

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2024-06**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF
MONMOUTH SUPPLEMENTING CHAPTER 3, POLICE REGULATIONS, BY ADDING SECTION 21
ENTITLED "RESIDENT PROTECTION"**

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

WHEREAS, the Borough and much of New Jersey, has seen a surge in motor vehicle thefts, burglaries, and home invasions; and

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

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

SECTION 1. That Chapter 3 of the Borough Code, Police Regulations, shall be amended and supplemented to add a new section 21 as follows:

3-21 Resident Protection

3-21.1 Purpose and Scope

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

3-21.2 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.

3-21.3 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.

3-21.4 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) and/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. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.


SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Fair Haven are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

Introduced: 5/13/2024

Adopted: 5/28/2024

Attest:


Allyson M. Cinquegrana, RMC
Borough Clerk

Approve:


Joshua Halpern
Mayor