

**Introduced: October 13, 2020**

**Adopted: October 26, 2020**

**ORDINANCE NO. 2020-8**

**TOWNSHIP OF EASTAMPTON  
BURLINGTON COUNTY**

**AN ORDINANCE AMENDING CHAPTER 82  
OF THE EASTAMPTON TOWNSHIP CODE  
REGARDING POLICE EXTRA-DUTY SERVICES**

BE IT ORDAINED, by the Township Council of the Township of Eastampton, in the County of Burlington and State of New Jersey, as follows:

**SECTION I.**

The Township Council hereby amends Chapter 82 of the Township Code regarding "Police Extra-Duty Services" as follows:

**Chapter 82-20**

**A. Purpose.** The purpose of this section is to set forth guidelines to govern the employment of Eastampton Township police officers for extra-duty details both within the Township of Eastampton and outside the Township of Eastampton and which extend beyond their regular assigned duties and responsibilities.

**B. Definitions.** As used in this section, the following terms shall have the meanings indicated:

EMPLOYER - Any individual, partnership, corporation, business entity or other organization, located either within or outside of Eastampton Township.

EXTRA-DUTY - Any outside employment when a police officer is not scheduled for a shift of duty by the Eastampton Township Police Department and that calls for actual or potential use of law enforcement powers by the police officer.

**C. Extra-duty details permitted under certain conditions.** Members of the Eastampton Township Police Department shall be permitted to accept police-related employment for private employers and other Township entities only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Township as determined by the Eastampton Township Chief of Police.

**D. Chief of Police approval required.** Any person or entity wishing to employ off-duty police officers for extra-duty work shall first obtain the approval of the Chief of Police in accordance with the procedure set forth in Section P, below. Approval shall be granted if, in the opinion of the Chief, such employment would not be inconsistent with the efficient functioning and good reputation of the Eastampton Police Department and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work or be contrary to the best interests of the Township of Eastampton. The Chief of Police is responsible for public safety in Eastampton and as such shall administer all activities pursuant to this section.

**E. Minimum time of assignments; cancellation.** Assignments shall be a minimum of two hours.

**F. Employer violations and penalties.** Any employer who employs a police officer for extra duty without first having complied with the requirements as set forth shall be subject to a fine of \$500 or imprisonment of one day, or both, for each day that it employs the police officer.

**G. Compliance with rules.** Officers working an extra-duty assignment shall adhere to all rules, regulations, orders and standard operating procedures of the Eastampton Police Department.

**H. Eligibility.** In order to be eligible for extra-duty employment, a police officer must be in good standing with the Department. Officers who are on medical or other leave due to sickness, temporary disability or an ongoing injury shall not be eligible to engage in extra-duty employment. Officers who accept or perform extra-duty employment while on sick or injured leave from their regular duties with the Eastampton Township Police Department shall be subject to discipline.

**I. Wages.** Wages earned for outside extra-duty employment by any Eastampton Township police officer shall not be applied toward the pension benefits of the police officers so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime payable by the Township of Eastampton.

**J. Defense and indemnification.** Each employer of a police officer for extra duty must defend and indemnify the police officer, the Police Chief, the Police Department, the Eastampton Township Council members, Eastampton Township and any agent, officer or employee thereof and save them harmless from and against any and all claims, actions, damages, liability and expenses, including but not limited to court costs and reasonable attorney's fees, without regard to fault, in connection with or arising out of any acts or omissions by the Eastampton Township police officer in performing the extra duty subject to said employer's agreement with Eastampton Township or in connection with or arising out of that agreement between said employer and the Township of Eastampton or Eastampton Township Police Department for such extra-duty assignment.

**K.** The Township has deemed it to be in the best interest of the citizens of this community, and would contribute to the overall safety and general welfare of all persons living in or traveling through this Township, for members of the Police Department to provide traffic control services and be present for scene safety at all construction sites, public events and utility work performed in the Township of Eastampton by entities not connected with or under the control of the municipality, and under no circumstances, shall a construction or utility company, be permitted to conduct work on Township roadways without the permission of the Township Manager and/or Chief of Police.

**L.** It is also deemed to be in the best interest of the municipality to provide coordination and administration through the local government, of security related services provided by local police officers, and to have said officers subject to departmental discipline and control, while performing such services.

**M.** Services almost invariably would be performed while the police officer was in an off-duty status.

**N.** The Governing Body wants to protect the Township from liability in connection with such work, and establish guidelines and regulations governing such work.

**O. Authorization.**

- (1) Members of the Township's Police Department, whether they be full-time or part-time, are expressly authorized to engage in security-related and traffic control activities during their off-duty hours for private entities, so long as the arrangements thereof are made through this municipality and any compensation paid to the officers for such service is channeled through the Township's Financial Department.
- (2) The officers performing said off-duty services authorized hereunder are also authorized to wear a Township Police uniform; however, nothing shall in any way imply or be deemed to express any commitment or obligation by the municipality to pay said officers compensation for overtime or extra duty work, in fact, the governing body hereby disclaims any such commitment, obligation, or responsibility.
- (3) The authorization set forth shall apply only to security-related and traffic control activities during off-duty hours for private persons or entities.



**P. Procedure.**

- (1) Any person or entity wishing to receive police services which the Township is not obligated or expected to provide or does not usually provide as part of its regular plan of police services may arrange to receive such services within the Township through the Chief of Police. Such persons should notify the Chief of Police, in writing, of the specific nature of the services desired at least 15 days before such services are required, unless exigent circumstances exist. All requests shall be subject to the availability of personnel as determined by the Chief of Police. The Chief of Police is responsible for public safety in Eastampton and as such shall administer all activities pursuant to this section.
- (2) All police services within the Township of Eastampton shall be delivered by officers from the Eastampton Police Department. If the Chief of Police determines that the demand cannot be met by the Eastampton Police Department, he may request additional police officers from outside agencies.
- (3) All requests for extra-duty police services will be finalized in a written agreement between the Chief of Police and the individual or entity requesting such services. The agreement shall specify, at a minimum, the following:
  - (a) The scope of services that are to be provided;
  - (b) The commencement date of the police services to be provided;
  - (c) The hours of authorized operation;
  - (d) The number of officers requested and total man-hours needed; and
  - (e) The anticipated date when the need for police services will be completed.

**Q. Payment for extra-duty police services.**

- (1) All fees for extra-duty police services will be collected by a third-party company subcontracted by the Township of Eastampton. The fee shall consist of a special hourly rate, agreed upon by the Township, to be paid to officers working extra-duty assignments, plus a reasonable approximation of the administrative cost, overhead and out-of-pocket expenses to the Township for providing the service. The fees shall be Officer's rate: \$85 per hour, Administrative fee \$20 per hour, Vehicle charge \$40 per day and a hourly fee to be collected by the third-party company not to exceed \$10 per hour. All payments for such services shall be made payable to the third- party company.

(2) Upon completion of each extra-duty work assignment, the Chief of Police shall cause a summary of the assignment to be forwarded to the Township Finance Office to facilitate payment. Upon receipt of proof of extra-duty police services, the Township shall disburse payment to those officers who worked the extra-duty assignments. Payment will be based upon the established officer's hourly rate agreed upon by the Township and the recognized collective bargaining unit. Payment for extra-duty assignments shall be made to the officers at the next available pay period.

(3) Minimum Pay. Unless a particular assignment is specifically scheduled for a period of less than four hours, the minimum pay for each officer's service shall be for a period of four hours. In addition, the third party or entity requesting the services must provide a two-hour notice of cancellation, and if notification is not made at least two hours prior to the scheduled commencement time, the four hour minimum payment requirement shall be complied with.

**R. Exigent circumstances.** The Chief of Police maintains broad discretion to amend, modify or otherwise act without conforming to the letter of this section if exigent circumstances exist or the public health, safety or welfare mandates action by the Chief and would not otherwise allow for timing or deadlines as set forth herein, to be met.

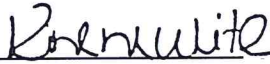
**S. Exceptions.** The Township Manager and/or Chief of Police reserves the right to amend fees for non-profit groups and/or other municipal or county organizations.

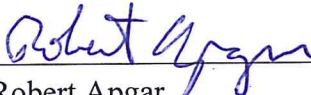
## **SECTION II. Repealer, Severability and Effective Date.**

1. **Repealer.** Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
2. **Severability.** In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
3. **Effective Date.** This Ordinance shall take effect upon proper passage in accordance with the law.

Adoption: October 26, 2020

ATTEST:

  
Kim-Marie White,  
Municipal Clerk

  
Robert Apgar,  
Mayor

Introduction: October 13, 2020

Council	Motion	2 <sup>nd</sup>	Ayes	Nays	Abstain	Absent
Councilman Besko		X	X			
Councilman Santillo	X		X			
Councilman Springer			X			
Councilman Zeno						X
Mayor Apgar			X			
		<b>VOTE</b>	<b>4</b>	<b>0</b>		

Adoption: October 26, 2020

Council	Motion	2 <sup>nd</sup>	Ayes	Nays	Abstain	Absent
Councilman Besko			X			
Councilman Santillo	X		X			
Councilman Springer			X			
Councilman Zeno		X	X			
Mayor Apgar			X			
		<b>VOTE</b>	<b>5</b>	<b>0</b>		