

ORDINANCE NO. 2022-3330

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE TOWNSHIP OF
MIDDLETOWN GOVERNING OFFICERS OF THE FIRE DEPARTMENT OF THE
TOWNSHIP OF MIDDLETOWN**

WHEREAS, the Township of Middletown (the "**Township**") has an all-volunteer fire department consisting of eleven individual fire companies (the "**Fire Department**"); and

WHEREAS, the Fire Department has requested that the Township Committee amend the provisions of the Township Code relating to the eligibility requirements for line officers found in § 41-7 of the Township Code.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that § 41 of the Code of the Township of Middletown be and is hereby amended and supplemented, as follows:

SECTION 1. Amendment of § 41-7

§ 41-7. Eligibility requirements for line officers.

- A. To be eligible for nomination to the office of Chief, Deputy Chief, First Assistant Chief, Second Assistant Chief or Third Assistant Chief (**collectively referred to as the "Officers"**), a nominee shall have served as an active ~~fireman~~ **firefighter** in the Township for five years next preceding ~~his~~ **their** election and prior to ~~his~~ **their** nomination shall have served and fully completed a one-year term as Captain of one of the companies of the Department.

The nominee shall also have obtained, prior to being nominated to serve as an Officer, an Incident Management Level 3 Certification issued by the New Jersey Division of Fire Safety and shall have successfully completed a New Jersey Fire Officer Level 1 Course meeting the requirements of the NFPA 1021, an Incident Safety Officer Course and the 12-hour Principles of Building Construction Course. In addition, any nominee for an Officer position shall have met the LOSAP qualifying criteria for three (3) years preceding the nomination.

The eligibility requirements to serve as an Officer shall take effect four years following the adoption of the ordinance establishing said requirements by the Township Committee (the "Exemption Period"). All Officers serving on the date of adoption of the ordinance establishing these eligibility requirements shall be exempt from said requirements during the Exemption Period.

The Middletown Township Fire Academy shall offer all or part of the courses required to serve as an Officer during each semester on a rotating basis so that over a four year period all of the required courses are offered. If a member cannot complete any of the required courses at either the Middletown Township Fire Academy or the Monmouth County Fire Academy during a four year period, then the Fire Department shall reimburse the member for the cost of tuition and books from another recognized in-state training agency.

- B. The Chief, Deputy Chief, First Assistant Chief, Second Assistant Chief and Third Assistant Chief shall each be members of different companies. In no case shall any two or more of said officers be active members of the same company.

SECTION 2. Repealer.

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 3. Severability.

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

SECTION 6. Effective Date.

This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.