

**ORDINANCE NO. 14-2022**

**BOROUGH OF ROSELAND  
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II  
“ADMINISTRATION” OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF ROSELAND ENTITLED  
“DEPARTMENT OF POLICE OR POLICE DEPARTMENT”**

**WHEREAS**, the Mayor and Council of the Borough of Roseland desire to amend certain provisions within Section 24 of Chapter II of the Revised General Ordinances of the Borough of Roseland entitled “Department of Police or Police Department”;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Roseland that Chapter II “Administration” Section 24 “Department of Police or Police Department” of the Revised General Ordinances of the Borough of Roseland shall be amended to read follows:

**2-24 DEPARTMENT OF POLICE OR POLICE DEPARTMENT**

**2-24.1 Established.**

There shall be a Department of Police in the Borough of Roseland. The Roseland Police Department shall preserve the public peace; protect life and property; direct, arrest and prosecute offenders of laws of New Jersey and the ordinances of Roseland; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers.

**2-24.1 Composition.**

- a. The composition of the Police Department shall be established by the Borough Council. The head of the Police Department shall be a Police Director, even when the Borough has opted to name a Police Chief. The Police Director shall report to the Mayor who shall be designated as the appropriate authority. In the Mayor’s absence, the Police Director shall report to the Business Administrator. If there is no appointed Police Chief, the Police Director shall assign any of the rights, powers and responsibilities that are reserved solely to the Police Chief pursuant to N.J.S.A. 40A:14-118 and that cannot be performed by the Police Director. to a superior officer from among the pool of superior officers. This superior officer shall perform any of the rights, powers and responsibilities that are reserved solely to the Police Chief pursuant to N.J.S.A. 40A:14-118 and that cannot be performed by the Police Director.

- b. The Police Director shall be appointed annually by the Mayor, with the advice and consent of the Borough Council. The Police Director shall be qualified by training and experience for the position, which training and experience shall require a minimum of five (5) years' experience in a responsible capacity in public administration and policing.
- c. In accordance with N.J.S.A. 40A:14-118, the Borough of Roseland Police Department shall consist of no more than one Police Director or Chief, one Deputy Director, one Patrol Captain, one Detective Captain, three Lieutenants, one Detective Sergeant, five Patrol Sergeants, two Detectives, and 17 Patrol Officers. The Police Department may employ no more than six civilian dispatchers and one Administrative Assistant to the Chief of Police or Police Director. The Mayor shall have the authority to appoint a Police Director on an acting basis for a period not to exceed one (1) year.

#### **2-24.3 Rules and Regulations.**

The Borough Council shall establish by resolution the "Rules and Regulations of the Police Department," and amend or repeal by resolution of the Borough Council such Rules and Regulations as they may deem necessary for the government and efficient working of the Department. These Rules and Regulations and the amendments or repeals shall be delivered to the Police Director or Chief of Police in writing within five (5) days thereof, when adopted or amended by resolution after the adoption thereof in the room in the Municipal Building assigned to the Police Department, and a copy delivered to each member of the Department within five (5) days after adoption of the Rules and Regulations or any amendments or repeals.

#### **2-24.4 The Appropriate Authority and the Police Committee.**

- a. The Mayor shall be the appropriate authority.
- b. Three (3) members of the Borough Council: the Chairperson of the Public Safety Committee, the Chairperson of the Finance and Administration Committee, and the Chairperson of the Public Works Committee, shall constitute the Police Committee. The Chairperson of the Police Committee shall be designated by the Mayor.
- c. Duties. The Police Committee shall serve to assist the appropriate authority with the administration of the Police Department. As provided by N.J.S.A. 40A:14-118, the Mayor, as the appropriate authority, shall be responsible for the overall performance of the Police Department. The Police Committee, acting through the appropriate authority, may issue instructions to the Police Director or Chief of Police, as permitted

through New Jersey Statutes, and transmit such instructions to the members of the police force in the name of the Police Committee. All such orders or instructions shall be recognized, carried out and obeyed by the Police Director or Chief of Police and other members of the police force. Orders or instructions issued by the Police Committee shall not conflict with the appropriate authority, and/or the rules and regulations as may be adopted by the Borough Council and, should there be a conflict between the orders and instructions issued by the Police Committee with those as established by the Council, the established rules and regulations shall apply until such time as the rules and regulations are amended.

- d. The Borough Council shall adopt and promulgate the rules and regulations for the operation of the Police Department and for the discipline of its members. In the event there is not a complete Police Committee, the Mayor as the appropriate authority shall alone be responsible for overseeing the Police Department until the Police Committee is complete.

#### **2-24.5 Chief Police or Police Director.**

- a. The Police Director shall be the head of the Police Department and shall be directly responsible to the appropriate authority for its efficiency and day-to-day operations. If there is a Chief of Police, he/she shall be appointed by promotion from within the Police Department by the Mayor, with the advice and consent of the Borough Council. The Police Director shall be directly responsible to the appropriate authority for the efficiency and day-to-day operations of the Police Department. The Police Director shall have and exercise all of the functions, powers and duties of a department head of the Borough. The Police Director shall perform all duties not specifically reserved to the Chief of Police pursuant to N.J.S.A. 40A:14-118.
- b. In the temporary absence or disability of the Chief of Police or Police Director, he/she will appoint on a temporary basis a member of the Department who will act in his/her place, conferring on him the title of "Acting Chief" or "Acting Director", as applicable. This title is to be used only for the duration of the temporary appointment. The Borough Council may appoint such "Acting Chief" or "Acting Director" if such appointment is not made by the Chief of Police or Police Director, as applicable, or if it determines to make such an appointment.
- c. Pursuant to the policies established by the appropriate authority, the head of the Police Department shall: administer and enforce the rules and regulations of the Police Department and any special emergency directive for the disposition and discipline of

the Department and its members and officers; exercise and discharge the functions, powers and duties of the Police Department, provided such rules, regulations, general or special orders or instructions do not conflict with the rules and regulations, orders or instructions issued by resolution of the Mayor and Council or promulgated by the Police Committee; prescribe the duties and assignment of all members and officers; delegate such authority as may be deemed necessary for the efficient operation of the Police Department.

- d. The Chief of Police or Police Director shall enforce the rules and regulations, orders or instructions of the Police Department, whether promulgated by him or by the Police Committee or by the Mayor and Council, and may punish their violation by reprimand. Should the Chief or Police Director deem the violation to be of a sufficiently flagrant nature, he shall report the same to the Police Committee with his recommendations with reference to the filing of charges.
- e. The Chief of Police or Police Director shall 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.
- f. The Chief of Police or Police Director shall recommend to the Police Committee from time to time the purchase of new equipment as will increase the efficiency of the Department. The Chief of Police shall have full charge and control of all the apparatus and equipment of the Department and its assignment and use, and shall be held responsible for its care, cleanliness, and safekeeping.

#### **2-24.6 Duties of the Police Department.**

The Police Department, through the direction and control of the Chief of Police or Police Director, shall:

- a. Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Borough, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections and public meetings and assemblages.
- b. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and the use of the streets by vehicles and persons, to protect the safety and facilitate the convenience of motorists and

pedestrians, and to make and enforce rules and regulations not inconsistent with the ordinances and resolutions of the Borough for such purposes.

- c. Remove or cause to be removed all nuisances in public streets, parks and other public places of the Borough, inspect and observe all places of public amusement or assemblage and all places of business requiring any state or municipal license or permit and report thereon to the appropriate department.
- d. Provide proper Police attendance and protection at fires.
- e. Provide for the attendance of its members in Court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperate fully with the law enforcement and prosecuting authorities of Federal, State and County governments.
- f. Operate a training program to maintain and improve the police efficiency of the members of the Department.

#### **2-24.7 Hours of Employment.**

The hours of employment of uniformed members of the Police Department shall not exceed eight (8) consecutive hours in any one (1) day, nor forty (40) hours in any one (1) week; provided that in case of an emergency the Officer, Board or other official having charge or control of the Police Department or the Police system shall have full authority to summon and keep on duty any and all such members during the period of emergency.

#### **2-24.8 Salary.**

All salaries shall be as established by ordinance by the Borough Council. Salaries shall be established on a per annum basis, payable semi-monthly.

#### **2-24.9 Additional Compensation and Allowances.**

- a. Clothing Allowance. Each regular member of the Department shall be paid a sum to be established annually by contract, upon submission of a properly executed Borough voucher for the expenditure by him for clothing required to be worn in the performance of his duties. All purchases shall be properly supported by a valid receipt, and shall be approved by the Chief of Police or Police Director as to standards of quality, color and style.

- b. Overtime Compensation for Regular Police Officers. Members working overtime shall receive compensation as follows:
1. Municipal Court appearance, regular hourly rate for a minimum of two (2) hours.
  2. Court appearance, other than Municipal Court, two (2) times the regular hourly rate.
  3. Continuation of shift beyond regular tour of duty, one and one-half (1 1/2) times the hourly rate, based on annual salary for a forty (40) hour week for fifty-two (52) weeks per year.
  4. Recall after completion of regular tour of duty, one and one-half (1 1/2) times hourly rate with a guarantee of two (2) hours minimum. An employee shall have the choice of taking compensatory time off in lieu of payment for overtime at the discretion of the Chief or Police Director.
- c. Hospitalization Insurance. The Borough will annually, at the rates established by the New Jersey Health Benefits Plan, pay the sum allocated by such plan for each regular member of the Department.
- d. Longevity. Each regular member shall receive longevity payments to be established by contract.
- e. Special Work. Certain members of the Department shall be assigned to special work by the Police Committee through the Chief of Police or Police Director.

#### **2-24.10. Outside Employment of Police Officers.**

- a. Statutory authority. The Attorney General of the State of New Jersey and the Division of Local Government Services have determined that members of a municipal Police Department may, during their off-duty hours, engage in police related activities for private persons or entities. Pursuant to the laws of the State of New Jersey, a municipality must agree to implement a system whereby the off-duty availability of police officers is arranged through a contract directly with the municipality and the private person or entity.
- b. Police force and off-duty employment. In accordance with the procedures established herein for the employment of police officers by private individuals or outside entities, members of the Police Department shall be permitted to accept police-related employment for private employers or school districts only during off-duty hours and at

such times as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Borough of Roseland.

- c. Any person or entity requesting the use of extra-duty police services shall submit an estimate of the number of hours needed, which estimate shall be approved by the Police Department before work is commenced. Payment in the number of hours estimated shall be submitted in advance of the commencement of work and deposited in an escrow account to be held with the Finance Department of the Borough of Roseland. In the event the number of hours is exceeded, an additional amount shall be placed in escrow based upon a revised estimate. This requirement may be waived by the Chief of Police or Police Director for work directly performed by a governmental entity or under emergency circumstances. The balance remaining in escrow shall be released by the Finance Officer upon confirmation by the police department that work is completed.
- d. Fee for Police Officers. Any contractor and/or vendor shall pay One Hundred Dollars (\$100.00) per hour. The Police Officer shall receive Seventy-Seven Dollars and Fifty cents (\$77.50) per hour and Twenty-Two Dollars and Fifty cents (\$22.50) per hour will cover benefits and administrative fees.
- e. If the contractor/vendor cancels an off-duty assignment within two hours of the scheduled start time, then the Borough shall charge a minimum fee for four (4) hours of service.
- f. Payment for extra-duty work will be made within 30 days of receipt of proper documentation from the employee and to the extent sufficient funds have been posted to the applicable escrow account. In the event the escrow account lacks sufficient funds to make payment, payment shall be made within 30 days of the escrow account being refunded.

#### **2-24.11 Qualifications.**

Each applicant shall comply with all of the laws of the State of New Jersey pertaining thereto. No person shall be appointed to the Police Department who is not qualified as provided in the New Jersey Statutes. The appropriate authority may also require that an applicant for appointment to the Police Department shall successfully complete a physical, mental, psychological examination and a written examination other than for lateral transfers, or when determined by the appropriate authority.

No persons shall be given or accept a permanent appointment as a Police Officer in the Borough of Roseland unless such person has first been given a probationary or temporary appointment to such office for a period of no longer than one (1) year, and has successfully completed a police training course at a school approved and authorized by the Police Training Commission in the Department of Law and Public Safety of the State of New Jersey, pursuant to provisions of Chapter 56 of the Laws of 1959. Each probationary or temporary appointee as a Police Officer in the Borough of Roseland shall be entitled to a leave of absence, with pay, during the period of the police training course.

The Borough Council of Roseland may appoint from time-to-time special law enforcement officers in accordance with New Jersey Statutes for terms not exceeding one (1) year. They shall possess and exercise all the powers and duties provided by said Statutes during their term in office, but shall not continue as regular members of the Police Department and shall not be entitled to any contract rights recognized by collective bargaining. The Chief of Police or Police Director 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 the power of arrest.

The Police Committee is the appropriate authority for the Chief of Police or Police Director to recommend, as needed, the appointment of an independent hearing officer regarding issues of discipline of Police Officers. No member or officer of the Police Department shall be suspended, removed, fined or reduced in rank for any cause other than for incapacity, misconduct or insubordination as provided in the New Jersey Statutes and the Police Department's rules and regulations. The discipline of Police Officers must be in accordance with procedures agreed upon pursuant to collective bargaining.

#### **2-24.12 Probationary Appointment.**

Each person appointed to the Department or promoted shall serve a probationary period as set forth in the collective bargaining agreement of the Borough of Roseland and such organization as is authorized to represent the Police Officers of the Borough of Roseland.

#### **2-24.13 Auxiliary Police Officers.**

Auxiliary Police Officers shall be appointed by the Mayor with the advice and consent of the Council, for a term not exceeding one (1) year. The implementation of the Auxiliary Police will be the responsibility of the Chief of Police or Police Director after consultation with the Mayor and Emergency Management Coordinator. The Auxiliary Police shall operate pursuant to the Standard Operating Procedures of the New Jersey State Police Office of Emergency Management



as are currently in effect and as may hereafter be amended pursuant to N.J.S.A. Title 58 (App. A:9) of the New Jersey Statutes.

## **SECTION II**

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

## **SECTION III**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

## **SECTION IV**

This ordinance shall take effect in accordance with applicable law.

DATE OF INTRODUCTION: July 19, 2022

Motion to Introduce by: Councilwoman Perrotti

Motion Seconded by: Councilman Trillo

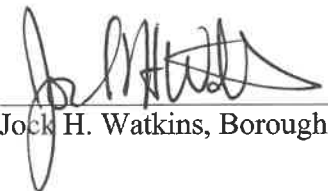
Introduction Approved: 6-0 Voice Vote

DATE OF ADOPTION: August 18, 2022

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi		X	X				
Councilwoman Fishman			X				
Councilman Freda			X				
Council President Perrotti	X		X				
Councilwoman Tolli			X				
Councilman Trillo			X				
Mayor Spango (In case of tie)							
VOTE:			6	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 16<sup>th</sup> day of August, 2022.

  
James R. Spango, Mayor

  
Jock H. Watkins, Borough Clerk

Date of Publication: August 25, 2022, The Progress

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