

ORDINANCE NO. 2019-08

AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF HARVEY CEDARS TO ADD TO CHAPTER 2, ENTITLED “ADMINISTRATION” AS IT PERTAINS TO A PUBLIC SAFETY ADMINISTRATOR

BE IT ORDAINED by the Board of Commissioners of the Borough of Harvey Cedars, as follows:

SECTION 1. Section 2-5.2 entitled “Police Department – Establishment”, first paragraph, is hereby amended to read as follows:

There is hereby created in and for the Borough of Harvey Cedars a Police Department which shall consist of a Public Safety Administrator, Chief of Police, Lieutenants, Sergeants, and patrol officers, to be appointed to these positions by the governing body of the Borough of Harvey Cedars. The decision whether or not to fill the mentioned positions is within the complete and unfettered discretion of Director of Public Affairs and Public Safety.

SECTION 2. Section 2-5.2 entitled “Police Department – Establishment”, paragraph M, is hereby amended and supplemented to read as follows:

M. Public Safety Administrator

Qualifications: The Public Safety Administrator shall be qualified by training and experience for the duties of the position and shall have a minimum of ten (10) years of experience as a member of a police department or other law enforcement or public safety agency, four (4) years of which shall have been in a supervisory and administrative capacity, and such other qualifications or experience deemed necessary or appropriate by the Director of Public Affairs and Public Safety.

Terms of Appointment: If filled, the Public Safety Administrator will serve at the pleasure of the Director of Public Affairs and Public Safety pursuant to such terms and conditions as established by that Director or the Borough, as required by law.

Appointment: The Director of Public Affairs and Public Safety may appoint a Public Safety Administrator under the following circumstances:

1. Incapacity, inability or unavailability of any nature whatsoever of the Chief of Police to perform any or all functions of that position, if that position is filled;
2. Actual vacancy in the position of Chief of Police;
3. Vacancy created by operation of law or legal authority in connection with the position of Chief of Police. Where the vacancy is caused by suspension, administrative leave or other limitation of duties imposed by operation of law or exercise of legal authority, the initial appointment of a Public Safety Administrator shall be for no longer than the term of such vacancy unless it results in a permanent vacancy in which case, the Public Safety Administrator shall continue to serve at the pleasure of the Director of Public Affairs and Public Safety;
4. Determination based upon the needs of the Borough and the Police Department provided that the duties of Public Safety Administrator do not divest the Chief of Police of authority vested in that position by virtue of N.J.S.A. 40A:14-118.

Powers and Duties: The Public Safety Administrator shall have control over the Police Department in such manner as consistent with all applicable statutes, ordinances and regulations. S/he shall be responsible for the administration and regulation of the Police Department and shall:

1. Supervise the Police Chief or Officer in Charge, who shall be directly responsible to the Public Safety Administrator for the efficiency and routine day-to-day operations of the police rank-and-file.
2. Keep abreast of the public safety requirements of the Borough and formulate policies, plans and procedures to determine needs for approval by the Director of Public Affairs and Public Safety.
3. Develop organization, manpower and resource recommendations and, upon approval of same, effect their implementation.
4. Establish performance criteria for the Department as a whole as well as its individual members and conduct periodic evaluations to assure compliance with those criteria.
5. Provide such assistance as may be necessary to any other department for its proper functioning.
6. Reviews and assists with budget preparation and submission of expenditures as it relates to the Police Department.
7. Delegate such of his authority, as s/he may deem necessary, for efficient operation of the Police Department to be exercised under his direction and supervision.
8. Performs or directs performance of all administrative duties of the Police Department.
9. Completion and filing of reports related to the Police Department.
10. Make application for applicable federal or state grants subject to approval of the Director of Public Affairs and Public Safety.
11. Act as the direct line of authority between the Police Department and the Director of Public Affairs and Public Safety.
12. Report to the Director of Public Affairs and Public Safety and/or Governing Body as requested, in lieu of the Chief of Police as provided within Ord. § 2-5.2(C)(5). In such case, the Chief of Police shall provide the reports contemplated by Ord. § 2-5.2(C)(5) to the Public Safety Administrator.
13. In the absence of a Chief of Police, discipline police officers consistent with Department Rules and Regulations, and N.J.S.A. 40A:14-147 and sign the written charges as provided by law and Department Rules and Regulations.
14. In the absence of a Chief of Police, oversight and control of the Lifeguard Department subject to the final authority of the Director of Public Affairs and Public Safety.
15. The Public Safety Administrator shall not exercise the following powers: issuing firearms permits (N.J.S.A. 2C:58-3); qualifying and supervising special police (N.J.S.A. 40:14-146); carry weapons (N.J.S.A. 2C:39-6); exercising of police powers, e.g. make arrests (N.J.S.A. 40A:14-152); issuing temporary handicap parking permits (N.J.S.A. 39:4-206); or any other power or duty restricted to a member of law enforcement. Such duties shall remain the function of the Chief of Police. In the absence of a Chief of Police, such duties shall be performed by the highest ranking law enforcement officer in good standing within the Police Department. As provided by law, the duties of Public Safety Director shall not infringe upon the duties of Chief of Police save instances of incapacity, inability, unavailability or vacancy.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 4. If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

SECTION 5. This ordinance shall take effect within twenty days from second reading and adoption in accordance with law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **June 7, 2019**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **June 18, 2019** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Daina Dale, Municipal Clerk