

ORDINANCE 2026-16

AN ORDINANCE AMENDING CHAPTER 72, "PUBLIC SAFETY, DEPARTMENT OF," AND CHAPTER 246, "PARKS, PLAYGROUNDS AND PUBLIC BUILDINGS," OF THE CODE OF THE BOROUGH OF SOUTH RIVER TO UPDATE PROCEDURES CONCERNING THE ADMINISTRATION, USE, AND ACCESS OF BOROUGH-OWNED PROPERTY.

WHEREAS, the Borough of South River owns, maintains, and controls certain buildings, lands, grounds, facilities, apparatus, equipment, and property used by or associated with the South River Fire Department; and

WHEREAS, the Borough Code presently provides that the South River Fire Department consists of three companies, namely Engine Company No. 1, Reliable Fire Company, and Summit Engine Company; and

WHEREAS, the Borough Code presently provides that all apparatus, accessories, vehicles, equipment, and supplies necessary for the maintenance and operation of the Fire Department shall be bought and paid for by the Borough of South River; and

WHEREAS, the Borough Code presently provides that the Fire Chief is responsible for Fire Department property, excluding buildings and grounds; and

WHEREAS, the Borough Code presently contains provisions concerning the Fire Committee and Building Managers, including provisions concerning the operation and use of fire stations, outside or non-Fire-Department use of fire stations, and the issuance and return of keys/fobs; and

WHEREAS, the Mayor and Council desire to preserve the administrative role of Building Managers with respect to the issuance, tracking, suspension, deactivation, and return of keys, fobs, access cards, access codes, electronic credentials, and other means of access to Borough-owned fire stations and related Fire Department facilities, while confirming that all such authority remains subject to the ultimate authority, review, modification, reversal, and override of the Mayor and Council; and

WHEREAS, the Mayor and Council desire to clarify that no Fire Department officer, Fire Chief, Assistant Chief, Fire Committee member, Building Manager, fire company officer, fire company member, or other Fire Department member shall have independent authority to approve outside, non-Fire-Department, private, commercial, or nonmunicipal use of Borough-owned fire stations, buildings, lands, grounds, facilities, or related municipal property, except as expressly authorized by the Mayor and Council; and

WHEREAS, the Mayor and Council further desire to conform Chapter 246, Article II, "Municipal Buildings," so that use of Borough-owned Fire Department facilities is governed by the specific requirements set forth herein; and

WHEREAS, the Mayor and Council find that this Ordinance is necessary and appropriate to protect public property, promote accountability, avoid unauthorized private or commercial use of Borough resources, and ensure that Borough-owned Fire Department facilities are used only for lawful, authorized, and municipal purposes.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South River, County of Middlesex, State of New Jersey, as follows:

SECTION 1. Amendment to § 72-5D, "Duties of Chief."

Chapter 72, Article II, § 72-5D of the Code of the Borough of South River is hereby amended and supplemented to read as follows:

- D.** The Chief shall be responsible for all Fire Department property, excluding buildings and grounds. The Chief's responsibility for Fire Department property shall not include, and shall not be construed to include, authority to approve, authorize, permit, schedule, license, or otherwise allow any outside, non-Fire-Department, private, commercial, nonmunicipal, or third-party use of any Borough-owned fire station, building, land, grounds, facility, room, office, bay, storage area, parking area, or other Borough-owned real property. Such authority shall remain with the Mayor and Council, except to the limited extent expressly authorized by ordinance, resolution, or written policy adopted by the Mayor and Council.

SECTION 2. Amendment to § 72-7, "Fire Committee."

Chapter 72, Article II, § 72-7 of the Code of the Borough of South River is hereby amended and supplemented to read as follows:

A. Fire Committee.

The Fire Committee for the South River Fire Department shall consist of the Company Presidents and Vice Presidents from Engine Company No. 1, Reliable Fire Company, and Summit Engine Company.

B. General Duties and Scope of Authority.

- (1) The Fire Committee may serve in an advisory and liaison capacity with respect to communications between the Fire Department, the fire companies, the Borough Administrator, and the Mayor and Council concerning the condition, maintenance, repair, and orderly operation of Borough-owned fire stations and related Fire Department facilities.
- (2) All fire stations, buildings, lands, grounds, rooms, offices, bays, apparatus areas, storage areas, parking areas, facilities, and other real property used by or associated with the South River Fire Department are Borough-owned municipal property and shall be subject to the ultimate authority, control, and discretion of the Mayor and Council.
- (3) No outside, non-Fire-Department, private, commercial, nonmunicipal, or third-party use of any Borough-owned fire station, building, land, grounds, room, office, bay, apparatus area, storage area, parking area, facility, or related municipal property shall be permitted unless expressly authorized by:
 - a. resolution adopted by the Mayor and Council; or
 - b. a written facilities-use policy adopted by resolution of the Mayor and Council, provided that such policy expressly authorizes the particular category of use and establishes the conditions under which administrative approval may be granted.
- (4) The Borough Administrator, or the Borough Administrator's designee, may administer and implement any facilities-use policy adopted by the Mayor and Council, including the receipt of applications, scheduling, maintenance of records, collection of required documents, verification of insurance, coordination of access, and enforcement of conditions of approval. The Borough Administrator's administrative role shall not be construed as independent policy-making authority and shall be exercised only in accordance with this Chapter, Chapter 246, and any ordinance, resolution, or policy adopted by the Mayor and Council.
- (5) No Fire Chief, First Assistant Chief, Second Assistant Chief, Incident Safety Officer, Captain, Lieutenant, Fire Committee member, Building Manager, company president, company vice president, company secretary, company officer, firefighter, fire company member, Fire Cadet advisor, Junior Firemen advisor, Fire Cadet, Junior Fireman, or other member or representative of the Fire Department or any fire company shall have independent authority to approve, authorize, permit, schedule, license, or otherwise allow any outside, non-Fire-Department, private, commercial, nonmunicipal, or third-party use of any Borough-owned fire station, building, land, grounds, facility, or related municipal property, except as expressly authorized by ordinance, resolution, or written policy adopted by the Mayor and Council.
- (6) No person shall use, occupy, store property within, conduct business from, operate any private enterprise from, or otherwise utilize any Borough-owned fire station, building, land, grounds, facility, room, office, bay, apparatus area, storage area, parking area, equipment, apparatus, supplies, or related municipal property for any private, personal, commercial, business, or nonmunicipal purpose except as expressly authorized by resolution of the Mayor and Council or pursuant to a written facilities-use policy adopted by resolution of the Mayor and Council.
- (7) Nothing herein shall prohibit official Fire Department use of Borough-owned fire stations and related facilities for emergency response, fire suppression, rescue operations, drills, training, equipment maintenance, administrative meetings,

official Fire Department business, or other official municipal fire-service purposes, provided that such use remains subject to the Borough Code, applicable law, and any policies adopted by the Mayor and Council.

- (8) The Fire Committee may report concerns regarding facility use, maintenance, repairs, safety, security, access, or potential violations of this Chapter to the Borough Administrator, the Fire Chief, the Public Safety Committee, or the Mayor and Council. The Fire Committee shall not adjudicate, approve, authorize, or independently resolve matters concerning outside use, non-Fire-Department use, private use, commercial use, or access to Borough-owned facilities except as expressly authorized by the Mayor and Council.
- (9) Building Managers shall retain administrative responsibility for the issuance, tracking, suspension, deactivation, and return of keys, fobs, access cards, access codes, electronic credentials, and other means of access to Borough-owned fire stations and related Fire Department facilities, as set forth in Subsection C below. The Building Managers shall exercise such administrative responsibility subject to this Chapter, Chapter 246, any ordinance, resolution, or written policy adopted by the Mayor and Council, and the ultimate authority of the Mayor and Council to review, modify, reverse, revoke, suspend, or override any act or decision of the Building Managers concerning access to Borough-owned fire stations and related Fire Department facilities.

C. Access credentials; keys; fobs; entry.

- (1) Building Managers shall be responsible for the administration, issuance, tracking, suspension, deactivation, and return of all keys, fobs, access cards, access codes, electronic credentials, and other means of access to Borough-owned fire stations and related Fire Department facilities. Building Managers shall maintain a current list of all persons holding such access credentials and shall provide such list to the Borough Administrator, the Municipal Clerk, the Fire Chief, or the Mayor and Council upon request. All acts and decisions of the Building Managers concerning access credentials shall be subject to review, modification, reversal, suspension, revocation, or override by the Mayor and Council in their sole discretion.
- (2) Access credentials may be issued only to persons who have a legitimate municipal, operational, emergency-service, maintenance, inspection, employment, contractual, or other Borough-authorized need for access, as determined pursuant to this Chapter and any policy adopted by the Mayor and Council. The determination of whether any person has a legitimate need for access shall be made in the first instance by the Building Managers, subject to any policy adopted by the Mayor and Council and subject to review, modification, reversal, or override by the Mayor and Council in their sole discretion.
- (3) Building Managers may consult with the Fire Chief, Assistant Chiefs, Fire Committee, company officers, and Borough Administrator regarding operational access needs of Fire Department officers, members, vendors, contractors, inspectors, and other persons requiring access to Borough-owned fire stations and related Fire Department facilities. Such consultation shall not confer independent authority upon the Fire Chief, Assistant Chiefs, Fire Committee, fire companies, company officers, or Fire Department members to approve outside, non-Fire-Department, private, commercial, nonmunicipal, or third-party use of Borough-owned property.
- (4) No person issued any key, fob, access card, access code, electronic credential, or other means of access shall loan, transfer, duplicate, share, disclose, or permit use of such credential by any other person unless expressly authorized by the Building Managers pursuant to this Section or pursuant to a policy adopted by the Mayor and Council. Any such authorization shall remain subject to review, modification, reversal, or override by the Mayor and Council in their sole discretion.
- (5) No person shall admit, permit, or allow any unauthorized person to enter or remain within any Borough-owned fire station, building, land, grounds, facility, room, office, bay, apparatus area, storage area, parking area, or related municipal property.
- (6) Non-Fire-Department personnel, guests, vendors, contractors, inspectors, invitees, or other visitors may enter Borough-owned fire stations and related facilities only in connection with:
 - a. official municipal business;

- b. emergency response or public-safety operations;
 - c. inspection, maintenance, repair, or contracted services authorized by the Borough;
 - d. a use approved by resolution of the Mayor and Council;
 - e. a use permitted pursuant to a facilities-use policy adopted by resolution of the Mayor and Council; or
 - f. another purpose expressly permitted by ordinance, resolution, or written policy adopted by the Mayor and Council and administratively coordinated by the Building Managers, the Borough Administrator, or their respective designees in accordance with such authority.
- (7) Guests or visitors permitted to enter a Borough-owned fire station or Fire Department facility shall comply with all applicable Borough policies, Fire Department safety directives, access restrictions, supervision requirements, and conditions of approval. The presence of a Fire Department member shall not, by itself, authorize access by a guest or visitor unless such access is otherwise permitted by this Chapter or by policy adopted by the Mayor and Council.
- (8) Any person whose membership, office, employment, contractual relationship, authorization, or need for access has ended, expired, been suspended, or been revoked shall immediately return all keys, fobs, access cards, equipment, credentials, and other Borough property to the Building Managers, who shall promptly update the access-credential records and notify the Borough Administrator or the Borough Administrator's designee upon request or as otherwise required by policy adopted by the Mayor and Council.
- (9) Building Managers may immediately suspend, deactivate, or restrict any access credential when necessary to protect public property, public safety, Borough operations, or compliance with this Chapter, subject to any applicable law, collective negotiations agreement, personnel policy, due process requirement, or policy adopted by the Mayor and Council. The Mayor and Council may, in their sole discretion, affirm, modify, reverse, revoke, suspend, or override any such act or decision by the Building Managers.
- (10) Notwithstanding any act, decision, approval, denial, issuance, suspension, deactivation, restriction, or determination by the Building Managers, the Mayor and Council may, in their sole discretion, review, affirm, modify, reverse, revoke, suspend, overrule, or override any act or decision concerning access to, entry into, or possession of keys, fobs, access cards, access codes, electronic credentials, or other means of access to any Borough-owned fire station or related Fire Department facility. The Mayor and Council may direct that access be granted, denied, restricted, suspended, revoked, or conditioned as to any person, including any Fire Department officer, Fire Department member, fire company officer, fire company member, vendor, contractor, guest, invitee, or other individual. No person shall acquire any property right, contractual right, vested right, or entitlement to access to Borough-owned property or possession of any access credential by virtue of any action or inaction of the Building Managers, Fire Department, fire companies, or Borough.
- (11) A violation of this Section may result in revocation or suspension of access privileges, Fire Department discipline where applicable, referral to the Mayor and Council, referral to the Borough Administrator, referral to law enforcement, municipal enforcement, or any other remedy available at law or under the Borough Code.

SECTION 3. Amendment to § 72-12, "Bylaws."

Chapter 72, Article II, § 72-12 of the Code of the Borough of South River is hereby amended and supplemented to read as follows:

§ 72-12. Bylaws.

- A. Each company shall have the power to adopt bylaws for the conduct and management of such company and the officers and members thereof, not inconsistent with the provisions of this article or any ordinance of the Borough of South River or any statutory law applicable thereto.

- B. No fire company bylaw, rule, policy, custom, practice, vote, approval, or internal procedure shall authorize, regulate, permit, schedule, license, or expand access to or use of any Borough-owned fire station, building, land, grounds, facility, room, office, bay, apparatus area, storage area, parking area, equipment, apparatus, supplies, keys, fobs, access cards, access codes, electronic credentials, or other municipal property except as expressly permitted by the Borough Code, including the Building Managers' administrative authority under § 72-7C, or by ordinance, resolution, or written policy adopted by the Mayor and Council, subject at all times to the ultimate authority of the Mayor and Council.
- C. Any fire company bylaw, rule, policy, custom, practice, vote, approval, or internal procedure that is inconsistent with this Chapter, Chapter 246, or any ordinance, resolution, or written policy adopted by the Mayor and Council concerning the use, access, control, maintenance, or operation of Borough-owned property shall be void and of no force or effect to the extent of such inconsistency.
- D. Nothing in any fire company bylaw shall be construed to confer upon any fire company, company officer, Fire Committee member, Building Manager, Fire Department officer, Fire Department member, Fire Cadet advisor, Junior Firemen advisor, Fire Cadet, Junior Fireman, or other person any property right, access right, occupancy right, management right, licensing authority, approval authority, or other control over Borough-owned property. Nothing herein shall be construed to limit the Building Managers' administrative responsibility for access credentials under § 72-7C, provided that such responsibility shall remain subject to the ultimate authority, review, modification, reversal, and override of the Mayor and Council.

SECTION 4. Amendment to Fire Cadet Program provisions.

Chapter 72, Article X, "Fire Cadets," of the Code of the Borough of South River is hereby amended and supplemented by adding a new § 72-56D as follows:

- D. Any access to or presence within any Borough-owned fire station, building, land, grounds, facility, room, office, bay, apparatus area, storage area, parking area, or related municipal property by any member of the Fire Cadet Program shall be deemed access pursuant to a Borough-authorized program and shall be subject to this Chapter, Chapter 246, and any facilities-use, access, supervision, safety, or security policy adopted by the Mayor and Council.

SECTION 5. Amendment to Junior Firemen Program provisions.

Chapter 72, Article XI, "Junior Firemen," of the Code of the Borough of South River is hereby amended and supplemented by adding a new § 72-59E as follows:

- E. Any access to or presence within any Borough-owned fire station, building, land, grounds, facility, room, office, bay, apparatus area, storage area, parking area, or related municipal property by any member of the Junior Firemen Program shall be deemed access pursuant to a Borough-authorized program and shall be subject to this Chapter, Chapter 246, and any facilities-use, access, supervision, safety, or security policy adopted by the Mayor and Council.

SECTION 6. Amendments to Chapter 246, Article II, "Municipal Buildings."

Chapter 246, Article II, "Municipal Buildings," of the Code of the Borough of South River is hereby amended by repealing, in their entirety, § 246-12, § 246-13, § 246-14, and § 246-15, which are duplicates of § 246-8, § 246-9, § 246-10, and § 246-11, respectively.

Chapter 246, Article II of the Code of the Borough of South River is hereby further amended and supplemented by adding a new, § 246-12, entitled "Fire Department facilities," to read as follows:

§ 246-12. Fire Department facilities.

- A. Notwithstanding any other provision of this Chapter, Chapter 72, or any other provision of the Borough Code, all fire stations, buildings, lands, grounds, rooms, offices, bays, apparatus areas, storage areas, parking areas, facilities, and other real property used by or associated with the South River Fire Department are Borough-owned municipal property and shall be subject to the ultimate authority, control, and discretion of the Mayor and Council.

- B. No outside, non-Fire-Department, private, commercial, nonmunicipal, or third-party use of any Borough-owned fire station, building, land, grounds, room, office, bay, apparatus area, storage area, parking area, facility, or related municipal property shall be permitted unless expressly authorized by:
- (1) resolution adopted by the Mayor and Council; or
 - (2) a written facilities-use policy adopted by resolution of the Mayor and Council, provided that such policy expressly authorizes the particular category of use and establishes the conditions under which administrative approval may be granted.
- C. The Municipal Clerk's authority to approve or deny municipal building applications under this Article shall not apply to outside, non-Fire-Department, private, commercial, nonmunicipal, or third-party use of Borough-owned fire stations or Fire Department facilities, except to the limited extent expressly authorized by a written facilities-use policy adopted by resolution of the Mayor and Council.
- D. The Borough Administrator, or the Borough Administrator's designee, may administer and implement any facilities-use policy adopted by the Mayor and Council concerning Fire Department facilities, including the receipt of applications, scheduling, maintenance of records, collection of required documents, verification of insurance, and enforcement of conditions of approval; provided, however, that Building Managers shall administer keys, fobs, access cards, access codes, electronic credentials, and other means of access to Borough-owned fire stations and related Fire Department facilities in accordance with § 72-7C, subject to the ultimate authority, review, modification, reversal, and override of the Mayor and Council.
- E. Any person, group, business, entity, organization, contractor, vendor, invitee, or other outside user authorized to use a Borough-owned fire station or Fire Department facility shall comply with all requirements of this Article, including but not limited to insurance, indemnification, application, scheduling, fee, safety, security, access, and conduct requirements, unless expressly waived or modified by resolution of the Mayor and Council.
- F. No person shall use, occupy, store property within, conduct business from, operate any private enterprise from, or otherwise utilize any Borough-owned fire station, building, land, grounds, facility, room, office, bay, apparatus area, storage area, parking area, equipment, apparatus, supplies, or related municipal property for any private, personal, commercial, business, or nonmunicipal purpose except as expressly authorized by resolution of the Mayor and Council or pursuant to a written facilities-use policy adopted by resolution of the Mayor and Council.
- G. Nothing herein shall prohibit official Fire Department use of Borough-owned fire stations and related facilities for emergency response, fire suppression, rescue operations, drills, training, equipment maintenance, administrative meetings, official Fire Department business, or other official municipal fire-service purposes, provided that such use remains subject to the Borough Code, applicable law, and any policies adopted by the Mayor and Council.
- H. In the event of any conflict between this Section and any other provision of this Chapter, any fire company bylaw, any Fire Department policy, any fire company policy, or any other rule, custom, practice, or procedure, this Section shall control. Nothing herein shall be construed to limit the Building Managers' administrative responsibility for access credentials under § 72-7C, provided that such responsibility shall remain subject to the ultimate authority, review, modification, reversal, and override of the Mayor and Council.

SECTION 7. Repealer.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. Severability.

If any section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance is declared invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 9. Codification.

This Ordinance shall be codified in the Code of the Borough of South River. The Borough Clerk and the codifier are authorized to make nonsubstantive, clerical, formatting, numbering, and cross-reference corrections as may be necessary to codify this Ordinance, provided that no substantive change shall be made without further action by the Mayor and Council.

SECTION 10. Effective Date.

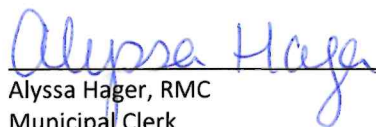
This Ordinance shall take effect upon final adoption and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on June 8th, 2026, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 29th day of June, 2026, at 7:00 p.m., or as soon thereafter as this matter can be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, and/or virtually via Zoom meeting code 826 6082 9597: password: 000000 at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Introduced 6-8-26

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman DaSilva</i>			X			
<i>Councilman Donato</i>			X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Giannakopoulos</i>			X			
<i>Councilman Gurchensky</i>		X	X			
<i>Council President DeSantis</i>	X		X			



Alyssa Hager, RMC
Municipal Clerk
Borough of South River