

EXPLANATION: This ordinance amends and supplements Chapter 4, Police Regulations, of Municipal Code of the Borough of Peapack and Gladstone to add a new section 4-9 entitled “Resident Safety and Protection” to prohibit knowingly trespassing for the purpose of committing a crime, including tampering with or committing the theft or unlawful taking of a motor vehicle, breaking and entering, burglary, and home invasion. The Borough Council, in adopting and enacting this ordinance, explicitly recognizes the broad authority of municipalities to legislate in the areas of public health, safety and welfare in the interest of local inhabitants. See N.J. Const. art. IV, § 7, ¶ 11; N.J.S.A. 40:48-1 and 48-2.

**BOROUGH OF PEAPACK AND GLADSTONE
SOMERSET, NJ**

ORDINANCE NO. 1139-2024

AN ORDINANCE AMENDING CHAPTER 4, POLICE REGULATIONS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK AND GLADSTONE, TO ADD A NEW SECTION 4-9 ENTITLED “RESIDENT SAFETY AND PROTECTION”

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

WHEREAS, the Borough of Peapack and Gladstone and the communities of the Somerset Hills have seen a disturbing surge in motor vehicle thefts, burglaries, and home invasions; and

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

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Peapack and Gladstone, as follows:

SECTION 1. That Chapter 4 of the Municipal Code, Police Regulations, shall be amended and supplemented to add a new section 4-9 as follows: (new text is in double underline; deletions are ~~stricken~~):

§4-9 Resident Safety and Protection

§4-9.1 Purpose and Scope

The purpose of this ordinance is to protect the health, safety, security, and welfare of the residents of the Borough of Peapack & Gladstone by establishing certain provisions that are intended to deter trespassing and other criminal and intentional activities related to the invasion of homes, the theft of personal property including motor vehicles, and other violent crimes.

§4-9.2 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 on said property, 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 use; 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 knowingly be present inside of a motor vehicle if another occupant of the motor vehicle committed a violation of subsection (a) prior to their entry into the motor vehicle.

§4-9.3 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 that they are not licensed or privileged to enter or remain on, 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 in; 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 in.
- (b) It shall be illegal and a violation of this ordinance for a person to knowingly be present inside of 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 knowingly be present inside of a motor vehicle if another occupant of the motor vehicle committed a violation of subsection (a) prior to their entry into the motor vehicle.

§4-9.4 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.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon final passage and publication according to law.

Introduced: April 16, 2024

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Jamie Murphy	X			
		Eric L. Quartello				X
X		Sergio Silva	X			
	X	Julie Sueta	X			
		John Sweeney	X			
		Jill Weible	X			

Adopted:

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Jamie Murphy				
		Eric L. Quartello				
		Sergio Silva				
		Julie Sueta				
		John Sweeney				
		Jill Weible				

ATTEST:

NANCY BRETZGER
CLERK

MARK CORIGLIANO
MAYOR