

**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE

No. **20-057**

1ST READING DECEMBER 1, 2020
2ND READING & PUBLIC HEARING Dec 15, 2020
WITHDRAWN _____ LOST _____

DATE TO MAYOR _____
DATE RESUBMITTED TO COUNCIL _____
DATE EFFECTIVE _____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, CHAPTER 5, ADMINISTRATION OF GOVERNMENT, PART 4, DEPARTMENTS, ARTICLE XI, DEPARTMENT OF PUBLIC SAFETY

Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the *Code of Ordinances of Hamilton Township, New Jersey, Chapter 5, Administration of Government, Part 4, Departments, Article XI, Department of Public Safety*, be amended and supplemented as follows:

Chapter 5

ADMINISTRATION OF GOVERNMENT

PART 4. DEPARTMENTS

ARTICLE XI. DEPARTMENT OF PUBLIC SAFETY

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§ 5-60. Fire Division.

- A. Establishment. There is hereby created in and for the Township of Hamilton the Hamilton Township Fire Division which shall consist of such officers and firefighters pursuant to authority vested in the municipality pursuant to N.J.S.A. 40A:14-7 and as hereinafter prescribed.
- B. Qualifications. Qualifications for paid members of the Fire Division shall be as set forth in N.J.S.A. 40A:14-9, 40A:14-9.8, and 40A:14-10.1.
- C. Officers. The Fire Division officers shall consist of the Fire Chief, and other officers and civilian staff deemed necessary by the governing body and shall be appointed to positions to meet the needs of the Fire Division and subject to the New Jersey Civil Service Commission rules and regulations. The Command structure shall be as follows: Fire Chief; four (4) Deputy Chiefs/Division Chiefs; four (4) Battalion Chiefs assigned to Operations; one (1) Battalion Chief of Administration; one (1) Captain of Training; and one (1) Captain of Logistics. The terms of office shall be set forth in N.J.S.A. 40A:14-9. The Fire Chief shall be the head of the Fire Division.
- D. The Fire Chief shall be the head of the Fire Division, have full operational command control and shall be directly responsible to the Director of Public Safety, or in the absence of the Director of Public Safety, the Mayor, for its efficiency and day-to-day operations. Pursuant to policies established by the Director of Public Safety or the Mayor, the Fire Chief shall:
 - (1) Administer and enforce the rules and regulations of the Fire Division and any special emergency directive for the disposition and discipline of the Division, its officers, members and volunteers;

EXPLANATION

Matter UNDERLINED thus in this legislation is new matter.
Matter contained in BRACKETS [thus] is to be omitted from the law.

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- (2) Serve as the hearing officer for all disciplinary matters within the Fire Division. In those disciplinary matters where the Fire Chief cannot serve as hearing officer, the appropriate authority or the Fire Chief's designee shall act as the hearing officer;
- (3) Have, exercise and discharge the functions, powers and duties of the Fire Division;
- (4) Prescribe the duties and assignments of all officers, members and volunteers;
- (5) Delegate such authority as may be deemed necessary for the efficient operation of the Fire Division to be exercised under the Fire Chief's discretion and control; and
- (6) Report at least monthly to the Director of Public Safety or the Mayor in such form as shall be prescribed on the operations of the Fire Division during the preceding month and makes such other reports as may be requested.

§ 5-61. Volunteer Firefighters.

- A. For the purpose of efficient firefighting response, there shall be accepted within the Division of Fire, volunteer personnel overseen by the Fire Chief and/or Deputy Fire Chiefs. All volunteer personnel shall be 18 years of age or older and a resident of Hamilton.
- B. Volunteer firefighters shall serve under the supervision of the Fire Chief and/or Deputy Chiefs and shall be responsible for compliance with all laws, ordinances, rules, guidelines and regulations related to the Division of Fire.
- C. The Division of Fire shall accept volunteer personnel to assist with firefighting operations within the Division. Such volunteers shall be subject to an application process including an interview conducted by the Fire Chief/Deputy Chief, a background investigation, a medical and physical investigation, and a physical performance evaluation. The background investigation and medical and physical examination shall be the same as conducted for career personnel.
- D. Prospective volunteer personnel are not required to possess any specific fire related training upon application. Training will be provided by the Division of Fire and/or applicable training academy upon successful completion of the application process.
- E. Volunteer personnel accepted within the Division of Fire shall consist of:
 - (1) Active Probationary Members: Personnel who have less than one year of service within the Division, and/or do not possess a New Jersey State Fire Fighter 1 certification.
 - (2) Active Firefighter: Personnel who have served minimally one year of service within the Division, and possess a valid New Jersey Fire Fighter 1 certification.
 - (3) Life Member: A legacy member of the former Township of Hamilton volunteer fire companies, who at the time of consolidation, achieved such membership and had served at least 20 years as an active firefighter. Life members will continue to be recognized personnel within the Division of Fire. Life members are not regarded as active firefighters but may continue to participate within the Division of Fire. No additional life members will be accepted within the Division of Fire under the current organizational structure.

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- (4) Inactive Member: A legacy member of the former Township of Hamilton volunteer fire companies, who at the time of consolidation, participated in non-active firefighting activities of the organization. Inactive members of the organization who were in existence at the time of consolidation may continue their service within the Division of Fire. No additional inactive members will be accepted within the Division of Fire under the current organization.
- (5) Fire Police Members: A former Township of Hamilton volunteer fire company non-suppression/fire police member, who at the time of consolidation, participated in fire police activities of the organization. Fire Police members who were in existence at the time of consolidation may continue their service within the Division of Fire under the supervision of the Fire Chief and/or Deputy Fire Chiefs.
- (6) Retired Volunteer Personnel: Suppression personnel that retire from active suppression services to the Fire Division after 10 years of service and in good standing with the Fire Division shall retain all the rights and privileges of said membership.

§ 5-62. Mutual Aid Agreements for emergency fire service.

- A. Mutual aid agreements established. Pursuant to N.J.S.A. 40A:14-156.1 and N.J.S.A. 40A:14-156.2, there are hereby established mutual aid agreements among and between the Township of Hamilton and the municipalities located in the Counties of Mercer, Burlington, Monmouth and Ocean, New Jersey, which shall become effective upon the adoption by one or more of the aforementioned municipalities (hereinafter referred to as "participating municipalities") of reciprocal ordinances to provide mutual aid in fire services in case of emergency. This agreement shall apply whenever this municipality may have an emergency within its boundaries requiring additional fire assistance to protect life and property, and whenever any of the aforementioned municipalities may experience a similar emergency.
- B. Emergency defined, S.O.P. For purposes of this section, the term "emergency" shall be defined to include situations in which the number of available firefighters in a participating municipality is insufficient to meet the public need in a particular situation and situations where firefighting aid involving special expertise, training, or equipment is required in order to protect life and property. No formal declaration of emergency is required to implement the provisions of the mutual aid agreement.
- C. Requests for assistance. The Fire Chief, Mayor, or chief executive officer of a participating municipality is hereby authorized to request assistance from the Fire Chief or other head of the Fire Division or Department of any other participating municipality to provide aid in accordance with N.J.S.A. 40A:14-156.1 et seq.
- D. Provision of assistance. A participating municipality shall provide firefighting assistance when a valid request in accordance with this agreement to supply personnel is made, to the extent possible without endangering persons or property within the confines of the providing municipality.
- E. Powers, rights, immunities. The members of the providing municipality's Fire Division or Department supplying aid shall have the same powers, authorities, rights, and immunities as the members of the Fire Division or Department of the requesting municipality when aid is rendered therein. Said members shall also have, while so acting, such rights and immunities as they may otherwise enjoy in the performance of their normal duties in the municipality rendering such assistance.

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- F. Benefits, injury, death. Should firefighters of the providing municipality suffer injury, or their legal representatives, if death results while rendering assistance in the requested municipality, the firefighters shall be entitled to all such salary, pension rights, workers' compensation, or other benefits, as they would have accrued if such injury or death had occurred in the performance of duties in their own municipality, with such benefits to be the responsibility of the providing municipality.
- G. Reimbursement. Where emergency firefighting aid is provided to a requesting municipality, reimbursement shall be made pursuant to such terms and conditions for reimbursement specifically agreed to between specific municipalities.
- H. Effective date. This section shall take effect upon final passage and publication according to law. It shall become effective with respect to this municipality's activities with another participating municipality, when such other participating municipality has adopted an ordinance reciprocal to this one, and such ordinance has become effective in that municipality.

§ 5-63. Outside Employment of Off-Duty Fire Division Employees.

- A. Officers, Members, civilians and volunteers of the Fire Division shall be permitted to accept fire-related employment only during off-duty hours and only at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Township.
- B. Any person or entity wishing to employ off-duty employees of the Fire Division shall first obtain the approval of the Fire Chief or designee, which approval shall be granted if in the opinion of the Fire Chief or the designee, such employment would not be inconsistent with the efficient functioning and good reputation of the Fire Division, and would not unreasonably endanger or threaten the safety of the employees who are to perform the work.
- C. All employees of the Fire Division shall comply with requirements of §45-15 of the Hamilton Township Code concerning outside employment.
- D. Hold Harmless. The outside employer shall indemnify and hold harmless the Township, the Township's Fire Division, and the Township's officials, representatives and employees, from and against any claim, liability, damage or expense that may arise out of or relate to the actions of:
- (1) Any Township Fire Division employee during the course of outside employment, including claims concerning the alleged negligence of the Township's employee; and
 - (2) The outside employer or its employees, officers and representatives.

§ 5-64. Reserved.

§ 5-65. Office of Municipal Emergency Management.

- A. There shall be an Office of Emergency Management, pursuant to N.J.S.A. App. A:9-40.1 et seq. and Executive Order No. 101, in the Department of Public Safety, and there shall be a Coordinator of Emergency Management.
- B. The Coordinator of Emergency Management shall be responsible for the planning, coordinating, directing and control of emergency management operations.

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C. All departments of the Township shall cooperate with and assist the Office.

§ 5-66. Reserved.

Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
ANTHONY P. CARABELLI, JR.	✓						ANTHONY P. CARABELLI, JR.						
NANCY PHILLIPS	✓					✓	NANCY PHILLIPS						
CHARLES F. WHALEN	✓						CHARLES F. WHALEN						
PASQUALE "PAT" PAPERIO, JR.	✓				✓		PASQUALE "PAT" PAPERIO, JR.						
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, JR.						

X - Indicates Vote A.B. - Absent N.V. - Not Voting ORD. - Moved SEC. - Seconded

REJECTED _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____

OVERRIDE VOTE

AYE _____

NAY _____