

ORDINANCE NO. 2396-2016

AN ORDINANCE TO AMEND CHAPTER 33 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "POLICE DEPARTMENT" TO ADD ARTICLE XV ENTITLED, "SPECIAL LAW ENFORCEMENT OFFICER – CLASS ONE"

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn that:

SECTION 1: CHAPTER 33 POLICE DEPARTMENT is hereby amended as follows:

Add:

**ARTICLE XV
Special Law Enforcement Officer – Class One**

§ 33-40. Special Law Enforcement Officer – Class One

In accordance with the provisions of P.L. 1986, c.2, of the New Jersey Statutes, N.J.S.A. 40A:14-146.8 et seq., there is hereby created the position of Special Law Enforcement Officer Class One for the Borough of Fair Lawn, Bergen County, New Jersey.

§ 33-41. Qualifications.

In order to be eligible for appointment to the position of a Special Law Enforcement Officer Class One, each applicant must:

- A. Be a citizen of the United States;
- B. Be not less than 18 at the time of appointment;
- C. Be a high school graduate or possess a high school equivalency certificate recognized by the Department of Education of the State of New Jersey;
- D. Be in good general health and physical condition as set up for examination of candidates for Special Law Enforcement Officers by the Borough's contracted physician, and be psychologically fit;
- E. Possess a valid New Jersey driver's license; and
- F. Applicants must reside within the Borough of Fair Lawn or a bordering municipality within the County of Bergen.

§ 33-42. Disqualifications.

No applicant shall be considered for appointment to the Borough Police Department as Special Law Enforcement Officer Class One who:

- A. Lacks the established qualification requirements for the position for which he/she has applied or been tested;
- B. Is physically, mentally or emotionally unfit to perform effectively the duties of the position in which he/she seeks employment;
- C. Is addicted to the habitual use of drugs or intoxicating liquors;
- D. Has been convicted of any indictable offense or has been convicted of any crime or offense involving moral turpitude;
- E. as been dismissed from any prior employment for justifiable cause; or
- F. Has made false statements of a material fact or practiced or attempted to practice any deception or fraud in his/her application, in his/her test or in securing his/her eligibility or appointment.

§ 33-43. Oath of Office.

Every Special Law Enforcement Officer of the Police Department shall, before entering upon the performance of his/her duties, take and subscribe to an oath or affirmation to bear true faith and allegiance to the government established in this state, under the authority of the people, to support the Constitution of the State of New Jersey and to enforce and obey all local ordinances and regulations of the Police Department and to faithfully, impartially and justly discharge and perform all the duties of his/her office, which oath or affirmation shall be filed with the Municipal Clerk, and a copy thereof maintained in the Police Department personnel files. The oath or affirmation shall conform to the wording of the State Statutes, as the same may be changed from time to time.

§ 33-44. Classification; Powers and Duties.

The classification of the Special Law Enforcement Officers shall be based upon the duties to be performed by said Officers and are established as follows:

- A. Special Class One Officers are authorized to perform routine traffic detail, 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 designated by the Chief to act in his/her stead. Under N.J.S.A. 40A:14-146.11(4a(1)), Class One officers are also authorized 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 Annotated at the discretion of the Chief of Police. The use of firearms by said Class One Officers is strictly prohibited, and no Class One Officer shall be assigned any duties which may require the carrying or use of a firearm.

§ 33-45. Appointment; Terms.

Special Law Enforcement Officers shall be appointed by the Borough Council 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 Borough Council deems it necessary to make such appointments.

§ 33-46. Compliance with Legislation of the Police Department.

All duly appointed Special Law Enforcement Officers shall be subject to the rules and regulations governing the Police Department of the Borough of Fair Lawn as adopted by previous ordinances, including, by description but not limitation, the Standard Operating Procedures Police Manual of the Borough of Fair Lawn.

§ 33-47. Supervision and Direction.

- A. Special Law Enforcement Officer shall be under the supervision and direction of the Chief of Police or, in the absence of the Chief, another superior officer designated by the Chief of Police and shall perform his/her duties only in the Borough of Fair Lawn, unless in fresh pursuit of any person pursuant to Chapter 156 of Title 2A of the New Jersey Statutes.
- B. The Special Law Enforcement Officer shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the Police Department, as well as any rules and regulations applicable to the conduct and decorum of special officers.

§ 33-48. Compensation.

Special Law Enforcement Class One Officers shall not receive a salary from the Borough of Fair Lawn for the performance of their duties but are entitled an annual clothing allowance for volunteer emergency service personnel.

§ 33-49. Training.

No Special Law Enforcement Officer shall commence his/her duties until he/she has completed the training as required under N.J.S.A. 40A:14-146.11, as amended from time to time.

§ 33-50. Uniforms.

The uniform of Special Law Enforcement Officers shall be determined by the Chief of Police and shall be in compliance with N.J.S.A. 40A:14-146.12.

§ 33-51. Hours of Duty.

Except as provided in subsection 3 of this section, no Special Law Enforcement Officer may be utilized for more than 20 hours per week by the local unit except that Special Law Enforcement Officers may be employed by the local unit for those hours as the governing body may determine necessary in accordance with the limits prescribed below:

- A. In all municipalities or counties without limitation as to hours during periods of emergency.
- B. Notwithstanding any provision of this act to the contrary, Special Law Enforcement Officers may be employed only to assist the local law enforcement unit but may not be employed to replace or substitute for full-time, regular police officers or in any way diminish the number of full-time officers employed by the local unit.
- C. The Chief of Police may designate one Special Law Enforcement Officer to whom the limitations on hours employed set forth in this section shall not be applicable.

SECTION 2: All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

SECTION 3: This Ordinance shall take effect upon passage and publication as required by law.

Attest:


Joanne M. Kwasniewski, RMC/MMC
Municipal Clerk/Deputy Manager

Approved:


John Cosgrove, Mayor

Introduced July 19, 2016

Adopted: August 16, 2016