

**Ordinance No. 2616**

**AN ORDINANCE ABOLISHING THE CITY OF ASBURY PARK DEPARTMENT OF PUBLIC SAFETY, SPECIFICALLY ORDINANCE SECTIONS 2-8.1, 2-8.2, 2-8.3, 2-8.4 AND 2-8.5, AND AMENDING "PART I POLICE DEPARTMENT" AND "PART II FIRE DEPARTMENT"**

**WHEREAS**, there currently exists, pursuant to City of Asbury Park Code Section 2-8, a Department of Public Safety for the City of Asbury Park; and

**WHEREAS**, pursuant to City of Asbury Park Code Section 2-8.2, there currently exists an Office of Director of Public Safety; and

**WHEREAS**, the Mayor and Council of the City of Asbury Park has determined that it is in the best interest of the City of Asbury Park to abolish the Department of Public Safety, while still maintaining a Police Department, to be headed by the Director of Police Department, as well as a Fire Department, to be headed by the Fire Chief, who shall be designated as the Chief of the Fire Department:

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Asbury Park that City of Asbury Park Code Section 2.8 shall read as follows:

**2-8 ORGANIZATION OF THE POLICE DIVISION AND THE FIRE DIVISION**

**2-8.1 Establishment.** The Department of Public Safety is hereby eliminated and there is hereby created a Police Department and a Fire Department.

**2-8.2 Office of the Police Department and Chief of the Fire Department.** There is hereby created the Office of Director of Police Department, and the Chief of the Fire Department or the Fire Chief.

**2-8.3 Duties.** The Director of the Police Department and the Chief of the Fire Department shall be

appointed by the City Manager and shall supervise and direct the Police Department and Fire Department respectively, and such provide such technical and other assistance as necessary to the respective Departments for their proper functioning.

2-8.4-2-8.5 **Reserved.**

**PART I  
POLICE Department**

2-8.6 **Establishment.** The Department of Police (Police Department) shall consist of a uniformed force as hereinafter promulgated by the Director of Police Department with the approval of the City Manager and with the advice and consent of the Mayor and Council, which rules shall provide for the proper and efficient operation of the Police Department. (Ord. No. 2057 §1; Ord. No. 2432)

2-8.7 **Members.** The uniformed members of the Department of Police shall consist of such captains; sergeants; lieutenants; officers and other police persons who shall be appointed by the City Manager, upon the recommendation of the Director of Police Department. (Ord. No. 2057 § 1; Ord. No. 2432)

2-8.8 **Executive Officer.** The Director of Police Department shall be the executive officer of the Police Department, subject to the approval of the City Manager. (Ord. No. 2057 § 1; Ord. No. 2432)

2-8.9 **Duties of Director of the Police Department.** The Director of Police Department shall:

- a. Be responsible for the Department's planning and research, training and Civil Defense operations.
- b. Administer and enforce all ordinances of the City

and the laws of the State of New Jersey, and such rules and regulations as may be promulgated for the regulation of the Police Department.

- c. Have charge of and responsibility for all property of the City used by the Police Department.
- d. Have, exercise and discharge the functions, powers and duties of the Department.
- e. Prescribe the duties and assignments of all officers and Department personnel.
- f. Keep a record of all business transacted by the Department and shall approve all bills for the expenses of the Department.
- g. Keep and maintain an accurate record and submit an annual report to the City Manager, on or before January 1, which report shall assess the operations of the Police Department, and its personnel, equipment and property.
- h. Keep and maintain all records, reports, documents and data required to be kept and maintained by the Federal and/or State government and/or any of their respective subdivision.
- i. Keep and maintain a record of all appointments, dismissals, removals, resignations and deaths of officers as they take place, with such other information as may be necessary.
- j. Have the authority to discipline any member of the Department for insubordination, disorderly conduct and/or any violation of law, rule, ordinance, regulation or order.
- k. Have the power and it shall be his duty to suspend summarily any member of the Department for insubordination; disorderly conduct; or a violation

of a Department order.

- l. Have responsibility for developing the annual budget for the Police Department and shall be responsible for overseeing any and all expenditures by the Department, subject to the approval of the City Manager and the City Council.
- m. Have responsibility for ensuring that all officers and members of the Department are fit for full duty at all times that they are on active status.
- n. Delegate such of his authority as he may deem necessary for the efficient operation of the Department, with any delegated authority to be exercised under his direction and supervision.
- o. The Director of Police Department may appoint an officer to be the officer-in-charge who will be responsible for duties as assigned by him. (Ord. No. 2057 § 1; Ord. No. 2432)

2-8.10 **Bureaus.** The Police Department shall consist of the following Bureaus and such other Bureaus and/or units as may be designated by the Director of Police Department:

- a. **Patrol Bureau.** The Patrol Bureau shall be headed by a superior officer chosen by the Director of Police Department, and shall consist of such officers and patrol persons as assigned by the Director to carry out the duties assigned to the Bureau. The school crossing guards and meter enforcement officers shall be a part of the Patrol Bureau. This Bureau will be responsible for the conduct and operation of the main police desk and such other duties as determined by the Director.
- b. **Administrative Service Bureau.** The Administrative

Services Bureau shall be headed by a superior officer chosen by the Director of Police Department and shall consist of such officers and patrol persons as assigned by the Director to carry out the duties assigned to the Bureau, which duties shall be determined by the Director. This Bureau shall include a unit for keeping records and evidence.

- c. **Detective Bureau.** The Detective Bureau shall be headed by a superior officer chosen by the Director of the Police Department and shall consist of such other detectives and officers as assigned by the Director to carry out the duties of the Bureau, which duties shall be determined by the Director. The grade of Detective shall be of a temporary nature and shall apply to patrol persons when assigned by the Director of Police Department to the Detective Bureau of the Department. In the absence of a superior officer, detectives shall rank patrol persons in carrying out their duties. (Ord. No. 2057 § 1; Ord. No. 2432)

**2-8.11 Special Police Officers.**

- a. Pursuant to the Special Law Enforcement Officer's Act. N.J.S.A. 40A:14-146.8 et seq., the terms and requirement of which are incorporated herein by reference, there is hereby created the position of Special Law Enforcement Officer in and for the City.
- b. **Class Members.**
1. Class One members shall be empowered to issue summonses for those offenses specified in N.J.S.A. 40A:14-146.11(a)(1).

2. The number of Class Two members shall not exceed six (6).

c. All issued uniforms, badges and equipment shall be immediately returned to the Director upon termination or other cessation of employment.

d. The City is hereby designated a "resort municipality." (Ord. No. 2057 § 1; Ord. No. 2228 § 1; Ord. No. 2432; Ord. No. 2528)

2-8.12 **Appointment and Promotions.** All appointments to and promotions within the Police Department shall be made by the Director of Police Department, subject to the approval of the City Manager. Appointments and promotions shall be made, according to merit and fairness, which shall be ascertained, as far as practicable, by competitive examinations. All appointments and promotions are to be made in accordance with the rules, regulations and qualifications as prescribed by the applicable State of New Jersey Department of Personnel and State Laws.

a. In making temporary appointments, the Director of Police Department shall utilize the classifications set forth above and shall utilize the classifications set forth above and shall classify accordingly all duly qualified applicants for the position or positions to be temporarily filled.

b. This subsection is adopted pursuant to Chapter 132, Laws of 1976. (Ord. No. 2057 § 1; Ord. No. 2432)

2-8.13 **Dismissal.** No person shall be dismissed from office or employment in the Police Department in any other manner or by any means other than those prescribed by the Civil Service Laws. (Ord. No.

2057 § 1; Ord. No. 2432)

2-8.14-2.8-15. **Reserved.**

**PART II**  
**FIRE Department**

2-8.16 **Establishment.** The City Fire Department (Fire Department) shall consist of a uniformed force of career and volunteer firefighters as may be required, subject to such rules and regulations as shall be promulgated by the Chief of the Fire Department to ensure the proper and efficient operation of the Department. (Ord. No. 2057 § 1; Ord. No. 2432)

2-8.17 **Members.** The uniformed force of career firefighters shall consist of a Chief to be appointed by the revisions of subsection 2-8.18, and such Captains, Fire Prevention Specialists, Supervisor of Emergency Services and other career firefighters as the Chief of the Fire Department shall appoint, subject to the approval of the City Manager. (Ord. No. 2057 § 1; Ord. No. 2432; Ord. No. 2494)

2-8.18 **Executive Officer.** The Chief shall be the Executive Officer of the Fire Department, subject to the approval of the City Manager of the City of Asbury Park. He shall also be designated as the Director of Emergency Management and shall appoint as many Deputy Coordinators as necessary. (Ord. No. 2057 § 1; Ord. No. 2432; Ord. No. 2494)

2-8.19 **Duties of the Chief.** The Chief of the Fire Department shall perform the following duties:

- a. The Chief shall have, exercise and discharge the functions, powers and duties of the Department.

- b. The Chief shall prescribe the duties and assignments of all officers and Department personnel.
- c. The Chief shall have charge of the apparatus and all other property of the Department and shall conduct inspections to ensure that the several companies are maintained in peak efficiency, that the company houses are being properly conducted and kept in good order and that all property of the Department is kept in top condition for immediate and effective service.
- d. The Chief shall keep a record of all business transacted by the Department and shall approve all bills for the expenses of the Department, except those rendered for fixed charges.
- e. The Chief shall keep and maintain accurate records and submit an annual report to the City Manager, on or before January 1, which report shall assess the operations of the Fire Department and its personnel, equipment and property.
- f. The Chief shall keep and maintain all records, reports, documents and data required to be kept and maintained by the Federal and/or State governments and/or any of their respective subdivisions.
- g. The Chief shall keep a record of all appointments, dismissals, removals and deaths of officers and firefighters as they take place, with such other confirmation as may be necessary.
- h. The Chief shall see that all laws, ordinances, rules and regulations and orders relative to the Department are promptly enforced and obeyed and that all derelictions or transgressions that may



come up to his knowledge are promptly investigated.

- i. The Chief shall have the authority to discipline, including suspension, any member of the Department, for any violation of law, rule, ordinance, regulation or order.
- j. The Chief shall have the power and it shall be his duty to suspend summarily from duty any member of the Department of insubordination, disorderly conduct, or violation of a Department order, such suspension to continue until the City Manager shall act thereon.
- k. The Chief shall have responsibility for developing the annual budget for the Fire Department and shall be responsible for overseeing any and all expenditures by the Department, subject to the approval of the City Manager and the City Council.
- l. The Chief shall keep a record of all fire badges and identification cards distributed by him and shall take written receipts from each member of the Department whom a badge and card is given.
- m. The Chief shall have responsibility for ensuring that all officers and members of the Department are fit for duty at all times that they are in active status.
- n. The Chief shall delegate such of his authority as he may deem necessary for the efficient operation of the Department, with any delegated authority to be exercised under his direction and supervision.
- o. The Chief shall recommend a standard of decoration for meritorious service.
- p. National Fire Protection Association standards shall be used as a guideline for the operation of

the Department. (Ord. No. 2057 § 1; Ord. No. 2432; Ord. No. 2494)

2-8.20 **Bureaus.** The Fire Department shall consist of the following Bureaus and such other bureaus and/or units as may be designated by the Chief of the Fire Department.

- a. *Fire Suppression Bureau.* The Fire Suppression Bureau shall be headed by the Chief and shall consist of such officers and firefighters as assigned by the Chief with the approval of the City Manager to carry out the duties assigned to the Inspection Bureau.
- b. *Inspection Bureau.* The Inspection Bureau shall be headed by the Fire Official chosen by the Chief and shall consist of the Fire Prevention Specialists and other personnel as assigned by the Chief with the approval of the City Manager to carry out the duties assigned to the Bureau. All qualified applicants shall be employees of the Fire Department. The Chief of the Department will have the discretion to recommend to the City Manager the hiring of a Fire Prevention Specialist as defined under the New Jersey Department of Personnel, Department of County and Municipal Government Services of Fire Prevention Specialist-UFD, as defined under the New Jersey Department of Personnel, Department of County and Municipal Government Services.
- c. *Emergency Medical Services Bureau.* The E.M.S. Bureau shall be headed by a qualified E.M.S. Officer who shall be chosen by the Chief and shall consist of such personnel as assigned by the Chief

with the approval of the City Manager to carry out the duties assigned to the Bureau.

- d. *Right to Know Bureau.* The Right to Know Bureau shall be headed by the Fire Chief and shall consist of such personnel as assigned by the Chief with the approval of the City Manager to carry out the duties of the Right to Know Bureau. (Ord. No. 2057 § 1; Ord. No. 2432; Ord. No. 2494; Ord. No. 2536; Ord. No. 2552)

2-8.21 **Appointments and Promotions.** All appointments and promotions within the Fire Department shall be made by the Chief of the Fire Department subject to the approval by the City Manager. Appointments and promotions shall be made according to the results of examinations administered by the appointments and promotions are to be made in accordance with the applicable State of New Jersey Department of Personnel rules and regulations.

- a. In making temporary appointments, the City Manager shall utilize the classifications set forth above and shall classify accordingly, all duly qualified applicants for the position or positions to be temporarily filled.

- b. This subsection is adopted pursuant to Chapter 132, Laws of 1976. (Ord. No. 2057 § 1; Ord. No. 2432)

2-8.22 **Dismissal.** No person shall be dismissed from office or employment in the Fire Department in any manner or by any means other than those prescribed by the State of New Jersey Department of Personnel. (Ord. No. 2057 § 1; Ord. No. 2432)

2-8.23 **Fire Hydrant, Temporary and Other Auxiliary Fire**

**Fighting Devices Obstructed.** The fire officers in command at any fire scene are endowed with full and complete police authority, and may require and secure the removal of any and all obstructions from in front and around fire hydrants, sprinkler connections and/or standpipe connections or where obstructions occur preventing firefighting operations and for that purpose are authorized to call upon the head of any City department for aid and assistance in securing such removal of obstruction. (Ord. No. 2057 § 1; Ord. No. 2432)

2-8.24 **Defective Hydrants.** It shall be the duty of the officer in charge of any company at a fire or drill to report to the Chief all fire hydrants that are found frozen, out of order, leaky or that are set in such manner as to make it difficult to connect thereto. (Ord. No. 2057 § 1; Ord. No. 2432; Ord. No. 2494)

2-8.25 **Authority at Fire Scene/E.M.S. Emergencies.** During the continuance of any fire or any other emergency within the City and for such time thereafter as the Chief shall deem necessary, the Fire Department, under the control of the Chief, shall have complete jurisdiction with the police, of the territory in and about the fire scene, and may block the same territory from the public, and prohibit the passage of all individuals and vehicles in or upon any street adjacent to, as they shall deem necessary. (Ord. No. 2057 § 1; Ord. No. 2432; Ord. No. 2494)

2-8.26 **Driving Over Fire Hose.** No person shall, during a time of fire, or while a fire hose is laid out at a

fire scene, ride or drive over the hose with any vehicle. (Ord. No. 2057 § 1; Ord. No. 2432)

2-8.27 **Volunteer Companies.**

- a. Volunteer fire companies shall be subject to the jurisdiction and orders of the Fire Chief.
- b. Each volunteer fire company shall elect officers annually in accordance with the Table of Organization established by the Fire Department and the elected line officers shall have the authority to supervise all firefighters subject to successful completion of a certified fire officers's training program as designated by the Chief.
- c. No person shall become a member of any volunteer fire company until the required "Disclosure of Information Application" is completed and a background check is made by the Chief of the Fire Department. Upon completion of this background check with the approval of the Fire Chief, said applicant must be approved by resolution of the Mayor and City Council. (Ord. No. 2057 § 1; Ord. No. 2109 § 1; Ord. No. 2432; Ord. No. 2494)

2-8.28-2.8.35 **Reserved.**

I, STEPHEN M. KAY, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2616 which was finally adopted by the City Council at a meeting held on the 16th day of October, 2002.

CERTIFIED BY ME THIS 17th DAY OF October, 2002

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Interim City Manager

STEPHEN M. KAY, CITY CLERK