

**Excerpts From The**  
**NASSAU COUNTY CHARTER**  
**As it pertains to the Fire Marshal's Office**

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**Section 1701 - County Fire Commission**

There shall be a County Fire Commission constituted as follows: As soon as possible after the date on which this act becomes effective in the county, the Board of Supervisors shall divide the county into not less than five battalion districts and shall assign each fire department and independent incorporated fire company to the district in which it is located. Thereafter on a date to be fixed by the Board of Supervisors by ordinance, each volunteer fire department and independent incorporated fire company in the county shall hold an annual meeting for the election of delegates to the battalion district committee. Each such department and company shall be entitled to three delegates to serve for terms of three years, but those first elected shall be elected for terms of three, two and one years respectively; provided that where more than one independent incorporated fire company serves one fire district, there shall be only three delegates from such district; and provided further that the governing body of any city or village maintaining a paid fire department may likewise appoint three members of the battalion district committee. The election of delegates by a volunteer fire department other than an independent incorporated fire company shall be subject to disapproval for cause assigned and after hearing by the governing body of the city, village or district to which such department belongs. Vacancies shall be filled by each department and independent incorporated fire company for the unexpired balance of the term. It shall be the duty of each battalion district committee to coordinate as far as possible, the service of the several departments and independent incorporated fire companies included in it and to encourage good fire fighting practice therein. Each battalion district committee shall choose annually, on a date to be fixed by the Board of Supervisors by ordinance, and at other times in case of vacancy, a chairman. The chairmen of the several battalion district committees shall constitute the County Fire Commission.

**Section 1702 - Organization of Commission**

The members of the County Fire Commission may receive a per diem compensation, to be fixed by ordinance of the Board of Supervisors, for each day spent in the performance of their duties and they shall receive actual traveling and other expenses necessarily incurred in the performance of their duties. They shall choose annually from their own number a chairman, vice chairman and secretary. They shall make rules for the conduct of their own proceedings and shall keep a minute book of their proceedings.

**Section 1703 - Duties of Commission**

It shall be the duty of the County Fire Commission:

1. To study the needs of the fire protection in the county and to make from time to time recommendations for the improvement of fire protection to the departments and independent incorporated fire companies and to the cities, villages and fire districts, respectively.
2. To prepare and present to the Board of Supervisors comprehensive fire prevention ordinances.
3. To arrange with the several battalion districts and the departments and independent incorporated fire companies involved for interdepartmental cooperation in all aspects of fire fighting and particularly in the

matter of “cover up” running cards and other methods of securing the best utilization of the fire fighting strength available.

4. To recommend the standardization of equipment, such as hose couplings and threads, hydrant markings, etc.
5. To study the extension of fire protection to all portions of the county.
6. To make annually to the County Executive a report of its activities and recommendations which shall be published in the same manner as the reports of other departments.

#### **Section 1704 - County Fire Marshal**

a. There shall be a County Fire Marshal, to be appointed by the County Fire Commission as a result of competitive examinations to be given by the Civil Service Commission, who shall have had five years of service as a volunteer fireman in the county. He shall receive such compensation as may be provided by ordinance. The County Fire Commission shall likewise appoint, subject to the civil service provisions of this act, such other employees and assistants of the fire prevention department as may be provided by ordinance. Such employees and assistants, except those whose duties are purely clerical, shall each have had at least five years of service as a volunteer fireman in the county.

b. The County Fire Marshal, the Assistant County Fire Marshals and Fire Inspectors employed by the county shall have the authority to issue appearance tickets as such are defined in Article One Hundred Fifty of the Criminal Procedure Law. Such authority shall only be exercised upon the successful completion of a training procedure designated by the Fire Marshal. The appearance tickets may be issued and served when the issuer has reasonable cause to believe a person has committed a misdemeanor or petty offense in his presence, provided that an appearance ticket shall only be issued for an offense defined in ordinances, or regulations authorized by such ordinances, which pertain to the prevention of fires. (Subd. b. added by L. 1974 c. 459)

#### **Section 1705 - Powers of Fire Marshal**

The County Fire Marshal shall have power:

1. To act as the Executive Officer of the County Fire Commission.
2. To enforce the fire prevention ordinance or ordinances which may be adopted by the Board of Supervisors.
3. To investigate in cooperation with the Police Department, all cases of suspected arson.
4. To designate, in writing, an Assistant Fire Marshal to perform the duties of the Fire Marshal during his absence or disability, and the acts so performed by such Assistant Fire Marshal shall have the same effect in law as if performed by the Fire Marshal.

#### **Section 1706 - Fire Prevention Ordinances**

The Board of Supervisors shall have power to establish by ordinance fire prevention regulations based on the recommendations of the County Fire Commission which shall have effect throughout the whole county including the cities and villages therein; provided that any city or village may adopt fire prevention regulations of greater severity than those contained in such ordinance, and provided further that the said cities and villages shall have exclusive jurisdiction to determine within their limits the areas in which any regulation requiring fireproof or fire resistant construction shall be applicable.

#### **Section 1707 - New Fire Districts**

No new fire district shall be created except upon the recommendation of the County Fire Commission.

#### **Section 2213 - Power to Administer Oaths and Issue Subpoenas**

The County Fire Marshal shall have the power to administer oaths and affirmations and to compel the attendance of witnesses and the production of books and papers, and any person disobeying a valid subpoena thereof, or who willfully refuses to make oath or affirmation when requested to do so thereby, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than three months, or both such fine and imprisonment.