



Township Council  
1 Municipal Plaza  
Bloomfield, NJ 07003

Louise M. Palagano  
Municipal Clerk

<http://www.bloomfieldtnj.com>

Meeting: 07/14/14 07:00 PM

**2014 ORDINANCE AMENDMENT**

**AN ORDINANCE TO AMEND CHAPTER 75, ARTICLE 1, "General Provisions," POLICE DEPARTMENT IN THE CODE OF THE TOWNSHIP OF BLOOMFIELD, ESSEX, COUNTY, NEW JERSEY**

**BE IT ORDAINED**, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

**Section 1.** Chapter 75 "Police Department", Article 1, "General Provisions," of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended to read as follows:

Article I: General Provisions

A. < There shall be a Department of Police, also known as the Police Department, the head of which shall be the Police Director.

Where municipality has opted not to name a Chief of Police, the Director of Police is vested with such authority, without a Chief of Police, all Police Officers are subordinate to the Director of Police in accordance with rank, and the Director is entitled to assume duties ordinarily assigned to Chief of Police, including directing daily operations of the Police Department. Policemen's Benev. Ass'n, North Brunswick, Local 160 v. Township of North Brunswick, 318 Super. 44, 723, A.2d 1287 (A.D.1999), certification denied 161 N.J. 150, 735 A.2d 575. Unless a Police Chief is appointed any reference to a Police Chief within the Township's ordinances should be read a reference to the Police Director.

In accordance with N.J.S.A. 40A:14-118, the Police Department of the Township of Bloomfield shall consist of the following:

- (1) Director
- (2) Up to six Captains.
- (3) Up to nine Lieutenants.
- (4) Up to twenty Sergeants.
- (5) As many Detectives and patrolmen as shall, from time to time, be appointed by the Township Council.

B. The Mayor and Township Council may appoint such additional police officers or not fill an open position as shall be necessary for temporary or emergency services or as may be required due to budgetary constraints. Any position not filled by the Council after becoming vacant for any reason should be considered removed from the table of organization unless the Council fills the position or takes some other action.

C. No person shall be a member of the police force until he shall have been regularly appointed

APPROVED AS TO FORM AND PROCEDURE  
ON BASIS OF FACTS SET FORTH

a police officer of the Bloomfield Police Department.

D. All appointments to any position on the Police Department shall be made by the Mayor and Township Council according to law.

§ 75-2 Appropriate authority; promulgation of rules and regulations.

A. The Director shall be the appropriate authority over the Police Department pursuant to N.J.S.A. 40A:14-118 and shall promulgate rules and regulations for the government of the force and for the discipline of its members.

B. The Director shall:

a. Be the Chief Executive Officer of the Police Department.

b. Make, administer and enforce rules and regulations for the control, disposition and discipline of the Department, and of its officers and employees;

c. Establish procedures for the hearing and determination of charges of violation of departmental rules and regulations by any member of the Police Department provided that a member may be fined, reprimanded, removed, suspended or dismissed from the Department only on written charges made or preferred against him or her, after such charges have been examined, heard as described herein and according to such practice, procedure and manner as may be prescribed by rules and regulations of the Department and Civil Service.

d. Appoint with approval by the Mayor and Council such civilian employees and/or members to the Police Department, as s/he deems necessary and appropriate, in his/her discretion and judgment, to maximize the efficiency of the Police Department. Said civilian employees and/or members shall perform any and all services as prescribed and specified by the Police Director.

e. Nothing herein contained in this section shall limit or prevent the Police Director from exercising and/or carrying out the rights, powers and duties afforded in accordance with applicable state law, the Attorney General guidelines and directives and any other relevant law(s).

f. Nothing herein contained shall prevent the appointment by the Governing Body of committees or commissions to conduct investigations of the operation of the Police Force, and the delegation to such committees or commissions of such powers of inquiry as the Governing Body deems necessary or to conduct such hearings or investigations as authorized by law.

g. Nothing herein contained shall prevent the Appropriate Authority, or any executive or administrative officer charged with the general administrative responsibilities within the municipality, from examining at any time the operations of the Police Force or the performance of any officer or member thereof. In addition, nothing herein contained shall infringe on or limit the power or duty of the Appropriate Authority to act to provide for the health, safety and/or

welfare of the municipality in an emergency situation through special emergency directives.

h. Have and exercise all of the functions, powers and duties of a department head of the Township.

§ 75-3 Appointments; temporary or emergency service.

A. The Township Council may appoint such additional police officers as shall be necessary for temporary or emergency service.

B. No person shall be a member of the Police Department until appointed as a police officer of the Bloomfield Police Force or Department.

C. All appointments to any position on the Police Department shall be made by the Township Council according to law.

§ 75-4 Equipment.

A. The Township shall provide the members of the Police Department with badges or shields, wreaths, signal box keys, locker keys, nightsticks, handcuffs and weapons. Loss of such equipment and failure to immediately report the loss of same shall be deemed neglect of duty. Members of the Police Department shall pay for any such equipment lost through neglect.

B. Members of the Police Department, at their own expense, shall provide themselves with uniforms and uniform caps, as specified by the Director, flashlights, whistles, notebooks and pencils, outerwear and suitable footwear and wristwatches of standard make.

C. All uniforms and equipment must be kept in good order and condition. All articles furnished by the Township must be accounted for and surrendered to the Police Director upon suspension or separation from service for any reason whatsoever.

D. Members of the Police Department, while on duty, shall carry full equipment.

E. Members of the Police Department, while off duty, except on vacation, sick or disability leave, shall carry their badges and weapons.

§ 75-5 Outside employment; response to calls.

A. Members of the Police Department may engage in private police work when written permission is obtained from the Director of Police for such work. When members are engaged in any other business or occupation, it shall not consume their energies to make them ineffective for their regular police duties.

B. In the performance of duty, each member shall respond promptly to every call and give his

best efforts under and in all circumstances.

C. Although specified hours may be allotted to members of the Police Department for the performance of duty on ordinary occasions, each member must at all times be prepared to act immediately on notice that his services are required.

§ 75-5.1 Township-controlled side work fees.

A. Classification No. 1: Township-originated based rates.

(1) Board of Education, public entities, BCA, Bloomfield Rec.: \$0 administrative fee.

(a) Rate per hour: \$25 to \$60.

(2) Events where a superior is needed: \$10 per hour additional.

(3) See attached for rates that are used as of August 1, 2011.

B. Classification No. 2: Vendors requesting security for private businesses on a regular basis.

(1) Rate per hour: \$18 to \$35, plus administrative fee of \$3 per hour.

(2) See attached for rates that are used as of August 1, 2011.

C. Classification No. 3: Special events job rate.

(1) Rate per hour: \$50, plus administrative fee of \$3 per hour.

(a) Example: emergency security details for movies/commercials.

D. Classification No. 4: Construction/utility company request for traffic control.

(1) Rate per hour: \$50, plus administrative fee of \$3 per hour.

E. Classification No. 5: Bloomfield College security details.

(1) Sporting events: \$35 per hour, plus administrative fee of \$3 per hour.

(2) Graduation: \$45 per hour, plus administrative fee of \$3 per hour.

(3) School dances: \$50 per hour, plus administrative fee of \$3 per hour.

F. Use of township police vehicles: Rate of \$5 vehicle fee per hour will be added to hourly rate when used.

G. Rates used for off-duty police employment.

(1) Classification No. 1:

- (a) Board of Education sporting events: \$30 per hour.
- (b) Bloomfield Public Library: \$25 per hour.
- (c) July 4 event: \$50 per hour.
- (d) Concerts/Halloween (B.O.E.): \$40 per hour.
- (e) High School Graduation (B.O.E.): \$60 per hour.
- (f) BCA Farmer/Cruise: \$30 per hour.

(2) Classification No. 2.:

- (a) Shop Rite: \$25 per hour.
- (b) Stop and Shop: \$25 per hour.
- (c) Titillations: \$25 per hour.
- (d) Heartbreakers: \$25 per hour.
- (e) Home Depot: \$25 per hour.
- (f) 5 Lawrence Street: \$22 per hour.
- (g) Staples Lot: \$18 per hour.
- (h) Ash Lounge: \$35 per hour.

H. Fee for new vendors as of August 1, 2011:

- (1) Establishments serving alcohol beverages: \$35 per hour.
- (2) Establishments not serving alcohol beverages: \$30 per hour.
- (3) Classification No. 2 has an administration fee of \$3 per hour added to hourly rate.

§ 75-6 Hours of duty; emergencies.

The hours of employment of uniformed members of the Police Department shall not exceed eight consecutive hours in any one day nor 40 hours in any one week, provided that, in case of an emergency, the Police Director or other executive officer of the Police Department, the Township Administrator or the Township Council having charge or control of the Police Department shall have full authority to summon and keep on duty all such members during the period of emergency.

§ 75-7 Conduct of members.

Members of the Police Department shall conduct themselves in a quiet, civil and orderly manner at all times; refrain from the use of indecent, profane, uncivil or threatening language, even though there is great provocation; be gentlemanly and respectful to superiors, equals and citizens; use no unnecessary force or violence to prisoners or any other person; cheerfully perform all proper duties; and answer all proper questions but avoid unnecessary conversation while on duty. Superiors shall be courteous to subordinates.

§ 75-8 Removal and suspension.

Members or officers of the Police Department shall be subject to reprimand, loss of pay, suspension from duty, removal, reduction of rank, fine or discipline for cause, including incapacity, misconduct or disobedience, provided in the New Jersey statutes or regulations, the Police Department's rules and regulations or for the following causes:

- A. Intoxication on duty or in uniform.
- B. Drinking any intoxicating liquor while on duty or in uniform.
- C. Willful disobedience of orders.
- D. Disrespect of a superior officer.
- E. Indecent, profane, harsh or uncivil language.
- F. Unnecessary violence to a prisoner or unlawful use of force in any case.
- G. Sleeping while on duty.
- H. Absence from duty without leave.
- I. Leaving post or assignment without just cause.
- J. Not properly patrolling post.
- K. Not found on post.

- L. Incompetency, lack of energy and incapacity, mentally or physically.
- M. Immorality, indecency or lewdness.
- N. Violation of any criminal law.
- O. Entering any building except in discharge of duty while in uniform or on duty.
- P. Neglect in paying just debts contracted while a member of the force.
- Q. Conduct unbecoming an officer and a gentlemen.
- R. Publicly commenting upon the official action of a superior officer, Mayor or a member of the Township Council.
- S. Revealing to any person not a member of the Police Department any proposed police action or movements or provisions of any official order.
- T. Making any false statement in application for appointment to the police force.
- U. Neglect of duty.
- V. Conduct subversive of good order and the discipline of the force.
- W. Untruthfulness about matters pertaining to the police force or duties.
- X. Violating any of the rules and regulations promulgated by the Township Council.

§ 75-9 Procedure for discipline.

A. Cause. Members or officers of the Police Department may be removed from office or otherwise disciplined for the causes set forth in § 75-8

B. Preliminary investigation. Upon all allegations of wrongdoing made by a citizen or another officer against any officer of the Police Department, the allegations of wrongdoing shall be investigated in accordance with the internal rules and regulations of the Police Department. After completion of the investigation, if the investigating officer believes that there is sufficient cause to file a formal complaint, said investigating officer shall prepare a written report, together with all supporting documentation, which shall be forwarded to the Director of Police.

C. Review by Director of Police. If, after reviewing said report and supporting documentation, the Director of Police believes that sufficient cause exists to file a formal complaint, the Director shall prepare and serve said formal complaint, specifying a time, date and place for a hearing

within the time limits and as required in N.J.S.A. 40A:14-147.

D. Hearing.

- (1) At the time and place fixed for such hearing, the hearing officer shall receive evidence concerning the charges and shall afford the accused an opportunity to be heard, to cross-examine witnesses appearing in support of the charges, to present evidence on his own behalf and to be represented by counsel.
- (2) The hearing officer shall have the power to hear and determine the charge or charges against the officer. Said hearing officer shall have the power to subpoena witnesses and documentary evidence, which said subpoena may be enforced by the Superior Court in accordance with N.J.S.A. 40A:14-148.
- (3) A verbatim transcript shall be made of said hearing, the cost of which shall be paid 1/2 by the Township and 1/2 by the accused.

E. Hearing officer. The hearing officer for the hearing, pursuant to Subsection above, shall be the Township Administrator, unless, in the Administrator's sole discretion and for any reason, the Administrator appoints an independent third party to serve as hearing officer. In the event that the Administrator appoints a third party to serve as hearing officer, the Township shall bear the entire expense and/or cost of the services of said third party. In the event that a third party serves as hearing officer, said hearing officer shall make findings and recommendations in accordance with Subsection below and transmit them within 30 days of the date of the hearing to the Township Administrator. Within 30 days of the date of the receipt of the hearing officer's report of findings and recommendations, the Township Administrator will issue the final decision, which may affirm, modify or reject the report of the hearing officer. For purposes of this § 75-9 all references to the hearing officer's decision shall mean the administrative final decision after review of any independent third-party report.

F. Decision. The hearing officer shall decide the guilt or innocence of the accused based on a preponderance of the evidence. The decision of the hearing officer shall be set forth in a detailed report, including specific findings of fact, and if the guilt of the accused is established, explanation shall be provided of the penalty to be imposed.

G. Penalties. In the event that the hearing officer determines the guilt of the accused, the hearing officer may impose any of the following penalties against the accused, singly or in combination, in the hearing officer's discretion:

- (1) Removal from office as a member of the Police Department and employee of the Township.
- (2) Reduction in rank.
- (3) Suspension from duty without pay for any period not to exceed six months.

- (4) Suspension with pay for any period.
- (5) Any of the above penalties singly or in combination with each other.

H. Acquittal. In the event that the hearing officer determines that the accused is not guilty of the offense charged, said charges shall be dismissed and the accused shall be reinstated; and if the accused had been suspended without pay, any back pay accrued during the period of suspension shall be paid to the accused.

I. Appeals. Any member of the Police Department who has been convicted after any hearing pursuant to this § 75-9 may obtain review of said conviction in the Superior Court pursuant to N.J.S.A. 40A:14-150, which said review shall be heard de novo on the record below made pursuant to Subsection D(3) above.

§ 75-10 Conformance to rules and regulations.

It shall be the duty of each officer and member of the Police Department to carefully read and strictly conform to this chapter and the rules and regulations of the Police Department prescribed by resolution of the Township Council.

§ 75-11 Release of information; fees.

A. The Director of the Township Police Department shall prescribe, in writing, regulations governing the release of noncriminal information from the files of the Township Police Department. Such regulations shall specifically set forth that noncriminal information which may be released by the Township Police Department and all other information shall be treated as confidential and shall not be released, unless by order of a court of competent jurisdiction or by authority of the Director of the Township Police Department.

B. Any person desiring noncriminal information from the files of the Township Police Department shall make such request in accordance with and in the manner prescribed by regulations to be promulgated by the Director of the Township Police Department. Checks and money orders shall be made payable to the Township of Bloomfield, and all fees shall be paid to the Township Police Department. The Director of Police shall deliver all such fees to the Tax Collector of the Township, who shall receive and account for the same in accordance with the provisions of § 5-49 of this Code.

C. Fees to be charged shall be as follows:

- (1) Copy of noncriminal incident and accident report:
  - (a) Window, per report: \$2.
  - (b) Mailed, per report: \$5.

- (2) Copy of DWI report: \$12.
- (3) Photographs, each. \$5.
- (4) Audio or video tapes: \$25.
- (5) Permit to purchase pistol or revolver: \$2.
- (6) Permit to purchase rifle or shotgun, ID card: \$5.
- (7) Fingerprints registered where required for issuance of permit or license for any civilian purpose, per card:
  - (a) Residents: \$3.
  - (b) Nonresidents: \$15.
- (8) Letter of good conduct: \$5.
- (9) Notarization of signature, each signature: \$1.
- (10) Report of record of individual when requested by prospective employer engaged in government contract of a national security nature: \$4.
- (11) Searching fee for any of the foregoing enumerated services when a report, record or photograph is not on file; record check of individual for prospective employers: \$5.

D. No fee shall be charged for any of the enumerated services when requested by any municipality, county, state or federal agency or subdivision thereof. The fee for notarization of signature shall not apply to signatures required on application forms for commitment to mental health hospitals.

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I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on AUGUST 11, 2014

  
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 Municipal Clerk of the Township of Bloomfield

  
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 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance 3755						
<input type="checkbox"/> Adopt <input type="checkbox"/> Deny <input type="checkbox"/> Withdrawn <input type="checkbox"/> Table <input type="checkbox"/> Not Discussed <input checked="" type="checkbox"/> First Reading <input type="checkbox"/> Table with no Vote <input type="checkbox"/> Approve <input type="checkbox"/> Veto by Mayor <input type="checkbox"/> Discussion <input type="checkbox"/> Defeated <input type="checkbox"/> Discussion No Vote		Yes/Aye	No/Nay	Abstain	Absent	
	Elias N. Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Carlos Bernard	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Joseph Lopez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Carlos Pomares	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Michael J. Venezia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

✓ Vote Record - Ordinance 3755						
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