

City of Asbury Park, NJ
Ordinance No. 2667

AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF ASBURY PARK ORDINANCE NO. 2057, 2109, 2228 AND 2616, SECTION 2-8, PART I ENTITLED "POLICE DEPARTMENT"

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 amend and supplement Asbury Park Ordinance No. 2057, 2109, 2228 and 2616, Section 2-8, Part I entitled "Police 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, Part I shall read as follows:

PART I

Police Department

2-8.6 **Establishment.** There is hereby created in and for the City of Asbury Park a Department of Police (Police Department) which 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. (Ord. No. 2057; Ord. No. 2432; Ord. No. 2616)

2-8.7 **Members.** The Department of Police shall consist of no more than one (1) Police Director; five (5) captains; five (5) lieutenants; fifteen (15) sergeants; ten (10) detectives and eighty-five (85) police officers who shall be appointed by the City Manager, upon recommendation of the Director of Police Department. (Ord. No. 2057; Ord. No. 2432, Ord. No. 2616).

- 2-8.8 **Duties of Police Department.** The Police Department shall preserve the public peace, protect life and property, detect, arrest and prosecute offenders of the laws of the State of New Jersey and the Ordinances of the City of Asbury Park; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with other law enforcement agencies; and provide training for the efficiency of its members and officers.
- 2-8.9 **Appropriate Authority.** The City Manager, or his/her designee, shall be designated as the Appropriate Authority as provided in the New Jersey Statutes. The City Manager shall be responsible for the overall performance of the Police Department. The City Manager shall adopt and promulgate such rules and regulations for the government of the Police Department and for the discipline of its members.
- 2-8.10 **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; Ord. No. 2432; Ord. No. 2616).
- 2-8.11 **Duties of Director of the Police Department.** The Director of Police Department shall:
- a. Be responsible for the day-to-day operations of the Department and 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. Have, by virtue of his office, at all times be vested with, all authority and duties of a police officer.
- g. Keep a record of all business transacted by the Department and shall approve all bills for the expense of the Department.
- h. 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.
- i. 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.
- j. 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.

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- k. 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.
 - l. 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 Department order.
 - m. Have responsibility for developing the annual budget for the Police Department and shall be responsible for overseeing and all expenditures by the Department, subject to the approval of the City manager and the City Council.
 - n. 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.
 - o. 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.
 - p. 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; Ord. No. 2432; Ord. No. 2616).

2-8.12 **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; Ord. No. 2432; Ord. No. 2616).

2-8.13 Special Police Officers.

- a. Pursuant to the Special Law Enforcement Officer's Act. N.J.S.A. 40A:14-146.88 et seq., the terms and requirement of which are incorporated herein

by referenced, 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. 2228; Ord. No. 2432; Ord. No. 228; Ord. No. 2616).

2-8.14 Appointment and Promotion. 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 promotion 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 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; Ord. No. 2432; Ord. No. 2616).

2.8-15 **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; Ord. No. 2432; Ord. No. 2616).

This Ordinance rescinds prior ordinances inconsistent with this Ordinance. This Ordinance shall take effect immediately upon its adoption and publication in accordance with law.

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. 2667 which was finally adopted by the City Council at a meeting held on the 5th day of ~~October~~ November, 2003.

Certified by me this 6th day of ~~October~~ November, 2003

cc: Terence Reidy, City Manager
Louis Jordan, Police Director
Payroll Supervisor
Finance Officer
Brian Kronick, Labor Attorney