

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 76 OF
THE BOROUGH CODE TO INCLUDE SECTION 76-13 REGULATING EXTRA
DUTY ASSIGNMENTS OF BOROUGH POLICE OFFICERS**

WHEREAS, the Mayor and Council of the Borough of Spring Lake have determined that it is in the public interest to permit private contractors and entities to retain the services of off-duty police officers to provide police officer services in the Borough in connection with traffic safety at construction sites, special events, or other situations; and

WHEREAS, in order to ensure that the Borough is paid for these services, and that assignments to outside contractors or entities do not conflict with the needs of the Borough, it is appropriate to establish procedures to be followed by private contractors and entities and the Borough of Spring Lake Police Department.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Spring Lake in the County of Monmouth, State of New Jersey as follows:

Section 1:

Chapter 76 entitled "Police Department" of the Borough Code of the Borough of Spring Lake is hereby amended and supplemented to include the following new Section 76-13, entitled "Extra Duty Assignment of Police Officers":

§76-13 Extra Duty Assignment of Police Officers

A. **Applicability; agreement required.** 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, which rates shall include an additional administrative fee. Such agreement shall be in accordance with the following standards:

(1) The party requesting the assignment shall execute and deliver an agreement in a form approved by the Borough Council by resolution. The Chief of Police or his designee shall be authorized to execute any such agreement, provided that it has been submitted in the form approved by resolution.

(2) The Borough shall be responsible to provide all necessary insurance coverage as required by law, including but not limited to workers' 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 contract.

(3) The party requesting the assignment of police officers shall indemnify and hold harmless the Borough from any and all claims made by said police officers for injury or illness while performing extra duty assignments for said party. In addition, the party shall hold the Borough harmless from any and all claims made by any third party for injury, illness or damage to property arising out of the extra duty assignment of a police officer.

(4) Any and all extra duty assignments shall be determined and approved by the Chief of Police or his designee, who shall be authorized to establish written rules and regulations governing the utilization of Borough of Spring Lake police officers for contracted police services by entities other than the Borough. In addition, the Chief of Police has the authority to determine the appropriateness of any assignment and, if he does not believe the assignment is appropriate, he has the authority to deny the request for use of police officers. The Chief of Police or his designee may assign a patrol vehicle for use in performing extra duty if and in the event it is determined that the use of a patrol vehicle is necessary to perform the contracted duty. In the event a patrol vehicle is used in performing extra duty, the party requesting such vehicle shall be responsible for the payment of an additional "vehicle use" charge in the amount set by Resolution.

(5) 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.

(6) Any and all payments due under any such agreement shall be paid within 15 days from the date of billing. Interest shall be charged at the rate of 12% per annum on any amount billed for which payment has not been made within 15 days. The delinquent party shall be liable for all costs, fees and attorney's fees associated with the collection of any amounts due. The Borough has established a Dedication by Rider Trust Fund for the purposes of collecting such fees for and paying for extra duty assignments. The Borough reserves the right to require an advance escrow deposit for any requesting party if deemed necessary to ensure the prompt and full payment of all charges due.

- B. **Suspension or Termination of Assignment.** The Chief of Police or his designee shall have the authority to order any police officer engaged in contracted police services within the Borough of Spring Lake to respond to an emergency situation. The Chief of Police or 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 to the general public. In the event that a police officer is assigned to an emergency situation, the Police Chief or designee shall make notice of that emergency situation, as well as the time said officer was removed from said off-duty assignment. In any situation where a contracted police officer is called to an emergency situation, said the contracting entity shall not be responsible for the payment of the officer's hourly rate, administrative fee or any other fees to the Borough of Spring Lake until such time as said police officer and/or equipment returns to the assignment with the contracted entity.
- C. **Exception.** This section shall not apply to police officers serving on any prosecutorial task forces as may from time to time be established or other duty assignments during which police officers are assisting any law enforcement agencies.

Section 2:

All other provisions of Chapter 76 not amended or replaced herein remain in full force and effect.

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Section 2:

All other provisions of Chapter 76 not amended or replaced herein remain in full force and effect.

Section 3.

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

Section 4.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

Section 5.

This Ordinance shall take effect on upon passage and publication in accordance with applicable law.

INTRODUCED: October 13, 2009

ADOPTED: October 27, 2009

APPROVED: _____


JENNIFER NAUGHTON, Mayor

Attest:


JANE L. GILLESPIE, BOROUGH CLERK