

Repealed June 11, 2008

BOROUGH OF RAMSEY
NOTICE OF INTRODUCTION
ORDINANCE NO. 6-2008

Notice is hereby given that the following Ordinance was introduced at the meeting of the Mayor and Council of the Borough of Ramsey, held on the 28th day of May, 2008 and at that time passed its first reading by title and that said Ordinance will be further considered by the Mayor and Council for final passage thereof at a meeting to be held on the 11th day of June, 2008 at 8:45 p.m., prevailing time or as soon therefore as the matter can be reached, at the Municipal Building in said Borough.

BOROUGH OF RAMSEY
ORDINANCE NO. 06-2008

AN ORDINANCE AMENDING CHAPTER III OF THE CODE OF THE
BOROUGH OF RAMSEY, BERGEN COUNTY, NEW JERSEY AND MORE
SPECIFICALLY SECTION 3-7 THEREOF ENTITLED LOITERING

BE IT ORDAINED by the Governing Body of the Borough of Ramsey, Bergen County, New Jersey that Chapter III of the Code of the Borough of Ramsey and more specifically Section 3-7 thereof entitled "Loitering" be and hereby is amended as follows:

Section I 3.7 LOITERING
This section is repealed.

Section II Repealer.
All Ordinances or parts of Ordinance inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section III Severability.
If the provisions of any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, said decision shall not affect the remaining provisions of this Ordinance. The Governing Body of the Borough of Ramsey declares that it would have passed the Ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid

Section IV Effective Date.
This Ordinance shall take effect immediately upon passage and publication as required by law.

Introduced: May 28, 2008

Meredith Bendian, Clerk
Christopher C. Botta, Mayor
June 1, 2008-fee:\$66.33 (67) 2343281



New Jersey Libertarian Party

Preempted Ordinance Repeal Project

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May 19, 2008

Hon. Christopher C. Botta, Mayor and Members of Council
Borough of Ramsey
33 N Central Ave
Ramsey, NJ 07446 *(via email to mbendian@ramseynj.com)*

Dear Mayor Botta and Council members:

I write, both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Preempted Ordinance Repeal Project, seeking review and repeal of § 3-7 of the Borough Code. That section states:

3.7 LOITERING.

Any person who wanders abroad in public or private places after dark and cannot give a good account of himself shall be guilty of a violation of this provision of the Code. (Ord. No. 436)

Loitering prohibitions were invalidated in New Jersey by State v. Crawley, 90 N.J. 241 (1982). If you check our Internet site at <http://www.lpcnj.org/OGTF/Loiter.html> you will see that several municipalities that we have contacted have repealed their loitering ordinances. Since these municipalities have found their loitering ordinances to be invalid, it would seem prudent for the Ramsey to at least ask its attorney, Mr. Scandariato, to review § 3-7 and report on its validity.

Would you please ask your attorney to review the loitering ordinance and render an opinion on its validity? I look forward to hearing from you.

Sincerely,

John Paff

cc. Peter Scandariato, Esq., *via email only to eastlaw@earthlink.net*