

**BOROUGH OF ALLENDALE**

**ORDINANCE NO. 13-11**

**AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE  
ENTITLED “DEPARTMENTS” TO CREATE A NEW  
ARTICLE III TO ESTABLISH PROCEDURES FOR THE UTILIZATION  
OF OFF-DUTY POLICE OFFICERS**

**BE IT ORDAINED**, by the Governing Body of the Borough of Allendale, County of Bergen and State of New Jersey as follows:

Chapter 26 “**DEPARTMENTS**” of the Code of the Borough of Allendale is hereby amended and supplemented by the addition of the following:

**Article III Outside Employment**

**Section 26-31. 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 Allendale 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 of 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 hereinafter, any person or entity requesting the services of an off-duty law Enforcement officer in the Allendale 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 CFO by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth hereinafter for the total estimated hours of service.

(2) If the amount required to be deposited with the Borough pursuant to the subsection 1 hereinabove exceeds Twenty Thousand (\$20,000.00) Dollars, an escrow deposit of Twenty Thousand (\$20,000.00) shall be required. Said Twenty Thousand (\$20,000.00) Dollars 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 (\$20,000.00) Dollars, 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 CFO. 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 be depleted, services of off-duty law enforcement officers shall cease and request 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. In the case of an emergency, an escrow shall be posted within 48 hours of the conclusion of services.

(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) Public utilities, houses of worship, non-profit entities and local public schools shall be exempt from the requirements for the posting of an escrow deposit.

(7) Any person or entity who performs services of an emergent nature and who cannot post an escrow deposit prior to commencing work shall post such deposit within seventy two (72) hours after such work has been performed. Failure to comply with this requirement shall constitute a violation of this Ordinance and subject such person or entity to the penalties pursuant to Section 26-31 of this Ordinance.

C. Request for Services.

All requests to the Borough for the services of off-duty law enforcement officers in the Allendale Police Department for a period of one (1) week or longer shall be forwarded to the Chief of Police for posting at least ten (10) 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 the wages earned for outside employment shall not be applied toward the pension benefits of law enforcement officers so employed.

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 twenty-five (25%) percent of the rate as calculated above is hereby established to cover administrative costs, overhead, and out-of-pocket expenses of the Borough.

E. Insurance Requirements.

(1) No person or entity shall employ a police officer for extra duty without having first filed with the Borough Clerk a Certificate of comprehensive General Liability Insurance in the amount of not less than One Million (\$1,000,000.00) Dollars for one (1) person and Two Million (\$2,000,000.00) Dollars for any one (1) occurrence with respect to injuries and damages sustained or caused by police officers while performing such extra duty.

(2) No Certificate of Insurance required by this subsection shall be deemed filed with the Borough Clerk unless it has been first approved by the Borough's Risk Manager. All policies of insurance evidenced by any Certificate filed hereunder shall be maintained by the person or entity

employing such police officer in full force and effect at all times while any police officer is so employed. The Borough of Allendale and its Police Department shall be named as additional named insured for liability purposes.

(3) Any person or entity which employs a police officer for extra duty shall defend, indemnify and save harmless the Borough, its police officers against and from any and all claims, suits, damages, costs and attorneys' fees to which the Borough and its police officers may put by any negligent act or omission by such person or entity in connection with or arising from the work being performed herein.

Section 26-32. Any person or entity who employs a police officer while off duty to perform services without first having complied with the requirements of this Ordinance shall be subject to a fine not to exceed One Thousand (1,000.00) Dollars or imprisonment for a term of not more than ninety (90) days, or both. In addition, the Judge may order restitution, as appropriate.

**Section 26-33. Repealer**

All other ordinances of the Borough, or parts thereof, which are in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 26-34. Severability**

If any section, subsection, paragraph, sentence, clause, phase, or word contained in this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect and to this end the provisions of this ordinance are hereby declared to be severable.

**Section 26-35. Effective Date**

This ordinance shall take effect upon passage and publication as required by law.