

ORDINANCE 2016-07

ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE BARNEGAT TOWNSHIP POLICE DEPARTMENT RULES AND REGULATIONS IN PARTICULAR CHAPTER 5 (INTERNAL AFFAIRS/DISCIPLINARY ACTION)

NOW, THEREFORE, BE IT ORDAINED BY the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

SECTION 1. 5:3 PERSONNEL ACTIONS:

The Township hereby amends and supplements Chapter 5 of the Barnegat Township Police Department Rules and Regulations, in particular Subsection 3, to read as follows:

The Chief of Police shall immediately notify the Township Business Administrator when any police personnel come under any disciplinary action. The Township Administrator shall then immediately notify the Mayor and all members of the Township Committee.

SECTION 2. 5:3.10 FORMAL CONDUCT OF THE HEARING:

Subsection (f) shall be amended to read as follows:

The Hearing Officer shall weigh all of the facts and arguments presented and recommend to the Township Committee the disciplinary action to be taken. The Township Committee shall review the Hearing Officer's recommendation, but will have the final say as to what the discipline is to be.

SECTION 3. 5:3.11 APPEALS FROM PENALTIES, shall be amended to read as follows:

Appeals from penalties imposed as disciplinary measures may be taken as provided in N.J.S.A. 40A:14-147 to 151 inclusive and the Municipal Ordinances. In the event that the penalty results in a demotion or termination of employment, said penalty shall be reviewed by the Township Committee. The Township Committee, as the appropriate Authority, shall have the right to affirm, deny or revise the proposed penalty which is being appealed. In the event, however, that the penalty imposed as a disciplinary measure is less than a demotion in rank or termination of employment, said penalty shall be reviewed by the

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Township Administrator who shall make a recommendation to the Township Committee who shall have the final say as to the discipline penalty to be imposed.

SECTION 4. The Township Committee authorizes the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order to implement the intent of this Ordinance.

SECTION 5. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 6. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on **March 1, 2016 at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **April 5, 2016, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

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MICHELE RIVERS, RMC
Township Clerk

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing Ordinance was duly adopted on second reading by the Barnegat Township Committee at their meeting held on the 5th day of April 2016.



Michele Rivers, RMC
Township Clerk

Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**
Forked River, New Jersey 08731

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