

**\*\*\*ADOPTED JULY 11, 2016\*\*\***

**DELANCO TOWNSHIP  
ORDINANCE 2016-8**

**AMENDING CHAPTER 10-6  
GOVERNING "POLICE"**

**WHEREAS**, the Chief of Police and Administrator have reviewed Chapter 10 of the Code and made recommendations for amendments to update same; and

**WHEREAS**, the Township Committee desires to implement these amendments.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** that Chapter 10-6, governing "Police" is hereby replaced in its entirety and will now read as follows:

Section 1.

**Chapter 10-6. Police.**

- A. Generally. It is the function of the Police Department to bring police services to all inhabitants and taxpayers of the Township, and in this connection it shall enforce all laws which operate within the Township. It is the function of the Police Department to preserve the public peace, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township, suppress riots, mobs and interruptions, disperse unlawful or dangerous assemblage and preserve order at all elections and public meetings and assemblages. A further function is to administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and the use of streets by vehicles and persons and to make such rules and regulations not inconsistent with the charter, rules, ordinances and general law for such purpose. Further, the Police Department shall remove all nuisances in public streets, parks and other public places; inspect and observe all places of public amusement or assemblage and all places of business requiring any state or municipal licenses or permits. In addition, the Police Department shall perform all such other duties as the Township shall by ordinance provide. It is indicated the Police Department is a prime provider of services for the inhabitants and taxpayers of the community.
- B. Establishment; composition. There is hereby established a Police Department, which shall consist of a Chief of Police, one (1) Lieutenant of Police, two (2) Sergeants, and up to twelve (12) Patrol Officers as the Township Committee may from time to time appoint. The Township Committee also may employ up to 2 Class One special law enforcement officers and Class Two special law enforcement officers in an amount not to exceed 25% of sworn officers, pursuant to N.J.S.A. 40A:14-146.8, et. seq.

(1) Chain of Command. All necessary orders and directives for the management and regulation of the Police Department shall be given through the chain of command. The chain of command shall be as follows:

- (a). The Township Administrator as the Appropriate Authority, pursuant to N.J.S.A. 40A:14-118;
- (b). The Chief of Police;
- (c) The Lieutenant, if one is then serving;
- (d) The Sergeant(s);
- (e) The Patrol Officers; and
- (f) The Special Law Enforcement Officers, if necessary.

C. Salaries. The members of the police force shall receive such annual salaries as may be fixed by the Salary Ordinance of the Township.

D. Appropriate Authority. The Appropriate Authority, as said term is used in N.J.S.A. 40A:14-118, shall be delegated by the Township Committee to the Township Administrator to the maximum extent permitted by law, except with respect to matters of hiring, final decisions regarding major discipline, and promotion within the Department, in which instance the Township Committee shall be the Appropriate Authority. The Appropriate Authority shall be responsible to the governing body for the overall performance of the Police Department.

(1) The Appropriate Authority shall adopt and promulgate rules and regulations for the government of the police force and for the discipline of its members.

(2) Such rules, regulations, procedures and orders shall be binding upon each member and civilian employee of the Police Department, and copies shall be made available by the Chief of Police for each such members and employees.

(3) Within five (5) days after the promulgation of any rule, regulation, procedure or order, same shall be posted by the Police Chief or designee in the Police Department and a copy shall be made available to each member of the Department and to each civilian employee of the Department, all of whom shall acknowledge receipt of same on a form supplied by the Chief.

(4) In the event of any inconsistency between this Section and the rules, regulations, procedures or orders, the provisions of this section shall control. In the case of inconsistency with any applicable collective bargaining agreement, the provisions of such agreement shall control.

E. Chief of Police.

(1) Position established. The position of Chief of Police in the Police Department of the Township of Delanco be and the same is hereby established pursuant to law.

(2) Appointment. The Township Committee be and is hereby authorized to appoint a Chief of Police in the Township of Delanco in the manner provided for by law.

(3) Duties. The Chief of Police shall be the head of the Police Department, shall be directly responsible to the Township Administrator for its efficiency and day-to-day operations and shall be subject to the rules, regulations and orders as may be prescribed by the Appropriate Authority. Pursuant to policies established by the Township Administrator, the Chief of Police shall:

(a) Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.

(b) Have, exercise and discharge the functions, powers and duties of the force.

(c) Prescribe the duties and assignments of all subordinates and other personnel.

(d) Delegate such authority, as he or she may deem necessary for the efficient operations of the Police Department, to be exercised under his or her direction and supervision.

(e) Report at least monthly to the Township Administrator, in such form as the Township Administrator shall prescribe, on the operation of the Police Department during the preceding month. Make such other reports as may be requested by the Township Administrator, which may include a monthly report of the Chief's actions, all arrests made and summons issued, all warrants executed and all complaints investigated.

(4) Qualifications. The Chief of Police shall meet all of the requirements of the law and New Jersey Civil Service Rules and Regulations pertaining to his or her position.

#### F. Lieutenant of Police

(1) Position established. The position of Lieutenant of Police in the Police Department of the Township of Delanco be and the same is hereby established pursuant to law.

(2) Appointment. The Township Committee be and is hereby authorized to appoint a Lieutenant of Police in the Township of Delanco in the manner provided for by law.

(3) Duties. The Lieutenant of Police shall perform such duties as may be assigned to him or her by the Chief of Police of the Township of Delanco in accordance with their job description, rules and regulations and SOP's.

(4) Qualifications. The Lieutenant of Police shall meet all of the requirements of the law and New Jersey Civil Service Rules and Regulations pertaining to his or her position.

#### G. Sergeant of Police.

(1) Position established. The position of Sergeant of Police in the Police Department of the Township of Delanco be and the same is hereby established pursuant to law.

(2) Appointment. The Township Committee be and is hereby authorized to appoint a Sergeant of Police in the Township of Delanco in the manner provided for by law.

(3) Duties. The Sergeant of Police shall perform such duties as may be assigned to him or her by the Chief of Police of the Township of Delanco and such other duties and responsibilities which may be fixed from time to time by any superior officer along with their job description, rules and regulations and SOP's.

(4) Qualifications. The Sergeant of Police shall meet all of the requirements of the law and New Jersey Civil Service Rules and Regulations pertaining to his or her position.

#### H. Patrol Officer

(1) Position established. The position of Patrol Officer in the Police Department of the Township of Delanco be and the same is hereby established pursuant to law.

(2) Appointment. The Township Committee be and is hereby authorized to appoint a Patrol Officer in the Township of Delanco in the manner provided for by law.

(3) To be eligible for appointment to the police force as a Patrol Officer, an applicant shall:

(a) be not less than 18 years of age;

(b) be a citizen of the United States;

(c) be sound in body, of good health;

(d) be able to read, write and speak the English language well and intelligently;

(e) be of good moral character;

(f) meet all of the requirements of the law and New Jersey Civil Service Rules and Regulations pertaining to his or her position.

(g) preference shall be given to residents of Delanco Township, then to residents of Burlington County.

I. Other personnel. The job classifications assigned to the Department, in addition to those provided above, are as follows:

(1) Special Officers.

(a) Creation of position. In accordance with the provisions of N.J.S.A. 40A:14-146.8 et seq., there is hereby created the position of Special Law Enforcement Officer for the Township of Delanco, County of Burlington and State of New

Jersey. Each Special Officer appointed shall be subject to the requirements of this article and the additional requirements set forth in N.J.S.A. 40A:14-146.8 et. seq.

(b) Classification and powers. The classifications of the Special Law Enforcement Officers shall be based upon the duties to be performed by said officers and are established as follows:

[1] Class One. They are authorized to perform routine traffic details, spectator control and similar duties as may be assigned by the Chief of Police or, in the absence of the Chief, another law enforcement officer in a supervisory capacity authorized by the Chief to act in his or her stead. Class One officers are also authorized to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of N.J.S.A. 39, et seq. The use of firearms by Class One officers is strictly prohibited, and no Class One officer shall be assigned any duties which require the carrying or use of a firearm.

[2] Class Two. Officers of this class are authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. They shall be assigned such duties as deemed necessary by the Chief of Police or, in the absence of the Chief, another law enforcement officer in a supervisory capacity authorized by the Chief to act in his or her stead. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the Police Training Commission established within the Department of Law and Public Safety of the State of New Jersey.

(c) Compliance with other ordinances governing operations within the Police Department. All duly appointed Special Law Enforcement Officers shall be subject to the rules and regulations governing the Police Department of the Township of Delanco as adopted, including by description, but not limitation, the Standard Operating Procedures Police Manual of the Township of Delanco and other practices and procedures established.

(d) Term of appointment. Special Law Enforcement Officers shall be appointed by the Township Committee for a term not to exceed one year, which appointments shall be made at the Annual Reorganization Meeting or at such other times as the Township Committee deems it necessary to make such appointments. In no event shall any appointment carry a term beyond the end of the calendar year of the year in which said appointment is made.

(e) Compensation. Compensation for each class of Special Law Enforcement Officer shall be established annually by the Salary Ordinance of the Township of Delanco.

(f) Limitations on number of officers. The number of Special Law Enforcement Officers employed by the Township of Delanco shall be as follows:

[1] Class One. Not more than the number of regular police officers employed by the Township of Delanco.

[2] Class Two. Not more than 25% of the number of regular officers employed by the Township of Delanco subject to the limitations set forth in N.J.S.A. 40A:14-146.17.

(g) Training course: firearms. No Special Officer shall commence his or her duties until he or she has completed the training as required under N.J.S.A. 40A:14-146.11 or as amended from time to time.

(h) Hours of employment or assigned to duty. The Chief of Police or another law enforcement officer in a supervisory capacity authorized to act in his or her stead may assign Special Officers of the First and Second Class to perform authorized duties not to exceed the number of hours per week in accordance with existing statutes of the State of New Jersey, except in case of emergency, which shall be without limitation as to hours.

(2) School Traffic Guards.

(3) Police Guards.

(4) Clerk Typist.

J. Temporary police officers. The Township Committee may from time to time employ upon a per diem basis such temporary police officers as may be necessary, and may discharge them at any time without cause or hearing. They shall not be permanent members of the Police Department but shall, while on duty, be subject in every respect to the orders of the superior officers of the Police Department. They shall receive such compensation for each day of service as may be fixed by the Salary Ordinance of the Township.

K. Promotion. Members of the Police Department shall be promoted to hold any superior rank within the Police Department according to the requirements of the law and New Jersey Civil Service Rules and Regulations pertaining to his or her position.

L. Drug screening procedure for applicants, law enforcement trainees and sworn law enforcement officers shall be in accordance the current guidelines of the office of the New Jersey Attorney General.

M. Outside Employment - Full-time status. Each officer within the regulated category shall be expected to devote full time to his or her duties within the Police Department of the Township of Delanco, and no outside employment of any nature shall be permitted except as elsewhere herein provided.

(1) No officer shall seek, hold or occupy employment outside the Police Department of the Township of Delanco without receiving the written approval of the Chief of Police.

The Chief of Police and Lieutenant must receive official approval of his or her employment by the Township Committee of the Township of Delanco by resolution.

(2) Officers who do not obtain the required pre-approvals shall be subject to immediate removal from office or such lesser disciplinary action as the Township Committee, after hearing, shall determine is appropriate to correct the violation.

N. Outside employment through the Police Department.

(1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

**EMPLOYEE**

A regular police officer of the Police Department of the Township of Delanco that is being hired by a private employer to provide security and/or traffic control services. Special officers, as defined in N.J.S.A. 40A:14-146.8 et seq., are not permitted to perform these services and are therefore not included in this subsection.

**OFF DUTY**

Officer's time not scheduled for duty.

**PRIVATE EMPLOYER**

Any entity, public or private, other than the Township of Delanco, that is hiring an employee, as defined herein, to provide security and/or traffic control services for the private employer's business, project or function.

**TOWNSHIP**

The Township of Delanco.

(2) Authorization.

(a) Members of the Township's Police Department, whether they be full-time or part-time, are expressly authorized to engage in security-related and traffic control activities during their off-duty hours for private employers, so long as the arrangements therefore are made with the Township and any compensation paid to the officers for such service is channeled through the Township.

(b) The officers performing said services when authorized hereunder are also authorized to wear a Township police uniform.

(c) The authorization set forth in this subsection apply only to security-related and traffic control activities during off-duty hours for private employers.

(d) In granting this authorization, the Township assumes responsibility or liability or the actions or non-actions of the off-duty officers.

(e) Pursuant to memoranda issued by the State of New Jersey Department of the Treasury, Division of Pensions, dated August 1989 and February 1990, it is the express intention of this subsection that off-duty work authorized by this subsection shall entitle police officers to coverage under the Police and Firemen's Retirement System when they are injured during off-duty or outside employment under the scope of this subsection. Both the Township and the members of the Township's Police Department are familiar with these memoranda and, because the employees shall ultimately be subject to departmental discipline and control, and because they are ultimately paid by the Township, they are in accordance with the February 1990 memorandum prepared by Douglas R. Forrester, Director, Division of Pension, and are considered to be covered for injury or death which may occur while performing those duties.

(3) Contracts with private employers or public entities.

(a) Any private employer desiring to retain the services of police officers ["employee(s)"] of the Township of Delanco for extra-duty, security-related and/or traffic control activities shall be required to enter into a contract with the Township of Delanco. Except in cases of bona fide emergency, no assignment to extra duty may be made unless, prior to such assignment, the private party or entity has executed a contract for such services and has made the required deposit pursuant to the Uniform Agreement to Provide Security-Related and/or Traffic Control Services by Off-Duty Personnel, which form of agreement is on file with the Township Department of Finance. Said agreement shall include but not be limited to the nature of duties to be performed, the location of said duties, the date and hours of service, the rate of payment of services to the officers, which shall be established by Township Resolution and may be amended from time to time, administrative fees to the Township of Delanco and fees for the use of Township-owned equipment.

(b) The agreement shall provide for the deposit of monies in advance by the private employer for the services to be performed. Should the contract be for a term exceeding one month, the private employer shall be required to tender an estimated payment for the first month's services upon executing the contract and will be billed on a periodic basis thereafter. Should the actual assignment of off-duty officers amount to less than the amount deposited, the Chief Financial Officer shall, upon termination of the contract, receipt of the final certified time slips and receipt of written demand from the private employer, return all unused funds to the private employer. Nothing in this subsection shall be construed as limiting the power of the Township of Delanco to accept or reject any and all assignments with any private employer.

(c) As an alternative, the Chief of Police, with the approval of the Township Administrator, may waive the requirement that a private employer or public entity deposit monies in advance. This alternative may be used when the private employer or public entity is a public utility or is determined by the Chief to be dependable in making payments for the services of the police officer(s) within a two-week period after the services are performed, based on past history and/or



appropriate performance guarantees. This alternative may be used solely at the discretion of the Chief who may require advance payment at any time if there is any question of the private employer or public entity being willing or able to meet its quick payment responsibility.

(4) Cancellation policy. Any private employer who determines to cancel the services of police officers, after entering into a contract, shall be required to provide notice to the police officers before the scheduled start time of the assignment according to the current resolution setting rates for outside employment of Police Officers.

(5) Insurance. As a precondition to the use of employees by a private employer, the private employer shall provide written assurance that the officers are covered by the private employer's workmen's compensation insurance and personal liability insurance policies and proof that the Township and its officers are named as additional insureds in amount of \$1,000,000 per single occurrence, \$2,000,000 in the aggregate, as well as such other information as the Chief deems appropriate. All such information shall be submitted to the Township's Attorney for approval prior to the performance of any services by Township employees.

(6) Payment for extra-duty assignments; establishment of fund. All private employers shall be required to make all payments for extra-duty assignments payable to the Township of Delanco. All payments for extra-duty assignments shall be forwarded to the office of the Chief Financial Officer of the Township of Delanco. The Chief Financial Officer shall deposit all funds earmarked for the payment of extra-duty officers, collected from private employers, into a special escrow fund which is hereby established by this subsection. The escrow fund shall be established for payment to members of the Police Department performing the extra-duty services, also referred to as "employees." All police officers shall be required to submit pay slips to the Police Chief. The pay slip shall be in a form approved by the Chief Financial Officer. Upon receipt of a properly executed pay slip verified by the private person or entity, the Finance Department will process the pay slips for disbursement during the officers' regular pay period.

(7) Administrative costs. In addition to the aforementioned fees to be collected by the Township of Delanco from said private person or public entity for the payment of said extra-duty police officer(s), the Township of Delanco shall collect an administrative fee as set by to the current resolution setting rates for outside employment of Police Officers. Said fee shall be used to offset the administrative costs associated with the assignment of Township police officer(s), the wear and tear of police equipment, etc.

(8) Use of Township vehicles. Police officers engaging in off-duty activities, as authorized and required by this subsection, may be permitted to utilize a municipal vehicle subject to the approval and consent of the Chief of Police. If a municipal vehicle is utilized, the private employer shall also pay the Township of Delanco a fee to the current resolution setting rates for outside employment of Police Officers for use of the vehicle. Notwithstanding the foregoing, said charge shall be waived for services contracted for by the Delanco Township Board of Education and any other federal, state, county or local public agencies.

(9) Control vested in Chief of Police. Police officers are specifically authorized to engage in off-duty assignments pursuant to the terms of this subsection. The Chief of Police of the Township of Delanco shall be responsible for the overall conduct of the members of his Department in following the rules and regulations promulgated herein and shall insure that the terms, conditions and provision of this subsection shall be fully and faithfully carried out. The Chief of Police shall have authority to control officers engaged in off-duty or outside employment pursuant to this subsection, and shall further have the authority to discipline any and all officers so engaged in outside employment by private employers should cause for such charges arise or exist.

O. Submission of provisions to Police Department. The Clerk of the Township of Delanco shall be directed to submit this section to the Police Department and all officials charged with the responsibility for the orderly functioning of the Police Department in order that they may be made aware of the provisions contained in this section.

Section 2. Repealer. Any Ordinances inconsistent with this ordinance is hereby repealed to the extent of its inconsistency.

Section 3. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 4. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.