

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE 2020-21

**ORDINANCE AMENDING ARTICLE XIII SECTION 4-73 SETTING FORTH
REQUIREMENTS FOR THE SPECIAL LAW ENFORCEMENT OFFICER POSITION**

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the City of Union City (the "City") is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, N.J.S.A. 40A:14-146.8, et seq., the Special Law Enforcement Officers Act, authorizes a municipality, as it deems necessary, to appoint special law enforcement officers to perform the duties and responsibilities permitted by local ordinances and within the conditions and limitations established by law; and

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey that the Code of the City of Union City is hereby amended and revised as follows:

SECTION ONE:

Article XIII Police Department Section 4-73 Special Law Enforcement Officers shall be deleted and replaced with the following:

Section 4-73 Special Law Enforcement Officers.

- A. Establishment. Pursuant to N.J.S.A. 40A:14-146.8 et seq., the City has established the position of class II special law enforcement officer. Upon authorization of the Chief of Police, or designee, 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.
- B. Compensation. The compensation for special law enforcement officers class II shall be \$25 per hour.
- C. Eligibility and Qualifications.
 - (1) Determination of Eligibility. Before any special law enforcement officer is appointed, the Chief of Police shall ascertain the eligibility and

qualifications of the applicant and report these determinations; in writing, to the Board of Commissioners.

(2) Qualifications. No person may be appointed as a special law enforcement officer unless the person:

- a) Is at least eighteen (18) years of age;
- b) Is a resident of the State of New Jersey during the term of appointment;
- c) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;
- d) Is sound in body and of good health and is able to perform the physical functions of the duties assigned;
- e) Is of good moral character;
- f) Has not been convicted of any offense involving dishonesty or which would make him or her unfit to perform the duties of his or her office;
- g) Has successfully undergone the same psychological testing that is required of all full-time police officers in the City; and
- h) Possesses a valid New Jersey driver's license.

(3) Every applicant for the position of special law enforcement officer shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.

D. Term of Appointment. Special law enforcement officers may be appointed for terms not to exceed one (1) year, and the appointments may be revoked by the Board of Commissioners 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. Special law enforcement officers so appointed shall not be members of the police force of the City, and their powers and duties shall cease at the expiration of the term for which appointed.

E. Training Course and Certification Requirements. No person may commence his or her duties as a special law enforcement officer unless he or she has successfully completed the training course and certification requirements of N.J.S.A. 40A:14-146.11, unless such training requirements have been waived by the Police Training Commission.

F. Uniforms, Equipment & Firearms.

- (1) All special law enforcement officers prior to the commencement of duties shall be in uniform properly displaying the appropriate insignia. The uniform shall include, but not be limited to, a hat and appropriate badges which shall bear an identification number or name tag and the name of the City. The uniform shall also include an insignia issued by the Police Training Commission which clearly indicates the officer's status as a special law enforcement officer and the type of certification issued by the

Police Training Commission. All special law enforcement officers prior to the commencement of duties shall be in uniform properly displaying the appropriate insignia.

- (2) Whenever a special law enforcement officer's appointment is revoked or a special law enforcement officer is not reappointed upon the expiration of the term, the special law enforcement officer shall return to their supervisor all City issued uniforms, badges and equipment within seven (7) days of the revocation or expiration of the term.
- (3) Special law enforcement officers shall carry and return firearms pursuant to the guidelines established in N.J.S.A. 40A:146.14(b).

G. Conduct of Special Law Enforcement Officers.

- (1) Special law enforcement officers shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the City, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.
- (2) Special law enforcement officers shall be under the supervision and direction of the Chief of Police and shall perform his or her duties only in the City unless in fresh pursuit of any person pursuant to N.J.S.A. 2A:156-1, et seq.
- (3) The Chief of Police, or designee, may authorize special law enforcement officers, when on duty, to exercise the same powers and authority as permanent, regularly appointed police officers of the City, including, but not limited to, the carrying of firearms and the power to arrest, subject to rules and regulations.
- (4) Special law enforcement officers have no law enforcement authority while off-duty.

H. Limitation of Use of Officers. Special law enforcement officers may be employed only to assist the City's law enforcement unit but may not be employed to replace or substitute for full-time regular police officers or in any way to diminish the number of full-time officers employed by the City.

SECTION TWO:

Severability. If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION THREE:

Repealer. To the extent that any provision of the Code of the City of Union City is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

SECTION FOUR:

In order to avoid accidental repeal of existing provisions, the City Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION FIVE:

This Ordinance shall take effect upon passage and publication as required by law.

Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez	x			
Wendy Grullon	x			
Celin J. Valdivia	x			
Maryury A. Martinetti	x			
Mayor Brian P. Stack	x			

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on September 22, 2020 and was further considered and adopted after a Public Hearing held on November 10, 2020 at the Academy for Advancement and Enrichment, 2210 Kerrigan Avenue, Union City, New Jersey.

INTRODUCED: September 22, 2020

ADOPTED: November 10, 2020

ATTEST:

Erin Knoedler
City Clerk

Effective November 30th

SUMMARY OF ORDINANCE

Ordinance to set forth requirements for the position of Special Law Enforcement Officers Class II.