

**TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #12-23

**AN ORDINANCE AMENDING SECTION 2-18 OF THE REVISED GENERAL
ORDINANCES OF THE TOWN OF GUTTENBERG TO PROVIDE FOR THE
APPOINTMENT OF DEPUTY CHIEF OF POLICE**

WHEREAS, Municipalities are authorized by law to appoint a Deputy Chief of Police as a Chief Law Enforcement Officer; and

WHEREAS, such position does not presently exist; and

WHEREAS, the Police Committee has recommended that the Town provide for the appointment of one Deputy Chief of Police;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey that the Revised General Ordinances of the Town of Guttenberg is hereby amended as follows:

SECTION I

§ 2-18.1 **Members** of the Revised General Ordinances of the Town of Guttenberg is amended to read:

- a. The table of organization of the Police Department of the Town of Guttenberg shall be as follows:
 1. One chief law enforcement officer who shall hold the rank of and receive the pay of a Deputy Chief of Police.
 2. One Commander of Patrol Operations who shall hold the rank of and receive the pay of Lieutenant.
 3. One Commander of Staff/Administration who shall hold the rank of and receive the pay of Lieutenant.
 4. Six Sergeants.
 5. Eighteen Police Officers, along with any Class I, Class II of Class III Special Law Enforcement Officers, as may be appointed from time to time by the Town of Guttenberg, in accordance with New Jersey Statues.

- b. The salaries of any full-time regular Police Officer (not including any Class I, Class II or Class III Special Law Enforcement Officers) shall be as set forth in a collective bargaining agreement, as exists and agreed to between the Town of Guttenberg and the

collective bargaining unit that represents the regular full-time Police Officers of the Police Department.

c. The normal chain of command for police matters shall be (1) the Deputy Chief of Police; (2) Lieutenant of Patrol Operations, (3) Lieutenant and (4) Sergeant; (5) Police Officer, (6) Class III Law Enforcement Officers; (7) Class II Law Enforcement Officers; (8) Class I Law Enforcement Officers.

d. The salary for a Deputy Chief of Police shall be set forth in a separate contract negotiated between the Town and the Deputy Chief of Police. The Deputy Chief Shall not be part of a collective bargaining unit.

SECTION II

§ 2-18.2 **Appointment.** of the Revised General Ordinances of the Town of Guttenberg is amended to read:

a. The Deputy Chief of Police, Lieutenant, Sergeant and Patrol Officer shall be appointed by the Mayor and Board of Council by Resolution.

The assignment of each Lieutenant to either the Patrol Operations or Staff/Administrative Officer shall be made by the Guttenberg Police Committee after consideration of the recommendation of the Deputy Chief of Police. The Guttenberg Police Committee retains the right to change said assignment at its sole discretion at any time after consideration of the recommendation of the Deputy Chief of Police

SECTION III

§ 2-18.5 **Supervision of the Department** of the Revised General Ordinances of the Town of Guttenberg is amended to read:

a. The Police Department shall be under the direct charge, control, and supervision of the Committee on Police, as provided in the preceding subsection, and of the Chairman of such Committee, and any orders issued by the Chairman of the Committee on Police the officers or members of the Police Department shall be deemed the action of the Committee. The Deputy Chief of Police shall report directly to the Police Committee.

b. Subject to rules and regulations of the Mayor and Board of Council and of the Committee on Police of the Board of Council, Commander of Patrol Operations, the Lieutenants, Sergeants, and Patrolmen shall be under the control and direction of the Deputy Chief of Police.

SECTION IV

§ 2-18.6 **Duties of Chief Law Enforcement Officer** of the Revised General Ordinances of the Town of Guttenberg is amended to read:

The Chief Law Enforcement Officer shall be the chief executive officer of the Department, and shall hold the rank of Deputy Chief, subject to the laws of the State, provisions of this section, the orders of the Mayor and Board of Council or of the Committee on Police of the Board of Council. The chief executive officer may immediately suspend from duty, without pay, any officer or patrolman acting under him until the final hearing and disposition of any charges that may be preferred against such officer or patrolman in the manner provided by this section. The Chief Law Enforcement Officer shall respond to serious fires and riotous or tumultuous assemblages within the Town, take command of the Police who are present, save and protect property, arrest any persons who are violating the laws, disturbing the peace, or inciting others to do so. The Chief Law Enforcement Officer shall, under the direction of the Committee on Police, detail and assign the patrolmen to duty, and may order, temporarily, any or all of the Police Department to any place in the Town where their service may be necessary, but the Chief Law Enforcement Officer shall make no permanent detail without concurrence of the Committee on Police. The Chief Law Enforcement Officer shall attend the meetings of the Committee on Police and of the Board of Council, whenever requested, in writing, by the Chairman of the Committee on Police or the Town Clerk. The Chief Law Enforcement Officer shall communicate to the Committee on Police the presence of any infections or contagious diseases or the presence or the evidence of any nuisance detrimental to the public health. The Chief Law Enforcement Officer shall promulgate to his subordinates orders of the Committee on Police, and it shall be the duty of all the officers and members of the Police Department to render to him and to his orders, implicit obedience. Any order not given by him in person shall be given in writing. The Chief Law Enforcement Officer shall report to the Committee on Police at least once a month the number of arrests made, and crimes and incidents reported (where no arrests have been made).

SECTION V

All references to the Director of Public Safety in § 2-18.15 “Contracted Off-Duty Employment” are hereby amended to read “Deputy Chief”

SECTION VI

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION VII

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

SECTION VIII

Codification. The Town Clerk shall have this Ordinance incorporated in the official copies of the Revised General Ordinances. The Town Clerk and the Town Attorney be and are hereby authorized and directed to correct any typographical error and to change any heading, chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Revised General Ordinances of the Town of Guttenberg, or as they may otherwise deem appropriate, even if headings, chapter numbers, article numbers and section numbers are otherwise provided for in this Ordinance.

SECTION XI

This Ordinance shall take effect upon passage and publication as required by law.

Summary of Ordinance

This Ordinance creates the position of Deputy Chief of Police in the Town and sets forth the authority thereof.