

TOWNSHIP OF MAPLE SHADE

Ordinance 2021-08

AN ORDINANCE OF THE TOWNSHIP OF MAPLE SHADE, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY REGARDING THE ORGANIZATION AND MEMBERSHIP OF THE MAPLE SHADE POLICE DEPARTMENT AND AMENDING CHAPTER 36 OF THE TOWNSHIP CODE

WHEREAS, the Township of Maple Shade has determined that modification of the organization of its police department is necessary;

NOW, THEREFORE, BE IT ORDAINED Township Council of the Township of Maple Shade as follows:

Section 1. A NEW Chapter 36, Article I, of the “Code of the Township of Maple Shade”, as set forth on Exhibit A attached hereto and made a part hereof, is hereby adopted to set forth the basic structure, powers and duties of the Maple Shade Police Department, and to replace the aforementioned provisions of the “Code of the Township of Maple Shade.”

Section 3. All subsequent Articles and subsections are re-numbered accordingly.

Section 4. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 6. This Ordinance shall take effect upon its final adoption and publication as provided for by law. The provisions of the attached Chapter 36, Article I, shall be applicable

within Maple Shade upon taking effect and shall become a part of the new Maple Shade Township Code once completed and adopted.

EXHIBIT A

CHAPTER 36. POLICE DEPARTMENT

Sec. 36-1. Establishment of Department

There is hereby created in and for Maple Shade, a police department, known as the “Maple Shade Police Department,” which shall consist of one (1) Chief of Police, one (1) Captain, up to two (2) Lieutenants, up to five (5) Sergeants, up to five (5) Corporals, up to twenty-six (26) Patrol Officers, and part-time Special Law Enforcement Officers including up to two (2) Class I officers, two (2) Class II officer and three (3) Class III officers. As used in this chapter, all sworn officers, i.e., Captain, Lieutenants, Corporals, Sergeants and Patrol Officers, may be referred to as “members.” In addition, the Police Department may be supported by such civilian employees as may be deemed necessary by the Township Manager. Such Department shall be governed by the applicable laws of the State, this chapter and other applicable laws and ordinances of the municipality and rules and regulations adopted pursuant hereto.

Sec. 36-2. The Line of Authority for the Police Department

This section establishes and sets forth the line of authority for the administration and operation of the Maple Shade Police Department.

(a) The Township Manager, shall constitute the “appropriate authority” as required by N.J.S.A. 40A:14-118 and shall thereby have the powers as provided by State law including the authority and duty to:

- (1) With the advice of the Chief of Police, adopt and promulgate rules and regulations for the government of the Police force and for the discipline of its members; and
- (2) Coordinate with the Chief with regard to the day-to-day operations of the Police Department; and
- (3) Handle Police disciplinary matters; and
- (4) Approve the promotion of Police personnel and the hiring of new officers.

- (5) Appoint Police Chaplains, crossing guards and such other civilian employees and volunteers, as deemed necessary.

Reference to the Township Manager in this Article shall be in his or her capacity as the “appropriate authority.”

(b) Except as provided in N.J.S.A. 40A:14-118, the governing body and individuals thereof shall act in all matters relating to the police function as a body, or through the Township Manager.

(c) The Chief of Police shall be the highest ranking sworn law enforcement officer in the Police force and shall be directly responsible to the Township Manager to ensure the efficient and routine day-to-day operations of the Department, including the authority and duty to:

- (1) Assist the Township Manager in the formulation of rules and regulations; and
- (2) Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel;
- (3) Have, exercise, and discharge the functions, powers and duties of the force;
- (4) Give assignments/instructions to subordinate members of the police department and other personnel in conjunction with the Township Manager;
- (5) Delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision;
- (6) Report at least monthly to the Township Manager in such form as shall be prescribed by the Township Manager, on the operation of the Police Department and make such other reports as may be requested from time to time by the Township Manager; and
- (7) Such other duties as outlined in the Police Department Personnel Rules and Regulations

(d) The Township Council shall:

- (1) Review and conduct investigations of the operations of the Police Department when necessary; and

- (2) Review and establish from time-to-time the size and rank structure within the Department; and
- (3) Fix the compensation of the members of the Department consistent with the terms and conditions of any applicable Collective Negotiations Agreements; and
- (4) Approve the appointment of the Chief of Police.

(5) **Sec. 36-3. Appointment; Promotion; Qualifications Generally**

- (a) All members of the Police Department, other than the Chief of Police, shall be appointed by the Township Manager upon recommendation of the Chief of Police.
- (b) No person shall be appointed to the Police Department who is not qualified as provided in the New Jersey Statutes. The Township Manager may also require that an applicant for appointment to the Police Department shall successfully complete a physical, mental and psychological examination. All applicants for employment shall be subject to the following residential preference as administered by the Civil Service Commission pursuant to N.J.S.A. 40A:14-123.1: (I) Residents of the Township of Maple Shade; (II) Other residents of the County of Burlington; (III) Other residents of the State; and (IV) All other qualified applicants. To be considered a resident of the Township of Maple Shade, applicants must maintain continuous residency within the Township of Maple Shade from the announced closing date of the Civil Service Commission examination up to and including the date of appointment.
- (c) Every member of the Police Department shall be a resident of the State of New Jersey while serving in such position, as required by law. New members shall be residents of the State at the time of their appointment and thereafter, unless they served in the armed forces as provided by N.J.S.A. 40A:14-123.1.

Sec. 36-4. Responsibilities of Police Department and Township Manager.

- (a) The Police Department. The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Maple Shade; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers.
- (b) Township Manager.

- (1) The Township Manager shall report to the Township Council. The Manager shall serve as the administrative and executive head of the Police Department and shall establish policies for the daily operation of the Department and the discipline of its members. The Township Manager's duties include, but are not limited to:
 - (a) Establishing by policy, rule and regulation, the procedures to be followed by the Chief of Police and other subordinate officers for the purchase of equipment and supplies. Such procedures may include the requirement that the Township Manager approve all expenditures with regard to the equipment and supplies.
 - (b) Keeping a record of all business transacted by the Police Department and approving all bills for the expenses of the Police Department.
 - (c) Keeping and maintaining accurate records and submitting an annual report to the Township Council which shall assess the operations of the Police Department, and its personnel, equipment and property.
 - (d) Keeping and maintaining all records, reports, documents and other data required to be kept and maintained by the federal and/or state government and/or any of their respective subdivisions.
 - (e) Keeping and maintaining a record of all appointments, dismissals, removals, resignations and deaths of officers and other Department employees as they take place, with such other information as may be necessary.
 - (f) Developing the annual budget for the Police Department and overseeing any and all expenditures of the Police Department.
 - (g) Analyzing crime trends and statistics to ensure that the Police Department makes the best use of available funds, personnel, equipment and supplies.
 - (h) Evaluating the effectiveness of work programs and procedures of all units and bureaus within the Police Department and developing effective work methods for subordinates.
 - (i) Undertaking special studies pertaining to public safety functions and promoting close coordination of planning efforts.
 - (j) Establishing and maintaining helpful and cooperative relations with civic and business organizations, schools, and court offices, and with other groups and public authorities and other jurisdictions, and with others interested in the maintenance of law and order.
 - (k) All such other duties set forth in N.J.S.A. 40A:14-118.

- (2) The Township Manager shall also be responsible for ensuring that all Police officers and employees are compensated in accordance with state and federal wage and hour requirements.

Sec. 36-5. Discipline of members of the Police Department

Discipline of police officers will be imposed consistent with the Civil Service Commission regulations, New Jersey State statutes and the Rules and Regulations of the Maple Shade Township Police Department. Employees may be subject to discipline for violating laws, statutes, ordinances, rules and regulations and written directives. Local disciplinary hearings shall be conducted by the Township Manager or their designee. Pursuant to Civil Service regulations, the imposition of major discipline may be appealed to the Commission.

Introduction: May 27, 2021

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman			x			
Nunes	x		x			
Schmidt		x	x			
Volpe			x			
Wiest			x			

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Maple Shade Township Council at a meeting held on June 24, 2021.

 Andrea T. McVeigh, Township Clerk

Adoption: June 24, 2021

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman						x
Nunes	x		x			
Schmidt			x			
Volpe		x	x			
Wiest			x			