

ORDINANCE 1223-2014

**AN ORDINANCE AMENDING CHAPTER XVII, PUBLIC SAFETY, OF THE CODE OF THE
BOROUGH OF MOUNTAINSIDE, NEW JERSEY REGARDING REGULATING THE POLICE
DEPARTMENT**

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, upon recommendation of the Police Committee and the Police Department of the Borough of Mountainside, desires to amend certain portions of the Police Regulations, Chapter XVII, Public Safety, of the Code of the Borough of Mountainside; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council, as follows:

Section 1.

Certain sections of Chapter XVII, Public Safety, of the Code of the Borough of Mountainside, are hereby amended in their entirety, as follows:

§ 17-1.1. Establishment of the Police Department

There is hereby created and established in and for the Borough of Mountainside, in the County of Union and State of New Jersey, a Police Department, which shall be known and designated as the Mountainside Police Department.

§ 17-1.2. Composition

- A. The Mountainside Police Department shall consist of no more than a Chief of Police, and as many captains, lieutenants, sergeants, corporals, detectives, and police officers, appointed to these positions upon approval of the governing body, as public need may require.
- B. In addition, the Police Department may employ clerical personnel and other employees to assist its officers in preserving peace and good order in the Borough.

§ 17-1.3. Designation of Appropriate Authority

In accordance with N.J.S.A. 40A:14-118, the Mayor of the Borough of Mountainside shall appoint three (3) members of the Borough Council to serve on the Police Committee. The Police Committee is hereby designated as the Appropriate Authority and is hereby vested with the powers and duties of an Appropriate Authority as delegated by law.

§ 17-1.4. Chief of Police; powers and duties

The Mountainside Borough Council shall appoint a Chief of Police. The Chief shall be directly responsible to the Police Committee as the "Appropriate Authority" for the efficiency and routine day-to-day operations of the Police Department. In the event that the Police Committee is not available or is absent, then the Chief of Police shall report to the Borough Administrator. The Chief of Police shall pursuant to any policies established by the Borough Council consistent with Borough Ordinances:

- A. Administer and enforce the rules and regulations of the Police Department and any special emergency directives for the disposition and discipline of the Department and its officers and personnel.
- B. Have, exercise, and discharge the functions, powers and duties of the Police Department.
- C. Prescribe the duties and assignments of all subordinates and other personnel.
- D. Delegate such authority, as he may deem necessary for the efficient operation of the Police Department to be exercised under his direction and supervision.
- E. Report to the appropriate authority in such form as shall be prescribed by such authority on the operation of the department, and make such other reports as may be requested by such authority.

§ 17-1.5. Purpose of the Police Department

The Mountainside Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Borough of Mountainside; direct and control traffic; provide attendance and protection during emergencies; make appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members.

§ 17-1.6. Appointment of Police Department, Officers and Personnel.

No person shall be appointed to the Police Department who is not qualified as provided in the New Jersey Statutes. The selection criteria for a police officer shall be established in department policy consistent with New Jersey Statutes.

§ 17-1.9. Special Police Officers.

Authority and Purpose. The Borough of Mountainside hereby establishes Special Police Officers pursuant to and in compliance with the Special Law Enforcement Officers Act (N.J.S.A. 40A:14-146.8 et seq.).

1. Supplemental.
 - a. Special Police Officers shall not be utilized to supplant regular Police Officers.
 - b. Special Police Officers are subject to the personnel policies of the Borough of Mountainside.
 - c. Special Police Officers are subject to the Mountainside Police Department's Written Directive System, where applicable.

§ 17-1.10. Rules and Regulations

The "Appropriate Authority" shall, from time to time as may be necessary, adopt and amend the rules and regulations for the government and discipline of the Police Department and employees thereof. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for the violation of such rules and regulations. All employees of the Police Department shall be subject to such rules and regulations and penalties.

§ 17-1.11. Duties and Responsibilities of Personnel

The duties and responsibilities of the members of the Mountainside Police Department shall be those set forth by law and as prescribed by the Department's Written Directive System established by the Chief of Police.

§ 17-1.12. Disciplinary Actions

Discipline of employees and police officers will be imposed consistent with New Jersey State statutes and the Rules and Regulations of the Mountainside Police Department. The written charges will be proffered by the Chief of Police or designee as provided in the New Jersey Statutes and the Police Department's Rules and Regulations. Police officers, special police officers, and employees may also be subject to discipline for violating other statutes, ordinances, and policies.

§ 17-1.13. Police Physician

A physician shall be appointed by the mayor, with consent of the Borough Council, to be known as the police physician. The appointment shall be for one (1) year, commencing on January 1. He shall examine all members of the police force or appointees to the force whenever required by the police committee and shall report in writing the result of such examinations, with his opinion as to the physical and mental fitness for police work of the person examined. He shall be called whenever the services of a physician are required by the police department. Compensation of the police physical shall be fixed by the borough council. The mayor may also appoint, with consent of the borough council, an alternate police physician.

Section 2.

All ordinances, codes or parts thereof inconsistent with any of the provisions of this new

section are hereby repealed to the extent of such inconsistency

Section 3.

This ordinance shall take effect twenty days after the first publication hereof after final passage.