

**BOROUGH OF PALISADES PARK
BERGEN COUNTY, NEW JERSEY**

ORDINANCE #2023-11

**ORDINANCE ADDRESSING THE CONTRACTING OF OFF-DUTY POLICE
OFFICERS OR OTHER LAW ENFORCEMENT OFFICERS**

WHEREAS, the Borough of Palisades Park seeks to implement a system to allow off-duty Police Officers to engage in Police-related activities for private persons or entities consistent with the guidance and directives of the Attorney General of the State of New Jersey and Division of Local Government Services.

WHEREAS, the Borough of Palisades Park seeks to ensure that such the contracting of off-duty Police Officers will not be detrimental to public safety.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Palisades Park, in the County of Bergen and the State of New Jersey, as follows:

SECTION 1. **Section 58-14.1 is established as follows:**

Chapter 58	Police Department
Article IV	Contracting Off-Duty Police or Other Law Enforcement Officers

58-14.1-1 **Findings**

The Attorney General of the State of New Jersey and the Division of Local Government Services have determined that members of a municipal Police Department may, during their off-duty hours, engage in Police-related activities for private persons or entities. Pursuant to the laws of the State of New Jersey, a municipality must agree to implement a system whereby the off-duty assignments of Police Officers are arranged through a contract directly with the municipality and the private person or entity.

A. That any such contracts between the municipality and any private person or entity must include a plan whereby the compensation for off-duty Police related services is channeled through the Office of the Chief Financial Officer, must provide that said compensation shall be placed in a designated fund, and also must provide that the proceeds of the fund be disbursed through the Office of the Chief Financial Officer to the individual Police Officers performing such services.

B. It is in the best interest of the Borough of Palisades Park to establish a procedure for the assignment of off-duty police work which will allow for the greater protection of the citizens and visitors of the Borough.

58-14.1-2 Assignments.

A. The Chief of Police or his or her designee shall create and maintain a list whereby Police Officers may volunteer for off-duty Police-related activities.

B. The Chief of Police or his or her designee shall assign all off-duty Police-related activities from the aforementioned list of Police Officers desiring said assignment; said assignments shall be made on a basis agreed upon by the Chief of Police and the local unit of the Policemen's Benevolent Association (PBA).

58-14.1-3 Contracts with Private Entities.

Any person or entity desiring to retain the services of Police Officers of the Borough of Palisades Park for off-duty Police-related activities shall file, with the Chief of Police, an application for such services. The Chief of Police shall, in his sole discretion, have the absolute right to approve or disapprove the application of such private person or entity desiring to retain the services of Police Officers of the Borough of Palisades Park for off-duty Police-related activities. Any private person or entity which is approved by the Chief of Police for the provision of such services of Police Officers shall be required to enter into a contract for the provision of such services with the Borough of Palisades Park. Said contract shall include, but not be limited to, the nature of duties to be performed, the location, date(s), and hours of such duties, the rate of payment for services to the officers, administrative fees to the Borough of Palisades Park, and fees for the use of Borough-owned equipment. The contract may also provide for deposits in advance by the contractor for services to be performed. The Chief of Police is hereby empowered on behalf of the Borough in accordance with this Chapter.

58-14.1-4 Emergencies.

The Chief of Police or his or her designee shall have the authority to order any Police Officer, engaged in off-duty assignments within the Borough of Palisades Park, to respond to an emergency situation within the Borough of Palisades Park. The Chief of Police or his or her 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 Police Officer and/or the citizens of the Borough of Palisades Park. In the event a Police Officer is assigned to an emergency situation, the Police Chief or his or her designee shall make note of said emergency situation, as well as the time said Officer was removed from said off-duty assignment. In any situation where an off-duty Police Officer is called to an emergency situation, said private person or entity shall not be responsible for the payment of the Officer's hourly rate, administrative fee, or any other fees to the Borough of Palisades Park until such time as said Police Officer and/or equipment returns to the assignment with the off-duty employer.

58-14.1-5 Police Officer Required.

Any and all work being performed by a contractor or citizen that interferes with or intrudes onto any state, county, or local roadway within the Borough will require a Police Officer to be present to ensure the safety of citizens traveling within the work area.

SECTION 2. Section 58 is amended as follows:

Chapter 58 Police Department
Article IV Contracting Off-Duty Police or Other Law Enforcement Officers

58-16 Hourly rate established.

Rates of compensation for contracting the services of either an off-duty police officer or some other law enforcement officer is established as \$150 per hour. All sums shall be paid to the Borough of Palisades Park.

58-19 Notice required for cancellation.

Four hours' notice must be received by the Police Department to cancel a scheduled detail. Failure to give the notice will result in the assessment of a four-hour payment fee to Extra Duty Solutions.

58-22 Right to outsource billing and scheduling for extra-duty assignments.

The Borough of Palisades Park maintains the right to outsource the police department's extra-duty employee services to a third party for extra-duty program administration. The chosen service provider has the right to charge an additional fee other than the Borough fees established herein. This service may handle scheduling, billing, collections, pay, or any other services previously performed by the Borough of Palisades Park.

SECTION 3. Severability.

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 4. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 5. Effective Date.

This ordinance shall take effect upon final adoption and publication in accordance with law.

LEGAL NOTICE

Publication by Summary Pursuant to N.J.S.A. 40:49-2

This Ordinance addresses the contracting of off-duty police officers or other law enforcement officers.

Approved:



Chong Paul Kim, Mayor

Attest:



Gina S. Kim, Borough Clerk

First Reading: May 22, 2023
Second Reading: June 26, 2023