

**HARDING TOWNSHIP
ORDINANCE 10-2020**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 7 OF THE
CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §7-31 ENTITLED "POLICE
DEPARTMENT"**

WHEREAS, pursuant to §7-31 B. of the Township Code, the Township Administrator is designated as the Appropriate Authority as provided in NJSA 40A:14-118; and

WHEREAS, the Appropriate Authority is responsible for the overall performance of the Township Police Department, which includes examining the operations of the police force; and

WHEREAS, based upon his examination of the operations of the Township police force, the Appropriate Authority in conjunction with the Chief of Police has recommended that Township Committee amend certain provisions of §7-31 to address certain language within this section of the Code and to incorporate other recommendations of the Appropriate Authority; and

WHEREAS, the Township Committee based upon the recommendation of the Appropriate Authority, believes that this is in the best interests of the Police Department and the Township of Harding.

**NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AS
FOLLOWS:**

SECTION 1. § 7-31 Police Department.

- A. *No change.*
- B. Personnel; appointment; salary; oath. The Harding Township Police Department shall consist of a Chief of Police, one Lieutenant, five Sergeants, not fewer than seven nor more than 12 ~~patrolmen~~ **police officers** and such other employees as the Township Committee shall deem necessary. All members, officers and personnel shall be appointed by resolution of the Township Committee and shall receive such salaries as may be specified in the Township's Salary Ordinance.¹¹ Every person appointed to the Police Department shall, prior to entering on their ~~his~~ duties, take and subscribe to an oath or affirmation as required by New Jersey law.
- C. *No change.*
- D. ~~Detective Bureau. A Detective Bureau is hereby established under the command of the Police Chief. The Bureau shall be responsible for the investigation of crime, arrest and prosecution of perpetrators and the recovery of stolen property. The Chief of Police is authorized to appoint the Head of the Detective Bureau and, from time to time, to assign to the Bureau, or to reassign to uniform duty, other members of the Police Department. The Head of the Bureau shall inform the Chief of Police at all times as to the Bureau's activities and shall submit to him a written report of each case processed by the Bureau.~~

E. D. Appropriate authority; rules and regulations. The Township Administrator shall be, and hereby is, designated as the appropriate authority as provided in the New Jersey Statutes. The Township Administrator shall be responsible for the overall performance of the Police Department and shall adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of its members. The members of the Police Department shall be subject to said rules, regulations and penalties. Said rules and regulations may include but not be limited to the following subjects:

(1) – (10) *No changes.*

F. E Qualifications. No person shall be appointed a member of the Police Department unless they are:
——— he is:

(1) – (6) *No changes.*

G. F Appointments and promotions. All appointments to and promotions within the Police Department shall be made by the ~~Mayer and Police Committee Chairman~~ **Township Committee** upon the recommendation of the Chief of Police ~~subject to confirmation by the Township Committee.~~ All promotions shall be in accordance with applicable provisions of the laws of the State of New Jersey **and in accordance with the hiring and promotion policies and procedures approved by the Township Committee.**

H. G. Probationary ~~patrolmen~~ **police officer**. Each person hereafter appointed to the Police Department shall have first served a probationary term, the duration of which shall be determined in the same manner as appointments and promotions are determined under Subsection **G F** and shall have successfully completed a police training course at an approved school pursuant to N.J.S.A. 52:17B-66 et seq. Upon the expiration of such term, a probationary ~~patrolman~~ **police officer** may be appointed as a regular ~~patrolman~~ **police officer** by resolution of the Township Committee, or upon completion of the probationary period, the appointment may be terminated by resolution of the Township Committee.

I. H. Special law enforcement officers. The Township Committee may appoint from time to time special law enforcement officers in accordance with N.J.S.A. 40A:14-146.10 et seq. for terms not exceeding one year. They shall possess and exercise all the powers and duties provided by said statutes during their term in office, but shall not be considered as regular members of the Police Department and shall not be entitled to tenure.

J. I. School guards. The Township Committee may, from time to time, appoint as school guards such persons as it shall deem to be qualified for such position. The powers and duties of school guards shall be limited to the protection of children while on public thoroughfares in the Township in connection with their attendance at the Township school, and to the discretion and regulation of pedestrian and vehicular traffic at the various street intersections and crossings where they may be stationed. While on active duty, school guards shall be under the jurisdiction of and subject to the orders of the officers of the Police Department.

K. J. Police Physician and physical examinations.

(1) – (2) *No changes.*

(3) Psychiatric examinations. Psychiatric examinations shall be required prior to appointment, and the provisions of Subsection ~~K J~~ (4) shall apply also to psychiatric examinations.

(4) Physical condition. Every member of the Police Department must maintain ~~himself~~ **themselves** in proper physical condition and good appearance at all times. ~~The Police—Committee Chairman or the~~ Chief of Police may require any member of the Police Department to be examined by the Police Physician when, in the opinion of said ~~Police—Committee Chairman or~~ Chief of Police, such member gives evidence that ~~he is~~ **they are** unable to perform properly the duties of ~~his~~ **their** position. Nothing herein contained shall prevent such a member from submitting supplemental evidence of ~~his~~ **their** condition to be supplied by a physician of ~~his~~ **their** own selection in addition to that required by the ~~Police Committee Chairman or Chief~~ as above mentioned.

(5) *No changes.*

~~L. K.~~ Suspensions, removal, fines and reductions. No permanent member or officer of the Police Department shall be suspended, removed, fined or reduced in rank for any cause other than incapacity, misconduct or disobedience as provided in the New Jersey Statutes and the Police Department's Rules and Regulations.

~~M. L.~~ Private service.

(1) – (2) *No changes.*

(3) Procedure. Any person or entity wishing to employ a member of the Police Department for private service shall first obtain the approval of the Chief of Police or ~~his~~ designee, which approval shall be granted if, in the opinion of the Chief of Police or ~~his~~ designee, such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department and would not unreasonably endanger or threaten the safety of the officer or officers who perform the work. After approval has been obtained, the person or entity shall enter into a written agreement with the Township which is acceptable to the ~~Mayor and the~~ **Township** Committee.

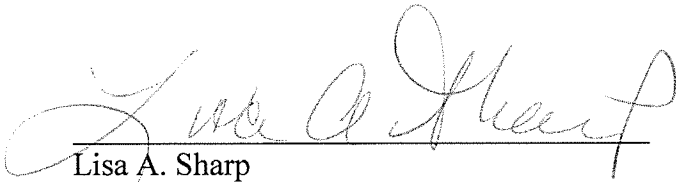
SECTION 2. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 3. This ordinance shall take effect upon final passage and publication according to law.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

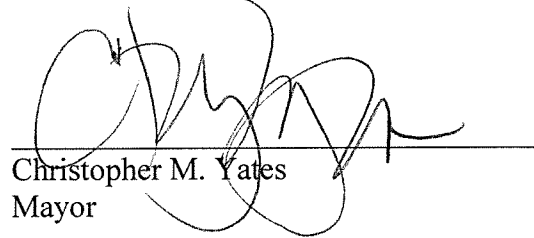
SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

ATTEST



Lisa A. Sharp
Municipal Clerk

TOWNSHIP OF HARDING



Christopher M. Yates
Mayor

INTRODUCED: September 14, 2020

ADVERTISED: September 17, 2020

PUBLIC HEARING: October 19, 2020

ADOPTED: October 19, 2020

ADVERTISED: October 22, 2020

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. DiTosto	2nd	☒	☐	☐
Mr. Jones	1st	☒	☐	☐
Mr. Modi		☒	☐	☐
Mr. Platt		☒	☐	☐
Mr. Yates		☒	☐	☐