



Legislation Text

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AN ORDINANCE AMENDING TITLE 8, BUSINESSES AND OCCUPATIONS, CHAPTER 12 RESTAURANTS AND RETAIL SALES AND SERVICE ESTABLISHMENTS, AMENDING, SECTION 6A, HOURS OF OPERATION, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY (2000) AS AMENDED AND SUPPLEMENTED, REQUIRING ARMED SECURITY AT RESTAURANTS (EXCLUDING RESTAURANTS OPERATING ONLY A DRIVE-IN OR DRIVE-THRU AT SUCH HOURS) AND RETAIL SALES AND SERVICE ESTABLISHMENTS OPERATING BETWEEN THE HOURS OF 12:00 a.m. (MIDNIGHT) AND 6:00 A.M. AND IMPOSING FINES AND PENALTIES FOR VIOLATION OF THE REQUIREMENT FOR ARMED SECURITY BY OWNERS AND/OR OPERATORS

Deferred 6PSF-I 091813

No Action Taken 6PSF-e 100213/Public Hearing Open

Deferred 6PSF-e 101013/Public Hearing Open

No Action Taken 6PSF-e 102313/Public Hearing Open

Deferred 6PSF-e 102913/Public Hearing Open

Deferred 6PSF-e 110713/Public Hearing Open

Deferred 6PSF-b 111813/Public Hearing Open

Deferred 6PSF-a 120413/Public Hearing Open

Deferred 6PSF-a 121813/Public Hearing Open

WHEREAS, N.J.S.A. 40:48-1, *inter alia*, grants to municipalities extensive powers to make, amend and enforce ordinances, regulations, rules and by-laws, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by that subtitle, which powers and authorities are generally referred to as the police power; and

WHEREAS, the Municipal Council of the City of Newark hereby declares that there presently exists dangers to the public health, safety and welfare of the municipality and its inhabitants in certain areas where there are late-night restaurants (excluding restaurants operating only a drive-in or drive-thru at such hours) and retail sales and service establishments which necessitates the imposition of a requirement to provide for armed security during certain hours of operation; and

WHEREAS, the public is well served by supplementing the efforts of the Newark Police Department through the presence of armed security at such locations; and

WHEREAS, in order to enforce such a requirement, the City of Newark may seek to have imposed,

upon conviction, fines and, regardless of any fine, administrative penalties; more specifically, the limitation of hours of operation of the business entity, if armed security is not provided.

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

Editor's Note: Additions are shown as **bold underlined** and deletions as ~~strikethroughs~~.

Section 1. Revised General Ordinance, Title 8, Chapter 12, Section 6A, Hours of Operation, shall be amended to include a new paragraph (d) to require armed security guards and impose fines and penalties as follows:

8:12-6A. Hours of Operation.

d. Armed Security Guard at Late-Night Restaurants and Retail Sales and Service Establishments.

All restaurants and retail sales and service establishments exempt from subparagraph a (within the boundaries of the special improvement districts listed above and in any and all special improvement districts that might be created in the future), and any business not located on the streets required to be closed during certain hours, shall be required to have an armed security guard on the premises between the hours of 12:00 a.m. (midnight) and 6:00 a.m., if open for business during those hours. (This requirement shall not apply to restaurants that only operate a drive-in or drive-thru at such hours).

Any owner and/or operator of such restaurant or retail sales and service establishment who violates any provision of this section, shall, upon conviction thereof, be punished by a fine not exceeding five hundred (\$500.00) dollars for the first offense and one thousand (\$1000.00) dollars for the second offense. Each day that such a violation is found to continue shall be considered a separate offense. In addition to and independent of the assessment of any penalty, the City of Newark may revoke the authority of a restaurant or retail sales or service establishment to operate between the hours of 12:00 a.m. (midnight) and 6:00 a.m. for a violation of this section.

Section 2. If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 3. All Ordinances or parts of ordinances inconsistent herewith are hereby repealed as to

such inconsistency.

Section 4. This Ordinance amendment shall take effect upon final passage and publication in accordance with New Jersey law.

STATEMENT

An Ordinance Amending Title 8, Businesses And Occupations, Chapter 12 Restaurants And Retail Sales And Service Establishments, Amending, Section 6a, Hours Of Operation, Of The Revised General Ordinances Of The City Of Newark, New Jersey (2000) As Amended And Supplemented, Requiring Armed Security At Restaurants (Excluding Restaurants Operating Only A Drive-In Or Drive-Thru At Such Hours) and Retail Sales And Service Establishments Operating Between The Hours Of 12:00 A.M. (Midnight) And 6:00 A.M. And Imposing Fines and Penalties For Violation Of The Requirement For Armed Security By Owners and/or Operators