

AN ORDINANCE TO AMEND SECTION 44 - POLICE DEPARTMENT - OF THE CODE OF THE BOROUGH OF HAMBURG TO PROVIDE FOR THE ESTABLISHMENT OF THE POSITION OF POLICE DIRECTOR AND SET FORTH THE POWERS AND DUTIES OF THE POSITION AND REPEAL THE POSITION OF CHIEF OF POLICE.

ORDINANCE # 02-2012

BE IT ORDAINED by the Mayor and Council of the Borough of Hamburg, in the County of Sussex and State of New Jersey that Section 44 - Police Department - of the Code of the Borough of Hamburg, is amended as follows:

Purpose: The Mayor and Council determines that a civilian director of the police department would best serve the interest of the citizens of Hamburg.

1. Section 44-2. Composition of Department; duties: is amended in its entirety to provide as follows:

A. The Police Department shall be headed by a Police Director and, in addition to the Police Director, is authorized to consist of the following entitled positions and maximum authorized strength:

<u>Position</u>	<u>Maximum Authorized Strength</u>
Lieutenant	1
Sergeant	2
Patrol officers	7
Detective	1

B. The Police Director may recommend to the Mayor and Council for its approval one of the members of the Department to serve as the Detective for such times and/or such investigations as the Police Director shall determine.

C. It is not required that all of the above positions be filled to the authorized maximum strength.

D. All members of the department shall be appointed by the Mayor and Council.

2. Section 44-3. Control of the Department - is amended in its entirety to provide as follows:

A. Appropriate Authority. The governing body of the Police Department shall be the Mayor and Council, whose decision on all police matters shall be final and which shall be considered the appropriate authority under N.J.S.A. 40A:14-118. The Chair of any police committee shall be designated as the Police Commissioner who shall have such powers as conferred by the Mayor and Council.

B. Repealer: Chief of Police. The position of Chief of Police is repealed.

C. Police Director. There is hereby established the position of Police Director who shall be appointed by the Mayor subject to the advice and consent of the Council. Wherever there is a reference in any law or ordinance to the Chief of Police or to the Police Chief, such reference shall be deemed to mean the Police Director.

D. Term of Appointment. The Police Director shall serve for a term of one year.

E. Qualifications of Appointee. The person appointed to the position of Police Director shall be qualified by training and experience for the duties of this position.

F. Salary. The salary of the Police Director shall be as set forth in Salary Ordinance adopted by the governing body.

G. Powers and Duties. The Police Director shall have control over the Police Department and shall be responsible for the administration and day to day operations of the department. All members of the Police Department shall perform their duties subject to the supervision and control of the Police Director. The Police Director shall have the widest authority and control of the Police Department as provided by law and the enumeration of powers and duties as hereafter described shall not be deemed exclusive.

In furtherance of the above powers and duties, the Police Director shall:

1. Prescribe the duties, functions and assignments of the members of the Police Department.

2. Adopt and promulgate operating procedures and orders for the efficient operation of the Department.

3. See to the proper enforcement of rules and regulations adopted by the governing body.

4. Establish performance criteria for members of the Police Department and conduct periodic evaluations to assure compliance with those criteria.

5. Annually prepare a budget request for the police department and administer same.

6. Develop organizational, personnel and resource recommendations for submission to the governing body.

7. Report monthly to the Mayor and Council on the operations of the department during the preceding month and make such other reports as may be requested by the Police Commissioner or the Mayor and Council.

8. Delegate such of his/her authority as he/she shall deem necessary for the efficient operation of the department.

9. Investigate all complaints against members of the department regarding their services, duties or actions.

3. Section 44-5. Absence of Chief is repealed.

4. Section 44-6. Monthly Report by Chief is repealed.

5. Section 44-7 Compensation is repealed.

6. Section 44-10.1. Promotions.

A. Eligibility. Reference to Chief of Police is repealed.

H. Written Examination requirement of Chief of Police is repealed.

7. Section 44-11. Duties of Chief is repealed.

8. Any Ordinance or part thereof inconsistent with the terms of this Ordinance is repealed.

9. If this Ordinance is deemed severable or if any section or part is declared invalid by a court of competent jurisdiction the rest and remainder shall remain in full force and effect.

10. This Ordinance shall take effect on February 01, 2012.

CERTIFICATION

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading of the meeting of the Mayor and Council of the Borough of Hamburg, held on Wednesday, January 4, 2012 and will be considered for final passage at a regular meeting of the Mayor and council to be held on Wednesday, January 18, 2012 at 7:30 p.m. or as soon thereafter as same can be considered in the Municipal Building located at 16 Wallkill Avenue, Hamburg, New Jersey at which time and place all persons interested therein or affected there by will be given an opportunity to be heard concerning the same.

A copy of said ordinance is on file in the office of the Borough Clerk in the Hamburg Borough Municipal Building located at 16 Walkill Avenue, Hamburg, New Jersey and is available for public inspection during regular business hours. During the week prior to and up to the time of the public hearing copies of said ordinance will be available to the members of the general public who requests same.



Doreen Schott, RMC

STATEMENT

TAKE NOTICE that the above titled ordinance was introduced and passed on first reading at a regular meeting of the Mayor and Council of the Borough of Hamburg in the County of Sussex, held on January 4, 2012, and after posting and publication according to law, was again read and further considered for final adoption after a public hearing at a regular meeting of the Mayor and Council held on January 18, 2012 at which meeting said ordinance was adopted. The said ordinance was amended at the Mayor and Council Meeting held on January 18, 2012 prior to final adoption, it being determined that the said amendment did not substantially alter the ordinance. The said amendment provided as follows: Section 2. G 9 – Assign personnel to investigate all complaints against members of the department regarding their services, duties or actions.