

TOWNSHIP OF HAMILTON
ORDINANCE #1654-2009

AN ORDINANCE AMENDING ARTICLE III, OF CHAPTER 70 OF THE CODE OF THE CODE OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, ENTITLED "POLICE DEPARTMENT, EXTRA-DUTY EMPLOYMENT" AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED by the Township Committee of the Township of Hamilton that:

SECTION 1. § 70-13 is hereby amended to read as follows:

§ 70-13. Purpose.

For the convenience of those persons and entities which utilize the services of extra-duty law enforcement officers of the Hamilton Police Department, and to authorize the outside employment of Township police while on extra-duty the Township hereby establishes a policy regarding the use of said officers.

- A. Members of the Police Department shall be permitted to accept police-related employment for private employers or school districts only during extra-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Township.
- B. Any person or entity wishing to employ extra-duty police shall first obtain approval of the Chief of Police, which shall be granted if, in the opinion of the Chief, such employment is not inconsistent with the efficient functioning and good reputation of the Police Department, and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

SECTION 2. § 70-14 is hereby amended to read as follows:

§ 70-14. Escrow accounts.

- A. Any person or entity requesting the services of an extra-duty law enforcement officer in the Hamilton Township Police Department shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Chief of Police, and shall establish an escrow account with the Chief Financial Officer of the Township by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in § 70-16 for the total estimated hours of service.
- B. Prior to posting any request for services of extra-duty law enforcement officers, the Chief of Police or his designee shall verify that the balance in the escrow account of the person or entity requesting service is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police shall not post a request for service from any person or entity unless all fees and compensation required in the manner described above have been deposited with the Chief Financial Officer. No officer shall provide any such services for more hours than are specified in the request for services.
- C. In the event the funds in such an escrow account should become depleted, services of extra-duty law enforcement officers shall cease and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner described above.
- D. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.

SECTION 3. § 70-15 Requests for services is hereby amended to read as follows:

§ 70-15. Requests for services.

- A. An extra-duty application and agreement must be signed and filed by the extra-duty employer who is requesting the services ten (10) working days prior to the start of the event / project. (Public Utilities are exempt from this requirement when performing emergency repairs.) All applications are subject to review by the Chief of Police in order to determine if the event / construction project is staffed according to departmental policy and according to work zone safety regulations. Applications require final approval by the Chief of Police or his/her designee.

- B. Prior to the performance of services by any Township law enforcement officer, the person or entity requesting such services shall indemnify and hold the Township harmless from and against any and all losses, claims, damages or expenses, including reasonable attorney fees, arising from the performance or police-related duties by such extra-duty township police officer on behalf of such entity. Such indemnity agreement shall be in a form acceptable to the Township Attorney.
- C. Prior to the performance of services by any Township law enforcement officer, the person or entity requiring such services shall provide the Township, with a certificate of insurance from a company authorized to do business in the State of New Jersey evidencing workers' compensation coverage, personal liability and comprehensive general liability with policy limits of not less than \$1,000,000 and property damage liability coverage with policy limits of not less than \$300,000. Such policies of insurance shall name the Township as an additional insured and shall remain in effect during the entire period that the officer is employed by the outside entity.

SECTION 4. § 70-16. Rates of compensation; administrative fee; payment for services is hereby amended to read as follows:

§ 70-16. Rates of compensation; administrative fee; payment for services.

- A. The hourly rate of compensation to the Township for contracting the services of extra-duty law enforcement officers is the sum of:
 - 1. The hourly rate of \$55.63 for the calendar year 2009, that rate increased in subsequent years by the annual percent increase in police officer salary authorized by Township Committee, and;
 - 2. An administrative fee to cover social security contribution, workers' compensation insurance, and other benefits and costs associated with the assignment of extra-duty police officers, calculated as an additional 14% of the hourly rate in Section A above.
- B. If the Chief of Police or his/her designee determines that a patrol vehicle is required to effectively perform the extra-duty work, an additional fee for that patrol vehicle use will be assessed in the amount of four dollars (\$4.00) per hour with a minimum 4-hour charge.

SECTION 5. Severability and Effectiveness Clause.

- (a) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
- (b) Any Ordinances or parts of Ordinances inconsistent with the terms of this Ordinance hereby repealed to the extent of such inconsistency.

SECTION 6. Effective Date.

This Ordinance shall take effect upon its final passage and publication as provided by law.

ATTEST: TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF HAMILTON, COUNTY OF
ATLANTIC, STATE OF NEW JERSEY

Joan I. Anderson, R.M.C.
Township Clerk

Nelson Gaskill, Mayor

ROLL CALL: GATTO "AYE"
PRITCHARD "AYE"
PALMENTIERI "AYE"
SILVA "AYE"
GASKILL "AYE"

ORDINANCE #1654-2009 INTRODUCED AND PASSED FIRST READING JULY 6, 2009.
ORDINANCE #1654-2009 AMENDED AUGUST 3, 2009.
ORDINANCE #1654-2009 ADOPTED AS AMENDED AUGUST 17, 2009.