

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 43-24 OF ,
OF THE BOROUGH CODE TO AUTHORIZE THE DISCLOSURE OF
INFORMATION AND PERFORMANCE OF BACKGROUND
INVESTIGATIONS ON APPLICANTS FOR MEMBERSHIP IN THE SPRING
LAKE FIRST AID SQUAD**

WHEREAS, Section 43-24 of the Borough Code currently governs membership information and background investigations for applicants for membership in Fire Company No. 1 and Goodwill Fire company No. 2; and

WHEREAS, the Spring Lake First Aid Squad has requested inclusion in this code provision to authorized the Borough Police Department to conduct background investigations for applicants for membership in the Spring Lake First Aid Squad; and

WHEREAS, the Mayor and Council, have determined that it is in the best interests of the health, safety and welfare of the residents of the Borough to amend and revise those regulations; and

WHEREAS, Sections 43-24 is hereby amended and supplemented with deletions reflected in ~~strikethrough~~ and additions reflected in **bold underline**.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Spring Lake in the County of Monmouth and State of New Jersey as follows:

Section 1.

Section 43-24 of the Borough Code, is hereby amended to provide as follows:

§ 43-24. Disclosure of information regarding applicants for membership in Volunteer Fire Department and First Aid Squad.

A. Purpose. This subsection is enacted pursuant to N.J.S.A. 40:42-1 et seq., the Home Rule Act, which directs municipalities to act for the health, welfare, and safety of its citizens and to implement N.J.S.A. 15:8-1.1.

B. Membership defined. Membership in Spring Lake Fire Company No. 1, and Goodwill Fire Company No. 2 **or the Spring Lake First Aid Squad** means membership in a volunteer fire company **or first aid squad** organized pursuant to Title 15 of the Revised Statutes or Title 15A of the New Jersey statutes, membership in a volunteer fire company **or first aid squad** or similar organization constituted in a fire district pursuant to N.J.S.A. 40A:14-70.1, membership in a junior fire fighters' auxiliary established pursuant to N.J.S.A. 40A:14-95, or nonpaid membership in a part-paid Fire Department or force established pursuant to Chapter 14 of Title 40A of the New Jersey statutes.

C. Application. Any person desiring membership in Spring Lake Fire Company No. 1 or Goodwill Fire Company No. 2 **or the Spring Lake First Aid Squad** shall complete in duplicate, filing the same with Spring Lake Fire Company No. 1 or Goodwill Fire Company No. 2, **or the Spring Lake First Aid Squad** an application the form of which may be prescribed by Spring Lake Fire Company No. 1 or Goodwill Fire Company No. 2, **or the Spring Lake First Aid Squad** but which shall contain the following information about the applicant:

- (1) Name.
- (2) Home address.
- (3) Birth date.
- (4) Social security number
- (5) Driver's license number.
- (6) Any conviction of violation of N.J.S.A. 2C:17-1:
 - (a) Aggravated arson; or
 - (b) Arson; or
 - (c) Failure to control or report dangerous fire; or
 - (d) Directly or indirectly pays or accepts any form of consideration for the purpose of starting a fire or explosion.
- (7) Any conviction of violation of N.J.S.A. 2C:33-3, False Public Alarms.
- (8) Any conviction of a crime or disorderly persons violation.
- (9) Such other information as the Spring Lake Fire Company No. 1 or the Goodwill Fire Company No. 2 **or the Spring Lake First Aid Squad** deems relevant to the application, provided that none of such information is prohibited by law.

D. Investigation by Chief of Police. Following the filing of such application the Spring Lake Fire Company No. 1, and the Goodwill Fire Company No. 2 **or the Spring Lake First Aid Squad** shall transmit one of the applications to the Chief of Police of the Borough of Spring Lake who shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his/her application and any such other investigation of the applicant's background as he deems necessary for the protection of the public good. If as the result of such investigation the applicant is found to have been convicted of violation of N.J.S.A. 2C:17-1a, b, c, and/or d or N.J.S.A. 2C:33-3 or any other crime or disorderly persons violation or any other information that would indicate the applicant may be a threat to the health, safety or welfare of the community, the Chief of Police shall report such information and the particulars thereof to the Spring Lake Fire Company No. 1 and/or the Goodwill Fire Company No. 2 **and/or the Spring Lake First Aid Squad**.

E. Fingerprinting. In connection with said investigation, the applicant shall submit to fingerprinting, and the Chief of Police is authorized to submit applicant's fingerprint card and receive state criminal history record information from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered under this section.

F. Companies to become authorized agencies. This subsection is intended to make Spring Lake Fire Company No. 1 and Goodwill Fire Company No. 2 **and the Spring Lake First Aid Squad** authorized agencies as defined by N.J.A.C. 13:59-1.1.

G. Time limit for investigation. The above investigation by the Chief of Police shall be completed within 30 days of receipt of the application and the fingerprinting of applicant.

Section 2.

All other provisions of Chapter 43 Section 24 not amended or replaced herein remain in full force and effect.

Section 3.

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

Section 4.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

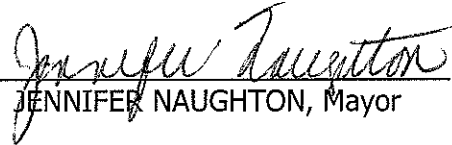
Section 5.

This Ordinance shall take effect on upon passage and publication in accordance with applicable law.

INTRODUCED: July 28, 2009

ADOPTED: August 11, 2009

APPROVED:


JENNIFER NAUGHTON, Mayor

Attest:


JANE L. GILLESPIE, BOROUGH CLERK