

BOROUGH OF BERGENFIELD
Ordinance No. 18-2534

AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "FIRE DEPARTMENT"

WHEREAS, Chapter 17 of the Code of the Borough of Bergenfield sets forth all regulations regarding the Fire Department within the Borough of Bergenfield; and,

BE IT ORDAINED, by the Mayor and Council of the Borough of Bergenfield, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Sec. 17-18. Regulation and control.

The Fire Department shall be and is at all times under the control and supervision and subject to the orders of the Mayor and the Borough Council, except at a fire scene, drill or disaster, at which time the Fire Chief or other superior officer in charge shall have complete control and supervision of the Fire Department.

A. Fire Committee; appointment and duties.

- (1) At the time of the annual organization of the Borough Council, the Mayor and Council shall appoint a Fire Committee from the Council, consisting of three members. One of these shall be designated as Chairman by the Mayor and Council.
- (2) The Fire Committee shall have full and complete control over and direction of the equipment and personnel of the Fire Department, except at fires or otherwise on duty.
- (3) It shall be the duty of the Chairman of the Committee to report at each meeting of the Borough Council on the activities of the Fire Department and to make recommendations for the general efficiency and welfare of the Department.
- (4) The Fire Chief shall make monthly reports to the Chairman of the Fire Committee.

B. Establishment of Board of Fire Officers; duties.

- (1) A Board of Fire Officers is hereby established to assist the Fire Committee in its work. It shall consist of the officers of the Fire Department, the officers of its respective companies and the officer(s) of the career members. The members of the Fire Committee shall be ex-officio members of the Board, but shall have no power to vote.

(2) The Board of Fire Officers shall meet at such times as the Board shall designate to transact the business of the Department, and shall administer a code of best practices, policies and procedures adopted by the Fire Department for the control and management of the Department. The best practices, policies and procedures shall not conflict with any municipal ordinance.

Sec.17-19. Composition. [Amended 7-16-1985 by Ord. No. 2011]

- A. The Fire Department shall consist of a Chief and two Deputy Chiefs, and as many paid and volunteer fire fighters as hereinafter approved.
- B. Each company shall have one captain and at least one, but not more than two lieutenants as line officers and shall consist of not more than 30 members. Additionally, acting officers or crew supervisors maybe appointed at the discretion of the Chief or Deputy Chiefs. Crew supervisors shall meet the requirements of § 17-20a Subsection C (1) (b).
- C. The companies of the Fire Department shall be known and designated as "Alert Fire Co. No. 1," "Bergenfield Fire Co. No. 2," "Prospect Fire Co. No. 1," "Career Members" and any other companies which may subsequently be confirmed by the Mayor and Council.

Sec. 17-20a. Volunteer membership.

A. Application.

(1) A candidate for membership shall be: **[Amended 9-6-1983 by Ord. No. 1193]**

- (a) Over the age of 18 years.
- (b) A citizen of the United States.
- (c) A resident of the Borough or a contiguous municipality.

(2) Every candidate for membership, before their application is acted on, shall present to the secretary of the fire company a certificate from a licensed physician attesting to the candidate's good health, physical condition and ability to perform the duties ordinarily required of firefighters. The certificate shall accompany the application for membership to any company of the Department, and, together with the application for membership, shall be filed with the secretary of the fire company to which the application is made.

B. Qualifications for membership.

- (1) Membership in volunteer fire companies shall be open to all persons who are able to perform the duties of volunteer firefighters without discrimination on the basis of an applicant's race, creed, color, sex, age, national origin, ancestry, marital status or physical handicap.
- (2) The Department shall establish objective qualifications for membership, which shall relate directly and solely to the physical and technical ability and character fitness of an applicant to perform the vocational duties of a volunteer firefighter.
- (3) Each company shall submit a notice to the Borough Clerk which shall include the company's name, address, the names of its officers and members and the dates of its regular organization meetings. The notice shall be posted by the Clerk forthwith.
- (4) The Department shall supply the Borough Clerk with application packets and the Clerk shall distribute them on written request or on personal request made during normal business hours. The packet shall state that applications may be filed either by personal delivery or by sending them by mail to the secretary or other designated officer of the fire company, whose mailing address shall either appear in the application packet or be available from the Borough Clerk.
- (5) The secretary, or other officer designated to receive applications, shall date each application with the time of receipt and shall number the application according to its order of receipt relative to other applications. He/she shall promptly send a letter or postcard to each applicant stating the number of his application and the date and time it was received.
- (6) Each company shall establish a membership committee consisting of not more than 15 members which shall be solely responsible for evaluating and ruling upon applications for membership. It shall, within 60 days of receipt of an application by the company, make a report to the company as to whether or not the applicant qualifies for membership. Its decision shall be binding on the company, and no vote of the membership shall be conducted on the issue of whether an applicant shall be admitted to membership.
- (7) Applicants reported by the investigating committee to be qualified for membership shall be admitted in the order in which their applications were received as set forth in Subsection B(3)

as soon as vacancies exist. If at any time the number of applicants found to be qualified exceeds the number of current vacancies, a waiting list shall be established according to the order in which the applications were received, and, upon the occurrence of vacancies, appointments shall be made therefrom in that same order.

- (8) If the membership committee determines that an applicant does not meet the minimum requirements for membership, the company's secretary shall promptly advise the applicant in writing of the rejection and the qualifications, described with particularity, which he has not substantially met.
- (9) Any company may require newly accepted applicants to serve a probationary period of one year. During such probationary period, and at the conclusion thereof, each active member serving a probationary period shall be evaluated solely by the officers of the company who supervise him/her in the performance of his/her duty based on performance criteria established and maintained by the department. They may cause the dismissal of any active member serving a probationary period only for failure to perform the established duties of an active member serving a probationary period in a reasonably satisfactory manner, or other good cause, and may do so by notifying the active member serving the probationary period in writing of his/her dismissal and the particular reasons. **[Amended 12-19-1989 by Ord. No. 2073; 2-6-1990 by Ord. No. 2076]**
- (10) At the end of the probationary period, the supervising officers shall determine whether or not the active member serving the probationary period has satisfactorily performed the duties of an active member serving a probationary period. If he/she has, the officers shall promptly report to the membership that the active member serving the probationary period has successfully completed the probationary period. If he/she has not, the company shall promptly notify the active member serving a probationary period in writing of their dismissal and the particular reasons. No vote of the membership shall be conducted on the issue of whether any active member serving a probationary period shall continue as an active member serving a probationary period. **[Amended 12-19-1989 by Ord. No. 2073; 2-6-1990 by Ord. No. 2076]**
- (11) Any fire company, may, in its discretion, provide an intracompany means for appealing rejections from applications for membership or dismissals from membership.

(12) Any of the above qualifications for membership, with the exception of the requirement of a physical examination, may upon recommendation of the full Board of Fire Officers, and upon application to the governing body be waived by the Mayor and Council on an individual basis. **[Added 12-19-1989 by Ord. No. 2073]**

C. Company line officers.

- (1) No firefighter shall be eligible for election as a company line officer until:
 - (a) Has completed three years as a volunteer firefighter with the Bergenfield Fire Department.
 - (b) Has completed the following training:
 1. Firefighter 1 as recognized by the Division of Fire Safety.
 2. Firefighter 2 as recognized by the Division of Fire Safety.
 3. Incident Management level 2 (IML2)
 4. National Incident Management System (NIMS) I700
 5. Building Construction for Company Officers or equivalent.
- (2) Any member who desires to be a candidate for any officer position, shall possess and provide the required documentation to Eligibility Committee by September 1 of the current year to qualify for election possess for the following year. For 2018, required documentation to be provided by October 1st. The Eligibility Committee shall be composed of each fire company lieutenant(s) and one additional member from each fire company appointed by the individual company president. This list shall be maintained and reviewed on an annual basis by the Board of Fire Officers.

D. Reinstatement.

- (1) A former member of the Bergenfield Fire Department who has resigned from the Department may be reinstated, provided such member has served for seven years or more with the Bergenfield Fire Department and has gained exempt status and received a qualifying certificate from the New Jersey State Firemen's Association. However, any former member of the Bergenfield Fire Department who has served for seven years or more shall not be disqualified from being reinstated if such member is unable to obtain a qualifying certificate as set forth above because of being over the legal

age limit established by the New Jersey State Firemen's Association.

(2) A former member admitted under the rules and regulations who has not served the required seven years in the Fire Department may be reinstated within one year from the date of his severance from the Department, regardless of age.

(3) All applications for reinstatement shall be accompanied by a certificate from a physician designated by the Department, if requested, showing a recent physical examination certifying good health, sound physical condition and ability to perform the duties ordinarily required of a fire fighter. No applicant shall be reinstated unless his application has been approved in the same manner as provided in Subsection B pertaining to new applications.

(4) No firefighter who is on leave of absence for reasons of health shall be reinstated to active duty unless he/she presents a certificate from a physician showing that he/she is physically able to perform the required duties.

E. Suspension or removal; appeal.

(1) Any member of the Fire Department who in any year has not been present with apparatus and performed full duty at 25% of the fires and fire alarms to which the companies or Department were called to and 25% of the drills, shall upon written notice from the Board of Fire Officers cease to be a member of the company or Department. The fire officers may, upon good and sufficient reason for such absence, however, excuse the same.

(2) Formal charges of misdemeanor or unbecoming conduct, which may result in the suspension or the removal of any officer or firefighter of the Department may be preferred in writing to the Fire Board. An appeal may be taken to the Mayor and the Council within 30 days from the rendering of a decision by the Fire Board. The decision of the Mayor and Council shall be final.

F. Membership roll. It shall be the duty of the Borough Clerk to keep a complete roll of active and exempt members of the Fire Department designating the date of admission, residence, resignation and the respective companies to which they belong. Copies shall be forwarded to the Chief of the Fire Department for the Bergenfield Fire Department files, to the Exempt Association and the Relief Association.

G. Election of company officers. The annual election of captains and

lieutenants of the companies shall be held by each company separately. Each company shall elect its own officers. Elections shall be regulated and governed as to time, mode and manner of conducting them by company bylaws.

- H. **Non-Suppression Membership.** An individual may make application to an individual fire company or the department in a non-suppression classification. Said members shall not qualify for LOSAP or clothing allowance. Duties and responsibilities shall advance and aid the mission of the Bergenfield Fire Department. They shall follow the rules set forth in the policy and procedures manual of the department.

Sec. 17-20b. Career membership.

- A. The career staff shall consist of as many officers and firefighters as hereinafter approved.
- B. Qualifications for membership.
 - (a) Over the age of 18.
 - (b) A citizen of the United States.
 - (c) Possess a high school diploma or equivalent.
 - (d) Shall be physically fit to perform the duties of a firefighter, such fitness to be evidenced by a certificate to that effect from a physician duly licensed to practice in the State of New Jersey.
 - (e) Candidates must meet those requirements and qualifications for the entry-level position specified in Civil Service Law, rules and regulations.
 - (f) Pass a psychological exam administered by a Borough approved vendor.
- C. Probationary Period.
 - (a) The probationary period shall be a minimum of one year.
 - (b) The following training shall be completed:
 - 1. Firefighter 1 as recognized by the NJ Division of Fire Safety.
 - 2. Firefighter 2 as recognized by the NJ Division of Fire Safety.
 - 3. National Incident Management System (NIMS) I700
- D. Career members shall be subject to all ordinances, regulations, and rules applicable to members of the Bergenfield Fire Department and shall work under the rules promulgated by the Career officer and Borough Administrator.
- E. The career members shall follow the National Incident Management System and the organizational structure of the Bergenfield Fire Department at the scene of fires, similar incidents or other firematic assignments.
- F. The members shall be responsible for fire inspections under the supervision of the Fire Official or their designee.

Sec. 17-21. Chief; Deputy Chiefs.

- A. Nomination; election. The Chief, and Deputy Chiefs, shall be nominated and elected for the term, at the time, and in the manner provided in this subsection.
- (1) The Chief and two Deputy Chiefs shall be elected by the members of the Department at an election to be held at the December Department meeting or as soon thereafter as practical.
 - (2) Nomination for Chief and two Deputy Chiefs shall be made at the December meeting. No company shall be allowed to have more than two of its members serve as chief officers if there are no other qualified candidates.
 - (3) If two members are nominated from the same fire company for the office of Chief or Deputy Chief both members shall be permitted to take the offices they were nominated for; provided the following:
 - (a) Both members are qualified for the positions they are nominated for.
 - (b) No other members from the remaining fire companies have qualified members to run.
 - (c) No other members from the remaining fire companies have nominated a member for the position.
 - (4) No one shall be nominated or elected to the office of Chief unless he/she shall have held the office of Chief or Deputy Chief for a one-year term served during the previous six-year period.
 - (5) No one shall be eligible to hold the office of Deputy Chief unless prior thereto he/she shall have held the rank of captain for a period of not less than one year and has completed the schooling and certification requirements set forth in Sec. 17-18 and completed the following training:
 - (a) Incident Management Level 3 (IML3)
 - (b) Hazmat Incident Commander
 - (c) IS800 National Response Framework
 - (d) IS701 Multi Agency Coordination
 - (e) Possess the Fire Officer 1 certification as recognized by the NJ Division of Fire Safety.
 - (f) Possess the Incident Safety Officer certification as recognized by the NJ Division of Fire Safety.
 - (6) The president or vice president of each company shall act as judges at the designated place and time of election of Chief

and Deputy Chiefs.

- (7) In the event of the death, disqualification or resignation of the Chief prior to taking office, the department shall call a special election to elect a qualified candidate for the office of Chief.
- (8) In the event of death, disqualification or resignation of the Chief after taking office, the office of Chief shall be filled by the 1st Deputy Chief. A special department meeting shall be called to elect a new Deputy Chief to be held for the balance of the term.
- (9) In the event of the death, disqualification or resignation of a Deputy Chief prior to or after taking office the members of the department shall immediately hold a meeting and nominate a replacement candidate. The candidate having the majority of the votes cast at such a special meeting shall be elected.

B. Term of office. The term of Chief and two Deputy Chiefs shall commence by taking the oath of office on January 1st of each year and terminate on the day when the new Chiefs take oath of office.

C. Removal. In order to disqualify the Chief or Deputy Chiefs, a special Department meeting shall immediately be called. In order to call a special meeting, a written letter on Department stationery with four signatures of active members from each company shall be required, and in order to hold the special meeting, a quorum of 50% of the active members shall be present. Any charges of disqualification against any officer involved shall then be heard and acted on by the Department. The results of the meeting shall be referred to the Board of Fire Officers and the Chairperson of the Fire Committee.

D. Duties. The Chief shall have complete and full direction of the equipment and personnel of the Department at all fires or when otherwise on duty. In the absence of the Chief, the seniority indicated in the official titles shall obtain.

Sec. 17-22. Exemption certificates.

- A. Exemption certificates will be granted to those members of the Fire Department who have served the time prescribed by law. Members will not be granted exemption certificates unless they have served the required time and have also performed the yearly fire duty required of them for a period equal in years to the number of years required by the laws of the State of New Jersey before exemption will be granted.
- B. Certificates will be ordered by the Mayor and Council upon recommendation of the Chairman of the Fire Committee and the Fire Chief, and will be signed by the Mayor, the Chairman of the Fire

Committee and the Fire Chief, attested by the Borough Clerk. The time served and the average of membership must be certified by the captain of the company and the Fire Chief, and approved by the Chairman of the fire company.

Sec. 17-23. Departmental equipment.

No apparatus shall be taken out of the limits of the Borough for the purpose of attending a parade or a fire convention without first obtaining permission of the Fire Chief or the Fire Department officer in command in the Chief's absence, or the Borough Administrator or Chairman of the Fire Committee. Permission shall not be needed for purposes of existing mutual aid agreements and conformance with the State Deployment Act.

Sec. 17-24. Inspection.

There shall be one annual official inspection of the Fire Department by the Mayor and Council held on Memorial Day of each year.

Sec. 17-25. Regulations.

No person shall:

- A. Drive any vehicle over any hose or other apparatus.
- B. Wilfully handle and do violence to any member of the Fire Department, or any Borough official in the performance of his duty, at a fire or when he is in charge of any apparatus.
- C. Raise, create or continue a false fire alarm.

**Sec. 17-27. Bergenfield Junior Firefighter's Association
[Added 3-1-1988 by Ord. No. 2039]**

- A. Pursuant to N.J.S.A. 40A:14-95 et seq., there is hereby established in the Borough of Bergenfield an Jr. Fire Department of the Borough of Bergenfield to be known as the Bergenfield Junior Firefighter's Association, hereinafter referred to as the "organization."
- B. Purpose of the organization. The purpose of this organization shall be as follows:
 - (1) To augment the Bergenfield Fire Department.
 - (2) To relieve regular firefighters for more hazardous duties.
 - (3) Members are to be trained as future replacements for the regular, uniformed Fire Department.

C. Organization.

- (1) The Junior Firefighter's Association shall consist of no more than 20 members.
- (2) The organization shall be directed by three liaison officers who shall be members of the regular Bergenfield Fire Department and be classified as either present or former firematic officers of said Department. Said officers are to be appointed by the Chief of the Bergenfield Fire Department.
- (3) The rules and regulations governing the organization are to be established by the Board of Fire Officers after submission to and approval by the Mayor and Council of the Borough of Bergenfield.

D. Qualifications for membership. The qualifications for membership in the Bergenfield Junior Firefighter's Association shall be as follows:

- (1) Each member shall be between the ages of 16 and 18 years.
- (2) Each member shall be a resident of the Borough of Bergenfield or a contiguous municipality.
- (3) Each member shall pass a physical examination, identical to that required for acceptance by the regular uniformed force of the Fire Department. The cost of the examination shall be borne by the Borough of Bergenfield.
- (4) Each member of the organization shall be required to obtain permission from his or her parents or guardian pursuant to N.J.S.A. 40A:14-96. Said permission shall be in writing, in the presence of one of the liaison officers and acknowledged by a notary public or attorney of the State of New Jersey.

E. Rules and regulations. Pursuant to N.J.S.A. 40A:14-98, the Mayor and Council of the Borough of Bergenfield hereby establishes the following rules and regulations to govern the activities of the Junior Firefighter's Association.

- (1) No junior firefighter shall be required to perform duties which would expose said junior fireman to the same degree of

hazard as a regular member of a Volunteer Fire Department. More specifically, no junior firefighter shall enter a burning structure or hazardous area until said area is declared safe by the Bergenfield Fire Department.

- (2) Fire training for the Junior Firefighter's Association shall be in such form and in such frequency as shall be ordered by the Board of Fire Officers, which is hereby empowered to supervise, regulate and control the training of the Junior Firefighter's Association subject to the limitations imposed by law.
 - (3) The Junior Firefighter's Association shall assist the Fire Department at alarms. They shall attend their assigned company drills every month, in addition to attending normal drills, meetings, cleanups and inspections.
 - (4) When traveling on a fire apparatus of any kind, the junior firefighter must be seated and properly restrained on said vehicle.
 - (5) All members of the Junior Firefighter's Association shall be subject to the rules and regulations of the Bergenfield Fire Department, and for these purposes said rules and regulations of the Bergenfield Fire Department are hereby adopted and published as rules and regulations of the Junior Firefighter's Association.
 - (6) Applications for membership in the Bergenfield Junior Firefighter's Association shall be made on approved forms, as prescribed by the Board of Fire Officers of the Bergenfield Fire Department. The Department shall supply the Borough Clerk with application packets and the Clerk shall distribute them on written request or on personal request made during normal business hours. Completed application packets shall be submitted to one of the liaisons of the Junior Firefighter's Association. The Board of Fire Officers shall act on all applications within 30 days of their receipt. Applicants passed by the Board of Fire Officers and approved by the Mayor and Council shall immediately be placed on the membership rolls.
 - (7) Violations. Any member of the Junior Firefighter's Association who shall violate the rules and regulations of the Fire Department shall be subject to disciplinary proceedings before the Board of Fire Officers in such manner and form as they shall establish for these purposes.
- F. Insurance coverage. Members of the Bergenfield Junior Firefighter's Association shall be insured with the same coverage

and with the same amount as members of the regular Bergenfield Fire Department.

- G. Reports. Reports on the activities of the organization shall be submitted by the Chief's appointed representatives at least every six months. Said reports shall be submitted to the Board of Fire Officers and the Mayor and Council.
- H. Responsibility. Association members are subject to the chain of command and rules and regulations of the fire company to which they have been assigned.

Severability. All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the _____ day of _____, 2018 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the _____ day of _____, 2018 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.

Borough Clerk