

BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION

NOTICE is hereby given that **Ordinance 17-2023** - Ordinance of the Borough of Eatontown Entitled "**AN ORDINANCE AMENDING CHAPTER 55 “POLICE DEPARTMENT”, ARTICLE I “APPOINTMENTS”, SECTION 55-1 TO 55-3 DELETING THE LOCAL RESIDENCY REQUIREMENTS FOR POLICE OFFICERS**" was passed after a public hearing at the regular meeting of May 24, 2023 by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

ORDINANCE 17-2023

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE AMENDING CHAPTER 55 “POLICE DEPARTMENT”, ARTICLE I “APPOINTMENTS”, SECTION 55-1 TO 55-3 DELETING THE LOCAL RESIDENCY REQUIREMENTS FOR POLICE OFFICERS

WHEREAS, New Jersey state law, N.J.S.A. 40A:14-118, allows municipalities to create, establish and regulate a police force as an executive and enforcement function of municipal government; and

WHEREAS, the Borough Council of the Borough of Eatontown adopted Chapter 55 of the Borough Code establishing the Eatontown Police Department and the Police Chief has recommended that the Borough Council amend Chapter 55 which has limiting and outdated residency requirements thereby limiting the pool of available personnel to be qualified and serve as Police Officers.

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interest of the Borough to adopt the recommendation of the Police Chief by expanding the available pool of applicants to serve as Police Officers.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth, and State of New Jersey that it hereby amends Chapter 55 Police Department, Article I Appointments, Sections 55-1 to 3 as follows:

(additions are underlined and deletions are stricken)

~~Sections 55-1. Waiver of Residence Requirement. From and after the effective date of this article, the residence requirements of N.J.S.A. 40:47-1 et seq. governing the appointment and retention of police officers in the Police Department of the Borough of Eatontown be and the same are hereby waived.~~

~~Section 55-2. Limitations on Appointments of Nonresidents. No person shall be appointed pursuant to this article unless at the time of his appointment there shall be a vacancy in the Police Department which cannot be filled by a qualified resident.~~

Section 55-3 Requirements for Non-Resident Applicants Residency Requirements

A. ~~No person shall be appointed pursuant to this article unless he/she has is been a resident of the State of New Jersey and County of Monmouth for a period of at least one year next preceding his appointment and resides within a five-mile radius of the headquarters for the said Police Department.~~

B. ~~If an applicant for appointment hereunder is otherwise qualified pursuant to Subsection A above, but does not reside within a five-mile radius of the headquarters for the said Police Department at the time of his appointment, said applicant may be appointed pursuant to this article, provided that he agrees to reside within said five-mile radius within one year from the date of his appointment hereunder.~~

C. ~~In the event that said applicant fails to become a resident within said five-mile radius within one year from the date of his appointment, he shall cease to be a member of said Police Department.~~

[Section 55-3 shall be relabeled Section 55-1.]

BE IT FURTHER ORDAINED, that:

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.