

**NOTICE OF PUBLIC HEARING
BOROUGH OF ROSELLE, NJ
ORDINANCE NUMBER 2296 -08**

**AN ORDINANCE ESTABLISHING A DEPARTMENT OF PUBLIC
SAFETY IN THE BOROUGH OF ROSELLE**

WHEREAS, at present the Fire Department, Police Department and Emergency Management Office are separate departments in the Borough government; and

WHEREAS, it is in the best interests of the health and safety of the residents of the Borough, and more efficient, to bring the police, fire and emergency management activities in the Borough into a single department, headed by a Director; and

WHEREAS, the Director would be accountable to the Mayor and Council for the operations of this department;

NOW, THEREFORE, BE IT ORDAINED by The Mayor and Council of the Borough of Roselle, that:

ARTICLE I Department Established

§ 14-1. Establishment.

There is hereby created and established in the government of the Borough of Roselle a department that shall be known as the Department of Public Safety.

§ 14-2. Authority; Composition.

Said Department shall embrace and there is hereby allocated and assigned thereto the Division of Police, Division of Fire, and Office of Emergency Management.

§ 14-3. Personnel.

There is hereby assigned and transferred to said Department all of the subordinate officers and employees in the Borough of Roselle holding their offices and positions under tenure of office under any law of this state of Title 11 (Civil Service) of the Revised Statutes of New Jersey and now exercising and performing any of the functions, powers and duties in the office and divisions enumerated in Section 14-2.

§ 14-4. Property and records.

There is hereby transferred and assigned to said Department all of the property, books, papers and records relating to any of the offices and other governmental agencies hereinabove allocated and assigned to said Department, except such books, papers and

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records as are now required by law or ordinances of the Borough of Roselle to be kept in the office of some other officer or department of the Borough government.

§ 14-5. Establishment of Office of Director.

There is hereby created the office of Director of the Department of Public Safety. He shall be appointed by the Mayor with the advice and consent of the Council and shall serve during the term of the Mayor appointing him and until the appointment and qualification of his successor and shall be subject to removal as provided by law. He shall receive such compensation for his services as the Council shall by ordinance provide. Vacancies in the office of Director shall be filled in the same manner as the original appointment but for the unexpired term only.

§ 14-6. Powers and Duties of Director.

The Director shall be head of the Department and, in addition to the functions, powers and duties that are hereby or may hereafter be conferred and imposed upon him/her by law and the ordinances of the Borough, shall:

- a. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel;
- b. Have, exercise, and discharge the functions, powers, and duties of the force;
- c. Prescribe the duties and assignments of all subordinates and other personnel;
- d. Delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision;
- e. Report at least monthly to the appropriate authority as in such form as shall be prescribed by such authority on the operation of the force during the preceding month, and make such other reports as may be requested by such authority; and
- f. In the absence of the Chief of Police, the Director shall be responsible for the efficiency and routine day to day operations of the police force and directly supervise the performance of law enforcement duties including, but not limited to, criminal investigations and internal affairs investigations, including carrying out the duties specified in subsections a. through e. above.

Additionally, in the absence of a Chief of Police, the Director shall:

- a. Be issued and operate an unmarked police vehicle equipped with the necessary equipment to perform his duties including, but not limited to, a police band radio to monitor and supervise police activities and emergency warning equipment to respond to emergency scenes;
- b. Be issued credentials and badge by the governing body of the municipality where he is employed; and
- c. Approve any and all permits and licenses normally issued and or approved by the police department, excluding firearms ID and permits

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which shall be issued by a sworn law enforcement officer at the highest rank within the force, subject to the supervision of the Director.

The Director shall not exercise police powers or perform police duties, including, but not limited to the following:

- a. Operate a marked police patrol vehicle, conduct a motor vehicle stop, or answer calls for service;
- b. Stop, detain, or arrest persons;
- c. Wear a law enforcement officer uniform; and
- d. Carry a firearm unless otherwise authorized by law.

In the event that a Chief of Police is appointed the Director shall be responsible for the administration, policy and discipline of the police force. The Chief of Police shall be responsible for the day to day operations of the police force under the direct supervision of the Director.

§ 14-7. Transfer of appropriations.

All appropriations available or to become available to any department, office or other governmental agency, the functions, powers and duties of which are hereby assigned and transferred to said Department are hereby transferred to the Department established hereby, and shall be available for the objects and purposes for which appropriated.

ARTICLE II Division of Police

§ 14-8. Establishment of Division.

There is hereby established a Division of Police in the Department of Public Safety, which shall be responsible for providing police services in the Borough. The Division of Police shall also be responsible for enforcement of state statutes, rules and regulations and Borough ordinances.

§ 14-9. Transfer of Police Department to Division of Police

The Police Department established and operating pursuant to Chapter 20 of the Borough Code is hereby transferred in its entirety to the Division of Police. The provisions of Chapter 20 shall continue to apply, except that where a provision is inconsistent with this Chapter, this Chapter shall apply.

ARTICLE III Division of Fire

§ 14-10. Establishment of Division of Fire

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There is hereby established a Division of Fire in the Department of Public Safety, which shall be responsible for providing fire prevention and fire protection in the Borough. The Division of Fire shall also be responsible for enforcement of state statutes, rules and regulations and Borough ordinances governing fire prevention.

§ 14-11. Transfer of Fire Department to Division of Fire

The Fire Department established and operating pursuant to Chapter 15 of the Borough Code is hereby transferred in its entirety to the Division of Fire. The provisions of Chapter 15 shall continue to apply, except that where a provision is inconsistent with this Chapter, this Chapter shall apply.

ARTICLE IV Office of Emergency Management

§ 14-12. Establishment; functions.

There is hereby established an Office of Emergency Management within the Department of Administration and pursuant to the Civil Defense and Disaster Control Act (N.J.S.A. App. 9-33 et seq.) and the Federal Civil Defense Act of 1950, as amended. The Office of Emergency Management's basic goal is the maximum survival of the general population in the event of natural disaster, man-made incident or attack. Emergency management is municipal government operating during an emergency, e.g. war, flood, hazardous material spill, nuclear accident, etc., to protect the lives and property of its citizens.

§ 14-13 Emergency Management Coordinator; Staff.

There is hereby established the position of Emergency Management Coordinator, to be appointed by the Mayor in accordance with state law. The Mayor shall establish the compensation of the Emergency Management Coordinator as provided by law. The Emergency Management Coordinator shall complete the basic training for municipal emergency management coordinators as established by law. The Emergency Management Coordinator shall be appointed from among the salaried officers and employees of the Borough of Roselle.

Vote on Introduction:

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Dansereau				x		
Councilman Dow	x		x			
Councilperson Ricks				x		
Councilwoman Turnage		x	x			
Councilman Holley				x		
Councilwoman Samuel			x			

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PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a special meeting of the Borough Council of the Borough of Roselle held on January 16, 2008, and this Ordinance will be considered for final passage at a regular meeting of the Borough Council to be held February 20, 2008 at 7:30 P.M., or as soon thereafter as the matter may be reached, at Borough Hall, Council Chambers, 210 Chestnut St., Roselle, NJ, at which time and place all persons interested will be given an opportunity to be heard concerning same.

Rhona C. Bluestein, M.B.A., R.M.C.
Borough Clerk