

DARTMOUTH FIRE DISTRICT NO. 1

BY-LAWS

AMENDED MAY 13, 2009

ARTICLE 1 BOUNDARIES

Section I

The term "District" hereinafter referred to shall indicate that section of the Town of Dartmouth organized as Fire District #1 and situated within the following boundaries:

Beginning at the tide waters of Clark's Cove at a point on the boundary line of the Town of Dartmouth and the city of New Bedford; thence Northerly on said boundary line to a point on said boundary line which point is 200 feet South of the Southerly line of Allen Street; thence Westerly in a line 200 feet Southerly from and parallel to said Southerly line of Allen Street to a point 200 feet East of the Easterly line of Tucker Road; thence Southerly in a line 200 feet Easterly from and parallel to said Easterly line of Tucker Road to the center of the road at Macomber's Corner; thence running Westerly to the center line of Tucker Road; thence running Southerly in said center line to Tucker Road to a point 200 feet South of the Southerly line of Russells Mills Road; thence running Westerly in a line parallel to said last named Road and 200 feet distant Southerly line of said Road to Fresh River Bridge; Thence running Southerly from the Easterly side of Fresh River in a straight line to a point in the Southerly line of Rock-o-Dundee Road 200 feet East of the Easterly line of the Potomska Road, and thence running Southerly and Easterly in a line parallel to last named Road and 200 feet distant Easterly from the Easterly line thereof to the Little River Bridge and Buzzards Bay

ARTICLE II OFFICERS

Section I

The officers of the District shall consist of a Chief of the Fire Department, also to be known as the Fire Chief, a Deputy Chief also to be known as a Deputy Fire Chief, a Clerk, a Treasurer, a Prudential Committee of three and three auditors. The Prudential Committee, Clerk, Treasurer and Auditors shall be chosen by ballot and shall serve for a term of three years each. The Chief shall appoint on merit by a majority vote of the Prudential Committee for a term not to exceed three (3) years. Upon appointment, the Chief of the Fire Department shall thereafter be given an annual review and may be removed at any time for cause by the Prudential Committee after hearing and by a majority vote of the Prudential Committee. The Chief of the Fire Department shall appoint the Deputy Chief for an initial one (1) year probationary period and during that probationary period the Deputy Chief may be removed at any time with cause after hearing. Following completion of the one year probationary term, the Deputy Chief may be reappointed to the office of Deputy Chief by the Chief of the Fire Department any may be removed at any time for cause and after a hearing.

Amended 5-13-2009

Section 2

The officers of the District shall receive respectively for their services such compensation as the District may determine at its annual meeting.

Amended 5-13-2002

Section 3

If the Treasurer is prevented from performing his official duties, or if the office is vacant, the Prudential Committee shall in writing appoint a temporary Treasurer, who shall give bond in like manner as the Treasurer and shall hold office until another is chosen. If the Clerk is prevented from performing his official duties, or if the office is vacant, the Prudential Committee shall in writing appoint a temporary Clerk who shall hold his office until another is chosen. A vacancy in the office of Auditor shall be filled by a majority vote at a joint convention of the Auditors and the Prudential Committee. The officer so chosen shall serve until the next annual election. If a vacancy occurs on the Prudential Committee prior to sixty (60) days before the annual district election, the vacancy shall be filled by a majority vote of the Prudential Committee and the District Clerk.

Amended 3-17-2008

Section 4

In the event there is a tie vote between any candidates obtaining the most vote for any office in a regular election of the District, the Prudential Committee shall call a special Election at which only those candidates who have received the tie vote will be candidates. Except for the requirement of filing nomination papers, all the procedures of notice, etc. enumerated in the various sections of Article III of these by-laws for regular elections or meetings shall be followed.

ARTICLE III MEETINGS

Section 1

Every meeting of the District shall be called in pursuance of a warrant under the hands of the Prudential Committee, notice of which shall be given seven days at least before such meeting.

The warrant shall be directed to the Clerk of the District who shall forthwith give notice of such meeting by posting attested copies of the warrant at the Engine House on Bridge Street, the Town Office Building, the Southworth Library, the Dartmouth Senior Citizens Community Building on Dartmouth Street.

The Clerk shall also cause notice of every meeting to be published as a display advertisement in the Dartmouth Chronicle, such notice to state the time and place of holding the meeting and to list the articles to be acted upon thereat.
Amended 5-13-1991

The warrant for every District meeting shall state the time and place of holding the meeting and the subjects to be acted upon thereat. The Prudential Committee shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested in writing by ten or more registered voters of the town residing in the territory comprising the District, and in the warrant for every special meeting all subjects the insertion of which shall be requested of them in writing by fifty registered voters or ten percent of the total registered voters of the town residing within the territory comprising the District. The Prudential Committee shall call a special District meeting upon request in writing of one hundred registered voters or twenty percent of the total registered voters residing within the territory comprising the District, such meeting to be held not later than thirty days after the receipt of such request, and shall insert in the warrant therefore all subjects the insertion of which shall be requested by said petition. No action shall be valid unless the subject matter thereof is contained in the warrant. Two or more distinct district meetings for distinct purposes may be called by the same warrant.

Section 2

The annual election of officers shall be held within the District on the last Monday in April, the polling place located at the Engine House on Bridge Street. The annual meeting shall be held within the town on the second Wednesday of May each year. At the annual meeting a quorum of twenty-five voters must be present to transact business of the District, and in the event a quorum is lacking, those present may adjourn the meeting to a later date. Notice of such adjourned meeting shall be given as provided by By-laws for the annual meeting.
Amended 5-9-2005

Section 3

At special meetings of the District a quorum of twenty-five voters must be present to transact business of the District.
Amended 5-9-2005

Section 4

At meetings of the District only voters who are qualified to vote in Town elections and who are residents of Dartmouth Fire District #1 shall be allowed to vote in said meetings.

Section 5

Nomination papers of candidates for office in the District must contain not less than twenty-five signatures of registered voters residing within the District, and must be filed in conformity with the regulations of the Board of Registrars of Voters of the Town of Dartmouth and the laws of the Commonwealth of Massachusetts pertaining to fire districts.

Section 6

All officers of the District shall attend all regular and special meetings of the District officers, said regular meetings being scheduled for the second Wednesday of each month.

Section 7

No one shall be elected to any office in the District who is not a registered voter and a resident of the District.

Amended 3-17-2008

Section 8

On demand of twenty-five legal voters of the District the voting list shall be used in voting on any motion or resolution properly before a meeting of the District. Every such list, upon once being used, shall be preserved by the Clerk of the District and marked to designate the action of the District in which the same was so used.

ARTICLE IV FINANCES

Section 1

The financial year shall begin with the first day of July in each year and end on the last day of June following.

Section 2

No District notes, bonds or scrip shall be issued by the Treasurer unless authorized by a vote of the District, and all such notes, bonds or scrip shall be signed by the Treasurer of the District, and countersigned by the Prudential Committee thereof.

Section 3

The Prudential Committee shall expend, for the purposes prescribed by the District the money so raised or borrowed, and the Treasurer, who shall give bond for the faithful performance of his official duties in a sum and with sureties approved by the Prudential

Committee, shall receive all money belonging to the District, and shall pay over and account for the same according to its order or that of the Prudential Committee.

Section 4

The Clerk shall certify to the assessors of the Town all votes of the District authorizing interest to be added to taxes and all sums of money voted to be raised, which shall be assessed and collected in the same manner as town taxes, and shall be paid over to the District Treasurer. The assessors, treasurer, and collector of the Town of Dartmouth shall have the same powers and perform the same duties relative to the assessment and collection the money voted by Fire District #1 as they have and exercise relative to the assessment, collection and abatement of town taxes, and the sums so voted shall be assessed upon the property, real and personal within the District.

Section 5

All fees charged for inspections under the General Laws of the Commonwealth shall be deposited into the District's General Fund.

Amended 5-12-1997

Section 6 Secure access box

Any building other than a residential building of less than four (4) units, which has a fire alarm system, sprinkler system, or other fire protection or detection system, shall be equipped with a secure access key box. This box shall be located in a position accessible to the Fire Department in case of an emergency. The location shall be as approved by the Chief of the Fire Department. The box shall contain keys to the fire alarm control panels, in addition to those keys necessary to gain access to the building/s and any secured areas within the building/s. The box shall contain a current list of names, addresses, telephone numbers of the persons to be contacted in case of emergency. The secured access box shall be a type approved by the Chief of the Fire Department.

Any building owner violating the provisions of this by-law, after receiving due notice by the Fire Department shall be subject to a fine of Fifty dollars (\$50.00).

It is suggested that any residence having an alarm activation system connected to an alarm company that notifies the Fire Department of its activation, comply with this by-law. Compliance with this by-law shall be no later than December 31, 1993.

Adopted 5-11-1992

Section 7 Permits and certificates, fees:

Fees for permits and certificates granted by the Chief of the Fire Department of Dartmouth Fire District No. 1 shall be those as described in the "Schedule of Fee's" in accordance with MGL Chapter 148, CMR 527, MGL Chapter 248, section 10, MGL Chapter 66, section 10, CMR 780, and local by-laws. All such fees collected shall be

turned over to the Treasurer in accordance with Section 53 of Chapter 44 of the General Laws.

SCHEDULE OF FEES

Alcohol License Renewal Inspections	\$ 50.00
Blasting	\$ 50.00
Bonfires and Burning Christmas Trees	\$ 50.00
Copy of Fire Report	\$ 25.00
Cutting and Welding	\$ 25.00
Explosives and Black Powder	\$ 25.00
Fire Alarm Permit (Commercial / 5 or more Dwelling units)	\$ 50.00
Fire Suppression Permit (Commercial)	\$ 50.00
Fireworks Display	\$ 50.00
Flammable and Combustible Liquids	\$ 25.00
Flammable Gases and Solids	\$ 25.00
Install / Remove Underground Storage Tanks	\$ 50.00
LP-Gas	\$ 25.00
Municipal Fire Alarm Connection	\$ 100.00
Oil Burning Equipment	\$ 25.00
Re-Inspection Fee	\$ 10.00
Re-Issue Permits	\$ 10.00
Smoke Detector / Carbon Monoxide (Per Unit)	\$ 25.00
Smoke Detector / Carbon Monoxide (5 or more dwelling units)	\$ 125.00
Tank Vehicles Parked Overnight	\$ 25.00
Tanks and Containers	\$ 10.00
Tar Kettles on Roofs	\$ 25.00
Amended 5-13-2009	

Section 8 Fire Alarms

1. This by-law is to regulate the use of fire alarms in the District and to further regulate and control the false alarms that emanate there from.

“Alarm” – a signaling device of any description which is designed for the purpose of summoning the Fire Department of the District.

“False Alarm” – alarm that is activated and causes the response of the Fire Department of the District where there is no valid cause or reason for the alarm to have been activated, including an alarm that is activated through mechanical failure, malfunction, improper

installation, or negligence. An alarm shall not be considered a false alarm where it is activated by an Act of God, including, but not limited to, power outages, hurricanes, earthquakes and other uncontrollable circumstances.

2. Whenever an alarm is activated by whatever means with the result that there is a response by the Fire Department a record of the alarm shall be made and kept by the Fire Department.

3. Whenever three (3) or more false alarms are caused within a twelve (12) month period (within the fiscal year July 1, through June 30), the owner/s or person/s in control of said alarm shall be subject to paying a fine for each and every occurrence starting with the third false alarm. The fine shall be in increasing increments of one hundred dollars (\$100.00) per occurrence. (ie. 3rd \$100.00., 4th \$200.00, 5th \$300.00., etc.) Any fines imposed and collected under this section shall be turned over to the Treasurer of the District in accordance with Section 53 of Chapter 44 of MGL.

Amended 5-13-2002

4. Any alarm installed subsequent to the effective date of this by-law which is an audible type alarm shall be equipped with an automatic shut-off device which will shut-off the audible component of the alarm within thirty (30) minutes of activation. Violation of this requirement shall subject both the owner and the person responsible for the installation of the alarm to a fine of \$25.00, and if the situation is not corrected within thirty (30) days after notification, a fine of \$25.00 for each day thereafter shall be imposed until corrective action is taken by either the owner or installer.

Adopted 5-11-1992

Section 9

Any person that is a registered voter of Dartmouth Fire District No. 1 may seek election to the position of a member of the Prudential Committee. No member of the Prudential Committee shall be appointed or shall serve as a firefighter or officer of the District's Fire Department during their term or terms as a Prudential Committee member. In the event that a person elected to the position of Prudential Committee is a firefighter or officer of the District's Fire Department, that firefighter or officer shall, upon being sworn as a Prudential Committee member, immediately resign his/her position as a firefighter or officer with the District's Fire Department. Notwithstanding any other provisions in these By-laws, if the officer or firefighter refuses or fails to so resign, his/her service as an officer or firefighter shall be terminated immediately by operation of this By-law position and without need for cause and a hearing before the Chief of the Fire Department.

Amended 5-13-2009

Section 10

The Chief and the Prudential Committee shall develop a long range capital plan related to acquiring, maintaining and improving the District's land, buildings and equipment. They will place articles in the warrant at the District's annual meeting for the purpose of funding capital items, which are necessary for the following fiscal year.

The Prudential Committee shall adopt guidelines for implementing and maintaining the capital plan.

Amended 3-17-2008

ARTICLE V FIRE DEPARTMENT

Section 1

The Fire Department shall consist of the Chief of the Fire Department, a Deputy Chief, a Fire Alarm Supervisor, a Fire Inspector and as many officers and firefighters as shall be deemed necessary by the Chief of the Fire Department to manage the fire apparatus within the District not to exceed the numbers allowed by law.

Section 2

The Chief of the Fire Department shall appoint the Deputy Chief as provided in Article II of these By-laws and such officers and firefighters as he/she deems necessary to maintain the apparatus of the Fire Department and shall fix the compensation of the same subject to the approval of the Prudential Committee. The Chief of the Fire Department shall appoint all newly appointed officers and firefighters to initial one (1) year probationary periods and during that probationary period said officers and firefighters may be removed at any time with or without cause. Following completion of the one year probationary period, said officers and firefighters may be removed by the Chief of the Fire Department at any time for cause and after a hearing. The Chief of the Fire Department shall have control over the officers and men of the several companies attached to the Fire Department and all other persons present at fires. The Chief of the Fire Department shall have charge of extinguishing fires in the District and the protection of life and property in case of a fire. He/she shall purchase, subject to the approval of the Prudential Committee, and keep in repair all property and apparatus used for and by the Fire Department. He/she shall have and exercise all the powers and discharge all the duties conferred or imposed by statute upon Officers of the District except as provided herein. He/she shall have the full and absolute authority in the administration of the District's Fire Department and shall make all rules and regulations for its operation, governance and discipline and preservation of order in the time of fire. He/she shall have superintendence and control of all apparatus, equipment, fire alarm supplies and the contents and use of the Fire District buildings. The Chief of the Fire Department shall

report to the Prudential Committee from time to time as they may require and shall report to the District on the condition of the Fire Department with his/her recommendations thereon. In the expenditure of money, the Chief of the Fire Department shall be subject to such limitations as the Prudential Committee may from time to time prescribe and no purchase of supplies, equipment and services shall be made without the approval of the Prudential Committee.

Amended 5-13-2009

Section 3

It shall be the duty of said Chief of the Department, whenever a fire shall break out in the District, immediately to proceed to the place of the fire, and to carry with him and display a suitable badge of his office; to take proper measures that the several engines or other apparatus be arranged in the most advantageous situations and duly worked for the effectual extinguishments of the fire, to require and compel assistance from all persons, as well as members of the fire department, in extinguishing the fire, removing furniture, goods, or other merchandise from the building on fire, or in danger thereof, and to appoint guards to secure the same, and also in demolishing any house or other building if occasion requires, and further to suppress all tumults and disorder. It shall also be their duty to cause order to be preserved in going to, working at, or returning from fires, and to all other times when companies attached to the Department are on duty.

Section 4

The Chief of the Department shall have sole command at fires, over all other Officers, all members of the Fire Department, and all other persons who may be present at fires, and shall direct all proper measures for the extinguishments of fires, protection of property, preservation of order, and observance of the laws, ordinances, and regulations respecting fires. In the absence of the Chief of the Department the highest ranking officers at the place of the fire shall execute the duties of the Chief of the Department with full power. The Chief of the Department shall also assume the duties of Forest Warden of the Fire District pursuant to Chapter 48, Section 25 of the General Laws of the Commonwealth of Massachusetts as amended in May 1977.

Amended 5-13-2009

Section 5

It shall be the duty of the Chief of the Department to keep himself or herself thoroughly informed of the condition of the fire apparatus attached to the District, and to, report in writing thereon to the Prudential Committee for inclusion at the Annual Meeting of the District as well as for inclusion in the Annual Report.

Amended 5-13-2009

Section 6

Badges shall be furnished to the Chief of the Department officers and firefighters of the District, and at the expiration of their terms of service said badges shall be returned to the District.

Amended 5-13-2009

Section 7

Any appointed officer or member of the Fire Department who shall willfully neglect or refuse to perform his duty or who shall be guilty of disorderly conduct, or disobedience to his superior in office, may, after a hearing before the Chief of the Department, be dismissed from the Department by said Chief of the department. The Chief of the Department may, at his/her sole discretion, form a committee to here and act upon appeals of firefighters or officers who have been disciplined or dismissed under this section.

Amended 5-13-2009

Section 8

It shall be the duty of the Chief of the Department, to inquire for and examine into all buildings including chimneys, and other places where combustible materials may be collected and deposited, and at all times be vigilant in causing the removal of such hazards, whenever, in the opinion of the majority of them, the same may be dangerous to the security of the District from fires, and to direct the tenants and occupants of such places to remove the same; and in the case of such tenant's or occupant's neglect or refusal to do so, to cause the same to be removed at the expense of such tenants or occupants.

Amended 5-13-2009

Section 9

All members of the Fire Department attending fires must report at the Engine House for roll call after each fire or be released by the Senior Officer in charge at the scene.

Amended 5-13-2009

Section 10

The Chief of the Department shall have the power to authorize the District to respond with firefighters and equipment, to the aid of another City, Town, or Fire District or area under Federal Jurisdiction in this Commonwealth or any adjoining State in extinguishing fires therein. The authority is subject to the conditions and restrictions of Massachusetts General Laws, Chapter 48, Section 59A.

Amended 5-13-2009

Section 11

It shall be the duty of every member of the Fire Department to conduct himself or herself in a proper manner and law-abiding manner. He or she shall not behave in any manner which is a discredit to the department or to their superiors, or in any way be guilty of conduct not becoming a member or officer of the fire department. He or she shall promptly obey all lawful orders of his superiors and maintain his uniform, equipment and person in a neat and orderly condition. He or she shall obey and abide by the rules and regulations promulgated by the Chief of the Department.

Amended 5-13-2009

ARTICLE VI DUTIES OF OFFICERS

Immediately after the annual election the Prudential Committee shall organize for the ensuing year by choosing a Chairman and a Clerk. A majority of the Committee shall constitute a quorum for the transaction of business. The Prudential Committee, in additions to duties outlined elsewhere in these By-laws, shall have complete control over all expenditures as provided in Section 3 of Article IV. They shall have full control of the maintenance and upkeep of the Fire District building. A separate appropriation for the maintenance and upkeep of the Fire District building shall be requested of the annual meeting. In August of each year they shall appoint the precinct officers for the annual or any special election to be held prior to April first of the succeeding year. They shall approve the treasury warrant before payment can be made by the Treasurer. On major requirements of equipment, supplies, or services for the apparatus, the fire alarm system, or other contents of the garage section of the Engine House the Prudential Committee may ask for competitive bids provided however the specifications for such equipment, supplies, or services have been drawn by or under the supervision of the Chief of the Department.

The awards of such contracts or purchase orders shall be made by the Prudential Committee with the approval of the Chief of the Department and in accordance with Massachusetts General Laws, Chapter 30B.

Amended 5-13-2009

Section 2

The Clerk in addition to duties outlined elsewhere in the By-laws shall call each annual or special meeting to order and preside until a Moderator is chosen. He shall keep a record of action taken at all annual and special meetings and shall cause to be used an electronic voice recorder to insure complete and accurate records. On instructions from the Prudential Committee he shall prepare the warrants to be acted upon at all meetings of the District and shall post notices of such meetings and elections as provided in the By-laws.

Upon receipt of certified nomination papers from the Dartmouth Board of Registrars of voters he shall cause the necessary ballots to be prepared and he shall deliver such ballots with other required election material to the precinct officers at the proper time. After the close of each election he shall receive all used and unused ballots and all records pertaining thereto and store in safekeeping such ballots and records until after the expiration date set up by law for such retention. He shall receive the annual reports of the several District officers and prepare for publication the Annual Report of the District. Four days before each monthly meeting he shall deliver to the Treasurer the payroll records for the preceding month. It shall be the duty of the Clerk to keep the Prudential Committee informed of all changes in the State laws relating to fire districts and he shall post on the bulletin board in the Engine House notices of all such changes.

Section 3

The Treasurer in addition to duties outlined elsewhere in the By-laws shall keep a full and complete report of all receipts and expenditures of the District and shall make an annual report thereon. He shall prepare for the monthly meeting the treasury warrant to be acted upon together with all pertinent details. He shall be bonded for the faithful performance of his official duties in a sum and with sureties approved by the Prudential Committee and in conformity with State laws and regulations thereunder. He shall receive all money belonging to the District and shall pay over and account for same according to the order of the District or that of the Prudential Committee. The District shall bear the expense of the premium on the Treasurer's bond.

Section 4

The Auditors shall meet each month before the regular monthly meeting of the officers of the District for the purpose of auditing the treasury warrant. After the Treasurer's books have been closed for the year the Auditors shall examine all entries and check all balances and certify their findings thereon. They shall file an annual report.

Section 5

The Prudential Committee shall be the appointing authority in the appointment of the Chief of the Fire Department also to be known as the Fire Chief.
Amended 5-13-2009

ARTICLE VII AMENDMENTS

Section 1

These By-laws may be altered or amended at the annual meeting or at any other meeting regularly called for the purpose. The By-laws shall be maintained in both letter size (8 ½" x 11") printed copy as well as by means of computer technology. The By-laws shall be numbered using the Arabic numbering system.

Amended 5-12-1997