

word docs\Randolph (RAND-1185)
loitering ordinance
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ORDINANCE NO. 02-11

AN ORDINANCE DELETING SECTIONS 28-4, 28-41, 28-42 AND 28-43 OF CHAPTER 28, MISCELLANEOUS OFFENSES, OF THE REVISED ORDINANCES OF THE TOWNSHIP OF RANDOLPH, MORRIS COUNTY, NEW JERSEY

WHEREAS, Section 28-4 of Chapter 28, Miscellaneous Offenses, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey prohibits the making of any improper noise, riot, disturbance or breach of peace in public places and the taking part in any drunken, riotous or other disorderly conduct that shall disturb the peace; and

WHEREAS, in State v. Paserchia, 356 N.J. Super. 461 (App. Div. 2003), the Superior Court of New Jersey, Appellate Division held that N.J.S.A. 2C:33-1 to -28 of the New Jersey Code of Criminal Justice preempt local laws prohibiting rioting, breaches of the peace and disorderly conduct rendering such local laws unenforceable; and

WHEREAS, Sections 28-41, 28-42, and 28-43 of Chapter 28, Miscellaneous Offenses, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey prohibit loitering in public places under certain circumstances; and

WHEREAS, in State v. Crawley, 90 N.J. 241 (1982), the New Jersey Supreme Court held that N.J.S.A. 2C:33-1 to -14 of the New Jersey Code of Criminal Justice preempt local loitering laws rendering such local laws unenforceable; and

WHEREAS, the Township of Randolph desires to delete Sections 28-4, 28-41, 28-42, and 28-43 of Chapter 28, Miscellaneous Offenses, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey in their entirety as those Sections are preempted and rendered unenforceable by N.J.S.A. 2C:33-1 to -28 of the New Jersey Code of Criminal Justice.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Randolph, County of Morris, State of New Jersey as follows:

SECTION ONE. Sections 28-4, 28-41, 28-42, and 28-43 of Chapter 28, Miscellaneous Offenses, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey, are hereby deleted in their entirety and replaced by the following:

RESERVED

SECTION TWO. All Ordinances of the Township of Randolph which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

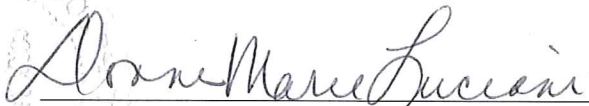
SECTION THREE. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

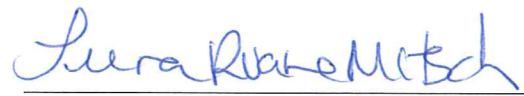
SECTION FOUR. This Ordinance shall take effect as provided by law.

ATTEST

TOWNSHIP OF RANDOLPH




Donna Marie Luciani, Township Clerk


Trina Ruane Mitsch, Mayor

LEGAL NOTICE
TOWNSHIP OF RANDOLPH COUNTY OF MORRIS

ORDINANCE NO. 02-11

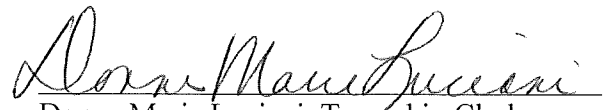
NOTICE IS HEREBY GIVEN that an Ordinance entitled "An Ordinance Deleting Sections 28-4, 28-41, 28-42, And 28-43 Of Chapter 28, Miscellaneous Offenses, Of The Revised Ordinances Of The Township Of Randolph, Morris County, New Jersey" was submitted in writing at a regular meeting of the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, held on January 18, 2011 and was introduced, read by title and passed on first reading. A Statement of Purpose of the Ordinance is contained below. The Governing Body of the Township

of Randolph will further consider the Ordinance for second reading and final passage thereof at their regular meeting to be held on February 3, 2011 at 8 p.m. prevailing time, at the Municipal Building, 502 Millbrook Avenue, Randolph, New Jersey 07869, at which time and place a public hearing will be heard thereon by the Governing Body and all parties in interest and citizens shall have an opportunity to be heard concerning said Ordinance.

Statement of Purpose of Ordinance

The purpose of the above Ordinance is to delete Sections 28-4, 28-41, 28-42, and 28-43 of Chapter 28, Miscellaneous Offenses, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey in their entirety as those Sections are preempted and rendered unenforceable by N.J.S.A. 2C:33-1 to -28 of the New Jersey Code of Criminal Justice.

A copy of the full Ordinance is available to any member of the general public, without cost, at the Township of Randolph, Municipal Building, Millbrook Avenue, Randolph, New Jersey, at the Office of the Township Clerk, between the hours of 9:00 a.m. and 4:30 p.m.


Donna Marie Luciani, Township Clerk
Township of Randolph
County of Morris, State of New Jersey