

ORDINANCE NO. 25-18

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ORDINANCE NO. 25-95 AND SECTION 61-30. OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED, "ALCOHOL AND DRUG TESTING POLICY FOR LAW ENFORCEMENT PERSONNEL" UNDER CHAPTER 61 OF THE CODE ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES

WHEREAS, by way of Ordinance No. 25-95, adopted on August 24, 1995, and codified as Section 61-30. of the Code of the Township of Hanover, the Township Committee of the Township of Hanover enacted an "Alcohol and Drug Testing Policy for Law Enforcement Personnel" that provided for drug and alcohol testing only of current law enforcement officers and only when based on a reasonable suspicion that they are using drugs and/or alcohol illegally; and

WHEREAS, Ordinance No. 25-95 does not provide for or address random drug testing, the drug testing of applicants, or the drug testing of Police Academy trainees; and

WHEREAS, since the adoption of Ordinance No. 25-95, the New Jersey Attorney General has promulgated a series of comprehensive directives and guidelines, binding on local law enforcement agencies, identifying the types of drug testing that local law enforcement agencies are required to conduct, (including drug testing of applicants, trainees and sworn officers currently employed), the procedures required to be utilized in conducting drug testing, and the required employment consequences of producing a positive drug test result or refusing to participate in drug testing; and

WHEREAS, pursuant to Attorney General Law Enforcement Directive No. 2018-2, promulgated on March 20, 2018, it is now mandatory for local law enforcement

agencies to conduct random drug testing on no less than 10% of the agency's sworn officers once in 2018, and twice per year for every calendar year thereafter; and

WHEREAS, on January 29, 2015, the Township Committee of the Township of Hanover, in its capacity as the "appropriate authority" in the adoption of Police Department rules and regulations, pursuant to N.J.S.A. 40A:14-118., adopted Rule and Regulation 3:2.20(2), which empowers the Chief of Police to order random drug testing of sworn officers in accordance with the New Jersey Attorney General's directives and guidelines and the applicable directives of the Morris County Prosecutor; and

WHEREAS, Ordinance No. 25-95, adopted on August 24, 1995, and codified as Section 61-30. of the Hanover Township Municipal Code, has not been updated to reflect these subsequent developments in the drug testing of law enforcement officers, applicants and trainees, and therefore requires amendment.

NOW, THEREFORE, BE IT ORDANED by the Township Committee of the Township of Hanover in the County of Morris and the State of New Jersey as follows:

1. The text of Ordinance No. 25-95, adopted on August 24, 1995, and codified as Section 61-30. of the Code of the Township of Hanover entitled "Alcohol and Drug Testing Policy for Law Enforcement Personnel," is hereby deleted and replaced with the following text:

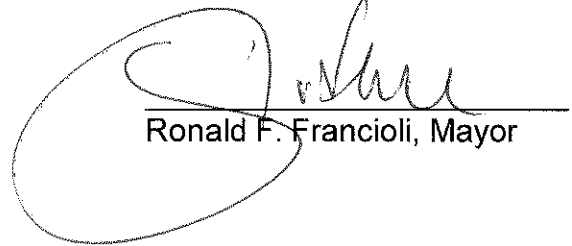
"The Hanover Township Police Department shall conduct drug and alcohol testing of sworn law enforcement officers, applicants and trainees in accordance with all duly-adopted directives and guidelines issued by the New Jersey Attorney General, the applicable directives of the Morris County Prosecutor, and the duly-adopted rules, regulations, policies and standard operating procedures of the Hanover Township Police Department, along with any subsequent amendments, modifications and supplements thereto. In case of any conflict between the terms of the directives/guidelines of the New Jersey Attorney General/Morris County Prosecutor and the rules, regulations, policies and standard operating procedures of the Hanover Township Police Department, the directives/guidelines of the New Jersey Attorney General and applicable directives of the Morris County Prosecutor shall control."

2. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby repealed.

3. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder of this Ordinance.

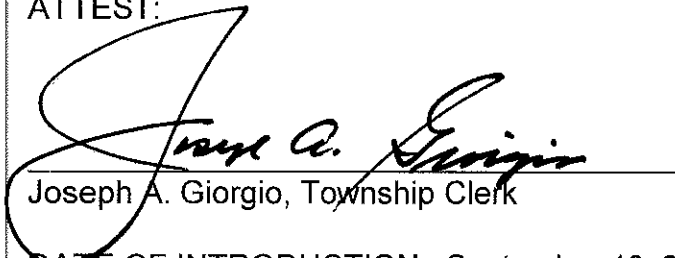
4. This Ordinance shall take effect in accordance with law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY



Ronald F. Francioli, Mayor

ATTEST:

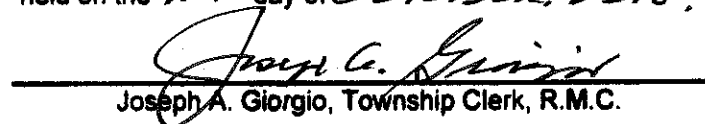


Joseph A. Giorgio, Township Clerk

DATE OF INTRODUCTION: September 13, 2018

DATE OF ADOPTION: October 11, 2018

I hereby certify the foregoing to be a true copy of a Resolution/Ordinance adopted by the Township Committee of the Township of Hanover at a Regular/Special Meeting held on the 11th day of OCTOBER, 2018.



Joseph A. Giorgio, Township Clerk, R.M.C.