

ORDINANCE 14-11

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER III,**

**ARTICLE II, "FIRE DEPARTMENT" OF THE REVISED
GENERAL**

ORDINANCES OF THE BOROUGH OF KEYPORT

**BE IT ORDAINED BY THE MAYOR AND
COUNCIL OF THE BOROUGH OF KEYPORT AS
FOLLOWS:**

SECTION I. PURPOSE

Changes in Statutes, Regulations and the needs of the Keyport Fire Department require periodic revisions of the Ordinance creating the Department and establishing its structure. This Ordinance adopts revisions which address those changes and authorizes the Department to adopt rules, regulations and guidelines for the operation of the Department.

SECTION II. Article II, Fire Department:

ARTICLE II

FIRE DEPARTMENT*

3-30 ESTABLISHMENT.

There shall be a Fire Department which shall consist of a Chief, First Assistant Chief, Second Assistant Chief, and Third Assistant Chief, constituting a Board of Fire Chiefs, also a company of Fire ~~Wardens~~ Police; and engine, hose and hook and ladder companies as the Borough Council may provide. (Ord. #3-79, A I; Ord. #17-95, §1; Ord. #4-00, §1)

3-31 ELECTION OF OFFICERS.

3-31.1 Chief and Assistant Chiefs. The Chief and Assistant Chiefs shall be elected by the members of the Fire Department on the first Wednesday of December of every year, by an election in which every active member of the Fire Department in good standing shall be eligible to vote. The Chief and Assistant Chiefs shall be chosen from among the members of the constituent companies of the Fire Department but in no case shall the Chief and/or Assistant Chiefs be members of the same company. To be eligible for the Board of Chiefs the member selected must be a Captain or ex-Captain of the Department and have served seven (7) years as an active member. No person shall be eligible to assume or maintain the position of Chief or Assistant Chief without Incident Management Level ~~1~~ 2 certification or timely satisfaction of any other requirements as may be established by State law or regulation and shall provide copies of the required certifications and requirements to the Department Secretary before taking office. (Ord. #3-79, A II, §1; Ord. #17-95, §1; Ord. #4-00, §1)

***Editor's Note:** When the masculine gender, throughout this Article is used, it shall be inferred to mean either masculine or feminine gender.

3-31.2 Rotation of Chief. The election of Chief shall be in the following rotation in the Keyport Fire Department: Hook and Ladder, Raritan Hose, Liberty Hose, Lincoln Hose, Eagle Hose, Fire Patrol

(Fire Police), and Engine Company. (Ord. #3-79, A II, §2; Ord. #2-85, §2; Ord. #17-95, §1; Ord. #4-00, §1)

3-31.3 Manner of Election. Each Company shall provide a current roster of all members who are eligible to vote and if applicable the name of the Company's candidate for Third Assistant Chief to the Department Secretary by the First of November. The Department Secretary shall certify each name on the supplied rosters and prepare a master list of all members who are eligible to vote. The Department Secretary shall also prepare one (1) ballot with the names of the candidates and their respective positions for each name on the master list of all members who are eligible to vote. The election shall be held at a place in the Borough designated by the Board of Chiefs. The polls shall be opened at 8:00 p.m. and shall be closed at 9:00 P.M. on the day designated for holding the election, and shall be conducted by the Fire Election Committee of the Borough Council. This committee shall consist of the Fire Commissioner or his designee, all of the Ex-Chiefs present, and the Department Secretary. ~~This~~ The Committee shall designate one (1) of their ~~number~~ members to act as judge of the election and one (1) to act as clerk, ~~and~~ The judge of the election shall appoint two (2) tellers. In the absence of sufficient members of the Fire Committee to fill the respective offices of judge of election and clerk, the offices shall be filled for the election by persons elected by the members of the Fire Department then present.

In the event of a Firematic emergency, call for aid, or other situation where response of the Fire Department is required before or during the election, the Fire Committee shall extend the hours of the polls for a reasonable amount of time as determined by majority vote of the Fire Election Committee as to allow those members involved in the Firematic emergency, call for aid, or other situation where response of the Fire Department is required to attend the election to cast their votes. (Ord. #3-79, A II, §3; New; Ord. #17-95, §1; Ord. #4-00, §1)

3-31.4 Election Result. A statement of the election result shall be signed by the judge and clerk of the election and transmitted to the Borough Clerk, who shall submit it to the Borough Council at the next regular meeting held after the election, and the council shall canvass the returns and declare the result. The person having a plurality of the votes cast for Chief shall be confirmed as Chief by the Council, and the persons having a plurality of the votes cast for First, Second, and Third Assistant Chief, respectively, shall in like manner, be confirmed for those positions, respectively. From the first day of January next ensuring the election, the Chief and First, Second, and Third Assistant Chiefs shall each hold their respective offices or positions for one (1) year or until the election and confirmation of their successors. In the event of any election resulting in a tie for any offices, a special election shall be held within ten (10) days between the tying candidates. (Ord. #3-79, A II, §4; Ord. #17-95, §1; Ord. #4-00, §1)

3-31.5 Vacancy for Chief and Assistant Chiefs. In the event a vacancy shall occur for Chief or Assistant Chiefs, the company of the person so vacating shall have within thirty (30) days the option of (a) placing, ~~within thirty days,~~ an ex-Chief so eligible in rotation for the remainder of the term, or (b) promoting present personnel one (1) step, and filling the lower positions through the next company in rotation at the next regularly scheduled Department meeting, or (c) within thirty (30) days after the above referenced thirty (30) day option expires, conducting a special election as ~~otherwise set forth above in subsection 3-31.1.~~ In the case of a vacancy for Third Assistant Chief, the company of the person so vacating shall have the option, within thirty (30) days, of placing an eligible member in the position to fill out that year and to stand for election for Second Assistant Chief at the next ensuing Department election. (Ord. #3-79, A II, §5; Ord. #17-95, §1; Ord. #4-00, §1)

3-31.6 Temporary Absence. If, as determined by a majority vote of the Board of Fire Chiefs, a Chief or Assistant Chief is absent due to illness, injury, or incapacitation, the Board of Fire Chiefs, by

majority vote, may select a temporary replacement to serve during the period of the member's absence, not to exceed the remainder of the absent member's term, in accordance with the procedures for filling a vacancy set forth in subsection 3-31.5 of the Ordinances of the Borough of Keyport. (Ord. #16-06)

3-32 ORGANIZATIONAL STRUCTURE

3-32.1 Company Organization. The company organization of the Fire Department shall consist of one (1) hook and ladder company of twenty-three (23) persons, one (1) engine company of twenty-three (23) persons, one combination hose and truck company of twenty-eight (28) persons, three (3) hose companies of eighteen (18) persons each and one (1) company of fire ~~wardens~~ police (Fire Patrol) of eighteen (18) persons. Each Fire Company shall be known by the name selected by its own members. (Ord. #3-79, A III, §1; Ord. #17-95, §1; Ord. #4-00, §1)

3-32.2 Additional Companies. Additional companies may be added to the Fire Department by majority vote of the Borough Council. The number of members of any additional company shall be determined by majority vote of the Council, but shall not exceed eighteen (18) active members. (Ord. #3-79, A III, §2; Ord. #17-95, §1; Ord. #4-00, §1)

3-33 SERVICE IN FIRE DEPARTMENT.

3-33.1 Application; Confirmation; Requirements for New Members; Removal.

- a. *Application.* A prospective member (male or female – herein referred to as he or his) shall make application to the company which the applicant desires to join. The application shall be on a Department approved standard application form. All applicants must sign a “Release of Information” form as adopted by the Fire Department. Each

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applicant shall be found physically fit to perform the duties of the type of membership being applied for.

- b. *Confirmation.* Upon applicant's approval by the company for ~~active~~ membership, such applicant shall, after approval of applicant's membership by the Chief of the Fire Department and confirmation by the Borough Council, become a member in good standing of the Department. The name of each new member shall be entered on a roll of firemen kept by the Borough Clerk.
- c. *Requirements for New Members.*
 1. Within ninety (90) days of becoming ~~an active~~ a member of the Keyport Fire Department every new member shall attend a class in blood borne pathogens and ~~forthwith~~ shall be eligible to receive the series of inoculations for Hepatitis B or other inoculations required as per County, State or Federal regulations.
 2. Within two (2) years of becoming an active member of the Keyport Fire Department every new member shall attend and pass the Level ~~1~~ 1 Firefighters Training Course at the Monmouth County Fire Academy or an equivalent course. Extensions may be granted for good cause.
- d. *Removal.* Any member may be removed for just cause at any time by recommendation of the Complaint Board of Review and action by the Borough Council pursuant to the procedures set forth in Section 3-39 of this Article.
- e. *Classes of Membership.* There shall be two (2) classes of membership in the Keyport Fire Department as defined by N.J.S.A. 15A:2-1, et seq. Active or Line Operations Membership, and Reserve, or Associate Membership as defined by the New Jersey State Division of Fire Safety. Individual companies may establish non-firematic classes of membership, which will not lead to membership in the Keyport Fire Department, nor any form of membership as described herein or by N.J.S.A. 15A-2:1, et seq. (Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-01, §1)

3-33.2 Membership Requirements. ~~No person shall hereafter become a member of the Fire Department unless having attained the age of eighteen (18) and a citizen of the United States, and a resident of the Borough for one (1) year. Applicants shall be physically fit to perform the duties of a fireman evidenced by a certificate to that effect by a practicing physician of the State of New Jersey. Any person applying for membership in the Keyport Fire Department shall meet the following requirements:~~

- a. have attained the age of eighteen (18).
- b. be a citizen of the United States or legal resident.
- c. be physically fit to perform the duties of a fireman evidenced by a certificate to that effect by a practicing physician of the State of New Jersey.
- d. and meet one (1) the following residency requirements:
 1. reside within the corporate limits of the Borough of Keyport.
 2. reside in the Borough of Union Beach, Borough of Matawan, Township of Aberdeen, or Township of Hazlet.
 3. reside within two (2) miles of the municipal boundary of the Borough of Keyport.
 4. or maintain employment within the corporate limits of the Borough of Keyport.

~~Any member of the Fire Department who shall cease to reside within the corporate limits of the Borough who fails to maintain the requirements of Section 3-33.2d. above shall immediately cease to be a member of the Fire Department. However, a member shall not be deemed to be a resident without the corporate limits of the Borough if that person removes himself from the Borough and takes residence in the Borough of Union Beach, Borough of Matawan, Township of Aberdeen, or Township of Hazlet, or maintains employment within the corporate limits of the Borough of Keyport. Any active member who ceases to reside within the corporate limits of the Borough and/or takes residence in any of the aforesaid municipalities shall be entitled to make application for and seeking to hold the office of Chief Engineer,~~

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First or Second Lieutenant, Captain, Assistant Chief or Chief of the Fire Department shall meet the requirements of Section 3-33.2d. above.

Any active member of the Fire Department shall not be continuously absent from his municipality of residence, or, alternatively, his employment if within the corporate limits of the Borough, for a period longer than one (1) month without the written permission of the member's company. Any member so absent without permission shall be liable to removal from the Department rolls by a majority vote of the Borough Council.

An active member of the Keyport Fire Department shall not be an active member of any other Fire Department. This shall not be construed to apply to a career firefighter.

Membership in the Keyport Fire Department shall not guarantee participation in the New Jersey State Fireman's Association, General Relief Fund. Any applicant or member who does not meet the physical, age and other requirements established by said Association may not be eligible to participate in the General Relief Fund and must execute and return a form* signed by the Chief to the Borough Administrator acknowledging no entitlement to any benefits provided thereunder. (Ord. #3-79, A IV, §3; Ord. #6-86, 2§; Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-01, §2)

3-33.3 Duty Requirements. Each member of the Fire Department shall, in each and every year, perform at least ~~sixty (60%)~~ fifty (50%) percent of duty which shall consist of actual attendance and duty at fire and drills. A record shall be kept of this attendance and duty by the chief and reported to the municipal officers annually. (Ord. #3-79, A IV, §4; Ord. #17-95, §1; Ord. #4-00, §1)

***Editor's Note:** The form entitled "Acknowledgment of Nonparticipation in General Relief Fund" may be found attached to Ordinance No. 14-01, on file in the office of the Borough Clerk.

3-33.4 Legal Exemption. Any person who shall have served for a period, or for separate periods, not concurrent, amounting in the aggregate to seven (7) years as an active member of the Fire Department ~~including the company of Wardens~~ of the Borough shall be entitled to the exemption prescribed by law for such service. Exemption certificates may be issued to members of the Fire Department who shall have served seven (7) years active duty, under municipal control, as required by law of April 20, 1935, as amended May 26, 1936. (Ord. #3-79, A IV, §5; Ord. #17-95, §1; Ord. #4-00, §1)

3-33.5 Life Membership. There shall be a class of membership entitled "Life Membership" in the Fire Department. Life Membership must be recommended by the Fire Company and approved by the Board of Fire Chiefs or may be recommended and approved by the Board of Fire Chiefs. The Borough Council must confirm an applicant for Life ~~m~~Membership who has met the requirements for selection and upon confirmation, applicant's name shall be entered on the roll of Life Members kept by the Borough Clerk. Life ~~m~~Membership certificates may be issued to firemen in good standing, provided that they have served twenty-five (25) years in active service. A Life ~~m~~Member may serve on any committee or hold any appointed office in the Fire Department at the discretion of the Board of Fire Chiefs. A Life ~~m~~Member shall not be required to maintain the ~~sixty (60%)~~ fifty (50%) percent duty requirement. Residency requirements set forth above shall not apply to Life ~~m~~Members who are not on active duty status. (Ord. #3-79, A IV, §6; Ord. #17-95, §1; Ord. #4-00, §1)

3-33.6 Company Officers; Records. Each fire company ~~and the company of Fire Wardens~~ shall be under the direction and control of a Captain, First Lieutenant, Second Lieutenant and Chief Engineer, who shall be severally elected by the companies to which they respectively belong, as set forth by their respective bylaws. Each company shall elect a Secretary, who shall keep a record of the membership of his company and shall render a written report to the Chief by December 31 of each year, stating the number of fires and alarms of fire, general inspections, drills and parades, and a count of and the names of all members attending in each instance. Any vacancy which may occur during the year shall be filled by the company in which the vacancy

shall happen at the first regular meeting thereafter, and in accordance with its bylaws. Each company, whenever a vacancy exists among its officers, shall nominate and elect a qualified person who shall be agreeable to a majority of the members of the company present at such regular meeting. Should any such company fail to nominate and elect any officer within thirty (30) days after vacancy occurs, the Chief may appoint an eligible person for the vacant position, subject to the approval of the Borough Council. (Ord. #3-79, A IV, §7; Ord. #17-95, §1; Ord. #4-00, §1)

3-33.7 Disclosure of Information Regarding Applicants for Membership.

- a. *Authorization.* This subsection is enacted pursuant to the Home Rule Act, N.J.S.A. 40:42-1, et seq. which directs municipalities to act for the health, welfare, and safety of its citizens and to implement N.J.S.A. 15A:2-1, et seq.
- b. *Membership* in a Volunteer Fire Company means (1) membership in a Volunteer Fire Company organized in the Borough of Keyport pursuant to Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes and being part of the Keyport Fire Department, or (2) membership in a junior fireman's auxiliary established pursuant to N.J.S.A. 40A:14-95.
- c. *Contents of Application.* Any person desiring membership in a volunteer Fire Company shall complete in duplicate, filing the same with the Volunteer Fire Company, an application the form of which may be prescribed by the Volunteer Fire Company, but which shall contain the Following information about the applicant:
 1. Name
 2. Home address
 3. Birth date
 4. Social Security number
 5. Driver's license number
 6. Any conviction of violation of N.J.S.A. 2C:17-1 which includes the following offenses:
 - (a) Aggravated arson, or

- (b) Arson,
 - (c) Failure to control or report dangerous fire, and
 - (d) Direct or indirect payment or acceptance of any form of consideration for the purpose of starting a fire or explosion, or offer of same.
7. Any conviction within the ten (10) years previous to the date the application is filed of a violation of N.J.S.A. 2C:33-33, False Public Alarms.
8. Such other information as required by law, or as the Volunteer Fire Company deems relevant to the application provided none of such information is prohibited by law.
- d. *Investigating by Commanding Officer of the Police Department or his designee.* Following the filing of such application the ~~Volunteer~~ Fire Company shall transmit one of the applications to the Commanding Officer of the Police Department of the Borough of Keyport who shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his/her application and any such other investigation of the applicant's background as deemed necessary for the protection of the public good. If as the result of such investigation, the applicant is found to have been convicted of a violation of N.J.S.A. 2C:17-1 or N.J.S.A. 2C:33-3 or any other crime involving moral turpitude or any other information is found that would indicate the applicant may be a threat to the health, safety or welfare of the community, the Commanding Officer of the Police Department or his designee shall report such information and the particulars thereof to the ~~Volunteer~~ Fire Company Captain, the Fire Department Chiefs, and the Department Application Coordinator.
- e. *Fingerprinting.* Fingerprinting of a new member of the Keyport Fire Department shall be conducted only if the Commanding Officer or his designee of the Police Department determines it is necessary based on his initial investigation as required by Chapter 3-33.7(d) of the Revised General Ordinances of the Borough of Keyport. The applicant shall bear the cost of the fingerprinting.

- f. This subsection is intended to make the Volunteer Fire Company an Authorized Agency as defined in N.J.A.C. 13:59-1.1.
- g. *Time Limit for Investigation.* The above investigation by the Commanding Officer or his designee of the Police Department shall be completed within thirty (30) days of receipt of the application and the fingerprinting of applicant. (Ord. #18-95, §§1-7; Ord. #4-00, §1)

3-34 CHIEF AND ASSISTANT CHIEFS.

3-34.1 Supervision of Equipment. The Chief shall have general supervision of and examine ~~at least once every three (3) months~~ periodically all fire apparatus, the buildings used to protect this equipment, including the fire alarm system, and the public hydrants and fire plugs, and shall report their condition to the Fire Commissioner (Chairman of the Fire Committee of the Borough Council). He shall, under direction of the Borough Council, superintend and direct in his discretion through the Borough Administrator all necessary repairs to the engines and other apparatus which may be ordered to be rebuilt or repaired. (Ord. #3-95, A V, §1; New; Ord. #17-95, §1; Ord. 34-00, §1)

3-34.2 Extinguishing Fires. The Chief shall have supreme command of the Fire Department. In all cases of fire within the Borough, he shall take prompt and efficient measures and use the means of the Department to extinguish the fire and protect life and property. At such times he shall have sole and absolute control and command over all fire apparatus and all persons aiding or assisting the Department in case of actual fire.

The Chief and Assistant Chiefs shall attend fires within the corporate limits of the Borough and are empowered and required to take charge of any building which may be on fire; to admit any persons not firemen to the buildings as they deem necessary to aid in the extinguishment of the fire and preservation of all goods and all endangered property. (Ord. #3-79, A V, §2; New; Ord. #17-95, §1; Ord. #4-00, §1)

3-34.3 Alternate Leadership. In case of the death, disability, or absence of the Chief, his command shall devolve upon and his duties be performed by the First Assistant Chief, or in case of his death, disability, or absence, by the Second Assistant Chief, or in the case of his death, disability or absence by the Third Assistant Chief, if in case of his death, disability, or absence, in case of fire, by the officer or engineer in charge of the first apparatus on the scene, until the arrival of a higher ranking officer, in which case command will devolve to him. With the simultaneous arrival of equal ranking officers, command will devolve to the higher ranking officer on the truck with the lower identification number. In the absence of the Chief, the officer or engineer actually in command shall have the power and authority of the Chief. (Ord. #3-79, A V, §3; Ord. #17-95, §1; Ord. #4-00, §1)

3-34.4 Fire Prevention. The Chief and Assistant Chiefs are empowered to enter lawfully and examine any building, place, vehicle, or vessel where any explosive, inflammable, or hazardous material may be lodged or stored. The Chief or Assistant Chiefs may direct the immediate removal of any such material, if such action is deemed advisable. A copy of such order shall be served personally or by certified mail, return receipt requested, upon the owner or managing agent of such property, and the original shall be filed with the Borough Clerk. Any failure or refusal to comply with any such order shall be punished pursuant to Section 1-5 of the Revised General Ordinances.

It shall be the duty of the Chief or Assistant Chiefs or their designee to inspect any chimney, flue or pipe or structure reported to him or believed by him to be dangerous and liable to cause destruction

by fire. If any such condition is found, the Chief and/or Fire Official shall order it to be cleaned, repaired, renovated or removed by owner or tenant of the premises. The Chief shall inspect any building or premises where he believes any rubbish, debris, papers, rags or any other inflammable, combustible or hazardous material of any kind is kept or permitted to remain in a dangerous condition, position, or manner liable to cause destruction by fire. If any such condition is found, the Chief and/or Fire Official shall order in writing that it be

remedied within such time as the Chief may specify, taking account of the degree of danger presented by the condition in question, and the amount of time reasonably required to correct such condition. A copy of such order shall be served personally or by certified mail, return receipt requested, upon the owner or managing agent of the property; and the original of such order shall be filed with the Borough Clerk. Any failure or refusal to comply with such order shall be punished pursuant to Section 1-5 of Revised General Ordinances. (Ord. #3-79, A V, §4; Ord. #17-95, §1; Ord. #4-00, §1)

3-34.5 Supplies and Equipment. The Captains of the respective companies belonging to the Fire Department shall report to the Chief what supplies or equipment ~~are~~ is necessary, and the Chief shall report to the Borough Council or any member or committee empowered to order supplies. (Ord. #3-79, A V, §5; Ord. #17-95, §1; Ord. #4-00, §1)

3-34.6 Suspension of Travel. It shall be lawful for the Chief in case of fire or other emergencies to cause travel in the vicinity to be suspended within any area he may deem necessary. All travel shall remain suspended for the time the Chief shall deem necessary for the public safety, but no longer. (Ord. #3-79, A V, §6; Ord. #17-95, §1; Ord. #4-00, §1)

3-34.7 Drills. The Chiefs shall order one (1) inspection, one (1) parade and at least two (2) drills each year. (Ord. #3-79, A V, §6; Ord. #17-95, §1; Ord. #4-00, §1)

3-35 POWERS AND DUTIES OF CAPTAINS.

The Captains shall be subject to the orders of the Chief. It shall be their duty to cause order to be observed by the members of the Department in going to, working at, or returning from a fire and at all times when the members of the company are on duty. No person shall be eligible to assume or maintain the position of Captain without Incident Management Level 1 certification or the timely satisfaction of any other requirements as may be established by State law or regulation and shall provide copies of the required certifications and requirements to the Department Secretary before taking office.

Each Captain shall be responsible for the proper care of the fire apparatus and all other property belonging to the Borough entrusted to the company under his respective command. He shall preserve order and discipline in the company at all times when on duty at fires and he shall obey all orders of the chief. In the absence of the Captain, the First Lieutenant shall act, and in his absence the Second Lieutenant shall act. (Ord. #3-79, A VI; Ord. #17-95, §1; Ord. #4-00,§1)

3-36 POWERS AND DUTIES OF LIEUTENANTS AND ENGINEERS.

3-36.1 Powers and Duties of Lieutenants. It shall be the duty of the First and Second Lieutenants to aid the Captains of their respective companies in the performance of their duties. In case of the absence of the Captain, the First Lieutenant shall act until his return, and in the absence of both the Captain and First Lieutenant, the Second Lieutenant shall act until the return of either of them, and each of the Lieutenants shall be obeyed accordingly.

It shall be the duty of the Chief and Assistant Chiefs and of every Captain and Lieutenant to observe faithfully and to enforce strictly all the provisions of this Article, and the Captains and Lieutenants shall

report all violations to the Chief. No person shall be eligible to assume or maintain the position of Lieutenant without Incident Management Level I certification or the timely satisfaction of any other requirements as may be established by State law or regulation and shall provide copies of the required certifications and requirements to the Department Secretary before taking office. (Ord. #3-79, A VII; Ord. #17-95, §1; Ord. #4-00, §1)

3-36.2 Powers and Duties of Chief Engineers. It shall be the duty of each Chief Engineer to take charge of the apparatus of ~~his~~ their respective company, subject to the authority of the Captain. He shall prepare an annual inventory of equipment and a list of additional equipment and repairs that are deemed necessary for all his company's apparatus and its equipment, with the advice and consent of the Captain. The Chief Engineer shall also be responsible for proper maintenance of the apparatus and its equipment. No person shall assume the position of Chief Engineer without having successfully completed any currently required firematic courses. (Ord. #17-95, §1; Ord. #4-00, §1)

3-37 POWERS AND DUTIES OF FIREMEN.

It shall be the duty of all firemen whenever any fire shall break out in the Borough, to report immediately upon the alarm to their respective fire engines, hose carts, and other fire apparatus and convey them to or near the fire location, unless otherwise directed by the Chief, and there, under the direction of the Chief, to work and manage the fire apparatus with all their skill and power. When the fire is extinguished they shall not leave, except by the direction of the Chief or in his absence, the senior officer in charge. Upon receiving this direction, they shall return their fire apparatus to their respective fire houses and render such care and attention as may be necessary for its proper preservation or as may be prescribed by the Chief or the Captain of their company. (Ord. #3-79, A VIII; Ord. #17-95, §1; Ord. #4-00, §1)

3-38 EQUIPMENT RIGHT OF WAY.

The engine, hook and ladder truck, hose cart, supply wagon, and other machines and apparatus of the Fire Department, when driven on any such street in attending any fire or alarm of fire, shall have the right of way. All persons driving vehicles, excepting railway cars, on streets or railways, shall turn out for the fire apparatus in the street and leave a free and unobstructed passage. It shall be the duty of every conductor and engineer on any railway upon the approach of any fire apparatus when proceeding to a fire alarm to immediately stop the railway car until the fire apparatus has passed. (Ord. #3-79, A IX; Ord. #17-95, §1; Ord. #4-00, §1)

3-39 COMPLAINTS, DISCIPLINE.

There shall be a Complaint Board of Review consisting of the presidents of each of the companies. Attendance of at least five (5) of the company presidents, or their designated alternates, at a hearing shall constitute a quorum. The Complaint Board of Review shall be governed by the standard disciplinary policy and procedures as established by the Keyport Fire Department.

All complaints against firemen or fire companies for misconduct in the performance of their or its duties or for other breach of duty or unfitness to be a member of the Fire Department shall be made in writing to the Board of Chiefs and full opportunity shall be given to the member or company complained of to be heard in his/its own defense. Any member or company complained of as above may be suspended by the Chief or such other officer who may then be in supreme command until final action of the Complaint Board of Review. Any member or company suspended from the Fire Department on recommendation of the Complaint Board of Review may appeal such action to the Borough Council, who may expel, disband, further suspend or acquit as a majority of ~~all members of the~~ full membership of the Mayor and Council may decide.

Any complaint or charge shall be acted upon by the Complaint Board of Review within one (1) month of being filed with the Board of Chiefs. Any appeal to the Borough Council shall be acted upon within one (1) month of filing of same with the Borough Clerk.

The Borough Council may at any time for good cause shown, demote any officer of a fire company.

No person who has been expelled or suspended from the Fire Department shall ride on any of the fire apparatus or meddle or interfere in any way with the same nor be present in any Department truck room.

It shall be the duty of the officers of the Department to properly report any violation of this Article to the Chief and that officer shall report it to the Complaint Board of Review who shall examine the charge, and shall take any action it may deem advisable; provided that no penalty other than that provided by this Article shall be imposed. (Ord. #3-79, A X; Ord. #17-95, §1; Ord. #4-00, §1)

3-40 USE OF EQUIPMENT.

3-40.1 Uniform; Badge. Each member of the Fire Department shall obtain a uniform and a badge of a pattern and design approved by the Fire Department, and the ~~Chief~~ Fire Department shall issue an identification card ~~yearly~~ to be carried by each member. The Chief and Assistants and the Captain and Lieutenants of each company shall provide themselves each with suitable badges or emblems of rank, which shall be worn in a conspicuous place when at a fire and going to and returning from it. Each badge shall plainly indicate the office of the wearer (Ord. #3-79, A XI, §1; Ord. #17-95, §1; Ord. #4-00, §1)

3-40.2 Termination of Membership. Upon termination of membership in the Keyport Fire Department all issued equipment and the Department issued identification card must immediately be returned to an authorized representative of the Department. (Ord. #17-95, §1; Ord. #4-00, §1)

3-40.3 Major Fire Apparatus. No fire engine, hook and ladder truck, hose truck or other apparatus shall during any alarm of fire or at any other time under any pretense whatever be taken or removed out of its house unless the Chief, an Assistant Chief, a Captain, a Lieutenant, a Chief Engineer, or a member of the company is present and consents. Nor shall any engine, hook and ladder truck, hose truck or other apparatus be taken out of the limits of the Borough except with the consent of the Chief or an Assistant Chief, or the Mayor, and then only if to be taken out of the Borough for parades, repairs, drills or emergencies. (Ord. #3-79, A XI, §2; New; Ord. #17-95, §1; Ord. #4-00, §1)

3-40.4 Storage Rooms; Water Supplies; Hose. No person except a member of the Fire Department shall enter any room in which is stored or kept any fire engine, hook and ladder truck, hose truck or fire alarm equipment, except when the Borough Council shall authorize it to be used for election purposes, unless by permission of a member of the company. The forgoing provision shall not be construed to apply to the Council, or persons who accompany them by express invitation, or to any law enforcement officer in the proper discharge of his duty. No person shall, at any time, drive a wagon, cart or any vehicle over any ladder, hose or any other fire apparatus, whether belonging to the Fire Department or otherwise. (Ord. #3-79, A XI, §3; Ord. #17-95, §1; Ord. #4-00, §1)

3-40.5 Use of Department Issued Equipment. Fire Department issued equipment is for use only when the Keyport Fire Department is dispatched for firematic emergencies, calls for aid, or other situations where response of the Fire Department is required.

3-41 INTERFERENCE WITH DEPARTMENTAL ACTIVITY PROHIBITED.

No person shall willfully hinder or molest, or attempt to do any violence to an officer or member of the Fire Department while in the performance of his duty at a fire or in going to or returning from a fire, or in charge of a fire engine or other fire apparatus, or while on inspection, parade, or at a drill. No person shall willfully retain in his possession equipment or apparatus belonging to the Fire Department. Any violation of this section shall be punishable pursuant to Section 1-5 of the Revised General Ordinances. (Ord. #3-79, A XII; Ord. #17-95, §1; Ord. #4-00, §1)

3-42 ALLOWANCE FOR EXPENSES.

3-42.1 Active Members. Each active member of the Fire Department in good standing, ~~including the Fire Wardens,~~ shall receive as reimbursement for expenses no less than one hundred and twenty (\$120.00) dollars per member effective January 1, 2000. Any increase deemed appropriate may be enacted by resolution of the Borough Council. Said compensation will be disbursed by the Borough to the Treasurer of the respective company to be distributed pursuant to the rules and regulations of the individual company. (Ord. #3-79, A XIII, §1; Ord. #2-85, 4§; Ord. #17-95, §1)

3-42.2 Chief and Assistant Chiefs. The Chief and Assistant Chiefs shall receive no other compensation for their services than provided in subsection 3-42.1 above, for the other active members of the Department in good and regular standing; except however, that the Borough Council may at any time, by resolution fix a salary or other compensation to be paid to the Chief and Assistant Chiefs. (Ord. #3-79, A XIII, §2; Ord. #17-95, §1; Ord. #4-00, §1)

3-43 COMPANY RULES.

The various companies, ~~including the Company of Fire Wardens,~~ shall each adopt rules and bylaws for its own government, not inconsistent with this Chapter, rules and regulations of the Borough Council and the Laws of this State, and shall submit their rules, and any alterations or amendments, to the Borough Council for its approval before they shall take effect. (Ord. #3-79, A XIV; Ord. #17-95, §1; Ord. #4-00, §1)

3-44 FIRE WARDENS POLICE.

3-44.1 Considered Firemen. The Fire ~~Wardens~~ Police shall also be considered as firemen, and all above provisions for the organization, regulation, registration and compensation of firemen shall apply to the Fire ~~Wardens~~ Police, ~~but their duties shall be limited by subsection 3-44.2 below.~~ (Ord. #3-79, A XV, §1; Ord. #17-95, §1; Ord. #4-00, §1)

3-44.2 Additional Powers and Duties. Every Fire ~~Warden~~ Police Officer when on duty shall wear a badge stating his office. It shall be the duty of the Fire ~~Wardens~~ Police immediately upon the alarm of fire to go to the location of the fire and render any assistance that the Chief or Assistants may direct to prevent the hose or other apparatus from being ~~injured~~ damaged or the work of the firemen interfered with, and to protect public and private property. The ~~Wardens~~ Police shall keep all persons, except those who are members of the Fire Department, or are acting under orders of the Chief or Assistant Chiefs, far enough away from the place of the fire so that there is preservation of the peace and protection of persons and property. They shall promptly arrest and remove to the Borough Jail and prosecute all persons, including firemen or others, who shall be guilty of riotous or disorderly conduct or other violation of State or Municipal law while at the incident scene.

The company of Fire ~~Wardens~~ Police shall be subject to the orders of the Chief and his Assistants. (Ord. #3-79, A XV, §2; Ord. #17-95, §1; Ord. #4-00, §1)

3-45 PENALTIES.

Any member of the Fire Department convicted of a violation of any of the sections of this Article, shall, in addition to any other penalty that might be imposed for such violations, be liable to be expelled as a member of the Fire Department, upon recommendation of the Complaint Board of Review and by majority vote of the full membership of the Mayor and Council, after a hearing, ~~which may~~ Upon request of the affected member, the hearing be public, before the Board or the Mayor and Council may be public, at which hearing the member shall be given an opportunity to be heard in his defense.

Pending action by the Mayor and Council, the Complaint Board of Review shall have the authority to suspend a member for up to ~~sixty~~ (60) ninety (90) days. (Ord. #3-79, A XVI; Ord. #17-95, §1)

3-46 RULES, REGULATIONS, AND GUIDELINES.

The members of the Department shall adopt rules, regulations, and guidelines for the government of the Department; for the response and operation of members and equipment at firematic emergencies, calls for aid, or other situations where response of the Fire Department is required; and for the care and management of the vehicles, equipment, and property of the Department. All rules, regulations, and Guidelines of the Keyport Fire Department shall apply to all articles within this ordinance. The Department shall review the adopted rules, regulations, and guidelines on an annual basis and any changes shall require an affirmative vote of at least five of all seven companies to accept the changes.

SECTION III. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION IV. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: July 5, 2011

Public Hearing: July 19, 2011

Adopted: July 19, 2011

Valerie T. Heilweil, RMC
Borough Clerk
Borough of Keyport

Robert E. McLeod, Mayor
Borough of Keyport