

ORDINANCE# 3-2013

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT OLIVE AMENDING CHAPTER 48, ARTICLE I, SECTION §48-14 OF THE CODE OF THE TOWNSHIP OF MOUNT OLIVE TO ESTABLISH THE POSITION OF A CLASS TWO SPECIAL LAW ENFORCEMENT OFFICER

Whereas, Chapter 48, Article I, Section §48-1 of the Code of the Township of Mount Olive establishes the Township's Police Department provides that the Department shall consist of no more than a Chief of Police, one (1) Captain, four (4) Lieutenants, ten (10) Sergeants, and a maximum of fifty (50) police officers; and

Whereas, these positions shall be filled upon the appointment of the Chief of Police with the approval of the Mayor with the budgetary approval of the governing body, as public need may require; and

Whereas, the Police Department may employ clerical personnel and other employees to assist its officers in preserving peace and good order in the Township; and

Whereas, Chapter 48, Article I, Section §48-14 provides that the Chief of Police, whenever, in his opinion, the public service so requires, may detail any of the members of said Department to any special or particular duty connected with the police service of the Township and, for such purpose, may send any member or members outside of the Township limits, together with any police car or equipment required in the performance of such special or particular police service; and

Whereas, the Chief of Police has requested that the Township create the position of a Class Two Special Law Enforcement Officer; and

Whereas the Township of Mount Olive finds that it is in the best interest of the Township of Mount Olive to amend Chapter 48, Article I, Section §48-14 of the Code of the Township of Mount Olive to establish the position of a Class Two Special Law Enforcement Officer.

NOW, THEREFORE BE IT ORDAINED by the Township of Mount Olive as follows: Section §48-14 shall be amended and supplemented as follows (the underscoring represents new language):

Section §48-14

A. The Chief of Police, whenever, in his opinion, the public service so requires, may detail any of the members of said Department to any special or particular duty connected with the police service of the Township and, for such purpose, may send any member or members outside of the Township limits, together with any police car or equipment required in the performance of such special or particular police service.

B. Class Two Special Law Enforcement Officer

1. Upon appointment by the Chief of Police, or, in the absence of the Chief, other chief law enforcement officer of the Township, the Township may employ Class Two Special Law Enforcement Officers (Special Law Enforcement Officer) temporarily, as in the case of an emergency or for a term not exceeding one (1) year in accordance with New Jersey law and discharge these officers at the expiration of the temporary appointment.

2. The Chief of Police, or, in the absence of the Chief, other chief law enforcement officer of Township wherein the officer is appointed, may authorize Special Law Enforcement Officers when on duty to exercise the same powers and authority as permanent, regularly appointed police officers of Township Police Department, including, but not limited to, the carrying of firearms and the power of arrest, subject to rules and regulations, not inconsistent with the certification requirements of this New Jersey law, as may be established by local ordinance.

3. Special Law Enforcement Officers may be appointed for terms not to exceed one year, and the appointments may be revoked by the Township for cause after adequate hearing, unless the appointment is for four (4) months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require reappointment upon the expiration of the term. The Special Law Enforcement Officers so appointed shall not be members of the Township Police Department, and their powers and duties as determined pursuant to New Jersey and Township law shall cease at the expiration of the term for which appointed.

4. No Special Law Enforcement Officer may carry a firearm except while engaged in the actual performance of the officer's official duties and when specifically authorized by the Chief of Police, or, in the absence of the Chief, other chief law enforcement officer of the Township to carry a firearm and provided that the officer has satisfactorily completed the basic firearms course required by the commission for regular police officers and annual requalification examinations as required for permanent, regularly appointed full-time officers in the Township.

5. A Special Law Enforcement Officer shall be deemed to be on duty only while he is performing the public safety functions on behalf of the Township pursuant to New Jersey Law and when he is receiving compensation, if any, from the Township at the rates or stipends as shall be established by Township ordinance. A Special Law Enforcement Officer shall not be deemed to be on duty for purposes of New Jersey law while performing private security duties for private employers, which duties are not assigned by the Chief of Police, or, in the absence of the Chief, other chief law enforcement officer of the Township, or while receiving compensation for those duties from a private employer. A Special Law Enforcement Officer may, however, be assigned by the Chief of Police or, in the absence of the chief, other chief law enforcement officer, to perform public safety functions for a private entity if the Chief of Police or other chief law enforcement officer supervises the performance of the public safety functions. If the

Chief of Police or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the Township is reimbursed for the cost of assigning a Special Law Enforcement Officer at a private entity, the Special Law Enforcement Officer shall be deemed to be on duty.

6. Any Township issued firearm utilized by a Special Law Enforcement Officer shall be returned at the end of the officer's workday to the officer in charge of the station house. All Special Law Enforcement Officers first shall only use a firearm supplied or approved by the Township. No such Special Law Enforcement Officer shall carry a revolver or other similar weapon when off duty except as permitted by Federal Law under HR 218, also known as the "National Concealed Carry for Cops" or the "Law Enforcement Safety Act of 2004".

7. The Special Law Enforcement Officers shall be under the supervision and direction of the Chief of Police or, in the absence of the chief, other chief law enforcement officer of the Township wherein the officer is appointed, and shall perform his duties only in the Township except when in fresh pursuit of any person pursuant to chapter 156 of Title 2A of the New Jersey Statutes or when authorized to perform duties in another unit pursuant to a mutual aid agreement enacted in accordance with section 1 of P.L.1976, c. 45 (C.40A:14-156.1).

8. The Special Law Enforcement Officer shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the Township, as well as any rules and regulations applicable to the conduct and decorum of Special Law Enforcement Officers.

9. Notwithstanding any provision of P.L.1985, c. 439 (C.40A:14-146.8 et seq.) to the contrary, a Special Law Enforcement Officer may travel through another local unit to reach a noncontiguous area of the Township or to transport persons to and from a correctional facility.

This Ordinance shall take effect after final passage as provided by law.

TOWNSHIP OF MOUNT OLIVE

Colleen Labow, Council President

ATTEST:

Lisa Lashway, Township Clerk