

ORDINANCE 2023-03

BOROUGH OF DUNELLEN

Adopted February 6, 2023

Dunellen Municipal Code, Chapter 26, Fire Department, is amended as follows:

§ 26-1. Composition.

The Fire Department of the Borough of Dunellen shall consist of the officers and members of the Defender Fire Company No. 1, Dunellen Fire Department.

§ 26-2. Election of officers.

The Chief, Deputy Chief, two Captains and two Lieutenants shall be elected annually by such of the active firefighters of the Fire Department of Dunellen as shall be of the full age of 18 years, and they shall hold their offices for one year and until their successors shall be qualified, provided that such election shall be confirmed by the Mayor and Council. Eligibility and elections shall be governed by the by-laws of the Dunellen Defender Fire Company No. 1.

§ 26-3. Election procedure.

The election provided for in the preceding section shall be by ballot and shall be held on the last Wednesday in November in each year. The election shall be held in the Dunellen Firehouse between the hours of 6:00 p.m. and 8:00 p.m. At the close of the polls the tellers shall make out a statement of the result, showing the names of the persons voted for and the offices for which they were candidates. This statement shall be presented to the Mayor and Council, and the Dunellen Borough Council will by resolution at its Annual Reorganization Meeting held on January 1st to declare elected the persons having the plurality of the votes cast for the offices for which they were balloted. Upon the adoption of such resolution, the persons named therein shall be deemed appointed to their respective offices, effective January 1st at 10 am, for the term of one year or until their successors shall be duly elected or appointed, as prescribed in this chapter. In the case of a member elected to fulfill an unexpired term, upon resolution from the Mayor and Council, the member shall assume the position immediately for the balance of the term, or until their successor shall be duly elected or appointed, as prescribed in this chapter.

§ 26-4. Control of Department.

A. The Chief shall, in all cases of fire, have sole control over all members of the Fire Department and of all apparatus belonging thereto. Any person belonging to the said Department who shall refuse to obey all lawful orders of the Chief shall be expelled. In case of the Chief's absence, the Deputy Chief shall act as Chief and shall have all the power and authority of the Chief. In the absence of the Chief and the Deputy Chief, the Captains present

shall designate one of their number to be in charge, and in their absence, the Lieutenants shall follow the same procedure. If no officers are present, the driver of the first apparatus at the scene shall be in charge until relieved by an officer.

B. It shall be the duty of the Chief to examine, at least once each month, the fire apparatus and the building in use for the protection of the same and to report the condition thereof to the Mayor and Council at its regular monthly meetings in July and December, unless for some special reason he shall deem it advisable to make his reports more often, and in which case a report may be made at a regular or special meeting of the Council. He shall also report, at least twice each year, such other information as he may think proper.

C. He shall, under the direction of the Fire Committee of the Council, superintend in person and direct such necessary repairs to the fire apparatus which may be ordered to be repaired by the Mayor and Council. He shall, in all cases of fire threatening danger to or destruction of property, take prompt and efficient measures and use the means of the Department to extinguish the same and shall, at such times and on the occasion of the alarm of fire, have sole and absolute control and command over all fire apparatus and all members of the Fire Department and over all other fire apparatus and persons aiding and assisting the Department in cases of actual fire.

§ 26-5. Attendance at fires.

The Chief, Deputy Chief and line officers should attend all fires within the Borough limits. They are hereby empowered and required to take charge of any building or buildings which may be on fire, to admit only so many of such persons not firefighters to said building or buildings as they may think necessary for the extinguishing of the fire and the preservation of all goods and to give orders for and superintend the removal of all goods and the preservation of all endangered property.

§ 26-6. Fire Police.

The Defender Fire Company may appoint of their members certain persons, not exceeding six, including officers, to form the Fire Police of the Borough. When on duty the whole force shall be under the control of the Chief and his Deputy, or in their absence, of the person in command of the Department.

§ 26-7. Reports of violations.

It shall be the duty of the Middlesex County Fire Marshall's Office to enforce the New Jersey Uniform Fire Code as well as any applicable Borough Ordinance within the Borough of Dunellen and to report information to the Mayor and Council as required.

§ 26-8. Complaints relating to Fire Department.

All complaints relating to the Fire Department shall be made to the Mayor and Council, in writing, and the complainant shall state briefly the grounds of his complaint and the rules and regulations which he claims have been violated.

§ 26-9. Hearings.

Whenever any such complaint shall be made, it shall be the duty of the Mayor to appoint a

time when the Council Fire Committee shall hear the complaint, and said Committee shall make such rules and regulations for the hearing thereof as, in its discretion, shall best promote the ends of justice. Its determination of the question may be appealed to the Mayor and Council, whose decision shall be final.

§ 26-10. Use of apparatus outside of Borough.

The Fire Company shall not at any time take the fire apparatus in its charge beyond the corporate limits for any purpose whatever, except that of attending a fire or a mutual-aid call, without the express permission of the Chief or the Acting Chief, the Fire Committee or the Mayor.

§ 26-11. Defender Fire Company membership.

The Fire Company, known as "Defender Fire Company No. 1," shall not consist of more than 90 members to attend to the fire apparatus. Said Company shall, on the last Wednesday of November in each year, elect a President, Vice President, Secretary, Treasurer, one Sergeant at Arms, one historian and such other officers as may be necessary. Election shall be by ballot in accordance with the constitution and bylaws. No new regular members shall be admitted to the Fire Department who are not medically cleared to perform the duties of a firefighter.

§ 26-12. Bylaws.

For activities other than official duties, the Fire Company may make bylaws for its own regulation, which are not inconsistent with this chapter.

§ 26-13. Annual lists of active firefighters.

It shall be the duty of the Secretary of the Fire Company to file with the Municipal Clerk, on or before May 8 in each year, a complete list of the active firefighters of the Company who shall be in good standing.

§ 26-14. Expulsion of members; hearing.

Any person who may be expelled from the Fire Company may appeal therefrom to the Mayor and Council, who shall set a hearing of such appeal, giving notice thereof to the Secretary of the Fire Company and, at the time appointed, shall proceed to hear and determine the matter in a summary way, and the determination shall be final.

§ 26-15. Approval of members.

The names of all persons hereafter proposed or elected as regular members of the Fire Department shall be brought before the Mayor and Council for its approval.

§ 26-16. Amendments.

This chapter may be altered or amended at any regular meeting of the Mayor and Council.