

17-010 G

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER II, ADMINISTRATION, CHAPTER VI, ALCOHOLIC BEVERAGE CONTROL, CHAPTER VIII, BUILDING AND HOUSING, CHAPTER IX, SEWER AND WATER AND CHAPTER XVI, ENVIRONMENTAL PROTECTION

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter II (Administration), Chapter VI (Alcoholic Beverage Control), Chapter VIII (Building and Housing), Chapter IX (Sewer and Water) and Chapter XVI (Environmental Protection) of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend *Chapter II (Administration)*, Section 2-12 Fire Department, Subsection 2-12.4 (Qualification for Membership), Subsection 2-12.5 (Election of Chief and Assistant Chief), Subsection 2-12.9 (Duties of Chief), Subsection 2-12.11 (Authority of Chief and Assistant Chief), 2-12.12 (Request for Supplies), Subsection 2-12.18 (Permission for Fire Apparatus to Leave the Borough), Subsection 2-12.19 (Use of Fire Apparatus for Games or Contests), Subsection (Use of Fire Apparatus for Funeral Processions), Subsection 2-12.21 (Speed Limits for Fire Apparatus and Volunteer Members; Blue Light Permits), Subsection 2-12.23 Custodian of Fire Equipment), Subsection 2-12.25 (Fire Police; Term), Subsection 2-12.26 (Duty of Fire Police), Subsection 2-12.33 (Inspections; Notice to Owner; Service of Notice), Subsection 2-12.35 (Length of Service Awards Programs (LOSAP) for Volunteer Firefighters), Subsection 2-12.36 (Violations and Penalties); *Chapter VI (Alcoholic Beverage Control)* Section 6-3 Licenses, Subsection 6-3.4 (License Fees; Maximum Number); *Chapter VIII (Building and Housing)*, Section 8-7 Rental Property-Registration Required, Subsection 8-7.16 (Violations-Penalties); *Chapter IX (Sewer and Water)*, Section 9-2 Sewer Service Charges, Subsection 9-2.6 (Fees and Guarantees); *Chapter XVI (Environmental Protection)*, Section 16-1 Tree Protection, Subsection 16-1.3 (Definitions and Word Usage); *of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):*

SECTION 1

That Chapter II, Administration, shall be amended to as follows:

2-1 CHAPTER TITLE through 2-11 POLICE DEPARTMENT

No Change.

2-12 FIRE DEPARTMENT.

2-12.1 Fire District Established through 2-12.3 Fire Department Physician and/or Surgeon

No Change.

2-12.4 Qualification for Membership.

No person shall hereafter be eligible to membership in the Fire Department of the Borough, or any unit thereof unless of good moral character; completed a background check and found acceptable; within the age limit as set by the New Jersey State Firemen's Association; a citizen of the United States and shall reside within a seven (7) mile radius of the Borough Hall for at least six (6) months immediately prior to request for application; mentally and physically fit to perform the duties of a firefighter, said fitness to be evidenced upon the application for membership of the New Jersey State Firemen's Association certified by ~~the Fire Department Physician and/or Surgeon~~ a Licensed Physician after he has made an examination of the applicant for that purpose; provided, however, that in the case of any applicant for membership who shall have been a member in good standing of any other recognized Fire Department in the State of New Jersey at the time that he established the residency requirement in the Borough and who is not over forty-five (45) years of

age the aforesaid age limitations shall not apply and provided, further, that a former firefighter with an acceptable record on file with the New Jersey State Firemen's Association and meeting all other conditions hereinabove prescribed shall be eligible to membership, if the residency requirement is met for at least six (6) months immediately prior to his request for an application. The Mayor and Council are authorized to waive the residency requirement if the applicant can demonstrate justification for membership and provided the applicant is acceptable to the Fire Department. No person shall become a member of the Fire Department of the Borough until his election thereto has been approved by the Borough Council by motion duly approved for such purpose.

a. A person who ~~does not qualify for probationary or active membership in the Borough of Rumson Fire Department (two (2) companies)~~ is a member in good standing in another Fire Department and holds a Line Number from the New Jersey State Firemen's Association may apply to become an active associate member of the Department. In order to become an active associate member, a person must be between the ages of eighteen (18) years and forty-five (45) years. The applicant must reside or work within a seven (7) mile radius of the Borough Hall of Rumson and able to respond to alarms of fire. Active associate members shall be eligible for the Borough's life insurance coverage currently provided to members of the Fire Department and shall be provided with worker's compensation and other insurance coverage while responding to, working at, and returning from alarms of fire. Active associate members shall not be eligible for membership to the Oceanic Firemen's Relief Association or any benefits provided therefrom.

Active associate members shall be entitled to all the rights and privileges as provided by the bylaws of the individual Fire Company they join: they shall be entitled to vote in the election for the Chief and Assistant Chief of the Borough Department, however, they shall not hold such offices within the department. The active associate membership shall be limited to six (6) per company (twelve (12) total).

The application procedures for active associate membership shall be the same as for probationary or active membership (applications are supplied by the New Jersey State Firemen's Association) ~~except as to the age requirement and residency~~. An applicant for active associate membership shall submit a certificate of successful completion of the basic training course at any fire academy recognized by the State of New Jersey within one (1) year from the date of application acceptance. Failure to complete the basic training course or to provide a copy of a document to prove such training experience within one (1) year shall result in the expulsion from the Fire Department.

2-12.5 Election of Chief and Assistant Chief.

The first Thursday in December, ~~except when it falls on December 1, then it will be the second Thursday~~, in each year the Companies shall elect one (1) person to be known as Chief of the Fire Department and one (1) person to be known as the Assistant Chief of the Fire Department. Every member of the fire companies in good standing on November 30, preceding the election shall be eligible to vote.

The Chief and Assistant Chief shall be residents of the Borough of Rumson but the Mayor and Council retain the right to waive this requirement on a case to case basis subject to acceptance of the waiver by the Fire Department.

2-12.6 Election of Company Officers; List of Members in Good Standing through 2-12.8 Judge and Clerk of Election

No Change.

2-12.9 Duties of Chief.

It shall be the responsibility of the Chief to inspect at least once each month all fire apparatus and buildings in use for the protection of the same. ~~He shall inspect and test all fire hydrants once a year and all new hydrants immediately after the same are installed, and report the condition thereof to the Mayor and Council at the next regular meeting following the completion of each of such hydrant test. The inspection of existing hydrants shall be accomplished during the second half of each year.~~ The Chief, Assistant Chief or senior officer in charge shall in all cases of fire threatening danger or destruction of property, take sufficient and prompt measures and use the means of the Department to extinguish the same, and shall at such times on occasions of alarm of fire, within or without the Borough, have sole absolute control and command over all fire apparatus, and all members of the Fire Department, and over all persons aiding and assisting the Fire Department in cases of actual fire.

2-12.10 Absence of Chief

No Change.

2-12.11 Authority of Chief and Assistant Chief.

The Chief and Assistant Chief shall attend all fires within the corporate limits of the Borough and are hereby empowered to take charge of any building or buildings which may be on fire and to admit only so many persons, other than firefighters, to the building as they think necessary to aid in extinguishing the fire and the preservation of all goods and to give orders and to superintend the removal of all goods and the preservation of all endangered property. ~~They may lawfully enter and examine any building, place, vehicle or vessel where any gunpowder or other explosive or flammable materials may be located and the Chief or Assistant Chief may in writing direct the removal or securing of any such material or materials, and in case the possessor of the same neglects or refuses to comply with such written directions, the party so refusing or neglecting shall on due conviction, be subject to the penalty as stated in Chapter III, Section 3-1.~~ The Chief, and Assistant Chief ~~and members of the Fire Police~~ are hereby vested with powers of Special 1 Police Officers of the Borough while going to, attending and returning from a fire, and shall preserve the peace and protect private and public property.

2-12.12 Request for Supplies.

The senior officer of each Fire Company of the Department shall report to the Chief or Assistant Chief any supplies which are necessary for the efficient operation of his Company and the Chief or Assistant Chief, if he approves the report, shall request the supplies from the ~~Chairman or Vice Chairman of the Fire Committee~~ Borough Administrator of the Borough Council.

2-12.13 Duty Hats of Chief and Assistant Chief through 2-12.17 Use of Fire Department Building

No Change.

2-12.18 Permission for Fire Apparatus to Leave the Borough.

No fire apparatus except in the case of necessity shall leave the Borough limits. The Mayor, ~~Chairman of the Fire Committee of the Borough Council~~ Borough Administrator, Chief or Assistant Chief may permit any apparatus to leave the Borough limits on a call for assistance from outside the Borough. The Mayor ~~and Chairman of the Fire Committee of the Borough Council~~ and Borough Administrator shall have sole power to permit apparatus to leave the Borough limits to attend parades or firefighter's tournaments.

2-12.19 Use of Fire Apparatus for Games or Contests.

No fire apparatus shall be used for any trial of skill or power except by consent of the Mayor or ~~Chairman of Fire Committee of the Borough Council~~ Borough Administrator.

2-12.20 Use of Fire Apparatus for Funeral Processions.

No fire apparatus shall be used for funerals or in funeral processions except for the funeral of a deceased firefighter or exempt firefighter of the Borough Fire Department. Permission for use for any other funeral may be given by the Mayor or ~~Chairman of the Fire Committee of the Borough Council~~ Borough Administrator.

2-12.21 Speed Limits for Fire Apparatus and Volunteer Members; Blue Light Permits.

a. The speed limit for fire apparatus in the Borough shall be in accordance with the statutes of the State applicable thereto but in no case greater than ~~fifty (50)~~ forty (40) miles per hour going to an alarm and ~~thirty (30) miles per hour~~ shall follow all posted speed limits when returning therefrom.

b. and c.

No Change.

2-12.22 Number of Active Members.

No Change.

2-12.23 Custodian of Fire Equipment.

The Mayor and Council may appoint a custodian of fire equipment who will report to and be under the direct supervision of the Borough. The custodian shall be qualified to perform the duties hereinafter described. Among applicants having equal qualifications for the position, members of the Fire Department shall be preferred over nonmembers. It shall be the duty of the custodian to see that the apparatus is in running condition at all times and ready to answer any fire alarm; he shall keep an inventory of all tools and supplies which are the property of the Borough; he shall report to the Chief or in his absence, the Assistant Chief, any part or parts of apparatus he may find out of order and in need of repair, a form shall be forwarded to the Borough Mechanic immediately; Wash and wax apparatus regularly, as needed; Check lights, tires, etc. regularly; Work/exercise all valves and handles to assure they are in working order (including the pump) monthly; Exercise all generators and small engines monthly; Fuel and check fluids regularly.

2-12.24 Election of Drivers.

No Change.

2-12.25 Fire Police; Term.

It shall be the duty of each Company in the Fire Department to submit to the Mayor and Council the names of any members ~~eight (8) members from each Company~~ for appointment as Fire Police. Their names shall be submitted at the last Borough meeting in December. The Fire Police shall hold office for one (1) year.

2-12.26 Duty of Fire Police.

It shall be the duty of the members of the Fire Police, after being sworn in, to organize and to elect from among their number; a Chief of Fire Police, a Captain of Fire Police, a First Lieutenant of Fire Police and a Second Lieutenant of Fire Police. It shall be the duty of the Fire Police to perform all the duties of Special 1 Police Officers while on duty, to establish fire lines at all fires and to exclude the public from inside the fire line.

2-12.27 Certificate of Exemption through 2-12.32 Fire Companies Refusing to Obey or Enforce Ordinances

No Change.

2-12.33 Inspections; Notice to Owner; Service of Notice. RESERVED

~~—The Fire Chief or Assistant Chief upon presentation of his credentials shall have authority to enter into any building or structure or upon any premises in the Borough to inspect the same for the purpose of ascertaining and causing the correction of any conditions likely to cause a fire or increase hazard to persons or property; provided however, that one-family residence buildings shall not be inspected except by permission of the owner or occupant or with the approval of the Fire Committee of the Borough Council or pursuant to a court order or search warrant. Whenever the Chief or Assistant Chief shall adjudge any accumulation of rubbish, waste, combustibles, explosives or other flammable or explosive matter to be dangerous or that any obstructions on fire escapes, stairs, passageways, doors or windows may be likely to interfere with the operation of the Fire Department or with egress of occupants in case of fire or that such building, structure or premises by reason of lack of fire alarm or fire extinguishment apparatus or other causes are dangerous to the safety of persons or property in, upon or in the vicinity thereof, he shall order that such dangerous materials or obstructions be removed and that such dangerous conditions be corrected. The service of such an order shall be made by delivery in person either to the occupant or owner of the premises or to the person in charge of the premises, or by affixing a copy of such order in a conspicuous place upon the door to the entrance of the premises or if the owner is not a resident of the Borough by mailing a copy of such order by certified mail to the owner's address as shown upon the tax records of the Borough. When such an order has been served, the occupant, or owner or person in charge upon whom it is served shall immediately comply with the same.~~

2-12.34 Exemptions from Fees.

No Change.

2-12.35 Length of Service Awards Programs (LOSAP) for Volunteer Firefighters.

As recognized by the State of New Jersey under the "Emergency Services Volunteer Length of Service Award Program Act" the Borough established a Length of Service Award Program effective August 19, 2004 for all eligible volunteer firefighters in the Rumson Fire Department consisting of the Oceanic Hook & Ladder Co. No. 1, Inc. and the Rumson Fire Company.

In accordance with N.J.S.A.40A:14-183 et seq. the Borough of Rumson established the Length of Service Awards Program (LOSAP) to provide for the following:

a. Fixed annual contributions to be made by the Borough annually to a tax deferred income account for each volunteer member who the Borough determines meets the annual eligibility criteria set forth below; that such contributions shall be made in accordance with a plan that shall be established by the Borough of Rumson pursuant to the Act; and that such plan shall be administered in accordance with the laws of the State of New Jersey, the U.S. Internal Revenue Code, and this Ordinance.

b. Annual contributions for each eligible member whom the Borough had determined has performed and accrued seventy-five (75) points of service in the particular calendar year pursuant to the Borough of Rumson Point System. The Governing Body of the Borough reserves the right to amend the Point System and Schedule.

c. The annual contribution amount for each year of future service for each eligible volunteer member shall be one thousand one hundred fifty (\$1,150.00) dollars. The estimated annual cost of this program shall be based on sixty (60) members for a total cost of sixty-nine thousand (\$69,000.00) dollars. Beginning in 2018, the annual contribution shall adjust based on the Federal Social Security cost of living increase for the given year. These increases shall be cumulative going forward.

d. Each active volunteer member shall accrue and be credited with points, to be totaled on an annual basis per calendar year, for volunteer services provided as per the Borough of Rumson LOSAP Point System Schedules set forth herein as part of this Ordinance. The Rumson Fire Department (two (2) Companies) shall at the conclusion of each calendar year provide a list and recommendation as to the members achieving the required seventy-five (75) points of service and the basis for that recommendation. The Governing Body will thereafter make the determinations to the members on the list as to compliance with the eligibility requirement for each calendar year.

~~2-12.36 Violations and Penalties.~~

2-12.36 Cadet or Explorer Firefighters.

1. A Cadet or Junior Firefighters' Program to the Volunteer Fire Department of the Borough of Rumson is hereby established pursuant to the provisions of N.J.S.A. 40A:14-95 et seq. and subject to the supervision of the each fire company and the Chief or Assistant Chief. The members of the Program shall be known as the "Cadet/Junior Firefighters."
2. Each volunteer fire company of the Borough of Rumson may have a Cadet/Junior Firefighters' Program.
3. Cadet/Junior Firefighters shall meet all the qualifications of regular firemen, except that they need only have reached the age of fourteen (14) years and may be no older than seventeen (17) years of age.
4. When a Cadet/Junior Firefighter reaches the age of 18 and wishes to continue as a firefighter in the Borough of Rumson, the Cadet/Junior Firefighter must apply for full membership according to Borough Ordinance Chapter II, Section 12.
5. The Cadet/Junior Firefighters, before being considered for membership, must obtain permission to join the Program from their parent(s) or guardian(s) and must submit to the fire company the permission, in writing, and acknowledged or approved in the manner required by law for deeds to real estate to be recorded.
6. Members of the Program shall be insured by the same coverage and in the same amounts provided for the regular volunteer Firefighters of the Borough of Rumson.
7. Every person seeking to become a Cadet/Junior Firefighter must apply and be selected in the same manner as regular Firefighters.

8. Cadet/Junior Firefighters shall be trained for eventual membership in the Rumson Fire Department by the Chief or the Assistant Chief and the regular members.
9. No Cadet/Junior Firefighter shall be allowed to perform duties that would expose him to the same degree of hazard as a regular member of the Rumson Fire Department.
10. Cadet/Junior Firefighters shall not fight fires and shall not be required to perform duties which would expose them to the same degree of hazard as a regular active member.
11. A Cadet/Junior Firefighter shall wear full turnout gear while riding fire apparatus and performing fire duties.
12. A Cadet/Junior Firefighter may deliver such items as hand lights, exhaust fans, axes, and pike poles from the fire apparatus to the regular firefighters fighting fires, but only to those firefighters outside the structure.
13. At the scene of a fire, a Cadet/Junior Firefighter may roll hose or help repack hose onto the fire apparatus.
14. A Cadet/Junior Firefighter may only ride in the jump seat or cab of the apparatus.
15. Under the instruction and at the direction of a line officer, a Cadet/Junior Firefighter during drills may perform certain duties such as holding waterlines, ladder work, and practice rescue work and pumper operations.
16. A Cadet/Junior Firefighter shall assist in keeping the fire apparatus, firehouses and grounds clean. They shall also assist in all Fire Department and Fire Company activities.
17. Cadet/Junior Firefighters shall be subject to provisions of the Borough ordinance covering Firefighters and to suspension or expulsion as provided therein.

2-12.37 Violations and Penalties.

No Change.

SECTION 2

That Chapter VI, Alcoholic Beverage Control, shall be amended to as follows:

6-1 PURPOSE through 6-2 DEFINITIONS

No Change.

6-3 LICENSES.

6-3.1 Laws Applicable through 6-3.3 License Required

No Change.

6-3.4 License Fees; Maximum Number.

From and after the effective date hereof the annual fees and maximum number of licenses for the sale or distribution of alcoholic beverages in the Borough shall be as follows:

<i>Class of License</i>	<i>Annual License Fee</i>	<i>Number of Licenses</i>
Plenary Retail Consumption License	\$2,500.00	9
Plenary Retail Distribution License	\$2,437.00 <u>\$2,500</u>	2

The provisions of this subsection with respect to the limitation on the number of licenses shall not apply to the renewal or transfer or licenses presently issued.

6-3.5 License Term through 6-3.6 Requirement of Obtaining Liquor License Renewal.

No Change.

6-4 REGULATION OF LICENSES through 6-7 REVOCATION OF LICENSES

No Change.

SECTION 3

That Chapter VIII, Building and Housing, shall be amended to as follows:

8-1 STATE UNIFORM CONSTRUCTION CODE through 8-6 PROPERTY MAINTENANCE CODE; BASIC MECHANICAL CODE; BASIC FIRE PREVENTION CODE

No Change.

8-7 RENTAL PROPERTY—REGISTRATION REQUIRED.

8-7.1 Purpose through 8-7.15 Occupant(s) Standards

No Change.

8-7.16 Violations—Penalties.

a. Any person who violates any provision of this section shall, upon conviction in the Municipal Court of the Borough of Rumson or such other court having jurisdiction be penalized as follows:

1. through 4.

No Change.

5. For the violation of a property with finished habitable space that was completed without proper zoning or building permits, the fee shall be \$2000 plus \$100 per subcode.

- b. through c.

No Change.

SECTION 4

That Chapter IX, Sewer and Water, shall be amended to as follows:

9-1 SEWER CONNECTIONS.

9-1.1 Definitions.

No Change.

9-2 SEWER SERVICE CHARGES.

The owner of every property connected to the municipal sewers of the Borough or to whose property such sewers are available shall pay service charges and other charges in accordance with the following schedule:

9-2.1 Schedule through 9-2.5 Interest

No Change.

9-2.6 Fees and Guarantees.

a. Commencing January 1, 2009, the following fees and guarantees shall be paid prior to any inspection and issuance of any permit by the Borough:

1. Disconnect fee	\$250.00
2. Reconnect fee	\$250.00
3. Existing tap connection fee	\$600.00
4. New construction connection	\$5,200.00 <u>\$5,500.00</u>
5. Performance guarantee prior to any approval	\$2,500.00
6. One (1) year maintenance guarantee	\$1,000.00

b. through c.

No Change.

9-3 FIRE HYDRANTS.

No Change.

SECTION 5

That Chapter XVI, Environmental Protection, shall be amended to as follows:

16-1 TREE PROTECTION.

16-1.1 Title through 16-1.2 Purpose

No Change.

16-1.3 Definitions and Word Usage.

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Applicant through Tree Ornamental

No Change.

Tree, street shall mean any deciduous hardwood shade tree whose center point at ground level is located within the Borough or County right-of-way.

16-1.4 Prohibited Activity through 16-11.6 Violations and Penalties

No Change.

SECTION 6.

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7.

This ordinance shall take effect upon final passage and publication according to law.

Introduced: August 15, 2017

Passed and Approved: September 12, 2017