

Introduction: 2/10/11

Public Hearing: 3/31/11

Effective Date: 4/27/11

TOWNSHIP OF MAHWAH
ORDINANCE NO. 1686

AN ORDINANCE AMENDING CHAPTER III OF THE CODE OF THE TOWNSHIP OF MAHWAH TO CREATE A NEW SECTION 3-14, ENTITLED "SHOPPING CENTER PRIVATE SECURITY REQUIREMENTS", TO REQUIRE COMMERCIAL SECURITY BE PROVIDED ON COMMERCIAL RETAIL SITES THAT EXCEED CERTAIN ENUMERATED THRESHOLDS OF THE CODE OF THE TOWNSHIP OF MAHWAH.

WHEREAS, it has been reported that there is statistical evidence that large Shopping Centers present a need for additional manpower so that there is not an increase in non-violent or violent criminal activity; and

WHEREAS, the Township Council is currently considering the adoption of a special overlay district entitled the Crossroads Town Center Overlay Zone and is desirous of taking steps to ensure that there is sufficient security services provided at any large Shopping Center areas that exist or are to be built in the Township of Mahwah; and

WHEREAS, the Township Council deems it to be in the best interest of the public to require that the owners and operators of large Shopping Centers in the Township provide adequate security services.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey that Chapter III of the Code of the Township of Mahwah is hereby amended to create a new Section 3-14 entitled "Shopping Center Private Security Requirements" to read as follows:

Section 1 3-14. SHOPPING CENTER PRIVATE SECURITY REQUIREMENTS.

3-14.1 Purpose. The purpose of this section is to enhance the safety and general welfare of persons who patronize Shopping Centers in the Township of Mahwah.

3-14.2 Definitions. As used in this section:

Commercial Enterprise shall mean any kind of business operation that is carried on in one (1) or more structures whereby goods, services or entertainment of any kind or type are offered for sale, lease or hire to the general public.

Operator shall mean the owner of the Shopping Center and the individual or legal entity authorized by the owner of the Shopping Center under a management agreement to lease commercial space and/or manage the operation of the Shopping

Center.

Parking Area shall mean that area associated with the Shopping Center which is used for or intended for the off-street parking of motor vehicles, including parking garages or decks, parking stalls, spaces between stalls, access aisles, fire lanes, driveways and roadways leading to and from the parking stalls, and loading zones adjacent to parking stalls or otherwise accessible to the public.

Patrol Service shall mean the action of continually driving around and through a Shopping Center in a motor vehicle marked and identified as a security vehicle, with a flashing amber rotating light clearly visible to the general public, along with adequate means of communication for contacting the Police Department of the Township of Mahwah.

Security Officer shall mean the person hired by the owner of the Shopping Center to provide Patrol Services as required pursuant to this section.

Shopping Center shall mean any development consisting of multiple Commercial enterprises, including a Parking area, with a minimum gross retail floor area in excess of two hundred fifty thousand (250,000) square feet.

3-14.3 Applicability. Each Shopping Center in the Township of Mahwah, whether in existence, under development or developed after the effective date of this section, shall be subject to the provisions of this section.

3-14.4 Type of Service to be Provided. The following security services shall be required at each Shopping Center from thirty (30) minutes prior to the first Commercial enterprise doing business in the Shopping Center opens to one (1) hour after the last Commercial enterprise doing business in the Shopping Center closes, on every day the Shopping Center or any Commercial enterprise therein is open for business:

a. A minimum of one (1) unarmed, clearly uniformed Security Officer in a motor vehicle to provide Patrol service for the Shopping Center.

b. A minimum of one (1) additional unarmed, clearly uniformed Security Officer, either on foot or in a motor vehicle, for every two hundred thousand (200,000) square feet of gross floor area in the Shopping Center.

3-14.5 Duty to Inform Police Department.

a. The Security Officers on patrol and/or in the patrol vehicle shall notify the Mahwah Township Police Department immediately upon discovery of or observing any incident or accident believed to require Township Police assistance or

any actual or suspected violation of the laws of the State of New Jersey or Ordinances of the Township of Mahwah.

b. Security Officers shall not be encumbered with any non-security related tasks. It shall be the sole duty of the security officers to make periodic patrols and inspections of the Shopping Center and Parking areas and to notify the Police Department, as necessary.

3-14.6 Security Officers not Police Officers. No Security Officer employed for the purposes of this Section shall have any police power, responsibility or authority within the Township.

3-14.7 Information to be Supplied to Police Department. Each Shopping Center Operator shall notify the Mahwah Police Department of the name, address and telephone number of the security service being provided herein and the responsible person in charge of the security service, together with the roster of security personnel employed to supply the services required under this section.

3-14.8 Enforcement. The Code Enforcement Officer of the Township of Mahwah shall enforce the provisions of this section.

3-14.9 Violations and Penalties. In the event that the requisite security services shall not be provided at a Shopping Center in accordance with the provisions of this section:

a. Each person who shall violate any provision of this section shall, upon conviction, be punished by a fine of not more than One Thousand (\$1,000.00) Dollars or less than One Hundred (\$100.00) Dollars;

b. Each day upon which a violation of this Section 3-14.1 et seq. takes place shall constitute a distinct and separate offense.

Section 2: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

Section 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

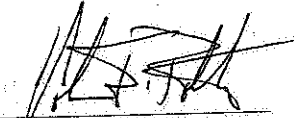
BE IT FURTHER ORDAINED that this ordinance shall become effective after final passage, adoption and publication according to law.

Ordinance No. 1686

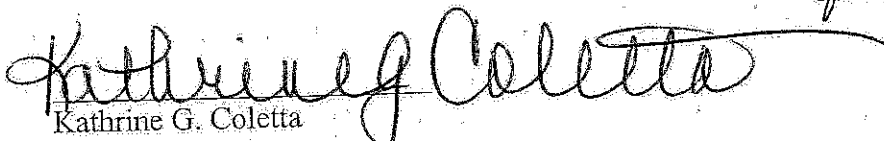
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Dated: July 21, 2011

Attest

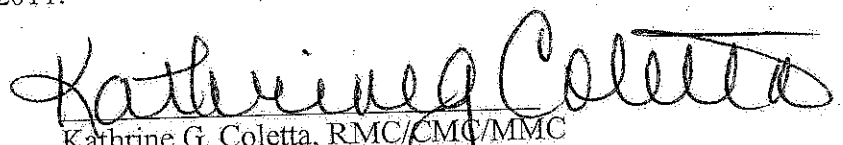


John F. Roth
Council President



Kathrine G. Coletta
Municipal Clerk

I, Kathrine G. Coletta, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 31st day of March, 2011.



Kathrine G. Coletta, RMC/CMC/MMC
Municipal Clerk