



BOROUGH OF RIVERDALE NEW JERSEY



ORDINANCE NO: 02-2016

ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND ESTABLISHING CHAPTER 93 ENTITLED "EMERGENCY MANAGEMENT"

BE IT ORDAINED by the Mayor and Council of the Borough of Riverdale, in the County of Morris and State of New Jersey, as follows:

Section 1. The Revised General Ordinances of the Borough of Riverdale shall be amended by the inclusion of new Chapter 93 which shall be entitled "Emergency Management," and shall read in its entirety as follows:

Chapter 93

Emergency Management

§ 93-1. Title

This section shall be known and may be cited and referred to as the "Emergency Management Ordinance."

§ 93-2. Intent and Purpose

It is the intent and purpose of this section to establish an emergency management unit that will provide for optimum use of the resources of the Borough for action in coordinating emergency operations and to provide standards for the position of emergency management coordinator.

A. The emergency management coordinator will coordinate the emergency services of the borough as required by N.J. Statutes Chapter 251 P.L. 1942 as amended by Chapter 438 P.L. 1953. (N.J.S. App. A:9-33 et seq.). The emergency management coordinator will provide planning guidance to the departments and agencies of the Borough.

B. This section 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.

§ 93-3. Definitions

The following definitions shall apply in the interpretations of this section.

Emergency Management Unit. The emergency services of local government in helping to carry out the basic governmental functions of maintaining the public peace, health and safety during an emergency. This shall include plans and preparations for protection from, and relief, recovery and rehabilitation from the effects of any emergency.

Declaration of a State of Local Emergency. A proclamation by the emergency management coordinator, or his authorized deputy that an emergency has occurred or is imminent which requires activation of all or part of the Borough's emergency management services, declaring that a state of local emergency exists.

Emergency Management Coordinator (sometimes referred to as "Coordinator" herein). The person appointed by the mayor to coordinate the emergency services of the Borough. This person shall also hold the position in the Borough of "municipal disaster control director" and shall be responsible for the duties of that office in accordance with N.J.S. App. A:9-40.1.

Emergency. Any unusual set of circumstances which endangers the health, safety, or resources of the residents of the Borough of Riverdale, and which is or may become too large in scope or is unusual in type, to be handled in its entirety by normal operating Borough services.



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Emergency Management Forces. The employees, equipment and facilities of all Borough departments, boards, commissions and agencies; and in addition, all volunteer personnel, equipment and facilities contributed by or obtained from volunteer persons, organizations or agencies.

Local Emergency. Includes any emergency or the imminence thereof, which affects the Borough but is not so severe as to required action by the Governor of New Jersey or the county emergency management coordinator as described in Emergency Management Act (N.J.S. App. A:9-33, et seq.)

Mayor. The mayor, deputy mayor or the acting executive member of the Borough Council.

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

Volunteers. Any person duly appointed by the Borough Council, or emergency management coordinator and assigned to participate in emergency management activities, serving without a remuneration. Gender as used in this section interchangeable with the opposite gender.

§ 93-4. Organization and Appointment

A council for emergency management, utilizing existing agencies within the Borough, is hereby created.

A. The council shall consist of the following:

1. The emergency management council will be under the direction of the coordinator. The coordinator shall be a member and chairman of the council. There shall also be such deputies, appointed by the coordinator and approved by the mayor, as are deemed necessary. Such deputies shall be appointed from among the salaried officers and/or employees of the Borough, whenever possible.
2. The mayor shall appoint up to fifteen members to serve on the emergency management council and are to serve at the will and pleasure of the mayor.
3. The employees, equipment and facilities of all Borough departments, boards, agencies and commissions which will participate in emergency management activities.
4. Volunteer persons, organizations or agencies offering service to and accepted by the Borough without remuneration.

B. The emergency management coordinator shall be a resident of the Borough of Riverdale and shall be appointed by the mayor. The coordinator shall serve for a term of three years and may be removed by the Governor of New Jersey at any time for cause.

§ 93-5. Emergency Powers and Duties

A. The Mayor. Emergency powers and duties of the mayor shall be as follows:

1. During the period that the emergency proclamation remains in force, the mayor may promulgate such regulations and take such other action as he deems necessary to protect life and property of the residents and to preserve critical resources. Regulations promulgated in accordance with this authority will be given as widespread circulation as possible by available means of communications. The regulations will have the force of ordinances when filed with the Borough Clerk and violations will be subject to the penalties provided in subsection 93-11 of this section. Such regulations may include, but shall not be limited to, the following:



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(a) Regulations prohibiting or restricting the movement of vehicles or persons to facilitate the work of emergency services forces, to facilitate the movement of persons, emergency vehicles and equipment to and from critical areas within and outside the Borough.

(b) Regulations pertaining to evacuation of persons from areas deemed to be hazardous or vulnerable.

(c) Regulations which close or regulate the hours of any premises that is licensed to sell alcoholic beverages or gasoline.

(d) Regulations that close or regulate the hours of any public place of entertainment or premises which offer for sale foodstuffs or medicines.

(e) Such other regulations necessary to preserve public peace, health, safety and to conserve critical resources.

2. The mayor may request aid from contiguous municipalities when the emergency is beyond the capabilities and resources of local emergency management forces. The state statutes and mutual aid agreements shall govern such requests for aid outside of local resources. N.J.S. App. A:9-40.6 shall control requests for aid from noncontiguous municipalities.

3. During the emergency, the mayor may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people and bill the Borough for the fair value thereof.

4. The mayor may, during the emergency, require the services of any Borough officer, employee or official to assist him or the emergency services forces. 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.

5. The mayor will cause to be prepared the plan hereinafter referred to and will exercise his ordinary powers and any special powers conferred upon him by ordinances of the Borough of Riverdale or by an statute of the State of New Jersey, to this end.

6. The Mayor will require the Borough Council members to assemble for a special meeting within 24 hours of the proclamation declaring the emergency in the Borough.

7. The mayor will review for the Council the status of the emergency and measures taken to restore the public peace.

8. The mayor or Borough Council may request a verbal report at any time from the emergency coordinator and the chief of police.

B. The Coordinator.

1. The coordinator shall be responsible for planning, activating and coordinating operations involving emergency management for the Borough and shall have successfully completed, within one year immediately following his appointment, the current, approved emergency management courses. The coordinator shall be responsible to the mayor in regard to all phases of emergency management activity.

2. Emergency powers and duties of the coordinator shall be as follows:

(a) The coordinator will confer with the mayor when contemplating a declaration of a state of local emergency and prior to the actual declaration, at which time a proclamation that a state of local emergency exists when, in the coordinator's opinion, a disaster has occurred or is imminent in the Borough.



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(b) The coordinator, in accordance with the regulations promulgated by the New Jersey Director of Emergency Management shall be empowered to issue and enforce such orders as he deems necessary to implement and carry out emergency management operations and to protect the health, safety and resources of the residents of the Borough.

(c) The coordinator shall immediately advise the county emergency management coordinator of the proclamation that a state of local emergency exists and of the action taken.

(d) His or her duties shall include, but not be limited to, any resolutions passed by the Borough Council.

(e) Preparation of the Borough's emergency management plan which shall be submitted for approval by the Borough Council.

(f) When the aforesaid plan is approved, it shall be the duty of the coordinator to insure that all departments and agencies designated to perform functions assigned by the plan are able to so perform and that the said agencies maintain their portion of the plan in a current state of readiness at all times.

(g) The aforesaid plan shall be considered to have the effect of law whenever an emergency is declared by proclamation locally or by the Governor of the State of New Jersey and the coordinator will be charged with enforcing the same.

§ 93-6. Responsibilities of Coordinator

The emergency management coordinator shall be responsible for the provision of leadership in the field of emergency management in the Borough. As such, the coordinator shall be responsible for emergency management program administration and program development encompassing the four phases of emergency management mitigation, preparedness, response and recovery. The coordinator shall also be responsible for the following specific matters.

A. Program Administration.

1. Insure that the Borough office of emergency management is available on a 24-hour basis.
2. Supervise the day-to-day operations of the Borough office of emergency management.
3. Insure that the Borough meets all requirements for the Federal Emergency Management Agency's Emergency Management Assistance Program; including meeting goals agreed to in the annual work plan, maintaining a currently approved Municipal Emergency Operations Plan, and providing the New Jersey Office of Emergency Management with quarterly program status reports, if applicable.
4. Prepare, submit and justify the annual Borough emergency management budget.
5. Secure county, state and federal technical and financial assistance available through the county office of emergency management.
6. Personally attend at least 75 percent of the scheduled county office of emergency management meetings. The coordinator must assure representation at all other county emergency management meetings.
7. Maintain a continuing knowledge of all Borough, county, state and federal laws and plans concerning emergency management.
8. Maintain adequate files, records and correspondence relating to emergency management activities.



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9. Interact with the county emergency management coordinator regarding: (a) Borough Emergency Operations Plan (EOP) review; (b) all mutual aid agreements; (c) Hazard Identification Capability Assessment and Multi-Year Development Plan (HICA/MYDP); (d) the approval and scheduling of attendees for state and federally sponsored emergency management course, etc.
10. Coordinate with the Borough agencies, departments, and bureaus regarding their emergency management responsibilities.
11. Implement policies and procedures regarding emergency management.
12. Conduct quarterly staff meetings, providing advance notice to the county office of emergency management.
13. Receive and react to weather emergency notifications.
14. Cooperate with the National Warning System (NAWAS) program.
15. Comply with all directives, rules and regulations issued by the state office of emergency management.
16. Conduct a minimum of one exercise per year, providing a minimum 30-day advance notice through the county office of emergency management to the state office of emergency management.

B. Program Development. Recruit, organize, coordinate, and train a staff to administer the following emergency management functions and programs:

1. Alerting and warning
2. Communications
3. Damage assessment
4. Emergency operating center
5. Emergency public information
6. Evacuation
7. Fire and rescue
8. Hazardous materials
9. Health and medical
10. In-place shelter
11. Law enforcement
12. Public works
13. Radiological protection
14. Reception and care
15. Resource management
16. Social services

§ 93-7. Qualifications of Coordinator

- A. The emergency management coordinator shall be trained in planning operations involving emergency management and shall have a minimum of two years' experience in the planning, development and administration of emergency response activities such as those provided by police, fire, rescue, medical or emergency management units in the public or private sector or in the military service.
- B. The coordinator must be a resident of Riverdale Borough and must be of good reputation and sound moral character.



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§ 93-8. Qualifications of Coordinator

Training of Coordinator. The emergency management coordinator shall complete, within one year of his or her appointment, the emergency program manager course and the basic emergency management workshop. Following completion of the first year's courses, the coordinator shall complete 24 classroom hours of emergency management continuing education per year. All courses taken by the coordinator shall be submitted to and approved by the county emergency management coordinator.

§ 93-9. Abatement of Hazardous Substance Discharges and Reimbursement for Such Work

A. The emergency management coordinator is authorized to request the volunteer fire companies, police department, public works department and any other department necessary in the Borough to clean up and remove any discharge of hazardous substances or suspected hazardous substances (but not to exceed level one first responder awareness and first responder operational) which occurs within the Borough of Riverdale, or outside the boundaries of the Borough when authorized by agreement between the Borough and any other governing body.

B. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

Cleanup and removal costs shall mean all costs associated with a discharge of hazardous substances incurred by the Borough or its authorized agents (1) in the removal or attempted removal of hazardous substances or suspected hazardous substances or (2) in the taking of reasonable measures to prevent or mitigate damage to public health, safety or welfare, including but not limited to public and private property, surface waters, subsurface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other natural resources.

Discharge shall mean any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous substances or suspected hazardous materials into the waters, onto the lands or into the air, which may or does cause or it is reasonably believed will damage or result in damage to the lands, waters, air or natural resources.

Hazardous substances shall mean such elements and compounds, including petroleum products, which are defined as such by the Department of Environmental Protection of the State of New Jersey (NJDEP) or as are defined in the National Fire Protection Association (NFPA) 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; provided, however, that sewage and sewage sludge shall not be considered as hazardous substances for the purpose of this subsection. This definition also includes substances which the emergency management coordinator has reasonable reason to believe are hazardous substances.

Person shall mean public or private corporations, companies, associations, societies, firms, partnerships, joint stock companies, individuals or any other entity.

Petroleum shall mean 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.

C. Liability for Costs of Cleanup or Abatement of Discharges. Any person who causes, by act or omission, or is otherwise responsible for, a discharge of hazardous substances which requires cleanup or abatement by the Borough or one of its fire companies shall be liable for the payment of all costs incurred by the Borough and the responding department(s) as a result of such cleanup or abatement activity. The owner of real or personal property from which a discharge of hazardous substances occurs is responsible for the cost of cleanup or abatement. The remedy provided by this section shall be in addition to any other remedies provided by law.



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D. Determination of Costs; Fee Schedule. For the purposes of this subsection, costs incurred by the Borough shall include but shall not necessarily be limited to the following: actual labor costs of the responding department's personnel, including workers' compensation benefits, fringe benefits and administrative overhead; cost of equipment operation; cost of materials; and the cost of any outside contract for labor and materials.

- 1. Riverdale Volunteer Fire Department
 - Vehicle #30 Chief Command Vehicle with Personnel \$100.00 per hour
 - Vehicle #31 Ladder Truck with Personnel \$400.00 per hour
 - Vehicle #32 Pumper Engine with Personnel \$350.00 per hour
 - Vehicle #33 Rescue Truck with Personnel \$350.00 per hour
 - Vehicle #34 Tanker Truck with Personnel \$200.00 per hour
 - Vehicle #35 Assistant Chief Vehicle with Personnel \$100.00 per hour

- 2. Pompton Lakes Riverdale First Aid Squad
 - Vehicle #25 Counter-Terrorism Task Force with Personnel \$200.00 per hour
 - Vehicle #26 Ambulance with Personnel \$300.00 per hour
 - Vehicle #27 Ambulance with Personnel \$300.00 per hour
 - Squad Car \$100.00 per hour

E. Cost of Materials. The cost of materials to be reimbursed to the Borough shall include, without limitation, firefighting foam, chemical extinguishing agents, absorbent material, sand recovery drums and specialized protective equipment including acid suits, acid gloves, goggles and protective clothing. The reimbursement for the cost of materials expended, equipment damaged or supplies purchased to support operations at the cleanup or abatement will be billed at replacement cost plus a ten percent administrative fee.

F. Notification of NJDEP. Upon obtaining any information that a hazardous discharge has occurred in the Borough (unless previously notified of a hazardous discharge by NJDEP), the appropriate Borough officials shall immediately notify NJDEP of such hazardous discharge in accordance with the requirements of all applicable NJDEP statutes and regulations.

§ 93-10. Community Emergency Response Team

A. Establishment. A Community Emergency Response Team ("CERT") is hereby established in the Borough of Riverdale. The Community Emergency Response Team shall be an entity within the Office of Emergency Management and shall be under the supervision and control of the Borough's Emergency Management Coordinator or his designee.

B. 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 under the direction of the Office of Emergency Management to supplement and assist police, fire and EMS response to a disaster.

C. Membership. CERT volunteers shall be appointed by the Mayor with consent of the Council upon recommendation of the Emergency Management Coordinator. To be eligible, a volunteer must be eighteen (18) years of age and either reside or work in the Borough of Riverdale

D. Training. All CERT volunteers will receive approximately twenty (20) hours of basic-level training as required by FEMA and will include:

- a. Disaster first aid
- b. Family disaster preparedness
- c. Disaster fire suppression
- d. Medical operations
- e. CERT Operations in WMD and Terrorism Incidents



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- f. Disaster mental health
- g. Basic emergency management
- h. Disaster simulation – skills review.

E. Other Volunteers. Other persons, who are not members of CERT, may volunteer to assist the Office of Emergency Management. These volunteers shall perform tasks as assigned by the Director of Emergency Management. They shall be appointed by the Mayor upon the recommendation of the Emergency Management Coordinator. During emergencies, spontaneous volunteers may be utilized by the Emergency Management Coordinator. All volunteers shall be under the control and direction of the Emergency Management Coordinator, or his or her designee.

§ 93-11. No Municipal or Private Liability

This section is an exercise by the Borough of its governmental function for the protection of 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 section, shall be liable for any damage sustained to persons or property as the result of said activity.

A. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the Borough 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.

§ 93-12. Violations and Penalties

Any person, firm or corporation violating any provision of this section, or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished as a disorderly person in accordance with the provisions of N.J.S. App. A:9-50 et seq.

§ 93-13. Severability

Should any provision of this section be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this section as a whole, it being the legislative intent that the provisions of this section shall be severable and remain valid notwithstanding such declaration.

§ 93-14. Effect on Conflicting and Complementary Provisions

At all times, when the orders, rules and regulations made and promulgated pursuant to this section shall be in effect, they shall supersede all existing sections, orders, rules and regulations insofar as the latter may be inconsistent therewith. This section is adopted to complement the New Jersey Emergency Management Act (N.J.S. App. A:9-33, et seq.) and regulations promulgated thereunder and must be read and interpreted in conjunction therewith. Any conflict found to exist between this section and the above statute will be resolved in favor of the statute.



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Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Adopted this ____ day of
_____, 2016.

Abubakar Jalloh, Borough Clerk

Paul M. Carelli, Mayor

NOTICE OF PENDING ORDINANCE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Riverdale, a municipal corporation of the State of New Jersey, held on January 27, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at Borough Hall, in the Borough on February 24, 2016 at 7:30 o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Abubakar Jalloh, Borough Clerk