

**YAPHANK FIRE DEPARTMENT
31 MAIN STREET
YAPHANK, NEW YORK 11980**

Table of Contents

Page	ARTICLE	TITLE
1	I	Name and Object
2-8	II	Officers
9-17	III	Membership
18-19	IV	Duties and Rights of Members
20-21	V	Meetings
22	VI	Compulsory Formations
23-24	VII	Committees
25-26	VIII	By- Laws
27		Definitions

**ARTICLE I
NAME AND OBJECT**

SECTION No. 1: This organization shall be known as the Yaphank Fire Department. The original date of the organization shall be September 14,1926.

SECTION No. 2: its object shall be the preservation and protection of life and property from fire and disaster and to foster interest in all matters pertaining to the volunteer fire service and the welfare of the volunteer fireperson.

**ARTICLE II
OFFICERS**

SECTION No 1: The following shall be the Officers of the Department. Chief, 1st Assistant Chief, 2nd Assistant Chief, Company Captains and Lieutenants as follows:

- Co. No. 1 - Ladder Co.-
Captain and Lieutenant
- Co. No. 2 - Engine Co.-
Captain and Lieutenant
- Co. No. 3 – Fire Police Co.-
Captain and Lieutenant
- Co. No. 4 – Ambulance Co.
Captain and Lieutenant

The officers of Co. 3 and Co. 4 are NON-FIREMATIC.

Only the Officers of Co. 1 and Co. 2 can advance any further as Officers of the Yaphank Fire Department. All Ex-Chiefs, regardless of company, may advance into Chiefs ranks if all other eligibility requirements are met.

SECTION No. 2: All Line Officers (Lieutenant thru Chief, Co. 1 and 2) must successfully complete the officers' training course offered by the Suffolk County Fire Academy. (12/21)

SECTION No. 3: To be an Officer in Co. 4, the person must be a certified EMT or hold a higher qualification.

SECTION No. 4: ELIGIBILITY FOR OFFICE- No individual shall be eligible for office who has not attained the age of twenty-one (21). Proof of age may be required. A candidate for office must be in GOOD-STANDING for the number of years for the office in question. Any member who has already held any of the aforementioned offices may be eligible as a candidate for the same of next higher office provided that they have been a member in GOOD-STANDING and meet all other eligibility requirements.

SECTION No. 5: Chief - To be eligible for the office of Chief, a member must have served as 1st Assistant Chief for a period of one (1) year of the major part thereof and must have participated in at least 50% of all firematic functions for the previous year.

SECTION No. 6: 1st Assistant Chief – To be eligible for the office of 1st Assistant Chief, a member must have served as 2nd Assistant Chief for the period of one (1) year of the major part thereof and must have participated in at least 50% of all firematic functions for the previous year.

SECTION No. 7: 2nd Assistant Chief - To be eligible for the office of 2nd Assistant Chief, a member must have served as Captain for the period of one (1) year of the major part thereof, must be qualified on all VEHICLES, and must have participated in at least 50% of all firematic functions for the previous year.

SECTION No. 8: Captain – To be eligible for the office of Captain, a member must have served as Lieutenant for the period of one (1) year or the major part thereof, must be qualified on all vehicle in the Company they are running for office and must have participated in at least 50% of all firematic functions for the previous year. (12/21)

SECTION No. 9: Lieutenant – To be eligible for the office of Lieutenant, a member must have three (3) consecutive years of membership in GOOD-STANDING, must demonstrate knowledge of handling apparatus through a supervised test to be given by the Chief and Assistant Chief, no less than thirty (30) days preceding nominations. Anyone wishing to run for Lieutenant must show their intent in writing to the Chief and must have participated in at least 50% of all firematic functions for the previous year.

SECTION No. 10: Any member who has already held as aforementioned office may be eligible as a candidate for the same of next higher office

providing that they have be a member in GOOD-STANDING and meet all other eligibility requirements. If all other previously stated requirements are met, a member, to run as a company officers, must be a member of that company for at least six (6) months.

SECTION No. 11: To be eligible for the office of Department Secretary or Treasurer, a candidate must have been a member in good standing for a period of one (1) year. Both offices will be voted on by the membership at the annual meeting. The treasurer shall be bonded. (12/21)

SECTION No. 12: All offices of Chief shall be elected prior to the annual meeting, between the hours of 5:00 PM and 7:30 PM and shall hold office for one (1) year. All officers such as Chief, 1st Assistant Chief, and 2nd Assistant Chief shall be elected by all the eligible members. The offices of Captains and Lieutenants shall be elected only by those eligible members who are assigned to each of their designated companies. All Chief Officers must be approved by the Board of Fire Commissioners as required by State Law. All officers shall take an oath of office, pledging that they will perform their duties in accordance with the laws and Constitution of the United States of America and the State of New York and the constitution and By-Laws of this Department and Fire District. They shall be Eligible for election and voting shall be by

secret ballot: 51% of the ballots cast shall elect. In the event none of the candidates for a respective office receive 51% of the vote, then the two (2) candidates receiving the largest percentage of votes will again be voted on by the Department, and the candidate then receiving the majority of the ballots shall be elected. Vacancies occurring in the office of Chief will be filled by the 1st Assistant Chief until the next Annual Meeting. No person shall hold more than one (1) elected office at a time. (12/21)

SECTION No. 13A: Any department member, that is eligible to vote in the annual election, and will not be able to do so during regular voting hours, must submit an application to the Chief or acting Chief, in writing, stating the reason that they will not be able to vote during regular voting hours, and they are requesting an absentee ballot. The absentee ballot must be picked up by the individual that is making the request, from the election chairman. At the time the ballot is given to the voter, they will be given a list of the eligible individuals for the office being voted on. The ballot must be then, filled out, placed in an unmarked envelope, then placed in the absentee ballot envelope provided. The voter will then sign the absentee ballot envelope and return back to the election chairman. (Revised 12/96)

SECTION No. 13B: If a member is in good-standing in two (2) companies, he/she shall be able to vote in both companies for company election but cast one (1) vote for Chief at the annual meeting.
(Revised 11/2010)

SECTION No. 14: In case of an alarm or emergency, a Captain in the absence of a Chief, or Lieutenant in the absence of a Captain, will be in charge of an area assigned by the Chief. In the absence of an officer, the most recent Ex-Chief present shall assume command upon arrival. In case of the absence of all Officers, the driver of the first tuck to arrive on the scene, shall assume charge of operations until the arrival of an Officer.

SECTION No. 15: It shall be the duty of the Secretary and/or Assistant Secretary or any designee of the Chiefs office to send out all General Orders and notices of special meetings, conducts the correspondence of the Department, to preserve all records and reports except those which are responsible to others as specified in the By-Laws or assigned by the Chief, and to keep minuetts of the Department meetings. (12/21)

SECTION No. 16: The Treasurer and /or Assistant Treasurer or any designee of the Chiefs Office shall have custody of all funds of the Department. He shall keep accurate records and report the state of the treasury at each meeting. He shall keep the

financial records of committees and offices held by or served on for each member. He shall deposit all funds in the bank or banks as designated by the Department and issue draft(s) for all bills authorized for payment. His accounts shall be audited before the annual meeting by a committee appointed by the Chief for that purpose. Interim audits may be requested by the Treasurer or ordered by the Chief on request of the Department. (12/21)

SECTION No. 17: It shall be the duty of the Officers of the Fire Police to organize and supervise the Fire Police Squad, under the direction of the Chief. They shall be responsible to the Chief for maintaining Fire Lines and supervising traffic while the Department is on duty. (12/21)

SECTION No. 18: Each company may have their own Treasurer and Secretary if so desired; to be voted on by the company members.

**ARTICLE III
MEMBERSHIP**

SECTION NO. 1: Any United States citizen at least eighteen (18) years of age, who has resided in Yaphank Fire District for six (6) months or more, or who is gainfully employed within the Yaphank Fire District for any regular eight (8) hours per day, for one (1) year or more, who is physically fit and of good moral character and wished to become an active member of the Department, may be proposed at a regular meeting by two (2) active members in good standing. Such a person will be investigated by the Membership Committee as to their fitness and reported upon at the next regular meeting. Applicant must forward their application to a medical certificate signed by a district physician, and after their acceptance by a majority of the voting membership at the next regular meeting, they shall be a class C member.

SECTION NO. 1A: Any United States citizen at least Sixteen (16) years of age, who has resided in Yaphank Fire District for six (6) months or more, or who is gainfully employed within the Yaphank Fire District for any regular eight (8) hours per day, for one (1) year or more, who is physically fit and of good moral character and wished to become an active member of the Ambulance Company of the Department, may be proposed at a regular meeting by two (2) active members in good standing. Such a

person will be investigated by the Membership Committee as to their fitness and reported upon at the next regular meeting. Applicant must forward their application to a medical certificate signed by a district physician, and after their acceptance by a majority of the voting membership at the next regular meeting, they shall be a class C member. (12/21)

SECTION No. 2: Junior Fire Department members upon reaching the age of eighteen (18) shall be voted on by the membership after completing all applications required by the By-Laws of the Yaphank Fire Department. (Revised 12/96)

SECTION No. 3: The Membership Committee shall be appointed by the Chief. The Committee shall take office at once and serve for one (1) year.

SECTION No. 4: The Membership Committee shall consist of seven (7) members including the most recent Ex-Chief, of which five (5) shall constitute a quorum. The majority of those voting shall determine the report of the committee on each applicant. The 1st assistant Chief shall serve as Chairman of this Committee and the Secretary will act as an Ex-Officio Member of this committee without vote. If the Committee rejects as applicant, any three (3) active Class A or B members in good standing may request a review. In this event the Chief shall appoint a special review Committee who

shall sit with the Membership Committee for reconsideration. The report of this combined committee shall be final.

SECTION No.5: There shall be two (2) categories of membership:

- 1) Active
- 2) Honorary

There shall be the following classifications for active members:

- A) Regular Members
- B) Life Members
- C) Probationary Members

SECTION No. 6: Class A Members are Class C Members who have been approved by the Membership Committee and the Chiefs Office for Class A Membership.

SECTION No. 7: Class B Members known as Life Members are those who served 20 active years. All Life Members continue to enjoy all rights and privileges. All Ex- Chiefs shall receive Life Member Status. (12/21)

SECTION No. 7A: All Class A Members must have met the requirements in Article III, Section 15, to be eligible to vote in the election of Officers. Class B Members that have not attained 20%, are eligible to vote if they have attended four (4) Department

meetings, excluding the annual meeting. (Revised 12/95)

SECTION No. 8: Class C Members are those whose applications have been filed, passed a physical exam, approved by the membership committee, accepted by a majority vote of ballots cast by eligible members present of the Department, and approved by the Board of Fire Commissioners. Class C members must complete and pass Fire Fighter 1 through the Suffolk County Fire Academy. No Class C Member shall remain a Class C Member for more than two (2) years, and only under extenuating circumstances and at the discretion of the Membership Committee. At the expiration of at least one (1) year from the date of their acceptance they shall be voted upon by the membership committee as to whether they shall become Class A members or their membership discontinued. The membership Committee may review Class C Members at various intervals during their membership in the Department, and in the event that are of the opinion any member is not fulfilling the minimum requirements prescribed for their membership in the department, they may recommend at any time, a regular meeting of the Department after seven (7) days' notice to a member, the same being given by certified return receipt mailed to his last known address, that the member be dropped, and upon a majority vote of the Department the issue of the continuance as a

member will be determined. No Class C Member will be permitted to participate on non-firematic functions (Ex. Ball Team, Muster Team, Etc.) unless reviewed monthly by the Membership Committee and meets all minimum requirements. All Class A and C Members must maintain the minimum required percentage of all alarms to be permitted to participate in non-firematic functions. When representing the Fire Department or using its name, you must be a member of the Department and act in an appropriate manner. (12/21)

SECTION No. 9: All Class C Members must at the completion of one (1) year, be the holder of a CPR card. These certifications must be maintained by all members. (12/21)

SECTION No. 10: Honorary Members are those persons, whether active members or not, who have rendered exceptionally faithful service to the Department and who have been so voted by the Department. Honorary members are not subject to Dues, however, unless the Honorary Member is also an active member, they have no vote and may not participate in firefighting. An honorary member of a Company may not vote in that Company's election. All applications for Honorary members shall be submitted in writing to the Chief who will thereafter refer it to a committee of three (3) and who will report directly back to him. No

presentation for such membership shall come from the floor, but must come solely from the Chief, Acting Chief or Membership Committee. (12/21)

SECTION No. 11: Any member may resign by tendering their written resignation to the Chiefs office or company officers and no member resign otherwise. (12/21)

SECTION No. 12: Any active member who moves out of the district, loses their membership in the Department unless they maintain their percentage. But, upon their return to the district may be reinstated to their former status (other than an officer) by a majority of the Active Membership at a regular meeting, providing that they have resigned in good standing before leaving the district. Up to but not more than thirty (30) percent of the total membership can live out of the Fire District. However, any member residing outside the district may be retained as an Active Member upon a majority vote of the Department if they comply with 176B subdivision 5 of the Town Law.

SECTION No. 13: An Active Member who moves to another District and wishes to join that Department, may resign and apply for a transfer. The Secretary will furnish him with a factual record of hi service to be countersigned by the Chief. The record shall show the date of the election into Active Membership, offices held, and committees

served upon with dates, and for the preceding twelve (12) months, the percentage of activities attended.

SECTION No. 14: An active member of another company or Department who moves into the Yaphank Fire District and desires to transfer into the Yaphank Fire Department within one (1) year may present a record of their service as outlines in section 12 of the Membership Committee. If the committee finds he meets the requirement for active membership, they shall so report, and the membership and the membership shall vote upon him as provided in section 8. Probationary requirements shall be at the discretion of the membership committee.

SECTION No. 15: For a member to be in good standing the following applies: Probationary members need 45%, 1–5-year members need 30%, 5–10-year members need 25%, 10+ year members 20% during each and every year unless excused as outlined in Article VI Section 2. These percentages are from regular meetings, compulsory drills, and compulsory parades and includes alarms. In the event that a member does not comply with this Section of the By-Laws, it shall be the duty of the Membership Committee to hold a hearing on their membership, at which time the member shall be notified to be present. The Membership Committee may thereupon allow leniency under

extenuating circumstances or recommend to the Chief that the member be dropped from the rolls. In the event that the membership committee makes a recommendation that a member be dropped from the rolls, they shall receive seven (7) days' notice prior thereto by registered mail. Upon being retained in the Department, the member will automatically go back to probationary status. Since the point system ends the last day of October each year, all totals must be done the beginning of November so that the Membership Committee has enough time to review the point totals of each member before the annual election in December.

SECTION No. 16: All Co. 4 members receive one (1) fire point for each ambulance call they respond to during the year.

SECTION No. 17: A member who has been in good standing for five (5) years shall be entitled to a star.

SECTION No. 18: A member who has resigned from the Yaphank Fire Department, in good standing and rejoins this Department, will receive back all years of credited service. (For longevity Purposes Only).

SECTION No. 19: Sick/ Medical Leave: Up to 1 year – thereafter must submit letter of resignation – except for line of duty. Every three (3) months must submit a letter from doctor to Chiefs Office.
School Leave: Up to four (4) years, Member must

submit letter in order to return. Military Leave: 1
Deployment or Enlistment Member must submit
letter and orders from said branch of military in
order to return. (Revised 12/22 per Board of Fire
Commisioners)

**ARTICLE IV
DUTIES AND RIGHTS OF MEMBERS**

SECTION No. 1: It shall be the right and duty of every Active Member to attend all meetings of the Department and vote upon every measure coming before said meeting. Class C members shall have no vote.

SECTION No. 2: Every member shall obey their commanding officer promptly and implicitly when on duty.

SECTION No. 3: No member shall use profane language while in uniform or on duty.

SECTION No. 4: The uniform purchased by the district shall remain the property of the district and shall only be worn at Department formations as ordered by the Chief. Members shall be responsible for keeping their uniform in good repair and good appearance and any member leaving the Department shall surrender their keys, badge, uniform, shields, radios, pagers and all other Fire District equipment to the Chief. (12/21)

SECTION No. 5: Any member who will be unavailable for duty for an extended period of time must advise the Chief in writing.

SECTION No. 6: No Leave of Absence, except military, medical or school leave shall continue for a period greater than one (1) year.

SECTION No. 7: It shall be the responsibility of the Membership Committee to establish the maximum number of members not to exceed 150 Class A & C members. Upon reaching the maximum, the Department books shall be closed to new members except Junior Fire Department transfers or applicants returning from military leave.

Applications for membership shall be accepted and filed by the Membership Committee, who shall act upon each application to fill such openings in membership below the 150 maximum in the following order:

- 1) Immediate family of an Active Member
- 2) Daytime Availability
- 3) Transfers
- 4) Other Applicants

SECTION No. 8: These By-Laws shall take away no rights of a Fireman as provided by the Constitution of the State of New York and Town Law. The Constitution of the Town Law shall prevail over these By-Laws.

**ARTICLE V
MEETINGS**

SECTION No. 1: The regular meeting of the Department shall be held on the first Monday of the month at 8:00 PM. No meetings shall be held on nationally recognized holidays. Meetings shall be held on the following Monday.

SECTION No. 2: The Chief or Acting Chief, may, and on written request of five (5) members, call a special meeting to take any action that could not be acted upon at a regular meeting. Notice of special meetings must state the purpose of the meeting and be mailed at least 5 business days before the meeting. No meeting shall be called before 8:00 PM nor later than 9:00 PM.

SECTION No. 3: At any meeting, 20 members shall constitute a quorum.

SECTION No. 4: Annual meetings shall be held on the Thursday following the first Tuesday in December to comply with State Law.

Section No. 5: No subject of a sectarian or political nature shall be introduced before the Department.

SECTION No. 6: Due respect shall be paid to the Presiding Officer at all meetings and any member

wishing to address the chair must rise in their place upon being recognized. No member may retain possession of the floor longer than five (5) minutes nor may they speak twice on the same subject until every member wishing to speak shall have done so. Robert's rule of Order shall be followed.

SECTION No. 7: Order of Business

- 1) Roll Call by Secretary
- 2) Reading and approval of minutes of previous meeting
- 3) Treasurer's report
- 4) Communications to be read
- 5) Accounts to be presented
- 6) Proposals for Membership
- 7) Election or Nominations of members
- 7A) Nomination of Officers (November meeting only)
- 8) Election of Officers (Annual Meeting)
- 9) Reports of other Officers and standing committees
- 10) Reports of special committees
- 11) Unfinished and Miscellaneous business
- 12) New Business
- 13) Roll Call
- 14) Adjournment

**ARTICLE VI
COMPULSORY FORMATIONS**

SECTION No. 1: Activities or parades which the Department votes to hold to be deemed compulsory and attendance recorded.

SECTION No. 2: Upon the application of any member, the Chief or Acting Chief may grant them excused from compulsory formation. Such leave, to have effect, must be in writing, signed by the said Officer and duly dated on the day of the applications, and must be recorded with the Secretary.

**ARTICLE VII
COMMITTEES**

SECTION No. 1: The members of the standing committees shall be appointed by the Chief and shall be as follows:

- 1) **Membership Committee:** The Membership Committee shall have the power to hear and act regarding membership in the Fire Department as herein provided for in the By-Laws.
- 2) **Welfare Committee:** The Welfare Committee shall have the power to report to the Chiefs any such matter they may determine to be in the best interest of the membership.
- 3) **Nomination Committee:** The Nomination Committee shall be appointed on or before the September meeting. Letter of intent shall be submitted to the Nomination Committee and the Chief by September 20th. Letter of intent is only for the position of Lieutenant.

WELFARE COMMITTEE BY-LAWS

- A) All new members must be in at least one (1) year and have passed the basic certifications required.

- B) All hardship cases will be considered on a one-to-one basis keeping in mind a \$1,000.00 cap. Only one loan per member until balance is paid. Loans will be approved by a two-thirds (2/3) majority vote of the Welfare Committee.
- C) All checks will be made payable to whomever the bill is from. (ex. Mortgage Co., Oil Co., Funeral Home, Etc.)
- D) All loans will be paid back payable to Yaphank Fire Department Welfare Fund. There will be zero percent interest on all loans.
- E) If any department member becomes un employed after receiving assistance from the welfare fund, their payments will stop until the resume employment
- F) A promissory note shall be signed and dated by the borrower and kept on record by the committee.
- G) There shall be an annual report given to the Fire Department membership once a year in February, giving only liquid assets at that time.

**ARTICLE VIII
BY-LAWS**

SECTION No. 1: Any proposed amendment to these By-Laws shall be offered in writing and laid upon the table until read at three (3) consecutive meetings. A vote shall be taken after the third reading. Two-thirds (2/3) of the members present to adopt a change.

SECTION No. 2: There shall be master copy of the By-Laws maintained by the Secretary. All amendments adopted shall be entered therein with the date of their adoption.

SECTION No. 3: A By-Law Committee will review the By-Laws and make any and all recommendations for revisions at the annual meeting. Any and all revisions may be approved at the annual meeting for the By-Laws with at least two-thirds (2/3) of the members present to concur to adopt a change.

SECTION No. 4: Amendments may be mailed to the membership.

SECTION No. 5: Any provisions not covered in these By-Laws shall be covered by Roberts Rule of Order.

SECTION No. 6: Should the Yaphank Fire Department dissolve any funds remaining in their accounts will be turned over to either the Yaphank Fire District or a tax-exempt entity which exists within the Yaphank Fire District Ex. Vietnam Veteran's Home, Church.

DEFINITIONS

FIREMATIC- Anything to do with the duties, responsibilities & organizational conduct of the Yaphank Fire Department.

FIREMATIC FUNCTIONS- Firematic functions includes but are not limited to, Department Meetings, Company Meetings, Department Trainings, Department Fundraisers, Department Ceremonies, parades & Funerals.

Previous Year- The previous year is defined as the period of time in the last Department year which is November 1st to October 31st.

Election Chairman- Chairperson of the Election Committee.

Fireline- Fireline is to be defined by the boundary in which the officer in command states.