

TOWNSHIP OF FRANKLIN

ORDINANCE 3896-10

ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY, CHAPTER 265 – PEACE AND GOOD ORDER, TO REPEAL CERTAIN PROVISIONS THEREOF THE SUBJECT MATTER OF WHICH IS ALREADY ADDRESSED AND GOVERNED BY STATE STATUTORY LAW.

SUMMARY

An Ordinance Amending Chapter 265 of the Township Code, to provide for the repeal of certain provisions thereof, the subject matter of which is already addressed and governed by State Statutory Law.

WHEREAS, Chapter 265 of the Township Code governs Peace and Good Order generally; and,

WHEREAS, upon reviewing Chapter 265 of the Township Code, it is clear that the subject matter of certain provisions thereof is already governed by New Jersey State Statutory Law, and therefore, the corresponding provisions in Chapter 265 are either redundant, or preempted by State law; and,

WHEREAS, in reviewing Chapter 265, it has specifically been found that the following Sections thereof are already governed or preempted by State Statutory Law:

Section 265-1 (Assault and Molestation) is governed by N.J.S.A. 2C:12-1 et seq., pertaining to Criminal Assault;

Section 265-2 (Disorderly Houses and Houses of Ill Fame) is governed by N.J.S.A. 2C:1-4 and N.J.S.A. 2C:33-2 (Disorderly Persons), N.J.S.A. 2C:34-1, et seq. (Prostitution), N.J.S.A. 2A:40-1 et seq. and N.J.S.A. 2C:37-1 et seq. (Gambling Generally) and N.J.S.A. 2C:1-5 (pertaining to the preemption of municipal ordinances governing, among other things, vagrancy as covered by State law);

Section 265-3 (Gambling) is governed by N.J.S.A. 2A:40-1 et seq. and N.J.S.A. 2C:37-1 et seq. (Gambling Generally);

Section 265-5 (Interference with Police Officers; Disobedience; Refusal of Assistance) is governed by N.J.S.A. 2C:9-1 (pertaining to Interference with the administration of the law, among other things);

Section 265-6 (Damage to Property) is governed by N.J.S.A. 2C:17-3 (pertaining to Criminal Mischief and a host of property related offenses);

Section 265-7 (Trespassing) is governed by N.J.S.A. 2C:18-3 (Criminal Trespass);

Section 265-9 (Failure to Stop Vehicle) is governed by N.J.S.A. 2C:29-2 (pertaining to, among other things, failure to stop and eluding); and,

WHEREAS, as a result of the foregoing redundancy and/or preemption, the Township Council of the Township of Franklin is desirous of amending Chapter 265 to repeal Sections 1, 2, 3, 5, 6, 7 and 9 thereof.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey as follows:

SECTION I

Chapter 265 of the Township Code of the Township of Franklin, §§'s 1 (Assault and Molestation), 2 (Disorderly Houses and Houses of Ill Fame), 3 (Gambling), 5 (Interference with Police Officers; Disobedience; Refusal of Assistance), 6 (Damage to Property), 7 (Trespassing) and 9 (Failure to Stop Vehicle) be and hereby are **REPEALED** for the reasons set forth in the above Recitations to the Ordinance, all of which are incorporated hereby by reference as if set forth at length herein. The Township Clerk is hereby authorized and directed to do all things reasonable and necessary to amend the Township Code accordingly.

SECTION II

Each clause, section or subsection of this Ordinance shall be deemed a separate provision to the extent that if any such clause, section or subsection should be declared invalid, the remainder of the Ordinance shall not be affected.

SECTION III

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV

This Ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE NO. 3896-10

This is a true copy of an Ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced: August 10, 2010
Public Hearing: September 14, 2010
Adoption: September 14, 2010
Notice of Adoption: September 21, 2010
Effective Date: October 4, 2010

Ann Marie McCarthy, Township Clerk