

NOTICE OF PENDING ORDINANCE
NOTICE IS HEREBY GIVEN

that at a virtual meeting of the Council of the Borough of North Plainfield held on November 17, 2020 there was introduced and read for the first time, and passed on such first reading, an ordinance, a true copy whereof is printed below and that said Council did then and there fix the regular meeting of said Council to be held on December 14, 2020 at 7:30 p.m. or as soon thereafter as the matter may be heard, and the Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey as the place when and where said ordinance will be further considered for final passage, at which time and place, or at any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

The said ordinance as introduced and passed on first reading as aforesaid is in the following words and figures:

ORDINANCE NO. 20-12

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 2, ARTICLE III, SECTION 2-21 OF THE BOROUGH CODE, ENTITLED “POLICE DEPARTMENT,” TO ADD A NEW SUBSECTION ENTITLED “SPECIAL LAW ENFORCEMENT OFFICERS”

WHEREAS, pursuant to the Special Law Enforcement Officers' Act, N.J.S.A. 40A:14-146.8 *et seq.* a municipality may, as it deems necessary, appoint special law enforcement officers sufficient to perform the duties and responsibilities permitted by local ordinances, as appropriate; and,

WHEREAS, the Borough wishes to establish the position of “Special Law Enforcement Officers” to assist the Borough’s Police Department in the performance of its duties and responsibilities subject to the eligibility criteria and limitations set forth in the Special Law Enforcement Officers’ Act and this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Code of the Borough of North Plainfield be amended, revised and supplemented as to Chapter 2, Article III, Section 2-21, entitled “Police Department,” to add a new subsection entitled “Special Law Enforcement Officers” as follows:

SECTION 1: Appointment, Term of Office, and Supervision. Special Law Enforcement Officers shall be nominated by the Chief of Police to the Mayor, who shall seek the approval of same by the Borough Council for a one (1) year term. The appointment may be revoked by the Borough for cause after adequate hearing, unless the appointment is for four (4) months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require reappointment upon the expiration of the term. The special law enforcement officers so appointed shall not be members of the Borough Police Department and their powers and duties shall cease at the expiration of the term for which they were appointed. Special law enforcement officers shall be under the supervision and direction of the Chief of Police or, in the absence of the Chief, another superior officer designated by the Chief of Police.

SECTION 2: Qualifications.

A. A person shall not be appointed as a special law enforcement officer unless the person:

- (1) Is a resident of this State during the term of appointment; and,
- (2) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent; and,
- (3) Is sound in body and of good health; and,
- (4) Is of good moral character; and,
- (5) Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of his office; and,
- (6) Has successfully undergone the same psychological testing that is required of all full-time police officers of the Borough.

B. In addition to the qualifications established above, a person shall not be appointed as a Class Three special law enforcement officer unless the person:

- (1) Is a retired law enforcement officer who is less than sixty-five (65) years of age; and,
- (2) Had served as a duly qualified, fully-trained, full-time officer in any law enforcement position eligible for participation in the Police and Firemen's Retirement System (PFRS) or in any federal or bi-state law enforcement agency or as a member of the State Police and was separated from that prior service in good standing; and,

(3) Is physically capable of performing the functions of the position, determined in accordance with Police Training Commission guidelines; and,

(4) Possesses a New Jersey Police Training Commission Basic Police Officer Certification , New Jersey State Police Academy Certification, or other proof of basic police training approved by the Police Training Commission; and,

(5) Has completed the training course for safe schools resource officers developed pursuant to N.J.S.A. 52:17B-71.8; and,

(6) Is hired in a part-time capacity.

C. Every applicant for the position of special law enforcement officer shall have his or her fingerprints taken, which fingerprints shall be filed with the New Jersey Division of State Police and the Federal Bureau of Investigation.

SECTION 3. Classes of Special Law Enforcement Officers. There shall be three (3) classifications for special police officers. The classifications shall be based upon the duties to be performed by the special law enforcement officer as follows:

(1) Class One. Officers of this class shall be authorized to perform routine traffic detail, spectator control, and similar duties. If authorized by subsequent Ordinance, Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances, and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and a Class One officer shall not be assigned any duties which may require the carrying or use of a firearm.

(2) Class Two. Officers of this class shall be authorized to exercise 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 successfully completing training as prescribed by the Police Training Commission established in the Department of Law and Public Safety, pursuant to N.J.S.A. 52:17B-70.

(3) Class Three. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing security at a public or nonpublic school or a county college on the school or college premises during hours when the public or nonpublic school or county college is normally in session or when it is occupied by public or nonpublic school or county college students or their teachers or professors. While on duty in the Borough, an officer may respond to offenses or emergencies off school or college grounds if they occur in the officer's presence while traveling to a school facility or county college, but an officer shall not

otherwise be dispatched or dedicated to any assignment off school or college property.

The use of a firearm by an officer of this class shall be authorized pursuant to the provisions of N.J.S.A. 40A:14-146.14. An officer of this class shall not be authorized to carry a firearm while off duty unless the officer complies with the requirements set forth in N.J.S.A. 2C:39-6, authorizing a retired law enforcement officer to carry a handgun.

SECTION 4. Use of Firearms and Duty Times.

- A. A special law enforcement officer shall not carry a firearm except while engaged in the actual performance of the officer's official duties and when specifically authorized by the Chief of Police to carry a firearm and provided that the officer has satisfactorily completed the basic firearms course required by the Police Training Commission for regular police officers and annual requalification examinations, as required for permanent, regularly appointed full-time officers of the Borough.
- B. 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. Special law enforcement officers shall only use a firearm supplied by the Borough.
- C. A special law enforcement officer shall be deemed to be on duty only while the officer is performing the public safety functions on behalf of the Borough, pursuant to this Subsection and when the officer is receiving compensation, if any, from the Borough at such rates or stipends as may be established by Ordinance. A special law enforcement officer shall not be deemed to be on duty while performing private security duties for private employers, which duties are not assigned by the Chief of Police, or, in the absence of the Chief, other law enforcement officer of the Borough designated by the Chief, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however, be assigned by the Chief of Police or, in the absence of the Chief, the Chief's designee, to perform public safety functions for a private entity if the Chief of Police, or designee, supervises the performance of the public safety functions. If the Chief of Police, or designee, assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the Borough is reimbursed for the cost of assigning a special law enforcement officer by a private entity, the special law enforcement officer shall be deemed to be on duty.

NOW, THEREFORE, BE IT FURTHER ORDAINED that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-

181(b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

Copies of the full Ordinance are on file with the Borough Clerk of the Borough of North Plainfield in the Municipal Building, 263 Somerset Street, North Plainfield, New Jersey. Copies may be obtained upon request and a copy is posted on the Bulletin Board in the Municipal Building reserved for such purpose.

Richard K. Phoenix, RMC
Borough Clerk