

ORDINANCE NO. 2173-17

AN ORDINANCE TO AMEND CHAPTER 25 OF THE CODE OF THE BOROUGH OF HAWTHORNE, DEPARTMENT OF PUBLIC SAFETY, ARTICLE II, POLICE DEPARTMENT, SECTION 25-9, APPOINTMENTS AND PROMOTIONS, SUBSECTION D, SO AS TO AMEND AND MODIFY THE PROMOTION PROCEDURE, AND SECTION 25-12, CONTRACTED OFF-DUTY EMPLOYMENT, SUBSECTION D, RATES OF COMPENSATION, ADMINISTRATIVE FEE AND PAYMENT FOR SERVICES, SO AS TO MODIFY THE RATES THEREUNDER

BE IT ORDAINED by the Municipal Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that:

Section 1. Chapter 25, Department of Public Safety, Article II, Police Department, Section 25-9, Appointments and Promotions, subsection D, is hereby amended so as to amend and modify the promotion procedure, the revised ordinance to read as follows:

Sec. 25-9. Appointments and Promotions.

D. In the case of promotion from patrol officer to the rank of Sergeant, the Mayor shall make such promotion from the eight patrol officers having the most years of service or seniority. In the case of promotion to Lieutenant from Sergeant, or to Captain from Lieutenant, the Mayor shall consider as candidates all officers in the lower title. In making a decision on a promotion, the Mayor shall give due consideration to length and merit of service and preference shall be given according to seniority in service. The Mayor shall also take into account, in no particular order, a) the recommendation of the Chief of Police; b) oral interviews with all candidates eligible for promotion; c) materials in the personnel files of the candidates; and d) any written materials presented by the candidates. At the time the Mayor shall file notice of an intention to make a promotion with the Clerk, as required in Section 25-9 B, the Mayor shall provide written notice to all eligible candidates for the promotion of his intention to make the promotion and the decision he has reached.

Section 2. Chapter 25, Department of Public Safety, Article II, Police Department, Section 25-12, Contracted Off-Duty Employment, Subsection D, Rates of Compensation, Administrative Fee, Payment for Services, is hereby amended so as to increase certain rates thereunder, the revised ordinance to read as follows:

D. Rates of Compensation, Administrative Fee, Payment for Services

(1) Rates of compensation for contracting the services of off-duty law enforcement officers shall be as determined by the Council by resolution, which may be amended from time to time.

(a) Rate of compensation: as determined by the Municipality.

(b) An additional fee of \$8 per hour is hereby established to cover administrative costs, overhead, and out-of-pocket expenses of the Borough of Hawthorne.

(c) An additional fee of \$15 per hour is hereby established to cover the cost of a police vehicle if so provided.

(2) The rates of compensation set forth herein, including administrative fee and vehicle costs, may be amended from time to time by resolution duly enacted by the Municipal Council of the Borough of Hawthorne.

(3) Notwithstanding anything contained herein to the contrary, it is agreed that the rate of compensation to be paid by the Hawthorne Board of Education utilizing the services of an off-duty law enforcement officer for athletic events sanctioned by the Board of Education shall be at a rate of \$110 per event. Effective July 1, 2017, the rate shall increase to \$120 per event. Thereafter, the rate may be amended by resolution duly enacted by the Municipal Council of the Borough of Hawthorne. The rate for administrative cost and vehicle use shall be as set forth elsewhere herein.

Section 3. If any section, subsection or part of this ordinance is adjudged by a Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not impair or invalidate the remainder of this ordinance.

Section 4. Except to the extent amended hereunder, all other parts or sections of Chapter 25, Department of Public Safety, Article II, Police, shall remain in full force and effect. All parts and provisions of any ordinance which are inconsistent with the provisions of this ordinance shall be repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect 20 days after final adoption and publication as provided by law.

JOHN N. BERTOLLO, Council President

Attest:
Lori DiBella, RMC
Borough Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey, held on January 18, 2017. It will be further considered for final passage after public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 445 Lafayette Avenue, in said Borough on February 15, 2017, at 7:00 p.m., at which time and place all interested members of the public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available on the borough website, www.hawthornenj.org, and at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

Lori DiBella, RMC, Borough Clerk

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE ADOPTED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HAWTHORNE AT A REGULAR MEETING ON FEBRUARY 15, 2017.

ATTEST:

Lori DiBella, RMC, Borough Clerk

John N. Bertollo, Council President

APPROVED:

Richard S. Goldberg, Mayor