

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE NO #1/20

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE 1, CHAPTER 80 ENTITLED “POLICE DEPARTMENT,” SECTIONS 80-2 “POLICE DEPARTMENT ESTABLISHED, COMPOSITION,” 80-3 “DIRECTOR OF PUBLIC SAFETY,” OF THE CODE OF THE TOWN OF WEST NEW YORK TO ESTABLISH THE POSITION OF ASSISTANT DIRECTOR OF PUBLIC SAFETY AND DEPUTY POLICE CHIEF OF THE TOWN OF WEST NEW YORK;

WHEREAS, a clear and unequivocal need to fulfill the duties of Director of Public Safety exists in the Town of West New York where a vacancy in the position exists, in order to assist the Mayor, who serves as the Commissioner of the Department of Public Safety, oversee the efficiency and routine day-to-day functions of the West New York Police Department, and perform other functions and execute policies as directed by the Commissioner of the Department of Public Safety to ensure the effective and efficient administration of law enforcement in accordance with State and federal law;

BE IT ORDAINED, by the Board of Commissioners of the Town of West New York, County of Hudson and State of New Jersey, that Article I, Chapter 80 Police Department, Sections 80-2, Police Department Established, Composition, and 80-3, Director of Public Safety, be and are hereby amended and supplemented to provide for the establishment of the positions of Assistant Director of Public Safety and Deputy Police Chief of the Town of West New York as follows:

SECTION 1

Chapter 80-2 and -3 of the Code of the Town of West New York shall be amended by adding the underlined language and deleting the bold and bracket language as follows:

§ 80-2 Police Department established; composition.

- A. There is hereby created in and for the Town of West New York a Police Department, which shall consist of a Director of Public Safety, or an Assistant Director of Public Safety, and such other members and officers as shall be deemed necessary by the Commissioner of the Department of Public Safety. The Commissioner of the Department of Public Safety shall, from time to time, determine the number of persons, including temporary officers and members in an emergency, to be appointed to these positions, together with their compensation, pursuant to law.
- B. Composition of Police Department.

- (1) The Police Department of the Town of West New York shall be organized according to below mentioned table of organization when a number is sufficient to meet the needs, goals and objectives of the Police Department at any given time, in accordance with the New Jersey Department of Personnel Rules and Regulations. There shall be a review of the West New York Police Department Table of Organization, at least once every year, by the Commissioner of Public Safety, Director of Public Safety, and Town Counsel to ensure that it meets the needs of the Town, its residents, businesses, and visitors, and is in compliance with all relevant statutes and judicial decisions. Failure to conduct such a review shall not render this section invalid.
- (2) The Police Department may consist of no more than one Director of Public Safety, one Assistant Director of Public Safety, two Deputy Police Chiefs, five Police Captains, 14 Police Lieutenants, 18 Police Sergeants, and 86 other police officers, all of whom may hold the position of detective, as deemed necessary and proper by the Director of Public Safety.
 - (a) Terms. All members of the Department, except for the Director of Public Safety and Assistant Director of Public Safety, if so designated, shall serve terms as provided for under the laws of the State of New Jersey, including the Civil Service Act, the regulations of the Civil Service Commission, and the ordinances of the Town of West New York. The terms of the Director of Public Safety and Assistant Director of Public Safety, if so designated, shall not exceed three years from appointment and may be renewed.
 - (b) Duties. All members of the Department shall have those duties as provided for under the laws of the State of New Jersey, including the Civil Service Act, the regulations of the Civil Service Commission, and the ordinances of the Town of West New York, as may be applicable, and those duties assigned through the appropriate chain of command.
- (3) In addition, civilian employees, including but not limited to mechanics, laborers, telephone operators, clerks, computer personnel, police dispatchers, school traffic guards and special police officers (sworn and nonsworn officers), may be hired at the discretion of the Commissioner of the Department of Public Safety.

§ 80-3 Director of Public Safety.

- A. The Director of Public Safety shall be the head of the police force. He/she shall be directly responsible to the Commissioner of the Department of Public Safety for the efficiency and routine day-to-day operations thereof. The Director of Public Safety shall have, pursuant to policies established by the Commissioner of the Department of Public Safety, the authority to:
 - (1) Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.

- (2) Have, exercise, and discharge the functions, powers, and duties of the force.
- (3) Prescribe the duties and assignments of all subordinates and other personnel.
- (4) 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.
- (5) Faithfully and promptly obey and cause all personnel of the Police Department under him/her to obey all rules, regulations, and orders.
- (6) In case of riot, insurrection or threatening thereof, take command of the Police Department in person and direct its movements and operations and discharge of its respective duties.
- (7) Be responsible for the investigation and adjudication of all complaints concerning performance of service or duties performed by the members of the Department.
- (8) Maintain a constructive relationship with the media and the public.
- (9) Be responsible for the maintenance of a daily police attendance record in which each member shall record his/her rank and time of reporting and leaving duty, complaints and matters pertaining to the Police Department.
- (10) Report at least weekly to the Commissioner of the Department of Public Safety in such form as shall be prescribed by such Commissioner of the Department of Public Safety on the operation of the force during the preceding week and make such other reports as may be requested by the Commissioner of the Department of Public Safety.

- B. **[In the absence of the Director of Public Safety, it shall be the responsibility of the Director of Public Safety to designate the officer, a person to perform the duties of the Director of Public Safety and who shall perform all duties as set forth herein.]**
The Commissioner of the Department of Public Safety shall designate an Assistant Director of Public Safety to perform the duties of the Director of Public Safety, only in the absence of the Director of Public Safety or upon vacancy in the position of the Director of Public Safety.
- C. The Commissioner of the Department of Public Safety with the recommendation of the Director of Public Safety shall, from time to time, adopt rules and regulations for the government of the Police Department and fix and enforce penalties for violations of such rules and regulations.
- D. In the absence of the Director of Public Safety and Assistant Director of Public Safety, one or more Deputy Police Chiefs, if appointed, shall perform the duties of the Director of Public Safety under the supervision of the Commissioner of the Department of Public Safety.

The remainder of this Section and Article shall remain unchanged and in full force and effect.

SECTION TWO

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 remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION THREE

Repealer. All ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, or the extent of such conflict or inconsistency, it being legislative intent that all ordinances or portions of ordinances now existing or in effect shall remain in effect unless the they are in conflict or inconsistent with any provision of this Ordinance

SECTION FOUR

When Effective. This ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 80 of the Code of the Town of West New York and updates the composition of the West New York Police Department.

INTRODUCED: January 8, 2020

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **January 8, 2020** and ordered published, and will be further considered before final passage at a public hearing on **January 29, 2020 at 6:30 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk