

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 25-2015

**AN ORDINANCE AMENDING CHAPTER 6-28
“ENTITLED DEPARTMENT OF POLICE”
OF THE CODE OF THE TOWNSHIP OF MOORESTOWN**

WHEREAS, the Township Council of the Township of Moorestown seeks to create the position of Chief of Police and abolish the position of Director of Police; and

WHEREAS, the Township Council seeks to set forth, as amended herein: the composition of the Police Department; the designation and responsibilities of the “appropriate authority;” the duties of the Chief of Police and the Police Department, in general; and disciplinary action; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council, of the Township of Moorestown, in the County of Burlington, State of New Jersey, that:

Section 1: Chapter 6, Article IV, Section 28 “Department of Police” is hereby repealed and replaced as follows:

§ 6-28. Department of Police

1. Department established; composition.
 - A. The Police Department of the Township of Moorestown is hereby established and shall consist of a Chief of Police, a maximum of two (2) police Lieutenants, a maximum of seven (7) police Sergeants, a maximum of four (4) corporals, a maximum of twenty-one (21) patrol officers, and such other special law enforcement officers, school crossing guards, and employees that the Township Manager shall from time to time appoint.
 - B. Within the Department, there shall be:
 1. The Office of Chief of Police.
 2. Field Operations Division
 3. Support Services Division
 4. An Office of Emergency Management, the head of which shall be the Emergency Management Coordinator, who shall be appointed by the Township Manager after considering any recommendation of the Chief of Police, shall be a member of and shall serve as Chairman of the Emergency Management Council and shall have such functions, powers and duties as prescribed by general law,

executive order, ordinance or resolution (New Jersey Laws of 1953, Chapter 438, N.J.S.A. App.A:9-40.1).

C. The following line of authority shall be observed: Patrol officers shall report and be accountable to their Corporal and/or Sergeant; Corporals shall report and be accountable to their Sergeant; Sergeants shall report and be accountable to their division Lieutenant; Lieutenants shall report and be accountable to the Chief. Other personnel shall report and be accountable to their division Lieutenant or the Chief, as the Chief deems appropriate.

2. Township Manager designated as appropriate authority.

The Township Manager is hereby designated as the “appropriate authority” as defined by N.J.S.A. 40A:14-118, with all powers enumerated therein, including the power to fix policies for the regulation and control of the Police Department. The Township Manager shall be responsible for the overall performance of the Police Department and shall adopt and promulgate rules and regulations for the government of the police force and for the discipline of its members.

3. Chief of Police.

Duties and responsibilities of Chief, Office of Emergency Management and other positions.

A. The head of the Police Department shall be the Chief of Police who shall be appointed by the Township Manager and who shall carry out such duties as the Township Manager shall assign to the Chief. The Chief of Police shall be directly responsible to the Township Manager for the efficiency and routine day-to-day duties to members and other personnel of the Department. The Chief shall have full charge and control of the apparatus and equipment of the Department and its assignment and use, and shall be held responsible for its care, cleanliness, and safekeeping, and render a strict account thereof when called for by the Township Manager. The Chief of Police shall, pursuant to the policies established by the Township Manager:

1. Be responsible for the proper and efficient conduct of all public safety functions of the Township government, including emergency management, but excluding the functions of the fire district Boards of Commissioners.
2. Have, exercise and discharge the function, powers and duties of the force;

3. Prescribe the duties and assignments of all subordinates and other personnel;
 4. Delegate such authority as he or she may deem necessary for the efficient operation of the force to be exercised under his or her direction and supervision;
 5. Report at least monthly to the Township Manager in such form as shall be prescribed by the Township Manager on the operation of the force during the preceding month, and make such other reports as may be requested by the Township Manager;
 6. Recommend to the Township Manager from time to time the purchase of new equipment or the repair or rearrangement of such old equipment as will increase the efficiency of the Department;
 7. Keep the records of the Police Department in such manner and form as may be prescribed by the Township Manager;
 8. Report, in writing, whatever information the Township Manager or the Chief of Police may deem necessary for the information of the Township Manager or Township Council or for the public benefit and the good of the Police Department; and
 9. Recommend to the Township Manager rules and regulations for the conduct and discipline of the members of the Police Department and amendments to the rules and regulations as necessary.
- B. No person shall be appointed Chief of the Police Department unless, in addition to equivalency, and has completed the municipal Police Academy course of the State of New Jersey or an acceptable equivalent course. He or she shall have a thorough knowledge of the criminal statutes and laws of the State of New Jersey and of the ordinances of the Township of Moorestown and shall have the ability to prepare reports and direct and administer the Police Department.
- C. In the event the Chief of Police is absent or goes on voluntary temporary leave, or he or she shall, if the Chief deems it necessary for the efficient operation of the force, designate a member of the Police Department to act as Officer in Charge until the Chief of Police returns to duty. In case of death, removal, suspension, incompetency or resignation of the Chief of Police, or if the

Township Manager determines that the Chief of Police is incapable of making such designation, the Township Manager shall designate the person to act as Officer in Charge until the Chief of Police returns to duty or a successor is appointed. The person so designated shall be charged with and perform all the duties of the Chief of Police while so acting. Such temporary appointment shall not increase the compensation of the person so designated.

4. Duties of the Department.

The Police Department shall:

- A. Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections, public meetings and assemblages;
- B. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and the use of the streets by vehicles and persons to protect the safety and facilitate the convenience of motorists and pedestrians;
- C. Remove or cause to be removed all nuisances in the public streets, parks and other public places, inspect and observe all places of public amusement or assemblage, and all places of business requiring any state or municipal license or permit, and report thereon to the appropriate department;
- D. Provide proper police attendance and protection at fires and other emergencies;
- E. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses and cooperate fully with the law enforcement and prosecuting authorities of federal, state, county and local governments; and
- F. Operate a training program to maintain and improve the efficiency of the members of the Department, subject to the budgetary approval of the Township Council.
- G. Office of Emergency Management.
 - 1. The Office of Emergency Management shall be responsible for the planning, activation, coordination and operation of

the emergency management activity in the Township. The Coordinator will cause to be prepared a comprehensive Emergency Management Plan for the Township's response to natural and man-made emergencies, utilizing and encompassing all local emergency service personnel and resources.

2. The Emergency Management Council, with powers and duties prescribed by general law, is hereby created in the Township. The Council shall consist of no more than 15 persons, who shall be appointed by and who shall serve at the pleasure of the Township Manager, and shall receive no compensation.

H. Duties of other specific positions (i.e., job descriptions) shall be those established from time to time for the same specific positions by the New Jersey Department of Personnel.

5. Rules and regulations.

The Township Manager, as appointing authority, shall from time to time as may seem necessary in his judgment, and pursuant to the authority of N.J.S.A. 40A:14-118, adopt and amend the rules and regulations for the conduct and discipline of the Police Department and members thereof. The Township Manager shall distribute copies of any newly adopted rule, regulation or amendment promptly after its adoption to the Chief of Police. Any such rule, regulation or amendment shall take effect 30 days after adoption unless the Township Manager shall declare in his adoption that an emergency exists which requires a rule, regulation or amendment to take effect immediately. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for any violations. All members and employees of the Police Department shall be subject to such rules, regulations and penalties.

6. Disciplinary action.

Departmental discipline is to be administered in accord with the rules and regulations of the Department as promulgated by the Township Manager and in accord with N.J.S.A. 40A:14-147, relevant provisions of the New Jersey Civil Service Act and regulations related thereto, and applicable court decisions.

Special orders preserved. Special orders of the Department not inconsistent with this article are preserved and shall remain in full force and effect.

- Section 2: The Code in its entirety, whenever the Director of Police, Police Director or Director (when referring to the Director of Police) is written, the Code shall be amended to reflect the position of Chief of Police, Police Chief or Chief, however, appropriate.
- Section 3: Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.
- Section 4: Severability. In the event that any section, paragraph, clause, phrase, term, provision, or part of this ordinance shall be adjudged by a court of competent jurisdiction, to be invalid or unenforceable for any reason, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision, or part thereof directly involved in the controversy, if such judgment is rendered.
- Section 5: Effective Date. This ordinance shall take effect 20 days after adoption.
- Section 7: Short Title. This ordinance shall be known as Ordinance 25-2015.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on November 9, 2015. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Council Chamber of Town Hall, 111 West Second Street, Moorestown, New Jersey on November 30, 2015. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk