

ORDINANCE #6-21

ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING AND SUPERSEDING CHAPTER III, ARTICLE I “POLICE DEPARTMENT” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT IN ITS ENTIRETY

WHEREAS, the Borough of Keyport (the “**Borough**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, pursuant to N.J.S.A. 40A:14-118 et seq., the governing body of a municipality may create and establish, as an executive and enforcement function of municipal government, a police force, whether as a department or as a division, bureau or other agency thereof, and provide for the maintenance, regulation and control thereof, by ordinance not contrary to the laws of the State of New Jersey (the “**State**”) or of the United States, as it may deem necessary; and

WHEREAS, Chapter III, Article I “Police Department” of the Revised General Ordinances of the Borough (the “**Borough Code**”) governs the structure of the Borough’s police force;

WHEREAS, the Mayor and Borough Council hereby desire to amend and supersede Chapter III, Article I “Police Department” of the Borough Code in its entirety.

NOW THEREFORE, BE IT ORDAINED by the Council that the Revised General Ordinances of the Borough of Keyport, Chapter III, Article I be and hereby is established as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. This Ordinance shall amend and supersede Chapter III, Article I, “Police Department” of the Borough Code in its entirety.

Section 3. The Council hereby amends Chapter III, Article I of the Revised General Ordinances of the Borough of Keyport to read as follows:

ARTICLE I POLICE DEPARTMENT

3-1 DEFINITIONS

Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application.

APPOINTING AUTHORITY

The Governing Body.

APPROPRIATE AUTHORITY

The Borough Administrator of the Borough of Keyport.

CIVIL SERVICE

The New Jersey Civil Service Commission.

POLICE DEPARTMENT

The police department of the Borough of Keyport.

3-2 CREATION

There shall be a Police Department of the Borough, the head of which shall be the Chief of Police.

3-3 POLICE STATION

The police headquarters are hereby established in the municipal building, situated at 70 West Front Street, Keyport, New Jersey.

3-4 COMPOSITION

- a. The Police Department shall consist of:

Chief (no more than one)
Captain (no more than one)
Lieutenants (no more than two)
Sergeants (no more than five)
Patrol Officers (no more than 20)

- b. The responsibility of command within the Police Department shall be vested in the Chief of Police.
- c. In the absence of the Chief of Police, the Captain shall be the next ranking officer and shall temporarily assume the office and powers of the Chief of Police.

- d. A chief law enforcement officer of the Borough shall be designated to serve in the absence of the Chief of Police and the Captain. The chief law enforcement officer shall be the next ranking officer. During such periods, the ranking official shall have the same powers as those of the official whose office he temporarily holds.

3-5 GENERAL QUALIFICATIONS

In accordance with N.J.S.A. 40A:14-122, except as otherwise provided by law, no person shall be appointed as a member of the Police Department, unless they:

- (1) are a citizen of the United States;
- (2) are sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey as to eligibility for membership in the retirement system;
- (3) are able to read, write and speak the English language well and intelligently; and
- (4) are of good moral character and have not been convicted of any criminal offense involving moral turpitude.

No person shall be appointed as a member of the Police Department unless they are a resident of the State of New Jersey, in accordance with N.J.S.A. 40A:14-122.8. Likewise, in accordance with N.J.S.A. 40A:127, no person shall be initially appointed as a member of the Police Department who is under 18 or over 35 years of age. Any person who shall have met the age requirement at the announced closing date of a Civil Service examination for the position shall be considered within the age requirements while the Civil Service list promulgated as a result of that examination is in effect. Notwithstanding the foregoing, these age limits shall be extended for veterans in accordance with N.J.S.A. 38:23A-2.

3-6 APPOINTMENT

- a. Applicants seeking to obtain a position in the Borough's Police Department, who are residents of the Borough, shall be given a preference when the Borough determines its factors and requirements for filling a position. This notwithstanding, pursuant to N.J.S.A. 40A:14-122.1, residency is not a condition of employment, but rather residency will be one of various factors when determining which individual(s) will be offered employment to become a member of the Police Department according to the Civil Service rules of initial hiring.

- b. Classification of Applicants. Before any person shall be appointed as a member of the paid Police Department, the New Jersey Civil Service shall classify all the duly qualified applicants for the available position or positions in the following classes:

Class I: Residents of the Borough of Keyport

Class II: Residents of Monmouth County

Class III: Other residents of the State

Class IV: All other qualified residents

Within each such classification, duly qualified applicants who are veterans shall be accorded all such veterans preferences as are provided by law. Persons discharged from the service within six (6) months prior to making application to such municipality, who fulfill the requirements of N.J.S.A. 40A:14-123.1 and who thereby are entitled to appointment notwithstanding their failure to meet the New Jersey residency requirement at the time of their initial application, shall be placed in Class III.

- c. Order of Appointments. In making such appointments, the Appointing Authority shall first appoint all those in Class I and then those in each succeeding class in the order above listed and shall appoint a person or persons in any such class only to a vacancy or vacancies remaining after all qualified applicants in the preceding class or classes have been appointed or have declined an offer of appointment.
- d. Certification of Eligibles for Positions. The classes of qualified applicants defined by this subsection shall be considered as separate and successive lists of eligibles, and the Civil Service Commission shall, when requested to certify eligibles for positions specified in this subsection, make such certifications from said classes separately and successively and shall certify no person from any such class until all persons in the preceding class or classes have been appointed or have declined offers of appointment.
- e. Applicability. This subsection shall apply only to initial appointments and not to promotional appointments of persons already members of the Police Department.
- f. Temporary Appointments. In accordance with N.J.S.A. 40A:14-122, the Appropriate Authority when authorized to do so, may employ such officers and other personnel for the Police Department and force as temporary employees in emergencies, or for certain specified parts of the year, as needed. In making temporary appointments, the Appointing Authority shall utilize the classifications set forth herein and shall classify accordingly all

duly qualified applicants for the position or positions to be temporarily filled, making such appointments in accordance with applicable New Jersey Civil Service rules.

- g. Probationary Appointment. No person shall be given or accept a permanent appointment as a police officer in the Borough unless such person has first been given a probationary appointment to such office for a period of one year and has successfully completed 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. and any subsequent amendments or revisions thereto.

3-7 LEAVE OF ABSENCE

If any member of the police force is injured, ill or disabled from any cause so as to be physically unfit for duty during the period of such disability and physical unfitness for duty, where same shall be evidenced by the certificate of a physician designated by the Mayor and Council to examine such person he may grant a leave of absence with full pay or such proportion thereof as they may fix to such person, provided no leave of absence with pay shall exceed one (1) year commencing with the date of such illness, injury or disability.

In accordance with N.J.S.A. 40A:14-122, except as otherwise provided by law, any permanent member or officer of the Police Department who shall be absent from duty without just cause or leave of absence, for a continuous period of five (5) days, shall cease to be a member of the Police Department.

3-8 DUTIES

3-8.1 Authority and Duties of the Chief of Police

The Chief of Police shall be the head of the Police Department and shall be directly responsible to the Appropriate Authority for the department's efficiency and day-to-day operations.

Pursuant to policies established by the Appropriate Authority and consistent with N.J.S.A. 40A:14-118, the Chief of Police shall:

- a. Administer and enforce the rules and regulations of the Police Department and any special emergency directive for the disposition and discipline of the department, its members and officers;
- b. Have, exercise, and discharge the functions, powers, and duties of the force and its officers;
- c. Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the Chief's direction and control;

- d. Prescribe the duties and assignments of all subordinates and all other personnel; and
- e. Report at least monthly to the Appropriate Authority in such form as shall be prescribed on the operation of the Police Department during the preceding month and make such other reports as may be requested by the Appropriate Authority.

3-8.2 Duties of Police Officers.

- a. It shall be the duty of police officers to preserve public peace and to see that all laws and ordinances relating thereto are properly enforced; they shall faithfully and promptly obey all orders, rules and regulations prescribed and perform such other duties as directed by the Appropriate Authority.
- b. The authority and duties of each class of officer shall be based upon, but not limited to, the job specification provided for the officer's Civil Service title code.

3-9 RULES OF DISCIPLINE

3-9.1 Removal and Suspension

Each regular police officer shall hold his office and continue in his employment during good behavior, efficiency, and no person shall be removed from office or employment for any other causes than incapacity, misconduct, neglect of duty, conduct unbecoming a police officer, disobedience of the rules and regulations established and hereafter established for the department or absence from duty without just cause for five days or more.

Any regular member of the Police Department may be suspended, removed, fined, or reduced from his office or employment, therein, for just cause upon due notice and service of written charges and a hearing. This subsection shall not apply to probationary patrolmen.

3-9.2 Charges Against Police Member

- a. No member or officer 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.
- b. All charges against a member of the Police Department, other than the Chief of Police, shall be referred to the Chief of Police for his/her investigation and recommendation. The Chief of Police shall present said charges and recommendations to the Council in a manner

consistent with Title 11 of the N.J. Revised Statutes and N.J. Administrative Code Title 4 for ultimate disposition. Any charges proffered against the Chief of Police shall be referred to the chairman of the Police Committee who shall schedule a Police Committee meeting, and the Committee shall thereupon conduct an investigation and make a recommendation to the Borough Council which shall thereafter act in a manner consistent with law upon the charges.

3-9.3 Rules to Be Made by Appropriate Authority

The Borough Administrator, who is hereby designated as the Appropriate Authority pursuant to N.J.S.A. 40A:13-118, may make such rules and regulations concerning the conduct and duties of the officers. When same have been adopted by the Appropriate Authority, such rules and regulations shall be binding upon each member of the Police Department.

3-10 SPECIAL LAW ENFORCEMENT OFFICERS

- a. Appointment. The Appropriate Authority may appoint special law enforcement officers for a term not exceeding one (1) year, subject to approval by resolution of the Borough Council. Such appointments may be revoked for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. The special law enforcement officers so appointed shall not be members of the Police Department. Such special law enforcement officers shall carry out their duties and responsibilities under the direct supervision of the Chief of Police, and their powers, rights, and duties shall be specifically defined by the Chief of Police. These powers, rights and duties, however, shall immediately cease at the expiration of the term for which they were appointed, or upon revocation of their appointment. The special law enforcement officers shall not carry a revolver or other weapon at any time except as otherwise directed by the Chief of Police and as more particularly set forth in paragraph (c)(2) of this section. The resolution approving appointment of special law enforcement officers shall designate the rate of pay, if any.
- b. Qualifications. No person shall be appointed as a special law enforcement officer unless he or she is a citizen of the United States; is able to read, write, and speak the English language; is physically qualified and of good moral character, and has not been convicted of any crime. Every such special law enforcement officer shall be fingerprinted and his or her fingerprints shall be filed with the Division of the State Police and Federal Bureau of Investigation. Reports shall be made by the Chief of Police to the Borough Council concerning the eligibility and qualifications of any person proposed to be appointed a special law enforcement officer.

- c. Classification of Officers. There are hereby established two classifications of special law enforcement officers:
1. Class One. Officers of this class are hereby authorized to perform routine traffic detail, spectator control and similar duties. Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the New Jersey Statutes. The use of a firearm by an officer of this class shall be strictly prohibited, and no Class One officer shall be assigned any duties which may require the carrying or use of a firearm.
 2. Class Two. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent regularly appointed full-time police officer. The use of a firearm by an officer of this class is authorized only after the officer has been fully certified as successfully completing training as prescribed by the police training commission and only while engaged in the actual performance of the officer's official duties and specifically authorized by the Chief of Police
- d. Uniforms. The uniform worn by the special law enforcement officer shall include an insignia issued by the police training commission which clearly indicates the officer's status as a special law enforcement officer and the type of certification (i.e., Class One or Class Two) issued by the commission.
- e. Carrying of Firearms. Special law enforcement officers who are permitted to carry and return firearms shall do so pursuant to the guidelines established in N.J.S.A. 40A:14-146.14(b).
- f. Rules and Regulations. Special law enforcement officers shall comply with the rules and regulations applicable to the conduct and decorum of the permanent regularly appointed police officers of the Borough, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.
- g. Number of Categories of Officers. The number of special law enforcement officers designated as Class One members shall not exceed ten (10) persons. The number of special law enforcement officers designated as Class Two members shall not exceed four (4) persons.

3-11 UNIFORM AND EQUIPMENT

All members of the Police Department shall provide and maintain in clean and serviceable condition such wearing apparel and equipment as shall be prescribed by the Chief of Police or their designee.

3-11.1 Firearms

All firearms which may be provided by the Borough shall remain the property of the Borough.

3-12 PROMOTIONS

All promotions will be made in accordance with current New Jersey State Department of Personnel Guidelines and procedures and New Jersey Civil Service Regulations.

3-13 SPECIAL DUTY ASSIGNMENTS

- a. Any and all extra duty assignments for police personnel shall be determined and approved by the Chief of Police or their designee. No police officer shall perform special duty assignments for private parties for compensation other than through the procedure set forth in this subsection. The Chief shall obtain such information as he determines necessary and is authorized to approve such special duty police work in accordance with this subsection. The Chief may assign a patrol vehicle for use in performing extra duty if and in the event it is determined that the use of a patrol vehicle is necessary to perform the contracted duty. The Chief may deny the assignment or use of police officers or vehicles and/or impose any condition or requirement as in his sole discretion and determination is in the best interest of the Borough and/or the police officers or public safety. The Chief shall be guided by the nature of the assignment and should avoid those with conflicts of interest and/or high risk of injury.
- b. The work to be performed shall be considered a "special duty assignment from independent contractors" (special duty assignments) and will not be considered a direct assignment. Notwithstanding any provision to the contrary, special duty assignments shall be limited to crowd control, traffic control, and any type of security employment wherein the officer is required to wear his duty uniform. The taking of any and all extra duty assignments shall be on a voluntary basis in accordance with a fair and reasonable system established and administered by the Chief.
- c. Officers engaged in special duty assignments shall be deemed on-duty and shall conform to all Police Department rules, regulations and procedures. All such agreements for special duty assignments shall be contracted for in writing by the completion of a form available from the Police Department which contracts shall be kept on record as other such police documents.

1. An invoice from the Borough for any balance due, or credit for any refund, if any, shall be issued by the Chief Financial Officer. Any payments due under such agreements shall be paid to the Borough fifteen (15) days from the date of billing. Interest shall be charged at the rate of twelve percent (12%) per annum on any amount billed for which payment has not been made within 15 days. Delinquent parties shall be liable for all costs, fees, and attorneys' fees associated with the collection of any amounts due.
 2. The Chief of Police, or his/her designee, shall estimate the number of hours anticipated to be worked, and payment for the estimated work shall be paid to the Borough prior to commencement of the work.
 3. If additional work time is required due to unanticipated circumstances, and such work is approved by the Chief of Police, or his/her designee, the private party shall be liable for payment to the Borough for all such additional hours worked at the specified rate and shall indicate his or her prior consent in writing to the Chief of Police, or his or her representative.
- d. All special duty assignments shall be within the Borough, unless specific written approval is given by the Chief to the officer to work outside of the Borough, and the Chief may contact adjoining municipal Police Departments to see if they are willing to perform such special duty assignments before granting approval to an officer from the Borough's department to work outside the Borough.
 - e. All payments for special duty assignments shall be made through a special police fund established by the Borough Treasurer from which payment shall be made to the individual police officers performing such service. All payments from the trust fund shall be made to the police officers subject to required deductions and an administrative fee to be retained by the Borough. The charges for such services shall be set forth annually in a resolution adopted by the Borough's governing body. Any dispute between the contractor and the police officer on assignment as to services required or compensation due shall be determined by the Chief. His/her decision shall be final and binding.
 - f. Any special duty assignment which is cancelled on less than one (1) hour notice shall be charged against the party.
 - g. The Chief has the authority to order any police officer to vacate or terminate any special duty assignment in response to emergency situations or whenever the assignment creates an unacceptable risk to health, safety and welfare of the police officer and/or public in the

sole determination and discretion of the Chief. The contractor shall not be responsible for any compensation for the time that the police officer is away from the special duty assignments and shall have no claim for any costs or damages against the Borough, the Chief, or the police officer arising from the termination of a special duty assignment other than the prorated return of any costs prepaid to the Borough.

- h. The Borough shall be responsible to provide all necessary insurance coverage as required by law, including but not limited to workers' compensation, public liability, and claims for damage, for personal injury including death or damage to property which may arise as a result from the Borough's performance under the contract.

3-14 POLICE CHAPLAIN

- a. Position Created. The position of Police Chaplain for the Borough of Keyport Police is hereby created in accordance with N.J.S.A. 40A:14-141. The position shall be a volunteer position. The position of Police Chaplain shall be subject to the control of the Chief of Police.
- b. Appointment. The Chief of Police shall recommend to the Appropriate Authority, person(s) that he/she believes meets the qualifications of N.J.S.A. 40A:14-141 as well as the rules and regulations of the Borough of Keyport Police Department with reference to chaplains, if any. All applicants for the position of chaplain shall be reviewed by the Chief of Police and Borough administrator to determine his/her qualifications are in accordance with this subsection and shall make recommendations to the Mayor and Council. The Mayor and Council shall appoint chaplains in accordance with this subsection and in accordance with N.J.S.A. 40A:14-141.
- c. Qualifications. Any person appointed as chaplain shall be an ordained clergyman in good standing in the religious body from which he/she is selected. The chaplain shall be a certified Police Chaplain credentialed in accordance with the rules and regulations of the Borough of Keyport Police Department and shall be qualified in accordance with N.J.S.A. 40A:14-141.
- d. Duties. The duties of the Police Chaplain shall include, but not be limited to, assisting the Borough of Keyport Police Department in any duties that may be assigned by the Chief of Police that pertain to the Police Chaplain.
- e. Any person appointed as chaplain shall serve in that capacity without rank or salary. The position will be a volunteer position.

- f. Term. A person appointed as chaplain shall serve from the date of appointment and shall continue to serve in that capacity until he/she is terminated, resigns or retires from that position. The Chief of Police shall be notified and consulted should any of these options be exercised.

Section 4. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 6. Except as amended by this Ordinance, all other provisions of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 7. The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 8. This Ordinance shall be in full force and effect from and after its adoption and any publication according to law.

Introduced: May 18, 2021
Public Hearing: June 1, 2021
Adopted: June 1, 2021



Michele Clark, RMC
Borough Clerk
Borough of Keyport



Collette J. Kennedy, Mayor
Borough of Keyport