

**BOROUGH OF OLD TAPPAN
ORDINANCE NO. 746-01**

**AN ORDINANCE SUPPLEMENTING PROVISIONS OF
CHAPTER 27 "DEPARTMENTS" OF CODE OF THE
BOROUGH OF OLD TAPPAN TO ESTABLISH PROCEDURES
FOR THE UTILIZATION OF OFF-DUTY POLICE OFFICERS**

BE IT ORDAINED by the Mayor and Council of the Borough of Old Tappan, County of Bergen, State of New Jersey, as follows:

Section 1. Article I "Police Department" of Chapter 27 "Departments" of the Code of the Borough of Old Tappan is hereby supplemented by the addition of the following:

§ 27-11A. Contracted Off-Duty Employment.

A. Purpose. For the convenience of those persons and entities which utilize the services of off-duty law enforcement officers of the Old Tappan Police Department and to authorize the outside employment of Borough police while off duty, the Borough hereby establishes a policy regarding the use of said officers.

- (1) 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 time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Borough.
- (2) Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police, which 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 Police Department, and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

B. Escrow Accounts.

- (1) Except as provided hereinbelow, any person or entity requesting the services of an off-duty law enforcement officer in the Old Tappan 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 Borough Treasurer of the Borough by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth hereinbelow for the total estimated hours of service.
- (2) If the amount required to be deposited with the Borough pursuant to subsection 1 hereinabove exceeds \$20,000, an escrow deposit of \$20,000 shall be required. Said \$20,000 deposit shall be maintained until such time as the amount required to be deposited for all remaining services on any given project shall be less than \$20,000, and then such lesser amount shall be required to be maintained.
- (3) Prior to posting any request for services of off-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 services 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 services from any person or entity unless all fees and compensation required in the manner described above have been deposited with the Borough Treasurer. No officer shall provide any such services for more hours than are specified in the request for services.

- (4) In the event the funds in such an escrow account should become depleted, services of off-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 prescribed above.
 - (5) 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.
 - (6) Houses of worship and local public schools shall be exempt from the requirements for the posting of an escrow deposit.
- C. Requests for Services. All requests to the Borough for the services of off-duty law enforcement officers in the Old Tappan Police Department for a period of one week or longer shall be forwarded to the Chief of Police for posting at least ten days before such services are required. Any law enforcement officers, when so employed by the Borough, shall be treated as an employee of the Borough provided, however, that wages earned for outside employment shall not be applied toward the pension benefits of law enforcement officers so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime.
- D. Rates of Compensation; Administrative Fee; Payment for Services. Rates of compensation for contracting the services of off-duty law enforcement officers shall be based on a rate equal to that of time and one half of the contractual hourly rate for the individual officer being compensated. An additional fee of 15% of the rate as calculated above is hereby established to cover administrative costs, overhead, and out-of-pocket expenses of the

Borough.

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Old Tappan declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.