

ORDINANCE 2026-05C

ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 2.68, WHICH PERTAINS TO THE POLICE DEPARTMENT

STATEMENT OF PURPOSE

The purpose of this ordinance is to amend Chapter 2.68 to revise the regulations relating to the employment of off-duty officers.

SECTION I

§2.68.070 is repealed and replaced with the following.

§2.68.070 Employment of off-duty officers.

- A. Any person or entity desiring or required to retain the services of the Borough's police officers for off-duty police-related activities shall be required to enter into a contract with the Borough. The Borough shall be contacted at least 48 hours before starting work to arrange for the hiring of off-duty officers. The contract shall include, but not be limited to, the following.
1. The nature and location of duties to be performed, the date and hours of service, the rate of payment for services of the officers, administrative fees to the Borough, and fees for the use of Borough-owned equipment.
 2. Off-duty employment shall be a minimum of 4 hours per officer.
 3. Cancellation of off-duty employment with less than 24 hours' notice shall result in the outside employer's liability for payment of the minimum of 4 hours of employment per officer and all administrative and other fees and costs required pursuant to this Section.
 4. The outside employer's acknowledgment and compliance with the insurance requirements and an indemnification agreement, wherein the person or entity agrees to indemnify, defend, and hold harmless the Borough from any and all claims and damages which may arise from the off-duty officers' employment by the person or entity.
 5. A clause adopting and incorporating by reference as if set forth fully therein this subsection in its entirety.
- B. Any person or entity wishing to conduct work on, under, or above any roadway within the Borough which is anticipated to take longer than 1 hour shall be required to hire off-duty Borough officers when determined by the Chief of Police or his/her designee to be necessary to ensure compliance with the Manual on Uniform Traffic Control Devices, as well as to control traffic through the work zone. All off-duty officers shall be hired in accordance with the provisions of this Section.
- C. All contractors awarded contracts with the Borough pursuant to the Local Public Contracts Law by the Borough shall be required to hire off-duty Borough officers when such are required pursuant to the contract and comply with and include the requirements set forth in this Section when the use of officers for off-duty employment is required for the services and work to be performed.
1. In the event that contractors awarded contracts fail to maintain sufficient funds in the escrow accounts for the off-duty employment of officers, the Borough may make the deposits of the estimated and/or actual amounts required directly into the escrow account using the funds payable and owed by the Borough to the contractors pursuant to the awarded contract, which funds shall be setoff and deducted from the amounts owed by the Borough to the contractor.
- D. The Chief of Police is authorized to execute the contract for off-duty police-related activities on behalf of the Borough, which contract shall be approved by the Municipal Clerk and filed with the Municipal Clerk following execution.

- E. The advanced payment of 100% of the estimated amount due to the Borough for the assignment of such off-duty officers is required in advance of providing such officers and all persons or entities shall pay to the Chief Financial Officer sums as set by the rates and fees fixed from time to time by resolution of the Mayor and Council as compensation for such service which may include contributions towards insurance, overhead, out-of-pocket expenses for the officers, contributions to social security and other benefits payable to the officers, and costs at specific rates or in percentage amounts for Borough-owned equipment and vehicles.
1. The amounts shall be paid into a separate escrow account dedicated to off-duty employment funds. The amount deposited shall be in an amount sufficient to cover the rates of compensation and administrative fees and costs. Sufficient funds shall remain in the escrow account to avoid any interruption of services. In the event the escrow funds account should become depleted prior to the end of the contract, services of off-duty employment provided by the officers shall cease and requests for further or future services shall not be performed or posted until sufficient funds have been deposited in the escrow account.
 2. The Borough shall remit to the officers performing such duties the amount as set forth in the resolution and shall retain such amount as set forth therein for administrative expense(s).
 3. Public utilities and governmental entities shall be exempt from the requirement of payment in advance of providing such officers and payment for the provision of such services shall be made in accordance with this Section.
 - a. For the purpose this section, the term “public utility” shall include every individual, corporation, association, corporation, or joint stock company and their lessees, trustees, or receivers appointed by any court whatsoever and their successors, heirs or assigns, that now or hereafter may own, operate, manage, or control within the State any pipeline, gas, electricity distribution, water, oil, sewer, solid waste collection, solid waste disposal, telephone, telegraph or telecommunication system, plant, or equipment for public use regulated and under privileges granted or hereinafter to be granted by the State or federal government.
 4. If additional work time is required due to unanticipated circumstances, and such work is approved by the Chief of Police, the private entity shall be liable for payment to the Borough for all such additional hours worked.
 5. All payments due from a private entity that are not covered by the escrow or are otherwise due shall be made within 10 days of receipt of the invoice from the Borough.
- F. Each person or entity who shall employ off-duty officers pursuant to this Section shall be responsible for maintaining insurance coverage. The insurance coverage shall include but not be limited to general liability, automobile, and workers’ compensation and shall name the Borough as an additional insured. Such policy shall provide for a minimum coverage of \$1,000,000 for any one claim or \$2,000,000 for any aggregate claims, automobile liability insurance covering the outside employer in the minimum amount of \$500,000 for any one claim, and workers’ compensation insurance pursuant to the statutory limits.
1. Proof of the insurance coverage shall be provided to the Borough prior to the assignment of any off-duty officers to the person or entity for all officers, vehicles, and/or equipment that is utilized in the off-duty assignment.
- G. The Chief of Police shall be responsible for the assignment of all off-duty police-related activities. The Chief of Police shall be authorized to designate other officers as needed to assist him/her in the assignment of off-duty police-related activities.
- H. The Chief of Police or his/her designee shall have the authority to order any officers engaged in off-duty employment to respond to an emergency situation. The Chief of Police or his/her designee shall also have the right to order any off-duty employment to be terminated whenever said assignment creates an unacceptable risk to the health, safety, and welfare of the officers assigned to the off-duty employment and/or the public.

1. In the event an officer is assigned to an emergency situation, the Chief of Police or his/her designee shall make note of said emergency situation, as well as the time said officer was removed from the off-duty employment. In any situation where officers are called to an emergency situation, the outside employer shall not be responsible for the payment of the officer's hourly rate, administrative fee, or any other fees and costs until such time as said police officers and/or equipment returns to the assignment with the outside employer, except that the outside employer shall be liable for all time the police officers actually worked during their off-duty employment up to and until being reassigned to the emergency situation. Notwithstanding the aforesaid, police officers assigned to off-duty employment shall take "police action" in response to any serious police matter coming to their attention at any time and are additionally expected to respond to emergency situations if the off-duty employment is within the immediate area.
- I. Wages earned by officers for off-duty employment shall not be applied toward the pension benefits of the officer so employed, nor shall hours worked for the off-duty employment be considered in any way compensable as overtime payable by the Borough.
- J. All police officers who work off-duty employment shall do so under the auspices and control of the Police Department's rules, regulations, policies, and procedures. All officers working off-duty employment shall be attired as prescribed by the Police Department's uniform policy.

SECTION II

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, March 24, 2026, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on April 28, 2026, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy Correnti, RMC
Municipal Clerk