

**Please Publish the Below Written Ordinance
In Your Next Issue**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced at a meeting of the Township Committee of the Township of Lebanon, Hunterdon County, NJ on April 5, 2023 and passed on first reading, and the same was then ordered to be published according to law; and that such Ordinance will be further considered for a final passage at a meeting of the Lebanon Township Committee to be held on April 19, 2023 at the Lebanon Township Municipal Building, 530 West Hill Road at Woodglen, at 7:00 p.m. prevailing time, at which time and place, or at any time or place to which such meeting shall be from time to time be adjourned, and all persons interested will be given an opportunity to be heard concerning this Ordinance.

Karen J. Sandorse, RMC/CMC
Municipal Clerk

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2023-04

AN ORDINANCE REPEALING AND REPLACING ORDINANCE 2020-09 ENTITLED “AN ORDINANCE REPEALING EXISTING CHAPTER 77 ENTITLED ‘POLICE DEPARTMENT,’ OF MUNICIPAL CODE OF THE TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AND ADOPTING NEW CHAPTER 77 ENTITLED ‘POLICE DEPARTMENT’” AND ADOPTING A NEW CHAPTER 77 ENTITLED “POLICE DEPARTMENT”

WHEREAS, by Ordinance No. 2020-09, the Township Committee of Lebanon Township sought to update Chapter 77 of the Township of Lebanon Municipal Code, entitled “Police Department”; and

WHEREAS, after reviewing Ordinance No 2020-09, it was determined that it is necessary and appropriate to repeal said ordinance and to adopt an ordinance to replace Ordinance No. 2020—09 and create a new Chapter 77 of the Township of Lebanon Municipal Code entitled “Police Department.”

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, that Ordinance No. 2020-09 entitled “An Ordinance Repealing Existing Chapter 77 Entitled ‘Police Department.’ Of Municipal Code Of The Township of Lebanon, County of Hunterdon, State of New Jersey, And Adopting New Chapter 77 Entitled ‘Police Department’ And Adopting A New Chapter 77 Entitled ‘Police Department’ be and is hereby repealed and replaced as follows:

SECTION 1. CHAPTER 77 Police Department

§ 77-1 Established.

Department continued; responsibilities. Pursuant to N.J.S.A. 40A:14-118, the Lebanon Township Police Department heretofore established is hereby continued under the name "Lebanon Township Police Department," and the Department shall be regulated by applicable law, the provisions of this section and the rules and regulations established pursuant to § 77-3.

§ 77-2 Personnel; appointment; salary; oath.

Within the Lebanon Township Police Department there shall be, in addition to the Chief of Police, the following official position titles, in descending order of rank: Lieutenant, Sergeant, Corporal,

Patrol Officer/Detective, Special Officer and Recruit. All members, officers and personnel shall be appointed by resolution of the Township Committee and shall receive such salaries as may be specified in the Township's Salary Ordinance. Every person appointed to the Police Department shall, prior to entering on their duties, take and subscribe to an oath or affirmation as required by New Jersey law.

§ 77-3 Powers and duties of Chief of Police; line of authority.

The Chief of Police shall be the head of the Police Department and shall be directly responsible to the Township Committee for its efficiency and day-to-day operations. Pursuant to policies established by the Township Committee, the Chief of Police shall:

- (1) Administer and enforce rules and regulations of the Police Department and any special emergency directive 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.
- (5) Report at least monthly to the Township Committee, in such form as shall be prescribed by the Township Committee, on the operation of the Police Department during the preceding month and make such other reports as may be requested by the Township Committee.

§ 77-4 Appropriate authority; rules and regulations.

The Township Committee shall be, and hereby is, designated as the appropriate authority as provided in the New Jersey Statutes. The Township Committee shall be responsible for the overall performance of the Police Department and shall by way of adoption of a resolution by a majority of the members of the Township Committee, adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of its members. The rules and regulations may also be amended, updated, revised and/or replaced from time to time by the Township Committee by way of adoption of a resolution by a majority of its members. The members of the Police Department shall be subject to said rules, regulations and penalties. Said rules and regulations may include but not be limited to the following subjects:

- (1) The duties of the Police Department.
- (2) General rules for operation of the Police Department.
- (3) Rules of discipline.
- (4) The duties of the superior officers.
- (5) The procedure on arrests.
- (6) Uniforms and equipment requirements.
- (7) Leave of absence procedures.
- (8) Special duties.
- (9) The procedure for the proper enforcement of this section.
- (10) Probationary patrolmen requirements.

§ 77-5 Appointments and promotions.

All appointments to and promotions within the Police Department shall be made by the Township Committee upon the recommendation of the Chief of Police. All promotions, including for Chief of Police, shall be in accordance with applicable provisions of the laws of the State of New Jersey and in accordance with the hiring and promotion policies and procedures promulgated by the Chief

of Police and approved by the Township Committee.

§ 77-6 Special law enforcement officers.

A. The Township Committee may appoint from time-to-time special law enforcement officers in accordance with N.J.S.A. 40A:14-146.8 et seq., and further subject to the Lebanon Township Rules and Regulations referenced herein, for terms not exceeding one year.

B. Special law enforcement officer (SLEO) shall mean any person appointed annually by the governing body pursuant to N.J.S.A. 40A:14-146.8 et seq. to temporarily or intermittently perform duties similar to those performed regularly by members of a municipal police department, or to provide assistance to a police department during unusual or emergency circumstances, and to provide security in a school system within Lebanon Township. Nothing here in shall be construed to require reappointment at the expiration of the term.

C. No special law enforcement officer, by virtue of his/her appointment as such, shall be or become a regular member of the police department.

D. Special law enforcement officers shall be at-will part-time employees assigned for not more than the number of hours prescribed by applicable provisions of the Special Law Enforcement Officers Act except that pursuant to N.J.S.A. 40A:14-146.16, the Township Committee may designate one special law enforcement officer to whom the limitation on hours employed shall not apply. Special law enforcement officers can be terminated for cause after adequate hearing unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing.

E. Not more than seven special law enforcement officers may be employed by the Township. The number of SLEO Class II officers employed by the Lebanon Township Department shall not exceed 25% of the total number of regular police officers pursuant to N.J.S.A. 40A:14-146-17.

F. Every special law enforcement officer, while on duty, shall abide by the Police Department Rules and Regulations and those policies, general order or standard operating procedures established by the Chief of Police.

G. No person shall be appointed as a special law enforcement officer unless the person meets the criteria of N.J.S.A. 40A:14-146.10, including but not limited to the provision that the person:

- (1) Is legally permitted to work in the United States.
- (2) Is a resident of the State of New Jersey during the term of appointment.
- (3) Is at least 18 years of age.
- (4) Shall possess and maintain a valid New Jersey driver's license.
- (5) Shall be able to read, write and speak the English language well and intelligently and have a high school diploma or its equivalent.
- (6) Shall be sound in body and of good health and be able to perform the physical functions of the duties assigned.
- (7) Shall be of good moral character and shall not have been convicted of any crime or offense involving moral turpitude (dishonesty) or a crime or offense that would render him/her unfit for duty.
- (8) Shall successfully undergo the same psychological testing that is required of full-time police officers.
- (9) Additionally, SLEO III personnel:
 - a. Must be retired law enforcement officers who are less than 65 years of age. For the purposes of this subsection, a law enforcement officer shall not be considered retired if the officer's return to employment violates any federal or state law or regulation, which would deem the officer's retirement as not being bona

fide;

b. Must have served as a duly qualified, fully trained, full-time officer in any municipality or county of this state or as a member of the New Jersey State Police and was separated from that prior service in good standing, within three years of appointment. Good standing means to exclude a retirement resulting from injury or incapacity;

c. Must be physically capable of performing the functions of the position, determined in accordance with PTC guidelines;

d. Must possess a valid New Jersey PTC basic police officer certification or New Jersey State Police Academy certification; and

e. Must be hired only in a part-time capacity.

H. Classification of special law enforcement officers/duties.

(1) SLEO Class I Officers shall be authorized to perform routine traffic detail, spectator control and similar duties. Class I officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and no Class I officer shall be assigned any duties which may require the carrying or use of a firearm.

(2) SLEO Class II (SLEO II) are authorized to perform all duties of regular full-time police officers subject to the authorization of the Chief of Police.

a. SLEO II are authorized to carry firearms and must qualify and demonstrate proficiency with the same frequency as regular police officers.

b. SLEO II are authorized to carry designated mechanical and enhanced mechanical force weapons while on duty and must qualify and demonstrate proficiency with the same frequency as regular police officers.

c. SLEO II are authorized to utilize handcuffs and other restraining devices consistent with this department's policies and only after demonstrating proficiency in the use of these devices.

d. SLEO II have the power of arrest and the authority to issue summonses and uniform traffic tickets the same as regular full-time police officers. SLEO II can enforce crimes, disorderly person offenses, petty disorderly person offenses and Township ordinances.

(3) SLEO Class III (SLEO III) are 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 or nonpublic school premises while occupied by the public or nonpublic school students and/or its staff.

a. SLEO III are authorized to carry a handgun and must qualify and demonstrate proficiency with the handgun and any other authorized firearms with the same frequency as regular police officer but must first comply with the requirements of N.J.S.A. 2C:39-6 authorizing a retired law enforcement officer to carry a handgun.

b. SLEO III are authorized to carry designated mechanical and enhanced mechanical force weapons while on duty and must qualify and demonstrate proficiency with the same frequency as regular police officers.

c. SLEO III are authorized to utilize handcuffs and other restraining devices consistent with this department's policies and only after demonstrating proficiency in the use of these

devices.

d. SLEO III are not eligible for health care benefits or enrollment in any state-administered retirement system.

e. The Township Committee shall make appointments upon recommendation by the Chief of Police or his/her designee. The Chief of Police or his/her designee shall certify the eligibility and qualifications of all applicants, in writing, to the Township Committee prior to appointment.

SECTION 2. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall remain valid and effective.

SECTION 4. This ordinance shall take effect immediately upon final passage and publication according to law.