

ORDINANCE #2234-15

**AN ORDINANCE OF THE CITY OF WOODBURY AMENDING
CHAPTER 89 "FIRE PREVENTION" AND CHAPTER 20 "FIRE DEPARTMENT"
OF THE CODE OF THE CITY OF WOODBURY**

WHEREAS, the Mayor and City Council of Woodbury have determined that changes are necessary in order to update and clarify the language in the City's ordinances regarding the Woodbury Fire Department; and

WHEREAS, the Mayor and City Council place a high priority on public safety and security of all the residents and visitors to the City of Woodbury; and

WHEREAS, the City Administrator, in conjunction with the Fire Administrator, Fire Chief, Fire Marshal, Board of Fire Officers, previous Fire Chiefs, and the Mayor have amended the City's code to better reflect the structure of the Woodbury Fire Department; and

WHEREAS, the Mayor and Council of the City of Woodbury have determined that adoption of the amendments set forth herein will further the health, safety and welfare and protection of the public and property;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Woodbury that the sections designated below of Chapter 89 "Fire Prevention" of the Code of the City of Woodbury are hereby amended as follows:

§89-5 Supervision by Fire Official.

The Bureau of Fire Prevention, as the local enforcing agency, shall be under the direct supervision and control of the Fire Official who shall report to the Fire Administrator or in the absence of the Fire Administrator, the City Administrator or his/her designee.

§89-6 Fire Official.

The Bureau of Fire Prevention, as the local enforcing agency, shall be under the direct supervision and control of the Fire Official who shall be the Fire Marshal in charge

of fire prevention in the Fire Department who shall report to the Fire Administrator or in the absence of the Fire Administrator, the City Administrator or his/her designee.

NOW, THEREFORE BE IT FURTHER ORDAINED, by the Mayor and City Council of the City of Woodbury that Chapter 20 "Fire Department" of the Code of the City of Woodbury is hereby amended and shall read in its entirety as follows:

§20-1 Establishment.

A. The Woodbury Fire Department shall consist of both volunteer and paid members. The Department shall consist of a minimum of 5 active volunteer members and a maximum number of members to be decided by the Board of Fire Officers. The Department shall cover all portions of the City of Woodbury that are included within its prescribed borders and shall be known as "The Woodbury Fire Department." No other fire-fighting organization is to be formed within the City without the consent of the City Council.

B. The Woodbury Fire Department may adopt standard operating procedures for the conduct of its business, which shall not be inconsistent with any federal or state statute, administrative code and/or regulation and/or any rule, law or ordinance of the City of Woodbury.

§20-2 Department officers.

A. The Fire Department Officers shall consist of a Chief and Deputy Chief. The Chief and Deputy Chief will determine other line officers, including but not limited to an Assistant Chief, as they deem necessary. The terms of office shall be for three years, commencing January 1. All chief officers shall be members of the Department for ten years prior to their term of election and shall have obtained and maintained the State of New Jersey statutory requirements for fire officers as specified in N.J.A.C.:73-1.6.

B. There shall be a Safety Officer who shall be appointed on a yearly basis by the Chief and confirmed by a majority vote of the Board of Fire Officers.

C. In addition to the above and any statutory or regulatory requirements, the Chief of the Department shall have previously served as a Deputy Chief or 5 years as a Captain.

D. The Fire Department shall have as Line Officers a Captain or Captains and a Lieutenant or Lieutenants. The Chief, after consultation with the Deputy Chief, in January of each year, shall make a determination as to the number of Captains and Lieutenants to be appointed for that year and shall appoint qualified persons to such positions who shall serve a term until December 31 of that year. To be eligible for appointment to the position of Captain a person shall have been a member of the Fire Department for five years, and for the position of Lieutenant, a person shall have been a member of the Fire Department for at least three years prior to the appointment and shall have obtained and maintained the State of New Jersey statutory requirements for Fire Officers as specified in N.J.A.C.5: 73-1.6.

E. Upon the vacancy of the office of Chief or Deputy Chief before the expiration of such officer's term, a special election shall be held within 30 days of the vacancy. The person elected to that position shall fill the unexpired term of the vacated office. Upon the vacancy of the office of Captain or Lieutenant, the Chief shall appoint a qualified person to fill the unexpired term of the vacated office if necessary.

F. There shall be a Fire Administrator appointed by City Council as set forth herein.

G. The Chief, Deputy Chief, Safety Officer, Captain or Captains, Lieutenant or Lieutenants shall serve for their respective terms or, when applicable, until the successor has been elected or appointed and qualified.

H. In addition to all other requirements set forth in Chapter 20 of the Code of the City of Woodbury regarding qualifications for officers within the Fire Department, the Chief and Deputy Chief shall be residents of the City of Woodbury at the time of their election or appointment and at all times throughout the term of their office.

§20-3 Fire Official, assistants and inspectors.

A. In addition to the offices and officers designated, created and established under §20-2, there shall be a Fire Official, a Deputy Fire Official and as many fire fighter/inspectors as determined by the City Council from time to time as circumstances may require. All of the officers nominated and appointed under the provisions of this section shall have qualifications as stated in N.J.A.C. 5:71-4 in the field of fire prevention, acquired by either technical training or experience in fire prevention activities. The Fire Official and Deputy Fire Official shall be salaried members of the Fire Department.

B. The offices created and established by this chapter and the officers designated to fill such offices shall be appointed by the Mayor, subject to confirmation of the City Council by a majority vote of the entire Council.

C. The Fire Official and Deputy Fire Official shall serve for a term of one calendar year or until their successors are appointed and qualified.

§20-4 Chain of command of Fire Official and assistants.

All fire inspectors shall be responsible to the Fire Official or his or her Deputy for their official activities, and the Fire Official and the Deputy Fire Official shall be directly responsible to the Fire Administrator for all of their official acts, except in response to any emergency call to the Woodbury Fire Department. where they shall be solely responsible to the Fire Chief.

§20-5 General election of officers; eligibility; vacancies; confirmation.

All volunteer members of the Fire Department shall hold a tri-annual meeting on the last Monday of November. The Mayor of the City of Woodbury shall preside over any meeting

whereby a vote is needed to elect a chief officer at a time and place so designated by him or her. Tri-annual meetings shall be held for the purpose of electing fire officers for the City of Woodbury Fire Department. At such meeting, the Mayor or his or her designee shall act as judge of the elections. For such meeting, there shall be required to be present a minimum of 5 members of the City of Woodbury Fire Department. At no time should salaried members of the Department participate in the voting procedures for electing fire officers.

§20-6 Board of Fire Officers.

The Fire Administrator, Chief, Deputy Chief, Captains and Lieutenants of the Woodbury Fire Department, any ex-Chief of the Woodbury Fire Department, shall constitute the Board of Fire Officers, whose duty it shall be to determine Department policy, approve operating procedures and conduct any disciplinary measures deemed necessary. The Safety Officer and up to one additional member of the paid Fire Department may be non-voting members of the Board of Fire Officers. All such policies, procedures and actions must be made in accordance with the policies of the City of Woodbury.

§20-7 Oaths of office prior to beginning duties.

The Department officers shall, before entering upon their duties, make an oath or affirmation that they will perform such duties honestly, faithfully and impartially and shall thereafter be qualified and empowered to act as Department officers for all purposes contemplated in this chapter.

§20-8 Powers and duties of Fire Chief.

The powers and duties of the Chief of the Fire Department of the City shall be as follows:

A. Control at fires. The Chief shall have full and complete control at all fires and shall be held accountable for his or her actions to the Mayor only and shall make written and verbal reports as the Mayor may require. All other Departmental officers shall be accountable to the Chief only, except when such officers are acting as Chief in his or her absence.

B. The Chief shall have supervision over the salaried members only in response to any emergency calls to the Woodbury Fire Department. The Chief shall have supervision, enforcement authority, and disciplinary authority over all volunteer members of the Fire Department in coordination with the Fire Administrator in accordance with the City and Department policy.

C. Formulating rules and regulations. The Chief, in coordination with the Fire Administrator and in accordance with the policies of the City, shall formulate rules and regulations to govern the volunteer members of the Department, subject to approval of the Board of Fire Officers, and shall be responsible to the Mayor for the personnel, morale and general efficiency of the Department.

D. Conducting drills, training and certifications.

(1) The Chief or Department officers designated by him or her shall, at least twice a month, conduct suitable drills or instruction in the operation and handling of equipment, rescue work, salvage, a study of buildings in the central business district, fire prevention, water supply and all other matters generally considered essential to good firemanship and safety of life and property from fire.

(2) Additionally, the Chief or Department officers designated by him or her shall utilize all systems adopted by the Division of Fire Safety per N.J.A.C. 5:73 as may be required by law or regulation and provide that all required certifications as may be required by law are obtained by the appropriate officers or members of the Fire Department.

E. Investigating suspicious fires. The Chief is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires of questionable origin.

F. Keeping Departmental records. The Chief, in conjunction and cooperation with the Fire Marshall will supply to the Fire Administrator, or in the absence of the Fire Administrator, the City Administrator or his/her designee complete records of all fires, apparatus and minor equipment, training records, and other information concerning the work of the Department.

G. Quarterly reports to the Mayor. The Chief in conjunction and cooperation with the Fire Marshall, and in coordination with the Fire Administrator, shall report quarterly to the Mayor or his/her designee the conditions of the apparatus and equipment, the number of fires during the quarter, their location and cause, the date of same and loss occasioned by such fires, the number and purpose of all other runs made, the number of members responding to each fire or other run and any changes in membership.

H. Annual report. The Chief, in coordination with the Fire Administrator, shall make a complete annual report to the Mayor and City Council; such report shall include information as specified in the preceding subsection, together with comparative data for previous years and recommendations for improving the effectiveness of the Department.

§20-9 Fire Administrator; powers and duties.

In addition to the Chief, the Fire Official and his deputies and the officers outlined herein, there shall be a Fire Administrator who shall be appointed by City Council. The salary of the Fire Administrator shall be determined by City Council and shall be listed under the appropriate caption in the Salary Ordinance each year. The powers and duties of the Fire Administrator shall be as follows:

A. The Fire Administrator shall be the department head of the Fire Department and shall be responsible for oversight of the administrative operations and day to day management of the salaried members of the Fire Department.

B. The Fire Administrator shall be responsible for the oversight of the salaried employees. He or she shall establish and supervise their duties and activities and shall be responsible for the

scheduling of their hours of employment. The Fire Administrator shall maintain personnel records for all members, whether paid or volunteer, of the Fire Department. The Fire Chief shall keep and maintain a verified eligibility list of all fire fighters.

C. The Fire Chief, in consultation with the Fire Administrator, shall prepare and oversee the budget for the Fire Department, oversee and authorize expenditures made pursuant to the budget and establish and maintain a recordkeeping system for the budget process. The Fire Chief shall be required to report on the status of the budget no less than quarterly.

D. The Fire Administrator shall be responsible for establishing and maintaining recordkeeping protocols for personnel, the budget, helicopter billings, scheduling of salaried employee hours, sick time and vacation time, and such other recordkeeping as may be required in connection with the day-to-day operations of the Fire Department.

§20-10 Qualifications for membership; classification.

A. Every person seeking to join the Volunteer Fire Department shall be a resident of the City or shall be employed full-time within the City or shall be an immediate family member of an existing member of the Department and live within three miles of the Fire Department for the City of Woodbury. An immediate family member shall include a child or spouse of an existing member. He or she must be at least 18 years of age, pass a physical examination, be of good moral character and make application on the forms provided, in accordance with NJAC 5:73-4.1. Upon acceptance and completion of a state-approved Fire Fighter I course, he or she shall become a probationary member in accordance with the established standard operating procedures of the Board of Fire Officers. If an applicant meets none of the above criteria but offers skills and abilities valuable to the Fire Department, the Board of Fire Officers may authorize membership by a two-thirds majority vote.

B. Membership privileges.

(1) A member shall become an active member of the Fire Department upon satisfactory completion of the probationary requirements established by the Fire Department and have successfully completed a state-approved Fire Fighter I course. Such member shall be entitled to vote at the annual election of officers meeting designated in § 20-5 upon condition that such individual shall have attended 35% of all fires and drills of the Department from January 1 to midnight of the Thursday prior to the election of officers. The Chief shall provide such percentage for voting eligibility.

(2) A member shall be entitled to become an active exempt member of the Woodbury Fire Department upon serving seven years as an active member. The member shall have attended 20% of all fire and drills in order to be eligible to vote. The Chief shall provide and verify the percentage and list of active exempt members.

(3) All probationary members admitted into membership prior to the Department officers' meeting in May of each calendar year and who have attended 35% of all fires and drills of the

Department during such year shall be entitled to vote at the annual meeting for election of officers for the Fire Department.

C. The probationary member, as well as an active member, shall be given an official identification card and equipped with proper protective equipment which shall remain the property of the Department and which shall be delivered up to the Chief at any time upon demand or whenever such person shall be under charges involving moral turpitude or neglect of duty or for any cause shall cease to be a fire fighter.

§20-11 Suspension or discharge of members; hearing.

Any volunteer member of the Department may be reprimanded, suspended or discharged from the Department by the Chief at any time he or she may deem such action necessary for the good of the Department, in accordance with City policy. On written request of such member to the Board of Fire Officers, delivered within five business days of the receipt of the written action by the Chief, he or she shall be given a hearing on the charges brought by the Chief before the Board of Fire Officers. The hearing shall take place within 15 days of the receipt of the request for a hearing by the Board of Fire Officers. If any reprimand, suspension, or discharge is deemed necessary by the Chief on a paid member of the Department as a result of a fire-fighting situation, the Chief will recommend, in writing, the action to the Fire Administrator.

§20-12 Issuance of badges and insignia.

Each member of the Fire Department shall be issued an official identification card and/or a badge designating his or her rank, and each member of the Department owning a car shall be issued a suitable insignia to be attached to the car.

§20-13 Fire apparatus and equipment.

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

B. Recommendations of apparatus and equipment needed shall be made by the Chief, and after approval by the City Council such apparatus and equipment shall be purchased in such manner as may be designated by the City Council.

C. All equipment of the Department shall be safely and conveniently housed, and the places in which such equipment is housed shall be adequately heated during the winter season.

§20-14 Use of equipment for private purposes 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 used in any way by the Fire Department.

§ 20-15 Entering place where equipment stored; unauthorized handling.

No nonmember shall enter any place where fire apparatus is housed or handle any equipment or apparatus belonging to the Fire Department unless accompanied by or having the special permission of an officer or authorized member of the Department.

§20-16 Aid to neighboring communities.

A. The Chief of the Woodbury Fire Department is hereby authorized to extend aid to neighboring communities upon request for fire protection or to establish a mutual aid system.

B. No apparatus shall be hired out or permitted to leave the City without consent of the Mayor, except in response to a call for aid at a fire in a neighboring community. No apparatus is to leave the City without consent of the Chief or highest ranking fire officer available. The officer in charge of the Department shall have power to assign equipment for response to calls for outside aid in accordance with this section and in other cases only when the absence of such equipment in his or her judgment will not jeopardize protection in the City.

§20-17 Special police powers.

All regularly appointed members of the Fire Department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this chapter.

§20-18 Duty of police to respond to fire alarms.

It is hereby made the special duty of the Chief of Police or other police officers who may be on duty and available for fire duty to respond to all fire alarms and assist the Department in the protection of life and property, in regulating traffic, maintaining order and in enforcing observance of all sections of this chapter.

§20-19 Salaried members of the Fire Department.

A. The salaried members of the Fire Department shall consist of fire fighter/inspectors and other paid personnel, the number and rank of which shall be determined by the City Council.

B. If at any time the rules and regulations contained herein, when applied to salaried members of the Fire Department, conflict with the collective bargaining agreement between salaried members and the City of Woodbury, the terms and conditions of the collective bargaining agreement shall be controlling.

C. Such salaried members shall be under the jurisdiction of the Fire Administrator or acting head of the Department and may be assigned by him or her according to need in any given situation, and they shall be accountable to him or her for their behavior and their actions.

D. These salaried members shall perform such duties from time to time as they may be directed to perform by the Mayor or the committees of the City Council or any officer of the City having authority over such employees, in consultation with the Fire Administrator. The salaries of the firefighter/inspectors shall be determined by City Council and shall be listed under the appropriate caption in the Salary Ordinance each year. Fire fighter/Inspectors shall be subject to removal by the Mayor at any time for neglect to perform the duties required of them.

§20-20 Oaths of office of salaried members.

Every person appointed as a salaried member of the Fire Department of the City shall, before he or she enters upon the duties of his or her office and within 10 days of such appointment, take and subscribe before the Mayor, City Clerk/Administrator or other officer authorized to administer same an oath or affirmation, in the form prescribed by law, to faithfully, fairly and impartially execute the duties of his or her office according to his or her knowledge, skill and ability.

§20-21 Duties of salaried members.

Salaried members of the Fire Department, in carrying out the functions of the Department, shall constantly direct their best efforts to accomplish that end intelligently and efficiently in accordance with the provisions of this chapter and the rules and regulations of the City of Woodbury Personnel Policy and the Woodbury Fire Department. They shall hold themselves in readiness at all times to obey orders of their superiors, and they shall be held strictly accountable for the good order of the post or station to which they may be assigned to duty. In addition to these provisions, the following general rules and regulations are applicable to such salaried members:

A. Honoring assignment of duties. They shall at all times honor the assignment of duties transmitted to them by the Fire Administrator of the Fire Department and shall not question the validity of such directions or assignments.

B. Rendering assistance. They shall render assistance for the protection of persons or property anywhere in the City. If a salaried member of the Department finds it necessary to leave his or her post or station for personal necessity, he or she must report his or her reasons and the necessity for such action to the Fire Chief before leaving.

C. Preventing fires. They shall be on the alert to prevent fires or waste of water.

D. Entering property not in discharge of duty. While on duty they shall not enter any house, restaurant, lunchroom, store, saloon, cafe, poolroom, theater or other place of amusement except where necessity requires or in the strict discharge of their duty.

E. Recording relevant information. They shall enter on the appropriate records of the Fire Department all information of importance relative to the discharge of their official duties and the functions of the Department.

§20-22 Delegation of powers by Mayor.

The Mayor may delegate, as appropriate, all regulatory authority, or any portion thereof over the paid personnel of the Fire Department except those powers that are imposed on the Mayor by law.

§20-23 General regulations applicable to salaried members.

It shall be the duty of every salaried officer and member of the Fire Department to thoroughly familiarize himself or herself with the provisions of this chapter, including the following general rules and regulations of the Fire Department and Personnel Policy of the City of Woodbury applicable to such officers and members:

A. Preserving public peace. They shall at all times, within the boundaries of the City, preserve the public peace, protect life and property and enforce the ordinances of the City of which the Fire Department takes cognizance.

B. Hours of duty. They shall have regular hours assigned to them for active duty each day; however, all salaried members shall be considered on duty at all times and shall act promptly at any time that their services are required or requested. They shall not leave their post or station until properly relieved or excused.

C. Obedience to orders. They shall promptly obey any order from any superior officer while employed at a fire-fighting scene.

D. Conduct towards public. Courtesy and civility toward the public are demanded of all salaried members of the Department, and any conduct to the contrary will not be tolerated.

E. Appearance. They shall, while on duty, be neat and clean in person and dress in conformity with the orders of the Mayor and the Fire Administrator of the Fire Department.

F. Enforcing fire laws. All salaried members of the Department are responsible for enforcing fire laws and ordinances.

G. Drinking while on duty. They shall not drink any kind of intoxicating liquor while on duty, nor shall they at any time while in uniform, except in the performance of duty, enter any place where intoxicating liquor is sold or furnished. They shall not frequent, patronize or lounge around in any place of questionable character except in the line of duty. Salaried members, if found intoxicated while in uniform, shall be immediately suspended, and a charge of intoxication shall be preferred against them.

H. Falsifying reports. They shall never falsify any part of their official report on any subject.

I. Withholding information. Any salaried member who shall knowingly withhold any information of a criminal nature with a view to personal achievement, reward or for any other reason shall be subject to charges.

J. Testifying. They shall not testify in civil cases unless legally summoned to do so.

K. Engaging in political or religious discussions. They shall not engage in political or religious discussions, nor shall they speak slightly of the race, creed or political beliefs of any person.

L. Reporting for duty. They shall be punctual in reporting for duty at the time and place designated by their superior officer. Absence without leave may be followed by forfeiture of pay for time absent, and charges may also be preferred by the superior officer.

M. Investigating arson. They shall, when investigating a fire, use every precaution to avoid destroying or lessening the value of any object that could be used as evidence in case of arson.

N. Willful destruction of reports. Any salaried member who shall willfully destroy, conceal or otherwise interfere with the reports of any other member of the Department to any superior officer shall be subject to immediate investigation and charges.

O. Use of vehicles. Department vehicles shall be used only on Department business with the knowledge and under the direction of a superior officer, except in serious emergency when it is impossible to communicate with such officer.

P. Accident reports. They shall report in writing to the Fire Administrator of the Fire Department, transmitting a copy to the Mayor, any accident with any Department vehicle operated by them or in their charge.

Q. Divulging official information. They shall treat as confidential the official business of the Department. They shall not divulge any such information to anyone outside the Department, except those for whom it is intended, and they shall not make known to any person any proposed plan, movement or special order of the Department which they may have received.

R. Courtesy toward superiors. Courtesy, civility and respect toward superior officers are at all times demanded of every salaried member of the Department. All salaried members shall address their superior officers by their titles.

S. Explanation of absence. A salaried member who may be prevented by sickness or any other cause from reporting for duty shall immediately and without delay report or cause to be reported the reason of his or her absence to his or her immediate superior officer.

§20-24 Disciplinary regulations.

Any salaried and volunteer member of the Department shall be subject to reprimand, deduction of pay, reduction in rank, suspension or dismissal, according to the nature and aggravation of his or her offense, for any of the following causes:

A. Intoxication while on duty or on any official Fire Department business.

B. Willful disobedience of orders.

C. Indecent, profane or harsh language.

D. Disrespect to a superior officer.

E. Leaving post without just cause.

F. Immorality, indecency or lewdness.

G. Absence without leave.

H. Incompetency, lack of energy and incapacity, mentally or physically.

I. Entering liquor saloons or gambling houses, except in discharge of duty.

J. Neglect of duty.

K. Arrest or incarceration due to violation of criminal law.

L. Making known the proposed action or movements of the Department or the provisions of any orders to persons outside the Department.

M. Conduct unbecoming an officer and a gentleman.

N. Conduct subversive to the good order and the discipline of the Department.

O. Publicly commenting on the official action of a superior officer.

P. Violation of any rule or regulation of the Fire Department or any order of a superior officer.

§20-25 National Incident Management System.

The National Incident Management System (NIMS) subchapters as they pertain to the Woodbury Fire Department as required by New Jersey state law shall be followed to conduct all emergency response operations.

§20-26 Rules and regulations.

Rules and regulations, entitled "Woodbury Fire Department Standard Operating Guidelines," for the current year that they are issued are hereby adopted as the rules and regulations for the Woodbury Fire Department.

§20-27 Friendship Fire Company

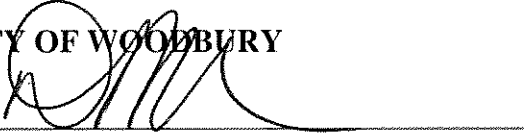
A. Friendship Fire Company is a non-firefighting entity which acts as a support function to the Woodbury Fire Department. Membership in the Friendship Fire Company is not a requirement of firefighters of the Woodbury Fire Department.

B. Friendship Fire Company may adopt bylaws and/or standard operating procedures for the conduct of its business, which shall not be inconsistent any federal or state statute, any rule, law, or ordinance of the City of Woodbury, and/or the Woodbury Fire Department.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

THE FOREGOING was introduced by the City Council of the City of Woodbury at a regular meeting held on July 14, 2015. This Ordinance will be considered for adoption at final reading and public hearing to be held on July 28, 2015 at 7:30 p.m. or at such time as may be determined and announced, in City Hall, Council Chambers, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the City Clerk's Office to the members of the general public who may request same.

CITY OF WOODBURY

By: 
DAVID TROVATO,
President of Council

ATTEST:


ROY A. DUFFIELD, Clerk

Approved:


WILLIAM J. VOLK, Mayor

