

**BOROUGH OF HAMBURG**

**ORDINANCE # 09-2022**

**AN ORDINANCE AMENDING CHAPTER 44 – POLICE DEPARTMENT - OF THE CODE OF THE BOROUGH OF HAMBURG TO REPEAL THE POSITION OF POLICE DIRECTOR AND PROVIDE FOR THE ESTABLISHMENT OF THE POSITION OF CHIEF OF POLICE**

BE IT ORDAINED by the Mayor and Council of the Borough of Hamburg, County of Sussex, State of New Jersey, that Chapter 44 – Police Department - of the Code of the Borough of Hamburg is amended as follows:

1. The position of Police Director is hereby repealed and eliminated. Any reference to Police Director in any ordinance is repealed and the position of Chief of Police substituted therefore.

2. Section 44-2 – Composition of Department; duties - is amended in its entirety to provide as follows:

A. The Police Department shall be headed by a Chief of Police and is authorized to consist of the following entitled positions and maximum authorized strength:

<u>Position</u>	<u>Maximum Authorized Strength</u>
Chief of Police	1
Lieutenant	1
Sergeant	2
Patrol Officers	7
Detective	1

B The Mayor and Council, upon recommendation of the Chief of Police, may designate from time to time one of the members of the Department to serve as the Detective for such times and/or such investigations as the Chief of Police shall determine.

C It is not required that all of the above positions be filled to the authorized maximum strength.

D All members of the Department shall be appointed by the Mayor and Council.

3. Section 44-3 - Control of the Department - is amended in its entirety to provide as follows:

A. Appropriate Authority: The governing body of the Police Department shall be the Mayor and Council whose decisions on all police matters shall be final. The Chair of any police committee shall be designated as Police Commissioner who shall have such power as conferred by the Mayor and Council.

B. The Chief of Police and all members of the Police Department shall be appointed by the Mayor and Council.

C All members of the Police Department shall be under the direction of the Chief of Police who shall be responsible for the discipline and performance of the Department.

D The Mayor and Council shall appoint as Chief of Police the member holding highest rank in the Department at the time of the appointment. In the event there are two or more members holding the highest rank, the member with the greater seniority shall be appointed.

E. The position of Police Director is repealed. Wherever there is a reference in any law or ordinance to the Police Director, such reference shall be deemed to mean the Chief of Police.

4. New Section 44-5 - Duties and Powers of Chief of Police –

A. Perform all duties, powers and responsibilities as provided in N.J.S.A. 40A: 14-118 and by other applicable laws and regulations and by any ordinances, resolutions or directives of the Mayor and Council.

B. Submit monthly reports to the Mayor and Council covering the complete operations of the department for the previous month.

C. Serve as deputy custodian of government records and perform all of the duties of the Municipal Clerk as required by the Open Public Records Act, P.L.2001, Chapter 404 with reference to records requests pertaining to the Police Department.

5. Repealer: Any ordinance or part thereof inconsistent with the terms and provisions of this ordinance is repealed.

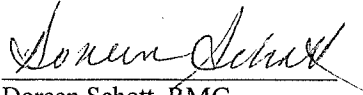
6. Severable. This ordinance is deemed severable and in the event any provision or part hereof is deemed invalid by a court of competent jurisdiction then the rest and remainder shall continue and remain in full force and effect

7. This ordinance shall take effect upon passage and publication as provided by law.

**CERTIFICATION**

NOTICE is hereby given that the above ordinance was introduced and passed on first reading of a meeting of the Mayor and Council of the Borough of Hamburg, held on Wednesday, September 7, 2022 at 7 p.m. and will be considered for a final passage at a regular meeting of the Mayor and Council to be held on Monday October 3, 2022 at 7 p.m. or as soon thereafter as same can be considered, in the Municipal Building, 16 Wallkill Avenue, Hamburg, New Jersey at which time and place all persons interested therein or affected thereby will be given an opportunity to

be heard concerning the same. A copy of said Ordinance is on file in the Office of the Borough Clerk, Municipal Building, 16 Wallkill Avenue, Hamburg, New Jersey and is available for public inspection during regular business hours. During the week prior and up to the time of public hearing, copies of said Ordinance will be available to the member of the general public who request the same.



Doreen Schott, RMC  
Municipal Clerk

STATEMENT

The above ordinance was duly adopted by roll call vote at the October 3, 2022 Regular Meeting of the Hamburg Mayor and Council.

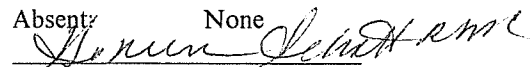
Roll Call:

Ayes: Burd, Oehler, Law, Haig

Nays: Krasnomowitz, Sena

Abstain: None

Absent: None

  
Doreen Schott, RMC