

**BOROUGH OF OLD TAPPAN  
ORDINANCE 1192-21**

**AN ORDINANCE TO REPEAL AND REPLACE ARTICLE II OF CHAPTER 27 OF THE CODE OF THE  
BOROUGH OF OLD TAPPAN TITLED "FIRE DEPARTMENT"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Old Tappan as follows:

**Section 1.** The Code of the Borough of Old Tappan is hereby amended by repealing Article II of Chapter 27 titled "Fire Department" and replacing it with the following:

**Article II: Fire Department**

**Chapter 27: Departments Article II Fire Department**

§ 27-12 **Establishment; designation.**

§ 27-13 **Fire Commissioner or Fire Committee.**

§ 27-14 **Qualifications.**

§ 27-15 **Officers.**

§ 27-16 **Duties of Chief and Deputy Chief.**

§ 27-17 **Duty requirements.**

§ 27-18 **Exemption certificate.**

§ 27-19 **Equipment.**

§ 27-20 **Taking apparatus outside Borough.**

§ 27-21 **Rules and regulations.**

§ 27-12 **Establishment; designation.**

§27.12 Establishment; designation.

**A.**

A Fire Department is hereby created and established for the Borough, to consist of as many engine, hook and ladder, hose and salvage companies as may, from time to time, be determined by resolution and adopted at a regular meeting of the Mayor and Borough Council.

**B.**

The companies of the Fire Department shall be known and designated without reference to their equipment as Company No. One of the Old Tappan Fire Department, each company adopting a numeral in the order of its organization.

**C.**

The primary purpose of the Fire Department shall be to prevent and extinguish fires within the Borough of Old Tappan, to respond to and address emergencies affecting the health, safety and welfare within the Borough, and elsewhere by prior agreement.

**D.**

The Department may also assist other municipalities as its resources are available and may be needed in a cooperative effort for all of these purposes, and will comply with any written mutual aid or shared services agreements signed by the Mayor and Council of Old Tappan.

**§ 27-13 Fire Commissioner or Fire Committee.**

**A.**

A Fire Commissioner shall be appointed by the Mayor with the advice and consent of the Council. The Fire Commissioner shall have direct supervision of the Fire Department, subject to the approval of the Mayor and the Council.

**B.**

The Fire Commissioner, who shall be appointed by the Mayor and approved by the Council, shall be entitled to attend the regular monthly meetings of the fire company and may, at the direction of the Mayor and Council, act as their deputy. The Fire Commissioner shall also, at the request of the fire company, act as its representative to the Mayor and Council

**§ 27-14 Qualifications.**

The Fire Department shall consist of active firefighters, probationary firefighters and junior/cadet firefighters. The complement of members shall include all officers.

Qualifications of active members shall be:

**A.**

Active firefighters. No person shall be appointed as an active member of the Fire Department unless he/she:

- 1) Shall be a citizen of the United States, permanent legal resident, or eligible to work in the US.
- 2) Shall be between 18 and 55 years of age (up to age 65 will be permitted with a credit for up to 10 years of prior fire service experience in another department).
- 3) Is of good moral character and free from conviction of any crime constituting an indictable offense, or any crime or offense involving moral turpitude.
- 4) Commit to responding to calls at all times of day and night, based on availability.
- 5) Shall be physically and mentally fit to perform duties of a firefighter, which shall be evidenced by a certificate to that effect by a practicing physician of the State of New Jersey after examination for that purpose. Any psychological, medical, or physical condition or defect which would prevent efficient performance of the duties of the position, cause the appointee to be a hazard to himself/herself or others, or become aggravated as a result of performance of these duties may be cause for rejection.
- 6) Has served a probationary period in accordance with Subsection B.

**B.**

Probationary firefighters.

- 1) A probationary firefighter shall be a newly appointed member who has reached the age of 18 years and meets all other requirements of Subsection A. Probationary members shall attend and complete a New Jersey approved Firefighter 1 training program or equivalent course within 18 months of appointment. After completion of initial training, the member shall continue to serve a probationary period of a minimum of six months.
- 2) Newly appointed members who have previously completed their initial firefighter training shall serve a probationary period of a minimum of six months with the Department, which may be extended at the discretion of the Chief.
- 3) Any junior member who has reached the age of 18 but is still in high school must follow all provisions of the junior firefighter ordinance until he or she has graduated high school or has an equivalency certificate issued.

C.

Medically unfit for duty.

- 1) Members deemed by psychological, medical, or physical examination to be unfit for duty shall notify the Chief as soon as practical. These members shall be removed from active duty upon recommendation by the Chief to the Borough Council until such time as a physician determines that such member should be reinstated to active firefighter status.

D.

A junior auxiliary firefighter shall be between the age of 15 years and 18 years of age.

(1)

Junior auxiliary firefighters shall meet all of the qualifications in Subsection A hereof except for the age requirement and the requirement for a probationary period. In addition, they shall obtain and submit signed consents from their parents on forms provided by the Fire Department. They shall be residents of the Borough of Old Tappan or a contiguous New Jersey municipality

(2)

There shall be a maximum of 10 junior auxiliary positions. In the event that there are less than 10 junior auxiliary positions filled by the Borough of Old Tappan residents, nonresidents residing in any contiguous New Jersey municipality may become junior auxiliary members.

(3)

A junior firefighter 16 years of age or older may perform duties at training events and emergency scenes as established by regulations adopted by the Director of the Division of Fire Safety; provided:

- 1) The junior firefighter has been appropriately and adequately trained to perform the duties;
- 2) The junior firefighter is appropriately and adequately supervised in performing those duties at the training event or emergency scene;

- 3) The junior firefighter's parent or guardian has provided written permission allowing the junior firefighter to perform those duties; and
- 4) The governing body provides insurance coverage for the junior firefighter that is identical to that provided for the regular members of the fire department.

A junior firefighter auxiliary member under 16 years of age shall be limited to:

- 1) Attending meetings of the Junior Firefighter's Auxiliary;
- 2) Receiving instruction;
- 3) Participating in training as established by regulations adopted by the Director of the Division of Fire Safety; and
- 4) Observing firefighting activities, while under supervision.

**(4)**

Subject to budgetary requirements, the Chief of the Fire Department may grant a clothing allowance to junior auxiliary firefighters.

**Expulsion, suspension or reprimand of members.**

Any member of the fire department may be expelled, suspended or reprimanded by resolution of the Mayor and Council upon charges brought in writing by the Board of Fire Officers and hearing thereon.

**Criminal history record check.**

**(a)**

Any Fire Department applicant will submit to fingerprinting and criminal history record check by the Old Tappan Police Department or other 3<sup>rd</sup> party service approved by the Borough.

**(b)**

The results of the applicant's criminal history check will be reviewed by the Old Tappan Police Department. The Chief of the Old Tappan Police Department or his designee will provide a written statement to the Borough Administrator stating that either the applicant has no disqualifying criminal history or which summarizes any disqualifying criminal charges or convictions. The Administrator will promptly advise the Chief of the Department if the applicant meets the Borough's standards for membership or, after consulting with the Borough Attorney, advise the Fire Chief that the applicant does not meet these standards and may not be granted membership. If an applicant wishes to discuss the decision made related to him/her, he/she may meet the Administrator and Attorney to review the basis for this determination.

**(c)**

Any person convicted of a crime of the first or second degree as set forth under the New Jersey Code of Criminal Justice, or its equivalent in any other jurisdiction of these United States, shall be ineligible for membership in the Old Tappan Fire Department.

**(d)**

Any person(s) convicted of a crime of the third or fourth degree under the New Jersey Code of Criminal Justice, or its equivalent in any other jurisdiction of these United States, may be

eligible subject to review and recommendation of the Borough Council for membership in the Old Tappan Fire Department.

**(e)**

No other Borough official or employee will be given access to nor be informed of the information received from the State Bureau of Identification.

**(f)**

The Borough authorizes the Fire Department to pay any fee required by the state or 3<sup>rd</sup> party service in relation to this investigation.

**§ 27-15 Officers.**

**A.**

The Fire Department, as well as each company, shall have power to choose their officers by ballot and to determine the qualifications of its members, except as hereinafter set forth and except that no officers or members shall be installed until after approval by resolution by the Mayor and Council.

**(1)**

The Chief of the Department and Deputy Chief shall be chosen by majority vote by ballot of the members of all the companies of the Department and shall hold office for one year and until their successors are chosen.

**(2)**

Throughout the duration of his/her appointment, the Chief of the Department shall reside within a four-mile radius from the Old Tappan Fire House, located at 231 Old Tappan Road , Old Tappan, New Jersey. The Mayor and Council may choose to waive this requirement by future resolution.

**(3)**

Department Officers shall be chosen by the majority votes by ballot of the members of the respective companies and shall hold office for one year and until their successors are chosen.

**(4)**

Department Officers shall not also be officers in the Fire Department of another municipality.

**B.**

All officers of the Department shall be collectively referred to as the Board of Fire Officers.

**Removal, suspension or reprimand of officers.**

Any officer of the fire department may be expelled, suspended, demoted, or reprimanded for cause by resolution of the Mayor and Council upon charges brought in writing by the Chief or Board of Fire Officers and hearing thereon. The Chief of Department may be expelled, suspended, demoted, or reprimanded for cause by resolution of the Mayor and Council upon charges brought in writing by the Fire Commissioner and hearing thereon.

#### § 27-16 **Duties of Fire Officers**

##### **A.**

The Chief of the Department, or the officer highest in rank in the Department, shall keep himself/herself informed as to the fire conditions of the Borough and the conditions of the apparatus and personnel and, if requested, report thereon, in writing, to the Mayor and Council at their regular meetings in January, April, July and October of each year, together with a report in detail of the service rendered by the Department during the preceding three months.

##### **B.**

The Chief of the Department, or, in the absence of the Chief, the highest ranking member of the Department present, at fires and at all times on duty, shall have sole and absolute command of the officers and fire fighters present and be responsible for their discipline and efficiency.

##### **C.**

The Deputy Chief shall render such service and perform such duties as the Chief may require. In the absence of the Chief, the Deputy Chief shall assume his/her obligations, exercise his/her powers and perform his/her duties.

##### **D.**

Authority of the officers while on duty shall be determined by grade. All officers and fire fighters shall be subordinate to the Chief of the Department. The first officers on duty at a fire shall exercise command until his/her superior arrives. If two officers of the same grade meet on duty, the officer longest in office shall take command. A member or members arriving at a fire without an officer on the scene shall be commanded by the most senior member qualified to command a fire service operation.

##### **E.**

The Chief of the Department, or his designated representative, is authorized to provide mutual aid services to any community or district the Fire Chief, or his designated representative, deems necessary.

#### § 27-17 **Duty requirements.**

Every member of any volunteer fire company shall in each year actively participate in the required percentage of fire calls and drills as prescribed by each fire company. A record shall be kept of such attendance and duty by the Chief of the Department, or his or her designee, and reported to the Borough officers annually. Credit for all service rendered shall be computed from May 27, 1942.

#### § 27-18 **Exemption certificate.**

Exemption certificates shall be issued to any member of any fire company who shall have served seven years in active duty.

**§ 27-19 Equipment.**

Apparatus and appliances to be used in the Department for the extinguishment of fires and for the protection of property exposed to fire, or water used thereon, shall be such as the Mayor and Council shall from time to time direct, and shall be purchased and owned by the Borough, but shall be maintained and used by the Department. The Mayor and Council may from time to time appropriate sufficient sums for the proper maintenance and repair of the equipment and apparatus of the Department and of the maintenance of the firehouses.

**§ 27-20 Taking apparatus outside Borough.**

No company of the Department shall attend parades or other non-emergency functions, or take apparatus outside of the Borough except with the consent of the Mayor, or in his or her absence, the permission of the Fire Commissioner. When such consent is granted, it is with the express understanding that the fire department shall provide a special detail of its members, or coverage by a mutual aid department, which shall hold themselves in readiness to tender fire duty should the necessity occur while the fire company is away from the Borough. This provision shall not apply in the case of training activities or an appeal for help at a fire coming from a neighboring municipality or mutual aid department.

**§ 27-21 Rules and regulations.**

Each company shall have the power to adopt a constitution and bylaws for its government not inconsistent with the provisions of this article. A copy of said constitution and bylaws, and any amendments thereto, shall be filed with the Borough Clerk.

A complete and accurate membership roll of all volunteer fire companies shall be kept on file with the Borough Clerk.

The Chief of the Department, with consent of the Board of Fire Officers, shall have the power to adopt Standard Operating Guidelines ("SOG") for its government and firematic operations not inconsistent with the provisions of this article, New Jersey state law, and other applicable laws, ordinances and regulations. The SOG's provide a detailed description of operating rules for emergency situations, member qualifications and training standards, and officer responsibilities.

**Section 2.** If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

**Section 3.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

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