

AN ORDINANCE AMENDING CHAPTER 2, SECTION 14.2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, ENTITLED “DEPARTMENT GENERALLY; TABLE OF ORGANIZATION”

I. PURPOSE

WHEREAS, the Township of West Orange (“Township”) intends to foster and further promote the organizational and operational flexibility of the Township’s Police Department (the “Police Department”), and to provide for increased oversight regarding the Police Department’s day-to-day operations;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that Chapter 2, Section 14.2 of the Revised General Ordinances of the Township of West Orange shall be amended as follows:

II. CHAPTER 2, SECTION 14.2 SHALL BE AND HEREBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

There is hereby created in and for the Township of West Orange a Police Department which shall consist of a Chief of Police and such members and officers as shall be deemed necessary by the Mayor or his designee (“Mayor”) who shall, from time to time, determine the number of persons, including patrolmen, superior officers, temporary officers and members in an emergency, to be appointed to those positions. (Ord. No. 1592-99 § II). The Table of Organization for the Police Department shall not exceed a total force of 120, including the following maximums by rank:

Police Chief – 1
Deputy Police Chief – 2
Captain – 4
Lieutenant – 11
Sergeant – 21
Patrolman – 81

BE IT FURTHER ORDAINED, that the remainder of Chapter 2 shall remain unchanged.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall

apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with law.

Karen J. Carnevale,
Municipal Clerk

Susan McCartney,
Council President

Honorable Robert D. Parisi
Mayor

Introduction: March 11, 2014
Adoption: March 25, 2014

LEGISLATIVE HISTORY

This legislation is intended to foster and further promote the organizational and operational flexibility of the Township's Police Department, and to provide for increased oversight regarding the Police Department's day-to-day operations. To accomplish this purpose, this legislation provides for two (2) Deputy Police Chiefs, as opposed to the one (1) that is permitted under the current version of the Revised General Ordinances.

This organizational change is effectuated by ordinance in accordance with N.J.S.A. 40A:14-118, which permits municipal governing bodies to provide for the maintenance, regulation and control of its police force by ordinance. See, generally, Reuter v. Borough Council of Borough of Fort Lee, 167 N.J. 38, 41 (2001) ("That the Legislature would have insisted that police positions be established by ordinance is consistent with the significance of these positions and their importance to the public"); Loigman v. Twp. Committee of Middletown, 409 N.J. Super. 13, 16 (App. Div. 2009) (reaffirming the Reuter Court's holding that "the type and number of police positions [must be] created by ordinance").