

ORDINANCE #28-16

ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER III (POLICE AND FIRE DEPARTMENTS) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

WHEREAS, the Mayor and Council of the Borough of Keyport (the “**Borough**”) have reviewed and considered updates to the Revised General Ordinances of the Borough, pertaining to the Police and Fire Departments in the Borough; and

WHEREAS, the Mayor and Council intend to amend Chapter III (Police and Fire Departments) of the Borough’s Revised General Ordinances to provide regulations pertaining to the operation of public safety departments and offices in the Borough; and

WHEREAS, the Mayor and Council of the Borough have determined to rename Chapter III of the Borough Code to “Public Safety” and make certain amendments that will, among other things, establish a Junior Fireman’s Auxiliary in the Keyport Fire Department, an Emergency Medical Services team, an Office of Emergency Management, including a Community Emergency Response Team and a Local Emergency Planning Committee; and

WHEREAS, the Mayor and Council of the Borough have determined that the amendments to the Chapter III of the Borough Code will improve the coordination of emergency services and enhance the public safety operations within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Mayor and Council of the Borough have determined to make the following amendments to the Chapter III of the Borough’s Revised General Ordinances:

a. The title to Chapter III (Police and Fire Departments) of the Borough Code shall be amended and changed to “Public Safety”.

b. Chapter III, Article II, Section 32(e), entitled “Classes of Membership” shall be amended and replaced in its entirety as follows:

e. Classes of Membership. There shall be two (2) classes of membership in the Keyport Fire Department as defined by N.J.S.A. 15A:2-1, et seq. Active or Line Operations Membership, and Reserve, or Associate Membership as defined by the New Jersey State Division of Fire Safety. Individual companies may establish non-firematic classes of membership, which will not lead to membership in the Keyport Fire Department, nor any form of membership as described herein or by N.J.S.A. 15A-2:1, et seq. (Ord. #17-95, §1; Ord. #4-00, §1; Ord. #14-01, §1; Ord. #14-11)

c. Chapter III shall be amended by creating a new Section 3-46, entitled “Youth Auxiliary” to be appended to the end of Chapter III, Article II which shall read as follows:

3-47 YOUTH AUXILIARY.

3-47.1 Pursuant to the authority granted by N.J.S.A. 40A:14-95, the governing body of the Borough of Keyport authorizes the creation of a Junior Firemen's Auxiliary of the Keyport Fire Department for the purposes of developing and creating interest among teenage residents in service on the volunteer fire department; to teach such youth basic fundamentals of fire protection practices; to encourage interest in fire prevention activities; and to render limited nonhazardous assistance to the fire department.

3-47.2 The Junior Firemen's Auxiliary (hereinafter sometimes referred to as the auxiliary) shall consist of up to twenty-five (25) members, but the membership may be increased from time to time by the council by resolution upon request and recommendation of the chief of the Keyport Fire Department (hereinafter sometimes referred to as the chief of the fire department).

3-47.3 The direction, management, supervision, operation and control of the auxiliary shall be the responsibility of the chief of the department with the assistance of the auxiliary advisors committee (hereinafter sometimes referred to as the committee), subject to the rules and regulations of the auxiliary as heretofore adopted by the Council as well as relevant State and/or Federal law. The committee shall consist of the Chief of the department and active members of the Keyport Fire Department and shall serve such term as designated by the chief and shall perform such duties as specified in the ordinance codified in this chapter and as may be delegated to it by the chief of the department.

3-47.4 Membership. An applicant for membership in the Junior Firemen's Auxiliary shall have the following qualifications at the time of his or her application:

- a. Be a citizen of the United States;
- b. Be between the ages of fourteen (14) and eighteen (18) years;
- c. Be of good physical health, to be evidenced by a medical certification to that effect after taking of a physical examination;
- d. Have the express written consent of his or her parents or guardians authorizing him or her to apply for membership and, if accepted, to participate in the activities of, and perform the duties imposed upon, members of the auxiliary as such activities and duties are delineated in this chapter and the rules and regulations of the auxiliary. The written consent shall be acknowledged and proved in the manner required by law for deeds to real estate to be recorded.

3-47.5 Procedure for application for membership.

- a. The secretary of the Keyport Fire Department shall provide each applicant with a blank application upon request.
- b. Application forms shall be completed and returned to the secretary along with the certification of good physical health (as provided in Section 3-46.4(c), and parents' or guardians' written permission (as provided in Section 3-46.4(d)).
- c. Should there be no immediate openings existing for membership, the application shall be placed on file in numerical order by the secretary for future consideration, provided, however, that the certification of good health and the parents' or guardians' consent must bear a date within one month of the date the application is being reconsidered.
- d. The completed application, certificate and permission shall be forwarded to the advisory committee, who shall be authorized to approve or reject the application and notify the secretary of its decision. The secretary shall notify all applicants of the decision of the committee.

3-47.6 Activities, duties and responsibilities.

- a. Junior firefighters shall be required to attend all training sessions in each year. For those Junior firefighters enrolled in secondary education, they

shall not participate in any activity during such hours when schools are in session.

b. Junior firefighters shall at all time conduct themselves in a gentlemanly manner becoming a member of the department.

c. Junior firefighters, when responding to a fire, shall obey all traffic rules and regulations. Any member who shall be convicted of any moving violation of the motor vehicle laws of this state while responding to a fire, or function of the department may be subject to suspension by the advisory committee. A second conviction of a moving violation of the motor vehicle laws while responding to a fire, or function of the department will subject the member to dismissal by the action of the advisory committee.

d. Junior firefighters shall not be permitted to enter any burning structure or to engage in any activity while on duty or engage in a function of the auxiliary which would expose the junior auxiliary firefighter to the same degree of hazard as a regular member of the fire department. Activities of junior fighters under 16 years of age shall be limited to (1) attending meetings of the Junior Firemen's Auxiliary; (2) receiving instruction; (3) participating in training that does not involve fire, smoke, toxic or noxious gas, or hazardous materials or substances; and (4) observing firefighting activities, while under supervision.

e. At all times while on duty or while engaging in any activity of the auxiliary, all junior firefighters shall immediately obey any order or direction of the commanding officer of the fire department then on duty. Failure by any member of the junior fighters' auxiliary to obey an order or direction of the commanding officer, or failure to comply with the rules and regulations of the auxiliary or of the fire department as they may apply to the auxiliary, shall result in suspension or dismissal of such member.

3-47.7 Insurance and compensation. All probationary and regular members of the Junior Firemen's Auxiliary shall be covered by such policies of insurance as are now or hereafter put in effect for the protection of the members of the volunteer fire department.

3-48-3-60 Reserved

d. Chapter III shall be amended by creating a new Article III, entitled "Emergency Medical Services Department" to be appended to the end of Chapter III which shall read as follows:

3-61 ESTABLISHMENT. Emergency Medical Services Department (hereinafter the "EMS"), is hereby recognized within the jurisdictional boundaries coextensive with the boundaries of the Borough of Keyport.

3.61.1 Organizational Structure. The organization of the EMS shall consist of the Keyport First Aid Squad

3-61.2 Membership. (Reserved)

3-61.3 Officers.

- a. Establishment and Election. The members of the squad shall have the power to establish their own bylaws. The bylaws may be reviewed by the Mayor and Borough Council. The squad may establish in its bylaws an organizational hierarchy consisting of such offices as are deemed necessary and proper for the efficient operation of the squad.
- b. The Borough, annually by resolution shall recognize the squad's duly elected leadership, administer to them the oath of office and accept the squad's comprehensive roster of members.

3-61.4 Squad Rules and Regulations. (Reserved)

3-61.5 Squad Secretary. (Reserved)

3-61.6 Personnel of the Squad. (Reserved)

3-61.7 Duties of Active Members. (Reserved)

3-61.8 Penalties. (Reserved)

3-61.9 Interference with EMS activity prohibited. (Reserved)

3-61.10 Authorization Required for Certain Uses or Emergency Apparatus. (Reserved)

3-61.11 Certification by Secretary to Certify to Council. It shall be the duty of the Secretary of the squad to submit to the Mayor and Borough Council at its final regular meeting in December, and at such other times as he/she shall be required to do so, a complete list of the names of the members of his/her squad, which shall be signed by the superior officer and attested by the Secretary of the squad. The list shall accepted by resolution and be filed in the office of the Clerk.

3-62. ESTABLISHMENT OF EMS CADET SQUAD

3-62.1 Establishment. There is hereby established within the EMS a Cadet Squad to work with the squad in the emergency and nonemergency care and transportation of the sick and injured of the Borough of Keyport.

3-62.2 Membership. An applicant for membership in the EMS Cadet Squad shall have the following qualifications at the time of his or her application:

- a. Be a citizen of the United States;
- b. Be of good physical health, to be evidenced by a medical certification to that effect after taking of a physical examination;
- c. Have the express written consent of his or her parents or guardians authorizing him or her to apply for membership and, if accepted, to participate in the activities of, and perform the duties imposed upon, members of the auxiliary as such activities and duties are delineated in this chapter and the rules and regulations of the auxiliary. The written consent shall be acknowledged and proved in the manner required by law for deeds to real estate to be recorded.

3-62.3 Procedure for application for membership.

- a. The secretary of the EMS shall provide each applicant with a blank application upon request.
- b. Application forms shall be completed and returned to the secretary along with the certification of good physical health (as provided in Section 3-62.2(c), and parents' or guardians' written permission (as provided in Section 3-62.2(d)).
- c. The completed application, certificate and permission shall be forwarded to an advisory committee, who shall be authorized to approve or reject the application and notify the secretary of its decision. The secretary shall notify all applicants of the decision of the committee.

3-62.4 Activities, duties and responsibilities.

- a. All members of the Cadet Squad shall be required to complete first-aid courses and obtain appropriate certification as is established by the bylaws of the squad.
- b. Only those members of the Cadet Squad who have met the minimum training required for membership shall be permitted to perform the duties of members of the Cadet Squad. No Cadet Squad member shall be permitted to drive the ambulance, to be a crew chief or to ride on the same crew as another Cadet Squad member.
- c. Those members under the age of 16 years old shall not be permitted to ride on emergency calls.
- d. Cadet Squad members shall at all time conduct themselves in a gentlemanly manner becoming a member of the department.

3-62.5 Insurance and compensation. All probationary and regular members of the Cadet Squad shall be covered by such policies of insurance as are now or hereafter put in effect for the protection of the members of the EMS.

3-63-3-70 Reserved

e. Chapter III shall be amended by creating a new Article IV, entitled "Office of Emergency Management" to be appended to the end of Chapter III which shall read as follows:

3-71 ESTABLISHMENT. The Office of Emergency Management is hereby established in the Borough of Keyport in accordance with the provisions of N.J.S.A. App. A:9-41.

3-72. EMERGENCY MANAGEMENT COORDINATOR. The Mayor with the advice and consent of council shall appoint a Municipal Emergency Management Coordinator from among the residents of the Borough. The Municipal Emergency Management Coordinator shall serve for a term of three (3) years. As a condition of appointment and the right to continue for the full term of the appointment, the Coordinator shall successfully complete the current approved Incident Command System Courses within one (1) year of appointment (and any required continuing education courses). The Emergency Management Coordinator shall be directly responsible to the Mayor and Council.

3-73. EMERGENCY MANAGEMENT DEPUTY COORDINATOR. The emergency management coordinator shall appoint an emergency management deputy coordinator with the approval of the council. Wherever possible, such deputy shall be appointed from among the salaried officers or employees of the municipality.

3-74. ASSISTANT EMERGENCY MANAGEMENT COORDINATORS The Emergency Management Coordinator shall annually recommend to the Borough Council up to five (5) qualified individuals to serve as Assistant Emergency Management Coordinators with the approval of the council.

3-75. DUTIES AND RESPONSIBILITIES OF THE COORDINATOR.

3-75.1 The emergency management coordinator shall be responsible for the planning, activating, coordinating and the conduct of disaster prevention and control operations within the Borough.

3-75.2 Whenever, in his opinion, a disaster has occurred or is imminent in the Borough, the emergency management coordinator shall proclaim a state or local disaster emergency within the Borough. The emergency management coordinator, in accordance with regulations promulgated by the state of emergency management director, shall be empowered to issue and enforce such orders as may be necessary to implement and carry out disaster control operations and to protect the health, safety and resources of the residents of the Borough.

3-76. LOCAL EMERGENCY PLANNING COMMITTEE ("LEPC"). There is hereby created an local emergency planning committee, to be composed of not more than seven (7) members, who shall be appointed by the mayor with the advice and consent of council, and shall hold office at the will and pleasure of the council. The emergency management coordinator shall be a member and shall serve as chairman of the LEPC.

3-77 DUTIES OF THE LEPC.

3-77.1 The LEPC shall assist the municipality in establishing the various local volunteer agencies needed to meet the requirements of all local emergency management activities in accordance with the rules and regulations established by the Governor of the State of New Jersey.

3-77.2 The LEPC is authorized, within the limits of appropriations, to establish an adequate organization to assist in supervising and coordinating the civil defense and emergency management activities of the local municipality.

3-78 COMMUNITY EMERGENCY RESPONSE TEAM (CERT)

3-78.1 Establishment. There hereby is created a Community Emergency Response Team ("CERT") in the Borough, which shall be under the supervision and control of the Borough's Emergency Management Coordinator.

3-78.2 Mission, Organization and Purpose. The mission, organization and purpose of the Borough CERT program is to provide volunteer services in the areas of natural and other disasters and issues of public safety under the direction of the Office of Emergency Management to supplement and assist police, fire and EMS response to a disaster or those issues affecting public safety.

3-78.3 Membership. CERT volunteers shall be approved by the governing body upon recommendation of the Emergency Management Coordinator. To be eligible, a volunteer must be eighteen (18) years of age and make application pursuant to certain procedures. The Emergency Management Coordinator shall annually file a list of all qualified CERT Members which shall be recognized and accepted by the borough council by resolution.

3-78.4 Training. All CERT volunteers will receive approximately twenty (20) hours of basic-level training as required by FEMA and shall complete this course prior to being added to the active rolls.

3-78.5 Insurance and compensation. All members of CERT shall be covered by such policies of insurance as are now or hereafter put in effect for the protection of the members of the emergency management department.

Section 3. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

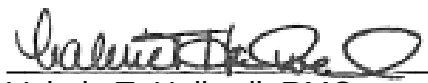
Section 4. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 5. Except as amended by this Ordinance, all other provision of Chapter III of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 6. The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: December 6, 2016
Public Hearing: December 20, 2016
Adopted: December 20, 2016



Valerie T. Heilweil, RMC
Borough Clerk
Borough of Keyport



Harry M. Cumack, II, Mayor
Borough of Keyport