

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 06-2026

**AN ORDINANCE AMENDING SECTION 35, POLICE DEPARTMENT, TO ADD
SECTION 3, PROCEDURES FOR EXTRA DUTY POLICE DETAILS**

WHEREAS, from time to time there is a demand from public or private entities for delivery of police services that the police department is not obligated or expected to provide as part of its normal function. Such services will include, but may not be limited to directing traffic at events, activities, road and other construction sites, providing crowd control at private functions or privately sponsored events, providing building, retail, or other security, or providing security and crowd control for school events and activities; and

WHEREAS, the City of Cape May provides police services to the Borough of Cape May Point (the "Borough") through an interlocal shared services agreement and requires the Borough to adopt and codify their policies and procedures for the provision of extra duty police services.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point as follows:

SECTION 1. Chapter 35 is hereby amended to include the following new section:

§ 35-3 Extra Duty Ordinance

Terms and conditions for performance of extra-duty details. All patrol officers, sergeants and Lieutenants ("Cape May police officers") employed by the City of Cape May Police Department may be permitted to perform extra-duty details for police-related matters for private or public entities subject to all of the following terms and conditions:

- A. The compensation from the private persons or entities to the Cape May police officers shall be fixed at \$100.00 per hour. For non-profit entities, the rate shall be \$50.00 per hour.
- B. The Borough, in consultation with the City of Cape May, 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 City of Cape May and the requesting party, and contracts will be executed by the Chief of Police and the City Manager or their designees, as well as by the Mayor and/or Administrator of the Borough.
- C. The Cape May Police Department shall submit time reports on a weekly, biweekly or monthly basis, as determined by agreement between the private

person or entity and the City of Cape May. The private person or entity shall then validate the time reports and submit copies to the Treasurer for payment.

- D. In the event the City anticipates substantial extra-duty detail, the City may require an escrow account be established with the City for the estimated cost of the services based upon the hourly rate set forth in Subsection A above. If such account falls below a level which is determined by the Treasurer to be reasonably necessary to ensure continued payment, no additional services will be provided.
- E. The City shall exercise direction and control over the Cape May police officers performing work for the private person or entity. The Cape May police officer assigned to such outside work will remain within the chain of command of the Cape May Police Department. The Chief of Police or their designee shall define the duties to be performed by Cape May police officers in consultation with the private person or entity and the City Manager.
- F. The outside work shall not interfere with the regular duties and scheduling of the Cape May police officers, including any necessary overtime for police matters.
- G. In order to be eligible for off-duty employment, a police employee must be in good standing with the Department.
- H. Written agreement required. The City, the Borough, and the private person or entity requesting the services hereunder shall enter into a written agreement, consistent with the provisions of this article, in form and content satisfactory to the City Solicitor, prior to the provision of any services hereunder.
- I. The City, the Borough, and each of the Cape May police officers reserve the right, in their sole and absolute discretion, to reject any and all assignments for outside work by any private persons or entities contemplated by this article.
- J. The City and/or the Borough further reserve the right, in their sole and absolute discretion, to modify or discontinue this policy at any time, and it shall be deemed an absolute and unilateral right of the City of Cape May and/or the Borough of Cape May Point and not an established past practice for collective bargaining purposes.

SECTION 2. The Board of Commissioners approves the form of agreement established by the City of Cape May and referenced in Section 81-12(H) of the Cape May City Code to be utilized by the Cape May Police Department for the provision of extra duty details that occur in the Borough of Cape May Point.

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 provisions 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.

SECTION 6. Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION 7. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

ATTEST:

Elaine L. Wallace, Borough Clerk

Elise Geiger, Commissioner

Anita vanHeeswyk, Mayor

Suzanne Yunghans, Commissioner

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