

ORDINANCE NO. 2021-03

**ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND
SUPPLEMENTING CHAPTER 5 DEPARTMENT OF PUBLIC SAFETY**

BE IT ORDAINED by the Borough Council of the Borough of Belmar in the County of Monmouth, State of New Jersey as follows:

Section 1. Chapter 5, Article 1, § 5-4 FIRST AID SQUAD is repealed and replaced with the following:

§ 5-4 ESTABLISHMENT OF DIVISION OF EMERGENCY MEDICAL SERVICES.

Within the Department of Public Safety there is hereby established the Division of Emergency Medical Services. The Division of Emergency Medical Services is hereby designated as the official emergency medical services provider within the Borough of Belmar.

The Division of Emergency Medical Services shall be supervised by Chief of Police or the Chief's designee.

§ 5-4.1. COMPOSITION OF THE DIVISION OF EMERGENCY MEDICAL SERVICES.

- A. The Division of Emergency Medical Services shall consist such offices, rank, members and civilian employees as deemed necessary and appropriate by the Chief of Police in the Chief's discretion with the approval of the Mayor. The Chief of Police, with the approval of the Mayor, may in the Chief's discretion leave one or more of the ranking positions vacant. Whenever such office is left vacant, it will be passed in the chain of command. The Chief of Police, with the approval of the Mayor, may appoint any rank or office that has been vacant by naming a person to fill that rank or office.
- B. Within the Division of Emergency Medical Services the following positions are hereby established: Emergency Medical Services Supervisor and Emergency Medical Technician.
- C. Within the Division of Emergency Medical Services, the maximum number of each position shall be as authorized by Resolution of Council.

§ 5-4.2 DUTIES OF THE DIVISION OF EMERGENCY MEDICAL SERVICES

It shall be the responsibility of the Division of Emergency Medical Services to provide efficient, professional and expedient emergency care and transportation. The Division of Emergency Medical Services will consist of only of those positions established by Ordinance. No other emergency medical services organizations, are to be formed within the Borough of Belmar without consent of the Council.

§ 5-4.3. AUXILIARY MEMBERS OF THE DIVISION OF EMERGENCY MEDICAL SERVICES.

- A. Establishment of Belmar Emergency Medical Services Auxiliary: There is hereby created within the Borough of Belmar the Belmar Emergency Medical Services Auxiliary. The purpose of the Belmar Emergency Medical Services Auxiliary is to assist the Department of Division of Emergency Medical Services by performing such duties as the Chief of Police may determine.
- B. Appointments: Members of the Emergency Medical Services Auxiliary shall be appointed by the Mayor, upon the recommendation of the Chief of Police, for a one-year term.
- C. Qualifications: The Chief shall promulgate standards for qualifications of all members of the Emergency Medical Services Auxiliary.
- D. Policies and Procedures: All appointed members of the Emergency Medical Services Auxiliary will be governed by the same policies and procedures that have been approved by the Chief of Police and promulgated by the Mayor.
- E. Responsibility: All members of the Emergency Medical Services Auxiliary shall perform such duties as are designated by the Chief of Police.
- F. Training Requirements for Emergency Medical Services Auxiliary: No person shall be appointed as a member of the Emergency Medical Services Auxiliary unless such person shall meet minimum training criteria to be established by the Chief of Police.
- G. Remuneration: No remuneration shall be paid to any member of the Emergency Medical Services Auxiliary for the performance of duty, monetary or otherwise.

§ 5-4.4 HIRING QUALIFICATIONS FOR THE DIVISION OF EMERGENCY MEDICAL SERVICES.

No person shall be appointed to any position in the Division of Emergency Medical Services paid or otherwise, who is not qualified as provided for pursuant to the laws of the United States, the Statutes of the State of New Jersey, the New Jersey Administrative Code, the Ordinances of the Borough of Belmar and Rules and Regulations promulgated by the Chief of Police.

- A. All applicants seeking employment or volunteer positions within the Division of Emergency Medical Services shall complete an application form as prescribed by the Borough of Belmar.
- B. No person shall be appointed to any position in the Division of Emergency Medical Services who is not a citizen of the United States and a resident of the State of New Jersey.

C. Hiring Qualifications for the Division of Emergency Medical Services:

1. Applicants seeking appointment to the Division of Emergency Medical Services shall successfully complete physical, medical and psychological evaluations as determined by the Chief of Police.
2. Applicants seeking appointment to the Division of Emergency Medical Services shall successfully complete a skills assessment established by the Chief of Police.
3. Applicants seeking appointment to the Division of Emergency Medical Services shall possess such qualifications as determined by the Chief of Police.

§ 5-4.5 BACKGROUND INVESTIGATION REQUIRED FOR APPLICANTS TO THE DIVISION OF EMERGENCY MEDICAL SERVICES.

All persons seeking paid or volunteer positions in the Borough of Belmar Division of Emergency Medical Services are required to submit to a physical examination, background investigation, fingerprinting and to provide a criminal history record as a condition of volunteer employment, pursuant to N.J.S.A. 40:48-1.4.

§ 5-4.6 CONSENT REQUIRED PRIOR TO PERFORMING BACKGROUND INVESTIGATION.

The Borough shall conduct a background investigation, criminal history background check and motor vehicle record background check only upon receipt of written consent from the prospective paid employee or volunteer applicant to the Borough of Belmar Division of Emergency Medical Services, or current paid employee or volunteer applicant, as the case may be.

§ 5-4.7 FINGERPRINTING.

The prospective employee or volunteer applicant to the Division of Emergency Medical Services shall submit to being fingerprinted in accordance with applicable state and federal laws, rules and regulations, and shall submit sufficient information on forms supplied by the New Jersey State Police.

§ 5-4.8 COMPLIANCE REQUIRED. REFUSAL TO CONSTITUTE AUTOMATIC DISMISSAL.

Prospective or current employee and volunteers shall submit their name, address, other required information and written consent to the Borough for the background investigation, criminal history check and motor vehicle record check to be performed. The prospective or current employee or volunteer shall provide the Borough with all reasonable assistance to obtain background documentation and information.

Refusal to submit to a background investigation, criminal history record check, motor vehicle background check and/or physical examination shall constitute an automatic dismissal in prospective paid or volunteer employment, or current paid or volunteer employment status, as the case may be.

§ 5-4.9 COSTS OF INVESTIGATION.

The Borough shall bear the costs associated with conducting the background investigation, criminal history background check and motor vehicle background check for all prospective and current paid employee and volunteers.

Any prospective or current paid employee or volunteer required to submit to a physical examination as a condition of volunteer employment shall bear the expense of such an examination.

§ 5-4.10 EXCHANGE OF DATA.

The Chief of Police of Belmar Borough is authorized to exchange fingerprint data and receive criminal history record information from the State Bureau of Identification of the State Police, the Federal Bureau of Investigation or other authorized information providers.

§ 5-4.11 LACK OF FITNESS.

Conviction of any crime or offense as described in Title 2C of the New Jersey Code of Criminal Justice, N.J.S.A 2C:1-1, et seq. shall constitute a presumptive lack of fitness as an Emergency Medical Services employee or volunteer in the Borough. In any other jurisdiction, conduct which, if committed in New Jersey, would constitute a crime of offense shall constitute presumptive lack of fitness as an Emergency Medical Services employee or volunteer in the Borough.

In the event that a review of a current or prospective volunteer's motor vehicle record background check reveals convictions for serious violations of the New Jersey Motor Vehicle Code (Title 39), including convictions for Driving While Intoxicated, Refusal to Submit to Chemical Breath Testing, Driving with a Suspended Driver's Privilege, Leaving the Scene of an Accident, or similar violations in this or any other state or jurisdiction, the Chief may restrict or prohibit such prospective or current employee or volunteer from operating a motor vehicle while performing services as an Emergency Medical Services employee or volunteer in the Borough. In addition, the Chief may take other action as the Chief may deem appropriate, including directing the current or prospective employee or volunteer to be disqualified from holding an Emergency Medical Services position within the Borough.

Convictions of other offenses not contained or described within Title 2C of the New Jersey Code of Criminal Justice may constitute a lack of fitness for any person to be appointed as or to continue in the position of an Emergency Medical Services employee

or volunteer in the Borough. The list of crimes and violations contained in this section is for illustrative purposes only and shall not be construed as a limitation on those criminal activities or violations that would constitute grounds to disqualify, discipline or terminate any employee or volunteer as indicated herein.

Disqualification or removal of any current or prospective Emergency Medical Services employee or is appropriate when competent evidence other than convictions in the discretion of the Chief of Police would render volunteer service to not be in the interest of public health, safety or welfare.

§ 5-4.12 APPOINTMENTS TO THE DIVISION OF EMERGENCY MEDICAL SERVICES.

All initial appoints to Division of Emergency Medical Services shall be for a probationary period of one year, unless such probationary period is otherwise established by law or is otherwise established within any fully executed agreement between the Borough of Belmar and a recognized majority union representative or established within any fully executed individual contract for employment.

§ 5-4.13 COMPENSATION.

The compensation of all employees of the Division of Emergency Medical Services shall be in accordance with the Salary Ordinances of the Borough of Belmar.

§ 5-4.14 CODE OF CONDUCT AND DISCIPLINE.

Rules and Regulations for the efficient operation of the Division of Emergency Medical Services shall be promulgated by the Chief of Police and approved by the Mayor. A copy of any such rules and regulations shall be provided to all members of the Division of Emergency Medical Services. The rules and regulations may be amended at any time by the Chief of Police with approval of the Mayor. Copies of such amendments or additions shall be supplied to all members of the Division of Emergency Medical Services. Whenever there is a conflict between the provisions of the rules and regulations of the Division of Emergency Medical Services and this chapter, the provision of this chapter shall control. All disciplinary proceedings shall be in a manner consistent with each Division's Rules and Regulations as adopted and ratified by the Borough Council.

§ 5-4.15 FEES FOR EMERGENCY MEDICAL SERVICES AND INSURANCE ONLY BILLING.

Subject to the limitations provided in this Chapter, fees shall be assessed for emergency medical services provided by the Division of Emergency Medical Services. The fees to be assessed for the provision of such services shall be in accordance with a fee schedule to be adopted by Resolution of the Borough Council, which shall be amended, updated and supplemented from time to time.

- A. The fees for emergency medical services established by Resolution of the Borough Council notwithstanding, when the Division of Emergency Medical Services responds to a call for emergency medical services the Borough shall engage in insurance only billing, whereby the Borough will accept as payment only what is paid by the patient's health insurance plan, applicable automobile insurance policy, or Medicare/Medicaid.
- B. The Division of Emergency Medical Services may utilize other agencies or providers for services, such as but not limited, advanced life support services. Those agencies/providers charge in accordance with their policies and are not subject to insurance only billing, whether billed through the Borough or independently to the patient.
- C. The failure of the patient to cooperate in providing necessary information, processing insurance forms, or otherwise refusing to assist the Borough in collecting fees owed shall subject the patient to liability to the Borough for such services.
- D. The Borough may contract with a professional medical billing service for the collection of payment for services rendered by the Division of Emergency Medical Services. Said bill shall be issued to the insurance company for the person served or directly to the person served if there is a failure to cooperate.
- E. The Borough reserves the right to write-off any bill for Division services rendered to any person.
- F. The Mayor or the Mayor's designee is hereby authorized to enter into contracts on behalf of the Borough with various hospitals that provide advanced life support (ALS) services to the patients that are transported by the Division of Emergency Medical Services, allowing the hospitals to bundle-bill Medicare for services rendered. Any such contracts shall contain a provision whereby the hospital will be required to reimburse the Borough for its transportation costs, and the Borough will be required to pay the hospital all ALS assessments from money each party receives respectively within 45 days of receipt of payment.

SECTION 6. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. If any Section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the Section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 8. This Ordinance shall take effect upon publication in the official newspaper of the Borough, as required by and in conformance with law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Borough Council of the Borough of Belmar on first reading at a meeting held on the ____ **day of _____, 2021 at 6:00 p.m.** The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the ____ **day of _____, 2021 at 6:00 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 601 Main Street, Belmar, New Jersey 08759, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

APRIL CLAUDIO
Borough Clerk

CERTIFICATION

I, **APRIL CLAUDIO**, Municipal Clerk of the Borough of Belmar, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Mayor and Borough Council at a meeting held on the ____ day of _____, 2021.

APRIL CLAUDIO, Borough Clerk

ORDINANCE 2021-04

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XIX, TRAFFIC, SECTION 19-10 TEMPORARY PARKING PROHIBITION FOR SNOW
PLOWING AND REMOVAL, OF THE GENERAL ORDINANCES OF THE
BOROUGH OF BELMAR**

WHEREAS, the Borough of Belmar desires to amend its ordinance to reflect new rules for parking on the street during a snow emergency.

NOW, THEREFORE BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey that Chapter XIX, Traffic, of the Borough of Belmar, Revised General Ordinance is amended and supplemented as follows:

SECTION I. Chapter XIX, Section 19-10, Temporary Parking Prohibition for Snow Plowing and Removal.

a. Whenever snow is anticipated and the accumulation is such that it would cover the streets or highways, the Mayor may make a determination that no vehicle shall be parked on the streets or highways or portions thereof. Residents shall be given 12 hour notice of said determination by way of reverse 911 phone notification (e.g. Code Red) and posting on the Borough's web-site.

1. All vehicles shall be parked off-street in driveways or in other permissible off-street parking areas until both sides of the street have been plowed sufficiently and to the extent that parking will not interfere with normal flow of traffic.

2. If there is insufficient driveway space or insufficient space in other permissible off street parking areas, then all vehicles shall be parked on the side of the street containing even numbered properties; then within twenty four (24) hours after the side of the street containing odd numbered properties has been plowed sufficiently and to the extent that parking will not interfere with normal flow of traffic, all vehicles shall be moved to the side of the street containing odd numbered properties until the streets have been plowed sufficiently and to the extent that parking will not interfere with normal flow of traffic.

b. Any unoccupied vehicle parked or standing in violation shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any Police or Code Enforcement Officer may ticket that vehicle. In the event of a state of emergency declared by the Governor of the State of New Jersey and the Mayor of Belmar, any Police Officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of the vehicle.

c. Any person, firm or corporation violating any of the provisions of this section shall, upon conviction thereof, shall be subject to a penalty not to exceed \$150. Each and every day in which the violation exists shall constitute a separate violation.

SECTION II. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

ORDINANCE 2021-05

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX, TRAFFIC, VARIOUS SECTIONS, OF THE GENERAL ORDINANCES OF THE BOROUGH OF BELMAR

WHEREAS, the Borough of Belmar desires to amend its ordinance to reflect additions in various sections of Chapter XIX, Traffic.

NOW, THEREFORE BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey that Chapter XIX, Traffic, of the Borough of Belmar, Revised General Ordinance is amended and supplemented as follows:

SECTION I. Chapter XIX, Section 19-12 PARKING TIME LIMITED ON CERTAIN STREETS.

Name of Street	Side	Time Limit	Hours	Location
Belmar Plaza	East	15 minutes	7:00am-7:00pm	First two parking spaces directly north of the rear driveway of the Belmar Town Pharmacy.

SECTION II. Chapter XIX, 19-15 PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.

Name of Street	Sides	Days	Hours	Location
12 th Avenue	North	From May 15th to September 30th	All	The first parking spot 40 ' west of Ocean Avenue on the northside of 12th Avenue to be used for Emergency Vehicle Only Parking Spot.
Belmar Marina	North side of Marina Grille	Year Round	All	West most parking spot against the north side of Marina Grille/Marina Office building to be used for Office Personnel only.
Belmar Marina	East Side	Year Round	All	Fourth parking spot north of the fire hydrant located directly across from E dock

SECTION III. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION IV. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION V. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.