

ORDINANCE #__-24

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING BOROUGH CODE CHAPTER III (PUBLIC SAFETY), ARTICLE II (FIRE DEPARTMENT), SECTIONS 3-30.1, 3.31.1, 3-31.2, 3-31.3, 3-31.4, 3-31.5, 31.6, 3-34, 3-34.2, 3-34.3, 3-34.4, 3-36.1, 3-38.2, 3-41.1. 3-41.3, 3-43.2

WHEREAS, the Borough of Keyport, in the County of Monmouth, New Jersey (the "Borough"), a public body corporate and politic of the State of New Jersey, desires to amend Chapter III, Article II, Sections 3-30.1, 3-31.1, 3-31.2, 3-31.3, 3-31.4, 3-31.5, 3-31.6, 3-34, 3-34.2, 3-34.3, 3-34.4, 3-36.1, 3-38.2, 3-41.1. 3-41.3, 3-43.2 to incorporate the following amendments.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Keyport, in the County of Monmouth, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length herein.

Section 2. Chapter III, Article II, Sections 3-30.1, 3-31.1, 3-31.2, 3-31.3, 3-31.4, 3-31.5, 3-31.6, 3-34, 3-34.2, 3-34.3, 3-34.4, 3-36.1, 3-38.2, 3-41.1. 3-41.3, 3-43.2 of the Borough Code shall be amended as follows

[NOTE TO CODIFIER: Additions are underlined and deletions as ~~strikeouts~~.]

§ 3-30.1 Creation.

There shall be a Fire Department of the Borough of Keyport which shall have jurisdiction coextensive with the municipal boundaries of the Borough. Commencing in 2025, there shall be a Chief and a Deputy Chief, and any other department positions shall be appointed by the Chief. ~~The Fire Department shall consist of the departmental officers of Chief, First Assistant Chief, Second Assistant Chief, and Third Assistant Chief, which shall constitute the Board of Fire Chiefs. There shall also be a departmental secretary, engineer, and a National Fire Incident Reporting System Coordinator, who shall be appointed by the Board of Fire Chiefs.~~

§ 3-31.1. Chief and ~~Assistant~~ Deputy Chiefs.

In 2025, the Chief shall be appointed by the governing body and the Deputy Chief shall be appointed by the Chief. There will not be an election for any position within the Fire

~~Department in 2024. Instead, the next election for Chief and Deputy Chief, and any other executive position within the Fire Department, shall occur in December 2025. The Chief and Assistant Chiefs shall be elected by the members of the Fire Department on the first Wednesday of December of every year. Voting shall be limited to active members of the Fire Department in good standing. The Chief and Assistant Chiefs shall be chosen from among the members of the constituent companies of the Fire Department, but in no case shall the Chief and/or Assistant Chiefs be members of the same company. To be eligible for the Board of Fire Chiefs, the member selected must be a Captain or ex-Captain of/or in the Department and have served seven years as an active member. No person shall be eligible to assume or maintain the position of Chief or Assistant Chief without Incident Management Level 2 certification or timely satisfaction of any other requirements as may be established by state law or regulation and shall provide copies of the required certifications and requirements to the department secretary before taking office.~~

§ 3-31.2. Rotation of Chief.

~~There shall be no rotation of Chief for 2025, because there will not be an election for any position within the Fire Department in 2024. Instead, the next election for Chief and Deputy Chief, and any other executive position within the Fire Department, shall occur in December 2025. The governing body shall appoint a Chief to serve in 2025, and the Chief will appoint a Deputy Chief to serve in 2025. An election shall occur in December 2025 for all executive positions with the Fire Department. The election of Chief shall be in the following rotation in the Fire Department: Hook and Ladder, Raritan Hose, Liberty Hose, Lincoln Hose, Eagle Hose, Fire Patrol (Fire Police), and Engine Company.~~

§ 3-31.3. Manner of election.

~~There will not be an election for any position within the Fire Department in 2024. Instead, the next election for Chief and Deputy Chief, and any other executive position within the Fire Department, shall occur in December 2025. The governing body shall appoint a Chief to serve in 2025, and the Chief will appoint a Deputy Chief to serve in 2025. An election shall occur in December 2025 for all executive positions with the Fire Department. Each fire company shall provide a current roster of all members who are eligible to vote and, if applicable, the name of the fire company's candidate for Third Assistant Chief to the Department Secretary by the 1st of November. The Department Secretary shall certify each name on the supplied rosters and prepare a master list of all members who are eligible to vote. The Department Secretary shall also prepare one ballot with the names of the candidates and their respective positions for each name on the master list of all members who are eligible to vote. The election shall be held at a place in the Borough designated by the Board of Chiefs. The polls shall open at 8:00 p.m. and shall close at 9:00 p.m., and shall~~

~~be overseen by the Fire Election Committee. This Committee shall consist of the Fire Commissioner or his designee, all of the ex-Chiefs present, and the Department Secretary. The Committee shall designate one of their members to act as judge of the election and one to act as clerk. The judge of the election shall appoint two tellers. In the absence of sufficient members of the Fire Committee to fill the respective offices of judge of election and clerk, the offices shall be filled for the election by persons elected by the members of the Fire Department then present. In the event of a firematic emergency, call for aid, or other situation where response of the Fire Department is required before or during the election, the Fire Committee shall extend the hours of the polls for a reasonable amount of time as determined by majority vote of the Fire Election Committee so as to allow those members involved in the firematic emergency, call for aid, or other situation where response of the Fire Department is required to attend the election to and cast their votes.~~

§ 3-31.4. Election Results.

There shall not be an announcement of election results for executive positions within the fire department in 2025 because there will not be an election in December 2024; instead, the next election shall occur in December 2025. A statement of the election result shall be signed by the judge and clerk of the election and transmitted to the Borough Clerk, who shall submit it to the Borough Council at the next regular meeting held after the election. The Borough Council shall canvass the returns and certify the result. The person having a plurality of the votes cast for Chief shall be confirmed as Chief by the Borough Council, and the persons having a plurality of the votes cast for First, Second, and Third Assistant Deputy Chiefs, respectively, shall also be confirmed. From the first day of January next ensuing the election, the Chief and First, Second, and Third Assistant Deputy Chiefs shall each hold their respective offices or positions for one year or until the election and confirmation of their successors. In the event of any election resulting in a tie for any offices, a special election shall be held within 10 days between the tying candidates.

§ 3-31.5. Vacancy for Chief and Deputy Chief ~~Assistant Chiefs~~.

In the event a vacancy shall occur for Chief or Deputy Chief ~~any Assistant Chiefs~~, the fire company of the person so vacating shall have 30 days to a) place an ex-Chief so eligible in rotation for the remainder of the term; b) promote present personnel one step, and fill the lower positions through the next company in rotation at the next regularly scheduled Fire Department meeting; or c) within 30 days following the first 30 days, conduct a special election as set forth above. ~~In the case of a vacancy for Third Assistant Chief, the fire company of the person so vacating shall have the option, exercised within 30 days, of placing an eligible member in the position to serve out that year and to stand for election for Second Assistant Chief at the next ensuing Department election.~~

§ 3-31.6. Temporary Absence.

If, as determined by a majority vote of the Board of Fire Chiefs, a Chief or Deputy Chief Assistant Chief is absent due to illness, injury, or incapacitation, the Board of Fire Chiefs, by majority vote, may select a temporary replacement to serve during the period of the member's absence, not to exceed the remainder of the absent member's term, in accordance with the procedures for filling a vacancy set forth in Subsection 3-31.5 of the Code of the Borough of Keyport.

§ 3-34. CHIEF AND DEPUTY CHIEF ASSISTANT CHIEFS.

§ 3-34.2. Extinguishing fires.

The Chief shall have supreme command of the Fire Department. In all cases of fire within the Borough, he shall take prompt and efficient measures and use the means of the Department to extinguish the fire and protect life and property. At such times, he shall have sole and absolute control and command over all fire apparatus and all persons aiding or assisting the Department in case of actual fire. The Chief and Deputy Chief Assistant Chiefs shall attend fires within the corporate limits of the Borough and are empowered and required to take charge of any building which may be on fire; to admit any persons not firemen to the buildings as they deem necessary to aid in the extinguishment of the fire and preservation of all goods and all endangered property.

§ 3-34.3. Alternate leadership.

In case of the death, disability, or absence of the Chief, his command shall devolve upon and his duties be performed by the ~~First Assistant~~ Deputy Chief, or in case of his death, disability, or absence, by the next senior officer ~~Second Assistant Chief~~, ~~or in the case of his death, disability or absence by the Third Assistant Chief, if in case of his death, disability, or absence, in case of fire, by the officer or engineer in charge of the first apparatus on the scene, until the arrival of a higher ranking officer, in which case command will devolve to him. With the simultaneous arrival of equal ranking officers, command will devolve to the higher ranking officer on the truck with the lower identification number. In the absence of the Chief, the officer or engineer actually in command shall have the power and authority of the Chief.~~

§ 3-34.4. Fire prevention.

a. The Chief and Deputy Chief Assistant Chiefs are empowered to enter lawfully and examine any building, place, vehicle, or vessel where any explosive, flammable, or hazardous material may be lodged or stored. The Chief or Deputy Chief Assistant Chiefs

may direct the immediate removal of any such material, if such action is deemed advisable. A copy of such order shall be served personally or by certified mail, return receipt requested, upon the owner or managing agent of such property, and the original shall be filed with the Borough Clerk. Any failure or refusal to comply with any such order shall be punished pursuant to § 1-5, General penalty, of the Code of the Borough of Keyport.

b. It shall be the duty of the Chief or Deputy Chief ~~Assistant Chiefs~~ or their designee to inspect any chimney, flue or pipe or structure reported to him or believed by him to be dangerous and liable to cause destruction by fire. If any such condition is found, the Chief and/or Fire Official shall order it to be cleaned, repaired, renovated or removed by owner or tenant of the premises. The Chief shall inspect any building or premises where he believes any rubbish, debris, papers, rags or any other inflammable, combustible or hazardous material of any kind is kept or permitted to remain in a dangerous condition, position, or manner liable to cause destruction by fire. If any such condition is found, the Chief and/or Fire Official shall order, in writing, that it be remedied within such time as the Chief may specify, taking account of the degree of danger presented by the condition in question, and the amount of time reasonably required to correct such condition. A copy of such order shall be served personally or by certified mail, return receipt requested, upon the owner or managing agent of the property; and the original of such order shall be filed with the Borough Clerk. Any failure or refusal to comply with such order shall be punished pursuant to § 1-5, General penalty, of the Code of the Borough of Keyport.

§ 3-36.1. Powers and Duties of Lieutenants.

It shall be the duty of the First and Second Lieutenants to aid the Captains of their respective fire companies in the performance of their duties. In case of the absence of the Captain, the First Lieutenant shall act until his return, and in the absence of both the Captain and First Lieutenant, the Second Lieutenant shall act until the return of either of them. Each of the Lieutenants shall be obeyed accordingly. It shall be the duty of the Chief, Deputy Chief ~~Assistant Chiefs~~, every Captain, and every Lieutenant to observe faithfully and to enforce strictly all the provisions of this article. The Captains and Lieutenants shall report all violations to the Chief. No person shall be eligible to assume or maintain the position of Lieutenant without Incident Management Level I certification or the timely satisfaction of any other requirements as may be established by state law or regulation and shall provide copies of the required certifications and requirements to the Department Secretary before taking office.

§ 3-38.2. Additional powers and duties.

Every Fire Police officer when on duty shall wear a badge stating his office. It shall be the duty of the Fire Police immediately upon the alarm of fire to go to the location of the fire and render any assistance that the Chief or Deputy Chief Assistant Chiefs may direct to prevent the hose or other apparatus from being damaged, the work of the firemen from being interfered with, or to protect public and private property. The Fire Police shall keep all persons, except those who are members of the Fire Department or are acting under orders of the Chief or Deputy Chief Assistant Chiefs, far enough away from the place of the fire so that there is preservation of the peace and protection of persons and property. They shall promptly arrest and remove to the Borough Jail all persons, including firemen, who shall act in a riotous or disorderly manner or otherwise are in violation of state or municipal law while at the incident scene. The company of Fire Police shall be subject to the orders of the Chief and Deputy Chief his Assistant Chiefs.

§ 3-41.1. Uniform; badge.

Each member of the Fire Department shall obtain a uniform and a badge of a pattern and design approved by the Fire Department, and the Fire Department shall issue an identification card to be carried by each member. The Chief, Deputy Chief Assistant Chiefs, Captains, and Lieutenants of each fire company shall provide themselves each with suitable badges or emblems of rank, which shall be worn in a conspicuous place when at a fire and going to and returning from it. Each badge shall plainly indicate the office of the wearer.

§ 3-41.3. Major Fire Apparatus.

No fire engine, hook and ladder truck, hose truck or other apparatus shall during any alarm of fire or at any other time under any pretense whatever be taken or removed out of its house unless the Chief, an Deputy Chief Assistant Chief, a Captain, a Lieutenant, a Chief Engineer, or a member of the company is present and consents. Nor shall any engine, hook and ladder truck, hose truck or other apparatus be taken out of the limits of the Borough except with the consent of the Chief or an Deputy Chief Assistant Chief, or the Mayor, and then only if to be taken out of the Borough for parades, repairs, drills or emergencies.

§ 3-43.2. Chief and Deputy Chief Assistant Chiefs.

The Chief and Deputy Chief Assistant Chiefs shall receive no other compensation for their services than provided in Subsection 3-43.1 above; however, the Borough Council may at

any time, by resolution, fix a salary or other compensation to be paid to the Chief and ~~Deputy Chief Assistant Chiefs~~. The Borough Council may also by resolution fix a salary or other compensation to be paid to the Department Secretary, Department Engineer, and/or NFRS Coordinator.

Section 3. The effective date for this Ordinance shall be **December 1, 2024**.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. This Ordinance shall take effect upon final passage and publication in accordance with law and shall be in effect for ten (10) years thereafter, unless amended by the Borough Council.

Introduced: November 15, 2024
Public Hearing: November 26, 2024
Adopted:

Michele Clark, RMC
Clerk, Borough of Keyport

Mayor Rose Araneo
Borough of Keyport