



Legislation Details (With Text)

File #: 21-1109 **Version:** 1 **Name:** Ordinance: Amending Title 18, Chapter 5, Security, Article 1, Housing Guards - Armed Security Guard (LM)
Type: Ordinance **Status:** Adopted
File created: 7/26/2021 **In control:** Municipal Council
On agenda: 8/4/2021 **Final action:** 8/19/2021

Title: AN ORDINANCE TO AMEND 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(d) REQUIRING ALL OWNERS/DEVELOPERS OF PUBLIC AND PRIVATE HOUSING BUILDINGS, TO HAVE AT LEAST ONE (1) SECURITY GUARD PRESENT FOR EVERY ONE HUNDRED (150) RESIDENTIAL UNITS, AND ADDING A NEW SECTION 18:5-1.5 ENTITLED COURT DISCRETION AND PUBLIC SAFETY DIRECTOR RECOMMENDATIONS.

No Action Taken 6PSF-ac (s) 081721

Sponsors: LaMonica R. Mclver, Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
8/19/2021	1	Municipal Council	Close on Public Hearing and Adopt	Pass
8/17/2021	1	Municipal Council	No Action Taken	
8/4/2021	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

AN ORDINANCE TO AMEND 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(d) REQUIRING ALL OWNERS/DEVELOPERS OF PUBLIC AND PRIVATE HOUSING BUILDINGS, TO HAVE AT LEAST ONE (1) SECURITY GUARD PRESENT FOR EVERY ONE HUNDRED (150) RESIDENTIAL UNITS, AND ADDING A NEW SECTION 18:5-1.5 ENTITLED COURT DISCRETION AND PUBLIC SAFETY DIRECTOR RECOMMENDATIONS.

No Action Taken 6PSF-ac (s) 081721

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 over one hundred (100) housing units (defined as 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 one hundred (100) 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.

The determination of 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 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 one hundred (100) housing units and which are Senior Citizens housing buildings shall be required to have present on the premises an unarmed security guard for twenty-four (24) hours each day of the week.
- c. All public and private housing complexes in the City of Newark, which consist of more than one (1) building, each with a separate entrance, and each building containing more than one hundred (100) housing units shall be required to have present on the premises of each building 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.
- d. **All public and private housing buildings in the City of Newark, considered as one development, building, and/or complex is required to have at least one (1) security guard present for twenty four (24) hours of each day of the week, consisting of one (1) armed security guard for eight (8) hours per day and one (1) unarmed security guard for the remaining sixteen (16) hours per day, for every one hundred fifty (150) residential units in said housing development, building, and/or complex (i.e. for three hundred (300) residential units, two (2) armed security guards shall be provided for eight (8) hours and two (2) unarmed security guards for the remaining sixteen (16) hours per day, during each day of the year).**

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. Court Discretion and Public Safety Director Recommendations.

Nothing within this Article shall be interpreted and/or considered to limit the Court's discretion to mandate enhanced safety measures or the Public Safety Director's recommendations to require enhanced safety measures, including, but not limited to requiring more security guards, armed or unarmed, at any public or private residential development, building, and/or complex, subject to the requirements within this Article, as a result of any history of safety concerns within a particular housing development, building, and/or complex.

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(d), requiring all owners/developers of public and private housing buildings to have at least one (1) security guard present for every one hundred fifty (150) residential units and adding a new section 18:5-1.5 entitled Court Discretion and Public Safety Director Recommendations.