

BOROUGH OF SHREWSBURY
NOTICE OF PUBLIC HEARING ON ORDINANCE 2020-1069

Public Notice is hereby given that the following Ordinance was introduced and passed on the first reading at a public meeting of the Borough Council of the Borough of Shrewsbury, County of Monmouth, State of New Jersey, held on Monday, May 18, 2020 at 7:00pm. A copy of the ordinance can be obtained, without cost, by any member of the general public through the Office of the Municipal Clerk, 419 Sycamore Avenue, Shrewsbury, NJ 07702, Monday through Friday, 8:00am to 4:00pm or by calling the Municipal Clerk at 732-741-4200 or by emailing the Municipal Clerk at clerk@shrewsburyboro.com.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a public meeting of the Borough Council to be held by teleconference on Monday, June 15, 2020 at 7:00pm (details for teleconference to be posted prior to meeting).

Maureen L. Muttie, RMC, CMC
Municipal Clerk
Borough of Shrewsbury

BOROUGH OF SHREWSBURY

ORDINANCE NO. 2020-1069

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 166, "NURSING AND ASSISTED LIVING HOMES," TO PRESCRIBE THE USE OF SHREWBURY FIRST AID SQUAD IN EMERGENCY SITUATIONS ONLY AND PROVIDING REQUIREMENT FOR NURSING AND ASSISTED LIVING CENTERS FOR AMBULANCE SERVICES

WHEREAS, the Borough is uniquely positioned with several Nursing and Assisted Living Home (hereinafter, "Facilities") doing business within the Borough; and

WHEREAS, the Borough recognizes the importance of the Borough's First Aid Squad; and

WHEREAS, the volunteer First Aid Squad runs exclusively on a volunteer basis; and

WHEREAS, the First Aid Squad is to be utilized solely for emergency situations; and

WHEREAS, due to the high concentration of Facilities within the Borough, First Aid Squad resources are at risk of being overextended; and

WHEREAS, the goal of preserving the First Aid Squad resources is furthered by the Facilities contracting, hiring, or otherwise engaging in relationships with third-parties or in-house ambulance services; and

WHEREAS, such third-party or in-house ambulance services for use by the respective Facilities will relieve the First Aid Squad and further the Borough's objective to have the First Aid Squad available for emergencies within the Borough; and

WHEREAS, the Borough finds that this Ordinance will serve the Borough's and the Facilities' residents and guests in the event of an emergency.

NOW, THEREFORE, the Mayor and Council of the Borough of Shrewsbury hereby **ORDAIN** as follows:

SECTION I

Chapter 166 of the Code of the Borough of Shrewsbury is hereby repealed in its entirety and replaced with the following:

Section 166-1: Purpose. The purpose of this Chapter is to preserve and enhance the availability of volunteer first aid squad services for emergency medical situations in the Borough by regulating the use of volunteer first aid squad services in certain non-emergency situations.

Section 166-2: This Chapter shall apply to each and every Nursing or Assisted Living Home or similar facility in the Borough which is a licensed health care facility, hospital, institution, care center, convalescent home, old-age home, nursing home, assisted living facility, rehabilitation center, mental health institution, or any other establishment or institution for the care, treatment, lodging, or nursing of persons who are mentally ill, mentally deficient, acutely ill, chronically ill, disabled, convalescent, infirm or in any way afflicted, or who resided therein for any purpose whatsoever.

Section 166-3: All such facilities described herein within the Borough shall be required to own or rent to have promptly and readily available appropriately staffed private ambulance services for the treatment and transport of patients in need of emergency and non-emergency care. Such ambulance services must be available each and every day for 24-hours-per-day.

Section 166-4:

(a) In order to satisfy the requirements of this Chapter, each such facility shall file proof of availability of private ambulance services with the Borough Clerk within sixty (60) days of the final passage of this Chapter. Such filings must also occur on or before January 5th of each year thereafter. Proof shall consist of a contract with no less than two (2) private ambulance service providers under which such providers are obligated to respond promptly to the facility. If a facility elects to own and operate its own ambulances, such proof shall consist of documentation of the make, model, year, color, serial number, license plate number, location, and staffing of such ambulance. A facility with its own ambulance service must provide proof of at least one-fully-staffed ambulance per 100 patients on every given day. Additionally, a facility with its own ambulance service must also provide the proof outlined herein for at least one subsequent or back-up ambulance service.

(b) All such facilities must provide a certification by the facility's resident director, manager, or authorized corporate officer affirming that adequate private ambulance services are available, and that all agents and employees of such facility have been apprised of and trained in the use of such private ambulance services; this certification is to be filed with the Clerk along with the proofs required herein in the timeframe herein.

(c) The failure of a facility to comply with the requirements of this section shall constitute an ordinance violation by the facility and its resident director, manager, or authorized corporate officer punishable by a fine not to exceed \$500 for the first time and an additional \$750 for every subsequent violation.

Section 166-5: In the event than a facility takes actions resulting in the dispatch of a Borough's volunteer first aid squad, and the responding volunteer first aid squad determines that the basis for the dispatch did not constitute circumstances requiring use of advanced life support or paramedic unit, the volunteer first aid squad, through its responding members, shall certify, via a notarized affidavit, accordingly to the Borough and the facility shall be subject to an initial fee of \$500. Upon the Borough's receipt of such certification, the Borough shall provide a copy of the certification to the facility via certified mail. The facility shall have ten-day from the date the Borough mailed the certification to provide proof to contradict the first aid squad certification. If the facility submits such proof, the first aid committee shall review the first aid squad's and the facility's papers and make a determination within 30-days.

The initial fee imposed under this section shall be \$500; any subsequent fee shall increase by \$10/per violation. Violations will reset to \$500 as of January 1 every year.

SECTION II

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Borough Clerk is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

SECTION III

If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION IV

This Ordinance shall take effect upon publication thereof after final passage according to law.