

O: 2015 - 09

**ORDINANCE OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING CHAPTER 105-6 OF
THE CODE OF THE TOWN OF PHILLIPSBURG
RELATING TO RESIDENCY REQUIREMENTS FOR
POLICE OFFICERS**

WHEREAS, Section 105-6 of the Code of the Town of Phillipsburg serves to waive residency in the Town of Phillipsburg as a condition precedent for appointment to the Town's police department; and

WHEREAS, the said Section 105-6 is unnecessary as N.J.S.A. 40A:14-122.1 and 122.2 make residency requirements as a condition precedent for appointment unlawful; and

WHEREAS, N.J.S.A. 40A:14-123.1a permits a municipality to classify duly qualified candidates in certain classes for purposes of preference; and

WHEREAS, the Town Council desires to so classify duly qualified candidates.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Phillipsburg, County of Warren and State of New Jersey, that Chapter 105-6 of the Code of the Town of Phillipsburg is hereby deleted in its entirety and in its place and stead replaced with the following:

Section 1

§105-6. Priority of eligibility in accordance with residence.

A. Before any person shall be appointed as a member of the police department and force, the appointing authority shall classify all the duly qualified applicants for the position or positions to be filled in the following classes:

- I. Residents of the municipality.
- II. Other residents of the county in which the municipality is situate.
- III. Other residents of the State.
- IV. All other qualified applicants.

Within each such classification duly qualified applicants who are veterans shall be accorded all such veterans' preferences as are provided by law. Persons discharged from the service within 6 months prior to making application to the Town of Phillipsburg who fulfill the requirements of N.J.S.40A:14-123.1, and who, thereby, are entitled to appointment notwithstanding their failure to meet the New Jersey residency requirement at the time of their initial application, shall be placed in Class III.

Preference in appointment second to that accorded to veterans pursuant to current law but superseding that accorded non-veterans shall be accorded all duly qualified applicants whose natural or adoptive parent was killed in the lawful discharge of official duties while serving as a law enforcement officer in any law enforcement agency in the State at any time prior to the closing date for the filing of an application, provided that required documentation is submitted with the application by the closing date.

When a veteran and a non-veteran whose parent was killed in the lawful discharge of official duties while serving as a law enforcement officer in any law enforcement agency in the State are duly qualified applicants for a position, first preference shall be given to the veteran.

As used in this section, "law enforcement officer" means any person who is employed as a permanent full-time member of an enforcement agency, who is statutorily empowered to act for the detection, investigation, arrest and conviction of persons violating the criminal laws of this State and statutorily required to successfully complete a training course approved, or certified as being substantially equivalent to such an approved course, by the Police Training Commission

Second and Final Reading

pursuant to P.L.1961, c. 56 (C.52:17B-66 et seq.); and “law enforcement agency” means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which has by statute or ordinance the responsibility of detecting and enforcing the general criminal laws of this State.

B. The appointing authority shall first appoint all those in Class I and then those in each succeeding class in the order above listed, and shall appoint a person or persons in any such class only to a vacancy or vacancies remaining after all qualified applicants in the preceding class or classes have been appointed or have declined an offer of appointment.

C. The classes of qualified applicants defined in subsection a. of this section shall be considered as separate and successive lists of eligibles, and the Civil Service Commission shall, when requested to certify eligibles for positions specified in this section, make such certifications from said classes separately and successively, and shall certify no persons from any such class until all persons in the preceding class or classes have been appointed or have declined offers of appointment.

Section 2 - Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3 - Repealer

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4 - Effective Date

This Ordinance shall take effect as required by law.

ATTEST:

TOWN OF PHILLIPSBURG

VICTORIA L. KLEINER,
Acting Municipal Clerk

HARRY L. WYANT
Mayor

DATED:

CERTIFICATION

I, Victoria L. Kleiner, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their March 17, 2015 meeting.

VICTORIA L. KLEINER,
Acting Municipal Clerk

Second and Final Reading

FIRST READING

March 17, 2015

MOTION

Councilman Tersigni introduced ordinance for the first reading and moved that the ordinance be properly advertised. The motion was seconded by Councilman Fey.

VOTE: YEAS: Tersigni, Fey, Lynn

ABSTAIN: Stettner, Piazza

NAYS: None

SECOND READING

April 7, 2015

MOTION

Councilman Stettner introduced ordinance for second reading and there being no errors, corrections or objections, Councilman Stettner moved that the ordinance be adopted according to law. The motion was seconded by Councilman Tersigni.

VOTE: YEAS: Fey, Stettner, Tersigni, Lynn

NAYS: None

ABSENT: Piazza