

ORDINANCE NO. 2130

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II OF THE “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965” ENTITLED DEPARTMENT OF ADMINISTRATION

BE IT ORDAINED by the Township of Ocean in the County of Monmouth, State of New Jersey, that Chapter II of the “Revised General Ordinances of the Township of Ocean, 1965”, entitled: Department of Administration is hereby amended to remove Section 2-6.5 Civil Defense and Disaster Control Council and replace it with Section 2-6.5 Emergency Management with all other sections not listed to remain the same:

SECTION I

Chapter II – Department of Administration

2-6.5 Emergency Management

a. Department - General

There shall be an Office of Emergency Management, the head of which shall be the Township Emergency Management Director.

b. Definitions

As used in article, the following terms shall have the meanings indicated:

- *DECLARATION OF A STATE OF LOCAL DISASTER EMERGENCY* – The determination by the Director or his authorized Deputy, upon consultation with the Township Manager, that a disaster has occurred or is imminent requiring activation of all or part of the Township civil defense and disaster control (CD-DC) organization, from which determination a proclamation of a state of local disaster emergency shall issue.
- *DIRECTOR* – Oversees the Office of Emergency Management both operationally and administratively. Also known as the Coordinator.
- *DEPUTY COORDINATOR* – Assists the Township Emergency Management Director
- *DISASTER* – Includes, but is not limited to, actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic or other impending or actual calamity endangering or threatening to endanger health, life or property or constituted government.
- *EMERGENCY MANAGEMENT FORCES* – The employees, equipment and Township facilities of all departments, boards, institutions and commissions. In addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.
- *EMERGENCY MANAGEMENT VOLUNTEER* – Any person duly registered, identified and appointed by the Township Director of the Office of Emergency Management and assigned to participate in the emergency management activity. Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General provisions, Art. IV)
- *EXPENDABLE ITEMS* – Any items used to extinguish any fire and/or stop or control or contain any leak or spill involving hazardous material which cannot be reused or cannot be replenished without cost after that particular fire, leak or spill. These include, but are not limited to, fire-fighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums and specialized protective equipment to include, but not be restricted to, acid suits, acid gloves, goggles and protective clothing.
- *HAZARDOUS MATERIALS* – Any material, solid, liquid or gas, listed as a hazardous substance or material including, but not limited to, substances and materials listed under the National Fire Protection Association (NFPA) Guide of Hazardous Material, the Department of Transportation Guide Book and the list of hazardous substances and toxic pollutants designated by the Federal Environmental Protection Agency and the New Jersey Department of Environmental Protection.

- *VEHICLE* – Any motorized equipment, registered or unregistered, including, but not limited to, a passenger car, motorcycle, truck, tractor trailer, construction equipment, farm machinery, watercraft, aircraft and trains.
- *VESSEL* – Any container, drum, box, cylinder, bottle or tank used to hold, contain, carry or store any hazardous material.

c. Purpose

Because of the existing and increasing possibility of disasters of unprecedented size and destructiveness, resulting from fire, flood, earthquake, hurricane, tropical storm, plane crash or other natural or man-made causes, and in order to ensure that preparations of this Township will be adequate to deal with such disasters in addition to civil insurrection, war or any hostility towards the United States, and generally to provide for the common defense and to protect the public peace, health and safety and to preserve the lives and property of the residents of this Township, it is hereby found and declared to be necessary.

d. Comprehensive Plan

It is further declared to be the purpose of this article and the policy of this Township that all emergency functions of the state government, including its various departments and agencies, of the county government and of the other Township and private agencies of every type to be included in the emergency operations plan so that a comprehensive plan can be developed to make use of all available resources in the event that a disaster does occur.

e. Liability

1. This chapter is an exercise by the Township of its governmental functions for the protection of the public peace, welfare, health and safety. During an emergency, neither the Township nor agents and representatives of said Township, 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 a result of said activity.
2. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to Township the right to inspect, designate and use the whole or any part or parts of such real estate or premises, for the purpose of sheltering persons during an emergency, shall not be civilly liable for the death of or injury to any persons on or about such real estate or premises under such license, privilege or other permission, or for loss of or damage to the property of such persons.

f. Director

The Township Emergency Management Coordinator will be known as the Township Emergency Management Director and shall be appointed by the Township Manager pursuant to law. The Emergency Management Director shall serve for a term of three (3) years, provided that the requirements of this section are fulfilled and that individual must be a resident of the Township of Ocean. As a condition of appointment, the Emergency Management Director shall have successfully completed, at the time of appointment or within one year immediately following said appointment, the current approved Emergency Management Director course. The Township Emergency Management Director shall:

1. Maintain the Township of Ocean Emergency Operations Plan
2. Supervise and/or maintain departmental records, prepare budget requests and oversee the day-to-day operation of Emergency Management divisions.
3. Keep all books and records for emergency services related to federal and state-mandated and/or optional programs, including National Incident Management System
4. Upon request, shall prepare public education programs, maintain emergency operations center, coordinate and review school evacuation plans, industrial evacuation plans, oversee a disaster recovery plan, be responsible for grant applications and critique an annual emergency exercise.

5. The Emergency Management Director shall be responsible for the planning, activating, coordinating and the conduct of disaster control operations within the Township.
6. Whenever, in his or her opinion, a disaster has occurred or is imminent in the Township, the Emergency Management Director shall proclaim a state of local disaster emergency within the Township.
7. The Emergency management Director, in accordance with regulations promulgated by the State Office 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 Township.
8. Establish and staff a Township Emergency Operations Center and act as a frequency coordinator for the Township radio system.
9. In emergency situations, coordinate the altering and mobilization of the Township Emergency Management organizations and assist in the processing of requests for emergency aid and the dispatching of aid to the points of greatest need.
10. Shall act as the Township Director for the CERT (Community Emergency Response Teams) and NIMS (National Incident Management System) program and act as a liaison for Township Fire Departments and First Aid Squads.
11. When necessary, respond to the scene of major emergencies involving fire, rescue, hazardous material units, Emergency Medical Service units, Emergency Management activity and other major conditions that affect public safety.

g. Emergency Management Deputy Coordinator(s)

The Emergency Management Director shall appoint an Emergency Management Deputy Coordinator(s) who shall assist the Emergency Management Director and, further, shall assume the functions, powers and duties of the Emergency Management Director in the absence of the Emergency Management Director. Whenever possible, such Deputy(s) shall be appointed from among the salaried officers or employees of the Township.

h. Compensation

The salary of the Emergency Management Director and/or Deputy Coordinator(s) shall be set forth by the Township Manager.

i. Reimbursable Items

Costs incurred by the Township Office of Emergency Management and/or other mutual aid responding units for the following items in connection with the suppression, control or cleanup of a fire, leakage or spillage involving any hazardous substance or hazardous material shall be reimbursed to the aforesaid respective organizations by the responsible parties as set forth below:

1. The cost of replacement of expendable items.
2. The expense incurred by the Township for the wages (regular and/or overtime) paid to its employees/agents, as a result of a hazardous material incident.
3. Any and all medical cost incurred by responding personnel.
4. Any and all environmental tests required to ensure a hazard-free environment (soil-water-air).
5. A fixed hourly rate, for use of any apparatus at incidents, computed at a rate determined for the use of specialized equipment and/or vehicles and an hourly rate for the use of any other equipment and/or vehicles to the Township.
6. All expenses incurred by other mutual aid responding units at the rate above.
7. Services rendered by any recovery company, towing company or other technical assistance called for by the Emergency Management Director, or designee, to handle such incidents.

j. Responsible Parties

Reimbursement to the Township for any reimbursement items, as set forth above, shall be made by the following parties:

1. The owner or operator of any vehicle responsible for any fire, leak or spill of hazardous material.

2. The owner or person responsible for any vessels containing hazardous material involved in any fire, leak or spill on public or private property, whether stationary or in transit, whether accidental or through negligence.
3. The owner or person responsible for any property from which any leak or spill of hazardous material emanates.
4. Any person responsible for any fire, leak or spill of hazardous material on public or private property.

k. Time Limit for Payment

Any responsible party shall reimburse the Township for the full price of any reimbursable items used to extinguish such a fire, stop or contain such a leak or control and clean up such a spill within 30 days after receipt of a bill for such items from the Township.

l. Violations and Penalties

1. Any responsible party who fails to reimburse the Township for reimbursable items within 30 days after receipt of the bill shall be subject to a fine of not less than \$100.00 nor more than \$5,000.00 or imprisonment for a period of not more than 45 days, or both. Upon failure to reimburse the Township of the cost of such items within said 45 day period, and in addition to any penalty provided for herein, the Township may take such action, as may be provided by law, to recover such costs from the responsible party.
2. Any person, firm or corporation violating any provision of this chapter, or any rule or regulation promulgated hereunder, upon conviction thereof, shall be punished by a fine of not more than \$5,000.00, and costs of prosecution, or imprisonment for a period of not more than 30 days, or both, in the discretion of the court.

m. Violation or Regulations; Obstruction

It shall be unlawful for any person to violate any provision of this chapter, or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization, as herein defined, in the enforcement of the provisions of this chapter or any regulation or plan issued hereunder.

SECTION II

All other ordinances or parts of ordinances thereof enacted prior to the adoption of this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remained of this ordinance shall be deemed valid and effective.

SECTION IV

This ordinance shall take effect as provided by law after final passage.

CERTIFICATION

*I hereby certify that this is a true copy of a Ordinance introduced by the Township of Ocean Governing Body at their meeting held on **August 17, 2009**.*

Vincent Buttiglieri, RMC/CMC
Township Clerk