



New Jersey Libertarian Party

Preempted Ordinance Repeal Project

John Paff, Chairman

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May 25, 2011

Collins E. Ijoma, Trial Court Administrator

New Jersey Superior Court

50 W Market St, Room 514

Newark, NJ 07102

(via e-mail only to collins.ijoma@judiciary.state.nj.us)

Dear Mr. Ijoma:

I write, both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Preempted Ordinance Repeal Project to seek your assistance regarding a case where the Maplewood Municipal Court convicted a person of a "public intoxication" code provision that had been repealed approximately a year and a half prior to the violation being issued. The facts are set forth in my May 25, 2011 to the Maplewood Mayor and Township Committee, which is enclosed.

Here is my specific question: Maplewood's CMC6030 Report (Exhibit Page 1) shows the "offense number" as "110-1A." Yet, Maplewood's CMC0730C Report (i.e. its Local Offense List) (Exhibit Pages 2 through 8) does not show "110-1A" as a valid offense code. So, did Maplewood remove "110-1A" from its Local Offense List after Mr. White's April 26, 2010 conviction but prior to the August 11, 2010 run-date of the Local Offense List? If so, this makes sense. If not, I am at a loss to understand how the Municipal Court Administrator could have entered a violation for an offense that is not listed on the Local Offense List.

Thank you for your attention to this matter. I look forward to your response

Sincerely,

John Paff

cc. Carol A. Welsch, Esq. (via e-mail only to carol.welsch@judiciary.state.nj.us)
Ryan X. Bancroft, MCA (via e-mail only to ryanb@twp.maplewood.nj.us)
with all enclosures

PAGE: 5
RUN : MONTHLY

REPORT ID : CMC6030
RUN DATE : 05/01/2010
RUN TIME : 15:03

NJ AUTOMATED COMPLAINT SYSTEM
LAW ENFORCEMENT DISPOSITION REPORT
MAPLEWOOD TWP MUNICIPAL COURT
FROM 04/01/2010 TO 04/30/2010

OFFICER NAME:	DEBRAZIO	OFF. JAMES	ID:	0711 0362				
COMPLAINT NUMBER	OFFENSE DATE	OFFENSE NUMBER	DISPOSED DATE	FINDING	FINE	COST	MISC	DISPOSITION
W 2010 000052	02/15/2010	2C:12-1A(1)	04/16/2009	DISMISSED-OTHER	\$.00	\$.00	\$.00	\$.00
W 2010 000135	04/12/2010	2C:12-1A(1)	04/16/2009	GUILTY	\$106.00	\$28.00	\$5.00	PROB Y 1
W 2010 000136	04/12/2010	2C:12-1A	04/05/2010	DISMISSED-OTHER	\$.00	\$.00	\$.00	\$.00
			04/27/2010	DISMISSED-OTHER	\$.00	\$.00	\$.00	\$.00
			04/27/2010	DISMISSED-OTHER	\$.00	\$.00	\$.00	\$.00

OFFICER NAME:	BLACK	OFF. CHRIS	R	ID:	0711 0368			
COMPLAINT NUMBER	OFFENSE DATE	OFFENSE NUMBER	DISPOSED DATE	FINDING	FINE	COST	MISC	DISPOSITION
W 2010 000075	03/04/2010	2C:12-1A	04/19/2010	DISMISSED-OTHER	\$.00	\$.00	\$.00	\$.00

OFFICER NAME:	REYVES	OFF. SCOTT	T	ID:	0711 0371			
COMPLAINT NUMBER	OFFENSE DATE	OFFENSE NUMBER	DISPOSED DATE	FINDING	FINE	COST	MISC	DISPOSITION
SC 2010 012871	04/17/2010	11C-1A	04/26/2010	GUILTY	\$50.00	\$25.00	\$5.00	

OFFICER NAME:	CIRAULO, #374	OFF. JOSEF	J	ID:	0711 0374			
COMPLAINT NUMBER	OFFENSE DATE	OFFENSE NUMBER	DISPOSED DATE	FINDING	FINE	COST	MISC	DISPOSITION
S 2010 000091	03/20/2010	2C:20-3A	04/12/2010	DISM-PLEA AGREEM.	\$.00	\$.00	\$.00	
		2341-06	04/12/2010	GUILTY	\$300.00	\$25.00	\$5.00	CSER H 30
W 2009 000241	06/29/2009	2341-06	12/14/2009	GUILTY	\$100.00	\$25.00	\$5.00	
		2C:12-1A(3)	12/14/2009	DISMISSED-OTHER	\$.00	\$.00	\$.00	
		2C:12-1A(3)	12/14/2009	DISMISSED-OTHER	\$.00	\$.00	\$.00	

OFFICER NAME:	DEPARTMENT	POLICE	ID:	0711 9999				
COMPLAINT NUMBER	OFFENSE DATE	OFFENSE NUMBER	DISPOSED DATE	FINDING	FINE	COST	MISC	DISPOSITION
ES 2008 058473	05/26/2008	CO 10-111(A)	04/12/2010	DISM/LACK OF PROS	\$.00	\$.00	\$.00	
ES 2009 070521	05/10/2009	CO 10-111(A)	04/19/2010	GUILTY	\$32.00	\$15.00	\$78.00	
ES 2009 070606	09/16/2009	CO 10-111(A)	04/19/2010	DISMISSED-OTHER	\$.00	\$.00	\$.00	
S 2006 000154	04/20/2006	2C:20-4A	03/16/2007	GUILTY	\$.00	\$25.00	\$5.00	PROB Y 1
								CSER H 020
S 2007 000007	01/03/2007	2C:33-2.1B	04/30/2007	GUILTY	\$200.00	\$25.00	\$155.00	JAIL M 006
S 2007 000393	11/26/2007	2C:33-2A(2)	12/10/2007	DISMISSED-OTHER	\$.00	\$.00	\$.00	

REPORT ID: CMC0730C
 RUN DATE : 08/11/2010
 RUN TIME : 00:06

NJ AUTOMATED COMPLAINT SYSTEM
 LOCAL OFFENSE LIST
 MAPLEWOOD TWP MUNICIPAL COURT

PAGE: 1

COURT	OFFENSE	DESCRIPTION	FINE	COST	VCCB	MISC	PAY	DRUG	DGRSE	INACT
0711	BH5-1.1	HEAT REQUIRED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	BH:3-1	NUISANCES DEFINED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	BH:5-1	HEATING	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2A:58-1	FAILURE TO PAY ASSESSED PENALTY	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	3-3.1	NOISE PROHIBITED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	3-3.1B	YELLING / SHOUTING	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	3-3.1C	ANIMALS / BIRDS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	3-3.1D	HORNS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	3-3.1E	EXHAUST	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	3-3.1F	DEFECT IN VEHICLE OR LOAD	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	3-3.1G	CONSTRUCTION OR REPAIR	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	3-3.1H	SCHOOLS, COURTS, CHURCHES, HOSPITALS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	3-4.1	REMOVAL REQUIRED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	3-10.3	VIOLATION OF PARK CURFEW	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	3-11.2	COLLECTION OF GARBAGE - 7:00AM NOT BEFORE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	3-13.2	DRINKING PROHIBITED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	4-8.1	DEFINITIONS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	4-8.2	LICENSE REQUIRED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	4-8.6	HOURS OF SALE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	4-8.7	SIGNS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	5-8.1	WEARING OF REGISTRATION	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	5-8.4	DISTURBING THE PEACE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	5-8.5	RUNNING AT LARGE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A

REPORT ID: CMC0730C
 RUN DATE : 08/11/2010
 RUN TIME : 00:06

NJ AUTOMATED COMPLAINT SYSTEM
 LOCAL OFFENSE LIST
 MAPLEWOOD TWP MUNICIPAL COURT

PAGE: 2

COURT	OFFENSE	DESCRIPTION	FINE	COST	VCCB	MISC	PAY DRUG	DGREE	INACT
0711	5-8-6	LEASHING OF DOGS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	5-8-8	DOG SHALL NOT DEFECAE UNLESS FECES SCOOPED UP	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	5:23	WORKING WITHOUT PERMITS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	9-1-1(4)	SMOKING OF MEATS ONLY BETWEEN 7:30 AND NOON	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	9-4.1A	REPAIR OF SIDEWALKS & CURBS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	10-105(A)2	ESSEX CO PK: RESTROOMS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	11.4	HOUSING CODE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	13-12.H	PROHIBITS DOG POOP IN COMMON AREAS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	46-8-27	FAIL TO REGISTER W/TOWN CLERK	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	75-18.4	FALSE ALARM - FOURTH VIOLATION	\$15.00	\$10.00	\$0.00	\$0.00	Y	N	A
0711	75-18.5	FALSE ALARM - FIFTH VIOLATION	\$15.00	\$10.00	\$0.00	\$0.00	Y	N	A
0711	75-18.6	FALSE ALARM - SIXTH VIOLATION	\$35.00	\$15.00	\$0.00	\$0.00	Y	N	A
0711	75-18.7	FALSE ALARM - SEVENTH VIOLATION	\$50.00	\$25.00	\$0.00	\$0.00	Y	N	A
0711	75-18.8	FALSE ALARM - EIGHTH OR MORE VIOLATION	\$75.00	\$25.00	\$0.00	\$0.00	Y	N	A
0711	75-184.4	FALSE ALARM - FOURTH VIOLATION	\$15.00	\$10.00	\$0.00	\$0.00	Y	N	A
0711	79-1	PERMIT REQUIRED: CONSUMPTION OF ALC BEV IN PUBLIC PLAC	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	79-2	POSS/CONSUME ALCOHOLIC BEV PROH IN PUB PARK/REC AREA	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	99-4	FAILURE TO COMPLY W/ ZONE APPROVAL	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	113-4	CAT LICENSE REQUIRED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	113-6	DOG LICENSE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A

REPORT ID: CNC0730C
 RUN DATE : 08/11/2010
 RUN TIME : 00:06

NJ AUTOMATED COMPLAINT SYSTEM
 LOCAL OFFENSE LIST
 MAPLEWOOD TWP MUNICIPAL COURT

PAGE: 3

COURT	OFFENSE	DESCRIPTION	FINE	COST	VCCB	MISC	PAY DRUG	DGREE	INACT
0711	113-12.B	RUNNING AT LARGE (DOG	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	113-12.F	LEASHING OF DOGS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	113-12.G	PROHIBITS PROPERTY DAMAGE BY DOGS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	113-12.H	DOG POOP IN COMMON AREAS PROHIBITED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	113-12D	EXCESSIVE BARKING	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	113-12F	LEASHING OF DOGS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	113-15	VICIOUS ANIMALS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	133-7	GARAGE SALE SIGNS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	141-1	GRAFFITI	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	158-2.A	REMOVAL OF LEAD PAINT ON EXTERIOR SURFACES OF HOUS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	165-1	LOITERING	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	165-2	LOITERING	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	181-1	NOISE RESTRICTION	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	181-2	LOUD DISTURBING AND UNNECESSAR Y NOISE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	181-2A(3)	NOISE - ANIMALS (DOG BARKING)	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	181-2A(4)	HORNS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	193-1(I)	UNLAWFUL TO USE OFFENSIV E LANGUAGE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	193-1B	LITTERING	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	193-4	LOITERING AND UNNECESSARY NOISE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	197-2	LICENSE REQUIRED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	197-6.A	PEDELLING IN A FIXED LOCATION	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A

REPORT ID: CMC0730C
 RUN DATE : 08/11/2010
 RUN TIME : 00:06

NJ AUTOMATED COMPLAINT SYSTEM
 LOCAL OFFENSE LIST
 MAPLEWOOD TWP MUNICIPAL COURT

PAGE: 4

COURT	OFFENSE	DESCRIPTION	FINE	COST	VCCB	MISC	PAY DRUG	DGRBE	INACT
0711	197-6.B	MISREPRESENT QUALITY OF MERCHANDISE-FOR SALE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	197-6.C	PROSECUTE BUSINESS ON SUNDAY	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	197-6B	ATTEMPT TO INDUCE SALE UNDER FALSE PRETENSE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	197-11	PERMIT REQUIRED FOR SOLICITING	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	203-2C(10)	PROPERTY MAINTENANCE - NATURAL GROWTH	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	204-1	FAILURE TO OBTAIN CERTIFICATE OF CONTINUED OCCUPANCY	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	219-1	UNLAWFUL ACTS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	227-4D	ATTACHED DEVICE ON TOWNSHIP TREE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	233-2	HELMETS REQUIRED FOR SKATEBOARDING/ROLLER SEAT	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	233-3	RESTRICTED AREAS: SKATEBOARDS/ROLLER SKATES	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	235.4	ANY KIND OF DUMPING ON PROPERTY WITHIN TOWNSHIP	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	235.17A	OWNERSHIP OF RECYCLABLES, UNAUTHORIZED COLLECTION	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	235.17B	OWNERSHIP OF RECYCLABLES, COLLECT OR PICKUP	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	235-4A	LITTERING ON PROPERTY	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	235-24	PROVISION FOR SOLID WASTE COLLECTION	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	235-25	PROOF OF GARBAGE COLLECTION	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	239-1	SNOW AND ICE REMOVAL FROM SIDEWALKS REQUIRED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	239-19	PERMIT REQUIRED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A

REPORT ID: CMCO730C
 RUN DATE : 08/11/2010
 RUN TIME : 00:06

NJ AUTOMATED COMPLAINT SYSTEM
 LOCAL OFFENSE LIST
 MAPLEWOOD TWP MUNICIPAL COURT

PAGE: 5

COURT	OFFENSE	DESCRIPTION	FINE	COST	VCCB	MISC	PAY DRUG	DGRES	INACT
0711	239-20	PROTECTION FROM OBSTRUCTION (RAILING/SUFFICIENT LIGHT	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	257-28.1	COMMERCIAL VEHICLE PARKING PROHIBITED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	267-56	IMPROPER PLACEMENT OF OPEN HOUSE SIGNS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	271-17	SMOKING OF MEATS 7:30AM TO 12 NOON ONLY	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	271-50	ZONING	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	271-50L	VEHICLE ON LAWN	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	271-55	SIGHT TRIANGLES	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	271-61	SWIMMING POOLS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	271-70	ZONE REQUIREMENTS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	271-70.B	ZONING: RESIDENTIAL SINGLE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	271-71	SMOKING OF MEATS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	303-3	PROPERTY UNSAFE OR IN DISREPAIR	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	303-8	UNREGISTERED OR UNINSPECTED MOTOR VEHICLE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	304-1	PEELING PAINT	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	304-1	EXTERIOR STRUCTURE MAINTENANCE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	306-1	EXTERIOR AND INTERIOR OF PREMISE SHALL BE RUBBISH	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	313-1	HEATING	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	313-2	SANITATION - EXTERIOR GROUNDS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	313-2B	UNSANITARY CONDITION: PILING DEBRIS BEHIND BLDG	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A
0711	319-1	ANIMAL NUISANCES	\$0.00	\$0.00	\$0.00	\$0.00	N	N	A

REPORT ID: CMCU730C
 RUN DATE : 08/11/2010
 RUN TIME : 00:06

NJ AUTOMATED COMPLAINT SYSTEM
 LOCAL OFFENSE LIST
 MAPLEWOOD TWP MUNICIPAL COURT

PAGE: 6

COURT	OFFENSE	DESCRIPTION	FINE	COST	VCCB	MISC	PAY	DRUG	DEGREE	IMPACT
0711	319-1(5)	UNLAWFUL TO BURY DEPOSIT/MAINTAIN GARBAGE & EXCREMENT	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	319-1A(6)	GARBAGE IN CONTAINER W/O LIDS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	319-1A(9)	NUISANCES DECLARED - PLOMBING	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	319-1B	FEEDING UNLICENSED CATS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	319-2	NUISANCES PROHIBITED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	323-2	LICENSE REQUIRED: DAY CARE CENTERS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	611.1	FENCES & WALLS - 4/21/97	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	611.4	ILLEGAL INSTALL	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	618.12F	REG VEH INSPECT STICKER UNLESS ANTIQUE/EFF 9/19/8	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	618-12B	PARKING CARS ON FRONT LAWN	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	618-12D	STORAGE/BOATS,TRAILERS,ETC-GARAGED/OFF PROPERTY	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	618-12E	PARKING COMM VEH. RESIDENTIAL ZONES PROHIBITED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	624.7E	GRAPHICS PROHIBITED/BILLBOARDS ,NOTION,FLASHG SIGNS	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	624.7F	REALTOR SIGNS - 7 DAYS AFTER CONTRACT OF SALE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	629.8	SWIMMING POOLS - 3 YEAR LICENSE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	703-11.2	PICKING UP GARBAGE BEFORE 6:30AM	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	707.1A	ZONING AND DEVELOPMENT REGULATION ORDINANCE	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	1867-91	NOISE ORD.	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	1891-92	PROOF OF SOLID WASTE COLLECTION	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A

REPORT ID: CMC0730C
 RUN DATE : 08/11/2010
 RUN TIME : 00:06

NJ AUTOMATED COMPLAINT SYSTEM
 LOCAL OFFENSE LIST
 MAPLEWOOD TWP MUNICIPAL COURT

PAGE: 7

COURT	OFFENSE	DESCRIPTION	FINE	COST	VCCB	MISC	PAY	DRUG	DGREE	INACT
0711	1984-95	SKATEBOARDING ON SIDEWALK - PROHIBITED AREA	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	1984-95.2	NO HEMLT WHILE SKATEBOARDING	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	1984-95.3	SKATEBOARDING WHERE PROHIBITED	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	1985-89	GARAGE SALE SIGNS POSTED ON TOWNSHIP PROPERTY	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	1988-96	PROHIBITING THE CONSUMPTION OF ALCOHOL IN PUBLIC PLAC	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2032-97	ALARM ACITVATION	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2039-97	FAIL TO OBTAIN CERTIFICANTE OF OCCUPANCY	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2100-99	IN PARK AFTER CLOSING	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2100-99A	PARK HOURS - BORDEN PARK	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2100-99B	PARK HOURS - DSHART PARK	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2100-99C	PARK HOURS - MAPLECREST PARK	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2100-99D	PARK HOURS - MEMORIAL PARK	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2100-99E	PARK HOURS - ORCHARD PARK	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2100-99F	PARK HOURS - WALTER PARK	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2140-00	FAIL TO REG MULTIPLE DWELL W/RENT LEV BOARD	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2201-02	RENTAL REGISTRATION	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2321-05	LITTERING	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A
0711	2341-06	DISORDERLY CONDUCT	\$0.00	\$0.00	\$0.00	\$0.00	N	N	N	A



New Jersey Libertarian Party

Preempted Ordinance Repeal Project

John Paff, Chairman

P.O. Box 5424

Somerset, NJ 08875-5424

Phone: 732-873-1251- Fax: 908-325-0129

Email: lpsmc@pobox.com

May 25, 2011

Hon. Victor DeLuca, Mayor and members of the
Maplewood Township Committee
574 Valley St
Maplewood, NJ 07040

(via e-mail only to twpclerk@twp.maplewood.nj.us)

RE: State v. White
Complaint No. SC-2010-012871

Dear Mayor DeLuca and Committee members:

I write both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Preempted Ordinance Repeal Project.

On May 9, 1977, New Jersey's Alcoholism Treatment and Rehabilitation Act, N.J.S.A. 26:2B-1, et seq. ("ATRA") became effective. The ATRA provided, in pertinent part, that "no county, municipality, or other jurisdiction within [New Jersey] shall adopt an ordinance . . . creating an offense of public intoxication or any equivalent offense," and that "any existing ordinance . . . creating such an offense is . . . repealed." N.J.S.A. 26:2B-29.

On November 5, 2008, more than 30 years after ATRA became effective, the Maplewood Township Committee repealed¹ Chapter 110-1A of its municipal code, which read:

It shall be unlawful for any person to be under the influence of intoxicating liquor or drugs or in an intoxicated condition upon the streets, sidewalks or public places or on other property not his own.

Despite the ATRA and the code repeal, Police Officer Scott T. Reeves issues the captioned complaint on April 17, 2010, which charged Quwan J. White of 71 Prospect St, Irvington, with "public intoxication." A copy of the front and back of the complaint is attached as Exhibit page 3. As you can see, Officer Reeves cited Code Chapter 110-1A on the face of the complaint even though that chapter had been repealed a year and a half earlier.

¹ The newspaper advertisements referencing the repeal are attached as Exhibit Pages 1 and 2.

You will also note that on April 26, 2010, the Maplewood Municipal Court convicted White of the offense after receiving his guilty plea and assessed \$80 in fines and costs.

It appears to us that Mr. White was convicted of a code provision that was not in effect when the alleged "offense" was committed. If further appears to us that even if the code provision was in effect, it would have been invalid as having been preempted by a New Jersey statute that was passed more than 30 years prior.

We are, frankly, bewildered as to how this could have occurred. Do you agree that it would be appropriate for the police department and municipal court to immediately discuss this issue and establish some safeguards to prevent its recurrence?

Thank you for your attention to this matter. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to be "John Paff", written in a cursive style with a large loop at the end.

John Paff

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Public Notice

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Printed In: News-Record

Printed On: 2008/10/23

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Public Notice:

MAPLEWOOD TOWNSHIP OF MAPLEWOOD ORDINANCE # 2567-08 AN ORDINANCE
TO AMEND
CHAPTER 110
OF THE CODE
OF THE TOWNSHIP OF
MAPLEWOOD "Interpretive Statement"

This ordinance will remove Sub-section A with regard to public intoxication. WHEREAS, N.J.S.A. 26:2B-16 addresses the issue of persons intoxicated in public places; and WHEREAS, the aforementioned State Statute adequately addresses the issue of public intoxication;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that: Chapter 110 of the Code of the Township of Maplewood entitled "Disorderly Conduct" be amended as follows: FIRST: Section 110-1 Prohibitions Subsection A.

It shall be unlawful for any person to be under the influence of intoxicating liquors or drugs or in an intoxicated condition upon the streets, sidewalks or public places or on other property not his own.

Be and is hereby deleted. SECOND:

All other Sections of Chapter 110 shall remain unchanged.

THIRD:

Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

FOURTH:

Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

Effective Date

This Ordinance shall take effect after final passage and publication and as provided by law. PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on October 21, 2008, and that Committee will meet again on November 5, 2008, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee will proceed to consider the said Ordinance on second reading and final passage. ELIZABETH J. FRITZEN,
R.M.C., C.M.C.
Township Clerk

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County: Essex

Printed In: News-Record

Printed On: 2008/11/13

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Public Notice

Public Notice:

MAPLEWOOD TOWNSHIP OF MAPLEWOOD PASSED ORDINANCE # 2567-08 AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF THE TOWNSHIP OF MAPLEWOOD "Interpretive Statement"

(This ordinance will remove Sub-section A with regard to public intoxication.)

The ordinance of which the foregoing is the title, passed on final reading at a regular meeting of the Township Committee of the Township of Maplewood, in the County of Essex, New Jersey held November 5, 2008. KENNETH A. PETTIS
CHAIRPERSON ELIZABETH J. FRITZEN,
R.M.C., C.M.C., C.M.R.
Township Clerk e225986 mnr Nov. 13, 2008 (\$16.20)

Public Notice ID: 8506760.HTM

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The State of New Jersey

Defendant's Name: First Quinn Initial J. Last White
 Address 71 Prospect St. City Irvington
 State NJ Zip Code 07111 Telephone _____
 Birth Date: 04 22 85 M BRN Eyes BRN Height _____ Restrictions _____
 Driver's License # W3S126377104852 State NJ Exp. Date 3/31/10

STATE OF NEW JERSEY COUNTY OF ESSEX JSS:

Complaining Witness: P.O. Reeves
of Maplewood Police Dept #371
Residing at 1618 Springfield Ave

by certification or on oath, says that to the best of his/her knowledge or information and belief, the named defendant on or about the 04 17 2010 0200 in MAPLEWOOD 0711 County of ESSEX N.J.

did commit the following offense: Public Intoxication

in violation of (one charge only) 110-1A (Statute, Regulation or Ordinance Number)

LOCATION OF OFFENSE 126 Bayden Ave.

OATH: Subscribed and sworn to before me this _____ day of _____, yr _____

CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

(Signature of Complaining Witness) _____ (Date) 4/17/10
 (Signature of Person Administering Oath) _____ (Signature of Complaining Witness) _____

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:

COURT USE ONLY	LAW ENFORCEMENT USE ONLY
Probable cause is found for the issuance of this Complaint-Summons. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (Signature of Judicial Officer) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (Signature of Judge)	<input checked="" type="checkbox"/> The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

YOU ARE HEREBY SUMMONED TO APPEAR
BEFORE THIS COURT TO ANSWER THIS COMPLAINT IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

NOTICE TO APPEAR
COURT APPEARANCE REQUIRED COURT DATE 04 26 10 5:15 AM PM

DATE OF RECEIPT: _____
FROM: _____
REASON: Plea G
FROM: _____ TO: _____
REASON: G
DEPOSITION DATE: _____

BY: COURT VIOLATIONS BUREAU
PLEA: _____ FINDING: _____

BAIL AMOUNT \$ _____ CASH BOND

POSTED WITH: _____ (NAME & TITLE)

BAIL FORFEITURE AMOUNT \$ _____ DATE _____
 FINE \$ 20 JAIL _____ DAYS _____
 COSTS \$ 20 DR. LIC. REVOKED _____ DAYS
 \$ _____ REVOCATION DATE: _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
4/20/10 J-Vc

_____	YES	NO
1. _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	<input type="checkbox"/>	<input type="checkbox"/>