

## **Borough of Matawan**

### **Public Notice of Pending Ordinance 19-22**

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on December 3, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on December 17, 2019 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at [www.matawanborough.com](http://www.matawanborough.com).

Karen Wynne, RMC  
Municipal Clerk

### **ORDINANCE 19-22 AMENDING AND SUPPLEMENTING CHAPTER II – ADMINISTRATION, SECTION 2-15 FIRE DEPARTMENT OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MATAWAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY SECTIONS 2-15.12 AND 2-15.13**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Matawan that it herewith amends and supplements Chapter II – Fire Department as follows:

#### **2-15.12 Composition of Officers, Election of Officers, Terms of Office**

a. The Administrative officers of the Fire Department are the Board of Fire Officers which shall consist of a President, Vice President, Secretary-Treasurer, Assistant Secretary-Treasurer. The President, Vice President, Secretary-Treasurer, and the Assistant Secretary-Treasurer shall be members in good standing in the Matawan Borough Fire Department and shall serve for a period of two (2) years commencing on January 1 of each year preceding the nomination and election. Candidates for the office of the President, Vice President, Secretary-Treasurer, and the Assistant Secretary-Treasurer shall be nominated by the members of the Department present at the November meeting of the Board of Fire Officers and the election held at the December meeting.

The qualifications for the office of President and Vice-President are as follows: They must be a member in good standing, must qualify to hold the rank of Third Deputy Chief; and must have a minimum of 8 years of active service in the MBFD. They shall preside over all Department administrative functions including but not limited to the Board of Fire Officer's meetings and shall adhere to the rules of Robert's Rules of Order. The Office of President is in an ex-officio capacity and the President and only the President shall have the authority to cast a vote to break a tie. The President shall attend a minimum of 9 BFO meetings and shall notify the Vice President if they shall not be able to attend. The President shall hold no other office as part

of the administration of the MBFD including the BFO, and cannot be an active Chief at that time. The President can be removed from office with good cause and a 2/3 vote of the BFO.

The Qualifications for the office of Secretary-Treasurer and Assistant Secretary-Treasurer for a term of 2 years, any member in good standing with a minimum of 5 years active service in the MBFD, shall be qualified for the nomination to the office of Secretary. The Secretary shall attend a minimum of 9 BFO meetings,

If the President, Vice President, Secretary-Treasurer, and Assistant Secretary-Treasurer are unable to fulfill his or their term(s) for any reason, nominations will be solicited and an election held, within a reasonable time after the vacancy, to fill the remaining portion of the unexpired term.

b. The Firematic Officers of the Department shall be the Chief, First Deputy Chief, Second Deputy Chief, and Third Deputy Chief. All officers shall be residents of the Borough, except Chiefs, who may reside in an adjacent municipality within a reasonable distance from the Borough boundary line, not to exceed one (1) mile, or a Chief may be a non-Borough resident provided he is a full-time employee of the Borough of Matawan.

To be eligible for election as Third Deputy Chief, a candidate shall be a member of the Department in good standing in his/her Company and department for at least eight (8) years prior to the date his/her term commences. The member has not been charged with any Department or Company Firematic violations for two (2) years. The candidate shall be required to have served at least one (1) year in each of the following officer ranks: Chief Engineer, First Lieutenant and Captain. They shall be required to have completed and provide certificates for all pre-requisite training courses as outlined in Section 54 of the MBFD Bylaws in order to be eligible for consideration as the Third Deputy Fire Chief. In addition the candidate must be certified as Incident Management Level 3 by the New Jersey Division of Fire Safety and have completed the National Fire Academy's Incident Safety Officers Course.

c. Each year the Third Deputy Chief who has served for one (1) year as such shall be installed as Second Deputy Chief; the Second Deputy Chief, who has served for one (1) year as such, shall be installed as the First Deputy Chief. The First Deputy Chief who has served for one (1) year as such, shall be installed as the Department Chief.

d. The Chief, First Deputy Chief and Second Deputy Chief and Third Deputy Chief shall retain their membership in their own Companies during their terms of office and shall be ex officio members of all other Companies.

e. The Third Deputy Chief shall be open to any qualified member of the companies (as per Section 53 and 54 of the Department bylaws); all qualifications and forms shall be submitted by the October BFO Meeting. They shall hold office from January 1 to the next December 31 after being sworn into office. (1971 Code § 15-2.1; Ord. No. 10-20; Ord. No. 2014-15)

### **2-15.13 Vacancies**

Once confirmed no Chief shall be removed from office except for cause, according to the rules or bylaws of the Board of Fire Officers.

In the event of a vacancy occurring in the office of Chief, First Deputy Chief, Second Deputy Chief or Third Deputy Chief by reason of the death, resignation or removal of any of these officers, the following order of succession shall prevail:

a. *Office of Chief.* Next ranking officer shall become Acting Chief for the unexpired term of the office, and shall automatically become Chief for the next ensuing year.

b. *Offices of First Deputy Chief.* The Second Deputy Chief shall assume acting status pending the election within fifteen (15) days of an active ex-chief to such office from their respective Company. This elected ex-chief shall serve as an Acting First Deputy Chief for the unexpired term of the office.

c. *Office of Second Deputy Chief.* The Third Deputy Chief shall assume acting status pending the election within fifteen (15) days of an active ex-chief to such office from their respective Company. This elected ex-chief shall serve as the Acting Second Deputy Chief for the unexpired term of the office.

d. *Office of Third Deputy Chief.* Within fifteen (15) days of the vacancy an eligible person will be voted into the position.

In the event that no one is certified the Board of Fire Officers will provide a list of certified candidates subject to the affected Company entitled to fill the vacancy who would be appointed by the Board of Fire Officers for confirmation by the Mayor and Council.

**BE IT FURTHER ORDAINED** any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed.

**BE IT FURTHER ORDAINED** if any provisions of this Ordinance, or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**BE IT FURTHER ORDAINED** this ordinance shall take effect immediately upon following the passage, adoption and publication pursuant to law.

**BE IT FURTHER ORDAINED** that a true certified copy of this Ordinance shall be forwarded to the following Borough of Matawan Departments: Clerk and Fire.