

Ordinance #2023-39

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON REGARDING THE PRINCETON FIRE DEPARTMENT AND AMENDING CHAPTER 8 OF THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968" AND CHAPTER 14 OF THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974."

WHEREAS, the Princeton Fire Department, in consultation with the Administrator and labor and municipal counsel, seeks to amend portions of Chapter 8 of the "Code of the Township of Princeton, New Jersey, 1968," entitled "Princeton Fire Department," and Chapter 14 of the "Code of the Borough of Princeton, New Jersey, 1974," entitled "Fire Prevention Code," for purposes of updating the organizational structure of the Princeton Fire Department to ensure more efficient and effective administration of said department and to better protect the public in matters related to fire suppression and fire safety; and

WHEREAS, Princeton Council wishes to adopt said Code revisions at this time.

NOW, THEREFORE, BE IT ORDAINED by Princeton Council as follows:

Section 1. Article I of Chapter 8 of the "Code of the Township of Princeton, New Jersey, 1968" ("Township Code"), currently entitled "Organization," is amended in its entirety, including being re-titled, and shall read as follows:

Article I. Definitions, organization and administration of fire department.

Sec. 8-1. Definitions.

As used in this chapter:

Associate member means a member of the Princeton fire department who is a volunteer and not a member of any of the three fire companies described below in this article.

Bureau of fire safety means the office within the department designated to serve as

Princeton's local fire code enforcing agency pursuant to law.

Fire chief means a paid member who shall be appointed to serve as the ranking officer of the department, and the department head responsible for all fire prevention, fire suppression and protection operations in the municipality.

Member or regular member means a member of the Princeton fire department who is a volunteer and member of one of the following individual three fire companies: "Princeton Hook and Ladder Company," "Mercer Engine Co. No. 3" or "Princeton Engine Co. No. 1."

Paid member or career member means a permanent, full-time or part-time, paid employee of the Princeton fire department, and shall not include an associate or regular member as defined herein.

Princeton fire department, department or PFD means the fire department of the Municipality of Princeton.

SOGs or SOG means the Standard Operating Guidelines of the department.

Volunteer member shall mean any regular member or associate member.

Sec. 8-2. Department organization.

- (a) The Princeton fire department is hereby established, and continued, to provide fire protection to the municipality of Princeton and serve as Princeton's local fire code enforcing agency pursuant to law.
- (b) The department shall consist of volunteer members and career members.
- (c) All volunteer members and career members performing firefighting responsibilities shall provide fire protection to Princeton, subject to the general control and management of Princeton. This chapter and the Princeton fire department standard operating guidelines (SOGs) shall take

precedence over the individual company constitutions, bylaws and any other rules or guidelines the individual companies may have in place. Each company within the department shall be entitled to receive a stipend to be funded through the department budget, upon the approval of a purchase order by the Princeton administrator.

- (d) The bureau of fire safety shall be within and part of the fire department and perform duties as the local fire code enforcing agency pursuant to law, and as more specifically set forth in chapter 14 of the “Code of the Borough of Princeton, New Jersey, 1974.” The bureau of fire safety shall be comprised of career firefighters as described below in subsection 8-3(c) and such other personnel as the department and administrator shall determine necessary.

Sec. 8-3. Administration and operation of the department.

- (a) Fire chief.

- (1) The fire chief shall serve as the head of the department and its ranking officer, and shall be in full charge of the volunteer members and career members.
- (2) Council shall appoint the fire chief, who shall be qualified as set forth in this chapter and serve as a career member.
- (3) The chief shall:
 - a. Make, administer, and enforce rules and regulations for the control, discipline and disposition of the department and its officers and all volunteer members and career members;
 - b. Have jurisdiction over the control, extinguishment, and prevention of fires;
 - c. In all cases where fire threatens life or damage or destruction of

property within Princeton, take prompt and efficient measures and use the means of the department to extinguish the fire, and at such times and occasions have the sole and absolute control and command over all the fire apparatus and all volunteer members and career members of the department at such fire; and

d. Within the appropriations of the annual budget, assign personnel, maintain the headquarters and acquire and maintain equipment and apparatus.

(4) The individual appointed to serve as fire chief shall possess the following minimum qualifications to serve as chief:

a. Fire Officer I Certification;

b. Instructor Level I Certification;

c. Minimum three years as Career Supervisor;

d. IMS Level III Certification;

e. ICS 100, 200 and 300 (minimum) Certifications;

f. Minimum Awareness Level in: Motor Vehicle Extrication, Swiftwater Rescue, Ice and Confined Space Course; and

g. CEVO 3 Course Completion.

(b) Volunteer members.

(1) There shall be firefighters assigned as available among the ranks of the regular members and associate members. The firefighters shall meet all the qualifications and training requirements as set forth in this chapter and departmental policy.

(2) There shall be an assistant chief assigned to the entire department subordinate

only to the fire chief and fire official. The fire chief, with the consent of the administrator, shall appoint the assistant chief from among the volunteer members. Prior to appointment of the assistant chief, the fire chief shall consult with the presidents of the three volunteer fire companies.

- (3) Any additional officers or line officers from among the volunteer members shall be appointed and serve in accordance with the SOGs, including but not limited to volunteer captains and lieutenants appointed by the department.

(c) Career members.

- (1) In addition to fire chief, the following titles shall be maintained from among the career members: fire official and firefighter(s). There shall be one fire official and a sufficient number of firefighters as determined by council as necessary to serve the department.
- (2) Career members serving as firefighters shall be appointed by council, in consultation with the fire chief and administrator.
- (3) The fire official shall serve as the head of the bureau of fire safety and be appointed by council. The fire official shall be under the direction of the fire chief. The fire official shall have all qualifications necessary to serve in that capacity as required by applicable law and regulation, and shall hold the title Fire Official UFD at all times. The fire official shall also serve as a firefighter, and shall have the qualifications to serve in that capacity as required in this chapter. The fire official shall perform such duties as assigned including those outlined in this subsection and chapter 14 of the “Code of the Borough of Princeton, New Jersey, 1974.”
- (4) Council shall appoint a sufficient number of fire inspectors to perform the

duties and responsibilities of the bureau of fire safety. As of the effective date of this chapter, all individuals appointed to serve as fire inspectors shall also be qualified to and serve as firefighters. Any fire inspectors serving prior to the effective date of this chapter who do not serve as paid firefighters shall be permitted to maintain their positions and not be required to serve as firefighters.

(5) The fire chief and other career members shall receive such compensation as shall be prescribed by council in the annual salary ordinance.

(d) Department chain of command.

(1) The chain of command of the department shall be as follows: upon the occurrence of an incident, the first arriving officer shall establish command until a higher ranking officer arrives on the scene. At this time, the higher ranking officer shall be briefed on the incident and may become the incident commander. The same procedure shall occur upon the arrival of each higher ranking officer until the arrival of the fire chief.

(2) The following shall be the hierarchy for the department during fire suppression activities:

- a. Fire chief (career).
- b. Fire official (career).
- c. Assistant chief (volunteer).
- d. Captain (volunteer).
- e. Lieutenant (volunteer).
- f. Firefighter (volunteer and career).

Section 2. Article II of Chapter 8 of Township Code, entitled "Membership

Requirements; Membership Approvals,” is hereby amended to read as follows (additions are underlined; deletions are [bracketed]):

Article II. Membership Requirements; Membership Approvals

Sec. 8-4. Qualifications.

(a) Members and associate members. No person shall become a member or associate member of the Princeton fire department, unless said person shall meet the following qualifications:

[1) Maintain a principal residence within a fifteen-mile radius of 363 Witherspoon Street. An individual who is available to respond to fires during their regular work hours by virtue of employment within said fifteen-mile radius shall be exempt from meeting this residency requirement. Individuals who were members of the department as of June 10, 1982, shall be recognized as members of said department as defined herein and need not comply at any time with any residency requirements provided for herein. For good cause shown, the mayor and council may waive the residency requirement.]

(1)[(2)]Be at least 18 years of age.

(2)[(3)]Be in good health, to be evidenced by a certificate to that effect by a licensed physician of the State of New Jersey who has been chosen by Princeton.

(3)[(4)]Be eligible for and accepted for coverage under that certain group accident insurance policy issued to the department through Princeton and any renewal or replacement thereof.

(4) Be in compliance with such other minimum requirements as may established by the SOGs and/or mayor and council.

(b) Paid members.

- (1) All paid members of the fire department shall be appointed by the council.
- (2) No person shall be appointed to serve as a paid member of the Princeton fire department, unless at the time of appointment the person shall meet the qualifications set forth in N.J.S.A. 40A:14-9, N.J.S.A. 40A:14-42 and N.J.S.A. 40A:14-44, as applicable, and as may be amended. Every appointee shall, at a minimum:
 - a. Be a citizen of the United States;
 - b. Be a resident of New Jersey;
 - c. Be sound in body and of good health sufficient for eligibility in the police and firemen's retirement system of New Jersey or public employees' retirement system of New Jersey, as appropriate;
 - d. Have a high school diploma or an equivalency certificate and shall be able to read, write and speak the English language well and intelligently;
 - e. Be of good moral character;
 - f. Not have been convicted of any criminal offense involving moral turpitude; and
 - g. Be between twenty-one and forty years of age at the time of appointment, except as may be permitted by law or regulation.
- (3) Appointment to the position of paid member shall be filled by a member or associate member of the department who has served as an active firefighter for at least two (2) years next preceding the appointment or by an exempt firefighter of the department; if no such member or associate member or exempt firefighter is available for appointment, then the appointment may be

made to any qualified person. Whether a member or associate member qualifies as an "active firefighter" shall be established by the [director]chief through written policy.

- [(4) The council shall hire such number of paid members as it deems necessary to serve the needs of the Princeton fire department. There shall be such quantity of lieutenant(s), captain(s), battalion chief(s), deputy assistant chief(s) and/or chief(s) from the paid membership as the director shall determine, each of whom shall be appointed in accordance with the SOGs, personnel policies and requirements for promotion set forth in section 8-8A below. The selection procedures set forth in Article III, Line Officers, Articles V and VI, Fire Chiefs, and Article VIII, Drivers, of this chapter are intended, and shall continue, to apply to the selection of officers from the regular (and if eligible, associate) membership and not paid membership.]
- [(5) Paid members shall receive such compensation as shall be prescribed by the council in the annual salary ordinance.]

Sec. 8-5. Oath.

Before an applicant is accepted for regular, associate or paid membership into the department and enters upon the duties connected with said department, said applicant shall take an oath to perform the duties of a member or paid member, as appropriate, of the Princeton fire department, to obey the officers of the Princeton fire department and to comply in all respects with provisions of this chapter, the Princeton Code and rules and regulations concerning the conduct of the Princeton fire department. Each member, associate member and paid member shall sign an affidavit provided by the Princeton clerk confirming receipt of a full copy of the fire department's then current Standard Operating Guidelines.

Sec. 8-6. Training requirements – regular, associate and paid members.

- (a) Upon entering the Princeton fire department each new regular and associate member shall, within an eighteen-month period, complete and pass a Firefighter I course or equivalent as well as any other New Jersey State mandated courses. The [director of emergency and safety services with the concurrence of the] chief may grant an extension of this period only where completion of the course within this time period is not possible due to changes in the schedule of course offering or some other extenuating circumstance.
- (b) All members must pass the Firefighter I or a New Jersey State approved program and any other mandated courses and training to remain a firefighting member of the department; any member who does not complete this training within the specified time shall become one of the non-firefighting types of member listed in section 8-7(e).
- (c) As a condition of employment, a paid member shall, within eighteen months of [his or her] appointment, complete and pass a Firefighter I course or equivalent as well as any other New Jersey State mandated courses.

Sec. 8-7. Approval of members of companies.

- (a) The various companies of the Princeton fire department shall process their own members and associate members, but no person shall become a member or associate member of the Princeton fire department until approved by the Princeton mayor and council.
- (b) Associate members approved by the mayor and council shall not be members of a company of the Princeton fire department but shall be subject to all provisions of this chapter. Associate members may at any time apply to become a member of a company. If accepted into a company, associate member status will no longer apply.

- (c) Should an associate member wish to join the New Jersey State Fireman's Association (NJSFA), the member will be required to join one of the three fire companies and will lose associate status. Due to time limits by the NJSFA on accepting medical doctors' physicals (12 months from date of physical), associate members will be responsible for the cost of a new physical if required by the NJSFA.
- (d) Except as otherwise provided in this chapter, associate members shall be entitled to the same benefits as regular members of the Princeton fire department.
- (e) Each company may at its own discretion have various types of memberships. These memberships are not subject to the approval of the mayor and council. Such memberships include but are not limited to:
 - (1) Honorary members;
 - (2) Life members;
 - (3) Auxiliary members;
 - (4) Social or administrative members.

Only members who are active interior, exterior and junior firefighters, apparatus drivers, fire police and command staff may be present in any role at an incident requiring fire department action as defined in SOGs.

Sec. 8-8. Status change.

Any person who shall have served as a member of the department and who has met the quota requirements of the New Jersey State Fireman's Association may, upon application, be retired from active service upon the vote of the company of which that person is a member.

Sec. 8-8.A. Promotion of paid firefighters; line of authority.

- (a) The promotion of a paid member to a superior position shall be made from the membership of such paid members and in accordance with N.J.S.A. 40A:14-29, the applicable personnel policies and SOGs.
- (b) The line of authority for paid members shall be as set forth in this chapter and the SOGs.

Section 4. Article IV of Chapter 8 of Township Code, entitled “Discipline,” is amended in its entirety and shall read as follows:

Article IV. Discipline.

Sec. 8-12. Suspension and removal of volunteer members; hearings.

- (a) Any volunteer member of the department, including a member who is an officer, while on duty, who shall refuse or negligently fail to obey or execute any order from the officer(s) in charge of any fire, emergency or nonemergency activity in which the Princeton fire department has been called, shall, for such offense, be subject to discipline from a warning to a suspension or termination from the department in such manner and upon such hearing as may be prescribed by the SOGs of the Princeton fire department and Princeton personnel policies (as applicable). A terminated or suspended volunteer member shall be entitled to an appeal hearing in accordance with the procedures set forth in subsection 8-12(c).
- (b) For other offenses or causes, a volunteer member of the department may be subject to discipline by the fire chief, in consultation with the assistant chief, from a warning to a suspension or termination from the department in such manner and upon such hearing as may be prescribed by the SOGs of the Princeton fire department and Princeton personnel policies (as applicable). A terminated or suspended volunteer member shall be entitled to an appeal hearing in accordance with the procedures set forth in

subsection 8-12(c).

- (c) A volunteer member who is terminated or suspended may appeal the termination or suspension by requesting a hearing before an appeals committee. The appeals committee shall consist of the presidents of the three companies and two career members selected by the three presidents. If a company president is not available, then that company's vice president shall serve on the committee. Any request for appeal shall be made in writing and submitted to the fire chief no more than fourteen business days after the effective date of the suspension or termination. The hearing shall be informal and shall take place no more than thirty days after the filing of the appeal. All individuals serving on the appeals committee shall participate in the appeal hearing. The appeals committee may affirm, reverse or modify the decision appealed from; that decision shall be final.

Sec. 8-13. Suspension and removal of career members; hearings.

- (a) No career member shall be removed from office, employment or position, or suspended, removed, fined or reduced in rank from or in office, employment or position, except as provided by the Princeton personnel policies (as applicable), SOGs and applicable law, including but not limited to N.J.S.A. 40A:14-19 through N.J.S.A. 40A:14-23 (inclusive) and N.J.S.A. 40A:14-28.1.
- (b) The administrator or administrator's designee shall serve as hearing officer and conduct any hearing on the removal, suspension, fining or reduction in rank of any career member.

Section 3. The following Articles within Chapter 8 of the Township Code shall be repealed in their entirety: Article III, Line Officers; Article V, Appointment of Fire Chiefs; Duties; Article VI, Fire Chiefs Appointments to Fill Vacancies for Reasons Other than Expiration of a Term;

Article VIII, Drivers; and Article IX, Fire Department Apparatus, Vehicles and Property.

Section 4. Sections 14-3, 14-4, 14-5, 14-6 and 14-7 of Article II of Chapter 14 of the “Code of the Borough of Princeton, New Jersey, 1974,” entitled “Fire Prevention Code,” shall be amended as follows (additions are underlined; deletions are [bracketed]):

Article II. Fire Prevention Code.

Sec. 14-3. Local enforcement of the New Jersey Uniform Fire Code.

Pursuant to the Uniform Fire Safety Act, the New Jersey Uniform Fire Code shall be locally enforced in Princeton.

Sec. 14-4. Creation of the Bureau of Fire Safety.

The local enforcing agency required by the Uniform Fire Safety Act shall be the Princeton Bureau of Fire Safety within the Princeton Fire Department established under Chapter 8 of the “Code of the Township of Princeton, New Jersey, 1968”, heretofore created and hereby continued.

Sec. 14-5. Organization of the Bureau of Fire Safety; Fire Official.

The Fire Official shall be the chief Administrator of the Bureau of Fire Safety. The Bureau of Fire Safety shall be under the direct supervision of the Fire Official, who shall report to the [Director of Emergency and Safety Services]Fire Chief.

Sec. 14-6. Appointment of Fire Official; Removal.

- (a) The position of Fire Official heretofore created is hereby continued.
- (b) The Bureau of Fire Safety shall be under the direct supervision of the Fire Official, who shall be appointed by [the Mayor with the advice and consent of] council.
- (c) The Fire Official shall be subject to removal [by the Administrator] in accordance with the Princeton Personnel Manual and applicable provisions of Chapter 8 of the

“Code of the Township of Princeton, New Jersey, 1968”.

Sec. 14-7. Inspectors and Employees; Appointment and Removal.

Except as otherwise set forth in Chapter 8 of the “Code of the Township of Princeton, New Jersey, 1968,” when a fire inspector is a career member of the Princeton Fire Department, [S]such inspectors and other personnel as may be necessary in the Bureau of Fire Safety shall be appointed by the Administrator. Except as otherwise set forth in Chapter 8 of the “Code of the Township of Princeton, New Jersey, 1968,” when a fire inspector is a career member of the Princeton Fire Department, [I]inspectors and other employees of the Bureau of Fire Safety shall be subject to removal by the Administrator in accordance with the Princeton Personnel Manual.

Section 5. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 7. The provisions of this ordinance shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

Rayna E. Harris, RMC, Clerk

Hon. Mark Freda, Mayor

Ordinance Introduced: November 27, 2023
Ordinance Adopted: December 18, 2023

NEWSPAPER PUBLICATIONS:

First Insertion: December 1, 2023
Revised Insertion: December 8, 2023
Final Insertion: December 22, 2023

The purpose of this ordinance is to update those portions of the Township Code and Borough Code regarding the Princeton fire department and bureau of fire safety to make necessary updates to the organizational structure of the fire department and to bring the bureau of fire agency within said department.