

ORDINANCE #2024-01

AN ORDINANCE AMENDING CHAPTER 52, ARTICLE II, SPECIFICALLY, §52-19, ESTABLISHING CERTAIN FEES AND ADMINISTRATIVE COSTS FOR UTILIZATION OF PERSONNEL AND EQUIPMENT WITHIN THE BOROUGH OF BERLIN POLICE DEPARTMENT IN THE BOROUGH OF BERLIN, COUNTY OF CAMDEN AND STATE OF NEW JERSEY

WHEREAS, the Borough of Berlin (the "Borough") is a municipal corporation organized and operating under the laws of the State of New Jersey; and

WHEREAS, Chapter 52, Article II, Off Duty Employment, Specially §52-19(b), Payment Requirement, sets forth various fees and administrative costs changed by the Borough for utilization of personnel and equipment within the Berlin Borough Police Department; and

WHEREAS, the Mayor and Borough Council believe it to be in the best interest of the Borough's health, safety and welfare to make certain modifications and amendments to the Borough Code with respect to Chapter 52, which has not been amendment since December 18, 2020 pursuant to Ordinance No, 2020-13; and the Borough previously adopted new stormwater control regulations; and

WHEREAS pursuant to N.J.S.A. 40:48-2, the Mayor and Borough Council of the Borough are authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law.

NOW, THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Berlin, County of Camden and State of New Jersey, of the Borough Code, shall be amended as follows:

SECTION 1: Chapter 52, entitled, "Police Department" specifically, § 52-19, "Payment requirement" is hereby amended to read as follows:

- A. Payment for police services shall be made in advance of the performance of said services based on estimates of the work to be performed as determined by the Chief of Police. In the event the initial amount deposited is insufficient, the Chief of Police shall require additional advance payments. The hourly rate to be charged by the Borough of Berlin is set forth in Subsection B below which includes the hourly rate of pay for the police officer, the cost for the use of a police vehicle, if authorized, plus a fair and reasonable sum representing the administrative costs, overhead and out-of-pocket expenses to the Borough of Berlin for providing this service. Payment shall be made to the Borough Treasurer who shall bill for any services which have not been paid in advance. The contractor shall forward all sums due for off-duty police services to the Chief of Police of Berlin and all checks shall be payable to the "Borough of Berlin." The Chief of Police shall verify the

accuracy of all payments before forwarding said sums to the Borough Treasurer. A separate dedicated bi-writer trust fund shall be established by the Borough of Berlin, and all funds collected and disbursed relating to off-duty employment shall be made through said account.

B. Contractors, other government agencies (other than Camden County), or other business or civic instrumentalities requiring extra police services resulting in the hiring of Borough police officers for off-duty employment shall be charged pursuant to the following schedule:

- (1) Traffic Control (defined as outdoor activity): \$100 [85] per hour per police officer, \$15 per patrol car per hour plus a \$15 per hour administrative fee, totaling a sum of \$130.00 per hour.
- (2) Security duties (defined as indoor activity): \$100 [85] per hour per police officer, plus a \$15 per hour administrative fee, totaling a sum of \$115 per hour (Note: No Fee for patrol vehicle). Security rates for the Berlin Farmers Market and Solid Rock Baptist Church shall be \$75 per hour, per officer(s) assigned.
- (3) County traffic duties (defined as work requested by or through the County of Camden): \$67.03 per hour per police officer, paid out of the current maximum county reimbursement, the balance of the funds to be paid toward patrol car usage fees and administrative fees. Any and all future county increases shall be paid to the police officer until such time when the County rate of pay per hour should exceed the per hourly rate in § 52-19B(1) above, the balance of which shall be retained by the Borough for administrative fees and patrol car usage fees.

C. The contractor shall submit payment to the Borough of Berlin within five business days of receipt of said invoice. Failure of the contractor to make payment within said five days shall result in the immediate cessation of the police services being provided, and the agreement between the Borough and contractor shall be deemed terminated. In the event this contract is terminated, the contractor shall forfeit all sums paid in advance, and the Borough of Berlin shall have the right to pursue any remedy at law for the collection of any amounts that may be due and owing for the services provided prior to termination. All fees set forth in §52-19 B.(1) and (2) shall be subject to an automatic annual increase of 5%, commencing on a yearly basis on January 1, 2025 through January 1, 2026, at which time the annual increase will be reviewed and considered for modification by the Mayor and Borough Council with the exception of the Berlin Farmers Market and Solid Rock Baptist Church.

SECTION 2: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3: Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION 4: This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: January 4, 2024

Adopted: February 8, 2024



RICHARD MILLER, MAYOR

Rachel von der Tann
RACHEL VON DER TANN, RMC
BOROUGH CLERK

I, Rachel Von Der Tann, RMC, Borough Clerk of the Borough of Berlin, hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Mayor and Borough Council at their meeting of February 8, 2024, in the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey.

Rachel von der Tann
RACHEL VON DER TANN, RMC
BOROUGH CLERK

Date: 2/8/2024