

BOROUGH OF BUTLER

ORDINANCE NO. 2015 - 2

ORDINANCE AMENDING CHAPTER 21 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BUTLER

BE IT ORDAINED by the Mayor and Council of the Borough of Butler, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 21 of the Revised General Ordinances of the Borough of Butler entitled "Fire Department," shall be amended to read in its entirety as follows:

Chapter 21

FIRE DEPARTMENT

- § 21-1. Department to consist of companies.**
- § 21-2. Officers.**
- § 21-3. Election and appointment of officers; qualifications.**
- § 21-4. Vacancies.**
- § 21-5. Duties of officials.**
- § 21-6. Membership.**
- § 21-7. Standard of efficiency.**
- § 21-8. Exemptions.**
- § 21-9. Alarms; observance of regulations.**
- § 21-10. General provisions.**

§ 21-1. Department to consist of companies.

The Department shall consist of four companies which shall be designated as Bartholdi Hose and Chemical Company, of 25 persons; Kiel Hook and Ladder Company, of 25 persons; Kinney Hose and Pumper Company, of 25 persons; and Pequannock Hose Chemical Company, of 25 persons. The Council reserves the right, by resolution, to reduce or increase the number of persons of any company, provided that no present members of the Fire Department shall be dropped to reduce a company to the required number.

§ 21-2. Officers.

The Department Officers shall consist of a Chief, Deputy Chief, Assistant Chief and Battalion Chief which make up the Board of Chiefs. The officers of the companies shall consist of a Captain and Lieutenant. The Board of Chiefs and the Master Mechanic shall hold a term of office provided herein and shall be responsible to the Mayor, Council and Administrator in the performance of their respective duties. The

Administrator can suspend a member of the Board of Chiefs or the Master Mechanic for insubordination, dereliction of duty, moral turpitude or a criminal act or any act unbecoming of the position held. Upon the suspension a hearing will take place within 15 days by the Mayor and Council.

§ 21-3. Election and appointment of officers; qualifications.

A. Qualifications for officers. All officers of the Butler Fire Department must meet the following qualifications:

- (1) Be a resident of the Borough of Butler.
- (2) Be an active member in good standing in the Butler Fire Department.
- (3) Must be a Fire Fighter 2 with the New Jersey Division of Fire Safety Certificate.
- (4) Must be physically able to perform all duties of the rank held.
- (5) Must be a National Incident Management Level 1 with the New Jersey Division of Fire Safety Certificate.
- (6) Must be able to pass a background check.
- (7) Must be able to pass a driver's license check.
- (8) Must meet all other applicable Fire Fighter Standards per PEOSH.

B. Qualifications for Chief. The qualifications for a Chief in the Butler Fire Department shall be as follows:

- (1) Shall have served in all ranks of officer prior to this rank.
- (2) Must be a National Incident Management Level 3 with the New Jersey Division of Fire Safety Certificate.
- (3) Must be a Fire Officer Level 2 with a New Jersey Division of Fire Safety Certificate.
- (4) Must be an active member of the Morris County Alliance of Active Fire Chiefs and the Morris County Fire Chiefs Associations.
- (5) Not hold elected office as Mayor or a Councilman during the term as Chief.

C. Qualifications for Deputy Chief. The qualifications for a Deputy Chief in the Butler Fire Department shall be as follows:

- (1) Shall have served in all ranks as an officer prior to this rank.
- (2) Must be a National Incident Management Level 3 with the New Jersey Division of Fire Safety Certificate.
- (3) Must be a Fire Officer Level 2 with a New Jersey Division of Fire Safety Certificate.
- (4) Must be an active member of the Morris County Alliance of Active Fire Chiefs and the Morris County Fire Chiefs associations.
- (5) Must be a Fire Officer Level 2 with a New Jersey Division of Fire Safety Certificate.

- (6) Not hold elected office as Mayor or Councilman during the term as Deputy Chief.
- D. Qualifications for Assistant Chief. The qualifications for an Assistant Chief in the Butler Fire Department shall be as follows:
- (1) Shall have served in all ranks as an officer prior to this rank.
 - (2) Must be a Fire Officer Level 2 with a New Jersey Division of Fire Safety Certificate.
 - (3) Must be a National Incident Management Level 3 with a New Jersey Division of Fire Safety Certificate.
 - (4) Must have the Safety Officer Certificate from a New Jersey Division of Fire Safety approved training facility.
 - (5) Not hold elected office as Mayor or Councilman during the term as Assistant Chief.
- E. Qualifications for Battalion Chief. The qualifications for a Battalion Chief in the Butler Fire Department shall be as follows:
- (1) Shall have served in all ranks as an officer prior to this rank.
 - (2) Must be a Fire Officer Level 1 with a New Jersey Division of Fire Safety Certificate.
 - (3) Must be a National Incident Management Level 3 with a New Jersey Division of Fire Safety Certificate.
 - (4) Must have Building Construction and Size-Up Certificates from a New Jersey Division of Fire Safety approved training facility.
 - (5) Not hold elected office as Mayor or Councilman during the term as Battalion Chief.
- F. Board of Chiefs; terms and progression.
- (1) The following conditions govern the Board of Chiefs terms:
 - (a) Each Chief of the Board of Chiefs will serve a term of two years at each rank.
 - (b) Each company will elect a person to the rank described here in under Elections each year.
 - (c) In the event as Board of Chiefs member does not want to progress to the next rank, the company in which they are a member will elect a replacement who shall meet the requirements of that rank.
 - (d) The order of progression for the Board of Chiefs will be as follows:
 - (i) Battalion chief (4)
 - (ii) Assistant Chief (3)
 - (iii) Deputy Chief (2)
 - (iv) Chief of Department (1)

- (2) Should a vacancy occur that cannot be filled in accordance with the procedure herein, the next officer may be elected by their company to fill the vacancy without regard to the length of time in rank.
- (3) The order of Chiefs beginning January 1, 2016 shall be as follows:
 - (a) Department Chief – Kinney Hose and Pumper
 - (b) Deputy chief – Bartholdi Hose and Chemical
 - (c) Assistant Chief – Kiel Hook and Ladder
 - (d) Battalion chief – Pequannock Hose and Chemical

G. Elections.

- (1) Starting January 1, 2016 the terms of the Board of Chiefs and Company officers begins with a swearing-in performed by the Mayor and Council.
- (2) For a company member to be eligible to vote he/she must be active and be on the company rolls for a minimum of 180 days, and maintain a minimum of 50% attendance at all fire calls, drills and work details.
- (3) Each company shall conduct their own elections to select the person to the Board of Chiefs. This election shall be held by the company to select the Battalion Chief or the person no longer serves in the rank on the Board of Chiefs.
- (4) All company elections, when required, shall be conducted no later than November 30th or within 30 days upon the resignation or removal of the person representing the company.

H. Company Officers. The Captain and Lieutenant shall be elected by their respective companies each year.

I. Fire Police.

- (1) Before January 1 of each year, each fire company shall elect three active exempt members and two alternates of their company to be known as "Fire Police." The Secretary of each company shall report the names of those elected to the Mayor and Council for appointment. Each Fire Police so appointed shall be properly sworn in and given status as will enable him or her to perform the duties and have the powers of police officers at any fire emergency at which the Butler Fire Department is called upon to act.
- (2) The Fire Police shall hold a meeting as soon as possible in the month of January to elect a Chief and an Assistant Chief Fire Police.
- (3) Fire Police shall, at all times, be subject to the orders of the Chief of the Butler Fire Department or such officer acting in his or her place and shall

report, at each fire, to the Chief of the Butler Fire Department or such officer acting in his or her place, for proper instructions as to duties of the respective Fire Police.

§ 21-4. Vacancies.

- A. In the event of a vacancy in the rank of Chief, the Deputy Chief will be promoted to Chief, Assistant Chief to Deputy Chief, and Battalion Chief to Assistant Chief. The outgoing Chief's company will fill the Battalion Chief's position. The time each serves in their new rank will not count towards their normal two year term.
- B. In the event of a vacancy in the rank of Deputy Chief, Assistant Chief or Battalion Chief, the membership of the company he/she represents will hold an election within 30 days. At this time the newly elected person will become the Battalion Chief regardless of the rank of the person being replaced. All the other Chiefs will be promoted to the next rank.
- C. In the event of a vacancy at Captain or Lieutenant in any company the company will hold an election within 30 days to fill the vacant rank.

§ 21-5. Duties of officials.

- A. Duties of the Chief. The Chief shall be the commanding officer at all times. They shall be in command of the department whether at a fire, at an alarm of fire or at a drill and shall command the operations of the members in the performance of their duties and enforce the rules of the department and any ordinances of the Borough bearing on the Fire Department. In addition, they shall have the following duties. They shall:
 - (1) Be responsible to the Mayor and Council for all Borough fire equipment and the training of personnel.
 - (2) Make recommendations for apparatus or equipment needed to the Mayor and Council based upon the recommendations from the company Captain and Board of Chiefs.
 - (3) Be responsible for developing the annual operating and capital improvement budgets and presenting same to the Public Safety Committee.
 - (4) Communicate to the department at the department meetings or through the company officers, Borough matters affecting the fire companies.
 - (5) Recommend to the council such additions, alterations, or repairs to the property of the department as they may deem necessary for the safe efficiency of operations.

- (6) They shall also file with the Council the printed form adopted for such purpose of any fire occurring, and this report shall be presented at the monthly meeting following occurrence of such fire.
- (7) Have full authority to suspend any member of the Fire Department for just cause without first going to the members of the Fire Department and asking for their recommendation to do so. Such member so suspended, however, shall have the right to appeal the decision of the Chief of the Butler Fire Department to a committee comprised of two past Chiefs from each fire company with at least five past chiefs present to constitute a quorum. Such members shall have the right to appeal a decision made by this committee to the Public Safety Committee of the Butler Borough Council within 15 days of the Former Chiefs Committee.
- (8) Upon approval of the Public Safety Committee of the Council, make sure temporary or urgent repairs or alterations as are necessary and which cannot wait for the approval of the Council at its next meeting are made.
- (9) Be responsible for conducting a minimum of 6 Board of Chiefs meetings throughout the year to discuss administrative and policy issues and to prepare the annual operating and capital improvement budgets.
- (10) Be responsible for conducting a monthly officer's meeting to discuss the firematic and administrative issues of the Fire Department.
- (11) They will file with the Administrator, Mayor and Council the activities and the attendance of fires, alarms, drills and work details monthly. The Master Mechanic's report of weekly inspections will also be submitted monthly to the Administrator, Mayor and Council.

B. Duties of the Deputy Chief are as follows:

- (1) The Deputy Chief shall see that the orders of the Chief be promptly and thoroughly executed. The Deputy Chief will report to the Chief during emergencies and will assume the position given by the Chief.
- (2) The Deputy Chief shall take command in the absence of the Department Chief and assume the same responsibility.
- (3) The Deputy Chief will be responsible for participating in all functions of the duties of Department Chief as part of his preparation for obtaining the position of Chief.
- (4) The Deputy Chief will be in charge of all purchasing and budget expenditures. The Deputy Chief will obtain the Department Chief's approval before making any purchases.

- (5) The Deputy Chief will assist the Chief in preparing the annual operating and capital improvement budgets.

C. Duties of the Assistant Chief are as follows:

- (1) The Assistant Chief shall keep an accurate record of fire, drill, and training man hours spent for the monthly and the annual reports.
- (2) The Assistant Chief will arrange for the training and drills of the fire department.
- (3) The Assistant Chief will assist the Chief in preparing the annual operating and capital improvement budget.

D. Duties of the Battalion Chief are as follows:

- (1) The Battalion Chief shall be responsible for the maintenance of all equipment and apparatus and make recommendations to the Chief for replacement.
- (2) The Battalion chief will assist the Chief in preparing the annual operating and capital improvement budget.

E. Duties of Captains are as follows:

- (1) The Captain of each company, under the supreme control of the Chief, has charge of the apparatus at all times. He/she shall, under the same supervision, direct the operation of the members of the company in the performance of their duties and enforce the rules of the Department in accordance with the laws adopted by the Council. He/she shall see that the apparatus is safely returned to the Fire Department headquarters, that nothing has been lost or mislaid while responding to an alarm and that nothing has been taken from the apparatus while at headquarters. He/she shall report to the Chief all those who fail to respond when called upon to clean apparatus or turn out for drill practice. He/she shall see that the company cleans and places in order all the apparatus belonging to it before leaving the department. He/she shall require members to wash and hang up the hose and when dry to restore same to the apparatus. Upon returning to headquarters, he/she shall see that the roll is called, absentees noted and a written report of such promptly submitted to the Chief. He/she shall report to the Chief all fires or alarms of fires, using the form adopted for that purpose.
- (2) He/she shall report all needed repairs to the Chief but shall have no power to alter any of the apparatus without the permission of the Chief. At a fire, the position of the Captain shall be at the origin of the fire directing the members of the company.

F. Duties of Lieutenants are as follows:

- (1) The Lieutenant of each company shall be the assistant to the Captain and shall be under his/her command. In the absence of the Captain, the Lieutenant shall be in command of the company and its apparatus and may select, from among the members of the company, one to fill temporarily the vacancy of Lieutenant while the Lieutenant is acting as Captain.

G. Duties of Master Mechanic are as follows:

It shall be the duty of the Master Mechanic to make weekly inspections of each apparatus and to make a monthly written report to the Chief and to keep the apparatus in perfect running condition. The Master Mechanic shall be responsible for the condition of the apparatus. No fire fighter is permitted to make any adjustments on any apparatus without the permission of the Master Mechanic. For these services he shall receive a sum as may be hereafter determined by resolution. He shall examine and recommend, if found qualified, to the Captain of each company, any member wishing to become the driver of a fire apparatus.

§ 21-6. Membership.

A. Qualifications for membership in the Butler Fire Department shall be as follows:

- (1) Each applicant shall be a United States citizen and a resident of the Borough of Butler for at least 1 year.
- (2) Each applicant must pass a physical exam administered by the Department Doctor.
- (3) Nonresident membership – in the event that a member of the Fire Department shall move and no longer reside within the Borough, but within a five mile radius of the Borough, the member may retain membership in the Fire Department upon recommendation of the Fire Chief and approval of the Mayor and Council.
- (4) Must have a valid New Jersey driver's license. If a member's driver's license is revoked or suspended, the member will report it to the Chief within 24 hours.

B. Each company shall submit a notice to the Borough Clerk which includes the company's name, address, the names of its officer and members and the dates of its regular organization meetings. Said notice shall be posted by the Borough Clerk in the Municipal Building.

- C. Each company shall supply the Borough Clerk with applications forms, and the Borough Clerk shall distribute them on written request or on personal request made during normal business hours. Said forms shall state that applications may be filed either by personal delivery or by sending them by mail to the Secretary or other designated officer of the company, whose mailing address shall appear on the application form or be available from the Borough Clerk.

- D. The Secretary or other officer designated to receive applications shall date each application with the time of receipt and shall number the application according to its order of receipt relative to other applications. He or she shall promptly send a letter or postcard to each applicant stating the number of his or her application and the date and time it was received.

- E. Attendance Requirements
 - (1) Every active firefighter must attend an average of one drill per month and maintain a minimum quarterly fire call percentage of 50%. Percentage will be calculated by the number of alarms, drills, and work details. Annually the Board of Chiefs will give the Mayor and Council a list of work details which will be approved by the Mayor and Council. Every active firefighter shall also complete all mandatory training and testing, at the beginning of every year, as prescribed by the Fire Department Policies and Procedures and PEOSH Standards within the first quarter of each year. A record shall be kept of such attendance, and it is the duty of the Chief of the Fire Department to report it to the Borough Council monthly.

 - (2) Upon written notice to the board of Chiefs the requirements of this section shall be temporarily suspended for any firefighter who:
 - (a) Is enrolled as a student in a university, college or any educational institution which requires the firefighter to temporarily reside outside the Borough of Butler, provided that the firefighter maintains a residence in the Borough of Butler during said absence. This exemption does not apply during school breaks or recesses. This exemption shall terminate upon successful completions, graduation and/or termination from said educational institution. However, at no time will any firefighter under this section be authorized to respond to any fire call until he/she has completed the requirements of all mandatory testing and training as prescribed by the Fire Department Policies.

 - (b) Is employed full time by a company or business which obligates the firefighter to reside outside the State of New Jersey for an indeterminate period of time, provided the firefighter maintains a residence in the Borough of Butler during said absence. This exemption shall expire upon the firefighter's cessation of employment. However, at no time will said firefighter be authorized

to respond to any fire call until he/she has completed the requirements of all mandatory testing and training as prescribed by the Fire Department Policies.

§ 21-7. Levels of Membership and Standards of Efficiency.

A. The standards of efficiency for members of the Butler Fire Department shall be based upon the level of membership. The following levels of membership in the Butler Fire Department and the standards of efficiency for each level shall be as follows:

(1) Member in Good Standing.

(a) The standard of efficiency in order to qualify as a member in good standing shall be as follows:

(i) Participation in at least 50% of all department functions in accordance with 21-6E.

(ii) Adherence to all rules/regulations/policies of the fire department.

(iii) Compliance with all training requirements of the Butler Fire Department.

(b) A member in good standing shall be entitled to the following:

(i) Voting privileges.

(ii) Accidental insurance and workers compensation insurance shall be provided by the Borough of Butler to these members

(2) Member in Good Standing/On Leave.

(a) The qualification standards for membership in good standing/on leave and the limitations to this membership shall be as follows:

(i) Membership in good standing/on leave is reserved for a member that has expressed to the Department Fire Chief a difficulty in satisfying the criteria of a member in good standing. He/she does not want to be removed from the department roster, but has expressed a need to be inactive for a specified period of time due to personal reasons, medical need, or work or school commitments.

(ii) In no case shall the member in good standing/on leave be on leave for a continuous period of more than one year.

- (iii) The member shall be in compliance with all training requirements of the Butler Fire Department upon return from leave.
 - (iv) Any member that has been placed on approved leave for medical reasons shall be required to provide a release from a medical doctor certifying that the member is able to return to active duty.
 - (v) The request for leave shall be submitted with a recommendation of the Department Chief to the Public Safety Committee. The Public Safety Committee shall review the request and notify the Department Chief of its decision.
 - (b) The standard of efficiency in order to qualify as a member in good standing/on leave shall be as follows:
 - (i) Adherence to all rules/regulations/policies of the fire department.
 - (ii) Specific requirements (if any) outlined under the approved leave shall be met.
 - (c) A member in good standing/on leave shall be entitled to the following:
 - (i) Voting privileges.
 - (ii) Accidental insurance and workers compensation insurance shall be provided by the Borough of Butler to these members.
- (3) Conditional Membership.
- (a) The qualification standards for conditional membership and the limitations to this membership shall be as follows:
 - (i) This status is for members that do not meet the requirements of a member in good standing or a member in good standing/on leave.
 - (ii) Members remaining in the Conditional membership category for twelve consecutive months will be removed from the roles of the Butler Fire Department.

- (b) The privileges for a conditional member shall be limited as follows:
 - (i) Conditional members do not receive accidental insurance from the Borough of Butler.
 - (ii) These members are not eligible to run for office in the Fire Department.
 - (iii) Conditional members have no voting rights.
- (4) Associate Membership:
 - (a) The qualification standards for associate membership and the limitations to this membership shall be as follows:
 - (i) A retired or disabled member, who so wishes, will be considered for an Associate Membership. The request for Associate member status shall be submitted with a recommendation of the Department Chief to the Public Safety Committee. The Public Safety Committee shall review the request and notify the Department Chief of its decision.
 - (b) The privileges for an associate member shall be limited as follows:
 - (i) Associate members that have provided twenty-five (25) years of service in good standing to the Butler Fire Department shall remain eligible for the Life insurance benefit offered to the active members of the Butler Fire Department.
 - (ii) Associate members have no voting rights.
- B. Reviews of member efficiency shall be performed by the Department Chief every month as a minimum. Results shall be submitted to the Mayor and Council monthly. In addition, all candidates seeking election to an officer's position in the fire department shall be reviewed prior to the election. Results of candidates seeking election to an office in the fire department shall be presented to the Mayor and Council one month prior to the election.
- C. During the first 12 months of membership, all new members shall complete a Fire Fighter One Class as outlined in N.J.A.C. 5-18c-4.1

§ 21-8. Exemptions.

Exemption papers shall be issued in accordance with N.J.S.A. 40A:14-59.

§ 21-9. Alarms; observance of regulations.

- A. All active members shall perform the duties set them by the Chief and as ordered by the Captain and First and Second Lieutenants of their company.
- B. Each member shall, at each alarm of fire, report with all expedition to their respective fire house station and then join his or her company. In such instances where the distance to the fire or the supposed location of the fire is less than to headquarters, he or she shall take the shortest route to join his or her company as it proceeds to the origin of the fire; failing to meet his or her command, he or she shall immediately report to his or her superior at the origin of the alarm.
- C. At an alarm of fire, no member shall leave his or her post of duty unless so ordered by his or her superior officer.
- D. The first member of the company arriving at the fire station after an alarm of fire shall be in command of the company and shall act in that capacity until the arrival of his or her superior officer.
- E. In case of a number of active members arriving at headquarters at the same time, the one oldest in service shall take command aforesaid.
- F. After an alarm of fire, every member shall be expected to return with the apparatus and shall not leave the headquarters until the roll has been called by the officer in charge and dismissal given.
- G. Members may be excused from returning to headquarters by obtaining permission from the officer in charge of their company.
- H. Under no condition shall a firefighter leave the apparatus or any position in which he or she may have been placed while on duty without the permission of the officer in command of his or her company, except in case of emergency. Any member failing to obey orders or bringing and/or consuming alcoholic beverage at a fire or otherwise while on duty shall, if found guilty by the Chief of the Butler Fire Department, be suspended for a period of not less than thirty (30) days.
- I. No property of the Fire Department shall be taken outside the corporate limits of the borough without permission of the Council, except as hereinafter provided. Upon receiving a call for help from any of the adjoining communities, the Chief, in his or her discretion, shall select such companies as he or she may deem necessary to go to the aid of such communities, but in no instance shall the chief allow the borough to be without competent fire protection, nor shall he or she allow the fire apparatus to be endangered in any way by giving such aid. Companies wishing to participate in festivities outside the borough shall receive permission from the Chief.

§ 21-10. General provisions.

- A. All active members of each company shall be expected to perform the duties prescribed to them by the officer in charge.
- B. Gambling at headquarters shall be forbidden under penalty of expulsion.
- C. Each company shall be authorized to adopt bylaws, rules and regulations for the conduct of such company and the discipline of its members as shall be consistent with any of the provisions of this chapter. Each company has provided a current copy of its bylaws, rules, and regulations to the Borough Clerk. All amendments to the bylaws, rules and regulations shall be filed with the Borough Clerk within ten (10) days of adoption.
- D. Each member of the Department shall be supplied with a printed copy of this chapter.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Adopted this ____ day of _____, 2015.

Mary O'Keefe, Borough Clerk

Robert W. Alviene, Mayor