

BOROUGH OF HIGHLAND PARK
NO. 8-20-220

RESOLUTION: Public Safety Committee

WHEREAS, an Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING THE "CODE OF THE BOROUGH OF HIGHLAND PARK" BY REMOVING AND REPLACING CHAPTER 39, has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on Tuesday, September 1, 2020, at 7:00 PM, for the purpose of considering said Ordinance on final passage after public hearing thereon.

BE IT FURTHER RESOLVED that said a Notice of Pending Ordinance and Summary of said Ordinance be published once at least one (1) week prior to the time fixed for further consideration of said Ordinance for final passage in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published daily in this municipality, together with a notice of the introduction thereof and of the time and place when and where said Ordinance will be further considered for final passage as aforesaid.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, forthwith and that the Borough Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

ADOPTED: August 18, 2020

ATTEST:

Joan Hullings, Borough Clerk

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 18th day of August, 2020.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Fine				
Foster-Dublin				
George				
Hale				
Kim-Chohan				

**BOROUGH OF HIGHLAND PARK
ORDINANCE NO. 20-**

**AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY AMENDING THE "CODE OF THE
BOROUGH OF HIGHLAND PARK" BY REMOVING AND REPLACING CHAPTER 39**

WHEREAS, the governing body of any municipality, by ordinance, may create and establish a paid or part-paid fire department and force as well as a volunteer fire company, 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; and

WHEREAS, the Borough of Highland Park has established by Ordinance such a department, under which department regulations are currently located under Highland Park Borough Code, Chapter 39, Fire Department; and

WHEREAS, the Borough Council is interested in updating and amending its Borough Code to include the most recent best practices throughout the State of New Jersey and incorporate criteria for operations and qualifications that mirror the expectations of the New Jersey Division of Fire Safety; and

WHEREAS, the New Jersey Statutes Annotated, N.J.S.A. 40A:14-7 et seq. governs the establishment of a municipal fire department; and

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLAND PARK that the current Chapter 39 be rescinded and replaced with the following language as follows:

CHAPTER 39

FIRE DEPARTMENT

SECTION 39-1. ESTABLISHMENT.

- A.** A Fire Department is established in and for the Borough to be known as "Highland Park Fire Department." The Fire Department shall consist of the volunteer and paid career members as confirmed by the Mayor and Borough Council, with recommendation from the Public Safety Committee and the Director of Emergency Services. The rate of compensation of the paid members of the Department shall be fixed and determined by the Borough Council.
- B.** The members and officers of the Fire Department as established at the time of the adoption of this chapter shall continue as such member and officers until further members or officers are elected as herein provided.
- C.** The Department shall consist of not more than 50 members at any given time.
- D.** The Fire Department Constitution and by-laws may provide for the election of officers and new members, however shall not conflict with borough fire department ordinance and that no such election shall become effective until approved by the Mayor and Borough Council.
- E.** The members of the Fire Department whose names appear upon the roll of firefighters which shall be submitted to and approved by the Borough Council at its first regular meeting of the month of January in each year. .
- F.** The election of such Chief, Deputy Chief and Assistant Chief, Captain and Lieutenant shall be held at fire headquarters of the Fire Department and in such a manner as may be provided by Constitution and By-Laws of the Fire Department, provided that the Constitution and By-Laws shall not conflict with the borough fire department ordinance or state and federal statutes, if any, and if such contradiction exists, then the latter law shall apply. The names of all officers selected by election

for office shall be submitted to Borough Council for confirmation and reviewed for compliance with officer standards stated in this ordinance for Fire Chief, Deputy Chief, Assistant Chief, Captain and Lieutenant, the terms of office shall be (1) one year from the first day of January of the year that confirmation takes place and/or until their successors shall be elected and confirmed. In case any person elected to any of such offices shall not be confirmed by the Borough Council at its next regular meeting after such election, another election shall be ordered by the Borough Council. Resignation of any officer shall become effective upon notification to the Borough Administrator and which will advise the Borough Council of such resignation. In the absence or disability of the Chief or Deputy Chief, Assistant Chief, and Captain and Lieutenant, the Council can approve the appointment of the Fire Chief from the recommendations of the Director of Emergency Service (Fire Director) to the Public Safety Committee.

- G. Borough Council may appoint the Director of Emergency Services to act in the capacity of the Borough Fire Chief, at any time with the recommendations of the Public Safety Committee, subject to approval by the Borough Council.
- H. Probationary members shall not have the right to vote for any line Firematic Officer position.
- I. The members of the Fire Department may adopt a Constitution, By-Law and Rules of Orders, provided there shall be nothing therein contained which shall conflict with Borough of Highland Park Fire Department Ordinance and any state or federal law or standard or any present or future provisions of this chapter.
- J. A candidate seeking to become a member of the Fire Department of the Borough of Highland Park, shall make an application, and shall be over the age 18 and under the age determined by the New Jersey Firemen's Association, 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. The candidate shall 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 Highland Park to conduct and order a 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 Highland Park as long as a receipt is provided. Once all required examinations are completed and passed, the applicant shall be approved by the majority vote of the Mayor and Council of the Highland Park by appropriate resolution, and elected by majority vote of active members of Highland Park Fire Department where upon he/she shall be become a member of the fire department and shall be given a badge and identification card of membership furnished by the Borough of Highland Park.
- K. 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.
- L. 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 Highland Park 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.
- M. All firefighters who shall remain active after receiving an exempt certificate from the New Jersey State Firemen's Association shall perform at least 30 % 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 30% percent of duty for two consecutive years shall be expelled as an active firefighter.

- N. All Probationary members of the fire department are required to complete and pass the New Jersey State Division of Fire Safety Firefighter I course and obtain their State of New Jersey Division of Fire Safety Certification prior to becoming an Active Member, and shall be on a probationary period of (1) one year before becoming an Active Member with the Borough of Highland Park Fire Department.
- O. It shall be the duty of the members of the Fire Department to attend to the fire apparatus committed to their charge and the building in which they are kept, but nothing shall be construed as affecting the right of the Borough to control the apparatus and the use and/or occupancy of the fire house and building belonging to the Borough.

SECTION 39-2. OFFICERS.

- A. The Fire Department of the Borough of Highland Park shall consist of the following Departmental and Company Fire Officers.
 - 1. Director of Emergency Services (Fire Director)
 - 2. Fire Chief / (Fire Supervisor Lieutenant)
 - 3. Deputy Chief
 - 4. Assistance Chief
 - 5. Incident Safety Officer
 - 6. Engineer
 - 7. Captain
 - 8. Lieutenant
 - 9. Fire Police Personnel #1
 - 10. Fire Police Personnel #2
- B. If the need arises to appoint, an Assistant Incident Safety Officer(s), or to increase the amount of Fire Officers in the Department to the overall number of members in the Department shall comply to the span of control standard. It will be the discretion of the Borough of Director of Emergency Services Highland Park with recommendations of the Borough Fire Chief of said appointment(s), and shall amend additional Incident Safety Officer or Fire Officer positions by Department policy.
- C. If the need arises for an Assistant Engineer; it will be the discretion of the Highland Park Director of Emergency Services with recommendations from the Fire Chiefs to make said appointments.
- D. The Chief shall keep a record of all alarms of fire within the Borough, the cause of same, and a description of the property damaged or destroyed and at a regular meeting of the Borough Council in the month of August in each year, he shall present a report showing the number of alarms of fire and the number of fires which have occurred during the preceding year. The amount of loss by fire as near as can be ascertained and also the condition of the fire house and apparatus with such recommendations as he may deem necessary and proper.

E. Fire Officer Qualifications and Duties

[Note: Any individuals currently holding ranks in the Borough of Highland Park 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.]

2. 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 Director of Emergency Services (Fire Director).
- ❖ Assists Director of Emergency Services (Fire Director) 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 Director of Emergency Services (Fire Director) for training courses for department staff.
- ❖ Confers with Director of Emergency Services (Fire Director) 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 Director of Emergency Services (Fire Director).
- ❖ Reviews all monthly reports (apparatus, drills, fuel, equipment and apparatus repairs) to initiate appropriate follow-up.
- ❖ Reviews information on equipment with Director of Emergency Services (Fire Director) that requires capital expenditures for budget consideration.
- ❖ Ensures that all Fire Department rules and regulations are followed.
- ❖ Assists Director of Emergency Services (Fire Director) 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 Director of Emergency Services (Fire Director).
- ❖ May be requested to perform other duties, as the need arises.

3. 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 Director of Emergency Service (Fire Director) 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 Director of Emergency Service (Fire Director) 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.

4. 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 Director of Emergency Services (Fire Director) and other elected 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 be requested to perform other duties, as the need arises.

5 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.

6. 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 provide a report of repairs completed or repairs needed to the department Captain or Supervisor of paid personnel, which they shall forward to Director of Emergency Services (Fire Director).
- ❖ 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.

7. 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.
- ❖ Oversees 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.
- ❖ May be requested to perform other duties, as the need arises.

8. Lieutenant:

7. Must have at least three (3) years experience as a firefighter.
8. Must have a New Jersey Firefighter I Certification issued by the New Jersey Division of Fire Safety.
9. Must have an I.M.S. Level 1 Certification issued by the New Jersey Division of Fire Safety.
10. Must be qualified pump operator by departmental standards.
11. 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 firefighting 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.
- ❖ May be requested to perform other duties, as the need arises.

9. Fire Police:

1. Must have at least one (1) year experience as a firefighter.
2. Must Have New Jersey State Certification of Fire Police Personnel
3. Must have a New Jersey Firefighter I Certification issued by the New Jersey Division of Fire Safety.
4. 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
5. Must have an I.M.S. Level 1 Certification issued by the New Jersey Division of Fire Safety.
6. 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.

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 Director Emergency Services (Fire Director) 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 department 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 department officer or Fire Chief to be delivered to Director of Emergency Services (Fire Director) 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.

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 on-duty personnel, or department officer.

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 department officer.
- E. Upon satisfactory completion of items B, C, and D and the completion of ten (10) 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 Chief and Director of Emergency Services (Fire Director) 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. Attend and pass an approved Truck operation class.
- C. 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 department officer.
- D. Completed ten (10) hours behind the wheel training with an approved operator for the apparatus.

E. Upon satisfactory completion of items A,B and C and the completion of ten (10) 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 department officer.

F. The New Driver/Operator name will be forwarded to Fire Chief and Director of Emergency Services (Fire Director) to be added to Driver's list.

F. Training Division:

The Borough of Highland Park 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 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, which will come from within the ranks of the Fire Department and the Director of Emergency Services (Fire Director) shall be the 7th member. The members shall be:

- Director of Emergency Services (Fire Director)
- Fire Chief
- Deputy Chief
- Assistant Chief
- Fire Captain
- Lieutenant
- Paid Fire Supervisor (Lieutenant)

1. 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 one- year term, shall become the Deputy Chief of the Fire Department. The Deputy Chief, after a full one- year term shall become the Chief of the Fire Department. Said Chief shall serve a full one-year term. The Fire Chief, Deputy Chief and Assistant Chief shall be formally appointed at the reorganization meeting of the Borough of Highland Park by the Mayor with the Council's consent.
2. In case of resignation of the Chief, Deputy Chief or Assistant Chief, the aforementioned procedure will be adhered to, which an election of a new member immediately to fill the open position, in the event no member meets

the requirements, or no one's accepts the position, then said position shall remain open until end of year.

3. The Assistant Chief, Captains, Lieutenant and Fire Police shall be elected by their respective fire companies and shall be appointed to said positions.
4. Fire Police personnel shall be under the supervision of the incident commander.

SECTION 39-3. PURCHASE OF EQUIPMENT AND MAINTENANCE OF RECORDS.

- A. It shall be the duty of the Director of Emergency Services (Fire Director) with the assistance of the Fire Chief and Paid Fire Supervisor to recommend to the Chairperson of the Public Safety Committee the purchase of all apparatus, equipment, etc. for approval by Borough Council.
- B. 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 \$400.00 annually or can be modified by the Director of Emergency Services (Fire Director) as a policy.

SECTION 39-4. UPKEEP OF FIRE APPARATUS AND BUILDINGS.

- A. The Director of Emergency Services (Fire Director) and/or the Fire Chief in all cases of emergency shall have sole control over all equipment of the Fire Department and any apparatus belonging thereto, and any person belonging to said department who shall refuse to obey a lawful order of the Director of Emergency Services (Fire Director) or Fire Chief regarding the use of such equipment shall be removed immediately from a fire scene and may be expelled from membership in accordance with this Ordinance.
- B. 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.
- C. No fire apparatus belonging to the Borough shall be taken beyond the limits of the Borough without the consent of the Borough Council and/or their designee except that in the case of any fire outside the limits of the Borough. The Mayor or any member of the Public Safety Committee, and/or their designee, the Chief or Director of Emergency Services may permit such apparatus to go outside the limits of the Borough to render aid in extinguishing fires.
- D. The Director of Emergency Services (Fire Director), Fire Chief, and or Officers of the Borough of Highland Park 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 Construction Office or Middlesex County Fire Marshal.
- E. All fire apparatus shall be under the control of the Director of Emergency Services (Fire Director) and Fire Chief, and in their absence the Fire Supervisor of the Borough of Highland Park 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 Highland Park Incident report, said report shall be forwarded to the Director of Emergency Services (Fire Director) office after approved by department officer.

- F. 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.
- G. The Captain of the Fire Department of the Borough of Highland Park 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. It shall be the duty of the Chief to submit said inventories to the Director of Emergency Services (Fire Director), who shall review reports from the Chief and submit the completed inventory worksheets to the Borough Administrator and Borough Clerk.

SECTION 39-5. MEMBERSHIP REQUIREMENTS.

- A. The members of the Borough of Highland Park 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 of Highland Park and the Highland Park Fire Department. In situations where members do not adhere to these requirements, officer will take appropriate steps in promoting compliance.
- B. 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 Highland Park Fire Department progressive discipline guideline.
 - 1. 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 Highland Park Fire Department and that the failure constituted a minor infraction, the officer 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 Director of Emergency Services (Fire Director) office, for placement in members file.
 - 2. 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 Highland Park 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 shall be discussed with the Borough Fire Chief and Director of Emergency Services (Fire Director) for his recommendations for determining if a written reprimand will be issued and how long it will stay in the members personnel file.
 - 3. Suspension: The Borough Fire Chief shall advise the Borough of Highland Park Director of Emergency Services (Fire Director) the request 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.
 - 4. 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 Highland Park 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 Chief or Borough Director of Emergency Services (Fire Director), which a hearing shall be conducted within 45 days of the complaint, the Highland Park Business Administrator and Public Safety Committee shall be advised of the matter, and be part of final decision of termination.

- C. No person dismissed or terminated from the fire department shall be eligible for re-election or employment as a member of the Fire Department of the Borough of Highland Park.

SECTION 39-6. CHAIN OF CUSTODY.

- A. 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 Highland Park a fine not exceeding \$ 500.00. A fire officer or anyone acting in his capacity shall file the complaint for a violation of such section with the Highland Park Police Department or the Middlesex County Fire Marshal who shall be the sole judge of whether the act constitutes a violation of this section and a summons shall be issued in municipal court.
- B. No fire member 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, without express permission of the Director of Emergency Services (Fire Director), or the Borough Fire Chief.
- C. The Borough of Highland Park Mayor and Council may at any time after consulting the Borough Director of Emergency Services (Fire Director) of the Highland Park Fire Department, and 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 Highland Park.
- D. All members of the Fire Department of the Borough of Highland Park shall be covered by Workmen's Compensation and Employer's liability insurance coverage while in the performance of their duties as Firefighter 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 Highland Park in accordance with the laws of the State of New Jersey.

SECTION 39-7. CHAIN OF COMMAND

With respect to fire and fire-related activities, except those responsibilities now or hereafter designated by state law or regulation, or by local ordinance for the Fire Sub-Code Official, Fire Inspector and/or Fire Supervisor, the Chief, and Director of Emergency Services (Fire Director) if applicable, his successors in the chain of command as set forth herein, in all cases shall have the sole and absolute control and command over all persons attached to the Department, and he/she shall direct their operations at all fires and fire-related emergencies so as most effectively to prevent the destruction of life and property. In the absence of the Chief, or Director of Emergency Services, his or her successors in the chain of command as set forth herein, shall take prompt and efficient measures and use the means of the department to extinguish the same and shall also have the sole and absolute control over all the apparatus of the Department and over all persons aiding or assisting in the Department in such cases. In the event that a response to a fire alarm is effected and the Chief, First Assistant Chief, and the Second Assistant Chief or Director of Emergency Services are not yet present at the fire scene, then, and only then shall the control and command of the fire personnel present at the fire scene be assumed by the senior career fireman, and further, the control and command shall be relinquished immediately if a fire officers arrives on scene who meets NJ State IMS Level 1 certifications.

SECTION 39-8. RECORD OF ALARMS OF FIRE AND FIRE DAMAGE.

The Chief and/or Fire Supervisor shall keep a record of all alarms of fire within the Borough, and forward them monthly to the Director of Emergency Services (Fire Director) with a description of the property damaged or destroyed and at a regular meeting of the Borough Council in the month of August in each year, or have all reports and information turned over to the Borough administrator for the council meeting. The report should provide the number of alarms of fire and the number of fires which have occurred during the preceding year, the amount of loss by fire as near as can be ascertained and also the condition of the fire house and apparatus with such recommendations as he may deem necessary and proper.

SECTION 39-9. SOCIAL MEDIA POLICY.

The Fire Department of the Borough of Highland Park 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 Highland Park embraces the usage of instant technology to that end.

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

This policy applies to all members of the Fire Department of the Borough of Highland Park, 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 Director of Emergency Services (Fire Director) 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 Highland Park is not responsible for information found on these sources.

The Fire Department of the Borough of Highland Park 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 Director of Emergency Services (Fire Director) or 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 Highland Park 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 Highland Park 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 Highland Park 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 Highland Park 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 member of the Fire Department of the Borough of Highland Park.

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

SECTION 39-10. DRUG-FREE WORKPLACE.

- A. The Fire Department of the Borough of Highland Park, shall follow the Borough of Highland Park 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.
- B. The Fire Department of the Borough of Highland Park will follow the Borough of Highland Park policy to provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety Act (PEOSHA). The Borough of Highland Park 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 Highland Park facilities, equipment or motor vehicles must be reported immediately. [Note: Under OSHA Standards a volunteer is considered an employee of the Municipality to which he/her provides service]

- C. It is the policy of the Fire Department of the Borough of Highland Park to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer or business invitee on the basis of the race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, pregnancy or breastfeeding, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual, or because of the liability for service in the Armed Forces of the United States or the nationality of any individual. The Borough of Highland Park prohibits harassment of any kind from occurring in the workplace or at any other location at which Borough of Highland Park 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 of any kind. If an employee is witness to or believes that the employee has experienced sexual harassment or any other kind of 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.

SECTION 39-11. ACCIDENTS AND CELLULAR PHONE USAGE.

A. 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 Director of Emergency Services (Fire Director) shall be notified.

B. Cell Phone usage:

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

SECTION 39-12. FIRE PREVENTION.

- A. Local enforcement. Pursuant to Section 11 of the Uniform Fire Safety Act, P.L. 1983, c. 383 of the Laws of the State of New Jersey, the New Jersey Uniform Fire Code shall be enforced locally in the Borough of Highland Park, pursuant to N.J.S.A. 52:27D-192 et seq. and N.J.A.C. 5:70-1 et seq., by the County of Middlesex as the county enforcing agency.
- B. Definition of local enforcing agency. The local enforcing agency shall be the County of Middlesex, Department of Public Safety and Health.
- C. Powers and duties. The County of Middlesex, pursuant to above, shall enforce the Uniform Fire Safety Act, codes and regulations adopted for all buildings, structures and premises within the established boundaries of the Borough of Highland Park and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.
- D. Powers and duties of Fire Official. In addition to the duties set forth in Uniform Fire Safety Act, P.L. 1983, c. 383 of the Laws of the State of New Jersey and Uniform Fire Code, the Fire Official shall:
- E. Prepare and submit a monthly activity report to the Borough Administrator and Council Liaison.

- F. Recommend to the Borough Administrator and Council Liaison such amendments to the Code as deemed necessary to provide fire safety.
- G. Additional required inspection and fees. In addition to the inspections or fees required pursuant to the Uniform Fire Safety Act and the regulations of the New Jersey Department of Community Affairs, the following additional inspections and fees shall be required.

SECTION 39-13. INSPECTIONS.

A. Except for one- and two-family owner-occupied dwellings used exclusively for dwelling purposes, the County of Middlesex shall inspect annually all buildings, businesses, structures or premises to ascertain and cause to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighter operations, or endanger life or any conditions constituting violations of the provisions of intent of this chapter or other fire safety or life-safety requirements. Upon completion of such inspection and the abatement of violations, the County of Middlesex shall issue to the owner or occupant of the building, structure or premises a fire safety certificate of compliance.

B. New businesses are required to have a new business fire inspection and all subsequent reinspection's prior to opening the new business to the public. If no imminent hazard(s) set forth in N.J.A.C. 5:70-2.16 exists, the Fire Official or Fire Inspector shall allow a business to open prior to reinspection.

C. Registration and fees. The owner(s) of all buildings, businesses, structures or premises required to be inspected under Subsection shall register with the County of Middlesex annually. Such registration shall be made on forms provided by the County of Middlesex. It shall be a violation of this code for an owner to fail to return such forms within 30 days of issuance. Every property owner required to file a registration statement shall file an amended registration within seven days after the occurrence of any change which would render any information contained in a registration statement inaccurate. With the exception of life-hazard uses registered pursuant to N.J.A.C. 5:70, registrations shall be accompanied by fees in accordance with the fees charged by the County of Middlesex, Department of Public Safety and Health.

1. Waivers.

(a) The following users shall be exempt from the local permit and registration fees:

- [1] The Highland Park Volunteer Fire Department, Inc.
- [2] The Highland Park First Aid Squad.
- [3] Place of worship. This shall apply to uses where the actual religious service takes place, uses for religious education purposes or uses of an occasional nature.
- [4] Contractors and construction firms, when the activity is part of work performed under a valid permit issued by the Building Department.
- [5] Borough of Highland Park.
- [6] Highland Park Board of Education.

(b) Notwithstanding any exemption from local permit and registration fee set forth in this subsection, there shall be no exemption from any permit or registration requirement or from any other provisions of this section.

2. Special events. When determined by the Fire Official to be necessary for the purpose of public safety to have a Fire Inspector present during special events, the owner, operator, organizer, sponsor, person, or organization responsible for said event shall compensate the cost of said Inspector at the rate of \$100 per hour for the duration of the event.

D. Permits and fees. Fees for the following shall be those charged by the County of Middlesex, Department of Public Safety and Health:

1. Trade shows, craft shows, exhibits, expositions, auctions, art sales, concerts, wrestling matches, festivals, dinners, dances, balls and similar events, including non-school-type uses in school buildings, cultural centers and convention centers, and any other uses requiring inspection by the Fire Official, County of Middlesex or Fire Inspector.

2. Asphalt (tar) kettles per job site.

3. The following permit application fees:

- (a) Type I.
- (b) Type II.
- (c) Type III.
- (d) Type IV.

E. Fire alarms and reporting.

1. The Fire Official or his or her designee shall investigate, or cause to be investigated, the activation of any fire alarm, fire detector or fire protection system occurring within the Borough. The Fire Official or his or designee shall determine the cause for such activation and determine whether the alarm, detector or protection system has been properly restored to full service.

2. Failure to report: It shall be a violation of this section for any person or persons, having knowledge of same, to fail to immediately report to the Highland Park Fire Department the activation of any fire protection system or device; the occurrence of any fire; any attempted arson; or the spill or leakage of any flammable or combustible liquid or gas or of any hazardous material.

F. Board of Appeals. Pursuant to Sections 15 and 17 of the Uniform Safety Act, P.L. 1983, c. 383 of the Laws of the State of New Jersey, any person aggrieved by any order of the County of Middlesex shall have the right to appeal to the Construction Board of Appeals of the County of Middlesex.

G. Fire lanes.

1. Requirement, designation: Fire lanes shall be designated as follows for the efficient and effective use of fire apparatus, access for firefighting, and/or the egress of occupants.

(a) Where needed: The Fire Official(s) of the local enforcing agencies may establish fire areas on property devoted to public and private use, in accordance with N.J.A.C. 5:70-3.2(a)3, F-3111.1, including, but not by way of limitation, shopping centers, strip malls, bowling alleys, drive-in theaters, houses of worship, swimming pools, offices, warehouses, factories, restaurants, night clubs, etc., and similar uses.

The number, location, width, length, and markings shall be at the discretion of the appropriate Fire Official.

Consideration is to be given to the size, type, and location of the building or buildings, the number of persons using and occupying the premises, existing means of egress and ingress, the total area of the property including the size of parking lot or lots, and all other relevant factors.

(b) Existing Fire Lanes: Any and all fire lanes created by prior ordinance are hereby continued in effect and when repairs or modifications are made to such fire lanes, they shall be brought into conformity with this code, as much as shall be practical in the appropriate Fire Official's judgment. The standard for exercise of said judgment shall conform to those contained in section (a) above.

2. Markings: The owner shall, within thirty (30) days of being given a notice to do so by the Fire Official, mark the lane(s) as follows:

(a) Signs, with minimum dimensions of 12" x 18", constructed of metal and with raised red letters a minimum of two (2) inches in size on a white background shall be posted at a level of at least seven (7) feet above grade, indicating "NO PARKING ANY TIME", "PARKING IN DESIGNATED STALLS ONLY", "NO STOPPING OR STANDING", or "NO PARKING THIS SIDE" at the Fire Official's discretion after giving due consideration to the needs of the fire service and the public. Immediately under these signs shall be another sign, with minimum dimensions of 12" x 6", saying "FIRE LANE" or "FIRE LANE NO ON-STREET PARKING". Spacing of signs shall be even with a minimum of one (1) sign for every one hundred (100) feet of fire lane or part thereof, or as ordered by the appropriate Fire Official. All signs and markings must be unobstructed and visible for a distance of at least one hundred (100) feet when viewed from a position approximately five (5) feet above the ground when in the fire lane

(b) The area of a fire lane on improved areas shall be delineated along its entire length with yellow lines eighteen (18) inches in width. Between the yellow lines shall be marked "NO PARKING ANY TIME" in yellow letters eighteen (18) inches in height. The number of times this wording is to be repeated shall be at the discretion of the appropriate Fire Official, with the recommended spacing to be at one hundred (100) foot intervals and spaced so as to be between and alternate with the metal signs required above. If the designated fire lane abuts a curb, the curbing shall be yellow in color where it abuts the fire lane.

(c) Definitions: For the purposes of the fire lane enforcement, the following terms are defined:

FIRE AREA shall mean the same as **FIRE LANE**

FIRE LANE shall mean an area necessary to provide safety for the public or to provide proper access for fire department operations in the event of an emergency.

NO ON-STREET PARKING shall mean that a vehicle may not be parked along the street unless loading or unloading passengers or materials with a time limit of three (3) minutes.

NO PARKING ANY TIME shall mean that a vehicle may not be parked within the designated area unless loading or unloading passengers, or materials with a time limit of three (3) minutes.

NO STOPPING OR STANDING shall mean that no vehicle may be stopped or standing within the designated zone whether or not attended or unattended, with or without the motor running, or brakes set.

PARKING IN DESIGNATED STALLS ONLY shall mean that a vehicle may only be parked within an area so designated for parking.

3. Size: Fire lanes for vehicle access shall be a minimum of eighteen (18) feet in width or as approved by the appropriate Fire Official. Fire lanes for egress of occupants shall be a minimum of at least the width of the exit way served.
4. Notification: Once a fire lane has been designated by the appropriate Fire Official, approved as provided above and properly marked by the owner of the premises, the appropriate Fire Official shall notify the Police Department, Construction Code Agency, and Municipal Court Clerk in writing of the existence and location of the designated Fire Lane(s).
5. Unpaved Areas: Unpaved fire lanes installed on public or private property shall comply with the "Fire Lane Typical Details" installation methods blueprint available from the County of Middlesex Engineering Department and be approved by the appropriate Fire Official. Selection of a method to be used as per the typical details shall be subject to the approval of the appropriate Fire Official. Signs and markings shall be provided as required by the appropriate Fire Official and this code.
6. Restricted Areas: Gates, chains, or other approved methods utilized to prevent unauthorized access to fire lanes shall be approved by the appropriate Fire Official prior to installation, provided such restrictions will not impede access by firefighting apparatus. The appropriate Fire Official shall determine whether any changes or deviations from the appropriate methods may be utilized.
7. Installation, Maintenance: Fire lanes shall be installed and maintained by the owner of the premises or a designee in conformity with the provisions of this ordinance. Fire lanes in existence prior to the enactment of this ordinance shall be required to conform to the provisions herein at the discretion of the appropriate Fire Official. Fire Lanes must be accessible for fire apparatus use at all time.
8. Parking, standing, and obstruction prohibited:
 - (a) Designated fire lanes shall be maintained free of snow and obstructions, including vehicles, at all times.
 - (b) The appropriate Fire Official and/or his designee shall have the authority to remove or have removed such obstructions or vehicles as may violate the above section, at the expense of the owner of the premises in the case of obstructions or at the expense of the owner of the vehicle. The presumption of ownership may be overcome by proof furnished to the satisfaction of the Municipal Court or Superior Court, Law Division, that some other person was the actual offender.
 - (c) It shall be a separate violation of this code for any driver or operator of any motor vehicle to fail to present a driver's license and/or vehicle registration upon demand of any person authorized to enforce this ordinance when requested as part of the enforcement procedure.
9. Notice of Violation: The appropriate Fire official(s) or Fire Inspectors may complete a Municipal Summons, or a Notice of Violation, and said summons or Notice of Violation shall be issued to all offenders by personally serving same upon any offender, or, if the offender is not attendant to the vehicles, shall leave the notice under the windshield wiper or otherwise attached to the vehicle in a manner reasonably calculated to ensure that the offender received said notice upon his or her return to the vehicle.
10. This Ordinance shall supersede any and all provisions of any other ordinance promulgated for the enforcement of parking in fire lanes. Enforcement shall only be done by personnel from either the Department of Public Safety or the appropriate Local Enforcement Agencies. Personnel enforcing these provisions shall be either uniformed or carry appropriate identification.

H. Construction activities. All combustible refuse, rubbish and debris shall be cleaned up and deposited in a noncombustible refuse container. All refuse container(s) shall be located a minimum of 10 feet from any building, structure and lot line or combustible material storage location.

I. Key box requirements.

1. All buildings or structures protected by fire alarms shall be provided with a key box approved by the Fire Official. The key box shall contain keys to provide access to all areas of the building or structure and shall be installed in a location approved by the Fire Official; such key box shall only be utilized in response to a report of a fire or fire protection system activation or other emergency call.

(a) The key box shall be located in a lighted location not higher than 5 1/2 feet above grade and shall be provided with a monitor tamper switch.

(b) Key boxes shall be installed within 90 days of receiving a notice from the Fire Official.

(c) Key box keys shall be issued to the Fire Official. Each individual receiving keys shall be responsible for the security of same at all times.

(d) Buildings or structures occupied 24 hours a day, seven days per week, by personnel processing keys to all areas and residential occupancies, and financial institutions shall be exempt from the requirements of this subsection; provided, however, that residential complexes containing locked common areas and/or master key capabilities shall be provided with a key box.

2. All buildings or structures that have an elevator equipped with an elevator recall must provide the elevator recall key in a key box installed in a location readily accessible to the fire department.

J. Penalties.

1. Any person or persons who violates any provision of the subsection is subject to municipal summons of not less than \$200 nor more than \$2,000.

2. Failure to file a registration application pursuant to Subsection shall subject the person(s) responsible for said payment to a penalty in the amount equal to double the registration fee, but not less than \$200 or more than \$2,000.

3. Failure to pay the required registration fees shall subject the person(s) responsible for said payment to a penalty in the amount equal to the unpaid fee. Payment of the fee after imposition of the penalty shall not absolve the owner from responsibility for the penalty nor shall payment of the penalty be deemed to absolve the owner from the obligation to pay the fee.

SECTION 39-14. FIRE WATCH AND FIRE DEPARTMENT FIRE SAFETY STAND-BY.

A. Whenever the appropriate Fire Marshal shall determine that on-site fire inspector(s) or firefighting personnel shall be required for fire watch as a result of fire protection system failure or deficiencies, or fire safety at any occupancy or event to ensure the safety of the public or emergency responders, the owner or occupant responsible shall obtain a permit for the use or event.

1. The Fire Marshal shall determine the number of inspectors and/or firefighting personnel required.

2. The Fire Marshal shall determine the hours that the fire inspector(s) and/or firefighting personnel will be on duty.

3. The permit fee shall cover the expenses incurred by the Local Enforcing Agency.

4. The fee for the permit shall include:

a. Compensation for fire inspector(s) at \$35.00 per hour Monday through Friday 8:00 AM to 4:00 PM, 55.00 per hour for Holidays, Saturdays, Sundays, and from 4:00 PM to 8:00 AM weekdays.

b. The rate for use of vehicles shall be \$25.00 per hour.

c. Reimbursement rates for other related services, equipment, or expenses shall be provided to the owner by the Fire Marshal prior to the scheduled use or event.

5. Fire Marshal or designee(s) shall have right of access to the premises and area surrounding it without interference from the property owner.

6. Failure to secure a permit shall be punishable by a penalty equal to amount of the permit plus \$100.00 for the first offense, amount of the permit plus \$250.00 for the second offense, amount of the permit plus \$500.00 for the third and each subsequent offense.

7. Permit shall be required for each separate event or date of the activity requiring such a permit.

8. Any occupancy or event requiring fire apparatus and firefighting personnel on site to ensure the safety of the public and/or other occupants, and/or to ensure the safety of any building and/or exposures shall reimburse the appropriate fire district. Fees shall be \$150.00 per required fire apparatus unit per occurrence and \$20.00 per hour per firefighter manning apparatus.

SECTION 39-15. WATER SUPPLIES.

A. Private fire hydrants, connections, and appliances shall be installed and maintained in accordance with this section, NFPA #24 and the regulations of the County of Middlesex.

B. Blocking Fire Hydrants or Connections: No person shall obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants or fire department connections that are located on public or private streets and access lanes, or on private property. Minimum clearance to any fire hydrant or connection shall be ten (10) feet in all directions.

C. Use of Appliances: A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant except under permit from the County of Middlesex, or fire appliance required to be installed or maintained under the provisions of this code except for the purpose of extinguishing fire, training or testing purposes, recharging, making necessary repairs, or when permitted by the appropriate Fire Official. In all situations other than fire extinguishment, notification and approval of the appropriate Fire Official shall be required prior to such activity. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the Fire Official. Use of hydrants for training by fire departments is exempt from this section.

D. Public Water Supply: The appropriate Fire Official shall inform the County of Middlesex as to the location of any apparent inadequacies of the water distribution system deemed detrimental to fire protection in the provision of adequate fire flows and distribution of hydrants. A fire hydrant shall not be removed from service until notification to the appropriate Fire Official has been made. The appropriate Fire Official will cooperate with the Borough's Emergency Service Director (Fire Director) in this matter to see that reasonable protection is maintained.

E. Private Yard Systems: All new and existing oil storage plants, lumber yards, amusement or exhibition parks, educational or institutional complexes, residential, commercial, or industrial occupancies, or occupancies and uses involving high fire or life hazards, or which have lot depths greater than 150 feet from a public street or which require flow delivery points beyond the public water distribution system shall be provided with properly spaced fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the appropriate Fire Official and shall be connected to a water system in accordance with fire protection and other applicable standards. The appropriate Fire Official shall designate and approve the number and placement of fire hydrants with the cooperation of the Fire Departments. The appropriate Fire Official shall require the installation of sufficient fire hose and specialized firefighting equipment such as nozzles, deluge sets, foams, etc. as he shall determine is necessary and shall require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the appropriate Fire Official.

F. Fire Hydrants - Local Standards: Sections 14.F.1 and 14.F.4 shall be considered minimum standards for the installation and placement of public or private fire hydrants in newly constructed areas and shall be used as a guide in upgrading existing areas already protected by fire hydrants and water mains.

1. Public Hydrants: Hydrants in detached single-family residential zones shall be spaced with a hydrant installed at each intersection and one every 400 feet along the roadway(s) measured along the roadway edge, or as approved by the appropriate Fire Official. Fire hydrant placement shall be in accordance with Residential Site Improvement Standards N.J.A.C. 5:21-5.4.

Hydrants in residential townhouse, condominium, cluster and multi-family zones shall be spaced with a hydrant at each intersection and one every 400 feet along the roadway(s) edge, or as approved by the appropriate Fire Official. Fire hydrant placement shall be in accordance with Residential Site Improvement Standards N.J.A.C. 5:21-5.4.

Hydrants in business, commercial, and industrial zones shall be spaced with a hydrant at each intersection and one every 300 feet along the roadway(s) edge, or as approved by the appropriate Fire Official.

2. Private Hydrants: Hydrants installed on private property shall be located and spaced according to the occupancy and site design requirements based on firefighting needs with & 14.F.1 utilized as the MINIMUM standard requirement. The top bonnet of all private hydrants shall be painted yellow to conform to the County of Middlesex standards.

3. Additional - Requirements: All hydrants shall be equipped with 4" outlets of National Standard threads; to be adaptable to Borough of Highland Park Fire Department, and located within 24" of a curb, roadway, fire lane or parking area; be provided with an individual control valve; and shall be installed in accordance with the standards of the American Water Works Association and NFPA #24, the more stringent of the two to govern in any conflicting areas. All hydrants shall meet the requirements of and be approved for installation by the County of Middlesex.

4. Approval: The appropriate Fire Official shall approve the placement of all fire hydrants prior to the commencement of the installation.

G. Fire Department Connections: All new fire department connections shall be placed within 100 feet of a public fire hydrant on the front side of the building being protected. Existing fire department connections shall be brought into conformity with this section whenever there is a change of use in the building or major work is done on the fire protection systems.

H. Fire Department Connection Signage: All fire department connections shall be provided with a two (2) foot by two (2) foot red signs with three (3) inch white reflective letters. The sign shall state "FIRE DEPARTMENT CONNECTION" and the type of system covered, for example: AUTOMATIC SPRINKLERS, STANDPIPES, etc.

SECTION 39-16. REPEAL.

All ordinances and resolutions, or part thereof, inconsistent with this Chapter are hereby repealed.

SECTION 39-17. SEVERABILITY.

If any section, paragraph, subdivision, clause or provision of this Chapter shall be judged by the Courts to be invalid, such adjudication shall apply only to this section, paragraph, subsection, clause or provision so adjudged and the remainder of this Chapter shall be valid and enforceable.

SECTION 39-18. EFFECTIVE DATE.

This Chapter shall take effect upon final adoption and publication as required by law.

Introduced and Passed
on First Reading: August 18, 2020

Adopted:

Approved:

Attest:

Joan Hullings, Municipal Clerk

Gayle Brill-Mittler, Mayor