

**City of Lambertville**  
**ORDINANCE NUMBER 25-2019**  
**An Ordinance to Amend the Lambertville City Code, Chapter III, Police Rules and Regulations**

**Article II Definitions**

**APPROPRIATE AUTHORITY.**

Business Administrator of the City of Lambertville.

**3-1 POLICE DIRECTOR.**

**3-1.1 Establishment.**

There is hereby established the administrative position of Police Director, which individual shall be charged with the duties of supervising and directing the Police Department and such other duties and responsibilities as established by the Mayor and Council. (1990 Code § 3-5.1)

**3-1.2 Appointment: Removal from Office.**

- a. The Police Director shall be appointed by the Mayor with the advice and consent of the Council.
- b. The Police Director shall be appointed for a period of one (1) to three (3) years from date of appointment.
- c. The Police Director may be removed from office for cause defined as:
  - 1. Failure or neglect to perform the duties of Police Director as defined in this Article.
  - 2. Mental and/or physical incompetence to perform the duties of the position.
  - 3. Conviction of a felony.
- d. In the event of a vacancy in the position of Police Director, the Officer in Charge (OIC) of the Police Department shall perform the responsibilities of the Police Director until appointment of a successor.

**3-1.3 Qualifications.**

The person appointed to the position of Police Director shall be qualified by training and experience for the duties of his position, but in no event shall a person be appointed unless such person meets the following minimum qualifications:

- a. Citizen of the United States.
- b. Resident of New Jersey.

- c. A minimum of ten (10) years' experience as a member of a law enforcement agency, five (5) years of which shall have been in a supervisory and administrative capacity.  
(1990 Code § 3-5.4)

### **3-1.4 Duties and Responsibilities.**

- a. The Police Director shall be the chief administrative and executive officer in the Police Department. He shall be responsible for the protection of lives and property in the City and for the organization and direction of all Police Department activities. He shall organize and direct the Police Department and issue such orders and give such instructions as he may deem necessary or proper from time to time in the administration and management of the Department. He shall coordinate efforts between the Police Department and the Municipal Court in their administrative and reporting functions. His work shall extend to planning, directing and controlling, through subordinates, the police patrol traffic functions. He shall have direct responsibility for activities in police investigation, vice control and internal security within the Police Department. The Police Director shall be responsible for recruiting and disciplining members of the Police Department and for counseling and training Police Department employees.
- b. The Police Director shall further specifically:
  - 1. Plan, organize, direct, supervise and review all activities of the Police Department.
  - 2. Coordinate the efforts of the Police Department with the court system.
  - 3. Prepare annual budget requests and recommendations for the Police Department and review all requests for expenditures.
  - 4. Plan and implement an ongoing program of training and education, subject to the approval of the Appropriate Authority, and may participate in the training of subordinates in the law and in the technique and procedures of the various functions, with particular attention to personnel at the supervisory level so that they will be fully apprised of current developments in law enforcement.
  - 5. To keep abreast of the public safety requirements of the City and formulate policies, procedures, written manuals and instructions for the Police Department responsive to determined needs.
  - 6. Supervise and direct all of the operations of the Police Department utilizing supervisory personnel in the Police Department.
  - 7. Establish work schedules, determine beats and shifts and make work assignments.
  - 8. Plan, organize, assign and direct all public safety operations with respect to personnel, equipment and buildings.
  - 9. Respond to the scene of major criminal activity and other major conditions that affect public safety, oversee Police Department operations and render technical and other support as appropriate. (Ord. No. 2009-01 § 1)

10. With recommendation of subordinate supervisors or on his own initiative, take or recommend disciplinary action in accordance with statutory provisions.
11. Establish performance criteria for the Police Department as a whole, as well as its individual members, and to conduct periodic evaluations to assure compliance with those criteria.
12. Recruit, examine and recommend candidates for positions in the Police Department in reference to appointments and promotions.
13. Shall prefer charges against and, in his discretion, pending a final hearing on the charges, suspend any officer or member of the Department and otherwise exercise control over all subordinates subject to law.
14. Attend meetings and public gatherings to explain the safety activities and functions and to elicit citizen support of police objectives.
15. Plan and supervise programs of crime and accident prevention for the community.
16. Work with community groups to foster community action related to public safety activities.
17. Establish and maintain relations with school, civic and private organizations to assure a full understanding of the public safety effort.
18. Provide technical public safety information to the Mayor and City Council, the City Clerk, Zoning Officer or other department heads when required.
19. Supervise effective programs for street lighting, signing and traffic control to ensure vehicle and pedestrian safety.
20. Take an active part in any land use proposals or studies which are or might be conducted for the City, so that adequate consideration is given to the present and future needs of the Police Department as well as to facilities and programs incidental to the function of the Department and the implementation of a program of preventative law.
21. Promote a close liaison with the various agencies of the City and to attend all meetings of the Mayor and Council when necessary to better coordinate the functioning of the Police Department with the work of all municipal agencies.
22. Regularly review the ordinances of the City dealing with public safety to assure their propriety with the prevailing public safety needs of the residents of the City.
23. Assist and cooperate with the Construction Office, Code Enforcement Officer, Board of Health, Public Works Director, City Clerk and Emergency Management Coordinator in the reporting and investigation of any alleged or possible violation of statute, municipal ordinance and/or lawful rule, regulation or order promulgated by those officers and prepare detailed investigation reports and

testimony in connection with such alleged violations for use by these bodies and officials in persecutory or enforcement proceedings.

24. Meet, when requested, individually or jointly with the Construction Official, Code Enforcement Officer, Health Officer, Public Works Director, City Clerk or Emergency Management Coordinator for the purpose of discussing existing or anticipated problems and exchanging ideas concerning proposed solutions and keep himself informed about the current activities of these bodies which may involve his office.
25. Submit monthly reports to the Appropriate Authority, summarizing police activity, crime and enforcement statistics and other relevant information impacting public safety. Periodically review existing policies and procedures, revise as necessary and implement new policies, procedures, general orders and other directives as required due to changing conditions and best operational or administrative practices. (Ord. No. 2009-01 § 2)
26. Coordinate, wherever possible, all facets of municipal government concerned with the public safety; strengthen the lines of communication between the local, County and State bodies concerned with law enforcement and public safety.

27. Perform related work as required.

(1990 Code § 3-5.5)

### **3-6 POLICE DEPARTMENT.**

#### **3-6.1 Creation of Department.**

There is hereby created in the City a Police Department which shall consist of a Police Director, and such regular full-time or part-time members as will, from time to time, be deemed necessary and which the Appropriate Authority may appoint, to properly preserve peace and good order within the City of Lambertville. The City Business Administrator, or in the event of a vacancy, the Mayor, shall be designated as the Appropriate Authority as provided in the N.J.S.A. 40A:14-118. The Appropriate Authority shall be responsible for the overall performance of the Police Department and adoption and promulgation of rules and regulations governing the Police Department and the discipline of its members.

- a. *Acting Appointment.* In the event that the Appropriate Authority determines the need to fill a supervisory position in either the rank of Lieutenant, Sergeant First Class or Sergeant due to either an open vacancy or establishment of a new position by the Mayor and City Council, he or she may appoint an Acting Lieutenant, Acting Sergeant First Class, or Acting Sergeant.
  1. The acting appointee shall assume all of the duties and obligations of the acting supervisory position and shall receive the established compensation for said supervisory position.
  2. The acting appointee may serve in the acting position until a regular competitive appointment can be accomplished through the Police Department's established promotional policy and procedure; but in no event shall an acting appointment exceed one (1) year. In the event, the acting appointee

obtains a passing score on the formal promotional examination they may be permanently appointed to the respective supervisory position.

3. Acting Lieutenants, Sergeants First Class and/or Sergeants are considered probationary appointments and may be rescinded by the Appropriate Authority for any lawful reason. If such acting position is so rescinded the appointee will revert back to his previously held title in the Police Department.

### **3-6.2 Duties of Members.**

Duties of the members of the Police Department shall be those prescribed by the Laws of the State of New Jersey, the ordinances of the City of Lambertville and the Rules and Regulations which may be established by the Appropriate Authority of the of the Department.

### **3-6.3 Qualification for Members of the Police Department.**

No person shall be appointed a member of the Police Department unless he or she has the following qualifications:

- a. Is a citizen of the United States;
  - b. Is sound in body and in good health sufficient to satisfy the Board of Trustees of the Public Employees Retirement System of New Jersey as to his eligibility for membership in the Retirement System;
  - c. Is able to read, write and speak the English language well and intelligently;
  - d. Is of good moral character, and has not been convicted of any crime involving moral turpitude; and
  - e. Shall meet the age, residence and other requirements as established by law.
- (1990 Code § 3-6.3)

### **3-6.4 Rules and Regulations.**

- a. A Police Department has been established pursuant to municipal ordinance pursuant to authority vested in the Governing Body as stated in the New Jersey Statutes Annotated, Title 40A.
- b. The Appropriate Authority shall establish and may, from time to time, amend and repeal such rules and regulations as deemed necessary for the governance and efficient working of the Police Department. These rules and regulations shall govern the conduct of police officers and contain policies to be followed by police officers in responding to the general public, criminal activities and related matters.
- c. The rules and regulations, as currently in force, shall be posted permanently on a bulletin board in the Police Headquarters and at least two (2) copies shall be filed with the City Clerk and be available for public inspection. A copy of these rules and regulations shall be issued to all employees of the Police Department.

- d. Any amendment to the rules and regulations shall be filed with the City Clerk. The Appropriate Authority shall also distribute notice of such amendment to the members of City Council, however, any new or amended rules and regulations shall be effective upon their filing with the City Clerk. A copy of any amended rules and regulations shall be posted on the bulletin board in Police Headquarters, available for public inspection in the City Clerk's Office and issued to each member of the department within five (5) days after adopted.
- e. Members of the Police Department shall at all times observe the rules and regulations promulgated pursuant to this subsection. Such rules and regulations shall be dispositive of all matters not set forth in this Code in relationship to incapacity and misconduct of members as well as all other areas of behavior, procedures and organization. Any action taken against any officer pursuant to N.J.S.A. 40A:14-147 et seq. shall be based on the rules and regulations promulgated pursuant to this subsection. No charge shall be brought against any officer for violation of any rule or regulation or amendment thereto which has not been duly promulgated, posted and delivered as herein required.

### **3-6.5 Reserved.**

(Ord. No. 96-02 repealed the position of Chief of Police. All references to the Chief of Police shall mean Police Director.)

### **3-6.6 Probationary Period; Permanent Appointment; Removal or Suspension.**

A police officer shall be deemed to be a probationary employee for the first twelve (12) months of his appointment, during which time he or she may be terminated without cause or hearing. Upon satisfactory completion of twelve (12) months of employment and successful completion of a police training course at an approved school, the police officer shall be deemed a permanent member of the Lambertville Police Department. Except as otherwise provided by law, all persons appointed to positions in the Police Department shall hold office during good behavior and efficiency and no permanent officer of the Department shall be removed or suspended from office or employment, or fined, or reduced in rank, for any cause other than incapacity, misconduct or disobedience of the Rules and Regulations established for the management of the Police Department, and then only upon a written complaint setting forth the charge or charges against such member or employee and a hearing as prescribed by law. (1990 Code § 3-6.6)

### **3-6.7 Vacancies.**

Any vacancies existing in the Police Department shall be filled at the discretion of the Appropriate Authority. Procedures for appointment shall be in accordance with appropriate State Statutes and the Rules and Regulations of the Police Department of the City of Lambertville. The appointment or termination of all Police Department employees shall be the prerogative of the Appropriate Authority. The eligibility list resulting from the appointment procedures, in the discretion of the Appropriate Authority, shall be active for a period of two (2) years and subsequent vacancies shall be filled from that list

### **3-6.8 Special Officers.**

The Appropriate Authority may appoint special officers in accordance with the Laws of the State of New Jersey and for term not exceeding one (1) year. They shall have and exercise all powers as provided by the law

during the performance of their duties, but shall not be considered as regular/permanent members of the Police Department and shall not be entitled to tenure or other benefits of the Department. They may be suspended or recommended for dismissal from the Department at any time at the discretion of the Police Director and they shall receive such compensation as may be fixed by the Mayor and Council.

### **3-6.9 Promotional Testing.**

Promotional testing shall be administered in accordance with appropriate State statutes and procedures established in the Rules and Regulations of the Lambertville Police Department. (1990 Code § 3-6.9)

### **3-6.10 Decrease in Personnel for Economy Purposes.**

When the Mayor and Council shall, for reasons of economy, find it necessary to decrease the number of members of or employees in the Police Department or of any grade or rank thereof, the Mayor and Council shall proceed in the following manner:

- a. If the Governing Body shall determine to decrease the number in any of the higher ranks or grades of the Police Department it shall provide such instruction by resolution to the Appropriate Authority who shall as necessary demote such member or employee or members or employees, of such higher rank or ranks to the next rank below. It shall not remove any such member or employee from such Department for reasons of economy except as hereinafter provided, and in any such demotion from the higher rank or grade, the member or employee to be demoted shall be the last one so appointed to such higher rank or grade. All dismissals or removals from the Department for reasons of economy shall be made from the last person or persons appointed to the Department, regardless of the rank of such person at the time of decreasing the number of employees.
- b. If any officer, employee or member of the Police Department shall be demoted to a lower rank or grade for reasons of economy, such member or employee shall be carried on a special list, and when promotions are made to such higher rank or grade, the person demoted on the ground of economy shall be the first to be restored to the rank from which he was demoted.
- c. If any member of or employee in the Police Department of the City of Lambertville has been, since January 1, 1986, demoted or removed on the ground of economy and for no other reason, in the case of new appointments to the Department, the person so demoted or removed on the ground of economy shall be the first to be reinstated to such Department and to the rank from which he or she was removed, if such rank is retained in the Department in the order of his seniority of service when of equal rank.

## **3-7 PROCEDURES FOR EMPLOYMENT OF OFF-DUTY POLICE OFFICERS.**

- a. Any person or entity wishing to receive police services which the City of Lambertville is not obligated or expected to provide as part of the regular plan of police services or pursuant to its normal provisional services for traffic control at special events, may arrange to receive such services through the Office of the Police Director. Any person or entity disturbing the streets or roadways or altering the normal pattern of traffic within the City of Lambertville shall obtain a certificate from the Office of the

Police Director noting that police services have been arranged or in the alternative that such services are not required. The opinion of the Director of Police shall be final.

- b. Except for unusual circumstances, all requests for such services shall be made at least fifteen (15) days in advance and in writing citing the nature of the duties to be performed, the location thereof, the dates and hours of service, the basis of payment for such service and payment in advance for the requested time.
- c. The Office of the Police Director shall administer all activities pursuant to this section.
- d. All officers of the Lambertville Police Department are authorized to perform police related services for private persons or entities on off-duty hours subject to the terms of this section. All assignments for outside services shall be on a voluntary basis.
- e. The party who made arrangements for such services shall notify the Lambertville Police Department a minimum of two (2) hours in advance of the scheduled start time or the party will be responsible for a minimum charge of two (2) hours service per individual.
- f. The charge for such services shall be based on the hourly rates as established annually by the current Collective Bargaining Agreement. Such rate shall include the hourly rate of the officer working plus a sum representing a reasonable approximation of the administrative cost, overhead and out of pocket expenses for equipment and supplies to the City of providing the service and shall be equal to thirty (30%) percent of the hourly rate established. All payments for such services shall be made to the City of Lambertville.

The fee for services of off-duty officers shall be fifty-five (\$55.00) dollars per hour with forty-five (\$45.00) dollars to be paid to the officer. (Ord. No. 2003-05; Ord. No. 2005-14; Ord. No. 2009-09; Ord. No. 20-2014)

- g. Payment to the officer shall be made by the Chief Financial Officer pursuant to the contract with the Lambertville Police Department (Hunterdon County Police Benevolent Association Local Number 188). (1990 Code § 3-7; Ord. No. 2009-20)

**3-8—3-9 RESERVED.**