

**CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

**ORDINANCE NO. 523-2023**

**AN ORDINANCE AMENDING SECTION 81 OF THE CITY OF CAPE MAY CODE REGARDING THE POLICE DEPARTMENT TO ENSURE COMPLIANCE WITH THE NEW JERSEY POLICE LICENSURE ACT**

**WHEREAS**, Chapter 81 of the Cape May City Code establishes the Police Department of the City of Cape May and outlines the composition of the Department and the criteria that must be met for an individual to obtain employment with the Police Department; and

**WHEREAS**, on July 21, 2022, Governor Philip Murphy enacted the New Jersey Police Licensure Act, N.J.S.A. 52:17B-66 et seq., which establishes a police licensing program for all New Jersey law enforcement officers, and which will require that all law enforcement officers hold a valid, active license issued by the Police Training Commission (PTC) in order to be employed as officers in the State of New Jersey. The provisions of the Act go into effect on January 1, 2024; and

**WHEREAS**, the City Council deems it appropriate to amend the City Code to ensure compliance with these new requirements; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Cape May as follows:

**Section 1.** Section 81-3 of the City of Cape May Code is amended as follows (~~striketrough~~ portions indicating deletions and **bold/underline** portions indicating new language):

§ 81-3        **Qualifications of police force members.**

Each applicant for a position as an officer or member of the Police Department of the City of Cape May shall:

- A.    Be a citizen of the United States.
- B.    Be not less than 18 and not more than 35 years of age.
- C.    Be sound in body and of good health sufficient to satisfy the Board of Trustees of the Police Retirement System of New Jersey that he is eligible to membership in the system.
- D.    Be able to read, write and speak the English language well and intelligently.
- E.    Be of good moral character, having never been convicted of a crime involving moral turpitude.

F. In accordance with N.J.S.A. 52:17B-68, serve a probationary period pending his successful completion of the Police Training Course at a New Jersey Police Training School.

**G. Pursuant to the provisions of the New Jersey Police Licensure Act, N.J.S.A. 52:17B-66 et seq., effective January 1, 2024, all current and future law enforcement officers employed by the Police Department of the City of Cape May must hold a valid, active license issued by the Police Training Commission (PTC) in order to be employed as a police officer in the State of New Jersey.**

**Section 2.** Section 81-10 of the City of Cape May Code is amended as follows (~~strikethrough~~ portions indicating deletions and **bold/underline** portions indicating new language):

§ 81-10 Special law enforcement officers.

A. Special law enforcement officers may be appointed by the City Manager for a term not exceeding one year. Special law enforcement officers shall serve as permitted by statute. Those appointed for terms of four months or less, however, shall serve at the pleasure of the City Manager.

B. Classes of officers.

(1) Pursuant to the Special Law Enforcement Officers' Act,[1] two classes of special law enforcement officers may be appointed to serve the functions hereinafter noted:

(a) Class 1. Officers of this class are authorized to perform routine traffic detail, spectator control and similar duties, and further, are authorized to arrest for petty disorderly and disorderly offenses, violations of municipal ordinances, and violations of Title 39 of the New Jersey Statutes Annotated. The use of a firearm by any officer of this class is prohibited, and no officer of this class shall be assigned duties which may require the carrying or use of a firearm.

(b) Class II. Officers of this class are authorized to exercise full powers and duties similar to those of a permanent, regularly appointed, full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as required by the Police Training Commission.

(2) In the City of Cape May, not more than 15 Class I officers and not more than 20 Class II officers may be appointed.

C. Special law enforcement officers shall be under the supervision of the Chief of Police who shall define the powers, rights and duties of the special law enforcement

officers in accordance with the Special Law Enforcement Officers' Act and this section.

- D. No person shall be appointed a special law enforcement officer unless he meets the eligibility requirements set forth in the Special Law Enforcement Officers' Act.
- E. Every special law enforcement officer shall be fingerprinted, and his fingerprints shall be filed with the New Jersey State Police and FBI. Reports shall be made by the Chief of Police to the appointing authority concerning eligibility and qualifications of any person proposed to be appointed as a special law enforcement officer.
- F. All requirements of the Special Law Enforcement Officers' Act concerning certification, training, limits on hours or employment, and similar matters shall be applicable to the special law enforcement officers appointed by the appointing authority. The Chief of Police may, on behalf of the appointing authority, designate one Class One or one Class Two special law enforcement officer to whom the statutory limitation on hours of employment shall not be applicable.

**G. Pursuant to the provisions of the New Jersey Police Licensure Act, N.J.S.A. 52:17B-66 et seq., effective January 1, 2024, all current and future law enforcement officers employed by the Police Department of the City of Cape May must hold a valid, active license issued by the Police Training Commission (PTC) in order to be employed as a police officer in the State of New Jersey.**

**Section 3.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

**Section 4.** This ordinance shall take effect 20 days after passage and publication, according to law.

ATTEST:

CITY OF CAPE MAY, a municipal corporation of  
the State of New Jersey

\_\_\_\_\_  
Erin C. Burke, City Clerk

BY: \_\_\_\_\_  
Zachary M. Mullock, Mayor

## NOTICE

Ordinance 523-2023 was introduced at a Work Session meeting of the City Council of the City of Cape May, held on November 8, 2023 and will be further considered for final passage during a Work Session meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on December 5, 2023 at 5:00 P.M. at which time a Public Hearing will be held.

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Erin C. Burke, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
<b>Yeager</b>						
<b>Meier</b>						
<b>McDade</b>						
<b>Baldwin</b>						
<b>Mullock</b>						

Introduced:	November 8, 2023
1 <sup>st</sup> Publication:	November 15, 2023
2 <sup>nd</sup> Reading & Adoption:	December 5, 2023
Final Publication:	December 13, 2023
Effective Date:	January 2, 2024