



CONSTITUTION

Benson Fire Department

Revision 1.3



Benson Fire Department

313 South Elm Street
Benson, NC 27504

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Revision

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0.4	February 5, 2008		Article 5 Article 18	section 9 changed “make” to “recommend” Section 1 added “in writing” Removed deleted sections
1.0	February 5,2008 March 2, 2008 March 11, 2008			Final Revision Updates per Town Manger Benson Town Board Approved All Changes
1.1	October 30, 2011	Alan Johnson	Article 2 Article 4 Article 6 Article 7 Article 11 Article 12 Article 14	Section 4,5 Added section 6,7 Section 4 Section 2 Section 3 Section 3 Section 3,4,5 Section 4
1.1	December 18, 2011	Alan Johnson		Updates after meeting
1.2	January 26, 2015	Alan Johnson	Article 2-2 Article 2-6 Article 2-8 Article 4-4 Article 11-3 Article 12-4 Article 13-1	Grammar Grammar Grammar wording Grammar Update for new firefighter certification Grammar
1.3	May 16, 2018	Alan Johnson	Article 2-5 Article 2-6 Article 6-2 Article 7-3 Article 11-3 Article 11-4 Article 12-2 Article 12-3 Article 13-1 Article 13-3 Article 17-5 Article 17-6 Article 17-7 Article 17-8 Article 17-9	Updates from Membership meeting April 16th

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THE CONSTITUTION OF THE BENSON FIRE DEPARTMENT

PREAMBLE: The members of the Benson Fire Department in order to maintain a more perfect union among themselves, establish discipline, define duty, secure the orderly administration of their business, and to promote fire protection and fire prevention in the Town of Benson and surrounding Banner Fire District, do hereby adopt the following as their constitution.

ARTICLE 1: ORGANIZATION AND STRENGTH

Benson Fire Department will be composed of a Chief, 1st Assistant Chief, 2nd Assistant Chief, two Captains, two Lieutenants and a Secretary-Treasurer. The Fire Department will also maintain at least the minimum membership required to meet 9S rating for certifications of Fire Departments in North Carolina.

ARTICLE 2: MEMBERSHIP

SECTION 1 Any person physically fit of good character and standing being at least 18 years old and residing within the corporate limits of the Town of Benson or residing in or within one road mile of the boundaries of Banner Fire District, town employee or who owns and operates a business within the referenced town limits or fire district boundaries shall be eligible for membership in the department. Applicant must possess, or be able to obtain by time of appointment, have a valid North Carolina driver's license, have no felony convictions or disqualifying criminal histories, be a U.S. Citizen, and must be able to read and write the English language.

SECTION 2 All persons seeking membership in the department shall make application to the department in such form and content as the department may stipulate. All applications for membership shall be reviewed by the officers of the department and after such review will be submitted to a vote of the membership for a simple majority vote at any regular meeting of the department.

SECTION 3 Physical Requirements: Task involves the regular, and at times sustained, performance of heavier physical task such as walking over rough or uneven surfaces, bending, stooping, working in confined spaces, and lifting and carrying moderately heavy (20-50 lbs.) to heavy (50-100 lbs.) items. Task involves the operation of hand tools, calling for full coordination of sensory and manipulative ability in order to achieve full production to acceptable standards.

SECTION 4 Must complete a 6-month probationary period (this can be altered, extended, or other conditions placed on it at the discretion of the officers). Any member may be removed from the department at any time without explanation during your probation. All probationary members shall be required to have 18 hours of training, make a minimum of 15 percent of all fire calls and attend no less than 50 percent of all required meetings at the end of their probationary period. After the first six months, the probationary firefighter will be reviewed by the officers of the department on their performance. If the firefighter meets approval, then it will be brought before the department membership for a vote. Any member must be elected by a simple majority vote of members to be accepted as an active member of the department with all privileges after probation period.

SECTION 5 Member shall have 18-months to complete their National Fire Protection Association (NFPA) 1403 classes from the time they first get on the department. Failure to do so will result immediate review by officers.

Section 6 Member shall have the next 18 months to obtain at minimum the N.C. firefighter certification and the National Incident Management System (NIMS) 100 and 200 certifications. Failure to do so will result in immediate review by officers.

SECTION 7 The active membership of the Benson Fire Department shall not exceed 35 volunteer members and 5 junior firefighters.

SECTION 8 Any member that does not meet the annual requirements of ARTICLE 14 and is dismissed from the Benson Fire Department shall be allowed to re-apply. The applicant will be placed on a waiting list. Applications will be processed in the order received. The applicant will not be voted on for a minimum of 6 months. If reinstated as a member, applicant shall adhere to all policies concerning a new member.

ARTICLE 3: VOTING

SECTION 1 All active members of the department shall have the right and privilege to vote on any matter presented before it at any regular, annual, or called special meeting.

SECTION 2 No member shall be allowed to cast a vote on any matter before the department unless they are present at such vote. Under no circumstances will there be vote by proxy.

SECTION 3 No probationary member shall be allowed to cast a vote on any matter before the Benson Fire Department.

SECTION 4 In the event of a tie, The Chief shall cast a deciding vote.

ARTICLE 4: OFFICERS OF THE DEPARTMENT

SECTION 1 The officers of the department shall consist of a Chief which is appointed by the Town, 1st Assistant Chief, 2nd Assistant Chief, two Captains, two Lieutenants and Secretary-Treasurer.

SECTION 2 The officers shall be elected for a term of two years by the membership by ballot provided there by a quorum of active members present at the annual meeting which is to be the first Tuesday night in June at 7 p.m. of each election year. The officers so elected will assume their positions and duties on July 1st upon confirmation of the Town of Benson Commissioners. The current officers at the time of election will remain in these positions until June 30th.

SECTION 3 Vacancies occurring during a term of office will be filled by appointment by the chief and confirmed by the town board, except the position of fire chief, which will be filled by a transfer of power from the 1st Assistant Chief to Chief and confirmed by the Town of Benson Commissioners.

SECTION 4 Qualifications for an Officers Position: For a member of the Benson Fire Department to be considered eligible to hold an officers position this member must have a minimum of five years' experience in the fire service, a minimum of two consecutive years as an active member of the Benson Fire Department prior to the election, completed their North Carolina Department of Insurance (NCDOT) N.C. firefighter certification or have fifteen years active membership on the Benson Fire Department. Member must have a minimum of 15 percent of fire calls to be eligible for officer position. If elected, officer shall maintain a minimum of 20 percent of fire calls by December 31st and thereafter.

SECTION 5 For a member to be considered eligible to hold an Assistant Chief position with the Benson Fire Department this member must have a minimum of two years experience as a line officer either as a Captain or Lieutenant of the Benson Fire Department.

ARTICLE 5: DUTIES OF THE FIRE CHIEF

SECTION 1 The chief shall be at the head of the department and appointed by the Town and subject to the laws of the State of North Carolina, the ordinances of the town, and the rules and regulations as herein contained.

SECTION 2 The chief shall preside at all department meetings and conduct them according to rules adopted and parliamentary law; he shall endorse observance of the constitution, decide all questions of order, execute all official documents adopted by the department and cast a deciding vote in case a tie vote is had on any questions before the department membership present. He shall call all regular, annual, and special called meetings under such provisions as the department membership present. He shall call all regular, annual, and special called meetings under such provisions as the department may be its constitution prescribe. The chief may cancel any regular meeting or drill by notice to the members 24 hours before such meeting is to occur.

SECTION 3 It shall be the duty of the chief to duly examine or cause to be examined the condition of the fire station, apparatus, hose and all other property of the department. He shall cause to be kept in a permanent, accurate and neat form, records of the extent and nature and cause of fires, the amount of hose laid, apparatus used and the name of members attending. He shall also keep or cause to be kept an up-to-date record of all property of the department, supplies purchased, and of all fire prevention inspections of building and their premises, fire hydrants, etc.

SECTION 4 It shall be the duty of the chief to enforce discipline and to see that the officers of the department execute their duties as officers and members of the department.

SECTION 5 It shall be the duty of the chief to command his department and have control thereof while on duty, parade, and on all other occasions where the services of the department are demanded. All orders given by the chief on these occasions shall be implicitly obeyed.

SECTION 6 The Chief will be responsible for the apparatus and all firefighting equipment, and to see that it is always clean and in efficient working condition.

SECTION 7 The Chief shall review the Standard Operating Guidelines (S.O.G), Policies, and Procedures on an annual basis and recommend changes as needed.

ARTICLE 6: DUTIES OF THE ASSISTANT CHIEFS

SECTION 1 The Assistant Chiefs shall have jurisdiction and absolute authority and shall perform those duties of the chief in his absence at all calls.

SECTION 2 The Assistant Chiefs shall perform any other additional duties and responsibilities as assigned by the Fire Chief

ARTICLE 7: DUTIES OF THE LINE OFFICERS-CAPTAIN-LIEUTENANT

SECTION 1 The line officers of the department will carry out those responsibilities and duties as may be assigned to them by the chief in assisting in carrying out the functions of the department.

SECTION 2 The line officers will serve as an official of the department and in such capacity as this constitution may prescribe.

SECTION 3 The Line Officers-Captain-Lieutenant shall perform any other additional duties and responsibilities as assigned by the Fire Chief.

ARTICLE 8: DUTIES OF THE SECRETARY-TREASURER

SECTION 1 It shall be the duties of the Secretary-Treasurer of the Department to keep records of all department meetings and preserve same for the department.

SECTION 2 The Secretary-Treasurer shall keep a written account of all non-public monies received and expended by the Department and deposit the same in such Department designated bank.

SECTION 3 In the absent of the Secretary-Treasurer of the Department at meetings the officer in charge shall appoint a member to keep meeting minutes.

SECTION 4 The Secretary-Treasurer shall attend all officers meeting to keep minutes but will not be allowed to cast a vote in such officers meeting.

ARTICLE 9: DUTIES OF THE OFFICIALS OF THE DEPARTMENT

SECTION 1 The officials of the department will be Chief, 1st Assistant Chief, 2nd Assistant Chief two Captains, two Lieutenants and Secretary-Treasurer.

SECTION 2 It shall be the responsibilities of the officials to review applications for membership and make recommendations to the membership; to appoint a training committee, equipment committee, nominating committee, and such other committee as will be necessary to carry out the functions and promote the general well being of the department. Committee responsibility shall be to the department officials.

ARTICLE 10: DUTIES OF COMMITTEES

SECTION 1 Training Committee

It shall be the duty of the training committee to establish a quarterly training schedule to be posted on the department bulletin board. The training schedule will be submitted to the department officials for approval not later than the last business meeting in the preceding quarter.

SECTION 2 Equipment Committee

The equipment committee will assist the Chief to assure that all equipment and fire fighting apparatus are well maintained and always in working order. The committee will investigate equipment needs and sources and make reports to the department officials at each business meeting.

SECTION 3 Nominating Committee

To research qualifications and make recommendations to membership for election consideration one name of current active members for each elected post. The name that is nominated by the committee can be the current person holding the position or a new candidate.

SECTION 4 Other Committees

Committees appointed by department officials will be empowered and their duties defined by those officials.

ARTICLE 11: DISMISSAL OF OFFICERS

SECTION 1 Any officer of the department for abuse of this authority or misconduct in their office or failure to perform assigned duties may be impeached and therefore removed from office by vote of 80 percent of the active members present at such meeting where a vote is cast. The charge against the officer shall be made in writing and filed with the Secretary-Treasurer at least one month before a vote shall be taken and copy of such charge delivered to the officer at least two weeks prior to any such vote.

SECTION 2 Any complaint against an officer of the department for abuse of this authority or misconduct in their office or failure to perform assigned duties will be reviewed by the officers of the department. If the complaint is found to have merit, then it will be brought before the department membership for a vote.

SECTION 3 It shall be the duties of all officers to attain a minimum of 20 percent of the total fire call volume for each calendar year beginning January 1st through December 31st.

SECTION 4 An officer of the Benson Fire Department shall attain 5 percent above the minimum of total fire calls.

ARTICLE 12: DISMISSAL OF MEMBERS

SECTION 1 Any member of the department, except officers of the department, may be expelled from the department by the following procedure: The officers of the department shall pass on the eligibility of a member to remain on the department. The Officers will make a report to the membership for a simple majority vote at a regular meeting of those members present as to the acceptance or rejection of the recommendation of the officers.

SECTION 2 Any member after 18 months that has not completed their NFPA 1403 classes will be reviewed by officers.

SECTION 3 Any member after the next 18 months that has not completed the N.C. firefighter certification, National Incident Management System (NIMS) 100 and 200 certifications will be reviewed by officers.

ARTICLE 13: SUSPENSION OF OFFICERS AND/OR MEMBERS

SECTION 1 The Chief or officer in charge shall have the authority to suspend any officer or member for a period of up to 30 days. This suspension will remove the Officers or Members right to attend calls and meetings. The Chief or officer in charge shall make a report to the membership at the next regular meeting of any such action.

SECTION 2 Concerning suspension of officers and/or members of the Benson Fire Department prior to the next regular meeting the Chief, Assistant Chiefs, Captains, Lieutenants, and Secretary- Treasurer of the Department shall meet and discuss further action relating to the member's suspension.

SECTION 3 Any active member or officer written up for a violation of the Standard Operating Guidelines (S.O.G.) shall be documented on a disciplinary form and given to the officer in charge. First offense will be a verbal warning, second offense will be suspension, and third offense will be termination, unless the severity of the offense requires suspension or termination. This must be approved by all the officers of the department.

ARTICLE 14: DUTIES OF MEMBERS

SECTION 1 It shall be the duties of all members to obey all orders issued by their officers while involved in activities related to the Benson Fire Department.

SECTION 2 It shall be the duties of all members to be prompt at all meetings and on every alarm.

SECTION 3 It shall be the duties of all active members to have an annual attendance record of not less than 50 percent of meetings and drills and to remain proficient in their fire fighting ability as defined by state codes and department officers.

SECTION 4 It shall be the duties of all active members to attain a minimum of 15 percent of the total fire call volume for each calendar year beginning January 1 thru December 31. An officer of the Benson Fire Department shall attain 5 percent above the minimum of total fire call volume.

SECTION 5 It shall be the duties of all active members to attain a minimum of 36 hours of certified training.

SECTION 6 18 hours of the required 36 training hours shall be under Benson Fire Department.

SECTION 7 Any member not complying with sections 3-6 shall be reviewed by the officers for termination from the Benson Fire Department.

ARTICLE 15: MEETINGS

SECTION 1 Regular meeting shall be on the first Tuesday night and the 15th of each month. If the above dates occur on legal holidays or weekends, then the meeting will be on the first occurring regular working night, or as directed by the Chief.

SECTION 2 Special called meetings will be as prescribed in this constitution.

SECTION 3 Rules of Parliamentary Procedures will govern the order of meeting.

SECTION 4 All meetings are to start at 7:00 pm or as directed by the Chief.

ARTICLE 16: ORDER OF BUSINESS

SECTION 1 Roll Call

SECTION 2 Secretary-Treasury report, Review of previous minutes

SECTION 3 Committee reports

SECTION 4 Nominations of candidates for membership

SECTION 5 Election of officers

Elections shall be held as outlined in Article 3 of the constitution. The names provided by the nominating committee shall be presented to the membership on the night of the elections. The order of positions voted on shall be 1st Assistant Chief, 2nd Assistant Chief, Captains, Lieutenants, and Secretary-Treasurer. The nomination committee chair shall read the duties of each officer position. The name of the current officer and the candidate from the nominating committee shall be presented to the department. The floor will be open for nominations by the membership. Nominations will be taken from the floor. Nominations from the floor must meet the qualifications outlined in Article 4 of the constitution. The floor will then be closed to nominations. The Name(s) nominated from the floor will be added to the list of candidates to be voted on. The membership shall vote on the names nominated. If one person does not get at least 51 percent of the vote, the two names with the most votes will be voted on in a runoff vote. The winner of the runoff vote shall be declared the winner. The nominating committee shall count all votes. The name of the winner shall then be presented to the membership. The above steps shall be followed for each position being voted upon.

SECTION 6 Unfinished and other business

SECTION 7 Training

ARTICLE 17: PRIVILEGES

SECTION 1 It shall be the duty and privilege of any member of the department while on duty to prevent vehicles of any kind from crossing a line of hose, and to report offenses to the proper officers.

SECTION 2 In the event of an emergency, sixty percent of the active members of the department can call a special meeting.

SECTION 3 The department will send a wreath or flowers in case of death or hospitalization of a member, member's mother, father, significant other or children at the discretion of the Chief.

SECTION 4 A wreath will be sent to a retired member in the event of death at the discretion of the Chief.

SECTION 5 It shall be the privilege of each member of the department to receive a base payment of \$10.00 per fire call for each fire call that the member responds to. Members that hold their North Carolina Firefighter Certification shall receive an additional \$2.00 per call.

SECTION 6 It shall be the privilege of each member of the department that holds an active and current medical responder or higher medical certification level to receive an additional \$2.00 per fire call.

SECTION 7 It shall be the privilege of each member of the department that holds an active medical responder or higher medical certification level to receive a payment of \$12.00 per first responder call. Members that hold their NC Firefighter Certification shall receive an additional \$2.00 per call.

SECTION 8 It shall be the privilege of each member of the department to receive a payment of \$10.00, \$12.00 or \$14.00 (depending on their certification) per regular scheduled training meeting that the member attends.

SECTION 9 Payments will be made once a year in December no earlier than the fire department Christmas party and will be from the Fire Departments Town operating budget.

ARTICLE 18: AMENDMENTS TO CONSTITUTION

SECTION 1 This constitution may be amended and changed at any time by a 51 percent majority vote of the active members of the department at any regular meeting provided a notice of such change is given to all active members two weeks in advance in writing of such meeting and vote.

SECTION 2 Any amendment to this constitution will become effective the first day of the month following review and concurrence by the Town of Benson Commissioners.