

ORDINANCE 2019 – 12

ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 15 OF THE TOWNSHIP CODE ENTITLED “POLICE DEPARTMENT”

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

SECTION 1. Section 15-18 of the Township Code entitled “Employment of Off-Duty Police Officers” is hereby amended and supplemented to read as follows:

15-18. Outside Work.

- A. Any person or entity deciding to retain the services of police officers of the Township of Barnegat for outside work police related activities shall be required to enter into a contract with the Township of Barnegat. Said contract shall include but not be limited to the nature of duties to be performed, the location of said duties, the date and hours of service, the rate of payment for services of the officers, administrative fees to the Township of Barnegat and fees for the use of Township-owned equipment. A written request to the Chief of Police for outside work officer(s) must be submitted five (5) working days prior to the start of work. The Chief of Police is hereby empowered to execute a contract for outside work police-related activities on behalf of the Township in accordance with this Article.
- B. The Chief of Police or his designee shall be responsible for the assignment of all outside work police-related activities. The Chief of Police or his designee shall determine the number of outside work officers needed for each assignment.
- C. All persons or entities shall be required to make all payments for outside work assignments payable to the Township of Barnegat, or contractually assigned Outside Work Police Administrator. All persons or entities shall be required to make payment within the same pay period. The outside work police officer rate is ninety-five dollars (\$95.00) per hour, which shall remain until mutually agreed upon by the Township, and both PBA and SOA Unions. An additional rate of twenty-five dollars (\$25.00) per hour will be charged the vendor to cover administrative fees, and the fees for the use of Township owned equipment and supplies. An additional percentage (currently 7%) will be added to the total fee

charged the outside vendor, retained by the outside work Police Outside Administrator (currently Jobs4Blue) if one is utilized.

- D. The Chief Financial Officer of the Township shall establish an escrow account through a dedication by rider for the purpose of collecting and distributing funds from entities other than the Township, which utilize the services of Barnegat Township police officers during the outside work hours. All record keeping with respect to the amount to be billed and collected will be the responsibility of the Chief of Police, or his designee, which may be a contracted Outside Police Administrator.
- E. Each person or entity who shall employ outside work police officers pursuant to this section shall be responsible for maintaining their own insurance coverage. Said insurance coverage shall include but not be limited to general liability and automobile liability and shall name the Township of Barnegat as an additional insured. In addition, such policy shall provide for a minimum coverage of \$1,000,000 for any one claim or \$2,000,000 for any aggregate claims. Proof of said insurance coverage shall be provided to the Township of Barnegat prior to the assignment of any outside work police officers to said person or entity. The person or entity shall provide for the aforementioned for any and all officers, vehicles and/or equipment that is utilized by the outside work assignment. The Township Committee may reduce the amount of insurance for a nonprofit corporation, provided that such reduction does not adversely affect the Township's insurance coverage through the Ocean County Joint Insurance Fund ("JIF")
- F. The Chief of Police or his designee shall have the authority to order any police officer engaged in outside work assignments within the Township of Barnegat to respond to an emergency situation within the Township of Barnegat. The Chief of Police or his designee shall also have the right to order any outside work assignment to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the outside work officer and/or citizens of the Township. 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, said person or entity shall not be responsible for the payment of the officer's hourly rate, administrative fee or any other fees to the Township until such time as said police officer and/or equipment returns to the assignment with the outside work employer.

G. Any person or entity requesting the services of outside work police officers shall execute an agreement to indemnify and hold harmless the Township of Barnegat for any and all claims and damages which may arise from the outside work police officer's employment by said person or entity.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. Any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Barnegat held on the 3rd day of September, 2019 and will be considered for second reading and final passage at a meeting of the Township Committee to be held on the 1st day of October, 2019 at 10:00 a.m., or as soon thereafter as the matter may be reached, at the Municipal Complex, 900 W. Bay Avenue, Barnegat, NJ 08005. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

: Michele Rivers, RMC
Municipal Clerk

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance 2019-12 was introduced and passed at a meeting of the Township Committee on the 3rd day of September, 2019, and finally adopted after Public Hearing at a meeting held on the 1st day of October, 2019 in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ

Michele Rivers, RMC
Municipal Clerk