



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 22-CODE-894

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF OAKLAND RELATED TO FEES

WHEREAS, the Borough desires to amend various sections of the Borough Code to modify certain fees; and

WHEREAS, the Borough desires to amend Chapter 2 entitled "Administration," Section 5A entitled "Outside Employment of Off-Duty Police Officers," subsection 4 entitled "Compensation; Administrative Fee, Liability; Insurance" of the Borough Code to modify the administrative fee and rate for the use of police vehicles associated with outside employment of off-duty police officers of the Borough; and

WHEREAS, the Borough desires to amend Chapter 12 entitled "Streets, Sidewalks, Public Rights-Of-Way and Sanitation," Section 7.16 entitled "Fee for Recycling Containers" of the Borough Code to modify the fee for recycling containers; and

WHEREAS, the Borough Council has determined it appropriate to amend such ordinances; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Oakland that the current language of Chapter 2 entitled "Administration," Section 5A entitled "Outside Employment of Off-Duty Police Officers," subsection 4 entitled "Compensation; Administrative Fee, Liability; Insurance" is hereby amended as follows (additions in **bold** and deletions marked by "—"):

§ 5A.4 Compensation; Administrative Fee, Liability; Insurance.

- a. Any off-duty police officer hired for outside employment shall be compensated pursuant to the "overtime" provision of the current PBA collective bargaining agreement for the police officer performing the off-duty work.
- b. The person, entity, contractor or utility requesting such off-duty employment shall also be responsible for payment of an administrative fee to the Borough as established by ordinance. The current administrative fee for outside employment is established at **20%** ~~15%~~ of the hourly pay rate. This fee is in addition to the cost per officer set forth in Subsection a.
- c. Any off-duty police officer hired for outside employment shall be paid a minimum pursuant to the current PBA collective bargaining agreement regardless of the actual amount of time worked.
- d. Any person, entity, contractor or utility who commits to hiring a police officer or officers and cancels or reschedules the work within two hours of the time scheduled to commence the work shall be required to pay the officer(s) through the Borough of Oakland for the minimum number of hours pursuant to the current PBA collective bargaining agreement.
- e. **Rate per day for use of police vehicle: \$100.**

e.f. Any officer performing such details pursuant to this section shall be deemed on duty and in the employ of the Borough.

f.g. The person, entity, contractor or utility requesting such off-duty employment shall assume any and all liability arising from such off-duty police employment, including but not limited to liability arising from travel to and from job locations and services rendered during the off-duty employment. The person, entity, contractor or utility requesting such off-duty employment must sign, in advance, a hold harmless and indemnification agreement stating that such person or entity will release, defend and indemnify the police officer so employed, the Chief of Police, the Borough of Oakland Police Department, the Borough of Oakland, and any agent, officer or employee thereof, and save them harmless from and against any and all claims, actions, damages, liabilities, and expenses, including but not limited to court costs and reasonable attorney's fees, in connection with such off-duty employment.

g.h. Prior to the commencement of any off-duty employment, the person, entity, contractor or utility requesting such off-duty employment shall deliver to the Borough a certificate of insurance evidencing general liability coverage in an amount of at least \$1,000,000 per occurrence, and workers' compensation with statutory limits, which shall be reasonably satisfactory to the Borough. The certificate of insurance must name the Borough of Oakland as additional insured. All policies of insurance evidenced by any certificate filed hereunder shall be maintained in full force and effect during the term of the outside employment. Upon any change or renewal, a new certificate must be filed with the Borough.

BE IT THEREFORE, BE IT ORDAINED by the governing body of the Borough of Oakland that the current language of Chapter 12 entitled "Streets, Sidewalks, Public Rights-Of-Way and Sanitation," Section 7.16 entitled "Fee for Recycling Containers" of the Borough Code, is hereby amended as follows (additions in **bold** and deletions marked by "—"):

§12-7.16 Fee for Recycling Containers.

The fee to be charged to residents and/or businesses for 32 gallon recycling containers shall be ~~\$15~~ **\$20**.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Adopted this ____ day of
_____, 2022.

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk