The Chairman shall ask for nominations for each elected office of the Owego Fire Department. All names of the nominees will be placed on the official ballot. The official ballot shall include the name of the incumbent first then followed by challengers, with a blank space at the bottom of each office for write-ins. If there is no incumbent, nominees will be listed alphabetically.

Elected offices for the Owego Fire Department

Chief
First Assistant Chief
Second Assistant Chief
Deputy Chief
Secretary
Treasurer

- d. No person's name shall be placed on the official ballot for more than one elected office.
- e. If death should occur to one of the nominees before the election, their name will be removed from the official ballot for the position then nominations convention Chairman shall call a special convention to nominate a candidate or candidates for this elected office only.
- f. After all elected offices of the Owego Fire Department have been filled with nominees for the official ballot; the convention shall be closed by the Chairman.

Section 10.

- a. Any write-in candidates must be a member in good standing of the Owego Fire Department. Otherwise, the entire ballot will be discarded.
- b. All instructions on the ballot must be strictly followed in order for the ballot to be counted.
- c. Any ballot received with obscenities or inappropriate markings will deem the entire ballot null and void.

Article 4 - Application Process for Membership

Section 1.

- a. Application is received by a company, completely filled out and sponsored by a company member in good standing and voted on, and must be investigated by the company appointed Investigation Committee. Prospective applicant must sign a written agreement of voluntary termination from the Owego Fire Department upon conviction of sexual misconduct or arson.
- b. Application will be presented to Fire Board and voted on for membership pending results of physical and arson check.
- c. Upon receiving results of physical and arson check the Chief will forward application to the Village Board of Trustees for membership in the Owego Fire Department.
- d. No person will attend new member training, fire ground training, squad training, or make any calls or receive any gear until applicant has Village Certificate in hand.
- e. A member of a company may transfer to another company if their dues are paid up in the company they are a member, and if the company they transfer to, accepts them. Fire Board must be notified at the next scheduled meeting of the completed transfer.
- f. Applications will not be accepted if applicant has any previous felony convictions.
- g. All training and other requirements must be met within a twelve-month period from date of Village Certificate. Fire Board may make exceptions on case-by-case basis.

Article 5 - Junior Fire Fighters

- a. Applications for membership as Junior Fire Fighters shall be at least sixteen years of age.
- b. Working papers must be attached to a Junior application.
- c. An applicant for Junior Fire Fighter must be sponsored by a member in good standing.
- d. No activities or equipment of the Owego Fire Department shall infringe upon a Junior Fire Fighter's responsibilities as a student. JUNIOR Fire Fighters ARE STUDENTS FIRST!!
- e. Each Junior Fire Fighter must maintain a scholastic standing as defined by their respective school system.
- f. Each Junior Fire Fighter must complete the "New Member Training" program as defined and required by the Owego Fire Department.
- g. No Junior Fire Fighter may be in the fire station(s) during their scheduled school hours or after 10:00 p.m. while school is in session. Junior Fire Fighters may accompany ONE nonmember in the fire station(s) at a time.
- h. At firematic practices handled by Owego Fire Department Officers, all Junior Fire Fighter may be allowed to operate pumps and handle hose lines or any other equipment of firematic use that New York State Law allows.
- i. Junior Fire Fighters will be identified by an accepted and easily identified symbol. They will report to and receive instruction from a Chief Officer, Captain/Foreman, or Officer In Charge (in that order) at a fire scene. They may not enter a burning structure or engage in any activity which may endanger their own safety or the safety of others including driving an emergency vehicle to a call.
- j. A Junior Fire Fighter may ride to and from a fire call after successfully completing all required training further defined in SOP/SOG's. All Junior Fire Fighters must be certified and maintain a senior operators license prior to operating Owego Fire Department vehicles, and must be accompanied by a certified operator.
- k. A Chief or a person appointed by a Chief shall be appointed to take care of any problem that may occur in the Junior Fire Fighter Program.
- l. Junior Fire Fighters will not be excused from school to answer a fire call. They will be excused only at the request of a Fire Officer. The Chief or appointed personnel shall maintain an active list of Junior Fire Fighters.
- m. Junior Fire Fighters may attend all social functions. All Alcoholic beverage control laws and all rules and regulations must be observed during attendance.
- n. Any infringement of the above rules will be considered grounds for discipline or expulsion of a Junior Fire Fighter.
- o. Junior Firefighter cannot respond to or take part in any mutual aid call.
- p. Junior Fire Fighters will maintain "Probationary membership status" and are not eligible to hold an elected or an appointed office.

Article 6 - Offenses and Penalties

Section 1.

No Apparatus of the Owego Fire Department shall be operated in a manner deemed unsafe and upon conviction, of any applicable laws of the State of New York, any member may be expelled from the Owego Fire Department

Section 2.

Any person not a member in good standing of the Owego Fire Department shall not participate at a fire scene. Any member of the Owego Fire Department who creates a disturbance, is intoxicated on duty, or spreads the alarm of fire knowing it is false, may be expelled from the Department upon conviction of any applicable laws of the State of New York.

Section 3.

No fire apparatus shall be taken beyond the limits of the district, without the consent of the Chief or their assistants, unless in case of an incident.

Section 4.

The Fire Board of Trustees shall have full power to hear and determine all complaints for violations of the preceding By-Laws, the Village Charter, Municipal Law, State Fire Law, New York State Criminal Law; and for that purpose shall appoint the time and place of hearing (which shall not be less than ten days from the time of the first regular meeting following the filing of the specifications mentioned in Article 4, Section 4), summon witnesses and administer to them the usual oath, and may adjourn such hearing, from time to time, as the interest of the Department and justice to the accused may require. A majority of said Fire Board Trustees in attendance shall be necessary to secure conviction.

Section 5.

No Company or individual member of the Department shall be subjected to the fine and penalties imposed by this Fire Board until the complaint(s) shall have filed with the Secretary of the Fire Board of Trustees, specifications in writing of the offense alleged to have been committed, stating the time and place of its occurrence, a copy of which together with a notice in writing of the time designated by the Fire Board of Trustees for hearing of the same, shall be served on the accused with a copy served upon the Captain/Foreman of the accuser's company or his/her representative eight days prior to the time appointed for such hearing.

Section 6.

Any action taken by a member of the department that creates a potential for adverse publicity or in effect causes harm to the image of the department can be removed from membership by a majority vote of the Fire Board. The Fire Board can also vote to suspend a member for a period of time to be determined by the Fire Board.

Additionally, the chief officer can suspend any member of the Department immediately and the suspension will remain in effect until the Fire Board convenes to determine if further action is necessary.

Section 7.

All members shall be bound by Departmental SOGs/SOPs as received during annual OSHA and Departmental training, and as updated periodically during the year. Failure to comply with SOGs/SOPs will result in disciplinary action as described in the applicable document, at the discretion of the chief officers, and/or in compliance with Article 6.

Article 7 - Sexual Misconduct

Section 1.

Upon arrest stemming from accusations of sexual misconduct under the New York State Penal Law, the member will be suspended by a chief officer following notification of said charges.

Section 2.

During suspension the member shall not be on Fire Department property, participate in a fire scene, participate at any Fire Department function, or operate apparatus. Any violation of the suspension under Article 7 will result in revocation of the Owego Fire Department membership.

Section 3.

Upon the dismissal of the said charges or in the event of an acquittal, the member will have all Fire Department privileges reinstated and no further action will be taken.

Section 4.

Upon conviction in criminal court the Fire Board of Trustees will revoke Fire Department membership.

Section 5.

Within one month of member termination all department issued equipment must be returned to the Chief Officer. The member will be held financially responsible for any equipment that is not returned or is returned in poor condition.

Article 8 – By-law changes

Proposed changes to these By-laws may be made by a three quarter (3/4) majority vote of the Fire Board, provided such proposition has been made in writing to the Fire Board one month previous to its next monthly meeting. Any alterations or amendments to these By-laws will be effective immediately upon its passing by the Village Board of Trustees.