

ORDINANCE # 2-19

ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER III, "POLICE AND FIRE DEPARTMENTS," ARTICLE II, "FIRE DEPARTMENT," TO REFLECT CERTAIN REVISIONS

WHEREAS, the Borough of Keyport (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Borough Code of General Ordinances (the "**Code**") provides for the establishment, organization and regulation of the Borough Fire Department; and

WHEREAS, the Mayor and Borough Council hereby desire to amend Chapter III, "Police and Fire Departments," Article II, "Fire Department," to reflect the following changes (additions are underlined and deletions are in [brackets]):

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

ARTICLE II

FIRE DEPARTMENT

3-30 ESTABLISHMENT.

3-30.1 Creation. There shall be a Fire Department of the Borough of Keyport which shall have jurisdiction coextensive with the municipal boundaries of the Borough. The Fire Department shall consist of the departmental officers of [a] Chief, First Assistant Chief, Second Assistant Chief, and Third Assistant Chief, which shall constitute [constituting a] the Board of Fire Chiefs. There shall also be a departmental secretary, engineer, and a National Fire Incident Reporting System coordinator, who shall be appointed by the Board of Fire Chiefs. [also a company of Fire 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; Ord. #14-11)

3-30.2 Company Organization. The company organization of the Fire Department shall consist of Hook and Ladder Co. No. 1, consisting of twenty-three (23) active persons; Engine Co. No. 1, consisting of twenty-three (23) active persons; Lincoln Hose Co. No. 1, consisting of twenty-eight (28) active persons; Eagle Hose Co. No. 4, consisting of eighteen (18) active persons; Raritan Hose Co. No. 2, consisting of eighteen (18) active persons; Liberty Hose Co. No. 3, consisting of eighteen (18) active persons; and Fire Patrol, consisting of eighteen (18) active 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; Ord. #14-11)

3-30.3 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; Ord. #14-11)

3-30.4 Classification of Membership. Members of the Fire Department of the Borough shall be divided into classifications as follows:

a. Active. An active member shall be one responsible for performing all the duties required of an active firefighter and who shall have met all requirements for full membership. He/she shall have full voting rights as hereinafter set forth.

b. Associate and/or Reserves. An associate and/or reserve member shall be one responsible for performing all the duties required of an active firefighter and who shall have met all requirements for full membership. Associate members shall not have the right to vote or hold line/firematic office.

c. Exempt. Any exempt member is a 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 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; Ord. #14-11)

d. Life Members. 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 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 Membership certificates may be issued to firemen in good standing, provided that they have served twenty-five (25) years in active service. A Life 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 Member shall not be required to maintain the fifty (50%) percent duty requirement. Residency requirements set forth above shall not apply to Life Members who are not on active duty status. (Ord. #3-79, A IV, §6; Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-11)

e. Auxiliary. The several companies may provide for the establishment of auxiliaries. Such auxiliary shall be a subsidiary of and subordinate to the fire company. However, such auxiliary members shall not perform any duties nor have any of the powers of active firefighters.

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. Voting shall be limited to [by an election in which every] active members 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/or in 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 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; Ord. #14-11).

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; Ord. #14-11)

3-31.3 Manner of Election. Each Fire Company shall provide a current roster of all members who are eligible to vote and, if applicable, the name of the [company's] Fire

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] open at 8:00 p.m. and shall [be closed] close at 9:00 p.m. [on the day designated for holding the election], and shall be [conducted] overseen by the Fire Election Committee. This Committee shall consist of the Fire Commissioner or his designee, all of the Ex-Chiefs present, and the Department Secretary. The Committee shall designate one (1) of their members to act as judge of the election and one (1) to act as clerk. 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 so 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 and cast their votes. (Ord. #3-79, A II, §3; New; Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-11)

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] The Borough Council shall canvass the returns and [declare] certify the result. The person having a plurality of the votes cast for Chief shall be confirmed as Chief by the Borough Council, and the persons having a plurality of the votes cast for First, Second, and Third Assistant Chief, respectively, shall also be confirmed. [shall in like manner, be confirmed for those positions, respectively]. From the first day of January next [ensuring] ensuing 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; Ord. #14-11)

3-31.5 Vacancy for Chief and Assistant Chiefs. In the event a vacancy shall occur for Chief or any Assistant Chiefs, the [company] Fire Company of the person so vacating shall have [within] thirty (30) days [the option of] to (a) [placing] place an ex-Chief so eligible in rotation for the remainder of the term;[, or] (b) [promoting] promote present personnel one (1) step, and [filling] fill the lower positions through the next company in rotation at the next regularly scheduled Fire Department meeting; or (c) within thirty (30) days [after the above referenced] following the first thirty (30) day [option expires, conducting] conduct a special election as set forth above. In the case of a vacancy for Third Assistant Chief, the [company] Fire Company of the person so vacating shall have the option, exercised within thirty (30) days, of placing an eligible member in the position to [fill] serve 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; Ord. #14-11)

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; Ord. #14-11)

[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 (1) 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 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; Ord. #14-11)]

[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; Ord. #14-11)]

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 Fire Department approved standard application form. All applicants must sign a "Release of Information" form as adopted by the Fire Department. Each applicant shall be found physically fit to perform the duties of the type of membership being applied for.

b. Confirmation. Upon the applicant's approval by the [company] Fire 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. Any applicant for active membership must be approved by Chief and confirmed by the Borough Council. 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 a member of the Keyport Fire Department every new member shall attend a class in blood borne pathogens and 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 Firefighters] Firefighter 1 Training Course at the Monmouth County Fire Academy or an equivalent, accredited 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; Ord. #14-11)]

3-33.2 Membership Requirements. 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; and
- d. [And meet] Meet one (1) of 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; or
 4. [Or] Must maintain employment within the corporate limits of the Borough of Keyport and work at least 25 hours per week.

Any member of the Fire Department who fails to maintain the requirements of subsection 3-33.2d. above shall immediately cease to be a member of the Fire Department. Any active member seeking to hold the office of Chief Engineer, First or Second Lieutenant, Captain, Assistant Chief or Chief of the Fire Department shall meet the requirements of either subsection 3-33.2d(1), (2), or (3). [above – excluding part 4.]

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] may be stricken from the Fire 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.]

An active member shall not be active in two (2) or more companies of the [Keyport] Fire Department.

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; Ord. #14-11)

3-33.3 Duty Requirements. Each member of the Fire Department shall, in each and every year, perform at least fifty (50%) percent of duty which shall consist of actual attendance and duty at fires and drills. A record shall be kept of this attendance and duty by the Chief and reported to the [municipal officers] Borough Council annually. (Ord. #3-79, A IV, §4; Ord. #17 -95, §1; Ord. #4-00, §1; Ord. #14-11)

[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 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; Ord. #14-11)]

[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 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 Membership certificates may be issued to firemen in good standing, provided that they have served twenty-five (25) years in active service. A Life 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 Member shall not be required to maintain the fifty (50%) percent duty requirement. Residency requirements set forth above shall not apply to Life Members who are not on active duty status. (Ord. #3-79, A IV, §6; Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-11)]

3-33.[6] 4 Company Officers; Records. Each Fire Company shall be under the direction and control of a Captain, First Lieutenant, Second Lieutenant and Chief Engineer, who shall be severally elected by the membership of the Fire Company [companies] to which they respectively belong, as set forth by their respective bylaws. Each company] Fire Company shall elect a Company Secretary, who shall keep a record of the membership of his [company] Fire 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] Fire Company [in which the vacancy shall happen] at the first regular meeting [thereafter] after the vacancy is created, and in accordance with its bylaws. Each [company] Fire Company, whenever a vacancy exists among its officers, shall nominate and elect by a vote of the majority of the members of the Fire Company present 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] Fire Company fail to nominate and elect any officer within thirty (30) days after the vacancy occurs, the Chief may appoint an eligible person from that Fire Company 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; Ord. #14-11)

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.] 40:48-1 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. Membership in a [Volunteer] Fire [Company] Department means (1) membership in a [Volunteer] Fire Department [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; or (3) membership in an auxiliary of a Fire Company.

c. Contents of Application. Any person desiring membership in a [Volunteer] the Fire Department [Company] shall complete in duplicate, filing the same with the [Volunteer] Fire Department [Company], an application the form of which may be prescribed by the [Volunteer] Fire Department [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. Whether applicant has been convicted of a [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 [fled] 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 Department [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 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 if 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 Fire Company President [Captain], the Fire Department Chiefs, and the [Department Application Coordinator] designated individual coordinating the application.

e. Fingerprinting. Fingerprinting of a new member of the Keyport Fire Department shall be conducted [only if] by the Commanding Officer of the Police Department or his designee [of the] Police Department [determines it is necessary based on his initial investigation] as required by subsection 3-33.7d 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 Department [Company] [an Authorized Agency] a Governmental entity as defined in N.J.A.C. 13:59-1.1.

g. Time Limit for Investigation. The above investigation by the Commanding Officer of the Police Department 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; Ord. #14-11)

3-34 CHIEF AND ASSISTANT CHIEFS.

3-34.1 Supervision of Equipment. The Chief shall have general supervision of and examine 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 [direction] 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; Ord. #14-11)

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; Ord. #14-11)

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; Ord. #14-11)

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, [in]flammable, 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; Ord. #14-11)

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 is necessary, and the Chief shall report to the administration of the Borough. [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; Ord. #14-11)

3-34.6 Suspension of Travel. It shall be lawful for the Chief, or such individual empowered with such duties and responsibilities as determined by Section 3:34.3, 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 or empowered person shall deem necessary for the public safety, but no longer. (Ord. #3-79, A V, §6; Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14- 11)

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; Ord. #14-11)

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 Fire Department in going to, working at, or returning from a fire and at all times when the members of the [company] Fire 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] Fire Company under his respective command. He shall preserve order and discipline in the [company] Fire Company at all times when on duty at fires and he shall obey all orders of the [chief] 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; Ord. #14-11)

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 Fire Companies [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] Each of the Lieutenants shall be obeyed accordingly. It shall be the duty of the Chief, [and] Assistant Chiefs, [and of] every Captain, and every Lieutenant to observe faithfully and to enforce strictly all the provisions of this Article. The [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; Ord. #14-11)

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 respective Fire Company [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 Fire Company's [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; Ord. #14-11)

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; Ord. #14-11)

3-38 FIRE POLICE.

3-38.1 Considered Firemen. The Fire 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 Police. (Ord. #3-79, A XV, §1; Oxd. #17-95, §1; Ord. #4-00, §1; Oxd. #14-11)

3-38.2 Additional Powers and Duties. Every Fire Police Officer when on duty shall wear a badge stating his office. It shall be the duty of the Fire Police immediately upon the alarm of fire to go to the location of the fire and render any assistance that the Chief or Assistant Chiefs may direct to prevent the hose or other apparatus from being damaged, the work of the firemen from being interfered with, or to protect public and private property. The Fire 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 all persons, including firemen, who shall act in a riotous or disorderly manner or otherwise are in violation of State or Municipal law while at the incident scene. The company of Fire Police shall be subject to the orders of the Chief and his Assistant Chiefs. (Ord. #3-79, A XV, §2; Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-11)

3-[38] 39 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 shall leave a free and unobstructed passage for any [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; Ord. #14-11)

3-[39] 40 COMPLAINTS, DISCIPLINE.

3-40.1 The members of the Fire Department are required to conduct themselves in a professional manner at all times. Department members regardless of rank shall be subject to disciplinary actions according to the nature or aggravation of the offense for

- a. Violation of these Department Rules and Regulations;
- b. An offense punishable under any Federal or State law or Municipal ordinance;
- c. Negligent or intentional failure or refusal to obey any lawful instruction or command of a superior officer;
- d. Conduct unbecoming of a member that results in a complaint, written or verbal, from any source, including but not limited to, a public official, another company or department officer, or the general public.

Disciplinary action in all cases will be decided on the merits of each case.

3-40.2 Any officer in the member's chain of command may suspend a subordinate for a period not to exceed two (2) weeks.

- a. A member suspended by officers within his chain of command has the right to appeal any suspension according to his company bylaws. Any suspensions shall be immediately reported to the Chief of the Department and to the Board of Chiefs.
- b. A member suspended by any chief officer has the right to appeal in accordance with this Ordinance. The suspended member has seven (7) days to file a written appeal to the Chief.
- c. 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 same nor be present in any Fire Department truck room.

3-40.3 All charges against a member shall presented in writing to an officer within three (3) business days of the complainant's knowledge if the incident or of the occurrence itself. The written charges shall include the time, date location, witnesses, and all information pertinent to the charges.

3-40.4 In all disciplinary matters, the Complaint Board of Review, which shall consist of the presidents of each of the Fire Companies, shall hold hearings with the Chief of the Department as Chairman to preside over such hearings.

Within three (3) business days of receipt of charges, the Fire Chief shall notify the charged member with a written copy of the complaint to be delivered by certified and regular mail. A complaint sent by regular mail shall be deemed to have been delivered unless proven otherwise by the charged member.

- a. The hearing will take place within ten (10) business days of the return receipt to the chairman by the Post Office or delivery receipt to the Fire Chief. The Department Secretary shall record minutes of the proceedings.
- b. The Chief will notify witnesses and participants as to the date, time and location at which the hearing will be held.
- c. At least five (5) of the Fire Company presidents, or their designated alternates, must be present to convene hearings. No member shall serve on the hearing board when a conflict of interest is obvious.

d. Should the charged member accept the charges rendered against him, the Board shall determine the penalties, which shall commence immediately.

e. The charged member has the right to refute the charges against him and may present witnesses to testify on his behalf.

f. After hearing all testimony, the Complaint Board of Review shall immediately meet in private to determine an outcome. Guilt or innocence shall be determined by a simple majority. The Complaint Board of Review shall determine penalties, if any. After determining outcome and penalty assessment, the Board shall immediately reconvene the hearings with the charged member and announce their findings. Any penalties assessed shall commence immediately.

3.40-5 The charged member has the right to appeal any ruling against him.

a. If suspended by company officers, and the member has exhausted the appeals process of his company's bylaws, the member may appeal any charges or penalties against him in writing in the following order:

i. Complaint Board of Review

ii. Full Mayor and Council

Pending action by the Mayor and Council, the Complaint Board of Review shall have the authority to suspend a member for up to ninety (90) days.

3.40-6. The following penalties may be assessed against any member of the Fire Department as disciplinary action

a. Oral Reprimand;

b. Written Reprimand;

c. Suspension;

d. Demotion

e. Severance from the Department.

A member's prior disciplinary history may be considered in determining any penalty. No person dismissed or terminated from any Fire Company shall be eligible for re-admittance as a member of the Fire Department.

[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 A 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 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; Ord. #14-11)]

3-[40] 41 USE OF EQUIPMENT.

3-[40] 41.1 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 Fire Department shall issue an identification card to be carried by each member. The Chief, and Assistant Chiefs, [s and, the] Captains, and Lieutenants of each Fire Company [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; Ord. #14-11)

3-[40] 41.2 Termination of Membership. Upon termination of membership in the [Keyport] Fire Department all issued equipment and the Fire Department issued identification card must immediately be returned to an authorized representative of the Fire Department. (Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-11)

[3-40] 42.3 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; Ord. #14-11)]

3-41.3 Apparatus and Equipment.

a. Ownership and Purchase. The title to ownership of all apparatus, equipment, hose and other property used by the Fire Department shall be vested in the Borough. The Department shall be equipped with such apparatus and other equipment as may be required to maintain its efficiency and properly protect life and property from fire. Recommendations for apparatus and equipment needed shall be made by the Fire Chief to the Borough Council. Purchases of apparatus and equipment shall be made only by the Borough Council at such time and in such manner as the Borough Council determines.

b. Housing Facilities and Maintenance. The Borough Council shall have authority to lease or purchase adequate housing facilities for all municipally-owned fire apparatus, equipment, supplies and furnishings for the Fire Department.

c. Use and Handling. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without authority take away or conceal any article belonging to or used in any way by the department.

d. Removal from Borough. No apparatus is to leave the Borough without the consent of the Fire Chief or the next highest ranking officer available. The officer in charge of the Fire Department shall have the power to assign the equipment for a response to calls for outside assistance and in other cases only when the absence of such equipment in his or her judgment will not jeopardize fire protection in the Borough.

e. Authorized Drivers. Only members of the Fire Department shall be permitted to drive fire apparatus. Each driver must have a driver's license issued by the State of New Jersey and be approved as a driver or operator of the apparatus and must be fully instructed in the use, care and operation of the vehicle of which he or she has charge.

3-[40] 41.4 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 Fire Company [company]. The foregoing provision shall not be construed to apply to the Borough Council members, 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, or in any way move, any ladder, hose or any other fire apparatus, whether belonging to the Fire Department or otherwise without consent of an officer of the Fire Company or the Fire Department. (Ord. #3-79, A XI, §3; Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-11)

3-[40] 41.5 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. (Ord. #14-11)

3-[41] 42 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; Ord. #14-11)

3-[42] 43 [ALLOWANCE FOR EXPENSES] AID TO THE FIRE DEPARTMENT AND FIRE COMPANIES.

3-[42]43.1 Active Members. Each Fire Company [active member company of the Fire Department] in good standing, shall receive as reimbursement for expenses no less than one hundred [twenty] fifty (\$[120]150.00) dollars per active member effective January 1, [2000] 2019. 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 Fire Company [respective company] to be distributed pursuant to the rules and regulations of the Fire Company [individual company]. (Ord. #3-79, A XIII, §1; Ord. #2-85, §4; Ord. #17-95, §1; Ord. #14-11)

3-[42] 43.2 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. The Borough Council may also by resolution fix a salary or other compensation to be paid to the Department Secretary, Department Engineer, and/or NFRS Coordinator. (Ord. #3-79, A XIII, §2; Ord.#17-95, §1; Ord.#4-00, §1; Ord.#14-11)

3-43.3 Subject to limits prescribed by law, each of the Fire Companies shall receive an annual contribution from the Borough. Such payments shall be made for the purpose set forth in N.J.S.A. 40A:14-34 and shall be subject to the provisions contained therein. An operating budget shall be submitted by the Fire Department to the Borough each year for inclusion in the Borough budget.

3-[43] 44 COMPANY RULES. [The various] Each Fire Company [companies,] shall each adopt [rules and] bylaws for its own government, not inconsistent with this Chapter, rules and regulations of the Borough Council, [and] or the Laws of this State. The Fire Companies [and] shall submit their [rules] bylaws, and any alterations or amendments, to the Borough Council for review [for its approval before they shall take effect]. (Ord. #3-79, A XIV; Ord. #17-95, §1; Oxd. #4-00, §1; Ord. #14-11)

[3-44 FIRE POLICE.]

[3-44.1 Considered Firemen. The Fire 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 Police. (Ord. #3-79, A XV, §1; Oxd. #17-95, §1; Ord. #4-00, §1; Oxd. #14-11)

3-44.2 Additional Powers and Duties. Every Fire Police Officer when on duty shall wear a badge stating his office. It shall be the duty of the Fire 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 damaged or the work of the firemen interfered with, and to protect public and private property. The 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 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; Ord. #14-11)]

[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. Upon request of the affected member, the hearing, 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 ninety (90) days. (Ord. #3-79, A XVI; Ord. #17-95, §1; Ord. #14-11)]

3-45 RULES, REGULATIONS, AND GUIDELINES. The members of the Fire Department shall adopt rules, regulations, and guidelines for the government of the Fire 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 Fire Department. All rules, regulations, and [Guidelines] guidelines of the [Keyport] Fire Department shall apply to all Articles within this chapter. The Fire 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 (5) of [all] the seven (7) companies to accept the changes.

3-46 YOUTH AUXILIARY CREATED.

3-46.1 Pursuant to the authority granted by N.J.S.A. 40A:14-95, the council of the Borough of Keyport authorizes the creation of a Junior Firemen's Auxiliary of the Keyport Fire Department for the purposes of developing and creating interest among teenage residents in service on the volunteer fire department; to teach such youth basic fundamentals of fire protection practices; to encourage interest in fire prevention activities; and to render limited nonhazardous assistance to the fire department.

3-46.2 The Junior Firemen's Auxiliary (hereinafter sometimes referred to as the auxiliary) shall consist of up to twenty-five (25) members, but the membership may be increased from time to time by the council by resolution upon request and recommendation of the chief of the Keyport Fire Department (hereinafter sometimes referred to as the chief of the fire department).

3-46.3 The direction, management, supervision, operation and control of the auxiliary shall be the responsibility of the chief of the department with the assistance of the auxiliary advisors committee (hereinafter sometimes referred to as the committee), subject to the rules and regulations of the auxiliary as heretofore adopted by the council as well as relevant State and/or Federal law. The committee shall consist of the chief of the department and certain members of the Keyport Fire Department as determined by the chief and shall serve such term as designated by the chief and shall perform such duties as specified in the ordinance codified in this chapter and as may be delegated to it by the chief of the department.

3-46.4 Membership. An applicant for membership in the Junior Firemen's Auxiliary shall have the following qualifications at the time of his or her application:

- a. Be a citizen of the United States;
- b. Be [between the ages of] aged fourteen (14) [and] through eighteen (18) years;
- c. Be of good physical health, to be evidenced by a medical certification to that effect after taking of a physical examination;
- d. Have the express written consent of his or her parents or guardians authorizing him or her to apply for membership and, if accepted, to participate in the activities of, and perform the duties imposed upon, members of the auxiliary as such activities and duties are delineated in this chapter and the rules and regulations of the auxiliary. The written consent shall be acknowledged and proved in the manner required by law for deeds to real estate to be recorded.

3-46.5 Procedure for application for membership.

- a. The secretary of the Keyport Fire Department shall provide each applicant with a blank application upon request.
- b. Application forms shall be completed and returned to the secretary along with the certification of good physical health (as provided in Section 3-47.4(c), and parents' or guardians' written permission (as provided in Section 3-47.4(d)).

c. Should there be no immediate openings existing for membership, the application shall be placed on file in numerical order by the secretary for future consideration, provided, however, that the certification of good health and the parents' or guardians' consent must bear a date within one month of the date the application is being reconsidered.

d. The completed application, certificate and permission shall be forwarded to the advisory committee, who shall be authorized to approve or reject the application and notify the secretary of its decision. The secretary shall notify all applicants of the decision of the committee.

3-46.6 Activities, duties and responsibilities.

a. Junior firefighters shall be expected to attend all training sessions in each year. For those junior firefighters who are then enrolled in secondary education, they shall not participate in any department activity during those hours when such schools are in session.

b. Junior firefighters shall at all time conduct themselves in a gentlemanly manner becoming a member of the department.

c. Junior firefighters, when responding to a fire, shall obey all traffic rules and regulations. Any member who shall be convicted of any moving violation of the motor vehicle laws of this state while responding to a fire, or function of the department may be subject to suspension by the advisory committee. A second conviction of a moving violation of the motor vehicle laws while responding to a fire, or function of the department may subject the member to dismissal by the action of the advisory committee.

d. Junior firefighters shall not be permitted to enter any burning structure or to engage in any activity while on duty or engage in a function of the auxiliary which would expose the junior auxiliary firefighter to the same degree of hazard as a regular member of the fire department. Activities of junior fighters under 16 years of age shall be limited to (1) attending meetings of the Junior Firemen's Auxiliary; (2) receiving instruction; (3) participating in training that does not involve fire, smoke, toxic or noxious gas, or hazardous materials or substances; and (4) observing firefighting activities, while under supervision.

e. At all times while on duty or while engaging in any activity of the auxiliary, all junior firefighters shall immediately obey any order or direction of the commanding officer of the fire department then on duty. Failure by any member of the junior fighters' auxiliary to obey an order or direction of the commanding officer, or failure to comply with the rules and regulations of the auxiliary or of the fire department as they may apply to the auxiliary, shall result in suspension or dismissal of such member.

3-46.7 Insurance and compensation. All probationary and regular members of the Junior Firemen's Auxiliary shall be covered by such policies of insurance as are now or hereafter put in effect for the protection of the members of the [volunteer fire] Fire [department] Department.

3-47 - 3-60 Reserved

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter III of the Borough Code shall be amended as follows:

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

ARTICLE II

FIRE DEPARTMENT

3-30 ESTABLISHMENT.

3-30.1 Creation. There shall be a Fire Department of the Borough of Keyport which shall have jurisdiction coextensive with the municipal boundaries of the Borough. The Fire Department shall consist of the departmental officers of Chief, First Assistant Chief, Second Assistant Chief, and Third Assistant Chief, which shall constitute the Board of Fire Chiefs. There shall also be a departmental secretary, engineer, and a National Fire Incident Reporting System coordinator, who shall be appointed by the Board of Fire Chiefs. (Ord. #3-79, A I; Ord. #17 -95, § 1; Ord. # 4-00, § 1; Ord. #14-11)

3-30.2 Company Organization. The company organization of the Fire Department shall consist of Hook and Ladder Co. No. 1, consisting of twenty-three (23) active persons; Engine Co. No. 1, consisting of twenty-three (23) active persons; Lincoln Hose Co. No. 1, consisting of twenty-eight (28) active persons; Eagle Hose Co. No. 4, consisting of eighteen (18) active persons; Raritan Hose Co. No. 2, consisting of eighteen (18) active persons; Liberty Hose Co. No. 3, consisting of eighteen (18) active persons; and Fire Patrol, consisting of eighteen (18) active 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; Ord. #14-11)

3-30.3 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; Ord. #14-11)

3-30.4 Classification of Membership. Members of the Fire Department of the Borough shall be divided into classifications as follows:

a. Active. An active member shall be one responsible for performing all the duties required of an active firefighter and who shall have met all requirements for full membership. He/she shall have full voting rights as hereinafter set forth.

b. Associate and/or Reserves. An associate and/or reserve member shall be one responsible for performing all the duties required of an active firefighter and who shall have met all requirements for full membership. Associate members shall not have the right to vote or hold line/firematic office.

c. Exempt. Any exempt member is a 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 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; Ord. #14-11)

d. Life Members. 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 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 Membership certificates may be issued to firemen in good standing, provided that they have served twenty-five (25) years in active service. A Life 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 Member shall not be required to maintain the fifty (50%) percent duty requirement. Residency requirements set forth above shall not apply to Life Members who are not on active duty status. (Ord. #3-79, A IV, §6; Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-11)

e. Auxiliary. The several companies may provide for the establishment of auxiliaries. Such auxiliary shall be a subsidiary of and subordinate to the fire company. However, such auxiliary members shall not perform any duties nor have any of the powers of active firefighters.

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. Voting shall be limited to active members of the Fire Department in good standing. 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/ or in 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 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; Ord. #14-11).

3-31.2 Rotation of Chief. The election of Chief shall be in the following rotation in the 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; Ord. #14-11)

3-31.3 Manner of Election. Each Fire Company shall provide a current roster of all members who are eligible to vote and, if applicable, the name of the Fire 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 open at 8:00 p.m. and shall close at 9:00 p.m., and shall be overseen by the Fire Election Committee. This Committee shall consist of the Fire Commissioner or his designee, all of the Ex-Chiefs present, and the Department Secretary. The Committee shall designate one (1) of their members to act as judge of the election and one (1) to act as clerk. 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 so 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 and cast their votes. (Ord. #3-79, A II, §3; New; Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-11)

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. The Borough Council shall canvass the returns and certify the result. The person having a plurality of the votes cast for Chief shall be confirmed as Chief by the Borough Council, and the persons having a plurality of the votes cast for First, Second, and Third Assistant Chief, respectively, shall also be confirmed. From the first day of January next ensuing 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; Ord. #14-11)

3-31.5 Vacancy for Chief and Assistant Chiefs. In the event a vacancy shall occur for Chief or any Assistant Chiefs, the Fire Company of the person so vacating shall have thirty (30) days to (a) place an ex-Chief so eligible in rotation for the remainder of the term; (b) promote present personnel one (1) step, and fill the lower positions through the next company in rotation at the next regularly scheduled Fire Department meeting; or (c) within thirty (30) days following the first thirty (30) day conduct a special election as set forth above. In the case of a vacancy for Third Assistant Chief, the Fire Company of the person so vacating shall have the option, exercised within thirty (30) days, of placing an eligible member in the position to serve 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; Ord. #14-11)

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; Ord. #14-11)

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 Fire Department approved standard application form. All applicants must sign a "Release of Information" form as adopted by the Fire Department. Each applicant shall be found physically fit to perform the duties of the type of membership being applied for.

b. Confirmation. Upon the applicant's approval by the Fire Company for membership, such applicant shall become a member in good standing of the Department. Any applicant for active membership must be approved by Chief and confirmed by the Borough Council. 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 a member of the Keyport Fire Department every new member shall attend a class in blood borne pathogens and 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 Firefighter 1 Training Course at the Monmouth County Fire Academy or an equivalent, accredited 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.

3-33.2 Membership Requirements. 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; and
- d. Meet one (1) of 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; or
 - 4. Must maintain employment within the corporate limits of the Borough of Keyport and work at least 25 hours per week.

Any member of the Fire Department who fails to maintain the requirements of subsection 3-33.2d. above shall immediately cease to be a member of the Fire Department. Any active member seeking to hold the office of Chief Engineer, First or Second Lieutenant, Captain, Assistant Chief or Chief of the Fire Department shall meet the requirements of either subsection 3-33.2d(1), (2), or (3).

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 may be stricken from the Fire Department rolls by a majority vote of the Borough Council.

An active member shall not be active in two (2) or more companies of the Fire Department.

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; Ord. #14-11)

3-33.3 Duty Requirements. Each member of the Fire Department shall, in each and every year, perform at least fifty (50%) percent of duty which shall consist of actual attendance and duty at fires and drills. A record shall be kept of this attendance and duty by the Chief and reported to the [municipal officers] Borough Council annually. (Ord. #3-79, A IV, §4; Ord. #17 -95, §1; Ord. #4-00, §1; Ord. #14-11)

3-33.4 Company Officers; Records. Each Fire Company shall be under the direction and control of a Captain, First Lieutenant, Second Lieutenant and Chief Engineer, who shall be severally elected by the membership of the Fire Company to which they respectively belong, as set forth by their respective bylaws. Each Fire Company shall elect a Company Secretary, who shall keep a record of the membership of his Fire 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 Fire Company at the first regular meeting after the vacancy is created, and in accordance with its bylaws. Each Fire Company, whenever a vacancy exists among its officers, shall nominate and elect by a vote of the majority of the members of the Fire Company present a qualified person. Should any such Fire Company fail to nominate and elect any officer within thirty (30) days after the vacancy occurs, the Chief may appoint an eligible person from that Fire Company for the vacant position. (Ord. #3-79, A IV, §7; Ord. #17 -95, § 1; Ord. #4-00, § 1; Ord. #14-11)

3-33.5 Disclosure of Information Regarding Applicants for Membership.

a. Authorization. This subsection is enacted pursuant to *N.J.S.A. 40:48-1* which directs municipalities to act for the health, welfare, and safety of its citizens.

b. Membership. Membership in a Fire Department means (1) membership in a Fire Department organized in the Borough of Keyport; (2) membership in a junior fireman's auxiliary established pursuant to *N.J.S.A. 40A:14-95*; or (3) membership in an auxiliary of a Fire Company.

c. Contents of Application. Any person desiring membership in a the Fire Department shall complete in duplicate, filing the same with the Fire Department, an application the form of which may be prescribed by the Fire Department, 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. Whether applicant has been convicted of a violation of *N.J.S.A. 2C:17-1* which includes the following offenses:
 - (a) Aggravated arson;
 - (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 Fire Department 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 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*, *N.J.S.A. 2C:33-3*, any crime involving moral turpitude, or if 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 Fire Company President, the Fire Department Chiefs, and the designated individual coordinating the application.

e. Fingerprinting. Fingerprinting of a new member of the Keyport Fire Department shall be conducted by the Commanding Officer of the Police Department or his designee Police Department as required by subsection 3-33.7d 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 Fire Department a Governmental entity as defined in *N.J.A.C. 13:59-1.1*.

g. Time Limit for Investigation. The above investigation by the Commanding Officer of the Police Department or his designee 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; Ord. #14-11)

3-34 CHIEF AND ASSISTANT CHIEFS.

3-34.1 Supervision of Equipment. The Chief shall have general supervision of and examine 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; Ord. #14-11)

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; Ord. #14-11)

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; Ord. #14-11)

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, flammable, 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; Ord. #14-11)

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 is necessary, and the Chief shall report to the administration of the Borough. (Ord. #3-79, A V, §5; Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-11)

3-34.6 Suspension of Travel. It shall be lawful for the Chief, or such individual empowered with such duties and responsibilities as determined by Section 3:34.3, 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 or empowered person shall deem necessary for the public safety, but no longer. (Ord. #3-79, A V, §6; Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14- 11)

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; Ord. #14-11)

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 Fire Department in going to, working at, or returning from a fire and at all times when the members of the Fire 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 Fire Company under his respective command. He shall preserve order and discipline in the Fire 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; Ord. #14-11)

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 Fire 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. Each of the Lieutenants shall be obeyed accordingly. It shall be the duty of the Chief, Assistant Chiefs, every Captain, and every Lieutenant to observe faithfully and to enforce strictly all the provisions of this Article. 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; Ord. #14-11)

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 respective Fire 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 Fire 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; Ord. #14-11)

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; Ord. #14-11)

3-38 FIRE POLICE.

3-38.1 Considered Firemen. The Fire 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 Police. (Ord. #3-79, A XV, §1; Oxd. #17-95, §1; Ord. #4-00, §1; Oxd. #14-11)

3-38.2 Additional Powers and Duties. Every Fire Police Officer when on duty shall wear a badge stating his office. It shall be the duty of the Fire Police immediately upon the alarm of fire to go to the location of the fire and render any assistance that the Chief or Assistant Chiefs may direct to prevent the hose or other apparatus from being damaged, the work of the firemen from being interfered with, or to protect public and private property. The Fire 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 all persons, including firemen, who shall act in a riotous or disorderly manner or otherwise are in violation of State or Municipal law while at the incident scene. The company of Fire Police shall be subject to the orders of the Chief and his Assistant Chiefs. (Ord. #3-79, A XV, §2; Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-11)

3-39 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 shall leave a free and unobstructed passage for any fire apparatus in the street. 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; Ord. #14-11)

3-40 COMPLAINTS, DISCIPLINE.

3-40.1 The members of the Fire Department are required to conduct themselves in a professional manner at all times. Department members regardless of rank shall be subject to disciplinary actions according to the nature or aggravation of the offense for

- a. Violation of these Department Rules and Regulations;
- b. An offense punishable under any Federal or State law or Municipal ordinance;
- c. Negligent or intentional failure or refusal to obey any lawful instruction or command of a superior officer;
- d. Conduct unbecoming of a member that results in a complaint, written or verbal, from any source, including but not limited to, a public official, another company or department officer, or the general public.

Disciplinary action in all cases will be decided on the merits of each case.

3-40.2 Any officer in the member's chain of command may suspend a subordinate for a period not to exceed two (2) weeks.

- a. A member suspended by officers within his chain of command has the right to appeal any suspension according to his company bylaws. Any suspensions shall be immediately reported to the Chief of the Department and to the Board of Chiefs.

b. A member suspended by any chief officer has the right to appeal in accordance with this Ordinance. The suspended member has seven (7) days to file a written appeal to the Chief.

c. 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 same nor be present in any Fire Department truck room.

3-40.3 All charges against a member shall presented in writing to an officer within three (3) business days of the complainant's knowledge if the incident or of the occurrence itself. The written charges shall include the time, date location, witnesses, and all information pertinent to the charges.

3-40.4 In all disciplinary matters, the Complaint Board of Review, which shall consist of the presidents of each of the Fire Companies, shall hold hearings with the Chief of the Department as Chairman to preside over such hearings.

Within three (3) business days of receipt of charges, the Fire Chief shall notify the charged member with a written copy of the complaint to be delivered by certified and regular mail. A complaint sent by regular mail shall be deemed to have been delivered unless proven otherwise by the charged member.

a. The hearing will take place within ten (10) business days of the return receipt to the chairman by the Post Office or delivery receipt to the Fire Chief. The Department Secretary shall record minutes of the proceedings.

b. The Chief will notify witnesses and participants as to the date, time and location at which the hearing will be held.

c. At least five (5) of the Fire Company presidents, or their designated alternates, must be present to convene hearings. No member shall serve on the hearing board when a conflict of interest is obvious.

d. Should the charged member accept the charges rendered against him, the Board shall determine the penalties, which shall commence immediately.

e. The charged member has the right to refute the charges against him and may present witnesses to testify on his behalf.

f. After hearing all testimony, the Complaint Board of Review shall immediately meet in private to determine an outcome. Guilt or innocence shall be determined by a simple majority. The Complaint Board of Review shall determine penalties, if any. After determining outcome and penalty assessment, the Board shall immediately reconvene the hearings with the charged member and announce their findings. Any penalties assessed shall commence immediately.

3-40.5 The charged member has the right to appeal any ruling against him.

a. If suspended by company officers, and the member has exhausted the appeals process of his company's bylaws, the member may appeal any charges or penalties against him in writing in the following order:

- i. Complaint Board of Review
- ii. Full Mayor and Council

Pending action by the Mayor and Council, the Complaint Board of Review shall have the authority to suspend a member for up to ninety (90) days.

3-40.6. The following penalties may be assessed against any member of the Fire Department as disciplinary action

- a. Oral Reprimand;
- b. Written Reprimand;
- c. Suspension;
- d. Demotion
- e. Severance from the Department.

A member's prior disciplinary history may be considered in determining any penalty. No person dismissed or terminated from any Fire Company shall be eligible for re-admittance as a member of the Fire Department.

3-41 USE OF EQUIPMENT.

3-41.1 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, the Fire Department shall issue an identification card to be carried by each member. The Chief, and Assistant Chiefs, Captains, and Lieutenants of each Fire 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; Ord. #14-11)

3-41.2 Termination of Membership. Upon termination of membership in the Fire Department all issued equipment and the Fire Department issued identification card must immediately be returned to an authorized representative of the Fire Department. (Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-11)

3-41.3 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; Ord. #14-11)]

3-41.4 Apparatus and Equipment.

a. Ownership and Purchase. The title to ownership of all apparatus, equipment, hose and other property used by the Fire Department shall be vested in the Borough. The Department shall be equipped with such apparatus and other equipment as may be required to maintain its efficiency and properly protect life and property from fire. Recommendations for apparatus and equipment needed shall be made by the Fire Chief to the Borough Council. Purchases of apparatus and equipment shall be made only by the Borough Council at such time and in such manner as the Borough Council determines.

b. Housing Facilities and Maintenance. The Borough Council shall have authority to lease or purchase adequate housing facilities for all municipally-owned fire apparatus, equipment, supplies and furnishings for the Fire Department.

c. Use and Handling. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without authority take away or conceal any article belonging to or used in any way by the department.

d. Removal from Borough. No apparatus is to leave the Borough without the consent of the Fire Chief or the next highest ranking officer available. The officer in charge of the Fire Department shall have the power to assign the equipment for a response to calls for outside assistance and in other cases only when the absence of such equipment in his or her judgment will not jeopardize fire protection in the Borough.

e. Authorized Drivers. Only members of the Fire Department shall be permitted to drive fire apparatus. Each driver must have a driver's license issued by the State of New Jersey and be approved as a driver or operator of the apparatus and must be fully instructed in the use, care and operation of the vehicle of which he or she has charge.

3-41.5 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 Fire Company. The foregoing provision shall not be construed to apply to the Borough Council members, 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, or in any way move, any ladder, hose or any other fire apparatus, whether belonging to the Fire Department or otherwise without consent of an officer of the Fire Company or the Fire Department. (Ord. #3-79, A XI, §3; Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-11)

3-41.6 Use of Department Issued Equipment. Fire Department issued equipment is for use only when the Fire Department is dispatched for firematic emergencies, calls for aid, or other situations where response of the Fire Department is required. (Ord. #14-11)

3-42 INTERFERENCE WITH DEPARTMENTAL ACTIVITY PROHIBITED.

No person shall willfully hinder, 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; Ord. #14-11)

3-43 AID TO THE FIRE DEPARTMENT AND FIRE COMPANIES.

3-43.1 Active Members. Each Fire Company in good standing shall receive as reimbursement for expenses no less than one hundred fifty (\$150.00) dollars per active member effective January 1, 2019. 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 Fire Company to be distributed pursuant to the rules and regulations of the Fire Company. (Ord. #3-79, A XIII, §1; Ord. #2-85, §4; Ord. #17-95, §1; Ord. #14-11)

3-43.2 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; however, the Borough Council may at any time, by resolution fix a salary or other compensation to be paid to the Chief and Assistant Chiefs. The Borough Council may also by resolution fix a

salary or other compensation to be paid to the Department Secretary, Department Engineer, and/or NFRS Coordinator. (Ord. #3-79, A XIII, §2; Ord.#17-95, §1; Ord.#4-00, §1; Ord.#14-11)

3-43.3 Subject to limits prescribed by law, each of the Fire Companies shall receive an annual contribution from the Borough. Such payments shall be made for the purpose set forth in *N.J.S.A. 40A:14-34* and shall be subject to the provisions contained therein. An operating budget shall be submitted by the Fire Department to the Borough each year for inclusion in the Borough budget.

3-44 COMPANY RULES.

Each Fire Company shall each adopt bylaws for its own government, not inconsistent with this Chapter, rules and regulations of the Borough Council, or the Laws of this State. The Fire Companies shall submit their bylaws, and any alterations or amendments, to the Borough Council for review. (Ord. #3-79, A XIV; Ord. #17-95, §1; Oxd. #4-00, §1; Ord. #14-11)

3-45 RULES, REGULATIONS, AND GUIDELINES.

The members of the Fire Department shall adopt rules, regulations, and guidelines for the government of the Fire 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 Fire Department. All rules, regulations, and guidelines of the Fire Department shall apply to all Articles within this chapter. The Fire 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 (5) of the seven (7) companies to accept the changes.

3-46 YOUTH AUXILIARY CREATED.

3-46.1 Pursuant to the authority granted by *N.J.S.A. 40A:14-95*, the council of the Borough of Keyport authorizes the creation of a Junior Firemen's Auxiliary of the Keyport Fire Department for the purposes of developing and creating interest among teenage residents in service on the volunteer fire department; to teach such youth basic fundamentals of fire protection practices; to encourage interest in fire prevention activities; and to render limited nonhazardous assistance to the fire department.

3-46.2 The Junior Firemen's Auxiliary (hereinafter sometimes referred to as the auxiliary) shall consist of up to twenty-five (25) members, but the membership may be increased from time to time by the council by resolution upon request and recommendation of the chief of the Keyport Fire Department (hereinafter sometimes referred to as the chief of the fire department).

3-46.3 The direction, management, supervision, operation and control of the auxiliary shall be the responsibility of the chief of the department with the assistance of the auxiliary advisors committee (hereinafter sometimes referred to as the committee), subject to the rules and regulations of the auxiliary as heretofore adopted by the council as well as relevant State and/or Federal law. The committee shall consist of the chief of the department and certain members of the Keyport Fire Department as determined by the chief and shall serve such term as designated by the chief and shall perform such duties as specified in the ordinance codified in this chapter and as may be delegated to it by the chief of the department.

3-46.4 Membership. An applicant for membership in the Junior Firemen's Auxiliary shall have the following qualifications at the time of his or her application:

- a. Be a citizen of the United States;
- b. Be aged fourteen (14) through eighteen (18) years;
- c. Be of good physical health, to be evidenced by a medical certification to that effect after taking of a physical examination;
- d. Have the express written consent of his or her parents or guardians authorizing him or her to apply for membership and, if accepted, to participate in the activities of, and perform the duties imposed upon, members of the auxiliary as such activities and duties are delineated in this chapter and the rules and regulations of the auxiliary. The written consent shall be acknowledged and proved in the manner required by law for deeds to real estate to be recorded.

3-46.5 Procedure for application for membership.

- a. The secretary of the Keyport Fire Department shall provide each applicant with a blank application upon request.
- b. Application forms shall be completed and returned to the secretary along with the certification of good physical health (as provided in Section 3-47.4(c), and parents' or guardians' written permission (as provided in Section 3-47.4(d)).
- c. Should there be no immediate openings existing for membership, the application shall be placed on file in numerical order by the secretary for future consideration, provided, however, that the certification of good health and the parents' or guardians' consent must bear a date within one month of the date the application is being reconsidered.
- d. The completed application, certificate and permission shall be forwarded to the advisory committee, who shall be authorized to approve or reject the application and notify the secretary of its decision. The secretary shall notify all applicants of the decision of the committee.

3-46.6 Activities, duties and responsibilities.

- a. Junior firefighters shall be expected to attend all training sessions in each year. For those junior firefighters who are then enrolled in secondary education, they shall not participate in any department activity during those hours when such schools are in session.
- b. Junior firefighters shall at all time conduct themselves in a gentlemanly manner becoming a member of the department.
- c. Junior firefighters, when responding to a fire, shall obey all traffic rules and regulations. Any member who shall be convicted of any moving violation of the motor vehicle laws of this state while responding to a fire, or function of the department may be subject to suspension by the advisory committee. A second conviction of a moving violation of the motor vehicle laws while responding to a fire, or function of the department may subject the member to dismissal by the action of the advisory committee.
- d. Junior firefighters shall not be permitted to enter any burning structure or to engage in any activity while on duty or engage in a function of the auxiliary which would expose the junior auxiliary firefighter to the same degree of hazard as a regular member of the fire department. Activities of junior fighters under 16 years of age shall be limited to (1) attending meetings of the Junior Firemen's Auxiliary; (2) receiving instruction; (3) participating in training that does not involve fire, smoke, toxic or noxious gas, or

hazardous materials or substances; and (4) observing firefighting activities, while under supervision.

e. At all times while on duty or while engaging in any activity of the auxiliary, all junior firefighters shall immediately obey any order or direction of the commanding officer of the fire department then on duty. Failure by any member of the junior fighters' auxiliary to obey an order or direction of the commanding officer, or failure to comply with the rules and regulations of the auxiliary or of the fire department as they may apply to the auxiliary, shall result in suspension or dismissal of such member.

3-46.7 Insurance and compensation. All probationary and regular members of the Junior Firemen's Auxiliary shall be covered by such policies of insurance as are now or hereafter put in effect for the protection of the members of the Fire Department.


3-47 - 3-60 Reserved

Section 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. 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 5. This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Introduced: January 15, 2019
Public Hearing: February 5, 2019
Adopted: February 5, 2019



Valerie T. Heilweil, RMC, CMR
Borough Clerk
Borough of Keyport



Collette J. Kennedy, Mayor
Borough of Keyport