

# <sup>1</sup> FIRE DEPARTMENT

## CHAPTER 13

- 13-1. Creation; Purpose
- 13-2. Adoption of Rules and By-Laws
- 13-3. Composition
- 13-4. Roll of Firefighters
- 13-5. Qualifications for Membership
- 13-6. Application for Membership; Badge
- 13-7. Additions to and Removal From the Rolls of Firefighters
- 13-8. Duty Requirements; Members in Good Standing
- 13-9. Size of Companies
- 13-10. Officers; Election and Terms; Powers and Duties
- 13-11. Salaries and Compensation
- 13-12. Damage to Fire Apparatus; Obstruction of Fire Department Personnel; False Alarms; Violations and Penalties

### GENERAL REFERENCES

Administration of Government	See Ch. 3
Pensions	See Ch. 27, Art. I
Fire Prevention and Protection	See Ch. 127

#### 13-1. **CREATION; PURPOSE:**

A Fire Department, to be known and designated as the "**LINCOLN PARK FIRE DEPARTMENT**", is hereby created, whose object shall be the protection and saving of life and property, and is vested with custody and control over all fire emergency equipment now owned or hereinafter acquired by the Borough of Lincoln Park for the prevention and extinguishments of fires or other hazardous conditions.

#### 13-2. **ADOPTION OF RULES AND BY-LAWS:**

The members of the Fire Department shall adopt rules and By-Laws for governing the Fire Department not inconsistent with this Chapter. A copy of the same shall be given to all Firefighters on the Borough Clerks Roll of Firefighters. It is the obligation of all members to have full knowledge of the Rule and Regulations and Department By-laws.

#### 13-3. **COMPOSITION:**

The Fire Department shall consist of Hose Company No. 1, Hose Company No. 2 and such additional duly incorporated Fire Companies as the Mayor and Borough Council shall recognize and approve.

---

<sup>1</sup> Amended in its entirety by Ordinance 1,033 Adopted on December 2, 1991

## LINCOLN PARK CODE

### 13-4. **ROLL OF FIREFIGHTERS:**

The Borough Clerk shall maintain an accurate record on all Firefighters, which shall be known as the "**ROLL OF FIREFIGHTERS**". Such record shall show such Firefighters full name, date of birth, date of death, date of naturalization if foreign born, address, change of address while a Firefighter, date and type of change in status, including but not limited to changes in exemptions, suspensions, expulsion, retirement, resignation and leaves of absence. The date when a Firefighter is confirmed by the Director as a Department Officer shall also be recorded. Each Firefighter's annual percentage of duty attendance at alarms and drills shall also be reported by the Chief annually to the Director.

### <sup>2, 3, 4</sup>13-5. **QUALIFICATION FOR MEMBERSHIP:**

- A. Any person convicted of a crime or offense involving moral turpitude, including, but not limited to, any crime or offense involving deceit, fraud, theft, arson and/or other burnings, atrocious assault and battery, breaking and entering, bribery or corruption, burglary, embezzlement, conversion and misappropriation of funds, extortion, forgery, counterfeiting, frauds and cheats, lewdness, indecency, obscenity, larceny, loan sharking, possession or use of a controlled dangerous substance, rape, carnal abuse, receiving stolen property, or any other crime against the person, shall be ineligible for membership with the Fire Department, and, upon conviction thereof while holding such membership, shall forfeit their membership, in accordance with N.J.S.A. 40:69A-166 or any amendment thereto.
- B. No applicant for membership with or current member of the Fire Department shall directly or indirectly give to, receive from or promise to any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person, under the penalty of being disqualified to hold membership therein.
- C. All applicants for membership with the Fire Department shall be subject to fingerprinting and a criminal background check by the Lincoln Park Police Department, to determine the presence of any criminal convictions, for the protection of the public safety and welfare.
- D. No applicant shall be eligible for membership with the Fire Department or any unit thereof unless he/she shall be a citizen of the United States, between the ages of eighteen (18) and forty-five(45) years of age, and sufficiently, physically fit to perform the duties of a Firefighter evidenced by a certification to that effect, signed by a licensed, practicing physician of  
-1302-

---

<sup>2</sup> Amended by Ordinance 1,244 Adopted on June 19, 2000 Effective on July 9, 2000

<sup>3</sup> Amended by Ordinance 1,253 Adopted on October 16, 2000 Effective November 5, 2000, Paragraph A, D & E

<sup>4</sup> Amended by Ordinance, 1,384 Adopted on July 16, 2007 Effective August 5, 2007 Add Paragraph H.

## FIRE DEPARTMENT

the State of New Jersey, following a physical examination conducted for that purpose.

- E. All applicants for membership shall be permanent residents of the Borough of Lincoln Park and subject to a six (6) month probationary period, unless at the time of application, he/she is listed on the current roster of the State Firefighters Association, and meets current training criteria and all other eligibility requirements, in which case the applicant shall be immediately eligible for membership.
- F. Applicants who are out of state transfers, shall be eligible for membership so long as they are listed on the current roster of their home state's State Firefighters Association, meet current State of New Jersey training criteria, and all other eligibility requirements. Proof of satisfaction of training criteria shall be subject to the approval of the Chief of the Fire Department, Deputy of the Fire Company, and the Director.
- G. Any person knowingly providing false or misleading information on any application for membership shall be disqualified from membership therein.
- H. Applicants over forty-five (45) years of age shall be immediately eligible for probationary and if subsequently appropriate, for regular membership in the Lincoln Park Fire Department if he/she is listed on the current roster of the New Jersey State Firefighters Association and meets current training criteria and all other eligibility requirements.

### 13-6. **APPLICATION FOR MEMBERSHIP; BADGE:**

- A. Every person seeking to join the Fire Department, shall make application to the Company which he/she desires to join and, upon their election to membership as per the By-laws of the Department, he/she shall become a member of the Fire Department only after approval by the Chief and confirmation by the Director, causing their names to be entered on the Roll of Firefighters as kept by the Borough Clerk.
- B. Every member shall receive a badge of the Company of which they are a member after being sworn in by the Clerk. He/she shall surrender all Fire Department property immediately upon resignation, suspension or dismissal.

### 13-7. **ADDITION TO AND REMOVAL FROM THE ROLL OF FIREFIGHTERS:**

A person having his/her name entered on the Borough Clerk's Rolls of Firefighters, shall be considered a Firefighter until their name is stricken from the Roll. No name shall be thus stricken except upon written demand of the Chief and approval, within fourteen (14) days thereafter, by the Director.

## LINCOLN PARK CODE

### 13-8. **DUTY REQUIREMENTS; MEMBERS IN GOOD STANDING:**

- A. Every member of the Fire Department shall, in each and every year, perform at least sixty (60%) percent duty annually, which shall include attendance at alarms, drills and meetings.
- B. A member in good standing is one who has maintained such sixty (60%) percent attendance for the previous fiscal year.
- C. The fiscal year shall be October 1st to September 30th.

### 13-9. **SIZE OF COMPANIES:**

Each Company of the Fire Department shall not have more than forty-five (45) members.

### 13-10. **OFFICERS; ELECTION AND TERMS; POWERS AND DUTIES:**

- A. The Officers of the Fire Department shall consist of the following:
  - (1) One (1) Chief of the Department
  - (2) One (1) Deputy Chief from each Company
  - (3) One (1) Captain from each Company
  - (4) One (1) Lieutenant from each Company
  - (5) One (1) President of the Department
  - (6) One (1) Vice President of the Department
  - (7) One (1) Secretary of the Department
  - (8) One (1) Treasurer of the Department
  - (9) One (1) Sergeant at Arms of the Department
- B. Election and terms. The above Officers shall take office at 12:00 noon, January 1st of every year and shall serve until duly replaced.
  - (1) The Office of Chief shall be duly elected from the membership of the Department by majority vote for a one (1) year term.
  - (2) The Offices of President, Vice President, Secretary, Treasurer and Sergeant at Arms shall be duly elected from the membership of the Department by majority vote for one (1) year.
  - (3) The Offices of Deputy Chief, Captain and Lieutenant shall be elected from membership of the individual companies by a majority vote for one (1) year.
- C. The above Officers and duties of the Officers are provided for in Section 3.
- D. Vacancies in any of the above offices shall be filled as provided in the Rules and By-Laws.

## FIRE DEPARTMENT

### 13-11. **SALARIES AND COMPENSATION:**

- A. Members and Officers of the Fire Department as listed on the Borough Clerk's Roll of Firefighters, shall receive such compensation toward expenses incurred by them on Department duty as the Chief in conjunction with the Director, may, from time to time, determine and as confirmed by the Borough Council.
- B. Compensation shall be paid annually from such funds lawfully appropriated only if sixty (60%) percent duties are maintained for the fiscal year.
- C. In the event of loss of personal items, such as glasses, clothing or other valuable items, while on duty at any fire or emergency, such loss may be reimbursed by the Borough Council upon recommendation of the Chief. Any Firefighter shall be reimbursed for expenses incurred while on official Fire Department business.

### 13-12. **DAMAGE TO FIRE APPARATUS; OBSTRUCTION OF FIRE DEPARTMENT PERSONNEL; FALSE ALARMS; VIOLATIONS AND PENALTIES:**

- A. No person shall:
  - 1. Handle, damage or remove any fire engine or equipment or injure or mutilate, at any time or place, any fire engine or other apparatus.
  - 2. Willfully hinder or molest or attempt to do any violence to any Officer or member of the Fire Department or to any other Borough Officer while performing their duty at a fire or in going to or returning from a fire or any alarm of fire.
  - 3. During a fire, or at any time, drive any vehicle over a hose or other fire equipment.
  - 4. Raise, create or continue a false alarm of fire or falsely represent any member of the Fire Department or maliciously or with intent to deceive use or imitate any of the signals or devices adopted and used by the Fire Department or wear in public the badge or insignia prescribed to be worn by members of the Fire Department.
- B. Violation, Penalties. Any person violating any of the provisions of Section 12, shall, upon conviction thereof, be subject to a penalty not to exceed one thousand dollars (\$1,000.00), community service not exceeding ninety (90) days or imprisonment not exceeding ninety (90) days, or any combination thereof, for each offense, in the discretion of the court.