



Legislation Details (With Text)

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Title: ORDINANCE TO AMEND AND SUPPLEMENT TITLE 2, ADMINISTRATION, CHAPTER 1, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, REORGANIZING DEPARTMENTS IN CITY GOVERNMENT BY ELIMINATING THE DEPARTMENTS OF POLICE AND FIRE AND ESTABLISHING A DEPARTMENT OF PUBLIC SAFETY, WHICH SHALL CONSIST OF AN OFFICE OF THE DIRECTOR, DIVISION OF POLICE, DIVISION OF FIRE, DIVISION OF COMMUNICATIONS AND TRANSFERRING FROM THE DEPARTMENT OF ADMINISTRATION THE OFFICE OF EMERGENCY MANAGEMENT AND OFFICE OF HOMELAND SECURITY TO A DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY IN THE DEPARTMENT OF PUBLIC SAFETY, AS AMENDED AND SUPPLEMENTED.
Deferred 6PSF-a 010616

Sponsors: Council of the Whole

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ORDINANCE TO AMEND AND SUPPLEMENT TITLE 2, ADMINISTRATION, CHAPTER 1, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, REORGANIZING DEPARTMENTS IN CITY GOVERNMENT BY ELIMINATING THE DEPARTMENTS OF POLICE AND FIRE AND ESTABLISHING A DEPARTMENT OF PUBLIC SAFETY, WHICH SHALL CONSIST OF AN OFFICE OF THE DIRECTOR, DIVISION OF POLICE, DIVISION OF FIRE, DIVISION OF COMMUNICATIONS AND TRANSFERRING FROM THE DEPARTMENT OF ADMINISTRATION THE OFFICE OF EMERGENCY MANAGEMENT AND OFFICE OF HOMELAND SECURITY TO A DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY IN THE DEPARTMENT OF PUBLIC SAFETY, AS AMENDED AND SUPPLEMENTED.

Deferred 6PSF-a 010616

WHEREAS, the City of Newark desires to restructure and reorganize departments within the City of Newark in order to establish and promote a more efficient and effective municipal government; and

WHEREAS, the Mayor and the Business Administrator of the City of Newark believe it is in the best interest of the City of Newark to establish a Department of Public Safety which shall consist of

an Office of the Director, Division of Police, Division of Fire, Division of the Office of Emergency Management and Office of Homeland Security and a Division of Communications.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

SECTION 1: Title 2, Administration of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, be further amended by eliminating the Departments of Police and Fire and repealing all Sections contained therein relating thereto.

SECTION 2: Title 2, Administration, Department of Public Safety is hereby established and shall read in its entirety as follows:

DEPARTMENT OF PUBLIC SAFETY

I. ESTABLISHMENT AND ORGANIZATION; DEPARTMENT OF PUBLIC SAFETY.

1. There shall be a Department of Public Safety, the head of which shall be the Director of Public Safety. The Department shall consist of the following:

- II. Office of the Director
 - Community Relations Unit
 - Office of Taxicabs
- III. Division of Police
 - Office of Housing Security
 - Board of Alcoholic and Beverage Control
 - Office of Contracted Extra-Duty Employment
- IV. Division of Fire
 - Arson Investigation Unit
 - Emergency Medical and Rescue Service Unit
- V. Division of Emergency Management and Homeland Security
 - Office of Emergency Management
 - Office of Homeland Security
- VI. Division of Communications

SECTION 3: There is hereby established an Office of the Director within the Department of Public Safety. It shall read in its entirety as follows:

II. OFFICE OF THE DIRECTOR OF PUBLIC SAFETY

1. QUALIFICATIONS AND COMPENSATION; HEAD.

The Director shall, prior to his/her appointment, be qualified by training or experience in public safety and in responsible management of public safety personnel. The Director's compensation shall be such sum annually as shall be fixed by ordinance of the Municipal Council. In the event a sworn law

enforcement officer is designated or assigned as the Director of Public Safety, he or she may retain his/her police powers as permitted by law, in addition to the powers afforded the Director of Public Safety, as necessary and in furtherance of the authority, duties, powers, and functions set forth herein. These powers shall include access to computer systems, and/or information maintained for the use of law enforcement personnel as deemed necessary for the proper administration of his/her duties.

2. DUTIES AND RESPONSIBILITIES; HEAD.

1. The Director of the Department of Public Safety, through the divisions and otherwise, shall be responsible for the following:

- A. Providing planning and policy leadership for all citywide coordinated public safety initiatives required by any department, office or agency of the City government, except as otherwise directed by the Mayor or the Business Administrator.
- B. Representing the City in matters involving public safety with City agencies and other government jurisdictions, except as otherwise directed by the Mayor or the Business Administrator.
- C. Formulating policies, procedures, standards, and oversight for all public safety projects undertaken by two or more municipal departments and/or by any municipal department and other government public safety agencies.
- D. Establish performance criteria for the Department as well as its individual members; conduct evaluations to ensure compliance with these criteria.
- E. Conduct periodic public relations and public information programs on behalf of the Department to establish and maintain a relationship between the Department and the citizens of Newark.
- F. At the request of the Mayor, serve as liaison to community groups and local, county, state, and federal public safety agencies.
- G. Shall regularly report to the Mayor with recommendations related to conditions of the Department and suggestions for its improvement and needs.
- H. Exercising all of the functions, powers and duties of a department head as otherwise prescribed by Title 2, Administration.
- I. The Public Safety Director shall be the Chief Executive Officer of the Police Division.
- J. Make, administer and enforce rules and regulations for the control, disposition and discipline of the Department of Public Safety, and of its officers and employees in all its Divisions and Offices.
- K. Establish procedures for the hearing and determination of charges of violation of departmental rules and regulations by any member of the Police Division provided that a member may be fined, reprimanded, removed, suspended or dismissed from the Division only on written charges made or preferred against him or her, after such charges have been examined, heard and investigated by a Disciplinary Trial boards selected from among the members of the Police Division as provided for herein, upon such reasonable notice to the member charged, and according to such practice, procedure and manner as may be prescribed by rules and regulations of the Department.
- L. Appoint such civilian employees and/or members to the Police Division, as s/he deems necessary and appropriate, in his/her discretion and judgment, to maximize the efficiency of the Police Division. Said civilian employees and/or members shall perform any and all services as prescribed and specified by the Public Safety Director.
- M. Be responsible for appointing members to serve on the Disciplinary Trial Boards. In the interest of fair and equitable representation, the Public Safety Director will take feasible steps

to provide for overall ethnic, racial and gender diversity among NPD members who are appointed to serve on the Disciplinary Board, while maintaining concern for overall efficiency of daily operations, manpower limitations and the paramount interest of the safety and welfare of Newark residents.

- N. Nothing herein contained in this section shall limit or prevent the Public Safety Director from exercising and/or carrying out the rights, powers and duties afforded in accordance with applicable state law, the Attorney General guidelines and directives and any other relevant law (s).
- O. Nothing herein contained shall prevent the appointment by the Governing Body of committees or commissions to conduct investigations of the operation of the Police Force, and the delegation to such committees or commissions of such powers of inquiry as the Governing Body deems necessary or to conduct such hearings or investigations as authorized by law.
- P. Nothing herein contained shall prevent the Appropriate Authority, or any executive or administrative officer charged with the general administrative responsibilities within the municipality, from examining at any time the operations of the Police Force or the performance of any officer or member thereof. In addition, nothing herein contained shall infringe on or limit the power or duty of the Appropriate Authority to act to provide for the health, safety and/or welfare of the municipality in an emergency situation through special emergency directives.
- Q. In his/her discretion, deduct and withhold salary from any member of the Police force on account of absence for any cause without leave in accordance with Civil Service procedures or common law.
- R. Have and exercise all of the functions, powers and duties of a Department Head as otherwise prescribed by Title II, "Administration" of these revised General Ordinances.
- S. The Public Safety Director shall be the Chief Executive Officer of the Division of Fire.
- T. Establish procedures for the hearing and determination of charges of violation of departmental rules and regulations by any member of the Division of Fire provided that a member may be fined, reprimanded, removed, suspended or dismissed from the Division only on written charges made or proffered against him/her, after such charges have been examined, heard and investigated by a Board of Discipline selected from among the members of the Division of Fire, upon such reasonable notice to the member charged, and according to such practice, procedure and manner as may be prescribed by rules and regulations of the Division. The Public Safety Director shall appoint male and female Division of Fire members of diverse ethnic and racial backgrounds to serve on the Board of Discipline to ensure fair and equitable representation of all fire personnel during departmental hearings. Pursuant to N.J.S. 40:69A et seq. (Faulkner Act), the Public Safety Director shall exercise the authority provided herein to govern the selection of members to a disciplinary hearing board established by the Fire Division and shall conduct such hearing in accordance with State Statutes.
- U. In her or his discretion, to deduct and withhold salary from any member of the Division of Fire on account of absence for any cause without leave.
- V. Shall be required to notify the Municipal Council in writing through the Office of the City Clerk, of any final decision to close either permanently or temporarily any fire house at least forty-five (45) days prior to the effective date of said closing. In addition, the Public Safety Director shall also provide written notice to the residents within a two hundred (200) foot radius of the effected fire house, forty-five (45) days in advance of its closing whether permanently or temporarily. (R.O. 1966 §20:2-4; Ord. 6 S+FA, 4-16-97; Ord. No. 6 S+FD, 8-6-03 § 1)
- W. The P Public Safety Director shall give leaves of absences in accordance with N.J.S. 40A:14-177 allowing for attendance at State or National Conventions of Certain Organizations.

3. ASSISTANT DIRECTOR - QUALIFICATIONS

. The Director of the Department of Public Safety can appoint an Assistant Director and assign such person duties as desired. The person appointed as Assistant Director of Public Safety shall be qualified by training and experience for the duties of the position. The person shall not be appointed unless he or she meets the following minimum qualifications, unless said qualifications are waived by affirmative vote of at least two-thirds of the entire Council: a minimum of ten (10) years experience as a member of a police department, fire department or other law enforcement agency, five years of which shall have been in a supervisory and administrative capacity.

4. PROHIBITED ACTIVITIES.

No member of the Department of Public Safety shall accept or solicit anything of value as consideration for or in connection with the discharge of his/her official duties; nor shall any member of the Department, without the written permission of the Public Safety Director, solicit, contribute, or pay, or cause to be solicited, contributed or paid, whether directly or indirectly, any money or other thing of value for the benefit of any organization or any member of any organization, except that this shall not apply to regular dues or assessments of Police Benevolent Organizations, Firemen's Benevolent Organizations or other purposes authorized by general rules or regulations of the Department and Divisions.

5. COMMUNITY RELATIONS UNIT

Organization of Unit.

There shall be organized within the framework of the Public Safety Department a unit known as the "Community Relations Unit."

It is the purpose of the unit to study, promote and strengthen partnerships within the community to achieve ethical bias free policing with the assistance and cooperation of the Newark Office of Affirmative Action and the Division of Personnel in the Department of Administration.

The Public Safety Director shall appoint the head of this unit who shall manage the day to day running of the unit and report to the Public Safety Director. .

6. OFFICE OF TAXICABS

Office of Taxicabs Established; Head.

a. There shall be within the Department of Public Safety/Office of the Director, an Office of Taxicabs, the head of which shall be the Manager of the Office of Taxicabs.

b. The Manager of the Office of Taxicabs shall, prior to appointment, have graduated from a four (4) year course at a college of recognized standing with a major course of study in business administration. An appointee who does not meet the college education requirement may substitute experience in a responsible position in business administration on a year-for-year basis.

c. The powers and duties of the Manager of the Division of Taxicabs, under the Supervision of the Public Safety Director, shall include the regulation and supervision of the business and industry of the transportation of persons by licensed taxicabs pursuant to the provisions of this chapter. Such regulation and supervision shall extend to:

1. The regulation and supervision of rates of fare to be charged and collected.
2. The regulation and supervision of standards and conditions of service.

3. The revocation and suspension of licenses for vehicles, other than licenses issued pursuant to State Law, provided, however, that taxicab licenses heretofore issued shall in all respects remain valid in accordance with their terms and transferable according to law.

Taxicab Commission.

a. For purposes of general administrative procedures, there shall be located within the Department of Public Safety, Police Division, a Taxicab Commission and such staff as it may be empowered by law to name, hereinafter referred to as the "Commission" and shall be subject to the oversight of the Public Safety Director.

b. *Membership; Appointment; Terms; Vacancies.* The Commission shall consist of seven (7) members appointed by the Mayor with the consent of the Municipal Council. Members shall be appointed for a term of three (3) years. Each member shall serve until his successor shall be appointed and qualified. In case of vacancy caused otherwise than by expiration of term, the successor shall serve for the unexpired term only.

c. *Community Representation.* The Mayor shall endeavor to appoint members who will be fairly representative of the taxicab industry, the autocab industry, the limousine and livery service industry, the business community and the community at large.

d. *Chairperson, Rules and Bylaws; Meetings; Compensation.* Each year the Commission shall select one (1) of its members to be chairperson and shall adopt such rules of procedure and such bylaws as are necessary to fulfill its purposes as set forth in Section 2:20-1.67. The Commission shall hold meetings, not more than once a week nor less than once a month, as it shall from time to time deem necessary and its members shall receive a salary of not more than three thousand five hundred (\$3,500.00) dollars per annum for attending Board meetings. Such salaries shall be paid quarterly and in proportion to the number of meetings attended during each quarter.

e. The Commission, where so authorized by State law and local ordinance, shall discharge its duties without direction or supervision by anyone within the Municipal government.

Powers and Duties.

The Commission shall have the following powers and duties:

a. To issue rules and regulations incident to the regulation of the taxicab business within the City of Newark, subject to the approval of the Manager, Division of Taxicabs. All such rules and regulations shall be published by public notice prior to adoption.

b. To review applications for issuance and renewal of licenses.

c. To perform studies to develop a more efficient regulation of the taxicab business such as the impact the UBER industry.

d. To adopt bylaws and rules of procedure to effectuate the purpose of this Article.

e. To hold hearings and make determinations, after a review of the recommendations of the Manager, Office of Taxicabs, with respect to complaints received incident to the taxicab business. Any such final determination shall be appealable to the Business Administrator. The Taxicab Commission shall submit copies of its minutes from all meetings summarizing member attendance and determinations within thirty (30) days from the meetings to the Office of the City Clerk.

SECTION 4: There is hereby established a Division of Police within the Department of Public Safety. It shall read in its entirety as follows:

III. ESTABLISHMENT OF DIVISION OF POLICE.

a. There shall be within the Department of Public Safety, a Division of Police, also known as the Newark Police Division, the head of which shall be the Public Safety Director. Within the Division of Police, there shall be a Police Force, the head of which shall be the Police Chief.

b. Within the Division of Police, there shall be the following ranks: Police Chief, Deputy Police Chiefs, Inspectors, Captains, Lieutenants, Sergeants and Police Officers. The Police Division may also include such civilian employees as may, from time to time, be appointed and approved by the Director of Public Safety.

c. *Maximum Number of Positions.* The maximum number of positions for each of the below listed titles in the uniformed service of the Police Division shall be as follows, to wit:

<i>Position Title</i>	<i>Maximum Number of Positions</i>
Deputy Police Chief	13
Inspector	13
Captain	40
Lieutenant	126
Sergeant	185
Police Officer	1700

Whenever any appointed office is intentionally left vacant it will be deemed not to exist and it will be passed in the chain of command. The Director of Public Safety with the approval of the Mayor may therefore recreate or resurrect an office that has been so abolished by naming a person to fill said office, except for the position of Police Chief.

(R.O. 1966 § 20:1-1; Ord. 6 S+FF, 3-19-08 § 1; Ord. 6 S+FC, 10-1-08 § 1; Ord. 6 PSF-A, 1-7-09 § 1; Ord. 6 PSF-F, 8-3-11)

Powers and Duties of Division.

The Police Division shall:

a. Preserve the public peace, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the City, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections and public meetings and assemblages;

b. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic, and the use of the streets by vehicles and persons, and to make rules and regulations, not inconsistent with the Charter, ordinances, and general law, for such purposes;

c. Remove all nuisances in the public streets, parks and other public places, inspect and observe all places of public amusement or assemblage and all places of business requiring any State or Municipal license or permit;

d. Provide proper Police attendance and protection at fires;

e. Enforce and prevent the violation by any person of the laws and ordinances in effect within the

City, and apprehend and arrest in accordance with law all persons lawfully charged with the violation of any law or ordinance for the suppression or punishment of crimes or offenses;

f. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperate fully with the law enforcement and prosecuting authorities of Federal, State and County governments;

g. Operate a training program to maintain and improve the Police efficiency of the members of the Department.

h. Construct, install, repair and maintain all facilities of the Police signal system and the Police radio system.

Police Chief; Qualifications; Appointment; Duties.

a. The Mayor shall appoint a Police Chief, who shall have served as a superior officer and who shall possess at least five (5) years of administrative and supervisory police experience, who shall serve during the term of office of the Mayor appointing him/her, and until the appointment and qualification of his/her successor, and who shall serve in the unclassified title or position service of the Civil Service of the City and shall receive such salary as shall be fixed by ordinance.

b. The Mayor may, in his/her discretion, remove any person appointed as the Police Chief pursuant to the provisions of this section, after notice and an opportunity to be heard. Prior to removing such person the Mayor shall first file written notice of his intention to do so with the Municipal Council, and such removal shall become effective on the twentieth (20th) day after the filing of such notice unless the Council shall, prior thereto, have adopted a resolution disapproving such removal by at least a two-thirds (2/3) vote of the membership of the Council.

c. The Police Chief shall be the head of the Police Force and shall be directly responsible to the Mayor through the Public Safety Director designated by the Mayor as the Appropriate Authority for the Police Force's efficiency and day to day operations and shall carry out the powers and duties established under N.J.S.A. 40A:14-118 and in accordance with applicable case law and the Attorney General guidelines and directives.

d. The Police Chief may, in his/her discretion, delegate such of his/her authority as he/she deems necessary for the efficient operation of the Police Force. Such authority shall be exercised under the Police Chief's direction, control and supervision.

Deputy Police Chief: Qualifications; Appointment; Duties; Compensation.

a. The Mayor may appoint a Deputy Police Chief, who shall possess at least three (3) years of administrative and supervisory public safety, legal or criminal justice management experience, who shall serve, and be removable at the pleasure of the Public Safety Director, in the unclassified service of the Civil Service of the City. The compensation of the Deputy Police Chief shall be such sum annually as shall be fixed by executive order of the Mayor.

b. The Deputy Police Chief shall perform all such duties as may be directed or prescribed by the Public Safety Director, and/or his designee the Assistant Public Safety Director and or Police Chief. The Public Safety Director may, in his/her discretion, delegate to the Deputy Police Chief, such of his/her authority as he/she may deem necessary for the efficient operation of the Police Division under his/her direction and supervision. The acts of such Deputy, within the scope of his/her authority, shall in all cases be as legal and binding as if done and performed by the Public Safety Director for whom he/she is acting.

Police Precincts.

The number and boundaries of Police precincts shall be fixed by the Public Safety Director. He/she shall, from time to time with the approval of the Mayor, and within the limits of available appropriations, establish, provide and furnish stations and station houses within the several precincts for the accommodation of members of the Police Force and as places of temporary detention for persons arrested and property taken within the precinct.

Personnel:

Hours of Duty; Emergencies.

a. The hours of employment shall not exceed eight (8) consecutive hours in any one (1) day nor forty (40) hours in any one (1) week except in cases of emergency as provided in paragraph b. of this section

b. In case of emergency, the members of the Police Division may be summoned for and kept on duty during the period of emergency, as provided by N.J.S. 40A:14-133.

Qualifications for Applicants; Training Requirements:

Residency Requirements for Entry Level Appointments to the Police Division .

a. All applications for appointment to the Police Division shall be qualified for appointment as required by law, ordinance and Civil Service rules and regulation. All applicants for appointment shall be residents of the City of Newark and must maintain continuous residency within the City of Newark from the announced closing date of the Department of Personnel examination up to and including the date of appointment.

b. The provisions herein shall become effective June 7, 1993 in accordance with N.J.A.C. 4A:4-2.11(b)1.

Permanent Appointment; Training Course Completion.

No person shall be granted a permanent appointment as a Police Officer in the Police Division of the City unless such person has successfully completed the Police training course conducted and approved by the Newark Police Training Academy.

Permanent Appointment: Probationary Period Required.

Any person certified under the provisions of N.J.S. 11A:22-1 et seq., for appointment as a Police Officer in the Police Division shall not be entitled to or be permanently appointed to such position or office until he has completed a probationary period not exceeding one (1) year and has successfully completed the required Police training course within the period prescribed by the Newark Police Training Academy and/or State Police training course or other certified police academy.

Probationer Dismissed.

Nothing herein contained shall deny to the City the right during or at the end of the probationary period to discontinue the service of any such person if in the opinion of the Public Safety Director the

probationer is unable to successfully complete such Police training course, or the reputation, habits, dependability or fitness of such person does not merit continuance of the probationary period or permanent appointment.

Pay During Probation and Training.

The probationer shall during such period of probation and attendance at the training school receive the regular pay prescribed for Police Officers in the Division in the rank of Patrolman as designated by applicable labor agreement.

Permanent Appointment: Applicability of Statute.

Any permanent appointment as a Police Officer in the Police Division of the City except as herein provided, shall otherwise be in accordance with N.J.S. 11:22-1 et seq.

Limit on the Number of Special Law Enforcement Officers.

- a. There shall be no (0) Class One Special Law Enforcement Officers appointed by the Municipal Council.
- b. The number of Class Two Special Law Enforcement Officers appointed by the Municipal Council to serve during any term of their appointment shall not exceed twenty-five (25%) percent of the total number of regular Police Officers budgeted during the term of appointment of Class Two Special Law Enforcement Officers.

Files, Records and Property:

Release of Information; Rules and Regulations Authorized.

The Public Safety Director is hereby authorized to prescribe rules and regulations governing the release of certain information contained in the official files of the Police Division. Unless ordered to do otherwise by a court of competent jurisdiction, she/he may refuse to issue any such information when, in her/his judgment, the interests of law enforcement and public safety so require, and she/he may refuse to issue any such information which she/he has classified as confidential.

Fees Established for Certain Services.

- a. The following fees are hereby established for certain services provided by the Police Division:
 1. Copies of any report or portion of any report authorized for release by the rules and regulations of the Division shall be purchased at the same fee as allowed by section 2 of N.J.S. 47:1A-2. Copies of motor vehicle accident reports requested other than in person, shall be purchased for the fee of five (\$5.00) dollars for the first three (3) pages and one (\$1.00) dollar per page thereafter. (N.J.S. 39:4-131).
 2. Searching the files to verify certain information authorized for release by the rules and regulations-two (\$2.00) dollars.
 3. Clearance visas and letters of good conduct-ten (\$10.00) dollars.
 4. Each set of fingerprints authorized to be taken by the rules and regulations-four (\$4.00) dollars.
 5. Alien registration-two (\$2.00) dollars.

b. No fee will be charged for any requested search or information made by any Federal, State, County or Municipal law enforcement department or agency.

c. *Storage Fees for Confiscated Motor Vehicles.* A fee of eight (\$8.00) dollars per day shall be imposed for the storage of any motor vehicle confiscated under the New Jersey Forfeiture Statute, N.J.S. 2C:64-1 et seq. The fee shall be collected by the Police Division from any person or entity, their successors or assigns deemed to have an interest in the motor vehicle. Proof of such an interest shall be established by way of an order from the Superior Court of New Jersey for release of the vehicle to the claimant. All monies collected under this provision shall be deposited with the Department of Finance, Division of Revenue Collection.

Control of Stolen or Other Property.

The Public Safety Director shall provide by rules and regulations for the custody and safekeeping of all property alleged to be stolen or embezzled which may come into the possession of the Division, and all property taken from the person of any prisoner, and all other property alleged to have been acquired or possessed unlawfully, which shall come into the possession of any member of the Division. All such property and money shall be promptly described and recorded, and accounted for in detail, in such manner as the Director shall prescribe with the approval of the Comptroller.

Editor's Note: For Statute providing for the disposition of stolen and other property coming into the possession of Police Departments, see N.J.S. 40:47-20.

Notification to Municipal Council of All Police and Fire Related Casualties.

The Newark Police and Fire Divisions shall hereinafter notify the Mayor or Business Administrator or his/her designee and he/she must submit to each member of the Governing Body of the City of Newark, New Jersey, either in person or via telecommunication, a verbal report of all police and fire related casualties, whether civilian, police or fire division member, within twenty-four (24) hours followed by a written report which must be received within forty-eight (48) hours after said incident. The report shall provide details of the said event as well as the name and address of the victim.

Office of Housing Security

Establishment.

There shall be within the Police Division an Office of Housing Security.

Powers and Duties of Division.

The Office shall be responsible for the administration and execution of all powers and duties of the Police Division, as enumerated in Section titled above Powers and Duties of Division, in all sections and parts of public housing projects in the City, inclusive of buildings, hallways, elevators, grounds, and all other land areas of housing project properties.

Training; Minimum Manpower.

a. Every Housing Security Police Officer shall receive the training deemed necessary by the Public Safety Director and required by the laws of the State of New Jersey to carry out the duties and responsibilities of that position.

b. Not less than one hundred fifty (150) Housing Security Police Officers shall be assigned to carry out the powers and duties of the Office of Housing Security at any time, including the Superior

Officers who shall manage the Office.

Board of Alcoholic Beverage Control

Board of Alcoholic Beverage Control Established.

- a. For purposes of general administration purposes there shall be located within the Department of Public Safety, Division of Police, a Board of Alcoholic Beverage Control and such staff as it may be empowered by law to name, and shall be subject to the oversight of the Public Safety Director.
- b. *Compensation.* Each member of the Board of Alcoholic Beverage Control shall be compensated at the following rate and in the following manner: three thousand five hundred (\$3,500.00) dollars per year payable in four (4) quarterly installments, except that said compensation shall be based upon the number of meetings of the Board attended by each member of the Board in proportion to the number of meetings held by the Board during each quarter.
- c. *Members Barred from Serving for Salary; Reimbursement for Necessary Expenses.* A member of the Board of Alcoholic Beverage Control who is barred as an officer or employee of the State of New Jersey or of any county or municipality from serving as a salaried member of the Board may be appointed as a non-salaried member. Such member shall be reimbursed for necessary expenditures incurred in the performance of his/her duties; such amount shall not exceed three thousand five hundred (\$3,500.00) dollars per year for Board members.
- d. The Board of Alcoholic Beverage Control shall have and exercise all the powers conferred upon and the duties and functions prescribed for Municipal Board of Alcoholic Beverage Control under Title 33 of the New Jersey Statutes as amended and supplemented. The Board of Alcoholic Beverage Control shall submit copies of its minutes from all meetings summarizing member attendance and determinations within thirty (30) days of the meetings to the Office of the City Clerk.
- e. The Board of Alcoholic Beverage Control where so authorized by State law shall discharge its duties without direction or supervision by anyone within the Municipal government.

Contracted Extra-Duty Employment

Assignments of Off-Duty Police Officers.

- a. *Eligibility and Limitations.* Sworn members of the Newark Division of Police who are authorized to engage in off-duty employment, shall be permitted to accept police-related employment in accordance with the Newark Police Division Rules and Regulations, for private employers who are separate and independent from the City of Newark, only during off-duty hours, to perform public safety functions on behalf of and as assigned by the Public Safety Director or the Chief Law Enforcement Officer of the Police Division, while receiving compensation from the Police Division at the rates established by the Governing Body of the City of Newark, at such times as will not interfere with the efficient actual performance of regularly scheduled or emergency duty for the City.
- b. Sworn officers who are deemed eligible to perform outside employment, and who perform in the capacity of a security officer for a licensed security company as defined under N.J.S.A. 45:19A-1 et seq. or a private employer, while receiving compensation for those duties from the licensed security company or private employer, shall not wear their Newark police uniform or otherwise exhibit evidence of authority as a Law Enforcement Officer, while performing private security functions for the licensed security company or private employer. Prior to commencement of such employment, the Police Officer must ensure that both the officer, the licensed security company and/or the private

employer are in full compliance with the Security Officers Registration Act (SORA), N.J.S.A. 45:19A-1 et seq. The officer may only work for a licensed security company or private employer, which has provided written assurance to the City of Newark Department of Public Safety, Division of Police on a form to be provided, prior to the commencement of work, that the officer is a full employee of that company, person or entity while conducting the duties of a security officer and that the licensed security company or the private employer carries comprehensive workers compensation and general liability insurance in amounts required by the City. Officers in compliance with this provision are exempt from the requirements and assignment provisions of this Article.

Request for Services.

a. *Approval of the Public Safety Director.* Any person or entity wishing to employ off-duty Newark Police Officers or Special Police Officer as security officers (as an employee, agent or subcontractor of a private security company or private employer) shall first obtain the approval of the Public Safety Director or his or her designee, which approval shall be granted if, in the opinion of the Public Safety Director or his or her designee, such employment is necessary and would not be inconsistent with the efficient functioning and good reputation of the Police Division and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

b. All road construction, which interfere with motor vehicle or pedestrian traffic on City streets and/or public sidewalks shall require the use of a uniformed Newark Police Officer or Special Police Officer when so deemed by the City Engineer. All vendors are required to schedule employment of aforementioned officers through the Police Division's Outside Employment Unit.

c. The Public Safety Director or his designee is hereby authorized to execute an agreement with the applicant for services required, which agreement shall set forth the specific nature of the services to be performed, the location, dates and hours of service, payment arrangements mandated by this Article, insurance coverage or any other provisions required by law or regulation of the State of New Jersey. The applicant must first file a request for services with the Police Division's Outside Employment Unit.

d. All requests to the City for the services of off-duty Law Enforcement Officers or Special Police Officer in the City of Newark Police Division shall be forwarded to the Public Safety Director for posting within the time frame established by the Police Division. The Public Safety Director in his or her discretion may approve emergency requests for services.

e. All requests to the Newark Division of Police for the services of off-duty Law Enforcement Officers or Special Police Officer for a period of one (1) week or longer shall be forwarded to the Public Safety Director or his or her designee for posting at least ten (10) business days before such services are required. Any Law Enforcement Officers, when so employed by private employers, shall be compensated at the rate set forth in subsection 2:20-1.85.

f. All requests to the Newark Police for service of off-duty Law Enforcement Officers or Special Police Officer for a period of less than one (1) week shall be forwarded to the Public Safety Director or his or her designee for posting within seven (7) business days prior to the desired start work date. Any Law Enforcement Officers, when so employed by private employers, shall be compensated at the rates set forth in subsection 2:20-5.

g. In emergency situations, requests to the Newark Division of Police for the services of off-duty Law Enforcement Officers or Special Police Officer shall be made as necessary to the Public Safety Director or his or her designee, who shall use his or her discretion in approving or denying that

request, considering the interests of the Police Department of Public Safety, Division of Police.

h. Any Law Enforcement Officers, when so employed, shall not be considered an employee of the City, except for discipline purposes. Any and all wages earned for outside employment shall not be applied toward the pension benefits of Law Enforcement Officers so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime under the Federal Labor Standards Act, 29 U.S.C.201 et seq., or compensable in any other manner that requires the City to pay the Officers by City funds through its payroll system.

i. The Division of Police Policy and Procedures shall be revised to be in compliance with this section and N.J.S.A. 45:19A-9 et seq.

Police Uniforms.

Newark Police Officers performing off-duty police-related services for applicants shall be in full police uniform while said services are being provided, unless forbidden to do so by operation of "Assignments of Off-Duty Police Officers".

Off-Duty Employment Escrow Account.

a. *Establishment.* To assure the timely payment of wages to Police Officers who perform off-duty services, and to meet the requirements of the Fair Labor Standards Act, the City of Newark will establish an escrow account known as the "Off-Duty Employment Trust Account," or such other name as assigned by the Director of Finance in accordance with appropriate rules and statutes, which trust fund is dedicated for the receipt of fees collected from private persons or entities for the payment to Police Officers for off-duty or outside employment services. The Off-Duty Employment Escrow Account shall be administered by the City's Finance Department.

b. Any person or entity requesting the services of an off-duty Law Enforcement Officer in Newark shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Public Safety Director, or his or her designee, and upon Public Safety Director's approval, a copy of said approval shall be forwarded to the City's Finance Department. The person or entity requesting the services shall then forward payment for services for the total estimated hours of service, the rates of compensation and administrative fees as set forth in subsection 2:20-1.85 to the Department of Finance for deposit in the Off-Duty Employment Escrow Account, prior to the commencement of said services.

c. In any instance where the number of hours required is unknown and cannot be reasonably estimated, or is anticipated to be in excess of ten (10) days, the person or entity requesting the services of an off-duty Law Enforcement Officer shall deposit an amount sufficient to cover the rate of compensation and administrative fees as set forth in subsection 2:20-1.85 for the equivalent of ten (10) days prior to the commencement of any work. Any unused portion of the deposit shall be returned or credited against the final amount owed.

d. Prior to posting any request for services of off-duty Law Enforcement Officers, the Public Safety Director or his or her designee shall verify that the balance in the Escrow Account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Public Safety Director or his or her designee shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited in the Off-Duty Employment Escrow Account. All payments must be remitted directly to the City of Newark Finance Department for deposit in said account. No officer shall be paid directly by any employer for requested services nor provide any

such services for more hours than are specified in the request for services.

e. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the Escrow Account in order to avoid any interruption of services.

f. In the event the funds in the Escrow Account should become depleted or that the Escrow Account falls below the designated level, services of off-duty Law Enforcement Officers shall cease, and further requests for additional or future services shall not be honored or posted until additional funds have been deposited in the Escrow Account in the manner prescribed above.

g. The Commander of the Newark Police Division's Business Office, or his designee, shall make a written report to the Police Director every ninety (90) days regarding the status of each account and highlight each deficient account holder. Payments to Police Officers shall be on a biweekly basis with all appropriate deductions.

(Ord. 6 PSF-A, 2-3-10 § 1)

Rates of Compensation; Administrative Fee; Payment for Services; Equipment Costs.

a. Absent any contractual agreements with a vendor or contractor to the contrary, the following rates of compensation apply:

1. Traffic Control, Parades and Events, Movie/TV Sets - \$57.00 per hour.
2. Store or Building Security - \$23.00 per hour.
3. Supervisory Fee - \$5.00 per hour added to the applicable fee.

b. All off-duty employment Law Enforcement Officers shall be guaranteed a minimum of four (4) hours and be compensated for any fraction thereof, or whole hour, in addition thereto.

c. Supervisor will be required for every six (6) police personnel assigned to a security officer company. The supervisory fee will be paid to the highest-ranking member of the Division assigned to the vendor (referring to private security company or private employer).

d. An additional fee of five (\$5.00) dollars per officer per hour is hereby established to cover administrative costs, overhead, and out-of-pocket expenses of the City.

e. Any commercial single store detail, details for or on behalf of tax exempt organizations, nonprofit (501(c)(3)) organizations, civic organizations, individuals in noncommercial situations, shall be at the hourly rate of twenty-one (\$21.00) dollars. However, any such details deemed by the Public Safety Director or her or his designee, based upon prior history, to involve major or unusual crowd control issues, including but not limited to, parades and festivals, then in that event the hourly rate shall be fifty-seven (\$57.00) dollars per hour.

f. *Exemption.* All public utility companies are exempt from the provisions set forth in this section requiring advance payment to the Trust Account; providing, however, that there are no amounts previously due that are outstanding for a period in excess of fifteen (15) days. Any such delinquent balances shall require advance payment of the amount outstanding prior to any officer engaging in any further off-duty assignments.

g. *Cancellation.* In the event that the person or entity requesting the off-duty Law Enforcement Officers fails to contact the City of Newark at least four (4) hours prior to the scheduled start time to cancel the job, or the officer works less than four (4) hours and the job is completed, the officer is entitled to be paid for the minimum of four (4) hours.

h. *Request for City-Owned Vehicles.* All requests for City-owned vehicles for use exclusively by an officer while performing public safety functions on behalf of and as assigned by the Police Division,

must be reviewed by the Public Safety Director.

Marked Police Vehicle - \$10.00 per hour

- i. The request shall be approved in writing by the Public Safety Director, if, in the opinion of the Public Safety Director, the intended use of the vehicle by the off-duty officer, would not be inconsistent with the rules and regulations of the Newark Division of Police, the laws of this State and/or the efficient functioning and good reputation of the Newark Police Division.
- j. The aforesaid rates may be reviewed from time-to-time as may be appropriate, however, shall remain in full force and effect until appropriately amended.
- k. The Department of Public Safety, Division of Police Policy and Procedures shall be revised to be in compliance with this Article and N.J.S.A. 45:19A-9 et seq.
(Ord. 6 PSF-A, 2-3-10 § 1)

Public Emergency.

The Public Safety Director or his or her designee shall have the authority to order any Police Officer engaged in off-duty assignments within the City of Newark to respond to an emergency situation within Newark. The Public Safety Director or his or her designee shall also have the right to order any off-duty assignment to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the off-duty officer and/or the citizens of Newark.

Insurance Requirements.

The applicant (private security company or private employer) shall be responsible for providing all insurance coverage as required by law. The applicant shall provide Newark with appropriate certificates of insurance naming Newark and the Police Officers as additional insured and evidencing that the Police Officer and the City are covered by general liability coverage on an occurrence basis of at least one million (\$1,000,000.00) dollars each occurrence and workman's compensation insurance with respect to the services to be provided.

The certificate of insurance or the policy shall contain the following language: "The City of Newark, its agents, servants and administrators are included as additional insured's with respect to general liability coverage as required by written contract."

As an alternative, the Public Safety Director, after consultation with the City's Risk Manager, may accept a Broad Form Policy Endorsement in addition to a certificate of insurance (with language satisfactory to the City's Risk Manager, in accordance with City policies and procedures) naming the City of Newark, and the Police Officer as additional insureds under the policies.

Indemnification and Duty to Defend.

a. The person or entity requesting the services of the off-duty police shall execute an appropriate Hold Harmless and Indemnity Agreement which shall provide that such person or entity shall indemnify, defend, and hold harmless the City of Newark, its agents, servants and administrators from and against any and all claims, or actions at law, whether for personal injury, property damage or liability including any cost of defense incurred by the City of Newark which arise from any acts or omissions of the insured, its agents, or employees arising out of or related to the use of off-duty Newark Police Officers.

b. This indemnification and hold harmless agreement and the duty to defend shall apply in all instances, whether the City of Newark is a plaintiff or is made a direct party to the initial action or

claim or is subsequently made a party to the action by third party in-pleading or is made a party to a collateral action arising, in whole or in part, from any of the issues from the original cause of action or claim.

SECTION 5: There is hereby established a Division of Fire within the Department of Public Safety.

IV. ESTABLISHMENT OF DIVISION OF FIRE

Administration

Establishment of Division of Fire; Head.

There shall be within the Department of Public safety a Division of Fire, the head of which shall be the Fire Chief. (R.O. 1966 §20:2-1; Ord. 6PSF-I, 9-5-13)

Powers and Duties of the Division of Fire.

The Division of Fire shall have exclusive jurisdiction over the control, fighting and extinguishment of any conflagration which occurs within the City limits. The Division shall:

- a. Provide firefighting service for the extinguishment of fires and the necessary and incidental protection of life and property in connection therewith throughout the City and upon vessels in any waters within or adjacent to the City or upon any dock, wharf, pier, warehouse or other structure bordering upon or adjacent to such waters;
- b. Direct or cause any vessel moored to or anchored near any dock or pier or in any waters within or adjacent to the City to be removed to and secured at such place as shall be designated by the Public Safety Director, Fire Chief or the Chief Engineer whenever any such vessel shall be on fire or in danger of catching fire, or may be, by reason of its condition or the nature of its cargo, a fire menace to shipping, to other property on the waterfront, to the inhabitants of the City;
- c. Have the authority to designate and fix the location of fire alarm telegraph, signal and alarm stations in the City, and construct, install, operate, repair and maintain the City's fire alarm telegraph and signal systems;
- d. Investigate the cause, circumstances and origin of fires and report every case of suspicion of arson to the County Prosecutor;
- e. Inspect and test any automatic or other fire alarm system or fire extinguishing equipment;
- f. Be authorized to enter upon, without fee or hindrance, all premises, grounds, structures, buildings, vessels and passages whenever necessary in the performance of its duties;
- g. Operate a training program to maintain and improve the fire fighting efficiency of the members of the Department;
- h. Maintain a Bureau of Fire Prevention and Fire Safety Inspection and administer State Uniform Fire Safety Act.
- i. Have the authority to provide Emergency Medical and Fire-Rescue services to residents and visitors to the City of Newark and in those communities in which the City of Newark is providing mutual aid services and charge and collect fees for the purpose of cost recovery in accordance with a Schedule of Charges. Since City residents support the provision of Fire

Department services through payment of real property taxes and other fees and charges, these charges shall only apply to residents or persons domiciled in the City of Newark who are insured. Nonresidents or persons not domiciled in the City of Newark shall be charged whether insured or uninsured.

Fire Chief; Qualifications; Compensation.

The Fire Chief shall, prior to his appointment, have had experience in a responsible administrative capacity relating to firefighting, or the prevention and control of fire risks. The Mayor may, with the consent of the Council, waive any of the requirements set forth above when, in their judgment, the best interests of the City shall be served thereby. The Fire Chief's compensation shall be such sum annually as shall be fixed by ordinance.

Personnel:

Residency Requirements for Entry Level Appointments to the Fire Department.

a. All applicants for appointment to the Division of Fire shall be qualified for appointment as required by law, ordinance and Civil Service rules and regulation. All applicants for appointment shall be residents of the City of Newark and must maintain continuous residency within the City of Newark from the announced closing date of the Department of Personnel examination up to and including the date of appointment.

Period of Active Duty: Average 42 Hour Week; 8 Week Cycle

The period of active duty of the uniform members of the Division of Fire may be an average of forty (42) hours per week, divided into periods of duty with an eight (8) week cycle.

Schedule of Duty Tours; Filing Schedule.

The Fire Chief shall make or cause to be made a schedule of active duty tours with changes or amendments thereof from time to time as necessary, and file the same in the Office of the City Clerk on or before the time when same shall become effective.

Assignment of Duty Tours.

The uniformed members of the Division of Fire, except the Chief Engineer, shall be assigned by the Public Safety Director and/or the Fire Chief to the various tours of duty based upon an average forty-two (42) hours a week of active duty within the cycle.

Emergency Duty.

In times of emergency, the Public Safety Director and/or the Fire Chief or the Superior Officer in charge at the time of any emergency may summon and order to duty for the period thereof any uniformed member of the Division of Fire for the purpose of such emergency, notwithstanding other provisions of this chapter prescribing the average week or duty period.

Time Off After Emergency Service.

Members of the Division of Fire summoned or ordered to emergency duty outside the regular hours of active duty shall receive time off from regular hours of duty commensurate therewith.

ARSON PREVENTION FUND ESTABLISHED.

Establishment; Administration.

There shall be an Arson Prevention Fund in the Division of Fire, which shall be administered by the Fire Chief.

Reward; Conditions, Award.

A reward up to Five Thousand (\$5,000.00) Dollars and Zero Cents shall be paid to any person or persons providing information leading to the detection and apprehension of any person found guilty of violating the provisions of N.J.S. 2C:17-1. The reward is payable after conviction, out of and within the limits of the appropriation made to the Arson Prevention Fund, as established above for that purpose, but no such reward may be paid to any public employee whose duty it is to investigate or to enforce the law. The Director of Public Safety and/or the Fire Chief shall award the reward with the consent of the Municipal Council.

ARSON INVESTIGATION UNIT

Authority.

Pursuant to N.J.S. 40A:14-7.1 the Department of Public Safety, Division of Fire, is authorized to establish an Arson Investigation Unit which shall be responsible for conducting investigations of arson, suspicious fires and explosions within the City of Newark.

Qualifications.

Before any member of the Division of Fire shall be assigned to the Arson Investigation Unit, she or he shall have successfully completed a course of training approved by the Police Training Commission and an Arson Investigation Training Course approved by the Department of Public Safety, Division of Police and the Division of Fire.

Powers and Authority.

Members of the Arson Investigation Unit shall have the same powers and authority as Police Officers within the City of Newark while engaged in the actual performance of arson investigation duties, specifically including the right to carry firearms pursuant to regulations promulgated by the Director of Public Safety and Fire Chief of the City of Newark.

EMERGENCY MEDICAL AND FIRE-RESCUE SERVICE.

Authority.

The Department of Public Safety, Division of Fire of the City of Newark is hereby authorized to conduct emergency fire rescue operations and provide emergency medical services to residents and others in need of such services. Those services shall include but not be limited to extrication from vehicles, rendering basic life support services and transportation to medical facilities for further treatment and care.

Qualifications.

Individuals who will be staffing ambulances shall have successfully completed a course of Basic Emergency Medical Technician (EMT), approved by the New Jersey State Department of Health and Senior Services and hold a certification as an EMT, or such further designation as shall be given to that certification from the State of New Jersey.

Powers and Authority.

Individuals who will be staffing ambulances and rescue vehicles shall have such power and authority as granted to them by the police power, local ordinance and custom and practice in the field of emergency medical services, fire-rescue service and the curriculum approved by the State of New Jersey, Department of Health and Senior Services for their level of training and certification, along with the powers granted by N.J.S.A. 40A:14-7, as amended and supplemented.

Schedule of Charges; Billing and Collection.

The Department of Public Safety, Division of Fire shall have the authority to impose and collect fire-rescue and emergency medical service fees in accordance with a Schedule of Charges, which shall be established by the Department of Public Safety, Division of Fire, in consultation with the Director of Finance and filed with the City Clerk on an annual basis. To the extent a schedule is not filed during a particular fiscal year, the prior year schedule shall be applicable. The Schedule of Charges shall include fees for emergency medical services provided by EMT's employed by the Department of Public Safety, Division of Fire, equipment provided to the patients, ambulance transport charges and fees for fire-rescue services, such as extrication and equipment provided to patients, and such further charges as shall be determined to be necessary and proper to perform the functions herein authorized, offset expenditures and provide necessary training and provide for equipment purchase, repair, maintenance and replacement.

Third-Party Billing Services.

To the extent necessary, the Director of Public Safety and/or the Fire Chief shall have the authority to hire or cause to be hired a third-party billing vendor to bill and collect such emergency medical service fees and/or fire-rescue service fees. Such procurement shall be in compliance with the Local Public Contracts Law, N.J.S. 40A:11-1, et seq., as may be amended and supplemented.

HAZARDOUS MATERIALS REGULATIONS.

a. *Adoption by Reference.* The attached regulations are hereby adopted by the City of Newark, New Jersey for the purpose of prescribing regulations governing conditions hazardous to life and property, ten (10) copies of which code have been and now are filed in the office of the City Clerk of the City of Newark, New Jersey, and in the Fire and Engineering departments charged with the enforcement and administration of said section pursuant to N.J.S. 40:69A-181, the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provision thereof shall be controlling within the limits of the City of Newark, New Jersey.

b. *Amendments to Regulations.* The Director of the Department of Public Safety, and/or Fire Chief are authorized in consultation with the Directors of the Department of Engineering and the Department of Health and Community Wellness to amend the provisions of these regulations, from

time to time, as may be necessary to carry out the intent of this section.

c. *Violations.* Any person found guilty of violating any provisions of this Section shall be liable to a fine not to exceed One Thousand (\$1,000.00) Dollars and Zero Cents, or imprisonment not to exceed ninety (90) days, or both. Each violation, and each day a violation is committed or permitted to continue shall constitute a separate violation and shall be punishable as such.

d. *Recovery of Costs.* The Director of the Department of Public Safety, and/or Fire Chief shall recover all reasonable costs from hazardous materials responses, expended by City Agencies for personnel, equipment and supplies to abate hazardous materials incidents which involve nonregistered hazardous material facilities or vehicles.

e. *Notification of Owner and Insurance Company.* The Director of the Department of Public Safety, and/or Fire Chief shall notify any responsible owner and operator, as well as the insurance company, of any property or vehicle involved in a hazardous material response, with an itemization of all costs incurred by City Agencies.

SECTION 6: There is hereby established a Division of Emergency Management and Homeland Security within the Department of Public Safety. The Office of Emergency Management and Office of Homeland Security, is transferred from the Department of Administration. Title 2, Chapter 5, Article 7 and Article 8 shall be revised, supplemented and amended to be subsumed and codified in this Ordinance creating the Department of Public Safety and shall read in its entirety, as follows:

[Drafter's Note: Additions are in Bold and Underlined Deletions are shown as Strikethroughs]

V. ESTABLISHMENT OF DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY

A. Office of Emergency Management

OFFICE ESTABLISHED.

Established.

There shall be within the Office of the Business Administrator ~~Department of Public Safety~~ **Department of Public Safety a Division of Emergency Management and Homeland Security consisting of an** Office of Emergency Management **and an Office of Homeland Security.**

Duties and Responsibilities - Office of Emergency Management.

The Office of Emergency Management shall be responsible for the following duties and responsibilities:

- a. Developing emergency response plans and ensuring the City is able to successfully implement these plans.
- b. Designing and conducting drills for different emergency scenarios.
- c. Coordinating emergency management training.
- d. Planning the interagency response for a wide range of emergencies including: biological, chemical, and nuclear terrorism; severe flooding; extreme heat; utility services disruptions; building collapses; and special events.
- e. Establishing a Public-Private Emergency Partnership Program.
- f. Assisting Federal, State, County, and City officials and their respective constituents with disaster response and mitigation.

g. Providing the public with accurate, timely information regarding emergency management planning, response and hazard mitigation in the City of Newark.

~~2:5-20.1.~~ **Established.**

~~There shall be within the Office of the Business Administrator an Office of Homeland Security.~~

B. Office of Homeland Security

Duties and Responsibilities - Office of Homeland Security

The Office of Homeland Security shall be responsible for developing, coordinating and implementing a comprehensive City strategy to secure Newark from weapons of mass destruction, terrorists, and other security threats and attacks.

The Office shall coordinate the executive branch's effort to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks. The Office shall identify, assess, and investigate, existing threats and potential threats that may provide a means to carry out an attack within the City, its assets and resources that exist beyond its geographical boundaries.

The Office of Homeland Security shall facilitate its mission through the identification, coordination and effective management of existing City resources and citizen participation. The effectiveness of the City's homeland initiative shall be maximized through the development of partnerships, mutual aid agreements, inclusion of existing County, State and Federal initiatives, homeland security funding, contractual agreements and any other logistical support component wherein efficiency and cost effectiveness shall be realized.

The United States government has identified weapons of mass destruction as being biological, chemical and/or radiological in composition. The resources required to identify, assess and investigate weapons of mass destruction and/or respond to the effects caused by the use, or threatened use of such weapons, far exceeds the spectrum of conventional emergency response equipment and pre-9/11 training received for the public safety personnel who are tasked with responding to such incidents.

To ensure that the resources utilized in detecting, assessing, investigating and/or responding to the use, or threatened use, of weapons of mass destruction are maximized to the extent of saving lives and preserving property, the Office of Homeland Security, under the direction of the Director, shall:

a. Provide for the policy development to implement the operational structure, logistical coordination, management and response by the following primary public safety resources as it relates to homeland security. Further, upon consultation with the City's Business Administrator, the Director **Executive of Homeland Security**, shall have the authority to assign the necessary personnel and equipment to support the homeland security operational structure in both its developmental and operational form.

1. The following are those public safety components, agency subdivisions and support entities crucial to supporting the City's Homeland initiative and mission:

- (a) Police **Division** Department
- (b) Fire **Division** Department
- (c) Office of Emergency Management
- (d) Department of Health and Community Wellness
- (e) Department of Engineering
- (f) Emergency Medical Services
- (g) Outside Agency Liaison
- (h) Municipal Watershed Commission

- (i) Various Contracted Professional Services
- (j) Public Utilities component
- (k) Public Information component
- (l) Public and/or Private Emergency Transportation
- (m) Citizen Participation and Awareness component

b. The Office of Homeland Security shall provide for the solicitation, acquisition, and equitable distribution of funding based upon the need to support the City's homeland initiatives and the consumption of resources commensurate with existing operations.

c. The Office of Homeland Security shall provide for the technical training required and staffing of the City's Emergency Operations Center in times of heightened alerts, acts of terrorism and imminent threats of terrorism.

d. The ~~Director~~ **Executive of Homeland Security**, Police **Chief**, Fire **Chief** and OEM **Coordinator** and/or their designees shall have the authority to activate and staff the City's Emergency Operations Center when he/she deems necessary.

e. The Office of Homeland Security shall establish contingents of personnel, having the technical expertise, to identify, assess, investigate and remediate, threats and/or acts of terrorism. Said personnel shall have the technical expertise to identify violations of public health, safety and welfare and to act upon or make referrals upon identification of materials, persons or circumstances that have the contributory potential of facilitating a terrorist act or threat thereof.

The ~~Director~~ **Executive of Homeland Security**, shall have the authority to establish a schedule for said personnel and/or provide for "ON CALL" and/or "RECALL" status during emergency situations involving a terrorist act or threat of a terrorist act, wherein the deployment of such contingents become necessary.

The structure and collective technical expertise required of such contingents shall be at the discretion of the ~~Director~~ **Executive of Homeland Security** and determined by the nature of the particular response at hand, i.e. training, terrorists threat, terrorists act, performance of threat assessments and/or recommendations for target hardening.

The personnel contingents described herein shall be the operational response to terrorists act and/or terrorists threats, structure deployed by the ~~Director~~ **Executive of Homeland Security** or his/her designee. Said contingents may be deployed within the City of Newark, or its resources outside the City's geographical boundaries, when conducting threat assessments or responding to terrorist acts or threats.

This same operation response structure may, at the discretion of the ~~Director~~ **Executive of Homeland Security**, be deployed when, under agreements of mutual aid, other jurisdictions are in need of and have requested an emergency response as it relates to terrorism.

f. The Office of Homeland Security shall be responsible for performing threat assessments of public and private facilities and critical infrastructure throughout the City of Newark and its facilities and resources outside its geographical boundaries.

g. The Office of Homeland Security shall develop proactive assessments and intelligence sharing components to existing mutual aid agreements among contiguous municipalities and any other municipality or governmental agency having an expertise in proactive posturing against acts of terrorism and/or threats of terrorism.

h. The Office of Homeland Security shall develop a Homeland Security Annex to the City's Emergency Operations Manual, which is required to be prepared and filed by OEM with the appropriate County, State and Federal agencies.

SECTION 7: There is hereby established a Division of Communications within the Department of Public Safety. It shall read in its entirety as follows:

VI. ESTABLISHMENT OF DIVISION OF COMMUNICATIONS

There shall be within the Department of Public Safety a Division of Communications, the head of which shall be the Chief of Communications.

The Division of Communications shall include the following subdivisions:

1. Centralized Radio Repair; and
2. Centralized Radio Room.

SECTION 8: Any prior ordinances or parts thereof inconsistent herewith shall be amended and supplemented to conform to the provisions contained herein.

SECTION 9: If any part of this ordinance is declared unconstitutional or illegal, the remaining provisions shall continue in full force and effect.

SECTION 10: This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This ordinance amends and supplements Title 2, Administration, Chapter 1, of the Revised General Ordinances of the City of Newark, New Jersey 2000, Reorganizing Departments in City Government by eliminating the Departments of Police and Fire and Establishing the Department of Public Safety which consists of the Division of Police, Division of Fire, Division of Communications and Transferring from the Department of Administration the Office of Emergency Management and Office of Homeland Security into a Division of Emergency Management and Homeland Security in the Department of Public Safety.