

Opn. 99-02

TOWN LAW §§ 176, 176-b(10); GENERAL MUNICIPAL LAW § 209-i(1-a).

Town Law § 176-b(10) prohibits a person from becoming a member of more than one fire company, whether he or she performs firefighting or emergency and general ambulance services. A member of one company may assist another company or department in the provision of emergency and general ambulance services.

January 19, 1999

John P. Courtney, Esq.
Amagansett Fire Distric
P.O. Box 720
249 Main Street
Amagansett, New York 11930

Informal Opinion
No. 99-2

Dear Mr. Courtney:

You have requested an opinion regarding whether Town Law § 176-b(10) prohibits membership in both a volunteer fire company and a volunteer ambulance company within the same department.

Town Law § 176-b(10) provides that "[a] person shall not be eligible to volunteer membership in more than one fire company at one time." This provision does not distinguish between types of fire companies. Volunteer fire companies may include emergency rescue and first aid squads. Town Law § 176(13); General Municipal Law § 209-b(1)(a). In construing a parallel provision governing village fire departments, we concluded that a volunteer firefighter of a fire company is ineligible to become a member of another village fire company in which he would provide rescue squad services. 1986 Op Atty Gen (Inf) 120.

Although a person may not become a member of two fire companies, a volunteer firefighter who, because of his residence or usual occupation, is regularly in the area served by a volunteer fire company or department of which he is not a member may volunteer his services on an on-going basis to the officer in command of the company or department for the purpose of assisting at a fire or in the provision of general or emergency ambulance services. General Municipal Law § 209-i(1-a). Once the volunteer's services are accepted, he is entitled to all powers, rights, privileges and immunities granted by law to volunteer firefighters during the time such services are rendered. *Id.* Therefore, while Town Law § 176-b(10) prohibits a person from becoming a member of more than one fire company, he is not prohibited from assisting another fire company or department in the provision of general or emergency ambulance services.

The Attorney General renders formal opinions only to officers and departments of State government. This perforce is an informal and unofficial expression of the views of this office.

Very truly yours,

YVONNE M. HOVE
Assistant Attorney General