

**BOROUGH OF FREEHOLD  
COUNTY OF MONMOUTH  
NO. 2018/13**

**AN ORDINANCE AMENDING CHAPTER 2  
(ADMINISTRATION), SECTION 2.48 (FIRE DEPARTMENT) OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF FREEHOLD, COUNTY OF  
MONMOUTH, NEW JERSEY**

**WHEREAS**, the Chiefs and Officers of the Freehold Fire Department formed a special committee to review the organization and structure of the Fire Department; and

**WHEREAS**, after extensive study and with the consensus of the department, the Fire Department has recommended several changes to the current ordinance governing the Fire Department;

**WHEREAS**, the Mayor and Council have reviewed the recommendations and concur with same.

**NOW, THEREFORE BE IT ORDAINED** that Chapter 2.48 be amended as follows:

**SECTION I**

**Chapter 2.48 FIRE DEPARTMENT** shall be amended and supplemented as follows:

**Sections:**

- 2.48.010 Creation.
- 2.48.020 Composition.
- 2.48.030 Election of officers.
- 2.48.040 Membership.
- 2.48.050 Powers and duties of the chief
- 2.48.060 Removal or suspension.
- 2.48.070 Fires outside the borough.
- 2.48.080 Rules and regulations.
- 2.48.090 Junior firefighter's auxiliary.

**2.48.010 Creation.**

The Fire Department of the Borough is created and established with jurisdictional boundaries coextensive with the boundaries of the Borough.

#### **2.48.020 Composition.**

The fire department of the Borough shall consist of the Freehold Fire Department, which shall include Engine Hose Co. No. 1, Richardson Engine Co. No. 2, Monmouth Hose Co. and Good Will Hook and Ladder Co. Additional companies for the extinguishing of fire may be admitted or the number of companies reduced from time to time whenever the council shall determine after a public hearing that such additions or reductions shall be for the welfare of the borough.

The operation of the department, including, but not limited to fire operations, apparatus, equipment, training and compliance shall be governed by the officers consisting one chief of the department, one first assistant chief, one second assistant chief, one third assistant chief and such other officers as the department may deem necessary or as may be provided for by the department's constitution or bylaws.

There shall also be a President and other administrative officers of the Department as defined in the Constitution and By-laws of the department which are incorporated by reference herein, with non-fire operation duties as set forth therein.

A Public Safety Committee appointed by the mayor and council shall serve as liaison between the fire department and the governing body. The chief shall report all matters of the department to the Public Safety Committee.

#### **2.48.030 Election of officers.**

**A. Elections to be Held Annually.** On the first Wednesday in November in each and every year the fire department shall elect a chief, a first assistant chief, a second assistant chief and third assistant chief who shall hold office for one year from January 1 to December 31. At that time, the Department shall also elect the President and other administrative officers as set forth in 2.48.020.

**B. Approval of Elections by Council.** The election shall be held at the fire house at eight p.m. of the day above stated in such manner as the department may provide. A statement of the result of the election shall be signed by the secretary and submitted to the council at its first regular meeting in January; at which time the council shall either approve and confirm or disapprove and refuse to confirm the election of each of the persons designated as chief, first assistant chief, second assistant chief and third assistant chief for the term stated.

**C. Vacancy.** In case the council shall disapprove of any of the officers so elected or in case a vacancy occurs in any office from any other cause, the presiding officer of the department shall call a special meeting of the department to fill the vacancy as soon as possible, but no more than 60 days after the vacancy occurs. Any person elected at a special meeting shall assume office the day following his approval by council.

**D. Right to Vote.** All persons who are active members of the department, all members who are in good standing and have been such for at least three months prior to the election, life members who meet the department percentages, shall have the right to vote, which right shall be determined by a list of the members of

the respective companies duly verified by affidavit to be furnished by the secretaries of the respective companies.

**E. Eligibility of Chief.** The chief and three assistant chiefs shall be selected from the active members of the fire department, and no person shall be eligible for the office of chief or assistant chief who has not served as an active member of the department for at least five years next preceding his or her election.

**F. Credentials Committee.** A Credentials Committee Made up of the ex-chiefs association from the Freehold Fire Department shall insure all candidates meet the requirements set forth in the Freehold Fire Department Standard Operating Guidelines. The Chief and Assistant Chiefs must be active members of the Department for five years and must have the proper credentials outlined in N.J.A.C. 5:73-1, 6.

#### **2.48.040 Membership.**

**A. Applications.** Any person desiring appointment to a fire company shall file an application upon the prescribed form which shall be available at the office of the Borough clerk and at the office of the chief. The applicant for the fire company shall file the completed application forms with the clerk. The clerk shall retain one copy of the application for his or her file and transmit one copy of the application to the chief and to the personnel committee of the fire company.

Any person desiring to apply to more than one fire company may do so by filing an application for each particular company; however, under no circumstances may a person serve in more than one company.

The application shall have all questions answered and shall have attached thereto a recommendation as to the applicant's character and integrity signed by two persons who reside in the borough. It shall further include a certified birth certificate or other satisfactory evidence of date of birth. It shall also include the fingerprints of the applicant provided by the police or other approved authority.

**B. General Qualifications of Firefighter.** No person shall be appointed a member of the Freehold fire department unless:

1. The person is a legal resident;
2. The person is of sound mind and body and of good health as required of firefighters. Prior to admission, the applicant shall obtain a certificate from the borough physician stating his or her physical condition and eligibility for membership;
3. The person shall be able to read, write and speak the English language;
4. The person shall be of good moral character and shall not have been convicted of any crime or offense involving moral turpitude.
5. All members must meet all requirements, training, certification, rules and regulations established by the State of New Jersey, Department of Community Affairs, Division of Fire Safety, the Freehold Fire Department By-Laws ,Freehold Borough ordinances and all other appropriate regulatory entities, as amended from time to time.

**C. Personnel Committee.** There shall be a personnel committee for each company of the Freehold Fire Department consisting of three members of the

particular company, which members shall be designated by the president of the company and shall serve for a term of three years except, however, the term of the initial appointees shall be for one, two and three years respectively.

**D. Classification of Eligibility of Applicant.** The personnel committee within ninety (90) days of receipt of the application and supporting papers or within such further time as the applicant may agree to shall submit to the company its findings as to the eligibility of the applicant for consideration to membership. Copies of the findings shall be sent to the applicant, chief and to the mayor and council by certified mail, return receipt requested. No applicant shall be deemed ineligible except for cause. If a personnel committee finds an applicant unqualified, it shall set forth the reasons in writing; and the applicant shall be entitled to a hearing before the company administrative officers of the particular company concerning the findings and classification of the application.

An aggrieved applicant who desires a hearing shall within ten (10) days after the day upon which notice of the results of the findings of the personnel committee is mailed to him or her request of the company in writing a review of his or her application giving specific reasons therefor. Thereafter and within thirty (30) days of receipt of the request for hearing, the administrative officers of the particular company shall hold a hearing to consider the classification of the application, at which hearing the applicant may testify and present evidence to substantiate his or her eligibility for membership to the company.

**E. Rejection of Applicants.** The personnel committee may reject the application of any person for admission to the fire company for any of the following or other good causes:

1. That the applicant is physically unfit to perform the duties of the position of firefighter;
2. That the applicant is addicted to the habitual or excessive use of drugs, narcotics or intoxicating beverages;
3. That the applicant has intentionally made a false statement in his or her application with regard to any material fact or has practiced or attempted to practice fraud in connection with such application;
4. That the applicant has been guilty of a crime or of other disgraceful conduct involving moral turpitude;
5. That the applicant is found to lack any of the minimum qualifications as stated under subsection B of this section.

**F. Discrimination.** No member shall be discriminated against; and no applicant shall be barred from membership because of his or her race, creed, color, national origin or ancestry.

**G. Eligibility List.** The successful applicant shall be placed on an eligibility list for membership in a company which list shall contain the name of successful applicants by chronological order. If more than one applicant is successful on one particular date, the position on the eligibility list shall be determined by lot.

**H. Removal of Names from Eligibility List.** From time to time and at least once each year in order to serve public interest in membership procedures, inquiry shall be made in writing to those whose names are on eligibility lists to ascertain whether they are willing to accept appointment if offered. If an eligible is

unwilling or if he or she fails to reply in writing within thirty (30) days, his or her name shall be removed from the eligibility list. In all such cases, the person whose name is considered for removal will be notified in writing by certified mail, return receipt requested, of such contemplated action and given a reasonable opportunity to be heard.

**I. Election to Membership.**

1. Each company shall vote for its own membership. Vacancies in a company shall be filled by the selection of the highest name on its eligibility list, provided, however, such applicant shall receive a majority of the votes cast. Voting shall be open and by roll call. All active members in good standing of the company shall have the right to vote. The election of a member shall be subject to the approval of the council.

2. No applicant shall be denied membership except for cause. If an applicant is denied membership, he or she shall be so advised in writing with the summary of the basis for such denial; and he or she shall be entitled if he or she desires to a hearing before the personnel committee to present evidence to rebut such finding of cause.

3. If the applicant is not satisfied after the aforementioned hearing before the personnel committee, he or she may take an appeal to a committee made up of the president, vice president, secretary, chief and assistant chiefs of the fire department. This committee shall hear all the evidence and shall make a prompt determination on the matter.

4. The number of active members in any company shall be 35, with a total for all companies not to exceed 140, including life membership.

**J. Probationary Period.** An applicant who receives approval for membership shall serve a probationary period of one year of actual membership with the department. The company shall keep detailed records of the probationary firefighter's work and progress and at the end of one year after appointment shall file a report with the personnel committee. The personnel committee shall review the report of the company and file its own report with the company for consideration by the members. If it is deemed that the probationer is unable or unwilling to perform the duties of his or her position satisfactorily and according to the general rules and regulations of the department as not to merit continuance in the fire department, the summary of the basis of such conclusion shall be supplied in writing to the probationer; and he or she shall be entitled if he or she desires to a hearing before the personnel committee to present evidence to rebut such conclusions.

If the probationer is not satisfied after the aforementioned hearing before the personnel committee, he or she may take an appeal to a committee made up of the president, vice president, secretary, chief and assistant chiefs of the fire department. This committee shall hear all the evidence and shall make a prompt determination on the matter.

Each company shall vote concerning the final membership of its own probationary members. The membership of the probationer shall terminate if he or she fails to receive a majority of the votes cast by the company. On this matter

the probationer shall not have the right to vote. Voting shall be open and by roll call.

No individual can be accepted for final membership after his or her one year probationary period if he or she has not successfully completed Firefighter I Training Course as set forth in N.J.A.C. 5:18C-4.3.

**K. Emergency Appointments.** When an emergency arises of such nature that in order to prevent loss of life or property, one or more persons may be immediately appointed to a fire company, the chief of the Department may appoint any qualified person for a period not exceeding ninety (90) days.

**L. Time Within Which Appeals Must be Filed.** In all cases in which the aggrieved probationer or other member desires a hearing or other relief, written notice of the appeal or other demand for relief must be received, if not otherwise provided, by the reviewing body within fifteen (15) days of the time in which notice of the act complained of was received by the party seeking such relief.

**M. Equipment/Vehicle Operations.** No member shall be permitted to operate fire department vehicles or apparatus unless they are at least twenty-one (21) years of age and have at least one full year of service in the fire department.

**N. Life Membership.** Any member with 25 years of service in the Department shall be eligible for life membership. Life members will not be required to maintain department percentages unless such life member wishes to qualify for LOSAP benefits, vote in any Department or Company elections or serve as an officer or administrative officer in which case all department percentages must be met. Active military deployment by any active member of the Freehold Fire Department will be counted towards active time in the Freehold Fire Department.

**O. Operating/Riding on Apparatus.** All members must have the status of at least a Class B firefighter in order to operate fire apparatus. All members must have the status of at least a Class C firefighter in order to ride on or in fire apparatus.

**P. Officer and Administrative Position.** All members, including life members must meet all department percentages in order to be eligible to hold an officer position or administrative position in the department.

#### **2.48.050 Powers and duties of the chief:**

**A. Inspection of Fire Apparatus.** It shall be the duty of the chief to examine at least once a month the fire apparatus and all appliances in use for extinguishing fires and report their condition to the mayor and council when requested to do so. It shall be the duty of the chief to oversee and ensure that all drivers of apparatus be qualified to operate same in accordance with department approved Standard Operating Guidelines. The chief shall make an annual report in writing to the mayor and council when requested to do so and at least annually at the first regular meeting in January. Such report shall give a detailed account of such fires as may have occurred, the cause of such fires, and such other information as he or she may think proper. He or she shall superintend all repairs ordered from time to time by the council to fire apparatus and appliances; he or she shall use all means of the department to extinguish fires which may occur and shall have sole and absolute control and command over the fire apparatus

and all members of the fire department in case of actual fire, or whenever called into active service, and he or she shall have control over all other fire apparatus and persons aiding and assisting the department in case of fire in the borough; he or she shall have general control over the members of the fire department and all fire apparatus belonging to the borough at all other times, provided, however, that all of the powers hereinabove granted in this section to the chief shall be subject to the approval of the governing body.

**B. Attendance at Fires.** The chief and the first, second and third assistant chiefs shall, when it is possible for them to do so, attend all fires which occur within the borough; and they are empowered and required to take charge of any building or buildings which may be on fire, to evict from or admit only such persons whether firefighters or otherwise to such building or buildings as they may deem necessary to superintend and direct the removal and preservation of all endangered property. The chiefs are invested with all the powers of a police officer of the borough while answering, attending or returning from alarms of fire that they may and shall preserve the peace and protect private and public property. The chief shall appoint for a term concurrent with his or her, subject to the approval of the council, such active members of the fire department as he or she may think necessary as fire police, who shall upon taking the oath of office be vested with all the powers of police officers while going to, attending or returning from any alarms of fire, drills, tests or other details subject to the direction of the chief or other persons in command of the fire department.

**C. Suspension of Members.** The chief shall have the power to suspend from duty any member of the fire department for disobedience of orders of any officer in command when on duty. All appeals from his or her decision shall be made in writing to the Freehold Fire Department Board of Representatives, which may appoint a time to publicly hear the appeal and affirm, reverse or change the decision by a majority vote of all the members of the Board of Representatives.

**D. Watchers.** The chief shall have the power to call on the officer or person in charge of any company or companies for such personnel as he or she may deem necessary to act as watchers after a fire is under control and the rest of the department returned to its quarters; and the officer in control of several companies shall thereupon designate the members of the Department to perform such duty. The watchers may be paid such compensation as the council may fix annually for each hour they are on duty upon presentation to the council of proper borough vouchers approved by the chief of the department.

**E. Absence or Incapacity of Chief.** On alarm, in case of the absence or incapacity of the chief, the command of the department and all of the duties of the chief shall devolve to the first, second or third assistant chiefs of the fire department and upon their absence or incapacity, upon the first arriving active qualified Captain and upon the absence of a qualified Captain, to the first arriving active ex-chief of the fire department who shall be present upon the required occasion as herein provided. Such ex-chief shall continue until the arrival of the chief, the first assistant, second or third assistant chiefs or Captain of the fire department at which time the ex-chief shall transfer command. Notwithstanding the above, every incident commander must be current with the state laws for

minimum qualifications outlined in N.J.A.C 5:73-1,6 as amended and supplemented.

F. The Chief shall develop and promulgate Standard Operating Guidelines for the good of the Department, and all members shall be subject thereto.

G. The Chief shall ensure that all Incident Commanders have the proper credentials as required under N.J.A.C 5:73-1,6 as amended and supplemented.

H. The Chief shall oversee and ensure that every active member undergo the annual physicals as required under N.J.A.C 5:73-1,6 as amended and supplemented.

I. Liaison to Governing Body. The chief shall act as the liaison to the mayor and council on all matters pertaining to fire operations, fire equipment and administration of fire operations. The President of the Department shall act as liaison to the Mayor and Council on all matters pertaining to building and grounds.

#### **2.48.060 Removal or suspension.**

The council may at any time for cause shown in writing remove, suspend or expel any member or officer of the fire department or of any company by a majority vote of all the members of the council after having given the member or officer an opportunity to be heard publicly before the council.

#### **2.48.070 Fires outside the borough.**

In case of a fire outside the Borough, the fire apparatus shall be permitted to leave the Borough in those circumstances as outlined in the prevailing mutual aid agreement, and at the discretion of the fire chief.

#### **2.48.080 Rules and regulations.**

A. False Alarms Prohibited. No person shall cause any false alarm of fire to be given nor shall any person intermeddle with, injure or destroy any of the property appertaining to or belonging to the fire department. Nor shall any person intermeddle with, injure, damage or destroy the fire alarm system of the borough and no person shall aid, abet, or assist in giving of a false alarm or the injuring or destroying of any of the property of the fire department or the fire alarm system of the borough.

B. Driving Over Hoses Prohibited. No person shall drive or cause to be driven any vehicle over any hose nor shall in any manner damage, deface or injure any hose, apparatus or appliance of the fire department of the borough.

C. Fire Apparatus and Ambulance to Be Given Right of Way. The driver of any vehicle on approach of any fire apparatus or ambulance in the borough shall immediately draw up the vehicle as near as practicable to the right-hand side of the street and parallel thereto and bring it to a standstill until the fire apparatus or ambulance has passed. No person shall interfere with, impede or delay any fire apparatus or ambulance in the borough in any manner or for any cause under his or her control. (Prior code § 3-8)

**2.48.090 Junior firefighter's auxiliary.**

There is established pursuant to the authority granted by N.J.S.A. 40A:14-95 a Freehold Borough fire department junior firefighter's auxiliary.

**A. Eligibility for Membership.** Pursuant to the provisions of N.J.S.A. 40A:14-96 no person shall be eligible for membership in the junior firefighter's auxiliary hereby established who is less than sixteen (16) nor more than eighteen (18) years of age. Persons between the ages of sixteen (16) and eighteen (18) shall be required to obtain permission to join the auxiliary established hereby from their parents or legal guardians. Such permission shall be in writing and acknowledged or proved in the manner required by law.

**B. Rules and Regulations Governing Activities of Junior Firefighter's Auxiliary Members.** No member of the junior firefighter's auxiliary shall be required to perform duties which would expose him or her to the same degree of hazard as a regular member of the volunteer fire companies which constitute the Freehold Borough fire department.

The rules and regulations proposed to the mayor and council by the Freehold Borough fire department prior to the adoption of this section are incorporated by reference as if fully set forth at length. The regulations and rules may be periodically amended or modified after submission and review by the governing body of the borough and acceptance thereof by resolution of the governing body of the borough. (Prior code § 3-9)

**Section II**

If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

**Section III**

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

**Section IV**

This Ordinance shall take effect immediately upon publication in accordance with Law.

**BOROUGH OF FREEHOLD  
COUNTY OF MONMOUTH  
NO. 2018/13**

**ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), SECTION 2.48  
(FIRE DEPARTMENT) OF THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF FREEHOLD**

**NOTICE IS HEREBY GIVEN** that the forgoing Ordinance was approved for final adoption by the Mayor and Council of the Borough of Freehold at a meeting held on December 3, 2018.



TRACI L. DI BENEDETTO  
BOROUGH CLERK