

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

ORDINANCE 2026-19

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS IN UNION COUNTY, NEW JERSEY
AMENDING THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO ADD THE POSITION OF
DEPUTY CHIEF AND TO AUTHORIZE ONE ADDITIONAL LIEUTENANT AND FOUR ADDITIONAL
PATROL OFFICERS IN THE BERKELEY HEIGHTS POLICE DEPARTMENT**

WHEREAS, Chapter 2.100, "POLICE DIVISION," of Title 2, "ADMINISTRATION AND PERSONNEL," of the Township Code for the Township of Berkeley Heights ("Code") establishes within the Department of Public Safety a Division of Police, known as the Township of Berkeley Heights Police Department ("Department"); and

WHEREAS, pursuant to subsection 2.100.010 of the Code, the department shall consist of the following positions: one chief of police, one captain, and not to exceed; two lieutenants, seven sergeants, seventeen patrol officers, and such civilian personnel as the township council may determine necessary for the effective function of the police division; and

WHEREAS, the Mayor and Council wish to add the position of deputy chief, increase the allowable number of lieutenants from two to three, include special law information officers, and increase the allowable number of patrol officers from seventeen to twenty-one;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Berkeley Heights, County of Union, State of New Jersey as follows:

SECTION I. Section 2.100.010, "Establishment." of Chapter 2.100, "POLICE DIVISION," of Title 2, "ADMINISTRATION AND PERSONNEL," of the Township Code shall be amended as follows: [New language **bold and underlined**; deletions ~~stricken through~~.]

2.100.010 Establishment.

There is created in the Department of Public Safety as an executive and enforcement function of the township, pursuant to N.J.S.A. 40A:14-118, a division of police ("police division"), which shall consist of the following positions: one chief of police, **one deputy chief**, one captain, and not to exceed; ~~two~~ **three** lieutenants, seven sergeants, ~~seventeen~~ **twenty-one** ~~(17)~~ **(21)** patrol officers, and such civilian personnel **and special law informant officers** as the township council may determine necessary for the effective function of the police division.

SECTION II. Section 2.100.030, "Line of authority." of Chapter 2.100, "POLICE DIVISION," of Title 2, "ADMINISTRATION AND PERSONNEL," of the Township Code shall be amended as follows: [New language **bold and underlined**; deletions ~~stricken through~~.]

2.100.030 Line of authority.

The following shall constitute the line of authority relating to the police function as required by N.J.S.A. 40A:14-118:

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- A. Chief of Police. The chief of police shall possess those powers and duties set forth at N.J.S.A. 40A:14-118, and shall be the head of the police division and directly responsible to the mayor for the efficiency and routine day-to-day operations thereof. The chief of police shall receive such salary as established by the salary ordinance. The chief of police shall, pursuant to policies established by the mayor:
1. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the police division and its officers and personnel;
 2. Have, exercise and discharge the functions, powers and duties of the police division;
 3. Prescribe the duties and assignments of all subordinates and other personnel;
 4. Delegate such of his or her authority as he or she may deem necessary for the efficient operation of the police division to be exercised under his or her direction and supervision; and
 5. Report at least monthly to the mayor in such form as shall be prescribed by the appropriate authority on the operation of the police division during the preceding month, and make such other reports as may be requested by the mayor.

It is the duty of the chief of police to cause public peace to be preserved and to see that all laws, ordinances, written orders, resolutions and policies of the township council pertaining to the police division are properly complied with. He or she shall faithfully and properly obey and cause all personnel under him or her to obey all rules, regulations, resolutions, orders and policy directives which may from time to time be prescribed by the mayor and township council.

The chief of police shall be available twenty-four (24) hours per day, seven days per week to respond to police emergencies (except when out-side the state of New Jersey on vacation or other authorized occasions). The chief of police shall also be expected to interact with local citizens, taxpayers, the local school district, community organizations or groups, senior citizen organizations, neighborhood groups; to develop a cooperative relationship between the township and commercial operations within the township which have unique or special security needs and to otherwise develop and foster a positive image of the township and police division within the township.

The chief of police shall be entitled to such salary, benefits and emoluments as the township council may determine by further ordinance or resolution.

- B. **The Deputy Chief shall serve as the second-in-command of the Police Department and shall assist the Chief of Police in the administration, operation, and supervision of the Department. The Deputy Chief shall assist in the planning, direction, and coordination of all departmental operations and services; supervise personnel,**

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divisions, and special assignments as directed by the Chief of Police. In the absence, or at the direction of the Chief of Police, the Deputy Chief shall act on behalf of the Chief and shall exercise all powers and duties of the Chief of Police.

- C. Captain of Police. Immediately subordinate to the ~~chief of police~~ Deputy Chief in the line of authority is the captain of police, who shall assist the chief and/or deputy chief in the administration of the police division and who shall perform such duties and responsibilities as may be assigned by the chief or as may be set forth in police division rules and regulations or otherwise imposed by law. ~~In the absence of the chief of police, the senior ranking captain shall perform the duties and possess the powers of the chief.~~
- D. Lieutenant of Police. Immediately subordinate to the captain of police in the line of authority is the lieutenant of police, who shall perform such duties and responsibilities as may be assigned through the chain of command by the chief of police, the deputy chief, or the captain of police or as may be set forth in police division rules and regulations or otherwise imposed by law.
- E. Sergeant of Police. Immediately subordinate to the lieutenant of police in the line of authority is the sergeant of police, who shall perform such duties and responsibilities as may be assigned through the chain of command by the chief of police, the deputy chief, the captain of police, the lieutenant of police, or as may be set forth in police division rules and regulations or otherwise imposed by law.
- F. Patrol Officer. Immediately subordinate to the sergeant of police in the line of authority is the position of patrol officer, who shall perform such duties and responsibilities as may be assigned through the chain of command by the chief of police, the deputy chief, the captain of police, the lieutenant of police, the sergeant of police, or as may be set forth in police division rules and regulations or otherwise imposed by law.

SECTION III. Section 2.100.040, "Qualifications for appointment." of Chapter 2.100, "POLICE DIVISION," of Title 2, "ADMINISTRATION AND PERSONNEL," of the Township Code shall be amended as follows: [New language **bold and underlined**; deletions ~~stricken through~~.]

2.100.040 Qualifications for appointment.

To be eligible for appointment to the police division, an applicant must be a citizen of the United States of America and a resident of the state of New Jersey, must be of good moral character, never be convicted of a crime or offense involving moral turpitude, and meet all other tests and qualifications established by N.J.S.A. 40A:14-122, et seq., this chapter and the rules and regulations of the police division. All such applicants must be in good health, sound in body and mind and certified by the police physician to be physically capable of performing the duties required of a police officer. All applicants must meet the statutory age

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requirements. No applicant shall be eligible for appointment to the police division unless he or she has earned a bachelor's or higher degree awarded by a bachelor's degree-granting college or university. **Notwithstanding the preceding, a**An applicant who has earned 1) an associate's degree awarded by an associate's degree granting college or university or has completed sixty (60) credits awarded by a bachelor's degree-granting college or university and 2) has successfully completed or is enrolled in the Police Training Commission Alternate Route Program and has, or will be receiving certification therefrom, shall be eligible for appointment. A degree or concentration in criminal justice is preferred. Qualified veterans, as defined by the New Jersey Department of Military and Veterans Affairs, who have not earned a bachelor's or higher degree awarded by a bachelor's degree-granting college or university, can substitute a combination of two years of full-time, active military service and an associate's degree awarded by a degree-granting college or university to satisfy the education requirement. The Chief of Police may waive the education requirement for qualified veterans as defined herein, and applicants certified by the Police Training Commission, **or an applicant who meets the minimum educational requirements established by the New Jersey Police Training Commission for participation in the Alternate Route Program.**

All such appointments shall be made pursuant to applicable laws of the state of New Jersey, including N.J.S.A. 40A:14-122 through 127.

All appointments to the police division shall be made by executive order of the mayor. Each such employee shall receive such salary, benefits and emoluments as may be provided by collective bargaining agreement, ordinance or resolution of the township council.

SECTION IV. Section 2.100.050, "Basis and manner of appointment." of Chapter 2.100, "POLICE DIVISION," of Title 2, "ADMINISTRATION AND PERSONNEL," of the Township Code shall be amended as follows: [New language **bold and underlined**; deletions ~~stricken through~~.]

2.100.050 Basis and manner of appointment.

- A. Exception for the appointments to chief of police, individuals will initially be appointed to the police division upon the basis of the results of the following competitive examinations process:
1. A written examination administered by the New Jersey State Association of Chiefs of Police. Applicants must achieve a minimum score of eighty (80) to proceed to the second phase of the testing process.
 2. A physical fitness test, designed, administered and scored by the Berkeley Heights Police Department. Applicants will be scored based on standards/scoring set prior to the taking of the test and must achieve a minimum of eighty (80).
 3. An oral examination administered by the New Jersey State Association of Chiefs of Police. Applicants must achieve a minimum score of eighty (80) to proceed to the next phase of the testing process.

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4. Upon completion of the three phases of testing the applicant's scores are averaged to obtain a final score. An eligibility list will be established based on the applicant's final score. The eligibility list will remain in effect for three years from the date of the last oral examination.
 5. When an opening becomes available, the applicant who is first on the eligibility list will have a background investigation completed by a member of the Investigations Division. ~~Upon completion of the background investigation completed by a member of the Investigations Division.~~ Upon completion of the background investigation and recommendation by the investigator, the applicant, **upon approval of the Mayor, who in his or her discretion, will determine whether to make an appointment and whether current staffing and budget levels will allow for such appointment,** will be **given a conditional offer of employment and** sent for a psychological examination.
 6. Upon successful completion of the psychological examination and recommendation for the examining psychologist the applicant will proceed to the medical examination.
 7. Upon successful completion of the medical examination conducted by the police physician and recommendation from the police physician, the chief of police will recommend the applicant for appointment by the mayor.
 8. **Following successful completion of the psychological and medical examination,** ~~t~~The mayor, shall appoint the candidate (which shall be done by Executive Order), consistent with the Faulkner Act ~~in his or her discretion, will determine whether to make such appointment (which shall be done by Executive Order), consistent with the Faulkner Act and current staffing and budget levels..~~
- B. The mayor may appoint, without examination, upon recommendation by the Chief of Police, an applicant who satisfies the qualifications for appointment as set forth above. The applicant selected shall meet all other requirements for appointment, shall be required to successfully complete the following:
1. A physical fitness test, designed, administered and scored as set forth above. Applicants must achieve a minimum score of eighty (80) to proceed to the next phase of testing process.
 2. A background investigation completed by a member of the Investigations Division. Upon completion of the background investigation and recommendation by the investigator, the applicant will be **given a conditional offer of employment and** sent for a psychological examination.
 3. Upon successful completion of the psychological examination and recommendation from the examining psychologist, the applicant will proceed to the medical examination.

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4. Upon successful completion of the medical examination conducted by the police physician and recommendation from the police physician, the applicant will be recommended for appointment by the chief of police.

An application fee will be required for participation in the testing process. The amount of the application fee will be set by resolution of the township council based on the recommendation of the chief of police.

- C. Appointments of the chief of police shall be made by the mayor, with the advise and consent of the township council, consistent with the Faulkner Act, to a qualified individual in accordance with New Jersey law.

SECTION V. Section 2.100.070, "Police trainees." of Chapter 2.100, "POLICE DIVISION," of Title 2, "ADMINISTRATION AND PERSONNEL," of the Township Code shall be amended as follows: [New language **bold and underlined**; deletions ~~stricken through~~.]

2.100.070 Police trainees.

The position of police trainee is established in the Berkeley Heights police division. Upon original appointment as prospective officers, with the requirement that they attend and successfully complete a police academy certified by the New Jersey State Training Commission, a police trainee will receive a salary of "~~probationary patrolman~~ **trainee academy pay**" as established by the ~~current salary ordinance~~ **collective negotiations agreement**. Upon graduation and **following successful completion of the one year working test period measured from the date the trainee may begin work as a police officer** ~~one year from the date of appointment~~, the probationary period will cease and, upon recommendation of the chief of police, a police trainee will be appointed as a permanent patrol officer.

SECTION VI. Section 2.100.090, "Promotion to lieutenant/captain." of Chapter 2.100, "POLICE DIVISION," of Title 2, "ADMINISTRATION AND PERSONNEL," of the Township Code shall be amended as follows: [New language **bold and underlined**; deletions ~~stricken through~~.]

2.100.090 Promotion to lieutenant/captain/deputy chief.

All promotions to the positions of lieutenant ~~and~~, captain, **and deputy chief** within the police division shall be made by executive order of the mayor, upon the recommendation of the chief of police. All such promotions shall be to qualified members of the police division subject to the provisions of any collective **negotiations** ~~bargaining~~ agreement, ordinance or resolution of the township council, and applicable New Jersey law, specifically N.J.S.A. 40A:14-122.6; N.J.S.A. 40A:14-129; and N.J.S.A. 40A:14-130.

SECTION VII. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

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SECTION VIII. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION IX. This Ordinance shall take effect after passage and publication in the manner provided by law.

Angie Devanney, Mayor

Introduction						Councilperson	Final Adoption					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
						John Foster						
						Margaret Illis						
						Bill Machado						
						Alvaro Medeiros						
						Andrew Moran						
						Susan Poage						
Introduced: July 21, 2026						I hereby certify the above ordinance was adopted by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey on the aforementioned date. _____ Angela Lazzari, Township Clerk						
Final Adoption: August 11, 2026												