

BY-LAWS OF THE MIDDLETOWN VOLUNTEER FIRE COMPANY

ARTICLE I Name

- 1.01** The name of this company is Middletown Volunteer Fire Company of Middletown, Maryland, hereinafter known as the Company.

ARTICLE II Membership

2.01 General

- A. The membership of the Company will consist of volunteer personnel and shall be unlimited in number.
- B. Any person 16 years of age or older is eligible for membership. Those persons under the age of 18 must have written consent from a parent or guardian before being considered for membership. Consent should be indicated on a “Company supplied” document that explains the dangers and responsibilities of membership.

2.02 Application and Review

- A. Each person desiring membership in the Company will file an application with the membership committee disclosing:
 - 1) Personal data,
 - 2) Background in fire and/or rescue services,
 - 3) Previous training in fire and/or rescue services,
 - 4) Any criminal and/or motor vehicle violations including permission for the Company to request a full background check to include, but not be limited to, criminal and motor vehicle violations.A copy of the applicant’s motor vehicle record may be required. Any false or misleading information shall constitute just cause for rejection of the application. The Chairman of the membership committee shall be responsible for any investigation necessary.
- B. Membership dues must be presented along with the application. Dues will not be refunded if the application is rejected.
- C. Each applicant will be interviewed by at least two members of the company. One interviewer must be a member of the membership committee. The interview is intended to:
 - 1) Determine the future intentions of the applicant,
 - 2) Acquaint the applicant with the hazardous elements of the fire and rescue service,
 - 3) Outline Company expectations of their contribution as members including fundraising,

- 4) Present the applicant with a copy of pertinent Company documents including a copy of the By-laws and the Standard Operating Guidelines.
- D. The membership committee shall present its findings and recommendations to the Executive Board upon completion of the background investigation. The report shall be presented to the Executive Board no later than 60 days from the date the application is submitted.
- E. The Executive Board will review all applications for membership. The Board may deny the applicant membership by a 2/3 majority vote of the Board members present at the meeting. All applications not denied will be presented to the Company, at its next regularly scheduled meeting, with the Executive Board's recommendation for final disposition. Rejection of an applicant should be recorded in the minutes of the meeting including the cause.
- F. All applications presented to the Company will be accepted or rejected by a majority vote of those members eligible to vote, present at the meeting.
- G. All persons accepted for membership in the Company will be designated as "Probationary Members" for a period of six months from the date of acceptance. Probationary members must carry a card marked "Probationary Member."
- H. The Probationary Member will be reviewed by the Executive Board at the end of the probationary period. The Executive Board may extend the period of probation for three months if deemed necessary. After the three-month extension is completed, the Executive Board may extend the probationary period for additional periods as deemed necessary. The membership of a Probationary Member may be terminated at any time during the probationary period.
- I. Discrimination based on race, color, creed, sex, age, national origin, martial status, political or religious opinion or affiliation, physical or mental disability (except in such cases where the disability or condition would preclude the individual from adequately performing, with or without reasonable accommodation, the essential functions of the position involved), is prohibited.

2.03 Dues of members

- A. The annual dues for the Active Emergency Responders and Active Non-Responders is \$5.00. The annual dues for Social Members is \$20.00; due from each member on or before the July Company meeting.
- B. Members on active duty in the military and life members are exempt from the dues requirements.
- C. Any member who does not pay his or her dues by the due date will be deemed not in good standing and will forfeit all rights and privileges afforded any member in good standing. The member will be notified in writing of their failure to pay dues and that this jeopardizes their membership.
- D. Membership in the Company will be terminated if dues are not paid for one full year.
- E. The Company Secretary, or designate, will keep an accurate list of the members of the Company; collect all dues, remit all collected monies to the Treasurer in a timely manner, and post a list quarterly.

2.04 Classification of membership

A. All members of the Company will be classified in one of the following categories:

1) **Active Emergency Responder**

This classification applies to all who desire to actively participate in the protection and preservation of life and property of the people of the community, and who have passed an annual physical exam.

2) **Active Non-Responder**

This classification applies to all who desire to actively participate in non-emergency functions of the Company.

3) **Social Member**

This classification applies to any person in the community who desires to be associated with the Company but not on an active basis.

4) **Honorary Member**

a) This classification applies to any person in the community requested by the Company to serve in a specific capacity, e.g., a member of the clergy to serve as Chaplain.

b) Honorary members will not have voting privileges and will not be eligible to be an Elected Officer or Line Officer in the Company. Honorary members are exempt from dues requirements.

5) **Probationary Member**

a) Probationary members are not entitled to be issued keys or a key card to the building and are not allowed in the building unless a regular Company member is present.

b) Access to a pager and Company issued turnout gear will be granted to probationary members, as available, after they have completed the Orientation Program.

6) **Life Member**

a) Life membership can be awarded to any member in good standing with the Company and meeting one of the following criteria:

1) Any member qualifying under Frederick County LOSAP for twenty (20) years with the Company;

2) Any member who has served two (2) or more consecutive terms as President or Fire Chief of the Company;

3) Any member with a minimum of ten (10) years with the Company and at least age forty (40).

b) These appointments will be made for service to Company beyond the scope of normal membership requirements and will be at the discretion of the President.

c) There is no limit to the number of life memberships issued at any time.

d) All life memberships will be presented at the annual banquet of the Company.

7) **Temporary Member**

Members of other fire companies assisting in all Company activities both emergency and non-emergency will be considered temporary members of the Company.

B. Any classification of membership may be changed upon written request from the member to the Executive Board. A majority vote of the Board members present at the meeting is necessary to grant the request. If denied, the member may appeal the

decision to the Company. A 2/3 majority vote of the Company members present and eligible to vote, is necessary to override the Executive Board's decision.

2.05 Membership Requirements

A. New Members - Active Emergency Responders

- 1) All new members must complete the Company Orientation Program for entry level personnel within 90 days of their acceptance. All new members must undergo the medical physical as required by Frederick County. Until the orientation and physical are successfully completed, the member is restricted from participation in emergency activities.
- 2) All new members accepted as Active Emergency Responders must enroll in a training class within six months and must successfully complete said training class within one year of the date of acceptance in the Company. This class must conform to the training requirements set forth in the Standard Operating Guidelines of the Company. Evidence of previous training will be accepted in lieu of this requirement on a case-by-case basis.

B. Active Emergency Responders

- 1) Members will follow all Company rules and regulations including but not limited to the By-laws and Standard Operating Guidelines.
- 2) Minimum Training Requirements
 - a) All members who are Active Emergency Responders on January 1 for a given year are required to attend a minimum of two EMS drills and two Fire drills, or the equivalent as determined by the Training Committee, during that year.
 - b) Members who are enrolled in a MFRI class (or equivalent), are given credit in lieu of attending the drill.
 - c) Members who do not meet the minimum training requirements may be suspended from responding to emergency calls until they have completed the training which was missed during the prior year. It is the responsibility of the member to work with the Training Committee to bring his/her training up to date.

C. Active Non-Responders

Members will follow all Company rules and regulations including, but not limited to, the By-laws and Standard Operating Guidelines.

D. Social Members

Members will follow all Company rules and regulations including, but not limited to, the By-laws and Standard Operating Guidelines.

2.06 Code of Conduct

- A.** It is expected that all members of the Company will exhibit good conduct so as not to bring reproach upon the good name of the Company.
- B.** All members will aid in preserving the property of the Company against all perils.
- C.** All members will refrain from the use of profanity and abusive language while in service to the Company.
- D.** All drinking of intoxicants, use of illegal substances, drunkenness or disorderly conduct shall be prohibited while in service to the Company.
- E.** It will be the duty of all members of the Company to report any actions of any member contrary to this section.

- F. Members will use the Company Bunk Room for appropriate purposes and follow Company policy.
- G. Each member will abide by the harassment policy which is attached to these By-Laws and as may be amended in the future.
- H. Any member violating this code of conduct will be subject to the disciplinary action of the Executive Board.

2.07 Trial and Penalties

- A. At their discretion, the Fire Chief, Deputy Fire Chief, or Assistant Fire Chief may restrict or suspend any member from participating in any emergency operation or Company activity if that member violates any current Standard Operating Guideline of the Company or performs any act that would be deemed to be contrary to the Code of Conduct for a member. The restriction or suspension may include participation in company operations or activities or being present on any MVFC property. This restriction or suspension would be effective as of the time of notification from any of the Fire Chiefs. After notification, the must present charges to the Executive Board at the next scheduled meeting of the Executive Board following the notification. The Fire Chief may withdraw the restriction or suspension prior to the meeting of the Executive Board, if he or she finds it necessary and proper. A report should be made by the Fire Chief to the Executive Board at the next meeting detailing the events and decisions of the incident.
- B. When any member deems it in best interest of the Company, to bring charges against any member of the Company, the member must submit charges in writing to the President and the Fire Chief, who with the other members of the Executive Board, will meet to consider the charges. The accused will be presented with the charges and will be permitted to present evidence at that time. Any such charges must be submitted in writing within 30 days of the incident. If the accused is a member of the Executive Board he/she will be excluded from voting on the issue. A majority vote of the Executive Board members present is necessary for a finding of guilt. If any member of the Board is a member of the immediate family of the accused, they must recuse themselves from voting. In addition, the charging officer will be excluded from voting on the guilt or innocence of the accused.
- C. At the Executive Board's discretion, they may elect to dismiss the charges or move the charges to trial. If so moved, the accused shall be summoned and notified of the charges preferred. The accused shall appear before a quorum of the Board of Directors with a minimum of nine members, and the time and date set by the Executive Board.
- D. In the event of a finding of guilt, the penalty imposed may be termination, suspension, censure, or any other penalty deemed necessary and adequate by the members of the Executive Board present at the trial.
- E. Any member terminated as a result of a finding of guilt can reapply for membership after a period of one year. The application for membership must be approved by a quorum of the Executive Board, with a minimum of nine members present.

ARTICLE III
Officers

3.01 Elected Officers

A. The administrative elected officers of the Company will consist of the following:

- 1) President
- 2) Vice President
- 3) Treasurer
- 4) Assistant Treasurer
- 5) Secretary
- 6) Assistant Secretary
- 7) Six Directors

B. The elected Operational Officers of the Company will consist of the following:

- 1) Fire Chief
- 2) Assistant Fire Chief
- 3) Deputy Fire Chief
- 4) Captain
- 5) EMS Captain

C. Nominations

At the October meeting, or as soon as possible thereafter, the President will appoint a Nominating Committee. The Committee will report to the regular meeting of the Company in November at least one (1) nominee for each elected office. The Nominating Committee will verify that all its nominees meet current standards as set forth in these By-laws and Standard Operating Guidelines. At the November meeting, additional nominations may be made from the floor for each officer position. The Executive Board shall verify that all nominees from the floor meet current standards as set forth in these By-laws and the Standard Operating Guidelines of the MVFC, as well as Frederick County policy. Any person who was an administrative or line officer and was removed from office, is not eligible to be nominated, elected, or appointed to any officer position for a period of 2 years after removal from office. After verification of the nominees' qualifications, his or her name will be added to the ballot. A member may only be nominated for one (1) office on the ballot. There shall be no limit to the number of nominees for each office.

D. Elections

- 1) At the Annual December meeting of the Company, officers will be elected by ballot to serve for a 1-year term. The President and Fire Chief will serve on alternating 2-year terms: President on even years; Fire Chief on odd years. The term of office will begin on January 1st after the December elections and will run to the following December 31st. For the President and Fire Chief, the term of office will begin on January 1st after the December election and will run for 2 years to December 31st. All officers will be sworn in at the Annual Banquet of the Company. If a President or Fire Chief steps down, or is otherwise unable to complete the 2-year term, the new officer is elected to fill the remaining term only.
- 2) No member will hold more than one elected officer position at a time.

E. Duties of Officers

All officers will perform the duties usually required by those offices.

3.02 Appointed Offices

- A.** The members holding appointed offices designated below will be known as Appointed Operational Officers and will consist of the following:
 - 1) Lieutenant (Engine Co.)
 - 2) Lieutenant (Truck Co.)
 - 3) Lieutenant (Squad Co.)
 - 4) EMS Lieutenant
 - 5) Sergeant (Engine Co.)
 - 6) Sergeant (Truck Co.)
 - 7) Sergeant (Squad Co.)
 - 8) EMS Sergeant
 - 9) Station/Safety Officer
- B.** The appointments to the offices listed above will be made by the newly elected Line Officers and submitted to the Executive Board for ratification. These positions will take effect at the Annual Banquet.
- C.** The duties of the Appointed Officers will be assigned by the elected Operational Officers as they deem necessary and may be modified at any time.
- D.** All Appointed Offices do not have the filled each year. It is at the direction of the newly elected Operational Officers to choose the best trained/qualified individuals for the Appointed Offices. Any vacant office may be filled throughout the year at the discretion of the Fire Chief.

3.03 Executive Board

- A.** The Executive Board will consist of the elected Administrative Officers and the Fire Chief or designee.
- B.** The Executive Board voting shall be as follows:
Each elected administrative officer will have one vote, with the President's vote only used as a tie breaker.
- C.** Elected administrative officers must attend two (2) Executive Board meetings per quarter to maintain their position on the Board; failing to do so will result in an immediate dismissal. Accepted exceptions to the rule: medical or family emergency, attending training, or fire department-related activities. Appropriate documentation will be approved by the President.
- D.** The President will appoint a member in good standing to serve the remaining time of any Executive Board position left vacant by a dismissal or resignation.

ARTICLE IV Meetings

4.01 Regular or Monthly Meetings

- A.** The regular meeting of the Company will be held on the third Monday of each month at 7:00 p.m.
- B.** Five members of the Executive Board and five members from the general membership will constitute a quorum for a regular or emergency meeting of the Company.

- C. Emergency meetings may be called at the discretion of the President.
- D. Members will receive credit for attendance at the meeting by:
 - 1) Being present;
 - 2) Attending another function as a representative of the Company, attending a training class, or conflict as a result of a regular work schedule. Evidence of attendance must be provided to the President prior to the next regular meeting of the Company;
- E. Business at any regular meeting of the Company will be conducted in the following order but may be modified if deemed necessary by the President:
 - 1) Invocation
 - 2) Pledge Allegiance to the Flag
 - 3) Presentation and approval of minutes
 - 4) Applications for new membership
 - 5) Treasurer's report
 - 6) Operational Officers' report
 - 7) Committee reports
 - 8) Old business
 - 9) New business
 - 10) Suggestions for the good of the Company
 - 11) Adjournment
- F. The following items must be presented to the Company at a regular meeting for a final decision:
 - 1) Land purchases or sales
 - 2) Building construction or renovation
 - 3) Vehicle purchase, rehabilitation, or sale
 - 4) Any expenditure of Company funds over \$5,000.00
 - 5) Annual Budget

4.02 Annual Meeting

The regular meeting of the Company on the third Monday of December shall be known as the Annual Meeting.

4.03 Executive Board

- A. The Executive Board will meet each month prior to the regular meeting of the company on a day and time set by the Executive Board.
- B. A quorum of the Executive Board will consist of the following:
 - Three of six Administrative Officers,
 - Three of six directors,
 - Ranking Operational Officer
- C. The Executive Board will manage the affairs of the Company per paragraph 6 of the Certificate of Incorporation of the Company.
 - 1) Any decision of the Executive Board may be challenged at the next regular meeting of the Company. A 2/3 majority vote of the members eligible to vote is required to nullify the Executive Board decision. The matter shall be immediately placed on the floor at the meeting for consideration.

- 2) The Company may return any item to the Executive Board for a final decision. If returned to the Executive Board for a final decision, that decision may not be challenged.

ARTICLE V

Voting

5.01 Regular Meetings

- A.** To be eligible to vote on matters at a regular meeting of the Company, the member must be in good standing and have received credit for attending at least three (3) of the last six (6) regular meetings.
- B.** Any member who wishes may request a paper ballot vote on a proposed motion. After the President states the motion, the maker may request a modification (inserting words, striking out words, or striking out and inserting words). A vote is then taken on the proposed modification and, if successful, there can be further discussion on the motion. If the vote to modify fails, discussion and a vote is taken on the motion as it was originally offered.

5.02 Annual meeting

To be eligible to vote at the Annual meeting of the Company, the member must be in good standing and have received credit for attending at least six (6) regular or Executive Board meetings in the year.

ARTICLE VI

Committees

6.01 Standing Committees

- A.** The standing committees of the Company will be:
 - 1) Training committee
 - 2) Membership committee
 - 3) Fire Prevention committee
 - 4) House & Grounds committee
 - 5) Fireman's Lane (carnival) Grounds committee
 - 6) Long Range Planning committee
 - 7) Banquet committee
 - 8) Length of Service Awards Program (LOSAP) committee
 - 9) Members Welfare committee
 - 10) Budget committee
 - 11) Middletown Town Government Liaison committee
 - 12) Publicity committee
 - 13) Historical committee
 - 14) Awards committee
 - 15) Fund Drive committee
- B.** Each standing committee shall be appointed annually by the President at the first Executive Board meeting after the Annual Banquet. Each committee consists of a chairperson and at least three (3) other members of the Company.

C. The President shall be an ex-officio member of all standing committees.

6.02 Temporary Committees

Additional committees may be appointed at the discretion of the President. The following rules apply to all temporary committees:

- 1) They will be appointed with a specific objective.
- 2) They will be appointed for a specific term of existence with either an expiration date or conditional expiration, i.e., an apparatus committee would expire upon delivery of the apparatus.
- 3) The expiration date of the committee may be extended by the President if additional time is needed to complete the objective.
- 4) The President will be a member of all temporary committees.

**ARTICLE VII
Amendment of By-laws**

7.01 These By-laws may be amended at any regular meeting of the Company by a 2/3 majority vote of members voting provided the amendment was presented in writing at the previous regular meeting of the Company.