

ASSEMBLY, No. 2922

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Co-Sponsored by:

Assemblyman Caputo

SYNOPSIS

Permits municipal, county, and regional police and fire forces to establish five-year residency requirement for police officers and firefighters; allows exceptions to requirement under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/17/2019)

1 AN ACT concerning five-year residency requirement for police
2 officers and firefighters and amending various parts of the
3 statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 1 of P.L.1972, c.3 (C.40A:14-9.1) is amended to
9 read as follows:

10 1. **[No]** a. Except as provided for in subsection b. of this
11 section, no municipality shall pass any ordinance, resolution, rule,
12 regulation, order or directive, making residency therein a condition
13 of employment for the purpose of original appointment, continued
14 employment, promotion, or for any other purpose for any member
15 of a paid fire department and force or paid member of a part-paid
16 fire department and force, and any such ordinance, resolution, rule,
17 regulation, order or directive in existence on the effective date of
18 **[this act]** P.L.1972, c.3 or passed hereafter shall be void and have
19 no force or effect.

20 b. A municipality may adopt an ordinance prohibiting an
21 applicant from obtaining employment with the municipal paid fire
22 department and force or obtaining a paid position in a part-paid fire
23 department and force unless the person agrees to remain a resident
24 of the municipality for the first five years of his employment. In
25 any municipality that adopts an ordinance pursuant to this
26 subsection, the applicant shall have six months from the date of
27 employment to begin residing in the municipality. The six-month
28 period shall begin on the applicant's first day of official duty after
29 the applicant has completed all requisite training. A municipality
30 that adopts an ordinance pursuant to this subsection may provide an
31 exception to the residency requirement for any member of the fire
32 department who suffers injury, or a threat of injury, to his person,
33 family, or property, committed by another who acts with purpose to:
34 (1) intimidate the member because of his status as a member; (2)
35 manipulate an investigation; or (3) otherwise influence the member
36 to violate his official duty.

37 (cf: P.L.1972, c.3, s.1)

38
39 2. Section 2 of P.L.1972, c.3 (C.40A:14-9.2) is amended to
40 read as follows:

41 2. In any municipality **[wherein]** that operates under the
42 provisions of Title [11 (Civil Service)] 11A, Civil Service, of the
43 **[Revised]** New Jersey Statutes [is operative] , other than a
44 municipality which has adopted an ordinance pursuant to subsection

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 b. of section 1 of P.L.1972, c.3 (C.40A:14-9.1), applicants for
2 appointment to the paid fire department and force or as paid
3 members of the part-paid fire department and force who are not
4 residents of the municipality shall be eligible for appointment
5 thereto [notwithstanding the provision of any statute, law,
6 ordinance, rule or regulation to the contrary].

7 (cf: P.L.1972, c.3, s.2)

8
9 3. Section 11 of P.L.1972, c.3 (C.40A:14-122.1) is amended to
10 read as follows:

11 11. **[No]** a. Except as provided for in subsection b. of this
12 section, no municipality shall pass any ordinance, resolution, rule,
13 regulation, order or directive, making residency therein a condition
14 of employment for the purpose of original appointment, continued
15 employment, promotion, or for any other purpose for any member
16 of a police department and force and any such ordinance,
17 resolution, rule, regulation, order or directive in existence on the
18 effective date of **[this act]** P.L.1972, c.3 or passed hereafter shall
19 be void and have no force or effect.

20 b. A municipality may adopt an ordinance prohibiting an
21 applicant from obtaining employment with the municipal police
22 department or force unless the person agrees to remain a resident of
23 the municipality for the first five years of his employment. In any
24 municipality that adopts an ordinance pursuant to this subsection,
25 the applicant shall have six months from the date of employment to
26 begin residing in the municipality. The six-month period shall
27 begin on the applicant's first day of official duty after the applicant
28 has completed all requisite training. A municipality that adopts an
29 ordinance pursuant to this subsection may provide an exception to
30 the residency requirement for any member of the police department
31 who suffers injury, or a threat of injury, to his person, family, or
32 property, committed by another who acts with purpose to: (1)
33 intimidate the officer because of his status as an officer; (2)
34 manipulate an investigation; or (3) otherwise influence the officer
35 to violate his official duty.

36 (cf: P.L.1972, c.3, s.11)

37
38 4. Section 12 of P.L.1972, c.3 (C.40A:14-122.2) is amended to
39 read as follows:

40 12. In any municipality **[wherein]** that operates under the
41 provisions of Title [11 (Civil Service)] 11A, Civil Service, of the
42 **[Revised]** New Jersey Statutes [is operative] , other than a
43 municipality which has adopted an ordinance pursuant to subsection
44 b. of section 11 of P.L.1972, c.3 (C.40A:14-122.1), applicants for
45 appointment to the police department and force who are not
46 residents of the municipality shall be eligible for appointment
47 thereto [notwithstanding the provision of any statute, law,

1 ordinance, rule or regulation to the contrary】.

2 (cf: P.L.1972, c.3, s.12)

3
4 5. N.J.S.40A:14-106 is amended to read as follows:

5 40A:14-106. a. The governing body of any county, adopting
6 rules for the regulation of traffic upon the county highways and
7 roads and for the enforcement of laws pertaining thereto, by
8 ordinance or resolution, as appropriate, may create and establish a
9 county police department and force and provide for its maintenance,
10 regulation and control. Except as otherwise provided by law, the
11 governing body may appoint a chief of the department and such
12 other members, officers and personnel as shall be deemed
13 necessary, determine their terms of office, fix their compensation
14 and prescribe their powers, functions and duties. The governing
15 body shall adopt and promulgate rules and regulations for the
16 government of the department and force and for the discipline of its
17 members.

18 b. The governing body of a county may adopt an ordinance
19 prohibiting an applicant from obtaining employment with the
20 county police department or force unless the person agrees to
21 remain a resident of the county for the first five years of his
22 employment. In any county that adopts an ordinance pursuant to
23 this subsection, the applicant shall have six months from the date of
24 employment to begin residing in the county. The six-month period
25 shall begin on the applicant's first day of official duty after the
26 applicant has completed all requisite training. A county that adopts
27 an ordinance pursuant to this subsection may provide an exception
28 to the residency requirement for any member of the police
29 department who suffers injury, or a threat of injury, to his person,
30 family, or property, committed by another who acts with purpose to:
31 (1) intimidate the officer because of his status as an officer; (2)
32 manipulate an investigation; or (3) otherwise influence the officer
33 to violate his official duty.

34 (cf: P.L.1981, c.126, s.1)

35
36 6. Section 15 of P.L.2007, c.63 (C.40A:65-15) is amended to
37 read as follows:

38 15. a. A joint meeting is a public body corporate and politic
39 constituting a political subdivision of the State for the exercise of
40 public and essential governmental functions to provide for the
41 public health and welfare.

42 b. A joint meeting has the following powers and authority,
43 which may be exercised by its management committee to the extent
44 provided for in the joint contract:

45 (1) to sue and be sued;

46 (2) to acquire and hold real and personal property by deed, gift,
47 grant, lease, purchase, condemnation or otherwise;

1 (3) to enter into any and all contracts or agreements and to
2 execute any and all instruments;

3 (4) to do and perform any and all acts or things necessary,
4 convenient or desirable for the purposes of the joint meeting or to
5 carry out any powers expressly given in sections 1 through 35 of
6 P.L.2007, c.63 (C.40A:65-1 through C.40A:65-35);

7 (5) to sell real and personal property owned by the joint meeting
8 at public sale;

9 (6) to operate all services, lands, public improvements, works,
10 facilities or undertakings for the purposes and objects of the joint
11 meeting;

12 (7) to enter into a contract or contracts providing for or relating
13 to the use of its services, lands, public improvements, works,
14 facilities or undertakings, or any part thereof, by local units who are
15 not members of the joint meeting, and other persons, upon payment
16 of charges therefor as fixed by the management committee;

17 (8) to receive whatever State or federal aid or grants that may be
18 available for the purposes of the joint meeting and to make and
19 perform any agreements and contracts that are necessary or
20 convenient in connection with the application for, procurement,
21 acceptance, or disposition of such State or federal aid or grants;

22 **[and]**

23 (9) to acquire, maintain, use, and operate lands, public
24 improvements, works, or facilities in any municipality in the State,
25 except where the governing body of the municipality, by resolution
26 adopted within 60 days after receipt of written notice of intention to
27 so acquire, maintain, use, or operate, shall find that the same would
28 adversely affect the governmental operations and functions and the
29 exercise of the police powers of that municipality ; and

30 (10) to prohibit an applicant for a regional police or fire
31 department from obtaining employment with the regional police or
32 fire department unless the person agrees to remain a resident of the
33 region served by the department for the first five years of his
34 employment. Any residency requirement adopted pursuant to this
35 paragraph shall provide the applicant six months from his date of
36 employment to begin residing in the region served by his employer.
37 The six-month period shall begin on the applicant's first day of
38 official duty after the applicant has completed all requisite training.
39 A joint meeting that adopts a residency requirement pursuant to this
40 paragraph may provide an exception to the residency requirement
41 for any member of the regional police or fire department who
42 suffers injury, or a threat of injury, to his person, family, or
43 property, committed by another who acts with purpose to: (1)
44 intimidate the officer because of his status as an officer; (2)
45 manipulate an investigation; or (3) otherwise influence the officer
46 to violate his official duty.

47 c. If the governing body of a municipality in which a joint
48 meeting has applied for the location and erection of sewage

1 treatment or solid waste disposal facilities refuses permission
2 therefor, or fails to take final action upon the application within 60
3 days of its filing, the joint meeting may, at any time within 30 days
4 following the date of such refusal or the date of expiration of the
5 60-day period, apply to the Department of Environmental
6 Protection for relief. That department is authorized, after hearing
7 the joint meeting and the interested municipality, to grant the
8 application for the erection of the sewage treatment or disposal or
9 solid waste treatment or disposal facilities, notwithstanding the
10 refusal or failure to act of the municipal governing body, upon
11 being satisfied that the topographical and other physical conditions
12 existing in the local units comprising the joint meeting are such as
13 to make the erection of such facilities within its boundaries
14 impracticable as an improvement for the benefit of the whole
15 applying joint meeting.

16 (cf: P.L.2007, c.63, s.15)

17
18 7. This act shall take effect immediately.
19
20

21 STATEMENT

22
23 This bill would permit a municipality to adopt an ordinance
24 prohibiting an applicant from obtaining employment with the
25 municipal police department, paid fire department, or part-paid fire
26 department unless the applicant agrees to remain a resident of the
27 municipality for the first five years of his employment. Under this
28 bill, county and regional police and fire forces would also have the
29 power to institute a residency requirement. In any municipality
30 with such an ordinance, the applicant would have six months from
31 the date the applicant begins his or her official duties, following all
32 requisite training, to relocate to the municipality, county, or region
33 served by the force.

34 The bill would allow an exception to this residency requirement
35 if any member of the fire department or police department suffers
36 injury, or a threat of injury, to his person, family, or property,
37 committed by another who acts with purpose to: (1) intimidate the
38 member because of his status as a member; (2) manipulate an
39 investigation; or (3) otherwise influence the member to violate his
40 official duty.