

ORDINANCE NO. 20-2017

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY ESTABLISHING A NEW CHAPTER 71. ENTITLED "REQUIRING COMMERCIAL ESTABLISHMENTS TO MAINTAIN SECURITY IN CERTAIN CONDITIONS" UNDER PART II: GENERAL LEGISLATION OF THE CODE OF THE TOWNSHIP

WHEREAS, the Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq. delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and welfare of its citizens; and

WHEREAS, as part of its responsibility to protect its residents, as well as visitors, the Township desires to deter illegal, suspicious, dangerous or criminal activity occurring at commercial establishments within the Township; and

WHEREAS, the frequency of such incidents is so significant at some commercial establishments that it may jeopardize the health, safety, and welfare of the Township's residents and visitors by monopolizing critical Township public safety resources.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover, County of Morris, and State of New Jersey, as follows:

Section 1. The Code of the Township of Hanover under Part II: General Legislation is hereby amended and supplemented with the inclusion of a new Chapter 71. entitled "Requiring Commercial Establishments to Maintain Security in Certain Conditions." The following new provisions shall be added under Chapter 71. as follows:

§ Section 71-1. Armed guard required; exemptions.

A. Guard required.

- (1) Pursuant to the process set forth in paragraph B below, commercial establishments for which more than ten (10) complaints per month regarding alleged criminal activity are submitted to the Township's Police Department shall be required to have present on the premises an armed security guard for every twenty-four (24) hour period, during every day of the year, to patrol both buildings and grounds.

B. Security Plan Process.

- (1) The Chief of Police shall create a written security plan for any commercial establishment within the Township for which the Township's Police Department receives more than ten (10) complaints regarding alleged criminal activity per month. The Chief of Police shall review each complaint to establish its validity as a complaint related to alleged criminal activity.
- (2) The security plan shall be provided to the owner and operator of the commercial establishment with a notice advising the owner and operator of their right to a hearing before a Board consisting of the Township's Business Administrator, Chief of Police, and Township Health Officer. Five (5) days prior to this hearing, the commercial establishment may submit an alternate security plan that it has devised for consideration by the Board.
- (3) The Board shall make a final determination within fifteen (15) calendar days as to which plan is to be adopted by the Police Department.
- (4) The final plan, as determined by the Board, shall be effective on the third day after the Board's final determination.
- (5) If the number of complaints to the Police Department drops to ten (10) or below for two months in a row, the owner and operator shall be entitled to a reevaluation of the existing security plan by the Board for a possible revision.

C. Failure to Comply.

- (1) If a commercial establishment fails to comply with the security plan approved by the Board, the Township may seek relief in the Superior Court of New Jersey, Morris County, or employ its own police officers to enforce the plan, to be paid for by way of the Township seeking reimbursement from the property owner and/or operator.

Section 2. §71-2. Definitions.

As used in this Article/Section, the following terms have the meanings indicated:

ARMED SECURITY GUARD:

A guard armed with a handgun which is licensed or otherwise allowed by law to carry such a weapon while performing the duties of a security guard.

COMMERCIAL ESTABLISHMENT:

RETAIL SALES ESTABLISHMENT – A building and/or property to which the general public is invited and at which goods and/or merchandise are available for sale or rent, primarily to the general public.

RETAIL SERVICES ESTABLISHMENT - A building and/or property to which the general public is invited and at which services or entertainment are available for sale to the general public.

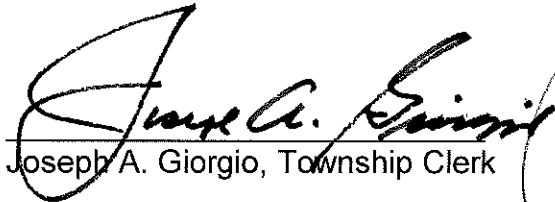
Section 3. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 4. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 5. This ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:


Joseph A. Giorgio, Township Clerk


Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: August 10, 2017
DATE OF ADOPTION: September 14, 2017

C E R T I F I C A T I O N

I, Joseph A. Giorgio, Township Clerk of the Township of Hanover, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Committee of said Township on the 14th day of September, 2017 at a meeting duly convened, of said Body.


Joseph A. Giorgio, Township Clerk