

INTRODUCED BY _____ INTRODUCTION _____
SECONDED BY _____ HEARING _____
ADOPTION _____

**BOROUGH OF CLIFFSIDE PARK
COUNTY OF BERGEN, STATE OF NEW JERSEY**

ORDINANCE 2009-15

**AN ORDINANCE TO ESTABLISH PROCEDURE FOR
THE EMPLOYMENT OF OFF-DUTY POLICE OFFICERS**

BE IT ORDAINED, by the Council of the Borough of Cliffside Park that the following Ordinance is hereby adopted.

1. Section 1 Findings.

The Council of the Borough of Cliffside Park hereby ordain as follows:

A. The Attorney General of the State of New Jersey and the Division of Local Government Services have determined that members of a municipal police department may, during their off-duty hours, engage in police related activities for private persons and entities. Pursuant to the laws of the State of New Jersey, a municipality must agree to implement a system whereby the off-duty assignments of police officers is arranged through a contract directly with the municipality and the private person or entity.

B. That the contracting between the municipality and private person or entity must include a plan whereby the compensation for off-duty police related services is channeled through the office of the Chief Financial Officer, and that said compensation is place in a separate account will be established by the municipality, and that the proceeds of said fund will be disbursed through the office of the Chief Financial Officer to the individual police officers performing such services.

C. It is in the best interest if the Borough of Cliffside Park to establish a procedure for the assignment of off-duty police work which will allow for the greater protection of the citizens of the Borough.

2. Section 2 Assignments.

The Chief of Police shall be responsible for the assignment of all off-duty police related activities, and the billing of all compensation due to the Borough. The Chief of Police shall be authorized to designate other members of the police department as needed to assist him in the assignment off-duty police related activities. The procedure for assignment of off-duty police related activities shall be as follows:

- A. The Chief of Police or his designee shall create and maintain a list whereby police officers will volunteer, from a rotating schedule, for off-duty police related activities.
- B. The Chief of Police or his designee shall assign all off-duty police related activities from the aforementioned list of officers desiring said assignment; said assignments to be made on a rotating basis as the assignment becomes available.

3. Section 3 Contracts with Private Entities.

Any private person or entity desiring to retain the services of police officers of the Borough of Cliffside Park for off-duty police related activities shall be required to enter into a contract with the Borough of Cliffside Park. Said contract shall include, but not be limited to the nature of duties to be performed, the location of said duties, the date and hours of service, the rate of payment for services to the officers, administrative fees to the Borough of Cliffside Park, and fees for the use of Borough owned equipment. This ordinance and any contracts shall require that deposits be placed in advance by the contractor for services to be performed, prior to the Borough authorizing the contract or to commence construction. The duration of the contract's scope of services shall be established by the Chief of Police and the Borough Engineer.

4. Section 4 Payments for Off-Duty Assignments.

All private persons or entities shall be required to make all payments for off-duty assignments payable to the Borough of Cliffside Park. The Chief Financial Officer shall deposit the monies collected from said private persons or entities, earmarked for payment of the off-duty officers, into a separate account to be established to receive such monies. All members of the police department shall be paid for services performed on the first or second regular pay date, after the receipt of funds from the contracting party and upon the submission of written authorization from the Police Chief, or his designee. All police officers shall be paid at an hourly rate to be designated by resolution from time to time by Council.

5. Section 5 Administrative and General Costs.

A. In addition to the aforementioned fees to be collected by the Borough of Cliffside Park from said private persons or entity for the payment of said off-duty police officers, the Borough of Cliffside Park shall collect an administrative fee of \$5.00 per hour, per person,

assigned to said private entity. Said fee shall be used to off-set the administrative costs associated with the assignment of Borough police officers.

B. In addition to the aforementioned administrative fee, the Chief and/or his designee's shall determine what equipment is required, and said private persons or entity shall pay the Borough of Cliffside Park for the use or rental of any Borough equipment based upon the following pay scale.

- (1) Unmarked police vehicle - \$5.00 per hour
- (2) Marked police vehicle - \$5.00 per hour
- (3) Flares - \$2.00 each
- (4) Vehicle barricades - \$2.00 per hour
- (5) Emergency tape- \$15.00 per roll
- (6) Hourly rates for Police Officer on off-duty assignment shall be:
 - (a) all details- \$55.00 per hour
- (7) Lighting/ gas powered generator- \$5.00 per hour
- (8) The Borough reserves the right to utilize special police officers and/or "flagman" on all municipal projects.
- (9) This ordinance shall not apply to any licensed public utility.
- (10) The developer shall be responsible to have all police service arrearages satisfied prior to the issuance of any police traffic details.

C. Notwithstanding anything to the contrary, the Borough of Cliffside Park shall not be required to allow its equipment to be used on any off-duty assignment.

6. Section 6.

A. Worker's Compensation Fund. In addition to the aforementioned fees for administrative costs, as well as the fees for the hourly rate of pay for said police officers, said private person or entity wishing to employ off-duty police officers shall be required to pay the Borough of Cliffside Park a separate fee of \$5.00 per hour. This additional fee shall be used for the purposes of contribution to the Borough's Workers' Compensation Fund.

B. Insurance. Each private persons or entity who shall employ off-duty police officers pursuant to this section shall be responsible for maintaining their own insurance coverage. Said insurance coverage shall include, but not be limited to general liability and

automobile. Proof of said insurance coverage shall be provided to the Borough of Cliffside Park prior to the assignment of any off-duty police officers to said private person or entity. The private person or entity shall provide the aforementioned for any and all officers, vehicles and/or equipment utilized in the off-duty assignment.

7. Section 7 Emergencies.

The Chief of Police or his designee shall have the authority to order any police officer, engaged in off-duty assignments within the Borough of Cliffside Park, to respond to an emergency situation within the Borough of Cliffside Park. The Chief of Police or his designee shall also have the right to order any off-duty assignment to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the off-duty officer and/or the residents of the Borough of Cliffside Park. In the event a police officer is assigned to an emergency situation, the Police Chief or his designee shall make note of said emergency situation, as well as the time said officer was removed from said off-duty assignment. In any situation where an off-duty police officer is called to an emergency situation, said, private person or entity shall not be responsible for the payment of the officer's hourly rate, administrative fee, or any other fees to the Borough of Cliffside Park until such time as said police officer and/or equipment returns to the assignment with the off-duty employer.

8. The administrative costs referenced in the ordinance may be modified annually or on an "as needed" basis by Council resolution.

9. Indemnification.

Any private person or entity requesting the services of off-duty police officers shall indemnify the Borough of Cliffside Park for any and all damages (personal/property and/or otherwise) which may arise from the off-duty police officer's employment by said private person or entity.

10. Severability.

If any section or paragraph of this ordinance shall be declared to be invalid, unconstitutional or inoperative, in whole or in part, by any Court of competent jurisdiction, this entire ordinance shall be deemed void.

11. All ordinances or parts of ordinances inconsistent herewith or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

12. This ordinance shall take effect immediately after final passage, adoption, and publication as required by law.

INTRODUCED _____, **2009**

ADOPTED _____, **2009**

Gerald A. Calabrese, Mayor

ATTEST:

Sercan Zoklu, Borough Clerk