

# TOWNSHIP OF MAPLE SHADE

## ORDINANCE 2023-09

### AN ORDINANCE OF THE TOWNSHIP OF MAPLE SHADE AMENDING CHAPTER 4, TO ESTABLISH THE POSITION OF THE DIRECTOR OF FIRE SAFETY OPERATIONS

**WHEREAS**, the Township Council recognizes a compelling public safety interest in coordinating the use of emergency personnel, assets, resources and equipment in the Township of Maple Shade; and

**WHEREAS**, the Township Council finds that the efficient, proficient and effective delivery of emergency services require cooperation and coordination by and between volunteer firefighter's and other departments operating within the Township of Maple Shade; and

**WHEREAS**, N.J.S.A. 40:48-2, Other Necessary and Proper Ordinances, provides that any municipality may make, amend, repeal and enforce such ordinances, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its residents; and

**WHEREAS**, The Township Council hereby desires to fully designate and officially create the Department Head position of Director of Fire Safety Operations

**WHEREAS**, the Township Council is granted the authority to recognize and authorize the creation of said position within the Township of Maple Shade by New Jersey Statute;

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the Township of Maple Shade as follows:

#### **Section 1.**

The Township Code of the Township of Maple Shade Chapter 4, Article 38 entitled "Volunteer Fire Company" is hereby deleted in its entirety and replaced with the following:

Chapter 4. Administration of Government

Article XI. Department of Emergency Services

§ 4-51. Volunteer Fire Department.

There shall exist within the Township of Maple Shade the Maple Shade Volunteer Fire Department (a/k/a Independent Volunteer Fire Company No. 1) and such other companies as may be organized under the authority and jurisdiction of the Council. The Maple Shade Volunteer Fire Department (a/k/a Independent Volunteer Fire Company No. 1) shall be the sole provider of emergency fire and related services within the borders of Maple Shade Township, excluding mutual aid.

- A. Constitution and bylaws. The Independent Volunteer Fire Company No. 1 ( a/k/a Maple Shade Fire Department) shall be governed in accordance with its presently existing constitution and bylaws and any amendments thereto which shall be adopted by the membership of the Independent Volunteer Fire Company No. 1. The constitution, bylaws and any amendments thereto adopted by the membership of the Independent Volunteer Fire Company No. 1 shall be filed with the Municipal Clerk.
- B. Authority.
  - (1) The **Director of Fire Safety Operations** and **Township Manager** shall be a liaison between the Volunteer Fire Company and the Township Council.
  - (2) Fire apparatus may be removed outside the limits of the Township with the express permission of the **Director of Fire Safety Operations**. The **Director of Fire Safety Operations** or his/her designee(s) shall have full control over the operation of all Township-owned equipment and apparatus. The Volunteer Fire

Company shall be solely responsible for the maintenance, care and proper condition of all of its equipment and apparatus. The **Director of Fire Safety Operations**, with the coordination of the Maple Shade Township Volunteer Fire Chief, shall keep the Mayor and Council and Township Manager informed as to the condition of apparatus and equipment and of such other matters as may affect the fire protection and fire safety of the Township.

- c. Membership. Members of the Department shall be chosen and admitted to membership or removed or expelled from membership in accordance with the constitution and bylaws of the company. Categories of membership shall be established by the constitution and bylaws. Current membership lists shall be filed with the Director.
- d. Fire Department officers.
  - (1) Within the Maple Shade Volunteer Fire Department there shall be a Volunteer Fire Chief of the Fire Company and such other line officers as shall be established in accordance with the constitution and bylaws of the Volunteer Fire Company. The line officers shall be selected in accordance with the individual constitution and bylaws.
  - (2) There shall be a Municipal Fire Marshal, also known as the "Municipal Fire Official." The Municipal Fire Marshal shall be appointed by the Council for a term of three years. The Fire Marshal shall exercise all duties prescribed to that office by law.
  - (3) There shall be a **Director of Fire Safety Operations**. The **Director of Fire Safety Operations** shall be a Department Head of the Township and appointed in accordance with provisions of law and shall be subject to removal by Township policy and procedure. The **Director of Fire Safety Operations**, in cooperation with the Chief of the Volunteer Fire Company, shall coordinate the fighting of fires and the performance of the Volunteer Fire Company in emergency, in drills and in the providing of outside aid.
  - (4) The **Director of Fire Safety Operations** shall be technically qualified by certification, training and experience equal to that of a Fire Chief and in accordance with the State of New Jersey Division of Fire Safety recommendations.
  - (5) The **Director of Fire Safety Operations**, working with the Fire Chief, shall ultimately have general administrative and operational authority over the Maple Shade Volunteer Fire Department, as they pertain to the Township of Maple Shade's Fire Department. This may include the location and response of apparatus, where apparatus is housed and the order of response to certain incidents. This will also include recommendations to Council as to the future addition and/or removal of fire stations from service as well as the placement of any future buildings based on statistical data.
  - (6) The **Director of Fire Safety Operations** shall oversee and institute the municipal policies, procedures and guidelines as needed for the efficient operation of the Township of Maple Shade Volunteer Fire Department.
  - (7) The **Director of Fire Safety Operations** shall oversee all municipal spending on fire equipment, apparatus and ancillary needs and on a yearly basis shall provide an annual budget to the CFO for subsequent approval by Mayor and Council for the operations of the Maple Shade Volunteer Fire Department.
  - (8) The **Director of Fire Safety Operations** shall be advised immediately by the Fire Chief of any/all accidents, injuries to personnel, disciplinary actions against members, and any/all other incidents involving Township-owned equipment, facilities and apparatus, including, but not limited to, theft, misuse, damage and/or loss. For the purposes of this section, the term "immediately" shall be defined as verbal communication within two hours of any trigger event described above and followed up in writing within 24 hours.
  - (9) The **Director of Fire Safety Operations** shall be paid in accordance with the annual salary ordinance.
  - (10) The Township Manager, with the consent of Mayor and Council and by recommendation of the **Director of Fire Safety Operations**, may appoint **Deputy Director of Fire Safety Operations**(s). The **Deputy Director of Fire Safety Operations**(s) shall be appointed in accordance with provision's of law and shall

be subject to removal by the Manager as provided by law. The Deputy *Director of Fire Safety Operations*(s) shall be assigned duties and responsibilities as appropriate by the *Director of Fire Safety Operations* and, in cooperation with the Chief of the Volunteer Fire Department, shall coordinate the fighting of fires and the performance of the Volunteer Fire Company in emergencies, in drills and in the providing of outside aid.

- (11) The *Director of Fire Safety Operations*, or in his/her absence and/or by assignment by the *Deputy Director of Fire Safety Operations* the Fire Chief or Deputy Fire Chief(s), shall be responsible for overseeing the daily operations of the Fire Department and shall be directly responsible for the efficiency and routine day-to-day operation of the Department. Furthermore, the *Director of Fire Safety Operations* shall have the authority to establish policies and procedures which:
  - (a) Delegate such authority as may be deemed necessary for the efficient operation of the Department to be exercised under his direction and supervision;
  - (b) Administer and enforce the rules and regulations and special emergency directives for the disposition and discipline of the department as they report to the Township, and its officers and personnel; and
  - (c) Report at least monthly, in writing, to the Mayor and Council on the operation of the Company during the preceding month and make other reports as may be requested by Mayor and Council.
- E. The Township shall provide liability insurance and workers' compensation insurance covering any member of the Independent Volunteer Fire Company.
- F. Succession. In the event of the death, disability or resignation of any Fire Company officer, such vacancies will be filled in accordance with the bylaws of the Independent Volunteer Fire Company.
- G. Authority at fires. In the absence of a chief officer at a fire, the first line officer to arrive at the scene shall assume command until the arrival of a chief officer. In the absence of a line officer, the first executive officer present shall assume command until the arrival of a line officer. In the absence of an officer, the first senior person to arrive at the scene other than the driver shall assume command until the arrival of an officer. The person in command at a fire or other emergency shall have full police authority and is authorized and directed to require and secure the removal of any and all obstructions in and around the danger zone and is authorized to request assistance from other municipal departments as may be required in the performance of the duties of the Fire Company.
- H. Fire police. The Chief of the Maple Shade Fire Department (a/k/a Independent Volunteer Fire Company No. 1) may designate such fire police as he/she shall deem necessary. Each fire police person so designated shall serve for a term of one year. The fire police shall have all authority designated within N.J.S.A. 15:8-1 et seq. The Chief of the Volunteer Fire Company shall notify the *Director of Fire Safety Operations* and Fire Marshal of those individuals named as fire police. Persons designated to be fire police shall be sworn in before the Council. Fire police shall receive training in crowd control and in traffic control and shall be issued distinctive safety clothing and equipment approved by the *Director of Fire Safety Operations* and the Chief of the Volunteer Fire Company. At the scene of a fire emergency, the fire police shall also have the following rights and duties:
  - (1) Enforce the removal of obstructions to the Fire Company in the performance of its duties.
  - (2) Direct traffic at the scene of a fire emergency.
  - (3) Control crowds at the scene of a fire emergency.
  - (4) Take possession of goods at a fire emergency and protect the premises from access by unauthorized persons until the arrival of the owner.
- I. Entry to premises. The Fire Company shall be authorized to enter upon, without hindrance or fee, all premises, grounds, structures, buildings, vehicles and passages to acquire water from pools, ponds, lakes, rivers, streams, brooks or other water supplies whenever necessary in the performance of its duties. Authorized purposes for such entry shall include firefighting, inspection of public buildings, testing of fire

alarms and fire-fighting equipment and investigations of suspected arson.

- j. Arson. The **Director of Fire Safety Operations**, Fire Marshal, Chief of the Volunteer Fire Company and such other law enforcement officers as may be required shall investigate all cases of suspected arson. In coordination with the others named within this subsection, the **Director of Fire Safety Operations** shall cause all premises in which arson is suspected to have occurred to be secured and shall promptly report every case of suspicion of arson to the police, the County Prosecutor and the Fire Marshal.

Introduction: April 13, 2023

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Nunes			x			
Schmidt			x			
Volpe		x	x			
Wiest	x		x			
Kauffman			x			

Tabled: May 11, 2023

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Nunes			x			
Schmidt			x			
Volpe	x		x			
Wiest		x	x			
Kauffman			x			

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Maple Shade Township Council at a meeting held on June 8, 2023

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Andrea T. McVeigh, RMC

Adopted: June 8, 2023

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Nunes	x		x			
Schmidt			x			
Volpe			x			
Wiest		x	x			
Kauffman						x