

Borough of Matawan

Notice of Pending Ordinance 19-01

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on January 15, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on February 5, 2019 at 7:00 o'clock pm. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at www.matawanborough.com.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 19-01 BOROUGH OF MATAWAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 2-14 OF THE CODE OF THE BOROUGH OF MATAWAN ENTITLED "POLICE DEPARTMENT"

WHEREAS, Chapter 2 of The Revised General Ordinances of Matawan [the "Ordinance"] regulates the operation of the Police Department within the Borough of Matawan (the "Borough"); and

WHEREAS, the Borough has a strong interest in clarifying the designation of the "appropriate authority" for regulating Police functions in the Borough of Matawan, consistent with the statutory authority delegated to the Governing Body pursuant to NJSA 40A:14-118 et seq.; and

WHEREAS, Sections 2-14.3 and 2-14.4 address the operation of the Police Department as it concerns "Appropriate Authority" and are in need of clarification to manifest the intent of the Governing Body, and correctly conform to existing administrative practice.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Matawan that Ordinances 2-14.3, 2-14.4 and 2-14.9 are amended as follows:

Section 1. Section 2-14.3 [entitled, "Control, Appropriate Authority"] is amended and replaced by the following:

Section 2-14.3(a):

The Police Department of the Borough shall be under the supervisory control of the Borough Council Police Committee, created by authority of NJSA 40A:14-118.

Section 2-14.3(b):

The Borough Administrator, in consultation with the Police Commissioner, is hereby designated as the “appropriate authority” relating to Police Department for the adoption and promulgation of rules and regulations for the government of the police force and the discipline of its members as ratified by the Council Police Committee. The Commissioner shall work in consultation with the Police Committee of Council and the Borough Administrator. The Borough Administrator shall be responsible for daily communication with the Police Chief and report to the Council Police Committee of the Borough of Matawan for overall performance of the Police Department.

Section 2-14.3(c):

Except as provided in NJSA 40A:14-118, the Governing Body and its members shall act in all matters concerning the Police Department, only through the Appropriate Authority of the Police Department.

Section 2-14.3(d):

The Chief of Police of the Borough of Matawan shall be the head of the Police force of the Borough of Matawan, and the Chief shall be directly responsible to the Appropriate Authority for the efficiency and routine day-to-day operations of the Police Department, and the Chief shall, pursuant to the procedures established by the appropriate authority:

- A. Administer and enforce rules and regulations and emergency directives for the disposition and discipline of the force, its officers and personnel;
- B. Have, exercise and discharge the functions, powers and duties of the force;
- C. Prescribe the duties and assignments of all subordinates and other personnel;
- D. Delegate such of his authority as the Chief may deem necessary for the efficient operation of the force to be exercised under the Chiefs direction and supervision; and
- E. Report at least monthly to the appropriate authority in such form as shall be prescribed by such authority on the operation of the force during the preceding month, and make such other reports as may be requested by such authority.

Section 2-14.3 (e):

The administrative control, day-to-day operation and discipline of the Police Department of the Borough and of its members shall be vested in the Chief of Police and the Chief shall have the power to enforce all the rules and regulations herein provided and any general and special orders or instructions which may from time to time be promulgated; provided such rules, regulations, general or special orders or instructions that do not conflict with the rules and regulations, orders or instructions issued by resolution of the Council or promulgated by the appropriate authority. The Chief shall enforce these rules and regulations and orders or instructions, and may punish violation by reprimand or by suspension

not to exceed three days. The Chief of Police shall report violations of the rules and regulations to the appropriate authority for Police Department disciplinary matters upon the administration of the penalty for violations of rules and regulations, orders and instructions.

Section 2-14.3 (f):

The Chief of Police, with the assistance of the other members of the Department who shall be detailed for the purpose, shall keep a complete record as prescribed in the rules and regulations adopted by the Council. The Chief of Police shall report in writing to the Borough Administrator for presentation to the Council at their first regular meeting each month on all matters of importance pertaining to the Department and make such recommendations as in the Chief's opinion will increase the efficiency of the Department.

- Section 2. Ordinance 2-14-4: "Police Committee" is amended as follows:
The Mayor shall, each year as soon after the organization of the Council may be possible, select and designate three (3) members of the Borough Council who shall constitute the Police Committee. The Committee shall meet with the Chief of Police, the Borough Administrator, and the Borough's Chief Financial Officer to review and prepare the annual budget of the Police Department and thereafter shall be responsible for the presentation of the annual budget of the Police Department to the Council. The Police Committee shall be the body that recommends to other members of the Governing Body if amendments should be adopted with respect to ordinances that impact the Police Department. The Mayor shall name one of the members of the Committee as Chairman and a second as Vice Chairman.
- Section 3: Ordinance 2-14.9 is amended to reflect that the term "Police Commission" is to be replaced by "Police Committee" wherever the term is so used in said ordinance.
- Section 5: Any Ordinances or portions which are inconsistent with the provisions of this Ordinance are hereby repealed.
- Section 6: If any provision of this Ordinance, or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.
- Section 7. This Ordinance shall take effect upon passage, adoption and publication, pursuant to law.