

**BOROUGH OF GARWOOD**  
**ORDINANCE NO. 24-11**  
 Adopted: \_\_\_\_\_

Introduced:	
Motion:	
Seconded:	

Public Hearing:	
Motion:	
Seconded:	

**AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GARWOOD BY AMENDING CHAPTER 27, ENTITLED “FIRE DEPARTMENT”, ARTICLE I “GENERAL PROVISIONS”, SUBSECTION 27-2 “ORGANIZATION AND ELECTION OF OFFICERS” AND SUBSECTION 27-6 “CHIEF TO BE FIRE MARSHALL, FIRE INSPECTOR, FIRE PREVENTION OFFICER”.**

**WHEREAS**, the Borough of Garwood (the “Borough”) has previously adopted Chapter 27 of the Code of the Borough of Garwood which established and governs the Fire Department; and

**WHEREAS**, the Borough consulted with a representative with the New Jersey Division of Fire Safety who made recommendations for amendments to the Borough Code; and

**WHEREAS**, the Borough is seeking to update sections 27-2 “Organization and Election of Officers”, and section 27-6 “Chief to be Fire Marshall, Fire Inspector, Fire Prevention Officer”; and

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Garwood that Chapter 27 of the Borough Code of the Borough of Garwood entitled, “Fire Department”, Article I “General Provisions”, Subsections 27-2 Organization and Election of Officers and Subsection 27-6 Chief to be Fire Marshall, Fire Inspector, Fire Prevention Officer is hereby amended as follows (additions underscored, deletions struck-through):

**Article I**  
**General Provisions**

§ 27-2 Organization and election of officers.

A. Officers; chain of command.

(1) The Fire Department shall consist of the following officers in the order of chain of command:

Chief	1
Deputy Chief	1
Assistant Chief	3
Captain	2
Lieutenant	2

(2) Firefighter members as may be appointed as hereafter, provided the total officers and firefighters shall not exceed 50 members in aggregate.

B. Officers; election, qualification, and appointment processes.

(1) Nominations of officers shall be made only at the regular meeting in the month of November. Officers will be balloted on at the regular meeting in the month of December, and a majority of votes cast shall elect.

(2) Prior to being placed on the ballot at the regular meeting in the month of December, the Chief will review all nominated members and determine, through company records, those members eligible to seek office. Members wishing to be considered for election to office must have their qualifications certified prior to the December meeting. The Chief will review the eligibility determinations pursuant to law. Further, the Chief will confirm and substantiate the eligibility of the nominated members with the Borough Administrator. Thereafter, the Chief will post a list of confirmed eligible members that have submitted letters in a conspicuous location in the firehouse prior to the December meeting.

(3) Officers elected shall assume their duties on January 1 and shall hold office for one year, or until their successor is elected and qualified.

(4) The election shall be conducted by a Board of Election appointed by a ~~the~~ Captain, and shall consist of a judge and two (2) tellers.

(5) Candidates for office must be in good standing to be nominated. Members must be in good standing to vote.

(6) After the election of officers, the department shall request the Mayor and Council to appoint and confirm the same by Resolution, which appointments shall be made as of January 7th of the year following verification by the Borough Clerk to the Borough Administrator that each officer-elect meets all of the eligibility requirements defined in this Article.

(7) Candidates for elected officer positions must have a high school diploma or equivalent, meet the following listed length of service requirements, and meet the New Jersey state certification levels appropriate for their position as defined in N.J.A.C. 5:73-1.6 or its successor regulation as promulgated by the New Jersey Department of Community Affairs.

(a) Chief; having served at least one (1) year as Deputy Chief ~~and holding state certification as a Fire Officer II or greater.~~

(b) Deputy Chief; having served one (1) year as Captain ~~and holding state certification as a Fire Officer II or greater.~~

(c) Captain, having served one (1) year as Lieutenant ~~and holding state certification as a Fire Officer I or greater.~~

(d) Lieutenant, having been three (3) years a member of the Fire Department ~~and holding state certification as a Fire Officer I or greater.~~

The Chief may appoint any firefighter who is qualified as defined in this Article as an Acting Officer, should any elected line officer position become vacant due to unavailability of the incumbent, including appointment to a superior level officer position. Such an appointment may not extend beyond the balance of the year it is made, and is at the pleasure of the Chief. Any appointment or removal of an Acting Officer will be communicated in writing to the Borough Clerk.

§ 27-6 Chief ~~to be Fire Marshall, Fire Inspector, Fire Prevention Officer.~~

The Chief shall ~~be the Fire Marshall, Fire Inspector and Fire Prevention Officer of the Borough and such shall~~ perform such duties as may be required by the laws of the State of New Jersey and applicable ordinances of the Borough.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect after final passage and publication in accordance with applicable law.

**ATTEST:**

**APPROVED:**

Catherine D. Cameron, R.M.C.  
Borough Clerk

Jennifer Blumenstock, Mayor

<b>RECORDED VOTE</b>	<b>INTRODUCTION:</b>	<b>ADOPTION</b>
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<b>COUNCILWOMAN BOTO</b>		
<b>COUNCILMAN FOLEY</b>		
<b>COUNCILMAN LAZAROW</b>		
<b>COUNCILWOMAN NOLDE</b>		
<b>COUNCILWOMAN SALMON</b>		
<b>COUNCIL PRESIDENT KEARNEY</b>		