

**ORDINANCE
TOWNSHIP OF FRANKLIN
ORDINANCE AMENDING CHAPTER 98 – POLICE DEPARTMENT,
DESIGNATION OF APPROPRIATE AUTHORITY**

O-19-14

WHEREAS, Chapter 98, Article I, sets forth the establishment of the Police Department of the Township of Franklin, and has included within it the position of “Director of Police”; and

WHEREAS, the Township Committee of the Township of Franklin desires to modify Chapter 98 so as to eliminate the position of “Director of Police” since the Township has a duly appointed and empowered Chief of Police in accordance with N.J.S.A. 40A:14-118; and

WHEREAS, said statute, N.J.S.A. 40A:14-118 requires that there be a designation of an “Appropriate Authority” and the Township Committee desires to name the Public Safety Director as the “Appropriate Authority” for the purposes of compliance with the statute in order to 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 discipline of officers; and

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, that the Chapter 98 of the Township Code is hereby amended as follows:

§98-2. Establishment. The person/entity hereby established as the “Appropriate Authority” as required by N.J.S.A. 40A:14-118 shall be the Director of Public Safety as established by appointment of the Mayor annually at reorganization of the Township Committee.

§98-3. (Reserved)

§98-4. (Reserved)

§98-5. Supervisory Responsibility. The Director of Public Safety, as the Appropriate Authority, shall be responsible for the promulgation of Rules and Regulations for the government of the police force and for the discipline of its members. While the Chief of Police shall be the head of the police force, he or she shall be directly responsible to the Appropriate Authority for the efficiency and routine day-to-day operations pursuant to policies established by the Appropriate Authority.

§98-6. Powers and Duties. Under the general direction of the Mayor and Township Committee, and the Rules and Regulations promulgated by the Director of Public Safety as the Appropriate Authority for the Township of Franklin, the Chief of Police shall be responsible for the efficiency and routine day-to-day operations of the Police Department and shall administer and enforce the Rules and Regulations and special Emergency Directives for the disposition and discipline of the force and its officers and personnel; shall have, exercise and discharge the functions, powers and duties of the force; shall prescribe the duties and assignments of all subordinates and other personnel; and, may designate such of his/her authority as may be deemed necessary for the efficient operation of the force to be exercised under his/her direction and supervision.

§98-7. Monthly Reports. The Chief of Police shall submit monthly reports to the Township Administrator, the Mayor and the Committee concerning the operation of the Police Department during the preceding month in such form as shall be prescribed by the Mayor and the Committee. The Chief shall make such other reports as may be requested by the Mayor and the Committee.

§ 98-8. Graphic Table of Organization.

- A. A graphic Table of Organization shall be maintained by the Appropriate Authority to show the divisional structure of the Police Department.
- B. The function and duties of each position in the table of organization shall be defined by policies established by the Appropriate Authority.

§ 98-9. Policies of Chief. Pursuant to N.J.S.A. 40A:14-118, the Chief of Police shall issue any operations orders, general orders or standard operating procedures or policies as the Chief deems necessary for the efficiency and operation of the Police Department.

§ 98-11. Police Department Rules and Regulations; Police Manual.

- A. The Appropriate Authority who shall be the Director of Public Safety, pursuant to N.J.S.A. 40A:14-118, is hereby authorized to update, adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of its members subject to ratification and adoption of said rules and regulations by the Township Committee.
- B. Said rules and regulations shall govern the conduct of and be binding upon the entire membership, sworn officers and civilian employees of the Police Department.
- C. Said rules and regulations shall be in manual form and shall be called the "Rules and Regulations of the Police Department of the Township of Franklin."
- D. Each sworn officer and each civilian employee is duty bound to be thoroughly familiar with the provisions of the Police Manual and rules and regulations of the Police Department.

§ 98-14. Composition. Said Police Department shall consist of one Public Safety Director as the Appropriate Authority, one Chief of Police, one Deputy Chief of Police and such captains, lieutenants, sergeants, corporals, police officers, officers in charge and civilian employees as deemed necessary and appropriate by the Appropriate Authority in his discretion and judgment with the approval of the Mayor and Township Committee. The Appropriate Authority and/or Mayor and the Township Committee may, from time to time, leave one or more of the above positions vacant, as they see fit. The express purpose for renaming these offices is to establish a statutory line of authority from all police employees to a higher elected authority. No personnel may be appointed to the Franklin Police Department until they have satisfied all statutory requirements and have complied with the selection process and standards established by the rules and regulations adopted by the appropriate authority to govern said Police Department.

§ 98-15. Appropriate Authority; Hearing Authority; Charging Authority.

A. Appropriate Authority. The Franklin Police Department shall come under the jurisdiction of the appropriate authority, which is hereby created pursuant to N.J.S.A. 40A:14-118. Said Appropriate Authority shall be the Director of Public Safety. The Appropriate Authority shall be directly responsible to the governing body of the Municipality.

B. Hearing Authority.

(1) In the event of any disciplinary proceeding against any member of the Police Department of the Township of Franklin, the Appropriate Authority or his/her designee shall be the sole hearing officer and person in charge of all such proceedings.

(2) Nothing herein shall prevent the Appropriate Authority from designating a hearing officer for the purpose of conducting the hearing, receiving evidence, preparing a record and submitting findings and a proposed recommendation of penalty to the appointing authority established under law.

C. Charging Authority. The Chief of Police or his designee may initiate disciplinary charges against any member of the Police Department pursuant to the powers vested in said office by N.J.S.A. 40A:14-118, except however if charges are to be initiated against the Chief of Police, those charges may only be initiated by the Appropriate Authority or his/her designee.

§ 98-16. Disciplinary Hearings.

A. Any employee seeking to appeal disciplinary charges shall do so in writing submitted to the office of the Chief of Police. Said appeal shall be filed, in writing, within five business days, not including Saturday, Sunday and legal holidays, from the date said disciplinary charges were served upon the employee.

B. The Chief of Police or his/her designee as the case may be shall schedule a hearing no sooner than 10 calendar days nor later than 30 calendar days from the date of service of the charges upon the employee.

C. Any Preliminary Notice of Disciplinary Action served upon any employee shall contain the date, time and location of the hearing on the charges.

§ 98-19. Special Law Enforcement Officers. The Mayor and Committee of the Township of Franklin may appoint from time to time special law enforcement officers in accordance with New Jersey statutes 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 continued as regular members of the Police Department and shall not be entitled to tenure. The Chief of Police may authorize special law enforcement officers when on duty to exercise the same powers and authority as regular members of the Police Department, including the carrying of firearms and power of arrest (N.J.S.A. 40A:14-146.8 et seq.).

§ 98-22. Request for Assistance.

A. The Chief of Police of the Township of Franklin or the highest ranking officer on duty at the time is hereby authorized to request assistance from the Chief/Director of Police or highest ranking officer on duty of the police departments of other municipalities for intermunicipal police assistance during and/or after an emergency situation.

B. The Chief of Police of the Township of Franklin or the highest ranking officer on duty at the time shall provide assistance to another municipality or municipalities making a valid request to supply such personnel and equipment to the extent possible without endangering person or property within the Township of Franklin.

§ 98-25. Chief of Police to be Senior Ranking Officer in Emergency. At such times that an emergency may occur and intermunicipal police aid is requested, the Chief or the next highest ranking officer of the municipality wherein said emergency situation exists shall be the senior ranking officer of all members of any police department rendering assistance within the boundaries of said municipality.

§ 98-29. Establishment of Office of Police Chief. The office of Police Chief, which individual shall be the head of the police force and be directly responsible to the Appropriate Authority for the efficiency and routine day-to-day responsibilities of the Police Department pursuant to policies established by the Director of Police, is hereby established.

§ 98-32. Supervisory responsibility. The Police Chief, as the head of the police force, shall be directly responsible to the Appropriate Authority for the efficiency and routine day-to-day operations of said police force pursuant to N.J.S.A. 40A:14-118.

§ 98-33. Powers and Duties.

The Chief of Police shall have and exercise the following authority and perform the following duties:

A. Administer and enforce rules and regulations and any special emergency directives for the disposition and discipline of the police force and its officers and personnel.

B. Have, exercise and discharge the functions, powers and duties of the police force.

C. Prescribe the duties and assignments of all subordinates and other personnel.

D. Delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his discretion and supervision.

E. Report at least monthly to the Mayor and Township Committee in such form as shall be prescribed by the Appropriate Authority on the operation of the force during the preceding month, which report shall include but not be limited to reports detailing the status of all internal affairs investigations and reports detailing the deployment of personnel and all assignments of personnel and make such other reports as may be requested by the Appropriate Authority.

BE IT FURTHER ORDAINED, that this Ordinance shall be implemented and construed and subject to N.J.S.A. 40A:14-118 as may be amended from time to time.

BE IT FURTHER ORDAINED, that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

BE IT FURTHER ORDAINED, that except as amended herein by this Ordinance, all other sections of Chapter 98 – Police Department of the Township Code of the Township of Franklin shall remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its final passage, adoption and publication provided by law.

The foregoing ordinance was introduced on first reading at a meeting of the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, held on July 22, 2014 and will be read and considered for final passage at a meeting to be held by the Franklin Township Committee at the Municipal Building, 1571 Delsea Drive, Franklinville, New Jersey 08322 at 7:00 p.m. on August 26, 2014 at which time and place any and all interested persons will be given an opportunity to be heard.

Attest: Township of Franklin

Barbara Freijomil, Clerk

Edward Leopardi, Mayor

Notice is hereby given that the foregoing Ordinance O-19-14 was finally adopted at a meeting of the Franklin Township Committee held on the August 26, 2014 at 7:00 in the Township of Franklin Municipal Building, 1571 Delsea Drive, Franklinville, NJ.

BARBARA FREIJOMIL, CLERK

	Yes	No	Abstain	Absent
Mr. Genna				
Mr. Deegan				
Mrs. Neely				
Mr. Gonzalez				
Mayor Leopardi				