

ORDINANCE 2022-05

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE MUNICIPAL
CODE OF THE BOROUGH OF BAY HEAD, SO AS TO
AMEND CHAPTER 25, ENTITLED "FIRE
DEPARTMENT."**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 25, entitled "Fire Department," in its entirety so as to read as follows:

Article I.

Establishment

§ 25-1. Establishment

There shall be a Fire Department in the Borough of Bay Head known as "Bay Head Fire Company No. 1."

§ 25-2. Qualifications; application.

A. A prospective member of this Department shall:

- (1)** Be at least the minimum age of 18 years.
- (2)** Be a resident of the State of New Jersey.
- (3)** Possess a valid New Jersey State driver's license and said license must be in good standing.

B. Each prospective member shall make an application, in writing, signed by the applicant, giving his or her name, age, and length of residence in the state. With the application for Active, Associate, Fire Police or Junior Membership, there shall be an accompanying certificate made by a practicing physician of the State of New Jersey to the effect that, after a physical examination for that purpose, the physician certifies that the applicant is physically fit to perform the duties of their membership position.

C. All Active and Associate candidates who were not certified by the State of New Jersey as a firefighter prior to 1987 are required to attend and successfully complete the Fire Fighter Level I Certification from an accredited program within one year of joining the Fire Department.

D. All Fire Police candidates who do not hold a valid New Jersey Fire Police certificate will attend and successfully complete the New Jersey Fire Police Course within one year of joining the Fire Department.

§ 25-3. Approval; record of active members.

The name of each person elected to membership in the Company and proposed as a member of the Department shall be presented through the Fire Chief of the Company to the Mayor and Borough Council for approval. The Municipal Clerk shall keep a record of all members approved by the Mayor and Council. The Fire Chief shall be responsible to immediately notify the Municipal Clerk of any and all changes in the Fire Department membership.

§ 25-4. Organization; officers.

A. The Department shall fill their elected and appointed operational and administrative positions from its members according to its respective rules, regulations, and bylaws.

B. Fire Chief. Reporting to the Mayor and Council, the Fire Chief shall administer, plan, direct, and control all operational aspects of the Fire Department including fire-related administration, fire suppression, fire prevention and rescue activities, firefighting equipment, training of personnel, and preparation and execution of the Borough budget of the Department as authorized by all applicable laws, rules, and/or regulations. The Fire Chief will also administer applicable local, state, and federal fire regulations.

§ 25-5. Records.

The Fire Chief will provide a monthly report to the Council member who chairs the Public Safety Committee listing all calls, training, and other operational activities for the preceding month.

§ 25-6. Junior Fire Company.

There is hereby established a Junior Fire Company of Bay Head Fire Company No. 1. The Mayor and Council shall approve all active junior members, and all applicants shall be between the ages of 16 and 18 years of age. All other provisions of this article shall be applicable to, and control, said Junior Fire Company.

Article II.

Length of Service Awards Program

§ 25-7. Purpose.

A. The Borough Council deems it appropriate and necessary to act to ensure retention of existing volunteer members and to provide incentives for recruiting new volunteer members for Bay Head Fire Company No. 1.

B. The Borough Council has determined that the creation of a Length of Service Awards Program will enhance the ability of Bay Head Fire Company # No. 1 to retain and recruit volunteer members of the fire company.

§ 25-8. Program created.

A Length of Service Awards Program (LOSAP) is created in accordance with Chapter 388 of the Laws of 1997 (N.J.S.A. 40A:14-183 et seq.) to reward members of Bay Head Fire Company No. 1 for their loyal, diligent, and devoted services to the residents of the Borough of Bay Head.

§ 25-9. Contributions; administration.

The LOSAP shall provide for an annual contribution that, effective as of the 2022 contribution year, shall be increased by the Consumer Price Index and compounded each year. The payment will be deposited to a deferred income account for each volunteer member who meets the criteria in this article. The contributions shall be made in accordance with a plan established by the Borough Council pursuant to P.L. 1997, c.388. The plan shall be administered in accordance with the laws of the State of New Jersey, the Internal Revenue Code of the United States of America and the terms of this article.

§ 25-10. Point system.

The LOSAP shall provide for annual contributions to each eligible member who accumulates 50 or more points in accordance with the schedule entitled "LOSAP Point System," which is incorporated into this Chapter as Attachment 1.

§ 25-11. Annual cost.

The estimated cost of the program for regular annual services was calculated at \$20,000.00 per year as part of the Ballot Question in 2004. Costs are now significantly higher and will be available annually during the budget process.

§ 25-12. Referendum.

A. "LOSAP Ballot Question," incorporated into this Chapter as Attachment 2 was approved at the General Election held November 2, 2004.

SECTION 2. This ordinance shall take effect after second reading and publication as required by law.

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

Introduced on First Reading: March 7, 2022

Introduced on Second Reading: April 4, 2022

Approved on Second Reading: April 4, 2022

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

CHAPTER 25. FIRE DEPARTMENT

Attachment 1

Borough of Bay Head LOSAP POINT SYSTEM

A year of service shall be credited under the service award program for each calendar year after establishment of the program in which an eligible member in Bay Head Fire Company # No. 1 accumulates at least 50 points, provided that such individual is a member of the fire company for at least 6 months during the calendar year for which the credit is given under the program. Points shall be granted in accordance with the system set forth in this document.

Emergency calls: 50 points maximum

The following formula will be used to determine point total for emergency calls: Percentage of fires attended times 0.5. Additionally, the categories of 'active', 'associate', and 'fire police' must attend a minimum of 25% of emergency calls to be eligible to receive LOSAP or the minimum percentage required for each category based on the by-laws of Bay Head Fire Company No. 1, whichever percentage is higher.

Drills: 20 points maximum

Two (2) points for each drill attended. A drill must be scheduled, announced, and open to all members-to qualify.

Training: 10 points maximum

One (1) point for each verified two (2) hours of instruction/training in a formal training course. Two (2) points for each company training session approved by the Chief and announced and open to all members (command, pump, driver, etc.).

Meetings: 10 points maximum

One (1) point for each fire company meeting attended. A meeting must be scheduled and open to the entire membership to qualify.

Fire-related extra credit: 5 points maximum

Awarded at the discretion of and documented by the Chief for activities in support of fire operations (equipment maintenance, truck bay maintenance, etc.).

Miscellaneous activities: 3 points maximum

Awarded at the discretion of and documented by the Chief or President for activities not otherwise listed, including but not limited to fundraisers, public education, work details, and standbys for special events. These must be open to and announced to the entire membership to qualify.

Storm and emergency standby: 5 points maximum

Any eligible member of the Fire Company that stays on duty at the firehouse for service during a storm or other emergency related event shall receive one LOSAP point for each four-hour tour.

Service in elected position:

Three (3) points will be awarded for a year of service in the following elected or appointed positions:

Chief
Assistant Chief
Captain
Lieutenant
Chief Engineer
Assistant Engineer
Incident Safety Officer
LOSAP Officer
President
Vice President

Recording Secretary
Corresponding Secretary
Treasurer
Assistant Treasurer
Training Officer
Fire Police Captain

CHAPTER 25. FIRE DEPARTMENT

Attachment 2

LOSAP BALLOT QUESTION

Shall the Borough Council of the Borough of Bay Head be authorized to establish a Length of Service Awards Program for members of Bay Head Fire Company #1 that serve the Borough of Bay Head, pursuant to the following terms and conditions:

1. The program shall provide for annual contributions to a deferred income account for each active volunteer member who meets the eligibility criteria in accordance with the schedule adopted by the Borough Council.
2. The proposed annual contribution for an active volunteer member is \$1,000, which shall be increased each year with automatic cost-of-living increases.
3. The estimated cost of the program for regular annual services has been calculated at \$20,000 per year.

Yes _____ No _____

Explanatory Statement

The Borough Council of the Borough of Bay Head has decided to create a Length of Service Awards Program (LOSAP) for members of Bay Head Fire Company #1 that serve the citizens of the Borough of Bay Head. The general requirements for a LOSAP are set forth in the state law (N.J.S.A. 40A:14-183 et seq.).

Each fire company member who performs the minimum amount of service will have \$1,000, together with automatic cost-of-living increases per year, deposited into a tax deferred income account that will earn interest for the volunteer.

The cost will be budgeted annually in the budget of the Borough of Bay Head and is anticipated to be \$20,000 per year.

Additional details on the program may be found in an ordinance adopted by the Borough Council of the Borough of Bay Head, which is available for public inspection, together with a copy of the state enabling law, at the Office of the Municipal Clerk and at the Bay Head Reading Center/Library.