TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY

ORDINANCE # 20-25

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTNG CHAPTER 2.56 ENTITLED "POLICE DEPARTMENT" OF TITLE 2 ENTITLED "ADMINISTRATION AND PERSONNEL" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN TO ESTABLISH AND AMEND THE TERMS AND CONDITIONS FOR THE APPOINTMENT OF SPECIAL LAW ENFORCEMENT OFFICERS IN THE TOWNSHIP OF RARITAN

WHEREAS, pursuant to the Special Law Enforcement Officers' Act, N.J.S.A. 40A:14-146.8, *et seq.*, as amended by P.L. 2016, c. 68 (effective June 1, 2017), municipalities are authorized to appoint special law enforcement officers in the local police department to perform police services for the municipality; and

WHEREAS, there are three (3) classes of special law enforcement officers, each with different types of police services authorized to be performed, which is set by statute; and

WHEREAS, the Township finds it in the best interest of the Township to provide for the appointment of special law enforcement officers to help supplement the services of the Raritan Township Police Department.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Raritan, in the County of Hunterdon and State of New Jersey, as follows:

Section 1. Section 2.56.090 entitled "Special Policemen" of Chapter 2.56 entitled "Police Department" of Title 2 entitled "Administration and Personnel" of *The Revised General Ordinances of the Township of Raritan* is hereby deleted in its entirety and replaced to read as follows:

§ 2.56.090. Reserved.

Section 2. Section 2.56.210 entitled "Class III Special Law Enforcement Officers" of Chapter 2.56 entitled "Police Department" of Title 2 entitled "Administration and Personnel" of *The Revised General Ordinances of the Township of Raritan* is hereby supplemented and amended to read as follows:

§ 2.56.210. ~~Class III~~ Special Law Enforcement Officers.

A. Appointment; Duties; Hours.

1. The Township Committee may, from time to time, appoint Class One (I) Special Law Enforcement Officers, Class Two (II) Special Law Enforcement Officers, and Class Three (III) Special Law Enforcement Officers as defined by the "Special Law Enforcement Officers' Act," N.J.S.A. 40A:14-146.8 *et seq.*, as amended by P.L. 2016, c. 68.

2. The number of Class I, II and III Special Law Enforcement Officers shall be determined on an annual basis by the Township. The number of Class II Special Law Enforcement Officers shall be limited to not more than twenty-five (25%) percent of the total number of regular police officers.

3~~1~~. Pursuant to N.J.S.A. **40A:14-146.11**~~40A:14-146.10~~, **Special Law Enforcement Officers, upon appointment, shall have the following powers and duties and perform the services as described herein below as permitted by law and upon assignment by the Chief of Police or his/her designee:**

a. Class I. Class I Special Law Enforcement Officers shall be authorized to perform routine traffic detail, spectator control and similar duties. Class I Special Law Enforcement Officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of Township ordinances and violations of Title 39 of the Revised Statutes of the State of New Jersey. The use of a firearm by a Class I Special Law Enforcement Officer is strictly prohibited and shall not be assigned any duties which may require the carrying or use of a firearm.

b. Class II. Class II Special Law Enforcement Officers shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by a Class II Special Law Enforcement Officer may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the Police Training Commission of the New Jersey Department of Law and Public Safety.

c. Class III. ~~the Township Committee may appoint~~ Class III Special Law Enforcement Officers **shall be authorized** to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing security at a public school premises during hours when the school is normally in session or when it is occupied by students. **While on duty in the Township, a Class III Special Law Enforcement Officer may respond to offenses or emergencies off school grounds if they occur in the officer's presence while traveling to a school facility but said officer shall not otherwise be dispatched or dedicated to any assignment off school property. The use of a firearm by a Class III Special Law Enforcement Officers shall be permitted pursuant to N.J.S.A. 40A:14-146.14, as may be amended from**

time to time. The placement of Class III Special Law Enforcement Officers shall be subject to any agreement or inter-local services agreement with any school or local unit and further subject to the direct supervision of the Chief of Police.

4~~2~~. **Pursuant to N.J.S.A. 40A;14-146.16, all** ~~A Class III~~ Special Law Enforcement Officers shall only be employed part-time, not to exceed, on average, **20**~~30~~ hours per week per calendar year**; except for Class III Special Law Enforcement Officers, who shall not exceed, on average, 30 hours per week per calendar year. Special Law Enforcement Officers shall not be entitled to tenure**. Pursuant to N.J.S.A. 40A:14-146.16(9)(d), no Class III Special Law Enforcement Officer shall be eligible for health care benefits from the Township or enrollment in any state-administered retirement system.

B. Term; Rate of Pay.

1. The Township Committee may appoint Class **I, II or** III Special Law Enforcement Officers for a term not exceeding one year and revoke such appointments without cause or hearing. ~~The number of Class III Special Law Enforcement Officers shall be determined on an annual basis by the Township.~~

2. The resolution appointing ~~Class III~~ Special Law Enforcement Officers shall designate the rate of pay.

~~C. While on duty in the Township, a Class III Special Law Enforcement Officer may respond to offenses or emergencies off school grounds if they occur in the officer's presence while traveling to a school facility, but said officer shall not otherwise be dispatched or dedicated to any assignment off school property.~~

C~~D~~. Qualifications; Fingerprinting.

1. No person shall be appointed as a ~~Class III~~ Special Law Enforcement Officer unless he or she is:

a. A citizen of the United States **and a resident of the State of New Jersey during the term of appointment**;

b. Able to read, write and speak the English language **and has a high school diploma or its equivalent**;

c. Is sound in body and of good health;

d~~e~~. Of good moral character and has not been convicted of any offense involving dishonesty or which could make him or her unfit to perform the duties of his or her office; **and**

e~~d~~. Has successfully undergone the same psychological testing that is required of all full-time police officers in the Township;

~~e. A bona fide retired law enforcement officer who is less than 65 years of age;~~

~~f. Has served as a duly qualified, fully trained, full-time officer in any municipality or county of the State of New Jersey or as a member of the State Police, interstate police force, state or county corrections officer, state juvenile corrections officer, or juvenile detention officer, or any other qualified, fully trained, full-time law enforcement officer who had full powers of arrest and was separated from that prior service in good standing, within three years of appointment;~~

~~g. Physically capable of performing functions of the position, determined in accordance with Police Training Commission guidelines;~~

~~h. Possesses a New Jersey Police Training Commission Basic Police Officer Certification or New Jersey State Police Officer Academy Certification or has successfully completed training at the Correction Officer's Training Academy of the Department of Corrections or at a basic training program for corrections officers and juvenile detention officers established by a county;~~

~~i. Has completed the training course for Safe Schools Resource Officers developed pursuant to N.J.S.A. 52:17B-71.8.~~

2. For Class III Special Law Enforcement Officers, no person shall be appointed unless he or she is:

a. A bona fide retired law enforcement officer who is less than 65 years of age;

b. Has served as a duly qualified, fully trained, full-time officer in any municipality or county of the State of New Jersey or as a member of the State Police, interstate police force, state or county corrections officer, state juvenile corrections officer or juvenile detention officer, or any other qualified, fully trained, full-time law enforcement officer who had full powers of arrest and was separated from that prior service in good standing, within three years of appointment;

c. Physically capable of performing functions of the position, determined in accordance with Police Training Commission guidelines;

d. Possesses a New Jersey Police Training Commission Basic Police Officer Certification or New Jersey State Police Officer Academy

Certification or has successfully completed training at the Correction Officer's Training Academy of the Department of Corrections or at a basic training program for corrections officers and juvenile detention officers established by a county; and

e. Has completed the training course for Safe Schools Resource Officers developed pursuant to N.J.S.A. 52:17B-71.8.

3~~2~~. Additionally, every ~~Class III~~ Special Law Enforcement Officer shall be fingerprinted and his or her fingerprints shall be filed with the Division of the State Police and the Federal Bureau of Investigation. Reports shall be made by the Chief of Police to the Township Committee concerning the eligibility and qualifications of any person proposed to be appointed a ~~Class III~~ Special Law Enforcement Officer.

Section 3. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. The Ordinance shall take effect upon its adoption, passage and publication according to law.

Notice to Codifier: ~~strikethrough~~ denotes a deletion to original text; **bold and underlined** language denotes new text.

DATE ADOPTED: August 18, 2020

ATTEST:

Lisa Fania, RMC
Township Clerk

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF RARITAN

Jeff Kuhl
Mayor