

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2025-04

Title: **AN ORDINANCE AMENDING CHAPTER 90, POLICE DEPARTMENT, ARTICLE III, OFF-DUTY POLICE SERVICES, TO MODIFY ADMINISTRATIVE FEES TO ACCOUNT FOR ADDITIONAL TAXES INCURRED BY THE TOWNSHIP AND TO MODIFY FEES ASSOCIATED WITH THE USE OF TOWNSHIP POLICE DEPARTMENT VEHICLES**

WHEREAS, Chapter 90, Article III, subsection 20, of the municipal code of the Township of Lower establishes compensation rates for patrol officers, sergeants, and superior officers performing extra-duty details for police-related matters for private or public entities; and

WHEREAS, that section of the Township Code also establishes an administrative fee to offset expenses incurred by the Township and a per diem rate for the use of Township Police Department vehicles; and

WHEREAS, on October 7, 2024, the Township Council of the Township of Lower adopted Resolutions 2024-334 and 2024-335 ratifying four (4) year Memorandums of Agreement with the Lower Township Policemen's Benevolent Association (PBA) Local 59 and the Lower Township Superior Officers Association which included a provision increasing the rate of compensation for police officers working "extra duty" assignments to a rate of \$85.00 per hour; and

WHEREAS, on November 18, 2024 the Township adopted Ordinance 2024-15 which formally increased the compensation rates for extra-duty assignments from \$60.00 per hour to \$85.00 per hour, consistent with the above referenced Memorandums of Agreement; and

WHEREAS, the Township's Chief Financial Officer has advised Township Council that the increase in compensation paid to officers has resulted in an increase in the administrative fees incurred by the Township, specifically payroll taxes, which necessitates an increase in the amount of administrative fees that must be collected by the Township; and

WHEREAS, upon further review the Township has also determined that the compensation rates associated with the utilization of Township Police Department vehicles must be modified to an hourly rate as opposed to a per diem rate in order to comport with the regulations set forth within N.J.A.C. 5:30-8.6.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that Chapter 90, Police Department, Article III, Off-Duty Police Services, Subsection 20(A), Terms and conditions for performance of extra-duty details, of the Code of the Township of Lower, be and hereby is amended as follows:

Section 1. Chapter 90, Article III, Off-Duty Police Services, Subsection 20(A), is hereby amended as follows:

90-20 Terms and conditions for performance of extra-duty details.

- (A) The compensation from the private persons or entities to the Township of Lower police officers shall be fixed at \$85.00 per hour. In addition, the private person or entity shall also pay the Township of Lower the sum of \$7.00 per hour worked by each Lower Township police officer to offset the cost of administration. For the use of Lower Township Police Department vehicles, the private person or entity shall pay the Township of Lower the sum of \$23.00 per hour, which fee may be waived when vehicles are used by other public entities.

Section 2. Chapter 90, Article III, Off-Duty Police Services, Subsection 20(B), is hereby amended as follows:

90-20 Terms and conditions for performance of extra-duty details.

- (B) The Township of Lower and/or a third-party vendor contracted by the Township to manage and oversee its extra-duty details shall make arrangements, with the person or entity for whom such

services are to be provided, for the collection of amounts on a periodic basis, which may be weekly, biweekly or monthly. All extra details will be covered by contract between the Township of Lower and the requesting party, and contracts will be executed by the Chief of Police and the Township Manager, or their respective designees.

Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

Section 5. This Ordinance shall become effective 20 days after final passage and publication according to law.

First Reading: February 3, 2025


Adopted: Feb 19, 2025


Attest: 
Julie A Picard, Township Clerk


Thomas Conrad, Councilmember


Joseph Wareham, Councilmember


Roland Roy, Jr., Councilmember


Kevin Coombs, Deputy Mayor


Frank Sippel, Mayor