
Borough Attorney /s/Robert L. Tarver, Jr.

BOROUGH OF PENNS GROVE

ORDINANCE NO. 2022-2

Councilperson(s) MINCEY presents the following Ordinance

AN ORDINANCE CREATING THE DEPARTMENT OF PUBLIC SAFETY, THE DIVISION OF POLICE, THE DIVISION OF FIRE AND THE DIVISION OF EMERGENCY MANAGEMENT AND THE TITLE AND POSITION OF PUBLIC SAFETY DIRECTOR

BE IT ORDAINED by the Borough Council of the Borough of Penns Grove, County of Salem, State of New Jersey, as follows:

There shall be established a Department of Public Safety. Within the Department of Public Safety there shall be a Division of Police and a Division of Fire and A Division of Emergency Management.

SECTION 1. Established; Public Safety Director; Appointment.

The Police Department heretofore established by ordinance is continued as the Division of Police and is subject to all laws and ordinances relating to a municipal Police Department. The head of the Division shall be the Public Safety Director who shall be appointed by the Mayor with the consent of the Council and shall be the executive head of the Division.

Functions of Division of Police.

This Ordinance is not intended to change or alter in any way the functions of the Police Department as set forth in Chapter 116, Article 1 but only to identify the Department of Police as the Division of Police. The Division of Police shall, within the Borough, preserve the peace, protect life and property, prevent and detect crime. It shall have all the functions, powers and duties prescribed by law for a municipal Police Department, generally, or by any provision of the Charter and ordinances relating to the Borough Police Department, Public Safety Director, Chief of Police or the officers and personnel of the Department.

Police Authority

a. The Police Department is established by authority of the Borough ordinance, Chapter 116, Article 1 of this chapter. The Police Force is continued as to the Division of Police and is subject to all laws and ordinances relating to a Municipal Police Department. The Executive

Head of the Division shall be the Public Safety Director.

b. *Authority.* The powers and duties of the Division of Police are established by authority of Chapter 116, Article 1. The Division of Police shall, within the Borough, preserve the peace, protect life and property, and prevent and detect crime. It shall have all the functions, powers and duties described by law for a municipal Police Department generally, or by any provision of the Chapter and ordinances relating to the Borough Police Department, Public Safety Director, Police Director, Chief of Police or the officers and men and women of the department.

Executive Officer

The Public Safety Director shall be the executive officer of the Division of Police.

Duties of Public Safety Director.

The Public Safety Director shall be charged with the duties of supervising the Division of Police in all areas and aspects as it shall impact upon policy and the good order and discipline of the Division and shall adopt rules and regulations for the Division of Police and establish policies for the daily operation of the Division of Police and the discipline of its members. These duties shall be consistent with the authority permitted to be vested in the Public Safety Director pursuant to N.J.S.A. 40A:14-118.

Chief of Police

If there exists a Chief of Police, he/she shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police as set forth in N.J.S.A. 40A:14-118. He/She shall also exercise any other rights, authorities, powers and responsibilities not reserved solely to the Chief of Police by statute as delegated to him/her by the Public Safety Director. If there does not exist a Chief of Police, any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police as set forth in N.J.S.A. 40A:14-118 that cannot be performed by the Public Safety Director shall be delegated to an Officer in Charge and designated by the Public Safety Director.

DIVISION OF FIRE

Established; Public Safety Director; Appointment.

The Fire Department heretofore established by ordinance is continued as the Division of Fire and is subject to all laws and ordinances relating to a municipal Fire Department. The head of the Division shall be the

Public Safety Director who shall be appointed by the Mayor with the consent of the Council and shall be the executive head of the Division.

Functions of Division of Fire.

This Ordinance is not intended to change or alter in any way the functions of the Fire Department as set forth in Charter 55, Article 1 of the Municipal Code, but only to identify the Fire Department as the Division of Fire. The Division of Fire shall provide protection against loss of life and property by fire or disaster. To this end it shall:

- a. Maintain and operate firehouses and fire-fighting equipment;
- b. Administer a Fire Prevention Bureau;
- c. Inspect buildings and other fire risks within the Borough;
- d. Enforce all general laws, ordinances and fire regulations as authorized or required thereby;
- e. Maintain its equipment and fire department quarters;
- f. Cooperate with other departments in time of need or emergency.

Executive Officer

The Public Safety Director shall be the executive officer of the Division of Fire.

Duties of Public Safety Director.

The Public Safety Director shall be charged with the duties of supervising the Division of Fire in all areas and aspects as it shall impact upon policy and the good order and discipline of the Division and shall adopt rules and regulations for the Division of Fire and establish policies for the daily operation of the Division of Fire and the discipline of its members. These duties shall be consistent with the authority permitted to be vested in the Public Safety Director. Duties that cannot be performed by the Public Safety Director shall be delegated to a Fire Chief as directed by the Public Safety Director and shall include, but not be limited to:

- a. Determine internal organization of the Fire Directors and formulate rules and regulations.
- b. Allocate assignments and instructions to subordinate volunteers, members and employees of the Fire Department.
- c. Provide volunteers, members and employees of the fire force with guidance and advance and supervise their work to see that proper procedures are followed, that reasonable standards of workmanship, conduct, and output are maintained, and that desired Division of Fire

objectives are achieved.

d. Develop operational policy, work programs, and budgetary policies.

e. Issue directives and allocate resources to ensure fire protection for public events, hazardous situations or weather conditions, times of emergency [fires, blackouts, etc.] and in response to emergent conditions [traffic, public disturbances, etc.]

f. Have charge of and responsibility for all property of the Borough used by the Division of Fire.

g. Direct the establishment and maintenance of records and files.

h. Keep a record of all business transacted by the Division and shall approve all bills for the expense of the Division.

i. Prepare reports for Mayor and Council and other required agencies.

j. Keep and maintain an accurate record and submit an annual report to the Mayor and Borough Council, on or before January 1, which report shall assess the operations of the Division, and its personnel, equipment and property.

k. Keep and maintain all records, reports, documents and data required to be kept and maintained by the Federal and/or State government and/or any of their respective subdivisions.

l. Keep and maintain a record of all appointments, dismissals, removals, resignations and deaths of officers as they take place, with such other information as may be necessary.

m. Have responsibility for developing the annual budget and related documents for the Division of Fire and shall be responsible for overseeing any and all expenditures by the Division.

n. Have responsibility for ensuring that all officers and members of the Division are fit for full duty at all times that they are on active status.

o. Oversee communication facilities and ensure proper use and maintenance thereof.

p. Review for administrative purposes reports prepared by subordinate officers and employees.

q. Evaluate effectiveness of work programs and procedures of all units and bureaus within the Division and develop effective work methods for subordinates.

r. Undertake special studies pertaining to public safety functions and promote close coordination of planning efforts.

s. Establish and maintain helpful and cooperative relations with civic and business organizations, schools, and with other groups and fire authorities and other jurisdictions, and with other organizations, groups, authorities, etc.

Fire Chief

If there exists a Fire Chief, he/she shall exercise any and all of the rights, authorities, powers and responsibilities statutorily reserved solely to the Fire Chief and other rights, authorities, powers and responsibilities not reserved solely to the Fire Chief by statute as delegated by the Public Safety Director. If there does not exist a Fire Chief, any and all of the rights, authorities, powers and responsibilities reserved solely to the Fire Chief that cannot be performed by the Public Safety Director shall be delegated to a Deputy Fire Chief as designated by the Public Safety Director.

DIVISION OF EMERGENCY MANAGEMENT

Established; Public Safety Director; Appointment.

There shall be a Division of Emergency Management established by ordinance. The Division of Emergency Management is subject to all laws and ordinances relating to the provision of Emergency Management Services. The head of the Division shall be the Public Safety Director who shall be appointed by the Mayor with the consent of the Council and shall be the executive head of the Division.

Functions of Division of Emergency Management.

It is the intent and purpose of this chapter to establish an Emergency Management Division that will ensure the complete and efficient utilization of all of the Borough's facilities to combat disaster resulting from emergencies, natural or man-made.

B. The Division of Emergency Management will be the coordinating agency for all activity in connection with emergency management; it will be the instrument through which the Mayor and Council may exercise the authority and discharge the responsibilities vested in them in the New Jersey Civil Defense Act of 1942, P.L. 1942, c. 251, as amended and supplemented,⁽¹⁾ and by authority of this chapter. The Division of Emergency Management will be the coordinating unit for all activity in connection with local emergencies and as required by N.J.S.A. App. A:9-41 et seq. The Division of Emergency Management will provide planning guidance to the departments and agencies of the Borough.

C. This chapter does not relieve any Borough department or agency of the responsibilities or authority given by state statute or by local ordinance, nor is it intended to adversely affect the work of any volunteer agency organized for relief in emergencies.

D. This chapter is based on the Civil Defense and Disaster Control Act, copies of which are on file with the Borough Clerk and available for public inspection.

Definitions and word usage.

A. The following definitions shall apply in the interpretations of this chapter.

APP. A:9-41

Includes plans and preparations for protection from and relief, recovery and rehabilitation from the effects at any emergency.

DECLARATION OF A STATE OF LOCAL EMERGENCY

A determination by the Emergency Management Coordinator or his/her authorized deputy, upon consultation with the Administrator or designee that an emergency has occurred or is imminent requiring activation of all or part of the Borough's emergency management services, from which determination a proclamation of a state of local disaster emergency shall be issued, signed by the Emergency Management Coordinator and Administrator or designee.

EMERGENCY

Any unusual set of circumstances which endangers the health, safety or resources of the residents of the Borough of Penns Grove and which is or may become too large in scope or is unusual in type to be handled in its entirety by the Borough and its related service agencies.

EMERGENCY MANAGEMENT COORDINATOR

The individual appointed by the Borough to plan, activate, coordinate and conduct the emergency operations of the Borough in accordance with N.J.S.A. App. A:9-40.4.

EMERGENCY MANAGEMENT COUNCIL

The emergency service unit of the local government formed to help carry out the basic governmental functions of maintaining the public peace, health and safety during an emergency in accordance with the New Jersey Revised Statutes.

EMERGENCY MANAGEMENT FORCE

The employees, equipment and facilities of all Borough departments, boards, commissions and agencies, and, in addition, all volunteer persons, entities or agencies organized by the Council to assist in supervising and coordinating the emergency control activities of the municipality.

LOCAL EMERGENCY

Any emergency or the imminence thereof which affects the Borough but is not so severe as to require action by the Governor of New Jersey or the County Emergency Management Coordinator as described in the Emergency Management Act (N.J.S.A. App. A:9-43 et seq.)

REGULATIONS

Includes plans, programs and other emergency procedures promulgated in accordance with this chapter.

VOLUNTEER

Any person duly appointed by the Borough Administrator and/or the Emergency Management Coordinator with the assistance of the Emergency Management Council and assigned to participate in emergency management activities.

Organization.

A.

The Mayor and Borough Council are hereby authorized to create an organization for emergency control utilizing, to the fullest extent, the existing agencies within the Borough.

B.

The organization shall consist of the following:

(1)

The Emergency Management Coordinator or the Borough Administrator or an individual who shall be appointed by the Borough Administrator. The Emergency Management Coordinator, subject to fulfilling the requirements herein, shall serve for a term of three years. As a condition of his/her appointment and his/her right to continue for the full term of his/her appointment, each Emergency Management Coordinator shall have successfully completed, at the time of his/her appointment or within one year immediately following appointment, the current approved Civil Defense Director/Coordinator course. The failure of any Emergency Management Coordinator to fulfill such requirement within the time period prescribed shall disqualify the Director from continuing in the office of Director, and, thereupon, a vacancy in said office shall be deemed to have been created. The Deputy Emergency Management Coordinator shall be appointed by the Borough Administrator.

(2)

Persons and/or organizations violating the order, rules and regulations issued in accordance with N.J.S.A. App. A:9-40.5 shall be subject to penalties in accordance with § 20-8. The Deputy Emergency Management Coordinator shall be appointed by the Borough Administrator.

Powers and duties.

A.

The powers and duties of the Emergency Management Coordinator shall be as follows:

(1)

The Emergency Management Coordinator shall issue a written proclamation approved and signed by the Mayor and Emergency Management Coordinator that a state of local emergency exists in accordance with N.J.S.A. App. A:9-40.5. The proclamation, duly witnessed, will be filed with the Borough Clerk.

(2)

During the period that the emergency proclamation remains in force, the Emergency Management Coordinator, in accordance with regulations promulgated by the State Emergency Management Director, shall be empowered to issue and enforce such orders, rules and regulations as may be necessary to implement and carry out emergency control operations and to protect the health, safety and resources of the residents of the municipality in accordance with

N.J.S.A. App. A:9-40.5. Persons and/or Organizations violating the order, rules and regulations issued in accordance with N.J.S.A. App. A:9-40.5 shall be subject to penalties.

(3)

The Borough Administrator shall, within 24 hours of a declared emergency, notify the Mayor to convene a meeting of the Borough Council. The Administrator in conjunction with the Coordinator shall provide to the Borough Council an explanation of the event, the activities ongoing to address community needs and an estimate of anticipated unusual expenses to be made on behalf of the Borough to meet the needs of same.

(4)

The Emergency Management Coordinator may request aid in accordance with N.J.S.A. App. A:9-40.6. The state statute and mutual aid agreements shall govern such request for aid outside of local resources.

(5)

During the emergency, the Emergency Management Coordinator shall recommend expenditures to the Administrator of Borough funds and resources in order to obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people.

(6)

The Administrator may, during the emergency, require the services of any Borough officer, employee or official to assist him/her or the Emergency Management Coordinator. All such duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as may be provided by state law for other registered and identified emergency management workers.

(7)

The Emergency Management Coordinator shall cause to be prepared the emergency operating plan (EOP).

(8)

The Emergency Management Coordinator shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of an emergency. The Coordinator shall be responsible to the Administrator in regard to all phases of emergency control activity. He/she shall be responsible for the planning, coordination and operation of the emergency control activity in the Borough. He/she shall maintain liaison with state and federal authorities and the authorities of other nearby political subdivisions so as to ensure the most effective operation of the plan. Additional duties shall include but not be limited to the following:

(a) Coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the Borough.

(b) Development and designation of an emergency operating center (EOC) and coordination of plans for the immediate use of all the facilities, equipment, manpower and other resources of the Borough for the purpose of minimizing or preventing damage to persons and property and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.

(c) Keeping a file of the resources available within the Borough, both public and private.

(d) Overseeing any agreement by which owners, agencies, boards or organizations of buildings may allow the use for sheltering persons in an emergency.

(e) Conducting practice operations to determine if emergency plans are efficient and adequate.

(f) Coordinating all public and volunteer private agencies, boards or organizations in their planning for emergency operations.

(g) Assuming such authority and responsibilities as permitted by law and as may be required to promote and develop the plan.

(h) During any emergency, the Emergency Management Coordinator may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people and bind the Borough for the fair value thereof.

Emergency operations plan.

A comprehensive emergency operations plan (EOP) shall be adopted and maintained by directive of the Borough Administrator. The EOP shall be prepared by the Director and submitted for approval by the Administrator and will outline the duties and responsibilities under this chapter and all other applicable regulatory requirements. In preparation of the EOP, the Director will consult with all municipal department heads whose departments will be assigned duties and responsibilities under the plan, and said department heads will assist the Director in preparation or modification of the plan. In the preparation or any modification of the plan as it pertains to the Borough organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When the plan is approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The plan shall be considered supplementary to and an implementation of this chapter and N.J.S.A. App. A:9-30 et seq.

Disclaimer of liability.

This chapter is an exercise by the Borough of its governmental function for the protection of the public peace, health and safety. During an emergency, neither the Borough nor agents and representatives of said Borough nor any individual, receiver, firm, partnership, corporation, association or trustee nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant

to the provisions of this chapter, shall be liable for any damage sustained to persons or property as the result of said activity.

Violations and penalties.

Any person, firm or cooperation violating any provision of this chapter or any rule or regulation promulgated thereunder, upon conviction thereof, may be punished as provided in Chapter 1, Article II, General Penalty.

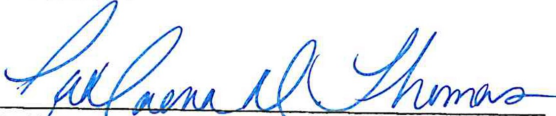
Interpretation.

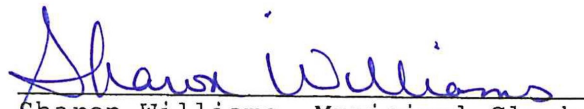
At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith. This chapter is adopted to complement the New Jersey Emergency Management Act (N.J.S.A. App. A:9-33 et seq.) and regulations promulgated thereunder and must be read and interpreted in conjunction therewith.

SECTION 2. Any Ordinance or parts of any Ordinance inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance shall take effect immediately upon its final passage and publication as provided by law.

ATTEST:

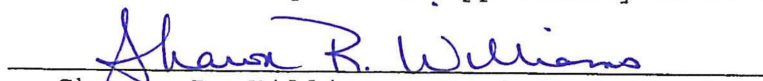

LaDaena D. Thomas, Mayor


Sharon Williams, Municipal Clerk

INTRO: Mar. 2, 2022

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter			X			
Martin	X		X			
Mincey		X	X			
Rambo			X			
Scarpaci			X			
Worley			X			

Notice: The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on March 2, 2022 and will be considered for final passage at a meeting to be held by the Mayor and Council at Borough Hall, Broad Street and State Street, Penns Grove, New Jersey at 6:30 p.m. on April 5, 2022 at which time any interested person will be given an opportunity to be heard.


Sharon R. Williams, Municipal Clerk

FINAL: April 5, 2022

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter			X			
Martin		X	X			
Mincey			X			
Rambo			X			
Scarpaci			X			
Worley	X		X			

Notice: The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on March ~~March 2~~, 2022 and will be considered for final passage at a meeting to be held by the Mayor and Council at Borough Hall, Broad Street and State Street, Penns Grove, New Jersey at 6:30 p.m. on April 5, 2022 at which time any interested person will be given an opportunity to be heard.

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