

**“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING AND
SUPPLEMENTING CHAPTER II, OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY,
ENTITLED “ADMINISTRATION””**

#2023-17

2-23.9 Outside Employment of Off-duty Police. Whenever the chief of police or his designee determines that extra duty assignments shall be performed for a party requesting private or quasi-public duty, the chief of police or his designee shall enter into an agreement providing for extra duty assignments for which the borough shall be compensated at the rate set from time to time by resolution of the governing body.

- a) Police personnel assigned to this extra duty shall not be considered employees or agents of the contractor.
- b) The party requesting the assignment shall execute and deliver an agreement in a form approved by the borough governing body by resolution. The chief of police or his designee shall be authorized to execute such agreement, provided it has been submitted in the form approved.
- c) At the time the executed agreement has been delivered to the chief of police or his designee, the party requesting the assignment shall deposit a sum of not less than five hundred dollars (\$500.00) nor more than ten thousand dollars (\$10,000.00) based upon the estimated personnel and equipment requirements of the project as determined by the chief of police or his designee for each such assignment, which funds shall be deposited into an escrow account with the borough’s chief financial officer. The party requesting the assignment shall, upon notice from the chief financial officer, redeposit an identical sum in the event such escrow funds are depleted. Any unused balance of the escrow shall be returned to the party requesting the assignment within thirty (30) days of the completion of the assignment.
- d) The borough shall be responsible to provide all necessary insurance coverage as required by law, including but not limited to worker’s compensation, public liability and claims for damage for personal injury, including death or damage to property which may arise or result from the borough’s performance under the agreement.
- e) Officers engaged in special duty assignments shall be deemed on-duty and shall conform to all police department rules, regulations, and procedures.
- f) Any and all extra duty assignments shall be determined and approved by the chief of police or his designee. The chief of police or his designee may assign a police vehicle for use in performing extra duty if in the event it is determined that the use of a police vehicle is necessary to perform the contracted duty.
- g) All special duty assignments shall be within the municipality, unless a mutual aid agreement is in place, or specific approval is given by the chief of police to the officer

to work outside of the municipality. If no municipal police are available to work on special duty assignments within the municipality, the chief of police may contact the adjoining municipality to see if they are willing to perform such special assignment.

- h) The work to be performed shall be considered “special assignment from independent contractors” and will not be considered direct assignment on the job from the borough. The taking of any and all extra duty assignments shall be on a voluntary basis in accordance with a system established and administered by the chief of police.
- i) The chief of police shall have the authority to order any police officer to vacate or terminate any special duty assignment in response to emergency situations or whenever the assignment creates an unacceptable risk to health, safety and welfare of the officer and/or the public in the sole determination and discretion of the chief of police. The contractor shall not be responsible for any compensation for the time that the officer is away from the special duty assignment and shall have no claim for costs or damages against the municipality, the chief of police, or the police officer arising from the termination of a special duty assignment other than the prorated return of any costs prepaid to the borough or other municipality.
- j) At the time the party submits an agreement/application to the borough requesting the assignment of off-duty police officers, a non-refundable application fee of one hundred dollars (\$100.00) shall be submitted in addition to any escrow funds. The amount of the application fee may be raised or reduced by resolution of the governing body.
- k) In addition to any application fee or payment for an officer an administrative fee of thirty-five dollars (\$35.00) per hour to cover municipal expenses such as insurance, FICA, and vehicle or equipment use shall be paid to the borough. This fee shall also be charged for any portion of an hour for which an officer works.
- l) Any and all payments due under any such agreement which are in excess of any funds deposited with the chief financial officer, or the result of an emergency action, shall be paid within fifteen (15) days from the date of billing. Interest shall be charged at the rate of eighteen percent (18%) per annum on any amount billed for which payment has not been made within fifteen (15) days. The delinquent party shall be responsible for all costs, fees and attorney’s fees associated with the collection of any amounts due.
- m) The rate of compensation for all officers performing ~~extra duty assignments~~ traffic control, and the amount to be compensated to the borough for such services by the requesting party, shall be the rate established in the police contract. All such costs and expenses shall be the responsibility of the requesting party.
- n) The rate of compensation for all officers performing security services and the amount to be compensated to the borough for such services by the requesting party, shall be the rate of thirty-five dollars (\$35) per hour for the Municipal Police Officer and an administration fee of five dollars (\$5) per hour to the Borough of Lakehurst.

- o) ~~k~~. In instances where a previous memorandum of agreement approved by the governing body, or an inter-local services agreement with another municipality specifies a different rate than above, those rates in existence shall continue until those specific agreements have been amended.

Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the 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.

Effective date.

This ordinance shall take effect immediately upon final passage and publication as required by law.

Hon. Harry Robbins
Mayor

NOTICE

NOTICE IS HEREBY GIVEN that an ordinance #2023-17 entitled “AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING AND SUPPLEMENTING CHAPTER II, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED “ADMINISTRATION”” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the seventeenth day of August 2023.

Maryanne Capasso, RMC
Municipal Clerk