

**BOROUGH OF HAWORTH  
ORDINANCE #23-09**

**AN ORDINANCE TO AMEND AND REVISE SECTION  
2-31, VOLUNTEER FIRE DEPARTMENT, OF  
CHAPTER 2, ADMINISTRATION.**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Haworth as follows:

**Section 1.**

Chapter 2 of the Code of the Borough of Haworth, Administration, §2-31, Volunteer Fire Department, be and is hereby amended so as to revise certain sections and add new sections and to read as follows:

**§2-31 Volunteer Fire Department.**

The Fire Department of the Borough of Haworth, shall be known as the Haworth Volunteer Fire Department; and its objective is to protect and preserve the lives and property of the citizens and businesses of the Borough of Haworth, New Jersey from loss or destruction by fire.

- a. As used herein, the term “Firefighter” shall refer equally to male or female members.
- b. References to “the firehouse” shall be defined as the Haworth Fire Headquarters located at 71 Hardenburgh Avenue.
- c. References to “the Department” shall be defined as the Haworth Volunteer Fire Department.

**§2-31.1 Membership.**

This Department shall consist of not more than fifty (50) firefighter members, a maximum of ten (10) Auxiliary and ten (10) Junior Auxiliary firefighters, all of whom shall be approved by the Mayor and Council and subject to such rules and administrative orders as the Mayor and Council may prescribe by resolution.

Regular members, also known as firefighter members, of the Haworth Fire Department shall be United States citizens or permanent residents between the ages of eighteen (18) and sixty-five (65) at the time of their admission to the Department. Each applicant shall be a resident of the Borough or a contiguous Borough or have his regular place of business or employment within the Borough or a contiguous Borough.

### §2-31.2 **Members Duties.**

The duty of each and every member of The Haworth Fire Department is to abide by the rules and regulations, by-laws and constitution of the Haworth Fire Department and Haworth Borough Ordinances established by the Mayor and Council and the Haworth Fire Department.

### §2-31.3 **Procedure for Membership.**

Each applicant for membership in the Department shall submit his/her completed New Jersey State Firemen's Association application, a completed Haworth Fire Department membership application, and a signed Borough release form, notarized and signed, to the Board of Fire Officers. The candidate shall be subject to a background check conducted by the Haworth Police Department. Thereupon, the candidate shall be interviewed by the Board of Fire Officers and, if approved by the Board of Fire Officers, the candidate's application shall be presented to the Mayor and Council for approval. Once approved by the Mayor and Council, the applicant shall become a Probationary Member of the Haworth Fire Department. The newly approved member shall be sworn in at the next public Council meeting by the Mayor in the presence of the Fire Chief. A new member joining the Department shall serve a one (1) year probationary period during which time the new member must meet the following requirements:

- a. A Probationary member must attend and successfully complete the Fire Fighter 1 course provided by the Bergen County Fire Academy.
- b. A Probationary member shall be required to attend no less than eight (8) monthly meetings and nine (9) Department drills during the probationary period.
- c. A Probationary member must record at least forty percent (40%) average for attendance at fire calls. This average may include the performance of extra duty in lieu of fire calls.
- d. Upon completion of the one (1) year probationary period, the member shall meet with the Board of Fire Officers for approval. The member's name

shall be submitted to the Mayor and Council, and to be sworn in at the next Mayor and Council meeting.

**§2-31.4 Composition of the Haworth Fire Department.**

The Fire Department shall consist of a Chief, a Deputy Chief, a Captain, a First Lieutenant, a Second Lieutenant with a maximum of fifty (50) firefighters. There shall also be a Haworth Junior Firefighter's Auxiliary (Fire Patrol) with a maximum of fifteen (15) members between the ages of fourteen (14) and eighteen (18) and a Haworth Fire Auxiliary. The Auxiliary and Junior Fire Auxiliaries shall be under the control of the Chief or officer in charge and shall be appointed to serve in accordance with rules and regulations adopted by the Department.

**§2-31.5 Department Officers.**

The Officers of the Haworth Fire Department shall consist of the following:

- Chief
- Deputy Chief
- Captain
- First Lieutenant
- Second Lieutenant

The Officers shall be known collectively as the "Board of Fire Officers".

**§2-31.6 Board of Fire Officers.**

The administration of the Fire Department shall be conducted by a body to be known as the "Board of Fire Officers." The Chief shall be the presiding Officer of the Board.

**§2-31.7 Life Membership.**

A Life Member is a regular member who has served twenty (20) years as an active member and is in good standing with the Department shall become a Life Member. Life Members continue to serve as firefighters and shall be subject to all rules and regulations of the Department.

**§2-31.8 Duties Of Officers.**

Powers and Duties of Chief:

The Chief shall have jurisdiction over all members of the Department, subject to the rules and regulations for the government and operation of the Department. The Chief shall establish and maintain a set of rules and regulations and bylaws

that shall be compiled jointly with the Fire Commissioner and the Board of Fire Officers subject to approval by the Mayor and Borough Council.

The Chief shall be in sole and entire command at all fires, drills and alarms of fire and shall direct what measures he may deem proper for the remediation of hazardous conditions, extinguishing of fires and the saving of life and property and for such purpose is granted all necessary Police authority.

The Chief shall have custody of and be responsible for the fire apparatus and appurtenances the fire alarm system and the regular fire quarters.

The Chief shall:

- a. Call a practice drill at least once a month and at whatever other times he may deem necessary to assure and maintain proficiency.
- b. Present requests for supplies, repairs, replacements, additional equipment and apparatus to the Fire Commissioner for approval, provided that emergency repairs and supplies may be ordered by the Chief without prior approval but shall be reported to the Fire Commissioner or his designee within seventy-two (72) hours.
- c. Report to the local water utility any defective or abnormal hydrant condition brought to his attention.
- d. Maintain complete and comprehensive records of attendance, fires, drills and equipment, and any other activities of the Department he may deem necessary or be directed to maintain.
- e. Not later than the sixth day of each month, submit to the Fire Commissioner a written report on the condition of the various pieces of apparatus and appurtenances, the number of fires during the month, their locations and, if possible, their causes, the dates of the fires and the losses sustained. The monthly report shall also include such additional information as the Mayor and Council may require. The Chief shall also submit to the Fire Commissioner reports of attendance at fires, drills and any special reports, which may be required.
- f. Submit to the Fire Commissioner recommendations, as he may deem necessary for the good of the Department and report to the Fire Commissioner any conditions and occurrences, which adversely affect efficiency and morale.

#### **§2-31.9 Duties of Other Officers.**

The Deputy Chief, Captain, First Lieutenant, Second Lieutenant and shall assist

the Chief in the performance of his duties and shall carry out all orders and duties assigned to them by the Chief, and in their respective order take full charge of the Department in the absence of the Chief. (See also §2-31.10 "Chain of Command")

**§2-31.10 Chain of Command.**

In the absence of the Chief the following is the chain of command: Deputy Chief, Captain, First Lieutenant, Second Lieutenant, ex-Fire Chief, driver of the fire apparatus and most senior member.

**§2-31.11 Duties of the Board of Fire Officers.**

The duties and authority of the Board of Fire Officers shall be as follows:

- a. To adopt bylaws and rules and regulations for the conduct of its meetings and for the administration of the Fire Department, subject to approval by the Mayor and Council.
- b. To act as a board of inquiry for the purpose of hearing, investigating, and determining complaints and charges made or filed against Officers and members of the Fire Department and immediately after conducting a hearing, to notify the Mayor and Council as to its recommendations.
- c. To report to the Mayor and Council, through the Fire Commissioner, concerning the efficiency of the Fire Department at fires and drills, and attendance of the members of the Department.
- d. To keep accurate records of alarms, fire losses, condition of apparatus and equipment, attendance by members of the Department at fires and drills, and such other information as may be determined necessary by the Board.

**§2-31.12 Nomination & Election of Officers.**

The members of the Fire Department shall elect a Chief, Deputy Chief, Captain, First Lieutenant and the Second Lieutenant annually. Nominations are to be held on the first Wednesday in October, followed by an election to be held on the first Wednesday in November. The election of all officers shall be determined by a majority of the votes cast and the terms of office shall be for a period of one (1) year. A quorum at the annual meeting shall consist of not less than ten (10) of the members of the Department. The election of officers shall be subject to confirmation by the Mayor and Council. The Officers shall hold office from January 1 through December 31 of the following year.

**§2-31.13 Eligibility For Office.**

In order to be eligible for a particular office, the following requirements shall be met:

- a. Eligibility for Chief: One (1) full year as Deputy Chief or Ex-Chief of Haworth.
- b. Eligibility for Deputy Chief: One (1) full year as Captain or First Lieutenant or Second Lieutenant or Ex-Chief of Haworth.
- c. Eligibility for Captain: One (1) full year as First Lieutenant or Second Lieutenant or Ex-Chief of Haworth.
- d. Eligibility for First Lieutenant and Second Lieutenant: Completion prior to nomination or appointment of Firefighter I and Firefighter II or Incident Management Level 1 (N.J.A.C. 5:73-1.6) and be qualified as a driver/operator of Haworth fire apparatus; completion of (3) years as an active member in good standing of the Fire Department prior to January 1 of the following year of potential appointment.
- e. Any Haworth member who is currently a member of another Fire Department and has completed (3) years of service as a validated active member in good standing with the completion of Firefighter I and Firefighter II or Incident Management Level 1 (N.J. A.C. 5:76-1.6) and be qualified as a driver/operator of Haworth fire apparatus is also eligible for the position of First Lieutenant and Second Lieutenant.

**§2-31.14 Voting.**

Only active members of the Haworth Fire Department shall be entitled to cast one (1) vote. An active member must have completed one (1) year on the Department and attain a 40% average of fire calls and drills, between January first and October 31<sup>st</sup> of the current calendar year, to be eligible to nominate and vote at Department nomination meeting and election.

**§2-31.15 Meetings; Regular and Special Meetings.**

The Haworth Fire Department shall hold its regular meetings on the first Wednesday of each month at 8:00 p.m.

The Board of Fire Officers shall hold its regular meetings each month at 8:00 p.m. on a date to be determined by the Chief.

The Chief shall have the power to call special meetings of the Board and/or Department. Quorum shall consist of (8) voting members.

**§2-31.16 Suspension or Expulsion of Department Members, Notice & Hearing.**

- a. The Mayor and Council may suspend or expel the Chief, Deputy Chief, Captain, First Lieutenant, Second Lieutenant of the Department for failure to serve as an officer, for unbecoming conduct or behavior or neglect in violation of any duty incumbent upon such person. No suspension or removal shall be made except upon notice to the person and an opportunity to be first heard before the Mayor and Council at a special meeting.
- b. The Chief, Deputy Chief, Captain, First Lieutenant, Second Lieutenant and may submit charges against the Chief or any Officer for any actions in Subsection C. Such charges shall be brought before the Fire Commissioner. Such officer shall have the right to request a hearing with the Mayor and Council.
- c. Any member who shall refuse or voluntarily neglect to obey or execute any order from any Officer in charge of an alarm or drill, or who shall violate or willfully neglect, or who shall refuse to follow or comply with the rules and regulations of the Haworth Fire Department, shall be subject to suspension, removal or expulsion from the Fire Department, although suspensions, removals or expulsions may be made for sufficient causes other than those listed below:
  1. Neglect of duty.
  2. Incompetency or inefficiency.
  3. Incapacity due to mental or physical disability.
  4. Insubordination or serious breach of discipline.
  5. Intoxication or under the influence of a controlled substance while operating an apparatus and at a fire activity.
  6. Chronic or excessive absenteeism.
  7. Disorderly or immoral conduct.
  8. Willful violation of any of the Haworth Fire Department Rules & Regulations.

9. The conviction of any criminal act or offense.
  10. Negligence of or willful damage to public property or waste of supplies or theft of Fire Department property or Fire Department supplies.
  11. Conduct unbecoming a member of a Volunteer Fire Department.
- d. The Chief may suspend any regular, auxiliary or junior member of the Department for any of the above actions occurring during a fire, alarm or drill pending the formal filing of charges and resolution of the matter by the Board of Fire Officers. Formal charges must be filed against the suspended member within (3) calendar days of the suspension.
  - e. Any member suspended from the Haworth Fire Department shall, during such suspension, forfeit all rights and privileges as a member of the department.
  - f. The Board of Fire Officers or Fire Commissioner shall follow the following procedures and afford the following rights to an accused officer or member:
    1. The charges shall be transmitted in writing to the officer or member and shall designate a reasonable time therein in which the officer or member may respond to admit or deny same.
    2. A date shall be established for a hearing on the matter before the Board of Fire Officers or Mayor and Council which shall be reasonably set to afford all parties concerned a fair and impartial presentation of the matter.
    3. The allegations against the officer shall be presented by the Fire Commissioner.
    4. The allegations against a member shall be presented by the Chief.
    5. The accused officer or member shall have the right to be represented by counsel or to appear in his/her own defense. He/she shall have the right to obtain copies of the charges, statements and the names of witnesses who may testify against him/her. He/she shall have the right to present oral and/or documentary evidence in his/her defense.
    6. In the event that the meeting must extend beyond one meeting, a special date and time will be determined at the end of the hearing.



7. The charge shall be sustained only upon affirmative vote of the Board of Fire Officers or Borough Council.
8. In hearings conducted hereunder by the Board of Fire Officers and or Mayor and Council, the decision shall be announced in writing upon the conclusion of the hearing or as soon as possible after the conclusion of the hearing.

#### §2-31.17 **Resignations.**

Resignations in writing shall be acted upon by the members of the Board of Fire Officers at their first regular meeting following the receipt of each resignation. Resignations shall thereupon be presented to the Fire Commissioner to be read at the next regular meeting of the Mayor and Borough Council. The member will be notified in writing by the Board of Fire Officers of their decision. Upon the acceptance of a resignation from the Department the former shall be required to return all fire department property in his/her possession to the Chief. The only exception to this rule shall be for Exempt Firemen who are entitled to retain the regulation uniform.

#### §2-31.18 **Leave of Absence; Approvals Required.**

The officers and members of the Fire Department shall be granted leaves of absence in writing, not to exceed twelve (12) months at any one (1) time, with the approval of the Board of Fire Officers. The member will be notified in writing by the Board of Fire Officers of their decision.

#### §2-13.19 **Equipment.**

- a. *Handling of Equipment.* Only members of the Department and paid employees of the Borough qualified by the Board of Fire Officers shall be allowed to handle the fire apparatus and appurtenances at any drill or emergency call. Other persons may handle and use the equipment only with the approval of the Chief. (See also §2-31.10 "Chain of Command")
- b. *Removal of equipment from the station.* No fire apparatus and/or equipment shall be taken out of the fire station, except when authorized by the Chief and/or Deputy Chief.
- c. *Removal of Equipment from the Borough.* No fire apparatus shall be taken out of the Borough, except when authorized by the Chief or for a mutual aid fire call. In the event of the removal of any unit of fire equipment from the Borough, it shall be the responsibility of the Chief to see that sufficient equipment remains, or available to the Borough, to meet any emergency. (See also §2-31.10 "Chain of Command")

**§2-31.20 Procedure at Fires.**

The Police Department shall assume command at all fires until arrival of a qualified Firefighter, who shall assume the duties of the Fire Chief until his superior officer arrives.

The Chief, Deputy Chief, Captain, Lieutenants are authorized and directed at all times to require and secure the removal of all obstructions from in front of and around fire hydrants, and for that purpose are authorized to call upon the head of any Borough Department for aid and assistance in securing the removal of obstructions.

**§2-31.21 Rules and Regulations.**

The Board of Fire Officers may enact and adopt rules and regulations, standard operating procedures and guidelines for its own government not inconsistent with the laws of the State of New Jersey or the ordinances of the Borough of Haworth. Such rules shall be subject to confirmation by the Fire Commissioner and Mayor and Borough Council and, when confirmed, shall be delivered to all firefighters, auxiliary members and officers.

**§2-31.22 Training Requirements and Continuing Education.**

- a. *New Members.* New members shall complete Firefighter I during their probationary period. The new member will not be removed from probationary status unless he/she completes Firefighter I at the Bergen County Police & Fire Academy. If the member does not complete the required training after the probationary period has passed, that member shall not become a member of the Haworth Fire Auxiliary. The member will then have to go through the procedure for membership again if he wishes to obtain regular membership.
- b. *Fire Officers Training Requirements.* All Officers will be required to have satisfactorily completed Fire Fighter I and Fire Fighter II and have completed (5) years of service before being eligible for the office of First Lieutenant or Second Lieutenant.

**§2-31.23 Exemption Certificates.**

Exemption certificates shall be issued to members of the Fire Department who have served seven (7) years in active duty, under municipal control, as provided

by N.J.S.A. 4:47-521, et seq. No member shall be recommended for an exemption certificate whose total attendance at drills and emergency calls is below sixty (60%) percent of the total drills held during any one (1) year.

The Fire Chief shall keep a list of the officers and members of the Department and maintain a file of reports of attendance at fires and drills.

**§2-31.24 Junior Firefighter Auxiliary.**

There is hereby established a Junior Firefighter Auxiliary to the Haworth Fire Department, to be known as the "Haworth Junior Firefighter Auxiliary".

**§2-31.25 Membership.**

The Haworth Junior Fire Fighter's Auxiliary membership shall be opened to individuals between the ages of 14-18 years of age.

**§2-31.26 Eligibility.**

- a. In accordance with the provisions of N.J.S.A. 40A: 14-95, no person shall be eligible for membership in the Junior Firefighter's Auxiliary who is less than 14 or more than 18 years of age. Persons between the ages of 14 and 18 shall obtain permission to join the Auxiliary from their parents or legal guardians, which permission shall be in writing.
- b. All applicants for membership in the Junior Firefighter's Auxiliary shall be citizens or permanent residents of the United States and shall reside within the Borough of Haworth or a contiguous Borough.
- c. All applicants for membership shall be examined by and certified to be in good health by a duly licensed physician in the State of New Jersey, who shall certify in writing as to the applicant's good health.

**§2-31.27 Rules & Regulations.**

- a. The Board of Fire Officers will formulate rules and regulations which govern the activities of the Junior Firefighter's Auxiliary and regulations

regarding training of the Junior Firefighter's Auxiliary for eventual membership in the Volunteer Fire Department of Haworth.

- b. The Board of Fire Officers will select a "Junior" Fire Captain.
- c. The Junior Fire Captain and all Junior Firefighter's Auxiliary members shall be under the direction of the Board of Fire Officers; they shall abide by all rules and regulations which shall be formulated by those individuals. The Chief of the Fire Department or the Deputy Chief, Captain, Lieutenants may dismiss from the Junior Fire Auxiliary those who fail to obey their command or regulations set forth.

**§2-31.28 Performance of Duties.**

No Junior Firefighter shall perform duties, which would expose him or her to the same degree of hazard as a regular member of the Volunteer Fire Department. Junior Firefighters shall be under the control of the Fire Chief or Officer in charge and shall be appointed to serve in accordance with rules and regulations adopted by the Department.

**§2-31.29 Review of Applications.**

The Chief and Board of Fire Officers shall have the authority and discretion to review all applications for admission into the Junior Firefighter's Auxiliary. Upon completion of the review, the application will then be submitted to the Mayor and Council for approval. The approved application will be resubmitted back to the Chief.

**§2-31.30 Voting.**

Members of the Haworth Junior Firefighter's Auxiliary shall be permitted to attend Department meetings and elections. He/she shall not be permitted to vote during any Department meetings and elections.

**§2-31.31 Haworth Fire Department Auxiliary.**

There is hereby established in an auxiliary to the Haworth Fire Department, to be known as the Haworth Fire Department Auxiliary ("Auxiliary").

**§2-31.32 Membership.**

The Haworth Fire Department Auxiliary membership shall be open to individuals

between the ages of 18-65 years of age.

**§2-31.33 Eligibility.**

- a. All applicants for membership in the Haworth Fire Department Auxiliary shall be citizens or permanent residents of the United States and shall reside or work within the Borough of Haworth or a contiguous Borough.
- b. All applicants for membership shall be examined by and certified to be in good health by a duly licensed physician in the State of New Jersey, who shall certify, in writing as to the applicant's good health.

**§2-31.34 Review of Applications.**

The Chief and Board of Fire Officers shall have the authority and discretion to review all applications for admission into the Firefighter's Auxiliary. Upon completion of the review, the application will then be submitted to the Mayor and Council for approval. The approved application will be resubmitted back to the Chief.

**§2-31.35 Purpose and Duties.**

- a. The purpose of the Auxiliary shall be to provide relief and assistance to the regular members of the Haworth Fire Department, to supplement services provided by firefighters and to promote the general welfare of the Haworth Fire Department and the safety of the residents of the Borough of Haworth.
- b. The duties of the members of the Auxiliary shall include, but not limited to, performing such non firefighting tasks at fires, emergencies and/or other events as may be assigned by the Officers of the department.
- c. No Auxiliary member shall perform duties, which would expose him to the same degree of hazard as a regular member of the Haworth Fire Department.

**§2-31.36 Rules and Regulations.**

The Auxiliary shall be governed by the same rules and regulations that have been established for the regular Haworth Fire Department members. The Auxiliary

shall be under the direction of the Chief, Deputy Chief or a Line Officer in charge. See section §2-31.27, "Rules and Regulations".

**§2-31.37 Voting.**

Members of the Haworth Firefighter's Auxiliary shall be permitted to attend Department meetings and elections. Only active members shall be permitted to cast one (1) vote during Department meetings and elections. An active member must have completed one year on the Department and attain a 40% average of fire calls and drills, between January first and October 31<sup>st</sup> of the current calendar year, to be eligible to nominate and vote at Department nomination meeting and election.

**§2-31.38 Insurance Coverage.**

The Borough of Haworth shall provide the members of the Haworth Fire Department and Auxiliary and Junior Firefighter's Auxiliary with insurance coverage to the maximum extent possible.

**§2-31.39 Hazardous Substances. Title.**

This article shall be known as the "Hazardous Waste Costs Recovery Ordinance."

**§2-31.40 Definitions.**

**BOROUGH**

Shall mean the Borough of Haworth, including any of its agencies, departments and boards.

**DISCHARGE**

Shall mean any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of a hazardous substance into the air or waters or onto the lands of the State, or into the air or waters outside the jurisdiction of the State, when damage may result to the lands, waters, air or natural resources within the jurisdiction of the State.

**EXPENDABLE ITEMS**

Shall mean any items used to extinguish any fire or stop or contain any leak or spill involving any hazardous material which cannot be reused or cannot be replenished without cost after that particular fire, leak or spill. These include but are not restricted to firefighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums, and specialized protective equipment to include but not restricted to acid suits, acid gloves, goggles, protective clothing.

### **HAZARDOUS SUBSTANCE**

Shall mean a substance defined as such pursuant to section 3 of the spill compensation and Control Act. P.L. 1976, c. 141 (N.J.S. 58:10-23.11b).

### **VEHICLE**

Shall mean any motorized equipment registered or unregistered, including but not limited to passenger cars, motorcycles, trucks, tractor-trailers, construction equipment and farm machinery.

### **VESSEL**

Shall mean any container, drum, box, cylinder or tank used to hold, contain, carry or store any hazardous material.

### **VOLUNTEER ORGANIZATION**

Shall mean a duly incorporated volunteer fire, ambulance, first aid, emergency or rescue company or squad.

#### **§2-31.41 Purpose.**

- a. This article provides for the reimbursement for or the replacement of the specialized and sometimes non-reusable equipment required by State and Federal regulations to be made available in the Borough in case of fire, leakage or spillage involving any hazardous material.
- b. This article entitles the Borough of Haworth to reimbursement for any expendable items used by the Borough or any of its agencies in extinguishing any fire, stopping or containing any leak or controlling any spill or hazardous materials.

#### **§2-31.42 Persons Responsible for Reimbursement.**

Any person responsible for causing or allowing an unauthorized discharge of a hazardous substance that requires emergency action by the Borough or by a unit or volunteer organization of the Borough in order to protect the public health, safety or welfare or the environment is liable, jointly and severally, to the Borough and each such unit or organization for the necessary and reasonable additional or extraordinary costs incurred in the investigation, mitigating, minimizing, removing and abating the discharge.

**§2-31.43 Enforcement.**

- a. The Borough and any volunteer organization of the Borough responding to the emergency caused by the discharge of a hazardous substance shall keep a detailed record of the costs attributable thereto and shall certify that record to the Governing Body within which the discharge occurred.
- b. The Borough and any volunteer organization of the Borough responding to the emergency caused by the discharge of a hazardous substance may request the Borough Attorney to bring a civil action in a court of competent jurisdiction for recovery of costs permitted pursuant to this article. Upon receiving such a request, the Borough Attorney shall submit a written, itemized claim for the total certified costs incurred by the Borough and each volunteer organization to the responsible persons with a demand that those costs be paid. The demand shall also notify the responsible persons that unless the total certified costs are paid within thirty (30) days from the mailing of the demand, the Borough attorney is authorized to commence a civil action to recover said costs.
- c. The Borough and any volunteer organization responding to the emergency caused by the discharge of a hazardous substance may compromise and settle any claim for costs permitted pursuant to this article in such amount in the discretion of the Borough or unit or organization as may appear appropriate and equitable under all of the circumstances.
- d. Any recovery of costs shall be credited to the appropriate funds of the Borough and each volunteer organization from which moneys were expended in responding to the emergency caused by the discharge of a hazardous substance. The recovery of costs will be received whether the incident takes place within the Borough of Haworth or as part of a Mutual Aid response.

**Section 2. Inconsistent Ordinances Repealed.**

All ordinances or parts which are inconsistent with the provisions of this



ordinance are hereby repealed, but only to the extent of such inconsistencies.

**Section 3. Severability.**

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

**Section 4. Effective Date.**

This Ordinance shall take effect after publication thereof and final passage as required by law.



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**HEATHER WASSER, MAYOR**



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**ANN E. FAY, RMC Borough Clerk**

**Introduced: April 25, 2023**

**Adopted: May 9, 2023**

**Approved: May 9, 2023**