

# Borough of Fair Lawn



## ORDINANCE NO. 2661-2023

### AN ORDINANCE TO AMEND CHAPTER 13, FIRE DEPARTMENT, OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000

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

**SECTION 1.** Chapter 13, Fire Department, is hereby amended and supplemented by inserting the text **underlined and marked in bold** and deleting the text in **~~bold strikethrough~~** as follows:

#### Chapter 13. Fire Department

§13-1 [No Change]

§13-1 [No Change]

#### §13-3 Division of four companies.

A. The Fire Department shall be divided into four fire companies as follows:

- 1) ~~Center Fire Company, to be known as~~ Company No. 1.
- 2) ~~Columbia Heights Fire Company, to be known as~~ Company No. 2.
- 3) ~~Warren Point Fire Company, to be known as~~ Company No. 3.
- 4) ~~Radburn Fire Company, to be known as~~ Company No. 4.

B. In any matter pertaining to Fire Department operation covered in this chapter and a company bylaw, this chapter shall take precedence.

§ 13-4. [No Change]

§ 13-5. [No Change]

~~§ 13-6 Control Vested in Board of Fire Commissioners.~~  
~~[Repealed in its entirety]~~

#### § 13-7. ~~Composition of Board of Fire Commissioners.~~

A. The Board of Fire Commissioners shall be composed of the Chief of the Borough Volunteer Fire Department, the Assistant Chief of the Borough Volunteer Fire Department, the Deputy Chief of the Borough Fire Department, the Battalion Chief of the Borough Volunteer Fire Department, the four Company Captains and a Council representative selected by the Mayor and Council annually and may hereafter be referred to as the "Fire Board."

**B. The direct management, control and supervision of the Fire Department and of all fire apparatus, fire-fighting equipment and Fire Department personnel of the Borough shall be vested in the Board of Fire Commissioners, subject to review, reversal or approval by the Mayor and Council.**

§ 13-8. [No Change]

## Article II. Number, Qualifications and Election of Members

### § 13-9. Qualifications.

Company Nos. 1, 2, 3 and 4 shall consist of regular firefighters, probationary firefighters, **junior firefighters, candidate firefighters** and associate firefighters for each company. The complement of members shall include all officers. Qualifications of active members shall be:

A. Active regular firefighters.

No person shall be appointed a member of the Fire Department unless:

- 1) is a citizen of the United States;
- 2) is sound in body and in good health;
- 3) has a high school diploma or an equivalency certificate or is able to read, write and speak the English language well and intelligently;
- 4) is of good moral character;
- 5) has not been convicted of any crime involving moral turpitude;
- 6) is a resident of the municipality or a contiguous municipality;
- 7) has reached the age of 18 years;
- 8) has completed the training requirements of §13-9B or equivalent.
- 9) any person who has resigned as a member of the Fire Department and seeks to re-enter the Department may qualify for appointment, provided that he/she has previously served the Department as a member in good standing for at least two years or reapplies within one year of resignation and meets all of the other qualifications provided in this chapter. Removal of residence from the municipality or a contiguous municipality shall be cause for dismissal from the Department.
- 10) **any person who is separated from the Department for a period of (2) two years or longer and did not maintain active firefighter status shall re-enter the Department following the recommendations of the Board of Fire Commissioners.**

B. Probationary firefighter.

- 1) A probationary firefighter ~~may be~~ **is** a **new candidate** member who ~~has reached the age of 18 years and~~ meets all other requirements of Subsection A **and §13-9D.** ~~An active regular member shall attend and~~

~~complete with passing grades Basic firefighter 1 or equivalent course, within two years. A probationary firefighter~~ will be on probation for a minimum of six months and, until voted to active regular member status, shall receive all benefits afforded to regular members by the Borough of Fair Lawn, except voting privileges and holding firematic office.

- 2) (Reserved)
- 3) If a probationary firefighter is 18 years of age but is still attending high school, they must follow all the provisions of Section 13-79 until graduation or receipt of a graduation equivalency certificate.
- 4) ~~Any junior who has reached the age of 18 but is still in high school must follow all junior provisions stated in § 13-79 until he or she has graduated high school or has equivalency certificate.~~
- 5) ~~If a probationary firefighter is 18 but is still attending high school, he must follow all the provisions in § 13-79 until he graduates or receives a GED.~~

C. Associate firefighter.

[No Change]

D. Candidate firefighter.

- 1) A Candidate firefighter is a member who has reached the age of 18 years and meets all other requirements of 13-9A. A Candidate firefighter shall attend and complete with passing grades the firefighter 1 course as well as the NJ State Firefighter 1 exam, within (2) two years of becoming a candidate firefighter.

E. Support personnel will hold the classification of a fire department member but are not required to perform any fire suppression duties or complete any state mandated training unless deemed necessary by the Borough. These members are not considered emergency first responders and as such shall not enter or operate in an IDLH atmosphere, unless in a supervised training environment. Examples of support personnel include, but are not limited to, authorized department photographers, rehab personnel, Public Information Officers, training instructors.

F. Physical requirements.

[No Change]

G. Applications.

[No Change]

H. Badge numbers.

[No Change]

§ 13-10. [No Change]

§ 13-11. Voting on members.

A. New members for active regular, probationary, **candidate** and associate firefighters shall be reviewed in accordance with the bylaws of the respective companies and a recommendation forwarded to the Fire Board for action.

B. Any active regular member can request a transfer to another company as long as **he/she the member** has approval from **his/her their** current Company Captain and is in good standing with the current company. The transfer must be voted on at Fire Board. The member maintains **his/her their** seniority within the Department and continues as a regular member, although the line/badge number is subject to change.

Article III. Qualifications and Election of Fire Company Officers

§ 13-12. [No Change]

§ 13-13. Election of company officers.

A. The election of the officers of the respective fire companies shall take place at the annual election of each company as fixed by the company's bylaws. Election shall be by ballot, and no member shall be elected to any office unless **he/she they** shall have at least three years of service as an active regular member, completed training as required in § 13-9B, has met all state-mandated requirements, maintained a minimum of 30% attendance for the current **year to date** and previous **calendar** year and has received the majority of all votes cast and is otherwise free from any, all and every indebtedness to the company. **A member must be in good standing in accordance with Section 13-54B by September 1 of the current year.**

B. [No Change]

§ 13-14. Procedure if no candidate elected on first ballot; when eligible to enter office.

In the event that no candidate for office receives a majority of all votes cast on the first ballot, the candidate receiving the lowest number of votes shall be dropped and the balloting shall continue. In the event of a tie vote among candidates receiving the lowest number of votes, all candidates shall be entitled to be voted upon on the next ballot. **In the event of a tie after 3 votes of the final two candidates, all department members shall be notified of a secret ballot due four days after notification.** The officer or officers so elected, and approved by the Fire Board and the Mayor and Council, shall enter upon the duties of **his/her their** office on the first day of January immediately following their election.

§ 13-15. [No Change]

## Article IV. Qualifications and Election of Chiefs

§ 13-16. [No Change]

§ 13-17. Qualifications.

A. [No Change]

B. No member of the Borough Fire Department shall be eligible for nomination for election as Chief, Assistant Chief, Deputy Chief or Battalion Chief that has not maintained a minimum of 30% attendance **of calls and drills** for the current and previous year.

§ 13-18. Nominations.

The Board of Fire Commissioners shall annually, at the first meeting in November, nominate qualified candidates for the offices of Chief, Assistant Chief, Deputy Chief and Battalion Chief of the Borough Volunteer Fire Department. The Board of Fire Commissioners shall select those qualified candidates from the nominations made at each individual company's business meeting prior to the November Fire Board meeting. In addition to the persons so nominated by the Fire Boards, any qualified member of any of the fire companies of the Borough who meets the qualifications in §13-17 above shall be eligible to run as a write-in candidate for the office of Chief, Assistant Chief, Deputy Chief and Battalion Chief. The write in candidate shall submit a letter of intention to the Fire Clerk. This letter shall include the office he/she is intending to run for and stating that he/she is qualified for said office. The letter must be submitted to the Fire Clerk's office by three business days before the November Fire-board meeting. These letters will be read at the November Fire Board meeting. Ballots will then be made using all qualified names determined by fireboard. All incumbents nominated shall be put on the ballot first with all other candidates put on the ballot as other, in alphabetical order by last name. There shall be no write in candidates on the ballot; all votes will be a check of the candidate's box on the ballot. The ballot will not count if not properly checked. No person shall at any one election be nominated for more than one office of Chief, Assistant Chief, Deputy Chief and Battalion Chief. Preferably the Chief rotation within the companies will be adhered to. All candidates will be verified by the Chief and Training Officer. A letter will be sent to the Fire Board by the Training Officer verifying the credentials of each candidate. A sample ballot shall be distributed to members prior to the Chief election.

§ 13-19. [No Change]

§ 13-20. [No Change]

§ 13-21. Results of voting.

A. [No Change]

B. [No Change]

C. [No Change]

**D. In the event of a tie for any Chief position there shall be a special election one week later but prior to the Fire Board meeting. No absentee ballots shall be received or counted.**

Article V. Board of Fire Commissioners

§ 13-22. [No Change]

§ 13-23. [No Change]

§ 13-24. [No Change]

§ 13-25. [No Change]

§ 13-26. [No Change]

§ 13-27. [No Change]

Article VI. Duties of Chiefs

§ 13-28. [No Change]

§ 13-29. Duties of Chief; monthly report.

In addition to the duties imposed upon the Chief of the Fire Department by the fire prevention ordinance[1] and other ordinances of the Borough, it shall be the duty of the Chief to take command of the Department at all times, to report monthly to the ~~Mayor and Council~~, Manager and Chief Financial Officer ~~Borough Clerk~~; the condition of the various pieces of apparatus; equipment and appurtenance; the number of members in the Department by company; the resignation of members; the election of new members; and the expulsion of members passed upon by the Board of Fire Commissioners. The Chief shall be the chief executive officer of the Fire Department and shall have the authority to supervise and direct all Fire Department personnel in the best interest of the Department. **The Chief shall also attend meetings outside the Borough that requires but limited to their attendance such as mutual aid meetings as representation of the Fire Department.**

§ 13-30. Call of drills.

It shall be the duty of the Chief of the Fire Department to call out for drill one or more companies of the Department whenever he/she deems it necessary or advisable to ensure that all companies are maintained at the highest possible levels of excellence in the performance of their assigned duties. No drill, however, shall be called on legal holidays **but may be called at the Captain's discretion.** Drills held during water restriction periods should be conducted in such a manner as not to hinder unnecessarily the operation of the Borough Water Department.

§ 13-31. [No Change]

§ 13-32. Required uniform and equipment.

All Department Chiefs shall wear white helmets, ~~white~~ **black** coats and standard Department-issued equipment.

Article VII. Duties of Captains

§ 13-33. Holding of drills.

It shall be the duty of each Captain **or designee** to hold at least 20 fire drills each year for ~~his/her~~ their respective fire company.

§ 13-34. Command at fires in absence of superior officers.

In the absence of a **Fire** Chief ~~of the Department~~ at a fire, the Captain in whose district the fire occurs shall have full power and control and command of all Fire Department apparatus and deployment of Fire Department personnel. The Captain shall wear a black helmet and standard Department-issued equipment at all fires .

§ 13-35. [No Change]

Article VIII. Authorities and Duties of Officers

§ 13-36. Authority of officers.

The authority of all officers while on duty shall be determined by their grade; all officers and firefighters shall be subordinate to the Chief of the Fire Department or, in ~~his/her~~ **their** absence, to the Assistant Chief, or, in ~~their~~ **his/her** absence, to the Deputy Chief, or in ~~their~~ **his/her** absence, to the Battalion Chief. The first officers on duty at a fire shall exercise command until a superior arrives; where two officers of the same grade shall meet on duty, the one in whose district the fire occurs shall take command. A company arriving at a fire without any officer shall be commanded by, a past Chief, ex-officer or the senior member of the company **and be in compliance with all current state mandated certifications.**

§ 13-37. [No Change].

§ 13-38. Duties of Lieutenants.

It shall be the duty of the First and Second Lieutenants to take command of the company, in the absence of a superior officer, at any alarm of fire in the ~~district~~ **Borough** and to see that every member of the company does ~~his/her~~ **their** duty and also have full control of a fire in ~~his/her district~~ **the Borough**, and all other companies shall take orders from ~~him/her~~ **them** until a superior officer arrives. At all fires the Lieutenants shall wear a black helmet and standard Department-issued equipment.

§ 13-39. [No Change]

§ 13-40. Fire police.

~~Two~~ Fire police from each company **shall may** be appointed by the company Captain and approved by the Fire Board, as provided by N.J.S.A. 15:8-4.

Article IX. Duties of Members

§ 13-41. [No Change]

§ 13-42. Attendance at company meetings.

It shall be the duty of each firefighter to attend the regular **monthly** firematic meetings of ~~his/her~~ **their** company.

§ 13-43. Notice of change of residence or extended absence.

It shall be the duty of each member to notify the **Secretary Captain** of the company within 10 days of any change made in ~~his/her~~ **their** residence and, on leaving the Borough or contiguous municipality for a longer period than 30 days, the firefighter shall notify the **Secretary Captain** of the company and obtain permission for such leave of absence. No leave of absence shall continue for a longer period than one year.

§ 13-44. Taking command at fires in absence of superior.

On an alarm, the first ~~firefighter~~ arriving **unit** at the **firehouse fire scene shall may** take command until the arrival of ~~his/her~~ **their** superior officers, and, in the event there is only one superior officer present, then the firefighter is to take assistant command.

§ 13-45. Duty to attend drills.

It shall be the duty of each active member to attend a minimum of one drill every two months and at least 12 drills a year. Drills shall be called by the Chief of the Department or the Fire Company Captain **or designee**.

§ 13-46. Credit for attending alarms and drills.

Each active member of the Department shall attend and be in actual recorded attendance and render fire service at not less than 15% of the regular alarms **and a minimum of 12 drills** answered by the company of which he/she may be a member during any calendar year. Active service years will only accumulate when 30% is met.

§ 13-47. [No Change]

§ 13-48. [No Change]

§ 13-48.1. [No Change]



## Article X. Apparatus

§ 13-49. [No Change]

§ 13-50. Permission to take apparatus out of town.

No apparatus shall be taken outside of the limits of the Borough **other than** answering an alarm ~~call of a neighboring municipality~~ without first obtaining permission from the Chief, Assistant Chief, Deputy Chief or Battalion Chief of the Fire Department or, in ~~his/her~~ **their** absence, permission from any other member of the Fire Board subject to the general supervision of the Borough Manager.

§ 13-51. Annual inspection.

There ~~shall~~ **may** be an annual inspection of the fire apparatus, the date of which is to be determined by the Borough Manager.

§ 13-52. [No Change]

§ 13-53. [No Change]

§ 13-53A. Purchasing of New or Used Fire Apparatus.

**A. For the purposes of this ordinance, fire apparatus shall be defined as any motorized vehicle or boat that is primarily operated by the fire department during the execution of their official duties.**

**B. All apparatus purchases will be purchased based on a specification recommended and approved at a meeting of the apparatus committee and forwarded to a fire board meeting for final approval prior to purchase.**

§ 13-53B. Fire Apparatus Committee.

**A. The fire apparatus committee will be made up of the Chief, Assistant Chief, Deputy Chief, Battalion Chief and (2) two voting members from each of the (4) four fire companies. The Chief, or their designee, will serve as the Chairperson of the committee. All (12) twelve members will have equal voting rights on matters entertained by the apparatus committee. In case of a tie, the Chief will cast the deciding vote.**

**B. At the December meeting of the Board of Fire Commissioners, each Captain shall submit in writing a list of active, fire department members that will hold the (2) two voting members and (1) one alternate member on the apparatus committee for the following calendar year. An alternate member will have voting rights in the absence of a full voting member. Other department members are invited to attend committee meetings but will not be afforded a vote.**

**C. If a voting member or alternate member of the committee is unable to complete their 1-year appointment, a substitute may be submitted at the next meeting of the Board of Fire Commissioners, and they will immediately assume all responsibility of the member they are replacing for the remainder of the calendar year.**

Article XI. Clothing Allowance and Exemptions

§ 13-54. Clothing allowance.

A. The firefighters of the Volunteer Fire Department in good standing who have responded to 30% of the calls for duty in attendance at alarms and a minimum of 12 drills combined shall annually receive a clothing allowance as provided in the municipal budget for that particular year. The clothing allowance percentages shall be calculated on a calendar year basis (January to December) on alarms and drills attended. Each company will compute proportionate shares of clothing allowances for members who have made less than the required attendance of 30% at alarms and drills for 100% allowance. Any member with 25 years of service and who is still on the active roll and has a minimum annual percentage of 15% and attended a minimum of 12 drills shall receive the 100% allowance as provided in the municipal budget for that particular year. **Members who are on medical leave during the calendar year will not be penalized for percentage while on medical leave but provide a doctor's note to the Captain or designee in order to return to service.**

~~B. A member shall be considered in good standing by attending a minimum of 15% of alarms and drills and attendance at a minimum of 12 drills annually. The Captain of each company shall pay to the appropriate firefighter the annual clothing allowance pursuant to the following schedule:~~

**Replace with the following:**

<b>Attendance at Number of Alarms and Drills</b>	<b>Allowance</b>
0% to 14%	0%
15% to 24%	50%
25% to 29%	75%
30% or above	100%

**B. All firefighters who have received their certificates of exemption, served a minimum of 15 years of active service and retired from active service after reaching 55 years of age, shall receive a service allowance based on the following schedule:**

- (1) Fifteen years of service: 50% of the clothing allowance.**
- (2) Twenty years of service: 75% of the clothing allowance.**
- (3) Twenty-five years of service: 100% of the clothing allowance.**

~~§ 13-55. Qualifying for certificate of exemption.  
[Repealed in its entirety]~~

Article XII. Roll Call

§ 13-56. [No Change]

§ 13-57. [No Change]

Article XIII. Resignations and Expulsions

**§ 13-58.** [No Change]

§ 13-59. Refusal or neglect to obey orders.

A. [No Change]

B. [No Change]

(1) [No Change]

(2) [No Change]

(3) [No Change]

(4) [No Change]

(5) [No Change]

(6) The hearing ~~may or may not~~ will be transcribed by the Fire Clerk, at the discretion of the Board, ~~but and~~ the accused officer or member may transcribe the hearing at ~~his/her~~ their own expense.

(7) [No Change]

(8) [No Change]

C. In hearings conducted hereunder by the Board of Fire Commissioners, the decision shall be announced, either orally ~~or and~~ in writing, upon the conclusion of the hearing or as soon as possible after the conclusion of the hearing. If an oral decision is initially rendered, a written decision reflecting this determination shall be prepared by the Board and forwarded to all appropriate parties. Any action removal or expulsion shall be subject to review by the Mayor and Council of the Borough of Fair Lawn, which may affirm, reverse or modify the decision of the Board of Fire Commissioners.

~~§ 13-60. Refusal or failure to respond to call for practice drill.~~  
[Repealed in its entirety]

§ 13-61. Voting on expulsions; hearing and written charges.

Voting on all expulsions shall be by ballot, conducted by the Board of Fire Commissioners and no member shall be reported for expulsion except by a majority vote of the members commissioners present, but not less than four affirmative votes on the matter. The Fire Liaison will not vote on expulsions.

§ 13-62. Report of vote on suspension or expulsion.

If any of the companies ~~shall~~ active firematic members vote for the suspension or expulsion of any of its members, such results shall be reported to the Board of Fire Commissioners, at its next meeting or subsequent thereto, upon which being done, the Board of Fire Commissioners shall, upon proper hearing given to any such member, have power to suspend, remove or expel any such member from the Department, but such action by the Board of Fire Commissioners shall be subject to review, affirmation or reversal by the Mayor and Council.

§ 13-63. [No Change]

#### Article XIV. Repairs and Supplies

§ 13-64. [No Change]

§ 13-65. Furnishing firefighter equipment.

All active firefighters shall be furnished with standard helmets, boots, coats, bunker pants, radio equipment, badges, etc., which are to be purchased from the annual budget and remain the property of the Fire Department. All furnished equipment shall not be altered in any way without approval from Board of Fire Commissioners.

#### Article XV. Miscellaneous Provisions

§ 13-66. [No Change]

§ 13-67. [No Change]

~~§ 13-68. Prohibited acts.~~  
[Repealed in its entirety]

~~§ 13-69. Violations and penalties.~~  
[Repealed in its entirety]

§ 13-70. [No Change]

§ 13-71. [No Change]

§ 13-72. [No Change]  
Article XVII. Inter-municipal Mutual Aid Fire Emergency Aid Systems

§ 13-73. [No Change]

§ 13-74. [No Change]

Article XVIII. Junior Firefighter Program

§ 13-75. [No Change]

§ 13-76. [No Change]

§ 13-77. [No Change]

§ 13-78. [No Change]

§ 13-79. Qualifications; duties and other miscellaneous provisions.

A. [No Change]

B. [No Change]

C. [No Change]

D. [No Change]

E. [No Change]

F. [No Change]

**G. Any junior firefighter who has reached the age of 18 but is still in high school must follow all junior provisions stated in this Section until graduation from high school or has obtained a graduation equivalency certificate.**

Article XIX. Reflective Symbol on Structures Using Engineered Lumber

§ 13-80. [No Change]

§ 13-81. [No Change]

§ 13-82. [No Change]

§ 13-83. [No Change]

§ 13-84. [No Change]

§ 13-85. [No Change]

§ 13-86. [No Change]

**SECTION 2:** If any section, paragraph, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 3.** All ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect upon passage and publication according to law.

**Introduced:** March 21, 2023

	<b>Motion</b>	<b>Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Reinitz			X			
Rottenstrich		X	X			
Cutrone	X		X			
Krause			X			
Peluso			X			

**Adopted:** April 25, 2023

	<b>Motion</b>	<b>Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Reinitz			X			
Rottenstrich	X		X			
Cutrone		X	X			
Krause			X			
Peluso			X			

**Attest:**

**Approved:**

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Nicholas J. Magarelli, RMC  
Municipal Clerk

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Kurt Peluso  
Mayor

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I, Nicholas J. Magarelli, Municipal Clerk of the Borough of Fair Lawn, do hereby certify that the within Ordinance is a true and exact copy, duly adopted by the Borough Council at their meeting of April 25, 2023.

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Nicholas J. Magarelli, RMC  
**Municipal Clerk**

Date: 4/26/2023

