

The following Ordinance for the Town of Eliot, Maine was accepted at the Annual Town Meeting held in Eliot, Maine on March 17, 1990 under Article 35.

Jane Dittum
Town Clerk

AN ORDINANCE TO ESTABLISH THE ELIOT FIRE DEPARTMENT
PURSUANT TO 30-AM.R.S.A. §3151

WHEREAS, the Town of Eliot is presently served by the Eliot Fire Department that is directed by a Fire Chief who has the overall administrative responsibility of managing the department, its equipment, property and subordinate officers and firemen, preparing the annual budget and carrying out all the duties and responsibilities imposed by the Town and the general laws; and

WHEREAS, Title 30-A M.R.S.A. §3151 defines a municipal fire department as an organized fire fighting unit as that presently existing in the Town of Eliot established under a municipal ordinance to prevent and extinguish fires; and

WHEREAS, the Eliot Fire Department is an outgrowth of two fire companies of volunteers that organized and elected officers in 1914 for the purpose of providing fire protection in and for the Town of Eliot, and which two fire companies requested and received recognition as a fire department by a vote of the Town of Eliot in the 1915 annual town meeting; and

WHEREAS, the Town of Eliot Fire Department has functioned as a fire department for the Town of Eliot duly recognized at least since 1915 and has since been supported by Town appropriations to fund and support its operating expenses, salaries, maintenance and capital equipment needs and other necessary expenses to provide for the general fire prevention and fire protection services to the Town of Eliot; and

WHEREAS, Title 30-A M.R.S.A. :3151 requires that a municipal fire department such as the one presently existing in the Town of Eliot be established by a duly enacted municipal ordinance.

NOW THEREFORE, the Town of Eliot hereby ordains the following ordinance to be known as the Fire Department Ordinance for the Town of Eliot:

Section I Purpose.

(1) The purpose of this Ordinance is to recognize, reestablish and reaffirm the Eliot Fire Department as the municipally organized fire fighting unit within the Town of Eliot pursuant to state statute as set forth in 30-A M.R.S.A. §3151 and to vest the Eliot Fire Department with all the rights, responsibilities and obligations of a municipal fire department as provided in said statute.

(2) To assure that municipal fire fighters and members of the Eliot Fire Department are covered by the Maine Tort Claims Act.

(3) To assure that the Town of Eliot has the authority to fund the operation, capital investments, salaries and other appropriate expenses of the Eliot Fire Department.

(4) To assure the Town of Eliot receives full and adequate fire prevention and fire protection from the Eliot Fire Department.

(5) To regulate the appointment of the Eliot Fire Chief and subordinate officers of the Eliot Fire Department.

Section II Definitions.

(1) The Eliot Fire Department means that group of self-governed volunteers, organized under their bylaws, who are in

association for the purpose of fire prevention and fire protection in the Town of Eliot.

(2) The Fire Chief means the person duly appointed by the Selectmen to supervise and manage the overall operations and responsibilities of the Eliot Fire Department including its fiscal operation and physical assets.

(3) Offices of the Eliot Fire Department shall mean the special function positions within the Department as established by the bylaws of the Eliot Fire Department including the Chief, Assistant Chief, Captain, Lieutenants, Secretary, Treasurer and Trustees.

(4) Member shall mean any person qualified by the Eliot Fire Department as a fire fighter.

(5) Municipal Fire Fighter shall mean an active, associate or honorary member, whether full time, part time or on call, of the Eliot Fire Department who aids in the extinguishment of fires or an individual who receives compensation from the Town of Eliot for aiding in the extinguishment of fires.

Section III Establishment.

The Eliot Fire Department as presently constituted is hereby re-established as the organized fire fighting unit for the Town of Eliot for the primary purpose of preventing and extinguishment fires, and responding as far as possible to emergency situations, and providing advice on fire prevention matters and all related activities as provided by 30-A M.R.S.A. §3151.

Section IV Fire Chief.

The Eliot Fire Chief shall be the administrative head of the Eliot Fire Department and shall be responsible for the overall management of the Department. The Selectmen upon certification from the Secretary of the Eliot Fire Department shall appoint the person who is duly chosen and qualified by the membership of the Eliot Fire Department to serve as the Fire Chief. The term of office shall be for one (1) year commencing January 1st of each year. The Fire Chief shall be responsible for promulgating and enforcing the bylaws, rules, policies and regulations of the Eliot Fire Department as properly adopted and in addition to all other duties and responsibilities, the Eliot Fire Chief shall prepare the annual budget in a manner and form as deemed desirable by the Selectmen.

Section V Pending Matters.

All rights, claims, actions, contracts, mutual aid agreements and all other legal or administrative proceedings taken by or affecting the Eliot Fire Department in its capacity and all Town ordinances, resolutions, orders and regulations adopted by the Town and the bylaws, policies, rules and regulations of the Eliot Fire Department existing as of the date of the enactment of this ordinance shall remain in full force and effect and are hereby adopted, ratified, affirmed and incorporated by reference into and binding on the Eliot Fire Department as herein established as if the same were repeated and fully set forth herein. In addition, the Eliot Fire Department shall have all rights, obligations and

legal authority consistent with municipal rules, regulations, ordinances and state statutes.

Section VI Repeal of Conflicting Ordinances.

All existing ordinances of the Town of Eliot regarding the Eliot Fire Department are hereby repealed insofar as they may be inconsistent with the provisions of this Ordinance.

Section VII Severability of Provisions.

It is the intention of the Town of Eliot that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intent of the Town of Eliot that if any provision of this Ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Section VIII Effective Date.

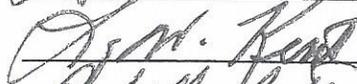
This Ordinance shall be in full force and effect upon its adoption by the Town of Eliot.

TO: Jane Vittum, Clerk
Town of Eliot
Eliot, Maine 03903

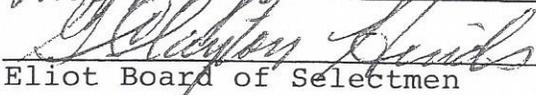
We, the undersigned, being the Municipal Officers of the Town of Eliot, Maine, pursuant to Title 30, Section 2153, hereby certify the foregoing Ordinance entitled "An Ordinance to Establish the Eliot Fire Department Pursuant to 30-AM.R.S.A. §3151" as being the Ordinance voted on and passed at Annual Town Meeting on March 17, 1990 under Article Thirty-Five.











Eliot Board of Selectmen

Fire Department Ordinance of the Town of Eliot

Section I Purposes

The purpose of this Ordinance is to regulate the appointment of the Fire Chief and Officers of the Eliot Fire Department.

Section II Definitions

- 1. Fire Chief means the person duly appointed by the Selectmen to supervise operations of the Fire Department.
- 2. Officers of the Eliot Fire Department shall mean the Fire Chief, Assistant Fire Chief, Captain, Lieutenants, Secretary, Treasurer, and Trustees.
- 3. Membership shall mean the persons qualified by the Fire Department to serve as firemen.

Section III Term and Appointment of the Fire Chief.

The Selectmen upon certification from the Secretary of the Fire Department shall appoint the person that is duly chosen and qualified by the membership to serve as Fire Chief. The term shall be one year commencing Jan. 1.

Section IV Qualifications of Officers of the Fire Department and Term

The officers of the Fire Department shall be the persons duly chosen and qualified by the membership of the Fire Department. Term of office shall be one year.

Section VI Repeal of Conflicting Ordinances

All existing ordinances of the Town of Eliot regarding the Fire Department are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

Section VII Separability of Provisions

It is the intention of the Town of Eliot that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Town of Eliot that if any provision of the Ordinance be declared invalid, all other provisions thereof remain valid and enforceable.

Section VIII Effective Date

This Ordinance shall be in full force and effect upon its adoption.

To Dorothy K. Wood, Clerk
Town of Eliot
Maine

We, the undersigned, being the municipal officers of the Town of Eliot, Maine, pursuant to Title 30 Section 2153, hereby certify the foregoing Fire Department Ordinance of the Town of Eliot as being the ordinance to be voted upon on March 29, 1975 at the Annual Town Meeting.

*This Ordinance was
passed at the Annual
Town Meeting March 29, 1975
under Article No. 64.*

Shirley A. ...

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

**Eliot Fire Department
Eliot, Maine**

**CONSTITUTION and
BY-LAWS**

Revised 20 February 1984

Eliot Fire Department

CONSTITUTION and

BY-LAWS

ARTICLE I

Name and Object

Section 1. This overall organization shall be known as the ELIOT FIRE DEPARTMENT. The regular membership shall be known, and hereinafter referred to, as the COMPANY.

Section 2. Its object shall be the preservation and protection of life and property, from and during such fires or emergencies, as may occur in the Town of Eliot and vicinity.

ARTICLE II

Organization

Section 1. The Fire COMPANY, hereby constituted, shall contain not more than forty-five (45) regular members including officers.

Section 2. The officers of the COMPANY shall consist of one (1) Chief, one (1) Assistant Chief, one (1) Captain, five (5) Lieutenants, one (1) First Lieutenant, one (1) Second Lieutenant, one (1) Third Lieutenant, one (1) Fourth Lieutenant, one (1) Fifth Lieutenant, one (1) Secretary, one (1) Treasurer,

and three (3) Trustees.

ARTICLE III Membership

Section 1. Any resident of good character and standing, who is eligible to register to vote in the Town of Elliot, between the age of 18 and 45, and is not in active military service may, upon due application, and passing the prescribed physical examination, be nominated for membership in the COMPANY. Any person not qualifying for membership under this article, because he/she is over the age of 45, may be considered for membership in the COMPANY if he/she has had previous firefighting experience.

Section 1.1. The Secretary shall, upon receipt of an application, affix the date of receipt and make a record of the applicants name and date of receipt of the application. At the next regular meeting, the Secretary shall read the application, and with COMPANY approval, it shall be accepted and the applicants name annexed to the waiting list in proper sequence. If a vacancy exists and there are no other names on the waiting list, the applicant will be notified of the vacancy upon approval by COMPANY vote. If the vote is unfavorable to the applicant, the application shall be returned to the Secretary annotated "REJECTED" and the Secretary shall notify the applicant that he/she has been rejected.

Section 1.2. The nominee for membership shall have, in the period of time between the time he is nominated and the time his name comes up for election, maintained the qualifications stated in Section 1 of this Article.

Section 2. There shall be a waiting list of nom-

2

inated candidates. The last one nominated shall be at the bottom of the list and new members elected from the top of the list according to the date on the applications.

Section 2.1. Upon notification of a vacancy the nominee shall be given a copy of the BY-LAWS so that he/she may familiarize themselves with the requirements of the Department. He/she shall also be notified that he/she must within two (2) calendar months of the date of the meeting at which it was voted to notify him/her of a vacancy, receive four (4) periods of instruction of at least one (1) hours duration each. Failure to comply with this Section will void his/her application. It shall be the duty of the Secretary to notify the nominee.

Section 2.2. A newly elected member shall be required to be present at the next regular meeting following his/her election, unless excused by the Chief, to receive his/her badge, key, and other identification as may be necessary and to pay his/her first year's dues. If elected at a meeting prior to the November regular meeting, his/her dues shall apply to the current year; if elected at the November regular meeting or later, his/her dues shall apply to the ensuing year.

Section 2.3. New members shall serve a probationary period of six (6) months. This period may be reduced or extended by the Executive Board if considered necessary due to unusual circumstances. During the probationary period, the new member shall have the same rights and privileges as an Associate Member. He/she will, however, have the same duties and responsibilities as a Regular Member in connection with fire and emergency calls and training requirements, excluding the duties and responsibilities

3

as cited in Section 6. He/she will be encouraged by Members and Officers to participate in all departmental activities. At the end of his/her probationary period, the Executive Board will provide to the COMPANY, a recommendation relative to Regular Membership.

Section 3. All Regular Members and Associate Members shall be required to pay dues except the Secretary and the Treasurer.

Section 3.1. Dues shall be at the rate of two dollars (\$2.00) per year.

Section 3.2. Dues are due and payable on the first (1st) of January to the Treasurer of the COMPANY.

Section 3.3. Any member who has not paid his/her dues by July 1 for the current year, shall then be notified by the Treasurer that he/she is in arrears. If, after such notification, he/she has not paid his/her dues by the following December 1, he/she shall then be notified by the Treasurer, in writing, that he/she is in arrears. If after such notification, he/she has not paid his/her dues by the following January 1, he/she shall be liable to expulsion.

Section 4. Any person who ceases to be a member of the Department shall immediately turn in his/her badge, keys to the firehouse and any other property of The Eliot Fire Department to the Chief of The Department.

Section 5. It shall be the duty of all members to obey the commands of their Officers, to be prompt at all meetings, on every alarm of fire or emergency and drills; to assume his/her designated position and

to assist to the best of his/her ability in the betterment of his/her Department.

Section 6. It shall be the duty of the member first reaching the fire station to assume command of the COMPANY which he/she shall retain until the arrival of any Officer, or is notified that an Officer, is at the scene of the fire or emergency. He/she shall be liable to the same penalties that such Officer would be subject to for neglect of duty or any other offense.

Section 7. In the case any member is inducted or reactivated for service in the Armed Forces, his/her billet shall be filled on a temporary basis if he/she requests military leave. If any Officer is inducted or reactivated, he/she must resign his/her office which shall be filled at the meeting at which his/her resignation is tendered and accepted. His/her billet as a member shall be filled on a temporary basis if he requests military leave in writing. Members and Officers who are inducted or reactivated shall be reinstated as a member when they return, provided they request reinstatement in writing. They shall be absolved of payment of dues and excused from drill requirements of Section 12 this Article, while on Military leave.

Section 8. Retiring members may become Associate Members, provided they have requested Associate Membership in writing and receive a favorable vote of the COMPANY.

Section 8.1. Associate Members shall have no voting power and may not make motions but are welcome to attend meetings, may speak on any question, and shall enjoy the same privileges as a Regular Member.

Section 8.2. Associate Members may be assign-

ed to serve on any committee by the presiding officer or a vote of the COMPANY and, as a committee member, shall have a valid vote at any committee deliberations, and for the purpose of determining the final committee recommendation.

Section 8.3. Associate Members may also be assigned to any other duties by the Chief or Officer-In-Charge if they are willing and able to perform them.

Section 8.4. An Associate Member who resides in the Town of Elliot, may, upon written application and recommendation of the Executive Board, be granted priority for reinstatement as a Regular Member. At the next regular meeting, following receipt of the application, the Secretary shall read the application and the Executive Boards recommendation. Upon approval of the COMPANY, the application shall be annexed to the waiting list above all names of new applicants, but not above any previously accepted names of Associate Members. He/she shall meet the physical requirements as set forth in Section 1, this article.

Section 9. Any person, living or dead, may be proposed for Honorary Membership. No exact qualifications are laid down for Honorary Membership. In general, the nominee should have made a significant contribution in service to the Elliot Fire Department. He/she should have, over a period of years, demonstrated more than an ordinary interest in fire-fighting or the welfare of firefighters. Contributions or donations of funds, in itself, should not be construed as automatic qualification. Proposals must be submitted in writing with qualifications to the Secretary for review and recommendation of the Execu-

tive Board. Presentation of this recommendation to the COMPANY shall be in the absence of the nominee. An affirmative vote by two-thirds (2/3) of the eligible voters in attendance is required for approval.

Section 10. Any member of the COMPANY who abuses his/her authority or is found guilty of misconduct while in official capacity of a firefighter, may be removed from the COMPANY by an affirmative vote of two-thirds (2/3) of the members of the COMPANY.

Section 10.1. The charge against such member (accused) must be on file with the Secretary in writing at least one (1) month, and in turn, the Secretary will serve a copy thereof to the accused member at least fourteen (14) days before any action can be taken. Such member (accused) shall have the privilege of defending himself at a special meeting called for the purpose and of which all members of the COMPANY have been duly notified. If found not guilty of the charge of which he/she was accused he/she shall retain his membership and enjoy all the rights and privileges under this CONSTITUTION.

Section 10.2. Ignorance of the BY-LAWS cannot be used as a defense to any charge against a member.

Section 11. All members attending fires or emergencies must report to the fire station after such fire or emergency unless excused by the Officer-In-Charge.

Section 11.1 Any member failing to comply with Section 11, this Article, shall forfeit any compensation due him for that fire or emergency.

Section 12. Any member desiring leave of absence shall submit a written request to the Fire COMPANY stating the length of absence desired which must be approved by the COMPANY if the leave of absence is to be granted. He/she shall be excused from drills with respect to Section 4.3.7.1., Article IV, as follows: one (1) drill for a three (3) month leave of absence, three (3) drills for a six month leave of absence. In no case shall a member be excused for more than three (3) drills during any one year (January 1 to December 31). Exceptions may be approved in cases of emergency or if military leave is granted by a majority vote of the Executive Board.

ARTICLE IV Officers

Section 1. The Officers shall be elected at the annual meeting.

Section 1.1. The nomination of Officers shall be held at the regular meeting in November of each year and nominations shall be held open until Election of Officers is reached in the order of business at the annual meeting.

Section 1.1.2. In the case of a tie vote for the election of any Officer, the tie will be broken with the election of the Officer presently holding the position. In the event neither candidate is a present Officer, the election will be awarded to the candidate with the longest period of continued membership in the Department.

Section 2. Officers shall serve a term of one (1) year or until a successor is elected, unless sooner removed from office by due process.

Section 2.1. In accordance with the Town Ordinance adopted by the Town of Eliot on March 29, 1975, the following applies: The Selectmen, upon

certification from the Secretary of The Fire Department shall appoint the person that is duly chosen and qualified by the membership to serve as Fire Chief. The Officers of The Fire Department shall be the persons duly chosen and qualified by the membership of The Fire Department.

Section 3. Officers shall assume the duties of office on the first day of the month succeeding their election unless, due to postponement, the annual meeting is not held until after December 31st, in which case they shall assume office immediately.

Section 4. DUTIES OF OFFICERS.

Section 4.1. DUTIES OF THE CHIEF.

Section 4.1.1. It shall be the duty of the Chief to call to order all regular and special meetings, to preserve order, to decide all points of order that may arise (subject to an appeal from his/her decision to the members of the COMPANY, but on such an appeal a majority vote of all members present shall be necessary to reverse his/her decision).

Section 4.1.2. The Chief shall see that each subordinate Officer does his/her duty.

Section 4.1.3. The Chief shall carry out and enforce the CONSTITUTION and BY-LAWS of this Department to the best of his/her ability.

Section 4.1.4. It shall be the duty of the Chief to be present at all fires and emergencies, if possible; to plan the attack, and direct the action of the COMPANY upon their arrival.

Section 4.1.5. The Chief shall make a report at the next regular meeting of all fires and emergencies and give, as nearly as possible, the following facts: Locality, discovery, date, hour, who reported it, alarm by whom, cause, where started, cause of delay (if any), and general remarks.

Section 4.1.6. It shall be the duty of the Chief to furnish each newly elected member with a badge, key, and such other identification as may be necessary.

Section 4.2. DUTIES OF THE ASSISTANT CHIEF.

Section 4.2.1. It shall be the duty of the Assistant Chief to assist the Chief in the discharge of his/her duties and to perform the same in case of the Chief's absence.

Section 4.2.2. The Assistant Chief shall be responsible for the COMPANY's quarters.

Section 4.2.3. In the absence of the Chief, the Assistant Chief shall assume the duties of the Chief.

Section 4.3. DUTIES OF THE CAPTAIN.

Section 4.3.1. The Captain of the COMPANY shall obey all orders from the Chief and Assistant Chief.

Section 4.3.2. On alarm of fire or emergency the Captain will take his/her men and apparatus by what is, in his/her judgement, the nearest and best route to the scene. Upon arrival at the scene firefighters men will take their positions as assigned by the Captain and proceed under his/her orders. He/she shall then go forward to report his/her presence and receive orders from his/her Chief.

Section 4.3.3. After receiving orders, the Captain will operate the apparatus according to requirements and on no account allow his/her attention to be withdrawn from the scene or leave his/her position for any reason except by permission of the Chief or Commanding Officer.

Section 4.3.4. Orders of "Shut-Off" or "Re-Charge" will be given by the Chief or Commanding Officer to the Captain of the COMPANY.

Section 4.3.5. The Captain shall be responsible for the condition of his/her apparatus and shall admit it to the inspection of the Chief or Assistant Chief at any time.

Section 4.3.6. The Captain shall have the power to call a "alarm" whenever he/she deems just and proper and all of his/her firefighters, unless previously excused by him/her shall respond with the same alertness as they would if an alarm of fire was given. The Chief shall be notified of such drills.

Section 4.3.7. Twelve (12) official drills shall be held annually, one (1) on the first Monday of each month at 7:00 P.M., except as noted in Section 4.3.7.2., this Article.

Section 4.3.7.1. Members shall be required to attend at least six (6) drills each year. Three (3) drills from January 1 to the regular monthly meeting in June. Three (3) drills from July 1 to the annual meeting in December. Members failing to attend the required number of drills from January 1 to the regular meeting in June shall be removed from the rolls as of the June meeting. Members failing to attend the required number of drills from July 1 to the annual meeting in December shall be removed from the rolls as of the December meeting. It is incumbent on each member to see that he/she attends the required number of drills. Where there are extenuating circumstances, he/she may request a meeting with the Chief and Captain, and if they approve, may make arrangements to make-up drills. It shall be the duty of the Secretary to notify any member who has not met the foregoing requirements that he/she has been removed from the rolls and must return all property belonging to the COMPANY.

Section 4.3.7.2. In the event of a holiday on the first (1st) Monday of each month or other unforeseen circumstances, the Captain at his/her discretion may call for the drill to be held on the second (2nd)

Monday of the month. He/she shall post this change on the COMPANY bulletin board at least one (1) week prior to the regular drill night.

Section 4.3.8. The Captain shall be responsible for assignment of Lieutenants, driver-operators, and personnel to apparatus.

Section 4.3.9. In the absence of the Assistant Chief, the Captain shall assume the duties of Assistant Chief.

Section 4.4. DUTIES OF THE LIEUTENANTS.

Section 4.4.1. It shall be the duties of the Lieutenants to assist the Captain in the discharge of his/her several duties. They shall be responsible for the condition of the apparatus assigned to them at all times.

Section 4.4.2. In the absence of the Captain, the Lieutenants shall assume his/her duties in the following order: First Lieutenant, Second Lieutenant, Third Lieutenant, Fourth Lieutenant, and Fifth Lieutenant. Should the Captain and all of the Lieutenants be absent, the Secretary shall assume the duties of Captain. In the absence of the Captain, all Lieutenants and the Secretary, the Treasurer shall assume his duties.

Section 4.5. DUTIES OF THE SECRETARY.

Section 4.5.1. It shall be the duty of the Secretary to keep a record of all proceedings of his/her COMPANY, to call roll, to record all absences and to give each member at least one day's notice of any special meetings. He/she shall have his/her books open to the inspection of the Chief, Assistant Chief, Captain and Board of Trustees at any time they may desire to inspect.

Section 4.5.2. It shall be the duty of the Secretary to notify each person of his/her election to mem-

bership in the COMPANY, and to furnish him/her with a copy of the CONSTITUTION and BY-LAWS in accordance with Article III, Section 2.1.

Section 4.5.3. The Secretary shall be next in the line of succession to Commanding Officer after the Fifth Lieutenant.

Section 4.6. DUTIES OF THE TREASURER.

Section 4.6.1. It shall be the duty of the Treasurer to collect all dues and other monies due the COMPANY, giving proper receipts therefore; to keep account of all monies received and expended accurately; to receive and retain vouchers for all monies paid out on orders properly voted upon by the COMPANY - providing such information in written form at the monthly meetings. His/her books shall be open to inspection of the COMPANY and the Board of Trustees at any time they choose to inspect.

Section 4.6.2. The Treasurer shall be next in line of succession to Commanding Officer after the Secretary.

Section 4.6.3. The Treasurer shall serve, ex-officio, on all committees specified in Article VII, Section 1.4.

Section 4.7. DUTIES OF THE TRUSTEES.

Section 4.7.1. It shall be the duty of the Trustees to care for the COMPANY's property.

Section 4.7.2. It shall be the duty of the Trustees to audit the Treasurer's books annually, providing a written report at the monthly meeting in January for the previous year, and at any time there is a change of Treasurers.

Section 4.8. Any subordinate Officer, who in the absence of the Chief, assumes his/her duties, shall be subject to the same penalties as the Chief would be liable, for neglect of his/her duties.

Section 4.9. Any Officer of the COMPANY who abuses his/her authority, or misconducts his/her office, may be removed from his/her office by an affirmative vote of two-thirds (2/3) of the members of the COMPANY.

Section 4.9.1. The charge against such Officer (accused) must be filed with the Secretary (Treasurer if the accused is the Secretary) in writing at least one (1) month, and in turn, the Secretary (Treasurer) will serve a copy thereof to the accused Officer at least fourteen (14) days before any action can be taken. Such Officer (accused) shall have the privilege of defending himself/herself at a special meeting called for this purpose and of which all of the members of the COMPANY have been duly notified. If found not guilty of the charge of which he/she was accused, he/she shall retain his/her office and enjoy all the rights and privileges under this CONSTITUTION.

Section 4.9.2. Ignorance of these BY-LAWS cannot be used as a defense to any charge against an Officer.

Section 5. All regular members of the COMPANY are eligible for the Board of Trustees except the Treasurer.

Section 6. In case of a vacancy in office, the Officers shall move up automatically except the Secretary and the Treasurer. A Fifth Lieutenant shall be elected at the next regular meeting.

Section 6.1. If the vacancy should occur in the office of Secretary, Treasurer, or Trustee, a new Officer to fill that position shall be elected at the next regular meeting.

ARTICLE V Meetings

Section 1. Regular meetings shall be held monthly on the third (3rd) Monday at 7:30 P.M. at

14

the Eliot Fire Station except when changed by the Executive Board and the membership notified in writing.

Section 2. The regular meeting on the third (3rd) Monday in December shall be the annual meeting, at which election of Officers shall be held and annual reports given.

Section 3. Special meetings shall be at the call of the Chief and shall require at least one (1) day's notice by mail. The Secretary shall send notice of special meetings on instructions from the Chief.

Section 4. A quorum shall consist of fifteen (15) regular members for all meetings.

Section 4.1. In the event that a special quorum shall be required, it shall consist of two-thirds (2/3) of the total number of regular members.

Section 4.2. The requirement of a special quorum shall be invoked only on specific questions by an action of the COMPANY at a meeting prior to the one at which the question requiring a special quorum is being considered.

Section 5. At a meeting of the COMPANY one member shall be entitled to the floor at a time.

Section 5.1. Every member desiring the floor shall arise and address the chair, and after receiving proper recognition from the chair, shall proceed to speak.

Section 6. No questions can come before the meeting unless properly moved and seconded and declared open for discussion by the chair except that the chair may, for the sake of stimulating action, declare a subject open for discussion when he/she may reasonably expect that a formal motion will result.

Section 7. The chair or any Member may call

15

for the ayes and nays on any question (roll call vote) where each member present shall be required to answer to his/her name on the roll unless excused by the chair.

Section 8. The roll shall be called by the Secretary or Captain at the beginning of every meeting and at each monthly drill.

ARTICLE VI
Executive Board

Section 1. The COMPANY shall have an Executive Board consisting of the Officers of the COMPANY. It shall be their duty to make recommendations on things not covered by this CONSTITUTION.

Section 2. The Executive Board shall carry on routine business of the COMPANY between meetings.

Section 3. The Executive Board shall meet bi-monthly on the second (2nd) Monday of the months of January, March, May, July, September, and November at 7:00 P.M. When drills are held over to the second (2nd) Monday of the month as set forth in Article IV, Section 4.3.7.2., the Executive Board shall meet on the Tuesday following the drill night.

ARTICLE VII
Committees

Section 1. Committees shall be appointed by the presiding Officer, the number serving on the committee to be at the discretion of him/her if the motion establishing the committee does not specify this and providing that the motion does not specify that the members of the committee shall be elected by the COMPANY.

Section 1.1. The Chief shall be an ex-officio member of all committees.

Section 1.2. The first named member of an ap-

pointed committee shall be the temporary Chairman, after which the committee may choose its own permanent Chairman.

Section 1.3. On committees, members of which are elected by the COMPANY, the member receiving the largest vote shall act as temporary Chairman, after which the committee may choose its own permanent Chairman. In case of a tie vote the presiding Officer shall designate which one is to be temporary Chairman.

Section 1.4. The Treasurer shall be an ex-officio member of all committees authorized to spend COMPANY funds in excess of fifty-dollars (\$50.00).

Section 1.5. Associate members may be appointed or elected to any committee in accordance with Article III, Section 8.2.

ARTICLE VIII
Order of Business

Section 1. The order of business shall be as follows:

1. Salute to the flag.
2. Roll call
3. Reading of the minutes of the previous meeting.
4. Communications.
5. Collection of dues and refreshment fund.
6. Treasurer's report.
7. Presentation of bills and action on same.
8. Reports of fires or emergencies.
9. Reports of committees.
10. Nomination of candidates for membership.
11. Election of Officers and Members.
12. Unfinished and miscellaneous business.
13. New business.
14. Good and welfare of the COMPANY.
15. Adjournment.

Section 2. The order of business shall be conducted according to Robert's Rules of Order, current edition.

ARTICLE IX
Amendments

Section 1. Alterations or amendments to this CONSTITUTION may be made by referring the proposed alteration or amendment to a committee of three (3) selected by the Presiding Officer and voted upon at a regular meeting prior to which the proposed alteration or amendment has been posted on the COMPANY bulletin board for at least two (2) weeks.

Section 2. The BY-LAWS of The Eliot Fire Department shall become effective upon their acceptance.