

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
- City of Avon
- Town
- Village

Local Law No. 1 of the year 20 09

A local law Amending Chapter 69 of the Village of Avon Municipal Code: Fire Department Rules
(Insert Title)
 and Regulations

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

- County
- City of Avon as follows:
- Town
- Village

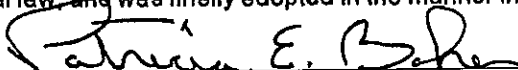
TEXT IS ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____, above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body


(See/)

Date: 9-23-09

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF GENESEE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature
Reid A. Whiting, Village Attorney
Title

County _____
City of Avon
Town _____
Village _____

Date: September 22, 2009

CHAPTER 69

FIRE DEPARTMENT RULES AND REGULATIONS

Section I: Fire Department

The Village of Avon Fire Department is maintained and operated by the Village of Avon. The Village is responsible to purchase and maintain all materials and equipment necessary to operate the Fire Department, subject to budgetary and constitutional limitations.

The Village of Avon shall contract, on an annual basis, with fire companies to provide the necessary personnel to staff the Fire Department.

Section II: Fire Department Officers Committee

There are certain areas within the day-to-day operation of the Village Fire Department that the Village Board finds will best be served by a committee of Village Fire Department officers to monitor. With the understanding that the operation of the Village Fire Department is an extremely vital part of the Village and believing that a dedicated committee of Village Fire Department officers would be of benefit to the Village and the Fire Department, the Village Board will correspond with the Fire Department officers to deal with the present concerns of the Avon Fire Department. The Committee of Officers will work with the Village Board to deal with present issues and needs of the Fire Department and to keep the Fire Department running in a most efficient manner.

A. Membership

1. The Fire Department Officers Committee shall be comprised of the elected Fire Department line officers and one representative from the Village Board as follows:
 - a. One Fire Chief
 - b. Two Assistant Fire Chiefs -\
 - c. Two Captains (one from each company)
 - d. Four Lieutenants (two from each company)
 - e. One representative from the Village Board (appointed by Mayor)
 - f. Training Officer - appointed by Chief
 - g. Maintenance Officer - appointed by Chief
 - h. Medical Officer - appointed by Chief
 - i. Recording Officer - appointed by Chief

B. Duties

The purpose of the Fire Department Officers Committee is to assist the Fire Department and the Village Board of Trustees in the day-to-day operations of the Fire Department.

C. Meetings

The Fire Department Officers Committee shall meet at least monthly.

D. Fire Department Planning Committee

The Village Board realizes the operation of the Fire Department is an activity that requires a great deal of time and dedication from the elected line officers. Therefore, it is believed a Fire Department Planning Committee would benefit the Village Board and the Fire Department to focus on planning future needs of the Fire Department. This Committee shall be given no legal power, acting as an advisory committee only. The Village Board hereby establishes a Planning Committee to deal with the future needs of the Fire Department.

E. Membership

The Fire Department Planning Committee shall be comprised of seven (7) members as follows:

- Two company members from the Van Zandt Hose Company elected within the company
- Two company members from the Pumper Company elected within the company
- Two Fire Department line officers appointed by the Fire Chief (Chief may appoint himself or herself)
- One Village Board representative (appointed by the Mayor)
- One recording secretary

F. Duties

The purpose of the Fire Department Planning Committee is to assist the Fire Department and Board of Trustees in the long-term planning concerning the future needs of the Avon Fire Department. Duties of the Committee will include, but are not limited to the following:

- Annual bylaw review
- Future projects of the Fire Department
- Major equipment replacement needs
- Future building maintenance, fire station maintenance and upgrades
- Fire station compliance with safety regulations and OSHA/NFPA standards

G. Meetings

The companies will elect their representatives at the company meeting in December. The Village Board representative will convene the committee in January to discuss meeting dates. The Committee is mandated to meet once per quarter, or as may be necessary. (Note: Two line officers or the Village Board representative may call a meeting on an as-needed basis)

Section III: Membership or entrance requirements

A. Residency requirements

1. Members must meet the residence requirements as specified in New York State Village Law (~ 10-1006) or as otherwise provided in New York State Village Law and as amended.

B. Age

1. A member must be eighteen (18) years of age or older.

C. Company membership

1. A person must first gain membership, by majority vote, in an active fire company of the Village of Avon Fire Department prior to making application join the Village of Avon Fire Department. Any member who ceases to be a member of an active company will automatically be removed from the Fire Department.

D. Application to join Fire Department

1. An applicant must apply to the Village Board of Trustees for membership in the Fire Department.

E. Investigation

1. A routine police investigation and arson background check of all prospective members is required. The results of this investigation are to be considered by the Village Board of Trustees when deciding upon the acceptability of a prospective member.
2. All prospective members shall execute a release authorizing the Avon Village Police or such other law enforcement agency designated by the Village Board of Trustees to conduct an investigation of the prospective member and to report the results of the investigation to the Village Board of Trustees.

F. Board of Trustees' decision

1. The Village Board of Trustees will make its decision on the acceptance of the applicant within thirty (30) days and provide written notice to the applicant, fire company and Fire Department.

G. Probationary periods

1. All new members and all members designated by the Village Board of Trustees shall be on probation for six (6) months. If, upon recommendation to the Village Board of Trustees, the member has not shown sufficient effort, skill, or diligence the membership may be terminated at this time. At the end of the six (6) months, the Village Board of Trustees shall vote to declare a person's membership active or to terminate a person's membership. During the probationary period, any new member must complete the Firefighter 1 or equivalent basic curriculum course within one year or as soon as the course is offered. The Village Board of Trustees may, at its discretion, grant an extension of the probationary period for an additional six (6) months.
2. If, after the probationary period, a member is notified that his or her membership is being terminated, that person shall have the right to a hearing before the Village Board of Trustees within

thirty (30) days of the written notice.

H. Active status

1. Members of the Village Board of Trustees must change a person's membership from probationary to active. The determination of whether the applicant has successfully completed the probationary period shall be in the sole discretion of the Village Board.
2. Members must attend eight drills in a calendar year.
3. Member must have annual firefighter physical and fit test.
4. Member must complete firefighter I; or scene support; or equivalents.
5. The Fire Department shall offer a minimum of eight (8) drills per quarter: six (6) Monday night drills and two (2) weekend drills. (Moved to Section IV, 3)

J. Disciplinary action

1. A line officer or a member of the Village Board of Trustees may file a written complaint with the Village Board of Trustees requesting disciplinary action against a member of the Fire Department.
2. Within thirty (30) days of receiving a complaint, the Village Board of Trustees will review the complaint, and if it decides that the complaint warrants further action, then the following procedure will be followed:

The Village Board of Trustees shall notify via certified mail, not less than ten (10) business days prior to the meeting, the member against whom the complaint was filed that a complaint has been filed and that a meeting of the Village Board of Trustees shall take place to consider disciplinary action, including termination. A copy of the complaint shall be included with the notice to the member and a statement that the member will have the right to be heard at this meeting. The time and place of the meeting will be specified in the notice to the member. The Village Board of Trustees will give written notice of its decision within thirty (30) business days of the meeting to the member against whom the complaint was filed, the Fire Chief and company presidents.

3. The Village Board, or the Fire Chief, if deemed necessary, for the efficient and safe operation of the Fire Department, may temporarily suspend the duties of a Fire Department member. This will be reviewed by the Village Board of Trustees at its next regularly scheduled meeting in executive session.
4. The Fire Chief, if deemed necessary, for the efficient and safe operation of the Fire Department, may temporarily terminate the duties of a Fire Department member. This will be reviewed by the Village Board of Trustees at its next regularly scheduled meeting in executive session.

Section IV: Duties of line officers

A. Chief

1. Shall perform such duties and powers as set forth in New York State Village Law ~ 10-1018 and as amended.

2. Shall delegate duties as deemed necessary for the efficient operation of the Fire Department.
3. The Chief shall be elected by the Fire Department membership at large. The Chief shall also communicate to the Village Board of Trustees on the Department status once a month.

B. Assistant chiefs, captains and lieutenants

1. It shall be the duty of the assistant chiefs, captains and lieutenants to assist the chief at all times and to perform the duties of the Chief in absence of the Chief according to their rank.
2. Captains (1) and Lieutenants (2) shall be elected from each company.
3. Assistant Chiefs shall be elected by the Fire Department membership at large.

C. the Fire Department shall offer a minimum of eight (8) drills per year: six (6) Monday night drills and two (2) weekend drills. (Moved from Section III, h, 3)

Section V: Line & non-line Officer Positions: terms of office, qualifications and number of line officer positions

a. Term of office

1. All officer positions are elected positions with one-year terms starting May 1. If, on May 1, an office has not been filled, the current officeholder shall continue in office until a determination is made according to the election exemption procedure as specified in these rules and regulations in Section IXf5.
2. If an office becomes vacant during a term of office, the position shall be filled by conducting a special election. Where there is more than one (1) officer at the next level, such as the first and second lieutenants, the higher position shall be filled by the next level officer with the most seniority in that position, counting all years served in that position. At the level of captains, a vacancy would be filled by the first lieutenant with the most seniority in that position, counting all years served in that position. A vacant second lieutenant position would be filled by a special election. If the members have the same number of years in the position, then the member with the most years of service in the Fire Department will move to the higher position. The elevation to fill a vacancy shall continue until all positions have been filled. This elevation will create a vacancy at the second lieutenant's position, pending a special election and shall be filled in accordance with fire companies' bylaws. If the position cannot be filled by a special election, refer to 1Xf5.
3. There shall be one (1) department fire chief, two (2) department assistant fire chiefs (first and second), one (1) company fire captain for each company and two (2) company fire lieutenants (first and second) for each company.
4. Non-line officers shall be (1) department president, (1) department vice-president, (1) department treasurer and (1) secretary.

5. President, Vice President, Secretary and Treasurer positions must held by a non-probationary member

Section VI: Qualifications

a. General qualifications

- 1: All line officers must live within a three-mile radius of the Village Fire Hall or live in the Township of Avon.
- 2: No firefighter may hold a line officer position unless he or she has been an active member of the Avon Fire Department for (2) two years or more prior to the election.
- 3: No person may hold or run for more than one (1) Fire Department office at the same time.
- 4: No firefighter may hold a line officer's position unless he or she has been deemed an interior qualified firefighter, according to the physical standards set forth by the Avon Fire Department.

Section VII: Specific qualifications for officer positions

A. Lieutenant (1 & 2)

- 1: Must be an active firefighter (as defined in these rules and regulations) for two (2) years.
- 2: Training 2000 basic curriculum, or equivalent.
- 3: Incident command system, or equivalent.
- 4: Commanding initial response, or equivalent
- 5: Training 2000 intermediate curriculum, or equivalent.
6. Completion of National Incident Management System (NIMS) 100, 200, 300, and 700.

B. Captain

- 1: Must have been an elected line officer for at least one (1) year within the past five (5) years.
- 2: Training 2000 advanced curriculum, or equivalent
- 3: Completed NYS pump operator's course, or
- 4: Ladder company operations, or equivalent
- 5: Completion of Completion of National Incident Management System (NIMS) 100, 200, 300, 700.
- 6: Must complete all courses required for lieutenant.

C. Assistant fire chief (1 & 2)

1: Must complete all courses required for captain and lieutenant.

D. Chief

1: Completed all courses required for assistant chief.

E. Exemption of qualifications for officers

1: The qualifications to hold an officer's position will not be fully effective upon the enactment of these rules and regulations. There will be a grace period, as defined below, for these officers in order to provide sufficient time for members to understand and take steps to meet the qualifications for these offices. Fire Department officers must comply with course requirements within one year of the enactment of the rules and regulations of the Fire Department, or first available offering of the courses within Livingston County.

Section VIII: Qualifications for non-officer positions

A. Fire police

1. Must be an active member.
2. Completed the NYS fire police course.
3. Completed National Incident Management System 100 and 700.

B. Fire truck driver

1. Must be an active member.
2. Must have a valid New York State Driver's License.
3. Must meet qualified driver definition as defined by the Village insurance carrier. MVR will be checked before commencing upon initial driving privileges. MVR will be reviewed annually. The final determination of qualifications shall be made by the Avon Village Board of Trustees.
4. Provide proof of competency according to the standard operating procedures.
5. Course requirements for drivers: Training 2000 basic curriculum, NYS pump operator's course and ladder operations course and EVOC course (local Avon Fire Department driving training), or equivalent
6. Final driving privileges must be approved by the Fire Department line officers and the Village Board.
7. Driving privileges may be suspended at any time by Fire Department line officers and the Village Board.

8. Revocation of driving privileges will be reviewed by the Fire Department and the Village Board on an annual basis.
9. Complete National Incident Management System (NIMS) 100 and 700.

C. President, Vice President, Secretary and Treasurer positions must be a non-probationary member.

Section IX: Election procedures

A. Election officials

1: The Village Board of Trustees will officially run the general election of the Fire Department to be held at the annual meeting of the Fire Department, on the first Thursday following the first Tuesday of April. The offices of Chief and assistant chiefs will be elected in this election.

B. Notification of election

1: Ninety (90) days prior to election, the Village Board of Trustees must publish a calendar indicating the official dates pertinent to the election. At a minimum, this calendar must include the following dates:

- 1:1: Sixty (60) days prior to election: deadline for candidates submission of petition to run for office.
- 1:2: Forty-five (45) days prior to election: Village Board of Trustees publication of list of tentative voters.
- 1:3: Forty-five (45) days prior to election: Deadline for the Village Board of Trustees to notify candidates of the acceptance or rejection of their petition to run for office.
- 1:4: Thirty days (30) prior to election: deadline for filing of alleged discrepancies of tentative voters list with the Village Board of Trustees.
- 1:5: Thirty (30) days prior to election: deadline for candidates to file written appeal of rejection of their petition by the Village Board of Trustees.
- 1:6: Thirty (30) days prior to election: deadline to meet voter eligibility requirements.
- 1:7: Fifteen (15) days prior to election: Village Board of Trustees publication of final voter list.
- 1:8: Fifteen (15) days prior to election: Village Board of Trustees mails or delivers ballots to all eligible voters.
- 1:9: Seven (7) days prior to election: Village Board of Trustees places ballot box in Village office for voting.

C. Candidates for line officers

1: Candidates for line officers must submit to the Village Board of Trustees a petition stating

the position for which they wish to be a candidate. The petition must be submitted sixty (60) calendar days prior to the general election. The petition must include a statement outlining the requirement of the office (specified in the rules and regulations), including length of time as an active member and required courses. The candidate must indicate the dates that the required courses were completed.

- 2: Exception: If no petitions are received for an office by the required deadline (sixty (60) calendar days prior to election), the Village Board of Trustees, at its sole discretion, may extend the deadline for that position. However, no extension of the deadline can be made if at least one (1) valid petition for an office has been filed by the original sixty-calendar-day deadline.
3. The Village Board of Trustees will validate each petition by verifying that the candidate meets all qualifications required for the office as specified in these rules and regulations. Each candidate must be notified in writing of his or her acceptance or rejection, including reasons for rejection, at least forty-five (45) calendar days prior to the election.
4. In the event that the petition of only one (1) candidate is accepted by the Village Board of Trustees for each and every office subject to election, then Section IXd, entitled "Voters," Section IXe, entitled "Balloting," and Section IXf, "Election Results," except for Section IXf5 "Exception Procedure," shall not apply to such election and the Secretary of the Fire Department shall cast one (1) vote for each candidate on the date of the annual election and each candidate shall be elected thereby.

D. Voters

- 1: To be eligible to vote in the election a person must be an active, non-probationary member of the Fire Department. See IIIh.
- 2: Forty-five (45) calendar days prior to the general election the Village Board of Trustees will prepare a tentative list of eligible voters. The list will be sent to each company president and posted in two (2) prominent places in the fire hall. Any alleged discrepancies with the tentative list should be directed in writing to the Village Board of Trustees at least thirty-(30)-days prior to the election.
3. Fifteen (15)-calendar days prior to the elections, the Village Board of Trustees will review the tentative list of eligible voters and evaluate all written notices of discrepancies received after publishing of the tentative list. From this, the Village Board of Trustees will prepare an official list of active members who are eligible to vote in the election. This list becomes the official list of eligible voters. Only those members on the list will be allowed to vote. The official list of eligible voters will be sent to each company president and posted in two (2) prominent places in the fire hall.

E. Balloting

- 1: All balloting shall take place at the Village of Avon office and fire hall.
- 2: The Village Board of Trustees will prepare an official ballot of the election. The ballot should include the title of each office to be filled and the names of the official candidates listed below each office in alphabetical order. A check-off block should be placed after each

candidate's name with instructions printed indicating that a check "X" mark should be placed in the block after the candidate's name for which the voter wishes to cast his or her vote. If more than one (1) position is open for a given office, all candidates will be listed in alphabetical order under the office title on the ballot and instructions stated as to how many candidates a voter may cast votes for. In all cases, a voter may only cast one (1) vote per candidate.

- a. The Village Board of Trustees will prepare one (1) ballot for each eligible voter. Each ballot will be individually stamped with the official stamp of the Village Board of Trustees. Fifteen (15) calendar days prior to election, a ballot is to be sent certified mail or hand delivered to each eligible voter. If a voter loses his or her ballot, no replacement ballot will be issued.
- b. Seven (7)-calendar days prior to the election, a locked ballot box is to be placed in the Village office. Voters may place their ballots in the box up until 8:00 p.m. in the evening of Election Day.
- c. Voters may mail their ballots to the Village Board of Trustees in care of the Avon Village office. The mailed ballots must be received at the Village office no later than Election Day.

F. Election results

- 1: At the end of the voting period, the Village Board of Trustees will, in the presence of the public, open the ballot box and count the ballots to determine the official results of the election.
- 2: All ballots must contain the original stamp of the Village Board of Trustees. No copies or other facsimiles will be accepted.
3. If, for any specific office, a check mark is made for more candidates than the number of pen positions for an office, the votes for that office on that ballot shall be considered void and not counted.
 - a) Tie votes: If there is a tie vote for any office or offices, the secretary of the Village Board of Trustees will place the name of the candidates receiving the tie vote in a container. A representative of the Village Board of Trustees will blindly draw one (1) or more names to determine the winner(s).
 - b) Exception procedure: If for some reason a vacancy for a line officer position cannot be filled through the election procedure, the Fire Department line officers have the power to appoint anyone to the position, with final approval of the Village Board. If possible, they must appoint someone who has all of the specified requirements of the position.
 - c) At this annual meeting, the companies shall file with the Village Board of Trustees the results of the company elections for captains and lieutenants along with a statement for each elected person showing when the person met all of the requirements for the office.
 - d) The Village Board of Trustees will declare the results official in the absence of a bona fide dispute. Notification in writing is to be sent to all candidates and company presidents within seven (7) calendar days after the election.

G.: Final approval

1. Within twenty-one (21) days of the election, the Village Board of Trustees will meet to approve the elected candidates or vacancies filled by the appointment by the Village Board of Trustees.
2. If an elected candidate is not approved by the Village Board, then a second election shall be held for that position(s) at a date set by the Village Board, but not later than three (3) months from the regular annual election. If no candidate is elected or approved from the second election, then the Village Board of Trustees shall nominate someone at its discretion or decide to leave the position vacant.

Section X: Duties Fire Department officers - non-line

In order to carry out the general Fire Department non-fire-related business, the Fire Department will elect at its annual meeting a president, vice-president, secretary and treasurer. These officers are not line officers of the Fire Department; line officers may not hold any of these positions. The specific duties of these officers include running the monthly and special meetings of the Fire Department, controlling the non-Village monies collected by the Fire Department and any other non-fire-related duties decided upon by the Fire Department. The Village Board of Trustees must give final approval to any use of Fire Department equipment or facilities, which the Department wishes to use in a non-fire-related activity.

- A. **President:** It shall be the duty of the President to preside at all meeting of the organization. President shall call special meetings when in his/her judgment they are necessary in accordance with Section XII, a. President is to enforce the observance of the constitution and by-laws. The President shall submit a report at annual meeting and shall include therein such recommendation as he/she deems expedient for the welfare of the organization.
- B. **Vice-president:** The vice-president shall assist the President in the discharge of his/her duties and in the case of the President's absence or disability or should office of president become vacant, shall assume the duties of President.
- C. **Treasurer:** It shall be the duty of the Treasurer to collect and receive all moneys due to the organization, to pay bills against the organization when authorized. The treasurer is to keep correct account of all receipts and disbursements and submit his/her report to the organization. The treasurer shall make a report at each regular meeting, showing all amounts received and expended and the date, purpose and payee for all expenditures.
- D. **Secretary:** It shall be the duty of the secretary to record all of the proceedings of the meetings. The secretary will be responsible for notifying all members of meeting dates in writing. The secretary is responsible for all correspondence imposed on him/her by the organization officers or officers of the fire department. He/she shall perform such other duties as are incidental to his /her offices or may be imposed on him/her by the organization or the fire department officers. He/shall contact each member in writing for all department meetings at least 10 business days prior to the scheduled meeting date.

Section XI: Regular meetings and annual meetings

- 1) The Fire Department shall hold regular meetings on a bi-monthly monthly basis.
- 2) The Fire Department shall meet on the first Thursday after the first Tuesday in April for the purpose of electing Fire Department officers.

Section XII: Special meetings

A.: The Fire Chief, Fire Department President or the Village Board of Trustees may call special meetings and must send a notice of the special meeting to all Fire Department members at least ten (10) business days prior to the meeting stating the purpose, date, time and place of the special meeting.

Section XIII: Changes and amendments

1. The Village Board of Trustees may amend the foregoing rules and regulations by local law and may add additional rules and regulations not inconsistent with the foregoing rules and regulations by Board resolution.
2. The Village Board of Trustees will appoint a committee to review the Fire Department bylaws annually. The committee will consist of two (2) active Fire Department members from each company and one (1) Village Board representative.

Historical Note

Chapter 69 was added by Local Law #1 of 2001, enacted 5-29-2001: This local law also superseded former Chapter 67 (the second chapter so numbered), Fire Department Rules and Regulations, adopted by Local Law #10 of 1985, and enacted 9-17-1985, as amended.