

**THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE NO. 19-15**

1st Reading 7-9-19

Date to Mayor 7-25-19

2nd Reading &  
Public Hearing 7-23-19

Date Returned 7-25-19

Date Adopted:  
7-23-19

Date Resubmitted to Council \_\_\_\_\_

Approved as to Form of Legality

Effective Date:  
8-12-19

\_\_\_\_\_  
Township Attorney

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 4: ADMINISTRATION OF GOVERNMENT, CHAPTER 32: FIRE COMPANIES, AND CHAPTER 300 SEWERS**

First Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
<b>Keyes-Maloney</b>	<b>X</b>					
<b>Schroth</b>	<b>X</b>					<b>X</b>
<b>Steward</b>	<b>X</b>				<b>X</b>	
<b>Wollert</b>	<b>X</b>					
<b>Baxter</b>	<b>X</b>					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
<b>Keyes-Maloney</b>	<b>X</b>					
<b>Schroth</b>	<b>X</b>				<b>X</b> <small>(as amended)</small>	
<b>Steward</b>	<b>X</b>					<b>X</b> <small>(as amended)</small>
<b>Wollert</b>			<b>X</b>			
<b>Baxter</b>			<b>X</b>			

By \_\_\_\_\_ Date \_\_\_\_\_ Accepted \_\_\_\_\_ Rejected \_\_\_\_\_  
Mayor

Reconsidered  
By Council \_\_\_\_\_ Override Vote YEA \_\_\_\_\_ NAY \_\_\_\_\_

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
Municipal Clerk

**THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE NO. 19-15**

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF  
THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 4:  
ADMINISTRATION OF GOVERNMENT, CHAPTER 32: FIRE COMPANIES,  
AND CHAPTER 300 SEWERS**

**WHEREAS**, the Pennington Road Volunteer Fire Company & First Aid Unit is no longer operating at a level sufficient to meet the firefighting needs of the residents of the Township of Ewing (the “Township”); and

**WHEREAS**, it is in the best interests of the Township to no longer recognize the Pennington Road Volunteer Fire Company & First Aid Unit as volunteer firefighting unit of the Ewing Township Fire Department; and

**WHEREAS**, the Township Code must be amended to reflect this change; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1      **Chapter 4: Administration of Government, Article X: Department of Public Safety**

**§ 4-55 Additional functions of Department of Public Safety.**

~~A. Emergency medical services. There is hereby established in the Township an emergency medical services function. The volunteer emergency medical services shall consist of the Pennington Road First Aid and Rescue Squad. Emergency medical services shall be limited to those volunteer members who belong to the Pennington Road First Aid and Rescue Squad. Operation command authority at emergency medical services incidents shall rest with the Pennington Road First Aid and Rescue Squad. No person shall hereafter become an active member of Township emergency medical services unless the person is at least 18 years of age and a resident of the United States. The Township Police shall transmit all emergency medical services calls to the Emergency Medical Services Division in accordance with 9-1-1 regulations.~~

B. Volunteer firefighting.

(1) There is hereby established in the Township a volunteer firefighting function. The volunteer firefighting function shall consist solely of the Prospect Heights Volunteer Fire Company (to be known as Station 31), ~~the Pennington Road Fire Company (to be known as Station 32)~~ and the West Trenton Volunteer Fire Company (to be known as Station 33). Membership in said companies shall be limited to those members belonging to the Prospect Heights Volunteer Fire Company, ~~the Pennington Road Volunteer Fire Company~~ and the West Trenton Volunteer Fire Company. Said companies shall have complete responsibility for all fire-suppression and -control activities in Ewing Township together with paid Ewing Division 30. The volunteer companies, together with paid Ewing Division 30, shall have responsibility for any incidents in Ewing Township which, through the threat of fire, are considered a threat to public safety or property.

(2) No person shall hereafter become an active firefighter in the Township volunteer firefighting function unless said person is at least 18 years of age and a resident of the United States. Said person shall be physically fit to perform all duties of a firefighter, as evidenced by a certificate to that effect by a practicing physician of the State of New Jersey after physical examination for this purpose. Said person shall also be certified by the State of New Jersey as a firefighter and possess all required certifications and training required by law.

(3) Junior firefighters may be appointed by fire companies as permitted by law, but in no case may any person under the age of 18 operate any firefighting apparatus at any time.

(4) The volunteer fire chief shall be the ranking officer of each volunteer fire company. The fire chief shall in all cases where fire threatens life or damage or destruction of property within the Township take prompt and efficient measures and use the means of their station or mutual aid to extinguish the fire and shall at such times and occasions have the sole and absolute control and command over all the fire apparatus and all members of their respective station.

C. Paid emergency medical technicians. Emergency medical technicians are Township employees who report to the Director and who work with the various municipal departments ~~and with the volunteer first aid and rescue squads~~ in the provision of emergency medical services. Operation command authority at emergency medical services incidents shall rest with the paid Emergency Medical Services Supervisor pursuant to the Township's Emergency Operations Plan. The Township is authorized to collect fees for the use of emergency medical services and ambulance transport services from persons who receive such services. The fees for emergency medical services and ambulance transport services shall be in accordance with the fee schedule as set forth in Chapter 172 of the Code.

D. Paid firefighters. Paid firefighters are Township employees who report to the Director of Public Safety (hereinafter "Director" or "Director of Public Safety") or his/her designee and who assist the volunteer fire companies in various fire-suppression functions, including but not limited to serving as fire equipment drivers.

(1) Establishment of paid firefighting division. There shall be one Township-wide fire division to be known as Ewing Fire Division 30 ("Division 30") that will apply to all paid firefighters employed by the Township. For Civil Service purposes, paid firefighters employed by the Township shall be deemed to serve in Division 30. Division 30 shall be a section of the Township's Department of Public Safety.

(a) Division 30 shall serve on a Township-wide basis that shall include the geographic boundaries of the Township. Division 30 may also respond to another municipality if a request for mutual aid is made.

(b) The Fire Division of the Department of Public Safety shall be composed of four firefighting units: the ~~three~~ two volunteer stations, Prospect Heights Volunteer Fire Company, ~~Pennington Road Fire Company~~ and West Trenton Volunteer Fire Company, and the paid firefighters in Division 30.

(2) Certification and appointment. Paid firefighters shall be appointed and promoted in accordance with Civil Service guidelines pursuant to N.J.S.A. 11A:4-1 et seq.

(3) Duties of Division 30.

(a) Paid firefighters may be assigned to any of the Township's ~~three~~ two volunteer fire companies as determined by the Director of Public Safety or his/her designee. The Director or his/her designee shall make this determination based upon the day-to-day staffing needs of the Township.

(b) Paid firefighters are Township employees who report to the Director of Public Safety or his/her designee and who perform various fire suppression functions alongside the volunteer fire companies, including but not limited to serving as fire apparatus equipment drivers.

(c) Division 30 shall coordinate fire suppression and other emergency scene operations with the volunteer fire companies and provide adequate and prompt response to all emergencies assigned.

(4) Management rights retained by Township. It is recognized that the management of the Township, the control of its properties and the maintenance of order and efficiency, is solely a responsibility of the Township. Accordingly, the Township retains the rights,

including but not limited to, to direct the paid firefighting forces, including the right to hire, suspend, or discharge for just cause, assign, promote or transfer within the Township's ~~three~~ two voluntary firefighting companies, to determine the amount of overtime worked, to relieve employees from duty because of lack of work, decide the number and locations of its facilities, stations, etc., determine the work to be performed within the unit, maintenance, and repair, amount of supervision necessary, machinery and tool equipment, methods, schedules of work, together with selection, procurement, designing, engineering and the control of equipment and materials, purchase services of other, contract or otherwise, except as may be otherwise specifically limited by agreement between the Township and the applicable Union.

(5) No effect upon volunteer firefighting companies. The hiring of paid firefighters and the creation of the Division shall in no way affect the volunteer fire companies, which shall continue to operate without change.

(6) Ranking Officer.

(a) The ranking officer of Ewing Division 30 shall be a Captain and shall, for purposes of table of organization and chain of command, be equal in rank to a command level officer in the fire service.

(b) During the primary work hours of the paid firefighters of Division 30, the ranking officer of the responding apparatus shall be the career Captain. In responding to a fire or other emergency, the incident officer shall be the ranking firefighter in the absence of the career Captain for purposes of assuming responsibility for the responding apparatus and crew, unless a higher-ranking volunteer officer responds to the scene. During all other daytime duties, career firefighters shall continue to report to the Captain or other ranking firefighter within Division 30.

(c) The Captain shall assist the Director in coordinating with the Volunteer Fire Chiefs to establish policies, procedures and orders for the efficient operation of the Division and ensure compliance with same.

(d) The Captain shall assist the Director, together with the volunteer fire chiefs of each volunteer district, in establishing orders for the efficient operation of fire ground operations and for the chain of command for fire ground operations.

(e) The Captain shall assist the Director in identifying and applying for grants and other funding opportunities related to Fire Division activities and in the preparation of the annual operating and capital budgets of the Division.

(7) Promotions; preference to resident. As a Civil Service municipality, promotions to positions on the paid firefighting force shall be based upon merit as determined by Civil Service promotional tests for such positions; provided, however, that a resident shall be appointed rather than a nonresident thereof in any instance in which the resident and nonresident achieved the same final average score in such test. The preference granted by this provision shall in no way diminish, reduce or affect the preference granted to veterans pursuant to N.J.S.A. 11A:5-1 et seq. or any other provision of law.

(8) Service credits for volunteer firemen appointed to paid firefighting positions. When a Civil Service examination is scheduled to determine appointments to paid firefighting positions, any qualified fireman having served in any volunteer fire company of the Township for at least two years next preceding such appointment shall be entitled, in addition to his earned rating, to service credits of not less than three nor more than 10 points as may be determined by the Director. Said appointee shall be over 21 but not more than 40 years of age at the time of the appointment.

(9) General qualifications for paid firefighters. No person shall be appointed, retained or promoted as a paid firefighter unless he/she shall satisfy all statutory requirements of N.J.S.A. 40A:14-7 et seq., the provisions of which are incorporated into this section by reference herein.

E. Office of Emergency Management. In accordance with N.J.S.A. App. A:9-40.1 et seq., an Emergency Management Coordinator, appointed by the Mayor for a term of three years, shall head an Emergency Management Council. The Coordinator shall be qualified as required by law. The Emergency Management Council shall have the powers and duties as set forth in Chapter 14, Boards, Commissions and Committees, Article XV, Emergency Management Council.

F. Administrative Fire Director. In accordance with N.J.S.A. 40:69A-43, there is hereby established the position of Administrative Fire Director.

(1) The Mayor, at his or her option, may appoint an individual to serve as the Fire Director, to act as the administrative head of Division 30, under the direction and supervision of the Director of Public Safety.

(2) The Fire Director shall be responsible for the proper administration of fire affairs, and shall govern and control Division 30 and prescribe its rules and regulations.

(3) The Fire Director shall also have the following duties and powers, including but not limited to:

(a) Prepare standard operating guidelines ("SOGs") and related memoranda to inform, instruct, or direct the activities the Division 30 officers.

(b) Review and approve the final written form of SOGs and Division 30 regulations.

(c) Review Division 30 training programs to ensure compliance with applicable regulations.

(d) Authorize training courses for Division 30 staff.

(e) Monitor monthly reports of sick time, vacation and overtime use to ensure budget allocation may be checked for compliance.

(f) Discuss pertinent matters with various union officials to promote a harmonious relationship within Division 30.

(g) Recommend minor and/or major disciplinary actions of uniformed personnel for violations of Division 30, county, state, or federal regulations.

(h) Refer personal problems of Division 30 personnel to proper resources for guidance and treatment.

(i) Review all monthly reports to initiate appropriate follow-up, including overtime, apparatus, drills, and fuel.

(j) Provide information on equipment that requires capital expenditures for budget consideration.

(k) Ensure that all staff violations of Division 30 rules and regulations are documented and implement appropriate disciplinary processes.

(l) Provide an equipment replacement schedule for budget consideration.

(m) Approve expenditures for both budgeted and nonbudgeted items.

(n) Approve specifications of new equipment.

(o) Reviews bid returns from potential vendors for compliance with specifications, and makes recommendations.

(p) Participate in disciplinary and grievance processes.

(q) Perform all scheduling for Division 30 personnel.

(4) The Fire Director shall serve during the term of office of the Mayor appointing the Director and until the appointment and qualification of a successor.

Section 2      **Chapter 32: Fire Companies, Article I: Junior Fire Fighters Auxiliary**

**§ 32-1 West Trenton Volunteer Fire Company Number 1, Inc.**

Pursuant to N.J.S.A. 40A:14-95 et seq., there is hereby established an auxiliary to the West Trenton Volunteer Fire Company Number 1, Inc., known as the "West Trenton Volunteer Fire Company Number 1, Inc., Junior Fire Fighters Auxiliary."

~~§ 32-2 Pennington Road Volunteer Fire Company.~~

~~Pursuant to N.J.S.A. 40A:14-95 et seq., there is hereby established an auxiliary to the Pennington Road Volunteer Fire Company, known as the "Pennington Road Volunteer Fire Company, Junior Fire Fighters Auxiliary."~~

**§ 32-3 Prospect Heights Volunteer Fire Company Number 1.**

Pursuant to N.J.S.A. 40A:14-95 et seq., there is hereby established an auxiliary to the Prospect Heights Volunteer Fire Company Number 1, known as the "Prospect Heights Volunteer Fire Company Number 1 Junior Fire Fighters Auxiliary."

Section 3      **Chapter 32: Fire Companies, Article II: Tuition Credit**

**§ 32-4 Eligibility.**

Active members of a volunteer fire company or first aid or rescue squad or association in good standing and the dependent children and spouses of such volunteers may apply for a letter of eligibility to enroll in a postsecondary program on a tuition-free basis in a county college, vocational school or technical institute and be eligible to receive tuition credit from such educational institution in an amount not to exceed a maximum of \$2,400, pursuant to N.J.S.A. 18A:71-78.1 et seq., as may be amended from time to time, upon filing a pledge of service contract with the Township Clerk and upon verification of their active membership and good standing. Upon filing such contract and verification of active membership and good standing, the Township Clerk shall issue a letter of eligibility to the volunteer to be presented to the appropriate institution.

**§ 32-5 Definitions.**

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

**ACTIVE MEMBERS IN GOOD STANDING**

Participation in at least 25% of fire or ambulance calls and participation in all training required by law.

~~FIRST AID OR RESCUE SQUAD OR ASSOCIATION~~

~~The emergency medical service unit of the Pennington Road Fire Company and First Aid Unit, Inc.~~

**VOLUNTEER FIRE COMPANY**

The Prospect Heights Volunteer Fire Company No. 1, Inc.; ~~the Pennington Road Fire Company and First Aid Unit, Inc.;~~ or the West Trenton Volunteer Fire Company No. 1, Inc.

**§ 32-6 Pledge of service contract.**

An active member of a volunteer fire company ~~or first aid or rescue squad or association~~ in good standing who desires to apply for tuition credit pursuant to N.J.S.A. 18A:71-78.1 et seq. shall execute a pledge of service contract which shall obligate the member to continue to be an active member in good standing for a minimum of four years from the date of signing.

**§ 32-7 Verification of active membership.**

The Chief and President of the applicant's volunteer fire company, ~~first aid or rescue squad~~ or association shall provide, upon demand and under oath, an affidavit or certification that the applicant has been an active member in good standing for the preceding twelve (12) months.

**§ 32-8 Letter of eligibility.**

Upon receipt of the pledge of service contract and verification of active membership in good standing, the Township Clerk shall issue a letter of eligibility to the volunteer to be presented to the appropriate educational institution.

**§ 32-9 Active members in good standing upon enactment.**

Any active members in good standing for the twelve (12) months preceding enactment of this article shall become immediately eligible for participation. Nothing hereunder shall reduce the four-year commitment provided for in the pledge of service contract.

**§ 32-10 Modification or suspension of program.**

The Township of Ewing reserves the right to modify or suspend this program, without notice, in accord with any modification or suspension imposed by statute.

Section 4      **Chapter 300: Sewers, Article II: Sewer Rates and Charges**

**§ 300-12 Waiver of charges for volunteer fire companies.**

Beginning fiscal year 2006, the sewer charges for municipal use for the West Trenton and Prospect Heights ~~and Pennington Road~~ Volunteer Fire Companies are waived.

Section 5      Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 6      Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 7      Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted: