

**ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF
OCEAN, STATE OF NEW JERSEY, AMENDING AND
SUPPLEMENTING CHAPTER II ENTITLED "ADMINISTRATION" OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
LAKEWOOD SPECIFICALLY SECTION 2-20.9**

BE IT ORDAINED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Chapter II entitled "Administration" of the revised general ordinances of the Township of Lakewood be and hereby is amended and supplemented as follows:

2-20.9 Off-Duty Assignments of Police Officers.

a. "Off-Duty" Defined. Whenever the terms "off-duty," "special duty" or "extra duty" are utilized in this section, they refer to duty assignments made by the Chief of Police or his designee at the request of private citizens for special projects of a private or quasi-public nature, pursuant to an agreement with the Township of Lakewood in accordance with the terms of this section. Emergency off-duty shall mean duty assignments made by the Chief of Police or his designee for off-duty assignments that require an officer immediately.

b. Extra Duties. 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 Township shall be compensated at the rate set forth below. Such agreement shall be in accordance with following standards and provisions:

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

2. The Township shall be responsible to provide all necessary insurance coverage as required by law, including but not limited to, worker's compensation, public liability, personal injury (including death) or damage to property which may arise or result from the extra-duty services performed pursuant hereto.

3. Officers engaged in special duty assignments shall be deemed on-duty and shall conform to all Police Department rules, regulations and procedures.

4. 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 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.

5. All special duty assignments shall be within the municipality, unless specific written approval is granted by the Chief of Police or his designee to the Officer to work outside of the municipality. If no municipal Officers are available to work on special duty assignments within the municipality, the Chief of Police or his designee may contact adjoining municipal Police Departments to determine if any are willing to perform such special assignments.

6. The fees for regular off-duty or special assignments shall be a total of eighty-five (\$85.00) dollars per hour. Sixty-five (\$65.00) dollars for each hour shall be paid to the officer assigned and twenty (\$20.00) dollars per hour shall be paid to the Township for administrative and management costs. The fees for emergency off-duty assignments shall be a total of ninety-five (\$95.00) dollars per hour. Seventy-five (\$75.00) dollars for each hour shall be paid to the officer assigned and twenty (\$20.00) dollars per hour shall be paid to the Township for administrative and management costs. The fees for off-duty assignments for schools, houses of worship and other nonprofit entities shall be a total of forty-seven (\$47.00) dollars per hour. Forty (\$40.00) dollars for each hour shall be paid to the officer assigned and seven (\$7.00) dollars per hour shall be paid to the Township for administrative and management costs. This fee schedule shall only apply to events held directly by a school, house of worship or other nonprofit entity. This fee schedule shall not apply to private events held at facilities owned by such school, house of worship or other nonprofit entity, but not held for the direct benefit of a school, house of worship or other nonprofit entity.

7. The work to be performed shall be considered "special assignment from independent contractors" and will not be considered direct assignment or duty on the job through the Township. 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 or his designee.

8. The Chief of Police or his designee 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 Police Officer and/or the public, in the sole determination and discretion of the Chief of Police or his designee or the Chief of Police. The contractor shall not be responsible for any compensation for the time that the Police Officer is away from the special duty assignment and shall have no claim for any costs or damages against the Township or the Police Officer arising from the

termination of a special duty assignment, other than the pro-rated return of any costs prepaid to the Municipality.

9. Any and all payments due under any such agreement shall be paid fifteen (15) days from the date of billing. Interest shall be charged at the rate of twelve (12%) percent per annum on any amount billed for which payment has not been made within fifteen (15) days. The delinquent party shall be liable for all costs, fees and attorney's fees associated with the collection of any amounts due.

10. When a private citizen, contractor or vendor requests an officer or officers for off-duty or special assignments, any cancellation of such request must be made ~~forty-eight (48)~~ two (2) hours in advance of the date and time of the assignment. Failure of the private citizen to cancel the request for the off-duty or special assignment officer shall result in a minimum of four (4) hours or two hundred sixty (\$260.00) dollars for each requested officer to be paid to the Township. This amount represents the cost to the Township for the officer for the four (4) hour minimum the Township must pay to the officer for being called out.

SECTION 2. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 3. This Ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Lakewood, in the County of Ocean and State of New Jersey on the **8th day of November 2017** and was then read for the first time. The said Ordinance will be further considered for final passage by the Township Committee in the Town Hall at 7:30 p.m. on **December 7, 2017**. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Kathryn Hutchinson, RMC
Township Clerk

