

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**ORDINANCE NO. 2025-22**

**AMENDING THE TOWNSHIP CODE FOR THE TOWNSHIP OF BERKELEY  
HEIGHTS TO AMEND THE RATES FOR OFF-DUTY POLICE SERVICES**

**WHEREAS**, the Township of Berkeley Heights has established terms and conditions for the outside employment of off-duty police officers; and

**WHEREAS**, the Township wishes to amend the established rates for such employment.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Council that:

**SECTION I.** Section 2.100.100, "Outside employment of off-duty police officers," of Chapter 2.100, "POLICE DIVISION," of the Township Code of the Township of Berkeley Heights by is hereby amended as follows:

**2.100.100      Outside employment of off-duty police officers.**

- A. Police officers may work for outside private persons or entities on their off-duty hours provided that the Chief of Police determines, in his discretion, that there are sufficient police personnel available, that the outside employment assignment will not interfere with the needs of the Township, and that sufficient funds have been deposited in an escrow account with the Township Chief Financial Officer to cover the anticipated costs of such off-duty assignments.
- B. Establishment of an Escrow Account; Application and Advance Payment.
  - 1. The Township shall establish an escrow account dedicated to the payment of off-duty police officers for outside employment by private persons or entities.
  - 2. Any prospective person or entity shall apply to the Chief of Police, requesting off-duty police services. The application shall include the following:
    - i. The date(s) that the off-duty police services and police vehicle will be needed.
    - ii. An estimate of the number of hours the person or entity anticipates using the off-duty police officer(s), and, if appropriate, a police vehicle(s).
    - iii. An executed services agreement in a form satisfactory to the Township Attorney.
    - iv. A check or cash to cover the cost of off-duty police services and use of any Township vehicle, based on the estimated number of hours set forth in the application, which shall be submitted to the Township prior to the start of the off-duty employment.
  - 3. Prospective contractors who continuously request off-duty police service, or anticipate a need for periodic or long-term off-duty police services, may request to deposit monies with the Township on an ongoing basis to be depleted as such work is performed. Funds on deposit shall not earn interest.

## ORDINANCE NO. 2025-22

4. In the event that the person's or entity's needs exceed the estimated sum in the escrow account, the Chief of Police or his designee shall immediately notify the person or entity that the funds in the escrow account are insufficient to pay for continued off-duty police services. In such event, the person or entity shall either replenish the escrow account with a check or cash sufficient to pay for continued services, or the Chief of Police shall immediately terminate the off-duty police services.
5. If the person's or entity's estimated costs exceed the actual costs incurred, then the Township shall promptly refund the remainder of the escrow account that was not used.
6. Upon written request with support therefor, the Township Council may waive the escrow deposit requirement at the Council's sole discretion.

### C. Rates for Off-Duty Police Services.

1. Police officer. The hourly rate of pay for the provision of off-duty police services shall be **ninety dollars (\$90.00)** ~~eighty-five dollars (\$85.00)~~ per hour per officer, plus an administrative fee of **fifteen dollars (\$15.00)** ~~eight dollars (\$8.00)~~ per hour per officer. For large scale events (events involving four or more officers), shall **additionally** require a supervisor, whose hourly rate shall be **ninety-five dollars (\$95.00)** ~~ninety dollars (\$90.00)~~ per hour. There shall be a minimum of four hours charged for all off-duty police services provided. The Chief may also deem a Supervisor necessary.
2. For all off-duty police services provided that require services over a period of eight hours per day, the hourly rate of pay for each hour exceeding eight hours shall be **one hundred five dollars (\$105.00)** ~~one hundred dollars (\$100.00)~~ per hour per officer (including supervisors).
3. Use of Township Police Vehicle: **Thirty dollars (\$30.00)** ~~Ten dollars (\$10.00)~~ per hour.
4. The Township may, from time to time, enter into third party agreements for the administration and management of the off-duty police services. Any fees associated with the third party agreement shall be assessed against the person and/or entity requesting same.
5. Township events. The hourly rate of pay for the provision of off-duty police services for Township sponsored events shall be **sixty five dollars (\$65.00)** ~~sixty dollars (\$60.00)~~ per hour per officer (including supervisors if required); and, for large scale events held by or on behalf of a non-profit organization which have been deemed to be included as Township events herein that involve four (4) or more officers the supervisor's hourly rate shall be **seventy dollars (\$70.00)** ~~sixty five dollars (\$65.00)~~ per hour. There shall be no four (4) hour minimum for Township sponsored events. Township sponsored events shall include any event held by or on behalf of the Township of Berkeley Heights, as well as any event within the Township held by or on behalf of a non-profit organization which the Township Administrator shall deem to be covered by this Section at his/her sole discretion. **Non-profit organizations shall pay a vehicle fee of \$10.00 per hour and an administrative fee of \$7.00 per hour.**

## ORDINANCE NO. 2025-22

6. Public Schools. Off-duty police services provided to a public school in the Township of Berkeley Heights in order to provide school security during regular school hours shall be provided at a rate of forty dollars (\$40.00) per hour per officer (including supervisors if required). This does not include extra-curricular events, which treated as Township sponsored events under Section C(5) herein.
  7. Short Notice Rates. For the provision of off-duty police services in an emergency situation (as set forth in Section 2.100.100F below), as well as all off-duty police services required between the hours of 8:00 p.m. and 6:00 a.m., or when short notice is provided (where less than 12-hour notice was provided), or on State and Federal holidays, the hourly rate of pay shall be **one hundred five dollars (\$105.00)** ~~one hundred (\$100.00)~~ per hour per officer (including supervisors).
  8. Upon written request with support therefor, the Township Council may waive, at the Council's sole discretion, any applicable administrative and vehicle fee set forth herein.
- D. Cancellation. The Police Department must be notified at least **six hours** ~~two hours~~ prior to the set start time for the off-duty police services. If the services are cancelled with less than **six hours** ~~two hours~~' notice, then a minimum of four hours will be charged to the escrow account pursuant to the rates set forth in Section 2.100.100(C).
- E. Short Notice/Emergency Situation. In event of an emergency situation or when short notice is provided, where the written application and payment for off-duty police services cannot be made prior to the date such service is required, the application and payment for such service must be made by the responsible person or entity to the Township by the end of the following business day after the situation has been resolved or concluded. If payment is not received by the Township by the end of the following business day, the responsible person or entity shall be charged a late fee of fifteen (15) percent of the total amount due, which late fee will be assessed for every day such payment is late. For the purposes of this Section, "emergency situation" shall performed as a result of an unforeseen event or act of God, whereby the private person or entity had no prior notice of the condition, and off-duty police services are required for the public safety and welfare, which determination is left in the sole discretion of the Chief of Police. "Short notice" shall mean any situation where less than twelve (12) hours' notice has been given to the Police Department or the third-party administrator prior to the start of the off-duty assignment.

**SECTION II.** This Ordinance shall take effect after passage and publication in the manner provided by law.

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Angie Devanney, Mayor

# ORDINANCE NO. 2025-22

Introduction						Councilperson	Final Adoption					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
						<b>Manuel Couto</b>						
						<b>John Foster</b>						
						<b>Margaret Illis</b>						
						<b>Bill Machado</b>						
						<b>Andrew Moran</b>						
						<b>Susan Poage</b>						
Introduced:						I hereby certify the above ordinance was adopted by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey on the aforementioned date.						
May 20, 2025												
Final Adoption:						_____ Angela Lazzari, Township Clerk						
June 26, 2025												