**O: 2021-07**

**AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND STATE OF NEW JERSEY AMENDING CHAPTER 441, *POLICE SERVICE COSTS*, OF THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO PROVIDE A PROCEDURE FOR THE IMPOSITION OF LIENS FOR POLICE SERVICE COSTS**

**WHEREAS**, Chapter 441 of the Code of the Town of Phillipsburg imputes liability to the owners of real property situated within the Town for police service costs incurred by the Town in responding to complaints at the property which affect the public good; and

**WHEREAS**, pursuant to Chapter 441, the chapter is intended to address chronic police calls arising from public disturbances and nuisances recurring in the same location, including, but in no way limited to, excessively loud music or parties, public alcohol consumption, late night noise, chronic dog barking, etc.; and

**WHEREAS**, it has come to the attention of the Town that Chapter 441 lacks specificity regarding the process for determining whether the property qualifies as an offending property and that therefore the owner should be held liable; and

**WHEREAS**, it is the purpose and intent of this ordinance to establish clearly the criteria and process for determining whether a violation of Chapter 441 has occurred.

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

**Section 1.**

Chapter 441, *Police Service Costs,* Section 3, *Payment for Police Services*, is deleted and replaced as follows:

§441-3 *Payment for Police Services*

Every owner and/or property manager within the Town shall pay to the Chief Financial Officer of the Town of Phillipsburg, for deposit into the general fund, police service costs as defined in § [**441-2**](https://ecode360.com/print/11313101#11313101), Police service costs, for each response by the Phillipsburg Police Department to maintain order and public peace and/or to restrain unlawful conduct thereon and/or to stop public disturbances at such private property for each response by the Police Department in excess of three calls in any 12 month perriod, each of which results in a summons being issued by the Police Department; provided, however, that police services in connection with crimes against residents and/or property by persons not residing or by persons who are not invited guests or otherwise lawful occupants of the private property shall not be considered "responses" for purposes of this chapter.

Chapter 441, *Police Service Costs*, Section 4, *Notice to owner or property manager*, is deleted and replaced as follows:

§441-4 *Notice to owner or property manager, procedure for hearing*

 The Chief of Police or other duly authorized agent of the Town shall notify the owner and/or property manager that a response has been made to such property to maintain order or public peace or to stop a public disturbance. Such notice shall be given by regular mail to the last known address of such owner and/or property manager.

Upon the issuance of a fourth summons in any 12 month period, the Chief of Police or other duly authorized agent of the Town shall notify the Business Administrator that the conditions precedent for the payment of police service costs have been satisfied. The notification shall include a cost of the police service costs as calculated in accordance with Chapter for the preceding 12 month period.

 Upon receiving said notification, the Business Administrator shall notify the Council President and the Town Attorney that the conditions precedent for the payment of police service costs have been satisfied and the Town Attorney shall serve notice to the property owner or property manager that the Town intends to invoice the owner/property manager for police service costs. The notice shall be sent by certified mail or overnight delivery and shall advise the owner/property manager that the Town Council will provide the owner/property manager with an opportunity to be heard at a regularly scheduled Council meeting.

At the hearing before the Council, the owner/property manager shall be given an opportunity to be heard and present defenses as to why the Town should not invoice for police services. At the conclusion of the hearing, the Town Council shall, by way of motion clearly articulating its rationale and finding, vote to either invoice the owner/property manager or to forego same.

**Section 2:**

 All other sections and subsections shall remain unchanged.

**Section 3:**

 Severability The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**Section 4:**

 Repealer Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**Section 5:**

 Effective Date This Ordinance shall take effect upon final passage and publication as provided by law.

**ATTEST TOWN OF PHILLIPSBURG**

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VICTORIA L. KLEINER, RMC TODD M. TERSIGINI

Municipal Clerk Mayor

DATED:

**CERTIFICATION**

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their February 02, 2021 meeting.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ VICTORIA L. KLEINER,

 Municipal Clerk