

CHAPTER III
FIRE DEPARTMENT

3-1 Establishment of Fire Department.

3-1.1 *Boundary.* The incorporated limits of the borough shall constitute the fire district of the department.

3-1.2 *Composition.* The Little Silver Fire Department is composed of one company known as the Little Silver Volunteer Fire Company No. 1, and any additional companies as the borough council may authorize and approve. The officers of the company shall be such as are elected by the respective companies under their charters and bylaws.

3-2 Appointments.

3-2.1 *Requirements.* No person shall hereafter become a member of the fire department in the borough or any unit thereof, unless above the age of 18 and not over the age of 45, a citizen of the United States, a resident of the borough upwards of one year, unless such person is an active fireman from another fire department in the State of New Jersey. In such case, regardless of age, such active fireman transferring his residence to the Borough of Little Silver may immediately make application to become a member of the Little Silver Fire Department. Both the aforesaid residency requirement and age requirement shall be waived if the applicant otherwise qualifies. He shall be physically fit to perform the duties of a fireman evidenced by a certificate to that effect by a practicing physician of the State of New Jersey, after physical examination.

3-2.2 *Application and Election to Membership.* Every person seeking to join the fire department shall make application to the company which he desires to join and upon his election to membership by vote of a majority of the unit present and voting, he shall become a member in good standing, and his name shall be entered upon a roll of firemen kept by the borough clerk.

3-2.3 *Moving from Borough Limits.*

a. When any active member, one who has served a one year probation term, of the department shall move out of the borough limits

3-2 BOROUGH OF LITTLE SILVER ORDINANCES

and establish a legal residence elsewhere, he shall be transferred from active membership unless he shall relocate in the Boroughs of Fair Haven, Oceanport, Red Bank, Rumson or Shrewsbury and shall apply within 30 days of such move to his company in accordance with its bylaws. Such member shall not hold a fire office of his company, and shall comply with Article XI of such bylaws.

b. This subsection shall be effective on January 19, 1976 and shall be applicable to present members and past members who have moved their residence within five years last past and shall within three months from January 19, 1976 apply to his company for reinstatement pursuant to bylaws.

c. This subsection shall not be interpreted to permit non-residents of the Borough of Little Silver who have never previously been active members of the department to apply for active membership in same.

3-2.4 *Disclosure of Information Regarding Applicants for Membership.*

a. This subsection is enacted pursuant to N.J.S.A. 40:42-1, et seq. for the health, welfare, and safety of its citizens and to implement N.J.S.A. 15:8-1.1.

b. Membership in a volunteer fire company means membership in a volunteer fire company organized pursuant to Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes; membership in a volunteer fire company or similar organization constituted in a fire district pursuant to N.J.S.A. 40A:14-70.1; membership in a junior fire fighter's auxiliary established pursuant to N.J.S.A. 40A:14-95; or nonpaid membership in a part-paid fire department or force established pursuant to Chapter 14 of Title 40A of the New Jersey Statutes.

c. Any person desiring membership in a volunteer company shall complete in duplicate, filing the same with the volunteer fire company, an application, the form of which may be prescribed by the volunteer fire company, but which shall contain the following information about the applicant:

1. Name.
2. Home address.
3. Birth date.
4. Social security number.
5. Driver's license number.
6. Any conviction of violation of N.J.S.A. 2C:17-1:

- (a) Aggravated arson, or
- (b) Arson, or
- (c) Failure to control or report dangerous fire, or
- (d) Directly or indirectly pays or accepts any form of consideration for the purpose of starting a fire or explosion.

7. Any conviction of violation of N.J.S.A. 2C:33-3 False Public Alarms.

8. Any conviction of a crime or disorderly persons violation.

9. Such other information as the volunteer fire company deems relevant to the application provided none of such information is prohibited by law.

d. Following the filing of such application the volunteer fire company shall transmit one copy of the application to the Chief of Police of the Borough of Little Silver who shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his/her application and any such other investigation of the applicant's background as he deems necessary for the protection of the public good. If as the result of such investigation the applicant is found to have been convicted of violation of N.J.S.A. 2C:17-1, a, b, c and/or d or N.J.S.A. 2C:33-3 or any other crime or disorderly persons violation or any other information that would indicate the applicant may be a threat to the health, safety or welfare of the community, the chief of police shall report such information and the particulars thereof to the volunteer fire company.

e. In connection with said investigation, the applicant shall submit to fingerprinting; the chief of police is authorized to submit applicant's fingerprint card and receive State criminal history record information from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered under this subsection.

f. This subsection is intended to make the volunteer fire company an authorized agency as defined by N.J.A.C. 13:59-1.1.

The above investigation by the chief of police shall be completed within 30 days of a receipt of the application and the fingerprinting of applicant.

3-3 BOROUGH OF LITTLE SILVER ORDINANCES

3-3 Officers.

3-3.1 *Election of Chief and Assistant.* On the first Tuesday in December in each year, the fire companies shall elect one person to be known as the chief of the fire department and one person to be known as the assistant chief, and such other line officers as the fire company may designate.

3-3.2 *Government.* The several companies of the fire department shall have power to provide for the election of their officers and members and manage their own affairs subject to the constitution, bylaws, rules and regulations of the department, and the approval of the borough council, if borough council shall see fit to exercise such right and approval in the interest of the general welfare of the borough.

3-3.3 *Absence of Chief.* In the absence of the chief, his command shall devolve upon and his duties be performed by the assistant chief, and in his absence by the line officer in the order designated by the bylaws of the fire company.

3-3.4 *List of Active Members.* The chief shall, at the annual meeting of the mayor and council, file a duly verified list, and report under oath, with the borough clerk of all active members of the companies under his control and supervision not holding exempt fireman certificates, which shall set forth the name and residence of each such fireman, whether a citizen of the United States, whether of good moral character, date of becoming a fireman, age at the time, company of which he is a member and percentage of fire duty performed during that year by each fireman.

3-3.5 *Duties of Chief.* It shall be the duty of the chief to examine, at least once each month, all the fire apparatus and buildings in use for their protection, and the public cisterns and hydrants, and report their condition to the mayor and council periodically or as requested by it, together with a record of the number of fires attended by him, or, in his

absence, by the assistant chief, and the cause of such fires, and such other information as he shall think proper. He shall in all cases of fire threatening danger or destruction to property, take efficient and prompt measures and use the means of the department to extinguish the same, and shall at such times and on all occasions of alarm of fire have sole and absolute control and command over all the fire apparatus and all members of the fire department and over all other fire apparatus and persons aiding and assisting the fire department in cases of actual fire. The committee on fire of the mayor and council shall designate the person to superintend and direct all necessary repairs to the apparatus.

3-4 Rules and Regulations.

3-4.1 Duty Required. Every member of the fire department shall, in every year, perform at least 60 per cent of duty to be composed of actual attendance and duty at fires and drills and a record shall be kept of such attendance and duty by the chief of the fire department and reported to the borough council annually.

3-4.2 Exemption Certificates. Exemption certificates may be issued to members of the fire department who serve seven years in active duty, under municipal control, as required by law of April 29, 1935, as amended May 26, 1936.

3-4.3 General Fire Regulations.

a. No fire apparatus except in case of necessity, shall leave the borough limits except by permission of the chairman of the fire committee. In case of necessity, the mayor, chairman of the fire committee, chief, assistant chief or other line officer may permit any apparatus to leave the borough limits, the chief to determine the company to respond to the call.

b. The chief and assistant chief shall attend all fires within the corporate limits, and are hereby empowered and required to take charge of any building which may be on fire, to admit only such persons not firemen to the building as they think necessary to aid in the extinguishing of the fire and preservation of all goods and to give orders for and to superintend the removal of all goods and preservation of an endangered property. They may lawfully enter and examine any building, place, vehicle or vessel where any gunpowder or other explosive or inflammable materials may be located. The chief or assistant chief may in writing direct the removal or securing of any material and it shall be unlawful to neglect or refuse to comply with such written directions.

3-4 BOROUGH OF LITTLE SILVER ORDINANCES

It shall be the duty of the assistant chief to inspect any chimney flues or pipes reported to him by any citizen of the borough to be dangerous and liable to cause fire, and if found to be in such condition, to order the same to be cleaned, repaired, renovated or removed by the owner or tenants within 24 hours after service of such notice.

c. No person shall give any false alarm of fire in the borough or shall interfere with, injure or destroy any of the property appertaining to or belonging to the fire department, fire alarm system or belonging to the borough.

d. No person shall willfully drive any vehicle over any hose or other fire apparatus or shall in any manner willfully damage, deface or injure any hose or other apparatus at any time.

e. No person shall interfere with, impede, or delay any fire apparatus in the borough in any manner or for any cause under his control.

f. Any company which shall refuse to obey or enforce obedience of any provision of this chapter or any direction of the borough council or officer of the borough shall be suspended from fire duty in the borough in the discretion of the borough council in addition to any other penalty provided and their control over the apparatus in their charge shall cease and revert to the borough.