

**TOWNSHIP OF ROCHELLE PARK**

**ORDINANCE NO. 1058-13**

**AN ORDINANCE TO AMEND CHAPTER  
14 OF THE CODE OF THE TOWNSHIP  
OF ROCHELLE PARK ENTITLED  
“FIRE DEPARTMENT”**

**WHEREAS**, the Township of Rochelle Park Fire Department has recently reviewed the provisions of Chapter 14 of the Township Code; and

**WHEREAS**, as a result of that review the Fire Department has recommended certain revisions to the Township Code; and

**WHEREAS**, these revisions are intended to update the Code and bring it into full compliance with the requirements of state law and also to reflect the custom and practice of the Fire Department; and

**WHEREAS**, the Township Committee and the Township Attorney have reviewed the proposed modifications and believe it is in the best interests of the municipality to adopt these modifications;

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey as follows:

**SECTION I:**

Chapter 14 of the Code of the Township of Rochelle Park entitled “Fire Department” is hereby deleted and repealed in its entirety and replaced with the following:

**CHAPTER 14. FIRE DEPARTMENT**

**Article I. Organization**

§ 14-1. Composition of Department

The Fire Department of the Township of Rochelle Park shall consist of a volunteer fire department and a junior auxiliary which has been organized under the authority and jurisdiction of the Township Committee of the Township of Rochelle Park.

§ 14-2. Control of Departments; title to equipment; Commissioner.

- A. The Township Committee shall have full charge and control over the Fire Department, and title to all of the fire equipment shall vest in the Township of Rochelle Park.
- B. The Township Committee shall choose one of its members to act on behalf of the Township Committee, who shall be known as the “Fire Commissioner. He may establish such rules and regulations as shall effectuate the purposes of this chapter, but this power shall not in any way prevent the Board of Fire Officers from establishing rules, regulations and bylaws; provided, however, that such rules are not inconsistent with this chapter or with the rules established by the Fire Commissioner. Any and all rules, regulations and bylaws established by the Board of Fire Officers shall not be suspended, amended or promulgated without the consent of the Fire Commissioner.
- C. The Chief shall render a report to the Township Committee monthly, beginning on the first day of January. Such report shall contain a record of all fires attended by the Fire Department during the preceding month and such other information as may be required or requested by the Township Committee.
- D. The Chief and the Assistant Chief shall, subject to availability and subject to approval of the Township Administrator and Township Committee, have the use of a vehicle.

§ 14-3. Board of Fire Officers.

The Board of Fire Officers is hereby established and shall consist of the Fire Department’s Battalion Chiefs, Captains, Lieutenants and the Fire Chief and Assistant Chief of the Fire Department. The term of office shall commence January 1 of each year and shall be for a term of one year.

§ 14-4. Annual meeting of Department.

The Fire Department shall hold an annual meeting on the second Tuesday of November of each year.

**Article II. Membership**

§ 14-5. Classes of members.

There shall be three classes of membership in the Department: active, active life and inactive.

- A. An active member is one who has attended a minimum of 50% of required fire duty as prescribed pursuant to this chapter.
- B. An active life member is one who has served 25 years as an active member and who maintains his residence in the Township of Rochelle Park and performs at least 50% of fire duty as prescribed pursuant to this chapter.
- C. An inactive member is one who becomes incapacitated pursuant to this chapter or reaches the age of 62 years, provided that he has been a member for a minimum of seven years.

§ 14-6. Qualifications of members.

- A. Qualifications of membership are as follows:
  - (1) At the time of his appointment, each member shall be at least 18 years of age.
  - (2) Applicant shall be physically fit and sound of mind as certified by a licensed physician of the State of New Jersey. An allowance in the maximum amount of \$100 shall be authorized by the Township of Rochelle Park for said examination, after successful completion of his/her probationary period.
  - (3) Applicant must be a citizen of the United States of America.
  - (4) Applicant must be a resident of Rochelle Park or reside within two miles of the Township at the time of his appointment.

- (5) Applicant shall be of good moral character and shall not have been convicted of a crime involving moral turpitude which would, in the judgment of the Township Committee, be prejudicial to the morals of the Fire Department.
  - (6) Applicant must meet any other qualifications as may be prescribed from time to time pursuant to this chapter.
  - (7) Applicant must comply with the requirements of the Code of the Township of Rochelle Park by successfully completing a police background check in accordance with the requirements of that provision of the Township Code. Results of the background check shall be submitted, by the Township Administrator, to the Board of Fire Officers, which shall consider the same as part of an application for new membership and as part of a requirement for continued membership in the Fire Department.
- B. An applicant who is a member in good standing of a Fire Department which was under municipal control in any other municipality of the State of New Jersey become a member of the Rochelle Park Fire Department, provided that he meets all of the qualifications of membership.
- C. Auxiliary Members.
- (1) Any applicant who applies as an auxiliary member must work in Rochelle Park, regardless of his residence.
  - (2) He must have prior Fire Department experience, including New Jersey Level 1 Firefighter Certification.
  - (3) The limit on auxiliary members at any one time is 10.
  - (4) He shall be entitled to ½ the clothing allowance allowed to full-time active members.
  - (5) Auxiliary members shall not be allowed to hold any office of the Fire Department.
  - (6) Auxiliary members shall not have any voting authority in the Fire Department.

- (7) Auxiliary members will respond to fire calls only during their assigned hours of work in Rochelle Park or as needed by the Chief of the Department.

§ 14-7. Applications for membership.

All applications for membership in the Rochelle Park Fire Department shall be presented to the Board of Fire Officers of the Fire Department.

- A. An applicant shall be accepted only by the Board of Fire Officers of the Fire Department. Acceptance shall be certified by the Secretary to the Township Committee, which acceptance shall be subject to the approval of the Township Committee.
  - (1) The admission of such applicant to the Fire Department shall be for a temporary period of one year. At the expiration of the temporary one (1) year period and the completion of the New Jersey Level 1 Firefighter Certification the applicant shall be admitted to full membership of the Fire Department upon recommendation of the majority of the members of the Officers, subject, however, to the approval and confirmation by the Township Committee.
- B. A rejected applicant may appeal to the Township Committee within 30 days after notice of rejection by filing with the Township Committee and the Board of Fire Officers a written notice of his appeal and a request for a date for hearing of same. The Township Committee shall hear the appeal on the date fixed by it and shall give a representative of the board of Fire Officers an opportunity to present the Board's reasons for rejection. The Township Committee shall determine whether or not the applicant shall be admitted to membership and its decision shall be final.

§ 14-8. Exempt certification.

Every fireman who shall present satisfactory evidence to the New Jersey State Exempt Association that he has attended at least 50% of the calls occurring in the Township of Rochelle Park and that he has served the Township seven years as an active fireman shall be entitled to a certificate signed by the Chairman of the Township Committee, the Township Clerk and the Fire Chief, together with a badge of such status.

§ 14-9. Leaves of absence.

- A. Any member of the Rochelle Park Fire Department may, upon written request of the Board of Fire Officers and the Township Committee, receive a six-month leave of absence, subject to the approval of the Board of Fire Officers.
- B. This leave may be extended for another six-month period, subject to another written request to the above-mentioned bodies, which leave is subject to the approval of the Board of Fire Officers.
- C. No leave of absence will be granted for more than 12 consecutive months.

§ 14-10. Resignations from Department; removal from Township.

- A. Any member of the Fire Department wishing to resign shall file a resignation with the Board of Fire Officers, who in turn will notify the Township Committee.
- B. Active members who move out of Rochelle Park within two miles may be allowed to stay active in the Fire Department, with the following exceptions:
  - (1) Any member moving from the Township or ceasing to be a resident of the same, if further than two miles, shall, upon failure to file a resignation within 90 days, be dropped from the Fire Department and his company

**Article III. Officers**

§ 14-11. Annual election of Officers.

Members shall, at the annual meeting of the Fire Department, elect the following officers, who shall hold office for a term of one year commencing on the first day of January or until their successors are elected and qualify. The election of these officers shall be subject to the confirmation and approval of the Township Committee and their election shall be certified to the Township Committee.

- A. Qualifications to be accepted as a candidate for Officer in the Rochelle Park Volunteer fire Department:

- (1) Any person promoted, assigned, assumed or elected to any fire service position of which include the management of emergency operations must have obtained, at a minimum, Incident Management Level 1 Certification issued by the State of New Jersey Division of Fire Safety.
  - (a.) In order to qualify for Incident Management Level Certification, a person must meet the following requirements:
    - Have obtained Firefighter 1 Certification issued by the New Jersey Division of Fire Safety;
    - Have three years of documented experience in the fire service. (This means three years as a firefighter and does not include time spent in an Explorer post or Junior Firefighter program);
    - Attended a 12 hour classroom based Basis Incident management Course (1-200) offered or approved by the New Jersey Division of Fire Safety.

B. Fire Chief.

- (1) To qualify for election to the office of Fire Chief, a member must previously have served as an Assistant Fire Chief, or Fire Chief of the Rochelle Park Volunteer Fire Department.
- (2) A Fire Chief may serve for a total of two consecutive terms only.
- (3) The Fire Chief, together with the Assistant Fire Chief, shall have control over the Fire Department, subject to the control of the Fire Commissioner.

C. Assistant Fire Chief.

- (1) To qualify for election to the office of Assistant Fire Chief a member must have served a term of one (1) year as a Battalion Chief of the Rochelle Park Fire Department.

§ 14-12. Advisory vote on Custodian of Fire Records and Chaplain.

Members of the Fire Department shall, at the annual meeting of the Fire Department, vote on the recommendation to the Township Committee of the following officers. Said recommendations shall not be binding on the Township Committee, as it is the appointing body of these officers who shall hold office for a period of one year commencing on the first day of January next preceding their appointment or until their successors are appointed.

A. Custodian of Fire Records.

- (1) The Custodian shall hold his office at the pleasure of the Township Committee.
- (2) He shall have control, supervision and custody of all records of the Fire Department and of the members thereof. The aforesaid records shall be the property of the Township of Rochelle Park, and upon the expiration of his term of office, shall be surrendered to his successor or to the Township Clerk, as the Township Committee may direct.
- (3) He shall perform such other duties as may be assigned to him by the Fire Commissioner, subject to the ultimate control of the Township Committee.
- (4) He shall receive an annual salary as established by the Salary Ordinance of the Township of Rochelle Park.

B. Chaplain.

He shall perform the usual duties commensurate with this office.

§ 14-13. (Reserved)

§ 14-14 Procedure upon rejection of election or recommendation.

- A. In the event that the Township Committee rejects the elected officer, a special meeting of the Fire Department shall be called by the Fire Commissioner not later than two weeks after said rejection, and all fire companies shall be notified. The name of the officer or officers elected or recommended at the second election shall be submitted to the Township Committee for its confirmation or rejection.

- B. In the event of rejection by the Township Committee of the election of any officer or recommendation for appointment of any officer, the Fire Commissioner may request a meeting with the Township Committee and the Board of Fire officers to reexamine the rejection.
- C. In the event that the Township Committee rejects the second election or recommendation, the Fire commissioner shall call a second meeting in the manner herein prescribed until the Township Committee shall have confirmed and approved the election or recommendation of such officer.
- D. In the event of such rejection, the Township Committee shall report the reasons for the rejection to the Department.

#### **Article IV. Fire Companies**

##### **§ 14-15 Limited number of members.**

The membership of the Fire Department now existent or hereafter organized shall be limited to 60 active members.

##### **§ 14-16 Annual meetings.**

The Fire Department shall conduct its annual meeting at the time provided for in its bylaws.

##### **§ 14-17. Election of officers; duties.**

- A. Members of the fire Department shall, by majority vote, elect the following officers, which officers shall hold office for a term of one year commencing on the first day of January following their election or until their successors take office. The election of all officers shall be subject to the approval and confirmation of the Township Committee.
  - (1) Battalion Chief.
    - (a) The Battalion Chief shall have charge of his company and its apparatus at all fires, subject to the command of his superior officer.
    - (b) He shall see that apparatus and headquarters are kept clean and respectable.

- (c) He shall make a report to the Fire Chief of all services rendered by his company in response to alarms.
  - (d) He shall record for this purpose the names of the members responding to roll call upon arrival at headquarters.
  - (e) The Battalion Chief shall be subordinate to the command of the Assistant Chief.
  - (f) To be elected Battalion Chief, a member must have been elected to the office of Captain and held such office for one (1) term. The office need not have been held immediately preceding election to a higher rank.
- (2) Captain.
- (a) To be elected Captain, a member must have been elected to the office of Lieutenant and held such office for one term. The office need not have been held immediately preceding election to a higher rank.
  - (b) He shall assist the Battalion Chief in submitting a report to the Fire Chief of all services rendered by their company.
  - (c) He shall be subordinate to the command of the Battalion Chief.
- (3) Lieutenant.
- (a) He shall assist the Battalion Chief and Captain in the submission of the aforementioned report.
  - (b) He shall be subordinate to the command of the Captain.
- (4) Secretary.

He shall perform the usual duties commensurate with this office.

- B. The Fire Department may create other offices as they may require; provided, however, that the office, its term and the manner of election are regulated by the bylaws of the Fire Department and this Chapter.
- C. No member of the Fire Department shall be eligible for election to any office unless he has been a member of the Fire Department for three years and has attended 50% of the required fire duty pursuant to this Chapter one year and 11 months preceding his election.
- D.. No person shall be promoted, assume or be assigned any fire service position, the duties of which include the management of emergency operations, unless that person has satisfied the following requirements:
  - (1) Has obtained Fire Fighter 1 Certification issued by the Division of Fire Safety.
  - (2) Has three years of documented experience in the fire service. This shall require three years as a fire fighter and shall not include time spent in an Explorer or Junior Fire Fighter program.
  - (3) Has attended a twelve hour Basic Incident management course offered by or approved by the Division of Fire Safety.

§ 14-18. Certification of results of election; rejections.

- A. The Fire Department shall certify to the Township Committee at its next regular meeting the results of any election held and the election shall be subject to the confirmation or rejection by the Township Committee.
- B. In the event of rejection by the Township Committee, a second election shall be held by the Fire Department at its next regular meeting. The name of the officer or officers elected at the second election shall be submitted to the Township Committee for its confirmation or rejection. Should the Township Committee reject the second officer elected, subsequent elections shall be held in the manner hereinabove prescribed until the Township Committee confirms and approves an officer or officers.

**Article V. Management**

§ 14-19. Command of Department

The conduct of the Fire Department on active duty shall be as follows; The Chief shall be in command at all times after the apparatus leaves the fire headquarters, and in his absence, command shall fall to the highest ranking officer until his superior arrives.

§ 14-20. Annual Inspection

The Township Committee shall make an annual inspection of the Fire Department on the second Tuesday of October or at such times as it shall specify. All members of the Department shall be present with personal equipment owned by the Township unless specifically excused by the Fire Chief. The reason for any absence shall be brought to the attention of the Township Committee.

§ 14-21. Aid to other municipalities.

In the event of an emergency in another municipality, the Fire Commissioner, the Chief or the Assistant Fire Chief shall have the power to direct any fire company or companies to respond to an out-of-town fire alarm for the purpose of assisting in the protection and preservation of life or property when so requested by the proper officials of the municipality seeking aid.

§ 14-22. Disciplinary action against members.

Disciplinary Action

Department members regardless of rank, shall be subject to disciplinary action according to the nature or the aggravation of the offense for violating the department rules and/or regulations; for committing an offense punishable under the laws or statutes of the United States, the State of New Jersey or Municipal ordinances; or for failure, either willfully or through negligence or incompetence to obey any lawful instruction of a superior officer. Disciplinary action, in all cases, will be decided on the merits of each case and in conformity with the Department Rules and Regulations.

Procedures for Filing Charges

Recommendations for charges against a member shall be presented in writing to a Department officer (on forms provided by the Department) within ten (10) days of knowledge of the incident. The charges shall be followed by specifications including an approximate time, date, location, witnesses, and all information

pertinent to the charges. **NOTE: THE FORM MUST BE SIGNED BY THE PERSON BRINGING THE CHARGES OR THE FORM WILL BE CONSIDERED INVALID.** All charges and allegations will be heard using a hearing format.

Upon the filing of an appeal by the effected Fire Department member, any suspension or other disciplinary action imposed shall be stayed until such time as there is a final disposition of the appeal. Notwithstanding for foregoing, however, such disciplinary action should not be stayed if the Township Administrator, in his sole discretion, feels that it would not be in the best interests of the Fire Department and the Township to stay such disciplinary action pending final disposition.

### Hearing and Prosecutions

In all matters, the Board of Fire Officers shall hold the hearing with the Chief of Department, or Assistant Chief of Department serving as chairman; the hearing will start within ten (10) work days of the return receipt of the certified mailing or within the first available date since the event occurred. In this time frame, the chairman shall notify the accused with a written copy of the complaint delivered via certified mail. At that time, the chairman will notify witnesses and participants as to the date and time in which the hearing will commence. Each side may request one postponement for up to a maximum of 30 business days. A minimum of five (5) officers must be present to convene the hearings. The department secretary or junior Lieutenant shall keep correct minutes at all proceedings. Should the defendant plead guilty to the charges, the Board shall set penalties to commence immediately. Should a member demonstrate willful intent to inhibit the progress of the Board in any way, he/she shall be considered to be in contempt of the Fire Department. The Board, at this time, may vote for the member's dismissal from the Department.

1. In the event that the Chief of Department is the recipient of said charges, the next highest ranking Fire Officer, up until the rank of Battalion Chief, will assume the responsibilities as Chairman of the board. If all options have been exhausted, then the most recent Ex-Chief will assume the responsibilities as Chairman of the Board.

### Appeals

In all cases, the accused may, within ten (10) business days appeal the decision rendered by the Board. **NOTE: THE APPEAL MUST BE IN WRITING.** The letter requesting such an appeal, must state the reasons why the defendant feels an appeal is warranted. The appeals board will be made up of five (5) active Ex-

Chiefs, with the last Ex-Chief in descending order, acting as Chairman of the Board. An active Ex-Chief of the department shall be in good standing with the Rochelle Park Fire Department. No member of the hearing board shall serve on the appeals board. In the event there is an insufficient amount of Ex-Chiefs to form an appeals board, the most senior active firefighter (in descending order) shall serve on the board. No member shall serve on the appeals boards where a conflict of interest is in the obvious. Should there be evidence of impropriety or misconduct, in the above proceedings, the hearing board shall retain the right to appeal the decision of the appeals board to the Township Committee.

The chairman of the appeals committee shall appoint a secretary, who shall keep accurate minutes of all proceedings. Said minutes shall be retained indefinitely with the personnel file of the member.

The appeals board retains the right to uphold, adjust, and/or dismiss the decision of the hearing board. The chairman of the appeals board shall notify, in writing, the chairman of the hearing board, the defendant and complainant outlining the results of the proceedings, and the reasons for the decision. In the event the appeals board upholds or adjusts the decision of the hearing board, such decision shall be placed within the accused member's personnel file. In the event that the board rules in favor of the defendant, all records of the proceedings shall be removed from the defendant's personnel file and he/she shall be awarded all credits based upon his/her average percentage for the six (6) month period prior to the event in question.

After exhausting the above procedures, the defendant has the right to make an appeal to the Township Committee of the Township of Rochelle Park.

Such appeal must be filed, in writing, with the Township Committee, with a copy to the Township Attorney and Township Administrator within ten (10) days of receipt of the decision of the Appeals Board. If not appeal is timely filed, the discipline previously imposed shall be deemed final and not subject to appeal.

### Penalties

The following penalties may be assessed against any member of the Rochelle Park Fire Department as disciplinary action:

1. Written reprimand
2. Suspension
3. Demotion
4. Removal from the Rochelle Park Fire Department

The following is a list of assorted fire-matic charges and their penalties:

1. Insubordination

First Offense	Reprimand to Removal
Second Offense	30 Day Suspension to Removal
Third Offense	90 Day Suspension to Removal

2. Failure to Comply with General Orders/Department Regulations

First Offense	Reprimand to Removal
Second Offense	30 Day Suspension to Removal
Third Offense	90 Day Suspension to Removal

3. Conduct unbecoming of a firefighter

First Offense	Reprimand to Removal
Second Offense	30 Day Suspension to Removal
Third Offense	90 Day Suspension to Removal



§ 14-23. Compensation for fire duty; inactive members.

Members of the Fire Department who have performed 50% of their required fire duty prior to November 1 shall be compensated as provided in the Salary Ordinance of the Township.

- A. Any active fireman may become an inactive member of the Fire Department after having served 25 years as an active fireman, regardless of age, and shall receive compensation according to the following:
  - (1) For 25 years of active service, he shall receive full annual compensation. Such an inactive member, upon application to the commissioner through the Board of Fire officers, shall have the same rights and privileges as any active member, except that he shall neither perform the duties of an active member nor serve as or vote for any officers of the Fire Department. Said inactive members, wishing to resign, shall file a resignation with the Fire Commissioner through the Fire Department Board of Officers, who in turn shall notify the Township Committee.
- B. Any member in good standing of the Fire Department who is permanently unable to perform fire duties by reason of injury sustained when performing fire duties shall, upon certification by the Township Physician that such injury is permanent, be entitled to compensation, to be set by the governing body.
- C. Any active member who has completed 25 years of active service and wishes to remain an active member shall receive his full annual compensation, provided that he has performed 40% of the regular fire duty prior to November 1 of any given year.
- D. Any active member who has become incapacitated and, upon being examined by the Fire Department Physician, is found to be unable to perform active duty, may become an inactive member and shall receive the following compensation, provided that such member remains a resident of Rochelle Park.
  - (1) Fifteen years active duty:  $\frac{1}{2}$  of his annual compensation
  - (2) Twenty years active duty:  $\frac{3}{4}$  of his annual compensation
  - (3) Twenty-five years active duty: his full annual compensation.

## **Article VI. Junior Fire Fighters Program**

### **§ 14.24. Establishment.**

It is hereby established the Junior Fire Fighters Auxiliary.

### **§ 14.25. Eligibility for membership.**

No person shall be eligible for membership in the Junior Fire Fighters Program in Rochelle Park unless he is more than 16 years of age and less than 18 years of age. All persons shall be required to obtain permission to join the program from their parents or guardians. Such permission shall be in writing and acknowledged by a notary public of the State of New Jersey.

### **§ 14.26. Insurance coverage.**

Insurance coverage will be provided to the members of the Junior Fire Fighters Program pursuant to the self-insurance fund of the Township of Rochelle Park. Coverage shall be limited to the provisions of the insurance endorsement which will be available at the Township Administrator's Office.

### **§ 14.27. Rules and regulations governing activities of junior fire fighters; age requirement.**

- A. The Township Committee of the Township of Rochelle Park authorizes the Rochelle Park Fire Department to establish rules and regulations governing the activities of the junior fire fighters. Said rules and regulations shall provide for the training of the prospective members for eventual membership in the Volunteer Fire Department of Rochelle Park, which regulations shall further provide that no junior fire fighter shall be required to perform duties which would expose him to the same degree of hazard as a regular member of the Township's Fire Department.
- B. In addition to the above relating to junior fire fighters, The Township of Rochelle Park shall require that the minimum age for the junior program of the fire fighters shall be 16 years.

### **§ 14-28. Additional departmental authority.**

In addition to the authority granted to the Fire Department and its board of fire officers in other sections of this ordinance, the Rochelle Park Fire Department shall have the right to:

A. Adopt appropriate training guidelines for all fire fighters within the department including, without being limited to the following:

(1) Fire Fighter 1

- Vehicle extrication training
- Blood borne pathogen training
- Driver's training
- Mask fit and respiratory protection review

B. Adopt rules, regulations and requirements for implementation and management of the Junior Fire Fighter Program.

**SECTION II. REPEALER.**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION III. SEVERABILITY.**

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

**SECTION IV. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

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VIRGINIA DE MARIA,  
Municipal Clerk

