



# BOROUGH OF RIVERDALE NEW JERSEY



## ORDINANCE NO: 03-2016

### ORDINANCE AMENDING CHAPTER 47 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND ELIMINATING THE POSITION OF PUBLIC SAFETY DIRECTOR

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**BE IT ORDAINED** by the Mayor and Council of the Borough of Riverdale, in the County of Morris and State of New Jersey, as follows:

**Section 1.** Chapter 47, "Police Department", Section 47-3 "Designation of Appropriate Authority" of the Revised General Ordinances of the Borough of Riverdale shall be amended to read, in its entirety, as follows:

#### **§ 47-3 Designation of appropriate authority**

- A. The Mayor is the appropriate authority, as the same is defined in N.J.S.A. 40A:14-118, to whom the Police Chief shall be directly responsible for the efficiency and routine day-to-day operations of the Police Department.
- B. The Police Chief shall promulgate, with approval of the Mayor and Council, such rules and regulations as may be necessary for the proper government of the Police Department and for the discipline of its members.

**Section 2.** Chapter 47, "Police Department", Section 47-6 "Powers and Duties of Police Chief" of the Revised General Ordinances of the Borough of Riverdale shall be amended to read, in its entirety, as follows:

#### **§ 47-6 Powers and duties of Police Chief.**

The Chief of Police shall be the head of the Police Department and shall be directly responsible to the Mayor and Council for its efficiency and day-to-day operations. The Chief of Police shall:

- A. Administer and enforce the rules and regulations of the Police Department and any special emergency directive for the disposition and discipline of the Department and its members and officers.
- B. Have, exercise, and discharge the functions, powers and duties of the Police Department.
- C. Prescribe the duties and assignments of all members and officers.
- D. Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the Chiefs direction and control.
- E. Report at least monthly to the Mayor in such form as shall be prescribed on the operation of the Police Department during the preceding month and make such other reports as may be requested by the Mayor or Borough Council.
- F. Require that all of the laws of the state and ordinances of the Borough be observed and enforced.
- G. Ensure that all persons connected with the Department are properly instructed in their duties and receive the proper training necessary for the effective operation of the Police Department.



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**Section 3.** Chapter 47, “Police Department”, Section 47-8 “Department Rules of Conduct” of the Revised General Ordinances of the Borough of Riverdale, Subsection P, shall be amended to read as follows:

A. Violation of any of the rules or regulations for the government and conduct of the Police Department.

**Section 4.** Chapter 47, “Police Department”, Section 47-9 “Suspension and Removal from Office; Hearing” ” of the Revised General Ordinances of the Borough of Riverdale shall be amended to read, in its entirety, as follows:

### **§ 47-9 Suspension and removal from office; hearing**

A. No permanent member or officer of the Police Department shall be removed from office or employment for political reasons or for any cause other than incapacity, misconduct, disobedience of the rules and regulations established for the government of the Police Department by the Police Chief or a violation of the rules of conduct for the Police Department, including the Police Manual of the Borough of Riverdale incorporated herein by reference, nor shall such member or officer be suspended, removed, fined or reduced in rank from or in office, employment or position therein except for just cause, and then only upon written complaint setting forth the charge or charges against such member or officer. Such complaint shall be signed by the person or persons making the charge(s) against the member or officer and shall be filed with the Chief of Police. The complaint shall be served by the Chief of Police upon the member or officer so charged, with notice of a designated hearing upon the charges contained therein, which shall be commenced not less than 10 nor more than 30 days from the date of the service of the complaint.

B. A complaint charging a violation of the internal rules and regulations established for the conduct of the Police Department shall be filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. The forty-five-day time limit shall not apply if an investigation of the member or officer for a violation of the internal rules or regulations of the Police Department is included directly or indirectly within a concurrent investigation of the officer for a violation of the criminal laws of this state. The forty-five-day limit shall begin on the day after the disposition of the criminal investigation. The forty-five day requirement for the filing of a complaint against an officer shall not apply to the filing of a complaint by a private individual.

C. The hearing upon a complaint filed against a member or officer of the Police Department shall be conducted by an independent hearing officer to be chosen by the Police Chief from a list of such independent hearing officers approved by the Borough Council. Said hearing officer shall preside over said hearing and shall take such testimony as is presented, it being the intent of this section to give every member or officer of the Police Department a fair trial and every opportunity to make his defense. The hearing officer shall render such decision as he determined to be fair and just under the factual circumstances he finds to exist, within the guidelines established by this chapter. Within a reasonable time, but not to exceed two weeks from the conclusion of the hearing, he shall render a report to the Police Chief setting forth his factual findings and decision. The Police Chief shall immediately take such actions as are required to implement the decision.

D. A failure to comply with the provisions of this section as to the filing and service of the complaint against an officer or member of the Police Department shall require a dismissal of the complaint.

**Section 5.** Chapter 47, “Police Department” of the Revised General Ordinances of the Borough of Riverdale shall be amended by the repeal of the following sections: § 47-11 “Director of Public Safety position established”; § 47-12 “Director of Public Safety appointment; term of office”, § 47-13” Director of Public Safety compensation”, § 47-14 “Director of Public Safety qualifications”, and § 47-15 “Director of Public Safety powers and duties”



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**Section 6.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 7.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 8.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Adopted this \_\_\_\_ day of  
\_\_\_\_\_, 2016.

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Abubakar Jalloh, Borough Clerk

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Paul M. Carelli, Mayor

## NOTICE OF PENDING ORDINANCE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Riverdale, a municipal corporation of the State of New Jersey, held on January 27, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at Borough Hall, in the Borough on February 24, 2016 at 7:30 o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Abubakar Jalloh, Borough Clerk