

TOWNSHIP OF MAPLE SHADE

ORDINANCE NO. 2026-18

AN ORDINANCE AMENDING AND REORGANIZING CHAPTER 16 OF THE CODE OF THE TOWNSHIP OF MAPLE SHADE TO PROVIDE FOR A PART-PAID MUNICIPAL FIRE DEPARTMENT COMPRISED OF CAREER PERSONNEL AND A DESIGNATED VOLUNTEER FIRE COMPANY

WHEREAS, N.J.S.A. 40A:14-7 provides that the governing body of any municipality, by ordinance, may create and establish a paid or part-paid fire department and force, provide for the maintenance, regulation and control thereof, appoint such members, officers and personnel as shall be deemed necessary, determine their terms of office, fix their compensation and prescribe their powers, functions and duties, and adopt and promulgate rules and regulations for the government of the department and force and for the discipline of its members; and

WHEREAS, the Township of Maple Shade (the “Township”) has established the Maple Shade Fire Department as a municipal fire department, most recently reorganized by Ordinance No. 2023-12, which the Superior Court of New Jersey, Burlington County (Independent Fire Co. #1 of Maple Shade, Inc. v. Township of Maple Shade, Docket No. L-1162-23, Order dated December 22, 2025) construed as establishing a part-paid municipal fire department of the Township, comprised, at least in part, of the volunteer members of the Township’s designated volunteer fire company; and

WHEREAS, the December 22, 2025 Order further held that the management structure of that part-paid departmental model, including municipal administrative supervision and oversight of the Fire Department and its volunteer members, is consistent with N.J.S.A. 40A:14-7 and N.J.S.A. 40A:14-68, provided that the appointment or election of the chief of the volunteer fire company remains the prerogative of the membership of the company as set forth in its certificate of incorporation or bylaws; and

WHEREAS, the Township Council finds that the continued reliability, effectiveness and fiscal accountability of fire protection services within the Township require that the Township’s existing part-paid municipal fire department be reorganized to: (a) provide paid full-time, part-time, per-diem and stipend career staffing to ensure dependable response capability; (b) preserve and integrate a duly organized volunteer fire company as the volunteer component of the Fire Department, in accordance with N.J.S.A. 40A:14-68; (c) centralize administrative supervision under the Township Manager and unify incident command under the Fire Chief pursuant to N.J.S.A. 40A:14-54.1; and (d) dedicate public funding sufficient to fund all Fire Department operations through the municipal budget; and

WHEREAS, the volunteer fire company previously designated as comprising the Township’s firefighting force under Section 16-1(d) of Chapter 16, namely Independent Fire Company No. 1, is not presently registered with the Division of Fire Safety of the Department of Community Affairs as an active fire suppression entity, its assigned Fire Department Identifier (FDID) having been orphaned, and said company is not currently recognized by the Division of Fire Safety as an active fire suppression entity; and

WHEREAS, the Township Council intends that the volunteer component of the Township’s part-paid fire department be provided by a duly organized volunteer fire company recognized by the Division of Fire Safety and designated and, where required, contracted with by the Township pursuant to N.J.S.A. 40A:14-68 and this Chapter; and

WHEREAS, this ordinance constitutes a reorganization of the Township's existing part-paid municipal fire department and does not establish a paid fire department by converting a volunteer fire department within the meaning of N.J.S.A. 40A:14-41, in that the Township's existing department is a part-paid municipal fire department as construed by the December 22, 2025 Order, and this Chapter retains and designates a duly organized volunteer fire company as the volunteer component of the Fire Department; and

WHEREAS, nothing in this ordinance is intended to, nor shall it be construed to, interfere with the appointment or election of the chief of any duly organized volunteer fire company, which prerogative shall remain with the membership of the company as set forth in the company's certificate of incorporation or bylaws pursuant to N.J.S.A. 40A:14-68(a); and

WHEREAS, N.J.S.A. 40:48-2 authorizes the governing body to make, amend, repeal and enforce such ordinances as may be deemed 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 previously introduced Ordinance No. 2026-16, which bore the same title as this ordinance and which proposed the amendment and reorganization of Chapter 16 of the Code of the Township of Maple Shade in the form set forth in this ordinance (the "Prior Ordinance"), and which was noticed for further consideration and final passage at the Council's regular meeting of September 24, 2026; and

WHEREAS, at the time of, and with respect to, the introduction of the Prior Ordinance, a member of the Township Council had a conflict of interest requiring recusal and from acting in an official capacity in the matter of the Prior Ordinance, including voting upon its introduction, and was required to disclose the conflict and to refrain from such action; and

WHEREAS, notwithstanding that disqualification and requirement to recuse, the member participated in the consideration of the Prior Ordinance and cast a vote upon its introduction, and the Township Council therefore finds and declares that the introduction of the Prior Ordinance was not lawfully taken and is null and void and of no force or effect, that the Prior Ordinance was never validly introduced, has not been and shall not be further considered, heard or adopted, and is hereby deemed withdrawn in its entirety; and

WHEREAS, the Township Council, to cure the foregoing defect and to afford a lawful and effective opportunity for the public to be heard on the amendment and reorganization of Chapter 16 of the Code of the Township of Maple Shade, hereby re-introduces the ordinance in the same form as the Prior Ordinance under a new ordinance number, upon the terms and in the form set forth in this ordinance, and intends that this ordinance be considered and adopted in accordance with law without the participation of any member who is disqualified from acting thereon; and

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

Section 1. Chapter 16 of the Code of the Township of Maple Shade, entitled "Fire Department," is hereby amended and reorganized to read as follows:

Chapter 16 — FIRE DEPARTMENT

§ 16-1. Establishment; Part-Paid Municipal Fire Department.

- A. Pursuant to N.J.S.A. 40A:14-7, the Maple Shade Fire Department (the “Fire Department”), established by the Township as a municipal fire department and last reorganized by Ordinance No. 2023-12, is hereby recognized, continued and reorganized as a part-paid municipal fire department of the Township of Maple Shade. The Fire Department shall consist of: (1) paid full-time, part-time, per-diem and stipend members, officers and personnel (the “Career Personnel”); and (2) the volunteer members of a duly organized volunteer fire company designated by the Township Council pursuant to this Chapter and N.J.S.A. 40A:14-68 (the “Volunteer Fire Company”); together with such officers and personnel as the Township Manager and Fire Chief, with the advice and consent of the Township Council, shall deem necessary for the effective fire suppression, prevention, rescue, emergency medical services and related protection of life and property within the Township and, via mutual aid, pursuant to N.J.S.A. 40A:14-26.
- B. The Township Council shall, by ordinance or resolution, designate the Volunteer Fire Company, if one shall exist to appropriately designate, and shall, where required by law, enter into a contract or agreement with the Volunteer Fire Company upon such terms and conditions as the Township Council shall deem proper and as are consistent with applicable law, including N.J.S.A. 40A:14-68.

§ 16-2. Supervision and Control; Appropriate Authority.

- A. **General.** The Fire Department shall be under the supervision, direction, regulation and control of the Township of Maple Shade. The Township Manager shall exercise administrative supervision and oversight of the Fire Department on behalf of the Township and in accordance with the policies and directives of the Township Council.
- B. **Fire Chief.** The Fire Chief shall be the head of the Fire Department in terms of firematics and shall report directly to the Township Manager. Subject to the administrative supervision of the Township Manager, the Fire Chief shall be responsible for the day-to-day management and operation of the Fire Department, including the direction and supervision of Department personnel, implementation of Township policies and Department rules and regulations, training, readiness, deployment of personnel and apparatus, and the efficient delivery of fire and emergency services. The Fire Chief, or the ranking fire officer in charge, shall have exclusive command and control of firefighting and emergency operations at the scene of an incident as provided by law, including N.J.S.A. 40A:14-54.1.
- C. **Township Council.** The Township Council shall retain legislative and policymaking authority with respect to the Fire Department, including the authority to: provide for the maintenance, regulation and control of the Fire Department; adopt and promulgate the rules and regulations for the government of the Fire Department; and 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. **Appointments.** There shall be appointed, by resolution of the Township Council, firefighters who shall be volunteer, full-time and/or part-time members of the Maple Shade Fire Department. Said appointments shall be made in conformance with applicable Civil Service regulations and applicable State laws and regulations.
- E. **Insurance.** The Township shall provide liability insurance and workers' compensation insurance covering any member of the Fire Department, regardless of which division or component said member is a part of.
- F. **Paid members.** No person shall be appointed as a paid member of the Fire Department unless the person satisfies the requirements of N.J.S.A. 40A:14-9, including: (a) is a citizen of the United States; (b) is sound in body and of good health sufficient to satisfy the board of trustees of the Police and Firemen's Retirement System of New Jersey as to eligibility for membership in the retirement system; (c) possesses a high school diploma or an equivalency certificate and is able to read, write and speak the English language well and intelligently; (d) is of good moral character; and (e) has not been convicted of any criminal offense involving moral turpitude; and has successfully completed the criminal history record background check required by N.J.S.A. 40A:14-9. No person shall be appointed as a paid member or officer of the Fire Department who is under 21 or over 35 years of age, subject to the exceptions and modifications set forth in N.J.S.A. 40A:14-12, 40A:14-12.4 and other applicable law.
- G. **Volunteer members.** No person shall be appointed as a volunteer member of the Volunteer Fire Company unless the person: (a) is at least 18 years of age; (b) possesses a high school diploma or equivalency certificate; (c) successfully passes a comprehensive background investigation and criminal history inquiry; and (d) is physically fit to perform the duties of a firefighter in accordance with NFPA 1001, as evidenced by a certificate to that effect from a physician duly licensed to practice medicine in the State of New Jersey.
- H. **Initial paid appointments.** To the extent required by N.J.S.A. 40A:14-42, initial paid positions following the effective date of this Chapter shall be filled by qualified members of a volunteer fire company who have served as active firemen for at least two years next preceding the appointment, or by exempt firemen of the company, subject to applicable Civil Service rules and regulations.
- I. **Fire police.** The Township Council may, by resolution, upon the recommendation of the Fire Chief, designate qualified members of the Fire Department as fire police, who shall serve for a term of one year and shall possess the powers and authority provided by N.J.S.A. 15:8-1 et seq. and other applicable law. Persons so designated shall satisfy all training, certification and qualification requirements established by applicable law, including N.J.A.C. 5:73-7.5 where applicable, and shall take and subscribe the oath required by law, administered by the Municipal Clerk. At the scene of a fire, fire drill, emergency or other incident, fire police shall perform their duties under the supervision of the Fire Chief or other fire officer in command, subject to the authority of duly authorized law enforcement officers as provided by law, and shall have the following rights and duties: enforce the removal of obstructions to the Fire Department in the performance of its duties; direct traffic at the scene of a fire emergency; control crowds at the scene of a fire emergency; and take possession of goods at a fire emergency and protect the premises from access by unauthorized persons until the arrival of the owner.

- J. Volunteer Fire Company Chief.** Nothing in this Chapter shall be construed to interfere with the appointment or election of the chief of the Volunteer Fire Company, which prerogative shall remain with the membership of the Volunteer Fire Company as set forth in its certificate of incorporation or bylaws, pursuant to N.J.S.A. 40A:14-68(a). The members of the Volunteer Fire Company, when performing fire duty, shall be under the supervision and control of the Township.

§ 16-3. Organization and Structure.

- A. Career Division.** The career division shall be governed by the applicable collective negotiated agreement (“CNA”) between the Township and IAFF Local 3091 (current CNA effective through December 31, 2026) and any successors. The career division shall include full-time firefighters, part-time personnel, per-diem staff and stipend personnel as budgeted, and shall consist of the following positions: Fire Chief, Deputy Fire Chief(s), Battalion Chief(s), Captains, Lieutenants and Firefighters. All appointments shall be made in accordance with the management rights provisions of the CNA and applicable and current New Jersey Civil Service rules and regulations.
- B. Volunteer Fire Company.** The volunteer component of the Fire Department shall be provided by the Volunteer Fire Company designated pursuant to § 16-1. The Volunteer Fire Company shall be duly organized, shall maintain recognition required by the Division of Fire Safety, and shall be subject to the terms of any designation and contract pursuant to N.J.S.A. 40A:14-68. Uncompensated members of the Volunteer Fire Company who satisfy the requirements of § 16-5 shall be eligible for the Length of Service Awards Program (“LOSAP”) pursuant to N.J.S.A. 40A:14-183 et seq. and Township ordinance. The members of the Volunteer Fire Company, when performing fire duty, shall be under the supervision and control of the Township and shall be deemed to be exercising a governmental function. The Volunteer Fire Company and its members shall comply with all rules, regulations, standard operating procedures, standard operating guidelines, policies and directives approved by the Township Manager and the Fire Chief, and with all applicable federal and State laws and regulations.
- C. Unified Command.** The Fire Chief holds command authority at incidents pursuant to N.J.S.A. 40A:14-54.1 and other applicable law, subject to Township policies. All members of the Fire Department, whether Career Personnel or members of the Volunteer Fire Company, shall operate within the unified command structure established by law and this Chapter. No external organization or entity shall exercise command or control over the Fire Department or its operations.

§ 16-4. Fire Department Administrator.

There is hereby created the position of Fire Department Administrator, who shall be appointed, if applicable, by the Township governing body and shall serve as an administrative department head of the Fire Department under the supervision of the Township Manager. The Fire Department Administrator exercises administrative authority only and does not diminish the Fire Chief’s incident command authority under N.J.S.A. 40A:14-54.1.

§ 16-5. Membership.

Membership in the Fire Department shall consist of Career Personnel appointed in accordance with this Chapter and the volunteer members of the Volunteer Fire Company.

The Department shall accept and consider applications for appointment from all qualified persons, consistent with applicable statutes, codes and regulations. Nothing in this Chapter conditions membership or appointment upon membership in, or affiliation with, any external organization or entity.

Paid members of the Fire Department shall satisfy the qualifications set forth in § 16-2 of this Chapter, and volunteer members of the Volunteer Fire Company shall satisfy the qualifications set forth in § 16-2 of this Chapter.

§ 16-6. Appointment of Officers.

The Township Manager, in consultation with the Fire Department Administrator, if applicable, and the Fire Chief, and with the advice and consent of the Township Council, shall appoint the Fire Chief, Deputy Fire Chief(s), Battalion Chief(s), Fire Marshal (Fire Official), Fire Inspector(s), Captains, Lieutenants and all other line and engineering officers. Such appointments shall be made annually or as vacancies occur, based upon merit, qualifications and the operational needs of the Fire Department, and shall be made in accordance with applicable Civil Service regulations.

Notwithstanding the foregoing, the appointment or election of the chief of the Volunteer Fire Company shall remain the prerogative of the membership of the Volunteer Fire Company as set forth in its certificate of incorporation or bylaws, pursuant to N.J.S.A. 40A:14-68(a).

§ 16-7. Department Management.

- A. Fire Department Administrator.** There may be a Fire Department Administrator appointed in accordance with law and subject to removal in accordance with Township policy and procedure. The Fire Department Administrator and Township Manager shall serve as liaisons between the Fire Department and the Township Council. 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 recommendations of the New Jersey Division of Fire Safety.
- B. Fire Chief; qualifications and appointment.** The Fire Chief shall be appointed in accordance with applicable law and shall possess, at a minimum, at the time of appointment and shall maintain during the term of appointment: (a) the certifications required by applicable federal and State law and regulation to serve as a firefighter in the State of New Jersey; (b) a valid New Jersey Firefighter I certification or its recognized equivalent; (c) a valid Fire Officer certification appropriate to the duties and responsibilities of Fire Chief, as issued or recognized by the New Jersey Division of Fire Safety; (d) appropriate Incident Management/Incident Command System certifications and training, including such certifications as may be required by the New Jersey Division of Fire Safety, NIMS or other applicable law or regulation; (e) a minimum of five years of progressively responsible fire service experience, including at least three years of supervisory or command experience; (f) a valid New Jersey driver's license and compliance with all applicable requirements for the

operation of Fire Department vehicles and apparatus; and (g) such additional education, training, certifications and experience as may be established by the Township Manager consistent with the duties and responsibilities of the position.

- C. **Fire Chief; authority.** The Fire Chief shall be the operational head of the Fire Department, shall report directly to and be administratively responsible to the Township Manager, and shall be responsible for the efficiency, readiness, discipline and routine day-to-day operation of the Fire Department, subject to the administrative supervision of the Township Manager and the policies, rules and regulations of the Township, including: complying with and enforcing all rules, regulations and special emergency directives of the State of New Jersey, the United States and the Township; prescribing the duties and assignments of all members, officers and personnel; delegating such authority as deemed necessary for the efficient operation of the Fire Department; ensuring proper record-keeping, training, testing, maintenance and reporting as required by law; and exercising command and control over firefighting and emergency operations at emergency scenes as provided by N.J.S.A. 40A:14-54.1 and other applicable law, including the authority to establish fire lines and cause the removal of obstructions as authorized by law. The Fire Chief shall immediately advise the Township Manager and, if applicable, the Fire Department Administrator (verbally within two hours and in writing within 24 hours) of any accidents, injuries, disciplinary actions or incidents involving Township resources.

§ 16-8. Ownership of Apparatus and Equipment; Facilities.

All fire apparatus, vehicles, equipment and materials purchased with public funds shall be owned by the Township. The Township is authorized, by resolution of the Township Council, to enter into such agreements as may be necessary or appropriate to provide facilities for Fire Department operations, including, but not limited to, the use or occupancy of the premises located at 53 South Maple Avenue, upon such terms and conditions as the Township Council deems appropriate and in accordance with applicable law, including the provision of fair and just compensation and compliance with N.J.S.A. 40A:12-14 et seq.

§ 16-9. Funding for Firefighting Services.

The Township Council, Township Manager and Fire Department Administrator, if applicable, shall annually prepare and adopt a Fire Department budget sufficient to fund all operations. Pursuant to N.J.S.A. 40A:14-33 and 40A:14-34, the Township may execute binding annual grant agreements with the designated Volunteer Fire Company for authorized purposes, including facility maintenance.

§ 16-10. Insurance and Workers' Compensation.

The Township shall provide liability insurance, workers' compensation coverage and all other benefits required by law for all paid and volunteer members performing official firefighting duties for the Township.

§ 16-11. Rules and Regulations.

The Fire Department shall operate under standard operating procedures, guidelines and directives approved by the Township Manager.

Section 2. Conflicting Ordinances; Savings; Severability. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency. This repeal shall not affect any actions pending or any rights or obligations established under prior ordinances. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall remain in full force and effect.

Section 3. Effective Date. This ordinance shall take effect immediately upon final passage and publication according to law.

NOTICE OF INTRODUCTION

The foregoing ordinance was introduced at a meeting of the Maple Shade Township Council, held on September 24, 2026, and was read for the first time.

This ordinance will be further considered for final passage at a Regular Meeting of the Township Council to be held on October 8, 2026, at 6:30 P.M. at 200 Stiles Avenue, Maple Shade, NJ 08052. Copies of this ordinance will be made available on the township website at: www.mapleshade.com and at the Municipal Clerk's office to members of the general public who request same during normal operating hours. All interested persons will be given the opportunity to be heard concerning the ordinance.

Andrea T. McVeigh, RMC
Maple Shade Township