

POLICE DEPARTMENT

C h a p t e r 1 5

POLICE DEPARTMENT

A R T I C L E I

Establishment; General Regulations

- § 15-1. Creation; composition.
- § 15-2. Appointments and promotions.
- § 15-3. (Reserved)
- § 15-4. Designation of appropriate authority.
- § 15-5. General powers and duties.
- § 15-6. (Reserved)
- § 15-7. (Reserved)
- § 15-8. (Reserved)
- § 15-9. Rules and regulations.
- § 15-9.1. Civilian rules and regulations.
- § 15-10. (Reserved)
- § 15-10.1. (Reserved)
- § 15-10.2. Uniform.
- § 15-10.3. (Reserved)
- § 15-10.4. (Reserved)
- § 15-10.5. Residency requirements.
- § 15-11. (Reserved)
- § 15-12. Police matron.
- § 15-13. Terms of office; removal.
- § 15-14. (Reserved)
- § 15-15. Qualifications of members.

BARNEGAT CODE

§ 15-16. (Reserved)

§ 15-17. (Reserved)

§ 15-18. Employment of off-duty police officers.

§ 15-19. (Reserved)

§ 15-20. (Reserved)

§ 15-21. (Reserved)

§ 15-22. (Reserved)

§ 15-23. (Reserved)

§ 15-24. (Reserved)

§ 15-25. (Reserved)

ARTICLE II (Reserved)

§ 15-26 through 15-28. (Reserved)

ARTICLE III Police Clerk

**§ 15-31. Clerk as Police Department member;
compensation.**

§ 15-32. Repealer.

§ 15-33. When effective.

§ 15-29. Position established.

§ 15-30. Responsibilities.

[HISTORY: Adopted by the Township Committee of the Township of Union (now Barnegat): Article I, 3-29-76 as Ord. No. 7;¹ Article II, 8-7-78 as Ord. No. 1978-20, amended in its entirety 8-21-78 by Ord. No. 1978-23; Article III, 12-17-79 as Ord. No. 1979-38. Other amendments noted where applicable.]

GENERAL REFERENCES

Salaries — See Ch. 22.

Be it ordained by the Township Committee of the Township of Barnegat, in the County of Ocean and State of New Jersey:

A R T I C L E I

Establishment; General Regulations [Adopted 3-29-76 as Ord. No. 1976-7]

§ 15-1. **Creation; composition.** [Amended 5-22-78 by Ord. No. 1978-13; 5-22-78 by Ord. No. 1978-14; 95-78 by Ord. No. 1978-33; amended 8-4-03 by Ord. No. 2003-24]

There is hereby created a Police Department for the Township of Barnegat, which shall consist of the Chief of Police, whose office is hereby created, and such other subordinate officers for which the governing body of Barnegat Township may from time to time provide.

§ 15-2. **Appointments and promotions.** [Amended 5-22-78 by Ord. No. 1978-13; 5-22-78 by Ord. No. 1978-14; 3-3-80 by Ord. No. 1980-5]

A All appointments and promotions to and within the Barnegat Township Police Department shall be made in accordance with the Rules, Regulations and Procedures

¹Editor's Note: This ordinance supersedes former Ch. 15, Police Department, adopted 4-7-66, as amended.

of said Department approved and adopted by the Township Committee. All promotions and appointments shall be made by the Township Committee upon the recommendation of the Chief of Police based upon the criteria in the Rules, Regulations and Procedures of the Barnegat Township Police Department. Should the Township Committee choose to appoint or promote an officer without the recommendation from the Chief of Police, said promotion shall require the unanimous vote of the members of the Township Committee, and the resolution of the promotion is to include specific reasons for the Committee's decision to promote without the benefit of a recommendation from the Chief of Police.

- B. Notwithstanding the provisions of Subsection A above, no person shall be given or accept a permanent appointment as a police officer in the township unless he has successfully completed a police training course at a school approved and authorized by the Police Training Commission in the Department of Law and Public Safety of the State New Jersey pursuant to the provisions of N.J.S.A. 52:17B-66 et seq.
- C. Patrolmen, when appointed to the Department, shall be probationary for a minimum of one (1) year. Said appointment may be terminated, extended or made permanent as provided for in the Rules, Regulations and Procedures of the Barnegat Township Police Department.
- D. All promotions within the Department shall be probationary for a period of six (6) months. At the end of said probationary period, the appointment shall be made permanent, the officer shall revert to his former rank or the Chief of Police may extend the probationary period for an additional six (6) months.
- E. No promotion shall be effective unless proper budget allocations exist in the present year's budget to fund such promotional status.

- F. The Township Committee may appoint such special officers as it deems appropriate pursuant to N.J.S.A. 40A:146.10 et seq. [Added 3-18-02 by Ord. No. 2002-06]**

§ 15-3. (Reserved) [Amended 8-22-77 by Ord. No. 1977-25; 5-22-78 by Ord. No. 1978-13; 5-22-78 by Ord. No. 1978-14; 9-5-78 by Ord. No. 1978-33; 10-2-78 by Ord. No. 1978-37; 12-29-78 by Ord. No. 1978-47; 3-3-80 by Ord. No. 1980-5; repealed 11-1-99 by Ord. No. 1999-31]

§ 15-4. Designation of appropriate authority. [Amended 5-22-78 by Ord. No. 1978-13; 3-30-80 by Ord. No. 1980-5; 11-1-99 by Ord. No. 1999-31]

- A. Appropriate authority. The Township Committee is hereby designated as the appropriate authority pursuant to N.J.S.A. 40A:14-118. In the event the appropriate authority is required to conduct disciplinary hearings in accordance with the rules and regulations for the governance of the Police Department as promulgated by the appropriate authority, then, the appropriate authority is hereby authorized to designate and appoint a hearing officer who shall conduct a hearing, prepare a record and make findings of fact, conclusions and a recommendation to the appropriate authority for final decision.
- B. Chain of command. The Chief of Police shall supervise the Police Department in accordance with the terms of N.J.S.A. 40A:14-118. The Chief of Police shall report to the appropriate authority at such times and in such manner as specified by the appropriate authority.

§ 15-5. General powers and duties. [Amended 3-3-80 by Ord. No. 1980-5; 11-1-99 by Ord. No. 1991-31]

It shall be the duty of the Police Department to maintain law and order, protect public and private property, prevent insurrection or riot, enforce the laws of the United States, State of New Jersey, and all ordinances, codes and laws of the Township of Barnegat, to apprehend and appear in the prosecution of violators of such laws, to obey the provisions of

this chapter, and the rules and regulations established by the appropriate authority and to present to the Township through the appropriate authority recommendations tending to promote the health, safety and general welfare of the township. To this end the department shall be particularly vigilant in:

- A. Determining causes of violations of law.
- B. Preventing violations of law.
- C. Apprehending and prosecuting offenders.
- D. Recovering property wrongfully taken.
- E. Securing the peace and safety of the inhabitants of the township.
- F. Promoting traffic safety.
- G. Carrying out regulatory activity as may be especially assigned to the department from time to time.

Conducting an effective internal management to achieve the above objectives.

§ 15-6. (Reserved) [Amended 5-22-78 by Ord. No. 1978-13; 5-22-78 by Ord. No. 1978-14; repealed 11-1-99 by Ord. No. 1999-31]

§ 15-7. (Reserved) [Amended 3-3-80 by Ord. No. 1980-5; repealed 11-1-99 by Ord. No. 1999-31]

§ 15-8. (Reserved) [Amended 5-22-78 by Ord. No. 1978-13; 5-22-78 by Ord. No. 197844; 11-1-99 by Ord. No. 1999-31]

§ 15-9. Rules and regulations. [Amended 5-22-78 by Ord. No. 1978-14; 3-3-80 by Ord. No. 1980-5; 8-6-

§ 8-5

BARNEGAT CODE

§ 15-8

84 by Ord. No. 1984-20; 5-20-96 by Ord. No. 1996-19; 11-1-99 by Ord. No. 1999-31; 5-15-00 by Ord. No. 2000-18; 5-3-04 by Ord. No. 2004-16; 10-18-04 by Ord. No. 2004-49]

The appropriate authority shall adopt rules and regulations for the governance of the Police Department in accordance with the authority granted in N.J.S.A. 40A:14-118.

§ 15-9.1. Civilian rules and regulations. [Added 6-20-80 by Ord. No. 1980-20; amended 3-1-04 by Ord. No. 2004-06; 5-3-04 by Ord. No. 2004-26]

There are hereby adopted rules and regulations pertaining to civilian personnel as are set forth in the "Rules, Regulations and Procedures" dated February 17, 2004, which are to be made a part and parcel of the "Rules, Regulations and Procedures of the Barnegat Township Police Department." Said rules and regulations shall be kept on file in the office of the Township Clerk and shall be available for inspection by all members of the general public during regular business hours.

§ 15-10. (Reserved) [Amended 3-15-93 by Ord. No. 1993-7; repealed 11-1-99 by Ord. No. 1999-311]

§ 15-10.1. (Reserved) [Added 10-6-86 by Ord. No. 1986-3; amended 3-15-93 by Ord. No. 1993-7]

§ 15-10.2. Uniform. [Added 3-15-93 by Ord. No. 1993-7]

A Every special law enforcement officer shall carry identification as provided by the Chief of Police in accordance with the requirements of law.

§ 15-10.3. (Reserved) [Added 3-15-93 by Ord. No. 1993-7;
repealed 11-1-99 by Ord. No. 1999-31]

§ 15-10.4. (Reserved) [Added 3-15-93 by Ord. No. 1993-7;
repealed 11-1-99 by Ord. No. 1999-31]

§ 15-10.5. Residency requirements. [Added 3-15-93 by
Ord. No. 1993-7]

Reserved.

§ 15-11. (Reserved)¹

§ 15-12. Police matron. [Amended 5-22-78 by Ord. No.
1978-13; 5-22-78 by Ord. No. 1978-14]

The Mayor, with the consent of the Township Committee,
may appoint a police matron, who shall perform such duties as
may be assigned to her by the Chief of Police.

§ 15-13. Terms of office; removal. [Amended 3-3-80 by
Ord. No. 1980-5]

The Chief of Police and the other members of the
Department shall serve for such terms as may be provided by
law and may be removed in the manner provided for the
removal of police officers in the New Jersey statutes and the
Rules, Regulations and Procedures of the Barnegat Township
Police Department.

§ 15-14. (Reserved) [Repealed 11-1-99 by Ord. No. 1999-
31]

§ 15-15. Qualifications of members.

§ 15-10.3

BARNEGAT CODE

§ 15-10

- A Each member of the Police Department shall be a citizen of the United States and a resident of the State of New Jersey. Each applicant must submit to a physical examination by a doctor selected by the Township Committee and an examination by a certified psychiatrist selected by the Township Committee. Each applicant must be a high school graduate. Each applicant shall be fingerprinted and his fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation. No applicant having a criminal record shall be accepted. [Amended 11-1-99 by Ord. No. 1999-31]
- B. No person shall be appointed an officer or a member of the Police Department who is under eighteen (18) years of age or over thirty-five (35) years of age. This section shall not apply to any person who was a member of the Police Department of Barnegat Township prior to the passage of this ordinance.
- C. Any newly appointed member of the Police Department shall have attended a recognized police training school, either the New Jersey State Police Training Academy or any other state-approved police training school and shall pass the examination and graduate therefrom before receiving permanent appointment. Barnegat Township shall pay the school costs and the salary of any appointee who has not graduated from such school prior to receiving his initial appointment to the Barnegat Township Police Department.
- D. Director of Public Safety. [Added 5-22-78 by Ord. No. 1978-13; amended 5-22-78 by Ord. No. 1978-14, repealed 3-3-80 by Ord. No. 1980-5]

§ 15-16. (Reserved) [Amended 3-3-80 by Ord. No. 1980-5; repealed 11-1-99 by Ord. No. 1999-31]

§ 15-17. (Reserved) [Repealed 11-1-99 by Ord. No. 1999-31]

§ 15-18. **Employment of off-duty police officers.**¹
[Added 9-2-03 by Ord. No. 2003-29]

- A. Any person or entity deciding to retain the services of police officers of the Township of Barnegat for off-duty police-related activities shall be required to enter into a contract with the Township of Barnegat. Said contract shall include but not be limited to the nature of duties to be performed, the location of said duties, the date and hours of service, the rate of payment for services of the officers, administrative fees to the Township of Barnegat and fees for the use of township-owned equipment. Except in the case of public or quasi-public agencies, the Chief of Police shall require the payment of one hundred percent (100%) of the estimated amount due the township for the assignment of such off-duty officer or officers from the person or entity requesting such assignment, in advance of providing such officer or officers. The Chief of Police is hereby empowered to execute a contract for off-duty police-related activities on behalf of the township in accordance with this section.
- B. The Chief of Police shall be responsible for the assignment of all off-duty police-related activities and the billing of all compensation due the township. The Chief of Police shall be authorized to designate other members of the Police Department as needed to assist him in the assignment of off-duty police-related activities.
- C. All persons or entities shall be required to make all payments for off-duty assignments payable to the Township of Barnegat to the Chief Financial Officer of

¹Editor's s Note: Former § 15-18, Suspension of Department

the Township of Barnegat. The rate of payment for the officers shall be established by multiplying the actual

§ 12-17

BARNEGAT CODE

§ 15-18

hourly compensation payable by the township to such officer or officers as a result of such assignment by the number of hours or fractions thereof actually worked or to be worked by such officer or officers. Such sum shall then be multiplied by one and thirty-three hundredths (1.33) so as to arrive at the total of the rate of payment for the officers due to the township for such off-duty assignment.

- D. The Chief Financial Officer of the township shall establish an escrow account through a dedication by rider for the purpose of collecting and distributing funds from entities other than the township which utilize the services of Barnegat Township police officers during the off-duty hours. All recordkeeping with respect to the amount to be billed and collected will be the responsibility of the Chief Financial Officer and her staff.

- E. Each person or entity who shall employ off-duty police officers pursuant to this section shall be responsible for maintaining his/her or its own insurance coverage. Said insurance coverage shall include but not be limited to general liability and automobile liability and shall name the Township of Barnegat as an additional insured. In addition, such policy shall provide for a minimum coverage of one million dollars (\$1,000,000.00) for any one (1) claim or two million dollars (\$2,000,000.00) for any aggregate claims. Proof of said insurance coverage shall be provided to the Township of Barnegat prior to the assignment of any off-duty police officers to said person or entity. The person or entity shall provide for the aforementioned for any and all officers, vehicles and/or equipment that is utilized by the off-duty assignment. The Township Council may reduce the amount of insurance for a nonprofit corporation, provided that such reduction does not adversely affect the township's insurance coverage through the Ocean County Joint Insurance Fund.

- F. The Chief of Police or his or her designee shall have the authority to order any police officer engaged in off-duty assignments within the Township of Barnegat to respond to an emergency situation within the Township of Barnegat. The Chief of Police or his or her designee shall also have the right to order any off-duty assignment to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the off-duty officer and/or the citizens of the Township of Barnegat. In the event that a police officer is assigned to an emergency situation, the Police Chief or his or her designee shall make notice of that emergency situation, as well as the time said officer was removed from said off-duty assignment. In any situation where an off-duty police officer is called to an emergency situation, said person or entity shall not be responsible for the payment of the officer's hourly rate, administrative fee or any other fees to the Township of Barnegat until such time as said police officer and/or equipment returns to the assignment with the off-duty employer.
- G. Any person or entity requesting the services of off-duty police officers shall execute an agreement to indemnify and hold harmless the Township of Barnegat for any and all claims and damages which may arise from the off-duty police officer's employment by said person or entity.

§ 15-19. (Reserved) [Amended 5-22-78 by Ord. No. 1978-13; repealed 11-1-99 by Ord. No. 1999-31]

§ 15-20. (Reserved) [Amended 12-13-76 by Ord. No. 1976-34; 5-22-78 by Ord. No. 1978-13; 5-22-78 by Ord. No. 1978-14; repealed 11-1-99 by Ord. No. 1999-31]

§ 15-21. (Reserved) [Repealed 11-1-99 by Ord. No. 1999-311

§ 15-18 BARNEGAT CODE § 15-14

§ 15-22. (Reserved) [Repealed 11-1-99 by Ord. No. 1999-311

§ 15-23. (Reserved) [Amended 9-5-78 by Ord. No. 1978-33; repealed 11-1-99 by Ord. No. 1999-31]

§ 15-24. (Reserved) [Amended 9-5-78 by Ord. No. 1978-33; repealed 11-1-99 by Ord. No. 1999-31]

§ 15-25. (Reserved) [Amended 9-5-78 by Ord. No. 1978-33; repealed 11-1-99 by Ord. No. 1999-31]

BARNEGAT CODE

AGREEMENT FOR SERVICES

THIS AGREEMENT dated the _____ day of August, 2003.

BETWEEN: TOWNSHIP OF BARNEGAT, a municipal corporation of the State of New Jersey with its principal offices located at 900 West Bay Avenue, Barnegat, New Jersey (hereinafter referred to as "Township"):

AND:

WHEREAS, the Contractor is desirous of retaining the services of off-duty members of the Police Department of the Township of Barnegat for the conduct of private, police related activities; and

WHEREAS, the Township of Barnegat has established a procedure for the retention of such services as provided for in Chapter 15, Section 15-18 of the Township Code of the Township of Barnegat; and

WHEREAS, the Township of Barnegat is desirous of entering into a contract for such services in accordance with the provisions of said Chapter.

NOW, THEREFORE, IN CONSIDERATION of the mutual promises hereinafter set forth and for other good and valuable consideration the parties hereto agree as follows:

1. The Contractor shall retain the services of police officers in the following private, off-duty police related activities:

(a) The number of officers and the nature of the duty to be performed is:

(b) The location of the duty performed is:

(c) The services of such police officers will commence on the _____ day of _____, 2003 at _____ o'clock, and shall discontinue on the _____ day of _____, 2003 at o'clock.

**BARNEGAT CODE
POLICE DEPARTMENT**

2. Should the Contractor wish to retain the services of additional officers, or the officers beyond the period of time aforesaid, an additional agreement shall be entered into between the Contractor and the Township of Barnegat with respect to such additional officers or services.

3. With the execution of this Agreement, the Contractor has paid the Township the sum of \$ _____, which represents administrative costs, and the estimated cost to the Township for the services to be rendered by police officers under the terms of this Agreement as calculated under the provisions of Chapter 15 of the Township Code of the Township of Barnegat. No portion of such sum shall be refunded to the Contractor by the Township unless this contract shall be canceled in writing by the Contractor. In such event, the Contractor shall be entitled to reimbursement of the balance of such sum less the actual costs to the Township of Barnegat incurred by virtue of the assignment of off-duty police officers under the terms of this Agreement as calculated on the basis of Subsection (C) of Section 15-18 of Chapter 15 of the Township Code of the Township of Barnegat.

4. The Contractor agrees to maintain insurance coverage over the terms of this Agreement which shall include but not be limited to general liability and automobile liability insurance, and which shall name the Township of Barnegat as an additional insured. Such policy shall provide for a minimum of one million dollars for any one claim or two million dollars for any aggregate claims. Proof of such insurance coverage shall be provided to the Township prior to the assignment of any off-duty police officers under this Agreement. The Contractor shall provide such coverage for any and all officers, vehicles and/or equipment that is utilized in the off-duty assignment provided for in this Agreement.

5. The Contractor does, by virtue of this Agreement, agree to indemnify and hold harmless the Township of Barnegat or any of its agents, servants or employees for any and all claims or

damages which may arise from the performance of any obligation provided for under this contract by the Township of Barnegat or any of its agents, servants or employees.

BARNEGAT CODE

6. Notwithstanding the terms of this Agreement, the Chief of Police of the Township of Barnegat, or his designee, shall have the authority to order any police officer engaged in off-duty assignments with the Township of Barnegat under this Agreement, to respond to an emergency situation. The Chief of Police or his designee, shall have the right to order any off-duty assignment to be terminated whenever in his exclusive discretion such termination is necessary to protect the public health, safety and welfare. In the event a police officer is assigned to an emergency situation, the Chief of Police, or his designee, shall make note of said emergency situation, as well as the time said officer was removed from said assignment. In any situation where an off-duty police officer is called to an emergency situation, said person or entity shall not be responsible for the payment of the officer's hourly rate, administrative fee, or any other fees of the Township of Barnegat until such time as said police officer and/or equipment returns to the assignment with the off-duty employer.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals the day and year above written.

WITNESS: TOWNSHIP OF BARNEGAT

_____ **By: Police Chief**

WITNESS:
_____ **By: Contractor**

BARNEGAT CODE

ARTICLE II

(Reserved)*

[Adopted 8-7-78 as Ord. No. 1978-20; amended in its entirety 8-21-78 by Ord. No. 1978-23; amended 3-3-80 by Ord. No. 1980-5; repealed 11-1-99 by Ord. No. 1999-31]

§ 15-26 through 15-28. (Reserved)

ARTICLE III

Police Clerk

[Adopted 12-17-79 as Ord. No. 1979-38]

§ 15-29. Position established.

There is hereby established the position of Clerk in and for the Police Department of the Township of Barnegat pursuant to and in accordance with N.J.S.A. 40A:14-139.

§ 15-30. Responsibilities.

Upon appointment, such Clerk shall be responsible for the organization and maintenance of, and shall act as custodian of, all motor vehicle, investigative, personnel and other records of the Police Department of the Township of Barnegat, under the supervision of the Chief of Police. Such Clerk shall further be responsible for the preparation of such records, documents and correspondence as may be from time to time assigned by the Chief of Police.

§ 15-31. Clerk as Police Department member; compensation.

Such Clerk shall be known as the "Police Clerk" and shall be considered a member of the Barnegat Township Police

BARNEGAT CODE

***Editor's Note: Former Article H, Grievance Procedure, previously codified herein was repealed in its entirety by Ordinance No. 1999-31.**

§ 15-31

BARNEGAT CODE

§ 15-33

Department and shall, further, be entitled to that compensation as may be fixed by the Township Committee by ordinance.

§ 15-32. Repealer.

Any ordinances or parts of ordinances inconsistent herewith are hereby repealed, but only to the extent of such inconsistency.

§ 15-33. When effective.

This ordinance shall take effect upon final adoption and publication as provided by law.