

ORDINANCE NO. 2024 – 18

**AN ORDINANCE OF THE TOWNSHIP OF STAFFORD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
SUPPLEMENTING CHAPTER 25 OF THE TOWNSHIP
CODE, ENTITLED “FIRE COMPANIES, VOLUNTEER”**

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Stafford, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Stafford is hereby supplemented as to Chapter 25, entitled “Fire Companies, Volunteer,” so as to add section 25-7, entitled “Reimbursement for Costs Associated with Incident Response”, which sections shall read as follows:

§ 25-7 Reimbursement for Costs Associated with Incident Response

a. Definitions.

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

COSTS

All costs incurred by the Stafford Township Volunteer Fire Department No. 1 or the Warren Grove Volunteer Fire Company, including but not limited to the following: actual labor costs of personnel, including workers' compensation benefits, fringe benefits and administrative overhead; cost of equipment operation and depreciation; cost of materials; administrative and billing costs; and the cost of any outside contract for labor and materials.

DEPARTMENT

The Stafford Township Volunteer Fire Department No. 1 or the Warren Grove Volunteer Fire Company.

DISCHARGE

Any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of any hazardous substance into the water, onto the land, or into the air.

INCIDENT

All emergencies requiring the call out of the Department, including but not

limited to, motor vehicle accidents, structure fires, alarm responses, and rescues.

HAZARDOUS SUBSTANCE

Any and all elements and compounds, including petroleum products, which are defined as such by the New Jersey Department of Environmental Protection or as are defined in the N.F.P.A. Guide of Hazardous Materials, or as are set forth in the list of hazardous substances adopted by the Federal Environmental Protection Agency, or as are defined on the list of toxic pollutants designated by Congress or the Environmental Protection Agency.

MATERIALS

All materials, including but not limited to firefighting foam, chemical extinguishing agents, absorbent material, sand recovery drums, and specialized protective equipment, such as acid suits, acid gloves, goggles and protective clothing.

PERSON

Any public or private corporation, company, association, society, firm, partnership, joint-stock company, individual, or other entity.

PETROLEUM PRODUCT

Oil or petroleum of any kind and in any form, including but not limited to oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils and substantives or additives utilized in the refining or blending of crude, petroleum or petroleum stock.

b. Authorization to recover costs and expenses.

The governing body of the Township of Stafford authorizes the Department to recover all costs and materials as defined herein expended by the Department in response to any incident as defined in this Section.

c. Schedule of fees and costs.

A schedule of fees and costs to be charged and invoiced by the Department to any person or its insurance carrier for whom or for whose property such services were rendered and/or materials provided shall be promulgated by the

Department, approved by resolution of the governing body, and available for distribution to any person for which reimbursement is sought.

d. Persons responsible for reimbursement to Department.

Reimbursement to the Department as hereinbefore indicated shall be made by:

1. The person(s) that own or operate any vehicle responsible for hazardous material fire, discharge of hazardous material, or any other condition resulting from any accident or incident requiring the call out of the Department and its expenditure of costs;
2. Any person(s) who own real or personal property responsible for hazardous material fire, discharge of hazardous material, or any other condition resulting from any accident or incident requiring the call out of the Department and its expenditure of costs;
3. The person(s) that own or are responsible for any vessel containing the hazardous material involved in such fire or discharge, whether stationary or in transit, and whether accidental or negligent;
4. The owner or person(s) responsible for any property from which any discharge of hazardous material emanates, whether accidental or through negligence; and
5. The person(s) responsible for any incident as defined herein that requires the call out of the Department and the Department's incurring of costs.

e. Third-party billing agent.

The Department is hereby authorized to bill and collect costs due to it under this article through a third- party billing agent, provided that any such agreement with any professional agency engaged in the business of emergency response billing shall be subject to the approval of the Mayor and Township Council.

f. Collection of costs.

Said costs and fees as outlined above and as set forth on the schedule of fees and costs herein shall be recovered directly by the Department, or through a third-party professional agency engaged in the business of emergency response billing under a contract with the Department, by billing to the responsible party.

g. Interest and administration fees.

In addition to the aforementioned fees and costs, the Department is hereby authorized to collect reasonable interest and administration fees for the collection of the fees and costs due and owing from the insurance companies or responsible parties for the services rendered and/or materials provided.

h. Report to Governing Body.

The Department shall provide not less than annually a report to the Governing Body detailing all billing and receipts under this article.

i. Time limit for reimbursement.

Any person(s) responsible for any vehicle fire, discharge of hazardous materials, structure fire, or other incident as defined in this Section shall reimburse the Department pursuant to the schedule of fees hereunder or provide proof that it has submitted a claim to its insurance carrier for payment within 45 days after receipt of a statement from the Department outlining said costs and expenses. These provisions shall be subject to the following:

1. Persons receiving services from the Department shall cooperate with the Department or other billing personnel hired by the Department to secure full payment for services rendered from any necessary insurance carrier.
2. Due to anticipated time requirements for the preparation and processing of insurance claims, parties that have provided proof of a claim to their insurance carrier shall not be charged interest or be subject to penalties hereunder.
3. Responsible person(s) under this chapter shall ensure that the Department is authorized to receive any payments from an insurance carrier as required by this article.
4. The Department reserves the right to determine that a bill is uncollectable by reason of unavailability of insurance coverage and be written off.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional

by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN, that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Stafford held on the **21st** day of **May, 2024**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **18th** day of **June, 2024** at 7:00 p.m., at the Township Council meeting room, located at 260 East Bay Avenue, Manahawkin, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



SUSAN M. FARRELL, RMC, CMR
TOWNSHIP CLERK

Introduction: May 21, 2024

Gov. Body	Motion	Second	Yes	No	Abstain	Absent
Esposito	✓		✓			
Otte			✓			
Krier			✓			
Steadman			✓			
LaRocca		✓	✓			
Mower			✓			
Henken			✓			

Adoption: June 18, 2024

Gov. Body	Motion	Second	Yes	No	Abstain	Absent
Esposito		✓	✓			
Otte			✓			
Krier			✓			
Steadman			✓			
LaRocca	✓		✓			
Mower			✓			
Henken						✓

CERTIFICATION

I, **SUSAN M. FARRELL**, Municipal Clerk of the Township of Stafford, do hereby certify that the foregoing Ordinance was duly adopted on second reading and public comment by the Stafford Township Governing Body at their meeting held on the **18th** day of **June, 2024**.

SUSAN M. FARRELL, RMC
MUNICIPAL CLERK