

**ORDINANCE NO. 2022-06**

**ORDINANCE ESTABLISHING FIRE DEPARTMENT, AND  
AMENDING THE FRELINGHUYSEN TOWNSHIP CODE BY  
ADDING A NEW CHAPTER 11 THERETO**

WHEREAS, pursuant to N.J.S.A. 40A:14-7, a governing body of any municipality may, by ordinance, create and establish a part-paid fire department, and provide for the maintenance, regulation and control there, and except as otherwise provided by law, appoint such members, officers and personnel as shall be deemed necessary, determine their terms of office, fix their compensation and prescribe their powers, functions and duties, and adopt and promulgate rules and regulations for the government of the department, and for the discipline of its members; and

WHEREAS, in order to effectively and efficiently provide for the health, safety and welfare of Frelinghuysen Township, its residents and businesses, it is necessary and appropriate to establish a fire department.

NOW THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Frelinghuysen, Warren County, and State of New Jersey, as follows:

**Section I**

The Frelinghuysen Township Code is amended by adding thereto a new Chapter 11, to read as follows:

**CHAPTER 11. FIRE DEPARTMENT**

**§ 11-1. Fire Department established.**

There is hereby created a fire department (referred to in this Chapter as the "Company," which shall be an independent, part-paid and part volunteer municipal fire and rescue fire department serving the Township of Frelinghuysen and such other areas as may be

designated by the Township Committee, known as the “Frelinghuysen Township Volunteer Fire Company.”

**§ 11-2. Composition.**

A. The Company shall consist of a Chief and Deputy Chief and such firefighters, engineers, lieutenants and captains as established in the Company's bylaws as shall be appointed as hereinafter set forth.

B. There shall be a liaison representative from the Township Committee, who shall attend all Company meetings.

**§ 11-3. Bylaws.**

The Company shall prepare its own bylaws. The Company shall provide a copy of the bylaws to the Township Committee and shall provide the Township with copies of any updates or amendments that are adopted. In the event of a conflict between the bylaws and this ordinance, this ordinance shall take precedence.

**§ 11-4. Administrative control; Ownership of Firehouse, Equipment and Apparatus.**

A. Administrative control of the Company shall reside with the Company, with oversight by the Township Committee. The Chief of the Company shall provide regular reports to the Township Committee. The Company shall provide copies of its meeting minutes to the Township Committee upon request.

B. The Township Committee shall approve all grant applications prior to the Company submitting same. All grant proceeds shall be payable to and shall be disbursed by the Township, unless the terms of the grant specifically require otherwise.

C. The Township shall have title to the firehouse, all equipment and apparatus used by the Company.

**§ 11-5. Records.**

The Company shall maintain all records, including meeting minutes, as required by state law and regulations. The Company shall produce records in response to requests made under the Open Public Records Act as required under the Act. The Company shall produce records for inspection by the Township Committee liaison or Township Committee upon request.

**§ 11-6. Expulsion or suspension.**

After discipline has been implemented by the Company's Disciplinary Committee, the Township Committee shall have the right to expel or suspend any member or officer of the Company upon charges preferred, related to a violation of the Company's bylaws or

the Township's personnel policies, provided that the member or officer of the Company who is the subject of the discipline shall be entitled to notice and a hearing before the Township Committee.

**§ 11-7. Election of officers.**

The officers of the Company shall be elected annually by ballot at an election of the Company, to be held on such date and time and at such location as shall be designated by the Company, and they shall hold office for one year from the first day of January following their election; provided, however, that the election of the Chief and Deputy Chief shall be confirmed by the Township Committee before they shall assume the duties of their office.

**§ 11-8. Duties of Chief.**

The duties of the Chief shall be as follows:

A. The Chief shall preside at all meetings of the Company and shall maintain order and decorum therein.

B. The Chief shall order any special meetings as required.

C. The Chief, together with officers and trustees, shall have the power to refer, to the Disciplinary Committee, disciplinary matters against a member for improper conduct.

D. The Chief shall order a fire drill or other exercise pertaining to fire duties at least once per month, and the members shall be notified of such at a regular meeting.

E. It shall be the duty of the Chief, from the time the apparatus leaves the firehouse until it returns, when in attendance, to lead the operations of the Company while at fires, drills or parades.

F. The Chief shall order the time for working the apparatus and shall set such time as he/she deems best for the welfare of the Company.

G. The Chief shall appoint all special and standing committees and members as shall be deemed necessary for the proper transaction of the business of the Company.

H. The Chief shall appoint three persons at the annual meeting each year, to be designated as the Auditing Committee, whose duty it shall be to examine the books and accounts of the Secretary and Treasurer of the Company and report upon the same at the next regular meeting.

I. The Chief shall render an annual report of the operations of the Company at the annual meeting and furnish a copy of the report to the Township Committee.

J. The Chief's salary shall be determined by the Township Committee.

K. The Chief shall appoint one member to act as historian, who shall maintain an appropriate history of the Company.

L. The Chief shall report to the Township Committee at the regular meeting each month as to the condition of the Company and its apparatus, and of any other Company matters that the Chief deems necessary.

**§ 11-9. Amendments.**

The Township Committee reserves the right to amend this Chapter as necessary.

**§ 11-10. Compensation.**

The services rendered by the members of the Company shall be voluntary and without compensation, with the exception of the Chief, Deputy Chief, Secretary and Treasurer. The salaries of these individuals are as set by Township ordinance.

**§ 11-11. Inspections.**

The Mayor and Township Committee liaison shall, at all times and in the presence of the Chief or his/her designee, be admitted to the firehouse for the purpose of examining the conditions of the fire apparatus and any property of the Township.

**§ 11-12. Duties of firefighters.**

The duties of all firefighters of the Company shall be as follows:

A. It shall be the duty of all members of The Company to obey all commands of their officers.

B. It shall be the duty of all members of the Company to answer all fire alarms, and the Secretary shall maintain a record of same.

C. Sickness or death in the family of a member, personal sickness, or absence from the Township shall be deemed sufficient excuses for neglect of duty, and no others will be accepted, absence from the Township to mean absence from the coverage area of the Company.

D. No member shall appear at the meetings of the Company, or on duty, in a state of intoxication or under the influence of drugs, or shall be guilty of using indecent or profane language, or shall disobey the orders of the Chief, Deputy Chief, or officer in charge of the Company, or be guilty of unbecoming conduct or otherwise bringing disgrace upon the Company or Township, under penalty of expulsion.

E. Any firefighter ceasing to be a member of the Company, either by resignation or by expulsion, shall lose all title to any and all property in any way belonging to the Company or the Township of Frelinghuysen.

F. Any member leaving the Township for longer than one month shall notify the Chief or the Secretary of same.

G. It shall be the imperative duty of all members who may be a witness to any improper or disorderly conduct by an officer or member, in the firehouse or while in service, to report same at once to the Chief or Deputy Chief.

H. The Chief, Deputy Chief, or Secretary shall be the official spokespersons for the Company.

I. It shall be the duty of all SCBA-certified members to have an annual physical. This physical must conform to the standards set forth by PEOSHA. If this physical is performed by the Township-approved doctor, it can be billed to the Township. If the physical is performed by a doctor of the member's choice, payment shall be the member's responsibility.

J. Any member who is on disability from work under any circumstances, even if minor, must notify the Chief and Deputy Chief as soon as possible. A doctor's written clearance letter is mandatory before returning to attend fires.

K. Members of the Company are expected to adhere to and comply with the specific personnel policies adopted by the Township Committee.

## **Section II**

1. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

2. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

3. This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST:

TOWNSHIP OF FRELINGHUYSEN

\_\_\_\_\_  
DONNA ZILBERFARB, Clerk

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KEITH RAMOS, Mayor

**NOTICE**

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Frelinghuysen Township Committee held on February 16, 2022 and will be considered for final reading and adoption at the meeting of the Frelinghuysen Township Committee to be held on April 13, 2022 at the Municipal Building, 210 Main Street, Johnsonburg, New Jersey at which time and place all interested parties may appear for or against the passage of said Ordinance.

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DONNA ZILBERFARB, Clerk