

BOROUGH OF HASBROUCK HEIGHTS

ORDINANCE NO. 2336

AN ORDINANCE REPEALING AN ORDINANCE ENTITLED “AN ORDINANCE SUPPLEMENTING CHAPTER 198 OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS SO AS TO IMPOSE A CURFEW AS TO JUVENILES NOT HAVING ATTAINED THE AGE OF 17 YEARS BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M. PURSUANT TO CHAPTER 132 OF THE PUBLIC LAWS OF 1992” BEING ORDINANCE NUMBER 1632 ADOPTED ON JANUARY 26, 1993 AND FURTHER APPEARING AS ARTICLE III ENTITLED “JUVENILE CURFEW” IN CHAPTER 198 ENTITLED “PEACE AND GOOD ORDER” OF THE CODE OF THE BOROUGH OF HASBROUCK HEIGHTS

WHEREAS, pursuant to Legislation adopted only months before, this Body adopted the aforesaid Ordinance in full accordance with that Law, and

WHEREAS, since the adoption of that Law and the subsequent adoption of the said Ordinance, there has developed case law indicating that certain provisions of the said Law and Ordinance may be constitutionally flawed and the enforcement thereof may expose this Borough to harsh penalties under Civil Rights Laws, and

WHEREAS, the Chief of Police has advised that there are in force and effect other Ordinances under which the same goals may be sufficiently achieved without risk of breaching such civil rights,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hasbrouck in the County of Bergen and State of New Jersey that the aforesaid Ordinance and Article III entitled “Juvenile Curfew” of Chapter 198 entitled “Peace and Good Order” of the Code of the Borough of Hasbrouck Heights be and are hereby repealed.

All parts of Ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistent parts and this Ordinance shall take effect after publication and passage in the manner provided by law. If any section, subsection, paragraph, sentence, clause or word of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such invalidity shall not effect the validity of the remaining portions of this Ordinance it being intended that all such portions be severable in such event.

Approved this 12th day of May, 2015

Rose M. Heck, Mayor

Introduced:

Adopted:

Roll Call:

| COUNCIL | MOTION | SECOND | AYE | NAY | ABSTAIN | PRESENT | ABSENT |
|----------|--------|--------|-----|-----|---------|---------|--------|
| DiPisa | | | | | | | |
| Buckman | | | | | | | |
| Gonzalez | | | | | | | |
| Link | | | | | | | |
| Lipari | | | | | | | |
| Semeneez | | | | | | | |

The foregoing Ordinance No. 2336 was finally adopted by the Borough Council at a meeting held on May 12, 2015, and approved by the Mayor on the same date.

Rose Marie Sees, Borough Clerk