

AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CERTAIN SECTIONS OF CHAPTER 2 OF THE TOWNSHIP CODE, ENTITLED “ADMINISTRATION OF GOVERNMENT”

BE IT ORDAINED by the Township Council of the Township of Manchester, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Section 2-29, entitled “Composition of Divisions,” of the Code of the Township of Manchester, be and hereby is amended and supplemented to read as follows:

§ 2-29. Composition of divisions.

A. The Division of Police and the Division of Emergency Services shall consist of one Chief of Police and such offices, rank, members and civilian employees as deemed necessary and appropriate by the Chief of Police in the Chief's discretion with the approval of the Mayor. The Chief of Police, with the approval of the Mayor, may in the Chief's discretion leave one or more of the ranking positions vacant. Whenever such office is left vacant, it will be passed in the chain of command. The Chief of Police, with the approval of the Mayor, may appoint any rank or office that has been vacant by naming a person to fill that rank or office.

B. Within the Division of Police the following ranks are hereby established: Police Captain, Police Lieutenant, Police Sergeant, Police Patrolman and Police Special Law Enforcement Officer (SLEO).

C. Within the Division of Emergency Services the following positions are hereby established: Emergency Management Director, Emergency Services Supervisor, Emergency Medical Technician and EMT/Firefighter.

D. Within the Division of Police, the following maximum numbers of officers authorized at each rank are as follows:

- (1) Chief of Police: one (1).
- (2) Police Captain: two (2).
- (3) Police Lieutenant: four (4).
- (4) Police Sergeant: sixteen (16).
- (5) Police Patrolman: seventy (70) ~~56~~.
- (6) Special Law Enforcement Officer: the maximum number of such positions authorized by the Township Council.

E. Within the Division of Emergency Services, the maximum number of each position shall be as authorized by resolution of Council.

SECTION 2. That Section 2-40, entitled “Temporary off-duty employment for police officers,” of the Code of the Township of Manchester, be and hereby is amended and supplemented as follows:

§ 2-40. Temporary off-duty employment for police officers

- A. Purpose. The purpose of this section is to regulate the temporary off-duty employment for police officers and to establish a rate schedule for such temporary off-duty employment.
- B. Definition. “Temporary off-duty assignments” include and shall be limited to crowd control, traffic control, and security employment where a Manchester Township police officer is required to wear their duty uniform.

C. Compensation. No police officer shall perform temporary off-duty employment for compensation other than through the procedure established in this section.

D. Temporary off-duty assignments.

- (1) Temporary off-duty assignments are duty assignments made by the Chief of Police at the request of private citizens, ~~contractors~~, or independent ~~contractors~~ entities. All extra-duty assignments for police personnel shall be approved by the Chief of Police or the Chief's designee. Officers assigned to temporary off-duty employment shall be assigned on a voluntary basis in accordance with the system established by the Chief of Police or the Chief's designee. The Chief of Police may assign a Township patrol vehicle for use in performing temporary off-duty employment ~~if in the event~~ it is determined that the use of a Township patrol vehicle is necessary to perform the contracted duty. The Chief of Police may deny any assignment or use of police officers or vehicles, or impose any condition or requirement ~~to~~ on the temporary off-duty employment, that the Chief determines is in the best interest of the Township or the public safety.
- (2) While officers engaged in temporary off-duty assignments shall be off duty, they shall conform to all Division of Police rules, regulations, and procedures. ~~All temporary off-duty employment shall be coordinated exclusively through the Township's designated third-party administrator for off-duty employment services. In the event of an emergency situation where immediate assignment of personnel is required and coordination through the designated administrator is not feasible, the Chief of Police or the Chief's designee may authorize such off-duty employment directly, provided that all applicable Township policies and procedures are followed. All agreements for temporary off-duty employment shall be contracted for in writing on contract forms available from the Division of Police. All such contracts shall be kept on record with the Division of Police in a place designed by the Chief of Police.~~
- (3) Compensation for temporary off-duty employment shall be at a rate set from time to time by resolution of the Township Council. ~~All requests for off-duty police services from private citizens, contractors, utility companies, or other entities shall be initiated by contacting the Township's designated third-party administrator for off-duty employment services and must follow the administrator's scheduling and payment procedures. The designated administrator shall be responsible for coordinating the assignment of officers and for billing the requesting entities. Payment for services shall be made directly to the administrator, which shall in turn remit payment to the Township. The Township shall ensure disbursement to the assigned officers in accordance with applicable Township policies and procedures. Any entity that fails to comply with the administrator's procedures or that becomes delinquent in payment shall be liable for all associated costs, including administrative fees, late charges, and attorneys' fees incurred in the collection of any outstanding balances. All requests for services from private citizens or independent contractors shall be initiated with a deposit in advance based upon estimates. The Township shall establish an escrow account in a dedicated fund to ensure timely payment to those officers who engage in approved temporary off-duty assignments. Private citizens or independent contractors who require continuous service shall maintain a minimum balance in the established dedicated fund in an amount equal to the average amount paid to the police officers over a monthly time period. If there are insufficient funds, services shall be terminated until the fund is replenished. The Township shall return any moneys in the fund in excess of the cost of services provided to private citizens or independent contractors within a reasonable amount of time. Any private citizen or independent contractor who is delinquent in payment for services rendered in connection with this act shall be liable for costs, fees and attorneys' fees associated with the collection of any amounts due.~~
- (4) All fees or payments for temporary off-duty assignments shall be made through a special fund established by the Township, for which payment shall be made to the individual police officers engaged in such employment. Payments from such fund shall be made to the officer subject to the required deductions and the administrative fee to be retained by the Township.
- (5) Any temporary off-duty employment which is canceled by the private citizen or contractor on short notice shall incur an obligation to pay a minimum fee. If the assignment is canceled with between four and two hours' notice prior to the scheduled start, the off-duty employment shall be billed a four-hour minimum charge at the rate set by Township Council resolution. If the assignment is canceled with less than two

hours' notice, the private citizen or contractor shall be charged for the entire scheduled job at the rate set by resolution. ~~with less than two hours' notice shall be charged at a four hour minimum at the rate set by resolution.~~

- (6) The Chief of Police or the Chief's designee has the authority to order any police officer to vacate or terminate any temporary off-duty employment in response to any emergency situation or whenever the employment creates an unreasonable risk to the health, safety and welfare of the officer or the public. The citizen or independent contractor shall not be charged for any compensation for any time that the officer is away ~~aware~~ from the temporary off-duty employment and may not make a claim for any cost or damages against the Township as a result of the Chief of Police's or the Chief's designee's decision to vacate or terminate any employment under the provisions of this subsection.
- (7) The Township shall be responsible to provide all the necessary insurance coverages required by law, including but not limited to workers' compensation, public liability and claims for damages for personal injury including death, as well as damage to property which may arise from the temporary off-duty employment performed pursuant thereto.
- (8) The total hourly rate for temporary off-duty police services shall be established by Resolution of the Township Council. As of the adoption of this ordinance, the standard rate ~~is shall be between~~ \$123 per hour and \$195 per hour, which rate ~~includes is inclusive of the following breakdown~~ all fees owed (including, but not limited to, the fee paid to assigned police officer, administrative fee to the Township and fee payable to the third-party administrator as provided in its agreement) :
 - ~~• \$100/hour payable to the assigned police officer;~~
 - ~~• \$15/hour administrative fee retained by the Township; and~~
 - ~~• \$8/hour (representing 8% of the officer's hourly rate) payable to the Township's designated third-party administrator for coordination services.~~

These amount ~~shall be set s are subject to change~~ by Resolution, and the Township reserves the right to adjust the rate schedule as necessary to reflect operational costs and service agreements.

E. Traffic Controls for Street and Highway Construction and Maintenance Operations.

- (1) In order to better promote public safety, the Township of Manchester hereby adopts the current Manual on Uniform Traffic Control Devices (MUTCD) as the standard for traffic control in any road construction, maintenance, or utility work zones within the Township. All persons, contractors, or utilities conducting such work on or along roadways must comply with the applicable provisions of the MUTCD. Failure to comply with MUTCD requirements while performing such work shall be deemed a violation of this section.
- (2) Off-duty police officers shall be posted at all construction or maintenance sites when required or determined to be necessary by the Manchester Township Police Department to provide for the safety and expeditious movement of traffic. No work covered by this section shall commence until such officer(s) are on location.
- (3) Any person, contractor, developer or utility performing work involving the construction, repair, maintenance, or opening of roads and streets (or any infrastructure located within, under, or along any roadway) which, as determined by the Chief of Police or his designee and consistent with Township policy, will affect or disrupt the normal flow of traffic, must enlist at least one extra-duty police officer to secure the work zone. The cost of providing such traffic control shall be borne by the person or entity performing the work.
- (4) For any work assignment within the Township of Manchester that requires the alternating of traffic (whether due to construction, road/lane closures, utility work, or any other event impacting the normal flow of vehicular traffic), there shall be a minimum staffing requirement of three (3) sworn law enforcement officers. This minimum staffing is necessary to ensure the safe and efficient movement of traffic, to provide proper coverage of all affected traffic control points, and to protect the safety of both

the officers and the public. No such assignment shall be staffed with fewer than three officers unless explicitly authorized by the Chief of Police or their designee based on a site-specific risk assessment.

- (5) The Police Department (through its Traffic Safety Unit, roadwork detail officers, or designee) shall have the authority to stop work, including ordering the removal of equipment, vehicles, or stored materials from the roadway, in order to abate any nuisance and/or public safety hazard or to address any violation of the provisions of this section. Officers assigned to extra-duty roadwork details are authorized, with the approval of the Chief of Police or designee, to halt operations in any construction or maintenance zone and to order the repositioning or removal of any equipment or materials to ensure safety. In the event of a shutdown under this provision, all applicable minimum payment requirements for off-duty officers shall remain in effect, and the requesting entity shall be responsible for the associated compensation as if the assignment had proceeded.

- F. Violations and penalties. Any person, contractor, utility, or other entity who violates or fails to comply with any provision of this section shall, upon conviction thereof, be subject to a fine not exceeding \$2,000, or imprisonment for a term not exceeding 90 days, or both, in the discretion of the Municipal Court, pursuant to N.J.S.A. 40:49-5 and N.J.S.A. 40:48-2. Each day that a violation of this section continues shall constitute a separate offense. This section shall be enforced by the Manchester Township Police Department or any other designated enforcement authority.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. Pursuant to the provisions of N.J.S.A. 40:69A-181(b), this Ordinance shall take effect twenty (20) days after its final passage by the Township Council and approval by the Mayor where such approval is required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced at a meeting of the Township Council of the Township of Manchester, in the County of Ocean and State of New Jersey on the 25th day of August 2025 and was then read for the first time. The said ordinance will be further considered for final passage by the Township Council in the Town Hall at 6:00 p.m. on September 8, 2025. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Teri Giercyk, RMC/CMC
Municipal Clerk