

Chapter 39

FIRE DEPARTMENT

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 2-28-1976 by Ord. No. 1977-4. Sections 39-6D, 39-7C and 39-11F amended and § 39-11I added at time of adoption of Code; see Ch. I, General Provisions, Art. II. Other amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Ch. 66.

Fire safety — See Ch. 162.

Alarm systems — See Ch. 96.

§ 39-1. Title.

This chapter may be cited and referred to as the "City of Bordentown Fire Department Ordinance of 1977."

§ 39-2. Definitions.

For the purpose of this chapter, unless the context clearly indicates a different meaning, the following definitions shall apply:

ACTIVE FIREMAN — A member of an individual volunteer fire company within the city, sometimes collectively referred to herein as "firemen."

APPARATUS — The motor vehicles, hoses, pumps, generators, lights, radios, ladders, extinguishers, helmets, coats, boots and equipment of every type and description used by and belonging to the companies.

BOARD OF COMMISSIONERS OF THE CITY OF BORDENTOWN — The governing body of the City of Bordentown, sometimes referred to herein as the "City Commissioners" or the "City Commission."

BOARD OF ENGINEERS — The meaning given or ascribed thereto in this chapter, sometimes referred to herein as the "Board."

BORDENTOWN FIRE POLICE UNIT — The meaning given or ascribed thereto in this chapter, sometimes referred to herein as the "unit."

CHIEF — The Chief of the Fire Department of the city, who is annually elected by the companies and who has overall command of the companies, officers and firemen within the Fire Department.

CITY — The City of Bordentown, Burlington County, New Jersey.

CITY CLERK — The Clerk of the City of Bordentown.

COMPANY — An individual volunteer fire company within the city and being either the Consolidated Fire Association of Bordentown, New Jersey, or the Hope Hose Humane Company No. 1, sometimes collectively referred to herein as the "companies."

EXEMPT MEMBER — A member who has been issued an exempt certificate pursuant to the laws of the State of New Jersey relating thereto.

FIRE DEPARTMENT — The Fire Department of the City of Bordentown, sometimes referred to herein simply as the "Department," and composed of the volunteer fire companies within the City of Bordentown and all of their members and apparatus.

MAYOR — The Mayor of the City of Bordentown.

MEMBER — A person who has made application to and been elected to membership in and by a company within the Department as a company active fireman, sometimes collectively referred to herein as "members."

OFFICER — The Chief, Assistant Chiefs and Captains within the Department, sometimes collectively referred to herein as the "officers."

§ 39-3. Membership; qualifications.

- A. Every person seeking to become a member of the Fire Department shall make application, on the standard form provided, to the Department through the company of the Department which he desires to join, and upon his election to membership by said company after complying with the provisions of Subsection B of this and all other provisions hereinafter set forth in this chapter, he shall become an active member of the Department, whereupon the Secretary of said company shall provide him with a membership badge, which badge shall be kept on his person at all times.
- B. No person shall become a member of the Department of the city who shall be below the age of 18 years or who shall be above the age of 50 years. Such person shall be a citizen of the United States and a resident of the County of Burlington and shall be in good physical condition to perform the duties required of a fireman in accordance with a certificate to that effect made and signed by a licensed physician of the State of New Jersey after due physical examination for that purpose has been made by said physician.
- C. No person who has been expelled from any other company of the Department for failure to perform the requirements set forth in Subsection D of this section shall be eligible to make application to any company for the purpose of becoming a member of the Department for at least a period of one year following such expulsion. The foregoing provision does not apply to persons who have resigned from any company while a member in good standing of said company.
- D. Every State of New Jersey active member of the Department shall, in each and every calendar year, perform at least 60% of duty, said duty being composed of answering fire alarms, actual attendance at meetings, the care of apparatus and equipment attendance at drills and all other duties required by the Department and his company.

§ 39-4. Organization; Chiefs, Assistant Chiefs and Captains.

- A. The Department shall organize and consist of one Chief and four Assistant Chiefs, all of whom shall be members of the Department and who shall be known as "Chief," "First Assistant Chief," "Second Assistant Chief," "Third Assistant Chief" and "Fourth Assistant Chief," respectively, and of as many fireman as now are or may hereafter become members of either of the companies within the city by complying with the provisions of § 39-3.
- B. The Consolidated Fire Association of Bordentown shall be authorized to elect a total of three of its members for the positions of Chief and/or Assistant Chiefs, and the Hope Hose Humane Company No. 1 shall be authorized to elect a total of two of its members for the positions of Chief and/or Assistant Chief, it being understood that there shall be only one Chief and that such position of Chief shall rotate yearly between the two companies, and the year during which one company shall not be authorized to elect the Chief, all the members elected by such company shall be Assistant Chiefs only.
- C. No person shall be eligible for the office of Chief unless he shall be a resident of the City of Bordentown and shall have served as a fireman in the city for a minimum of five years prior to his selection. No person shall be eligible for the office of Assistant Chief unless he shall be a resident of the City of Bordentown and shall have served as a fireman in the city for a minimum of three years prior to his selection. **[Amended 4-22-1991 by Ord. No. 1991-3]**
- D. On January first of each year, the First Assistant Chief shall become Chief, the Second Assistant Chief shall become the First Assistant Chief, the Third Assistant Chief shall become the Second Assistant Chief, the

Fourth Assistant Chief shall become the Third Assistant Chief, and the vacancy for Fourth Assistant Chief shall be filled by an election to be held by the company from which the outgoing Chief was a member. Exception to this rule of succession shall be that at no time shall the First Assistant Chief be from the same company as the Chief. When such a case may occur, the Second Assistant Chief shall be bypassed by the highest ranking Assistant Chief from another company, and the Second Assistant Chief shall remain in that office for an additional one-year term.

- E. The Chief and Assistant Chiefs duly elected by their respective companies each year shall hold their offices for one year from the first day of January of each and every year. An oath or affirmation, taken and subscribed before the Mayor or City Clerk to faithfully perform the duties of their respective offices, is required of the Chief and his Assistants, at the beginning of their terms, and the same shall be filed with the City Clerk.
- F. There shall be one Captain for each fire-fighting motor vehicle truck comprising a part of the apparatus, duly elected by their respective companies each year, and shall hold their offices for one year from the first day of January of each and every year.
- G. In case of vacancy of the office of Chief or an Assistant Chief because of death, resignation or any cause other than hereinbefore provided, then such vacancy shall be filled by an election for the balance of the term to which such person was entitled.
- H. The duly elected Chief, Assistant Chiefs and Captains shall be the only officers of the Department.

§ 39-5. Board of Engineers.

- A. The Chief and the First, Second, Third and Fourth Assistant Chiefs, together with the Captains of the companies in the Department, shall constitute and be known as the "Board of Engineers," of which the Chief shall be President and shall preside at the meetings thereof.
- B. The Board shall meet prior to January 7 of each year to reorganize and, at such reorganization meeting, elect a Secretary and a Treasurer, who may be any member of the Department and need not be a member of the Board of Engineers, but shall have no vote unless a member of the Board.
- C. The Board shall meet at least once in every three months and at such other times as the Chief or a majority of the members of the Board shall call a meeting, and a majority of the members of the Board shall constitute a quorum to transact business.
- D. All questions of dispute or difficulty that may arise within the Department shall be brought before the Board of Engineers, who shall, without delay, proceed to investigate the matter and, after deliberation, shall decide between the parties interested, and such decision when given shall be binding upon the parties concerned and subject to no appeal.
- E. The Board shall be the sole authority for formulating rules and regulations for the operation of the Department.
- F. A code of fire alarm signals for sounding alarms of fires shall be established by the Board and shall be observed by the entire Department. Such code of signals may be changed or modified by the Board from time to time when, in the opinion of such Board, such change or modification is in the best interests of the Department.

§ 39-6. Powers and duties of Chiefs and Assistant Chiefs.

- A. It shall be the duty of the Chief to arrange the drills and training of members so that they will include the proper and efficient use of all apparatus.
- B. The Chief shall, in all cases of fire threatening injury to or destruction of property, take prompt and effectual measures and use the means of the Department to extinguish the fire. He shall at all times have sole and

absolute control and command over the apparatus and over the members of the Department and over all other fire apparatus aiding and assisting the Department in the event of fire.

- C. In the absence of the Chief, his command shall devolve upon and his duties be performed by the First Assistant Chief; in the absence of both the Chief and First Assistant Chief, the command shall devolve upon and the duties be performed by the Second Assistant Chief; in the absence of the Chief, First Assistant Chief and Second Assistant Chief, the command shall devolve upon and the duties be performed by the Third Assistant Chief; in the absence of the Chief, First Assistant Chief, Second Assistant Chief and Third Assistant Chief, the command shall devolve upon and the duties be performed by the Fourth Assistant Chief. In the absence of all five of the foregoing, the command shall devolve upon the officers of the Department assigned by the Chief for that duty, and, in the absence of such officers so delegated by the Chief, the command shall devolve upon the first arriving officer in the locality of the fire. Upon the arrival of one or more Assistant Chiefs, or the Chief, command shall revert to the ranking Assistant Chief, or to the Chief, as the case may be.
- D. The Chief and Assistant Chiefs shall attend all fires which may occur within the city limits or elsewhere where necessary and called upon, and each of the foregoing in the order of seniority of position is hereby authorized and empowered to take charge of any burning building(s) and any other building(s) likely to be burned or threatened with burning, and to admit only such and so many persons who are not firemen to said building or buildings as they or either of them may deem necessary to aid in extinguishing the fire and the preservation of the buildings and surrounding property.¹
- E. The Chief and the First, the Second, the Third and the Fourth Assistant Chiefs or other officers shall wear, when on duty, hats or helmets upon which shall be clearly shown the designation of their respective offices.
- F. The Chief shall also, whenever so required by the City Commission, make a report to it of any matter that it may desire information upon, connected with the Department. He shall provide a book in which he shall keep an account of his various official acts, also a record and history of each fire, with the known or probable cause of said fire. He shall, within 24 hours after the return of the fire apparatus from the fire to the place or places where the same are kept and housed, cause said apparatus to be carefully inspected and see that it has been properly cleaned, hose reeled and placed in position, and, to that end, it is hereby enjoined upon the Assistant Chiefs, Captains and the firemen of the respective fire companies of the city to help, aid and assist him in so doing. He shall cause order to be observed in the Department in going to, working at and returning from fires, and he shall have power to suspend from duty any company, or any member of any company, for disobedience of his orders when on duty.
- G. Each company shall file with the Secretary of the Board of Engineers a monthly attendance report, on the standard form provided by the Board, prior to the 10th day of the following month.

§ 39-7. Prohibited acts; violations and penalties.

- A. No person who shall have been suspended or expelled from the Department shall, during the period of such suspension or expulsion, ride upon, use or answer fire alarms with any of the apparatus or interfere with, handle or operate the same in any way or manner whatsoever.
- B. No person shall at any time willfully and unnecessarily drive or propel, or cause to be driven or propelled, any motor vehicle upon or over any hose or any other apparatus of any company.
- C. Any person violating this section may be so charged in the City Municipal Court upon complaint of the Chief or any Assistant Chief of the Department and, upon conviction, shall be fined not less than \$25 and not more than \$500 or be imprisoned for three months, or both, in the discretion of the Court.²

1. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

2. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

§ 39-8. Service to adjacent municipalities.

Whenever an outside municipality shall contract with the city for fire-fighting service, the Commissioners shall notify each fire company of the existence of such contract, and alarms from such municipalities shall be answered in such manner as may be directed by resolution of the Commissioners, and, in other cases, no fire company shall respond to an out-of-town alarm unless a request for assistance shall be made by the Fire Chief of the municipality or district asking for assistance and permission is given to the company designated to answer out-of-town calls by the Chief or, in his absence, one of the Assistant Chiefs.

§ 39-9. Protection and maintenance of apparatus and firehouse.

- A. It shall be the duty of the officers of each company to prevent all unauthorized persons from in any way handling or interfering with the apparatus of the respective companies, to prevent any racing of their company with any other company and to abstain and to cause all members to abstain from any conduct likely to cause a breach of the peace or to bring discredit on the Department.
- B. It shall be the duty of the Captain of each company to ensure that the apparatus and firehouse of their company are protected from danger by neglect, carelessness, vandalism, member misconduct or otherwise.
- C. It shall be the duty of the Chief to ensure that company officers have the firehouses properly maintained.
- D. No fire apparatus shall at any time be used on any mere unnecessary trial of speed, skill or power, except, however, that the provisions of this subsection shall not prevent competitions between the companies or other events authorized by the Chief.
- E. All motor vehicle fire apparatus shall be subject to the provisions of the motor vehicle and traffic laws of the State of New Jersey (N.J.S.A. 39:1-1 et seq.) and shall have the right-of-way as authorized emergency vehicles over any and all vehicles, ambulances excepted, in responding to an alarm of fire.

§ 39-10. Grievances of members; hearing.

- A. If any officer or member of the Department shall feel aggrieved at or dissatisfied with any ruling, order or penalty given or imposed by any of the other officers or acting officers, he shall give a notice in writing, setting forth fully the time, place and circumstances with the name of the officer, whereby he claims a grievance, and stating the grounds of his alleged grievance. Upon filing of such notice with the Chief of the Department, it shall become the duty of the Chief to call together the Board of Engineers, and it shall be its duty to afford the aggrieved officer or member of the Department a full hearing of the matter in controversy, and the Board shall make such ruling in the matter as should be made for the best interests of the Department.
- B. Notice in writing to the member properly filing a grievance shall be given by the Chief, by mail sent to the last known place of residence of such aggrieved member, at least two weeks prior to the hearing, setting forth the time and place of such hearing upon such grievance.
- C. Decision of all matters in controversy before the Board shall be by a majority vote of the members of the Board and shall be final.³

§ 39-11. Fire Police Unit.

- A. There shall hereafter be a unit of the New Jersey State Fire Police Association, known as the "Bordentown Fire Police Unit."
- B. The unit shall be composed of members from the companies to be elected for a term of five years by the respective companies at their monthly meeting in December of each year, and the Chief shall appoint one of

3. Editor's Note: Former Article XII, Fire Hazard Inspections, which immediately followed this section, was repealed at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

the number the Captain of such unit, who shall be designated "Captain of Fire Police." The number of members elected from each company shall be determined by the Board of Engineers.

- C. This unit shall have the authority to elect as many and such officers as it deems necessary in addition to the Captain appointed by the Chief.
- D. It shall be the duty of the unit at the time of fire or emergency requiring the use of Department apparatus to expedite the moving of Department apparatus to the scene of such fire or emergency, protect such apparatus, take charge of the grounds and immediate vicinity and to restrict or prohibit entry into the area to any and all persons or vehicles who, in its opinion, would interfere with the duties of the firemen or the operation of the apparatus. It shall also be the duty of said unit, at the time of any such fire or emergency, to take charge of and protect all goods, personal property and chattels that may be moved and carried out of any place on account of such fire or emergency and to see that the same are returned to the proper persons.
- E. For the purpose of carrying out the intent and provisions of this section, the members of the unit shall be sworn in by the Mayor or City Clerk, and said oath or affirmation shall be filed with the City Clerk.
- F. Members of the unit, at the time of fire or emergency, shall wear special badges with the words "Special Officer Fire-Department" upon them.⁴
- G. Nothing herein contained shall prevent or hinder any owner or bailee of any goods, personal property and chattels that may be in danger of loss, damage or destruction from removing the same from such place or places as he may see fit.
- H. Any member elected to this unit who, in the opinion of the Captain of Fire Police, is not properly performing to the best of his ability the duties outlined herein shall be relieved and replaced by his respective company.
- I. Nothing contained herein shall be construed as superseding or limiting the powers of police officers at the scene of a fire, and such police officers shall have and exercise full police powers at such times.⁵

§ 39-12. Exempt fireman certificate.

Any member of the Department who completes the time required by law to become exempt by serving seven years as a State of New Jersey active fireman under municipal control will be entitled to apply for an exempt fireman certificate as provided for by the statutes of the State of New Jersey. Any member of the Department incapacitated by illness and no longer able to serve as an active fireman may retire as an active member upon certification by a licensed physician of the State of New Jersey that said member is physically or mentally unfit for further service as an active fireman.

§ 39-13. Creation of agency relationship with city.

Nothing in this chapter shall be construed as creating an agency relationship between the city and any company, except that should the City Commission by ordinance contract with any company or companies of the Department, the members of such company or companies shall be under the supervision and control of the city and in performing fire duties and shall be deemed to be exercising a governmental function.

4. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

5. Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. II.