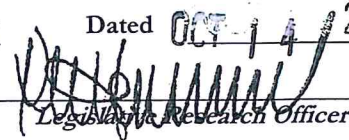


ORDINANCE OF THE TOWNSHIP OF IRVINGTON, NJ

No. MC 3553 Effective Date NOV. 4, 2015

Dated 007-14 2015

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY


Legislative Research Officer

COUNCIL MEMBER COX presents the following Ordinance SECONDED BURGESS

AN ORDINANCE AMENDING CHAPTERS 13 AND 40 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON BY CREATING THE DEPARTMENT OF PUBLIC SAFETY, AND PROVIDING FOR THE APPOINTING OF A PUBLIC SAFETY DIRECTOR AND SALARY AND THE APPOINTMENT OF A DEPUTY PUBLIC SAFETY DIRECTOR

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON as follows:

SECTION 1. There is hereby established a Department of Public Safety, the head of which shall be the Director of Public Safety. The Department of Public Safety shall consist of the Division of Police, the Division of Fire, and the Division Parking.

SECTION 2. Director of Public Safety.

The Director shall, prior to his appointment, have had at least 10 years' experience in public safety administration or such other education, specialized training, experience or qualifications as may be deemed by the Municipal Council to be in the best interests of the Township of Irvington.

SECTION 3. Powers and Duties of the Public Safety Department.

The Division of Police shall:

A. Preserve the public peace; protect life and property; prevent crime; detect and arrest offenders against the provisions of this Code and other penal laws and ordinances effective within the Town; suppress riots, mobs and insurrections; disperse unlawful or dangerous assemblages; and preserve order at all elections and public meetings and assemblages.

B. Administer and enforce the provisions of this Code and other laws and ordinances to regulate, control, direct and restrict the movement of vehicular and pedestrian traffic and the use of the streets by vehicles and persons, to protect the safety and facilitate the convenience of motorists and pedestrians, and to make and enforce rules and regulations, not inconsistent with the state law, the Charter, this Code and other ordinances, for such purposes.

C. Remove or cause to be removed all nuisances in the public streets, parks and other public places, inspect and observe all places of public amusement or assemblages and all places of business requiring any state or Town license or permit and report thereon to the appropriate department.

D. Provide proper law enforcement attendance and protection at fires.

E. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperate fully with the law enforcement and prosecuting authorities of federal, state, county and municipal governments.

F. Operate a training program to maintain and improve the efficiency of the members of the Public Safety Department.

G. Make, administer and enforce rules and regulations for the disposition, conduct and discipline of the Public Safety.

H. Operate a Juvenile Aid Bureau dealing with the problems of juveniles.

SECTION 4. The Division of Fire

The Division of Fire, under the administrative direction and supervision of the Director of Public Safety, shall have jurisdiction over the control and extinguishment of any conflagration which requires its attention and shall:

A. Make, administer and enforce rules and regulations for the control and discipline of its officers and employees, as well as the maintenance, use, care and disposition of its equipment, apparatus and fire stations.

B. Within the limits of available appropriations, provide for the care and maintenance of its own equipment, apparatus and fire stations.

C. Provide fire-fighting service for the extinguishment of fires and the necessary and incidental protection of life and property throughout the township.

D. Designate and fix the location of fire alarm telegraph and signal stations in the township.

E. Investigate the cause, circumstances and origin of fires and report to the Public Safety Department and to the County Prosecutor every case of suspicion of arson.

F. Have power to inspect and test any automatic or other fire alarm system or fire-extinguishing equipment.

G. Be authorized to enter upon, without fee or hindrance, all premises, ground structures, buildings and passages, whenever necessary in the performance of its duties.

H. Operate a training program to maintain and improve the fire-fighting efficiency of the members of the Department of Public Safety.

I. Maintain a Bureau of Fire Prevention and administer the provisions of this chapter and other ordinances of the township relating to fire safety and the New Jersey Uniform Fire Safety Code.

J. The Director of Public Safety shall appoint the persons to serve as fire prevention subcode officials pursuant to the State Uniform Construction Code, N.J.S.A. 52:27D-126.1.

K. The Director of Public Safety shall appoint the person to serve as Fire Official pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192, et seq.

L. The Bureau of Combustibles, as heretofore constituted, shall be located in the Division of Fire.

M. All requests for searches or photocopies of such certain information contained in official files of the Division of Fire shall be made to the Bureau of Fire Prevention in the Division of Fire of the town during reasonable hours of the weekday when such Bureau is open in accordance with its schedule of working hours.

SECTION 5. Personnel.

The Department of Public Safety shall consist of such officers and men and women as shall be authorized by this Code or by ordinance for the law enforcement force within the Department of Public Safety.

SECTION 6. Division of Parking.

Within the Department of Public Safety there shall be a Division of Parking. Within the Division of Parking there shall be a Bureau of Parking which shall oversee the management of the Township's parking system, including the operation of on-street and off-street parking facilities and the consequent promotion of the free movement of traffic and relief of congestion on the streets and improvement of conditions affecting the public safety and welfare of the Township. The head of the Bureau of Parking shall be the Director of the Department of Public Safety, who shall appoint a Parking Superintendent who shall be responsible for the day-to-day operations. The Director of Public Safety shall furnish a monthly report of income, expenses and personnel to the Municipal Council. All of the functions, powers and duties of the Division of Parking within the Department of Revenue and Finance as heretofore established shall be transferred and assigned to the Bureau of Parking within the Department of Public Safety.

SECTION 7. Solicitation by Public Safety Employees

No member of the Department of Public Safety shall solicit or accept anything of value as consideration for or in connection with the discharge of his official duties; nor shall any member of the Department of Public Safety solicit the sale of tickets in connection with any fundraising campaign nor request contributions directly or indirectly for same, nor solicit anything of value for the benefit of himself or any other person or any Department of Public Safety member, group or organization, without the written permission of the Public Safety Director.

SECTION 8. Powers and Duties of the Public Safety Director.

A. The Public Safety Director shall be the Administrator and Head of the Public Safety Department subordinate to the Business Administrator and Mayor.

B. The Public Safety Director shall give reports to the Mayor and Irvington Municipal Council twice a month or as requested by the Council. In addition, the Public Safety Director shall provide said reports to the Irvington Municipal Council at the Council caucus meeting and/or Council meetings.

C. The Public Safety Director shall attend the pre-Council Director's meetings twice a month, unless sick or on vacation.

D. The Public Safety Director shall be responsible for drafting and submitting an annual budget for the Public Safety Department.

E. The Public Safety Director shall supervise the Deputy Public Safety Director, Chief of Police and Chief of Fire.

F. The Public Safety Director, or his designee, shall officiate COMSTAT.

G. The Public Safety Director shall conduct and participate in training or instruction of, to or with any Public Safety personnel.

H. Supervise the Public Safety Department and be responsible for all other personnel therein.

I. The Director of Public Safety shall be responsible for the administration, regulation and as the appropriate authority the discipline of the Division of Police and the Division of Fire.

J. The Mayor can appoint a Deputy Director of Public Safety. The Director of Public Safety shall assign such person duties as desired. The person appointed as Deputy Director of Public Safety shall be qualified by training and experience for the duties of the position. The person shall not be appointed unless he or she meets the following minimum qualifications, unless said qualifications are waived by affirmative vote of at least two-thirds of the entire Council: a minimum of ten (10) years experience as a member of a police department, fire department or other public safety agency, five years of which shall have been in a supervisory and administrative capacity.

K. The Director of Public Safety shall report directly to the Business administrator and the Mayor concerning conditions of the Department and its improvements and needs.

L. The Director may employ special law-enforcement officers in accordance with N.J.S.A. 40A:14-146.8 et. seq., "Special Law Enforcement Act;"

M. The Director of Public Safety may promulgate rules and regulations for the Division of Police and The Division of Fire.

N. The Public Safety Director, or his designee, shall serve as the hearing officer in disciplinary matters and have all of powers prescribed in NJSA 40A:14-118.

O. The Director of Public Safety shall:

- (1) Keep abreast of the public safety requirements of the Township and formulate policies, directives, orders, plans and procedures to determine needs;
- (2) Develop organization, manpower and resource recommendations and, upon effect their implementation;

- (3) Establish performance criteria for the Department as a whole as well as its individual members and conduct periodic evaluations to assure compliance with those criteria;
- (4) Establish and maintain relations with school, civil and private organizations to assure a full understanding of the public safety effort;
- (5) Conduct public relations and public information programs on behalf of the Department in order to maintain the required relationship between the department and the citizens of Irvington;
- (6) Promote a close liaison with the various agencies located in Irvington, and to attend meetings of the Town Council as needed to better coordinate the functioning of the Division of Police and Division of Fire.
- (7) Regularly review the ordinances of the Township of Irvington dealing with public safety.
- (8) Meet with any police and fire personnel he deems appropriate to ascertain information necessary to formulating policy, directives, general orders, or any other matters concerning the effective and efficient operation of the Division of Police and the Division of Fire.
- (9) Be responsible for the deployment of all police and fire personnel as well as all resources and equipment.
- (10) Be responsible for the routine day to day operations of the Police Division and Fire Division when the Chief of Police and Chief of Fire are on vacation, sick leave, family medical leave, military leave or any other approved leave of absence for more 14 consecutive days.
- (11) Be responsible for the routine day to day operations when there is no Chief of Police or Chief of Fire by ordinance.
- (12) In the absence of the Public Safety Director, due to illness, vacation or vacancy, the day to day operations will fall to the Business Administrator.

SECTION 9. Safekeeping of stolen property.

The Public Safety Director shall provide by rules and regulations for the custody and safekeeping of all property alleged to be found abandoned, stolen or embezzled, all property taken from the person of any prisoner and all other property alleged to have been acquired or possessed unlawfully which shall come into the possession of any member of the Public Safety Department. All such property and money shall be promptly described and registered and be accounted for in detail in such manner as the Public Safety Director shall prescribe with the approval of the Comptroller.

SECTION 10. Release of official Public Safety information.

The Director of the Department of Public Safety of the Township is hereby authorized to prescribe rules and regulations governing the release of certain information contained in the official files of the Public Safety Department of the Township. Unless ordered to do otherwise by a court of competent jurisdiction, he or she may refuse to issue any such information when, in his or her judgment, the interest of public safety requires, and he or she may refuse to issue any such information which he or she has classified as confidential.

SECTION 11. Hours for requesting information.

All requests for information in official files, authorized for release by the rules and regulations established pursuant to Section 10, shall be made to the Bureau of Records and Identification of the Public Safety Department during such hours as are set forth in the working schedule of such Department.

SECTION 12. Fees

A. The following fees shall be charged by the Public Safety Department, Division of Police:

Fees for copies and other services.

(1) For clearance visas and letters of good conduct, the fee shall be as set forth in Chapter 98, Fees and Licenses.

(2) For fingerprints, the fee shall be as set forth in Chapter 98, Fees and Licenses.

(3) For a photograph, the fee shall be as set forth in Chapter 98, Fees and Licenses.

(4) For each search to verify information authorized for release by the rules and regulations established pursuant to Section 10, the fee shall be as set forth in Chapter 98, Fees and Licenses.

(5) The fees for copies of motor vehicle accident reports, per page, if obtained in person; for copies of all other reports authorized for release by the rules and regulations established pursuant to Section 10, if obtained in person; and for copies of such reports requested other than in person, per report shall be as set forth in Chapter 98, Fees and Licenses. For each report searched for and not found, the fee shall be as set forth in Chapter 98, Fees and Licenses.

(6). The fees provided herein are exclusive of fees charged by other authorities.

B. The following fees shall be charged by the Public Safety Department, Division of Fire:

Fees for copies and other services.

The following fees for searching or obtaining photocopies of certain information authorized to be release are hereby established:

(1) For search or verification of certain information, the fee shall be as set forth in Chapter 98, Fees and Licenses, for each such search or verification.

(2) The fees for a photocopy of the first page or portion thereof and for each page thereafter, as well as a maximum fee, are set forth in Chapter 98, Fees and Licenses.

(3) No fee shall be charged for any requested search or photocopy by a federal, state, county or municipal duly constituted agency or department.

(4) Any person having a lawful interest in the subject matter shall be allowed to hand-copy such released information under the supervision of a Bureau employee without charge.

(5) A receipt shall be given in triplicate for all moneys received in connection with the making of a search or for such photocopies aforesaid. The original of such receipt shall be given to the person making the payment for such search or photocopies, the duplicate to be attached to the form made out for all such services performed or rendered and the triplicate to remain in chronological order in the Bureau of Fire Prevention for audit. The aforesaid receipt shall be identified by a corresponding number on the original and both copies of such receipt. All such moneys shall be forwarded monthly to the Department of Revenue and Finance.

SECTION 13. Services for which no charge is made.

A. A resident of the Township who is a defendant in a judicial proceeding arising out of a motor vehicle accident shall be allowed to copy the report of such accident without charge therefor.

B. No fee shall be charged for fingerprints for law enforcement, fire fighting personnel, civil defense and special law enforcement officers (formerly special police) applicants. Fees charged by other authorities shall be paid by the applicant.

C. No fee shall be charged for any information requested by the Irvington Board of Education.

SECTION 14. Receipts for fees.

A receipt shall be prepared in triplicate for all money received in connection with the services provided pursuant to Sections 10 to 12, the original to be given to the person making the payment for such services, the duplicate to be attached to the form made out for all such services performed and the triplicate to remain in chronological order in the Bureau of Records and Identification for audit. The aforesaid receipt shall be identified by corresponding number on the original and both copies. All money so received shall be forwarded monthly to the Department of Revenue and Finance.

SECTION 15. Registration of security individuals and companies.

Any individual or company rendering service as private security, within the Township of Irvington, either armed or unarmed, shall first register with the Irvington Public Safety Department, at least 24 hours prior to the start of such operation. The twenty-four-hour notice clause may be waived by the Public Safety Director, or the appropriate designee for good cause shown but in every event notice must be given before the start of said service. At that time the individual shall be required to provide adequate proof that he, she or it, as the case may be, is the possessor of an appropriate license.

SECTION 16. Article II. Special Detain Assignments of Off-Duty Officers.

Policy Established; conditions.

For the convenience of those persons and entities which utilize the services of off-duty law enforcement officers of the Township of Irvington Public Safety Department, and to authorize the outside employment of the Public Safety Department while off duty, the Township of Irvington hereby establishes a policy regarding the use of said officers in compliance with N.J.S.A. 45:19-9 et seq. as amended by the Security Officers Registration Act, P.L. 2004, c. 134.

A. Members of the Township of Irvington Public Safety Department, at their option, shall be permitted to accept law enforcement-related employment for private employers, who are separate and independent from the Township of Irvington, only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty of the Township.

B. Any person or entity wishing to employ off-duty law enforcement officers of the Township of Irvington Public Safety Department shall first obtain the approval of the Public Safety Director or his or her designee, which approval shall be granted if, in the opinion of the Public Safety Director or his or her designee, such employment is necessary and would not be inconsistent with the efficient functioning and good reputation of the Public Safety Department and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

C. Trust Account:

A. To assure the timely payment of wages to off-duty law enforcement officers of the Township of Irvington Public Safety Department who perform off-duty services, and to meet the requirements of the Fair Labor Standards Act, the Township of Irvington has established a trust fund known as the "Outside Employment for off-duty law enforcement officers of the Township of Irvington Public Safety Department Trust Account," which trust fund is dedicated for the receipt of fees collected from private persons or entities for payment to off-duty law enforcement officers of the Township of Irvington Public Safety Department for off-duty or outside employment services. The Outside Employment for off-duty law enforcement officers of the Township of Irvington Public Safety Department Trust Account shall be administered by the Department of Revenue and Finance of the Township of Irvington, which shall make a report to the Township Council every 90 days regarding said account.

B. Any person or entity requesting the services of an off-duty law enforcement officer in the Township of Irvington shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Public Safety Director, or his or her designee, and upon public Safety Director approval, a copy of said approval shall be forwarded to the Jobs in Blue Office of the Township of Irvington. The person or entity requesting the services shall then forward payment for services for the total estimated hours of service, the rates of compensation and administrative fees as set forth in Section 20 to the Jobs in Blue Office which, upon review, will forward to the Department of Revenue and Finance for deposit in a trust account within the Outside Employment for off-duty law enforcement officers of the Township of Irvington Public Safety Department officers of the Township of Irvington Public Safety Department Trust Account.

C. In any instance where the number of hours required is unknown and cannot be reasonably estimated, or is anticipated to be in excess of 10 days, the person or entity requesting the services of an off-duty law enforcement officers of the Township of Irvington Public Safety Department shall deposit an amount sufficient to cover the rate of compensation and administrative fees set forth in Section 20 for the equivalent of 10 days prior to the commencement of any work. Any unused portion of the deposit shall be returned or credited against the final amount owed.

D. Prior to posting any request for services of off-duty law enforcement officers, the Public Safety Director or his or her designee shall verify that the balance in the trust account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Public Safety Director or his or her designee shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited in the Off-Duty Employment for off-duty law enforcement officers of the Township of Irvington Public Safety Department Trust Account. All payments must be paid directly to the Township for said account. No officer shall be paid directly by any employer for requested services nor provide any such services for more hours than are specified in the request for services.

E. In the event the funds in such a trust account should become depleted, services of off-duty law enforcement officers shall cease, and further requests for further or future services shall not be performed or posted until additional funds have been deposited in the trust account in the manner prescribed above. In the event of an unforeseen emergency situation that would require an officer to remain beyond the time for which funds have been posted, the Public Safety Director or his or her designee may waive the requirement for posting additional funds after the first 10 hours for any person or entity exhibiting a previous satisfactory payment history. However, the person or entity requiring the extended service within 48 hours shall make payment for the additional hours.

F. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the trust account in order avoid any interruption of services.

G. Exemption. All public utility companies that are under the jurisdiction of, and regulated by, the New Jersey Board of Public Utilities, and state, county and other quasi-government agencies will be exempt from the provisions set forth in this section requiring advance payment to the trust account; provided, however, that there are no amounts previously due that are outstanding for a period in excess of 30 days. Any such delinquent balances shall require advance payment of the amount outstanding prior to any officer engaging in any further off-duty assignments.

SECTION 17. Requests for services.

A. All requests to the Township for services of off-duty law enforcement officers in the Township of Irvington Public Safety Department for a period of one week or longer shall be forwarded to the Public Safety Director or his or her designee for posting at least 10 days before such services are required. Any law enforcement officers, when so employed by private employers, shall be compensated at the rate set forth in Section 19, hereafter.

B. All requests to the Township for services of off-duty law enforcement officers of the Township of Irvington Public Safety Department for a period of less than one week shall be forwarded to the Public Safety Director or his or her designee for posting as soon as practicable, but in no event less than 24 hours before such services are required, except in emergency situations. Any law enforcement officers, when so employed by private employers, shall be compensated at the rates set forth in Section 18, hereafter.

C. In emergency situations, requests to the Township for the services of off-duty law enforcement officers of the Township of Irvington Public Safety Department shall be made as necessary to the Public Safety Director or his or her designee, who shall make every effort to accommodate such request in a reasonable manner in his or her discretion. Any off-duty law enforcement officers of the Township of Irvington Public Safety Department, when so employed by private employers, shall be compensated at the rates set forth in Section 18, hereafter.

SECTION 18. Rate of Compensation.

A. Rates of compensation for contracting the services of off-duty law enforcement officers of the Township of Irvington Public Safety Department are established as set forth in Chapter 98, Fees and Licenses.

B. All off-duty law enforcement officers of the Township of Irvington Public Safety Department shall be guaranteed a minimum of four hours and be compensated for any fraction thereof, or whole hour, in addition thereto.

SECTION 19. Cancellation.

In the event that the person or entity requesting the off-duty law enforcement officers of the Township of Irvington Public Safety Department fails to contact the Township of Irvington at least two hours prior to the scheduled start time to cancel the job, or the officer works fewer than four hours and the job is completed, the officer is entitled to be paid for the minimum of four hours at the rate compensation set forth in Section 18.

SECTION 20. Public Emergencies.

The Public Safety Director or his or her designee shall have the authority to order any law enforcement officer engaged in off-duty assignments within the Township to respond to an emergency situation within the Township of Irvington. The Public Safety Director or his or her designee shall also have the right to order any off-duty assignment of law enforcement officers of the Township of Irvington Public Safety Department to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the off-duty law enforcement officers of the Township of Irvington Public Safety Department and/or the citizens of the Township of Irvington. In the event that a law enforcement officers of the Township of Irvington Public Safety Department is assigned to an emergency situation, the Public Safety Director or his or her designee shall make note of said off-duty assignment. In any situation where an off-duty law enforcement officer is called to an emergency situation, said person shall not be responsible for the payment of the officer's hourly rate, administrative fee or any other fees to the Township of

Irvington until such time as said law enforcement officer and/or equipment returns to the assignment of the off-duty employer.

SECTION 21. Policies and procedures.

The Public Safety Department policy and procedures shall be revised to be in compliance with this article and N.J.S.A. 45:19-9 et seq. as amended by P.L. 2004, c. 134.

SECTION 22. Auxiliary law enforcement officers of the Township of Irvington Public Safety Department

Establishment.

There is hereby established auxiliary law enforcement officers of the Public Safety Department Township of Irvington.

Training and service.

The above unit will be attached to the Township of Irvington Public Safety Department Irvington for training purposes and will serve pursuant to Title 58 (App. a.9) and other directives and orders of the State Director of Emergency Management, the Governor and the State Civil Defense Act.

SECTION 23. Sections 13-8 through 13-13 and Section 13-16 of the Revised Code of the Township of Irvington is hereby repealed.

SECTION 24. Arson Investigation unit.

A. Within the Division of Fire, pursuant to N.J.S.A. 40A:14-7.1, there is hereby established within the Public Safety Department of the Township of Irvington an Arson Investigation Unit consisting of not more than two (2) firefighting personnel in the Department of Public Safety, which shall be responsible for conducting investigations of arson, suspicious fires and explosions within the Township of Irvington.

B. Before any member of the Public Safety Department shall be assigned to the Arson Investigation Unit, he/she shall have successfully completed a course of training approved by the Law Enforcement (formerly Police) Training Commission and an arson investigation training course approved by the Department of Law and Public Safety.

C. Members of the Arson Investigation Unit shall have the same powers and authority as law enforcement officers within the Township of Irvington while engaged in the actual performance of arson investigation duties, specifically including the right to carry firearms pursuant to regulations promulgated by the Director of the Public Safety Department of the Township of Irvington. Firearms shall be carried only while members of the unit are on duty and engaged in the actual performance of their duties.

SECTION 32. This ordinance shall take effect upon final adoption and publication according to law.

BA ☐ BLDG ☐ CFO ☒ COURT ☐ DHS ☐ DHW ☐ DPW ☐ ENG ☐ FIRE ☒ INIC ☐ JUDGE ☐ LIBR ☐ LICEN ☐ LEGAL ☐ MAYOR ☐ OCDP~DIR ☐
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