

Ordinance #2020-1

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CREATING THE POSITION OF PERMANENT, PAID FIREFIGHTER IN THE PRINCETON FIRE DEPARTMENT AND AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968.”

WHEREAS, the Princeton Fire Department is a municipal fire department presently comprised of three volunteer fire companies, along with associate members who are not part of any volunteer fire company, all of whom serve as volunteers for the Princeton Fire Department; and

WHEREAS, the Princeton Fire Department and the Director of Emergency and Safety Services recommend that Princeton create the position of paid firefighter and hire qualified personnel to serve as permanent, full-time and/or part-time, paid firefighters for the Princeton Fire Department and to further improve and enhance the services provided by the Princeton Fire Department to the community; and

WHEREAS, pursuant to N.J.S.A. 40A:14-7, the position of permanent, paid firefighter and creation of a part-paid fire department shall be established by ordinance of the Princeton Council, and the Council wishes to amend Chapter 8 of the “Code of the Township of Princeton, New Jersey, 1968” to formally create said position(s); and

WHEREAS, the Council wishes to adopt said Code revisions at this time which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Article I of Chapter 8 of the "Code of the Township of Princeton, New Jersey, 1968" (“Code”), which establishes the basic organizational structure of the Princeton Fire

Department and is entitled "Organization," is hereby amended as follows (additions are underlined; deletions are ~~struck~~ and [bracketed]):

Article I. Organization.

Sec. 8-1. Definitions.

As used in this chapter:

Associate member means a member of the Princeton fire department who is a volunteer and not a member of any of the three fire companies described in section 8-2 of this article.

Authorized emergency vehicle means those vehicles that are defined and authorized as such under the laws of the State of New Jersey.

Chief of police means the chief of the police department of the Municipality of Princeton, or designee.

Department means the Princeton fire department.

Director of Emergency and Safety Services (also referred to herein as [{}director) means the Princeton department head responsible for all fire prevention and safety matters in the municipality.

Member or regular member means a member of the Princeton fire department who is a volunteer and member of one of the three fire companies described in section 8-2 of this article.

Paid member means a permanent, full-time or part-time, paid firefighter of Princeton and within the Princeton fire department, and shall not include an associate or regular member as defined herein.

Person means any individual, corporation, association, partnership, other legal entity, government, or governmental subdivision or agency.

Princeton means the Municipality of Princeton, County of Mercer, State of New Jersey.

Princeton fire department (also referred to herein as department or PFD) means the fire department of the Municipality of Princeton.

SOGs or *SOG* means the Standard Operating Guidelines of the department.

Sec. 8-2. Division into companies; appointment of paid members.

(a) The Princeton fire department shall consist of three companies, known as "Princeton Hook and Ladder Company," "Mercer Engine Co. No. 3" and "Princeton Engine Co. No. 1," which shall be responsible for providing fire protection to Princeton, subject to the general control and management of Princeton. This chapter and the Princeton fire department standard operating guidelines (SOGs) shall take precedence over the individual company constitutions, bylaws and any other rules or guidelines the individual companies may have in place.

(b) Each company of the department shall be entitled to receive a stipend to be funded through the department budget, upon the approval of a purchase order by the Princeton administrator.

(c) In addition to the three companies, the Princeton fire department shall consist of one (1) or more permanent, full-time or part-time, paid members of the department, who shall be responsible for providing fire protection to Princeton, subject to the general control and management of Princeton, this chapter, the SOGs and other generally applicable personnel policies.

Sec. 8-3. Management of fire department.

The general control and management of the department shall be the responsibility of the Princeton mayor and council and the director of emergency and safety services. The director may delegate this responsibility to the chief, deputy chief and assistant chief, who may also be referred to as DCs (department chiefs) in this chapter and other PFD documents. The chief shall meet regularly with the director, fire officials, and elected line officers of the department in accordance with the SOGs of the department.

Section 2. Article II of Chapter 8 of the Code, which establishes the membership requirements for the Princeton Fire Department and is entitled “Membership Requirements; Membership Approvals,” is hereby amended as follows (additions are underlined; deletions are ~~struck~~ and [bracketed]):

Article II. Membership Requirements; Membership Approvals.

Sec. 8-4. Qualifications.

(a) Members and associate members. No person shall become a member or associate member of the Princeton fire department, unless said person shall meet the following qualifications:

(1)~~(a)~~ Maintain a principal residence within a fifteen-mile radius of 363 Witherspoon Street. An individual who is available to respond to fires during their regular work hours by virtue of employment within said fifteen mile radius shall be exempt from meeting this residency requirement. Individuals who were members of the department as of June 10, 1982, shall be recognized as members of said department as defined herein and need not comply at any time with any residency requirements provided for herein. For good cause shown, the mayor and council may waive the residency requirement.

(2)~~[(b)]~~ Be at least eighteen years of age.

(3)~~[(e)]~~ Be in good health, to be evidenced by a certificate to that effect by a licensed physician of the State of New Jersey who has been chosen by Princeton.

(4)~~[(d)]~~ Be eligible for and accepted for coverage under that certain group accident insurance policy issued to the department through Princeton and any renewal or replacement thereof.

(b) Paid members.

(1) All paid members of the fire department shall be appointed by the council.

(2) No person shall be appointed to serve as a paid member of the Princeton fire department, unless at the time of appointment the person shall meet the qualifications set forth in N.J.S.A. 40A:14-9, N.J.S.A. 40A:14-42 and N.J.S.A. 40A:14-44, as applicable, and as may be amended. Every appointee shall, at a minimum:

a. Be a citizen of the United States;

b. Be a resident of New Jersey;

c. Be sound in body and of good health sufficient for eligibility in the police and firemen's retirement system of New Jersey or public employees' retirement system of New Jersey, as appropriate;

d. Have a high school diploma or an equivalency certificate and shall be able to read, write and speak the English language well and intelligently;

e. Be of good moral character;

f. Not have been convicted of any criminal offense involving moral turpitude; and

g. Be between twenty-one and forty years of age at the time of appointment, except as may be permitted by law or regulation.

(3) Appointment to the position of paid member shall be filled by a member or associate member of the department who has served as an active firefighter for at least two (2) years next preceding the appointment or by an exempt firefighter of the department; if no such member or associate member or exempt firefighter is available for appointment, then the appointment may be made to any qualified person. Whether a member or associate member qualifies as an “active firefighter” shall be established by the director through written policy.

(4) The council shall hire such number of paid members as it deems necessary to serve the needs of the Princeton fire department. There shall be such quantity of lieutenant(s), captain(s), battalion chief(s), deputy assistant chief(s) and/or chief(s) from the paid membership as the director shall determine, each of whom shall be appointed in accordance with the SOGs, personnel policies and requirements for promotion set forth in section 8-8A below. The selection procedures set forth in articles III (Line Officers), Articles V and VI (Fire Chiefs) and Article VIII (Drivers) of this chapter are intended, and shall continue, to apply to the selection of officers from the regular (and if eligible, associate) membership and not paid membership.

(5) Paid members shall receive such compensation as shall be prescribed by the council in the annual salary ordinance.

Sec. 8-5. Oath.

Before an applicant is accepted for regular, [or] associate or paid membership into the department and enters upon the duties connected with said department, said applicant

shall take an oath to perform the duties of a member or paid member, as appropriate, of the Princeton fire department, to obey the officers of the Princeton fire department and to comply in all respects with provisions of this chapter, the Princeton Code and rules and regulations concerning the conduct of the Princeton fire department. Each member, associate member and paid member shall sign an affidavit provided by the Princeton clerk confirming receipt of a full copy of the fire department's then current Standard Operating Guidelines.

Sec. 8-6. Training requirements – regular, associate and paid members.

(a) Upon entering the Princeton fire department each new regular and associate member shall, within an eighteen month period, complete and pass a Firefighter I course or equivalent as well as any other New Jersey State mandated courses. The director of emergency and safety services with the concurrence of the chief may grant an extension of this period only where completion of the course within this time period is not possible due to changes in the schedule of course offering or some other extenuating circumstance.

(b) All members must pass the Firefighter I or a New Jersey State approved program and any other mandated courses and training to remain a firefighting member of the department; any member who does not complete this training within the specified time shall become one of the non-firefighting types of member listed in section 8-7(e).

(c) As a condition of employment, a paid member shall, within eighteen months of his or her appointment, complete and pass a Firefighter I course or equivalent as well as any other New Jersey State mandated courses.

Sec. 8-7. Approval of members of companies.

(a) The various companies of the Princeton fire department shall process their own members and associate members, but no person shall become a member or associate member of the Princeton fire department until approved by the Princeton mayor and council.

(b) Associate members approved by the mayor and council shall not be members of a company of the Princeton fire department but shall be subject to all provisions of this chapter. Associate members may at any time apply to become a member of a company. If accepted into a company, associate member status will no longer apply.

(c) Should an associate member wish to join the New Jersey State Fireman's Association (NJSFA), the member will be required to join one of the three fire companies and will lose associate status. Due to time limits by the NJSFA on accepting medical doctors' physicals (twelve months from date of physical), associate members will be responsible for the cost of a new physical if required by the NJSFA.

(d) Except as otherwise provided in this chapter, associate members shall be entitled to the same benefits as regular members of the Princeton fire department.

(e) Each company may at its own discretion have various types of memberships. These memberships are not subject to the approval of the mayor and council. Such memberships include but are not limited to:

- (1) Honorary members;
- (2) Life members;
- (3) Auxiliary members;
- (4) Social or administrative members.

Only members who are active interior, exterior and junior firefighters, apparatus drivers, fire police and command staff may be present in any role at an incident requiring fire department action as defined in SOGs.

Sec. 8-8. Status change.

Any person who shall have served as a member of the department and who has met the quota requirements of the New Jersey State Fireman's Association may, upon application, be retired from active service upon the vote of the company of which that person is a member.

Sec. 8-8A. Promotion of paid firefighters; line of authority.

(a) The promotion of a paid member to a superior position as defined in subsection 8-4(b) above shall be made from the membership of such paid members and in accordance with N.J.S.A. 40A:14-29, the applicable personnel policies and SOGs.

(b) The line of authority for paid members shall be as set forth in this chapter and the SOGs.

Section 3. Article IV of Chapter 8 of the Code, which establishes procedures for discipline of officers and members of the Princeton Fire Department and is entitled “Discipline of Officers and Members,” is hereby amended as follows (additions are underlined; deletions are ~~struck~~ and [bracketed]):

Article IV. Discipline [~~of Officers and Members~~].

Sec. 8-12. Suspension and removal of members; hearings [~~Failure to follow orders~~].

(a) Any [~~officer or~~] member of the department, including a member who is an officer (referred collectively in this section as “member”), while on duty, who shall refuse or negligently fail to obey or execute any order from the officer(s) in charge of any fire,

emergency or nonemergency activity in which the Princeton fire department has been called, shall, for such offense, be subject to discipline from a warning to a suspension or termination from the department in such manner and upon such hearing as may be prescribed by the SOGs of the Princeton fire department. A terminated or suspended [~~officer or~~] member shall be entitled to an appeal hearing in accordance with the procedures set forth in subsection 8-12(c)[14].

[~~Sec. 8-13.—Other offenses or causes.~~]

(b) For other offenses or causes, a [~~n-officer or~~] member of the department may be subject to discipline from a warning to a suspension or termination from the department in such manner and upon such hearing as may be prescribed by the SOGs of the Princeton fire department. A terminated or suspended [~~officer or~~] member shall be entitled to an appeal hearing in accordance with the procedures set forth in subsection 8-12(c)[14].

[~~Sec. 8-14.—Appeals.~~]

(c) A [~~n-officer or~~] member who is terminated or suspended may appeal the termination or suspension by requesting a hearing before an appeals committee. The appeals committee shall consist of the director, the company presidents and the chiefs. If a company president is not available, that company's vice president shall serve on the committee. If a chief is not available, a captain shall serve in lieu of that chief. Any appeal should be made in writing and submitted to the director or to the municipal clerk no more than fourteen business days after the effective date of the suspension or termination. The hearing shall be informal and shall take place no more than thirty days after the filing of the appeal. All members of the appeals committee shall participate in the appeal

hearing. The appeals committee may affirm, reverse or modify the decision appealed from; that decision shall be final.

Sec. 8-13. Suspension and removal of paid members; hearings.

(a) No paid member shall be removed from his or her office, employment or position, or suspended, removed, fined or reduced in rank from or in office, employment or position, except as provided by the applicable personnel policies, SOGs and applicable law, including but not limited to N.J.S.A. 40A:14-19 through N.J.S.A. 40A:14-23 (inclusive) and N.J.S.A. 40A:14-28.1.

(b) The administrator shall serve as hearing officer and conduct any hearing on the removal, suspension, fining or reduction in rank of any paid member.

Sec. 8-14. Reserved.

Section 4. Article V of Chapter 8 of the Code, which describes the procedures for the appointment of fire chiefs and their duties and is entitled “Appointment of Fire Chiefs; Duties,” is hereby amended as follows (additions are underlined; deletions are ~~struck~~ and [bracketed]):

Article V. Appointment of Fire Chiefs; Duties.

Sec. 8-15. Positions; terms.

(a) Upon a vacancy occurring by reason of the expiration of a term, a fire department chief, deputy fire chief or assistant fire chief shall be appointed as set forth in this article. They shall hold their offices for a maximum of three consecutive two-year terms. The only exception would be in the event that no qualified members are available to fill the position.

(b) All members shall be notified by the director of emergency and safety services no less than thirty days prior to the commencement of the election and appointment procedures set forth in this article.

Sec. 8-16. Princeton fire department chief appointment committee as appointing authority; committee members.

(a) The Princeton fire department chief, deputy chief and assistant chief shall be appointed by the Princeton fire department chief appointment committee (hereinafter “chief appointment committee” or “committee”) which shall consist of the director, the Princeton administrator and three past company chiefs of the Princeton fire department (one from each company), as elected by each company.

(b) Each company shall hold an annual election in October to elect one past company chief to serve on the Princeton fire department chief appointment committee. Any current member who is a past company chief who is interested in serving on the committee shall notify the company president of that interest prior to the October company meeting. If their qualifications for the committee are verified in accordance with current company rules and procedures their names shall be placed on the company ballot for the committee membership election in October. No later than three days after each company election, the names of the members elected to serve on the chief appointment committee shall be provided to the director.

(c) In the event no current member who is a past chief is available or willing to serve on the chief appointment committee, the president of a company may appoint another member to serve on the chief appointment committee. Any such appointee shall be qualified in accordance with current department rules and procedures. The name of such

appointee shall be provided to the director along with the names of elected members in accordance with subsection (b) of this section.

(d) Company elections shall be conducted in accordance with current company rules and procedures.

Sec. 8-17. Eligibility for chief positions; applications; committee procedures; appointment.

(a) Any eligible member who is not a member of the chief appointment committee may apply for a chief position. To be eligible for the position of fire chief, deputy fire chief or assistant fire chief, each candidate must provide proof of compliance with all training requirements mandated by the fire department's rules and regulations. No candidate may be a chief officer of another emergency services organization. All candidates shall clearly specify the position sought and shall provide copies of their training certificates to the director, or if designated by the director, to the Princeton clerk, starting the first Monday in October and no later than 5:00 P.M. on the first Monday in November.

(b) The director will certify those candidates meeting the requirements in subsection (a) above and will provide a list of all qualified candidates to the chief appointment committee. The qualified candidates will be interviewed by the committee, and will be notified promptly by the director of the time, place and procedures of the interview process. If there is no qualified candidate for one or more of the chief positions, the committee will proceed with the qualified candidate(s).

(c) Each candidate will be interviewed by the committee to assess each candidate's firefighting experience, knowledge, and leadership qualities; and to assess each candidate's views on what direction the department should follow and what improvements

and/or changes should be made. The following are selection guidelines for the committee to follow while evaluating the candidates:

(1) Technical skills as they relate to planning, organizing and implementing fire suppression, training and technical rescue.

(2) Supervisory skills, ability to motivate the volunteer personnel. Establish and maintain an effective working relationship with members, administration, mutual aid departments and the community.

(3) Ability to maintain departmental discipline and conduct and the general behavior of the assigned personnel.

(4) Ability to develop and implement department standard guidelines and operating procedures.

(5) Ability to work with the director and the Princeton administration to develop budget plans as well as goals and long range planning regarding the direction of the department.

(6) Ability to operate as the incident commander at an emergency scene, including but not limited to fires, special details and rescue operations.

(7) Ability to communicate both orally and in writing, understand computer operations and the various computer programs used by Princeton.

(d) After the interviews are completed, the committee by majority vote and secret ballot will appoint a new chief, deputy chief, and assistant chief, as applicable. The appointment procedures shall be completed by December 15 and shall be announced and posted immediately after the votes are counted. The decision of the chief appointment committee shall be final. The director, on behalf of the committee, shall promptly provide

to the Princeton clerk a list of the appointments, so that the names of the appointees may appear on the agenda for swearing in at the reorganization meeting of the Princeton council the following year.

Sec. 8-18. Confidentiality.

(a) All meetings and deliberations of the chief appointment committee shall be confidential and closed.

(b) The time frames and deadlines required in this article shall be strictly enforced.

Sec. 8-19. Compensation.

The fire chief, deputy chief and assistant chief shall receive a stipend as provided in the annual fire department budget.

Sec. 8-20. Fire chief authority; chain of command.

(a) Fire chief authority at fire emergencies. The fire chief shall be the ranking officer in the fire department. The fire chief shall, in all cases where fire threatens life or damage or destruction of property within Princeton, take prompt and efficient measures and use the means of the department to extinguish the fire, and shall at such times and occasions have the sole and absolute control and command over all the fire apparatus and all members and paid members of the department at such fire.

(b) Fire chief general operational authority. The fire chief shall consult and cooperate with the Princeton administrator and director of emergency and safety services and shall be responsible to the director of emergency and safety services and through the director to the administrator and mayor and council of Princeton, for the conduct, efficiency and management of the department and for the enforcement of the rules and

regulations governing the same, and for the carrying out of lawful orders and instructions of the director, mayor and council of Princeton and of the administrator.

(c) Chain of command. All orders and instructions to members and paid members of the fire department shall be made by or through the fire chief or by or through the officer in command in case of inability to communicate with the fire chief. In the absence of the fire chief at any emergency or non-emergency activity in which the fire department is operating, the chain of command shall move to the next ranking officer, i.e., deputy chief, then assistant chief, then to the ranks of captain and lieutenant, then to drivers and firefighters. The SOGs contain further detail on chain of command and incident command procedures.

Sec. 8-21. Inspections; annual report.

(a) The chief in conjunction with the director of emergency and safety services shall conduct inspections as appropriate and shall provide an annual report on the general status of the department, fires attended, manpower, apparatus, other equipment, and buildings and submit it to the administrator.

(b) Public inspections. The fire chief will set the date and time for public inspections of the department by the mayor and council. The chief shall make all necessary rules and regulations governing public inspections.

Sec. 8-22. Officers' radio designations.

Officers' radio designations shall be established within and in accordance with the Princeton fire department's SOGs.

Section 5. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 7. The provisions of this ordinance shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

Delores A. Williams, Clerk

Liz Lempert, Mayor

Ordinance Introduced: January 13, 2020

Ordinance Adopted: January 27, 2020

NEWSPAPER PUBLICATIONS:

First Insertion: January 17, 2020

Final Insertion: January 31, 2020

This ordinance amends chapter 8 of the Princeton Township Code by creating a new part-paid force within the Princeton Fire Department, and authorizing the governing body to appoint permanent, paid members of said Department.