

ORDINANCE 18-23

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK IN CHAPTER 18, "FIRE DEPARTMENT," TO BE CONSISTENT WITH STATE LAW REGARDING AN EXEMPT FIREFIGHTER'S CERTIFICATE

WHEREAS, Chapter 18 of the Township Code regulates the Fire Department and firefighters in the Township; and

WHEREAS, the State Legislature amended the statute that governs exempt firefighter's certificates, N.J.S.A. 40A:14-56, in 2021 to increase the age of eligibility for exempt firefighters and to make other related changes; and

WHEREAS, the Brick Township Joint Board of Fire Commissioners has requested that the Mayor and Township Council amend the Township Code to be consistent with the new provisions of state law;

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of Brick, County of Ocean, and State of New Jersey, as follows:

SECTION 1. Chapter 18 of the Township Code of the Township of Brick entitled "Fire Department" is hereby amended in Section 18-2, "Members and officers," in Section 18-4, "Certificate of Service," and in Section 18-5, "Exempt Fireman's Certificate," to read as follows (underlined portion to be added, ~~strikethroughs~~ to be deleted):

§ 18-2 Members and officers.

Each company shall and may choose and appoint from its own number a Chief, an engineer and assistant officers, as required by each company, and all firemen in good standing in any fire company at the time this article becomes effective and as many firemen of the age of 18 years and not more than ~~50~~ 57 years of age at the time of their election to membership, and who are citizens of the United States and residents of the Township of Brick, as are elected by said companies, are approved by the Board of Fire Commissioners of the Township of Brick in the district in which they are elected.

§18-4 Certificate of Service.

A member of any fire company in good standing who was between the age of 18 and 57 at the time of appointment, ~~is between the age of 18 and 50 years and~~ has performed seven years of service, performing 25% of fire duty during that period, shall be entitled to receive a municipal certificate of service from the Township of Brick.

§18-5 Exempt Fireman's Certificate

A member of any fire company in good standing at the time this article becomes effective, and not in possession of an exempt fireman's certificate, shall be entitled to receive an exempt fireman's certificate when, from the records of any fire companies filed with the Clerk of this Township, it appears that he was a resident of the municipality, a citizen of the United States and has served the necessary period to make a total of seven years' service, performing: during a period of seven years, 25% of a fire duty as of 2021. 50% of fire duty from 2009 retroactive, a percentage rate as set by the executive committee of the New Jersey State Exempt Firemen's Association, in each year, respectively, ~~60% of fire duty during that period,~~ all of which facts must be certified in accordance with the law in such case made and provided.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. This ordinance shall take effect after second reading and publication as required by law.

PASSED: September 26, 2023

ADOPTED: October 10, 2023

SIGNED:

LISA CRATE
MAYOR

HEATHER DEJONG
COUNCIL PRESIDENT

ATTEST:

LYNNETTE A. IANNARONE
TOWNSHIP CLERK