

## ORDINANCE NO. 2014-1151

**AN ORDINANCE REPEALING BOROUGH OF MANVILLE ORDINANCE NO. 31 ENTITLED “AN ORDINANCE PROHIBITING CHILDREN UNDER THE AGE OF SIXTEEN (16) YEARS FROM REMAINING, LOITERING OR BEING FOUND UPON ANY OF THE STREETS, ALLEYS, PARKS OR PUBLIC PLACES IN THE BOROUGH OF MANVILLE AFTER 9:30 O’CLOCK AT NIGHT AND FURTHER REPEALING “AN ORDINANCE PROHIBITING CHILDREN UNDER THE AGE OF SIXTEEN YEARS FROM REMAINING, LOITERING, AND BEING FOUND UPON ANY OF THE STREETS, PARKS, PUBLIC PLACES OR QUASI-PUBLIC PLACES IN THE BOROUGH OF MANVILLE, SOMERSET COUNTY, STATE OF NEW JERSEY, AFTER 9:30 O’CLOCK AT NIGHT AND FURTHER REPEALING ORDINANCE #535 ENTITLED “AN ORDINANCE ESTABLISHING A CURFEW IN THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AND FURTHER PLACING RESTRICTIONS UPON LOITERING IN THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AND PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF”**

WHEREAS, the Mayor and Borough Council of the Borough of Manville have been advised that the ordinances adopted on October 27, 1931, August 10, 1953 and June 22, 1981, respectively, predated N.J.S.A. 40:48-2.52, which specifically authorizes municipalities to enact ordinances making it unlawful for juveniles under the age of eighteen (18) to be on public streets or public places between the hours of 10:00 pm and 6:00 am except in specific circumstances; and

WHEREAS, in 2001, the Appellate Division in the matter of “Betancourt v. Town of West New York, 338 N.J.Super. 415 (App Div 2001)” made a decision binding on the Borough that a similar ordinance adopted for West New York was unconstitutional; and

WHEREAS, to avoid the possibility that the Borough would be enforcing unconstitutional ordinances, the governing body has determined that it would be appropriate to repeal Ordinances No. 31 and No. 535 and the ordinance entitled “An Ordinance Prohibiting children Under the Age of Sixteen Years From Remaining, Loitering, and Being Found Upon Any of the Streets, Parks, Public Places or Quasi-Public Places in the Borough of Manville, Somerset County, State of New Jersey, after 9:30 O’clock at Night” in their entirety;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Borough Council of the Borough of Manville in the County of Somerset and State of New Jersey, as follows:

1. Borough of Manville Ordinance No. 31 is hereby repealed in its entirety.
2. Borough of Manville Ordinance No. 535 is hereby repealed in its entirety.
3. Borough of Manville Ordinance entitled “An Ordinance Prohibiting children Under the Age of Sixteen Years From Remaining, Loitering, and Being Found Upon Any of the Streets, Parks, Public Places or Quasi-Public Places in the Borough of Manville, Somerset County, State of New Jersey, after 9:30 O’clock at Night” is hereby repealed in its entirety.

### PURPOSE OF CAPTIONS

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

EFFECTIVE DATE

This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with the laws of the State of New Jersey.

Borough of Manville,

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone  
Borough Clerk

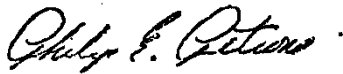
**ORDINANCE #2014-1151**

**FIRST READING:**

**ROLL CALL**

<b>Introduced</b>	<b>Seconded</b>	<b>Council</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
√		<b>ASHER</b>				
	√	<b>GREGOR</b>				
		<b>KOMOROSKI</b>				
		<b>ONDERKO</b>				
		<b>SKIRKANISH</b>				
		<b>SZABO</b>				
		<b>MAYOR CORRADINO</b>				

**PASSED** this 22<sup>nd</sup> day of September, 2014.



Attest:

Philip E. Petrone, Borough Clerk

**SECOND READING:**

<b>Introduced</b>	<b>Seconded</b>	<b>Council</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
		<b>ASHER</b>				
		<b>GREGOR</b>				
		<b>KOMOROSKI</b>				
		<b>ONDERKO</b>				
		<b>SKIRKANISH</b>				
		<b>SZABO</b>				
		<b>MAYOR CORRADINO</b>				

**[ADOPTED] [DEFEATED]** this \_\_\_\_\_ day of \_\_\_\_\_, 2014

Attest:

\_\_\_\_\_  
Philip E. Petrone, Clerk