

**TOWNSHIP OF BLAIRSTOWN
COUNTY OF WARREN
STATE OF NEW JERSEY
ORDINANCE NO. 2018- 27**

AN ORDINANCE TO AMEND CHAPTER 35 “POLICE DEPARTMENT” OF THE CODE OF THE TOWNSHIP OF BLAIRSTOWN TO REINSTATE THE POSITION OF CHIEF OF POLICE

WHEREAS, Chapter 35 of the Township Code regulates the Township of Blairstown Police Department; and

WHEREAS, pursuant to Ordinance 2017-05, in the absence of a Director of Police an Officer in Charge was appointed; and

WHEREAS, the Public Safety Committee has recommended that the position of Director of Police be eliminated and Chief of Police be reinstated; and

WHEREAS, the Township Committee has reviewed the recommendation and determined that it is in the Township’s best interests to amend the Code to reinstate the position of Chief of Police; and

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Blairstown, Warren County, New Jersey, that Chapter 35 “Police Department” of the Code of the Township of Blairstown be amended to read as follows:

SECTION 1. Chapter 35 “Police Department” shall be amended to read as follows:

§ 35-1 Establishment of Police Department.

There is hereby created in and for the Township of Blairstown a Police Department within the County of Warren, State of New Jersey, pursuant to the provisions of N.J.S.A. 40A:14-118 et seq. This chapter is intended to ratify the existence and operation of the Police Department, which has historically operated within and served the Township of Blairstown, and at the same time satisfy statutory requirements of the legislation as amended in 1981 and 1988.

§ 35-2 Statement of mission.

The Police Department shall preserve the peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Blairstown; direct and control traffic; provide attendance at and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers as well as perform all other duties and fulfill all other responsibilities normally associated with the operation of a police department.

§ 35-3 Composition and line of authority.

Said Police Department shall consist of one Chief of Police, and such Police Inspectors, Captains, Lieutenants, Sergeants, Police Officers, Special Law Enforcement Officers and civilian employees as deemed necessary and appropriate by the Township Committee in consultation with the Chief of Police. The Township Committee, in consultation with the Chief of Police may, from time to time, leave one or more of the above positions vacant, as they see fit. The express purpose for identifying these offices

is to establish a statutory line of authority from all police employees to a higher elected authority. Whenever any such office is intentionally left vacant, it will be deemed not to exist and it will be passed in the chain of command. The Township Committee, in consultation with the Chief of Police, may therefore recreate or resurrect an office that has been so abolished by naming a person to fill said office. No personnel may be appointed to the Blairstown Police Department until they have satisfied all statutory requirements and have complied with the selection process and standards established by the Rules and Regulations adopted by the Police Commissioner to govern said Police Department. No police officers shall be appointed to the Blairstown Police Department until they have successfully completed physical, mental and psychological examinations. In the event that the abolishment of an office results in a decrease in the members of the Police Department or demotion in rank, any termination or demotion shall be in the inverse order of appointment pursuant to and for the reasons established by N.J.S.A. 40A:14-143. Any promotions shall take into account due consideration of the length and merit of service of existing members of the department as required by N.J.S.A. 40A:14-129.

§ 35-4 Appropriate authority.

The Blairstown Police Department shall come under the jurisdiction of the appropriate authority, which is hereby created pursuant to N.J.S.A. 40A:14-118. Said appropriate authority shall be the Township Committee.

§ 35-5 Police Commissioner; Police Department rules and regulations.

- A. The Township Committee shall annually select one of its members as the Police Commissioner who shall act as the liaison between the Township Committee and the Chief of Police. The Police Commissioner shall be responsible, with the advice and consent of the Township Committee, for the promulgation, updating, and/or ratification of Rules and Regulations for police personnel, which shall be known as the "Rules and Regulations for the Police Department of the Township of Blairstown." Said Rules and Regulations shall be in manual form and shall govern the conduct of and be binding upon the entire membership, sworn officers and civilian employees of the Police Department.
- B. Each sworn officer and each civilian employee is duty bound to be thoroughly familiar with the provisions of the Police Manual and Rules and Regulations of the Police Department.

§ 35-6 Hearing authority.

In the event of any disciplinary proceeding against any member of the Police Department of the Township of Blairstown, undertaken and/or instituted pursuant to the provisions of N.J.S.A. 40A:14-147 et seq., the Township Committee, as the appropriate authority, shall act as the hearing officer in charge of all such proceedings. Notwithstanding the foregoing, the Township Committee may, in its discretion, elect to designate a hearing officer other than the Township Committee, including, but not limited to, the Chief of Police for the purpose of conducting the disciplinary hearing, receiving evidence, preparing a record, and submitting findings and a proposed recommendation of penalty, if any, to the Township Committee.

§ 35-7 Initiation of disciplinary charges by Township Committee.

Only the Township Committee acting in its capacity as the appropriate authority or the Chief of Police may initiate disciplinary charges against any member of the Police Department.

§ 35-8 Disciplinary hearings.

All disciplinary proceedings shall be conducted in accordance with the requirements of N.J.S.A. 40A:14-147. The Township Committee, acting in its capacity as the appropriate authority, shall schedule a hearing no sooner than 10 calendar days nor later than 30 calendar days, from the date of service of the charges upon the employee. A notice of charges served upon any employee shall contain the date, time and location of the hearing on the charges. The terms of any disciplinary action imposed shall be set forth in a written resolution adopted by the Township Committee.

§ 35-9 Chief of Police.

The Chief of Police, as the executive head of the Police Department, shall be responsible for the administration of the Police Department and shall be directly responsible to the Township Committee for its efficient operation. The Chief of Police shall be appointed by the Township Committee

§ 35-10 Powers and duties of Chief of Police.

The Chief of Police for the Township of Blirstown shall:

- A. Conduct and manage the day to day operations of the Police Department.
- B. Administer and enforce the Rules and Regulations of the Police Department and any special emergency directive for the disposition and, except as otherwise set forth in this chapter, the discipline of the Department and its officers and members;
- C. Have, exercise and discharge the functions, powers, and duties of the Chief Executive Officer of the Police Department;
- C. Prescribe the duties and assignments of all subordinate members and officers;
- D. Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the direction and control of the Chief of Police;
- E. Report at least monthly at the regular meeting(s) of the Township Committee, or by any such other forms as the Township shall require, as to the operation of the police force during the preceding month.
- F. Administer funds and property resulting from state forfeiture actions in accordance with established state and federal law, regulations, directives, guidelines and standard operating procedures.
- G. Other duties as permitted by state and local law.

§ 35-11 Reports to Township Committee.

The Chief of Police shall submit reports to the Township Committee concerning the operation of the Police Department as may be requested by the Committee.

§ 35-12 Graphic Table of Organization.

A graphic Table of Organization shall be maintained by the Chief of Police to show the divisional structure of the Police Department. The function and duties of each position in the Table of Organization shall be defined by policies established by the Chief of Police.

§ 35-13 Policies of Chief of Police.

Pursuant to N.J.S.A. 40A:14-118 the Chief of Police shall issue operations orders, general orders, or standard operating procedures or policies as the Chief deems necessary for efficiency and operation of the Police Department.

§ 35-14 Emergency directives.

Nothing contained herein shall infringe upon or limit the duty and authority of the Chief of Police to act to provide for the health, safety and welfare of the municipality in an emergency through special emergency directives pursuant to the provisions of N.J.S.A. 40A:14-118 and 40A:14-146.9.

§ 35-15 Civilian employees.

The Township Committee shall, in consultation with the Chief of Police, appoint civilian members to the Police Department. Said civilian employees will provide dispatch services, clerical duties and logistical services in support of the Police Department and shall perform other duties as specified by the Chief.

§ 35-16 Police outside work/special police services.

- A. The Chief of Police or his/her designee, at his/her discretion, may assign members of the Department not on regular duty and who may volunteer for police outside work/special police services. While on outside work/special police service, the members of the Department shall be subject to all provisions of police rules, regulations and directives.
- B. Parties contracting for police outside work/police special services shall contact the Administrative Division at least two weeks prior to the job/function. A description of job duties shall be provided at that time so an appropriate posting can be accomplished at police headquarters.
- C. Parties requesting police outside work/police special services may be required to submit full payment in advance of the work to be performed.
- D. The rate of pay for police outside work/police special services, excluding traffic services, shall be \$85 per hour. The rate of pay for police outside work/police special services for traffic services shall be \$85 an hour. These hourly rates shall increase 2% per year beginning on January 1, 2019. All traffic control services will be contracted for a minimum of four hours other than for long-term assignments. The Township, as an administrative fee, shall retain 10% of these hourly rates. An additional \$2.50 per hour gasoline surcharge fee will be charged for all traffic services over and above the rates of pay whenever the Township

cost for unleaded gasoline equals or exceeds \$2.50 per gallon. The above notwithstanding, the hourly rate for police outside work/police special services, excluding traffic, to be charged on projects undertaken or funded by the Township of Blairstown or the Township of Blairstown Board of Education shall be \$85 per hour, and the hourly rate of pay for traffic services on projects undertaken or funded by the Township of Blairstown or the Township of Blairstown Board of Education shall be \$85 per hour.

- E. The ten-percent administrative fee and gasoline surcharge of \$2.50 per hour provided by Subsection **D** above shall be waived for programs sponsored by the Township of Blairstown Municipal Departments.
- F. All vendors shall be required to make all payments for police outside work/police special services assignments payable to the Township of Blairstown. All payments for police outside work/police special services assignments shall be forwarded to the Township of Blairstown Police Department and forwarded to the Finance Department. The Finance Department shall deposit all funds earmarked for the payment of police outside work/police special services officers, collected from vendors, into a special escrow fund. The escrow fund shall be established for payment to members of the Township of Blairstown Police Department performing the police outside work/police special services. All police officers shall be required to submit pay slips to the Chief of Police. The pay slip shall be in a form approved by the Chief of Police. Upon receipt of a properly executed pay slip verified by the vendor, the Finance Department will process the pay slips for disbursement. Officers performing police outside work/police special services shall be paid on a timely basis.
- G. If a party contracting for outside work/police special services must cancel said services, the party shall be required to give notice at least two hours prior to the start for traffic control and at least eight hours for all other services. A four-hour minimum charge will be levied for failure to adhere to the above cancellation policy.
- H. If after an officer arrives at an assignment for outside work/police special services and all or part of that work is canceled, the contracting party shall pay a minimum charge equal to the hours booked to a maximum of four hours.
- I. All security details other than those undertaken by or funded by the Township of Blairstown or the Township of Blairstown Board of Education that require staffing of five or more officers will require an additional assignment of one supervisor, paid at 10% above the prevailing security rate. The hourly rate for off-duty police security services for six months or more shall be \$45 per hour.

SECTION 2. All ordinances or parts of ordinances of the Township of Blairstown inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 4. This law shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING Ordinance was introduced at a meeting of the Township Committee of the Township of Blairstown, in the County of Warren and State of New Jersey, held on November 7, 2018 and will be further considered for final passage after public hearing thereon at a regular meeting of said Township Committee to be held at the Municipal Building, 106 Route 94 in the Township of Blairstown, New Jersey on December 12, 2018 at 7:30PM

Linda Leidner, Clerk