

**ORD.#5-2024**

AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING SECTION 2 OF CHAPTER 68, "POLICE DEPARTMENT," OF THE TOWNSHIP CODE TO INCREASE THE NUMBER OF CAPTAIN POSITIONS WITHIN THE TOWNSHIP POLICE DEPARTMENT.

**CLERK:**

Delivered to Mayor:

Date: 2/7/2024

Time: 9:00 am

Signed: \_\_\_\_\_

Township Clerk  
Michelle Masser

**MAYOR:**

Action by Mayor:

Approved: ☒

Date: 2-7-2024

Vetoed: ☐

Date: \_\_\_\_\_

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)

Signed: \_\_\_\_\_

Mayor

**CLERK:**

Returned:

Date: 2/7/24

Time: 9:05 am

Not returned with in (10) days

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Township Clerk  
Michelle Masser

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**WHEREAS**, N.J.S.A. 40A:14-118, in relevant part provides that "[t]he governing body of any municipality, by ordinance, may create and establish, as an executive and enforcement function of municipal government, a police force, whether as a department or as a division, bureau or other agency thereof, and provide for the maintenance, regulation and control thereof [;]" and that "[a]ny such ordinance shall, in a manner consistent with the form of government adopted by the municipality and with general law, provide for" amongst other things "the appointment of a chief and such members, officers and personnel ... as the governing body shall deem necessary for the effective government of the force [;]" and

**WHEREAS**, the New Jersey Supreme Court in Reuter v. Borough Council of Fort Lee, 167 N.J. 38 (2001), held that N.J.S.A. 40A:14-118 and the policies underlying the statute require that the type and number of police positions in a municipal police force be established by ordinance; and

**WHEREAS**, within the Mount Olive Police Department there currently exists one position of Captain as established by ordinance and set forth at §68-2A of the Township Code; and

**WHEREAS**, the Mayor, Chief of Police and Business Administrator have reviewed the current demands of the Police Department and are of the opinion that based on the current demands and duties associated with the position of Captain, the need exists to increase the number of Captain positions within the Police Department, and therefore the Chief of Police, Business Administrator and Mayor recommend that the Township Council increase the number of positions for Captain from one to two.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Mount Olive, County of Morris, State of New Jersey, that Part I "Administrative Legislation," Chapter 68, entitled "Police Department," at Article I, "General Provisions," of the Township Code is hereby amended as follows:

**SECTION 1.** Subsection "A" of Section 2 "Composition" in §68-2 is hereby amended to read as follows:

**§ 68-2 Composition.**

**A.** The Mount Olive Township Police Department shall consist of no more than a Chief of Police, and two Captains, four Lieutenants, 10 Sergeants, and a maximum number of 50 police officers, to be appointed to these positions by the Chief of Police at the approval of the Mayor with the budgetary approval of the governing body, as public need may require.

**B.** No Change.

**SECTION 2.** Any and all other ordinances, resolutions, regulations or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to the extent of such conflicts or inconsistencies.

**SECTION 3.** In case of any provision, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall apply only to the provision, section, subsection, sentence, clause or phrase so adjudged, and shall not affect the remainder of this Ordinance or any portion thereof.

**SECTION 4.** This Ordinance may be renumbered for the purposes of codification.

**SECTION 5.** This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: 1/23/2024

Adopted: 2/6/2024

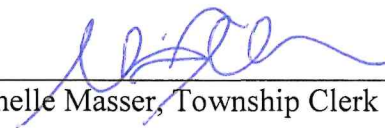
Effective Date: 2/29/2024

TOWNSHIP OF MOUNT OLIVE



Alex Roman, Township Council President

Attest: 2/6/2024



Michelle Masser, Township Clerk