

ORDINANCE
TOWNSHIP OF FRANKLIN
AMENDING CHAPTER 38 OF THE CODE OF THE TOWNSHIP OF FRANKLIN, ENTITLED
“DISASTER CONTROL” AS FOLLOWS:
0 -24- 07

WHEREAS, pursuant to N.J.S.A. App. A:90-40.1 et seq, every municipality in the State of New Jersey must appoint a municipal emergency management coordinator, deputy coordinator and operations officer and set up an emergency management service council; and

WHEREAS, emergency management activities for the Township of Franklin had hereto been governed by Chapter 38 of the Code of the Township of Franklin, entitled, “Disaster Control” which created the positions of Municipal Disaster Control Director, Deputy Director, and a Local Defense Council; and

WHEREAS, these positions are vacant and have been for a considerable amount of time; and

WHEREAS, it is the desire of the Township of Franklin to replace the positions outlined in Chapter 38 with positions and a council in compliance with N.J.S.A. App. A:90-40.1 et seq.; and

WHEREAS, it is the desire of the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, to amend the Code of the Township of Franklin to comply with State regulations by repealing Sections 38-1 through 38-5 of Chapter 38 of the Code of the Township of Franklin, entitled “Disaster Control” and replacing them with Sections 38-6 through 38-12; and

WHEREAS, the creation of these positions and a Municipal Emergency Management Service Council of the Township of Franklin is necessary to assure that all precautions are taken against a possible environmental crisis and to maintain an emergency action plan for the Township of Franklin should any crisis occur, and to comply with the requirements and direction of the Governor of the State of New Jersey; and

WHEREAS, the Chief of Police of the Township of Franklin has reviewed the proposed amendments and recommends the following amendments be adopted by the Township Committee; and

WHEREAS, after due deliberation and consultation with the Chief of Police, the Solicitor, and the Township Committee has determined that the following revisions and amendments to the Code of the Township of Franklin are necessary and appropriate.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey that Chapter 38 shall be amended as written below and shall replace and repeal any sections inconsistent herewith:

§38-6. Municipal Emergency Management Coordinator

A. There is hereby created the position of Emergency Management Coordinator for the Township of Franklin. The Chief of Police of the Township of Franklin shall initially serve in this role, but upon his termination the Mayor shall appoint a municipal emergency management coordinator from among the residents of the municipality.

B. As a condition of his serving in the position of Emergency Management Coordinator, the Coordinator shall have successfully completed at the time of his appointment or within one year immediately following his appointment the current, approved Home Study Course and the basic Emergency Management workshop. The failure of any Municipal Emergency Management Coordinator to fulfill such requirement within the period prescribed shall disqualify the coordinator from continuing in that office and thereupon a vacancy in said office shall be deemed to have been created.

§38-7. Removal of the Emergency Management Coordinator

The Governor of the State of New Jersey may remove any municipal emergency management coordinator at any time for cause. In such event the Mayor of the municipality shall appoint a new municipal emergency management coordinator with the approval of the Governor. If the Mayor shall not appoint a municipal emergency management coordinator within ten (10) days after such office shall become vacant, the Governor may appoint a temporary municipal emergency

management coordinator, who shall serve and perform all of the duties of that office until such time as a new municipal emergency management coordinator, shall be appointed by the Mayor with the approval of the Governor.

§38-8. Duties of coordinator

A. The Municipal Emergency Management Coordinator shall be responsible for the planning, activating, coordinating, and the conduct of emergency management operations within the municipality.

B. Whenever, in his opinion, a disaster has occurred or is imminent in the municipality, the municipal emergency management coordinator shall proclaim a state of local disaster emergency within the municipality. The municipal emergency management coordinator, in accordance with regulations promulgated by the State Director of Emergency Management, shall be empowered to issue and enforce such orders as may be necessary to implement and carry out emergency management operations and to protect the health, safety, and resources of the residents of the municipality.

§38-9. Deputy Municipal Emergency Management Coordinator

A. The Municipal Emergency Management Coordinator shall appoint a Deputy Municipal Emergency Management Coordinator with the approval of the Mayor.

B. At the discretion of the Township Committee and the Municipal Emergency Management Coordinator, more than one Deputy Coordinator may be appointed if needed.

§38-10. The office of emergency management

There is hereby created an Emergency Management Service Council to be composed of not more than fifteen (15) members who shall be appointed by the Mayor and shall hold office at the will and pleasure of the Mayor. The Emergency Management Coordinator shall be a member and serve as chairman of the Emergency Management Service Council.

§38.11. Duties of council

A. The Emergency Management Service Council shall assist the municipality in establishing the various local volunteer agencies needed to meet the requirements of all local emergency management activities in accordance with the rules and regulations established by the Governor of the State of New Jersey.

B. The Emergency Management Service Council is authorized, within the limits of appropriations, to establish an adequate organization to assist in supervising and coordinating the civil defense and emergency management activities of the municipality.

§38-12. Emergency Management Operations Officer.

A. There is hereby created the position of Emergency Management Operations Officer for the Township of Franklin. A Franklin Township police officer shall be assigned by the Municipal Emergency Management Coordinator to serve as the Emergency Management Operations Officer. The Emergency Management Operations Officer shall serve, subject to fulfilling the requirements of this section, for a term of three years.

B. As a condition of his appointment and his right to continue for the full term of his appointment, the Emergency Management Operations Officer shall successfully complete, within one year of his assignment, training as an environmental crimes investigator at an approved federal training facility. The Emergency Management Operations Officer shall also be required to complete various emergency management training programs offered by the New Jersey State Police as they are offered and/or required by the Municipal Emergency Management Coordinator. The failure of the Emergency Management Operations Officer to fulfill such requirements timely, when directed by the Chief shall disqualify the Officer from continuing in the office of Emergency Management Operations Officer, and thereupon a vacancy in said office shall be deemed to have been created and a replacement shall be appointed from eligible police officer candidates by the Chief of Police.

C. The Emergency Management Operations Officer shall be authorized to and be responsible for the investigation of all environmental crimes and possible contaminated sites. The Emergency Management Operations Officer shall also serve as the liaison to state and federal agencies, and perform tasks as may be required by these agencies and the Franklin Township Environmental Commission, and shall be responsible for maintaining the emergency action place for the Township of Franklin. In addition, the Emergency Management Operations Officer shall retain all the duties of a patrolman in the Franklin Township Police Department.

D. The Emergency Management Operations Officer shall receive his standard patrolman salary and shall receive no additional compensation for his duties as Emergency Management Operations Officer.

BE IT FURTHER ORDAINED, that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

BE IT FURTHER ORDAINED, that the position of Municipal Disaster Control Director, Deputy Municipal Disaster Control Director, and the Local Defense Council as outlined in §38-1 through §38-6 are hereby repealed.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law.

ATTEST:

TOWNSHIP OF FRANKLIN

CAROL COULBOURN, CLERK

PETER SCAPELLATO, MAYOR

CERTIFICATION

I, CAROL COULBOURN, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing Ordinance was introduced at a meeting of the Township of Franklin held on November 13, 2007, and thereafter duly advertised in the legal newspaper of the Township at least ten (10) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on December 11, 2007, at which time any person interested therein will be given an opportunity to be heard.

CAROL COULBOURN, CLERK