

BOROUGH OF RED BANK
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

ORDINANCE NO. NP2023-19

**ORDINANCE AMENDING CHAPTER 64, "FIRE DEPARTMENT" TO UPDATE CERTAIN
POLICIES AND PROCEDURES GOVERNING THE FIRE DEPARTMENT**

WHEREAS, the Borough of Red Bank (the "Borough") maintains a Fire Department for the protection of persons and property, as well as the prevention of fires and promotion of fire safety within the Borough; and

WHEREAS, the Fire Department has requested that the Borough's authorizing ordinance under Chapter 64 of the Borough Code be revised to update certain policies and procedures in order to maintain the Department's high standards, exemplary performance, and public trust; and

WHEREAS, the Borough finds that the policy and procedure changes requested by the Fire Department are in the best interests of the Borough and its residents;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Red Bank that Article I: "Establishment" of Chapter 64: "Fire Department" of the Borough's Revised General Ordinances is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

CHAPTER 64: "FIRE DEPARTMENT"

ARTICLE I: "ESTABLISHMENT"

§ 64-1 Composition of Department.

The Red Bank Volunteer Fire Department shall consist of five active firefighting companies; namely, Navesink Hook and Ladder Company, Independent Engine Company, Liberty Hose Company, Union Hose Company and Westside Hose Company; and three auxiliary/support units, namely, Fire Police Unit, First Aid and Rescue Squad, ~~Historical Relief Engine Company~~ Auxiliary and the members thereof.

A. Officers.

- (1) The officers of the Fire Department shall consist of a Chief, First Deputy Chief and Second Deputy Chief.
- (2) The officers of each company of the Department, as set forth in § 64-6A, shall consist of line officers and administrative officers. The line officers shall include the rank and/or titles of Captain, First Lieutenant, Second Lieutenant, Engineer and Assistant Engineer(s). The administrative officers of each unit shall be as set forth in each company's bylaws.

(a) It shall be the duty of the officers of each company to prevent all improper persons from in any way handling or interfering with the apparatus of the

respective companies, to prevent any improper use of company equipment and to prevent any conduct of the members of the company which would bring discredit on the Fire Company or Department.

- B. Terms. All the foregoing officers shall serve one-year terms from January 1 to December 31 or until their successors are duly elected.
- C. Restriction on membership in the same company. ~~In no case shall the Chief, the First Deputy Chief and the Second Deputy Chief be members of the same company.~~ The Chief, the First Deputy Chief, and the Second Deputy Chief must not belong to the same company, except in cases where the Executive Council makes an appointment to override this requirement under specific circumstances.
- D. Restriction on residency. The Fire Chief, First Deputy Chief, and the Second Deputy Chief shall be residents of the Borough of Red Bank or shall live within three air miles of the border of Red Bank Borough during their entire term of office.
- E. Eligibility for office of Chief. No member shall be eligible to hold the office of Chief who has not served previously as First Deputy Chief, and who shall: meet the minimum requirements to serve as a Fire Officer established by the New Jersey Division of Fire Safety and possess the applicable certifications as set forth in N.J.A.C 5:73 and 29 CFR 1910.120.
- ~~(1) As of September 1, 2012, possess an Incident Management Level 3 Certification issued by the New Jersey Division of Fire Safety in accordance with the provisions of N.J.A.C. 5:73-1.6.~~
 - ~~(2) As of September 1, 2012, possess a Hazardous Materials: On Scene Incident Commander certification issued by the New Jersey Division of Fire Safety in compliance with 29 CFR 1910.120.~~
- F. Eligibility for office of First Deputy Chief. No member shall be eligible to hold the office of First Deputy Chief who has not previously served as Second Deputy Chief, and who shall: meet the minimum requirements to serve as a Fire Officer established by the New Jersey Division of Fire Safety and possess the applicable certifications as set forth in N.J.A.C 5:73 and 29 CFR 1910.120.
- ~~(1) As of September 1, 2012, possess an Incident Management Level 3 Certification issued by the New Jersey Division of Fire Safety in accordance with the provisions of N.J.A.C. 5:73-1.6.~~
 - ~~(2) As of September 1, 2012, possess a Hazardous Materials: On Scene Incident Commander certification issued by the New Jersey Division of Fire Safety in compliance with 29 CFR 1910.120.~~
- G. Eligibility for office of Second Deputy Chief. No member shall be eligible to hold the office of Second Deputy Chief who does not meet the following minimum requirements:
- (1) Must have served a full term as an active firefighter of the Borough for a minimum of seven years;
 - (2) Must have served a full term as Captain of a Fire Company of the Red Bank Fire Department or shall complete said term as Captain prior to commencement of service as Second Deputy Chief.

- (3) Shall meet the minimum requirements to serve as a Fire Officer established by the New Jersey Division of Fire Safety and possess the applicable certifications as set forth in N.J.A.C 5:73 and 29 CFR 1910.120.
 - ~~(4) As of September 1, 2012, shall possess an Incident Management Level 3 Certification issued by the New Jersey Division of Fire Safety in accordance with the provisions of N.J.A.C. 5:73-1.6.~~
 - ~~(5) As of September 1, 2012, shall possess a Hazardous Materials: On Scene Incident Commander certification issued by the New Jersey Division of Fire Safety in compliance with 29 CFR 1910.120.~~
- H. Annual inventory of apparatus and equipment. The captains of the respective companies, First Aid and Fire Police of the Red Bank Fire Department shall inventory their apparatus and equipment yearly and prepare an equipment request list to be used by the Chief in preparing the yearly budget. Emergency equipment requests shall be reported to the Chief for proper action.
 - I. Preservation of apparatus and equipment from neglect and misuse. It shall be the duty of the Captain of each company to see that the apparatus and equipment of the company are preserved from damage by neglect or misuse. Requests for necessary repairs shall be made to the Chief in accordance with Department policy.
 - J. Prompt report of violations. It shall be the duty of the officers of the Department to promptly report any violation of this section to the Chief, who shall report the same to the ~~Chairman of the Fire Committee~~ Borough Manager. The ~~Chairman~~ Manager shall investigate such charges and shall take such action as he deems advisable, provided that no penalty other than such as are in this chapter shall be enforced.

§ 64-2 Election of officers.

- A. Nomination of Chief Officers in rotation.
 - (1) Nomination of Chief Officers shall be made by each company in rotation so that the Chief will be elected by the following perpetual schedule:
 - (a) Independent Engine Company.
 - (b) Westside Hose Company.
 - (c) Liberty Hose Company.
 - (d) Union Hose Company.
 - (e) Navesink Hook and Ladder Company.
 - (2) The two companies next in line shall nominate First Deputy Chief and Second Deputy Chief, respectively.
- B. Selection in accordance with respective company bylaws. Nominations for chief officers shall only be made by companies of the Department in established rotation with the methods of selection within the respective company and the one member to be selected to be in accordance with that company's bylaws.
- C. Deadline for notification of nominations. The Company Secretary shall notify the Borough Clerk, the Secretary of the Executive Council and all companies of the Department in writing, of the company's nominee or nominees before November 1.

- D. Preparation of ballots. The Secretary of the Executive Council shall cause a ballot to be prepared listing the nominees as provided by the respective companies and shall notify each company secretary in writing, before November 1 of the date, time and place of election.
- E. Election of Chief, Fire Deputy Chief and Second Deputy Chief. The election of Chief, First Deputy Chief and Second Deputy Chief shall be held on the first Tuesday of December in each year. The election shall be held in the Municipal Building or other suitable location with the polls to open at 7:00 p.m. and close at 8:00 p.m. Only active ~~and active associate~~ members of the Red Bank Fire Department in good standing shall be eligible to vote. No proxy voting shall be permitted.
- F. Election Board composition and functions. An Election Board consisting of one member from each fire company and the Secretary of the Executive Council shall supervise the election and act as judges. The Secretary of the Executive Council shall be Secretary of the Board. The Board shall elect their own Chairman. The fire companies shall choose their member to the Board at their annual meeting in accordance with their bylaws.'
- G. Election Board's responsibility for polling place and elections. The Election Board as provided for above shall be responsible for providing a suitable polling place, a locked ballot box and any other equipment, personnel or supplies the Board deems necessary to insure a fair and impartial election. Each Board member shall provide a current listing of active members in good standing from that member's company to be used to determine voter eligibility. After the polls are closed, the Board shall count and tabulate all ballots and declare the winners. The Board shall have the duty and responsibility to inspect all ballots and invalidate any vote that it deems improper or unclear. The Board shall, in writing, certify the election results to the Borough Clerk signed by the Chairman and Secretary of the Board. The Board shall rule on all matters concerning the election including eligibility to hold office and the method and form of the election subject to written appeal within three days of that decision to the Executive Council.
- H. Vacancies. In the event of a vacancy in any of the offices of the Chief, the company from which the vacancy occurs shall name a replacement. Any replacement must meet the eligibility requirements established by this section. In the event the company does not or cannot name a replacement within one month from the time the vacancy occurred, the Executive Council shall name a replacement from among the eligible active members of the Department.

§ 64-3 Duties of Chief and Deputy Chiefs.

- A. It shall be the duty of the Chief to examine at least once in each month all the fire apparatus and the buildings in use for the protection of the same and public hydrants, and report the condition thereof to the Borough Council at its first regular meeting in the month of January, together with a record of the number of fires attended by ~~him~~them, or in ~~his~~their absence, by the First Deputy Chief, and the cause of the fires and such other information as he may deem proper. ~~He~~The Fire Chief shall, under the direction of the Borough ~~Manager~~Council, superintend in person and direct all necessary repairs to the fire houses owned by the Borough, engines and other apparatus which may be ordered to be purchased or repaired. ~~He~~The Fire Chief shall take prompt and effectual measures and use the means of the Department to extinguish all fires and shall at all times and on occasions of alarm of fire, have sole and absolute control and command over all the fire apparatus and over all the members of the Fire Department, and persons aiding and assisting the Department as set forth in NJ Rev. Stat 40A:14-54.1.

B. Attendance at fires.

- (1) The Chief and Deputy Chiefs shall attend all fires within the corporate limits or elsewhere where necessary and called upon, and are hereby empowered and required to take charge of any building or buildings which may be on fire; to admit only such persons, other than firefighters, to the building or buildings, as they may think necessary to aid in the extinguishment of the fire and preservation of all goods and of all endangered property; they shall at all times have sole and absolute control and command over the fire apparatus and over the members of the Fire Department and over all other apparatus aiding and assisting the Department at the scene of the fire or other emergency; they may lawfully enter and examine any building or buildings as they deem necessary, inspect and/or examine any place, vehicle or vessel where any gun powder or other explosive or inflammable material may be lodged or stored; the Chief or Deputy Chief may in writing direct the removal or securing of any such material or materials and in case the possessor or possessors of the same neglect or refuse to comply with such written directions, the Chief or Deputy Chiefs shall issue a complaint in the Red Bank Municipal Court.
- (2) The Fire Chief and Deputy Fire Chiefs are hereby invested with all the powers of police officers of the Borough while going to, attending, and returning from a fire pursuant to NJ Rev Stat 40A:14-54.

C. In the absence of the Chief, ~~his~~ command shall devolve upon and his duties be performed by the First Deputy Chief or the Second Deputy Chief, or in their absence, by the last retiring Chief of the Department, first at the fire.

D. It shall be the duty of the Chief or Deputy Chief to inspect any chimney, flue, device or appliance reported to ~~him~~them by any citizen of the Borough to be dangerous and liable to cause destruction by fire, and if found in such condition, to order the same to be cleaned, repaired, removed or renovated by the owner, and upon failure of the owner to attend to such cleaning, repairing or removal within 24 hours after service of such notice, complaint shall be made in the Red Bank Municipal Court.

E. The Chief and Deputy Chiefs shall wear, when on duty, white hats or helmets on which shall ~~be emblazoned~~ clearly display the name of their respective offices.

F. The Chief shall have the power to suspend from duty any company or any member of any company for disobeying ~~his~~ a legitimate order, or the orders of the officer in command while on duty or for failure to comply with department rules, regulations and standard operating procedures; all appeals from ~~his~~ this decision shall be made in writing to the ~~Mayor and Council at its next regular meeting~~ Borough manager, who shall try the same and affirm the results or change the decision of the Chief by a majority vote of all members of the Council.

§ 64-4 Applications; qualifications and administration.

A. Application instructions.

- (1) Each company shall supply the Borough Clerk with application forms together with the company's address, a list of officers and members and the dates of its regular meetings.

- (2) The Borough Clerk shall give an application form to any person upon personal request made during normal business hours or upon written request.
- (3) Each application form shall include an instruction sheet listing mailing addresses of each company secretary and a statement that the application may be filed either by personal delivery, U.S. Mail or e-mail to the secretary of the company the person wishes to join. The instruction sheet shall also include an application fee required and inform the applicant that the physical exam must be given by the Fire Department ~~Surgeon~~ Physician and so state the name and address of the ~~Surgeon~~ Physician.
- (4) Each company secretary shall date each application with the time of receipt and shall number the application according to its order of receipt relative to other applications. ~~He~~ The company secretary shall promptly send a letter or postcard to each applicant stating the number of ~~his~~ the application and the date and time it was received.
- (5) The company's membership committee shall within 60 days of receipt of an application by the company make a report to the company as to whether or not the applicant qualifies for membership. Applicants qualified for membership shall be admitted in the order in which their applications were received, and if no vacancies exist, a waiting list shall be established with appointments made from the list as vacancies occur. If the applicant is not qualified, the Company Secretary shall promptly advise the applicant in writing of the rejection and the qualifications which he has not substantially met.

(6) Disclosure information.

(a) This subsection is enacted in part pursuant to N.J.S.A. 40:42-1 et seq. for the health, welfare and safety of its citizens and to implement N.J.S.A. 15:8-1.1.

(b) Membership in a volunteer fire company or first aid squad means membership in the Red Bank Fire Department (any company including Fire Police and Scuba Team) or in the Red Bank First Aid Squad.

(c) Any adult person desiring membership in a volunteer fire company or the First Aid Squad shall complete, in duplicate, and file with the Borough Clerk, a separate records check application, which shall contain the following information about the applicant:

[1] Name.

[2] Home address.

[3] Birth date.

[4] Social Security number.

[5] Driver's license number.

[6] Any disqualifying criminal records as set forth in section 64-4D(8)~~conviction of violation of N.J.S.A. 2C:17-1:~~

~~[a] Aggravated arson;~~

~~[b] Arson;~~

~~[c] Failure to control or report dangerous fire; or~~

~~[d] Directly or indirectly pays or accepts any form of consideration for the purpose of starting a fire or explosion.~~

~~[7] Any conviction of violation of N.J.S.A. 2C:33-3 (False Public Alarms).~~

~~[8] Any conviction of a crime.~~

~~[9] As to the volunteer fire company's application, such other information as the volunteer fire company deems relevant to the application, provided none of such information is prohibited by law.~~

~~[40] As to the First Aid Squad's application, such other information as the First Aid Squad deems relevant to the application, provided none of such information is prohibited by law.~~

~~(d) Following the filing of such records check application, the Borough Clerk shall transmit one copy of the application to the Chief of Police of the Borough of Red Bank, who shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his/her application and any such other investigation of the applicant's background as he deems necessary for the protection of the public good. If, as the result of such investigation, the applicant is found to have been convicted of any violation of any matter referred to in Paragraph a,7(f), (g) or (h),[1] or any other information that would indicate the applicant may be a threat to the health, safety or welfare of the community, the Chief of Police shall report such information and the particulars thereof to the Borough Clerk. The Borough Clerk shall, thereafter, provide that information to the Chief of the Red Bank Fire Department or the President of the First Aid Squad, if the applicant is seeking membership in such organization.~~

~~(e) In connection with said investigation, the applicant shall submit to fingerprinting, and the Chief of Police is authorized to submit applicant's fingerprint card and receive state criminal history record information from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered under this subsection.~~

~~(f) This subsection is intended to make the volunteer fire company and the First Aid Squad an Authorized Agency as defined by N.J.A.C. 13:59-1.1.~~

~~(g) The above investigation by the Chief of Police shall be completed within 30 days of receipt of the application and the fingerprinting of the applicant, unless such time shall be extended by formal action of the governing body.~~

~~(h) Any fees required for fingerprinting shall be paid by the Borough.~~

B. Qualifications and admissions.

- (1) In order to become an active member of the Red Bank Fire Department, a person shall be a resident of the Borough or reside within five (5) air miles of the boundary of the Borough or shall have their principal place of employment within the Borough of Red Bank which renders the applicant available to respond to alarms of fire. and at least 18 years of age and not over 40 No person hereafter shall become an active member of the Fire Department, or any unit thereof, whose age does not meet the minimum or maximum requirements of applicable state statutes. Nor shall any person become a member thereof who is not a permanent resident of the United States, and who shall be in good condition of physical fitness to perform the

duties of a firefighter in accordance with a certificate to that effect, made and signed by a properly licensed practicing physician of the State of New Jersey, after due physical examination for that purpose. He shall present with his application to the company a certificate from the Fire Department Surgeon that he is physically fit and able to take active part in the duty required of a firefighter. and- Upon removal of his~~their~~ residence from the Borough~~provisions of active membership set forth above~~, except as hereinafter set forth, he~~they~~ shall forfeit his membership and return his~~any and all~~ equipment belonging to the Fire Department which he may have in his possession was issued pursuant with membership.

(2) In order to become an exempt firefighter from the Borough of Red Bank, a person shall serve seven years of active duty, except when provided otherwise by the charter of a company, and he must do 60% active duty for each of the number of years meet the minimum call attendance percentages as set forth by the State of New Jersey Fireman's Relief Association.

(3) A firefighter who has ~~remained a resident of the Borough until he becomes an exempt firefighter, as defined in Subsection B(2) above, may remain a member of the Department even though he they removes his~~their~~ residence from the Borough provisions set forth in section 64-4.B(1); provided, however, that he~~they~~ must reside within five air miles of the boundary of the Borough and maintain active status as defined by the company bylaws. Present nonresident members may retain membership in the Department, provided they maintain active status as defined by the company bylaws.~~

(a) Any member of the Department who held a previous designation as an Active Associate Member shall be automatically granted active membership in the Department and meets the revised active member eligibility requirements as defined in this section upon adoption of this revised ordinance.

~~(4) Each company of this Department shall establish and adhere to the admission procedures as contained in N.J.A.C. 13:12-1.1. (New Jersey Administrative Code)[2]Editor's Note: Section no longer exists.~~

~~(5) No member of the Red Bank Fire Department under the age of 18 shall be permitted to operate any motor vehicle or fire engine apparatus belonging to the Borough of Red Bank.~~

~~(6) A person who does not qualify for Probationary or Active Membership in the Red Bank Fire Department may apply to become an Active Associate Member of the Department. In order to become an Active Associate Member, a person must be at least 18 years of age. The applicant must reside within five air miles of the boundary of the Borough of Red Bank or shall have his principal place of employment within the Borough of Red Bank which renders the applicant available to respond to alarms of fire. No more than 10 Active Associate Members from any one Fire Company shall be permitted. Active Associate Members shall be eligible for the Borough's life insurance coverage currently provided to members of the Fire Department and shall be provided with workmen's compensation and other such insurance coverage while responding to, working at, and returning from alarms of fire. Active Associate Members shall not be eligible for membership to the Red Bank Firemen's Relief Association or any benefits provided therefrom.~~

~~(7) Active Associate Members shall be entitled to all the rights and privileges as provided by the bylaws of the individual fire company, except that they shall not be~~

~~entitled to hold office as Chief, First Deputy Chief or Second Deputy Chief. Active Associate Members shall be entitled to vote in the elections for such offices.~~

~~(8) The application procedures for Active Associate Membership shall be the same as for Probationary Membership, except as to age limit and residency. An applicant for Active Associate Membership shall submit a Certificate of Successful Completion of the Basic Training Course at the Monmouth County Fire Academy within one year from the date of application acceptance. Applicants for Active Associate Membership who possess a Certificate of Exemption as issued by the New Jersey State Firemen's Association, or who otherwise demonstrate by training or experience their proficiency as a firefighter, shall not be required to complete basic training. Failure to complete the basic training course, or to provide a copy of an exemption certificate, or to document such other training experience within one year, shall result in expulsion from the Fire Department.~~

C. Minimum physical ability tests.

(1) A minimum physical ability test is required for admission to any Company of the Red Bank Fire Department. Test is to be administered by each Company in accordance with its bylaws.

(2) All physical ability tests will be conducted with the applicant fully dressed with normal firefighting equipment (hat, coat and boots).

(a) Engine and hose companies (minimum physical ability test).

[1] Drag two fifty-foot lengths of two-and-one-half-inch fire hose a distance of 25 yards.

[2] Uncouple the two lengths of hose (separating them from each other) and roll one of these lengths.

[3] Carry one rolled fifty-foot length of two-and-one-half-inch fire hose a distance of 25 yards and place the rolled length of hose on the fire truck bed.

[4] Climb a ladder that is properly supported against a building to the second-story window and return down the ladder.

[5] Wearing a Scott Air-Pak® in the prescribed manner on the back (air mask not on face) and carrying a fifteen-pound type fire extinguisher, climb the stairs to the second floor of a building and return down the same stairs. (Suggestion: outside fire escape in the rear of the Municipal Building or the stairs in a fire house.)

(b) Truck companies (minimum physical ability test).

[1] Remove a sixteen-foot ladder from the truck and carry it once around the truck and replace it on the truck.

[2] Remove the compartment fan and cord from the truck and carry both once around the truck and replace both as found.

[3] Climb the aerial ladder, without the fly extended, in free suspension elevated at 60° to the top and return down the ladder.

[4] Remove the ladder pipe from the rear running board and lift overhead for transfer to the bed ladder. Then assume position on the truck to receive the ladder pipe and place same on the bed ladder.

[5] Climb a ladder that is properly supported against a building to the second-story window and return down the ladder.

[6] Wearing a Scott Air-Pak® in the prescribed manner on the back (air mask not on face) and carrying a fifteen-pound type fire extinguisher, climb the stairs to the second floor of a building and return down the same stairs. (Suggestion: outside fire escape in the rear of the Municipal Building or the stairs in a fire house.)

D. ~~Disclosure of information regarding applicants.~~ Applicant Criminal Background Check

- (1) This subsection is enacted pursuant to N.J.S.A. 40:42-1 et seq. for the health, welfare, and safety of its citizens and to implement N.J.S.A. 15:8-1.1.
- (2) Membership in a volunteer fire company means membership in a volunteer fire company organized pursuant to Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes; membership in a volunteer fire company or similar organization constituted in a fire district pursuant to N.J.S.A. 40A:14-70.1; membership in a junior firefighter's auxiliary established pursuant to N.J.S.A. 40A:14-95; or nonpaid membership in a part-paid fire department or force established pursuant to Chapter 14 of Title 40A of the New Jersey Statutes.
- (3) Any person desiring membership in a volunteer fire company shall be subject to a complete criminal background check. ~~complete in duplicate, filing the same with the volunteer fire company, an application, the form of which may be prescribed by the volunteer fire company, but which shall contain the following information about the applicant:~~
 - ~~(a) Name.~~
 - ~~(b) Home address.~~
 - ~~(c) Birth date.~~
 - ~~(d) Social security number.~~
 - ~~(e) Driver's license number.~~
 - ~~(f) Any conviction of violation of N.J.S.A. 2C:17-1:~~
 - ~~[1] — Aggravated arson;~~
 - ~~[2] — Arson;~~
 - ~~[3] — Failure to control or report dangerous fire; or~~
 - ~~[4] — Directly or indirectly pays or accepts any form of consideration for the purpose of starting a fire or explosion.~~
 - ~~(g) Any conviction of violation of N.J.S.A. 2C:33-3, False Public Alarms.~~
 - ~~(h) Any conviction of a crime or disorderly persons violation.~~
 - ~~(i) Such other information as the volunteer fire company deems relevant to the application, provided none of such information is prohibited by law.~~
- (4) Following the filing of ~~such~~ application, the volunteer fire company shall transmit one copy of the application to the Chief of Police of the Borough of Red Bank, who shall conduct an investigation-criminal history record background check, meaning a determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation, Identification Division, prior to being approved by Borough Council via resolution.
- (5) The Borough shall limit the exchange of information solely for the authorized purpose and to the authorized personnel for which it was obtained and shall not disseminate information to persons or organizations not authorized to receive the records for the authorized purposes.

- (6) The records shall be destroyed immediately after it has served its intended and authorized purposes.
- (7) Successful background checks shall be reported to the Borough Manager, who shall maintain a list of all individuals who are qualified to serve as volunteers by virtue of their having successfully completed the background check.
- (8) An applicant shall be disqualified from serving as a volunteer if that person's criminal history background check reveals a record of conviction of any of the following crimes and offenses:
- (a) In New Jersey, any crime or disorderly persons offense in which the agency determines is a crime that impinges on character:
 - [1] Involving danger to the person, meaning those crimes and disorderly persons offenses as set forth in N.J.S.A. 2C:11-1, et seq., such as criminal homicide; N.J.S.A. 2C:12-1, et seq., such as assault, reckless endangerment, threats, stalking; N.J.S.A. 2C:13-1, et seq., such as kidnapping; N.J.S.A. 2C:14-1, et seq., such as sexual assault; or, N.J.S.A. 2C:15-1, et seq., such as robbery; or an attempt to commit any of these crimes.
 - [2] Against the family, children or incompetents, meaning those criminal and disorderly persons offenses set forth in N.J.S.A. 2C:24-1, et seq., such as endangering the welfare of a child;
 - [3] Involving theft as set forth in Chapter 20 of Title 2C of the State of New Jersey Statutes;
 - [4] Involving any controlled dangerous or controlled substance analog as set forth in Chapter 35 of Title 2C of the State of New Jersey Statutes except paragraph (4) of subsection (a) of N.J.S.A. 2C:35-10.
 - (b) In any other State or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in this section.
 - (c) Persons required to register as a sex offender under the provisions set forth in N.J.S.A. 2C:7-1, et seq.
 - (d) An applicant shall be ineligible to serve for a period of ten years from the date of conviction if the background check reveals a conviction for a violation of N.J.S.2C:33-3, in accordance with subsection b. of section 1 of P.L.1985, c.323 (C.15:8-1.1). ~~to ascertain the truth of the statements made by the applicant upon his/her application and any such other investigation of the applicant's background as he deems necessary for the protection of the public good. If as the result of such investigation the applicant is found to have been convicted of a violation of N.J.S.A. 2C:17-1, a, b, c and/or d or N.J.S.A. 2C:33-3 or any other crime or disorderly persons violation or~~
 - (e) An applicant shall be ineligible to serve if any other information is revealed that would indicate the applicant may be a threat to the health, safety or welfare of the community, the Chief of Police shall report such information and the particulars thereof to the volunteer fire company.

(9) Access to criminal history record information shall be limited in accordance with law, including N.J.S.A. 15A:3A-1 et seq. and N.J.A.C. 13:59-1.1 et seq.

~~(5) In connection with said investigation, the applicant shall submit to fingerprinting, and the Chief of Police is authorized to submit applicant's fingerprint card and receive state criminal history record information from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered under this subsection.~~

~~(6)10) This subsection is intended to make the volunteer fire company an "authorized agency" as defined by N.J.A.C. 13:59-1.1.~~

~~(7)11) The above investigation by the Chief of Police shall be completed within 30 days of receipt of the application and the fingerprinting of applicant.~~

(12) Any person whose criminal history background check disqualifies that person from volunteering, may appeal his or her disqualification to the appropriate agency.

(a) A person may challenge the accuracy of the criminal history check;

(b) A person may claim to be rehabilitated;

[1] No person may appeal a disqualification on the grounds of rehabilitation, if the person has been rejected because that person has been convicted, adjudicated, delinquent or acquitted by reason of insanity of aggravated sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.A. 2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.A. 2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. on N.J.S.A. 2C:24-4; luring or enticing pursuant to section 1 of P.L. 1993, c.291 (N.J.S.A. 2C:13-6); criminal sexual contact pursuant to N.J.S.A. 2C:14-3b. if the victim is a minor; kidnapping pursuant to N.J.S.A. 2C:13-2, or false imprisonment pursuant to N.J.S.A. 2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.A. 2C:34-1; or an attempt to commit any of these enumerated offenses.

(c) A challenge to the accuracy of the report shall be filed with the Chief of Police, who shall review the challenge and make the appropriate response.

§ 64-5 Reports of membership.

- A. On or before the first Monday in January in each year, it shall be the duty of the secretary of each company to report to the Chief the name, residence and telephone number and date of birth of each person elected a member of his company, which list the Chief shall file with the Borough Clerk on or before the next ensuing meeting of the Borough Council. Before a person shall be eligible for the office of Chief of Deputy Chief, it shall be the duty of the secretary of the company from which he is nominated to give the name of the candidate in writing to all of the companies of the Fire Department at least one month before the election.

- B. By the first Monday in January, the secretary of each fire company shall give to the Chief the names of all such members of his company who have died, resigned or been expelled within the last preceding 12 months, that such names may be and they shall appear in the Chief's Annual Report to the Borough Council.
- C. The Borough Clerk shall keep a true and perfect list of the names of all firefighters who have died, resigned or been expelled from the Department, and the death, resignation or expulsion of the members whose names may be on the list shall be a public record.

§ 64-6 General rules and regulations.

- A. The Fire Department shall be divided into engine, hose, hook and ladder companies; Fire Police Unit and First Aid and Rescue Squad.
- B. No person who has been expelled from the Fire Department shall rise with any of the apparatus or meddle in any way with the same.
- C. The Borough Council may at any time, for cause shown after hearing, degrade any officers of the Fire Department.
- D. No building used for the protection of any fire apparatus shall be put to any other use without the written consent of the Chief and a majority of the members of the company occupying the same, or by order of the ~~Mayor and Council~~ Borough Manager.
- E. No fire apparatus, except in case of necessity, shall leave the Borough, excepting by the written permission of the ~~Mayor or in case of necessity, any member of the Borough Council~~ Borough Manager. The Chief or Deputy Chief may permit any apparatus to leave the Borough, in case of necessity.
- F. No fire apparatus shall be used on any mere trial of skill or power, except by consent of the ~~Chairman of the Fire Committee~~ Borough Manager.
- G. No person shall at any time willfully drive, propel or cause to be driven or propelled any vehicle over any hose or other fire apparatus.
- H. No person shall raise or cause to be raised any false alarm of fire within the Borough.
- I. All fire apparatus shall have the right-of-way over all other vehicles when responding to an alarm of fire, provided the rules of the road are observed.
- J. It shall be unlawful for any unauthorized person to drive or operate any Fire Department or First Aid vehicles or equipment.
- K. Only firefighters who have been qualified as drivers shall drive or operate Fire Department vehicles or equipment. Qualified drivers shall not drive or operate vehicles or equipment other than those of their own company, unless specifically authorized to do so by the Fire Chief.
- L. No line officer serving one unit of the department, as described in Subsection A of this section, shall also serve as a line officer in another unit described in Subsection A of this section within any given year.

§ 64-7 Fire Police.

- A. A Fire Police organization shall be established within the Red Bank Fire Department consisting of not more than 40 members. Thirty members shall be elected from the active or active associate rosters of the Red Bank Fire Department. Ten members may be associate members.
- B. There shall be appointed by each fire company at its annual meeting by an election, five members to serve as Fire Police officers who shall, upon taking the oath of office, be invested with the powers of police officers or marshals while going to, attending, and returning from any Fire Department incident. The five members elected by each company may be active or active associate members of their respective companies. The secretary of each fire company shall submit a list of elected Fire Police officers to the Secretary of the Fire Police and the Borough Clerk on or before December 1 of each year. Said list shall contain the name, address, birth date and such other information as may be required.
- C. It shall be the duty of the Fire Police officers to see that the fire lines are stretched at every Fire Department incident, to admit inside the fire lines no person who is not an active firefighter or other authorized emergency response personnel, except under the direct order of the Chief or other officer in command of the incident.
- D. Associate members of Fire Police. The Fire Police may accept up to 10 associate members who do not qualify as ~~either active or active associate~~ members of a Fire Company, or are not affiliated with any Fire Company. Associate members must be 21 years of age at the time application for associate membership is made and approved. They shall, upon taking the oath of office as Fire Police officers, be invested with all the powers of police officers or marshals while going to, attending, and returning from any Fire Department incident.
- E. Applicants for associate membership who are not affiliated with any fire company shall follow the application procedures as prescribed ~~for active associate members~~ of the Department with the following exceptions:
 - (1) Associate members of Fire Police shall not be required to complete firefighter basic training or provide such certification.
 - (2) The application shall be submitted to the Secretary of the Fire Police, who shall perform the duties as prescribed for "Company Secretary" when processing an application for associate membership of the Fire Police.
 - (3) The applicant for associate membership shall be required to obtain a satisfactory medical examination from the Fire Department physician but shall not be required to complete the firefighter physical agility test as set forth elsewhere in this article.
- F. Members of the Red Bank Fire Police shall be provided with all such insurance coverage as is available to members of the Red Bank Volunteer Fire Department.

§ 64-8 First Aid and Rescue Squad.

- A. Membership; qualifications.
 - (1) ~~Any resident between the ages of 18 and 45 years of age, inclusive, who has been a resident of the Borough for a period of 60 days~~ person meeting the active

member criteria as set forth in section 64-4.B(1) is eligible for membership. The prospective member must hold a valid American Red Cross Advanced First Aid and Emergency Care Card or is an Emergency Medical Technician in the State of New Jersey. The prospective member must file a notarized application along with a waiver from injury and a medical doctor's statement of physical condition to the squad.

(2) Membership of the First Aid Squad shall be limited to 50 active members. After that period, the ~~Captain and line~~ Executive Officers will make a ~~written~~ recommendation to the squad. All persons applying for membership in the squad must appear in person at the squad building on the night of the reading of the application. Each prospective member will be examined by the Education Committee. The examination will consist of a written and physical ability test.[1] Editor's Note: Original Section 2-37.8.a(3), regarding an application fee, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

~~B. No application for membership shall be acted upon until same has been posted upon the bulletin board in the squad's headquarters for a period of 30 days and interviewed by a committee of three appointed by the president immediately prior thereto.~~

~~C. All new members joining the Red Bank First Aid and Rescue Squad must remain residents of the Borough in order to remain members of the squad.~~

~~D. A person who does not qualify for Probationary or Active Membership in the Red Bank First Aid and Rescue Squad may apply to become an Active Associate Member of the Department. In order to become an Active Associate Member, a person must be at least 18 years of age and not over 55 years of age. The applicant must reside within five air miles of the boundary of the Borough of Red Bank or shall have his principal place of employment within the Borough of Red Bank which renders the applicant available to respond to alarms for first aid and rescue assistance. No more than 10 Active Associate Members from any First Aid and Rescue Squad shall be permitted. Active Associate Members shall be eligible for the Borough's life insurance coverage currently provided to members of the First Aid and Rescue Squad and shall be provided with workmen's compensation and other such insurance coverage while responding to first aid calls.~~

~~E. Active Associate Members shall be entitled to all the rights and privileges as provided by the Bylaws of the First Aid and Rescue Squad, except that they shall not be entitled to hold any office within the First Aid and Rescue Squad.~~

~~F. The application procedures for Active Associate Membership shall be the same as for Probationary Membership except as to age limit and residency. An applicant for Active Associate Membership shall submit certification or proof of holding a valid American Red Cross advanced first aid and emergency care card or is an emergency medical technician of the State of New Jersey. Failure to submit certification or proof of holding valid American Red Cross advanced first aid and emergency care card or proof of emergency medical technician status with the State of New Jersey shall result in expulsion from the First Aid and Rescue Squad.~~

§ 64-9 Cadet Corps.

A. Preamble.

- (1) It is deemed advantageous by the Mayor and Council of the Borough to establish the Cadet Corps within the Red Bank Fire Department, and Red Bank First Aid and Rescue Squad.
- (2) The purpose of the Cadet Corps is to assist the Fire Department and Rescue Squad in providing emergency services and to insure continuous membership, upon reaching the age of 18, into the Fire Department and First Aid organizations.

B. Established; qualifications.

- (1) There is hereby established the Cadet Corps of the Red Bank Fire Department and the Red Bank First Aid and Rescue Squad. Prospective members must be between the ages of 14 and 17, inclusive, to be eligible to submit an application of membership. The prospective member must have maintained at least a C average, or the equivalent, during his/her last completed year in the school system. All applicants who are presently participating in the school system must have at least a C average, or the equivalent, in order to be favorably accepted.

- (2) No application fee is required of any applicant.

C. Applications and interviews. All applications will be reviewed at the following monthly meeting of the Cadet Corps. An interview will be arranged to take place within two weeks after the monthly meeting.

D. Cadet Corps' bylaws. The Red Bank Fire Department, First Aid and Rescue Squads are hereby authorized to enact appropriate bylaws, rules and regulations to govern the Cadet Corps.

- (1) The rules and regulations shall provide for the training of the cadet corp for eventual membership in the fire department, and shall further provide that no junior fireman shall be required to perform duties which would expose him to the same degree of hazard as a regular member of a volunteer fire company.

- (2) Activities of junior firefighters under 16 years of age shall be limited to:

- (a) attending meetings of the Junior Firemen's Auxiliary;
- (b) receiving instruction;
- (c) participating in training that does not involve fire, smoke, toxic or noxious gas, or hazardous materials or substances;
- (d) observing firefighting activities, while under supervision.

§ 64-10 Violations and penalties.

- A. The penalty for a violation of this article shall be, in the case of an officer, degradation from his office and suspension from the Department, and in case of a firefighter, suspension from the Department. These penalties shall be enforced at the option of the Borough Council and/or the Borough Manager.
- B. Any person violating any of the provisions of this article shall be subject to a penalty as established in Chapter 1, Article II, General Penalty, of the Code of the Borough of Red Bank.

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance

are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that this Ordinance shall take effect immediately upon its passage and adoption according to law.

INTRODUCTION						COUNCILMEMBER	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				KRISTINA BONATAKIS						X
X		X				DAVID CASSIDY	X		X			
		X				NANCY FACEY-BLACKWOOD			X			
		X				BEN FOREST			X			
		X				LAURA JANNONE			X			
	X	X				KATE TRIGGIANO		X	X			
		X				MAYOR WILLIAM PORTMAN			X			
Introduced: November 9, 2023						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey on the aforementioned date.						
Final Adoption: December 14, 2023												
						<hr/> Laura Reinertsen, Borough Clerk						