

**BOROUGH OF DUNELLEN
ORDINANCE 2024-07**

The following ordinance was Introduced for first reading on April 1, 2024. A second reading, public hearing and adoption is being held at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey, on April 15, 2024, and copies of this Ordinance have been posted on the public bulletin board prior to the date for second reading and final passage and copies of this Ordinance have been available at the Office of the Borough Clerk for any interested members of the public.

AN ORDINANCE AMENDING CHAPTER 208, PEACE AND GOOD ORDER, OF THE CODE OF THE BOROUGH OF DUNELLEN, TO ADD A NEW SECTION 208-4 ENTITLED “RESIDENT PROTECTION”

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

WHEREAS, many towns in Middlesex County have seen a surge in motor vehicle thefts, burglaries, and home invasions; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN, as follows:

SECTION 1. That Chapter of the Borough Code shall be amended and supplemented to add a new section 208-4 as follows:

§208-4 Resident Protection

§208-4.1 Purpose and Scope

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

§208-4.2 Motor Vehicle Protection

(a) It shall be illegal and a violation of this ordinance for a person to 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 he or she is 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 to be present inside a motor vehicle if another occupant of the motor vehicle committed a violation of subsection (a) prior to his or her entry into the motor vehicle.

§208-4.3 Residence Protection

(a) It shall be illegal and a violation of this ordinance for a person to enter or remain on any private property he or she is 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 present inside any house, apartment, garage, or other structure if another occupant committed a violation of subsection (a) prior to his or her 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 present inside a motor vehicle if another occupant of the motor vehicle committed a violation of subsection (a) prior to his or her entry into the motor vehicle.

§208-4.4 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.

Approved April 15, 2024

