

# MAPLE SHADE TOWNSHIP ORDINANCE NO. 2023-12

## AN ORDINANCE REPEALING ORDINANCE 2023-09 AND AMENDING CHAPTERS 4 AND 16 OF THE TOWNSHIP CODE REGARDING THE TOWNSHIP FIRE DEPARTMENT

WHEREAS, the Township Council adopted Ordinance 2023-09 on June 8, 2023; 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

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Maple Shade, County of Burlington as follows:

**SECTION 1.** Ordinance 2023-09 is hereby repealed.

**SECTION 2.** Chapter 4 “Administration of Government is hereby amended as follows:

- A. Insert new Article XI. “Fire Department” to delete §4-38 and replaced with the following:

### **ARTICLE IX. FIRE DEPARTMENT**

#### **§4-35. Fire Department**

There shall exist within the Township of Maple Shade the Maple Shade Fire Department and shall be comprised of the appointed personnel, officers and chief officers by the Township Council and Township Manager in accordance with N.J.S.A. 40A:14-7 and as defined in the provisions Chapter 16 of the Maple Shade Township Code, as amended. The personnel of the Maple Shade Fire Department shall be appointed annually by resolution, established by the Township Manager.

- B. Re-number all subsequent Articles and subsections of Chapter 4.
- C. Delete current §4-38 “Volunteer Fire Company.”

**SECTION 3.** Chapter 16 “Fire Department” is deleted in its entirety and replaced with the following:

### **Chapter 16. Fire Department**

#### **§16-1. Establishment of fire department**

There is hereby created and established a volunteer fire department for the Township of Maple Shade, hereinafter referred to as “Township Fire Department,” or “fire department,” which shall consist of such members, officers and personnel as the governing body shall deem necessary for

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the effective government of the fire department. The governing body is the appropriate authority to exercise legislative authority to:

- a. Provide for the maintenance, regulation and control of the Township fire department,
- b. Adopt and promulgate the rules and regulations for the government of the fire department,
- c. Determine the terms of office of the members, officers, and personnel, fix their compensation, and prescribe their powers, functions, and duties, all as the governing body shall deem necessary for the effective government of the fire department.
- d. Authorize the following volunteer fire company(ies) to comprise the firefighting force:
  - a. Independent Fire Company, No. 1.
- e. There shall be appointed by resolution of the Township Council, firefighters who shall be volunteer employees and part-time employees of the Maple Shade Fire Department. Said employees shall be hired in conformance with civil service regulations and applicable State laws.
- f. The Township shall provide liability insurance and workers' compensation insurance covering any member of the Independent Volunteer Fire Company.
- g. No person shall be appointed as a member of the Maple Shade Fire Department unless the individual is a minimum of eighteen (18) years of age, possesses a high school diploma or equivalency certificate, is a legal citizen of the United States, and has been processed through a comprehensive background investigation and criminal history inquiry. Said appointee(s) of the Maple Shade Fire Department shall be physically fit to perform the duties of a firefighter in accordance with NFPA 1001, such fitness to be evidenced by a certificate to that effect by a physician duly licensed to practice medicine in the State of New Jersey.
- h. Fire police. The Fire Chief of the Maple Shade Fire Department 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 Fire Chief shall notify the Fire Department Administrator 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 Fire Department Administrator and the Fire Chief. At the scene of a fire emergency, the fire police shall also have the following rights and duties:
  - i. Enforce the removal of obstructions to the Fire Company in the performance of its duties.
  - ii. Direct traffic at the scene of a fire emergency.
  - iii. Control crowds at the scene of a fire emergency.
  - iv. Take possession of goods in a fire emergency and protect the premises from access by unauthorized persons until the arrival of the owner.

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### **§16-2. Ownership and use of vehicles, equipment and buildings**

All vehicles, fire apparatus, command and support vehicles, and fire service equipment shall be purchased by the Township of Maple Shade and be owned by the Township of Maple Shade, assigned to be utilized by the personnel authorized as part of the fire department. The portions of the building presently owned by the Independent Fire Company, No. 1, located at 53 South Maple Avenue, which are utilized for fire service purposes, shall be leased to the Township of Maple Shade and as such shall be under the control and supervision of the Township of Maple Shade. These leased spaces shall include all garaging spaces for fire apparatus and vehicles, the office utilized by the fire department officers, designated engineering spaces, and meeting and training space(s). The Fire Chief, and President of the Independent Fire Company, No. 1 shall furnish and maintain access to the leased spaces of the fire station on an annual basis to the Township Manager and the Director of Fire Safety Operations.

### **§16-3. Rules and regulations**

The rules and regulations of the Maple Shade Fire Department shall be the standard operating procedures, standard operating guidelines, orders of the Fire Chief, and municipal procedures and directives.

### **§16-4. Appointment of officers, terms of office**

The Township Manager shall appoint the Fire Chief, Deputy Fire Chief, Battalion Fire Chief, the Fire Marshal, and Fire Inspector(s), and all other line and engineering officers. Said appointments shall be made on January 1 of each year as formally recommended by the Independent Fire Company, No. 1, with the approval of the governing body.

The Fire Chief shall meet the following qualifications for appointment:

- a. State of New Jersey Incident Management System Level I certification,
- b. State of New Jersey Hazardous Materials On Scene Commander certification,
- c. National Incident Management System I-100 and IS-700 course completion.
- d. Fire Chief recommended certifications for appointment:
  1. State of New Jersey Fire Officer III certification,
  2. State of New Jersey Incident Management Level III certification,
  3. State of New Jersey Fire Instructor Level I certification.
  4. National Incident Management System IS-800 and IS-701 course completion.

The Deputy Fire Chief shall meet the following qualifications for appointment:

- a. State of New Jersey Incident Management System Level I certification,
- b. State of New Jersey Hazardous Materials On Scene Commander certification,
- c. National Incident Management System I-100 and IS-700 course completion.
- d. Deputy Fire Chief recommended certifications for appointment:
  1. State of New Jersey Fire Officer II certification,
  2. State of New Jersey Incident Management System Level II certification,
  3. State of New Jersey Fire Instructor Level I certification,
  4. National Incident Management System IS-800 and IS-701 course completion.

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The Battalion Fire Chief shall meet the following qualifications for appointment:

- a. State of New Jersey Incident Management System Level I certification,
- b. State of New Jersey Hazardous Materials On Scene Commander certification,
- c. National Incident Management System I-100 and IS-700 course completion.
- d. Battalion Fire Chief recommended certifications for appointment:
  1. State of New Jersey Fire Officer II certification,
  2. State of New Jersey Incident Management System Level II certification,
  3. State of New Jersey Fire Instructor Level I certification,
  4. National Incident Management System IS-800 and IS-701 course completion.

Fire Captains, Fire Lieutenants and Engineering Officers shall meet the following qualifications for appointment:

- a. State of New Jersey Incident Management System Level I certification,
- b. State of New Jersey Hazardous Materials On Scene Commander certification,
- c. National Incident Management System IS-700 course completion.
- d. Fire Captain, Fire Lieutenant, and Engineering recommended certifications for appointment:
  1. State of New Jersey Fire Officer I certification,
  2. State of New Jersey Fire Instructor Level I certification,
  3. National Incident Management System IS-800 and IS-701 course completion.

The Fire Marshal (Fire Official) shall meet the following qualifications for appointment:

- a. State of New Jersey Fire Official Certification,
- b. Fire Marshal (Fire Official) recommended certifications for appointment:
  1. State of New Jersey Incident Management System Level I certification,
  2. State of New Jersey Hazardous Materials On Scene Commander certification,
  3. National Incident Management System IS-700 course completion.

Fire Inspector(s) shall meet the following qualifications for appointment:

- a. State of New Jersey Fire Inspector Certification,

### **§16-5. Funding for firefighting services.**

The Township Council, Township Manager, and Fire Department Administrator shall work with the Fire Chief annually on the formation, and adoption of a fire department budget, and throughout the fiscal year for the purposes of funding the fire department operation and eliminating any need for volunteer fire company fund raising efforts.

- a. Establish a budget for the operating expenses of the fire department, to be the minimum provided for firefighting purposes, to include, but not limited to, payment for insurance, the purchase of Class A and Class B uniforms, the purchase of equipment and other materials determined to be essential to the operation of the fire department, maintenance and repair of firefighting equipment, apparatus and vehicles, education and training of fire department personnel.

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- b. Provide for the replacement of durable goods and equipment, apparatus and vehicles under an annual capital improvement program that is a component of the municipal budget.
- c. Pursuant to N.J.S.A. 40A:14-33 and N.J.S.A. 40A:14-34, the Township of Maple Shade and the Independent Fire Company, No. 1 shall execute annually, a binding grant agreement between parties to authorize the annual transfer of public funds from the Township of Maple Shade to the Independent Fire Company, No. 1.
  - a. Independent Fire Company, No.1 shall assume responsibility for all annual expenses for the maintenance and management of the fire station located at 53 South Maple Avenue, used specifically for firefighting purposes, and leased by the Township of Maple Shade.
  - b. The Independent Fire Company, No. 1 shall be furnished by way of an annual operating line-item budget of the Township of Maple Shade, a sum of \$30,000.00 by way of said grant agreement, divided into twelve monthly assessments of \$2,500.00.
  - c. Independent Fire Company, No. 1 shall be responsible, by way of the binding annual grant agreement, be accountable for the budgeting and reporting of a total of \$15,000.00 of the \$30,00.00 annual grant, consistent with the firefighting obligations to the Township of Maple Shade.

### **§16-6. Fire Department Management**

#### 16-6 A. Fire Chief

The Fire Chief shall be directly responsible to the Township Manager and the Fire Department Administrator for the efficiency and daily operation of the Maple Shade Fire Department.

Furthermore, pursuant to policies established, the Fire Chief shall:

- a. Comply with and enforce all of the rules, regulations and special emergency directives, issued by the State of New Jersey, and the government of the United States, for the disposition and discipline of the Maple Shade Fire Department, to include the officers and members of the fire department,
- b. Comply with and enforce all of the rules, regulations, and special emergency directives, issued by the Township of Maple Shade, for the disposition and discipline of the Maple Shade Fire Department, to include the officers and members of the fire department,
- c. Prescribe the duties and assignments of all members, officers and personnel,
- d. Delegate such authority as deemed necessary for the efficient operation of the Maple Shade Fire Department.
- e. The Fire Chief or the designated officer(s) of the fire department shall be responsible to complete, maintain and properly report the record of all fire department alarms for service, records of training, testing and maintenance of equipment and apparatus, and satisfy all regulatory requirements that are commensurate with the operation of a municipal fire department, to include but not limited to the origin and cause investigation of fires resulting in a loss, fire service training and certification requirements, respiratory protection program requirements, hazardous communication program requirements, and the annual reporting of injury and illness of fire department personnel.

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- f. 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 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 department.

### 16-6 B. Fire Department Administrator

#### a. Authority

- i. There shall be a Fire Department Administrator. The Fire Department Administrator 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 Fire Department Administrator, in cooperation with the Fire Chief of the Maple Shade Fire Department, shall coordinate for the management of fire department.
- ii. The Fire Department Administrator and Township Manager shall be a liaison between the Maple Shade Fire Department and the Township Council.
- iii. The Fire Department Administrator 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.
- iv. The Fire Department Administrator, working with the Fire Chief and the officers of the Maple Shade Fire Department, shall ultimately have general administrative authority over the Maple Shade Fire Department. This shall include the compliance of the fire department performance in accordance with State and Federal regulations, and industry standard best practices. 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.
- v. The Fire Department Administrator shall oversee and institute the municipal policies, procedures and guidelines as needed for the efficient operation of the Township of Maple Shade Fire Department.
- vi. The Fire Department Administrator 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 Fire Department.
- vii. The Fire Department Administrator shall be advised immediately by the Fire Chief of any/all accidents involving municipal resources, injuries to personnel, initial disciplinary actions against members, and any/all other incidents involving Township-owned equipment, facilities, and apparatus, including, but not limited

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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.

- viii. The Fire Department Administrator shall be paid in accordance with the annual salary ordinance.
- ix. The Township Manager, with the consent of the Mayor and Council and by recommendation of the Fire Department Administrator, may appoint Deputy Fire Department Administrator. The Deputy Fire Department Administrator shall be appointed in accordance with the provisions of law and shall be subject to removal by the Manager as provided by law. The Deputy Fire Department Administrator shall be assigned duties and responsibilities as appropriate by the Fire Department Administrator and, in cooperation with the Fire Chief, shall coordinate the administration of the fire department and the performance of the Volunteer Fire Company in emergencies, in drills and in the providing of outside aid.
- x. The Fire Department Administrator, or in his/her absence and/or by assignment by the Deputy Fire Department Administrator the Fire Chief or Deputy Fire Chief(s), shall be responsible for overseeing the daily administration and operations of the fire department and shall be directly responsible for the efficiency and routine day-to-day operation of the department.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication according to law.

**SECTION 5.** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6.** If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Introduction: July 20, 2023

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

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## 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 August 24, 2023

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Andrea T. McVeigh, RMC

Adopted: August 24, 2023

| COUNCIL  | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT |
|----------|--------|--------|------|------|---------|--------|
| Nunes    |        |        | X    |      |         |        |
| Schmidt  |        |        | X    |      |         |        |
| Volpe    | X      |        | X    |      |         |        |
| Wiest    |        | X      | X    |      |         |        |
| Kauffman |        |        | X    |      |         |        |