

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 43 "FIRE DEPARTMENT" OF THE SPRING LAKE BOROUGH CODE**

**WHEREAS**, Chapter 43 of the Borough Code governs to establishment of the Fire Department in the Borough of Spring Lake; and

**WHEREAS**, the Mayor and Borough Council have recommended that the following sections of Chapter 43 is amended and supplemented as it is in the best interest of the Borough; and

**WHEREAS**, Chapter 43 is amended and supplemented with deletions reflected in strikethrough and additions reflected in underline; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Spring Lake in the County of Monmouth and State of New Jersey as follows:

**CHAPTER 43. FIRE DEPARTMENT**

**ARTICLE 1. COMPOSITION**

**§ 43-1. Composition.**

The ~~Fire Department of the Borough of Spring Lake~~ Volunteer Fire Department, ("Volunteer Department") shall be the exclusive volunteer fire organization within the Borough, ~~consists of two volunteer companies; Spring Lake Fire Department No. 1 and Goodwill Fire Company No. 2;~~

**§ 43-2. Fire-fighting apparatus.**

~~The Volunteer~~ Each company or unit of the Fire Department shall have charge of such fire-fighting apparatus, belonging to the Borough of Spring Lake, as may be placed in its ~~their~~ keeping by the Borough Council, and may provide itself with such additional equipment as desired.

**§ 43-3. Compensation.**

Each active member of the Volunteer Fire Department who shall have complied with the requirements of the Borough ordinances and the laws of the State of New Jersey shall receive an annual compensation of the sum of \$12; such compensation to be paid in such manner and at such time as the Borough Council shall determine. Eligibility for compensation as active members shall be determined by the record of each of attendance and service at fires and instruction drills.

~~**§ 43.4 Composition of volunteer companies.**~~

~~The volunteer company shall consist of such volunteer fire organizations as may now or hereafter exist in the Borough of Spring Lake.~~

**§ 43-5. Officers.**

There shall be two ~~three~~ officers of the Fire Department of the Borough of Spring Lake ("Fire Department"), one of whom shall be the Chief of the Department ~~which includes both fire companies as set forth in § 43-1.~~ The other ~~two~~ officers shall be the Deputy Chiefs, ~~one from~~

each company, Spring Lake Fire Company No. 1 and Goodwill Fire Company No. 2. One of the two Deputy Chiefs is deemed Senior Deputy Chief. The Senior Deputy Chief shall be Deputy Chief from the company that the Chief is not elected from.

#### **§ 43-6. Election of Fire Chief.**

- A. The Chief of the Fire Department shall be elected annually by the members of the Volunteer Department fire companies on the third first Tuesday in November. Not more than 70 35 Borough Council appointed members of the Volunteer Department each fire company may vote in the election for Chief. The Secretary of the Volunteer Department Each fire company annually shall provide a listing of the 70 35 eligible voters to the Borough Clerk not later than 10 days before the date of election.
- B. Nominations for the position of Fire Chief shall be made by the membership of the Volunteer Department each fire company at their regular meeting in October November of each year, and the names of the nominees shall be forwarded to the Borough Clerk on the day following that meeting by the Secretary, of each company. The Borough Clerk shall notify both companies of the names of the nominees, in writing, not later than the second Tuesday in November.
- C. The candidate for Chief and Deputy Chief who receives the highest number of votes shall be deemed elected to those offices.
- D. The balloting for the office of Fire Chief shall be by written ballot. The place of election shall be the Spring Lake Municipal Building. The polls shall be open from 7:30 p.m. to 8:30 p.m.; however, written ballots may be submitted to the Borough Clerk from 8:00 a.m. on the morning of election by those eligible voters who are not able to appear at the polls because of employment assignments or medical difficulties. Those ballots shall be delivered to the tellers of election when the polls open, and the tellers shall determine if the ballots were received from eligible voters; ballots received from eligible voters shall be counted at the close of polls.
- E. The Borough Clerk shall serve as judge and the tellers shall be the President and Vice President of the Volunteer Department each fire company. A Volunteer Department fire company trustee may replace an unavailable President or Vice President. The results of the election shall be announced immediately following the tally of the votes after the polls close.
  - (1) Qualifications for Fire Chief:
    - (a) Completed training in Basic Fire Fighter One and Two at the Monmouth County Fire Academy or equivalent certificate holder.
    - (b) Complete current incident management level 3 as required by the New Jersey Division of Fire Safety.
    - (c) Membership in the Spring Lake Fire Department for a period of at least five years.
    - (d) Previously served as Chief or Deputy Chief for at least one year.
    - (e) Must reside within two miles of the Spring Lake Boundary.
    - (f) Completed a New Jersey Level 1 Course meeting the requirements of NFPA 1021.
  - (2) Qualifications for Deputy Fire Chief:
    - (a) Completed training in Basic Fire Fighter One and Two at the Monmouth County Fire Academy or equivalent certificate holder.
    - (b) Complete current incident management level 2 as required by the New Jersey Division of Fire Safety.

- (c) Membership in the Spring Lake Fire Department for a period of at least four years.
  - (d) Previously served as Captain, Lieutenant, Foreman, or Assistant Foreman for a period of at least two years total.
  - (e) Must reside within two miles of the Spring Lake Boundary.
- F. The Deputy Chiefs ~~of each company~~ shall be elected by ~~each company~~ the Volunteer Department not later than their regular December meeting. The election of such officers shall be confirmed by the Borough Council, and such officers shall hold their respective offices at the pleasure of the Council.
- G. A vacancy in the office of Chief shall be filled by the ~~Senior Deputy Chief~~ until a Department election may be held, which election shall be held on the third Tuesday of the month following the vacancy occurring. Nominations for the office and the election shall be the same as for the annual election, except that there shall not be a one-month nomination period.
- H. A vacancy in the office of Deputy Chief shall be filled by the membership of the Volunteer Department ~~fire company~~ at the next regular meeting after the vacancy occurring.

#### **§ 43-7. Assigning fire fighters.**

The fire fighters of the Borough ~~companies~~ shall be assigned from time to time by the Chief of the Department to duty or service on the fire engine, ~~tender, hook and ladder truck,~~ chemical engine or other apparatus of the Borough.

#### **§ 43-8. Number of members.**

- A. The number of active members of ~~each fire company of the Fire Volunteer Department~~ shall be limited to ~~70~~ 35, ~~and so proportioned that the number of members in the Department not holding certificates as exempt fire fighters shall not exceed 45. There shall be no limit on Life or associate Members.~~ All active members of the Volunteer Fire Department shall be appointed to the Fire Department by the Borough Council, such appointment to be made only after the candidate is duly elected by the Volunteer Department company to which he is ~~to be appointed~~ and he has been recommended to the Council by the officers of the Volunteer Department ~~such company~~ as a person suitable and qualified, requirements of the State of New Jersey included, to become an active fire fighter.
- B. The date of becoming an active fire fighter shall be the date upon which such fire fighter was appointed by the Borough Council.

#### **§ 43-9. Qualifications.**

No person shall become a member of the Volunteer Department ~~Borough Companies~~ unless he shall promise and engage to perform the duties of a fire fighter as prescribed in this chapter, nor shall any person become a member of the company unless he is at least 18 years of age.

#### **§ 43-10. Election of Borough company members.**

All members of the Borough Company shall be elected such by the Borough Council.

#### **§ 43-11. Fire Department ~~company~~ budget representative.**

- A. Established. The Chief shall be established the position of budget representative in the Volunteer Department each of the two volunteer companies, Spring Lake Fire Company No. 1 and Goodwill Fire Company No. 2.
- B. Purpose. The purpose of this position shall be to provide continuity in the budget process and to establish a joint comprehensive fire budget for the two Volunteer Department companies which would be presented to the Borough Finance Committee, Borough Business Administrator and Borough Chief financial officer.
- C. Term. The budget representative shall be the Fire Chief and, in his absence, the Senior Deputy Chief. Said appointment shall run concurrent with their elected position, be for a term of one year and shall commence as of January 1.
- D. Duties.
  - (1) The budget representative duties shall include:
    - (a) Ascertain the needs of the Volunteer Department respective company.
    - (b) Coordinate with the Officers of the Volunteer Department budget representative from the other company and develop a joint proposed fire budget, which would be presented to the Borough Finance Committee.
    - (c) Meet with the Borough Finance Committee in order to review the proposed budget so that the Finance Committee can make recommendations to the governing body concerning the municipal budget.
  - (2) Vouchers submitted to the governing body on behalf of the Volunteer Department respective fire companies must be signed by the Chief of the Department, both budget representatives on behalf of the fire companies.
  - (3) The Chief budget representatives shall submit a joint report of its budget activities to the Mayor and Borough Council not less than annually.

#### **§ 43-12. Duties of Chief.**

The Chief of the Fire Department shall devote his time and attention to the faithful discharge of the duties of his office. He shall examine at least once in each month, and oftener, if necessary, the engine Fire house, fire engines, chemical engine ladder truck, hose, and other fire apparatus, and the public hydrants and water supply and shall keep in his office a record of the date of such examinations and of the condition in which the engine Fire house, fire engine, chemical engine, hose, and other apparatus were found by him. He shall, under the direction of the Rre Borough Safety Committee, superintend in person and direct all ordinary and necessary repairs to the engine Fire house, fire engine, hose and other fire apparatus and the construction and erection of new engine houses and fire apparatus which may be ordered to be built or repaired, and he shall examine and certify all accounts for such work. He shall keep an accurate record of the names of the officers and members of the Fire Department and of all appointments, resignations, and removals of the fire fighters as the same shall take place.

#### **§ 43-13. Fires; chain of command; reports.**

The Chief of the Fire Department shall, in all cases of fire threatening damage or destruction of property within the Borough, take prompt and efficient measures and use the means of the Department to extinguish the same and shall, at such times and on occasions of alarms of fire, have sole and absolute control of the Fire Department and persons aiding and assisting the

Department in cases of actual fire. In the absence of the Chief, the Senior Deputy Chief shall assume command.

#### **§ 43-14. Deputy Chiefs.**

The Deputy Chiefs of the Department, when attending fires, shall obey the directions of the Chief. They shall take proper measures to arrange the fire apparatus in the most advantageous manner and to cause it to be worked for the effectual extinguishment of fires. It shall also be the duty of the Chief and the Deputy Chief to cause order to be observed by the members of the Department in going to, working at, and returning from fires and at all other times when on duty.

#### **§ 43-15. Investigations and reports.**

The Chief of the Department shall inquire into all violations of the provisions of this chapter or of any law of the state or ordinance of the Borough relating to the prevention or extinguishment of fires and shall cause such legal proceedings to be had as shall prevent the continuance of the same. He shall investigate the cause of all fires which may take place within the Borough, and if the result of such inquiry shall satisfy him that the fire was of incendiary origin, he shall report to the Mayor, the Monmouth County Prosecutor's office and the Monmouth County Fire Marshal that there are good and sufficient grounds of presumption that the fire so occurring was caused by design, and it shall therefore be lawful for the Mayor to offer such reward as he may deem advisable or as the Council shall recommend for the discovery and apprehension of the incendiary, to be paid on conviction of the person or persons so offending. He shall keep a record of all alarms of fires and of all fires which may happen within the Borough with the cause thereof, whenever the same can be ascertained, and the description of the building or buildings injured or destroyed, the names of the owners or occupants, the amount of loss in such cases, and also the amount of insurance as near as the same can be ascertained on careful and diligent inquiry and report to Council at year end.

#### **§ 43-16. Duty of fire fighters.**

Whenever the fire alarm sounds, it shall be the duty of the fire fighters ~~of both the Borough and volunteer companies~~ to report immediately to their respective fire apparatus and proceed where such fire shall happen, unless otherwise directed by the Chief or the Deputy Chief, and there, under the direction of the Chief or Deputy Chief, to manage the fire apparatus as trained, and when the fire is extinguished, they shall return the fire apparatus to the engine house as directed by the Chief.

#### **§ 43-17. Entering houses; handling equipment.**

It shall be the duty, subject to the direction of the Chief, of all members of the Fire Department to prevent all persons not belonging to the Department from entering any house or handling any apparatus belonging to the Department, except as hereinafter provided. Every person not a fire fighter who shall be present at a fire shall be subject and obedient to the orders of the Incident Commander ~~Chief or the Deputy Chief or of the Mayor or the Marshal or any member of the Fire Department acting under their direction~~, in extinguishing the fire, preserving order and the removal of property.

#### **§ 43-18. Bylaws and regulations.**

The Fire Department may adopt such bylaws and regulations for their government subordinate to the ordinances of the Borough and not inconsistent therewith as they may deem useful and

proper in the discharge of their duties.

#### **§ 43-19. Dismissal.**

Any fire fighter who shall be guilty of misconduct or negligent of his duties as a fire fighter shall be reported by the Chief to the Council and may be dismissed for such misconduct or neglect of duty. Complaints made by any person to the Chief, Mayor, or any member of the Council against fire fighters for misconduct in the performance of their duties or neglect of the performance of such duties shall forthwith be reported to the Council for action. Whenever any report shall be made against any fire fighter, a full opportunity shall be given by the Council to the party complained of to be heard in his defense but any fire fighter so complained of may be suspended by the Council until the final action on such complaint.

#### **§ 43-20. Rights-of-way.**

The engine, ~~hose cart, hook and~~ ladder truck and other machines and apparatus of the Fire Department of this Borough, when driven on any street in attending any fire or alarm, shall have the right-of-way thereon, and all person driving vehicles on such streets shall ~~turn out~~ yield for the engine, ~~hose cart,~~ truck and other machines or apparatus.

#### **§ 43-21. Fire Safety Committee.**

The Fire Safety Committee of the Council shall ~~at all times~~ always have the power to make such rules and regulations as they shall deem best for the good order and proper discipline of said Department.

#### **§ 43-22. Drills and instructions.**

A.) Bureau of Instruction. A Bureau of Instruction in the Borough Fire Department is hereby established which shall manage, perform, coordinate all required training for the Fire Department. ~~be operated under the supervision of the Chairman of the Fire Committee of the Borough Council.~~

(1) The Chief and the Deputy Chief of the Fire Department of the Borough shall be the Chief and Deputy Chief, respectively, of the Bureau of Instruction. The captain, ~~foreman~~ lieutenant and chief engineers of each the Borough fire company shall be the Instructors of the Bureau of Instruction.

(2) The Chief, Deputy Chief and Instructors of the Bureau shall receive no compensation for their services as such.

B. Drills. The Chief of the Bureau shall cause to be held drills for all members of the Fire Department at least once in each month and more often when he deems necessary for the purpose of instructing firemen in the use and handling of fire-fighting equipment and the prevention and extinguishment of fires.

C. Deputy Chief and Instructors. The Deputy Chief and Instructors of the Bureau shall assist the Chief and act under his direction in the instruction of fire fighters. In the absence of the Chief, the Deputy Chief of the Bureau shall assume all the duties of the Chief.

D. Attendance. All members of the Fire Department shall attend to the best of their ability and when in attendance shall be obedient to the Chief and the Instructors and exert their best effort in becoming familiar with their duties as fire fighters.

E. Notification. The Chief of the Bureau shall notify each member, ~~in writing, the proper officer~~

of each company of the Fire Department, at least five days in advance, of the time and place of each drill. The officer receiving such notice shall transmit such notice to all members of his company allowing ample time for each member to arrange to be present at the drill. All such notices may be made by mail.

- F. Records. The Chief of the Bureau shall keep an accurate record of all drills and enter the same in the record of the Fire Department. He shall also keep a detailed record of attendance of members at drills and enter such upon his annual report on members.
- G. Reports. The Chief of the Bureau shall report in writing, for action, to the proper officer of their respective company, any insubordination or any physical condition of members which may render them unfitted for service as fire fighters.
- H. Instruction. Instruction of members of the Fire Department shall include all such subjects as will render them an increased familiarity with the purpose and use of fire-fighting apparatus and appliances, enable them to handle and lay hose in a rapid and efficient manner, the quick raising and moving of hose, handling of streams of water, the use of and proper handling of Siamese connections, and the handling and use of ladders.
  - (1) Instruction shall include the changing charging of hose 2 1/2 inches on the trucks as often as possible, once in each month and the running of water through all hose at least once in every two months.
  - (2) All other subjects shall be included as the Chief of the Bureau deems advisable to keep members familiar with modern fire-fighting methods.

#### **§ 43-23. Junior Firemen's Auxiliary.**

- A. Established. An auxiliary in accordance with N.J.S.A. 40A:14-95 to Spring Lake Fire to the Company No. 1, Fifth Avenue, Spring Lake, New Jersey 07762 is hereby established which is to be known as the "Junior Fire Fighters' Auxiliary to the Spring Lake Fire Company No. 1."
- B. Authorization to establish. Authorization is hereby given to Spring Lake Fire Co. No. 1, Fifth Avenue, Spring Lake, New Jersey 07762 to establish a Junior Fire Fighters Program Auxiliary in accordance with the statute, if the membership of the company so desires.
- C. Age; eligibility. All persons not less than 14 years of age and not more than 21 years of age shall be eligible for membership in the Junior Fire Fighters Program Auxiliary to Goodwill Fire Co. No. 2 and in the Junior Fire Fighters' Auxiliary to the Spring Lake Fire Company No. 1.
  - (1) A prospective junior member shall be required to obtain permission to join the auxiliary from their parents or guardian.
  - (2) Such Permission shall be in writing and acknowledged. or proved in the manner required by law for deeds to real estate to be recorded.
- D. Rules and regulations adopted; on file in Clerk's office. In accordance with N.J.S.A. 40A:14-98, certain rules and regulations governing the activities of the auxiliary or auxiliaries are hereby adopted. The rules and regulations are in writing and the same have been filed in the office of the Borough Clerk, Fifth and Warren Avenues, Spring Lake, New Jersey 07762 where they are available for public inspection during normal business hours. Further, the rules and regulations may be amended, supplemented, and deleted by subsequent resolutions of the Borough Council.

**§ 43-24. Disclosure of information regarding applicants for membership in volunteer fire department and first aid squad.**

- A. Purpose. This subsection is enacted pursuant to N.J.S.A. 40:42-1 et seq., the Home Rule Act, which directs municipalities to act for the health, welfare, and safety of its citizens and to implement N.J.S.A. 15:8-1.1.
- B. Membership defined. Membership in the Spring Lake Fire Department ~~Company No. 1~~ and ~~Goodwill Fire Company No. 2~~ or the Spring Lake First Aid Squad means membership in a volunteer fire company or first aid squad organized pursuant to Title 15 of the Revised Statutes or Title 15A of the New Jersey statutes, membership in a volunteer fire company or first aid squad or similar organization constituted in a fire district pursuant to N.J.S.A. 40A:14-70.1, membership in a junior firefighters' auxiliary established pursuant to N.J.S.A. 40A: 14-95, or nonpaid membership in a part-paid Fire Department or force established pursuant to Chapter 14 of Title 40A of the New Jersey statutes.
- C. Application. Any person desiring membership in the Spring Lake Fire Department ~~Company No. 1~~ or ~~Goodwill Fire Company No. 2~~ or the Spring Lake First Aid Squad shall ~~complete in duplicate, filing the same with Spring Lake Fire Company No. 1 or Goodwill Fire Company No. 2, or the Spring Lake First Aid Squad~~ complete an application the form of which may be prescribed by Spring Lake Fire Department ~~Company No. 1~~ or ~~Goodwill Fire Company No. 2~~, or the Spring Lake First Aid Squad, 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.A. 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.
  - (7) Any conviction of violation of N.J.S.A. 2C:33-3, False Public Alarms.
  - (8) Any conviction of a crime or disorderly persons violation.
  - (9) Such other information as the Spring Lake Fire Department ~~Company No. 1~~ or the ~~Goodwill Fire Company No. 2~~ or the Spring Lake First Aid Squad deems relevant to the application, provided that none of such information is prohibited by law.
- D. Investigation by Chief of Police. Following the filing of such application the Spring Lake Fire Department ~~Company No. 1~~, the ~~Goodwill Fire Company No. 2~~ or the Spring Lake First Aid Squad shall transmit one of the applications to the Chief of Police of the Borough of Spring Lake 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.A. 2C:17-1a, b, c, and/or d or N.J.S.A. 2C:33-3 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 Spring Lake Fire Chief ~~Company No. 1~~ and/or the Goodwill Fire ~~Company No. 2~~ and/or the Spring Lake First Aid Squad Captain.

- E. Fingerprinting. 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 from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered under this section.
- F. Companies to become authorized agencies. This subsection is intended to make Spring Lake Fire Department ~~Company No. 1~~ and Goodwill Fire ~~Company No. 2~~ and the Spring Lake First Aid Squad authorized agencies as defined by N.J.A.C. 13:59-1.1.
- G. Time limit for investigation. The above investigation by the Chief of Police shall be completed within 30 days of receipt of the application and the fingerprinting of applicant.

This Ordinance shall take effect upon passage and publication in accordance with the applicable law.

INTRODUCED: May 9, 2023

ADOPTED: May 23, 2023

APPROVED:



JENNIFER NAUGHTON, Mayor

Attest:



Dina M. Zahorsky, Borough Clerk

