

ORDINANCE 2016-04

*Borough of Metuchen
County of Middlesex
State of New Jersey*

ORDINANCE AMENDING CHAPTER 37 OF THE CODE OF THE BOROUGH OF METUCHEN ENTITLED “POLICE DEPARTMENT” TO DESIGNATE THE MAYOR OF THE BOROUGH OF METUCHEN AS THE “APPROPRIATE AUTHORITY” PURSUANT TO N.J.S.A. 40A:14-118

WHEREAS, the Borough of Metuchen has established a Police Department pursuant to N.J.S.A 40A:14-118 as is set forth in Chapter 37 of the Code of the Borough of Metuchen;

WHEREAS, pursuant to *N.J.S.A. 40A:14-118* a municipality shall provide for a line of authority relating to the police function and for the adoption and promulgation by the appropriate authority of rules and regulations for the government of the force and for the discipline of its members;

WHEREAS, the Code of the Borough of Metuchen currently designates the Borough Administrator to serve as the “Appropriate Authority” of the Police Department;

WHEREAS, pursuant to *N.J.S.A 40A:14-118* a municipality may elect to have the Mayor of the Borough of Metuchen serve as the Appropriate Authority;

WHEREAS, the Council of the Borough of Metuchen believes that the designation of the Mayor of the Borough of Metuchen as the Appropriate Authority will allow the Borough to achieve greater efficiencies and will improve the communications and oversight of the Police Department with the governing body;

WHEREAS, the Council of the Borough of Metuchen deems it in the best interest of the residents to amend Chapter 37 of the Code of the Borough of Metuchen, entitled, “Police Department” to designate the Mayor of the Borough of Metuchen as the Appropriate Authority, pursuant to *N.J.S.A. 40A:14-118*.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen that it hereby amends Chapter 37 the Code of the Borough of Metuchen entitled, “Police Department” designating the Mayor of the Borough of Metuchen as the “Appropriate Authority” of the Police Department pursuant to *N.J.S.A. 40A:14-118*; and

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that it hereby specifically amends § 37-5 entitled “Responsibilities” and § 37-88 entitled, “Disciplinary actions” to read as follows:

§ 37-5 Responsibilities

A. The Chief of the Police Department shall be the executive head of the police force, and he or she shall be directly responsible to the appropriate authority for the efficiency and routine day-to-day operations thereof, and he or she shall, pursuant to policies established by the appropriate authority, and in accordance with the statutory mandate of *N.J.S.A. 40A:14-118*:

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

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

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

(4) Delegate such of his or her authority as he or she may deem necessary for the efficient operation of the force to be exercised under his or her direction and supervision.

B. Report at least monthly to the appropriate authority in such form as shall be prescribed by such authority on the operation of the force during the preceding month and make such other reports as may be requested by such authority. The Mayor of the Borough of Metuchen is designated as the appropriate authority for all matters relating to the police function. The Mayor of the Borough of Metuchen shall, from time to time, adopt, revise and amend the rules and regulations for the government of the Police Department and for the discipline of its members.

[Amended 8-16-2010 by Ord. No. 2010-15]

C. Nothing herein contained shall prevent the appointment by the governing body of such committees or commissions as shall be necessary to conduct investigations of the operation of the police force, which committees or commissions shall have such powers of inquiry as the governing body deems necessary to conduct any such hearing or investigation as authorized by law. [Added 8-16-2010 by Ord. No. 2010-15]

§ 37-88 Disciplinary actions.

Any member of the Police Department may be suspended, removed, fined or reduced from his or her office or employment therein for just cause only after written charges of the cause of complaint shall have been preferred against such employee of the Police Department, signed by the person making such charges, filed in the office of the Chief of Police, and served upon the member charged. The member charged may request a hearing on the charges and will receive an opportunity to make his or her defense, if any he or she has, or chooses to make, as provided by law; provided, however, that for any dereliction of duty by a member of the Police Department for which a penalty less than suspension, removal, fine, or reduction from office or employment, as may be appropriate, the Chief of Police may impose such appropriate penalty. The Mayor of the Borough of Metuchen, or his or her designee, shall sit as Hearing Officer for the Borough on any complaint against a permanent member of the Police Department charging a violation of *N.J.S.A. 40A:14-147* or violation of the internal rules and regulations of the Police Department and on which is sought a suspension, removal, fine or demotion. In the event the Mayor does not act as Hearing Officer, the individual so designated to hear the disciplinary matter shall, at the conclusion of the hearing, forward his/her findings

and recommendations to the Mayor who shall make the final determination. The Mayor's decision shall be reviewable only as provided by N.J.S.A. 40A:14-150, as amended from time to time. In the event an individual not employed by the Borough is considered by the Mayor to act as the Hearing Officer, the alternate Hearing Officer shall be appointed by the Borough Council.

BE IT FURTHER ORDAINED by the Borough Council of the Borough of Metuchen that all Borough officials, employees and agents shall take all necessary actions to in order to effectuate the within Ordinance.

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that this ordinance shall take effect after passage and publication as required by law.

Introduction: January 19, 2016
 Date of Publication: January 23, 2016

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED				X	MULDOON	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO	X				WALLACE	X			
MOTION	GRAYZEL				SECOND	RASMUSSEN			
X – INDICATES VOTE AB- ABSENT NV- NOT VOTING									

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on January 19, 2016

 Susan D. Jackson, RMC
 Borough Clerk

Adopted: February 1, 2016
 Date of Publication of Adoption: February 4, 2016

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
LEIBFRIED	X				MULDOON	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO	X				WALLACE	X			

MOTION	GRAYZEL	SECOND	LEIBFRIED
X – INDICATES VOTE	AB- ABSENT	NV- NOT VOTING	

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on February 1, 2016

 Susan D. Jackson, RMC
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Susan D. Jackson, RMC
 Borough Clerk

By: _____
 Peter Cammarano
 Mayor