

**BOROUGH OF UNION BEACH**

**ORDINANCE NO. 2021-298**

AN ORDINANCE AMENDING CHAPTER II, ADMINISTRATION

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth and State of New Jersey that Chapter II, Administration of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows:

Purpose:

The Purpose of this Ordinance is to Amend and/or Supplement the Revised General Ordinances of the Borough of Union Beach, Chapter II, Administration

Re: Amend Various Sections of Chapter 2-7, Fire Department

**§ 2-7 FIRE DEPARTMENT.**

**[Ord. #270; Ord. #396; Ord. #588; Ord. #696; Ord. #98-785; Ord. #2008-114]**

[Whenever used herein, a pronoun in the masculine gender shall be considered as including the feminine gender unless the context clearly indicates otherwise.]

**§ 2-7.1 Composition of Fire Department.**

The fire department of the borough shall consist of all volunteer fire companies presently organized and located within the borough being the Union Beach Fire Company, No. 1; Union Hose Company, No. 1; Union Gardens Chemical Fire Engine Company, No. 1; and Harris Gardens Fire Company, which companies shall continue to operate under the Laws of the State of New Jersey and in accordance with their present charters, constitutions and by-laws and as the same may be amended from time to time not inconsistent with this section. Any volunteer fire company which may hereafter be organized within the borough having an active membership of not less than 25 members at the time of application for membership in the fire department, may, after approval by the borough council become a member of the fire department. No such approval, however, shall be granted unless a report and a recommendation for approval shall be made by the board of fire commissioners.

Establishment of a junior firemen's auxiliary which shall consist of qualified members who are 16 and 17 years of age is hereby authorized. The fire department may establish same and thereafter shall promulgate rules, regulations and by-laws governing the composition, duties and makeup of the junior firemen's auxiliary which shall comply with the New Jersey Child Labor Law (N.J.S.A. 34:2-2-21.17). The fire department shall make certain that the members of this organization are covered by accident, sickness and workers compensation insurance. If all said insurance coverages are not in force and effect, then the activities of members of the organization shall immediately cease until such coverage is provided.

**§ 2-7.2 Board of Fire Commissioners.**

A board of fire commissioners shall be organized within the fire department and shall consist of three representatives from each of the constituent fire companies. Each representative must be a member of said volunteer fire company

Members of the fire committee of the borough council (not to exceed three members designated by the borough council from among council members) shall be ex-officio members of the board of fire commissioners.

The purpose of the board of fire commissioners is to act as the coordinating unit of the fire department and to be responsible for administrative supervision of the fire department and shall relate to the efficiency, operation, and direction of the fire department. They shall make recommendations from time to time to the borough council for the improvement and betterment of the fire department, as well as recommendations for the public good and general welfare.

The structure and organization of the board of fire commissioners shall be as follows:

- a. Officers. The officers shall consist of a president, vice president, secretary and treasurer and they shall serve for a term of one year.
- b. Elections. Officers shall be elected annually during the first meeting of the board of fire commissioners in January of each year. Voting shall be by secret ballot or an open showing of hands, the method to be decided upon by the board of fire commissioners.
- c. Duties of Officers.
  1. The president shall preside at all meetings and be responsible for the conduct thereof. He shall call a special meeting of the board of fire commissioners at the request of not less than three member companies.
  2. The vice president shall perform the duties of the president in the event of the president's absence.
  3. The secretary shall keep an accurate attendance roll of all meetings and functions and a true record of all proceedings of all meetings. He shall be the custodian and recipient of all correspondence or documents pertaining to the board of fire commissioners. He shall notify all members of the date, time and place of meetings and functions.
  4. The treasurer shall be responsible for keeping accurate records and account for all receipts and disbursements. He shall not disburse any funds of the board of fire commissioners unless authorized by a majority vote of the members present, and by a check bearing his signature and countersigned by the president or vice president. All funds are to be divided evenly by all member companies.
- d. Duties of Members. Each member of the board of fire commissioners shall attend all

meetings of the commissioners council thereof and perform all duties designated to him. In the event a member is absent from three consecutive meetings, the president shall request the company to which such delinquent member belongs to replace such member with another representative.

- e. The board of fire commissioners may adopt such other rules and regulations for its government not inconsistent with this ordinance or any of the fire companies by-laws.
- f. The quorum of the board of fire commissioners shall consist of one member from each company for all matters, except a hearing, as defined above in subsection 2-7.3 e, in which case the quorum shall control.

**§ 2-7.3 Officers of the Fire Department.**  
**[Ord. #270, § 1]**

- a. The officers of the fire department shall consist of a chief and one (1) assistant chief.

Each constituent fire company shall have a captain, first lieutenant, second lieutenant and such other officers as each company deems necessary for its efficient and proper operation.

All members of the fire companies as now constituted may continue as members. Each new member of the fire department must be a resident of the Borough of Union Beach, or be a resident of either the Borough of Keyport, Borough of Keansburg or the Township of Hazlet. Proof of residency may be required by the board of fire commissioners. Each new member of the fire department and of the constituent fire companies shall each be at least 18 years of age, a citizen of the United States, in good health and physical condition and successfully pass a physical and mental examination by a qualified physician.

Any person desiring membership in a volunteer fire company shall complete in duplicate, filing the same with the volunteer fire company, an application the form of which may be prescribed by the volunteer fire company, but which shall contain the following information about the applicant:

- 1. Name.
- 2. Home address.
- 3. Birth date.
- 4. Social Security Number.
- 5. Driver's License Number.
- 6. Any conviction of violation of N.J.S. 2C:17-1.

- (a) Aggravated arson, or
- (b) Arson, or
- (c) Failure to control or report dangerous fire, or
- (d) Directly or indirectly pays or accepts any form of consideration for the purpose of starting a fire or explosion.
- (e) Any conviction of violation of N.J.S. 2C:33-3 False Public Alarms, or
- (f) Any conviction of a crime or disorderly persons violation, or
- (g) Such other information as the volunteer fire company deems relevant to the application provided none of such information is prohibited by law.

Following the filing of such application the volunteer fire company shall transmit a copy of the application to the chief of police of the Borough of Union Beach 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 he deems necessary for the protection of the public good. If as the result of such investigation, the applicant is found to have been convicted of violation of N.J.S. 2C:17-1 a, b, c, or/and d or N.J.S. 2C:33-2 or any other crime or disorderly persons violation or any other information that would indicate the applicant may be a threat to the health, safety or welfare of the community, the chief of police shall report such information and the particulars thereof to the volunteer fire company.

In connection with said investigation, the applicant shall submit to fingerprinting, and the chief of police is authorized to submit applicant's fingerprint card and receive State Criminal History Record information for the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered under this paragraph.

The above investigation by the chief of police shall be completed within 30 days of receipt of the application and the fingerprinting of applicant.

- b. Beginning in 2021, each year the department will elect an incoming assistant chief for the following calendar year who will serve for one (1) year and transition to department chief the following year, also for a term of one (1) year. Interested and eligible candidates for the office of assistant chief must submit a letter of interest and resume to the Board of Fire Commissioners by June 1<sup>st</sup> of the preceding year. Any ex-chief of the department applying for the office of assistant chief must have a minimum break in service from his/her last completion of the office of department chief of two (2) full years before assuming a term as assistant chief. Upon receipt of a candidate's application for assistant chief, the president of the Board of Fire Commissioners shall present the application to the Chiefs Selection Committee within three (3) days. The Chiefs Selection Committee shall be comprised of

the last three (3) department chiefs, including the current department chief. The Chiefs Selection Committee will review each application for accuracy and determine if the candidate meets eligibility requirements. The fire department will hold its annual assistant chief election at the department meeting held during the month of September each year. The Chiefs Selection Committee chairperson will announce all eligible candidates for the position of assistant chief. Election to the position will be by receiving the most votes of eligible active members present at the meeting. Voting will be by secret ballot tabulated openly by the members of the Board of Fire Commissioners at the meeting. If there is a tie for most votes between two (2) or more candidates, the remaining candidates receiving less votes will drop out and be excluded from the next ballot. This procedure will continue until one (1) candidate receives the most votes of the eligible active members present at the meeting. If no candidates have been presented to the members of the department at the September meeting, an eligible active member of the department may be nominated from the floor. A special department meeting will be called for a new election once all required documents and proof of eligibility of the candidate/candidates nominated from the floor have been received/reviewed by the Chiefs Selection Committee.

- c. The company whose turn it is to select the various officers as indicated above in paragraph a shall submit the name of one of its members for the particular office to the board of fire commissioners following the last company meeting in December of the year preceding the year in which they are to hold office. Upon receipt of the nominees by the board of fire commissioners for the various offices, the board of fire commissioners shall, on or before December 31, submit the list of officers to the mayor and council so that the same may be sworn into office at the Reorganization Meeting of the mayor and council. They shall hold office from January 1 to December 31 unless they sooner resign or are, for any reason, replaced. During their term of office they shall at all times be residents of the borough.
- d. In the event of the death, resignation, incapacity, or removal of any of the above officers, the fire company which originally nominated such officer, shall appoint a qualified member from its company to serve the unexpired term of said officer or officers.
- e. In the event the chief and/or assistant chief fail to perform his/her duties and complaint is made with respect thereto, such complaint must be made, in writing, to the board of fire commissioners. The board of fire commissioners, after a hearing on the complaint, shall have the power to reprimand, suspend or remove from office the chief or assistant chief of this department by a majority vote of the quorum; at least two members from each fire company of the board of fire commissioners shall constitute a quorum. A majority vote of quorum shall be two-thirds of members present to render a verdict.
- f. No person shall be eligible to hold the office of chief or assistant chief as hereinbefore provided unless he has previously served as captain, first lieutenant or second lieutenant in

one of the constituent fire companies.

**§ 2-7.4 Duties and Responsibilities of the Fire Chief.**

- a. The chief shall be in command of all Fire-matic functions of the fire department and shall have the right to utilize any equipment, property or personnel under control of the fire department that he deems necessary for the handling of any fire or other emergency situation that is within his jurisdiction.
- b. The chief shall assume active command at all fires. In the event of any question of authority arising, said company officers or acting officers shall defer to the chief but shall have the right to present their complaint to the board of fire commissioners for adjudication, correction or clarification.
- c. The chief shall be responsible for the Fire-matic training, efficiency and proper conduct of the department.
  1. He shall formulate and make recommendations for the adoption by the board of fire commissioners, and approval by the mayor and council, of rules and regulations for the proper conduct and efficiency of the fire department.
  2. He shall keep, or cause to be kept, accurate records of the service of each member of the fire department, showing their attendance at fires, drills and other necessary functions.
  3. He shall keep, or cause to be kept, an accurate inventory record of all equipment and property of the department, on standard forms, as to item, condition and such records as to servicing for the proper financial and efficient rating of the department.
  4. He shall make, or cause to be made, early in the month of May, complete inventory of all equipment in standard form.
  5. He shall keep, or cause to be kept, an accurate record of all activities of the department on standard form.
  6. He shall cause monthly reports of each company to be prepared and shall submit a copy of said reports to the board of fire commissioners.
  7. He shall submit, or cause to be prepared, an annual report to the board of fire commissioners and borough council of activities of the fire department, condition of equipment, suggestions and recommendations for the public good. Said report shall be prepared and submitted during the month of November of each year.
  8. The chief shall have the power to suspend from a specific fire duty any member disobeying orders, derelict in his duty or conducting himself to the detriment of the department or

borough. Appeals from such action by the chief may be made in writing to the board of fire commissioners, who may alter, amend or adjudicate such action solely for the good of the department and/or the borough.

**§ 2-7.5 Absence of the Chief; Duties of Assistant Fire Chief.**

- a. The assistant chief, in the absence of the chief, shall perform all of the duties and exercise the prerogatives of said chief and shall make monthly reports to the chief as to fire activities involved each month.
- b. In the absence of the chief and assistant chief, the senior line officer at the fire shall be in charge, the seniority shall be as per chief's rotation.
- e. Chief's Responsibilities.
  1. Subject to overall command of the chief and assistant chief, the captain shall have sole command of his respective company, its members, apparatus, training, direction, etc., and shall be responsible to the chief for the proper conduct and efficient operation of his company, to the public good. The captains shall be responsible for the proper carrying out of the rules, regulations, etc., within their respective companies.
  2. Captain or his designee shall furnish the board of fire commissioners by February 1 of each year a complete list with addresses and telephone numbers of each member of his company, together with their status within the company. The captain shall certify to the borough clerk, in accordance with the laws of the State of New Jersey, by February 1, of each year, a list of Exempt Firemen. In the appropriate cases, as provided by the laws of New Jersey, a Certificate of Exemption will be issued by the borough council.

**§ 2-7.6 Fire Police.**

- a. Each company may provide for the appointment of certain of its members to perform certain police duties at fires and fire drills for a term of office not exceeding five years from the date of appointment. Such members shall, before entering upon their duties, qualify by taking and subscribing an oath that they will justly, impartially and faithfully discharge their duties according to the best of their ability and understanding. Said oath shall be administered by the municipal clerk and subscribed to in duplicate. The original copy of said oath shall be filed with the municipal clerk, and a copy filed with the board of fire commissioners.
- b. After appointment a member shall be eligible as fire police and shall have full power and authority to act as such anywhere in the county in which he is appointed or in any other county in which he is called upon to act, pursuant to state law.
- c. It shall be the duty of a member of the fire police to perform his duties under the

supervision of the fire officer in charge of the fire or fire drill.

- d. The duties of the fire police subject to the supervision aforesaid shall be to:
  1. Protect property and contents;
  2. Establish and maintain fire lines;
  3. Perform such traffic duties as necessary, from the fire station, to and at the vicinity of the fire, fire drill or other emergency call;
  4. Wear the authorized fire police badge on the left breast of the outermost garment while on duty;
  5. Nothing herein contained shall give the fire police the right to supersede the authority of a duly authorized police officer.
- e. If any person shall unreasonably refuse to obey the orders of the fire police such fire police may arrest him and keep him under arrest until the fire is extinguished or the drill completed.
- f. It shall be the duty of the fire police after being sworn in to organize and elect from among their number a captain of fire police and first lieutenant, a second lieutenant and a sergeant of fire police each of whom shall hold office for one year.

**§ 2-7.7 Equipment.**

- a. Equipment furnished by the borough out of public funds shall be maintained in good order, housed against weather, efficiently utilized and protected against theft.
- b. Allocation of funds by the borough council shall be made on a yearly basis, upon recommendation by the board of fire commissioners and within financial capacity of borough as determined by borough council. Utilization of funds so allocated, to the maximum efficiency therein, shall be evenly divided, and shall be supervised and controlled by the board of fire commissioners.
- c. No person shall use any borough fire apparatus or equipment for any purpose, other than fires, drills or other normal functions, not approved by the captain. No borough fire apparatus may be used outside the borough for any purpose without approval of the chief or assistant chief, excepting in those cases of mutual assistance presently in force or existent.

**§ 2-7.8 General Regulations.**

- a. The conduct and operation of the fire department shall be as provided in an Ordinance heretofore adopted known as "An Ordinance Providing for Fire Prevention and Protection



in the Borough of Union Beach, New Jersey." Anything therein contained inconsistent with this ordinance is hereby repealed.

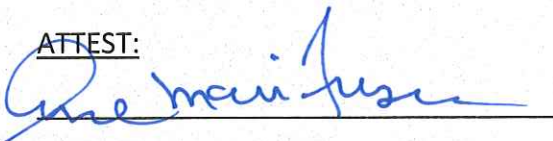
- b. No person shall drive any vehicle over fire hose except upon specific orders from the chief or other officer in charge.
- c. Only an active fireman shall be permitted to drive fire apparatus. Such driver must have a current drivers license issued by the State of New Jersey and must be fully instructed in the use, care and operation of the vehicle which he drives. He must be approved as competent by the company, in writing.
- d. Any person, persons, corporation or organization violating the above provisions of the section shall, if found guilty by the municipal court, be subject to a fine of not more than 500.00 and costs.
- e. The police department shall furnish additional protection at the request of the chief to assist in traffic control, protect property and prevent destruction of evidence.
- f. The volunteer companies may conduct their usual fund raising and social activities presently conducted within their own charters.
- g. The board of fire commissioners shall meet once a month.
- h. The fire department shall meet not less than two times per year and the meeting will be called by the board of fire commissioners.

BE IT FURTHER ORDAINED, that if any provision, paragraph, section or subsection of this chapter be found unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect and shall have continuing validity; and

BE IT FURTHER ORDAINED, that all other sections of the ordinance remain in full force and effect; and

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption in accordance with law.

ATTEST:



Anne Marie Friscia, Borough Clerk

APPROVAL:



Charles W. Cocuzza, Mayor

INTRODUCED ON FIRST READING:

February 25, 2021

FINAL ADOPTION:

