

BOROUGH OF ROCKY HILL

ORDINANCE NO. 2, 2009

AN ORDINANCE REPEALING SECTION 133-1E OF THE CODE OF THE BOROUGH OF ROCKY HILL, SOMERSET COUNTY, NEW JERSEY.

WHEREAS, Chapter 133 of the Code of the Borough of Rocky Hill, titled "Peace and Good Order", was adopted on March 29, 1915; and

WHEREAS, Section 133-1, titled "Prohibited acts", Paragraph E, prohibits being intoxicated in any street, alley or other public place in the Borough of Rocky Hill; and

WHEREAS, the Alcoholism and Promotion of Temperance Act, N.J.S.A. 26:2B-7, effective May 9, 1976, provides that it the policy of the State of New Jersey that alcoholics and intoxicated persons may not be subjected to criminal prosecution because of their consumption of alcoholic beverages, but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society; and

WHEREAS, N.J.S.A. 26:2B-26, effective May 9, 1977, pre-empts local ordinances regarding public intoxication; and

WHEREAS, N.J.S.A. 26:2B-29, effective May 9, 1977, repeals and prohibits any existing ordinance, resolution or other legislation creating an offense of public intoxication; and

WHEREAS, N.J.S.A. 26:2B-29 repealed Section 133-1E of the Code of the Borough of Rocky Hill; and

WHEREAS, it is the purpose of this Ordinance to repeal Section 133-1E, which prohibits being intoxicated in any street, alley or other public place in the Borough of Rocky Hill, thereby removing Section 133-1E from the Code of the Borough of Rocky Hill.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Rocky Hill, Somerset County, New Jersey, as follows:

Section 1. Section 133-1E of the Code of the Borough of Rocky Hill is hereby repealed and deleted.

Section 2. The remaining subparagraphs of Section 133-1 are relettered.

Section 3. Severability. Should any provision of this Ordinance be determined invalid by a court or administrative tribunal of competent jurisdiction, such determination shall not affect the remaining provisions.

Section 4. Effective Date. This Ordinance shall take effect in accordance with law.

ATTEST:

BOROUGH OF ROCKY HILL

Donna M. Griffiths, RMC
Borough Clerk

By: _____
Edward P. Zimmerman, Mayor

Introduction: 3/16/09
Scheduled Public Hearing: April 6, 2009
Final Adoption: