

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING BOROUGH CODE CHAPTER III (PUBLIC SAFETY), ARTICLE II (FIRE DEPARTMENT)

WHEREAS, the Borough of Keyport, in the County of Monmouth, New Jersey (the "**Borough**"), a public body corporate and politic of the State of New Jersey, desires to amend Chapter III, Article II, Sections 3-30.1, 3-31.1, 3-31.2, 3-31.3, 3-31.4, 3-31.5, 3-31.6, 3-34, 3-34.2, 3-34.3, 3-34.4, 3-36.1, 3-38.2, 3-41.1, 3-41.3, 3-43.2 to incorporate the following amendments.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Keyport, in the County of Monmouth, New Jersey, as follows:

Section 1. Chapter III, Article II, Sections 3-30, 3-31, 3-33, 3-34, 3-35, 3-36, 3-37, 3-38, 3-39, 3-40, 3-41, 3-42, 3-43, 3-44, 3-45, and 3-46 are hereby deleted in their entirety.

Section 2. Chapter III, Article II, Sections 3-30 and 3-31 of the Borough Code are hereby added as follows:

§3-30. ESTABLISHMENT

§3-30.1 Company Designation and Organization.

- a. There shall be a Fire Department of the Borough of Keyport which shall have jurisdiction coextensive with the municipal boundaries of the Borough. The Borough hereby designates the volunteer fire company known as Keyport Fire Dept. Inc. as the Fire Department of the Borough. The Fire Department shall consist of the following departmental positions:
 1. Fire Chief
 2. Deputy Fire Chief
 3. Fire Captain
 4. Fire Lieutenants
 5. Supervisor of Apparatus
 6. Firefighters
 7. Junior Firefighters, and
 8. Fire Police/Support.
- b. There shall be only one Fire Chief and one Deputy Fire Chief. The bylaws of Keyport Fire Dept. Inc. shall establish the number of positions for the remaining departmental officers.
- c. Borough Volunteers. The members of the Fire Department shall be considered volunteers and subject to the Borough's policies and/or code of conduct for volunteers.

- d. Annual Appropriations. Subject to limits prescribed by law, the Borough shall provide an annual contribution to the Keyport Fire Dept. Inc. for the purpose outlined in N.J.S.A. 40A:14-34. All funds appropriated under this section shall be accounted for to the Borough Council annually.
- e. Company Bylaws. Keyport Fire Dept. Inc. shall adopt bylaws for its own government, not inconsistent with this Chapter, rules, and regulations of the Borough Council, or the laws of this state. Keyport Fire Dept. Inc. shall submit its bylaws, and any alterations or amendments, to the Borough Council for review. The bylaws shall include rules, regulations, and guidelines that relate to the government of the Department, response rules and regulations, member status, operational requirements and standards, rules and regulations regarding the handling of equipment, calls for aid, or any other situation where an emergency response is required. Keyport Fire Dept. Inc. acknowledges that it is responsible for the care and management of the vehicles, equipment, and the property of the Fire Department. The bylaws shall be reviewed and renewed by Keyport Fire Dept. Inc. on a regular basis.
- f. Applications Process. Any person interested in volunteering for the Fire Department shall apply to Keyport Fire Dept. Inc.. The Chief, or his/her designee, shall provide a copy of the application to the Borough by submitting a copy to the Clerk and the Business Administrator.

§3-30.2 Members of Fire Department.

- a. Firefighter. A firefighter of the Keyport Fire Department shall be responsible for performing all the duties required of an active firefighter and meet all the minimum requirements of a volunteer firefighter as established by State law and the bylaws adopted by the Keyport Fire Dept. Inc.. This person also must reside within five miles of the Borough to maintain firefighter status. The bylaws of Keyport Fire Dept. Inc. shall provide for other qualifications to maintain firefighter status, as well as minimum requirements to be permitted to serve as a voting member of the department.
- b. Reserve Member. A reserve member of the Keyport Fire Department shall be responsible for performing all the duties required of a firefighter and meet all the minimum requirements of a volunteer firefighter as established by State law and the bylaws adopted by the Keyport Fire Dept. Inc.. However, a reserve member is a member who does not reside within 5 miles of the Borough but is a resident of another municipality within the State of New Jersey. The bylaws of Keyport Fire Dept. Inc. shall provide other qualifications to maintain status as a reserve member.
- c. Fire Police/Support. Consists of members who are over the age of 18 and have completed the state-mandated Fire Police course. Fire Police shall render any assistance that the Chief or Deputy Chief may direct to prevent the hose or other apparatus from being damaged, the work of the firemen from being interfered with, or to protect public and private property. Support members are those with particular specialties required by the Fire Department.

- d. Life Member. A firefighter who has volunteered as a firefighter for the Keyport Fire Department of Keyport for a period of time as is established in the bylaws of the Keyport Fire Dept. Inc., but which shall not be less than 15 years. The Keyport Fire Dept. Inc. shall establish in its bylaws any other rights afforded to a life member who is no longer a firefighter.
- e. Auxiliary Member. The Keyport Fire Dept. Inc. shall establish the requirements to be identified as an auxiliary member of the fire department via the company's bylaws. Auxiliary members do not participate in firematic duties but may assist in events deemed appropriate by the Keyport Fire Dept. Inc.
- f. Except as otherwise provided herein, the bylaws of Keyport Fire Dept. Inc. shall establish the minimum requirements for firefighters who serve in executive officer positions.

§3-30.3 Chief.

- a. The Keyport Fire Dept. Inc. shall annually appoint or elect a Chief in accordance with the procedure established in its bylaws. For a firefighter to serve as Fire Chief, this person shall have met the following requirements:
 - 1. Shall have served as a member of the fire department or the predecessor fire companies that formed the fire department for a total of seven years;
 - 2. Shall have served as a Fire Chief, Deputy Fire Chief, Fire Captain, or Fire Lieutenant during his/her tenure; and,
 - 3. Shall have met any other requirements and achieved all certifications established by the bylaws of Keyport Fire Dept. Inc..
- b. The Chief shall be entitled to utilize a Borough vehicle in accordance with the Borough's vehicle use policy.
- c. The Chief shall be entitled to a stipend as established by the governing body in the Borough's Salary Ordinance.

§3-30.4 Deputy Chief.

- a. The Keyport Fire Dept. Inc. shall annually appoint or elect a Deputy Chief in accordance with the procedure established in its bylaws. For a firefighter to serve in the position of Deputy Chief for the Keyport Fire Department, this person shall have met the following requirements:
 - 1. Shall have served as a member of the fire department or the predecessor fire companies that formed the fire department for a total of seven years;

2. Shall have served as a Fire Chief, Deputy Fire Chief, Fire Captain, or Fire Lieutenant during his/her tenure; and,
 3. Shall have met any other requirements and achieved all certifications established by the bylaws of Keyport Fire Dept. Inc..
- b. The Deputy Chief shall be entitled to utilize a Borough vehicle in accordance with the Borough's vehicle use policy.
 - c. The Deputy Chief shall be entitled to a stipend as established by the governing body in the Borough's Salary Ordinance.

§3-30.5 Manner of Elections.

- a. There shall be an annual election for the positions of Fire Chief, Deputy Fire Chief, Fire Captain, or Fire Lieutenant for Keyport Fire Dept. Inc. no later than December 15. Elections shall occur in accordance with the bylaws of Keyport Fire Dept. Inc..
- b. The election results shall be reported to the governing body no later than December 31 of each calendar year, and those results shall be announced at the reorganization meeting.

§3-30.6 Vacancy.

- a. Should a vacancy occur during the term of a Fire Chief, there shall be a special election, which shall be conducted in accordance with the Fire Department's bylaws, to fill that position for the remainder of that term. Until that special election occurs, any vacancy will be filled by the Deputy Chief, who shall serve in that capacity until the results of a special election and shall be referred to as an "Acting Chief." Once the special election is completed, the person shall return to his/her prior position.
- b. Should a vacancy occur during the term of a Deputy Chief, there shall be a special election, which shall be conducted in accordance with the Fire Department's bylaws, to fill that position for the remainder of that term. Until that special election occurs, any vacancy will be filled by a firefighter appointed by the Chief, who shall serve in that capacity until the results of a special election as an "Acting Deputy Chief." Once the special election is completed, the person shall return to his/her prior position.
- c. For purposes of this section, "vacancy" shall mean a person who is absent for an extended period of time and does not intend to return to the position to which they were elected, which may occur due to illness, change of residency, removal for disciplinary purposes, or any other reason that would preclude the person from being able to serve in the capacity of Fire Chief or Deputy Chief.

§3-30.7 Equipment Right of Way.

Any equipment or apparatus of the Keyport Fire Department responding to a fire, alarm of fire, or any other emergency situation, shall have the right of way along any street in the Borough of Keyport. All persons driving vehicles shall leave a free and unobstructed passage for any fire apparatus in the street, and shall exercise care when responding to an emergency.

§3-30.8 Complaints and Discipline.

- a. All members of the Keyport Fire Department are required to conduct themselves professionally at all times, and shall be subject to discipline for any violation of the rules of the Keyport Fire Dept. Inc., which shall include but not be limited to the following:
 1. An offense punishable under any federal or state law, or municipal ordinance;
 2. An act of negligence;
 3. Negligent or intentional failure or refusal to obey any lawful instruction or command of a superior officer;
 4. Violations of code of conduct established by the Borough for volunteers; or,
 5. Conduct unbecoming of a firefighter.
- b. The appropriate discipline imposed shall be decided on a case-by-case basis in accordance with the process established by the bylaws of the Keyport Fire Dept. Inc., following notice and process, and may include the following penalties:
 1. Oral reprimand;
 2. Written reprimand;
 3. Suspension;
 4. Demotion; or
 5. Severance from the Department.
- c. A member's prior disciplinary history may be considered in determining any penalty. No person dismissed or terminated from any fire company shall be eligible for re-admittance as a member of the Fire Department.
- d. In the event that the Keyport Fire Department fails to impose appropriate discipline in accordance with this Section, the Borough reserves the right to impose discipline, up to and including removal. Any such discipline shall be upon notice and service of written charges to the member and to the Chief, at least five (5) days in advance of a hearing before the Borough Administrator. The member may, within five (5) days of the Borough Administrator's determination, appeal the determination of the Borough Administrator in

writing to the governing body of the Borough, which shall schedule a hearing before a three-member panel for a final determination.

§3-30.9 Junior Firefighter Program.

- a. Pursuant to the authority granted by N.J.S.A. 40A:14-95, the governing body of the Borough of Keyport authorizes the creation of a Junior Firemen's Auxiliary of the Keyport Fire Department to develop and create interest among teenage residents in service in the volunteer Fire Department, to teach such youth fundamentals of fire protection practices, to encourage interest in fire prevention activities, and to render limited nonhazardous assistance to the Fire Department. The direction, management, supervision, operation and control of the auxiliary shall be the responsibility of the Chief of the Fire Department and the advisor(s) of the Junior Firefighter Program.
- b. An applicant for membership in the Junior Firemen's Auxiliary shall have the following qualifications at the time of his or her application:
 1. Be a citizen of the United States;
 2. Be aged 14 through 18 years;
 3. Be of good physical health, to be evidenced by a medical certification to that effect after taking of a physical examination; and
 4. Have the express written consent of his or her parents or guardians authorizing him or her to apply for membership and, if accepted, to participate in the activities of, and perform the duties imposed upon, members of the auxiliary as such activities and duties are delineated in this chapter and the rules and regulations of the Fire Department.
- c. Procedure for application for membership.
 1. All applications shall be submitted to the Chief and/or the Advisor of the Program. A copy of same shall be provided to the Clerk and/or the Business Administrator for the Borough.
 2. It shall be the responsibility of the Chief and/or the Advisor of the Program to ensure compliance with state law, the rules set forth herein, and the bylaws of the Fire Department prior to acceptance of an application to join the Junior Firefighter Program.
 3. The Chief and/or the Advisor of the Program shall advise the applicant if an application is granted or denied.
- d. All probationary and regular members of the Junior Firefighter Program shall be covered by the insurance policies provided to the Fire Department by the Borough.

e. Expectations and Responsibilities.

1. Junior firefighters shall be expected to attend all training sessions in each year. For those junior firefighters who are then enrolled in secondary education, they shall not participate in any Department activity during those hours when such schools are in session.
2. Junior firefighters shall at all times conduct themselves appropriately and shall adhere to the standards for firefighters, including but not limited to the Borough's code of conduct for volunteers and the code of conduct established by the Fire Department's bylaws.
3. Junior firefighters, when responding to a fire, shall obey all traffic rules and regulations. Any member who shall be convicted of any moving violation of the motor vehicle laws of this state while responding to a fire, or function of the Department may be subject to discipline, up to and including removal.
4. Junior firefighters shall not be permitted to enter any burning structure or to engage in any activity while on duty or engage in any function that would be hazardous. Instead, the Chief and/or the Advisor of the Program shall establish a policy that shall ensure members of the Junior Firefighter Program are not exposed to harm and adequate supervision when observing firefighting activities. Junior firefighters are expected to obey any order or direction of the officers of the firefighters on duty. Failure to do so shall subject that junior firefighter to discipline, up to and including suspension or dismissal.
5. The Chief and/or the Advisor of the Program shall ensure compliance with all State labor laws.

§3-31 FIRE DEPARTMENT EQUIPMENT

§3-31.1 Uniform; badge.

Each member of the Fire Department shall obtain a uniform and a badge of a pattern and design approved by the Fire Department, and the Fire Department shall issue an identification card to be carried by each member. The Chief, Deputy Chief, Captains, and Lieutenants of the Fire Department shall provide themselves each with suitable badges or emblems of rank, which shall be worn in a conspicuous place when at a fire and going to and returning from it. Each badge shall plainly indicate the office of the wearer.

§3-31.2 Termination of membership.

Upon termination of membership in the Fire Department all issued equipment and the Fire Department issued identification card must immediately be returned to an authorized representative of the Fire Department.

§3-31.3 Major fire apparatus.

No fire engine, hook and ladder truck, hose truck or other apparatus shall during any alarm of fire or at any other time under any pretense whatever be taken or removed out of its house unless the Chief, Deputy Chief, a Captain, a Lieutenant, a Chief Engineer, or a member of the company is present and consents. Nor shall any engine, hook and ladder truck, hose truck or other apparatus be taken out of the limits of the Borough except with the consent of the Chief or Deputy Chief, or the Mayor, and then only if to be taken out of the Borough for parades, repairs, drills or emergencies.

§3-31.4 Apparatus and equipment.

- a. Ownership and purchase. The title to ownership of all apparatus, equipment, hose and other property used by the Fire Department shall be vested in the Borough. The Department shall be equipped with such apparatus and other equipment as may be required to maintain its efficiency and properly protect life and property from fire. Recommendations for apparatus and equipment needed shall be made by the Fire Chief to the Borough Council. Purchases of apparatus and equipment shall be made only by the Borough Council at such time and in such manner as the Borough Council determines.
- b. Housing facilities and maintenance. The Borough Council shall have authority to lease or purchase adequate housing facilities for all municipally owned fire apparatus, equipment, supplies and furnishings for the Fire Department.
- c. Use and handling. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without authority take away or conceal any article belonging to or used in any way by the department.
- d. Removal from Borough. No apparatus is to leave the Borough without the consent of the Fire Chief or the next highest ranking officer available. The officer in charge of the Fire Department shall have the power to assign the equipment for a response to calls for outside assistance and in other cases only when the absence of such equipment in his or her judgment will not jeopardize fire protection in the Borough.
- e. Authorized drivers. Only members of the Fire Department shall be permitted to drive fire apparatus. Each driver must have a driver's license issued by the State of New Jersey and be approved as a driver or operator of the apparatus and must be fully instructed in the use, care and operation of the vehicle of which he or she has charge.

§3-31.5 Storage rooms; water supplies; hose.

No person except a member of the Fire Department shall enter any room in which is stored or kept any fire engine, hook and ladder truck, hose truck or fire alarm equipment, except when the Borough Council shall authorize it to be used for election purposes, unless by permission of a member of the Fire Department. The foregoing provision shall not be construed to apply to the Borough Council members, or persons who accompany them by express invitation, or to any law enforcement officer in the proper discharge of his duty. No person shall, at any time, drive a wagon, cart or any vehicle over, or in any way move, any ladder, hose or any

other fire apparatus, whether belonging to the Fire Department or otherwise without consent of an officer of the Fire Department.

§3-31.6 Use of Department-issued equipment.

Fire Department-issued equipment is for use only when the Fire Department is dispatched for firematic emergencies, calls for aid, or other situations where response of the Fire Department is required.

Section 3. The effective date for this Ordinance shall be April 15, 2025.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Introduced: March 4, 2025

Public Hearing: April 15, 2025

Adopted:

Michele Clark, RMC
Borough Clerk

Rose P. Araneo, Mayor
Borough of Keyport