

ORDINANCE NO. 15-11

**ORDINANCE AMENDING VARIOUS SECTIONS
OF CHAPTER III ARTICLE I
“POLICE DEPARTMENT” OF THE CODE
OF THE BOROUGH OF KEYPORT**

WHEREAS, the Code of the Borough of Keyport in Chapter III establishes the Keyport Police Department and outlines its organizational structure generally as provided by law, and

WHEREAS, due to certain Court decisions relevant to the requirements that must be incorporated in a municipality's Police code and the need for certain revisions in the organizational structure of the Police department as determined by the Governing Body as appropriate to more efficiently provide police services and coverage, it has been recommended by the Borough Administrator and the Borough Special Labor/Personnel Attorney that the Borough Police Code be amended in certain sections to define and establish a revised organizational structure conforming to legal requirements.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Keyport that the Code of the Borough of Keyport, Chapter III, Article I “Police Department” be and hereby is amended as to the following sections and provisions as follows:

(Note: Sections being amended are referenced below will read as stated herein. Sections, or paragraphs of sections, of Article III not referenced herein are not being changed and will continue to remain in Code as is)

Section 3-3.4 is amended to read as follows:

3-3.4 Responsibilities of Command. The responsibility of command within the Police Department shall be vested within the Police Chief. During the absence of that commanding officer, when no other special designation is made by the Mayor and Council, the command shall automatically devolve upon the senior member of the Department as determined, first by rank, and second by continuity of service in the Department. During such periods, the ranking official shall have the same powers as those of the official whose office he temporarily holds. The rank structure within the Police Department shall be as follows:

- a. Police Chief (no more than 1)
- b. Police Lieutenant (no more than 1)
- c. Police Sergeant (no more than 5 until the current Sergeant assigned to the Detective Bureau retires or is re-assigned, thereafter no more than 4)
- d. Patrol Officer (permanent and probationary, no more than 10); the position of detective is an assignment of duties within the rank

During such periods, the ranking official shall have the same powers as those of the official whose office he temporarily holds.

Section 3-3.7 (A) and (B) is being amended to read as follows:
3-3.7 Detective Bureau.

A. Personnel; Authority. The Detective Bureau shall be assigned as personnel one (1) patrol officer and such other police officers as shall be assigned by the Police Chief with the approval of the Borough Council. Police officers in the Detective Bureau shall be subject to the command of the Police Chief or his designee and the rules and regulations of the Department. The Officer assigned as a Detective shall perform the duties of Juvenile Aid Officer to the extent appropriate as directed by the Police Chief.

B. Assignments to the Bureau. Assignments to the Detective Bureau to the position of detective are temporary and subject to the discretion and determination of the Police Chief within the limitations as established herein.

Section 3-4.2 is being amended to read as follows:

3-4.2. Official Titles. The members of the Police Department shall have the following official titles. Police Chief; Police Lieutenant; Police Sergeant; Police Patrol Officer; Police Detective is an assignment and during said assignment an officer may be designated and referred to as Detective.

Section 3-5.1, Paragraph (b)23 is being amended to read as follows; all other paragraphs of Section 3-5.1 remain unchanged:

3-5.1. Authority and Duties of Police Chief.

(b)23. Attend, at the request of the Mayor, the majority of the Council, or the Business Administrator, any public Council meeting or, in his absence (with cause) and with the approval of the requesting party, assign this task to a ranking subordinate officer, for the purpose of responding to all questions concerning police matters.

Section 3-5.2 is being deleted entirely.

3-5.2. Authority and Duties of Police Captain.

Delete Section entirely.

Section 3-5.3 Paragraphs A through F and H through K remain unchanged; Paragraph G is amended to read as follows; Paragraph L is being added, to read as follows:

3-5.3. Authority and Duties of a Police Lieutenant.

G. The Lieutenant shall perform all duties required by him to be performed by the Police Chief and under his supervision, and, to the extent appropriate and/or ordered by the Police Chief, assist the Chief in all duties.

L. The Lieutenant shall make such intra-departmental assignments, under the supervision of the Chief, as shall be appropriate for the efficient operation of the Department.

Section 3-5.5 is being deleted entirely.

3-5.5 Authority and Duties of Police Detective Sergeant.

Delete Section entirely.

Section 3-5.6 Paragraph A.1 is being amended to read as follows; all other paragraphs remain unchanged.

3-5.6 Authority and Duties of a Patrolman and Police Detective.

1. A patrolman or police detective shall have such regular hours of duty as may be prescribed and when assigned to special duty he will promptly and thoroughly perform such special duty as may be ordered. An officer assigned as Detective shall investigate all matters which shall be referred to him for investigation by higher authority and shall keep complete and accurate details of such investigation in written form and will perform such duties as required or assigned by the Police Chief or his designee.

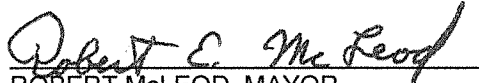
Section 3-5.8 Paragraph 18 is amended to read as follows; all other paragraphs remain unchanged:

3-5.8 Communication Operator.

18. He shall immediately file with the Police Chief and Police Lieutenant or the Officer-in-Charge any violation of these rules and regulations made by any member of the Police Department.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be determined invalid, that portion shall be deemed severable and severed, and the remainder of this Ordinance and the Police Code shall remain in force and effect.

PASSED FIRST READING: July 5, 2011
PUBLIC HEARING: August 9, 2011
ADOPTED: August 9, 2011


ROBERT McLEOD, MAYOR
BOROUGH OF KEYPORT

ATTEST:



Valerie T. Heilweil, RMC
Municipal Clerk