

**ORDINANCE 2188**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II OF THE  
“REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965”**

**BE IT ORDAINED** by the Township Council of the Township of Ocean in the County of Monmouth, State of New Jersey, that Chapter II of an Ordinance entitled “Revised General Ordinances of the Township of Ocean, 1965”, be and the same is hereby amended and supplemented in the following manner:

**SECTION I**

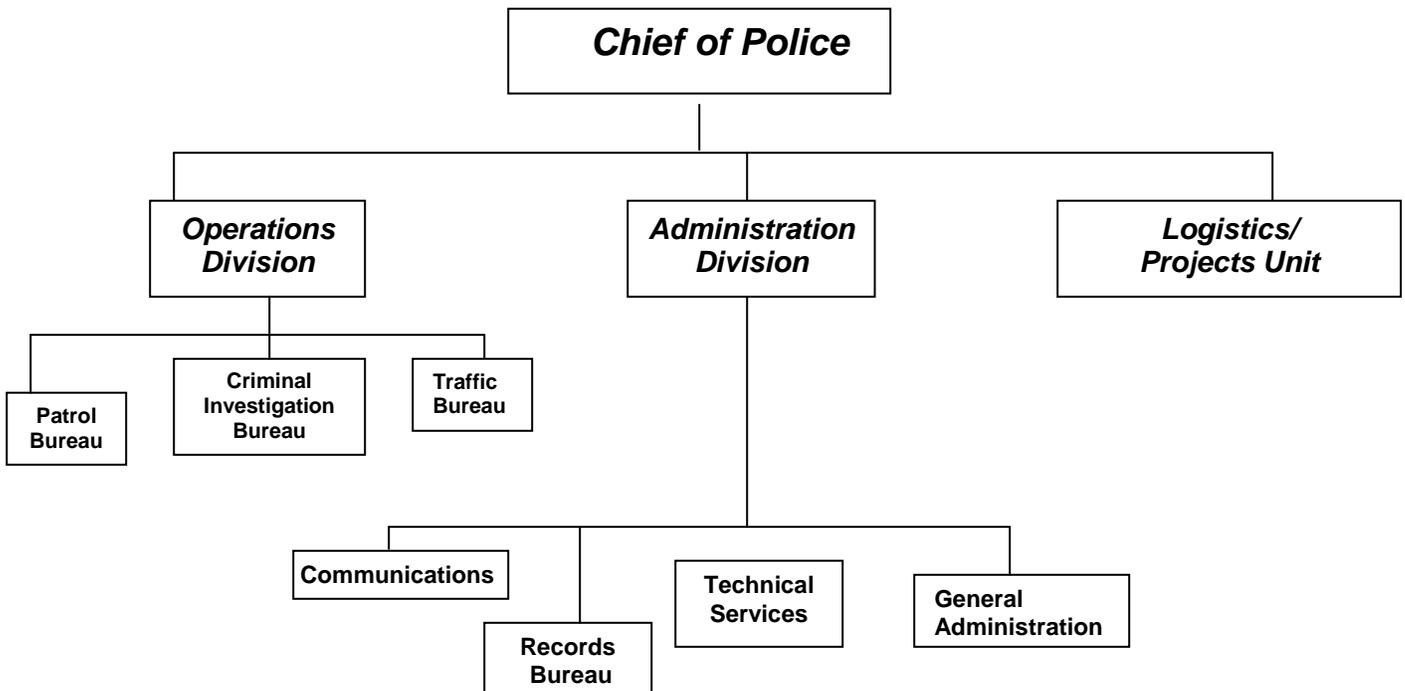
A. Chapter II, Section 2-5.6 is hereby amended and supplemented to read as follows with all other section not listed remaining the same:

*2-5.6 Department of Police.*

1. Establishment of Police Department

a. The police department shall consist of a Chief of Police, up to three (3) Captains, up to five (5) Lieutenants, up to twelve (12) Sergeants and up to forty-five (45) Officers which the Township Council deems necessary to preserve the peace of the Township. This staffing level shall be exclusive of any officers on terminal leaving being paid through reserves established for the payment of unused vacation and sick leave. The Township Manager is designated as the appointing authority and may appoint such members of the Department as may be provided within the local municipal budget and this Ordinance. The Organizational Chart shall be as follows:

**OCEAN TOWNSHIP POLICE  
Table of Organization**



2. Organization of Police Department.

a. Pursuant to the Council-Manager Plan A of the Optional Municipal Charter Law of 1950 (N.J.S.A. 40:69A-81, et seq.), the “appropriate authority” as set forth in N.J.S.A. 40A:14-118 shall be the Township Manager of the Township of Ocean. The Township Manager shall adopt and promulgate rules and regulations for the government of the municipal police department and for the discipline of its members. The aforesaid rules and regulations may be

suggested to the Township Manager by the Chief of Police. The Chief of Police shall be the head of the Police Department and shall be in charge of the daily operations of the Department, but shall be directly responsible to the Township Manager for the efficiency and routine day-to-day operations thereof as described in the Duties of the Police Chief established under this Ordinance.

- b. Nothing set forth herein shall prevent the appointment by the Township Council of committees or commissions to conduct investigations of the operation of the Police Department and the delegation to such committees or commissions of such powers of inquiry as the Township Council deems necessary or to conduct such hearing or investigation authorized by law. Nothing herein contained shall prevent the Township Manager from examining at any time the operations of the Police Department or the performance of any officer or member thereof. In addition, nothing herein contained shall infringe upon or limit the power of the Township Manager to act and provide for the health, safety or welfare of the Township of Ocean in an emergency situation through special emergency directives.
- c. Criminal Investigation Bureau. Within the department of police, there shall be a Criminal Investigation Bureau responsible for the investigation of crime, arrest, and prosecution of the perpetrators, and the recovery of stolen property. The Bureau shall be under the supervision and control of the Chief of Police. The senior ranking superior officer assigned to the bureau shall be in command thereof. The officer in command of the bureau shall have the following duties:
  - 1. Insure or cause to insure that all duties coming within the scope of the Criminal Investigation Bureau are properly and efficiently handled.
  - 2. Make or cause to be made all necessary records, reports and papers pertaining to the workings of the Bureau.
  - 3. Keep the Chief of Police advised as to the workings of the Bureau.
  - 4. Maintain full and close cooperation with the Monmouth County Prosecutor's Office and other law enforcement agencies as may be necessary.

The members of the department assigned to Criminal Investigation Bureau shall be on duty the hours assigned to them, and at such other times as may be ordered by the superior ranking officer of the Bureau or as the work may require.

d. Special Law Enforcement Officers

The Manager may appoint Special Law Enforcement Officers for a term not exceeding one (1) year, and revoke such appointments without cause or hearing. Such Special Law Enforcement Officers shall carry out their duties and responsibilities under the direct supervision of the Chief of Police and their powers, rights and duties shall be specifically defined by the Chief of Police. The powers, rights and duties, however, shall immediately cease at the expiration of the term for which they were appointed, or upon revocation of their appointment. Special Officers shall not carry a revolver or other weapon at any time except as otherwise directed by the Chief of Police.

3. Duties of the Chief of Police

- a. The Chief of Police shall serve in a probationary status for a period of one (1) year from the date of appointment. During the probationary period, the Chief shall hold the title of Acting Chief of Police. During the probationary period, the Acting Chief of Police may be demoted to his prior title for cause or no cause.
- b. The Chief of Police shall, pursuant to policies established by the Township Manager:

- i. Administer and enforce rules and regulations and special emergency directives for the disposition of discipline of the force and its officers and personnel;
- ii. Have, exercise, and discharge the functions, powers and duties of the force;
- iii. Prescribe the duties and assignments of all subordinates and other personnel
- iv. Delegate such authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision; and
- v. Report at least monthly to the Township Manager in such form as shall be prescribed by the Manager on the operation of the force during the preceding month and make such other reports as may be requested by the Manager.

#### 4. Functions of the Police Department.

##### a. The Police Department shall:

- i. Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections and public meetings and assemblages.
- ii. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic, and the use of the streets by vehicles and persons, to protect the safety and facilitate the convenience of motorists and pedestrians, and make and enforce rules and regulations not inconsistent with the ordinances of the Township for such purposes.
- iii. Remove or cause to be removed all nuisances in the public streets, parks and other public places of the Township, inspect and observe all places of public amusement or assemblage and all places of business requiring any State or municipal license or permit and report thereon to the appropriate department.
- iv. Provide proper police attendance and protection at fires.
- v. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperate fully with the law enforcement and prosecuting authorities of Federal, State and County governments.
- vi. Operate a training program to maintain and improve the police efficiency of the members of the department.
- vii. Perform such other duties to be consistent with Federal, State and local laws; directives of the Attorney General and the Monmouth County Prosecutor; and all other lawful actions to promote the welfare of the public.

#### 5. Qualifications for Police Officers

- a. Except as provided under N.J.S.A. 40A:14-122, all persons appointed as a member of the police department shall:
  - i. be a citizen of the United States;

- ii. be in good health sufficient to satisfy the Township's physical and psychological examination and the Board of Trustees of the Police and Firemen's Retirement System;
  - iii. be able to read, write and speak the English language well and intelligently;
  - iv. be of good moral character, and never have been convicted of any criminal offense involving moral turpitude;
  - v. pass a written and/or oral examination and one or more oral interviews as determined by the Township Manager;
  - vi. hold at least an Associate degree in a field related to law enforcement.
- b. The Township Manager shall make such appointments from all qualified applicants.
- c. Each successful appointee shall serve a probationary period of one (1) year including his successful completion of a course at a State or county accredited police academy if he does not already hold a valid New Jersey certification as a Class A police officer.

## 6. Promotions

- a. The Township Manager shall set the evaluating criteria to be used for promotions. Except for the position of Chief of Police, candidates for promotion shall:
- i. serve in their present rank for a period of five (5) years for promotions to the rank of sergeant and one (1) year for all other ranks;
  - ii. be considered based upon their disciplinary record;
  - iii. be considered based upon their last three (3) performance appraisals;
  - iv. be considered based upon commendations, awards or other recognition;
  - v. pass a written and/or oral examination and an oral interview as determined by the Township Manager;
  - vii. be considered based upon merit and fitness; and
  - vii. be otherwise considered based upon N.J.S.A. 40A:122.6.
- b. Newly promoted individuals shall serve a one (1) year probationary period providing the same is provided for in the collective bargaining agreement covering this position. During the probationary period, the officer may be demoted to his prior title for cause or no cause.
- c. In the case of an emergency, the Township Manager, in his sole discretion, may promote a member of the police department to an acting title as he sees fit to preserve the public welfare and the efficiency of the department.

7. Suspension or Removal of Members in Office. Except as otherwise provided by law, no permanent member or officer of the Police Department shall be suspended, removed, fined or reduced in rank from or in office, employment or position therein except for just cause, including but not limited to: incapacity, inefficiency, misconduct, conduct unbecoming a police officer, insubordination, disobedience of departmental rules and regulations, neglect of duty, failure to perform duty, chronic or excessive absenteeism, misuse of public property, violations of federal, state or municipal statutes, regulations or policies regarding alcohol and drug testing, acts of discrimination, moral turpitude and other sufficient causes, as hereinbefore provided and then only upon written complaint setting forth the charge or charges against such member or officer. Said complaint shall be filed with the Township Manager and a copy shall be serve upon the member or officer so charged with notice of a designated hearing thereon by the Township Manager or his designee which shall not be less than ten or more than 30 days from the date of service of the complaint. Said hearing shall proceed and be conducted in accordance with the provisions of N.J.S.A. 40A:14-147; 149; 149.1; and case law relating thereto.

**SECTION II**

All other ordinances or parts thereof enacted prior to the adoption of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION III**

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid such subparagraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**SECTION IV**

This ordinance shall take effect as provided by law after its final passage.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

**CERTIFICATION**

*I hereby certify that this is a true copy of an Ordinance introduced by the Township of Ocean Governing Body at their meeting held on **July 11, 2012**.*

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Vincent Buttiglieri, RMC/CMC/MMC  
Township Clerk