

**CONSTITUTION  
&  
BY-LAWS**

**Community Fire Co. #1 of  
Seisholtzville**

24 Saint Peters Road  
Macungie, PA 18062  
(610)845-2102

Adopted April 12, 2012

# **CONSTITUTION**

## **ARTICLE I CORPORATION**

This corporation shall be known by the name, style and title of the Community Fire Company #1 of Seisholtzville, of HEREFORD TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, and shall have for its objective, the preservation of life and property in the Township of Hereford, Berks County, Pennsylvania and vicinity from the destruction by fire and other emergencies.

Any reference to gender in the Constitution and by-laws should be interpreted as meaning persons of both the male and female sex.

## **ARTICLE II OFFICERS**

The elective officers of this company shall consist of: President, Vice President, Recording Secretary, Treasurer, Financial Secretary, minimum of five (5) Members of the Board of Trustees, Chief, Deputy Chief, 1<sup>st</sup> Assistant Chief, 2<sup>nd</sup> Assistant Chief, and Chief Engineer, who shall be elected annually by a ballot vote with the majority of the votes ruling. There will be five (5) Members of the Board of Trustees who will each serve a two-year term, and terms shall be staggered so that in even number years 3 directors shall be elected and 2 directors elected in odd numbered years. To accomplish the first election under these By-Laws, three directors shall be elected to serve a 1-year term and 2 directors to serve a two-year term. Thereafter, successor directors shall each be elected for two-year terms.

The election will be held on the second Thursday of June of each year by ballot and of such other Officers as from time to time may be agreed upon and made part of the by-laws.

The officers shall be elected by the Company according to Article VII, Section 2, of the by-laws.

## **ARTICLE III DUTIES OF OFFICERS**

All elective Officers shall perform such duties as the By-Laws of this organization prescribe.

## **ARTICLE IV MEMBERSHIP**

Any citizen of the United States, eighteen (18) years of age or older, regardless of sex, race, color, creed, religion or national origin, may be eligible to apply for Active or Associate Membership

This Company shall exclude no persons because of race, color, creed, sex, religion or national origin. Neither shall this Company discriminate on the basis of race, color, creed, sex, religion or national origin with regard to hiring, assignment, promotion or other conditions of staff employment

## **ARTICLE V VOTING ELIGIBILITY**

The voting age for the Company shall be eighteen (18) years of age. All Officers of the company shall have a minimum age of twenty-one (21) unless otherwise specified. Members currently on disciplinary probation or suspension are not entitled to vote and may not serve as Officers.

## **ARTICLE VI VACANCY IN OFFICE**

In case of vacancy in an elective office occurring through death, resignation or any other reason, the vacancy will be nominated and elected at the following monthly meeting (for the remaining unexpired term). A majority vote of those eligible Members present shall rule.

## **ARTICLE VII QUORUM**

A quorum of seven (7) Members shall constitute the number of Members present to open a meeting. No business shall be transacted unless this number is present.

## **ARTICLE VIII REMOVAL FROM OFFICE OR EXPULSION OF MEMBERS**

Any Member may be suspended or expelled from this Company or from Office for violating the Constitution or By-Laws, improper conduct at fires or meetings, non-payment of dues or fines by procedures outlined in the by-laws. Officers may be removed from Office after failure to attend three (3) consecutive meetings (for reasons other than work related schedules) unless reasons stated verbally are accepted by a majority vote from Members present at such meeting. Officers may also be removed from office for dereliction of duties or position abandonment following procedures outlined in the By-Laws.

## **ARTICLE IX CHANGES IN CONSTITUTION**

This Constitution shall not be altered or amended unless proposed in writing at least two (2) months previous to its being acted upon, and written or printed notices shall be served on every Member stating the time when action will be taken on such proposed amendments. Such proposed amendments must then receive the approval of two-thirds of the Members present.

## **ARTICLE X BY-LAWS**

The Company shall have the right to make such By-Laws as are deemed necessary, not conflicting with either the Constitution of the United States of America, Pennsylvania or of this Company, and no By-Laws shall be changed unless notice is given at least one (1) month previous to the time when such action shall be taken.

### **AMENDMENTS**

1. Any voting Member may propose amendment(s) to the By-Laws. Amendments to the By-Laws shall be presented in writing to the By-Laws Committee at least forty-five (45) days prior to the general membership meeting at which the amendment is to be presented. To present an amendment means to read the change. Upon presentation to the general membership, the amendment will then be posted until the following membership meeting, whereupon it will be voted on. A two-thirds (2/3) affirmative vote of eligible Members present shall be necessary to pass said amendments.

The Constitution and By-Laws shall be kept in a separate record book maintained by the Secretary. Any amendment shall be placed in the record book following the Constitution and By-Laws (as appropriate) in sections labeled AMENDMENTS. Former Constitutions and By-Laws shall be kept in a separate section and so labeled.

## **ARTICLE XI RELIGIOUS AND POLITICAL OPINIONS**

There shall be no discussion as to political or religious opinions entered in any matter of business concerning this Company. No substantial part of the activities of the Company shall be carried on as an attempt to influence legislation, and the Company shall not participate in, or intervene in (including the publishing or distributions of statements) any political campaign on behalf of, or in opposition to, any candidate for public office.

## **ARTICLE XII REMUNERATION**

No part of the net earnings of the Company shall inure to the benefit of, or be distributable to its Members, trustees, directors, officers or other private persons, except that the Company shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of Section 501(c)(3) of the

Internal Revenue Code of 1986 and the applicable Treasury Regulations thereunder or corresponding provision of any future Federal tax code.

### **ARTICLE XIII DISSOLUTION**

Upon the dissolution of a Company, assets shall be distributed to an organization formed and operated in accordance with Section 501(c)(3) of the Internal Revenue Code or corresponding section of any future Federal tax code, the Federal government, and/or to a state or local government, for a public purpose.

# BY-LAWS

Any reference to gender in these By-Laws shall be interpreted as meaning persons of both the male and female sex.

## ARTICLE I OFFICES AND FISCAL YEAR

### Section 1. Registered Office.

The registered office of the corporation in the Commonwealth of Pennsylvania shall be at Paul R. Ober & Associates, 234 North Sixth Street, Reading, PA 19601 until otherwise established by a vote of a majority of the Board of Directors in office (the "Board"), and a statement of such change is filed in the Department of State; or until changed by an appropriate amendment of the articles of the corporation.

### Section 2. Other Offices.

The corporation may also have offices at such other places within or without the United States of America as the Board may from time to time appoint or the business of the corporation requires.

### Section 3. Fiscal Year.

The fiscal year of the corporation shall begin on the 1<sup>st</sup> day of July in each year and shall end on June 30 of each year.

## ARTICLE II MEMBERSHIP

Section 1: Membership of this Company shall be designated as:

- A. Probationary/ Active Members
- B. Active Fire Team Members
- C. Associate Fire Team Members
- D. Life Members
- E. Associate Members
- F. Honorary Members
- G. Junior Members

Section 2: Any citizen of the United States of America, of age of eighteen (18) years or over, may be proposed at a regular meeting for Probationary or Associate membership in the Company provided his or her application packet is certified with the signature of a Member of this Company and accompanied by the initiation fee, which fee shall be set and reset by the Board of Directors as it deems appropriate. The applicant must exhibit good qualities of moral character and the application must be completed in full and truthfully. Certification signatures shall also be written out in full. All active applicants must be in good physical condition and in good health in order to perform the duties of the position. Additionally, any applicant with a felony in the past three years or a violent crime ever will not be accepted as a Member (see Appendix for a definition of a violent crime).



**Section 3:** Each applicant for membership shall pass a review by the Board Investigating Committee consisting of three (3) Members in good standing appointed by the President of this Company. The review shall consist of requirements as outlined by the type of membership applied for. After the report of the Investigating Committee, the applicant shall be presented for closed ballot and shall be decided by a two-thirds (2/3) majority vote of the eligible Members present. The candidate shall not be present at said meeting. If the candidate is rejected for membership, the candidate must wait twelve (12) months from first rejection to re-apply. If the candidate is twice rejected for membership, the candidate cannot submit another application. The candidate shall be informed of the outcome of the election by letter. The newly elected Member shall appear at the next regular meeting to take the oath of membership.

**Section 4:** All Members shall pay their respective dues into the Treasury on or before the first meeting in July. If not paid before the first meeting in August, a fine of \$1.00 shall be added. If not paid before the first meeting in October, the Member shall be dropped from the rolls of the Company without further notice. Anyone losing membership through this section may be reinstated in good standing and no loss of service time with consent of two-thirds (2/3) majority of the Members present at a regular meeting and payment of all outstanding dues and fines.

Members may make a one time lump sum payment, at anytime, for a lifetime membership. The payment shall be calculated as follows:

**(20 years x current membership dues rate) – (number of prior years (up to 20) of service x current membership dues rate)**

**Section 5: Probationary Members.**

Any person desiring to become an Active Member of this Fire Company (after the effective date of these by-laws) shall submit an application to the Fire Company. After the application has been introduced at a regular business meeting, the applicant shall be considered a Probationary Member. (S)he shall attend business meetings, drills, emergency calls, fundraisers, special meetings, and shall attend fire schools. Firefighting equipment will be loaned to Probationary /Active Members. All equipment issued by the Company remains property of the Company.

1. To qualify for Probationary/Active Membership, an applicant shall:
  - A. Make an application in writing; and
  - B. Furnish a certificate of good health from a physician; and
  - C. Must not have been convicted of a felony in the past three years or a violent crime ever.
2. To qualify for Active Membership, a Probationary Member must:
  - A. Read and be familiar with the Constitution and By-Laws of this Company; and
  - B. Be enrolled in or have completed Fire Fighter I or Essentials of Firefighting (or equivalent) within two (2) years of the start of the applicant's probationary period. (The Fire Fighter I course must meet the provisions of Fire Fighter I as specified by the NFPA.) Probationists enrolled in Fire Fighter I who have completed the maximum twelve (12) month probation period will have their application voted upon by the Chief, Deputy Chief and Assistant Fire Chiefs only after successful completion of the Fire Fighter I course. Probationists who do not comply with this education provision will be terminated/removed from the Company's active rolls.

- a) Above education requirements may be waived based upon the applicant's previous documented fire fighting experience and/or training.
- C. Serve a probationary period of not less than three (3) months or more than twelve (12) months (unless enrolled in Fire Fighter I or Essentials course.)
- D. Be successfully voted on by the Fire Chief, Deputy Chief, 2 Assistant Fire Chiefs, and Engineer.

3. Probationary Members shall:

- A. Have voting eligibility following the regulations set forth in Article IX.
- B. Be issued paging devices on the recommendation of the Chief.
- C. Be allowed to display fire fighting related items such as License ID plates, blue lights, wallet badges, and etc. on the recommendation of the Chief.
- D. Respond with/on first-out vehicles unless, at the request of an Active Member, is asked to forfeit their seat on the truck.
- E. Not ride upon the apparatus without the approval of the Chief, an Assistant Chief, or Captain.
- F. Not respond to any emergency scene in a personal vehicle.

**Section 6: Active Members.**

After serving a probationary period as required herein, each Member elected to membership shall be considered an Active Member with all the rights and duties associated with such membership as set forth under the By-Laws. Their service date will be effective the first day of their probation period. The dues of Active Members shall be determined by the Members of the Company during the July meeting of each year. Active Members apply for Associate Membership anytime, but the By-Laws governing Associate Membership will only apply. If elected as an Associate Member, (s)he will no longer be considered an Active Member. Active Members shall receive certain benefits to them that are outlined in the SOG's. Some of these benefits are: reduced rates for hall rentals, and accessibility to the fire company gym.

**Section 7: Life Members.**

Active Members having twenty (20) years or more service, shall become Life Members. They shall be exempt from paying dues. They need not qualify under the merit system of Article V, Section 6, of the By-Laws, and shall have all privileges associated with Active Membership. Members with less than twenty (20) years of service who are injured in the line-of-duty and deemed by a medical doctor to be permanently disabled to perform duties as a volunteer firefighter shall be considered Life Members. Past Members who have served a minimum of 20 years and who were not on the roster on the date these by-laws become active may request a review of their service to determine their eligibility for Life Membership. If eligibility can be confirmed, the membership at large may consider the application by majority vote of eligible members at a regular business meeting.

**Section 8: Associate Members.**

Anyone eighteen (18) years of age or older who wishes to assist the Company in a non-firefighting capacity can make application for Associate Membership. Associate Members shall be elected by closed ballot and require two-thirds (2/3) majority of the eligible Members present. To qualify for Associate Membership, a person must comply with Article II, Section 2. Those elected will serve a one-year term and shall pay dues determined by the Company during the July meeting of each year.

**Associate Members shall not:**

- 1. Be required to qualify under the merit system; or
- 2. Be entitled to vote for fire line officers (Chief etc.); or



3. Be eligible to hold Fire office positions; or
4. Possess, own, or display fire fighter-related items such as license ID plates, blue lights, wallet badges, etc.

Associate Members may apply for Active Membership anytime during their term.

#### **Section 9: Associate fire team Members.**

Anyone 18 years or older can apply for Associate Fire team membership. Associate Fire Team members shall:

1. Be eligible to receive fire team equipment (e.g. Paging devices and protective turn out gear), at the recommendation of the Chief; and
2. Be eligible to ride upon fire apparatus with the recommendation of the Chief; and
3. Forfeit their seat upon a fire vehicle at the request of an Active Member; and
4. Shall be granted use of the fire company gym for training purposes; and
5. Shall not have voting privileges for fire line officers; and
6. Shall not be eligible for office; and
7. Shall not have to participate in the merit system.

Associate Fire Team Members may apply for Active Membership at any time during their term.

#### **Section 10: Honorary Members.**

Any person who has rendered some service of special distinction may be elected to Honorary Membership by a two-thirds (2/3) majority of the eligible Members present. Those elected shall be presented with an Honorary Membership Card and Certificate of Distinction. Their names shall also be placed on an Honorary Membership Roll. They shall be permitted to participate in the business of the Company at all meetings, but shall not be entitled to vote and shall not be eligible for office. They shall be exempt from paying dues. Nomination of any person to Honorary Membership shall come from the Company at large. A Committee shall be appointed and chaired by the President at each nomination to investigate the qualifications of the prospective Honorary Member and recommend possible election. A final vote of election shall be held at least two (2) months after the Committee has been formed.

#### **Section 11: Junior Firefighter.**

Any youth between the ages of 14-18 may join the fire support unit.

1. Application shall be completed by the Junior Firefighter, signed by a parent or guardian and a working permit must be filed with the Company. The Application will be submitted to the Junior Advisor for recommendation to the company.
2. Applicant shall furnish a certificate of good health from a physician.
3. Junior Firefighters are responsible for following all State and Federal labor laws in addition to Company regulations. At no time may a Company regulation supercede any State or Federal laws or guidelines.
4. Junior Firefighter membership does not entitle Junior Members to attend any meeting or confer any voting privileges. Junior Firefighter concerns shall be presented to the Advisor. The Advisor will (if necessary) bring forth the concerns at the monthly meeting.
5. Junior Firefighter Members may be recommended for suspension or expulsion by any active or Life Member. The charge shall be subject to review and must be approved by both the President and Fire Chief. Charges may be brought for any of the following reasons:
  - a) Failure to comply with State or Federal labor laws as applicable.
  - b) Failure to comply with Company guidelines.
  - c) Insulting language to any Fire officer or Executive Officer

- d) Any conduct calculated to bring disgrace upon, or bring disunion in the Fire Company
  - e) Substance abuse at fires, drills, parades, or any other service of the Company
  - f) Misconduct
  - g) Insubordination
  - h) Actions that discredit or disgrace other Members.
  - i) Theft or abuse of Company property belonging to Company.
6. Applicant shall be issued approved turnout gear for training purposes.
7. Applicant shall, upon dispatch, report to the station and await orders from fire officer.

### ARTICLE III DUTIES OF MEMBERS

**Section 1: Responsibility.** It is the duty of each Active Member of the Company to further the interest of the Company, to obey orders that shall be given by the officers in command, and to attend emergency calls, regular meetings, drills, special meetings, and Fundraising events.

**Section 2: Dues.** The Active and Associate Members shall pay dues provided for in these By-Laws. Active, Life and Associate Members may vote in all meetings of the Company in accordance with Article VI of the Constitution; and are eligible for election to all offices of the Company except as provided in Articles of membership of these By-Laws.

**Section 3: Response Procedure.** Any Member hearing or knowing of an alarm shall report immediately to the fire station or emergency scene as directed by the officer in charge. If a Member reports to the fire station and should the apparatus be gone, (s)he shall then hold at station until contacted by an officer to proceed to the alarm, and (s)he shall report to the commanding officer and remain on duty until dismissed.

**Section 4: Company Property Loaned to Members.** Each Member is responsible for property belonging to the Company entrusted to him/her and is held liable to pay for or replace any article lost or damaged beyond ordinary wear and tear unless damaged in the course of duty.

**Section 5: Prohibited Recognition.** No Member shall receive awards, contributions or financial payment of any kind for service as a fire fighter, without the permission of the Company, except as a donation for the Company which is to be turned over promptly to the Treasurer/ Financial Secretary.

**Section 6: Merit System.** (The merit system is only meant as a gauge to qualify a person's type of membership; it by no means is meant to discredit Members). Every Active Member must qualify under the Company's merit system. Active Members need a rating of 30 mandatory points plus the emergency call response point minimum for each fiscal year's service. The minimum points needed for attending training sessions are sixteen (16); the minimum points needed for attending meetings is six (6). The minimum points needed for attending emergencies shall be 10% of the annual calls. The minimum points needed for attending company work detail funding events shall be 30 percent of the total points possible for these events.

An Active Member having less than the minimum points for a fiscal year shall be removed from the Active List and placed on an Active Member Probation List for the first six (6) months of the ensuing fiscal year. The Member shall be notified of any such action by letter. During this probation period, Active Members must earn 25 points, ten (10) of which must be for attendance at

drills, four (4) for meetings, and 10% of the total points for emergency calls during that 6 month period. Those Active Members who qualify shall again be placed on the list for Active fire fighters. Those who do not earn these points will be dismissed from active duty with the Company and be added to the associate fire team roster. Any Member who is elected during the fiscal year shall be graded on a pro-rated basis, consideration being given to the number of months that said Member has been in the Company.

All Members' accumulative points shall be available at each monthly meeting and posted in a noticeable location.

Members who attend the following obtain the following points:

	Points
Business meeting	2
Special meeting	2
Emergency calls	5
Monday Training sessions	2
*Fire school training sessions	3 per trip to the academy
Each Hour of work detail	1
Chief's Award for Outstanding Service (Discretionary)	15
President's Award for Outstanding Service (Discretionary)	10

\*If the Company is called to an emergency scene or is having a drill or a business meeting during the course of a Member's attendance at fire school, said Member will be credited the appropriate points in addition to his/her fire school credits.

**Section 7: Leave of Absence.** Any Member in good standing can request a leave of absence from this Company for the following reasons: work, educational, military, maternity/parenthood, medical, and personal. With the exception of personal leaves of absence, all leaves will count toward total service with the Company for up to but not exceeding 1 (one) year. Any additional leave of absence time extending beyond one year will not count towards total service with the Company. (S)he will retain his/her right to vote during the credited leave and shall retain the rights to attend all functions associated with the Fire Company. Members on leave for more than one year will forfeit their right to vote. When requesting a leave of absence, a Member must submit a written request at a regular monthly meeting, stating a definite period of absence and the reason for this request. The President shall accept or decline the leave of absence. The President may grant medical leaves on an individual basis without written request at any time.

## ARTICLE IV DISCIPLINE & PENALTIES

### Section 1: Suspensions & Appeals

#### Minor offense procedure

Step 1 - A written warning, with or without oral counseling by the immediate supervising officer, will be given to a Member for the first minor offense. The written warning will be placed in the Member's personnel file and remain for three hundred sixty-five (365) days from date of issuance.

Step 2 - A written reprimand will be given to a Member for each subsequent offense for any violation of Corporate rule, policy or practice for which a Member has already received a warning during the prior three hundred sixty-five (365) days. A corrective interview shall take place within fifteen (15) days and a written record of the interview shall be placed in the Member's file along with signatures of the officer and Member.

Step 3- Following receipt of a written reprimand and corrective interview, additional offenses may result in suspension or discharge as provided by Section A.

**A. Disciplinary Suspension.** A Disciplinary Suspension is a suspension designed to discipline a Member without pressing formal charges as outlined in this Article, Section 2. A Disciplinary Suspension shall not exceed 30 days.

**\*Appeal.** A Member may appeal a Disciplinary Suspension by requesting a closed hearing before the Executive Committee which shall have been appointed by the President, who shall render the final decision. This request must be made in writing to the President within 7 days of the original suspension hearing before the Executive Committee. Immediately following an Executive Committee's decision to suspend, the suspended Member shall begin serving his/her suspension, but when written notice is served upon the President requesting the appeal, the Member shall be released from the suspension, pending the outcome of the appeal hearing. The President shall send a copy of the appeal letter to the Executive Committee who shall gather the Executive Committee for a closed hearing. The Executive Committee shall announce its decision within 30 days of receipt of the appeal letter. When deciding an appeal, the Executive Committee may only:

1. Uphold the suspension as decreed by the Executive Committee; or
2. Decrease the term of the suspension; or
3. Dismiss the suspension.

In a hearing before the Executive Committee, the President and Chief shall represent the Executive Committee and the suspended Member shall represent him/herself.

**B. Suspension with Charges.** A Suspension with Charges is a suspension designed to suspend a Member pending formal charges. A Suspension with Charges shall be in force until the business meeting in which the formal charges are read before the membership. (See Article IV, Section 2.) Once this suspension is decreed, the provisions of Article IV, Section 2 shall apply.

**\*Appeal.** A Member may not appeal a Suspension with Charges because the Executive Committee may hear the case via the formal charges.

**Section 2: Formal Charges.** Any Active or Life Member may bring charges against any Member of this Fire Company. Such charge shall be presented in writing and filed with the Recording Secretary at least ten (10) days prior to the next business meeting. The Recording Secretary shall then immediately send a copy of written charge to the subject Member who must be in receipt of the written charge (or have refused delivery) at least ten (10) days prior to the next business meeting at which time the charge will be read to the membership at large. If agreed by a majority vote of the eligible membership present at that meeting, charges will be presented to the Executive Committee. The Executive Committee shall render a decision and provide its recommendations to the membership to be voted on at the next regular business meeting following the Committee's decision which shall be made within sixty (60) days after its receipt of the written charge.



Charges may be brought for any of the following reasons:

- A. Possession of illegal drugs on the premises or equipment of the Company;
- B. Carrying weapons on premises or equipment of the Company;
- C. Committing any act of sexual harassment;
- D. Threatened or actual physical violence;
- E. Harassment of other Members including, but not limited to, verbal and conduct or unwelcome advances with regard to or on the basis of sex, race, color, national ancestry, age, religion, creed, marital status or status of Vietnam Era or disabled veteran or handicapped person;
- F. Conviction of any crime not deemed a summary offense or a misdemeanor;
- G. Conviction for a drug or alcohol related traffic crime;
- H. Profane, abusive, or insulting language to any officer in command while in service of the organization;
- I. Any conduct calculated to bring disgrace on, or bring disunion in the Company;
- J. Neglect of duty;
- K. Misconduct;
- L. Insubordination;
- M. Actions towards fellow Members that discredit or disgrace other Members; or
- N. Theft or abuse of Company property or property belonging to other Company personnel.

## **ARTICLE V MEETINGS**

**Section 1:** The regular monthly meetings of this Company shall be held on the second Thursday of every month at the designated time of the membership. Canceled meetings shall be held the following Thursday at the designated time of the membership. Only those Members who have attended at least three meetings in the 12 months prior to this meeting in question shall have the right to vote in any matters brought before the Company, or run for an elected office.

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**Section 2:** Special meetings may be called when the President deems necessary or upon written request of seven Members.

**Section 3:** Voting may be done by a majority vote or secret ballot. If any Member requests a vote by secret ballot, then a secret ballot shall be required. A seconding of the request shall not be required.

## **ARTICLE VI ORDER OF BUSINESS**

**Section 1:** The order of business of regular meetings of this Company shall be as follows:

- Roll Call
- Reading of minutes
- Balloting for new Members
- Proposals for new Members



Written Communications  
Report of officers  
Report(s) of Committee(s)  
Unfinished business  
New business  
Collection of dues and fines  
Nomination of Officers  
Report of Receipts and Expenditures  
Remarks for the good of the Company  
Adjournment

## ARTICLE VII DUTIES OF OFFICERS

**Section 1: President:** The President shall preside at all meetings of the Company to preserve order and regulate debate. He shall have the deciding vote on all questions when both sides are equally divided, except election of officers

He shall decide all questions subject to an appeal; appoint all committees; act as ex-officio Member of all such committees appointed; and have power to fine any Member for disorderly conduct (not provided for in the By-Laws) during a meeting in a sum not exceeding Ten Dollars (\$10.00). He shall sign all orders drawn on the Treasury that have been previously sanctioned by the Company, shall have power to call special meetings for any purpose, or direct the Secretary to do so, stating for what purpose the special meeting is called and perform such other duties as his office may require. The President:  
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1. Must be at least twenty-five (25) years of age;
2. Must have at least 3 years of Active or Associate Membership with the Company;
3. Shall enforce a due observance of the Constitution and By-Laws;
4. Shall be an Ex-officio Member of all special and standing committees;
5. Shall administer oaths of office;
6. Shall act as the administrative representative of the Company;
7. Shall have the responsibility of preserving the integrity of the Company;
8. Shall have the right to order the temporary suspension of any Member whose act or actions:
  - Could bring discredit upon the Company;
  - Violate Company policy;
  - Cause physical harm to another Member or officer;
  - Cause destruction of Company property; or
  - Result in or constitute any form of misconduct.
9. Shall have the authority to call a meeting of the Executive Committee and/or Fire Officers;
10. May grant medical leaves of absence to Members when necessary; and
11. Shall be able to make emergency purchases not to exceed the annual amount decided upon at the July meeting of each year.

**Section 2: Vice President:** In the absence of the President, or his inability to act at a meeting, the Vice President shall act in his place and he shall, while so acting have the same powers and perform all duties conferred or imposed upon the President. The Vice President:

1. Must be at least twenty-one (21) years of age;
2. Shall be responsible for recording Members' hours involved in work details;
3. Shall be responsible for the Annual Fund Drive;
4. Shall be responsible for issuing and tracking all building keys and access codes; and
5. In case of the absence of both the President and Vice President, the Members present shall select a presiding officer.

**Section 3: Secretary:** The Secretary shall keep a just and true and impartial record of the Company's proceedings at the regular and special meetings, call the roll at meetings, answer and attend to all correspondence and report same at each regular meeting. The Secretary:

1. Must be at least eighteen (18) years of age;
2. Shall notify all Members of their election and each committee of its appointment;
3. Shall, at the expiration of his/her term of office, deliver all books, papers and other property in his/her possession to his/her successor in office;
4. Shall notify all Members of all special meetings;
5. Shall be responsible for sending out all administrative correspondence as instructed by the Executive Committee;
6. Shall maintain a current and accurate record of all changes and amendments to the Constitution and By-laws; and
7. Shall perform such other duties as required by the Company.

**Section 4: Treasurer:** The Treasurer shall pay all orders directed to him by and attested by the Board of Trustees. The Treasurer:

1. Must be at least twenty-one (21) years of age;
2. Shall keep a full and correct account of all monies received and expended.
3. Shall keep books at all times available for examination by the Auditing Committee, who shall be appointed by the President, upon request made by the Company.

**Section 5: Financial Secretary:** The Financial Secretary shall assist the Treasurer and shall assume his/her duties in the event the Treasurer is not available and shall keep true and correct accounts between the Company, its Members and the Treasurer. (S)he shall receive all moneys, dues, fines and pay same to Treasurer, taking a receipt from the Treasurer. (S)he shall give written notice to all those Members who are delinquent in the payment of their dues and fines.

1. (S)he shall keep a book in which to enter the name and address of every Member of the Company. His/her books shall at all times be available for examination by the Auditing Committee upon request made by the Company. At the expiration of his/her term, (s)he shall surrender his/her books to his/her successor.
2. He/She shall receive all monies belonging to the Company until the expiration of the term of his/her office, unless otherwise ordered by the Company.
3. Deposits shall be made the first week and third week of the month or if moneys exceed five hundred dollars (\$500.00) the deposit shall be made immediately.

**Section 6: Board of Trustees:** The Board of Trustees shall consist of a minimum of five (5) Members. They shall examine all bills against the Company and recommend their payment if found correct; they shall have in charge all property and furniture belonging to the Company except the Fire Trucks and apparatus and property located in the engine room. The Board of Trustees:

1. Shall cause such property as is entrusted to them to be kept in proper condition and they may authorize necessary repairs and procure supplies amounting to the monthly budgeted amount

- determined at the July meeting each year in a thirty (30) day period. All repairs or supplies amounting to more than three times the *monthly* amount must be recommended by the Trustees at a regular monthly meeting of the Company and passed by a majority vote of Members present at such meeting; and
2. Shall conduct audits of the Company financial books and review all payments by the Treasurer.

**Section 7: Fire Chief:** The Chief shall preside at all meetings of the Fire Officers. The Fire Chief shall be responsible for the administration and activities of all emergency and training operations. All fire line officers shall report directly to the Fire Chief. The Fire Chief:

1. Must be at least twenty-one (21) years of age;
2. Must have 3 years of active membership with the Company;
3. Must have served at least 1 year as Deputy or Assistant Chief;
4. Should have completed Firefighter 1 (or equivalent);
5. Should complete Firefighter 2 within 1 year of being sworn in (or equivalent);
6. Shall have charge of all apparatus and equipment at all times;
7. Shall have charge and jurisdiction over all Members at the time of a fire, parade, or drill in which the Company participates;
8. Shall keep a record of all alarms and fires, and names of men and equipment used. He shall make a report at the next regular meeting;
9. Shall be responsible for submitting all community ISO paperwork in a timely manner;
10. May appoint 1 Captain;
11. May appoint 1 Lieutenant;
12. Shall appoint one qualified Member to serve as the advisor to the junior fire fighters;
13. May grant leave of absence from fire or drill;
14. Shall report directly to the President of the Company for all non fire related administrative purposes;
15. Shall have charge of maintenance and be able to make emergency purchases not to exceed the monthly budgeted amount determined at the July meeting each year;
16. Shall have charge of purchasing all firefighting equipment with prior communications with all firefighting officers and membership approval;
17. Shall determine firefighting policy and issue firefighting SOG's outlining such policy; and
18. Shall have the right to order the temporary suspension of any Member whose act or actions result in:
  - Physical harm to another Member or officer;
  - Destruction to Company property;
  - Neglect of duty on the fire ground;
  - Misconduct on the fire ground; or
  - Insubordination on the fire ground.

**Section 8: Deputy Chief**

Shall assist the Chief at emergency scenes or training events, and shall assume the duties of the Chief if the Chief is absent. The Deputy Chief:

1. Shall report directly to the Fire Chief;
2. Shall be at least twenty-one (21) years of age;
3. Shall have two (2) years of active membership with the Company;

4. Should have completed firefighter 1 (or equivalent); and
5. Shall serve as the training instructor for all active personnel. The duties of the Training Instructor are to hold training sessions, schedule schools and classes, notify all engine room personnel of dates for state and county schools available, to instruct all engine room personnel in the use of all fire fighting equipment.

**Section 9: 1<sup>st</sup> and 2<sup>nd</sup> Assistant Chief:**

Shall assist the Chief and in the absence of the Deputy Chief at emergency scenes or training events, shall assume the duties of the Deputy Chief. In the absence of both the Chief and Deputy Chief at emergency scenes or training events, shall assume the duties of the Chief. The 1<sup>st</sup> and 2<sup>nd</sup> Assistant Chief:

1. Shall report directly to the Fire Chief;
2. Shall be twenty-one (21) years of age;
3. Shall serve as training advisor for Probationary Members; and
4. Shall issue, record and track all fire fighting inventory and gear.

**Section 10: Chief Engineer:** (S)he shall see that all trucks and equipment are kept in good condition and ready for service at all times. (S)he shall report directly to the Fire Chief. The Chief Engineer:

1. Shall be at least twenty-one (21) years of age;
2. Shall have 2 years of active membership with Company;
3. Shall be a qualified driver;
4. Shall qualify (for each apparatus) personnel and submit for Chief's approval all active Members as Drivers and or Pump operators; and
5. Shall have charge of maintenance and be able to make emergency purchases not to exceed the monthly budgeted amount determined at the July meeting each year for a twelve (12) month period.

## ARTICLE VIII

### Text Moved Here: 3 APPOINTED POSITIONS

**Section 1: Fire Police:** The duties of the Fire Police are to control traffic, protect property, and protect fireman. The Fire Police shall assist at all company activities when necessary and give full support at all fire calls.

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1. The Fire Chief will appoint the captain of the Fire Police;
2. The Captain of the Fire Police shall appoint his Lieutenant;
3. The Captain of the Fire Police shall keep records of all calls and Members present at each call.

**Section 2: Fire Captain**

Shall be at least twenty-one (21) years of age;

- 1.
2. Shall have one (1) year of Active Membership with the Company;

3. Should have completed Fire essentials;
4. Shall assist the superior firefighting officers; and
5. Shall take charge of the Fire Company in the absence of the superior firefighting officers.

#### **Section 3: Fire Lieutenant**

Shall be at least eighteen (18) years of age;

- 1.
2. Shall have one (1) year of active membership with the Company; and
3. Shall assist the superior firefighting officers.

**Section 4: Junior Adviser:** The adviser of the Junior Fire Fighters shall be appointed by the Chief and shall be responsible for all activities and drills except at the place of a fire.

**Section 6: Investigating Committee:** The investigating committee shall complete criminal background checks, reference checks and use their good judgment to give their recommendation regarding voting new Members into the Company.

## **ARTICLE IX NOMINATION AND ELECTION OF OFFICERS AND DELEGATES**

**Section 1:** All elective officers and delegates shall be nominated by a sign up sheet, posted at the monthly meeting in April and remain posted until the Monthly meeting in May. At the regular Monthly meeting in May all nominated persons on the sign up sheet wishing to serve shall accept the nomination in writing and be voted on at the normal monthly meeting in June. Except where the election is to fill a vacancy, each person nominated must be present at the meeting unless prevented by sickness, death in family or work related business out of town. All nominees must meet the eligibility requirements listed under the positions. In the event, no nominees meet the eligibility requirements, the Company may leave the position vacant until a nominee meets the requirements, or hold a special vote for each position where no nominee meets the requirements. The majority shall first agree to suspend the requirements for one (1) year.

Members may be nominated for multiple positions. However, after accepting the nomination in May their name shall not be removed from the Ballot.

Members shall only hold one (1) Executive Board position and one Fireline position.

All elections shall be by ballot and shall require a majority of votes to elect. The President shall appoint two tellers who shall conduct the election with the President acting as judge. When all Members desiring have voted, the tellers shall count the votes and declare the results to the President.

If two or more of the highest candidates have the same number of votes for three successive ballots, the position will remain vacant until the next monthly meeting. At the next meeting the election will take place for the position(s) in question. If two (2) or more of the highest candidates have the same number of votes after three successive ballots, the process will continue at the next scheduled meeting until a deciding vote has been cast.



After the results have been declared, should a winning candidate decline the position, the floor shall reopen for nominations. Once all candidates have been nominated, newly nominated candidates shall be balloted in the same meeting.

Active membership shall nominate and vote on all Line Officers (Chief, Deputy, 1st, 2nd Assistant Chief, Chief Engineer).

General membership shall nominate and vote on the Executive Board and Board of Trustees.

#### **Section 2: Voting of Deputy, 1<sup>st</sup>, 2<sup>nd</sup> Assistant Chief**

There shall be separate nominations for each of the Assistant Chief positions. Nominees shall be voted on separately for each Assistant Chief position.

**Section 3:** Any person who is unable to attend three (3) monthly meetings due to conflict in his/her present work schedule, and is considered to be an Active, Life, or Associate Member in good standing with the company and approved by the President, may be eligible for an absentee ballot upon request.

**Section 4:** Any person who has attended three (3) monthly meetings and is unable to attend the June meeting for election of officers may be eligible for an absentee ballot upon request. This request is subject to approval by the President.

**Section 5:** A request for an absentee ballot shall be submitted in writing and contain a brief explanation for absence at least 48 hours prior to elections. The President must approve the request. Upon approval of the President, the Secretary of the Company shall release an absentee ballot to the requesting person. The absentee ballot shall be signed and returned to the Secretary in a sealed envelope prior to the election of company officers.

## **ARTICLE X OATHS MEMBERSHIP, OFFICE & TRUSTEE**

### **Section 1: Oath of Membership**

I solemnly swear (or affirm) to serve the Community Fire Company #1 of Seisholtzville, faithfully and well, putting its call to duty ahead of all my private activities. I will report for duty to my superior officer, in response to emergency calls, and obey his or her commands to the best of my ability, being ever conscious of the safety of others and of my duty in the protection of life and property from the hazards and destruction of fire.

### **Section 2: Oath of Fireline Office**

I solemnly swear (or affirm) to uphold the dignity of my office and conduct myself in such a manner as to reflect credit upon my Company. I will serve the Community Fire Company #1 of Seisholtzville to the best of my ability, answering all calls and being ever conscious of the safety of those under my command and of my duty in the protection of life and property from the hazards and destruction of fire.

### **Section 3: Oath of Administrative Office**

I solemnly swear (or affirm) to uphold the dignity of my office and conduct myself in such a manner as to reflect credit upon my Company. I will serve the Community Fire Company #1 of Seisholtzville to the best of my ability. I will uphold the Constitution and by-laws of this Company and faithfully execute the duties of the office I am about to enter.

## **ARTICLE XI IMPEACHMENT, RESIGNATION & VACATED OFFICE**

**Section 1: Impeachment.** Any individual of the Company, for the abuse of his/her authority or misconduct in his/her office, may be impeached and removed from office by a 75% vote of the eligible Members present after a hearing by the Executive Board. The charge against him/her shall be made in writing and filed with the Recording Secretary at least one month before any vote shall be taken upon it. The Secretary shall read the charge at the next regular business meeting and a 75% vote of the eligible Members present shall determine whether or not the charge shall be brought to the attention of the Executive Board for a decision on impeachment from office. The Executive Board's decision shall be made no later than thirty (30) days after its receipt of the written copy of the charge and the decision shall then be read to the membership present at the next regular business meeting for a final vote. A copy of the written charge shall be served upon the individual at least two weeks before the first membership vote is taken regarding the validity of the charge.

If the impeachment is against a Member of the Executive Board, the remaining four Members shall hold the hearing. At the monthly membership meeting when the charge is read the Members shall nominate and place a Member of the general membership into the fifth slot so there is no stalemate.

### **Section 2: Resignation.**

A. The resignation of a Member shall be made in writing and held over until the next regular meeting when it will be read and accepted. All Fire Company property in his/her possession shall be returned upon resignation.

B. The resignation of an officer from his/her office shall be made in writing and held over until the next regular meeting when it will be read, accepted, and filed, in accordance with Section 3 of this Article. All fire Company property relating to his/her office shall be returned upon resignation.

**Section 3: Vacated Office.** In case of vacancy of any office, the Company shall proceed to fill such vacancy at the next earliest regular meeting for the unexpired term only. This shall be done by nomination from the floor and by ballot vote in the same manner as other elections outlined in Article X.

## **ARTICLE XII AUXILIARY**

**Section 1:** The Auxiliary shall be known as "The Auxiliary of Community Fire Company #1 of Seisholtzville". The Members thereof shall consist of persons who are interested in the furtherance of the purpose of the Auxiliary.  
End Of Moved Text

**Section 2:** The Auxiliary shall be empowered with the privilege of electing their own officers, conducting their own meetings, and sponsoring their own social activities, provided such activities conform to and are entirely within the jurisdiction set forth by the Constitution governing The Community Fire Company #1 of Seisholtzville as a corporation.

**Section 3:** The Auxiliary shall send one Member to give a report at regular monthly meetings; if no Member is available a written report shall be submitted.

## **ARTICLE XIII DISPOSITION OF PROPERTY**

**Section 1: Purpose.** The Company shall have the ability to dispose of property belonging to the Company, which is no longer needed or useful. The term "property" shall include any and all furniture, appliances, vehicles, and miscellaneous possessions owned and/or used by the Company.

**Section 2: Method.** The Executive Board has the responsibility of recommending the manner of disposition of any property no longer deemed useful to the Company, whether by advertised sale, auction, donation, or merely discarding it. If the Company does not own the property it shall be returned to the appropriate owner. In the case of an auction, the Executive Board shall determine the starting bid. An advertised sale shall be open to the Company Members first, and then advertised to the public at a price determined by the Executive Board.

**Section 3: Procedure.** The Committee may recommend discarding individual property items at any business meeting if they each satisfy the following conditions:

1. Having no resale value; and
2. Having a replacement value of less than \$100.00

A simple majority of Members present at the regular monthly business meeting will decide whether the recommendation to discard is to be accepted.

**Section 4: Other Dispositions.** All property dispositions not covered by the rules of Article XIII, Section 3, shall be treated according to the following rules:

It is the responsibility of the Executive Board to notify the membership at the next regular monthly business meeting, stating their recommendation pertaining to the disposition of a particular item. A two-thirds majority vote of the membership present at the meeting shall be required before action shall be taken upon the Committee's recommendation. The Committee shall then be required to give written notice of the item to be sold, and the selling price as determined by the Committee, at least one month before the item is offered to the general public.

## ARTICLE XIV NONPROFIT CHARACTER

### Section 1. Character.

The corporation shall be operated as a nonprofit corporation under the laws of the Commonwealth of Pennsylvania.

### Section 2. IRC 501(c)(3) Tax Exemption Provisions.

a. The corporation is organized exclusively for charitable religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

b. No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its Members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

c. Upon the dissolution of the 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. Any such assets not disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

## ARTICLE XV ROBERTS RULE OF ORDER

Roberts Rules of Order shall govern anything not covered by this Constitution or By-Laws.

### Appendix A Definitions

1. **Violent Crimes:** A Violent crime is any criminal offense, which involves the use of, or even the threat of force or violence. Violent crime is a broad legal category that encompasses a number of criminal offenses. The United States Department of Justice divides violent crime into five categories: 1. Murder 2. Rape or other sexual assault 3. Robbery 4. Aggravated Assault 5. Simple assault. Some of the crimes that fall into these categories are; Murder, Armed Robbery, Aggravated Assault, Disorderly

Conduct, Aggravated Robbery, Family Violent Assault, Assault on a Public Servant, Murder on federal property, Murder by fire arm, Kidnapping, Aggravated Kidnapping, Aggravated assault with a deadly weapon, manslaughter, Carjacking, Arson, Terroristic Threats, Intoxicated Manslaughter, Rape.

2. **Majority Vote:** A majority vote shall consist of at least 51% of the eligible membership voting in agreeance with each other.