

**ORDINANCE #10-2020**

**AN ORDINANCE REPEALING CHAPTER 21, POLICE DEPARTMENT,  
ARTICLE III, OFF DUTY PRIVATE POLICE EMPLOYMENT AND ADOPTING  
A NEW ARTICLE III TO BE ENTITLED EXTRA DUTY LAW ENFORCEMENT  
SERVICES OF THE CODE OF THE BOROUGH OF CLAYTON**

***BE IT ORDAINED*** by the Mayor and Council of the Borough of Clayton, County of Gloucester and State of New Jersey as follows:

**Section 1.** Chapter 21, Police Department, Article III, Off Duty Private Police Employment is hereby repealed and by adopting a new Article III to be entitled “Extra Duty Law Enforcement Services” and to read as follows:

**Section 2.** Purpose; acceptance by members; authorization of Chief and/or designee.

For those persons and entities which utilize the services of extra-duty law enforcement of the Borough of Clayton Police Department, and to authorize the outside employment of the Borough police while on extra-duty, the Borough 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 Borough.
- B. Any person or entity wishing to employ extra-duty police shall first obtain approval of the Chief of Police and/or designee, which shall be granted if, in the opinion of the Chief and/or designee, such employment is not inconsistent with the efficient functioning and good reputation of the Police

Department, and would not reasonably endanger or threaten the safety of the officer or officers who are to perform the work.

**Section 3.** Requesting for Services.

- A. An extra-duty application and agreement must be signed and filed by the extra-duty employer who is requesting the service two (2) 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 Chief of Police in order to determine if the event/project is staffed according to department policy and according to work zone safety regulations. Applications require final approval by the Chief of Police and/or designee.
- B. All extra-duty requests are a minimum of two (2) hours. If the job is not cancelled at least two (2) hours prior to the start time, a four (4) hour minimum will be paid, by the person or entity, to the officers assigned to work the event/project.
- C. Prior to the performance of services by any Borough law enforcement officer, the person or entity requesting such services shall agree to indemnify and hold the Borough 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 Borough police officer on behalf of such entity. The Chief of Police and/or designee may further require additional documents, information or

assurances from the requesting party or entity to the extent necessary to comply with other legal, operational, or insurance requirements.

- D. Prior to performance of services by any Borough law enforcement officer, the person or entity requiring such services shall provide the Borough with a certificate of insurance from a company authorized to do business in the State of New Jersey. Such policies of insurance shall name the Borough as an additional insured and shall remain in effect during the entire period that the officer is employed by the outside entity.

**Section 4.** Escrow Accounts

- A. Any person or entity requesting the services of an extra-duty law enforcement officer in the Borough of Clayton Police Department shall include in its written submission a detailed breakdown of the number of man hours necessary for the detail. The requesting party shall further be required to provide the municipality with funds in the amount of 100% of the anticipated cost prior to the commencement of any work and further agrees to pay the Borough for any additional charges. The Chief of Police and/or designee, shall establish an escrow account with the Chief Financial Officer and/or designee of the Borough of Clayton by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in Section 5. All payments for such services will be made payable to the Borough of Clayton Off-Duty Detail Escrow Account.
- B. The Chief of Police and/or 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 prior to delivery of said services. The Chief of Police and/or designee are further authorized, in the case of emergency, to accept an oral request for said 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 request for further 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 5.** Rates of compensation; administrative fee; payment for services; fee for patrol vehicle use.

- A. The party requesting the service of the member of the Clayton Police Department provided for in this Ordinance shall be charged and paid for such services at the following rates:
  - (a) Hourly rate of pay per police officer for Clayton Board of Education:  
\$60.00
  - (b) Hourly rate of pay per police officer for Gloucester County Road work: Established hourly rate per Gloucester County
  - (c) Hourly rate of pay per police officer for all other vendors: \$70.00
  - (d) The Borough administrative fee: 15% of all costs

(e) Any additional cost anticipated as the result of an authorized use of any Borough equipment: \$150 per day\*

\* The cost for use of Borough equipment will be waived for the Clayton Board of Education.

**Section 6.** Third Party Administrative Fees. Where, as authorized by Resolution of the Mayor and Council of the Borough of Clayton, a third party has been contracted by the governing body for administration and fee collection associated with Extra Duty Law Enforcement Services, a fee may be charged in addition to those set forth above as set by the Resolution authorizing such third party contract.

**Section 7. Repealer**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**Section 8. Severability**


Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

***BE IT FURTHER ORDAINED*** that this Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF CLAYTON

  
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THOMAS BIANCO, Mayor

Attest:

  
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CHRISTINE NEWCOMB, Borough Clerk

**BOROUGH OF CLAYTON  
NOTICE OF INTRODUCTION**

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CLAYTON**

**TAKE NOTE** that the foregoing ordinance was introduced at a meeting of the Mayor and Council of the Borough of Clayton held on August 13, 2020 and was then read for the first time. The said ordinance will be further considered for final passage by the Mayor and Council at the Municipal Building, 125 N. Delsea Drive, Clayton, New Jersey, at a meeting beginning 6:30 p.m. on October 8, 2020, at which time and place, or any time and place to which such meeting be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

**BY ORDER** of the Mayor and Council of the Borough of Clayton.

Christine Newcomb  
Borough Clerk

**NOTICE OF ADOPTION**

**BOROUGH OF CLAYTON, NEW JERSEY**

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CLAYTON**

The foregoing Ordinance was finally adopted by the Mayor and Council of the Borough of Clayton on October 8, 2020.

Christine Newcomb  
Borough Clerk