

**TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #02-25

**ORDINANCE AMENDING CHAPTER 2, SECTION 18 POLICE DEPARTMENT OF
THE TOWN CODE**

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal, and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Guttenberg Police Department was established by ordinance adopted on May 20, 1946; and

WHEREAS, said Ordinance has been amended and modified from time to time; and

WHEREAS, it is now appropriate to amend and bring the subject matter of that Ordinance current with modern statutory requirements including but not limited to N.J.S.A. 40A:14-118.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey that:

SECTION ONE

§ 2-18. POLICE DEPARTMENT.

§ 2-18.1. Members.

- a. The table of organization of the Police Department of the Town of Guttenberg shall be as follows:
 1. One chief law enforcement officer who shall hold the rank of and receive the pay of a ~~Deputy~~ Chief of Police.
 2. One Commander of Patrol Operations who shall hold the rank of and receive the pay of Lieutenant.
 3. One Commander of Staff/Administration who shall hold the rank of and receive the pay of Lieutenant.
 4. Six Sergeants.
 5. Eighteen Police Officers, along with any Class I, Class II of Class III Special Law Enforcement Officers, as may be appointed from time to time by the Town of

Guttenberg, in accordance with New Jersey Statutes.

- b. The salaries of any full-time regular Police Officer (not including any Class I, Class II or Class III Special Law Enforcement Officers) shall be as set forth in a collective bargaining agreement, as exists and agreed to between the Town of Guttenberg and the collective bargaining unit that represents the regular full-time Police Officers of the Police Department.
- c. The normal chain of command for police matters shall be (1) the ~~Deputy~~ Chief of Police; (2) Lieutenant of Patrol Operations, (3) Lieutenant and (4) Sergeant; (5) Police Officer, (6) Class III Law Enforcement Officers; (7) Class II Law Enforcement Officers; (8) Class I Law Enforcement Officers.
- d. The salary for a ~~Deputy~~ Chief of Police shall be set forth in a separate contract negotiated between the Town and the ~~Deputy~~ Chief of Police. The ~~Deputy~~ Chief shall not be part of a collective bargaining unit.

§ 2-18.2. Appointment.

- a. The ~~Deputy~~ Chief of Police, Lieutenant, Sergeant and Patrol Officer shall be appointed by the Mayor and Board of Council by resolution.

The assignment of each Lieutenant to either the Patrol Operations or Staff/Administrative Officer shall be made by the Guttenberg Police Committee after consideration of the recommendation of the ~~Deputy~~ Chief of Police. The Guttenberg Police Committee retains the right to change said assignment at its sole discretion at any time after consideration of the recommendation of the ~~Deputy~~ Chief of Police.

§ 2-18.3. Removal from Office.

No member of the Police Department shall be removed from his office or employment except for cause and in the manner prescribed by law.

§ 2-18.4. Committee on Police.

- a. There shall be appointed annually by the Mayor and Board of Council from among the members of the Council, a Committee, to be known as the "Committee on Police," consisting of three members, whose duty it shall be to enforce the provisions of all such rules and regulations as shall be adopted by the Mayor and Board of Council for the government, control and discipline of the Police Department. The Committee on Police shall be designated as the "Appropriate Authority" as provided in the New Jersey Statutes. The appropriate authority shall be responsible for the overall performance of the Police Department. The appropriate authority shall adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of its members pursuant to N.J.S.A. 40A:14-118. Such Committee shall have power to inflict such penalties for neglect of duty, misbehavior, incompetency or inability to serve, as are authorized by this section or such rules and regulations as may be hereafter adopted by the Council, provided, however, that the Committee shall not have power to reduce an officer in rank or to dismiss an officer or patrolman from the Police Department, except for cause and in the manner provided by the Statute.

- b. The Committee on Police is hereby authorized to delegate its authority to conduct police disciplinary hearings as it deems to be in the best interests of the parties to an independent hearing officer.
- c. The Committee on Police shall be required to present its recommendation to the Mayor and Council, seeking its approval, by way of resolution, to negotiate, retain and enter into a professional services contract to pay for the use of an independent hearing officer (at a rate and not to exceed amount to be determined by the Mayor and Council).
- d. Any independent hearing officer so retained shall preside over the local disciplinary hearing, assure that a satisfactory transcribed record is developed in conformity with the requirements of N.J.S.A. 40A:14-147 et seq., and shall issue a written report with proposed findings of fact and conclusions of law for consideration by the Committee on Police.
- e. Upon presentation of the independent hearing officer's report, the Committee on Police shall review the report together with the transcript of the proceedings; the Committee on Police is hereby authorized to accept, reject or modify the proposed findings of fact and conclusions of law, and shall make a recommendation to the Mayor and Council relative to the discipline (if any) to impose.

§ 2-18.5. Supervision of the Department

- a. The Police Department shall be under the direct charge, control, and supervision of the Committee on Police, as provided in the preceding subsection, and of the Chairman of such Committee, and any orders issued by the Chairman of the Committee on Police the officers or members of the Police Department shall be deemed the action of the Committee. The ~~Deputy~~ Chief of Police shall report directly to the Police Committee.
- b. Subject to rules and regulations of the Mayor and Board of Council and of the Committee on Police of the Board of Council, ~~Commander of Patrol Operations~~, the Lieutenants, Sergeants, and Patrolmen shall be under the control and direction of the ~~Deputy~~ Chief of Police.

§ 2-18.6. Duties of Chief Law Enforcement Officer.

The Chief of Police shall be the head of the Town of Guttenberg Police Department and shall be directly responsible to the Committee on Police for the efficiency and routine day-to-day operations of the Police Department and shall, pursuant to policies established by the Committee on Police:

- a. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the Police Department and its officers and personnel.
- b. Have, exercise, and discharge the functions, powers and duties of the Police Department.
- c. Prescribe the duties and assignments of all subordinates and other personnel.
- d. Delegate such of his authority as the Chief of Police may deem necessary for the efficient operation of the force to be exercised under the Chief Police's direction and supervision.

- e. Report at least monthly to the Committee on Police in such form as shall be prescribed by such authority on the operation of the department during the preceding month and make such other reports as may be requested by such authority.

[N.J.S.A. 40A:14-118]

- c. ~~The Chief Law Enforcement Officer shall be the chief executive officer of the Department, and shall hold the rank of Deputy Chief, subject to the laws of the State, provisions of this section, the orders of the Mayor and Board of Council or of the Committee on Police of the Board of Council. The chief executive officer may immediately suspend from duty, without pay, any officer or patrolman acting under him until the final hearing and disposition of any charges that may be preferred against such officer or patrolman in the manner provided by this section. The Chief Law Enforcement Officer shall respond to serious fires and riotous or tumultuous assemblages within the Town, take command of the Police who are present, save and protect property, arrest any persons who are violating the laws, disturbing the peace, or inciting others to do so. The Chief Law Enforcement Officer shall, under the direction of the Committee on Police, detail and assign the patrolmen to duty, and may order, temporarily, any or all of the Police Department to any place in the Town where their service may be necessary, but the Chief Law Enforcement Officer shall make no permanent detail without concurrence of the Committee on Police. The Chief Law Enforcement Officer shall attend the meetings of the Committee on Police and of the Board of Council, whenever requested, in writing, by the Chairman of the Committee on Police or the Town Clerk. The Chief Law Enforcement Officer shall communicate to the Committee on Police the presence of any infections or contagious diseases or the presence or the evidence of any nuisance detrimental to the public health. The Chief Law Enforcement Officer shall promulgate to his subordinates orders of the Committee on Police, and it shall be the duty of all the officers and members of the Police Department to render to him and to his orders, implicit obedience. Any order not given by him in person shall be given in writing. The Chief Law Enforcement Officer shall report to the Committee on Police at least once a month the number of arrests made, and crimes and incidents reported (where no arrests have been made).~~

SECTION TWO

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION THREE

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR

In order to avoid accidental repeal of existing provisions, the Town Clerk and Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION FIVE

When Effective. This Ordinance shall take effect in accordance with all applicable laws.

SUMMARY OF ORDINANCE

This Ordinance amends the subject matter of the Ordinance current with statutory requirements including but not limited to N.J.S.A. 40A:14-118 and replaces references in § 2-18 from Deputy Chief of Police to Chief of Police.

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Introduced: January 29, 2025

Adopted: