

R.S. 40:151-1

October 27, 1971

LEGISLATIVE HISTORY OF R.S. 40:151-1
(Volunteer fire companies; approval by Board of Fire Commissioners)

copy 2

No similar bills introduced, 1965-1970.

L. 1970, Chapter 241 - S534

February 2 - Introduced by Miller, Maraziti, Giuliano.

February 15 - Passed in Senate.

April 23 - Passed in Assembly.

October 5 - Returned by Governor with recommended amendments (copy encl.)

October 8 - Re-enacted in Senate, amended.

October 8 - Re-enacted in Assembly.

October 28 - Approved, Chapter 241.

Bill had statement (copy encl.).

JH/PC

DEPOSITORY COPY
Do Not Remove From Library

SENATE, No. 534

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1970

By Senators MILLER, MARAZITI and GIULIANO

Referred to Committee on County and Municipal Government

AN ACT concerning fire districts and amending section 40:151-1
of the Revised Statutes.

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

1 1. Section 40:151-1 of the Revised Statutes is amended to read
2 as follows:

3 40:151-1. Whenever the township fails to appropriate money or
4 provide means for protection against fire, the township committee
5 upon the application of at least 20 freeholders of any village or
6 district therein, shall set off by metes and bounds such village
7 or part of the township as may be desired, into a fire district, and
8 such village or part of the township so set off shall have all the
9 rights and powers to provide means for protection against fires,
10 conferred upon townships by sections 40:149-4 to 40:149-9 of this
11 Title.

12 *Thereafter, any persons desiring to form a volunteer fire com-*
13 *pany to be located within or otherwise servicing the area encom-*
14 *passing said fire district or other type of volunteer organization*
15 *which has as its objective the prevention of fires or regulation of*
16 *fire hazards to life and property within the area encompassing said*
17 *fire district shall first present to the Board of Fire Commissioners*
18 *a written application for the organization of such company. Such*
19 *application shall be in the form of a duly verified petition signed*
20 *by them stating the kind of company which they desire to organize,*
21 *the name or title thereof, the number and names of the proposed*
22 *members thereof, and their places of residence. The Board of Fire*
23 *Commissioners, after considering such application and approving*
24 *the members of the proposed company, if deemed necessary and*
25 *for the best interests of such district, may by resolution grant the*
26 *petition and constitute such applicants a volunteer fire company*
27 *of the district. Any volunteer fire company in existence on the*

28 *effective date of this act and located within such a fire district but*
 29 *not recognized by the Board of Fire Commissioners of that fire*
 30 *district shall submit an application for approval as aforesaid by*
 31 *June 30, 1970, and unless approved by the Board of Fire Commis-*
 32 *sioners shall not thereafter be permitted to operate as a volunteer*
 33 *fire company within the fire district.*

1 2. This act shall take effect immediately.

STATEMENT

The proposed amendment of R. S. 40:151-1 is designed to specifically cover what is believed to be implied in the statute relative to township fire districts, namely—the exclusive vesting of control of fire prevention and fire regulation activities within the District in the Board of Fire Commissioners.

More specifically, the statute is silent as to whether additional volunteer fire companies can be formed within a fire district and operate independently of the Board of Fire Commissioners. For the orderly control, growth and expansion of fire prevention activities within the district it is desirable that the Board of Fire Commissioners should make a determination (subject of course to judicial interference in the event of an arbitrary exercise of power) as to whether additional volunteer fire companies are needed in the district, and if so their location, size, and required equipment. The proposed amendment would prevent formation of additional volunteer companies without approval of the Board of Fire Commissioners (and would be analogous to the control exercised by the township over independent fire companies—R. S. 40:149-10 et seq.), and would further require any existing volunteer fire companies which are not operating under the auspices of the Board of Fire Commissioners to seek and receive recognition and approval by a date certain, or to cease operating within the fire district.

Without this unified control there is the distinct possibility not only of an hiatus as to fire prevention and fire fighting activities between volunteer companies under fire district control and non-recognized companies, a duplication of effort and expense, an eventual decrease in the municipal fire rating by the National Board of Fire Underwriters to the extent that additional volunteer fire companies not under board jurisdiction do not measure up to standards set by the underwriters, and also confusion as to the reason for the “fire tax” imposed by the fire district to the extent that other volunteer companies which are not sanctioned by the Board of Fire Commissioners independently solicit for operating funds.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

October 5, 1970

SENATE BILL NO. 534

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 (b) of the Constitution, I herewith return Senate Bill No. 534, with my objections, for reconsideration.

Senate Bill No. 534 amends section 40:151-1 of the Revised Statutes and would require that any persons desiring to form a volunteer fire company shall first present an application to the Board of Fire Commissioners who shall then determine whether the proposed company is in the best interest of the fire district.

I am in favor of the concept of this bill since it would encourage the orderly growth of fire prevention activity within a district, thereby avoiding jurisdictional disputes and duplication of efforts. Before signing into law bills passed by the Legislature, it is my duty to review each bill carefully so that the public may be protected against unanticipated effects which might otherwise occur. The accumulation of necessary information for the review of Senate Bill No. 534 brought us perilously close to June 30, 1970, set forth in the bill as the final date for submission to the respective Boards of Fire Commissioners of applications for approval by volunteer fire companies presently in existence but not recognized by said Boards. It is my opinion that a period of 90 days should be allowed for those unrecognized volunteer fire companies to make application for approval to their respective Boards of Fire Commissioners.

Accordingly, I herewith return Senate Bill No. 534 for reconsideration and recommend that it be amended as follows:

Page 2, Section 1, Lines 30-31: After the word "aforesaid", delete "by June 30, 1970" and insert "within 90 days after the effective date of this act".

Respectfully,

/s/ William T. Cahill

GOVERNOR

Attest:

/s/ Jean E. Mulford

Secretary to the Governor

SENATE AMENDMENT TO
SENATE, No. 534

STATE OF NEW JERSEY

ADOPTED OCTOBER 5, 1970

Amend page 2, section 1, lines 30 and 31, after the word "aforesaid", delete "by June 30, 1970", and insert "within 90 days after the effective date of this act".

SENATE, No. 534

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1970

By Senators MILLER, MARAZITI and GIULIANO

Referred to Committee on County and Municipal Government

AN ACT concerning fire districts and amending section 40:151-1
of the Revised Statutes.

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

1 1. Section 40:151-1 of the Revised Statutes is amended to read
2 as follows:

3 40:151-1. Whenever the township fails to appropriate money or
4 provide means for protection against fire, the township committee
5 upon the application of at least 20 freeholders of any village or
6 district therein, shall set off by metes and bounds such village
7 or part of the township as may be desired, into a fire district, and
8 such village or part of the township so set off shall have all the
9 rights and powers to provide means for protection against fires,
10 conferred upon townships by sections 40:149-4 to 40:149-9 of this
11 Title.

12 *Thereafter, any persons desiring to form a volunteer fire com-*
13 *pany to be located within or otherwise servicing the area encom-*
14 *passing said fire district or other type of volunteer organization*
15 *which has as its objective the prevention of fires or regulation of*
16 *fire hazards to life and property within the area encompassing said*
17 *fire district shall first present to the Board of Fire Commissioners*
18 *a written application for the organization of such company. Such*
19 *application shall be in the form of a duly verified petition signed*
20 *by them stating the kind of company which they desire to organize,*
21 *the name or title thereof, the number and names of the proposed*
22 *members thereof, and their places of residence. The Board of Fire*
23 *Commissioners, after considering such application and approving*
24 *the members of the proposed company, if deemed necessary and*
25 *for the best interests of such district, may by resolution grant the*
26 *petition and constitute such applicants a volunteer fire company*

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

27 of the district. Any volunteer fire company in existence on the
28 effective date of this act and located within such a fire district but
29 not recognized by the Board of Fire Commissioners of that fire
30 district shall submit an application for approval as aforesaid ***[by**
31 **June 30, 1970]*** *within 90 days after the effective date of this act*,
32 and unless approved by the Board of Fire Commissioners shall not
33 thereafter be permitted to operate as a volunteer fire company
34 within the fire district.

1 2. This act shall take effect immediately.