

ORDINANCE 2022-01
NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN that the foregoing ordinance was submitted in writing at a meeting of the Mayor and Council of the Borough of Butler in the County of Morris and the State of New Jersey held on the 15th day of February, introduced and read by title and passed on first reading and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on March 15, 2022 at 7:00 o'clock in the evening prevailing time, in said Borough at the Municipal Building, One Ace Road, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

BOROUGH OF BUTLER
ORDINANCE NO. 2022 - 01

ORDINANCE AMENDING CHAPTER 21, "FIRE DEPARTMENT", OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF BUTLER

BE IT ORDAINED by the Mayor and Council of the Borough of Butler, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 21 of the Revised General Ordinances of the Borough of Butler entitled "Fire Department", Section 21-3 "Election and Appointment of Officers" shall be amended to read as follows:

§ 21-3. Election and appointment of officers; qualifications.

- A.** Qualifications for officers. All officers of the Butler Fire Department must meet the following qualifications:
- (1) Be a resident of the Borough of Butler or a contiguous municipality.
 - (2) Be an active member in good standing in the Butler Fire Department.
 - (3) Must be a Fire Fighter 2 with the New Jersey Division of Fire Safety Certificate.
 - (4) Must be physically able to perform all duties of the rank held.
 - (5) Must be a National Incident Management Level 1 with the New Jersey Division of Fire Safety Certificate.
 - (6) Must be able to pass a background check.
 - (7) Must be able to pass a driver's license check.
 - (8) Must meet all other applicable Fire Fighter Standards per PEOSH.
- B.** Qualifications for Chief. The qualifications for a Chief in the Butler Fire Department shall be as follows:
- (1) Shall have served in all ranks of officer prior to this rank.
 - (2) Must be a National Incident Management Level 3 with the New Jersey Division of Fire Safety Certificate.
 - (3) Must be a Fire Officer Level 2 with a New Jersey Division of Fire Safety Certificate.
 - (4) Must be an active member of the Morris County Alliance of Active Fire Chiefs and the Morris County Fire Chiefs Associations.
 - (5) Not hold elected office as Mayor or a Councilman during the term as Chief.
 - (6) Must be a resident of the Borough of Butler
- C.** Qualifications for Deputy Chief. The qualifications for a Deputy Chief in the Butler Fire Department shall be as follows:
- (1) Shall have served in all ranks as an officer prior to this rank.
 - (2) Must be a National Incident Management Level 3 with the New Jersey Division of Fire Safety Certificate.
 - (3) Must be a Fire Officer Level 2 with a New Jersey Division of Fire Safety Certificate.
 - (4) Must be an active member of the Morris County Alliance of Active Fire Chiefs and the Morris County Fire Chiefs associations.

- (5) Not hold elected office as Mayor or Councilman during the term as Deputy Chief.
- (6) Must be a resident of the Borough of Butler

D. Qualifications for Battalion Chief. The qualifications for a Battalion Chief in the Butler Fire Department shall be as follows:

- (1) Shall have served in all ranks as an officer prior to this rank.
- (2) Must be a Fire Officer Level 2 with a New Jersey Division of Fire Safety Certificate.
- (3) Must be a National Incident Management Level 3 with a New Jersey Division of Fire Safety Certificate.
- (4) Must have the Safety Officer Certificate from a New Jersey Division of Fire Safety approved training facility.
- (5) Must have Building Construction and Size-Up Certificates from a New Jersey Division of Fire Safety approved training facility.
- (6) Not hold elected office as Mayor or Councilman during the term as Battalion Chief.
- (7) Must be a resident of the Borough of Butler

E. Board of Chiefs; terms and progression.

- (1) The following conditions govern the Board of Chiefs terms:
 - (a) Each Chief of the Board of Chiefs will serve a term of two years at each rank.
 - (b) The order of progression for the Board of Chiefs will be as follows:
 - (i) Battalion chief (3)
 - (ii) Deputy Chief (2)
 - (iii) Department Chief (1)
- (2) Should a vacancy occur in the Board of Chiefs, the next chief in line will progress up to the next chief position, to fill the vacancy without regard to the length of time in rank.

F. Elections.

- (1) The terms of the Board of Chiefs and Battalion officers begins with a swearing-in performed by the Mayor and Council.
- (2) A member wishing to hold a fire officer position within the fire department will have to have the proper certificates of training as outlined in the current Borough ordinance and will have met the fire department member efficiency standard for two consecutive years prior to the election.
- (3) For a department member to be eligible to vote he/she must be active and be on the company rolls for a minimum of 180 days, and maintain a minimum of 50% attendance at all fire calls, drills and work details.

G. Officer Election Process

(1) Apparatus Lieutenant (Yearly election)

Any member wishing to be an apparatus lieutenant must be nominated and seconded by a member of the department during the October nomination meeting. This will be the only time a member can be nominated for an apparatus lieutenant position. Election will be held yearly at the conclusion of the November general department meeting. A member may be nominated for multiple apparatus lieutenant positions, once they have been elected to an apparatus their name will be removed from the remaining ballots. The order of selection will be as follows: 341, 342, 343, 344.

(2) Battalion Captain (Yearly election)

Any member wishing to be a captain of a battalion must be nominated and seconded by a member of the department during the October nomination meeting. This will be the only time a member can be nominated for the captain of a battalion position. Only members that have completed two years in the apparatus lieutenant position shall be eligible for a captain of a battalion position. Election will be held yearly at the conclusion of the November general department meeting. A member may be nominated for either captain of battalion position, once they have been elected to a battalion, their name will be removed from the remaining ballots. The order of selection will be as follows: Battalion 1, Battalion 2.

(3) Battalion Chief

Any member wishing to be a Battalion chief must be nominated and seconded by a member of the department during the October nomination meeting. This will be the only time a member can be nominated for the Battalion chief position. Only members that have completed two years in the battalion captain position shall be eligible for the battalion chief position. Election will be held every two years (in conjunction with the chief rotation) at the conclusion of the November general department meeting.

(4) Deputy Chief

Will be promoted from the Battalion chief position. 2-year term (in conjunction with the chief rotation)

(5) Department Chief

Will be promoted from the deputy chief position. 2-year term. (In conjunction with the chief rotation).

H. All fire officer elections, when required, shall be conducted no later than November 30th or within 30 days upon the resignation or removal of the person holding the fire officer position.

Section 2. Chapter 21 of the Revised General Ordinances of the Borough of Butler entitled "Fire Department", Section 21-7 "Membership", shall be amended to read as follows:

§ 21-7. Membership

A. Qualifications for membership in the Butler Fire Department shall be as follows:

(1) Each applicant shall be a United States citizen and a resident of the Borough of Butler for at least 6 months, be a current member of a fire department of a contiguous municipality, or be a municipal employee holding a FFI certificate.

(2) Each Applicant must be able to pass a background check.

(3) Each applicant must pass a physical exam administered by the Department Doctor.

(4) Nonresident membership – in the event that a member of the Fire Department shall move and no longer reside within the Borough, but lives or works within a five-mile radius of the Borough, the member may retain membership in the Fire Department upon recommendation of the Fire Chief and approval of the Mayor and Council.

(5) Must have a valid New Jersey driver's license. If a member's driver's license is revoked or suspended, the member will report it to the Chief within 24 hours.

(6) Any member of the Butler Fire Department that moves outside of Butler must report it to the Department Chief with 5 days of their move. Failure to do so may result in disciplinary action.

B. The department secretary shall submit a notice to the Borough Clerk which includes the company's social members, the names of its social officers and the dates of its regular organization meetings.

C. The Butler Fire Department shall establish a Membership Committee consisting of 8 members made up of members within the Department. This Committee shall establish objective qualifications for membership according to the requirements of this ordinance. Their sole responsibility shall be to evaluate applications and determine if the membership criteria has been met. It shall, within 60 days of receipt of an application, make a report to the Chief as to whether or not the applicant qualifies for membership. Its decision shall be binding.

D. Any individual seeking membership in the Butler Fire Department shall fill out an application for membership available from the Borough Clerk. This application shall be delivered to the Chairperson of the Department Membership Committee as defined in 21-7(C). The membership committee shall evaluate the application and report the outcome to the Department Chief.

E. Chairperson of the Department Membership Committee or other officer designated to receive applications shall date each application with the time of receipt and shall number the application according to its order of receipt relative to other applications.

F. Attendance Requirements

(1) Every active firefighter must attend an average of one drill per month and maintain a minimum quarterly fire call percentage of 50%. Percentage will be calculated by the number of alarms, drills, and work details. Annually the Board of Chiefs will give the Mayor and Council a list of work details which will be approved by the Mayor and Council. Every active firefighter shall also complete all mandatory training and testing, at the beginning of every year, as prescribed by the Fire Department Policies and Procedures and PEOSH Standards within the first quarter of each year. A record shall be kept of such attendance, and it is the duty of the Chief of the Fire Department to report it to the Borough Council monthly.

(2) Upon written notice to the board of Chiefs the requirements of this section shall be temporarily suspended for any firefighter who:

a. Is enrolled as a student in a university, college or any educational institution which requires the firefighter to temporarily reside outside the Borough of Butler, provided that the firefighter maintains a residence in the Borough of Butler during said absence. This exemption does not apply during school breaks or recesses. This exemption shall terminate upon successful completions, graduation and/or termination from said educational institution. However, at no time will any firefighter under this section be authorized to respond to any fire call until he/she has completed the requirements of all mandatory testing and training as prescribed by the Fire Department Policies.

b. Is employed full time by a company or business which obligates the firefighter to reside outside the State of New Jersey for an indeterminate period of time, provided the firefighter maintains a residence in the Borough of Butler during said absence. This exemption shall expire upon the firefighter's cessation of employment. However, at no time will said firefighter be authorized to respond to any fire call until he/she has completed the requirements of all mandatory testing and training as prescribed by the Fire Department Policies.

Section 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.