

# **WAREHAM FIRE DISTRICT BY-LAWS**

(As Revised April 12, 2021)

## **ARTICLE I...Officers**

Section 1. The Officers of the District shall be registered voters of the District and shall consist of a Prudential Committee of five persons, a Board of Water Commissioners of three persons, a Chief Engineer, a First Assistant Engineer and a Second Assistant Engineer, who will be known as the Board of Engineers; a Clerk and a Treasurer.

The Chief Engineer and the First and Second Assistant Engineers shall be appointed by the Prudential Committee. The Members of the Prudential Committee shall be elected for terms of three years. The Board of Water Commissioners shall be elected for terms of three years. The Clerk and Treasurer shall be appointed by the Prudential Committee to a term not to exceed three years. The above named officers shall hold office until their successors are chosen and qualified.

Section 2. The Officers of the District shall receive for their services such compensation as the District may determine.

Section 3. Any vacancy occurring in the Prudential Committee or the Board of Water Commissioners shall be filled by vote of a majority of the Prudential Committee if the vacancy is in the Prudential Committee, or a vote of the majority of the Prudential Committee and the remaining Board of Water Commissioners acting together if the vacancy is in the Board of Water Commissioners, until a successor is elected at the next Annual District Election. In the event of a tie vote, the Clerk or Temporary Clerk shall cast one vote to break the tie, or in the absence of a Clerk, then the Treasurer or Temporary Treasurer shall cast one vote to break a tie. A vacancy occurring in the appointed Clerk's (including Temporary Clerk) or appointed Treasurer's (including Temporary Treasurer) position shall be filled by a majority vote of the Prudential Committee for a term, not to exceed three years.

Section 4. Elected officers shall not be eligible for appointed positions in the District unless authorized by the voters at an Annual Meeting.

## **ARTICLE II...Meetings**

Section 1. The Annual Meeting shall be held on the second Monday in April. The Election of Officers of the District shall be held on the first Saturday following the Annual Meeting. Any meeting of the District, with the exception of the Election, may be adjourned from time to time as the voters may direct. The elections shall be conducted in accordance with the provisions of the General Laws of the Commonwealth of Massachusetts governing elections.

Section 2. Every District Meeting, except as otherwise provided by law, shall be called in pursuance of a warrant under the hands of the Prudential Committee, notice of which shall be given seven days at least before the time of such meeting. The warrant shall be directed to a Constable of the Town, who shall forthwith give notice of such meeting, and for Special District Meetings, fourteen days preceding the date of the meeting, by posting in six or more public places in the District or who may by direction of the Prudential Committee cause a copy of the warrant to be published in a newspaper published in the Town, if any, otherwise in a newspaper published in the County, in issues immediately preceding the date of the meeting, and for Special District Meetings, fourteen days preceding the date of the meeting. The warrant for all District Meetings shall state the time and place for holding the meeting and the subjects to be acted upon thereat. The Prudential Committee shall insert in the warrant for the Annual Meeting all subjects the insertion of which shall be requested of them in writing by twenty-five or more registered voters of the Town residing in the territory comprising the District, and in the warrant for every Special District Meeting all subjects the insertion of which shall be requested of them in writing by fifty registered voters residing within the territory comprising the District. The Prudential Committee shall call a Special Meeting of the District upon request in writing of one hundred registered voters residing within the Territory comprising the District. Such Meeting to be held not later than thirty days after the receipt of such request, and shall insert in the warrant therefore all subjects the insertion of which shall be requested by said petition. No action shall be valid unless the subject matter thereof is contained in the warrant. Two or more District meetings for District purposes may be called by the same warrant. At every meeting a Moderator shall be chosen by ballot, unless the District may vote to elect a Moderator for a term as provided by Section 14 of Chapter 39 of the General Laws.

All warrant articles dealing with the raising of funds by appropriation, the transfer from available funds, or the borrowing of funds, shall include the sum to be so raised, transferred, or borrowed at the time of the official publication of said warrant.

Section 3. All District Warrants shall be closed at least 14 days before the date of the meeting.

Section 4. All candidates aspiring for elective office within the District shall obtain and file nomination papers with the District Clerk in accordance with the provisions of the General Laws of the Commonwealth of Massachusetts.

Section 5. The quorum for any District Meeting shall be zero registered voters of the town living within the District.

Section 6. The Rules contained in the current edition of "Robert's Rules of Order shall govern all meetings of the Wareham Fire District in all cases to which they are applicable and which they are not inconsistent with Wareham Fire District By-laws or any

special rules of order that the District may adopt.

### **ARTICLE III...Finances**

Section 1. The financial year of the District shall begin with the first day of July and end with the last day of June of the following year, when required by State Statute.

Section 2. No money shall be paid out of the Treasury without approval or order of the Prudential Committee. The warrant for payment of bills approved by the Prudential Committee shall be submitted to the Treasurer for payment not later than noon on Tuesday of each week. All bills submitted to the Prudential Committee for approval must be signed by a majority of the Board of Water Commissioners or the Board of Engineers.

Section 3. All Boards and Committees shall be required to hold at least two regular monthly meetings and shall keep records of expenditures, votes and business conducted at such meetings, and shall in accordance with the current Open Meeting Law, all records and handout materials are to be provided to the Wareham Fire District Clerk for retention.

### **ARTICLE IV...Fire Department**

Section 1. The Fire Department shall consist of a Chief Engineer, two Assistant Engineers, and as many Officers and Members as shall be necessary to manage the fire apparatus and equipment within the District, not exceeding the number authorized by law.

Section 2. The Chief Engineer shall be appointed by the Prudential Committee. He/she may be removed for cause by the Prudential Committee at any time after a hearing. The Chief Engineer shall have full and absolute authority in the administration of the Department. He/she shall purchase, subject to the approval of the Prudential Committee, and keep in repair all property and apparatus used for and by the Fire Department. He/she shall be responsible for the general superintendence and control of all fire apparatus and hydrants, in case of fire, house furniture belonging to the department as well as over the officers and members of the several companies attached to the department and all other persons present at fires, and make from time to time such rules and regulations necessary to maintain an efficient and well operated department. He/she shall carry a badge of his/her office which shall be the property of the District.

The First Assistant Engineer shall be appointed by the Prudential Committee. He /she shall assist the Chief Engineer in the performance of his/her duties and execute the duties of the Chief if he/she is absent or incapacitated. He/she may be removed for cause by the Prudential Committee at any time after a hearing. He/she shall carry a badge of his/her office which shall be the property of the District.

The Second Assistant Engineer shall be appointed by the Prudential Committee. He/she shall assist the Chief and the First Assistant Engineer in the performance of their duties and execute the duties of the Chief and First Assistant Engineer if they are absent or incapacitated. He/she may be removed for cause by the Prudential Committee at any time after a hearing. He/she shall carry a badge of his office which shall be the property of the District.

The Board of Engineers shall appoint all personnel necessary to operate and maintain the Fire Department, and shall have the right to create and abolish any position within the department and to fill vacancies as they may occur during the year.

The Board of Engineers shall purchase and keep in repair all property and apparatus used for and by the Fire Department. The Board of Engineers shall be responsible for the general superintendence and control of all fire apparatus and hydrants in case of fire, house furniture belonging to the department and all other persons present at fires, and make from time to time such rules and regulations necessary to maintain an efficient and well operated department.

Section 3. The Chief Engineer shall have sole command at fires over all members of the Fire Department and all other persons who may be present at fires and shall direct all proper measures for extinguishment of fires, protection of life and property, preservation of order and observance of the laws and ordinances and regulations respecting fires.

Section 4. It shall be the duty of the Chief Engineer to keep himself/herself thoroughly informed of the condition of the fire apparatus, personnel and all equipment of the Fire Department and to report thereon to the Prudential Committee annually an inventory of all property belonging to the Fire Department and that on loan to the department personnel.

Section 5. Any officer or member of the Fire Department, except the Engineers, who shall willfully neglect or refuse to perform his duty or shall be guilty of disorderly conduct or disobedience to his superiors in office shall for such offense be dismissed from the department after notice and hearing before the Board of Engineers.

Section 6. The Chief Engineer shall, upon the complaint of a person having an interest in any building or premises or property adjacent thereto, at all reasonable hours make an investigation as to the presence of combustible materials or the existence of conditions liable to cause fire. He/she shall, in writing, order such materials, if found, to be removed and such conditions, if existing, to be remedied. If the owner or occupant of such building refuses or neglects to comply with said order, he/she shall be subject to the penalties established by General Law.

Section 7. It will be the responsibility of the Board of Engineers to insure the provisions of Chapters 89 and 90 of the General Laws of Massachusetts pertaining to the use of red lights, signal devices, and traffic regulations and right of way laws regarding driving of emergency apparatus are strictly enforced. Those failing to obey these rules may be dismissed from the department by the Board of Engineers.

Section 8. The compensation for service for members of the Fire Department shall be as the District shall from time to time determine by vote.

Section 9. The District shall, upon written application of any of its firefighters retired before or after adoption of this by-law under a general or special law specifically relating to retirement for accidental disability, except a special law applicable to one person, or in the event of the death of any such firefighter, upon application by his/her widow(er), his/her next of kin, for reasonable hospital, medical and surgical, dental, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for podiatry incurred by such firefighter after his/her retirement; provided however, that no person shall be indemnified under this section unless a majority of the members of a panel consisting of (a) The chairman of the board of the Prudential Committee, (b) the District Counsel, and (c) such physicians as the Prudential Committee in writing appoint shall upon receipt from the applicant of due proof, certify: (1) that the expenses for which indemnification is sought is the natural and proximate result of the disability for which the firefighter was retired; (2) that such expenses were incurred after the adoption of this by-law; (3) that the hospital, medical and surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for podiatry to which such expenses relate were rendered within six months before the filing of the application; (4) that such expenses were in no way attributable to the use by the firefighter of any intoxicating liquor or drug or to his/her being gainfully employed after retirement or to any willful act or conduct on his/her part; (5) and that such expenses are reasonable under all of the circumstances.

Wherever the context so requires, the singular shall include the plural, and vice-versa and the feminine shall include the masculine and neuter and vice-versa.

The above section shall also cover any call firefighter who is permanently disabled due to an injury received in the line of duty.

## **ARTICLE V...Water Department**

Section 1. The Board of Water Commissioners shall have the care, custody, management and control of all property, real and personal, relating to the Water Department; shall have authority to determine and establish from time to time a tariff of water rates and make rules and regulations for the introduction and use of water, and shall certify all bills against the District contracted by their authority. Said Commissioners shall annually make a full report in writing of their acts and expenditures.

The Water Commissioners shall not be involved in the day-to-day operations of the Water Department, however the Water Commissioners shall in all suitable ways exercise supervision to protect the interests of the District's water systems and the public, and shall have all other powers, duties and responsibilities which are given to them by General Laws, Regulations, Rules and By-Laws.

Section 2. The Board of Water Commissioners or their assistants may enter upon the premises of any water taker to examine the apparatus to ascertain the use to which the water is applied or to find or stop any waste. They shall in all suitable ways exercise a careful supervision to protect the interests of the water works.

Section 3. Whoever willfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under the provisions of Chapter 178 of the Acts of 1907, or willfully or wantonly injures any reservoir, standpipe, aqueduct, pipe or other property owned or used by said District for the purposes of said Act, shall forfeit and pay the said District three times the amount of damages assessed therefore to be recovered in action or tort, and upon conviction of any of the above acts shall be punished in accordance with the Rules and Regulations promulgated by the Water Commissioners from time to time and Massachusetts General Laws.

Section 4. Any person who shall draw off or cause to be drawn off any water pipe, conduit, hydrant, fountain or watering trough without license or authority of the Water Commissioners, or open any hydrant in the District except in case of fire or by authority of said Commissioners, or of the Chief Engineer of the Fire Department, shall forfeit and pay for each offense a sum in accordance with the Rules and Regulations promulgated by the Water Commissioners from time to time and Massachusetts General Laws.

#### **ARTICLE VI...Clerk**

Section 1. The Clerk, in addition to the duties of his/her office, required by law, shall keep on file all reports, certificates, and inventories submitted to the District by any officer or committee thereof, which record shall be open at all reasonable times to the inhabitants of the District qualified to vote in town affairs. In accordance with the current Open Meeting Law, all meeting records including handouts, background documents and etc. are to be provided to the Wareham Fire District Clerk for retention.

#### **ARTICLE VII...Treasurer**

Section 1. The Treasurer shall be required to give bond in such sum as the Commissioner of Revenue may require, for the faithful performance of the duties of this

office. The Treasurer shall receive and take charge of all sums of money belonging to the District, and pay over and account for the same according to its order, or to the order of the Prudential Committee. He/she shall also keep a regular account of all monies received and expended by him/her, and submit a detailed report at the Annual Meeting and at such other times as the District by vote may require.

#### **ARTICLE VIII...Prudential Committee**

Section 1. The Prudential Committee shall expend for the purposes prescribed by the District money so raised or borrowed. They shall have jurisdiction and control of all property, real and personal, not otherwise designated.

The Prudential Committee shall not be involved in the day-to-day operations of any other committee or department of the Wareham Fire District, however the Prudential Committee shall in all suitable ways exercise supervision to protect the interests of the District and the public and shall have all the powers, duties and responsibilities which are given to them by General Laws, Rules and Regulations and Wareham Fire District By-Laws.

Section 2. The Prudential Committee may sell, in accordance with Chapter 30B of the Massachusetts General Laws, any personal property or material not required by the District and shall invite bids for the purchase of any such property or material which exceeds \$500.00 in value.

Section 3. The Prudential Committee shall receive a line item budget from all departments, which line item budget(s) shall be included in the Annual District Warrant to be voted upon by the District voters.

#### **ARTICLE IX...Amendments**

Section 1. These by-laws may be revised, amended or repealed at any Annual or Special Meeting called for the purpose, by a two-thirds vote of those present and voting or act anything thereon or thereunto.

**A TRUE COPY ATTEST:**

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Wendy A. Lemieux  
District Clerk