

ORDINANCE - ____

**AN ORDINANCE DISSOLVING THE DEMAREST
POLICE DEPARTMENT AND DESIGNATING THE
BERGEN COUNTY POLICE DEPARTMENT AS
ENFORCING AGENCY FOR BOROUGH
ORDINANCES.**

BE IT ORDAINED, by the Mayor and Council of the Borough of Demarest, within the County of Bergen and State of New Jersey, as follows:

Section 1. Findings.

The Mayor and Council of the Borough of Demarest, being the governing body thereof, hereby make the following findings of fact:

The Borough of Demarest, a municipal corporation of the State of New Jersey, was formed by an act of the New Jersey State Legislature on April 8, 1903 and continued in existence under the Borough form of government as currently set forth in N.J.S.A. 40A:60-1 et seq. In Accordance with Law, the Borough established a police force as an executive and enforcement function of its municipal government. That force has served the Borough with honor and efficiency for many years. Unfortunately, the continually increasing costs of local government have made the maintenance of the current level of police services fiscally untenable for the Borough without significantly increasing the burden on the municipality's taxpayers.

To maintain the level of police services currently provided to the taxpayers of the Borough of Demarest, the governing body has been forced to consider the use of shared services, encouraged by our State Legislature and authorized by the Uniform Shared Services and Consolidation Act., N.J.S.A. 40A:65-1 et seq. In furtherance of this approach, the County of Bergen has offered to assume the police function within the territorial boundaries of the Borough of Demarest through the Bergen County Police Department, to absorb the membership of the Demarest Police Department into the Bergen County Police Department, and to use those personnel to provide a level of police services equal to or better than that currently provided by the Borough's police department. Due to the economies of scale, the County of Bergen can provide those services at a significantly lower cost than that incurred by the Borough of Demarest, reducing the cost to the Borough's taxpayers.

Entry into a shared services agreement between the Borough of Demarest and the County of Bergen, whereby the County of Bergen would assume the police function in the Borough of Demarest is in the best interests of the Borough's taxpayers. Implementation of this agreement requires that the Borough to Designate the Bergen County Police Department as an enforcing agency of the Borough of Demarest and authorize the Bergen County Police Department to carry out the Borough's police function. Once the Bergen County Police Department has assumed the role of provider

of police services within the Borough, and assumed all personnel and property provided in the shared services agreement, the Borough will no longer have need of its own police department. To avoid any conflicts and possible challenge to the enforcement authority of the County Police Department, the Borough must then dissolve its municipal police department.

This Ordinance contemplates the approval and execution of a shared services agreement by separate ordinance in accordance the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq (the “Shared Services Agreement”). This Ordinance enables the process by which the County will assume the police function in Demarest, and upon full implementation, dissolves the Borough’s municipal police department.

Section 2. Dissolution of the Demarest Police Department.

- Ordinance No. 90 of the Borough of Demarest, as amended and supplemented, providing for the establishment and regulation of the Borough of Demarest Police Department, is hereby repealed in its entirety.
- Chapter 40 of the Code of the Borough of Demarest, providing for the establishment and regulation of the Borough of Demarest Police Department, is hereby deleted in its entirety.
- The Demarest Police Department, as heretofore constituted is hereby dissolved, and shall hereafter cease to exist in the Borough of Demarest.
- Any references to the Demarest Police Department in the Borough Code of the Borough of Demarest shall hereby be deemed to refer to the Bergen County Police Department.

Section 3. Designation of the Bergen County Police Department as Enforcing Agency.

- Subject to the provisions of this Ordinance and to the extent authorized by law, the Bergen County Police Department is hereby designated as the police department of the Borough of Demarest, and is hereby authorized to carry out the police function of the Borough of Demarest as required by law an in accordance with the Shared Services Agreement between the Borough of Demarest and the County of Bergen.
- The Bergen County Police Department is hereby designated as an enforcing agency for all municipal ordinances of the Borough of Demarest.

Section 4. Severability and Repealer.

- If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

Section 5. Effective Date.

This Ordinance, shall take effect upon the occurrence of both of the following:

- The approval by ordinance and execution by both the County and the Borough of the Shared Services Agreement, setting forth the terms and conditions by which the Bergen County Police Department will assume the police function for the Borough of Demarest; and
- The transfer of all personal property, interests in real property, and employees scheduled to be transferred in accordance with the aforementioned Shared Services Agreement from the Demarest Police Department to the Bergen County Police Department.