

BOROUGH OF WANAQUE
ORDINANCE 1-0-15

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 13, "FIRE DEPARTMENT" TO REPEAL AND REPLACE ARTICLE I.

BE IT ORDAINED AS FOLLOWS:

Section 1. That Chapter 13, Fire Department, be amended to read as follows:

§ 13-1 Fire Department established.

A Fire Department of the Borough of Wanaque be and the same is hereby created and established and equipped within the territorial limits of the borough, and said Fire Department shall consist of the Fire Committee of the Borough Council, Fire Company Nos. 1 and 2 and such other companies as the Mayor and Council may from time to time establish, a Chief, two Assistant Chiefs,, Captains, Lieutenants and such other firefighters as may be appointed. Said Captains and Lieutenants shall be elected by each individual company, one Captain and two Lieutenants from each company.

§ 13-2 Borough Council to control equipment.

The said fire companies shall be entrusted with the fire equipment now owned by the Borough of Wanaque and such as may be hereafter acquired by it, subject, however, at all times to the control of the Borough Council.

§ 13-3 Membership.

The membership of said companies shall not exceed 40 men per company.

§ 13-4 Joining by members; membership roll.

The members and officers of said fire companies are made respectively members and officers of said Fire Department on signing the membership roll of said Fire Department and promising to perform the duties of a fireman as prescribed by the borough ordinances and the bylaws, which roll shall be kept in the custody of the Borough Clerk.

§ 13-5 Membership to be approved by Council.

No person shall become a member of a fire company until his election by the Fire Department is approved by the Mayor and Council.

§ 13-6 Dismissal of members.

The Borough Council or its designee shall have the right to expel, suspend or dismiss any member of any fire company upon written charge preferred by any officer of said Fire Department and a hearing by the Borough Council or its designee, but any member having charges preferred against him may be represented by counsel.

§ 13-7 Membership requirements; retirement age.

[Amended 2-27-1980 by Ord. No. 2-71-80]

No person shall become a member of any company unless said person shall be a citizen of the United States and a resident of the communities reference is section 13-17, of good moral character, between the ages of 18 and 46 and has passed a medical examination for fire duty. Retirement age for active members shall be fixed by agreement between the individual companies and the Mayor and Council.

§ 13-8 Election and duties of Chief and Assistant Chiefs.

The Chief shall have complete charge of the Fire Department at all fires and drills. In the absence of the Chief, the senior ranking officer or member present shall have complete charge of the Fire Department

at any fire or drill. He shall be elected by the Fire Department and confirmed by the Mayor and Council. The First and Second Assistant Chiefs shall also be elected by the Fire Department and confirmed by the Mayor and Council. The Fire Department, through its duly authorized officers, may recommend three or more candidates to the Mayor and Council for the position of Chief and the two Assistant Chiefs. The appointments shall be made annually in the month of January at the organization meeting of the Borough Council. It shall be the duty of each of the Assistant Chiefs to report to the Chief every month on the condition of the fire equipment and other matters concerning the Department, and the Chief shall, quarterly, report in writing concerning these matters to the Borough Council at its second monthly meeting after the end of the quarter, which report shall be filed with the Borough Clerk at least five days prior to said meeting. A copy of said report shall be filed with each fire company.

§ 13-9 RESERVED

RESERVED.

§ 13-10 Attendance requirements.

[Amended 2-27-1980 by Ord. No. 2-71-80]

Any member of said Fire Department who has failed to have an attendance record of 40% of alarms and drills during any calendar year shall be automatically dropped from said Fire Department, but nothing herein shall prevent any member from being granted a leave of absence for a period not exceeding one year; provided, however, that application be first made to the Borough Council and approved by it. Any new member of said Fire Department shall be appointed as a probationary fireman, and said probation period shall be for a period of one year, and during said period of probation said new member shall have an attendance record of 60% and shall attend and successfully complete a basic fire training program at an approved fire training school as designated by the Fire Chief while serving said probationary period. At the end of said probationary period, the respective company that has said member shall then vote to either accept or reject said member, and said company shall then notify the Mayor and Council as to the result of this vote and as to its recommendation whether said member should be accepted or rejected as a member of said Fire Department.

§ 13-11 Approval of bylaws.

The bylaws of said Fire Department shall be filed with the Borough Clerk after first having been approved by the Fire Committee and the Borough Council.

§ 13-12 Entitlement to badge; surrender of badge.

Each member of said Department, upon signing the roll of said Department, shall be entitled to receive a badge; and said badge shall remain the property of the Borough Council and be surrendered to said Borough Council upon the resignation, suspension or expulsion of any member.

§ 13-13 Amendment of bylaws.

The Borough Council reserves the right to alter or amend the bylaws of the Fire Department by ordinance or resolution as it shall see fit.

§ 13-14 Mutual aid agreements.

The Fire Department is hereby authorized to enter into a mutual aid agreement with any other municipality or fire department as is deemed necessary for the proper and safe action of the Department and for the safety of this or any other municipality. No equipment shall leave the Borough of Wanaque without the express consent of the senior officer in charge of the Fire Department at the time of the request. If no officer is available, the senior fireman is to take charge until an officer is available.

§ 13-15 Adoption of Fire Prevention Code; creation of Fire Prevention Bureau. [1]

The Borough of Wanaque shall adopt the Fire Prevention Code, in full, as drawn, written and/or amended by the American Insurance Association, and there shall be created, within the Fire Department, a Fire Prevention Bureau, and said Fire Prevention Bureau shall have the power to enforce the Fire Prevention Code.

[1]:

Editor's Note: See also Ch. [73](#), Fire Prevention.

[§ 13-16 Services to be voluntary.](#)

The services rendered by said Fire Department shall be voluntary.

[§ 13-17 Residency requirement.](#)

[Added 4-16-1984 by Ord. No. 4-0-84]

It is mandatory that all members of the Fire Department be residents of the Borough of Wanaque, Borough of Pompton Lakes, Borough of Ringwood, Township of West Milford, Borough of Bloomingdale, Borough of Riverdale or Township of Pequannock. In the event that such residence is terminated, membership in the Fire Department shall thereupon be terminated.

[§ 13-17A Criminal history background checks.](#)

Criminal history background checks required. Criminal history background checks shall be required for all members of the Fire Department.

[B.](#)

Definitions. For the purposes of this section, the following words and terms shall have the following meanings:

[AUTHORIZED VENDOR](#)

A vendor which is authorized by the State of New Jersey to conduct criminal history record background checks.

[CRIMINAL HISTORY RECORD BACKGROUND](#)

A determination of whether a person has a criminal record by cross-referencing that person's records with those on file with the Federal Bureau of Investigation Identification Division and the State Bureau of Identification in the Division of State Police.

[POLICE DEPARTMENT](#)

The Borough of Wanaque Police Department.

[C.](#)

Requests for criminal background checks and costs.

[\(1\)](#)

The Borough requires that all members of the Fire Department request through the Police Department that the State Bureau of Identification in the Division of State Police conduct a criminal history record background check on each prospective and current employee or volunteer of the organization. All prospective members must have the criminal history record background check completed before appointment by the Governing Body.

[\(2\)](#)

The Borough shall conduct a criminal history record background check only upon receipt of the written consent for the check from the prospective or current member.

[\(3\)](#)

The Borough shall bear the costs associated with conducting a criminal history background check.

[\(4\)](#)

The Division of State Police or the authorized vendor shall inform the Police Department whether the person's criminal history record background check reveals a conviction of a disqualifying crime or offense specified in Subsection [D](#) of this section. Any information received by the Police Department shall be confidential.

[D.](#)

Conditions under which a person is disqualified from service. A person may be disqualified from serving as a member of the Fire Department if that person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

(1)

In New Jersey, any crime or disorderly persons offense:

(a)

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;

(b)

Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq., such as endangering the welfare of a child;

(c)

Involving theft, as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;

(d)

Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except Paragraph (4) of Subsection (a) of N.J.S.A. 2C:35-10, possession of 50 grams or less of marijuana.

(2)

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.

E.

Submission/exchange of background information. A prospective or current member of the Fire Department shall submit his or her application and written consent to the Police Department for the criminal history record background check to be performed. The organization shall submit this documentation to the Police Department through the officer in charge, who shall cause the background check to be conducted, and refer the information to the State Police and FBI for the initial check. Thereafter, all subsequent background checks shall be submitted to the officer in charge, who shall coordinate a background check every three years after the date of the initial check.

F.

Limitations on access and use of criminal history record information.

(1)

Access to criminal history record information for non-criminal justice purposes, including licensing and employment, is restricted to the members of the Police Department as authorized by federal or state statute, rule or regulation, executive order, administrative code, local ordinance, or resolution regarding obtaining and disseminating of criminal history record information obtained under this section.

(2)

Criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be limited solely to the authorized purpose for which it was given, and it shall not be disseminated to any unauthorized persons or entities. Any person violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

G.

Challenge of accuracy of report.

(1)

If a criminal history record may disqualify a current or prospective member for any purpose, the current or prospective member shall be provided with an opportunity to complete and challenge the accuracy of

the information contained in the criminal history record. The current or prospective member shall be afforded a reasonable period of time to correct and complete this record. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the record.

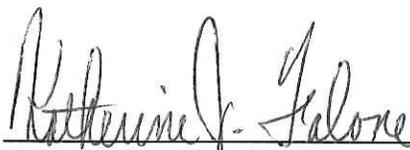
(2)

No person or entity shall be held liable in any civil or criminal action brought by any party based on any written notification on file with the Police Department pursuant to the provisions of this section.

H.

Notification of subsequent disqualifying offense. If a current or prospective member is convicted of a disqualifying crime or offense as specified in Subsection D hereof after such person has cleared the required background check, such person must immediately (but no later than three days after such conviction) notify the Borough Administrator of that fact. Such person shall be immediately disqualified from his or her position.

Dated: January 12, 2015



Katherine J. Falone, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #1-0-15

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was Introduced at a Regular Meeting of the Mayor and Council of the Borough of Wanaque, Passaic County, New Jersey, held on the 12th day of January 2015, and passed on first reading, and the same was then ordered to be published according to law; and that such Ordinance will be further considered for final passage at a meeting of said Mayor and Council to be held in the Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey, on February 9, 2015 at 8:00 P.M., at which time and place or at any time and place to which said meeting shall be from time to time adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WANAQUE.

DATED: January 12, 2015


KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #1-0-15

BE IT RESOLVED that an Ordinance entitled:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE,
CHAPTER 13, "FIRE DEPARTMENT" TO REPEAL AND REPLACE ARTICLE I.

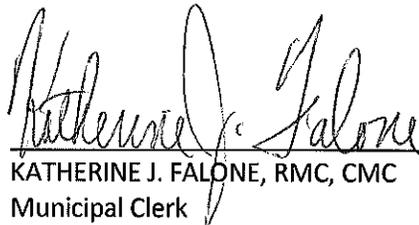
pass first reading, and that said Ordinance be further considered for final passage and adoption at a Regular meeting of the Borough Council to be held on the 9th day of February 2015, at the Municipal Building in the Borough of Wanaque, at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

AND BE IT FURTHER RESOLVED that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

Passed: 1/12/15

Filed: 1/12/15

Approved: 1/12/15


KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

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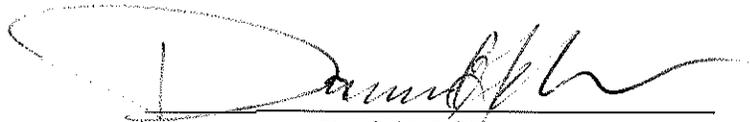
pass final reading and that said Ordinance be adopted as an Ordinance of the Borough of
Wanaque; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to
cause said Ordinance to be published in the manner prescribed by law.

Passed: 2/9/15

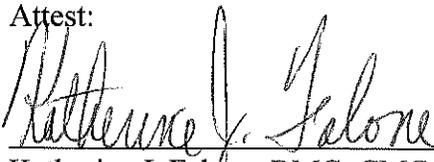
Final: 2/9/15

Approved: 2/9/15



Daniel Mahler
Mayor

Attest:


Katherine J. Falone, RMC, CMC
Municipal Clerk