

**ORDINANCE NO.: AN ORDINANCE AMENDING THE CODE OF THE
7-17 BOROUGH OF KINNELON TO CREATE A NEW CLASS
THREE CATEGORY OF SPECIAL LAW ENFORCEMENT
OFFICERS PURSUANT TO P.L. 2016 c 68 AND SETTING
FORTH THE TERMS, CONDITIONS AND SCOPE OF
AUTHORITY APPLICABLE TO SAID CLASS THREE
OFFICERS.**

WHEREAS, the Mayor and Council of the Borough of Kinnelon (“Borough”) have authorized the appointment of special law enforcement officers pursuant to N.J.S.A. 40A:14-146.10; and

WHEREAS, in P.L. 2016 c 68, approved November 30, 2016 and effective June 1, 2017 a new category of Class Three special law enforcement officers was created; and

WHEREAS, the Borough desires to amend the Code of the Borough of Kinnelon to provide for the appointment of such Class Three special law enforcement officers as set forth in P.L. 2016 c 68.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Kinnelon, County of Morris, State of Jersey as follows:

SECTION ONE. Section 56-22 of the Code of the Borough of Kinnelon is hereby amended to read as follows:

“§ 56-22. Appointment qualifications.

A. No person shall be appointed a special law enforcement officer unless the person is a resident of the State of New Jersey during the term of the appointment and a resident of the Borough of Kinnelon for two years next preceding the appointment, is sound in body and mind, is able to read, write and speak the English

language well and intelligently and has a high school diploma or its equivalent, is of good moral character, has not been convicted of any offense involving dishonesty or would have him unfit to perform the duties of his office and has successfully undergone the same psychological testing that is required for all full-time police officers in the Borough of Kinnelon. Every applicant for the position of special law enforcement officer shall have fingerprints taken, which shall be filed with the Division of State Police and the Federal Bureau of Investigation. Before any special law enforcement officer is appointed, the Chief of Police or, in the Chief's absence, another chief law enforcement officer of Kinnelon Borough shall ascertain the eligibility and qualification of the applicant and report these determinations, in writing, to the Mayor and Council.

B. In addition to the qualifications established in subsection A of this section, 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 65 years of age; for the purposes of this section, 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;

(2) had served as a duly qualified, fully-trained, full-time officer in any municipality or county in this State or as a member of the State Police and was separated from that prior service in good standing, within three years of appointment, except during the period ending May 31, 2018, was separated from that prior service within five years of appointment;

(3) is physically capable of performing the functions of the position, determined in accordance with police training commission guidelines;

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

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

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

For the purposes of this subsection, “good standing” shall exclude a retirement resulting from injury or incapacity.”

SECTION TWO. Section 56-24 of the Code of the Borough of Kinnelon is hereby amended to read as follows:

“§ 56-24 Classifications; Limitations on Numbers. There shall be three classifications for special law enforcement officers. The classifications shall be based upon the duties to be performed by the special law enforcement officer as follows:

A. Class One. Class One officers shall be authorized to perform routine traffic detail, spectator control and similar duties. Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons, violations of municipal ordinances and violations of Title 39 of the Revised Statutes, Class One officers are prohibited from using a firearm, and no Class One officer shall be assigned any duties which may require the carrying or use of a firearm. The number

of Class One officers appointed shall be determined by the Mayor and Council in conjunction with the Chief of Police.

B. Class Two. Class Two officers shall exercise full powers and duties similar to those of a permanent regularly appointed full-time police officer. Class Two Officers may be authorized to use a firearm, but only after the officer has been certified as successfully completing a training program as prescribed by the Police Training Commission in the Department of Law and Public Safety. The number of Class Two officers shall not exceed 25% of the total number of regular police officers, except that the Borough of Kinnelon need not reduce the number of Class Two officers or the equivalent thereof in the employ of the Borough of Kinnelon as of March 1, 1985.

C. Class Three. Class Three Officers 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 non-public school or a county college on the school or college premises during hours when the public or non public school or a county college is normally in session or when it is occupied by public or non public school or county college students or their teachers or professors. While on duty in the jurisdiction of employment, an officer may respond to offenses or emergencies off school or college grounds if they occur in the officer's presence while travelling 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 fire arm by an officer of this class o shall be authorized pursuant to the provisions of subsection b. of section 7 of P.L. 1985, c. 439

(C.40A:14-146.14). An officer of this class shall not be authorized to carry a fire arm while off duty unless the officer complies with the requirements set forth in subsection 1. of N.J.S. 2C:39-6 authorizing a retired law enforcement officer to carry a hand gun.

SECTION THREE. Section 56-28 of the Code of the Borough of Kinnelon is amended to read as follows:

“§ 56-28 Terms and conditions of appointment.

A. Special law enforcement officers may be appointed for terms not to exceed one year, and the appointments may be revoked by the Borough of Kinnelon for cause after adequate hearing, unless the appointment is for four months or less, in which case the appointment may be revoked without cause or hearing. The powers and duties of the special law enforcement officer shall cease at the expiration of the term for which appointed.

B. A Class Three special law enforcement officer may be employed only to assist the local law enforcement unit with security duties and shall not supplant a law enforcement officer employed pursuant to the provisions of N.J.S. 18A:17-43 or a safe schools resource officer employed pursuant to the provisions of section three of P.L. 2005, c 276 (C. 18A:17-43.1).

C. A Class Three special law enforcement officer appointed pursuant to the provisions of P.L. 1985, c 439 (C. 40A:14-146.8, et seq.) shall not, based on this appointment, be eligible for health care benefits or enrollment in any State-administered retirement system.”

SECTION FOUR. Section 56-29 of the Code of the Borough of Kinnelon is hereby amended to read as follows:

“§ 56-29 Hours of duty.

A. No special law enforcement officer may be employed for more than 20 hours a week by the Borough of Kinnelon, except during periods of emergency, when a special law enforcement officer may be employed by the Borough of Kinnelon for those hours the Mayor and Council of the Borough of Kinnelon may determine necessary. For purposes of this article, “emergency” shall mean any sudden, unexpected or unforeseeable event requiring immediate use and deployment of law enforcement personnel as determined by the Mayor and Council in conjunction with the Chief of Police.

B. In addition to not more than 20 hours per week, including those duties specified in § 56-21 of this article, a special law enforcement officer may be assigned up to 20 hours per week to provide public safety and law enforcement services to a public entity.

C. A Class Three special law enforcement officer may be employed without limitation as to hours.

D. The Borough of Kinnelon may designate one special law enforcement officer to whom the limitations on hours as set forth in this article shall not be applicable.”

SECTION FIVE. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and

independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION SIX. Ordinances, resolutions, and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

SECTION SEVEN. This Ordinance shall take effect upon passage and publication according to law.

ATTEST:



Karen M. Iuele, Borough Clerk

BOROUGH OF KINNELON



Robert Collins, Mayor