

BOROUGH OF BOUND BROOK

County of Somerset

ORDINANCE No. 15-11

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II ADMINISTRATION, SECTION 2-21, POLICE DEPARTMENT, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK, TO REMOVE THE RANK OF DEPUTY CHIEF AND ADD THE RANK OF CAPTAIN, AND TO AMEND HEARING PROCEDURES

BE IT ORDAINED, by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey, as follows:

SECTION 1. Section 2-21, Police Department, subsection 2-21.4, "Composition of Department; Membership," is hereby amended and supplemented by deleting the text [marked in bold and enclosed in brackets] and inserting the text underlined and marked in bold, to read as follows:

2-21.4 Composition of Department; Membership.

The Police Department shall consist of a minimum complement of one (1) Chief of Police, one [~~Deputy Chief, three~~] (1) Captain, [~~three (3)~~] two (2) Lieutenants, [~~four (4)~~] five (5) Sergeants, two (2) Detectives, and [~~twelve (12)~~] thirteen (13) Patrolmen. The existing complement shall not fall below the minimum of twenty-~~[two (22)]~~four (24) police officers without formal resolution of authorization having been adopted by the Mayor and Council nor shall any vacancy in a superior officer rank be filled without a formal resolution.

SECTION 2. Section 2-2, Police Department, subsection 2-21.5, "Chain of Command," is hereby amended and supplemented by deleting the text [marked in bold and enclosed in brackets] and inserting the text underlined and marked in bold, to read as follows:

2-21.5 Chain of Command and Rank.

The chain of command and rank within the Police Department shall descend in the following order:

Chief of Police
[~~Deputy Chief~~] Captain
Lieutenant
Sergeant

Detective
Patrolman

SECTION 3. Section 2-2, Police Department, subsection 2-21.10, "Eligibility for Promotion," is hereby amended and supplemented by deleting the text [marked in bold and enclosed in brackets] and inserting the text underlined and marked in bold, to read as follows:

2-21.10 Eligibility for Promotion.

a. Only members of the Police Department holding the rank of Patrolman for a period of three (3) years, inclusive of the initial probationary period, shall be eligible for [promotion] assignment to the rank of Detective.

b. Only members of the Police Department holding the rank of Patrolman or Detective for a combined period of at least five (5) years, inclusive of the initial probationary period, shall be eligible for promotion to the rank of Sergeant.

c. Only members of the Police Department having eight (8) years of service as sworn police officers, inclusive of the probationary period, shall be eligible for promotion to the rank of Lieutenant or above.

d. Promotion to the rank of Captain will be by recommendation of the Chief of Police to the Mayor with the advice and consent of Council.

e. In the event a minimum of four (4) officers do not meet the length of service requirement for promotion, the years of service shall be reduced in increments of one (1) year until there are four (4) eligible candidates for each promotional position who are qualified by meeting all other criteria for promotion.

~~e)f.~~ All superior officers shall serve a probationary period of three (3) months following the date of promotion. If any such superior officer does not successfully complete his three (3) month probationary period, he shall be reduced to his former rank subject to approval of the Chief of Police, Public Safety Committee, and the Mayor and Council.

SECTION 4. Section 2.2, Police Department, subsection 2-21.11, "Appointment of Chief and Deputy Chief of Police," is hereby amended and supplemented by deleting the text [marked in bold and enclosed in brackets] and inserting the text underlined and marked in bold, to read as follows:

2-21.11 Appointment of Chief[and Deputy Chief] of Police.

Any appointment to the office of Chief [or Deputy Chief] of Police shall be made and chosen from a list of eligible candidates holding the rank of Sergeant and above. In the event a minimum of four (4) officers do not meet the length of

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service requirement for promotion, the years of service shall be reduced in increments of one (1) year until there are four (4) eligible candidates who are qualified by meeting all other criteria for promotion. Candidates shall be evaluated by a Committee formed by the Mayor for the purpose of recommending any appointees. The Committee shall be known as the Chief [or Deputy Chief] of Police Appointment Committee and shall consist of the Mayor, Borough Administrator, Public Safety Committee, and a Mayoral appointment of a Chief of Police of any Somerset County municipality or any other law enforcement official recommended by the Prosecutor of Somerset County. The Committee shall prescribe any testing to be required of candidates and shall conduct interviews of all eligible candidates. It shall recommend appointees to the Mayor and Council based upon the results of any testing and its evaluation of the candidates' general qualifications, appearance, speaking ability, comprehension and presentation of ideas, maturity of judgment, interest in law enforcement and knowledge of procedures and techniques thereof, and evidence of supervisory and administrative ability. Pursuant to N.J.S.A. 40A:14-129, due consideration shall be given to the length and merit of each officer's service and preference shall be given according to seniority in service. The Chief [or Deputy Chief] of Police shall be appointed in accordance with law upon nomination of the Mayor by and with the advice and consent of the Council. The appointment procedure shall be communicated to the PBA twenty-one (21) days prior to the commencement of the selection procedure.

SECTION 5. Section 2.2, Police Department, subsection 2-21.12, "Disciplinary Hearings," is hereby amended and supplemented by deleting the text [marked in bold and enclosed in brackets] and inserting the text underlined and marked in bold, to read as follows:

2-21.12 Disciplinary Hearings.

The Mayor and Council shall have the discretion and authority to designate a Hearing Officer or the Public Safety Committee to conduct disciplinary hearings pursuant to N.J.S.A. 40A:14-147 et seq., and make finding and recommendations to it. The Mayor and Council, as the appropriate authority, shall render a final determination of all Police Department disciplinary matters. The Mayor and Council shall have the power and authority to affirm, reverse or modify the findings and recommendations of the Hearing Officer or Public Safety Committee. [is hereby constituted as the proper authority to hear and determine disciplinary charges against any police officer pursuant to N.J.S.A. 40A:14-147 et seq.]

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SECTION 6. Severability Clause.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 7. Repealer.

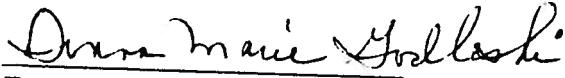
All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 8. Effective Date.

This Ordinance shall take effect following adoption and publication in accordance with the laws of the State of New Jersey.

ATTEST:

BOROUGH OF BOUND BROOK



Donna Marie Godleski,
Borough Clerk

By: 

Robert Fazen, Mayor

DATE OF ADOPTION: MARCH 24, 2015

DATE OF INTRODUCTION: MARCH 10, 2015