

**NEW HANOVER TOWNSHIP
ORDINANCE NO. 2020-06**

**AN ORDINANCE
REPEALING ARTICLE XI DEPARTMENT OF PUBLIC SAFETY AND
AMENDING AND SUPPLEMENTING ARTICLE X POLICE DEPARTMENT
OF THE NEW HANOVER TOWNSHIP CODE**

WHEREAS, New Hanover Township Ordinance No. 1991-6 adopted on or about August 13, 1991 established Article X Police Department Sections 5-40 through 5-62 (Article X) and Article XI Department of Public Safety (Article XI); and

WHEREAS, Article X was amended and supplemented by New Hanover Township Ordinance No. 2013-05 adopted on or about November 12, 2013, which among other things, eliminated the position of Chief of Police and established the Township's Director of Public Safety as the appropriate authority for the New Hanover Township Police Department; and

WHEREAS, the Township Committee of the Township on New Hanover believes that it is in the best interest of the residents of the Township for the New Hanover Township Police Department to operate in an efficient manner under the direction of a Chief of Police; and

BE IT ORDAINED by the Township Committee of the Township of New Hanover in the County of Burlington, State of New Jersey, as follows:

Section I: Article XI of the Codified Code of the Township of New Hanover is hereby repealed in its entirety.

Section II: Article X of the Codified Code of the Township of New Hanover is hereby amended and supplemented to read as follows:

Section 5-40. Establishment

There shall be a Police Department in and for the Township of New Hanover, the administrative head of which shall be the Chief of Police. The New Hanover Township Department (Police Department) will be composed of such full-time patrol officers and special law enforcement officers as may be appointed by the Township Committee.

Section 5-41. Positions within the Department

There are hereby established the following positions within the Police Department:

- A. Chief of Police
- B. Lieutenant

- C. Sergeant
- D. Corporal
- E. Patrolman

The above shall constitute the chain of command for the Police Department. When the Chief of Police is unavailable or the position is vacant, the next highest officer in chain of command shall perform the duties of the chief law enforcement officer of the municipality, except that only the Chief of Police duly appointed by the Township Committee shall have the authority to issue general orders.

Section 5-42 Chief of Police

The Chief of Police shall be the head of the Police Department and shall be directly responsible to the appropriate authority for the efficiency and routine day to day operations of the Police Department. The Chief of Police shall be vested with the powers and duties set forth in N.J.S.A. 40A:14-118 pursuant to the policies established by the appropriate authority.

Section 5-43 through Section 5-47 are hereby repealed and reserved.

Section 5-48. Compliance with rules required.

All members of the Police Department shall comply in every respect with the rules and regulations established for the governance of the Police Department and shall work such schedules and such hours as set forth in the work schedule adopted by the Chief of Police.

Section 5-49 Administration

The Police Department shall be under the overall supervision and control of the Mayor, who shall be the "appropriate authority" as that term is used in N.J.S.A. 40A:14-118. The Mayor may adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of its members. The foregoing shall not be construed to limit the authority of the Chief of Police to adopt, issue, revoke and amend orders and procedures for the administration of the Police Department.

Section 5-50 Powers and Duties

Delete "or, in his absence, by the Deputy Chief of Police" otherwise this section remains as written.

Section 5-51 Qualifications of Personnel.

Remains as written

Section 5-52 Work hours; vacations.

Remains as written except repeal and reserve paragraphs C. and D.

Section 5-53 Special law enforcement officers.

Remains as written

Section 5-54 Reduction in force.

Remains as written

Section 5-55 Cause for disciplinary action.

Remains as written.

Section 5-56 Statutory authority for disciplinary action

Remains as written.

Section 5-57 Procedure for removal, suspension, fine or demotion.

Remains as written except the term "Director of Public Safety" in Paragraph C. and E. shall be replaced with "Mayor."

Sections 5-58 through 5-60.

Remains as written.

Section III: Invalidity. If the provisions of any section, subsection, paragraph, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, or clause of this Ordinance.

Section IV: Severability. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section V: Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

SO ORDAINED, as aforesaid.

RECORD OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that an ordinance entitled “An Ordinance of the Township of New Hanover to Repeal Article XI Department of Public Safety and Amending and Supplementing Article X Police Department of the New Hanover Township Code” was passed on first reading by the New Hanover Township Committee at their duly advertised Committee Meeting held on October 13, 2020 at the New Hanover Township Municipal Building.

FURTHER NOTICE IS HEREBY GIVEN that said ordinance will be considered for Second Reading and Final Adoption at a Committee Meeting to be held on November 10, 2020 at 6:00 P.M. at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard. Members of the public who wish to participate in the public hearing may do so by calling 305-848-8888 and following by meeting number 7577570714 at 6:00 pm. Individuals calling into this number will be able to fully participate in the public hearing, including providing public comment.

Copies of this ordinance will be made available at the Municipal Clerk's office to members of the general public who request same during normal operating hours, and will be available on the Township Website wwwq.newhanovertwp.com or by emailing to clerk@newhanovertwp.com.

Adel Gianaris
Township Deputy Clerk

Dated: *Nov. 10, 2020*

TOWNSHIP OF NEW HANOVER

By:



Paul D. Peterla, Mayor

Attest:



Adel Gianaris
Deputy Township Clerk