

ORDINANCE 09 - 2022

AN ORDINANCE OF THE BOROUGH OF MOUNT ARLINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER IV, SECTION 15 OF THE CODE OF THE BOROUGH OF MOUNT ARLINGTON ENTITLED "FIRE DEPARTMENT"

WHEREAS, the Borough of Mount Arlington (the "Borough") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Mayor and Borough Council desire to amend and supplement Chapter IV, Section 15 of the Revised General Ordinances of the Borough with respect to the governance of the Borough's fire department.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Mount Arlington, County of Morris, New Jersey that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter IV, Section 15 of the Revised General Ordinances of the Borough entitled "Fire Department" is hereby amended as follows (additions are underlined and deletions are in ~~striketrough~~):

§ 4-15 Fire Department.

A. Establishment. The Borough recognizes the Mount Arlington Fire Company, Inc., a duly incorporated volunteer fire company, doing business as the Mt. Arlington Fire and Rescue Company (the "Fire Department"), as an agent and instrumentality of the Borough for the prevention and control of fire, and that company is authorized to use the fire equipment, hydrants and facilities of the Borough in discharging its functions.

B. Officers; members. Officers and members of the Fire Department shall be chosen and admitted to membership in accordance with the bylaws of the company which, under and until superseded by rules and regulations of the Borough Council, shall govern the Fire Department generally. All officers and members of the Fire Department, regardless of their designation, shall be subject to confirmation by the Borough Council prior to taking office or becoming members of the Fire Department. All operators of vehicles shall be approved by the Council.

(a) Officers. The membership of the Fire Department shall elect the following officers each calendar year, who will be recommended to the Mayor and Council of the Borough for appointment to these offices. Chief, Assistant Chief, Captain, Lieutenant and 2nd Lieutenant shall be residents of the Borough of Mount Arlington.

(b) Membership. No person shall become a member of the Fire Department unless they shall be a resident of the Borough or reside within five miles of the boundary line of the

Borough of Mount Arlington.

- C. Rules and regulations. ~~The Borough Council may by resolution promulgate, amend and repeal rules and regulations relative to membership requirements and administration of the Fire Department.~~ The Fire Department shall establish and maintain its own rules, regulations and By-Laws, provided that they are consistent with and conform to all provisions of this chapter.
- D. Exemption certificate. Pursuant to N.J.S.A. 40A:14-57 et seq., a fireman otherwise qualified who has performed 60% of fire duty in the Fire Department during each of seven years shall be entitled to the issuance of an exempt fireman certificate and all of the rights and privileges incident thereto. Sufficiency of service shall be established by records of the Fire Department filed annually with the Borough Clerk. Such records shall be verified by the Chief pursuant to N.J.S.A. 40A:14-57.
- E. Junior Firemen's Auxiliary.
- (1) Pursuant to the provisions of N.J.S.A. 40A:14-95 et seq., it is hereby established within the Fire Department ~~of the Borough of Mount Arlington~~ a Junior Firemen's Auxiliary.
 - (2) No person shall be eligible for membership in the Junior Firemen's Auxiliary who is less than 16 or more than 18 years of age. Persons between the ages of 16 and 18 shall be required to obtain permission to join the Auxiliary from their parents or guardian. Such permission shall be in writing and acknowledged or proved in the manner required by law for deeds to real estate to be recorded.
 - (3) The Borough of Mount Arlington may provide members of the Junior Firemen's Auxiliary the same insurance coverage as provided for the regular volunteer firemen of the ~~fire district~~ Fire Department under N.J.S.A. 40A:14-37 and 40A:14-38.
 - (4) The Fire Department shall formulate rules and regulations to govern the activities of the auxiliary. The rules and regulations shall provide for the training of the Auxiliary for eventual membership in the ~~Volunteer Fire Department of the Borough~~, and shall further provide that no junior fireman shall be required to perform duties which would expose him to the same degree of hazard as a regular member of a Volunteer Fire Company. The rules and regulations once adopted by the Fire Department shall be submitted to the governing body of the Borough of Mount Arlington for its further consideration and adoption.
 - (5) Persons shall be admitted to membership in the Junior Firemen's Auxiliary in accordance with the rules and regulations provided for in Subsection E(4). Upon election to membership in the Junior Firemen's Auxiliary by the Fire Department, in accordance with its bylaws and the rules and regulations established pursuant to this chapter, said persons shall be subject to confirmation by the governing body prior to becoming members of the Junior Firemen's Auxiliary.
- F. Violations. Any member of the Fire Department violating any provisions of this chapter or the Company By-Laws shall, in addition to such other penalties as may be herein provided, be liable to expulsion from the Fire Department.

Section 3. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. Except as amended by this ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 6. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This ordinance shall be in full force and effect from and after its adoption and any publication according to law.


I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on May 17, 2022 and will be further considered after a Public Hearing held on June 14, 2022 at the Municipal Building at 7:00 p.m.

INTRODUCED: May 17, 2022

ADOPTED: June 14, 2022

ATTEST:

BOROUGH OF MOUNT ARLINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY



Matthew N. Bansch
Borough Clerk



Michael Stanzilis, Mayor
Borough of Mount Arlington