



Legislation Details (With Text)

File #: 18-1806 **Version:** 1 **Name:** Ordinance: Armed Security Guards Required and Surveillance Cameras for Public or Private Buildings (50 to 100 Housing Units) (LM)

Type: Ordinance **Status:** Tabled

File created: 11/20/2018 **In control:** Municipal Council and City Clerk

On agenda: 2/6/2019 **Final action:** 3/20/2019

Title: AN ORDINANCE TO AMEND AND SUPPLEMENT TITLE 18, CHAPTER 5, SECURITY, ARTICLE 1, HOUSING GUARDS, 18:5-1.1 ARMED SECURITY GUARD REQUIRED, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY ADDING A NEW SUBSECTION 18:5-1.1(c), PETITION TO REDUCE OR INCREASE THE HOURS OF ARMED SECURITY GUARDS FOR PUBLIC OR PRIVATE BUILDINGS WITH FIFTY (50) OR MORE HOUSING UNITS AND AMENDING 18:5-1.5 TO REQUIRE SURVEILLANCE CAMERAS NEAR ENTRANCES AND EXITS OF SAID BUILDINGS.
Deferred 6F-e 022219
Deferred 6F-e 030619
Tabled Mclver/Ramos 6F-e 032019

Sponsors: LaMonica R. Mclver

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/20/2019	1	Municipal Council	Tabled	Pass
3/6/2019	1	Municipal Council	Defer on First Reading	Pass
2/22/2019	1	Municipal Council	Defer on First Reading	Pass
2/20/2019	1	Municipal Council	No Action Taken	
2/6/2019	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE TO AMEND AND SUPPLEMENT TITLE 18, CHAPTER 5, SECURITY, ARTICLE 1, HOUSING GUARDS, 18:5-1.1 ARMED SECURITY GUARD REQUIRED, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY ADDING A NEW SUBSECTION 18:5-1.1(c), PETITION TO REDUCE OR INCREASE THE HOURS OF ARMED SECURITY GUARDS FOR PUBLIC OR PRIVATE BUILDINGS WITH FIFTY (50) OR MORE HOUSING UNITS AND AMENDING 18:5-1.5 TO REQUIRE SURVEILLANCE CAMERAS NEAR ENTRANCES AND EXITS OF SAID BUILDINGS.

Deferred 6F-e 022219

Deferred 6F-e 030619

Tabled Mclver/Ramos 6F-e 032019

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Note: Additions are shown as **underlined and bold**. Deletions are shown as ~~strikethroughs~~.

SECTION 1: Title 18, Chapter 5, Security, Article 1, Housing Guards, 18:5-1.1 Armed Security Guard Required of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, is amended as follows:

18:5-1. HOUSING UNIT GUARDS

18:5-1.1. Armed Security Guard Required.

- a. Except as otherwise provided all owners/developers of public and private buildings operating a building unit in the City of Newark which contains **fifty (50)** ~~over one hundred (100)~~ **or more** housing units (defined as **fifty (50)** ~~one hundred (100)~~ certificates of occupancy under one (1) ownership entity within a one (1) or two (2) block radius) shall be required to have present on the premises an armed security guard for eight (8) hours per day, and an unarmed security guard for the remaining sixteen (16) hours per day, during each day of the year. In the event that no one building entrance has access to **fifty (50)** ~~one hundred (100)~~ **or more** housing units, then the security guard shall be required to patrol the entire complex and provide adequate proof of the regular patrol of the entire premises. The provisions of this section shall apply to any dwelling unit which is a condominium, development or any rental or condominium building with units each having an individual exterior entrance. Housing units which are situated on the grounds of hospitals, regularly patrolled by a security force and wherein such grounds are revisited by a security patrol at least once per hour shall be exempt from the requirement of maintaining an armed security guard on the premises.

Public and Private buildings with one hundred (100) or more housing units (defined as one hundred (100) certificates of occupancy under one (1) ownership entity within one (1) or two (2) block radius), that are divided into two (2) or more residential structures shall have separate armed or unarmed Security Guards for each residential structure and subject to paragraph (c) below.

The determination of **fifty (50)** ~~one hundred (100)~~ or more housing units shall be made based on building plans and original certificates of occupancy issued by the City of Newark. Any attempt to reduce the number of certificates of occupancy in a building having been determined to be a building with **fifty (50)** ~~one hundred (100)~~ housing units or more shall be considered a violation of this chapter punishable by a fine of up to five hundred (\$500.00) dollars per day for each day the owner/operator is found to be in violation of this chapter.

This subsection supersedes any prior ordinances pertaining to building security requirements.

- b. All public and private housing buildings in the City of Newark which contain ~~over~~ **fifty (50) or more** ~~one hundred (100)~~ housing units and which are **Senior Citizens Elderly and Disabled** housing buildings **as defined by the U.S. Department of Housing and Urban Development (HUD)** shall be required to have present on the premises an unarmed security guard for twenty-four (24) hours each day of the week.
- c. **Petition to Reduce or Increase Armed Security Guards.**

Notwithstanding the provisions of 18:5-1.1a of this Chapter, which requires eight (8) hours of armed security guards and sixteen (16) hours of unarmed security guards, residents of public and private buildings, with fifty (50) or more housing units, may petition the Office of Code Enforcement, Department of Engineering, to reduce or increase the number of hours of Armed Security Guards. The petition shall choose from any combination of armed and unarmed security guards that fits the unique security needs of their building from the following list, as long as the combination adds up to 24 hours:

1. Unarmed guards for twenty-four (24) hours per day; or
2. A combination of Armed Security Guards for sixteen (16) hours per day and Unarmed Security Guards for the remaining eight (8) hours; or
3. Armed Security Guards for twenty-four (24) hours per day.

Any petition to reduce or increase the requirement of Armed Security Guards shall include the following:

1. A petition, signed by not less than sixty-five (65) percent of the residents of any covered public or private building, including resident's name, address with apartment number, and
2. A notarized letter from the individual submitting the petition; and
3. A complete list of all the residents, including addresses and apartment numbers, who occupy the building.

Public and Private Buildings with fifty (50) or more housing units that are in high crime areas as evidenced by reported and documented incidents of crime within the building and/or on the premises verified by the Director of Public Safety, shall be required to provide no less than a combination of eight (8) hours armed security guard and the remaining sixteen (16) hours by unarmed security guards.

Landlords who wish to reduce or increase the hours for armed security guards, must petition the Office of Code Enforcement, Department of Engineering. All approved applications must be submitted to the Rent Control Office within ten (10) days of such approval.

Nothing in this Chapter shall limit the number of times that a resident or landlord of a public or private building, with fifty (50) or more housing units, can petition the Office of Code Enforcement, Department of Engineering, to increase or reduce the number of hours that Armed Security Guards must be present.

18:5-1.2. Definitions.

As used in this section:

Armed security guard shall mean a uniformed guard armed with a firearm who is a Newark Police Officer, Newark Special Police Officer or an employee of a licensed security officer company.

Unarmed security guard shall mean a uniformed Newark Special Police Officer or a uniformed employee of a licensed security officer company who is not armed with a firearm.

18:5-1.3. Compliance with Security Officer Registration Act, N.J.S.A. 45:19A-1 et seq.

All Newark Police Officers, Newark Special Police Officers and employees of licensed security officer companies shall comply with the requirements as set forth in the Security Officer Registration Act, N.J.S.A. 45:19A1 et seq. where applicable.

18:5-1.4. Penalty.

Violations of this Article by any person or corporation shall be punishable by a fine of at least one hundred (\$100.00) dollars but not exceeding one thousand (\$1,000.00) dollars or by imprisonment for a term not exceeding ninety (90) days or by a period of community service not to exceed ninety (90) days. Each day's violation of this chapter shall constitute a separate offense.

18:5-1.5. Video Surveillance Cameras in Buildings Containing Parking Lots.

- a.** All public and private housing buildings in the City of Newark, New Jersey which contain parking lots or parking garages for thirty (30) or more vehicles shall be required to install and maintain on the premises video surveillance cameras which shall be in a state of good repair and operating condition on a twenty-four (24) hour per day, seven (7) days per week basis. Said video surveillance cameras shall be positioned in such a manner as to reasonably cover the entire parking lot/parking garage and all driveways and ramps.

b. Video Surveillance Cameras in Buildings

All public and private buildings, in the City of Newark, which contains fifty (50) housing units or more (defined as fifty (50) certificates of occupancy under one (1) ownership entity within a one (1) or two (2) block radius) shall be required to install and maintain video surveillance cameras near building entrances and exits and cover the immediate area from the street to the building. All cameras shall be kept in a state of good repair and operating condition on a twenty-four (24) hour per day, seven days per week basis. Said video surveillance cameras shall be positioned in such a manner as to capture foot traffic in and out of the building.

18:5-1.6. Maintenance and Retention of Video Tapes.

The owner/operator of such public or private housing buildings shall be required to keep and maintain on the premises the video tapes for a period of sixty (60) days.

18:5-1.7. Penalty.

Any owner/operator who shall fail to provide and maintain video surveillance cameras in accordance with the provisions herein shall, upon conviction, be punished by a fine of not less than five hundred (\$500.00) dollars for each day the owner/operator is found to be in violation of this chapter.

SECTION 2: If any provision of this Ordinance or application thereof to any person(s) or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 3: The Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance Amends Title 18, Chapter 5, Security, Article 1, Housing Guards, Armed Security Guard Required, by adding a new subsection 18:5-1.1(c), which allows for residents of public and private buildings, with fifty (50) or more housing units, to petition the Department of Engineering, Office of Code Enforcement, to reduce or increase the use of Armed Security Guards, and imposes a requirement that these buildings install surveillance cameras near entrances and exits.