

ORDINANCE NO. 2009-12

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, CHAPTER 20 THEREOF, ENTITLED FIRE DEPARTMENT, BY REPEALING IT IN ITS ENTIRETY AND CREATING A NEW CHAPTER 20 ENTITLED FIRE DEPARTMENT

BE IT ORDAINED by the Mayor and Council of Borough of Metuchen as follows:

Section 1. The Code of the Borough of Metuchen is hereby amended by deleting and repealing Chapter 20, Fire Department.

Section 2. The Code of the Borough of Metuchen is hereby amended by adding thereto a new chapter, to replace Chapter 20 hereinabove repealed, to be Chapter 20, Fire Department to read as follows:

Chapter 20

FIRE DEPARTMENT

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| § 20-1. Establishment. | § 20-13. Purchase of apparatus and equipment. |
| § 20-2. Membership qualifications, | § 20-14. Procurement of material. |
| § 20-3. Approval and confirmation; resignations; muster roll. | § 20-15. Emergency repairs. |
| § 20-4. Organization. | § 20-16. Vehicles and drivers. |
| § 20-5. Chief and Deputy Chief. | § 20-17. Use, maintenance and testing of hose. |
| § 20-6. Control and command at fires. | § 20-18. Daily operation of motors. |
| § 20-7. Police authority at fire scenes. | § 20-19. Renting or lending apparatus. |
| § 20-8. Right of entry. | § 20-20. Housing facilities; maintenance workers. |
| § 20-9. Administrative functions of Fire Chief. | § 20-21. Drills and instructions. |
| § 20-10. Reports. | § 20-22. Compensation insurance. |
| § 20-11. Condition of apparatus and equipment. | § 20-23. Disciplinary actions and procedures. |
| § 20-12. Ownership of apparatus and equipment. | |

[HISTORY: Adopted by the Mayor and Council of the Borough of Metuchen 3-7-1977 by Ord. No. 77-6. Amendments noted where applicable.]

GENERAL REFERENCES

Alarm devices – See Ch. 50.
Fire prevention – See Ch. 93.

Uniform construction codes – See Ch. 78.

§ 20-1. Establishment.

In order to provide more effective and efficient protection against fire, there is hereby authorized, created and established the Metuchen Volunteer Fire Department. This Department shall consist of two fire companies known as the Eagle Hook & Ladder Company and the Washington Hose Company.

§ 20-1. Establishment.

In order to provide more effective and efficient protection against fire, there is hereby authorized, created and established the Metuchen Volunteer Fire Department (Department). This Department shall consist of two (2) fire companies known as the Eagle Hook & Ladder Company and the Washington Hose Company. The said fire companies may merge or consolidate, at which time, the Department shall consist of a single fire company known as the Metuchen Volunteer Fire Company.

§ 20-2. Membership qualifications.

The Department shall consist of a Fire Chief (Chief) and a Deputy Chief, and as many firefighters of the age of eighteen (18) years and not more than forty five (45) years old at the time of their appointment to membership as provided by this chapter, and who are citizens and residents of the Borough, or who reside within a three (3) mile radius of the fire station, as are or may be and appointed by the Borough Council. Former members in good standing of the Department may rejoin the Department even if they are greater than forty-five (45) years old at the time of their reappointment.

In addition, an applicant may qualify for membership, regardless of residence, if he or she works or is employed in the Borough of Metuchen at least four days per week during the hours of 6:00 am to 6:00 pm and his or her employer agrees to release the applicant for firefighting duties.

As a qualification of office, the Chief and Deputy Chief must reside within the Borough of Metuchen

§ 20-2. Membership qualifications.

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In addition, an applicant may qualify for membership, regardless of residence, if he or she works or is employed in the Borough of Metuchen at least four days per week during the hours of 6:00 am to 6:00 pm and his or her employer agrees to release the applicant for firefighting duties.

As a qualification of office, the Chief and Deputy Chief must reside within the three (3) mile radius of the fire station.

§ 20-3. Approval and confirmation; resignations; muster roll.

- A. The names of all persons who meet the qualifications for membership in the Department, and who are approved by the membership committee, shall be presented through the Chief, in writing, to the Borough Council for confirmation. This procedure shall comply with N.J.A.C. Chapter 13.
- B. All resignations from the Department shall take the same course as election to membership as above provided for.
- C. The Borough Clerk shall keep an accurate muster roll of the members of the Department and shall issue upon confirmation a certificate of membership in the Department to each member appointed and confirmed.

§ 20-4. Organization. [Amended 2-19-1991 by Ord. No, 91-1]

- A. The unit of organization of the Volunteer Fire Department shall be the Fire Company, to consist of not more than 25 active members. Consistent with the membership procedure set forth in N.J.A.C. 13:12-1.1, each Company shall attempt to have at least 10 members employed within the geographical limits of the Borough of Metuchen.
- B. Each of the companies of the Volunteer Fire Department shall choose from their own number a Captain, and may choose a First Lieutenant and Second Lieutenant in such manner and at such times as such Department shall provide. The company officers shall be elected for two year terms.
- C. All company officers must meet the qualifications of the Metuchen Fire Department and the State of New Jersey, Department of Community Affairs, Division of Fire Safety.

§ 20-4. Organization.

- A. The unit of organization of the Department shall be the Fire Company (Company), to consist of not more than twenty-six (26) active members each. In the event the fire companies merge or consolidate, the Metuchen Volunteer Fire Company shall consist of not more than fifty (52) active members. The Company shall be duly incorporated as a non-profit corporation to transact the charitable, social and fraternal business related to the Department. There shall be an attempt to have at least ten (10) members employed within the geographical limits of the Borough of Metuchen.
- B. The Department shall choose, from its own number, two (2) Captains and four (4) Lieutenants, in such manner and at such times as the Department shall provide. Captains and Lieutenants shall be designated as the Department's Line Officers. The Line Officers shall be elected for two (2) year terms.
- C. All Department officers must meet the qualifications of the Department and State of New Jersey Department of Community Affairs, Division of Fire Safety.

§ 20-5. Chief and Deputy Chief.

- A. The Chief and Deputy Chief of the Volunteer Fire Department shall be elected for two-year terms from the membership of the fire companies.²
- B. The office of Chief of the Volunteer Fire Department shall be alternated between the companies and the office of Deputy Chief shall be filled by a member of the Company not having the Chief.
- C. No member of the Department shall be eligible for the appointment of Chief or Deputy Chief who has not been an active member of the Department for at least five years and who does not meet the qualifications of the Metuchen Fire Department and the State of New Jersey, Department of Community Affairs, Division of Fire Safety. The Chief and Deputy Chief may not retain their memberships in their respective companies during their terms of office.

§ 20-5. Chief and Deputy Chief.

- A. The Chief and Deputy Chief of the Department shall be elected for two (2) year terms from the membership of the Department. The Chief and Deputy Chief shall be designated as the Department's Chief Officers. Although members of their respective Company or Companies, the Chief and Deputy Chief shall not be eligible to make motions and or vote concerning matters of Company business.
- B. No member of the Department shall be eligible for the appointment of Chief or Deputy Chief who has not been an active member of the Department for at least five (5) years and who does not meet the qualifications set forth in the Standard Operating Procedures (SOP's) of the Department, the State of New Jersey, Department of Community Affairs, and Division of Fire Safety.

§ 20-6. Control and command at fires.

- A. In all cases of fire, the Chief, or in his or her absence, the Deputy Chief, or ranking Line Officer in the Department's chain of command, shall have full power, absolute control and command and shall cause the pieces of apparatus to be worked in the most advantageous manner.
- B. In the absence of both the Chief and the Deputy Chief, or ranking Line Officer, the person having charge of the apparatus first arriving at the fire shall assume the duties and responsibilities of the Chief until the arrival of a superior officer, or qualified senior member.

§ 20-7. Police authority at fire scenes.

The Chief, the Deputy, or Line Officers, in command at any fire, are hereby clothed with full and complete police authority and are authorized to call upon the head of any municipal departments for such aid or assistance as the circumstances may require and warrant.

§ 20-8. Right of entry.

The Chief or Fire Inspector is hereby empowered to enter any buildings and premises at any reasonable time for purposes of inspection where accumulations of combustible materials or other hazardous conditions are liable to exist. He or she is further empowered to order such changes or removals as in his or her opinion and judgment are necessary to ensure safety from fire.

§ 20-9. Administrative functions of Fire Chief.

The administrative functions of the Fire Chief shall include the following:

- A. He or she shall hold meetings with the other officers to keep them aware of Department policies and proceedings.
- B. He or she shall adopt, and amend from time to time, a code of rules for the control, management and government of the Volunteer Fire Department and for the regulations of the proceedings and business, which code of rules and all amendments thereto shall not become operative until presented to and approved by the Borough Council.
- C. He or she shall devise forms or methods of keeping records and shall see that records are kept of all alarms of fires, fire losses, methods of extinguishment, drills, hoses, apparatus, minor equipment, condition of hydrants and starting motors.
- D. He or she shall prescribe uniform and designating devices as required for various occasions.
- E. He or she shall make rules concerning the resignation, transfer, retirement, expulsion or suspension of any members of the Volunteer Fire Department, provided that the expulsion of any member is subject to the approval of the Borough Council.
- F. He or she shall establish and appoint a chain of command among the company officers.
- G. He or she shall appoint a Safety Officer and Chief Engineer provided there are qualified members in the ranks to assume those positions.

Editor's Note: Copies of these rules and regulations are on file in the office of the Borough Clerk.

§ 20-9. Administrative functions of Chief.

The administrative functions of the Chief shall include the following:

- A. He or she shall hold meetings with the **Deputy Chief and Line Officers** to keep them aware of Department policies and proceedings.
- B. He or she shall adopt, and amend from time to time, **the** code of rules for the control, management and government of the Department and for the regulations of the proceedings and business, which code of rules and all amendments thereto shall not become **permanent** until presented to and approved by the Borough Council. **He or she shall by General Order make changes which are necessary for the immediate operation of the Department and that such orders shall remain in effect until expired, rescinded or made permanent during a code update and approval by the Borough Council.**

- C. He or she shall devise forms or methods of keeping records and shall see that records are kept of all alarms of fires, fire losses, methods of extinguishment, drills, hoses, apparatus, minor equipment, condition of hydrants and starting motors.
- D. He or she shall prescribe uniform and designating devices as required for various occasions.
- E. He or she shall make rules concerning the resignation, transfer, retirement, expulsion or suspension of any members of the Department, provided that the expulsion of any member is subject to the approval of the Borough Council.
- F. He or she shall establish and appoint a chain of command among the **Line Officers**.
- G. He or she shall appoint a Safety Officer and Chief Engineer provided there are qualified members in the ranks to assume those positions.

Editor's Note: Copies of these rules and regulations are on file in the office of the Borough Clerk.

§ 20-10. Reports.

The following reports are required from the Chief and from the Department officers:

- A. The Chief shall report monthly to the Borough Council the condition of the various pieces of apparatus and equipment; the condition of hydrants; the number, date, cause, loss and location of all fires; the number in each Company; the number of active members in the Department; the resignations and expulsions and the new members elected.
- B. The Chief shall include in his or her monthly report, as the occasion requires, recommendations for the improvement of the Department.
- C. It shall be the duty of the Line Officers to keep a permanent record of the fire and drill service of each member of the Department, a copy of which shall be submitted annually to the Board of Fire Officers at the close of each year.

§ 20-11. Condition of apparatus and equipment.

It shall be the duty of the Fire Chief to keep the Council informed of the condition of all apparatus and equipment of the Volunteer Fire Department, to recommend the necessary replacement or purchase of additional apparatus and equipment and to requisition the necessary supplies and repairs prior to the time actually needed.

§ 20-11. Condition of apparatus and equipment.

- A. It shall be the duty of the Chief to keep the Council informed of the condition of all apparatus and equipment of the Department, to recommend the necessary replacement or purchase of additional apparatus and equipment and to requisition the necessary supplies and repairs prior to the time actually needed.
- B. It shall be the duty of the Line Officers to insure the proper operation and maintenance of all Department apparatus and equipment. In addition, the Line Officers shall insure that drivers and firefighters, assigned to this duty, thoroughly check the apparatus and equipment, maintain apparatus and equipment in good condition, ready for immediate service, and complete the appropriate checker's list. Further, it is the responsibility of the Line Officers to report any problems or deficiencies concerning apparatus or equipment which may require higher level maintenance or repair to the Chief's or their designee.

§ 20-12. Ownership of apparatus and equipment.

The ownership of all apparatus and equipment of the Department shall be vested in the Borough.

§ 20-13. Purchase of apparatus and equipment.

The Mayor and Council of the Borough are hereby empowered to purchase, if and when it shall be deemed necessary and possible to do so, whatever fire apparatus and equipment that may be needed to provide adequate protection for the Borough against fire.

§ 20-14. Procurement of material.

The procurement of all material for the Department shall be vested in the Mayor and Council of the Borough.

§ 20-15. Emergency repairs.

In an emergency when immediate repairs to the Department's apparatus and equipment are necessary, the Chief is empowered to authorize such repairs and report his or her action immediately to the Mayor and Council or their properly constituted authority.

§ 20-16. Vehicles and drivers.

It shall be the duty of the Captains to appoint, by and with the consent and approval of the Chief, qualified drivers for each automobile or other vehicular apparatus of the Department. It shall be the duty and responsibility of the authorized drivers to maintain all such apparatus in good condition and ready for immediate service. No one shall be permitted, except the authorized drivers, to tamper with, fix or repair any such apparatus unless directed to do so by the Chief. No one shall drive the automobiles or other vehicular apparatus of the Department except the regularly appointed drivers, unless directed to do so by the Chiefs or Line Officers.

§ 20-17. Use, maintenance and testing of hose.

- A. It shall be the duty of the Chief to see that the Line Officers have all hose thoroughly washed and dried after use at fires and drills and that no wet or dirty hose is placed on apparatus.
- B. The Line Officers shall have all hose on apparatus changed and have water run through it when needed.
- C. The Chief shall have all hose tested annually in accordance with the manufacturer's recommendations and in compliance with applicable NFPA standards.

§ 20-18. Operation of motors.

It shall be the duty of the Chief to see that Line Officers have the motors of apparatus turned over and operated routinely in accordance with the manufacturer's recommendations and that a record be kept of such operations at the Company quarters.

§ 20-19. Renting or lending apparatus.

No Department apparatus shall be let out for hire or let in any case, except upon consent of the Mayor or other constituted authority and of the Chief, and then only in case of a fire in a neighboring municipality.

§ 20-20. Housing facilities; maintenance workers.

- A. The procurement by lease, purchase or by construction of adequate housing facilities for borough-owned fire apparatus, fire equipment and fire supplies is hereby vested in the Mayor and Council of the borough.
- B. The arrangements for the lighting for firehouse is vested with the Mayor and Council.
- C. The Mayor and Council shall have full jurisdiction and control of all firehouses or parts of leased firehouses or other buildings wherein borough-owned fire apparatus is stored.
- D. If and when it may be deemed necessary, the Mayor and Council of the Borough are hereby empowered to hire full-time or part-time maintenance workers, the number and compensation to be determined as the situation warrants, to care for and maintain the Borough fire apparatus, equipment and place of storage.

§ 20-21. Drills and instructions.

- A. It shall be the duty of the **Chief** to call out for practice drills for the Department whenever he or she deems it necessary.
- B. It shall be the duty of the **Line Officers** to drill and instruct the Department at least once a month.
- C. Drills and instructions shall be so arranged by the Chief and **Line Officers** that they will include the proper and efficient use of all apparatus and appliances, the quick handling of hose, the efficient handling of streams, ladder work, salvaging, first aid, lifesaving and all modern methods of fire fighting.

§ 20-22. Compensation insurance.

Compensation insurance shall be provided by the governing body of the Borough for volunteer firefighters as required by and in accordance with the provisions of N.J.S.A. 34:15-74.

§ 20-23. Disciplinary actions and procedures.

- A. The Deputy Chief, any **Line Officer**, or member of the **Department**, while on fire duty, who shall refuse or voluntarily neglect to obey or execute any orders from the officers in charge of any fire, shall, for such offense, be subject to suspension or expulsion from the Department by the Fire Chief in such manner and upon such hearing or trial as may be prescribed or provided for by the Company bylaws and rules of the Department.
- B. All charges for offenses or neglect of duty or insubordination while on duty or for infractions of this chapter shall be tried and determined by the Fire Chief after conferring with other Department and Company line officers; subject, however, to an appeal from such decision to the Borough Council which shall either affirm, reverse or modify the action.
- C. In the event there are charges for offenses or neglect of duty brought against the Fire Chief, all such charges shall be tried and determined by the Borough Council.
- D. Members of the Fire Department shall not conduct themselves in a manner unbecoming of a member of the department, nor in a manner prejudicial to the good reputation, order or discipline of the department.
- E. Members of the Fire Department shall not violate any criminal law or engage in immoral or illegal conduct.

Purpose Statement – The proposed changes have been submitted to improve departmental operations and cohesiveness. They are necessary to allow for the consolidation of the two existing fire companies, to improve the fire officer selection process, clarify certain responsibilities and to in general promote mission sustainability. Each change has been carefully reviewed and is necessary for the good operation of the organization.

Note:

Blue Highlights are minor tweaks or context changes that do not alter the intent of the code

Yellow Highlights are areas which change the intent or meaning of the code

