

ORDINANCE NO. #08:009-19

AN ORDINANCE REPEALING AND REPLACEMENT EXISTING CHAPTER 36. FIRE DEPARTMENT OF THE CODE OF THE BOROUGH OF BELLMAWR, COUNTY OF CAMDEN AND STATE OF NEW JERSEY

WHEREAS, Chapter 36 of the Code of the Borough of Bellmawr was enacted pursuant to Ord. No. 4-72 as Chapter 13 of the 1972 Code and thus the Bellmawr Fire Department was created as the sole firefighting force for the Borough of Bellmawr, and;

WHEREAS, the Bellmawr Fire Department is comprised of volunteer members of Bellmawr Fire & Rescue #1 (Lewis Ave Station) and the Bellmawr Park Volunteer Fire Company (Essex Ave Station), and;

WHEREAS, for several years the roles of active firefighting members from the Essex Ave Station have fallen below what is required by the existing ordinance to be able to effectively sustain firefighting operations out of that station, and;

WHEREAS, on or about February 28, 2019, Mayor and Council passed Resolution #02:80-19, entitled Establishing Rules and Regulations for Essex Avenue Fire Station which stipulated that the Essex Avenue Fire Station would be provided six (6) months to effectively establish membership personnel to ten (10) or more active firefighting members who have attended the necessary training and attaining a firefighter certification as required by law and;

WHEREAS, none of the conditions set forth in the aforesaid Resolution were satisfied; and

WHEREAS, there still exist an insufficient number of active firefighting members at the Essex Ave Fire Station; and

WHEREAS, Mayor and Council has determined the need to amend Chapter 36 of the Borough Code entitled Fire Department to restructure the Fire Department in the best interest of the health, safety and welfare of the citizens of the Borough of Bellmawr.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Bellmawr as follows:

Section 1: Chapter 36, FIRE DEPARTMENT of the Code of the Borough of Bellmawr is repealed in its entity and replaced with the following:

§ 36-1. Department created; purpose.

There is hereby created the Fire Department of the Borough of Bellmawr, in the County of Camden and State of New Jersey. The object and purpose of the Fire Department shall be preservation and protection of life and property from fire or other emergencies that may occur in the Borough of Bellmawr and the vicinity thereof and shall be the Fire Fighting Force for the Borough of Bellmawr.

§ 36-2. Composition; Fire Fighting Force.

Said Fire Department shall consist of all duly enrolled active certified firefighting members of the following volunteer fire companies, as shown on the enrollment books of the companies on the date of final passage of this chapter, and such other members as may be thereafter elected by said individual companies and duly approved and qualified under the provisions of this chapter:

Bellmawr Fire and Rescue Squad No. 1. [Lewis Ave Station]

Bellmawr Park Volunteer Fire Company. [Essex Ave Station]

§ 36-3. Companies; active members.

No company/station shall have fewer than 10 active firefighting members to conduct firefighting operations for the Borough of Bellmawr Fire Department. It shall be the duty of the Secretary of each fire company to report in writing the exact membership, giving full names and residences of the members, to the Borough Clerk of the Borough of Bellmawr on the first day of February in each year. The membership roll shall be certified by the Chief of the department. The Borough Clerk shall keep an accurate master roll of all members of the Department.

§ 36-4. Certificate of membership.

The Borough Clerk shall keep an accurate master roll of the active members of the department.

§ 36-5. Other classes of members.

The companies may have such other classes of members as may be prescribed by their respective constitutions and bylaws, may prescribe such qualifications, and may grant to each class such privileges, as they desire so long as the same are consistent with the provisions of this chapter.

§ 36-6. Auxiliaries.

The companies may provide for the establishment of auxiliaries. Such auxiliary shall be a subsidiary of and subordinate to the fire company that created it and subject to the constitution and bylaws of such company.

However, such auxiliary members shall not perform any duties nor have any of the powers of active firefighters, except first aid or disaster relief.

§ 36-7. Attendance and duty of members.

Each active member of the Fire Department shall perform at least 60% of duty in the answering of fire alarms, actual attendance and duty at fires, unless excused. All personnel of the Bellmawr Fire Department will abide by the standard operating guidelines set forth by the Chief of the Bellmawr Fire Department.

§ 36-8. Apparatus, equipment and fire prevention material.

A. The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain their efficiency and properly protect life and property from fire and other emergencies.

B. The procurement of all fire prevention material shall be vested in the Mayor and Council of the Borough of Bellmawr.

C. Recommendations for apparatus and equipment needed shall be made by the Fire Chief to the Mayor and Council at such time and manner as the Mayor and Council determine.

§ 36-9. Private use or removal of equipment prohibited.

No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without authority take away or conceal any article belonging to or used in any way by the department.

§ 36-10. Admission to firehouses restricted.

No person shall enter any place where fire apparatus is housed nor handle any equipment, property or apparatus belonging to the department unless accompanied by or having the special permission of an officer or authorized member of the department.

§ 36-11. Police powers.

All active members of the Department who are engaged in carrying out their respective duties under this chapter are hereby given the necessary police powers for the purpose of enforcing the provisions of this chapter. These police powers shall be in addition to those to be exercised by the Police Department of the Borough of Bellmawr and any other agency of the municipality for the enforcement of the provisions of this chapter.

§ 36-12. Election or appointment of fire officers.

The officers shall be as follows:

A. Fire Chief of Department (appointed by Mayor and Council): three-year term.

B. Battalion Chief (appointed): two-year term.

C. Fire Captain (appointed): one-year term.

D. Fire Captain (elected by station): one-year term.

E. Fire Lieutenant (appointed): one-year term

F. Fire Lieutenant (elected by station): one-year term.

§ 36-13. Duties of fire officers.

- A. Borough Fire Chief. The Fire Chief is the highest-ranking officer in the Department and takes direction from the Mayor and Council. The Fire Chief administers all Borough and Department policies and procedures, prepares and administers the Fire Department budget, and oversees accordingly. The Fire Chief evaluates the emergency needs of the community and plans for the acquisition and maintenance of facilities, apparatus and equipment. The Fire Chief attends meetings of the Borough Council as well as various committees which direct the operations of the Fire Department. The Fire Chief prepares and issues standard operating procedures in keeping with the safety of personnel and the best interest of the community while following national standards.
- B. Battalion Chief. The Battalion Chief is the second highest-ranking officer in the department and takes direction from higher-ranking chief officers. The Battalion Chief supervises all line personnel assigned to the fire suppression division of the department, enforces Department rules and regulations, schedules training activities, ensures that the department complies with those training schedules, and reviews the reports prepared by company officers.
- C. Fire Captains (elected and appointed). The Captain is the third highest-ranking officer in the department and takes direction from higher-ranking officers. The Battalion Chiefs directly supervise the Captains in the fire suppression division.
- D. Fire Lieutenants (elected and appointed). The Lieutenant is the fourth highest-ranking officer in the department and takes direction from higher-ranking officers. The Captains directly supervise the Lieutenants in the fire suppression division.

§ 36-14. Fire officer qualifications.

The requirements are as follows:

- A. Borough Fire Chief:
 - NJ State Firefighter 1 Certified
 - NJ State Fire Officer 1 Certified
 - IMS Level 2
 - ICS 400
 - 10 years of firefighting experience
 - 6 years of fire officer experience
 - NJ State Fire Instructor Level 2
 - NFA Safety Officer
 - Pass annual department SCBA qualification
 - Staff and command training
 - Maintain average percentage of fires/drills
 - Borough of Bellmawr resident
 - Must meet minimum LOSAP requirements

- B. Battalion Chief:
 - NJ State Firefighter 1 Certified
 - NJ State Fire Officer 1 Certified
 - IMS Level 2
 - ICS 400
 - 8 years of firefighting experience
 - 4 years of fire officer experience
 - NJ State Fire Instructor Level 2

NFA Safety Officer
Pass annual department SCBA qualification
Staff and command training
Maintain average percentage of fires/drills
Borough of Bellmawr resident
Must meet minimum LOSAP requirements

C. Fire Captains:

NJ State Firefighter 1 Certified
IMS Level 2
ICS 300
6 years of firefighting experience
3 years of fire officer experience
NJ State Fire Instructor Level 1
NFA Safety Officer
Pass annual department SCBA qualification
Fire pump operations training
Ladder company training
Rescue company training
Rapid intervention training
Borough of Bellmawr resident
Maintain average percentage of fires/drills
Must meet minimum LOSAP requirements

D. Fire Lieutenants:

NJ State Firefighter 1 Certified
IMS Level 1
ICS 300
4 years of firefighting experience
NFA Safety Officer
Fire pump operations training
Pass annual department SCBA qualification
Ladder company training
Rescue company training
Rapid intervention training
Qualified on all assigned station apparatus
Borough of Bellmawr resident
Maintain average percentage of fires/drills
Must meet minimum LOSAP requirements

§ 36-15. Fire Chief Vacancy.

A vacancy which occurs in the office of the Borough Fire Chief will remain vacant until a committee of three career fire officers and the Borough's Public Safety Director reviews and interviews all applicants applying for the position. The final recommendation will be made by the Mayor and Council.

§ 36-16. Officer Appointments.

All officer appointments will be made by the Borough Fire Chief with input from the other fire officers in keeping with the best interest of the Department. Interested applicants will submit a letter of interest by November 31 with appointments being made by January 1.

§ 36-17. Records.

The Chief of the Department shall keep a permanent record of the alarms of fire and drill attendance of each member of the Department.

§ 36-18. Drills.

The Battalion Chief shall drill and instruct the department at least once a month.

§ 36-19. Maintenance of apparatus.

The Command Staff of the department shall maintain its apparatus in good condition and ready for immediate service.

§ 36-20. Letting out of apparatus restricted.

No apparatus shall be let out for hire or let in any case except upon the consent of the Chief of the Department and then only in case of an emergency in a neighboring community.

§ 36-21. Rental and heating of firehouses.

The arrangement for an annual housing rental and the heating of the firehouses is vested with the Mayor and Council. Borough owned vehicles and equipment shall have housing priorities over any other vehicle or equipment.

§ 36-22. Compliance with Borough and state vehicle laws.

All automobile apparatus shall be operated in strict accordance with Borough and state laws applicable thereto.

§ 36-23. Release of Borough from liability.

Every person shall, by joining any volunteer company, agree to release the Borough of Bellmawr from any liability for injury incurred in the course of performance of his duty, except for such recovery as may be allowed under the insurance coverages maintained by the Borough.

§ 36-24. Violations and penalties.

Any person violating any provision of this chapter shall, upon conviction thereof, be subject to a fine not exceeding \$2,000 or imprisonment in the county jail for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof, in the discretion of a court of competent jurisdiction. Each and every day that such violation shall continue shall be a further and separate offense under the terms of this chapter, subject to the penalties herein prescribed.

Section 2: All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 4: This Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF BELLMAWR

By: Charles J. Sauter, III Mayor

ATTEST:

Francine M. Wright, RMC, Borough Clerk

CERTIFICATION

I, Francine M. Wright, Clerk of the Borough of Bellmawr, hereby certify the foregoing to be a true and correct copy of an ordinance adopted by the Mayor and Borough Council at their meeting of September 26, 2019, in the Municipal Building, 21 East Browning Road, Bellmawr, New Jersey.

Francine M. Wright, RMC, Borough Clerk