

Otto

Volunteer Fire Company

CONSTITUTION AND BY-LAWS OF OTTO FIRE COMPANY, INC.

ARTICLE 1 - Name, Purpose and Territory

Section 1.

The name of this organization shall be Otto Fire Company, Incorporated.

Section 2.

The objectives of this organization shall be as follows:

- (a) To care for and maintain equipment and/or apparatus of any kind or nature for use by the organization in the protection of persons and property from injury, death, loss, damage or destruction by fire or natural disasters.
- (b) To provide suitable quarters for the use of the members and in connection with the housing of fire apparatus and equipment.
- (c) To save lives and protect the property of the residents of and visitors to the territory in which the operations of the organization are principally conducted and to territory adjacent thereto.
- (d) To provide fire prevention and fire safety education to the community.
- (e) To foster interest in all matters pertaining to the volunteer fire service and the welfare of members and all volunteer firefighters.
- (f) To inculcate love of country, good citizenship, civic virtue, and self-sacrifice, and to perpetuate the spirit which from the earliest days has actuated volunteer firefighters in the rendition of service of the highest type in the protection of life and property from fire, without the hope of fee or reward.

Section 3.

The territory in which the operations of the organization shall be principally conducted is as follows: All lands and waterways within the boundaries of the Town of Otto, Cattaraugus County, New York, and all additional territory which is protected under contract from adjoining towns through the Board of Fire Commissioners.

ARTICLE II - Membership

Section 1.

Membership in this organization shall be divided into five classes. They are as follows; Active, Inactive, Exempt, Honorary, and Associate.

Section 2. - Active Members

Persons shall be eligible for active memberships who are at least 16 years of age, citizens of the United States of America, of good moral character, and preferably a resident of the territory protected by the organization. . Restrictions for members ages 16 – 18 as determined by the Executive Committee are: 1) they are restricted to exterior work only; 2) From September through June they should not respond to a call after 9pm; 3). They will stay away from the hot zone unless directed by the officer in charge; 4) upon arriving at an emergency scene they shall report immediately to the incident commander. These restrictions will be removed when the member turns 18. Extenuating circumstances may allow an applicant to reside outside the district as long as the distance does not exceed 2.5 miles from the fire hall. Persons who work in the area protected by the organization a reasonable amount of time, and who are not members of another firefighting organization, shall also be permitted to apply for membership. Membership shall be limited to sixty active members. When Active status is not maintained, the member will be moved to Associate Member status. When requirements for Active status are met the member shall be moved back to Active status.

Section 3. - Inactive Members

Any member of the organization which is in active or reserve duty in the Armed Forces of the United States and whom is called to duty shall be moved to Inactive status. They may be automatically reinstated as active members on their return. Inactive members do not count in calculating the sixty-person roster. If the reinstatement of an inactive member causes membership to go beyond the sixty-person limit, all members shall remain until the membership is returned under the limit by resignation or removal.

Section 4. - Exempt Members

Any active member who shall have served as such for a period of at least five years and shall have become entitled to a certificate as any volunteer firefighter under the provisions contained in the General Municipal Law may, after having been honorable discharged from active service, become and exempt member. Exempt members shall not perform firematic duty of any character, but may attend and speak at meetings, without the right to vote therein, or to vote for officers. (Note - Members who apply for their exemption certificate but continue as active members are considered active members.)

Section 5. - Honorary Members

Any person may be elected an honorary member but shall have no rights of privileges of any character by reason thereof, except on invitation of the organization, and shall not perform any firematic duty.

Section 6. - Associate Members

Any person who shares an interest for the purpose of supporting the Fire Department and Community.

Section 7.

The following firematic positions shall be held by members of the organization at all times to ensure that the organization is properly staffed and commanded in it's times of service: Chief, First Assistant Chief, Second Assistant Chief, Third Assistant Chief, Captain–EMS, Captain–Fire Police and Captain-Safety. The positions of Chief and his assistants shall be elected by the active membership in accordance with the provisions of these by-laws. The chief shall appoint the remainder of these positions, as well as an appropriate number of assistants to these positions to provide for adequate command and control at the scenes of incidents.

ARTICLE III - Attainment of Membership

Section 1.

Proposals for active membership must be in writing on a form approved by the organization, must be signed by the applicant and the fire department secretary, and must be presented at a regular or annual meeting. At the time of the application, a formal arson and sex offender background check form must be filled out and submitted with the application, to be forwarded to the Emergency Services Department for clearance.. All such applications shall be referred to the Membership Committee for investigation which committee shall report at the next regular meeting, unless the time to report shall be extended at such meeting. The new applicant shall be required to sit with this committee for a formal interview, After the report of the committee

has been received a vote shall be taken by paper ballot. An applicant must receive the favorable vote of the majority of the members present and voting in order to attain membership. The secretary shall notify the applicant of the result of the vote. The name of the applicant so elected shall be immediately submitted in writing by the secretary to the Board of Fire Commissioners for approval and upon such approval the applicant will become an active member. If the applicant has not been elected the applicant may not again apply for membership until at least six months have elapsed since such vote was taken.

Section 2.

Honorary membership may be conferred at any regular or annual meeting by a majority vote of the members present. There shall be no fee for honorary membership.

Section 3. - Probationary period

A newly elected active member shall serve a probationary period of six months, during which time he shall attend seventy-five percent (75%) of activities and meetings unless excused by a chief or the president. At the end of such period his duty shall be reviewed by the Executive Committee and if found satisfactory his probationary period shall end, otherwise, he shall be served notice with charges and have a hearing to determine if he shall be dropped from the roll. The Executive Committee may also choose to extend the members probationary period for a length of time, total time on probation not to exceed twelve (12) months. During their probationary period, members shall not be permitted to vote for officers, propose a person for membership, or hold office.

Section 4.

Proposals for Associate Membership must be in writing on a form approved by the organization, must be signed by the applicant, and the fire department secretary. The application must be presented at a regular meeting. At the time of the application, a formal arson and sex offender background check form must be filled out and submitted with the application, to be forwarded to the Emergency Services Department for clearance. All such applications shall be referred to the Membership Committee for investigation. Upon completion and return of background check the applicant may be required to sit with the Membership Committee for a formal interview. After the report of the committee has been given a vote shall be taken by paper ballot. An applicant must receive the favorable vote of the majority of the Active Members present and voting in order to attain Associate Membership.

ARTICLE IV - Officers and their selection

Section 1.

The officers of this organization shall consist of a President, Vice-President, Treasurer, Secretary, Chief, First Assistant Chief and Second Assistant Chief and Third Assistant Chief, all of whom shall be chosen from the active membership of the company.

Section 2.

The term of office of each officer shall be one year from the date of the annual meeting, but in the event of failure to fill an office at an annual meeting the officer in office shall hold over until his successor is chosen. A vacancy in any office may be filled by election at any regular meeting for the remainder of the term.

Section 3.

Nominations for office shall be compiled by a committee chosen by the president and presented to the membership for information at the meeting preceding the election. Nominations shall be opened for additions or declinations at the meeting of the election.

Section 4.

All officers shall be elected by paper ballot at the annual meeting by a majority vote of the members thereat, but if, for any reason, an office not be filled at the annual meeting a special election may be held at a regular meeting, or at a special meeting called for that purpose.

Section 5.

The president shall appoint two tellers at the time of each election, which shall receive the ballots, poll the votes and announce the results.

Section 6.

Only members in good standing and not in arrears for dues shall be entitled to vote at an election of officers. Members not entitled to vote shall not be eligible for office. (See article IX, section 1 for definition of good standing).

Section 7. - Requirement for office

In order to be elected to the following offices, a member must meet the following requirements:

1. Chief - Active membership for three (3) years immediately prior to the election. Additionally, he or she will have service at some time for one (1) year as an assistant chief.
2. Assistant Chief - Active membership for three (3) years immediately prior to election.
3. President - Active membership for three (3) years immediately prior to election.
4. Time in military service shall not be considered as active membership service in computing the above service time.

ARTICLE V - Duties of Officers and Special Positions

Section 1. – President

It shall be the duty of the president to preside at all meetings of the organization and the Executive Committee, in accordance with recognized parliamentary procedure; to call special meetings when in his judgment they are necessary or upon the written request of five (5) members; unless otherwise provided, to appoint all committees; to enforce the observance of the constitution and by-laws; to sign all orders with the treasurer regarding all money accounts and banking practices, (with the exception of checking accounts) and to install newly elected officers and members. The president shall not vote on any question other than the election of officers and members, except in case of equal division, when his vote shall decide. The President shall be the coordinator between the Otto Volunteer Fire Company and the Otto Volunteer Fire Company Ladies Auxiliary in all joint activities and fund-raisers.

Section 2. - Vice President

The vice president shall assist the president in the discharge of his duties and in the case of the president's absence or disability, or should the office of president become vacant, shall perform the duties of president. The Vice-President may also serve as chairperson of committees as designated by the President.

Section 3. – Treasurer

It shall be the duty of the treasurer to receive all monies collected by or otherwise due to the organization, giving a receipt for the same; to pay all bills against the organization, upon approval of the membership at regular meetings; to keep a correct account of all receipts and disbursements and submit his accounts to the organization or the executive or auditing committee when called for. He or she shall deposit all monies in the name of the organization, in a bank or banks designated by the executive committee, deposits to be made within seven days of receipt. The bank accounts shall be established in such manner that withdrawals can only be made on the signature of the treasurer or president. The treasurer shall make a report at each regular meeting, showing all amounts received and expended, and the date, purpose, and payee with regard to each expenditure. He or she shall make a report at the annual meeting covering the entire year. There will be an internal audit by the Executive Committee annually. In the event that the treasurer is disabled and unable to fulfill the duties of this office, or the office becomes vacant, the president shall perform the duties until the next regular meeting where a replacement may be elected. The treasurer will maintain a duplicate set of financial records in a secure location at the fire hall.

Section 4. – Secretary

It shall be the duty of the secretary to call the roll of active members at every meeting and to record the proceedings of the meeting. He or she shall also act as secretary to the Executive Committee and shall

record the proceedings of said committee. He or she shall record the proceedings of all organization meetings and maintain the books and file the papers pertaining to this office. He or she shall notify all newly elected members of their election and furnish them with certificates of membership, a copy of the by laws, and a list of the duties for the committee of the month. He or she shall require new members to sign for their copy of the by laws. The secretary shall give the membership written notice of each special meeting and of drills, parades, schools of instruction, and membership on committees. Notices of attendance at special meetings, drills, or schools of instruction shall be given at least twenty four hours before the same are held. He or she shall submit a report at the annual meeting regarding membership standing and status, including members who are in arrears in dues or attendance at meetings. He or she shall attend to all correspondence and shall perform such other duties as are incidental to the office or as may be imposed by the Executive Committee.

Section 5. – Chief

The chief shall have command at all fires, drills, schools of instruction, reviews, parades, and any time the organization is on duty. He or she shall arrange drills and schools of instruction at such times as he deems the same desirable and shall give notice of such to the secretary, who shall notify the members. He or she shall see to it that the apparatus and appliances of the organization are in good condition and are ready for service at all times. The chief shall have the power to suspend any member for refusal to perform duty as ordered, or for incompetence or misconduct, but shall then immediately submit the charges at the next meeting, copy to the member, and a hearing shall be held at the meeting. The Chief shall complete and maintain all required state reportable forms, and ensure they are forwarded to the appropriate agency in a timely manner. The chief shall maintain all records pertaining to members OSHA recognized training, attendance, and medical requirements.

Section 6. - Assistant Chiefs

All assistant chiefs shall assist the chief in the performance of his duties. In the absence of the Chief, the First Assistant Chief shall perform his duties. In the absence of the Chief and the First Assistant Chief, the Second Assistant Chief shall perform his duties. In the absence of the Chief, the First Assistant Chief, and the Second Assistant Chief, the Third Assistant Chief shall act as Chief. It shall be the responsibility of the assistant chiefs under the direction of the chief to inspect and maintain SCBA equipment, inspect and maintain vehicles and their equipment, and assist the fire chief with trainings and work details. They shall also ensure that in the absence of the chief, at any training or work detail, that proper documentation is filled out with training or work details with attendance. The assistants shall also assist the Chief in keeping the fire hall in a maintained and orderly condition. It shall be the discretion of the Chief as to which Assistant would receive what duties based on their expertise.

Section 7. – Captain-EMS (EMS Officer)

The EMS Captain shall be in charge of the day-to-day operations of the ambulance squad. He shall maintain the equipment and ensure that the ambulance is in a stocked and ready condition at all times. While on duty at an alarm, he shall act as an advisor to the chief on matters of emergency medical care and rescue operations. He shall have direct command over members of the ambulance squad while on an emergency medical alarm. He shall act as the Infection Control Coordinator as required by the exposure control plan of the Otto Fire Company.

Section 8. – Captain-Safety

The Safety Captain shall act as the lead safety officer for the company. He shall have the duty of overseeing personnel while on an alarm to ensure that all the laws, rules and regulations regarding the particular operations, activities and methods in use by the company are being adhered to. He shall report any violations to the commanding officer. He shall oversee and maintain testing and records of inspection for fire extinguishers, self-contained breathing apparatus, hall hazard surveillance, fire alarm testing and grounds safety. He or his designee shall be responsible for the development and use of an accountability system for members and assist the chief in matters concerning safety and training.

Section 9. – Captain-Fire Police

The Fire Police Captain shall have charge of those members designated by the chief as fire police. He shall work in cooperation with the fire chief to properly train and equip fire police members. He shall have charge

of the fire police members while on an alarm and coordinate the members under his control to meet the needs of the incident commander. He shall help coordinate and facilitate specialized training for fire police members.

ARTICLE VI - Committees

Section 1. - Executive Committee

The executive committee shall consist of the president, vice president, secretary, treasurer, chief, and two members of the fire company. The business affairs of the organization shall be managed by the executive committee and shall also exercise control of the property of the organization. It shall designate the bank or banks in which the funds of the organization shall be deposited. It shall have the power to hear and act upon excuses for non-attendance at meetings, fires, drills, reviews, parades, and schools of instruction. The executive committee shall hold an annual meeting within 30 days preceding the annual meeting of the organization and shall meet at other such time as the president shall designate. The president shall call a meeting upon the request of two members of the committee. The executive committee shall have the power at its discretion to examine the books and accounts of any of the officers. It shall make a report of its proceedings at each regular meeting and at the annual meeting. The committee will conduct an internal audit of the treasurer at the end of the year. The at large members of the executive committee shall be elected at the annual meeting. They shall serve two-year terms, with the terms alternating so one member is elected at each annual meeting. In the event of a vacancy, the position shall be filled in the same manner as officers.

Section 2. - Committee of the Month

The committee of the month shall consist of three members and shall rotate monthly at each meeting. The members on the committee will be responsible for the cleanliness and management of the hall during the time between meetings. They will be responsible for the cleaning of all rooms and facilities, reporting damage or repairs needed to the executive committee, and perform other such duties as required. The committee will also be responsible for providing food and refreshments at the meeting ending their term. The secretary shall maintain a rotating list of the membership for the committee, and shall post the names of the members at each meeting. A complete list of the responsibilities of the committee is available from the president.

Section 3. - Membership Committee

It shall be the duty of this committee to inquire as to the moral and social standing of new applicants. New applicants shall be required to sit with this committee for a formal interview. The committee shall investigate any reports received on a new applicant and shall report the findings to the membership before any vote is taken regarding new members. This committee shall be appointed by the president at each annual meeting and will serve until the next annual meeting.

Section 4.

Special committees may be appointed pursuant to resolution adopted at any meeting of the organization.

ARTICLE VII - Meetings

Section 1.

Regular meetings shall be held on the first Monday of each month.

Section 2.

The annual meeting shall be held on the first Monday in January.

Section 3.

All meetings shall be at the fire hall at 6:00 pm.

Section 4.

When a regular or annual meeting falls on a holiday, said meeting shall be held on the same day of the following week.

Section 5.

One-third of the current number of unexcused active members shall constitute a quorum for the annual meeting and for all regular and special meetings.

Section 6.

Special meetings shall be held subject to the call of the president. The notice thereof shall specify for what purpose the meeting is called and no other business shall be transacted thereat.

Section 7.

Robert's rules of order shall be used for the government of meetings when not in conflict with this constitution and bylaws.

Section 8.

Proxy voting, or absentee voting, shall not be permitted.

Section 9.

Only active members in good standing shall have voting privileges per article IX, Duty Requirements, section 1.

ARTICLE VIII - Dues

Section 1.

The annual dues for active members shall be one dollar, payable on or before the date of the annual meeting.

Section 2.

Any member who is in debt to the organization for one year after dues is due shall be notified by the secretary of his indebtedness by registered mail, return receipt requested, and given one month in which to pay the same. If he fails to do so, he shall be automatically dropped from the roll.

Section 3.

At each meeting, the secretary shall call the names of the members who are delinquent in payment of dues and amounts owing.

ARTICLE IX - Duty requirements

Section 1.

To be an active member, you shall be required to attend at least fifty percent of all meetings and activities, The line officer in command may excuse an active member who has been present at an alarm from returning to the fire hall for roll call. Members who miss a call, meeting or drill because of work or vacation shall notify the chief or president. Persons whose work schedule interferes with attendance at regular meetings will notify the secretary of this in writing yearly. Compliance with duty requirements shall be determined at each annual meeting of the executive committee, which will meet within 30 days prior to the annual meeting of the department. Upon failure in compliance, the member shall be reviewed by the executive committee for disciplinary action. The chief shall maintain a perpetual list of membership, designating each member to at least one of the following positions: Firefighter, Probationary Firefighter, EMS, Fire Police, Safety or Department Support Staff. The chief shall ensure that members are aware of their assignment

Section 2.

All new and probationary firefighters will be required to complete training activities that meet or exceed the requirements of the New York State Department of Labor for new firefighter. This training will consist of 15

hours training in the following subject areas, specific details, dates, and times for training are at the discretion of the chief:

General Hazard Recognition	1 hour
Fire Station Safety	2 hours
Response Safety	2 hours
Fire Scene Safety	2 hours
Protective Clothing	3 hours
Self Contained Breathing Apparatus	3 hours
Tool and Equipment Safety	2 hours

Any new member who completes Basic Exterior Firefighter Operations (BEFO) within their first year shall have satisfied this initial training requirement.

Section 3.

All active members of the fire company will be required to complete training activities that meet or exceed the requirements of the New York State Department of Labor for firefighters' refresher training. The training will consist of 8 hours training in the following subject areas. Specific details, dates and times of training are at the discretion of the chief:

General Hazard Recognition	30 min.
Fire Station Safety	30 min.
Response Safety	45 min.
Fire Scene Safety	75 min.
Protective Clothing	60 min.
Self Contained Breathing Apparatus	120 min.
Tool and Equipment Safety	60 min.
Recent Developments in Fire Safety	60 min.

Section 4.

The training sessions outlined above will be made available throughout the year. It is the responsibility of the firefighter to attend the sessions to insure that the regulations are met. The Executive Committee shall have jurisdiction over matters of non-compliance.

Section 5.

Active members must be faithful in the performance of their duties and must obey the orders of the officers and comply with all duly adopted rules and regulations respecting their conduct.

Section 6.

New York State Guidelines and Insurance have standards for **Active Members**. When these Standards are not met the Active Member will be moved to Associate Member status by the action of the Executive Committee (Article IX, Section 4). When the standards for Active Member status are met, the member will be moved back to Active Member Status. (Article IX, Sections 1,2,&3.) If no action is taken to regain Active Member Status within three months; a letter shall be sent to the out of compliance member requesting the department's equipment be returned. The member still retains Associate Member Status unless he or she chooses to resign.

Section 7.

It shall be the policy of the Otto Fire Company that no member respond to an emergency call, or drive any Fire Company equipment if they have been drinking alcohol, or are under the influence of drugs. It is the duty and responsibility of every member and officer to enforce this policy. Violations should be reported to the officer in charge.

ARTICLE X - Expulsion

Section 1.

Any member may be expelled from the company for failure to comply with the constitution and bylaws of the company by a two-thirds vote of the active members present at a meeting, provided the accused shall have been served with written charges at least ten days prior to the meeting, together with a notice that the charges will be considered at the meeting and that the member will have the right to be heard at that time. The organization shall have full power to determine what shall constitute sufficient cause for expulsion.

ARTICLE XI - Reinstatement

Section 1.

Any member dropped from the roll for non-payment of dues may be reinstated at any regular meeting by a majority vote of the members present, provided the amount of his indebtedness to the organization at the time he was dropped shall have been paid.

Section 2.

Any member expelled from the organization after a hearing on charges shall not be eligible for reinstatement.

ARTICLE XII - Delegates to conventions

Section 1.

At the annual meeting a delegate and an alternate to the next ensuing convention of the Southwestern Association of Volunteer Firemen and the Cattaraugus County Volunteer Fireman's Association shall be elected. Such delegate or in his absence the alternate shall be entitled to receive from the organization his necessary expenses in attending the convention.

ARTICLE XIII - Resignations

Section 1.

Resignations shall be presented in writing or in person, but shall not be accepted if member is under charges or is indebted to the organization or has not turned over all property belonging to it in the possession of the member.

ARTICLE XIV - Amendments

Section 1.

This constitution and bylaws may be amended at any regular meeting, or at the annual meeting, by two-thirds vote of the members present, provided the proposed amendment shall have been submitted in writing at a previous regular meeting and notice then given when the same would be called up for action.

ARTICLE XV - Order of business at regular meetings

1. Roll Call
2. Reading of the minutes of the last regular meeting and of any intervening special meetings
3. Reading of the list of delinquent members
4. Reports of officers
5. Reports of Committees
6. Bills and Communications
7. Membership proposals
8. Election of new members
9. Unfinished business
10. New business
11. Roll call
12. Reading of the minutes
13. Adjournment

ARTICLE XVI – Assets upon dissolution

Upon dissolution of this organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501 c(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose.

New by-laws adopted by the membership on May 2, 1994

Modified by the membership on May 6, 2002

Revised December 1, 2008

Revised March 1, 2010

Revised September 14, 2015

Revised February 1, 2016

Revised March 7, 2017