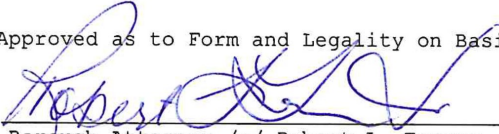


Approved as to Form and Legality on Basis of Facts Set Forth


Borough Attorney /s/ Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM, NEW JERSEY**

ORDINANCE NO. 2021-2

**AN ORDINANCE AMENDING CHAPTER 116, POLICE DEPARTMENT, OF THE CODE OF
THE BOROUGH OF PENNS GROVE**

Chapter 116 – Police Department

Article I – General Provisions

§ 116-1 Purpose; repealer.

It is the intention and purpose of this article to update, clarify and codify the many previous ordinances regulating the Police Department of the Borough of Penns Grove and to make those changes necessary as a result of changes in New Jersey Statutes and case law. All ordinances previously adopted by the Borough of Penns Grove regarding the Police Department, including but not limited to former Article I, General Provisions, adopted 6-15-1971, as amended, Ordinance No. 2000-2, amended in its entirety 9-15-2009 by Ordinance No. 2009-13 (Ch. 50, Art. I, of the 1986 Code), Ordinance Nos. 2011-7 and 2011-11 and Ordinance No. 2017-5; are hereby repealed.

§ 116-1.1 Establishment, Personnel and Line of Authority.

- A. There is hereby established in and for the Borough of Penns Grove a Police Department which shall consist of and not exceed the following:
- (1) Lieutenants: one.
 - (2) Sergeants: four.
 - (3) Corporals: four.
 - (4) Police officers: in a number to be determined within the sound discretion of the Appropriate Authority with consent and approval of the Mayor and Council but not to exceed 10.
 - (5) Special Law Enforcement Officers: not to exceed 25% of regular police officer force. (40A:14-146.17)
 - (6) Civilian Supervisor.
 - (7) Civilian personnel.

- B. The number of positions listed herein is a maximum limit on the number of officers authorized for the Police Department. Nothing in this section shall require the Police Department to employ the maximum level set forth herein.
- C. The Mayor and Council shall, from time to time, determine the number of police officers, as well as temporary officers and members in an emergency, to be appointed to these positions and shall further determine their compensation.

§ 116-2 Police Department General Duties and Jurisdiction.

- A. 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 Borough of Penns Grove; direct and control traffic; provide attendance 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 employees. (N.J.S.A. 40A:14-118)

§ 116-3 Designation of Appropriate Authority.

- A. The Police Director for the Borough of Penns Grove shall be designated as the Appropriate Authority as provided in New Jersey Statutes. The Appropriate Authority shall be responsible for the overall performance of the Police Department. The Appropriate Authority shall adopt and promulgate Rules and Regulations for the government of the Police Department and for the discipline of its members and employees pursuant to N.J.S.A. 40A:14-118.

§ 116-4 Appointment.

- A. No person shall be given or accept a permanent appointment as a Police Officer unless they successfully complete a police training course at a school approved and authorized by the Police Training Commission in the Department of Law and Public Safety of the State of New Jersey, pursuant to the provisions of N.J.S.A. 52:17B-66 et seq. The Appropriate Authority shall, with the approval and consent of the Borough Council, appoint police officers as he/she may deem necessary.
- B. Special law enforcement officers. The Appropriate Authority shall, with the approval and consent of the Borough Council, appoint special law enforcement officers as he/she may deem necessary. They shall be a part of the Police Department established herein and subject to all the laws, rules and regulations governing the same. Pursuant to N.J.S.A. 40A:14-146.8 et seq., the term of said appointment shall be at the discretion of the governing body. The personnel referred to in this subsection shall be compensated at such hourly rate as designated in the Borough's Salary Ordinance. Said personnel shall serve at the compensation, if any, established by ordinance or as modified or changed by the governing body.

- D. Civilian employees. The Appropriate Authority shall, with the approval and consent of the governing body, appoint such civilian members of the Police Department to serve in the services division as he/she may deem necessary. Said members are to serve as school crossing guards and/or to provide dispatching services, clerical duties, and logistical duties in support of the Police Department. Such civilian employees will serve in the job classifications created for that purpose, but not necessarily limited to the same.

§ 116-5 Suspension, Removal of officers.

No member or employee of the Police Department shall be suspended, removed, fined or reduced in rank for any cause other than for incapacity, misconduct or disobedience as provided in the New Jersey Statutes and the Police Department's Rules and Regulations. (N.J.S.A. 40A:14-147)

§ 116-6 Discipline, Hearing and Appeal.

- A. The Business Administrator for the Borough of Penns Grove or his/her designee shall act as hearing officer in Police Department disciplinary proceedings. (N.J.S.A. 40A:14-118)
- B. The Business Administrator shall be the final authority as to all disciplinary decisions and appeals under the rules and regulations. Nothing herein shall affect the employee's right to appeal or the grievance process as contained in the contract between the Borough of Penns Grove and Penns Grove Police Officers Association of Salem County FOP Lodge No. 6.

§ 116-7 Emergency directives.

Nothing herein contained shall infringe upon or limit the power or duty of the Appropriate Authority to act to provide for the health, safety or welfare of the municipality in an emergency situation through special emergency directives. (N.J.S.A. 40A:14-118)

§ 116-8 Review of police operations.

Nothing herein contained shall prevent the appointment by the governing body of committees or a designee to conduct audits or reviews of the operations of the police force. Nothing herein contained shall prevent the appropriate authority, or any executive or administrative officer charged with the general administrative responsibilities within the municipality, from examining at any time the operations of the police force or the performance of any officer or member thereof.

§ 116-9 Table of Organization.

- A. Graphic table of organization.
 - (1) A graphic table of organization (TO) shall be maintained by the police administration to show the following:

- (a) The Penns Grove Borough Police Department divisional structure.
 - (b) The Penns Grove Borough Police Department personnel structure.
- (2) The express function of each position will be as defined within the Rules and Regulations of the Penns Grove Borough Police Department promulgated by the Appropriate Authority but is not necessarily limited to the same.

§ 116-10 Rules and regulations.

- A. The Appropriate Authority pursuant to N.J.S.A. 40A:14-118 is hereby authorized to update, adopt, and promulgate rules and regulations for the governing of the Police Department and for the discipline of its members. Said rules and regulations will be in manual form and shall be called the "Rules and Regulations of the Police Department for the Borough of Penns Grove" and shall govern the conduct of and be binding upon the entire membership of said Police Department. Said Rules and Regulations shall be consistent with N.J.S.A. 40A:14-181 for investigations of personnel and upholding members' rights. They shall provide penalties for violations of agency written rules, policies and directives.
- B. The Rules and Regulations, which shall include all parts of the Police Ordinance of the Code of the Borough of Penns Grove, shall be distributed in manual or electronic form. A copy will be publicly maintained by the Borough Clerk.
- C. All members and employees who are assigned a manual shall be responsible for its maintenance, care and sign for their own copy.
- D. Each police officer and each civilian employee is duty bound to thoroughly familiarize himself/herself with the provisions of the Police Manual (Rules and Regulations of the Police Department for the Borough of Penns Grove). Failure to comply shall be considered neglect of duty.
- E. In the event neglect of duty is charged against a member for failure to observe the rules and regulations or Department procedures or orders, ignorance of any provision of this manual will not be accepted as an excuse.

Article II – Police Clerk

§ 116-11 Position established.

In accordance with the provisions of N.J.S.A. 40A:14-139 there is hereby created in the Borough of Penns Grove the position of Police Clerk.

§ 116-12 Powers and duties.

The duties of said Clerk shall be typist, file clerk, general clerical work, keeping of necessary records, preparation of required reports, assisting the Police Director in the

operation of his/her office and maintenance of records and reports and, when required by the Police Director, may fill in as a dispatcher.

§ 116-13 Compensation.

The salary of the Clerk shall be as set forth in the salary ordinances of the Borough which designate the salary of other Borough employees.

Article III – Police Director

§ 116-14 Initial term, qualification and compensation.

- A. The Mayor, with advice and consent of Council may appoint a Police Director. Any individual appointed as the Police Director shall serve in said position for an initial term not to exceed three years on such terms and conditions as may be established by the governing body.
- B. Prior to his/her appointment, the Police Director shall be qualified by training and five years law enforcement experience for the duties of the office, which shall be a civilian position.
- C. The Police Director's salary shall be as set forth in the salary ordinances of the Borough which designate the salary of other Borough employees.

§ 116-15 Removal from office.

- A. The Police Director may be removed from office for cause, defined as:
 - i. Failure to perform the duties of Police Director as defined in this article.
 - ii. Mental and/or physical incompetence to perform the duties of the position of Police Director.
 - iii. Conviction of a felony.

B. If the Police Director is notified that s/he is to be removed for cause, s/he may request a public hearing which shall be held not earlier than 15 days nor later than 30 days after his/her submission of written request to the office of the Mayor. Within five days after the submission of a request for public hearing, the specification of charges shall be supplied to the Police Director. Administrative charges not presented by hearing within the 15 to 30 days period shall be dismissed.

§ 116-16 Powers and duties.

A. The Police Director shall be the chief executive officer of the Police Department, and shall be responsible for the organizational and administrative control of the Police Department, governed by N.J.S.A. 40A:14-118.

B. The Police Director, at his/her sole discretion shall select an Officer in Charge as the highest-ranking sworn officer within the Police Department and shall be known as the "Officer in Charge". All functions of the Police Department which a civilian director does

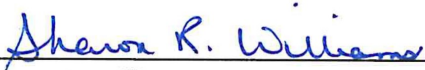
not have the authority under New Jersey statutes to exercise shall be performed by the Officer in Charge, such as the issuance of a firearm permit pursuant to N.J.S.A. 2C:58-3(d); internal affairs investigations; and review of criminal investigation reports.

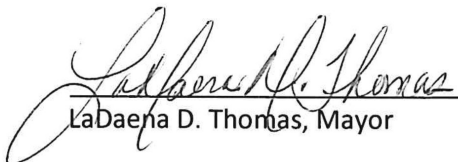
C. The Police Director shall not assume any law enforcement duties such as patrol, arrest and criminal investigation, but shall be responsible for day-to-day supervision, discipline and control of the Police Department.

D. The Police Director is responsible for providing the Mayor and Borough Council with weekly status reports or more frequent reports as the Mayor and Council may request.

E. The Police Director shall promulgate, enforce, and make recommendations as the Appropriate Authority for revisions of the department rules and regulations. The Police Director shall appoint, with approval of the governing body, the hiring and promotion of Police Department members and civilian employees and shall be responsible for their scheduling and assignments. Said civilian employees and/or members shall perform any and all services as prescribed and specified by the Police Director. The Police Director shall gather information and make recommendations and reports to the Borough Council with regard to the annual budget for the Police Department.

Attest:


 Sharon R. Williams, Municipal Clerk


 LaDaena D. Thomas, Mayor

Intro:

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter			X			
Martin			X			
Mincey	X		X			
Rambo			✓			
Giordano		X	X			
SCARDACI			X			


Notice: The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on February 2, 2021 and will be considered for final passage at a meeting to be held by the Mayor and Council at Borough Hall, Broad Street and State Street, Penns Grove, New Jersey at 7:00 p.m. on February 16, 2021 at which time any interested person will be given an opportunity to be heard.


 Sharon R. Williams, Municipal Clerk

FINAL:

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter			X			
Martin			X			
Mincey		X	X			
Rambo						X
Giordano			X			
Scarpaci	X		X			

Notice: The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on February 2, 2021 and was adopted, after a public hearing was held by the Mayor and Council at Borough Hall, 1 State Street, Penns Grove, New Jersey at 7:00 p.m. on February 16, 2021.



Sharon R. Williams, Municipal Clerk