

**BOROUGH OF BERNARDSVILLE  
ORDINANCE #2024-1997**

**AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 3 OF THE  
BOROUGH CODE ENTITLED “POLICE REGULATIONS BY ADDING A NEW  
SECTION 3-27 ENTITLED “RESIDENT PROTECTION”**

**WHEREAS**, pursuant to N.J.S.A. 40:48-1 et seq., the Council of the Borough of Bernardsville is authorized to establish ordinances to preserve the public peace and order; and

**WHEREAS**, the Borough of Bernardsville has seen a disturbing surge in motor vehicle thefts, burglaries, and home invasions; and

**WHEREAS**, the Borough Council seeks to adopt the within ordinance to help protect Borough residents from property, personal, and violent crimes.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Bernardsville, as follows:

**SECTION 1.** Chapter 3 of the Borough Code entitled, “Police Regulations” is hereby supplemented and amended by adding a new section 3-27 entitled “Resident Protection,” which reads as follows:

**“§3-27 Resident Protection**

**§3-27.1 Purpose and Scope**

The purpose of this ordinance is to protect the health, safety, and welfare of the residents of the Borough of Bernardsville by establishing certain provisions that are intended to protect the security of the residents in the Borough from criminal and intentional activities related to property, personal, and violent crimes.

**§3-27.2 Motor Vehicle Protection**

- (a) It shall be illegal and a violation of this ordinance for a person to knowingly enter or remain on any private driveway, private parking lot or other location on private property in the presence of a stationary motor vehicle, knowing that they are not licensed or privileged to enter or remain, and commit any of the following acts:
- (1) pull a door handle or take any action in an attempt to open or unlock a motor vehicle that the person does not own or have license or privilege to possess; or
  - (2) possess an electronic device that is capable of determining if an electronic key is located inside a motor vehicle.
- (b) It shall be illegal and a violation of this ordinance for a person knowingly to be present inside a motor vehicle if another occupant of the motor vehicle committed a violation of subsection (a) prior to their entry into the motor vehicle.

### **§3-27.3 Residence Protection**

- (a) It shall be illegal and a violation of this ordinance for a person to knowingly enter or remain on any private property they are not licensed or privileged to enter or remain, and commit any of the following acts:
  - (1) pull a door handle, turn a doorknob, or take any action in an attempt to open, unlock, or gain entry into a house, apartment, garage, or other structure that the person does not own or have license or privilege to enter or remain; or
  - (2) enter any house, apartment, garage, or other structure that the person does not own or have license or privilege to enter or remain.
- (b) It shall be illegal and a violation of this ordinance for a person to be knowingly present inside any house, apartment, garage, or other structure if another occupant committed a violation of subsection (a) prior to their entry into the house, apartment, garage, or other structure.
- (c) It shall be illegal and a violation of this ordinance for a person to be knowingly present inside a motor vehicle if another occupant of the motor vehicle committed a violation of subsection (a) prior to their entry into the motor vehicle.

### **§3-27.4 Penalties**

- (a) A violation of the provisions of this section shall, upon conviction thereof, be punishable by a fine of not more than two-thousand dollars (\$2,000.00) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, or by a period of community service not to exceed ninety (90) days at the discretion of the judge. Notwithstanding the foregoing, the minimum penalty shall be a fine of one-thousand dollars (\$1,000.00) for the first offense and two-thousand dollars (\$2,000.00) for each subsequent offense.
- (b) Each act that constitutes a violation of this ordinance shall be considered a separate and distinct act that constitutes its own violation.”

**SECTION 2. SEVERABILITY.** If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

**SECTION 3. INCONSISTENCY.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect upon final passage and publication according to law.

Attest:

COUNCIL OF THE BOROUGH OF  
BERNARDSVILLE IN THE COUNTY  
OF SOMERSET

Anthony Suriano  
Anthony Suriano, Borough Clerk

Mary Jane Canose  
Mary Jane Canose, Mayor

Introduced: 3/25/24  
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