

**ORDINANCE NO. 2020-01
BOROUGH OF LEONIA
COUNTY OF BERGEN**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 29 OF THE
ORDINANCE OF THE BOROUGH OF LEONIA ENTITLED "FIRE DEPARTMENT"**

BE IT ORDAINED by the Mayor and Council of the Borough of Leonia, County of Bergen, State of New Jersey, as follows:

Section 1.

Chapter 29 of the Code of the Borough of Leonia "Fire Department" be and is hereby repealed in its entirety and replaced by the following:

Chapter 29. Fire Department

Article I. Establishment and Organization

§29-1. Establishment of Leonia Volunteer Fire Department.

There is hereby established a Leonia Volunteer Fire Department ("Department"), which consists of the present Fire Department known as Leonia Volunteer Fire Company #1, Inc. ("Fire Company"), as a department of the Borough of Leonia. In accordance with N.J.S.A. 40A:14-68, the Borough may enter into an agreement with a volunteer fire company or companies for purposes of extinguishing fires and for such other purposes as the Borough shall deem appropriate.

§29-2. Membership.

All applicants shall meet the following requirements:

- Be a citizen or permanent resident of the United States
- Be at least 18 years of age
- Be a resident of Leonia or a resident of Bergen County residing within five miles of Leonia for at least the past year, or be employed by the Borough of Leonia. This section shall not be applicable to existing members of the Department in good standing.
- Hold a high school diploma or high school equivalency or shall be currently enrolled in an accredited high school

Membership will be subject to successful completion of a physical examination, including a drug screen, and a criminal background check.

Applications for the Department may be obtained at Borough Hall or Leonia Fire Headquarters. Completed applications shall be submitted to the Chief or Deputy Chief of the Department.

If approved, applicants, by resolution adopted by the Mayor and Council, shall become probationary members of the Department and subject to the Fire Company's bylaws and all applicable rules and regulations.

§29-3. Fire Committee.

Subject to the control of the Mayor and Council, the management of the lands, buildings, property and apparatus assigned to the use of the Department be and are hereby vested in a Committee of the Mayor and Council to be known as the "Fire Committee". The Fire Committee shall consist of three members of the Council, who shall be appointed annually by the Mayor at the time of the appointment of the standing committees now provided for in the bylaws of the Council. It shall be the duty of the Fire Committee to report the conditions of the Department, the apparatus and firehouses within the Borough, together with the amount of money deemed necessary to properly conduct the operations of the Department for the following year to the Mayor and Council at its regular meeting in February of each year. The Fire Committee shall meet with the Chief Fire officers (Chief, Deputy Chief and Captain) at least once a month to review reports of the condition of the Department, to receive and review bills for expenses of the Department, and to transact such other business as may come before it and to report the proceedings of the meeting at the next meeting of the Mayor and Council.

§29-4. Constitution and Bylaws.

The governance and management of the Department shall be in accordance with the Constitution and Bylaws adopted by the members of the Fire Company, and approved by the Mayor and Council.

§29-5. Insurance for Members in Good Standing.

The Borough shall provide each active member in good standing of the Department with \$25,000 of life insurance. In addition, the Borough shall provide accidental death and dismemberment benefits as set forth in the accident and sickness coverage for emergency service personnel. The Mayor and Council shall provide the same insurance coverage to members of the Junior Firefighter's Auxiliary. Any retiring member of the Leonia Volunteer Fire Department in good standing who is over the age of 70 or who has served at least 20 years shall be provided with \$12,500 of life insurance upon retirement.

§29-6. Election of Chief and Other Officers.

In accordance with N.J.S.A. 40A:14-68, the Chief, Deputy Chief, Captain, Lieutenants and other such officers, shall be elected by the members in good standing of the Fire Company, in December of each year. At least one of the positions of Chief, Deputy Chief and Captain must be filled by a Leonia resident. The Chief shall forward the names of all the duly elected officers to the Borough Clerk and to the Chairman of the Fire Committee. All officers shall hold a term of office of one year or until their successors shall be duly elected and sworn to duty. The Mayor shall cause the newly elected officers to be sworn in at the annual reorganization meeting of the Mayor and Council.

§29-7. Powers and Duties of Chief.

The Fire Chief shall be the chief executive officer of the Department, subject to the direction and control of the Mayor and Council. The Chief shall be responsible for all functions of the Department, including but not limited to, the following: Junior Firefighter's Auxiliary; the fire apparatus and equipment used by the Department; the conduct, discipline and efficiency of the members of the Department, and the enforcement of the Department rules and regulations.

The Fire Chief, or in the Chief's absence, the Deputy Chief or, in the Deputy Chief's absence, the Captain, shall:

- Have sole and absolute command of the Department at the scene of all fires and/or emergencies to which the Department is called
- Examine at least monthly the condition of all fire engines, apparatus and other property belonging to the Department
- Report the condition of all property and any repairs or expenditures required in connection therewith to the Fire Committee

§29-8. Suspension or Expulsion of Members; Notice and Hearing.

- A. The Mayor and Council may suspend or expel any member of the Leonia Volunteer Fire Department for unbecoming conduct or behavior, neglect in violation of any duty incumbent upon any such person, or based upon the results of a criminal background check. No suspension or removal shall be made without notice to the member and without an opportunity to be heard before the Fire Committee. The suspended or expelled member may appeal to the Mayor and Council within 14 days of the Fire Committee's determination.
- B. Any member suspended from the Leonia Volunteer Fire Department shall, during such suspension, forfeit all rights and privileges as a member of the Department and Fire Company.
- C. Expelled or suspended members may be permitted access to the firehouse for meetings and other events, under supervision of an active member, subject to the Fire Chief's approval.

§29-9. Annual Inspection.

The Department, including its members, apparatus and equipment, shall be available to the Mayor and Council for an annual inspection on Memorial Day or on a date, time and place as may be determined by the Fire Committee in consultation and coordination with the Chief.

§29-10. Biennial Physical Examinations.

- A. Every member of the Department shall undergo a physical examination prior to initial appointment and every even-numbered year thereafter. The examination shall be performed by a qualified physician, selected by and at the expense of the Borough, or by a licensed physician as chosen by the member at the member's expense, who shall evaluate the member for his/her abilities to perform the functions of a firefighter.

- B. The physician performing the examination shall only provide to the Borough a pass or unable to perform the duties report to the Borough and the said report shall be filed in the member's personnel file. Failure to complete or pass the physical examination shall be cause for suspension of the said member who shall not be eligible to participate in any activities of the Department. Any member who fails to pass the examination may, at his/her own expense, seek additional medical treatment or advice. Should the member's treating physician find that the member is eligible to participate, the physician shall submit the pass report to the Borough and such member shall be reinstated to the Department. Members with 20 or more years of service to the Department who fail to pass the biennial physical examination will be offered an opportunity to be appointed as Firefighter Emeritus pursuant to §29-12 herein.

§29-11. Biennial Criminal Background Checks.

The members of the Department are required to consent to and undergo a criminal history record check, to be performed prior to the member's initial appointment and in January of every even-numbered year thereafter.

§29-12. Firefighter Emeritus.

Any member who has completed 20 or more years of service who resigns, retires, or fails to pass the required biennial physical examination, shall be eligible to become a Firefighter Emeritus. Such members shall be entitled to visit the firehouse and to participate in the annual inspection and other Department functions and shall be entitled to an annual clothing allotment of \$400. A Firefighter Emeritus is subject to the provisions of the rules and regulations of the Department.

§29-13. Death Benefits.

In the event of the death of any member or former active member of the Fire Department who is not entitled to the burial benefits provided by the New Jersey State Firemen's Association, the active member or former active member shall be entitled to receive from the Borough an amount equal to the burial benefits that would have been provided by the New Jersey State Firemen's Association to the member or former active member of the Department had the member or former active member been eligible to receive such burial benefits from the New Jersey State Firemen's Association.

§29-14. Clothing Allowance.

The members of the Fire Department shall receive an annual payment as approved by the Mayor and Council pursuant to resolution, which sum shall be paid to such members as shall be entitled, on the first Monday of December of each year. Said payment shall cover any losses that may have been incurred in attending fires.

§29-15. Access to the Firehouse.

Unrestricted access to the firehouse and Borough-owned fire vehicles is limited to active members of the Department, the Mayor, Fire Committee and Borough Administrator. Members of the Council, Borough employees, contract vendors providing goods and/or services on behalf of the Borough shall be permitted into the firehouse as authorized. Family members and guests of active members under the age of 18 are permitted into the firehouse during the hours of 8:00 a.m. and 10:00 p.m., only if the active member or the child's parent or guardian is present on the premises at all times. Permission to ride on fire apparatus during non-emergency situations may be authorized by the Fire Chief, provided that a participation form waiving liability for death or injury as approved by the Borough's Risk Manager is signed by the participant or the participant's parent or guardian.

§29-16. Alcoholic Beverages.

The consumption of alcoholic beverages in the firehouse or on fire company premises is prohibited except by permission granted by the Mayor and Council on a case-by-case basis for functions or events.

§29-17. (Reserved)

Article II. Junior Firefighter's Auxiliary.

§29-18. Establishment.

There is hereby created and established in and for the Borough of Leonia, a Junior Firefighter's Auxiliary subject to the conditions of this article.

§29-19. Name of Organization.

This organization shall be known as the "Leonia Junior Firefighter's Auxiliary".

§29-20. Composition.

The Leonia Junior Firefighter's Auxiliary shall consist of no more than eight members.

§29-21. Qualifications for Membership.

The qualifications for membership in the Leonia Junior Firefighter's Auxiliary shall be as follows:

- A. Each member shall be a resident of the Borough of Leonia.
- B. Each member shall be examined by and certified to be in good health by the duly licensed physician approved by the Leonia Fire Department, who shall certify, in writing, as to the applicant's good health.
- C. An applicant for membership must be a citizen or permanent resident of the United States and have attained the age of 16 years and have resided in the Borough of Leonia for at least six months immediately preceding the filing of the application. The member of the Leonia Junior Firefighter's Auxiliary shall continue to be eligible for membership up to and including the member's 18th birthday, unless, at that time, the member has made formal application to join the regular Volunteer Fire Department of the Borough and there exists no opening for the member in the regular Department, in which event, the member may continue in active membership in the Junior Auxiliary until such time as an opening in the regular Department occurs.

§29-22. Application for Membership.

Applications for membership in the Leonia Junior Firefighter's Auxiliary shall be made on approved forms as prescribed by the Fire Department of the Borough of Leonia, and shall conform in all respects with any applicable state law or local ordinance or regulation promulgated by the Mayor and Council of the Borough. Each application for membership shall be accompanied by a statement from the applicant's parent or guardian consenting to the applicant's membership in the Junior Firefighter's Auxiliary.

§29-23. Insurance Coverage.

Members of the Leonia Junior Firefighter's Auxiliary shall be insured with the same coverage and with the same amount as members of the regular Leonia Fire Department.

§29-24. Training of Members.

The training of members of the Leonia Junior Firefighter's Auxiliary shall be the responsibility of the Chief of the Fire Department, who shall provide, through designated members of the regular Department, an educational program in firematics designed to train said members toward their eventual membership in the regular Volunteer Fire Department of the Borough of Leonia.

§29-25. Duties.

Junior volunteer firefighters may assist a regular firefighter in pulling, packing and cleaning fire hose, may wash apparatus and attend a fire hose at a fire from outside of any building, provided

that a regular member of the Department shall be with the junior at all times. No member of the Junior Firefighter's Auxiliary shall directly approach a fire or enter a burning building. While attending a fire, a member of the Junior Firefighter's Auxiliary shall be fully equipped in regulation clothing and gear provided by the Borough.

§29-26. Organization.

The Junior Firefighter's Auxiliary shall from its membership elect a President, a Vice President and a Secretary-Treasurer and shall adopt such bylaws as may be, from time to time, approved by both the regular Volunteer Fire Department of the Borough and the Mayor and Council of the Borough.

§29-27. Filing of Reports.

The Fire Chief of the regular Volunteer Fire Department of the Borough shall file regular reports, not less than semiannually, with the Mayor and Council of the Borough concerning the membership, training and status of the Junior Firefighter's Auxiliary.

Article III. Daytime Firefighters.

§29-28. Establishment.

There is hereby created and established in and for the Borough of Leonia, the position of daytime firefighter. Except as otherwise provided in this article, each daytime firefighter shall have the status of a member of the Fire Department with all corresponding rights, obligations, duties and privileges as described in this Chapter 29 of the Leonia Code.

§29-29. Composition.

There shall be not more than five daytime firefighters in each company at any one time.

§29-30. Qualifications for Membership.

The qualifications for the position of daytime firefighter shall be as follows:

- A. Each daytime firefighter must be an employee of the Borough of Leonia and at least eighteen years of age; provided, however, that no daytime firefighter may be:
 - (1) A member of the Police Department of the Borough of Leonia; or
 - (2) Hold any office in the Fire Department of the Borough of Leonia. "Office" includes the offices of Chief, Deputy Chief, Captain, Lieutenant or Engineer of the Leonia Fire Department.
- B. Each daytime firefighter must have attained at least Firefighter I certification.

- C. Each daytime firefighter must certify that he or she will abide by and uphold the bylaws of the Leonia Fire Department.

§29-31. Duties.

The duties of each daytime firefighter shall be the same as and co-extensive with the duties of each member of the Fire Department. Nothing in this article shall serve to limit a daytime firefighter to responses during particular periods of the day. The daytime firefighter is on-call 24 hours a day, except as otherwise ordered by a superior officer of the Fire Department.

Article IV. Stipend Program

§29-32. Program Established; Amount of Stipend.

- A. There is hereby established a monthly stipend program that shall be available to active members of the Leonia Volunteer Fire Department. The amount to be paid to each such active member shall be based upon participation and response to alarms of fires and for attendance at and successful completion of required training sessions as may be scheduled by the Chief of the Department and his/her designee.
- B. The amount of the monthly stipend to be paid to each eligible member shall be paid quarterly by the Borough Personnel Officer through the Borough payroll system.
- C. The amount of such monthly payment shall be based upon a formula approved by the Mayor and Council and shall be within the budget allocation of the adopted annual budget of the Borough.
- D. This Stipend Program shall not affect the LOSAP Program as contained in Chapter 66 of the Borough Code.

§29-33 through §29-34. (Reserved).

Article V. East Bergen Firefighters Mutual Aid Association

§29-35. Participation Authorized.

The Borough of Leonia Fire Department is authorized to participate in the East Bergen Firefighters Mutual Aid Association (EBFMAA).

§29-36. Member Composition.

For the purposes of this article, the EBFMAA consists of the following municipalities:

- A. Cliffside Park;
- B. Edgewater;

- C. Englewood;
- D. Englewood Cliffs;
- E. Fairview;
- F. Fort Lee;
- G. Leonia;
- H. Palisades Park;
- I. Ridgefield; and
- J. Other municipality(s) or agency(s) as may meet the criteria for admission as set forth by the EBFMAA.

§29-37. Contacting Association for Aid.

Whenever, in the opinion of the Fire Chief or incident commander of a fire or other emergency situation within the jurisdiction of the Fire Department, additional equipment or manpower is needed in the Borough of Leonia to control an emergency situation, the EBFMAA can be contacted to supply such equipment and manpower.

§29-38. Mutual Aid to be Provided to Members.

Whenever a member town of the EBFMAA requests assistance, the Leonia Fire Department will supply the requested assistance if the Fire Chief or incident commander feels sufficient resources remain within the municipality or steps have been taken to supply such resources to provide local fire protection coverage.

§29-39. Mutual Aid Provided to Nonmembers.

The Fire Chief or incident commander can provide assistance as requested by municipalities outside the EBFMAA group, if such requests fall within the guidelines of applicable state statutes, county guidelines or Office of Emergency Management (OEM) requests, if the Fire Chief or incident commander feels sufficient resources remain within the Borough or steps have been taken to supply such resources to provide local fire protection.

§29-40. Name of Fire Department Contributed to Association Mission Statement.

The name of Leonia Fire Department shall contribute to the EBFMAA mission statement so as to provide a broad array of fire services with competence and professionalism and to provide a safe environment for firefighters and the people of our communities through the effective and

efficient utilization of the National Incident Management System (NIMS), as adopted by the New Jersey State Division of Fire Safety, and the EBFMAA dispatching procedures.

§29-41. Out-of-County Response.

For an out-of-county response, the EBFMAA will follow the New Jersey Fire Service Resource Emergency Deployment Act. Refer to N.J.S.A. 52:14E-18, out-of-county fire service resources.

§29-42. Rules and Regulations; Execution of Agreements; Expenditure of Funds.

The Mayor and Council shall, by resolution, make rules and regulations governing the participation of the Leonia Fire Department in the EBFMAA and may also, by resolution, authorize the execution of such agreements, the performance of such other acts and the expenditure of such funds as may be required to effectuate the purposes of this article.

Section 2.

All other provisions of the Code of the Borough of Leonia not inconsistent herewith are hereby ratified and confirmed.

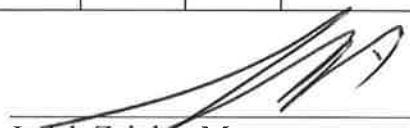
Section 3. Severability

If any article, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. Effect

This Ordinance will take effect upon publication as required by law.

	Motion	Second	Yes	No	Abstain	Absent
Fusco			✓			
Davis			✓			
Flaim			✓			
Grandelis			✓			
Terrell		✓	✓			
Ziegler	✓		✓			
Mayor Zeigler	---	---				



 Judah Zeigler, Mayor

ATTEST:


 Anne Dodd, RMC
 Borough Clerk

I hereby certify the foregoing to be a true copy of an Ordinance No. 2020-01 adopted by the
Governing Body of the Borough of Leonia on February 3, 2020.



Anne Dodd, RMC
Borough Clerk