

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2336-06

**AN ORDINANCE
TO CREATE
PARENTAL RESPONSIBILITY
FOR CERTAIN
UNLAWFUL ACTS OF MINORS**

"Interpretive Statement"

This ordinance will make parents responsible for certain unlawful actions of their minor children.

BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, the following:

FIRST: Findings.

The Maplewood Township Committee finds and declares that the uncontrolled and unsupervised activities of minor persons within the Township of Maplewood are detrimental to the maintenance of public safety and contrary to the general welfare. It is further found and declared that parental responsibility for the proper control and supervision of minor children is essential to effective law enforcement within the Township.

SECOND: Definitions.

The following word meanings shall apply herein:

MINOR Any unemancipated person under the age of eighteen (18) years.

PARENT Includes either or both natural parents of a minor, the legal guardians of the minor or any other adult persons who have voluntarily or otherwise assumed the responsibilities of a natural parent with respect to custody, care and control of the minor. For the purposes of the enforcement of this chapter, the term "parent" shall not apply to natural parents, legal guardians or other persons whose responsibility for the custody and control of the minor has been transferred to another person or otherwise terminated by Court Order or by the emancipation of the minor by marriage, military service or other circumstances. Persons claiming the benefit of any such termination or transfer of responsibilities shall bear the burden of establishing the same in any proceedings hereunder.

VIOLATION OF THE PUBLIC PEACE Any violation of the statutes of New Jersey or the Ordinances of the Township of Maplewood including but not limited to any of the

following acts: defacing, damaging or destroying public property or the private property of another within the Township of Maplewood; or committing an assault or assault and battery upon another in the Township of Maplewood; robbery, stealing or larceny including shoplifting; knowingly receiving stolen property; violation of any existing loitering or curfew laws of the Township; or breaking and entering or entering without breaking into the property of another with the intent to steal; or threatening another with the intent of extorting money or anything of value; or possession or use of a controlled dangerous substance, as same shall be defined under N.J.S.A.24:21-1, et seq., or juvenile delinquency based upon any of the above offenses.

THIRD: Certain Acts Prohibited.

- A. It shall be unlawful for any parent to assist, aid, abet, allow, permit, suffer or encourage a minor to commit a violation of the public peace, as defined herein, either by overt act, by failure to act or by lack of supervision and control over such minor. Whenever a minor shall be taken into custody for the commission of any such violation of the public peace, within the Township of Maplewood, the parents of such minors shall be notified as promptly as possible by the police department of such custody and the reasons therefore and of the responsibility of the parents under this chapter and shall be advised of the availability of counseling services.
- B. If there has been such notification, two separate subsequent violations of the public peace by a minor within a one hundred eighty (180) day period shall create a presumption of parental responsibility which shall constitute a violation of the public peace by the offending minor's parents.
- C. Each separate subsequent violation of the public peace by a minor within a twelve (12) month period shall create a presumption of parental responsibility which shall constitute a violation of the public peace by the offending minor's parents.

FOURTH: Violations and Penalties.

Any person who violates the terms of this ordinance, upon conviction shall be subject to a fine of not more than one thousand (\$1,000.00) dollars. Additionally, if the Court finds that there has been a financial loss suffered by a victim, the Court shall determine the amount of such loss and shall order restitution to be made within a prescribed period of time but not longer than thirty (30) days. Any parent who fails to comply with an order for restitution as hereinabove set forth, shall be deemed in violation of this chapter and shall be in contempt of Court.

FIFTH: Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SIXTH: Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

SEVENTH: Effective Date

This Ordinance shall take effect after final passage and publication according to law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on January 17, 2006 and that Committee met again on February 7, 2006, at 8:00 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk