

**BOROUGH OF BUENA
COUNTY OF ATLANTIC**

ORDINANCE NO. 746

**AN ORDINANCE AMENDING ORDINANCE NO. 22, AS
AMENDED BY ORDINANCE 741, CHAPTER 18 OF THE
CODE OF THE BOROUGH OF BUENA ENTITLED FIRE
COMPANIES**

WHEREAS, on February 26, 1961, the Borough Council adopted Ordinance 22 an Ordinance establishing two separate Boards of Commissioners, and two separate fire districts in accordance with N.J.S.A. 40A:14-70, known as Fire District Number 1 and Fire District Number 2; and

WHEREAS, Borough Council considered an Ordinance to dissolve Fire District Number 2 and after approval of the dissolution by the Department of Community Affairs, Local Finance Board on July 14, 2021, Council thereafter adopted an Ordinance dissolving Fire District Number 2; and

WHEREAS, the Borough Council received and considered a petition to dissolve all fire districts and commissioners so as to allow the Borough Council act as and for the supervision of all fire suppression and prevention services within the Borough and after approval of the dissolution by the Local Finance Board, Borough Council considered the cost savings to the taxpayers in dissolving the fire district and Commissioners and adopted an Ordinance dissolving the last fire district in accordance with N.J.S.A. 40A:14-68; and

WHEREAS, as the Borough Council on December 11, 2023 adopted Ordinance 741 assuming the duties and obligations previously held by the Fire Commissioners, the Borough Council found it necessary and in the best interest of the Borough, its residents and surrounding communities to consider the creation of one municipal volunteer fire company amendment of Ordinance 22, Chapter 18 of the Code of the Borough of Buena to reflect the dissolution of the fire districts and commissioners and to unify the fire suppression and prevention services for the Borough as a whole and establish the Fire Department under the Borough of Buena.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that Ordinance 22, as amended by Ordinance 741, Chapter 18 of the Code of the Borough of Buena entitled Fire companies be amended by the deletion thereof and replacement as follows:

Chapter 18. Fire Department

Article I. Fire Suppression/ Prevention Services

Section 18-1 ESTABLISHMENT AND FUNDING

There shall be a Volunteer Fire Department established by the Borough which shall promulgate its own rules and regulations and conduct its operations in accordance with the Fire Ordinance and the Fire Code and the amendments heretofore enumerated. The Volunteer Fire Department is hereby designated as the Buena Borough Volunteer Fire Department (BBFD). The Fire Department shall annually choose a Chief from its members which shall be ratified with the advice and consent of Borough Council, who shall be the head of the Buena Borough Volunteer Fire Department. The objective of the Buena Borough Volunteer Fire Department shall be the protection of life and property and the prevention of fires within the limits of the Borough and surrounding communities in accordance with any and all mutual aide laws, regulations and agreements.

- A. The Council of the Borough of Buena shall have general supervision and control of all fire suppression and prevention services within the Borough of Buena and there shall not be any other firefighting organization to be providing firematic services within the Borough without the consent of the Borough Council, excepting such services as provided by other companies in furtherance of mutual aide.

- B. The Borough Council shall appropriate such sums of money as shall be deemed necessary for the proper function of the BBFD in performing its duties on behalf of the Borough.

Section 18-2 FIRE CHIEF

- A. There shall be a Fire Chief elected by the membership of the department that are eligible to vote pursuant to the by-laws of the BBFD and ratified with the advice and consent of Borough Council. The Fire Chief shall serve for a one (1) year term commencing 12:00 noon on January 1 of each year and serve until duly replaced and shall serve in an acting capacity pending confirmation and acceptance by the Governing Body.
- B. The Fire Chief shall have all of the following qualifications in order to serve:
1. Must be qualified to serve as an active firefighter in the BBFD and documented experience in fire service for at least 3 consecutive years.
 2. Must be in good standing at the time of nomination
 3. Must have the ability to read, write and speak the English Language
 4. Must have a valid New Jersey Drivers License during the entire term of service as Chief
 5. Must have New Jersey Division of Fire Safety Fire Officers Requirements
 - a. Certifications:
 1. Fire Fighter I
 2. Hazardous Materials Awareness
 3. Hazardous Materials Operations ,
 4. IMS Level 1 and IMS Level 2
 5. Hazardous Materials on Scene Incident Commander.
 - b. Training:
 1. Incident Command Systems (ICS) I-100 Introduction to ICS,
 2. I-200 ICS for Single Resources and Initial Action Incidents (classroom instructor led),
 3. Incident Management Systems (IMS I-700 and I-800 (both classes may be on line)
 4. Compliance with current State of New Jersey Division of Fire Safety Fire Officer Qualifications.
- C. Should there be a discrepancy between the requirements herein and those as promulgated by the Department of community Affairs, Division of Fire, the requirements of the Division of Fire shall supersede those sections contained herein.

Section 18-2 LINE OFFICERS

- A. There shall be one (1) Deputy Chief; One (1) Assistant Chief, not more than three (3) Captains as determined by the Borough Council upon recommendation of Fire Chief and not more than three (3) Lieutenants as determined by the Borough Council upon recommendation of Fire Chief. They shall be elected from the active members of the Department in accordance with the rules and regulations of the BBFD and ratified by the Governing Body
- B. The Deputy Chief, and Assistant Chief shall have all of the following qualifications in order to serve:
1. Must be qualified to serve as an active firefighter in the BBFD and documented experience in fire service for at least 3 consecutive years.
 2. Must be in good standing at the time of nomination
 3. Must have the ability to read, write and speak the English Language
 4. Must have a valid New Jersey Driver's License during the entire term of service as Deputy Chief and Assistant Chief
 5. Must have New Jersey Division of Fire Safety Fire Officers Requirements:
 - a. Certifications:
 1. Firefighter 1
 2. Hazardous Materials Awareness

3. Hazardous Materials Operations
4. IMS Level 1 and IMS Level 2
5. Hazardous Materials on Scene Incident Commander

b. Training

1. Incident Command Systems (ICS) I-100 Introduction to ICS
2. I-200 ICS for Single Resources and Initial Action Incidents (classroom instructor led)
3. Incident Management System (IMS I-700 and I-800 (both classes may be on line)

c. Compliance with current State of New Jersey Division of Fire Safety Fire Officer Qualifications.

C. The Captains and Lieutenants shall have all of the following qualifications in order to serve:

1. Must be qualified to serve as an active firefighter in the BBFD and documented experience in fire service for at least 3 consecutive years.
2. Must be in good standing at the time of nomination
3. Must have the ability to read, write and speak the English Language
4. Must have a valid New Jersey Driver's License during the entire term of service as Chief
5. Must have New Jersey Division of Fire Safety Fire Officers Requirements

a, Certifications:

1. Firefighter 1
2. Hazardous Materials Awareness
3. Hazardous Materials Operations
4. IMS Level 1

b. Training

1. Incident Command Systems (ICS) I-100 Introduction to ICS
2. I-200 ICS for Single Resources and Initial Action Incidents (classroom instructor led)
3. Incident Management System (IMS I-700 and I-800 (both classes may be on line)

c. Compliance with current State of New Jersey Division of Fire Safety Fire Officer Qualifications.

Section 18-3 MEMBERSHIP AND JUNIOR MEMBERSHIP

- A. Membership applications shall be open to all persons and application forms approved by the Director of Public Safety shall be completed. Membership shall be open to all residents of the Borough of Buena and surrounding, adjacent municipalities and within 5 miles of the boundaries of the Borough. No person shall be discriminated against including race or gender, who shall have acquired the following Certifications: Fire Fighter 1, Hazardous Materials Awareness, Hazardous Materials Operations and have receive the following required training: I-100 Introduction to ICS, I-200 ICS for Single Resources and Initial Action Incidents (classroom instructor led), I-700 National Incident Management System, An Introduction, I-800 National Response Framework (both classes may be on line). All applications shall present a New Jersey Motor Vehicle Commission Drivers Abstract which shall be reviewed by the Board of Fire Officers and recommendations to accept or reject a candidate shall be made to Borough Council within 30 days of receipt of applications. Borough Council shall finally approve or disapprove all members to BBFD. All potential members shall undergo background investigations and physical evaluations. No person shall be approved as a member should there be a criminal conviction on their record or physically unable to perform the duties of firefighter.
- B. On a yearly basis all members shall be evaluated in March by the BBFD Board of Fire Officers to determine if a member has maintained an activity level of 20 LOSAP points for two consecutive years and to confirm that no member has been convicted of any criminal activity.

- C. There shall be established the Junior Fireperson's Auxiliary per N.J.S.A. 40A:14-95. Qualifications and eligibility for said membership shall be in accordance with N.J.S.A. 40A:14-96
- D. Exempt Members. Any BBFD member who holds a Borough issued exempt certificate or a qualifying certificate issued by the New Jersey State Firemen's Association shall be entitled to be an exempt member of the BBFD. Exempt members shall have all of the rights and privileges of active membership.
- E. Honorary Members. Upon a vote of 2/3 of the membership, a BBFD member may be granted an honorary membership who is an exempt member and who holds a qualifying certificate or who has been a member of the BBFD for 20 years or more. Honorary Members shall not be required to comply with fire duty attendance requirements, except such member shall not qualify for LOSAP unless he/she has met the LOSAP point requirements as set forth herein.

Section 18-4 APPROVAL OF BY-LAWS

The Board of Fire Officers shall recommend rules and regulations in conformity with the Buena Borough Municipal Code and best practices for firematic services in the State of New Jersey. The Governing Body may adopt or amend such rules and regulation proposals in the best interest of the Borough residents and as necessary for the control, disposition and discipline of the BBFD and subject to review and changes as required by the Borough's insurance carrier or their representatives. A copy of the rules and regulations shall be given to all firefighters listed in the roles of firefighters for the BBFD.

Section 18-5 OWNERSHIP OF BUILDINGS AND EQUIPMENT

- A. Building Ownership and Use. The land and improvements within which the BBFD operates is and shall remain the property of the Borough of Buena and shall be located at 255 Wheat Road, Borough of Buena, which has been utilized for firematic services in the past and is located in an area of the Borough which has proven in the past to be adequately located for the proper protection of the residents and property within the Borough. The Borough shall maintain insurance thereon including liability and property damage coverage as provided through the Borough insurance carrier. Notwithstanding said ownership, no person shall be permitted in any area of the building not otherwise open to the public without first notifying the Chief or his representative and without being accompanied by or having special permission by the Chief or his representative. The Borough may utilize other portions of the building for public purposes provided it does not substantially interfere with proper firefighting services. No use of the building or grounds shall be permitted for private purposes without express consent of the Public Safety Director and Borough Council and only upon notification to and with the approval of, the Borough's insurance carrier.
- B. Firefighting Equipment, Clothing and Apparatus. All firefighting equipment, clothing, apparatus purchased by the Borough, or the predecessor Fire Commissioners shall remain the property of the Borough of Buena. Except as may be authorized by Borough Council, no person shall use any fire equipment or apparatus for any private purpose. No person shall willfully and without authority take away or conceal any asset specified herein.

No fire apparatus of the Borough shall be permitted to leave the Borough of Buena without the consent of the Chief and Borough Public Safety Director except in response to a call for service in a neighboring community or official business relating to firematic services, including training. No apparatus is to leave the Borough on official business except in response to a fire call without the consent of the Chief and Public Safety Director, but in no event shall any equipment be permitted outside of the Borough if, in the judgment of the Chief, in doing so would jeopardize the protection of the Borough and its residents.

The use of fire equipment and apparatus for Borough sponsored events, such Parades or public relations events is permitted provided it is first approved by the Chief and Public Safety Director and the Borough's insurance carrier.

- C. Location and Storage of Fire Equipment and Apparatus. Except for gear assigned to each firefighter, all Borough equipment and apparatus shall be safely and conveniently housed by the BBFD at the Fire Station, or such other building as approved by Borough Council and the Fire Chief.
- D. The Borough has one or more "Command Vehicles" authorized by Borough Council and the Public Safety Director which are used solely by the Chief and such Line Officers assigned to said vehicle by the Chief. Command Vehicles are vehicles used solely for the purposes of transportation to and from fire scenes or for official fire business and are permitted to be taken by the Chief and Line Officers to their home and other locations to allow for immediate response to fire calls, however the Command Vehicles shall not be used for personal use. Command Vehicles may also contain such equipment as is necessary for proper operation of the BBFD.

Section 18-6 DUTIES AND RESPONSIBILITIES OF OFFICERS

A. **Chief of Department.** In addition to all of the duties and responsibilities of all members of the BBFD, the Chief shall:

- 1. Timely review and submit all NFIRS Reports as required by the State of New Jersey
- 2. Develop a schedule of the testing and certification of the following:
 - a. SCBA Training (January)
 - b. RTR Training (January)
 - c. Cascade Training (January)
 - d. Fit-testing (January)
 - e. Blue Light Awareness refresher (January)
 - f. Emergency Action Plan (EAP) review/awareness (January)
 - g. Bloodborne Pathogens/HazMat Awareness (February)
 - h. SOG/SOP Review (March)
 - i. Ladder Testing
 - j. Hose Testing
 - k. Pump Testing
 - l. SCBA Air Testing
 - m. SCBA Equipment Testing Hydro-Static Testing for SCBA (as required)
 - n. Apparatus Maintenance (as required)
 - o. Monthly Drill Schedule
 - p. Aerial Testing
 - q. CPR Training/Certification (as required)
 - r. CPR Training/Certification (as required)
 - s. Turn-out gear Inspection (as required)
 - t. Turn-out gear Cleaning/Maintenance (as required)
 - u. Any other required testing/certifications of any new equipment purchased.

Scheduling of testing and certifications set forth herein above may be modified subject to scheduling and availability in the discretion of the Chief provided said scheduling does not impact the proper operation of the BBFD and its members.

- 3. The Chief shall submit the Schedule of testing and certification to the Director of Public Safety for submission to Borough Council
- 4. The Chief shall have direct supervision of the BBFD at all times, including but not limited to responding to an alarm at drills and at such other times when the BBFD membership is assembled. The Chief shall always take prompt and efficient measures to control the fire scene and shall have full power and control and command over all apparatus and members of the BBFD and all fire, rescue. In the absence of the Chief, the command shall devolve pas per the by-laws of the BBFD.
- 5. The Chief shall keep and maintain all records as to attendance at all alarms and drills for each member. The Chief shall also be responsible to certify LOSAP points for all members to the Borough for qualification for LOSAP
- 6. The Chief shall provide monthly reports on the second Monday of each month during the regular meeting of Borough Council of all matters regarding the maintenance and operation of BBFD as well as all reports of alarms and attendance to calls. Written reports shall be submitted to the Director of Public Safety prior thereto.

7. The Chief shall provide an annual report with recommendations, if any, for the improvement of the effectiveness of the BBFD.
8. The Chief shall transmit to the Borough Council and Chief Financial Officer on or before November 1 of each year a proposed annual budget in the form as presented by the CFO.

B. Deputy Chief and Assistant Chief. The Deputy Chief and Assistant Chief are directly responsible to the Chief and shall have general supervision at all fire calls, alarms, hazardous material emergencies and fire drills in the absence of the Chief.

C. Captains and Lieutenants. The Captains and Lieutenants shall be directly responsible to the Chief and shall have general supervision at all fire calls, alarms, hazardous material emergencies and fire drills. Captains and Lieutenants shall have such other duties as required in the BBFD by-laws.

D. Authority at fires and other emergencies.

The Fire Chief or duly authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life and/ or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks, or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The Fire Officer in charge may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the Fire Department. The Fire Officer in charge may remove or cause to be removed any person, vehicle or object from a hazardous area. All persons ordered to leave a hazardous area shall do so immediately and shall not re-enter the area until authorized to do so by the Fire Officer in Charge.

E. Interference with Fire Department operations.

It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of, any Fire Department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any Fire Department operation.

Section 18-7 Department Board of Fire Officers.

There shall be a Board of Fire Officers of the Department consisting of the Chief, the Deputy Chief and all Captains. The immediate ex-Department Chief shall also serve on this Board in an advisory capacity. Duties of the Board shall be as specified in the Rules and Regulations as well as the following:

1. Review and assist in the recommendation of a yearly budget
2. Review and make recommendations regarding membership
3. Review and present any disciplinary charges against any member to the Public Safety Committee

Section 18-7 LENGTH OF SERVICE AWARD PROGRAM (LOSAP)

A. Program Established. Whereas, the Commissioners of Fire District No 1 and No 2, now dissolved, have adopted Resolutions creating the Length of Service Award Program (LOSAP) to provide tax deferred income benefits from the Borough to active volunteer members of the fire companies previously operating within the Borough and have created a points system that reflects the range of volunteer services that may be provided to the Minotola Fire Company and Landisville Fire Company members. Upon the dissolution of Fire District No. 1 and its Commissioners, evaluation and redistribution of annual LOSAP qualification points was assigned to Fire District No. 2. The following sets forth the established criteria which shall be adopted as follows:

B. Criteria. The LOSAP shall provide for annual contributions to each eligible member who meets the criteria as follows:

- (1) Eighty (80) points are required for a member to be eligible for an annual contribution.
- (2) Five (5) years of service are required for vesting.
- (3) The annual contribution per member shall be \$1,504.74.

C. **Categories, Distribution and Assignment of Annual Qualification Points.** The Commissioners of Fire District No.2 adopted Resolution 2020-016 setting forth the categories, distribution and assignment of LOSAP annual qualification points. The following sets forth the established criteria which shall be adopted as follows.

- (1) **Incidents.** One and one half (1.5) points shall be awarded for each fire call member response between the hours of 0700hrs-2259hrs and two and one half (2.5) points shall be awarded for each fire call member response between the hours of 2300hrs-0659 hrs No Max.
- (2) **Drills.** Two points shall be awarded for each drill attended. No Max
- (3) **Training.** One point shall be awarded for the first hour of training and on quarter (.25) points foreach additional one-half hour attended 30 point max.
- (4) **Meetings.** One point for each meeting attended 10-point max.
- (5) **Special Assignments.** One point for the first hour of the special assignment and one quarter (.25) points for each additional one-half hour attended 10 points max
- (6) **Any person completing Firefighter II after January 1, 2021** shall be eligible to receive eighty (80) points upon successful completion of the course and receipt of State Certification. Said points shall be awarded once in the year attaining such certification.

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are and the same are hereby repealed.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be declared unenforceable by a court of competent jurisdiction, that portion deemed unenforceable shall be void to the extent of such determination and the balance hereof shall remain in full force and effect.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Passed First Reading: January 31, 2024

Passed Second Reading: February 12, 2024

BOROUGH OF BUENA:


**DOUGLAS ADAMS, PRESIDENT
COUNCIL BOROUGH OF BUENA**

APPROVED on this 15th day of February 2024, by the Mayor of the
Borough of Buena.



JOSEPH BARUFFI, MAYOR

ATTEST:



PAMELA JOHNSTON, ACTING CLERK