

Fire district commissioners can be removed for failing to take oath of office

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Fire district commissioners should ensure that all newly elected or appointed commissioners promptly take the oath of office and file the same with the town clerk of the town in which the fire district is located.

Section 30 of the New York State Public Officers Law provides that "Every office shall be vacant upon.... his refusal or neglect to file his official oath or undertaking... before or within thirty days after the commencement of the term of office for which he is chosen, if an elective office... "

The New York State Town Law requires that every commissioner of a fire district take the constitutional oath of office and file the same with the town clerk of the town in which the fire district is located before entering upon the duties of his office.

Pursuant to section 10 of the Public Officers Law, the secretary or the chairman of the board of fire commissioner may administer the oath of office to a new commissioner.

Thus, commissioners should make sure that they take and file the oath promptly, or they may find themselves removed from office.