

40A:14-26

LEGISLATIVE HISTORY CHECKLIST

(Police and fire departments may call for emergency service from other municipalities).

RISA 40A:14-26, 40:14-156.4, 40A14-156

LAWS OF 1977 CHAPTER 400

Bill No. S3221

Sponsor(s) Feldman

Date Introduced April 21, 1977

Committee: Assembly Law, Public Safety & Defense

Senate Law, Public Safety & Defense

Amended during passage Yesx No

Date of Passage: Assembly Dec. 15, 1977

Senate July 11, 1977

Date of approval Feb. 23, 1978

Following statements are attached if available:

Sponsor statement Yes xNo

Committee Statement: Assembly Yesx No

Senate Yesx No

Fiscal Note Yesx No

Veto Message Yesx No

Message on signing Yesx No

Following were printed:

Reports Yesx No

Hearings Yesx No

For background see:

- 974.90 N.J. County and Municipal Gov't. Study Commission.
- P766 Aspects of law enforcement in N.J. (Twelfth report).
- 1976a June, 1976.

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CHAPTER 400 LAWS OF N. J. 1977
APPROVED 2-23-78

SENATE, No. 3221

STATE OF NEW JERSEY

INTRODUCED APRIL 21, 1977

By Senator FELDMAN

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning mutual aid and assistance among municipalities for fire and police protection in certain instances, amending N. J. S. 40A:14-26, N. J. S. 40A:14-156 and P. L. 1976, c. 45, s. 4, and repealing N. J. S. 40A:14-66.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 40A:14-26 is amended to read as follows:

2 40A:14-26. In the event of an emergency the chief or head of any
3 municipal fire department **[or]** *and force, volunteer fire company,*
4 *municipal police department and force or park police department*
5 *and force, or first aid or ambulance squad, corps or company, or*
6 the mayor or chief executive officer of any municipality may request
7 from the chief or the head of the fire department **[or]** *and force*
8 *or volunteer fire company* of any other **[contiguous]** municipality
9 assistance to protect life and property outside the normal terri-
10 torial jurisdiction of the department *or company* to which such
11 request is directed.

12 The chief or head of the fire department **[or]** *and force [upon],*
13 *or volunteer fire company of any contiguous municipality, to whom*
14 such a request for assistance is made shall, *except as hereinafter*
15 *otherwise set forth,* provide such personnel and equipment as
16 requested to the extent possible without endangering person or
17 property within **[its own]** *the municipality rendering such*
18 *assistance.*

19 *The members of any department and force or company providing*
20 *assistance hereunder shall have, while so acting, the same powers*
21 *and authority as have the members of the fire department and force*
22 *or volunteer fire company of the municipality, or other territorial*
23 *jurisdiction, in which such aid is rendered. Said members shall*

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

24 *also have, while so acting, such rights and immunities as they other-*
 25 *wise enjoy in the performance of their normal duties in the munici-*
 26 *pality, or other territorial jurisdiction, rendering such assistance.*

27 Any municipality receiving assistance *hereunder* shall pay to the
 28 fire department **[or]** *and force, or volunteer fire company*, provid-
 29 ing the assistance a sum computed at the rate of \$3.00 for each
 30 member and \$35.00 for each equipped fire apparatus for each hour
 31 supplied unless terms and conditions for payment are otherwise
 32 provided for in an agreement between the several municipalities.

33 Volunteer fire **[departments]** *companies of contiguous munici-*
 34 *palities* shall be required to respond to such requests for assistance
 35 only to the extent they have agreed to do so in an agreement with
 36 a paid fire department **[or]** *and force* or a municipality.

37 If any member **[or officer]** of such other fire department **[or]**
 38 *and force, or volunteer fire company shall*, in rendering such
 39 assistance **[shall]**, suffer any casualty or death he or his designee
 40 or legal representative shall be entitled to all salary, pension rights,
 41 workmen's compensation and other benefits **[as]** *to which such*
 42 *member would be entitled* if such casualty or death occurred in
 43 the performance of his duties in **[his own]** *the municipality, or*
 44 *other territorial jurisdiction [in which his duties are normally*
 45 *carried on], rendering such assistance.*

1 2. N. J. S. 40A:14-156 is amended to read as follows:

2 40A:14-156. In the event of an emergency the chief or other head
 3 of any municipal police department **[or]** *and force* or any park
 4 police department or system, *municipal fire department and force,*
 5 *volunteer fire company, or first aid or ambulance squad, corps or*
 6 *company, or the mayor or chief executive officer of the municipality*
 7 *may request, from the chief or other head of the police department*
 8 **[or]** *and force of any [contiguous] other municipality, assistance*
 9 *outside the territorial jurisdiction of the department to which such*
 10 *request is directed for police aid, in order to protect life and prop-*
 11 *erty or to assist in suppressing a riot or disorder and while so*
 12 *acting, the members of the police department [or] and force*
 13 *supplying such aid shall have the same powers and authority as*
 14 *have the members of the police department [or] and force of the*
 15 *municipality in which such aid is being rendered. Said members*
 16 *shall also have, while so acting, such rights and immunities as they*
 17 *may otherwise enjoy in the performance of their normal duties in*
 18 *the municipality, or other territorial jurisdiction, rendering such*
 19 *assistance.*

20 The chief or head of the police department **[or]** *and* force **[upon]**
 21 *to* whom such a request for assistance is made shall, *in the case*
 22 *of a contiguous municipality*, provide such personnel and equip-
 23 ment as requested to the extent possible without endangering
 24 person or property within **[its own]** *the* municipality *rendering*
 25 *such assistance*.

26 Any municipality receiving assistance *hereunder* shall pay to the
 27 police department **[or]** *and* force providing the assistance a sum
 28 computed at the rate of \$3.00 for each member and \$5.00 for each
 29 vehicle for each hour supplied unless terms and conditions for
 30 payment are otherwise provided for in an agreement between the
 31 several municipalities.

32 If any member **[or officer]** of such other police department **[or]**
 33 *and* force in rendering such assistance shall suffer a casualty or
 34 death, he or his designee or legal representative shall be entitled
 35 to all salary, pension rights, workmen's compensation and other
 36 benefits **[as]** *to which such member or officer would be entitled* if
 37 such casualty or death occurred in the performance of his *normal*
 38 duties in **[his own]** *the* municipality, or other territorial jurisdic-
 39 tion **[in which his duties are normally carried on]** *rendering such*
 40 *assistance*.

1 3. Section 4 of P. L. 1976, c. 45 (C. 40A:14-156.4) is amended to
 2 read as follows:

3 4. The county disaster control coordinator for the county in
 4 which **[a municipality entering into such agreements is situated]**
 5 *emergency assistance is rendered pursuant to this act or N. J. S.*
 6 *40A:14-26 or N. J. S. 40A:14-156*, may by express order suspend
 7 operation of **[an agreement entered into pursuant to this act as**
 8 **to that municipality]** *the provisions of any of said acts as to any*
 9 *municipality or municipalities in said county*, upon declaration of
 10 an emergency pursuant to P. L. 1942, c. 251 (C. App. A:9-33 et
 11 seq.), as amended and supplemented by P. L. 1953, c. 438, or any
 12 regulation promulgated thereunder.

1 4. N. J. S. 40A:14-66 is hereby repealed.

1 5. This act shall take effect immediately.

STATEMENT

This bill authorizes police and fire departments and certain volunteer bodies to call for emergency fire or police assistance from any other municipality. It also extends to any person rendering such assistance the same rights, immunities and authority as

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enjoyed by him in his own municipality, or enjoyed by their counterpart police or fire members in the municipality in which such assistance is rendered, as the case may be.

This bill continues the present statutory provision which, in the case of volunteer fire companies, requires a municipality to respond to any call for emergency fire or police assistance from a contiguous municipality.

In addition, this bill allows for local control in such emergency situations, unless the county disaster control coordinator determines and declares otherwise.

N. J. S. 40A:14-66 is repealed on the grounds that the provisions therein are similar to, and were intended to be superseded by, P. L. 1976, c. 45.