

Borough of Matawan

Public Notice of Pending Ordinance 20-03

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on March 3, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on April 7, 2020 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at www.matawanborough.com.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 20-03

AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF MATAWAN CHAPTER 2 ADMINISTRATION SECTION 2-14.15 SPECIAL DUTY ASSIGNMENT(S) FOR POLICE OFFICERS

WHEREAS, Chapter 2 of The Revised General Ordinances of Matawan [the "Ordinance"] regulates the operation of the Police Department within the Borough of Matawan (the "Borough"); and

WHEREAS, Section 2-14.15 addresses the operation of the Police Department as it concerns "Special Duty Assignment(s) for Police Officers"; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Matawan that the Code of the Borough of Matawan, Chapter 2 Administration, Section 2-14.15, be amended as follows:

Section 2-14.15 Special Duty Assignments for Police Officers.

a. Any and all extra duty assignments for Police personnel shall be determined and approved by the Chief of Police or his designee. No Police Officer shall perform duty assignments for private parties for compensation other than through the procedure set forth in this subsection. The Chief shall obtain such information as he determines necessary and is authorized to approve such special duty Police work in accordance with this subsection. The Chief of Police may assign a patrol vehicle for use in performing extra duty if and in the event it is determined that the use of a patrol vehicle is necessary to perform the contracted duty. The Chief may deny the assignment or use of Police Officers or vehicles and/or impose any condition or requirement as in his sole discretion and determination as in the best interest of the Borough, the Department and/or the Police Officers or public safety. The Chief shall be guided by the nature of the assignment and should avoid those with conflicts of interest and/or high risk of injury.

b. The work to be performed shall be considered "special assignment from independent contractors" and will not be considered a direct assignment. The taking of any and all extra duty assignments shall be on a voluntary basis in accordance with a fair and reasonable system established and approved by the Chief of Police. The procedures for such Special Duty Assignments shall be issued via General Order by the Chief of Police.

c. Officers engaged in special duty assignments shall be deemed off-duty and shall conform to all Police Department rules, regulations and procedures.

d. All special duty assignments shall be within the Borough, unless specific written approval is given by the Chief of Police or his designee, to the officer to work outside the Borough, the Chief of Police may contact other municipal Police Departments located within the Bayshore area of Monmouth County, to see if they are willing to perform such special assignments.

e. All payments for special duty assignments shall be made through a Special Police Fund established by the Municipal Treasurer from which payment shall be made to the individual Police Officers performing such service. All payments from trust fund shall be made to the Police Officers subject to required deductions and an administrative fee to be retained by the Borough. The charges for such services shall be set forth in Ordinance 2-62.2. Any dispute between the contractor and the Police Officer on assignment as to services required or compensation due shall be determined by the Chief. His decision shall be final and binding.

f. Any assignment which is canceled on less than two-hours' notice shall be charged against the party.

g. The Chief of Police has the authority to order any Police Officer to vacate or terminate any special duty assignment in response to emergency situations or whenever the assignment creates an unacceptable risk to health, safety and welfare of the Police Officer and/or public in the sole determination and discretion of the Chief. The contractor shall not be responsible for any compensation for the time that the Police Officer is away from the special duty assignments and shall have no claim for any costs or damages against the Borough, the Chief, or the Police Officer arising from the termination of special duty assignment other than the prorated return of any costs prepaid to the Borough.

h. The Borough shall be responsible to provide all necessary insurance coverage as required by law, including but not limited to workers compensation, public liability, and claims for damage, the personal injury including death or damage to property which may arise as a result from the municipalities' performance under the contract.
(Ord. No. 98-4 §§ 1-8)

i. The Borough holds the right to seek a third-party company to administer the Police Department's Special Duty Assignments. The chosen service provider may charge an additional fee other than the officer, administrative and vehicle fees set forth by the Borough. This service may include scheduling, billing, collections and payment or any other services previously performed by the Borough.

BE IT FURTHER ORDAINED, any Ordinances or portions which are inconsistent with the provisions of this Ordinance are hereby repealed.

BE IT FURTHER ORDAINED, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORADINED, this Ordinance shall take effect upon passage, adoption and publication, pursuant to law.