

## ORDINANCE 2014-12

### AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING CHAPTER 22, "FIRE DEPARTMENT" OF THE TOWNSHIP CODE TO REFLECT CHANGES IN FIRE COMPANY NAMES, QUALIFICATION REQUIREMENTS, ATTENDANCE POLICY, EXEMPTION REQUIREMENTS AND APPLICATION PROCESS

**WHEREAS**, the Mayor and Township Council seek to clarify the names of the Township's two fire companies; and

**WHEREAS**, the Mayor and Township Council seek to clarify the qualification requirements for membership in the Hardyston Township Volunteer Fire Department; and

**WHEREAS**, the Mayor and Township Council seek to clarify the attendance requirements and record keeping function; and

**WHEREAS**, the Mayor and Township Council seek to clarify the exemption requirements; and

**WHEREAS**, the Mayor and Township Council seek to clarify the application process.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, as follows:

1. Chapter 22, "Fire Department" of the Code of the Township of Hardyston is hereby amended and shall read in its entirety as follows:

#### §22-1. Establishment

The Hardyston Township Volunteer Fire Department is hereby created and established with jurisdictional boundaries coextensive with the boundaries of the township.

#### §22-2. Names of fire companies.

The Hardyston Township Volunteer Fire Department shall be composed of two companies known as "Company No. 1" and "Company No. 2," and such additional companies as the Hardyston Township Council may authorize and approve. Members of the companies shall also be members of the Department.

#### §22-3. Qualifications.

No person shall hereafter become a member of the Hardyston Township Volunteer Fire Department or any unit thereof unless he or she is:

- A. A citizen of the United States and meets the age requirement of the Department by-laws;
- B. Physically fit to perform the duties of a fire fighter evidenced by a certificate to that effect by a practicing physician of the State of New Jersey after physical examination for that purpose;
- C. A resident of the State of New Jersey;
- D. Conforms to the requirements as stated in the by-laws of the Department;
- E. Submits to background checks as per township ordinance.

§22-4. Records of attendance at required duty.

Every member of the Fire Department shall in each year perform at least 50% of duty to be composed of actual attendance at fires and drills and a record shall be kept of such attendance and duty by the officer designated by the Fire Department by-laws and reported to the Township Council annually.

§22-5. Exempt Certificates.

Every member of the Fire Department shall be entitled to an exempt fire fighter's certificate when it appears that at the time of his or her appointment he or she met the requirements of N.J.S.A. 40A:14-56 and that he or she performed, during a period of seven years, 50% of fire duty in each year respectively.

§22-6. Application for membership.

Every person hereafter seeking to join the Fire Department shall make application to the Department, and upon his or her election to membership in accordance with the by-laws of the Department, he or she shall become a member in good standing of the Fire Department. The election of members of the Fire Department shall be immediately reported to the Township Clerk who shall keep an accurate and up-to-date record of all members of the Department. The members of the Department shall be deemed to be exercising a governmental function, and the adoption of this section, which has been at the request of the Fire Department shall be deemed to constitute a contract as required by N.J.S.A. 40A:14-68.

§22-7. Officers.

There shall be a Chief of the Department who shall be elected by the members of the Department. The Department shall also elect any other officers as provided for in the by-laws of the Department. All officers elected by the Department shall, upon approval of the Township Council, be sworn in at the annual reorganization meeting of the Township Council.

§22-8. Duties of Chief.

The Chief of the Fire Department shall be in command of the Department and all fires and fire-related incidents within the Township of Hardyston. The Chief shall be responsible for all decisions involving the use of fire apparatus within or without the township. He or she shall be responsible for the action and direction of the Department when officially summoned for duty and for other matters pertaining to the overall efficiency of fire fighting within the township. The Chief shall render monthly and annual reports to the Township Council covering such firematic activities as fires, drills, etc., but may delegate a subordinate to keep such records.

§22-9. Firematic Committee.

The Firematic Committee for the Department shall consist of the Chief and such other officers as may be designated in the by-laws of the Department.

2. All ordinances of the Township of Hardyston, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

4. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**NOTICE**

**PLEASE TAKE NOTICE** that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on September 10, 2014. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on September 24, 2014, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

**BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON.**

**JANE BAKALARCZYK, RMC/CMC  
TOWNSHIP CLERK**