

Ordinance #2014-1153

AN ORDINANCE TO ORGANIZE AND REGULATE THE FIRE DEPARTMENT OF THE BOROUGH OF MANVILLE, SOMERSET COUNTY, STATE OF NEW JERSEY

ARTICLE I

Section 1 - A candidate seeking to become a member of the Fire Department of the Borough of Manville, shall make an application with one of the three companies, listed in Section 2 of this ordinance, and shall be over the age 18 and under the age of 45, a citizen of the United States and shall be in good physical condition to perform the duties of a firefighter in accordance with New Jersey Division of Fire Safety Standards, have a medical examination conducted and signed by a licensed practicing physician of the State of New Jersey, the candidate shall authorize the Fire Department of the Borough of Manville to conduct and order criminal history background check conducted for any new applicant seeking membership to the Fire Department. This will include the authority to conduct criminal history name search, identification checks and/or fingerprint identification checks as authorized by N.J.S.A. 53:1-20.6 and N.J.A.C. 13:59-1.2. Any and all information obtained will be utilized only for the purpose of evaluating applicants and their abilities for volunteer service. Upon passing the required checks the applicant shall be reimbursed by the Borough of Manville as long as a receipt is provided. Once all required examinations are completed and passed, the applicant shall be elected by majority vote of active members of his/her company and final approval by the majority of the Mayor and Council of the Borough of Manville by appropriate resolution where upon he/she shall become a member of the fire department and shall be given a badge and Identification card of membership furnished by the Borough of Manville.

Section 2 - The Borough of Manville Fire Department shall consist of all duly enrolled members of the following fire companies:

- Manville Fire Company # 1
- Camplain Fire Company # 2
- North End Fire Company # 3

Section 3 - Any member of the Fire Department in good standing shall be authorized to make an application for membership to the New Jersey State Firemen's Association and shall be entitled to any and all benefits provided through said association.

Section 3A - Exemption Certificate. The Mayor and Council of the Borough shall issue a certificate of exemption to any member of the fire department who has served as an active firefighter for seven (7) years under municipal control. The Secretary of Manville Exempt Firemen's Association shall certify in writing to the Mayor and Council the qualifications of the member to be complete and in accordance with this subsection and the laws of the State of New Jersey.

Section 4 - All firefighters who shall remain active after receiving an exempt certificate from the New Jersey State Firemen's Association shall perform at least 50 % percent of duty comprised of drills, and attendance at fire incidents, but not to exceed 20 fire department drills in a year. All firefighters who do not perform at least 50% percent of duty for two consecutive years shall be expelled as an active firefighter.

Section 5 - All Probationary members of the fire department are required to pass Firefighter I and obtain their State of New Jersey Division of Fire Safety Certification, and shall be on a probationary period of (6) six months before becoming an Active Member with the Borough of Manville Fire Department.

ARTICLE II

Section 1 - The Fire Department of the Borough of Manville shall consist of the following Departmental and Company Fire Officers.

Departmental:

- ◆ Fire Superintendent
- ◆ Fire Chief
- ◆ Deputy Chief
- ◆ Assistance Chief
- ◆ Incident Safety Officer

Company:

- ◆ Captain Co. # 1
- ◆ Captain Co. # 2
- ◆ Captain Co. # 3
- ◆ Lieutenant Co. #1
- ◆ Lieutenant Co. # 2
- ◆ Lieutenant Co. # 3
- ◆ Fire Police Personnel Co. # 1
- ◆ Fire Police Personnel Co. # 2
- ◆ Fire Police Personnel Co. # 3

Section 1A - If the need arises to appoint, an Assistant Incident Safety Officer(s), it will be the discretion of the Borough of Manville Fire Department Superintendent with recommendations of the Borough Fire Chief of said appointment(s), and shall amend additional Incident Safety Officer by Department policy.

Section 1B- If the need arises for a Fire Company Engineer; it will be the discretion of the Fire Department Superintendent with recommendations from the Company Fire Chiefs to make said appointments.

Section 1C - Fire Officer Qualifications and Duties

[**Note:** Any individuals currently holding ranks in the Borough of Manville Fire Department as of the adoption of this section of this ordinance shall be allowed to continue operating in the position and will be given a six (6) Month extension to qualify for the requirements of the said position. All other personnel must qualify for the positions as set forth by the ordinance.]

Lieutenant:

1. Must have at least three (3) years experience as a firefighter.
2. Must have a New Jersey Firefighter I Certification issued by the New Jersey Division of Fire Safety.
3. Must have an I.M.S. Level 1 Certification issued by the New Jersey Division of Fire Safety.
4. Must be qualified pump operator by departmental standards.
5. Must have a minimum 20 hours of Incident Command and/or Strategies and Tactics class training.

Duties:

- ❖ Responds to alarms as an officer and supervises and directs fire ground and emergency operations for assigned company, including Incident Command.
- ❖ Supervises, trains personnel.
- ❖ Responsible for cleanliness of station and maintenance of apparatus, tools, equipment and all other Fire Department property.
- ❖ Enforces departmental rules, ordinances and regulations.
- ❖ Completes Fire Incident and related reports.
- ❖ Participates in training exercises and classroom lectures and prepares and conducts trainings for department, when assigned.
- ❖ Responds to fire alarms with assigned company. Performs all activities associated with extinguishing fires and with medical treatment at emergency scenes. Utilizes and maintains self-contained breathing apparatus (SCBA).
- ❖ Participates in fire prevention and public education activities as assigned.

- ❖ Attends training sessions that include fire fighting techniques, emergency medical care, and the proper use of all equipment and related tools.
- ❖ Oversees and performs various duties in the maintenance of station facilities and auxiliary equipment.
- ❖ Inspects fire equipment to ensure proper operation.
- ❖ Accomplish such other duties as may be assigned from time to time.
- ❖ Responds to general public complaints, requests for information and guidance, cooperates with surrounding communities in firefighting and rescue efforts.
- ❖ Acts as Fire Captain, if required.
- ❖ May be requested to perform other duties, as the need arises.

Captain:

1. Must have served as Lieutenant for at least one year respectively.
2. Must have five (5) years experience as a firefighter.
3. Must have New Jersey Firefighter II Certification issued by the New Jersey Division of Fire Safety.
4. Must have an I.M.S. Level 2 Certification issued by the New Jersey Division of Fire Safety.
5. Must be qualified pump operator by departmental standards.

Duties:

- ❖ Responds to alarms received and directs routes to be taken; directs work of fire lieutenants pending arrival of a superior officer; may be required to be incident commander, supervises through subordinate officers the laying of hose lines, placing of ladders, direction of water streams, ventilation of buildings, rescuing persons, and placement of salvage covers.
- ❖ Participate in the development and implementation of goals, objectives, recommend and implement policies and procedures.
- ❖ Instructs and drills in use of tools, raising of ladders and rescue and salvage work, etc. also coordinate training of company personnel at assigned training programs and seminars.
- ❖ Oversee maintenance and condition of departmental equipment, apparatus and facilities assigned to the fire department, coordinate repairs with fire company engineer.
- ❖ Participates in fire prevention and public education activities as assigned.
- ❖ Determines methods of fire suppression; supervises laying of hose lines, directing of water streams, pressures of streams, placing of ladders, and ventilation of buildings, rescuing of persons, and placing of salvage covers.
- ❖ Monitors and observes that departmental policies activities to ensure that conduct and performance conform to department standards.
- ❖ Enforces departmental rules, ordinances and regulations.
- ❖ Completes Fire Incident and related reports.

- ❖ Responds to alarms received and directs routes to be taken; directs work of fire lieutenants pending arrival of a superior officer; supervises through subordinate officers the laying of hose lines, placing of ladders, direction of water streams, and ventilation of buildings, rescuing persons, and placement of salvage covers.
- ❖ Acts as Assistant Fire Chief, if required.
- ❖ May be requested to perform other duties, as the need arises.

Assistant Chief:

1. Must have served as Captain for at least Two years respectively.
2. Must have at least six (6) years experience as a firefighter.
3. Must have New Jersey Firefighter Level 2 Certification issued by the New Jersey Division of Fire Safety.
4. Must have New Jersey I.M.S. Level 3 Certification issued by the New Jersey Division of Fire Safety.
5. Must be qualified pump operator by departmental standards.

Duties:

- ❖ Performs a variety of technical, administrative, and supervisory work in directing the planning, organizing, and implementing firefighter and officer training to satisfy the areas of prevention, suppression and emergency medical services.
- ❖ Works under the General Guidance and Direction of the Deputy Fire Chief.
- ❖ Supervises all officers and firefighters involved in training, either directly or through other subordinate officers.
- ❖ May act as Fire Chief during absence of Deputy Fire Chief, as assigned.
- ❖ Supervises subordinate officers in their assigned duties in training division. Reviews, evaluates, develops and implements training programs, policies and procedures for various departmental operations regarding training.
- ❖ Directs and participates in departmental training programs.
- ❖ Responds to incidents assumes command in the absence of Fire Chief and Deputy Fire Chief.
- ❖ Carries out duties in conformance with Federal, State, County and Borough ordinances.
- ❖ Assists in the planning and implementation of fire training programs for the Borough in order to better carry out the policies and goals of the Borough.
- ❖ Directs the operation of departmental in-service training activities. Handles grievances from officers and firefighters, maintains Departmental discipline and the conduct and general behavior of volunteer personnel.
- ❖ Prepares and submits periodic training reports to the Fire Chief regarding the Department's training activities.
- ❖ Assigns personnel and equipment to such training duties and uses as the service requires.
- ❖ Meets with Fire Superintendent and other elected officials, other Fire/EMS officials, for budget, policy and instruction for the betterment of the Fire Department.

- ❖ Attends training conferences and training meetings to keep abreast of current trends in the field; represents the Fire Departments in a variety of local, county, state and other meetings.
- ❖ May serve as a member of various Borough committees.
- ❖ May be requested to perform other duties, as the need arises.

Deputy Chief:

1. Must have served as Assistant Fire Chief for at least Two years respectively.
2. Must have at least seven (7) years' experience as a firefighter.
3. Must have New Jersey Firefighter 2 Certification issued by the New Jersey Division of Fire Safety.
4. Must have New Jersey I.M.S. Level 3 Certification issued by the New Jersey Division of Fire Safety.
5. Must be qualified pump operator by departmental standards.
6. Must have New Jersey Fire Officer 1 Certification issued by the New Jersey Division of Fire Safety.

Duties:

- ❖ Assume management responsibility for assigned services and activities of the Fire Division within the Department including all fire suppression, related functions and activities.
- ❖ Respond to emergency and non-emergency incidents; utilize the incident command system to direct activities and communications in fire and/or emergency situations; take action to mitigate hazards and treat patients; make decisions affecting life and property under emergency circumstances; develop tactics and strategies for major or critical incidents.
- ❖ Meets with Fire Superintendent and Fire Chief participate in the development and implementation of goals, objectives, policies, and priorities for assigned programs; recommend and administer policies and procedures; participate in the development of new fire ordinances.
- ❖ Monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; recommend, within departmental policy, appropriate service and staffing levels.
- ❖ Select, train, motivate, and evaluate fire service personnel; provide or coordinate staff training; work with employees to correct deficiencies.
- ❖ Meets with Fire Superintendent and participates in the development and administration of the Department's annual budget; participate in the forecast of funds needed for equipment, materials, and supplies.
- ❖ Serve as the liaison for the Fire Companies and outside agencies; negotiate and resolve sensitive and controversial issues; coordinate special community programs.
- ❖ May serve as staff on a variety of boards, commissions, and committees; prepare and present staff reports and other necessary correspondence.
- ❖ Assume responsibility of the Fire Chief in his absence.
- ❖ Perform related duties as required.
- ❖ May be requested to perform other duties, as the need arises.

Fire Chief:

1. Must have served as Deputy Fire Chief for at least Two years respectively.
2. Must have at least eight (8) years' experience as a firefighter.

3. Must have New Jersey Firefighter 2 Certification issued by the New Jersey Division of Fire Safety.
4. Must have New Jersey I.M.S. Level 3 Certification issued by the New Jersey Division of Fire Safety.
5. Must be qualified pump operator by departmental standards.
6. Must have New Jersey Fire Officer 1 Certification issued by the New Jersey Division of Fire Safety.

Duties:

- ❖ The Fire Chief shall be under direction of the Fire Superintendent. In the absence of the Fire Superintendent, the Fire Chief shall perform his duties.
- ❖ Assists Fire Superintendent in writing Standard Operating Guidelines (SOGs) to inform, instruct, or direct Fire Department operations.
- ❖ Ensures all departmental, county, state and federal rules and regulations are followed at fire scene.
- ❖ Reports to fires and establishes incident command of the incident.
- ❖ Coordinates training with Fire Superintendent for training courses for department staff.
- ❖ Confers with Fire Superintendent on terminations or recommends the termination of personnel based upon violations of departmental, county, state, or federal regulations.
- ❖ Recommends major disciplinary actions of personnel for violations of departmental, county, state, or federal regulations to Fire Superintendent review.
- ❖ Reviews all monthly reports (apparatus, drills, fuel, equipment and apparatus repairs) to initiate appropriate follow-up.
- ❖ Reviews information on equipment with Fire Superintendent that requires capital expenditures for budget consideration.
- ❖ Ensures that all Fire Department rules and regulations are followed.
- ❖ Assists Fire Superintendent in development of the Departments Budget, to be given to Business Administrator and Public Safety Committee.
- ❖ Ensures that background checks for prospective new firefighters are investigated, and forwards recommendations to Fire Superintendent.
- ❖ May be requested to perform other duties, as the need arises.

Incident Safety Officer:

1. Must have at least three (3) years' experience as a firefighter.
2. Must have a New Jersey Firefighter I Certification issued by the New Jersey Division of Fire Safety.

3. Must have an I.M.S. Level 1 Certification issued by the New Jersey Division of Fire Safety.
4. Must be qualified pump operator by departmental standards.
5. Must have passed an Incident Safety Officers Training class issued by The National Fire Academy or through an approved training facility.

Duties:

- ❖ Upon arrival of a fire scene the Incident Safety Officer shall obtain a situation-status briefing from the Incident Commander.
- ❖ Monitor conditions, hazards and risks, including conducting a 360-degree primary survey noting accessibility of entry and egress of the structure.
- ❖ Ensure that a Rapid Intervention Team (RIT) is available and ready.
- ❖ Monitor radio transmission. Be especially alert to unclear, incomplete or missed communications.
- ❖ Set up and communicate collapse/safety zones.
- ❖ Verify that an accountability system is in place.
- ❖ Evaluate traffic hazards and apparatus placement.
- ❖ Monitor smoke/fire conditions, fire extension, collapse potential or any other event that could pose a threat to operating personnel or the public.
- ❖ Confirm that EMS is on scene and ensure the establishment of firefighter rehabilitation setup/area.
- ❖ Report status of hazards, risks, and conditions to Incident Commander. If an imminent life-threatening situation exists “EXERCISE EMERGENCY AUTHORITY TO STOP, ALTER OR SUSPEND OPERATIONS” . If this action is taken, report it immediately to the Incident Commander.

Engineer:

- 1 Must have at least three (3) years' experience as a firefighter.
- 2 Must have a New Jersey Firefighter I Certification issued by the New Jersey Division of Fire Safety.
- 3 Must have an I.M.S. Level 1 Certification issued by the New Jersey Division of Fire Safety.
- 4 Must be qualified pump operator by departmental standards.
- 5 Must be mechanically inclined.

Duties:

- ❖ Must be mechanically inclined and be able to perform minor repairs of Borough apparatus, such as light bulb replacement, washing apparatus, installing brackets for equipment, tighten screws/bolts, maintain equipment, etc.
- ❖ Shall work closely with Company Captain and provide Captain with report of repair(s) that need to address and repair(s) that have been completed on apparatus for the Board of Engineers meeting.

- ❖ May be requested to perform other duties, as the need arises.
- ❖ Clean and service assigned apparatus, maintaining it in a condition of Readiness, report mechanical failures or difficulties and missing or damaged Equipment to the proper authority.

Driver/Operator:

- 1 Must have a New Jersey Firefighter I Certification issued by the New Jersey Division of Fire Safety.
- 2 Must have at least One (1) year experience as a senior firefighter.
- 3 Must have an I.M.S. Level 1 Certification issued by the New Jersey Division of Fire Safety.
- 4 Must have a valid New Jersey Driver's License, with three (3) years of driving experience.
 - Any member that has more than six (6) driving points or two (2) DWI violations must be approved by Fire Superintendent and the Borough Administrator.
- 5 Must satisfy all requirements imposed under New Jersey State Law and Municipal Insurance provider.

Duties:

Certified Driver/Operators

- ❖ Respond driving firefighting apparatus to and from alarms in a safe and efficient manner following laws and regulations, operating pumps, aerial devices, power and other mechanical equipment as required.
- ❖ Driver/Operator is responsible for apparatus and inventory of tools and equipment on apparatus to and from fire incident. If any equipment is missing the Driver/Operator shall advise a Company Officer, in his/her absents then the Department Chief and an incident report shall be filed, in the report shall identify the last possible known location of the lost equipment. The report shall be forwarded to a Company Officer or Fire Chief to be delivered to Fire Superintendent Office.
- ❖ Operate, without direct supervision, various Fire Department aerial apparatus and/or pumping apparatus with multiple water intake and discharge situation at an emergency scene.
- ❖ Perform required apparatus maintenance, cleaning duties, inventory checks And weekly inspections. Additionally, after every emergency response or Training drill, inventories must be checked before leaving the emergency scene or training location.
- ❖ Participate in Department training sessions and company drills.
- ❖ May be required to establish Incident Command, as per Article IV Section 1

Duties:

Certified Aerial/Ladder Operators:

- ❖ Respond to alarms driving apparatus in a safe and efficient manner, obeying all state and local laws, operator will be required to position aerial in front of address or on corners of structure and clear of collapse zones.
- ❖ Driver/Operator is responsible for apparatus to and from fire incident; including all equipment that is on apparatus. If any equipment is missing an incident report must be filed, it shall also identify the possible last known location of the lost equipment. The report shall be forwarded to Company Chief.
- ❖ May be required to establish Incident Command, as per Article IV Section 1

Driver/Operator Training Requirements:

- A. Must satisfy all requirements of in-house pump operation training, set forth by Department (SOG).
- B. Attend and pass an approved Pump Operations Class.
- C. Completed ten (10) hours behind the wheel training with an approved operator for the apparatus.
- D. Successfully complete an Operators skill test.
 - Must be approved by any two qualified operators, who must be either a line officer, certified operator or certified Instructor, with final approval by Company Captain.
- E. Upon satisfactory completion of items B, C, and D and the completion of five (5) hours behind the wheel training, the member shall be considered a probationary Driver/Operator and be allowed to drive and operate the Engine so long as another certified Driver/Operator is on the apparatus, upon approval of the Captain of the Company.
- F. The New Driver/Operator name will be forwarded to Fire Superintendent to be added to Driver's list.

Aerial/Ladder Operators Training Requirements:

- A. Must satisfy the about criteria for General Operator and Engine Operator.
- B. Successfully complete an Operators skill test.
 - Must be approved by any two qualified operators, who must be either a line officer, certified operator or certified Instructor, with final approval by Company Captain.
- C. Completed ten (10) hours behind the wheel training with an approved operator for the apparatus.
- D. Upon satisfactory completion of items A and B and the completion of five (5) hours behind the wheel training, the member shall be considered a probationary Driver/Operator and be allowed to drive and operate the apparatus so long as another certified Driver/Operator is on the apparatus, upon approval of the Captain of the Company.

Fire Boat Division Engineer:

1. Must have at least one (6) year experience as a firefighter.
2. Must have a New Jersey Firefighter I Certification issued by the New Jersey Division of Fire Safety.
3. Must complete and pass an approved Swift Water & Boat Operation Training class.
4. Must have an I.M.S. Level 1 Certification issued by the New Jersey Division of Fire Safety.

Duties:

The Fire Boat Division Engineer shall respond to all water rescue calls with the Fire Department unless otherwise advised by Incident Commander.

- ❖ The Fire Boat Division Engineer shall in charge of all water rescue equipment of the Borough of Manville equipment, and report any defectives to the Fire Superintendent & Fire Chief, and shall file and monthly report for the Board of Engineers Meeting.
- ❖ The Fire Boat Division Engineer shall oversee all members of this Division and shall ensure all members are certified to water rescue standards.
- ❖ The Fire Boat Division Engineer shall provide Division Training, and shall provide the Fire Chief & Fire Superintendent notification of training.
- ❖ The Fire Boat Division Engineer shall work inside the IMS system of the State of New Jersey and coordinate operations with Incident Commander.

Fire Police Officer:

1. Must have at least one (1) year experience as a firefighter.
2. Must have a New Jersey Firefighter I Certification issued by the New Jersey Division of Fire Safety.
3. Must complete and pass an approved Fire Police Training class, approved by the New Jersey Division of Fire Safety N.J.A.C. 5:73-7.2(b) 3
4. Must have an I.M.S. Level 1 Certification issued by the New Jersey Division of Fire Safety.
5. Take and subscribe an oath administered by the municipal clerk.

Duties:

The Fire Police shall respond to all calls with the Fire Department unless otherwise advised by Incident Commander.

- ❖ The Fire Police shall obey all traffic laws when responding to calls.
- ❖ The Fire Police shall wear and use Department issue gear as necessary. This includes safety vest and flashlights.
- ❖ The Fire Police shall contact the Incident Commander to notify him of their arrival.
- ❖ The Fire Police will block all roadways, while fire department is in operations, to prevent injury to firefighters operating on a fire incident.

Section 2- Training Division:

The Borough of Manville Training Division shall support the training needs of the Fire Department so that its members can achieve their operational objectives. The Training Division shall provide support for departmental & Company training, both required and elective. The training Division shall also provide notification of training opportunities and disseminate information to its members.

The Training Division Shall:

- ❖ Provide assistance to company officers in planning creation and operation of Department drills, as requested by company officer.

- ❖ Facilitate and/ or help coordinate Departmental wide training, such as SCBA re-certification, fit testing and other required programs.
- ❖ Provide assistance in completion of required in completion of required annual core competencies, such as pump operator/driver re-certifications.
- ❖ Research and recommend training courses.
- ❖ Distribute information on training programs of upcoming Department or Company training.
- ❖ Shall meet a minimum once a month or as the need arises.

The Training Division Members:

The Training Division shall consist of the Ten (7) Members, (6) of the members will come from within the ranks of the Fire Department and the Fire Superintendent shall be the 7th member. The members shall be:

- Fire Chief
- Deputy Chief
- Assistant Chief
- Fire Captain's from Company #1, Company # 2, & Company # 3
- The Member shall serve a term of one year.
- All Training shall be approved by Fire Superintendent & Fire Chief.
- A Fire Captain can decline the appointment to Training Division and the Lieutenant for that company may accept the appointment to the Training Division, in the event the Lieutenant declines the opportunity, then an appointment will be made by the Fire Superintendent with recommendations from the Fire Chiefs.

Section 3 - The position of the Fire Superintendent has been established per Borough Ordinance 2014-1141, with the position being under the direction of the **Borough** Administrator. The Fire Superintendent shall have full supervision of the Borough of Manville Fire Department. The Fire Superintendent shall manage all fire department operations to ensure their timely, thorough, and cost-effective preparation conduct.

Section 4 - No person shall be eligible for the appointment to Assistant Chief unless he/she has served one or more years as Captain. The Assistant Chief, after a full two- year term, shall become the Deputy Chief of the Fire Department. The Deputy Chief, after a full two- year term shall become the Chief of the Fire Department. Said Chief shall serve a full two-year term. The Fire Chief, Deputy Chief and Assistant Chief shall be formally appointed at the reorganization meeting of the Borough of Manville by the Mayor with the Council's consent.

Section 4- In case of resignation of the Chief, Deputy Chief or Assistant Chief, the aforementioned procedure will be adhered to as per Section 2 of Article II. The company whose official has resigned will elect a new member immediately, in the event no member meets the requirements or no ones accepts the position, then said position shall remain open until end of year.

Section 5- The Assistant Chief, Captains, Lieutenant and Fire Police shall be elected by their respective fire companies and shall be appointed to said positions.

Section 6- Each fire company shall consist of as many active members as the Borough Council shall approve. The active member of each fire company shall elect on or before the first day of January in each year their Captain, Lieutenant, Fire Police and all other necessary officers shall be elected by each company as they deem proper.

Section 7- Each Company Chief shall be responsible for their respected Company operating under the Borough of Manville Fire Department.

Section 8- Each Company shall have active members within quota as provide from time to time by the New Jersey Firemen's Association eligible to the benefits of the General Relief Fund.

Section 9 - Each company shall elect no less than two (2) members from among their membership to act as Fire Police and shall be under the direction of the Board of Engineers. Fire Police are held responsible for all equipment issued to them and upon retiring from their elected office, all equipment must be surrender to the Chief or Fire Superintendent of the Fire Department.

Section 10 - Fire Police personnel shall be under the supervision of the incident commander.

ARTICLE III

Section 1 - The Board of Engineers shall be established by the Fire Department of the Borough of Manville, which shall consist of the Fire Superintendent, Fire Chief, Deputy Chief, Assistant Chief, Captains, Lieutenants, Fire Police and Borough Fire Marshal.

Section 2 - The Board of Engineers shall elect a secretary who shall be a firefighter from within the Fire Department of the Borough of Manville. The said position shall perform the duties prescribed by the Fire Superintendent or Fire Chief and the Board of Engineers; this position will also be responsible taking minutes of Training Division meetings. The salary for the position will be \$650.00 annually, or can be modified by the Fire Superintendent as a policy.

Section 3 - The Board of Engineers shall meet each month, except for the months of July & August or upon the request of the Fire Chief or Fire Superintendent to discuss any matter that pertains to the Fire Department or its members. The Board of Engineers shall make such recommendations that they deem necessary to ensure proper operation of the Fire Department of the Borough of Manville.

Section 4 - It shall be the duty of the Fire Superintendent with the assistance of the Fire Chief to recommend to the Chairperson of the Public Safety Committee the purchase of all apparatus, equipment, etc.

Section 5- The Fire Department shall appoint a Length of Service Award Program (LOSAP) Administrator who shall be a firefighter from within the Department. The said position shall perform all duties requested which pertain to maintaining records. The salary for this position will be \$ 500.00 annually, or can be modified by the Fire Superintendent as a policy.

ARTICLE IV

Section 1 - The Fire Superintendent and/or the Fire Chief in all cases of emergency shall have sole control over all members of the Fire Department and all apparatus belonging thereto, and any person belonging to said department who shall refuse to obey a lawful order of the Fire Superintendent or Fire Chief shall be expelled. In the event the Fire Chief absent from an incident, then the highest ranking officer of the Manville Fire Department shall assume incident command and have full control of the Manville Fire Department. In the event all department officers are not available, an Ex-Chief shall assume the duties of incident command and will have full control of the Manville Fire Department, if no Ex-Chief's or Department Officers are available, then the first arriving apparatus operator will assume the duties of the Incident Commander, as long as they have meet the requirements of N.J.A.C. 5:73-1.6 and have a valid Incident Management Level 1 Certification, issued by the New Jersey Division of Fire Safety.

Section 2 - The Chief, in all cases of emergency, shall take prompt and efficient measures/action to ensure public safety and protection of property. He shall at such times have sole and absolute control of the incident, personnel, and mutual aid units assisting the department.

Section 3 - The Fire Superintendent and Fire Chief shall have the right of entry to each company for the purpose of examining the fire apparatus and equipment provided that reasonable notice of such intention is given to the Chief or Captain of said company.

Section 4 - The Fire Chief may, at least once in each year, order a public inspection of the whole Fire Department at which every member of the department shall be present. Willful disregard of this request shall render the offender or offenders liable to be expelled from the department. Any offender will be entitled to the grievance procedures of Article V, Section 3 and a proper hearing shall be held no later than ten days from said offense.

Section 5 - The Fire Superintendent, Fire Chief, Borough Fire Marshal and or Officers of the Borough of Manville Fire Department are hereby empowered and required to take charge of any building or buildings which may be on fire to admit only so many and such persons not firefighters, to said building as they may deem necessary for the extinguishing of the fire and the preservation of all evidences and personal property, and to give orders for and to supervise the removal of all goods and the preservation of all endangered property and to prevent occupancy by any individual if the building or buildings are deemed unsafe for occupancy by the Borough Fire Marshal or Borough Fire Superintendent.

Section 6 - All fire apparatus shall be under the control of the Fire Superintendent and Fire Chief, and in there absents the Officers of the Borough of Manville Fire Department. During a fire it shall be the duty of the driver/operator to insure proper operation of the apparatus and equipment under his/her supervision. Said driver/operator shall immediately report the damage or loss of any apparatus or equipment to his/her superior officer, and complete a Borough of Manville Incident report, said report shall be forwarded to the Fire Superintendents office after approved by superior officer.

Section 7 - Any person who shall maliciously causes the destruction of any Fire Department property such as hose, fire apparatus or equipment, etc. shall upon conviction of such act, pay the cost of replacement and or repair of damaged or destroyed property, and the cost of prosecution.

Section 8 - The Captain of each company of the Fire Department of the Borough of Manville shall immediately, after the first week in December of each year, deliver to the Fire Chief, a correct inventory of apparatus and equipment of said company. The Chief shall report failure or refusal on the part of any company to make such inventory, or any willful incorrectness or misstatements in such inventory to the Fire Superintendent. It shall be the duty of the Chief to submit said inventories to the Fire Superintendent, who shall review reports from the Chief and submit the completed inventory worksheets to the Borough Administrator and Borough Clerk.

Section 9 - It shall be the duty of the secretary of the Board of Engineers to furnish the Fire Superintendent, Fire Chief and the governing body in the month of January of each year a complete list of the names of officers, active and probationary members and their respective companies. The secretary of each fire company shall supply the secretary of the Board of Engineers, upon his request, a complete list of the aforementioned members.

ARTICLE V

Section 1 - The members of the Borough of Manville Fire Department are required to conduct themselves in a professional manner at all times while operating on the fire ground. In addition to their personal demeanor, members are further required to follow all policies, ordinances and guidelines adopted by the Borough Fire Superintendent or the Borough of Manville Fire Department. In situations where members do not adhere to these requirements, officer will take appropriate steps in promoting compliance.

Section 1A - Progressive discipline provides for an increase in punishment for each subsequent offense committed by any given member. These steps have been adopted to ensure that all members will be treated fairly and impartially. There shall be four steps in the Borough of Manville Fire Department progressive discipline guideline.

A. Oral Warning

- B. Written Reprimand
- C. Suspension
- D. Dismissal and Termination

- ❖ Oral Warning: When it has come to the attention that an individual member has failed to adhere to a certain section or entire policy, ordinance or guideline implemented by the Manville Fire Department and that the failure constituted a minor infraction, the officer of that members company will be responsible for issuing an oral warning. The purpose of the oral warning provides an opportunity for the member to be explained his/her infraction and promotes compliance in the future. Documentation will be filed and forwarded it to the Fire Superintendent's office, for placement in members file.
- ❖ Written Reprimand: When it has come to the attention that an individual member has failed to adhere to a certain section or entire policy, ordinance or guideline implemented by the Manville Fire Department and that the failure is a repetitive nature or would constitute a serious offense, a documented account of the incident will be made and place in the members personnel file for an undetermined amount of time. The written reprimand and length of time the letter remains in the members personnel file will be voted on by the Board of Engineers and submitted to the Fire Superintendent. The Fire Superintendent shall discuss the matter with the Borough Fire Chief for his recommendations for determining if a written reprimand will be issued and how long it will stay in the members personnel file.
- ❖ Suspension: The Borough Fire Superintendent or Fire Chief shall have the power to suspend from duty any member or members of any company who shall refuse or voluntarily neglect to obey or execute any order from the officer in charge of any fire or drill, or who shall neglect or refuse to be controlled or governed by the terms of this subsection or by any the rules and regulations of the department, or for the good of the department.
- ❖ Dismissal and Termination: When it has come to the attention that an individual member has failed to adhere to a certain section or entire policy, ordinance or guideline implemented by the Manville Fire Department and that the failure is of a repetitive nature, or a written reprimand has already been issued for the same or similar offense, or that the incident in question constitutes a serious offense or a crime, under New Jersey Law, the member will be immediately suspended by the Borough Fire Superintendent and in his/her absence The Borough Fire Chief, pending a hearing of the Manville Fire Department Board of Engineers, for final decision of termination.

Section 2 - The Board of Engineers shall be the advisory board of the Fire Department of the Borough of Manville, charged with supervision of all policies, guidelines and ordinances, which shall be enforced. The Board shall consist of the Fire Chief, which will serve as chairman of the committee, the Deputy Chief, Assistance Chief, Captains and Lieutenants of all three companies, Fire Police Personnel, Borough Fire Marshal, and the Fire Superintendent. It shall be their duty to afford, the aggrieved member or officer a full hearing of the matter in controversy; and such Board of Engineers shall make such ruling in the matter as to the best interest of the Borough of Manville Fire Department.

Section 3 - Grievance Procedures

A procedure for the resolution of grievances shall be instituted through these sections and shall be utilized to consider any ruling, order or penalty imposed by any officer or group of officers, or firefighter with the department. The purpose of the grievance produce shall be to secure, at the lowest administrative level possible, equitable solutions to problems that may arise, affecting the members of the fire department within the scope of their firefighting duties.

Level I: The aggrieved member or officer shall initiate his/her complaint in writing, setting forth the time, place and circumstances with the name of the officer, whereby he claims a grievance and stating the grounds of the alleged grievance, whereupon and upon filling such notice with the Fire Superintendent of the Fire Department, it shall be the duty of the Fire Superintendent to:

- a) Notify in writing the fire company, which said member is assigned with, requesting that action be taken, and decision to be submitted in writing to the Fire Superintendent Office within thirty (30) days of said notice.
- b) The Fire Superintendent shall request the Borough Fire Chief to call a meeting of the Board of Engineers, where the Fire Chief shall be the presiding officer of such board, where it shall be their duty to afford, the aggrieved officer or member a full hearing of the matter in controversy; and such Board of Engineers shall make such ruling in the matter as it shall be made for the best interest of the Borough Fire Department.
- c) The Board of Engineers secretary shall within two weeks notify the aggrieved member, by registered mail, and shall be sent to the last known place of residence, setting forth the time and place of hearing by the Board of Engineers.

Level II: Any member claiming to be aggrieved as aforesaid shall be entitled to select any person or member to represent him at any hearing as aforesaid as his counsel and the Board of Engineers aforesaid shall be entitled to select any person or member as its counsel upon such hearing.

Level III: Decision of all matters in controversy before such Board of Engineers shall be by a majority vote of the total membership of such board of Engineers, present at aforesaid hearing, with no less than three (3) member from each company and said decision shall be submitted to the Borough Fire Superintendent for review and decision shall be submitted to the Mayor and Council.

Section 4 - No person dismissed or terminated from any fire company shall be eligible for re-election as a member of the Fire Department of the Borough of Manville.

ARTICLE VI

Section 1 - Any owner, operator, Bailee or custodian of a motor vehicle or bicycle, passing or attempting to pass, challenging to race, obstructing or in any way interfering with the process of any fire apparatus on its way to or from any emergency response shall, upon conviction, pay to the Borough of Manville a fine not exceeding \$ 500.00. An officer of or anyone acting in his capacity shall file the complaint for a violation of such section and he shall be the sole judge of whether the act constitutes a violation of this section.

Section 2 - No fire company shall at any time take any fire apparatus or equipment in their charge, beyond the borough limits for any purpose whatsoever, except that of mutual aid and vehicle maintenance, with express permission of the Borough Fire Superintendent, or in his absents the Borough Fire Chief.

Section 3 - The Borough of Manville Mayor and council may at any time after consulting the Borough Fire Superintendent of the Manville Fire Department with sufficient reason, demand and take into their hands and possession all such hoses, fire apparatus and equipment purchased by the Borough for the individual company, providing that the aforesaid does not in any way or manner endanger life and the destruction of property within the corporate limits of the Borough of Manville.

Section 4 - All members of the Fire Department of the Borough of Manville shall be covered by Workmen's Compensation and Employer's liability insurance coverage in accordance with the provisions of the New Jersey Workmen's Compensation Act R.S. 34:15-74 and Driver's Liability by the Borough of Manville in accordance with the laws of the State of New Jersey.

ARTICLE VII

Section 1 - Social Media Policy : The Fire Department of the Borough of Manville acknowledges that use of technology by emergency service organizations provides several useful benefits including training and the acquisition of useful information for the betterment of the organization and its members. It also allows for the dissemination of information to the public for recruitment, safety education and public relations purposes. As such, the Fire Department of the Borough of Manville embraces the usage of instant technology to that end.

This policy establishes the Fire Department of the Borough of Manville social media and instant technology use procedures and protocols, which are intended to mitigate associated risks from the use of this technology where possible. To comply with Senate and General Assembly of the State of New Jersey bill S-199

This policy applies to all volunteer members of the Fire Department of the Borough of Manville, consultants and contractors performing business on behalf of the Fire Department.

For the purposes of this policy, the term instant technology is defined as resources including, but not limited to, instant messaging, texting, paging and social networking sites such as Face book, MySpace, LinkedIn, Twitter, YouTube and any other information sharing services, websites and/or blogs weather currently available or developed in the future.

The Fire Superintendent shall approve all Department social media pages after review with the Borough Fire Chief. All social media content shall adhere to all applicable laws, regulations and policies including the records management and retention requirements set by law and regulation.

The Internet and other information sharing devices are global entities with no control of users or content. Therefore, available resources may contain material of a controversial nature. The Fire Department of the Borough of Manville is not responsible for information found on these sources.

The Fire Department of the Borough of Manville understands the value of such technology, but also understands the concerns and issues raised when information is released that violates privacy concerns or portrays this organization to the public in an illegal or negative manner (intentional or unintentional). Therefore, no information, videos or pictures gathered while on Fire Department business (this includes emergency calls, meetings, drills, details, trainings or anything obtained on organization property or at organization functions) may be shared or posted in any format without the approval and written consent of the Fire Superintendent or in his absence the Borough Fire Chief.

Under this restriction, members and employees are prohibited from disseminating or transmitting in any fashion photographs or images of individuals receiving emergency medical assistance. Any such transmission may violate New Jersey Sates Laws and/or the HIPPA privacy rights of such individuals and may result in a criminal and/or civil proceeding being commenced against members and employees violating this provision of the policy.

This policy is not intended to limit your right to freedom of speech or expression; but as we are a public entity, it has been put in place to protect the rights of this organization, its members and the public we are sworn to protect. Members and employees are advised that their speech directly or by means of instant technology either on or off duty and in the course of their official duties that has a connection to their professional duties and responsibilities may not be protected speech under the First Amendment. Speech that impairs or impedes the performance of the Fire Department undermines discipline and harmony among co-workers or negatively affects the public perception of the department may be sanctioned.

As a basic concept constitutional concept of law, a public employee may comment on a matter of public concern. However, airing personal workplace grievances does not raise a matter of public concern.

In that regard, members and employees must follow the following guidelines when discussing the Fire Department on Social media Websites:

- Do not make any disparaging or false statements or use profane language.
- Do not make any statements or other forms of speech that ridicule, malign, disparage or otherwise express bias against any race, religion or protected class of individual.
- Make clear that you are expressing your personal opinion and not that of the Fire Department.
- Do not share confidential or proprietary information.
- Do not violate Fire Department policies including the Code of Ethics.
- Do not display Department uniforms or similar identifying items without prior written permission.

- Do not post personal photographs or provide similar means of personal recognition that may cause you to be identified as a firefighter, officer or employee of the Department or District without prior written permission.
- Do not publish any materials that could reasonably be considered to represent the views or positions of the Department without authorization.

The Fire Department of the Borough of Manville owns the right to all data and files in any owned computer, network, cell phone or other information system. The Fire Department of the Borough of Manville also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Members and employees must be aware that the electronic messages sent and received using Borough of Manville equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by Department Officers at all times. The Fire Department of the Borough of Manville has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws.

Inappropriate use of the Internet and instant technology while on Fire Department business may result in disciplinary actions, up to and including termination as volunteer member of the Fire Department of the Borough of Manville.

Borough of Manville computer equipment is to be used for fire department business and purposes in a professional and businesslike manner.

ARTICLE VIII

Section 1 - The Fire Department of the Borough of Manville, shall follow the Borough of Manville policy to maintain a drug free workplace for the purpose of establishing and maintaining a safe, healthy working environment for all employees; ensuring the reputation of the Borough government and its employees within the community; and preventing accidental injuries to persons or property.

Section 2 - The Fire Department of the Borough of Manville will follow the Borough of Manville policy to provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety Act (PEOSHA). The Borough of Manville is equally concerned about safety of the public. Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the Department Head. Any on-the-job accident or accident involving Borough of Manville facilities, equipment or motor vehicles must be reported immediately. [Note: Under OSHA Standards a volunteer is considered an employee of the Municipality that he/her provides service]

Section 3 - It is the policy of the Fire Department of the Borough of Manville to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer or business invitee. The Borough of Manville prohibits sexual harassment from occurring in the workplace or at any other location at which Borough of Manville sponsored activity takes place. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment. If an employee is witness to or believes that the employee has experienced sexual harassment, they must immediately notify their supervisor or Department Head, and file a Department Incident Report.

Violation of this sexual harassment policy will subject employee to disciplinary action, up to and including immediate discharge.

ARTICLE IX

Section 1 - Accidents:

Any member involved in motor vehicle accident while operating a Fire Department vehicle may be subject to drug and alcohol testing. The Police Department will be notified of an accident involving Fire Department vehicle and an Incident report and police report will be filed. The Fire Chief and Fire Superintendent shall be notified.

Section 2 - Cell Phone usage:

The use of a cellular phone, by the driver, while driving a Fire Department vehicle is prohibited.

ARTICLE X

Section 1 - PROVISION HELD INVALID - If any provision of this ordinance hereby adopted shall be held or declared to be unconstitutional or for any other reason invalid or un-enforceable, no other provision hereof or thereof shall be affected thereby, but the unconstitutional, invalid or un-enforceable provision shall be excised and the remainder shall remain and continue in full force and effect.

ARTICLE XI

Section 1 - INCONSISTENT ORDINANCE REPEALED - All ordinances and parts of ordinances inconsistent herewith shall be and the same are hereby repealed.

ARTICLE XII

Section 1 - This ordinance, upon adoption, shall repeal ordinances # 12, 40, 54, 84, 185, 237, 379, 416, 473, 521 and 873 and any other prior ordinances pertaining to the organization and regulation of the Fire Department of the Borough of Manville, Somerset County, and State of New Jersey.

ARTICLE XIII

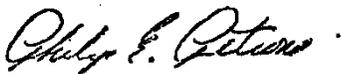
This ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

Borough of Manville,



Angelo Corradino, Mayor

ATTEST:



Philip E. Petrone, Borough Clerk

ORDINANCE #2014-1153

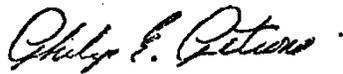
FIRST READING:

ROLL CALL

| Introduced | Seconded | Council | Yes | No | Abstain | Absent |
|------------|----------|-----------------|-----|----|---------|--------|
| √ | | ASHER | √ | | | |
| | | GREGOR | √ | | | |
| | | KOMOROSKI | | | | √ |
| | | ONDERKO | √ | | | |
| | √ | SKIRKANISH | √ | | | |
| | | SZABO | √ | | | |
| | | | | | | |
| | | MAYOR CORRADINO | | | | |

ADOPTED this 10th day of **November**, 2014.

Attest:



Philip E. Petrone, Borough Clerk

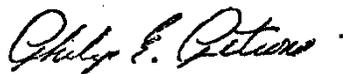
SECOND READING:

ROLL CALL

| Introduced | Seconded | Council | Yes | No | Abstain | Absent |
|------------|----------|-----------------|-----|----|---------|--------|
| | | ASHER | | | | √ |
| | | GREGOR | √ | | | |
| | √ | KOMOROSKI | √ | | | |
| | | ONDERKO | √ | | | |
| √ | | SKIRKANISH | √ | | | |
| | | SZABO | √ | | | |
| | | | | | | |
| | | MAYOR CORRADINO | | | | |

ADOPTED this 24th day of **November**, 2014

Attest:



Philip E. Petrone, Clerk