

**BOROUGH OF DEMAREST
COUNTY OF BERGEN**

ORDINANCE 1129 -2023

**ORDINANCE AMENDING AND MODIFYING PART I: ADMINISTRATIVE
LEGISLATION/ POLICE DEPARTMENT/ ARTICLE II , §40-5 DEPARTMENT
POSITIONS OF THE DEMAREST BOROUGH CODE**

Section 1. Purpose & Authority. The purpose of this ordinance is to modify and amend, §40-5 pursuant to N.J.S.A. 40:48-1, and 40:49-2.

Section 2. Amendments. (amendments are highlighted, deletions strikethrough).

§ 40-5 Department positions; rank and seniority.

The foregoing number of Officers may be increased to up to twenty (20), in total, with such increases(s) in any rank(s), below Deputy Chief of Police, when doing so is deemed necessary for the safe and efficient operation of the Police Department as determined by the Governing Body after discussion with the Police Chief.

A. Department positions.

[Amended 12-19-2005 by Ord. No. 919]

(1) There is hereby created in and for the Borough of Demarest, a Police Department which shall consist of not more than the following:

- (a) One Chief of Police;
- (b) ~~One Captain;~~ [1] One Deputy Chief of Police;
- (c) ~~Two Lieutenants;~~ Captain;

[1]Editor's Note: Former § 40-5A(1)(b), One Deputy Chief of Police, of the 1983 Borough Code was repealed 2-24-2014 by Ord. No. 1013, which also provided for the redesignation of Subsection A(1)(c) through (f) as Subsection A(1)(b) through (e).

- (d) ~~Four Sergeants;~~ and Lieutenant;
- (e) ~~Eleven police officers.~~ Sergeant;
- (f) Police Officers.

(2) The foregoing shall constitute the Table of Organization of said Police Department of the Borough of Demarest. [Reuter v. Borough of Fort Lee, 167 NJ 38(2001).]

B. Rank and seniority. When officers are of the same grade, they shall rank according to their seniority determined by time in rank. When two or more officers are appointed to the same grade on the same day, each shall rank according to his respective position on the eligibility list which determined the order of his appointment to that grade.

Section 3. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Demarest Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Demarest Code.

Section 5. Codification. This ordinance shall be codified as amendments to the chapters set forth herein.

Section 6. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Attest:

Approved:



Acting Municipal Clerk



Council President Andrea Slowikowski

Introduced: November 27, 2023

Adopted: _____