

**Ordinance #2020-1245**  
**An Ordinance To Amend Ordinance 2003-981 An Ordinance**  
**Reconstituting The Police Department Of The Borough Of Manville**

**Statement of Purpose**  
**The purpose of this Ordinance is to amend Ordinance #2003-981, An**  
**Ordinance Reconstituting The Police Department of the**  
**Borough of Manville**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Manville, in the County of Somerset and State of New Jersey that the ordinance shall now read as follows:

**SECTION 1. POLICE DEPARTMENT**

**ARTICLE I**  
**Creation of Department, Rules and Regulations**

**I. Statutory authorization**

- A. The Police Department , as heretofore established , is hereby continued pursuant to N.J.S.A. 40A:14-118. The Mayor is hereby designated as the "appropriate authority" and granted all powers conferred by statute and/or other law upon such "appropriate authority, " including, but not limited to, the promulgation, amendment and modification of rules and regulations for the government of the force and for the discipline of its members.
- B. Supervision and Control
  - 1. The Police Department shall, subject to direction by the appropriate authority, be under the supervision and control of the Police Committee of the Mayor and Council. The Chairman of the Police Committee shall be known as the Police Commissioner.
  - 2. The Police Commissioner shall have the power to call meetings of the Police Committee at any time.
  - 3. In addition to the Police Commissioner, any other two members of the Police Committee shall have the power to call meetings of the Police Committee on twenty- four hours written notice addressed to the Police Commissioner.

**II. General duties**

The Police Department shall:

- A. Preserve the public peace, prevent crime , detect and arrest offenders against the penal laws and ordinances effective within the Borough, suppress riots, mobs and insurrection, 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 streets by vehicles and persons and make rules and regulations, not inconsistent with the Charter, ordinance and general law, for such purpose.
- C. Remove all nuisances in the public streets , parks and other public places; inspect and observe all places of public amusement or assemblage and all places of business requiring any state or municipal license or permit.
- D. Provide police service at fire scenes until relieved by the Fire Chief.
- E. Enforce the laws and ordinances in effect within the Borough and prevent the violation of them by any person; apprehend and arrest all persons legally charged with the

violation of any law or ordinance.

- F. Provide for the attendance of its police officers or civilian employees in court as necessary for the prosecution and trial of persons charged with crimes and other violations of the law, and cooperate fully with the law enforcement and prosecuting authorities of federal, state and county governments.
- G. Provide a training program to maintain and improve the police efficiency of the members of the Department.

### **III. Rules and regulations established**

Promulgation of the manual entitled " Manville Police Department - Rules and Regulations by the Mayor and Council on April 23, 2001, as the rules and regulations for the government of the Police Department of the Borough of Manville and for the discipline of its members, a copy of which is on file in the office of the Clerk, is hereby ratified and confirmed.

### **IV. Police Manual**

- A. Distribution of the manual. One copy of the Police Manual shall be distributed to each police officer and to certain civilian employees of the Police Department. Also, for reference purposes, copies shall be distributed to the office of the Borough Clerk - Administrator, the Police Committee and the Mayor.
- B. Responsibility for maintenance. All members and employees who are assigned a manual shall be responsible for its maintenance and care. All manuals shall be kept current and supplementary pages concerning additions, revisions or amendments shall be promptly and properly inserted.
- C. Familiarization Each police officer and each civilian employee is duty-bound to thoroughly familiarize himself with the provisions of the Police Manual. Failure to comply shall be considered neglect of duty.
- D. Ignorance of contents of manual. In the event neglect of duty is charged against a member for failure to observe the rules and regulations, Department procedures or orders, ignorance of any provision of the manual or any Department procedure or order will not be accepted as an excuse.

## **ARTICLE II Organization**

### **I. Composition; membership**

The Police Department shall consist of no more than one Chief of Police, three Lieutenants, five Sergeants, and a combination of 16 patrolmen and Detectives to be determined by the Chief of Police. The existing complement shall not exceed twenty-five officers without formal resolution of authorization having been adopted by the Mayor and Council.

### **II. Chain of command**

The chain of command within the Police Department shall be as follows:

- Chief of Police
- Lieutenant
- Sergeant
- Detective
- Patrolman

**III. Office of the Chief** The Chief of Police shall be the head of the Police Department and he shall be directly responsible to the appropriate authority for the efficient and routine day to day operations of the Department. The Chief of Police is responsible for the general direction, control and supervision of the Police Department as authorized and provided for by statute, ordinances, rules and regulations, or other law.

#### **IV. Rank established**

Rank in the Manville Police Department as established by municipal ordinance shall descend in the following order:

- A. Chief of Police
- B. Lieutenant
- C. Sergeant
- D. Detective
- E. Patrolman

#### **V. Rank and seniority**

When officers are of the same grade, they shall rank according to their seniority determined by time in rank. When two or more officers are appointed to the same grade on the same day, each shall rank according to his respective position on the eligibility list which determined the order of his appointment to that grade. A current seniority list shall be continuously maintained and a copy thereof shall be filed with the Borough Clerk.

### **ARTICLE III Appointments and Promotions**

#### **I. Selection of applicants for initial appointment**

- A. Applicants for initial appointment shall be selected on a basis of education, experience, previous training and the successful completion of interviews, background investigations and any other requirements deemed necessary by the Chief of Police and Police Committee. Eligible applicants shall also be required to undergo medical and psychological examinations and any further testing deemed necessary. A minimum of 60 college credits shall be required of an applicant.
- B. Applicants eligible for appointment. Upon successful completion of all examinations, interviews and other requirements, the Chief of Police shall compile and rank a list of successful applicants from which appointments shall be made in order of ranking.
- C. The competitive examination for initial appointment may be waived in its entirety or any part or parts thereof for candidates who are certified as having successfully completed the Police Training Program at a school accredited by the Police Training Commission within the Division of Criminal Justice of the Department of Law and Public Safety of the State of New Jersey.

#### **II. Promotions**

- A. All promotions to superior positions shall be made from membership of the Department as constituted at the time of such promotion.
- B. Vacancies in the positions of Sergeant shall be filled by recommendation of the Chief of Police, upon nomination by the Mayor with the advice and consent of the Council, based upon the following examinations:
  - 1. Written examinations= 25%
  - 2. Oral examinations= 35%  
(both administered by an independent third party agency)
  - 3. Local Chief's Department Review Board based on education, seniority, service record, attendance record and general qualifications= 40%
- C. Vacancies in the positions of Lieutenant shall be filled by recommendation of the Chief of Police, upon nomination by the Mayor with the advice and consent of the Council, based upon the following:
  - 1. County Chief Association Interview—35%
  - 2. Local Chiefs Department Review Board-45%(25% Maximum assigned to

- interview preference and 20% maximum assigned to education, seniority, service record, attendance record and general qualifications,
3. Local Chief of Police Recommendation 20%

- D. No person shall be eligible for a promotion to Sergeant or Lieutenant unless he shall have previously served as a patrolman in the Manville Police Department.

### **III. Eligibility for rank of Sergeant**

Each member of the Department shall become eligible for the rank of Sergeant within the Department after he or she shall have served in the capacity of police officer, investigator or some other rank below the rank of Sergeant for a combined period of at least five years, inclusive of his or her initial probationary period.

### **IV. Eligibility for rank of Lieutenant**

Each Sergeant shall become eligible for the rank of Lieutenant with the Department after he or she has completed his or her probationary period of service as a probationary Sergeant; and has served in the rank of Sergeant for a least one full year following the completion of his or her probationary period of service.

### **V. Eligibility for appointment as Chief of Police**

Only members of the Department holding the rank of Lieutenant shall be eligible to be promoted to the office of Chief of Police after having served one year in the rank of Lieutenant.

### **VI. Appointment of Police Chief**

Any appointment to the office of Chief of Police shall be made and chosen from a list of eligible candidates holding the rank of Lieutenant who shall be evaluated by a committee formed by the Mayor for the purpose of recommending appointment of Chief of Police. The committee shall be known as the Chief of Police Appointment Committee and shall consist of the Mayor, the Borough Administrator, two members of the Council, 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 to serve. The Committee shall conduct interviews of all eligible candidates. The Committee shall recommend appointees to the Mayor and Council based upon its evaluation of the candidates' general qualifications, appearance, speaking ability, comprehension and presentation of ideas, maturity of judgement, interest in law enforcement and knowledge of procedures and techniques thereof, and evidence of supervisory and administrative ability. Due consideration shall be given to each candidate's length and merit of service and preference shall be given according to seniority in service in accordance with N.J.S.A. 40A:14-129. The Chief of Police shall be appointed in accordance with law upon nomination of the Mayor with the advice and consent of the Council.

## **ARTICLE IV Probationary Period**

### **I. Probationary period required**

- A. Appointment of Patrolman to the Police Department shall be for a probationary period of eighteen (18) months from the date of appointment unless the appointee is certified by the Police Training Commission at the time of appointment, in which event the probationary period shall be one year from the date of appointment. The probationary period for Sergeants and Lieutenants shall be one year from the date of

- appointment.
- B. In the event a Patrolman does not satisfactorily complete his period of probation, he shall be terminated from the police service.
  - C. In the event a Sergeant or Lieutenant does not satisfactorily complete his period of probation, he or she shall be reduced to his former rank or terminated from the police service as circumstances shall warrant.
  - D. Anything to the contrary contained herein discretion and notwithstanding, the Chief of Police may, in his discretion and in any instance, extend the probationary period for a Patrol Officer, Sergeant, or Lieutenant for a period not to exceed one additional year.

## **ARTICLE V Military Leave of Absence**

### **I. Military reserve leave**

A member of employee who is a member of the Organized Reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve, United States Marine Corps Reserve or other affiliated organization shall be entitled to leave of absence from duty without loss of pay or time on all days during which he or she shall be engaged in field training. Such leave of absence shall be in addition to the regular vacation allowed such member or employee.

### **II. Enlistment or re-enlistment in military**

Members and employees of the Department shall not enlist, re-enlist or accept a commission in any federal or state military organization without having made prior notification to the Chief of Police

### **III. Surrender of property upon extended leave**

Before reporting for extended military service, police officers of the Department shall surrender all Department property held by them to their commanding officers.

### **IV. Draft Board Determination**

When a member or employee has been classified 1-A by selective service or ordered to report for examination, he or she shall immediately notify his commanding officer.

### **V. Field training leave**

Members or employees going on military leave for field training must notify the commanding officer at least thirty days before the date their training period is scheduled to begin. They must also submit copies of their official military orders at least five days prior to the date they are to report for duty.

## **SECTION 2. CONSTRUCTION**

Where consistent with the context in which used in this Ordinance, words importing the singular shall include the plural; words importing one gender shall include all other genders.

## **SECTION 3. INCONSISTENCY**

Should any provision of this Ordinance be inconsistent with the provisions of any prior Ordinances, the inconsistent provisions of such prior Ordinances are hereby repealed, but only to the extent of the inconsistencies.

## **SECTION 4. SEVERABILITY**

In the event that any provision of this Ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of

invalidity shall not affect any other provision or application of this Ordinance which may be given effect, and to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

**SECTION 5. PUROSE OF CAPTIONS**

Captions contained in this Ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

Borough of Manville



Richard M. Onderko, Mayor


**ORDINANCE #2020-1245**

**FIRST READING:**

**ROLL CALL**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	✓	MAGNANI	✓			
		LUKAC	✓			
		MAEDER	✓			
		PETROCK	✓			
		SZABO	✓			
✓		ZAMORSKI	✓			
		MAYOR ONDERKO				

**INTRODUCED** this 14<sup>th</sup> day of September, 2020


Attest:   
Wendy Barras, Borough Clerk

**SECOND READING:**

**ROLL CALL**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		MAGNANI	✓			
	✓	LUKAC	✓			
		MAEDER	✓			
		PETROCK	✓			
✓		SZABO	✓			
		ZAMORSKI	✓			
		MAYOR ONDERKO				

**ADOPTED** this 28<sup>th</sup> day of September\_\_, 2020

Attest:   
Wendy Barras, Borough Clerk

