

R.S. 40A:14-1 et seq.

December 7, 1971

LEGISLATIVE HISTORY OF N.J.S.40A:14-1 et seq.  
(Fire and Police)

COPY NO. 1  
*for info, see pg 2*

L.1971 - chap197 - S626 OCR Senators Beadleston and Hauser.  
Bill had no statement.  
March 9, 1970 - Introduced.  
April 2, 1970 - Passed Senate.  
May 11, 1970 - Passed Assembly.  
March 11, 1971 - Conditionally vetoed.  
March 15, 1971 - Passed Senate, amended.  
April 29, 1971 - Passed Assembly.  
June 9, 1971 - Approved.

[~~Original Bill~~, Senate Amendments and OCR enclosed].

Governor's Conditional Veto [enclosed]

There are no preliminary drafts, reports or hearings available.  
The drafting was done by the Revisor of Statutes in the Law  
Revision and Legislative Services Commission.

974.905 League of Municipalities. Legislative Bulletin,  
M95 April 28, 1970 Approved the bill.

HP/EH  
Encl.

DEPOSITED  
DO NOT REMOVE FROM FILE

## NOTATIONS

**S 624 Waldor**

Mar. 9—Provides for the establishment of 5 regional evaluation centers for mentally retarded, physically handicapped, emotionally disturbed, socially maladjusted and multiple handicapped children; appropriates \$100,000.  
Mar. 9—Education Com.

**S 625 Waldor**

Mar. 9—Eliminates the requirement that an applicant for a beauty culture license must be a high school graduate.  
Mar. 9—Commerce, Ind. & Professions Com.

**S 626 Beadleston, Hauser**

Mar. 9—Revises Title 40, relating to county and municipal fire and police departments, adds an additional chapter to Title 40A; effective July 1, 1971.

Apr. 2—Passed in Senate.

May 11—Passed in Assembly.

Mar. 11, 1971—Returned by Gov. with recommended amend.

Mar. 15, 1971—Amended as recommended, re-enacted in Sen.

Apr. 29, 1971—Re-enacted in Assembly.

June 9, 1971—Approved, Chapter 197, 1971.

**S 627 Beadleston, Hauser**

Mar. 9—Designated the "Local Public Contracts Law," prescribes the procedure for local public contracts by municipalities and counties.

Mar. 19—Passed in Senate.

May 11—Passed in Assembly.

Mar. 11, 1971—Returned by Gov. with recommended amend.

Mar. 22, 1971—Amended as recommended, re-enacted in Sen.

Apr. 29, 1971—Re-enacted in Assembly.

June 9, 1971—Approved, Chapter 198, 1971.

**S 628 Beadleston, Hauser**

Mar. 9—Designated the "General Authority Law," provides counties and municipalities with a general local authority law.

Mar. 19—Passed in Senate.

May 11—Passed in Assembly.

Mar. 11, 1971—Vetoed by the Governor.

**S 629 Beadleston, Hauser**

Mar. 9—Designated the "Local Lands and Buildings Law," prescribes procedures for the acquisition and sale of land and buildings by counties and municipalities.

Mar. 19—Passed in Senate.

May 11—Passed in Assembly.

Mar. 11, 1971—Returned by Gov. with recommended amend.

Mar. 15, 1971—Amended as recommended, re-enacted in Sen.

Apr. 29, 1971—Re-enacted in Assembly.

June 9, 1971—Approved, Chapter 199, 1971.

**S 630 Guarini, Dickinson, Maturri, H. Kelly**

Mar. 9—Designated the "Department of Environmental Control Act of 1970," establishes a Department of Environmental Control as a principal department in the Executive Branch; appropriates \$200,000.

Mar. 9—State Gov't Com.

**S 631 Guarini, W. Kelly, Hauser, Musto**

Mar. 9—Grants court attendants, sheriffs officers and county correction officers the same powers as are conferred by law upon police officers, constables and other peace officers.

Mar. 9—County & Mun. Gov't Com.

**S 632 Guarini, W. Kelly, Hauser, Musto**

Mar. 9—Provides that the salary of guards, keepers, industrial officers and guard orderlies both male and female in all 1st Class counties shall be fixed by the freeholders.

Mar. 9—County & Mun. Gov't Com.

**S 633 Giuliano, Schoem, Maturri, LaCorte, Marazitti, Sisco, Sciro, DelTufo, Dowd**

Mar. 9—Provides that no credit card holder shall be liable for the unauthorized use of the card which has not become an accepted credit card; provides that when a card is lost or stolen the cardholder shall not be liable for any amount in excess of \$50.00.

Apr. 23—Passed in Senate, amended.

Sep. 17—Passed in Assembly.

Mar. 11, 1971—Returned by Gov. with recommended amend.

Mar. 15, 1971—Amended as recommended, re-enacted in Sen.

Apr. 22, 1971—Re-enacted in Assembly.

June 29, 1971—Approved, Chapter 246, 1971.

**S 634 Wallwork**

Mar. 9—Requires the superintendent of schools to recommend members of the teaching staff to the board of education for appointment.

Mar. 9—Education Com.

**S 635 Giuliano, Schoem, Maturri, LaCorte, Sisco, Sciro, Del Tufo, Dowd**

Mar. 9—Prohibits as a misdemeanor the issuing of a credit card unless requested by the person or a prepaid refusal form is given.

Mar. 9—Commerce, Ind. & Professions Com.

Apr. 13—Reported with com. amend.

Apr. 13—2nd reading.

Apr. 23—Passed in Senate, amended.

Apr. 23—Received in Assembly.

Apr. 23—Commerce, Ind. & Professions Com.

May 14—Reported, 2nd reading.

Sep. 17—Lost in Assembly.

Sep. 17—Laid over.

**S 636 Sears, Schoem, LaCorte, Tanzman, Sisco, Marazitti, Sciro, White, Schiaffo, Kay, Knowlton**

Mar. 9—Prohibits the State Sanitary Code to contain any regulation which requires or directs the mandatory fluoridation of any public potable water supply.

Mar. 9—Air, Water Pollution & Public Health Com.

**S 637 McDermott, Rinaldi, LaCorte**

Mar. 9—Extends the exemptions from unemployment compensation and temporary disability benefits to a member of the board of trustees, board of managers or a member of a committee, or a director of a savings bank; effective on January 1 following enactment.

Apr. 6—Passed in Senate, amended.

Apr. 17—Passed in Assembly.

**S 638 Guarini**

Mar. 9—Requires a board of education to reimburse a business manager, a school business administrator or a member of a board of education for the cost of carrying on a litigation or the cost of defending any criminal action when the final disposition is in favor of the individual.

Mar. 9—Education Com.

**S 639 Rinaldo, LaCorte, McDermott**

Mar. 9—Relieves a municipality or county from reimbursement of the cost where the authorized amount of a bond issue is \$10,000,000 or more.

Mar. 12—Withdrawn from files.

**S 640 Sisco, Dowd, Maraziti, Sears**

Mar. 9—Designed the "Passaic River Flood Plain Preservation Acquisition Act of 1970," appropriates \$4,000,000.

Mar. 9—Agric., Cons. & Natural Resources Com.

**S 641 Beadleston, Hauser**

Mar. 9—Revises title 40 relating to county and municipal officers and employees; adds an additional chapter to Title 40A; effective July 1, 1971.

Apr. 2—Passed in Senate.

May 11—Passed in Assembly.

Mar. 11, 1971—Returned by Gov. with recommended amend.

Mar. 22, 1971—Amended as recommended, re-enacted in Sen.

Apr. 29, 1971—Re-enacted in Assembly.

June 9, 1971—Approved, Chapter 200, 1971.

**S 642 Coffee**

New Jersey Day—April 17.

Apr. 17—Approved, Chapter 30.

**S 643 White**

Mar. 12—Permits the Public Utilities Commission to accept exemptions from literal requirements of the "Public Movement Act of 1968, c. 375."

Mar. 12—Transportation & Pub. Util. Com.

Apr. 9—Reported, 2nd reading.

Apr. 13—Passed in Senate.

Apr. 13—Received in Assembly.

Apr. 13—Transportation & Pub. Util. Com.

**S 644 Musto, Hauser**

Mar. 12—Provides for an increase of the retirement benefits for certain police and firemen who have completed 25 years of service; effective July 1, 1971.

Mar. 12—County & Mun. Gov't Com.

**S 645 Stout**

Sea Bright—Police appointments.

July 31—Approved, Chapter 167.

**S 646 Musto, Hauser**

Mar. 12—Provides that 10% of the sales tax revenue annually appropriated as State aid to municipalities, for municipal purposes, according to a prescribed formula, shall be used for the following purposes:

Mar. 12—Taxation Com.

**S 647 Kay**

Savings & Loan Association branch—Application for license.  
July 24—Approved, Chapter 157.

**S 648 McDermott, LaCorte, Rinaldo, Sciro**

Mar. 12—Permits a municipality to post signs over prohibiting parking on all streets covered with snow, unless properly plowed.

Mar. 12—County & Mun. Gov't Com.

Mar. 23—Reported, 2nd reading.

Apr. 2—Passed in Senate.

Apr. 6—Received in Assembly.

Apr. 6—County & Mun. Gov't Com.

Jan. 12—Mun. Gov't Com.

Jan. 25—Reported, 2nd reading.

Jan. 28—Recommitted.

Jan. 28—Reported with com. amend.

Jan. 28—2nd reading.

Feb. 1—Passed in Assembly, amended.

Feb. 8—Received in Senate.

Feb. 8—No Ref., 2nd reading.

Feb. 11—Laid over.

Feb. 11—Recalled from Senate.

Feb. 11, 1971—Received in Assembly.

Feb. 11, 1971—Municipal Gov't Com.

**S 649 Knowlton, Woodcock, Dickinson, Sciro**

Mar. 12—Permits the Turnpike Authority to operate and public rapid transit turnpike projects.

Mar. 12—Transportation & Pub. Util. Com.

**S 650 Knowlton, Woodcock, Dickinson, Hauser**

Mar. 12—Permits the Turnpike Authority to locate a highway and public rapid transit project.

Jan. 12—Withdrawn from the files.

**S 651 Dumont**

Civilian absentee ballot—Nature, employment benefits.  
Dec. 16—Approved, Chapter 307.

**S 652 Dumont**

Mar. 12—Provides that no new plenary retail license shall be issued in a municipality unless the number of such licenses existing in the municipality is less than 1 for each 7,500 instead of 5,000 inhabitants.

Apr. 13—Passed in Senate.

Feb. 11—Passed in Assembly.

June 7, 1971—Approved, Chapter 196, 1971.

**S 653 Rinaldo, LaCorte, McDermott**

Mar. 12—Permits the Director of the Division of Accounting to examine the accounts of the Turnpike and Expressway Authorities.

Mar. 12—Transportation & Pub. Util. Com.

Mar. 23—Reported, 2nd reading.

Dec. 18—Recommitted.

**S 654 Rinaldo, LaCorte, McDermott, Miller**

Mar. 12—Deletes the \$25,000,000 limit on the tax revenue to be appropriated to the municipality.

STATE OF NEW JERSEY



Ret'd. with 3/11/71  
Gov. Recom'ds.  
**SENATE NO. 626**

INTRODUCED MARCH 9, 1970

By Senators BEADLESTON and HAUSER

Referred to Committee on County and Municipal Government

ments, revising parts of the statutory law, and enacting an additional chapter to Title 40A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 1

TITLE 40A.

CHAPTER 14

FIRE AND POLICE

- A. Fire — Counties
- B. Fire — Municipalities
- C. Police — Counties
- D. Police — Municipalities
- E. Repeals

A. ANALYSIS

- 40A:14-1 County fire marshal; appointment; salary.
- 40A:14-2 County fire marshal; powers and duties.
- 40A:14-3 Acting county fire marshal.
- 40A:14-4 Removal or destruction of buildings or other structures constituting fire hazards; notice, service and filing.
- 40A:14-5 Statement of costs filed; lien.
- 40A:14-6 County fire marshal's powers not to conflict.

**40A:14-1 County fire marshal; appointment; salary.**

The board of chosen freeholders of any county, by resolution, may create the office of county fire marshal and such assistant fire marshals as deemed necessary and appoint a person or persons to hold such office for a term of one year commencing January 15, except that the first appointee's term of office shall terminate on January 15 following his appointment. The board of chosen freeholders shall fix the amount of the annual salary of the county fire marshal at not less than \$1,500.00 and the assistant fire marshals, if any, at not less than \$500.00.

Source: R. S. 40:22-16 amended 1941, c. 127; 1961, c. 60; 1967, c. 227, s. 1.

**40A:14-2 County fire marshal; powers and duties.**

The county fire marshal shall act in an advisory capacity to all of the fire companies in the county, conduct investigations pertaining to the elimination of fire hazards and in reference thereto make recommendations to the board of chosen freeholders. The said board may act upon such recommendations and take action for the abatement of fire hazards.

The county fire marshal, subject to the approval of the said board, may:

- (1) regulate the use, storage, sale and disposal of inflammable or combustible materials;
- (2) provide for the protection of life and property from danger of fires and explosions; and
- (3) provide for the inspection of fire hazards in buildings, docks, wharves, warehouses and other places.

Source: R. S. 40:22-17.

**40A:14-3 Acting county fire marshal.**

In the event that a county fire marshal shall become incapacitated or otherwise disabled, the board of chosen freeholders of the county may appoint an acting fire marshal to hold such office during the period of such incapacity or disability. The acting fire marshal shall exercise all the powers of the fire marshal and shall serve without any additional compensation for his service. The said board of chosen freeholders may pay the county fire marshal his usual salary during his incapacity or disability.

Source: C. 40:22-16.1 (1940, c. 157 amended 1967, c. 227, s. 2).

**40A:14-4 Removal or destruction of buildings or other structures constituting fire hazards; notice, service and filing.**

The county fire marshal may take action for the removal or destruction of any building or other structure which is or is likely to become a fire hazard, but only on written notice to the owner or person in control of said premises. Such notice shall afford the owner or person in control a period of not less than 30 days in which to eliminate the fire hazard and shall state that in the event the owner or person in control fails so to do, the county fire marshal will eliminate such hazards. Any such notice shall be served in the same or substantially similar manner as in the case of the service of a summons issuing out of a court of record. Proof of service shall be filed within 10 days after service with the county clerk and the clerk of the municipality wherein the premises are located.

Source: R. S. 40:22-17; 40:22-18; 40:22-19; 40:22-20.

**40A:14-5 Statement of costs filed; lien.**

Whenever any such removal or destruction shall have been undertaken and completed by the county fire marshal an accurate account of the cost shall be kept and a true statement thereof, under oath, shall be filed by him with the county clerk and collector of taxes for the taxing district wherein the premises are situated. The amount of such cost shall be a lien upon the real estate whereon such building or structure was located.

Source: R. S. 40:22-21.

**40A:14-6 County fire marshal's powers not to conflict.**

The powers, functions and duties of a county fire marshal shall not be deemed to conflict with the ordinances of any municipality relating to the removal of fire hazards nor shall a county fire marshal have any powers or jurisdiction for the prevention, extinguishing, investigation or reporting of fire in the forests, brush lands, wild lands or woodlands in the State delegated by law to the Department of Conservation and Economic Development.

Source: R. S. 40:22-22.

**B. ANALYSIS**

- 40A:14-7 Creation and establishment of fire departments and forces.
- 40A:14-8 Acquisition of lands and buildings; construction and maintenance of buildings.
- 40A:14-9 General qualifications of members; temporary appointments; absences from duty.
- 40A:14-10 Residence requirements waived in certain cases.
- 40A:14-11 Certain municipalities under 30,000 population, 2-year residence for appointees not required; conditions.
- 40A:14-12 Age requirements for members.
- 40A:14-13 Appointment of temporary members and officers; termination of temporary employment.
- 40A:14-14 Delay in qualifying because of military service.
- 40A:14-15 Temporary vacancy due to military service.
- 40A:14-16 Leaves of absence with pay to certain members and officers.
- 40A:14-17 Indeterminate terms of office.
- 40A:14-18 Minimum salary for firemen in municipalities located in counties other than of the first or second class.
- 40A:14-19 Suspension and removal of members and officers.
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40A:14-23	Judicially determined illegal suspension or dismissal; member or officer entitled to recover salary; proviso.	40A:14-45	Service credits and conditions upon appointments to paid or part-paid fire departments.
40A:14-24	Chaplains.	40A:14-46	Two-platoon system in certain municipalities having a paid fire department and force.
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40A:14-29	Promotion of members and officers in certain municipalities.	40A:14-51	Emergency service; compensatory time off.
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40A:14-32	Use of fire fighting equipment by training organizations.	40A:14-54	Firemen in the performance of their duties to have powers of police officers.
40A:14-33	Municipality may contribute money for general purposes of incorporated volunteer fire department.	40A:14-55	Definitions relating to exempt firemen.
40A:14-34	Municipality may appropriate moneys for equipment to boards of fire commissioners of fire districts and volunteer fire companies.	40A:14-56	Exempt fireman certificate; eligibility.
40A:14-35	Appropriation of money to aid fire companies in adjoining municipalities; nonliability for damages.	40A:14-57	Verified list of nonexempt members to be filed with municipal clerk.
40A:14-36	Compensation for losses sustained by volunteer firemen.	40A:14-58	Members of volunteer fire company on disbandment entitled to exempt fireman certificates.
40A:14-37	Group life insurance for volunteer firemen.	40A:14-59	Exempt fireman certificates; issuance.
40A:14-38	Governing body may continue insurance for volunteer firemen.	40A:14-60	Tenure of exempt firemen in office, position or employment of State, county, municipality, school board or board of education; removal upon charges after hearing.
40A:14-39	Other compensation not to affect eligibility to receive insurance benefits.	40A:14-61	Exempt firemen entitled to certain rights, privileges or benefits.
40A:14-40	Payment of premiums for certain insurance.	40A:14-62	Tenure of exempt fireman in office, position or employment of intermunicipal commissions.
40A:14-41	Conversion of volunteer to paid fire department; referendum.	40A:14-63	Office or position held by an exempt fireman not to be abolished or changed or emoluments reduced to terminate services.
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40A:14-66 Contract for intermunicipal fire department.  
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 40A:14-80 Borrowing money in anticipation of revenue.  
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 40A:14-90 Enlargement of fire district.  
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 40A:14-92 Cancellation of taxes or refunds on dissolution of fire district.  
 40A:14-93 Illegally created fire district; abatements or refunds.  
 40A:14-94 Formation of new municipalities; abolition of fire district; apportionment of assets and liabilities.  
 40A:14-95 Establishment of Junior Firemen's Auxiliary.

40A:14-96 Eligibility for membership in the Junior Firemen's Auxiliary.  
 40A:14-97 Insurance coverage for members.  
 40A:14-98 Rules and regulations governing activities of Junior Firemen's Auxiliary.  
 40A:14-99 Section 40:47-50 of the Revised Statutes saved from repeal.  
 40A:14-100 Section 40:47-51 of the Revised Statutes saved from repeal.  
 40A:14-101 Section 40:151-41 of the Revised Statutes saved from repeal.  
 40A:14-102 Sections 40:151-48 to 40:151-53 both inclusive of the Revised Statutes saved from repeal.  
 40A:14-103 Section 40:151-54 of the Revised Statutes saved from repeal.  
 40A:14-104 Sections 40:174-62 to 40:174-64 both inclusive of the Revised Statutes saved from repeal.  
 40A:14-105 Sections 40:174-120 to 40:174-125 both inclusive of the Revised Statutes saved from repeal.

**40A:14-7 Creation and establishment of fire departments and forces.**

The governing body of any municipality, by ordinance, may create and establish a paid or part-paid fire department and force and provide for the maintenance, regulation and control thereof, and except as otherwise provided by law, appoint such members, officers and personnel as shall be deemed necessary, determine their terms of office, fix their compensation and prescribe their powers, functions and duties and adopt and promulgate rules and regulations for the government of the department and force and for the discipline of its members.

Source: R. S. 40:47-1.

**40A:14-8 Acquisition of lands and buildings; construction and maintenance of buildings.**

The governing body of the municipality, by ordinance, may provide for the acquisition of such lands and buildings as shall be deemed useful and necessary for the purposes and requirements of the fire department and force, and may construct, furnish, equip and maintain said buildings.

Source: R. S. 40:47-2.

**40A:14-9 General qualifications of members; temporary appointments; absences from duty.**

Except as otherwise provided by law, no person shall be appointed as a member of the paid or as a paid member of a part-paid fire department and force, unless he:

(1) is a citizen of the United States and has been a resident of the municipality, in which he is to be appointed, for at least 6 months next preceding his appointment;

(2) is sound in body and of good health sufficient to satisfy the board of trustees of the police and firemen's retirement system of New Jersey as to his eligibility for membership in the retirement system;

(3) is able to read, write and speak the English language well and intelligently;

(4) is of good moral character; and

(5) has not been convicted of any criminal offense involving moral turpitude.

The appointing body, officer or officers of the municipality when authorized so to do, may employ such officers and other personnel for said paid or part-paid fire department and force as temporary employees in emergencies, or for certain specified parts of the year, as needed.

Except as otherwise provided by law, any permanent paid member or officer of such paid or part-paid fire department and force, who is absent from duty without just cause or leave of absence, for a continuous period of 5 days, shall cease to be a member of such paid or part-paid fire department.

Source: R. S. 40:47-3 amended 1945, c. 218; 1954, c. 241; 1969, c. 267, s. 1.

**40A:14-10 Residence requirements waived in certain cases.**

Any municipality may, by ordinance, authorize the appointment and the retention in its employ of present and future officers or members of the paid or part-paid fire department and force, notwithstanding that the same do not meet the residence requirements specified by any other applicable law; provided, however, that such ordinance shall not be adopted unless the governing body of said municipality finds as a fact that adherence to said residence requirements would seriously impede its ability to establish and maintain competent personnel for its paid or part-paid fire department and force.

No person shall be appointed pursuant to said ordinance waiving residence requirements unless at the time of his appointment there shall be a vacancy in the paid or part-paid fire department

and force, as the case may be, which cannot be filled by a qualified resident, or unless he has been a resident of the State of New Jersey for at least 6 months, and lives in such proximity to the municipality in question as will satisfy the appointing authority that he will be able to fully perform his duties as a member of its paid or part-paid fire department and force.

Source: C. 40:47-3.3 (1966, c. 292, s. 1); C. 40:47-3.4 (1966, c. 292, s. 2); C. 40:47-3.5 (1966, c. 292, s. 3 amended 1969, c. 267, s. 3).

**40A:14-11 Certain municipalities under 30,000 population, 2-year residence for appointees not required; conditions.**

In any municipality not operating under Title 11 (Civil Service) of the Revised Statutes, having a population of less than 30,000 and more than 5,000, any qualified person may be appointed as a paid member or officer of the fire department and force although he has not been a resident of the municipality in which he is to be appointed for at least 6 months next preceding his appointment, if he has been a resident of the county in which said municipality is located for at least 6 months next preceding his appointment and agrees to become a resident of said municipality within 3 years from the date of his appointment; provided, that there has been publication requesting application for appointment to the fire department and force, once a week for at least 4 weeks in a newspaper circulating in such municipality, and that no qualified person, having the minimum required residence, has applied for such appointment at the time fixed for the submission of such applications.

The governing body of the municipality, if it shall be deemed necessary, by resolution, may extend the said time requirement from 3 years to 5 years.

In the event such appointee fails to become a resident within the aforementioned 3- or 5-year period, whichever is applicable, he shall then cease to be a member of the fire department and force. The governing body of said municipality shall serve written notice on such member or officer of the applicable expiration date at least 15 days prior thereto and if no such notice shall be given the said appointee shall have 15 days after such notice is given to become a resident.

Source: C. 40:47-3.1 (1946, c. 25 amended 1953, c. 107, s. 2; 1954, c. 243; 1956, c. 187, s. 1; 1969, c. 267, s. 2); C. 40:47-3.2 (1953, c. 107, s. 3 amended 1956, c. 187, s. 2).



**40A:14-12 Age requirements for members.**

Except as otherwise herein provided, no person shall be appointed as a member or officer of the paid fire department or force or as a paid member or officer of a part-paid fire department or force in any municipality, who is under 21 or over 35 years of age.

In any municipality wherein Title 11 (Civil Service) of the Revised Statutes is operative, any person who shall have met the age requirements herein, at the announced closing date of a civil service examination for the position, shall be considered within the age requirements while the civil service list promulgated as a result of that examination is in effect.

Nothing herein contained shall affect the employment or continuance in office of any person, as a permanent fireman, employed by said municipality prior to the adoption of the ordinance creating and establishing a paid or part-paid fire department or force.

The provisions of this section are subject to chapter 98 of the laws of 1944 (C. 38:23A-2), relating to maximum age limits for persons serving in the armed forces of the United States as therein provided.

Source: R. S. 40:47-4 amended 1939, c. 318; 1945, c. 219; 1948, c. 161; 1953, c. 299, s. 1; 1962, c. 149, s. 1; 1968, c. 276, s. 1.

**40A:14-13 Appointment of temporary members and officers; termination of temporary employment.**

In any municipality wherein Title 11 (Civil Service) of the Revised Statutes is in operation, whenever a vacancy occurs in the fire department or force by reason of the granting of a leave of absence as provided by law, the appointing authority shall certify to the Civil Service Commission the reason for such vacancy, the name of the person and his office or position.

The appointing authority may fill temporarily such office or position by the appointment of any person who:

- (1) is over 21 and not over 45 years of age;
- (2) is a citizen of the United States and has been a resident of the municipality, in which he is to be appointed, for at least 6 months next preceding his appointment;
- (3) is able to read, write and speak the English language well and intelligently;
- (4) is of good moral character; and
- (5) has not been convicted of any criminal offense involving moral turpitude.

Such temporary employment shall terminate upon the date when the appointee's predecessor returns to his duties, or when it is de-

termined that said predecessor will not return, or sooner when deemed advisable by said appointing authority.

Source: C. 40:47-4.2 (1943, c. 163, s. 1); C. 40:47-4.4 (1943, c. 163, s. 3 amended 1969, c. 267, s. 4); C. 40:47-4.5 (1943, c. 163, s. 4).

**40A:14-14 Delay in qualifying because of military service.**

Any person who has been, or shall be, appointed as a member or officer of the paid or part-paid fire department or force while serving in the armed services of the United States, and who has been, or shall be, delayed in qualifying and becoming a member of such paid or part-paid fire department or force as a result of such service and who shall qualify and become a member or officer of such paid or part-paid fire department or force within 6 months after an honorable discharge or release under conditions other than dishonorable from such service, shall be considered for the purpose of determining his years of service, rank, grade, increase in pay or any other rights or benefits, as having become a qualified member of such department or force as of the date of his appointment.

Source: C. 40:11-13.1 (1946, c. 87).

**40A:14-15 Temporary vacancy due to military service.**

When any member or officer of the fire department or force of any municipality is granted a leave of absence pursuant to any law authorizing the granting of leaves of absence to persons entering the military service of the United States, or of this State, the appointing authority may make a temporary appointment to the position held by said person and such temporary appointee shall not be obligated to contribute to any pension fund, nor shall he acquire any pension or tenure rights or civil service status.

Source: C. 40:47-4.3 (1943, c. 163, s. 2).

**40A:14-16 Leaves of absence with pay to certain members and officers.**

The governing body of any municipality, by ordinance, may provide for granting leaves of absence with pay not exceeding one year, to members and officers of its paid or part-paid fire department and force who shall be injured, ill or disabled from any cause, provided that the examining physician appointed by said governing body, shall certify to such injury, illness or disability.

Source: R. S. 40:11-9.

**40A:14-17 Indeterminate terms of office.**

Except as otherwise provided by law, in any municipality having permanent members and officers of a paid or part-paid fire department and force, the employment of said members and officers shall

be for an indeterminate term and continuous during good behavior, efficiency and required residency.

Source: R. S. 40:47-5.

**40A:14-18 Minimum salary for firemen in municipalities located in counties other than of the first or second class.**

Except as otherwise provided by law or whenever a higher minimum annual salary has been legally fixed by appropriate action, every municipal fireman in a municipality located in a county other than a first or second class county, shall be entitled to a minimum annual salary of \$2,250.00.

Source: C. 40:11-20 (1949, c. 283).

**40A:14-19 Suspension and removal of members and officers.**

Except as otherwise provided by law no permanent member or officer of the paid or part-paid fire department or force shall be removed from his office, employment or position for political reasons or for any cause other than incapacity, misconduct, non-residence, or disobedience of rules and regulations established for the government of the paid or part-paid fire department and force, nor shall such member or officer be suspended, removed, fined or reduced in rank from or in office, employment or position therein except for just cause as hereinabove provided and then only upon a written complaint, setting forth the charge or charges against such member or officer. Said complaint shall be filed in the office of the body, officer or officers having charge of the department or force wherein the complaint is made and a copy thereof shall be served upon the member or officer so charged, with notice of a hearing thereon designating its time and place by the proper authorities, which shall be not less than 15 nor more than 30 days from the date of service of the complaint. A failure to substantially comply with said provisions as to the service of the complaint shall require a dismissal of the complaint.

Source: R. S. 40:47-6 amended 1947, c. 292, s. 1.

**40A:14-20 Trials.**

Except as otherwise provided by law the officer, board or authority empowered to hear and determine the charge or charges made against a member or officer of the paid or part-paid fire department or force shall have the power to subpoena witnesses and documentary evidence. The Superior Court shall have jurisdiction to enforce any such subpoena.

Source: R. S. 40:47-7.

**40A:14-21 Suspension pending hearing; commencement of hearing.**

If any member or officer of the paid or part-paid fire department or force shall be suspended pending a hearing as a result of charges made against him such hearing, except as otherwise provided by law, shall be commenced within 30 days from the date of the service of the copy of the complaint upon him; in default of which the charges shall be dismissed and said member or officer may be returned to duty.

Source: R. S. 40:47-8 amended 1947, c. 292, s. 2.

**40A:14-22 Review of disciplinary conviction in non-civil service municipalities.**

Any member or officer of a paid or part-paid fire department or force in a municipality wherein Title 11 (Civil Service) of the Revised Statutes is not in operation, who has been tried and convicted upon any charge or charges may obtain a review thereof by the County Court of the county wherein such municipality is located. Such review shall be obtained by serving a written notice of an application therefor upon the officer or board whose action is to be reviewed within 10 days after written notice to the member or officer of the conviction. The officer or board shall transmit to said County Court a copy of the record of such conviction, and of the charge or charges for which the applicant was tried. The County Court shall hear the cause de novo and may either affirm, reverse or modify such conviction. If the applicant shall have been removed from his office, employment or position the court may direct that he be restored to such office, employment or position and to all his rights pertaining thereto, and may make such other order or judgment as said court shall deem proper.

Source: R. S. 40:47-9 amended 1953, c. 37, s. 167; 40:47-10 supplemented 1938, c. 298; amended 1953, c. 37, s. 168.

**40A:14-23 Judicially determined illegal suspension or dismissal; member or officer entitled to recover salary; proviso.**

Whenever any member or officer of a paid or part-paid fire department or force shall be suspended or dismissed from his office, employment or position and such suspension or dismissal shall be judicially determined to be illegal, said member or officer shall be entitled to recover his salary from the date of such suspension or dismissal, provided a written application therefor shall be filed with the municipal clerk within 30 days after such judicial determination.

Source: R. S. 40:46-34 amended 1948, c. 163; 1948, c. 395.

**40A:14-24 Chaplains.**

The governing body of any municipality, by ordinance, may provide for the appointment of one or more chaplains to the paid or part-paid fire department and force of the municipality. Any person so appointed to qualify shall be an ordained clergyman in good standing in the religious body from which he is selected. The chaplains shall become members of the municipal paid or part-paid fire department and force with the rank of battalion chief. Their salaries shall be fixed by the governing body of the municipality and payable in the same manner as in the case of the other paid members of the fire department and force.

Source: R. S. 40:174-77; 40:174-78; 40:174-79; 40:174-80.

**40A:14-25 Decrease of force for reasons of economy.**

The governing body of any municipality, if they shall deem it necessary for reasons of economy, may decrease the number of members and officers of the paid or part-paid fire department or force or their grades or ranks. In case of demotion from the higher ranks, the officers or members to be so demoted shall be in the inverse order of their appointment. When the service of members or officers is terminated, such termination shall be in the inverse order of their appointment. Any member or officer who is demoted or whose service is terminated by reason of such decrease shall be placed on a special employment list, and in the case of subsequent promotions, a person so demoted shall be reinstated to his original rank, and in the case of termination of service and new appointment, prior consideration shall be given to the persons on said special employment list.

Source: R. S. 40:11-10; 40:11-11; 40:11-12 amended 1942, c. 52, s. 1; 40:11-13 amended 1938, c. 80; 1942, c. 52, s. 2; 40:47-11.

**40A:14-26 Assistance of fire department or force in other municipalities; members' and officers' compensation rights unaffected in case of casualty or death.**

In the event of an emergency the chief or head of any municipal fire department or force or the mayor or chief executive officer of any municipality may request from the chief or the head of the fire department or force of any other municipality assistance to protect life and property outside the normal territorial jurisdiction of the department to which such request is directed.

If any member or officer of such other fire department or force in rendering such assistance shall suffer any casualty or death he or his next of kin shall be entitled to all salary, pension rights, workmen's compensation and other benefits as if such casualty or

death occurred in the performance of his duties in his own municipality or other jurisdiction in which his duties are normally carried on.

Source: C. 40:47-12.1 (1941, c. 277 amended 1966, c. 104; 1968, c. 174; 1968, c. 211; 1969, c. 33).

**40A:14-27 Special compensation for permanently disabled members or officers.**

If a member or officer of the paid or part-paid fire department or force is permanently disabled from injuries received while in the performance of his duties and the chief or official in charge of such fire department or force shall recommend that special compensation be granted and a physician appointed by the governing body of said municipality shall certify as to the probable permanency of such disability, the governing body of the municipality in their discretion, by ordinance, may provide for special compensation to said disabled member or officer designating the amount thereof and manner of payment, either in a lump sum or by an annual allowance, but such special compensation plus any pension paid and any award for workmen's compensation shall not exceed the salary payable at the time of the sustaining of the injuries. The governing body of said municipality shall include appropriate budget items and provide for the payment of such special compensation.

Source: C. 40:47-12.10 (1948, c. 304, s. 1); C. 40:47-12.11 (1948, c. 304, s. 2); R. S. 40:174-201.

**40A:14-28 Defense for members and officers sued for damages occasioned from or incidental to their performance of duty.**

Whenever a member or officer of a municipal fire department or force is sued for damage arising from or incidental to a performance of his duties the governing body of the municipality shall provide said member or officer with necessary means for the defense of such suit, other than for his defense in a disciplinary or criminal proceeding instituted against him by the municipality.

Source: C. 40:11-19 (1946, c. 67 amended 1947, c. 103, s. 2).

**40A:14-29 Promotion of members and officers in certain municipalities.**

In any municipality except in cities of the first class a promotion of any member or officer of the paid or part-paid fire department or force to a superior position shall be made from the membership of such department or force. No person shall be eligible for promotion to be a superior officer unless he shall have previously served as a permanent paid fireman for at least 3 years in such department or force.

Source: R. S. 40:47-21.

**40A:14-30 Removal from fire hazards of tangible personal property; custody; arrest of offenders.**

Any member or officer of a municipal fire department or force subject to the rules and regulations thereof in connection with a fire may remove any tangible personal property involved therein and hold such property for the owner. The members and officers of the fire department or force, during the continuance of the fire, shall have the powers of a peace officer and may apprehend or arrest without warrant any person interfering with the removal or custody of such property. Any such person so apprehended or arrested shall be brought before the local municipal court or any other court of competent jurisdiction, to be dealt with according to law.

Source: R. S. 40:47-23 amended 1953, c. 37, s. 169.

**40A:14-31 Transfer of a fire patrol to a municipality.**

In any municipality wherein there is a fire patrol or protective association organized pursuant to the provisions of chapter 9, Title 15 of the Revised Statutes, such fire patrol or protective association upon its discontinuance may grant or donate to the said municipality their lands, buildings, apparatus and equipment or any part thereof. Upon acquisition the municipality may operate same as part of the fire department. In the event of a gift and acceptance thereof by the municipality any or all of the personnel of such fire patrol or protective association may be employed by the municipality but they shall not be entitled to tenure or benefits established as a municipal or department pension or retirement system unless they are qualified in accordance with the provisions specified in the law governing such pension or retirement system. Upon the acquisition of any or all of the lands, buildings, apparatus and equipment of such fire patrol or protective association and the employment of any or all of the personnel thereof, the governing body of said municipality, by ordinance, may create and regulate a subdivision in its fire department to be known as the salvage company. The governing body of the municipality may provide for the employment of such personnel but only in the divisions or bureaus of the fire department. The governing body of the municipality, if they shall deem it necessary, may assign any member of the fire department to the salvage company but said member shall retain his then existing status and rights as a member of the fire department.

Source: C. 40:47-25.1 (1951, c. 170, s. 1); C. 40:47-25.2 (1951, c. 170, s. 2); C. 40:47-25.3 (1951, c. 170, s. 3); C. 40:47-25.4 (1951,

c. 170, s. 4); C. 40:47-25.5 (1951, c. 170, s. 5); C. 40:47-25.6 (1951, c. 170, s. 6); C. 40:47-25.7 (1951, c. 170, s. 7).

**40A:14-32 Use of fire fighting equipment by training organizations.**

The governing body of any municipality or the board of fire commissioners of any fire district, by resolution, may authorize the use of their fire fighting equipment no longer required for operation by any county firemen's organization for the training and instruction of firemen in the county in the latest methods, procedures and techniques of fire fighting.

Source: C. 40:47-25.8 (1959, c. 87).

**40A:14-33 Municipality may contribute money for general purposes of incorporated volunteer fire department.**

In any municipality where there is an incorporated volunteer fire department which is limited by rules and regulations in its expenditures of money in any one year, the governing body of said municipality may contribute to such volunteer fire department such sums of money as they shall deem necessary, notwithstanding such limitation.

Source: R. S. 40:47-26.

**40A:14-34 Municipality may appropriate moneys for equipment to boards of fire commissioners of fire districts and volunteer fire companies.**

The governing body of a municipality, if they shall deem it necessary, may raise and appropriate such sums of money, not exceeding \$24,000.00 annually, to aid the board of fire commissioners of any fire district, or volunteer fire company in said municipality, owning or maintaining their fire apparatus or equipment, and in municipalities where there are more than 3 such boards or companies, or both, the governing body of the municipality may raise and appropriate additional sums of money, not exceeding \$6,000.00 annually, for each board or company, but all moneys so raised and appropriated in excess of \$12,000.00 annually or 50% of the annual appropriation, whichever is greater, shall be used for the purchase of new equipment from time to time subject to the approval of the said governing body. All moneys so appropriated shall be accounted for annually by said boards or companies to the governing body of said municipality.

Source: R. S. 40:47-27 amended 1941, c. 140; 1945, c. 126; 1951, c. 77; 1954, c. 171; 1956, c. 155; 1957, c. 77; 1967, c. 45.

**40A:14-35 Appropriation of money to aid fire companies in adjoining municipalities; nonliability for damages.**

The governing body of a municipality may appropriate such sums of money as shall be deemed necessary to aid a municipal

paid or part-paid fire department and force in an adjoining municipality, or annually appropriate a sum of money not exceeding \$6,000.00, to aid a board of fire commissioners in a fire district or an independent or a volunteer fire company in an adjoining municipality if such department and force, or fire district or company own and maintain their own apparatus and equipment and habitually respond to fires in the first named municipality.

In any instance wherein any of the members of such a fire department and force, fire district or fire company are either answering or returning from a call for the purpose of aiding an adjoining municipality they shall not be liable for personal injuries or property damages caused by them in rendering such aid.

Source: R. S. 40:47-28 amended 1953, c. 323; 1964, c. 246; 40:47-29 amended 1938, c. 257.

**40A:14-36 Compensation for losses sustained by volunteer firemen.**

The governing body of a municipality, by resolution, may appropriate annually such sums of money as they shall deem necessary for the purpose of compensating any volunteer fireman, not in receipt of compensation for his services, for any losses sustained by him while performing his duties as such volunteer fireman.

Source: R. S. 40:47-30.

**40A:14-37 Group life insurance for volunteer firemen.**

In any municipality or fire district maintaining a volunteer fire department, or wherein there shall exist one or more incorporated volunteer fire companies affording fire protection to said municipality or fire district, the membership whereof are serving under the jurisdiction of and with the consent of said municipality or fire district and have formed, or may hereafter form themselves into a group or groups, for the purpose of obtaining the advantages of the group plan of life insurance, in any of the plans now in vogue, or any plan which may hereafter be inaugurated, it shall be lawful for the governing body of such municipality, or the board of commissioners of such fire district, by resolution, to appropriate moneys for the purpose of defraying the cost of such insurance and to pay the premiums therefor.

No governing body of any municipality or commissioners of any fire district shall pay any premiums on account of any policy of group life insurance as provided herein where the amount payable upon the death of each assured under the terms of said policy exceeds the sum of \$10,000.00.

Source: C. 40:47-30.1 (1945, c. 47, s. 1 amended 1964, c. 192).

**40A:14-38 Governing body may continue insurance for volunteer firemen.**

In any municipality, or fire district in this State maintaining a volunteer fire department, or wherein there shall exist one or more incorporated volunteer fire companies affording fire protection to said municipality or fire district, it shall be lawful for the governing body of such municipality, or the board of commissioners of such fire district, to effect, maintain and continue any and all forms of insurance covering the members of said volunteer fire department or incorporated volunteer fire company or companies, other than that provided for in the group life insurance for volunteer firemen, which the governing body, or board of fire commissioners may determine to be necessary or desirable for the protection, safety and welfare of the members, and for the protection and safety of the equipment and apparatus of said volunteer fire department, or incorporated volunteer fire company or companies, or for the protection of said municipality, or fire district, and by resolution, to appropriate from time to time, and pay, such sums of money as may be required to cover the premiums and costs of said insurance, or such portion of the same as said governing body, or board of fire commissioners, in their discretion, may consider proper and advisable.

Source: C. 40:47-30.2 (1945, c. 47, s. 2 amended 1966, c. 245, s. 2).

**40A:14-39 Other compensation not to affect eligibility to receive insurance benefits.**

No member of any volunteer fire department or of any incorporated volunteer fire company shall be considered ineligible to receive said insurance benefits because he may otherwise receive any form of compensation, wages or salary from the municipality or fire district for any services rendered.

Source: C. 40:47-30.3 (1945, c. 47, s. 3).

**40A:14-40 Payment of premiums for certain insurance.**

All moneys required and appropriated for the payment of any premiums or costs of said insurance shall be raised, collected and paid as are other moneys to maintain the fire department, or to provide for the fire protection in said municipality, or fire district.

Source: C. 40:47-30.4 (1945, c. 47, s. 4).

**40A:14-41 Conversion of volunteer to paid fire department; referendum.**

No municipality having a volunteer fire department shall establish a paid fire department and convert its volunteer force into a paid fire department unless and until the ordinance providing therefor shall have been submitted to and adopted by the legal

voters of said municipality at an election called for the purpose as herein provided.

The municipal clerk shall give public notice thereof at least 20 days prior to such election, by publishing in a newspaper circulating within the municipality, and posting in 10 conspicuous places, in said municipality, such notice of the election including a copy of the ordinance for the proposed establishment of a paid fire department and the conversion thereof into their volunteer force.

The question to the legal voters of the municipality of the adoption of said ordinance shall be submitted as a public question in substantially the following form:

“Shall the (insert the title of the ordinance) be adopted?”

The ballot shall contain two squares to the left of the question, one with the word “Yes”, the other with the word “No”, respectively, to the right of the squares. The ballot shall contain instructions to voters to vote by marking a cross (×), or plus sign (+) or check mark (✓) in the square according to their choice. If voting machines are used a vote of “Yes” or “No” shall be equivalent to such markings, respectively.

The municipal clerk shall forthwith canvass the returns of the election and shall certify the results of his canvass to the governing body of said municipality. If a majority of the legal voters voting on the question shall vote “Yes”, the ordinance shall become operative and the governing body may then proceed to establish a paid fire department and to convert the volunteer force into said department according to the provisions of the ordinance. Except as otherwise provided herein, this section shall not be construed to repeal any existing law, regulating the tenure, hours of service or compensation of the officers and members of any municipal fire department or force, for the organization or maintenance of any volunteer company or department therein, or providing for the creation or maintenance of fire districts therein.

Source: R. S. 40:47-32; 40:47-33; 40:47-34; 40:47-35; 40:47-36; 40:47-37.

**40A:14-42 Appointment of volunteer firemen or other persons to paid positions.**

In any municipality where there is a volunteer fire company or force, maintained and controlled by the municipality, having no paid fireman and thereafter a paid position therein is created or established by the governing body of said municipality, such position shall be filled by a member of the volunteer fire company or force who shall have served as an active fireman for at least 2 years

next preceding said appointment or by an exempt fireman of the company or force. If no such member or exempt fireman is available for such appointment, the appointment may be made to any qualified person. Said appointee shall not be under 21 or over 40 years of age at the time of the appointment.

Source: C. 40:47-37.1 (1938, c. 131, s. 1).

**40A:14-43 Appointment of volunteer firemen or other persons to newly established paid fire department.**

In any municipality where there is a volunteer fire company or force, maintained and controlled by the municipality, and the governing body of the municipality, by ordinance, shall provide for the establishment of a paid fire department, the appointments thereto shall be made from the members of the volunteer fire company or force who shall have served as active firemen for at least 2 years next preceding said appointment or from among the exempt firemen of the company or force. If no such member or exempt fireman is available for such appointment, any qualified person may be appointed thereto. Said appointees shall not be under 21 or over 40 years of age at the time of the appointment.

Source: C. 40:47-37.2 (1938, c. 131, s. 2).

**40A:14-44 Appointment of volunteer firemen or other persons to a part-paid fire department.**

In any municipality where there is a volunteer fire company or force, maintained and controlled by the municipality and a part-paid fire department composed of both paid and volunteer firemen, any appointment to such part-paid fire department shall be made from the members of the volunteer fire company or force, who shall have served as active firemen for at least 2 years next preceding such appointment or from among the exempt firemen of the company or force. If no such member or exempt fireman is available for such appointment, any qualified person may be appointed thereto. Said appointees shall not be under 21 or over 40 years of age at the time of the appointment.

Source: C. 40:47-37.3 (1938, c. 131, s. 3).

**40A:14-45 Service credits and conditions upon appointments to paid or part-paid fire departments.**

In any municipality where an examination is scheduled to determine appointments to the paid or part-paid fire department and force, any qualified fireman having served in the volunteer fire company or force of the municipality for at least 2 years next preceding such appointment shall be entitled, in addition to his earned rating, to service credits of not less than 3 nor more than 10

points as may be determined by the governing body of the municipality or the authority in charge. Said appointee shall be over 21 but not more than 40 years of age at the time of the appointment.

Nothing herein contained shall establish a preference over a paid fireman temporarily dismissed or on leave of absence for reasons of economy, or the appointment of a paid fireman to a superior position at the time of promotion in said fire department or force.

Source: C. 40:47-37.4 (1938, c. 131, s. 4); C. 40:47-37.5 (1938, c. 131, s. 5).

**40A:14-46 Two-platoon system in certain municipalities having a paid fire department and force.**

The governing body of a municipality, having a paid fire department and force, by resolution, may divide the members and officers of such department and force into 2 platoons, one platoon serving 24 hours of duty while the other is off duty for the same period of time.

Source: R. S. 40:47-38.

**40A:14-47 Two-platoon system for fire department in certain municipalities; establishment; referendum.**

In municipalities, except cities of the first class, wherein a proposal for a 2-platoon system shall have been adopted the governing body of the municipality, or the board or officer in charge of a paid or part-paid fire department and force, shall divide the paid members and officers of the said department and force into 2 platoons, one designated as a day force, the other as a night force. Each force, respectively, shall alternate the hours of duty on every fourth day. The hours of duty of the day force shall be from 8:00 A. M. to 6:00 P. M. and the night force from 6:00 P. M. to 8:00 A. M. the following morning, except that on every fourth day, for the purpose of such alternation the number of said hours of duty may be exceeded but one force shall be off duty at all times, except as otherwise provided by law.

The 2-platoon system shall be inoperative unless and until a proposal for such a system shall have been submitted to and adopted by the legal voters of the municipality at a primary or general election or at an election held for that purpose. It may be submitted as a public question, in the manner prescribed by law, by resolution of the governing body, or by filing with the governing body of the municipality a petition for such submission signed by at least 10% of the legal voters of the municipality in substantially the following form:

“(Insert the name of the municipality and state the question.)”  
The ballot shall contain 2 squares to the left of the question, one with the word “Yes”, the other with the word “No”, respectively, to the right thereof. The ballot shall also contain instructions to voters to vote by marking a cross (×), or plus sign (+) or check mark (✓) in the square according to their choice. If voting machines are used a vote of “Yes” or “No” shall be equivalent to such markings, respectively.

The municipal clerk shall forthwith canvass the returns of the election and shall certify the results thereof to the governing body of the municipality. If a majority of the legal voters voting on the question shall vote “Yes”, the 2-platoon system shall become operative and the governing body or the board or officer in charge of said paid or part-paid fire department and force shall then proceed to establish such system.

This section shall not be construed to repeal or modify in any form any existing law relating to salaries, annual vacations, sick or disability leave of any of the members or officers of the paid or part-paid fire department or force.

Source: R. S. 40:47-39; 40:47-40 amended 1938, c. 276; 40:47-42; 40:47-43; 40:47-44; 40:47-45; 40:47-46; 40:47-47; 40:174-66; 40:174-67; 40:174-68; 40:174-69; 40:174-70; 40:174-71; 40:174-72.

**40A:14-48 Two-platoon system for fire department in cities of the first class; emergency service; compensatory time off.**

In cities of the first class, the governing body, by resolution, or the board of fire commissioners or officials in charge of a fire department and force, may divide the members and officers of such fire department and force into 2 platoons, one serving while the other is off duty. Each platoon, respectively, shall alternate the hours of duty for the purpose of alternating the day force with the night force and vice versa, and for the purpose of giving each platoon 24 hours off duty every 6 days. The hours of duty of the day force shall be from 8:00 A. M. to 6:00 P. M. and the night force from 6:00 P. M. to 8:00 A. M. the following morning.

In cases of conflagration or other emergency the officials in charge of the fire department and force shall have authority to retain on duty any or all members and officers of such department and force during the period of the emergency, but in any such case and within 12 months thereafter, such members or officers shall be given a day or proportion thereof off for extra time so served by them during the emergency.

Nothing contained herein shall be deemed to repeal or modify existing laws relating to salaries, annual vacations or sick or

disability leaves of the members or officers of such department or force.

Source: R. S. 40:174-132; 40:174-133; 40:174-134; 40:174-135; 40:174-136; 40:174-137; 40:174-138; 40:174-139; 40:174-140.

**40A:14-49 Fifty-six hour week for members and officers; referendum.**

The governing body of any municipality, by ordinance, may adopt a schedule of hours of actual duty for the members and officers of a paid or part-paid fire department and force based upon an average of 56 hours per week in any 6-week cycle, but in cases of emergency the officials in charge shall have authority to retain any uniformed member or officer on duty during the period of the emergency, and in any such case and within 12 months thereafter such member or officer shall be given hours off from the average of 56 hours per week in any 6-week cycle to compensate him for the extra hours served by him during such emergency.

Any such ordinance shall be inoperative unless and until it shall be submitted to and adopted by the legal voters of the municipality at a primary or general election or an election held for such purpose.

Said adoption may be submitted as a public question in the manner prescribed by law, by resolution of the governing body or by filing with the governing body a petition for such submission, signed by at least 10% of the registered voters of the municipality. The question shall be submitted substantially on the ballot as follows:

Insert the name of the municipality and state the question. "Shall the ordinance providing that the uniformed members and officers of its fire department and force shall be maintained in such manner as to provide that no member or officer thereof shall be required to remain on duty in excess of 56 hours per week in any 6-week cycle except in cases of emergency be adopted?"

If a majority of the legal voters voting on such question vote in favor of the adoption, the ordinance on and after January 1 following such election shall become operative.

Source: C. 40:47-47.2 (1948, c. 73, s. 1 amended 1949, c. 100, s. 2); C. 40:47-47.3 (1948, c. 73, s. 2 amended 1949, c. 100, s. 3); C. 40:47-47.4 (1948, c. 73, s. 3 amended 1949, c. 100, s. 4).

**40A:14-50 Certain emergency service and compensation.**

"Emergency" as used herein shall include any unusual conditions caused by any circumstances or situation including shortages in the personnel of the paid or part-paid fire department and force caused by vacancies, sickness or injury, or by the taking of

accrued vacation or sick leave or both, whereby the safety of the public is endangered or imperiled, as shall be determined within the sole discretion of the officer, board or official having charge of the paid or part-paid fire department and force in any municipality.

In any municipality in which the officer, board or official having charge or control of the paid or part-paid fire department and force has authority, in times of any such emergency to summon and keep on duty any paid members of the paid or part-paid fire department and force for a period of time or times in excess of the hours of ordinary duty, the governing body may provide compensation for some or all of such emergency duty by any such fireman at his prevailing wage, which compensation shall be in lieu of any compensatory time off otherwise due for the emergency duty so compensated.

The governing body of the municipality, if necessary, may make emergency appropriations to provide funds for the payment of such compensation as provided by law.

Source: C. 40:47-12.12 (1966, c. 247, s. 1); C. 40:47-12.13 (1966, c. 247, s. 2); C. 40:47-12.14 (1966, c. 247, s. 3).

**40A:14-51 Emergency service; compensatory time off.**

In cases of conflagration or other emergency, the officials in charge of the paid or part-paid fire department and force in any municipality, shall have authority to retain on duty any member and officer of such department and force during the period of the emergency, but in any such case and within 12 months thereafter, such member or officer shall be given a day off or proportion thereof for the extra time so served by him during the emergency.

Source: R. S. 40:47-47.1.

**40A:14-52 Schedule of hours of actual duty.**

In any municipality, other than those located in counties of the fifth or sixth class, the governing body, by ordinance, may adopt a schedule of hours of actual duty for the paid officers and members of the fire department and force, to average for each 42 hours per week in any 8-week cycle, except in cases of emergency the official in charge shall have authority to retain on duty any member or officer during the emergency, but in any such case and within 12 months thereafter such member or officer shall be given compensatory time off for all hours worked in excess of the said average, so served by him during the emergency.

Source: C. 40:47-47.5 (1960, c. 120).



**40A:14-53 Traffic regulations in fire areas.**

The governing body of any municipality, by ordinance, may authorize the officials in charge of the paid or part-paid fire department and force to establish fire areas to regulate traffic and parking therein and provide penalties for violations.

Source: R. S. 40:47-48.

**40A:14-54 Firemen in the performance of their duties to have powers of police officers.**

The members and officers of the paid or part-paid fire department and force of a municipality shall have the powers and authority of police officers within the municipality, to be exercised while going to, attending and returning from a fire.

Source: R. S. 40:47-49.

**40A:14-55 Definitions relating to exempt firemen.**

“Fire department and force” means the officers and members organized to fight fires in the municipality;

“Fire duty” means active participation in the usual duties of a fireman under the direction and supervision of the official in charge of the fire department and force;

“60% of duty” means actual recorded attendance and rendering of fire service at not less than 60% of regular alarms of fire answerable by the members during any calendar year; the total number of alarms used in computing said percentage may include not more than 20 fire drills called at the direction of the official in charge of the fire department and force.

Source: R. S. 40:47-52.

**40A:14-56 Exempt fireman certificate; eligibility.**

Any member of the fire department and force of a municipality shall be entitled to an exempt fireman certificate when it appears that at the time of his appointment he was a resident of the municipality, a citizen of the United States, of good moral character and was not under 21 or over 35 years of age and that he had performed during a period of 7 years, 60% of fire duty, in each year, respectively. In cases where the appointment was made during the war years the age limit shall be extended 10 years. Service in the United States armed forces during said war years shall be considered as fire duty service.

Service in more than one municipal fire department, for separate periods not concurrent, amounting in the aggregate to 7 years, shall be deemed equivalent to 7 years service in a single municipal

fire department and any fireman so serving shall be entitled to an exempt fireman certificate from the department and force in the municipality wherein he is serving at the time when he becomes entitled to said certificate. The prior service shall be certified by the chief executive officer of the municipality or municipalities wherein said member served and attested by the municipal clerk or clerks.

Source: R. S. 40:47-53 amended 1944, c. 246; 1952, c. 167; 40:47-54; 40:47-56.

**40A:14-57 Verified list of nonexempt members to be filed with municipal clerk.**

The official in charge of the fire department and force shall annually file with the municipal clerk a verified list of all of the members not having exempt fireman certificates. The list shall contain their names and residences and information relevant subsequently to their qualifications for such certificates.

Source: R. S. 40:47-55.

**40A:14-58 Members of volunteer fire company on disbandment entitled to exempt fireman certificates.**

Whenever a volunteer fire company is disbanded and replaced by a paid or part-paid fire department and force, the members of such company who shall have served as such at least 2 years immediately preceding such replacement shall be entitled to exempt fireman certificates.

Source: R. S. 40:47-57.

**40A:14-59 Exempt fireman certificates; issuance.**

The governing body of a municipality shall issue exempt fireman certificates to members of the fire department and force entitled thereto, within 90 days of the date of attaining eligibility. The certificate shall be issued in triplicate, in form, substantially as follows:

EXEMPT FIREMAN CERTIFICATE

It is hereby certified that ..... a member of the ..... fire department and force, has qualified for and is entitled to this certificate of exemption pursuant to law.

Date of appointment ..... Date when member became entitled to exemption .....  
 Record of prior service (if any) ..... Date of issue .....

.....  
 Official in charge of fire department and force.  
 (seal)

Attest:

.....  
 Municipal Clerk

.....  
 Chief Executive Officer of Municipality.

Filed in the office of the clerk of ..... county.

Date .....  
 County Clerk.

Within 60 days of issuance one copy of the certificate shall be filed with the county clerk of the county wherein it was issued. At the time of issuance one copy shall be transmitted to the New Jersey State Exempt Firemen's Association. The remaining copy shall be delivered to the member. There shall be no fee for issuance of the certificate and it shall be signed by the official in charge of the fire department and force and the chief executive officer of the municipality. The municipal clerk shall affix the municipal seal, attest the certificate and cause the filing and delivery of the copies.

Source: R. S. 40:47-58; 40:47-59.

**40A:14-60 Tenure of exempt firemen in office, position or employment of State, county, municipality, school board or board of education; removal upon charges after hearing.**

Whenever any person possessing an exempt fireman certificate holds an office, position or employment of the State, or a county or municipality or a school board or board of education for an indeterminate term, such person shall hold his office, position or employment during good behavior and shall not be removed therefrom for political reasons but only for good cause after a fair and impartial hearing.

For the purposes herein no term of office, position or employment of any such person shall be deemed to be fixed by law or coterminous with that of a noncontinuous appointing or employing board or body; provided, however, that in no event is it intended that this provision shall apply to appointments made for a fixed or stated period of time.

Any hearing for removal of an exempt fireman shall be upon a written complaint setting forth the charge or charges and filed with the authority in charge. A copy thereof shall be served upon the person so charged with notice of the time and place of the hearing thereon. The person so charged shall have the right to be represented by counsel and to subpoena witnesses and documentary evidence.

Source: R. S. 40:47-60 amended 1967, c. 291, s. 1; 40:47-61.

**40A:14-61 Exempt firemen entitled to certain rights, privileges or benefits.**

Whenever in any law any rights, privileges or benefits are granted to exempt firemen holding appointive offices, positions, or employments in either the State, county or municipal government, such law shall be deemed to include all exempt firemen engaged in the public service in any of its branches within the State. No distinction shall be made by reason of the source of the public funds involved or because of a transfer of office, position or employment to a different branch of government within the State.

Source: C. 40:47-62.7 (1967, c. 291, s. 2).

**40A:14-62 Tenure of exempt fireman in office, position or employment of intermunicipal commissions.**

Whenever any person possessing an exempt fireman certificate holds an office, position or employment under a commission elected or appointed by the governing bodies of 2 or more municipalities, whose term of such office, position or employment is not fixed by law, the said person shall hold his office, position or employment during good behavior and shall not be removed therefrom for political reasons but only for good cause after a fair and impartial hearing.

No such commission shall abolish, change the title or reduce the emoluments of any office, position or employment held by an exempt fireman for the purpose of terminating his said service.

For the herein purposes no term of office, position or employment of any such person shall be deemed to be fixed by law or coterminous with that of a noncontinuous appointing or employing board or body.

Source: C. 40:47-62.8 (1967, c. 291, s. 3).

**40A:14-63 Office or position held by an exempt fireman not to be abolished or changed or emoluments reduced to terminate services.**

No department of the State government nor any board of chosen freeholders of a county, or governing body of a municipality, or a school board or board of education shall abolish, change the title

or reduce the emoluments of any office or position held by an exempt fireman for the purpose of terminating his service.

Source: R. S. 40:47-62.

**40A:14-64 Tenure in office held by an exempt fireman.**

Whenever an exempt fireman holds a State, county, municipal or a board of education office not created by the Constitution, he shall hold such office during good behavior and shall not be removed unless for good cause after a fair and impartial hearing, provided he has or shall have served in said office for a term of 3 consecutive years.

Any such hearing shall be upon a written complaint setting forth the charge or charges and filed with the authority in charge. A copy thereof shall be served upon the person so charged with notice of the time and place of the hearing thereon. The person so charged shall have the right to be represented by counsel and to subpoena witnesses and documentary evidence.

Nothing herein contained shall be construed to give tenure of office to such exempt fireman in a paid or part-paid fire department and force.

Source: C. 40:47-63 (1938, c. 385, s. 1); C. 40:47-64 (1938, c. 385, s. 2); C. 40:47-65 (1938, c. 385, s. 3); C. 40:47-67 (1938, c. 385, s. 5). *Note:* These sections are in R. S. C. S. at 40:47-60.1; 40:47-60.2; 40:47-60.3; 40:47-60.5.

**40A:14-65 Office not to be abolished for economy reasons or otherwise to terminate services of an exempt fireman having tenure; exceptions.**

No department of the State government, nor any board of chosen freeholders of a county, governing body of a municipality or board of education shall abolish, change the title or reduce the emoluments of any office held by an exempt fireman having tenure therein, for economy reasons or otherwise, for the purpose of terminating his services, except in time of a widespread economic depression or mandatory retrenchment, but in any such case, the termination or reduction shall be made in the same ratio as in the case of other employees.

Source: C. 40:47-66 (1938, c. 385, s. 4). *Note:* This section is in R. S. C. S. at 40:47-60.4.

**40A:14-66 Contract for intermunicipal fire department.**

The governing bodies of 2 or more municipalities, by reciprocal ordinances, may contract with each other for mutual aid in case of fire emergencies. In any such contract, provisions may be included to provide for the reimbursement of the municipality or

municipalities rendering such aid, for any damage to its fire equipment or other property and for payment to any member of their fire department and force for injuries sustained by him, while so serving, or to his widow or other dependents when death resulted therefrom.

The governing bodies, in any such contract, may provide for the organization of a joint meeting of the contracting municipalities and for the selection of a chairman, secretary and any other necessary officers or personnel. The contract may contain such other provisions as shall be deemed necessary and it may be altered from time to time by mutual agreement.

The governing bodies may provide for the acquisition of lands and the establishment and maintenance of a central office. Real and personal property, so acquired, shall be held by the municipalities as tenants in common.

The members of the fire department and force in each such municipality, while on duty and rendering such aid to another municipality, shall be deemed to be engaged in a governmental function and entitled to the same police powers, privileges and immunities as in the case of extinguishing a fire within their own municipality.

Source: C. 40:47-68 (1938, c. 260, s. 1); C. 40:47-69 (1938, c. 260, s. 2); C. 40:47-70 (1938, c. 260, s. 3); C. 40:47-71 (1938, c. 260, s. 4); C. 40:47-72 (1938, c. 260, s. 5). *Note:* These sections are in R. S. C. S. at 40:47-63; 40:47-64; 40:47-65; 40:47-66; 40:47-67.

**40A:14-67 Intermunicipal fire departments and forces.**

The governing bodies of 2 or more adjoining municipalities, by reciprocal ordinances, may provide for the establishment and maintenance of a joint fire department and force, or for their contributions for the maintenance and operation of a volunteer fire company serving such municipalities. The said governing bodies, by mutual agreement, may allocate their respective contributions for such maintenance and operation upon such terms and conditions as shall be deemed necessary.

Nothing herein contained shall affect the employment or continuance in office or tenure or pension rights of any paid fireman in any such municipality.

Source: C. 40:47-73 (1943, c. 206, s. 1); C. 40:47-74 (1943, c. 206, s. 2); C. 40:47-75 (1943, c. 206, s. 3).

**40A:14-68 Contracts with volunteer fire companies.**

In any municipality not having a paid or part-paid fire department and force, the governing body, by ordinance, may contract

with a volunteer fire company or companies in such municipality, for purposes of extinguishing fires, upon such terms and conditions as shall be deemed proper. The members of any such company shall be under the supervision and control of said municipality and in performing fire duty shall be deemed to be exercising a governmental function.

Source: R. S. 40:149-8.

**40A:14-69 Conveyance of land for a fire house.**

The governing body of any municipality, not having a paid or part-paid fire department and force, by ordinance, may provide for the conveyance of land or lands, for a nominal consideration, to a duly incorporated fire company in such municipality, organized for the purpose of protecting life and property from fire therein. The land or lands so conveyed shall be limited to use for a fire house.

Source: R. S. 40:149-9.

**40A:14-70 Establishment of fire districts; board of fire commissioners; meetings.**

In any municipality not having a paid or part-paid fire department and force, the governing body, upon application of at least 20 freeholders, by ordinance, shall designate a territorial location or locations for use as a fire district or fire districts and, by resolution, provide for the election of a board of fire commissioners for the district or each district to consist of 5 persons, residents therein, and specify the time and place for such election.

The district or each district shall be assigned a number and the commissioners thereof and their successors shall be a body corporate, to be known as "the commissioners of fire district No. . . . in . . . . . (name of municipality), county of . . . . . (name of county)". The said body corporate shall have the power to acquire real and personal property for its purposes. It may adopt and use a corporate seal, sue or be sued and shall have such powers, duties and functions as are usual and necessary for said purposes.

At the time and place specified for the election of the first board the clerk of the municipality shall conduct the election and shall preside at the meeting until the board shall have been elected.

At the first meeting of a newly elected board of fire commissioners of a district the board shall choose a chairman and fix the time and place for the annual election. The members of the board shall divide themselves by lot into 3 classes: the first to consist of 2 members to be elected for terms of one year; the second, 2 mem-

bers for terms of 2 years; and the third, one member for a term of 3 years. Upon the expiration of said terms their successors shall be elected for terms of 3 years.

Any vacancy in the membership shall be filled by the remaining members until the next succeeding annual election, at which time a resident of the district shall be elected for the unexpired term.

Source: R. S. 40:151-1; 40:151-2; 40:151-3; 40:151-4; 40:151-5.

**40A:14-71 Candidates; nominations.**

Candidates for membership in the board shall be nominated by verified petitions. Any such petition shall be in writing, addressed to the municipal clerk or the clerk of the board, as the case may be, stating that the signers thereof are qualified voters and residents in the district and requesting that the name of the candidate be placed on the official ballot. The petition shall state the residence of the candidate and certify his qualification for membership. The candidate's consent to his nomination shall be annexed to the petition and shall constitute his agreement to serve in the event of his election. The petition shall contain the name of only one candidate, but several petitions may nominate the same person. Each petition shall be signed by not less than 10 qualified voters and shall be filed at least 10 days before the date of the election.

If a petition is found to be defective, either in form or substance, the municipal clerk or the clerk of the board, as the case may be, shall forthwith notify the candidate to cause it to be corrected before the petition is given consideration.

Source: R. S. 40:151-7; 40:151-8; 40:151-9; 40:151-10; 40:151-11 amended 1961, c. 75; 40:151-12.

**40A:14-72 Determination as to money to be raised.**

An election shall be held annually in each fire district for the election of members of the board according to the expiration of terms.

The legal voters thereat shall determine the amount of money to be raised for the ensuing year and determine such other matters as may be required.

Source: R. S. 40:151-6.

**40A:14-73 Ballots for election of commissioners.**

The ballots shall be written or printed on opaque paper, uniform in size and quality.

Each ballot shall have at the top, a coupon, at least one inch wide extending across the ballot above a perforated line. The coupons shall be numbered consecutively. The coupon shall con-

tain the following statements: "To be torn off by the clerk" and "Fold to this line." Below the perforated line shall be printed or written, "Fire district election ballot," then the official designation of the fire district and polling place and date of the election. It shall bear the signature or facsimile signature of the municipal clerk, or the clerk of the board of fire commissioners, as the case may be. The heading shall be set apart from the body of the ballot by a marked-off space. In said space, the voters shall be instructed how to indicate their choice of candidates and the number to be voted upon as follows: "To vote for any person whose name appears on this ballot mark a cross (X), plus (+) or check (V) in black ink or lead pencil in the place or square at the left of the name of such person." Underneath these instructions shall be directions as to the number of candidates to be voted for and the name of each qualified candidate, without grouping, to be placed according to the alphabetical order of their surnames.

The ballot shall be substantially as follows:

No. ....

To be torn off by the Clerk.

Fold to this line.

FIRE DISTRICT ELECTION BALLOT

Fire District No. 1,  
Township of Webster, Warren County,

Date .....

Polling District No. 1.  
Unexcelled Fire House.

John Henry Doe,  
Clerk.

To vote for any person whose name appears on this ballot mark a cross (X), plus (+) or check (V) with black ink or lead pencil in the place or square at the left of the name of such person.

For membership to Board of Fire Commissioners.—

Full Term.

Vote for Two.

Rutherford B. Fallon.

William F. Seibel.

James A. Stephens.

Thomas Templeton.

For membership to Board of Fire Commissioners.—

Unexpired One-Year Term.

Vote for One.

Francis R. Loori.

Arthur H. Patterson.

using as much of the form as may be applicable to the current fire district election and extending the same to provide for cases not herein specified.

Source: R. S. 40:151-13; 40:151-14; 40:151-15; 40:151-16.

**40A:14-74 Elections; notice; eligibility of voters.**

The municipal clerk or the clerk of the board of fire commissioners, as the case may be, shall advertise the holding of such election for at least one week prior thereto in a newspaper circulating in said fire district.

At least 7 days prior to the election the municipal clerk or the clerk of the board, as the case may be, shall obtain the registry list for the municipality or municipalities and election districts comprised within such fire district for the preceding general election. No person shall be permitted to vote at the election unless his name appears on the registry list or he shall have become of legal age and is otherwise qualified and shall file an application to vote with the clerk at least 2 days prior thereto.

Source: R. S. 40:151-17; 40:151-18.

**40A:14-75 Use of voting machines.**

The superintendent of elections of any county having a superintendent of elections or the county board of elections of any county not having a superintendent of elections, may upon application of the board of commissioners of any fire district, loan or rent to said board, one or more voting machines owned by the county, for a period of time which does not conflict with any State, county, municipal or school district election, for the purpose of conducting a fire district election as required by law. The loan or rental of a voting machine or machines for this purpose shall be upon such terms and conditions as may be determined by the board of chosen freeholders of the county.

In any case in which voting machines are made available for such purpose, the use thereof for any fire district election shall be held as provided herein.

Source: C. 40:151-24.1 (1968, c. 192, s. 1); C. 40:151-24.2 (1968, c. 192, s. 2).

**40A:14-76 Polls; hours.**

Upon petition of 25 or more voters, filed with the clerk of the board at least 20 days prior to the date of any election, after the first election, the board of fire commissioners, by resolution, may divide the fire district into 2 or more polling places.

The polls for any election shall be opened between the hours of 2:00 and 9:00 P. M., but the board may designate a later closing hour on the same day. The board shall furnish the necessary books for the entries of the names and addresses of the voters.

Source: R. S. 40:151-19; 40:151-20.

**40A:14-77 Manner of conducting elections.**

Before the opening of the polls a public proclamation shall be made by the chairman of the board or the clerk or his or their representative as to the purpose of the voting. Two tellers for each polling place shall be appointed by the chairman or clerk and thereupon the polls shall be opened and the balloting shall continue without recess until the closing of the polls. Immediately after the close of the polls the clerk and tellers shall forthwith canvass the vote and certify the results. The clerk shall publicly announce the results.

Source: R. S. 40:151-21; 40:151-22; 40:151-23.

**40A:14-78 Appropriations and other matters to be voted upon.**

Any appropriation or other matter to be voted upon at such election shall be in the form of a question, placed upon the ballot immediately following the names of the candidates for members of the board of fire commissioners, in substantially the following form:

	YES.	(Question to be voted on)
	NO.	

The voter shall indicate his approval or opposition by making a cross (X), plus (+) or check (V) mark in black ink or lead pencil in the appropriate square.

Source: R. S. 40:151-24.

**40A:14-79 Assessment and collection of money authorized by voters; repayment.**

The board of fire commissioners shall certify the amount of money voted at the annual district meeting to the assessor of the municipality, in which said district is situate, who shall assess the amount thereof against the taxable property therein, in the same manner as municipal taxes are assessed and the said amount shall be assessed, levied and collected at the same time and in the same manner as other municipal taxes.

The collector or treasurer of the municipality, in which said district is situate, shall pay over all moneys so assessed to the treasurer or custodian of funds of said fire district one-half on or before July 1 in the year for which said taxes are levied and the other half on or before January 1 of the following year, to be held and expended for the purpose of providing and maintaining means for extinguishing fires in such district.

The commissioners may also pay back, or cause to be paid back to such municipality, any funds or any part thereof paid to the treasurer or custodian of funds of such fire district by the collector or treasurer of the municipality, representing taxes levied for fire district purposes but not actually collected in cash by said collector or treasurer.

Source: R. S. 40:151-25 amended 1942, c. 183; 1943, c. 81.

**40A:14-80 Borrowing money in anticipation of revenue.**

The commissioners of any fire district, by resolution, may borrow after March 1 and before December 31 following, a sum not to exceed the amount appropriated at the preceding annual election held in the district, for current expenses and necessary repairs to fire apparatus and fire houses within the district, less any sums received from the collector of taxes or municipal treasurer on account of such appropriation. They may execute evidences of such indebtedness and pay the amount so borrowed, together with interest thereon, at a rate not exceeding 5% per annum.

Source: R. S. 40:151-26.

**40A:14-81 Board of fire commissioners; general powers.**

The commissioners of a fire district shall have the powers, duties and functions within said district to the same extent as in the case of municipalities, relating to the prevention and extinguishment of fires and the regulation of fire hazards.

Nothing contained herein shall be deemed to affect the powers, duties and functions of the State Department of Conservation and Economic Development pertaining to forest fire services.

Source: R. S. 40:151-27.

**40A:14-82 Limitation of average hours of duty for uniformed members of fire district fire departments.**

The board of commissioners of a fire district having a uniformed paid or part-paid fire department, by resolution, may adopt a schedule of hours of actual duty for the members of such district fire department based upon an average of 56 hours per week in any 6-week cycle, but in cases of emergency the official in charge shall have authority to retain any uniformed member on duty during the period of the emergency and in any such case and within 12 months thereafter such member shall be given hours off from the average 56 hours per week in any 6-week cycle to compensate him for the extra hours served by him during such emergency.

Any such resolution shall be inoperative unless and until it shall have been submitted to and adopted by the legal voters within said

fire district at the annual election held for commissioners of the board, or at a special election for such purpose.

The resolution shall be submitted as a public question in the manner prescribed by law, by resolution of said board, or by filing with the clerk of the board of fire commissioners of such district a petition for such submission, signed by at least 20% of the legal voters who voted in the next preceding annual election for members of the board of fire commissioners.

The question shall be submitted substantially as follows:

“Insert the name and number of the fire district and state the question as to whether the fire department of the district shall be maintained in such manner as to provide that no uniformed member thereof shall be required to remain on duty in excess of 56 hours per week in any 6-week cycle except in cases of emergency.”

If a majority of the legal voters voting on such question vote in favor of the adoption, the resolution on and after January 1 following such election shall become operative.

Source: C. 40:151-27.1 (1951, c. 297, s. 1); C. 40:151-27.2 (1951, c. 297, s. 2); C. 40:151-27.3 (1951, c. 297, s. 3).

**40A:14-83 Leasing space in building of fire district.**

The board of fire commissioners of a fire district may lease at a nominal rental space in any of its buildings to the municipality in which the district is located.

Source: C. 40:151-27.4 (1964, c. 91).

**40A:14-84 Revenue for fire district purposes; limitations; meetings.**

The legal voters, at the annual meeting or at a special meeting called by the commissioners of the fire district, may vote to raise money for a fire house, apparatus and appliances in connection therewith for fire extinguishing purposes, in an amount not exceeding 5 mills on the dollar of the last assessed valuation of the property in the fire district. The amount so voted for shall be assessed in the manner provided by law and the revenue derived therefrom shall be expended for said purposes by the commissioners as they shall deem necessary and proper.

Any such special meeting shall be called on 10 days notice by the board of fire commissioners, to be posted in 5 public places in the district, setting forth the time, place and object of the meeting and the legal voters shall determine the amount of money to be raised.

Source: R. S. 40:151-28; 40:151-29.

**40A:14-85 Acquisition of property and equipment for fire districts; limitations; referendum for issuance of bonds.**

The board of commissioners of a fire district may purchase fire engines, apparatus or other appliances for the extinguishment of fires and acquire lands or buildings or erect buildings for the housing of such equipment, at a cost not exceeding \$60,000.00 or 2% of the assessed valuation of the taxable property in the district, whichever amount is larger, the money to be raised by a bond issue. Any such bond issue shall be authorized by a resolution of the commissioners specifying the amount and the purpose thereof. The resolution shall be inoperative unless and until it shall have been submitted to and approved by the legal voters within said fire district at the annual election held for the election of commissioners and appropriation of money for fire extinguishing purposes, or at a special election for such purpose.

The resolution shall be written or printed and the election shall be upon notice stating the time and place. If said election is to be the annual one, the notices shall be posted by the clerk of the board of fire commissioners in 10 public places, at least 10 days prior to the date of the election. The board of commissioners and the clerk, in their or his discretion, may advertise the election in a newspaper, published in the fire district, if any, otherwise in a newspaper published in the county of said district and circulating in such district. When a special election is specified notices shall be posted in 10 public places, at least 21 days prior to the date of election, and the clerk of said board shall advertise said notice in such a newspaper at least twice prior to the election date.

Source: R. S. 40:151-30; 40:151-31; 40:151-33 amended 1955, c. 83.

**40A:14-86 Voting on bond issue of fire district; issuance and sale.**

The legal voters, at any election held for the purpose of raising money by issuance of bonds, shall vote by ballot on the question. The election shall be conducted in the same manner as other fire district elections.

If a majority of the legal voters voting on the question favor the issuance of such bonds the board of fire commissioners shall be authorized to issue them.

Said bonds shall be serial bonds issued in the corporate name of the fire district, in the authorized amount, not exceeding in the aggregate \$60,000.00 or 2% of the assessed valuation of the taxable property of the district, whichever amount is larger. They shall be in the amounts and payable at the time directed, with interest at a rate not exceeding 6% per annum, payable semi-annually. The bonds shall not be issued for longer than a 30-year

period. They shall be signed by the chairman of the board of fire commissioners and attested by the clerk, who shall affix thereto the corporate seal. The bonds shall have coupons attached for the payment of interest, signed by the clerk and numbered to correspond to the bonds. A proper registry shall be kept by the clerk of the board, of each bond issued, numbered consecutively. The bonds shall be sold at public or private sale for the best obtainable price but not less than par and accrued interest.

Source: R. S. 40:151-32; 40:151-33 amended 1955, c. 83.

**40A:14-87 Assessment and collection; borrowing money; bond payments.**

Whenever bonds have been duly issued the clerk of the board of fire commissioners shall annually certify to the assessor of the taxing district in which the fire district is situate, the amount required to meet the interest payments and pay the bonds maturing in the ensuing year, together with interest thereon. The assessor shall assess the amount thereof against the taxable property in the fire district. The amount of the assessment shall be payable to the collector of the municipality who, on or before July 1 following, shall pay the full amount of the assessment to the treasurer or custodian of funds of the fire district. The board of fire commissioners shall cause the principal and interest on said bonds to be paid as they become due.

If no funds are currently available to pay the maturing bonds or interest, the board of fire commissioners may borrow money and execute evidences of indebtedness for the purpose of making such payments in the same manner as in other cases of borrowing.

Source: R. S. 40:151-34.

**40A:14-88 Compensation for members of boards of fire commissioners.**

The secretary and treasurer shall be members of the board and their appointments shall be for terms of one year. Each member of the board of fire commissioners shall receive as compensation \$6.00 for every meeting attended, not to exceed in the aggregate \$100.00 in any one year. The secretary shall receive an annual additional compensation of \$120.00, and the treasurer an additional compensation of \$200.00.

Source: R. S. 40:151-35 amended 1953, c. 356.

**40A:14-89 Fire district treasurer, custodian of money; bond; annual audit.**

The treasurer of the fire district shall be the custodian and disbursing officer of the moneys of the said district. Moneys shall be disbursed by warrants signed by a majority of the board. The treasurer shall be bonded by a surety company, authorized to do



business in New Jersey, in such an amount as the board shall prescribe.

The treasurer shall cause his records to be audited at least once a year, within 30 days after expiration of the fiscal year and shall report such audit to the board of fire commissioners at the next regular meeting, following. Within 10 days thereafter the clerk of the board of fire commissioners shall advertise such audit at least twice in a newspaper circulating in said district. The expense of the bond and audit shall be borne by the district.

Source: R. S. 40:151-36; 40:151-37.

**40A:14-90 Enlargement of fire district.**

The governing body of a municipality having a fire district therein, upon application as herein provided, by ordinance, may enlarge such fire district by extending the boundaries thereof to include additional territory in such municipality but not included in another fire district.

Such ordinance shall only be adopted upon an application in writing designating the area proposed to be included, submitted by at least 10 freeholders residing in such area. Upon the adoption of any such ordinance and publication thereof as required by law the additional territory shall become part of said fire district.

Nothing contained herein shall affect the terms or tenure of members of the board of fire commissioners or officers or personnel thereof, nor the bonds and obligations, if any, of such fire district.

Source: R. S. 40:151-38; 40:151-39; 40:151-40.

**40A:14-91 Dissolution of fire district.**

Upon a written application therefor, of at least 20 freeholders residing in a fire district, the governing body of the municipality, wherein the fire district is located, shall consider the dissolution of the fire district. Upon receipt of such an application the governing body of said municipality shall fix a time and place for a hearing thereon. The municipal clerk shall advertise the notice of hearing in a newspaper circulating in the county wherein the municipality is located at least once and not less than 10 days prior to the meeting.

After the hearing the governing body of said municipality shall determine the question of the proposed dissolution.

If a resolution be adopted that the fire district be dissolved, any moneys remaining in the fire district treasury shall be disposed of as the said governing body shall direct.

Source: R. S. 40:151-42; 40:151-43.

**40A:14-92 Cancellation of taxes or refunds on dissolution of fire district.**

In any municipality wherein a fire district is dissolved the governing body of the municipality may cancel unpaid tax levies for the fire district or refund fully or proportionately without interest any moneys paid by the taxpayers in said fire district to the collector of the municipality, but the total amount of any such refunds shall not exceed the amount of money on hand for the account of the fire district upon said dissolution.

Source: R. S. 40:151-44.

**40A:14-93 Illegally created fire district; abatements or refunds.**

Upon a written application therefor, of at least 20 persons residing in a fire district, alleging that the fire district was not created in accordance with law, and upon a determination by the governing body that said allegation is fully supported by uncontradicted evidence and that taxes have been assessed on their property, the governing body of the municipality, by resolution, may abate and remit all of such unpaid taxes and authorize refunds of taxes paid to the taxpayers.

Source: R. S. 40:151-45.

**40A:14-94 Formation of new municipalities; abolition of fire district; apportionment of assets and liabilities.**

A fire district shall be deemed abolished when the municipality in which it is located shall be divided and formed into or become part of 2 or more new municipalities.

Upon such abolition the governing bodies of the new municipalities and the treasurer or custodian of the funds of said fire district shall meet at a time and place to be designated by the clerk of the new municipality wherein the fire district or greater part thereof is located. The notice of the meeting shall be served personally or by certified mail upon each member of the board of said fire district, not less than 10 days prior to the meeting. At the meeting the property of the fire district shall be apportioned between or among said new municipalities in proportion to the aggregate value of the buildings and contents of such fire district located respectively therein as ascertained from the last assessment for said fire district.

A written report of such apportionment, signed by the members of the governing bodies present at said meeting, shall be made. The report shall set forth the current assets and liabilities and the division of the money and property of the fire district. The taxpayers of the respective new municipalities shall be liable to pay their proportion of the debts, if any, of said fire district.

Upon the ascertainment of the amount of money to be paid and the property to be distributed and the manner of such payment and distribution to each municipality, the treasurer or custodian of funds of said fire district shall pay and transfer said moneys and property accordingly.

Source: R. S. 40:151-46; 40:151-47.

**40A:14-95 Establishment of Junior Firemen's Auxiliary.**

In any municipality or fire district in this State maintaining a volunteer fire department, or where there shall exist one or more incorporated volunteer fire companies affording fire protection to said municipality or fire district the membership whereof are serving under the jurisdiction of and with the consent of said municipality or fire district, it shall be lawful for the governing body of such municipality, or the board of commissioners of such fire district to provide, by ordinance or resolution, for the establishment of an auxiliary to any such volunteer fire department or company to be known as the Junior Firemen's Auxiliary.

Source: C. 40:47-30.6 (1968, c. 309, s. 1).

**40A:14-96 Eligibility for membership in the Junior Firemen's Auxiliary.**

No person shall be eligible for membership in the Junior Firemen's Auxiliary who is less than 18 or more than 21 years of age. Persons between the ages of 18 and 21 shall be required to obtain permission to join the auxiliary from their parents or guardian. Such permission shall be in writing and acknowledged or proved in the manner required by law for deeds to real estate to be recorded.

Source: C. 40:47-30.7 (1968, c. 309, s. 2).

**40A:14-97 Insurance coverage for members.**

Members of the auxiliary shall be insured with the same coverage and in the same amounts provided for the regular volunteer firemen of the municipality or fire district.

Source: C. 40:47-30.8 (1968, c. 309, s. 3).

**40A:14-98 Rules and regulations governing activities of Junior Firemen's Auxiliary.**

The governing body of the municipality or the board of commissioners of the fire district shall, before authorizing the establishment of any Junior Firemen's Auxiliary, formulate rules and regulations to govern the activities of the auxiliary. The rules and regulations shall provide for the training of the auxiliary for eventual membership in the volunteer fire department of the municipality or fire district or in any such volunteer fire company or

companies affording fire protection therein, and shall further provide that no junior fireman shall be required to perform duties which would expose him to the same degree of hazard as a regular member of a volunteer fire company.

Source: C. 40:47-30.9 (1968, c. 309, s. 4).

**40A:14-99 Section 40:47-50 of the Revised Statutes saved from repeal.**

Section 40:47-50 of the Revised Statutes is saved from repeal. [The act saved from repeal by said section, which section is now saved from repeal, provided that all janitors employed before May 6, 1929, in fire departments of municipalities under 50,000 inhabitants, shall be entitled to the salary and tenure of other uniformed firemen in such municipality.]

Source: R. S. 40:47-50.

**40A:14-100 Section 40:47-51 of the Revised Statutes saved from repeal.**

Section 40:47-51 of the Revised Statutes is saved from repeal. [The act saved from repeal by said section, which section is now saved from repeal, provided that cities and municipalities not having a paid fire department prior to March 1, 1886 may create and maintain such a fire department and are authorized to establish said department by referendum and provide for the appointment, powers and duties of a board of fire commissioners.]

Source: R. S. 40:47-51.

**40A:14-101 Section 40:151-41 of the Revised Statutes saved from repeal.**

Section 40:151-41 of the Revised Statutes is saved from repeal. [The act (P. L. 1930, c. 96) saved from repeal by said section, which section is now saved from repeal, provided a method for proving the existence of certain fire districts created before April 14, 1930, the records of such creation having been lost, destroyed or mislaid.]

Source: R. S. 40:151-41.

**40A:14-102 Sections 40:151-48 to 40:151-53 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:151-48 to 40:151-53 both inclusive of the Revised Statutes are saved from repeal. [These sections provide for the effect on an existing fire district when its territory is made part of another district.]

Source: R. S. 40:151-48; 40:151-49; 40:151-50; 40:151-51; 40:151-52; 40:151-53 amended 1953, c. 37, s. 288.

**40A:14-103 Section 40:151-54 of the Revised Statutes saved from repeal.**

Section 40:151-54 of the Revised Statutes is saved from repeal. [The act saved from repeal by said section, which section is

now saved from repeal, provided for bond issues for the payment by township fire districts of the arrearages for water service existing prior to 1935. It provides for the fixing of the rate of interest, maturity dates and amount of the annual installments for amortization of said bonds.]

Source: R. S. 40:151-54.

**40A:14-104 Sections 40:174-62 to 40:174-64 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-62 to 40:174-64 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1892, c. 19) compiled by the above sections and saved from repeal by this section provides for the creation, establishment, operation and maintenance of a paid fire department by cities, adopting the provisions of P. L. 1885, c. 250.]

Source: R. S. 40:174-62; 40:174-63; 40:174-64.

**40A:14-105 Sections 40:174-120 to 40:174-125 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-120 to 40:174-125 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1906, c. 249) compiled by the above sections and saved from repeal by this section provides that the board of fire commissioners or other official in charge of a fire department, in cities of the first class, may create the positions of inspectors of combustibles and fire risks and make appointments thereto.]

Source: R. S. 40:174-120; 40:174-121; 40:174-122; 40:174-123; 40:174-124; 40:174-125.

C. ANALYSIS

- 40A:14-106 County police; establishment.
- 40A:14-107 General powers of county police.
- 40A:14-108 Hours of service for uniformed members and officers; referendum.
- 40A:14-109 Doorman and mechanic have rank of patrolman.
- 40A:14-110 Minimum salary for county and county park policemen in counties other than of the first and second class.
- 40A:14-111 Promotion of members and officers in certain cases.
- 40A:14-112 Appearance as witness; no loss in compensation.
- 40A:14-113 Leaves of absence with pay to certain members and officers.

- 40A:14-114 Delay in qualifying because of military service.
- 40A:14-115 Decrease of force for reasons of economy.
- 40A:14-116 Special compensation for permanently disabled members or officers; conditions.
- 40A:14-117 Defense for members and officers sued for damages occasioned from or incidental to their performance of duty.

**40A:14-106 County police; establishment.**

The board of chosen freeholders of any county, adopting rules for the regulation of traffic upon the county highways and roads and for the enforcement of laws pertaining thereto, by resolution, may create and establish a county police department and force and provide for its maintenance, regulation and control. Except as otherwise provided by law, the said board may appoint a chief of the department and such other members, officers and personnel as shall be deemed necessary, determine their terms of office, fix their compensation and prescribe their powers, functions and duties. The said board shall adopt and promulgate rules and regulations for the government of the department and force and for the discipline of its members.

Source: R. S. 40:22-1; 40:22-3; 40:22-4; 40:22-6.

**40A:14-107 General powers of county police.**

The members and officers of a county police department and force, in addition to any and all other powers prescribed by law, shall have the power to enforce:

- (1) all rules and regulations made and promulgated by the board of chosen freeholders of the county governing the use of by the public, and the welfare of the public on, county highways and roads;
- (2) all provisions of chapter 171 (Sunday observances) of Title 2A of the New Jersey Statutes;
- (3) all provisions of Title 39 (Motor Vehicles and Traffic Regulation) of the Revised Statutes; and
- (4) all provisions of Subtitle 10 (Crimes) of Title 2A of the New Jersey Statutes.

The said members and officers shall have authority to arrest for the commission of any crime anywhere in the county of their appointment.

Source: R. S. 40:22-2; 40:22-5 amended 1953, c. 37, s. 39.

**40A:14-108 Hours of service for uniformed members and officers; referendum.**

The hours of employment of the uniformed members and officers of any county police department or force having supervision and

regulation of traffic on county highways and roads or of a county park police system shall not exceed 8 continuous hours in any one day nor more than 40 hours in any one week. No such member or officer shall be required to perform any police duty which would involve more time than herein specified except in cases of emergency.

The provisions herein shall be inoperative unless and until adopted by resolution of the board of chosen freeholders or the county park police commission, as the case may be, and if the resolution so provides, this section shall remain inoperative until approved by a majority of legal voters of the county voting thereon at an election held at the next general election. Such an election shall be held when so directed but such direction shall not be made unless so made at least 40 days preceding such next general election.

The adoption thereof when submitted shall be in the form of a question to the legal voters of the county, in the manner prescribed by law, in substantially the following form on the ballot: "Shall the 8-hour day and 40-hour week plan for the county policemen (county park policemen) be adopted?" The ballot shall contain 2 squares to the left of the question, one with the word "Yes", the other with the word "No", respectively, to the right of the squares. The ballot shall contain instructions to the voters, to vote by marking a cross (X), or plus (+) or check mark (✓) in the appropriate square according to their choice. If voting machines are used, the word "Yes" or "No" shall be equivalent to such markings, respectively. If a majority of the legal voters voting on such question at said election vote in favor of the adoption, the plan shall become operative in the county in which it was adopted to the extent thereof.

Source: C. 40:11-13.2 (1948, c. 341, s. 1); C. 40:11-13.3 (1948, c. 341, s. 2); C. 40:11-13.4 (1948, c. 341, s. 3); C. 40:11-13.5 (1948, c. 341, s. 4); C. 40:11-13.6 (1948, c. 341, s. 5); C. 40:11-13.7 (1948, c. 341, s. 6).

**40A:14-109 Doorman and mechanic have rank of patrolman.**

Any person employed as a county police doorman or mechanic shall be a member of the county police department and force with the rank of patrolman and entitled to the same salary, rights and privileges as patrolman.

Source: R. S. 40:22-15.

**40A:14-110 Minimum salary for county and county park policemen in counties other than of the first and second class.**

Except as otherwise provided by law or whenever a higher minimum annual salary has been legally fixed by appropriate action, every county or county park policeman in a county other than of the first or second class county, shall be entitled to a minimum salary of \$2,250.00.

Source: C. 40:11-20 (1949, c. 283).

**40A:14-111 Promotion of members and officers in certain cases.**

In any county wherein Title 11 (Civil Service) of the Revised Statutes is not in operation, except as otherwise provided by law, a member or officer of the county police department or force shall not be promoted until he has served at least 3 years in such department or force.

Source: C. 40:11-18 (1940, c. 20).

**40A:14-112 Appearance as witness; no loss in compensation.**

The board of chosen freeholders of a county, or the county park commissioners may, by resolution, provide that whenever any member of the county police department, county boulevard police system or county park police system shall be required to appear before any grand jury or at any County, Superior or Supreme Court proceeding, except in a civil action, the time during which he is so engaged shall be considered a time of assignment to, and performance of duty. When such appearance occurs during the member's assigned duty hours, he shall suffer no loss in compensation. When such appearance occurs outside his assigned duty hours he shall receive either compensatory time off from his regular duty hours or additional compensation.

Source: C. 40:11-13.9 (1968, c. 264, s. 1); C. 40:11-13.10 (1968, c. 264, s. 2).

**40A:14-113 Leaves of absence with pay to certain members and officers.**

The board of chosen freeholders of any county, by resolution, may provide for granting leaves of absence with pay not exceeding one year, to members and officers of its police department and force who shall be injured, ill or disabled from any cause, provided that the board appointed examining physician, shall certify to such injury, illness or disability.

Source: R. S. 40:11-9.

**40A:14-114 Delay in qualifying because of military service.**

Any person who has been, or shall be, appointed as a member or officer of the county police department and force while serving in

the armed services of the United States, and who has been, or shall be, delayed in qualifying and becoming a member of such police department and force as a result of such service and who shall qualify and become a member or officer of such police department and force within 6 months after an honorable discharge or release under conditions other than dishonorable from such service, shall be considered for the purpose of determining his years of service, rank, grade, increase in pay or any other rights or benefits, as having qualified and to have become a member of such department and force as of the date of his appointment.

Source: C. 40:11-13.1 (1946, c. 87).

**40A:14-115 Decrease of force for reasons of economy.**

The board of chosen freeholders of any county, if they shall deem it necessary for reasons of economy, may decrease the number of members and officers of the police department or force or their grades or ranks. In case of demotion from the higher ranks, the officers or members to be so demoted shall be in the inverse order of their appointment. When the service of members or officers is terminated, such termination shall be in the inverse order of their appointment. Any member or officer who is demoted or whose service is terminated by reason of such decrease shall be placed on a special employment list, and in the case of subsequent promotions, a person so demoted shall be reinstated to his original rank, and in the case of termination of service and new appointment, prior consideration shall be given to the persons on said special employment list.

Source: R. S. 40:11-10; 40:11-11; 40:11-12 amended 1942, c. 52, s. 1; 40:11-13 amended 1938, c. 80; 1942, c. 52, s. 2.

**40A:14-116 Special compensation for permanently disabled members or officers; conditions.**

If a member or officer of a county police department or force is permanently disabled from injuries received while in the performance of his duties and the chief or authority in charge of such police department or force shall recommend that special compensation be granted and a physician, appointed by the board of chosen freeholders of the county, shall certify as to the probable permanency of such disability, the board of chosen freeholders of the county, by resolution, in their discretion, may provide for special compensation to said disabled member or officer and the amount thereof and manner of payment, either in a lump sum or by an annual allowance during such disability, but such special compensation, plus any pension paid and any award for workmen's compensation

shall not exceed the salary payable at the time of the sustaining of the injuries. The board of chosen freeholders of the county shall include appropriate budget items and provide for the payment of such special compensation.

Source: C. 40:22-3.1 (1952, c. 350, s. 1); C. 40:22-3.2 (1952, c. 350, s. 2).

**40A:14-117 Defense for members and officers sued for damages occasioned from or incidental to their performance of duty.**

Whenever a member or officer of a county police department or force is sued for damages arising from or incidental to a performance of his duties, the board of chosen freeholders of the county shall provide said member or officer with necessary means for the defense of such suit, other than for his defense in a disciplinary or criminal proceeding instituted against him by the county.

Source: C. 40:11-19 (1946, c. 67 amended 1947, c. 103, s. 2).

**D. ANALYSIS**

- 40A:14-118 Creation and establishment of police department and force; regulation; members.
- 40A:14-119 Acquisition of lands and buildings; construction and maintenance of buildings.
- 40A:14-120 Lease of buildings; term and renewal.
- 40A:14-121 Contracts for police vehicles and ambulance services.
- 40A:14-122 General qualifications of members of police department and force; temporary appointments; absences from duty.
- 40A:14-123 Residence requirements waived in certain cases.
- 40A:14-124 Certain municipalities under 30,000 population. 2-year residence not required; conditions.
- 40A:14-125 Municipalities under 5,000 population, 2-year residence not required; conditions.
- 40A:14-126 Municipalities having a population in excess of 5,000 but not more than 5,500, 2-year residence not required; conditions.
- 40A:14-127 Age requirements.
- 40A:14-128 Indeterminate term of office.
- 40A:14-129 Promotion of members and officers in certain municipalities.
- 40A:14-130 Promotion of members and officers in certain cases.
- 40A:14-131 Minimum salary for policemen in municipalities located in counties other than of the first or second class.

40A :14-132 Hours of service for uniformed members and officers; referendum.

40A :14-133 Days of employment and days off; emergency.

40A :14-134 Certain emergencies; compensation.

40A :14-135 Appearance as witness; no loss in compensation.

40A :14-136 Leave of absence without pay; retention of pension and retirement benefits.

40A :14-137 Leaves of absence with pay to certain members and officers.

40A :14-138 Delay in qualifying because of military service.

40A :14-139 Clerks.

40A :14-140 Drivers and attendants of police vehicles; other personnel.

40A :14-141 Chaplains.

40A :14-142 Municipal prison keepers.

40A :14-143 Decrease of force for reasons of economy.

40A :14-144 Temporary appointments.

40A :14-145 Appointment of temporary members and officers; general qualifications; termination of employment.

40A :14-146 Special police; appointment; qualifications; duties.

40A :14-146.1 Security officers.

40A :14-147 Suspension and removal of members and officers; complaint; hearing.

40A :14-148 Trials.

40A :14-149 Suspension pending hearing; commencement of hearing.

40A :14-150 Review of disciplinary conviction in non-civil service municipalities.

40A :14-151 Judicially determined illegal suspension or dismissal; member or officer entitled to recover salary; proviso.

40A :14-152 Members and officers shall have powers of peace officers and constables.

40A :14-153 Records and badges of awards to members and officers.

40A :14-154 Special compensation for permanently disabled members or officers; conditions.

40A :14-155 Defense for members and officers sued for damages occasioned from or incidental to their performance of duty.

40A :14-156 Police assistance in other municipalities; pension and compensation rights unaffected in case of casualty or death.

40A :14-157 Tangible personal property found or recovered; disposition.

40A :14-158 Special joint municipal police force.

40A :14-159 Chapter 151 of the laws of 1958 saved from repeal.

40A :14-159.1 Chapter 303 of the laws of 1969 saved from repeal.

40A :14-160 Section 40:47-12 of the Revised Statutes saved from repeal.

40A :14-161 Chapter 188 of the laws of 1959 saved from repeal.

40A :14-162 Chapter 56 of the laws of 1962 saved from repeal.

40A :14-163 Chapter 187 of the laws of 1964 saved from repeal.

40A :14-164 Chapter 288 of the laws of 1966 saved from repeal.

40A :14-165 Sections 40:174-6 to 40:174-25 both inclusive of the Revised Statutes saved from repeal.

40A :14-166 Section 40:174-26 of the Revised Statutes saved from repeal.

40A :14-167 Sections 40:174-88 to 40:174-91 both inclusive of the Revised Statutes saved from repeal.

40A :14-168 Sections 40:174-92 and 40:174-93 of the Revised Statutes saved from repeal.

40A :14-169 Sections 40:174-95 to 40:174-112 both inclusive of the Revised Statutes saved from repeal.

40A :14-170 Sections 40:174-113 and 40:174-114 of the Revised Statutes saved from repeal.

40A :14-171 Sections 40:174-144 to 40:174-146 both inclusive of the Revised Statutes saved from repeal.

40A :14-172 Section 40:174-148 of the Revised Statutes saved from repeal.

40A :14-173 Section 40:174-149 of the Revised Statutes saved from repeal.

40A :14-174 Sections 40:174-151 to 40:174-170 both inclusive of the Revised Statutes saved from repeal.

40A :14-175 Sections 40:174-181 to 40:174-200 both inclusive of the Revised Statutes saved from repeal.

**40A:14-118 Creation and establishment of police department and force; regulation; members.**

The governing body of any municipality, by ordinance, may create and establish a police department and force and provide for the maintenance, regulation and control thereof, and except as otherwise provided by law, appoint such members, officers and personnel as shall be deemed necessary, determine their terms of office, fix their compensation and prescribe their powers, functions and duties and adopt and promulgate rules and regulations for

the government of the department and force and for the discipline of its members.

Source: R. S. 40:47-1.

**40A:14-119 Acquisition of lands and buildings; construction and maintenance of buildings.**

The governing body of the municipality, by ordinance, may provide for the acquisition of such lands and buildings as shall be deemed useful and necessary for the purposes and requirements of the police department and force, and may construct, furnish, equip and maintain said buildings.

Source: R. S. 40:47-2.

**40A:14-120 Lease of buildings; term and renewal.**

The governing body of any municipality, by ordinance, may provide for the leasing of any building, or part thereof, for use of the police department and force for a period not exceeding 5 years and for the renewal thereof for a similar term within one year prior to the expiration of the term.

Source: R. S. 40:47-13.

**40A:14-121 Contracts for police vehicles and ambulance services.**

The governing body of any municipality, by ordinance, may provide by contract, for the furnishing of vehicles, ambulances and services incidental thereto for use of the police department and force.

Source: R. S. 40:47-14.

**40A:14-122 General qualifications of members of police department and force; temporary appointments; absences from duty.**

Except as otherwise provided by law, no person shall be appointed as a member of the police department and force, unless he:

(1) is a citizen of the United States and has been a resident of the municipality, in which he is to be appointed, for at least 6 months next preceding his appointment;

(2) is sound in body and of good health sufficient to satisfy the board of trustees of the police and firemen's retirement system of New Jersey as to his eligibility for membership in the retirement system;

(3) is able to read, write and speak the English language well and intelligently;

(4) is of good moral character, and has not been convicted of any criminal offense involving moral turpitude.

The appointing body, officer or officers of the municipality when authorized so to do, may employ such officers and other personnel

for said police department and force as temporary employees in emergencies, or for certain specified parts of the year, as needed.

Except as otherwise provided by law, any permanent member or officer of such police department and force who shall be absent from duty without just cause or leave of absence, for a continuous period of 5 days, shall cease to be a member of such police department and force.

Source: R. S. 40:47-3 amended 1945, c. 218; 1954, c. 241; 1969, c. 267, s. 1.

**40A:14-123 Residence requirements waived in certain cases.**

Any municipality, by ordinance, may authorize the appointment and the retention in its employ of present and future officers or members of its police department and force, notwithstanding that the same do not meet the residence requirements specified by any other applicable law.

Such ordinance, however, shall not be adopted unless the governing body of said municipality finds as a fact that adherence to said residence requirements would seriously impede its ability to establish and maintain competent personnel for its police department and force.

No person shall be appointed pursuant to said ordinance waiving residence requirements unless at the time of his appointment there shall be a vacancy in the police department or force which cannot be filled by a qualified resident.

No person shall be appointed pursuant to said ordinance waiving residence requirements unless he has been a resident of the State of New Jersey for at least 6 months and lives in such proximity to the municipality in question as will satisfy the appointing authority that he will be able to fully perform his duties as a member of its police department and force.

Source: C. 40:47-3.3 (1966, c. 292, s. 1); C. 40:47-3.4 (1966, c. 292, s. 2); C. 40:47-3.5 (1966, c. 292, s. 3 amended 1969, c. 267, s. 3).

**40A:14-124 Certain municipalities under 30,000 population, 2-year residence not required; conditions.**

Any person, if he is otherwise qualified, may be appointed as a member or officer of the police department or force of a municipality, having a population of at least 5,000 but not more than 30,000, notwithstanding he has not been a resident of such municipality for 6 months preceding his appointment.

No such appointment shall be made unless prior thereto, the governing body of such municipality, by resolution, shall have determined that adherence to said residence requirement in each

particular case would seriously impede its ability to establish and maintain competent personnel for its police department and force and that the appointment or continued employment of a named member or officer of its police department or force is deemed necessary to the proper establishment in operation of said police department and force provided that the person to be appointed or continued in employment shall reside in the area included within a radius of 15 miles from such municipality's police headquarters.

Source: C. 40:47-3.1 (1946, c. 25, amended 1953, c. 107, s. 2; 1954, c. 243; 1956, c. 187, s. 1; 1969, c. 267, s. 2); C. 40:47-3.2 (1953, c. 107, s. 3 amended 1956, c. 187, s. 2); C. 40:47-20.13 (1965, c. 177 amended 1969, c. 267, s. 7).

**40A:14-125 Municipalities under 5,000 population, 2-year residence not required; conditions.**

In any municipality having a population of less than 5,000 any person may be appointed as a member or officer of the police department or force, notwithstanding he has not been a resident of the municipality in which he is to be appointed, for at least 6 months next preceding his appointment, if he is otherwise qualified and is a resident of the county wherein such municipality is situate.

Source: C. 40:47-20.8 (1956, c. 147 amended 1969, c. 267, s. 5).

**40A:14-126 Municipalities having a population in excess of 5,000 but not more than 5,500, 2-year residence not required; conditions.**

Any person may be appointed an officer or member of the police department or force of a municipality having a population in excess of 5,000 but not more than 5,500, notwithstanding that he has not been a resident of such municipality for 6 months preceding his appointment, if he is otherwise qualified and is either a resident of the municipality or agrees to become a resident of the municipality within one year of his appointment.

Source: C. 40:47-20.14 (1965, c. 218 amended 1969, c. 267, s. 8).

**40A:14-127 Age requirements.**

Except as otherwise herein provided, no person shall be appointed as a member or officer of the police department or force in any municipality who is under 21 or over 35 years of age.

In any municipality wherein Title 11 (Civil Service) of the Revised Statutes is operative, any person who shall have met the age requirements herein at the announced closing date of a civil service examination for the position, shall be considered within the age requirements while the civil service list promulgated as a result of that examination is in effect.

Nothing herein contained shall affect the employment or continuance in office of any person as a permanent policeman, employed

by said municipality prior to the adoption of the ordinance, creating and establishing a paid police department or force.

The provisions of this section are subject to chapter 98 of the laws of 1944 (C. 38:23A-2) relating to maximum age limits for persons serving in the armed forces of the United States as therein provided.

Source: R. S. 40:47-4 amended 1939, c. 318; 1945, c. 219; 1948, c. 161; 1953, c. 299, s. 1; 1962, c. 149, s. 1; 1968, c. 276, s. 1.

**40A:14-128 Indeterminate term of office.**

Except as otherwise provided by law, in any municipality having permanent members and officers of a police department and force, the employment of said members and officers shall be indeterminate and continuous during good behavior, efficiency and required residency.

Source: R. S. 40:47-5.

**40A:14-129 Promotion of members and officers in certain municipalities.**

In any municipality wherein Title 11 (Civil Service) of the Revised Statutes is not in effect, and except in cities of the first and second class, a promotion of any member or officer of the police department or force to a superior position shall be made from the membership of such department or force. Due consideration shall be given to the member or officer so proposed for the promotion, to the length and merit of his service and preference shall be given according to seniority in service.

No person shall be eligible for promotion to be a superior officer unless he shall have previously served as a patrolman in such department or force.

Source: R. S. 40:47-18.

**40A:14-130 Promotion of members and officers in certain cases.**

In any municipality wherein Title 11 (Civil Service) of the Revised Statutes is not in operation, except as otherwise provided by law, a member or officer of the municipal police department or force shall not be promoted until he has served at least 3 years in such department or force.

Source: C. 40:11-18 (1940, c. 20).

**40A:14-131 Minimum salary for policemen in municipalities located in counties other than of the first or second class.**

Except as otherwise provided by law or whenever a higher minimum annual salary has been legally fixed by appropriate action, every municipal policeman in a municipality located in a county



other than a first or second class county, shall be entitled to a minimum annual salary of \$2,250.00.

Source: C. 40:11-20 (1949, c. 283).

**40A:14-132 Hours of service for uniformed members and officers; referendum.**

The hours of employment of the uniformed members and officers of the police department and force in any municipality shall not exceed 8 continuous hours in any one day nor more than 40 hours in any one week. No such member or officer shall be required to perform any police duty which would involve more time than herein specified except in cases of emergency.

The provisions herein shall be inoperative unless and until adopted by ordinance of the governing body of the municipality and, if the ordinance so provides, this section shall remain inoperative until approved by a majority of legal voters of the municipality voting thereon at an election held at the next general election. Such an election shall be held when so directed but such direction shall not be made unless so made at least 40 days preceding such next general election.

Upon the filing with the governing body of the municipality a petition for the submission of the question signed by at least 20% of the legal voters of the municipality, the governing body shall adopt an ordinance with a provision that it shall be inoperative until approved by a majority of legal voters of the municipality voting thereon in the same manner as in the case of the adoption of such an ordinance and providing for such submission where no such petition is submitted.

The adoption thereof when submitted shall be in the form of a question to the legal voters of the municipality in the manner prescribed by law, in substantially the following form on the ballot: "Shall the 8-hour day and 40-hour week plan for the municipal policemen be adopted?" The ballot shall contain 2 squares to the left of the question, one with the word "Yes", the other with the word "No", respectively, to the right of the squares. The ballot shall contain instructions to the voters to vote by marking a cross (X), or plus (+) or check mark (✓) in the appropriate square according to their choice. If voting machines are used the word "Yes" or "No" shall be equivalent to such markings, respectively. If a majority of the legal voters voting on such question at said election vote in favor of the adoption, the plan shall become operative in the municipality in which it was adopted to the extent thereof.

Source: C. 40:11-13.2 (1948, c. 341, s. 1); C. 40:11-13.3 (1948, c. 341, s. 2); C. 40:11-13.4 (1948, c. 341, s. 3); C. 40:11-13.5 (1948, c. 341, s. 4); C. 40:11-13.6 (1948, c. 341, s. 5); C. 40:11-13.7 (1948, c. 341, s. 6); R. S. 40:47-16 amended 1941, c. 340.

**40A:14-133 Days of employment and days off; emergency.**

The days of employment of any member or officer of the police department or force, including any officer having supervision or regulation of traffic upon county roads, parks and parkways shall not exceed 6 days in any one week, except in cases of emergency the officer, board or official in charge of such police department or force shall have authority to retain on duty any member or officer during the period of the emergency, but in any such case and within 12 months thereafter, such member or officer shall be given a day off for each extra day so served by him during the emergency.

Source: R. S. 40:47-17.

**40A:14-134 Certain emergencies; compensation.**

"Emergency" as used herein shall include any unusual conditions caused by any circumstances or situation including shortages in the personnel of the police department or force caused by vacancies, sickness or injury, or by the taking of accrued vacation or sick leave or both, whereby the safety of the public is endangered or imperiled, as shall be determined within the sole discretion of the officer, board or official having charge of the police department or force in any municipality.

In any municipality in which the officer, board or official having charge or control of the police department or force has authority, in times of any such emergency to summon and keep on duty any paid members of the police department or force for a period of time or times in excess of the hours of ordinary duty, the governing body may provide compensation for some or all of such emergency duty by any such policeman at his prevailing wage, which compensation shall be in lieu of any compensatory time off otherwise due for the emergency duty so compensated.

The governing body of the municipality may, if necessary, make emergency appropriations to provide funds for the payment of such compensation as provided by law.

Source: C. 40:47-12.12 (1966, c. 247, s. 1); C. 40:47-12.13 (1966, c. 247, s. 2); C. 40:47-12.14 (1966, c. 247, s. 3).

**40A:14-135 Appearance as witness; no loss in compensation.**

The governing body of any municipality may, by ordinance, provide that whenever any member of the police department or force

shall be required to appear before any grand jury or at any County, Superior or Supreme Court proceeding, except in a civil action, the time during which he is so engaged shall be considered a time of assignment to, and performance of duty. When such appearance occurs during the member's assigned duty hours, he shall suffer no loss in compensation. When such appearance occurs outside his assigned duty hours, he shall receive either compensatory time off from his regular duty hours or additional compensation.

Source: C. 40:11-13.9 (1968, c. 264, s. 1); C. 40:11-13.10 (1968, c. 264, s. 2).

**40A:14-136 Leave of absence without pay; retention of pension and retirement benefits.**

Leave of absence without pay may be granted by the authority in charge, to a member or officer of a municipal police department or force, in order that his services may be made available to the State or a county, or to a State or county department or agency. A request for a leave of absence shall be made in writing by the member or officer and the State or county, or the State or county department or agency, desiring his service, but no such leave of absence shall be used to displace an incumbent. Any such leave of absence shall not be for more than one year, but may be extended, in the same manner as originally granted, but in the aggregate, shall not exceed 5 years. Neither membership in the municipal police department or force, nor pension or retirement rights shall be affected by such leaves of absence, but pension contributions shall be payable notwithstanding such leaves of absence. Upon the expiration of any such leave of absence, the member or officer shall return to his original duties and resume his office, position or employment with the said department or force and be entitled to all salary adjustments, increments, seniority and pension rights, as if no leave had been granted.

Source: C. 40:47-20.3 (1954, c. 144, s. 1); C. 40:47-20.4 (1954, c. 144, s. 2); C. 40:47-20.5 (1954, c. 144, s. 3); C. 40:47-20.6 (1954, c. 144, s. 4).

**40A:14-137 Leaves of absence with pay to certain members and officers.**

The governing body of any municipality, by ordinance, may provide for granting leaves of absence with pay not exceeding one year, to members and officers of its police department and force who shall be injured, ill or disabled from any cause, provided that the examining physician appointed by said governing body, shall certify to such injury, illness or disability.

Source: R. S. 40:11-9.

**40A:14-138 Delay in qualifying because of military service.**

Any person who has been, or shall be, appointed as a member or officer of the municipal police department or force while serving in the armed services of the United States, and who has been, or shall be, delayed in qualifying and becoming a member of such police department or force as a result of such service and who shall qualify and become a member or officer of such police department or force within 6 months after an honorable discharge or release under conditions other than dishonorable from such service, shall be considered for the purpose of determining his years of service, rank, grade, increase in pay or any other rights or benefits, as having qualified and to have become a member of such department or force as of the date of his appointment.

Source: C. 40:11-13.1 (1946, c. 87).

**40A:14-139 Clerks.**

The governing body of any municipality, in their discretion, by ordinance, may provide for the appointment of a clerk for the police department or force and in any such ordinance shall prescribe his powers, functions and duties and fix the amount of his compensation, which shall be payable in the same manner as in the case of other members of the police department or force. The clerk when so appointed shall become a member of the municipal police department or force and be entitled to all the rights and privileges as such member.

Source: R. S. 40:174-87.

**40A:14-140 Drivers and attendants of police vehicles; other personnel.**

The governing body of any municipality, by ordinance, may provide for the appointment of drivers and attendants of police vehicles and for the appointment of electrical equipment servicemen, janitors and matrons for said department or force, and upon their appointments they shall become members thereof.

Source: R. S. 40:174-84.

**40A:14-141 Chaplains.**

The governing body of any municipality, by ordinance, may provide for the appointment of one or more chaplains to the police department or force. Any person appointed as chaplain shall be an ordained clergyman in good standing in the religious body from which he is selected. Said chaplain shall become a member of the municipal police department or force with the rank of captain. His salary shall be fixed by the governing body of the municipality.

and payable in the same manner as in the case of other members of the police department or force.

Source: R. S. 40:174-2; 40:174-3; 40:174-4; 40:174-5.

**40A:14-142 Municipal prison keepers.**

In any municipality having a municipal prison the governing body, by ordinance, may provide for the appointment of a prison keeper and upon such appointment he shall become a member of the police department or force of said municipality.

Source: R. S. 40:174-82.

**40A:14-143 Decrease of force for reasons of economy.**

The governing body of any municipality, if they shall deem it necessary for reasons of economy, may decrease the number of members and officers of the police department or force or their grades or ranks. In case of demotion from the higher ranks, the officers or members to be so demoted shall be in the inverse order of their appointment. When the service of members or officers is terminated, such termination shall be in the inverse order of their appointment. Any member or officer who is demoted or whose service is terminated by reason of such decrease shall be placed on a special employment list, and in the case of subsequent promotions, a person so demoted shall be reinstated to his original rank and in the case of termination of service and new appointment, prior consideration shall be given to the persons on said special employment list.

Source: R. S. 40:11-10; 40:11-11; 40:11-12 amended 1942, c. 52, s. 1; 40:11-13 amended 1938, c. 80; 1942, c. 52, s. 2; 40:47-11.

**40A:14-144 Temporary appointments.**

When any member or officer of the police department or force of any municipality is granted a leave of absence pursuant to any law authorizing the granting of leaves of absence to persons entering the military service of the United States, or of this State, the appointing authority may make a temporary appointment to the position held by said person and such temporary appointee shall not be obligated to contribute to any pension fund, nor shall he acquire any pension or tenure rights or civil service status.

Source: C. 40:47-4.3 (1943, c. 163, s. 2).

**40A:14-145 Appointment of temporary members and officers; general qualifications; termination of employment.**

In any municipality wherein Title 11 (Civil Service) of the Revised Statutes is in operation, and a vacancy occurs in the police department or force by reason of the granting of a leave of ab-

sence, as provided by law, the appointing authority shall certify to the Civil Service Commission the reason for such vacancy, the name of the person and his office or position.

The appointing authority may fill temporarily such office or position by the appointment of any person who:

(1) is over 21 and under 45 years of age;

(2) is a citizen of the United States and has been a resident of the municipality in which he is to be appointed, for at least 2 years next preceding his appointment;

(3) is able to read, write and speak the English language well and intelligently;

(4) is of good moral character; and

(5) has not been convicted of any criminal offense involving moral turpitude.

Such temporary employment shall terminate upon the date the appointee's predecessor returns to his duties, or when it is determined that said predecessor will not return, or sooner, when deemed advisable by said appointing authority.

Source: C. 40:47-4.2 (1943, c. 163, s. 1); C. 40:47-4.4 (1943, c. 163, s. 3 amended 1969, c. 267, s. 4); C. 40:47-4.5 (1943, c. 163, s. 4).

**40A:14-146 Special police; appointment; qualifications; duties.**

The governing body of any municipality, whenever they shall deem it necessary, may appoint special policemen for terms not exceeding one year and revoke such appointments without cause or hearing. They shall not be members of the police force, and their powers and duties shall cease at the expiration of the terms for which they were appointed or upon revocation of their appointments. They may be furnished with badges upon the deposit of sums to be fixed by the governing body, which may be refunded on the return of the badges. A fee to be fixed by the governing body may be charged for issuing to any such special policeman a certificate of appointment.

No person shall be appointed as a special policeman unless he:

(1) is a citizen of the United States;

(2) is able to read, write and speak the English language well and intelligently;

(3) is sound in body and of good health;

(4) is of good moral character; and

(5) has not been convicted of any criminal offense involving moral turpitude.

No such special policeman shall carry a revolver or other similar weapon when off duty.

Every such special policeman shall have his fingerprints taken and they shall be filed with the Division of State Police and the Federal Bureau of Investigation. He shall be under the supervision and direction of the chief of police of the municipality wherein he is appointed and shall perform his duties only in such municipality unless in fresh pursuit of any person pursuant to chapter 156 (uniform act on intrastate fresh pursuit) of Title 2A of the New Jersey Statutes. He shall comply with the rules and regulations applicable to the conduct and decorum of the regular policemen of the municipality.

Before any such appointment is made the chief of police of the municipality shall ascertain the eligibility and qualifications of the applicant and make a report thereon to the governing body.

Source: R. S. 40:47-19 amended 1953, c. 228; 1957, c. 163.

**40A:14-146.1 Security officers.**

In any city of the first class, the governing body may create the title of security officers under the classified service of civil service, and may appoint and commission as many security officers as it may deem necessary to patrol the grounds, buildings and other areas and facilities of all schools, libraries, museums, hospitals, housing projects, municipal parks and municipal buildings, owned or leased by such municipality. The municipality shall organize such security officers into a separate division or unit of its police department or force, and they shall have all the powers conferred by law on police officers or constables in the enforcement of the laws of this State, and the apprehension of offenders. Security officers shall be subject to and receive training in the same manner as other members of the municipal police force.

Those individuals who are employed in cities of the first class under the title of housing guard or housing patrolman that have been appointed in accordance with Title 11 (Civil Service) on October 2, 1969 shall be eligible for appointment under the title of security officer and shall be so certified to the Civil Service Commission without the requirement of a civil service examination. Such persons shall, from said date, hold their positions or employments subject to and in accordance with the provisions of Title 11 (Civil Service) of the Revised Statutes.

Source: C. 40:47-19.1 (1969, c. 173, s. 1); C. 40:47-19.2 (1969, c. 173, s. 2).

**40A:14-147 Suspension and removal of members and officers; complaint; hearing.**

Except as otherwise provided by law, no permanent member or officer of the police department or force shall be removed from

his office, employment or position for political reasons or for any cause other than incapacity, misconduct, nonresidence, or disobedience of rules and regulations established for the government of the police department and force, nor shall such member or officer be suspended, removed, fined or reduced in rank from or in office, employment or position therein, except for just cause as hereinbefore provided and then only upon a written complaint setting forth the charge or charges against such member or officer. Said complaint shall be filed in the office of the body, officer or officers having charge of the department or force wherein the complaint is made and a copy shall be served upon the member or officer so charged, with notice of a designated hearing thereon by the proper authorities, which shall be not less than 15 nor more than 30 days from date of service of the complaint. A failure to comply with said provisions as to the service of the complaint shall require a dismissal of the complaint.

Source: R. S. 40:47-6 amended 1947, c. 292, s. 1.

**40A:14-148 Trials.**

Except as otherwise provided by law, the officer, board or authority empowered to hear and determine the charge or charges made against a member or officer of the police department or force, shall have the power to subpoena witnesses and documentary evidence. The Superior Court shall have jurisdiction to enforce any such subpoena.

Source: R. S. 40:47-7.

**40A:14-149 Suspension pending hearing; commencement of hearing.**

If any member or officer of the police department or force shall be suspended pending a hearing as a result of charges made against him, such hearing, except as otherwise provided by law, shall be commenced within 30 days from the date of the service of the copy of the complaint upon him, in default of which the charges shall be dismissed and said member or officer may be returned to duty.

Source: R. S. 40:47-8 amended 1947, c. 292, s. 2.

**40A:14-150 Review of disciplinary conviction in non-civil service municipalities.**

Any member or officer of a police department or force in a municipality wherein Title 11 (Civil Service) of the Revised Statutes is not in operation, who has been tried and convicted upon any charge or charges, may obtain a review thereof by the County Court of the county wherein such municipality is located. Such review shall be obtained by serving a written notice of an applica-

tion therefor upon the officer or board whose action is to be reviewed within 10 days after written notice to the member or officer of the conviction. The officer or board shall transmit to said County Court a copy of the record of such conviction, and of the charge or charges for which the applicant was tried. The County Court shall hear the cause de novo and may either affirm, reverse or modify such conviction. If the applicant shall have been removed from his office, employment or position the court may direct that he be restored to such office, employment or position and to all his rights pertaining thereto, and may make such other order or judgment as said court shall deem proper.

Source: R. S. 40:47-10 supplemented 1938, c. 298; amended 1953, c. 37, s. 168.

**40A:14-151 Judicially determined illegal suspension or dismissal; member or officer entitled to recover salary; proviso.**

Whenever any member or officer of a municipal police department or force shall be suspended or dismissed from his office, employment or position and said suspension or dismissal shall be judicially determined to be illegal, said member or officer shall be entitled to recover his salary from the date of such suspension or dismissal, provided a written application therefor shall be filed with the municipal clerk within 30 days after such judicial determination.

Source: R. S. 40:46-34 amended 1948, c. 163; 1948, c. 395.

**40A:14-152 Members and officers shall have powers of peace officers and constables.**

The members and officers of a police department and force, within the territorial limits of the municipality, shall have all the powers of peace officers and upon view may apprehend and arrest any disorderly person or any person committing a breach of the peace. Said members and officers shall have the power to serve and execute process issuing out of the courts having local criminal jurisdiction in the municipality and shall have the powers of a constable in all matters other than in civil causes arising in such courts.

Source: R. S. 40:47-15.

**40A:14-153 Records and badges of awards to members and officers.**

Whenever an award shall be made to a member or officer of the police department or force for heroic or meritorious service by a governmental or voluntary agency, a record of such award shall be made by the chief or other person in charge of the department or force of which the recipient is a member or officer, and it shall

constitute part of his service record. If the recipient receives a bar or other similar device representing said award which conveniently can be worn, upon authorization, it shall be worn above the police badge. Unauthorized persons shall not wear any such bar or device or imitation thereof.

Source: C. 40:47-20.1 (1948, c. 104, s. 1); C. 40:47-20.2 (1948, c. 104, s. 2).

**40A:14-154 Special compensation for permanently disabled members or officers; conditions.**

If a member or officer of the municipal police department or force is permanently disabled from injuries received while in the performance of his duties, and the chief or authority in charge of such police department or force shall recommend that special compensation be granted, and a physician appointed by the governing body of said municipality shall certify as to the probable permanency of such disability, the governing body of the municipality, in their discretion, by ordinance, may provide for special compensation to said disabled member or officer, designating the amount thereof and manner of payment either in a lump sum or by an annual allowance, but such special compensation plus any pension paid and any award for workmen's compensation shall not exceed the salary payable at the time of the sustaining of the injuries. The governing body of said municipality shall include appropriate budget items and provide for the payment of such special compensation.

Source: C. 40:47-12.10 (1948, c. 304, s. 1); C. 40:47-12.11 (1948, c. 304, s. 2).

**40A:14-155 Defense for members and officers sued for damages occasioned from or incidental to their performance of duty.**

Whenever a member or officer of a municipal police department or force is sued for damages arising from or incidental to a performance of his duties, the governing body of the municipality shall provide said member or officer with necessary means for the defense of such suit, but not for his defense in a disciplinary or criminal proceeding instituted against him by the municipality.

Source: C. 40:11-19 (1946, c. 67 amended 1947, c. 103, s. 2).

**40A:14-156 Police assistance in other municipalities; pension and compensation rights unaffected in case of casualty or death.**

In the event of an emergency the chief or other head of any municipal police department or force or any park police department or system or the mayor or chief executive officer of the municipality may request, from the chief or other head of the police department or force of any municipality, assistance outside the

territorial jurisdiction of the department to which such request is directed for police aid, in order to protect life and property or to assist in suppressing a riot or disorder and while so acting, the members of the police department or force supplying such aid shall have the same powers and authority as have the members of the police department or force of the municipality in which such aid is being rendered.

If any member or officer of such other police department or force in rendering such assistance shall suffer a casualty or death, he shall be entitled to all pension and compensation rights as if such casualty or death occurred in the performance of his duties in his own municipality or other territorial jurisdiction in which his duties are normally carried on.

Source: C. 40:47-12.1 (1941, c. 277 amended 1966, c. 104; 1968, c. 174; 1968, c. 211; 1969, c. 33).

**40A:14-157 Tangible personal property found or recovered; disposition.**

Where tangible personal property comes into the possession of the police department or force of a municipality, by finding or recovery, and if the owner or his whereabouts is unknown and cannot be ascertained, or if said owner shall refuse to receive such property, then the said property shall not be disposed of for 6 months, except in cases of motor vehicles, which shall be for 3 months. In any such case the governing body of said municipality, by resolution, may then provide for the sale, in whole or in part of any such property, at public auction, after notice of a designated time and place therefor, not less than 10 days prior thereto, published in a newspaper circulating within the municipality. Perishable items may be sold without reference to the said periods of time. Moneys received from the sale of any such property shall be paid into the police pension fund, if any, otherwise into the general municipal treasury.

All unclaimed moneys coming into the possession of any municipal police department or force shall, after 6 months, be paid into the police pension fund, if any, otherwise into the general municipal treasury.

Source: R. S. 40:47-20 amended 1957, c. 223.

**40A:14-158 Special joint municipal police force.**

Any 2 or more municipalities abutting upon the ocean or coastal waters may create by reciprocal ordinances a special joint municipal police force to control the said waters abutting such municipalities, to secure the enforcement of the laws prohibiting the discharge of debris, refuse or any waste or other matter or ma-

terial into or upon said waters from any vessel afloat thereon, which may or shall tend to litter any established bathing beach or any beach customarily used for bathing purposes or which may or shall tend to pollute the waters adjacent to any such beach, and may organize the said force into a police system to be known as the "Special Joint Municipal Police of .....",  
(Names of such municipalities)

The police system shall consist of a chief and such subordinate officers and patrolmen as shall be deemed necessary and proper to enforce the said laws.

The governing bodies of the municipalities having such ordinances shall adopt reciprocal rules and regulations for the appointment and compensation, and for the management and control of the members of such police system for the securing of their proper discipline and efficiency, and may provide for the joint acquisition and maintenance of necessary vessels for the use of the said force by purchase, lease or otherwise.

The members of such police force may arrest on or after view and without warrant, and take before a court having local criminal jurisdiction in any of such municipalities any person found within any of such municipalities to have violated or violating the said laws. The said members shall have all the powers conferred by law on police officers or constables in the enforcement of the laws of this State and the apprehension of violators thereof.

For the purposes of this section, the waters of this State abutting any municipality shall be deemed to be a part of the territory of such municipality.

Source: C. 40:47-76 (1956, c. 116, s. 1); C. 40:47-77 (1956, c. 116, s. 2); C. 40:47-78 (1956, c. 116, s. 3); C. 40:47-79 (1956, c. 116, s. 4); C. 40:47-80 (1956, c. 116, s. 5).

**40A:14-159 Chapter 151 of the laws of 1958 saved from repeal.**

Chapter 151 of the laws of 1958 (C. 40:11-22 to C. 40:11-25 both inclusive) is saved from repeal. [The act saved from repeal by this section provides for the granting of noncontributory pensions by municipalities and counties to dependents of police and firemen who die as a result of an accident sustained in the performance of duty.]

This act is to be included in a revision of Title 43 of the Revised Statutes.

Source: C. 40:11-22 (1958, c. 151, s. 1); C. 40:11-23 (1958, c. 151, s. 2); C. 40:11-24 (1958, c. 151, s. 3); C. 40:11-25 (1958, c. 151, s. 4).

**40A:14-159.1 Chapter 303 of the laws of 1969 saved from repeal.**

Chapter 303 of the laws of 1969 (C. 40:47-11.1 and C. 40:47-11.2) is saved from repeal. [The act saved from repeal by this section provides for the reappointment of certain members of the police department and force and of the paid or part-paid fire department, and for their reinstatement in the pension system created pursuant to P. L. 1944, c. 255 or P. L. 1954, c. 84.]

Source: C. 40:47-11.1 (1969, c. 303, s. 1); C. 40:47-11.2 (1969, c. 303, s. 2).

**40A:14-160 Section 40:47-12 of the Revised Statutes saved from repeal.**

Section 40:47-12 of the Revised Statutes is saved from repeal. [The act saved from repeal by said section, which section is now saved from repeal, provided for the tenure of office and compensation for certain members and officers of the police department and force and of the paid or part-paid fire department in certain cases of annexation and in certain cases where newly created municipalities have been formed.]

Source: R. S. 40:47-12.

**40A:14-161 Chapter 188 of the laws of 1959 saved from repeal.**

Chapter 188 of the laws of 1959 (G. 40:47-20.9) is saved from repeal. [The act saved from repeal by this section provided for the validation of certain appointments of members or officers of the municipal police department or force, notwithstanding the appointees were under 21 years of age at the time of their appointments.]

Source: C. 40:47-20.9 (1958, c. 188).

**40A:14-162 Chapter 56 of the laws of 1962 saved from repeal.**

Chapter 56 of the laws of 1962 (C. 40:47-20.10 and C. 40:47-20.11) is saved from repeal. [The act saved from repeal by this section provided for the validation of certain appointments of members or officers of the municipal police department or force, and of their pension and retirement rights, notwithstanding the appointees were over the maximum age at the time of their appointments.]

Source: C. 40:47-20.10 (1962, c. 56, s. 1); C. 40:47-20.11 (1962, c. 56, s. 2).

**40A:14-163 Chapter 187 of the laws of 1964 saved from repeal.**

Chapter 187 of the laws of 1964 (C. 40:47-20.12), as amended by P. L. 1969, c. 267, s. 6, is saved from repeal. [The act saved from repeal by this section provides that in any municipality where no police department or force existed and subsequently

upon the creation of such a department or force, any person, if otherwise qualified, may be appointed as chief of police of such department or force, notwithstanding he is over the maximum age as therein prescribed, or was not a resident of said municipality for 6 months preceding his appointment, provided he agrees to become a resident of said municipality within 3 years from the date of his appointment.]

Source: C. 40:47-20.12 (1964, c. 187 amended 1969, c. 267, s. 6).

**40A:14-164 Chapter 288 of the laws of 1966 saved from repeal.**

Chapter 288 of the laws of 1966 (C. 40:149-3.2 and C. 40:149-3.3) is saved from repeal. [The act saved from repeal by this section provides for the validating of appointments of certain members and officers of a police department or force in a township and their eligibility for membership in the police and firemen's retirement system.]

Source: C. 40:149-3.2 (1966, c. 288, s. 1); C. 40:149-3.3 (1966, c. 288, s. 2).

**40A:14-165 Sections 40:174-6 to 40:174-25 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-6 to 40:174-25 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1907, c. 45) compiled by the above sections and saved from repeal by this section provides for the establishment of a board of fire and police commissioners in cities, having a population of not less than 133,000 nor more than 200,000 and investing said board with certain powers and duties for the regulation, control and maintenance of the fire department and police department or force of such cities.]

Source: R. S. 40:174-6; 40:174-7; 40:174-8; 40:174-9; 40:174-10; 40:174-11; 40:174-12; 40:174-13; 40:174-14; 40:174-15; 40:174-16; 40:174-17; 40:174-18; 40:174-19; 40:174-20; 40:174-21; 40:174-22; 40:174-23; 40:174-24; 40:174-25.

**40A:14-166 Section 40:174-26 of the Revised Statutes saved from repeal.**

Section 40:174-26 of the Revised Statutes is saved from repeal. [The compiled act (P. L. 1920, c. 243, a supplement to P. L. 1907, c. 45) saved from repeal by this section provides that in all cities having an established board of fire and police commissioners pursuant to P. L. 1907, c. 45, on organizing, the mayor shall preside at the meeting of the board, and in event of a tie shall be entitled to vote for a president of the board.]

Source: R. S. 40:174-26.

**40A:14-167 Sections 40:174-88 to 40:174-91 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-88 to 40:174-91 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1920, c. 212) compiled by the above sections and saved from repeal by this section provides for the government of the police department or force in cities other than cities of the first class.]

Source: R. S. 40:174-88; 40:174-89; 40:174-90; 40:174-91.

**40A:14-168 Sections 40:174-92 and 40:174-93 of the Revised Statutes saved from repeal.**

Sections 40:174-92 and 40:174-93 of the Revised Statutes are saved from repeal. [The act (P. L. 1927, c. 274) compiled by the above sections and saved from repeal by this section provides for fixing the salary of chief of police in cities having a population of not less than 30,000 nor more than 50,000.]

Source: R. S. 40:174-92; 40:174-93.

**40A:14-169 Sections 40:174-95 to 40:174-112 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-95 to 40:174-112 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1909, c. 95) compiled by the above sections and saved from repeal by this section provides for the establishing of a board of police commissioners in cities, having a population of not less than 50,000 nor more than 130,000, adopting the provisions thereof by referendum and investing said board with certain powers and duties for the regulation, control and maintenance of the police department or force of such cities.]

Source: R. S. 40:174-95; 40:174-96; 40:174-97; 40:174-98; 40:174-99; 40:174-100; 40:174-101; 40:174-102; 40:174-103; 40:174-104; 40:174-105; 40:174-106; 40:174-107; 40:174-108; 40:174-109; 40:174-110; 40:174-111; 40:174-112.

**40A:14-170 Sections 40:174-113 and 40:174-114 of the Revised Statutes saved from repeal.**

Sections 40:174-113 and 40:174-114 of the Revised Statutes are saved from repeal. [The act (P. L. 1915, c. 356) compiled by the above sections and saved from repeal by this section provides for the reinstatement upon recovery of members of the fire department and police department or force in cities of the first class who have been retired because of a physical disability or other incapacity.]

Source: R. S. 40:174-113; 40:174-114.

**40A:14-171 Sections 40:174-144 to 40:174-146 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-144 to 40:174-146 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1902, c. 43) compiled by the above sections and saved from repeal by this section provides for the grading and promotion of members of the police department or force in cities of the first class.]

Source: R. S. 40:174-144; 40:174-145; 40:174-146.

**40A:14-172 Section 40:174-148 of the Revised Statutes saved from repeal.**

Section 40:174-148 of the Revised Statutes is saved from repeal. [The compiled act (P. L. 1920, c. 163) saved from repeal by this section provides that in cities of the first class, a member of the police department or force holding the position of detective for a period of at least 5 years, shall not be reduced to a lower position except upon charges and after hearing.]

Source: R. S. 40:174-148.

**40A:14-173 Section 40:174-149 of the Revised Statutes saved from repeal.**

Section 40:174-149 of the Revised Statutes is saved from repeal. [The compiled act (P. L. 1914, c. 179) saved from repeal by this section provides for the government of the police department or force in cities of the first class.]

Source: R. S. 40:174-149.

**40A:14-174 Sections 40:174-151 to 40:174-170 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-151 to 40:174-170 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1906, c. 270) compiled by the above sections and saved from repeal by this section provides for the establishing of a board of fire commissioners and a board of police commissioners, in cities of the second class, having a population of less than 50,000, adopting the provisions thereof by referendum and investing said boards with certain powers and duties for the regulation, control and maintenance of the fire department and police department or force.]

Source: R. S. 40:174-151; 40:174-152; 40:174-153; 40:174-154; 40:174-155; 40:174-156; 40:174-157; 40:174-158; 40:174-159; 40:174-160; 40:174-161; 40:174-162; 40:174-163; 40:174-164; 40:174-165; 40:174-166; 40:174-167; 40:174-168; 40:174-169; 40:174-170.

**40A:14-175 Sections 40:174-181 to 40:174-200 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-181 to 40:174-200 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1895, c. 194) com-



piled by the above sections and saved from repeal by this section provides for, in cities of the second class, having a population, by the last census, not exceeding 35,000, the governing bodies of such cities wherein provisions thereof shall have been adopted, shall create and establish a board of police commissioners for the government, control and management of the police department or force.]  
Source: R. S. 40:174-181; 40:174-182; 40:174-183; 40:174-184; 40:174-185; 40:174-186; 40:174-187; 40:174-188; 40:174-189; 40:174-190; 40:174-191; 40:174-192; 40:174-193; 40:174-194; 40:174-195; 40:174-196; 40:174-197; 40:174-198; 40:174-199; 40:174-200.

#### E. REPEALS

##### 40A:14-176 Statutes repealed.

The following sections, acts and parts of acts, together with all amendments and supplements thereto, are hereby repealed.

##### Revised Statutes Sections.

40:11-9 to 40:11-11 both inclusive  
40:11-12 amended 1942, c. 52  
40:11-13 amended 1938, c. 80; 1942, c. 52  
40:22-1 to 40:22-3 both inclusive  
40:22-4  
40:22-5 amended 1953, c. 37  
40:22-6 to 40:22-15 both inclusive  
40:22-16 amended 1941, c. 127; 1961, c. 60; 1967, c. 227  
40:22-17 to 40:22-22 both inclusive  
40:47-1, 40:47-2  
40:47-3 amended 1945, c. 218; 1954, c. 241  
40:47-4 amended 1939, c. 318; 1945, c. 219; 1948, c. 161; 1953, c. 299; 1962, c. 149; 1968, c. 276  
40:47-5  
40:47-6 amended 1947, c. 292  
40:47-7  
40:47-8 amended 1947, c. 292  
40:47-9 amended 1953, c. 37  
40:47-10 supplemented 1938, c. 298; amended 1953, c. 37  
40:47-11  
40:47-13 to 40:47-15 both inclusive  
40:47-16 amended 1941, c. 340  
40:47-17, 40:47-18  
40:47-19 amended 1953, c. 228; 1957, c. 163  
40:47-20 amended 1957, c. 223

40:47-21, 40:47-22  
40:47-23 amended 1953, c. 37  
40:47-24 amended 1953, c. 37  
40:47-26  
40:47-27 amended 1941, c. 140; 1945, c. 126; 1951, c. 77; 1954, c. 171; 1956, c. 155; 1957, c. 77; 1967, c. 45  
40:47-28 amended 1953, c. 323; 1964, c. 246  
40:47-29 amended 1938, c. 257  
40:47-30  
40:47-32 to 40:47-37 both inclusive  
40:47-38, 40:47-39  
40:47-40 amended 1938, c. 276  
40:47-42 to 40:47-47.1 both inclusive  
40:47-48, 40:47-49  
40:47-52  
40:47-53 amended 1944, c. 246; 1952, c. 167  
40:47-54 to 40:47-59 both inclusive  
40:47-60 amended 1967, c. 291  
40:47-61, 40:47-62  
40:149-1 amended 1953, c. 37  
40:149-2  
40:149-4, 40:149-5  
40:149-6 amended 1962, c. 94  
40:149-7 to 40:149-15 both inclusive  
40:151-1 to 40:151-10 both inclusive  
40:151-11 amended 1961, c. 75  
40:151-12 to 40:151-24 both inclusive  
40:151-25 amended 1942, c. 183; 1943, c. 81  
40:151-26, 40:151-27  
40:151-28 to 40:151-32 both inclusive  
40:151-33 amended 1955, c. 83  
40:151-34  
40:151-35 amended 1953, c. 356  
40:151-36 to 40:151-40 both inclusive  
40:151-42 to 40:151-47 both inclusive  
40:174-1 to 40:174-5 both inclusive  
40:174-27 to 40:174-61 both inclusive  
40:174-65 to 40:174-85 both inclusive  
40:174-87  
40:174-94  
40:174-115 to 40:174-119 both inclusive  
40:174-126 to 40:174-143 both inclusive  
40:174-147

40:174-147A (added)

40:174-150

40:174-171 to 40:174-180 both inclusive

40:174-201 to 40:174-205 both inclusive

**Pamphlet Laws.**

Laws of 1938, c. 131 (C. 40:47-37.1 to C. 40:47-37.5 both inclusive)

Laws of 1938, c. 260 (C. 40:47-68 to C. 40:47-72 both inclusive)

Laws of 1938, c. 385 (C. 40:47-63 to C. 40:47-67 both inclusive)

Laws of 1940, c. 20 (C. 40:11-18)

Laws of 1940, c. 157 (C. 40:22-16.1)

**Schedule of Amendments of Laws of 1940, c. 157.**

Section 1 amended by P. L. 1967, c. 227

Laws of 1941, c. 277 (C. 40:47-12.1)

**Schedule of Amendments of Laws of 1941, c. 277.**

Section 1 amended by P. L. 1966, c. 104; 1968, c. 174; 1968, c. 211; 1969, c. 33

Laws of 1943, c. 163 (C. 40:47-4.2 to C. 40:47-4.5 both inclusive)

**Schedule of Amendments of Laws of 1943, c. 163.**

Section 3 amended by P. L. 1969, c. 267

Laws of 1943, c. 206 (C. 40:47-73 to C. 40:47-75 both inclusive)

Laws of 1945, c. 47 (C. 40:47-30.1 to 40:47-30.5 both inclusive)

**Schedule of Amendments of Laws of 1945, c. 47.**

Section 1 amended by P. L. 1964, c. 192

Section 2 amended by P. L. 1966, c. 245

Laws of 1946, c. 25 (C. 40:47-3.1)

**Schedule of Amendments of Laws of 1946, c. 25.**

Section 1 amended by P. L. 1953, c. 107; 1954, c. 243; 1956, c. 187; 1969, c. 267

Laws of 1946, c. 67 (C. 40:11-19)

**Schedule of Amendments of Laws of 1946, c. 67.**

Section 1 amended by P. L. 1947, c. 103

Laws of 1946, c. 87 (C. 40:11-13.1)

Laws of 1948, c. 73 (C. 40:47-47.2 to C. 40:47-47.4 both inclusive)

**Schedule of Amendments of Laws of 1948, c. 73.**

Sections 2, 3 and 4 amended by P. L. 1949, c. 100

Laws of 1948, c. 104 (C. 40:47-20.1, C. 40:47-20.2)

Laws of 1948, c. 304 (C. 40:47-12.10, C. 40:47-12.11)

Laws of 1948, c. 341 (C. 40:11-13.2 to C. 40:11-13.7 both inclusive)

Laws of 1949, c. 283 (C. 40:11-20)

Laws of 1951, c. 170 (C. 40:47-25.1 to C. 40:47-25.7 both inclusive)

Laws of 1951, c. 297 (C. 40:151-27.1 to C. 40:151-27.3 both inclusive)

Laws of 1952, c. 350 (C. 40:22-3.1, 40:22-3.2)

Laws of 1953, c. 107 (C. 40:47-3.2, supplemental)

**Schedule of Amendments of Laws of 1953, c. 107.**

Section 3 amended by P. L. 1956, c. 187

Laws of 1954, c. 144 (C. 40:47-20.3 to C. 40:47-20.7 both inclusive)

Laws of 1955, c. 66 (C. 40:149-3.1)

Laws of 1956, c. 116 (C. 40:47-76 to C. 40:47-80 both inclusive)

Laws of 1956, c. 147 (C. 40:47-20.8)

**Schedule of Amendments of Laws of 1956, c. 147.**

Section 1 amended by P. L. 1969, c. 267

Laws of 1959, c. 87 (C. 40:47-25.8)

Laws of 1960, c. 120 (C. 40:47-47.5)

Laws of 1964, c. 91 (C. 40:151-27.4)

Laws of 1965, c. 177 (C. 40:47-20.13)

**Schedule of Amendments of Laws of 1965, c. 177.**

Section 1 amended by P. L. 1969, c. 267

Laws of 1965, c. 218 (C. 40:47-20.14)

**Schedule of Amendments of Laws of 1965, c. 218.**

Section 1 amended by P. L. 1969, c. 267

Laws of 1966, c. 247 (C. 40:47-12.12 to C. 40:47-12.14 both inclusive)

Laws of 1966, c. 292 (C. 40:47-3.3 to C. 40:47-3.5 both inclusive)

**Schedule of Amendments of Laws of 1966, c. 292.**

Section 3 amended by P. L. 1969, c. 267

Laws of 1967, c. 291 (C. 40:47-62.7, C. 40:47-62.8)

Laws of 1968, c. 192 (C. 40:151-24.1, C. 40:151-24.2)

Laws of 1968, c. 264 (C. 40:11-13.9, C. 40:11-13.10)

Laws of 1968, c. 309 (C. 40:47-30.6 to C. 40:47-30.9 both inclusive)

Laws of 1969, c. 173 (C. 40:47-19.1, C. 40:47-19.2)

**Section 2**

**Effective Date.**

This act shall take effect July 1, 1970.

*Note:* The material in brackets in sections saving from repeal Revised Statutes sections or acts or parts of acts are not part of the law but are explanatory notes and are not to be omitted in Pamphlet Laws.

**STATEMENT**

This bill is one of a series of proposed revision statutes to form a part of Title 40A of the New Jersey Statutes. It was prepared by the Division of Law Revision of the Law Revision and Legislative Services Commission.

Title 40. COUNTIES AND MUNICIPALITIES

Fire and Police

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R. S. 40:47-12 . . . . .			40A :14-160
C. 40:47-12.1 . . . . .	L. 1941, c. 277; . . . . .	} {	40A :14-26
	As am. L. 1966, c. 104; . . . . .		40A :14-156
	L. 1968, c. 174; . . . . .		
	L. 1968, c. 211; . . . . .		
	L. 1969, c. 33 . . . . .		
C. 40:47-12.2 } . . . . .	L. 1944, c. 254 . . . . .	} {	Repealed
thru C. 40:47-12.9 }			
C. 40:47-12.10 . . . . .	L. 1948, c. 304, s. 1 . . . . .	} {	40A :14-27
			40A :14-154
C. 40:47-12.11 . . . . .	L. 1948, c. 304, s. 2 . . . . .	} {	40A :14-27
			40A :14-154
C. 40:47-12.12 . . . . .	L. 1966, c. 247, s. 1 . . . . .	} {	40A :14-50
			40A :14-134
C. 40:47-12.13 . . . . .	L. 1966, c. 247, s. 2 . . . . .	} {	40A :14-50
			40A :14-134
C. 40:47-12.14 . . . . .	L. 1966, c. 247, s. 3 . . . . .	} {	40A :14-50
			40A :14-134
R. S. 40:47-13 . . . . .		} {	40A :14-120
R. S. 40:47-14 . . . . .			40A :14-121
R. S. 40:47-15 . . . . .		} {	40A :14-152
R. S. 40:47-16 . . . . .	As am. L. 1941, c. 340 . . . . .		40A :14-132
R. S. 40:47-17 . . . . .		} {	40A :14-133
R. S. 40:47-18 . . . . .			40A :14-129
R. S. 40:47-19 . . . . .	As am. L. 1953, c. 228; . . . . .	} {	40A :14-146
	L. 1957, c. 163 . . . . .		
C. 40:47-19.1 . . . . .	L. 1969, c. 173, s. 1 . . . . .	} {	40A :14-146.1
C. 40:47-19.2 . . . . .	L. 1969, c. 173, s. 2 . . . . .		40A :14-146.1

<i>Source Sections</i>		<i>Revised Sections</i>
R. S. 40:47-20	As am. L. 1957, c. 223	40A:14-157
C. 40:47-20.1	L. 1948, c. 104, s. 1	40A:14-153
C. 40:47-20.2	L. 1948, c. 104, s. 2	40A:14-153
C. 40:47-20.3	L. 1954, c. 144, s. 1	40A:14-136
C. 40:47-20.4	L. 1954, c. 144, s. 2	40A:14-136
C. 40:47-20.5	L. 1954, c. 144, s. 3	40A:14-136
C. 40:47-20.6	L. 1954, c. 144, s. 4	40A:14-136
C. 40:47-20.7	L. 1954, c. 144, s. 5	Not Enacted
C. 40:47-20.8	L. 1956, c. 147; As am. L. 1969, c. 267, s. 5	40A:14-125
C. 40:47-20.9	L. 1959, c. 188	40A:14-161
C. 40:47-20.10	L. 1962, c. 56, s. 1	40A:14-162
C. 40:47-20.11	L. 1962, c. 56, s. 2	40A:14-162
C. 40:47-20.12	L. 1964, c. 187; As am. L. 1969, c. 267, s. 6	40A:14-163
C. 40:47-20.13	L. 1965, c. 177; As am. L. 1969, c. 267, s. 7	40A:14-124
C. 40:47-20.14	L. 1965, c. 218; As am. L. 1969, c. 267, s. 8	40A:14-126
R. S. 40:47-21		40A:14-29
R. S. 40:47-22		Not Enacted
R. S. 40:47-23	As am. L. 1953, c. 37, s. 169	40A:14-30
R. S. 40:47-24	As am. L. 1953, c. 37, s. 170	Not Enacted
R. S. 40:47-25		Blank
C. 40:47-25.1	L. 1951, c. 170, s. 1	40A:14-31
C. 40:47-25.2	L. 1951, c. 170, s. 2	40A:14-31
C. 40:47-25.3	L. 1951, c. 170, s. 3	40A:14-31
C. 40:47-25.4	L. 1951, c. 170, s. 4	40A:14-31
C. 40:47-25.5	L. 1951, c. 170, s. 5	40A:14-31
C. 40:47-25.6	L. 1951, c. 170, s. 6	40A:14-31
C. 40:47-25.7	L. 1951, c. 170, s. 7	40A:14-31
C. 40:47-25.8	L. 1959, c. 87	40A:14-32
R. S. 40:47-26		40A:14-33
R. S. 40:47-27	As am. L. 1941, c. 140; L. 1945, c. 126; L. 1951, c. 77; L. 1954, c. 171; L. 1956, c. 155; L. 1957, c. 77; L. 1967, c. 45	40A:14-34
R. S. 40:47-28	As am. L. 1953, c. 323; L. 1964, c. 246	40A:14-35

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R. S. 40:174-132		40A:14-48
thru		
R. S. 40:174-140		Not Enacted
R. S. 40:174-141		
thru		
R. S. 40:174-143		40A:14-171
R. S. 40:174-144		
thru		
R. S. 40:174-146		Not Enacted
R. S. 40:174-147		
R. S. 40:174-147A	(added)	Not Enacted
R. S. 40:174-148		40A:14-172
R. S. 40:174-149		40A:14-173
R. S. 40:174-150		Not Enacted
R. S. 40:174-151		40A:14-174
thru		
R. S. 40:174-170		Not Enacted
R. S. 40:174-171		
thru		
R. S. 40:174-180		40A:14-175
R. S. 40:174-181		
thru		
R. S. 40:174-200		40A:14-27
R. S. 40:174-201		
R. S. 40:174-202		Not Enacted
thru		
R. S. 40:174-205		

<i>Source Sections</i>	<i>Revised Sections</i>
R. S. 40:174-62 } thru	40A:14-104
R. S. 40:174-64 }	
R. S. 40:174-65	Not Enacted
R. S. 40:174-66 } thru	40A:14-47
R. S. 40:174-72 }	
R. S. 40:174-73 } thru	Not Enacted
R. S. 40:174-76 }	
R. S. 40:174-77 } thru	40A:14-24
R. S. 40:174-80 }	
R. S. 40:174-81	Not Enacted
R. S. 40:174-82	40A:14-142
R. S. 40:174-83	Not Enacted
R. S. 40:174-84	40A:14-140
R. S. 40:174-85	Not Enacted
R. S. 40:174-86	{ Repealed L. 1946, c. 254
R. S. 40:174-87	40A:14-139
R. S. 40:174-88 } thru	40A:14-167
R. S. 40:174-91 }	
R. S. 40:174-92	40A:14-168
R. S. 40:174-93	40A:14-168
R. S. 40:174-94	Not Enacted
R. S. 40:174-95 } thru	40A:14-169
R. S. 40:174-112 }	
R. S. 40:174-113	40A:14-170
R. S. 40:174-114	40A:14-170
R. S. 40:174-115 } thru	Not Enacted
R. S. 40:174-119 }	
R. S. 40:174-120 } thru	40A:14-105
R. S. 40:174-125 }	
R. S. 40:174-126 } thru	Not Enacted
R. S. 40:174-131 }	

<i>Source Sections</i>	<i>Revised Sections</i>
R. S. 40:151-26	40A:14-80
R. S. 40:151-27	40A:14-81
C. 40:151-27.1	L. 1951, c. 297, s. 1
C. 40:151-27.2	L. 1951, c. 297, s. 2
C. 40:151-27.3	L. 1951, c. 297, s. 3
C. 40:151-27.4	L. 1964, c. 91
R. S. 40:151-28	40A:14-84
R. S. 40:151-29	40A:14-84
R. S. 40:151-30	40A:14-85
R. S. 40:151-31	40A:14-85
R. S. 40:151-32	40A:14-86
R. S. 40:151-33	As am. L. 1955, c. 83
R. S. 40:151-34	40A:14-85
R. S. 40:151-35	As am. L. 1953, c. 356
R. S. 40:151-36	40A:14-87
R. S. 40:151-37	40A:14-88
R. S. 40:151-38	40A:14-89
R. S. 40:151-38 } thru	40A:14-90
R. S. 40:151-40 }	
R. S. 40:151-41	40A:14-101
R. S. 40:151-42	40A:14-91
R. S. 40:151-43	40A:14-91
R. S. 40:151-44	40A:14-92
R. S. 40:151-45	40A:14-93
R. S. 40:151-46	40A:14-94
R. S. 40:151-47	40A:14-94
R. S. 40:151-48 } thru	40A:14-102
R. S. 40:151-52 }	
R. S. 40:151-53	As am. L. 1953, c. 37, s. 288
R. S. 40:151-54	40A:14-102
R. S. 40:174-1	40A:14-103
R. S. 40:174-2	Not Enacted
R. S. 40:174-2 } thru	40A:14-141
R. S. 40:174-5 }	
R. S. 40:174-6 } thru	40A:14-165
R. S. 40:174-25 }	
R. S. 40:174-26	40A:14-166
R. S. 40:174-27 } thru	Not Enacted
R. S. 40:174-61 }	

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*Revised Sections*

C. 40:47-80	L. 1956, c. 116, s. 5	40A:14-158
R. S. 40:149-1	As am. L. 1953, c. 37	Not Enacted
R. S. 40:149-2		Not Enacted
R. S. 40:149-3		Repealed
		L. 1953,
		c. 37, s. 287
C. 40:149-3.1	L. 1955, c. 66	Not Enacted
C. 40:149-3.2	L. 1966, c. 288, s. 1	40A:14-164
C. 40:149-3.3	L. 1966, c. 288, s. 2	40A:14-164
R. S. 40:149-4		Not Enacted
R. S. 40:149-5		Not Enacted
R. S. 40:149-6	As am. L. 1962, c. 94	Not Enacted
R. S. 40:149-7		Not Enacted
R. S. 40:149-8		40A:14-68
R. S. 40:149-9		40A:14-69
R. S. 40:149-10		Not Enacted
thru		
R. S. 40:149-15		
R. S. 40:151-1		40A:14-70
thru		
R. S. 40:151-5		
R. S. 40:151-6		40A:14-72
R. S. 40:151-7		40A:14-71
thru		
R. S. 40:151-10		
R. S. 40:151-11	As am. L. 1961, c. 75	40A:14-71
R. S. 40:151-12		40A:14-71
R. S. 40:151-13		40A:14-73
thru		
R. S. 40:151-16		
R. S. 40:151-17		40A:14-74
R. S. 40:151-18		40A:14-74
R. S. 40:151-19		40A:14-76
R. S. 40:151-20		40A:14-76
R. S. 40:151-21		40A:14-77
thru		
R. S. 40:151-23		
R. S. 40:151-24		40A:14-78
C. 40:151-24.1	L. 1968, c. 192, s. 1	40A:14-75
C. 40:151-24.2	L. 1968, c. 192, s. 2	40A:14-75
R. S. 40:151-25	As am. L. 1942, c. 183;	40A:14-79
	L. 1943, c. 81	

*Source Sections*

*Revised Sections*

R. S. 40:47-53	As am. L. 1944, c. 246;	40A:14-56
	L. 1952, c. 167	
R. S. 40:47-54		40A:14-56
R. S. 40:47-55		40A:14-57
R. S. 40:47-56		40A:14-56
R. S. 40:47-57		40A:14-58
R. S. 40:47-58		40A:14-59
R. S. 40:47-59		40A:14-59
R. S. 40:47-60	As am. L. 1967, c. 291, s. 1	40A:14-60
R. S. 40:47-61		40A:14-60
R. S. 40:47-62		40A:14-63
C. 40:47-62.7	L. 1967, c. 291, s. 2	40A:14-61
C. 40:47-62.8	L. 1967, c. 291, s. 3	40A:14-62
C. 40:47-63	L. 1938, c. 385, s. 1	40A:14-64
(This section is in R. S. C. S. at 40:47-60.1)		
C. 40:47-64	L. 1938, c. 385, s. 2	40A:14-64
(This section is in R. S. C. S. at 40:47-60.2)		
C. 40:47-65	L. 1938, c. 385, s. 3	40A:14-64
(This section is in R. S. C. S. at 40:47-60.3)		
C. 40:47-66	L. 1938, c. 385, s. 4	40A:14-65
(This section is in R. S. C. S. at 40:47-60.4)		
C. 40:47-67	L. 1938, c. 385, s. 5	40A:14-64
(This section is in R. S. C. S. at 40:47-60.5)		
C. 40:47-68	L. 1938, c. 260, s. 1	40A:14-66
(This section is in R. S. C. S. at 40:47-63)		
C. 40:47-69	L. 1938, c. 260, s. 2	40A:14-66
(This section is in R. S. C. S. at 40:47-64)		
C. 40:47-70	L. 1938, c. 260, s. 3	40A:14-66
(This section is in R. S. C. S. at 40:47-65)		
C. 40:47-71	L. 1938, c. 260, s. 4	40A:14-66
(This section is in R. S. C. S. at 40:47-66)		
C. 40:47-72	L. 1938, c. 260, s. 5	40A:14-66
(This section is in R. S. C. S. at 40:47-67)		
C. 40:47-73	L. 1943, c. 206, s. 1	40A:14-67
C. 40:47-74	L. 1943, c. 206, s. 2	40A:14-67
C. 40:47-75	L. 1943, c. 206, s. 3	40A:14-67
C. 40:47-76	L. 1956, c. 116, s. 1	40A:14-158
C. 40:47-77	L. 1956, c. 116, s. 2	40A:14-158
C. 40:47-78	L. 1956, c. 116, s. 3	40A:14-158
C. 40:47-79	L. 1956, c. 116, s. 4	40A:14-158

<i>Source Sections</i>		<i>Revised Sections</i>
R. S. 40:47-29	As am. L. 1938, c. 257	40A:14-35
R. S. 40:47-30		40A:14-36
C. 40:47-30.1	L. 1945, c. 47, s. 1; As am. L. 1964, c. 192	40A:14-37
C. 40:47-30.2	L. 1945, c. 47, s. 2; As am. L. 1966, c. 245, s. 2	40A:14-38
C. 40:47-30.3	L. 1945, c. 47, s. 3	40A:14-39
C. 40:47-30.4	L. 1945, c. 47, s. 4	40A:14-40
C. 40:47-30.5	L. 1945, c. 47, s. 5	Not Enacted
C. 40:47-30.6	L. 1968, c. 309, s. 1	40A:14-95
C. 40:47-30.7	L. 1968, c. 309, s. 2	40A:14-96
C. 40:47-30.8	L. 1968, c. 309, s. 3	40A:14-97
C. 40:47-30.9	L. 1968, c. 309, s. 4	40A:14-98
R. S. 40:47-31		Blank
R. S. 40:47-32 } thru		40A:14-41
R. S. 40:47-37 }		
C. 40:47-37.1	L. 1938, c. 131, s. 1	40A:14-42
C. 40:47-37.2	L. 1938, c. 131, s. 2	40A:14-43
C. 40:47-37.3	L. 1938, c. 131, s. 3	40A:14-44
C. 40:47-37.4	L. 1938, c. 131, s. 4	40A:14-45
C. 40:47-37.5	L. 1938, c. 131, s. 5	40A:14-45
R. S. 40:47-38		40A:14-46
R. S. 40:47-39		40A:14-47
R. S. 40:47-40	As am. L. 1938, c. 276	40A:14-47
R. S. 40:47-41		Blank
R. S. 40:47-42 } thru		40A:14-47
R. S. 40:47-47 }		
R. S. 40:47-47.1		40A:14-51
C. 40:47-47.2	L. 1948, c. 73, s. 1; As am. L. 1949, c. 100, s. 2	40A:14-49
C. 40:47-47.3	L. 1948, c. 73, s. 2; As am. L. 1949, c. 100, s. 3	40A:14-49
C. 40:47-47.4	L. 1948, c. 73, s. 3; As am. L. 1949, c. 100, s. 4	40A:14-49
C. 40:47-47.5	L. 1960, c. 120	40A:14-52
R. S. 40:47-48		40A:14-53
R. S. 40:47-49		40A:14-54
R. S. 40:47-50		40A:14-99
R. S. 40:47-51		40A:14-100
R. S. 40:47-52		40A:14-55



SENATE AMENDMENTS TO  
SENATE, No. 626

STATE OF NEW JERSEY

ADOPTED MARCH 11, 1971

Amend page 1, 40A:14-1, line 8, omit "at not less than \$1,500.00".

Amend page 1, 40A:14-1, line 9, omit ", at not less than \$500.00".

Amend page 3, after 40A:14-10 (Analysis), line 7, insert "40A:14-10.1. Residence requirements for persons discharged or released from the military service."

Amend page 3, 40A:14-11 (Analysis), lines 8 and 9, omit "2-year" and insert "6-month".

Amend page 3, after 40A:14-11 (Analysis), line 10, insert "40A:14-11.1. Municipalities under 5,000 population, 6-month residence not required; conditions."

Amend page 3, 40A:14-20 (Analysis), line 22, omit "Trials" and insert "Hearings".

Amend page 6, after 40A:14-70 (Analysis), line 6, insert "40A:14-70.1. Establishment of a volunteer fire company within a fire district."

Amend page 7, 40A:14-99 (Analysis), lines 6 and 7, omit "Section 40:47-50 of the Revised Statutes saved from repeal" and insert "Blank".

Amend page 9, after 40A:14-10, insert a new section as follows:

**40A:14-10.1 Residence requirements for persons discharged or released from the military service.**

"Any person who has served in the armed services of the United States and been discharged or released from such service under conditions other than dishonorable within 6 months prior to making application to any municipality for appointment as a member or officer of the paid or part-paid fire department, may be appointed a member or officer of such paid or part-paid fire department if otherwise qualified notwithstanding that he is not and has not been a resident of said municipality for 6 months preceding his appointment; provided, at the time of making application for appointment said person signs a notice

of intention and agreement to become a resident of the municipality within 6 months from the date of appointment.

“In the event such appointee fails to become a resident of the municipality within the aforementioned 6-month period, he shall then cease to be a member or officer of said paid or part-paid fire department or force. The governing body shall cause to be served on the officer or member at least 15 days before the expiration of the period of non-residency permitted, a notice that he is required to become a resident of the municipality within the time mentioned, and in the event such notice is not given for the officer or member to become a resident of the municipality the time for the officer or member to become a resident of the municipality is extended until such notice is given.

Source: C. 40:47-3.6 (1970, c. 187).”

Amend page 9, 40A:14-11, heading, omit “2-year” and insert “6-month”.

Amend page 9, after 40A:14-11, insert a new section as follows:

**40A:14-11.1 Municipalities under 5,000 population, 6-month residence not required; conditions.**

“Any person may be appointed an officer or member of the police force of a municipality having a population of less than 5,000 inhabitants, notwithstanding that he has not been a resident of such municipality for 6 months preceding his appointment, if he is otherwise qualified and is a resident of the county wherein such municipality is situate. Source: C. 40:47-20.8 (1956, c. 147 amended 1969, c. 267, s. 5).”

Amend page 1, 40A:14-20, heading, omit “Trials” and insert “Hearings”.

Amend page 17, 40A:14-33, line 2, omit “by rules and regulations in its expenditures of money in any one year” and insert “to raising in any one year for the purposes of the department a definite sum”.

Amend page 17, 40A:14-33, line 5, omit “notwithstanding such limitation” and insert “subject to the limitations in section 40A:14-34”.

Amend page 17, 40A:14-34, delete present language and insert “The governing body of any municipality may raise and appropriate funds to be granted to the boards of fire commissioners of any fire district or volunteer fire companies located therein, up to a total appropriation of \$24,000.00 annually. In any municipality in which there are more than three such boards or companies, or both, the governing body may raise and appropriate an additional \$8,000.00 annually for each such additional board or company. Any such board or company shall use not less than 50% of the funds received pursuant to this section for the purchase of fire equipment, materials and supplies. All funds appropriated under this section shall be accounted for to the governing body annually.

“Any municipality may appropriate such additional sums as it may deem necessary for the purchase of fire equipment, supplies and materials for use by fire companies or boards, the title to which shall remain with the municipality, provided that the funds shall be controlled and disbursed by the municipality.

Source: R. S. 40:47-27 amended 1941, c. 140; 1945, c. 126; 1951, c. 77; 1954, c. 171; 1956, c. 155; 1957, c. 77; 1967, c. 45.”

Amend page 18, 40A:14-35, line 3, omit “\$6,000.00” and insert “\$8,000.00”.

Amend page 18, 40A:14-35, line 13, after “1964, c. 246;”, insert “1970, c. 48;”.

Amend page 26, 40A:14-56, line 5, omit “35” and insert “40”.

Amend page 27, 40A:14-56, line 8, after “1952, c. 167;”, insert “1970, c. 201;”.

Amend page 32, 40A:14-70, line 3, omit “freeholders” and insert “legal voters”.

Amend page 33, 40A:14-70, line 7, after “R. S. 40:151-1”, insert “amended 1970, c. 241”.

Amend page 33, after 40A:14-70, insert a new section as follows:  
**40A:14-17.1 Establishment of a volunteer fire company within a fire district.**

“Any persons desiring to form a volunteer fire company to be located within or otherwise servicing the area encompassing a fire district or other type of volunteer organization which has as its objective the prevention of fires or regulation of fire hazards to life and property therein shall first present to the board of fire commissioners a written application for the organization of such company. Such application shall be in the form of a duly verified petition signed by them stating the kind of company which they desire to organize, the name of title thereof, the number and names of the proposed members thereof, and their places of residence. The board of fire commissioners, after considering such application and approving the members of the proposed company, if deemed necessary and for the best interests of such district, may by resolution grant the petition and constitute such applicants a volunteer fire company of the district.

Source: R. S. 40:151-1 amended 1970, c. 241.”

Amend page 38, 40A:14-81, line 6, omit “Conservation and Economic Development” and insert “Environmental Protection”.

Amend page 40, 40A:14-85, line 26, after “R. S. 40:151-30”, insert “amended 1970, c. 216”.

Amend page 41, 40A:14-88, lines 3-7, after “compensation”, omit entire lines and insert “such amounts as the board shall fix subject to review by the governing body wherein the fire district is located.”

Amend page 42, 40A:14-89, line 3, omit "treasurer" and insert "board of fire commissioners".

Amend page 42, 40A:14-89, lines 4 and 5, omit "shall report such audit" and insert "such audit shall be reported".

Amend page 42, 40A:14-89, line 5, omit "of fire commissioners".

Amend page 42, 40A:14-90, line 8, omit "freeholders" and insert "legal voters".

Amend page 42, 40A:14-91, line 1, omit "freeholders" and insert "legal voters".

Amend page 43, 40A:14-93, line 1, omit "persons" and insert "legal voters".

Amend page 44, 40A:14-96, line 2, omit "18" and insert "16".

Amend page 44, 40A:14-96, line 3, omit "18" and insert "16".

Amend page 44, 40A:14-96, line 8, after "1968, c. 309, c. 2", insert "; amended 1970, c. 310".

Amend page 45, 40A:14-99, after "40A:14-99", omit entire section and source and insert "Blank."

Amend page 48, 40A:14-109, line 1, after "mechanic", insert "prior to the effective date of this law".

Amend page 51, 40A:14-123 (Analysis), line 10, after "40A:14-123", insert "40A:14-123.1. Residence requirements for persons discharged or released from the military service."

Amend page 51, 40A:14-124, lines 11 and 12, omit "2-year" and insert "6-month".

Amend page 51, 40A:14-125, line 13, omit "2-year" and insert "6-month".

Amend page 51, 40A:14-126, line 15, omit "2-year" and insert "6-month".

Amend page 52, 40A:14-148, line 24, omit "Trials" and insert "Hearings".

Amend page 54, 40A:14-119, line 1, omit "ordinance" and insert "resolution".

Amend page 54, 40A:14-120, line 1, omit "ordinance" and insert "resolution".

Amend page 54, 40A:14-121, line 1, omit "ordinance" and insert "resolution".

Amend page 55, 40A:14-123, after "40A:14-123", insert a new section as follows:

**40A:14-123.1 Residence requirements for persons discharged or released from the military service.**

"Any person who has served in the armed services of the United States and been discharged or released from such service under conditions other than dishonorable within 6 months prior to making ap-

plication to any municipality for appointment as a member or officer of the police department or force, may be appointed a member or officer of such police department or force if otherwise qualified notwithstanding that he is not and has not been a resident of said municipality for 6 months preceding his appointment; provided, at the time of making application for appointment said person signs a notice of intention and agreement to become a resident of the municipality within 6 months from the date of appointment.

“In the event such appointee fails to become a resident of the municipality within the aforementioned 6-month period, he shall then cease to be a member or officer of said police department or force. The governing body shall cause to be served on the officer or member at least 15 days before the expiration of the period of nonresidency permitted, a notice that he is required to become a resident of the municipality within the time mentioned, and in the event such notice is not given for the officer or member to become a resident of the municipality the time for the officer or member to become a resident of the municipality is extended until such notice is given.

Source: C. 40:47-3.6 (1970, c. 187).”

Amend page 55, 40A:14-124, heading, omit “2-year” and insert “6-month”.

Amend page 56, 40A:14-125, heading, omit “2-year” and insert “6-month”.

Amend page 56, 40A:14-126, heading, omit “2-year” and insert “6-month”.

Amend page 65, 40A:14-148, heading, omit “Trials” and insert “Hearings”.

Amend page 68, 40A:14-157, line 17, after “shall”, insert “be turned over within 48 hours to the municipal treasurer for retention in a trust account and”.

Amend page 75, line 7, after “40:47-28 amended 1953, c. 323; 1964, c. 246”, insert “; 1970, c. 48”.

Amend page 75, line 14, after “40:47-48”, omit “, 40:47-49” and insert “to 40:47-50 both inclusive”.

Amend page 75, line 16, after “40:47-53 amended 1944, c. 246; 1952, c. 167”, insert “; 1970, c. 201”.

Amend page 75, line 25, omit “40:151-1 to 40:151-10 both inclusive” and insert “40:151-1 amended 1970, c. 241”.

Amend page 75, line 30, omit “40:151-28 to 40:151-32 both inclusive” and insert “40:151-28, 40:151-29

40:151-30 amended 1970, c. 216

40:151-31, 40:151-32”.

Amend page 77, line 28, after line 28, insert "Schedule of Amendments of Laws of 1968, c. 309.

Section 2 amended by P. L. 1970, c. 310".

Amend page 77, line 29, after line 29, after "Laws of 1969, c. 173", insert "Laws of 1970, c. 187 (C. 40:47-3.6)".

Amend page 77, Effective Date, line 1, omit "1970", insert "1971".

Amend page 78, heading, omit "40" and insert "40A".

Amend page 80, 40:47-3.5, line 22, after "40:47-3.5", insert "C. 40:47-3.6 ..... L. 1970, c. 187 ..... { 40A:14-10.1 40A:14-123.1".

Amend page 82, 40:47-20.8, line 9, after "L. 1956, c. 147;", insert "{40A:14-11.1".

Amend page 82, 40:47-28, line 42, after "L. 1964, c. 246", insert "; L. 1970, c. 48".

Amend page 83, 40:47-30.7, line 11, after "L. 1968, c. 309, s. 2", insert "; L. 1970, c. 310".

Amend page 83, 40:47-50, line 40, after "40:47-50", omit "40A:14-99".

Amend page 84, 40:47-53, line 2, after "L. 1952, c. 167", insert "; L. 1970, c. 201".

Amend page 85, 40:151-1 through 40:151-5, lines 19 to 21, omit "R. S. 40:151-1 thru R. S. 40:151-5" and insert "40A:14-70".

"R. S. 40:151-1 As am. L. 1970, c. 241 ..... { 40A:14-70 40A:14-70.1 and insert

"R. S. 40:151-2 thru R. S. 40:151-5" ..... 40A:14-70".

Amend page 86, 40:151-30, line 9, after "40:151-30", insert "As am. L. 1970, c. 216".

CHAPTER 197 LAWS OF N. J. 1971  
APPROVED 6-9-71

STATE OF NEW JERSEY



[OFFICIAL COPY REPRINT]

SENATE NO. 626

INTRODUCED MARCH 9, 1970

By Senators BEADLESTON and HAUSER

Referred to Committee on County and Municipal Government

AN ACT concerning county and municipal fire and police departments, revising parts of the statutory law, and enacting an additional chapter to Title 40A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section 1

TITLE 40A.

CHAPTER 14

FIRE AND POLICE

- A. Fire — Counties
- B. Fire — Municipalities
- C. Police — Counties
- D. Police — Municipalities
- E. Repeals

A. ANALYSIS

- 40A:14-1 County fire marshal; appointment; salary.
- 40A:14-2 County fire marshal; powers and duties.
- 40A:14-3 Acting county fire marshal.
- 40A:14-4 Removal or destruction of buildings or other structures constituting fire hazards; notice, service and filing.
- 40A:14-5 Statement of costs filed; lien.
- 40A:14-6 County fire marshal's powers not to conflict.

**40A:14-1 County fire marshal; appointment; salary.**

The board of chosen freeholders of any county, by resolution, may create the office of county fire marshal and such assistant fire marshals as deemed necessary and appoint a person or persons to hold such office for a term of one year commencing January 15, except that the first appointee's term of office shall terminate on January 15 following his appointment. The board of chosen freeholders shall fix the amount of the annual salary of the county fire marshal \***[at not less than \$1,500.00]**\* and the assistant fire marshals, if any**[, at not less than \$500.00]**\*.

Source: R. S. 40:22-16 amended 1941, c. 127; 1961, c. 60; 1967, c. 227, s. 1.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.



**40A:14-2 County fire marshal; powers and duties.**

The county fire marshal shall act in an advisory capacity to all of the fire companies in the county, conduct investigations pertaining to the elimination of fire hazards and in reference thereto make recommendations to the board of chosen freeholders. The said board may act upon such recommendations and take action for the abatement of fire hazards.

The county fire marshal, subject to the approval of the said board, may:

- (1) regulate the use, storage, sale and disposal of inflammable or combustible materials;
- (2) provide for the protection of life and property from danger of fires and explosions; and
- (3) provide for the inspection of fire hazards in buildings, docks, wharves, warehouses and other places.

Source: R. S. 40:22-17.

**40A:14-3 Acting county fire marshal.**

In the event that a county fire marshal shall become incapacitated or otherwise disabled, the board of chosen freeholders of the county may appoint an acting fire marshal to hold such office during the period of such incapacity or disability. The acting fire marshal shall exercise all the powers of the fire marshal and shall serve without any additional compensation for his service. The said board of chosen freeholders may pay the county fire marshal his usual salary during his incapacity or disability.

Source: C. 40:22-16.1 (1940, c. 157 amended 1967, c. 227, s. 2).

**40A:14-4 Removal or destruction of buildings or other structures constituting fire hazards; notice, service and filing.**

The county fire marshal may take action for the removal or destruction of any building or other structure which is or is likely to become a fire hazard, but only on written notice to the owner or person in control of said premises. Such notice shall afford the owner or person in control a period of not less than 30 days in which to eliminate the fire hazard and shall state that in the event the owner or person in control fails so to do, the county fire marshal will eliminate such hazards. Any such notice shall be served in the same or substantially similar manner as in the case of the service of a summons issuing out of a court of record. Proof of service shall be filed within 10 days after service with the county clerk and the clerk of the municipality wherein the premises are located.

Source: R. S. 40:22-17; 40:22-18; 40:22-19; 40:22-20.

**40A:14-5 Statement of costs filed; lien.**

Whenever any such removal or destruction shall have been undertaken and completed by the county fire marshal an accurate account of the cost shall be kept and a true statement thereof, under oath, shall be filed by him with the county clerk and collector of taxes for the taxing district wherein the premises are situated. The amount of such cost shall be a lien upon the real estate whereon such building or structure was located.

Source: R. S. 40:22-21.

**40A:14-6 County fire marshal's powers not to conflict.**

The powers, functions and duties of a county fire marshal shall not be deemed to conflict with the ordinances of any municipality relating to the removal of fire hazards nor shall a county fire marshal have any powers or jurisdiction for the prevention, extinguishing, investigation or reporting of fire in the forests, brush lands, wild lands or woodlands in the State delegated by law to the Department of Conservation and Economic Development.

Source: R. S. 40:22-22.

**B. ANALYSIS**

- 40A:14-7 Creation and establishment of fire departments and forces.
- 40A:14-8 Acquisition of lands and buildings; construction and maintenance of buildings.
- 40A:14-9 General qualifications of members; temporary appointments; absences from duty.
- 40A:14-10 Residence requirements waived in certain cases.
- \*40A:14-10.1 *Residence requirements for persons discharged or released from the military service.\**
- 40A:14-11 Certain municipalities under 30,000 population, \***[2-year]**\* \*6-month\* residence for appointees not required; conditions.
- \*40A:14-11.1 *Municipalities under 5,000 population, 6-month residence not required; conditions.\**
- 40A:14-12 Age requirements for members.
- 40A:14-13 Appointment of temporary members and officers; termination of temporary employment.
- 40A:14-14 Delay in qualifying because of military service.
- 40A:14-15 Temporary vacancy due to military service.
- 40A:14-16 Leaves of absence with pay to certain members and officers.
- 40A:14-17 Indeterminate terms of office.

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40A :14-19 Suspension and removal of members and officers.

40A :14-20 \***[Trials.]**\* \*Hearings.\*

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40A :14-47 Two-platoon system for fire department in certain municipalities; establishment; referendum.

40A :14-48 Two-platoon system for fire department in cities of the first class; emergency service; compensatory time off.

40A :14-49 Fifty-six hour week for members and officers; referendum.

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40A:14-99 \***[Section 40:47-50 of the Revised Statutes saved from repeal.]**\* *\*Blank.\**

40A:14-100 Section 40:47-51 of the Revised Statutes saved from repeal.

40A:14-101 Section 40:151-41 of the Revised Statutes saved from repeal.

40A:14-102 Sections 40:151-48 to 40:151-53 both inclusive of the Revised Statutes saved from repeal.

40A:14-103 Section 40:151-54 of the Revised Statutes saved from repeal.

40A:14-104 Sections 40:174-62 to 40:174-64 both inclusive of the Revised Statutes saved from repeal.

40A:14-105 Sections 40:174-120 to 40:174-125 both inclusive of the Revised Statutes saved from repeal.

**40A:14-7 Creation and establishment of fire departments and forces.**

The governing body of any municipality, by ordinance, may create and establish a paid or part-paid fire department and force and provide for the maintenance, regulation and control thereof, and except as otherwise provided by law, appoint such members, officers and personnel as shall be deemed necessary, determine their terms of office, fix their compensation and prescribe their powers, functions and duties and adopt and promulgate rules and regulations for the government of the department and force and for the discipline of its members.

Source: R. S. 40:47-1.

**40A:14-8 Acquisition of lands and buildings; construction and maintenance of buildings.**

The governing body of the municipality, by ordinance, may provide for the acquisition of such lands and buildings as shall be

deemed useful and necessary for the purposes and requirements of the fire department and force, and may construct, furnish, equip and maintain said buildings.

Source: R. S. 40:47-2.

**40A:14-9 General qualifications of members; temporary appointments; absences from duty.**

Except as otherwise provided by law, no person shall be appointed as a member of the paid or as a paid member of a part-paid fire department and force, unless he:

(1) is a citizen of the United States and has been a resident of the municipality, in which he is to be appointed, for at least 6 months next preceding his appointment;

(2) is sound in body and of good health sufficient to satisfy the board of trustees of the police and firemen's retirement system of New Jersey as to his eligibility for membership in the retirement system;

(3) is able to read, write and speak the English language well and intelligently;

(4) is of good moral character; and

(5) has not been convicted of any criminal offense involving moral turpitude.

The appointing body, officer or officers of the municipality when authorized so to do, may employ such officers and other personnel for said paid or part-paid fire department and force as temporary employees in emergencies, or for certain specified parts of the year, as needed.

Except as otherwise provided by law, any permanent paid member or officer of such paid or part-paid fire department and force, who is absent from duty without just cause or leave of absence, for a continuous period of 5 days, shall cease to be a member of such paid or part-paid fire department.

Source: R. S. 40:47-3 amended 1945, c. 218; 1954, c. 241; 1969, c. 267, s. 1.

**40A:14-10 Residence requirements waived in certain cases.**

Any municipality may, by ordinance, authorize the appointment and the retention in its employ of present and future officers or members of the paid or part-paid fire department and force, notwithstanding that the same do not meet the residence requirements specified by any other applicable law; provided, however, that such ordinance shall not be adopted unless the governing body of said municipality finds as a fact that adherence to said residence requirements would seriously impede its ability to establish and

maintain competent personnel for its paid or part-paid fire department and force.

No person shall be appointed pursuant to said ordinance waiving residence requirements unless at the time of his appointment there shall be a vacancy in the paid or part-paid fire department and force, as the case may be, which cannot be filled by a qualified resident, or unless he has been a resident of the State of New Jersey for at least 6 months, and lives in such proximity to the municipality in question as will satisfy the appointing authority that he will be able to fully perform his duties as a member of its paid or part-paid fire department and force.

Source: C. 40:47-3.3 (1966, c. 292, s. 1); C. 40:47-3.4 (1966, c. 292, s. 2); C. 40:47-3.5 (1966, c. 292, s. 3 amended 1969, c. 267, s. 3).

**\*40A:14-10.1 Residence requirements for persons discharged or released from the military service.**

*Any person who has served in the armed services of the United States and been discharged or released from such service under conditions other than dishonorable within 6 months prior to making application to any municipality for appointment as a member or officer of the paid or part-paid fire department, may be appointed a member or officer of such paid or part-paid fire department if otherwise qualified notwithstanding that he is not and has not been a resident of said municipality for 6 months preceding his appointment; provided, at the time of making application for appointment said person signs a notice of intention and agreement to become a resident of the municipality within 6 months from the date of appointment.*

*In the event such appointee fails to become a resident of the municipality within the aforementioned 6-month period, he shall then cease to be a member or officer of said paid or part-paid fire department or force. The governing body shall cause to be served on the officer or member at least 15 days before the expiration of the period of nonresidency permitted, a notice that he is required to become a resident of the municipality within the time mentioned, and in the event such notice is not given for the officer or member to become a resident of the municipality the time for the officer or member to become a resident of the municipality is extended until such notice is given.*

Source: C. 40:47-3.6 (1970, c. 187).\*

**40A:14-11 Certain municipalities under 30,000 population, \*[2-year]\*  
\*6-month\* residence for appointees not required; conditions.**

In any municipality not operating under Title 11 (Civil Service) of the Revised Statutes, having a population of less than 30,000 and more than 5,000, any qualified person may be appointed as a paid member or officer of the fire department and force although he has not been a resident of the municipality in which he is to be appointed for at least 6 months next preceding his appointment, if he has been a resident of the county in which said municipality is located for at least 6 months next preceding his appointment and agrees to become a resident of said municipality within 3 years from the date of his appointment; provided, that there has been publication requesting application for appointment to the fire department and force, once a week for at least 4 weeks in a newspaper circulating in such municipality, and that no qualified person, having the minimum required residence, has applied for such appointment at the time fixed for the submission of such applications.

The governing body of the municipality, if it shall be deemed necessary, by resolution, may extend the said time requirement from 3 years to 5 years.

In the event such appointee fails to become a resident within the aforementioned 3- or 5-year period, whichever is applicable, he shall then cease to be a member of the fire department and force. The governing body of said municipality shall serve written notice on such member or officer of the applicable expiration date at least 15 days prior thereto and if no such notice shall be given the said appointee shall have 15 days after such notice is given to become a resident.

Source: C. 40:47-3.1 (1946, c. 25 amended 1953, c. 107, s. 2; 1954, c. 243; 1956, c. 187, s. 1; 1969, c. 267, s. 2); C. 40:47-3.2 (1953, c. 107, s. 3 amended 1956, c. 187, s. 2).

**\*40A:14-11.1 Municipalities under 5,000 population, 6-month residence not required; conditions.**

*Any person may be appointed an officer or member of the police force of a municipality having a population of less than 5,000 inhabitants, notwithstanding that he has not been a resident of such municipality for 6 months preceding his appointment, if he is otherwise qualified and is a resident of the county wherein such municipality is situate.*

Source: C. 40:47-20.8 (1956, c. 147 amended 1969, c. 267, s. 5).\*

**40A:14-12 Age requirements for members.**

Except as otherwise herein provided, no person shall be appointed as a member or officer of the paid fire department or force or as a paid member or officer of a part-paid fire department or force in any municipality, who is under 21 or over 35 years of age.

In any municipality wherein Title 11 (Civil Service) of the Revised Statutes is operative, any person who shall have met the age requirements herein, at the announced closing date of a civil service examination for the position, shall be considered within the age requirements while the civil service list promulgated as a result of that examination is in effect.

Nothing herein contained shall affect the employment or continuance in office of any person, as a permanent fireman, employed by said municipality prior to the adoption of the ordinance creating and establishing a paid or part-paid fire department or force.

The provisions of this section are subject to chapter 98 of the laws of 1944 (C. 38:23A-2), relating to maximum age limits for persons serving in the armed forces of the United States as therein provided.

Source: R. S. 40:47-4 amended 1939, c. 318; 1945, c. 219; 1948, c. 161; 1953, c. 299, s. 1; 1962, c. 149, s. 1; 1968, c. 276, s. 1.

**40A:14-13 Appointment of temporary members and officers; termination of temporary employment.**

In any municipality wherein Title 11 (Civil Service) of the Revised Statutes is in operation, whenever a vacancy occurs in the fire department or force by reason of the granting of a leave of absence as provided by law, the appointing authority shall certify to the Civil Service Commission the reason for such vacancy, the name of the person and his office or position.

The appointing authority may fill temporarily such office or position by the appointment of any person who:

- (1) is over 21 and not over 45 years of age;
- (2) is a citizen of the United States and has been a resident of the municipality, in which he is to be appointed, for at least 6 months next preceding his appointment;
- (3) is able to read, write and speak the English language well and intelligently;
- (4) is of good moral character; and
- (5) has not been convicted of any criminal offense involving moral turpitude.

Such temporary employment shall terminate upon the date when the appointee's predecessor returns to his duties, or when it is de-

terminated that said predecessor will not return, or sooner when deemed advisable by said appointing authority.

Source: C. 40:47-4.2 (1943, c. 163, s. 1); C. 40:47-4.4 (1943, c. 163, s. 3 amended 1969, c. 267, s. 4); C. 40:47-4.5 (1943, c. 163, s. 4).

**40A:14-14 Delay in qualifying because of military service.**

Any person who has been, or shall be, appointed as a member or officer of the paid or part-paid fire department or force while serving in the armed services of the United States, and who has been, or shall be, delayed in qualifying and becoming a member of such paid or part-paid fire department or force as a result of such service and who shall qualify and become a member or officer of such paid or part-paid fire department or force within 6 months after an honorable discharge or release under conditions other than dishonorable from such service, shall be considered for the purpose of determining his years of service, rank, grade, increase in pay or any other rights or benefits, as having become a qualified member of such department or force as of the date of his appointment.

Source: C. 40:11-13.1 (1946, c. 87).

**40A:14-15 Temporary vacancy due to military service.**

When any member or officer of the fire department or force of any municipality is granted a leave of absence pursuant to any law authorizing the granting of leaves of absence to persons entering the military service of the United States, or of this State, the appointing authority may make a temporary appointment to the position held by said person and such temporary appointee shall not be obligated to contribute to any pension fund, nor shall he acquire any pension or tenure rights or civil service status.

Source: C. 40:47-4.3 (1943, c. 163, s. 2).

**40A:14-16 Leaves of absence with pay to certain members and officers.**

The governing body of any municipality, by ordinance, may provide for granting leaves of absence with pay not exceeding one year, to members and officers of its paid or part-paid fire department and force who shall be injured, ill or disabled from any cause, provided that the examining physician appointed by said governing body, shall certify to such injury, illness or disability.

Source: R. S. 40:11-9.

**40A:14-17 Indeterminate terms of office.**

Except as otherwise provided by law, in any municipality having permanent members and officers of a paid or part-paid fire department and force, the employment of said members and officers shall

be for an indeterminate term and continuous during good behavior, efficiency and required residency.

Source: R. S. 40:47-5.

**40A:14-18 Minimum salary for firemen in municipalities located in counties other than of the first or second class.**

Except as otherwise provided by law or whenever a higher minimum annual salary has been legally fixed by appropriate action, every municipal fireman in a municipality located in a county other than a first or second class county, shall be entitled to a minimum annual salary of \$2,250.00.

Source: C. 40:11-20 (1949, c. 283).

**40A:14-19 Suspension and removal of members and officers.**

Except as otherwise provided by law no permanent member or officer of the paid or part-paid fire department or force shall be removed from his office, employment or position for political reasons or for any cause other than incapacity, misconduct, non-residence, or disobedience of rules and regulations established for the government of the paid or part-paid fire department and force, nor shall such member or officer be suspended, removed, fined or reduced in rank from or in office, employment or position therein except for just cause as hereinabove provided and then only upon a written complaint, setting forth the charge or charges against such member or officer. Said complaint shall be filed in the office of the body, officer or officers having charge of the department or force wherein the complaint is made and a copy thereof shall be served upon the member or officer so charged, with notice of a hearing thereon designating its time and place by the proper authorities, which shall be not less than 15 nor more than 30 days from the date of service of the complaint. A failure to substantially comply with said provisions as to the service of the complaint shall require a dismissal of the complaint.

Source: R. S. 40:47-6 amended 1947, c. 292, s. 1.

**40A:14-20 \* [Trials] \* \* Hearings \*.**

Except as otherwise provided by law the officer, board or authority empowered to hear and determine the charge or charges made against a member or officer of the paid or part-paid fire department or force shall have the power to subpoena witnesses and documentary evidence. The Superior Court shall have jurisdiction to enforce any such subpoena.

Source: R. S. 40:47-7.

**40A:14-21 Suspension pending hearing; commencement of hearing.**

If any member or officer of the paid or part-paid fire department or force shall be suspended pending a hearing as a result of charges made against him such hearing, except as otherwise provided by law, shall be commenced within 30 days from the date of the service of the copy of the complaint upon him; in default of which the charges shall be dismissed and said member or officer may be returned to duty.

Source: R. S. 40:47-8 amended 1947, c. 292, s. 2.

**40A:14-22 Review of disciplinary conviction in non-civil service municipalities.**

Any member or officer of a paid or part-paid fire department or force in a municipality wherein Title 11 (Civil Service) of the Revised Statutes is not in operation, who has been tried and convicted upon any charge or charges may obtain a review thereof by the County Court of the county wherein such municipality is located. Such review shall be obtained by serving a written notice of an application therefor upon the officer or board whose action is to be reviewed within 10 days after written notice to the member or officer of the conviction. The officer or board shall transmit to said County Court a copy of the record of such conviction, and of the charge or charges for which the applicant was tried. The County Court shall hear the cause de novo and may either affirm, reverse or modify such conviction. If the applicant shall have been removed from his office, employment or position the court may direct that he be restored to such office, employment or position and to all his rights pertaining thereto, and may make such other order or judgment as said court shall deem proper.

Source: R. S. 40:47-9 amended 1953, c. 37, s. 167; 40:47-10 supplemented 1938, c. 298; amended 1953, c. 37, s. 168.

**40A:14-23 Judicially determined illegal suspension or dismissal; member or officer entitled to recover salary; proviso.**

Whenever any member or officer of a paid or part-paid fire department or force shall be suspended or dismissed from his office, employment or position and such suspension or dismissal shall be judicially determined to be illegal, said member or officer shall be entitled to recover his salary from the date of such suspension or dismissal, provided a written application therefor shall be filed with the municipal clerk within 30 days after such judicial determination.

Source: R. S. 40:46-34 amended 1948, c. 163; 1948, c. 395.

**40A:14-24 Chaplains.**

The governing body of any municipality, by ordinance, may provide for the appointment of one or more chaplains to the paid or part-paid fire department and force of the municipality. Any person so appointed to qualify shall be an ordained clergyman in good standing in the religious body from which he is selected. The chaplains shall become members of the municipal paid or part-paid fire department and force with the rank of battalion chief. Their salaries shall be fixed by the governing body of the municipality and payable in the same manner as in the case of the other paid members of the fire department and force.

Source: R. S. 40:174-77; 40:174-78; 40:174-79; 40:174-80.

**40A:14-25 Decrease of force for reasons of economy.**

The governing body of any municipality, if they shall deem it necessary for reasons of economy, may decrease the number of members and officers of the paid or part-paid fire department or force or their grades or ranks. In case of demotion from the higher ranks, the officers or members to be so demoted shall be in the inverse order of their appointment. When the service of members or officers is terminated, such termination shall be in the inverse order of their appointment. Any member or officer who is demoted or whose service is terminated by reason of such decrease shall be placed on a special employment list, and in the case of subsequent promotions, a person so demoted shall be reinstated to his original rank, and in the case of termination of service and new appointment, prior consideration shall be given to the persons on said special employment list.

Source: R. S. 40:11-10; 40:11-11; 40:11-12 amended 1942, c. 52, s. 1; 40:11-13 amended 1938, c. 80; 1942, c. 52, s. 2; 40:47-11.

**40A:14-26 Assistance of fire department or force in other municipalities; members' and officers' compensation rights unaffected in case of casualty or death.**

In the event of an emergency the chief or head of any municipal fire department or force or the mayor or chief executive officer of any municipality may request from the chief or the head of the fire department or force of any other municipality assistance to protect life and property outside the normal territorial jurisdiction of the department to which such request is directed.

If any member or officer of such other fire department or force in rendering such assistance shall suffer any casualty or death he or his next of kin shall be entitled to all salary, pension rights, workmen's compensation and other benefits as if such casualty or

death occurred in the performance of his duties in his own municipality or other jurisdiction in which his duties are normally carried on.

Source: C. 40:47-12.1 (1941, c. 277 amended 1966, c. 104; 1968, c. 174; 1968, c. 211; 1969, c. 33).

**40A:14-27 Special compensation for permanently disabled members or officers.**

If a member or officer of the paid or part-paid fire department or force is permanently disabled from injuries received while in the performance of his duties and the chief or official in charge of such fire department or force shall recommend that special compensation be granted and a physician appointed by the governing body of said municipality shall certify as to the probable permanency of such disability, the governing body of the municipality in their discretion, by ordinance, may provide for special compensation to said disabled member or officer designating the amount thereof and manner of payment, either in a lump sum or by an annual allowance, but such special compensation plus any pension paid and any award for workmen's compensation shall not exceed the salary payable at the time of the sustaining of the injuries. The governing body of said municipality shall include appropriate budget items and provide for the payment of such special compensation.

Source: C. 40:47-12.10 (1948, c. 304, s. 1); C. 40:47-12.11 (1948, c. 304, s. 2); R. S. 40:174-201.

**40A:14-28 Defense for members and officers sued for damages occasioned from or incidental to their performance of duty.**

Whenever a member or officer of a municipal fire department or force is sued for damage arising from or incidental to a performance of his duties the governing body of the municipality shall provide said member or officer with necessary means for the defense of such suit, other than for his defense in a disciplinary or criminal proceeding instituted against him by the municipality.

Source: C. 40:11-19 (1946, c. 67 amended 1947, c. 103, s. 2).

**40A:14-29 Promotion of members and officers in certain municipalities.**

In any municipality except in cities of the first class a promotion of any member or officer of the paid or part-paid fire department or force to a superior position shall be made from the membership of such department or force. No person shall be eligible for promotion to be a superior officer unless he shall have previously served as a permanent paid fireman for at least 3 years in such department or force.

Source: R. S. 40:47-21.

**40A:14-30 Removal from fire hazards of tangible personal property; custody; arrest of offenders.**

Any member or officer of a municipal fire department or force subject to the rules and regulations thereof in connection with a fire may remove any tangible personal property involved therein and hold such property for the owner. The members and officers of the fire department or force, during the continuance of the fire, shall have the powers of a peace officer and may apprehend or arrest without warrant any person interfering with the removal or custody of such property. Any such person so apprehended or arrested shall be brought before the local municipal court or any other court of competent jurisdiction, to be dealt with according to law.

Source: R. S. 40:47-23 amended 1953, c. 37, s. 169.

**40A:14-31 Transfer of a fire patrol to a municipality.**

In any municipality wherein there is a fire patrol or protective association organized pursuant to the provisions of chapter 9, Title 15 of the Revised Statutes, such fire patrol or protective association upon its discontinuance may grant or donate to the said municipality their lands, buildings, apparatus and equipment or any part thereof. Upon acquisition the municipality may operate same as part of the fire department. In the event of a gift and acceptance thereof by the municipality any or all of the personnel of such fire patrol or protective association may be employed by the municipality but they shall not be entitled to tenure or benefits established as a municipal or department pension or retirement system unless they are qualified in accordance with the provisions specified in the law governing such pension or retirement system. Upon the acquisition of any or all of the lands, buildings, apparatus and equipment of such fire patrol or protective association and the employment of any or all of the personnel thereof, the governing body of said municipality, by ordinance, may create and regulate a subdivision in its fire department to be known as the salvage company. The governing body of the municipality may provide for the employment of such personnel but only in the divisions or bureaus of the fire department. The governing body of the municipality, if they shall deem it necessary, may assign any member of the fire department to the salvage company but said member shall retain his then existing status and rights as a member of the fire department.

Source: C. 40:47-25.1 (1951, c. 170, s. 1); C. 40:47-25.2 (1951, c. 170, s. 2); C. 40:47-25.3 (1951, c. 170, s. 3); C. 40:47-25.4 (1951,



c. 170, s. 4); C. 40:47-25.5 (1951, c. 170, s. 5); C. 40:47-25.6 (1951, c. 170, s. 6); C. 40:47-25.7 (1951, c. 170, s. 7).

**40A:14-32 Use of fire fighting equipment by training organizations.**

The governing body of any municipality or the board of fire commissioners of any fire district, by resolution, may authorize the use of their fire fighting equipment no longer required for operation by any county firemen's organization for the training and instruction of firemen in the county in the latest methods, procedures and techniques of fire fighting.

Source: C. 40:47-25.8 (1959, c. 87).

**40A:14-33 Municipality may contribute money for general purposes of incorporated volunteer fire department.**

In any municipality where there is an incorporated volunteer fire department which is limited *\*[by rules and regulations in its expenditures of money in any one year]\** *\*to raising in any one year for the purposes of the department a definite sum\**, the governing body of said municipality may contribute to such volunteer fire department such sums of money as they shall deem necessary, *\*[notwithstanding such limitation]\** *\*subject to the limitations of section 40A:14-34\**.

Source: R. S. 40:47-26.

**40A:14-34 Municipality may appropriate moneys for equipment to boards of fire commissioners of fire districts and volunteer fire companies.**

*\*[The governing body of a municipality, if they shall deem it necessary, may raise and appropriate such sums of money, not exceeding \$24,000.00 annually, to aid the board of fire commissioners of any fire district, or volunteer fire company in said municipality, owning or maintaining their fire apparatus or equipment, and in municipalities where there are more than 3 such boards or companies, or both, the governing body of the municipality may raise and appropriate additional sums of money, not exceeding \$6,000.00 annually, for each board or company, but all moneys so raised and appropriated in excess of \$12,000.00 annually or 50% of the annual appropriation, whichever is greater, shall be used for the purchase of new equipment from time to time subject to the approval of the said governing body. All moneys so appropriated shall be accounted for annually by said boards or companies to the governing body of said municipality.*

Source: R. S. 40:47-27 amended 1941, c. 140; 1945, c. 126; 1951, c. 77; 1954, c. 171; 1956, c. 155; 1957, c. 77; 1967, c. 45.]\*

*\*The governing body of any municipality may raise and appropriate funds to be granted to the boards of fire commissioners of*

*any fire district or volunteer fire companies located therein, up to a total appropriation of \$24,000.00 annually. In any municipality in which there are more than three such boards or companies, or both, the governing body may raise and appropriate an additional \$8,000.00 annually for each such additional board or company. Any such board or company shall use not less than 50% of the funds received pursuant to this section for the purchase of fire equipment, materials and supplies. All funds appropriated under this section shall be accounted for to the governing body annually.*

*Any municipality may appropriate such additional sums as it may deem necessary for the purchase of fire equipment, supplies and materials for use by fire companies or boards, the title to which shall remain with the municipality, provided that the funds shall be controlled and disbursed by the municipality.*

Source: R. S. 40:47-27 amended 1941, c. 140; 1945, c. 126; 1951, c. 77; 1954, c. 171; 1956, c. 155; 1957, c. 77; 1967, c. 45.\*

**40A:14-35 Appropriation of money to aid fire companies in adjoining municipalities; nonliability for damages.**

The governing body of a municipality may appropriate such sums of money as shall be deemed necessary to aid a municipal paid or part-paid fire department and force in an adjoining municipality, or annually appropriate a sum of money not exceeding *\*[\$6,000.00]\** *\*\$8,000.00\**, to aid a board of fire commissioners in a fire district or an independent or a volunteer fire company in an adjoining municipality if such department and force, or fire district or company own and maintain their own apparatus and equipment and habitually respond to fires in the first named municipality.

In any instance wherein any of the members of such a fire department and force, fire district or fire company are either answering or returning from a call for the purpose of aiding an adjoining municipality they shall not be liable for personal injuries or property damages caused by them in rendering such aid.

Source: R. S. 40:47-28 amended 1953, c. 323; 1964, c. 246; \*1970, c. 48;\* 40:47-29 amended 1938, c. 257.

**40A:14-36 Compensation for losses sustained by volunteer firemen.**

The governing body of a municipality, by resolution, may appropriate annually such sums of money as they shall deem necessary for the purpose of compensating any volunteer fireman, not in receipt of compensation for his services, for any losses sustained by him while performing his duties as such volunteer fireman.

Source: R. S. 40:47-30.

**40A:14-37 Group life insurance for volunteer firemen.**

In any municipality or fire district maintaining a volunteer fire department, or wherein there shall exist one or more incorporated volunteer fire companies affording fire protection to said municipality or fire district, the membership whereof are serving under the jurisdiction of and with the consent of said municipality or fire district and have formed, or may hereafter form themselves into a group or groups, for the purpose of obtaining the advantages of the group plan of life insurance, in any of the plans now in vogue, or any plan which may hereafter be inaugurated, it shall be lawful for the governing body of such municipality, or the board of commissioners of such fire district, by resolution, to appropriate moneys for the purpose of defraying the cost of such insurance and to pay the premiums therefor.

No governing body of any municipality or commissioners of any fire district shall pay any premiums on account of any policy of group life insurance as provided herein where the amount payable upon the death of each assured under the terms of said policy exceeds the sum of \$10,000.00.

Source: C. 40:47-30.1 (1945, c. 47, s. 1 amended 1964, c. 192).

**40A:14-38 Governing body may continue insurance for volunteer firemen.**

In any municipality, or fire district in this State maintaining a volunteer fire department, or wherein there shall exist one or more incorporated volunteer fire companies affording fire protection to said municipality or fire district, it shall be lawful for the governing body of such municipality, or the board of commissioners of such fire district, to effect, maintain and continue any and all forms of insurance covering the members of said volunteer fire department or incorporated volunteer fire company or companies, other than that provided for in the group life insurance for volunteer firemen, which the governing body, or board of fire commissioners may determine to be necessary or desirable for the protection, safety and welfare of the members, and for the protection and safety of the equipment and apparatus of said volunteer fire department, or incorporated volunteer fire company or companies, or for the protection of said municipality, or fire district, and by resolution, to appropriate from time to time, and pay, such sums of money as may be required to cover the premiums and costs of said insurance, or such portion of the same as said governing body, or board of fire commissioners, in their discretion, may consider proper and advisable.

Source: C. 40:47-30.2 (1945, c. 47, s. 2 amended 1966, c. 245, s. 2).

**40A:14-39 Other compensation not to affect eligibility to receive insurance benefits.**

No member of any volunteer fire department or of any incorporated volunteer fire company shall be considered ineligible to receive said insurance benefits because he may otherwise receive any form of compensation, wages or salary from the municipality or fire district for any services rendered.

Source: C. 40:47-30.3 (1945, c. 47, s. 3).

**40A:14-40 Payment of premiums for certain insurance.**

All moneys required and appropriated for the payment of any premiums or costs of said insurance shall be raised, collected and paid as are other moneys to maintain the fire department, or to provide for the fire protection in said municipality, or fire district.

Source: C. 40:47-30.4 (1945, c. 47, s. 4).

**40A:14-41 Conversion of volunteer to paid fire department; referendum.**

No municipality having a volunteer fire department shall establish a paid fire department and convert its volunteer force into a paid fire department unless and until the ordinance providing therefor shall have been submitted to and adopted by the legal voters of said municipality at an election called for the purpose as herein provided.

The municipal clerk shall give public notice thereof at least 20 days prior to such election, by publishing in a newspaper circulating within the municipality, and posting in 10 conspicuous places, in said municipality, such notice of the election including a copy of the ordinance for the proposed establishment of a paid fire department and the conversion thereto of their volunteer force.

The question to the legal voters of the municipality of the adoption of said ordinance shall be submitted as a public question in substantially the following form:

"Shall the (insert the title of the ordinance) be adopted?"

The ballot shall contain two squares to the left of the question, one with the word "Yes", the other with the word "No", respectively, to the right of the squares. The ballot shall contain instructions to voters to vote by marking a cross (X), or plus sign (+) or check mark (✓) in the square according to their choice. If voting machines are used a vote of "Yes" or "No" shall be equivalent to such markings, respectively.

The municipal clerk shall forthwith canvass the returns of the election and shall certify the results of his canvass to the governing body of said municipality. If a majority of the legal voters voting

on the question shall vote "Yes", the ordinance shall become operative and the governing body may then proceed to establish a paid fire department and to convert the volunteer force into said department according to the provisions of the ordinance. Except as otherwise provided herein, this section shall not be construed to repeal any existing law, regulating the tenure, hours of service or compensation of the officers and members of any municipal fire department or force, for the organization or maintenance of any volunteer company or department therein, or providing for the creation or maintenance of fire districts therein.

Source: R. S. 40:47-32; 40:47-33; 40:47-34; 40:47-35; 40:47-36; 40:47-37.

**40A:14-42 Appointment of volunteer firemen or other persons to paid positions.**

In any municipality where there is a volunteer fire company or force, maintained and controlled by the municipality, having no paid fireman and thereafter a paid position therein is created or established by the governing body of said municipality, such position shall be filled by a member of the volunteer fire company or force who shall have served as an active fireman for at least 2 years next preceding said appointment or by an exempt fireman of the company or force. If no such member or exempt fireman is available for such appointment, the appointment may be made to any qualified person. Said appointee shall not be under 21 or over 40 years of age at the time of the appointment.

Source: C. 40:47-37.1 (1938, c. 131, s. 1).

**40A:14-43 Appointment of volunteer firemen or other persons to newly established paid fire department.**

In any municipality where there is a volunteer fire company or force, maintained and controlled by the municipality, and the governing body of the municipality, by ordinance, shall provide for the establishment of a paid fire department, the appointments thereto shall be made from the members of the volunteer fire company or force who shall have served as active firemen for at least 2 years next preceding said appointment or from among the exempt firemen of the company or force. If no such member or exempt fireman is available for such appointment, any qualified person may be appointed thereto. Said appointees shall not be under 21 or over 40 years of age at the time of the appointment.

Source: C. 40:47-37.2 (1938, c. 131, s. 2).

**40A:14-44 Appointment of volunteer firemen or other persons to a part-paid fire department.**

In any municipality where there is a volunteer fire company or force, maintained and controlled by the municipality and a part-paid fire department composed of both paid and volunteer firemen, any appointment to such part-paid fire department shall be made from the members of the volunteer fire company or force, who shall have served as active firemen for at least 2 years next preceding such appointment or from among the exempt firemen of the company or force. If no such member or exempt fireman is available for such appointment, any qualified person may be appointed thereto. Said appointees shall not be under 21 or over 40 years of age at the time of the appointment.

Source: C. 40:47-37.3 (1938, c. 131, s. 3).

**40A:14-45 Service credits and conditions upon appointments to paid or part-paid fire departments.**

In any municipality where an examination is scheduled to determine appointments to the paid or part-paid fire department and force, any qualified fireman having served in the volunteer fire company or force of the municipality for at least 2 years next preceding such appointment shall be entitled, in addition to his earned rating, to service credits of not less than 3 nor more than 10 points as may be determined by the governing body of the municipality or the authority in charge. Said appointee shall be over 21 but not more than 40 years of age at the time of the appointment.

Nothing herein contained shall establish a preference over a paid fireman temporarily dismissed or on leave of absence for reasons of economy, or the appointment of a paid fireman to a superior position at the time of promotion in said fire department or force.

Source: C. 40:47-37.4 (1938, c. 131, s. 4); C. 40:47-37.5 (1938, c. 131, s. 5).

**40A:14-46 Two-platoon system in certain municipalities having a paid fire department and force.**

The governing body of a municipality, having a paid fire department and force, by resolution, may divide the members and officers of such department and force into 2 platoons, one platoon serving 24 hours of duty while the other is off duty for the same period of time.

Source: R. S. 40:47-38.

**40A:14-47 Two-platoon system for fire department in certain municipalities; establishment; referendum.**

In municipalities, except cities of the first class, wherein a proposal for a 2-platoon system shall have been adopted the governing body of the municipality, or the board or officer in charge of a paid or part-paid fire department and force, shall divide the paid members and officers of the said department and force into 2 platoons, one designated as a day force, the other as a night force. Each force, respectively, shall alternate the hours of duty on every fourth day. The hours of duty of the day force shall be from 8:00 A. M. to 6:00 P. M. and the night force from 6:00 P. M. to 8:00 A. M. the following morning, except that on every fourth day, for the purpose of such alternation the number of said hours of duty may be exceeded but one force shall be off duty at all times, except as otherwise provided by law.

The 2-platoon system shall be inoperative unless and until a proposal for such a system shall have been submitted to and adopted by the legal voters of the municipality at a primary or general election or at an election held for that purpose. It may be submitted as a public question, in the manner prescribed by law, by resolution of the governing body, or by filing with the governing body of the municipality a petition for such submission signed by at least 10% of the legal voters of the municipality in substantially the following form:

“(Insert the name of the municipality and state the question.)”  
The ballot shall contain 2 squares to the left of the question, one with the word “Yes”, the other with the word “No”, respectively, to the right thereof. The ballot shall also contain instructions to voters to vote by marking a cross (X), or plus sign (+) or check mark (✓) in the square according to their choice. If voting machines are used a vote of “Yes” or “No” shall be equivalent to such markings, respectively.

The municipal clerk shall forthwith canvass the returns of the election and shall certify the results thereof to the governing body of the municipality. If a majority of the legal voters voting on the question shall vote “Yes”, the 2-platoon system shall become operative and the governing body or the board or officer in charge of said paid or part-paid fire department and force shall then proceed to establish such system.

This section shall not be construed to repeal or modify in any form any existing law relating to salaries, annual vacations, sick or

disability leave of any of the members or officers of the paid or part-paid fire department or force.

Source: R. S. 40:47-39; 40:47-40 amended 1938, c. 276; 40:47-42; 40:47-43; 40:47-44; 40:47-45; 40:47-46; 40:47-47; 40:174-66; 40:174-67; 40:174-68; 40:174-69; 40:174-70; 40:174-71; 40:174-72.

**40A:14-48 Two-platoon system for fire department in cities of the first class; emergency service; compensatory time off.**

In cities of the first class, the governing body, by resolution, or the board of fire commissioners or officials in charge of a fire department and force, may divide the members and officers of such fire department and force into 2 platoons, one serving while the other is off duty. Each platoon, respectively, shall alternate the hours of duty for the purpose of alternating the day force with the night force and vice versa, and for the purpose of giving each platoon 24 hours off duty every 6 days. The hours of duty of the day force shall be from 8:00 A. M. to 6:00 P. M. and the night force from 6:00 P. M. to 8:00 A. M. the following morning.

In cases of conflagration or other emergency the officials in charge of the fire department and force shall have authority to retain on duty any or all members and officers of such department and force during the period of the emergency, but in any such case and within 12 months thereafter, such members or officers shall be given a day or proportion thereof off for extra time so served by them during the emergency.

Nothing contained herein shall be deemed to repeal or modify existing laws relating to salaries, annual vacations or sick or disability leaves of the members or officers of such department or force.

Source: R. S. 40:174-132; 40:174-133; 40:174-134; 40:174-135; 40:174-136; 40:174-137; 40:174-138; 40:174-139; 40:174-140.

**40A:14-49 Fifty-six hour week for members and officers; referendum.**

The governing body of any municipality, by ordinance, may adopt a schedule of hours of actual duty for the members and officers of a paid or part-paid fire department and force based upon an average of 56 hours per week in any 6-week cycle, but in cases of emergency the officials in charge shall have authority to retain any uniformed member or officer on duty during the period of the emergency, and in any such case and within 12 months thereafter such member or officer shall be given hours off from the average of 56 hours per week in any 6-week cycle to compensate him for the extra hours served by him during such emergency.

Any such ordinance shall be inoperative unless and until it shall be submitted to and adopted by the legal voters of the municipality at a primary or general election or an election held for such purpose.

Said adoption may be submitted as a public question in the manner prescribed by law, by resolution of the governing body or by filing with the governing body a petition for such submission, signed by at least 10% of the registered voters of the municipality. The question shall be submitted substantially on the ballot as follows:

Insert the name of the municipality and state the question. "Shall the ordinance providing that the uniformed members and officers of its fire department and force shall be maintained in such manner as to provide that no member or officer thereof shall be required to remain on duty in excess of 56 hours per week in any 6-week cycle except in cases of emergency be adopted?"

If a majority of the legal voters voting on such question vote in favor of the adoption, the ordinance on and after January 1 following such election shall become operative.

Source: C. 40:47-47.2 (1948, c. 73, s. 1 amended 1949, c. 100, s. 2); C. 40:47-47.3 (1948, c. 73, s. 2 amended 1949, c. 100, s. 3); C. 40:47-47.4 (1948, c. 73, s. 3 amended 1949, c. 100, s. 4).

**40A:14-50 Certain emergency service and compensation.**

"Emergency" as used herein shall include any unusual conditions caused by any circumstances or situation including shortages in the personnel of the paid or part-paid fire department and force caused by vacancies, sickness or injury, or by the taking of accrued vacation or sick leave or both, whereby the safety of the public is endangered or imperiled, as shall be determined within the sole discretion of the officer, board or official having charge of the paid or part-paid fire department and force in any municipality.

In any municipality in which the officer, board or official having charge or control of the paid or part-paid fire department and force has authority, in times of any such emergency to summon and keep on duty any paid members of the paid or part-paid fire department and force for a period of time or times in excess of the hours of ordinary duty, the governing body may provide compensation for some or all of such emergency duty by any such fireman at his prevailing wage, which compensation shall be in lieu of any compensatory time off otherwise due for the emergency duty so compensated.

The governing body of the municipality, if necessary, may make emergency appropriations to provide funds for the payment of such compensation as provided by law.

Source: C. 40:47-12.12 (1966, c. 247, s. 1); C. 40:47-12.13 (1966, c. 247, s. 2); C. 40:47-12.14 (1966, c. 247, s. 3).

**40A:14-51 Emergency service; compensatory time off.**

In cases of conflagration or other emergency, the officials in charge of the paid or part-paid fire department and force in any municipality, shall have authority to retain on duty any member and officer of such department and force during the period of the emergency, but in any such case and within 12 months thereafter, such member or officer shall be given a day off or proportion thereof for the extra time so served by him during the emergency. Source: R. S. 40:47-47.1.

**40A:14-52 Schedule of hours of actual duty.**

In any municipality, other than those located in counties of the fifth or sixth class, the governing body, by ordinance, may adopt a schedule of hours of actual duty for the paid officers and members of the fire department and force, to average for each 42 hours per week in any 8-week cycle, except in cases of emergency the official in charge shall have authority to retain on duty any member or officer during the emergency, but in any such case and within 12 months thereafter such member or officer shall be given compensatory time off for all hours worked in excess of the said average, so served by him during the emergency.

Source: C. 40:47-47.5 (1960, c. 120).

**40A:14-53 Traffic regulations in fire areas.**

The governing body of any municipality, by ordinance, may authorize the officials in charge of the paid or part-paid fire department and force to establish fire areas to regulate traffic and parking therein and provide penalties for violations.

Source: R. S. 40:47-48.

**40A:14-54 Firemen in the performance of their duties to have powers of police officers.**

The members and officers of the paid or part-paid fire department and force of a municipality shall have the powers and authority of police officers within the municipality, to be exercised while going to, attending and returning from a fire.

Source: R. S. 40:47-49.

**40A:14-55 Definitions relating to exempt firemen.**

“Fire department and force” means the officers and members organized to fight fires in the municipality;

“Fire duty” means active participation in the usual duties of a fireman under the direction and supervision of the official in charge of the fire department and force;

“60% of duty” means actual recorded attendance and rendering of fire service at not less than 60% of regular alarms of fire answerable by the members during any calendar year; the total number of alarms used in computing said percentage may include not more than 20 fire drills called at the direction of the official in charge of the fire department and force.

Source: R. S. 40:47-52.

**40A:14-56 Exempt fireman certificate; eligibility.**

Any member of the fire department and force of a municipality shall be entitled to an exempt fireman certificate when it appears that at the time of his appointment he was a resident of the municipality, a citizen of the United States, of good moral character and was not under 21 or over \***[35]**\* \*40\* years of age and that he had performed during a period of 7 years, 60% of fire duty, in each year, respectively. In cases where the appointment was made during the war years the age limit shall be extended 10 years. Service in the United States armed forces during said war years shall be considered as fire duty service.

Service in more than one municipal fire department, for separate periods not concurrent, amounting in the aggregate to 7 years, shall be deemed equivalent to 7 years service in a single municipal fire department and any fireman so serving shall be entitled to an exempt fireman certificate from the department and force in the municipality wherein he is serving at the time when he becomes entitled to said certificate. The prior service shall be certified by the chief executive officer of the municipality or municipalities wherein said member served and attested by the municipal clerk or clerks.

Source: R. S. 40:47-53 amended 1944, c. 246; 1952, c. 167; \*1970, c. 201; 40:47-54; 40:47-56.

**40A:14-57 Verified list of nonexempt members to be filed with municipal clerk.**

The official in charge of the fire department and force shall annually file with the municipal clerk a verified list of all of the members not having exempt fireman certificates. The list shall

contain their names and residences and information relevant subsequently to their qualifications for such certificates.

Source: R. S. 40:47-55.

**40A:14-58 Members of volunteer fire company on disbandment entitled to exempt fireman certificates.**

Whenever a volunteer fire company is disbanded and replaced by a paid or part-paid fire department and force, the members of such company who shall have served as such at least 2 years immediately preceding such replacement shall be entitled to exempt fireman certificates.

Source: R. S. 40:47-57.

**40A:14-59 Exempt fireman certificates; issuance.**

The governing body of a municipality shall issue exempt fireman certificates to members of the fire department and force entitled thereto, within 90 days of the date of attaining eligibility. The certificate shall be issued in triplicate, in form, substantially as follows:

**EXEMPT FIREMAN CERTIFICATE**

It is hereby certified that ..... a member of the ..... fire department and force, has qualified for and is entitled to this certificate of exemption pursuant to law.

Date of appointment ..... Date when member became entitled to exemption .....  
Record of prior service (if any) ..... Date of issue .....

.....  
Official in charge of fire department and force.  
(seal)

Attest:

.....  
Municipal Clerk

.....  
Chief Executive Officer of Municipality.

Filed in the office of the clerk of ..... county.

Date .....  
.....  
County Clerk.

Within 60 days of issuance one copy of the certificate shall be filed with the county clerk of the county wherein it was issued. At the time of issuance one copy shall be transmitted to the New Jersey State Exempt Firemen's Association. The remaining copy shall be delivered to the member. There shall be no fee for issuance of the certificate and it shall be signed by the official in charge of the fire department and force and the chief executive officer of the municipality. The municipal clerk shall affix the municipal seal, attest the certificate and cause the filing and delivery of the copies.

Source: R. S. 40:47-58; 40:47-59.

**40A:14-60 Tenure of exempt firemen in office, position or employment of State, county, municipality, school board or board of education; removal upon charges after hearing.**

Whenever any person possessing an exempt fireman certificate holds an office, position or employment of the State, or a county or municipality or a school board or board of education for an indeterminate term, such person shall hold his office, position or employment during good behavior and shall not be removed therefrom for political reasons but only for good cause after a fair and impartial hearing.

For the purposes herein no term of office, position or employment of any such person shall be deemed to be fixed by law or coterminous with that of a noncontinuous appointing or employing board or body; provided, however, that in no event is it intended that this provision shall apply to appointments made for a fixed or stated period of time.

Any hearing for removal of an exempt fireman shall be upon a written complaint setting forth the charge or charges and filed with the authority in charge. A copy thereof shall be served upon the person so charged with notice of the time and place of the hearing thereon. The person so charged shall have the right to be represented by counsel and to subpoena witnesses and documentary evidence.

Source: R. S. 40:47-60 amended 1967, c. 291, s. 1; 40:47-61.

**40A:14-61 Exempt firemen entitled to certain rights, privileges or benefits.**

Whenever in any law any rights, privileges or benefits are granted to exempt firemen holding appointive offices, positions, or employments in either the State, county or municipal government, such law shall be deemed to include all exempt firemen engaged in the public service in any of its branches within the State. No distinction shall be made by reason of the source of the public funds

involved or because of a transfer of office, position or employment to a different branch of government within the State.

Source: C. 40:47-62.7 (1967, c. 291, s. 2).

**40A:14-62 Tenure of exempt fireman in office, position or employment of intermunicipal commissions.**

Whenever any person possessing an exempt fireman certificate holds an office, position or employment under a commission elected or appointed by the governing bodies of 2 or more municipalities, whose term of such office, position or employment is not fixed by law, the said person shall hold his office, position or employment during good behavior and shall not be removed therefrom for political reasons but only for good cause after a fair and impartial hearing.

No such commission shall abolish, change the title or reduce the emoluments of any office, position or employment held by an exempt fireman for the purpose of terminating his said service.

For the herein purposes no term of office, position or employment of any such person shall be deemed to be fixed by law or coterminous with that of a noncontinuous appointing or employing board or body.

Source: C. 40:47-62.8 (1967, c. 291, s. 3).

**40A:14-63 Office or position held by an exempt fireman not to be abolished or changed or emoluments reduced to terminate services.**

No department of the State government nor any board of chosen freeholders of a county, or governing body of a municipality, or a school board or board of education shall abolish, change the title or reduce the emoluments of any office or position held by an exempt fireman for the purpose of terminating his service.

Source: R. S. 40:47-62.

**40A:14-64 Tenure in office held by an exempt fireman.**

Whenever an exempt fireman holds a State, county, municipal or a board of education office not created by the Constitution, he shall hold such office during good behavior and shall not be removed unless for good cause after a fair and impartial hearing, provided he has or shall have served in said office for a term of 3 consecutive years.

Any such hearing shall be upon a written complaint setting forth the charge or charges and filed with the authority in charge. A copy thereof shall be served upon the person so charged with notice of the time and place of the hearing thereon. The person so charged shall have the right to be represented by counsel and to subpoena witnesses and documentary evidence.

Nothing herein contained shall be construed to give tenure of office to such exempt fireman in a paid or part-paid fire department and force.

Source: C. 40:47-63 (1938, c. 385, s. 1); C. 40:47-64 (1938, c. 385, s. 2); C. 40:47-65 (1938, c. 385, s. 3); C. 40:47-67 (1938, c. 385, s. 5).  
*Note:* These sections are in R. S. C. S. at 40:47-60.1; 40:47-60.2; 40:47-60.3; 40:47-60.5.

**40A:14-65 Office not to be abolished for economy reasons or otherwise to terminate services of an exempt fireman having tenure; exceptions.**

No department of the State government, nor any board of chosen freeholders of a county, governing body of a municipality or board of education shall abolish, change the title or reduce the emoluments of any office held by an exempt fireman having tenure therein, for economy reasons or otherwise, for the purpose of terminating his services, except in time of a widespread economic depression or mandatory retrenchment, but in any such case, the termination or reduction shall be made in the same ratio as in the case of other employees.

Source: C. 40:47-66 (1938, c. 385, s. 4). *Note:* This section is in R. S. C. S. at 40:47-60.4.

**40A:14-66 Contract for intermunicipal fire department.**

The governing bodies of 2 or more municipalities, by reciprocal ordinances, may contract with each other for mutual aid in case of fire emergencies. In any such contract, provisions may be included to provide for the reimbursement of the municipality or municipalities rendering such aid, for any damage to its fire equipment or other property and for payment to any member of their fire department and force for injuries sustained by him, while so serving, or to his widow or other dependents when death resulted therefrom.

The governing bodies, in any such contract, may provide for the organization of a joint meeting of the contracting municipalities and for the selection of a chairman, secretary and any other necessary officers or personnel. The contract may contain such other provisions as shall be deemed necessary and it may be altered from time to time by mutual agreement.

The governing bodies may provide for the acquisition of lands and the establishment and maintenance of a central office. Real and personal property, so acquired, shall be held by the municipalities as tenants in common.

The members of the fire department and force in each such municipality, while on duty and rendering such aid to another

municipality, shall be deemed to be engaged in a governmental function and entitled to the same police powers, privileges and immunities as in the case of extinguishing a fire within their own municipality.

Source: C. 40:47-68 (1938, c. 260, s. 1); C. 40:47-69 (1938, c. 260, s. 2); C. 40:47-70 (1938, c. 260, s. 3); C. 40:47-71 (1938, c. 260, s. 4); C. 40:47-72 (1938, c. 260, s. 5). *Note:* These sections are in R. S. C. S. at 40:47-63; 40:47-64; 40:47-65; 40:47-66; 40:47-67.

**40A:14-67 Intermunicipal fire departments and forces.**

The governing bodies of 2 or more adjoining municipalities, by reciprocal ordinances, may provide for the establishment and maintenance of a joint fire department and force, or for their contributions for the maintenance and operation of a volunteer fire company serving such municipalities. The said governing bodies, by mutual agreement, may allocate their respective contributions for such maintenance and operation upon such terms and conditions as shall be deemed necessary.

Nothing herein contained shall affect the employment or continuance in office or tenure or pension rights of any paid fireman in any such municipality.

Source: C. 40:47-73 (1943, c. 206, s. 1); C. 40:47-74 (1943, c. 206, s. 2); C. 40:47-75 (1943, c. 206, s. 3).

**40A:14-68 Contracts with volunteer fire companies.**

In any municipality not having a paid or part-paid fire department and force, the governing body, by ordinance, may contract with a volunteer fire company or companies in such municipality, for purposes of extinguishing fires, upon such terms and conditions as shall be deemed proper. The members of any such company shall be under the supervision and control of said municipality and in performing fire duty shall be deemed to be exercising a governmental function.

Source: R. S. 40:149-8.

**40A:14-69 Conveyance of land for a fire house.**

The governing body of any municipality, not having a paid or part-paid fire department and force, by ordinance, may provide for the conveyance of land or lands, by ordinance, may provide to a duly incorporated fire company in such municipality, organized for the purpose of protecting life and property from fire therein. The land or lands so conveyed shall be limited to use for a fire house.

Source: R. S. 40:149-9.



**40A:14-70 Establishment of fire districts; board of fire commissioners; meetings.**

In any municipality not having a paid or part-paid fire department and force, the governing body, upon application of at least 20 \***[freeholders]**\* \*legal voters\*, by ordinance, shall designate a territorial location or locations for use as a fire district or fire districts and, by resolution, provide for the election of a board of fire commissioners for the district or each district to consist of 5 persons, residents therein, and specify the time and place for such election.

The district or each district shall be assigned a number and the commissioners thereof and their successors shall be a body corporate, to be known as "the commissioners of fire district No. . . . in . . . . (name of municipality), county of . . . . (name of county)". The said body corporate shall have the power to acquire real and personal property for its purposes. It may adopt and use a corporate seal, sue or be sued and shall have such powers, duties and functions as are usual and necessary for said purposes.

At the time and place specified for the election of the first board the clerk of the municipality shall conduct the election and shall preside at the meeting until the board shall have been elected.

At the first meeting of a newly elected board of fire commissioners of a district the board shall choose a chairman and fix the time and place for the annual election. The members of the board shall divide themselves by lot into 3 classes: the first to consist of 2 members to be elected for terms of one year; the second, 2 members for terms of 2 years; and the third, one member for a term of 3 years. Upon the expiration of said terms their successors shall be elected for terms of 3 years.

Any vacancy in the membership shall be filled by the remaining members until the next succeeding annual election, at which time a resident of the district shall be elected for the unexpired term.

Source: R. S. 40:151-1 \*amended 1970, c. 241\* ; 40:151-2; 40:151-3; 40:151-4; 40:151-5.

**\*40A:14-70.1 Establishment of a volunteer fire company within a fire district.**

*Any persons desiring to form a volunteer fire company to be located within or otherwise servicing the area encompassing a fire district or other type of volunteer organization which has as its objective the prevention of fires or regulation of fire hazards to life and property therein shall first present to the board of fire commissioners a written application for the organization of such company. Such application shall be in the form of a duly verified*

*petition signed by them stating the kind of company which they desire to organize, the name of title thereof, the number and names of the proposed members thereof, and their places of residence. The board of fire commissioners, after considering such application and approving the members of the proposed company, [if deemed necessary and for the best interests of such district,] may by resolution grant the petition and constitute such applicants a volunteer fire company of the district.*

Source: R. S. 40:151-1 amended 1970, c. 241.\*

**40A:14-71 Candidates; nominations.**

Candidates for membership in the board shall be nominated by verified petitions. Any such petition shall be in writing, addressed to the municipal clerk or the clerk of the board, as the case may be, stating that the signers thereof are qualified voters and residents in the district and requesting that the name of the candidate be placed on the official ballot. The petition shall state the residence of the candidate and certify his qualification for membership. The candidate's consent to his nomination shall be annexed to the petition and shall constitute his agreement to serve in the event of his election. The petition shall contain the name of only one candidate, but several petitions may nominate the same person. Each petition shall be signed by not less than 10 qualified voters and shall be filed at least 10 days before the date of the election.

If a petition is found to be defective, either in form or substance, the municipal clerk or the clerk of the board, as the case may be, shall forthwith notify the candidate to cause it to be corrected before the petition is given consideration.

Source: R. S. 40:151-7; 40:151-8; 40:151-9; 40:151-10; 40:151-11 amended 1961, c. 75; 40:151-12.

**40A:14-72 Determination as to money to be raised.**

An election shall be held annually in each fire district for the election of members of the board according to the expiration of terms.

The legal voters thereat shall determine the amount of money to be raised for the ensuing year and determine such other matters as may be required.

Source: R. S. 40:151-6.

**40A:14-73 Ballots for election of commissioners.**

The ballots shall be written or printed on opaque paper, uniform in size and quality.

Each ballot shall have at the top, a coupon, at least one inch wide extending across the ballot above a perforated line. The coupons shall be numbered consecutively. The coupon shall contain the following statements: "To be torn off by the clerk" and "Fold to this line." Below the perforated line shall be printed or written, "Fire district election ballot," then the official designation of the fire district and polling place and date of the election. It shall bear the signature or facsimile signature of the municipal clerk, or the clerk of the board of fire commissioners, as the case may be. The heading shall be set apart from the body of the ballot by a marked-off space. In said space, the voters shall be instructed how to indicate their choice of candidates and the number to be voted upon as follows: "To vote for any person whose name appears on this ballot mark a cross (X), plus (+) or check (V) in black ink or lead pencil in the place or square at the left of the name of such person." Underneath these instructions shall be directions as to the number of candidates to be voted for and the name of each qualified candidate, without grouping, to be placed according to the alphabetical order of their surnames.

The ballot shall be substantially as follows:

No. ....

To be torn off by the Clerk.

Fold to this line.

FIRE DISTRICT ELECTION BALLOT

Fire District No. 1,  
Township of Webster, Warren County,

Date .....

Polling District No. 1.  
Unexcelled Fire House.

John Henry Doe,  
Clerk.

To vote for any person whose name appears on this ballot mark a cross (X), plus (+) or check (V) with black ink or lead pencil in the place or square at the left of the name of such person.

For membership to Board of Fire Commissioners.—

Full Term.

Vote for Two.

Rutherford B. Fallon.

William F. Seibel.

James A. Stephens.

Thomas Templeton.

For membership to Board of Fire Commissioners.—

Unexpired One-Year Term.

Vote for One.

Francis R. Loori.

Arthur H. Patterson.

using as much of the form as may be applicable to the current fire district election and extending the same to provide for cases not herein specified.

Source: R. S. 40:151-13; 40:151-14; 40:151-15; 40:151-16.

**40A:14-74 Elections; notice; eligibility of voters.**

The municipal clerk or the clerk of the board of fire commissioners, as the case may be, shall advertise the holding of such election for at least one week prior thereto in a newspaper circulating in said fire district.

At least 7 days prior to the election the municipal clerk or the clerk of the board, as the case may be, shall obtain the registry list for the municipality or municipalities and election districts comprised within such fire district for the preceding general election. No person shall be permitted to vote at the election unless his name appears on the registry list or he shall have become of legal age and is otherwise qualified and shall file an application to vote with the clerk at least 2 days prior thereto.

Source: R. S. 40:151-17; 40:151-18.

**40A:14-75 Use of voting machines.**

The superintendent of elections of any county having a superintendent of elections or the county board of elections of any county not having a superintendent of elections, may upon application of the board of commissioners of any fire district, loan or rent to said board, one or more voting machines owned by the county, for a period of time which does not conflict with any State, county, municipal or school district election, for the purpose of conducting a fire district election as required by law. The loan or rental of a voting machine or machines for this purpose shall be upon such terms and conditions as may be determined by the board of chosen freeholders of the county.

In any case in which voting machines are made available for such purpose, the use thereof for any fire district election shall be held as provided herein.

Source: C. 40:151-24.1 (1968, c. 192, s. 1); C. 40:151-24.2 (1968, c. 192, s. 2).

**40A:14-76 Polls; hours.**

Upon petition of 25 or more voters, filed with the clerk of the board at least 20 days prior to the date of any election, after the first election, the board of fire commissioners, by resolution, may divide the fire district into 2 or more polling places.

The polls for any election shall be opened between the hours of 2:00 and 9:00 P. M., but the board may designate a later closing hour on the same day. The board shall furnish the necessary books for the entries of the names and addresses of the voters.

Source: R. S. 40:151-19; 40:151-20.

**40A:14-77 Manner of conducting elections.**

Before the opening of the polls a public proclamation shall be made by the chairman of the board or the clerk or his or their representative as to the purpose of the voting. Two tellers for each polling place shall be appointed by the chairman or clerk and thereupon the polls shall be opened and the balloting shall continue without recess until the closing of the polls. Immediately after the close of the polls the clerk and tellers shall forthwith canvass the vote and certify the results. The clerk shall publicly announce the results.

Source: R. S. 40:151-21; 40:151-22; 40:151-23.

**40A:14-78 Appropriations and other matters to be voted upon.**

Any appropriation or other matter to be voted upon at such election shall be in the form of a question, placed upon the ballot immediately following the names of the candidates for members of the board of fire commissioners, in substantially the following form:

	YES.	(Question to be voted on)
	NO.	

The voter shall indicate his approval or opposition by making a cross (X), plus (+) or check (V) mark in black ink or lead pencil in the appropriate square.

Source: R. S. 40:151-24.

**40A:14-79 Assessment and collection of money authorized by voters; repayment.**

The board of fire commissioners shall certify the amount of money voted at the annual district meeting to the assessor of the municipality, in which said district is situate, who shall assess the amount thereof against the taxable property therein, in the same manner as municipal taxes are assessed and the said amount shall be assessed, levied and collected at the same time and in the same manner as other municipal taxes.

The collector or treasurer of the municipality, in which said district is situate, shall pay over all moneys so assessed to the treasurer or custodian of funds of said fire district one-half on or before July 1 in the year for which said taxes are levied and the other half on or before January 1 of the following year, to be held and expended for the purpose of providing and maintaining means for extinguishing fires in such district.

The commissioners may also pay back, or cause to be paid back to such municipality, any funds or any part thereof paid to the treasurer or custodian of funds of such fire district by the collector or treasurer of the municipality, representing taxes levied for fire district purposes but not actually collected in cash by said collector or treasurer.

Source: R. S. 40:151-25 amended 1942, c. 183; 1943, c. 81.

**40A:14-80 Borrowing money in anticipation of revenue.**

The commissioners of any fire district, by resolution, may borrow after March 1 and before December 31 following, a sum not to exceed the amount appropriated at the preceding annual election held in the district, for current expenses and necessary repairs to fire apparatus and fire houses within the district, less any sums received from the collector of taxes or municipal treasurer on account of such appropriation. They may execute evidences of such indebtedness and pay the amount so borrowed, together with interest thereon, at a rate not exceeding 5% per annum.

Source: R. S. 40:151-26.

**40A:14-81 Board of fire commissioners; general powers.**

The commissioners of a fire district shall have the powers, duties and functions within said district to the same extent as in the case of municipalities, relating to the prevention and extinguishment of fires and the regulation of fire hazards.

Nothing contained herein shall be deemed to affect the powers, duties and functions of the State Department of \***[Conservation and Economic Development]**\* \**Environmental Protection*\* pertaining to forest fire services.

Source: R. S. 40:151-27.

**40A:14-82 Limitation of average hours of duty for uniformed members of fire district fire departments.**

The board of commissioners of a fire district having a uniformed paid or part-paid fire department, by resolution, may adopt a schedule of hours of actual duty for the members of such district fire department based upon an average of 56 hours per week in any 6-week cycle, but in cases of emergency the official in charge shall have authority to retain any uniformed member on duty during the period of the emergency and in any such case and within 12 months thereafter such member shall be given hours off from the average 56 hours per week in any 6-week cycle to compensate him for the extra hours served by him during such emergency.

Any such resolution shall be inoperative unless and until it shall have been submitted to and adopted by the legal voters within said

fire district at the annual election held for commissioners of the board, or at a special election for such purpose.

The resolution shall be submitted as a public question in the manner prescribed by law, by resolution of said board, or by filing with the clerk of the board of fire commissioners of such district a petition for such submission, signed by at least 20% of the legal voters who voted in the next preceding annual election for members of the board of fire commissioners.

The question shall be submitted substantially as follows:

“Insert the name and number of the fire district and state the question as to whether the fire department of the district shall be maintained in such manner as to provide that no uniformed member thereof shall be required to remain on duty in excess of 56 hours per week in any 6-week cycle except in cases of emergency.”

If a majority of the legal voters voting on such question vote in favor of the adoption, the resolution on and after January 1 following such election shall become operative.

Source: C. 40:151-27.1 (1951, c. 297, s. 1); C. 40:151-27.2 (1951, c. 297, s. 2); C. 40:151-27.3 (1951, c. 297, s. 3).

**40A:14-83 Leasing space in building of fire district.**

The board of fire commissioners of a fire district may lease at a nominal rental space in any of its buildings to the municipality in which the district is located.

Source: C. 40:151-27.4 (1964, c. 91).

**40A:14-84 Revenue for fire district purposes; limitations; meetings.**

The legal voters, at the annual meeting or at a special meeting called by the commissioners of the fire district, may vote to raise money for a fire house, apparatus and appliances in connection therewith for fire extinguishing purposes, in an amount not exceeding 5 mills on the dollar of the last assessed valuation of the property in the fire district. The amount so voted for shall be assessed in the manner provided by law and the revenue derived therefrom shall be expended for said purposes by the commissioners as they shall deem necessary and proper.

Any such special meeting shall be called on 10 days notice by the board of fire commissioners, to be posted in 5 public places in the district, setting forth the time, place and object of the meeting and the legal voters shall determine the amount of money to be raised.

Source: R. S. 40:151-28; 40:151-29.

**40A:14-85 Acquisition of property and equipment for fire districts; limitations; referendum for issuance of bonds.**

The board of commissioners of a fire district may purchase fire engines, apparatus or other appliances for the extinguishment of fires and acquire lands or buildings or erect buildings for the housing of such equipment, at a cost not exceeding \$60,000.00 or 2% of the assessed valuation of the taxable property in the district, whichever amount is larger, the money to be raised by a bond issue. Any such bond issue shall be authorized by a resolution of the commissioners specifying the amount and the purpose thereof. The resolution shall be inoperative unless and until it shall have been submitted to and approved by the legal voters within said fire district at the annual election held for the election of commissioners and appropriation of money for fire extinguishing purposes, or at a special election for such purpose.

The resolution shall be written or printed and the election shall be upon notice stating the time and place. If said election is to be the annual one, the notices shall be posted by the clerk of the board of fire commissioners in 10 public places, at least 10 days prior to the date of the election. The board of commissioners and the clerk, in their or his discretion, may advertise the election in a newspaper, published in the fire district, if any, otherwise in a newspaper published in the county of said district and circulating in such district. When a special election is specified notices shall be posted in 10 public places, at least 21 days prior to the date of election, and the clerk of said board shall advertise said notice in such a newspaper at least twice prior to the election date.

Source: R. S. 40:151-30 \*amended 1970, c. 216\*; 40:151-31; 40:151-33 amended 1955, c. 83.

**40A:14-86 Voting on bond issue of fire district; issuance and sale.**

The legal voters, at any election held for the purpose of raising money by issuance of bonds, shall vote by ballot on the question. The election shall be conducted in the same manner as other fire district elections.

If a majority of the legal voters voting on the question favor the issuance of such bonds the board of fire commissioners shall be authorized to issue them.

Said bonds shall be serial bonds issued in the corporate name of the fire district, in the authorized amount, not exceeding in the aggregate \$60,000.00 or 2% of the assessed valuation of the taxable property of the district, whichever amount is larger. They shall be in the amounts and payable at the time directed, with interest at a rate not exceeding 6% per annum, payable semi-

annually. The bonds shall not be issued for longer than a 30-year period. They shall be signed by the chairman of the board of fire commissioners and attested by the clerk, who shall affix thereto the corporate seal. The bonds shall have coupons attached for the payment of interest, signed by the clerk and numbered to correspond to the bonds. A proper registry shall be kept by the clerk of the board, of each bond issued, numbered consecutively. The bonds shall be sold at public or private sale for the best obtainable price but not less than par and accrued interest.

Source: R. S. 40:151-32; 40:151-33 amended 1955, c. 83.

**40A:14-87 Assessment and collection; borrowing money; bond payments.**

Whenever bonds have been duly issued the clerk of the board of fire commissioners shall annually certify to the assessor of the taxing district in which the fire district is situate, the amount required to meet the interest payments and pay the bonds maturing in the ensuing year, together with interest thereon. The assessor shall assess the amount thereof against the taxable property in the fire district. The amount of the assessment shall be payable to the collector of the municipality who, on or before July 1 following, shall pay the full amount of the assessment to the treasurer or custodian of funds of the fire district. The board of fire commissioners shall cause the principal and interest on said bonds to be paid as they become due.

If no funds are currently available to pay the maturing bonds or interest, the board of fire commissioners may borrow money and execute evidences of indebtedness for the purpose of making such payments in the same manner as in other cases of borrowing.

Source: R. S. 40:151-34.

**40A:14-88 Compensation for members of boards of fire commissioners.**

The secretary and treasurer shall be members of the board and their appointments shall be for terms of one year. Each member of the board of fire commissioners shall receive as compensation \*[\$6.00 for every meeting attended, not to exceed in the aggregate \$100.00 in any one year. The secretary shall receive an annual additional compensation of \$120.00, and the treasurer an additional compensation of \$200.00]\* \*such amounts as the board shall fix subject to review by the governing body wherein the fire district is located.\*

Source: R. S. 40:151-35 amended 1953, c. 356.

**40A:14-89 Fire district treasurer, custodian of money; bond; annual audit.**

The treasurer of the fire district shall be the custodian and disbursing officer of the moneys of the said district. Moneys shall be

disbursed by warrants signed by a majority of the board. The treasurer shall be bonded by a surety company, authorized to do business in New Jersey, in such an amount as the board shall prescribe.

The **\*[treasurer]\*** *\*board of fire commissioners\** shall cause his records to be audited at least once a year, within 30 days after expiration of the fiscal year and **\*[shall report such audit]\*** *\*such audit shall be reported\** to the board **\*[of fire commissioners]\*** at the next regular meeting, following. Within 10 days thereafter the clerk of the board of fire commissioners shall advertise such audit at least twice in a newspaper circulating in said district. The expense of the bond and audit shall be borne by the district.

Source: R. S. 40:151-36; 40:151-37.

**40A:14-90 Enlargement of fire district.**

The governing body of a municipality having a fire district therein, upon application as herein provided, by ordinance, may enlarge such fire district by extending the boundaries thereof to include additional territory in such municipality but not included in another fire district.

Such ordinance shall only be adopted upon an application in writing designating the area proposed to be included, submitted by at least 10 **\*[freeholders]\*** *\*legal voters\** residing in such area. Upon the adoption of any such ordinance and publication thereof as required by law the additional territory shall become part of said fire district.

Nothing contained herein shall affect the terms or tenure of members of the board of fire commissioners or officers or personnel thereof, nor the bonds and obligations, if any, of such fire district.  
Source: R. S. 40:151-38; 40:151-39; 40:151-40.

**40A:14-91 Dissolution of fire district.**

Upon a written application therefor, of at least 20 **\*[freeholders]\*** *\*legal voters\** residing in a fire district, the governing body of the municipality, wherein the fire district is located, shall consider the dissolution of the fire district. Upon receipt of such an application the governing body of said municipality shall fix a time and place for a hearing thereon. The municipal clerk shall advertise the notice of hearing in a newspaper circulating in the county wherein the municipality is located at least once and not less than 10 days prior to the meeting.

After the hearing the governing body of said municipality shall determine the question of the proposed dissolution.

If a resolution be adopted that the fire district be dissolved, any moneys remaining in the fire district treasury shall be disposed of as the said governing body shall direct.

Source: R. S. 40:151-42; 40:151-43.

**40A:14-92 Cancellation of taxes or refunds on dissolution of fire district.**

In any municipality wherein a fire district is dissolved the governing body of the municipality may cancel unpaid tax levies for the fire district or refund fully or proportionately without interest any moneys paid by the taxpayers in said fire district to the collector of the municipality, but the total amount of any such refunds shall not exceed the amount of money on hand for the account of the fire district upon said dissolution.

Source: R. S. 40:151-44.

**40A:14-93 Illegally created fire district; abatements or refunds.**

Upon a written application therefor, of at least 20 **\*[persons]\*** *\*legal voters\** residing in a fire district, alleging that the fire district was not created in accordance with law, and upon a determination by the governing body that said allegation is fully supported by uncontradicted evidence and that taxes have been assessed on their property, the governing body of the municipality, by resolution, may abate and remit all of such unpaid taxes and authorize refunds of taxes paid to the taxpayers.

Source: R. S. 40:151-45.

**40A:14-94 Formation of new municipalities; abolition of fire district; apportionment of assets and liabilities.**

A fire district shall be deemed abolished when the municipality in which it is located shall be divided and formed into or become part of 2 or more new municipalities.

Upon such abolition the governing bodies of the new municipalities and the treasurer or custodian of the funds of said fire district shall meet at a time and place to be designated by the clerk of the new municipality wherein the fire district or greater part thereof is located. The notice of the meeting shall be served personally or by certified mail upon each member of the board of said fire district, not less than 10 days prior to the meeting. At the meeting the property of the fire district shall be apportioned between or among said new municipalities in proportion to the aggregate value of the buildings and contents of such fire district located respectively therein as ascertained from the last assessment for said fire district.

A written report of such apportionment, signed by the members of the governing bodies present at said meeting, shall be made.

The report shall set forth the current assets and liabilities and the division of the money and property of the fire district. The taxpayers of the respective new municipalities shall be liable to pay their proportion of the debts, if any, of said fire district.

Upon the ascertainment of the amount of money to be paid and the property to be distributed and the manner of such payment and distribution to each municipality, the treasurer or custodian of funds of said fire district shall pay and transfer said moneys and property accordingly.

Source: R. S. 40:151-46; 40:151-47.

**40A:14-95 Establishment of Junior Firemen's Auxiliary.**

In any municipality or fire district in this State maintaining a volunteer fire department, or where there shall exist one or more incorporated volunteer fire companies affording fire protection to said municipality or fire district the membership whereof are serving under the jurisdiction of and with the consent of said municipality or fire district, it shall be lawful for the governing body of such municipality, or the board of commissioners of such fire district to provide, by ordinance or resolution, for the establishment of an auxiliary to any such volunteer fire department or company to be known as the Junior Firemen's Auxiliary.

Source: C. 40:47-30.6 (1968, c. 309, s. 1).

**40A:14-96 Eligibility for membership in the Junior Firemen's Auxiliary.**

No person shall be eligible for membership in the Junior Firemen's Auxiliary who is less than \***[18]**\* \*16\* or more than 21 years of age. Persons between the ages of \***[18]**\* \*16\* and 21 shall be required to obtain permission to join the auxiliary from their parents or guardian. Such permission shall be in writing and acknowledged or proved in the manner required by law for deeds to real estate to be recorded.

Source: C. 40:47-30.7 (1968, c. 309, s. 2\*; amended 1970, c. 310\*).

**40A:14-97 Insurance coverage for members.**

Members of the auxiliary shall be insured with the same coverage and in the same amounts provided for the regular volunteer firemen of the municipality or fire district.

Source: C. 40:47-30.8 (1968, c. 309, s. 3).

**40A:14-98 Rules and regulations governing activities of Junior Firemen's Auxiliary.**

The governing body of the municipality or the board of commissioners of the fire district shall, before authorizing the establishment of any Junior Firemen's Auxiliary, formulate rules and

regulations to govern the activities of the auxiliary. The rules and regulations shall provide for the training of the auxiliary for eventual membership in the volunteer fire department of the municipality or fire district or in any such volunteer fire company or companies affording fire protection therein, and shall further provide that no junior fireman shall be required to perform duties which would expose him to the same degree of hazard as a regular member of a volunteer fire company.

Source: C. 40:47-30.9 (1968, c. 309, s. 4).

**40A:14-99 \***[Section 40:47-50 of the Revised Statutes saved from repeal.****

Section 40:47-50 of the Revised Statutes is saved from repeal. [The act saved from repeal by said section, which section is now saved from repeal, provided that all janitors employed before May 6, 1929, in fire departments of municipalities under 50,000 inhabitants, shall be entitled to the salary and tenure of other uniformed firemen in such municipality.]

Source: R. S. 40:47-50.]\* \*Blank.\*

**40A:14-100 Section 40:47-51 of the Revised Statutes saved from repeal.**

Section 40:47-51 of the Revised Statutes is saved from repeal. [The act saved from repeal by said section, which section is now saved from repeal, provided that cities and municipalities not having a paid fire department prior to March 1, 1886 may create and maintain such a fire department and are authorized to establish said department by referendum and provide for the appointment, powers and duties of a board of fire commissioners.]

Source: R. S. 40:47-51.

**40A:14-101 Section 40:151-41 of the Revised Statutes saved from repeal.**

Section 40:151-41 of the Revised Statutes is saved from repeal. [The act (P. L. 1930, c. 96) saved from repeal by said section, which section is now saved from repeal, provided a method for proving the existence of certain fire districts created before April 14, 1930, the records of such creation having been lost, destroyed or mislaid.]

Source: R. S. 40:151-41.

**40A:14-102 Sections 40:151-48 to 40:151-53 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:151-48 to 40:151-53 both inclusive of the Revised Statutes are saved from repeal. [These sections provide for the effect on an existing fire district when its territory is made part of another district.]

Source: R. S. 40:151-48; 40:151-49; 40:151-50; 40:151-51; 40:151-52; 40:151-53 amended 1953, c. 37, s. 288.

**40A:14-103 Section 40:151-54 of the Revised Statutes saved from repeal.**

Section 40:151-54 of the Revised Statutes is saved from repeal. [The act saved from repeal by said section, which section is now saved from repeal, provided for bond issues for the payment by township fire districts of the arrearages for water service existing prior to 1935. It provides for the fixing of the rate of interest, maturity dates and amount of the annual installments for amortization of said bonds.]

Source: R. S. 40:151-54.

**40A:14-104 Sections 40:174-62 to 40:174-64 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-62 to 40:174-64 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1892, c. 19) compiled by the above sections and saved from repeal by this section provides for the creation, establishment, operation and maintenance of a paid fire department by cities, adopting the provisions of P. L. 1885, c. 250.]

Source: R. S. 40:174-62; 40:174-63; 40:174-64.

**40A:14-105 Sections 40:174-120 to 40:174-125 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-120 to 40:174-125 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1906, c. 249) compiled by the above sections and saved from repeal by this section provides that the board of fire commissioners or other official in charge of a fire department, in cities of the first class, may create the positions of inspectors of combustibles and fire risks and make appointments thereto.]

Source: R. S. 40:174-120; 40:174-121; 40:174-122; 40:174-123; 40:174-124; 40:174-125.

**C. ANALYSIS**

- 40A:14-106 County police; establishment.  
40A:14-107 General powers of county police.  
40A:14-108 Hours of service for uniformed members and officers; referendum.  
40A:14-109 Doorman and mechanic have rank of patrolman.  
40A:14-110 Minimum salary for county and county park policemen in counties other than of the first and second class.  
40A:14-111 Promotion of members and officers in certain cases.  
40A:14-112 Appearance as witness; no loss in compensation.  
40A:14-113 Leaves of absence with pay to certain members and officers.

- 40A:14-114 Delay in qualifying because of military service.  
40A:14-115 Decrease of force for reasons of economy.  
40A:14-116 Special compensation for permanently disabled members or officers; conditions.  
40A:14-117 Defense for members and officers sued for damages occasioned from or incidental to their performance of duty.

**40A:14-106 County police; establishment.**

The board of chosen freeholders of any county, adopting rules for the regulation of traffic upon the county highways and roads and for the enforcement of laws pertaining thereto, by resolution, may create and establish a county police department and force and provide for its maintenance, regulation and control. Except as otherwise provided by law, the said board may appoint a chief of the department and such other members, officers and personnel as shall be deemed necessary, determine their terms of office, fix their compensation and prescribe their powers, functions and duties. The said board shall adopt and promulgate rules and regulations for the government of the department and force and for the discipline of its members.

Source: R. S. 40:22-1; 40:22-3; 40:22-4; 40:22-6.

**40A:14-107 General powers of county police.**

The members and officers of a county police department and force, in addition to any and all other powers prescribed by law, shall have the power to enforce:

- (1) all rules and regulations made and promulgated by the board of chosen freeholders of the county governing the use of by the public, and the welfare of the public on, county highways and roads;
- (2) all provisions of chapter 171 (Sunday observances) of Title 2A of the New Jersey Statutes;
- (3) all provisions of Title 39 (Motor Vehicles and Traffic Regulation) of the Revised Statutes; and
- (4) all provisions of Subtitle 10 (Crimes) of Title 2A of the New Jersey Statutes.

The said members and officers shall have authority to arrest for the commission of any crime anywhere in the county of their appointment.

Source: R. S. 40:22-2; 40:22-5 amended 1953, c. 37, s. 39.

**40A:14-108 Hours of service for uniformed members and officers; referendum.**  
The hours of employment of the uniformed members and officers of any county police department or force having supervision and



regulation of traffic on county highways and roads or of a county park police system shall not exceed 8 continuous hours in any one day nor more than 40 hours in any one week. No such member or officer shall be required to perform any police duty which would involve more time than herein specified except in cases of emergency.

The provisions herein shall be inoperative unless and until adopted by resolution of the board of chosen freeholders or the county park police commission, as the case may be, and if the resolution so provides, this section shall remain inoperative until approved by a majority of legal voters of the county voting thereon at an election held at the next general election. Such an election shall be held when so directed but such direction shall not be made unless so made at least 40 days preceding such next general election.

The adoption thereof when submitted shall be in the form of a question to the legal voters of the county, in the manner prescribed by law, in substantially the following form on the ballot: "Shall the 8-hour day and 40-hour week plan for the county policemen (county park policemen) be adopted?" The ballot shall contain 2 squares to the left of the question, one with the word "Yes", the other with the word "No", respectively, to the right of the squares. The ballot shall contain instructions to the voters, to vote by marking a cross (X), or plus (+) or check mark (✓) in the appropriate square according to their choice. If voting machines are used, the word "Yes" or "No" shall be equivalent to such markings, respectively. If a majority of the legal voters voting on such question at said election vote in favor of the adoption, the plan shall become operative in the county in which it was adopted to the extent thereof.

Source: C. 40:11-13.2 (1948, c. 341, s. 1); C. 40:11-13.3 (1948, c. 341, s. 2); C. 40:11-13.4 (1948, c. 341, s. 3); C. 40:11-13.5 (1948, c. 341, s. 4); C. 40:11-13.6 (1948, c. 341, s. 5); C. 40:11-13.7 (1948, c. 341, s. 6).

**40A:14-109 Doorman and mechanic have rank of patrolman.**

Any person employed as a county police doorman or mechanic *\*prior to the effective date of this law\** shall be a member of the county police department and force with the rank of patrolman and entitled to the same salary, rights and privileges as patrolman. Source: R. S. 40:22-15.

**40A:14-110 Minimum salary for county and county park policemen in counties other than of the first and second class.**

Except as otherwise provided by law or whenever a higher minimum annual salary has been legally fixed by appropriate action, every county or county park policeman in a county other than of the first or second class county, shall be entitled to a minimum salary of \$2,250.00.

Source: C. 40:11-20 (1949, c. 283).

**40A:14-111 Promotion of members and officers in certain cases.**

In any county wherein Title 11 (Civil Service) of the Revised Statutes is not in operation, except as otherwise provided by law, a member or officer of the county police department or force shall not be promoted until he has served at least 3 years in such department or force.

Source: C. 40:11-18 (1940, c. 20).

**40A:14-112 Appearance as witness; no loss in compensation.**

The board of chosen freeholders of a county, or the county park commissioners may, by resolution, provide that whenever any member of the county police department, county boulevard police system or county park police system shall be required to appear before any grand jury or at any County, Superior or Supreme Court proceeding, except in a civil action, the time during which he is so engaged shall be considered a time of assignment to, and performance of duty. When such appearance occurs during the member's assigned duty hours, he shall suffer no loss in compensation. When such appearance occurs outside his assigned duty hours he shall receive either compensatory time off from his regular duty hours or additional compensation.

Source: C. 40:11-13.9 (1968, c. 264, s. 1); C. 40:11-13.10 (1968, c. 264, s. 2).

**40A:14-113 Leaves of absence with pay to certain members and officers.**

The board of chosen freeholders of any county, by resolution, may provide for granting leaves of absence with pay not exceeding one year, to members and officers of its police department and force who shall be injured, ill or disabled from any cause, provided that the board appointed examining physician, shall certify to such injury, illness or disability.

Source: R. S. 40:11-9.

**40A:14-114 Delay in qualifying because of military service.**

Any person who has been, or shall be, appointed as a member or officer of the county police department and force while serving in

the armed services of the United States, and who has been, or shall be, delayed in qualifying and becoming a member of such police department and force as a result of such service and who shall qualify and become a member or officer of such police department and force within 6 months after an honorable discharge or release under conditions other than dishonorable from such service, shall be considered for the purpose of determining his years of service, rank, grade, increase in pay or any other rights or benefits, as having qualified and to have become a member of such department and force as of the date of his appointment.

Source: C. 40:11-13.1 (1946, c. 87).

**40A:14-115 Decrease of force for reasons of economy.**

The board of chosen freeholders of any county, if they shall deem it necessary for reasons of economy, may decrease the number of members and officers of the police department or force or their grades or ranks. In case of demotion from the higher ranks, the officers or members to be so demoted shall be in the inverse order of their appointment. When the service of members or officers is terminated, such termination shall be in the inverse order of their appointment. Any member or officer who is demoted or whose service is terminated by reason of such decrease shall be placed on a special employment list, and in the case of subsequent promotions, a person so demoted shall be reinstated to his original rank, and in the case of termination of service and new appointment, prior consideration shall be given to the persons on said special employment list.

Source: R. S. 40:11-10; 40:11-11; 40:11-12 amended 1942, c. 52, s. 1; 40:11-13 amended 1938, c. 80; 1942, c. 52, s. 2.

**40A:14-116 Special compensation for permanently disabled members or officers; conditions.**

If a member or officer of a county police department or force is permanently disabled from injuries received while in the performance of his duties and the chief or authority in charge of such police department or force shall recommend that special compensation be granted and a physician, appointed by the board of chosen freeholders of the county, shall certify as to the probable permanency of such disability, the board of chosen freeholders of the county, by resolution, in their discretion, may provide for special compensation to said disabled member or officer and the amount thereof and manner of payment, either in a lump sum or by an annual allowance during such disability, but such special compensation, plus any pension paid and any award for workmen's compensation

shall not exceed the salary payable at the time of the sustaining of the injuries. The board of chosen freeholders of the county shall include appropriate budget items and provide for the payment of such special compensation.

Source: C. 40:22-3.1 (1952, c. 350, s. 1); C. 40:22-3.2 (1952, c. 350, s. 2).

**40A:14-117 Defense for members and officers sued for damages occasioned from or incidental to their performance of duty.**

Whenever a member or officer of a county police department or force is sued for damages arising from or incidental to a performance of his duties, the board of chosen freeholders of the county shall provide said member or officer with necessary means for the defense of such suit, other than for his defense in a disciplinary or criminal proceeding instituted against him by the county.

Source: C. 40:11-19 (1946, c. 67 amended 1947, c. 103, s. 2).

**D. ANALYSIS**

- 40A:14-118 Creation and establishment of police department and force; regulation; members.
- 40A:14-119 Acquisition of lands and buildings; construction and maintenance of buildings.
- 40A:14-120 Lease of buildings; term and renewal.
- 40A:14-121 Contracts for police vehicles and ambulance services.
- 40A:14-122 General qualifications of members of police department and force; temporary appointments; absences from duty.
- 40A:14-123 Residence requirements waived in certain cases.  
*\*40A:14-123.1 Residence requirements for persons discharged or released from the military service.\**
- 40A:14-124 Certain municipalities under 30,000 population, \***[2-year]**\* \*6-month\* residence not required; conditions.
- 40A:14-125 Municipalities under 5,000 population, \***[2-year]**\* \*6-month\* residence not required; conditions.
- 40A:14-126 Municipalities having a population in excess of 5,000 but not more than 5,500, \***[2-year]**\* \*6-month\* residence not required; conditions.
- 40A:14-127 Age requirements.
- 40A:14-128 Indeterminate term of office.
- 40A:14-129 Promotion of members and officers in certain municipalities.
- 40A:14-130 Promotion of members and officers in certain cases.

40A:14-131 Minimum salary for policemen in municipalities located in counties other than of the first or second class.

40A:14-132 Hours of service for uniformed members and officers; referendum.

40A:14-133 Days of employment and days off; emergency.

40A:14-134 Certain emergencies; compensation.

40A:14-135 Appearance as witness; no loss in compensation.

40A:14-136 Leave of absence without pay; retention of pension and retirement benefits.

40A:14-137 Leaves of absence with pay to certain members and officers.

40A:14-138 Delay in qualifying because of military service.

40A:14-139 Clerks.

40A:14-140 Drivers and attendants of police vehicles; other personnel.

40A:14-141 Chaplains.

40A:14-142 Municipal prison keepers.

40A:14-143 Decrease of force for reasons of economy.

40A:14-144 Temporary appointments.

40A:14-145 Appointment of temporary members and officers; general qualifications; termination of employment.

40A:14-146 Special police; appointment; qualifications; duties.

40A:14-146.1 Security officers.

40A:14-147 Suspension and removal of members and officers; complaint; hearing.

40A:14-148 \***[Trials.]**\* \**Hearings.*\*

40A:14-149 Suspension pending hearing; commencement of hearing.

40A:14-150 Review of disciplinary conviction in non-civil service municipalities.

40A:14-151 Judicially determined illegal suspension or dismissal; member or officer entitled to recover salary; proviso.

40A:14-152 Members and officers shall have powers of peace officers and constables.

40A:14-153 Records and badges of awards to members and officers.

40A:14-154 Special compensation for permanently disabled members or officers; conditions.

40A:14-155 Defense for members and officers sued for damages occasioned from or incidental to their performance of duty.

40A:14-156 Police assistance in other municipalities; pension and compensation rights unaffected in case of casualty or death.

40A:14-157 Tangible personal property found or recovered; disposition.

40A:14-158 Special joint municipal police force.

40A:14-159 Chapter 151 of the laws of 1958 saved from repeal.

40A:14-159.1 Chapter 303 of the laws of 1969 saved from repeal.

40A:14-160 Section 40:47-12 of the Revised Statutes saved from repeal.

40A:14-161 Chapter 188 of the laws of 1959 saved from repeal.

40A:14-162 Chapter 56 of the laws of 1962 saved from repeal.

40A:14-163 Chapter 187 of the laws of 1964 saved from repeal.

40A:14-164 Chapter 288 of the laws of 1966 saved from repeal.

40A:14-165 Sections 40:174-6 to 40:174-25 both inclusive of the Revised Statutes saved from repeal.

40A:14-166 Section 40:174-26 of the Revised Statutes saved from repeal.

40A:14-167 Sections 40:174-88 to 40:174-91 both inclusive of the Revised Statutes saved from repeal.

40A:14-168 Sections 40:174-92 and 40:174-93 of the Revised Statutes saved from repeal.

40A:14-169 Sections 40:174-95 to 40:174-112 both inclusive of the Revised Statutes saved from repeal.

40A:14-170 Sections 40:174-113 and 40:174-114 of the Revised Statutes saved from repeal.

40A:14-171 Sections 40:174-144 to 40:174-146 both inclusive of the Revised Statutes saved from repeal.

40A:14-172 Section 40:174-148 of the Revised Statutes saved from repeal.

40A:14-173 Section 40:174-149 of the Revised Statutes saved from repeal.

40A:14-174 Sections 40:174-151 to 40:174-170 both inclusive of the Revised Statutes saved from repeal.

40A:14-175 Sections 40:174-181 to 40:174-200 both inclusive of the Revised Statutes saved from repeal.

40A:14-118 **Creation and establishment of police department and force; regulation; members.**

The governing body of any municipality, by ordinance, may create and establish a police department and force and provide for the maintenance, regulation and control thereof, and except as otherwise provided by law, appoint such members, officers and

personnel as shall be deemed necessary, determine their terms of office, fix their compensation and prescribe their powers, functions and duties and adopt and promulgate rules and regulations for the government of the department and force and for the discipline of its members.

Source: R. S. 40:47-1.

**40A:14-119 Acquisition of lands and buildings; construction and maintenance of buildings.**

The governing body of the municipality, by \***[Ordinance]**\* *\*resolution\**, may provide for the acquisition of such lands and buildings as shall be deemed useful and necessary for the purposes and requirements of the police department and force, and may construct, furnish, equip and maintain said buildings.

Source: R. S. 40:47-2.

**40A:14-120 Lease of buildings; term and renewal.**

The governing body of any municipality, by \***[Ordinance]**\* *\*resolution\**, may provide for the leasing of any building, or part thereof, for use of the police department and force for a period not exceeding 5 years and for the renewal thereof for a similar term within one year prior to the expiration of the term.

Source: R. S. 40:47-13.

**40A:14-121 Contracts for police vehicles and ambulance services.**

The governing body of any municipality, by \***[Ordinance]**\* *\*resolution\**, may provide by contract, for the furnishing of vehicles, ambulances and services incidental thereto for use of the police department and force.

Source: R. S. 40:47-14.

**40A:14-122 General qualifications of members of police department and force; temporary appointments; absences from duty.**

Except as otherwise provided by law, no person shall be appointed as a member of the police department and force, unless he

(1) is a citizen of the United States and has been a resident of the municipality, in which he is to be appointed, for at least 6 months next preceding his appointment;

(2) is sound in body and of good health sufficient to satisfy the board of trustees of the police and firemen's retirement system of New Jersey as to his eligibility for membership in the retirement system;

(3) is able to read, write and speak the English language well and intelligently;

(4) is of good moral character, and has not been convicted of any criminal offense involving moral turpitude.

The appointing body, officer or officers of the municipality when authorized so to do, may employ such officers and other personnel for said police department and force as temporary employees in emergencies, or for certain specified parts of the year, as needed.

Except as otherwise provided by law, any permanent member or officer of such police department and force who shall be absent from duty without just cause or leave of absence, for a continuous period of 5 days, shall cease to be a member of such police department and force.

Source: R. S. 40:47-3 amended 1945, c. 218; 1954, c. 241; 1969, c. 267, s. 1.

**40A:14-123 Residence requirements waived in certain cases.**

Any municipality, by ordinance, may authorize the appointment and the retention in its employ of present and future officers or members of its police department and force, notwithstanding that the same do not meet the residence requirements specified by any other applicable law.

Such ordinance, however, shall not be adopted unless the governing body of said municipality finds as a fact that adherence to said residence requirements would seriously impede its ability to establish and maintain competent personnel for its police department and force.

No person shall be appointed pursuant to said ordinance waiving residence requirements unless at the time of his appointment there shall be a vacancy in the police department or force which cannot be filled by a qualified resident.

No person shall be appointed pursuant to said ordinance waiving residence requirements unless he has been a resident of the State of New Jersey for at least 6 months and lives in such proximity to the municipality in question as will satisfy the appointing authority that he will be able to fully perform his duties as a member of its police department and force.

Source: C. 40:47-3.3 (1966, c. 292, s. 1); C. 40:47-3.4 (1966, c. 292, s. 2); C. 40:47-3.5 (1966, c. 292, s. 3 amended 1969, c. 267, s. 3).

**\*40A:14-123.1 Residence requirements for persons discharged or released from the military service.**

*Any person who has served in the armed services of the United States and been discharged or released from such service under conditions other than dishonorable within 6 months prior to making application to any municipality for appointment as a member*

or officer of the police department or force, may be appointed a member or officer of such police department or force if otherwise qualified notwithstanding that he is not and has not been a resident of said municipality for 6 months preceding his appointment; provided, at the time of making application for appointment said person signs a notice of intention and agreement to become a resident of the municipality within 6 months from the date of appointment.

In the event such appointee fails to become a resident of the municipality within the aforementioned 6-month period, he shall then cease to be a member or officer of said police department or force. The governing body shall cause to be served on the officer or member at least 15 days before the expiration of the period of nonresidency permitted, a notice that he is required to become a resident of the municipality within the time mentioned, and in the event such notice is not given for the officer or member to become a resident of the municipality the time for the officer or member to become a resident of the municipality is extended until such notice is given.

Source: C. 40:47-3.6 (1970, c. 187).\*

**40A:14-124 Certain municipalities under 30,000 population, \*[2-year]\* \*6-month\* residence not required; conditions.**

Any person, if he is otherwise qualified, may be appointed as a member or officer of the police department or force of a municipality, having a population of at least 5,000 but not more than 30,000, notwithstanding he has not been a resident of such municipality for 6 months preceding his appointment.

No such appointment shall be made unless prior thereto, the governing body of such municipality, by resolution, shall have determined that adherence to said residence requirement in each particular case would seriously impede its ability to establish and maintain competent personnel for its police department and force and that the appointment or continued employment of a named member or officer of its police department or force is deemed necessary to the proper establishment in operation of said police department and force provided that the person to be appointed or continued in employment shall reside in the area included within a radius of 15 miles from such municipality's police headquarters.

Source: C. 40:47-3.1 (1946, c. 25, amended 1953, c. 107, s. 2; 1954, c. 243; 1956, c. 187, s. 1; 1969, c. 267, s. 2); C. 40:47-3.2 (1953, c. 107, s. 3 amended 1956, c. 187, s. 2); C. 40:47-20.13 (1965, c. 177 amended 1969, c. 267, s. 7).

**40A:14-125 Municipalities under 5,000 population, \*[2-year]\* \*6-month\* residence not required; conditions.**

In any municipality having a population of less than 5,000 any person may be appointed as a member or officer of the police department or force, notwithstanding he has not been a resident of the municipality in which he is to be appointed, for at least 6 months next preceding his appointment, if he is otherwise qualified and is a resident of the county wherein such municipality is situate.

Source: C. 40:47-20.8 (1956, c. 147 amended 1969, c. 267, s. 5).

**40A:14-126 Municipalities having a population in excess of 5,000 but not more than 5,500, \*[2-year]\* \*6-month\* residence not required; conditions.**

Any person may be appointed an officer or member of the police department or force of a municipality having a population in excess of 5,000 but not more than 5,500, notwithstanding that he has not been a resident of such municipality for 6 months preceding his appointment, if he is otherwise qualified and is either a resident of the municipality or agrees to become a resident of the municipality within one year of his appointment.

Source: C. 40:47-20.14 (1965, c. 218 amended 1969, c. 267, s. 8).

**40A:14-127 Age requirements.**

Except as otherwise herein provided, no person shall be appointed as a member or officer of the police department or force in any municipality who is under 21 or over 35 years of age.

In any municipality wherein Title 11 (Civil Service) of the Revised Statutes is operative, any person who shall have met the age requirements herein at the announced closing date of a civil service examination for the position, shall be considered within the age requirements while the civil service list promulgated as a result of that examination is in effect.

Nothing herein contained shall affect the employment or continuance in office of any person as a permanent policeman, employed by said municipality prior to the adoption of the ordinance, creating and establishing a paid police department or force.

The provisions of this section are subject to chapter 98 of the laws of 1944 (C. 38:23A-2) relating to maximum age limits for persons serving in the armed forces of the United States as therein provided.

Source: R. S. 40:47-4 amended 1939, c. 318; 1945, c. 219; 1948, c. 161; 1953, c. 299, s. 1; 1962, c. 149, s. 1; 1968, c. 276, s. 1.

**40A:14-128 Indeterminate term of office.**

Except as otherwise provided by law, in any municipality having permanent members and officers of a police department and force,

the employment of said members and officers shall be indeterminate and continuous during good behavior, efficiency and required residency.

Source: R. S. 40:47-5.

**40A:14-129 Promotion of members and officers in certain municipalities.**

In any municipality wherein Title 11 (Civil Service) of the Revised Statutes is not in effect, and except in cities of the first and second class, a promotion of any member or officer of the police department or force to a superior position shall be made from the membership of such department or force. Due consideration shall be given to the member or officer so proposed for the promotion, to the length and merit of his service and preference shall be given according to seniority in service.

No person shall be eligible for promotion to be a superior officer unless he shall have previously served as a patrolman in such department or force.

Source: R. S. 40:47-18.

**40A:14-130 Promotion of members and officers in certain cases.**

In any municipality wherein Title 11 (Civil Service) of the Revised Statutes is not in operation, except as otherwise provided by law, a member or officer of the municipal police department or force shall not be promoted until he has served at least 3 years in such department or force.

Source: C. 40:11-18 (1940, c. 20).

**40A:14-131 Minimum salary for policemen in municipalities located in counties other than of the first or second class.**

Except as otherwise provided by law or whenever a higher minimum annual salary has been legally fixed by appropriate action, every municipal policeman in a municipality located in a county other than a first or second class county, shall be entitled to a minimum annual salary of \$2,250.00.

Source: C. 40:11-20 (1949, c. 283).

**40A:14-132 Hours of service for uniformed members and officers; referendum.**

The hours of employment of the uniformed members and officers of the police department and force in any municipality shall not exceed 8 continuous hours in any one day nor more than 40 hours in any one week. No such member or officer shall be required to perform any police duty which would involve more time than herein specified except in cases of emergency.

The provisions herein shall be inoperative unless and until adopted by ordinance of the governing body of the municipality

and, if the ordinance so provides, this section shall remain inoperative until approved by a majority of legal voters of the municipality voting thereon at an election held at the next general election. Such an election shall be held when so directed but such direction shall not be made unless so made at least 40 days preceding such next general election.

Upon the filing with the governing body of the municipality a petition for the submission of the question signed by at least 20% of the legal voters of the municipality, the governing body shall adopt an ordinance with a provision that it shall be inoperative until approved by a majority of legal voters of the municipality voting thereon in the same manner as in the case of the adoption of such an ordinance and providing for such submission where no such petition is submitted.

The adoption thereof when submitted shall be in the form of a question to the legal voters of the municipality in the manner prescribed by law, in substantially the following form on the ballot: "Shall the 8-hour day and 40-hour week plan for the municipal policemen be adopted?" The ballot shall contain 2 squares to the left of the question, one with the word "Yes", the other with the word "No", respectively, to the right of the squares. The ballot shall contain instructions to the voters to vote by marking a cross (X), or plus (+) or check mark (V) in the appropriate square according to their choice. If voting machines are used the word "Yes" or "No" shall be equivalent to such markings, respectively. If a majority of the legal voters voting on such question at said election vote in favor of the adoption, the plan shall become operative in the municipality in which it was adopted to the extent thereof.

Source: C. 40:11-13.2 (1948, c. 341, s. 1); C. 40:11-13.3 (1948, c. 341, s. 2); C. 40:11-13.4 (1948, c. 341, s. 3); C. 40:11-13.5 (1948, c. 341, s. 4); C. 40:11-13.6 (1948, c. 341, s. 5); C. 40:11-13.7 (1948, c. 341, s. 6); R. S. 40:47-16 amended 1941, c. 340.

**40A:14-133 Days of employment and days off; emergency.**

The days of employment of any member or officer of the police department or force, including any officer having supervision or regulation of traffic upon county roads, parks and parkways shall not exceed 6 days in any one week, except in cases of emergency the officer, board or official in charge of such police department or force shall have authority to retain on duty any member or officer during the period of the emergency, but in any such case and within 12

months thereafter, such member or officer shall be given a day off for each extra day so served by him during the emergency.

Source: R. S. 40:47-17.

**40A:14-134 Certain emergencies; compensation.**

“Emergency” as used herein shall include any unusual conditions caused by any circumstances or situation including shortages in the personnel of the police department or force caused by vacancies, sickness or injury, or by the taking of accrued vacation or sick leave or both, whereby the safety of the public is endangered or imperiled, as shall be determined within the sole discretion of the officer, board or official having charge of the police department or force in any municipality.

In any municipality in which the officer, board or official having charge or control of the police department or force has authority, in times of any such emergency to summon and keep on duty any paid members of the police department or force for a period of time or times in excess of the hours of ordinary duty, the governing body may provide compensation for some or all of such emergency duty by any such policeman at his prevailing wage, which compensation shall be in lieu of any compensatory time off otherwise due for the emergency duty so compensated.

The governing body of the municipality may, if necessary, make emergency appropriations to provide funds for the payment of such compensation as provided by law.

Source: C. 40:47-12.12 (1966, c. 247, s. 1); C. 40:47-12.13 (1966, c. 247, s. 2); C. 40:47-12.14 (1966, c. 247, s. 3).

**40A:14-135 Appearance as witness; no loss in compensation.**

The governing body of any municipality may, by ordinance, provide that whenever any member of the police department or force shall be required to appear before any grand jury or at any County, Superior or Supreme Court proceeding, except in a civil action, the time during which he is so engaged shall be considered a time of assignment to, and performance of duty. When such appearance occurs during the member's assigned duty hours, he shall suffer no loss in compensation. When such appearance occurs outside his assigned duty hours, he shall receive either compensatory time off from his regular duty hours or additional compensation.

Source: C. 40:11-13.9 (1968, c. 264, s. 1); C. 40:11-13.10 (1968, c. 264, s. 2).

**40A:14-136 Leave of absence without pay; retention of pension and retirement benefits.**

Leave of absence without pay may be granted by the authority in charge, to a member or officer of a municipal police department or force, in order that his services may be made available to the State or a county, or to a State or county department or agency. A request for a leave of absence shall be made in writing by the member or officer and the State or county, or the State or county department or agency, desiring his service, but no such leave of absence shall be used to displace an incumbent. Any such leave of absence shall not be for more than one year, but may be extended, in the same manner as originally granted, but in the aggregate, shall not exceed 5 years. Neither membership in the municipal police department or force, nor pension or retirement rights shall be affected by such leaves of absence, but pension contributions shall be payable notwithstanding such leaves of absence. Upon the expiration of any such leave of absence, the member or officer shall return to his original duties and resume his office, position or employment with the said department or force and be entitled to all salary adjustments, increments, seniority and pension rights, as if no leave had been granted.

Source: C. 40:47-20.3 (1954, c. 144, s. 1); C. 40:47-20.4 (1954, c. 144, s. 2); C. 40:47-20.5 (1954, c. 144, s. 3); C. 40:47-20.6 (1954, c. 144, s. 4).

**40A:14-137 Leaves of absence with pay to certain members and officers.**

The governing body of any municipality, by ordinance, may provide for granting leaves of absence with pay not exceeding one year, to members and officers of its police department and force who shall be injured, ill or disabled from any cause, provided that the examining physician appointed by said governing body, shall certify to such injury, illness or disability.

Source: R. S. 40:11-9.

**40A:14-138 Delay in qualifying because of military service.**

Any person who has been, or shall be, appointed as a member or officer of the municipal police department or force while serving in the armed services of the United States, and who has been, or shall be, delayed in qualifying and becoming a member of such police department or force as a result of such service and who shall qualify and become a member or officer of such police department or force within 6 months after an honorable discharge or release under conditions other than dishonorable discharge or release shall be considered for the purpose of determining his years of service,

rank, grade, increase in pay or any other rights or benefits, as having qualified and to have become a member of such department or force as of the date of his appointment.

Source: C. 40:11-13.1 (1946, c. 87).

**40A:14-139 Clerks.**

The governing body of any municipality, in their discretion, by ordinance, may provide for the appointment of a clerk for the police department or force and in any such ordinance shall prescribe his powers, functions and duties and fix the amount of his compensation, which shall be payable in the same manner as in the case of other members of the police department or force. The clerk when so appointed shall become a member of the municipal police department or force and be entitled to all the rights and privileges as such member.

Source: R. S. 40:174-87.

**40A:14-140 Drivers and attendants of police vehicles; other personnel.**

The governing body of any municipality, by ordinance, may provide for the appointment of drivers and attendants of police vehicles and for the appointment of electrical equipment servicemen, janitors and matrons for said department or force, and upon their appointments they shall become members thereof.

Source: R. S. 40:174-84.

**40A:14-141 Chaplains.**

The governing body of any municipality, by ordinance, may provide for the appointment of one or more chaplains to the police department or force. Any person appointed as chaplain shall be an ordained clergyman in good standing in the religious body from which he is selected. Said chaplain shall become a member of the municipal police department or force with the rank of captain. His salary shall be fixed by the governing body of the municipality and payable in the same manner as in the case of other members of the police department or force.

Source: R. S. 40:174-2; 40:174-3; 40:174-4; 40:174-5.

**40A:14-142 Municipal prison keepers.**

In any municipality having a municipal prison the governing body, by ordinance, may provide for the appointment of a prison keeper and upon such appointment he shall become a member of the police department or force of said municipality.

Source: R. S. 40:174-82.

**40A:14-143 Decrease of force for reasons of economy.**

The governing body of any municipality, if they shall deem it necessary for reasons of economy, may decrease the number of members and officers of the police department or force or their grades or ranks. In case of demotion from the higher ranks, the officers or members to be so demoted shall be in the inverse order of their appointment. When the service of members or officers is terminated, such termination shall be in the inverse order of their appointment. Any member or officer who is demoted or whose service is terminated by reason of such decrease shall be placed on a special employment list, and in the case of subsequent promotions, a person so demoted shall be reinstated to his original rank and in the case of termination of service and new appointment, prior consideration shall be given to the persons on said special employment list.

Source: R. S. 40:11-10; 40:11-11; 40:11-12 amended 1942, c. 52, s. 1; 40:11-13 amended 1938, c. 80; 1942, c. 52, s. 2; 40:47-11.

**40A:14-144 Temporary appointments.**

When any member or officer of the police department or force of any municipality is granted a leave of absence pursuant to any law authorizing the granting of leaves of absence to persons entering the military service of the United States, or of this State, the appointing authority may make a temporary appointment to the position held by said person and such temporary appointee shall not be obligated to contribute to any pension fund, nor shall he acquire any pension or tenure rights or civil service status.

Source: C. 40:47-4.3 (1943, c. 163, s. 2).

**40A:14-145 Appointment of temporary members and officers; general qualifications; termination of employment.**

In any municipality wherein Title 11 (Civil Service) of the Revised Statutes is in operation, and a vacancy occurs in the police department or force by reason of the granting of a leave of absence, as provided by law, the appointing authority shall certify to the Civil Service Commission the reason for such vacancy, the name of the person and his office or position.

The appointing authority may fill temporarily such office or position by the appointment of any person who:

- (1) is over 21 and under 45 years of age;
- (2) is a citizen of the United States and has been a resident of the municipality in which he is to be appointed, for at least 2 years next preceding his appointment;



(3) is able to read, write and speak the English language well and intelligently;

(4) is of good moral character; and

(5) has not been convicted of any criminal offense involving moral turpitude.

Such temporary employment shall terminate upon the date the appointee's predecessor returns to his duties, or when it is determined that said predecessor will not return, or sooner, when deemed advisable by said appointing authority.

Source: C. 40:47-4.2 (1943, c. 163, s. 1); C. 40:47-4.4 (1943, c. 163, s. 3 amended 1969, c. 267, s. 4); C. 40:47-4.5 (1943, c. 163, s. 4).

**40A:14-146 Special police; appointment; qualifications; duties.**

The governing body of any municipality, whenever they shall deem it necessary, may appoint special policemen for terms not exceeding one year and revoke such appointments without cause or hearing. They shall not be members of the police force, and their powers and duties shall cease at the expiration of the terms for which they were appointed or upon revocation of their appointments. They may be furnished with badges upon the deposit of sums to be fixed by the governing body, which may be refunded on the return of the badges. A fee to be fixed by the governing body may be charged for issuing to any such special policeman a certificate of appointment.

No person shall be appointed as a special policeman unless he:

(1) is a citizen of the United States;

(2) is able to read, write and speak the English language well and intelligently;

(3) is sound in body and of good health;

(4) is of good moral character; and

(5) has not been convicted of any criminal offense involving moral turpitude.

No such special policeman shall carry a revolver or other similar weapon when off duty.

Every such special policeman shall have his fingerprints taken and they shall be filed with the Division of State Police and the Federal Bureau of Investigation. He shall be under the supervision and direction of the chief of police of the municipality wherein he is appointed and shall perform his duties only in such municipality unless in fresh pursuit of any person pursuant to chapter 156 (uniform act on intrastate fresh pursuit) of Title 2A of the New Jersey Statutes. He shall comply with the rules and

regulations applicable to the conduct and decorum of the regular policemen of the municipality.

Before any such appointment is made the chief of police of the municipality shall ascertain the eligibility and qualifications of the applicant and make a report thereon to the governing body.

Source: R. S. 40:47-19 amended 1953, c. 228; 1957, c. 163.

**40A:14-146.1 Security officers.**

In any city of the first class, the governing body may create the title of security officers under the classified service of civil service, and may appoint and commission as many security officers as it may deem necessary to patrol the grounds, buildings and other areas and facilities of all schools, libraries, museums, hospitals, housing projects, municipal parks and municipal buildings, owned or leased by such municipality. The municipality shall organize such security officers into a separate division or unit of its police department or force, and they shall have all the powers conferred by law on police officers or constables in the enforcement of the laws of this State, and the apprehension of offenders. Security officers shall be subject to and receive training in the same manner as other members of the municipal police force.

Those individuals who are employed in cities of the first class under the title of housing guard or housing patrolman that have been appointed in accordance with Title 11 (Civil Service) on October 2, 1969 shall be eligible for appointment under the title of security officer and shall be so certified to the Civil Service Commission without the requirement of a civil service examination. Such persons shall, from said date, hold their positions or employments subject to and in accordance with the provisions of Title 11 (Civil Service) of the Revised Statutes.

Source: C. 40:47-19.1 (1969, c. 173, s. 1); C. 40:47-19.2 (1969, c. 173, s. 2).

**40A:14-147 Suspension and removal of members and officers; complaint; hearing.**

Except as otherwise provided by law, no permanent member or officer of the police department or force shall be removed from his office, employment or position for political reasons or for any cause other than incapacity, misconduct, nonresidence, or disobedience of rules and regulations established for the government of the police department and force, nor shall such member or officer be suspended, removed, fined or reduced in rank from or in office, employment or position therein, except for just cause as hereinbefore provided and then only upon a written complaint

setting forth the charge or charges against such member or officer. Said complaint shall be filed in the office of the body, officer or officers having charge of the department or force wherein the complaint is made and a copy shall be served upon the member or officer so charged, with notice of a designated hearing thereon by the proper authorities, which shall be not less than 15 nor more than 30 days from date of service of the complaint. A failure to comply with said provisions as to the service of the complaint shall require a dismissal of the complaint.

Source: R. S. 40:47-6 amended 1947, c. 292, s. 1.

**40A:14-148 \* [Trials.] \* Hearings.\***

Except as otherwise provided by law, the officer, board or authority empowered to hear and determine the charge or charges made against a member or officer of the police department or force, shall have the power to subpoena witnesses and documentary evidence. The Superior Court shall have jurisdiction to enforce any such subpoena.

Source: R. S. 40:47-7.

**40A:14-149 Suspension pending hearing; commencement of hearing.**

If any member or officer of the police department or force shall be suspended pending a hearing as a result of charges made against him, such hearing, except as otherwise provided by law, shall be commenced within 30 days from the date of the service of the copy of the complaint upon him, in default of which the charges shall be dismissed and said member or officer may be returned to duty.

Source: R. S. 40:47-8 amended 1947, c. 292, s. 2.

**40A:14-150 Review of disciplinary conviction in non-civil service municipalities.**

Any member or officer of a police department or force in a municipality wherein Title 11 (Civil Service) of the Revised Statutes is not in operation, who has been tried and convicted upon any charge or charges, may obtain a review thereof by the County Court of the county wherein such municipality is located. Such review shall be obtained by serving a written notice of an application therefor upon the officer or board whose action is to be reviewed within 10 days after written notice to the member or officer of the conviction. The officer or board shall transmit to said County Court a copy of the record of such conviction, and of the charge or charges for which the applicant was tried. The County Court shall hear the cause de novo and may either affirm, reverse or modify such conviction. If the applicant shall have been re-

moved from his office, employment or position the court may direct that he be restored to such office, employment or position and to all his rights pertaining thereto, and may make such other order or judgment as said court shall deem proper.

Source: R. S. 40:47-10 supplemented 1938, c. 298; amended 1953, c. 37, s. 168.

**40A:14-151 Judicially determined illegal suspension or dismissal; member or officer entitled to recover salary; proviso.**

Whenever any member or officer of a municipal police department or force shall be suspended or dismissed from his office, employment or position and said suspension or dismissal shall be judicially determined to be illegal, said member or officer shall be entitled to recover his salary from the date of such suspension or dismissal, provided a written application therefor shall be filed with the municipal clerk within 30 days after such judicial determination.

Source: R. S. 40:46-34 amended 1948, c. 163; 1948, c. 395.

**40A:14-152 Members and officers shall have powers of peace officers and constables.**

The members and officers of a police department and force, within the territorial limits of the municipality, shall have all the powers of peace officers and upon view may apprehend and arrest any disorderly person or any person committing a breach of the peace. Said members and officers shall have the power to serve and execute process issuing out of the courts having local criminal jurisdiction in the municipality and shall have the powers of a constable in all matters other than in civil causes arising in such courts.

Source: R. S. 40:47-15.

**40A:14-153 Records and badges of awards to members and officers.**

Whenever an award shall be made to a member or officer of the police department or force for heroic or meritorious service by a governmental or voluntary agency, a record of such award shall be made by the chief or other person in charge of the department or force of which the recipient is a member or officer, and it shall constitute part of his service record. If the recipient receives a bar or other similar device representing said award which conveniently can be worn, upon authorization, it shall be worn above the police badge. Unauthorized persons shall not wear any such bar or device or imitation thereof.

Source: C. 40:47-20.1 (1948, c. 104, s. 1); C. 40:47-20.2 (1948, c. 104, s. 2).

**40A:14-154 Special compensation for permanently disabled members or officers; conditions.**

If a member or officer of the municipal police department or force is permanently disabled from injuries received while in the performance of his duties, and the chief or authority in charge of such police department or force shall recommend that special compensation be granted, and a physician appointed by the governing body of said municipality shall certify as to the probable permanency of such disability, the governing body of the municipality, in their discretion, by ordinance, may provide for special compensation to said disabled member or officer, designating the amount thereof and manner of payment either in a lump sum or by an annual allowance, but such special compensation plus any pension paid and any award for workmen's compensation shall not exceed the salary payable at the time of the sustaining of the injuries. The governing body of said municipality shall include appropriate budget items and provide for the payment of such special compensation.

Source: C. 40:47-12.10 (1948, c. 304, s. 1); C. 40:47-12.11 (1948, c. 304, s. 2).

**40A:14-155 Defense for members and officers sued for damages occasioned from or incidental to their performance of duty.**

Whenever a member or officer of a municipal police department or force is sued for damages arising from or incidental to a performance of his duties, the governing body of the municipality shall provide said member or officer with necessary means for the defense of such suit, but not for his defense in a disciplinary or criminal proceeding instituted against him by the municipality.

Source: C. 40:11-19 (1946, c. 67 amended 1947, c. 103, s. 2).

**40A:14-156 Police assistance in other municipalities; pension and compensation rights unaffected in case of casualty or death.**

In the event of an emergency the chief or other head of any municipal police department or force or any park police department or system or the mayor or chief executive officer of the municipality may request, from the chief or other head of the police department or force of any municipality, assistance outside the territorial jurisdiction of the department to which such request is directed for police aid, in order to protect life and property or to assist in suppressing a riot or disorder and while so acting, the members of the police department or force supplying such aid shall have the same powers and authority as have the members of the police department or force of the municipality in which such aid is being rendered.

If any member or officer of such other police department or force in rendering such assistance shall suffer a casualty or death, he shall be entitled to all pension and compensation rights as if such casualty or death occurred in the performance of his duties in his own municipality or other territorial jurisdiction in which his duties are normally carried on.

Source: C. 40:47-12.1 (1941, c. 277 amended 1966, c. 104; 1968, c. 174; 1968, c. 211; 1969, c. 33).

**40A:14-157 Tangible personal property found or recovered; disposition.**

Where tangible personal property comes into the possession of the police department or force of a municipality, by finding or recovery, and if the owner or his whereabouts is unknown and cannot be ascertained, or if said owner shall refuse to receive such property, then the said property shall not be disposed of for 6 months, except in cases of motor vehicles, which shall be for 3 months. In any such case the governing body of said municipality, by resolution, may then provide for the sale, in whole or in part of any such property, at public auction, after notice of a designated time and place therefor, not less than 10 days prior thereto, published in a newspaper circulating within the municipality. Perishable items may be sold without reference to the said periods of time. Moneys received from the sale of any such property shall be paid into the police pension fund, if any, otherwise into the general municipal treasury.

All unclaimed moneys coming into the possession of any municipal police department or force shall *\*be turned over within 48 hours to the municipal treasurer for retention in a trust account and\**, after 6 months, be paid into the police pension fund, if any, otherwise into the general municipal treasury.

Source: R. S. 40:47-20 amended 1957, c. 223.

**40A:14-158 Special joint municipal police force.**

Any 2 or more municipalities abutting upon the ocean or coastal waters may create by reciprocal ordinances a special joint municipal police force to control the said waters abutting such municipalities, to secure the enforcement of the laws prohibiting the discharge of debris, refuse or any waste or other matter or material into or upon said waters from any vessel afloat thereon, which may or shall tend to litter any established bathing beach or any beach customarily used for bathing purposes or which may or shall tend to pollute the waters adjacent to any such beach, and may organize the said force into a police system to be known as the "Special Joint Municipal Police of .....

(Names of such municipalities)

The police system shall consist of a chief and such subordinate officers and patrolmen as shall be deemed necessary and proper to enforce the said laws.

The governing bodies of the municipalities having such ordinances shall adopt reciprocal rules and regulations for the appointment and compensation, and for the management and control of the members of such police system for the securing of their proper discipline and efficiency, and may provide for the joint acquisition and maintenance of necessary vessels for the use of the said force by purchase, lease or otherwise.

The members of such police force may arrest on or after view and without warrant, and take before a court having local criminal jurisdiction in any of such municipalities any person found within any of such municipalities to have violated or violating the said laws. The said members shall have all the powers conferred by law on police officers or constables in the enforcement of the laws of this State and the apprehension of violators thereof.

For the purposes of this section, the waters of this State abutting any municipality shall be deemed to be a part of the territory of such municipality.

Source: C. 40:47-76 (1956, c. 116, s. 1); C. 40:47-77 (1956, c. 116, s. 2); C. 40:47-78 (1956, c. 116, s. 3); C. 40:47-79 (1956, c. 116, s. 4); C. 40:47-80 (1956, c. 116, s. 5).

**40A:14-159 Chapter 151 of the laws of 1958 saved from repeal.**

Chapter 151 of the laws of 1958 (C. 40:11-22 to C. 40:11-25 both inclusive) is saved from repeal. [The act saved from repeal by this section provides for the granting of noncontributory pensions by municipalities and counties to dependents of police and firemen who die as a result of an accident sustained in the performance of duty.]

This act is to be included in a revision of Title 43 of the Revised Statutes.

Source: C. 40:11-22 (1958, c. 151, s. 1); C. 40:11-23 (1958, c. 151, s. 2); C. 40:11-24 (1958, c. 151, s. 3); C. 40:11-25 (1958, c. 151, s. 4).

**40A:14-159.1 Chapter 303 of the laws of 1969 saved from repeal.**

Chapter 303 of the laws of 1969 (C. 40:47-11.1 and C. 40:47-11.2) is saved from repeal. [The act saved from repeal by this section provides for the reappointment of certain members of the police department and force and of the paid or part-paid fire department,

and for their reinstatement in the pension system created pursuant to P. L. 1944, c. 255 or P. L. 1954, c. 84.]

Source: C. 40:47-11.1 (1969, c. 303, s. 1); C. 40:47-11.2 (1969, c. 303, s. 2).

**40A:14-160 Section 40:47-12 of the Revised Statutes saved from repeal.**

Section 40:47-12 of the Revised Statutes is saved from repeal. [The act saved from repeal by said section, which section is now saved from repeal, provided for the tenure of office and compensation for certain members and officers of the police department and force and of the paid or part-paid fire department in certain cases of annexation and in certain cases where newly created municipalities have been formed.]

Source: R. S. 40:47-12.

**40A:14-161 Chapter 188 of the laws of 1959 saved from repeal.**

Chapter 188 of the laws of 1959 (C. 40:47-20.9) is saved from repeal. [The act saved from repeal by this section provided for the validation of certain appointments of members or officers of the municipal police department or force, notwithstanding the appointees were under 21 years of age at the time of their appointments.]

Source: C. 40:47-20.9 (1958, c. 188).

**40A:14-162 Chapter 56 of the laws of 1962 saved from repeal.**

Chapter 56 of the laws of 1962 (C. 40:47-20.10 and C. 40:47-20.11) is saved from repeal. [The act saved from repeal by this section provided for the validation of certain appointments of members or officers of the municipal police department or force, and of their pension and retirement rights, notwithstanding the appointees were over the maximum age at the time of their appointments.]

Source: C. 40:47-20.10 (1962, c. 56, s. 1); C. 40:47-20.11 (1962, c. 56, s. 2).

**40A:14-163 Chapter 187 of the laws of 1964 saved from repeal.**

Chapter 187 of the laws of 1964 (C. 40:47-20.12), as amended by P. L. 1969, c. 267, s. 6, is saved from repeal. [The act saved from repeal by this section provides that in any municipality where no police department or force existed and subsequently upon the creation of such a department or force, any person, if otherwise qualified, may be appointed as chief of police of such department or force, notwithstanding he is over the maximum age as therein prescribed, or was not a resident of said municipality for 6 months preceding his appointment, provided he

agrees to become a resident of said municipality within 3 years from the date of his appointment.]

Source: C. 40:47-20.12 (1964, c. 187 amended 1969, c. 267, s. 6).

**40A:14-164 Chapter 288 of the laws of 1966 saved from repeal.**

Chapter 288 of the laws of 1966 (C. 40:149-3.2 and C. 40:149-3.3) is saved from repeal. [The act saved from repeal by this section provides for the validating of appointments of certain members and officers of a police department or force in a township and their eligibility for membership in the police and firemen's retirement system.]

Source: C. 40:149-3.2 (1966, c. 288, s. 1); C. 40:149-3.3 (1966, c. 288, s. 2).

**40A:14-165 Sections 40:174-6 to 40:174-25 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-6 to 40:174-25 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1907, c. 45) compiled by the above sections and saved from repeal by this section provides for the establishment of a board of fire and police commissioners in cities, having a population of not less than 133,000 nor more than 200,000 and investing said board with certain powers and duties for the regulation, control and maintenance of the fire department and police department or force of such cities.]

Source: R. S. 40:174-6; 40:174-7; 40:174-8; 40:174-9; 40:174-10; 40:174-11; 40:174-12; 40:174-13; 40:174-14; 40:174-15; 40:174-16; 40:174-17; 40:174-18; 40:174-19; 40:174-20; 40:174-21; 40:174-22; 40:174-23; 40:174-24; 40:174-25.

**40A:14-166 Section 40:174-26 of the Revised Statutes saved from repeal.**

Section 40:174-26 of the Revised Statutes is saved from repeal. [The compiled act (P. L. 1920, c. 243, a supplement to P. L. 1907, c. 45) saved from repeal by this section provides that in all cities having an established board of fire and police commissioners pursuant to P. L. 1907, c. 45, on organizing, the mayor shall preside at the meeting of the board, and in event of a tie shall be entitled to vote for a president of the board.]

Source: R. S. 40:174-26.

**40A:14-167 Sections 40:174-88 to 40:174-91 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-88 to 40:174-91 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1920, c. 212) compiled by the above sections and saved from repeal by this section

provides for the government of the police department or force in cities other than cities of the first class.]

Source: R. S. 40:174-88; 40:174-89; 40:174-90; 40:174-91.

**40A:14-168 Sections 40:174-92 and 40:174-93 of the Revised Statutes saved from repeal.**

Sections 40:174-92 and 40:174-93 of the Revised Statutes are saved from repeal. [The act (P. L. 1927, c. 274) compiled by the above sections and saved from repeal by this section provides for fixing the salary of chief of police in cities having a population of not less than 30,000 nor more than 50,000.]

Source: R. S. 40:174-92; 40:174-93.

**40A:14-169 Sections 40:174-95 to 40:174-112 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-95 to 40:174-112 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1909, c. 95) compiled by the above sections and saved from repeal by this section provides for the establishing of a board of police commissioners in cities, having a population of not less than 50,000 nor more than 130,000, adopting the provisions thereof by referendum and investing said board with certain powers and duties for the regulation, control and maintenance of the police department or force of such cities.]

Source: R. S. 40:174-95; 40:174-96; 40:174-97; 40:174-98; 40:174-99; 40:174-100; 40:174-101; 40:174-102; 40:174-103; 40:174-104; 40:174-105; 40:174-106; 40:174-107; 40:174-108; 40:174-109; 40:174-110; 40:174-111; 40:174-112.

**40A:14-170 Sections 40:174-113 and 40:174-114 of the Revised Statutes saved from repeal.**

Sections 40:174-113 and 40:174-114 of the Revised Statutes are saved from repeal. [The act (P. L. 1915, c. 356) compiled by the above sections and saved from repeal by this section provides for the reinstatement upon recovery of members of the fire department and police department or force in cities of the first class who have been retired because of a physical disability or other incapacity.]

Source: R. S. 40:174-113; 40:174-114.

**40A:14-171 Sections 40:174-144 to 40:174-146 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-144 to 40:174-146 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1902, c. 43) compiled by the above sections and saved from repeal by this section

provides for the grading and promotion of members of the police department or force in cities of the first class.]

Source: R. S. 40:174-144; 40:174-145; 40:174-146.

**40A:14-172 Section 40:174-148 of the Revised Statutes saved from repeal.**

Section 40:174-148 of the Revised Statutes is saved from repeal. [The compiled act (P. L. 1920, c. 163) saved from repeal by this section provides that in cities of the first class, a member of the police department or force holding the position of detective for a period of at least 5 years, shall not be reduced to a lower position except upon charges and after hearing.]

Source: R. S. 40:174-148.

**40A:14-173 Section 40:174-149 of the Revised Statutes saved from repeal.**

Section 40:174-149 of the Revised Statutes is saved from repeal. [The compiled act (P. L. 1914, c. 179) saved from repeal by this section provides for the government of the police department or force in cities of the first class.]

Source: R. S. 40:174-149.

**40A:14-174 Sections 40:174-151 to 40:174-170 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-151 to 40:174-170 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1906, c. 270) compiled by the above sections and saved from repeal by this section provides for the establishing of a board of fire commissioners and a board of police commissioners, in cities of the second class, having a population of less than 50,000, adopting the provisions thereof by referendum and investing said boards with certain powers and duties for the regulation, control and maintenance of the fire department and police department or force.]

Source: R. S. 40:174-151; 40:174-152; 40:174-153; 40:174-154; 40:174-155; 40:174-156; 40:174-157; 40:174-158; 40:174-159; 40:174-160; 40:174-161; 40:174-162; 40:174-163; 40:174-164; 40:174-165; 40:174-166; 40:174-167; 40:174-168; 40:174-169; 40:174-170.

**40A:14-175 Sections 40:174-181 to 40:174-200 both inclusive of the Revised Statutes saved from repeal.**

Sections 40:174-181 to 40:174-200 both inclusive of the Revised Statutes are saved from repeal. [The act (P. L. 1895, c. 194) compiled by the above sections and saved from repeal by this section provides for, in cities of the second class, having a population, by the last census, not exceeding 35,000, the governing bodies of such cities wherein provisions thereof shall have been adopted, shall

create and establish a board of police commissioners for the government, control and management of the police department or force.]

Source: R. S. 40:174-181; 40:174-182; 40:174-183; 40:174-184; 40:174-185; 40:174-186; 40:174-187; 40:174-188; 40:174-189; 40:174-190; 40:174-191; 40:174-192; 40:174-193; 40:174-194; 40:174-195; 40:174-196; 40:174-197; 40:174-198; 40:174-199; 40:174-200.

**E. REPEALS**

**40A:14-176 Statutes repealed.**

The following sections, acts and parts of acts, together with all amendments and supplements thereto, are hereby repealed.

**Revised Statutes Sections.**

40:11-9 to 40:11-11 both inclusive  
40:11-12 amended 1942, c. 52  
40:11-13 amended 1938, c. 80; 1942, c. 82  
40:22-1 to 40:22-3 both inclusive  
40:22-4  
40:22-5 amended 1953, c. 37  
40:22-6 to 40:22-15 both inclusive  
40:22-16 amended 1941, c. 127; 1961, c. 60; 1967, c. 227  
40:22-17 to 40:22-22 both inclusive  
40:47-1, 40:47-2  
40:47-3 amended 1945, c. 218; 1954, c. 241  
40:47-4 amended 1939, c. 318; 1945, c. 219; 1948, c. 161; 1953, c. 299; 1962, c. 149; 1968, c. 276  
40:47-5  
40:47-6 amended 1947, c. 292  
40:47-7  
40:47-8 amended 1947, c. 292  
40:47-9 amended 1953, c. 37  
40:47-10 supplemented 1938, c. 298; amended 1953, c. 37  
40:47-11  
40:47-13 to 40:47-15 both inclusive  
40:47-16 amended 1941, c. 340  
40:47-17, 40:47-18  
40:47-19 amended 1953, c. 228; 1957, c. 163  
40:47-20 amended 1957, c. 223  
40:47-21, 40:47-22  
40:47-23 amended 1953, c. 37  
40:47-24 amended 1953, c. 37  
40:47-26

40:47-27 amended 1941, c. 140; 1945, c. 126; 1951, c. 77; 1954,  
c. 171; 1956, c. 155; 1957, c. 77; 1967, c. 45  
40:47-28 amended 1953, c. 323; 1964, c. 246\*; 1970, c. 48\*  
40:47-29 amended 1938, c. 257  
40:47-30  
40:47-32 to 40:47-37 both inclusive  
40:47-38, 40:47-39  
40:47-40 amended 1938, c. 276  
40:47-42 to 40:47-47.1 both inclusive  
40:47-48\* [40:47-49]\* \*to 40:47-50 both inclusive\*  
40:47-52  
40:47-53 amended 1944, c. 246; 1952, c. 167\*; 1970, c. 201\*  
40:47-54 to 40:47-59 both inclusive  
40:47-60 amended 1967, c. 291  
40:47-61, 40:47-62  
40:149-1 amended 1953, c. 37  
40:149-2  
40:149-4, 40:149-5  
40:149-6 amended 1962, c. 94  
40:149-7 to 40:149-15 both inclusive  
\* [40:151-1 to 40:151-10 both inclusive]\*  
\*40:151-1 amended 1970, c. 241\*  
40:151-11 amended 1961, c. 75  
40:151-12 to 40:151-24 both inclusive  
40:151-25 amended 1942, c. 183; 1943, c. 81  
40:151-26, 40:151-27  
\* [40:151-28 to 40:151-32 both inclusive]\*  
\*40:151-28, 40:151-29  
40:151-30 amended 1970, c. 216  
40:151-31, 40:151-32\*  
40:151-33 amended 1955, c. 83  
40:151-34  
40:151-35 amended 1953, c. 356  
40:151-36 to 40:151-40 both inclusive  
40:151-42 to 40:151-47 both inclusive  
40:174-1 to 40:174-5 both inclusive  
40:174-27 to 40:174-61 both inclusive  
40:174-65 to 40:174-85 both inclusive  
40:174-87  
40:174-94  
40:174-115 to 40:174-119 both inclusive  
40:174-126 to 40:174-143 both inclusive  
40:174-147

40:174-147A (added)  
40:174-150  
40:174-171 to 40:174-180 both inclusive  
40:174-201 to 40:174-205 both inclusive  
**Pamphlet Laws.**  
Laws of 1938, c. 131 (C. 40:47-37.1 to C. 40:47-37.5 both inclusive)  
Laws of 1938, c. 260 (C. 40:47-68 to C. 40:47-72 both inclusive)  
Laws of 1938, c. 385 (C. 40:47-63 to C. 40:47-67 both inclusive)  
Laws of 1940, c. 20 (C. 40:11-18)  
Laws of 1940, c. 157 (C. 40:22-16.1)  
**Schedule of Amendments of Laws of 1940, c. 157.**  
Section 1 amended by P. L. 1967, c. 227  
Laws of 1941, c. 277 (C. 40:47-12.1)  
**Schedule of Amendments of Laws of 1941, c. 277.**  
Section 1 amended by P. L. 1966, c. 104; 1968, c. 174; 1968, c. 211;  
1969, c. 33  
Laws of 1943, c. 163 (C. 40:47-4.2 to C. 40:47-4.5 both inclusive)  
**Schedule of Amendments of Laws of 1943, c. 163.**  
Section 3 amended by P. L. 1969, c. 267  
Laws of 1943, c. 206 (C. 40:47-73 to C. 40:47-75 both inclusive)  
Laws of 1945, c. 47 (C. 40:47-30.1 to 40:47-30.5 both inclusive)  
**Schedule of Amendments of Laws of 1945, c. 47.**  
Section 1 amended by P. L. 1964, c. 192  
Section 2 amended by P. L. 1966, c. 245  
Laws of 1946, c. 25 (C. 40:47-3.1)  
**Schedule of Amendments of Laws of 1946, c. 25.**  
Section 1 amended by P. L. 1953, c. 107; 1954, c. 243; 1956, c. 187;  
1969, c. 267  
Laws of 1946, c. 67 (C. 40:11-19)  
**Schedule of Amendments of Laws of 1946, c. 67.**  
Section 1 amended by P. L. 1947, c. 103  
Laws of 1946, c. 87 (C. 40:11-13.1)  
Laws of 1948, c. 73 (C. 40:47-47.2 to C. 40:47-47.4 both inclusive)  
**Schedule of Amendments of Laws of 1948, c. 73.**  
Sections 2, 3 and 4 amended by P. L. 1949, c. 100  
Laws of 1948, c. 104 (C. 40:47-20.1, C. 40:47-20.2)  
Laws of 1948, c. 304 (C. 40:47-12.10, C. 40:47-12.11)  
Laws of 1948, c. 341 (C. 40:11-13.2 to C. 40:11-13.7 both inclusive)  
Laws of 1949, c. 283 (C. 40:11-20)  
Laws of 1951, c. 170 (C. 40:47-25.1 to C. 40:47-25.7 both inclusive)  
Laws of 1951, c. 297 (C. 40:151-27.1 to C. 40:151-27.3 both in-  
clusive)

Laws of 1952, c. 350 (C. 40:22-3.1, 40:22-3.2)  
 Laws of 1953, c. 107 (C. 40:47-3.2, supplemental)

**Schedule of Amendments of Laws of 1953, c. 107.**

Section 3 amended by P. L. 1956, c. 187

Laws of 1954, c. 144 (C. 40:47-20.3 to C. 40:47-20.7 both inclusive)  
 Laws of 1955, c. 66 (C. 40:149-3.1)  
 Laws of 1956, c. 116 (C. 40:47-76 to C. 40:47-80 both inclusive)  
 Laws of 1956, c. 147 (C. 40:47-20.8)

**Schedule of Amendments of Laws of 1956, c. 147.**

Section 1 amended by P. L. 1969, c. 267

Laws of 1959, c. 87 (C. 40:47-25.8)  
 Laws of 1960, c. 120 (C. 40:47-47.5)  
 Laws of 1964, c. 91 (C. 40:151-27.4)  
 Laws of 1965, c. 177 (C. 40:47-20.13)

**Schedule of Amendments of Laws of 1965, c. 177.**

Section 1 amended by P. L. 1969, c. 267

Laws of 1965, c. 218 (C. 40:47-20.14)

**Schedule of Amendments of Laws of 1965, c. 218.**

Section 1 amended by P. L. 1969, c. 267

Laws of 1966, c. 247 (C. 40:47-12.12 to C. 40:47-12.14 both inclusive)  
 Laws of 1966, c. 292 (C. 40:47-3.3 to C. 40:47-3.5 both inclusive)

**Schedule of Amendments of Laws of 1966, c. 292.**

Section 3 amended by P. L. 1969, c. 267

Laws of 1967, c. 291 (C. 40:47-62.7, C. 40:47-62.8)  
 Laws of 1968, c. 192 (C. 40:151-24.1, C. 40:151-24.2)  
 Laws of 1968, c. 264 (C. 40:11-13.9, C. 40:11-13.10)  
 Laws of 1968, c. 309 (C. 40:47-30.6 to C. 40:47-30.9 both inclusive)

**\*Schedule of Amendments of Laws of 1968, c. 309.**

Section 2 amended by P. L. 1970, c. 310\*

Laws of 1969, c. 173 (C. 40:47-19.1, C. 40:47-19.2)

\*Laws of 1970, c. 187 (C. 40:47-3.6)\*

Section 2

**Effective Date.**

This act shall take effect July 1, \*[1970]\* \*1971\*.

*Note:* The material in brackets in sections saving from repeal Revised Statutes sections or acts or parts of acts are not part of the law but are explanatory notes and are not to be omitted in Pamphlet Laws.

Title \*[40]\* \*40A\*. COUNTIES AND MUNICIPALITIES

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C. 40:47-11.2	L. 1969, c. 303, s. 2	40A:14-159.1
R. S. 40:47-12		40A:14-160
C. 40:47-12.1	L. 1941, c. 277;	40A:14-26
	As am. L. 1966, c. 104;	
	L. 1968, c. 174;	
	L. 1968, c. 211;	
	L. 1969, c. 33	
C. 40:47-12.2	L. 1944, c. 254	Repealed L. 1952, c. 271
thru		
C. 40:47-12.9		
C. 40:47-12.10	L. 1948, c. 304, s. 1	40A:14-27
		40A:14-154
C. 40:47-12.11	L. 1948, c. 304, s. 2	40A:14-27
		40A:14-154
C. 40:47-12.12	L. 1966, c. 247, s. 1	40A:14-50
		40A:14-134
C. 40:47-12.13	L. 1966, c. 247, s. 2	40A:14-50
		40A:14-134
C. 40:47-12.14	L. 1966, c. 247, s. 3	40A:14-50
		40A:14-134
R. S. 40:47-13		40A:14-120
R. S. 40:47-14		40A:14-121
R. S. 40:47-15		40A:14-152
R. S. 40:47-16	As am. L. 1941, c. 340	40A:14-132
R. S. 40:47-17		40A:14-133
R. S. 40:47-18		40A:14-129
R. S. 40:47-19	As am. L. 1953, c. 228;	40A:14-146
	L. 1957, c. 163	

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C. 40:47-19.1	L. 1969, c. 173, s. 1	40A:14-146.1
C. 40:47-19.2	L. 1969, c. 173, s. 2	40A:14-146.1
R. S. 40:47-20	As am. L. 1957, c. 223	40A:14-157
C. 40:47-20.1	L. 1948, c. 104, s. 1	40A:14-153
C. 40:47-20.2	L. 1948, c. 104, s. 2	40A:14-153
C. 40:47-20.3	L. 1954, c. 144, s. 1	40A:14-136
C. 40:47-20.4	L. 1954, c. 144, s. 2	40A:14-136
C. 40:47-20.5	L. 1954, c. 144, s. 3	40A:14-136
C. 40:47-20.6	L. 1954, c. 144, s. 4	40A:14-136
C. 40:47-20.7	L. 1954, c. 144, s. 5	Not Enacted
C. 40:47-20.8	L. 1956, c. 147;	40A:14-125
	As am. L. 1969, c. 267, s. 5	
C. 40:47-20.9	L. 1959, c. 188	40A:14-161
C. 40:47-20.10	L. 1962, c. 56, s. 1	40A:14-162
C. 40:47-20.11	L. 1962, c. 56, s. 2	40A:14-162
C. 40:47-20.12	L. 1964, c. 187;	40A:14-163
	As am. L. 1969, c. 267, s. 6	
C. 40:47-20.13	L. 1965, c. 177;	40A:14-124
	As am. L. 1969, c. 267, s. 7	
C. 40:47-20.14	L. 1965, c. 218;	40A:14-126
	As am. L. 1969, c. 267, s. 8	
R. S. 40:47-21		40A:14-29
R. S. 40:47-22		Not Enacted
R. S. 40:47-23	As am. L. 1953, c. 37, s. 169	40A:14-30
R. S. 40:47-24	As am. L. 1953, c. 37, s. 170	Not Enacted
R. S. 40:47-25		Blank
C. 40:47-25.1	L. 1951, c. 170, s. 1	40A:14-31
C. 40:47-25.2	L. 1951, c. 170, s. 2	40A:14-31
C. 40:47-25.3	L. 1951, c. 170, s. 3	40A:14-31
C. 40:47-25.4	L. 1951, c. 170, s. 4	40A:14-31
C. 40:47-25.5	L. 1951, c. 170, s. 5	40A:14-31
C. 40:47-25.6	L. 1951, c. 170, s. 6	40A:14-31
C. 40:47-25.7	L. 1951, c. 170, s. 7	40A:14-31
C. 40:47-25.8	L. 1959, c. 87	40A:14-32
R. S. 40:47-26		40A:14-33
R. S. 40:47-27	As am. L. 1941, c. 140;	40A:14-34
	L. 1945, c. 126;	
	L. 1951, c. 77;	
	L. 1954, c. 171;	
	L. 1956, c. 155;	
	L. 1957, c. 77;	
	L. 1967, c. 45	

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R. S. 40:47-28	As am. L. 1953, c. 323; L. 1964, c. 246*; L. 1970, c. 48*	40A:14-35
R. S. 40:47-29	As am. L. 1938, c. 257	40A:14-35
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C. 40:47-30.1	L. 1945, c. 47, s. 1; As am. L. 1964, c. 192	40A:14-37
C. 40:47-30.2	L. 1945, c. 47, s. 2; As am. L. 1966, c. 245, s. 2	40A:14-38
C. 40:47-30.3	L. 1945, c. 47, s. 3	40A:14-39
C. 40:47-30.4	L. 1945, c. 47, s. 4	40A:14-40
C. 40:47-30.5	L. 1945, c. 47, s. 5	Not Enacted
C. 40:47-30.6	L. 1968, c. 309, s. 1	40A:14-95
C. 40:47-30.7	L. 1968, c. 309, s. 2*; L. 1970, c. 310*	40A:14-96
C. 40:47-30.8	L. 1968, c. 309, s. 3	40A:14-97
C. 40:47-30.9	L. 1968, c. 309, s. 4	40A:14-98
R. S. 40:47-31		Blank
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R. S. 40:47-37		
C. 40:47-37.1	L. 1938, c. 131, s. 1	40A:14-42
C. 40:47-37.2	L. 1938, c. 131, s. 2	40A:14-43
C. 40:47-37.3	L. 1938, c. 131, s. 3	40A:14-44
C. 40:47-37.4	L. 1938, c. 131, s. 4	40A:14-45
C. 40:47-37.5	L. 1938, c. 131, s. 5	40A:14-45
R. S. 40:47-38		40A:14-46
R. S. 40:47-39		40A:14-47
R. S. 40:47-40	As am. L. 1938, c. 276	40A:14-47
R. S. 40:47-41		Blank
R. S. 40:47-42 thru		40A:14-47
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R. S. 40:47-47.1		40A:14-51
C. 40:47-47.2	L. 1948, c. 73, s. 1; As am. L. 1949, c. 100, s. 2	40A:14-49
C. 40:47-47.3	L. 1948, c. 73, s. 2; As am. L. 1949, c. 100, s. 3	40A:14-49
C. 40:47-47.4	L. 1948, c. 73, s. 3; As am. L. 1949, c. 100, s. 4	40A:14-49
C. 40:47-47.5	L. 1960, c. 120	40A:14-52

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R. S. 40:47-51		40A:14-100
R. S. 40:47-52		40A:14-55
R. S. 40:47-53	As am. L. 1944, c. 246; L. 1952, c. 167*; L. 1970, c. 201*	40A:14-56
R. S. 40:47-54		40A:14-56
R. S. 40:47-55		40A:14-57
R. S. 40:47-56		40A:14-56
R. S. 40:47-57		40A:14-58
R. S. 40:47-58		40A:14-59
R. S. 40:47-59		40A:14-59
R. S. 40:47-60	As am. L. 1967, c. 291, s. 1	40A:14-60
R. S. 40:47-61		40A:14-60
R. S. 40:47-62		40A:14-63
C. 40:47-62.7	L. 1967, c. 291, s. 2	40A:14-61
C. 40:47-62.8	L. 1967, c. 291, s. 3	40A:14-62
C. 40:47-63	L. 1938, c. 385, s. 1	40A:14-64
(This section is in R. S. C. S. at 40:47-60.1)		
C. 40:47-64	L. 1938, c. 385, s. 2	40A:14-64
(This section is in R. S. C. S. at 40:47-60.2)		
C. 40:47-65	L. 1938, c. 385, s. 3	40A:14-64
(This section is in R. S. C. S. at 40:47-60.3)		
C. 40:47-66	L. 1938, c. 385, s. 4	40A:14-65
(This section is in R. S. C. S. at 40:47-60.4)		
C. 40:47-67	L. 1938, c. 385, s. 5	40A:14-64
(This section is in R. S. C. S. at 40:47-60.5)		
C. 40:47-68	L. 1938, c. 260, s. 1	40A:14-66
(This section is in R. S. C. S. at 40:47-63)		
C. 40:47-69	L. 1938, c. 260, s. 2	40A:14-66
(This section is in R. S. C. S. at 40:47-64)		
C. 40:47-70	L. 1938, c. 260, s. 3	40A:14-66
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C. 40:47-71	L. 1938, c. 260, s. 4	40A:14-66
(This section is in R. S. C. S. at 40:47-66)		
C. 40:47-72	L. 1938, c. 260, s. 5	40A:14-66
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C. 40:47-73	L. 1943, c. 206, s. 1	40A:14-67

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C. 40:47-74	L. 1943, c. 206, s. 2	40A:14-67
C. 40:47-75	L. 1943, c. 206, s. 3	40A:14-67
C. 40:47-76	L. 1956, c. 116, s. 1	40A:14-158
C. 40:47-77	L. 1956, c. 116, s. 2	40A:14-158
C. 40:47-78	L. 1956, c. 116, s. 3	40A:14-158
C. 40:47-79	L. 1956, c. 116, s. 4	40A:14-158
C. 40:47-80	L. 1956, c. 116, s. 5	40A:14-158
R. S. 40:149-1	As am. L. 1953, c. 37	Not Enacted
R. S. 40:149-2		Not Enacted
R. S. 40:149-3		Repealed L. 1953, c. 37, s. 287
C. 40:149-3.1	L. 1955, c. 66	Not Enacted
C. 40:149-3.2	L. 1966, c. 288, s. 1	40A:14-164
C. 40:149-3.3	L. 1966, c. 288, s. 2	40A:14-164
R. S. 40:149-4		Not Enacted
R. S. 40:149-5		Not Enacted
R. S. 40:149-6	As am. L. 1962, c. 94	Not Enacted
R. S. 40:149-7		Not Enacted
R. S. 40:149-8		40A:14-68
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R. S. 40:151-11	As am. L. 1961, c. 75	40A:14-71
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R. S. 40:151-25	As am. L. 1942, c. 183; L. 1943, c. 81	40A:14-79
R. S. 40:151-26		40A:14-80
R. S. 40:151-27		40A:14-81
C. 40:151-27.1	L. 1951, c. 297, s. 1	40A:14-82
C. 40:151-27.2	L. 1951, c. 297, s. 2	40A:14-82
C. 40:151-27.3	L. 1951, c. 297, s. 3	40A:14-82
C. 40:151-27.4	L. 1964, c. 91	40A:14-83
R. S. 40:151-28		40A:14-84
R. S. 40:151-29		40A:14-84
R. S. 40:151-30	*As am. L. 1970, c. 216*	40A:14-85
R. S. 40:151-31		40A:14-85
R. S. 40:151-32		40A:14-86
R. S. 40:151-33	As am. L. 1955, c. 83	40A:14-85
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R. S. 40:151-34		40A:14-87
R. S. 40:151-35	As am. L. 1953, c. 356	40A:14-88
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R. S. 40:151-46		40A:14-94
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R. S. 40:151-53	As am. L. 1953, c. 37, s. 288	40A:14-102
R. S. 40:151-54		40A:14-103
R. S. 40:174-1		Not Enacted
R. S. 40:174-2		40A:14-141
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R. S. 40:174-5		40A:14-165
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R. S. 40:174-25		40A:14-166
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R. S. 40:174-76		Not Enacted
R. S. 40:174-77		
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R. S. 40:174-80		
R. S. 40:174-81		Not Enacted
R. S. 40:174-82		40A:14-142
R. S. 40:174-83		Not Enacted
R. S. 40:174-84		40A:14-140
R. S. 40:174-85		Not Enacted
R. S. 40:174-86		Repealed L. 1946, c. 254
R. S. 40:174-87		40A:14-139
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R. S. 40:174-91		40A:14-168
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R. S. 40:174-93		40A:14-168
R. S. 40:174-94		Not Enacted

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R. S. 40:174-114		40A:14-170
R. S. 40:174-115		Not Enacted
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R. S. 40:174-119		40A:14-105
R. S. 40:174-120		
thru		Not Enacted
R. S. 40:174-125		
R. S. 40:174-126		Not Enacted
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R. S. 40:174-131		40A:14-48
R. S. 40:174-132		
thru		40A:14-48
R. S. 40:174-140		
R. S. 40:174-141		Not Enacted
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R. S. 40:174-143		40A:14-171
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R. S. 40:174-146		
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R. S. 40:174-147A		
(added)		Not Enacted
R. S. 40:174-148		
R. S. 40:174-149		40A:14-172
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R. S. 40:174-151		Not Enacted
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R. S. 40:174-170		
R. S. 40:174-171		Not Enacted
thru		
R. S. 40:174-180		40A:14-175
R. S. 40:174-181		
thru		40A:14-27
R. S. 40:174-200		
R. S. 40:174-201		Not Enacted
R. S. 40:174-202		
thru		Not Enacted
R. S. 40:174-205		

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

March 8, 1971

SENATE BILL NO. 626

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 626, with my objections, for reconsideration.

Senate Bill No. 626 is a revision of existing laws relating to Fire and Police. This bill is one of a number of bills presently before me that seek to revise the existing sections of Title 40 dealing with counties and municipalities.

The sponsors have attempted to avoid changes in substantive law, except where such changes work improvement in present law, and have concentrated in eliminating duplication and inconsistency. The final effort represents a significant achievement in the process of orderly clarification of the laws concerning county and municipal fire and police departments.

Recognizing the importance of revisions of this nature, I have given meticulous attention to the concepts herein, from both a technical and substantive viewpoint. As a result of my review, I am making several recommendations which I believe will be accepted as improvements on the original bill. Many of these suggestions are technical and some reflect changes in existing laws which have become effective since Senate Bill No. 626 was introduced into the Senate on March 9, 1970.

A summary of my recommendation follows:

Last year I signed into law a bill which permits the appointment of police and firemen, who were recently discharged from the military service, notwithstanding the fact that they have not been residents of the municipality. This law not only aids returning veterans who are seeking employment but also is helpful to police and fire recruitment and should therefore be included in any new law revision.

The new language suggested as a replacement for 40A:14-34 of the bill would provide clarity to a section that because of its complexity has consistently been misinterpreted or ignored.

A new provision requiring that any persons desiring to form a volunteer fire company shall first present an application to the Board of Fire Commissioners is a step toward encouraging orderly growth of fire protection activity and should properly be retained in the revision.

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Several other minor items have been noted and I respectfully recommend the following changes in Senate Bill No. 626:

Page 1, 40A:14-1, Line 8: Omit "at not less than \$1,500.00"

Page 1, 40A:14-1, Line 9: Omit ", at not less than \$500.00"

Page 3, after 40A:14-10 (Analysis), Line 7: Insert "40A:14-10.1.

Residence requirements for persons discharged or released from the military service."

Page 3, 40A:14-11 (Analysis), Lines 8 and 9: Omit "2-year" and insert "6-month"

Page 3, after 40A:14-11 (Analysis), Line 10: Insert "40A:14-11.1.

Municipalities under 5,000 population, 6-month residence not required; conditions."

Page 3, 40A:14-20 (Analysis), Line 22: Omit "Trials" and insert "Hearings"

Page 6, after 40A:14-70 (Analysis), Line 6: Insert "40A:14-70.1.

Establishment of a volunteer fire company within a fire district."

Page 7, 40A:14-99 (Analysis), Lines 6 and 7: Omit "Section 40:47-50 of the Revised Statutes saved from repeal" and insert "Blank"

Page 9, after 40A:14-10: Insert a new section as follows: "40A:14-10.1.

Residence requirements for persons discharged or released from the military service.

Any person who has served in the armed services of the United States and been discharged or released from such service under conditions other than dishonorable within 6 months prior to making application to any municipality for appointment as a member or officer of the paid or part-paid fire department, may be appointed a member or officer of such paid or part-paid fire department if otherwise qualified notwithstanding that he is not and has not been a resident of said municipality for 6 months preceding his appointment; provided, at the time of making application for appointment said person signs a notice of intention and agreement to become a resident of the municipality within 6 months from the date of appointment.

"In the event such appointee fails to become a resident of the municipality within the aforementioned 6-month period, he shall then cease to be a member or officer of said paid or part-paid fire department or force. The governing body shall cause to be served on the officer or member at least 15 days before the expiration of the period of nonresidency permitted, a notice that he is required to become a resident of the municipality within the time

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mentioned, and in the event such notice is not given for the officer or member to become a resident of the municipality the time for the officer or member to become a resident of the municipality is extended until such notice is given.

Source: C. 40:47-3.6 (1970, c. 187)."

Page 9, 40A:14-11, Heading: Omit "2-year" and insert "6-month"

Page 9, after 40A:14-11: Insert a new section as follows: "40A:14-11.1.

Municipalities under 5,000 population, 6-month residence not required; conditions.

Any person may be appointed an officer or member of the police force of a municipality having a population of less than 5,000 inhabitants, notwithstanding that he has not been a resident of such municipality for 6 months preceding his appointment, if he is otherwise qualified and is a resident of the county wherein such municipality is situate.

Source: C. 40:47-20.8 (1956, c. 147 amended 1969, c. 267, s. 5)."

Page 12, 40A:14-20, Heading: Omit "Trials" and insert "Hearings"

Page 17, 40A:14-33, Line 2: Omit "by rules and regulations in its expenditures of money in any one year" and insert "to raising in any one year for the purposes of the department a definite sum"

Page 17, 40A:14-33, Line 5: Omit "notwithstanding such limitation" and insert "subject to the limitations in Section 40A:14-34"

Page 17, 40A:14-34: Delete present language and insert "The governing body of any municipality may raise and appropriate funds to be granted to the Boards of Fire Commissioners of any fire district or volunteer fire companies located therein, up to a total appropriation of \$24,000 annually. In any municipality in which there are more than three such boards or companies, or both, the governing body may raise and appropriate an additional \$8,000 annually for each such additional board or company. Any such board or company shall use not less than 50 percent of the funds received pursuant to this section for the purchase of fire equipment, materials and supplies. All funds appropriated under this section shall be accounted for to the governing body annually.

"Any municipality may appropriate such additional sums as it may deem necessary for the purchase of fire equipment, supplies and materials for use by fire companies or boards, the title to which shall remain with the



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municipality, provided that the funds shall be controlled and disbursed by the municipality.

Source: R. S. 40:47-27 amended 1941, c. 140; 1945, c. 126; 1951, c. 77; 1954, c. 171; 1956, c. 155; 1957, c. 77; 1967, c. 45."

Page 18, 40A:14-35, Line 3: Omit "\$6,000.00" and insert "\$8,000.00"

Page 18, 40A:14-35, Line 13: After "1964, c. 246;" insert "1970, c. 48;"

Page 26, 40A:14-56, Line 5: Omit "35" and insert "40"

Page 27, 40A:14-56, Line 8: After "1952, c. 167;" insert "1970, c. 201;"

Page 32, 40A:14-70, Line 3: Omit "freeholders" and insert "legal voters"

Page 33, 40A:14-70, Line 7: After "R. S. 40:151-1" insert "amended 1970, c. 241"

Page 33, after 40A:14-70: Insert a new section as follows: "40A:14-70.1. Establishment of a volunteer fire company within a fire district. Any persons desiring to form a volunteer fire company to be located within or otherwise servicing the area encompassing a fire district or other type of volunteer organization which has as its objective the prevention of fires or regulation of fire hazards to life and property therein shall first present to the board of fire commissioners a written application for the organization of such company. Such application shall be in the form of a duly verified petition signed by them stating the kind of company which they desire to organize, the name of title thereof, the number and names of the proposed members thereof, and their places of residence. The board of fire commissioners, after considering such application and approving the members of the proposed company, if deemed necessary and for the best interests of such district, may by resolution grant the petition and constitute such applicants a volunteer fire company of the district. Source: R. S. 40:151-1 amended 1970, c. 241."

Page 38, 40A:14-81, Line 6: Omit "Conservation and Economic Development" and insert "Environmental Protection"

Page 40, 40A:14-85, Line 26: After "R. S. 40:151-30" insert "amended 1970, c. 216"

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Page 41, 40A:14-88, Lines 3 - 7: After "compensation" omit entire lines and insert "such amounts as the board shall fix subject to review by the governing body wherein the fire district is located."

Page 42, 40A:14-89, Line 3: Omit "treasurer" and insert "board of fire commissioners"

Page 42, 40A:14-89, Lines 4 and 5: Omit "shall report such audit" and insert "such audit shall be reported"

Page 42, 40A:14-89, Line 5: Omit "of fire commissioners"

Page 42, 40A:14-90, Line 8: Omit "freeholders" and insert "legal voters"

Page 42, 40A:14-91, Line 1: Omit "freeholders" and insert "legal voters"

Page 43, 40A:14-93, Line 1: Omit "persons" and insert "legal voters"

Page 44, 40A:14-96, Line 2: Omit "18" and insert "16"

Page 44, 40A:14-96, Line 3: Omit "18" and insert "16"

Page 44, 40A:14-96, Line 8: After "1968, c. 309, s. 2" insert "; amended 1970, c. 310"

Page 45, 40A:14-99: After "40A:14-99" omit entire section and source and insert "Blank."

Page 48, 40A:14-109, Line 1: After "mechanic" insert "prior to the effective date of this law"

Page 51, 40A:14-123 (Analysis), Line 10: After "40A:14-123" insert "40A:14-123.1. Residence requirements for persons discharged or released from the military service."

Page 51, 40A:14-124, Lines 11 and 12: Omit "2-year" and insert "6-month"

Page 51, 40A:14-125, Line 13: Omit "2-year" and insert "6-month"

Page 51, 40A:14-126, Line 15: Omit "2-year" and insert "6-month"

Page 52, 40A:14-148, Line 24: Omit "Trials" and insert "Hearings"

Page 54, 40A:14-119, Line 1: Omit "ordinance" and insert "resolution"

Page 54, 40A:14-120, Line 1: Omit "ordinance" and insert "resolution"

Page 54, 40A:14-121, Line 1: Omit "ordinance" and insert "resolution"

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Page 55, 40A:14-123: After "40A:14-123" insert a new section as follows: "40A:14-123.1. Residence requirements for persons discharged or released from the military service. Any person who has served in the armed services of the United States and been discharged or released from such service under conditions other than dishonorable within 6 months prior to making application to any municipality for appointment as a member or officer of the police department or force, may be appointed a member or officer of such police department or force if otherwise qualified notwithstanding that he is not and has not been a resident of said municipality for 6 months preceding his appointment; provided, at the time of making application for appointment said person signs a notice of intention and agreement to become a resident of the municipality within 6 months from the date of appointment.

"In the event such appointee fails to become a resident of the municipality within the aforementioned 6-month period, he shall then cease to be a member or officer of said police department or force. The governing body shall cause to be served on the officer or member at least 15 days before the expiration of the period of nonresidency permitted, a notice that he is required to become a resident of the municipality within the time mentioned, and in the event such notice is not given for the officer or member to become a resident of the municipality the time for the officer or member to become a resident of the municipality is extended until such notice is given.

Source: C. 40:47-3.6 (1970, c. 187)."

Page 55, 40A:14-124, Heading: Omit "2-year" and insert "6-month"

Page 56, 40A:14-125, Heading: Omit "2-year" and insert "6-month"

Page 56, 40A:14-126, Heading: Omit "2-year" and insert "6-month"

Page 65, 40A:14-148, Heading: Omit "Trials" and insert "Hearings"

Page 68, 40A:14-157, Line 17: After "shall" insert "be turned over within 48 hours to the municipal treasurer for retention in a trust account and"

Page 75, Line 7: After "40:47-28 amended 1953, c. 323; 1964, c. 246" insert "; 1970, c. 48"

Page 75, Line 14: After "40:47-48" omit ", 40:47-49" and insert "to 40:47-50 both inclusive"

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Page 75, Line 16: After "40:47-53 amended 1944, c. 246; 1952, c. 167"  
insert "; 1970, c. 201"

Page 75, Line 25: Omit "40:151-1 to 40:151-10 both inclusive" and  
insert "40:151-1 amended 197, c. 241"

Page 75, Line 30: Omit "40:151-28 to 40:151-32 both inclusive"  
and insert "40:151-28, 40:151-29

40:151-30 amended 1970, c. 216

40:151-31, 40:151-32"

Page 77, Line 28: After Line 28 insert "Schedule of Amendments of  
Laws of 1968, c. 309

Section 2 amended by P. L. 1970, c. 310"

Page 77, Line 29: After Line 29, after "Laws of 1969, c. 173" insert  
"Laws of 1970, c. 187 (C. 40:47-3.6)"

Page 77, Effective Date, Line 1: Omit "1970" insert "1971"

Page 78, Heading: Omit "40" and insert "40A"

Page 80, 40:47-3.5, Line 22: After "40:47-3.5" insert "C. 40:47-3.6 ..  
L. 1970, c. 187 .. {40A:14-10.1  
40A:14-123.1"

Page 82, 40:47-20.8, Line 9: After "L. 1956, c. 147;" insert  
{40A:14-11.1"

Page 82, 40:47-28, Line 42: After "L. 1964, c. 246" insert "; L.  
1970, c. 48"

Page 83, 40:47-30.7, Line 11: After "L. 1968, c. 309, s. 2"  
insert "; L. 1970, c. 310"

Page 83, 40:47-50, Line 40: After "40:47-50" omit "40A:14-99"

Page 84, 40:47-53, Line 2: After "L. 1952, c. 167" insert "; L. 1970,  
c. 201"

Page 85, 40:151-1 thru 40:151-5, Lines 19 to 21: Omit

"R. S. 40:151-1 )  
thru .....40A:14-70"  
R. S. 40:151-5 )

and insert "R. S. 40:151-1 As am. L. 1970, c. 241 ..... {40A:14-70,  
40A:14-70.1

and insert "R. S. 40:151-2  
thru .....40A:14-70"  
R. S. 40:151-5

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Page 86, 40:151-30, Line 9: After "40:151-30" insert "As am.  
L. 1970, c. 216"

Respectfully,

[Seal]

/s/ William T. Cahill  
GOVERNOR

Attest:

/s/ Jean E. Mulford  
Acting Secretary to the Governor