1ST Read 11-10-26

ORDINANCE NO. 2026-29

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 380 ENTITLED "MINORS AND PARENTAL RESPONSIBILITY" TO REMOVE THE PRESUMPTION CLAUSE ESTABLISHED THEREIN

WHEREAS, the Town of Phillipsburg, County of Warren, State of New Jersey, adopted Ordinance No. 2026-26, creating Chapter 380 – entitled "Minors and Parental Responsibility" – of the Township Code; and

WHEREAS, despite the effort to draft the Ordinance to be consistent with the 1976 Appellate Division opinion in the Doe v. City of Trenton, 143 N.J. Super. 128 (App. Div. 1976) the Council believes that the Ordinance should be amended to clarify the criteria that must be established in order to hold a parent or guardian liable under the Ordinance; and

WHEREAS, the Town now wishes to amend the recently-created Chapter 380 to ensure that same is consistent with the Doe opinion; and

WHEREAS, the Town Council of the Town of Phillipsburg believes that such amendment is in the best interest of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that Section 380-4, entitled "Apprehension of Violators" of Chapter 380 – Minors and Parental Responsibility – is hereby amended and supplemented as follows:

SECTION I:

Additions to this Section shall be delineated by underlined text, thusly.

Deletions to this Section shall be delineated by strikethrough text, ~~thusly~~.

§ 380-4. Apprehension of Violators.

> When any minor is convicted of the offenses enumerated in this Chapter 380-2, the parent or legal guardian of said minor may be summoned before a Judge of the Municipal Court of the Town of Phillipsburg and ordered to provide supervision of the minor. If the minor is convicted a second time of the offenses enumerated in this Chapter 380-2 within eighteen (18) months of the first conviction, ~~such second conviction shall create a rebuttable presumption that the parent or legal guardian of said minor has violated the provisions of this Chapter 380-3 and~~ the parent or legal guardian may be summoned to appear before a Judge of the Municipal Court. If it is established beyond a reasonable doubt that 1) the parent or legal

guardian failed to supervise the minor; 2) that such failure to supervise was within the parent's or legal guardian's control; and 3) said failure was the proximate result of the minor engaging in the offensive behavior; then, upon conviction, the parent or legal guardian shall be subject to the penalties herein.

SECTION II: Repealer.

All ordinances, or parts of ordinances, inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III: Severability.

If any article, section, subsection, paragraph, phrase, or sentence of this Ordinance is, for any reason, declared to be unconstitutional or invalid, such article, section, subsection, paragraph, phrase, or sentence shall be deemed severable.

SECTION IV: Effective Date.

This Ordinance shall take effect immediately upon final publication, as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Town of Phillipsburg held on November 10, 2026, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Town Council to be held on November 24, 2026, at 6:00 PM or as soon thereafter as the Town Council may hear this Ordinance at the Envision Center Community Room, 535 Fisher Ave, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Susan Turner,
Acting Municipal Clerk