

ORDINANCE 09-2021

BOROUGH OF EATONTOWN  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 161 OF THE BOROUGH CODE ENTITLED "FIRE PREVENTION" SECTION 161-6 ENTITLED "FIRE OFFICIAL; INSPECTORS" TO CLARIFY THE ADMINISTRATOR'S ROLE IN HIRING THE FIRE OFFICIAL

WHEREAS, by ordinance 8-85, dated June 12, 1985, the Borough of Eatontown (the "Borough") Council adopted section 161-6 which provided that the Fire Official shall be appointed by the Mayor and Council upon recommendation of the Fire Chief and serve a term of one year;

WHEREAS, by ordinance 09-2019 dated April 10, 2019, the Borough created the position of Business Administrator to conduct the Borough's business in an efficient manner; and

WHEREAS, ordinance 09-2019 created section 19-3 of the Borough Code which amongst other things gives the Administrator "executive responsibility for the appointment, hiring, promotion, and discipline of all employees" except for subordinate officers, defined as a person holding a title established by New Jersey statutes; department heads; and other positions for which employment decisions are specifically reserved for other officials by the New Jersey Statutes; and

WHEREAS, because the Fire Official is not an employee which falls under these three exceptions, ordinance 09-2019 empowered the Administrator to appoint/hire the fire official; and

WHEREAS, ordinance 09-2019 provided that is superseded any inconsistent ordinances; and

WHEREAS, section 161-6 of the Borough Code was inconsistent with ordinance 09-2019 insofar as it gave the Borough Council the authority to appoint the Fire Official; and

WHEREAS, the Borough Council believes that it is in the best interest of the Borough and its residents for the Code be as clear as possible;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that Chapter 161 of the Code of the Borough of Eatontown, entitled, "Fire Prevention," is hereby amended as follows:

**SECTION 1**

Chapter 161 entitled "Fire Prevention" section 161-6 entitled "Fie Official; inspectors" of the Code of the Borough of Eatontown shall be amended as follow (additions are underlined deletions are ~~stricken~~):

**§ 161-6 Fire Official; inspectors.**

A. Fire Official

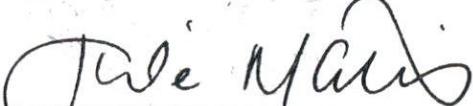
(1) The local enforcing agency shall be under the direct supervision of a Fire Official, ~~who shall be appointed by the Mayor and Council upon the recommendation of the Fire Chief of the Eatontown Fire Department.~~  
(2) ~~The Fire Official shall serve for a term of one year commencing on January 1 and ending on December 31. Any vacancies shall be filled for the unexpired term~~

BE IT FURTHER ORDAINED, that

A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.  
B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.  
C. This Ordinance shall take effect upon its passage and publication as required by law.

DATE INTRODUCED: May 12, 2021  
DATE ADOPTED: May 26, 2021

ATTEST :

  
Julie Martin, Municipal Clerk  
Date:

APPROVED:

  
Anthony Talerico, Jr., Mayor  
Date: