

**BOROUGH OF EMERSON
COUNTY OF BERGEN
NOTICE OF INTRODUCTION**

ORDINANCE 1511-15

Introduced: October 20, 2015

NOTICE IS HEREBY GIVEN that the following proposed Ordinance was introduced and passed on first reading at the Regular meeting of the Borough Council of the Borough of Emerson on the 20th day of October, and that said proposed Ordinance will be further considered for final passage at the meeting of said Borough Council to be held on the 10th day of November, 2015 at 7:30 p.m., or as soon thereafter as said matter can be heard at the Municipal Building, Linwood Avenue, Emerson, New Jersey, at which time and place all persons who may be interested therein shall be given an opportunity to be heard concerning same.

**AN ORDINANCE AMENDING CHAPTER 77, POLICE
DEPARTMENT, SECTION 4, COMPOSITION.**

WHEREAS, Chapter 77 of the Code of the Borough of Emerson entitled “Police Department” provides a Table of Organization for positions within the Division of Police; and

WHEREAS, the Police Chief has recommended that the Borough Council amend the Code of the Borough to permit the possibility of having two Lieutenants and four Sergeants or one Lieutenant and five Sergeants.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Emerson, within the County of Bergen and State of New Jersey, as follows:

Section 1. Amending Section 77-4 – Composition.

§ 77-4 Composition. A. The Police Department shall consist of a police force and such other nonsworn or civilian personnel as the governing body shall appoint. The police force shall consist of one Chief of Police and no more than: one Captain, one Lieutenant, five Sergeants and 13 police officers or one Captain, two Lieutenants, four Sergeants and 13 police officers. Such configuration shall be determined at the discretion of the Appropriate Authority after review by the CFO and certification of available funds to provide for the salaries associated with the selected configuration. Such employees shall carry out and obey all orders and instructions of the Chief of Police or, in his absence, in accordance with the chain of command. In the event of an officer in any of these positions being on leave immediately preceding an announced retirement or a suspension with intent to dismiss, the Mayor and Council may, for the efficiency of the Department, appoint a replacement to serve in the vacant position. The governing body may also choose to leave a position vacant to undertake a review of whether the current table of organization is still beneficial to the police mission. The governing body shall have up to one year from the effective date of retirement or resignation to appoint/promote the replacement in order to conduct a thorough, fair and competitive search and selection process

Section 2. Severability and Repealer.

- A. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- B. All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

Section 3. Effective Date.

This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

Attest:

Jane Dietsche, RMC
Borough Clerk

Louis Lamatina
Mayor