

**TOWNSHIP OF MILLBURN
ORDINANCE NO. 2454-16
ORDINANCE TO AMEND ARTICLE III CHAPTER 2-6 ENTITLED
“POLICE DEPARTMENT” OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF MILLBURN**

***Statement of Purpose:** The purpose of this Ordinance is to amend the existing Code to comply with accreditation criteria over the respective legal responsibility and duties of the Township Business Administrator and Chief of Police in the administration of the Police Department.*

WHEREAS, the creation and operation of the Millburn Township Police Department was established through the enactment of Chapter 2 of the Revised General Ordinances of the Township of Millburn by the Township Committee of the Township of Millburn; and

WHEREAS, a review of the provisions thereof pertaining to the authority and duties of the Business Administrator and the Chief of Police has resulted in a recommendation for the improvement and clarification thereof, especially in connection with Section 2-16.2 and 2-16.3; and

WHEREAS, the Township Business Administrator and the Chief of Police have recommended that new provisions replace those currently set forth in the said Sections of the Revised General Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN IN THE COUNTY OF ESSEX, AND STATE OF NEW JERSEY, as follows:

Section 1. Section 2-16.2 is hereby amended in its entirety to read:

The Township Administrator shall be designated as the appropriate authority, as defined and provided in the New Jersey statutes (N.J.S.A. 40A:14-118), for the promulgation of rules and regulations. The Township Administrator shall adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of its members. Such rules and regulations shall be styled “Rules and Regulations of the Police Department of the Township of Millburn, New Jersey.” The rules may prescribe the duties of the members of the Department more specifically than is herein contained, and may provide such penalties, not inconsistent with law, as may be deemed necessary and expedient for the proper regulation of the Department. All of the rules and regulations made in pursuance hereof shall be in writing and filed in the office of the Township Clerk, and shall be binding on all persons subject to the jurisdiction of the Department after notice thereof. A written or printed copy of such rules shall

be delivered to each member of the Department and copies shall be on file in the headquarters of the Department, and such delivery or availability shall be deemed notice of the adoption and effectiveness thereof to those subject thereto. Such rules shall prescribe the uniforms, badges and insignia to be worn by the Police Officers, and the time and manner of wearing the same, and such other provisions in reference thereto as may be deemed proper. (1967 Code §18-1-2; Ord. No. 7-20-70 § 2)

Section 2. Section 2-16.3 is hereby amended in its entirety to read:

- a. The Chief of Police shall be the executive head of the Department. The Chief shall exercise sole and complete control over the Department, its members and employees, and over its property, subject only to the authority of the Business Administrator, with the approval of the Township Committee. The Chief of Police shall be the head of the Police Department and shall be directly responsible to the Township Administrator for its efficiency and day-to-day operations. Pursuant to policies established by the Township Administrator, the Chief of Police shall:
 1. Administer and enforce the rules and regulations of the Police Department and any special emergency directives for the disposition and discipline of the Department and its members and officers;
 2. Have, exercise and discharge the functions, powers and duties of the Police Department;
 3. Prescribe the duties and assignments of all members and officers;
 4. Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the Chief's direction and control; and
 5. Report at least monthly to the Township Administrator, 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 Township Administrator.

The Business Administrator, with the approval of the Township Committee, may designate an acting Chief of Police during any extended period of absence or disability of the Chief of Police.

- b. The duties of the Chief of Police shall be as established by State Statute or as otherwise directed.

Section 3. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 4. This Ordinance shall take effect after final passage and publication as provided by law.

Introduced: 02/16/2016

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