

**BY-LAWS**

**OF**

**HYANNIS**

**FIRE DISTRICT**

**INDEX**

PREAMBLE: .....2

ARTICLE I: ELECTIONS .....2

ARTICLE II: ANNUAL AND SPECIAL MEETINGS .....3

ARTICLE III: OFFICERS

The Board of Commissioners .....4

The Fire Chief.....6

The Assistant Fire Chief.....10

The Clerk-Treasurer .....11

The Moderator .....13

ARTICLE IV: FIREFIGHTERS .....14

ARTICLE V: REMOVAL OF APPOINTED OFFICERS .....14

ARTICLE VI: RECALL OF ELECTED DISTRICT OFFICIALS .....15

ARTICLE VII: NOTICE OF VACANCIES .....16

ARTICLE VIII: FINANCES.....17

ARTICLE IX: PERSONNEL .....17

ARTICLE X: INDEMNIFICATION OF RETIRED PERSONNEL .....18

ARTICLE XI: AUTOMATIC FIRE AND RESCUE ALARM SYSTEMS .....19

ARTICLE XII: BY-LAWS .....21

ARTICLE XIII: SEVERABILITY .....22

## **HYANNIS FIRE DISTRICT BY-LAWS**

### **PREAMBLE:**

As authorized by the District's enabling legislation and by actions of the District through its registered voters at Annual and/or Special Meetings, the functions of the District include providing street lighting, fire-prevention services, extinguishment of fires, and emergency medical care, rescue and ambulance services within the District and to perform those additional services as may be authorized under general or special law and/or as authorized by the District voters. The District may also provide emergency aid in firefighting and medical care, and rescue and ambulance services outside the boundaries of the District according to the terms of any mutual aid agreement as approved by the Board of Commissioners.

### **ARTICLE I: ELECTIONS.**

**Section 1:** The preparation and filing of nomination papers of candidates for District office shall require fifty (50) certified signatures of registered voters of the Hyannis Fire District. The Hyannis Fire District elections shall be held annually on the Tuesday prior to the third Wednesday in May.

(a) The election shall be held within the limits of the Hyannis Fire District in a manner in accordance with all of the Massachusetts General Laws pertaining to elections; and in a location as determined by the Board of Commissioners to be suitable to safely accommodate the number of potential District voters so participating.

(b) The District shall use Official ballots as defined in Massachusetts General Laws Chapter 50, Section 1. In District elections at which official ballots are used, nominations for District officers elected by ballot shall be made, ballots and other apparatus therefor provided, and elections of such officers conducted, in accordance with Massachusetts General Laws Chapters 41 and 50 to 56, inclusive, so far as applicable.

(c) Ballot Position: The order in which names of candidates appear on the ballot for each office shall be determined by a drawing by lot conducted by the District Clerk-Treasurer in the presence of such candidates or their representatives as may choose to attend such drawings.

(d) The District will make available guidelines and voter information to the voters upon request; in addition to the foregoing, such guidelines and voter information shall be posted at least sixty (60) days prior to the election in a publicly accessible format, as determined by the Board of Commissioners.

(e) Unless otherwise stated in the District By-Laws, the provisions of this Article I, Section 1, will apply to all District elections.

**Section 2:** In accordance with Section 1 of Chapter 313 of the Acts of 1984, each Commissioner and the District Moderator shall be a registered voter of the Hyannis Fire District at the time of election and shall continue to be a resident thereof throughout his or her term; or take any other action relative thereto.

## **ARTICLE II: ANNUAL AND SPECIAL MEETINGS.**

**Section 1:** Meetings of the Hyannis Fire District shall be called pursuant to a warrant issued under the hands of the Board of Commissioners. At least fourteen days before a meeting, notice of such a meeting shall be given by the District Clerk-Treasurer by posting in two (2) or more public places, posting on the District website and advertising in a newspaper published within the town of Barnstable and by making copies of the annual report and warrant available. The Annual Meeting shall be held within the District on the third Wednesday in May of each year. All newly-elected officers of the Hyannis Fire District shall be sworn to their duties prior to the dissolution of the Annual District Meeting.

**Section 2:** The warrant for all District meetings shall state the time and place of the meeting and the subjects to be acted upon there at. The Board of Commissioners shall insert in the warrant for the Annual Meeting all articles with their recommendations thereon and, also, all articles which have been requested of them by ten (10) or more voters of the District. For any Special District Meeting, the Board of Commissioners shall insert in the warrant all articles with their recommendation thereon and, also, all articles which have been requested of them by fifty (50) or more voters of the District.

**Section 3:** The Board of Commissioners shall call a Special District Meeting upon request, in writing by one hundred (100) registered voters of the District. Once a request has been submitted to the Clerk-Treasurer for verification of signatures, it shall be closed and no further signatures added. The Special District Meeting shall be held not later than thirty (30) days after the verification of such request and the Board of Commissioners shall insert in the warrant all articles which shall have been requested by petition. The Board of Commissioners may call a Special District Meeting upon a majority vote of its members.

**Section 4:** Fifteen (15) registered voters of the Hyannis Fire District shall constitute a quorum.

**Section 5:** The Moderator shall preside at the Annual and all Special District meetings, using the most current version of Town Meeting Time: A Handbook of Parliamentary Law, as published by the Massachusetts Moderators Association, for rules governing procedure.

### **ARTICLE III: OFFICERS.**

#### **Section 1: The Board of Commissioners.**

- (a) There shall be a Board of Commissioners consisting of five (5) members elected for three (3) year terms, so arranged so that as nearly an equal number of terms as possible shall expire each year.
- (b) The executive powers of the Hyannis Fire District shall be vested in the Board of Commissioners. The Board of Commissioners shall have all of the executive powers given to them by the Massachusetts General Laws or otherwise. The Board of Commissioners shall serve as the chief policy-making agency of the Hyannis Fire District, and shall be responsible for the issuance of policy directives and guidelines to be followed by all persons serving under it. The Board of Commissioners shall enforce all of the laws governing the District and shall keep a record of its official acts.
- (c) The Board of Commissioners shall expend funds raised and borrowed for the purposes prescribed by the District. The Board of Commissioners shall supervise the awarding of bids for the purpose of purchasing fire department equipment and shall make the necessary rules to be followed in making and awarding of bids consistent with Massachusetts General Laws Chapter 30B and any other relevant laws.
- (d) The Board of Commissioners may direct the Fire Chief to make those purchases required for the routine operation of the Fire Department which do not require being put out to bid by Massachusetts General Laws Chapter 30B or any other relevant law.
- (e) The Board of Commissioners shall receive the reports of the Fire Chief and make recommendations thereon to the District Meeting.
- (f) The Board of Commissioners shall execute, on behalf of the District, all contracts which have been approved by vote of the District at any Annual or Special meeting.
- (g) The Board of Commissioners may delegate the authority to enter into contracts, inter municipal agreements, or other instruments to the Clerk-Treasurer or the Fire Chief.

- (h) The Board of Commissioners shall, at its next regular meeting after the annual election, elect a Chairman, Vice-Chairman and a Clerk.
- (i) The Board of Commissioners shall prepare, distribute, and amend job descriptions and qualifications for all positions of the District not listed in these By-Laws or any Collective Bargaining Agreement entered into by the District. All new applicants shall submit to physical, medical, and psychological testing.
- (j) Vacancies occurring on the Board of Commissioners due to incapacitation, resignation or death shall be filled by the remaining members of the Board for the balance of the unexpired term of the vacating commissioner.
- (k) The Board of Commissioners shall appoint the Fire Chief, Assistant Chief, Clerk-Treasurer, District Counsel and such other District employees as may be provided by these by-laws.
- (l) The Board of Commissioners shall receive respectively for their services, such compensation as the District may determine at the Annual Meetings.
- (m) Any employee of the Hyannis Fire District, full or part-time, may, if he or she chooses, seek election to the Board of Commissioners, provided, however, said employee shall upon being sworn in as a member of the Board of Commissioners, immediately resign his or her position of employment with the District.
- (n) The Board of Commissioners may establish, and from time to time, amend a schedule of reasonable charges and rates for the provision of ambulance and medical services.
- (o) Robert's Rules of Order shall be used for rules governing procedure at meetings of the Board of Commissioners except to the extent directly in conflict with general or special law; or take any other action relative thereto.
- (p) The Chairman of the Board of Commissioners shall prepare a written report annually on the District's actions, expenditures and accomplishments, and its financial status. This report shall be included in the District's annual report.
- (q) The Board of Commissioners shall ensure that, at all times, the District has at least one person assigned to fulfill the responsibilities of Records Access Officer, as required by Massachusetts General Laws Chapter 66, Section 10,950 CMR 32.00, and any other

applicable laws and regulations. In the event that there is a vacancy in the position of Records Access Officer, the Vice-Chairman of the Board of Commissioners shall perform those duties until the Board fills the position at its next regularly scheduled meeting.

- (r) The Board of Commissioners shall be responsible for supervising the location, installation and maintenance of the street lights within the District. Overriding consideration, in determining the placement of lights, shall be given to street intersections, fire hydrants, and hazardous road conditions.

- (i) The District shall not be responsible for installing or maintaining decorative street lights.

- (ii) The District shall only install and maintain street lights on existing utility poles.

**Section 2: The Fire Chief.**

- (a) **APPOINTMENT AND QUALIFICATIONS.**

- (i) The Board of Commissioners shall appoint a Fire Chief who shall be a resident of the Town of Barnstable upon appointment or within twelve (12) months thereafter. The Fire Chief shall be appointed for a three (3) year term and shall not have tenure. The Board of Commissioners shall have the discretion to negotiate additional contracts with a length of not more than five (5) years.

Any candidate for appointment as Fire Chief must have the following qualifications:

- (1) Be at least thirty-five (35) years of age at the time of application.
    - (2) Have at least an Associate Degree in Fire Science.
    - (3) Be medically qualified as determined by a medical examination conducted by a physician selected by the Board of Commissioners.
    - (4) Have and maintain Emergency Medical Technician status (if a candidate has held EMT Certification in the past, but it has expired, the candidate may still be considered, provided the candidate obtains a valid current EMT Certification within twelve (12) months of appointment to the Chief's position);
    - (5) Have a minimum of five (5) years' experience as full-time officer in administration and command firefighting, and ten (10) years is preferred.
    - (6) Other qualifications as may be determined by the Board of Commissioners.

The Board of Commissioners may waive one of the above requirements with a unanimous vote.

(ii) The Board of Commissioners shall consider his/her ability to perform the following duties:

- (1) Plan, direct and administer day to day activities of the Hyannis Fire Department;
- (2) Enforce department policies, procedures and regulations to assure maximum readiness and to respond to the District's particular needs. Continually evaluate department effectiveness and recommend changes contributing to improved operations;
- (3) Assign areas of responsibility to subordinate officers and delegate to such officers the assignment of duties to individual firefighters;
- (4) Assure that personnel receive training and drilling in modern firefighting techniques and equipment operations;
- (5) Assume responsibility for enforcement of all state and local laws relative to fire prevention and criminal violations. Represent the Department. Coordinate with town departments, regional, national and state fire organizations. Prepare payrolls, submit annual department report to the district and prepare or delegate preparation of other required reports; and,
- (6) Monitor all operations of the Department and keep apprised of all developments. At own discretion personally direct firefighting activities and make the final decision as to the course of action. Assume ultimate responsibility for the personal safety of department personnel and citizens involved in fires.

(b) **POWERS AND DUTIES.**

The Fire Chief shall be the Chief Administrative Officer of the Hyannis Fire District and shall be responsible to the Board of Commissioners for the proper discharge of all duties of the office and for the proper administration of all District affairs placed under his/her charge. The powers and duties shall include, but need not be limited to, the following:

**The Fire Chief:**

- (i) Shall supervise, direct and be responsible for the efficient administration of all functions under his/her control, as may be authorized by by-law, District vote, or by vote of the Board of Commissioners;
- (ii) Shall appoint, and may remove, all subordinates and employees of the Fire District for whom no other method of selection is provided by law, except persons serving under other elected officers of boards. The Fire



Chief shall comply with all by-laws, collective bargaining and agreements and policy directives and guidelines established by the Board of Commissioners. Appointments made by the Fire Chief shall become effective fifteen (15) days after notice of the proposed appointment is filed with the Board of Commissioners unless the Board of Commissioners shall within said period vote to reject or affirm such appointment by majority vote of the full Board. Copies of all notices of appointments by the Fire Chief shall be posted on the District bulletin board as soon as practicable.

- (iii) Shall, in conjunction with the Board of Commissioners, be entrusted with the administration of a District personnel system, including, but not limited to, personnel policies and practices, rules, regulations, by-laws and all collective bargaining agreements entered into on behalf of the District. The Fire Chief shall, in conjunction with the Board of Commissioners, prepare, maintain and keep current a plan establishing the personnel staffing requirements for the District.
- (iv) The Fire Chief shall have the authority to establish policy and procedure pertaining to the routine operation of the Fire Department.
- (v) The Fire Chief shall have the authority to enter into contracts, agreements, or other instruments pertaining to the routine operation of the Fire Department.
- (vi) Shall attend all regular and special meetings of the Board of Commissioners, unless excused at his/her own request, and shall be given the opportunity to speak in all discussions of the Board.
- (vii) Shall attend the Annual and all Special District meetings and shall answer all questions concerning warrant articles which are directed to him/her through the Moderator and which relate to matters under his/her general supervision.
- (viii) Shall see that all provisions of the Massachusetts General Laws, District By-laws, District votes and votes of the Board of Commissioners which require enforcement by him/her or his/her subordinates are faithfully performed, carried out and enforced.
- (ix) Shall annually prepare and submit to the Board of Commissioners, in a manner prescribed by them, proposals for an operating budget and five (5) year capital outlay program.
- (x) Shall, in conjunction with the Board of Commissioners, have jurisdiction over use and rental of all District facilities and shall be responsible for their maintenance.

- (xi) May, at any time, inquire into the conduct of any District officer or employee under his/her supervision.
- (xii) Shall assure that a full and complete inventory of all property of the District is kept on file with the District Clerk-Treasurer and is updated at least annually.
- (xiii) Shall examine and inspect, or cause to be examined and inspected, the quality and condition of all supplies, materials and equipment delivered to or received by the District.
- (xiv) May authorize any subordinate officer or employee to exercise any power or function the Fire Chief is authorized to exercise, provided, however, that all acts performed under such delegation shall be deemed to be the acts of the Fire Chief.
- (xv) Shall perform such other duties as may be required of the Fire Chief by by-law, District vote or vote of the Board of Commissioners.

(c) **VACANCIES.**

Any vacancy in the office of Fire Chief shall be filled as soon as possible by the Board of Commissioners. Pending such permanent appointment, the Board of Commissioners shall designate a competent District officer or employee to perform the duties of Fire Chief on a temporary basis.

(d) **COMPENSATION.**

Upon appointment, the Fire Chief shall receive a salary to be determined at the discretion of the Board of Commissioners commensurate with experience and qualifications.

(e) **BENEFITS.**

Upon appointment, the Fire Chief shall receive sick leave, bereavement leave and vacation as set forth by the Board of Commissioners, or other benefits as the Board of Commissioners deems necessary.

(f) **DISMISSAL.**

If promoted from the ranks of the Department, the Fire Chief shall have the option of leaving the position of Fire Chief and reverting back to his/her previous pay grade and rank at any time within the first year of appointment or after dismissal by the Board of Commissioners, except if due to conviction of a felony.

**Section 3: The Assistant Fire Chief.**

(a) **APPOINTMENT AND QUALIFICATIONS.**

The Board of Commissioners may choose to appoint an Assistant Fire Chief who shall be a resident of the Town of Barnstable upon appointment or within twelve (12) months thereafter. The Assistant Fire Chief shall be appointed for an initial term of three (3) years and shall not have tenure. The Board of Commissioners shall have the discretion to negotiate additional contracts with a length of not more than five (5) years.

Any candidate for appointment as Assistant Fire Chief must have the following qualifications:

- (i) Minimum of thirty (30) credits in fire science related subjects
- (ii) Not less than five (5) years as a full-time officer in administrative duties and command fire fighting;
- (iii) Medically qualified as determined by a medical examination conducted by a physician selected by the Board of Commissioners;
- (iv) Holds a certificate as a qualified Emergency Medical Technician;
- (v) Be at least thirty-five (35) years of age at the time of application.
- (vi) Other qualifications as may be determined by the Board of Commissioners

The Board of Commissioners may waive one of the above requirements with a unanimous vote.

(b) **POWERS AND DUTIES.**

The Assistant Fire Chief shall serve under the direction of the Fire Chief and shall perform the duties and responsibilities delegated by the Fire Chief. In the absence of the Fire Chief, the Assistant Fire Chief shall be responsible for the day-to-day operations of the Department until and unless the Board of Commissioners chooses to appoint someone to fill the position of Fire Chief.

(c) **VACANCY.**

Any vacancy in the office of Assistant Fire Chief may be filled at the discretion of the Board of Commissioners. Pending such permanent appointment, the Board of Commissioners may choose to designate a competent District officer or employee to perform the duties of Assistant Fire Chief on a temporary or probationary basis.

- (d) **COMPENSATION.**  
Upon appointment, the Assistant Fire Chief shall receive a salary to be determined at the discretion of the Board of Commissioners commensurate with experience and qualifications.
- (e) **BENEFITS.**  
Upon appointment, the Assistant Fire Chief shall receive sick leave, bereavement leave and vacation as set forth by the Board of Commissioners, or other benefits as the Board of Commissioners deems necessary.
- (f) **DISMISSAL.**  
If promoted from the ranks of the Department, the Assistant Fire Chief shall have the option of leaving the position of Assistant Fire Chief and reverting back to his/her previous pay grade and rank at any time within the first year of appointment or after dismissal by the Board of Commissioners, except if due to conviction of a felony.

**Section 4: The Clerk-Treasurer.**

(a) **APPOINTMENT AND QUALIFICATIONS.**

The Board of Commissioners shall appoint a Clerk-Treasurer who shall be a resident of the Town of Barnstable upon appointment or within twelve (12) months thereafter. The Clerk-Treasurer shall be appointed for a three (3) year term and shall not have tenure. The Board of Commissioners shall have the discretion to negotiate additional contracts with a length of not more than five (5) years.

The Clerk-Treasurer shall post and maintain a bond satisfactory to the Board of Commissioners for the faithful performance of duties.

Any candidate for appointment as Clerk-Treasurer must have the following qualifications:

- (i) Experience demonstrating thorough knowledge of governmental accounting and treasury management, professional accounting, and financial management principles including knowledge or experience in computer spreadsheet software programs, and ability to direct a financial management program; OR graduation from a college or university with a degree in accounting, financial management or related fields and some experience in a financial management program OR any combination of experience and education demonstrating above knowledge and ability to perform the above duties.

- (ii) Experience in office management and record-keeping including word processing software programs and ability to read and understand State statutes and District by-laws relating to duties and responsibilities of District Clerk, as well as related courses in business, law or public administration OR any equivalent combination of experience and training which provides knowledge, skills and abilities indicated above.

(b) **POWERS AND DUTIES.**

- (i) Supervise all elections in the District. Prepare ballots for District elections, oversee and swear in staff at polling places, monitor election day activities, assure the security of ballots and no improper disenfranchisement, and supervise tabulation of results. Certify elections results to the Secretary of the Commonwealth. Administer oath of office to elected and appointed officials. Attest all official District documents for the District seal.
- (ii) Serve as custodian of District records and certify official copies of records upon request.
- (iii) Serve as Clerk to all District meetings and maintain official records of meeting activities.
- (iv) Submit newly voted by-laws to Attorney General's office for approval, if required. Publishes and posts all approved by-laws.
- (v) Supervises the preparation of reports to various Town, County and State agencies as required by law.
- (vi) Provides information and assistance to the general public and to District employees and officials regarding statutory requirements.
- (vii) Review payroll and bill warrants and sign checks issued by the District, disallow any fraudulent or unlawful claims, maintain Treasurer's cash book and serve as custodian of all funds deposited in the District Treasury.
- (viii) In accordance with state law, invest District funds in a manner sufficient to provide necessary funds to cover District expenditures. Confers with Board of Commissioners regarding upcoming District projects and with banks concerning interest rates and options to invest. Determines the most appropriate method of investing District funds.
- (ix) Review project expenditures and revenues, and return on investments, and determine when borrowing of funds will be necessary. Determine amount to be borrowed, contact banks, solicit bids and award bids

subject to the approval of the Board of Commissioners. Draw up loan note for certification by State Bureau of Accounts.

- (x) Maintain custody of District trust funds and maintain accurate records of bank deposits and interest earned.
- (xi) Prepare interest and maturing debt budget.
- (xii) Supervise the preparation of a variety of accounting reports required by state, federal, and local government, such as: weekly tax withholding, quarterly tax reports, and monthly cash balance reports. Oversee deposits for federal withholding and state withholding. Investigates any discrepancies and assure that all reports meet requirements.
- (xiii) Any other duties relating to the position as determined by the Board of Commissioners.

(c) **VACANCY AND TEMPORARY CLERK-TREASURER.**

If the Clerk-Treasurer is prevented from performing his/her official duties, or if the office is vacant, the Board of Commissioners may in writing appoint a Temporary Clerk-Treasurer who shall give bond in like manner as the Clerk-Treasurer and shall hold his/her office until another is chosen.

(d) **COMPENSATION.**

Upon appointment, the Clerk-Treasurer shall receive a salary to be determined at the discretion of the Board of Commissioners commensurate with experience and qualifications.

(e) **BENEFITS.**

Upon appointment, the Clerk-Treasurer shall receive sick leave, bereavement leave and vacation as set forth by the Board of Commissioners, or other benefits as the Board of Commissioners deems necessary.

**Section 5: The Moderator.**

The District shall elect a Moderator for a Three (3) year term. The Moderator shall have all powers of Moderators in Massachusetts or as provided by by-law and shall receive such compensation as the District may determine.

## **ARTICLE IV: FIREFIGHTERS.**

### **(a) DUTIES.**

It shall be the duty and responsibility of permanent firefighters of the Department, under the supervision and orders of superior officers, to respond to alarms and emergency calls; to lay and connect hose lines and nozzles; to turn water on and off; to direct water streams on burning buildings; to assemble, erect and climb aerial ladders; to use chemical extinguishers, bars, hooks, lifelines and other fire fighting equipment; to make openings in burning buildings; to prevent the spread of fires; to drive and operate fire and rescue vehicles; to clean, maintain and make minor repairs to all types of fire fighting equipment; to participate in periodic fire drills; to perform routine work in connection with the cleaning and maintenance of the fire station and grounds; to assist in rendering emergency services associated with life hazards when called upon and give emergency first aid and/or emergency medical treatment; to inspect oil burners and check violations of fuel oil storage laws; and, to investigate applications for permits. They will engage directly in fire prevention and fire fighting activity to protect and safeguard lives and property and perform hazardous tasks under emergency conditions.

### **(b) DISCIPLINE.**

Any officer or firefighter of the Department who shall willfully neglect or refuse to perform his/her duties, or shall be guilty of disorderly conduct or disobedience to his/her superiors in office shall be disciplined or dismissed from the Department.

## **ARTICLE V: REMOVAL OF APPOINTED OFFICERS.**

### **(a) REQUIRED VOTE.**

No vote to remove the Chief, Assistant Chief, or Clerk-Treasurer shall be effective unless it carries by at least 4/5's of the entire membership of the Board of Commissioners.

### **(b) PROCEDURE AND RIGHT TO A HEARING.**

The Board of Commissioners, when acting to remove any of the persons mentioned in (a) above, shall act in accordance with the following procedure:

- (i) A written notice of the vote to remove or suspend and a statement of the cause or causes therefor, shall be delivered via registered or certified mail, return receipt requested, to his/her last known address.

- (ii) Within five (5) days following delivery of said notice, the person involved may request a public hearing by submitting, in writing, a request therefor to the Board of Commissioners, and by filing a copy of said request with the District Clerk. In the case of a vote to remove the District Clerk-Treasurer, the copy of the request shall be filed with the Fire Chief.
- (iii) A public hearing, over which the District Moderator shall preside, shall be held not less than seven (7) and not more than fourteen (14) days following the date of receipt of a request therefor. The person involved shall be given not less than five (5) days written notice of such public hearing. The person involved shall have the right to be represented by counsel at such hearing, to call witnesses, to examine witnesses, and to introduce evidence at the public hearing.
- (iv) Not more than fourteen (14) days following the public hearing, or not more than fourteen (14) days following the delivery of the original notice of vote if no public hearing has been requested, the Board of Commissioners shall take final action on the removal or suspension and shall, as soon as practicable, notify the person involved of the removal or suspension or notify the person involved that the original vote of removal or suspension has been rescinded.

## **ARTICLE VI: RECALL OF ELECTED DISTRICT OFFICIALS.**

### **(a) PROCEDURE.**

Upon receipt of petitions signed by ten (10%) percent of the total registered voters of the District, enrolled at the time of the last District election, seeking the recall of any elected District official, the District Clerk shall, within fourteen (14) days, set a date for a special recall election. Said election shall be held not sooner than forty-five (45) days and no later than sixty (60) days after the District Clerk-Treasurer has validated the petitions. The District Clerk-Treasurer shall be required to furnish appropriate petitions forms for voters seeking the recall of an elected official. The petitioners shall set forth in specific terms the reasons why an official should be required to submit to recall. The petitioners shall have ninety (90) calendar days from the date the District Clerk-Treasurer furnishes the petition forms to obtain the requisite number of valid signatures. Candidates who seek to be elected in place of the individual who is the subject of the recall shall submit nomination papers signed by the same number of registered voters as required at an Annual District Election within ten (10) days of the call for the recall election.



(b) **BALLOT FORMAT.**

The names of the incumbent elected official(s) who are the subject(s) of the recall petition(s) shall appear at the top of the ballot. All others shall be listed in alphabetical order.

(c) **AUTOMATIC SUBMISSION TO RECALL.**

An elected official shall be required to submit automatically to recall if he/she is convicted of a felony; if he/she moves his/her residence from the limits of the Hyannis Fire District; or, if he/she is absent from his/her duties for a period of one (1) year.

(d) **ONE YEAR GRACE PERIOD.**

No elected official shall be subject to recall until at least one (1) year after he/she is sworn into office, except under the provisions of (c) above.

(e) **REQUIRED VOTER TURNOUT.**

The candidate who receives the greatest number of votes shall be declared the winner provided that the aggregate vote cast shall be at least ten (10%) percent of the voters eligible to vote in the District.

**ARTICLE VII: NOTICE OF VACANCIES.**

Whenever a vacancy occurs in the District, or, when, by reason of death, disability or retirement, a vacancy can be anticipated, the Board of Commissioners, or other appointing authority, shall forthwith cause public notice of the vacancy or impending vacancy to be published in at least one local newspaper and posted on the District bulletin board for not less than ten (10) days. Such notice shall contain a description of the duties of the office or position and a listing of the necessary or desirable qualifications. Any person desiring appointment to the vacancy may, within ten (10) days following the date the notice is posted, file with the appointing authority a statement setting forth his/her qualification for the position. No permanent appointment to fill a position shall be effective until at least fourteen (14) days have elapsed following such posting. This section shall not apply to positions in conflict with the requirements provided under the terms of a collective bargaining agreement.

**ARTICLE VIII: FINANCES.**

(a) **AUTHORIZATION.**

- (i) No district notes, bonds, or script shall be issued by the Clerk-Treasurer unless authorized by vote of the District, and all such notes, bonds, or script shall be signed by the Clerk-Treasurer of the District and countersigned by a majority of the members of the Board of Commissioners.
- (ii) No money shall be paid from the treasury of the District except notes, bonds, or script issues as above provided, and interest on the same, without the written approval or order of the majority of the Board of Commissioners, or by vote of the District according to its orders.

(b) **LAPSE OF APPROPRIATIONS.**

Any appropriation or transfer of funds made under any special warrant article shall lapse at the expiration of three (3) years following the effective date of such vote unless otherwise provided for in the warrant article. The District may, at an annual or special meeting, prior to the expiration of any such term of years, provide for an extension during which the funds shall continue to be available for the purpose specified. The Clerk-Treasurer shall notify the Annual District Meeting as to which accounts are due to expire. Those funds so affected shall be used to reduce the fiscal year's budget or used in any other manner as voted by the District.

**ARTICLE IX: PERSONNEL.**

(a) **BENEFITS.**

All non-union employees of the Hyannis Fire Department shall receive holiday, sick pay, bereavement and vacation leave and medical insurance as determined by the Board of Commissioners or by District vote, or other benefits as the Board of Commissioners deems necessary.

(b) **GRIEVANCE PROCEDURE AND RIGHT TO A HEARING.**

The Board of Commissioners, or Fire Chief, when acting to remove or discipline any non-union employees of the Hyannis Fire District, other than appointed District Officers, shall act in accordance with the following procedures:

- (i) All notices of removal or discipline and a statement of the cause or causes therefor shall be delivered to the person involved by registered or certified mail, return receipt requested, at his/her last known address.
- (ii) Within five (5) days following receipt of said notice, the person involved may request a public hearing by submitting, in writing, a request therefor to the Board of Commissioners, and by filing a copy of said request with the District Clerk-Treasurer.
- (iii) A public hearing before the Board of Commissioners shall be held not less than fourteen (14) days following the date of receipt of a request therefor. The person involved shall be given not less than five (5) days written notice of such public hearing. The person involved shall have the right to be represented by counsel at such hearing, to call witnesses, to examine witnesses and to introduce evidence at the public hearing. In the case of removal or discipline originating from the Board of Commissioners, the public hearing shall be presided over by the District Moderator.
- (iv) Not more than fourteen (14) days following the public hearing, the Board of Commissioners shall take final action and inform the person involved of its decision.
- (v) Notwithstanding subparagraphs i-iv above, the Board of Commissioners may dismiss, without cause, any employee within six (6) months of initial employment.

## **ARTICLE X: INDEMNIFICATION OF RETIRED PERSONNEL.**

The coverage and benefits provided for by this Article shall be secondary to any and all other insurance. The District shall, upon written application of any of its firefighters retired before or after the adoption of this by-law under a general or special law specifically relating to retirement or accidental disability, except a special law applicable to one person, or in the event of the death of any such firefighter, upon written application by his/her widow(er), or, if he/ she leaves no widow/widower, by his/her next of kin, indemnify, out of any funds appropriated for the purpose of this by-law, such firefighter, or in the event of his/her death, his/her widow(er), or if he/ she leaves no widow(er), his/her next of kin, for all reasonable hospital, medical and surgical, chiropractic, nursing, pharmaceutical, prosthetic, physician-prescribed diagnostic testing, hospital bed rental fee, physical therapy, myotherapy, acupuncture, chronic pain therapy, and related expenses and reasonable charges for podiatry incurred by such firefighter after his/her retirement; provided, however, that no personas shall be indemnified under this section unless a majority of the members of a panel consisting of: (a) The Board of Commissioners, (b) the District

Counsel, and (c) such physicians as the Board of Commissioners in writing appoint shall, upon receipt from the applicant of due proof, certify: (1) that the expenses for which indemnification is sought were 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 (6) 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 other willful act or conduct on his/her part; and (5) 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.

## **ARTICLE XI: AUTOMATIC FIRE AND RESCUE ALARM SYSTEMS.**

### **(a) DEFINITIONS.**

- (i) **ALARM DEVICE:** Any device which, when activated, (a) transmits a signal to the Fire Department, (b) transmits a signal to a person or company who relays information to the Fire Department, or (c) produces an audible signal to which the Fire Department is expected to respond.
- (ii) **ALARM USER:** Any person who is the owner, or person in charge, of premises where an alarm is maintained with the Hyannis Fire District.
- (iii) **FALSE FIRE ALARM:** The activation of an alarm through negligence of an alarm user or his/her agent or employee, improper installation, mechanical failure, malfunction, or any other cause which results in the Fire Department responding when no fire or evidence of fire or an emergency exists, where it is determined after investigation by the Fire Department that no malicious activity or attempted malicious activity has occurred in the activation of such alarm device. If the Fire Department determines after investigation that malicious activity or attempted malicious activity has occurred in activating the alarm device, the Fire Department shall notify the appropriate prosecutorial authorities, and the District reserves all rights to initiate legal proceedings for such malicious or attempted malicious activity.

(b) **ALARM USER RESPONSIBILITY.**

- (i) Every alarm user shall submit to the Fire Chief their name, address, telephone number and at least one (1) other person who is authorized to respond to an emergency signal transmitted by an alarm device and who can open the premises in which the alarm device is located.
- (ii) All alarm users must notify the Fire Department, in advance, of any testing of equipment. Failure to notify the Fire Department in advance of a testing of equipment shall constitute a false alarm, and be subject to the assessment schedule contained herein.

(c) **PENALTIES.**

(i) Failure to comply with Paragraphs (b)(i) or (b)(ii) above shall be punishable by a fine as noted below.

(ii) Any person who maintains, or permits to be maintained, any mechanical or electronic fire alarm device which transmits more than three (3) false reports of fire within any consecutive twelve (12) month period, after written notification by the Fire Department, shall be punished by a fine as noted below.

(iii) By no later than June 30, 2018, the Board of Commissioners shall establish, and from time to time, amend a schedule of reasonable fines and fees for failure to comply with Paragraphs (c)(i) or (c)(ii) above.

(iv) This schedule shall be made available on the District's website, in addition to being available from the Clerk-Treasurer.

(d) **LIMITATIONS OF LIABILITY.**

Neither the Hyannis Fire District nor any of its officers shall be under any obligation or duty to an alarm user, or to any other person hereunder, by reason of this by-law. The Hyannis Fire District specifically disclaims liability for any damages which may be caused by failure to respond to an alarm.

(e) **ADMINISTRATIVE RULES.**

The Fire Chief may promulgate such rules as may be necessary for the implementation of this by-law.

(f) **EXCEPTIONS.**

The provisions of this by-law shall not apply to alarm devices owned or controlled by the Hyannis Fire District or the Town of Barnstable.

**ARTICLE XII: BY-LAWS.**

(a) **BY-LAW COMMITTEE.**

There shall be a standing By-Law Committee appointed by the Moderator consisting of one (1) member of the Board of Commissioners, the Fire Chief or his/her designee, one (1) permanent firefighter, and two (2) voters of the District. All members shall be appointed annually within thirty (30) days of the Annual Meeting. If the Board of Commissioners has not received notification from the Moderator of the members of the By-Law Committee within 45 days of the Annual Meeting, the Board of Commissioners shall appoint a By-Law Committee, as described above, at its next regularly scheduled meeting.

- (i) The Chairman of the Board of Commissioners shall, within forty-five (45) days after the appointment of the By-Law Committee by the Moderator, set a date for the first meeting of the By-Law Committee. The By-Law Committee shall, at the first regular meeting after appointment by the Moderator, elect a Chairman and a Clerk.
- (ii) The By-Law Committee shall perform a complete review of the District By-Laws, and make recommendations for possible revisions bringing the District up to current standards and practices and to comply with Massachusetts General Laws where applicable.
- (iii) The By-Law Committee is to file a written report with the Board of Commissioners before each Annual Meeting.
- (iv) The By-Law Committee shall have the authority to make corrections to the By-Laws for basic grammar and formatting issues (including, but not limited to, punctuation, spelling, capitalization, and numbering), in so far as these corrections make no change with respect to the substance of these By-Laws. Any such corrections must be approved by a unanimous vote of the By-Law Committee and shall only become effective upon submission to the District Clerk-Treasurer. Such approved corrections shall be included in the written report of the By-Law Committee filed with the Board of Commissioners. The By-Law Committee may only submit such approved corrections to the District Clerk-Treasurer once per fiscal year, concurrent with the filing of the written report with the Board of Commissioners.

(b) **AMENDMENTS.**

- (i) All amendments to the By-Laws shall be considered by the By-Law Committee and presented to the voters with the Committee's recommendations thereon.
- (ii) The By-Laws shall be amended by a two-thirds (2/3) vote at an Annual or Special District Meeting.

(c) **RENUMBERING THE BY-LAWS.**

In the case of further amendments, additions or deletions, these By-Laws may be renumbered without further action by the District.

**ARTICLE XIII: SEVERABILITY.**

The provisions of these by-laws are severable. If any provision of these by-laws are held invalid, the other provisions of the by-laws shall remain in effect. If the application of the by-laws or any of its provisions to any person or circumstance is held invalid, the application of the by-laws and its provisions to other persons and circumstances shall not be affected thereby.

The Current By-Laws were ADOPTED May 20, 1987,  
AMENDED May 18, 1988, AMENDED January 12, 1989,  
AMENDED May 17, 1989, AMENDED May 17, 1995  
AMENDED May 21, 1997, AMENDED May 20, 1998,  
AMENDED November 18, 1998, AMENDED May 17, 2000,  
AMENDED May 18, 2016, AMENDED May 17, 2017,  
AMENDED MAY 16, 2018 AMENDED June 17, 2020,  
AMENDED May 17, 2022, AMENDED May 17, 2023