

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 14  
("DEPARTMENT OF PUBLIC SAFETY"), OF THE CODE OF THE TOWNSHIP  
OF PLAINSBORO**

**WHEREAS**, the Township of Plainsboro desires to amend and supplement the Township's Ordinance regarding the Department of Public Safety; and

**WHEREAS**, the Township of Plainsboro desires to clarify and add additional provisions within Chapter 14 ("Department of Public Safety"), under Article I ("Department of Public Safety"), Article II ("Division of Police") and Article III ("Other Division").

**WHEREAS**, ordinances regulating the Department of Public Safety are subject to modification and revision due to changing needs of a municipality and to enhance the efficiency and effectiveness of the safety operations of the Department of Public Safety.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Plainsboro, as follows:

**SECTION I.**

The Code of the Township of Plainsboro, Chapter 14 ("Department of Public Safety"), Article I ("Department of Public Safety"), Article II ("Division of Police") and Article III ("Other Division") shall be amended and supplemented as follows (additions are underlined and deletions are struck through):

**ARTICLE I.**

**Division of Public Safety.**

**§ 14-1 Establishment**

There is hereby created a Department of Public Safety of the Township of Plainsboro. The Department will consist of the Divisions of Police, Division of Fire, Volunteer Rescue Squad and Emergency Services Technicians and the Office of Emergency Management and such other related divisions as the Township may from time to time be created.

**§ 14-3. Administration; chain of command.**

The Divisions of Police and Fire shall report to the Director of Public Safety, who in turn shall report to the Township Administrator. The Division of Volunteer Rescue Squad shall report to the same but only for the purposes of coordination and budgeting.

**ARTICLE II.**

**Division of Police.**

**§ 14-7. Establishment; composition.**

(m) The Police Director, absent the appointment of a Chief of Police shall communicate and coordinate with the Division of Fire and the Plainsboro Rescue Squad.

**§ 14-7.2 Appropriate Authority.**

The Township Committee shall be designated as the Appropriate Authority. The Township Committee may designate at its sole discretion on as needed basis the Police Director, absent the appointment of a Chief of Police, to represent the Township Committee as the Appropriate Authority, as provided in the New Jersey Statutes. The Police Director, absent the appointment of a Chief of Police, will coordinate with the Township Committee on a regular basis, and upon their request. The Appropriate Authority shall be responsible for the overall performance of the Police Department. The Appropriate Authority shall adopt

and promulgate Rules and Regulations for the government of the Police Department and for the discipline of its members.

**§ 14-10. Appointment of members.**

All members of the Division of Police shall be appointed by the Township Administrator, with the exception of the Chief of Police and/or a Police Director, who shall be appointed by the Township Committee. Appointment to positions in the Division of Police shall be drawn from eligible candidates established through a process, such a process may be an examination or test procedures drafted by the Police Director, absent the appointment of a Chief of Police, and provided to the Township Administrator for final review, approval and authorization. Such eligible candidates shall be active for consideration for 18 months. When a vacancy may occur for member positions, such candidates identified will be eligible upon screening by the procedure as outlined above.

**§ 14-12. Qualifications of superior officers.**

- A. Candidates for command or supervisory positions may also be tested using such tests as may be deemed appropriate by the Police Director, absent the appointment of a Chief of Police, and approved and authorized by the Township Administrator. The results of such tests will establish candidates for each position. Such candidates shall remain active for consideration for a period of 12 months for when a vacancy may occur at which time such candidates will be eligible upon screening.

**§ 14-15. Extra Duty Services. (NEW)**

Extra Duty Services shall be defined as police duty services provided by Plainsboro Township Police officers in their off-duty hours to individuals, groups, clubs, institutions and other entities which make payments for such services because they are services the Township is not obligated to provide as normal police services.

- A. All such work assignments shall be approved by the Chief of Police or designee consistent with the collective bargaining negotiation agreements and the standard operating procedures of the Department, as applicable.
- B. The hourly rate for extra duty services is made part of Chapter 2, Article VI entitled "Fees".
- C. The Township reserves the right to outsource, by contract, the administration of the extra duty to a third-party vendor, such vendor having the right pursuant to the contract, to charge a party seeking the performance of extra duty services a fee in addition to those fees set forth by the collective bargaining agreements.

**ARTICLE III.**

**Other Divisions**

**Division of Fire.**

**§ 14-16 Establishment; composition.**

- A. The Division of Fire of the Township of Plainsboro is hereby established and shall consist of one Chief of Fire, up to four career Captains, up to seventeen career Firefighters, Volunteer Firefighters and such other personnel as the Township Committee may designate from time to time. Any deviations or adjustments to this staffing level and composition shall be reviewed, approved and authorized by the Township Administrator and Township Committee. Said Division shall be governed by applicable laws of the State of New Jersey, this chapter and other applicable ordinances of the Township of Plainsboro, and rules and regulations adopted pursuant hereto, and headed by the Director of Public Safety.
- B. The head of the Division of Fire shall be the Chief of Fire, who shall be appointed by

the Township Committee. The Chief of the Division of Fire shall be directly responsible to the Director of Public Safety for the efficiency and routine day-to-day operations of the department pursuant to policies established by the Township. The Chief of Fire shall:

1. Administer and enforce the rules and regulations of the Division of Fire and any special emergency directives for the disposition and discipline of the Division and its members and officers.
2. Report at least monthly to the Director of Public Safety in such form as shall be prescribed for the operation of the Division of Fire during the preceding month and making such other reports as may be requested by the Director of Public Safety.

#### **§ 14-16.1 Fire Division Authority.**

The Division of Fire shall provide protection against loss of life, loss of property by fire or disaster, various rescue services, and emergency medical care; maintain and operate fire department quarters and firefighting equipment; enforce all general laws, ordinances and fire regulations as authorized or required by the Township of Plainsboro and cooperate with other departments in time of need or emergency.

#### **§ 14-16.2 Policy and administration.**

The Director of Public Safety shall be the head of the Division of Fire and shall be directly responsible to the Township Committee for efficiency and day-to-day operations pursuant to policies established by the Township Committee. The Director of Public Safety shall:

- A. Administer and enforce the rules and regulations of the Division of Fire and any special emergency directive for the disposition and discipline of the Division and its members and officers.
- B. Have, exercise and discharge the functions, powers and duties of the Division of Fire.
- C. Prescribe the duties and assignments of all members and officers.
- D. Delegate such authority as may be deemed necessary for the efficient operation of the Division of Fire to be exercised under the Director of Public Safety.
- E. Report at least monthly to the Township Committee in such form as shall be prescribed on the operation of the Division of Fire during the preceding month and make such other reports as may be requested by the Township Committee.

#### **§ 14-16.3 Power to adopt or modify rules and regulations.**

The Township Committee shall have the power to adopt such rules and regulations for the government and discipline of the Division of Fire not inconsistent with this chapter. The same may include the delegation to the Director of Public Safety, the power to adopt such rules, regulations, procedures and orders as shall be deemed to promote the efficiency of the Division. Any such rules, regulations, procedures or orders of the Director of Public Safety may be modified by the Township Committee. The regulations adopted entitled "Plainsboro Township Fire Division, Fire Manual for Rules and Regulations," as may be amended from time to time by resolution of the Township Committee, are incorporated herein and made a part hereof and are reinstated as if set forth herein in their entirety.

#### **§ 14-16.4 Appointment of members.**

All members of the Division of Fire shall be appointed by the Township Committee. Appointment to positions in the Division of Fire shall be drawn from eligible candidates established through a process, such as an examination or test procedures drafted by the Director of Public Safety and provided to the Township Administrator for final review,

approval and authorization. Such eligible candidates shall be active for consideration for 18 months. When a vacancy may occur for member positions, such candidates identified will be eligible upon screening by the procedure as outlined above.

**§ 14-16.5 Qualifications of members.**

- A. Each applicant shall comply with all laws of the State of New Jersey pertaining thereto. No person shall be appointed who is not qualified as provided in the New Jersey Statutes.
- B. No person shall be given or shall accept a permanent appointment as a firefighter in the Township unless such person has been given a probationary or temporary appointment in such office for a period of one year after successful completion of a fire training course at a school approved and authorized by the Standards for Fire Service Training and Certification of the State of New Jersey pursuant to the provisions of Title 5 Chapter 73 of the New Jersey Administrative Code.
- C. Each candidate for appointment to the Division of Fire may be required to submit to a written examination and oral examination as may be prescribed by the Director of Public Safety, to a physical examination by a licensed practicing physician of the State of New Jersey and to a psychological examination by a licensed practicing psychologist or psychiatrist of the State of New Jersey. The character and scope of such an examination shall be for the purpose of reviewing the extent to which such an applicant may be physically, mentally and otherwise qualified to perform the appropriate duties of the Division. Any applicant who fails to pass the written or oral examination or who fails to meet the physical qualifications as may be set up by the Director of Public Safety or who is in the opinion of the examining physician, psychologist or psychiatrist incapable of performing the duties of a fire fighter in a safe and efficient manner shall be ineligible for appointment to the Division of Fire.

**§ 14-16.6 Qualifications of superior officers.**

- A. Candidates for command or supervisory positions may also be tested using such tests as may be deemed appropriate by the Director of Public Safety and approved and authorized by the Township Administrator. The results of such tests will establish candidates for each position. Such candidates shall remain active for consideration for a period of 12 months for when a vacancy may occur at which time such candidates will be eligible upon screening.

**§ 14-16.7 Qualifications of Volunteers.**

The Division of Fire shall accept duty crew volunteer personnel to assist with firefighting operations within the Division. The volunteer personnel will be overseen by the Director of Public Safety and/or Fire Chief.

- A. Such volunteers shall be subject to an application process including an interview conducted by the Director of Public Safety and/or Chief of Fire, a background investigation, a medical physical examination, and a physical performance evaluation. The background investigation and medical physical examination shall be the same as conducted for career personnel.
- B. All volunteer applicants must be 18 years of age, resident of the State of New Jersey and a citizen of the United States.
- C. Applicants will be required to perform and successfully complete a physical performance evaluation organized by the Division of Fire to evaluate basic physical fitness.
- D. Prospective volunteer personnel are not required to possess any specific fire related training upon application. Training will be provided by the Division of Fire and/or applicable training academy upon successful completion of the application process which

includes an interview, a background check, a medical physical examination, and a physical performance evaluation.

E. Volunteer personnel accepted within the Division of Fire shall consist of:

1. Active Probationary Members: Personnel who are 18 years of age or older, have less than one year of service within the department, and/or do not possess a New Jersey State Fire Fighter 1 certification;
2. Active Fire Fighter: Personnel who are 18 years of age or older, have served minimally one year of service within the department, and possess a valid New Jersey State Fire Fighter 1 certification;
3. Life Member: A life member of the former Plainsboro Fire Company who at the time of consolidation achieved such membership and had served minimally 15 years as an Active Fire Fighter. Life Members will continue to be recognized personnel within the Division of Fire. Life Members are not regarded as Active Fire Fighters but may continue to participate within the Division of Fire. No additional Life Members will be accepted within the Division of Fire under the current organizational structure and;
4. Inactive Member: A life member of the former Plainsboro Fire Company who at the time of consolidation, participated in non-active firefighting activities of the organization. Inactive Members of the organization who were in existence at the time of consolidation may continue their service within the Division of Fire. No additional Inactive Members will be accepted within the Division of Fire under the current organizational structure.

F. Volunteer firefighters shall serve under the supervision of the Director of Public Safety and/or Fire Chief and shall be responsible for compliance with all laws, ordinances, rules, guidelines, and regulations related to the Division of Fire.

**§ 14-16.9 Removal and suspension; appointments to specialized positions.**

- A. Each permanent member or officer shall hold office and continue in said employment during good behavior and efficiency, and no permanent member or officer shall be suspended, removed, fined or reduced in rank for any cause other than for incapacity, misconduct or disobedience as provided in the New Jersey Statutes and the Fire Division's rules and regulations.
- B. Any permanent member or officer of the Division of Fire may be suspended, removed, fined or reduced in rank for just cause in accordance with the provisions of N.J.A.C. Title 19 Chapter 12. All such disciplinary hearings shall be held before the Township Administrator or designee.
- C. From time to time the Director of Public Safety shall assign members to areas of specified work within the Division of Fire. These assignments will be made with no additional financial remuneration to the members assigned to the area. All assignments to these areas will be temporary, and members shall serve in these capacities at the pleasure of the Director of Public Safety and may be reassigned at any time by the Director. The Township Administrator shall be informed prior to such assignments.

**§ 14-16.10 Uniforms and equipment.**

Fire uniforms and other pertinent equipment shall be furnished to all sworn members of the Division of Fire and shall at all times be and remain the property of the Township of Plainsboro and, upon separation from the Division, shall be returned to the Township.

**SECTION II. REPEALER**

All ordinances or parts thereof inconsistent are repealed as to such inconsistencies. This Ordinance amends the Township of Plainsboro's housing regulations to ensure that any dwelling offered for sale or rent is subject to the provisions of this Chapter and any reference or enforcement action toward vacant structures and hotels is removed. Provisions for these structures are regulated under other ordinances.

### **SECTION III. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

### **SECTION IV. EFFECTIVE DATE**

This Ordinance shall take effect upon final passage and publication in accordance with the law.