

Egg Harbor Township

Ordinance No. 34

2019

An ordinance to amend Chapter 6 of the Township Code entitled “Administration and Government” specifically Article X entitled “Fire Department”; Section 6-89 entitled “Membership”

SECTION 1: Chapter 6 of the Code of the Township of Egg Harbor is hereby amended by deleting and replacing section §6-89 as follows:

§6-89 Membership.

- A. The object of these companies is the protection of life and property from fire. Active members of each company shall not exceed fifty (50) active members. The age of active firefighters joining companies shall be between the ages of eighteen (18) and forty-five (45). Any person over the age of 45 years may join the volunteer fire company as a member with the approval of such fire company, but such membership shall not come under the classification of an active firefighter as it relates to the New Jersey State Relief Association.
- B. The Township Fire Chief shall be charged with processing all applications for candidates to serve as a volunteer firefighter for any of the five (5) volunteer fire companies who make up the Township Fire Department.
- C. Prospective volunteer firefighters must successfully pass a physical examination to assure that the work required to be performed will not cause injury to the individual and that the person is physically fit to meet the requirements of the position. All required examinations shall be at the Township’s expense and shall be made by a physician designated or approved by the Township.
- D. Criminal background investigations are required of all prospective volunteer firefighters. The cost of the criminal background check shall be borne by the Township.
- E. Criminal background disqualifications. A person may be disqualified from serving as a volunteer firefighter if the person’s criminal history record background check reveals a record of conviction of any of the following crimes or disorderly persons offenses:
 - (a) In New Jersey, any crime or disorderly persons offense:
 - (i) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S. 2C:11, Homicide; N.J.S. 2C:12, Assault, Endangering, Threats; N.J.S. 2C:13 Kidnapping; N.J.S. 2C:14, Sexual Offenses; N.J.S. 2C:15, Robbery; or N.J.S. 2C:17-1, Arson.
 - (ii) In accordance with N.J.S. 15:801.1b. a person who is convicted of a violation of N.J.S. 2C:33-3, concerning false public alarms, is ineligible for membership in a volunteer fire company for a period of ten (10) years from the date of the conviction.

- (iii) Against the family, children, or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S. 2C: 24-1 et seq.;
 - (iv) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;
 - (v) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except Paragraph (4) of Subsection a of N.J.S. 2C:35-10, possession of 50 grams or less of marijuana.
- (b) In any other state of jurisdiction, conduct, which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in Subsection E (a) of this section.
- F. Appeal of criminal background disqualifications.
- (a) A prospective volunteer firefighter may appeal the disqualification determination by filling a written notice of appeal with the Township Fire Chief.
 - (b) All appeal requests shall proceed in a hearing no later than forty-five (45) days after receiving the notice of appeal before the Fire Department Appeal Panel and a determination made no later than twenty (20) days thereafter.
 - (c) The Fire Department Appeal Panel shall be comprised of the Township Fire Chief or designee; the Bargaintown Volunteer Fire Company Chief or designee; the Cardiff Volunteer Fire Company Chief or designee; the Farmington Volunteer Fire Company Chief or designee; the Scullville Volunteer Fire Company Chief or designee; and the West Atlantic City Volunteer Fire Company Chief or designee;
 - (d) At the hearing, the prospective volunteer firefighter shall have the right to appear and be heard, to be represented by an attorney, present witnesses in his or her own behalf, cross-examine opposing witnesses and have a permanent record made of the proceedings at his or her own expense.
 - (e) The Fire Department Appeal Panel may overturn a disqualification determination if the prospective volunteer firefighter is able to demonstrate by clear and convincing evidence that they have been sufficiently rehabilitated so as to make them eligible to serve the Fire Department.

SECTION 3: All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 4: Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5: This Ordinance shall become effective immediately upon final adoption and publication according to law.

Notice is hereby given that the foregoing ordinance was introduced at a meeting of the Township Committee of Egg Harbor Township, in the County of Atlantic, State of New Jersey, held October 16, 2019, and will be further considered for final passage after a public hearing thereon at a regular meeting of said Township Committee to be held in the Township Hall, in said Township on November 6, 2019.

Dated: October 16, 2019

Eileen M. Tedesco, RMC
Township Clerk