

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that Ordinance #10-18 was introduced and passed on first reading on regular meeting of the Mayor and Council on the 3rd day of August, 2010, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 17th day of August, 2010 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

**BOROUGH OF WESTWOOD
ORDINANCE # 10-18
ORDINANCE TO AMEND CHAPTER 2.32 OF THE CODE OF BOROUGH OF
WESTWOOD ENTITLED POLICE DEPARTMENT**

SECTION I. Establishment of the Police Department:

There is hereby created in and for the Borough of Westwood a Police Department which shall consist of no more than one Chief of Police, one Deputy Chief, one Captain, two Lieutenants, five Sergeants, and twenty Police Officers, to be appointed to these positions by the governing body of the Borough of Westwood. The decision whether or not to fill the mentioned positions is within the discretion of the governing body.

SECTION II. Purpose of the Police Department:

The Police Department Shall:

Preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Borough of Westwood; direct and control traffic; provide attendance and protection during emergencies; make appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers.

SECTION III. Chief of Police; powers and duties:

The Mayor shall appoint a Chief of Police with the consent and approval of the governing body. The Chief 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 pursuant to policies established by the governing body and consistent with Borough ordinances:

Page 2

ORDINANCE # 10 – 18

1. Administer and enforce the rules and regulations of the Police Department and any special emergency directives for the deposition and discipline of the Department and its officers and personnel.
2. Have, exercise and discharge the functions, powers and duties of the Police Department.
3. Prescribe the duties and assignments of all subordinates and other personnel.
4. Delegate such of his authority as he may deem necessary for the efficient operation of the Police Department to be exercised under his direction and supervision.
5. Report at least monthly to the Appropriate Authority in such form as shall be prescribed by the governing body on the operation of the force during the preceding month, and make such other reports as may be requested by the governing body.

SECTION IV. Designation of Appropriate Authority:

In accordance with N.J.S.A. 40A:14-118, Borough Administrator is hereby designated as the Appropriate Authority and is hereby vested in the powers and duties of an Appropriate Authority as delegated by law.

SECTION V. Appointment of Police Department, Officers and Personnel:

No person shall be appointed to the Police Department who is not qualified as provided in the New Jersey Statutes. The selection criteria for a police officer shall be established in department policy consistent with the New Jersey Statutes.

SECTION VI. Disciplinary Actions:

Discipline of police officers will be imposed consistent with N.J.S.A. 40A:14-47. The written charges will be signed by the Chief of Police or designee as provided in the New Jersey Statutes and the Police Department's Rules and Regulations. Police officers may also be subject to discipline by the Borough of violating statutes, ordinances and policies.

SECTION VII. Rules and Regulations:

The appropriate authority shall, from time to time as may be necessary, adopt and amend the rules and regulations, for the government and discipline of the Police Department and employees thereof. Said rules and regulations may fix and provide for

the enforcement of such rules and regulations and the enforcement of penalties for the violation of such rules and regulations, and all employees of the Police Department shall be subject to such rules and regulations and penalties.

Page 3

ORDINANCE # 10 – 18

SECTION VIII. Special Police Officers:

Authority and Purpose. The Borough of Westwood hereby establishes Special Police Officers pursuant to and in compliance with the Special Law Enforcement Officers Act (N.J.S.A. 40A:14-146.8 et seq.).

1. Supplemental.
 - a. Special Police Officers shall not be utilized to supplant regular Police Officers on Borough assigned extra-duty assignments.
 - b. Special Police Officers are subject to the personnel policies of the Borough of Westwood.
 - c. Special Police Officers are subject to the Borough of Westwood Police Department's Written Directive System, where applicable.

SECTION IX. Off-duty Police Officers:

Purpose. For the convenience of those persons and entities which utilize the services of off-duty law enforcement officers of the Westwood Police Department and to authorize the outside employment of Borough police while off-duty, the Borough hereby establishes a policy regarding the use of said officers.

1. Members of the Police Department shall be permitted to accept police related employment for private employers or school districts only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Borough.
2. Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police, which approval shall be granted if in the opinion of the Chief, such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department, and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

Requests for Services.

1. All requests to the Borough for the services of off-duty law enforcement officers in the Westwood Police Department for a period of one week or longer shall be forwarded to the Chief of Police for posting at least ten (10) days before such services are required. Any law enforcement officers, when so employed by the

Borough, shall be treated as an employee of the Borough provided, however, that wages earned for outside employment shall not be applied toward the pension benefits of law enforcement officers so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime.

Page 4

ORDINANCE # 10 – 18

Rates of Compensation: Administrative Fee; Payment for Services.

1. Rates of compensation for contracting the services of off-duty enforcement officers shall be base on a rate of time and one-half of the officer's hourly rate.
2. An additional fee of one hundred twenty-five dollars (\$125.00) is charged for any vehicle use as assigned by the Chief for up to seven consecutive hours or any part of a calendar day. Whenever possible, the oldest usable Police Department vehicle will be assigned.
3. An additional fee of twenty (20) percent is established to cover administrative costs, overhead and out-of-pocket expenses of the Borough of Westwood. This is twenty (20) percent of the total subsections (D) (1) and (D) (2) above

Disclaimer.

1. All ordinance, codes or parts thereof inconsistent with any of the provisions of this new section are hereby repealed to the extent of such inconsistency. If any section or provision of this chapter shall be held invalid by the court of competent jurisdiction, the same shall not affect the other sections or provisions of this chapter, expert so far as section or provision so declared invalid, which shall be inseparable from the remainder of any portion thereof. (Ord. 07-18; Ord. 03-17)

This Ordinance shall be in full force and effect from and after its adoption and any publication, as may be required by law.

ALL OF WHICH IS ADOPTED this _____ day of _____, 201____, by the
_____.

John Birkner, Jr., Mayor

ATTEST:

Karen Hughes, Borough Clerk