

**ORDINANCE**  
**TOWNSHIP OF FRANKLIN**  
**ORDINANCE CREATING THE POLICE DEPARTMENT POSITIONS OF CAPTAIN,**  
**LIEUTENANT, SERGEANT, CORPORAL, PATROL OFFICER, DETECTIVE**  
**SERGEANT AND DETECTIVE AND ESTABLISHING THE POLICE LINE OF AUTHORITY**  
**O -1- 08**

**WHEREAS**, it is the desire of the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey (hereinafter referred to as the "Township Committee"), to create and establish the positions of Captain, Lieutenant, Sergeant, Corporal, Patrol Officer, Detective Sergeant and Detective within the Township of Franklin Police Department ("Police Department"), and to further create and establish the line of authority regarding such positions within the Police Department; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:14-118*, the governing body of any municipality, by Ordinance, may create and establish a police force and then provide for a line of authority relating to the police function and further provide for the appointment of a chief of police and such members, officers and personnel, including the prescription of their powers, functions and duties, as shall be deemed necessary for the effective government of such police force; and

**WHEREAS**, by Ordinance number O-11-93, the Township Committee created a Police Department and the position of Chief of Police within Article 1, Chapter 98 of the Franklin Township Code; and

**WHEREAS**, by same Ordinance number O-11-93, the Township Committee lawfully reserved unto itself the power to create other such members and officers of the Police Department as it shall deem necessary; and

**WHEREAS**, pursuant to Reuter v. Borough Council of Borough of Fort Lee, 328 N.J.Super. 547, 746 A.2d 511 (App. Div. 2000), a municipality is required to establish a line of authority pursuant to Ordinance and the Township Committee's prior resolutions creating officer positions is legally insufficient; and

**WHEREAS**, the Township Committee now deems it necessary to create and establish the positions of Captain, Lieutenant, Sergeant, Corporal, Patrol Officer, Detective Sergeant and Detective by and through Ordinance, for the effective government of the Police Department.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey that Article I, Chapter 98 of the Franklin Township Code shall be amended to include as follows:

**§ 98-8. Line of Authority**

The line of authority of the Township of Franklin Police Department shall consist of the Chief of Police as the head of the department followed by Captain, Lieutenant, Sergeant, Corporal and Patrol Officer. The position of Detective Sergeant shall fall under the authority of the Captain but shall only direct the activities of the Detective Bureau and shall only have authority over the Detective and any other position(s) of which the Chief of Police shall deem necessary to grant the Detective Sergeant authority over. The Detectives shall fall under the authority of the Detective Sergeant.

**§ 98-8. Police Captain.**

The position of Captain shall be second in command to the Chief of Police within the Police Department. The Captains' powers, functions and duties shall be as currently prescribed by Article IV, Subsection D of the Franklin Township Police Department Rules and Regulations Manual.

**§ 98-9. Police Lieutenant.**

The position of Lieutenant shall be third in command to the Chief of Police and Captain. The Lieutenants' powers, functions and duties shall be as currently prescribed by Article IV, Subsection E of the Franklin Township Police Department Rules and Regulations Manual.

**§ 98-10. Police Sergeant.**

The position of Sergeant shall be fourth in command to the Chief of Police, Captain and Lieutenant. The Sergeants' powers, functions and duties shall be as currently prescribed by Article IV, Subsection F of the Franklin Township Police Department Rules and Regulations Manual.

**§ 98-11. Police Corporal.**

The position of Corporal shall be fifth in command to the Chief of Police, Captain, Lieutenant and Sergeant. The Corporals' powers, functions and duties shall be as currently prescribed by Article IV, Subsection H of the Franklin Township Police Department Rules and Regulations Manual.

**§ 98-12. Patrol Officer.**

The position of Patrol Officer shall be sixth in command to the Chief of Police, Captain, Lieutenant, Sergeant and Corporal. The Patrol Officers' powers, functions and duties shall be as currently prescribed by Article V, Subsection B of the Franklin Township Police Department Rules and Regulations Manual.

**§ 98-13. Detective Sergeant.**

The position of Detective Sergeant shall fall under the authority of the Chief of Police and Police Captain and shall maintain the responsibility of directing the activities of the Detective Bureau. The Detective Sergeant's powers, functions and duties shall be as currently prescribed by Article IV, Subsection G of the Franklin Township Police Department Rules and Regulations Manual.

**§ 98-14. Detective.**

The position of Detective shall fall under the authority of the Detective Sergeant. The Detectives' powers, functions and duties shall be as currently prescribed by Article V, Subsection A of the Franklin Township Police Department Rules and Regulations Manual.

**BE IT FURTHER ORDAINED**, any Ordinance or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed; and

**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 this Ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law.

ATTEST:

TOWNSHIP OF FRANKLIN

\_\_\_\_\_  
CAROLYN TOY, CLERK

\_\_\_\_\_  
FRANK SCAVELLI, MAYOR

Introduced: January 8, 2008

	Pfrommer	Mattei	Merckx	Petsch	Scavelli
YES					
NO					
ABSTAIN					
ABSENT					

Public Hearing Held: \_\_\_\_\_, 2008

Adopted: \_\_\_\_\_, 2008

	Pfrommer	Mattei	Merckx	Petsch	Scavelli
YES					
NO					
NO					
ABSTAIN					

**CERTIFICATION**

I, CAROLYN TOY, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing Ordinance was introduced at a meeting of the Township of Franklin held on January 8, 2008, and thereafter duly advertised in the legal newspaper of the Township at least ten (10) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on \_\_\_\_\_, 2008, at which time any person interested therein will be given an opportunity to be heard.

\_\_\_\_\_  
CAROLYN TOY, CLERK