

Revised Borough of Point Pleasant Beach General Ordinances

CHAPTER II ADMINISTRATION*

2-13 Department of Fire.

2-13.1 Fire Department.

Within the department of fire there shall be a fire department of the Borough of Point Pleasant Beach.

- a. Fire Companies. The fire department shall consist of all duly enrolled members of the following volunteer fire companies, as shown on the enrollment books of the companies on the date of final passage of this revision, and such other members as may be thereafter elected by the individual companies and duly approved and qualified under the provisions of this revision:
 1. Ocean Fire Company No. 1, Inc.
 2. Point Pleasant Beach Fire Company No. 2, Inc.

- b. Volunteer Company Members. No company shall have less than ten active members nor more than 60 active members. It shall be the duty of the secretary of each fire company to report in writing the exact membership of that company and furnish a complete roll of the membership, whether active, exempt, past active, trainee or honorary member, giving the full names and residences of the members of each class to the borough clerk on the first day of November in each year. The captain of each individual company shall certify the membership roll. It shall be the duty of the department chief of the fire department, or the next highest ranking officer in the event of his incapacity, to see that these reports are delivered to the borough clerk in each year by the time as previously stated, and the borough clerk shall keep an accurate muster roll of all members of the department. Each company may have a maximum of ten fire police members.

- c. Officers. The hierarchy of Point Pleasant Beach Fire Officers:
 - Departmental Officers:
 - Department Chief,
 - Assistant Chief
 - 1st Deputy Chief
 - 2nd Deputy Chief
 - Company Officers:
 - 1st Captain
 - 2nd Captain
 - 1st First Lieutenant
 - 2nd First Lieutenant
 - 1st Second Lieutenant
 - 2nd Second Lieutenant

The department officers shall consist of a department chief, an assistant chief, and two deputy chiefs, to be known as first and second deputy chiefs. They shall be elected for a term of one year, commencing on the first day of January of each and every year and holding office until their respective successors are elected, by a majority vote of the members of the fire department present and voting as hereinafter provided. No department chief and assistant chief shall serve from the same company at the same time. Each company shall nominate one deputy chief each year for election and no two deputy chiefs shall be elected from any one company in any year. No assistant chief and first deputy chief shall serve from the same company at the same time.

- d. Election of Officers. The annual election for department chief and assistant chief shall be held on the second Tuesday of December in each year. Ocean Fire Company #1 will host the election in odd numbered years and Point Pleasant Beach Fire Co. #2 will host the election in even numbered years. The polls, during the election, shall be open between the hours of 7:00 p.m. and 9:00 p.m., prevailing time, of the date fixed for holding the election. The president of each company shall appoint a judge, clerk, and teller of the election prior to the opening of the polls and each company secretary shall certify the results of the election to the mayor and council at the next regular meeting of the council for approval of the election results by a majority of the council present at the meeting. It shall be the duty of each company to nominate and elect from their membership a deputy chief, captain, and two lieutenants to hold office for a term of one year commencing on the first day of January of each and every year. Said elections will be held at the regularly scheduled December meeting of each company. No person who has not been a member for a period of at least six years and who has not served at least one year as captain, first lieutenant and second lieutenant of the companies shall be eligible for the office of deputy chief. To be eligible for the office of assistant or department chief, he must have served at least one year as deputy chief.
- e. Board of Fire Officers. The board of fire officers shall:
 1. Consist of the department fire chief, who shall be presiding officer thereto, the assistant chief, the deputy chiefs, the outgoing fire chief of the preceding year (in an advisory capacity only), and the captain, first lieutenant and second lieutenant of each of the companies.
 2. Voting members of the board of fire officers will consist of the two second lieutenants, two first lieutenants, two captains, and the two deputy chiefs. In the event of a tie, the assistant chief and department chief will share one vote to break the tie. In the event that the assistant chief and department chief split their vote, the motion is considered to have not passed and will not be acted upon.
 3. Two voting members from each company, not to include the department chief and assistant chief, shall constitute a quorum.

4. The board shall be under the supervision of the chairman of the fire committee of the borough council, and its acts shall be approved by the chairman, except as provided for appeal on suspension of a member under the provisions of paragraph k. hereafter. The board shall organize on the second Thursday of January in each year at 8:00 p.m. and shall meet at least once each month for the transaction of department business. All decisions of the board of fire officers shall be by a majority vote of its members.
- f. Duties of Departmental Officers. The board of fire officers shall be the advisory board of the department charged with its supervision, and as duly elected officials of the two fire companies they are to have entire control over the management of the department subject to the approval or veto power of the mayor and council over its acts. The board shall also consider, hear and, on notice, decide any written grievance with respect to any ruling, order or penalty imposed by any officer of the department. Grievance procedures are spelled out in paragraph f,1 hereafter. The board of fire officers shall submit written reports on the first days of January and July in each year to the mayor and council of the conditions of the various pieces of apparatus and equipment and condition of fire hydrants, the number, date, cause, loss and location of all fires, the number of members in each company, and the number of active members in the department, resignations and expulsions, if any, and new members elected, and shall include in their final or annual report comparative data for previous years and recommendations of the department.
1. Grievance procedures for the Department of Fire. A procedure for the resolution of grievances shall be instituted through this section and shall be utilized to consider any ruling, order, or penalty imposed by any officer or group of officers within the department. The purpose of the grievance procedure shall be to secure, at the lowest administrative level possible, equitable solutions to problems that may arise, affecting the members of the fire department within the scope of their firefighting duties.
 - a. Level I: The aggrieved member shall initiate his or her complaint personally with the captain of his or her company. In the absence of the captain, he or she will seek the next company officer in the chain of command, as per the hierarchy of Point Pleasant Beach fire officers paragraph c. The aggrieved member may invite one of the chair officers from their company to accompany them to said meeting. If no satisfactory resolution is reached through this informal discussion of the complaint, the member may go to Level II for his or her appeal. Level I must be implemented within 20 days of the event that led to the grievance.
 - b. Level II: The aggrieved member shall initiate his or her complaint in writing with the department chief. This letter shall include a full description of the complaint by the aggrieved member and shall include the signature of at least one other member who concurs

- with the grievance. The department chief will then respond to the grievance in writing with his or her decision or solution to the grievance. If no satisfactory resolution is reached through Level II of the grievance procedure, the aggrieved member may appeal to Level III. Failure by a member to implement Level II of the grievance procedure within 14 days of the meeting with the company captain, or lower ranking officer in the captain's absence, will constitute acceptance of the Level I decision.
- c. Level III: The aggrieved member shall initiate his complaint in writing with the board of fire officers at their next regularly scheduled meeting. This letter shall describe the grievance in full and shall be signed by at least three other members who concur with the grievance and include a solution to the mentioned grievance. The board of fire officers will then meet with the aggrieved member and any parties of interest in an effort to resolve the grievance. If no satisfactory resolution is reached through Level III, the aggrieved member may appeal to Level IV. Failure by a member to implement Level III of the grievance procedure within 14 days of receiving a response from the department chief' will constitute acceptance of the decision of the department chief.
 - d. Level IV: The aggrieved member shall initiate his complaint in writing with the presidents of both fire companies. This letter shall be signed by at least nine other members who concur with the grievance. The two presidents shall then set a department wide hearing date. Said date will occur after both companies have had time to hold their next regularly scheduled business meeting. A quorum for said department wide hearing will consist of 20 members, having voting rights as defined in their company bylaws. The two presidents will co-chair the hearing. The aggrieved member shall then present his or her case before the membership present at the department wide hearing. The board of fire officers will then be heard in response to the aggrieved member's complaint. The members present at the department wide hearing will then render a decision, with a two-thirds vote necessary to overturn the decision, which initiated the complaint by the aggrieved member. The letters to the president must be received within 14 days of the board of fire officers meeting where the member presented his or her case. Failure by a member to implement Level IV within 14 days of meeting with the board of fire officers will constitute acceptance of the decision by the board of fire officers.
 - e. Level V: Final Appeal Procedure: If either party, after hearing the decision rendered at the department wide meeting, is still not satisfied with the solution, they may appeal in writing to the borough council member who is chairperson of the fire committee.

The chairperson of the fire committee shall have the option of setting the issue for a hearing before the borough council in an open or closed session pursuant to the requirements of the Open Public Meetings Act or upholding the decision of the members voting departmental by hearing.

- g. Duties of Department Chief. The chief shall:
1. Have full and complete control at all fires, being held accountable for his actions to the mayor and council only, and make such written and verbal reports as the mayor and council may require. All other departmental officers shall be accountable to the department chief, or such officer as shall be acting as department chief in his absence, and to the mayor and council.
 2. Formulate rules and regulations to govern the department subject to approval of the board of fire officers and the mayor and council, and be responsible to the mayor and council for the personnel, morale and general efficiency of the department.
 3. At least once a month, ensure that the captain of each company conducts suitable drills or training.
 4. Assist the proper authorities in suppressing the crime of arson.

In the absence of the department chief, see the hierarchy of the Point Pleasant Beach fire officers, subsection 2-13.1c to determine the chain of command. Subject to the overall command of the departmental officers, the captain of each company shall have sole command over all his company's apparatus and equipment. It shall be his duty to direct all other officers and members of his company in the performance of their duties to examine each and every month the condition of the company's apparatus and equipment, and to report on the same to the board of fire officers.

- h. Membership. Persons who are members of Ocean Fire Company No. 1 and Point Pleasant Beach Fire Company No. 2 as of the date of adoption or this revision, are hereby recognized as members of the fire department. After this date each applicant for membership shall have the following qualifications at the time of his application:
1. Be a citizen or resident alien of the United States.
 2. Be a resident of the Borough of Point Pleasant Beach or its contiguous communities and be at least 16 years of age. If application for membership reinstatement in a Point Pleasant Beach company is made after one year of applicant's resignation from his former company, the applicant must be considered a new applicant and shall meet the minimum age requirement and shall pass a new physical examination.
 3. Be in good health and of sound body, to be evidenced by a certificate to that effect signed by a licensed practicing physician of the State of New Jersey.
 4. Be of good moral character.

5. Must agree to adhere to the policies set forth by the Borough of Point Pleasant Beach, the board of fire officers, and the bylaws of whichever company he or she is joining.
- i. Classification of Members. Members shall be divided into seven classifications as follows:
 1. Active member - working for exemption certificate - shall meet the N.J. State Fireman's Association guidelines, and must fulfill the requirements of paragraph h. above at the time of filing his application.
 2. Active member - not working for exemption certificate - shall be a person who is elected a member and shall comply with all other requirements of paragraph h. above at the time of filing his application.
 3. Junior firefighter - a person at least 16 years of age at the time of his election to any recognized company of the department, who complies with all the other requirements of paragraph h. above at the time of filing his application, and who shall reapply for membership upon attaining the age of 18 pursuant to R.S. 40:47-53.
 4. Exempt - an active member of the Point Pleasant Beach fire department who has worked for his exemption certificate and has served seven years of active duty as required by R.S. 40:47-53.
 5. Past active - an exempt member who feels that he is not able to perform active duty and has requested to be placed on the inactive roll, thereby relieving him from active duty. Such request shall be in writing, signed and approved by the captain of his respective company, in accordance with company rules, and filed with the borough clerk.
 6. Honorary - a titular membership. The person honored shall not actually be a member of the company honoring him, or a member of the fire department, and he shall not participate in any firefighting aspects of the fire department.
 7. Fire police - persons at least 18 years of age, to be used solely for traffic at or near scenes of fires or other emergencies and not to be deemed or considered active firemen, and must fulfill the requirements of paragraph h. above at the time of filing his application.
 - j. Approval by Borough. Upon election of a member by one of the companies, the secretary of such company shall submit in writing the name of the member to the council for their approval. Upon approval by the majority of the council by appropriate resolution, the applicant shall then become a member of the fire department. The Council shall indicate in writing to the secretary of the appropriate company their approval or disapproval of the applicant within 60 days after receipt of the name and the necessary certificate from the secretary of the appropriate company.
 - k. Suspension. The chief of the department shall have the power to suspend from duty any member or members of any company who shall refuse or voluntarily neglect to obey or execute any orders from the officer in charge of any fire or drill, or who shall neglect or refuse to be controlled or governed by the terms of

this subsection or by any of the rules and regulations of the department, or for the good of the department. Upon suspension of any member of any company, the chief shall forthwith submit the suspension together with the causes thereof in writing to the board of fire officers. Following receipt of the notice, the board of fire officers shall hold a hearing thereon within ten days, giving to the suspended member at least four days written notice thereof, which notice shall set forth the cause for suspension. Notice of the hearing shall likewise be given to the complaining member. At the hearing the board shall affirm, reverse or modify the suspension, which affirmation, reversal or modification shall be by a majority of the members of the board.

- l. Exemption Certificate. A certificate of exemption shall be issued by the mayor and council of the borough to any member of the fire department who has served as an active fireman for seven years under municipal control or who, while an active member of the fire department, becomes incapacitated by illness and can no longer serve as an active fireman, such incapacity and inability to serve to be certified by a practicing physician whose certificate will show the member to be physically or mentally unfit for further service as an active fireman; provided, however, that before such certificate shall be issued, the secretary and captain of the company to which such member belongs shall certify in writing to the mayor and council the qualifications of the member to be complete and in accordance with this subsection and the laws of the State of New Jersey.
- m. Residence. After the effective date of this revision, any member of the fire department who shall cease to be a resident of the borough or its contiguous communities and shall have failed to meet the requirements of paragraph p. below, at the option of his respective company, may be dropped from the rolls of the fire department and the membership roll of his company, unless placed in the inactive roll of his company. Moreover, any regularly enrolled member of the department who is a nonresident at the time aforesaid may retain his active status. Further, members may be given a leave of absence for military duty with the Armed Forces of the United States of America.
- n. Inactive and Honorary Members. The several companies may have such other inactive and honorary members as may be prescribed by their respective constitutions and bylaws, and may prescribe such qualifications and may grant to each class such privileges as they desire so long as the same are consistent with the provisions of this subsection. However, such inactive and honorary members shall not perform any duties or have any of the powers of active firemen.
- o. Auxiliaries. The companies may provide for the establishment of auxiliaries provided they meet the requirements of the individual company bylaws. Auxiliary members shall not perform any duties or have any of the powers of active firemen.

- p. Duties of Firemen. All members within the seven classifications previously mentioned and any person who may hereinafter become a member of the borough fire department shall be required, as an integral part of their membership therein, to actively attend and participate, in addition to the duties heretofore established by rule or custom, in all parades, social functions, affairs, special events, and any and all other types of activities not specifically enumerated herein, whenever the participation by the fire department or any company thereof in such event or activities shall be ordered by the department fire chief, assistant fire chief or deputy fire chiefs, or by any company captain or lieutenant of any of the companies, as the case may be. The failure of any member to attend and participate in such event or activities shall subject the member to like disciplinary action for failure to conform to other duties herein, unless the member shall be duly excused from participation therein. Each active member of the fire department shall meet the guidelines as set forth by the N.J. State Fireman's Association.
- q. Duties of Fire Police. Fire police shall be under the prime direction and authority of the department fire chief or other departmental officers designated by him. They shall cooperate and coordinate their activities with the members of the police department in accordance with procedures set forth by the department fire chief and the police chief in cooperation and aid of the respective departments and for the benefit and safety of the public. A captain appointed by the board of fire officers shall lead the fire police officers. To be eligible for appointment as a captain the member shall have a certificate of completion of the New Jersey State Fire Police School.
- r. Equipment; Ownership. The title to ownership of all apparatus, equipment, hoses and other property used by the department shall be vested in the Borough of Point Pleasant Beach. The mayor and council shall have the authority to lease or purchase adequate housing facilities for all municipally-owned fire apparatus, equipment, supplies and furnishings for the fire department. They shall also have the right, when it shall be deemed necessary, to hire a full or part time maintenance man to care for and maintain fire apparatus, equipment and buildings used by the department. The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. The board of fire officers shall make recommendations for apparatus and equipment needed to the mayor and council. Only the mayor and council shall make purchases of apparatus and equipment at such time and manner as they shall determine.
- s. Equipment; Regulations. No person shall use any borough-owned fire apparatus or equipment for any private purpose, nor shall any person willfully and without authority take away or conceal any article belonging to or used in any way by the department. No person shall enter any place where fire apparatus is housed, nor handle any equipment, property or apparatus belonging to the department unless accompanied by or having the special permission of an officer or authorized

member of the department. The department chief of the Point Pleasant Beach fire department is hereby authorized to extend aid to neighborhood communities upon request for fire protection or to establish a mutual aid system in accordance with the laws of the State of New Jersey. No apparatus is to leave the borough without the consent of the department chief or the next highest-ranking officer available. The officer in charge of the department shall have the power to assign the equipment for response to calls for outside aid in accordance with this paragraph, and in other cases only when the absence of such equipment, in his judgment, will not jeopardize protection in the Borough of Point Pleasant Beach.

- t. Insurance. In order to provide adequate compensation for injury to members of the department, the mayor and council shall secure Workmen's Compensation and Employer's Liability insurance coverage in accordance with the provisions of the New Jersey Workmen's Compensation Act, R. S. 34:15-74. Further, the mayor and council may secure such accident and other protective insurance to cover all seven classifications of membership as set forth in paragraph i. above.
- u. General Regulations.
 - 1. No person shall drive any vehicle over fire hose except upon specified orders from the chief or other officer in charge.
 - 2. No person shall park any vehicle or otherwise cause any obstruction to be placed within ten feet of any fire hydrant.
 - 3. No unauthorized person shall follow in any vehicle within 200 feet of any apparatus belonging to the department.
 - 4. No person shall maliciously turn in or cause to be turned in a false alarm.
 - 5. Only active approved firemen shall be permitted to drive fire apparatus. Such driver must have a driver's license issued by the State of New Jersey and be approved as a driver or operator of the apparatus and must be fully instructed in use, care and operation of the vehicle of which he is in charge. The driver must be certified and approved as competent by the captain of their company in accordance with the department's driver/operator policy.
- v. Police Powers. All active members of the department who are engaged in carrying out their respective duties under this subsection are hereby given the necessary police powers for the purpose of enforcing the provisions of this subsection. These police powers shall be in addition to those to be exercised by the police department of the Borough of Point Pleasant Beach, and any other agency of the municipality, for the enforcement of the provisions of this subsection.
- w. Vacancy in the Office of Department Chief. Whenever a vacancy occurs in the office of department chief of a volunteer fire company, the vacancy shall be filled in the following manner:
 - 1. If a vacancy occurs between January 1 and June 30, the affected fire company shall make provisions to hold a special election within 30 days of

the date on which the office is vacated. The special election shall be held on any Tuesday designated by the remaining departmental officers of the company. The manner of election shall be as set forth in subsection 2-13.1d of Chapter II (Administration) of the Revised General Ordinances of the Borough of Point Pleasant Beach. The selection of a candidate to fill the vacated office of department chief shall be limited to former department chiefs of the company, which is holding the election. A person so elected shall fill the unexpired term of the prior chief'.

2. The mayor and council shall appoint the assistant chief as acting department chief if the vacancy occurs on or after July 1. The term of the acting chief shall be the unexpired term of office of the former chief. Any person appointed acting department chief under this provision would be eligible for election to position of department chief in the ensuing year.