

ORDINANCE NO. 2541

AN ORDINANCE AMENDING CHAPTER II, ARTICLE III, SECTION 2-25 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "SPECIAL LAW ENFORCEMENT OFFICERS"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter II, Article III, Section 2-25 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 2-25 SPECIAL LAW ENFORCEMENT OFFICERS.

2-25.1 Creation of Positions.

There is hereby created the positions of Special Law Enforcement Officer, Class One, and Special Law Enforcement Officer, Class Two, of the Borough of Roselle Park.

2-25.2 Duties.

a. *Class One.* Special Law Enforcement Officers, Class One, shall be authorized to perform routine traffic detail, spectator control and similar duties. Special Law Enforcement Officers, Class One, shall also have the power to issue summonses for disorderly persons offenses, violations of municipal ordinances and violations of N.J.S.A. 39:1-1 et seq. (Motor Vehicle Code). The use of a firearm by an Officer of Class One shall be strictly prohibited, and no Special Law Enforcement Officer, Class One, shall be assigned any duties which may require the carrying or using of a firearm.

b. *Class Two.* Officers of this class shall be authorized to exercise all the powers of a Class One Officer and full powers and duties similar to those of a permanent, regularly appointed full-time Police Officer. The use of a firearm by an Officer of this class may be authorized only after the Officer has been fully certified as having successfully completing the necessary training as prescribed by the Police Training Commission.

c. All Special Law Enforcement Officers shall comply with the rules and regulations applicable to the conduct and decorum of regular Officers, as well as with any rules and regulations that are specifically applicable to Special Officers.

d. *Firearms.*

1. No Special Law Enforcement Officer may carry a firearm except while engaged in the actual performance of the Officer's official duties and when specifically authorized by the Police Chief to carry a firearm, provided that the Officer has satisfactorily completed the basic firearms course required by the Police Training Commission for regular Police Officers and the semi-annual requalification examinations as required for permanent, regularly-appointed full-time Police Officers in the Roselle Park Police Department.

2. Any firearm utilized by a Special Law Enforcement Officer shall be returned at the end of the Officer's workday to the Officer in Charge of the stationhouse, unless the firearm is owned by the Special Law Enforcement Officer and was acquired in compliance

with the condition of employment established by the Roselle Park Police Department. Any Special Law Enforcement Officer first appointed after the effective date of this chapter shall only use a firearm supplied by the Roselle Park Police Department.

3. No Special Law Enforcement Officer shall carry a firearm or other similar weapon when off duty.

e. *On Duty; Supervision.*

1. A Special Law Enforcement Officer shall be deemed to be on duty only while he is performing the public safety functions on behalf of the Roselle Park Police Department pursuant to this chapter, the Borough Code or article and when he is receiving compensation, if any, from the Borough of Roselle Park at the rates or stipends as established or shall be established by ordinance. A Special Law Enforcement Officer shall not be deemed to be on duty, for purposes of this chapter, the Borough Code or ordinance while performing private security duties for private employers, which duties are assigned by the Police Chief, or while receiving compensation for those duties from a private employer. A Special Law Enforcement Officer may, however, be assigned by the Police Chief to perform public safety functions for a private entity if the Police Chief or other chief law enforcement officer supervises the performance of the public safety functions. If the Police Chief assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the Borough of Roselle Park is reimbursed for the cost of assigning a Special Law Enforcement Officer at a private entity, the Special Law Enforcement Officer shall be deemed to be on duty.

2. A Special Law Enforcement Officer shall be under the supervision and direction of the Police Chief wherein the Officer is appointed and shall perform his duties only in the Borough of Roselle Park unless in fresh pursuit of any person pursuant to N.J.S.A. 2A:156-1 et seq.

f. *Number of Hours of Work; Number of Officers.*

1. Special Law Enforcement Officers may not work more than twenty (20) hours in any one (1) week, including those duties assigned pursuant to subsection 2-25.2e. herein, except in cases of emergency, as defined in N.J.S.A. 40A:14-146.9, except for one (1) Special Law Enforcement Officer, who may be assigned by the Borough Police Chief to be employed without regard to this limitation.

2. The number of Class Two Special Law Enforcement Officers appointed by the Borough of Roselle Park can be no more than one (1) for every four (4) regularly appointed full-time Police Officers.

2-25.3 *Qualifications.*

a. No person may be appointed as a Special Law Enforcement Officer unless he/she:

1. Is a resident of the State of New Jersey during his/her term of appointment.

2. Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent.

3. Is of good moral character, is sound in body and in good health.

4. Has not been convicted of any offense involving dishonesty or which would make him/her unfit to perform the duties of the office.

5. Has successfully undergone the same psychological testing that is required of all regular Police Officers in the Roselle Park Police Department.

b. No public official or regular Police Officer may be appointed as a Special Law Enforcement Officer.

c. No individual may serve as a Special Law Enforcement Officer if that person is currently or at any time concurrent to the within appointment serving as a Special Law Enforcement Officer for any other municipality.

d. No person shall be appointed as a Special Law Enforcement Officer until the Chief of Police has conducted a background investigation in order to ascertain the eligibility of the applicant and has reported his/her findings in writing to the Mayor and Council. Fingerprints of all applicants must be taken and filed with the State Police and the Federal Bureau of Investigation.

e. All Special Law Enforcement Officers shall successfully complete a training course approved by the Police Training Commission before commencing their duties, except those officers appointed and in service on or before January 13, 1986, as long as they will have completed all training and certification requirements before January 13, 1988.

#### 2-25.4 Terms of Appointment.

Special Law Enforcement Officers shall be appointed for one (1) year terms ending January 1 of each year. Special Law Enforcement Officers may only be terminated during their term for cause and after a hearing.

#### 2-25.5 Compensation.

a. **Special Law Enforcement Officers shall receive such salary as may be established within the guides of the prevailing Salary Ordinance of the Borough.**

**1. Should any such Special Law Enforcement Officer concurrently serve as a Civilian Court Officer in the Roselle Park Municipal Court, such Special Law Enforcement Officer shall receive the same rate of pay as they do for their duties in the Roselle Park Municipal Court.**

#### SECTION 2. Invalidation

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

#### SECTION 3. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

#### SECTION 4. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 5. Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.