

ORDINANCE NO. 13-2024

AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING, REPLACING AND AMENDING THE PROVISIONS OF TOWNSHIP CODE CHAPTER 26 – FIRE DEPARTMENT

WHEREAS, the Mayor and Township Council has determined that there is a need to restructure the East Hanover Fire Department so as to improve and enhance the services provided to the community and to better provide for the health, safety and welfare of the citizens of the Township of East Hanover; and

WHEREAS, the Mayor and Township Council believes that the above stated goals can be accomplished by repealing, replacing and amending certain provisions of Chapter 26 of the Township Code entitled “Fire Department”; and

WHEREAS, N.J.S.A. 40A:14-7 empowers the governing body of any municipality, by ordinance, “to create and establish a paid or part-paid fire department and force and provide for the maintenance, regulation and control thereof, and except as otherwise provided by law, appoint such members, officers and personnel as shall be deemed necessary, determine their terms of office, fix their compensation and prescribe their powers, functions and duties and adopt and promulgate rules and regulations for the government of the department and force and for the discipline of its members.”

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of East Hanover, in the County of Morris, State of New Jersey, as follows:

Section 1. Chapter 26, FIRE DEPARTMENT Article I – Fire Department of the Code of the Township of East Hanover is repealed, in its entirety, and replaced with the following:

ARTICLE I – FIRE DEPARTMENT

The Fire Department of the Township of East Hanover, County of Morris, State of New Jersey, is hereby created and established with jurisdictional boundaries coextensive with the boundaries of the municipality. The Fire Department of the Township of East Hanover, herein shall be known as the East Hanover Fire Department (EHFD), said Fire Department composition shall include the East Hanover Volunteer Fire Department (EHVFD), heretofore known as the volunteer force, the Bureau of Fire/Rescue (BFR), heretofore known as the paid force, and the Bureau of Fire Prevention (BFP).

§ 26-1. Department Continued; Control.

The East Hanover Fire Department (EHFD) heretofore established in and for the Township is hereby continued. The Fire Department shall be under the control of the Mayor and Township Council and shall be subject to the provisions of this chapter and to such rules and regulations as the Mayor and Township Council, jointly with the Fire Director of the EHFD, shall deem necessary.

§ 26-2. Location of Headquarters.

The Headquarters of the EHFD shall be located at a place, or places designated by the Mayor and Township Council in consultation with the Fire Director of the Fire Department, herein known as the Fire Director.

§ 26-3. Personnel; Establishment of.

- A. The EHFD shall consist of a paid Fire Director, paid Fire Chief, paid Assistant Chief, the Bureau of Fire/Rescue (BFR) force as outlined in Chapter 26 Article II, the Bureau of Fire Prevention (BFP) force as outlined in Chapter 26 Article III, and a volunteer force, including but not limited to Deputy Chief(s), Captain(s), Lieutenant(s), Firefighters and such other officers and members as the service may be required or determined from time to time by the Mayor and Township Council jointly with the Fire Director.
- B. The office of the paid Fire Director, paid Fire Chief, paid Assistant Chief, Bureau of Fire/Rescue force (BFR), and Bureau of Fire Prevention (BFP) force is hereby established in the Township of East Hanover.

§ 26-4. Appointment of Paid Personnel;

The Fire Director, Fire Chief, and Assistant Chief, of the EHFD shall be appointed by the Mayor with the advice and consent of the Township Council and shall hold office and continue in their employment at the will of the Mayor and Council and so long as he/she possesses all applicable local, state and federal certifications and are a resident in the Township and shall not be removed without cause and without public hearing.

§ 26-5. Selection of Paid Fire Director; Paid officers.

- A. The paid Fire Director, paid Fire Chief, and paid Assistant Chief of the EHFD shall be selected and appointed by the Mayor with the advice and consent of the Township Council as set forth in § 26-4 and § 26-5. et seq.
- B. Whenever any appointment of employment is hereafter made to the position of paid Fire Director, he/she shall be a person who resides in the Township of East Hanover, and shall have not less than fifteen (15) years of experience in the fire service, shall have performed fire suppression work as a chief level fire officer for no less than five (5) years, shall have served as a chief level fire officer with budget preparation, grant submittal and management experience, policy and procedure development experience, risk assessment experience, and disciplinary/hearing officer experience for not less than three (3) years within a career, combination, or volunteer fire department. The Fire Director shall have served as Chief of Department for not less than two (2) years within a career combination, or volunteer fire department and/or equivalent education, certifications, and related experience in the public safety sector.
- C. Whenever an appointment of employment is hereafter made to the position of paid Fire Chief, members of the EHVFD shall receive preference consideration of said position, he/she shall be a person who resides in the Township of East Hanover, who has served as an active firefighter/fire officer for not less than eight (8) years. Additionally, he/she must have served in a position as a chief officer for not less than four (4) years before their appointment as Fire Chief; they shall possess all applicable local, State, and federal certifications; nothing shall preclude the mayor, upon the Fire Director's recommendation from appointing a qualified person from the general population.
- D. Whenever any appointment of employment is hereafter made to the position of paid Assistant Chief, he/she shall be a person who resides in the Township of East Hanover, a member of the EHVFD who shall have served as an active firefighter/officer for not less than five (5) years. Additionally, he/she must have served as Deputy Chief and/or Captain for not fewer than two (2) years prior to their appointment as Assistant Chief.
- E. Deputy Chief(s), Captain(s), Lieutenant(s), and such other uniformed officers as hereinafter may be created shall be appointed by the Fire Director with the recommendation from the Fire Chief and Assistant Chief. Such officers shall hold office for three (3) years beginning the first day of January. Such officers shall be in possession of all applicable local, State, and federal

certifications.

§ 26-6. Compensation.

The paid Fire Director, the paid Fire Chief, the paid Assistant Chief, and such other officers and members as the service may be required or determined from time to time by the Mayor and Township Council jointly with the Fire Director shall receive such compensation for their services as established and prescribed by the salary ordinance.

§ 26-7. Powers and Duties.

A. Powers and duties of paid Fire Director.

- (1) The Fire Director shall have jurisdiction and supervision over all EHFD personnel, and all apparatus and equipment used by said Department.
- (2) The Fire Director shall supervise and direct, either personally or through his/her assistants, the operations and activities of the EHFD with respect to all functions of the said department, including but not limited to budget, training, community relations, fire prevention, control and extinguishing of fire and emergency response, first responder and emergency medical services (EMS) operations.
- (3) The Fire Director shall have supervision of the EHFD Headquarters, and all buildings and grounds related thereto, subject to the control of the Mayor, and shall not allow said quarters to be used for any activities or in a manner not conducive to the efficient and good order of the department or which may result in any damage to said quarters or the equipment therein.
- (4) The Fire Director shall observe and direct that all fire apparatus and equipment, including the fire alarm signaling devices, are kept in good and proper working condition and shall report promptly to the Mayor any failure or breakdown of any apparatus or equipment or any damage thereto.
- (5) The Fire Director may establish such rules, regulations, policies, and procedures pertaining to the operations of the EHFD and the conduct of its personnel and issue such orders to the members of the EHFD as may, in his/her judgment, be necessary or requisite for the efficient operation of the said department and which are not in conflict with the provisions of any law or ordinance.

B. Reports of the Fire Director:

- (1) The Fire Director shall report to the Mayor such any and all suggestions or recommendations as he/she deems necessary for the good of the said department.
- (2) The Fire Director shall report each month to the Mayor any officers or members of the department who may be delinquent in the performance of the duties assigned to them, those absent from fires or alarms, and those who violate any of the rules or regulations of the department.
- (3) The Fire Chief shall report to the Fire Director, who shall then report to the Mayor any and all violations of any of the rules and regulations of the department. Failure of the Fire Chief to report such violations shall render him/her subject to censure, reprimand, or discharge from the department, unless he/she shall show to the satisfaction of the Board of Inquiry described in § 26-17 that such failure was unavoidable.

C. **Powers and duties of the paid Fire Chief.**

- (1) The Fire Chief shall report to the Fire Director and shall adhere to and enforce the lines of authority and chain of command established by the Fire Director.
- (2) The Fire Chief shall establish an office and an on-duty schedule approved by the Fire Director and carry out all duties and assignments delegated to him/her through the Fire Director.
- (3) The Fire Chief shall supervise and oversee all personnel comprising the EHVFD and all apparatus and equipment used by the EHFDD.
- (4) The Fire Chief shall have command and control for extinguishing fires. The Fire Chief shall have the authority to request or furnish mutual aid in the event of conflagration or other serious emergencies.
- (5) The Fire Chief shall supervise and oversee all EHFDD personnel during fires, alarms of fires, emergency incidents, meetings, training, drills, etc.
- (6) The Fire Chief shall conduct an inspection of, but not limited to, the firefighting force, equipment, apparatus, department building, and grounds from time to time.
- (7) The Fire Chief shall enforce all EHFDD rules, regulations, policies, procedures, training, and safety standards in maintaining efficiency and discipline, within consultation and approval of the Fire Director.
- (8) The Fire Chief shall maintain all-volunteer force personnel, training, and equipment records.

D. **Powers and duties of the paid Assistant Chief.**

- (1) The Paid Assistant Chief shall assist the Fire Chief with all assigned duties and responsibilities delegated to him/her, as well as assume the responsibilities of the Fire Chief in their absence.
- (2) The Assistant Chief shall serve as the Fire Department Operations/Safety Officer.

§ 26-8. Officer Eligibility.

No person shall be eligible for the position of Deputy Chief, Captain, or Lieutenant who does not reside in the Township. He/she must also have served as an active firefighter in the EHVFD for a minimum of three (3) years. He/she shall possess all applicable local, State, and federal certifications. He/she must be a member in good standing as outlined in the Length of Service Award Program (LOSAP) procedure; nothing shall preclude the Fire Director from appointing a qualified member(s) at his/her discretion.

§ 26-9 Command at fires.

At fires, alarms of fire, and other emergency incidents excluding EMS operations, the Fire Chief shall have the sole and entire command over all members of the EHFDD and apparatus and appurtenances belonging to the same and shall direct what measures he/she may deem proper for the extinguishment of fires. In the absence of the Fire Chief at a fire or alarm of fire, a Chief Officer (Assistant Chief, Deputy Chief, and Bureau Chief) shall be in charge, and in his/her absence, the officer next in rank shall be in charge. No member shall leave an emergency scene until authorized by the Fire Chief or the officer in command.

§ 26-10. Application for Membership of the EHVFD; consideration of approval.

Persons seeking to join the EHVFD shall make an application to the Office of the Fire Chief. After completing the application process and meeting the requirements described herein, the applicant may be considered for probationary membership in the EHVFD.

§ 26-11. Classifications of Membership within the EHVFD.

A. Probationary Membership; Volunteer Fire Department.

A probationary member in the EHVFD shall be limited to those persons recommended by the Fire Chief through the Fire Director and approved by the Mayor and Township Council. Membership eligibility shall be limited to those who meet the following qualifications:

- (1) The age requirement for probationary members shall be between the ages of 18 and 57.
- (2) The applicant must submit, as part of their application, a medical clearance report signed by the Township's physician, based upon a medical examination, that the applicant is physically fit to perform the duties of a firefighter as established.
- (3) An applicant must be a resident of the Township of East Hanover prior to making an application to become a member or recommended by the Fire Chief through the Fire Director.
- (4) An applicant shall be subject to a criminal background check prior to being accepted for probationary membership in the EHVFD. Evidence of a criminal conviction may disqualify any applicant from membership.
- (5) An applicant shall possess and maintain a valid State of New Jersey driver's license.
- (6) An applicant shall be a citizen of the United States.

B. Duties of Probationary Members; Volunteer Fire Department.

- (1) The probationary member(s) of the EHVFD shall be under the jurisdiction of the Fire Director, supervised by the Fire Chief or their designee, and shall perform such duties as assigned by the Fire Chief.
- (2) Probationary member(s) shall comply and adhere to policy, procedures, rules and regulations of the EHVFD or as set forth in the Township code. Failure of a probationary member to abide by these rules and regulations shall be grounds for dismissal from the EHVFD, subject to the right of the member to appeal said dismissal as outlined in § 26-17.
- (3) Probationary member(s) must successfully complete all departmental training and be a member in good standing as outlined in the LOSAP procedures, maintaining attendance at meetings, drills, cleanups, and alarms in order to continue as a probationary member.
- (4) Probationary member(s) shall, within six (6) months of appointment, register for an approved Division of Fire Safety (DFS) Firefighter 1 program and successfully complete the said program within eighteen (18) months of appointment. A probationary period may be extended for extenuating circumstances with the approval of the Fire Director.

- (5) Applicants seeking membership of the EHVFD who already possess a minimum of a Firefighter 1 certification recognized by the DFS must serve twelve (12) months probationary period and be a member in good standing as outlined in the LOSAP procedure in order to transfer to regular member status in the EHVFD.

C. Regular Member; Volunteer Fire Department.

- (1) EHVFD probationary members seeking regular member status may apply to the Fire Chief after having served a minimum of one (1) year as a probationary member in good standing as outlined in LOSAP procedure and possess a minimum of a Firefighter 1 certification recognized by the DFS. Upon the recommendation from the Fire Chief and Assistant Chief, his/her application shall be submitted to the Fire Director for approval consideration. Upon approval of the Fire Director, his/her application shall be forwarded to the Mayor for confirmation.
- (2) Thereafter, the members' names shall be entered upon the roll of firefighters kept by the Township Clerk. The said member shall be afforded all rights and privileges, such as jury duty and other exemptions as provided by the State's laws accorded a volunteer firefighter.
- (3) The Township Clerk shall maintain a record in which the names of every member of the EHVFD and the date of appointment and shall enter in said record also the names of those who may cease to be members and the cause.
- (4) A regular member who moves out of the Township may remain a member of the EHVFD if:
 - a. He/she is employed in the Township and lives within five (5) miles of fire headquarters; or
 - b. He/she has been given permission by the Fire Director on the recommendation of the Fire Chief and Assistant Chief.

D. Firefighter Emeritus Member; Volunteer Fire Department.

- (1) Any regular member who has completed twenty-five (25) or more years of fire service in the EHVFD and who is and has been a member in good standing as outlined in the LOSAP procedure, maintaining attendance at meetings, drills, cleanups, and alarms shall be eligible to become a firefighter emeritus.
- (2) Firefighter Emeritus, also known as "life member," shall apply for status change to the Fire Chief in writing. Upon the recommendation from the Fire Chief and Assistant Chief, his/her application shall be submitted to the Fire Director for approval consideration.
- (3) A firefighter emeritus shall maintain annual training and respiratory fit testing and is subject to the provisions of the rules and regulations of the EHVFD.
- (4) A firefighter emeritus shall continue maintaining attendance requirements as a member in good standing as outlined in the LOSAP procedure.

§ 26-12. Badge and uniform of membership; Issue and Surrender.

- A. Upon acceptance and enrollment as a member of the EHFD, he/she shall be given a badge of membership along with identification credentials by the Fire Director and Mayor, which he/she shall wear when directed.
- B. Badges, uniforms, and equipment shall remain the property of the EHFD and shall promptly be surrendered to the Fire Director through the Fire Chief upon resignation or termination of the member or upon demand of the Fire Director or whenever the badge holder shall be under charges for moral turpitude or neglect of duty or for any cause shall cease to be an active firefighter.
- C. The Fire Chief shall furnish in writing to the Fire Director the name of every member of the EHVFD who dies, resigns, or separation of service within ten (10) days.

§ 26-13. Response to Fire Alarms.

The members of the EHVFD shall, upon an alarm of fire, proceed promptly to fire headquarters and/or fire station two (2) to perform any duty that may be required of them. They shall remain on duty and at assigned post until relieved by orders, which shall be given only by the officer in command.

§ 26-14. Performance of Duty; Minimum Requirement.

- A. Every member of the EHVFD shall, in each year, perform to be a member in good standing as outlined in the LOSAP procedure, being composed of answering alarms, duty at fires, attendance at meetings, drills, and cleanups, in order to continue membership of the EHVFD.
- B. It shall be the duty of every member to immediately notify the Fire Chief or a chief officer of any repairs essential to maintain the department's efficiency and to order and cause the same to be done.

§ 26-15. Removing Apparatus from Township.

Apparatus and vehicles shall not be taken beyond the jurisdiction of the Township unless:

- A. Permission is given by the Fire Director or Fire Chief/Bureau Chief(s) with the approval of the Fire Director.
- B. A call for assistance in extinguishing a fire and/or emergency response, in accordance with the local, county, and/or state mutual and automatic aid agreements, shall be made as needed. Notification shall be made to the Fire Director, Fire Chief, or their designated assistant at the time of the call.

§ 26-16. Exempt Fireman's Certificates.

A member of the EHVFD shall be entitled to receive an exempt fireman's certificate when from the records of the EHFD filed with the Township Clerk, it appears that said member possesses the qualifications provided by law to receive an exempt fireman's certificate and has performed a minimum of twenty-five (25) % of fire duty in the department, all as more particularly provided for by N.J.S.A. 40A:14-56.

§ 26-17. Grievance and Disciplinary Procedure.

- A. Filing and Contents of Notice. If any officer or member of the Fire Department feels aggrieved by or dissatisfied with a ruling, order, or penalty given or imposed by any of the other officers or acting officers, he/she shall give written notice, filed through the chain of command to the Fire Director of the Fire Department, of the charges, stating the name of the officer or acting officer against

whom he claims a grievance, the grounds of his/her alleged grievance and the time, place and full circumstances with respect to same.

- B. Processing of Charges and Convening Board of Inquiry. Upon receipt of such notice, the Fire Director shall forward a copy of the notice to the Township Administrator who, as presiding officer, shall call together a Board of Inquiry consisting of himself/herself, the Mayor, Fire Director, Fire Chief, Assistant Chief and/or Chief Officers as an alternate member as needed.
- C. Function of Board of Inquiry. The Board of Inquiry shall afford the aggrieved officer or member of the Department a full hearing of the matter in controversy. It shall make such ruling in the matter as shall best preserve the interests of the Department and its members.
- D. Notice of Time and Place of Hearing. Two (2) weeks' notice to the aggrieved party shall be given by the Fire Director by mail sent to the aggrieved party's last known address, setting forth the time and place of hearing upon the grievance.
- E. Right to Counsel. The aggrieved party and the Board of Inquiry shall be entitled to select any person or member to represent them and act as counsel at such hearing.
- F. Decision of Board of Inquiry. Decision of all matters in controversy before the Board of Inquiry shall be by a majority vote of the members of such Board and shall be final.

Section 2. Chapter 26, FIRE DEPARTMENT Article II – Bureau of Fire/Rescue, of the Code of the Township of East Hanover is repealed, in its entity, and replaced with the following:

ARTICLE II – BUREAU OF FIRE/RESCUE

§ 26-18. Definitions.

BUREAU OF FIRE/RESCUE – The paid firefighter/EMT force within the East Hanover Fire Department (EHFD) who is responsible for fire suppression, hazardous materials operations, emergency medical services, fire prevention (education and community relations), code enforcement, and duties as outlined in Chapter 26 et seq., or any other duties as assigned by the Fire Director.

BUREAU CHIEF OF THE BUREAU OF FIRE/RESCUE - The Bureau Chief of the Bureau of Fire/Rescue (BFR) shall be designated through the Fire Director to oversee all other day-to-day operations involving BFR members and maintain all BFR records.

FIRE-BASED EMS - EMS delivered through first responders utilizing non-transport fire apparatus and/or by a vehicle licensed as an ambulance to transport the sick and injured to an appropriate receiving facility.

FIRE DEPARTMENT - A paid, part-paid, or volunteer fire-fighting force, body, or agency established by ordinance as a division of municipal government or one or more volunteer fire companies that have contracted with a municipality to provide fire protection. The “fire department” (FD), for all purposes herein, shall be known as the East Hanover Fire Department (EHFD), the fire fighting force, body, or agency within the territorial jurisdiction of the Township of East Hanover under the supervisory authority of the Fire Director and “Fire Chief” who shall have command and control for the extinguishing of fires.

FIRE DIRECTOR - The Director of the East Hanover Fire Department (EHFD), the supervisory authority of the EHFD.

FIREFIGHTER/EMT – A “paid member” of the BFR who is a person that has completed a Firefighting 1 training program and obtained a Firefighter 1 certification by the New Jersey Department of Community Affairs, Division of Fire Safety (DFS), who is trained in basic life support care and validly certified or recognized by the Commissioner in accordance with the standards for Emergency Medical Technician-Basic certification as set forth at N.J.A.C. 8:40A. and is responsible for fire suppression, hazardous materials operations, emergency medical services, fire prevention (education and community relations), code enforcement, and duties as outlined in Chapter 26 et seq., or any other duties as assigned by the Fire Director.

FIRST RESPONDER – A police officer, firefighter, or other person who has been trained to provide emergency medical first response services in a program recognized by the commissioner.

SUPERVISORY AUTHORITY - Supervisory authority over personnel of a fire department may be exercised by the mayor of the municipality or delegated, by resolution, or any employee or employees thereof.

§ 26-19. Establishment of the Bureau of Fire/Rescue.

There hereby established within the EHFD, the Bureau of Fire/Rescue (BFR), under the control and jurisdiction of the Fire Director, supervised by the Bureau Chief and/or their assistant(s). The BFR shall consist of paid officer(s) and member(s), who shall be certified “Firefighter/EMT,” responsible for fire suppression, hazardous materials operations, emergency medical services (EMS), fire prevention (education and community relations), code enforcement, and duties as outlined in Chapter 26 et seq., or any other duties as assigned by the Fire Director.

§ 26-20. Composition and Qualifications; appointment of BFR paid members.

The composition of the BFR shall be limited to those qualified persons recommended by the Fire Director and approved by the Mayor and Township Council.

- A. The BFR shall be comprised of paid personnel who consist of a Bureau Chief, assistant(s), officer(s), and member(s), who shall be certified “Firefighter/EMT,” and such other officers, members, and other employees as the service may require and as determined from time to time by the Mayor and Township Council jointly with the Fire Director.
- B. Appointee's eligibility for the position of Firefighter/EMT shall be limited to those who possess and maintain a valid DFS Firefighter 1 certification and a valid N.J. Department of Health Office of Emergency Medical Services (OEMS) Emergency Medical Technician (EMT) certification, shall possess and maintain a valid State of N.J. driver's license, shall be a citizen of the United States, and who meet the additional mandatory qualifications and possess all applicable local, State, and federal certifications as mandated or established by the Fire Director pursuant to applicable local, State, and federal laws and regulations.
- C. Preference consideration shall be given to qualified persons for the position of Firefighter/EMT who are members of the EHVFD and/or residents of the Township of East Hanover who meet eligibility as said in § 26-20 et seq; nothing shall preclude the Fire Director from recommending the appointment of a qualified person from the general population to the Mayor.
- D. Firefighter/EMT appointees may be required to pass a thorough medical and psychiatric examination to be administered by the appointing authority and a medical clearance report signed by the Township's physician based upon a medical examination that the appointee is physically fit

to perform the duties of a firefighter/EMT as established.

- E. Any psychological, medical, or physical condition or defect that would prevent the efficient performance of the duties of the position, cause the appointee to be a hazard to himself/herself or others, or become aggravated because of the performance of these duties will be cause for disqualification.
- F. At the time of appointment, or within eighteen (18) months from appointment thereafter, a Firefighter/EMT shall obtain a DFS-approved Fire Inspector certification and shall maintain such certification throughout their employment. Failure to obtain the certification or to maintain the same during employment shall be cause for termination; however, for a good cause shown, the mayor, upon recommendation from the Fire Director and the Bureau Chief, may grant an extension period of not more than ninety (90) days for the individual to obtain certification and/or recertification.

§ 26-21. Compensation and Duties.

A. BFR Members; Firefighters/EMTs.

- (1) Appointed BFR members shall be and are hereby designated as paid employees of the Township of East Hanover assigned to the BFR and shall receive such compensation for his/her services as established and prescribed by the salary ordinance.
- (2) BFR Members duties shall include but are not limited to extinguishing fires; performing rescue operations; aiding in emergency situations involving hazardous or toxic materials; administering emergency medical treatment; performing commercial and residential building and property inspections, compliance inspections, fire prevention (education and community relations), code enforcement; maintaining all related equipment, buildings, and grounds; and does related work as assigned by the Fire Director through the Bureau Chief and/or their assistant(s).
- (3) Members will be provided with a work schedule and an assigned tour of duty as approved by the Fire Director.
- (4) A BFR member shall be in command in the absence of an officer.
- (5) Members shall adhere to the employee handbook and all fire department rules, regulations, policies, procedures, training, and safety standards in maintaining efficiency and discipline.
- (6) A BFR member shall maintain the following but not limited to annual training, respiratory fit testing, and all applicable local, State, and federal certifications and licenses.
- (7) Failure of a BFR member to abide by the rules and regulations shall be grounds for dismissal through due process.
- (8) BFR members shall remain at an emergency scene and at an assigned post until relieved by orders authorized by the officer in command.
- (9) Upon acceptance and appointment as a BFR member, he/she shall be given a badge of membership along with identification credentials issued by the Fire Director and Mayor,

which he/she shall wear when directed. Badges, uniforms, and equipment shall remain the property of the EHFD and follow § 26-12 et seq.

B. Supervisor and Management:

- (1) The Bureau Chief shall meet the qualifications of § 26-20 et seq, possess and maintain a valid DFS Firefighter 1 certification, N.J. OEMS EMT certification, N.J. DFS Fire Inspector and/or Fire Official certification, NJ DFS Incident Management Level 2, and have a minimum of three (3) years' experience as a fire officer within a career, combination, or volunteer fire department and have minimum of three (3) years of administrative experience in the fire and/or EMS service and/or equivalent education, certifications, and related experience in the public safety sector; nothing shall preclude the mayor, upon the Fire Director's recommendation from appointing a qualified person from the general population.
- (2) The Bureau Chief shall report to the Fire Director and shall adhere to and enforce the lines of authority and chain of command established by the Fire Director.
- (3) The Bureau Chief and their assistant(s) shall establish an office, and an on-duty schedule approved by the Fire Director and carry out all duties and assignments delegated to them by the Fire Director.
- (4) The Bureau Chief and their assistant(s) shall oversee all other day-to-day operations involving BFR members through the Fire Director.
- (5) The Bureau Chief shall maintain personnel, training, and equipment records of BFR members.
- (6) BFR members shall be supervised and commanded by the Fire Chief, the Assistant Chief, or a Chief Officer at fires or any emergency operation involving the EHFD, excluding EMS operations.
- (7) The Bureau Chief, their assistant(s), and said members of the BFR shall work in coexistence and coordinate with all EHFD personnel.

C. Other Employees.

- (1) Other employees shall be recommended by the Fire Director to the Mayor for appointment as the service may require.

Section 3. Chapter 26, FIRE DEPARTMENT of the Code of the Township of East Hanover is hereby amended to include a new Article VII, entitled "Hotel and Multiple Dwelling Law Through The State Local Cooperative (SLCHIP)" as follows:

ARTICLE VII – HOTEL AND MULTIPLE DWELLING LAW THROUGH THE STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM (SLCHIP)

§ 26-79. Definitions:

BUREAU OF FIRE PREVENTION (BFP) – The Bureau of Fire Prevention of the East Hanover Fire Department (EHFD) shall be the agency having jurisdiction (AHJ) within the municipality and shall locally enforce the Code

pursuant to the authority of the "Uniform Fire Safety Act" (P.L. 1983, c.383, N.J.S.A. 52:27D-192 et seq. and the "New Jersey Uniform Fire Code."

CHIEF ADMINISTRATOR – Shall be the Housing Code Official of the Bureau of Housing and shall be the supervisor of the SLCHIP within the Township of East Hanover under N.J.A.C. 5:10-1 et seq.

FIRE DIRECTOR – The Director of the East Hanover Fire Department (EHFD), the supervisory authority of the EHFD.

HOUSING CODE OFFICIAL – Are individuals authorized to act as the first-line supervisor in an enforcing agency responsible for the administration and enforcement of the State Hotel and Multiple Dwelling Law and regulations, who is responsible for ensuring the collecting of fees, conducting inspections, reinspection, assessing penalties, penalty enforcement actions, and other actions provided under N.J.A.C. 5:10-1 et seq., met requirements set forth in N.J.A.C. 5:10-1B.2. et seq.

LOCAL INSPECTOR – Through the SLCHIP program licensed, a local inspector(s) is authorized to perform cyclical inspections and compliance inspections of hotels, motels, and multiple dwellings within an enforcing agency such as a municipality in accordance with N.J.S.A. 55:13A-1 et seq.

LOCAL ENFORCING AGENCY (LEA) – The Bureau of Fire Prevention in the East Hanover Fire Department, of the Township of East Hanover shall be the agency responsible for performing cyclical inspections and compliance inspections of hotels, motels, and multiple dwellings and earn compensation for the municipality and have discretion not to enforce any maintenance requirement herein set forth in a particular case if it determines that the violation of such requirement in such case, if allowed to continue, would not jeopardize the health, safety or welfare of occupants or intended occupants or of the public generally. In no case, however, shall the LEA fail to enforce any standards or requirements pertaining to fire safety, building security, occupancy, health, or providing of required facilities or equipment except pursuant to an exception granted in accordance with N.J.S.A. 55:13A-1 et seq.

STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM – Under the New Jersey Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.) and enforces the Hotel and Multiple Dwelling Law through the State Local Cooperative Housing Inspection Program (SLCHIP). Through the SLCHIP program, licensed local inspectors perform cyclical inspections and compliance inspections of hotels, motels, and multiple dwellings and earn compensation for the municipality.

TOWN LEVEL SUPERVISOR – An individual who meets the requirements of N.J.A.C. 5:10-1B.2. et seq., who is responsible for overseeing work queues for Inspectors and support staff members, and LEA inspection teams only under his/her supervision, appointed by the Fire Director.

TRAINEE – Persons may apply for licensure and shall be licensed under this category subject to compliance with the following requirements set forth in N.J.A.C. 5:10-1B.2. et seq.

§ 26-80. Establishment.

- (1) The BFP of the EHFD is the local enforcing agency (LEA) within the jurisdiction of the Township of East Hanover pursuant to § 26-22 and shall be responsible for enforcing the provisions of the Hotel and Multiple Dwelling Law through the State Local Cooperative Housing Inspection Program (SLCHIP), ensuring that hotels and multiple-family buildings of three (3) or more dwelling units operating within the State are properly maintained and do not pose a threat to the health, safety, and welfare of their residents, nor the community in general through performing

local, cyclic inspections, and compliance inspections, earning compensation for the municipality.

§ 26-81. Supervision and Management:

- (1) The Fire Director shall assign a team supervisor who shall establish the day-to-day operating procedures of the agency and shall be responsible for the activities of the inspectors and trainees.
- (2) He/she shall be qualified and licensed as an Inspector of hotels and multiple dwellings in accordance with the N.J.A.C. 5:10-1A et seq.
- (3) The Bureau of Housing Inspection (BHI), housing code official shall be responsible for ensuring the performance of local, cyclic inspections, and compliance inspections of SLCHIP pursuant to N.J.A.C. 5:10-1 et seq. and shall be responsible for the oversight of enforcement promulgated pursuant to N.J.S.A. 55:13 et seq.

§ 26-82. Code enforcement officials; Inspectors, and trainees:

- (1) Members of the BFP and BFR shall be known as Inspector(s) or Trainees(s) and shall assist the housing code official with enforcing N.J.A.C. 5:10-1 et seq.,

§ 26-83. Reserved

Section 4. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

Section 5. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

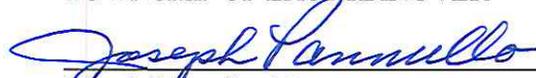
Section 6. Any section of Chapter 26 – Fire Department of the Township Code not expressly repealed, replaced, amended or supplemented by this ordinance remains in full force and effect

Section 7. This Ordinance shall take effect upon final publication as provided by law.

Attest:

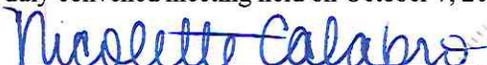

Nicolette J. Calabro, RMC
Township Clerk

TOWNSHIP OF EAST HANOVER


Joseph Pannullo, Mayor

Introduced: September 9, 2024
Adopted: October 7, 2024

I, Nicolette J. Calabro, RMC, Township Clerk of the Township of East Hanover, County of Morris, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Council at a duly convened meeting held on October 7, 2024.


Nicolette J. Calabro, RMC
Township Clerk

