

**CONSTITUTION OF THE
FIRE DEPARTMENT
OF THE
TOWN OF MAMARONECK,
NEW YORK**

CONSTITUTION AND BY-LAWS ADOPTED DECEMBER 29, 1933
AND AS AMENDED (September 12, 2012)

FIRE HEADQUARTERS
205 WEAVER STREET
LARCHMONT, NEW YORK 10538

**CONSTITUTION OF THE FIRE DEPARTMENT
OF THE
TOWN OF MAMARONECK, NEW YORK**

To maintain discipline, to define duty and to promote efficiency in saving life and property where endangered by fire and other emergencies, for which purpose the Department was organized, the Fire Department of the Town of Mamaroneck, New York, does enact the following Constitution for its government this 29th day of December, 1933.

ARTICLE I

Section I: Name:

This organization shall be known and designated as the "Fire Department of the Town of Mamaroneck, New York", Westchester County, New York.

Section II: Organization:

The Department shall consist of four (4) companies, to be known and designated as set forth below and the number of active members of each company shall be limited, as provided by law, to the number set opposite each respective company:

Town of Mamaroneck Hook and Ladder Co. No. 1 -----	65
Town of Mamaroneck Engine Company No. 1 -----	60
Town of Mamaroneck Engine Company No. 2 -----	60
Town of Mamaroneck Engine Company No. 3 -----	30
Total -----	215

ARTICLE II - Amendments

This constitution may be altered or amended by the affirmative vote of two-thirds (2/3) of the active members of the Department, present and voting, at a regular meeting of the Department, provided the proposed amendment has been presented in writing at a regular meeting of the Department and written notice of the proposed amendment has been mailed to each active member of the Department at least fifteen (15) days prior to any subsequent regular meeting at which the amendment is to be voted upon.

ARTICLE III - Departmental Officers

A. The Officers of the Department shall consist of a Chief, First Deputy Chief, Second Deputy Chief and four (4) Captains. There shall also be a Secretary, Financial Secretary, Treasurer, Surgeon, Attorney-at-Law, Chaplains and a Sergeant-at-Arms. Each of these Officers shall be an active member of the Fire Department with the exception of the Surgeon, Attorney and Chaplains. Each shall be elected for a term of one year by a majority vote of secret ballots cast by members present and eligible to vote at the annual meeting.

B. The Chief may be re-elected for a third or more consecutive term of one year. However, to be re-elected for a third or more consecutive one year term, a Chief must receive the unanimous consent of members present and eligible to vote at the annual meeting. The First Deputy Chief and/or the Second Deputy Chief, respectively, may also be re-elected for a third or more consecutive term, but must too receive the unanimous consent of members present and eligible to vote at the annual meeting. Nothing herein shall preclude or restrict any member from being nominated or elected for a third or more non-consecutive term of Chief, First Deputy Chief, or Second Deputy Chief; and nothing herein shall preclude or restrict a member having been elected to two consecutive terms for one of the foregoing chief's positions from being elected in a consecutive election for a term of a different chief's position.

C. When three (3) or more candidates are nominated for election as a Departmental Officer (except Captain), the following shall govern:

1. Ballots shall be cast for all candidates nominated. After this first ballot, if no one candidate receives a majority of the votes cast, the two candidates receiving the highest and next highest votes only shall be considered for a second ballot.
2. A second ballot shall be cast for these two (2) above mentioned candidates and the one receiving a majority vote shall be elected to office.
3. The foregoing nominating and voting procedures shall be also followed in the election of Company Officers.

D. When five (5) or more candidates are nominated for election as a Department Captain, the following shall govern:

1. Ballots shall be cast for all candidates nominated. Every ballot with a vote of one (1) or more candidates is counted as one vote cast, and a candidate must receive a majority of the total votes to be elected.
2. If more than four (4) candidates receive a majority vote, the position of Captain is filled by the four candidates receiving the largest number of votes.

3. If less than four (4) candidates receive a majority vote, those who do have a majority vote are elected, and all other candidates remain on the ballot for the necessary repeated balloting.
4. If some candidates receive a majority vote, but are tied for the last position that would elect, those candidates remain on the next ballot.

ARTICLE IV

Section I: Membership:

The Department shall be limited to an active membership of two hundred and fifteen (215) persons in accordance with Article I, Section II of this Constitution and in accordance with law.

Section II: Election of Members:

All candidates for membership to the Department shall be elected at a regular meeting of the Department by secret ballot. A majority vote of active members present and voting is necessary to elect a candidate to membership in the Department.

Section III: Age Requirement:

An applicant for membership must be at least sixteen (16) years of age and of good moral character.

Section IV: Other Categories of Members:

The By-Laws of this Department may prescribe categories of active membership such as associate, honorary, active life, junior, and exempt and fix the qualifications and privileges of all categories.

ARTICLE V - Fire Council

Section I: Membership:

A. The Chief, the First Deputy Chief, Second Deputy Chief and the Wardens of the several Companies shall constitute the Council of the Department in accordance with law and shall have all privileges provided by the Constitution and By-Laws.

B. The Junior Ex-Chief shall also be a member of the Fire Council. He/she shall serve only in an advisory capacity and shall not have voting privileges. The term "Junior Ex-Chief" shall denote the Ex-Chief whom the current Chief has succeeded.

C. The Department Attorney shall serve the Fire Council in an advisory capacity and shall have no voting privileges.

Section II: Powers:

The Fire Council shall have the following powers and duties, subject to the authority of the Town Board of Fire Commissioners, the Chief and the Membership as provided elsewhere by law, this Constitution or the Department's By-Laws

A. The Fire Council shall be the custodian of all property of the Department and such property shall be under the Fire Council's control and care.

B. The Fire Council shall have control and responsibility for the supervision of the Department's officers, members and career Firefighter's. In order to enable the Fire Council to exercise such control and responsibility, the Fire Council shall:

1. Promulgate rules, regulations and standard operating procedures governing the conduct of all Department personnel at fires and other emergency and non-emergency situations where the Department is called upon to perform services;

2. Promulgate rules, regulations and standard operating procedures concerning methods of fire fighting and other emergency and non-emergency responses;

3. Promulgate rules, regulations and standard operating procedures concerning the chain of command within the Department;

4. Promulgate rules, regulations, and codes concerning the duties and conduct for all Department personnel and penalties for their violation;

5. Promulgate procedures concerning the reprimand, discipline, suspension, removal and other penalties to be imposed on the Department's officers and members for the violation of any rule, regulation, and code;

6. Proffer charges against any officer or member for an alleged infraction or violation of any rule, regulation, or code of the Department, conduct all Departmental hearings and trials concerning such infraction or violation, and thereupon render a decision and impose disciplinary measures if determined to be necessary;

7. Conduct, or authorize members to conduct, inquiries and take testimony concerning (i) a possible violation of Departmental rules, regulations, or codes, (ii) the cause and origin of fires within the jurisdiction of the Department, (iii) or any other subject which concerns the integrity of the Department or fire safety within the community;

8. Determine and designate days for public exercises and inspection review;

9. Be the sole official body to make recommendations on behalf of the Department regarding the (i) purchase, repair and maintenance of fire engines, trucks, hoses, implements, apparatus, and equipment which the Department deems suitable and necessary to prevent and extinguish fires and address other emergencies and functions within the Department's authority; (ii) erection and maintenance of suitable and necessary buildings for the Department's use; (iii) construction, repair and maintenance of water mains and locations of fire hydrants necessary for fire fighting and fire prevention.

10. Responsible for making determinations concerning the hiring of persons to be career firefighters; and

11. Assign new members and transfer existing members to the various companies. The Fire Council is required to make such appointments based only upon considerations pertaining to fire fighting capability and the interests of the Department as a whole.

Section III:

A majority of the members of the Council shall constitute a quorum.

ARTICLE VI - Meetings

Section I:

A. An annual meeting of the Department shall be held for the election of Officers and to hear the annual reports of the Officers. Such annual meeting shall be held at the time specified in Article VII, Section I, of this Constitution.

B. Regular meetings of the members of the Department shall be held monthly at the time prescribed by the By-Laws.

C. Special meetings of the Department shall be held whenever called by the Chief or Fire Council or upon written application of fifteen (15) members.

D. The several companies of this Department shall hold special meetings upon written application of the respective secretaries to the Fire Council.

ARTICLE VII - Election of Officers

Section I :

A. The Officers of the Department shall be nominated at an annual meeting of the Department which shall be held according to law on the Thursday following the first Tuesday in December of each year at eight o'clock in the evening. The nominations shall be made by vote of the duly qualified active members of the Department and not by delegates from the different fire companies in general convention. At the annual election of Department Officers, the Chairman of the meeting will be elected from the floor by a majority vote. A candidate for the office of Chief, First Deputy Chief or Second Deputy Chief must have been an active member having the right to vote for at least ten years and must have held the position of Captain for a minimum of one (1) term (inclusive of current year).

A candidate for Captain must have been an active member having the right to vote for at least four (4) years.

Election of Department Officers shall proceed in the following order: Chief of Department, First Deputy Chief, Second Deputy Chief, Captains, Department Secretary, Department Treasurer, Department Financial Secretary, Department Surgeon, Department Chaplain, Department Attorney and Sergeant-at-Arms.

B. The Secretary shall forthwith file in the office of the Town Clerk a certificate of such nomination which, according to law, the Town Board of Fire Commissioners shall consider at its next meeting and appoint such persons as it may approve to the offices to which they have been respectively nominated.

C. Officers so nominated and approved by the Town Board of Fire Commissioners shall take office on the first day of January following their date of nomination.

Section II:

A. The Officers of each of the several companies shall be elected at an annual meeting of the duly qualified active members of each company. This annual meeting of each company shall be held immediately following the adjournment of the Annual Department Meeting and elections, and company Officers so elected will take office on the first day of January following their date of election.

B. At such annual meetings the members of each company shall elect by ballot from their own number a Lieutenant, one Warden, a Secretary and a Sergeant-at-Arms. The term of office of the Lieutenant, Secretary and Sergeant-at-Arms shall be one year, The Warden two years, and any vacancy occurring in any such office shall be filled by election in a like manner. At the first annual meeting after this Department has been established, two (2) Wardens shall be elected to

serve a term of one and two years, respectively. A candidate for office of Warden must have been an active and voting member of this Department for five years.

Section III.

A. Candidate for election to company Lieutenant must have served at least two years as an active member having the right to vote immediately prior to the date of election and must receive a majority of the votes cast.

B. A Warden must complete his/her first year of office in good standing, in order to continue in office for the second year. If a Warden fails to complete his/her first year in office in good standing, a new Warden shall be elected at the annual company elections to fill the unexpired term of one year. Good standing means to attend at least nine (9) regularly scheduled meetings of the Fire Council.

ARTICLE VIII - Duties and Powers of the Chief

Section I :

A. The duties of the Chief, First Deputy and Second Deputy Chief shall be as follows:

1. The Chief shall be the president of the Council and of the meeting of the Department. He/She shall, subject to the direction of the Town Board of Fire Commissioners, have exclusive control of the members at all fires, emergencies, functions, inspections and reviews; the supervision and control of the apparatus and other equipment of the Department owned by the Town or Fire District for the prevention of or extinguishment of fires; of all property owned by the Department; and of all Officers and employees thereof elected or employed by the Council or by the Town Board of Fire Commissioners. He/She shall, whenever required by the Town Board of Fire Commissioners and at least quarterly, report to the Board the condition of the property of the Department and such other information respecting the Department as may be required. He/She shall hold the members, Officers and employees of the Department strictly to account for neglect of duty, and may suspend or discharge them at any time, subject to the approval of two-thirds (2/3) of the members of the Council at the next meeting. He/She shall, upon application, and if authorized by the Council, issue through the Secretary of the Department a certificate of the time of service of a member of the Department, and shall give to each officer of the Department immediately after his/her election a certificate thereof countersigned by the Secretary.

2. In case of inability or absence of the Chief, the first Deputy Chief, and in case of the absence or inability of both the Chief and First Deputy Chief, the Second Deputy Chief shall perform the duties and have all the powers of the Chief.

Section II:

The Chief has the absolute power to assign any firefighter from one company, unit or duty at any fire or emergency.