

ORDINANCE NO. 2021-02-OA B

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO CREATE CHAPTER XXXVIII, ENTITLED "FIRST AID SERVICES"

January 4, 2021

BE IT ORDAINED by the Mayor and Township Council of the Township of Berkeley, County of Ocean, and State of New Jersey, as follows:

SECTION 1. Chapter XXXVIII of the Township Code of the Township of Berkeley, entitled "First Aid Services," is hereby created, which shall read as follows:

Chapter 38 First Aid Services

ARTICLE I. First Aid Services for Patient Care Facilities

§38-1 Purpose and scope; definitions

- A. The purpose of this article is to preserve and enhance the availability of first aid squad services for legitimate medical emergency situations in the Township by regulating the use of first aid squad services in certain non-emergency situations.
- B. For the purposes of this article, "patient care facilities" are defined as all state-licensed nursing homes, rest homes, health maintenance organizations, assisted living facilities, health-care facilities providing in-patient services, and other licensed or unlicensed medical providers with the capacity to treat 10 or more outpatients simultaneously.

§38-2 Requirements for private ambulance service

- A. All patient care facilities located within the Township are required to own, lease, rent or have promptly available by contract sufficient and appropriately staffed private ambulance services for the treatment and transport of patients in need of non-emergency medical care. Such ambulance services shall be available 365 days per year and 24 hours per day.

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B. Each patient care facility subject to this Article shall file proof of compliance with subsection A within 60 days of the effective date of this Article and thereafter annually on or before January 1.

(1) The required proof must consist of a written contract with no less than two private ambulance service providers under which such providers are obligated to respond promptly to the patient care facility.

(2) Alternatively, if the patient care facility elects to own, operate, and provide its own ambulance service the required proof must consist of written documentation identifying the make, model, year, color, serial number, license plate number, location, and staffing of each ambulance.

(3) The required proofs must be timely submitted to the Township Clerk, along with a certification signed by the resident director, manager, or other authorized corporate officer of the patient care facility affirming: (a) that adequate private ambulances services are available; and (b) that all agents and employees of the facility have been apprised of and trained in the use of such private ambulance services.

§38-3 Violations; penalties.

A. The failure of a patient facility to comply with the requirements §38-2A and B constitutes a violation of this Article. Both the patient care facility and its resident director, manager, or authorized corporate officer are liable for such violations, which are subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and 40:69A-29, and any such subsequent amendments or supplements to those statutes.

B. In the event that an employee or agent of a patient care facility located in the Township takes actions resulting in the dispatch of a first aid squad and the responding first aid squad, in its sole discretion, determines that the dispatch did not involve circumstances requiring the use of an advanced life support or paramedic unit, the first aid squad shall provide the Township written certification to that effect

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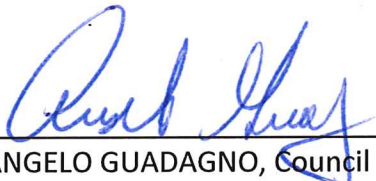
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and the patient care facility shall be subject to a dispatch fee of \$750.00, payable to the Township. Any such fees collected by the Township shall be remitted to the appropriate first aid squad pursuant to N.J.S.A. 40:5-2.

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.


CARMEN F. AMATO, JR., Mayor
ANGELO GUADAGNO, Council President
JAMES J. BYRNES, Council Vice Pres.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on January 4, 2021 and will be considered for second reading and final passage at the regular meeting of said Township Council to be held on the day of *January 26, 2021*, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.


BEVERLY M. CARLE, RMC
TOWNSHIP CLERK

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