

R.S. 40:47-3, 3.1, 3.5

June 25, 1970

LEGISLATIVE NOTES ON R.S. 40:47-3, 3.1, 3.5  
(Residency requirements - police and firemen - reduced from  
2 years to 6 months)

( 1969 amendment )

COPY NO. 1

L. 1969, Chapter 267 - S269  
Prefiled for introduction by Dumont & Sisco.  
January 23 - Passed in Senate.  
May 5 - Passed in Assembly.  
January 12 - Approved, Chapter 267.  
Not amended during passage.  
No statement.

Listed as "Approved" in:

974.905 New Jersey League of Municipalities.  
L51 Legislative bulletin. No. 4,  
2/24/69. p. 2.

JH/PC

SENATE, No. 269

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1969 SESSION

By Senator DUMONT

AN ACT concerning residence qualifications of policemen and firemen, and revising various sections of the law relating thereto.

1 BE IT ENACTED by the Senate and General Assembly of the State  
2 of New Jersey:

1 1. Section 40:47-3 of the Revised Statutes is amended to read as  
2 follows:

3 40:47-3. No person shall be appointed:

4 a. An officer or member of the police force;

5 b. An officer or member of the paid fire department; or

6 c. A member of any municipal part paid fire department who is  
7 permanently employed by the municipality at a fixed annual salary  
8 and whose sole occupation is that of fireman in said municipal part  
9 paid fire department—

10 Unless he is a citizen of the United States and has been a resident  
11 of the municipality in which he is appointed for **[2 years]** 6 months  
12 next preceding his appointment, is sound in body, of good health  
13 sufficient to satisfy the board of trustees of the police and firemen's  
14 retirement system of New Jersey that such person is eligible to  
15 membership in the retirement system, able to read, write and speak  
16 the English language well and intelligently, and is of good moral  
17 character. No person shall be so appointed who has been convicted  
18 of any indictable offense, or who has been convicted of any crime  
19 or offense involving moral turpitude.

20 The body or officer or officers in the respective municipalities  
21 having authority to appoint to or employ members of the police  
22 department and force, or of the fire department and force therein,  
23 may, however, employ officers or men temporarily in case of  
24 emergency, or for parts of years, where their services are not needed  
25 throughout the entire year, and discharge them at the expiration  
26 of such temporary employment.

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

27 Any member or officer of any such police department and force  
 28 or of such paid fire department or a member of any municipal part  
 29 paid fire department who is permanently employed by the munic-  
 30 ipality at a fixed annual salary and whose sole occupation is that  
 31 of fireman in said municipal part paid fire department who shall  
 32 be absent from duty without just cause for a term of 5 days con-  
 33 tinuously, and without leave of absence, shall, at the expiration of  
 34 such 5 days, cease to be a member of such police department and  
 35 force or of such paid or part paid fire department.

1 2. Section 1 of P. L. 1946, chapter 25 (C. 40:47-3.1) is amended  
 2 to read as follows:

3 1. In any municipality, other than a municipality now or here-  
 4 after operating under the provisions of Title 11, Civil Service, of  
 5 the Revised Statutes, having a population of less than 30,000  
 6 inhabitants, a person may be appointed an officer or member of  
 7 the police force or of the paid fire department if he is otherwise  
 8 qualified, notwithstanding that he is not and has not been a resident  
 9 of said municipality for **2 years** *6 months* preceding his appoint-  
 10 ment; provided, at the time of his appointment said person resided  
 11 in the county in which the municipality is located, for a period of  
 12 **2 years** *6 months* immediately prior to his appointment, and  
 13 agrees to become a resident of the said municipality within 3 years  
 14 from the date of his appointment, if

15 (a) Not less than 4 weeks' notice of the examination for appoint-  
 16 ment to the police force or paid fire department has been published  
 17 at least once a week in a newspaper circulating in the municipality;  
 18 and

19 (b) No person who has been such a resident and is otherwise  
 20 qualified for appointment has applied for such appointment at the  
 21 time scheduled for examination.

22 Prior to the expiration of the aforesaid 3-year period the govern-  
 23 ing body may, if it deems it necessary, extend the period of time  
 24 for the nonresident appointee to become a resident of the munic-  
 25 ipality for an additional 2-year period. Such an extension may be  
 26 granted by resolution of the governing body.

27 In the event such a person fails to become a resident of the  
 28 municipality within the aforementioned 3- or 5-year period, which-  
 29 ever is applicable, upon the anniversary date thereof he shall cease  
 30 to be a member of said police or fire department. The governing  
 31 body shall cause to be served on the officer or member at least 15  
 32 days before the expiration of the period of nonresidency permitted,  
 33 a notice that he is required to become a resident of the municipality  
 34 within the time mentioned, and in the event such notice is not

35 given the time for the officer or member to become a resident of  
36 the municipality is extended until such notice is given.

1 3. Section 3 of P. L. 1966, chapter 292 (C. 40:47-3.5) is amended  
2 to read as follows:

3 3. No person shall be appointed pursuant to said ordinance  
4 waiving residence requirements unless he has been a resident of  
5 the State of New Jersey for at least **[1 year]** *6 months* and lives in  
6 such proximity to the municipality in question as will satisfy the  
7 appointing authority that he will be able to fully perform his duties  
8 as a member of its police or paid fire department.

1 4. Section 3 of P. L. 1943, chapter 163 (C. 40:47-4.4) is amended  
2 to read as follows:

3 3. The appointing power in making such temporary appointment  
4 may appoint any person who is not less than 21 nor more than 45  
5 years of age, who is a citizen of the United States and has been a  
6 resident of the municipality in which he is appointed for **[2 years]**  
7 *6 months* next preceding his appointment, is sound in body, of good  
8 health, able to read, write and speak the English language well and  
9 intelligently, and is of good moral character; but no person shall  
10 be so appointed who has been convicted of any crime involving  
11 moral turpitude which, in the judgment of the appointing power,  
12 would be prejudicial to the morale of the force.

1 5. Section 1 of P. L. 1956, chapter 147 (C. 40:47-20.8) is amended  
2 to read as follows:

3 1. Any person may be appointed an officer or member of the  
4 police force of a municipality having a population of less than 5,000  
5 inhabitants, notwithstanding that he has not been a resident of  
6 such municipality for **[2 years]** *6 months* preceding his appoint-  
7 ment, if he is otherwise qualified and is a resident of the county  
8 wherein such municipality is situate.

1 6. Section 1 of P. L. 1964, chapter 187 (C. 40:47-20.12) is amended  
2 to read as follows:

3 1. Upon the creation of a police department in any municipality  
4 in which no police department existed theretofore, a person may  
5 be appointed to the office of chief of police of such police depart-  
6 ment if he is otherwise qualified, notwithstanding his age is  
7 greater than the maximum age limit set forth in section 40:47-4  
8 of the Revised Statutes and notwithstanding that he is not and has  
9 not been a resident of said municipality for **[2 years]** *6 months*  
10 immediately preceding his appointment; provided he agrees to  
11 become a resident of said municipality within 3 years from the date  
12 of his appointment.

1 7. Section 1 of P. L. 1965, chapter 177 (C. 40:47-20.13) is amended  
2 to read as follows:

3 1. Any person, if he is otherwise qualified, may be appointed an  
4 officer or member of the police force of a city of the fourth class  
5 having a population of not less than 9,000 inhabitants nor more  
6 than 16,000 inhabitants, notwithstanding that he has not been a  
7 resident of such city for **[2 years]** *6 months* preceding his appoint-  
8 ment. No such appointment shall be made unless prior thereto the  
9 governing body of such city by resolution shall have determined  
10 that applicants for appointment as officers or members of the police  
11 force of the said city who are residents thereof are reasonably  
12 unattainable according to the judgment and determination of the  
13 said governing body. Applicants for such appointments who have  
14 not been residents of such cities for **[2 years]** *6 months* preceding  
15 their appointment shall, however, be residents of the area included  
16 within a radius of 5 miles from the cities' police headquarters.

1 8. Section 1 of P. L. 1965, chapter 218 (C. 40:47-20.14) is amended  
2 to read as follows:

3 1. Any person may be appointed an officer or member of the  
4 police force of a municipality having a population in excess of 5,000  
5 but not more than 5,500 inhabitants, notwithstanding that he has  
6 not been a resident of such municipality for **[2 years]** *6 months*  
7 preceding his appointment, if he is otherwise qualified and is either  
8 a resident of the municipality or agrees to become a resident of the  
9 municipality within 1 year of his appointment.

1 9. This act shall take effect immediately.