

## **ORDINANCE NO. 2024:11**

### **AN ORDINANCE TO AMEND CHAPTER II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED “ADMINISTRATION”, THEREBY AMENDING SUBSECTION 2-20 ENTITLED “FIRE DEPARTMENT”**

**WHEREAS**, New Milford Fire Department adopted Firematic Rules and Regulations in December 1994, which have been amended from time to time and most recently in December 2021; and

**WHEREAS**, The Mayor and Council of the Borough of New Milford endorsed the Firematic Rules and Regulations in a resolution passed on January 10, 2022; and

**WHEREAS**, certain sections of Chapter II, Section 2-20 are inconsistent with the adopted Firematic Rules and Regulations of the New Milford Fire Department.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of New Milford in the County of Bergen, State of New Jersey, that the following sections of Chapter II, Section 2-20 entitled “Fire Department,” of the Revised General Ordinances of the Borough of New Milford are hereby repealed and replaced as follows:

#### **§ 2-20.2 Election of Chief.**

The Chief shall be elected annually at an election, subject to the following restrictions and regulations.

- a. No member of either company shall hold the office of Chief for two successive years.
- b. The Chief of the Department shall be elected alternately from the two existent companies of the Borough.
- c. Any candidate for the office of Chief of the Department shall be fully qualified for office under the bylaws of the company of which he is a member and have at least four years of fire officer duty in the New Milford Fire Department.
  1. In the event there is only one nominee for the office of Chief, such nominee shall be declared Chief of the Fire Department.
  2. Any person qualified to be Chief of the Fire Department may be a nominee. A member's name shall be placed in nomination by motion of any member.
- d. The company which shall be entitled to nominate members for the election of Chief shall accept nominations from the floor at the October company meeting. Additional nominations may be presented at the November company meeting at which point nominations will be closed. Elections will commence at the December company meeting and nominations may only be reopened if there are no eligible nominees. Upon election, the name of the successful candidate shall be submitted to the Mayor and Council for appointment.

### § 2-20.3 Election of Other Officers.

- a. Nominations of members for the election to Assistant Chief, Deputy Chief, Captain, and Lieutenant, shall be accepted from the floor at the October company meeting. Additional nominations may be presented at the November company meeting at which point nominations will be closed. Elections will commence at the December company meeting and nominations may only be reopened if there are no eligible nominees. Upon election, the name of the successful candidates for Assistant Chief, Deputy Chief, Captain, and Lieutenant shall be presented to the fire liaison for presentation to the Mayor and Council not later than two days after the first company meeting in December in each year, to be held on the first Monday of that month. The Mayor and Council shall act to either approve or disapprove the elections of the Assistant Chief, Deputy Chief, Captain, and Lieutenant by December 15. Should the Mayor and Council reject the candidates for Assistant Chief, Deputy Chief, Captain and Lieutenant, they shall provide, in writing, the reasons, based upon the Department Rules and Regulations, company bylaws, or municipal and/or State law, for such rejection to the Fire Chief. The company or companies may then choose, within one week, to elect another to fill the offices of Assistant Chief, Deputy Chief, Captain and Lieutenant, the names shall be presented to the Mayor and Council for action as detailed above. The Mayor and Council shall act upon that nomination within two weeks of their next regularly scheduled council meeting.
- b. The company may provide good and sufficient reasons to the Mayor and Council to retain the original nominee if originally rejected and, if the Council agrees, the rejection of that candidate shall be rescinded. If the company declines to elect a new Assistant Chief, Deputy Chief, Captain, and Lieutenant, the Mayor and Council shall then direct the fire liaison, in conjunction with the Board of Fire Officers, to present candidates from the company as delineated in the bylaws to fill the vacant office until such time as the company elects an officer that is approved by the Mayor and Council, or the normal term of office expires, whichever comes first.

### § 2-20.6 Qualifications for Membership.

Any person applying for membership in the Department shall reside in the Borough or within three miles of the New Milford border. The applicant must be a citizen of the United States and may become a member of the Borough Fire Department as herein provided:

- a. The maximum membership of the several companies shall not exceed 50 members, including officers, in each company.
- b. Borough firemen shall meet the standards of the NJFSA and shall perform all firematic duties.
- c. Prospective members of the Fire Department must be submitted to the Mayor and Council and accepted as members by a majority vote of the Mayor and Council, subject to its rules and regulations.

**§ 2-20.6A Junior Firefighters Auxiliary.**

- a. Establishment. There shall be established in the Borough of New Milford an auxiliary to the New Milford Volunteer Fire Department, to be known as the "Junior Firefighters Auxiliary." The members of the Junior Firefighters Auxiliary shall be members of the Department and serve, with the consent of the Mayor and Council, under the authority and supervision of the New Milford Volunteer Fire Department.
- b. Age and residency requirement. No person shall be eligible for membership in the Junior Firefighters Auxiliary who is younger than 14 years of age or older than 23 years of age, in accordance with the rules and regulations referred to herein. All applicants shall either reside within the Borough of New Milford or within three miles of the Borough's border.
- c. Parental/guardian permission. Persons serving in the Junior Firefighters Auxiliary shall be required to obtain permission to participate in the Auxiliary from their parents or legal guardians. Such permission must be given, in writing, and acknowledged or proven in the same manner as is required by law for deeds to real estate to be recorded.
- d. Physical examination. Members of the Junior Firefighters Auxiliary shall satisfy the physical examination requirement established by the Auxiliary's rules and regulations.
- e. Insurance coverage. Members of the Junior Firefighters Auxiliary shall be provided with the same insurance coverage and the same amounts of coverage as is provided for regular members of the New Milford Volunteer Fire Department.
- f. Rules and regulations. The Junior Firefighters Auxiliary shall be subject to rules and regulations. Said rules and regulations shall be formulated by the New Milford Volunteer Fire Department and approved by the Mayor and Council. Said rules and regulations shall be formulated and approved prior to the induction of a member into the Auxiliary. Said rules and regulations shall provide for the training of Auxiliary members for eventual membership in the New Milford Volunteer Fire Department and shall further provide that no junior firefighter will be required to perform duties which would expose him or her to the same degree of hazard as a regular member of the New Milford Volunteer Fire Department.
- g. Force and effect. This section shall take effect and be enforced from and after its approval, as required by law.
- h. Employment. Any members of the Junior Firefighters Auxiliary who shall be employed by the Borough of New Milford shall only respond to a dispatch in accordance with the rules and regulations of the Junior Firefighters Auxiliary.

**§ 2-20.11 Pensions for Widows and Children of Volunteer Firemen.**

- a. Condition for Payment. In accordance with the provisions of N.J.S.A. 43:12:28.1 et seq., a pension shall be paid to the widow or to the children of a volunteer fireman who has died or shall have died as a result of injuries sustained in the course of performance of duty as a

member of any volunteer fire company organized, existing and recognized within the Borough of New Milford.

- b. Amount. Such widows and/or minor children shall be eligible to receive benefits pursuant to N.J.S.A. 43:12:28.2 et seq.
- c. Provision for Payment. When the municipal governing body determines, by resolution, that a widow or children or children are eligible for survivor's pension, a certified copy of the resolution shall be filed by the municipal clerk with the State Treasurer within 10 days of adoption, and the State shall provide for payment of the survivor's pension, starting in the first calendar year next following the year of death of the volunteer or the year next following the year in which P.L. 2002, c. 134 is enacted, whichever is later.

**BE IT FURTHER ORDAINED** that the remainder of the ordinance remains unchanged and that this change shall become effective upon passage and publication in accordance with law.