

**ORDINANCE NO. 3412-17**

**AN ORDINANCE TO AMEND AND SUPPLEMENT  
THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 76, SECTION 76-2.1,  
ENTITLED "NOMINATIONS AND APPOINTMENTS OF SPECIAL LAW ENFORCEMENT  
OFFICERS, AND SECTION 76-3.1, ENTITLED "MEMBERSHIP REQUIREMENTS FOR  
SPECIAL LAW ENFORCEMENT OFFICERS"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Rutherford, County of Bergen and State of New Jersey that Chapter 76 of the Code of the Borough of Rutherford, Section 76-2.1 entitled "Nominations and appointments of special law enforcement officers" and Section 76-3.1 entitled "Membership Requirements for Special Law Enforcement Officers" shall be amended and that those portions of the Ordinance set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged:

§ 76-2.1 Nominations and appointments of special law enforcement officers.

[Added 3-18-1997 by Ord. No. 2789-97 <sup>[1]</sup>]

**Special law enforcement officers may be appointed in the Borough of Rutherford in accordance with the provisions of this section and the provisions of N.J.S.A. 40A:14-146.8, Special Law Enforcement Officers Act, and all amendments thereto.** The Mayor shall nominate and, with the advice and consent of the Council, appoint Class 1 special law enforcement officers for terms not exceeding one year **upon the written recommendation of the Chief of Police or his/her designee. There may be appointed such number of said special law enforcement officers as may be required.** Such special law enforcement officers shall not be members of the Police Department of the borough.

[<sup>1</sup>] Editor's Note: This ordinance was vetoed by the Mayor but was approved 3-18-1997 by vote of the Council overriding the veto of the Mayor.

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§ 76-3.1 **Classes and** Membership requirements for special law enforcement officers.

[Added 3-18-1997 by Ord. No. 2789-97<sup>[1]</sup>]

~~Except as otherwise provided by law, no person shall be appointed as a Class 1 special law enforcement officer unless he or she meets the following general qualifications:~~

~~A. The person shall comply with the residency requirements of Borough Code §§ 70-3, 70-3.3 and 70-3.6.~~

~~B. The person shall be able to read, write and speak the English language well and intelligently and have a high school diploma or its equivalent.~~

~~C. The person shall be sound in body and of good health.~~

~~D. The person shall be of good moral character.~~

~~E. The person shall not have been convicted of any offense involving dishonesty or which would make him or her unfit to perform the duties of the office.~~

~~F. The person shall have successfully undergone the same psychological testing that is required of all full-time police officers in the borough.~~

~~[1] Editor's Note: This ordinance was vetoed by the Mayor but was approved 3-18-1997 by vote of the Council overriding the veto of the Mayor.~~

**A. Classes of special law enforcement officers: There shall be one class of special law enforcement officers based upon the duties to be performed as follows:**

**(1) Class 1. Officers of this class shall be authorized to perform routine traffic detail, spectator control and similar duties. Said 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 firearms by an officer of this class is expressly and strictly prohibited. No Class 1 officer shall be assigned duties which require or may require the carrying or use of a firearm. Each Class 1 special law enforcement officer shall have satisfactorily completed Class 1 training program with a certificate stating the category of certification from the Police Training Commission having completed the mandatory training.**

**B. Term. Special law enforcement officers shall be appointed for terms not to exceed one year; provided, however, that the appointment may be revoked by the Mayor and Council for cause at the hearing unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing, pursuant to N.J.S.A. 40A:14-146.14 et seq. Nothing herein shall be construed to require reappointment upon the expiration of a term. The special law enforcement officers so appointed shall not be members of the police force of the Borough of Rutherford, and their powers and duties as determined pursuant to this section and New Jersey Statutes shall cease at the expiration of the term for which the special law enforcement officer was appointed.**

**C. Qualifications. No person shall be appointed as a special law enforcement officer unless the person is:**

- (1) A resident of the Borough of Rutherford at the time of appointment.**
  - (a) If not a resident of the Borough of Rutherford, possesses a specific ability beneficial to the daily operation of the Rutherford Police Department, determined by the Chief of Police or his designee.**
- (2) Able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent.**
- (3) Of sound body and good health.**
- (4) Of good moral character.**
- (5) Has not been convicted of any offense involving dishonestly or which would make him/her unfit to perform the duties of his/her office.**
- (6) Has successfully undergone psychological testing, which is required of all full-time police officers of the Borough.**
- (7) Shall have had fingerprints taken, which shall be filed with the Division of the State Police and Federal Bureau of Investigation.**
- (8) Not serving as a regularly appointed full-time police officer of any municipality or a public official with responsibility for selecting law enforcement policy or exercising authority over the budget of the Borough or supervision of the Police Department of the Borough.**

**D. Applications. Every applicant for appointment as a special law enforcement officer shall submit a written application, verified under oath, setting forth his qualifications for the position and other data in the form and manner as hereafter may be prescribed by the governing body.**

**E. Approval by Chief of Police. Before any special law enforcement officer is appointed pursuant to this chapter and applicable New Jersey Statutes, the Chief of Police or, in the absence of the Chief, his designee, shall ascertain the eligibility and qualifications of the applicant and shall report these determinations in writing to the Mayor and Council of the Borough of Rutherford.**

**F. Hours of employment. Special law enforcement officers may be employed to serve no more than the number of hours prescribed by the applicable provisions of the Special Law Enforcement Officers' Act, together with any additional hours permitted by law to provide public safety and law enforcement services to the Borough of Rutherford and other public entities.**

**G. All appointed Special Law Enforcement Officers shall fall under the direction of the Chief of Police of the Rutherford Police Department and directed by all pertinent department standard operating procedures (SOP), rules and regulations, and other written and oral directives.**

**H. Uniforms shall be prescribed by the Rutherford Police Department and maintained by the appointed Special Law Enforcement Officer. Initial uniforms and necessary equipment/body armor prescribed in department directives shall be provided to the Special Law Enforcement Officer at time of appointment.**

**ATTEST:**

**BOROUGH OF RUTHERFORD**

*Margaret M. Scanlon*

Margaret Scanlon, Borough Clerk

*Joseph DeSalvo Jr.*

Joseph DeSalvo Jr., Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held on *February 27, 2017.*

*Margaret M. Scanlon*

Margaret Scanlon, Borough Clerk