

ASPINWALL VOLUNTEER FIRE DEPARTMENT

BYLAWS

ARTICLE I

Name

This Organization shall be known as the Aspinwall Volunteer Fire Department, Incorporated.

ARTICLE II

Object

The Object of this organization shall be as outlined in the Chief's Rules, approved by Council, and Chapter 7 of the Code of the Borough of Aspinwall, or any reenactment or amendment thereof.

ARTICLE III

Mission Statement

It is the mission of the Aspinwall Volunteer Fire Department to serve and protect the lives and property of the citizens of Aspinwall and the surrounding areas and those who visit our town. Our goal is to provide the highest level of life and property safety through the extension of fire prevention, fire suppression, public fire safety education, rescue, and medical quick response services.

ARTICLE IV

Membership

Section 1. The membership of the Aspinwall Volunteer Fire Department shall consist of:

- A. Active members who shall be not less than eighteen (18) years of age and shall meet the following qualifications:
 - (1) Residents of the Borough of Aspinwall; or
 - (2) Non-residents of the Borough who are employed within said Borough; or

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- (3) Non-residents of the Borough who reside within a five (5) mile radius of the Aspinwall Municipal Building.
 - (4) Individuals who are selected to participate in the Department's live-in program. These members shall be subject to all requirements of the Department's Firefighter Live-In Program Responsibilities, Rules, and Guidelines.
 - (5) Candidates seeking Active membership in the Department shall have successfully completed Modules 1, 2, 3, and 4 of "Essentials of Firefighting," "Hazardous Materials-Awareness," and "Hazardous Materials-Operations."
- B. Active: Non-interior members, who shall be not less than eighteen (18) years of age and shall meet the following qualifications:
- (1) Residents of the Borough of Aspinwall; or
 - (2) Non-residents of the Borough who are employed within said Borough; or
 - (3) Non-residents of the Borough who reside within a five (5) mile radius of the Aspinwall Municipal Building.
 - (4) Individuals who are selected to participate in the Department's "Firefighter Live-In Program." These members shall be subject to all requirements of the Department's "Firefighter Live-In Program" responsibilities, rules, and guidelines.
 - (5) Candidates seeking Active Non-Interior membership in the Department shall have successfully completed Modules 1, 2, and 3 of "Essentials of Firefighting," "Hazardous Materials-Awareness," and "Hazardous Materials-Operations."

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Active: Non-interior members shall have the same duties, powers, responsibilities, and privileges as active members, except that they shall not be permitted to participate in firefighting operations inside any structure and shall not be eligible to hold the offices of Chief, Assistant Chief, Captain, First Lieutenant, or Second Lieutenant. Active: Non-interior members shall automatically become active members upon successful completion of the course, "Essentials of Firefighting, Module 4."

C. Probationary members, who shall be at least eighteen (18) years of age, meet the residency qualifications of either Active or Active: Non-Interior membership listed in paragraphs A and B above and are subject to the following provisions:

(1) Probationary members wishing to become Active or Active: Non-Interior members must complete the qualifications listed in Section 1, Paragraph A or B, respectively, before being eligible to become Active or Active: Non-Interior members.

(2) Probationary members who have achieved completion of all of modules of the "Essentials of Firefighting," "Hazardous Materials-Awareness," and "Hazardous Materials-Operations" courses, approved by the Pennsylvania State Fire Academy and/or achieved Pro Board or IFSAC certification as a "Firefighter 1," may at the discretion of the Fire Chief and based on that probationary member's level of activity, have his/her probationary period reduced to a period of no less than six (6) months.

(3) Out-of-state training documents and certifications, if presented for consideration against the training qualifications listed in Section 1, Paragraph A or B, shall be reviewed by the Fire Chief and approved at his/her discretion.

(4) A member's probationary period may be extended for up to one (1) additional year in the event that a class required in this Section is not offered in Allegheny County during the member's initial year of probationary membership or if such member is unable, for a valid reason, as defined in the Chief's Rules, to attend such class. No probationary member shall be eligible to hold any office within the Fire Department and shall have limited duties, powers, responsibilities, and privileges compared to Active and Active: Non-Interior members.

D. Life members. Any person who has served the Fire

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Department as an active or active non-interior member for a period of twenty-five (25) years, or who has been disabled in the line of duty, shall become a life member of the Department by complying with the by-laws of the Department. Life members shall be exempt from duty at fires, practices, and the ordinary duties of active members. A life member may move from the geographic area specified in paragraph A and B of this section, and retain such life membership.

- E. Honorary members. Any active or active non-interior member who has served the Department for a period of ten (10) years may become an honorary member, upon his/her written request, by complying with the by-laws of the Department. Honorary members shall be exempt from duty at fires, practices and the ordinary duties of active members. An honorary member may move from the geographic area specified in paragraph A and B of this section, and retain such honorary membership.
- F. Junior members, who shall be not less than fourteen (14) years of age and shall be either:
 - (1) Residents of the Borough of Aspinwall; or
 - (2) Non-residents of the Borough who are employed within said Borough; or
 - (3) Non-residents of the Borough who reside in the Fox Chapel Area School District within a two (2) mile radius of the Aspinwall Municipal Building.

Junior members shall serve a minimum of one (1) year probation and shall not be eligible for active or active non-interior membership until they reach eighteen (18) years of age and satisfy all of the requirements for probationary members, outlined in Paragraph C of this section. Junior members shall automatically become probationary members upon attaining the age of eighteen (18) years. Junior members shall be subject to all of the Department's junior member rules and all laws of the Commonwealth of Pennsylvania's governing junior firefighters. Junior members shall not be eligible to hold any office in the Department, and shall have limited duties, powers, responsibilities, and privileges compared to Active and Active: Non-Interior members.

- G. Associate members, who shall be at least eighteen (18) years of age, may be either residents or non-residents of the Borough of Aspinwall, and shall provide non-firefighting services to the Fire Department, including, but not limited to, participation in fund-raising activities,

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secretarial or accounting services, fireground accountability services, or participation in the Department's medical quick response service (Q.R.S.) program. An associate member who has served as such for a period of at least one (1) year, or who has transferred from another class of membership, shall be eligible to hold the offices of First Vice President, Second Vice President, Secretary, Treasurer, Trustee, Chaplain, Accountability Officer, or Medical Officer, if qualified, provided that any member transferring from another class of membership shall have served a total of at least one (1) year before becoming eligible to hold such office. The number of associate members shall not exceed one-third ($\frac{1}{3}$) the number of active members.

Provided that any non-resident of the Borough of Aspinwall who is a member of another volunteer fire department in the municipality in which he or she resides shall be eligible for membership only after showing written proof (submitted to the Aspinwall Fire Department along with the application) that the fire department in his or her municipality of residence does not have any provision against dual fire department membership. Provided, further, that any nonresident who has resigned from any volunteer fire department in the boroughs of Blawnox, Fox Chapel, or Sharpsburg or the Township of O'Hara shall not be considered for membership for a period of six (6) months following such resignation.

Section 2. In accordance with Pennsylvania Act 168 of 2006, no person who has ever been convicted of arson or a related offense shall be permitted to be a member of the Fire Department, and notwithstanding the provisions of Article XXIII, Section 5, any member so convicted shall automatically be expelled from the Department with no right of appeal unless his/her conviction shall be overturned by a court of competent jurisdiction.

Section 3. Any member of this Department who desires to transfer to a different class of membership may do so upon request at a regular meeting with the consent of the majority of the members present and eligible to vote upon the question, provided he/she is eligible to hold the desired class of membership. Any associate member wishing to become an active or active non-interior member must also comply with the provisions of Article XXI, Section 3, of these By-Laws.

Section 4. Membership rolls shall be reviewed each January by the Board of Directors and any active or active non-interior member who, without valid reason, failed to attend at least five percent (5%) of the combined total of all regular meetings, regularly scheduled practices, scheduled fund-raising activities and alarms to which the Department responded during the previous calendar year may, at the discretion of the Board of Directors, be transferred to honorary or associate membership, if qualified, or be expelled from the Department in accordance with the provisions of Article XXIII of these By-Laws. Any associate member who shall have failed to perform services for the Fire Department may be similarly expelled.

ARTICLE V

Voting

Section 1. All members present at any meeting of this Department, shall be eligible to vote upon any matter which may properly come before such meeting, except as specified in Sections 2 through 9 of this article.

Section 2. No probationary, junior, or associate member shall be permitted to vote upon any application for membership, or upon the final acceptance or rejection of any member who has completed his/her probationary period.

Section 3. No probationary or junior member shall be eligible to vote upon a motion to suspend, recommend the expulsion of, or otherwise discipline, any member.

Section 4. No probationary or junior member shall be eligible to vote in the election of officers of the Department.

Section 5. No member shall be eligible to vote upon any matter in which he/she has a direct personal or pecuniary interest, except as provided for in Robert's Rules of Order.

Section 6. Honorary Members, and associate members who have served as such for a period of at least one (1) year, shall be eligible to vote in the election of Parliamentary Officers, but shall not be eligible to vote in the election of Fire Officers.

Section 7. Life members shall be entitled to vote on all matters coming before the Department and to vote in the election of all officers, provided they are maintaining the required activity to vote.

Section 8. No member shall be eligible to vote in the election of fire officers unless he/she shall have been in attendance at not less than ten percent (10%) of the combined total of all regular meetings,

regularly scheduled practices, scheduled fund-raising activities, and alarms to which the Department responded during the twelve (12)-month period immediately preceding such election.

Section 9.. No member shall nominate any candidate for any office unless the member making such nomination is eligible to vote in the election for said office.

ARTICLE VI

Officers

Section 1. Except as provided for in Article IV, Section 1. G., the parliamentary officers of this Department may be active, active non-interior, life, honorary or associate members, and shall consist of a President, two (2) Vice-Presidents, Secretary, Fiscal Officer, Treasurer, three (3) Trustees, one (1) Chaplain, and one (1) Drill Captain, all of whom shall be elected annually, except the Trustees, who shall be appointed for a period of three (3) years, with one (1) Trustee to be appointed each year.

Section 2. The fire officers of the Department shall consist of a Chief, Assistant Chief, and no more than two (2) Captains, no more than two (2) First Lieutenants, and no more than two (2) Second Lieutenants, as provided for in The Code of the Borough of Aspinwall, Chapter 7 or any reenactment or amendment thereof.

Section 3. Except as provided for in Section 7 of this article, any person appointed to the office of Chief or Assistant Chief of the Fire Department shall, at the time of such appointment, meet the following minimum qualifications:

- A. He/she shall be a resident of the Borough of Aspinwall and an active or life member of the Department.
- B. Have had not less than eight (8) years firefighting experience, excluding time spent as a junior firefighter, at least one (1) year of which shall have been as an active member of the Department.
- C. Have completed not less than 400 hours of firefighting training approved by the Pennsylvania State Fire Academy, or equivalent training.
- D. Have successfully completed not less than forty-eight (48) hours of certified fire, rescue, or other emergency training within three (3) years immediately preceding such appointment, with at least thirty-six (36) hours in a field or classroom setting
- E. Have responded to not less than twenty-five percent

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(25%) of all alarms to which the Department responded during a period of one (1) year immediately preceding such appointment.

- F. And have been in attendance at, or excused from, not less than 50% of the combined total of all regularly scheduled meetings, regularly scheduled practices, regularly scheduled work details, and scheduled fund-raising activities of the Department during a period of one (1) year immediately preceding such appointment.

Section 4. Except as provided for in Section 7 of this article, any person elected to the office of Captain shall, at the time of such election, meet the following minimum qualifications:

- A. He/she shall be an active or life member of the Department.
- B. Have had not less than five (5) years firefighting experience, excluding time spent as a junior firefighter, at least one (1) year of which shall have been as an active member of the Department.
- C. Have completed not less than 350 hours of firefighting training approved by the Pennsylvania State Fire Academy, or equivalent training.
- D. Have successfully completed not less than sixteen (16) hours of certified fire, rescue, or other emergency training, with at least twelve (12) hours in a field or classroom setting, within one (1) year immediately preceding such election.
- E. Have responded to not less than twenty-five percent (25%) of all alarms to which the Department responded during a period of one (1) year immediately preceding such election.
- F. And have been in attendance at, or excused from, not less than fifty percent (50%) of the combined total of all regularly scheduled meetings, regularly scheduled practices, regularly scheduled work details, and scheduled fund-raising activities of the Department during a period of one (1) year immediately preceding such election.

Section 5. Except as provided for in Section 7 of this article, any person elected to the office of First Lieutenant shall, at the time of such election, meet the following minimum qualifications:

- A. He/she shall be an active or life member of the Department.

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- B. Have had not less than three (3) years firefighting experience, excluding time spent as a junior firefighter, at least one (1) year of which shall have been as an active member of the Department.
- C. Have completed not less than 250 hours of firefighting training approved by the Pennsylvania State Fire Academy, or equivalent training.
- D. Have successfully completed not less than sixteen (16) hours of certified fire, rescue, or other emergency training, with at least twelve (12) hours in a field or classroom setting, within one (1) year immediately preceding such election.
- E. Have responded to not less than twenty-five percent (25%) of all alarms to which the Department responded during a period of one (1) year immediately preceding such election.
- F. And have been in attendance at, or excused from, not less than fifty percent (50%) of the combined total of all regularly scheduled meetings, regularly scheduled practices, regularly scheduled work details, and scheduled fund-raising activities of the Department during a period of one (1) year immediately preceding such election.

Section 6. Except as provided for in Section 7 of this article, any person elected to the office of Second Lieutenant shall, at the time of such election, meet the following minimum qualifications:

- A. He/she shall be an active or life member of the Department.
- B. Have had not less than three (3) years firefighting experience, excluding time spent as a junior firefighter, at least one (1) year of which shall have been as an active member of the Department.
- C. Have completed not less than 250 hours of firefighting training approved by the Pennsylvania State Fire Academy, or equivalent training.
- D. Have successfully completed not less than sixteen (16) hours of certified fire, rescue, or other emergency training, with at least twelve (12) hours in a field or classroom setting, within one (1) year immediately preceding such election.

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- E. Have responded to not less than twenty-five percent (25%) of all alarms to which the Department responded during a period of one (1) year immediately preceding such election.
- F. And have been in attendance at, or excused from, not less than fifty percent (50)% of the combined total of all regularly scheduled meetings, regularly scheduled practices, regularly scheduled work details, and scheduled fund-raising activities of the Department during a period of one (1) year immediately preceding such election.

Section 7. In the event that no member meeting the qualifications for the office of Chief or Assistant Chief, as listed in Sections 3, 4, 5, or 6 of this article, is willing to accept appointment or election to such office, or no active or life member meets such qualifications, then an active or life member residing outside the Borough of Aspinwall or an active or life member whose attendance shall have been less than that specified in the above-referenced sections may be appointed or elected to such office, provided that he/she meets all of the other qualifications for the office.

Section 8. Nomination for Chief shall be made at the regular meeting in October of the year in which his/her term expires. The Secretary shall submit at this same meeting one (1) candidate for Chief, along with the Chief-elect's selection for Assistant Chief, to Borough Council for appointment.

- Section 9.
- (A) The Fire Chief shall select his/her Assistant Chief and shall declare that selection on the date of the Chief's election by the membership.
 - (B) The chief shall have the power to appoint a Safety Officer, Accountability Officer, Equipment Officer, Training Officer(s), and Medical Officer.

Section 10. Nominations for all other fire officers and parliamentary officers shall be made at the regular meeting in November and shall remain open until election night. Said election shall take place at the regular meeting in December. All elections shall be by ballot, and each and every office shall be balloted for separately. Newly elected parliamentary officers shall assume their duties at the regular January meeting. Newly elected fire officers, before entering upon their duties, shall subscribe an oath or affirmation before the Mayor that they and each of them will observe the laws of the Commonwealth of Pennsylvania, the ordinances of the Borough of Aspinwall relating to their offices, the Rules and Regulations adopted by the Department, and the provisions of the Chief's Rules adopted by Council, and do and perform all the duties of their offices faithfully and to the best of their ability.

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- Section 11. All officers shall be elected by a majority vote of the members present and eligible to vote. Where there are three (3) or more candidates for the same office, and no choice shall occur on the first or second ballots, then the candidate receiving the lowest vote shall be dropped on the next succeeding ballot, and so on, until a choice is made.
- Section 12. No person shall simultaneously hold the offices of President and Chief or Assistant Chief.
- Section 13. A. With the exception of Assistant Chief, any vacancy in any office shall be filled by special election, which shall be conducted in accordance with the provisions of Sections 9, 10 and 11 above, except that nominations and elections for any vacant office(s), and for any office(s) which may become vacant as a result of such special election(s) shall take place at the next regular meeting following the occurrence of the vacancy in the highest office affected.
- B. In the event that the position of Assistant Chief becomes vacant, the Chief shall recommend to the Borough Council, at the next Borough Council Meeting, his/her recommendation for Assistant Chief.
- Section 14. No person shall be nominated for any office unless such person is present at the meeting at which he/she is nominated or, if absent, gives his/her written consent to be nominated

ARTICLE VII

Board of Directors

- Section 1. There shall be a Board of Directors, which shall be comprised of the President, First and Second Vice Presidents, Secretary, Treasurer, Chief, Assistant Chief and the Captain(s).
- Section 2. The Board of Directors shall meet at least twice per year and shall make recommendations to the membership for the betterment of the Department. Five (5) members of the Board of Directors shall constitute a quorum for any regular or emergency meeting.
- Section 3. The Board of Directors shall have the power to take disciplinary action against a member or members for violation of any provision of these By-Laws, the Chief's Rules, Chapter 7 of the Code of the Borough of Aspinwall, or any other rule adopted by the Fire Department. The board shall also have the power to hear appeals of suspensions issued by the President or Fire Chief.
- Section 4. In the event of an emergency or the lack of a quorum for a regular meeting of the Department, the Board of Directors shall have the power to transact any business of a sufficiently urgent nature that

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it can not be delayed until the next regular meeting of the Department.

ARTICLE VIII

Duties of the President

It shall be the duty of the President to preside at all meetings of the Department, and to preserve order therein. He/she may exercise the right of a vote on each and all questions that may come before the Department if he/she so desires, except as provided for in Article V, Section 5. He/she shall appoint all committees, unless otherwise provided for by the Department; call special meetings whenever he/she shall deem it necessary, or at the written request of five (5) members; inflict penalties; and see that the by-laws are carried into effect. He/she shall appoint, at the regular meeting in December, three (3) members to serve as Trustees of the Department.

ARTICLE IX

Duties of the Vice-Presidents

It shall be the duty of the First Vice-President to perform all the duties of the President in his/her absence. Should the President and First Vice-President be absent, then the Second Vice-President shall preside with the same power as the aforesaid officers.

ARTICLE X

Duties of the Secretary

It shall be the duty of the Secretary to keep a correct roll of the Department. He/she shall keep a record of attendance at all meetings, and keep full minutes of the proceedings. It shall be his/her duty to notify all members in writing of special meetings of the Department at least forty-eight (48) hours prior to such meetings. He/she shall keep accurate records of attendance at all functions of the Department and of all members' attendance at training classes. He/she shall notify every newly elected member of such election within one (1) week of the time thereof, and furnish him/her with a copy of the by-laws. He/she shall also have authority to call special meetings of the Department upon the written request of five (5) members, should the President fail, or refuse, to do so. The Secretary shall receive a fee annually for his/her services, said fee to be set by the Department, but not to exceed the sum of two hundred-fifty dollars (\$250.00) per year.

ARTICLE XI

Duties of the Fiscal Officer

It shall be the duty of the Fiscal Officer to maintain and oversee all investments of the Department and provide advice to the Officers and Members of this Department on such investments. Further the Fiscal Officer shall complete and file in a timely fashion all

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necessary documents due to the Internal Revenue Service concerning this Department. The Fiscal Officer shall work with the Trustees and ensure that all accounts, incomes, investments, and expenditures are properly audited to ensure transparency and accuracy in financial matters of the Department. Along with the Treasurer, the Fiscal Officer shall provide a monthly financial report to the membership. The Fiscal Officer shall not be permitted to spend or incur expenses on behalf of the Department including but not limited to signing of checks, authorizing or incurring credit card expenditures, or investing money on the Department's behalf. The Fiscal Officer shall receive a fee annually for his/her services, said fee to be set by the Department, but not to exceed the sum of two hundred-fifty dollars (\$250.00) per year.

ARTICLE XII

Duties of the Treasurer

It shall be the duty of the Treasurer to keep an accurate account of all money and assets belonging to the Department, and of all financial transactions of the Department. Within thirty (30) days after his/her election, the Treasurer shall secure a surety bond for the Department, in the sum of one hundred-fifty thousand dollars (\$150,000.00), for the faithful performance of the duties of the Parliamentary Officers. The cost of the same shall be borne by the Department. The Treasurer shall report monthly, and as often as requested by the Department, the state of funds. Except as provided for in Article VII, Section 4, and Article XIX, he/she shall not disburse any money belonging to the Department unless authorized by the membership. He/she shall deposit all funds in the name of the Department. The depository shall be designated by the Department and shall not be changed without prior authorization from the membership. All checks issued by the Department shall require two (2) signatures, that of the treasurer and that of one additional Parliamentary officer. The Treasurer shall receive a fee annually for his/her services, said fee to be set by the Department, but not to exceed the sum of two hundred-fifty dollars (\$250.00) per year.

ARTICLE XIII

Duties of the Trustees

It shall be the duty of the Trustees to hold and take charge of all property belonging to the Department not herein provided for. They shall have charge of all rooms and see that they are always kept in good order. They may recommend to the Department, in the form of resolutions, such measures as they shall deem for the best interest of the Department in maintaining order in its quarters and discipline of its members. The Trustees of the Department shall audit all assets, incomes, and expenditures of the Department and report their findings during the regularly scheduled monthly meeting. They shall report all matters pertaining to the business of the Department at its regular meetings.

ARTICLE XIV

Duties of the Drill Captain

It shall be the duty of the Drill Captain to take charge of the dress uniforms of the Department and to issue the same to active, active non-interior, probationary and junior members as they are made available to him/her. The Drill Captain shall recommend a parade schedule to the Department each year for the approval of the membership.

ARTICLE XV

Duties of the Chaplain

It shall be the duty of the Chaplain to conduct devotional exercises at the request of the Department.

ARTICLE XVI

Duties of the Fire Officers

Duties of the fire officers shall be as provided for in the current Chief's Rules and The Code of the Borough of Aspinwall, Chapter 7, or any amendment or reenactment thereof.

ARTICLE XVII

Committees

- Section 1. An Investigating Committee, consisting of three (3) Members, shall be appointed by the President for each and every applicant whose application shall be received to become a member of the Department, provided, however, that all applications received at any one (1) meeting of the Department may be referred to the same committee at the discretion of the President. It shall be the duty of said Investigating Committee or Committees to inquire into the character and competency of such applicant(s) as may be referred to them prior to the meeting in which balloting on said applicant(s) takes place. Said Investigating Committees shall collectively report their findings to the President no later than the second regular meeting following their appointment. Said committees shall be secret and shall stand discharged upon the completion of their duties.
- Section 2. The Ways and Means Committee shall consist of five (5) members: The Chief of the Fire Department, the Treasurer and three (3) members appointed by the President. The Ways and Means Committee shall elect a chairman, other than the Chief. Said committee shall be responsible for raising funds for the Department, and shall keep a strict account of all transactions.

ARTICLE XVIII

Relief Association

There shall be a Relief Association, whose membership and function shall be governed by Subsection 7-431 of the Code of the Borough of Aspinwall and the Constitution and By-laws of the Aspinwall Firemen's Relief Association, as adopted July 13, 1934, and as amended.

ARTICLE XIX

Expenditure of Funds

- Section 1. All expenditures of Fire Department funds shall be authorized by vote of the membership with the following exceptions:
- A. The Secretary and Treasurer shall be privileged to purchase such supplies as they shall need for the proper conduct of their office(s), not to exceed fifty dollars (\$50.00) per month without prior authorization of the membership.
 - B. Special committees appointed by the President, and whose maximum expenditures are authorized by the membership.
 - C. The Trustees shall have authority to purchase supplies not to exceed the sum of twenty-five dollars (\$25.00) in any one (1) month.
 - D. The Department shall fund a Chief's fund to a maximum sum of five hundred dollars (\$500.00) per year. The purpose of the fund is for betterment of the Department. The chief shall present an annual statement of expenditures from this fund to the Department.
 - E. Supplies needed for a fund-raising activity during the course of such activity may be purchased using cash already received from same.
 - F. The Board of Directors may authorize emergency expenditures in situations covered by Article VII, Section 4.
- Section 2. All other expenditures shall be by either check or Fire Department credit card as authorized by the Chief and/or President. All checks shall bear the signatures of the Treasurer and one additional Parliamentary Officer.

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- Section 3. No claim of any kind shall be paid unless an invoice with signature or receipt is presented for same.
- Section 4. Any member requesting funding for any training class for which a fee is charged shall pay such fee himself/herself, then upon successful completion of the class, may request reimbursement from the Department. Such reimbursement may be denied if a member fails to complete the class or fails to notify the Chief or President prior to registering for same.

ARTICLE XX

Disposal of Property

In the event of the dissolution of the Department, the property belonging to the Department, or the proceeds remaining after all debts and liabilities are paid, shall be conveyed to the organization then assuming responsibility for providing fire protection to the Borough of Aspinwall, or to such other organization organized and operated exclusively for charitable, educational, religious, or scientific purposes as may be determined by the Board of Directors, provided such organization qualifies as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954 or any reenactment or amendment thereof. Any assets not so disposed of shall be disposed of by the Court of Common Pleas of Allegheny County in accordance with applicable state and federal law. Provided, however, that no such funds shall inure to any individual, whether or not a member of the Department.

ARTICLE XXI

Application for Membership

- Section 1. All candidates for membership shall be proposed in writing and recommended by two (2) members in good standing at any regular meeting of the Department, and shall be referred to an Investigating Committee, who shall report no later than the second regular meeting following their appointment. In addition, a background check of all applicants shall be conducted by the Pennsylvania State Police, and no candidate shall be balloted upon until such background check has been completed and a report received by the Department. All applicants for active, active non-interior and junior membership shall be interviewed by a committee of not fewer than three (3) fire officers prior to the meeting at which their applications are balloted upon.
- Section 2. All applications shall be as prescribed by the Fire Department and may be procured from any member. All applications for membership shall be accompanied by proof of compliance for all mandated background checks of the Commonwealth of Pennsylvania governing volunteer services. Any and all costs associated with said background checks shall be incurred by the

applicant alone.

- Section 3. Election to membership shall only be held during a regularly scheduled meeting of the Department and shall be by ballot, and by a majority of the members voting. No person shall be balloted for unless he/she shall have been reported on by the Investigating Committee to the President, and the President shall have reported the findings of the Investigating Committee to the membership. For active, active non-interior or junior membership, applicants shall also have been interviewed by the committee of fire officers as specified in Section 1 of this article.

ARTICLE XXII

Resignations and Reinstatements

- Section 1. Any member resigning from the Department for any cause may be reinstated upon his/her application for reinstatement, and shall be balloted upon, as provided for in Article XXI of these by-laws. An investigating committee report shall be required in the case of a former member who applies for reinstatement. In the case of a former active, active non-interior or associate member who is reinstated, no probationary period shall be required, provided that such member was a member in good standing at the time of his/her resignation from the Department. However, balloting on any application for reinstatement shall not be conducted at the same meeting at which said application is received.
- Section 2. Any probationary or junior member resigning from the Department for any cause may be reinstated as per Section 1 of this article, provided that upon such reinstatement, he/she shall serve a probationary period of not less than one (1) year.

ARTICLE XXIII

Suspensions and Expulsions

- Section 1. The Fire Chief or the President may suspend a member for up to thirty (30) days for violation of any provision of these By-Laws, the Chief's Rules, Chapter 7 of the Code of the Borough of Aspinwall, or any other rule adopted by the Fire Department.
- Section 2. Any member suspended in accordance with Section 1 of this article may appeal such suspension to the Board of Directors within seventy-two (72) hours of being notified of the suspension. The Board of Directors shall meet within five (5) days of notification of the appeal, at which time the member appealing the suspension and the officer issuing the suspension shall present testimony to the Board, as well as present any witnesses in

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support of their respective positions. The Board of Directors may, by majority vote of those Directors present and voting (excluding the suspending officer), uphold, modify, or rescind the suspension. If the member appealing a suspension is a member of the Board of Directors, he/she shall not be eligible to vote upon the question.

- Section 3. If a member appealing a suspension is dissatisfied with the decision of the Board of Directors, he/she may appeal such decision to the membership of the Fire Department. The appeal shall be heard at the next regular monthly meeting following the decision of the Board of Directors or at a special meeting called by the President for that purpose. Both the member appealing and the officer issuing the suspension shall present testimony as well as present any witnesses in support of their respective positions. The decision of the Board of Directors shall stand unless modified or rescinded by a two-thirds (2/3) vote of the members present and eligible to vote upon the question. Neither the member appealing a suspension nor the officer issuing the suspension shall be eligible to vote upon the question. Further, if the President shall have issued the suspension, he/she shall yield the chair to the First Vice President, if present, or to the Second Vice President (unless such officer is the member appealing the suspension) until the question has been decided.
- Section 4. Any suspension in excess of thirty (30) days and all expulsions shall be proposed by the Chief or the President to the Board of Directors. The Board shall proceed as in Section 2 of this article, and the member being suspended or expelled may appeal the Board's decision to the membership, as in Section 3 of this article. Any expulsion being appealed to the membership shall not take effect pending the outcome of such appeal. This section shall not apply to the expulsion of probationary members for failure to meet the requirements for full membership.
- Section 5. Any member charged in a state or federal court with a felony shall be automatically suspended pending the outcome of the court proceedings, and any member convicted of a felony other than arson or a related offense, after all legal appeals have been exhausted, shall be automatically expelled from the Fire Department unless otherwise determined by a three-fourths (3/4) vote of the members present and eligible to vote upon the question at the next regular meeting following such court decision.
- Section 6. Any member suspended or expelled from the social privileges and/or parliamentary organization of the Fire Department shall be automatically suspended or expelled from the fire organization and vice versa.
- Section 7. Except as provided for in Section 8 of this article, any probationary or junior member who is dropped from membership, may reapply for membership after waiting a minimum of six (6)

months from the date of being dropped from membership.

- Section 8. No member of the Department who is expelled for disciplinary reasons may apply for reinstatement for a minimum of five (5) years following such expulsion.

ARTICLE XXIV

Prohibited Actions and Penalties

Section 1. The following actions are specifically prohibited and may result in penalties up to and including expulsion from the Fire Department:

1. The commission of any unlawful act while wearing the uniform of or acting as a representative of the Fire Department.
2. Willful disobedience of a proper order issued by an officer or acting officer of the Department.
3. Intoxication while in uniform, at the scene of an emergency, en route to or from an emergency, on Fire Department premises, while driving or riding on or in any Fire Department vehicle, or while acting as an official representative of the Department.
4. Disclosing names of the Investigating Committee.
5. Disclosing defined special business of the Department when not authorized to do so.
6. Damaging or defacing property of the Fire Department or the Borough of Aspinwall through willful or grossly negligent action.
7. Physically assaulting another member of the Department or an official of the Borough of Aspinwall.
8. Theft of Fire Department or borough property.
9. Sexually harassing any member of the Fire Department.
10. Any public statement or action which would tend to bring the Fire Department or borough into disrepute.

Section 2. If any of the actions listed in Section 1 of this article shall result in injury to any person or loss or damage to the property of the Department, the Borough of Aspinwall, or any other entity, the offending member shall be required to make full restitution for such injury, loss or damage, in addition to being subject to

disciplinary action as set forth herein.

ARTICLE XXV

Meetings

The regular meeting of the Department shall be held the second Tuesday of each month. The meetings shall normally be called to order at seven o'clock P.M., but the time may be changed as circumstances dictate. Special meetings may be held at any time, providing proper notice is given of same, as herein provided for. The annual meeting shall be the last meeting of the year. Twelve (12) active, active non-interior, associate, honorary and/or life members, or a number of active, active non-interior, associate, honorary and/or life members equivalent to one-third (1/3) of the active membership of the Department, whichever is smaller, shall constitute a quorum for the transaction of business.

ARTICLE XXVI

Order of Business

- Section 1.
1. Pledge of Allegiance.
 2. Approval of minutes of previous meeting or meetings.
 3. Reading of communications and bills.
 4. Treasurer's report.
 5. Resignations and expulsions.
 6. Reports of officers.
 7. Reports of committees.
 8. Applications for membership.
 9. Balloting for candidates.
 10. Election of officers.
 11. Unfinished business.
 12. New business.
 13. Appointing of committees.
 14. Moment of silence for departed members.
 15. Adjournment.

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- Section 2. Any member may appeal from the decision of the chair on a point of order. The question shall be "Do you sustain the chair?" and shall be decided by majority vote.
- Section 3. No person shall speak more than twice on the same subject, or for more than five (5) minutes on any occasion, without permission of the chair.
- Section 4. Any member wishing to speak on any question shall rise and address the chair, and upon being recognized, shall be at liberty to proceed. Should two (2) or more arise at the same time, the chair shall decide who shall have precedence.
- Section 5. No motion shall be opened for discussion or entertainment until it shall have been stated by the chair.
- Section 6. Upon the call of the question, each and every member who is entitled to do so shall vote for, or against, the same unless excused by the chair.
- Section 7. No member shall call for a reconsideration of any question that has been passed unless he/she was one of the majority when the question was decided.
- Section 8. Any member who may not be satisfied with the decision of the chair as to a voice vote may call for a division, and such division shall be a rising vote pro and con.
- Section 9. A motion to adjourn shall be in order at any time when determined by the chair not to be detrimental to the interests of the Department, and shall be decided by a majority of the members present and voting.
- Section 10. Any of the rules of Article XXVI, with the exception of Section 7, may be suspended by a vote of two thirds ($\frac{2}{3}$) of the members present and voting, and such suspension shall be in force for the current session only.

ARTICLE XXVII

Roll Call

On the calling of the roll, each member shall answer to, or sign, his/her own name and no other, except as to the presiding officer, who shall answer for those he/she may have excused.

ARTICLE XXVIII

Designating Rules of Order

All meetings of the Department shall be governed by Robert's Rules of Order on all points not covered by these rules and bylaws.

ARTICLE XXIX

Uniforms and Keys

- Section 1. All active, active non-interior, probationary and junior members should have a uniform, the cost of same being borne by the Department. The uniform shall be such as now is or may be selected by the Department, and no member shall wear same except at dress parade, special occasions, or when ordered by the Drill Captain or Chief. Said uniform shall be kept in good order at the member's own expense, and should he/she be expelled or leave the Department, the said uniform shall be returned to the Department.
- Section 2. All members shall be supplied a key to the fire stations, same to be furnished at no cost to the member. Any member losing his/her key shall be required to replace same at his/her own expense. Any member resigning or expelled from the Department shall return his/her key to the President or Secretary of the Department.

ARTICLE XXX

Funeral Duties

- Section 1. Upon the notice of the death of a member of the Department, it shall be the duty of the President or his/her designee to order a suitable floral or other tribute expressing the sympathy of the Department, the cost of which shall not exceed two hundred dollars (\$200.00).
- Section 2. The President may call a special meeting of the Department, to be held as soon as possible after the death of a member, to take such action as shall be deemed right and proper. If the

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Department shall so determine, a suitable delegation may be appointed to attend the funeral. If requested by the family of the deceased to furnish pallbearers, the President shall select such a number as is required, and it shall be the duty of the members so selected to attend if in their power.

ARTICLE XXXI

Amendments

No amendment to these by-laws shall be considered unless same shall have been submitted in writing at a regular meeting of the Department and carried over to the next regular meeting, when it shall receive consideration as unfinished business, nor shall any proposed amendment be adopted unless approved by not less than two thirds (2/3) of the members present and voting at such meeting.

ARTICLE XXXII

Adoption of Ordinances and Chief's Rules

In order that no confusion may result as to the meaning of ordinances of the Borough of Aspinwall, or the requirements of the Rules of the Chief of the Fire Department, it is hereby directed that such ordinances and rules as are now in force, or that may hereafter become in force, are hereby adopted, incorporated into, and made a part of, the By-laws of this Department.

ARTICLE XXXIII

Severability

The provisions of these by-laws are severable. If any provision shall be held by a court to be unconstitutional and void, the remaining provisions of these by-laws shall remain valid.

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Originally adopted and effective February 14, 1922

W. C. McGrew, Chairman	William Emerick
Herbert J. Klug, Secretary	H. B. Connor
J. A. Bolton	F. J. Koesling
C. Ringle	J. M. Doran
Joseph Bryan	Craig Kerr
J. E. Hickenbottom	Thomas W. Bryan
J. P. Feigert	H. M. Wolfarth
	Committee on By-Laws

Revised and effective September 16, 1980

Nicholas J. Scheid, Chairman	Daniel M. Cush
Michael J. McCafferty, Secretary	Edward C. Flot
Lee E. Albacker	Rules and Regulations Committee
John C. Craun	

Revised and effective October 11, 1988

Nicholas J. Scheid Jr., Chairman	Edward C. Flot
Michael J. McCafferty, Secretary	Herman Specht
Daniel M. Cush	Rules and Regulations Committee

Revised and effective April 13, 1999

Michael J. McCafferty, Chairman	Marshall E. May
Patrick Glen Rockhill, Secretary	Arthur G. Esser
Nicholas J. Scheid Jr.	Rules and Regulations Committee
Lee E. Albacker	

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Revised and effective May 14, 2002

Michael J. McCafferty, Chairman	Marshall E. May
Patrick Glen Rockhill, Secretary	Gene R. Marsico
Nicholas J. Scheid Jr.	Rules and Regulations Committee
Lee E. Albacker	

Revised and effective April 12, 2005

Michael J. McCafferty, Chairman	J.C. Teyssier
Patrick Glen Rockhill, Secretary	Joseph M. Giuffre, Jr.
Lee E. Albacker	Louis A. Curcio
Gene R. Marsico	David W. May
Michael A. Troyan	Rules and Regulations Committee

Revised and effective April 11, 2006

Michael J. McCafferty, Chairman	J.C. Teyssier
Lee E. Albacker	Joseph M. Giuffre, Jr.
Gene R. Marsico	Louis A. Curcio
Michael A. Troyan	David W. May
	Rules and Regulations Committee

Revised and effective February 20, 2007

Michael J. McCafferty, Chairman	J.C. Teyssier
Patrick Glen Rockhill, Secretary	Louis A. Curcio
Lee E. Albacker	Joseph M. Giuffre, Jr.
Gene R. Marsico	David W. May
	Rules and Regulations Committee

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Revised and effective March 11, 2008

Michael J. McCafferty, Chairman	Louis A. Curcio
Patrick Glen Rockhill, Secretary	Joseph M. Giuffre, Jr.
Lee E. Albacker	David W. May
Gene R. Marsico	Nicholas J. Scheid, Jr.
J.C. Teyssier	Rules and Regulations Committee
Anthony Cuda	

Revised and effective July 14, 2009

Michael J. McCafferty, Chairman	Louis A. Curcio
Patrick Glen Rockhill, Secretary	Joseph M. Giuffre, Jr.
Lee E. Albacker	David W. May
Gene R. Marsico	Nicholas J. Scheid, Jr.
J.C. Teyssier	Rules and Regulations Committee
Warren VanEvery	

Revised and effective November 9, 2010

Michael J. McCafferty, Chairman	Mark Gouza
Patrick Glen Rockhill, Secretary	David W. May
Gene R. Marsico	Nicholas J. Scheid, Jr.
Warren VanEvery	Ryan Costello
Joseph M. Giuffre, Jr.	Rules and Regulations Committee

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Revised and effective August 13, 2013

Michael J. McCafferty, Chairman	Walter Rosado
Patrick Glen Rockhill, Secretary	David W. May
Gene R. Marsico	Nicholas J. Scheid, Jr.
Warren VanEvery	Ryan Costello
Joseph M. Giuffre, Jr.	The By Law Committee
Robert French, Jr.	

Revised and effective October 13, 2015

Michael J. McCafferty, Chairman	Nicholas J. Scheid Jr.
Patrick Glen Rockhill, Secretary	Barbara Double
Gene Marsico	Drew Himes
Warren Van Every	Dave May
Robert French Jr.	Andy Marsh
J.C. Teyssier	The By-Law Committee

Revised and effective April 11, 2017

Nicholas J. Scheid Jr., Chairman	Patrick Glen Rockhill, Secretary
Gene Marsico, Fire Chief	J.C. Teyssier
Dave May	Andy Marsh
Mike Troyan	Barbara Double
The By-Law Committee	