

**BOROUGH OF WASHINGTON  
WARREN COUNTY, NEW JERSEY**

**ORDINANCE # 10-2009**

**AN ORDINANCE REPEALING CHAPTER 71 OF THE CODE  
OF THE BOROUGH OF WASHINGTON, NEW JERSEY  
REGARDING SEX OFFENDER RESIDENCY PROHIBITION**

**WHEREAS**, the Mayor and Council of the Borough of Washington adopted Chapter 71 of the Code of the Borough of Washington in order to limit the ability of pedophiles to prey on children in the Borough of Washington; and

**WHEREAS**, there have been numerous court challenges to ordinances similar to Chapter 71 and as a result of those legal challenges the Borough has not enforced Chapter 71 pending final decision by the New Jersey Supreme Court as to whether such ordinances are lawful; and

**WHEREAS** the New Jersey Supreme Court has recently ruled that municipalities do not have the authority to regulate where pedophiles may live within a particular municipality; and

**WHEREAS**, it is now necessary for the Borough of Washington to repeal Chapter 71 in order to be in compliance with the ruling by the New Jersey Supreme Court.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that Chapter 71 of the Revised General Ordinances of the Borough of Washington is hereby repealed in its entirety.

This ordinance shall take effect upon passage in accordance with law.

Introduction 6/16/2009

Public Hearing/Adoption 7/7/2009

(d) Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void or ineffective for any cause or reason shall not affect any other portion of this ordinance.

(e) Any violation of this section shall be punishable by one or more of the following penalties: a fine not exceeding \$1,250.00; imprisonment for a term not exceeding ninety (90) days; a period of community service not exceeding ninety (90) days.

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

**BE IT FURTHER ORDAINED** that, if any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

This Ordinance shall take effect upon its adoption and final publication in accordance with law.