

CITY COUNCIL**The City of Orange Township, New Jersey**

DATE _____

NUMBER 46-2026**TITLE: AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 26 OF THE CODE OF THE CITY OF ORANGE TOWNSHIP, ENTITLED "POLICE DEPARTMENT," TO ESTABLISH AN AUXILIARY POLICE UNIT**

WHEREAS, N.J.S.A. 40A:14-118 authorizes the governing body of a municipality, by ordinance, to create and establish a police force and to provide for the maintenance, regulation and control thereof, including the prescription of the powers, functions and duties of its officers and personnel; and

WHEREAS, the City of Orange Township ("City") has established a Police Department pursuant to Chapter 26 of the Code of the City of Orange Township; and

WHEREAS, Chapter 26 presently designates the Director of the Police Department as the appropriate authority pursuant to N.J.S.A. 40A:14-118; and

WHEREAS, the City Council recognizes the value of maintaining a trained volunteer auxiliary police capability to assist the City and the Orange Police Department during emergencies, disasters, authorized training exercises, public events, traffic-control operations, and other circumstances authorized by law; and

WHEREAS, the New Jersey Office of Emergency Management ("NJOEM") has established directives governing municipal Auxiliary Police, including requirements concerning residency, training, mutual aid and firearms; and

WHEREAS, the City Council desires to establish an Auxiliary Police Unit within the Orange Police Department while maintaining a clear distinction between Auxiliary Police personnel and the City's regularly appointed police officers and Special Law Enforcement Officers; and

WHEREAS, the establishment of an Auxiliary Police Unit will provide an additional trained volunteer resource to assist in protecting life and property and supporting municipal emergency-management and law-enforcement operations;

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP, COUNTY OF ESSEX, STATE OF NEW JERSEY, as follows:

SECTION 1. Amendment to Chapter 26.

Chapter 26, "Police Department," of the Code of the City of Orange Township is hereby amended and supplemented by adding the following new sections:

E. The Police Director may recommend suspension or termination of an Auxiliary Police appointment for failure to satisfy applicable qualifications, training requirements, departmental rules, NJOEM requirements or lawful orders.

§ 26-22. Qualifications.

An applicant for appointment to the Auxiliary Police Unit shall:

- A. Be at least eighteen (18) years of age;
- B. Be a resident of the City of Orange Township, subject to any exception authorized by applicable law or NJOEM directive;
- C. Possess a high school diploma or its equivalent;
- D. Possess such physical, mental and other qualifications as are reasonably necessary to perform the duties assigned;
- E. Be of good moral character;
- F. Successfully complete such background investigation, fingerprinting and other screening as may be required by law or by the Police Director;
- G. Successfully complete all training required by applicable law, NJOEM directive and the Police Director; and
- H. Satisfy such additional qualifications as may lawfully be established by the Police Director.

§ 26-23. Supervision.

- A. The Auxiliary Police shall be under the direction and supervision of the Police Director.
- B. When assigned to a particular operation, Auxiliary Police members shall be subject to the lawful direction of the Police Director, the Chief of Police, or other superior police officer designated by the Police Director.
- C. When Auxiliary Police members are attached to the regular police force for training, they shall be subject to the direction and supervision of the appropriate police authority and to the rules and regulations of the Orange Police Department.
- D. The Police Director shall establish written rules, regulations, policies and standard operating procedures governing the Auxiliary Police.

§ 26-24. Duties.

Subject to applicable law, NJOEM directives and departmental policies, Auxiliary Police members may be assigned to:

- A. Traffic direction and control;

D. The Police Director shall maintain appropriate records documenting the training and qualifications of Auxiliary Police members.

§ 26-27. Firearms and Weapons.

A. No Auxiliary Police member shall carry or be issued a firearm in connection with Auxiliary Police service unless the member has been specifically authorized to do so in accordance with applicable law and NJOEM directives.

B. Authorization to arm an Auxiliary Police member shall be made by the City Council or otherwise by the governing body as required by applicable NJOEM directive and shall be subject to approval by the Chief of Police or other chief law-enforcement officer as required by law.

C. No Auxiliary Police member shall carry a firearm while acting in an Auxiliary Police capacity unless the member has completed all training and qualification requirements applicable to such authorization.

D. The Police Director shall establish policies governing the issuance, possession, transportation, storage and use of firearms and other weapons by Auxiliary Police members.

E. Nothing in this section shall authorize possession or use of a firearm or other weapon prohibited by federal or State law.

§ 26-28. Uniforms, Identification and Equipment.

A. Auxiliary Police members shall wear such uniforms and identification as prescribed by the Police Director.

B. Auxiliary Police uniforms, badges, identification cards, insignia and equipment shall comply with applicable State requirements and shall be sufficiently distinguishable from the uniforms and insignia of regularly appointed police officers where required by law or departmental policy.

C. The City shall retain ownership of all City-issued Auxiliary Police equipment, identification and insignia.

D. Upon suspension, termination or expiration of appointment, the member shall immediately return all City-issued equipment, identification, insignia and other property as directed by the Police Director.

§ 26-29. Rules of Conduct.

A. Auxiliary Police members shall comply with all applicable federal and State laws, municipal ordinances, NJOEM directives, Attorney General directives, Orange Police Department rules and regulations, departmental policies and lawful orders.

B. Auxiliary Police members shall maintain confidentiality concerning information obtained in the course of their service and shall not use their position for personal, political or private purposes.

SECTION 2. Codification.

The City Clerk and the City's code publisher are authorized to revise section numbers, headings, internal references and formatting as necessary to incorporate this ordinance into the Code of the City of Orange Township.

SECTION 3. Repealer.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, such invalidity shall not affect the remaining portions of this ordinance.

SECTION 5. Effective Date.

This ordinance shall take effect after final passage, approval by the Mayor, and publication in accordance with law.

ADOPTED:

Trisha Scipio
Acting Municipal Clerk

Clifford R. Ross
Council President

APPROVED:

Dwayne D. Warren, Esq.
Mayor