

By-Laws

CITY of CONOVER

Fire Department

Conover, North Carolina

ARTICLE I – ORGANIZATION

- A. The organization existing under these bylaws is to be known as the Conover Fire Department, hereinafter referred to as the Fire Department, and will maintain a roster of suitable size to satisfactorily perform the duties required, and will consist of the following types and classes of membership outlined in Article III.
- B. The Fire Chief will be the administrative head of the Fire Department. The Fire Chief will be an employee of the City of Conover and appointed by the City Manager. The Fire Chief will exercise the duties as prescribed in Chapter 9 of the Conover City Code, as well as the bylaws of the Conover Fire Department.
 - 1. The fire department will be composed of one or more divisions and or companies as fire stations and equipment may be provided for.

ARTICLE II – PURPOSE

- A. The purpose of the Fire Department will be the preservation and protection of life and property from loss by and during fire(s) and or other such emergencies as may occur and to render all necessary and proper public services for the residents of the City of Conover and the surrounding communities in which it serves, as is usual for a fire department and to assist similar organizations in neighboring communities upon request.

ARTICLE III – MEMBERSHIP

- A. The Fire Department consists of a staff of volunteer members and a staff of full time paid employees.
- B. Members shall consist of the following categories.
 - 1. Volunteer Member: An active volunteer member of the Fire Department will be a member who consistently meets the requirements of ARTICLE IV and fulfills the duties of membership as outlined in ARTICLE V.
 - 2. Career Member: A paid full-time employee of the City of Conover Fire Department. Career Members are subject to the City of Conover Code of Ordinances and Personnel Policy in determining their status of employment and will not be subject to these Bylaws.

- a). Career members are subject to the City of Conover Personnel Policy.
- 3. Junior Firefighter: A member of the City of Conover Fire Department Junior Firefighter Program (16 to 18 years of age) will be a member who meets the requirements and fulfills the duties as defined in the Junior Firefighter Bylaws (Attachment A).
 - a). Maximum number of Junior Firefighters on the Fire Department roster at any time will be no more than ten (10).

ARTICLE IV – MEMBERSHIP REQUIREMENTS

- A. Any volunteer candidate meeting the following requirements may be eligible for membership in the Fire Department.
 - 1. The candidate:
 - a). Must make written application with the Fire Chief.
 - b). Must reside no more than one road mile outside the district boundary served by the fire department.
 - c). Must be able to read and write, and possess or be actively pursuing a high school diploma or it's equivalent.
 - (1) High School Diploma
 - (2) GED
 - d). Must be a citizen of the United States.
 - e). Must provide evidence of good health.
 - f). Must be of good moral character and not use intoxicating beverages in excess, nor use any illegal drugs.
 - g). Must be 18 years of age for volunteer member status.
 - h). Must be willing to actively respond to fire department incidents and participate in fire department training and other fire department functions.
 - i). Must not have a felony record, or pending felony convictions or misdemeanor charges.
 - j). Must have a valid North Carolina driver's license.

- k). Must not be a member of another volunteer fire service organization.
 - l). Any applicant with multiple traffic or motor vehicle convictions within a five (5) -year period prior to submitting application will not be considered for membership.
- B. All applications for membership will be filed with the Fire Chief. The Fire Chief will forward all applications to the Fire Department's Investigating Committee for interview and background investigation, with a report given to the Board of Directors for recommendation of membership. Upon recommendation for membership from the Board of Directors, the applicant will be presented to the membership of the Fire Department for approval.
- 1. The Fire Chief will reserve the right to interview any and all applicants for membership as deemed necessary or conduct further investigation prior to presentation to the membership.
- C. Upon approval by the Fire Department's membership, the candidate will begin a twelve-(12) month probationary period, during which time the individual will actively pursue NFPA 1403 Firefighter Qualification (Attachment B).
- 1. Prior to performing structural firefighting activities, the member will have at a minimum have meet the training requirements for as outlined in NFPA 1403.
 - 2. All probationary members will not be allowed to use any emergency warning device on personally owned vehicles during probationary period.
 - a). This will include the use of flashing, rotating, or any other type of warning light used to signal other drivers and or individuals.
 - 3. At the end of the probationary period, provided that all requirements have been met, the probationary firefighter will be presented to the membership for final vote and approval as an active volunteer member of the fire department.
 - a). Any probationary firefighter not successful in meeting requirements as outlined in the By-Laws will be terminated at the end of the probationary period.
 - (1) Minimum training level reached at the end of the probationary period will be:
 - (a) Certification in North Carolina Hazardous Materials and Operations Level I.

- (b) Meet the training requirements outlined in NFPA 1403 Firefighter Standards.

4. Leave of Absence:

- a). Any member, upon written request to the Fire Chief, may be granted a leave of absence not to exceed thirty - (30) days.
 - (1) The member may request a thirty - (30) day extension, which will be approved by the Fire Chief.
 - (2) The member will be placed on in-active status after the sixty - (60) day leave.
 - (a) After the sixty - (60) day leave, the member will return to the fire department, all city issued and or fire department issued equipment including firefighter gear, pagers, identification badges, etc.
- b). At the end of the thirty - (30) or sixty - (60) day leave, the member on a leave of absence will inform the Fire Chief that he/she is returning to active duty.
 - (1) Failure to do so will bring his/her membership under review by the Investigating Committee.
- c). Any member granted a leave of absence for any reason, will not be eligible to receive reimbursement for fire calls or receive other benefits from the City of Conover.
- d). Any member placed on in-active status, will turn in all city issued and fire department issued equipment including gear, pagers, identification badges, etc. until final determination of status.
 - (1) Member(s) on in-active status will not attend training drill(s) and or other fire department related incidents and activities during this period.
- e). Special situations requiring a leave of absence exceeding sixty- (60) days, such as educational or military leave; will be reviewed by the Fire Chief on an individual basis.

5. Current active status members of the fire department will approve any applicant for volunteer status for membership.

- a). Member(s) on leave of absence or in-active status are not eligible to participate in any approval process or recommendation process involving matters related to the fire department.
6. All members, probationary or active status, will be Duly Sworn to the Oath of Office of the City of Conover, North Carolina prior to issuance of equipment.
- a). Firefighter's Oath
 - (1) I, (name) do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully execute the duties of my office as (Volunteer Fire Fighter / Junior Firefighter) of the City of Conover, North Carolina, according to the best of my ability: So Help Me God.

ARTICLE V – DUTIES OF MEMBERS

- A. Members will respond to every possible incident when dispatched, and perform their duties to the best of their ability and in accordance with the Standard Operating Guidelines approved by the City of Conover Fire Department.
- B. Members will show due respect to all officers and obey all commands given to them while involved in City of Conover Fire Department activities.
 1. The Fire Chief will directly discipline any and all members failing to obey a direct order of any company officer.
- C. Members are encouraged to attend all business and training meetings unless absence is unavoidable (sickness, job, and family responsibilities).
 1. It is the responsibility of those members absent to become informed in regard to any action taken at the unattended meeting or training session.
- D. A minimum of thirty-six (36) hours of approved and accepted training must be accumulated annually in order to retain active membership status with the City of Conover Fire Department.
 1. Member(s) deficient in the minimum requirement of thirty-six (36) hours of approved and accepted training at the close of the training year will be placed on a six (6) months probationary status to achieve current training status.
 - a). Training year begins on January 1 and ends on December 31 of each year.

- b). Probationary member(s) not achieving the required training requirements following the six (6) month probation will be terminated from membership with the fire department.
- E. No member of the fire department will make public (written or verbal) any of the proceedings or remarks occurring at any meeting(s) and or function(s) of the City of Conover Fire Department without the permission of the Fire Chief.
- F. No member will appear at any Fire Department incident, fire department meeting, fire department facility or other function or activity while under the influence or impairment of drugs and or alcohol or other substance that will alter the mental and / or physical abilities of the said member.
- G. No member will appear at any Fire Department incident, meeting, fire department facility or other function or activity using insulting or unsuitable language or displaying unacceptable behavior.
- H. No member will be involved with the buying, selling, transportation, or use of any illegal substances, nor will the member be involved in any illegal conduct.
 - 1. Any members failure to comply with Article V, Sections G, H, & I will result in immediate termination of Fire Department membership.
- I. Fire department members are permitted the use of a warning light in personally owned vehicles. All members will obey all North Carolina Department of Motor Vehicle traffic laws and general statues pertaining to the use and operation of a motor vehicle on any highway and or roadway located in the State of North Carolina at all times. The use of a warning device does not give the fire department member(s) special privileges of operation on any North Carolina highway or roadway.
- J. All fire department members with the exception of Chief Officers are prohibited the use of a siren in any personally owned vehicles.
- K. Career members are subject to the City of Conover Code of Ordinances and the City of Conover Personnel Policy on all matters.
 - 1. Career members are subject to and under the direct authority and supervision of the Fire Chief.
 - 2. Matters or circumstances concerning any career member will not be directed to nor will not granted responsibility to a volunteer officer other than operational procedures at an emergency incident.

ARTICLE VI – OFFICERS, APPOINTEES, AND DUTIES

- A. The Fire Department will have the following officers to ensure and maintain satisfactory performance of duties: Fire Chief, Deputy Chief / Fire Marshal, Assistant Chief(s), Safety Officer(s), Captain(s), and Lieutenant(s). There will also be a Treasurer, a Secretary, and a Chaplain position within the fire department.
- B. The Fire Chief will be appointed by the City Manager and be an employee of the City of Conover. The Fire Chief will exercise the duties the office as outlined in Chapter 9 of the Conover City Code.
 - 1. The Fire Chief will have general control of all administration and operations of the Fire Department and will have the duty and authority to organize, recruit, hire, appoint, and train individuals and have the authority to establish department policies and regulations in order to provide sufficient number of qualified officers under his / her direction to enforce the City code of Ordinances, and applicable state and federal laws.
 - 2. The Fire Chief will have the responsibility for evaluating the incident scene, directing all Fire Department's operations, and assuring that the incident is satisfactorily terminated.
 - 3. The Fire Chief has ultimate responsibility for any and all actions of the fire department; however, certain areas of responsibility and authority may be delegated to other officers within the operation of the fire department.
- C. The Deputy Chief, will assist the Fire Chief and, in the absence of the Fire Chief, will be regarded as the representative of the Fire Chief and the Fire Department on all matters, and will exercise the duties outlined in Chapter 9 of the Conover City Code.
 - 1. The Deputy Chief / Fire Marshall will be an employee of the City of Conover
 - 2. The Deputy Chief will be second in command of the Fire Department's administration and operations and will have the responsibility for evaluating the incident scene, directing all Fire Department's operations, and assuring that the incident is satisfactorily terminated.
- D. The Assistant Chief(s) will assist the Fire Chief and Deputy Chief, and will be regarded as third in command. The Assistant Chief(s) will be responsible for exercising the duties outlined in Chapter 9 of the Conover City Code.
 - 1. The Assistant Chief(s) will have the responsibility for evaluating the incident scene, coordinating fire department operations at emergency incidents, and assuring that the incident is satisfactorily terminated.
 - 2. The Fire Chief will have the authority to appoint the position(s) of Assistant Chief for two-year appointments. Position(s) of Assistant Chiefs are appointed as needed.

- a). The position(s) of Assistant Chief will be appointed from the volunteer member roster.
- E. The Safety Officer will have the responsibility for the safety of the members of the Fire Department on any incident scene and at training sessions. He/she will provide guidelines and training for the Fire Department in regard to procedures to be followed that will help insure the safety of the members. In the absence of the Safety Officer, the officer in charge will serve in this capacity or appoint another fire department officer and or fire department member to serve as Safety Officer.
1. The Fire Chief will have the authority to appoint the position of Safety Officer for a two-year appointment. Position(s) of Safety Officer(s) are appointed as needed.
 - a). The position(s) of Safety Officer will be appointed from the volunteer member roster.
- F. The Captain(s) will have the responsibility for assisting the Assistant Chief(s), supervising all activities on the incident scene, at training sessions, and at the fire station(s). As holding the office of Captain, will be considered fourth in command of Fire Department operations at the scene of an emergency incident.
1. The Captains will jointly serve as co-chairs of the Investigating Committee, and serve in capacity as directed by the Fire Chief.
 2. The Fire Chief will have the authority to appoint the position(s) of Captain(s) for two-year appointments. Position(s) of Captain(s) are appointed as needed.
 - a). The position(s) of Captain will be appointed from the volunteer member roster.
- G. The Lieutenant(s) will direct and assist in the duties of firefighters on the incident scene and at the fire station(s), serving as team leaders. They will also see that all orders given by superior officers are carried out. As holding the office of Lieutenant, will be considered fifth in command of Fire Department operations at the scene of an emergency incident.
1. The Fire Chief will have the authority to appoint the position(s) of Lieutenant(s) for two-year appointments. Position(s) of Lieutenant(s) are appointed as needed.
 - a). The position(s) of Lieutenant will be appointed from the member roster.
 2. The Fire Chief will have the authority to appoint one position of Lieutenant with the responsibility of Training Officer. This position will work directly with the Deputy Chief in coordinating departmental training.

- H. The Secretary will keep accurate records of all business meetings, Board of Directors meeting, maintain an accurate record of attendance, and conduct all official correspondence on behalf of the membership.
 - 1. The office of Secretary will be elected by the membership at the first regular scheduled meeting in January of each year and serve a one-year term.
- I. The Treasurer will keep accurate records of all funds, and upon authorization of the membership, pay all bills promptly. The Treasurer will present a report at every business meeting.
 - 1. The office of Treasurer will be elected by the membership at the first regular scheduled meeting in January of each year and serve a one-year term.
- J. The Chaplain will open all meetings with prayer.
 - 1. The Fire Chief will appoint from the active membership or from available local Clergy the position of Chaplain.

ARTICLE VII – BOARD OF DIRECTORS, COMMITTEES, DUTIES

- A. All officers of the Fire Department will serve as members of the Board of Directors, with the Fire Chief serving as Chairman.
 - 1. The Board of Directors will be responsible for the general interests of the Fire Department and bring to the membership recommendations that will serve the best interest of the Fire Department, it's membership, and it's service to the community.
 - a). The Board of Directors will provide support and offer suggestions to the Fire Chief who will govern all aspects of fire department interactions.
 - b). The Board of Directors will assist the Fire Chief in resolving internal conflicts.
 - c). All matters pertaining to all career, full-time paid, and or part-time staff and or members of the fire department will be at the authority and discretion of the Fire Chief.
- B. Investigating Committee
 - 1. The Investigating Committee will consist of the Captains, jointly chairing the committee, and four (4) additional members elected by the membership at the first regular scheduled meeting in January of each year and serve a one-year term.
 - a). The Investigating Committee will review all new applications for volunteer membership. After review and evaluation of the applicant's qualifications,

the Investigating Committee Co-Chairpersons will present a report to the Fire Chief.

2. The Investigating Committee will receive and evaluate all reports of volunteer members who fail to meet the requirements and duties as outlined in the By-Laws and Standard Operating Guidelines and present reports and recommendations to the Fire Chief.
3. The Fire Chief will receive from the Investigating Committee, a report of all applicants for membership and after interview and background investigations by the Investigation Committee of the information provided, and make a recommendation concerning the candidate to the active membership.
4. Fire Officers serving as Lieutenants will review all applicants for Junior Firefighters. Upon recommendation by the Lieutenants to the membership, applicants for Junior Firefighters will be placed on active duty per the guidelines of the Junior Firefighter program.
 - a). The Fire Officers serving as Lieutenants act as advisors of the Junior Firefighter program and ensure that the program participants are operating by the guidelines of the Junior Firefighter program.
5. The Fire Chief will receive from the Investigating Committee any information in regard to misconduct or neglect of duty by members of the Fire Department and after investigation of same, proceed with appropriate actions or counsel with the Board of Directors concerning a recommendation for action by the membership of the Fire Department.
 - a). Authority of any type of discipline will be the responsibility of the Fire Chief.

C. Social Committee

1. The Social Committee will consist of six (6) members elected by the membership at the first regular scheduled meeting in January of each year and serve a one-year term.
 - a). The Social Committee will plan social events and activities for the Fire Department members and their families.

ARTICLE VIII – MEETINGS AND TRAINING

- A. Business meetings for the Fire Department will be held the first Tuesday night of each month with the Fire Chief presiding over the meeting.
1. Regular scheduled business meeting time will begin at 7:00 p.m.

2. Additional Fire Department meetings may be held at the call of the Fire Chief or his/her designee, with proper notification to the membership.
- B. Board of Directors meetings will be held the first Tuesday night of each month with the Fire Chief presiding over the meeting.
1. Board of Directors meeting time will begin at 6:30 p.m.
- C. Training sessions will be held the second and third Tuesday nights of each month.
1. Additional training meetings/sessions will be held as required or as a course may dictate, to ensure properly trained firefighters to serve the City of Conover.
- D. Special meetings may be called or cancelled by the Fire Chief or his/her designee, with proper notification to the members.
- E. Business Meetings will be conducted according to Robert's Rules of Order. With one-half of the membership present, a quorum will be declared.
1. Order of Business:
 - a). Call to Order
 - b). Roll Call
 - c). Approval of Minutes
 - d). Treasurer's Report
 - e). Reception of New Members
 - f). Report of Officers and Drivers
 - g). Committee Reports
 - h). Old and New Business
 - i). Adjournment

ARTICLE IX – ELECTIONS

- A. Elections will be held at the first regular scheduled business meeting in January of each year. The term for each elected position will be one (1) year. Nominations are open to the floor. Votes are to be cast by secret written ballot. A simple majority of votes cast is required. If no one receives a majority of the first ballot, a run-off ballot will be cast for

the two candidates receiving the highest number of votes. The following positions are to be elected:

1. Secretary (one position)
2. Treasurer (one position)
3. Investigating Committee – Four Members
4. Social Committee – Six Members

ARTICLE X - LOSS OF MEMBERSHIP

- A. The Investigating Committee will automatically review any member(s) missing three (3) consecutive regular meetings without a valid excuse. A report will be made to the Fire Chief. Notification of dismissal or other actions to be taken will be given by the Fire Chief.
 1. In the absence of the Fire Chief, the Deputy Chief and or Assistant Chief(s) will jointly carry out the necessary actions.
 - a). The Fire Chief will be notified prior to any preceding and actions taken. At any time.
- B. Any member appearing at a meeting, training session, on the scene of an incident, or at any other activity while under the influence and or impaired by drugs or alcohol will be terminated immediately by action of the Fire Chief.
- C. Any member not complying with the requirements and duties as outlined in accordance with the By-Laws and or Standard Operating Guidelines will have their membership reviewed by the Investigating Committee with a report presented to the Fire Chief.
 1. The Fire Chief will make his / her presentation to the Board of Directors with a recommendation of action to be taken.
- D. Any member will report to the Fire Chief any of the following: Any and all criminal charges (including traffic violations), any involvement in any civil matters, or any other circumstances which could possibly result in discredit, embarrassment, or shame to the Fire Department. The Fire Chief will forward information to the Investigating Committee for review of all circumstances and present a recommendation. The Fire Chief will recommend to the Board of Directors the action to be taken.
 1. The Fire Chief may take appropriate actions as needed based on the severity of the offense or situation.

- E. The Fire Chief will reserve the right to at any time consult the Board of Directors for advise and or seek recommendations as necessary on any matter under the authority and decision of the Fire Chief.

ARTICLE XI

- A. All Fire Department apparatus and equipment is the property of the City of Conover. Any and all use of Fire Department equipment; excluding city personnel for a municipal or public purpose, will be governed by the City of Conover Code of Ordinances and by North Carolina State Law.
- B. The property of the Fire Department will be under the supervision and authority of the Fire Chief at all times. The Fire Chief will be directly responsible for the safety and proper assignment of all apparatus and equipment.

ARTICLE XII – AMENDMENTS TO BYLAWS

These bylaws may be amended at any regular meeting of the Fire Department, provided that notice of the intended change has been submitted in writing to the Fire Chief at least ten days prior to the meeting. A two-thirds vote of the membership present and voting is required for an amendment to be adopted. All changes to the By-laws will be submitted by the Fire Chief to the City Council for final approval, upon recommendation of the City Manager.