

ORDINANCE 2022-26

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE V, *SPECIAL LAW ENFORCEMENT OFFICERS*, OF CHAPTER 105 *POLICE DEPARTMENT*, OF THE CODE OF THE TOWN OF PHILLIPSBURG TO INCLUDE SPECIAL LAW ENFORCEMENT OFFICER, CLASS III (SLEO III)

WHEREAS, the State of New Jersey enacted legislation allowing public and non-public schools and county colleges to hire retired law enforcement officers on a part-time basis to provide security on school grounds; and

WHEREAS, Bill S86/A3629 had bi-partisan support, which allowed for such legislation to be signed into law; and

WHEREAS, the Bill establishes an additional category of special law enforcement officers, specifically retired officers who are less than 65 years old, and authorizes them to provide security while on school or college premises during school hours; and

WHEREAS, the Town believes such amendment to Article V, Chapter 105 is in the Town and its residents' best interest.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that Article V, *Special Law Enforcement Officers*, of Chapter 105 *Police Department* is amended and supplemented to incorporate Special Law Enforcement Officers, Class III (SLEO III) as follows:

SECTION 1:

Additions to this Chapter shall be designated by underlined text. Deletions shall be designated by ~~strikethrough text~~.

§ 105-18. Appointment Deemed Necessary.

Pursuant to the authority granted to the Town of Phillipsburg by N.J.S.A. 40A:14-118 and the Special Law Enforcement Officers Act, N.J.S.A. 40A:14-146.8 et seq., the Town Council of the Town of Phillipsburg hereby authorizes the appointment of Class I, ~~and Class II,~~ and Class III Special Law Enforcement Officers deemed necessary to perform the duties and responsibilities as permitted by statute.

§ 105-19. Number of Officers Authorized.

- A. Up to five Class I Special Law Enforcement Officers ("Class I Specials") may be employed in accordance with the certification and other requirements established by the Special Law Enforcement Officers Act.

- B. Up to five Class II Special Law Enforcement Officers (“Class II Specials”) may be employed in accordance with the certification and other requirements established by the Special Law Enforcement Officers Act.
- C. Up to five Class III Special Law Enforcement Officers (“Class III Specials”) may be employed in accordance with the certification and other requirements established by the Special Law Enforcement Officers Act.

§ 105-20. Term of Appointment; Revocation.

The Class I, ~~and~~ Class II, and Class III Specials authorized by this Article may be appointed for terms not to exceed one year, and the appointments may be revoked for cause after adequate hearing, unless the appointment was for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require reappointment upon the expiration of the appointed term.

§ 105-21. Hours of Employment.

Class I, ~~and~~ Class II, and Class III Specials may not be employed for more than 20 hours per week, except during periods of emergency. However, the Mayor may designate one of the Town's Class I, ~~or~~ Class II, or Class III Specials for whom there shall be no weekly twenty-hour limitation on the number of hours worked.

§ 105-22. Qualifications.

A. No person may be appointed as Class I or Class II Special unless the person:

- (1) Is a resident of the State of New Jersey during the term of appointment;
- (2) Is able to read, write, and speak English language well and intelligently and has a high school diploma or its equivalent;
- (3) Is sound in body and of good health;
- (4) Is of good moral character;
- (5) Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of his office; and
- (6) Has successfully undergone the same psychological testing that is required of a full-time police officer in the municipality.

B. No person may be appointed as Class III Special unless the person:

- (1) Is a retired officer who has previously served as a duly qualified, full time law enforcement officer in the municipality, and must be living in the State of New Jersey;
- (2) Is retired from that agency in good standing (and must provide a letter of good standing issued by the agency from which the officer retired, listing the date and type of retirement. A copy will be submitted to the Police Training Commission);
- (3) Is less than 65 years of age for appointment;
- (4) Has passed a psychological exam;

- (5) Has passed a medical exam and have doctor complete the Medical Certification Form (also known as Form PTC 8A);
- (6) Has passed a Drug Test pursuant to Attorney General's Law Enforcement Drug Testing Policy;
- (7) And must have an updated background investigation.

- C. Every applicant for the position of Class I, or Class II, or Class III Special shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.
- D. Before any Class I, or Class II, or Class III Special is appointed, the Chief of Police, or, in the absence of the Chief, the senior law enforcement officer with the Police Department shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the appointing authority.
- E. Any person who at any time prior to his appointment had served as a duly qualified, fully trained, full-time officer in any municipality of this state and who was separated from that prior service in good standing, shall be eligible to serve as a Class I, and Class II, and Class III Special consistent with guidelines promulgated by the Commission. These and any other training requirements set forth by statute may be waived by the Commission.

§ 105-23. Training Requirements.

No persons may commence their duties as Class I, or Class II, or Class III Specials unless they have successfully completed a training course approved by the Police Training Commission and have been certified by the Commission for Service. No Class I, or Class II, or Class III Specials may be issued a firearm unless they have successfully completed the basic firearms course approved by the Commission for permanent, regularly appointed police as well as the annual requalification examinations required by statute.

§ 105-24. Duties.

- A. Class I Specials 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 any Class I Special is strictly prohibited, and no Class I Special shall be assigned any duties which may require the carrying or use of a firearm.
- B. Class II Specials 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 may be authorized only after the Class II Special has been fully certified as successfully completing training as prescribed by the Commission.

- C. Class III Specials shall have the same authority and duties as a regular, full-time police officer while providing school security.
- D. The Commission may, in its discretion, except from the requirements of Subsections A, and B, and C above for any person who demonstrates to the Commission's satisfaction that he has successfully completed a police training course conducted by any federal, state or other public or private agency, the requirements of which are substantially equivalent to those required by law.

§ 105- 25. Supervision.

- A. All Class I, ~~and Class II,~~ and Class III Specials shall be under the supervision and direction of the Chief of Police or, in the absence of the Chief, other superior officer designated by the Chief of Police for said purpose.
- B. All Class I, ~~and Class II,~~ and Class III Specials shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the Town of Phillipsburg, as well as any rules and regulations applicable to the conduct and decorum of Class I, ~~and Class II,~~ and Class III Specials.

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 upon final passage and publication as provided by law.

ATTEST:


LORRAINE LOUDENBERRY, AMC
Acting Municipal Clerk

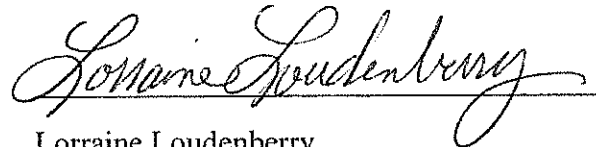
TOWN OF PHILLIPSBURG


TODD M. TERSIGNI
Mayor

DATED: *Oct. 4, 2022*

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Town of Phillipsburg held on September 20, 2022 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Town Council to be held on October 4, 2022, at 7:00 p.m. or as soon thereafter as the Town Council may hear this Ordinance at Phillipsburg Housing Authority Community Bldg., 535 Fisher Avenue, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

A handwritten signature in cursive script that reads "Lorraine Loudenberg". The signature is written in black ink and is positioned above a solid horizontal line.

Lorraine Loudenberg
Acting Municipal Clerk