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CONSTITUTION

Preamble

We, the members of the Marshalls Creek Fire Company in order to organize a volunteer fire company to protect property and human lives from damage or injury caused by fire or other emergencies in the townships of Smithfield, Middle Smithfield, Price, and adjacent territory in the Counties of Monroe and Pike, Commonwealth of Pennsylvania, do ordain and establish this Constitution for the Marshalls Creek Fire Company.

ARTICLE I

This corporation, founded in the year 1945, agreeably to the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania entitled the Non-profit Corporation Law, approved 5 May 1933, and its supplements, Shall be known by the name of Marshalls Creek Fire Company.

ARTICLE II

Section 1. The Elected Officers of this company shall be President, Vice President, Secretary, Corresponding Secretary, Financial Secretary, Treasurer, Board of Directors, (consisting of five members), Fire Chief, Assistant Fire Chief (one for each district), Captains, Lieutenants, E.M.S. Captain, E.M.S. Lieutenants and Fire Police Captain and shall be elected by ballot, at the regular Meeting in December each year, and shall be installed and enter upon their respective duties, including the appointment of the junior officers, at the regular January Meeting.

ARTICLE III

President

- Section 1.** The President shall be required to have five (5) consecutive years of Active Service in the Company. The President, shall be elected to a term of one (1) year.
- Section 2.** It shall be the duty of the President to preside at any and all meetings of this Company, to place before the Company in meeting, any and all motions that have been regularly made and seconded.
- Section 3.** The President shall upon the written request of five (5) members, call special meetings of the Company, and direct the Secretary to give at least 48 hours notice thereof.
- Section 4.** The President shall have the deciding vote on questions in which there is a tie, but shall have no vote at any other time, except for the election of candidates for membership or officers.
- Section 5.** The President shall, with the approval of the Company, appoint all committees, decide all questions of order without debate subject to appeal, superintend the general interest of the Company, and shall act Ex-Officio on all committees.
- Section 6.** The President shall be authorized to sign all checks, drafts, contracts, and other legal and commercial papers of or issued by this company, and no such company papers shall be held valid unless authorized by two (2) of the following officers, which are President, Treasurer or Secretary, and approved by the membership.

ARTICLE IV

Vice-President

- Section 1.** The Vice President shall be required to have three (3) consecutive years of Active Service in the Company. The Vice President, shall be elected for a term of one (1) year
- Section 2.** The Vice-President shall in the absence of the President, perform all the duties incumbent upon that office and Officer.
- Section 3.** The Vice president shall oversee all committees as may be deemed by the president.

ARTICLE V

Secretary

Section 1. The Secretary shall be required to have three (3) consecutive years of Active Service in the Company. The Secretary, shall be elected for a term of one (1) year

Section 2. The Secretary shall keep a correct and unbiased record of the entire proceedings of each and every meeting of this Company, file all papers of the Company, and record all reports of officers, directors and committees, approved by the Company.

The Secretary shall have the custody of the Company Seal, and all legal documents of the Company and shall cause same to be safely and securely kept, and shall upon notice from the President or Board of Directors, produce any or all such Company matters at any regular or special meeting of this Company.

Section 3. The Secretary shall attend every meeting of the Company with requisite books and papers, at the time appointed, and if unable to attend, shall cause the same to be conveyed thereto. Upon the Secretary's retirement from office, all books, papers and all other Company property committed to the Secretary's care shall be delivered to the successor.

Section 4. All money received by the Secretary shall be promptly paid over to the Financial Secretary.

Section 5. The Secretary shall notify the members of the Company of all special meetings to be held.

Section 6. The Secretary shall be authorized to sign all checks, drafts, contracts and other legal and commercial papers of or issued by this Company and no such Company papers shall be held valid unless authorized by two (2) of the following officers, which are President, Treasurer or Secretary, and approved by the membership.

BzARTICLE VI

Financial Secretary

- Section 1.** The Financial Secretary shall be required to have five (5) consecutive years of Active Service in the Company, The Financial Secretary shall be elected to a term of one (1) year
- Section 2.** The Financial Secretary shall call the roll at every regular and special meeting of the Company and shall note the absentees in a book provided for that purpose.
- Section 3.** The Financial Secretary shall receive all monies and shall pay same over to the Treasurer, taking a receipt from the Treasurer for same.
- Section 4.** The Financial Secretary shall keep a strict account of all monies received in the books provided by and belonging to the Company, and shall make a report of all monies received at each regular meeting.
- Section 5.** The Financial Secretary shall keep the books ready for inspection at any time and shall produce same when so ordered by the President or the Board of Directors.
- Section 6.** The Financial Secretary shall, upon retirement from office, turn over to the successor, all monies, books, papers and all other Company property committed to the Financial Secretary's care.

ARTICLE VII

Corresponding Secretary

- Section 1.** The Corresponding Secretary shall be required to have two (2) consecutive years of Active Service in the Company. The Corresponding Secretary, shall be elected to a term of one (1) year
- Section 2.** The Corresponding Secretary shall attend to all correspondence as directed by the President.

ARTICLE VIII

Treasurer

- Section 1.** The Treasurer shall be required to have five (5) consecutive years of Active Service in the Company. The Treasurer, shall be elected for a term of one (1) year
- Section 2.** The Treasurer shall have charge of all money belonging to the Company and shall keep a strict account of all money received and expended in books provided for the purpose and shall render at every regular meeting, a report of financial condition of the Company.
- Section 3.** The Treasurer shall deposit in the Company's name, all of the Company's funds in a bank or trust company, designated or approved by the Company.
- Section 4.** No bills or order for money shall be paid by the Treasurer unless same have been presented, explained to, and approved by the Company.
- Section 5.** The Treasurer shall take a receipt from all persons to whom money is paid except where canceled check shall serve as a receipt, and file same, and will have the books ready at all times for inspection by the Board of Directors, and shall present all or any books and papers in the Treasurers possession when so ordered by the President or the Board.
- Section 6.** The Treasurer shall be authorized to sign all checks, drafts, contracts, and other legal and commercial papers of or issued by this company, and no such company papers shall be held valid unless authorized by two (2) of the following officers, which are President, Treasurer or Secretary, and approved by the membership.
- Section 7.** The Treasurer shall upon retirement from office turn over to the successor, all money, books, papers, and all other Company Property committed to the Treasurer's care.
- Section 8.** The Treasurer shall attend every meeting of the Company with requisite books and bills, at the time appointed, and if unable to attend, shall cause the same to be conveyed thereto.

ARTICLE IX

Executive Board

- Section 1.** The Executive Board shall be made up of the President, Treasurer, Board of Directors, Secretary and Fire Chief.
- Section 2.** The Executive Board shall meet once a month, prior to the monthly Business Meeting.
- Section 3.** It shall be the Executive Board's duty to plan for future needs, discuss and make recommendations regarding major purchases (anything over \$500.00) and to generally keep in touch with all functions of this company.
- Section 4.** The Chairman of the Board of Director's shall serve as Chairman of the Executive Board.
- Section 5.** The Executive Board shall delegate who will make requests to the Townships regarding financial matters. A minimum of two (2) members shall represent the company at any meeting regarding this matter.

ARTICLE X

Board of Directors

- Section 1.** Shall be, required to have five (5) consecutive years of Active Service in the Company.
- Section 2.** Five members of the Company shall be known as the Board of Directors, and shall serve for a term of two (2) years, alternating terms so that two (2) members are elected in even numbered years and three (3) members are elected in odd number years. These members shall elect one of themselves as Chairman of the Board annually in the first monthly meeting of the year.
- Section 3.** They shall have charge of all property belonging to the Company, real estate, machinery, equipment, uniforms, furniture and fixtures. They shall see to it that same are properly insured, housed, cared for, and returned to company.
- Section 4.** They shall audit the books of the Treasurer, Financial Secretary and any other books or special accounts as set-up by the Company after the regular December meeting. They shall submit a copy of said audit to the Company at the regular January meeting, and if report is accepted and approved by the Company, it shall be made part of the Minutes of said meeting.
- Section 5.** If it becomes necessary to establish any paid position within this company the Board of Directors will be responsible for the hiring and firing of all paid personnel.
- Section 6.** The Board of Directors shall be responsible for the hiring or appointment of an EMS Administrator. Duties to be, outlined in the SOG.
- Section 7.** The Board of Directors shall oversee the operations of EMS and in addition to reporting to the Chief, the EMS Administrator shall report directly to the Board of Directors.

ARTICLE XI

Line Officer Qualifications

Line Officer qualifications as well as job descriptions shall be defined in the SOG's of this Company.

ARTICLE XII

Fire Chief

Section 1. There shall be one (1) Fire Chief. The Fire Chief shall be elected to a term of one (1) year. The Fire Chief shall reside in the primary coverage area.

Section 2. The duties and responsibilities are defined in the Company's SOG (#120).

Section 3. The minimum time requirements to be Chief shall be:

- A.** Minimum of six (6) consecutive years of active service
- B.** Minimum of one (1) year as Assistant Chief

ARTICLE XIII

Assistant Fire Chiefs

Section 1. There shall be one (1) Assistant Fire Chief from each district, The districts shall be described in the Company SOG #200. The Assistant Fire Chief's shall be elected to a term of one (1) year.

Section 2. The duties and responsibilities are defined in the Company's SOG #125.

Section 3. The minimum time requirements to be Assistant Chief shall be:

- A.** Minimum of five (5) consecutive years of active service
- B.** Minimum of four (4) years as a Captain or Lieutenant in any combination.

Section 4. The Assistant Chiefs shall live in the primary fire district to which they are elected as defined in SOG 200-92.

ARTICLE XIV

Captains and Lieutenants

Section 1. There shall be one (1) Captain for each fire district. There shall be one Lieutenant for every 20 active/probationary members within a district (i.e. 1-20= 1 lieut., 21-40=2 lieut.). In the event more than one Lieutenant is needed in a district the person with the highest number of votes shall be the first Lieutenant and the next highest shall be the 2nd Lieutenant

Section 2. The duties and responsibilities are defined in the Company's SOG #130.

Section 3. The Captains and Lieutenants shall live in the primary fire district to which they are elected as defined in SOG 200-92.

Section 4. The minimum time requirements for lieutenant shall be:

- A.** Minimum of two (2) consecutive years of active service

Section 5. The minimum time requirements for Captain shall be:

- A.** Minimum of three (3) consecutive years of active service.
- B.** Minimum of one (1) year as Lieutenant.

ARTICLE XV

Engineers

Section 1. There shall be one (1) Chief Engineer.

Section 2. The duties and responsibilities are defined in the Company's SOG #135.

Section 3. Engineers shall be elected for a term of one (1) year.

Section 4. The minimum time requirements for Chief Engineer shall be:

- A.** Minimum of two (2) consecutive years of active service.

ARTICLE XVI

EMS Administrator

Section 1. There shall be one (1) EMS Administrator appointed or hired by the Board of Directors. If appointed it will be for a term of one (1) year.

Section 2. The duties and responsibilities are defined in the company's SOG.

Section 3. The minimum time requirement for the EMS Administrator shall be:

- A. Active member
- B. Minimum of three (3) years as an EMT or higher.

ARTICLE XVII

EMS Officers

Section 1. There shall be one (1) EMS Captain. The EMS Captain shall be elected to a term of one year. The duties and responsibilities are defined in the Company's SOG.

Section 2. The minimum time requirements for EMS Captain shall be:

- A. Minimum of three (3) consecutive years of active service.
- B. Minimum of two (2) consecutive years as an EMT or higher training.
- C. Minimum of one (1) year as EMS Lieutenant.

Section 3. There shall be one (1) EMS Lieutenant for each fire district. The EMS Lieutenants shall be elected to a term of one (1) year. The duties and responsibilities are defined in the Company's SOG.

Section 4. The minimum time requirements for EMS Lieutenant shall be:

- A. Minimum of two (2) consecutive years of active service
- B. Minimum of two (2) consecutive years as an EMT or higher training.

ARTICLE XVIII

FIRE POLICE OFFICERS

Section 1. There shall be one (1) Fire Police Captain. The Fire Police Captain shall be elected to a term of one (1) year.

Section 2. The duties and responsibilities are defined in the Company's SOG.

Section 3. The minimum time requirements for Fire Police Captain shall be:

- A. Minimum of two (2) consecutive years of active service.

ARTICLE XIX

Safety Officers

Section 1. There shall be one (1) Safety Officer for each district. The Safety Officers shall reside in the primary fire district to which they are elected.

Section 2. The duties and responsibilities are defined in the Company's SOG #135.

Section 3. Safety Officers shall be elected to a term of one (1) year.

Section 4. The minimum time requirements for Safety Officer shall be:

- A. Minimum of two (2) consecutive years of active service.

ARTICLE XX

Membership Committee

- Section 1.** Membership Committee Members shall be required to have three (3) consecutive years of Active Service in the Company.
- Section 2.** The President shall appoint a committee of five (5) members. They shall be known as "The Membership Committee". One member shall represent the line officers.
- Section 3.** When an application for membership into this Company is received the proposition shall be turned over to the Membership Committee, which shall investigate thoroughly the character and physical fitness of the applicant. They shall conduct a personal interview, thereby judging generally his/her qualifications to be a good member, and report carefully and truthfully. Every member of the Membership Committee shall sign the application after the Committee has interviewed the applicant.
- Section 4.** After the applicant has been interviewed, he/she will be given a copy of the Constitution and By-Laws and the SOG's of this company. He/she will be required to read these documents and sign in the place provided on the membership application that they have read and fully understood them. In the event that they have not done so by the time they are to be sworn in, the swearing in be held up until they have done so. If after reading them they do not wish to join the company their application will be destroyed and they will return their copy of the By-Laws and SOG's to the membership committee.

PLEDGE OF MEMBERS

Under this Constitution, all new members except Honorary Members shall have the following pledge administered by the President after which they shall affirm by answering, "I do".

"Will you, as a duly elected member of the Marshalls Creek Fire Company, pledge that you will abide by the Constitution and By-Laws of this Company, and that you will in time of duty, obey the laws of your commanding officers, and that whenever and wherever your services are required, you will be prompt, faithful and obedient in the discharge of your duties as becomes a true firefighter?"

PLEDGE OF THE PRESIDENT

"Will you as President of the Marshalls Creek Fire Company promise that you will impartially fulfill the requirements of the Constitution and By-Laws of this Company, and faithfully discharge all the duties devolving upon you as presiding officer, to the best of your ability?"

The pledge of the President shall be administered by the immediate past President or Vice-President.

PLEDGE OF OFFICERS

"Will you as _____ of the Marshalls Creek Fire Company promise to faithfully perform the duties of your office as specified in the Constitution and By-Laws of this Company, to the best of your ability?"

The Pledge of the Officers shall be administered by the President.

Adopted by the Marshalls Creek Fire Company this sixteenth day of February, A. D., 1945, as amended and supplemented this ninth day of March, A. D., 1960.

BY-LAWS

ARTICLE I

Meetings

- Section 1.** The regular business meeting of this Company shall be held the second Tuesday of each month directly after the adjournment of the company's Relief Association meeting which starts at 7:30PM.
- Section 2.** Five members' names shall be required to call a special meeting, the President shall upon the written request of the five (5) members, direct the Secretary to give at least 48 hours notice there of. It shall be necessary to state the purpose for which it is called in the notice by the Secretary, and no other matters shall be acted upon but the matters stated in the notice.
- Section 3.** Fifty percent (50%) of active members shall constitute a quorum and may transact business. A lesser number can meet, call roll, note absentees and adjourn.
- Section 4.** When a quorum is present, the presiding officer shall take the chair, call the meeting to order, and observe the following order of business: Roll Call, Reading of the Minutes of preceding meeting, Report of the Financial Secretary, Report of the Treasurer, Report of Fires and the Report of the Fire Chief, Report of the Board of Directors, Proposition of Candidates for Membership, Report of the Membership Committee, Proposition of New Members, Election of Officers (Annually, January meeting), Report of Standing and Special Committees, Deferred Business, New Business, Adjournment. All Meetings shall be conducted under Robert's Rules of Order.
- Section 5.** To make, second, or vote on any motion, a member must have been eligible to vote for administrative officers in the previous December's meeting.

ARTICLE II

Membership

- Section 1.** A person having reached the age of sixteen (16) or older wishing to become a member of this Company shall make a written application on a form prescribed by the Company. An applicant between the ages of sixteen (16) and eighteen (18) and still in high school will provide a letter of recommendation from the guidance counselor from the school they attend. Any applicant who is not in school and over the age of eighteen (18) shall also provide a criminal background check. Any applicant wishing to drive any company vehicle shall also submit a current driver's license history report. Said application shall be read at the next business meeting.
- Section 2.** An applicant will serve a minimum of three (3) months prior to being voted on to provide the membership the opportunity to become familiar with the applicant. During this period the applicant shall not respond to active alarms. Within this three (3) month period the Membership Committee will conduct an interview and investigate the applicant. At the end of the three (3) month period the applicant will provide the Membership Committee a written request to be voted on with a minimum of five (5) signatures from members of this company in good standing.
- Section 3.** Upon submitting the request to be voted on the applicant shall have their request read and the report of the Membership Committee shall be given at the next business meeting. At this meeting the applicant will be voted on by written ballot. If one-third(1/3) or more unfavorable votes by voting members present are cast the applicant shall be declared rejected. The Membership Committee shall not accept his/her reapplication for a period of six (6) months. An applicant shall be allowed to apply to this company only twice (2) The Membership Committee shall notify them of the rejection. If the balloting is favorable the applicant shall be notified by the membership committee of the favorable vote. The applicant shall be sworn in at the next regular business meeting. The applicant will not be present at the meeting they are voted on.
- Section 4.** Any individual voted into this company shall be classified an Apprentice member for a minimum of six (6) to a maximum of twelve (12) months. If, after the maximum of twelve (12) months the Apprentice Member has not met, or is not currently enrolled to receive, the required training, the Apprentice Member will be terminated. If said Apprentice Member's membership is terminated, he/she may submit a new application for membership after a period of six (6) months. After serving the required time as an Apprentice Member, having completed the minimum requirements, and after reaching the minimum age eighteen (18) for an Active Member an Apprentice Member may make a request to the Membership Committee for a change in membership status. The Membership Committee will announce

the request at a regular monthly business meeting and turn the information over to the Membership Review Committee. Any member who feels that a person should not be considered for transfer shall make known in writing to the Membership Review Committee the reasons that the Apprentice Member should not be transferred. The Membership Review Committee will review all information and make the final decision on whether or not to approve the change in membership. The Membership Review Committee will report the findings at the next regular business meeting.

Section 5. A member's service time shall begin when he/she is sworn in.

Section 6. Any member, who is charged with a felony, will be suspended until trial. Upon determination of trial be reinstated if found not guilty or if found guilty or pleads nolocontende (no contest) shall be dropped from the rolls.

Section 7. A member will be considered in good standing for attending the following minimum Company functions during a membership year:

- 50% Company recognized Fund raisers
- 8 Business Meetings

A Life Time Member will be considered in good standing for attending a minimum of 8 Business Meetings during a membership year

ARTICLE III

Types of Members

Section 1.

JUNIOR - Any person between the ages of sixteen (16) and eighteen (18) may join as a Junior Member. The applicant must be voted on in the same manner as an Active Member. The time served prior to age eighteen (18) providing that it exceeds six (6) months shall count as the applicant's probationary period. Upon reaching the age of eighteen (18) and having met the training requirements set forth by the line officers and approved by the Company, the Junior Member may request transfer to Active Member. Duties shall be governed by insurance regulations, standing orders of the commanding officer, and Child Labor Laws.

PROBATIONARY - All persons accepted into the Company must serve a minimum of six (6) to a maximum of twelve (12) months as a Probationary Member. Duties are the same as those of an Active Member. He/She may apply for Active Membership at the age of eighteen (18). They do not have the privilege of voting. A Probationary Member must meet the required

training set forth by the line officers and the company and meet the attendance requirements of an Active Member before being considered for transfer from Probationary to Active Member. He/She must request transfer from Probationary to Active Member through the Membership Committee. This request will be turned over to the appropriate officer and the Membership Committee for approval.

ACTIVE MEMBER - Duties are those outlined in Article IV of the By-Laws and training requirements outlined in the SOG's. Persons accepted as Active Members must be at least eighteen (18) years of age. Active Member who wishes to vote for or hold Administrative positions; must meet the following fifty (50) percent of all fund raisers and eight (8) business meetings. Active Members who wish to vote for and hold Line Officers positions must also meet in addition to eight (8) business meetings, fifty (50) percent of fund raisers, twenty (20) percent of all fire calls, and fifty (50) percent of all other Tuesday nights. Work related absences are excusable with approval of the President, Fire Chief, and Chairman of Membership Committee.

If an active member does not meet the requirements for twelve (12) month's he/she will be removed from the Fire Company.

LIFE-TIME - In order for a Member to receive a Life-time Membership one of the following must be fulfilled: Twenty (20) years of service as an Active Member or Twenty-five (25) years of service as an Active Support / Active member in any combination.

An Active Life-time Member may hold both administrative office and line office positions and vote for both administrative office and line office positions provided that the following requirements are maintained: must make twenty (20) percent of all fire calls, must attend eight (8) monthly business meetings, and must make twenty-five (25) percent of all other Tuesday nights.

Any Active Life-time Member who fails to meet the requirements concerning fire calls and Tuesday nights but meets the other requirement will be permitted to hold and vote for administrative office.

HONORARY - The Company may bestow Honorary Membership by a two-thirds vote of the members present because of some act or contribution especially of benefit to the Company.

Section 2. A membership year shall be defined as December 1 through the following year November 30.

Section 3. Any membership year in which a Member is not classified as an Active Member or a Active Life-time Member shall not be counted toward years of service.

Section 4. Awards will be given for active years of service in increments of five (5) years. The, service record will be kept by the Membership Committee.

Section 5. Any member leaving for military service, educational or personnel reasons shall maintain the type of membership held when the leave occurred. Voting rights shall be governed as stated under the type of membership. A member is responsible to inform the Membership Committee of such leaves.

Section 6. Membership Review Committee, Membership will be reviewed on a Quarterly (3 month) basis by a non-biased committee of Nine (9) members in good standing of the company for 5 consecutive years, to include a Line Officer from each district, President of the fire company, a representative of the Membership Committee, two (2) board of director representatives and three (3) members of the department voted upon by membership during January's Elections (1Year Term).

Members will be reviewed based upon the requirements of their membership classification. The Committee must have a minimum of five (5) members present to hold a meeting. This Committee will have the power to remove Members by unanimous vote of the Committee and shall advise company of the same at the next regular business meeting. All votes not reaching a unanimous decision (hung vote) shall be brought before the body of the department and voted on at the following business meeting with a majority vote ruling. A member removed from the department that wishes to rejoin shall follow reapplication procedures set forth in Article II of these Bylaws.

Membership Review Committee shall meet within the 2 weeks prior to presenting their Quarterly report to the company. Reports shall be given at the following Monthly Business Meetings:

- January
- April
- July
- October

Section 7. Any member except Lifetime, or Honorary not classified as a member in good standing will be notified of their status by the membership review committee. The member shall be given one (1) Quarter to improve towards becoming a member in good standing. At the following quarterly review meeting the Committee shall inform the member of status being in good standing or be given a second consecutive quarter to obtain the member in good standing status. At the third consecutive quarterly review meeting, the membership Review Committee shall bestow membership in good standing status or remove the member as outlined in Article 3 Section 6 of the Bylaws of this Company.

ARTICLE IV

Duties of Members

Section 1. Upon the alarm. members will respond and staff all equipment of the Company in a manner as set-up by the Fire Chief.

Section 2. Members shall when responding to, working at, or returning from an alarm or any other assignment, with apparatus, have the same under control at all times.

Section 3. No member shall leave an alarm, drill, practice, or parade, while same is in progress or after such duty is completed, without the consent of the officer in charge.

Section 4. When ordered by the officer in charge to return to quarters, every member shall proceed as directed, and shall stand-by to perform such duties as are necessary to prepare the apparatus and quarters for service.

ARTICLE V

Election

- Section 1.** Nominations for officers shall be made at the regular November meeting and held open at the December meeting each year. No member shall be declared elected who was not regularly nominated.
- Section 2.** The President will appoint a Nominating Committee of five (5) members in October. The Nominating Committee shall find people qualified to hold the offices of the company as set forth in Article II Section 2 of the Constitution. The Committee shall report its findings at the November business meeting.
- Section 3.** At all the elections for officers, a majority of the votes cast by secret ballots shall be required for a choice.
- Section 4.** Previous to an election the chairperson shall appoint clerks and tellers, who shall correctly count the votes and announce the results to the Company and the Secretary shall enter the same upon the minutes.
- Section 5.** There shall be no absentee ballots allowed.
- Section 6.** In order to be eligible to vote in the December election the member must be in good standing and meet the requirements as set forth in Article III Section 1 of these By-Laws.
- Section 7.** Preceding the December election upon review of the records by the Fire Chief and Financial Secretary pertaining to attendance; the President, Fire Chief and Chairman of the Membership committee will post a list of eligible voters. To hold an office, a member must be eligible to vote for that office.
- Section 8.** The ballot for election of officers shall include: President, Vice President, Secretary, Treasurer, Financial Secretary, Corresponding Secretary and Board of Directors (5), Fire Chief, Assistant Chief Marshalls Creek, Assistant Chief Wooddale, Captains, Lieutenants, E.M.S. Captain, E.M.S. Lieutenants, Fire Police Captain, and Fire Police Lieutenant.
- Section 9.** The person with the highest number of votes for any office will hold that office. All ties will be re-voted.
- Section 10.** All elected officers shall be sworn into office at the January meeting after recording of the election results.

ARTICLE VI

Section 1. In all questions when the contrary is not specified, the majority shall rule.

ARTICLE VII

Removal of Officers

Section 1. Any officer of this Company may be removed from office for misconduct in office or neglect of duty, violation of orders of the Fire Chief, but not until he/she has been notified of such action to be taken against him/her and shall have been tried before the Company in meeting, of which two-thirds of the members present shall favor his/her removal.

Section 2. All charges made against any officer must be made to the Company in writing, and must state the charge specifically giving the dates, time, place, and the names of witnesses.

Section 3. In case the officer shall be subject to court proceedings in connection with such charges, the officer(s) shall be suspended until the court's disposition of the case before holding its inquiry.

Section 4. Any elected officers position vacated shall be filled by nomination and election held the same evening. Voting will, be determined by the previous January election and qualifications.

ARTICLE VIII

Charges / Discipline

- Section 1.** Any member of this Company who violates the rules and regulations of this Company may have charges preferred against them by any member of the Company.
- Section 2.** When making charges against a member for any violation, the member making same shall be fair and just in their statements, and shall be specific in all points relating to the charge.
- Section 3.** If one member wishes to prefer charges against another they must first report same to the President of the Company, and be guided by the President in making written complaint to the Company. Charges against the president must be reported to the Board of Directors.
- Section 4.** When charges are made and the Company is requested to bring action upon such charges, the member shall be notified of same and also to appear before the Company in meeting as may be directed. The member shall be given a fair opportunity to present their side for consideration. If found guilty, the Company shall proceed to expel or suspend or refer to the Fire Chief for appropriate action(s), as may be directed under the Constitution and By-Laws.
- Section 5.** It shall be the duty of the Company meeting acting upon such charges to be considerate of the fact that this Company has made and will make every effort to supply its members with a copy of its Constitution and By-Laws and a proper interpretation of same, and holds its officers responsible for their enforcement, and therefore must support said officers in their endeavors to properly conduct and discipline the personnel of the Company and insist that the members respect each other.
- Section 6.** Any member neglecting or refusing to obey the commands of their superior officers, in time of alarm, drill practice or parade, shall have charges preferred against them by such officer, and same charges shall be reported and made record of at the next regular meeting of the Company, and shall be handled as provided hereafter in this Article of By-Laws.
- Section 7.** Any member who shall: by their conduct violate the provisions in Section 6 in time of fire, false alarm, drill practice or parade, or in the fire house shall be subject to immediate suspension by any superior officer of this Company, and shall if the officer prefers charges against them be subject to the rules as provided in this Article of By-Laws.
- Section 8.** Any member who shall purposely injure, deface, destroy or convert to their private use any property belonging to this Company, or take or permit to be taken from the fire house, any equipment without the consent of the Fire Chief or Board of Directors, shall be subject to immediate suspension, with charges preferred against him and disposition thereof as provided in this Article of the By-Laws.

ARTICLE IX

Resignation or Termination of Members

- Section 1.** Upon termination or written resignation all Company property shall be returned within 30 days or legal actions will be taken by the company.
- Section 2.** Any Member submitting verbal resignation will have ten (10) days to meet with the Chief, Membership Committee, and President if they fail to meet with the Chief, Membership Committee, and the President they will be discharged from the Company.

ARTICLE X

Investments

- Section 1.** No funds of this Company shall be loaned, or money borrowed for the use of this Company, except with the approval of two-thirds vote of the members present at any regular meeting or a special meeting called for the purpose.
- Section 2.** All money loaned by this Company must be secured by First Mortgage and Bond or Judgment note. The interest to be agreed upon.

ARTICLE XI

GENERAL ORDERS

- Section 1.** In addition to the regular Constitution and By-Laws of this Company, there shall be issued by the Chief or Board of Directors of this Company "Standing Orders" such orders are intended to improve the Company.
- Section 2.** These orders shall be written and signed by the Chief or Board of Directors, and posted conspicuously in the fire house. They shall also be read at the next regular meeting following the issuance of same and shall be recorded in the minutes of the same meeting.
- Section 3.** These orders shall be binding upon every member and failure to comply strictly with same shall subject member to charges, suspension and or dismissal as may be ruled.

ARTICLE XII

Amendments to Constitution & By-Laws

Section 1. No article or section of this Constitution and By-Laws, shall be altered or amended, except that such alteration or amendment shall be presented in writing duly signed by four members of this Company, at a regular meeting of the Company at which it shall be read, but not acted upon until the next regular meeting when it shall be again read and voted upon and if approved by a two-thirds vote of the members present it shall then be made part of and attached to this Constitution and By-Laws.

ARTICLE XIII

Section 1. The Company shall remain nonpartisan on all political candidates.

ARTICLE XIV

Control of Alcoholic Beverages

Section 1. Upon the approval of two-thirds of the members present at a business meeting or the approval of the majority of the Board of Directors, malt liquors shall be permitted on the fire company property for special functions.

Section 2. No hard liquors or wine will be permitted on the fire company property.

Adopted by the Marshalls Creek Fire Company this sixteenth day of February, A. D., 1945, as amended and supplemented this ninth day of March, A. D., 1960.

The Committee appointed by the Company to prepare the Original Constitution and By-Laws consisted of Melvin Scott, C. Elwood Huffman, Colonel Herbert Williams and Harvey W. Huffman.

Revised - May 13th 1981.

The Committee appointed by the Company to prepare the Revised Constitution and By-Laws, with Company approved supplements and amendments, consisted of Bill Dimmick, Pres.; R. L. MacDonough, Ch. Bd. of Dir.; Scott Dreisbach, Chief; Gary Huffman, Sec. T.; Norman Fish, Membership Comm. Ch.

Revised - January 10, 1990.

The Committee appointed by the Company to prepare the Revised Constitution and By-Laws, with Company approved supplements and amendments, consisted of Eugene B. Berry, Sr., David Mahon, Thomas Rode, Jr., David MacDonough and Scott Dreisbach.

Revised - April 10, 1991

The Committee appointed by the Company to prepare the Revised Constitution and By-Laws, with Company approved supplements and amendments, consisted of Eugene B. Berry, Sr., David Mahon, Thomas Rode, Jr., David MacDonough, Scott Dreisbach, Dave Lorenzi, and Robert McLaughlin, Jr.

Revised – November 11, 2014

The Committee appointed by the Company to prepare the Revised Constitution and By-Laws, with Company approved supplements and amendments, consisted of