

BOROUGH OF RIVER EDGE

ORDINANCE NO. 26-02

AN ORDINANCE AMENDING CHAPTER 33, FIRE DEPARTMENT, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen and State of New Jersey as follows:

SECTION 1. Chapter 33, Fire Department, of the Revised General Ordinances of the Borough of River Edge, is hereby amended and supplemented to read in full as follows:

“Chapter 33 Fire Department

§ 33-1 Administration/supervision.

- A.** The Fire Department is within the Department of Administration. The Fire Department shall be under the general control of the Mayor and Borough Council and shall be subject to such ordinances and rules and regulations as shall now be in effect or may hereafter be enacted by the Borough Council. The officers of the Fire Department shall be responsible to the Mayor and Borough Council for all firefighting activities and for the repair, upkeep, care and control of all Borough equipment. Further, the Mayor and Borough Council, through the Board of Fire Officers, shall have the primary responsibility for setting the general policies of the Fire Department.
- B.** Notwithstanding, the members of the Fire Department, whether on the scene of an incident or drill, in either firehouse or attending any Departmental function, shall be under the supervision and subject to the direction of the Chief or, during his absence or incapacity, the Assistant Chief. In the absence of the Assistant Chief, the Deputy Chief will be in charge. In the absence of the above officers, where both Captains are in attendance, the Captain from the Assistant Chiefs company shall be deemed the senior officer. In the absence of the above officers where both First Lieutenants are in attendance, the First Lieutenant from the Assistant Chiefs company shall be in charge. In the absence of the above officers, where both Second Lieutenants are in attendance, the Second Lieutenant from the Assistant Chiefs company shall be in charge. In the absence of the above officers, the Fire Department's bylaws shall control.
- C.** Supervision of the Fire Department is subject to the Departmental rules and regulations and standard operating procedures and, as stated above, is under the general control of the Mayor and Council of the Borough of River Edge.

§ 33-2 Composition.

The Fire Department shall consist of two companies, to be known as Company 1 and Company 2, and other such volunteer companies as the Borough Council may hereafter officially designate and appoint to combat and extinguish fires in the Borough of River Edge. The Department shall consist of an active force to be limited to the number prescribed by state law; each company shall be limited to 50% of the state allowance, including active exempts. The Fire Department shall consist of a Chief, an Assistant Chief, a Deputy Chief, two Captains, two First Lieutenants and two Second Lieutenants, as well as such other firefighters as may be appointed. The duties of the companies and their personnel shall be as designated and determined from time to time by the Chief or, in his absence, the Assistant Chief. There may be established under this chapter such additional companies and staffing levels as may be deemed necessary by the Chief Officers in conjunction with the Mayor and Borough Council.

§ 33-3 Fire officers.

The fire officers of the Department shall be a Chief, an Assistant Chief, a Deputy Chief, and for each company: Captain, First Lieutenant, and Second Lieutenant. To be eligible to hold any fire officer position, a member must be in good standing, comply with all applicable residency requirements, have an average of 50% attendance at dispatches, drills, and meetings, as calculated per the River Edge Fire Department SOP for calculating averages, and must have been a member of the Department for at least two years beyond the probationary period. A Captain shall complete NIMS requirements to ICS Level II and III in his first year as Captain.

A. Chain of command.

- (1)** When the Department is not on active duty, it shall be under the general supervision of the Chief of the Department; provided, however, that such supervision shall be subject to and not in conflict with the latest Borough ordinances, Fire Department bylaws, or the Department rules and regulations.
- (2)** When the Department is attending a fire or other emergency, it shall be under the absolute control of the Chief of the Department. In the absence of the Chief, the Assistant Chief will be in charge. In the absence of the Assistant Chief, the Deputy Chief will be in charge. In the absence of the above officers, where both Captains are in attendance, the Captain from the Assistant Chiefs company shall be deemed the senior officer. In the absence of the above officers where both First Lieutenants are in attendance, the First Lieutenant from the Assistant Chiefs company shall be in charge. In the absence of the above officers, where both Second Lieutenants are in attendance, the Second Lieutenant from the Assistant Chiefs company shall be in charge. In the absence of the above officers, the Fire Department's bylaws shall control.

(3) The Chief, Assistant Chief, Deputy Chief, or officer in command shall have general police power at all dispatches in any area of the Borough actually under the supervision and control of the Fire Department.

B. Chief.

(1) The Chief must be nominated and elected annually and shall serve no more than two consecutive elected years in office. The Chief of the Department shall assume command the first day of January following the election.

(2) The Chiefs duties include, but are not limited to:

(a) Calling a minimum of 10 Departmental drills and four Departmental meetings each year, one per quarter;

(b) At dispatches:

[1] Seeing that the officers and members perform their full duties;

[2] Giving such orders as may be necessary to save life and property;

[3] Getting such information from the owner or occupant of the burning building as may be deemed proper;

[4] If possible, ascertaining the origin and cause of the fire;

(c) Notifying the proper law enforcement agency if sufficient evidence points toward arson;

(d) After consultation with the proper law enforcement agency, causing the arrest of anyone giving false alarms or interfering with the work of the Fire Department while engaged in fire duty;

(e) Performing such other duties as the good and welfare of the Department may require; and

(f) Submitting a written report each quarter to the Borough Council.

[1] The written report shall reflect the averages calculated by the Captain of each company, dispatch records and any other pertinent information regarding the Department.

In the event of a vacancy in the position of Chief, any such a vacancy shall be filled for the unexpired term by the Assistant Chief. The Deputy Chief will then assume the office of the Assistant Chief and the senior Captain will fill the office of the Deputy Chief.

(3) A line officer cannot advance rank unless he or she has at least one year of service at present rank. Any member who has held the specific rank or above would be eligible for the opening to be filled by election. No line officer with less than five years' experience as a line officer, including a minimum of one year as Captain in the River Edge Fire Department, shall be allowed to move to the positions of Deputy Chief or above. To be eligible to serve as Department Chief, the member

must have also served in the Deputy Chief position and the Assistant Chief position in the River Edge Fire Department.

C. Assistant Chief and Deputy Chief.

- (1) The duties of the Assistant Chief and the Deputy Chief include, but are not limited to:
 - (a) Seeing that the apparatus, personal protective gear and all tools and equipment are kept in order;
 - (b) Having command of his respective company at all times;
 - (c) Observing that each member does his/her duty;
 - (d) Granting leave of absence or excusing any member when deemed necessary; and
 - (e) Aiding the Chief at all times in the discharge of his/her duties.
- (2) In the event of a vacancy in the position of Assistant Chief, any such a vacancy shall be filled for the unexpired term by the Deputy Chief. The senior Captain will fill the office of the Deputy Chief.
- (3) In the event of a vacancy in the position of Deputy Chief, any such a vacancy shall be filled for the unexpired term by the senior Captain. The senior Captain will fill the office of the Deputy Chief. Any subsequent vacancy among the fire officers of the company shall be filled for the unexpired term by progression.
- (4) A line officer cannot advance rank unless he or she has at least one year of service at present rank. Any member who has held the specific rank or above would be eligible for the opening to be filled by election. No line officer with less than five years' experience as a line officer, including a minimum of one year as Captain in the River Edge Fire Department, shall be allowed to move to the positions of Deputy Chief or above.

D. Captains (two), First Lieutenants (two) and Second Lieutenants (two).

- (1) The Captains, First Lieutenants, and Second Lieutenants shall aid the Assistant Chief and Deputy Chief at all times in the discharge of their duties. In the absence of the Assistant Chief or Deputy Chief, the Captains and Lieutenants, in rank and seniority order, shall act in such capacity, strictly adhering to all the duties of that office.
 - (a) Captain: It shall be the duty of the Captains of each company to keep and record the attendance at all dispatches, drills, and meetings, and present the averages for same at each monthly meeting of the company. Any member may challenge or dispute their average after review at the monthly company meeting. Upon presentation at the monthly meeting of the company, the Captain shall submit the averages, and supporting records, to the Fire Chief for review. The Fire Chief will then forward to the Borough Administrator for review. Any dispute over a member's average that is not resolved in-house

shall be submitted to the Borough Administrator and Council for review. The Captain shall also keep a record of all dispatches. These records and averages shall be kept in a separate book. At the end of each calendar year, one copy of these records shall be turned over to the Secretary of the Relief Association for permanent filing and signed by the Captain responsible for the averages.

- [1] The Department shall use the National Emergency Response Information System (NERIS) to record alarm data. If NERIS is not used, the Captains shall keep a monthly analysis, organized by category, showing how attendance is calculated and reported as calculated per the River Edge Fire Department SOP for calculating averages. If NERIS is used only for attendance at dispatches, a master list for all drills, meetings and each category of additional approved activities shall also be presented monthly at the company meeting and submitted monthly to the Fire Chief.
- [2] The Captain shall keep copies of all records in support of the monthly averages calculations as calculated per the River Edge Fire Department SOP for calculating averages and file same in the Chiefs office. The records shall be retained in an organized manner according to dispatches, drills, meetings, and any other approved activity. Any and all attendance records and calculations shall at no point be discarded. Records and calculations must be available for the Borough's review at any given time.
- [3] The River Edge Fire Department average program base/clean copy, one for each company, will be sent via email or thumb drive to the Chiefs secretary and Borough Administrator no later than January 15. This will provide for a clean, base copy of each average program, and it will be in file on the Chiefs secretary's Borough computer.
- [4] The reporting of attendance at dispatches shall be performed in accordance with § 33-6F(2) (a).
- [5] A member's eligibility for a fire officer position is based strictly on their attendance at dispatches, drills and meetings. A member's firematic average will be calculated as per the River Edge Fire Department SOP for calculating averages, and such member must have been a member for at least two years beyond the probationary period. All members must have all certifications as required by the State of NJ Division of Fire Safety prior to being eligible to hold a firematic office. All officers must also have all required National Incident Management System fire officer requirements.

Should any vacancy occur among the fire officers of the company, such vacancy shall be filled for the unexpired term by progression, and a special election will be called by the order of the President to fill the Second Lieutenant position. A line officer cannot advance rank unless he or she has at least one year of service at present rank. Any member who has held the specific rank or above would be eligible for the opening to be filled by election. No line officer with less than five years' experience as a line officer shall be allowed to move to the positions of Deputy

Chief or above. In the event no present officer has the five years' experience, a special election will be held.

§ 33-3.1 Civic Officers.

- A. The civic officers of the department shall be a President, who will be the Chief. The Assistant Chief will be the Vice President of the department. The President shall appoint a Departmental Secretary and Treasurer.
- B. The Civic Officers of each company shall be a President, Vice President, Recording Secretary, Financial Secretary, and Treasurer who shall hold office for the term of one year. All Company Civic Officers shall be elected at the next regular Company meeting following the election of the Chief. Should any vacancy occur in any company civic office, such vacancy shall be filled by the President, who shall appoint said officer for the unexpired term. Should the office of President become vacant, the Vice President will immediately assume the duties of the president and shall immediately appoint a Vice President for the unexpired term.
- C. A member, to be eligible to hold any civic office, must be in good standing and must have an average of 50 percent attendance at meetings and must have been a member for at least one year beyond probation.
- D. Civic Officers shall have the duty and responsibilities as set forth in the By-Laws of the River Edge Fire department.

§ 33-4 Elections.

[Amended 2-28-2022 by Ord. No. 22-3]

As stated above, to be eligible to hold any fire officer position, a member shall comply with all applicable residency requirements, must have an average of 50% attendance at dispatches, drills, and meetings, as calculated per the River Edge Fire Department SOP for calculating averages, and must have been a member for at least two years beyond the probationary period. Additionally, the member must satisfy the years of service required in specified fire officer positions to hold such position.

A. Election of Department Chief.

(1) Eligibility.

(a) Any member to be nominated as Chief must have held the office of Deputy Chief or above in the River Edge Volunteer Fire Department.

(2) The Chief must be nominated and elected annually and shall serve no more than two consecutive elected years in office.

- (3) The Chief is to be elected at the annual meeting of the whole department to be held on the third Thursday in the month of November at the fire station selected by the Chief.
- (4) The Department secretary shall notify all the members of the Department at least 72 hours prior to date of the Departmental meeting of the time and place of the meeting.
- (5) The nomination made for Chief is as follows:
 - (a) When the present Chief is in his last year of service, the nominations shall be made by the company that the present Chief does not belong to. In other circumstances, the nomination shall be made by the company that the present Chief belongs to.
 - (b) The nomination shall be made by the respective company at their regular October meeting, and it shall be the duty of that company's secretary to post notice of said nomination, in writing, on the bulletin boards of both companies, not later than November 3. Nominations for Chief can be made only upon a petition, signed by a minimum of five members of good standing, from each company. These petitions must be posted in writing on both bulletin boards not later than November 8.
- (6) If there is no contest for the office of Chief, the secretary of the Department shall cast one ballot to elect the candidate nominated for Chief. If a second nomination for Chief by petition is utilized, the Chief shall be elected in accordance with the procedure enumerated in the Fire Department bylaws.
- (7) After the election, the voting record will be submitted to the Borough Council for confirmation. The Borough Council will confirm the elected official at the next Council meeting. Any member contesting the election, or any aspect thereof, will be afforded the opportunity to present their position at the Council meeting. Once confirmed by Borough Council, the Chief will be officially sworn in by the Mayor.

B. Election of company officers (Assistant Chief, Deputy Chief, Captains, First Lieutenants, Second Lieutenants).

- (1) Eligibility:
 - (a) A line officer cannot advance in rank unless he or she has at least one year of service at present rank. Any member who has held the specific rank or above would be eligible for the opening to be filled by election. No line officer with less than five years' experience as a line officer, including a minimum of one year as Captain in the River Edge Fire Department, shall be allowed to move to the positions of Deputy Chief or above. To be eligible to serve as Assistant Chief, the individual must have held the position of Deputy Chief.
 - (2) All company officers shall be elected at the next regular company meeting following the election of the Chief. If there is a challenge, the

election will be handled through a closed ballot.

- (3) One-third of the active roster constitutes a quorum for the transaction of all business.
- (4) After the election, the voting record will be submitted to the Borough Council for approval. The Borough Council will confirm the elected officers at the next Council meeting. Any member contesting the election, or any aspect thereof, will be afforded the opportunity to present their position at the Council meeting. If affirmed by Borough Council, the fire officer(s) will be officially sworn in by the Mayor.

C. Appeal/challenge of fire officer election and appointment. Any member may contest the election and/or appointment of a fire officer. Prior to the Council's confirmation and swearing in of that elected officer, the member may submit a statement of their position to the Council and appear at the Council meeting to present their objection.

§ 33-5 Board of Firematic Officers.

- A. The Chief, Assistant Chief, Deputy Chief, Captains and Lieutenants of each company shall constitute the Board of Fire Officers. The Board shall administer the affairs of the Department related to firematics, subject to the approval of the Mayor and Borough Council; enforce the bylaws of the Board and latest Borough ordinances; promulgate and enforce the Department rules and regulations; and shall keep permanent records of all of its affairs, including, but not limited to, dispatches, hoses and equipment. The Board of Fire Officers shall decide matters affecting the morale of Department members and general welfare.
- B. The Board shall meet quarterly, or more frequently if necessary, to transact business of the Department. The Fire Chief shall preside over all meetings of the Board of Firematic Officers.

§ 33-6 Membership.

- A. Composition. The Fire Department shall consist of an active force to be limited to the number prescribed by state law. The Department shall consist of two companies, known as Company 1 and Company 2, each of which shall be limited to 50% of the state allowance, including active exempts.
- B. Eligibility/qualifications. A candidate for membership must:
 - (1) Be at least 18 years of age;
 - (2) Be a resident of the Borough of River Edge unless he/she complies with Subsection D below;

Be sponsored by an active member in good standing of the company to which the applicant is seeking membership;

Submit an application on notarized Departmental application forms; and

- (5) Be subject to a criminal background check.

C. New members.

- (1) A new member must serve one year on probation, during which he or she is required to maintain a 30% average, as calculated per the River Edge Fire Department SOP for calculating averages, at all dispatches, drills, and meetings, and must have successfully completed the basic firematic training course, Fire Fighter No. 1, or equivalent.
- (2) In the event a new member has not met the requirements of the Fire Department, he/she shall be subject to dismissal. To accomplish this action, a vote shall be taken, with the majority rule applying. If a new member is so dismissed, his/her name shall be removed from the rolls and Mayor and Council notified as well as the other company, in writing.

[Amended 12-12-2022 by Ord. No. 22-17]

- (3) A roster of all firematic and civic officers and members, signifying their start date, type of member (i.e., active, retired, exempt, nonexempt, etc.), certifications and position held, if applicable, shall be updated submitted to the Borough Administrator on or before January 31 of each year.

D. Residency requirement.

- (1) Generally, all Fire Department members must be residents of the Borough of River Edge. However, a full-time continuous member who has been a member in good standing, who moves to a bordering town (Paramus, Oradell, Hackensack, Teaneck or New Milford), may remain a member of the Fire Department inasmuch as he/she continues to comply with all of the bylaws and rules and regulations of the Department. This member as a nonresident retains all the existing rights and privileges that he/she enjoyed as a resident.
- (2) A non-resident may only apply to the Fire Department if they are a resident of the following towns: Teaneck, Oradell, Paramus, New Milford, and Hackensack.
- (3) A nonresident member may run for a firematic or civic office.
- (4) Full-time nonresident membership will be limited to 25% of the allowed state membership quota per company. Any resident or nonresident member who moves to another town, other than River Edge or a non-bordering town, shall resign within 60 days, unless they comply with Section #5, as listed below.
- (5) A member in good standing, that moves to a non-bordering municipality, and that have family member/s residing in the Borough,

may remain a member of the River Edge Fire Department. This member will have the right to attend and participate in meetings, drills and other department events. They will be allowed to participate in department and company level committees and will be eligible to maintain and participate in the Borough LOSAP program, as well as receive expense reimbursement/clothing allowance, as long as they are in accordance with Section 33-11 of this ordinance. They will not be allowed to hold a firematic officer position but may hold a civic officer position. In order to be eligible to ride the apparatus and respond to fire calls, they must maintain a minimum 50% attendance for drills per calendar year and must attend a minimum of one rig check per month.

E. Duties.

- (1) All members of the Fire Department shall report immediately upon every dispatch to the firehouse and to convey, as soon as possible, the apparatus and equipment to or near the fire and to use them according to the direction of the officer in charge, and if the apparatus should be gone, proceed to the fire and report to the officer in charge. In the absence of the Chief or the company officer, the most recent ex-Chief or senior member shall assume command until relieved by a fire officer. While performing in this capacity, he/she shall have the same authority and responsibilities as an active officer.

- (2) Every member, while actively engaged at the fire scene or a scheduled firematic activity, shall strictly obey the orders of the firematic officers. Deliberate failure to obey the orders of the officers may lead to formal charges.

F. Membership classifications and requirements.

- (1) Certifications: All members must comply with the state requirements for certifications of firefighters and meet all National Incident Management System requirements. The Fire Department Chiefs municipal secretary shall record and file copies of the certifications held by each member. Failure to comply with the state certification requirements may subject a member to disciplinary action, up to and including removal.

- (2) Attendance: Attendance will be recorded at all dispatches, drills and meetings. The averages of all company members' attendance at same will be presented monthly at the company meeting. Members' attendance percentage will be calculated as per the River Edge Fire Department SOP for calculating averages.

(a) Calculation of attendance averages.

[1] It shall be the duty of the Captains of each company to keep and record the attendance at all dispatches, drills, and meetings, in accordance with the adopted bylaws, as calculated per the River Edge Fire Department SOP for

calculating averages, and present the averages for same at each monthly meeting of the company. Any member may challenge or dispute their average after review at the monthly company meeting. Upon presentation at the monthly meeting of the company, the Captain shall submit the averages, and supporting records, to the Fire Chief, who will then submit them to the Borough Administrator for review. Any dispute over a member's average that is not resolved in-house shall be submitted to the Borough Administrator and Council for review. The Captain shall also keep a record of all dispatches. These records and averages shall be kept in a separate book. At the end of each calendar year, one copy of these records shall be turned over to the Secretary of the Relief Association for permanent filing and signed by the Captain responsible for the averages.

- [2] The Department shall use the National Emergency Response Information System Software ("NERIS") to record dispatch data. If NERIS is not used, the Captains shall keep a monthly analysis, organized by category, showing how attendance is calculated and reported. If NERIS is used only for attendance at dispatches, a master list for all drills, meetings and each category of additional approved activities shall also be presented monthly at the company meeting and submitted monthly to the Fire Chief, who will then submit them to the Borough Administrator.
- [3] The Captain shall keep copies of all records in support of the monthly averages calculations and file same in the Chief's office. The records shall be retained in an organized manner according to dispatches, drills, meetings, and any other approved activity. Any and all attendance records and calculations shall at no point be discarded. Records and calculations must be available for the Borough's review at any given time.
- [4] The attendance record for dispatches shall be created by the Captain of each company, or in their absence the officer in charge. The Captain, or officer in charge, shall record the incident number, date, address and any other information deemed pertinent regarding the call. All reporting members must assure that the officer in command or senior member that is taking roll call, has marked them as being present for the fire call prior to leaving the fire station. The legend on the attendance sheet shall be used for each call. All information on the sign-in sheet shall be reflective of the information placed into the NERIS for official reporting. Upon returning from the dispatch, the Captain or officer in charge shall review and sign the attendance sheet certifying that the information contained therein is accurate. The attendance sheet shall then be

placed in a locked drawer and retained.
[Amended 12-12-2022 by Ord. No. 22-17]

- [5] Members are not entitled to credit for sick time, (unless the injury occurred while operating in a capacity serving the Fire Department where they will then have their average frozen), vacation time, as well as other time off.
[Amended 12-12-2022 by Ord. No. 22-17]
- [6] Members will not receive credit for fire calls or any activity that involves the use of any type of PPE or SCBA should they be in violation of any New Jersey Division of Fire Safety, River Edge Fire Department or PEOSHA facial hair policy/guidelines.
[Added 12-12-2022 by Ord. No. 22-17]
- [7] Attendance sheets for all other activities must be maintained in the same manner. Further, the attendance reports must be clear as to what category the activity completed falls under, i.e., drills, meetings, rig checks, etc. Attendance credit in any category shall not exceed the actual amount of reported activities in such category in any given month. Credit shall not be awarded to a member for any activity not expressly approved, in writing, by the Department.
[Amended 12-12-2022 by Ord. No. 22-17]
- [8] The Department Chief has the authority to implement an extra credit policy as defined in the River Edge Fire Department SOP for calculating averages.
[Amended 12-12-2022 by Ord. No. 22-17]

(b) Members status.

- [1] To be considered a member in good standing, a member must maintain a company average, as calculated per the River Edge Fire Department SOP for calculating averages. Only members in good standing may vote at the Departmental and company level.

(c) Removal.

- [1] Any member whose average falls below the minimum required as calculated per the River Edge Fire Department SOP for calculating averages, by the end of any calendar year will be sent a letter that states his/her average is below the minimum required and that he/she is required in the following year to raise his/her average above the minimum required by year end or will be automatically dropped from the rolls of the River Edge Volunteer Fire Department on December 31 of the second year.

(d) Leave of absence.

[Amended 12-12-2022 by Ord. No. 22-17]

- [1] Active members in good standing may ask for a leave of absence from the Department by submitting a LOA form to the respective House Chief. The form must clearly state the member's intent and a starting and ending date. The leave of absence shall not exceed six months. One extension of an additional six months may be requested in writing to the House Chief. An active member returning from a leave of absence may need to requalify for any special privileges (SCBA, driving status, etc.) to be determined by the line officers. Any member returning from a leave of absence may not request an additional leave of absence until they have completed a minimum of one quarter in good standing. A leave of absence extension may be granted by the House Chief and shall be noted in the minutes of the next monthly company meeting. Reasons for a leave of absence may include, but are not limited to, health issues, injury not occurring during performance of duties, of the member or family member, temporary relocation of a workplace or work-related issue, monetary issue, etc.
- [2] Any member in good standing may request an education leave of absence if they are attending school out of the local area. Active members shall submit the LOA form to the House Chief. The form shall identify the starting and ending dates. Any member may return to active status if they are home for an extended period of time. The member must notify the House Chief of their intent and receive their approval. A member of the Department who takes military leave may be reinstated within one year of discharge, or release of active duty.
- [3] All firefighters injured in the line of duty shall be immediately placed on medical leave until approved for return to full duty by their attending physician. Return to duty must be in full firematic status. Firefighters injured not in the line of duty may request medical leave based on submission of a note from their attending physician that they are not capable of performing the normal duties of a firefighter. Return to duty shall be under the same circumstances as set forth above for line of duty injury. Firefighters who are on medical leave may not participate in the following: a) answering fire calls, b) attending work details, c) participation in drills involving physical exertion, d) parades, e) operate, drive, or ride in Borough apparatus except to funerals.
- [4] All members, while on approved leave of absence, will have their firematic averages frozen and will not be accountable for any fire call, drills or meetings during that time period.

G. Auxiliary members. - A fire auxiliary member is any person who is employed by a business in the Borough and is a member of a fire department in another community in the State of New Jersey.

These individuals may become a fire auxiliary member and as such are required to attend drills and must have completed equal training to that of the State of New Jersey's basic firematic training course, Fire Fighter No. 1. Fire auxiliary members will not have a right to vote or attend company or department meetings. A Borough employee who is not a member of a Fire Department but does complete Fire Fighter 1 at the Bergen County Fire Academy or the equivalent may become Fire Auxiliary members.

§ 33-7 Charge by ranking officer.

A. When the Department is attending a fire or other emergency, it shall be under the absolute control of the Chief of the Department. In the absence of the Chief, the Assistant Chief will be in charge. In the absence of the Assistant Chief, the Deputy Chief will be in charge. In the absence of the above officers, where both Captains are in attendance, the Captain from the Assistance Chiefs company shall be deemed the senior officer. In the absence of the above officers where both First Lieutenants are in attendance, the First Lieutenant from the Assistant Chiefs company shall be in charge. In the absence of the above officers, where both Second Lieutenants are in attendance, the Second Lieutenant from the Assistant Chiefs company shall be in charge. In the absence of the Chief or the company officer, the most recent ex-Chief or senior member shall assume command until relieved by a fire officer. While performing in this capacity, he/she shall have the same authority and responsibilities of an active officer.

B. The Chief, Assistant Chief, Deputy Chief, or officer in command shall have general police power at all dispatches in any area of the Borough actually under the supervision and control of the Fire Department.

C. It shall be the duty of every member of the Department to report immediately, upon every dispatch, to the firehouse and to convey, as soon as possible, the apparatus and equipment to or near the fire and to use them according to the direction of the officer in charge, and if the apparatus should be gone, proceed to the fire and report to the officer in charge. Every member, while actively engaged at the fire scene or a scheduled firematic activity, shall strictly obey the orders of the fire officers. Deliberate failure to obey the orders of the officers may lead to formal charges.

§ 33-8 Refusal to obey or execute orders.

A. Every member, while actively engaged at the fire scene or a scheduled firematic activity, shall strictly obey the orders of the fire officers. In the absence of the Chief or the company officer, the most recent ex-Chief or

senior member shall assume command until relieved by a fire officer. While performing in this capacity, he/she shall have the same authority and responsibilities of an active officer. Deliberate failure to obey the orders of the officers may lead to formal charges.

- B.** Any firefighter or officer who, while on duty at any fire, drill, parade or inspection, shall refuse or neglect to obey or execute any orders from the officer in charge, or who having knowledge of the defective condition of any part of the apparatus, fire hydrants or equipment, shall fail to report the condition at once to one of the Chiefs, or who shall violate the constitution, bylaws, rules or regulations of the Department or this chapter shall be subject to reduction in rank, suspension or expulsion from the Department.
- C.** Any person having knowledge of any act of misconduct as set forth in the preceding subsection of any firefighter or officer shall, within 30 days of the alleged offense, submit a complaint to the Fire Chief, who shall immediately, in writing, notify the firefighter or officer so charged.

Not less than five days following receipt of said notice by the person so charged, the charges shall be heard by the Board of Fire Officers, as hereinbefore constituted, at a meeting called for the purpose, at which time the person or persons making the charges, together with their witnesses, if any, shall present the allegations, and the firefighter or officer charged shall, together with his witnesses, if any, be permitted to enter his defense. The Board of Fire Officers shall have the right to sustain the charges and issue a complaint or dismiss the charges, whichever they shall deem to be equitable and just and for the best interest of the Department.

- D.** In the event the Board of Fire Officers sustains the charges and issues a complaint, the complaint shall be presented to the Borough Council, or its designee, at its next regular meeting, provided at least two of the following officers concur that a complaint should be made: Chief, Assistant Chief, Deputy Chief and Captains. The Borough Council, or its designee, shall hold a hearing on the charges, and the parties to the action, together with their witnesses, shall have the right to appear at said meeting to be heard. If the charges are sustained, the Borough Council, or its designee, may reduce in rank, suspend or expel such member from the Fire Department, whichever they shall deem to be equitable and just and for the best interest of the Department. Members of the Fire Department may only appeal the Board of Fire Officers' decision if it results in disciplinary action of a six-month suspension or greater.
- E.** In the event of the nonappearance of the person charged or in the event the complaint issued by the Board of Fire Officers is affirmed on appeal, the Council may confirm the proposed action taken by the Board of Fire Officers or may modify the penalty or penalties proposed by said Board in such manner as they shall deem most equitable and just and in the best interest of the Department. In the event the Council shall reverse the findings of said Board as to any charge or charges, said charge or charges shall forthwith be dismissed.
- F.** Any officer in the Fire Department may be removed from office at any time

by the Borough Council, or its designee, for neglect of duty or other just cause after charges thereof have been made and sustained, following a hearing before the Council, or its designee.

§ 33-9 Disciplinary action.

- A.** Reprimand, suspension or dismissal. Any member of the Department shall be subject to punishment by reprimand, suspension or dismissal from the Department according to the nature and gravity of the offense or for any of the following causes:
 - (1) Willful disobedience of orders; failure to comply with the Fire Department standard operating procedures or standard operating guidelines.
 - (2) Disrespect to a superior officer.
 - (3) Refusal or failure to attend dispatches or fire drills.
 - (4) Immorality, indecency or lewdness.
 - (6) Neglect of duty.
 - (6) Violation of any criminal law.
 - (7) Conduct subversive of good order and discipline of the Department.
 - {8) Violation of any rule or order of the Fire Committee of the Borough Council.
 - {9) Conduct unbecoming a firefighter.
- B.** Hearing of charges; notice of decision.
 - (1) Charges against any member of the Fire Department shall be made in writing under oath and filed with the Borough Clerk within 10 days after the offense is alleged to have been committed and specify, as near as possible, the time, place and circumstances of the offense. In no case, however, shall charges be proffered without the written approval of the Chief of the Fire Department, except charges against the Chief.
 - (2) In the event of potential suspension or dismissal, the President of the company of the accused member shall immediately after the reading of the charges, appoint two members in good standing and the President of the other fire company shall appoint three members in good standing, making a committee (hereinafter referred to as the "Fire Committee") of five, to try the charges. The date, time and place of the hearing of said charges shall then be fixed by the Fire Committee at a meeting, which shall be specially convened for that purpose, and at least five days before the date so fixed for hearing, a written copy of said charges, together with a notice of the date, time and place of said hearing, shall be served on the member against whom the charges are made, either personally or by leaving the

same at such member's usual place of abode. At the time, place and date fixed for the hearing of said charges, the Fire Committee shall hear the evidence adduced by all parties concerned and shall recommend a decision to the Mayor and Council. At all such hearings, the Fire Commissioner/Council Liaison shall be the presiding officer. At all such hearings, the respondent, as well as the person making the charges, may have the assistance of counsel in the presentation of evidence relative to the facts at issue. At all such hearings, the Fire Committee shall have the assistance of the Borough Attorney.

[Amended 12-12-2022 by Ord. No. 22-17]

- (3) The hearing of said charges may be adjourned from time to time in the discretion of the Fire Committee, provided, however, that the Fire Committee shall render its recommendation to the Mayor and Council within fifteen (15) following the conclusion of the hearing. At the next meeting of the Mayor and Council after receiving the recommendation of the Fire Committee, the Mayor and Council shall render its decision by a majority vote of the Council members present at the hearing, provided that in all cases a quorum shall be represented.
- (4) The decision of the Mayor and Council shall be registered by motion and roll call vote, including the penalty, if any. Notice of the decision shall be mailed to the respondent.
- (5) Should the charged member be suspended, their average will not be frozen/held during said time frame/duration of the suspension.
- (6) Should the charges be against a chief officer, the Mayor and Council will then oversee and hear the charges and entire hearing. The Fire Committee will be excused in this instance. The Mayor and Council will render their decision for punishment in writing to the Chief of the Department. Should the Chief of the Department be involved in the matter, then the decision shall be sent to the Assistant Fire Chief and/or Deputy Fire Chief.

[Added 12-12-2022 by Ord. No. 22-17]

C. Suspension by Chief; filing of charges. The Chief of the Fire Department shall have the right to suspend any member forthwith for any of the offenses enumerated above, but in such case, charges shall be proffered against such member within five business days thereafter.

D. Grievance procedure. Any grievance or dispute which may arise between any member of the River Edge Volunteer Fire Department and any officer thereof concerning a firematic issue(s) or any proposed applicant for membership and any officer thereof concerning the application process shall be settled in the following manner:

- (1) **Step 1.** The member or applicant, as the case may be, shall submit the grievance in writing to the Fire Chief within five days of its occurrence. The Fire Chief shall attempt to resolve the matter and respond in writing to the member or applicant, as the case may be, within five working days of his/her receipt of the written grievance.

(2) Step 2. If the grievance is still unsettled, the member or applicant, as the case may be, shall, within five working days from receipt of the answer required by Step 1, submit the written grievance, together with all documentation supporting same, to the Borough Clerk for final resolution by the Borough Council within 30 days of the Clerk's receipt thereof. The Borough Clerk shall provide notice to the grievant and Fire Chief as to the date and time on which the matter will be considered by the Borough Council. On that date and time, the grievant and Fire Chief may appear and present testimony and documentary evidence in support of their respective positions.

§ 33-10 Quarterly reports to Council/Business Administrator.

[Amended 12-12-2022 by Ord. No. 22-17]

- A.** At each meeting, the Secretary shall call the roll and mark as absent all who have not attended at least a part of the meeting and shall render a record of meeting percentages to date.
- B.** Immediately upon the return from a dispatch or drill and after the apparatus has been properly housed, the officer in command, or senior member should no officer be present, shall call the roll and all members not answering to the same, unless excused, shall be considered as nonattendants at such dispatch. All reporting members must assure that the officer in command or senior member that is taking roll call, has marked them as being present for the fire call prior to leaving the fire station. Any officer or most recent ex-Chief or the senior man in charge shall be vested with the right to excuse any member from not returning to the firehouse.
- C.** It shall be the duty of the Captains of each company to keep and record the attendance at all dispatches, drills, meetings, as per the River Edge Fire Department SOP for calculating averages and present the averages for same at each monthly meeting of the company. Any member may challenge or dispute their average after review each quarter. Upon presentation at the monthly meeting of the company, the Captain shall submit the averages, and supporting records, to the Fire Chief who then forward to the Borough Administrator for review. Any dispute over a member's average that is not resolved in-house shall be submitted to the Borough Administrator and Council for review. The Captain shall also keep a record of all dispatches. These records and averages shall be kept in a separate book. At the end of each calendar year, one copy of these records shall be turned over to the Secretary of the Relief Association for permanent filing and signed by the Captain responsible for the averages.
- D.** A roster of all firematic and civic officers, committees, and members, signifying their start date, type of member (i.e., active, retired, exempt, nonexempt, etc.) and position held, if applicable, shall be updated and submitted to the Borough Administrator on or before January 31 of each year.

§ 33-11 Reimbursement of expenses/clothing allowance.

- A.** Appropriation and payments to cover

losses incurred. [Amended 2-15-2024 by Ord. No. 24-2]

- (1) The governing body of the Borough of River Edge may by resolution appropriate and pay each year to any active volunteer firefighter doing public fire duty under the control or supervision of the governing body such sum as in the judgment of the governing body will be sufficient to cover any losses incurred by him in attending upon dispatches in the municipality under and within which he may be doing public fire duty. The Municipal Clerk shall keep a true and complete list of the active volunteer firefighters of the Borough. The total cost to the Borough in any year shall not exceed \$80,000.
- (2) To be eligible to receive the clothing allowance provided herein, all members must timely submit all necessary payroll forms, including but not limited to an I-9 and W-4 or W-9, to the Borough Finance Department. The Borough will issue payroll checks, less applicable deductions, on January 31 of each year to each member entitled to clothing allowance for their performance of duties in the prior year via the Borough payroll system.

B. Eligibility.

[Amended 12-12-2022 by Ord. No. 22-17]

- (1) Members who are active in the River Edge Fire Department are eligible to receive an expense/clothing allowance. An active member is deemed as any member that responds on apparatus to fire calls, attends and participates at training sessions, and complies with Subsection B{2) and/or (3) of eligibility.
- (2) Any member who achieves an annual credit percentage of 45% and above shall be entitled to receive the full clothing allowance for his/her rank. A member's annual credit percentage is based strictly on their percentage of attendance at dispatches, drills and meetings in accordance the River Edge Fire Department SOP for calculating averages.
- (3) Any member who fails to achieve an annual credit percentage of 45% and above shall receive a prorated percentage of the clothing allowance for his/her rank as follows:
 - a. Members with annual credit percentage of between 25% and 44% will receive half of the full amount issued to those with a 45% and above.
 - b. Those members with an annual credit percentage of 24% and below will not receive any clothing allowance.

C. Schedule of payments. All eligible officers and members will receive compensation from the Borough Finance Department reflective of the amount afforded to that individual based on the averages reported in the records submitted to the Borough, which shall be reviewed and approved annually by resolution of the Borough Council.

§ 33-12 Bylaws.

- A. The bylaws of the Fire Department shall be filed with the Borough Clerk after first having been presented to the Borough Council.
- B. No part of the Department bylaws shall be set aside or be suspended at any time, except when the proposed change is presented by a member in writing. Such proposed amendment shall be read at one regular company meeting and shall be read at one Departmental meeting, all members being notified to attend the meeting, when action shall be taken and if after discussing the proposed change, a 2/3 majority of the members present shall vote in favor of its adoption, such amendment shall forthwith become a part of these bylaws. Any adopted amendments or revisions to the bylaws shall be presented to the Borough Council at its next meeting.
- C. There shall be a Departmental Bylaws Committee appointed by the Chief with three members from each company. It shall be the duties of the Bylaws Committee to interpret the bylaws of the River Edge Fire Department, and the decision of the Bylaws Committee will be final. In the event of a tie, the Chiefs vote breaks the tie.

§ 33-13 Junior Firefighters Auxiliary.

- A. Establishment. There shall be established in the Borough of River Edge an auxiliary to the River Edge Volunteer Fire Department, to be known as the "Junior Firefighters Auxiliary." The members of the Junior Firefighters Auxiliary shall serve with the consent of the Mayor and Council, under the authority and supervision of the River Edge Volunteer Fire Department.
- B. Age and residency requirement. No person shall be eligible for membership in the Junior Firefighters Auxiliary who is younger than 14 years of age or older than 17 years of age. All applicants shall either reside within the Borough of River Edge or shall be related by blood, marriage, or adoption to an active member of the River Edge Fire Department.
[Amended 12-12-2022 by Ord. No. 22-17]
- C. Parental/guardian permission. Persons serving in the Junior Firefighters Auxiliary shall be required to obtain permission, annually, to participate in the Auxiliary from their parents or legal guardians. Such permission must be given in writing and acknowledged or proven in the same manner as is required by law for deeds to real estate to be recorded.
- D. Physical examination. Members of the Junior Firefighters Auxiliary shall annually satisfy the physical examination requirement established by the Auxiliary's rules and regulations.
- E. Insurance coverage. Members of the Junior Firefighters Auxiliary shall be provided with the same insurance coverage and the same amounts of coverage as is provided for regular members of the River Edge Volunteer Fire Department.
- F. Rules and regulations. The Junior Firefighters Auxiliary shall be subject to rules and regulations. Said rules and regulations shall be formulated by the State Division of Fire Safety and the River Edge Volunteer Fire Department and

approved by the Mayor and Council. Said rules and regulations shall be formulated and approved prior to the induction of a member into the Auxiliary. Said rules and regulations shall provide for the training of Auxiliary members for eventual membership in the River Edge Volunteer Fire Department and shall further provide that no junior firefighter will be required to perform duties which would expose him or her to the same degree of hazard as a regular member of the River Edge Volunteer Fire Department. [Amended 12-12-2022 by Ord. No. 22-17]

- G. Force and effect. This article shall take effect and be enforced from and after its approval, as required by law.
- H. Employment. Any junior firefighter who shall be employed by the Borough of River Edge shall not respond to a dispatch unless a direct order is received from the Chief of the Fire Department or his/her designee."

SECTION 2. Inconsistency. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION 3. Severability. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCED: _____

ADOPTED: _____

Thomas Papaleo, Mayor

ATTEST:

Anne Dodd, RMC, CMR
Borough Clerk/Assistant Borough Administrator