

ORDINANCE OF THE TOWNSHIP OF DEPTFORD, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, 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 fail to file a criminal complaints against an alleged shoplifter after making a call for police service, all of which compromise the public health, safety, and welfare of the Township; said businesses shall be considered nuisance properties and shall be subject to the penalties and procedures described in this ordinance.

§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, robbery or theft.
- 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.
- 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, Theft or Robbery.
- L) Township – Township of Deptford, County of Gloucester, State of New Jersey.

§3-19.3. Criteria for determination of excessive use of police services

Every business which makes a shoplifting, theft or robbery call to the police department in excess of ten (10) calls per quarter which results in either the failure to file a criminal complaint or the failure of a business employee to appear in court as a witness shall be deemed a nuisance business.

§3-19.4. Notice Requirements; Complaint Procedure

A.) Whenever the township manager, in consultation with the municipal Chief of Police or his designee, shall determine that any business has become a nuisance business as a result of its excessive use of police services, the police shall prepare a complaint and notice of hearing setting forth the location of the business and the allegation as to excessive use of police services, and a notice of hearing setting forth the date, time and place of the hearing which shall not be scheduled earlier than 30 days from the date of service of the notice. The complaint shall also provide notice:

1. Specifying the types and dates of qualifying calls made to the subject property;
2. A demand for the abatement of the activities resulting in the qualifying calls.

B.) The complaint and notice of hearing shall be served upon the manager of the business. Service shall be made personally or by regular and certified mail, return receipt requested by mailing the complaint and notice of hearing to the address of said business.

§3-19.5. Hearing Procedure

Any alleged violations of this municipal ordinance shall be heard in the Municipal Court of Deptford Township in accordance with the Rules Governing Municipal Courts 7:1 et seq.

§3-19.6. Violations and Penalties

Any business deemed in violation of this ordinance shall be subject to the General Penalty established in Section [1-5](#) of this Code.

§3-19.7. Failure To Pay

Unpaid fines and penalties may be collected by civil action by the Township against the business owner 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.

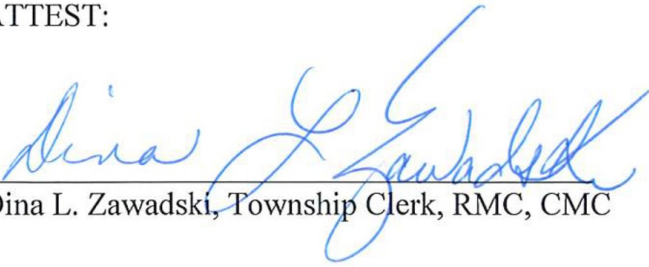
Section 2. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

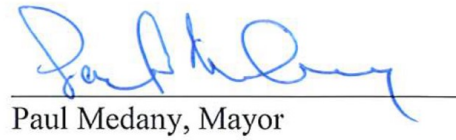
Section 3. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Township of Deptford declares that it would 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.

ATTEST:

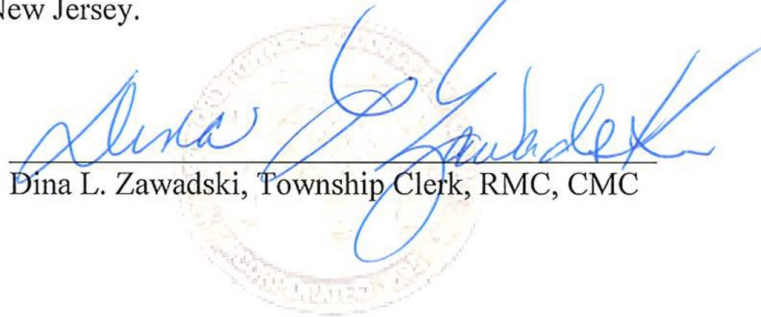
Township of Deptford


Dina L. Zawadski, Township Clerk, RMC, CMC


Paul Medany, Mayor

CERTIFICATION

The foregoing Ordinance was introduced at a Council Meeting of Township Council of the Township of Deptford held on the 14th day of March, 2022 and will be considered for final passage and adoption at a Council 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 28th day of March, 2022 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.


Dina L. Zawadski, Township Clerk, RMC, CMC

RECORD OF VOTE – Introduction O.5.22					RECORD OF VOTE – Adoption O.5.22				
Council Member	Yes	No	Abstain	Absent	Council Member	Yes	No	Abstain	Absent
Medany	✓				Medany	✓			
Hufnell	✓				Hufnell	✓			
Barnshaw	✓				Barnshaw				✓
Belling	✓				Belling	✓			
Lamb	✓				Lamb	✓			
Love	✓				Love	✓			
Schocklin	✓				Schocklin	✓			