

Egg Harbor Township

Ordinance No. 38

2017

An ordinance to amend Chapter 6 of the Township Code entitled “Administration of Government”

BE IT ORDAINED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey as follows:

SECTION 1. Chapter 6 of the Code of the Township of Egg Harbor, specifically Section 6-63 entitled “**Composition**”, is hereby amended by deleting it in its entirety and replacing it with the following:

§6-63 Creation of Department.

There is hereby created in and for the Township of Egg Harbor a Police Department which shall consist of a Chief of Police, Deputy Police Chief, Captain, Lieutenants, Sergeants, Patrol Officers and employees as shall be deemed necessary by the Township Committee which shall, from time to time, determine the number of persons, including temporary officers and member in an emergency, to be appointed to these positions together with their compensation.

SECTION 2. Chapter 6 of the Code of the Township of Egg Harbor, specifically Section 6-65 entitled “**Supervision**”, is hereby amended by deleting it in its entirety and replacing it with the following:

§6-65 Designation of appropriate authority.

The Municipal Administrator shall be designated as the appropriate authority as provided in the New Jersey Statutes and shall be responsible for the overall performance of the Police Department. The appropriate authority, with the advice and consent of the Township Committee, shall adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of its members. A copy of the rules and regulations shall be kept in the Office of the Chief of Police and in the Office of the Municipal Administrator.

§6-65.1 Township Committee to act as a body or through appropriate authority.

Except as provided in N.J.S.A. 40A:14-118, the Township Committee and individuals thereof shall act in all matters relating to the police function as a body, or through the appropriate authority if the appropriate authority is other than the governing body.

SECTION 3. Chapter 6 of the Code of the Township of Egg Harbor, specifically Section 6-66 entitled “**Chief of Police**”, is hereby amended by adding paragraphs D and E to the existing section as follows:

- D. Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the Chief’s direction and control.
- E. Report at least monthly to the appropriate authority in such form as shall be prescribed on the operation of the Police Department during the preceding month and make such other reports as may be requested by the appropriate authority.

SECTION 4. Chapter 6 of the Code of the Township of Egg Harbor is hereby amended by creating a new section 6-66.1 entitled “**Deputy Chief of Police**” to read as follows:

The rank of Deputy Chief of Police shall be the next in command to the Chief of Police.

- A. In case of the absence or disability of the Chief, the Deputy Chief of Police shall perform all duties of the Chief.
- B. The Deputy Chief of Police shall see that members of the Police Department properly perform their duties, as defined by law and ordinance of the Township, as well as by the rules and regulations governing the Police Department.
- C. The Deputy Chief of Police shall be authorized and empowered to perform all duties required by law, ordinance of the Township and rules and regulation of the Police Department.
- D. The Deputy Chief of Police shall be assigned responsibility from the Chief of Police for enforcement of the Police Benevolent Association labor agreement.
- E. The Deputy Chief of Police shall, in addition to the performance of the duties listed, exercise the authority and perform the duties of a patrolman when and if necessary.
- F. The Deputy Chief of Police shall ensure that the police headquarters and other property of the Police Department are kept in proper order and condition.
- G. The Deputy Chief of Police shall assist the Chief of Police in the performance of the Chief's duties and shall be responsible for seeing that all the laws of the State of New Jersey and ordinances of the Township are duly enforced and observed and that public peace is maintained. The Deputy Chief of Police shall be responsible to the Chief of Police.

SECTION 5. Chapter 6 of the Code of the Township of Egg Harbor, specifically Section 6-67 entitled "**Police Captain**", is hereby amended by deleting it in its entirety and replacing it with the following:

The rank of Captain shall be next in command to the Deputy Chief of Police.

- A. It shall be the duty of the Captain to take cognizance of all neglect of duty, disobedience of orders and other offenses on the part of members of the Police Department and initiate appropriate disciplinary action when necessary.
- B. The Captain shall ensure that strict discipline is maintained, and that efficient service is performed by the Police Department.
- C. The Captain shall have the authority to issue such orders or take action as may be necessary to ensure the public safety and efficient operation of the Police Department.
- D. The Captain shall devote his energies and plan his activities for the health, safety, welfare and general well-being of the citizens and residents of the Township and the efficient and responsible operation of the Police Department.
- E. The Captain shall stimulate in the members of the Police Department a concern for the well-being of all the people and property in the community and an appreciation and respect for the rights and liberties of all persons. He shall constantly strive for a high degree of excellence in the quality of law enforcement and service rendered by them.
- F. The Captain shall ensure that every person connected with the Police Department is properly instructed in their duties by the subordinate supervisors. The Captain shall see that all personnel are attired in proper uniform, with the proper equipment to perform their duties.
- G. The Captain shall assist the Chief of Police and the Deputy Chief of Police in the performance of their duties and shall be responsible for seeing that all the laws of

the State of New Jersey and ordinances of the Township are duly enforced and observed and that public peace is maintained.

- H. The Captain shall, in addition to the performance of the duties listed, exercise the authority and perform the duties of a patrolman when and if necessary.
- I. The Captain shall assist the Chief of Police with factual information, data and other assistance for input into the preparation of the budget for the Police Department through the chain of command.

SECTION 6: All ordinances and parts of Ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 7: Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 8. This Ordinance shall become effective immediately upon final adoption and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD NOVEMBER 29 2017 AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON DECEMBER 20, 2017.

Dated: November 29, 2017

Eileen M. Tedesco, RMC
Township Clerk