

ORDINANCE OF THE TOWNSHIP OF DEPTFORD AUTHORIZING COST RECOVERY FOR POLICE SERVICES ASSOCIATED WITH EXCESSIVE SHOPLIFTING POLICE CALLS AND SHOPLIFTING POLICE CALLS WHICH DO NOT RESULT IN THE FILING OF A FORMAL CRIMINAL COMPLAINT

WHEREAS, the Township Council of Deptford Township (the "Council") has found and determined that increasing numbers of businesses located within Deptford Township (the "Township") are requiring a disproportionate amount of police service, primarily due to calls reporting shoplifting incidents; and

WHEREAS, these excessive calls related to shoplifting result in less police personnel and resources available for other locations, emergencies and duties in the Township; and

WHEREAS, extraordinary police service at these businesses puts a disproportionate and unfair burden upon the citizens and taxpayers of the Township; and

WHEREAS, Council has found that with many of these shoplifting calls, ultimately the business that made the call to the police does not follow through with the filing of a formal criminal complaint against the alleged shoplifter; and

WHEREAS, when a formal criminal complaint is not filed against the alleged shoplifter, there is no conviction, there is no resultant fine, and there is no deterrent effect to other potential shoplifters; and

WHEREAS, shoplifting calls which do not result in the filing of a formal criminal complaint have overburdened the police department and the municipal court and they do not result in any fine or imposition of court costs to defray this burden; and

WHEREAS, the businesses which require excessive police service due to shoplifting calls derive a benefit from such police service; and

WHEREAS, the owners and/or managers of businesses have a responsibility to manage their properties to minimize required police service and to thus minimize the burden upon citizens and taxpayers of the Township and to promote the health, safety and welfare of the public in general; and

WHEREAS, owners and/or managers in charge of such businesses can minimize required police service by diligent and strict management and regulation of their properties; and

WHEREAS, if shoplifting still occurs despite diligent and strict management and regulation of businesses, if businesses follow through and file formal criminal complaints

against alleged shoplifters, there will be a greater deterrent to future potential shoplifters and there will be less of a burden to the police department and municipal court; and

WHEREAS, Council has no intent to discourage or suppress requests for police service, but rather to encourage and stimulate diligent and strict management and regulation of businesses by owners and/or managers in charge; and

WHEREAS, the assessment of costs as provided in this ordinance is reasonable and will have a deterrent effect and encourage more responsible management of businesses and result in both fewer overall police calls for shoplifting and more instances where a business files a formal criminal complaint against an alleged shoplifter.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Deptford, in the County of Gloucester and State of New Jersey, as follows:

Section 1. Section 3-19 shall be added to the Township Code and shall read as follows:

§3-19 Reimbursement for Police Service.

§3.19-1. Purpose

The purpose of this Ordinance is to provide administrative and civil remedies against businesses that permit, allow, or fail to prevent excessive calls for police service related to shoplifting and businesses that habitually fail to file a criminal complaint against an alleged shoplifter after making a call for police service, all of which compromise the public health, safety, and welfare of the Township.

§3-19.2. Definitions

As used herein, the following terms shall have the meaning indicated:

A) Business – Any individual, sole proprietor, corporation, limited liability company, and any other type of business entity which engages in business or commercial activities, including the sale of goods, within the Township.

B) Calendar Month – The period which begins on the first day of one of the months as named in the calendar and which ends on the last day of that same month as named in the calendar.

C) Council – Township Council of the Township of Deptford.

D) Criminal Complaint – A complaint filed in municipal court by a witness to a shoplifting event alleging a shoplifting event.

E) Manager – The individual or entity that is responsible for management of a Business as defined herein.

F) Owner – The individual or entity which owns a Business as defined herein.

G) Police – Deptford Township Police Department.

H) Police Service Cost – The costs as established in §3-19.3 below.

I) Police Service Cost Invoice – The invoice to be produced pursuant to §3-19.6 below.

J) Shoplifting – Theft of merchandise or goods from a Business as defined herein.

K) Shoplifting Call – A call made to the Police by a representative of a Business to report an incident, or suspected incident, of Shoplifting.

L) Township – Township of Deptford, County of Gloucester, State of New Jersey.

§3-19.3. Cost Recovery Required For Excessive Shoplifting Calls

A) Every owner and/or manager responsible for the management and regulation of a business is required to pay police service costs for 1) each shoplifting call in excess of 15 within a calendar month and/or 2) each shoplifting call which does not result in the filing of a criminal complaint by the business in excess of 2 within a calendar month.

B) 1) For each shoplifting call in excess of 15 within a calendar month, an owner and/or manager responsible for management and regulation of the business shall make payment of \$250.00 to the Township and 2) for each shoplifting call which does not result in a filing of a criminal complaint by the business in excess of 2 within a calendar month, an owner and/or manager responsible for management and regulation of the business shall make payment of \$250.00 to the Township

§3-19.4. Notice

Prior to the issuance of a police service cost invoice, the Township shall provide the business owner with notice that the business is approaching the threshold amount of shoplifting calls and/or shoplifting calls which do not result in the filing of a criminal complaint which will result in the business' responsibility for police service costs.

§3-19.5. Billing

Police service costs due in accordance with this ordinance shall be billed to the owner and/or manager with responsibility to manage the business by the Township through a police service cost invoice and shall be due and payable within 30 days of such billing.

§3-19.6. Police Service Cost Invoice

A) The police service cost invoice shall identify the calendar month, the business, and the date of each shoplifting call during that calendar month, with an indication of whether that shoplifting call resulted in the filing of a criminal complaint.

B) The police service cost invoice shall indicate the number of shoplifting calls in excess of 15 during that calendar month pursuant to §3-19.3 above and shall indicate the number of shoplifting calls which did not result in the filing of a criminal complaint in excess of 2 during that calendar month pursuant to §3-19.3 above and shall indicate the amount of the police service cost to be reimbursed by the business.

§3-19.7. Failure To Pay

Unpaid police service costs may be collected by civil action by the Township against the owner and/or manager with responsibility to manage the business and/or may be imposed or assessed against the subject property as a municipal lien or added to the next property tax bill for the subject property. In either event, a penalty of 10% and interest at the rate of 10% per annum shall be added and collected as provided by law for payments not made within 30 days of billing.

Section 2. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

Section 3. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of Deptford declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date. The ordinance shall take effect immediately upon passage and publication according to law.



TOWNSHIP OF DEPTFORD

Paul Medany

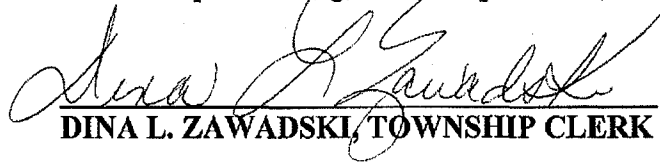
PAUL MEDANY, MAYOR

ATTEST:

DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of Township Council of the Township of Deptford held on the 7th day of April, 2014 and will be considered for final passage and adoption at a Work Session Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 21st day of April, 2014 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.


DINA L. ZAWADSKI, TOWNSHIP CLERK

Introduction

Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.6.14				
Medany			✓			
Hufnell			✓			
Barnshaw			✓			
Lamb			✓			
Love			✓			
Schocklin						✓
Scott			✓			

Adoption

Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.6.14				
Medany			✓			
Hufnell			✓			
Barnshaw			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			