

ORDINANCE NO. 22-20

AN ORDINANCE AMENDING CHAPTER 27, ARTICLE III OF THE CODE OF THE TOWN OF BOONTON, ENTITLED "POLICE DEPARTMENT"

WHEREAS, the governing body of a municipality may make, amend, repeal and enforce ordinances to adopt policies and procedures for the protection of public health, safety and welfare; and

WHEREAS, Chief Mayhood is retiring December 1, 2021 and takes with him over 20 years' experience with the Boonton Police Department, which leaves the Department with the need to fill this public safety leadership position; and

WHEREAS, it is critical to coordinate all public safety discipline, including law enforcement, fire services, EMS, telecommunications, public works, public health, security and emergency management to ensure the protection and safety of the citizens of the Town of Boonton; and

WHEREAS, the Town of Boonton (the "Town") desires to amend Chapter 27, Article III of the Town Code to include the position of Public Safety Director and to reallocate responsibilities accordingly; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Board of Aldermen of the Town of Boonton, County of Morris, State of New Jersey, that Chapter 27, Article III of the Town Code entitled "Police Department" is hereby amended as follows (additions underscored, deletions struck-through) (any subsection not enumerated herein remains unchanged):

ARTICLE III POLICE DEPARTMENT

§27-7 Department established.

[Amended 11-4-2013 by Ord. No. 17-13; 11-21-2016 by Ord. No. 19-2016; 7-17-2017 by Ord. No. 11-2017; 9-5-2017 by Ord. No. 16-2017]

The Police Department of the Town of Boonton may consist of a Public Safety Director, Police Chief and twenty-two (22) officers, including one (1) Captain, two (2) Lieutenants, five (5) sergeants, and fourteen (14) patrolmen, and civilian employees. In the event that the current number of employees in the aforementioned positions exceeds these staffing levels, the employees shall remain in the positions until their employment is terminated. Upon the termination of employment of the employees, the aforementioned staffing levels may be in effect unless otherwise modified by the Mayor and Board of Aldermen.

§27-8 Administration.

A. Public Safety Director.

(The duties of Chief of Police previously set forth in this subsection are hereby repealed and revised provisions are set forth in subsection C below).

(1) Appointment. The Mayor and Board of Aldermen shall appoint a Public Safety Director who shall serve at the pleasure of the Mayor and Board of Aldermen and who shall be directly responsible to the Town Administrator for the overall performance of the police department. The Public Safety Director shall serve as the administrative and executive head of the Police Department and shall establish policies for the daily operation of the Department and the discipline of its members.

(2) Powers and duties.

(a) The Public Safety Director, pursuant to the rules and regulations established by the Mayor and Board of Aldermen, shall include but not be limited to:

[1] Establish by policy, rule and regulation, the procedures to be followed by the Chief of Police and other subordinate officers for the purchase of equipment and supplies. Such procedures may include the requirement that the Public Safety Director approve all expenditures with regard to the equipment and supplies.

[2] Keeping a record of all business transacted by the Police Department and approving all bills for the expense of the Police Department.

[3] Keeping and maintain all records, reports, documents and other data required to be kept and maintained by the Federal and/or State government and/or any of their respective subdivisions.

[4] Developing the annual budget for the Police Department and overseeing any all expenditures of the Police Department.

[5] Evaluating the effectiveness of work program and procedures of all units and bureaus within the Police Department and developing effective work methods for subordinates.

[6] Report at least monthly to the Town Administrator in such form as shall be prescribed by the Mayor and Board of Aldermen on the operation of the Department during the preceding month, and make such other reports as may be requested by the Mayor and Board of Aldermen.

[7] All such other duties not specifically reserved to the Chief of Police pursuant to N.J.S.A. 40A:14-118.

(3) Nothing herein contained shall prevent the Mayor and Board of Aldermen or the Town Administrator from examining at any time the operations of the Police Department or the performance of any officer or member thereof. In addition, nothing herein contained shall infringe on or limit the power or duty of the appropriate authority to act to provide for the health, safety or welfare of the Town in an emergency situation through special emergency directives.

(4) In the event an individual holds the position of Chief of Police, the Chief of Police shall report directly to the Public Safety Director, and the Public Safety Director shall receive daily or other periodic reports as designated by the Public Safety Director from the Chief of Police.

(5) The Public Safety Director shall serve as the liaison for the Mayor and Board of Aldermen with the Fire Department, Rescue Squad and Office of Emergency Management.

B. Police Clerk Dispatcher.

[Amended by Ord. No. 5-91]

(1) Established. There is hereby established the Office of Police Clerk Dispatcher, which shall be under the supervision of the Chief of Police.

(2) Requirements. A Police Clerk Dispatcher must meet the following requirements:

(a) High school graduate or equivalent.

(b) Clerk-typing and filing experience.

- (c) Eighteen years of age or older.
- (d) Doctor's certificate of good health.
- (e) No criminal record.
- (f) Must possess tact, diplomacy and have administrative ability.

(3) Duties. A Police Clerk Dispatcher shall perform those duties designated by the Chief of Police which properly pertain to the assigned Department of Personnel job title.

C. Chief of Police

If a Chief of Police is appointed, he/she shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:14-118. Any other rights, authorities, powers and responsibilities not reserved solely to the Chief of Police by N.J.S.A. 40A:14-118 shall be assumed or delegated by the Public Safety Director.

If a Chief of Police is not appointed, any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:14-118, which cannot be performed by the Public Safety Director, shall be delegated to a Chief Law Enforcement Officer as designated by the Public Safety Director.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The foregoing ordinance having been introduced and passed on first reading by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris, State of New Jersey on December 7, 2020, and then ordered to be published according to the law, will be further considered for final passage and adoption at a public hearing to be held at a meeting beginning at 7:30 p.m. on December 21, 2020, at the Town Hall, 100 Washington Street, Boonton, NJ 07005, when and where, or at such time and place to which said meeting may be adjourned. All persons interested will be given an opportunity to be heard concerning said ordinance.