

ORDINANCE NO. 10-2022

AN ORDINANCE AMENDING CHAPTER 18, POLICE DEPARTMENT, SECTION 18-11 ENTITLED SPECIAL POLICE OF THE "REVISED ORDINANCES OF THE BOROUGH OF MORRIS PLAINS, NEW JERSEY, 1972" TO INCREASE THE HOURS OF WORK AND AMNED THE QUALIFICATIONS FOR THE POSITION OF CLASS THREE SPECIAL LAW ENFORCEMENT OFFICER.

WHEREAS, the Borough Council is desirous of amending and supplementing Section 18-11, "Special Police," as set forth in Chapter 18 of the "Revised Ordinances of the Borough of Morris Plains, New Jersey, 1972" ("Revision") to increase the hours of work for a Class Three Special Law Enforcement Officer and to amend the qualifications for a Class Three Special Law Enforcement Officer.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

Paragraph (h) (1) "Hours of employment; duty assignment" in Section 18-11, Special Police in Chapter 18 of the Revision is hereby amended, supplemented and revised by replacing the term "20 hours per week" in two places in subparagraph (ii) with the term "37.5 hours per week."

Section 2:

Paragraph (2) in Section (h) "Hours of employment; duty assignment" in Section 18-11, Special Police in Chapter 18 of the Revision is hereby amended, supplemented and revised by deleting the following Paragraph (2):

(2) Exceptions.

(ii) Class Three special law enforcement officers may be employed for no more than 29 hours per week as permitted by N.J.S.A. 40A:14-146.16a(5).

Section 3:

Paragraph (5) in Section (c) "Qualifications" in Section

18-11, Special Police in Chapter 18 of the Revision is hereby amended, supplemented and revised by deleting the following Paragraph (5):

(5) In addition to the qualifications established in paragraph (1) of this section, a person shall not be appointed as a Class Three special law enforcement officer unless the person:

(a) is a retired law enforcement officer who is less than 65 years of age; for the purpose of this paragraph, a law enforcement officer shall not be considered retired if the officer's return to employment violates any federal or state law or regulation which would deem the officers retirement as not being bona fide;

(b) had served as a duly qualified, fully-trained officer in any municipality or county of the State of New Jersey or as a member of the New Jersey State Police and was separated from that prior service in good standing, within three years of appointment, except during the first year following the effective date of P.L. 2016, c. 68, was separated from that prior service within five years of appointment;

(c) is physically capable of performing the functions of the position, determined in accordance with Police Training Commission guidelines;

(d) possesses a New Jersey Police Training Commission Basic Police Officer Certification or New Jersey State Police Academy Certification;

(e) has completed the training course for safe schools resource officers developed pursuant to subsection a. of section 2 of P.L. 2005, c. 276 (N.J.S.A. 52:17B-71.8); and

(f) is hired in a part-time capacity.

And inserting the following new Paragraph (5) in its place and stead:

(5) In addition to the qualifications established in paragraph (1) of this section, a person shall not be appointed as a Class Three special law enforcement officer unless the person:

(i) Is a retired law enforcement officer who is less than 65 years of age; for the purpose of this paragraph, a law enforcement officer shall not be considered retired if the officer's return to

employment violates any federal or state law or regulation which would deem the officer's retirement as not being bona fide;

- (ii) Had served as a duly qualified, fully trained officer in any municipality or county of the State of New Jersey or as a member of the New Jersey State Police, or from any agency of this State, bi-state agency, or federal agency and was separated from that prior service in good standing, within three years of appointment, except during the first year following the effective date of P.L. 2016, c. 68, was separated from that prior service within five years of appointment;
- (iii) Is physically capable of performing the functions of the position, determined in accordance with Police Training Commission guidelines;
- (iv) Possesses a New Jersey Police Training Commission Basic Police Officer certification or New Jersey State Police Academy certification;
- (v) Has completed the training course for safe schools resource officers developed pursuant to Subsection a of Section 2 of P.L. 2005, c. 276 (N.J.S.A. 52:17B-71.8);
- (vi) Must pass a psychological examination;
- (vii) Must pass a medical examination and have a doctor complete a Medical Certification Form;
- (viii) Must pass a Drug Test pursuant to Attorney General's Law Enforcement Drug Testing Policy; and
- (ix) Must have an updated background investigation.

Section 4:

All other provisions of the aforesaid Chapter 18 of the Revised Ordinances, including but not limited to Section 18-11, shall be unaffected and are hereby continued.

Section 5:

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance.

Section 7:

This Ordinance shall take effect immediately after final passage and publication.

Introduced: July 21, 2022

Adopted: August 18, 2022

/s/ Jason Karr