

AN ACT to incorporate the fire department of
the village of Owego.

Passed April 17, 1862; three fifths being present
Amended May 25, 1880; three-fifths being present
With membership approved amendments December 18, 2014

*The People of the State of New York, represented in Senate and Assembly,
do enact as follows:*

SECTION 1. All persons who now are or hereafter shall become members of any fire engine, hook and ladder or hose company now organized, or which hereafter be organized by the trustees of the village of Owego, in the county of Tioga, in conformity with the charter of said village, shall be and are hereby ordained and constituted a body politic and corporate in fact and in name, by the name of "The Fire Department of the village of Owego," and by that name they and their successors shall have perpetual succession, and shall have a common seal, and may sue and be sued in any of the courts of the state, by or in the name of the president of the said fire department; and also they and their successors, by their corporate name, may purchase, receive by gift or otherwise, and hold and convey any real estate or personal property for the use and benefit of said corporation, provided the amount of real and personal estate so held shall not exceed the sum of ten thousand dollars.

§ 2. The firemen of the several fire companies, constituting the said corporation, shall hold a meeting on the last Wednesday in January, eighteen hundred and eighty-one, and on the last Wednesday in May in each year thereafter, at the place designated by said board of trustees for that purpose, at which meeting they shall elect, from among their own number, by ballot, a chief engineer, first assistant engineer, second assistant engineer, treasurer and secretary. The said board of trustees shall appoint, from its members, two inspectors, who shall act as the inspectors of election last aforesaid. The said inspectors shall bring the returns of the said election before the trustees, at their first meeting after such election, and the said board of trustees shall meet within three days after such election, and examine into and decide the result thereof. And the said board of trustees shall, by its president or otherwise, as it shall direct, make known to the trustees of said village the result of said election last aforesaid, the first meeting of the trustees of the village after such result shall be ascertained as aforesaid. And if the trustees of said village shall, by notice in writing to the secretary of said department, disapprove of said engineers, or either of them so elected as aforesaid, within two weeks from the time they are

notified of the result of said election as above provided then the board of trustees of said corporation shall, within three days after the service of said notice on its secretary as aforesaid, call a special election of the firemen of the said several companies to be held within five days from the date of said call, at the place therein designated, at which shall be elected persons from their own number, other than those disapproved of as aforesaid, to fill the said offices, or such of them as are made vacant by said disapproval. All officers of said corporation, whose election is provided for by this act, shall hold their respective offices until their successors are chosen as above provided.

§ 3. The chief engineer, the assistant engineers, and the secretary and treasurer of said fire department, elected at the annual meeting of said department, held in pursuance of section two of this act, and the foreman and the first assistant foreman of the several companies belonging thereto, shall be, while acting as such officers, ex officio, and without any further election, the trustees of said corporation. The chief engineer shall be president of the board of trustees, and the assistant engineers shall be vice-presidents thereof. In their absence the board shall designate some one of their number to serve as president. The said secretary and treasurer shall be the secretary and treasurer of the said board. The said trustees, as such, shall not, directly or indirectly, receive any pay or emolument for their services.

§ 4. A majority of the board of trustees shall constitute a quorum for the transaction of business; and acts of said board herein authorized may be done by such majority. The trustees shall have full power, and it shall be their duty to make and prescribe such laws and regulations, not inconsistent with the charter of said village and the laws of this state, as they shall deem necessary for the proper management of the affairs and disposition of the funds of said corporation, and may be convened by the president or as may be provided by said laws and regulations. Said board of trustees shall have power to appoint such meetings of said fire department (other than the annual meeting) as they shall deem advisable; and it shall be the duty of said board to appoint at least one day in each year for a general review of said fire department; and said board may affix such penalties for neglect to attend such general review, or other omissions and violations of duty as firemen, and to sue in the corporate name of said department for the recovery of the same. Said board shall fill from its members all vacancies which may occur by resignation, or otherwise, in the offices of said board; and in case of any vacancy in said board the same shall be filled by the company in which such vacancy occurs. In case of vacancy in the office of chief engineer, or assistant engineer or treasurer, it shall be filled at an annual or special meeting. If at a special meeting it shall be called by the

secretary of the board, and under its direction. Notice of the time of all elections under this act shall be given by the secretary of the department at least five days before the time thereof, in at least one of the newspapers of the village. The treasurer shall give security to said board of trustees for the faithful performance of his duties; and at every annual meeting, or oftener if required by the trustees shall render to them a full and true account of the property of the said corporation, and of his action as treasurer. The said board of trustees shall have power to remove any of the officers of the board of trustees after three days previous notice of the charges preferred.

§ 5. The board of trustees may apply the funds of the said corporation, or such parts of said funds, or of the income thereof, as they shall deem proper, to the relief of indigent and disabled firemen, or their families; and also to defray such contingent expenses as may be necessary in the transaction of the business of said board of trustees.

§ 6. The fire companies composing said corporation shall consist of at least thirty persons each, except hose companies, which shall consist of at least twenty persons. And the members of any of said companies which shall not contain said number shall not be members of this corporation, except that, if any company shall be reduced below said number the same shall not be disbanded, or forfeit any of its rights or privileges under this act, provided its said full number shall be filled within thirty days after said company shall be required so to do by the said board of trustees, by notice in writing served upon the acting foreman of said company.

§ 7. Each of said fire companies shall have the right to pass by-laws for its own government not inconsistent with this act, or the laws and regulations established by the said board of trustees or the charter and by-laws of the said village.

§ 8. The said fire department shall possess the general power of a corporation as defined and limited in title three of the eighteenth chapter of part first of the Revised Statutes of this state; and shall be subject to the provisions of such chapter so far as they may be applicable to said department, and so far as the same are not inconsistent with this act.

§ 9. All moneys and evidences of indebtedness, now in the hands of, or belonging to the treasurer of the fire department of said village, as the same before the passage of this act has been and is organized, shall be paid to the treasurer of the said corporation upon his demand thereof, reserving the rights therein of such companies as may not become members of the corporation hereby created in consequence of provisions of section six. And all moneys which by law now are or may hereafter be directed to be paid

into the treasury of said village or otherwise, for the purposes of said department and which now are or may hereafter by law be directed to be paid by any insurance company, or other companies or persons, shall be paid to the treasurer of the said corporation.

§ 10. Certificates signed by the president of the said corporation, and the foreman of any company to which any member of this department belongs, and bearing the seal of said corporation, declaring the term the said member has served as fireman in the said corporation, or that the term of service required by the laws of this state has been fully completed by said member, shall be sufficient evidence to entitle him to all the privileges and exemptions secured to firemen by the laws of this state.

§ 11. This act shall take effect immediately.

§ 12. The Corporation is formed exclusively for charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code. The Corporation is not formed for pecuniary profit or financial gain. All income and earnings of the Corporation shall be used exclusively for its corporate purposes. The Corporation is a corporation as defined in Subparagraph (a)(5) of Section 102 (Definitions) of the Not-For-Profit Corporation Law.

§ 13. The Corporation, pursuant to Section 201 of the Not-For-Profit Corporation Law, shall be a Charitable Corporation.

§ 14. The management of the corporation may be vested in whole or in part in some or all of the members of the corporation, as permitted and provided for in the bylaws. The Corporation may raise funds necessary for the operation of the Corporation by conducting fund raising activities including the solicitation of funds and charitable contributions.

§ 15. Notwithstanding anything herein to the contrary, the Corporation shall exercise only such powers as are in furtherance of and consistent with the exempt purposes of organizations set forth in Section 501(c)(3) of the Internal Revenue Code and its regulations as the same now exist or as they may be hereafter amended from time to time. The Corporation shall not carry on activities not permitted to be carried on by a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended or a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended.

§ 16. No part of the net earnings of the Corporation shall inure to the benefit of any member, trustee, director or officer of the Corporation, or to any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation and as otherwise permitted by special law), and no member, trustee or officer of the Corporation or any private individual shall be entitled to share in the distribution of any of the Corporation's assets upon dissolution of the Corporation.

§ 17. The Secretary of State is designated as the agent of the Corporation upon whom process in any action or proceeding against the Corporation may be served. The post office address to which the Secretary of State shall mail a copy of any process against the Corporation and served upon him shall be:

The Fire Department of the Village of Owego
87 North Avenue
Owego, New York 13827

§ 18. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation (except as otherwise provided by Internal Revenue Code Section 501 [h]), or participating or intervening in (including the publication or distribution of statements), any political campaign on behalf of or in opposition to any candidates for public office.

In the event of dissolution of the Corporation, all of the remaining assets and property of the Corporation shall, after necessary expenses thereof, be distributed to such corporation or organization as is then recognized by the Internal Revenue Service as qualifying under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, subject to an Order of a Justice of the Supreme Court of the State of New York. None of the assets shall inure to the benefit of any individual, director, trustee or member of the Corporation.

The dissolution of this Corporation and any distribution of the assets of this Corporation incident thereof shall be subject to such laws, if any, then in force as may require the approval thereof or consent thereof by any Court or Judge thereof having jurisdiction or by any governmental department or agency or official thereof.