

**FAILS  
TOWNSHIP OF HILLSIDE  
ORDINANCE O-22-30**

**AN ORDINANCE REORGANIZING GOVERNMENTAL DEPARTMENTS IN THE TOWNSHIP OF HILLSIDE TO ELIMINATE THE POLICE AND FIRE DEPARTMENTS AND ESTABLISH A DEPARTMENT OF PUBLIC SAFETY**

**WHEREAS**, the Mayor and Township Council strive to provide leadership and guidance on issues important to the residents of the Township of Hillside (the "Township"), which includes matters related to public safety; and

**WHEREAS**, the Mayor and Township Council recognize the importance of promoting a more efficient and effective Township government that is responsive to the needs of its residents; and

**WHEREAS**, the Mayor and Township Council therefore seek to restructure and reorganize the Police and Fire Departments in accordance with these principles; and

**WHEREAS**, the Mayor and Township Council believe it is in the Township's best interest, as well as the best interest of its residents, to establish a civilian-led Department of Public Safety; and

**WHEREAS**, said Department of Public Safety shall consist of an Office of the Director of Public Safety; Division of Police; and Division of Fire.

**NOW, THEREFORE, BE IT ORDAINED:**

**SECTION I.** Chapter 38, "Fire Department," and Chapter 78, "Police Department," of the Township Code for the Township of Hillside, New Jersey, be amended by eliminating the Departments of Fire and Police and repealing all Sections contained therein.

**SECTION II.** Chapter 8, "Department of Public Safety" shall be and hereby is established, which shall read as follows:

**ARTICLE I**

**DEPARTMENT OF PUBLIC SAFETY**

**Sec. 8-1      Establishment and Organization**

There shall be a Department of Public Safety, the head of which shall be the Director of Public Safety. The Department shall consist of the following:

1. Office of the Director of Public Safety
2. Division of Police
3. Division of Fire

**Sec. 8-1.1      Office of the Director of Public Safety; Qualifications and Compensation**

The Director of Public Safety (the "Director") shall, as a requirement of their appointment, be qualified by training or experience in public safety and in responsible management of public

safety personnel. The Director's compensation shall be within a range of \$120,000 to \$150,000 per year. If a sworn law enforcement officer is designated or assigned as the Director, they may retain their police powers as permitted by law, in addition to the powers afforded the Director as necessary and in furtherance of the authority, duties, powers, and functions set forth herein. These powers shall include access to computer systems and/or information maintained for the use of law enforcement personnel as deemed necessary for the proper administration of their duties.

### **Sec. 8.1.2 General Duties and Responsibilities**

1. The Director, through the divisions and otherwise, shall be responsible for the following:
  - A. Providing planning and policy leadership for all Township wide coordinated public safety initiatives required by any department or office or of the Township government, except as otherwise directed by the Mayor or the Business Administrator.
  - B. Representing the Township in matters involving public safety with Township offices and other government jurisdictions, except as otherwise directed by the Mayor or the Business Administrator.
  - C. Formulating policies, procedures, standards, and oversight for all public safety projects undertaken by Township departments and/or by any Township department and other government public safety agencies.
  - D. Establishing performance criteria for the Department as well as its individual members; conduct evaluations to ensure compliance with these criteria.
  - E. Conducting periodic public relations and public information programs on behalf of the Department to establish and maintain a relationship between the Department and the citizens of Hillside.
  - F. Serving as liaison to community groups and local, county, state, and federal public safety agencies upon the request of the Mayor.
  - G. Making, administering, and enforcing rules and regulations for the control, disposition, and discipline of the Department of Public Safety, and of its officers and employees in all its Divisions and Offices.
  - H. Exercising all the functions, powers, and duties of a department director as otherwise prescribed by Chapter 4 of the Township Code, "Administration of Government."
  - I. The Director shall be the head of the Police and Fire Divisions, and shall have the following responsibilities:
    - i. Establish Internal Affairs procedures for the hearing and determination of charges of violation of departmental rules and regulations by any member of the Police Division.
    - ii. Establish procedures for the hearing and determination of charges of violation of departmental rules and regulations by any member of the Fire Division.

- iii. Notify the Mayor and Business Administrator of requests/recommendations to close, either temporarily or permanently, any firehouse at least forty-five (45) days prior to the proposed date of said closing. In addition, the Director shall also provide written notice to the residents within a two hundred (200) foot radius of the effected firehouse, at least forty-five (45) days in advance of its temporary or permanent closing.
  - iv. Regularly report to the Mayor and Business Administrator with recommendations related to conditions of the Department and suggestions for its improvement and needs.
  - v. Provide leaves of absences in accordance with N.J.S.A. 40A:14-177, which permits certain attendance at state or national conventions of the New Jersey State Policemen's Benevolent Association, Inc., Fraternal Order of Police, Firemen's Mutual Benevolent Association, Inc., and Professional Fire Fighters Association of New Jersey.
2. Nothing herein contained in this section shall limit or prevent the Director from exercising and/or carrying out the rights, powers, and duties afforded in accordance with applicable state law, the Attorney General guidelines and directives, and all other relevant law(s).
  3. Nothing herein contained shall prevent the Appropriate Authority, or any executive or administrative officer charged with the general administrative responsibilities within the Township, from examining at any time the operations of the Police Force or the performance of any officer or member thereof. In addition, nothing herein contained shall infringe on or limit the power or duty of the Appropriate Authority to act to provide for the health, safety, and/or welfare of the Township in an emergency situation through special emergency directives, as may be issued by law.

**Sec. 8.1.3 Prohibited Activities**

No member of the Department shall accept or solicit anything of value as consideration for or in connection with the discharge of their official duties; nor shall any member of the Department, without the written permission of the Director, solicit, contribute, or pay, or cause to be solicited, contributed or paid, whether directly or indirectly, any money or other thing of value for the benefit of any organization or any member of any organization, except that this shall not apply to regular dues or assessments of Police Benevolent Organizations, Firemen's Benevolent Organizations or other purposes authorized by general rules or regulations of the Department and Divisions.

**Sec. 8-2 Division of Police**

1. There shall be within the Department of Public Safety, a Division of Police, also known as the Hillside Police Division, the head of which shall be the Public Safety Director.
2. Within the Division of Police, there shall be the following ranks: Captains, Lieutenants, Sergeants, and Police Officers. The Police Division may also include such civilian employees as may, from time to time, be appointed and approved by the Director.

3. The hierarchy of leadership shall consist of the following titles: (1) Director of Public Safety; (2) Chief of Police; (2) Captain(s); (3) Lieutenant(s); (4) Sergeant(s); and (5) Police Officer(s). The Director shall be responsible for determining the minimum and maximum number of each such position herein, which may be zero.

#### **Sec. 8-2.1 Powers and Duties of Division.**

The Police Division shall:

1. Preserve the public peace, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections and public meetings and assemblages;
2. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic, and the use of the streets by vehicles and persons, and to make rules and regulations, ordinances, and general law, for such purposes;
3. Remove all nuisances in the public streets, parks, and other public places, inspect and observe all places of public amusement or assemblage and all places of business requiring any State or Township license or permit.
4. Provide proper police attendance and protection at fires and other emergencies.
5. Enforce and prevent the violation by any person of the laws and ordinances in effect within the Township, and apprehend and arrest in accordance with law all persons lawfully charged with the violation of any law or ordinance for the suppression or punishment of crimes or offenses;
6. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses and cooperate fully with the law enforcement and prosecuting authorities of federal, state, and county governments.
7. Operate a training program to maintain and improve the police efficiency of the members of the Police Division.
8. Construct, install, repair, and maintain all facilities of the police signal system and the police radio system.

#### **Sec. 8-2.2 Hours of Duty.**

1. The hours of employment for members of the Police Division shall not exceed eight consecutive hours in any one day nor forty hours in any one week, except in cases of emergency as provided in paragraph 2 of this section.
2. In case of emergency, the members of the Police Division may be summoned for and kept on duty during the period of emergency, as provided by N.J.S.A. 40A:14-133.

### **Sec. 8-2.3 Qualifications for Applicants.**

All applications for appointment to the Police Division shall be qualified for appointment as required by law, ordinance, and the rules and regulation of the Civil Service Commission. All applicants for appointment shall be residents of the Township and must maintain continuous residency within the Township from the announced closing date of the Department of Personnel examination up to and including the date of appointment.

### **Sec. 8-2.4 Training Course Completion.**

No person shall be granted a permanent appointment as a Police Officer in the Police Division of the Township unless such person has successfully completed the police training course conducted and approved by a certified law enforcement training academy within the State.

### **Sec. 8-2.5 Probationary Period Required Prior to Permanent Appointment.**

Any person certified for appointment as a Police Officer in the Police Division shall first serve a probationary period of 12 months from the date of receipt of written certification by a certified police training academy within the State. During the probationary period, they shall be known as a "Probationary Officer." At the termination of the probationary period, the appointment as an officer shall become final upon the recommendation of the Police Chief and the consent of the Director of Public Safety. However, the Township Council, for good cause shown, may, by resolution, waive the probationary period or any part thereof for any appointee who has had previous experience as a police officer and who otherwise meets the qualifications as set forth in this chapter and the laws of the State.

Nothing herein contained shall deny to the Township the right during or at the end of the probationary period to discontinue the service of any such person if, in the opinion of the Public Safety Director, the Probationary Officer is unable to successfully complete such police training course, or the reputation, habits, dependability, or fitness of such person does not merit continuance of the probationary period or permanent appointment.

### **Sec. 8-2.6 Pay During Probation and Training.**

The Probationary Officer shall during such period of probation and attendance at the training school receive the regular pay prescribed for Police Officers in the Police Division in the rank of Patrolman as designated by applicable labor agreement.

### **Sec. 8-2.7 Permanent Appointment of Police Officers.**

Any permanent appointment as a Police Officer in the Police Division of the Township except as herein provided, shall otherwise be in accordance with the rules and regulations of the Civil Service Commission.

### **Sec. 8-2.8 Records; Release of Information; Rules and Regulations Authorized.**

The Director is hereby authorized to prescribe rules and regulations governing the release of certain information contained in the official files of the Police Division. Unless ordered to do otherwise by the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, et seq., or a court of competent jurisdiction, they may refuse to issue any such information when, in their judgment,

the interests of law enforcement and public safety so require, and they may refuse to issue any such information which they have classified as confidential.

**Sec. 8-2.9 Fees Established for Certain Services.**

1. The following fees are hereby established for certain services provided by the Police Division:

**A. Motor vehicle accident reports:**

- i. If the requesting party is receiving the motor vehicle report in person, pursuant to N.J.S.A. 47:1A-5, the fee for such report shall be as follows:
  - 1. Per letter-sized page and smaller: \$0.05 each.
  - 2. Per legal-sized page and larger: \$0.07 each.
- ii. Pursuant to N.J.S.A. 39:4-131, if the party requesting a motor vehicle accident report is requesting it other than in person, an additional fee of \$5 for the first three pages and \$1.00 per page thereafter shall be paid in addition to the fees set forth above.

**B. Making and supplying prints of photographs taken in connection with accident investigations:**

<b>Number of Prints</b>	<b>Fee for Each</b>
1 to 10	\$10.00
11 to 20	\$5.00
Over 20	\$2.00

**C. Viewing of photograph or photographs taken in connection with accident investigations or of accident scenes: \$2 each.**

**D. Copying any videotape or tapes:** \$100 for each incident. The person undertaking to copy any videotape or tapes shall supply copying equipment, tapes, and operating technician at such person's own cost and expense.

**E. Viewing of videotape or tapes:** \$10 per incident.

**F. Police patches.** The cost for the purchase of a police patch shall be \$2.

**G. Fingerprinting.** Fingerprinting of any person (other than the processing for criminal or traffic offense): \$5 per person.

**H. Miscellaneous towing fees.** A lot removal fee of \$35 shall be paid to the Township prior to the release of any vehicle towed and/or stored under this chapter.

2. No fee will be charged for any requested search or information made by any federal, state, county, or municipal law enforcement department or agency.

3. Storage Fees for Confiscated Motor Vehicles. A fee of eight (\$8.00) dollars per day shall be imposed for the storage of any motor vehicle confiscated under the New Jersey Forfeiture Statute, N.J.S.A. 2C:64-1, et seq. The fee shall be collected by the Police Division from any

person or entity, their successors or assigns deemed to have an interest in the motor vehicle. Proof of such an interest shall be established by way of an order from the Superior Court of New Jersey for release of the vehicle to the claimant. All monies collected under this provision shall be deposited with the Department of Finance.

**Sec. 8-2.10 Control of Stolen or Other Property.**

The Director shall provide by rules and regulations for the custody and safekeeping of all property alleged to be stolen or embezzled which may come into the possession of the Police Division, and all property taken from the person of any prisoner, and all other property alleged to have been acquired or possessed unlawfully, which shall come into the possession of any member of the Police Division. All such property and money shall be promptly described and recorded, and accounted for in detail, in such manner as the Director shall prescribe with the approval of the CFO.

The disposition of stolen and other property coming into the possession of the Police Division shall be handled pursuant to N.J.S.A. 2C:65-1, et seq.

**Sec. 8-2.11 Notification of All Police and Fire Related Casualties.**

The Hillside Police and Fire Divisions shall hereinafter notify the Mayor or Business Administrator, either in person or via telecommunication, a verbal report of all police and fire related casualties, whether civilian, police or fire division member, within twenty-four hours after said incident, followed by a written report, which must be received within forty-eight hours after said incident. The written report shall provide details of the said event as well as the name and address of the victim.

**Sec. 8-2.12 Contracted Extra-Duty Employment.**

The Police Division shall further create and maintain a Secondary Employment Program for qualified members of the Police Division.

The Director shall establish policy, as necessary, to effectively implement this ordinance. Said policy shall provide uniform standards for all police-related secondary employment of qualified sworn members of the Police Division and shall be consistent with all guidelines and procedures as promulgated by the Attorney General of the State of New Jersey and the Division of Local Government Services.

1. Definitions. The following definitions shall apply to this section:

**ASSIGNMENT OFFICER**

In the absence of a Chief of Police, a superior officer designated by the Director to schedule assignments of qualified sworn members consistent with the requirements of this chapter and the rules and regulations of the Police Division.

**CONTRACTOR**

Shall include all entities, public and private, other than the Township. Examples of contractors, for purposes of this section, shall include but shall not be limited to individual

persons, property owners, businesspersons, merchants, corporations, boards, agencies, utility companies, educational institutions, organizations, associations, churches, temples, synagogues and other religious organizations, and civic associations.

#### **FINAL RATE**

The total hourly rate due to the Township as set forth in Schedule A. The final rate is the sum of the officers' hourly rate and the administrative fee.

#### **OFF-DUTY**

All times other than the regular working hours for sworn members of the Police Division.

#### **OFFICIAL VEHICLE**

Any vehicle owned by the Township and assigned to the Police Division.

#### **ON-DUTY MEMBER**

Any sworn member of the Police Division who is performing his or her assigned duties during regular working hours. A member who is on duty is under the direct supervision and control of the Police Division.

#### **POLICE-RELATED SECONDARY EMPLOYMENT**

Any employment associated with law enforcement, safety, security, loss prevention, crowd control, traffic control, or the provision of any related service(s) as determined by the Chief of Police, or in the absence of such an individual, the Director.

#### **QUALIFIED SWORN MEMBER**

A full-time police officer, below the rank of Police Captain, employed by the Police Division who has completed a certified Basic Police Training Course and one year of service as a police officer in the Township after their completion of the Basic Police Training Course. A sworn member who is on sick leave or leave of absence for any reason, including disability or illness, or who is assigned to restricted duty by the Chief of Police, or in the absence of such an individual, the Director, for any reason, including, but not limited to, disability or illness, shall not be considered a qualified sworn member for purposes of this section. The Chief of Police, or in the absence of such an individual, the Director, may authorize other sworn members to participate in the secondary employment program on a case-by-case basis to meet the needs of the Police Division or a contractor.

## **2. Guidelines.**

### **A. General**

- i. The Chief of Police, or in the absence of such an individual, the Director, shall establish and enforce the necessary policy and procedures to provide uniform standards for all police-related secondary employment of qualified sworn members of the Police Division. Secondary employment shall be**



considered a privilege, not an entitlement. The Chief of Police, or in the absence of such an individual, the Director, shall have the right to prohibit, restrict, and regulate all police-related secondary employment for the good of the Police Division and in the best interests of the community.

- ii. Qualified sworn members of the Police Division shall be permitted to engage in police-related secondary employment in the Township at the sole discretion of the Chief of Police, or in the absence of such an individual, the Director. No sworn member of the Police Division shall engage in police-related secondary employment without the authorization of the Chief of Police, or in the absence of such an individual, the Director.
  - iii. Qualified sworn members who are engaged in authorized police-related secondary employment shall consider the Township to be their primary employer at all times and shall be subject to the rules and regulations of the Police Division, and the supervision and control of the Chief of Police, or in the absence of such an individual, the Director, at all times.
  - iv. Any crime, offense or condition occurring in the presence of a qualified sworn member who is engaged in police-related secondary employment shall be acted upon in accordance with all applicable laws, ordinances and rules and regulations of the Police Division.
  - v. Unless specifically exempted by the Chief of Police, or in the absence of such an individual, the Director, sworn members who are engaged in police-related secondary employment shall wear the uniform of the day and carry all equipment as required by the rules and regulations of the Police Division.
- B. Recall of officer from assignment.
- i. Sworn members, while engaged in authorized police-related secondary employment shall be subject to immediate recall at any time by the Chief of Police or his designee(s), or in the absence of such an individual, the Director.
  - ii. In the event an officer is recalled from a secondary employment, assignment for more than 30 minutes, the contractor shall not be required to compensate the Township for the amount of time the officer is absent from said assignment. This shall not apply if an officer is required to leave an assigned location for the purpose of transporting to Police Headquarters any person(s) that he or she has placed under arrest, or to file the necessary reports in connection with any lawful arrest the officer has made while employed by a contractor. In all such cases, the contractor shall be responsible for the full payment of the officer, even while he or she is absent from the assigned location.
- C. Suspension of secondary employment program.
- i. The Chief of Police, or in the absence of such an individual, the Director, shall ensure that the police-related secondary employment of qualified sworn

members does not interfere with or disrupt the efficient operation of the Police Division in any way.

- ii. The Chief of Police, or in the absence of such an individual, the Director, shall have the right to suspend the secondary employment program at any time and without cause. In the event the secondary employment program is suspended, all contractors shall be notified of said action without delay, as well as the Mayor and President of the Township Council within 24 hours.

D. Disciplinary action.

- i. The Chief of Police, or in the absence of such an individual, the Director, shall have the right to take disciplinary action against any member of the Police Division who violates any provision of the rules and regulations of the Police Division while engaged in police-related secondary employment. In addition, such individual shall have the right to suspend an individual member of the Police Division from participation in the secondary employment program under any of the following circumstances:
  1. If there is reason to believe that the member's participation in the program has interfered with his or her ability to perform his or her duties as a police officer;
  2. If there is reason to believe that the member's participation in the program has created or will create a conflict of interest or the public perception of a conflict of interest;
  3. If there is reason to believe that the member's participation in the program has brought discredit or embarrassment to the Township;
  4. If there is reason to believe that the member has violated the policy or procedures established for the implementation of this section; or
  5. For other good cause as determined by the Chief of Police, or in the absence of such an individual, the Director.
- ii. In the event an individual member of the Police Division is suspended from participation in the secondary employment program, said member shall be notified in writing, stating the reason(s) for the suspension and effective dates of the suspension.
- iii. Nothing in this section shall prevent the Chief of Police, or in the absence of such an individual, the Director, from taking disciplinary action against any member of the Police Division in accordance with the rules and regulations of the Police Division and the New Jersey Department of Personnel.

3. Rates of compensation and administrative fees.

- A. Rate of compensation. Qualified sworn members who elect to participate in the secondary employment program shall not be entitled to overtime compensation.

Rather, they shall be compensated in accordance with the rates set forth in Schedule A of this section.

- B. A 25% administrative fee shall be added to the rates of compensation to offset the Township's expenses in connection with the Secondary Employment Program. The CFO shall pay the Township's share of FICA and Medicare taxes from said administrative fee in accordance with Schedule A to be added as Subsection 9 and containing a breakdown of all fees.
- C. Input by collective bargaining unit(s). The collective bargaining unit shall have input into the established rates of payment for the various assignment categories; however, the collective bargaining unit shall not have input with respect to the administrative fee that is collected by the Township. The collective bargaining unit's silence at the time of adoption of this section shall be deemed to be an expression of consent to the established rates of compensation.
- D. Changes in rate of compensation.
  - i. The rates of compensation in effect at the time of adoption of this section shall be subject to change only upon amendment of this section. Said rates shall be reviewed periodically by the Director in collaboration with the collective bargaining unit(s). The Director or duly authorized representative of the collective bargaining unit(s) may petition the Township Council for a change in said rates at any time but not more than once in a calendar year.
  - ii. Any contractor that regularly employs qualified sworn members of the Police Division as provided for by this section shall be notified without delay upon any change in the applicable rates.

#### 4. Use of official vehicles.

- A. If a contractor employs a sworn member of the Police Division for any assignment that requires the use of an official vehicle, the contractor shall compensate the Township for the additional expense incurred in connection with the use of said vehicle (see Schedule A). The Assignment Officer shall determine if an official vehicle is necessary for safety purposes.
- B. In the event an official vehicle is damaged while deployed at any assignment in connection with the police-related secondary employment of a member of the Police Division, the contractor shall be responsible for any uninsured losses incurred by the Township. The Director or CFO may require contractors to deposit funds in an escrow account for this purpose.

#### 5. Staffing levels.

- A. Special events. In the event a contractor, including a public or private entity, shall request to employ police officers for any special event, sporting event or other public or quasi-public event where more than 100 persons shall be expected to gather, the Director shall require the contractor, including a public or private

entity, to employ a sufficient number of police officers at said event to ensure public safety and the safety of police personnel so assigned. The estimated number of officers required at said event shall be the sole determination of the Assignment Officer.

- B. Traffic and road construction details. In the event a contractor, including a public or private entity or utility company, shall request to employ police officers for a traffic or construction detail, the Assignment Officer shall require the contractor to employ a sufficient number of police officers to ensure public safety and facilitate the flow of traffic through the Township. The estimated number of officers required for said assignment shall be the sole determination of the Assignment Officer.
  - C. Other assignments. In the event a contractor shall request to employ police officers for any other assignment in the Township, including, but not limited to, security details at shopping centers, financial institutions, or other places of business, the Chief of Police or his designee shall have the right to thoroughly inspect said premises at any time and review any security plan(s) for the business location where the police officer assigned will be deployed. In all cases, the Chief of Police or his designee shall determine the police officer's particular assignment and deployment.
6. Assignment of police supervisor. The Assignment Officer shall determine if the assignment of a police supervisor is necessary to direct and coordinate the efforts of members of the Police Division at any special event, sporting event, or other police-related secondary employment assignment in the Township. The contractor shall be required to recompense the Township for the assignment of police supervisor(s) in accordance with Schedule A.
7. Procedure.
- A. Application.
    - i. Contractors, including public and private entities, that wish to employ members of the Police Division shall make written application to the Director and sign a contract to be prepared and approved by the Township Attorney after consultation with the Director. Said application shall be submitted not less than seven days in advance of a special event or sporting event. The Director may waive this requirement in the event of an emergency.
    - ii. Contractors that employ members of the Police Division on a regular, ongoing basis shall be required to renew their application annually. The Director shall require contractors to provide proof of workman's compensation or other business insurance coverage prior to the approval of any application.
    - iii. The Director shall have the right to deny an application to provide the services of sworn members of the Police Division to any contractor, including

public or private entities, without cause.

B. Escrows.

- i. Contractors who engage sworn members of the Police Division for police-related secondary employment shall be required to deposit funds for the compensation of said officer(s) in an escrow account. The amount to be deposited shall be determined by the CFO, who shall establish and maintain said escrow accounts and/or dedicated trust fund for this purpose.
- ii. The Director shall be authorized to waive this requirement for good cause with the consent of the CFO, or in an emergency. The Hillside Board of Education shall be specifically exempted from this requirement.

C. Payment.

- i. Contractors that employ members of the Police Division as provided by this section shall forward all payments, including escrows, to the CFO of the Township.
- ii. The CFO shall establish accounting procedures for the collection of monies from contractors and the timely payment of officers who engage in the secondary employment program. He shall place all monies received in an escrow account or dedicated trust fund(s) established for this purpose and shall institute payroll procedures consistent with this section to remunerate police officers for all secondary police-related employment. The CFO shall not use "contra" accounting methods, and officers should not be paid through the salary and wage budget line item.
- iii. In no event shall any sworn member of the Police Division be directly compensated by any contractor for services rendered in connection with his or her secondary police-related employment.
- iv. Disbursement of administrative fee(s).
  1. In accordance with Subsection 3 of this section, an administrative fee shall be added to the rates of compensation to offset the Township's expenses in connection with the secondary employment program.
  2. The CFO shall review the escrow account(s) and dedicated trust fund(s) periodically and transfer not more than 75% of the total collected administrative fees to the Township surplus fund. The remaining 25% of the total collected administrative fees shall remain in the escrow account(s) and/or dedicated trust fund(s) and may be used to remunerate police officers in the event a contractor defaults on required payments to the Township.
- v. Review by CFO and Director. The CFO and Director shall review the escrow accounts and dedicated trust fund(s) periodically but not less than twice

annually and recommend appropriate action to correct any deficiencies in connection with the administration of the secondary employment program.

8. Miscellaneous provisions.

- A. Licensed premises. In accordance with N.J.S.A. 33:1-71, the Assignment Officer shall not allow sworn officers to be regularly employed at any establishment in the Township that is licensed to distribute alcohol by the New Jersey Division of Alcoholic Beverage Control. The Chief of Police is authorized to waive this prohibition under very limited circumstances consistent with law.
- B. Voluntary services. Nothing in this section shall preclude any qualified sworn member from providing his or her services to any contractor on a voluntary basis, subject to the approval of the Assignment Officer.
- C. Non-police trades and professions.
  - i. Nothing in this section shall preclude any sworn member of the Police Division from engaging in outside employment of a non-police nature in which vested police powers are not a condition of employment. Examples include, but are not limited to, part-time work in the building trades (plumber, carpenter, etc.) or other professions (teaching, photography, dental hygiene, etc.).
  - ii. Members of the Police Division who elect to engage in such vocations shall not do so at any time while engaged in the performance of their regular duties, nor shall they allow said employment to interfere with their duties. The Chief of Police, or in the absence of such an individual, the Director, is authorized to establish policies governing this practice and to take appropriate disciplinary action against any member of the Police Division who shall violate this provision.
- D. Emergency action to protect private property. Nothing in this section shall preclude the Assignment Officer from assigning sworn members of the Police Division, as necessary, to protect the private interests of any contractor, property owner or business entity whose property is threatened by an emergency such as a fire, flood or other man-made or natural disaster. The good-faith assignment by the Assignment Officer of police personnel under such circumstances may be made without the collection of escrow funds or prepayment. Officers so assigned shall be compensated at their overtime rate, and the contractor or property owner whose private interests were protected shall be required to reimburse the Township for personnel expenses incurred pursuant to this provision. The Township may pursue legal remedies, as appropriate, to recover said expense.
- E. Traffic and road construction assignments.
  - i. Minimum assignment. Unless otherwise agreed by the Collective Bargaining Agent and Chief of Police, off-duty members assigned to traffic or construction details shall be entitled to a minimum of four hours' payment.

For assignments in excess of four hours, members shall be paid in hourly increments with partial hours rounded up to the next full hour.

- ii. Weekends. Members shall be entitled to time-and-a-half payment for all traffic and road construction assignments that occur between the hours of 12:01 a.m. Saturday and 11:59 p.m. Sunday.
- iii. Holidays. Members shall be entitled to time-and-a-half payment for all traffic and road construction assignments that occur on the following holidays when said holidays occur between Monday and Friday: New Year's Day, Martin Luther King's Birthday, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day.
- iv. Cancellation of assignment. In the event of the cancellation of an assignment for any reason, contractors shall make timely notification to the Police Division. If a contractor provides less than two hours' notification of cancellation, any officer assigned shall be entitled to four hours' payment at the regular hourly rate for the assignment. The CFO shall withhold this amount along with the applicable administrative fee from any escrows the contractor has provided.
- v. Notice to Police Division. To schedule traffic or road construction assignments, contractors shall contact the Police Division Assignment Officer between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday, not less than 24 hours prior to the starting time of the assignment. In the event a contractor fails to comply with this provision and provides less than 24 hours' notice to the Police Division, said contractor shall be required to pay an additional \$35 administrative fee to the Township. Said \$35 fee shall be a one-time fee per assignment, regardless of the number of officers assigned to the detail. The contractor shall be required to pay every officer so assigned a minimum of four hours' pay as provided by Subsection 8(E)(i) of this section.
- vi. Emergency assignments. In the event a contractor fails to comply with Subsection 8(E)(v) of this section and provides less than four hours' notice to the Police Division, said assignment shall be considered an emergency and the contractor shall be required to pay an additional \$75 administrative fee to the Township. Said \$75 fee shall be a one-time fee per assignment, regardless of the number of officers assigned to the detail. The contractor shall be required to pay every officer so assigned a minimum of four hours' pay as provided by Subsection 8(E)(i) of this section.
- vii. Assignment of on-duty officer at construction site. In the event the Assignment Officer assigns an on-duty member to assist a contractor at a location that requires traffic control and direction, said contractor shall be required to recompense the Township for the services rendered by the on-duty officer in accordance with Schedule A. All applicable administrative fees

and vehicle usage fees shall apply.

9. Schedule A.

<b>Assignment Type</b>	<b>Officer's Rate</b>	<b>Administrative Fee (25%)</b>	<b>Final Rate (per hour)</b>
General assignments (minimum: 2 hours)	\$50.00	\$6.32	\$31.61
Sports and special events (minimum: 2 hours)	\$50.00	\$12.50	\$62.50
Traffic or construction (minimum: 4 hours)	\$75.00	\$18.75	\$93.75
Less than 48 hours' notice	\$35.00		
Less than 4 hours' notice	\$75.00		
Weekends and holidays	\$110.00	\$27.50	\$137.50
Use of Police Division vehicle, if needed:	\$50.00 for first 4 hours (minimum fee), \$10.00 per hour each additional hour		
Supervisor, if needed:	Officer's Overtime Rate + 25% administrative fee		

**Sec. 8-3 Division of Fire**

1. There shall be within the Department of Public Safety, a Division of Fire, also known as the Hillside Fire Division, the head of which shall be the Public Safety Director.
2. Within the Division of Fire, there shall be the following ranks: Deputy Chiefs, Captains, and Firefighters. The Fire Division may also include such civilian employees as may, from time to time, be appointed and approved by the Director.
3. The hierarchy of leadership shall consist of the following titles: (1) Director of Public Safety; (2) Deputy Chiefs; (3) Captains; and (4) Firefighters. The Director shall be responsible for determining the minimum and maximum number of each such position herein, which may be zero.

**Sec. 8-3.1 Powers and Duties of the Division of Fire.**

The Fire Division shall have exclusive jurisdiction over the control, fighting, and extinguishment of any conflagration that occurs within Township limits. The Fire Division shall:

1. Provide firefighting service for the extinguishment of fires and the necessary and incidental protection of life and property in connection therewith throughout the Township and upon vessels in any waters within or adjacent to the Township or upon any dock, wharf, pier, warehouse or other structure bordering upon or adjacent to such waters;



2. Have the authority to designate and fix the location of fire alarm telegraph, signal and alarm stations in the Township , and construct, install, operate, repair and maintain the Township 's fire alarm telegraph and signal systems;
3. Investigate the cause, circumstances and origin of fires and report every case of suspicion of arson to the County Prosecutor;
4. Inspect and test any automatic or other fire alarm system or fire extinguishing equipment;
5. Be authorized to enter upon, without fee or hindrance, all premises, grounds, structures, buildings, vessels and passages whenever necessary in the performance of its duties;
6. Operate a training program to maintain and improve the fire fighting efficiency of the members of the Department;
7. Maintain a Bureau of Fire Prevention and Fire Safety Inspection and administer State Uniform Fire Safety Act.
8. Have the authority to provide Emergency Medical and Fire-Rescue services to residents and visitors to the Township and in those communities in which the Township is providing mutual aid services and charge and collect fees for the purpose of cost recovery in accordance with a Schedule of Charges. Since Township residents support the provision of Fire Department services through payment of real property taxes and other fees and charges, these charges shall only apply to residents or persons domiciled in the Township who are insured. Nonresidents or persons not domiciled in the Township shall be charged whether insured or uninsured.

**Sec. 8-3.2 Requirements for Appointment.**

1. All applicants for appointment to the Fire Division shall be qualified for appointment as required by law, ordinance and Civil Service rules and regulation.
2. All applicants for appointment shall be residents of the Township and must maintain continuous residency within the Township from the announced closing date of the Department of Personnel examination up to and including the date of appointment.

**Sec. 8-3.3 Hours of Duty.**

1. The period of active duty of the uniform members of the Fire Division may be an average of forty-two hours per week, divided into periods of duty with an eight-week cycle.
2. The Director shall make or cause to be made a schedule of active-duty tours for uniformed members of the Fire Division with changes or amendments thereof from time to time as necessary.
3. In case of emergency, the members of the Fire Division may be summoned for and kept on-duty during the period of emergency, notwithstanding other provisions of this chapter prescribing the average week or duty period.
4. Members of the Fire Division who have been summoned or ordered to emergency duty

outside the regular hours of active duty shall receive time off from regular hours of duty commensurate therewith.

**Sec. 8-3.4 Emergency Medical and Fire Rescue Services.**

The Fire Division is hereby authorized to conduct emergency fire rescue operations and provide emergency medical services to residents and others in need of such services. Those services shall include but not be limited to extrication from vehicles, rendering basic life support services and transportation to medical facilities for further treatment and care.

**Sec. 8-3.5 Qualifications.**

Individuals who will be staffing ambulances shall have successfully completed a course of Basic Emergency Medical Technician ("EMT"), approved by the New Jersey State Department of Health and Senior Services, and hold a certification as an EMT, or such further designation as shall be given to that certification from the State of New Jersey.

**Sec. 8-3.6 Powers and Authority.**

Individuals who will be staffing ambulances and rescue vehicles shall have such power and authority as granted to them by the police power, local ordinance, and custom and practice in the field of emergency medical services, fire-rescue service, and the curriculum approved by the Department of Health and Senior Services for their level of training and certification, along with the powers granted by N.J.S.A. 40A:14-7, et seq.

**Sec. 8-3.7 Schedule of Charges; Billing; and Collection.**

The Fire Division shall have the authority to impose and collect fire-rescue and emergency medical service fees in accordance with a Schedule of Charges, which shall be established by the Director in consultation with the CFO and filed with the Township Clerk on an annual basis. To the extent a schedule is not filed during a particular fiscal year, the prior year schedule shall be applicable. The Schedule of Charges shall include fees for emergency medical services provided by EMT's employed by the Fire Division equipment provided to the patients, ambulance transport charges and fees for fire-rescue services, such as extrication and equipment provided to patients, and such further charges as shall be determined to be necessary and proper to perform the functions herein authorized, offset expenditures and provide necessary training and provide for equipment purchase, repair, maintenance, and replacement.

**Sec. 8-3.8 Third-Party Billing Services.**

To the extent necessary, the Director have the authority to hire or cause to be hired a third-party billing vendor to bill and collect such emergency medical service fees and/or fire-rescue service fees. Such procurement shall comply with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., as may be amended and supplemented.

**SECTION III.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

**SECTION IV.** If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this

Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION V.** This Ordinance shall take effect after passage and publication in the manner provided by law.

STATE OF NEW JERSEY    )  
   :SS  
 COUNTY OF UNION        )

I, Shauyn Walker, Acting Township Clerk of the Township of Hillside, County of Union, State of New Jersey, hereby certify that the within Ordinance is a true and exact copy of the General Ordinance No. \_\_\_\_, adopted on \_\_\_\_\_ by the Township Council of the Township of Hillside.

\_\_\_\_\_  
 Acting Township Clerk, Township of Hillside  
 County of Union, New Jersey

**First Reading and Introduction: December 6, 2022**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
	X	Bonanno	X				
		DeAugustine		X			
		Freedman		X			
		Hyatt		X			
X		Rios	X				
		Mobley, VP		X			
		Epps, CP		X			