

ORDINANCE NO. 32-2023
BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY

**AN ORDINANCE AMENDING CHAPTER 2 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF ROSELAND
ENTITLED “ADMINISTRATION”, SECTION 2-24.10 ENTITLED
“OUTSIDE EMPLOYMENT OF POLICE OFFICERS”**

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend Chapter 2 of the Revised General Ordinances of the Borough of Roseland entitled “Administration”, Section 2-24.10 entitled “Outside Employment of Police Officers”;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roseland that Chapter 2 of the Revised General Ordinances of the Borough of Roseland entitled “Administration”, Section 2-24.10 entitled “Outside Employment of Police Officers” shall be amended as follows:

SECTION I

That Section 2-24.10 entitled “Outside Employment of Police Officers” shall be amended by adding the following **thus** and deleting the following **thus**:

~~§ 2-24.10 Outside Employment of Police Officers.~~

~~a. § 2-24.10 OUTSIDE EMPLOYMENT OF POLICE OFFICERS.~~

~~a.~~ Statutory authority. 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 availability of police officers is arranged ~~through a contract~~ directly with the municipality and the private person or entity.

~~b.~~

~~b.~~ Police force and off-duty employment. In accordance with the procedures established herein for the employment of police officers by private individuals or outside entities, members of the Police Department shall be permitted to accept police-related employment for private employers or school districts only during off-duty hours and at such times as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Borough of Roseland.

~~c.~~

~~c.~~ The Director of Police or his or her designee shall have the authority to order any off-duty officer engaged in off duty work within the Borough to respond to an emergency situation

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within the Borough of Roseland. The Police Director 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 Roseland.

d. Any person or entity requesting the use of ~~extra~~off-duty police services shall submit an estimate of the number of hours needed, which estimate shall be approved by the Police Department before work is commenced. Payment in the number of hours estimated shall be submitted in advance of the commencement of work and deposited in an escrow account to be held with the Finance Department of the Borough of Roseland. No police officer shall work off duty for any private contractor or entity prior to the clearance of the funds in the escrow account. In the event the number of estimated hours is exceeded, an additional amount shall be placed in escrow based upon a revised estimate. If such funds are not submitted to the Borough, the Police Department shall immediately terminate the provision of the off-duty police services to the contractor or private entity. This requirement may be waived by the Chief of Police or Police Director for work directly performed by a governmental entity or under emergency circumstances. The balance remaining in an escrow account shall be released by the Finance Officer upon confirmation by the ~~police department~~Police Department that work is completed.

e. Any request for off-duty employment must be made at least twenty-four (24) hours prior to the date of work, except in an emergency situation. In the event of an emergency situation, where written application for off-duty employment cannot be made prior to the date such service is required, payment for such service must be made to the Borough within twenty-four (24) hours after the emergency situation has been resolved or concluded. For the purpose of this section, an "emergency situation" shall mean any construction, maintenance or repair required to be performed as a result of an unforeseen event or act of God, whereby the private contractor had no prior notice of the condition, and off-duty police are required for the public safety and welfare, which determination is left in the sole discretion of the Police Director.

f. Fee for Police Officers. Any contractor and/or vendor shall pay one hundred dollars (\$100.00) per hour ~~for all off duty police work.~~ The Police Officer assigned to perform the off-duty work shall receive seventy-seven dollars and fifty cents (\$77.50) per hour and the Borough shall receive twenty-two dollars and fifty cents (\$22.50) per hour ~~will cover benefits and for administrative fees.~~ costs. There shall be a two (2) hour minimum for all off duty assignments. There is no additional fee for the use of a police patrol car.

g. If the contractor/vendor cancels an off-duty assignment within two (2) hours of the scheduled start time, then the Borough shall charge a minimum fee for four (4) hours of service.

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h. Payment for extra-duty work will be made ~~to the off-duty officer,~~ within thirty (30) days of receipt of proper documentation from the ~~employee~~ police officer, and to the extent sufficient funds have been posted to the applicable escrow account. In the event the escrow account lacks sufficient funds to make payment, payment shall be made within thirty (30) days of the escrow account being ~~refunded-~~ funded.

i. Whenever a contractor or outside entity contracts with the Police Department for off duty police work that outside entity must first:

i. Provide certificates of insurance naming the Borough of Roseland and the Police Department as additional insureds and evidencing that the police officer and the Borough are covered by general liability coverage on an occurrence basis of at least \$1,000,000 each occurrence and workers' compensation insurance with respect to the services to be provided. The certificate of insurance or the policy shall contain the following language: "The Borough of Roseland, its agents, servants and administrators are included as additional insureds with respect to general liability coverage as required by written contract"; and

ii. Execute an appropriate hold harmless and indemnity agreement, which shall provide that such person or entity shall indemnify, defend, and hold harmless the Borough of Roseland, its agents, servants and administrators from and against any and all claims, or actions at law, whether for personal injury, property damage or liability, including any cost of defense incurred by the Borough of Roseland which arises from any acts or omissions of the insured, its agents, or employees arising out of or related to the use of off-duty Roseland police officers.

This indemnification and hold-harmless agreement and the duty to defend shall apply in all instances, whether the Borough of Roseland is a plaintiff or is made a direct party to the initial action or claim or is subsequently made a party to the action by third-party in-pleading or is made a party to a collateral action arising, in whole or in part, from any of the issues from the original cause of action or claim.

SECTION II

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

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SECTION III

This ordinance shall take effect upon publication as provided by law.

DATE OF INTRODUCTION: October 17, 2023

Motion to Introduce by: Councilwoman Perrotti

Motion Seconded by: Councilwoman Tolti

Introduction Approved: 6-0 Voice Vote

DATE OF ADOPTION: November 21, 2023

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi		X	X				
Councilwoman Fishman							X
Councilman Freda							X
Councilwoman Perrotti			X				
Councilwoman Tolti	X		X				
Council President Trillo							X
Mayor Spango (In case of tie)							
VOTE:			3	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 21st day of November, 2023.

James R. Spango, Mayor

Jock H. Watkins, Borough Clerk

Date of Publication: November 30, 2023, The Progress

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